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Assessment of Compliance with Development Regulations in Abeokuta-West Zonal Planning Area, Nigeria

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Abstract

Development control is a medium through which the land use is licensed for building and other purposes backed-up by planning laws and regulations. Despite the importance of development control measures in physical and environmental balancing, a series of factors still hinder its effectiveness. The paper examines the compliance with development regulations in Abeokuta-West Zonal Planning Area, Nigeria. Primary and secondary sources of data were used. A questionnaire and personal interview were both used. Multi-stage sampling method was adopted because the buildings in the planning area are numerous and spatially located. The planning area was divided into nine zones which were classified into three; from which Obada-Oko, Oke-Ata, and Bode-Olude areas were considerably selected. The number of buildings in the selected areas was 668 buildings, and 40% was used to select the sample for each area, the research then had a sample size of 267 buildings The selection of sample size was carried out systematically for the administration of questionnaires by the residents (building owners). The data collected were presented and analysed through the use of descriptive statistics. The findings indicated that 78.7% of the residents were aware of the existence of penalties for building without permission; 68.5% of the resident did

not obtain a development permit, while 15.6% out of the 31.5% that obtained a development permit deviated from the approved building plan; and 58.3% of the residents were not satisfied with the procedures involved in obtaining development permit, because it is cumbersome and expensive. Regulatory measures were recommended for the improvement of development control practice in the study area. These include the provision of the framework as a guide for physical development; effective public awareness; and enlightenment programmes. Also, various socio-economic classes (high, medium, and low classes), especially the low-income earners, should be given considerate attention in the course of policy formulation and planning implementation.

Keywords: Approved Building Plan, Development Control, Development Permit

1.0 Introduction

Development control is one of the measures applied by physical planning agencies particularly, local planning authorities to ensure that developers do not deviate from building plans approved for them in the course of project execution (Oduwaye, 2011). It is a tool or a regulatory process for implementing any physical development plan. Private and public buildings, industrial, commercial, administrative, and even recreational uses must have sufficient setbacks from the center-line of the roads and also between buildings (Oduwaye, 2009). The height, bulk use, use character, and appearance of the buildings need to be regulated. No building or site should interfere with the safety, convenience, privacy, access, and efficiency of another building or site. Developments should be provided with necessary utilities and services (Adeagbo, 2000 Oduwaye, 2009). Despite the importance of development control, and measures in physical and environmental balancing, a series of factors still hinder its effectiveness.

Unplanned or illegal physical development is a menace to any settlement or society in the world, especially where the control of such human activities has been bastardized. This has been identified in many developing countries, Nigeria inclusive. The majority of people in these parts of the world fail to take cognizance of the effectiveness of development control measures and regulations (Adedibu *et al.*, 1998). In suburban areas of Abeokuta such as Obantoko, Bode-Olude, Obada-Oko, Shoyoye, Olokuta, and Oke-Ata physical developments are springing up at an alarming rate as a result of rapid urbanization in the city-centers. People tend to reside on the outskirts of the city due to the tremendous increase in land value and landed property in the central areas of Abeokuta (Bello *et al.*, 2016). However, these movements of people are characterized by: an unplanned development; lack of planning schemes; inadequate planning operational measures such as statutory setback and airspaces, access to the drainage system, accessibility to residences, ventilation, and lighting, safety, and privacy, amongst others.

Correspondingly, unauthorized development has contributed in a great size to building collapse, accessibility problems, land disputes, and petitions, demolition of structures, an unhealthy and unaesthetic environment that poses threats to human lives and properties (Ogundele *et al.*, 2010 and Bello *et al.*,2016).

Attempts to solve environmental and physical problems relating to development control and management of land use in urban areas have given rise to a myriad of strategies involving mitigation measures and policies to regulate human activities within and outside the urban structure. These strategies yielded little or no positive results in the physical sub-urban landscape of Abeokuta. The sub-urban areas and hinterlands around the Abeokuta metropolis are characterized by unpleasant growth, haphazard development, incompatible land uses, illegal squatter developments, abuse of building use, and erection of shops in available spaces (especially on access roads), inadequate setback and airspaces. Also, a significant number of dwellers or residents in these areas do not have access to planning information and cannot afford the cost involved in the planning approval process. Against this background, this paper examines the awareness and compliance of residents with development regulations in the Abeokuta-West Zonal Planning Area.

