

ASSENTED TO AT IKEJA, THIS 13TH DAY OF OCTOBER 2005.

CHIEF BOLA AHMED TINUBU
Governor of Lagos State

LAW No. 9

2005



Lagos State of Nigeria

**A LAW TO PROVIDE FOR THE ADMINISTRATION OF PHYSICAL
PLANNING, URBAN AND REGIONAL DEVELOPMENT IN LAGOS
STATE, ESTABLISHMENT AND FUNCTIONS OF PHYSICAL
PLANNING AND DEVELOPMENT AGENCIES, AND FOR
CONNECTED PURPOSES**

(13th October 2005) Commence-
ment.

THE LAGOS STATE HOUSE OF ASSEMBLY enacts as follows:

PART I

Administration of Physical Planning and Urban Development in Lagos State:

Organs and Bodies

1.—(1) The Ministry of Physical Planning and Urban Development (referred to in this Law as “The Ministry”) shall be responsible for all Physical Planning and Urban Development in Lagos State. The Ministry.

(2) The Ministry shall exercise its Ministerial responsibility through implementation, execution, organisation and co-ordination of the decisions of the State Executive Council on physical planning and development matters.

2.—(1) The following Agencies shall constitute the Authority: The
Authority.

- (a) The Lagos State Physical Planning and Development Authority;
- (b) The Lagos State Urban Renewal Authority; and
- (c) Any other agency as may be established.

(2) For the purpose of this Law, the Ministry shall when required, delegate to the Authority specific responsibilities and functions for implementation.

3.—(1) The Ministry shall be responsible for initiation, formulation and implementation of policies and coordination of programmes on all aspects of Physical Planning and Urban Development in Lagos State. Functions of
the Ministry.

(2) The Ministry shall be responsible for the preparation and approval of the following hierarchies of Physical Development Plans:

- (a) Regional Plans;
- (b) Sub-Regional Plans;
- (c) Master Plans;
- (d) Urban Centre Plans.

(3) The Ministry shall provide technical assistance to all Government Ministries and Agencies on matters relating to physical planning and urban development.

(4) In the formulation of policies on physical planning and development activities of the State, the Ministry shall:

- (a) determine the locations of infrastructural facilities and centre of economic activities in the State among its other functions;
- (b) offer advice on State development projects/programmes with socio-economic and environmental impacts as may be referred to it from time to time;
- (c) be responsible for formulation of legislation on physical planning matters and development in Lagos State;
- (d) formulate guidelines for fostering inter-ministerial, inter-governmental, bilateral and multilateral cooperation on physical planning and urban development of Lagos State;
- (e) adopt measures for the promotion of physical planning and urban development activities in Lagos State;
- (f) charge prescribed fees for its services;
- (g) consider all matters referred to it by the State Executive Council, the general public, associations, groups, etc.;
- (h) execute such other planning functions, and duties as may be assigned to it by the Governor; and
- (i) liaise with agencies of other governments including the Federal Government in the execution of its planning authority.

Lagos State
Physical
Planning and
Development
Authority.

4.—(1) The Lagos State Physical Planning and Development Authority (referred to in this Law as the “Development Authority”) shall:

- (a) be responsible for the processing and issuance of all building development permits in the State and shall ensure compliance with the provisions of approved and operative physical development plans, various Approval Orders and Regulations made pursuant to this Law;
- (b) with the express approval of the Governor, acting through the Commissioner establish District Town Planning Offices to perform its functions;

(c) with the express approval of the Governor, acting through the Commissioner and cooperation of the Local Government Councils, establish Local Planning Offices to perform its functions at the Local Government Area level;

(d) prepare and review periodically the following categories of Physical Development Plans:

- (i) District Plans;
- (ii) Development Guide Plans;
- (iii) Town Plans;
- (iv) Local Plans;

(e) refer any plan prepared by it to the Ministry for the purpose of obtaining the approval of the Commissioner.

(2) Lagos State Urban Renewal Authority (referred to in this Law as the “Renewal Authority”) shall—

(a) identify and monitor areas qualified for upgrading projects and advise the State Government on redevelopment or renewal programmes accordingly;

(b) be responsible for the identification, preparations and implementation of approved State urban upgrading and urban redevelopment projects;

(c) have powers to hold, administer, and maintain, government-acquired properties within redevelopment or renewal project areas.

5. The approval of the Governor shall be obtained in respect of development of special building projects. Powers of the Governor.

6.—(1) The Ministry shall exercise its powers in its area of ministerial responsibilities as conferred on it by executive authority. Powers of the Ministry.

(2) The Ministry shall have powers to:

(a) adopt programmes for the preparation and review of all Physical Development Plans in the State;

(b) regulate its operations, constituents and the Authority;

(c) invite any relevant stakeholder for the purpose of deliberating on any matter before it;

(d) give conditions for the grant of a Development Permit and to withdraw it if the conditions of the grant are violated, breached, or if the site

becomes acquired for overriding public interest;

- (e) delegate any of its functions to any of its organs, agencies, ad-hoc committees, standing committees or consultants;
- (f) issue Development Permits in relation to its assigned responsibilities and functions;
- (g) direct the Authority to seal up the premises of any alleged contravention of any physical planning laws for the purpose of enforcement and compliance; and
- (h) direct the Authority to demolish any unauthorised structure or development on, under, or over any land or seabed in the State after the issuance of appropriate notices.

Powers of the
Development
Authority.

7.—(1) The Development Authority shall have powers to exercise operational control and supervision over its Constituent District Town Planning Offices and Local Planning Offices.

(2) The Development Authority shall have power to grant planning permission to any applicant, who complies with the provisions of this Law and the Regulations made pursuant to it.

(3) Where the Development Authority has granted planning permission under this Law, the said planning permission shall be referred to as 'Development Permit'.

(4) Any development permit granted by the Authority under subsection (2) may be revoked partly or wholly on any of the following grounds:

- (a) where the proposed development and uses for which the development is designed are no longer appropriate; or
- (b) where the site to which the development permit is issued is required for overriding public interest;
- (c) false declaration in the application; and
- (d) non-compliance with building control and standard.

(5) The Development Authority shall serve relevant statutory enforcement notices as provided in the Regulations made pursuant to this Law and such notices shall be deemed served as provided in the said Regulations.

(6) The Development Authority shall have power to seal up any building or development and to demolish any unauthorised structure or development,

on, under or over any land or seabed in the State after the issuance of the appropriate notices.

(7) The Development Authority shall exercise other powers as may be conferred by the enabling Law establishing it as well as the regulations made pursuant to this Law.

8.—(1) The Renewal Authority shall have powers to revoke any planning clearance granted by it either partly or wholly on any of the following grounds:

Powers of the Renewal Authority.

- (a) where the proposed development and uses for which the clearance was granted are no longer appropriate; or
- (b) where the site for which the clearance is granted is required for overriding public interest; or
- (c) where documents submitted in support of the clearance were falsified; and
- (d) non-compliance with building control and standard.

(2) The Authority shall have power to seal up or cause the relevant agency of the Ministry to remove any structures erected illegally on any of its schemed areas.

9.—(1) Every physical planning agency in Lagos State shall, with the approval of the Commissioner:

Procedures to be adopted for the Preparation and Review of Development Plans.

- (a) set up programmes for the preparation and review of Development Plans and the review of an operative plan which shall take place periodically as may be determined by the Ministry or the Authority;
- (b) approve where it considers appropriate, certain plan(s) as shall be drafted and processed for approval in defined parts;
- (c) direct that some sections of the operative Development Plans be reviewed, revised, re-drafted and processed for approval.

