## An Analytical Study of Laws and Policies Influencing the Use of Land in Metropolitan Lagos, Nigeria

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Abstract: This study investigates laws and policies influencing land use in metropolitan Lagos. Analysis of these laws and policies were presented based on the responses on 755 questionnaires administered on residents in 43 zones into which metropolitan Lagos was divided. The division was based on peculiarities of the land use structure of the city. Among government policies and laws influencing land use in the study area are land acquisition policy, master plan and zoning, rent laws, sources of land ownership, building approval procedure, property and land use charge laws. The application of the principal component technique for the analysis shows that joining properties and sources of ownership are the two most prominent factors influencing land use in metropolitan Lagos. The study suggests that to achieve sustainable land use in metropolitan Lagos, there is need to re-appraise the position of land acquisition policy in the study area with a view to making proposals which will open up the acquired lands for rational uses by the public and the government. It is also recommended that all levels of government should embark on appropriate planning scheme as they are empowered to do by the Lagos State Urban and Regional Planning Law, of 1998. Such schemes should give strong consideration to rezoning. The city's building regulations and land tenure should be re-examined and reviewed with a view to making them more responsive to current and future needs of the city as most of the planning regulations are no more appropriate to cope with the emerging realities of the city land use planning.

Key words: Anallysis, laws, policies, metropolitan lagos, Nigeria

## INTRODUCTION

The pride of place of urban areas in human development has been well documented by various scholars. Most of the factors influencing urban land use are similar everywhere but the level and intensity of the factors varies in magnitude from one urban centre to another; it also varies from one region to another usually, based on socio-economic, cultural, infrastructural facilities, government institutional framework, policies and laws. This has been confirmed through recent studies of Olaore *et al.*<sup>[1-8]</sup> on urban areas in Osun State, Nigeria.

This study therefore presents the situation on laws and policies influencing land use in metropolitan Lagos-Nigeria's former capital city and presently the leading commercial and industrial city in Nigeria. The study adopted the survey research method during which 755 questionnaires were distributed to land users across various land uses in the study area.

The data collected were analyzed and presented with simple frequency tables and percentage distribution of responses. The principal component analytical technique was used to identify the most influential factors on land use in metropolitan Lagos. Also existing laws affecting land use in the study area were reviewed with emphasis on the level of their successes.

Urban land use is the physical manifestation of socio-economic, cultural, political and environmental forces shaping the use of lands in urban areas. The spatial pattern and nature of proportion of land uses in urban areas is largely influenced by the national policies and economy; such as housing policy, transportation, agricultural policy, industrial policy and development of communication technologies. The proportion of the productive population and growing discretionary incomes act as economic magnets attracting new activities which eventually reshape urban growth and development.

Generally, urban area is characterized by predominantly secondary and tertiary economic based land use activities which include residential, commercial, industrial public, semi-public, circulation and recreational land uses. Residential area is usually of the largest proportion of between 50-60% land area coverage.

The proportion of the area covered by different land uses are influenced by many factors which include socio-economic, physical and environmental, technical infrastructure, government policies and laws. However this paper is particularly interested in the environmental laws and policies influencing land use in metropolitan Lagos. During the development of land, many factors are usually at work. Three basic frameworks can be established as major factors influencing urban land use.

These are physical, institutional and economic<sup>[9]</sup>. An illustration of the economic framework is a situation whereby a developer who secures the land in the market influences it to effect a change of use. As a result the land use becomes arranged in certain manner in response to the demand of the consumers for the products and services of land. If the land market were allowed to operate freely it would give rise to best use of land. Since this will not be good for efficient land use the need for land use planning becomes imperative, thus the need for institutional framework to manage and control land use within the carrying capacity of the physical environment.

## MATERIALS AND METHODS

Metropolitan Lagos is located in the south western part of Nigeria. It is the largest metropolitan area in Nigeria<sup>[10]</sup> consisting of 17 Local Government Areas Fig. 1. Lagos Metropolis lies generally on low lands with about 18,558 hectare of built-up area with a population of about 10 million people. Along the southern boundary of the study areas is the Atlantic Ocean, in the West are Ojo and Ijanikin settlements. Lekki settlement forms the eastern boundary, while the northern boundaries are landmass of Ikorodu and Alagbado. Fig. 1 The general structure of land use distribution shows that residential areas occupy the single largest proportion of 9,669 hectares 52.1%, while commercial has 1,021 hectares 5.5%, industrial 1,448 hectares 7.8%, institutional and special use 2,784 hectares 14%, transportation 3,340 hectare 18% and open spaces 520 hectare 2.8% Existing laws enacted from 1980 to the present time which have influence on land use are reviewed with emphasis on the major provision of this law and the level of the successes achieved or otherwise in the efforts to implement their provisions. A questionnaire survey was conducted on 755 persons. The respondents were asked to rank environmental factors and government policies, which influences land use in metropolitan Lagos.

