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Planning institutions as gatekeepers in housing production in Lagos, Nigeria

Moruf Alabi and Abdulateef Bako

ABSTRACT
In every phase of housing production, there are certain "gatekeepers" that constrain access to housing resources. This article argues that the activities of physical planning institutions constrain access to residential building permits in Lagos, Nigeria. From May 2013 to May 2014, 7,281 residential structures were served with contravention notices while only 1,380 applications for residential building plans were approved in 2013. This figure is negligible in relation to the population of Lagos and its housing needs. There is therefore a need to review the criteria for granting residential building permits to encourage participation from the informal private sector.

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Introduction

Residential housing production is the process by which building materials, labour, and land are combined to become housing (UNCHS 1996). Ball (1986) defines housing provision as the physical process of creating and transferring a dwelling to its occupiers, its subsequent use and physical reproduction, and at the same time a social process dominated by the economic interests involved. Housing production can, therefore, be said to encompass more than the production of new houses. In addition to the construction of new housing, housing production also entails upgrading (i.e. renovation and rehabilitation) of the existing dwellings, as well as the distribution of new and upgraded houses.

The housing production process is a complex system involving series of linked stages or phases, the precise number of which often differs. However, for the sake of convenience and clarity, the process can be divided into four major phases (Epley and Rabiaski 1981; Agbola 2005). First, the preparation phase: potentially developable land is identified; residential land is acquired; land ownership is legalised or regularised; a building plan is prepared and approval sought. Second, the production phase: the site is prepared; housing finance is sourced; a new building is constructed or an existing one upgraded. Third, the distribution phase: the building is marketed and allocated. This recurs throughout the useful lifetime of the structure. Fourth, the servicing phase: the housing unit is repaired and maintained.

Housing production is not simply a function of supply and demand played out on a stage set by broad economic and institutional forces. It is a social relationship specific to time and place that involves a variety of gatekeepers, such as land owners, housing finance intermediaries, physical planners, and estate agents. Gatekeepers are the key actors (as private and public sectors, as well as civil society organisations) in the housing production process, whose responsibility and power determine the allocation of housing resources and units. A succession of empirical studies (Pahl 1969; Gray 1976; Cater and Jones 1989; Alabi 2011) has identified that there are, in every phase of housing production, activities of certain key actors that exert a considerable impact on housing production. Thus, as filters in the residential building allocation system, they have the power to decide on the eligibility of

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prospective home owners for approval of their building plans. Against this background, this article argues that the activities of physical planners and planning institutions constrain access to building plan approval. It is important to note here that the process of a building plan approval is one of the most intricate aspects involved in erecting a house in Lagos State, Nigeria.

Conceptual anchor: the concept of social exclusion

This article uses social exclusion as its conceptual anchor. The term "social exclusion" is commonly attributed to Rene Lenoir, then Secretaire d'Etat a l'Action Sociale in the French Chirac Government, who published "Les Exclus: Un Francais Surdix" in 1974 (De Haan 1999). Silver (1994) has stressed the variety of definitions given to social exclusion, depending on the context, and that the definitions come with "theoretical and ideological baggage". Social exclusion according to the French Republican tradition is primarily defined as the rupture of a social bond – which is cultural and moral – between the individual and society. In the Anglo-Saxon tradition, the meaning of social is rather different. One of the main theoretical differences is that "poverty" is seen as an issue that is separate from "social exclusion", perhaps akin to the underclass debate, rather than as an element of social exclusion. This tradition is characterised by Silver as a specialisation paradigm, drawing on liberal thinkers like John Locke.

A specialisation paradigm views "social gatekeepers" such as housing finance managers, estate agents, planners, and planning institutions as major actors constraining access to housing resources such as land, finance, and residential building permits. The eligibility criteria of these actors are seen as common causes of exclusion. The criteria through which gatekeepers allocate housing resources are sometimes called decision (or eligibility) rules. These rules are necessary to simplify the frequent and repetitive, but often complex and controversial, decisions that the managers have to make. It should be noted however that these rules are not value-free and tend to favour some social groups over others. Excluded categories include a wide variety of people, such as women and the poor (De Haan 1999).