(2) For the purpose of preparing Development Plans in the State, the Ministry or the Authority shall from time to time invite relevant stakeholders including Ministry/Agencies, Non-Governmental Organizations, professional bodies and individuals for the purpose of considering any matter relating to physical planning and urban development.

Publication of
Preparation of
Draft Plan(s).

10.—(1) Notice shall be given in the Official Gazette and in at least two daily newspapers circulated within the State and by other specified means, of the date on which preparations shall commence for a draft plan or for reviewing an operative Development Plan or part thereof and the Official Gazette notice shall, where appropriate, provide the following information:

- (a) the location, boundary, geographic co-ordinates and description of the proposed area for the Development Plan;
- (b) a general description of the type(s) of development proposed and working populations;
- (c) matters which could be contentious; or
- (d) any other matter of public interest.

(2) After publication of a draft Development Plan, there shall be:

- (a) acknowledgement of all written submissions which shall be kept on record until the draft Development Plan becomes the Operative Development Plan;
 - (b) considered all written submissions, relevant information and suggestions;
 - (c) convened public meetings, public hearings and interviews to discuss and decide on the relevance of written comments it considers necessary; and
 - (d) submission of all written comments together with a summary of such comments on the draft plan.
- (3) On receipt of the draft Development Plan, the Ministry or Authority shall:
- (a) direct that specific amendments be made to meet requirements which are considered necessary in the public interest; and
 - (b) approve that the draft Development Plan, as submitted or as amended in accordance with its directions as stated in paragraph (a) of this section, is suitable for exhibition.

Exhibition of
Draft
Development
Plan (Public
Awareness/
Enlighten-

11.—(1) A draft Development Plan or part thereof shall be made available for public inspection at the Ministry and the relevant Planning Authority Office between the hours of 9 a.m. and 4 p.m. on working days for a period of twenty-eight (28) days.

(2) During such period, the plan shall be advertised in at least two daily newspapers circulated within the State and specified media stating the places and hours at which the Plan may be inspected.

ment of
Draft Plans).

(3) A copy of the draft Development Plan shall be available to any person on the payment of a prescribed fee as may be specified from time to time.

12.—(1) During the period of exhibition of the draft Development Plan as set out in Section 11 of this Law, any member of the public including Non-Governmental Organisations, State Ministries, Agencies, Local Governments and professional bodies, may submit to the Authority, written statements of their objections and these shall—

Submission of
Objections to
draft Plan by
members of
the public
(Rights to
Objection/
Mode of
Objection/
Advocacy
Planning).

(a) define the nature and reasons for the objections; and

(b) suggest alterations and amendments that could be made to remove the objections.

(2) Such suggestions shall be made through the relevant and appropriately registered professional as advocate to the objector.

(3) All written statements of objections shall be acknowledged.

13.—(1) The Ministry and/or the Authority shall prepare schedules of summaries of the objections, comments and suggestions submitted to it.

Schedule of
Summaries of
Objections
and
Comments.

(2) Such schedules shall be submitted within a period of 28 days after the final day of exhibiting the draft Development Plan.

14. The Ministry and/or the Authority shall within a period of 60 days after the final date of exhibiting a draft development plan, consider the schedules of objections and comments submitted to it.

Consideration
of Comments
and
Objections.

15.—(1) The Ministry and/or the Authority may give preliminary consideration to any objection in the absence of the objector and may propose amendments to the draft Plan in the public interest.

Procedure for
Amendment
of Plan.

(2) Notice of such amendment shall be served in writing on the objector.

(3) An objector may notify the Ministry and/or the Authority in writing within fourteen (14) days after service of notice under subsection (2) that his objection is withdrawn on the condition that the amendment as proposed by the Ministry and/or the Authority has nullified his objection failure of which, such objection shall cease to hold.

Conditional
Withdrawal.

16.—(1) Where an objection has been conditionally withdrawn and the Ministry or the Authority does not proceed with the proposed amendment, the written statement of objection shall be considered at a meeting.

(2) The objector shall be given reasonable notice of such meeting, which he or his representative may attend and shall be heard.

Notice of
Amendment.

17.—(1) Where an amendment made appears to affect any approved land use development project which has been granted development permit, notice of such amendment shall be given to the applicant by registered post or advertisement or other practicable means.

(2) Any written objection received within fourteen (14) days after giving notice under subsection (1) shall be considered at a meeting of the Ministry or Authority where the objector, other objectors or their representatives may be present and shall be heard.

(3) Upon the consideration of any objection in accordance with subsection (2), the Ministry or the Authority may reject the objection in whole or in part or may cause amendments to be made to the draft Development Plan in order to wholly or partially satisfy such objection.

Additional
power of
amendment.

18.—(1) The draft Development Plan made under Section 9 of this Law may be amended after exhibition, but only before it is approved by the Commissioner under Section 20 of this Law.

(2) Every amendment to a draft Development Plan made under this Section shall be exhibited for public inspection between the hours of 9 a.m. and 4 p.m. for a period of fourteen (14) days and during such period be advertised in at least two daily newspapers circulated within the State.

(3) A copy of an amended draft Plan made under this Section shall be made available to any person on payment of such fee as may be prescribed from time to time.

Objection to
draft Plan.

19. Any person affected by an amendment to a proposed draft Development Plan made under this Section may make an objection within a period of twenty-one (21) days in the manner provided for under Section 12 of this Law.

Submission for
Approval.

20.—(1) After the consideration of objections, the draft Development Plan, with or without amendments shall be submitted to the Commissioner for approval together with:

- (a) any objection made and not withdrawn;
- (b) a schedule of the amendments made, if any, with a view to meeting such objections; and
- (c) copies of the minutes of meetings and hearings held in relation to the consideration and hearing of the objections and amendments of the draft Development Plan.

21.—(1) Subject to the provisions of Sections 4, 5 and 6 upon the submission of a final draft Development Plan, the Commissioner may:

Final
Approval of
Plan.

- (a) approve it in whole;
- (b) approve it in part;
- (c) decline approval; or
- (d) refer it to the relevant agency for further consideration and amendment of the whole or part thereof.

(2) A final Development Plan approved under this Law shall be referred to as an “Operative Development Plan” and a notice to this effect shall be published in the State Official Gazette, two daily newspapers or published in any other suitable manner.

22. There shall be a notice in the Official Gazette of intention to correct any omission or error in any Operative Development Plan as well as due publicity for the correction or omission.

Correction of
Final
Operative
Development
Plan.

23.—(1) Copies of the Operative Development Plan, duly signed by an officer authorised to do so, shall be deposited in the Ministry, and with other organs responsible for its implementation, execution, administration, enforcement and compliance and such plans shall be available for inspection during official working hours.

Deposit of
Operative
Development
Plan.

(2) Copies of the Operative Development Plan shall be made available for sale at a price to be determined by the relevant Planning Agency.

24.—(1) The Commissioner may:

Revocation
of Operative
Development
Plan.

- (a) revoke in whole or in part, any Operative Development Plan on the advice of the relevant Planning Agency;
- (b) refer any Operative Development Plan or part thereof to the relevant Planning Agency for:
 - (i) replacement by a new Development Plan or part thereof or,
 - (ii) amendment.

