

Review

Strategies for the implementation of urban and regional planning law of Kogi State 2010, Nigeria

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Accepted 19 February, 2013

The paper traced the origin of Kogi State Town planning and Development Board which was established vide Edict No. 5 of 1991. The Edict was promulgated immediately the State was created in 1991 by the then Military Administration. The Edict empowers the Board to undertake Development Control programmes in Kogi State. In effect, all forms of development of land in all settlements (urban or rural, big or small) require the approval of the Board. For effective implementation of its programmes (under the Law) there is also the "The Town Planning and Development Interim Order. The main Edict is divided into four major sections with forty-six (46) subsections. In 1992, the Federal Government of Nigeria enacted Decree 88 titled "Urban and Regional Planning Law (which supercedes any other Laws of any State). Consequent upon this, Kogi State Government enacted a Law titled "A Law to provide for the establishment of Urban and Regional Planning activities in Kogi State and all other purposes connected therewith (2010). This is the crux of this paper and under the new dispensation, there is the creation of Urban and Regional Planning Board in Kogi State, Nigeria to be headed by a Registered Town Planner with a minimum of five (5) years post qualification experience. This paper concludes by recommending eleven zonal offices in line with the three senatorial districts in Kogi State, Nigeria.

Keywords: Regional planning, Law, Board, Kogi State, Nigeria

Establishment of Kogi State town planning board

The Kogi State Town Planning and Development Board was established by the Kogi State Government Edict No. 5 of 1991 to plan, promote and secure the orderly control over development and use of land throughout the State

For the purpose of administering the Edict, the entire State is declared a Planning Area. This means that all forms of development of land in all settlements- urban or rural, big or small require the approval of the Board. There is also the Town Planning and Development Board

Interim Order) which explains in detail the specific areas of jurisdiction and the definition of certain terms in the Edict.

The Edict is divided into four (4) parts and forty-six (46) sections in all. The four parts include:

Part 1. Title and definitions,

Part 2. Establishment of the Board

Part 3. Financial provisions, Assets and liabilities of the Board; and

Part 4. Accounts and financial reports.

The second Document of the Board is the Interim Development Order in accordance with section 7 of the Town Planning development Board Edict No. 5 of 1991. It is divided into 6 sections as follows:

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Preliminary,
Building permit,
Inspection,
Sanctions for private sewage,
Structures,
Offences, and
Prohibition of Development

The old order

Composition of the board

The Kogi State Town planning and Development Board consist of a Chairman who should be a Registered Planner and Eight other members, of whom are ex-officio members, re-orienting the Ministries of Finance, Health, Works and Environment and physical planning.

The Kogi State Town Planning and Development Board is a Parastatal under the Ministry of Environment and Physical Planning. The Board is usually headed by a General Manager.

The Board is divided into five Departments namely:

Administration
Physical Planning
Accounts/Finance and Supply
Works; and
Research and Statistics.

Each of these Departments is held by a Director (HOD)

Functions

By the edict establishing the Kogi State Town Planning Board, it shall be the duty of the board within a planning area:

(a) To administer, execute and enforce the provision of the Town and Country Planning Law, Cap. 130 Laws of the Northern Nigeria, for which areas or area the board is hereby appointed the planning authority under that law or any other law.

(i) Generally to plan, promote and secure the physical development and environmental improvement of the State through orderly control over development and use of land in the State, by carrying out construction and engineering works or other operations in connection with the execution of its duties under this edict;

(ii) To formulate, monitor and control and coordinate physical and regional activities;

(iii) To carry on, in association with other bodies and persons (including companies, government authorities, township or local government) or as managing agents, any activities which are necessary or desirable for the performance of its function under this Edict and to provide technical, advisory or managerial services or

assistance or plants or machinery required for this purpose;

(b)(i) To administer, execute and enforce the provisions of the building lines

(regulations) Law, 1963, subject to the provisions of S.2 of that Law.

(ii) Any reference to administrative officer under the said Law shall be to the General Manager of the Board and all references to "Chief Civil Engineer" Ministry of Works shall be deemed Head of Engineering Department or Division of the Board.

