URBAN DEVELOPMENT AND DEVELOPMENT CONTROL TOWARDS A SUSTAINABLE CITY GROWTH: A CASE OF UYO CAPITAL CITY OF AKWA IBOM STATE, NIGERIA.

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Abstract

Across the landscape of the Nigerian urban environments, especially the capital cities, it is a common experience to observe red 'X' marks on developing structures or newly constructed buildings. The red 'X' mark usually indicates that the building/development is illegal, that is, it has no approval of the Planning Authority. Also, they do not comply with the existing planning and building regulations. Structures marked red 'X' are usually prone to either; total demolition/removal; partial demolition or; major readjustment of the structure. In any case, the limited resources in terms of manpower, money, time and materials are lost, further impoverishing the already poor society on one hand. On the other hand, without this enforcement and the plot owners and estate developers are allowed to build anywhere and anyhow, there will be chaos and disorderly city growth already experienced in many part of our cities where development control is not effective, leading to uncoordinated land-uses, winding road network, traffic congestion, environmental blight, etc. How can this be avoided? Lack of public enlightenment has been identified as one major reason responsible for the non-compliance to the town and regional planning regulations and building codes in our cities. Many developers and intended developers sought for answers to questions such as: What is the process of obtaining approval for proposed development? What are the items/documents to be submitted to the relevant planning agency for approval? Which experts are to be consulted for the respective items/documents/services required? Answers to these questions and more are what this study sought to find. The Study was conducted in Uyo, the capital city of Akwa Ibom State and relied on secondary data sources such as the Uyo Capital City Development Authority (UCCDA) documents, etc. Other accessible government records and learned literary materials were also consulted. The paper highlights the benefits of development control and advocates attitudinal change in city developers to always consult authorized registered experts for any development proposal and afterward refer to the relevant Planning Agencies for verifications and approval. The planning agencies are advised to embrace the Geographic information System technology and privatize some aspects of the development control processes to help facilitate the process of submission and approval of development proposals. This will help bring about a more orderly, organized and beautiful city landscape that can guarantee sustainable city growth.

K**eywords:** Urban development, development control, sustainable city growth, Akwa Ibom State; Nigeria.

Introduction

It is mandatory to get approved building plan, which is a permit from appropriate authorities in the country before construction can commence on any site. Obtaining an approved building plan is an indication that the proposed building complies with statutory building laws and regulations. Besides, it gives proof that appropriate authorities or

agencies are aware of such construction. Therefore, obtaining an approved building plan from the relevant State's Physical Planning agency is the very first step to take before one can start building in any part of the country. Doing otherwise is what often brings about the red _X' marking with the associated consequences.

Unfortunately, across the landscape of the Nigerian urban environments, especially the capital cities, it is a common experience to observe the red 'X' marks on developing structures or newly constructed buildings. The red 'X' mark usually indicates that the building/development is illegal, that is, it has no approval of the Planning Authority. Also, they do not comply to the existing planning and building regulations. Structures marked red 'X' are usually prone to either; total demolition/removal; partial demolition or; major readjustment of the structure. In any case, the limited resources in terms of manpower, money, time and materials are lost, further impoverishing the already poor society on one hand. On the other hand, without this enforcement and the plot owners and estate developers are allowed to build anywhere and anyhow, there will be chaos and disorderly city growth already experienced in many part of our cities where development control is not effective, leading to uncoordinated land-uses, winding road network, traffic congestion, environmental blight, etc. (see Fig.1). How can these be avoided? Lack of public enlightenment has been identified as one major reason responsible for the non-compliance to the town and regional planning regulations and building codes in our cities (Datonjo et al., 2016).

Many developers and intended developers sought for answers to questions such as: What is the process of obtaining approval for proposed development? What are the items/documents to be submitted to the relevant planning agency for approval? Which experts are to be consulted for the respective items/documents/services required? Answers to these questions and more are what this study sought to find. The study also discusses the roles of the Federal, State and Local Governments in urban development.

