IMPLEMENTATION OF URBAN PHYSICAL PLANNING SCHEMES IN NIGERIA: THE CASE STUDY OF JOS. 1975-89

BY

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OCTOBER 1990.

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 the sources of information are specially acknowledged by means of reference.

M. N. DALYOP-DONG
DATE: October, 1990

CERTIFICATION

This thesis titled:

IMPLEMENTATION OF URBAN PHYSICAL PLANNING SCHEME IN NIGERIA: A CASE STUDY OF JOS METROPOLITAN AREA meets the regulations governing the award of the degree of Master of Science of Ahmadu Bello University, and is approved for its contribution to knowledge and literary presentation.

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DEDICATION

This thesis is dedicated to:

My father SAMUEL, C. PAM.

My mother LOIUS TOM.

and my brother EMMANUEL, G. PAM.

ACKNOWLEDGEMENTS

I wish to express my profound gratitude to God for his showers of blessing and mercy on me. My gratitude also goes to the Plateau State Government for making it possible for me to attend this course.

I extend my sincere appreciation to my supervisor and adviser Mr. I. D. SULEIMAN for his concern, devotion and kind co-operation. My special gratitude to DR. A. I. LAWAN and all members of staff of the Department for their constructive criticisms and suggestions to make this study a success.

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I am most grateful to my sisters, brother, beloved friends and various others who gave me moral and financial support during the difficult period of this course. I am most grateful and God bless you all.

ABSTRACT

The disparity between planning theory and planning practice creates problems in Jos which are typical of those in Nigerian urban area3 and probably other urban areas elsewhere in the world. This thesis constitutes an attempt to study the processes of preparing and implementing urban development plans in Jos urban area, and the nature of problems encountered.

The first section of the study comprises the introduction centred on the statement of problem, aim, objectives, scope and limitations followed by a discussion on a profile of the study area, Jos. The origin of its planned development is traced from the early twentieth century to the present time. A second section of the study is literature review of implementation processes, concepts and empirical studies of implementation of plans. Existing legislative, administrative and economic frame-works are unsuitable for the present needs of planned urban growth.

The third section is an assessment of the planning law as the theoretical framework and the practice to define a planning scheme, the procedure for preparing and implementing the scheme as compared with the practice. Thus the planning scheme is any plan for planned spatial and socio-economic development of the area the scheme affect. This makes it a concept and tool for controlled development of the urban areas and in practice the layout plan is a subtitude of the theoretical planning scheme. Jos is situated within an area that is restricted in terms of availability of developable land and section four comprises an

evaluation of the practice to deine the major constraint to planning. The following variables were identified as physical features, changing land tenureship and financial management for ; Implementing layout plans.

Section five concentrates mainly on the measures to be taken to improve physical planning in the light of the issues raised from the existing legislative, administrative and financial matters. The measures include the establishment of a planning authority which effectively involves the local government office charged with the implementation of layout plans State wide. The funds for implementation are to be mobilised from individual allottees to realise area cost of development. Thus the layout becomes self capital generator for its implementation. It is upheld that the problems of implementation in Jos stem from the lack of executing some of the most fundamental and basic provisions of the planning law. It is therefore suggested that planning laws be enforced to deal with the increasing social, economic, physical and management problems that bedeviled Jos although the planning law should be reviewed and revised. Measures for the implementation of layout plans are therefore regarded as crucial if planned development is to be achieved. The last part is a brief summary of what the study covered.

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DEFINITION OF TERMS

PLANNING SCHEME

In this study the planning scheme is physical and defined from the model presented by the planning law and practice in Nigeria and in Plateau State in particular.

A planning scheme may be defined as, a written statement and layout plan for a given and specific geographical area comprising all such provisions as are necessary or expendient, foir controlling the development and used of land in the area to which the scheme applies; drawn and approved in accordance with the provisions in the Town and Country Planning law. Thus this definition may be made in a wider sense to include action area plans, urban master plans as well as Regional master plans. In the literal sense a scheme also means a project, a plan or design for work.

A successful planning scheme is that which is implemented and a scheme is deemed to be implemented when all provisions are accomplished in accordance such as; completion of all surveys such that the boundarise of the scheme and all plots and services can be easily identified on site. All infrastructures have been provided such as roads, drains, water and electricity and all public buildings and open spaces developed as provided. All individual plots built and deficiencies are identified and rectified accordingly. In the same manner, a master plan can be said to be implemented if priorities are identifed in accordance with the phasing of the plan and the priorities implemented from top down to the least. All development conforms with the broad

landuse zones of the plan which is reviewed at accepted intervals to identify constraints; evaluate successes and reorder priorities. Individual layout plans are prepared accordingly, for planning implemented as outlined for planning schemes in this study.

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CHAPTER ONE

1.00 INTRODUCTION

1.10 GENERAL

If Urban plans are to be of any use, problem identification should come after an assessment of planning agencies' powers to influence events. Thus, the problems confronted are only those that may be alleviated. This planning methodology depends on the institutional context within which the powers of the urban planning agency operates. It may be only that of co-ordinating activities or forecasting future events while initiating action may be something which can not be envisaged until the agency has significantly increased its powers[1]. The urban plans aimed at creating a total environment which is functional, efficient, healthy and aesthetically satisfying. However, the majority of these plans are not implemented due to a number of factors. Thus, there exist a disjuncture between the preparation and implementation of these plans. To many planners therefore, a major problem of physical planning in Nigeria is the inability to translate plans on paper into concrete physical realities.

The planners'response to this disjuncture can be divided into three categories. First are those who are unaware of any problem therefore continue uncritically to engage in the same fruitless activity of producing plans which may be coherent, lucid, and comprehensive but will have little or no impact on the city's development. The second group is made up of the cynics who are aware that the practice is different from the theory and that, the plans they prepare will never become reality. Yet they

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1. MCNEIL,D. (1985) Pg. 203

continue the charade by preparing plans which satisfy the high standard sit by the terms of reference and their own proposals. However, what they produce is not really needed. Thirdly are the planners who fully appreciate the realities of the situation and do their best within the severe constraints imposed upon them to bring about some beneficial changes. They may be called the pragmatists who have sufficient experience and insight to recognise the fact that the planning agencies and paerharps even the public sector as a whole; has very limited powers to influence the city's development and what affect the city's development are not the traditional tools of planning such as develpment control or building and planning regulations. But because the disjuncture is not openly admitted, they continue to prepare documents which are described as schemes and plans while they donot seriously regard them as likely to effect change. They therefore seek other more useful ways of influencing events.

The main coctention of this thesis is that planning with implementation inview require a more realistic approach of the contexr wothin which urban planning agencies oparate. This is the planner's task to advice on the use of goverment power to bring about desired changes in a situation rather than seeking means to achieve ends. The planner should begin with a critical review of the instruments available i.e the power that the public sector possesses to bring about change and to influence the private sector[2]. It is within this context that this thesis will try to provide a framework for the initiation of action overtime for urban plans implementation.

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2. MCNEIL, D. (1985) pg. 205

1.20 STATEMENT OF PROBLEM

The success of any planning depends on the efficient implementation of plans and schemes. In the absence of effective implementation, the plans however good they are, remain paper documents with no real value to the urban dwellers and environment. In most Nigerian urban areas including Jos, planning schemes are prepared but due to some factors, they are not effectively implemented and in most cases abandoned. These schemes are prepared with the objective of planned development but because they are not implemented, sporadic development takes place at the very sites they are supposed to control.

The general practice is for planning authorities and agencies to prepared planning schemes within the general framework of a master plan. The type of scheme depends on the nature and contents of the plan but usually, most schemes are zoning layout plans of residential, Industrial or commercial areas. These layout plans show the redistribution of holdings and space reservation for amenities, utility services and facilities. The planning agencies, in implementing the scheme should provide the basic infrastructure before individual private development can commence. However, the financial situation of the government in recent times have made this practice difficult therefore not easy to control development at the sites of the scheme , thus , haphazard development takes place. The schemes in this situation remains unimplemented even if it is tagged "implemented" in the planning office. The irony of the situation is that even when most schemes are not being implemented, more are still prepared. This shows a complete lack of any special

effort for ensuring the implementation of schemes but the readiness to produce more paper schemes which are not likely to influence the development of an urban area therefore not likely to effect change. The scheme as a tool for the replanning, improving and developing the urban area should be implemented.

1.30 AIM, OBJECTIVES, SCOPE AND LIMITATION

1.31 AIM

The aim of this thesis is to examine the planning theory and practice and identify factors responsible for the lack of implementing physical planning schemes in Jos urban area. This is with the view to proposing strategies for implementing planning schemes for planned development in the urban area.

1.32 OBJECTIVES

The objectives designed to achieve the aim are:-

(a) To appraise physical "planning scheme" as provided in the Nigerian Town and Country planning law.

(b) To examine the process of preparing and implementing physical planning schemes in Jos urban area.

(c) To assess the powers of the planning agencies in Jos urban area.

(d) To identify problems in the preparation and implementation of physical planning schemes in the study area.

(e) To propose strategies for the implementation of physical planning schemes and make recommendations.

1.33 SCOPE AND LIMITATIONS

The study covers Jos urban area with specific attention to factors that hinder implementation of physical planning schemes. A study of this nature should normally consider all actions involved in urban development including urban economics, population growth trend, age sex structure, income distribution, urban land policy, social political, administrative factors etc. However, this thesis will consider financial, administrative, legal and time factors but will not delve into an indepth discussion of these issues except for the purpose of planning matters. It will limit itself to the role of the planner in the implementation of urban schemes and related infrastructure in Jos as from 1975 to 1989. This period covers the activties of the planning authority and planning agencies in the implementation of the master plan for Jos and other urban areas in Plateau State.

1.40 METHODS OF DATA COLLECTION

Two major methods of data collection were used in this study; these are the informal interview method and the reference to secondary sources of data such as maps and publications. In the former method, interviews and discussions were held with some officials of the agencies responsible for planning in Jos including Jos Metropolitan Development Board, Plateau Industrial Development Authority, Plateau Utilities Board and the Ministry of Land, Survey and Town Planning. Also interviewed were 250 applicants for statutory rights of occupancy of land. Personal observation and working experience were drawn upon where deemed

necessary.

On the other hand, secondary sources of data from maps and publications relevant to the thesis weere collected and used. All data collected was then analysed to justify the problem identified and inferences were drawn. It is on the basis of these findings that proposals are made.

1.50 CONCEPTUAL FRAMEWORK

The problem is stated as the lack of implementation of physical planning schemes in Jos. Literature review gives the theoretical background of the processes and concepts that interact thereby revealing the logical relationship between what is observed and expected. The findings are then compared with the existing situation to find out the similarities and differences between what has been observed and what exist in reality. The main problems are highlighted and analysed to draw inferences and state their implications then make proposals and recommendations (see Fig. 1.01)

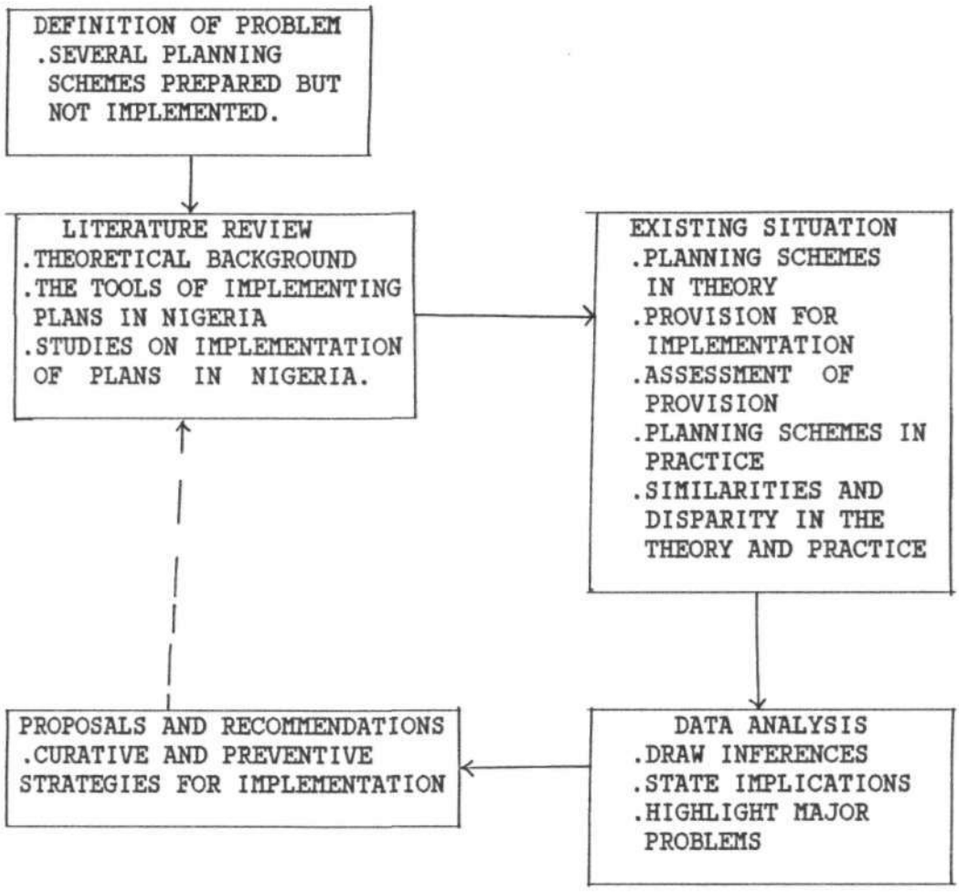


FIGURE 1.01. CONCEPTUAL FRAMEWORK OF THE THESIS.

1.60 THE STUDY AREA

1.61 LOCATION

Jos, the administrative capital of Plateau State is located on latitude 9° 55 N and longitude 8° 53 E. It is bounded to the north by Naraguta village, to the south by Bukuru, to the east by Gwong and Rayfield and to the west by the Jos Bukuru express road. The town is surrounded by the Shere hills (1,766m) to the north east and the Rukuba hills (1,275m) to the west. To the

south just beyond Bukuru are the Kuru hills (1,434m) and Ngyel river. Other striking features about Jos and its environ includes granitic inselbergs, numerous creeks, ponds, reserviors and moulds of earth which are relics of mining activities. Jos urban area will be loosely defined as that part of land and extend of town which has been demarcated and gazetted in accordance to the provisions of the landuse decree[3]. The land constitute what is known as Greater Jos. (see figure 1.02A,B and 1.03 for the location of Jos and Greater Jos).

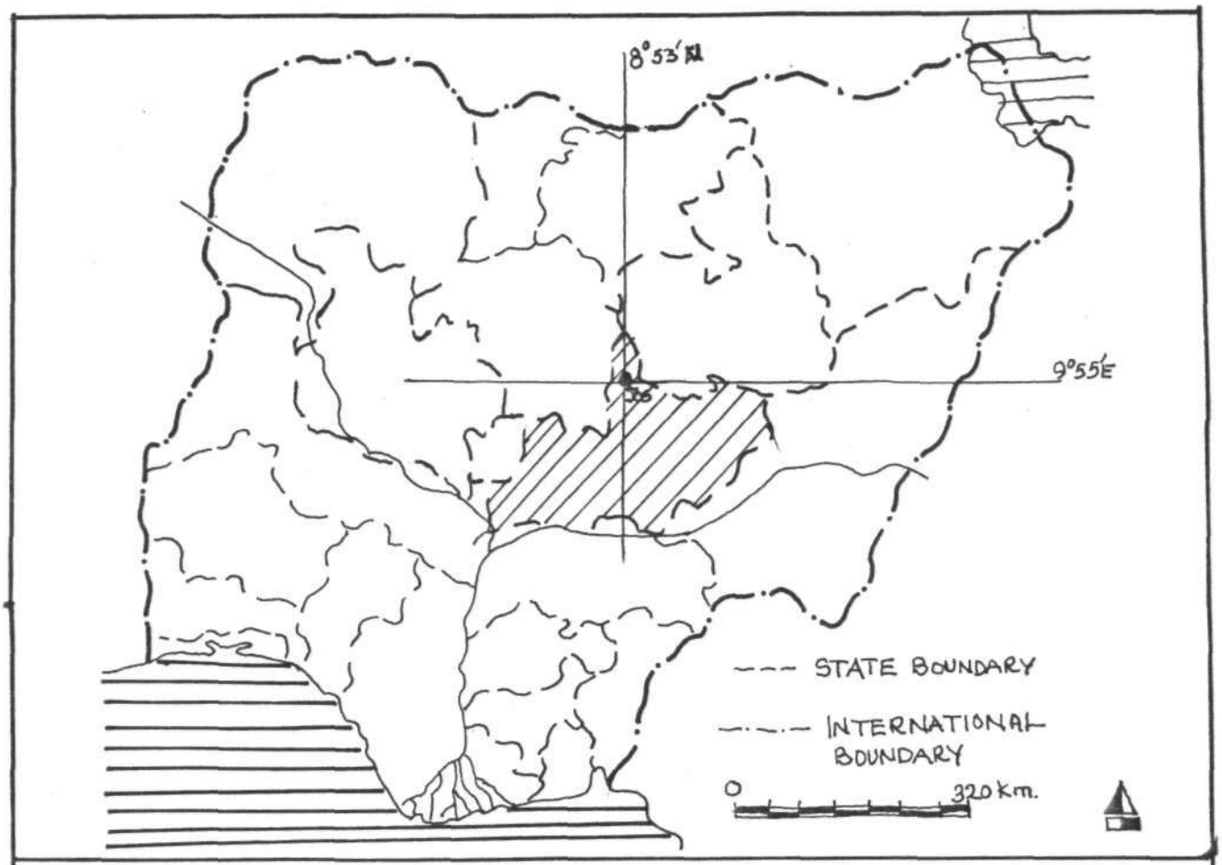
1.62 RELIEF AND DRAINAGE

The Plateau area where Greater Jos is situated is a water shed where the elevation increases from 11250m in the north to 1494m in the south measuring 105km north to south and 80km east to west. It rises from the southern edge of a great plain that extends over the greater part of northern Nigeria and overlooks the Niger and Benue valleys in an escarpment. The plain lies between 610m and 762m but near the Plateau, it rises gently to about 915m.

The topography is compex and generally consist of wide gently undulating terrain interspersed with large massifs rising to heights of 1768m as smaller hills and isolated inselbergs, mesas and extinct volcanoes. The surface consist of grassy gentle slopes and wide valleys. It is underlain by aggradation deposits and the height of the surface lies between 1160m and 1341m in the north and 1310m and 1419m in the south. To the east in one or two places, the Plateau descends gently down to the Bauchi plains at 915m. The residuals which rise above this

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3. PLATEAU STATE GAZETTE (1981) Pg 4 - 5



(A) LOCATION OF JOS IN NIGERIA

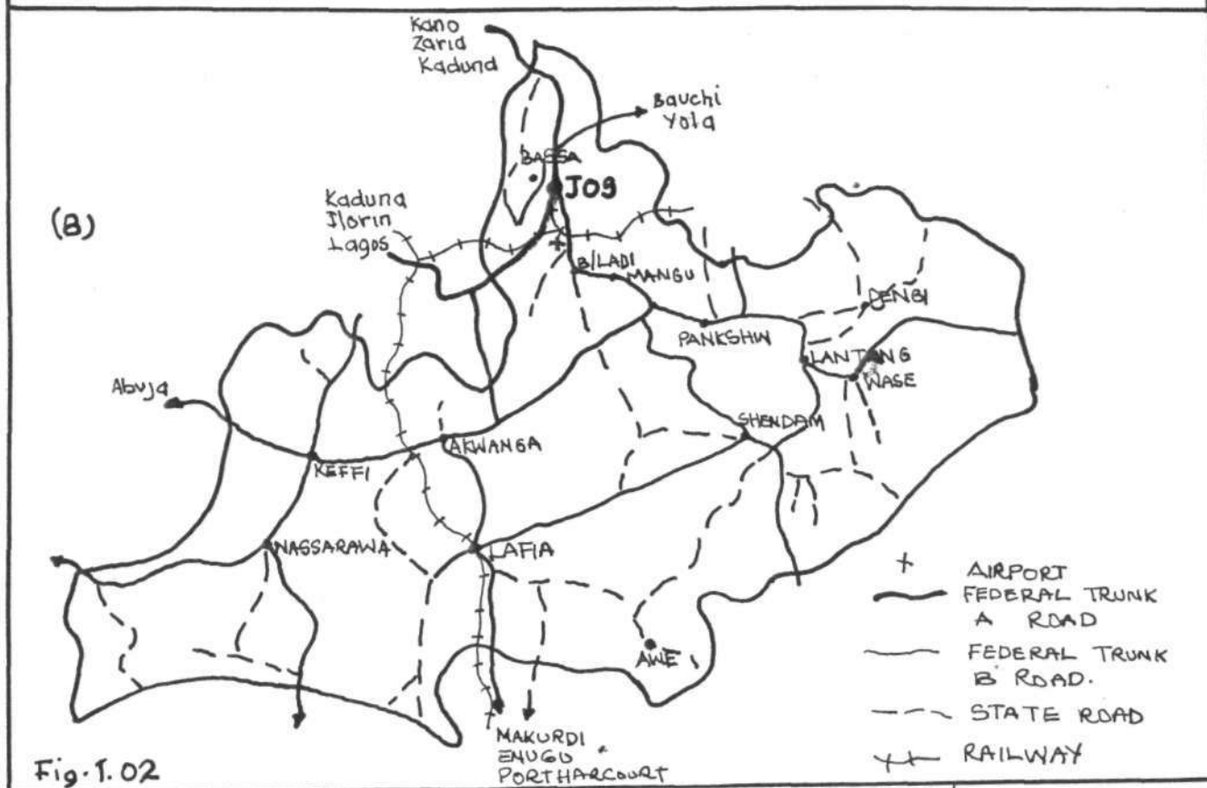


Fig. 1.02

LOCATION OF JOS-THE STUDY AREA.

