



Evaluating the conformity of informal land subdivision with the planning law in Benin metropolis



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ABSTRACT

Town planning law is a regulatory framework for guiding the spatial growth of cities. As a land subdivision regulation, it embraces all development parameters in urban areas. But locally adopted land subdivision standards appear incompatible with the existing Planning Law. Evaluating the conformity of informal land subdivision standards for residential and non-residential uses with those of the existing Planning Law, land subdivision attributes were collected from four neighbourhoods and compared with the minimum approved standards. Independent-sample *t*-test statistics for each of the selected neighbourhoods shows no significant difference in their Mean Scores. The significant values (two-tailed) in the *t*-test output tables of the selected communities were consistently above the required cut-off of $\alpha = 0.05$ which suggest that informal land subdivision attributes statistically conform with those of the Planning Law. Key planning implications of unplanned land use patterns that have emerged and policy options to tackle them were suggested.

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1. Introduction

Urban planning law is a regulatory framework for providing an enabling environment for a systematic growth of planned urban areas. Planning law is a system of land use regulations and the means used to enforce them are usually established by the government. According to Majale (2001), planning law as a regulatory framework comprises of a wide spectrum of laws, ordinances, legislations and regulations related to town planning, land development, building and public health. Planning law essentially sets the parameters for development in general but more specifically for the city or municipal environment. Planning law for land use control, according to Fekade (2000), primarily consists of subdivision regulations which stipulate how raw land is to be converted to urban uses such as lot and block sizes, layout design, procedures governing the conversion of private land for public use, building codes and regulations, standards for infrastructure provision and zoning ordinances.

Land subdivision regulations embrace all development parameters in master plan preparation, land use zoning, land uses, plot development, space standards and infrastructural provision (Majale, 2001). Lall (2001) is of the view that in the context of urban planning, land subdivision regulations originally used as tools of

planned development are more appropriately termed development standards and can be deemed to embody development plans as they are fundamental to a systematic achievement of planned and organized development of human settlements. Planning standards stipulate the quality of a settlement in terms of plot sizes, road widths, and provision of land and social services for public uses (Mwiga, 2011). Land subdivision regulations define standards for layout and lot sizes, street pattern and procedures for converting rural land for urban uses. Land subdivision provides the essential characteristics of land uses, street patterns and public utilities. The amount of land dedicated for public purposes as required by planning laws differs between cities. The amount of land required for public purposes may represent a substantial proportion of the total urban space (Courtney, 1983).

In this study, the definition of planning law as regulatory framework for urban land use encompasses laws, ordinances, legislations and regulations related to urban land subdivision and land development as stipulated by the *Edo State Town and Country Planning Law, CAP. 123*. It also includes the regulation on how raw land is converted to urban uses and the procedures for land dedication for public uses in Benin City. This operational definition is in line with those provided by Fekade, Majale, Lall and Mwiga as cited above. It has been recognized that without land subdivision regulations and development controls, individuals, land owning communities and organizations can impose their land use externalities on others

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(UNCHS, 1996). To avoid this calls for implementation of an existing regulatory framework.

Whereas land subdivision plans and regulations have proved to be a very efficient tool in the advanced countries for ordering urban land uses, Courtney (1983) has argued that they have been less successful in the developing countries because of poor implementation and the vast areas involved, mostly in the urban fringe, where land is often illegally subdivided. Informal land subdivisions frequently cause haphazard development and are unaccompanied by public infrastructure and services. Kombe and Kreibich (2000) argue that the needs and conditions of land development in developing countries require a more flexible set of standards than what has been introduced based on the European standards. These flexible standards, in their view, should consider the rapid changes in the urban fabric, relate more to local conditions and be easier to implement.

It has been argued in some developing countries such as Bangladesh (Islam, 1995), Tanzania (Kombe and Kreibich, 2000) and Nigeria (Omuta, 2005) that land subdivision codes borrowed from the Europeans and other developed countries have often been inappropriate and increased development costs substantially, making it difficult in particular for the urban poor to have easy access to land or afford to build houses that conform with legal building standards. For this reason, according to Payne (2001), there has been a tendency in many developing countries to ease land subdivision and building standards by reducing lot sizes and eliminating public amenities. This tendency has resulted in informal land subdivision and the associated informal settlements, or unplanned neighbourhoods within a planned city.

In Benin City, non-state actors which comprise of Community Development Associations (CDAs) of land owning communities, traditional rulers (i.e. chiefs) and private developers have engaged in land subdivision in order to sell plots of land to developers. This informal land subdivision and allocation of land to various uses appeared not to be in conformity with land subdivision standards as stipulated in the State's Planning Law. Most of the plots of land allocated by the urbanizing communities (i.e. neighbourhoods) in the metropolis appeared incompatible in their uses.

