Management Solutions of Non-Compliance with Road Setbacks Standards in Awka Capital Territory, Anambra State.

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Abstract

In line with the subject matter of non-compliance with road setbacks in Awka capital territory, (ACT) resulting to different kinds and scales of environmental problems like road accident, human congestion, traffic congestion and flooding. This study developed a workable, modified framework for solving the problems of non-compliance with road setbacks in Awka Capital Territory of Anambra State, so as to achieve sustainable urban environmental and socio-economic development for Anambra State. The study made the following recommendations: strict adherence to generated template and the need for the three different planning agencies (Physical Planning Commission for Federal Roads, Physical Planning Board for State Roads and Town Planning Authorities for Local Roads) to make sure that the structures to be newly constructed and existing non-compliant ones should comply with minimum setbacks; the urgent need for government to develop and introduce a stronger Commission/Board/Authorities that will checkmate the other existing three planning agencies where most of the members should be construction team like Estate Manager/Surveyor and valuer, Architect, Urban Planner, Builder, Quantity Surveyor, Geographer, Engineers etc.

Keywords: Management, Non-compliance, Road and Setbacks.

1.0 Introduction

The growth of an urban area due to influx of people in search of employment usually takes its toll on the land and the built environment. This is evident in the growth of squatter settlements, illegal occupation of government land and erection of illegal structures on any open space in the city. As a greater percentage of urban workers are unable to get white collar jobs, the informal sector of the economy grows. The informal economy contributes as much as 40% of Gross Domestic Product and employs up to 60% of the labour force in developing countries. It is characterized by lack of organized wage structure, paid work on a casual basis, irregular jobs and self-employment without earning pensions and without paying taxes (Olomola, 2003). This sort of employment is common in the urban areas of developing countries.

These and many more have been responsible for encroachment into established road setbacks. From the residential building perspective, the poverty stricken set of the masses most times tend to be seeking to build any shelter in warmer without considering whether they obeyed the established planning standards or not, thus the emergence of slums and urban sprawl. The Awka Capital Territory under study has established road setbacks for each of trunks A, B and C roads passing through the area. The trunk A are federal highway roads with 45.72meters as the established setback; trunk B being the State roads with setback of 30.0meters and trunk C being the Local Government roads with setbacks of 25.0meters (ACTDA, 2014). The main problem facing this stipulation is implementation, as the informal workers and developers always try to maximize utility of their plots of land, thereby encroaching into the setbacks and when they are being apprehended, they cut corners to have their way.

The actions of urban informal workers are made more manifest in the process of conversion and re-development of properties to accommodate more businesses or less importantly more dwelling units. The rapid urbanization
witnessed by Awka Capital Territory, particularly in the last three decades since its creation as the state capital, has brought along with it an array of physical and economic development problems. The inability of previous Governments to initiate programmes that will guide the growth of the various settlements and make them effective, safe and effective have made matters worse. Thus, major settlements in Awka Capital Territory have not only had some form of urban sprawl and decay, their growth continues to be stunted basically because most structures erected in the city have not conformed with the stipulated setbacks from the roads. The implication of non-compliance is enormous and is partly the major problem which this study seeks to address, and its outcome will help to generate serenity of the environment, orderliness of the environment, reduction in traffic congestion and road accident, which will in turn bring about sustainable urban environmental and socio-economic development.

1.1 Objectives
The aim is achieved through the following objective
i. To develop a workable template and modified framework for solving the problems of non-compliance with road setbacks as well as achieving sustainable urban environmental socio-economic development in Awka Capital Territory of Anambra State.

1.2 Research Hypotheses
The following hypotheses were postulated to guide this study:
H0: There is a workable template and modified framework for solving the problems of non-compliance with road setbacks as well as achieving sustainable urban environmental socio-economic development in Awka Capital Territory of Anambra State.

1.3 Research Method
The study was conducted by mainly through the survey method and interview of Professionals and non-professionals in ACT, Awka in Nigeria. Secondary data were obtained through books, journals, and internet. Empirical works of other scholars were consulted. A simple size of 400 was obtained from the population of 778,061 at 5% error tolerance and 95% degree of freedom using Yamane’s statistical formula 385(96.3%) of the questionnaires distributed were returned while 15(3.7%) of the questionnaires distributed were not returned. The questionnaire was designed in Likert scale format. The researchers conducted a pre-test on the questionnaire to ensure the validity of the instrument. Data were collected using relevant techniques (survey design, field measurements, ARC GIS 10.4 software, and Maps).