The Study Area

The study was conducted in Uyo Capital City of Akwa Ibom State, Nigeria (see Fig. 1). Akwa Ibom State is one of the thirty-six States in Nigeria. It was created on 23rd September, 1987. The Population of the State is currently projected at over 5.4 million people (AKS, 2016). The State has 31 local government areas including Uyo the State Capital. The State is strategically located at the Southeastern corner of Nigeria between latitudes $4^{o}30^{1}$ and 5^{o} 33^{1} North and longitudes 7^{o} 30^{1} and 8^{o} 25^{1}East. It is sandwiched between Abia and Rivers States to the West, Cross River State to the East, Abia State to the north and Atlantic Ocean to the south (Mbat, Ibok and Daniel, 2013). The Capital City is located on the north-west of the State, between latitudes $4^{o}52.5^{1}$ and $5^{o}7.5^{1}$ north and longitudes $7^{o}50^{1}$and $8^{o}02^{1}$ east. The city areas are bounded in the north by Ikono, Ibiono and Itu Local Government Areas; in the east by Uruan Local Government Area, in the south by Ibesikpo Asutan, Nsit Ibom, Etinan, Mkpat Enin Local Government Areas; in the west by Abak Local Government Area. The total male and female population of the town has rapidly grown from 244,762 in 1991 to 362,657 in 2011 and projected at 429,900 in 2016 (http://citypopulation, 2021).

The climate zone of Uyo city is within the same climate zone of other parts of Akwa Ibom State. The zone separating the warm humid Maritime Tropical Air Mass with its associated southwesterly winds from the dry Continental Tropical Air Mass with its associated northeasterly winds. While the maritime air mass originates from the Atlantic Ocean, the continental air mass originates from the Sahara Desert. The impact of maritime tropical air is felt in area during most months of the year, but is deeply under its influence in July-August. Between December and January, the influence of the maritime tropical air is

