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## PLANNING REGULATIONS AND IMPLEMENTATION MECHANISMS IN POSTCOLONIAL LAGOS

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*This paper examines the influence of governance in post-colonial Nigeria in the shaping of urban development. It investigates how rapid population and urban growth had severely affected planning development and management in Lagos state. The paper reinforces the argument that weak implementation of planning regulations and the lack of political determination have resulted in the poor implementation of planning standards and laws regulating urban improvement. Planning regulations were partially or not enforced to standard. Examples of areas where there is much neglect are controlled in the building of residential estate, industrial layout, waste management, public health and unchecked building of petrol station within and around the city. Conflicts between town planners and political realities of postcolonial governance are considered, particularly the opposition of the political elites and the urban poor within the city. Above all, the paper traces the historical origins of planning regulations, the primary forces contributing to their intensification in recent years, and the various mechanisms for the implementation of the laws and the attendant challenges experienced over the years since independence.*

**Keywords:** *planning, implementation, law, conflict, politics.*

### **Introduction**

The term ‘Planning regulations’ refers to the procedures used for controlling land use development in line with an approved plan of a residential, commercial or industrial estate within an environment (Clarke 1994). In other words, it can be regarded as a collection of interrelated statutory and administrative instruments and techniques designed to safeguard, regulate, conserve and disburse land that is in the interest of the overall community, as well as control the character, appearance and arrangements of building facilities to ensure economy, convenience and aesthetic appeal (Agbola 1985). These regulations are important because they set the limits for public and private land use within a given area. It implies what is desirable; promise and prediction of a sanction, either in the negative sense of a penalty for non-compliance or in a positive sense, a reward for compliance and clearly defines the relationship between the planning authorities and the developer. In Lagos, the increasing level of development and its accompanying problems tend to question the efficiency and the relevance of local planning authorities in the city (Onokerhoraye and Omuta 1986). Since independence, Lagos has continued to increase in the rate and level of urbanization and this has led to the emergence of various problems in areas such as proliferation of slum settlements and unau-

thorized building that is not included in the approved plan of building standards, overcrowding in residential buildings, poor waste disposal arrangement, air and water pollution, acute shortage in water and power supply as well as urban poverty. All these, collectively relate to what Mabogunje describes as the problems of urban livability in Nigerian cities (Mabogunje 1974: 85–97).

The poor control of urban development in Lagos is associated with urban poverty and the ascendancy of the informal sector. This has major implication for the implementation of planning laws in Nigeria (Mabogunje 1974). For example, the major consequence of urbanization is the shortage of housing. The prevailing poverty level in Lagos indicates that whatever housing scheme a sizeable proportion of the low-income group can afford will fall below what is prescribed by the official minimum building standards. The increasing dominance of person holding a position of influence further means that in responding to the current shortage of housing, housing construction, land acquisition, finance mobilization, *etc.*, are likely to take place outside the official regulatory environment. The end results in most cases are unauthorized housing (*Ibid.*). The official regulatory procedure on these so-called unauthorized houses has been outright demolition (*Ibid.*).

This notwithstanding, unauthorized housing units continues to proliferate, thereby, questioning the implementation mechanisms of planning laws in Lagos. The example of housing is just one of the several dilemmas of planning regulations that exist between what is actually possible given the prevailing social circumstance and what is prescribed by planning regulations. The rising intensification of the problem of excessive urbanization in Lagos and the inability of planning authorities to control land use to ensure the harmonious development of the city implies that the planning law in Lagos is perhaps not backed by a framework to implement the laws of planning in the city.

More so, it is interesting to note that planning regulations are meaningful when they are in consonance with the prevailing socio-economic condition of the people. In this respect, The United Nations (1975) made a distinction between two categories of planning standards, namely: specification standards and performance standards. Specification standards are most often expressed in quantitative terms and are used for defining the minimum and maximum limits for the form and function of various land uses, buildings, facilities, roads, construction materials, *etc.* Performance standards are expressions of the acceptable level of use of an activity at a given time and place in relation to a given set of cultural, environmental and socioeconomic conditions (*Ibid.*).

It is therefore against this background that this paper interrogates how rapid population and urban growth has severely affected planning development and management in Lagos state. It reinforces the argument that weak planning regulations and the lack of political influence have resulted in the poor implementation of laws regulating urban improvement. In so doing, the paper will provide answers to the following research questions. What are the existing planning laws in Lagos state? How are the planning laws in Lagos state implemented? How effective is the Local Planning Authorities Lagos state efficient in the discharge of their duties? And explain how the lack of political determination affected planning regulations. It is hoped that the answers to these questions will contribute to a better understanding of the inherent weaknesses in the implementation mechanisms of planning regulations in Lagos state.

### Planning Laws in Lagos State

Lagos State Urban and Regional Planning and Development (URPD) Law 2010 provides for the administration of physical planning, urban development, urban renewal and building control in Lagos State.<sup>1</sup> It is one in the series of similar past efforts by Lagos State government to legislate for effective planning and development of the State. The present effort is a significant leap in recognizing inherent challenges of the past structure by specifically reorganizing the development assessment procedures and the subsequent separation of the hitherto confused roles and functions of relevant agencies and authorities. Of particular significance are the separation of planning and building control and the creation of corresponding agencies to operationalize government policies and strategies within the legislative framework. This is perhaps with the anticipation that it will facilitate and improve the development approval processes Planning Regulations and administration in Lagos state (Mabogunje1992: 73–88).

