AN ASSESSMENT OF THE IMPACTS OF PLANNING CONTROLS ON RESIDENTIAL DEVELOPMENTS IN KADUNA METROPOLIS

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A Thesis submited to the post Graduate school, Ahmadu Bello University, Zaria, Nigeria in partial fulfilment of the requiments for the award of a Master of science Degree in Urban and Regional Planning.

DECLERATION

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

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CERTIFICATION

This Thesis entitled "An Assessment of the Impacts of Planning Controls on Residential Developments in Kaduna Metropolis" by Kyom Anthony Bulus meets the regulations governing the award of the degree of Master of Science, Urban and Regional Planning of Ahmadu Bello University, and is approved for its contribution to knowledge and literary presentation.

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DEDICATION

This Thesis is dedicated to my Parents, my wife and my children for their patience and endurance during the period of my studies.

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Abstract

The exercise of statutory control over the physical development of Urban centres has, since the Industrial Revolution of the Nineteenth Century, become a major planning practice. This is because the city has increasingly occupied people's minds, as a subject of study. Indeed, planning controls have today won a great deal of the concern of both governments and organisations the world over. This is so because planning controls are the Conner stone of the physical planning process. Through their application, the physical development of urban centres is streamlined for the purpose of enhancing amenity and socio-economic viability of the urban centres.

The application of various planning controls, therefore, explains a good deal of the nature of contemporary urban development in all parts of the world where they are applied. This, however, is in addition to the more traditional economic, social, cultural and physical environmental determinants which already have received extensive coverage in existing Literature.

The main thrust of this thesis is the exploration and assessment of the impacts of planning controls on urban physical development, with particular focus on selected residential sectors of Kaduna Metropolis. This is with a view to suggesting appropriate planning solutions to existing problems.

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The study report consists of six chapters. Chapter one contains the background to the study, statement of the research problem, aim, objectives and methodology of data collection and analysis of data. It also includes an introduction to Kaduna, the study area.

Chapter two deals with literature review on the concept, purpose and practice of planning controls as well as the various factors which influence the implementation of the controls.

Chapter three focuses on the case of Kaduna. It discusses the principal statutory agencies implementing planning controls, the various planning controls applied in the metropolis and the examination of the procedures and tools for implementing the planning controls.

Chapter four presents results of the investigation, covering the activities of the statutory agencies implementing the controls and the activities of real estate developers in the selected residential sectors. Issues covered include land allocation, issuance of certificates of occupancy (C. of 0), granting of planning permits and physical development characteristics in the selected sectors.

In chapter five, an assessment of the impacts of the planning control measures is made at the metropolitan-level as well as the level of the individual rendential sectors studies.

The assessment at the metropolitan level is based on a comparison of the Max Lock Land use proposals for Kaduna for 1967-2017 period and the existing Land use in the metropolis. Cases of negation of the Master **plan** are established based on this comparison.

The assessment at the sector level is done on the basis of some selected parameters which include sources of plots, obtaining certificate of occupancy, obtaining planning permit, compliance with building height regulation, building line and set-backs, reservation for streets and utilities, sanitation, and so forth. These parameters are scored over one hundred percent each and an assessment done on the basis of aggregate scores for each residential sector studied and in respect of each parameter. On the basis of this both the sectors and the parameters are ranked in order of their performance and applicability respectively.

The conclusion drawn from the assessment is that planning controls are largely ineffective in Kaduna metropolis. This ineffectiveness is attributed to some inadequacies in the administrative, technical and **legal,** components of the machinery for implementing the controls. However, note is made of some positive achievements which have been made through the application of the planning controls identified.

In chapter six, some recommendations and proposals are offered towards inproving the planning control machinery for a more effective implementation of the controls and, thus, more positive impacts of the controls on residential developments in Kaduna metropolis,

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CHAPTER ONE

INTRODUCTION

1.10: BACKGROUND TO THE STUDY

The establishment of human settlements is aimed at enhancing human dignity and attaining a richer and fUller existence (Hassan 1986, P1). However, judging from the present poor physical conditions of many settlements, especially the urban centres, it can be concluded that this aim has been attained only to a limited extent.

Indeed, the physical deficiencies as well as the deplorable state of sanitation, congestion, overcrowding and inadequate public social services in the urban centres give cause for worry to both governments and organisations like the United Nations (UNO) and World Health Organisation (WHO). This worry stems from the fact that the urban centres, now the main foci of an ever-increasing stream of migrants, are becoming unsafe and unhealthy places for living, working and recreation.

Modern town planning was born in Britian in response to these threats to human existence. Taking its roots first as a social movement, Town planning has today become an important area of stat t ry activity.

Government involvement in physical planning first took the form of public Health and Housing Regulations which were directed towards ensuring proper sanitation and safety of the housing environment for the urban dwellers.

These regulations later crystallised into Town Planning Laws such as the 1971 and 1946 Laws of Britain and Nigeria respectively. These Laws are now the main instruments providing for statutory control over the planning and development of urban centres towards orderly growth of the centres.

Planning controls have therefore come to be the main aim of physical planning because through their application, the activities of developers are guided for orderly and efficient growth of cities. Where the controls are not effectively applied, or where they re not applied at all, anarchy prevails.

In Nigerian cities such as Lagos, Ibadan, Kaduna and Kano, there are serious physical development problems which have been caused by uncontrolled urban growth. These include slums and squatter settlements where disease, poverty and crime are prevalent. The physical conditions of these settlements are, to say the least, disheartening.

In realisation of the need to plan and control the physical growth of the cities, statutory planning Authorities (Boards) have been established in many states of Nigeria.

The Boards have been making effort to implement various planning control measures but with limited success. This explains why planners and related professionals in Nigeria often argue that physical planning has not made any significant impact on the Nigerian urban Landscape. This arguement is substantiated by the fact that inspite the existence of the Boards and indeed, their efforts towards implementing the planning controls, many urban centres still largely grow organically as if the Boards did not exist.

It has been the tradition, therefore, for both planners and other professionals and observers to recommend one form of improvement or another to be made on the planning system. This study is aimed at making a further contribution in that direction.

1.20: STATEMENT OF THE RESEARCH PROBLEM

Nigeria has experienced a fast rate of urbanization in the last thirty years. This has been a result of population migration to the urban centres but also due to high natural increase in the urban centres themselves. Indeed, the present urban population is growing faster than the national population growth rate. For instance, the annual national growth is estimated as 2.5% while that of the urban population is 5.6%.

The individual cities are themselves expanding much faster in population. Kaduna metropolitan population is, for instance, growing at an annual rate of up to 10% as estimated by Olorunfemi (1990, P353). This comes close to an earlier projection of between 7% and 11% over the period 1967 - 2017 (Lock 1967).

As a consequence, Kaduna has been expanding considerably in the past few years. This spatial expansion has been in term of new housing and related infrastructure which themselves have been stimulated by expansion in economic activities, especially industry, commerce, and administrative bureaucracies.

The provision of housing and other urban services and infrastructure needs to be controlled if the metropolis is to grow in an orderly manner. For this purpose some planning controls have been introduced by the Kaduna State urban planning and Development Board (KASUPDA) to guide developers in the process of drawing their plans and in carrying out actual physical developments within the metropolis and other designated urban areas. This is applicable in several other Nigerian cities.

However, much of the developments that have occured in the cities have not been effectively controlled because there has often been no plans made in anticipation of their occurence.

The result of this is that many buildings and other structures in the urban centres, particularly in residential sectors, do not meet minimum planning standards. These stand out as slums, squatter settlements and other haphazard features that are urban eye sores.

Inspite of the general ineffectiveness of planning controls, they still make recognisable contribution to the pattern and character of physical growth of the urban centres. This indicates that if their implementation is improved upon, they could be an effective tool for ensuring sightly developments in the urban centres.

Sadly enough, the emphasis of research by planners, academics and organisations has been on the traditional areas such as economic, social, cultural and physical determinants of urban land use and development to the near neglect of the role of planning controls.

Existing information indicates that planning controls play a significant role among the various determinants of urban land use and development. Yet, as Mandelker (1974, P42) also observed, "these issues have recieved very little in way of rigorous attention".

This research, therefore, attempts to fill this gap by investigating the role of planning controls in urban physical development, using Kaduna metropolis as a case study. The study dwells primarily on the residential sectors of the urban area. This is hinged on the fact that residential developments occupy a greater part of the land in the metropolis and thus recieve the most planning attention.

Indeed, the quality and adequacy of the residential environment determine the level of satisfaction of the urban inhabitants. Thus, as Lock (1967, P153) also observed, "city planning tends to be judged by the quality as well as quantity of new housing, because housing always comes first".

1.30: AIM AND OBJECTIVES OF THE RESEARCH

1.3.1 AIM

The aim of the research is to examine the implementation of planning controls in Kaduna metroplis and assess their impacts on residential developments and to make proposals for improvement.

1.3.2 Objectives:

i To review the concept and role of planning controls in urban physical development.

ii To discuss the planning controls applied in Kaduna metropolis and examine the framework, procedures and tools for their implementation.

iii To investigate the impacts of the planning controls on physical developments in selected residential sectors of the metropolis.

iv To assess the planning control process and the impacts and determine the problems and prospects.

v To make recommendations and proposals to improve the process and the controls for efficient development of residential areas of the metropolis.

1.40: THE RESEARCH METHODOLOGY

1.4.1 The Thesis Conceptual Framework

The thesis begins with statement of the research problem, aim, objectives and methodology of the research.

It proceeds, in the second part, to discuss the theoretical basis of the study through extensive literature review on the subject of study.

The third part focuses on the investigation of the application of the planning control measures and assessment of their impacts on physical development in Kaduna metropolis.

The fourth deals with determination of problems and prospects of the planning control measures and recommendations for improving both the process and the controls applied. These are illustrated in figure 1.1.

1.4.2 Methods of Data Collection

The main methods used for data collection include the following:

i Review of published and unpublished Literature on the subject of planning controls.

ii Examination of official records of statutory agencies like the Department of Lands, Surveys and Country Planning and KASUPDA.

iii Informal discussions with directors, heads of units and field staff of Lands Division and the physical Planning Department of KASUPDA.

IV Field observations and photographing of relevant physical development features.

V Questionaire survey of the opinions of all Senior Staff of the planning Department of KASUPDA and 2% of house-owners in each of the selected residential sectors. The handout method was adopted in respect of the questionaire for KASUPDA staff while direct interview method was used for the house-owners.

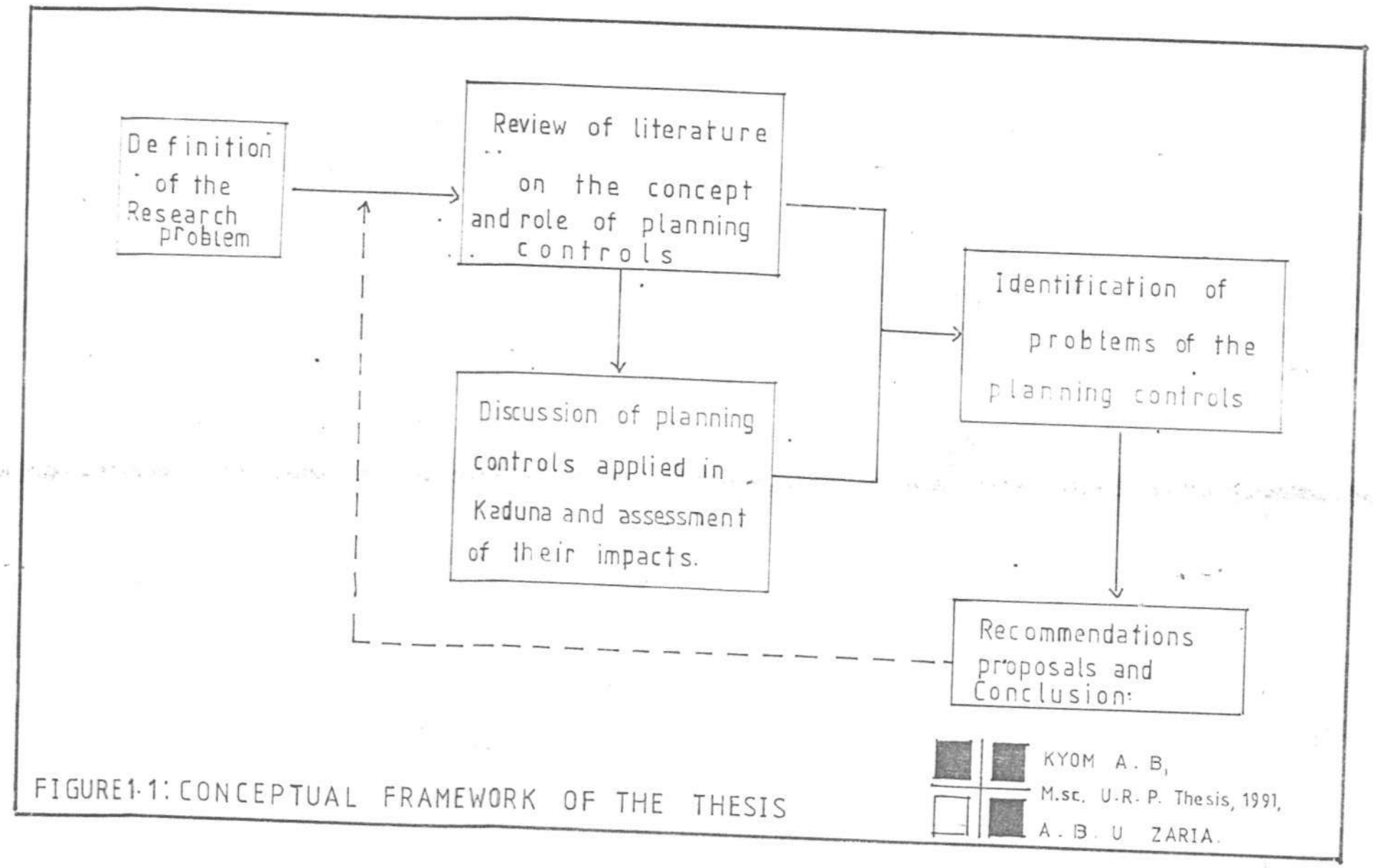


FIGURE 1.1: CONCEPTUAL FRAMEWORK OF THE THESIS

The residential sectors studied are shown in figure 1.3. They include mainly the new extentions of the older settlements at Romi, Ungwan yelwa, Ungwan Sunday, Malali and Badiko-Sanusi.

1.4.3 Methods of Data Analysis and Presentation

i Simple descriptive statistics were used for the analysis of the data, particularly the house-owners' survey data.

ii Tables, charts, and maps were used to present the result of data analysis.

iii Where maps were not forthcoming, photographs were used, especially in the assessment of the impacts of the planning controls at the sector level.

1.50: THE STUDY AREA

1.5.1 Location and Boundary Limits of Kaduna

Kaduna metropolis is located between Latitudes 10^{o}N and 11^{o}N and Longitudes 7^{o}W and 8^{o}W (see figure 1.2). It is surrounded by a rural country side of scattered farmsteads. Roughly, the metropolitan area is bounded in the north by Kawo and the Nigerian Airforce Base. In the south by Romi and Conin Gora. In the West by Kabala and Rigasa and in the east by the Kaduna river (see figure 1.3).

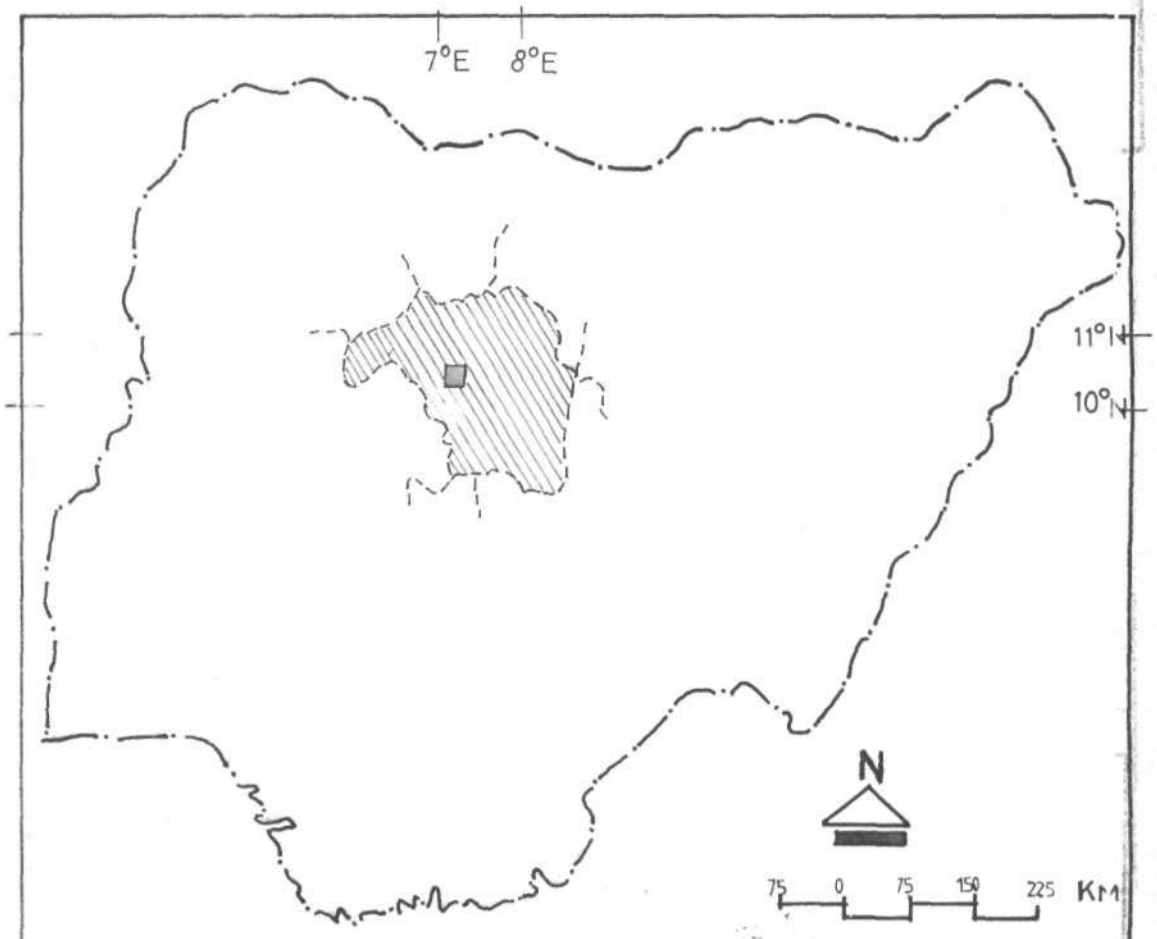


FIGURE 1·2 KEY

KADUNA STATE

KADUNA METROPOLIS

NATIONAL BOUNDARY

STATE BOUNDARY

LOCATION OF KADUNA STATE IN NIGERIA AND KADUNA IN KADUNA STATE

SOURCE Hassan A (1986, P2b)

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1991 A.B.U. ZARIA

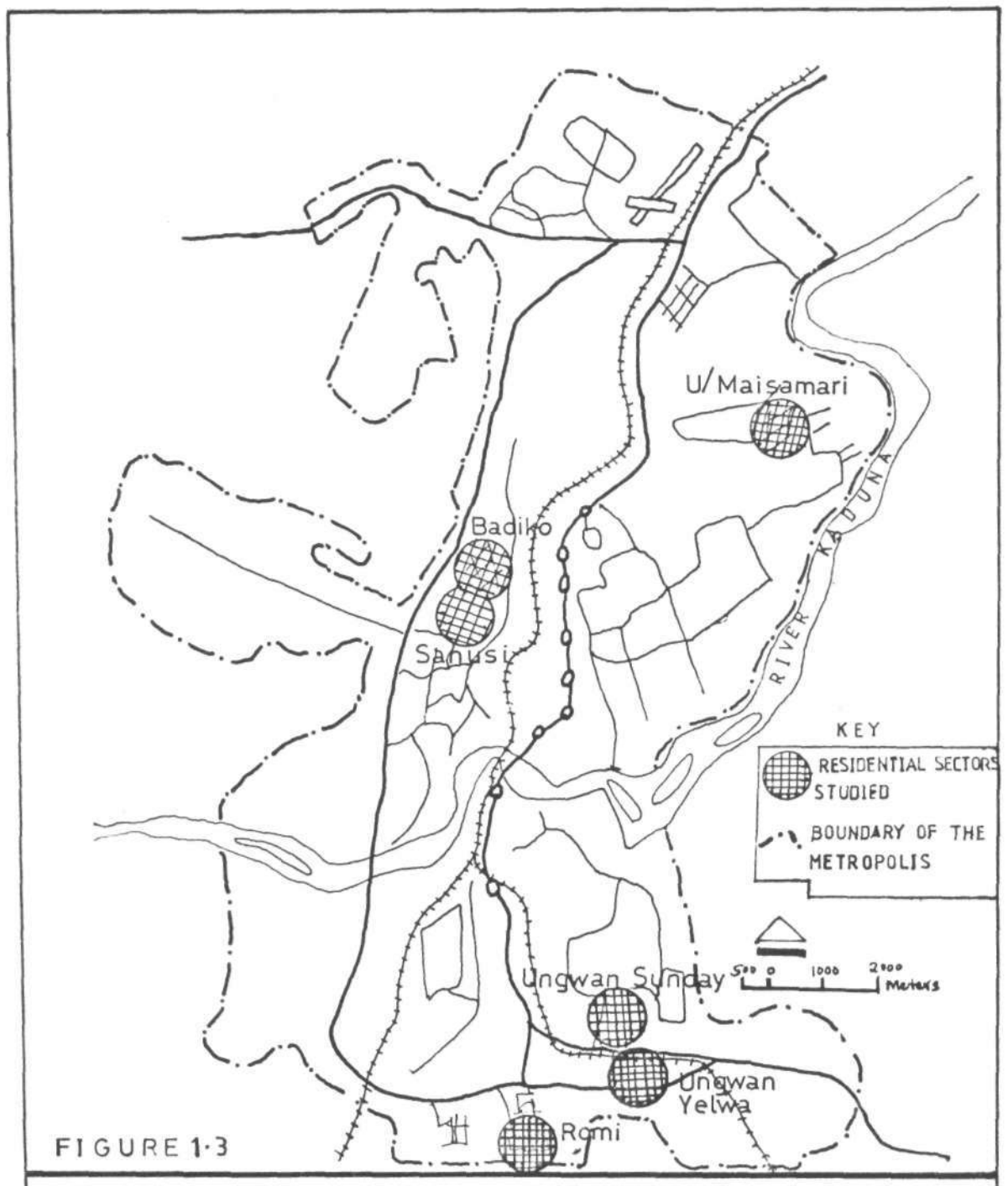


FIGURE 1·3

BOUNDARY LIMITS OF KADUNA AND LOCATION OF RESIDENTIAL SECTORS STUDIED.

