



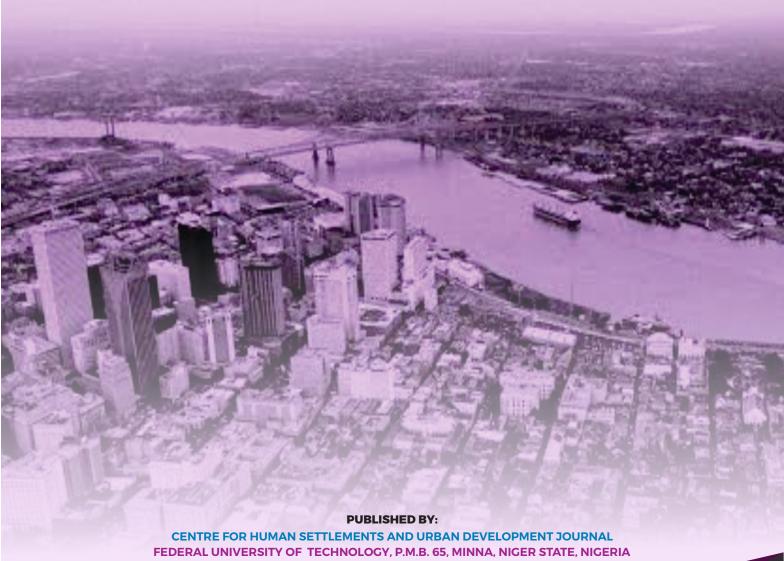
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EDITORIAL REMARKS

Dear Reader,

This year the Centre for Human Settlements & Urban Development (CHSUD) will mark her 20th anniversary. This edition of her journal is intended as a prelude to launching of the Anniversary Edition tagged "Managing Human Settlements in the Urban Century". This will highlight the requisites of having and keeping cities, towns and all forms of human settlements as humanity finally moved into the age where urbanization and urban activities, for the first time in history, dominates the planet. The special call for a focus on urbanization is further hinged on the fact that besides dominating human settlement types, urban related human activities have had the greatest impact on earth and its environment. This has resulted into a phenomenon now referred to as "The Anthropocene" – an interconnected, complex global systems in which humanity's impact has become clear.

This volume nine and particular edition (number one) feature works that explored elements and scenarios that increasingly dominates African cities today. Many of them exhibiting lack lustre state of bourgeoning cities and towns in sub-Saharan Africa. But shown here exhibiting the different efforts being made towards having sustainable living and livelihood. This is evident from widespread poverty and deprivations highlighted by "Implications of Spatial Variation of Household Poverty Incidence in Neighbourhoods of Minna, Nigeria", to the explorations of the limitations of interventions shown by "Climate Change Mitigation Paradox: Poverty and Greenhouse Gas Reduction in A Global South City". The different negative effects of increasing human activities on the natural and social environment enumerated by "Spatio-Temporal Analysis of Land Use and Land Cover Change of Birnin Kebbi for Sustainable Development", and, "Reduction in the Effects of Climate Change: Efforts Towards Safeguarding the Built Environment in Kaduna, Nigeria"; have drawn attention to the dimensions and consequences, at local, national and regional levels, the increasing effects of human activities dominated earth and arguably the planetary system.

Dr Aliyu M. Kawu MNITP, RTP, Mersa Editor-in-Chief *CHSUD Journal*

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The journal accepts well researched papers, including case studies, from all disciplines in Environmental Sciences and other disciplines or subject areas related to the built environment. However, papers to be considered for a specific volume of the journal should fall within the theme and sub-themes specified. The theme for each volume of the journal will be specified.

Submission of Papers

All manuscripts should be submitted to the editor, CHSUD Journal. Three hard copies of papers should be forwarded to the editor with a letter of undertaking that the work is not under consideration elsewhere and it will not be sent to another journal until final decision has been made on it.