Planning legislation became a state function in 1972 when planning programs became centralized when all the existing agencies and the personnel in its Town Planning Units were transferred to the Ministry of Works and Planning in Lagos State. With this development, uniform laws and regulations applied to all developments everywhere in Lagos State (*Ibid.*). This led to the commencement of the preparation and implementation of comprehensive land use development. Lagos State became the foremost state in the Federation of Nigeria to recognize Town Planning as a useful tool for urban and regional development. A 20-year development plan called Master Plan for Metropolitan Lagos 1980–2000 AD was prepared (*Ibid.*). Within this period, the federal government legislated the 1992 Urban and Regional Planning laws as the first comprehensive post-colonial planning legislation in Nigeria. The major provisions of 1992 served as basis for the enactment of Lagos State Urban and Regional planning and development planning Law 1996. This was reviewed and amended as Lagos State Urban and Regional planning and development planning Law number 9 of 2005. These were legislative forerunners to the URPD 2010 law.

Several districts, local and structure plans were prepared within these periods. Among these were Victoria Island-Ikoyi and Ikeja Model city plans. Others included Lagos Mega City Plan initiated by the federal government under the chairmanship of Prof. Akin. Mabogunje. Ever since Lagos has been in the forefront of spatial planning and the enactment of planning laws and regulations in Nigeria (Mabogunje1974: 73–88). As a result of its strategic location Lagos took the leading role as the political and economic capital of Nigeria until 1992. These series of legislations notwithstanding, it is obvious that spatial planning of Lagos is constantly challenged by the peculiarities of Lagos circumstances. This ranges from political, economic, and legal to communal and cultural issues (*Ibid.*). As it stands today, Lagos remains one of the fastest growing mega cities in the world. However, like many cities with similar colonial history, it has been grappling with the provision of effective proactive planning strategies and legislations. These remain largely elusive but instead are ad-hoc measures, unsystematic strategies in what could be described as reactive planning. Developments go well in advance of control, and effective legislation follows in a far distance (*Ibid.*). Given the unstructured nature of physical growth of Lagos, it becomes imperative to have a well-structured legislations or legal framework of government desire effective solutions to myriads of existing problems.

Different views across a wide range of commentators have been expressed as responses to the enactment of the URPD 2010. While some have criticized it, some have commended it. However, this review looks beyond casual observations but attempt a critical engagement with the structure, contents, and the underlying policies and assumptions. Within this context, it is argued that the effectiveness of this law is only realizable to the extent of the underlying developmental policies; the representation and communications of those policies in a way consistent with the realities of modern day expectations (Akintayo 2014: 553–573).

Planning systems are a mixture of legislations and governance arrangement or institutional framework (*Ibid.*). These elements could be supported in a range of policy documents like strategic plan or development plans to assist policy makers to make the right decisions. This serves as the basis for setting rules and guidelines to facilitate effective implementation of the policy documents through development assessment framework (*Ibid.*). Three basic elements are essential for a successful planning and development assessment system. These elements are the process, policy, and people. Process in this sense involves the legislative framework that provides the structure and rules for decision making. It also determines and protects the interest in land use and property and ensures that people affected by these interests are considered. On the other hand, policy is the textual document and plans in graphic form (*Ibid.*). It includes the strategic plans, planning codes and performance standards. It provides the basis for decision makers to operate within the legislative framework and the people are the elements working with the legislation and corresponding policy documents. They include decision makers and professionals. Each of these needs to be effectively balanced with each other and adequately resourced otherwise, successful operational planning will be greatly impaired (*Ibid.*).

Generally speaking, planning legislations in Lagos State is broadly categorized into three main areas: development control, performance and prescriptive (Oyesiku 1998: 132–137). Development control is concerned with medium to long term use, management, and development of land. It requires an integrated and holistic approach to predict, plan and shape the living environment in a way that will identify and achieve communal aspirations while maintaining the environment (*Ibid.*). On the other hand, Development Control (Statutory Planning) is the process of implementing strategic plans through the preparation of control plans, policies, and guidelines by an agency (Responsible Authority or Planning Permit Authority in this instance). It is the point at which strategic plans and principles are applied, that results in decisions. There were several legislation relating to development control in form of building regulations, building adoptive bye laws which covers the provision for airspace, building lines, plot size, density control in residential buildings, setbacks and standard height of the building, room size, place of worship, public open spaces, local business district, car park area, bus stops, refuse dumps space, healthcare facility, fire-fighting station, water corporation (Oyesiku 1998: 132–137).

More importantly, it is instructive to note that development control of land use is guided by Zoning. The Zoning of land helps to bring developers, landowners, estate professionals lawyers, town planners together as far as physical development is concerned (*Ibid.*). According to Oyesiku (*Ibid.*), in many developed societies, communities are directly or indirectly involved in ensuring that neighbors keep to the guidelines for the physical development of their communities. Zoning regulation is used for land use

control, it enables government through local planning agencies or council authorities to exercise control over the use of land in a community. It uses restrictions and development standards as a mechanism for guiding the physical development of communities by ensuring public health, safety, and welfare (Oyesiku 1998: 132–137).