2.0 Literature review

2.1 Management of Non-compliance with Road Setbacks
The implications of the foregoing is that people do not comply with planning laws, particularly the ones (laws) concerning/bothering on road setbacks. In addition, when these laws are enacted (where they do not exist) or enforced (when they exist), various environmental problems plaguing the area will be greatly minimized or managed, it is against this background that this study assessed the level of compliance to road setbacks. Management of non-compliance with road setbacks can be achieved.

2.2 The Compliance of the Nigeria Urban and Regional Planning Law (Decree 88) of 1992 with some levels of Physical Development Plans:
This is the physical planning law instrument that guides the legal and administrative procedure in the operation of physical planning and implementation with development documents. It is the only post-colonial physical planning legislation in the country and it operates based on the facilitation and use of land for physical planning purposes hinged on the provision of the Land Use Act of 1978. The law provided for the establishment of three agencies at the National, state and local government levels for the administration of physical planning activities in Nigeria. With this arrangement we have the National Urban and Regional Planning Commission at Federal level, the State Urban and Regional Planning Board in each state of the Federation and the Federal Capital Territory (FCT); and Local Planning Authorities in the Local Government Areas (LGAS) (Adindu, 2005).
From the report of Ademola (2001), the responsibilities of Federal Government include formulation of National policies for Urban & Regional Planning and development, the preparation and implementation of the NATIONAL PHYSICAL PLANS including the National physical development plan, regional and sub-regional plan, urban Master plans and subject plans. It also includes the preparation and implementation of Urban & Regional Planning standards for Nigeria, the promotion and fostering of education and training for Town Planners and Support Staff. It also includes the conduct of research into Urban & Regional Planning, the coordination of states and Local Governments in the preparation and implementation of their physical development plan; provision of technical
assistance to states; recommendation and dissemination of research results to user organizations and development control over federal land.

The Commission at the Federal level, Board at the state level, as well as local planning Authorities in each local government area is each headed by a Chairman, who must be a registered Town Planner and Estate Manager/Estate Surveyor and Valuer for proper development and management of urban environment. Other members are made up of representatives from each of the relevant multidisciplinary built environment-professions (namely, Town Planning, Architecture, Civil Engineering, Lands and Estate Surveyors and Law). At least in the Federal Commission, there should be one representative of each of the following:

Nigerian Chambers of Commerce, Industries, Mines and Agriculture; representatives of the States of the Federation and the FCT in rotation, a representative from each of the Federal Ministries of Works, Land & Housing; Finance, Agriculture; Environment, Power Holding Company of Nigeria, the NNPC, the Nigerian Telecommunications plc. The States and local governments have similar outfit and functions as those of the Federal. The Local Government plans are subject to those of the States which in turn are dictated or superimposed by the National physical development plan of the Federal Government. The composition of the membership is not far from that at the Federal level but fewer in number. The States prepare regional plans, sub-regional plans, urban plans, local plans and subject plans, whereas, at the local level, they prepare town plans, rural area plans, local plans and subject plans and also control development within its area of jurisdiction other than over Federal or State land.

The physical planning law document spelt out broadly the major components of physical planning that contribute as veritable tools or instruments to achieving orderliness and sustainable development for the welfare of the citizenry in Nigeria. Some of the components includes: National physical development plan, Development Control, Environmental impact assessment, Urban Renewal and Slum Upgrading for improvement, rehabilitation & resettlement. Others which are implied include National Urban Development policy, National Housing Policy & Housing Data Bank in support of population census sites & Services Scheme with adequate infrastructure design including Urban Traffic & Transportation Management. The aforementioned components shall be discussed in brief one after the other.

2.3 National Physical Development Plan (NPDP), The Stem to all Physical and Sustainable Development:

The National physical Development Plan (NPDP) has been identified to be at the apex or top of the hierarchy of physical plans in the Nigerian Urban and Regional Law (Decree 88 of 1992). It is the topmost spatial policy framework for the development of the country and also the reference point for the other lower level regional and settlement plans. It is a veritable development tool that will address all sectors of national social and economic activities with a spatial expression on the ground of the Nigerian national entity as a region. In other words, this physical plan will nationally clarify the objectives and targets of social and economic development and identify/direct where the programmes and projects are to be located democratically with equity and economic base resource justification.