(c) To exercise all powers of a local Government under the Road Traffic Laws, 1963, and all references in the Law to the Board.

(d) To exercise the powers of the town council or a Local Government Council under the Township Law, 1963, and any reference to Town council or Local Government shall, be reference to the board.

(e) To exercise the powers of a Local Government under the Public Health Law, 1963, and Rules made there under; all references in Law to Local Government shall be deemed to be reference to the Board.

(f) To preserve buildings, objects and other places of architectural, historical or natural interest or beauty etc.

To be able to achieve all these and more the Kogi State Town Planning and Development Board have Area Office in designated towns. They include, Lokoja, KotonKarfe, Zariagi, Okene, Obangede, Kabba, Mopa, Isanlu, Egbe,Odo-Ere, Iyara, Ogori-Magongo, Ajaokuta, Ugwolawo, Ajaka, Idah, Anyigba, Ankpa, Okpo, and Abejukolo.

It is against this background that there is the provision of Section 7 of the Edict no. 5 establishing the Kogi State Town Planning and Development Board titled 'Prohibition of Development' etc.

(1) No person shall in a planning area carry out any development of land or any construction, demolition, extension or and published in the State Gazette with respect to the planning area; provided that the Military Administrator (Now Governor) may, pending the publication and taking effect of such approved scheme, make a general order with respect to the interim development of land in a planning area or a special order with respect to the interim development of any particular land within the area.

(2) Subject to the provisions of any order made by the Governor, under sub-section (1) of this Edict, the authority may grant to any person applying in writing therefore, interim development permission subject to such conditions as it may deem necessary to impose to develop or to such conditions as it may deem necessary to impose, to develop or to construct, demolish, alter/change the use, extend or repair any building within a planning area.

The interim development permission is similar to the building adoptive bye-laws order of 2nd June, 1960.

whose major concerns are in terms of 'No building without plans, clearing and marking building site, conditions of area to be built on, building line, burrow pits, spacing of building, scaffolding, foundations, construction and thickness, construction of floors, timber roofs, drainage, latrine, accommodation, disposal of domestic effluent, size of rooms, ventilation, certificate of fitness, building erected in contravention of these building Bye-Laws, penalties, fees schedule etc.

(3) An application for interim development permission shall be deemed to be refused within two month of the date of its receipt by the Board unless notice has been given to the applicant that the Board has decided:

- (a) To grant permission with or without conditions, or
- (b) To refuse permission, or
- (c) To postpone consideration of the said application on the ground that the development cannot be carried out immediately.

Power of the board

Section 8 of the Edict empowered the Board as follows:

(1) The Board shall, for the purpose of carrying out its functions under the Edict, have power to carry on all activities which are necessary advantageous or expedient.

(2) Without prejudice to the generality of the provisions of subsection (1) the powers of the Board shall include power.

(a) To enter into any contract necessary for the performance of any of its functions;

(b) To acquire, hold and dispose of immovable.

(c) To advice and approve plans for any development or evacuation of any structure within the area or areas specified in the schedule; and generally to be satisfied that the proposed development erected will

(i) Not involve any injury to health or involve excessive or premature expenditure of public funds;

(ii) Not likely to injure the community in the locality;

(iii) Not contravene any law for the time being in force;

(iv) Not be less than twenty-three meters from the road;

(b) Nothing in this section shall be construed as authorizing the board to engage in reckless ventures involving the expenditure of public fund or transfer of public funds.

The same edict establishing the Board also empowers the Board in Section 9 as follows:

(1) Where it appears to be the Board within a planning area that an illegal structure is erected, the Board shall notify in writing the owner thereof to demolish the same within a period of one month.

(2) If within the period stated in sub-section (1) the owner fails to demolish the structure, it shall be lawful for the Board to demolish the structure at the cost of the owner.

(3) In this section 'illegal structure' means any structure erected or developed without the prior permission of the Local Government or the State Department of Lands and Survey or similar government establishment (as the case may be), or without an approval plan by the Board.