2.0 Literature Review

2.1 Concept of Development Control

The paper adopted development control as a conceptual anchor. Onokerhoraye *et al.* (1985); Oduwaye (2011) and Bello *et al.*, (2016) define development control as the control of the use of land, the character,

appearance, and arrangement of buildings and facilities to ensure economy, convenience, and aesthetics. Ogundele *et al.*, (2010) described development control as a regulatory tool for any building or re-building operations in, on, and under the land, to prevent conflict and misuse of land as well as to promote harmonious interrelationship among various land uses. Failure of its application tends to have a negative approach to development, while at the same time; it is a creative and permissive tool for development planning. In essence, it is a strategy employed by a physical planning agency for ensuring the proper implementation of urban and rural development plans as well as regulating the flow of additions to infrastructural facilities. Moreover, it is a regulatory power exercised by planning agencies to either approve or reject a development application. Therefore, the concept is a follow-up to a physical development plan (or Master Plan), without it whatever is contained in the Master Plan will be difficult to achieve (Bello-Imam, 2016).

Egunjobi (1985) and (2010) looked at development control from the socio-cultural dimension. He identified two classes of human elements which include public officials' actions and the private or societal responses. He stated that the actions of public officials affect the formulation and execution of planning control measures while the private or societal response has to do with adherence to or compliance with the guiding control measures. He identified lack of cooperation among different bodies involved in the planning process, lack of coordination, and official corruption as some of the problems associated with ineffective and inefficient development control measures. Egunjobi (2010)

admitted that people are hostile to development control regulations. This, according to him, is attributable to a lack of information, people's ignorance of the activities of the professionals, and the benefits of development control measures. The identified problems on the side of the professionals include ignorance of what the people need and lack of or little communication flow between the professionals and the public. Thus, projects based on the control measures are at variance with people's cultural and psychological needs. Thus, the projects are often rejected and control regulations violated. Some of the measures he suggested to improve the status-quo include the need to increase the intensity of the public enlightenment campaign (public participation), access to documents on development control regulations by the public, and the need to establish an inter-ministerial body involving the government agencies in planning, among others.

Akinade (1985) and Ayoade (2012) were concerned with a lack of understanding of planning on the side of the public. They suggested that since planning has the objective of improving the well-being of the people, the element of force has to be introduced into its enforcement. They however observed that the town planning laws in Nigeria are politically handicapped, inadequate, and negative in the application. The magnitude of this problem is such that rather than having a positive report, planning is having a negative result. This is why the regulations are often defied. Meanwhile, Sanusi (2002) and Yahaya (2015) suggested that to make development control responsive and inclusive, it must be undertaken within the context of good governance, which will

guarantee accountability, capacity building, and liberalization in matters of urban land development.

Concerning administrative machinery for physical planning and development control in Nigeria, Ogundele *et al.*, (2010) observed that physical planning is still narrowly conceived as the production of master plans for the orderly development of settlements and as the layout of buildings and roads in urban areas. The reasons for this unwholesome situation as observed by him are not different from those earlier identified by previous authors. These reasons include mass illiteracy, lack of public enlightenment, the influence of politics, poor finance, and shortage of skilled manpower. Similarly, Onibokun (1985) and Oduwaye (2011) identified defective institutional framework and structure, the poor financial base for planning, inadequate manpower, inter-ministerial, inter-governmental and inter-departmental conflicts as some of the constraints against effective administrative machinery for physical planning and development control. They proffered some measures to ameliorate this ugly situation, some of these include putting in place an administrative framework and a structure that facilitates physical planning administration and development control, zoning regulations, building and subdivision regulations as well as planning and design standards that are re-curent and responsive to the needs of the people. Others include the provision of adequate manpower with appropriate education, experience, tools, and fiscal resources necessary for innovating, monitoring, and implementing development control.