Review of laws, policies and institutional factors influencing land use in metropolitan lagos: Institutional factors affecting urban use include customs, traditions, laws, organisations and other institutional aspects of human society. Examples are the recognition by society of private property interest in land, public control over private property rights, the practice of financial institutions such as mortgage and urban development banks and of the government agencies and public corporations. Prominent among institutional factors influencing land use in urban areas in Nigeria in particular are government instruments for controlling the use of land. Such instruments include the master plan, zoning regulations, rent laws, land acquisition policies, sources of titles which include letter of allocation and certificate of occupancy. Other sources of landed property ownership are family sources, leasehold and gift. The type of ownership source of a landed property influences its use. For example a landed property with certificate of occupancy will attract high value and use than one without a certificate of occupancy. Also planning laws always specify the use to which land may be put or it may stipulate that it must be let to a sitting tenant at a specific rent<sup>[1]</sup>. The rent law and the recently enacted property tax in Lagos State are expected to influence the maximum amount of rent that can be collected on property in different parts of Lagos State.

Specifically between 1980 to the present time, enacted laws influencing land use in metropolitan Lagos can be classified into seven categories namely:

- Town planning and land use regulations
- Housing and property development regulations
- Traffic and transportation regulations
- Urban renewal regulations
- Pollution and environmental regulations
- Recreation legislations
- Rent and land use charge legislations

Under the town planning and land use regulations, the land use decree No. 6 of 1978 is perhaps the most potent. The decree vested all land within a state on the Governor. Under the decree all land was to be held in trust and administered for the use and common benefit of all Nigerians. Unfortunately, the aim of the decree has not been significantly achieved as state ownership of land has kept a large chunk of land off the market. The rate of demand for land could not be matched by the rate of

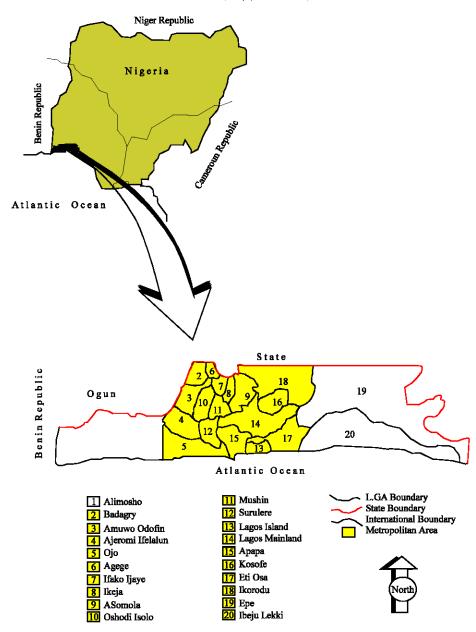


Fig. 1: Map of Nigeria highlighting the metropolitan area within lagos state

government alloc ation of land. The people had to resort to illegal means of acquiring and developing land as rapid population growth mounted pressure on the demand for land. Other town planning legislations influencing land use in metropolitan Lagos are the Town and Country Planning Law Cap 188 of 1968 which made provision for the establishment of a planning commission and a planning authority, with the former expected to formulate policies on town planning activities and physical development of Lagos State, through the preparation of physical development plans such as the master plans,

district plans, outline plans, regional plans and development schemes. The planning authority is expected to prepare comprehensive regional and re-development plans and development control. The Town and Country Planning (Building Plan) Regulations Cap 188 of 1986 made it mandatory for any developer intending to carry out any proposed development to apply to the Town Planning Authority for approval of the building plan<sup>[11]</sup>. The law succeeded in establishing building plan standards and in sensitizing the general public on the need for plan approval. The Town and Country Planning