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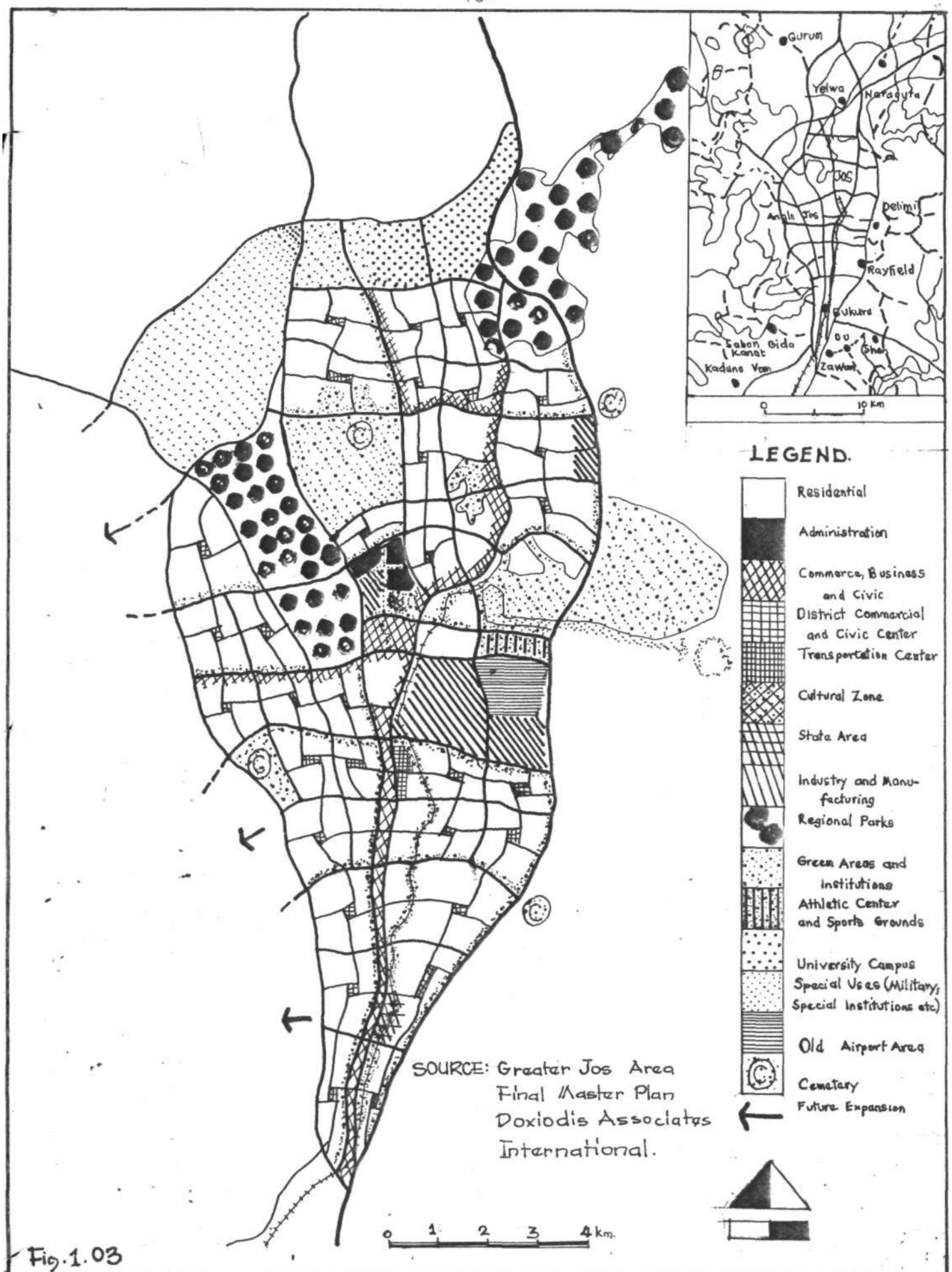


Fig. 1.03

JOS METROPOLITAN AREA - GREATER JOS.

DAYOP DONG
M.N.
M.Sc. II URP
1988/89.

Plateau are most conspicous with steep slopes which are rocky and intensely dissected. They vary from single inselbergs to huge massifs such as the Shere hills well over 1524m and 305m to 457m higher than the Plateau Surface (see fig. 1.04A & B).

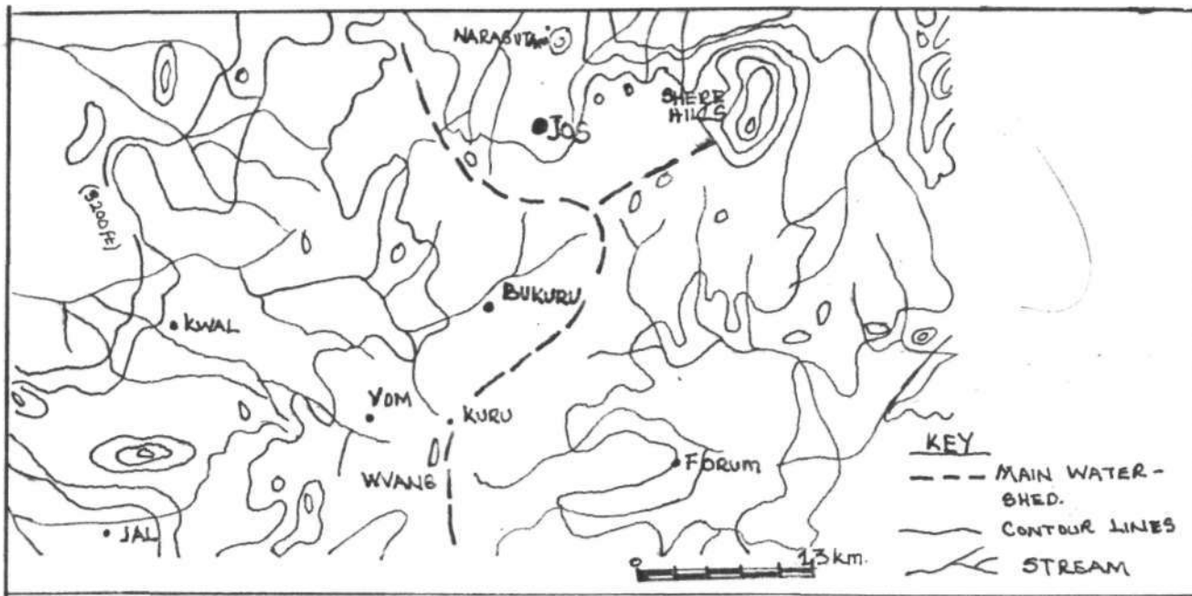
This topography makes the area to be a killy terrain which limits the available space for physical development. It therefore acts as a constrain and a challenge to physical planning.

1.63 CLIMATE

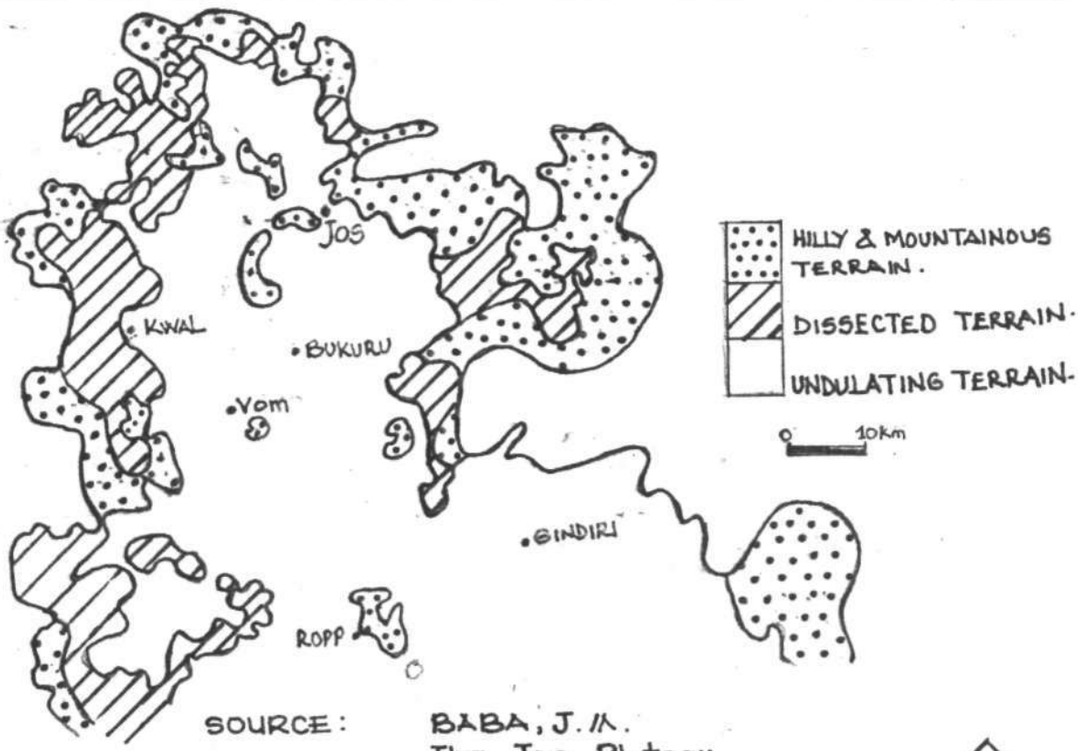
The climatic distinctiveness of Jos relative to the surrounding plain is due to its high elevation. This is interms of temperature, evapo-transpiration and water balance. Jos Plateau is cooler than the plains around it at all times of the year and it experiences slower rates of evapotranspiration and partly for this reason enjoys a higher wet season, water surplus and lower dry season water deficit. Mean monthly temperature is shown below as well as the mean relative humidity and monthly rainfall while fig. 1.05 illustrate the climatic conditions.

J	F	M	A	M	J	J	A	S	O	N	D	Month
28.2	31.0	33.0	31.0	30.0	28.0	25.0	25.0	27.0	28.0	29.0	27.0	Max. oC
13.7	15.9	19.1	20.1	20.1	18.0	17.0	17.0	18.0	16.0	14.0	13.0	Min. oC
21.0	23.5	26.1	25.6	25.6	23.0	21.0	21.0	22.5	21.0	21.5	20.0	Mean

TABLE 1. MEAN MONTHLY TEMPERATURE OF JOS.



Relief and Drainage of Jos and Environs.



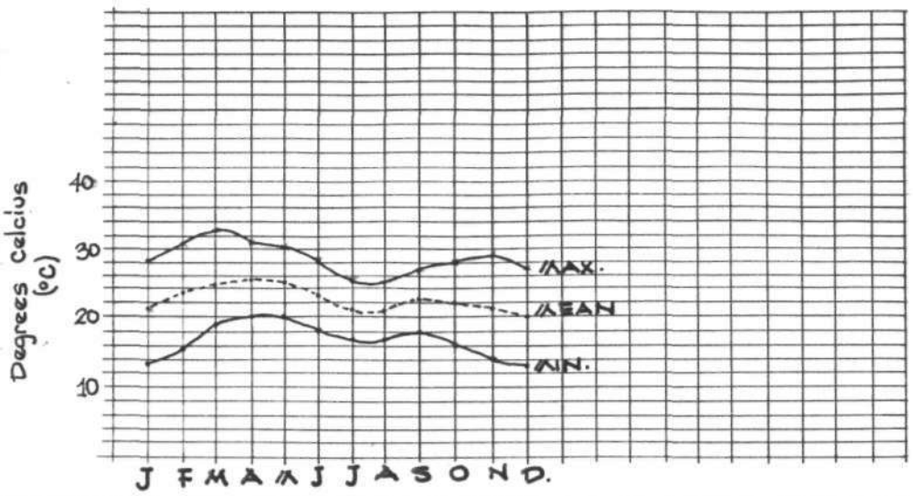
SOURCE: BABA, J. M.
The Jos Plateau
(A Field Course HandBook)
1984.

Fig. 1.04

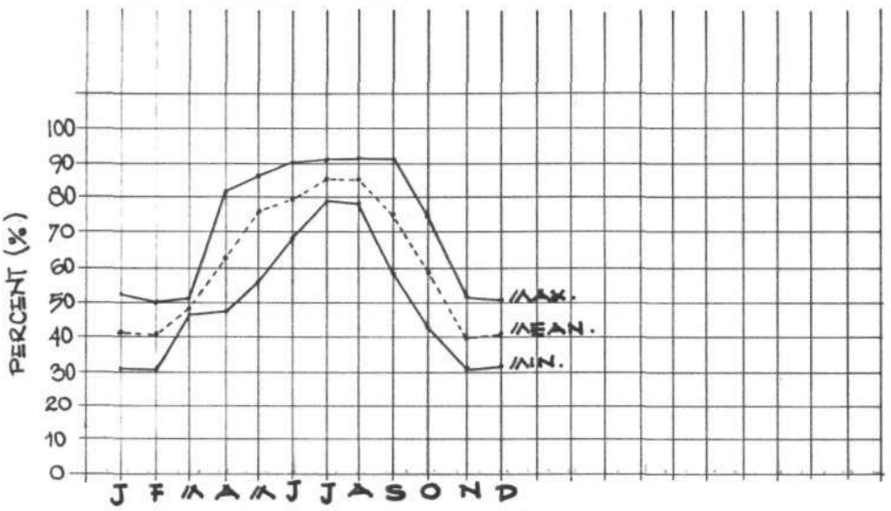
THE GENERAL TOPOGRAPHY OF JOS AND ENVIRONS.

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M.Sc. II URP.
1988/89.

TEMPERATURE :



RELATIVE HUMIDITY :



RAINFALL : MEAN ANNUAL AND MEAN MONTHLY

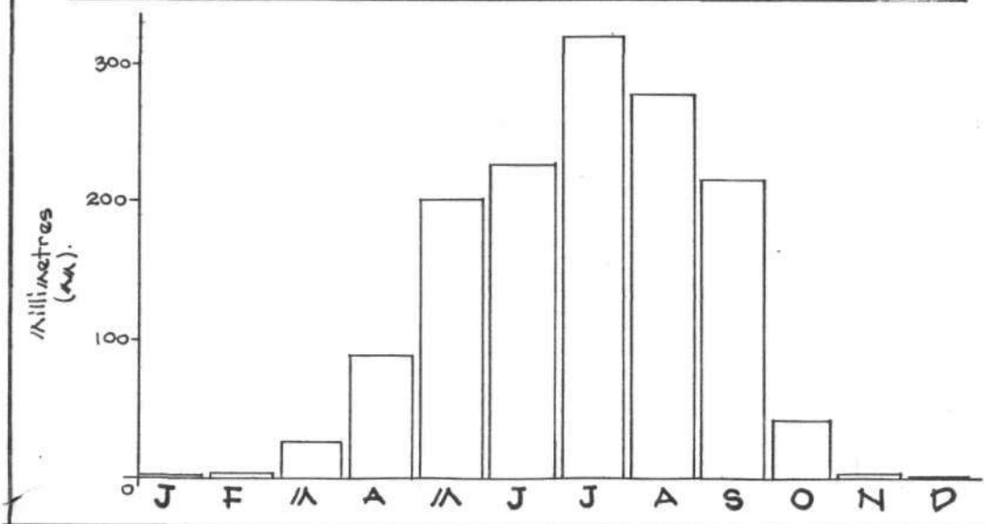


Fig. 1.05

CLIMATIC CONDITIONS OF JOS.

DALYOP DONG, M.N.
M.Sc. II URP.
1988/89.

J	F	M	A	M	J	J	A	S	O	N	D	Humidity
53.0	50.0	51.0	80.3	86.4	90.5	92.3	93.3	93.0	75.0	53.0	52.0	Max. %
32.0	32.0	48.0	48.2	56.7	68.6	79.6	78.1	58.0	44.0	31.0	32.0	Min. %
42.5	41.0	49.5	64.3	76.6	79.6	86.0	85.7	75.5	59.5	42.0	42.0	Mean

TABLE 2a. RELATIVE HUMIDITY OF JOS.

J	F	M	A	M	J	J	A	S	O	N	D
2.3	2.8	26.2	89.1	201.7	227.6	321.1	279.4	215.1	42.4	3.6	1.8

Mean Annual Rainfall 1413 mm

TABLE 2b. MEAN MONTHLY AND ANNUAL RAINFALL OF JOS (mm).
Source: Baba J.M. (1984) Pg 6-7

1.64 POPULATION GROWTH

According to 1952 Census the population was 38,527 and the 1963 Census, the population of Greater Jos then known as central Jos was 110,360. The population figures shown in table 3 are projections adapted for this study although different population figures have been given for Jos using different growth rates e.g Omokhodion Associates 8.5% , Department of Geography and Planning University of Jos 5.5% and Plateau State Ministry of Economic Planning 6.5% with its projections shown in table 4. This study adopted the growth rate used by Doxiadis because it was based on intensive field surveys.

Year	Rate of Growth %	Population
1920	5.4	8,000
1931	"	11,854
1933	"	9,000
1952	"	38,527
1963	"	103,486
1980	"	290,000

TABLE 3. URBAN POPULATION OF JOS 1952
Source: cited by C. K. Gonyok in Cities of the Savanna.

Year	Rate of Growth %	Population
1973	5.7	155,440
1978	6.0	205,650
1990	6.0	403,660
2000	5.4	683,260

TABLE 4. POPULATION PROJECTION FOR GREATER JOS
Source: Doxiadis Association International (1975) Pg. 24

Year	1973	1978	1983	1989	Growth Rate
Population	188,511	246,376	322,004	414,450	of 6.6%

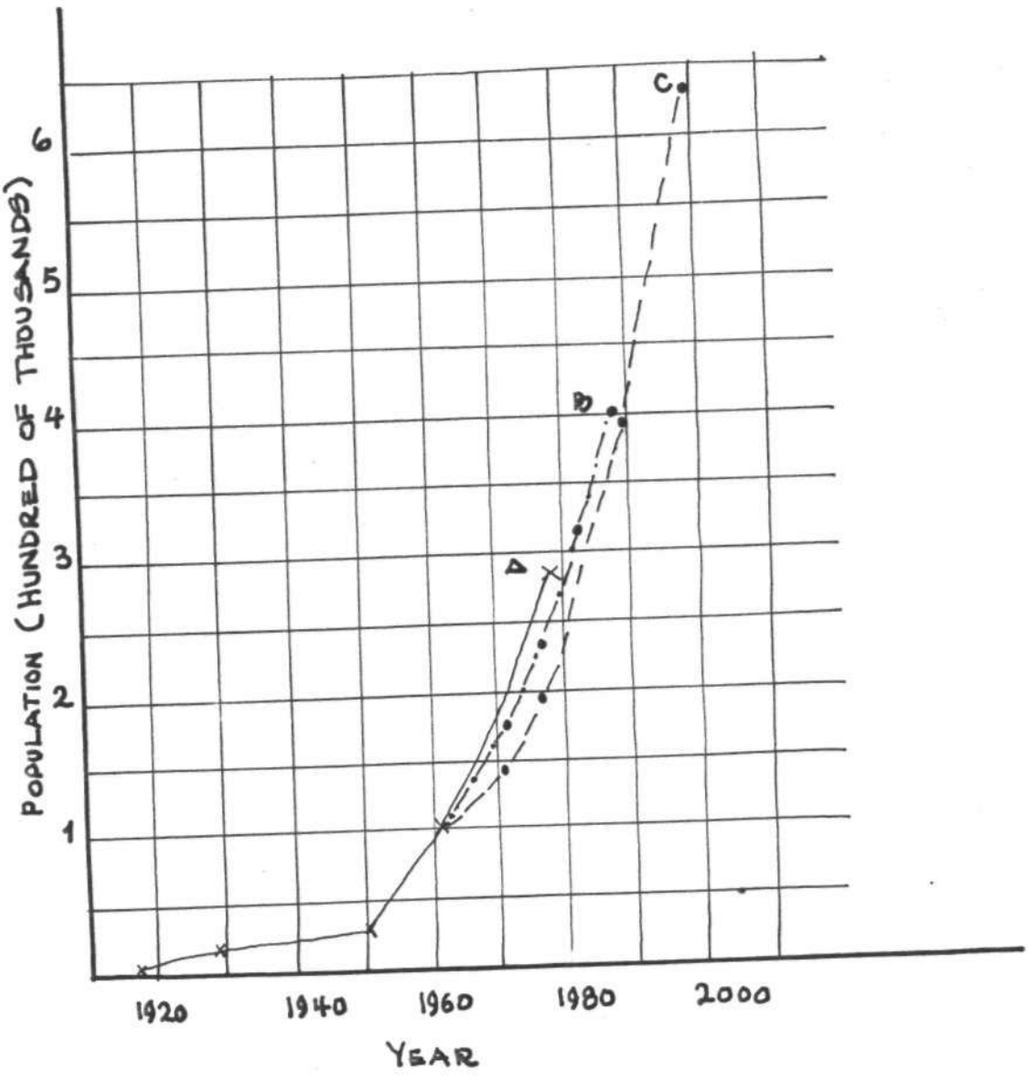
TABLE 5. POPULATION PROJECTION FOR JOS.
Source: Plateau Facts and Figures (1980) Pg. 5

The growth of the population is based on two important factors. The natural increase which has been estimated at 3.4% per annum and the net migration estimated at the rate of 6.5%. The immigration can be considered this high due to the potentials of Greater Jos as determined by its location, economic and natural resources. Although there are no figures to show the present trend in the occupational structure of the area, the professional, managerial and clerical sectors are the fastest growing areas of employment due to the increasing government services and the attraction of enterprises from all over the country.

The implication of the demographic growth as shown in fig. 1.06 is the inducement of spatial expansion and growth which will lead to increased in economic activities. This may lead to the reclassification of the town to a city.

1.65 PHYSICAL GROWTH OF JOS

A mining camp was established in Naraguta in 1904 and when tin deposits were found in Bukuru in 1908, mining operations were extended there. Accessibility problems hindered early expansion of the mining settlement of Naaraguta but by 1914, further prospecting revealed the richest deposits south of Naraguta. This led to the concentration and establishment of mining activities at Gangare, Rayfield and Bukuru. At about this time, the Bauchi railway line was extended to Jos designed to cope with the increasing output of tin but by-passed Naraguta due to difficulties in constructing a bridge acrooss River Delimi. Following the establishment of a Native Authority headquarters in



A- POPULATION PROJECTION 1952

B- POPULATION PROJECTION 1975

C- POPULATION PROJECTION 1980

FIG. 1.06

POPULATION PROJECTIONS FOR JOS.

DALYOP DANG M. N
M.Sc II.
URP
1988/89

Jos, it was decleared a town in 1915 which made it the administrative centre for local government and mining activities as well as an important commercial centre.

Under the 1927 Township and Public ordinance the colonial Government drew up an initial plan for the town which divided it into two major components. The Native Town and the township in which case the Native town was subordinate to the Native Authority located at Naraguta while the Township was subordinate to the Provincial administration. Under this plan, the native town to the north was laid out into 210 plots of 30 x 10m between Naraguta Road and River Delimi in rudimentary grid-iron pattern. South east to this section lay the township composed of Sabon Gari and European reservation area. (see fig. 1.07) In the early 1930's Jos recorded a decline in population growth due mainly to the economic depression in Europe which affected the demand for tin. However, after the recession coupled with the world war II, the price of tin picked up in the world market and Jos recorded a phase of migrants influx from all over the country due to increased in mining activities.