2.2 *The Context: Ogun State*

Ogun State is situated within the tropics, covering about 16,400 square kilometers. Abeokuta is located on latitude 7° 9' 39" North and longitude 3° 20' 54" East. The Population of Abeokuta and its surrounding area was 593,140 in 2006 (NPC, 2006). The study area (Abeokuta-West Zonal Planning Area) is shown in Figure 2. It covers the western parts of Abeokuta, which include the core areas of the city such as Lafenwa, Ita-Oshin, Olomore, Ikeja, Ikereku, Asero, Iberekodo, etc. and other peripherals of the city (suburban areas) such as Obada-Oko, Oke-Ata, Idi-Ori, Gbonogun, Mawuko, Bode-Olude, Shoyoye, among others (Figure 2). Physical developments are springing up at a very high rate in these sub-urban areas of Abeokuta, because of the affordable rate of land and rent in these areas, as people cannot afford the high values of land/rent and landed property in the central areas of Abeokuta (Oke-Ilewo, Sapon, Ibara, Kuto axis, among others.).

Also, as a result of rapid urbanization in the city, there is competition for the land-uses in the city center. The need for larger or more economic activities to cater to the increasing population of Abeokuta led to

the conversion of buildings and/or land uses in the central areas of Abeokuta. The land areas which were originally allocated for residential uses have been converted into commercial uses such as office spaces, banking halls, insurance outlets, and so on for more profit maximization. The residents in Abeokuta (middle- and low-income earners) were relocating to Abeokuta-West Zonal Planning Area, away from the city center owing to inadequate land and the high cost of land. These movements of people to the study area are characterized by unpleasant growth, haphazard development, incompatible land uses, illegal squatter developments, abuse of building use, lack of planning schemes (layouts), erection of shops in available spaces, inadequate setback, and airspaces. However, the influx of people to the study area (Abeokuta-West Zonal Planning Area) calls for concern and planning attention as any unauthorized development in this direction may lead to slums, building collapse, accessibility problems, unhealthy and unaesthetic environment, land disputes, and petition, demolition of buildings, etc. which endanger human lives and properties.

