



Planning Regulation Compliance in Jimeta Yola North Nigeria

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Abstract: *Implementing use control and management in cities is not enough to guarantee an orderly physical environment when residents do not adhere strictly to the regulations guiding development operation. The study aimed to examine the planning regulation compliance in Jimeta-Yola, Adamawa State with a view to better the environment through appropriate regulations guiding development operation. A quantitative research design was adopted for this paper. The paper used stratified random sampling techniques and the results were presented and staffs of the Adamawa State Urban Planning Board served as the population for this paper. The study revealed that site inspection, land documents provision, adherence to buildable area, building plan and adherence to setbacks were in moderate level and ranked one to five. While the environmental impact assessment, adherence to zoning and adherence to zoning are in lower level of planning regulation compliance by developers in Jimeta and ranked seven to nine. The study concludes that planning regulation compliance by developers in Jimeta is moderate in the area of site inspection, land documents provision, adherence to buildable area, building plan and adherence to setbacks. The study also concludes that planning regulation compliance by developers in Jimeta is low in the area of environmental impact assessment, adherence to zoning and adherence to zoning in the study area. The government should involve the community in the planning and enforcement process through public hearings and feedback mechanisms. The government should conduct awareness campaigns to highlight the benefits of the housing types, such as affordability, security, and shared amenities.*

Keywords: *Planning, Regulation, Compliance, Development, Building, Control*

Introduction

Planning regulations is one of the measures applied by physical planning agencies particularly, local planning authorities to ensure that developers do not deviate from building plans approved for them in the course of project execution (Oduwaye, 2011). Planning and zoning regulation establishes how land can be used and how such uses can be changed. Land use planning is the process of making decisions to guide future allocation and development of land (Epstein, 2017). State and territory governments identify long-term goals and objectives such as promoting the orderly and economic use and development of land, preserving the environment as well as

providing and coordinating community services and facilities (Gibbens & Schoeman, 2020). Planning compliance are universally recognized by land professionals generally as a means of delivering a quality urban environment and making sustainable cities. Thus, planning regulations is often put in place to prevent planning violations such as abuse and misuse of land and to ensure orderly and compatible land uses (Tonui, 2022). The application of building control and regulation practice is an efficient approach which would and improve the competence of both the design and construction team and enable the building industry to efficiently deliver building projects that construction-friendly and failure-free, thereby attaining environmental development objectives (Nel & Denoon-Stevens, 2023). The impact of planning regulations compliance and building approval on residential housing development Jimeta is a matter of great importance, as it affects the city's overall livability, economic development, and social equity. Several factors contribute to the complexity of this issue: Jimeta has experienced a significant increase in population over the past decade. This rapid growth has led to increased demand for housing, putting pressure on available land and housing resources. Despite the growing demand for housing, there is a substantial housing deficit in Jimeta, with a shortage of affordable and adequately designed residential units for the increasing population.

It could be posited that where development activities and/or developers are left unchecked, this will not only result in the violation of planning regulations but also lead to chaotic development. Jimeta - Yola, like other cities in Nigeria, has urban planning regulations and policies in place. These regulations aim to control the use of land, ensure compliance with building standards, and promote sustainable urban development. However, the effectiveness of these regulations in achieving their intended goals is a subject of debate. It is on this that this study has identify that many has written on planning regulation, relationship between town planning officers and the public, but no one has written on the topic Planning Regulation compliance and approval on Residential housing development in Jimeta Yola which is a gap this study intends to fill with the view to better the environment through appropriate residential housing development in the study area.

Literature Review

Planning Regulations

Planning regulations are administrative legislations that confer rights and responsibilities on planning officers to control and manage urban space to the benefit of the general public (LeviFaur, 2010). "Planning laws and regulations can also be viewed as regulatory procedures used in controlling land use development in line with a master plan" (Clarke, 2018 in Mbee and Joseph, 2022). "They are also 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 arrangement of buildings and facilities to ensure economy, convenience and aesthetic appeal" (Adeyeye, 2010). "Planning regulation is necessary in city development as it sets the legal limits for public and private land within a given area. However, urban regulation can take many forms: legal restrictions promulgated by a government authority, self-regulation, social regulation (e.g., norms), co-regulation and market regulation by an industry, such as, through a trade association etc. One can consider regulation to be actions of conduct imposing sanctions, such as a fine, to the extent permitted by the law of the land" (Levi-Faur, 2010). "This action of administrative law, or implementing regulatory law, may be contrasted with statutory or case law. It can be

distinguished from primary legislation by Parliament or elected legislative body) on the one hand and judicial decisions on the other hand. Regulations can either be responsive or non-responsive, which explains why outcomes are not always obtained for a plan” (Levi-Faur, 2010; Rydin, 2011).