Between 1950 and 1970, there was rapid expansion of the town along the northern, southern and eastern parts. This meant the addition of layouts which includes the Jenta, Jenta New layout and Jenta extension in 1950, 1955 and 1957 respectively in the native town area. Plots demarcated within these areas totalled 1600 taking up 60 hectres while other provisions were made for space reservation devoted to educational, recreational, Civic and religious uses. To the east, an additional layout scheme was provided at Gwong, later renamed Sabon Gwong. The new layout had

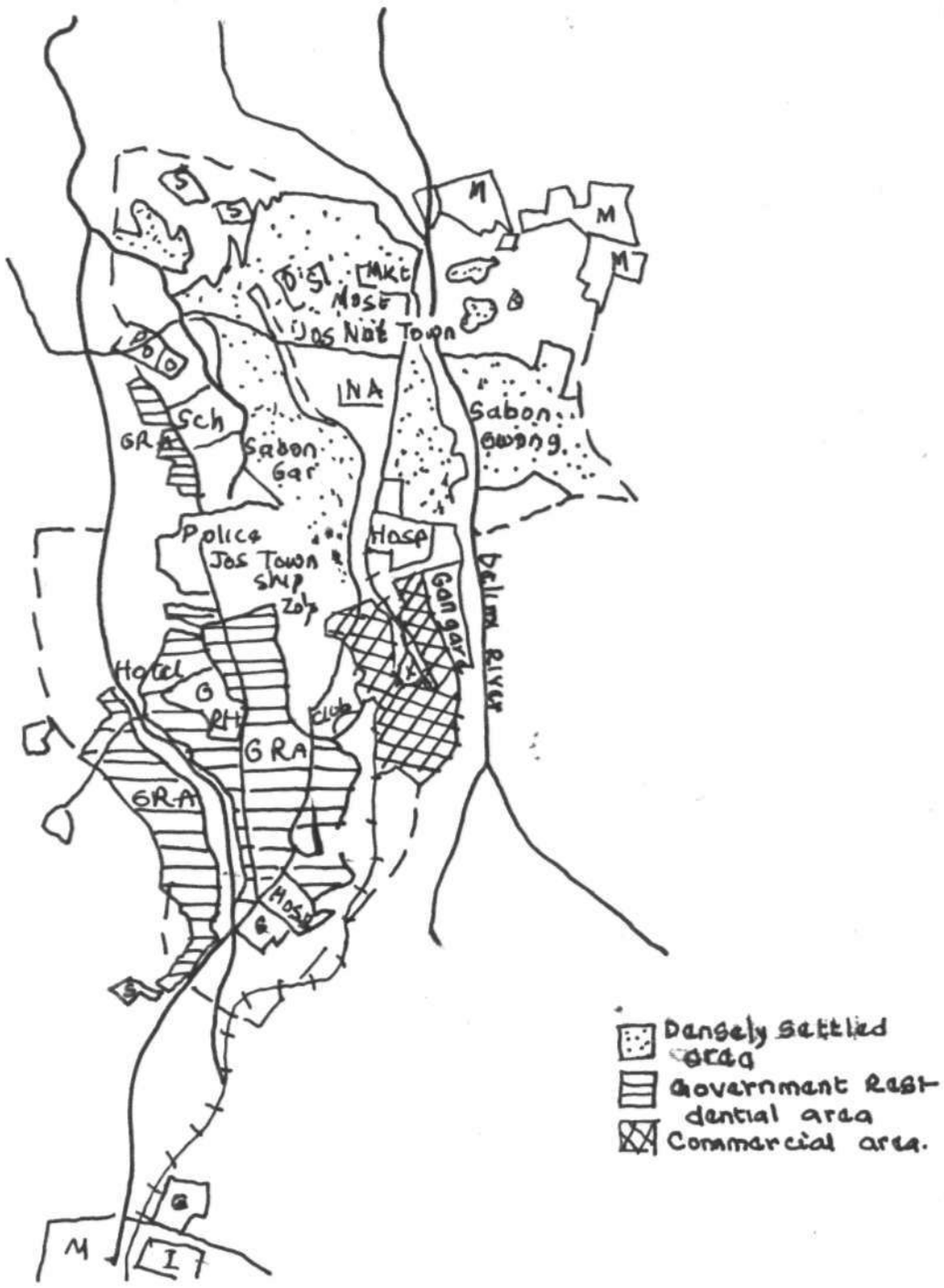


FIG. 1.07

THE JOS TOWNSHIP AND NATIVE TOWN AREA 1965.

DALYOP-DONG M. N.

M. Sc II U.R.P 1988/89.

1400 plots measuring 15 x 15m. The European reservation area south of the township was also experiencing an expansion of its own around Anglo Jos in the Mountain view area to be known as Government reservation area (GRA).

The initial industry in Jos was the Makeri Smelting company whose present site forms the nucleus of the present industrial estate. As early as 1960, it was laid out with 10 plots taking up 16.74ha. The location at this site was due to its proximity to the railway line close by. Increase in industrial and commercial activities in the area led to an improvement in the economy of the town. While population, commercial and industrial activities grew, it necessitated the carving out of more layouts in recent times; especially for residential use and such layouts includes the Dogon Dutse layouts, Rock Haven layout, Zaria Road, Miango Road, Liberty Dam layouts etc. In addition, the local government office provided Nyango Gyel layout, Bukuru New layout, Zaramaganda, Mile 7 and Mun-Gyel layouts.

Between the north west and north east, the university of Jos located its permanent site thus closing any gap within this area. In the western direction, the town expanded along Rukuba Road and Miango Road influenced by the State and Federal low Cost housing estates. In the southern direction, the construction of Jos - Bukuru express way, Building material market, Bukuru low Cost housing estate and the Girls Airforce School encouraged development in that area linking Jos and Bukuru to form a single urban complex (see fig. 1.08).

The implication of this spatial growth is that the interacting forces of population growth and economic growth

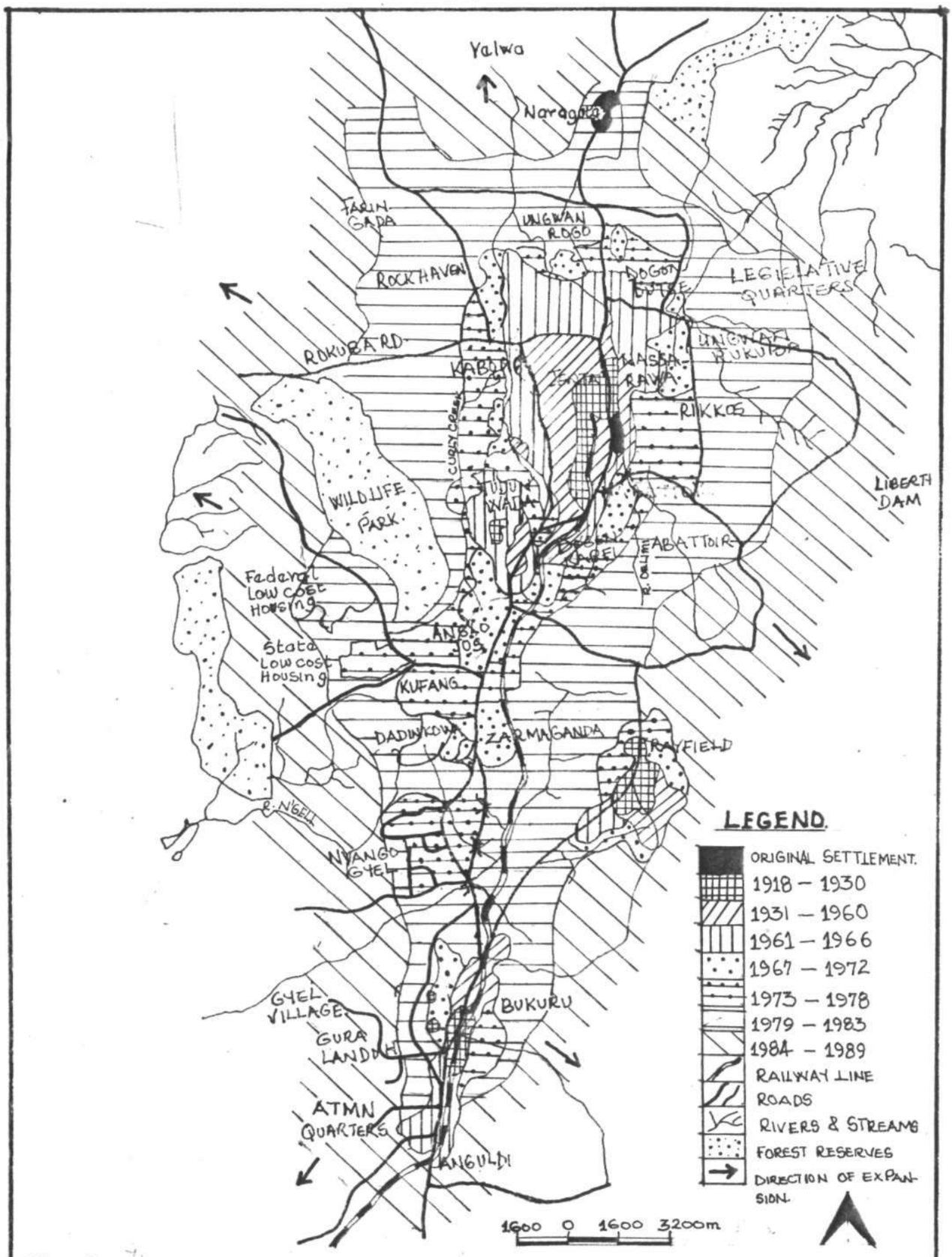


Fig. 1.08

THE GROWTH OF JOS 1918 – 1989

DALYOP DONG M.N M.Sc. II URP. 1988/89

determines the rate and extent of the city's development thereby displaying the triangular forces of urban growth as shown in fig. 1.09.

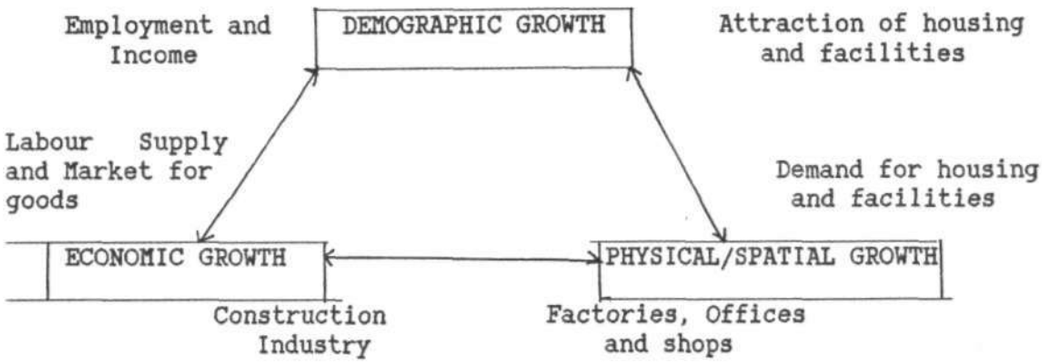


FIGURE 1.09. THE FACTORS OF URBAN GROWTH.

1.66 LAND TENURE SYSTEM

The basic principle of land tenure in Jos is that land belong to the community, the rights of the individual extending only to its use. This system ensures that each member of the community has a right to occupy land. Thus, there is no free hold and no individual can inherit land, such rights being vested in the kindred; the rights of control and use being exercised by the family unit, usually headed by the eldest male. The system operate in a way that even though the holding of land is collective, the user is an individual, specific fields being worked by each individual married male. All family land therefore forms a pool from which each male member has a right to draw from; and should a man die without a male issue, his land returns to the pool and should the whole family dies out, the land reverts to the next compound.

Traditionally, the sale of land and of the rights of the user was very rare. It could only occur with the unanimous decision of the male members of the compound, with witnesses from each participating family and with the permission of the local chief. Economic trees were not usually included in the transaction. However, this pattern of land tenure has undergone changes and has been complicated by market forces which have come into play as a result of economic changes, rapid population increase and increasing demand for urban land. Tenureship is now fragmented into customary ownership, statutory ownership and private purchase rights which has tended to encourage uncontrolled development and it is not unusual to find enclaves of indigenous settlements in the urban framework. There are also large parcels of urban land undeveloped because members of family groups have not agreed on how to share it amongst themselves or the price at which to disposed of it.

Although laws exist for land registration and public acquisition, land transactions have tended to be governed by private agreement and customary conventions. Public authorities can acquire land easily for palnning purposes provided adequate compensation is paid. Even when reasonable amount is arrived at, bureaucracy delays payment. Due to traditional sentiments attached to land, commuities, families and individuals have consequently tended to vehemently oppose attempts by planning authorities to acquire their land.

Land tenure determines the availability and accessibility of land for planned development. The impliciation of the land tenure system in Jos is that land acquisition is difficult

therefore acts as a constraint to physical planning.

1.67 LAND ADMINISTRATION

The major factor in the early land administration of Jos was the existence of a relatively large European population connected with mining, missionary, educational, administrative and business activities thereby initiating conscious urban planning in the area[4]. This condition influenced physical planning and to some extent dictated the nature of urban landuse. The initial spatial pattern of grid-iron with conciously segregated landuse zones has to some degree survived. The administative machinery was correspondingly divided in the same ways as the town was administered by the local authority while the township and European reservation area was administered by the Provincial office.

The local authority was responsible for the construction of roads while plans were approved by Jos and Bukuru town councils. In the township, the lands and Survey section of the Public works was responsible for planning activities. The inclusion of a medical officer in the planning administration shows clearly the emphasis placed on sanitation in the Town and Country planning ordinance. The sub-division of the town into two functional independent settlements brought about fragmentation of planning administratio n which still exist today. From 1971 the lands and survey division was separated from the Ministry of works to form the present Ministry of Lands, Survey and Town Planning. Planning became the sole responsibility of the ministry until 1974 when the Urban Development Board was established by the then

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4. AJAEGBU, H.I. (1977) Pg 6.

Benue Plateau State edict No. 5 of 1974. Thus bringing the number of planning agencies in Jos up to three.

The local Government authority exercise its powers primarily in areas outside the urban area. Such areas include Du, Zawan, Kuru and Vom villages. All its former duties of sanitary inspection, refuse and sewage collection and disposal, provision and maintainance of roads, fire service and drainage and maintenance of markets and parks were all invested in the newly created board. The Jos Metropolitan Development Board operates under the powers delegated to it by the Northern Nigerian Town and Country Planning law of 1963 cap 130 while the Ministry of Lands Survey and Town Planning operates under the powers delegated to it by the commissioner for lands, who is the Governor of the State. The Ministry operates through the related sections of Lands, Survey and Town Planning. It is the functions of the Town Planning section that is of interest to this study which includes the subdivision of land for development mainly in urban areas of the State. These duties have virtually no effect on development policies or programmes because of the undue emphasis given to development control at the expense of other key issues.

1.70 SUMMARY

From the preceeding discussion, certain features have emerged as key issues to physical planning in Jos. First is the topography of the area which creates a hilly terrain thus development have avoided rocky outcrops, river channels, creeks, ponds and earth moulds. Development has followed flat land and

less rocky areas where naturally the supply of buildable land is available. The construction of transport routes especially road network leads to expansion and growth along such routes. However, the development of roads in such terrain is difficult and increases the cost of construction. The topography therefore determines the direction of expansion and growth thereby acting as a constrain to some extent. Thus it becomes a challenge to physical planning.

To be noted is the impact of population growth on the pattern of landuse, infrastructure and utilities. The rate of growth in utilization and demand has an impact on other aspects of the urban area therefore, it provides a minimum against which services can be plan for. On the other hand, land tenure system determines the availability and accessibility of land for expansion although the fragmented and confused land tenure system is further complicated by fragmented planning administration. Thus, if co-ordination between the planning agencies statutory and customary land owners is not effective, it will give rise to fragmented development.

Another issue that has emerge is the operation of different planning laws and regulations in the different parts of the town due to fragmentation.This arrangement leads to competition rather than co-operation because it is often difficult to define the boundaries of jurisdiction of each planning body. The result is unnecessary delay in planning procedures and execution of proposals. In this situation, the role of planning is characteristically seen as being no more than essentially supportive of land sub division. However, considering the

explicit legislative powers granted to the planning authority, full utilization of its co-ordinative and financial functions should go a long way to facilitate the implementation of schemes in this area.

CHAPTER TWO

2.00 LITERATURE REVIEW

2.10 THEORETICAL BACKGROUND

The process of implementing plans is itself a part of the wider planning process. To be fully comprehended therefore, it is necessary to outline the entire planning process. Planning has been defined as a continuous process which seeks to devise appropriate means of controlling the urban or rural system concerned, and by monitoring the effets to see how far the controls have been effective or how they need subsequent modification[5]. In view of this definition, planning is a process for determining appropriate future action through a sequence of choices. Generally there are two dominant elements thought and action which when viewed together forms a continum. The thought process identifies the means to achieve a desired end, while action transforms the thought into reality. Thus, it is a dynamic process for planning the urban and rural areas which are dynamic entities.

During the course of planning and implementation, a set of events take place in a continuous order. These set of events are in five stages arranged in a cyclic form as shown in fig. 2.10. The decision to adopt planning is an action of client which may be a private person, organisation or a government body. After the decision, the first stage is identification of goals and objectives of the planning exercise which depends on the needs, wants, aspirations and requirements of the people. The goals are

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5 HALL, P. (1975) Pg 269.

broad and general statements while the objectives are specific statements giving details of the operational means for achieving the goals.

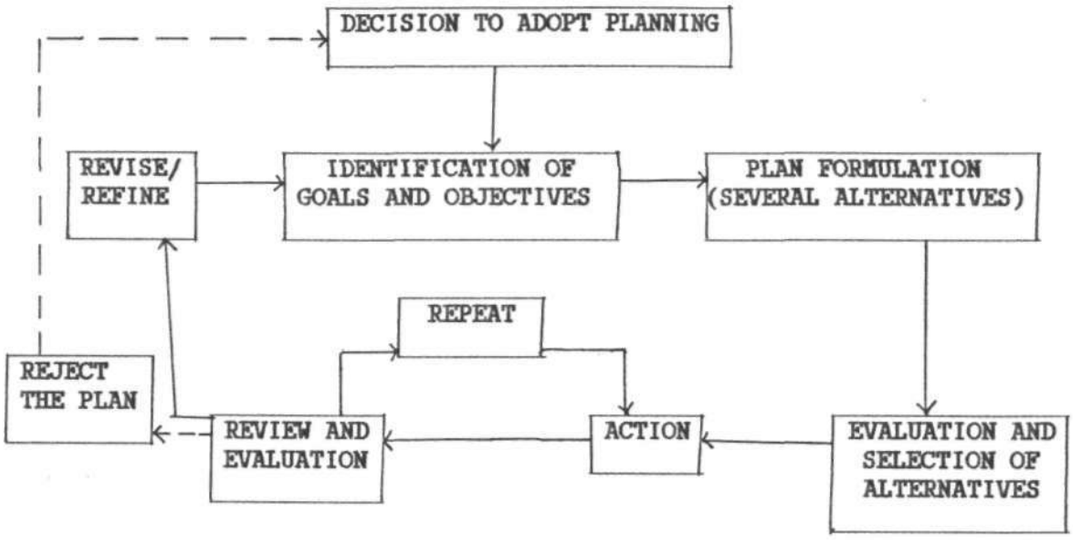


FIGURE 2.10. THE DYNAMIC PROCESS OF PLANNING
Source:

The preparation of alternative plans covering the goals and objectives is the second stage. It takes into account the existing conditions and projected future requirements. The next stage is the evaluation of all alternatives to identify the best plan that satisfies maximum goals and objectives, provides maximum benefits and or minimum cost. This is followed by the implementation of the most desirable plan i.e the stage that is the concern of this thesis. The implementation stage is not the end of the process. It is followed by review and evalution which is the assessment and correction of the course of action taken. It is this stage of the planning process that makes it continuous, dynamic and self correcting. The result of this

the action is repeated but if certain changes are required at various, this is affected by revising or refining the specific stage. It is seen that implementation is an integral part of the planning process and a crucial stage whereby loopholes could be practically exposed, besides useful information about real world situation is gather for the purpose of the restatement of goals and objectives.

2.20 PROCESS OF PLAN IMPLEMENTATION

Implementation is essentially a control activity where control is interpreted in the wides sense. It implies the use of positive intervention and the use of veto thus introducing the concepts of management and organisation as dimensions of implementation. The traditional view of implementation identifies it as comprising of three types of activities organisation and co-ordination, control and simulation to which monitoring is added as the fourth element[6]. This summed up implementation as a complex process where control mechanisms are employed by specially authorised agencies or organisations , in an effort to accomplish the proposals of an adopted plan. However, these traditional tools of implementation i.e development control, building and planning regulations have proved to be ineffective because this process is essentially a dynamic and complex process.

It is the contention of this thesis that the concept of implementation involves initiatives to be fashioned and evaluated in the context of specific urban plans. If suitably developed and given operational form, it provides the basis for alleviating

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6 ROBERTS, M. (1974) Pg 161

planning problems. Thus, it provides a conceptual frame work and serves as an analytical tool which essentially provides an objective means of assessing the performance of a given system. In doing this, it should indirectly benefit the process of generating alternative methods which would be developed to alleviate problems. The need is for sound and useful operational indices which would make clear who is benefiting from alternative policies.

2.21 THE IMPLEMENTATION PROCESS

As earlier discussed, implementation is the fourth stage in the planning process. There are series of activities undertaken at this stage to form a process as shown in figure 2.11.

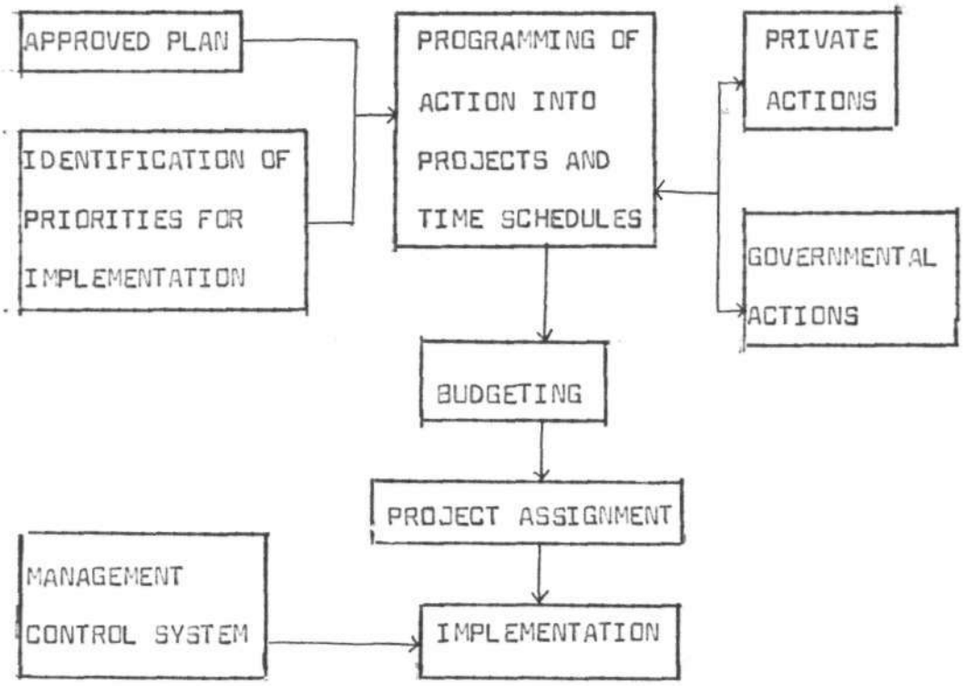


FIGURE 2.11 THE IMPLEMENTATION PROCESS.

SOURCE:

by authorised persons. The first stage is the identification of priorities for implementation. These are determined by social, economic, political, administrative and technical factors. Depending on the priorities, the approved plan is then programmed into projects. This followed by budgeting, project assignment and finally the action or implementation.