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TABLE OF CONTENTS

Content	Page
Reduction in the Effects of Climate Change: Efforts Towards Safeguarding the Built Environment in Kaduna, Nigeria <i>Ojobo Henry, Umaru Emmanuel, & Chindo Martin</i>	1 - 11
Overview of Challenges of Quality Management Implementation in Construction Firms in Abuja, Nigeria <i>Aka, A. A. Musa, E. T. Ephraim & I. Abdulrahaman</i>	12 - 20
Climate Change Mitigation Paradox: Poverty and Greenhouse Gas Reduction in A Global South City Ashiru Bello, Bello-Yusuf, Sabiu & Adamu Ahmed	21 - 29
Appraisal of Households' Coping Strategies to Water Poverty in Bida, Niger State Bankole Olasunkanmi Clement & Aliyu M. Kawu	30 - 38
Assessment of Compliance Level of Automobile Drivers to Traffic Rules and Regulations in Bida, Niger State. <i>Ajiboye, A.O., Owoeye, A. S., Zarumi, G. M., Oni, B. G. & Abubakar, I.D.</i>	39 - 55
Effect of Urban Green Spaces on Residents' Well-Being in Abuja Municipal Area Council, Nigeria <i>Ugboh, Richard; Musa, Haruna D., & Martins, Valda I.</i>	56 - 63
Evaluation of Urban Park Pathway Characteristics and Visitors Walking Behaviour in Minjibir Park, Kano, Nigeria <i>Abdulkareem, U. Muhammad, A.Y. and Mohammed, B.B.</i>	64 - 73
Implications of Spatial Variation of Household Poverty Incidence in Neighbourhoods of Minna, Nigeria Mohammed Wondi Ishaku & Aliyu M Kawu	74 - 81
Urban and Regional Planning Law and Development Control in Nigeria: A Historical Perspective Ebehikhalu N.O & Umaru E.T	82 - 86
Spatio-Temporal Analysis of Land Use and Land Cover Change of Birnin Kebbi for Sustainable Development Sadiq, A & Okhimamhe, A.A	87 - 98
Factors Influencing Park Users Willingness to Pay to Enjoy Park Amenities in Amusement and Magic Land Park Abuja, Nigeria. Adio F.O. Muhammad A.Y. Mohammad B.R. Chukwudi B.O. & Abdulkareem U.	90 ₋ 110

URBAN AND REGIONAL PLANNING LAW AND DEVELOPMENT CONTROL IN NIGERIA: A HISTORICAL PERSPECTIVE

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Abstract

The study examines the historical development of urban and regional planning laws and development control in Nigeria. This is of great significance arising from the fact that history plays a pivotal role in the comprehension of any phenomenon. The study is divided into pre-colonial, colonial and postcolonial era for ease of understanding of the subject matter with a view to succinctly dealing with the issue. Unraveled in the study is the fact that before the advent of colonial administration in the country, the traditional rules in different regions-controlled development according to the traditional ways of environmental control measures.

Keywords: Urban and Regional Planning; Development; Development Control; and Urban and Regional Planning Law

Introduction

One of the goals of urban and regional planning ensure an aesthetically pleasing environment, convenience and economy. This is the basis for the definition of physical planning by Lewis Keeble (1969). According to him, physical planning is the art and science of ordering the use of land and character, and sitting of buildings and communication routes so as to secure the maximum practicable degree of convenience, beauty and economy. In other word, urban and regional planning is concerned with the spatial orderly of land use both in the urban and rural settings for the purpose of creating functionally efficient and aesthetically pleasing physical environment for living, working, circulation and recreation (NITP, 1998).

In an attempt to ensure the realization of the purpose of urban and regional planning in Nigeria, various efforts, attempts and actions have been made in terms of practices, promulgation and enactment of legislations from the era of colonial masters to date. The goal of this study is to examine the historical development of urban and regional planning laws with the specific objectives of assessing the practice of planning in the pre-colonial, through the colonial, to date. The pre-colonial is consequential because of the need to place on record that Nigeria has a history of urban planning before the colonial masters.

History of Development Control in Nigeria

Pre-colonial Era

Several great cities like Benin, Ife, Zaria, Sokoto, Igbo city states, existed in Nigeria before the arrival of the Colonial Masters. These cities were structured according to the local customs and practices, the traditional land tenure system, the agrarian nature of the economy and the existing modes of transportation. The traditional Nigerian settlements were established around the palaces of traditional rulers, and the development and the joint administrative control were responsibility of the entire community (Aluko, 2011). Nigerian cities and towns were those with the following important traditional elements: Circulatory Pattern of Settlement; walls; and street and roads.