Planning Regulations in Nigeria

In Nigeria, the history of planning legislations can be traced back to the colonial era, it started with Lord Lugard’s promulgation in 1900 in respect to title to land in Northern Nigeria and the introduction of indirect rule served as the Pivot for changes in land administration and resettlement development in Nigeria, in their study of planning regulations. Kanyode & Olumuyiwabayo (2012) observed that the enactment of the township ordinance No 29 of 1917 was the first attempt at introducing special orderliness into the land use pattern in Nigeria cities. The impact of the ordinance laid down guidelines for physical layout of towns is still visible in towns as Aba, Port Harcourt, Enugu, Jos, Minna, and Kaduna today. The preparation of a ten (10) year development and welfare (1946 - 1956) marked the beginning of systematic development plan. One of the major schemes of the plan was the town planning and village reconstruction. Information from the plan indicated that there was scarcely a town in the country that was not in dire need for re-planning and proper layout for future expansion.

The colonial government consequently erected the Nigeria Town and country planning ordinance (No. 4 of 1946) to provide for the planning improvement and development of different parts of the country, through planning schemes initiated by planning authorities. The ordinance was based on the 1933 British town and country planning ordinance which created a situation in which planning and development of an urban area was equated with the provision of more physical and attractive layout with architectural well designed housing units. Concerned with other problems facing urban centers. Other related legislations during the colonial era that had bearing with the town and country planning were the mineral act (1945) which touched on issues like drainage and pollution, public health laws of 1957 which controlled overcrowding, disease and general urban squalor. Others were the land development law of 1948 which dwelt on acquisition of safe and disbursement of land, the building lines regulations of 1948 which later became chapter 24 of the laws of Nigeria of 1948, which provide for positions with reference to roads. All these laws came round the same time. The use of the current building legislations in Nigeria commenced on the 2nd of June 1960. This piece of Legislation was known in the old western region. Now Oyo, Ogun, Osun, Ondo, Edo and Delta state as the western region law of Nigeria 171 of 1960 currently known as the building adoptive bye – laws in most of these states. These laws specify where and how to build in any given settlements, they include laws on methods and materials of construction and the dimension of auxiliary services around houses. The law strongly states that no building should be erected without a building plan duly certified by health officer, the works supervisor and the town planning authority, no person may utilize more than half of the total building plot for the building. Town and country planning ordinance (No. 4 of 1946)

Development Control

Development control regulations are tools for guiding and promoting development in an area in order to improve the quality of life. Essein et al., (2010) defines development control as a mechanism put in place to maintain standard. It is a process laid down in legislation which regulates the development and use of land use and buildings. Aluko (2011) and Okoro *et al.* (2018) see development control as a process of monitoring and enforcing set down rules and measures

of standards in the development of land to achieve the goals of frictionless circulation, balance and harmonious development or growth to ensure protection of individual rights with others for a sustainable development.

In Nigeria development control started through the enactment of town improvement Ordinance of 1863, which was applied to Lagos colony. This town improvement ordinance aimed at improving public health and sanitation, controlling development and to ensure the provision of public utilities and facilities in 1917. The scope was widened more than 1963 Act and was referred to as “public land acquisition Ordinance”. With the 1917 Act, township and urban districts were designed for planning purpose. Furthermore, in 1928 another Act to enhance development control was promulgated which established the Lagos executive development board LEDB, presently renamed as Lagos state development and property corporation (LSDPC).

Planning Compliance

Planning laws are rules, regulations, statutes, byelaws, edicts and codes enacted to guide the trend of development to ensure conformity of land use activity, promote order, efficiency, health, economy, convenience, safety and wellbeing in a particular place over a long period of time (Idiculla, 2023). It can also be defined 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 arrangement of buildings and facilities to ensure economy, convenience and aesthetic appeal (Agbola, 2012; Ademiluyi & Dina, 2011). In another hand, compliance is the attitude of abiding by laid down rules, regulations or norms. Legally, it is an act or process of complying with a demand or recommendation, or observance of official requirements. Within the context of this study, compliance means conforming to a rule, such as a specification, policy, standard or law. It is an act or process of complying with a demand or recommendation. And by extension, environmental compliance connotes conventionality to ecological planning laws, guidelines, standards and other necessities. Researchers find compliance becoming extremely difficult to attain in fast growing Nigerian urban centres. In a recent study, Ojo-Fajuru and Adebayo (2014) finds that both Ado-Ekiti and Akure, experienced rapid growth and development. In effect, the low level of compliance with planning regulations in these cities is mostly attributed to population expansion and poor physical development control mechanism; hence the increasing elusiveness of what constitutes an effective compliance in the country. On the assessment of compliance to space standards for effective development control within the Lagos Metropolitan area, Aluko (2011) unveils variety of contraventions, notable among which are, reckless shifting of building lines, front shops and much unsightly development on road and utility setbacks. He submitted that the cause which include among others, foot dragging on prosecuting offenders by the regulatory authorities.