2.21.1 PROGRAMMING OF ACTIONS

The phasing of the plan into projects depends upon the priorities of implementation, the goal and objectives. The actions could be private or governmental whereby the private sector actions are implemented due to the efforts of private individuals, groups and organisations. Their actions are usually within the framework of the approved plans and under the overall control of the government . Governmental actions on the other hand can be divided into two groups the direct actions and the indirect actions. The direct actions can be divided into two parts i.e direct investment and land and estate management as shown in figure 2.12.

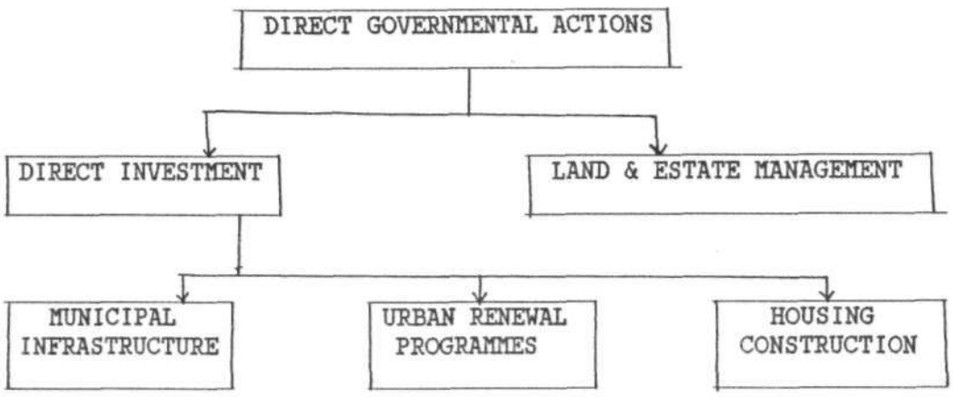


FIGURE 2.12 DIRECT GOVERNMENTAL ACTIONS IN PLAN IMPLEMENTATION

Source:

The direct investment can be in development of municipal infrastructure (water supply, sewarage, drainage, roads, electricity, telephones etc.), urban renewal programmes including upgrading exercises and Housing Construction. The Land and Estate management covers sale or allocation, maintenance and management of land and also hosuing and industrial estates or commercial centres. The indirect governmental actions can be in the form of legal actions, non-legal actions or capital improvement programmes as shown in figure 2.13

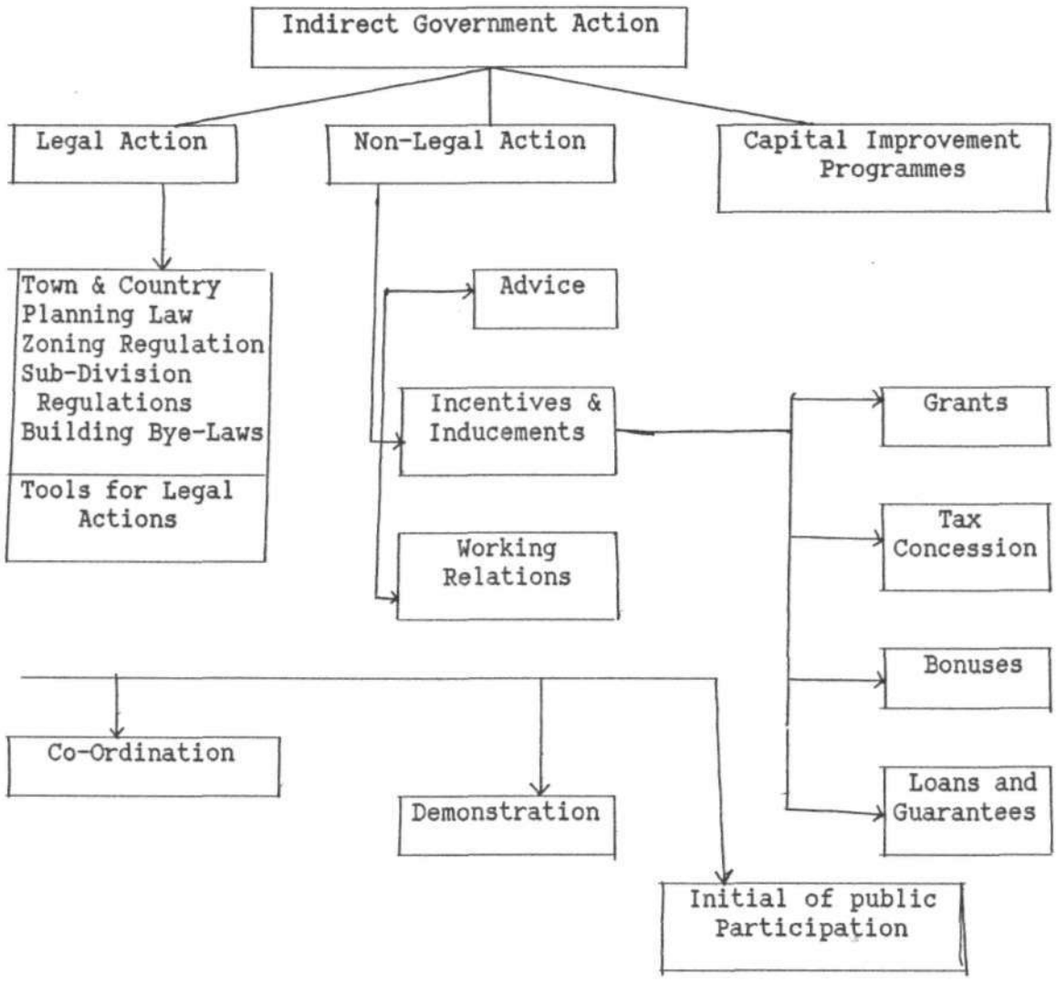


FIGURE 2.13 THE SCOPE OF INDIRECT GOVERNMENT ACTION IN PLAN IMPLEMENTATION
Source:

The legal actions refer to the measures of controlling the extent and quality of development. The various legal tools available to the planners to effect these conrols are the Town and Country Planning law, Zoning Regulations, Sub-division Regulations and Building by-laws. The non legal actions are the persuasive measures taken by the government to attract and advise the developers who are mostly private to follow the course of development as suggested by the plan. These include incentives, inducement, working relations and advice. The incentives and inducements can be in the form of grants, tax concessions, loans and guarantees. Working relations include co-ordination among different agencies, demonstration of most suitable solutions of different urban problems in different conditions or initiation of an effective public participation. Advice covers the action of government to encourage and persuade people to act according to a proposed programme of development. The capital improvement programmes are any major non recurring expenditure for provision of physical facilities such as land acquisition, construction of utility lines, highways etc, that will directly or indirectly increase the value of the initially invested capital.

The scope of private and governmental action is followed by the further division of the approved plan into specific programmes. This division should give the details of the action area, characteristics of the action and the estimated cost. The next stage is preparation of the time schedule for implementation of the various programmes. If possible, implementation should be arranged in a way that the costly and less reversible decisions

appear later in the process than thsoe that are more reversible and less costly.

2.21.2 BUDGETING

This refers to the amount of money available for implementaion of a scheme . It is a critical step in the process and requires balancing of the estimated cost and the available resources. Being the backbone of the process, it needs an effective finance management control machanism. This is then followed by project assignment to operators for detailing and designing. This involves the definition of site and major topographic features and specifications that the planners, architects, builders etc. must accommodate and satisfy. It is at this stage that Zoning and sub-division regulations and building bye-laws must be followed including any specific special requirements.

2.21.3 IMPLEMENTATION AND MANAGEMENT CONTROL

This is the actual translation of the plan by operators and the monitoring of the process through management control which involves quality control. It is the action of maintaining a set standard of performance at the time of implementation. Site inspection is the most practical tool for recognising and removing identifiable causes of defects. However, it is at this stage that a multitude of operators are involved and because there is no clear cut singular role or function in urban planning; it is always the responsibility of more than one body e.g road development is an area that can be the resposibility of the

Federal, State and local governments thus conflicts usually beset the implementation team.

2.30 THE TOOLS OF IMPLEMENTING PLANS IN NIGERIA

The implementation tools can be categorised as legal, financial, public participation and government action. The legal tools in Nigeria include the Town and Country Planning law, Zoning and Sub-division regulations, building bye-laws and the landuse decree. The Nigerian Town and Country Planning ordinance[7] is the first planning law which embraced the whole country and its main aim is for the replanning, improvement and develoment of different parts pf the country. With the creation of States out of the former three regions, the cap. 130 have been adapted by the Northern States, cap. 126 by the eastern States and the cap. 123 by the western States. These planning laws are the only comprehensive laws for planned development of land with no ammendment except for Lagos State.

The main provisions of the planning law include the declaration of a planning area and appointment of planning authorities for such areas. The planning authority then prepare a scheme for any area that such is needed and the scheme should be approved by the minister (commissioner). Before the implementation of a scheme, the authority can give interim development permission and the area covered by the scheme should be acquired. There is provision for payment of compensation to affected landowners and payment of betterment fee by persons whose property is improved by the action of the authority. The authority is empowered to levy and collect rates, fees and moneys

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7. TOWN AND COUNTRY PLANNING ORDINANCE CAP. 155 (1946)

or such other assistance for the implementation of a scheme. However, all actions of the planning authority are subject to the Governor's approval. See figure 2.14 for the main provisions of the planning law.

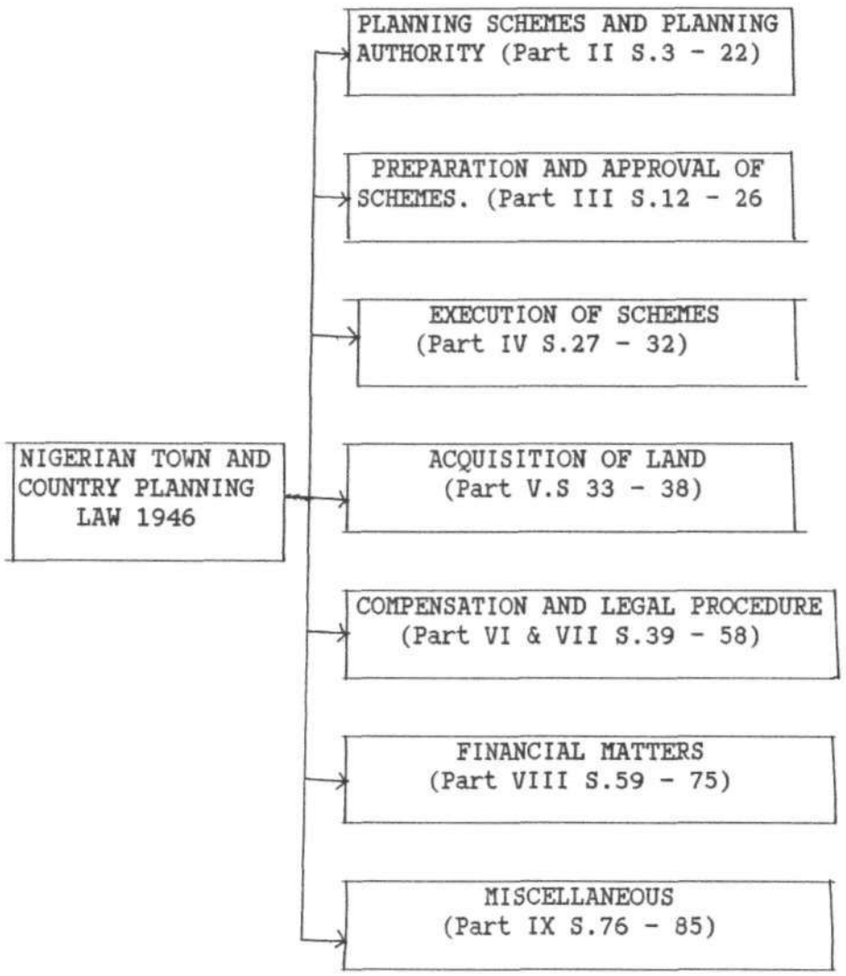


FIGURE 2.14. OUTLINE OF MAIN PROVISIONS OF THE NIGERIAN TOWN AND COUNTRY PLANNING LAW 1946.

Another legal tool is the landuse decree which was introduced to unify land tenureship. Before the promulgation of the decree, land in the northern States belonged to the community but vested in the traditional rulers while the individual had the

right of use. In the southern part of the country, land was family property therefore not all individuals had equal access to land. With this system, government experienced considerable difficulties in acquiring land for public use at reasonable costs. Problems of urban land acquisition were getting out of control, data on landuse was unreliable if available and the bulk of development schemes remained in the domain of private sector which did not enjoy systematic guidance.

The first and fundamental provision of the decree is that all lands comprised in the territory of each State in the Country is vested in the Governor of that State [8]. By implications, individual members of community will henceforth have usufructuary (and no longer absolute) rights in land. This arrangement is similar to what was obtained in the northern States in the past under traditional customary land law. A further extension of this basic provision is that land already in use before and after the decree may at any time be acquired by the government for overriding public interest [9]. This is termed as revocation of rights of occupancy and the implication here is that government no longer pays for the land it acquires over and above the unexhausted improvement in the land. This has made the decree very unpopular with land owners particularly in the urban area.

It is important to recognise the fact that the more basic issue of land accessibility and the use to which it is put into, lie at the heart of the controversy over the decree. It holds that the issue of landownership per se is irrelevant rather what is important is the use.

The administrative and institutional organisation is the

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8. LANDUSE DECREE (1978) PART II SECTION 5 - 15.

9. IBID PART IV SECTRION 21 - 2

framework within which the tools of implementation are employed. The financial tools is very important because it makes the plan realistic. The major source of finance for implementation in Nigeria is public fund allocated to the planning agencies however, the private sector is a potential source which can be explored. Public participation as a tool is the involvement of the public whenever possible while government action is the use of all tools of implementation by the planning authority.

2.31 ADMINISTRATIVE FRAMEWORK

The overall administrative framework for phsyical planning shows that at the Federal level, the Federal Ministry of Works and Housing is responsible for physical planning. This ministry has functional relationships with other Federal ministries especially those whose activities involve the use of land such as Industry agriculture etc. whose activities have spatial implications. It also relate to semi autonomous, ad-hoc spatial or sectoral bodies such as housing corporations and industrial development authorities. It relates to the various state governments through the ministries of works in the form of vertical co-ordination on spatial matters.

At the State level, Lagos State has a unitary system where there is a planning commission to which all planners belong to. Planning activities are the responsibility of the commission which has zonal offices representing it as the state planning authorities. Oyo, Ogun and Ondo States have the whole State declared the planning area with zonal planning authorities as

well as the ministry for lands and Housing which has a Town Planning division. In Kaduna, Jos, Kano, Bauchi and Benue, there are the Ministry and the urban development boards and in some cases rural development board. The urban boards are responsible for urban areas and in some cases only the State capital e.g Jos while the rural board is for rural areas. In Abuja, planning is the responsibility of a department of the Federal Ministry for Federal Capital territory. in some States e.g Borno State, there is the Ministry of Lands and Survey as the only planning agencies for the whole State with zonal offices. At the local level, the local government authority is responsible for rural areas while the ministries or the boards execute the planning law and the landuse decree in the urban areas.

2.32 FACTORS OF IMPLEMENTING PLANS

These are forces that influence the implementation process and they include political climate and ideology, socio-economic level and administrative set up. The political climate and ideology of a country determines the policies that govern physical planning especially land tenureship system. Land being an important factor of spatial development has to be available and accessible. In a capitalist country, land will be very costly due to private ownership with little or no government control. In Nigeria, government is supposd to be the sole owner of land whereas the individdual has the right of use only. Hwever, land is seen as a commodity therefore inaccessible at low prices.

The socio-economic factor relates to the availability of

fund depending on the economic level of the people. This factor is well demonstrated by the triangular forces of urban growth which are demographic growth, economic activities and physical growth. Population growth induces spatial expansion which increases the demand for goods and services. The provision of services may lead to increase in tax source which will generate more capital for the provision of infrastructural net-work. In Nigeria, the main source of fund for plan implementation is public fund however, private funds can be positively manupulated for successful implementation of plans if administraive framework is well organised.

The administrative and institutional organisation is crucial for implementation. Where many operators are involved, it creates the problem of role casting, conflicting interest, co-ordination and co-operation. Moreover, when coupled with insufficient capital base and complex legislative procedures, it becomes less efficient and ineffective. The Nigerian situation is best described as piecemeal with responsibilities parcelled out among so many agencies. This is backed by insufficient allocation of resources which has reduced planning practice to third rate.

2.40 STUDIES ON IMPLEMENTATION OF PLANS

Some empirical studies undertaken in Nigeria have suggested vaious variables as problems of implementation. To understand the practical problems, the suggested problems should be cited to draw upon the conclusions to later appreciate same in the course of the present study.

Dean (1972) undertook a study on implementation of the 1962 - 1966 National development plan of Nigeria. It was observed that the plan's capital expenditure programmes and many of its policies were not satisfactorily implemented although some of the main goals were attained. The conclusion was that the performance of the economy was not a barrier to plan implementation. The political system and executive capacitive plan implementation[10]. The period covered by the studied plan was indeed a period of political upheaval that culminated into a civil war in the country. The trend of politics at the time was marked by strong regional patriotism to the extent that the National development plan was disrupted in order to achieve private ends.

When Dean concluded that "executive capacity" was one of the impediments to implementation, he failed to recognise the perfectly ordinary procedures which are rooted in any organisation but they have no regular pattern and really vary with the staff and organisations. The 'perfectly ordinary' procedures are the numerous approvals and clearances which had to be obtained from a variety of participants. These are theoretically simple procedures but in practice they could be complex and often unnecessarily time consuming. Indeed, these 'perfectly ordinary' procedures are of prosaic and everyday character which present serious obstacles to implementation.

The one clear message from the study is that the success of implementing a plan should not be judged on the basis of one-hundred percenrt achievement of its objective, but on how close it has been to achieving the objectives. It means that no goals

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10. DEAN, E (1972) Pg 59

or objectives of a plan can be perfectly achieved even under the best circumstances but the success depends to a greater extent on several variables.

/ Another case study on implementation is a regional study undertaken by Agaba (1980). The conclusion is that most plans are prepared without due consideration to the social, cultural and economic values of the people whom these plans are prepared for [11]. Thus any scheme prepared on the basis of the plan is not usually relevant to the realities of the day therefore not implemented. The plans have faulty philosophy unrelated to the socio-economic realities and lack of clearly defined objectives. This view is confirmed by the case study undertaken by Lohor (1981) on the implementation constraints of Agricultural development project in Plateau State. This study concluded that the success of implementing a plan is dependant on the nature of the plan [12], which is the way that the plan was formulated. However, this problem should be considered against the background and level of development of the area it affects.

These studies failed to understand that implementation even under the best of circumstances is exceedingly difficult due to the dynamic nature of the Nigerian socio-economic system. However, plans should be formulated on a logical basis rather than on political or administrative basis. Planning being a rational activity should therefore have all plans prepared on the basis of planning principles.

The study undertaken by Suleiman (1981) is of the view that the political factor is the main constrain to implementation due to lack of national physical planning policy to put regional,

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11. AGABA, J. O (1980) Pg 12 12. LOHOR, A. A (1981) Pg 143

urban and local plans into context. This have created considerable difficulties for effective implementation in Nigeria because authentic national development policy is lacking. Thus, physical planning development means copying the patterns of developed countries therefore the plans have no tie to the plans at higher levels. In such a situation planners are faced with two options - either to fill the vacuum and take responsibility for the formulation and promotion of policies, or they console themselves by taking refuge in the preparation of technically consistent plans and ignore their political viability to end up not being implemented[13].

The socio-economic problem is highlighted by Adedeji and Rowland (1973) in editing papers presented at a conference. The view held is that land is extravagantly use without due regards to the cost of providing and maintaining public services and utilities. This is due to the practice of carving out plot sizes in relation to density and income group. The result is urban sprawl because the stress on land use is horizontal rather than vertical and the government is a dominant factor in the provision of services financed by public fund. It means that the larger part of cost for the provision is subsidised thus inadequate public fund implies ineffective implementation of schemes due to lack of resources to finance the ever increasing demand for public utilities, municipal services and community facilities. For the foreseeable future, implementation of plans in Nigeria implies the subsidising of essential services provided for the lower income group. Even so, limited public subsidies will be needed in respect to use of some public services although the

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13. SULEIMAN, A (1981) Pg 16. 14. ADEDEJI, A and ROWLAND, L (1973) Pg 50

whole concept of planning aims at reducing differences therefore incorporates a significant welfare function[14].

Based on the case study of Jos on problems of physical planning administration by Abakus (1980) it was concluded that lack of co-ordination, narrow interpretation of physical, planning, physical environmental features and land tenure system are factors that constitute to urban plan implementation. The adminitration of physical planning has relied heavily on ideals and institutions that are designed to maintain the status quo[15]; therefore has not responded to the demands of dynamic growth and complexities of the urban environment. Most of the agencies involved in implementation process are autonomous therefore have their own legal jurisdiction within which they fuction. Thus complaince to request of directives is at their convenience which makes it difficult to achieve a common cause at a required time.

However, the arguement here is that effective co-ordination of activities is a sinequa - non of sound planning and implementation. The planning law has clearly given explicit provision by which the planner in the planning Authority is the team leader in implementation and the procedure for preparing and implementing a planning scheme incorporates and encourages co-ordination and co-operation between all the agencies involved.

Yahaya (1988) view the legal problem in the context of time perspective whereby the period taken to prepared and implement a planning scheme as provided by the law is too long with due regarsd to the dynamics of urban systems. However, there are two divergent ideas associated with the legal problems of implementation - the

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14. ADEDEJI, A & ROWLAND, L (1973) pg 50 15. ABAKUS, L.L (1980) pg 77

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14. ADEDEJI, A & ROWLAND, L (1973) pg 50 15. ABAKUS, L.L (1980) pg 77

preparation of schemes but relatively difficult to implement due to lack of financial resources. On the other hand, the planning law is too comprehensive therefore leaves no room for manouvers. Morever, the planning law assumes slow changes over time hence the long and cumbersome procedure for preparing and implementing a scheme. However, the vagueness of the law in some provisions permits for flexibility to suit existing situation.

There is the need to review and revise the law to reflect the existing situation and as the Federal Government has shown its intention to doing so, the reviewed and revised law should be suitable for changing situations which relates to demographic changes, economic level, value attached to various aspects of human existence and policies of agencies operating in related fields.

2.50 SUMMARY

From the cited studies, the success of implementing any plan depends to a greater extent on some variables which include the nature of plan, organisation for implementation, resources available, political atmosphere and unpredictable circumstances. Each of these factors effect the quality of implmentation in varying degrees therefore it will not be easy to categorise them in order of importance since the degree of influence will vary with the type of plan to be implemented.

CHAPTER THREE

3.00 AN ASSESSMENT OF PHYSICAL PLANNING SCHEMES IN THEORY AND PRACTICE

3.10 PLANNING SCHEME IN LAND

The Nigerian Town and Country Planning law defines a planning scheme as a town or country or a joint town and country planning scheme made under the law[16]. The scheme may be made with respect to any land with or without buildings on it and for any town, village settlement or rural area. Thus, the planning scheme is any plan for systematic development of land which can be for the purpose of replanning, improving or redistributing land holdings[17]. Therefore any plan for organised development can be called a scheme but the scheme is for a purpose and the law stated its main objective, scope and content.

