

## Physical Planning Administration and Opportunities for Private Planning Practice in Nigeria

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### **Abstract**

*Many Nigerians consider the practice of urban and regional planning/town planning to be purely a public sector dominated activity. Unfortunately, many graduates of urban and regional planning/town planning are also enslaved by this thinking. They look up to government alone for employment into the ministries, parastatals and agencies concerned with the practice of physical planning, such as the ministries of Urban Development and Renewal, Capital City Development Authorities and Physical Planning Directorates of Institutions such as the Universities and Polytechnics, etc. Considering the rising number of Urban and Regional Planning graduates in Nigeria yearly, the employment opportunities available in the public sector may continue to shrink. The aim of this study therefore was to examine the Nigerian legal framework of the physical planning administration to reveal and highlight the opportunities available for private planning practice in Nigeria. The study has identified ten opportunity areas that can be harnessed for private physical Planning practice. They include; landscape planning and development; recreational planning and development; transportation and traffic planning; advocacy services; geographic information systems services, etc. The researcher observes that opportunity areas are not limited to those identified in this study but that there are no limits to what a qualified planner can do to solve the preponderances of human/environmental interrelated problems in our society. With good knowledge in the subject and skills on the available contemporary technological tools and ingenuity on the part of a trained Town Planner, he can become problems solver, self-employed and employer of labour.*

**Keywords:** Physical planning; administration; private planning practice; opportunities; Nigeria.

### **Introduction**

Physical planning is the act of decision making in the use of land in a rational manner to create an orderly and aesthetic environment for living, working, circulation and recreation (Keeble, 1969). It involves a set of procedures in making choices among alternatives and in determining future courses of action in the public interest (Duruzoechi, 2010). Also, Kadiri (2012) describes Town Planning or Physical Planning as the spatial ordering of land use both in Urban and Rural settings for the purpose of creating functionally efficient and aesthetically pleasing physical environment for living, working, circulation and recreation.

From the foregoing, it is clear that the main purpose of planning is to achieve sustainable development. But for emphasis, the Nigerian Institute of Town Planners (NITP) highlighted the purpose of planning to include:

- i. Making the environment created today to meet the demands of tomorrow;
- ii. Making the environment to satisfy the pluralistic values and attendant needs of the identified group of people;
- iii. Ensuring that all activities arising from human needs, individually or collectively expressed, co-exist in harmony; and
- iv. Ensuring that investments, conveniences, functionality, living and working within the environment are maximized (NITP, 2016).

However, to ensure that the decisions made and courses of action determined on the use of our urban and rural environments for development purposes are for the best interest of citizens, there must be a legal framework. The legal framework defines the rights and limitations of appropriation and use of the land by private individuals, corporate bodies and governments, and the practice of the planning profession. In Nigeria, the Nigerian Urban and Regional Planning Law (CAP N138 LFN 2004), Law establishing Town Planners Registration Council (CAP T 7 LFN 2004) provides the Rules and Regulations for the Control of Town Planning Practice, Code of Conduct and Practice Regulations for Town Planners are among the existing physical planning legislations in Nigeria.

Many Nigerians consider the practice of urban and regional planning/town planning to be purely a public sector dominated activity. Unfortunately, many graduates of urban and regional planning/town planning are also enslaved by this thinking. They look up to government alone for employment into ministries, parastatals and agencies concerned with the practice of physical planning, such as the ministries of Urban Development and Renewal, Capital City Development Authorities and Physical Planning Directorates of Institutions such as the Universities and Polytechnics etc. Considering the rising number of Urban and Regional Planning graduates in Nigeria yearly, the employment opportunities available in the public sector may continue to shrink.

The aim of this study therefore was to examine the Nigerian legal framework of the physical planning administration to expose and highlight the opportunities available for private planning practice in Nigeria. These opportunities can be harnessed for private physical planning practice, thus graduates of Urban and Regional Planning and retired Planners can take advantage to generate employment for themselves and others.

