

Physical Development Control Measures in Nigerian Cities: An Overview of Contemporary Issues in Uyo, Akwa Ibom State

¹Uyobong Sunday Etuk, ²Nyeneime Victor Raphael & ³Aniedi Akaninyene Isok

¹Dept. of Estate Management, Akwa Ibom State Polytechnic, Ikot Osurua, Nigeria
E-mail: etuk.sunday@akwaibompoly.edu.ng; +2348032522502

²Dept. of Estate Management, Akwa Ibom State Polytechnic, Ikot Osurua, Nigeria
E-mail: blackvictor25@yahoo.com + 2348088891318

³Dept. of Estate Management, Akwa Ibom State Polytechnic, Ikot Osurua, Nigeria
E-mail: aniejaysok@gmail.com + 2348032568955

Abstract

Land is the platform upon which every activity of man takes place. Especially in urban areas, man's activities are many and they struggle for the limited available space. To curtail the rate of chaos and ensure compatibility among the various uses that land is put to, the activation of control mechanism becomes necessary. This study was undertaken to identify the various issues that come with development control in urban areas using Uyo Capital City as a case study. Data for the study were obtained from the staff of Uyo Capital City Development Authority and some identified property developers. Findings revealed the major problems of the area as: flood, erosion menace and poor solid waste management. The study highlighted the benefits of development control to include orderliness, safety, beauty and convenience. From the study also, Zoning Regulation has been found out to be the major tool used in controlling physical development in the study area. Other tools used include building code, subdivision and Environmental Impact Assessment. Major challenges faced by Uyo Capital City Development Authority in its task of controlling and managing the area are; non-compliance by property developers with building regulations, corruption and lack of effective monitoring mechanism. The study recommends that developers should always obtain approval for every building project, that charges for approval should be brought to the barest minimum and that there should be effective monitoring mechanism in place to enforce compliance with the laws.

Keywords: control, development, issues, measure, physical

1. Introduction

Land in urban areas is in limited supply in relation to demand. This is so because land in the urban area unlike the one in rural area, is needed for a variety of purposes some of which are commercial, industrial, recreational and industrial in addition to the primary one, residential. Also, most Nigerian urban areas have the tendency of developing at a very fast, chaotic and haphazard manner. This naturally exerts much pressure on the available supply with the attendant consequences ranging from deterioration to pollution, traffic congestion and poor waste management etc. thereby necessitating some form of guide backed by relevant legislations to control physical development. Development control aims at exercising some form of control over man's activities in an urban area.

In Uyo, Akwa Ibom State, diverse challenges with negative social, economic and environmental impacts have been noticed. In order therefore to forestall these problems from becoming worse, there is need therefore to find out what the primary agency of government charged with the task of taking good care of the city is doing about the situation and how it can be made to become more effective to deliver on its core mandate. The agency responsible

for controlling physical development on land in Uyo is the Uyo Capital City Development Authority (UCCDA).

2. Concept of Development Control

Land use development control is essentially a public administration process that ensures the availability of sufficient land for necessary uses such as residential, commercial, recreational, transportations, etc and ensures equitable resolution of conflicts among and between land use categories. Land use controls are instituted to ensure that uses of land particularly in the urban areas conform to public interest. Robert (2000) and Alder (2018) defined Development Control as the way and manner in which land use or physical development of land is regulated. It seeks to ensure the orderly arrangement and control of man's activities in space. Alder (2018) opined that it is a guide through which land use is licensed for building and other purposes backed up by planned law. Development control is the process that regulates the development and use of land. This includes the construction of new building, the extension of existing ones and change in use of buildings or land to another use (Uoro, 2022).

2.1 Planning Authorities

According to Omole (2001), it is the direct duty of planning authorities to approve building plans. The planning authorities use their building bye laws and codes before approval of building plans. Building codes and regulations are a sort of complied standard that spell out minimum standard, the 'mean' or average standard and the desirable standard. These are indirect ways of implementing the provisions of the master plan. A Planning Authority is an agency of Government created by law and saddled with the responsibility of regulating the land use pattern in line with the master plan of the city. It also works with the development plan or zonal plan or layout plan or any other spatial plan which is legally enforceable under the applicable Act (Uoro, 2022).