SOURCE: Oyekanmi O S [1990, P8d]

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M Sc. Thesis (U R P) 1991,
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These boundaries enclose a total land area of about 16,198 hecters.

1.5.2 Population of Kaduna Metropolis

The population of Kaduna has been increasing steadily since the census of 1963 (see table 1.1). The Population in 1963 was 150,000. Since then, it steadily rose uptill 1985. From the succeding year (1986) the population increased sharply to give the present estimate of 1.6 million at an annual growth rate of 10% (Olorunfemi 1990, P353).

Table 1.1: Kaduna Metropolitan Population Projections, 1963 - 1986 (000).

Year	Population (000)	% Growth
1963	150	-
1980	229	3.1
1981	235	2.6
1982	241	2.6
1983	247	2.5
1984	253	2.4
1985	260	2.8
1986	280	7.7

Source: Annual Abstracts of Statistics 1986/1987.

This increase in population accounts for the present fast rate of physical expansion of Kaduna metropolis and hence the need for planning control measures.

Kaduna is inhabited by a multiplicity of tribal groups. This is why it may be regarded as a consmopolitan centre . In unofficial circles, Kaduna is called a 'mini-Nigeria' owing to the complexity of its tribal composition. This is no doubt a challenge to physical planning of the metropolis, both in way of accommodating the increasing numbers and the cultural diversities of its inhabitants.

1.5.3: A Brief History of Settlement and Development of Kaduna.

Before the arrival of the British colonial administration, the area of Kaduna was an agricultural area inhabited by the Gwari (Gbagi) and fulani communities who settled in scattered small hamlets. Therefore Kaduna , Like Jos and Port-Harcourt, is a colonial creation as an urban centre. Its urban base was established in 1912 by Lord Lugard both as a military garrison and an administrative headquarter for the then Northern Nigerian protectorate (olorunfemi 1990, P351).

Kaduna derived its name from the Hausa plural form for crocodiles (kadduna) which were found in large numbers in the Kaduna river. The choice of Kaduna by Lugard was based on its good physical terrain, centrality within the Northern protectorate, its adequate water supply and vast fadama land for market gardening.

These advantages induced rapid growth of Kaduna from a small military garrison in 1912 to a self-supporting centre at present. Kaduna is now not only an administrative edifice but an expanding commercial and industrial city. These are in addition to its traditional function as a military base. For instance, Kaduna has a military University, an Airforce base and several military cantonments with barracks in various parts of the metropolis.

Practically every activity in Kaduna has grown to a larger proportion than was envisaged both by Lugards' 1917 plan and the post war plan of 1963 as well as the Max Lock Plan, 1967 - 2017. Increase in industrial and commercial activities and the ever-expanding bureaucracies have attracted many people from far and near into the metropolis, resulting in the rapid rise in the population. This in turn increased the demand for accommodation and consequent expansion of residential areas.

Since its inception in 1912, Kaduna has always had a plan eventhough the plans have often not been adequately implemented. However, the plans have influenced the current development pattern and planning activities in the metropolis.

For instance, the older Government Residential Areas and the administrative areas were executed on the basis of the original Lugard plan and the post war plan while KASUPDA (first as KCDB in 1981) was established in 1985 on the basis of the proposals made in the Max Lock Plan. This observation is, however, without bias against the provision of Section 4(1) of Cap 130 of the 1963 Laws of Northern Nigeria, which provides for establishment of planning authorities in the states of Northern Nigeria.

Therefore, the present planning effort in Kaduna metropolis cannot be divorced from historical antecedents of the settlement and development of the metropolis.

CHAPTER TWO

THE CONCEPT, TYPES AND PURPOSE OF PLANNING CONTROLS IN URBAN PHYSICAL DEVELOPMENT.

2.10: THE CONCEPT OF PLANNING CONTROLS

In physical planning, the theme of planning controls has attracted a substantial amount of study. Much of this is, however, on the experience of Britain and other developed countries. There is only very little coverage of the experiences of the developing countries like Nigeria. This could be because physical planning is still a young discipline and is only recently receiving statutory recognition in the developing countries. However, in view of an increasing recognition of it in recent years, studies have begun to cover the developing countries as well. The subject of planning controls, as is the case in the other countries, is likely to recieve greater attention. This is because of the great deal of controversy arising from the application of planning controls, especially between the enforcing authorities and property developers.

A substantial part of this controversy concerns the legality of the controls vis a vis the individual rights of developers to use their property the way they like. This, in the view of Mc Aus Lan (1980, P146), is a result of ideological incongruity between the concept of "public Interest" and that of "Private property".

In general, the problem appears to emanate from a misconception by both the developers and the planning authorities of what planning controls are meant for. For instance, developers are generally inclined to think that planning controls are the sharp end of the planning system in that they stop them doing what they want with their land (Mc Auslan 1980, P147). To them, planning controls are the negetive part of planning actions.

On the other hand, planning authorities, especially in the developing countries, use planning controls as a weapon rather than as a tool, thereby reinforcing the belief of the developers that the controls, indeed are meant to restrict their freedom. Decrying this tendency, Keeble (1959, P296) stated that planning controls are meant "to secure the right use of Land, and that plamning powers must not be made to sub-serve other ends".

Indeed, planning controls are apparently restrictive by their very nature. However, they are a mandatory aspect of planning that cannot simply be over-looked if the greater public are to be protected against the negetive actions of developers. Statutory regulation and control of Land use and development is a good means by which this aim can be realised as they compel developers to use the Land and also erect buildings in conformity with official development plans and standards for an area.

Planning controls may therefore be defined as the regulations that provide a guide to the implementation of a development plan by prescribing uses of land and providing standards for controlling the laying of buildings and provision of public utilities and services in a planned area.

Keeble (1959, P296) opined that the object of a plan is to get developers to comply with its proposals, including "detailed aspects of development, about which precise guidance cannot be given by the development plan, so as to ensure convenient and sightly results". This gives recognition to the key role of developers in plan implementation process. Indeed, the success or failure of any plan depends largely on the developers. Abubakar (1990, P6) stated that planning controls are a means of providing direction to developers inorder that their plans would conform with the official plan or vary from it within allowable limits. This view introduces yet another key element, that is, flexibility which all plans should possess. In other words, planning controls should make allowance for certain alterations to the original plan which do not substantially invalidate the original plan proposals.

The above views highlight the necessity of planning control in physical planning and development of urban centres.

2.20: TYPES OF PLANNING CONTROLS

Two broad types of planning controls are often applied in urban areas viz:- those that prescribe types and location of urban Land uses, and those that regulate developments. These could, in Atara's (1990, P23) view, be referred to as "Levels" of planning control, since one cannot be applied without the other.

2.2.1 The Prescriptive Controls

These controls are embeded in the Development plan document for an area. They comprise zoning and subdivision controls which give the expected general land use pattern in an area.

Zoning Controls involve categorising uses of land as residential, Industrial, commercial, public and semi-public, recreational and open spaces, and so on, and assigning them to different zones of an area. They also prescribe use combinations, density of buildings and population, plot coverage ratio and pollution control.

Subdivision Controls deal specifically with the process by which plots are created from large tracts of land, giving room for streets, utility lines, building line and setbacks, and so forth, in relation to the detailed development of individual sites (Listokin 1974, P19-28).

2.2.2 The Regulatory Controls

These exist in form of a code which provides standards and specifications used by planning authorities to guide developers in making their plans in conformity with the zoning and subdivision plans. To enforce these controls, a process of development control is often necessary. This is based on the expectation that every developer first submits his plans to and obtains approval of the planning authority before building, and that the building must not deviate from the approved plans without a subsequent approval by the authority.

Keeble (1961, P 143) opined that the development control process involves

> the examination of applications for permission to develop or change the use of land inorder to determine whether they accord with the proposals of the Development plan sufficiently closely to be permitted or, where this does not arise, they would result in any public disadvantage or any private disadvantage to the occupiers and users of nearby land and buildings which ought not be permitted.

It means then that if developers should build without obtaining approval of the authorities, serious distortions of official development plans will result and the area in question will experience haphazard growth.

To ensure that this does not happen, the planning authorities often employ certain tools by which developers are compelled to take their plans for necessary planning approval before developing, and which also compel the developers to develop according to the plans approved for them by the authorities. These are discussed in section 2.40.

2.30. THE PURPOSE OF PLANNING CONTROLS

In whatever context they are applied, planning controls have a purpose which, in broad terms, is regulating the physical growth of settlements so that "the larger interest of the community as a whole is not sacrificed by allowing haphazard and unplanned dwellings, shops, factories, hospitals, schools and other buildings" (Vagale 1970, P5). This is with the object of providing "an environment suitable for a healthy comfortable existence, an environment in which an individual can work, recreate and earn a living with as little inconvenience as possible" (Adebayo et al,eds, 1973, P94).

Planning controls are largely a legal affair. Thus, the planning laws have also stated the purpose for which they are applied. The Northern Nigerian Town and Country planning Law, Cap 130 of 1963 (the Law that applies in the study area) provides in section 3 that controls aim at ensuring "proper sanitary conditions,

amenity and convenience and of preserving buildings or other objects of architectural, historic or artistic interest and places of natural interest or beauty and generally of protecting existing amenities whether in urban or rural portions of the area". This purpose is extended in section 13 to include "the coordination of roads and public services, of protecting and extending the amenities and conserving and developing the resources of such area".

Planning controls, therefore cover a wide range of issues relating to physical development and use of land. They are a comprehensive package by which orderly growth of urban centres can be assured. Following from this, it is clear that without adequate planning control no matter how comprehensive a plan may be, it is bound to have an impaired measure of success.

Further, it may be added to the discussion above that planning controls can play the following roles in urban physical development.

i They can shape the location of land uses and so influence the preference for sites for various types of developments in the urban centres.

ii They stipulate density and height of buildings, thus setting limits to building stock under all types of uses.

iii They dictate types of constructional materials and manner of construction thereby influencing the quality of structures and rate of building construction.

iv They set standards for the provision of urban public services and facilities by which the quality of the urban environment is determined as well as the satisfaction it provides its inhabitants.

v They involve procedures which developers must follow and conditions to be met thereby streamlining the activities of the developers towards orderly developments and also influences the rate of new building stock.

Residential developments tend to get most of the impacts of planning controls as greater emphasis is placed on them than other types of development. In all, the extent of the role and impacts depends on whether the controls emphasised are the prescriptive or the regulatory ones. The former are likely to be inflexible while the later could be adjusted to meet the dynamics of time and society. However, both controls are inseperable.

2.40: TOOLS USED BY PLANNING AUTHORITIES TO ENFORCE PLANNING CONTROLS.

2.4.1 The Development Plan (Master Plan, Layouts)

No planning control measure can be effective nor even have a basis without an officially approved development plan, including detailed layouts for individual areas and building plans prepared in respect of individual sites. These are the physical tools providing the basic frame on which planning controls rest.

The plans enable the authorities detect illegal developments or non-conforming uses if and when they occur. This is made possible because the plans give detail of what is to be done, where it would be appropriate to do it as well as how it is to be done.

2.4.2 Laws and By-Laws

Laws and by-laws give legal support to the actions of the planning authorities but also protect the developers against unwieldy planning officials. The Town and Country Planning Laws, Edicts establishing the planning authorities, and so on, are some of the legal instruments which planning authorities use to bring into effect necessary planning controls.

They also enable the planning authorities to stipulate conditions which developers must abide by in executing their plans.

It is, however, important to note that the planning controls and the tools for their implementation do not in themselves build the cities, but they are useful in guiding the complex process of physical development of the cities. That is, they are not ends in themselves but means to an end.

2.50: PROBLEMS ARISING FROM THE IMPLEMENTATION OF PLANNING CONTROLS.

Planning controls need to be properly implemented since they are necessary to the attainment of the ends of the planning process. For this reason their enforcement is often charged on specialised statutory agencies (planning Authorities or Boards). The Boards are expected to make plans for andcontrol physical development of areas under them. In carrying out these functions, the Boards are also expected to adopt the general principles of physical planning, design standards and implementation procedures. However, in real practice, the implementation of the controls is often made difficult owing to the controversy identified in section 2.10 of this report.

Planning controls operate in a complex matrix of societal realities of economy, polities, religion, culture, and so forth, which tend to influence the acceptability and effectiveness of the controls. Controls may therefore be effective or not depending on how well they conform with the goals of a community as well as the percepton of both planners and developers of the dynamics of the society in which they operate. This is true in the case of Nigeria.

Indeed, a substantial part of the controls applied in the urban centres are borrowed from foreign countries. Therefore, they often have little relevance to the Nigerian situation and are often rejectected by developers.

In general, developers in capitalist economies are spurred by market forces. Planning Authorities on the other hand curtail the taking of every advantage of market opportunities by developers in the interest of the general public. This marks the begining of the controversy.

In Britain for instance, there have been disagreements between developers and the Local planning Authorities (LPAs), which act for the department of the Environment (DOE), on issues relating to freedom to use property. The planning laws of Britain have made ample room for developers to appeal to the Secretary of State for the environment against the decisions of the LPAS and to seek court

redress if not satisfied with the decision of the Secretary of State.

Desmond (1978), McAuslan (1980) and Mcleod (1982) among other authors on planning Law, recorded cases relating to various disagreements between the LPAs and developers. General inferences from the outcome of the cases can be made as follows:

a. That the laws in Britain recognise the right of the rural land owner to protect the character of the rural environment.

b. That the laws also recognise the right of the urban landlord or developer to take advantage of market opportunities and to exercise his freedom.

c. But that the laws also give LPAS sufficient powers to impose certain conditions that will safeguard public interest against the actions of developers.

Clearly, this is an intricate situation because as some of the judgements of the courts indicate , the courts appear not to take a definite stand thereby placing the LPAs on a slippery ground. In effect the LPAS are often insure which direction the courts will go even in cases that appear to favour them.

Similar problems have been faced by planning authorities in cities of U.S.A. Many people question a great deal on what planning controls have done or failed to do.

It is widely argued that the elitist and racially inclined zoning and building regulations have increased racial and economic segregation while failing to stem the tide of urban decay and urban sprawl in the cities.

Listokin (1974, P) observed that these negative reactions, especially from the Blacks and the White liberals, delayed the acceptability of planning controls in U.S.A., taking city-planning advocates and the authorities a great effort to win for planning controls the support and acceptability they now enjoy in that country.

In Nigeria, many cities display dual character. This is particularly the case for cities like Kano, Zaria, Ilorin, and Bauchi which have strong indigenous traditional backgrounds. This duality is an outcome of the introduction of western values by the British which created the existence of traditional developments side by side with modern ones and yet only weakly integreted or interrelated.

Physical development problems have cropped up in these cities which have become impediments to effective implementation of statutory planning controls. The indegenous inhabitants of these cities are often resistant to the demands of formal planning. Therefore, the traditional centres remain unorganised and in poor physical conditions.

The problems are reinforced by the fact that a large part of existing developments in Nigerian cities occured before the controls are being applied. Urquhart (1977, P30) sumed the problems thus. "That all these ideals were not realised is hardly surprising, the culture of those subject to the town planning being alien to that of the initiators and the conditions in Nigeria being different from those in Britain where the ideals originated".

It is noteworthy that planning controls are not selective of developments except where they are officially exempted. They apply to every class of developers whether private or public. Thus, inspite of the problems or controversy which they cause, planning controls remain an important aspect of statutory planning in urban centres.

2.60: FACTORS INFLUENCING THE ENFORCEMENT OF PLANNING CONTROLS.

All planning actions take place within defined geopolitical or culture settings. That is, national, regional, sub-regional, urban and Local Units. This means that the planning actions may be influenced by the norms, values and aspirations of the inhabitants of an area. However, the degree of this influence will depend on the manner in which the controls are applied. That is, the overall machinery for implementing the controls.

The factors which influence planning controls are varied but the more obvious ones include cultural, economic (financial), political, administrative and public participation; within which several other considerations may fall.

2.6.1 The Cultural Factor

Culture determines people's lifestyles and preferences which also reflects in physical developments such as dwellings and other structures that facilitate the day to day activities of a community. It follows then that where foreign principles and standards adopted are not related appropriately to the people's cultural experiences, they will not yield positive results.

The technocratic controls that were born with modern Town Planning were fashioned along western cultural elements of spatial formations and so have relevance in a country like Britain but will be defective in a country like Nigeria as they conflict with indigenous values. Most developers are unwilling to give up their traditional practices which the technocratic control measures often have no regard for. This results in development taking place without regard to modern planning standards applied by the authorities.

In Nigeria where many cities are indegenous, a wholesale application of the technocratic controls raises problems. The dual character of many Nigerian cities is not only in terms of their physical forms but in their socio-economic and cultural characteristics. The interplay of the opposing forces of western and indigenous cultures as well as the inability of planning boards to reconcile the resultant conflicts has led to the uncontrolled nature of developments, especially in the traditional centres of the cities and the urban fringe areas where the traditional forces reign supreme.

Religion is an aspect of culture which practices and doctrines have bearing on physical developments, especially in moslem-dominated settlements. The architectural design of dwellings, including details such as size and positioning of openings, height of the buildings and fences and other enclosures are influenced by the concept of privacy (purdah) in Islam.

In the same vein, places of worship like mosques, chapels and churches are erected in both private living spaces and in public locations. This is not bad planning practice but it serves to illustrate the point that religious inclinations lead to some forms of development that may not necessarily accord with planning standards.

Thus, planning controls may be ineffective where certain religions tenets hold strong. Hassan (1986, P73) found this to be true in some wards of Kano metropolis especially in relation to height of fences around the dwellings.

2.6.2 The Economic (Financial) Factor.

The ability or otherwise of the planning authorities or individuals to bear the financial costs of implementing planning controls can make a difference between success and failure of the controls. Hassan (1986, P19) argued that the availability of funds is vital to both the planning authority implementing the controls and the developers that are to comply with them. The authority requires funds to pay compensation to people affected by planning schemes. purchase equipment and machinery and to meet recurrent expenses. The developers also require funds to procure building materials and provide facilities and services to meet the standards set by the authority.

Therefore, where finances are slim as in Nigeria, the controls are generally ineffective as both the Boards and the developers are financially incapacitated.

In the developed countries like Britain, adequate financing rested on a sound economic base explains part of why their planning systems are more efficient than in the developing countries.

2.6.3 The Political Factor

This factor manifests itself in three ways viz:- attitude of the central government, political stability and local politics.

Most governments in the western world are decisively involved in planning. In Britain for instance, DoE prepares structure plans covering wide areas. With reference to these wider plans, the LPAs prepare local plans for their areas. The DoE also monitors and coordinates the functions of the LPAs to ensure that the local plans prepared by them conform with the structure plans. Thus, government plans for physical development of the urban environment through the DoE as an organ of central government. This also partly explains why implementation of planning controls has been effective in British cities.

However, this cannot equally apply to the less developed world where government involvement in physical planning is anything but decisive.

In Russia, perkins (1952, P 10) observed that the overthrow of the autocratic Tsarist regime in 1917 ushered in communism which transferred ownership of real property in urban areas to the state. This has made planning controls effective as everything was done by government which, invariably, cannot break its own rules.

In Nigeria, the central government involvement in physical planning is weak. Government only formulates policies and guidelines for development thereby reducing planning controls to a rethoric. The states appear to take the bulk of the responsibility of planning but they too have not been able to fully carry it out. This has given room for developers to do as they like.

Political stability is the sine qua non of plan implementation. The internal stability of western countries relative to the others perhaps explains why planning control measures are effective.

In Nigeria, since independence, there has not been political stability as a result of frequent changes of government. This has put too frequent breaks to the continuity of development plans thereby making their implementation defective.

It is not easy to establish a case for Local politics as they affect the implementation of planning controls. However, it is a fact that statutory plans often get impaired by certain ethnic, sectional and partisan interests. This is true in Nigeria where there is a multiplicity of interest groups of all sorts.

Therefore, politics in all its ramifications is important in understanding the success or failure of planning controls.

2.6.4 The Administrative Factor

This perhaps is the most hackneyed of the factors. It centres on the adequacy or otherwise of the administrative arrangement for enforcing the planning controls. Issues covered include policies, programmes, procedures, laws, standards, staffing, financing, autonomy of the Boards, management and other related issues. All these, it is argued, must be sufficient. Where these or some of them are inadequate, as in Nigeria, implementation of controls is not only impaired but the time lag between plan preparation and implementation becomes too wide, leading to events over-taking the plans and the controls rendered ineffective.

The extent of the administrative lapses varies from one planning system to another. In Nigeria, the tendency has been for the planning system, especially the Laws, standards, procedures and conditions for carrying out physical developments to be out of tune with local realities. The planning Boards are often under and inappropriately staffed, poorly financed, having limited autonomy and conflicting roles with other statutory agencies. For these reasons, the Boards have been unable to adequately enforce planning control measures.

The Boards have also been found wanting due to lack of commitment on the part of the staff who often place personal interests first before their official duties. Thus, where the administrative set up is weak planning controls will fail and vice versa.

2.6.5 Public Participation As A Factor

The issue of public participation or popular participation is an area of current debate in planning circles. It is based on the conception that all plans need active participation and contribution of the public without which planning actions will not have the desired effect.

Indeed the public should be taken on board in both plan formulation and implementation. Without this done the effectiveness of planning in general and planning controls in particular will elude the planning Boards.

Public participation is considered as a democratic imperative which governments should not throw overboard. Doing this will render planning meaningless.

In Nigeria, public participation is not fully harressed in planning. This partially explains why many official plans do not live to see the light of day in the country.

CHAPTER THREE

PLANNING CONTROLS APPLIED IN KADUNA METROPOLIS AND THE IMPLEMENTATION FRAMEWORK, PROCEDURES AND TOOLS

3.10: GENERAL REGULATIONS

The general regulations governing the implementation of developments in Kaduna metropolis relate broadly to the following areas:

i. Regulating use of public recreational grounds and open spaces by the planning Board.

ii. Prohibiting the erection of new buildings unless the plans have been submitted and approval of the planning Board obtained.

iii. Regulating the installation of private sewage systems, their mainteinance as well as controlling their connection to public sewers.

iv. Prohibiting and regulating the use of inflamable materials for building or roofing purposes.

v. Prohibiting the alteration of the internal structure of any building in such a way that if at first so constructed, the building would have contravened planning regulation (Tete 1989 P7-8).