(Governing Conditions for Development of Estates by private Developers) Regulation Cap 188 of 1990 stated that all development on government land by private developers to fall under this law and the developer of such schemes shall be issued with a certificate of occupancy in addition to specific agreement between such developer and the government. The legislation was enacted to empower developers acquire large tract areas of land for development<sup>[12]</sup>. The positive results of the law are manifested in the creations of Victoria Garden City (VGC), Chevron Estate, Oniru Estate, Crown Estate and many others. The Nigerian Urban and Regional Planning Decree of 1992 and the Lagos State Urban and Regional planning Board Edict No. 2 of 1998 were respectively enacted with the former making provision for planning at all levels of government with each charged with the responsibilities of initiating, preparing and implementing specific class of physical development plans. The law provides for the establishment of the National Urban and Regional Planning Commission at Federal Level, State Urban and Regional Planning Board and Local Planning Authorities. The decree was a milestone in the annual of Town Planning in Nigeria after the 1946 Town and Country Planning Law. The Lagos Urban and Regional Board and Local Planning Board Edict No 2 of 1998 emanates from the 1992 Federal Planning law. The Lagos Edict provides for the establishment of Lagos State Urban and Regional Board and Local Planning Authorities. The implementation started in earnest. It has however recorded significant success, despite th teething problems it has experienced. The Board at the state level is firmly established while all the local governments in Lagos State have their planning authorities in place.

The second categories of land use laws operative in metropolitan Lagos are classified under Housing and Property Development Legislations. The New Town Development Authority Law Cap. 135 of 1983 was enacted to establish the Lagos State News Town Development Authority (NTDA)<sup>[14]</sup>. The basic function of the NTDA is to develop, hold, manage, sell, lease or let to persons or companies, landed properties, dwelling houses, offices, commercial homes and industrial building. The NTDA has succeeded in creating many residential and industrial estates in metropolitan Lagos. The Neighbourhood Improvement Charge Law Cap 136 of 1986 made provisions for the levying of improvement charges on private estates or developed or undeveloped properties or land in the State and improvement charges in the area if satisfied that an infrastructural facilities had been provided by the state government at public expense or by any of its agency in a neighbourhood or if the quality of

a neighbourhood had improved. Unfortunately the law failed to make any significant impact. The Lagos State. Development and Property Corporation (LSDPC) Cap 120 of 1990 was enacted to act as commercial developers and estate managers and agents in respect to landed property, dwelling houses, shopping centres, offices and industrial buildings in residential and industrial estates<sup>[13]</sup>. It has the power to develop and acquire landed properties. The corporation has made significant impact but the high cost of construction has significantly affected her capacity to deliver properties especially residential to Lagosians.

The third category of laws influencing land use in metropolitan Lagos is those classified as Traffic and Transportation Regulations. The Lagos State Transport Corporation Law Cap 104 of 1977 was enacted to provide efficient adequate, economically and property integrated modern system of public inland transport facilities<sup>[14]</sup>. The corporation set up under this law took off with appreciable progress which was difficult for it to sustain. It has since gone into eclipse. The Lagos Parking Authority Law Cap 95 of 1980 provides for a parking authority to develop truck terminal, horizontal high-rise and off street parking spaces and charge fees on private commercial parks<sup>[15]</sup>. Little has been achieved by the law as parking remains one of the major circulation land use problems in metropolitan Lagos.

The fourth category of laws influencing land use in metropolitan Lagos is the Urban Renewal Regulations, for which the Lagos State Urban Renewal Board Law Cap 106 of 1991 was enacted to create a board whose basic functions include continuous identification and study of areas and draw up schemes for areas due for urban renewal<sup>[16]</sup>. The board is also responsible for resettlement schemes. About seventy blighted areas have so far been identified in metropolitan Lagos with efforts being initiated to provide infrastructure and facilities in fifteen of them.

Pollution and General Environmental Regulation constitute the fifth category of laws influencing land use in metropolitan Lagos. The Environmental Pollution Control Law Cap 46 of 1989 was enacted to provide guidelines for the control and protection of the environment. The major focus of the law is the industrial land uses as it concentrates on the treatment and management of waste generated by the process of manufacturing, storage of chemicals in residential and commercial areas<sup>[17]</sup>. Manufactures are expected to pay pollution discharge fees. Despite this law, manufacturing industries still discharge untreated waste into drainage channels while the law has not been able to tackle the problems of noise and atmospheric pollution.