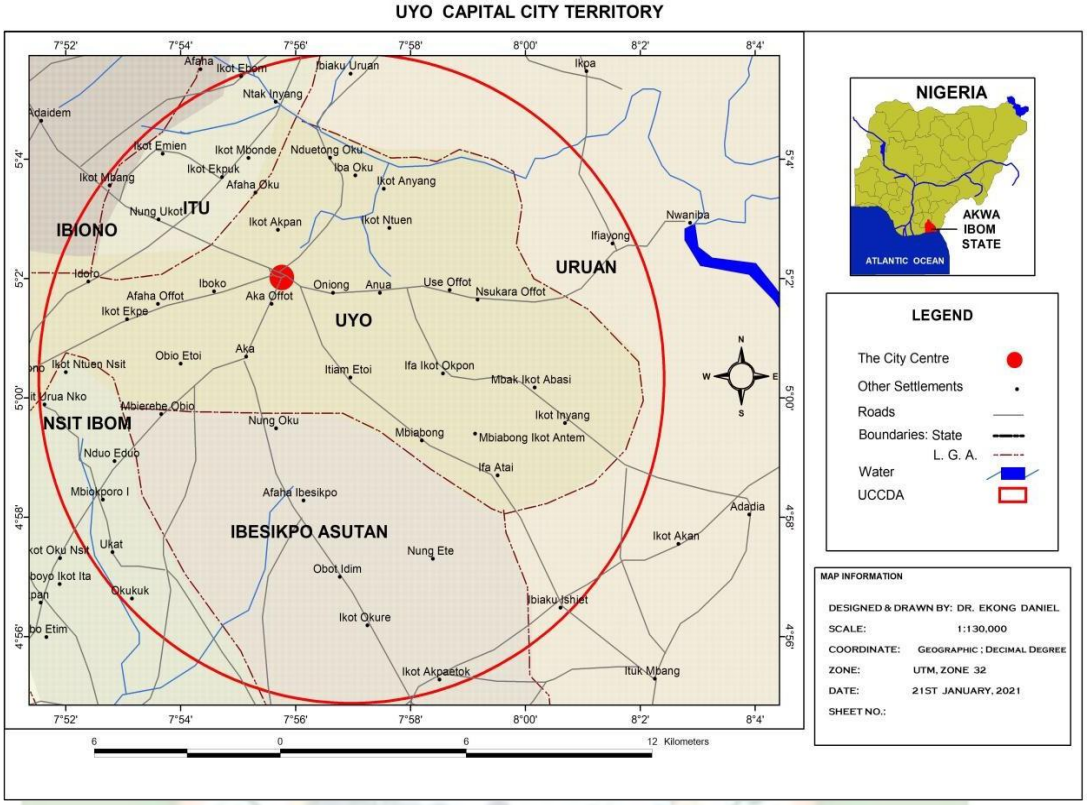


Fig. 1: Uyo Capital City Territory. Inset map: Akwa Ibom State on the map of Nigeria.
Source: Author's craftsmanship (2021)

considerably reduced but the continental air strong, thus the atmosphere becomes relatively dry and dusty during this time of the year.

Because of the effect of the two air masses, the climate of the area is characterized by two major seasons, namely; the wet or rainy season and the dry season. The rainy season usually begins about February – March and last until mid-November resulting in very high annual rainfall of about 3000 millimeters. The dry season begins usually in mid-November and ends in February and sometimes March. The mean annual temperature of the city is 27^{o} C. and the relatively high humidity of between 70 – 80 % which is most favorable for plants growth.

The city is within the modified rainforest zone now called oil palm bush. This type of vegetation is however disappearing due to urban development. The topography of the area is generally undulating, except in the north-eastern part that is occupied by the Ikpa River which runs in a northwest – southeast direction. Parts of the valley are so steep that they are described as ravines. This phenomenon poses a major limitation to the physical development of the city. Nevertheless, attention has been given to the stabilization of the slopes to protect the city from further encroachment by the ravines. These areas have been turned into conservation areas and utilized for purposes that do not require buildings (Akpan and Daniel, 2006).

Conceptual Issues

Development

The understanding of development in this study is based on the interpretation of the Nigerian Urban and Regional Planning Decree number 88 of 1992. The decree describes development as _the carrying out of any building, engineering, mining or other operations in, on, over, or under any land, or making of any environmentally significant change in the case of any land or demolition of buildings including the felling of trees and placing of free-standing erections used for display of advertisement on land‘ (TOPREC, 2004).

Development Control

Development control is the process of implementing building and land sub-division regulations and specifications (Vivan et al., 2013). The process is laid down by legislations which regulate the development of land and building. Development Control is a mechanism to maintain standards. It is the professional activity carried out by Town Planners to ensure compliance with the approved master plan for the purpose of maintaining orderliness. The Nigerian Urban and Regional Planning law provides for the creation of multi-disciplinary department charged with the responsibility for matters relating to development control and implementation of physical development plans. The control department at the federal level has power over the federal lands and estates. The control department at the state level has power over state lands and estates. The control department at the local government level has power over all land within the jurisdiction of the local government. The law requires that a developer whether private or government submits a development plan for approval by the relevant development control department.

Development control actually regulates building or rebuilding operations in, on and under the land. It also ensures an orderly growth of settlements by stipulating adequate standards for all aspects of land-use through the provision of adequate lighting, ventilation, open spaces and other socio-cultural facilities that make life worth living. The power to grant or refuse as well as attach conditions to permissions for development to take place gives the public agencies the big teeth. Development control is carried out by planning authorities that have legal powers conferred on them to ensure that development is secured. The planning authorities according to Faludi (1973) are empowered to: plan, promote and secure the physical development and environmental improvement by economic strategy; as financial developers they can initiate planning schemes and develop the area wholly or partly. Development control is a powerful implementation weapon in the planning armory. Positive encouragement is given to developers to compel them to willingly develop their land with due respect to the requirement of the planning authorities. Public enlightenment is usually embarked upon which tend to encourage the public to want some sort of control over physical development (Vivan et al., 2013).