(2) Notification of any revocation under subsection (1), shall be published in the Official Gazette and indicated on all the copies of the Development Plan deposited for inspection as required by Section 23(1) of this Law, as well as any other means of communication or publicity.

(3) With reference to subsection (1)(b), a replacement or amendment of an Operative Development Plan or part thereof shall be prepared, approved and deposited in accordance with the provisions of this Law.

(4) An Operative Development Plan referred for review and amendment shall be replaced by a new Operative Development Plan or read as one with any approved amendment, as the case may be.

Compliance with Operative Development Plan (Compliance by Planning Officers and applicants in issuance of Development Permits).

25.—(1) All government agencies involved in processing the applications for a Development Permit shall comply with the provisions of the Operative Development Plan.

(2) All applicants for development permit shall comply with the provisions of the Operative Development Plan.

Proceedings Interpretation Laws of Lagos State. (Cap. 14)

26.—(1) Subject to the provisions of this Law and to the relevant provisions of the Interpretation Law (Cap 14) Laws of Lagos State, the relevant Authority may make Standing Orders regulating its proceedings or any of the Committee it may set up thereof.

(2) At any meeting for the consideration of any Development Plan in the Ministry, the Commissioner or in his absence the Permanent Secretary shall preside.

(3) At any meeting of the Authority, the respective General Manager shall preside over such meetings.

(4) Quorum shall be by a simple majority of the members of the relevant Planning Authority.

Summons for Meetings.

27. Any meeting called for the consideration of any Development Plan shall be summoned by the Commissioner on the advice of the Permanent Secretary at the Ministry and at the Authority by the General Manager or Chief Executive Officer.

Authority to obtain Advice.

28. Where the Ministry or Authority decides to obtain the advice of any person on a particular matter, it may invite such person or persons as it deems fit.

29. The review of an Operative Development Plan without prejudice to Section 9(1) of this Law shall be undertaken every five (5) years.

Review of Operative Development Plan.

PART II

DEVELOPMENT CONTROL

30.—(1) The permit of the Ministry and / or the Authority shall be required for any physical development in Lagos State.

Approval of the Authority required before development.

(2) A developer shall submit a development plan for the grant of a development permit.

31.—(1) A developer (whether private or government) shall apply for a development permit in such manner using such forms and providing such information as may be prescribed by the Regulations made pursuant to this Law.

Application for Development Permit.

(2) No development shall be commenced by any government or its agencies without obtaining a permit from the relevant Development Control Department.

(3) A plan required to be made under this Law shall be prepared by the appropriate registered professional and shall be in accordance with the provisions of the Regulations made pursuant to this Law.

32.—(1) An application for a development permit may be rejected if:

Grounds for rejection of an application for Development Permit.

(a) the application is not in accordance with the Operative Development Plan; or

(b) in the opinion of the relevant Department, the proposed development is likely to cause nuisance or have major impact which cannot be adequately mitigated on the environment, facilities, or inhabitants of the community; or in the public interest; or

(c) the development is not in accordance with any other condition as may be specified under the Regulations made pursuant to this Law.

33. The relevant Department may consider representations made to it by a person, body or organization to be affected by an intended development.

Consideration of Representation by Developer.

34. A developer shall at the time of submitting his application for development permit submit a detailed Planning Technical Report as prescribed by the Regulations made pursuant to this Law.

Submission of Planning Technical Report.

Submission of Environmental Impact Analysis Report.

35. A developer shall at the time of submitting his application for development permit submit a detailed Environmental Impact Analysis Report where necessary as prescribed by the Regulations made pursuant to this Law.

Control of Urban Furniture.

36.—(1) The Ministry and/or the Authority shall regulate the dimensions, appearance, display, siting and manner in which an urban furniture shall be affixed to land.

(2) No person shall erect an urban furniture without the written consent of the Ministry and / or the Authority.

Grant or rejection of development permit.

37.—(1) The Ministry or the Authority may approve or reject an application for development permit.

(2) The Ministry or the Authority may delay the approval of an application for development permit if circumstances so require that:

- (a) the developer at his own expense shall:
 - (i) provide infrastructure and service facilities; or
 - (ii) provide necessary commercial facility; or
 - (iii) provide necessary social, recreational and communal facilities;or
- (iv) pay a sum of money in lieu to the Authority for providing (i), (ii) and (iii) of this paragraph;
- (b) the developer enters into an agreement with an individual, corporate or unincorporated body in respect of any matter the Ministry or Authority deems to be necessary for the development;
- (c) the developer pays such fee or other charges imposed by the Ministry or Authority; and
- (d) the developer shall comply with any other condition stipulated by regulations made under this Law.

(3) In reaching its decision under sub-sections (1) and (2), the Ministry or Authority shall comply with—

(a) the policy and proposal of an Operative Development Plan applicable to a locality within its area of jurisdiction;

- (i) a proposed plan or an approved plan under review; and
- (ii) any other consideration made particular and applicable to a locality by a Regulation made pursuant to the provisions of this Law.

(4) The Authority may delay the approval of an application for development permit for a period of time not exceeding thirty (30) working days.

(5) Where the Authority does not reach a decision on any application for development permit within three (3) months, the applicant should deem the application rejected.

(6) The Authority's decision on an application for a development permit shall be communicated to the applicant in writing.

(7) Where the Ministry or Authority decides not to approve an application, it shall give reasons for its decision in writing.

(8) The decision of the Ministry and / or the Authority shall be evidence of information stated therein.

38. The Ministry or Authority shall enforce all the rights and duties attached to a development permit against a developer provided that where a developer transfers or assigns his interest, the Ministry or Authority shall enforce all the rights and duties attached to a development permit against a holder or occupier for the time being.

Enforce-
ment of
rights and
duties
attached to a
development
permit.

39. Where planning permission has been granted under this Law by the Ministry or Authority, the said plan shall be referred to as an "Approved Layout Plan" or "Development Permit" as the case may be.

Approved
Develop-
ment Plan.

40.—(1) Any Development Permit granted in respect of any development on any land shall be deemed valid.

Validity of
approval.

(2) A Development Permit shall become invalid where development has not been commenced within two years of the grant of such permit.

(3) Where a developer fails to commence development within two years the development permit shall be subject to re-validation by the relevant Ministry or Authority on the payment of prescribed fees provided that the Operative Development Plan has not been amended, varied or altered as provided for in this Law.

(4) A Development Permit shall not be deemed to confer ownership of the subject land on the applicant.

41. Any Development Permit granted under Section 30 and Section 37 of this Law may be revoked in part or in whole on any of the following grounds:

Revocation
of Develop-
ment
Permit.

(i) where the proposed development and uses for which the planning permit was granted are no longer appropriate; or

(ii) where the site for which the planning permit was granted is required for overriding public purpose; or

(iii) where the permit was obtained falsely or by misrepresentation of information;

(iv) where the permit was obtained fraudulently; or

(v) where the developer or owner of the Development Permit has developed in excess of the approval granted.

Compensation.

42.—(1) For the revocation mentioned in Section 41 (i) - (v), the State Government shall not be liable to pay compensation.

(2) The State Government may pay compensation on such revocation mentioned in Section 41 (i) and (ii) to the extent of all reasonable costs that may have been incurred by the owner for planning permission and works that may have been carried out before such revocation.

Demolition.

43. Any developer, owner, occupier, builder, contractor or representative to whom the notice referred to in Section 62 of this Law is addressed or served shall comply with such notice.

(2) Failure to comply with such notice shall lead to the demolition of such structure.