#### **Legal Basis for Physical Planning Administration**

The 1992 Nigerian Urban and Regional Planning Law (CAP N138 LFN 2004) apportions physical planning responsibilities to the three tiers of government in Nigeria as follows:

**The Federal Government:** The law assigns the following responsibilities to the federal Government:

- a. The formulation of national policies for urban and regional planning and development
- b. The preparation and implementation of the national physical plan and regional plans on the recommendations of the minister charged with the responsibility for matters relating to urban and regional planning.
- c. The formulation of urban and regional standards for Nigeria in the recommendation of the minister.
- d. The promotion and fostering of the education and training of town planners and support staff.
- e. The promotion of co-operation and co-ordination among states and local governments in the preparation and implementation of urban and regional plans.
- f. The promotion and conduct of research in urban and regional planning.
- g. The making of recommendations and dissemination of research results for adoption by user organizations.
- h. The supervision and monitoring of the execution of projects in urban and regional planning
- i. The development control over federal lands and
- j. The provision of technical and financial assistance to states in the preparation and implementation of plans.
- k. For the purpose of executing the above responsibilities, the law provides the establishment and maintenance of National Urban and Regional Planning Commission, comprising:

- (a) A chairman
- (b) one representative of each of the following professions who must be a registered member of the relevant profession: i. Town Planning; ii. Architecture; iii. Civil Engineering; iv. Land Surveying; v. Law; vi. Estate Surveying.
- (c) One representative of each of the following:
  - i. The federal ministry of works and housing.
  - ii. the Federal Ministry of Agriculture, Water Resources and Rural Development
  - iii. The Federal Ministry of Finance
  - iv. the Federal Ministry of Commerce and Tourism
  - v. the Federal Ministry of Power and Steel
  - vi. the Federal Environmental Protection Agency
  - vii. the Federal Ministry of Transport and Communications
  - viii. the National Electric Power Company
  - ix. the Nigeria National Petroleum Cooperation and
  - x. the Nigerian Communication Commissions
- (d) one representative of the Nigeria chamber of Commerce, Industries, Mines and Agriculture.
- (e) representatives of the States of the federation and FCT in rotation.

The executive Director, himself a registered planner appointed by the Commission, serves as the Chief Executive Officer of the Commission: The Chairman must also be a registered town planner.

**The State Government:** According to the Law, the State government is responsible for the following:

- a. The formulation of state policy for urban and regional planning within the framework of national policies.
- b. the preparation and implementation of regional, subregional, urban and subject plans within the state.
- c. the promotion and conduct of research in urban and regional planning.
- d. the dissemination of research result for adoption by user organizations and
- e. the provision of technical assistance to local government in the preparation and implementation of local, rural and subject plans.

To enable the State to execute the assigned responsibilities, the law provides the establishment and maintenance of the “State Urban and Regional Planning Board” comprising the following members:

- a. A chairman
- b. One representative, each of the following profession who shall be a registered member of the relevant profession: i. Town Planning; ii. Architecture; iii. Civil Engineering; iv. Land Surveying; v. Law; Vi. Estate Surveying.
- c. One representative each of the following: i. the State Environment Protection Agency; ii. The National Power Commission.
- d. One representative each of the following: i. Ministry of Works and Housing; ii. Ministry of Agriculture; iii. Ministry of Finance
- e. Five representatives from the Local Governments in the state in rotation.

The secretary and the Chairman must be registered Town Planners.

**The Local Government:** The Law assigns to the Local Government the preparation and implementation of the following:

- a. a town plan

- b. a rural area plan
- c. a local government plan
- d. a subject plan and the control of development within its area of jurisdiction.

To enable the local government to execute the responsibilities, the law provides for the establishment and maintenance of the Urban and Regional Planning Authority “comprising a Chairman who must be a registered planner and not more than five representatives of the wards in the Local Government Areas in rotation. Also one representative from each of the following professions who shall be a registered member of the relevant profession: i. Architecture; ii. Civil Engineering; iii. Land Surveying; iv. Law; v. Town planning. Also, works and education supervisors of the local governments.

#### **Town Planner Registration Council of Nigeria (TOPREC) Law (CAP T7 LFN 2004)**

The Decree No.3 of 1988 and as amended via Cap.T7, Law of the Federation of Nigeria, 2004 established Town Planners Registration Council of Nigeria (TOPREC) to be responsible for the rules and regulations for the control of the planning practice in Nigeria. Therefore, it is TOPREC that guides the activities of Town Planners, institutions and non-governmental organizations that carry the appellation of Town Planning (Urban and Regional Planning) in Nigeria.