Arima and Adeagbo (2000) investigated the level of compliance of private residential dwellings with urban planning and building regulations in Ibadan, Nigeria. They focused on planning standards, building standards and zoning regulations. The study area was segregated into high, medium and low densities and standards, such as setbacks (front, back/rear, and sides’ setbacks), minimum sizes of windows and doors, quality of standard building materials in roofing, walls and floor finishing, were used as variables to measure the abilities of the respondents to comply with characteristics of the development and the influence of the administrative practices on the developer. Investigation revealed that the most violated aspects of building regulations are plot

coverage, setback stipulations. Room size, provision of utilities, as well as charges on use from residential use to the incorporation of home based enterprises. While average households were aware of planning standards, it does not automatically translate to compliance with the regulations.

Moreover, Sarkheili et al. (2017), on analysing the role of constructional violations in the failure urban development plans of the Tehran metropolis, observed that factors such as physical field and limitation and natural tendencies of urban development, underlying society and economy of city, defects of construction rules and regulations and inefficient urban management were the most important causes of constructional violations in Tehran metropolis. Similar work on building contraventions in Tehran and its control by the municipality was conducted by Jimoh and Olagunju (2022), and discovered that, apart from implementation of urban planning in Iran which was contrary to building standards or detailed plans, mostly especially in terms of floor area rate or stories, it was also discovered that economic factor is the most important reason for building violations in Tehran.

Alnsour and Meaton (2009) examined the factors which impacted on the extent to which residential developments complied with physical planning standards in the Old Salt City, Jordan. They found out that the challenges instigated by demographic variables such as developers' income, educational levels, household size and occupation were the factors that necessitated the flout of planning standards and the areas affected were, Building Coverage Ratio (BCR), ventilation and housing typology, with reference to building materials, windows, doors and entrances to houses. A study by Rukwaro (2009) in Buru Estate, Nairobi City County, Kenya, revealed that most violated standards were due to poor development control setbacks, inner courts areas, side and air spaces, Floor Area Ratio (FAR) and recommended building heights.

Jimoh and Olagunju (2022) in a study on conformity with development control regulations in Ado-Ekiti, Nigeria also established that 55.21% of developments encroached on setbacks and open spaces. A problem that resulted into low environmental quality and loss of urban aesthetics due to lack of effective development control. In Wa Township in Ghana, Ahmed and Dinye (2011), found out that 57% of developers who were aware of the recommended physical planning standards did not comply with them on account of inadequate development control. Similarly, Orgen (2010) also investigated the use of building plans in Ghana and found out that over 90% of developers were using unapproved building plans, thereby flouting recommended physical planning standards.

Methodology

Quantitative design was adopted for this paper work because the data is numeric in nature and research strategy used was survey strategy. The use of surveys gives to study more variables at one time than is typically possible in laboratory or field experiments. Staffs of the Adamawa State Urban Planning Board served as the population for this paper. The sample frame for this study constitutes the entire department of planning regulations and Violation of the Adamawa State Urban Planning Board which was 350 in number and sample size was 186. Stratified Simple random sampling was adopted because only the department of Planning Regulation was able to given adequate responses to the questions. The instrument for data collection was a structured questionnaire and descriptive method was done using mean ranking and standard deviation

Results

Demographic Information of the Respondents

Data on the respondents' demographics was gathered. to evaluate the respondents' demographics, frequency and percentage analyses were performed, and the results were given.