3.10.1 OBJECTIVE OF A PLANNING SCHEME

A planning scheme may be made with general object of controlling the development and use of land in an area for securing proper sanitary conditions, amenity, convenience and for preserving buildings or other objects of artistic, historical or architectural interest and places of natural interest or beauty such as forest, woodlands and Parks[18]. It is also for the object of protecting existingf amenities and their expansion and for the provision of public and social utility services in an area.

3.10.2 SCOPE AND CONTENTS OF A PLANNING SCHEME

The scope of a planning scheme is to specify and clearly define the area to which it relates i.e have a specific area that it affects, shwoing clearly defined boundaries. The scheme is to

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16. TOWN AND COUNTRY PLANNING LAW PART I SEC. 2 (1) 17. IBID, PART IV SEC. 13 (4) 18. IBID, PART II SEC. 3

provide any of all of the following as provided in the first schedule of the planning law:

ROADS; Area for the construction of new roads, improvement of existing roads and the establishment of public rights of way[19].

BUILDINGS AND OTHER STRUCTURES: Regulation and control of the size, height, spacing and building line of buildings; the location of buildings, the extent of yards, garden and curtilage of buildings, the purpose for the manner in which buildings may be used or occupied in case of dwelling houses and the letting thereof in separate tenements[20] and the prohibition of building operations on any land or regulating such operation. The reservation or allocation of specific land for specified classes, purpose and limiting the number of buildings, removal, demolition or alteration of buildings which are inconsistent to the operation of a scheme[21]. This includes the provision of sites for places of religious worshipp, schools, public buildings, housing schemes and shun clearance in specific areas.

AMENITIES: The provision for the reservation of land as open spaces, burial ground and land with views and prospects and of the amenities of places and features of natural beauty or interest. The protection of forests, woods, trees shrubs, plants and flowers. The prohibition and restriction of exhibition on land or building of any particular forms of advertisement or public notices and erection of temporary structures. It is also to prevent the deterioration of amenities and neglection of buildings and especially the control of waste material disposal and refuse.

PUBLIC UTILITY SERVICES: Ways of facilitating the construction

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19. IBID FIRST SCHEDULE PART I (1) 20. IBID FIRST SCHEDULE PART II 21. IBID FIRST SCHEDULE PART III (3-5)

of works in relation to lighting, water supply sewage, drainage, sewage disposal and refuse disposal and other public utility services[22].

TRANSPORT AND COMMUNICATION: Provision for the establishment, extension or improvement of transport system either by land, water or air and communication systems such as telegraph, telephone or wireless by allocating sites or reserving land for such purpose.

MISCELLANEOUS: A scheme is to declare the persons that will bear the cost of implementing the scheme and the manner in which such cost is to be borned. It should declare the notices to be served and specify who is to be served with the notices, the times at which the notices are to be given. The scheme is to deal with the use or disposal of land acquired under the provision of the law and make any provision necessary for adjusting and altering the boundaries and areas of any lands, roads or rights of way. The implementation of the scheme entails the use of any method of financing which is incidental to the scheme or its administration.

3.10.3 PUBLICITY AND APPROVAL

The planning scheme is prepared and implemented by an appointed Planning Authority. Authority should give the planning scheme publicity by notification in a gazette and any means considered necessary. All owners of property affected by the scheme should be notified and if there are objections, these are to be lodged with the chairman of the authority. The scheme is submitted to the Minister (the Commissioner) for approval and

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22. IBID, FIRST SCHEDULE PART IV.

the approval or rejection is notified in a gazette. Thus the planning scheme is a publicised and legal document.

3.10.4 THE PLANNING AUTHORITY

The minister appoints a planning authority for any area where he is of the opinion that a scheme should be made[23]. By delegation, the planning authority is responsible for preparing and implementing planning schemes therefore it is the authority that indicates the manner in which land should be used in an area and the stages which such development should be carried out. The authority is created to ensure that towns and village settlements are planned according to the best planning principles. One planning authority may be appointed for one or more areas consisting of such members as the Governor may appoint a chairman, secretary and co-opted members for such a period as deemed fit. The authority shall be given by the minster a name indicative of the area in which it is carrying out its duties and the name shall include the words "planning authority"[24].

It is the Authority that is the executive authority for the planning and carrying through any scheme made under the law relating to the area for which it is appointed. Upon the appointment of a planning Authority, its duties include investigation into the planning of the area in question and if the authority is of the opinion that schemes should be made for the area or any part thereof, it shall make representation to that effect to the Minister, the Governor may be order declare the area specified in such representation to be a planning area[25]. The Governor may before approving, modify the area by adding or omitting any portions in the authority's

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23 IBID PART II SEC. 4 (1) 24 IBID PART II SEC. 7 (1) 25. IBID PART II SEC. (I)

representation. Such order shall be published in the gazette and be given such further publicity as the Authority may consider necessary and it shall come into operation upon the the date of publication in the gazette but cease to have effect if within three years from such date no scheme in respect of the planning area has been approved[26].

Once an area has been declared a planning area, no development is to be affected until a scheme is approved however, the Governor may make a general order with respoect to the interim development of land within the planning area and may make special orders with respect to the interim development of any such land in any particular area. Subject to the terms of any general order made by the Governor, the Authority may grant to any person applying in writing therefore interim development permission, subject to such conditions as it may deem necessary to impose, to develop land or to construct, demolish, alter, extend, repair or renew a particular building lying within the planning area[27]. An interim development permission shall deem to be refused unless within two months of the date of receipt of application, notice has been given that the Authority has decided to grant permission with or without conditions to refuse permission; or postpone consideration on the ground that the development cannot be carried out immediately[28]. It is also the duty of the Authority to prepare planning schemes for the designated area in which all necessary contents are provided for and submit such scheme for approval before implementing it.

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26. IBID PART II SEC. 10 (2) 27. IBID PART II SEC. II (2) 28. IBID PART II SEC II (2)

3.20 PREPARATION AND APPROVAL OF THE SCHEME

3.21 PREPARATION OF THE SCHEME

The Authority shall frame a scheme for the whole area or part of it or adopt any scheme proposed by the owners of the land[29]. Persons affected by the scheme may by notificiation in writing be required to state in writing and deliver to the Authority within the sixty days of the date of notice, any information in respect of such land or building. This area should be examined and surveyed at any time to investigate the circumstances and requirements to decide whether or not a scheme should be made for that land. The scheme should be made with the general object of controlling the development of the area and use of land therefore it should contain such provisions as are necessary or expedient for prohibiting or regulating the development of land; generally for carrying out any of the objects for which the scheme is made and in particular for dealing with any of the matters mentioned in 3.10.2 or first schedule of the planning law. A scheme may be for the redistribution of lands or for readjustment of the boundaries and areas of any land and any law relating to development, road construction of building operations inconsistent with the provisions of a scheme or hinder the carrying out of the scheme shall not apply to the area to which the scheme relates.

A scheme when framed should be signed by the chairman of the authority if there is any and in other cases by the appropriate officer of the Authority. The Authority shall then prepare a notice stating that the scheme has been framed, the boundaries of

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29. IBID PART III SEC. 12

the area comprised in the scheme; and the place or places at which a copy of the scheme or plans of the area, and a statement of the land which it is proposed to acquire or such particulars as the Authority may deem necessary to be seen at reasonable hours[30]. The notice should be gazetted and given further publicity as the authority may consider necessary. A copy of the scheme with plans are to be displayed for inspection for fourteen days and within one month of publication,the owners of property affected should be notified and any objections be lodged with the chairman within six weeks from date of notice in the gazette. All objections shall be consdered at a meeting of the authority within two months during which the objector may appear and be heard in person or be represented by duly authorised persons provided it is not legal practitioner if the Authority is a local authority.

Any proposed modifications to be made on the basis of the objections should be with the consent of the affected persons and if there is any objection to the modification, it is to be lodged with the chairman within a period of not less than twenty one days[31]. If any objection be lodged with the stated period, then such objection shall be considered within two months of its lodgement at a meeting of the Authority of which the objector shall be informed in writing to appear in person or represented by duly authorised agent. Within three months of the consideration of all objections and modifications necessitated, the scheme shall be submitted to the Minister accompanied by an estimate of the number of persons who will be dishonoured by the

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30. IBID PART III SEC. 16 (1) 31. IBID PART III SEC. 16 (9)

scheme; a schedule of such objections made, giving the names of the persons who made the objections; a schedule showing the way in which the Authority has dealt with the objections; a statement of the reasons for any modifications made in the originally framed scheme; and the suggested method of dealing with displaced persons[32].

3.22 APPROVAL OF THE SCHEME

When a scheme is submitted to the minister, he makes an order approving or rejecting the scheme or approving it with such conditions and modifications as he thinks fit. The approval or rejection of any scheme shall be notified in a gazette to be conclusive evidence that such scheme was duly framed or rejected as the case may be. A scheme shall not have effect unless and until it is approved by order of the Minister and shall have effect as if enacted herein[33]. The Authority may prepare or adopt a scheme for any part of the area within the original scheme referred to as a supplementary scheme, which will incorporate with or without modifications all the provisions of the original scheme as its relate to the particuilar area and additional provisions as may be necessary or desirable. The supplementary scheme will not affect the operation of the original scheme except that as from the date the supplementary scheme comes into effect, it takes the place of the original scheme in that particular area. If within six months from the date on which any scheme is submitted and approval or rejection has not been notified, such scheme is deem to be rejected[34].

A copy of an aapproved scheme inrespect of the whole or part

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32. IBID PART III SEC. 17(2) 33. IBID PART III SEC. 19 34. IBID PART III S

EC. 21

of a planning area shall be deposited for inspection in such office within the planning area as the Authority shall direct. After a scheme has been approved and notified, the Authority may with the consent of the Minister abandon the scheme but for reasons which the Minister considers satisfactory. The abandonment shall be notified in the gazettee and any right, tittle or interest in any land affected by such scheme will ceased to have any effect when vested in the Authority and revested in all respects in the persons entitled before the date on which the land became vested in the Authority. But where the land has been purchased by the Authority, such land shall be disposed of as the minister may direct. If an approved scheme or any part is abandoned, any person who has incurred reasonable and necessary expenditure for the purposes of complying with the scheme should be compensated if such expenditure is rendered abortive by reason of the abandonment [35]. Land owners may proposed to the Authority in respect of any area of the scheme to supplement existing provisions or changes in the scheme which the Authority may adopt with or without modifications as supplementary order. This supplemenmtary order requires the approval of the minister as if it were a scheme and shall be deemed to form part of the scheme to which it relates to be varied, modified or revoked by a subsequent supplementary order.

The Authority can prohibit or restrict building operations pending the coming into effect of a general development order, which may be for the whole or part of the area and such general development order requires the approval of the minister. Within

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35. IBID PART III SEC. 23

three months from the expiration of three years after the coming into operation of a scheme, the general development order can be made for all land which remains subject to prohibition and restriction. Any person agrieved by the lack of a general development order for any land which he is interested may appeal to the minister for such an order to be made. However, applications for permission to develop areas subject to the effect of a general development order should be made and such applications may be granted with or without conditions where the authority is satisfied that the proposed development will not prejudice the implementation of the scheme and its development will not involve injury or danger to health or excessive and premature expenditure of public fund; or likely to injure the amenities of the locality.

3.30 PROVISION FOR IMPLEMENTING THE SCHEME

3.31 POWERS TO IMPLEMENT A SCHEME

The planning authority is responsible for implementing and enforcing a scheme and in doing so, may enter into and perform contracts considered necessary for carrying any of the purposes of a scheme. These contracts should be approved by the authority and made on its behalf by the chairman and where it is a local authority, the contract should be in the manner which contracts are lawfully entered into by the local authority concerned. In implementing a scheme, the authority may at any time remove, pull down, or alter any building to bring into conformity with the provisions of the scheme for that area. It should prohibit any use that contravene the provision of the scheme and to implement

any work which is the duty of other persons to execute under the scheme but in the opinion of the authority delay has occured which may therefore prejudiced the efficient operation of the scheme [36].

Before the implementation of the scheme, the authority should serve a notice or the owner and occupier of buildings or land about the action proposed to be taken and inform any other person who may be affected by its action. The date to commence any action stated in the notice shall not be less than three months in case of buildings and not less than one month in other cases. The authority shall not exercise any power in relation to the building or land mentioned in the notice before the stated date. Anybody who uses building or land in a manner prohibited by the provision of the scheme will be guilty of an offence and liable to be convicted to a fine of fifty naira (i.e twenty five pounds). Any authorised person on the behalf of the Authority may inspect, survey, examine and investigate any land in a planning area to which the scheme relates for the purpose of carrying out the scheme. Thus anybody who obstructs or interferes with persons in the exercise of any power conferred by the planning law shall be convicted to a fine of fifty naaira (i.e twenty five pounds). Also to be fined one hundred naira (i.e fifty pounds) is any person who contravenes the provision of the scheme and in case of continuing offence, a further fine of ten naira (five pounds) for every day during which the offence continues.

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36. IBID PART IV SEC. 29

3.32 ACQUISITION AND DISPOSAL OF LAND FOR SCHEMES

The planning authority is empowered to purchase land in a planning area by agreement or compulsorily whether the land is immediately required or not[37]. Where land is acquired, all leases and rights of occupancy under any tenancy existing at time of notification of approval of the scheme shall be deem terminated. Land owners are served notice informing them about the authority's intention to dispossess them within a specified period which should not be less than sixty days from date of notification. The acquired land is vested in the authority and it should offer such compensation as deemed fit. Any objection to the offer may be made within sixty days of notification or application for the matter to be referred to court.

The landuse decree was introduced to effect structural change in the system of land tenure whereby no individual owns land only the right to its use. Under the decree, all land in a state is vested in the Governor thus, no individual can own, bequeath, sell or otherwise transfer land without the expressed permission of the appropriate authorities except in respect of land already developed. Holders of statutaory and customary titles are required to pay such rents as the government may from time to time determine, while payment of compensation is to those whose rights and interests in developed or effectively occupied land has been revoked or distrubed by government measures affecting such lands. To ensure that the decree is adhered to, penalties in the form of fines and or imprisonment are prescribed for those who contravene its provisions, although aggrieved

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37. IBID PART IV SEC. 33 (1)

persons are given the option to seek redress in a court of law.

3.33 COMPENSATION FOR LAND

All persons whose property is affected by the scheme is entitled to recover as compensation from the authority the amount by which his property is decreased in value and any reasonably incurred expenditure as the case may be. In compensation payment, account shall not be taken of any additional injurious affection of property due to the minister's refusal to grant an application for interim development permission or his imposing conditions on the grant of such an application. No compensation will be paid in case of prohibition imposed, any development begun after the date of publication of declaration of planning area unless in accordance with the permission of the Authority; any provisions of a scheme and any condition imposed by the authority in respect of interim development permission granted.

The amount of compensation to be paid is limited to the value of land or buildings twelve months before the declaration of an area, a planning area [38]. A claim for the compensation shall be made by notifying the authority in writing stating the grounds of the claim and amount to be claimed. This claim should be made within a period of three years after completion of work if it is in regard of property injuriously affected by the implementation of a scheme. No claim for compensation will be entertained unless written notice has been served on the authority within twelve months after the scheme on which the work giving rise to the claim came into operation or within such longer time as may be specified in the scheme. In respect of

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38. IBID PART VI SEC. 42

expenditure rendered abortive by the revocation or modification of a scheme the claim should be made within twelve months after the date on which the revocation or modification became operative.

When the implementation of a scheme increases the value of any property, the authority should make a claim of not more than 75% of the amount of that increase. This claim is known as betterment which should be recovered within three years after the date on which the scheme came into operation or within three years after the completion of the work. This recovery of betterment shall be made by serving a notice in writing upon the person from whom the amount should be claimed stating the grounds of claim and the amount to be claimed and any amount recoverable may be set off against claims of compensation.

3.34 FINANCIAL MATTERS

In implementing a scheme, the Authority is empowered to accept any rates, money, property or other assistance and all moneys from whatever sources so received shall form part of its fund. On the directives of the minister, any particular planning authority shall regulate, control and manage its own finances but in the absence of such directives, all sums received shall be paid into the general revenues of the state. All expenses and disbursement lawfully incurred by the Authority shall be defrayed from the general revenue.

With the approval of the minister, the authority in exercising its powers and duties can raise revenue for planning purposes and may by order require a local authority or any other

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38. IBID PART VI SEC. 42

authority to impose levy and collect rates. This is the planning rate which should be levied in accordance with and subject to regulations made by the Authority which will prescribe the amount to be levied generally throughout the area or any part. It may exempt from the levy premises or class of premises and determine the date on which payment of such rate shall become due [39]. All proceeds so collected shall be paid over to the planning Authoirty concerned. The planning rate shall be paiud in advance at a place specified in the regulations or order of the authority by annual, half yearly or quarterly instalments.

All persons are liable for payment of planning rate in respect to all land to which the land tenure law (landuse decree) applies and the owner or occupier of land or premises met exempted from the planning rate. If any person fails to pay within one month after it becomes payable, the authority levying the rate may recover the rates by suit with costs and interest of 6% from the day when rate ought to have been paid until day of payment [40].

3.40 ASSESSMENT OF THE PROVISIONS

The objective, scope and content of a scheme implies the involvement of various agencies however, the planning authority is the only recognised agency in the preparation and implementation of the scheme. Thus, the provisions ,incorporate co-ordination and co-operation of the implementation team with the planner as the team leader. In this case, the scheme submitted for approval should be accompanied by a layout plan preliminary engineering drawings to specifications for the

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39. IBID PART VIII SEC. 61 40. IBID PART VIII SEC. 63 (2)

provision of lighting, water, drainage and sewage. The encouragement for co-operation and co-ordination takes care of the problem of multiciplicity of agencies, and invariably solves the problem of codification which serves the purpose of controlling the type of development in specific areas especially interms of space use and density standards.

In the process of preparing and implementing planning schemes, there are various channels through which the scheme passes. The law has included numerous channels with varying political control regardless of their planning expertise. While some relevant channels are skipped, others not really necessary are included in the process e.g there is no specific role for the local governemt while the means for public participation seems to be the channel of discouraging any meaningful contribution. It is reduced to complain hearings and obersvations. In making provisions for the land owners to present a scheme which may be adopted by the planning authority, implies that anybody not necessarily a planner can frame a scheme which will create its own problems e.g schemes are prepared on the basis of certain criteria such as population density and growth, urban development processes etc. which the land owners may not have the knowledge for framing any scheme.

The time it takes to prepare and implement a scheme is about two years and considering the dynamics of urban growth and development processes, the period is too long and development will take place with or without planning therefore the law becomes inapplicable e.g the population growth rate of Jos is 6%

with the present population projected to be 403,660. This means that every year an average of 6,112 households are to be accommodated in this urban area. Forward planning in this case means providing for the projected population well ahead of time, therefore the authority is to provide the plots needed for the next two or three years. However, taking that long to implement a scheme, the authority will not be able to accommodate the 6,112 households. This implies that the group left unattended will find accommodation elsewhere on their own. Thus taking the Nigerian urban dynamics and political climate into consideration, the time its take to prepare and implement a scheme is too long for any meaningful development.

The content, channels it passes through and the time it takes to prepare and implement a scheme suggest that it should cover large areas. If this should be the case, it should be able to accommodate a large population so as to control unplanned development. If the schemes cover small areas, and takes as much time, fewer people will be accommodated. The implication is that schemes should accommodate the whole population if planned development is to be achieved in the urban or rural settlements. In providing for services and utilities in a scheme, its provision is to specification for a target population in the form of standards. This specify the amount of space to be utilised, the rights of individuals to that space and the manner in which it is to be used. The significance of these standards is that they define the level of intensity at which the land will be utilised. The units in which such standards are expressed varies and it includes minimum plot sizes, number of buildings per area,

number of persons per room (occupation ratio) and persons per hectare (density).

The use of space and density standards determine the access of all people to land. In Nigeria, land is publicly owned although this does not guarantee easy access to land however, most developments are without consideration to these standards. Often government sets to destroy shanty parts of the town on grounds that they fail to meet official standards. In this regard, the security of tenure is regarded as the most critical factor in organised development because once the issue of tenure is secured, other various standards concerning space-use and densities begin to operate.

The whole planning law rests on the issue of planning areas, planning schemes and planning authority to the extent that local government have not been involved e.g with the approval of a planning scheme in a planning area, the powers and duties exercisable and devolving upon a local authority or other authority or the Permanent Secretary in such an area or part of the area by written law or otherwise can be transferred to and be vested in the planning authority. The local government is only involved in the aspect of local representation in the planning authority but without the involvement of local government, it is difficult for the scheme to be implemented because land is a local government issue and it is this office that can identify and mobilised land owners. The planning law and land use decree permits the establishment of specific standards for the delivery of various infrastructure and services related to the people accommodated in a given neighbourhood. It provides for the

phases. This plan consists of an analysis of problems and proposals for the improvement of already built up areas and development of new areas during the period covered by the plan usually betwen 10 - 15 years e.g. master plans for Zaria, Jos, Abuja, Lagos etc. It serves as a framework and provides guidelines for developing the areas in a planned and orderly manner. Indeed, development control is an integral part of the master plan and its implementation is through the preparation and implementation of detailed layout plans.

3.51 THE LAYOUT PLAN

This is a detailed layout paln showing the land su-division for redistribution of holdings, space reservation for different uses. It can be a local area plan or a subject plan i.e specific landuse or subject matter such as water supply scheme, sewage and drainage scheme, pollution control scheme etc. They may be made for a specific area within the rural or urban area which is considered to be the planning areas. It shows the detailed standards of proposed facilities, utility services and amenities in accordance to their space requirements and reservation. Since different activities require different threshold, it gives a measure of intensity of use to avoid over-crowding.

The main objective of the layout plan is to control development of land to ensure planned and organised development by conforming with the proposed use of land as provided by the general framework of the master plan. It is to also secure proper sanitary conditions and convenience, co-ordinate roads and public utility services; extent or improve amenities, conserve

and develop resources of the area and preserve buildings and other objects of interest in that particular area.

The scope and contents of the layout plan includes a well defined boundary showing the specific area affected within which provisions are made for regulating and developing the land. It is subdivided into plots of different sizes and categories for redistribution and reservations are made for buildings of different uses and specified classes, for any purpose and type of scheme. Whenever necessary, space is reserved for open spaces, burial grounds, rights of way, sewage, drainage, lighting and water mainlines, school, clinics, shops etc. within the layout but it depends on the proposals of the scheme and the needs and standards based on the population being accommodated. All works are supposed to be financed by government from public revnue therefore the manner in which the cost is to be borned is not usually specified. Plots are allocated to public and private developers and if after two years it is not developed, the statutory rights of occupancy over such plots can be revoked and reallocated.