On the basis of these general regulations and in line with Cap 130 of the 1963 Laws of Northern Nigeria, KASUPDA has made detailed guidelines in form of standards and specifications for developers to use in making their plans and to obtain clearance from the Board before developing.

3.20: ZONING REGULATIONS

The Max Lock (1967-2017) proposed Land use plan for Kaduna gave the general pattern for zoning regulation. Different zones in the metropolis were allocated for industrial, residential, commercial, open spaces, public and semi-public uses. Current and future developments are expected to follow the pattern set by the plan and in case of mixed land uses, they should comply with acceptable use combinations viz: retail and residential; retail and warehousing; retail and office; office alone and office and residential, with specific reference to the Ahmadu Bello way (Tete 1989, P11).

To ensure these, a process of control on the allocation of land and granting of statutory rights has been introduced in the metropolis by which land is allocated only when the proposed use or development conforms with the zoning arrangement.

For industries and commercial ventures, they are not only to follow the zoning plan but comply with any "national and local legislation, zoning ordinances and codes" (Tete 1989, P16).

The zoning of residential areas includes high, medium and low density areas as at Kawo, Tudun-wada, Kakuri and Ungwan Rimi for high density, low class residential developments; the state and federal government housing estates at Malali, Barnawa and Ungwan Rimi for medium density and the GRAs at Ungwan Rimi and Malali for Low density. This regulates both building stock and population towards achieving good quality residential environment.

3.30: SUBDIVISION REGULATIONS

Standards and specifications governing the creation of plots and detailed aspects of building construction within Kaduna metropolis as well as those governing the provision of utilities and services in respect of development of individual plots cover the following areas.

3.3.1 Plot Sizes and Building Line

Table 3.1 shows acceptable plot sizes and building line specification for different classes of residential developments in Kaduna Metropolis.

Table 3.1: Plot sizes and minimum building line for residential developments in Kaduna.

Plot size (meters)	Distance to Plot Boundary (m)	Distance to Road Centre (m)	Density
15 x 30	1.8	12	High
20 x 30	2.5	15	Medium
30 x 50	3.5	15	Low

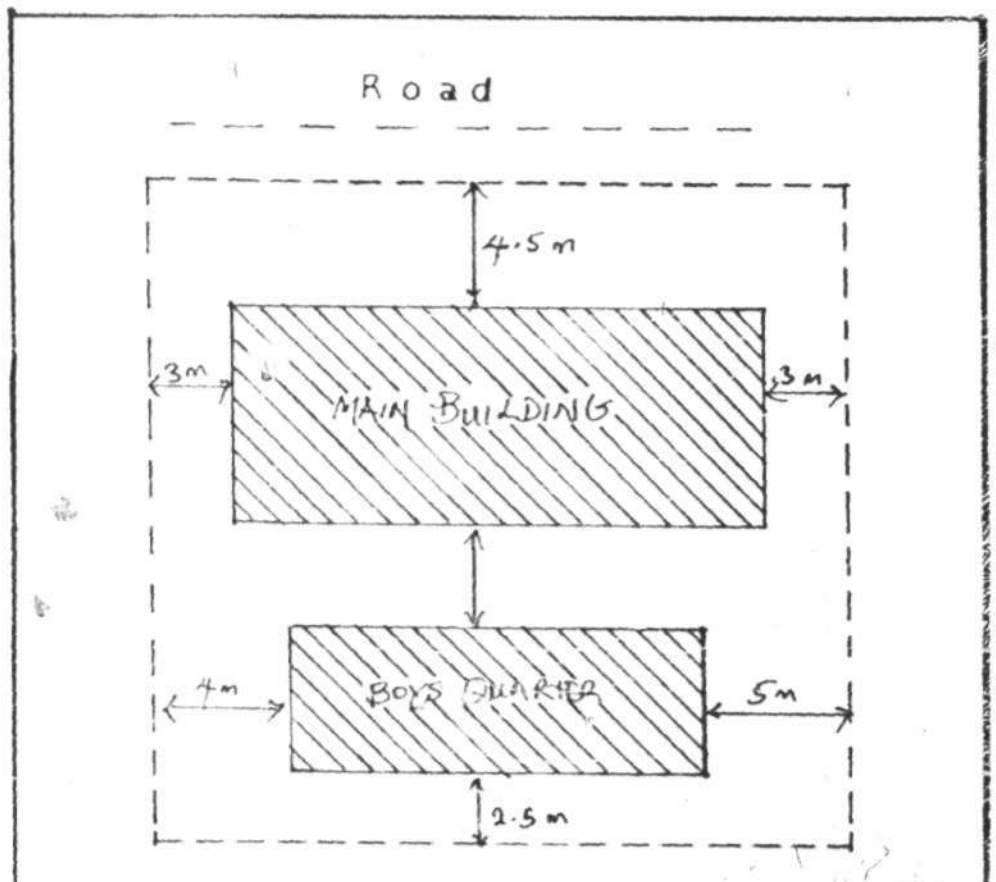
source: Tete 1989, P 10.

The table indicates a 3.6 meter wide building-free corridor between two adjacent buildings in high density residential areas and 5 meters and 7 meters respectively for medium and low density areas. Further illustrations of these are made respectively in figures 3.1 - 3.3.

3.3.2 Plot Development Ratio and Building Height

As table 3.2 indicates, plot coverage in respect of the three types of residential densities (high, medium and low) are 50%, 40% and 33% respectively. The maximum height of buildings is given as three storeys for low and medium densities; and four storeys for high density.

These specifications provide for more spacious development as one decends from high density to low density areas.



Area of plot 700m²

% coverage 50

Scale 1:200

FIG 3.1: ILLUSTRATION OF HIGH DENSITY RES· DEVELOPMENT.

Source: Atara B G 1990 p37

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Msc URP Thesis
1991 A B U Zaria

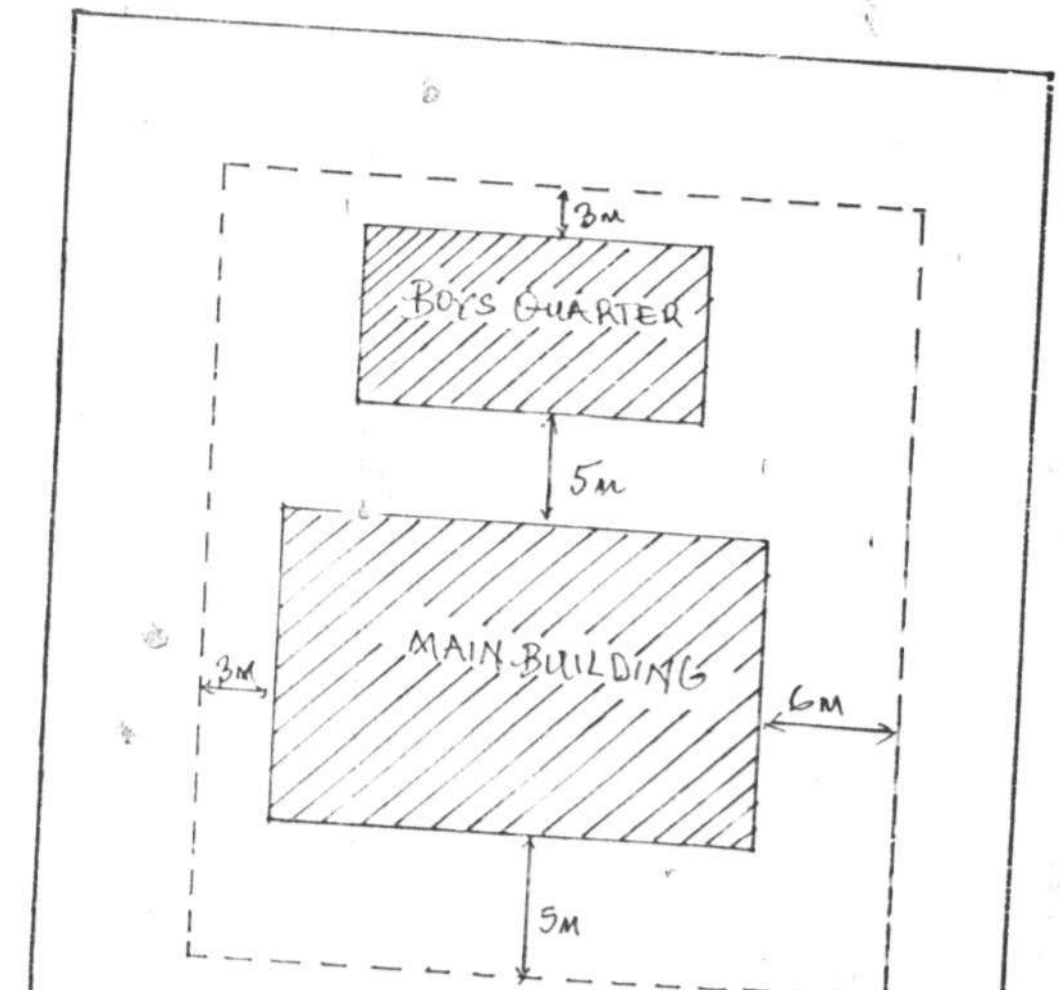


FIG 3.2: ILLUSTRATION OF MEDIUM DENSITY RESIDENTIAL DEVELOPMENT.

Source: Atara B. G. 1990 p38a

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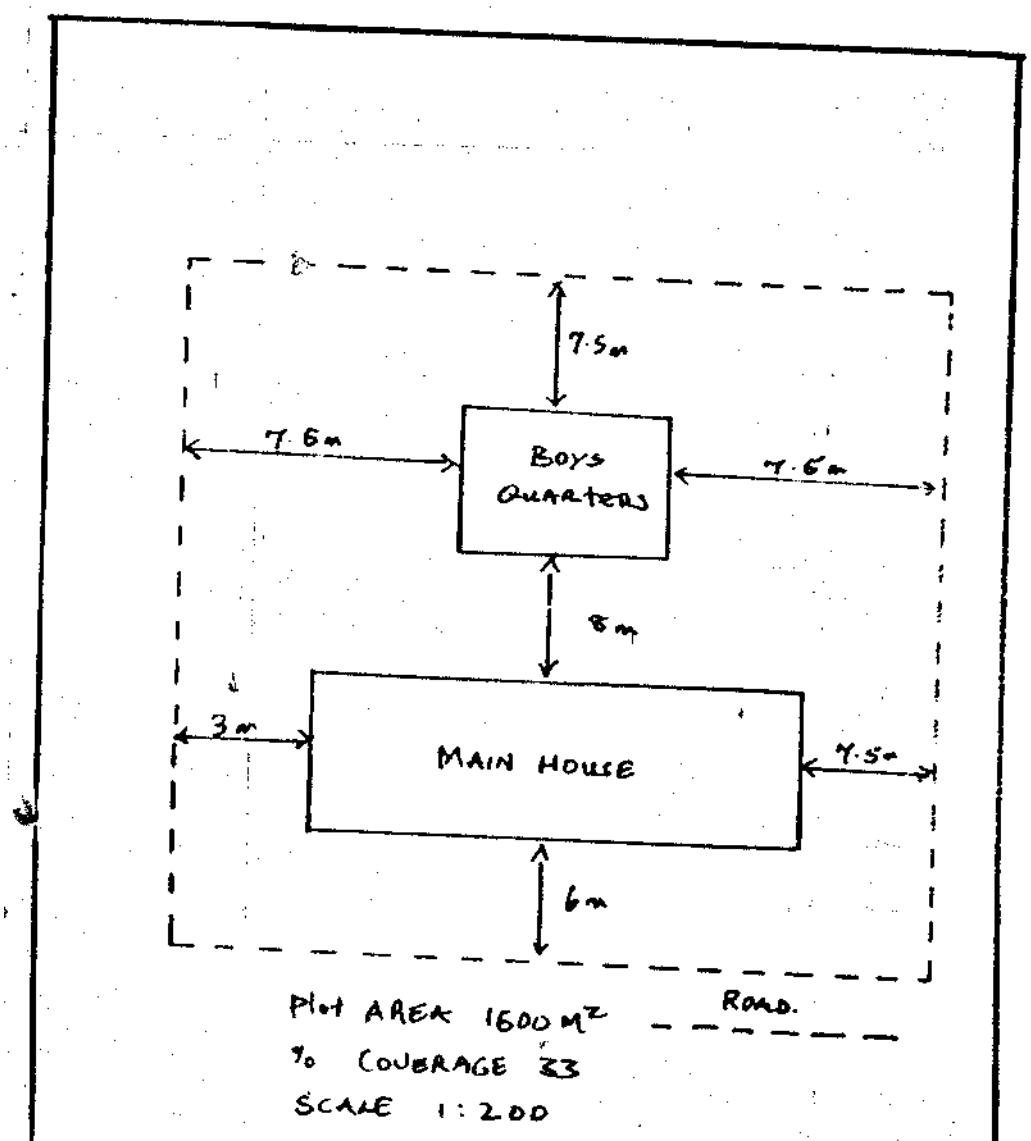


FIG 3.3: ILLUSTRATION OF LOW DENSITY RESIDENTIAL DEVELOPMENT

SOURCE. Afana B & 1990 P 38b

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Table 3.3 Minimum parking spaces required for Different uses in Kaduna

Type of use	Parking Spaces Required
Every two flats	1
Every five single rooms	1
Every $30m^2$ shopping space	1
Every $30m^2$ office space	1
Every $40m^2$ super market	1
Every two hotel beds	1
Restaurants, clubs	10
Mosques, Churches	15

Source: Tete 1989, P14.

3.3.4 Space Allocation for uses in Residential Buildings

Table 3.4. shows the recommended space standards for various uses within residential buildings in Kaduna with respect to bungalows.

Table 3.4. Recommended Minimum areas for uses in dwellings in Kaduna.

Type of use	Minimum space (m^2)
Living Room	8.0
Kitchen	4.0
Bath Room	3.5
W/C	2.0
Shower	2.0
Store	2.0

Source: Tete 1989, P14

The object of space regulation for uses in residential buildings is to make sufficient room for all uses inorder to enhance the comfort derivable from the dwelling unit.

3.3.5 Standards for Provision of Steps

Table 3.5 shows the specifications for steps in residential dwellings. The minimum width of steps varies depending on number of storeys but height of flights and size of treads and risers are the same in all cases.

Table 3.5, Specifications for provision of steps in Residential units in Kaduna.

No.of Storeys	Height of flight(cm)	Width of steps(cm)	Width of tread(cm)	Height of riser(cm)
1 - 2	200	90	26	16
3 - 4	200	110	26	16
5	200	125	26	16
Used by 100 people	200	125	26	16

Source: Tete 1989.

3.3.6 Basic Services to be Provided in dwellings

In addition to meeting all the other standards and specifications, developers in Kaduna are expected to install basic services in their dwelling units which should include pipe-borne water, refuse containers, water closets, baths or showers,

septic tanks, lift systems for buildings exceeding four storeys, fire exits for storey buildings and drainages for storm and waste waters

3.40: DEVELOPMENT CONTROL

The general regulations highlighted in subsection 3.10, the zoning regulations discussed in subsection 3.20 as well as the standards and specifications presented in sub-section 3.3.1 - 3.3.6 above, are a framework of guidelines for developers to use in drawing their plans. Having prepared the plans, a formal application must be made to the planning Board for permission to commence development. Without this done any development is considered as illegal and liable, on detection, to demolition after due legal process.

The development control process requires all applications to be made along with details of building plans as follows.

(a) Site-layout plan using 1:500 or 1:200 scale
(b) Building plan on scale 1:100
(c) Elevations on scale 1: 100
(d) Sections on scale 1:100, 1:50 and 1:20
(e) Schedule of doors and windows
(f) Soakaway and septic tank plans
(g) Structural drawings for duplexes
(h) Calculation of plot development ratios and
(i) Details of drainage and waste disposal methods.

To ensure that developers build according to the approved plans and to detect illegal developments, the Board carries out periodic patrols comprising development control staff. Kaduna metropolis has thus, been zoned into five planning districts (see figure 3.4) with three sub-offices at Kawo, Bakin Ruwa and Sabon Tasha. The main office at Ahmadu Bello way takes care of Doka District. Kawo office controls Kawo and Gabasawa Districts. The Bakin Ruwa office mans Tudun Wada District while the Sabon Tasha office monitors Makera District.

If any illegal development is detected the developer concerned is served three abatement notices on weekly intervals. On the expiration of the third notice, and in case of defiance, the Board may demolish the structure. When a stop notice is given, work on the site must stop until clearance is obtained from the Board. The process of obtaining clearance takes the same form as seeking a normal planning permission but the fee is double the normal planning fee in respect of the development in question (KASUPDA 1991, P1).

If all the planning controls discussed in this report are properly applied, the spatial growth of Kaduna metropolis would be much more orderly than what obtains presently.

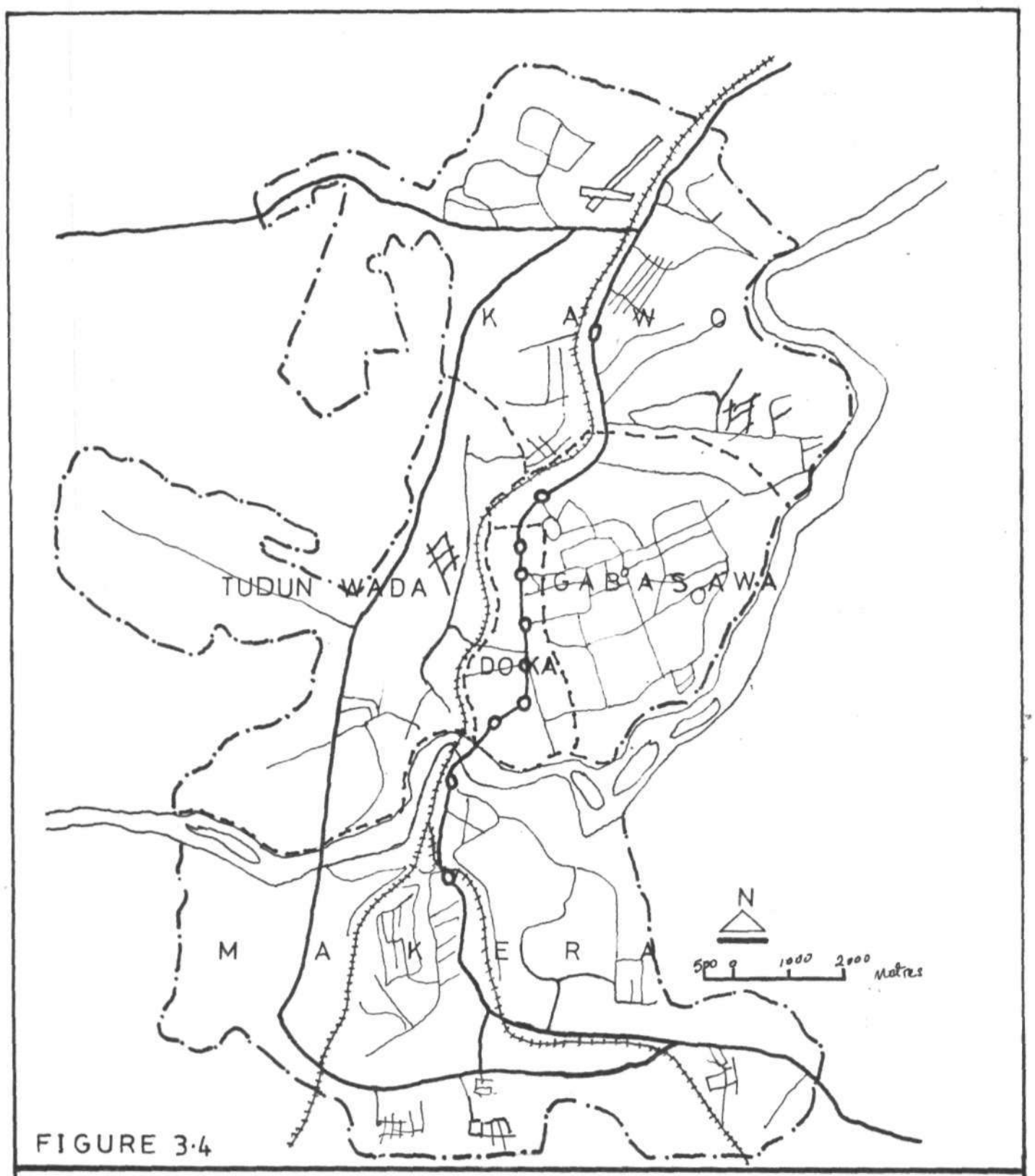


FIGURE 3·4

PLANNING CONTROL DISTRICTS OF KADUNA METROPOLIS

SOURCE : KASUPDA
: OYEKANMI O. S. [1991 P 8d]

KYOM A · B ·
M.Sc. U R P Thesis 1991,
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Therefore, a lot more needs to be done to improve the controls, their procedures and frameworks.