The concept of social exclusion has two main defining characteristics (De Haan 1999). First, it is a multi-dimensional concept. It involves the lack or denial of resources, rights, goods, and services, and the inability to participate in the normal relationships and activities available to the majority of people in a society, whether in economic, social, cultural, or political arenas (Mack 2016). People may be excluded, for example, from land, housing finance, building planning, housing, and so on (Silver 1994). The concept focuses on the multi-dimensionality of deprivation, on the fact that people are often deprived of different things at the same time. In particular, social exclusion research can shed light on the extent to which various dimensions overlap.

The second defining characteristic, less discussed in the literature, implies a focus on the relations and processes that cause deprivation. People can be excluded by different groups, often at the same time: land management authorities, housing finance managers, and local planning authorities may exclude low-income groups from gaining access to formal land, subsidised housing finance, and residential building permits, respectively. Most commonly, social exclusion is seen to apply to groups, involving the exclusion of individuals due to their membership of particular groups that suffer discrimination (Khan, Combaz, and McAslan 2015). Discrimination occurs in public institutions, such as local planning authorities. The concept of social exclusion enables us to examine how the different institutions and individuals charged with housing resources allocation control the housing opportunities available to people. In doing this, the emphasis is on *access* to housing resources such as land, housing finance, and building permits. The activities of planners and planning institutions constrain low-income groups' access to formal housing resources such as land with legal title and residential building permits.

Sen (1999) differentiates between active and passive exclusion. Active exclusion occurs, for example, when the basic requirements of planning institutions constraint access to building permits. Passive exclusion exists when deprivation is caused without it being a deliberate attempt.

For example, people may be excluded from having access to a building permit because of their socio-economic status, or because of a sluggish economy or economic recession.

In developing countries, it is important to see social exclusion as a process, and not just a description of outcomes. The notion of social exclusion is a way of conceptualising society, including (and with a focus) on the processes of deprivation that are part and parcel of that society. The existence of social exclusion makes it difficult to achieve particular social objectives, such as reducing housing poverty and housing inequality, because there are often hidden barriers to reaching those who are socially excluded. The mapping and monitoring of deprivation, as the description of outcomes, is important, but a social exclusion framework takes us beyond that and identifies the processes that lead to and cause deprivation (De Haan 1999).

The concept provides a useful framework to analyse situations of housing exclusion where the household's deprivation depends on its access to, for example, land, finance, security of tenure, and building permits. In this perspective, inequality in access to building permits is responsible for housing exclusion and housing exclusion is an element of social exclusion; while the reduction in housing exclusion is part of social integration or social inclusion. One critique of social exclusion is that the concept is based on an underlying moral metanarrative which assumes that social inclusion or integration is inherently good and desirable (Hickey and du Toit 2007).

The context: Lagos State

Lagos State is located on the south-western coast of Nigeria along the Bight of Benin. It stretches for more than 180 kilometres along the Guinea Coast of the Atlantic Ocean and it is bounded to the north and east by Ogun State, and to the west by the Republic of Benin. Occupying an area of 3,577 square kilometres, the state accounted for 0.4% of Nigeria's territorial landmass.

The provisional census of 2006 put the population of Lagos State at 9,316,143. In 2014, the Lagos State Bureau of Statistics put the population of Lagos State at 22.5 million with a growth rate of 3.2%. The high growth rate of the population of Lagos coupled with the wide expanse of water (about 92% of Lagos's landmass) has significant implications for the availability of land for residential development. There is a yawning gap between the need for housing and the available stock of dwelling units. This gap is expanding, as the number of units constructed annually falls short of the increase in households (Ajakaiye and Akinbinu 2000). The housing problem in Lagos State is the worse in any state in Nigeria. The inability of an average resident to develop decent housing has encouraged the emergence and proliferation of informal or illegal residential buildings and settlements.

Lagos State, like all states in Nigeria, inherited planning and building regulations that have colonial influence. Planning and building regulations were derived from the Lagos State Town and Country Planning Law, a law drawn from the Town Planning Act of 1959 and the Nigerian Town and Country Ordinance of 1946. The latter is modelled after the United Kingdom Town and Country Planning Acts of 1932 and 1947. With a view to creating an enabling planning environment for residential development, the Urban and Regional Planning Decree (now Act) 88 was promulgated in 1992.