From the colonial era and since political independence, over fifty two (52) years ago, Nigeria has operated various development approaches and plans under two categories, viz: economic and spatial plans but much more dominated by economic plans that were detrimental to spatial expression of physical development on the ground. The Nigerian Economic Plans notable as sectoral plans with fiscal allocation, most times placed within the context of National Development Plans (NDPs) are as follows:

- Third national Development Plan, 1975 – 1980
- Structural Adjustment Programme (SAP) with Rolling Plan, 1986 – 1997
- Nigerian Perspective Development Plan (with vision 2010), 1997 – 1999
- Financial System Strategy (FSS) with Vision 20:2020, 2007- date

Looking at the list of the above National Development Plans, you will agree with the consensus opinion that the development plans were dominated by national economic planning mixed with few piecemeal physical planning. The National Physical Development Plan from 2010 – 2030, although coming late under the design and coordination of Federal Ministry of Lands, Housing and Urban Development is highly welcome as the veritable instruments for orderly growth and sustainable development as summarily discussed below;

The Strategic Regional Development Plan (SRDP) to guide the development of each geopolitical zones, which must complement or be incorporated as a forerunner to the National Physical Development Plan, has been prepared by the Housing Ministry already. In addition, the formulation of vision 20: 2020 now on course imperatively provides the
sociopolitical and economic policy platform for the National Physical Development Plan, which will go beyond the economic sector, regional and political spheres demonstrated by the old development plans adopted from post-independence time to date.

It shall be the Federal Government spatial development instrument which will guide actions to produce the desired changes in the national space economy. It is also to promote rational land allocation to competitive uses in Nigeria for the best pattern of land utilization in physical, social, economic and health terms with the strengthening of linkages of settlements to ensure optimal distribution of productive activities and products. It is worthy of note that vision 20:2020 is all about how to place the Nigerian economy on a global competitive and sustainable stand by targeting the GDP of not less than 900 Billion US Dollars and National Per Capital Income of not less than 4000 US Dollars per year by 2020. It embraces reform areas of electoral, and use/property and public service as well as social areas of national security, human capacity development and infrastructure. It is to be realized through three medium terms (4 years) implementation plans in Nigeria. The principal issue of the National Physical Development Plan is to bring to the front burner the provision of the basic necessities both for the rural and urban dwellers across the country with improved social, environmental, physical and economic opportunities to curb poverty for better wellbeing of the citizenry. It is important to note that Nigeria is a signatory to many international pacts like UN-Habitat, UNICEF, MDGs, AMCHUD, Shelter Afrique, etc, and the internal policy of vision 20:2020. For these policies and agreements to manifest laudably in Nigeria, there is an absolute need for guidelines to groom physical development actions to the right, acceptable, affordable and sustainable direction. This function will be covered by the National Physical Development Plan. It is therefore crystal clear that the National Physical Development Plan is a veritable policy instrument prepared to guide physical development and improved infrastructure base of the country towards building sustainable human settlements in Nigeria. This truth has been captured in (NPDP) objectives, viz;

- To give tangible expression of aspiration of the nation’s socio-economic development plans;
- To optimize the utilization of land and natural resources for sustainable development;
- To promote regional and national development;
- To secure spatial and environmental quality and diversity of high quality of life; and
- To achieve national development objectives by 2020 and create a competitive economy among nations. It will control rapid urbanization/rural-urban migration.

2.4 Development Control and National Building Code as the Anchor for Management of Physical Development for orderly Growth and Sustainable Development

Development control is the regulation of the detailed aspect of physical planning about which precise guidance cannot be given in the master plan and sector plan (Okoro, 2009). It is development as well as that of regulating the orderly planning and growth of a city by stipulating adequate standards, for all aspects of planning. Okoro (2014) defined it as the process of implementing building and land sub-division regulations. It is a process of monitoring and enforcing set down rules and measures of standards in the development of land to achieve the goals of frictionless circulation, balanced and harmonious development or growth to ensure protection of individual’s right with others, for a sustainable development. It is simply a tool to regulate land-sub-division, using planning standards as benchmark in all physical plans. For every development, guidelines and standards are set up for implementation to avoid creating chaos in the environment and other users. This is why every developer has to follow the process of application, submission of relevant documents and arrange site inspections. The process is required for any land use, residential, commercial, industrial, recreational, public or institutional buildings, parks and gardens, as well as traffic/transportation routes, etc. Development control Departments will check new developments, fencing, demolitions, repairs and renovation, change of design, change of land use or purpose clause, contraventions, illegal occupation and revalidation of development permit, as well as certificate of fitness and habitation.

The monitoring and routine check on the site is to see that the development is not illegal, and the developer is not wrongly building on the wrong plot or to ensure that the developer has development permit and is building according to the zoning and approved standards. Zoning is another consideration if not checked, people could build under electric tension wire or close to oil pipeline which are dangerous. That is also why houses are not built contiguously close to the polluting industries or near the noisy airport that can affect their health. Filling station is equally not allowed in the midst of residential areas because of fire outbreak.