Table 1: Demographic Data of the Respondents

| SN | Attributes | Frequency | Percentage |
|----------------------------------|----------------|-----------|------------|
| Years of Experience | | | |
| 1 | 1-4 Years | 32 | 32.0 |
| 2 | 5-9 Years | 14 | 14.0 |
| | 10 Years Above | 54 | 54.0 |
| | Total | 100 | 100.0 |
| Educational Qualification | | | |
| 1 | NCE/ND | 14 | 14.0 |
| 2 | B.Sc/HND | 85 | 85.0 |
| 3 | M.Sc/PhD | 1 | 1.0 |
| 4 | Total | 100 | 100.0 |

Table 1 shows the respondents results most of them has the experienced of 10 years above with the percentage of 54% in the study area. The results also indicated that the qualification of the respondents in the study area were 14.0% for the ND/NCE holder, 85.0% for BSc/HND holders and 1.0% for M.sc and above holders. This mean that major of the respondents are BSc/HND holder.

The level of planning regulation compliance in Jimeta Yola North Nigeria

This study adapted the mean score decision interval based on the works of Akinsola & Omolayo 2013, from which the following interval decisions were deduced. (1-1.80) = Very Low Compliance (VC), (1.81-2.60) = Low Compliance (LC), (2.61-3.40) = Moderate (M), (3.41-4.20) = High (H), (4.21-5.0) Very High (VH)

Table 2: Planning Regulation Compliance by Developers in Jimeta

| Planning Regulation Compliance | Mean | Std. Deviation | Ranking | Decision |
|---------------------------------|------|----------------|---------|---------------------|
| Site inspection | 3.38 | .663 | 1 | Moderate Compliance |
| Land documents provision | 3.28 | .514 | 2 | Moderate Compliance |
| Adherence to buildable area | 3.22 | .675 | 3 | Moderate Compliance |
| Building plan | 3.07 | .355 | 4 | Moderate Compliance |
| Adherence to Setbacks | 2.94 | .565 | 5 | Moderate Compliance |
| Building Approval | 2.72 | .668 | 6 | Moderate Compliance |
| Environmental impact assessment | 2.45 | .609 | 7 | Low compliance |
| Adherence to Zoning | 2.35 | .672 | 8 | Low compliance |
| Sustainability standard | 2.00 | 1.025 | 9 | Low compliance |

Table 2 shows the planning regulation compliance by developers in Jimeta. The study indicated that site inspection with the mean value of 3.38 and std. deviation of 0.663 ranked 1st as major level with higher mean value, land documents provision with the mean value of 3.28 and std. deviation of 0.514 ranked 2nd, adherence to buildable area with the mean value of 3.22 and std.

deviation of 0.675 ranked 3rd, building plan with the mean value of 3.07 and std. deviation of 0.355 ranked 4th and adherence to setbacks with the mean value of 3.07 and std. deviation of 0.355 ranked 5th. While the lower level of planning regulation compliance by developers in Jimeta are environmental impact assessment with the mean value of 2.45 and std. deviation of 0.609 ranked at 7th, adherence to zoning with the mean value of 2.35 and std. deviation of 0.672 ranked at 8th and adherence to zoning with the mean value of 2.45 and std. deviation of 0.609 ranked at 9th.

The highest mean value for site inspection suggests that it is widely recognized as a crucial step in ensuring building compliance. This aligns with the findings of Aluko (2011), who emphasize the role of site inspections in verifying the accuracy of building plans, identifying potential hazards, and ensuring adherence to building codes. Regular and thorough site inspections can contribute significantly to public safety and building quality. The second-ranked factor, land documents provision, underscores the significance of proper land ownership and documentation in the building permit process. This is consistent with the work of Jimoh & Olagunji (2022) who highlight the challenges associated with land disputes and fraudulent land transactions, which can lead to legal and construction-related issues. Verifying land ownership and documentation helps to prevent such problems and ensures that buildings are constructed on legally permitted land. The relatively high rankings of adherence to buildable area and setbacks indicate that respondents consider these factors to be essential for proper urban planning and development. Maintaining adequate setbacks and respecting buildable area limits contribute to the overall aesthetics, functionality, and safety of neighborhoods. Rukwaro (2009) supports this view by emphasizing the importance of zoning regulations and building codes in creating well-planned and sustainable urban environments.

Conclusion

The study concludes that planning regulation compliance by respondents in Jimeta is moderate in the area of site inspection, land documents provision, adherence to buildable area, building plan and adherence to setbacks. The study also concludes that planning regulation compliance by the respondents in Jimeta is low in the area of environmental impact assessment, adherence to zoning and adherence to zoning in the study area. The government should foster collaboration between the planning authority, developers, and other stakeholders to develop and implement effective compliance strategies. The government should implement a digital planning permit system to streamline processes, reduce corruption, and improve transparency. The government should establish a robust monitoring and evaluation system to track compliance and building approval trends and assess the effectiveness of interventions.