Recovery of Demolition Expenses.

44. Any cost incurred as a result of the demolition of any illegal structure shall be borne by the owner, occupier or any such person responsible for the illegal structure.

Grant of Development Permit.

45.—(1) The Ministry or Authority may under this Law grant a development permit to an applicant in respect of the following:

(a) use and development of land;

(b) change in the use of land, seabed or structure or part of structure;

(c) alteration of an Approved Development Plan;

(d) renovation of existing approved building structures; or

(e) demolition of the existing structure by the owner/developer.

Compliance with Development Regulations.

46.—(1) An application made under this Law shall comply with all the requirements, regulations and standards of an Operative Development Plan of which it is a part.

(2) An application for a Development Permit to layout any parcel of land or subdivide any land shall be in conformity with the provisions of existing Layout Regulations operative in Lagos State.

(3) An application for a Development Permit to develop or partition a structure shall be in conformity with the existing Physical Development Regulations of Lagos State;

(4) Any approval granted shall satisfy the provisions of the State Land Policy and the Land Use Act.

47.—(1) The Ministry and the Authority shall keep a register or record of all applications for planning permission and it shall be open to any member of the public who so desires for inspection at any reasonable period on the production of an official receipt or on the payment of a prescribed fee.

Records of Building Plans.

(2) Publication of the list of Development Permits shall be made in the Official Gazette.

48.—(1) The conditions attached to the grant of development permit may be altered, amended, varied or revoked by the Ministry or Authority which shall serve notice of its intention and such alteration, amendment, etc. shall not conflict with the conditions attached to a grant of a certificate of occupancy or a customary right of occupancy.

Conditions attached to the grant of a Development Permit.

(2) The notice required to be served by subsection (1) shall state the reasons for the proposed action of the relevant department in the Ministry or Authority.

(3) The Ministry or Authority shall consider any representation made to it by the developer or the holder for the time being of a development permit.

(4) The decision of the Ministry or Authority in sub-section (1) shall be communicated in writing to a developer or a holder for the time being of a development permit.

49.—(1) A dissatisfied developer or holder for the time being of a development permit may appeal in the first instance to the Commissioner charged for the time being with the responsibility for physical planning and urban development within twenty-eight (28) days of service of a notice by the Ministry or Authority under Section 48 of this Law.

Appeals against the decision of the Ministry and the Authority.

(2) The decision in subsection (1), shall be communicated in writing to a developer or a holder for the time being of a development permit.

- Appeals against the decision of the Honourable Commissioner.
- 50.** An appeal against the decision of the Commissioner shall be to an Appeals Committee established in Section 94 of this Law to hear appeals within 28 days of the communication of the decision in sub-section (2) of Section 49 of this Law.
- Notice of Revocation of Development Permit by the Authority.
- 51.—**(1) A development permit already granted and communicated to a developer or holder for the time being may be revoked by the Ministry or the Authority which shall serve a notice of its revocation of the development permit.
- (2) The notice in subsection (1), shall state the reasons for the revocation of the development permit.
- Representation by developer.
- 52.** The Authority shall consider any representation made to it by a developer.
- Conditions for revoking a Development Permit.
- 53.—**(1) In the exercise of its functions under Section 51 of this Law, the Authority shall:
- (a) have regard to all matters and conditions specified by the provisions of this Law prior to granting a development permit; and
- (b) take into account matters of overriding public interest as provided for in Section 28(2), (3) of the Land Use Act.
- Grounds for payment of Compensation for revocation of permit.
- 54.—**(1) Compensation shall be payable for the revocation of a development permit if—
- (a) development has commenced; or
- (b) the developer or holder is liable under an existing contract to a third party to damages for a breach of contract; or
- (c) the developer has incurred any expense or has suffered a loss during the process of obtaining the development permit.
- Assessment of Payable Compensation.
- 55.—**(1) The amount of compensation payable under Section 54 of this Law shall be such as to reimburse the developer or holder for the time being of a development permit for the losses incurred as a result of the revocation and shall not be in the form of amount payable in damages in excess of the sum incurred by the developer.
- (2) No compensation shall be payable under this Section if—

- (a) a development is not in accordance with the terms and conditions under which the development permit was granted; or
- (b) the right of occupancy of the land on which a development was to take place has been cancelled or revoked on the grounds that the applicant did not comply with the requirements of the Land Use Act; or
- (c) a claim for compensation is not made within twenty-eight (28) days after a notice of revocation is served on the holder for the time being of a development permit.

56. Compensation payable under this Section shall be paid not later than ninety (90) days after a claim for compensation has been made.

Period of payment of Compensation.

57. In the event of a dispute arising as to the amount of compensation payable to a developer, the dispute may be referred to the Appeals Committee established in Section 94 of this Law to hear appeals within twenty-eight (28) days of the dispute.

Resolution of Dispute over Compensation.

58. An appeal against the decision of the Appeals Committee in respect of an amount payable to a developer shall lie as of right to the High Court of the State.

Appeal against decision of Appeals Committee.

ENFORCEMENT

59.—(1) The Authority may serve enforcement notice on the owner of a private or public, residential, commercial, industrial or any other land use wherever any development is commenced without approval.

Service of enforcement notice by Authority.

(2) An enforcement notice may be issued pursuant to subsection (1), notwithstanding that the unauthorized development took place before the commencement of this Law.

60.—(1) An enforcement notice served pursuant to subsection (1) of Section 59 may direct the developer to remove or discontinue development.

Conditions in order to alter, vary, etc.

(2) The relevant Ministry or Authority may impose additional conditions as it may deem fit in each circumstance;

(3) Before issuing or serving an enforcement notice in accordance with the provisions of subsection (1), the Ministry and / or the Authority shall:

- (a) have regard to the existing conditions for granting a development permit;
- (b) have regard to the likely environmental degradation or impact of a development carried out or being carried out;
- (c) consider the overriding public interest without prejudice to paragraph (b) of this Section.

Requirements
for Enforce-
ment Notice.

61.—(1) An enforcement notice served under Section 59 of this Law by the relevant Authority shall—

- (a) be in writing and communicated to the developer;
- (b) state the reasons for the proposed action of the Ministry or Authority;
- (c) consider any representation made by a developer or on behalf of a developer.

(2) An enforcement notice may require a developer to alter, remove, or discontinue a development to ensure that the development becomes a lawful development or becomes compatible with the use for which an adjoining land has been put.

Enforcement
Notices.

62. Enforcement notices shall include:

- (1) Contravention Notice;
- (2) Demolition Notice;
- (3) Stop Work Order;
- (4) Quit Notice; and
- (5) Seal-up Notice.

Address of
Enforcement
Notices.

63. The notice shall be addressed to the owner, occupier, builder, contractor or those responsible for the illegal structure, works or development and is deemed to have been duly and validly served by pasting or affixing such notice on any part of the structure, premises or when handed to any representative of the developer found at the site.

Enforcement
of Order.

64. The Ministry and / or the Authority shall enforce an order of the Appeals Committee or High Court against a developer or holder for the time being of a development permit who fails to comply with such an order.

65. A developer or holder for the time being of a development permit shall be liable for the expenses reasonably incurred by the Ministry and / or the Authority or any of its officers or agents, as the case may be, in enforcing the provisions of Section 64 of this Law.

Liability for Expenses.

66.—(1) Where it appears to the Ministry and / or the Authority that:

Stop Work Order.