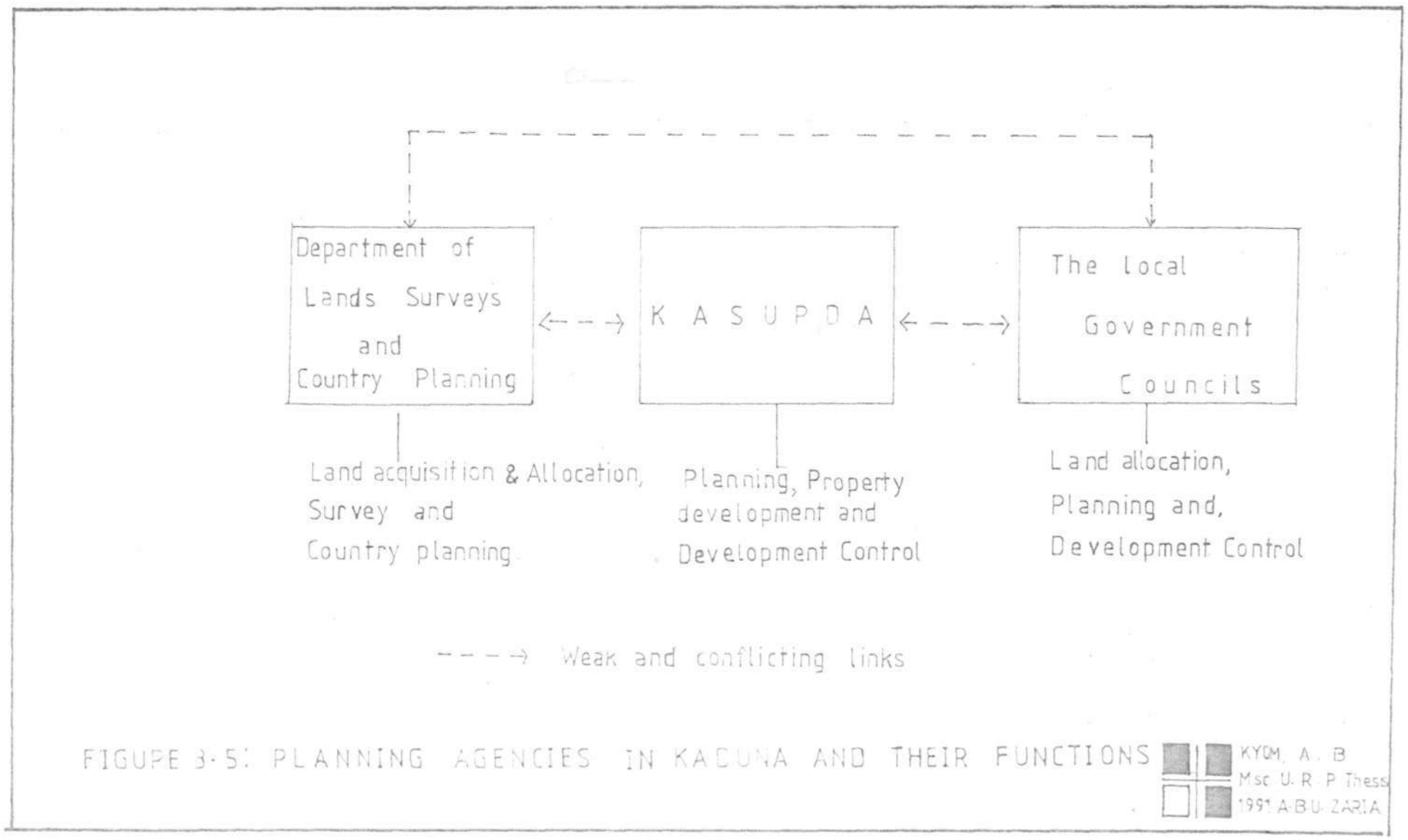
3.50: ADMINISTRATIVE FRAMEWORK FOR IMPLEMENTING PLANNING CONTROLS IN KADUNA

3.5.1. Principal Agencies Implementing the Planning Controls.

The administrative framework for implementing planning controls in Kaduna involves three principal agencies viz: the Department of Lands, Survey and Country Planning; the Kaduna State urban planning and Development Board and the Local Government Councils (see figure 3.5). These agencies need the cooperation of each other for effective enforcement of planning controls applied in the metropolis. The functions of each one of the principal agencies in relation to implementation of the controls are discussed below.

3.5.2. Functions of the Department of Lands, Survey and Country Planning.

This department is under the office of the governor of Kaduna State. Its main functions relate to land administration, survey and country planning as well as collection of fees on land transactions in respect of all uses of the Land in Kaduna metropolis.



FIGUPE 3·5: PLANNING AGENCIES IN KADUNA AND THEIR FUNCTIONS

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It allocates land in the metropolis for all types of developments on the basis of land use zoning regulations for the metropolis. Where a proposed development negates existing zoning, it is often disallowed and an alternative site is suggested to the intending developer. By this, the department ensures that all plots it allocates are in approved areas for the proposed uses.

It is expected that all applications for land be referred to the planning Board for their recommendation. In this way the zoning regulations for Kaduna metropolis are being enforced.

The functions of the department are based on the legal instrument of the 1978 Land use Decree which also applies throughout Nigeria.

3.5.3. Functions of the Kaduna State Urban Planning and Development Board.

The Board is a semi-autonomous agency established by Edict No.10 of Kaduna State of Nigeria, 1985, effective from 11th July, 1985 and gazetted on 25 July, 1985. The Edict stated that "the Board shall, execute and enforce the provisions of the Town and Country planning law, chapter 130 laws of Northern Nigeria, 1963 within the areas for which the Board has been appointed the planning Authority" (Kaduna State of Nigeria 1985 Edict No.10, section 18(1)).

Thus, the Edict is a by-law of the Town and country planning law Cap 130 of the 1963 laws of Northern Nigeria.

The Board is enpowered to:

a. formulate and implement planning schemes;

b. construct and maintain roads and related structures;

f. promote the establishment of and expansion of companies or other bodies promoting public services;

m. collect fees for services rendered;

n. impose and collect reasonable land development charges; and

s. with approval of the Governor, make regulations for carrying into effect the provisions of this editc (Kaduna State of Nigeria 1985, Edict No.10 section 19).

The functions of the Board would include the following:

a. prepare or cause to be prepared and keep under continuous review, land development plans for urban areas of the state.

b. prepare publish and implement planning schemes for each designated urban centre.

c. subject to the provision of any law, control the use and development of land within urban centres;

d. provide, manage and maintain public amenities within urban centres;

f. prepare and provide layouts for commercial industrial recreational and institutional uses;

g. provide the required infrastructure such as roads, drainage, water, electricity in all approved layouts within its area of jurisdiction;

h. provide and maintain roads and related structures in the designated urban centres;

i. provide street lighting in urban centres;

j. plan and carry out urban renewal programmes to upgrade the environmental quality of blighted parts of urban centres. (Kaduna state of Nigeria 1985, Edict No.10, section 20).

This Edict and the Town and Country Planning Law are the main legal tools backing the functions of the Board. The Board, thereofre, either on its own or in association with other bodies, is enpowered to carry out its functions without fear of obstruction or interferrance.

3.5.4. Functions of the Local Government Councils

Land in Kaduna metropolis is now shared by four Local Government Areas viz:- chikun, Igabi, Kaduna North, and Kaduna South. This means in theory that KASUPDA has no land which development it is to plan and control. However, by law KASUPDA is enpowered to take over any land that is in designated urban areas for the purpose of its functions (sections 10 (1) and 11(1) of Cap 130).

In addition, all applications are to be made by filling an officially prescribed form supplied by the Lands Division.

The stages for processing the application are shown in figure 3.6. It shows the ideal situation. That is, that the applicant has met all the requirements and based on the condition that the proposed use meets the zoning regulations and that land is available for allocation, also that the plots are within Kaduna metropolitan area and have been surveyed, the plots are then allocated or certificates of occupancy issued.

This shows that by the very procedure adopted for processing applications and the conditions to be met are designed to implement zoning restrictions and streamline Land allocation in the metropolis.

3.6.2. Procedure for Granting Planning Permit

The requirements for granting planning permission for development of Land in Kaduna metropolis include a written application to the General manager of KASUPDA, copies of certificate of occupancy, ground rent reciepts and tax clearance certificate; statement of purpose and description of area, including survey plan.

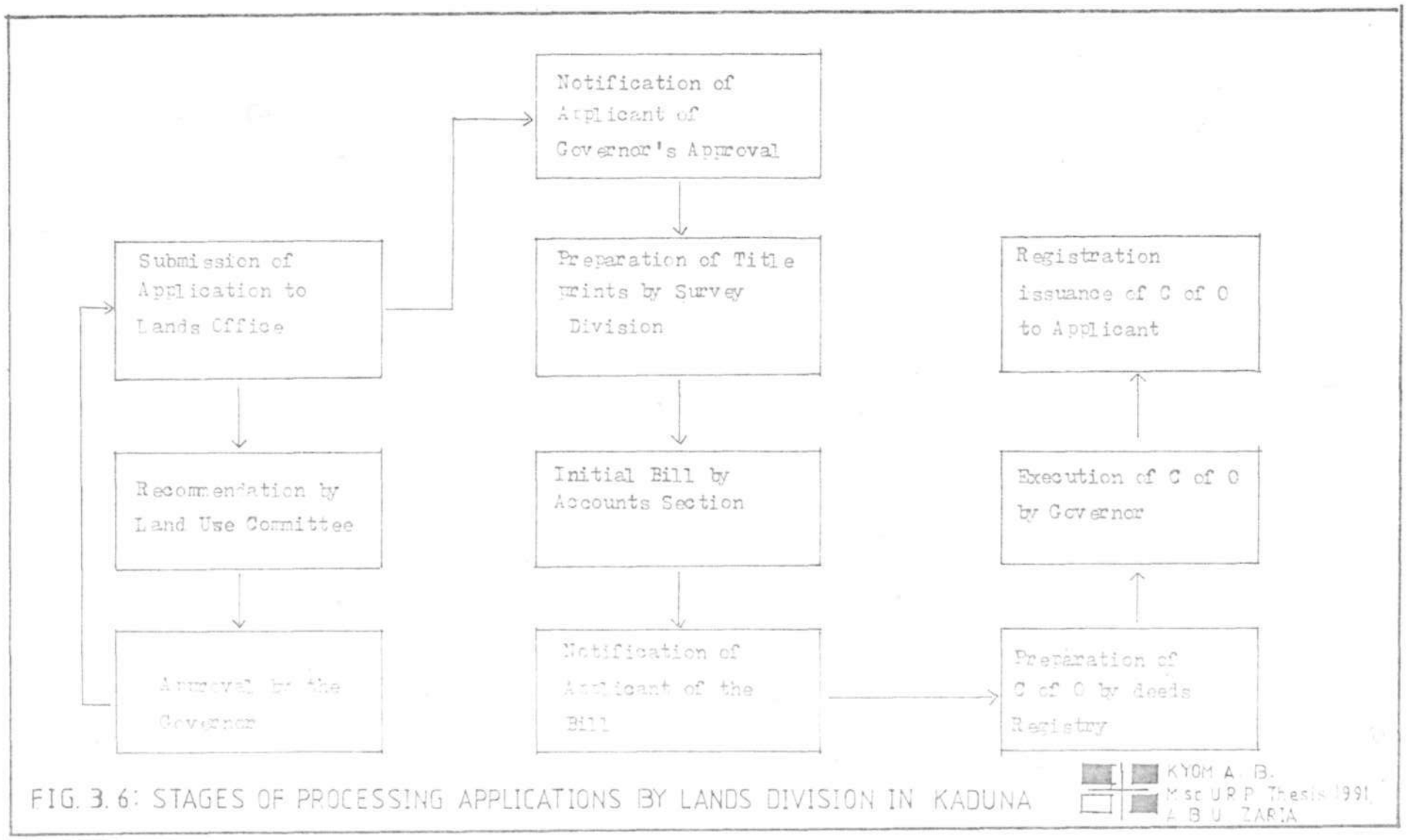


FIG. 3.6: STAGES OF PROCESSING APPLICATIONS BY LANDS DIVISION IN KADUNA

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In addition , the applicant must submit his site plan, layout and location plan in three copies which should include architectural drawings, as in subsection 3.1.4 (Tete 1989, P8).

The plan is processed as shown in figure 3.7. This too is the ideal case. However, if the conditions are not met or if the planning report in respect of the application is not in favour of its being granted,the plan then runs the risk of being rejected or caused to be modified. Thus, by this procedure developers are compelled to apply the building code in making their plans. If this is not done and the developers builds on the plot, then the development is considered illegal and liable to the action discussed in section 3.4a of this report.

3.70: TOOLS FOR IMPLEMENTING PLANNING CONTROLS IN KADUNA.

3.7.1. The Kaduna Master Plan (1967-2017)

The Max Lock proposals for the physical development of Kaduna over the period 1967-2017 is the only comprehensive plan that has been made for the metropolis.

Eventhough the provisions of the plan are not being strictly implemented, it provides the basic reference for official decisions. The inadequate implementation of this plan can be blamed on frequent changes in

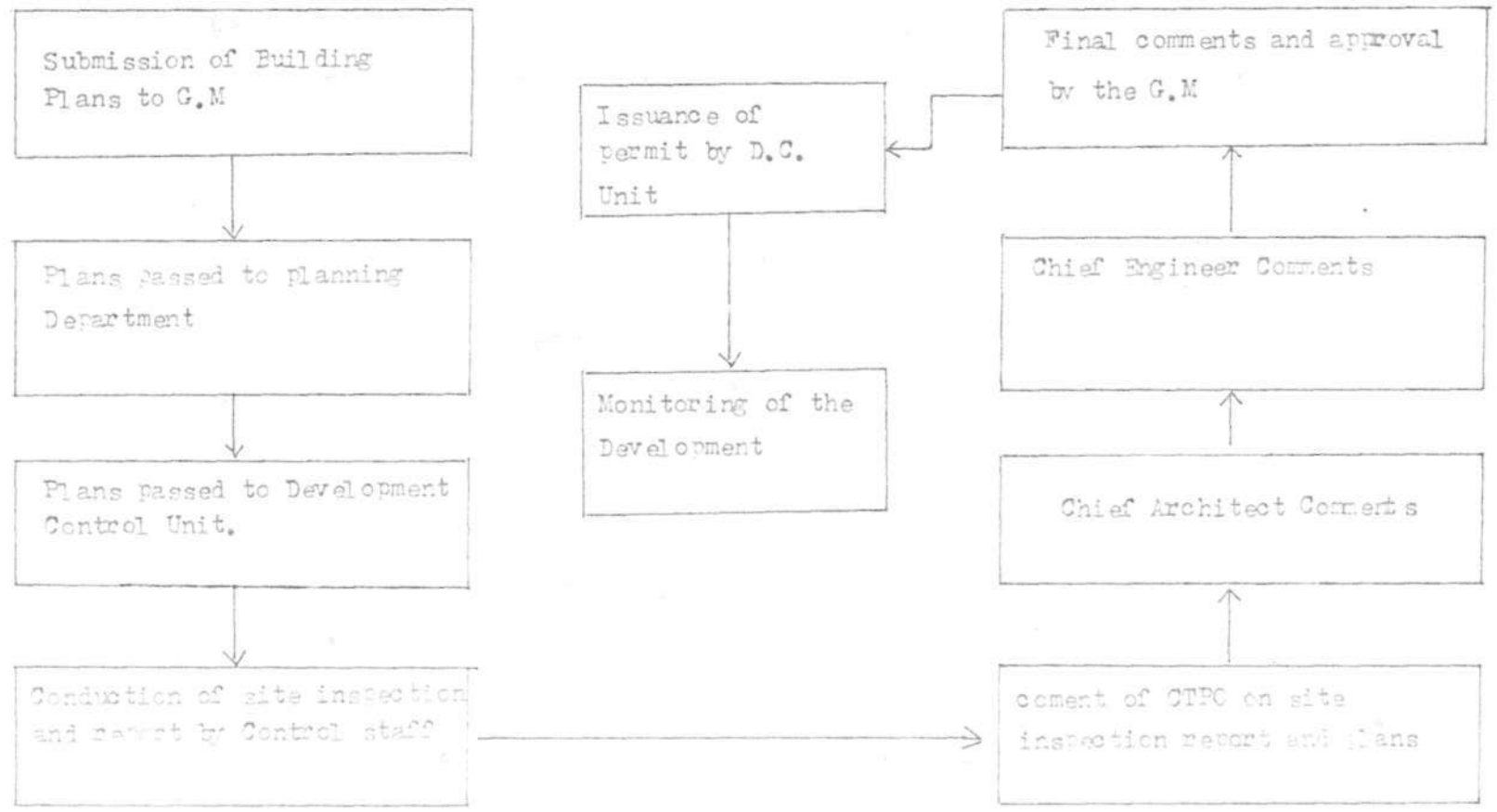


FIGURE 3.7: STAGES OF PROCESSING BUILDING PLANS BY K.A.S.U.P.D.A.

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government among other political reasons that have come to characterise Nigeria's existence as well as on the rapid growth of the metropolis which has outstripped the projections of the Max Lock plan.

The present development of Kaduna is, therefore, largely based on incremental planning for local areas as the need arises. On this basis it can be concluded that Kaduna lacks the basic physical tools in form of an operational master plan and detailed layouts required for effective planning control.

3.7.2 Legal Tools for Effecting the Controls

The land use Decree of 1978 and the Town and country planning law Cap 130 provide general legal basis for effectuating the planning controls in Kaduna and else where in Nigeria. These are sharpened by Edict No.10 of 1985 which established KASUPDA.

Without prejudice to the overriding force of the Town and country planning law and the Land use Decree and the Edict, the more forthcoming legal instruments are the conditions attached to certificate of occupancy and planning permit which developers personally pledge to abide by. That is, to use the land for the purpose approved and to build according to approved building plans; among other conditions.

In the event of a breach of the conditions the authorities have a good chance of taking legal actions against the developers more than by reference to the main laws.

Actions which authorities take on the breach of these conditions include revocation of C of O or permit, demolition of structures, fines and imprisonment.

These tools need to be sharpened and emphasised for more effective application of planning controls in Kaduna metropolis.

CHAPTER FOUR

PHYSICAL DEVELOPMENT ACTIVITIES BY DEVELOPERS AND THE IMPLEMENTATION OF STATUTORY CONTROL MEASURES BY PLANNING AGENCIES IN KADUNA.

4.10: THE ACTIVITIES OF DEVELOPERS

Considering the importance of developers in plan implementation, the effects of planning controls applied in Kaduna may not be adequately determined without examining their activities in relation to the controls. Thus, a structured questionaire survey was conducted and the results are analysed below.

4.1.1 Sources of obtaining Plots of Land for Development.

This investigation revealed that developers in Kaduna obtain their plots from three sources (see figure 4.1). The figure shows that 74% of the respondents obtained their plots from private individuals, 19% from Local Government and only 7% obtained their's from the state government. This indicates the preponderance of market transactions on land over official dealings contrary to the 1978 land use Decree. What this implies is that developers are side-tracting official controls thereby increasing the incidence of illegal developments in the metropolis.

In the face of this, Government is not only loosing huge sums of money that could be collected through fees and charges but planning controls are unlikely to have desired effect as developments would be occuring unknown to the authorities for them to be effectively monitored.

The main cause of this is the non-payment of compensation to customary holders of land acquired for public purpose by Government. This is what makes present sale of land possible. On acquisition of such land Government goes ahead to create and allocate plots and issues C of O to the allottees. But on getting to the plots the allottees often find that some other developers already have access to the plots. Conflicts of claims to plots of land are on the increase consequent upon this. This situation prevails more in the urban fringe areas like Romi village, Anguwan sunday, Sabon tasha and Gonin-gora, to mention some. A large part of the organic development in parts of Kaduna is caused by this trend as developers have no regard for road reservations, set-backs, plot coverage, and so on, owing to haphazard creation and sale of plots.

4.1.2 Obtaining Statutory Rights of Occupancy by Developers.

Whether land is obtained from private or official source, both private and public

developers are to normalise their claims to the land by obtaining statutory approval. Certificates are issued to legalise the claims and give the holder the green light to seek building permit .

However, based on the situation discussed in sub-section 4.1.1 above, the case is not entirely so in Kaduna. Figure 4.2 shows that 58% of the developers interviewed had no C of O while 42% had. Table 4.1 shows reasons for evation of C of O by developers while 49% of the respondents did not have it because of long official delays in processing it while 35% attributed it to high fees. Furthermore, 12% of the respondents stated that they were

Table 4.1: Reasons for Evation of Statutory Rights of Occupancy by Developers

Reason	No	%
Not Necessary	2	2
Don't know where	10	12
Long Delays	43	49
High charges	30	35
Others	2	2
Total	87	100

Source: Field Survey, 1991.

ignorant of where to obtain it; and only 2% felt it was unnecessary.

Indeed delays and costs are key deterents to good intentions It is, therefore, natural for people to take short cuts to their goals, even if doing so may be illegal, than to follow long bureaucratic procedures. However in taking either of the courses, effort is often made to minimise costs.

Table 4.2 shows lengths of time taken by the 63 respondents who had statutory rights to their land. It shows that 44% got them between eight and eleven months of application, 27% in four to seven months while 18% obtained theirs in less than one month and 6% from twelve months and above.

Table 4.2: Time Taken to obtain Statutory Rights to Land by Developers

Time Duration	No	%
< 1 month	3	5
1 - 3 months	11	18
4 - 7 months	17	27
8 - 11 months	28	44
12 months +	4	6
Total	63	100

Source: Field Survey, 1991

Informed discussions with staff of the Lands Division, however, revealed that delays of between two and three years are not uncommon.

Surely, land is such a sensitive and, indeed, a valuable possession that its holders would not let go on mere request for it. Moreso, where a deliberate policy is adopted to control its allocation over a time period, delay would naturally occur in getting the land and the rights to occupy it.

In Kaduna, phasing of developments appears to be lacking. Land allocation is, therefore, related more to revenue drive and politics than to physical planning considerations. This precludes genuine developers from obtaining the land in good time thereby discouraging and inducing them to resort to private sources for their plots.

Because many plots are obtained through unofficial channels, and coupled with non-normalisation of rights to the land, the implementation of planning controls is made more difficult in Kaduna metropolis.

4.1.3: Obtaining Planning Permit by Developers

Many developers in Kaduna are not complying with the requirement for planning permit before building. Yet this is very necessary for the planning Board to justify its functions. This difficulty, till today, has been resulting in increased cases of illegal developments within the metropolis.

For instance, figure 4.3 indicates that as high as 71% of the developers interviewed did not obtain permit to build while only 29% did.

This implies a high probability that developers would go contrary to existing building regulations since their plans are not being vetted by KASUPDA. It would be appropriate then to state that, owing to this trend, well over half of developments in Kaduna, especially in residential areas, could be illegal and haphazard.

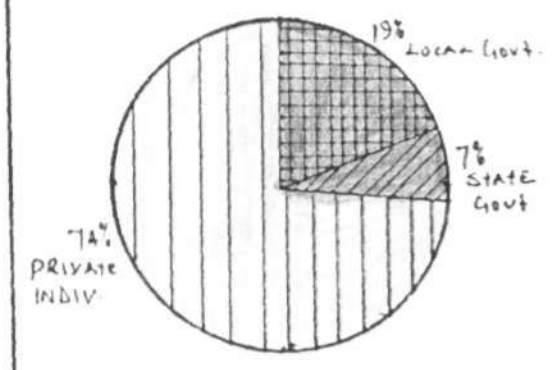
Reasons for evation of planning permit by developers are shown in table 4.3. Here, unlike the case of statutory rights, 53% evaded the permit on grounds of high fees charged by the Board rather than on delays (25%). Only 4% felt that the permits was unnecessary an' 13% (others) stated that the planning Board did not exist at the time they built. This raises a undamental issue and, indeed, a crucial one

Table 4.3: Reasons for Evation of Planning Permit by Developers.