Alongside the Urban and Regional Planning Act 88 of 1992, other enabling laws and regulations that provide legal framework for physical planning development and administration in Lagos State include: Guidelines for Approval of Layout Plans published under LSLN No. 6 of 1983; Town and Country Planning (Governing conditions for Development of Estates by Private Developers) Regulations, 2005; Lagos State Building and Civil Engineering (Construction) Materials Quality Control Laboratory Law, 2006 – Statues for necessary construction materials (Sections 2,3,4,9,12,13,and17) conforming with the Standard Organization of Nigeria (SON) Act; the Physical Planning, Urban Development, Urban Regeneration and Building Control Law 2010 – (Sections 47 (a) (f) and (i)) – aimed at the development of hierarchies of physical development plans, policy formulation, programme development targeted at urban development, regeneration, and building control in the state (Sections 1–103); and Lagos State Safety Commission Law 2011 (Section 9).

Materials and methods

The data for this research were obtained from secondary sources and are both quantitative and qualitative. Secondary data were obtained from the Lagos State Physical Planning and Development Authority (LASPPDA) and Ministry of Physical Planning and Urban Development. Additional secondary data were sourced from existing literature.

Discussion of findings

Key actors in residential building approval process

At the preparatory stage of housing production, physical planners and planning institutions play significant roles in building plan preparation and approval. A typical building plan shows certain attributes of housing, such as the site and building plans, as well as elevation and structural drawings. Section 30 (3) of the Nigerian Urban and Regional Planning Act No. 88 of 1992 stipulates that a plan required under the Act should be prepared by a registered architect, town planner or engineer, in accordance with the provisions of the Act. A building plan drawn to specification by an architect, planner, or engineer is one of the major prerequisites for plan approval.

As shown in Table 1, before commencing housing construction, a prospective home owner or investor must obtain a Development Permit from the Lagos State Government through the Lagos State Physical Planning and Development Authority (LASPPDA), a parastatal organisation under the Ministry of Physical Planning and Urban Development. Included in the application form for residential building approval is the Building Plan Assessment form. The form is expected to be completed by the Development Control Department of the Ministry of Physical Planning and Urban Development. Eight other forms, reports, and sections also have to be completed or verified by various

Table 1. Gatekeepers in residential building plan preparation and approval process.

S/N	Gatekeeper	Role
1.	Registered Town Planner	Prepares building plan and EIS
2.	Development Control Department (MPP&UD)	Registration and processing of building plan
3.	Development Control Department (Zonal Office)	Completes building plan assessment form
4.	Town Planning Official (Local Planning Authorities)	Receives completed application and verifies the submission of relevant documents.
5.	Eko International Bank	Receives payment and issues receipt for fees
6.	Cashier (LPA)	Issues treasury receipt for the applicant
7.	Town Planning Authority	Completes design standard form
8.	Site or Building Inspector	Completes the site inspection report
9.	Vetting Officer	Completes Vetting Officer's report
10.	Charting Officer	Confirms the information given in the Vetting Officer's report
11.	Supervisory Officer	Cross-checks the charting, and confirms that all relevant maps and schemes for charting report are submitted
12.	TA/STA/CTA	Charting
13.	ATO/Zonal TPO	Examines the structural details of building plan
14.	Development Control Directorate	Issues letter of acknowledgement signed on behalf of the Director-General
15.	Permanent Secretary (MPP&UD)	Treats application for change of use and project that goes beyond two-storey building
16.	Commissioner (MPP&UD)	Treats application for project that goes beyond four-storey building
17.	State Governor	Treats application for project that goes beyond six-storey building
18.	Ministry of Transport	Handle Transport Impact Assessment (TIA) for high-rise buildings
19.	Recommendation Officer, Ministry of Transport	Verify all requirements in terms of documents and fees
20.	Department of the EIA	Clear EIA
21.	General Manager (LASPPDA)	Concurrent approval of EIA
22.	District Officer	Final approval
23.	Applicant's agent	Processes plan for approval

Sources: Alabi (2011); Authors' compilation 2017.

categories of planners: the Design Standards form (Town Planning Authority (TPA) in applicant's location); Documentation for Building Plan submission (an official of TPA); Site Inspection Report (Building Inspector with the Development Control Directorate); Vetting Officer's Report (Vetting Officer); Charting Report (Charting Officer and Supervisory Officer); and letter of acknowledgement (official acting on behalf of the Director General of Ministry of Physical Planning and Urban Development, Development Control Directorate). The applicant's agent, a town planner in private practice, is expected to complete the site sketch section of the application.