- (a) an unauthorised development is being carried out; or
- (b) where a development does not comply with a development permit issued by the Ministry or the Authority:

the Ministry or Authority shall issue a stop-work order on the owner, occupier, contractor or holder for the time being of a development permit pending the service of any other enforcement notice, and such owner, occupier, etc. shall immediately cease any further development:

Provided that where the development or use is a minor development or use, the Ministry and / or the Authority shall have the power to order the developer to alter, remove or discontinue the development or use.

67. Where an enforcement notice is served in respect of a development to which a stop-work order is served, the Appeals Committee may on the application of the Ministry or the Authority extend the period of time for which a stop work order shall remain in force.

Extension of Stop Work Order.

68. Every enforcement notice served as provided in this Law shall take immediate effect upon service on a developer, occupier, contractor or owner of the development for the time being.

Effect of Enforcement Notice.

69. Any person who fails to comply with the terms of an enforcement notice issued and served pursuant to this Law shall be guilty of an offence and liable on conviction to a fine as specified in the regulation made pursuant to this Law.

Penalty.

70.—(1) Where a developer contravenes the provisions of this Law or any regulation made pursuant to it, the Authority shall have power to require the developer to—

Power of Authority on contravention relevant.

- (a) submit an application for development permit; or
- (b) carry out such alterations to the building as may be necessary to ensure compliance; or
- (c) pull down the building; or
- (d) reinstate a piece of land to its prior state.

(2) Where a developer fails to comply with the provisions of subsection (1), the Authority shall carry out demolition of the structure without further notice.

Defective Structures.

71.—(1) The Authority shall have the power to serve on a developer or holder for the time being of a development permit a demolition notice if a structure erected by the developer or holder of a permit is found to be defective as to pose danger or constitute a nuisance to the occupier and /or the public.

(2) Notice served pursuant to subsection (1) shall contain a date not later than 21 days on which the Authority shall take steps to commence demolition of the defective structure.

Power of the Authority to demolish a defective building.

72. After the expiration of the time specified in the notice served under subsection (2) of Section 71 of this Law, the Authority shall take such necessary action to effect the demolition of the defective structure.

Power of the Authority over abandoned Building.

73. The Ministry and / or the Authority shall have power over any abandoned building in the following ways:

- (i) seal up the premises to prevent its conversion by unauthorised persons;
- (ii) unseal the premises upon satisfaction that it is structurally stable; or the owner or developer submits a written application supported by an affidavit that he is ready to continue further development or to reoccupy the building; or
- (iii) make the owner of the structure to pay penal fees to be determined from time to time before such structure is unsealed.

Power of the Ministry on Collapsed Building.

74. In the event of the collapse of any property or structure due to negligence on the part of the owner or the developer, such property shall be forfeited to the State Government.

PART III

ADDITIONAL CONTROL IN SPECIAL CASES

Compiling list of Structures of Architectural and Historical Interests.

75.—(1) In the performance of its functions under this Law in relation to control of development, wasteland, trees and building of special architectural or historical interest, the Ministry/Authority shall compile lists of such buildings of special architectural or historical interest.

(2) In carrying out its functions under sub-section (1), the Ministry/ Authority may also obtain and preserve the lists of buildings of special architectural and historical interests from the relevant government agency.

76. A listed building may be demolished, altered or extended if the Ministry or Authority gives a written consent for the execution of works on the listed building; Demolition of listed building.

Provided however that the consent of the State Ministry of Home Affairs and Culture shall be obtained before the demolition, alteration or extension.

77.—(1) A person shall be guilty of an offence if he— Offences and Penalties.

(a) executes or causes to be executed any work aimed at the demolition, alteration or extension in any manner which changes the character of a listed building; or

(b) fails to comply with any condition attached to a written consent of the Authority.

(2) A person guilty of an offence under sub-section (1) shall:

(a) on summary conviction be liable to imprisonment for a term not exceeding six months or to a fine not exceeding ₦100,000 or to both such imprisonment and fine;

(b) on conviction on indictment be liable to imprisonment for a term not exceeding twelve months or to a fine not exceeding ₦500,000 or to both such imprisonment and fine;

(c) in the case of a body corporate, to a fine of ₦1,000,000;

(d) be liable to additional fine not exceeding ₦5,000 for every day the offence continues or to imprisonment for an additional term not exceeding one month.

78. The Ministry or Authority shall:

(1) where appropriate, grant a development permit subject to a provision on the preservation of existing trees and /or planting of new trees by the imposition of necessary conditions; and Provisions for planting of trees.

(2) without prejudice to the provisions of existing laws under this subject, the Ministry or Authority shall make “tree preservation orders”, for securing such amenities within its area of jurisdiction.

Maintenance
of Vacant
Land and
Waste Land.

79. If it appears to the Authority that the amenities of a part of an area or an adjoining area is seriously injured by the condition of a garden, vacant site or an open land, the Authority shall serve on the occupier or owner of such land a notice requiring such steps for abating an injury as may be specified in the notice to be taken within such period of time as may be specified.

PART IV

ACQUISITION OF LAND AND COMPENSATION

Power to
acquire Land/
Revoke
Occupancy.

80.—(1) Where it appears to the Ministry or Authority that it is necessary to obtain any land in connection with planned urban or rural development in accordance with the policies and proposals of any Operative Development Plan, any right of occupancy subsisting on that land may be revoked on recommendation to the appropriate authority.

(2) Any right of occupancy referred to in subsection (1) shall be revoked only in accordance with the relevant provisions of the Land Use Act.

Payment of
Compensation
under the
Land Use Act.

81.—(1) All matters connected with the payment of compensation for the revocation of a right of occupancy under this Part of this Law shall be governed in accordance with the relevant provisions of the Land Use Act.

(2) Any compensation payable as a result of the revocation of a right of occupancy under this Part of this Law shall be paid within a reasonable period.

(3) Where in the opinion of the Ministry or Authority any person has committed a gross contravention of an existing scheme, the land together with the building thereon may be requisitioned or forfeited for the breach of the scheme under this Law without the payment of any compensation.

Facilitation
and execution
of Operative
Development
Plan.

82.—(1) Notwithstanding any provision of this Law, the Authority may, where it deems fit and necessary:

(a) facilitate the execution of the Operative Development Plan;

(b) make payment of reasonable compensation to any person who sustains a damage or suffers any loss by his land being affected by—

(i) injurious affection,

(ii) disturbance,

(iii) displacement,

as a result of the land being lawfully developed or which after lawful activity is being carried forth in order to give effect to any provisions of this Law.

83.—(1) Whereby the coming into operation of any provisions contained in an Operative Development Plan or by the execution of any work under an Operative Development Plan, any land or property within the area to which the Operative Development Plan or work relates is increased in value, the Authority may recover within three years after the date on which the provision comes into operation, or within three years after the completion of the development or activity, as the case may be, from any person whose property is thereby increased in value for an amount not exceeding seventy-five per cent of the increase thereto.

Recovery of
Betterment.

(2) For the purpose of sub-section (1), the Ministry may make rules or regulations.

(3) A claim in respect of an increase in the value of any land or property shall be made by the Ministry/Authority by serving upon the person from whom the amount is recoverable, a notice in writing stating the basis of the claim and the amount.

(4) Any sum recoverable under this Section may be set off against any claim for compensation payable under this Law.