Performance in this regard refers to planning activity based and is concerned with effects of the development proposal. It considers developmental projects on its merits with no predetermined presumptions of incompatibility or inappropriate environmental impacts. It makes decision making flexible and discretionary and aim at ensuring required outcomes are met without prescribing the way or manner in which they should be met (Hinds *et al.* 1979: 45). Prescriptive Planning, in contrast, is an approach which segregates incompatible uses through the use of zoning mechanism. It provides guidelines in terms of listed activities and land uses deemed to be acceptable, those that required conditions and those that are inappropriate and entirely prohibited. Planning provisions here are written in a specific and directive manner with little if any discretion attached (Oyesiku 1998: 132–137). Prescriptive planning is relatively blunt and assumes uniformity impact. While performance based planning is pragmatic and flexible and considers the application on its merit. What is considered inappropriate or prohibited in an area may be suitable for approval if adverse impacts are able to be addressed through appropriate conditions? It needs to be noted that planning may be abused if performance planning as a tool is left in the hands of the corrupt official or politician (*Ibid.*).

#### **Implementation Mechanism of Planning Laws in Lagos: Prospects and Challenges**

The implementation of planning laws is indeed an important component for achieving sustainable land development control in Lagos state. It is aimed at preventing 'wrong' development of the building. It is useful for the planning authority to eliminate abuse, and provide safety and welfare of members of a particular community (*Ibid.*). The consequence for contravening planning regulations is stiff penalties such as stop work order, Quit Notice, Seal up Notice, Regularization Notice and Demolition Notice (Urban and Regional Planning Law 2010: 59–75). The Local planning authorities are expected to serve enforcement order on the owner or developer of a private, public, residential, commercial, institutional or recreational or any other land use wherever any development is commenced without planning permission and building control authorization or, where the building constitutes danger to the occupier or public or where the building is affected by a renewal programme (*Ibid.*).

An enforcement notice may be issued under Article 59 Subsection (1) of the Urban and Regional Planning law 2010, notwithstanding, "that the unauthorized development, renovation, alteration, repair or addition took place before the commencement of this Law." (3) "An enforcement notice served under Subsection (2) may direct the developer or owner to obtain planning permit or building control authorization or alter the structure to be in conformity with building regulations within ninety (90) days of the Contravention Notice" (Urban and Regional Planning Law 2010: 59–75).

An enforcement notice served under Subsection (1) of this Section may direct the developer or owner to alter, discontinue or remove a development. Article 61 subsection (1) Before serving an enforcement notice in accordance with the provisions of subsection (3) of Section 60 the relevant agency shall: (a) have regard to the existing conditions for granting a Planning permit; (b) have regard to the likely environmental degradation or impact of development carried out or being carried out; and Urban and Re-

gional Planning and Development Law 2010 No. C 57 (c) consider the overriding public interest without prejudice to paragraph (b) of this subsection. (2) The relevant agency may impose additional conditions as it may deem fit in each circumstance. Article 62. An enforcement notice served under Section 60 by the relevant agency shall: (a) be in writing and addressed to the developer or owner; (b) state the reasons for the proposed action of the relevant agency; (c) give time deadlines for response to the notice; (d) consider any representation made by a developer or owner, or on behalf of a developer or owner (Urban and Regional Planning Laws 2010: 59–75).

The notice shall be addressed to the owner, occupier, builder, contractor or those responsible for the illegal structure, works or development and is deemed to have been duly and validly served by posting or affixing such notice and marking on any part of the structure, premises or when handed to any representative of the developer found at the site. (2) Where service of notice is affected by pasting or affixing on any part of a structure or premises, the person effecting service shall make photographic evidence of the passing or fixing of the notice. Article 64 states that the relevant agency shall enforce an order of the Appeals Committee or of the High Court of Lagos State against a developer or holder for the time being of a planning permit who fails to comply with such an order (*Ibid.*). 65. A space developer or holder for the time being of a planning permit shall be liable for the expenses reasonably incurred by the relevant agency or any of its officers or agents, as the case may be, in enforcing the provisions of this Law (*Ibid.*). 66.–(1) Where it appears to the relevant agency that: (a) an unauthorised development is being carried out; or (b) a development does not comply with a planning permit issued by the relevant agency; or (c) a development is defective or poses danger to the owner, contractor, occupier, or the public or, constitutes a nuisance to the occupier or public, the relevant agency shall issue a Stop-Work Order on the development of the building.<sup>2</sup> Other implementation procedures used by planning authorities include payment of fines to the amount of 150,000 Naira for residential buildings and 300,000 for non-residential buildings in Lagos state. Although, planning regulations exist with respects to development and control of buildings in Lagos state there are yet specific sanctions dealing with reported cases of collapsed building, evading compliance to building height in low, medium or high density areas, evade compliance with 50 per cent of building area, room size and minimum setback for residential buildings, evade compliance to building regulations on areas of worship in residential neighbourhood, and evade compliance to indiscriminate development of commercial and residential estate (*Ibid.*).

In practice, the conflict of interest, connivance and occasional laxity on the part of planning officials in the implementation of planning laws has been observed since independence. Planning officials in Lagos state has been responsible for the gap between theory and practice of planning. Evidence of these can be found in the cases of *Defacto Bakeries and Catering Limited vs. Ajibore et al.*, where the plaintiffs / respondents carried out development in contravention of the Ilupeju-Shomolu planning scheme, the evidence established that contravention was advised and approved by an officer of the authority (Omotola 1991: 381–398).