Management Authority with the responsibility to remove, collect and dispose of domestic, commercial and industrial wastes, clear and maintain public drainage facilities, clean streets, remove and dispose of abandoned and scrapped vehicles, remove and dispose of carcass of dead animals from public areas. The recent registration of the private sector participation in waste management has been of significant support to the appreciable efforts of the state waste management authority.

The sixth category of environmental laws affecting land use in metropolitan Lagos is the recreational legislations of which the Lagos State Park Commission Law of 1985 is the most visible<sup>[18]</sup>. The law made provisions for the establishment of the Lagos State Park Commissions state parks and beaches, maintenance and management of these parks and beaches. The commission is also charged with the responsibilities to grant permits to persons or organisations wishing to operate snack shops, camping sites, hunting, canoeing, boating, fishing and sailing in the inland waterways. The impact of the commission has hardly been felt.

Rent and Land Use Charge Regulations constitute the last category. This class of laws has always been charged with great emotions and confrontation. The 1997 Lagos State Rent Edict has recorded little or no success<sup>[19]</sup>. The recently enacted Lagos State land Use Charge Law No. 11 of 2001 which was aimed at replacing tenement rates, ground rent and neighbourhood improvement charges with a single land use charge<sup>[20]</sup>. However, this has been vehemently opposed by many groups in the metropolis especially, manufactures, landlords and tenants of various properties in the state. Its implementation has generated many courts cases in the law against the government by many interest groups. The major grouse of the people against the law is that its provisions are unrealistic, unscientific and against acceptable professional norms on property practice. Thus the law lacks consultation and consensus with major stakeholders. The state government has accepted to review the law.

Field analysis: A study of this nature will be incomplete without the presentation of the views of the users of land in the study area. Therefore the study administered 755 questionnaires, which was distributed to cover all major land users in the study area. The analysis of the responses was done through the use of simple frequency Table, which indicates the number of responses and the percentage distribution. Also principal component analysis was applied to identify the most important factors influencing land use in metropolitan Lagos. Data were collected on the following policy variables: land acquisition, master plan, laws and regulations and sources of land ownership.

Government policies and laws influencing land use in metropolitan lagos: The importance of government policies and institutional factors as determinants of land use has been confirmed through many studies such as in the works of Olaore<sup>[1-3,5]</sup> on Ilorin. The institutional factors and government policies discussed in this section among other major determinants of land use in the study area are government policy of land acquisition, master plan and zoning regulations, laws and planning regulations, sources of land ownership. Details of respondents' views are shown in Table 1 and Fig. 2.

Land acquisition: In the study area, both in the urban core highly built-up area and particularly around the urban fringes, sizeable land areas are under government

Table 1: Government policies as factors influencing land use in metropolitan lagos

	Ranking	Engaronari	Domontono (04)
	Ranking	Frequency	Percentage (%)
Land acquisition policy	(1)	204	27.02
	(2)	216	28.61
	(3)	335	44.37
	Total	755	100
Master plan	(1)	490	64.90
	(2)	136	18.01
	(3)	129	17.09
	Total	755	100
Laws and regulation	(1)	461	61.06
	(2)	123	16.29
	(3)	171	22.65
	Total	755	100
Source of ownership	(1)	573	75.90
(private or government	(2)	108	14.30
	(3)	74	9.80
	Total	755	100

Source: Field survey, 2003. Ranking, strong influence (1), Partial influence (2), No influence (3)

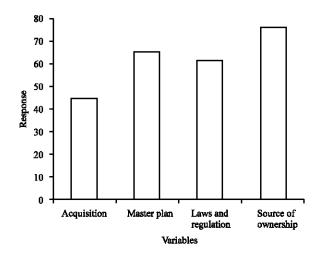


Fig. 2: Government policies as factors influencing land use in metropolitan lagos

acquisition. Thus, it is a common feature to see dilapidated randomly distributed neighbourhoods in the built-up areas on which new or redevelopment are not allowed because such areas are under government acquisition of either the Lagos State Government or the Federal Government. Such inner city areas exist in Lagos Island, Obalende, Ikovi, Victoria Island and Yaba. In the urban fringe it is most rampant to the extent that virtually no large track of land is owned by any individual or family especially around un-built up areas. The issue is more problematic in the sense that government failed to come up with schemes on what is to be done with the land so that the public and private developers can indicate their interest on such areas. This is the major problem militating against access to land by the public which is a major obstacle towards efforts by individuals to having access to land for various developments especially for housing. The responses of the respondents on the influence of government land acquisition on land use are shown in Table 1. Generally a total of 55.63% are with the view that government land acquisition has influence on land values in Lagos. This shows that the issue of land acquisition by government deserves attention especially in the situation where acquired land areas are left dormant without any scheme. This has ripple effects which usually lead to scarcity of lands in the market for people to purchase thus leading to scarcity of housing supply and high cost of rentals of residential apartments in particular.