2.1.1 Uyo Capital City Development Authority

Uyo Capital City Development Authority (UCCDA) was created by the Akwa Ibom State Edict. No. 13 of 1988 which established it as the primary instrument of development control in Uyo metropolis (Udoudoh, 2007). In exercise of its mandate, the development authority requires that any developer desiring to commence any construction project within the capital city should through written application apply to the executive chairman of the authority for approval. The application should be accompanied with relevant documents and evidence of payment of the prescribed fees. The relevant documents required for submission include: Architectural/Building Drawings, Site Plan Analysis, original copy of Survey Plan and Certificate of Deposit (CoD) and Registered Land Agreement (Power Attorney/Letter of Allocation).

Etim (2007) listed the responsibilities of the development control agency to include: a) Guiding orderly development by applying the development codes. b) Providing permit for orderly development of land use in Uyo. c) Helping to stabilize the values of land and buildings with different zones of Uyo. d) Implementing community plans and preserving architectural/historic landmarks within the city. e) Granting of approval to all development proposals on government estates and private lands within the city. f) Promoting the development of safe, healthy and economically viable capital city. g) Ensuring the availability of land for orderly residential, commercial, industrial, agricultural development that supports urban development.

2.2 Development Control Measures/Tools

Agencies of government charged with the responsibility of managing and controlling physical development in Nigerian cities use diverse measures/tools to achieve their purpose. Ugonabo, Okafor & Igwe (2020), Etim (2007), Keeble (2001), Ratcliff (2018) and Usoro (2022) were able to identify the following measures:

2.2.1 Zoning: According to Keeble (2001), zoning is a term generally used to describe the concept of grouping compactable land uses together. It is one of the land use control measures used to guide, direct, limit and control the use of land. Usoro (2022) discussed the basic purpose and function of zoning as dividing a municipality into residential, commercial and industrial districts (or zones) that are for the most part separate from one another, with the use of property within each district being reasonably uniform. Ratcliff (2018) viewed zoning as the commonest method of controlling land use all over the world.

2.2.2 Density Control Regulation: Ugonabo et al. (2020) defined this as land use control measure used to ensure that all types of development conform to the number of building units in an area and the number of habitable rooms per plot. This is to enhance space for air circulation, movement, landscaping and recreation.

2.2.3 Building Code: This defines the way new structures are to be built and the materials to be used. It may equally be applied to enhance the maintenance and improvement of existing building. This code provides for the minimum standards of building construction and the condition for human occupancy. It is concerned with such factors as lighting, ventilation, sanitation, plumbing, fire prevention and protection, minimum number of habitable rooms allowed, minimum building height, etc. (Ugonabo et al., 2020).

2.2.4 Environmental Impact Assessment (EIA): This measure aims at reducing environmental and social impact of physical developments as much as possible and looking for benefits for the affected community (Omole, 2001).

2.2.5 Subdivision Regulation: This according to Ugonabo, Okafor & Igwe (2020), involves the division of land into lots in order to prevent undesirable land use pattern, traffic congestion, insufficient open space etc. The impact of subdivision regulation is more permanent than zoning, because once land is divided into lots and streets layouts, development pattern is set.

2.3 Permissibility of Development Control:

Development control regulations have been noted to restrict the rights of owners to use their property as they otherwise would want to. This development has generated dissatisfaction and conflict over time. The scope and limits of government's ability to regulate land use is hard to define with specificity. Courts have held that development control is permissible if it is reasonable and not arbitrary; if it bears a reasonable and substantial relation to the public health, safety, comfort, morals and general welfare; and if the means employed are reasonably necessary for the accomplishment of its purpose (Usoro, 2022).

2.4 Challenges of Development Control

There are numerous challenges encountered in the process of controlling and managing physical development in an urban centre. Some of the challenges as noted by Etim (2007) and Udoudoh (2007) include: a) The location, size and physical characteristics of land b) The

character of the neighbourhood and its effects on the value of property involved c) Non-compliance with development control regulations by property developers. d) Corruption e) Lack of effective monitoring mechanism on the part of the government’s agents.

3. Methodology

The study adopted the use of a well-structured questionnaire to elicit information from 20 identified property developers and 20 Staff of Uyo Capital City Development Authority serving in the 3 relevant departments: Lands, Estates and Town Planning. Out of the 40 copies of questionnaire administered, 25 copies representing 62.5% were correctly filled and returned for analyses. The data obtained from field were analyzed using Relative Importance Index (RII).

$$RII = \frac{\sum a_i n_i}{\sum x_j}$$

- Where: i= response category index
- x_j = the sum of j factors 1,2,3N
- a_i = constant expressing the weight given to the ith response.
- n_i = the variable expressing the frequency of the ith

4. Data Analysis and Presentation

Primary sources of data for the study were basically the returned copies of the questionnaire. The data collected were presented and analyzed with the aid of simple statistical methods.