(5) Where any provision of an existing scheme is revoked or modified by a subsequent scheme, no claim for betterment shall accrue to the Ministry or Authority in respect of any property whose value is being increased:

Provided that any outstanding claim due to the Authority from any person whose land or property is affected by previous scheme before the revocation or modification order shall not thereby be discharged but the payment of the amount recoverable shall remain enforceable as a debt due and payable to the Ministry/ Authority under this Law.

PART V

IMPROVEMENT AREAS – REHABILITATION, RENEWAL AND UP–GRADING

84. Where a development plan prepared by the appropriate authority in accordance with Sections 8 to 19 (all sections in-between inclusive) of this Law has been approved under Section 20 of this Law, the Authority may exercise the power set out in this Part of this Law for the purposes of assisting in the implementation of that local plan.

Exercise of
Powers under
this Part.

Improvement
Area.

85.—(1) A development plan to which Sections 9 to 20 (all sections in-between inclusive) of this Law applies may designate and the appropriate authority may, after the plan has been approved, by order published in the Gazette, declare any part of the area for which such plan has been made to be an “Improvement Area” for the purpose of rehabilitating, renovating and upgrading the physical environment, social facilities and infrastructure of the area.

(2) The rehabilitation, renovation and upgrading may be brought about through the combined efforts of the residents of the area concerned, the Ministry or Authority complementary to the rehabilitation, renovation or upgrading of the area.

(3) The appropriate authority shall, before declaring an area to be an improvement area, satisfy itself that the purpose set out in subsection (2), is reasonably likely to be achieved.

Consultation
and Coopera-
tion in
Improvement
Areas.

86.—(1) The appropriate authority shall, before declaring any part of an area to be an improvement area:

(a) use its best endeavour to inform the residents of the proposed improvement area, by such means as it deems fit of:

(i) the purposes and intents of the proposed improvement;

(ii) the powers vested in the Authority; and

(iii) the facilities which would be made available and benefits to be derived by the area;

(b) hold meetings with the Local Government of the area or any other associations in the area to:

(i) ascertain the views of the residents on the proposed improvement area and the exercise of powers relating thereto;

(ii) set up liaison or consultative committees between the Authority and representatives of the residents to monitor the progress of the rehabilitation, renovation or upgrading in the area;

(c) inform other relevant statutory authorities of the proposed improvement area and invite their views and comments thereon;

(d) take into account the views and comments made under paragraphs (b) and (c) of this subsection and from other interested parties on the proposed improvement area.

(2) The appropriate authority shall, after declaring an area to be an improvement area:

- (a) hold regular meetings with the committees established under subsection 1(b)(ii) ;
- (b) assist or join other persons and authorities in assisting a resident or group of residents within the area to draw up and implement plans for the improvement of the neighbourhood;
- (c) generally advise and assist the residents of the area to take full advantage of the improvement concerned.

87.—(1) The appropriate authority shall, in an improvement area, have power to:

Power to prepare an Improvement Plan.

- (a) prepare an improvement area plan showing what ways and over what period of time the area is to be improved and may, where necessary, include a plan for the re-distribution of rights of occupancy of parts of land within the area or part thereof; or
- (b) grant, guarantee or otherwise facilitate the granting of loans to persons or groups of persons:
 - (i) to assist in the improvement, repair or renovation of houses within the area as may be directed by the appropriate authority; or
 - (ii) to provide, improve, repair or renovate social and communal facilities within the area; or
- (c) subject to Section 88 of this Law, demolish or order the demolition of a building or part thereof and, where appropriate, recover the cost of the demolition from the owner of the building or part thereof; or
- (d) improve, repair or renovate or order the improvement, repair or renovation of a building or part thereof and, where appropriate, recover the cost of the improvement or repair from the owner of the building or part thereof; or
- (e) pay compensation promptly, on such terms and conditions as may be prescribed, to a person who suffers a loss or damage through the exercise by the Authority of its powers in the area.

88.—(1) The power of an authority to demolish or order the demolition of a building or part thereof under this Part of this Law may not be exercised unless:

Restriction on the power to demolish.

- (a) the building falls so far below the standard of other buildings used for habitation in the area that it is likely to become a danger to the health of occupiers of adjacent buildings;

- (b) the building is in such a state of disrepair that it is likely to become a danger to public safety and cannot be repaired at a reasonable cost;
- (c) two or more contiguous buildings are badly laid out and so congested that without the demolition of one or more of them that part of the improvement area cannot be improved;
- (d) it is in connection with the provision of infrastructural facilities of the area.

Demolition
Orders.

89.—(1) The appropriate authority shall, before ordering the repair, demolition or renovation of a building or part thereof:

- (a) inspect the building or part thereof to ascertain its condition and situation;
- (b) where the proposed order is one of repair of a building or part thereof prepare a schedule of necessary regulations which shall inform the owner or occupier of the building:
 - (i) of the proposed order and the reason thereof;
 - (ii) the date and time and place where the Authority shall consider any representations or objections to the proposed order;
 - (iii) of such other matters as may be prescribed by regulations;
- (c) affix a notice of the proposed order unto a conspicuous part of the building to which the order relates;
- (d) appoint a committee of members of the authority to hear, consider and report on any representation or objection which may be made orally and in writing by the owner or occupier or his duly authorised representative;
- (e) where the proposed order is for the demolition of a building or part thereof, prepare an estimate of the compensation payable to the owner/occupier of the building.

(2) Where the authority, after consideration of the report of the committee appointed under paragraph (d) of subsection (1) confirms the proposed order, with or without modifications or alterations, it shall serve a notice of the order and the reasons thereof in such form as may be prescribed by regulations on:

- (a) the owner or occupier of the building;
- (b) the person who made representations or objections to the proposed order.

(3) An aggrieved owner, occupier or interested party of a building, which is the subject of a demolition order, may appeal against:

- (i) the order to the Appeals Committee established under Section 94 of this Law for the determination of the subject; and
- (ii) the decision of the Appeals Committee to the High Court of the State.

(4) An order made under this Section shall take effect where:

(a) there is no appeal against the order, at least 28 days after its service on the owner or occupier of the building; or

(b) there is appeal against the order, at least 28 days after the appeal has been finally determined or dismissed.

(5) The Authority shall not enter to repair, renovate or demolish a building or part thereof which is the subject of an order until:

(a) after the period stated in the notice of the proposed order has expired;

(b) where there is an appeal against the repair, renovation or demolition, until the appeal has been finally determined or dismissed.

90.—(1) Where, under this Law, the Authority proposes to make an order for the demolition of a building or part thereof used for human habitation, it shall:

Provision of alternative accommodation.

(a) provide a person likely to be displaced from his home by the order,

- (i) alternative accommodation or site and materials for building an alternative accommodation;
- (ii) assistance in the planning and construction of the alternative accommodation;
- (iii) assistance in moving to and settling in the alternative accommodation; or
- (iv) financial assistance by way of a grant, loan or guarantee either directly or through other authorities, on such terms and conditions as the Authority shall deem fit; and

(b) allow the person to move to and settle in the alternative accommodation before effecting demolition.

(2) For the purpose of this Part of this Law, the word “authority” means the Urban Renewal Authority.

PART VI

OFFENCES AND PENALTIES—ACTS OF CONTRAVENTION,
CONVICTION AND LIABILITY OF OFFENDERS

Acts of
Contravention
of the Law.