The master plan: The use of the master plan is one of the popular urban planning approaches, which provide comprehensive urban development plan indicating policy guides on the physical development of any city or town. Zoning regulation is part of the sub-sections in the master plan in which parcels of land of specific uses are indicated. This means that to a large extent, the existing master plan and in this case the 1985, Metropolitan Lagos Master Plan and the zoning regulations therein should be of relevance as part of the determinants of land use in metropolitan Lagos.

When the respondents were asked on the influence which these planning documents have on land use; majority of the respondents 490 or 63.46% indicated that they have strong influence on land use, while 136 (18.0%) showed that they have partial influence, with 129 (19.09%) are of the view that they have no influence. With total respondents of 81.47% indicating that the master plan and zoning have strong and partial influence on land use. This shows that to a very large extent, the respondents are aware first of the existence of these planning documents guiding the physical growth of the city and that these documents influences to a large extent what they can do with lands in different parts of the city.

Laws and regulations: The most recent laws and regulations which have influence on land use in metropolitan Lagos are the Lagos State Rent Edict of [19], Lagos State Urban and Regional Planning Board Edict No. 2 of [13] and the Land Use Charge Law No. 11 of [20]. Based on the foregoing, the views of the respondents were sought on how they felt about the influence of these laws and planning regulations on land use. Interestingly, 461 (61.06%) of the respondent indicate that it has strong influence on land use, while 123 (16.26%) showed that it has partial influence and 171 (22.65%) were of the view that it has no influence.

Sources of property ownership: In the study area there are two basic sources of ownership of land: Lagos State Government and the Federal Government on one hand and the private sources on the other. The latter comes in many shades and forms which including family inheritance, gift; purchase from the family, corporate bodies' estates among other sources. The source through which property title is obtained could influence significantly the value of such properties. In most cases, landed properties obtained from government sources are expected to be cheaper but recent findings revealed that government agencies landed properties prices are based on open market prices at least for the first hand purchaser of such land from government. Subsequent purchaser will now have to pay more than the initial price of purchase by the first purchaser thus putting the real prices of government landed property at higher prices than those bought from other sources. The main favourable factor for the success of the high cost of government landed properties is that the titles of these properties are usually free from any encumbrances unlike private landed properties-especially properties owned by families. Field data showed that 573 (75%) of the respondents in the study area are of the view that sources of ownership have strong influence on land use with only 74 (9.08%) indicating that laws and regulations have no influence on land use.

Further analysis on the determinants of land use was done with the use of principal component analytical technique. Since the principal component technique produces components in descending order of importance, therefore its adoption in this study is an aid in reducing the variables into fewer numbers, which account for as much as possible all the variables among the original variables. The results of the application of this technique are discussed in the following section of this study.

First, it is necessary to state that for the research a total of 95 variables were used for the analysis. For the purpose of this study the seven variables which have been established in the literature and theoretical framework as prominent in influencing land uses have been isolated as the basis of analysis in this study, thus the moderate level of correlation observed in Table 3.

The results obtained in the matrix of correlation shown in Table 3 shows that all the variables have significant degree and positive relationships with one another. The score on the relationship between land acquisition policy and intensity of land use shows the highest positive association with a figure of. 6712. This means that there is significant influence of this policy on land use as most lands under government acquisition are well controlled by the planning agencies. Also the relationship between the following recorded very high degree of positive relationships: Master plan and Zoning (.6164), land ownership and acquisition policy (.6586) and master plan and laws (.6586). The implication of the above is that land acquisition policy is bringing out the desired effect of controlling the intensity of land use as expected while the master plan is also resulting in the ease with which existing land use policies and planning laws influence land use as they provide directions towards which development should follow in the study area.

The result of the component loading of the variables is revealed in Table 4:

A further analysis of these variables was dome through the application of principal component technique aimed at making each independent of each other.