Similarly, in *Savage & Anor vs. Akinrin made*, the trial judge established that the housing authority gave approval for a building in a planning area to commence without having previously obtained the order of the then minister of Lagos Affairs under Section 18 and 23 of the Lagos Town planning Act (cap. 95) in respect of the development

in the area, it was found that the building obstructed the highway, but its removal was refused by the court, the trial judge, Justice Omololu could not order the removal of the offending building because according to him, it was a *fait accompli* (Omotola 1991: 381–398) in his judgment he mentioned that because the offense has been completed, there was nothing that could be done to punish the offender (*Ibid.*). In addition, in *K.A.Adebutu vs. Lagos city council*, the plaintiff sought a mandatory injunction to compel the defendant to approve his building plan in respect of a residential building which the Deputy City Engineer rejected purportedly on the grounds that they have contravened the building regulations in his judgment, the trial Judge, Justice Alexander J. observed that Mr. Ogundiya in deciding whether to approve the plans or not, took into consideration and relied on extraneous matters not provided for in building regulations. The afore-mentioned examples show clearly that planning officials often act against the spirit of the planning regulations and that these acts or omissions are motivated by greed and selfish reasons (*Ibid.*).

In Lagos, there is general apathy of citizen's involvement in planning scheme. This can be explained by the difficulty and delay experienced in obtaining plan approval by planning authorities. There is the lack of adequate knowledge of the concept and objectives of the system of planning regulations and land use control. This may be explained as a result of inadequate public participation in the formulation process of a planning scheme. The citizens' involvement in planning scheme is virtually non-existence and this presupposes the minimal degree of awareness on planning regulations in Lagos state (*Ibid.*).

The majority of the bureaucrats are school certificate holders who have through long service, learned on the job with stereotyped bureaucratic ideas of doing things. Moreover, the conditions of work in the public service are poor in relation to the public responsibilities of the planners, hence, the temptation for corrupt practices is high. Perhaps, this explains one of the factors responsible for the corruption in land use control (*Ibid.*). The implementation of planning regulations may not be achieved if the right human resources such as law enforcement agencies like (the police, special courts, and tribunals and appropriate sanctions) are available. This probably will enhance the efficiency and implementation of planning schemes. Similarly, population explosion with high human concentration had greatly affected implementation of planning regulations. The high concentration of human activity in the city of Lagos has led to the incessant increase in the contraventions of existing land use control. This urban congestion has witnessed consequent shortages in water and electricity supply (*Ibid.*).

The judiciary controls the legislative planning process. The improper exercises of power by the compulsory acquisition of land by government sometimes often result to urban slums. This was the case, for instance, in the acquisition of the then Western region of Ajegunle, Bariga, Ijora-Badia and Orile-Iganmu in 1958, and Ojota and Ketu in 1969 (*Ibid.*). These areas were part of the region at that time when the government acquired those lands in order to convert them into state land (which excluded from powers of compulsory acquisition) and thereby forestall the federal government from taking them over as part of the territory. Since the acquisition of the land in these areas was politically motivated, the government did not go in to take possession of the lands. Squatters subsequently took over possession of the land with the development of illegal structures in these areas. The rapid increase of rural-urban migration of the 1970s quickened and turned these developments into shanty towns between planned areas of Lagos (Omotola 1991: 381–398).

In the sphere of land use regulations, the traditional values are significantly different from statutory planning regulations in Lagos city. Although, land use control is recognized in traditional ideas and belief system, its principle and objective is clearly different (Omotola 1991). According to Omotola, traditional land use control power exists mainly to protect the title of the community, family or individual land owner. While the statutory approach to land use deemphasizes title to land in the broader interest of public safety, social harmony and well-being of persons within the neighborhood (*Ibid.*).

The classification of land by customary tradition may zone land into the sacred grove, 'bad' bush is the burial place for someone who dies in the bush. Women who die during pregnancy and in certain jurisdictions, wicked local characters, lepers or small pox patients and the like are given special burial (*Ibid.*). The conflict between law and traditional cultural behaviors has continued to affect planning regulations in the city of Lagos. The most common conflict arises on the issue of residential burials, which is prohibited by the death and burial registry but yet remain a daily occurrence in some parts of the city of Lagos state. Traditional values and sentiments, where they differ from planning regulations tend to weaken the operational implementation of the law (*Ibid.*).

### **Governance and Planning in Lagos State, Nigeria**

The rapid growth in the population of Lagos poses a severe threat to urban development in the city. Since the 1970s people constantly migrated to the city in search for prosperity and job opportunities in government or private establishments. Thus, it was needed to develop housing for residential, business, official and industrial purposes (Agbola, Agunbiade 2009: 77–106). During this period, town planning schemes were employed as strategies to promote public health safety to improve the livability of settlers in the community. The emphasis of government's activity in planning covers land tenure policies, building development, finance of road constructions, mapping of the city, provision of municipal services such as water supply, electricity, waste disposal and public health safety. With the phenomenal growth of the city due to the availability of urban services, migrants from other towns like Ibadan, Kano, Abeokuta, and Enugu were attracted to the city to work as labourers, artisans in the railway corporations and road construction projects ongoing in the city between 1973 and 1979 (Omotola 1982).