In terms of circularity pattern of settlement, most pre-colonial Nigerian cities adopted principles circulatory layout in the pattern of dwellings, or settlements, walls and roads. This was based on the tradition of the people. For example, the settlement of Ife was built around a central location on a hill where the palace of religious chief, was founded. Yoruba tradition has it that the sacred settlement of Ife, is the model on which Yoruba settlements are patterned. Mabogunje (1962) established a rationale for the circular nature of Yoruba settlement, where he attributed the Yoruba's belief of circular pattern of settlement to the belief that the form of the world is circular, and the circularity is due to the two road axes (oriented N-S and E-W) which intersect at the

world centre, and which divide into halves and quarters. This belief of the circularity of nature of Yoruba is comparable to that held by the Egyptians about the circularity of the earth and is illustrated in the Egyptian hieroglyph (City Plan) for city (Amankwah-Aye,). In the same way was the settlement of Benin kingdom built around the Oba's palace. This circularity pattern of settlement in Benin kingdom has been described by scholars as a wheel-like structure with a hub at the centre (location of Oba's Palace, market, plazas-town-squares or central place gathering), where developments radiates from, in spoke-like patterns (roads) to the hinterlands.

Walling was also a vital and important element in the pre-colonial development of Nigerian settlements. Wall gave definitions to settlements and prevented uncontrolled urban sprawl. Walls also provided psychic and physical security. In unstable times, walls afforded protection against theft or destruction. In peace time they control entry and exit. Numerous gates along urban walls served as effective Control points for monitoring movements and while entering or leaving the precolonial cities fee were collected at these gates manned by toll collectors appointed by the chiefs or kings. Walls in pre-colonial Nigerian cities could therefore be said to have rendered specific services to the communities that built them. In the case of Benin Kingdom, it was moat, which served as a defense for the Benin Kingdom. This has been explained by Hull (1976), in his report on Portuguese mariner who visited the Benin kingdom. According to him, it was documented as far back as 1550 that Benin City had "no wall but was surrounded by very large moat, very wide and deep, which suffices for its defense.

On the element of passageway, streets and roads during pre-colonial, it can be stated that dwellings were constructed exceedingly close to each other, but blocks of buildings were separated by avenues or alleys. One of the early Europeans' visitors to Benin City was impressed by the broad ceremonial avenues he saw, and wrote that "the town had thirty... broad streets, every one of them about one hundred and twenty feet wide".

Colonial Era

The Colonial Town Planning experience began with the promulgation in Lagos in 1863 of the Town Improvement Ordinance, following the annexation of Lagos as British colony under the Treaty of Cession in 1861. The Ordinance was

the first known planning legislation informed by the poor state of sanitation and uncontrolled development in Lagos. On the ground of this ordinance. the traditional settlements development approach started giving way to colonial approaches. In 1900, the Land Proclamation Ordinance was enacted by Lord Luggard. The legislation or the proclamation was in respect to the title to land in northern Nigeria and the introduction of indirect rule constituted the main salvo of change in land administration and settlement development in Nigeria. Under the policy of indirect rule, urban settlements were administered by the native rulers or chiefs. (NITP, 1997).

During these early vears colonial administration of the Northern and Southern Protectorate, there were urban centers or commercial and administrative towns with scores of European population. In an attempt to control development in these few urban centres, 1904 Cantonment Proclamation was made in which different planning standards were specified for the various segments of the city with physical infrastructure and provision planning concentrated in the European or Government Reservation. The Cantonment Proclamation succeeded in creating European and African Quarters. While the European Quarters were meant for the colonial masters with the best modern infrastructure and amenities, the natives were made to reside in the African Quarters which were a picture of congestion and insanitary conditions. The Cantonment Proclamation provided the first town planning regulation even though it was one sided; creating an orderly physical environment for the Colonial Masters.