Table 5 shows the result of the extraction process when the seven variables that are factors influencing land uses were subjected to principal component analysis. The seven factors have been reduced to two, which gives account of all the other factors. The first component is renamed zoning and the second component renamed sources of ownership. It can be observed in Table 5 that the first factor has an Eigen value of 2.363 which is the relative magnitude and proportion of variance accounted for by the first variable. Usually the first Eigen accounts for the highest variance in the data set. The first component also explains 33.755% of the variance of the data, while the first two components also account for 53.128 of the variance of the data. As discussed earlier, the aim of the principal component is that of data reduction; thus, not all the components or factors influencing land uses are retained in the final rotation solution. The first two components which account for 53.128% of the variance in the data are retained. This is based on the criterion that the two factor components have at least 5% of the total variation based on Spence's specification[10].

Table 6 revealed the component loading for each primary variable of each of the two components when they are subject to varimax rotation.

Table 2: Variables use in factor analysis

Var 2 Zoning as factors influencing land use Var 3 Flooding and Erosion as factors influencing land use
Var 3 Flooding and Erosion as factors influencing land use
Var 4 Land acquisition policy as a factor influencing land use
Var 5 Master Plan as factor influencing land use
Var 6 Laws and Planning Regulations as factors influencing land us
Var 7 Sources of land ownership as factor influencing land use

Sources: Field survey, 2003

Table 3: Matrix of correlations Variables 1 1.0000 1 2 0.4689 1.0000 1.0000 3 0.4590 0.46224 0.6712 0.5025 0.4788 1.0000 5 0.4617 1.0000 0.4689 0.4788 0.6164

0.4518

0.6586

0.5622

0.4893

1.0000

0.4092

0.6694

0.4689 0.4398

0.4528 Sources: Computer output, 2003

0.4203

Table 4: Component loading of variables

0.4744

Components	Initials total	Eigen variance (%)	Values cumulative
1	2.363	33.755	33.755
2	1.356	19.373	53.128
3	0.871	12.436	65.565
4	0.740	10.571	76.136
5	0.609	8.706	84.842
6	0.509	8.410	93.251
7	0.472	6.749	100.000

Sources: Computer output, 2003

Table 5: Extraction of initial factors (components)

Factor No.	Eigen value	(%) of variance	Cumulative (%) of variance
1	2.363	33.795	38.755
2	1.356	19.375	53.128

Sources: Computer output 2003

Table 6: Component loading for each primary variable

		Factors		
Variables		1	2	
Var 2	Adjoining properties	0.652	0.385	
Var 7	Sources of ownership	0.635	0.126	
Eigen value		2.363	1.356	
(%) of total variable		33.755	19.373	
Cumulative (%) of total		33.755	53.128	

Source: Computer, 2003, Note: Loading that is equal or greater than 0.40 is considered to be high

The interpretation of the loading is the same as it was done in the matrix of correlation coefficients. A factor loading of 0.40 and more is considered to be high. This is also in agreement with Spence<sup>[10]</sup> who considered 0.40 as a cut off level for high factor loading. Based on this, the first factor, which accounts for 33.755% of the total variance loads highly on both zoning and sources of ownership whereas the second factor which accounts for 19.375% of the total variance loads relatively low both on sources of ownership and zoning with figures 125 and 385, respectively. The implication of this is that zoning and sources of ownership are highly related in factor 1, while they are weakly related in factor 2. The implication of this is that zoning highly influences the nature of land use in metropolitan Lagos. It can be concluded that these factors or components can be used to describe the spatial variation of factors influencing land use in metropolitan Lagos.

**Recommendations and conclusion:** It is evident from this study that among existing planning laws and policies in Lagos State which also adopted in Metropolitan Lagos, the need to have special focus on nature of zoning and sources of land ownership has been isolated as the major factors influencing land use in metropolitan Lagos. The planning implication of these findings is that any meaningful land use policy in the study area should give prime consideration on how these two variables can be used to benefit the study area in terms of land use. This study therefore suggests that the planning agencies in metropolitan Lagos should consider the re-zoning of built up areas especially the inner city areas where there is increasing intensity and conflicting land uses. This should reflect in the future town-planning regulations. Access to land should be over hauled to make it easier to obtain land for development. This will certainly call for an urgent review of the land use decree and land allocation procedure in Lagos State. Also the current acquisition policy of land especially by the Federal and State governments should be reviewed in favour of opening up these lands, through appropriate schemes especially n schemes with the aim of making land available to the public. All levels of government should be involved in this process.

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