91. No person or group of persons in the State shall without prior grant of development permit by the Ministry or the Authority as prescribed under this Law:

(1) erect any structure on any land under Government acquisition or revocation area;

(2) carry out any work or development whatsoever in, on or under or over any land or seabed;

(3) change the approved use of any land, seabed or structure, or

(4) sub-divide any land or partition any building or land for the purpose of obtaining a separate Certificate of Occupancy;

(5) increase the height or the density of a building.

Penalties for
Contravention
and Offences.

92.—(1) Any person who contravenes the provisions of Section 91 of this Law shall be guilty of an offence and be liable on conviction to a fine or imprisonment as prescribed in the Regulations made pursuant to this Law.

(2) Any person who:

(a) carries out any work or development on, under or over or any land without planning permission as provided by this Law shall be guilty of an offence and shall be liable to such fine or imprisonment as specified in the Regulations made pursuant to this Law;

(b) changes the use of any land, seabed or structure, or

(c) sub-divides any land or partitions any structure, without first obtaining a planning permission as prescribed by this Law, shall be guilty of an offence and shall be liable on conviction to such fine or imprisonment as specified under the Regulations, or

(d) erects any structure or development on the path of any drainage, road or waterway shall have such structure demolished,

(e) any person who increases the height or density of a building without prior permit shall have the structure demolished and shall also be liable on conviction to such fine or imprisonment as prescribed under the Regulations made pursuant to this Law.

(3) Where any cost is incurred by the Ministry and / or the Authority in the course of such demolition or removal, such cost shall be assessed and communicated in writing to the owner, builder, developer, occupier or any other person responsible for the illegal structure demanding for reimbursement of the cost.

(4) Any person who fails to pay the cost of demolition as communicated in subsection (3), within twenty-one (21) days of such communication shall be guilty of an offence and be liable on conviction to imprisonment for a term not exceeding three (3) months, and for an additional penalty of five thousand Naira (₦5,000) per day for every additional day for which the cost remains unpaid.

(5) Without prejudice to subsection (4) above, any person who fails to pay the cost of demolition as communicated in subsection (3) will forfeit the property on the expiration of six (6) months after such communication.

(6) Any State Government official who defaults in the performance of his duties under this Law shall be punishable under the State Civil Service Rules and Regulations.

(7) Any person who carries out any physical development in the State without first obtaining a Development Permit as prescribed by this Law, and who having been served with the necessary notices obstructs any public officer from performing his lawful duties, shall be guilty of an offence and be liable on conviction to a fine as prescribed under the Regulations made pursuant to this Law.

(8) For the avoidance of doubt, the expression “any person” shall include an owner, his servants, agents or privies, an independent contractor, architect, engineer or builder and each of these persons is guilty of an offence under this Law.

93.—(1) The Honourable Commissioner on the recommendation of the Authority may make regulations for the purposes of implementing development Regulation.

- planning relating to the following:
- (a) the format, scales, standard, notations and matters to be included and covered in all types of physical development plans;
 - (b) the format, documents, survey plans, development plans and matters to be dealt with in all applications for development permit;
 - (c) the form and content of the comprehensive records that must be kept of all applications for development permit;
 - (d) prescribing in particular the fees payable in respect of any application for development permit and other matters incidental thereto.

(2) The Honourable Commissioner shall have power to make regulations determining the forms and contents of physical development plans in the State and the said plans shall come within the following:

- (a) outline development plans as specified in the First Schedule to the Law;
- (b) the preparations of Physical Development Plans by the Planning Authority and publicity of such plans;
- (c) the mode of objection to a Physical Development Plan/Scheme;
- (d) the preparation of schemes by any agency of the State or any Authority or body and the execution of such schemes;
- (e) applications for grant of physical development permit and control of development by the Planning Authority.

PART VII

APPEALS

Powers of the Appeals Committee. **94.**—(1) There is established in Lagos State a body known as the Town Planning Appeals Committee (referred to in this Law as “the Appeals Committee”).

(2) The Appeals Committee shall be appointed by the Governor on the recommendation of the Commissioner for Physical Planning and Urban Development to whom it shall report through the Chairman quarterly.

Composition. **95.** The Appeals Committee shall be comprised of:

(1) A Chairman who shall be a registered town planner with at least ten (10) years experience.

(2) The following members who shall be registered members of the relevant professional bodies:

- (a) an architect,
- (b) a legal practitioner,
- (c) an engineer,
- (d) a land surveyor,
- (e) a builder,
- (f) an estate surveyor and valuer,
- (g) a sociologist/social worker, and
- (h) a director in the Ministry,
- (i) a secretary, who shall be a serving town planning officer in the Civil Service of Lagos State and not less than Grade Level 12.

(3) The Chairman and members referred to in subsections (1) and (2), shall be on the recommendation of the relevant professional bodies.

96.—(1) The functions of the Appeals Committee shall include:

Functions of the Appeals Committee.

- (a) investigation of petitions sent to it on town planning and related matters;
- (b) consideration of appeals from members of the public on the decisions of the Ministry or the Authority,
- (c) investigation of complaints concerning officials and matters relating to the grant of Development Permit and the recommendation of appropriate actions to be taken,
- (d) interpretation of the Planning Law and Regulation,
- (e) submission of an annual report to the Ministry and, to
- (f) advise on matters referred to it by the Ministry or Authority or other agencies of government and the general public.

97.—(1) The Appeals Committee shall have power to:

Powers of the Appeals Committee.

- (a) invite any member of the public including officials for interview in the course of carrying out its investigation,
- (b) call for documents, plans, schemes, files, in the course of its investigation,
- (c) recommend the approval or withdrawal or reinstatement of any development permit granted,
- (d) order suspension of further physical development activities in relation to a building, site or premises the subject of investigation; and
- (e) enter any building, site or premises the subject of investigation.

98. The Appeals Committee shall make recommendations for the consideration of the Governor.

Recommendations of the Appeals Committee.

99. The Appeals Committee shall regulate its own proceedings, operations and meetings.

Regulation of Appeals Committee.

- Sittings of Appeals Committee. **100.**—(1) The Chairman of the Appeals Committee shall cause a sitting of the Appeals Committee once a month to hear appeals.
- (2) The aggrieved owner, occupier, developer or interested party may attend the sittings of the Appeals Committee and shall be heard if he so desires, or through his authorised representatives.
- Remuneration. **101.** The Chairman and members of the Appeals Committee shall be paid such remuneration as the Executive Governor on the recommendation of the Honourable Commissioner may approve from time to time.
- Jurisdiction. **102.** The Appeals Committee shall have jurisdiction to investigate and adjudicate on:
- (1) all public complaints concerning decisions on building plans applications, Development Plans, Layouts or Schemes, Change of Use, Approval-in-Principle, Density provision, Demolition, Conduct of planning officials, service of notices;
- (2) disputes arising from compensation or other matters affecting physical planning and developments in the State.
- Tenure. **103.**—(1) The Chairman and members of the Appeals Committee shall hold office for three years and shall be eligible for re-appointment for another term of three years by the Executive Governor on the recommendation of the Honourable Commissioner.
- (2) The office of the Chairman or a member of the Committee shall become vacant if:
- (a) the Chairman or a member has completed his tenure of office;
 - (b) he resigns his appointment in writing under his hand to the Executive Governor through the Honourable Commissioner;
 - (c) without good cause he declines to sit for the hearing of an appeal referred to the Committee on three consecutive occasions;
 - (d) he is adjudged bankrupt by a court of competent jurisdiction;
 - (e) he is so incapacitated either by reason of illness or otherwise as to make him incapable of attending meetings of the Committee;
 - (f) he is adjudged to be of unsound mind;
 - (g) his appointment is revoked by the Executive Governor or;

(h) he is found guilty of professional misconduct by a relevant professional registration council in Nigeria;

(i) he is found guilty of corruption by a court of law.