Reason	No	%
Not Necessary	4	4
Don't know where	5	5
Long Delays	26	25
High charges	56	53
Others	15	13
Total	106	100

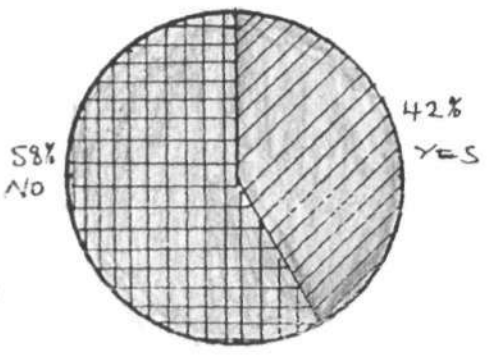
Source: Field survey, 1991

FIGURE 4·1



SOURCE OF PLOT OF THE DEVELOPERS

FIGURE 4·2



OBTAINING OF C of O BY DEVELOPERS.

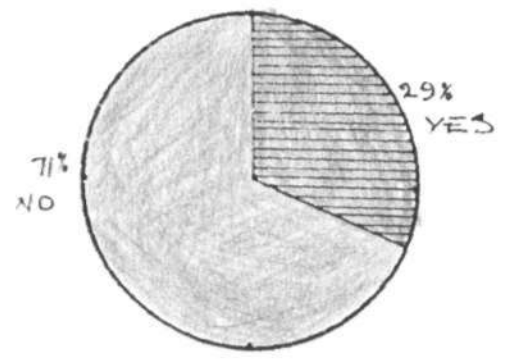
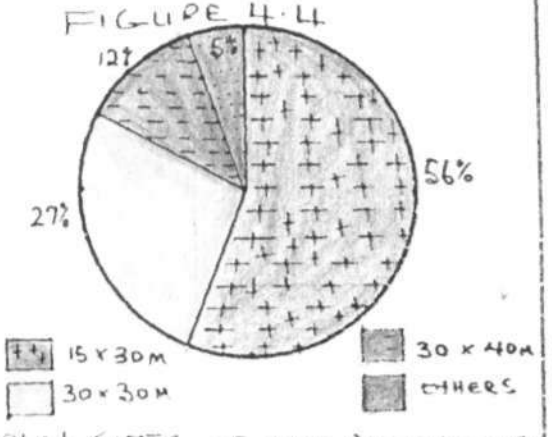


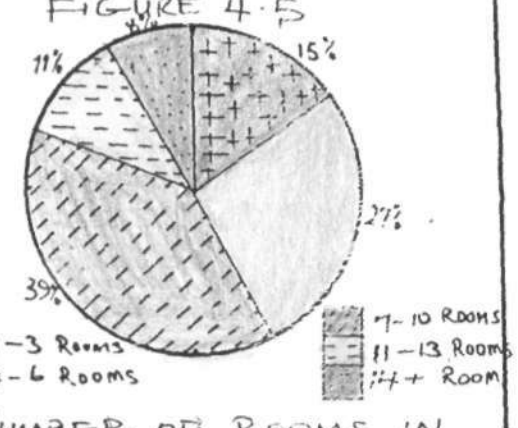
FIGURE 4.3 OBTAINING PLANNING PERMIT BY DEVELOPERS

FIGURE 4·4



PLOT SIZES OF THE DEVELOPERS

FIGURE 4·5



NUMBER OF ROOMS IN THE SAMPLED HOUSES.

SOURCE: Field Survey.

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that planning controls are not effective in Kaduna due to the fact that some developments preceeded the adoption of the controls. KASUPDA was established only in 1985 to take over from KCDB, which itself was set up in 1981, with responsibility for formal planning and control of developments in the metropolis and other designated urban areas. Before this time, many developments had occured unnoticed at the peripheral areas as initial focus was on the older central area. This observation is not with bias against the effort made by the colonialists to regulate physical development from the establishment of Kaduna in 1912 to 1959 before handing over to indigenous administrators in 1960.

Inspite of the high fees being the main deterent to obtaining planning permit by developers, delays in processing plans by the Board are also important. Table 4.4 shows that fewer people obtained the permit in four to twelve months of submission of plans than in one to three months; but the fact is uncontestable that some delays were caused thereby lending credence to the reinforcing role of the delays in deterring developers from obtaining building permits.

Table 4.4: Times Taken to obtain Planning permit by Developers.

Time Duration	No	%
- 1 month	10	23
1 - 3 months	18	41
4 - 7 months	13	29
8 - 11 months	3	7
12 months +	-	-
Total	44	100

4.1.4 Sizes of Developers Plots

The building code applied in Kaduna stipulates three types of residential plots viz:- 15 x 30 meters for high density residential, 20 x 30 meters for medium density and 30 x 50 meters for low density (Tete 1989, P 10). However, as figure 4.4 shows, the plots occupied by developers have been varied to 30 x 30 meters 30 x 45 meters and 45 x 60 meters in high density areas covered by this survey.

The 15 x 30 meter plot is still largely maintained but the variations stated above are illegal if viewed against the prescription in the code; and thus account for a substantial part of haphazard developments in the metropolis as developments on such plots would extend beyond building line. These distortions in plot sizes may be an outcome of sale of land which leads to creation of plots of all sizes and shapes and the need for more space to accommodate the multi-family housing common in high density areas of the metropolis.

The illegal extension of plot sizes by private land dealers has equally led to increase in density of buildings beyond official ceiling. This is as a result of proliferation of rooms on the plots. Figure 4.3 reveals that 39% of the houses included in the survey were erected with between seven and ten rooms while 27% of the houses contained between four and six rooms.

Further, 15% had one to three rooms and 11% had eleven to thirteen rooms while 8% had fourteen rooms and above.

On the basis of 50% coverage allowed for residential plots in high density areas, it is not likely that, giving room for basic services, the plots will accommodate more than six rooms. Existing situation therefore, indicates that many of the plots are overdeveloped and thus, contravening planning controls regarding density, plot coverage, set-backs, and so on.

4.1.5: Satisfaction of Developers with sizes of their Plots.

Notwithstanding the enlarged plots and ploriferation of rooms, many developers are still not satisfied with their plots. Figure 4.6 shows that 91% of the respondents were not satisfied and only 9% were. This creates the impression that land would be obtained for purpose of sale. As it were, it was observed that some developers needed more land while the plots they now have were only partly developed. With the demand for more land and the persistance of its sale, it is likely that the enforcement of planning controls would experience added difficulty in Kaduna metropolis.

4.1.6: Types of Structures Erected by Developers

Figure 4.7 shows the types of structures in the residential sectors studied. It shows a preponderance of compounds (52%) over the other types. There is however, a fair number of flated houses (27%) especially in 'extension' areas. Row housing is not very popular (20%) while multi-storey buildings are rare (1%) in the areas.

The increasing number of flated houses is in line with the vogue and penchant for modern housing as well as general improvement in the awareness of modern building standards applied by the planning Authority.

4.1.7: Types of Constructional Materials Used by Developers.

The building code did not clearly state what materials to use for construction. However, is stated what should not be used viz:- inflamable materials for roofing or building purposes (see section 3.10). This presuposes the use of thatch for roofing and wood for walls.

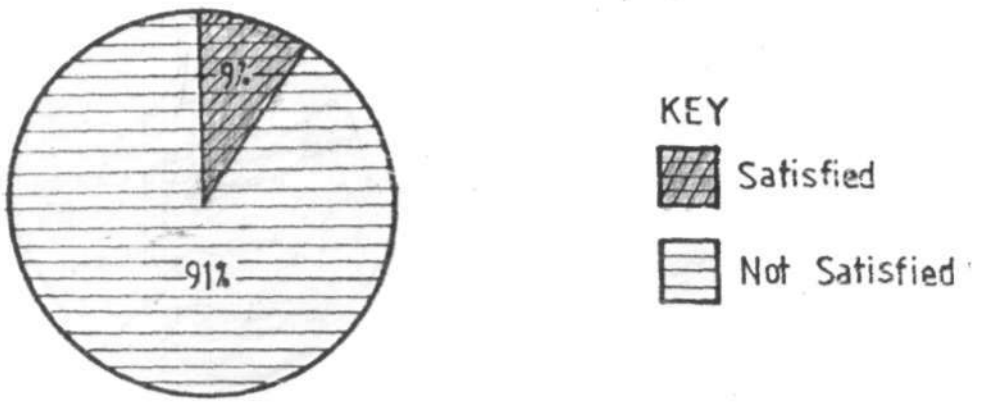


FIG 4.6: SATISFACTION WITH PLOT

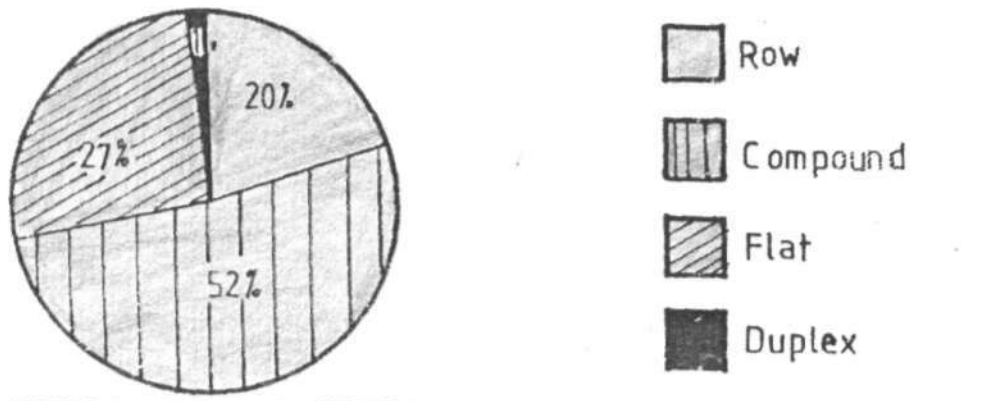


FIG4.7: TYPES OF STRUCTURES

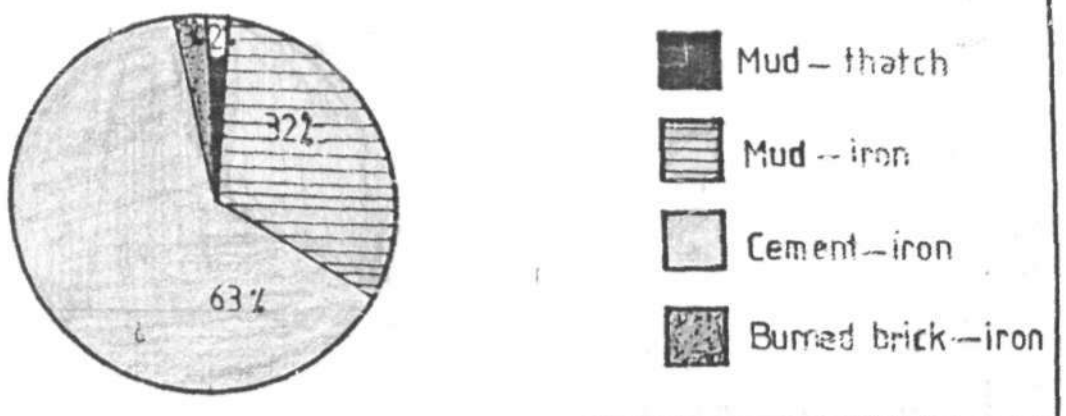


FIG 8 TYPES OF CONSTRUCTIONAL MATERIALS

SOURCE: Field survey, 1991.

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Figure 4.8, however, shows a dorminance of cement and iron-based materials (63%) for building and roofing in the areas studied. This is followed by mud structures rendered with cement and with iron roofs. It also indicates the absence of structures made entirely of mud and a small percentage (2%) of structures combining mud and thatch. There is also a small number (3%) of burnt brick houses with iron roofs.

Thus, in terms of building materials, many developers are complying with planning requirement. A further analysis of the figure shows that 98% of the roofing is of iron; that is, excluding only the 2% score for thatch roofs.

4.1.8: Complaints by Developers about the Residential Environment.

The complaints recieved from the developers interviewed are shown in table 4.5 where the highest complaints of 30% were in respect of poor drainage. This was followed by lack of refuse collection (25%) and lack of good access roads (21%). All the complaints on lack of electricity were recieved at Romi which is yet to be connected to public electricity supply network.

Much of these complaints may be blamed on the planning Board whose duty it is to provide public facilities and services in all approved layouts (see subsection 3.5.3.) before the plots are allocated or at least when developments have occured. But developers are also partly to blame as well as private land merchants who contribute to illegal developments often devoid of basic services.

By the above analysis it would appear that much of the planning control measures applied in Kaduna is not being successful inspite of some positive results here and there.

4.20: ANALYSIS OF THE PLANNING CONTROL MEASURES APPLIED BY PLANNING AGENCIES IN KADUNA.

4.2.1 Processing of Application for Land and Issuance of Statutory Rights of Occupancy, 1985 - 1990.

From the records examined and on the basis of the discussion under subsection 3.5.2, the Department of lands, surveys and Country planning is responsible for vetting all applications for land and issuance of C of O in Kaduna metropolis. Procedures for doing this have been discussed under subsection 3.6.1 along with the requirements which prospective developers applying for statutory recognition of their title to land must fulfil before their applications are processed.

Figure 4.9, therefore, shows applications recieved by the Department and C of Os granted for each of the years from 1985 to 1990. Less than 50% of the applications recieved in 1985 (33.3%), 1986 (31.6%) and 1990 (45.3%) were granted and C of Os issued. However, above 50% in 1987 (51.1%), 1988 (69.8%) and 1989 (69.4%) were granted and issued with C of Os.

From the analysis, the average performance of the Department (50%) may be considered as good but it is important to note from the analysis too that a large number of applications were not granted in the years in question. This means that the backlog of applicants would resort to private land sellers for their needs thereby raising the probability of the ineffectiveness of planning controls.

In addition the delays caused to applicants and the high charges for processing the applications (see table 4.9) make them tend to look elsewhere for plots to develop or to develop plots already acquired without statutory occupancy rights.

Table 4.5: Fees charged by Lands Division on Land Matters relating to Residential development in Kaduna.

Fee	Amount ₦	%
Ground Rent	1000.00	49.8
Application form	10.00	.5

Non-Refundable	100.00	4.8
Development Levy	500.00	24.0
Processing of C of O	100.00	4.8
Survey	300.00	14.4
Total	2010.00	100.00

Source: Kaduna State of Nigeria, Gazette No 6 1984, PP 43 - 50.

4.2.2 Processing of plans and Granting of Planning permits, 1985 - 1990.

For the purpose of controlling developments, developers are to take their building plans to KASUPDA for approval. Figure 4.10 shows the number of plans submitted by developers and permits granted by KASUPDA in respect of all types of developments for each of the years 1985 to 1990 in Kaduna. In terms of granting permits, the performance of the Board could be judged as above average since over 50% of the plans submitted were issued with permits in each of the years; and as indicated under table 4.4, most of the permits were issued within one to three months of submission of plans.

This indicates that the Board does not delay giving its approval to plans long as the laid down conditions are met.

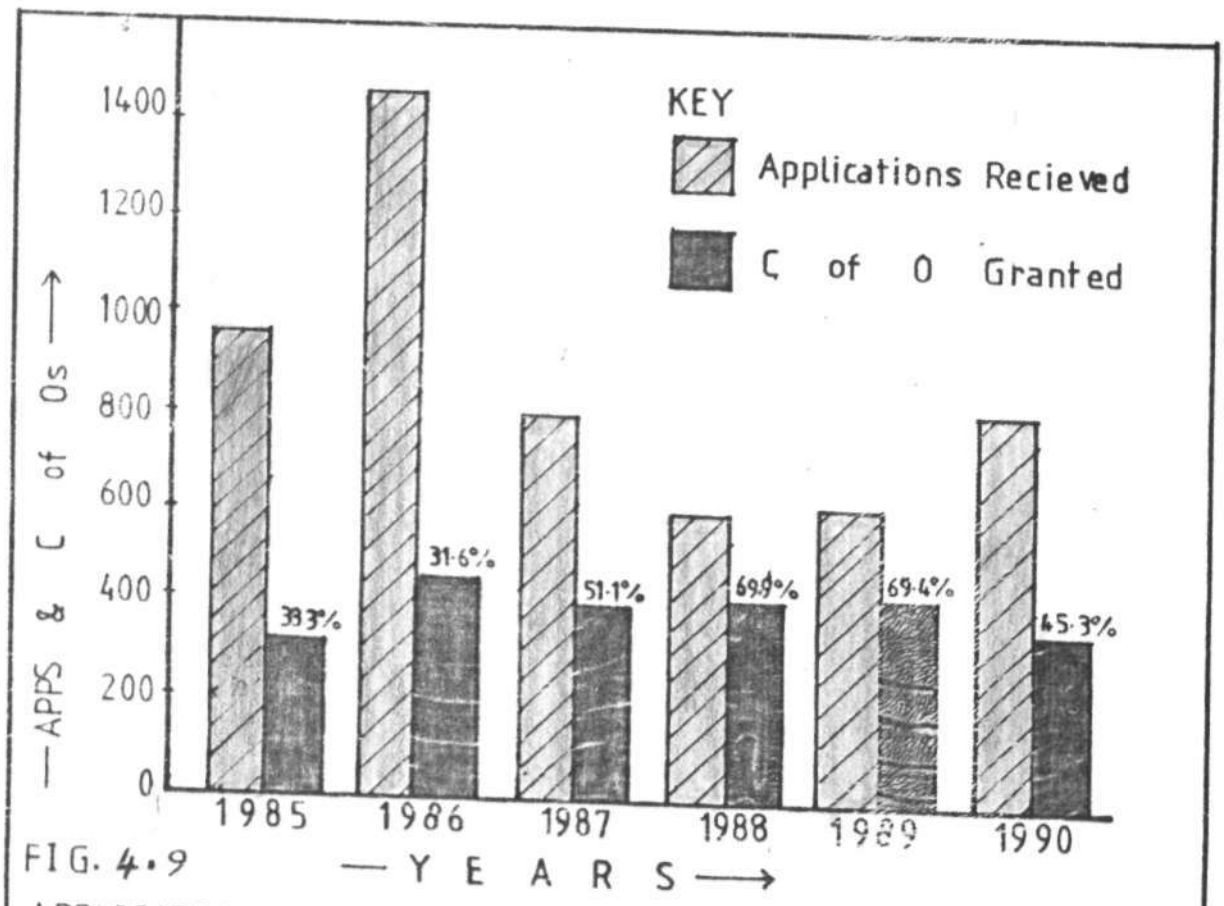


FIG. 4.9 APPLICATIONS RECIEVED AND C of Os GRANTED IN KADUNA

SOURCE : Lands Division Kaduna

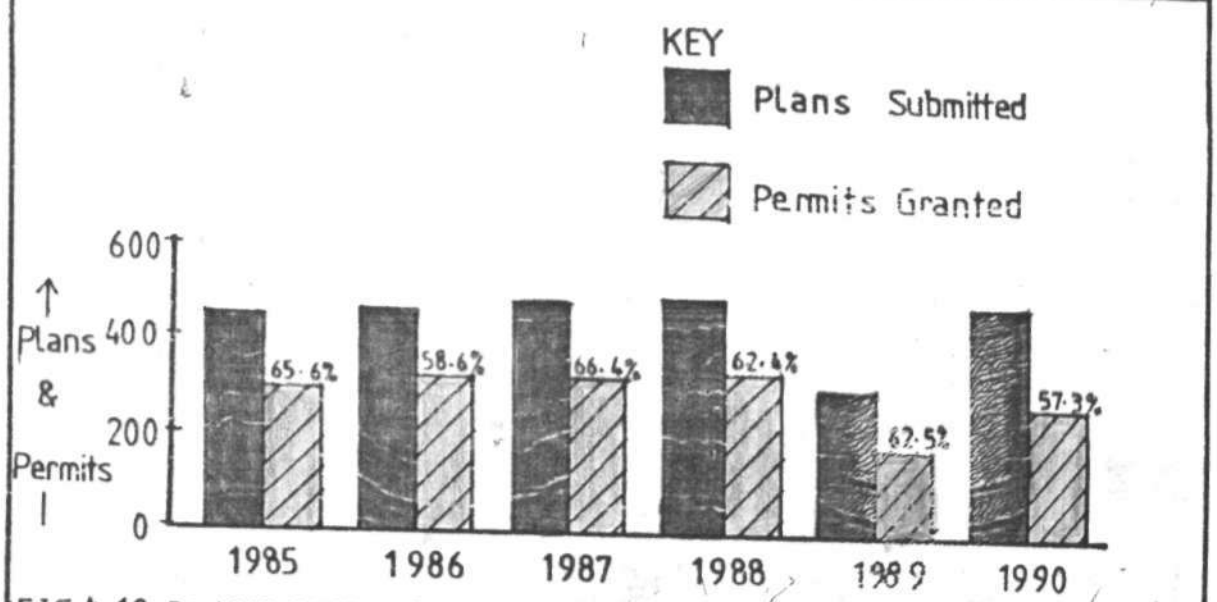


FIG 4.10: PLANS RECIEVED AND BUILDING PERMITS GIVEN IN KADUNA

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This supports an earlier position that high fees charged (see table 4.6) by the Board for processing plans are the main deterrents to obtaining planning permit by the developers. The schedule of fees shows a lower total charge than for the fees on land (see table 4.5).

Table 4.6: Planning Fees in Respect of various Residential Developments in Kaduna.

Type of Development	Planning Fee (₦)	
	G.R.A.	Others
Bungalow (3br)	1000.00	250.00
Additional Room	50.00	50.00
Flat (commercial)	1000.00	500.00
Duplex	1500.00	750.00
Room & partour	-	100.00
Building of plot	200.00	100.00

Source: KASUPDA, January 1991, P1-2

However, many developers consider the fees too exhorbitant because while the C of O gives them legal title to Land, planning permit is an ordinary letter allowing them to develop the land. This and the other conditions discussed in section 3.40 and subsection 3.6.2 deter developers from seeking planning approval as also shown in figure 4.3.

From the analysis above, it can be seen that KASUPDA, is making effort to implement the planning controls applied in Kaduna but that the high fees and stringent conditions to be met by developers as well as bureaucratic delays are constraining the succes of the effort.

4.30: THE OPINIONS OF PLANNING STAFF ON PUBLIC ATTITUDE TO PLANNING CONTROLS AND THE PLANNING MACHINERY IN KADUNA.

4.3.1 Public Awareness of the Planning Controls

Public awareness of the importance of planning controls is a fundamental catalyst to the success of the controls. Table 4.7 represents the views of senior planning officers in the planning Department of the planning Board. It shows that 50% of the respondents were of the opinion that there is sufficient public awareness to make the planning controls effective in Kaduna. Only 16.7% thought otherwise and 33.3% were unsure. This accords with table 4.1 and 4.3 where unawareness of the C of O and planning permit ranked low in the reasons for not obtaining them by developers. This also gives further credence to and

Table 4.7: Public Awareness of Planning Controls in Kaduna.