Land use control is one of the main areas of concern in the governance and planning in postcolonial Lagos city state. The law regulating land use control was the Land Use Act Section 1 of 1978 which states that 'all land comprised in the territory of each state in the federation are hereby vested in the State Governor of that state and such land shall be held in trust and administered for the use and common benefit of all Nigerians in accordance with the provision of this Act' (Omole and Akinbamijo) 2012: 25–31). Vesting of land in State Governors has created powerful systems of authority and political patronage. The Land Use Act, constitutionalized in the 1979 constitution was aimed at ensuring uninterrupted use of land by the government interest and the expropriation of indigenous natives of their consent to the ownership of their land (Olusoji 2009). At this point, it is necessary to ask the question, how has the Land tenure system affected governance and planning of the city of Lagos? The Land tenure system have affected the governance and planning of the city in the sense that administrative machinery of government have been instituted with the ministry of local planning authority

responsible for the initiation, formulation, coordination, and review of all aspects of physical planning, urban development, urban renewal and building control in Lagos state (Omole 1999). In addition, the ministry is also expected to provide oversight functions in the implementation of government policies through the relevant agencies established under the provision of the law in the preparation and approval of physical development plans in the Regional; Sub-regional, District, model city, urban town, urban renewal, development Guide, and Local Plans including layout and subdivision plans (Omole and Akinbamijo 2012: 25–31).

Others areas covers the provision of technical assistance to all government ministries and agencies on matters relating to physical planning, urban development, urban regeneration and building control, determination of the locations of infrastructural facilities and centres of economic activities in the State, offering advice on State development projects/programmes with socioeconomic and environmental impacts as may be referred to it from time to time (*Ibid.*). In addition, the ministry formulate legislations on physical planning, urban development, urban regeneration and building control in the State, provision of guidelines for fostering inter-ministerial, intergovernmental, bilateral and multilateral cooperation on physical planning, urban development, urban regeneration and building control; Part III Section 47 states that the Building Control Agency shall be responsible for the enforcement of building control regulations, regulation and inspection of building works and, certification of various stages of building construction and keeping of such records, removal of illegal and nonconforming buildings, identification and removal of distressed buildings to prevent collapse, issuance of certificate of completion and fitness for habitation, provision of building services such as material evaluation and testing, fire and public health control (*Ibid.*).

Municipal services such as transportation, water supply, power distribution, waste management and public health cover another vital area of governance and planning in Lagos state (Aluko 2011: 156–171). Transport service was one of the vital services that were considered as the main prerequisites to the functioning of the city. Efficient transport system within the society has a great impact on the people's interaction with the hinterland. With the development of road network in Lagos, the city serves as an emporium of trade and a commercial city with a highly distributive network where imported and exported goods were distributed in the economy of the city.<sup>3</sup> Through the rail line, goods and agricultural produce such as cocoa, kolanuts find their ways into the northern part of the country in commercial quantity while livestock animals such as sheep, goats, cattle, and other crops such as groundnuts, beans, and guinea corn find their ways into the Lagos markets. These goods were later distributed to other markets in and around other feeder markets in the city. The development of the transport sector with the opening of new roads facilitated better traffic management and economic growth of the city. The large fleet of privately owned taxi cabs and mini buses, and regular bus services operated within the city by private individuals (Oshodi 2016).

The provision of water was desirable in its own right because of the important roles it played in eradicating water- borne diseases and improving the health conditions of the people in Lagos state (LWC 2010). It was one of the vital resources needed by the people to survive within the town. Besides individuals, industries and manufacturing companies like food industries, textile factories, and manufacturing companies needed water to run their businesses. Water supply by the ministry of water resources was regarded as an important urban service that should be provided by the government of Lagos state.

It is essential to public health, safety, and well-being of the people (Jideonwo n.d.). The Water Sector Law of 2004 was established by the Lagos State Water Regulatory Commission (LRWC) to ensure that water and sewage functions are carried out in the state and to ensure that operators in the sector secure reasonable returns on their capital investments to finance proper implementation. The LRWC's operations commenced in 2012. The LRWC regulates the water sector including public water supply and packaged water producers, and issues borehole licenses for industrial users of groundwater. The LRWC is a relatively new agency and is not charged with the responsibility of ensuring enforcement of implementation or providing an enabling environment. The LRWC is responsible for ensuring fair returns on investment and consumers get the fair price for quality water service (LRWC 2004). Although several policies and plans have been developed but the state still faces significant challenges in implementing them. Lagos lacks adequate and appropriate political, social, economic and administrative systems required to develop and manage resources to ensure delivery of water services at all levels of the society (UNDP 2013).

Besides, electricity was also another municipal service provided by governance in the planning and organization of the city development. Electricity is vital to economic growth and development of any nation. It is used for lightening, running heavy and light machines in the industries and contributing effectively to national development. Road construction and mapping of the city landscape is also another significant contribution to the Lagos state ministry of Land and physical planning (Olukoju 2009). The Local Planning Authorities have continued to regulate the growth of the master layout plan for the city. Since 1967, when Lagos state was created, the successive government built and repair dilapidated roads to link different part of the city (Nwanna 2012: 163–176).

Another important point worthy of note in governance and planning is the marginalization of squatters and inhabitants of the shanty towns and informal settlements in Lagos (Agbola, Jinadu). The case of Maroko, Makoko Ajegunle, Ijora, and Bariga are good examples of some of the marginalized areas in the city developments. The immigrants from other neighboring towns: from Ijebu- Remo, Ijebu-Ode, Abeokuta, and Ibadan to mention but a few (*Ibid.*). At that, most of the inhabitants of this informal settlement have no official approval for building construction by planning authorities and there was not any form of systematic control of land use in the city (*Ibid.*).