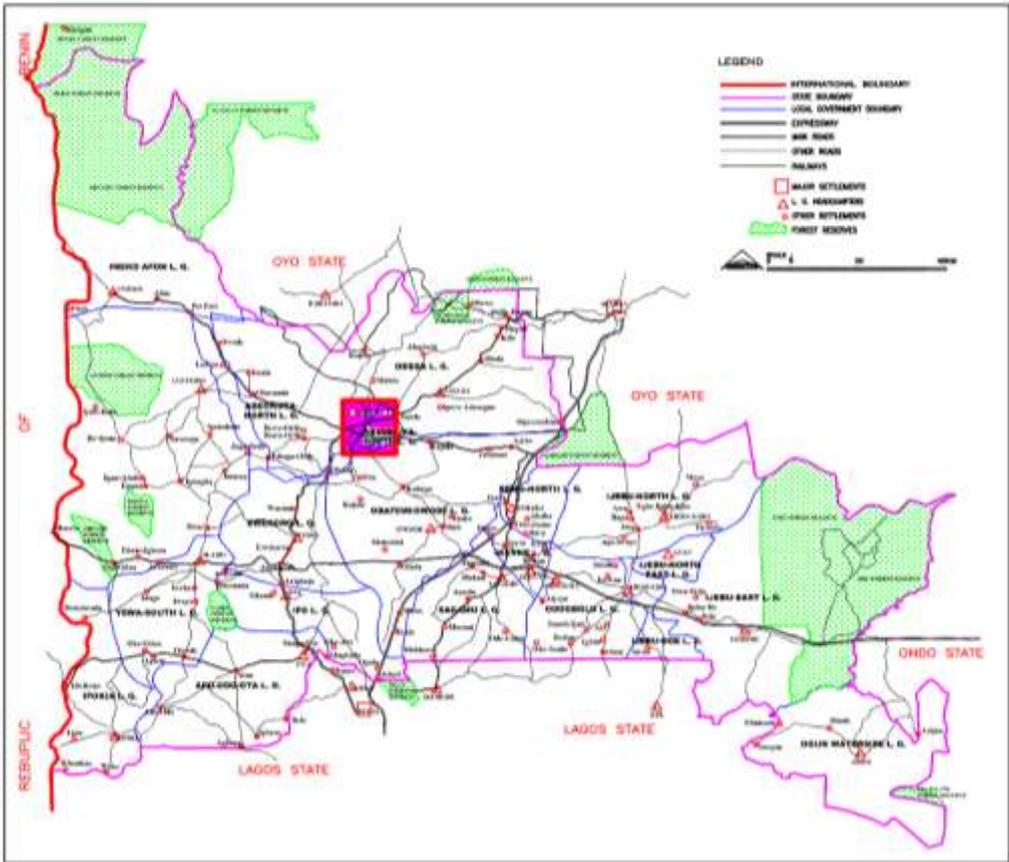


Figure 1: Map of Ogun State showing Abeokuta in the Regional Context
Source: Ogun State Ministry of Physical Planning and Urban Development, 2021.

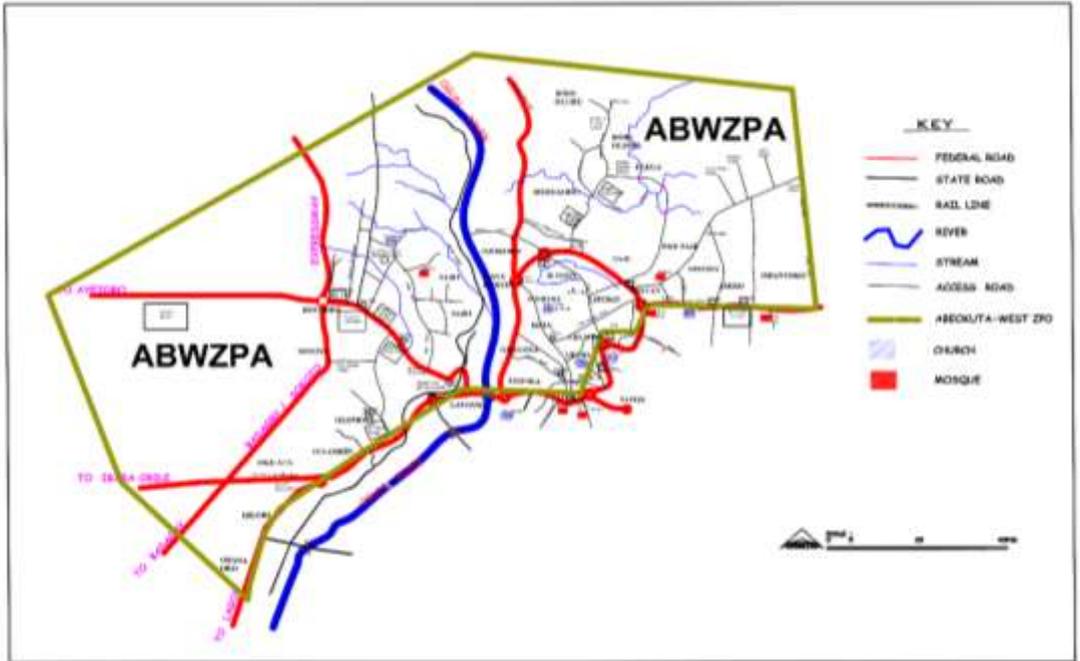


Figure 2: Abeokuta-West Zonal Planning Area

Source: Abeokuta-West Zonal Planning Office, 2021.

3.0 Methodology

The data for this research were obtained from primary and secondary sources. The instrument of data collection was questionnaire and personal interview. Three sets of questionnaires were designed. The first questionnaire was structured and directed to the residents (building-owners) in the study area; where various questions were asked on socio-economic characteristics of the residents, building use, and planning regulations; the second questionnaire was directed to the planning consultants and/or draughtsman practicing in the study area; and the third questionnaire administered to the officials of Abeokuta-West Zonal Planning Office responsible for development control in the study area on the objective for establishing the Office (Planning Authority), the

statutory mandates as reflected on the legislation establishing the Authority and functional responsibilities of the Authority.