Opinion	No	%
Are Aware	3	50.0
Are Not Aware	1	16.7
Not sure	2	33.3
Total	6	100.0

Source: Field Survey, 1991.

supports an earlier contention that cost, high charges and delays are the principal deterents to the success of the controls rather than lack of public awareness.

4.3.2 Public Acceptance of the Land use Decree of 1978.

The responses indicated in table 4.8 show that 66.7% of the staff held the opinion that the public accepts the Land Use Decree and 33.3% thought otherwise.

Table 4.8: Public Acceptance of the 1978 Land Use Decree in Kaduna

Opinion	No	%
Positive	4	66.7
Negetive	2	33.3
Not sure	-	-
Total	6	100.0

Source: Field Survey, 1991.

Indeed, the land use Decree, though controversial, has not been resisted in Northern Nigeria as the traditional land practices did not vary much from the provisions of the Decree. Thus, the problem of sale of land by traditional leaders, as also identified by Yahaya et al (1987,P183), is a result of unfavourable terms for acquisition of the land and non-payment of compensation by Government rather than as a reaction against the Decree.

4.3.3: The Sufficiency of Legal Instruments for enforcing the Planning Controls.

The opinion of the staff in relation to legal component of the planning machinery in Kaduna showed that 50% felt that the legal tools were insufficient while 33.3 thought they were. Only 16.7% were unsure.

Table 4.9: Sufficiency of Legal Instruments for effectuating the Planning Controls in Kaduna.

Opinion	No	%
Sufficient	2	33.3
Not Sufficient	3	50.0
Not sure	1	16.7
Total	6	100.0

Source: Field Survey, 1991.

This supports the contention of planners in Nigeria that planning actions are not effective partly because of cumbersome and insufficient legal instruments, especially the inability of the laws to protect the actions of planning Boards which enforce their provisions.

4.3.4 The Level of Success of the Planning Controls

The opinions of the respondents as indicated in table 4.10 below, Shows that 50% were of the opinion that the planning controls have not been successful in Kaduna 33%

held the opinion that they have been a success and 16.7% felt they are only a part-success.

Table 4.10: Rating of the success of Planning Controls in Kaduna.

Opinion	No	%
Successful	2	33.3
Partly successful	1	16.7
Not successful	3	50.0
Total	6	100.0

Source: Field Survey, 1991.

Judging from this and other information analysed in this chapter, it can be deduced that planning controls have not made much impact in Kaduna to establish the truth or falesy of this assertion requires proof. Thus, an assessment of the planning control process and the impacts of the control measures in the metropolis is undertaken in the next chapter.

CHAPTER FIVE

THE PLANNING CONTROL PROCESS AND IMPACTS IN KADUNA AND THEIR PROBLEMS AND PROSPECTS

5.10: INTRODUCTION

Assessing planning controls involves an evaluation of the control process as well as the controls applied in a given context in terms of the administrative framework, procedures, tools and applicability of the control measures. To do this, certain parameters, some of which are quantitative and others qualitative, are often adopted. These vary depending on the level of assessment viz: metropolitan, sector or site.

The assessment in this study is at the metropolitan and sector levels; preceeded by an examination of the process of implementing the controls in Kaduna. The assessment at the metropolitan level is based on a comparison of existing situation with the Max Lock 1967 - 2017 Land use proposal for Kaduna. For want of layouts for the residential sectors studied, their assessment is based on field observations and records with photographs of relevant development features. The views of Planning officials and developers, already discussed, are also incorporated in the assessment.

5.20: ASSESSMENT OF THE PLANNING CONTROL PROCESS IN KADUNA.

5.2.1 Assessment of the Administrative Framework

The agencies implementing planning controls and the various development organs in Kaduna need to interrelate strongly with one another for effective development of the metropolis. In practice, however, this is so only to a limited extent. The agencies lack basic linkages and coordination and organs of physical development like NEPA, Water Board, NITEL, and so on, are not taken on board in planning of the metropolis. This has resulted in the agencies' roles overlapping and conflicts cropping up among them and the other organs carrying out their functions without reference to the planning Board. Thus, developers are often unsure who is controlling what.

These problems arise from lack of clear delineation of the roles of the agencies as well as their areas of jurisdiction. This situation has, seemingly, legalised haphazard developments, criss-crossing of utility lines, developments taking place under high-capacity electric wires, and other forms of uncontrolled and unplanned developments, especially in the residential areas. These lapses need to be rationalised for more effective physical development of Kaduna metropolis.

5.2.2 Assessment of the Procedures

Based on the discussion in previous subsections of this report as well as the analysis of the activities of developers and planning agencies, it would be expedient to state that the most problematic aspects of the planning control process in Kaduna are the procedures adopted. Indeed, some of the conditions attatched to the procedures for developers to meet are unnecessary and some toostringent. Thus, they are insufficient basis for decisions and actions of the planning agencies. For instance, failure to present the tax clearance reciepts by developers leads to rejection of applications for land or refusal of planning permit.

In addition, the various fees (see tables 4.5 and 4.6) charged by planning agencies, even at the present devalued power of the Naira, are exhorbitant. For example, fees for processing application for land and issuance of statutory rights have risen from a total of ₦325.00 in 1983 to ₦2010.00 (Kaduna State of Nigeria, Gazette No6, 1984, notice no 29). The same has happened to planning fees which have risen from ₦500.00 minimum in respect of three bedroom bungalow in 1990 to ₦1200.00 presently (KASUPDA,notice 1, 1991).

These conditions and charges need to be reviewed downwards to ease developers' burdens and encourage them to comply with the planning control measures.

5.2.3 Assessment of the Tools for Implementing the Planning Controls.

Another problem in the implementation of the planning controls in Kaduna relates to the tools. It has been noted earlier in this report that the Max Lock Land use proposals for Kaduna are not being strictly complied with. There is, thus, no working plan serving as reference for implementing the controls. In addition, detailed plans are lacking for the development of individuals sectors of the metropolis. These are major lapses, as effective control cannot be possible without physical development plans.

The legal instruments todeal more with procedural issues than with the legality of planning controls. The Land use Decree, for instance, deals more with the procedure for land acquisition, compensation, betterment and so on, than with its enforcement and protection of the agency to enforce it. Also, the Town and Country Planning Law deals more with preparation and publication of planning schemes and less with modalities for their implementation and provides insufficiently for protection of the planning Boards.

Indeed, these laws are too generalistic, to state the obvious. What then appear to be more handy legal instruments are the conditions attatched to grant of statutory rights to land and issuance of planning permit.

Developers pledge to abide by the conditions, but these too have not been effective in deterring the bad practices of developers.

In this light, the legal tools need to be sharpened for planning agencies to use them to greater advantage of effective enforcement of the planning controls.

5.30: ASSESSMENT OF THE IMPACTS OF THE PLANNING CONTROLS AT THE METROPOLITAN LEVEL.

TAking Kaduna as a whole, existing land uses and developments show a member of alterations or deviations from Max Lock proposals. Putting figure 5.1 against figure 5.2, for instance, it can be seen that some of the areas proposed for industrial development have been taken over by residential developments as indicated by (1) and (8) and public uses (7). Also, almost all places proposed as open spaces and green belts have been filled by residential developments (5). Indeed, comparing all the other marked portions of the two maps shown in the figures, it can be noted that one form of altration or another has occured in the land use pattern proposed by Max Lock.

This trend may be due to the lack of strict reference to the plan in the course of land allocation as a result of restricted powers of the implementing agencies.

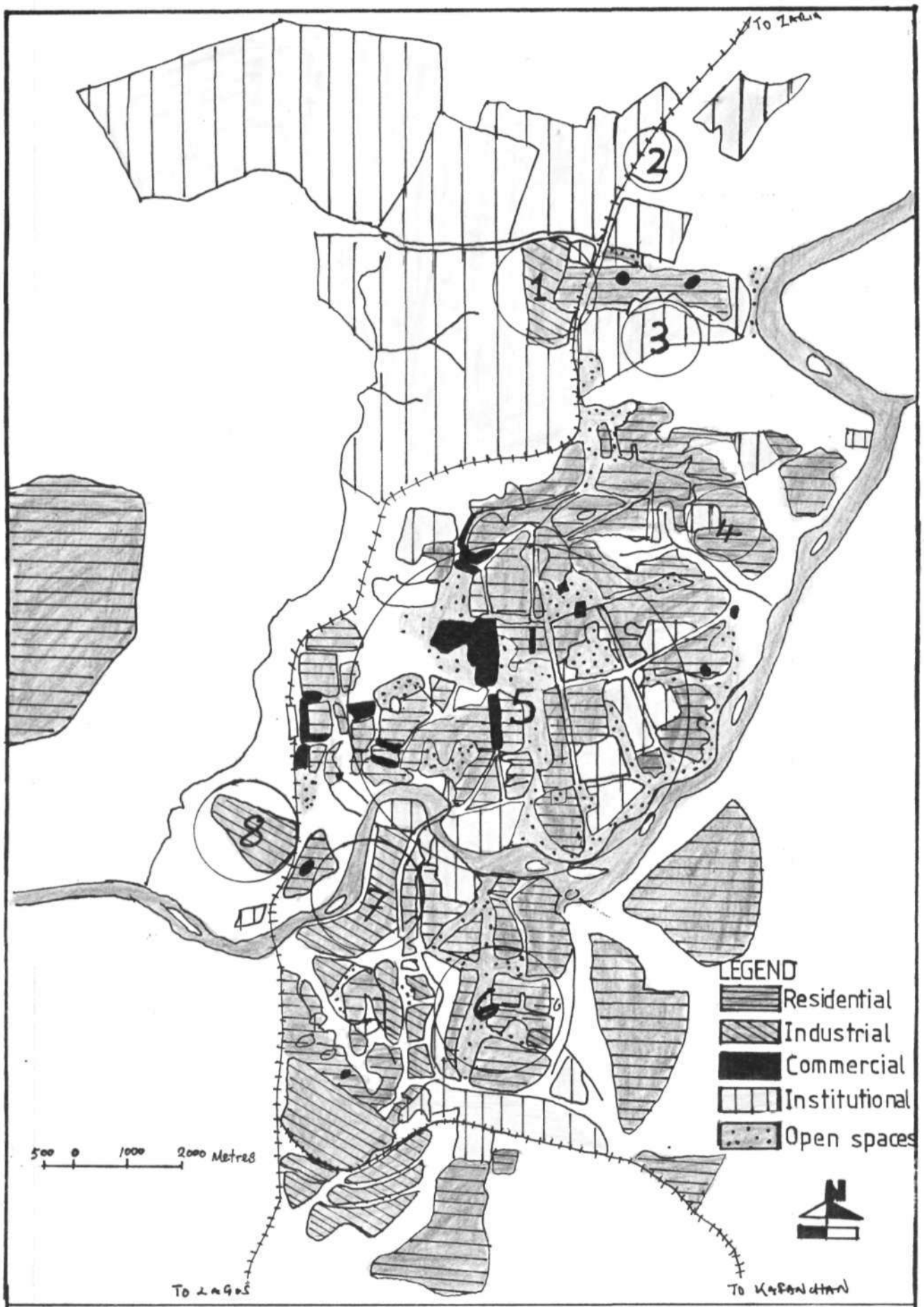


FIG. 5.1: LAND-USE PROPOSAL FOR KADUNA, 1967–2017.

SOURCE: Max Lock and Partners, 1967, P100.

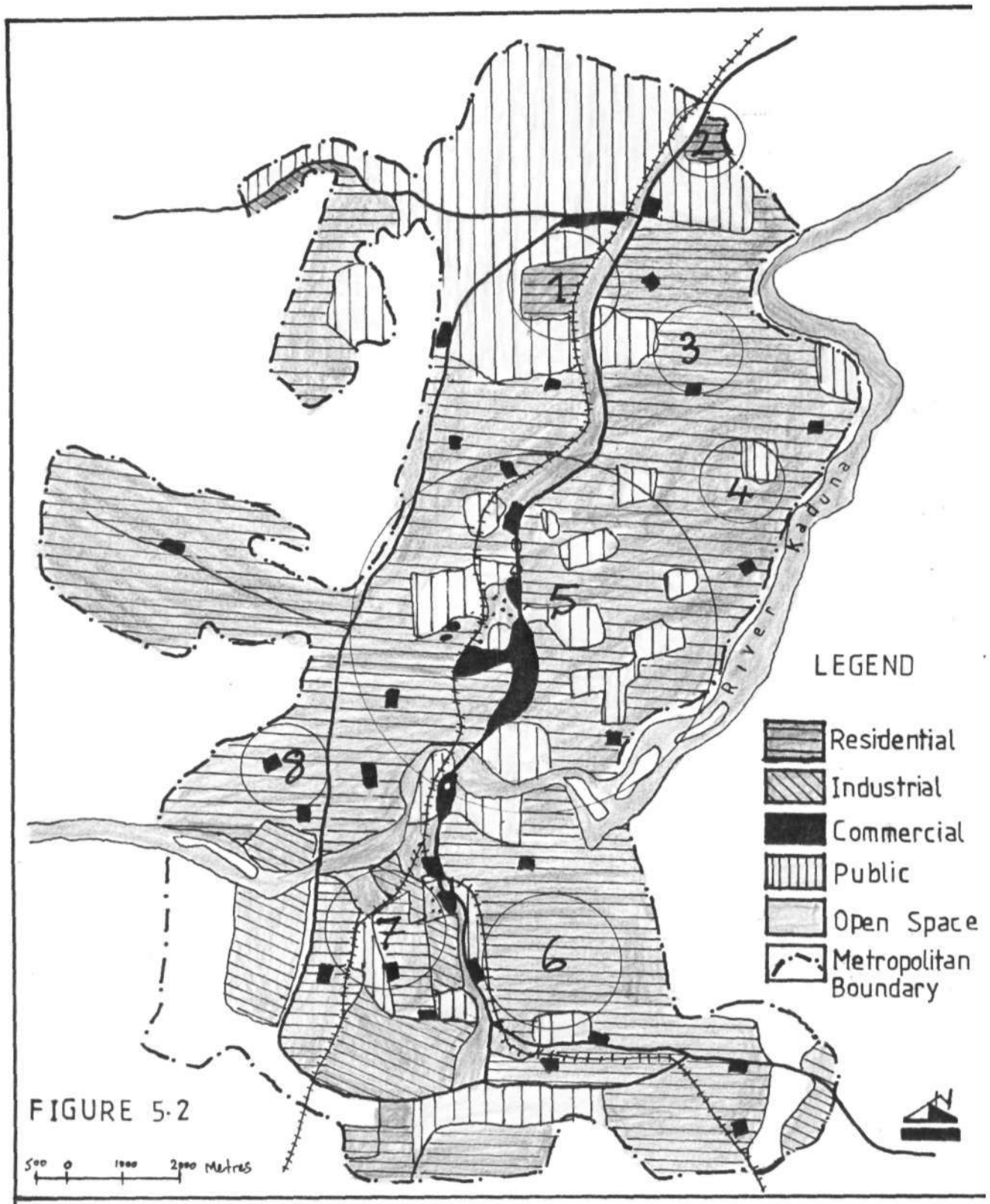


FIGURE 5·2

EXISTING LAND-USE OF KADUNA METROPOLIS

SOURCE: Oykanmi (1990, P9b)

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In addition, field observation revealed the invation of residential by commercial uses and proliferation of small markets in the metropolis. Informal trading now characterises residential streets and parts of residential buildings converted to restaurants, provision shops, beer parlours, beauty saloons, among others.

This trend of alterations will likely continue long as there is no reference being made to the master plan for the metropolis. The uses that now face the greatest threat are the open spaces and green belts which are being laidout and allocated for building by directive of the Government.

The discussion above appears to confirm the discussions in chapter four which revealed that developers are not complying much with planning regulations and conditions. Many of them have no statutory rights to their plots; many built without planning permit and thus the laying of the structures could be anything but orderly.

Inspite of this, there are indications of compliance with Max Lock proposals in few areas as in the new Kudenda Industrial layout and location of new residential areas like Rigasa, Narayi, Sabon Tasha, Anguwan yelwa and Romi.

Notwithstanding these positive developments, planning control measures applied have not made much impact on arrangement of land uses and developments at the metropolitan level.

5.40: ASSESSMENT OF THE IMPACTS OF THE PLANNING CONTROL AT THE RESIDENTIAL SECTOR LEVEL.

5.4.1 Parameters for the Assessment

Six parameters are adopted for the purpose of this assessment based on the responses got from develcpers. The parameters are plot size(A), source of land(B), statutory rights of occupancy(C), planning permit(D), roofing materials(E) and building materials(F).

Figures 5.3 - 5.7 show the assessment in respect of each of the parameters for the five residential sectors studied. A further assessment is made in section 5.50 on the basis of field observations and records.

5.4.2 Assessment of the Impacts at Romi Village

Aspects of the planning control measures adhered to most by developers at Romi village are plot size (76%) and non use of inflamable roofing materials (88%) (see figure 5.3). However, 40% of the developers had C of O and 36% of the structures were cement-based. Furthermore, while 20% of the developers obtained planning permit, only 12% of the plots were obtained from the State Government.

Thus, except for plot sizes and roofing materials, the performance at Romi in respect of the other parameters was below expectation.

5.4.3 Assessment of the Impacts at Ungwan Yelwa

The responses for ungwan yelwa, shown in figure 5.4, indicate a good level of complaince by the developers with regulation of roofing materials(100%) and building material (60%). For all the others, the compliance is low (40% and below). This is below the performance at Romi village.

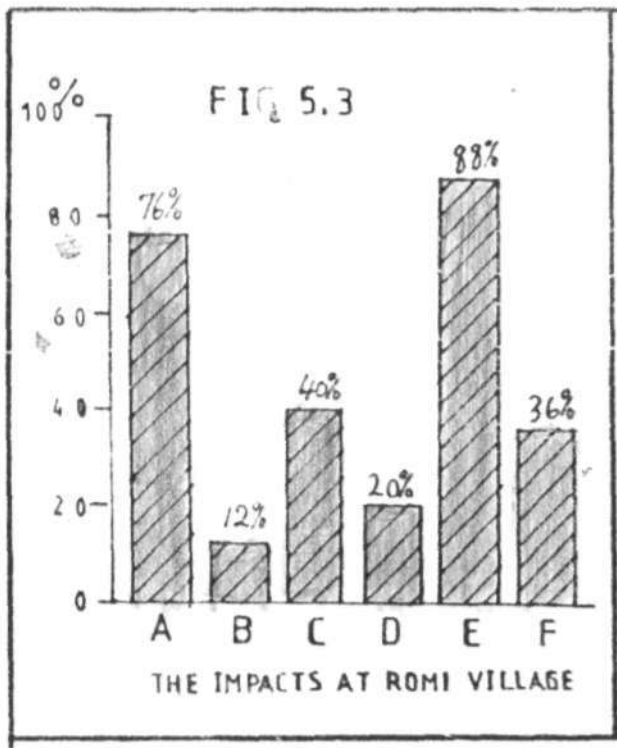
5.4.4 Assessment of the Impacts at Ungwan Sunday

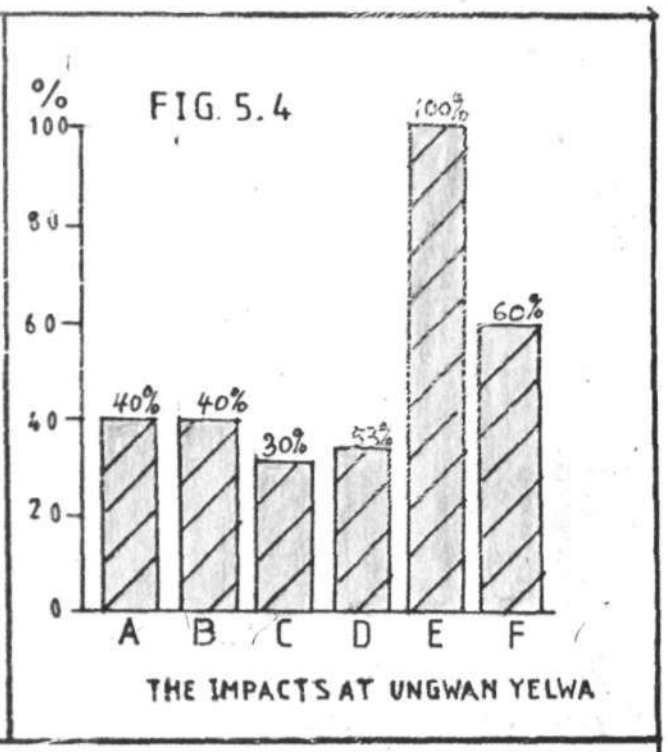
In the case of ungwan sunday, figure 5.5 shows an appreciable level of compliance in respect of roofing materials (100%), building material (69%) and plot sizes (54%).

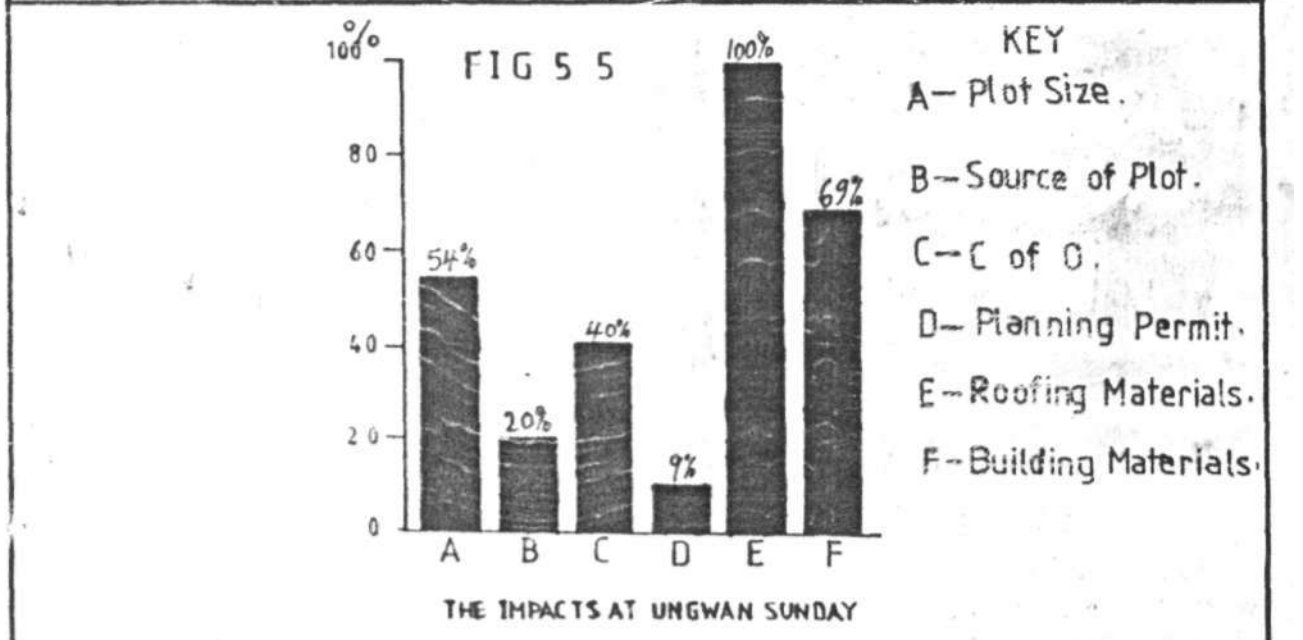
However, only 12% of the developers obtained their land from government and 40% had C of O while only 9% obtained planning permit. Thus, in this sector developers adhered mainly to regulations on constructional materials and plot size with the others making only a limited impact.