#### **Who is a Town Planner?**

“Town Planner” is the professional name given to a person registered by the “Town Planners Registration Council (TOPREC) to practice the profession of Urban and Regional Planning in Nigeria. A registered Town Planner is addressed with the prefix 'Town Planner' abbreviated as {TPL} before his name, e.g. Town Planner (Dr.) Ekong Daniel; TPL Ekong Daniel, *Ph.D.*

To become a registered town planner (RTP), the person must have:

- i.) Undertaken his professional studies in a tertiary institution accredited by (TOPREC) to provide professional education in urban and regional planning or; he holds a qualification granted outside Nigeria from institutions granting similar registration rights in such countries and recognized and approved by the Town Planners Registration Council of Nigeria; he holds a certificate recognized and approved by TOPREC.
- ii.) Produced a log book obtainable from TOPREC covering his professional experience during the two years' professional pupillage.
- iii.) At the end of the two-year pupillage, passed a Professional Planning Practice Examination (PPPE) approved and conducted by the TOPREC, or
- iv.) Possessed a professional registration from similar Professional Councils in the United Kingdom, USA, Australia or other common wealth nations as approved by the council under a reciprocal arrangement, and
- v.) that such person either a national or a foreigner in private or public employment must submit to TOPREC an application indicating his intent to register and abide by the rules and regulations of TOPREC.

#### **A Town Planning Firm**

TOPREC also approves the registration of all professional firms offering Urban and Regional Planning practice either as an ordinary practice firm, or as a consulting firm.

**Practice firm:** such firms must be headed by a registered Urban and Regional Planner (RTP).

Application for registration must be accompanied by: i. the registration certificate of the principal of the firm; ii. the location of the office where the firm will operate; iii. the registration of the firm under the Corporate Affairs Commission; iv. The list of Staff; v. Evidence of the annual practice fee payment; vi. Evidence of current practicing license by planning staff; vii.

Evidence of Nigeria partnership in the registered Article of Association; viii. Evidence of having been in practice for at least three (3) years.

**Consulting Firm:** Consulting firms are expected to obtain registration from TOPREC and in this process, submit the following: i. Evidence that the principal has at least ten years of professional practice duly certified by the institutions where the practice was undertaken; ii. Evidence of registration by the Corporate Affairs Commission; iii. Evidence of major projects and or exercises in which the principal officer participated; iv. Evidence that he is a registered Town Planner who has been found fit and honourable to carry out such practice; v. Evidence of the company's Memorandum and Article of Association confirming his statutory registration to carry out such profession; vi. evidence of current practicing license by planning staff.

### **The Role of the Nigerian Institute of Town Planners (NITP)**

The Nigerian Institute of Town Planners (NITP) established in 1966 with the aim of attaining sustainable human settlements in Nigeria has as part of its objectives, the establishment and enforcement of a code of professional practice and conduct for Town Planning Practitioners in Nigeria. Therefore, before a trained Town Planner becomes registered with TOPREC to obtain practicing license, he must first have been a full registered member of the Institute for a minimum of two years. Also, before one becomes a full (corporate) member of the Institute, he must have acquired a minimum of two-year post qualification experience in Town Planning under the supervision of a corporate member in practice.

### **Private Planning Practice Opportunities in Nigeria**

Individual registered Urban and Regional Planners, registered practice firms or registered consulting firms can practice the profession as a business to make profit as well as to assist their clients in developing aesthetic, liveable and affordable sustainable environment. Some of the planning business areas identified in this study are discussed as follows:

**i. Land Development:** According to the land Use Act of 1978, land in Nigeria, whether in an area designated as urban area or rural area, are vested collectively in the authority of the Government. The right of individuals to land is guaranteed by simple allocation through the issue by local government of a 'Right of Occupancy' in the rural areas and 'Certificate of Occupancy' by the State Government in the urban areas.

Under this Act, individuals are permitted to own only a plot of land in an urban area, as well as in the rural area. But for an effective and economically viable physical planning and development project, investors in the real estate business require several hectares of land. It is only the State government and Local government that have the power, under the Land Use Act to appropriate such amount of land in areas designated as Urban or Rural areas respectively. Therefore, private planning firms who have the financial resources can acquire and develop such property and rent them to tenant occupiers for annual income.