According to the researchers, communication is a vital tool necessary for development control to succeed. An effective and efficient communication ensures controlled development with people and not for people. When the people are carried along in development control process, the authority will be able to guide development with ease and achieve their set objectives of a well-planned built-up area with good road network, building set-backs, ventilation, lighting and pollution free environment. On the other hand, if the members of the public are not informed, they may not accept the idea of control, with feelings that since they owned the land, they can as well carry out development the way they want and at their own time without due considerations to the implications of their actions.

There are two basic instruments or tools provided by the law to be used in the development control process namely, enforcement notice and stop work order. Under the

former, the control department may serve an enforcement notice on the owner of a private residential, commercial, industrial or any other land wherever any development is commenced without its approval. The enforcement notice may direct the developer to alter, vary, remove or discontinue a development. Under the latter, the control department may issue a stop-work order for an unauthorized development or for a development that does not comply with the development permit issued by the control department. A stop-work order takes immediate effect upon service on a developer or occupier of the development pending the service of an enforcement notice. Where the development or use is minor, the control department has the power to order the developer to alter, remove or discontinue the development or use without reference of the matter to the court of law. The overt evidence of enforcement notice or stop work order is the red _X‘ mark stamped on the affected development structure.

Methods of Data Collection

Spatial data were obtained from the Google Earth Company via Google satellite imagery dated 13/01/2020 using the –Google Earth‖ software, version 5.0.11337.1968. The mapping aspects of the study involved the use of Geographic Information System (GIS) methods. These include: ground confirmation, using the Global Positioning System (GPS) 72H model; geo-referencing, using Geographic Tie-point Coordinate Approach in the _Integrated Land and Water Information System(ILWIS); screen digitizing, creation of feature themes, creation of attribute tables, adding of data fields and map design using Arc View 3.2 Extensions GIS software. Non-spatial data were generated from documents obtained from the Uyo Capital City Development Authority (UCCDA) and the Town Planners Registration Council (TOPREC). Other sources include published texts and journals as listed in the reference section.

The Role of the State in Urban Development Control

The 1992 Nigerian Urban and Regional Planning law apportioned physical development planning responsibilities to the three tiers of government in Nigeria as follows:

Federal Government: The federal government‘s responsibilities according to the law include the preparation and implementation of urban and regional planning standards; the promotion and fostering of education and training for town planners and support staff; the conduct of research into urban and regional planning; the coordination of state and local governments in the preparation and implementation of their physical development plans; provision of technical assistance to states; dissemination of research results and recommendations to user organisations; and development control over federal lands. The law provides for the establishment of a _National Urban and Regional Planning Commission‘ as the physical planning administrative agency to manage physical planning activities at the national level as directed by the federal government.

The State Government: The state government exercises its physical planning responsibilities within the ambit of the national physical development plan to ensure consistency at all levels of planning. The state has the following responsibilities: The formulation of the state policy for urban and regional planning; the preparation and implementation of state level development plans; development control of state lands; conduct research in urban planning as well as the provisions of financial and technical assistance to local authorities. The administrative body which the law provides to execute the physical planning functions at the state level is the _State Urban and Regional Planning Board‘. The Board has the statutory responsibilities of preparing and implementing regional, sub-regional and subject plans as well as urban plans.

The Local Government: The local government as third tier of government is closer to the people and its physical planning activities have the greatest impact on the majority of inhabitants of Nigeria. The responsibilities of local government, according the law are: the initiation, preparation and implementation of local level physical development plans which include: subject plans; town plans; rural area plans and local plans. It is through the _Local Planning Authorities' that these functions should be undertaken by the local government.