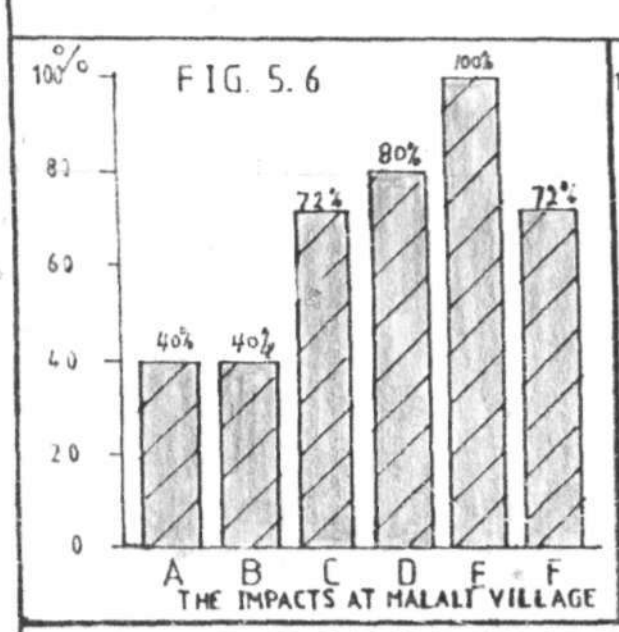
5.4.5 Assessment at Malali Village

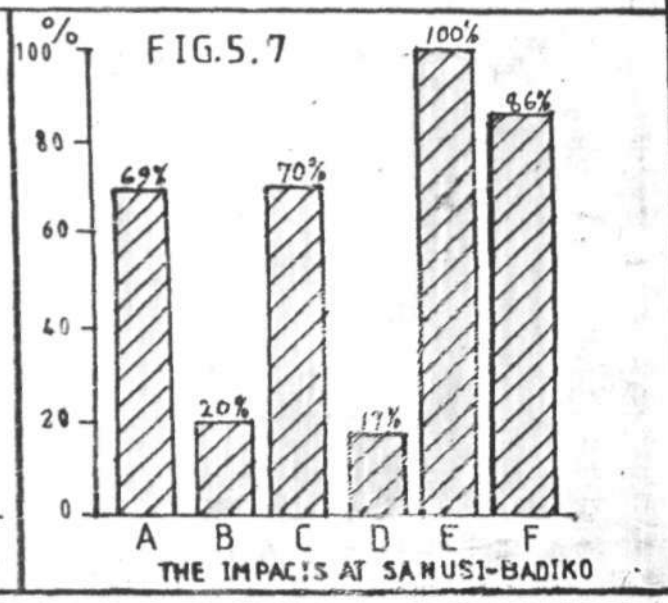
Figure 5.6 shows the responses obtained at Malali. It indicates substantial compliance with four of the six parameters measured. These are roofing material (100%) planning permit (80%), Building material (72%) and C of O (72%).











ASSESSMENT OF THE IMPACTS OF PLANNING CONTROLS IN THE SELECTED RESIDENTIAL SECTORS.

Approved plot sizes and source of land are the areas of low level of compliance (40% each). By this assessment, Malali fairs better than the other three sectors already assessed.

5.4.6 Assessment of the Impacts at Badiko-Sanusi Sector.

In this sector the least compliance is with planning permit (only 17%) and source of land (20%) as shown in figure 5.7. The chart further shows that developers conform well with regulations on roofing materials (100%) building materials (86%), C of O (70%) and plot size (69%).

The performance at this sector may on this basis be judged as encouraging.

5.4.7 Comparative Assessment and Ranking of the Residential Sectors on the Selected Parameters.

On the basis of table 5.1, the sectors studied can be ranked, as shown, in terms of their adherence to planning regulations assessed. The total aggregate percent score is used to rank the sectors.

Though it has been observed that planning control measures have had only a small level of positive impact, the ranking of the sectors enables the determination of which sectors have faired better than the others.

Table 5.1: Aggregate scoring and Ranking of the Residential Sectors.

Sector	Aggregate score(%)	Rank
Romi village	272	5
Ungwan yelwa	303	3
Malali village	424	1
Ungwan sunday	292	4
Badiko-sanusi	360	2

Source: Field Survey, 1991.

From table 5.1 malali village ranks first, Badiko-sanusi second; Ungwan Yelwa third; Ungwan Sunday fourth and the least is Romi Village which ranks sixth.

5.4.8 Assessment of the parameters according to their Applicability.

Table 5.2 shows the total aggregate percentage score for each of the parameters and their ranking as in table 5.1 above. The table shows that use of non-inflamable roofing materials ranks first followed by use of cement for building. The third position is taken by plot size and the fourth by statutory rights of occupancy. The areas of least impact are the requirements for planning permit (fifth) and source of land for development which ranks sixth.

This ranking is also necessary as it enables the determination of which of the control measures have received more compliance than the others.

Table 5.2: Aggregate scoring and Ranking of the parameters Assessed

Parameter	Aggregate score (%)	Rank
A	279	3
B	132	6
C	252	4
D	159	5
E	488	1
F	323	2

Source: Field survey, 1991.

In conclusion, therefore, it can be deduced from the discussions and assessments that the planning controls applied in Kaduna have had a limited impact and largely uncomplied with by developers in the selected residential sectors.

5.50 ASSESSMENT OF THE IMPACTS ON THE BASIS OF FIELD OBSERVATIONS AND RECORDS.

This assessment takes the same form as in subsections 5.4.7 and 5.4.8 above.

The percentage scores in terms of level of compliance to each of the parameters observed are given in table 5.3 for each of the sectors studied. The totals on the vertical column of the table indicate the aggregate scores for the sectors. This shows that Malali village topped the other sectors with its best scores in parameters A, B, and D. It is followed by Romi village which had better scores in the same parameters than Malali but scored a lower aggregate.

The remaining sectors showed good performance in only parameter D, with the exception of Badiko-sanusi which also included parameter E (57%).

The horizontal column totals show the compliance in respect of each parameter. They show that building height regulation, was not contravened in all the sectors. Next to it is street reservation (B), then plot coverage, refuse disposal (E) and parking regulation (C) ranked fourth and fifth respectively.

Table 5.3 Aggregate scores and Ranks of both the sectors and parameters used for field observations.

Residential sector	Parameters/%					Total	Rank
	A	B	C	D	E	6	
Romi village	64	84	8	100	8	264 (52.8%)	2
Ungwan yelwa	20	27	3	100	11	161 (32.2%)	4
Ungwan Sunday	20	12	12	100	14	158 (31.6%)	5
Malali village	48	80	20	100	40	288 (57.6%)	1
Badiko-sanusi	20	14	12	100	57	203 (40.6%)	3
Total	172 (34.7%)	217 (43.4%	55 (11%	500 (100%	130 (26%		
Rank	3	2	5	1	4		

Source: field survey, 1991

KEY TO PARAMETERS

A - plot coverage
B - street reservation
C - parking regulation
D - height regulation
E - refuse disposal

A further breakdown of the total scores on the vertical column of the table shows that only Malali and Romi scored above 50% overall performances, representing 40% of the sectors studied. On the horizontal column, the totals indicate that only height regulation was fully complied with, representing only 20% of the sectors. None of the others scored up to 50% performance.

From these assessments it may be confirmed that planning controls have had limited success in the residential sectors studied and only in few aspects of the control measures and planning standards.

5.60 PROBLEMS AND PROSPECTS OF THE PLANNING CONTROLS APPLIED IN KADUNA.

5.6.1 Problems of the controls

Bottlenecks to effective implementation of the planning controls applied in Kaduna metropolis can be viewed in terms of administrative technical and legal contraints.

(a) Administrative Shortcomings

It has been established in this report that the administrative framework for planning control in Kaduna is insufficient for effective organisation of planning and implementation of the planning control measures by concerned authorities. This is because the administrative agencies are

dogged by serious problems of overlapping functions, non-coordination, lack of clear jurisdiction and bureaucratic hold-ups which render planning controls ineffective.

For instance, the study revealed that both the Lands Division and Local Government Councils administer land in the metropolis with no consultation between them. This results is double allocation of plots and land speculation which in turn lead to hasty developments and negetion of planning standards.

Furthermore, both KASUPDA and the Local Governments prepare layouts and implement planning controls within Kaduna metropolis. This is a major problem because, often, the developers take advantage of the undecisive roles of the agencies to build without regard to planning controls.

The long protocols in processing applications and plans and untenable reasons for turning down applications like lack of tax reciept, seemingly low financial status of some applicants, make them evade planning controls by obtaining land from individuals and building without permit.

(b) Technical Inadequacies

The enforcement of planning controls in Kaduna metropolis is further made a problem as a result of lack of a working master plan and detailed layouts.

Yet these are a basis for the controls. This has set a pattern for illegal and non-conforming developments in the metropolis.

The building code for Kaduna also does not provide standards for tenement housing. Ironically, this form of housing is the most popular in the metropolis. Tenement housing has a high propensity of leading to overdevelopment of plots and encroachment on public right of way and open spaces as it now does in the sectors studied.

Another technical problem to the planning controls is paucity of data especially in relation to population and socio-economic characteristics of the metropolis. The planning agencies are yet not involved in any research effort to generate data. With the growth of the metropolis going on the spur of the moment, planning controls effectiveness cannot be ensured in the absence of a sound data base.

Adding to these constraints are the traditional problems of inadequate finance, obselete equipment, shortage of professional manpower, and so forth. For instance, KASUPDA has only ten professional planners in charge of all the designated urban areas of the State.

This means that Kaduna needs about 22 more professional planners on the basis of fifty thousand population to one planner and given the present projection of the population of Kaduna at 1.6million inhabitants. Thus KASUPDA has only 31% of the professional planners it requires for effective planning control in the metropolis. This is a glaring problem.

(C) Legal Constraints

The inadequacy of the legal instruments is a major constraint to effective planning control in Kaduna. Land transactions in the metropolis are still substantially speculative and developers erect structures at will. The laws have not prescribed any stringent penalties for these offences other than fines. Discussions with staff of KASUPDA revealed that though the Board has often arreigned developers before the courts, cases of blatant disregard to planning conditions have continued. By extention, legally-binding documents like C of O and planning permit have no force as developers obtain them only as a formality but do not abide by their terms and conditions.

In the face of these problems it is hardly surprising why planning control measures have not made much impact on physical developments in the selected residential sectors in particular and Kaduna metropolis in general. However, all hope is not lost.

5.6.2 Prospects of the Planning Controls in Kaduna.

Planning controls have not been a complete failure in Kaduna as revealed by the discussions, analysis and assessments done in this thesis report. If one compares the older settlement in the metropolis and the newer extensions which have developed in the past few years, this point can be proved.

The photographs in plates I-X depict this observation in a sequence, beginning from poor conditions in the first place to the last which show a drastic improvement in housing.

These among others improvements, as shown in the plates, are an idication that inspite of the problems which have caused the ineffectiveness of the planning controls they have a good chance of an improved bargain in future developments in the metropolis. However, this will depend on adequate solution of the problems. It is towards this objective that the following recommendations and proposals are made.



PLATE I A typical compound at Ungwan Yelwa. It indicates low quality of building and residential surrounding.

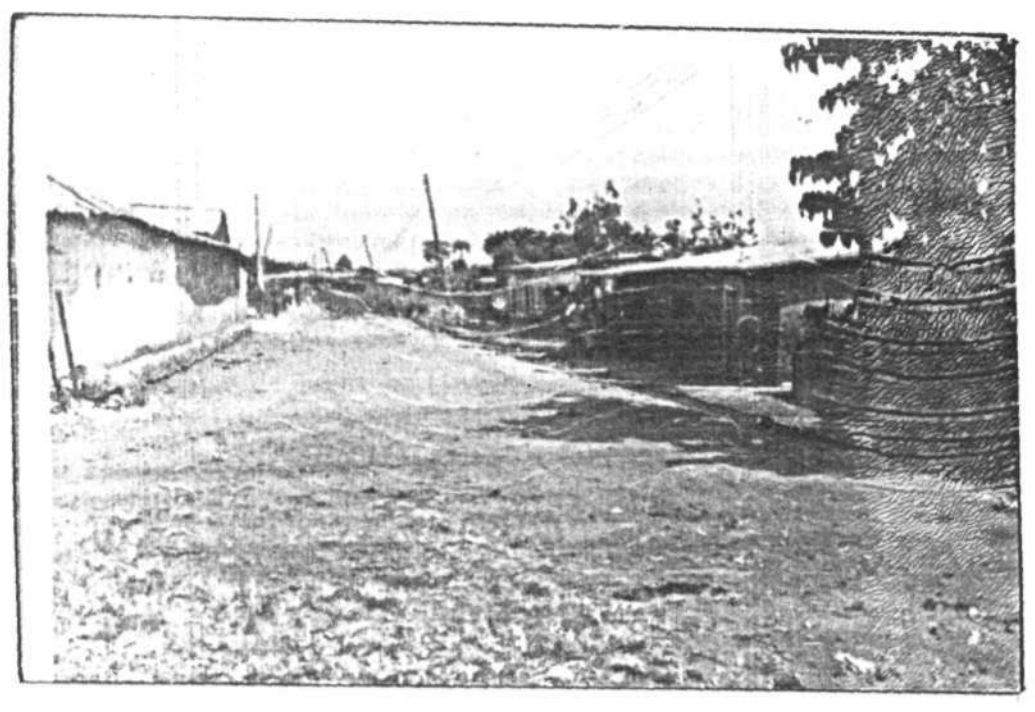


PLATE II Haphazard Developments in part of Ungwan Sunday. Notice a building on street Reservation in the foreground.

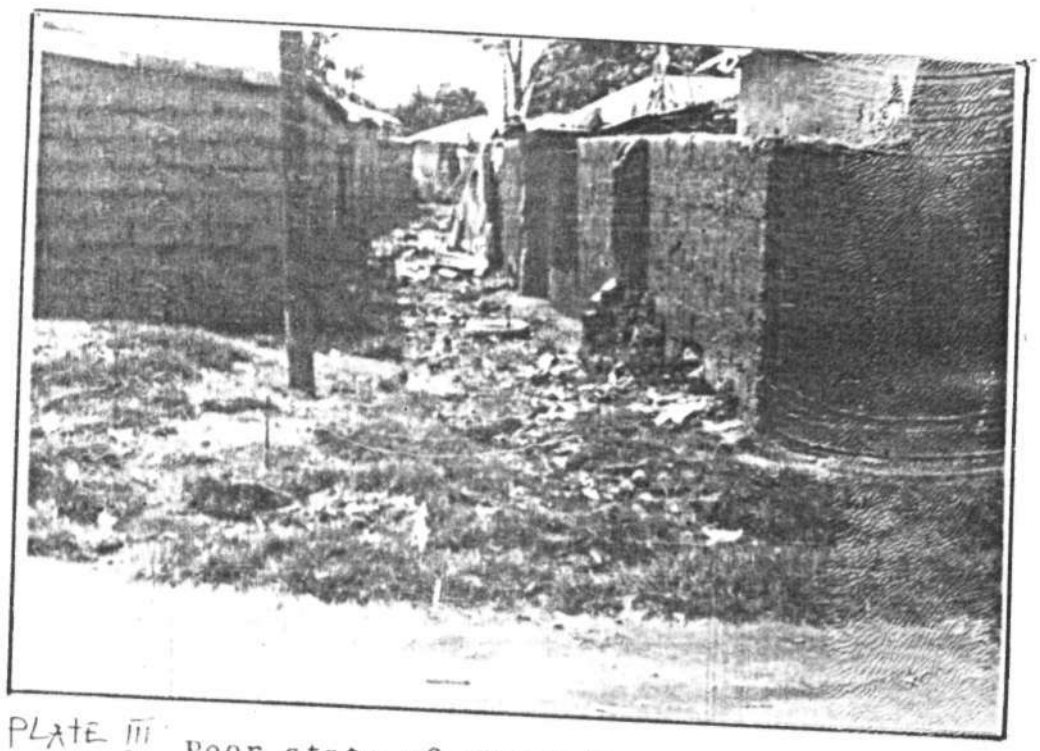


PLATE III Poor state of sanitation and Drainage at Ungwan Sunday. A result of lack of drainages and refuse disposal outlets.



PLATE IV Accumulated Rubish Heap at Badiko-Sanusi sector. A result of lack of reguiar official collection of refuse.



PLATE V Poor Drainage in a Residential street at Ungwan Yelwa. A common sight in the rainy period.

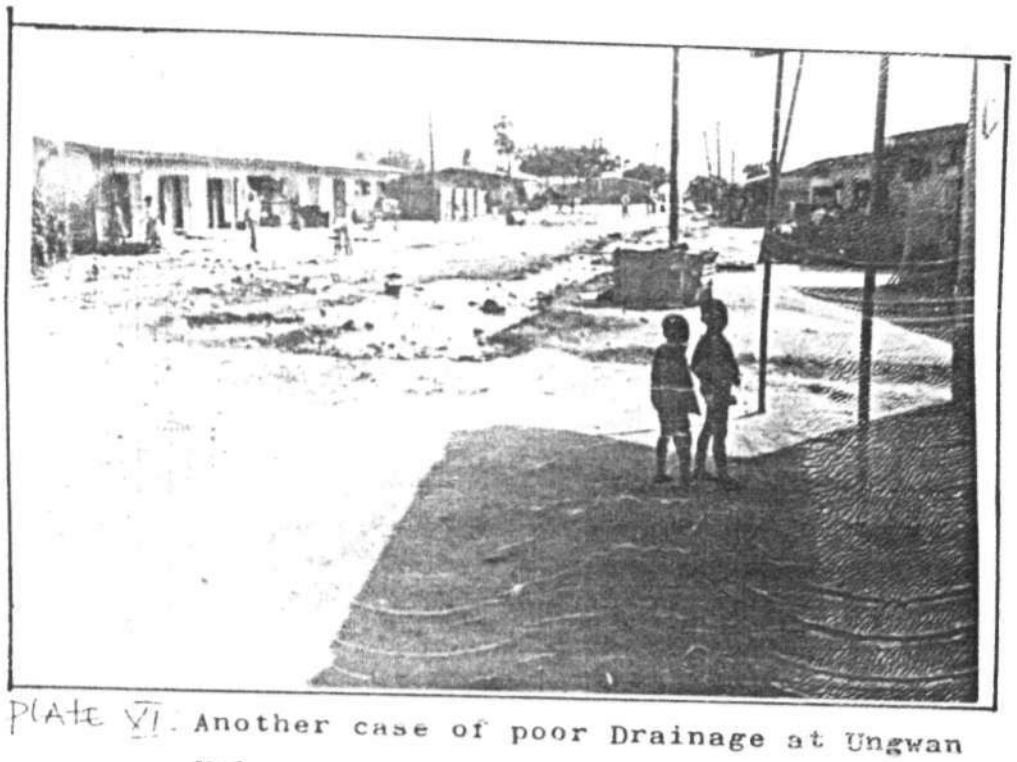


PLATE VI. Another case of poor Drainage at Ungwan Yelwa



PLATE VII A part of Romi village. A largely undeveloped Area Lacking Basic services except water yet offering an excellent opportunity for improvement.



PLATE VIII Improved Access and Developments at Ungwan Yelwa. A good prospect for planning control measures in Kaduna.



PLATE IX Better quality Housing at Badiko-Sanusi sector. Improved planning standards blended with modern tastes.

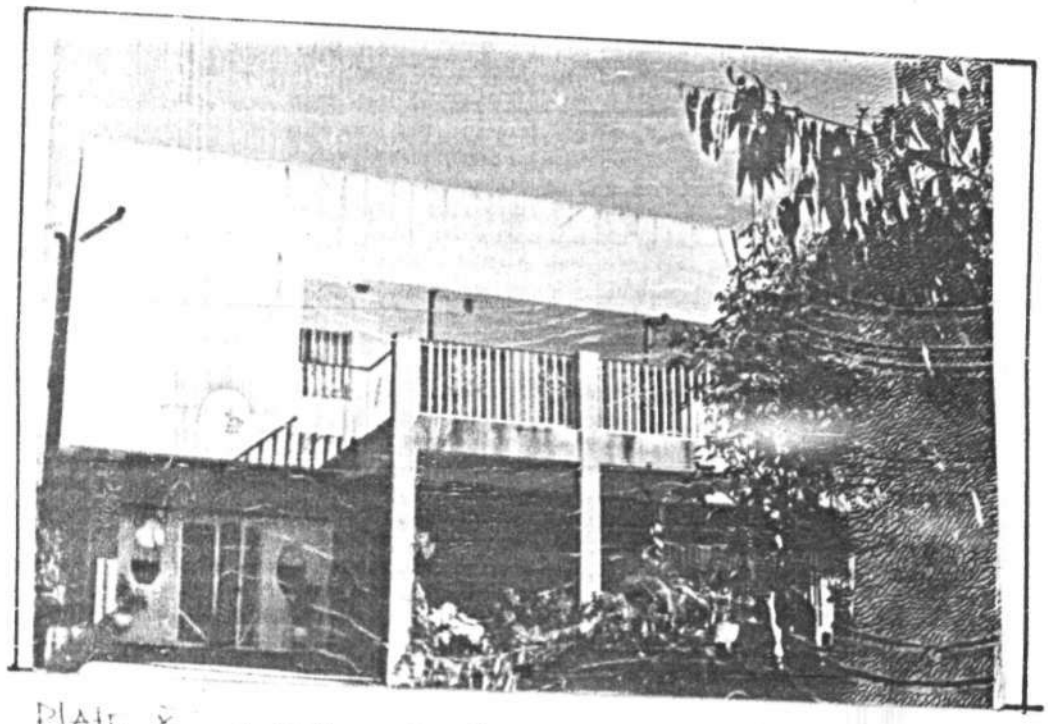


PLATE X A modern Duplex at Malali. Notice the generous ornamental landscaping around the building: A march towards cosy residential sorroundings.