Also, a personal interview was conducted with the government officials in charge of development control practice in the Abeokuta-West Zonal Planning Area of Ogun State to know: the staff strength; the availability of any planning scheme and/or guide for the Zonal Planning Area; and the challenges or problems facing development control practice in the planning area. Secondary data obtained include maps, organizational structure, existing laws, and regulations guiding development control practice in the study area. Data collected were presented and analyzed using descriptive statistics.

Abeokuta-West Zonal Planning Area was divided into nine zones which were classified into three. Multi-stage sampling method was adopted to avoid bias in the selection of samples (buildings) because the buildings in the planning area are numerous and spatially located. In stage one, the study area was delineated into three categories (A, B, and C), in stage two, one zone was selected from each category; this serves as a sampling frame for the study (Table 1). At stage three, one unit or area was selected from each sampling frame, having Obada-Oko, Oke-Ata, and Bode-Olude areas. The selection of a zone, as the sample frame from each category in the study area, was based on the following considerations:

- In category A, the A3 zone was selected as the sampling frame for the study, because all the areas or units under this zone are at the outskirts of the study area, and development is springing up at a very high rate in this zone. Whereas, A1 and A2 zones consist of already built-up areas and Government Acquired Land (land acquisition); the rates of developmental activities (building operations) in these areas are minimal.
- In category B, the B1 zone was selected as the sampling frame because areas such as Oke-Ata, Idi-Mango, and Olomore under this zone are experiencing rapid development in recent years. While B2 and B3 zones comprise fully developed areas and Government Acquired Land.
- In category C, the C2 zone was selected as the sampling frame for the research study. This zone consists of developing areas such as Bode-Olude, Old Igbo-Ora Road, and Agborin Road. Meanwhile, C1 and C3 zones comprise some core areas of the Abeokuta metropolis (such as Iberekodo, Mokola, and Ikija) and the Federal Government Acquired Land - Mawuko Area.

At stage four, the total number of buildings in the selected areas was identified to be 668 buildings. In stage five (final stage), the sample size was determined according to Neumann (1991) 'a larger population permits smaller ratios for an equally good sample' therefore, a sampling ratio of 40% was adopted for the research study. This provided a sample size of 267 buildings using a systematic sampling technique. All the 267 copies of a questionnaire distributed to the residents (building-owners) were successfully retrieved

Table 1: Sampling Procedures for the Research Study

STAGE 1	
Category	Zones
“A”	A1 - Idiya Village Area, Obasanjo Farm Road and Sabo Area, From Lafenwa Railway Line - Right Side of Lafenwa/Aiyetoro Road Area.

	<p>A2 - Mile 2 Area, Badagry - Sokoto Road Area, Rander Area, Old Aiyetoro Road (Right Side of Alamala Barack), Right Side of Olorunda Area.</p> <p>A3 - Idi Ori Area, Obada Oko Area (Across Left Side Lagos - Abeokuta Express Road), Left Side of Oke-Ata.</p>	
“B”	<p>B1 - Right Side of Oke-Ata Area, Ita-Oshin, Oke-Ata Housing Estate, Olomore Housing Estate, Left Side of Brewery, From Lafenwa Railway Line - Left Side of Lafenwa/Ayetoro Road Area.</p> <p>B2 - Soyoye Area, Old Ayetoro Road (Left Side of Alamala Barack), Left Side of Olorunda Area.</p> <p>B3 - Obada-Iyana Adigbe Area, Obada-Oko Area (Right Side Lagos -Abeokuta Express Way), Ita-Oshin Round About Area (Both Side), Top Brewery Area (Both Side), 2nd Bridge Round About Area (Both Side), Lafenwa - WEMA Bank Area (Both Side), Lafenwa Junction Area, After Bridge Lafenwa - Ago Oka Area, Ijaye Kukudi Area, Mokola Round About Area.</p>	
“C”	<p>C1 - Left Side Alogi Area, Gbonogun Area, Elega Federal Housing Area, From Elega Junction - Right Side Agborin Road Area, Ita Elega Market Area.</p> <p>C2 - From Elega Junction - Left Side Agborin Road, Bode - Olude Area, Right Side Old Igbo Ora Road Area, Iberekodo Area, Mokola Round About.</p> <p>C3 - Mawuko Area, Left Side Old Igbo Ora Road Area, Ikija Area, Ojokodo Area.</p>	
STAGE 2		
“A”	<p>A3 - Idi Ori Area, Obada Oko Area (Across Left Side Lagos - Abeokuta Express Road), Left Side of Oke-Ata.</p>	
“B”	<p>B1 - Right Side of Oke-Ata Area, Ita-Oshin, Oke-Ata Housing Estate, Olomore Housing Estate, Left Side of Brewery, From Lafenwa Railway Line - Left Side of Lafenwa Ayetoro Road Area.</p>	
“C”	<p>C2 - From Elega Junction - Left Side Agborin Road, Bode - Olude Area, Right Side Old Igbo Ora Road Area, Iberekodo Area, Mokola Round About.</p>	
STAGE 3	STAGE 4	STAGE 5
Selected Units	Number of buildings	Sample size (40%)