Empirical studies from other parts of Nigeria and African countries have substantiated the fact that informal land management in cities is substituting for the deficiencies of the formal public sector in urban land delivery to a surprising degree (Kironde, 2006; Kombe, 2005; Kombe and Kreibich, 2001, 2005; Rakodi and Leduka, 2003; Dinye, 2003; Leduka, 2004; Rakodi, 2007; Ikejiofor, 2009; Butler, 2009). However, the extent to which informal land subdivision conforms to land use regulatory framework has often been overlooked. The purpose of this study, therefore, is to fill this gap in urban land use and management studies by evaluating the conformity of informal land subdivision with the State Planning Law in Benin metropolis. The aim is to determine the extent to which informal land subdivision attributes conform to the existing regulatory standards.

With the exception of the post-colonial city like Abuja and colonial cities like Lagos in the west, Kaduna in the north, Jos in the north-central, Enugu in the east and Port-Harcourt in the south-east, the rest of the major cities in Nigeria are pre-colonial cities. Whereas the colonial and post-colonial cities are planned, the pre-colonial cities in Nigeria are unplanned and characterized by spontaneous growth primarily due to population increase. Land allocation in the pre-colonial cities is to a very large extent based on traditional land administration system whereby the traditional rulers and local institutions govern the use of land (Onokerhoraye, 1977; Ckokor, 1986; Agheyisi, 2012). Legal pluralism in land ownership still exists across the country despite the 1992 Land Use Act which aims to harmonize the differing customary tenure systems (Butler, 2012).

In the colonial and post-colonial cities mentioned above, two distinct zones of planned and unplanned neighbourhoods coexist. The planned neighbourhoods which usually characterized the central part of the cities define the city limits during the colonial period. The unplanned neighbourhoods form the periphery of the cities where land subdivision and allocation are informal and unregulated. Efforts to use modern planning laws to renew or redevelop the pre-colonial traditional cities, particularly the older central parts of the cities, have been ad-hoc and disjointed without meaningful impact. This is partly due to the lack of political will and the desired commitment of the government coupled with the public resistance to such efforts. The few successful efforts in urban renewal in Nigeria, particularly in Lagos State, were all carried out during the military era when the country was governed by decrees.

One of the major land use problem arising from informal land management and administration in Nigerian cities is the disproportionate allocation of land for the various land uses (Onokerhoraye and Omuta, 1994, 216). Studies of some traditional cities in Nigeria reported that disproportionate amount of land was allocated to residential use in contravention to the land subdivision ordinances of those cities. In his study of land use allocation in Ibadan, Olayemi (1976) reports that over 60% of the developed land was allocated to residential land use while transportation accounted for 14% and recreation took 0.3% of the total developed area. Similar studies of Akure, Owo and Ikare urban areas by Adebisi (2001) and Ilorin by Onokerhoraye (1982) also indicated a lopsided allocation of land in favour of residential land use to the detriment of other land uses in the cities. In his study of land use development in Benin City, Onokerhoraye (1995) reports that 60.38% of the developed land in the city was devoted to residential land use alone whereas 0.80%, 12.75% and 9.04% of the developed area were devoted to recreational, public and semi-public land uses respectively. Earlier study of the City by Ikhuria (1984) who calculated the different land use types from aerial photograph of the city reports that 60.45% was developed for residential use while institutional and recreational/open space land uses were 12.97% and 0.76% respectively.

When these findings were compared to the stipulated percentages of land to be allocated to different land use types in the respective State's Planning Law, the amount of land devoted to residential land use was disproportionately high while recreational, public and semi-public land use types were grossly inadequate. The studies cited above were basically concerned with the land use analysis and spatial growth of the cities. The role of informal sector which is the main driver of land use change in Nigeria and evaluation of informal land subdivision within planning laws have not form the focus of urban studies in Nigeria. This study therefore aims to contribute to the understanding of the informal nature and unregulated growth of cities which have become common trends in Nigeria.

2. The study area

Benin City is located in the mid-western part of southern Nigeria. About 80% of the city is made up of informal settlements which spontaneously developed as add-on settlements around the central city. The City has 1.15 million out of the 3.23 million of the State's population (National Population Commission, 2006). Recent study has put the city's annual spatial growth rate at 1.5% (Odjugo et al., 2015). The city occupies a strategic location as the gateway to the Eastern, Western, Southern and Northern parts of Nigeria. It has been the political and administrative headquarters of Mid-West Region, later Bendel State and now Edo State of the Federal Republic of Nigeria. It is the historical and traditional headquarters of ancient Benin Kingdom and the seat of His Royal Majesty, the Oba of Benin. The city comprises the urbanized parts of five local government

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