Discussion of Findings

Benefits of Development Control: Our rapidly growing urban areas need to be controlled to prevent chaotic and haphazard physical growth. With effective development control, there will be balanced, coordinated and good development of the environment. It ensures structural soundness and adequate provision of necessary utilities, services and facilities for the proposed buildings. Control ensures that the environment is adequately protected so that the human activities do not have serious adverse effects on the environment, thus ensuring sustainable city growth. Development control ensures the proper use of land and development of buildings in harmony with the approved town planning schemes or master plans. When buildings are developed in harmony with approved planning schemes and master plans, the area develops into a more beautiful unique environment (see Fig.2). Question arises as to how an intended developer can go about obtaining the needed approval/permit for his proposed development? The following section provides guide to obtaining approval for development from the State with particular reference to Uyo Capital City Development Authority (UCCDA).



Fig. 2: Aerial View of Controlled and Uncontrolled Areas of the Capital City
Source: Google earth, 2020.

The Process of Obtaining Development Permit from Uyo Capital City Development Authority:

The planning, control, management and monitoring of housing developments are vested in the *Uyo Capital City Development Authority* (UCCDA). Physical development of any kind and type, proposed for the Capital City must be referred to the authority for verification and approval. The requirements and processes for approval of any housing structure in the capital city are as follows:

General Procedures

All developers wishing to commence development of plots, temporary or permanent within the capital city territory, are expected to apply on prescribed application forms obtainable upon payment of the relevant fees from the UCCDA. No building should be erected within the area of jurisdiction of the Authority until plans of the proposed building have been submitted to the Authority and approval for them in writing obtained. An application for development permit is accompanied by the building plan, survey plan and the land-use analysis plan in addition to the following documents: (i) Receipt of non-refundable submission fees. (ii) Certificate of occupancy or letter of consent and Affidavit of plot ownership. (iii) Land agreement. (iv) Tax clearance certificate.(v) Three years' local government rate tickets.

Application in respect to residential building in excess of one floor in addition to all the above, is accompanied by electrical, mechanical and structural engineering drawings. The proposed building plans are prepared or drawn to scales large enough to portray all details clearly. Thus the following scales are recommended:

a) Site plan – 1:200, 1: 100
b) Plan - 1:100, 1: 50
c) Elevations - 1:100, 1: 50
d) Staircase - 1:50, 1: 20
e) Sections - 1:100, 1: 50
f) Details - 1:20, 1: 10

Three sets of building plans drawn as directed above duly signed and sealed by authorized professionals are submitted to the Authority for consideration and approval as follows:

a) Site plan
b) Land-use analysis plan/site plan analysis report (SPAR)
c) Architectural Drawings
d) Engineering Drawings – structural, electrical and mechanical

Drawings submitted for approval bear the name and address of the designer as well as the title and location of the project. On approval, two sets of the plans duly endorsed by the authorized officers and stamped are delivered to the owner or his agent. Applications for fencing and temporary structures permit are accompanied by a copy of survey plan and relevant submission fees receipt. Whenever approval is given, construction should commence within 18 (eighteen) months. Any construction work carried out after the expiry date specified in the building permit is deemed as contravention and illegal. During the construction, the authority through its experts inspects the construction at various stages.

Environmental Impact Analysis Report (EIAR) is to accompany all building designs in respect of the following:

i) Residential development of eight flats and above; four floors and above.

ii) All commercial development including office blocks, markets, warehouses, departmental stores, banks, hotels, shopping malls, petrol stations, gas stations, restaurants, hospitals and clinics.
iii) All institutional developments including schools, public buildings, government offices, police stations, post office.
iv) All agricultural developments including poultry, pen house, silos, fish ponds, farm house, etc.
v) All religious buildings.
vi) All industrial buildings including factories, warehouses, offices and buildings incidental to industrial development.
vii) All recreational development including recreational clubs, club houses, parks, museums, cultural houses, sports stadia, etc.
viii) All mixed development.
ix) Public roads, central bridges, dams, etc. (UCCDA, 1998).