**ii. Layout and Site Plans:** The services of private Town Planners are often needed by government, companies, institutions, organizations and individuals to design private layouts for them, either for residential, industrial, commercial or institutional purposes. There are several individually owned residential estates that were designed and the development supervised by privately practicing Town Planners. They can also produce site plans of development project for developers. These are important documents normally required for approval of the development by planning authorities.

**iii. Landscape Planning and Development:** Landscape planning is a process of articulating

existing open spaces for the purpose of enhancing the quality of the environment using structural and nonstructural beautification materials such as sculptures, rock outcrops, bricks, tiles, concrete, water fountain, wall, fences, trees, shrubs, ground covers, palms, grasses, vines and hedges (Daniel and Nwaowo, 2019).

Presently in Nigeria, many residential, industrial, commercial, transportation, institutional and recreational facilities are developed and used without proper landscaping. Planners in private practice can be engaged in the design and development of sustainable landscapes for these facilities.

**iv. Recreational Planning and Development:** Planners in private practice can undertake studies of the tourism and recreational needs of the planning areas and develop plans for parks, picnic and campsites, as well as implementation of strategies to achieve the set goals for private and public sector investors.

**v. Transportation and Traffic Planning:** This field of physical planning requires a good knowledge of quantitative techniques and GIS. It involves traffic surveys, parking studies, trip origin and destination studies, etc. for solving specific transportation and traffic problems within an urban center or region such as traffic congestion, traffic conflict and parking demand etc.

**vi. Site Analysis and Environmental Impact Assessments:** Urban and Regional Planners with requisite knowledge and training in geography, environmental science, cartography and geographic information system (GIS) can engage in site analysis and environmental impact assessments of projects. Every registered planner is expected to have the requisite knowledge and the skills to undertake these exercises because the curriculum of professional school of urban and regional planning offer many, if not all of these related courses.

**vii. Property Acquisition, Documentation and Registration Consultancy:** The physical planner's professional business includes expert advice to developers and proposed developers on development proposals and referrals for verifications and approvals by the relevant planning agencies.

**viii. Geographic Information System (GIS) Services:** GIS tool can be applied in varied areas of physical planning practices including property registration, environmental planning and management, facilities planning and management, decision support services etc. GIS technology can also be used to digitize existing analogue plans and maps as a step to setting up physical planning information management system. This will enhance the process of submissions, verifications and approvals of development proposals (Daniel & Udo, 2018).

**ix. Advocacy Services:** Private planning practitioners can undertake physical planning studies on behalf of communities and represent them in negotiations with government agencies, corporations, companies and international agencies on community development and environmental management issues such as compensation payments for demolished structures in planning areas, land use in compatibility cases before planning authorities and tribunals, professional practice and ethic committee of the TOPREC, environmental impact evaluation panel and environmental audit panels, etc. (Duruzoechi, 2010).

**x. Planning Data Generation:** Private planning practitioners can invest in data generation on various planning variables that are needed at present and in the future. Examples include data on the existing land use pattern of an area, data on existing socio-economic activity centers in a planning area, data on trip and traffic generation and attraction in a planning area. These data are very useful for planning decisions and can be well paid for when the quality indices are

ascertained.

### **Conclusion**

This study has examined the administrative legal framework of the practice of physical planning in Nigeria, this includes the 1992 Nigerian Urban and Regional planning law, TOPREC rules and regulations for the control of the town planning practice – CAP T7LFN2004, TOPREC code of conduct and practice regulations and Town Planners Registration Decree 1988. The review of these Legal documents has highlighted the roles of the various tiers of government in Nigeria and requirements for becoming a registered professional Town Planner (Urban and Regional Planner) in Nigeria. It has debunked the thinking that physical planning practice is only a public sector dominated activity and has identified various planning practice opportunities that private practitioners can viably engage in, such as land development; layout and site plans; landscape planning and development; recreational planning and development; transportation and traffic planning; site analysis and environmental impact assessments; property acquisition, documentation and registration consultancy; Geographic information system (GIS) services; advocacy services and planning data generation.

Nevertheless, the private practice opportunity areas are not limited to what have been identified in this study. The fact is that there are no limits to what a qualified planner can do to solve the preponderances of human/environmental interrelated problems in our society. With proper training, skills on the available contemporary technological tools and a little ingenuity, a registered Town Planner cannot roam the street looking for employment but would be problem solver, self-employed and employer of labour.

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