The government attitudes to squatters in informal settlements demonstrate the marginalization of the urban poor to good life as urban dwellers and participants in Land and property markets (*Ibid.*). In Lagos state, government commitment to squatters in informal settlements is not present. There is no systematic policy for living arrangement and building standard for the inhabitants, what is in operation, is that sometimes the government forcefully evict, tolerate or negotiate with them for possible resettlement in other areas in the town (*Ibid.*). According to Agbola, the forceful eviction of the inhabitants in Maroko in the 1990s under the military administration of Colonel Raji Rasaki, the then military administrator ordered the bulldozers to move in and raze down Maroko (*Ibid.*). The state government accused the people of 'occupying and developing shanties and unwholesome structures on the water front without authority, thereby constituting the environmental nuisance, security risks, impediments to the economic and gainful utilization of the water front (sic) such as navigation, entertainment, recreation etc' (Akingbade 2012). In the letter with reference No: MWFID/EST.621 on behalf of

the commissioner for Waterfront Infrastructure and Development stated that the state government was keen on restoring the value of the waterfront (*Ibid.*). The letter further noted that government action was informed by the need to protect life and property, promote legitimate economic activities on the water front, restore security, improve water transportation and beautify the Lagos water front/coastline. These motivations, government stressed, underline the megacity status of Lagos state and as such necessitated the clearing of all illegal development on the waterfront and water bodies (Akingbade 2012). The vast land that was once Maroko was reclaimed and parceled to rich men who now live in their opulent mansions in the Victoria Island extension (*Ibid.*).

### **Impact of Planning Regulations and Implementation Mechanism in post-Colonial Lagos**

Lagos is one of the few states in Nigeria that has made remarkable headways with regards to planning administration. It domesticated its Urban and Regional Planning Law as far back as 1994 and was also the first of the thirty-six states in the federation to enact its own Urban and Regional Planning Edict in 1998. In 2005, a law called 'Administration of Physical Planning and Development Agencies in Lagos State' came into being and this new law modified the Lagos State Urban and Regional Planning Edict of 1998; first, to make it workable in a democracy (since the 1998 law was made by the military); second, to give more powers to the ministry in charge of planning rather than concentrating too much powers in the government (as was the case during the military regime); and third, to bring planning nearer to the less developed parts of Lagos (Oduwaye 2009: 159–171).

Despite the existence of these regulations, several parts of Lagos like other Nigerian cities still exhibit a high order of planning characterized by sporadic growth of slums, increase rate of illegal structures development, chaotic traffic congestion, and poor sanitary conditions among others (Aluko 2010). The problem lies with some of the provisions of these legislations as well as with implementation. The following factors have been identified by scholars to explain the impact of planning regulations and implementation mechanism in postcolonial Lagos Ineffectual Land Use Policy, Lack of clarity in government bureaucracy, ineffective/obsolete Land use planning techniques, flawed urban governance.

At the center of urban planning, problems are the land question and the Land Use Act of 1978 was meant to resolve this problem. It, however, owing to obvious lacunae hindered the successful practice of land use planning in the country and these loopholes are yet to be revised, close to three decades later. One of this is its provision for vesting statutory right over urban lands in the governor to hold it in trust for the people. Urban land use development is thus subject to the whims of governors. In no part of the Act were stipulations given regarding how particular parts of the state should be declared as urban land and which part not to be so declared (Onibokun n.d.). This ultimately defeated the object of the Act by not permitting the Local Governments, the arm of the government closest to the people to operate in land administration. A former Governor of Lagos State for instance designated the entire land in Lagos as urban land, divesting the Local Government in the state of any power conferred on them under the Act with respect to non-urban land (Rasak n.d.).

Moreover, a lot of administrative bottlenecks had been created in the procedure for obtaining Certificate of Occupancy which had resulted in undue delays in completing land transactions and payment of hefty sums. Individuals are thus unable to come forward to process layout for planning approval leading to uncoordinated layouts (Yahaya, Ishiak 2013: 103–114). Another undermining factor is the apparent inconsistent administrative structures and frameworks put in place for urban development programs. There is the lack of coordination and collaboration among planning institutions (Ogu 1999: 347–368). Often times, several organizations are involved in a bid to achieve a single objective leading to fluxes in roles and functions within and between different levels of governance as well as within and between institutions designated for ensuring orderly development. The situation in Lagos is worse with a proliferation of agencies and boards which are essentially into urban planning in Lagos which produces independence of action, unresolved responsibilities, and a woeful result (Fatusin 2015: 243–248). Oduwaye contend that the city does not have a uniform structural citywide administration (Oduwaye 2009: 159–171).

For instance, a shortcoming of the Festac master plan is with regards to the unclear institutional arrangements which define the responsibilities for monitoring including arrangements for coordination between the various stakeholders responsible for implementation. Although built and managed by the Federal Housing Authority (FHA), the status of Festac is still somewhat confusing as the Federal, State and Local Government all lay claim to the management of the estate and occasionally issue the residents with various charges ranging from valuation fees, local government levies to tenement rates (Adedokun 2013: 67–81). Another example is the overlap of functions of the various environmental management agencies evident in the case of Lagos State Traffic Management Authority, Federal Road Safety Corps and Federal Road Maintenance Agency (Oduwaye 2009).

In most part of the country today, the techniques used for operationalizing land use planning are already antiquated. Even though several new approaches are emerging, most planning bodies or authorities still adopt the zoning, master planning approach to urban design. Zoning for instance despite being an instrument for operationalizing land use compatibility zoning is rigid. With its precise measurements and standards, is a tool designed for the individual lot and as such unable to sufficiently manage the dynamics of urbanization. It also negatively affects the urban fringe and expensive to implement (*Ibid.*).