For a residential land in excess of two hectares, the applicant must submit a detailed Environmental Impact Statement (EIS) to LASPPDA. This is expected to be prepared by an urban and regional planner registered by the Town Planners Registration Council of Nigeria (TOPREC). The EIS will be assessed by the Department of EIA. After the EIS has been certified, it will be sent to the General Manager for concurrent approval. For a two-storey building, the application will be forwarded to the Permanent Secretary of the Ministry of Physical Planning and Urban Development. In the case of a residential building more than four-stories, the application is sent to the Commissioner; for more than six-stories, it is forwarded to the State Governor. For high-rise buildings (10–20 floors), applicant needs to submit a Transport Impact Assessment (TIA) to be certified by the Ministry of Transport.

The recommendation officer's job is crucial, as they go through the entire file to ensure that all required documents and fees have been included. Thereafter, the site will be re-visited to confirm that construction has not commenced. All the documents are sent to the District Officer (DO), who in turn sends it to the field officer to include his site sketch and report. Another file is opened with all relevant payment receipts and sent to the Lagos State Internal Revenue Service for tax confirmation. After this, the file is sent back to the District Officer from the General Manager for final approval, and a stamp and a seal is put on it.

Basic requirements for granting residential building approval permits

The basic requirements, as well as the cost and time required to get planning approval, are reasons why some residents do not bother to obtain such approval before starting housing construction work. Each completed application form, which is to be submitted to the Local Planning Authority (LPA), must be accompanied by the following documents: five sets of architectural drawings (for two or more storey building, mechanical and electrical drawings are required); five sets of structural drawing (including letter of supervision and calculation sheets); evidence of land ownership/title (which could be stamp duty land purchased receipt; Letter of Ratification; Certificate of Occupancy (land certificate, and Governor's consent); one copy of the survey plan; evidence of change of use (where necessary); current tax clearance certificate; sworn affidavit in lieu of tenement rate; two copies of Environmental Impact Statement Report (EISR) prepared by a registered town planner for residential development of eight or more units and above; assessment fee and other government receipts.

For the EISR to be cleared, the following should be submitted: detailed site layout showing parking; copy of the architectural drawing; charting report; site location; police report; fire service report for high-rise buildings; additional information for companies and corporate bodies (Company Tax Clearance (CTC), two Directors Tax Clearance, evidence of PAYE returns, Certificate of Incorporation).

All these documents must be submitted at the point of registering an application for building plan approval in line with Lagos State policy on Operation 30–30; an acronym for speedy processing/approval of building plan applications. Land title determines the height and density that a prospective home owner can go, depending on the area or the kind of building that they intend to construct. The applicant must also ensure that the residential site in which they intend to implement the granted development conforms to operating land use zoning regulations, as well as existing building codes and master plans, otherwise the developer will have to apply for a change of use.

Fees that to be paid in the course of processing a building plan for approval include processing, layout, registration/application, survey information/planning information, fencing fee, development and local government development fees, urban and regional planning/physical development fees, and building permit fees. Payment of these fees takes place after the building plan has been assessed and marked for approval.

After paying the necessary fees, a team is sent to the site again to ensure that the land is still vacant, and the Site Inspector, Charting Officer and Site Engineer write their reports. In the case of one- or two-storey building, the architectural design is sent to the architect after charting, for clearance. This is with a view to confirming if the design conforms to the approved building standards and zoning regulations. For three- or more storey building, mechanical and electrical drawings are required. If the inspection report is satisfactory and all necessary documents have been submitted, the application will be registered.