In 1914 when the Northern and Southern Protectorate were amalgamated, the Town and Country Planning Ordinance, No. 9 of 1914 was Ordinance enacted. The empowered government to acquire land compulsorily for public purposes, irrespective of whether such lands were occupied or not. The main intent of the Ordinance was to solve the problem of land availability for public use especially in the Southern Protectorate where land was privately owned. It was with this Ordinance, that the power of Eminent Domain was legally introduced in Nigeria for the first time (Kio-Lawson et al, 2016).

The growth in economic and social status of both the old and new cities in Nigeria through ruralurban migration continued with astronomically increasing population in the cities. In order to ensure spatial orderliness in the land use pattern of Nigerian cities, the Lord Luggard Township Ordinance No. 29 of 1917 was introduced (Kio-Lawson et al, 2016). The Ordinance represented a watershed in the evolution of Town and Country Planning in the country. The impacts of the ordinance which laid guidelines for physical layout of town are still visible in towns such as Enugu. Aba. Portharcourt, Kaduna, Minna and Jos today. The Ordinance legalized the segregation of the Europeans from African residential area (NITP, 1997). The Ordinance was also concerned with the classification and delineation of township and urban districts into first, second, and third-class townships and by extension the control of offensive traders, acquisition of land, regulation of buildings, regulation of open spaces and traffic etc. (Agbola and Agbola, 1997).

In 1924, Town Planning Committees were established for the northern and southern provinces mainly for the class towns to initiate and develop planning schemes as well as approve building plans. This role was performed by Local Advisory Board and District Officers in the second and third class town respectively. The Town Planning Committees were abolished in 1927 due to the absence of legal backing for its existence and were substituted by Health Boards. Up to the Second World War, urban planning and development was much more a day-to-day affair carried out by senior civil servants under the health boards. A number of improved plans and layout were produced. However apart from the administration. normal no spectacular development in town planning was observed (NITP, 1997).

In 1928, the Lagos Town Planning Ordinance was enacted giving rise to the establishment of the Lagos Executive Development Board (LEDB). The board had the extensive power to undertake comprehensive improvement schemes within the city limits. The board was mainly concerned with minimal slum clearance on Lagos Island, the reclamation of Victoria Island, Housing Schemes and the Industrial layout in Lagos. The period between 1927 and 1932, witnessed significant professional activities of British town planners in the city of Lagos. In 1927, Albert J. Thompson left South Africa on invitation by the Colonial Authority to take up position as a Town Planning Adviser with the

Colonial Government in Nigeria. Prior to the Thompson's posting to Nigeria, the British colony of Nigeria had no resident professional Town Planner with an extensive and vast experience in the planning of cities. Thompson took up his post within the Land and Survey Department. He re-planned the Yaba Housing Estate, which was, according to the Nigeria Annual Colonial Report, 1924 the worst areas of Lagos town. He successfully completed this project where he achieved saving 25 acres of land available from the original scheme. It is also important to note that the 1928 Lagos Town Planning Ordinance came into being in response to the outbreak of the bubonic plague which afflicted Lagos due to poor sanitary conditions. Beyond Lagos, Thompson contributed immensely to town planning in the hinterlands. His design plans contributed to the development of new settlements created by colonial government especially in Enugu, Warri, Sapele, Benin, and Onitsha. For example, Thompson prepared the report that attempted to economize road layouts and planned a new Industrial Area for coal related processes; even though the colonial authorities did not approve it due to the fact that there were local resistances from the native inhabitants opposing the implementation of the scheme following the report given by Albert Thompson to the colonial government. (Oladiti and Idowu, 2017)

The continual socio-economic growth in the cities got to a point which indicated that there was scarcely a town in the country that was not in dire need of re-planning and proper layout for future Consequently, expansion. the government enacted the Nigerian 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 scheme initiated by planning authorities. The Ordinance was based on the 1932 British Town and Country Planning Act (Omole, 2012). The Ordinance was seen as an amalgamation of the 1914, 1917, and 1928 Planning Ordinances in Nigeria. Unlike the others, this particular Ordinance extended spatial planning to the entire country and gave more legislative power to the planning institutions concerned to implement its provisions (Ola, 1977).