“A”	A3- Obada Oko	268	107
“B”	B1- Oke-Ata	205	82
“C”	C2 - Bode - Olude	195	78
Total		668	267

4.0 Results and Discussion

The field survey revealed the residents' awareness and compliance with development regulations in the study area. The data gathered from the survey are presented and analyzed in this section from which inferences and conclusions are drawn.

4.1 Buildings with Development Permit (Planning Approval) in the study area

The field survey revealed that 31.5% of the residents (building-owners) in the study area obtained a development permit (planning approval), while 68.5% of the

residents did not obtain a development permit before and/or after building operation (construction). This can be said to contradict building and development procedures, as such building operation is considered illegal or unplanned development (Table 2).

Also, Table 3 shows the analysis of residents in the study area that obtained the Home Owner Charter (HOC) Programme Building Plan Approval (residential building only). Out of the 68.5% of the residents without development permits, 17.2% obtained the HOC Building Plan Approval in the study area.

Table 2: Buildings with Development Permit (Planning Approval)

Study Area	Development Permit (Planning Approval)				Total
	Yes		No		
Zone “A”	31	11.6%	76	28.4%	107
Zone “B”	23	8.6%	59	22.1%	82
Zone “C”	30	11.3%	48	18.0%	78
Total	84	31.5%	183	68.5%	267

Table 3: Buildings with HOC Approval in the Study Area

Study Area	Building without Approval		Building with HOC Approval		Total
	Count	Percentage	Count	Percentage	
Zone "A"	57	21.3%	19	7.1%	76
Zone "B"	44	16.5%	15	5.6%	59
Zone "C"	36	13.5%	12	4.5%	48
Total	137	51.3%	46	17.2%	183

However, it is worthy to note that the HOC Building Approval is not considered under this study based on the fact that HOC is an amnesty programme of Governor Ibikunle Amosun's administration and its specifications for approval differ from the Ogun State Building Plan Regulations, and most importantly the planning approval is not granted by the Development Control Department (DCD). All the development (building operations) without the approval (development permit) of the DCD is considered or referred to as illegal development (Oduwaye, 2011).

Illegal or unplanned developments (building operations) are dangerous to the physical environment. These cause a lot of environmental problems (such as flooding, erosion, etc.), land and landed property degradation, abuse or misuse of land, environmental nuisance, etc. However, this situation has to be curtailed by the Planning Authority operating in the study area, to prevent any future environmental problems or disasters.

4.2 Reasons for building without Development Permit (Planning Approval)

The field investigation revealed the reasons why the residents in the study area were built without a development permit

(planning approval). Figure 3 shows that 3.3%, of the residents without a development permit, are not aware of the need to obtain a development permit before the commencement of building operations. 91.8% stated that the cost of obtaining the development permit (planning approval) is too expensive; whereas, 1.1% claimed that the approval was not given as a result of planning standards or requirements not being met.

The syndrome of kickback, which has taken advantage of undue influence in Nigerian societies, was the avenue 1.6% of the residents were exploiting in order not to obtain a development permit. While 2.2% could not obtain a development permit, because their buildings were on Government Acquired Land. As a result, their buildings could not be processed for a development permit; except on Governor's consent in form of ratification, if applicable. The implication is that this set of people may be sent out of the land anytime there is a need to use the land for the purpose for which it was being acquired.