CHAPTER SIX

RECOMMENDATIONS PROPOSALS AND CONCLUSION

6.10: RECOMMENDATIONS

This research revealed that many developments have occured in Kaduna without the developers first obtaining the approval of the planning Board. This is attributed to a number of problems in the overall machinery for implementing the controls.

In view of the deteriorating physical conditions in Kaduna, especially in the residential areas, it would be appropriate to make suggestions on how to solve the existing problems towards achieving a better residential environment for the inhabitants of Kaduna metropolis.

6.1.1 Improving the Administrative Component of the Planning Controls.

For the planning controls to have the desired impact on physical developments in residential areas of Kaduna metropolis, the existing problems of overlapping responsibilities of the principal agencies enforcing the controls, the resultant conflicts as well as the bureaucratic holdups in the process of implementing the controls, need to be resolved.

(a) The first step towards solving the problems of overlapping responsibilities is to redefine the functions of the lands Department, as well as

KASUPDA and the Local Government Councils, which were identified in this report as the principal statutory agencies implementing the controls.

It is therefore suggested that the function of country planning be transferred from the lands Department to the Local Governments and the Country planning Division scrapped in line with this proposal. This is because the Local Covernments are closer to the rural areas for which country planning is meant than the department which is based in the state capital and thus, having little knowledge of the needs and aspirations of the rural people. It is expected therefore, that better results, would be obtained in relation to planning of the rural areas through the Local Governments.

By this proposal, the functions of the Lands Department would be restricted to Land Administration and survey matters only. These will also include co-ordinating the activities of Local Governments in relation to land transactions in the rural areas.

The Local Governments, in addition to planning for the physical development of the rural settlements, will allocate land for agricultural purposes or industrial uses only but under the approval of the Lands Division in Kaduna.

This will lessen the problem of land speculation in the rural areas thereby reducing the impedance caused to acquisition of rural land for urban development by land speculators who often demand compensation too high to be borne by the authorities.

KASUPDA will, by this proposal, be responsible for planning for the development of Kaduna metropolis and other designated urban centres. The Board should also be given the responsibility of coordinating the activities of all the statutory bodies that have vested interests in land development within the urban areas, particularly in Kaduna metropolis.

In essence then, KASUPDA should be responsible for preparing all Government layouts for individual areas of the metropolis and ensuring their proper implementation. Also, subject plans made by specialised agencies like NEPA, water Board, NITEL, among others, will require the approval of KASUPDA. Copies of such plans would need to be retained by the Board for purpose of monitoring the developments. In giving approval to the plans for the provision of such services and infrastructure being proposed by the agencies the Board should ensure that they accord with existing proposals by the Board. This proposal will help resolve the present disorderliness in the provision of public utilities such as water mains, telephone lines and power supply network in the metropolis.

The above suggestions specify the functions of the principal statutory agencies which will have the effect of removing overlapping responsibilities and the conflicts arising therefrom. Figure 6.1 illustrates these proposals further.

(b) The delays caused to intending developers by the bureaucratic hold-ups in the processing of applications in respect of land and issuance of statutory rights; and in vetting building plans were identified as constituting a major stumbling block to the effectiveness of planning controls in Kaduna. To reduce this problem, the process of land acquisition and compensation to customary holders of the land needs to be efficient enough to stop local people resorting to percelling and selling of the land to speculators. Therefore, before land is acquired the Lands Division must be sure of adequate funds to pay compensation to its customary holders. The compensation should not only relate to economic trees and physical developments on the land but some amount should be paid for the value of the land itself. This amount in respect of value of the land should not be less than one third of the total compensation payable to each claimnant.

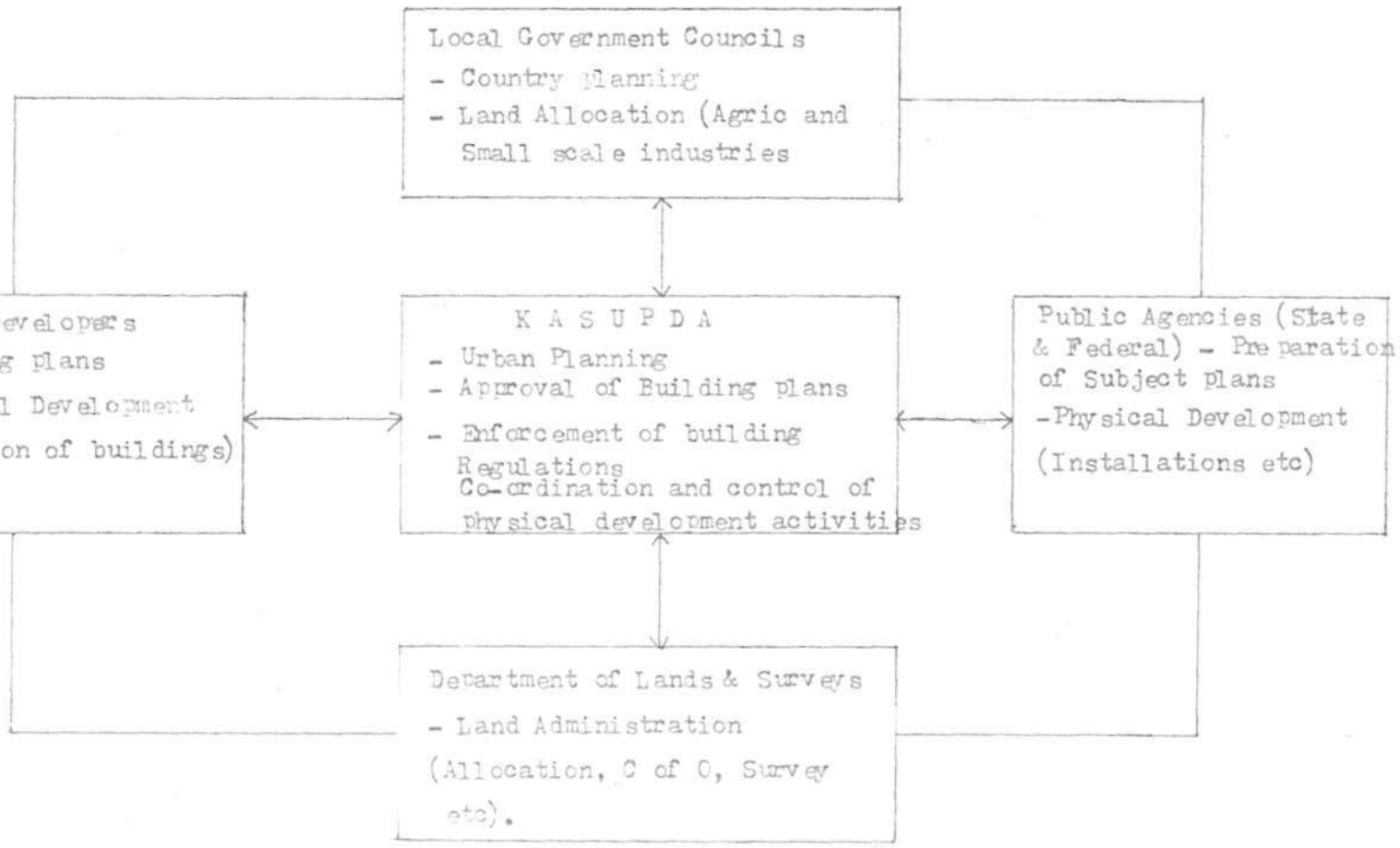


FIG. 6.1: PROPOSED ADMINISTRATIVE FRAMEWORK AND ROLES OF THE PRINCIPAL AGENCIES IMPLEMENTING PLANNING CONTROLS IN KD.

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It is further recommended that compensation be paid directly to the claimnants by the Lands Division through the issuance of crossed bank cheaques covering the value of the economic trees and buildings on the land as well as the value of the land itself. This will remove the shoddy deals that result from cases where money is given to traditional leaders or Local Government Authorities for onward transmission to the claimnants. Often, the money is either entirely diverted for personal use or only a token amount actually reaches the claimnants. This has often created disatisfaction among the holders of the land who resort to selling out the land, thereby making official control almost impossible.

The process of allocating the land that is properly acquired by the Government should be streamlined to make it short and entailing few demands. A maximum of one month is therefore proposed for processing of applications for land and issuance of statutory rights (see figure 6.2). In this light, the land use and Allocation Committee should increase its sittings from once to twice monthly to speed up the passing of applications for approval of the Governor.

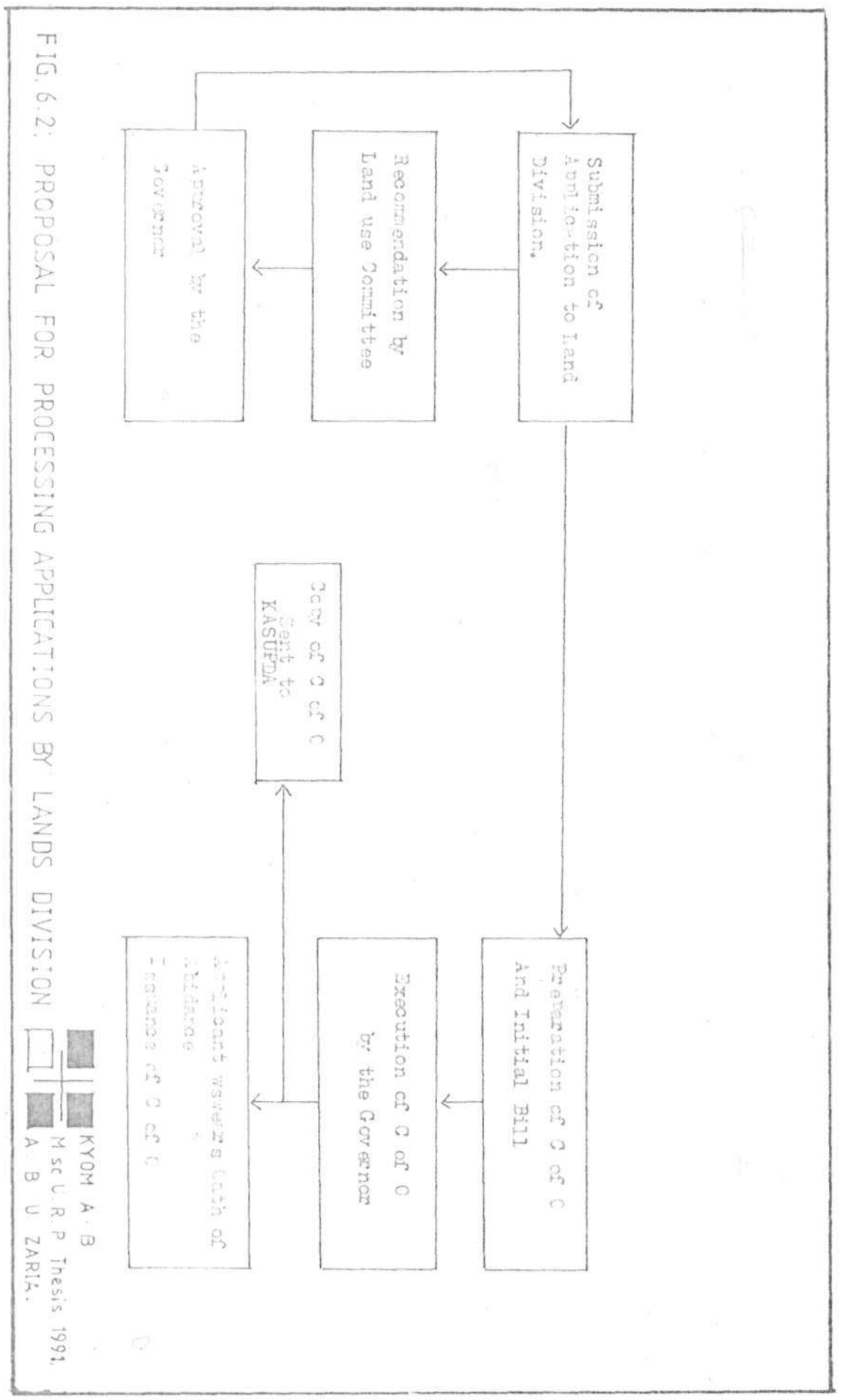


FIG. 6.2: PROPOSAL FOR PROCESSING APPLICATIONS BY LANDS DIVISION

The conditions attatched with applications should be weived. This means that the applicants will only fill the prescribed application form and wait for the allocation. This will reduce constraints caused to intending developers in trying to get tax clearance certificate, site plans of their plots, and other requirements. Indeed the issue of tax clearance should be left as a prerogative of the tax office and not a condition for obtaining a plot to build on. In the same vein, it is suggested that C of O should be issued free of charge as it was in the past. This will reduce the financial commitments involved in statutory land transaction and thus encourage developers to normalise their rights to land and to seek allocation of land through official channels.

Like the processing of applications for land and issuance of statotury Rights, the process of plan approval in respect of developers' building plans needs equally to be short enough to remove delays. It is indicated in the proposals illustrated in figure 6.2 that a copy of each C of O issued should be sent to the planning Board for them to note that the owner of the plot should come forward for planning approval, and in the event of failure, for the Board to easily locate the development if illegally carried out.

Before the applicant turns up with his plans the Board should have already determined the suitability of the site for the proposed development. Therefore the processing of the plans should not take too long. In this light, site inspection would not be required except for complex plans like storey buildings, thereby saving a lot of the time taken to approve plans. Figure 6.3 illustrates this further. It also shows that a maximum of one month is to be taken to give approval and issue development permits to intending developers by the planning Board.

On the conditions for processing plans of developers, there is the need to remove such ones as tax and ground rent reciepts as these are not of primary concern to the Board's functions. Developers should only be required to present their building plans and their original copies of C.of O for checking with those in the Boards' custody. If found adequate, the plans should then be immediately processed as proposed in figure 6.3.

For complex building plans, a special committee should be set up to sit on weekly basis or when any complex plan is recieved. In this case a site inspection is required and the approval or rejection of the plan should be based on the site inspection report and on assessments of the structural details of the plan by appropriate professionals.

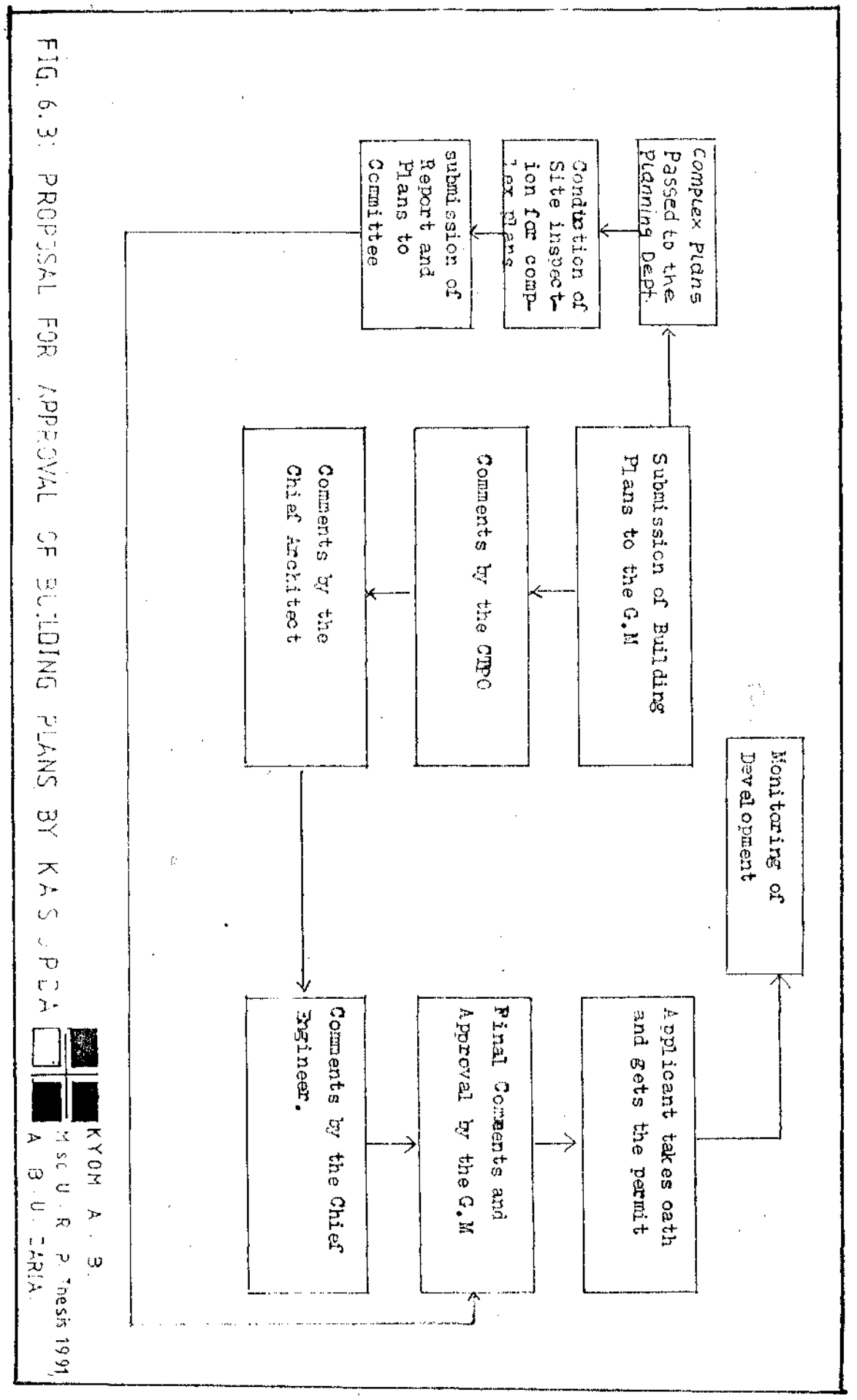


FIG. 6.3: PROPOSAL FOR APPROVAL OF BUILDING PLANS BY KASUPEA

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In relation to planning fees, the charges in respect of Local Government plots, where most of the residential developments are taking place, should be reviewed downwards. Specifically, the charge in respect of plot development (see table 4.6) should be removed as it has no basis. This will go a long way in encouraging developers to take their building plans to the Board for necessary approval. This will then increase the rate of compliance with building regulations applied in the metropolis.

6.1.2 Improving the Technical Component of the Planning Controls.

Since physical development plans are a necessary tool for effective planning control, it is necessary that these be emphasised in Kaduna. The Max Lock land use proposals need to be reviewed and detailed layouts prepared for comprehensive development of individual areas of the metropolis. This is in view of the fact that the master plan is almost being abandoned while existing layouts do not include details that would appropriately guide the activities of the developers like provision of infrastructure.

(a) The Max Lock Land use proposals should be reviewed since this has not been done since the inception of the plan. The review will need to take the following issues on board.

(i) Size of existing metropolitan population and its growth rate.

(ii) Existing transport and communication facilities.

(iii) Existing housing stock, its distribution and its quality.

(iv) Public social facilities and infrastructure.

(v) Location and nature of comercial and industrial activities.

(vi) Survey of the opinions of the inhabitants of Kaduna metropolis on facility and infrastructural needs of the metropolis.

(vii) Statement on policies, proposals and programmes for preparation of detailed layouts for development and management of land in the metropolis.

(b) Layouts also need to be made for development; showing all required details. In making the layouts, effort should be made to incorporate the following.

(i) Provide for upgrading the quality of existing housing and housing environment.

(ii) Enable comprehensive development of new areas where buildings do not exist or where there are only a few buildings.

(iii) Provide adequate guide to the development of individual plots through provision of infrastructure and demarcation of portions of land reserved for open spaces, public utility lines, streets, and so on.

(c) The building code should be reviewed inorder to incorporate standards and specifications for roomy housing development that has received popularity in high density residential areas of Kaduna metropolis. The code provided standards only for bungallow therefore giving room for other types of housing to take the form the developers desire.

This can be achieved if the Board provides proto-type designs incorporating traditional forms and use of local building materials. In designing the housetypes, emphasis should be given to adequate ventilation and basic services which should meet standards suggested by the building code (see table 3.4 and sub-section 3.3.6).

These suggestions will improve the technical basis for planning control measures and will ease the activities of developers thereby encouraging them to adopt planning standards in erecting their buildings.

6.1.3 Improving the Legal Component of the Planning Controls.

For Planning controls to be effectively enforeed in Kaduna metropolis, existing legal instruments, especially the terms and conditions attached with C of O and planning permit but also the main laws, require re-examination to remove existing inadequacies for them to be more useful and effective in detering negetive aspects of physical developments in the metropolis. This need applies more to the Town and Country Planning law than any other Law. The land use Decree is apparently a failure and needs to be discarded completely.

(a) For this purpose, developers should be made to

enter into stronger legal contract with planning authorities in relation to the conditions attatched to C of O and planning permit. This suggestion raises the need for a special planning Tribunal that will be empowered to arbitrate disputes between the developers and the planning Authorities. The Tribunal should be established by Decree which shall be duly gazetted.

Developers would be required, on reciept of C of O and planning permit, to take oath of abidance by the conditions. Therefore, in the event of a breach of any or all of the conditions; and after due procedure, the erring developer would be arraigned before the Tribunal for appropriate action. The developers will however, be entitled to appeal to a higher court against the Tribunal's judgements.

Penalties in cases of conviction should include revocation of C of O or planning permit, demolition of illegal structures, imprisonment for periods up to one year and fines not being less than five hundred naira.

By all these suggestions developers will be compelled to follow planning regulations applied in Kaduna metropolis. The activities of planning officials will also be more in the field,

monitoring the developments, rather than in the office, as it is now, while developers negate planning standards with impunity.

6.20: CONCLUSION

This Thesis report discussed the application of planning controls to urban physical development, with focus on Kaduna metropolis.

On the basis of the review of existing literature done in chapter two, the research findings in chapters three and four and the analysis of data in chapter five, the conclusion drawn was that the controls have had only a limited impact on developments at metropolitan and residential sector levels in Kaduna. This is notwithstanding the positive effects the controls have had on some aspects of development.

The general ineffectiveness of the controls, the study further revealed, is explained by defects in the implementation machinery. In view of the problems identified, some recommendations and proposals were made to improve the administrative, technical and legal components of the planning control machinery in Kaduna.

It is hoped that planning authorities in Kaduna will find the recommendations useful in their effort to put a planning mark on the physical development of the metropolis.

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