The colonial era also had some other legislations having bearing on town and country planning. These included the Mineral Act of 1945 which

provided for drainage, water and air pollution, Land Development (Roads) Law of 1948 which provided for acquisition, safe and disbursement of land, the Building Lines Regulations of 1948 which later became chapter 24 of the Laws of Nigeria of 1948 which provided for positioning of building and other obstruction with reference to roads, the Public Health Laws of 1957 which control overcrowding, diseases and general urban squalor (Omole, 2012; NITP 1997).

Post Colonial Experience

With the adoption of a Federal Constitution in 1954, town planning became regionalized and the centre was left with no discernible planning powers. Consequently, the emergent northern, western and eastern regions, re-enacted the 1946 Town and Country Planning Ordinance as their respective regional laws (Osinbanjo, 2004). Between 1954 and 1963, a regional system of planning was adopted in Lagos with the law in 1958, West as cap 123 Laws of Western Region of 1959. East as cap 126 Laws of Eastern Nigeria 1963 and North as cap 130 Laws of Northern Region 1963. With the creation of Town Planning Division to enhance planning and introduction of Planning Authority and Development Unit in the old Midwestern State with Edict No. 3 of 1969 heralded the National Development Plan which became operational since 1920 through 1980, of importance in the policy are planning of urban centres, designing and planning of new settlements and urban renewal schemes. To make town and country planning more relevant and effective, their power to function was vested in the local government area and with the creation of more local government areas in 1976 Planning Authorities were established to handle planning matters. Various issues relating to land matters were tackled by the promulgation of Land use Decree of 1978. The effort was aimed at making land available to Nigerians and exercise control over land (Obabori, Obiuwevbi and Olomu, 2007).

Town planning in Nigeria recorded boost in 1988 with the promulgation of Decree No. 3 establishing the Town Planners Registration Council (TOPREC). The Council inaugurated on 30th November 1988 is to regulate and control the practice of town and country planning in Nigeria, determine the standard of planning education and set the criteria for registration as a Town Planner in Nigeria. This development was followed in 1990 with the formation of the

Association of Town Planning Consultants (ATOPCON) which was a milestone in the planning practice in Nigeria (NITP, 1998).

It was the general belief that the old Town and Country Planning Law of 1946 was outdated and ineffective to meet the present planning requirements. It is against this background that a recommendation was made to the government to review the law and promulgate laws that are applicable nation-wide, taking into consideration the variation in climate, topography, culture and other variables to suit local needs. It was the outcry of the people, particularly the Town Planners that led to the promulgation of the new law called the Nigerian Urban and Regional Planning Law (NURPL) Decree No. 88 of December 15, 1992 (Omole, 2012).

The law has six parts which deal with: plan preparation and administration; development control; additional control in special area; acquisition of land and compensation; renewal. rehabilitation and upgrading; and appeals respectively. The law emphasizes the preparation of physical development plans at the national, state and local government. At the national level, the law allows for the production of national physical development plan, regional or sub regional plan, urban plan and a subject plan. At the state level, the law stipulates the production of a regional plan, sub regional plan, an urban plan, a local plan and a subject plan. At the local government level, there should be a town plan, a rural plan, a local plan and a subject plan (NURPL). Within the confine of the law, the Federal Government is expected as a primary responsibility to prepare and implement national physical plan as well as supervise and monitor the execution of project in urban and regional planning and the establishment of development control over federal land. The primary responsibility of the State Government is to exercise physical planning functions within the context of the national physical development plan to ensure uniformity in physical development at all levels of planning. The responsibility of local government council is to prepare town, rural, local and subject plan within its territories (kiolawson, Duru, John and Eebee, 2016).

Conclusion

The historical account of the development of urban and regional planning law has established the fact that urban and regional planning is an activity that is needed to manage physical development and that by urban and regional planning laws; urban and regional planning is prescriptive of orderliness, preventive and curative of orderliness. Thus urban and regional planning is a subject and profession that are inextricably linked with the concept and principle sustainable development. Sustainable development is an organizing principle for meeting human development, sustainable cities and communities, reduced inequality and basic needs and infrastructure. It is genre of development that meets the needs of the present without compromising the ability of the future generations to meet their own needs.

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