Building Regulations/Space Requirements for Development in Uyo Capital City: In pursuant to section 23 of the Uyo Capital City Development Authority Edict 1988 as amended and of all other powers enabling it is that, the Board of Uyo Capital City Development Authority makes rules and regulations to guide all physical development projects in the city. These include:

(i) **Building Line:** This is the predetermined minimum distance from the road centre line, on both sides of the road, within which no structure of any kind is permitted, briefly described as ‗erection or obstruction of free zone'. The building lines applicable are:
(a). All Ring Roads= 45metres from the centre of the road.
(b) Arterial Roads = 18 metres from the centre of the road.
(c) Major Streets = 15 metres from the centre of the road.
(d) Minor Streets = 12 metres from the centre of the road.
(e) Lanes = 9 metres from the centre of the road.
(f) Access to compound = 6 metres from the centre of the road.

(ii) **Building Size Restrictions:** Not more than fifty percent (50%) of the area of a residential plot shall be built upon. For both industrial and commercial areas, the permissible plot coverage shall not exceed forty percent (40%); but generally, where possible thirty to thirty-five percent (30% - 35%) shall be desirable to allow sufficient area for circulation, services and facilities (Daniel and Udo, 2018).

Specific Steps, Processes and Authorized Professionals for Development Permit:
Step 1: Proposed developer swears an affidavit of plot ownership at the High Court or at a Chief Magistrate Court to certify his ownership of the land on which the construction is to be made.
Step 2: Obtain an Environmental Impact Assessment Report and a Site Analysis Report from a certified Town Planner. The functions of the registered planner among others are to analyze the site and draft an Environmental Impact Assessment (EIA) Report. The EIA report lists the potential impact of the project on the environment, such as the noise, traffic and increase in human density issues that might arise as a result of the development. In order to draft the report, the planner first verifies the site plan (attached to the Certificate of

Occupancy) as well as the preliminary drawings prepared by certified architects and engineers, before conducting an on-site inspection. If deemed necessary, he may conduct interviews with relevant stakeholders living in the area. The Planner also prepares a Site Plan Analysis Report (SPAR), which details the location, accessibility and topography of the site, as well as the proximity of the site to essential services: electricity source, water source, hospital, commercial area, airport, etc. After the inspection, the planner drafts the EIA report and SPAR, and gives 3 (three) copies of each report to the proposed developer.
Step 3: Apply for a building plan approval at the Uyo Capital City Development Authority. In order to obtain a building plan approval, the proposed developer must submit a duly completed application form to the Uyo Capital City Development Authority, along with the following documents:

i). Proof of ownership (such as a Certificate of Occupancy);

ii). Survey plan: This must be duly signed and sealed by certified Land surveyor together with Certificate of Deposit from the Office of the State Surveyor General (attached to the Certificate of Occupancy);

iii). Drawings, including: - Architectural designs (site plan, floor plans, elevations, sections, storm drainage system, construction details, and doors and windows schedules), duly signed by a registered architect. In the case of storey structure and proposal other than residential function the following are required; - Structural designs (design calculations, foundation layout, structural details on beams, columns, staircases, etc.), duly signed by a registered structural engineer; - Electrical designs (lighting and power load calculation, power point layout, lighting point layout, and schedule of fittings and fixtures), duly signed by a registered electrical engineer; - Mechanical engineering designs (load calculations, waste disposal layout, soil disposal layout, and schedule of sanitary fittings), duly signed by a registered mechanical engineer;

Step 4: Pay the building plan approval fees at a designated bank: The proposed developer is given a payment order to be submitted to and paid at a designated bank. After payment, the proposed developer is given a teller – or bank receipt – to be submitted back to the Uyo Capital City Development Authority. The Uyo Capital City Development Authority then schedules a pre- approval inspection at proposed development site.