4.1 Results and discussion on the benefits of controlling physical development in Uyo

Table 1 shows the result of the Relative Importance Index (RII) on the benefits of controlling physical development in Uyo..

Table 1: Benefits of controlling physical development in Uyo

Options	Weight(s)					Total	RII	Ranking
	5	4	3	2	1			
Orderliness	19 a _i n _i = 95	5 a _i n _i = 20	1 a _i n _i = 3	0 a _i n _i = 0	0 a _i n _i = 0	25 118	4.72	1st
Safety	11 a _i n _i = 55	7 a _i n _i = 28	3 a _i n _i = 9	4 a _i n _i = 8	0 a _i n _i = 0	25 100	4.00	5 th
Beauty	16 a _i n _i = 80	7 a _i n _i = 28	2 a _i n _i = 6	0 a _i n _i = 0	0 a _i n _i = 0	25 114	4.56	2nd
Convenience	10 a _i n _i = 50	12 a _i n _i = 48	3 a _i n _i = 9	0 a _i n _i = 0	0 a _i n _i = 0	25 107	4.28	4 th

In Table 1, all the benefits of controlling physical development have been seen to exist in Uyo Capital City. What this means is that there is an appreciable degree of orderliness in the study area. Same with safety, beauty and convenience.

4.2 Results and discussion on the problems of Uyo

Table 2 shows the result of the Relative Importance Index (RII) on the problems of Uyo

Table 2: Problems of Uyo Capital City

Options	Weight(s)					Total	RII	Ranking
	5	4	3	2	1			
Flood	21 $a_i n_i =$ 105	4 $a_i n_i =$ 16	0 $a_i n_i =$ 0	0 $a_i n_i =$ 0	0 $a_i n_i =$ 0	25 121	4.84	1st
Overcrowding	3 $a_i n_i =$ 15	4 $a_i n_i =$ 16	3 $a_i n_i =$ 9	15 $a_i n_i =$ 30	0 $a_i n_i =$ 0	25 70	2.8	5 th
Traffic congestion	6 $a_i n_i =$ 30	2 $a_i n_i =$ 8	11 $a_i n_i =$ 33	5 $a_i n_i =$ 10	1 $a_i n_i =$ 1	25 82	3.28	4 th
Erosion	19 $a_i n_i =$ 95	5 $a_i n_i =$ 20	1 $a_i n_i =$ 3	0 $a_i n_i =$ 0	0 $a_i n_i =$ 0	25 118	4.72	2 nd
Poor solid waste management	18 $a_i n_i =$ 90	6 $a_i n_i =$ 24	1 $a_i n_i =$ 3	0 $a_i n_i =$ 0	0 $a_i n_i =$ 0	25 117	4.68	3 rd

Source: Authors' fieldwork

In Table 2, the major problems bedeviling the study area are flood, erosion and poor solid waste management. Traffic congestion and overcrowding are not seen as problems of the area going by the RII scores both variables have attracted.

4.3 Results and discussion on the challenges faced by Uyo Capital City Development Authority

Table 3 shows the result of the Relative Importance Index (RII) on the challenges faced by Uyo Capital City Development Authority

Table 3: Challenges faced by Uyo Capital City Development Authority

Options	Weight(s)					Total	RII	Ranking
	5	4	3	2	1			
Non-compliance with building regulations by property developers	13 $a_i n_i =$ 65	10 $a_i n_i =$ 40	2 $a_i n_i =$ 6	0 $a_i n_i =$ 0	0 $a_i n_i =$ 0	25 111	4.44	1st
Lack of sufficient staff	5 $a_i n_i =$ 25	11 $a_i n_i =$ 44	7 $a_i n_i =$ 21	2 $a_i n_i =$ 4	0 $a_i n_i =$ 0	25 94	3.76	4 th
Lack of effective monitoring mechanism	8 $a_i n_i =$ 40	11 $a_i n_i =$ 44	6 $a_i n_i =$ 18	0 $a_i n_i =$ 0	0 $a_i n_i =$ 0	25 102	4.08	3 rd
Corruption	9 $a_i n_i =$ 45	13 $a_i n_i =$ 52	3 $a_i n_i =$ 9	0 $a_i n_i =$ 0	0 $a_i n_i =$ 0	25 106	4.24	2 nd

Source: Authors' fieldwork

Table 3 gives non-compliance with building regulations and byelaws, corruption on both the part of government officials and private property developers and lack of effective monitoring mechanism as the acceptable challenges that Uyo Capital City Development Authority faces and which impinge on its performance.