Planners and planning institutions as gatekeepers in residential building approval process

Some of the factors constraining access to approved residential plans are the processing fees that need to be paid by prospective house owners. These fees vary from one LGA to another. Tables 2 and 3 show the costs of processing residential building plans in Lagos Mainland and Eti-Osa LGAs, being much lower in Lagos Mainland (N1,374,870:02 K) than Eti-Osa (N2,800,000.00 K). In the low-income area of Alimosho, a prospective home owner submitting application for a residential building (two- or three-bedroom bungalow) will need between N450,000 and N500,000 for approval. The cost of obtaining a building permit favours middle, upper-middle and high-income groups, and not low-income groups. The Presidential Committee on Urban Development and Housing (2002) defines low-

Table 2. Cost of processing residential building plan in Lagos Island LGA.

Housing characteristics	
Area of land	509,127 square metres
Area of building – three floors	213,123 square metres
No. of floors	3 floors (ground/first and second)
Documents required	**Government fee (N)**
Architectural drawing	300,000
Soil test	300,000
Assessment fees	374,870
Property tax	374,870
Processing (running cost)	400,000
Total	**1,374,870**

Note: US$1 is approximately N365.

Table 3. Cost of processing residential building plan in Eti-Osa LGA.

Housing characteristics	
Area of land	760 square metres
Area of building – three floors	324 square metres
No. of floors	5
No. of housing units	4
Documents required	**Government fee (N)**
Architectural drawing	600,000
Soil test	300,000
Structural drawing	450,000
Mechanical drawing	300,000
Electrical	300,000
Soil test	350,000
EIA	500,000
Total	**2,800,000**

Note: US$1 is approximately N365.

Table 4. Summary of activities of local planning offices for 2006.

S/N	Local planning office	Building plan				
		Submitted	Approved	Disapproved	Backlog	Pending
1.	Alimosho	409	221	1	0	4
2.	Amuwo-Odofin	82	49	0	13	0
3.	Agbado/Mosan	86	60	0	0	0
4.	Ipaja/Ayobo	104	70	0	0	0
5.	Eti-Osa	615	301	132	0	0
6.	Ibeju-Lekki	167	0	0	0	17
7.	Ifako-Ijaiye	246	230	0	0	0
8.	Ikeja	56	43	0	13	0
9.	Kosofe	299	208	4	0	3
10.	Ojo	343	32	9	0	0
11.	Isolo/Ejigbo	207	90	0	102	110
12.	Agege	81	56	0	6	4
Total		**2695**	**1380**	**146**	**154**	**138**

Sources: Alabi (2011); Development Permit Department (DPD) of Lagos State Physical Planning and Development Authority (2007).

income groups as all employees or self-employed persons whose annual income is the equivalent of salary grade level 01–06 in Government (Federal Republic of Nigeria 2002). A person on Grade Level 06 earns about N476,496 per annum.

The high costs of processing building plans and cumbersome operational structure of physical planners and planning authorities means that the number of plans submitted for approval on an annual basis is negligible. In other words, the costs and operational structure constrain access to building plan approval. For example, in 2006, 2,695 building plans were registered at various || LPAs: 1,380 (51.2%) were approved, and 146 rejected, 154 were in a backlog, while 138 applications remain pending (Table 4). Similarly, between May 2011 and May 2012, only 2,091 applications for residential building development were received by the various District Offices (Table 5), of which 1,899 applications were approved, eight were rejected, and 184 were pending. The number of applications approved in 2013 was 1,511, a tiny amount given the population of Lagos State (24 million people).

Most applications for building permits were rejected by planners and planning institutions on the following grounds: physical development requirements being at variance with the permit sought;

Table 5. Summary of applications for building permits/plans submitted by district offices (May 2011–May 2012).

S/N	District office	No. of applications/plans Submitted
1.	Agbado/Ipaja	42
2.	Agege	166
3.	Alimosho	80
4.	Amuwo-Odofin	123
5.	Apapa	14
6.	Badagry	07
7.	Eko	31
8.	Epe	07
9.	Eti-Osa	458
10.	Ibeju-Lekki	69
11.	Ikeja	139
12.	Ikorodu	129
13.	Ikoyi/Victoria Island	150
14.	Kosofe	278
15.	Mushin	35
16.	Ojo	37
17.	Oshodi/Isolo	135
18.	Shomolu	46
19.	Surulere	61
20.	Yaba	85
Total		**2,091**

Source: Lagos State Government, Ministry of Physical Planning and Urban Development (2012, 41).

Table 6. Contravention notices served by year.