4.3 Serving of Enforcement Notice

To assess the effectiveness of the Planning Authority operating in the study area, one needs to know how adequately the Authority monitors the environment, which prompted this question to determine if the people without development permits ever

received notice to that effect. The field survey revealed the serving of enforcement notices on the illegal structures (buildings without approval) in the study area: 59.6%

of the residents without development permits were served with an enforcement notice, while 40.4% had not been served with enforcement (Figure 4).

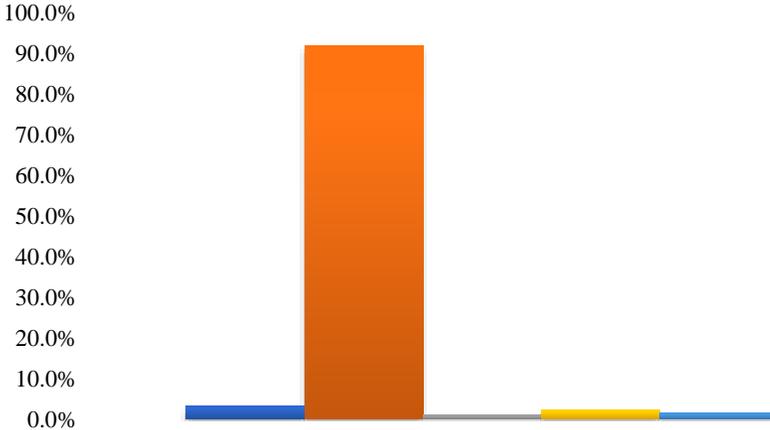


Figure 3: Reasons for Building without Development Permit

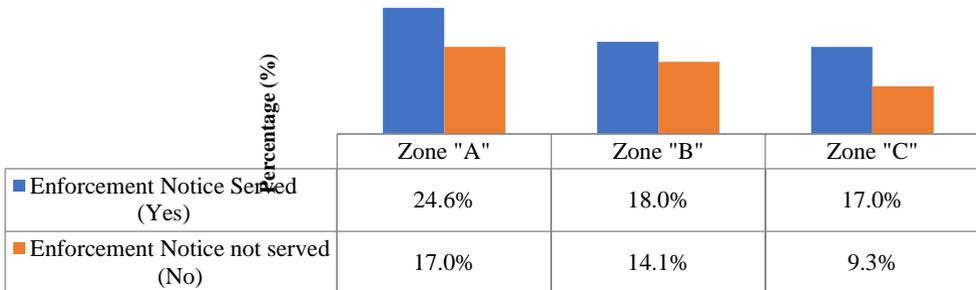


Figure 4: Serving of Enforcement Notice in the Study Area

4.4 Awareness of penalty for Building without Development Permit

The field survey also revealed the awareness of penalties for building without obtaining a development permit in the study area. Table 4 presents the detailed analysis of defaulters’ awareness of the penalty for building without the approval of

the Authority; 78.7% confirmed that they were aware of the existence of penalties for building without permission, while 21.3% of them said they were not aware of such regulation. This indicates that the majority of defaulters are aware of the penalty but failed to comply.

Table 4: Awareness of Penalty for Building without Development Permit

Study Area	Awareness of penalty for building without approval				
	Yes		No		Total
Zone "A"	59	32.2%	17	9.3%	76
Zone "B"	46	25.2%	13	7.1%	59
Zone "C"	39	21.3%	9	4.9%	48
Total	144	78.7%	39	21.3%	183

4.5 Reactions to demolition of buildings without Approval

Demolition exercises are seen as the unwanted events of development control, but wherever there are unplanned settlements, illegal structures or buildings, and unhealthy environments among others, demolition is unavoidable. However, the field survey revealed how the residents (building-owners) without development permits would react to demolition.

Table 5 shows how the residents (building-owners), that violate the law of having a

planning permit before commencement of development, would react to demolition. 9.3% of the residents without development permits stated that they would call the police to arrest the demolition team. The majority of them (53.6%) said they would plead to the demolition officials not to demolish their structures, while 12% said they would charge the Planning Authority to court for damages. 25.1% stated that they would confront and fight the demolition team. This is one of the dangers that the officers of the development control departments are exposed to.