Step 5: On-site inspection: After proposed developer‘s application has been reviewed, the Uyo Capital City Development Authority conducts an on-site inspection to verify that the plot reflects the details provided in the drawings and that the land is suitable for the proposed project. The inspectors draft a report in which the plot, roads, setback details, adjoining land and power and water connections are described. The report is then attached to the documents and drawings that the proposed developer submitted for approval, and forwarded to the Director of Development Control for final review.

Step 6: Obtain a building plan approval from the Uyo Capital City Development Authority and pay the setting out fee: After the inspection and verifications have been completed, the Director of Development Control makes a recommendation to the Chairman who is in charge of the final approval. Before approval is given, the Uyo Capital City Development Authority (UCCDA) sends the drawings to an external consultant for review. If approval is granted, the UCCDA gives proposed developer two sets of the building plans marked with stamps of approval, along with a letter of approval bearing the signature of the Director and the Executive Secretary and a registration number to be displayed on the construction-site.

The approval is valid for 18 months. When coming to the Authority to obtain its building plan approval, the proposed developer pays a setting out inspection fee at the cash office.

Step 7: Receive an inspection at setting out level from the Uyo Capital City Development Authority: Once the construction reaches the setting out stage, the developer's architect must notify the Uyo Capital City Development Authority who will send a team of inspectors to the construction-site. The purpose of the inspection is to ensure that the relevant stage has been completed successfully and that the project is duly supervised, and that the construction follows the specifications mentioned in the building plan previously provided by developer.

Step 8: Receive an inspection during construction from the Uyo Capital City Development Authority: During construction, a team of inspectors from the Uyo Capital City Development Authority randomly visits the site to ensure that those involved in the construction are approved certified experts and that the project is duly supervised and follows the specifications mentioned in the building plan previously provided. In practice, during construction, two of these random inspections occur.

Step 9: Obtain a Certificate of Fitness for Habitation from the Uyo Capital City Development Authority: After the building has been completed, the Capital City Development Authority issues Certificate of Fitness for Habitation that certifies that the construction has been carried out according to the approved building plans, and that the developer can now occupy the building (Daniel and Udo, 2018).

Conclusion

The study has explained the meaning of physical urban development and highlighted the responsibilities of the three tiers of government in Nigeria towards a sustainable urban growth. It has stressed the importance and benefits of urban development control. It has also discussed the process of obtaining approval for any development, what items and document are needed and relevant professionals to consult for the respective documents and services. In conclusion, lands in the urban areas, particularly in the capital city are zoned for specific uses such as; residential, commercial, industrial, agricultural, recreational, public etc. Therefore, every submission for development approval passes through **'charting'** process to confirm that the proposed use conforms to the zone as specified in the master plan. This understanding without prejudice stimulates the wisdom of first consulting an authorized certified Town Planner before acquiring plot in the city. In the circumstance of already owned plot, the Planner's advice is still needed to guide the development proposal.

Recommendations

From the findings of this study, the following recommendations are made:

1. It is recommended that every new development be preceded by a proposal referred to the relevant planning agency for verification and approval. Some, though may reason that the process of obtaining development permit is cumbersome to justify illegal and unguided development.
2. To facilitate the process of obtaining development permit, it is recommended that the Planning Authorities integrate the Geographic Information System technology in the process of development control.
3. Also, privatizing some aspects of the development control processes is recommended. For example, the city can be zoned to certified, experienced and trusted Town Planners to oversee the development activities in the respective zones on behalf of the planning agency.

4. Moreover, considering the enormous benefits of planned and controlled development highlighted in this paper, attitudinal change is recommended on the part of developers both private and government. All should embrace the culture of always consulting authorized registered experts for any development proposal and afterward refer to the relevant Planning Agencies for verification and approval.
5. As Onye & Fakere (2015) suggest, it is worthwhile to follow through the processes of obtaining development approval in order to earn the benefits of orderly, organized, beautiful and sustainable city desired by all.

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