4.5 Results and discussion on the solutions to the problems in the study area

Table 4 shows the result of the Relative Importance Index (RII) on the solutions to the problems in the study area

Table 4: Solutions to the problems in the study area

Options	Weight(s)					Total	RII	Ranking
	5	4	3	2	1			
Approval for every physical development should be sought and obtained	14 $a_i n_i =$ 70	10 $a_i n_i =$ 40	1 $a_i n_i =$ 3	0 $a_i n_i =$ 0	0 $a_i n_i =$ 0	25 113	4.52	1st
Processing fees should be brought to the barest minimum	11 $a_i n_i =$ 55	11 $a_i n_i =$ 44	3 $a_i n_i =$ 9	0 $a_i n_i =$ 0	0 $a_i n_i =$ 0	25 108	4.32	2 nd
Established cases of corruption should be decisively dealt with	8 $a_i n_i =$ 40	11 $a_i n_i =$ 44	6 $a_i n_i =$ 18	0 $a_i n_i =$ 0	0 $a_i n_i =$ 0	25 102	4.08	4 th
There should be effective monitoring mechanism in place	9 $a_i n_i =$ 45	13 $a_i n_i =$ 52	3 $a_i n_i =$ 9	0 $a_i n_i =$ 0	0 $a_i n_i =$ 0	25 106	4.24	3 rd

Source: Authors' fieldwork

In Table 4, suggestions as to how to provide solution to the problems of the study area are advanced. These are seeking and obtaining approval for every physical development project, bringing processing fees to the barest minimum, putting in place an effective and efficient monitoring mechanism in place and dealing decisively with established cases of corruption.

5. Conclusion and Recommendations

Physical development control is the power of government to control development by granting or refusing or attaching conditions to permission for it to take place (Nze, 1995). It is the way and manner in which land use or physical development of land is regulated. It is basically an administrative process that ensures the availability of sufficient land for necessary uses such as residential, commercial, recreational, transportations, etc and ensures equitable resolution of conflicts among and between land use categories. Land use controls are instituted to ensure that uses of land particularly in the urban areas conform with public interest and that the various land uses complement and not conflict each other. This goes a long way to enhance environmental and public safety.

Based on the findings from the study, the following recommendations are advanced; In order to realize the objectives of physical development control as an instrument of proper urban land use planning, management and control. Every development proposal must be made to meet acceptable standards and approval for such must be sought and obtained before its commencement can be effected. In order to ignite the interest of property developers, processing fees for approval of projects should be brought to the barest minimum. Government and its agencies must put in place effective and efficient monitoring mechanism

to ensure compliance to building regulations and restrictions. Finally, cases of corruption should not be treated with levity.

References

- Alder J. (2018). *Development Control*. (Modern Legal Studies). <https://www.amazon.com>.
- Etim, E. (2007). *The challenges of environmental planning and regulations in Nigeria*. First editors Libro-Gem books Lagos.
- Keeble, I. (2001). *Principle and practice of town and regional planning*. De-rio Press Limited Calabar
- Nze, I. (1995). Development control. matters arising in the 4th Republic. *Paper Presented at the 30th Annual Conference of the NITP* held in Akure, Ondo State
- Omole, F. K. (2001). *Basic issues in housing development*. FemoBless Publications
- Ratcliff, J. (2018). *An introduction to town and country planning* - Hutching Honden, Melbourne.
- Robert E. (2000). *Effects of zoning in urban land development*. An Unpublished B.Sc. De-rio Press Limited Calabar
- Udoudoh, E. (2007). *Development Control Measures and Housing Development: A Case Study of Uyo Metropolis*. Fountain Publishers Anambra State Limited
- Ugonabo, C. U., Okafor, J. I. & Igwe, C. P. (2020). An evaluation of zoning as an effective urban land use control and administration strategy in Enugu metropolis, Enugu State, Nigeria. *Journal of Economics and Sustainable Development*, 11(16).
- Usoro, U. (2022). *A compendium on land economics principles*. International Centre for Integrated Development Research, Ikot Ekepe, Akwa Ibom State.