To ensure sanity, building plans must agree in land use location as charted in the layout plan and title documents should ensure that owners of plots cannot be changed or compromised in the layout plan. Hence allottees intending to apply for development to commence will submit the following documents.

i. Letter of allocation, right of occupancy or certificate of occupancy
ii. Evidence of payment and
iii. Prepared plans on standard sheet by respective registered professional details which include:
   - 5 sets of detailed site and location plan 5 sets of Architectural drawings
The National Building Code is a document prepared to strengthen the efforts of all relevant professions in the building industry to support development control measures (Onibokun, 2007). For example the Engineer would ensure that the right rod is utilized in terms of tensile strength and quantity at different heights and levels. The builder will ensure that the right mix of sand, cement and gravel are produced for concretes. The Architect is to supervise the building designs and aesthetics for the different kinds of public buildings and housing estates. They will check the cross ventilation, lighting circulation within the building and the site plan within the plot. The mechanical engineer and fire fighters will ensure that the plumbing work, water reticulation and the right type of fire hydrants are installed at the required gradients and levels. The electrical engineer will ensure that electrical connection is effectively done without unnecessary fear of likely fire outbreak. The quantity surveyor is of course to cost the materials. The town planner is to ensure that everything is well coordinated and supervised by the relevant professionals before the developer could be granted certificate of fitness and habitation. It is only then that developers or tenants could be permitted to live in the house.

2.5 Development Control Practices and Machineries in Nigeria

Many nations of the world have set up agencies with stipulated policy mandates for the effective control of developments in the built environment. In Nigeria, the 1946 Town Planning Ordinance instituted by the colonial masters specifically spelt out development control functions as borrowed from Britain. Sections 27-63 of the 1992 Urban and Regional Planning Law of the federation also concurred to this, and made room for public participation and further strengthened planning practices and development control activities in Nigeria by the establishment of Town Planning Authorities with functions at the three tiers of government i.e. the National, States and Local government areas of the country.

The stipulated development control functions include:

1) **Development Plan Approval:** The development control department is empowered to approve or reject applications for a development permit by land developers. This depends on the compatibility and suitability of the development as well as its impact on the designated area and whether it is backed up with the required documents via site plan, building plans, structural plans and certificates of occupancy. Approved plans are then monitored to ensure strict compliance. This includes private and public developments. Developers without permit are dealt with in accordance with the law.

2) **Conservation and Preservation Functions:** This is to preserve trees and monuments so that they are not tampered with in the course of any development activities by a developer.

3) **Control of Outdoor Advertisements:** This curtails the indiscriminate mounting of bill boards as they obstruct visibility to both drivers and pedestrians. The bill boards also reduce the aesthetic quality of an area hence, should be checked.
4) **Enforcement of Environmental Impact Assessment (EIA):** Development control agencies are empowered by law to reject or stop the development of projects which by law requires an environmental impact assessment until it is carried out and the report forwarded with other documents. On this basis, the impact of such projects on the built environment would be identified and mitigations determined before developments are allowed to commence.

In the various States there are also development control machineries in place. Take for instance Anambra State since the creation of the state in 19991, the following development control machineries have been in operation:

- The 1992 Urban and Regional Planning Law.

These policies have been in use for development control functions in the State and they all have provisions for public participation in development control functions. However, their implementation has not been strict, hence the non-compliance with road setbacks in the siting of structures in Awka Capital Territory.

### 3.0 Results and Discussion

#### 3.1 Test of Hypothesis

There is a workable template and modified framework for solving the problems of non-compliance with road setbacks as well as achieving sustainable urban environmental socio-economic development in Awka Capital Territory of Anambra State. The hypothesis postulated was tested with test statistics aided by computer applied Statistical Package for Social Sciences (SPSS: 20.00s version) of Microsoft environment. Pearson product moment correlation coefficient to test this hypothesis, the measured structures in ACT was compared to set standards to know if they complied with standard or not.