References

- Ademiluyi, I. A., & Dina, O. A. (2011). The millennium development goals and the sustainable future for Nigeria's urban environment: a railway strategy. *Journal of Human Ecology*, 33(3), 203-209.
- Agbola, B. S., Ajayi, O., Taiwo, O. J., & Wahab, B. W. (2012). The August 2011 flood in Ibadan, Nigeria: Anthropogenic causes and consequences. *International Journal of Disaster Risk Science*, 3(2), 207-217.
- Akinsola, O. E., & Omolayo, O. H. (2013). Corruption and fraud in the Nigerian construction sector. The transformation of the building industry-Possibilities and realities. In *43rd Annual*

General Meeting and Conference of Nigeria Institute of Building Held at Conference Centre on 26th-30th.

- Alnsour, J., & Meaton, J. (2009). Factors affecting compliance with residential standards in the city of Old Salt, Jordan. *Habitat International*, 33(4), 301-309.
- Aluko, O. (2011). Development control in Lagos State: An assessment of public compliance to space standards for urban development. *African research review*, 5(5), 169-184.
- Arima, B. C., & Adeagbo, D. (2000). Compliance with urban development and planning regulations in Ibadan. *Nigeria. Habitat International*, 24(2), 279-294.
- Clarke, D. (2018). Form and function in China's urban land regime: The irrelevance of "ownership". *Land Use Policy*, 79(3), 902-912.
- Epstein, H. (2017). *Land-use planning*. Irwin Law.
- Essein, F. (2010). The role of good governance and civil society in the management of ethnic and religious conflict. *Trends and tension in managing conflicts*, 2(1), 152-167.
- Gibbens, M., & Schoeman, C. (2020). Planning for sustainable livelihood development in the context of rural South Africa: A micro-level approach. *Town and Regional Planning*, 76(1), 14-28.
- Idiculla, M. (2023). The Travails of Urban Planning in India: An Examination of the Planning Law Regime of Bangalore. *The Chinese Journal of Comparative Law*, 11(1), cxad002.
- Jimoh, U. U., & Olagunju, D. K. (2022). Resident's Compliance with Colonial Planning Regulations in Peri-Urban Area of Ibadan, Nigeria. *Journal of Inclusive Cities and Built Environment*, 2(4), 37-52.
- Levi-Faur, D. (2010). Jerusalem papers in regulation & governance. Jerusalem Forum Working Paper.
- Mbee, M., & Joseph, T. (2022). Factors affecting planning laws and regulations compliance in the capital cities in South-South Geopolitical Region, Nigeria. *Advances in Research*, 23(6), 116-123.
- Nel, V., & Denoon-Stevens, S. P. (2023). *Land-use management to support sustainable settlements in South Africa*. Taylor & Francis.
- Oduwaye, L., Alade, W., & Adekunle, S. (2011). *Land use and traffic pattern along Lagos-Badagry corridor, Lagos, Nigeria*.
- Ojo-Fajuru, J. O., & Adebayo, A. A. (2014, April). Operationalising urban forestry and green belt programs for effective sprawl control and carbon credit gain in Ado-Ekiti and Akure. In *Nigeria, Conference paper-Environmental Research Group* (9-10).
- Okoro, C. S., Musonda, I., & Agumba, J. (2018, July). Critical planning considerations for PPP road project sustainability: A case study approach. In *Development and Investment in Infrastructure Conference. Livingstone, Zambia* (11-13).

- Orgen, N. K. (2010, July). An investigation into the use of unapproved drawings in the construction industry in Ghana. In *West Africa Built Environment Research (WABER) Conference* (153).
- Rafieian, M., & Sarkheili, E. (2017). Unpermitted Constructions from City Making Perspective: Concepts, Approaches and Experiences. *Tehran: Armanshahr*.
- Rukwaro, R. W. (2009). The owner occupier democracy and violation of building by-laws. *Habitat International*, 33(4), 485-498.
- Rydin, Y. (2011). *The purpose of planning: Creating sustainable towns and cities*. Policy Press.
- Shinggu, J. J., Kadala, S. B., & Joseph, S. (2020). Planning standard compliance and implication in Nigeria. *PLANNING*.
- Tonui, P. K. (2022). *Assessing the Effectiveness of Land Use Regulations in Promoting Environmental Sustainability in Kenya* (Doctoral dissertation, University of Nairobi).