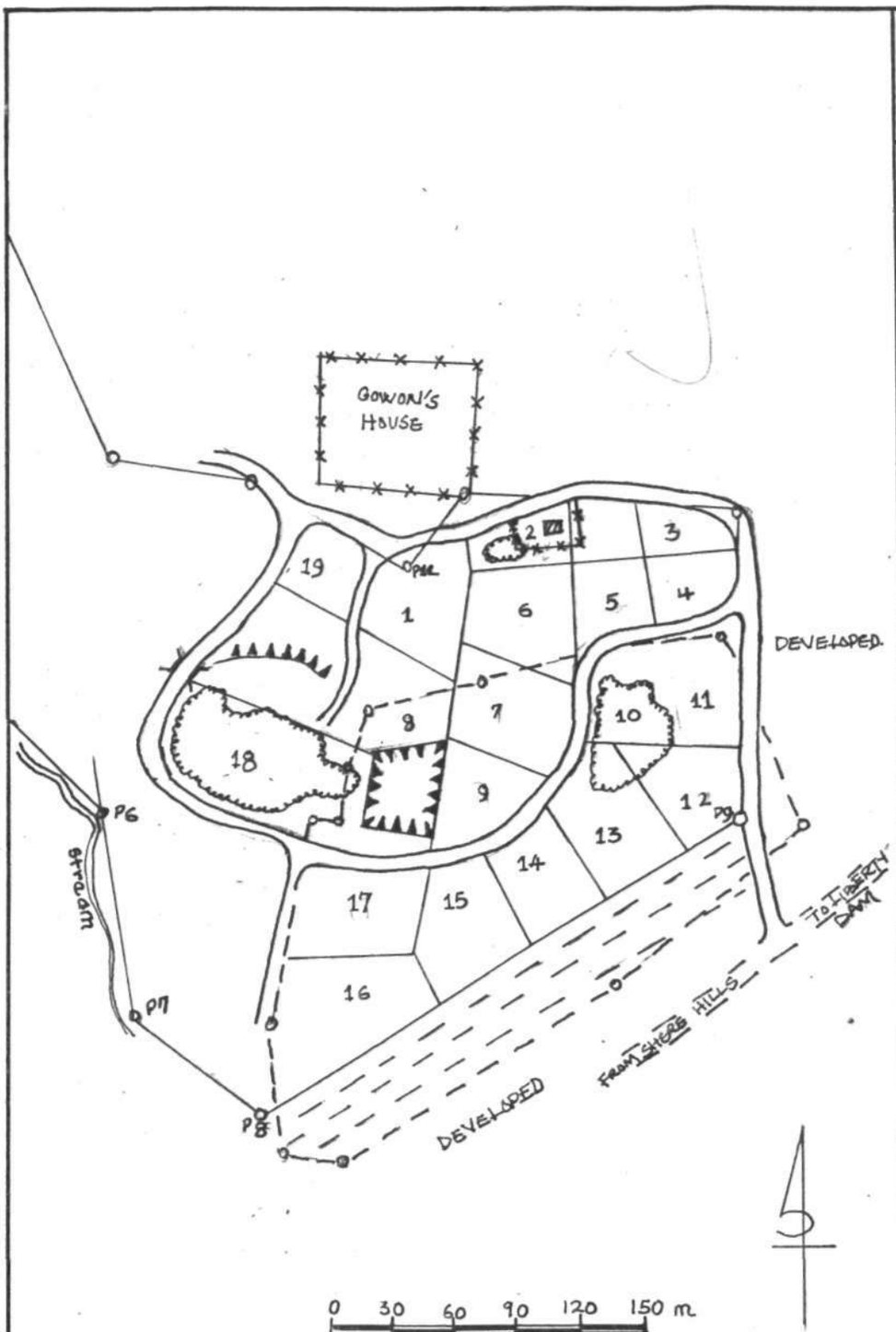
The layout plan is a detailed development plan prepared on the bases of the aopproved general plan at the scale of 1:500, 1:1,000 or 11500 and requires a reasonable time period for its preparation and implementation. It includes the following data:-

a) Street lines

b) Building lines

c) Plot sizes and dimensions

d) Data on existing permanent structures including the height, structural material



MINISTRY OF LANDS, SURVEY AND TOWN PLANNING, JOS.

FURRAKA MINI LAYOUT.

LEGEND.

- ROCKY AREA
- SURVEY LINE
- MARSHY AREA
- BOUNDARY OF PSG
- BRIDGE
- EMBANKMENT
- EXISTING BUILDING
- EXISTING ROAD.
- FENCING.

LAND USE BUDGET.

LANDUSE	AREA	%
RESIDENTIAL	7.25 ha	64.56
ROADS	1.13 "	10.06
OBSTACLES	2.85 "	25.38
TOTAL	11.23 "	100%

TOTAL LENGHT OF ROAD 0.94 km

PROPOSED ROAD CATEGORIES
ROAD WIDTH 12m
AVERAGE PLOT SIZE (30×60)m
TOTAL NO. OF PLOTS = 19.

APPROVED BY.
MILITARY GOVERNOR.

RECOMMENDED BY.
O.G LANDS, SURVEY & T.PLG.

CHECKED BY
DIRECTOR (TOWN PLG.)

SURVEY TEAM :-

DESIGNERS :-
DRAWN BY :-

SCALE 1:2500 | DATE: DEC. 1988

FIG. 3.15.

A RESIDENTIAL LAYOUT PLAN.

(FURAKA MINI LAYOUT JOS.)

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and plot area coverage.

e) Plans of approved subdivision of land

f) Approved use of land

g) A written consolidated statement on the same drawing sheet explaining briefly and clearly all the above requirements

h) The original drawings of the plan should be signed by the officials of the planning authority or agency and approved by the Governor. This official copies should be available for everyday use as shown in fig. 3.15.

3.52 THE PLANNING AUTHORITY IN JOS

The Jos urban area has witnessed considerable planned development since its founding in 1904. This is attributed to the concentration of Europeans in the area and give the provisions of the Township ordinance in 1915, the area was distinctively laid out in grid-iron pattern. With the introduction of the Town and country planning law, this initial spatial pattern has survived while more areas had layouts prepared for them. However, the older part of the town has clearly defined zones in which there is the central business district along Beach road, Bank road, Ahmadu Bello Way and Murtala Mohammed Way. High density residential areas of Jenta, Nassarawa, Gangara, Tudun Wada, Rikkos, Naraguta, Dadin Kowa, etc. There is the medium and low density residential areas of

West of mines, Dogon Dutse, Anglo Jos, Liberty Dam and Rayfield. All the layouts were prepared and implemented by the Jos Local Government and the Department of Lands and Survey. (see fig. 3.16 for landuse zones of Jos).

When Jos was granted urban status the actual area for physical planning was small and the expansion of this area occured by implementing layouts of additional plots for each zone. The layout plan becomes the major tool for planned development by simply restricting land allocation and this has been the trend of urban planning in Jos. The master plan for the urban area recommended that a planning authority different from that of the local Goverment be established and charged with the responsibility of implementing the plan and executing the provision of the planning law. Thus the Jos Metropolitan Development Board was set up in 1974 and the planning duties of the local government were transfered to the board. In this case, the Board and the Ministry became the plannin agencies responsible for preparing and implementing layout plans in Jos. While the board is responsible for Jos the State capital city, the ministry is responsible for all other designated urban areas and the local governments are responsible for all areas outside the urban areas.

3.53 PROCEDURE FOR PREPARING AND IMPLEMENTING LAYOUT PLANS IN JOS

On directives of the Governor or when the need or any scheme in Jos arises, the Ministry of Lands, Survey and Town planning selects a site. A suitable area for the type of scheme needed is selected and the land section of the ministry liase with the Jos

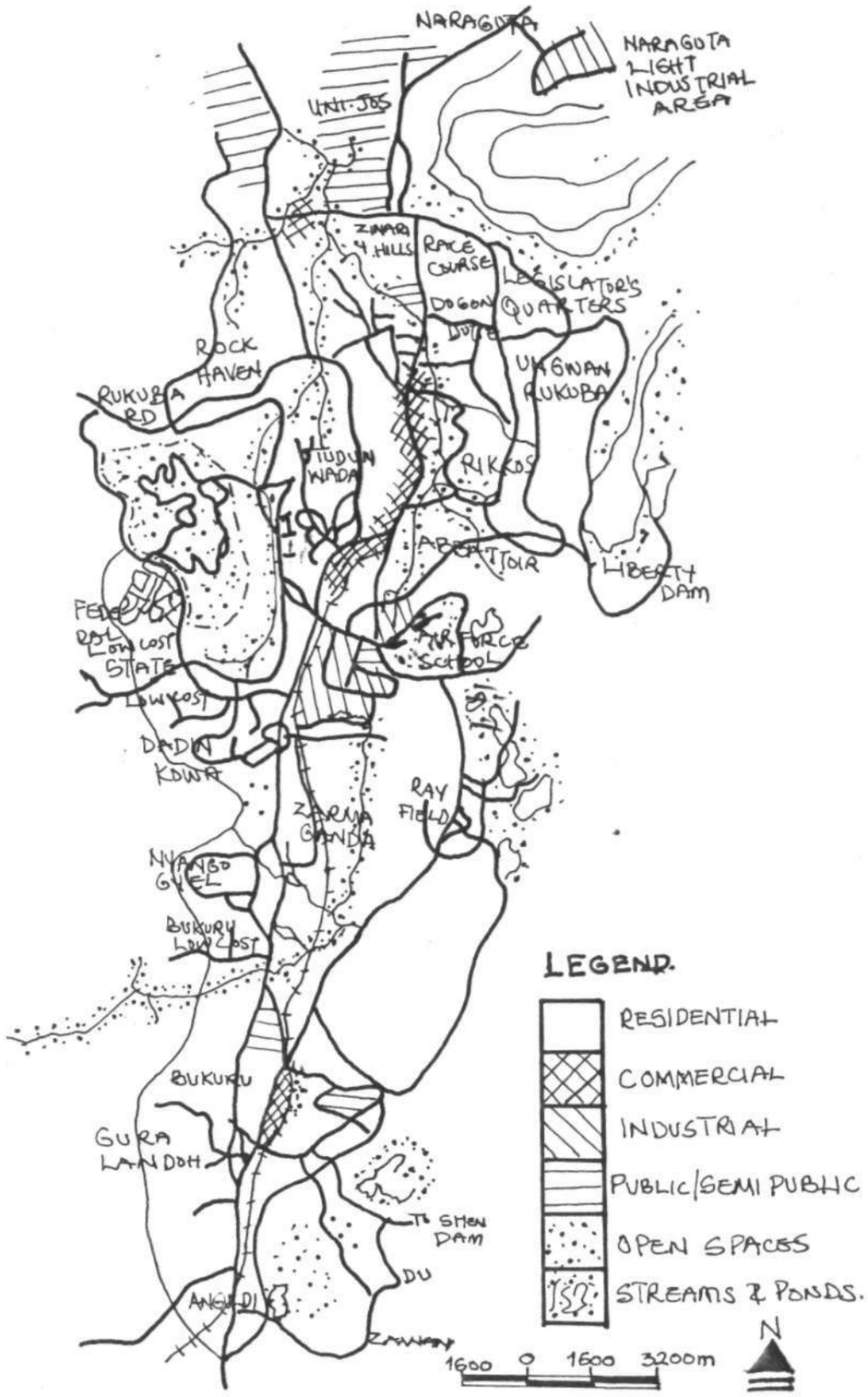


FIG. 4.16

LANDUSE MAP OF JOS.

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local government of office to identify the district that has customary rights over such an area. The traditional chief under whose jurisdiction the area falls, is informed of the government's intention to acquire the land. The area is surveyed and control points established then a site plan of the area is produced. Included on the site plan are all existing structures (if any), facilities, utilities and amenities and statement of the present use to which the space is put to. This site plan also shows physical features such as rock outcrops, rivers, or streams, lakes, ponds and forest to serve as the base map for designing the layout plan intended for that area.

Once the area coverage is established, the individual land owners are identified by the traditional chief and listed for compensation. The land is evaluated while the Ministry of Agriculture assess the value of economic trees and crops for payment. The planners use the site plan for recognisance survey and drawing of different alternative layout plans. The best alternative is chosen after presentation and discussion with the Director General, Directors of Survey, Planning and Lands Section of the Minstry. The traditional chief of the affected area is also inveted to the presentation and a copy of the signed layout is given to him. The selected alternative is to be signed by the officials of the ministry which includes the Director of Planning, Director General of the ministry and final approval is by the Governor. A copy of the layout plan to be implemented is given to landuse allocation committee, survey section, cadastral section and Jos Metropolitan Development Board for their use. A copy is also given to the Plateau Utilities Board and National

Electric Power Authority for their information and references.

The acquisition of land is the first stage in implmentation by payment of compensation to affected land owners. The survey team move into the area and beacon it according to the layout plan and the plots are allocated to appliants by the committee. All plots are to be developed within two years from the date of the alloction otherwise the statutory rights is to be revoked and the plot reallocated. However, before any private development is underaken, it is expected that the planning authority carves out roads, develop parks or gardens, lay lighting and water mainlines and provide sewage and drainage channels (see fig. 3.17 for the procedure of preparing and implementing layout plans).

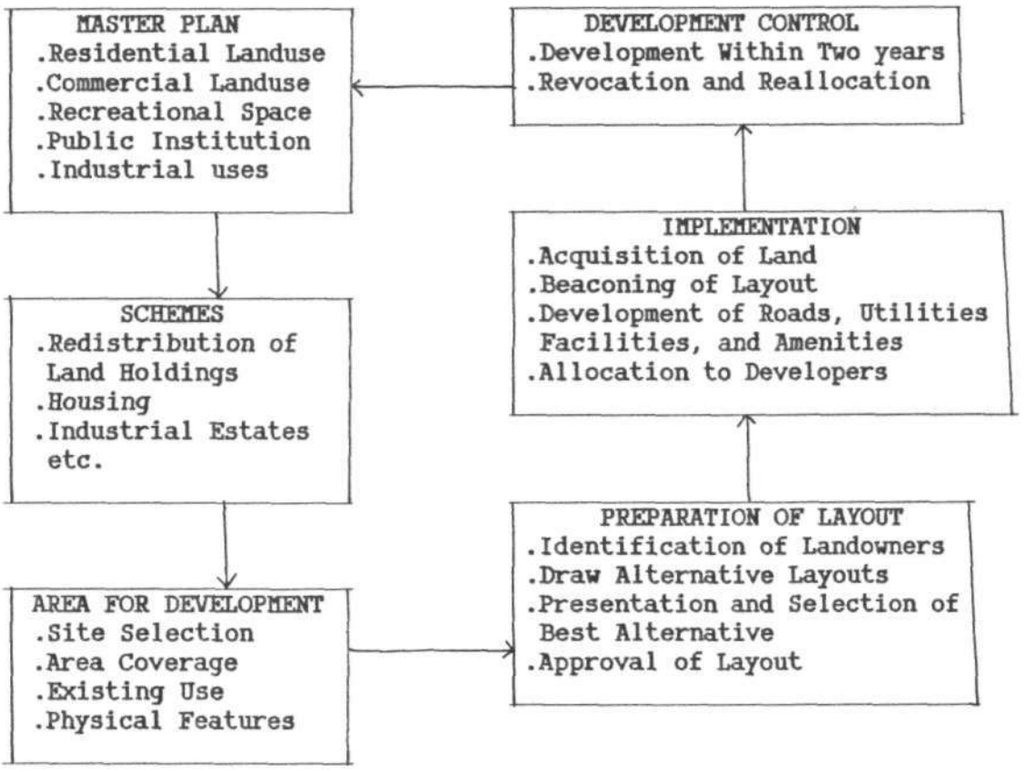


FIGURE 3.17 PROCEDURE FOR PREPARING AND IMPLEMENTING LAYOUT PLANS IN JOS

3.60 ASSESSMENT OF THE PLANNING PRACTICE

The planning scheme has been reduced to a technical plan which covers small areas and the process of preparing and implementing it, is shortened while the channels through which it passes is synchronised. The layout plan is a simplified version of the theoretical planning scheme. The publicity through gazetting has been completely phased out and the only means of publicity is reduced to presentation. The implication is that people are not usually aware of physical planning activities in their areas therefore may not understand why they should give up their land. The procedure only identifies those affected by the layout thus those not affected are totally left out.

The layouts are prepared on the directives of the governor or administrative initiation which implies that the plans are drawn and implemented on ad-hoc basis due to polical and administrative pressure. This being the case, most plans prepared have no rational backing and consequently their implementation will be difficult. It is assumed that government is to finance the implementation of layouts therefore no provision is made for the funding in the process. Howver, it depends on how convenient it is for the government to carry out any work within the specified period of two years and to a scale appropriate to the needs of the people. Invariably, the availability of public fund will determine the level of development of the layout plan.

There are two agencies involved in the implementation

of the plan whereas the law clearly recognised only one planning authority. The implication is in the area of jurisdiction in which there will be confusion unless there is a clear division. The quality of planning agencies will prolong and further complicate the process of preparing and implementing layout plans as the case may be. The planning practice rests on the issue of master plans, layouts and landuse decree to the extent that only designated urban areas are planned according to the principles of planning thereby leaving the rural areas completely out of the process.

3.70 SUMMARY

The planning law serves as the theoretical and legal basis for planning practice thus the law is the conceptual framework within which the practice operate. The practice is therefore the testing of the theory to determine its practicability in reality. In this case, the provisions of the law implies that, they might have been appropriate for the period and conditions of the time for which they were enacted but not applicable to existing situation due to the dynamic characteristics of human settlements and organisation over time. However, the effectivenes of the layout as a planning scheme and a tool for planned development can be examined by the evaluation of the characteristics of development in the urban areas. This evaluation will also be an assessment of the planning institutional organisation and the level to which planning principles are applied in the synchronised system.

CHAPTER FOUR

4.00 AN EVALUATION OF LAYOUT PLAN IMPLEMENTATION IN JOS

This chapter intends to evaluate the implementation of layout plans in Jos. The essence is to find out the effectiveness of the layout planned development, and to identify any problem encountered in the implementation of the schemes.

4.10 ANALYSIS OF LAYOUT PLANS IMPLEMENTATION IN JOS

Since the establishment of Jos Metropolitan Development Board in 1974, numerous layout plans were prepared for various parts of the Metropolitan area within the master plan framework. Some of these layouts were either prepared by the Board or Ministry of Lands and Survey or Jos Local Government Council Office. While some of the layouts were implemented, many are still drawings on paper only. The layouts prepared by the local government were for areas at the urban periphery which include Abbattoir, Dadin Kowa, Zaramaganda, Hwolshe and Nyango Gyel layouts. These areas of intense land speculation being agricultural land where customary land holding is prominent. Most layouts prepared by the board were by consultants which took a long period to be completed and when it reached the implementation stage, ammendments had to be made thus development over took the plans.

About 34 layout plans were sampled as shown in table 6 and their location shown in fig. 4.18. Not all layouts prepared in Jos are implemented even though development takes place on such sites. It is then clear that development will take place with or without the layout plan however, planned development as desired

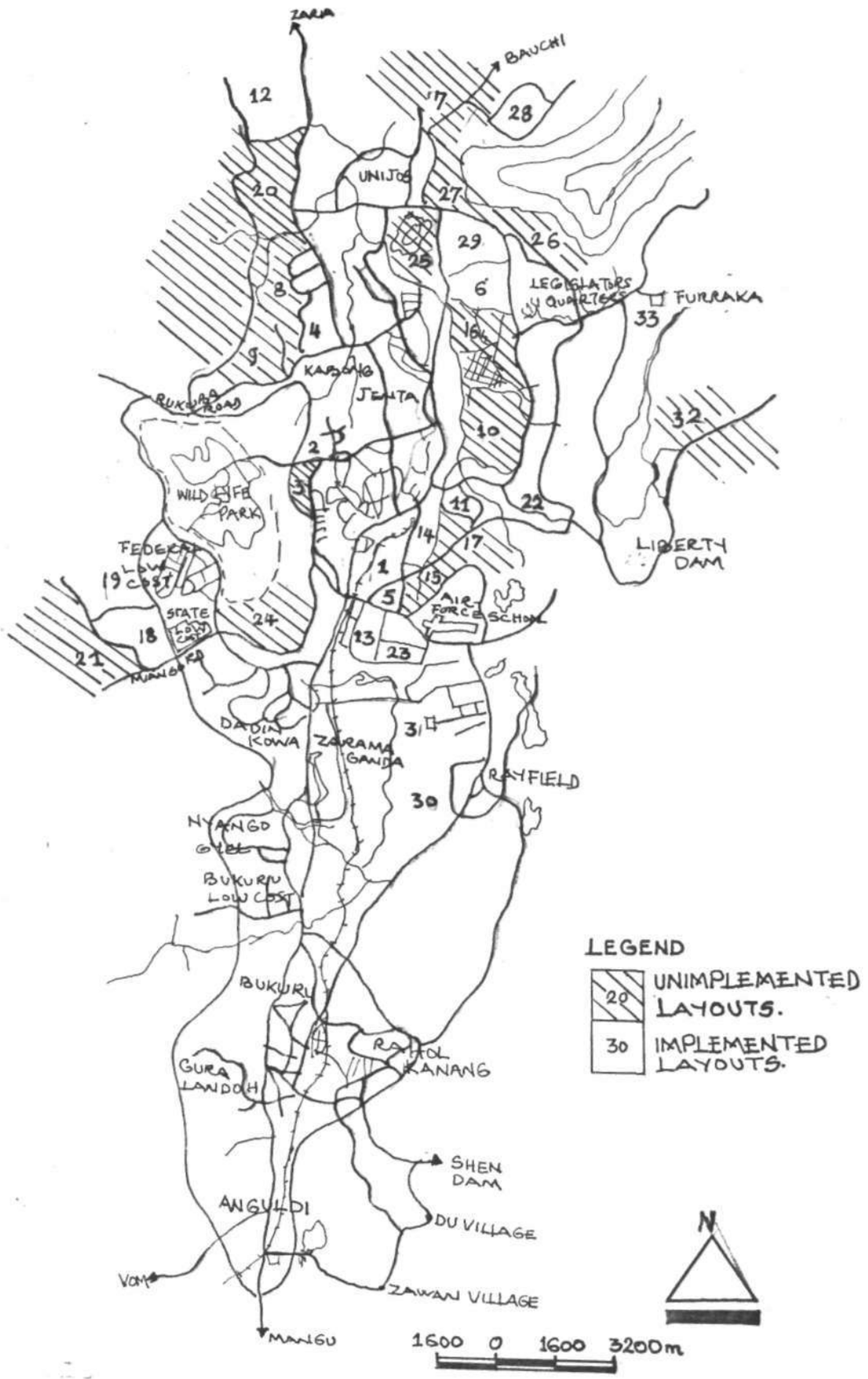


FIG. 4.18

LOCATION OF LAYOUTS

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YEAR	LAYOUT PLAN	PLOTS No.	AREA Ha	LANDUSE	PREPARED BY	REMARK
1975	Mountain View	144	62.55	Low Den.Res.	Min of L & S	Implemented
::	Tudun Wada	131	56.33	::	::	::
::	Tudun Wada Extension	58	24.08	::	::	Not Implemented
1976	Rock Haven I	132	32.76	Med.Den.Res.	J. M. D. B.	Implemented
::	Rikkos Village	412	52.00	High Den.Res	::	Not Iplemented
::	Midland Commercial Sch	146	80.30	Med.Den.Res.	Min of L & S	Implemented
::	Dogon Dutse II	271	137.33	::	::	::
1977	Rock Haven II	123	67.74	::	J. M. D. B.	Partly Implemen
::	Rock Haven III	219	72.8	::	::	Not Iplemented
::	Kabong			High Den.Res	::	::
::	Anglo Jos	50	29.00	Industrial	Min of L & S	Implemented
1978	Liberty Dam I	98	111.16	Low Den.Res	::	::
::	Transporter	76	39.17	Commercial	::	::
1980	Dogon Karfe	160	61.13	Med.Den.Res.	::	::
::	Zaria Road	726	100.25	High Den.Res	::	Not Implemented
::	Dogon Karfe Extension	200	79.00	Med.Den.Res	::	::
::	Dogon Dutse Extension	172	73.13	::	::	::
::	Miango Road A	183	29.28	::	::	Implemented
1981	Yingi Village	541	69.33	High Den.Res	::	Not Implemented
::	Miango Road B	46	8.28	Med.Den.Res	::	Implemented
::	Miango Road C	279	22.68	::	::	Not implemented
1985	Anglo Jos Extension	43	30.16	Industrial	::	Implemented
1986	Liberty Dam II	24	20.46	Low Den.Res	::	::
::	South of Wildlife Park	323	122.31	Med.Den.Res	::	Not Implemented
::	Zinariy	84	44.06	Low&Med.Den	::	::
::	Bauchi Ring Road	452	53.79	High Den.Res	::	::
::	East of Bauchi Ring Rd	226	97.00	Med.Den.Res	::	::
1987	Naraguta	32	21.76	Industrial	::	Implemented
::	Race Course	146	27.92	Low Den.Res	::	::
::	Gwafan Village	441		High Den.Res.	::	Not Implemented
::	Naraguta Village	443	25.05	::	J. M. D. B.	::
1988	Rayfield Village	150	17.56	::	::	::
::	Presidential Lodge			Low Den.Res	::	Implemented
::	Furaka	20	11.23	::	::	::

TABLE 6. LAYOUTS PREPARED FOR JOS 1975 - 89

can be achieved by the means of the layout. Thus, any real development without the layout is considered unplanned and uncontrolled development. In this case Jos urban area is characterised by Islands of planned development surrounded by unplanned development. Consequently, the effectiveness of the layout as a tool for planned development depends on the

implementation of such plans designed for any area within the urban area.