<table>
<thead>
<tr>
<th>Table 3.1 Descriptive Statistics</th>
<th>Mean</th>
<th>Std. Deviation</th>
<th>N</th>
</tr>
</thead>
<tbody>
<tr>
<td>solving the problems of non-compliance with road setbacks</td>
<td>2.8253</td>
<td>1.27682</td>
<td>385</td>
</tr>
<tr>
<td>sustainable urban environmental socio-economic development in ACT</td>
<td>3.1613</td>
<td>1.37593</td>
<td>385</td>
</tr>
</tbody>
</table>

Source: SPSS version 20.00

<table>
<thead>
<tr>
<th>Table 3.2 Correlations</th>
<th>solving the problems of non-compliance with road setbacks</th>
<th>sustainable urban environmental socio-economic development in ACT</th>
</tr>
</thead>
</table>
| solving the problems of non-compliance with road setbacks | Pearson Correlation | 1 | .716(**)
| Sig. (2-tailed) | .000 |
| N | 385 | 385 |
| sustainable urban environmental socio-economic development in ACT | Pearson Correlation | .716(** | 1 |
| Sig. (2-tailed) | .000 |
| N | 385 | 385 |
**Correlation is significant at the 0.01 level (2-tailed).
Source: SPSS version 20.00**

Table (3.1) shows the descriptive statistics of the solving the problems of non-compliance with road setbacks via, sustainable urban environmental socio-economic development in ACT with a mean response of 2.8253 and std. deviation of 1.27682 for solving the problems of non-compliance with road setbacks and a mean response of 3.1613 and std. deviation of 1.37593 for sustainable urban environmental socio-economic development in ACT and number of respondents (385). By careful observation of standard deviation values, there is not much difference in terms of the standard deviation scores. This implies that there is about the same variability of data points between the dependent and independent variables.

Table (3.2) is the Pearson correlation coefficient for solving the problems of non-compliance with road setbacks and sustainable urban environmental socio-economic development in ACT. The correlation coefficient shows 0.716. This value indicates that correlation is significant at 0.05 level (2tailed) and implies that there is a significant positive relationship between solving the problems of non-compliance with road setbacks and sustainable urban environmental socio-economic development in ACT ($r = .716$). The computed correlations coefficient is greater than the table value of $r = .195$ with 383 degrees of freedom (df. = n-2) at alpha level for a two-tailed test ($r = .716$, $p< .05$). However, since the computed $r = .716$, is greater than the table value of .195 we conclude that there is a workable template and modified framework for solving the problems of non-compliance with road setbacks as well as achieving sustainable urban environmental socio-economic development in Awka Capital Territory of Anambra State ($r = .716$, $P<.05$).

3.2 Discussions of Result
From the findings the hypothesis was tested with Pearson’s product moment correlation in order to develop a workable template and modified framework for solving the problems of non-compliance with road setbacks as well as achieving sustainable urban environmental socio-economic development in Awka Capital Territory of Anambra State, with a computed result ($r = 0.716; p < 0.05$), the null hypothesis was rejected and the alternate hypothesis was accepted resulting in the conclusion that there is a workable template and modified framework for solving the problems of non-compliance with road setbacks as well as achieving sustainable urban environmental socio-economic development in Awka Capital Territory of Anambra State.

4.0 Conclusion and Recommendations
4.1 Conclusion
Discussion on urban sustainable development also implies that the theoretical issues of social, physical, economic and health concerns are simultaneously reconciled. The issues of social equity are always embedded in the course for improved urban environments. For example, in this study the top and middle income classes live in areas where government intervention in land acquisition and planning created residential areas where setback regulations are enforced, while the poor live in areas of most noticeable violations. Physical planning commonly referred to as “planning standard” is the process that involves the spatial ordering of land uses both in the urban and rural settings for the purpose of creating functionally efficient and aesthetically pleasing physical environment for living, working, circulation and recreation (NITP, 1993). Through physical planning, physical space is organized and managed in such a way that:

1) The environment created today will meet the demands of tomorrow (i.e. promotion of sustainable development);
2) The environment will satisfy the pluralistic values and attendant needs of identified groups of people;
3) All activities arising from needs, individually or collectively expressed, co-exist in harmony; and
4) Investments, conveniences, functionality, living and working within the environment are maximized.

5.2 Recommendations
The recommendation generated from this study for proper handling/management of non-compliance with road setbacks in ACT should be strictly adhered to by all and sundry. In line with the above, it is so pertinent and urgent that the Government should develop and introduce a stronger Commission/Board/Authority that will checkmate the other three planning agencies for Trunks A, B and C. Consequently all the developmental team like Estate Manager/Surveyor and Valuer, Urban Planner, Architect, Civil Engineer, Builder, Environmental Manager, among others must be represented. Also, during enforcement, all should come out and join with reasonable number of forces like Police, Army, Civil defense among others. With this, occupants in ACT and entire Anambra State will help to implement developed template from the study.

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References