Master planning is a more popular concept widely used. It emerged from the modernist planning approach of synoptic rationality and a major criticism leveled at it by subsequent post-modernist approach notable instrumentalism is that a pluralistic comprehensive system cannot adapt to large scale comprehensive changes. Experiences have shown that a master plan tends to be static or assume slow-growing cities and considering the astronomical rate of urbanization in Nigerian cities, it simply cannot effectively manage land use development (Yahaya, Ishiak 2013). Hence, with its continuous use in Lagos, how will the laudable goals of enacted planning legislations be accomplished land use planning made effective?

This is true of Festac master plan. Within the first few years, development for commercial use came into being even at the detriment of the provision of the stipulated recreational facilities in the plan required for the residential area to function properly. Unplanned development of shopping facilities and service industries is evident in

emerging petty trading stalls, conversion of balconies in low-income areas. Commercial land uses encroach on other lands uses especially recreation (Yahaya, Ishiak 2013). As observed by Adedokun, changes in land use are evident in the sale of the open spaces, recreational parks and – playgrounds to building plots, commercial zones, and mechanical workshops with hazardous effects (Adedokun 2013).

This is perhaps why Aribigbola aver that the peculiarities of urbanization in Nigerian towns and cities have attracted the need for modifications in the approach to the preparation of the master plan. Most planning agencies, however, adhere to this concept and it is more appealing that despite its reduced efficiency, many settlements in Nigeria do not even have a master plan in place (Aribigbola 2008: 1–14).

Apart from weak legislation and obsolete planning techniques, planning institutions in often do not have the capacity to plan and enforce development regulations due to political interference. There is no doubt that there is weak urban governance in Nigeria because there is a lack of appreciation of planning issues by participants in the political sphere at the Federal States and Local levels (Fatusin 2015). Local planning authorities in Lagos are subject to excessive political interference in matters relating to development control even though they are the closest to the people and supposed to wield more power (*Ibid.*).

Besides, there is a lack of intensive public participatory planning approach. Planning, in general, is often practiced in the elitist top-down fashion in Nigeria. The planner or decision maker is at the apex directing activities with little consideration for people's opinion. Participation of people whose lives are affected by planning policies is not a prominent feature of the Nigerian scene (*Ibid.*). Yahaya and Ishiak stated that the focus of planning for cities is mainly central government control and international realm, local personnel and institutions with urban issues are neglected in decision-making and policy implementation and this in most cases makes people show serious resistance when such policies evolved (Yahaya, Ishiak 2013). The inhabitants of the coastal areas in Lagos have lost confidence in government, especially in the slums and shanties especially in the provision of pipe- borne water, accessed roads, and drainage facilities. Thus, this has brought untold hardship, displacements, pains, and agony to the inhabitants of the coastal regions (Agbola, Jinadu 1997).

### Summary and Conclusion

It has been established from the foregoing that planning regulations are the basic instrument used for land use control through a rigid planning scheme. Since independence, post-colonial Lagos has restricted planning activity to high-brow areas such as Ikoyi, Ikeja, and Victoria Island when compared to the inhabitants of the urban poor areas like Ajegunle, Bariga, Maroko, Ijora and Mushin areas of Lagos state. Consequently, the planning scheme has not been able to cover all the areas within the state. The existing planning scheme areas are sandwiched with the creation of shanty towns, ghettos, slums and unregulated buildings constructions. The system of shanty towns existing at the same time with government planned areas in the community poses a threat to peaceful coexistence. Planning regulations emphasize on the minimum provision of better housing, straighter streets, water supply, electricity, telephone facility, schools, parks and hospitals, yet the implementation of these laws with regard to these services has not been satisfactory to the people of Lagos state especially among the urban poor.

## NOTES

<sup>1</sup>A Law to Provide for the administration of physical planning, urban development, urban regeneration and building control in Lagos State and for connected Purposes. 6<sup>th</sup> Assembly, House of Assembly, Lagos State. Gaz. Law 2010. Ikeja: Lagos State Printing Corporation.

<sup>2</sup>Oral interview with Mr. W. A. Akinlabi. A planning officer in the Lagos state Ministry of Physical Planning and infrastructural development on the 3<sup>rd</sup> of May 2017.

<sup>3</sup> 'Transport' in Encyclopedia Britannica. 1978.