(4) No structure shall be declared illegal which has been in existence of this edict and which was approved by the relevant authority before the coming into force of this edict.

The new order

Requirements for the implementation of urban and regional planning law 2010 of Kogi State

Based on the new Law, the following recommendations are proposed for immediate implementation by Kogi State Government:

At the state level

1. Creation of Urban and Regional Planning Board
 - a. A Chairman: Who shall be a Registered Town Planner
 - b. One Representative each from the following profession who shall be a registered member of the relevant profession.
 - i. Town Planning
 - ii. Architecture
 - iii. Civil Engineering
 - iv. Law
 - v. Estate Surveying
 - vi. Building
 - c. One Representative each from the following organizations.
 - i. The State Environmental Protection Agency
 - ii. Power Holding Company of Nigeria (PHCN)
 - iii. Kogi State Water Board.
 - d. One Representative each from the following state Organs:
 - i. Ministry of Works and Housing
 - ii. Ministry of Local Government & Chieftaincy Affairs
 - iii. Ministry of Finance.
 - iv. Office of Surveyor General
 - v. Ministry of Budget and Planning

The Board shall be headed by a General Manager who must be a Registered Town Planner

2. Establishment of URP Tribunal (7 Members)

- a. A Chairman who shall be a Registered town Planner with at least 15 years post qualification experience.
- b. An Architect who shall be a Registered Member of the Nigerian Institute of Architects Registration Council.
- c. A civil or structural Engineer and registered with the Council of Registered Engineers of Nigeria.
- d. A Legal Officer Knowledgeable and registered.
- e. A Government registered Land Surveyor (Representative of the surveyor General).
- f. A Government Town Planner (Representative of Director Planning)
- g. A Secretary who shall be Registered Town Planner with at least 5 years post qualification experience.

At the local level

Local planning authority (16 members in each LGA)

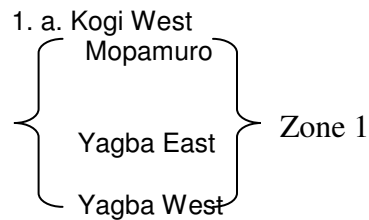
The Authority shall comprise of the following members:

- a. A Chairman
 - b. Not more than five representatives of the wards in the Local Government areas:
 - c. One representative each from the following Professionals who shall be a Registered Member of the relevant Profession.
 - i. Architecture
 - ii. Civil Engineering
 - iii. Land Surveying
 - iv. Law
 - v. Town Planning
 - vi. The Representative of the Surveyor General and Director Planning
 - d. The Works Supervisor of the Local Government;
 - e. The Education Supervisor of the Local Government;
 - f. An Executive Secretary appointed by the Authority who shall be the Chief Executive Officer of the Authority.
 - g. The Head Supervisor of the LGA. The Agricultural Supervisor of the LGA.
- 16 X 21 = 336 Members

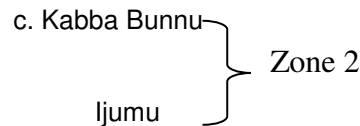
In all, 364 Registered will be engaged (some of them are already in the system). There is provision for transfers and recruitment of new Town planners, and other Professionals too.

Since the number of Registered Town Planners in Kogi State is relatively small, it is proposed that a Zonal arrangement be put in place for immediate take off.

It is suggested we start with the three Senatorial Districts of the state.



b. Lokoja/Koton-Karfe



2 Kogi East

Zone 3 -Adavi/Ogori Magongo

Zone 4 -Okene/Okehi

Ajaokuta

3 Kogi Central

Zone 5 - (Anyigba, Bassa, Dekina, Ofu)

Zone 6 - (Idah, Ankpa)

Zone 7 - (Igalamela-Odolu, Omala, Olamaboro,

Ibaji)

The Board will be headed by a General Manager while at the Local level, we have Executive Secretaries.

REFERENCES

- FGN (1992).Urban and Regional Panning Law, DECREE 88 OF 1992
- Kogi State Urban and Regional Planning Law of ov, 17, 2010
- Kogi State Government Edict No. 5 of 1991