The non-implemented plans are situated in the outer and newer parts of the city which forms the unplanned areas while the inner and older part forms the planned entity. This means there is an inverse correlation which should not be the case. Since the newer and outer sections of the city should be better planned than the older sections. The consequence is a major imbalance in population concentration and provision of utility services, facilities and amenities. In which case, the planned areas accommodate the optimum standards while the unplanned areas become areas of overconcentration creating physical problems of inadequate housing, and over spill.

All sites of implemented layouts were acquired by payment of compensation to land owners as shown in table 7. Land acquisition is an important factor of implementation in Jos and the location of the implemented layouts also reflect land values. Land prices are lowest in areas further away from areas of intense activities while they are highest in areas nearer them. The table also shows that not all compensation is paid by government which means that the cost of compensation can be passed on to the allotees not necessarily paid from public fund. In some cases, no compensation is paid because a forest reserve may be cleared to give way for the layout e.g Naraguta light Industrial layout area. Industrial layouts are usually implemented to the later before allocation to developers, as an incentive for encouraging industrial development to create employment opportunities and generate revenue. However, the

residential layouts which form the larger part of all layouts prepared in the urban area are provided with basic utilities facilities and amenities years after individual development has taken place. The cost of servicing an area is cheaper before development morever, it serves as a measure of development control which makes the plan an important instrument of co-ordination between different authorities concerned.

TABLE 7. LAYOUT AREAS ACQUIRED BY COMPENSATION IN JOS.

YEAR	LAYOUT AREA	TOTAL COMPENSATION (N)
1975	MOVING VIEW	117,640.00
1975	TUDUN WADA	105,198.20
1976	ROCK HAVEN I	806,575.20
1976	MIDLAND COMMERCIAL SCHOOL	69,852.20
1976	DOGON DUTSE II	472,968.17
1977	ROCK HAVEN II	66,563.65
1977	ANGLO JOS	COMPENSATION ON INDIVIDUAL BASIS
1978	LIBERTY DAM I	174,987.90
1978	TRANSPORTERS	62,047.20
1980	MIANGO ROAD A	INDIVIDUAL BASIS
1981	MIANGO ROAD B	15,720.00 INDIVIDUAL
1985	ANGLO JOS EXTENSION	INDIVIDUAL BASIS
1986	LIBERTY DAM II	19,133.27
1987	NARAGUTA	FOREST RESERVE CLEARED
1987	RACE COVRSE	NA
1988	PRESIDENTIAL LODGE	INDIVIUAL BASIS
1988	FURAKA	16,956.00

Source: MINISTRY OF LANDS, SURVEY & TOWN PLANNING LAND SEC.1989

Out of all the layouts prepared for Jos within the study period, 88% is for residential landuse, 9% for industrial use and 3% for commercial purpose (see Table 8). This is expected as residential use usually takes up more than half of the space in a settlement therefore the demand for land is highest for this purpose. A further breakdown within the residential landuse shows that there is stratification on the basis of income as

high income, middle income and low income groups. This stratification is reflected in areal development in form of high

LANDUSE	LAYOUTS PREPARED		IMPLEMENTED		NOT IMPLEMENTED	
	NO	%	NO	%	NO	%
Residential	30	88	14	40.7	16	47.3
Commercial	1	3	1	3.0	-	-
Industrial	3	9	3	9.0	-	-
	34	100	18	52.7	16	47.3

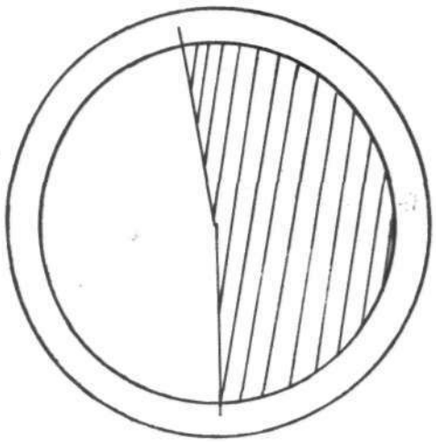
TABLE 8. LANDUSE COMPOSITION OF LAYOUTS PREPARED IN JOS.

density for low income, low density for high income and medium density for middle income groups. In Jos, 34% of the residential layouts are for low density, 41% for medium density and only 24% for high density as shown in Table 9.

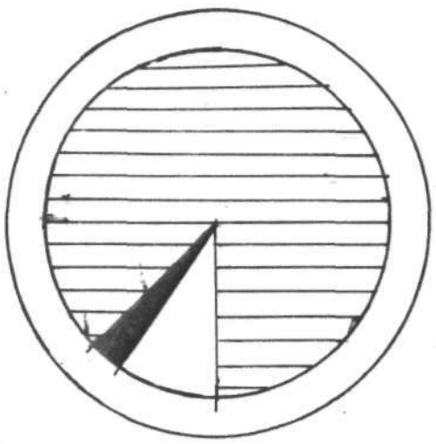
RESIDENTIAL LANDUSE	LAYOUTS PREPARED		IMPLEMENTED		NOT IMPLEMENTED	
	NO	%	NO	%	NO	%
High Density	8	26.7	1	3.3	7	23.4
Medium "	12	40.0	4	13.3	8	26.7
Low "	10	33.3	9	29.9	1	3.4
	30	100	14	46.5	16	53.5

TABLE 9. COMPOSITION OF RESIDENTIAL LAYOUTS

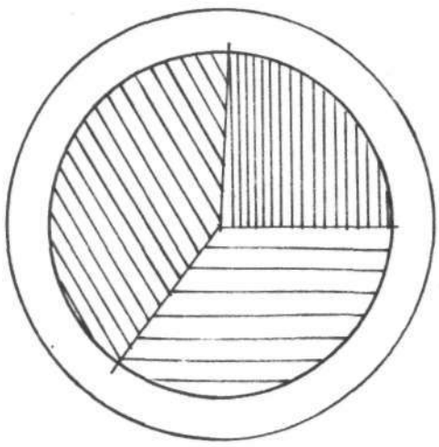
But only 10% of the population is in the high income group while about 55% is in the low income group. It is then implied that planned development is for a smaller section of the population while the majority finds accommodation in unplanned areas. The table indicates that unplanned development accommodates high density residential landuse which is for low income group. However, one of the principles of planning is that



IMPLEMENTED LAYOUTS.
UNIMPLEMENTED LAYOUTS.



LANDUSE COMPOSITION.
RESIDENTIAL LAYOUTS
INDUSTRIAL LAYOUTS.
COMMERCIAL LAYOUT



RESIDENTIAL COMPONENTS.
LOW DENSITY.
MEDIUM DENSITY
HIGH DENSITY.

FIG. 4.19

COMPOSITION OF LAYOUT PLANS FOR JOS.

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the whole urban area to be well planned, and to accommodate all classes of population especially the low income group which forms the majority of the populace. Fig. 4.19 summarises the compositions of the layouts' analysis.

The acquisition of land for implementing layouts is an important factor for planning practice but it depends on the availability of funds to pay the compensation. Another factor is the provision of basic infrastructural network which is provided for in industrial layouts only. In the case of residential uses, it is assumed that the plan has been implemented once the area has been acquired and plots allocated to individual developers. However, it should be noted that the road network, water and lighting lighting supply lines, drainage channels etc., determines the quality and desired development of the area.

4.11 UNIMPLEMENTED LAYOUTS

There are 16 unimplemented layouts of the 34 sampled. This constitutes about 45% and all are for residential landuse and mostly for high density which is ssupposed to accommodate the low income group. These layout plans have more number of plots which are smaller in size and therefore accommodate a larger population. Thus, their non-implementation means denying a larger population planned space for accommodation. As shown in table 10, the major problem is land acquisition which is due to lack of payment of compensation. The sites for most of these layout plans have very high land values therefore the amount to be paid as compensation is much high which the government is unable to pay. Another problem is the physical constraints due

to the location of such sites in rocky areas. Development had set in before the layouts are prepared therefore most areas left undeveloped are usually rocky outcrops or mashy areas around streams and rivers. The problem of time factor comes into play when layouts are prepared but delayed for sometimes before implementation. In such cases, development may overtake the layout because landowners sell their land to private individuals once, it is suspected that a layout plan is being prepared for the area.

YEAR	LAYOUT AREA	COMPENSATION ASSESSED(N)	REMARKS
1975	Tudun Wada Ext.	168,411.12	Development overtook plan
1976	Rikko Village	219,358.56	Development overtook plan
1977	Kabong	1,376,489.26	Existing settlement
1977	Rock Haven II & III	2,228,207.10	Difficult terrain
1980	Zaria Road	1,814,224.40	Haphazard development
1980	Dogon Karfe Ext.	Not Assessed	Haphazard development
1980	Dogon Dutse Ext.	Not Assessed	Haphazard development
1981	Yingi Village	21,181.50	Haphazard development
1981	Miango Road C	Not Assessed	Compensation not Paid
1986	South of Wild Life Park	Not Assessed	Compensation not paid
1986	Zinariya Hill	Forest Reserve	Difficult terrain
1986	Bauchi Ring Road	Forest Reserve	Difficult terrain
1986	East of Bauchi Ring Rd	Not Assessed	Difficult terrain
1987	Gwafan Village	Not Assessed	Existing Settlement
1987	Naraguta Village	Not Assessed	Existing Settlement
1988	Rayfield Village	Not Assessed	Existing Settlement

TABLE 10. UNIMPLEMENTED LAYOUT PLANS IN JOS.

The result is haphazard development which hinders planned layout implementation. Although the planning authority is empowered to compulsorily acquire land and demolish incompatible development for overriding public interest, it is a known fact that entry into such land is difficult and virtually impossible to carry out any meaningful development.

The problem of land acquisition is compounded by the fixed

rates of land value paid as compensation by the government which is deemed insufficient by land owners when compared to the market value. The fixed rates are N2,000 for urban land in Jos, N1,000 per hectare in other urban areas, N500.00 for other areas and N1,000 for Fadama areas. It should be noted that the higher land value due to its agricultural use throughout the year. However, its value here is even lower than land elsewhere in the urban area, thus demonstrating the unrealistic conditions of the compensation rates. The market value for land is much higher and it is not fixed as it varies with the location of the site within the urban area area and this is one factor which the government rates have not taken into consideration.

AREAS	MARKET VALUE (₦)
Rayfield Area	6,000.00 - 50,000.00
Liberty Dam	3,600.00 - 10,000.00
Rahol Kanang	2,500.00 - 5,000.00
Zaria Road	3,000.00 - 5,000.00
Miango Road	2,500.00 - 6,000.00
Naraguta Area	2,500.00 - 10,000.00
Rukuba Road	3,000.00 - 6,000.00
Bukuru Low Cost	3,000.00 - 10,000.00
Anguldi	3,000.00 - 5,000.00

TABLE 11. MARKET VALUE OF LAND IN JOS URBAN AREA.
Source: Field Survey 1989

The location of the area determines the value due to social value attached to the area and within the area, there are ranges in the rates due to site locations and level of development on the sites e.g Rayfield area has a high land value due to the fact that the Governors' house is located here therefore seen as a prestigious area. Areas located in this area further away fronm the main road have lower values of about N6,000 while areas nearer the

road and may be developed fencing or so have higher values of up to N50,000. The plot sizes also determines the value and the sizes varies from 15m x 15m (50ft x 50ft) to 30m x 15m (100ft x 50ft) and even bigger in some cases where as in the layouts, the average standard plot sizes are 150sqm for high density, 250sqm for nedium density and 600sqm for low density.

Although it is cheaper to get a plot in the layout areas, which is about N520 for residential plot, N2,500 for industrial and N1,500 for commercial plots. About 250 applicants for statutory rights of occupancy were sampled to show that a majority of developers acquire land by direct purchase from the land owners on individual basis in the land speculation market.

About 32% of applicants acquired plots in the layouts, 56% by privately buying from speculation market and 12% as customary holdings. Some of the reasons given by applicants who acquired land in the land market include the limited number of plots provided in the layouts therefore allocation is very competitive moreover, the layouts are viewed as an elitist affair given the fact that preferential classes are given attention. The time it takes an applicant to get a plot in the layout is too long ranging from 2 - 5 years while it is easier and quicker to get land by buying from landowners.

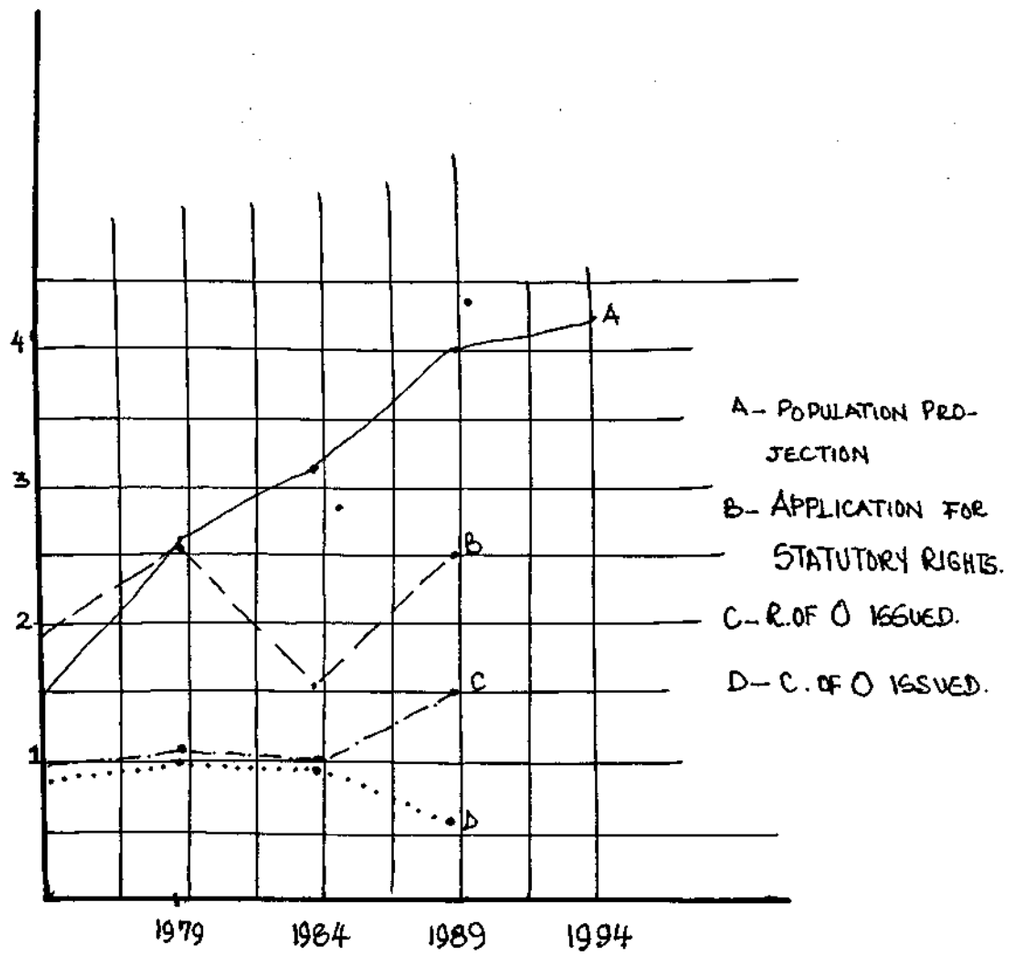
The problem of high competition in layouts and for land generally is reflected by the number of applications registered, rights of occupancy issued and certificates of occupancy issued as shown in table 12 below.

YEAR	APPLICATIONS REGISTERED	R of O's ISSUED		C of O's ISSUED	
	NO	NO	%	NO	%
1975-79	5,783	2,789	58	2,450	42
1980-84	3,411	2,350	68	2,091	32
1985-89	5,447	3,001	55	1,886	45
TOTAL	14,641	8,140	55.5	6,427	44.5

TABLE 2. DEMAND FOR LAND IN JOS
Source: Field Survey 1989.

The limited number of statutory rights of occupancy means that planning is not coping with the rate of development in Jos because demand for land is higher than its supply in the layouts. Consequently, there is a cummulative effect of the demand in form of unplanned developemnt and land speculation. The cummulative demand and supply of land (as shown in figure 4.20) constitutes an assumption that out of the N6,2000 of land to have been developed during the study period as given by the master plan phasing (in figure 4.21) only 1,880 ha. is planned. Thus the result is uncontrolled and unplanned development manifested by urban sprawl where by not all land is immediately developed ressulting in high development cost due to extension of service infrastructures over much wider areas, than necessary.

The assumption by planners that the layout is self affectuating is one of the problems of implementation. This is interms of the practice of preparing layouts and assuming that it is implemented for its being in existence without the actual transformation into reality. The planning authority being the co-ordinator with the planner as the team leader, should initiate action. This is through the co-ordination from the preparation



SOURCE: FIELD SURVEY 1989.

FIG. 4.20

CUMMULATIVE DEMAND FOR LAND IN JOS.

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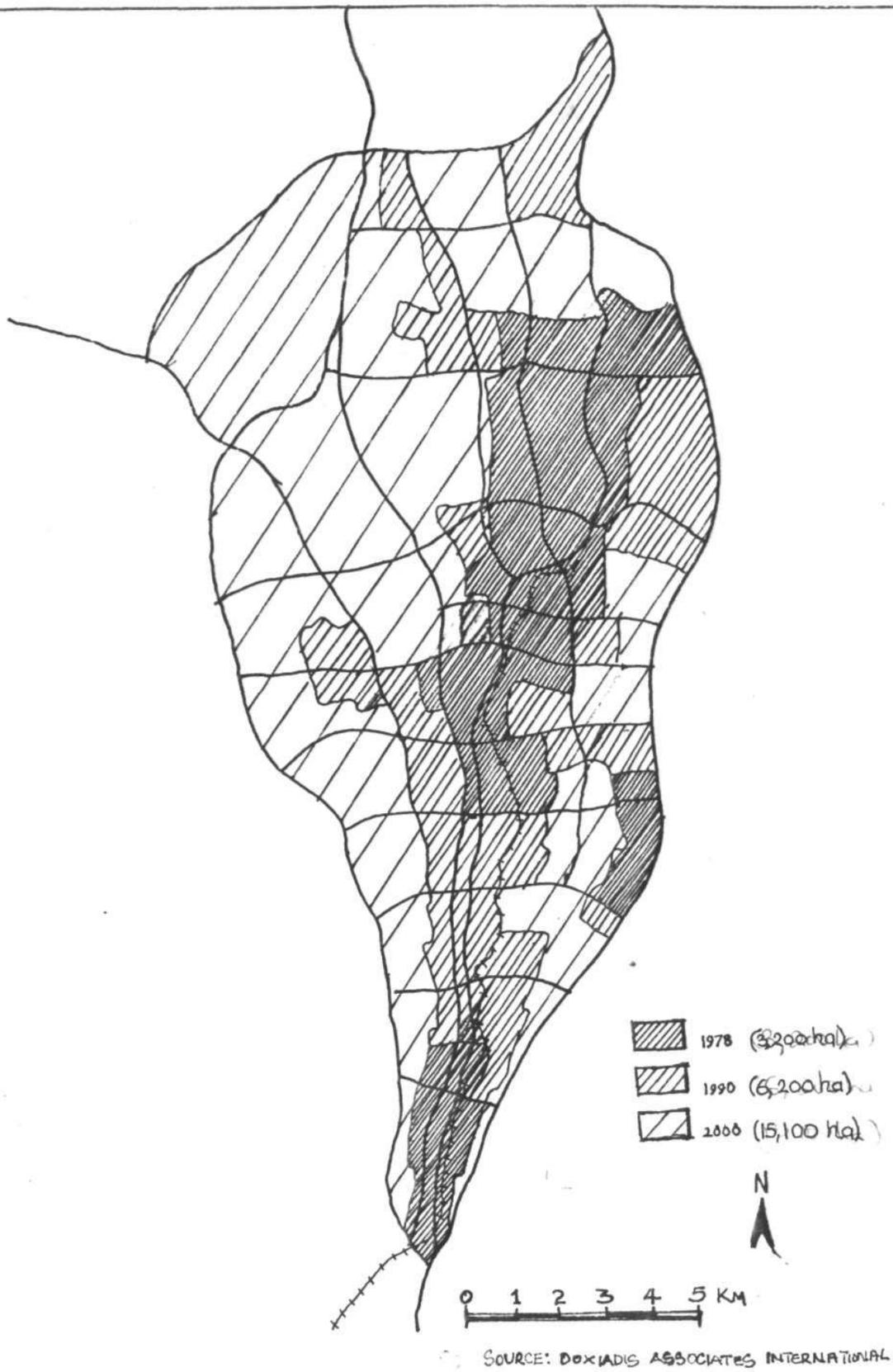


FIG. 4.21

JOS - BUKURU STAGES OF DEVELOPMENT

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stage in which the utilities board and other service agencies should be involved in the implementation of the layout. In reality, NEPA and UB are both each given a copy of the layout for their information and necessary action at their own convenience. However, these agencies are not directly under the control of the planning authority therefore have their own plans and can only be convinced to oblige the development board and ministry. In essence, the layouts are not self effectuating until they are affected to a certain degree to significantly influence developement.