Table 5: Reactions to demolition of buildings without approval

Reactions	Frequency	Percentage (%)
Call Police	17	9.3
Go to Court	22	12.0
Assault/Fight the Demolition Officials	46	25.1
Plead	98	53.6
Total	183	100.0

4.6 Awareness of Goals of Development Control Activities in the Study Area

The field survey also revealed the awareness of all the residents in the study area about the goals of development control. This is to quantify their knowledge about the necessity of development control measures and standards. 57.7% of the

residents claimed that they are not aware of the goals of development control, while 42.3% acknowledged that they were aware of the goals (Figure 5); which include ensuring harmonious inter-relationship of various land uses in the study area, as well as to make the environment conducive for living, working, circulating, recreating, among others.

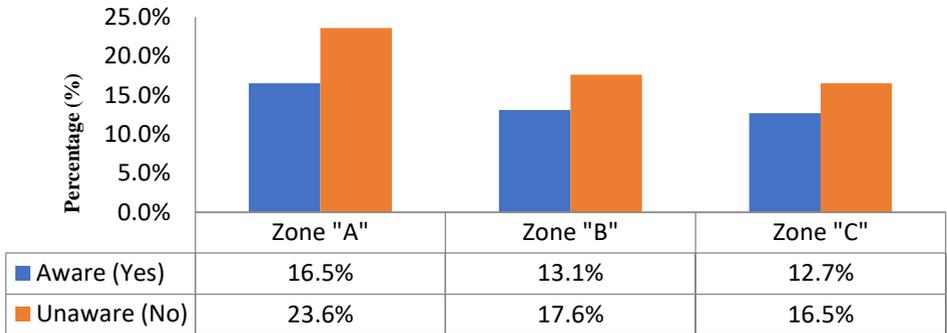


Figure 5: Awareness of goals of development control activities

5.0 Conclusion and Recommendations

An administrative system that seeks to plan the nation’s resources and regulate the use and development of land requires a full and rigorous statutory code that will ensure compliance. However, the study revealed that there is an awareness of penalties without compliance. This implied improper and inefficient execution of planning policy. Moreso, there was control of development without an operational guide which resulted in a futility exercise for the Abeokuta-West Zonal Planning Area; as the majority of the residents did not comply with planning laws and regulations, and they complained that the procedures involved in obtaining development permits are cumbersome and expensive.

In conclusion, it is worthy to note that guidelines and standards for development are not just laws stipulated, but are meant to help produce a better environment that is conducive, aesthetically pleasing, functional, safe, and more importantly healthy for all the inhabitants of Nigerian urban and rural areas. It, therefore, requires collective action of the public and private sectors of the nation, as well as the government in providing means of educating the public; and skill development of the personnel responsible for delegating these duties.

Planning is people-oriented; hence, compliance is an outcome of planning policy. To this end, it is necessary to devise and enforce a competent method of planning

and control. Regulatory measures were recommended for the improvement of development control practice in the study area. These include the provision of the framework as a guide for physical development; effective public awareness; and enlightenment programmes. Much of the practice of urban planning involves the day-by-day human developmental activities, whether new or extended buildings or the change of use of sites or structures, that should comply with planning standards and regulations. By doing so, the physical forms of settlements (their positions, sizes, distance, spacing, ground cover, etc.) and environmental activities will be orderly.

Planning precedes development, therefore, there should be preparation and implementation of a physical development plan to guide and co-ordinate development across the planning area, as well as the States of the Federation. This will serve as an essential framework to enforce physical planning laws and regulations. However, its implementation must not sub-serve other ends; especially selfish and unpatriotic ones in the society.

In addition, cooperation and collective discipline of the Planning Agencies and personnel, as well as training and re-training of the personnel, is required; to ensure strict adherence to planning laws and regulations. Meanwhile, various socio-economic classes (high, medium, and low classes), especially the low-income earners, should be given considerate attention in the course of policy formulation and planning implementation.

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