S/N	Type of notice	Year				
		2008	2009	2010	2011	Jan–April 2012
1.	Contravention Notice (CN)	7251	6671	7393	6864	1971
2.	Stop Work Order (SWO)	3045	2870	3704	3348	1039
3.	Demolition Notice (DN)	1056	3193	3727	3941	922
4.	Quit Notice (QN)	3864	464	460	425	78
5.	Seal-up Notice (SUN)	–	551	996	638	253
	Total	**15,216**	**13,749**	**16,280**	**15,216**	**4,263**

Source: Lagos State Government, Ministry of Physical Planning and Urban Development (2012, 45).

incomplete documentation; inadequate tax; substandard plots which could not accommodate the required changes; inadequate parking provisions; inadequate airspace for both the existing property and proposed development. Without building permits, any residential structures developed are regarded as contravening the planning regulations.

The Ministry of Physical Planning and Urban Development receives petitions and complaints from members of the public and community development associations (CDAs) on residential buildings that contravene planning regulations. These revolve around issues such as blockages of roads, encroachment on right of ways, blockages of drainage channels, and illegal developments within State Government residential schemes. Between May 2013 and May 2014, 881 petitions and complaints were received for investigation.

In 2011, 15,216 contravention notices were served on illegal developments (Table 6). Between January and April 2012, 42,63 statutory notices of various types of contravention were served. The number of notices served in just four months were more than double the total number of building plan applications (2,091) submitted in a year (May 2011–May 2012). Also, between May 2013 and May 2014, 7,281 residential buildings were served with contravention notices, 232 were identified as defective, and 1,939 residential structures were sealed for non-compliance, of which 395 were unsealed after compliance and 16 were removed. A total of 94 seals were discovered broken and resealed, with further sanctions imposed.

Most residential buildings that contravened the regulations are likely to be as a result of the lack of a layout plan. Since the enactment of the Land Use Decree (now Act) of 1978, preparation of layout plans by individual land owners have been relegated to the background. As Table 7 shows, only 28 layout plans were submitted for approval between June 2013 and April 2014.

From these discussions, one may be tempted to attach greater, if not absolute, importance to physical planners and planning institutions as holding the key to residential building permits and layout plans. However, regarding these key actors in the building approval process as independent variables constraining access to building permits may be misleading. This is because the activities of

Table 7. Applications for layout plans submitted and approved, June 2013 to April 2014.

Month	Applications			
	Submitted	Provisional approval	Final approval	Under processing
June 2013	4	–	1	2
July 2013	2	4	–	–
August 2013	–	2	–	–
September 2013	2	–	–	1
October 2013	–	–	2	–
November 2013	–	2	–	–
December 2013	4	1	1	2
January 2014	1	1	–	–
February 2014	5	3	2	1
March 2014	3	–	1	–
April 2014	7	1	–	1
Total	**28**	**14**	**7**	**7**

Source: Lagos State Government, Ministry of Physical Planning and Urban Development (2014, 70).

planners as well as planning institutions are guided by land use policies, zoning regulations, existing master and regional plans, as well as building codes. Thus, it is important to recognise that planners and planning institutions' decisions are themselves subject to constraints determined by the wider economic, political, and ideological structures of society and there are forces beyond the control of these actors that exert a significant influence on building approval process. Planners and planning institutions, then, must be seen as actors of significant but limited importance in the context of a socio-spatial dialectic in which economic, social, and political processes set the limits for their activities, while their professional mode of operation determines the details of the resulting pattern of access to building permits (Weiss 1987; Whitehand 1992; Knox 1993).

Conclusion and recommendations

Obtaining a residential building permit is a long and expensive task and involves several stakeholders. The rate at which planners and planning institutions are granting approval to applications for residential building permits will not lead to significant growth in housing delivery in Lagos State. There is therefore a need to review the procedure for granting access to residential building permits. Planners and planning institutions need to take into consideration the fact that over 70% of Nigerians are low-income earners, while about the same proportion are believed to be below the poverty line. This is vital to enable self-help housing to be sustained. Planning institutions should recognise the socio-economic condition of the majority of Lagos residents. Therefore, the informal private sector, which is the main source of housing production in the state, should be encouraged using enabling laws to participate effectively in the housing production process.

Disclosure statement

No potential conflict of interest was reported by the authors.

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