The physical constraint to implementation in Jos is in form of space available for development. Thus some layouts may cover large areas but accommodate a relatively small population while some that affect smaller areas accommodate larger population. In this case the population density will not be a reflection of the intensity of use of space nor selective and optimal use of land. The cost of developing space in such environs will be much high in relatively flat terrain and cost has been identified as a problem therefore an analysis of the cost of development of some layouts is necessary to reveal the fund expended as compared to revenue generated.

4.20 DEVELOPMENMT COST ANALYSIS

The cost of implementing a layout is associated with its location in the urban area and the overall pattern of cost will vary with the total size of area to be developed[43]. It should however be noted that when the cost of land is low, the cost of

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43. BROADBENT, T. A. (1977) Pg 126

servicing is usually high and this cost is being borne by the community at large while the planning authority acts as advocates. Thus, the authority's legal powers over the layout is a crucial element in influencing its implementation and this role becomes even more crucial as the city expands and financial forces become stronger.

YEAR	LAYOUT AREA	AREA (ha)	COMPENS-ATION (N)	ROADS & DRAINAGE N	WATER SUPPLY(N)	LIGHTING (N)	TOTAL (N)
1986	Zinariya-Hill Low & Medium Density (84 Plots)	44.6	Forest Reserved	8,752,000	853,600.77	284,526	9,890,131.77
1986	East of Bauchi Ring Road Medium Density (226 Plots)	97.00	"	12,560,000	169,992.24	347,760	13,077,752.24
1987	Race Course Low Density (146 Plots)	27.92	Not Assessed	6,694,400	767,599.27	196,452	7,358,431.27
	TOTAL	168.98		27,906,400	1791,177.28	828,738	30,526,315.28

TABLE 13. IMPLEMENTATION COST OF SOME LAYOUTS IN JOS

A comparism of the development cost and the revenue generated shows that most layouts are produced at a great loss to the planning authority and government in general. It means that the social cost of producing layouts is borned by the community at large in the form of public fund. However, a very small proportion of the population benefit from the layouts since not many of them are produced. In effect, the layout is a social service in which huge sums of public fund is expended and provided at subsided rates as shown in table 14 below.

AREA	LAYOUT	DEVELOPMENT COST N	REVENUE Amount	%	SUBSIDY Amount	%
Zinariya Hill	Res.	9,890,131.77	43,680.00	0.4	9,846,451.77	99.6
East of Bauchi Ring Rd	::	13,077,752.24	117,520.00	0.9	12,960,232.24	99.1
Race Course	::	7,358,431.27	75,920.00	1.0	7,282,511.27	99.0
Naraguta	Ind.	5,836,332.81	64,640.00	1.1	5,771,692.81	98.9

TABLE 14. SUBSIDIES FOR DEVELOPMENT COST OF LAYOUTS IN JOS.

Although one of the basic principles for preparing residentiasl layouts is economic and social stratification in form of density and income group, the same rate are charged for acquiring plots in the layout areas. The plot sizes differ from one density to another therefore the cost of servicing will differ invariably but allottees are charged a flat rate which means some allottees subsidise others while the government subsidises more than 90% cost of implementation. The disparity in plot sizes and classes should be reflected by rates since this disparity recognises economic inequality.

4.30 EVALUATION OF THE LAYOUT PLAN IN PLANNED DEVELOPMENT IN JOS

The layout plan as a scheme may be different from what it is supposed to be, but it has been the means for planned development in Nigerian urban areas thus it is regarded as a planning scheme despite the enormous problems in its implementation. Being a tool for urban development, it has far reaching political, economic, social and spatial effect on the urban area. Based on the performance of previous implemented layouts, its prospects can be suggested. The political significance of the layout is its prpeparation on the directives of the Governor therefore it

is a response to political administrative pressures. Thus, new layouts are prepared regardless of the fact that most are not being implemented.

The legislative provision for public acquisition of land for layouts is meant to control inflation in land prices and to secure land for public benefit, ensure equitable distribution and planned urban environment. However, it is not easy to reconcile the ideals of social welfare with the demands of fast economic transformation. Inflation is not confined to land prices and the patronising trusteeship of government in land development has screated the illusion of providing all infrastructural networks and public service from public forms. Indeed, the availability of such forms determined the implementation of the layouts and where this is insufficient, the law has powered the planning authority to raise the funds by any other means.

In this case, the real test of the layout is in the extent to which it actually succeeds in generating more wealth from the latent resource in land, the extent to which revenue accruing from the system is used to develop the urban area; compensate those whose occupancy rights are extingqusihed or disturbed and above all provide effective substitute for the economic and social security which a planned environment should provide. While conceding the force of all these arguments, it should be noted that the planning practice has been effective to some extent in that, within the study period in Jos, some layouts have been implmentated to house new homes together with facilities and services. But, it should be pointed out that the practice could have been carried through to produce equally good environment

with less use of space and lower cost for public services; if the undeveloped areas had been serviced first, since most seriously, the benefits have been denied to a substantial proportion of the total population.

Given these facts, the matters to be resolved are the qualaity of urban development and that which can be afforded. If there is to be more efficient use of limited resources that exist, then greater attention is to be given to land, social stratification and organisation. This is interms of their intergration within a theoretical framework based on the method that people have tried to negotiate their values, cultural preferences and economic capacity.

4.40 SUMMARY

In chapter 1, the general problem of urban planning was stated and the origin and growth of the study area Jos, was discussed from the colonial to present day period. Thus, the origin of physical planning was trace. In chapter 2, a literature review of the planning process, implementation concept and existing empirical studies in Nigeria were discussed. The identified problems and proposed solutions were examined within the existing realities. Chapter 3, appraised the planning theory and practice in Nigeria generally and came out with the conclusion that the planning law of 1946 provided effective legislature for planned developments of the time that such development were confidently expected to provide for the great majority of the whole population in the country.

The planning law provided the most complex theoretical

framework to become the corner stone of the whole planning system created in Nigeria. Without it, effective control landuse and new development would have been difficult. The effectiveness of the power is of desirable standards wwhich limit development on paper but demonstrably do not work in practice. The first important future of the law and the key to all provision, is the preparation and implementation of planning schemes to ensure effective populatic control over development and use of land in accordance with a plan. The second future is the linkage of plan making and development contorol through the creation of planning authorities charged with the responsibilities of drawing up, revising a development plan for their area, based on survey and analysis. The plan is to consist of writting statement and maps to show all important developments and intended changes in the use of land.

The plan was to be submitted to the minister (Governor) responsible for planning for his approval; thereafter the local planning authority was to administer development control in accordance with the plan. Anyone wanting to develop must apply to the authority for planning permission; which could be refused on the grounds that development is not in accord with the plan or other grounds. A third important feature was compensation to land owners for lost development rights and the state to which it had passed could exercise this right freely. A further attempt to grapple with the intractable related problems of compensation was the 1978 landuse decree. The decree nationalised the right to develop land and vested ownership in the State Governor. It extended to all land but did not provided for eventual State

takeover when the land is needed for development unless in the case of compulsory purchase by public authorities for their own schemes. It should be noted that the decree did not recognise the planning authorities hence the creation of landuse allocation committees for allocation of acquired land.

Some of the major features of the elaborate planning law was designed for an economy where the bulk of urban development and redvelopment would be carried out by public agencies. An essential function of the system was to control and regulate the pace and direction of change socially, economically and physically. It was assumed that control of change was feaasible and desirable because the pace of population growth and economic development was expected to be slow and poslicy makers generally believed that uncontrolled change had produced undesirable results. However, it should be noted that the administrative responsibility for operating the system was lodged in existing unit of local government with a decree of central monituring. Thus, the system created was from the beinning more opowerful on its negative side than positive initiatives.

It should be noted that because the pace of change was expected to be slow, it seemed possible to control it. Sicne the positve role in development could be taken by public agencies, the negative powers could safely be vested in the planning authorities. Once the basic assumptions proved wrong, the logical interelationships also went wrong and the realities of today proved to be very different from the assumptions on which the planning system was created. The situation of post civil war Nigeria has been that of rapid changes in population growth,

polictical climate and economic development. The population growth is of critical importance which influence almost every forcast the planner has to make e.g housing programmes, recreational demands, road space etc.

This growing population means an ever increasisng households which proved to be more mobile and the result is a stron net drift. Consequently, these trends could only mean continuing and increasing pressure for new urban development in and around big urban areas such as Lagos, Kaduna, Kano, Jos etc. It was in these urban areas that planning authorities were taken by surprise while the increase of population in the developed areas also created a potential demand for planned space than had been expected, increasing the scale of the problem of physical development. Generally, the pace of change created problems for the planning authorities schooled to believe that change is slow and in itself not particularly desirable.

In chapter 4, it is shown that the practice worked by giving strong negative powers of control to the planning authorities why positve initiatives seem to have been assumed; woule mainly be carried out by public agencies of various kind. The planing authorities are wholly responsible for urban renewer programmes in the older parts of the urban area and control the minority of developments that would still be carried out by private agencies. Rising prosperity resulted in rapid buying of developable land which created demand for space in and around the urban areas e.g Jos. The rising landownership was in part a response to the increasing decentralization of population to suburban fringes of

major urban areas. Since employment and urban services did not decentralized so rapidly, mass transition created pressure for urban reconstruction in form of roads, parks, schools, hospitals etc. Changes sof these magnitude could have compelled readjustment in the objectives, methods, and machinery of planning because it is hard to see how public programmes could adapt quickly to the changes.

However, the onset of the period of change came with strong heavily reliance on the public sector. The effect on administrative machinery iof planning is far heavily responsibilities came to rest on the authorities who were required to deal with a much larger amount of complex change than had been anticipated. The system clearly required some overall co-ordination from the top which is provided by th provision to submit palns to the Governor (Minister) for approval; after ammendment as deemed necessary. Thus various plans for any State could be co-ordinated but for this to be achieve efective, sosme kind of State wide agency is clearly necessary to provide the Governor with advice. Hence the Ministry of Lands and Survey were created in some State e.g Plateau State with strong zonal offices in some of the local gocvernment headquarters. This is due to the fact that the urban area extends right outside the rather restricted boundaries of the designated urban area into the surrounding environs.

By lodging responsibility for plan making and development control with the separate State Government and local government authorities; the landuse decree invited cities from the rural areas and made planning of the entire urban regions ineffectual

because of weak financial provisions. Moreover, the strong development control powers were not accompanied by any machinery for accommodating a population growth in urban areas. In effect the system of landuse control is not planning but zoning which is more subject to abuse than planning. Finally, it is noted that the vast cost of various development plans has not yielded any satisfactory return. Individual services may right for integration and the whole implementation process for process for a new attempt at overall co-ordination. All of these, the variety of policy contexts, the uniqueness of the contents within whcih such have to be depolyed and the fundamental need for integration and co-ordination; points to the necessity to consider the process of management and co-ordination whereby policies should be devised and implemented. This is a major function of the following chapter.

CHAPTER FIVE

5.00 PROPOSALS, RECOMMENDATIONS AND CONCLUSION

5.10 PLANNING AND POLICIES

Any attempt to improve the implementation of planning schemes should respect the fundamentals of the planning process: the formulation and evaluation of policies in the light of accessibility and cost consideration. It is important to realise that seeking the best compromise between three imcompatible goals - low cost, standards and geographyical and social coverage is difficult. No policy which maintains a set of standards throughout the urban area for all the social groups in need can be 'low cost'. Similarly, if low cost is the prime consideration, then quality provided must be either universal or else high for a select few of the urban residents.

Quality at any price can prove grossly extravagant but the scale of expenditure and its incidence are important. The cost of developing a layout should be considered along with an estimation of the revenue expected or generated as shown in table 17 in chapter 4. This is based on the forecast of behaviour i.e willingness of people to acquire plots at higher rates if provided. It is also important to recognise the relative size in context of the cost involved. Thus potential policies on spatial development should be evaluated in terms of the problem of their implementation. Since the planning authority control the levers which will put the policy in action to a certain extent; the only guarantee that the other agencies concern will play their parts, necessitate close co-ordination which also requires a look at the roles, potentials and powers of the community. Thus provisions should be made to ensure that

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such support is forth coming.

Although considerations for speed of implementation and reversibility tends not to favour spatial development policies particularly of heavy and long term programmes of investment; that does not invalidate the need for such policies which will generally reduce the problems. The various criteria of performance may be actually measured and while there must be pilot schemes, real world situations should involve specific timings, levels and conditions of operations and it is with such variations of factors that the proposals of this thesis is essentially concerned.

5.20 POLICY PROPOSALS

The various policy elements reviewed are welded into an area wide strategy. In essence, the problem is to find the best trade-off compromising cost, standard and coverage. Since focus is on the spatial dimension, an explicitly hierarchical pattern of provision is virtually bound to emerge. Servicing all layouts will incure higher per capita costs and this will inturn means minimum standard accepted i.e per capital costs against a cummulative measure of the population served. The strategy is invevitable and desirable in a cost conscious climate and such a strategy would formally integrate the hierarchical system embodied in most structure plans.

The fundamental element in this proposal is that of fiscal resources. The policy proposes the effecient use of private resources to achieve maximum standards and a wide socio-

geographical coverage. Using the powers provided by the law, the planning authority is to co-ordinate activities of all related agencies involved in the implementation of the layout plan. The fiscal potentials of the urban population is to be exploited by charging unit cost of development as part of planning charges. The basis of this proposal is that people acquire land from the land speculation market at such high prices and usually, this plots are at such locations that huge amount of money is expended in servicing. Thus, if layouts are produced to meet demand for land, people will be willing to pay as much as it is being paid in the open market.

The main aim of this proposal is to generate revenue which will cover the cost of developing such a layout and if possible make some profit but to avoid loss as subsidy. This is possible through charges according to income group and size of plot so that high income group in low density layouts pay the maximum rates, the middle income group in the medium density layouts pay the minimum rates while the low income group in the high density layout pay subsidised rates. Within this context, there is a break even in the cost of provision whereby loss which might be incurred by the subsidy in high density layouts is recovered by any profit made in the low density layout. Thus, there is no gain or loss in the provision of planned development interms of cost.

The planning authority will gain control of resources which planning activities generate and have a wider geographical and social coverage. However, serviced plots will be provided at low cost if the plot sizes are reduced to the bearest minimum thereby

accommodating a larger population especially in the low density layouts where plots can be as large as 60m x 30m (1800sq.m) therefore creating artificial scarcity of land. One plot in this layout can conveniently accommodate three plots of 20m x 30m (600sq.m). In the case of different landuses, the commercial layouts should pay maximum rates, residential layouts to pay minimum rates while industrial use is to be subsidised. Similarly, the profit from the commercial uses will cover any loss in the industrial while the residential becomes self sustain.

5.21 DEMONSTRATION OF PROPOSAL

The Race Course layout in Jos is a low density residential layout with a total area of 27.92 ha and 146 plots of average size 40m x 30m (1200 sq.m). The cost of implementing this layout has been estimated at N7,358,431.27. At present planning rates for residential plots in Jos is N520 in a layout therefore expected revenue from this layout is N43,680.00 which is 0.5% of total cost of implementation. The amount to be subsidised by the government is N7,771.20 i.e 99%. In this proposal, each allottee should pay N50,400.21 as unit cost per plot. However, if the plot sizes are to be smaller (because it is considered to be too big) about 30m x 20m (600 sq.m) there will be about 297 plots. Consequently, the unit cost will be N25,200 which can conveniently be paid wholly or in installments by allottees who will acquire plots at higher prices of about N50,000 or more. This can be applied to all layouts in Jos and elsewhere to generate revenue to pay for compensation and services to be

provided.

5.22 OPERATORS AND ROLE CASTING

Within this proposed policy framework, there should be a Federal Ministry for physical planning which will house the Environmental Protection Agency. It will protect the environment through efficient spatial planning and development control at the national, state and local levels. Among its primary roles will be the formulation of broad policies, goals and strategies in physical planning throughout Nigeria to form the national context of planning. It is within this context that comprehensive plans will be prepared for urbanisation and settlement patterns, regional planning, circulation and communication routes and industrial strategies.

The state government's role are similar to those of the Federal Government. The functions include formulation of policies and development strategies in line with the national guidelines. Preparation of physical development plans - master plans, structure plans and subject or action area plans. The establishment of planning authorities for realization of physical development plans. Formulation of efficient and effective legislative or planning laws in line with Federal Government acts and encouragement of research on regional basis. The local government is to ensure the realization of physical and regional development goals and objectives at the grass root level. Considering that much of the problem of local planning offices have been traced to poor staffing, Federal and State Governments should inject higher calibre staff particularly now that the

institution of local government in Nigeria is being greatly enhanced.

5.30 RECOMMENDATIONS

5.31 ADMINISTRATIVE FRAMEWORK

A single planning authority is recommended as provided by the law. For this purpose, the Jos metropolitan development board should form the Plateau Urban Development authority for the following reasons: It will remove multiplicity and overlapping of functions between the development board and the ministry of lands, survey and town planning which have been a major administrative problem for physical planning in Jos. It will ensure maximum co-ordination of planning activities and bring professional planners under a central umbrella. It will also make it possible to create a division of labour within the planning machinery to reflect the activities of physical planning, which is expected to cover research and projection, housing problems, design, transportation, regional development and monitoring as part of forward planning. It will enhance concentration of financial resources within a single body and limit bureacratic procedures in the processing of planning permission.

It is therefore suggested that all planners be transferred to the planning authority leaving an ancillary staff at the ministry of lands and survey. The new planning authority should prepare and implement urban planning schemes within the master plan areas of the state. Thus, there should be zonal offices statewide while all areas outside the urban areas remain under

the jurisdiction of the local government planning offices; which should liase with the zonal planning offices. (see figure 5.22) financial resources within a single body.

(e) Bureacratic procedures will be limited in the processing of planning permission.

It is therefore suggested that the Jos Metropolitan Development Board become the central planning authority where all planners are transferred to leaving an ancillary staff at the Ministry of Lands and Survey. The new planning authority should have zonal offices statewide and the functions of the authority will include all planning activities within the master plan areas of the state. All areas outside the urban areas should remain under the jurisdiction of the local government councils.

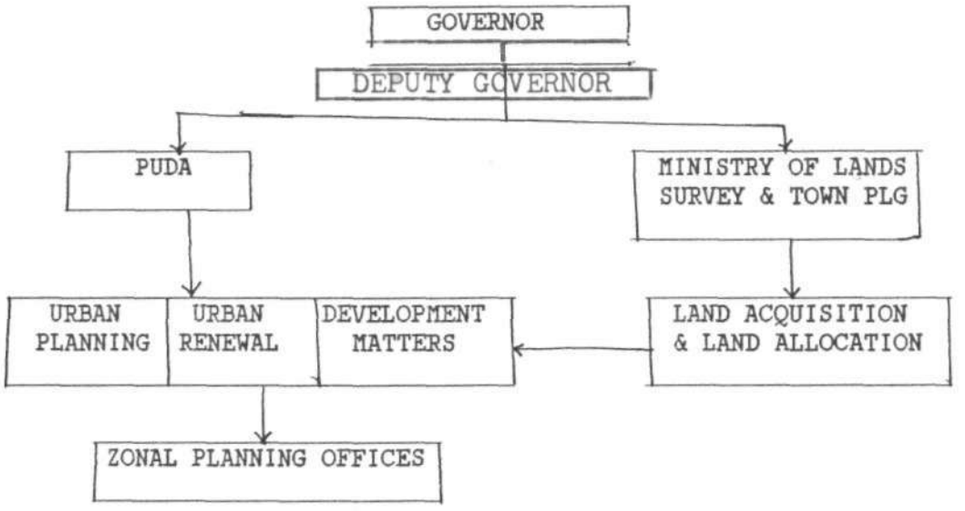


FIGURE 5.22 PROPOSED ADMINISTRATIVE STRUCTURE FOR PHYSICAL PLANNING: PLATEAU STATE.

The fundamental draw backs of this recommendation will be in form of land acquisition for planning schemes. The ministry will still acquire and allocate land because the landuse decree seems

to have overlooked the planning authority in its provisions. However, the ancillary planning staff in the ministry should act on behalf of the authority moreover, all layouts should be prepared and implemented by the authority. In this case, the ministry and the authority will have specific roles to play in the preparation and implementation of urban development plans.

5.32 PLANNING LEGISLATION

One of the contributory factors to the present physical planning problems in general can be directly linked to the planning law. Some of its provisions have become unappropriate for the different needs of the rapidly changing situation of urban population and quick pace of development. Most of the provisions were tailored for the slow rate of changes and pace of development during the colonial era, therefore unsuitable for the dynamics of present day Nigeria. The recommendation is for a review of the definition of a planning scheme and the administrative framework provided by the law. The administrative framework given would appear to be adequate for that period considering the highly centralised government, the relatively lower population and volume of government work. Thus the modified administrative framework should recognise the three levels of government and how the ministry and the planning authority can be conveniently related in terms of land acquisition as decreed by the landuse decree. The planning law should also review the matter of compensation in relation to cultural values attached to land and values in the land speculation market. The provisions for financial matters should be retained and enforcement encouraged to facilitate preparation

and implementation of development plans.

5.33 PLANNING PRACTICE

Planning is futuristic in nature and deeply concerned with the relation of goals to collective decisions and strives for comprehensiveness in policy and programme. However, the planning practice in Jos reveals that planning activities have been reduced to technically synchronised activities on the basis of political and administrative pressure therefore adhoc in nature. Planning laws are hardly applied but manipulated in the most convenient and obstructive manner to solve day to day problems. What is recommended is forward planning based on positive initiations through research and forecast for planned development.

5.40 SUMMARY AND CONCLUSION

Implementation is a very complex but important aspect of physical planning which embraces such multitude of varied activities that there is no one technique or even a group of them to ensure its effectiveness. Indeed, it exposes the fact that it is the content and type of plan to be implemented that determines the set of problems to be encountered; therefore different plans with their unique problems. This means that the problems encountered in this study might be parculiar to only the implementation of urban physical planning schemes which in this case is the layout plan.

The effects of spatial development at any level are more severe at the local level where state government expenditure channelled through local authorities as agents, takes growing

proportion of public spending. While the bulk of government resources are used to provide public services, it is the urban planning function which illustrates very clearly the strict limits imposed on state intervention in the mixed economy. It operates to regulate competition and exhibits an increasing indicative function which tries to provide guidance for private individuals. Above all, it highlights the gap between prepared plans and the powers and resources to implement them. But the most important aspect is the acknowledgement that 'negative control' powers are inadequate as increasingly powerful market forces invade the urban area.

On the overall, the implementation of physical planning schemes is basically a political issue since it is related to the reallocation of resources and administration. What is suggested is the need to consider not simply the institutions but the substance around which the institutions are being evolved and used. This substance in this context is the physical planning scheme which is itself very complex and is yet to be sufficiently understood. It follows that the theory and practice are being distorted and confused through uncertainty. Indeed, it might be that the complexities arise in the political and administrative organisation of planning and implementation.

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