## REFERENCES

- Adedokun, A. 2013. New Towns Development Concept, Success or Failure: A Case Study of Festac Town, Lagos. *International Journal of Research in Social Sciences* 3 (4): 67–81.
- Agbola, T. 1985. *The Concept, Evolution and Role of Development Control and Planning Administration in Nigeria*. Paper presented at the national workshop on development control and planning administration in Nigeria, June 24: 28.
- Agbola, T., and Agunbiade, E. M. 2009. Urbanization, Slum development and Security of Tenure: The challenges of meeting Millennium Development Goal 7 in Metropolitan Lagos, Nigeria. In De Sherbinin, A., Rahman, A., Barbieri, A., Fotso, J. C., and Zhu, Y. (eds.), *Urban Population-Environment Dynamics in the Developing World* (pp. 77–106). Case studies and Lessons learned. Paris: Committee for international cooperation in National Research in Demography (CICRED).
- Agbola, T., and Jinadu, A. M. 1997. Forced Eviction and Forced Relocation in Nigeria: The Experience of Those Evicted from Maroko in 1990. *Environment and Urbanization* 9 (2): 271–288.
- Akingbade, T. 2012. As it was For Maroko, So for Makoko. The Vast Shanty Town on Lagos Waters Goes Down. *The Guardian Newspaper*, July 29. <https://tundeakingbade.wordpress.com/2012/07/29/as-it-was-for-maroko-so-for-makoko-the-vast-shanty-town-on-lagos-waters-goes-down/>.
- Akinola E. 2014. Akintayo. Planning Law versus the Right of the Poor to Adequate Housing: A Progressive Assessment of the Lagos State of Nigeria's Urban and Regional Planning and Development Law of 2010. *African Human Rights Law Journal* 14 (2): 553–573.
- Aluko, O. 2011. Functionality of the Town Planning Authorities in Effecting Urban and Regional Planning Laws and Control in Nigeria: The Case of Lagos State. *African Research Review An International Multidisciplinary journal* 5 (6):156–171.
- Aluko, O. 2010. The Impact of Urbanization on Housing Development: The Lagos Experience, Nigeria. *Ethiopian Journal of Environmental Studies* 5 (16): 422–429.
- Aribigbola, A. 2008. Improving Urban Land Use Planning and Management in Nigeria: The Case of Akure. *Journal of Theoretical and Empirical Researches in Urban Management* 3 (9): 1–14.
- Clarke, G. 1994. Reappraisal of the Urban Planning Process as an Instrument for Sustainable Urban Development and Management. In Mosha, A. C. (ed.), *A Reappraisal of the Urban Planning Process* (pp. 13–28). Nairobi: UNCHS.
- Fatusin, A. 2015. Urban Development Planning in Nigeria: Prospects and Challenges. *International Journal of Innovation and Scientific Research* 13 (1): 243–248.

- Hinds, D. S., Carn, N. G., and Ordway, O. N. 1979. *Winning at Zoning*. New York: McGraw Hill.
- Jideonwo, J. A. N. d. *Ensuring Sustainable Water Supply in Lagos, Nigeria*. Unpublished. Ph.D. Thesis. University of Pennsylvania, United States of America.
- LWC – Lagos Water Corporation. 2010. *Lagos Water Supply Master Plan*. Lagos: Nigeria Lagos Water Corporation.
- LWRC – Lagos Water Regulatory Commission. 2004. *Lagos State Water Sector Law, Law No. 14*.
- Mabogunje, A. L. 1974. Towards an Urban Policy in Nigeria. *Nigerian Journal of Economic and Social Studies* 16: 85–97.
- Mabogunje, A. L. 1992. New Initiatives in Urban Planning and Management in Nigeria. *Habitat International* 16 (2): 73–88.
- Nwanna, C. R. 2012. Gentrification in Lagos State: Challenges and Prospects. *British Journal of Arts and Social Sciences* 5 (2): 163–176.
- Oduwaye, L. 2009. Challenges of Sustainable Physical Planning and Development in Metropolitan Lagos. *Journal of Sustainable Development* 2 (1): 159–171.
- Ogu, V. I. 1999. Evolutionary Dynamics of Urban Land Use Planning and Environmental Sustainability in Nigeria. *Planning Perspectives* 14 (4): 347–368.
- Olukoju A. 2009. *The Development of Infrastructures in Lagos 1896–2000*. Lagos. Open edition.
- Olusoji, O. 2009. *Globalization as a Source of Environmental Tragedy in sub-Saharan Africa: The Role Multinational Oil Corporations in Nigeria*. Paper presented at a conference on climate change. Austin: The University of Texas.
- Omotola, J. A. 1982. *Land Use Act: Report of a National Workshop*. Lagos: University of Lagos press.
- Omotola, J.A. 1991. Planning Law in Nigeria. *Town Planning Review* 13 (4): 381–398.
- Omole, F. K. 1999. *Planning Issues in Nigeria Land Tenure System and the Land Use Act*. Lagos, Nigeria: Frontline / KenOye Publications Company.
- Omole, F.K., and Akinbamijo, O. B. 2012. Land Development and Planning Laws in Nigeria: The Historical Account. *Journal of Law, Policy, and Globalization* 8: 25–31.
- Onibokun, A. O. N.d. *Land Use and Development Control Laws in Nigeria: An Overview*. A Memorandum Submitted to the National Committee of Review of Town and Country Planning Law.
- Onokerhoraye, A. G., and Omuta, G. E. D. 1986. *Urban Systems and Planning*. Benin City: University of Benin.
- Oshodi L. 2016. Transportation and Mobility System in Lagos. *Lookman Oshodi. International Development, Urban Infrastructure and Governance*, August 12. URL: <https://oshlookman.wordpress.com/?s=Transportation+and+mobility+system+in+Lagos&submit=>.
- Oyesiku, K. 1998. *Modern Urban and Regional Planning Law and Administration in Nigeria*. Ibadan: Kraft Books Limited.
- Rasak, E. N. N.d. *The Land Use Act of 1978: Appraisal, Problems, and Prospects*. Long Essay, Project submitted to the Faculty of Law, University of Ilorin.

- United Nations. 1975. *Human Settlements Performance Standards*. New York: United Nations.
- UNDP. 2013. *Water Governance Facility*. Rep. United Nations Development Programme (UNDP), 15 July 2013. Web. 09 Apr. 2014.
- Urban and Regional Planning Law of Lagos State 2010. Section on 'Enforcement' Part V. No. 59–75.
- Yahaya, O. and Ishiak, Y. 2013. Effective Urban Land Use Planning In Nigeria: Issues and Constraints. *Journal of Environmental Management and Safety* 4 (2): 103–114.