(3) The office of the Chairman or member shall also be vacant by reason of good cause.

(4) For the purpose of subsection (3), “good cause” means:

(a) illness of an incapacitating nature and certified as such by a qualified medical practitioner;

(b) failure to disclose a professional involvement in the case before the Appeals Committee at its earlier or prior stage;

(c) having direct or indirect proprietary or pecuniary interest in the case before the Appeals Committee.

104. The office of the Secretary shall be the Secretariat for the Appeals Committee.

The
Secretariat.

105.—(1) An aggrieved person or any interested party may appeal against the decision of the Appeals Committee and such appeal must be made within twenty-eight (28) days after notification of the final decision of the Appeals Committee has been communicated.

Appeal
against
Decision.

(2) An appeal against the decision of the Appeals Committee shall lie as of right to the High Court of the State, and the appeal must be made within twenty-eight (28) days after written notification of the final decision of the Committee.

106.—(1) The Appeals Committee may make recommendations and give advice for the proper carrying out of the provisions of this Law with respect to all or any of the following matters:

Power of the
Committee
to make
Recommendations.

(a) implementing Operative Development Plans in the State;

(b) the fees payable in respect of any application for planning permission and other incidental matters;

(c) granting exemptions from any fees;

(d) fees payable for services rendered by physical planning organs together with the time and place of payment of such fees;

- (e) forms of all notices required to be given or sent under this Law and the issuing and service of same;
- (f) the control, whether by prohibition or otherwise of a Development Plan;
- (g) regulation of the operations of planning activities; and
- (h) any other matter incidental to physical development activities in the State.

PART VIII

POWERS OF THE GOVERNOR

Powers of the Governor to make Executive Order.

107.—(1) The Governor may make Executive Orders on any matters relating to the functions and powers of the Authority in the State.

(2) The Governor may issue Executive Orders on any matter necessary for the proper carrying out of physical development activities in the State.

PART IX

SAVINGS AND REPEALS

Savings and Repeals.

108.—(1) Subject to the provisions of this Law, any building plan approval granted to any physical development in any part of the State under any enactment before the commencement of this Law shall be deemed to be valid;

(2) Lagos State Urban and Regional Planning Board Law No. 2 of 1998 shall remain in force as amended by this Law.

(3) Lagos State Urban Renewal Board Law No. 9 of 1991 shall remain in force as amended by this Law.

(4) For the avoidance of doubt, all physical planning and development powers, which for the time being are exercised by any other body or authority are hereby abrogated and such powers are now vested in the Ministry and the Authority.

(5) The Lagos State Regional Plan, Metropolitan and Master Plans 1980-2000 as amended from time to time shall remain in force and form part of this Law.

(6) The provisions of the Town and Country Planning (Building Plans) Regulations, 1986 L.S.L.N. No. 6 of 1986 shall be supplementary or complementary to this Law and shall remain in force until repealed by the regulation made pursuant to this Law.

(7) The Guidelines for approval of Layouts published under L.S.L.N. No. 6 of 1983 shall remain in force until amended or repealed.

(8) The Town and Country Planning (Governing Conditions for Development of Estates by Private Developers) Regulations 1999 L.S.L.N. No. 15 shall remain in force until amended or repealed.

PART X

INTERPRETATION AND DEFINITION

109. In this Law, unless the context otherwise requires:

Interpretation.

“Abandoned building” includes an existing, previously occupied but vacated building and, left in that condition for a period of up to two years; or a building which is under construction but on which work has ceased for up to two years.

“Commissioner” means the Commissioner who for the time being is charged with the responsibility for physical planning and urban development;

“Constitution” means the Constitution of the Federal Republic of Nigeria, 1999.

“Developer” means persons under this Law;

“Development” means the carrying out of any building, mining or other operation in, on, over, or under any land; the making of any material change in use of any land building structure, or conversion of land, building structure from its established or approved use, and/or including the placing or display of advertisement and urban furniture on the land, building or structure; the making of any environmentally significant change in use of any land or demolition of building including felling of trees;

“Development Permit” means an approval or assent given for the time being to a development;

“Development Plans” means Subject, Area, Local, Town, District, Structure and Master Plans;

“Gazette” means Lagos State Government Official Gazette;

“Land” includes land covered with water and also everything attached to the earth or permanently fastened to anything, which is attached to the earth and also chattels real and tenures of every description and any interest therein and also undivided shares of land;

“Persons” means an applicant for or holder of development permit under this Law and include for the avoidance of doubt, an owner, his servant or agent, consultants, an independent contractor or a builder or a corporate or an unincorporated body registered under the relevant Acts;

“The Authority” means Lagos State Physical Development Authority and Lagos State Urban Renewal Authority;

“Ministry” means Lagos State Ministry of Physical Planning and Urban Development;

“Physical or Building Development Permit” means the approval granted by the Planning Authority to build or develop as provided or required under this Law;

“Operative Development Plan” means any plan that has formally been endorsed for implementation;

“Planning Agencies”— the Ministry of Physical Planning and Urban Development, the Lagos State Physical Development Authority, the Urban Renewal Authority and any other bodies that may be created pursuant to this Law shall be referred to as Planning Agencies;

“Special Building Project” includes refineries, petrochemical plants or complex, tank farms and other developments that may be classified as special building projects;

“Waste land” includes land which for the time being is unworkable and includes burrow pits, land degraded by erosion, abandoned waste dumps and land liable to flooding;

“Urban furniture” includes all those physical structures placed on the landscape beside the actual building which includes bus stop shelter, telecommunication antennae and mast, street/neon lights statue, artifact placement, fountain, direction finders, etc.;

“Special Building Projects” include refineries, petrochemical plants or complex, tank farms and other developments that may be classified as special Building projects.

PART XI

CITATION AND COMMENCEMENT

Citation and
Commence-
ment.

110. This Law may be cited as the Urban and Regional Planning and Development Law of Lagos State and shall come into force on the 13th day of October 2005.

FIRST SCHEDULE

LOCAL AND TOWN

1. Functions of a local or town Plans shall include the following:

(1) to complement parts or all of District Plans and to indicate in great detail and on plans at larger scales the disposition of all uses and facilities that are required for comprehensive and complete development for a specified area and design population;

(2) to provide guidance for the administration of the proposed development permit and development control system.

2. Requirements for local and town Plans—

(1) The local and town Plans must conform with all the requirements and minimum standards of Operative State and Metropolitan Master Plans insofar as they pertain to the area;

(2) The local and town Plans must comply with all the requirements and standards of Operative District Plans for the area, where they exist;

(3) Where prepared by the Authority, the development Plans need not be processed for statutory approval; they are to be adopted at the District level of the Planning Authority and they can be amended by agreement at that level.

3. Matters to be shown on Local and Town Plans or included in their Schedules shall be—

(1) roads, footways, cycle-ways and other means of communication;

(2) drainage and utility reserves, areas not to be used for development, green belts and amenity areas;

(3) zones for various classes of uses;

(4) possible patterns of land sub-divisions;

(5) specific sites for the State Government Institutional and Community facilities;

(6) specific areas for open space and recreational uses;

(7) sites for other specified uses;

(8) the design populations and net site and gross residential densities;

(9) the number of dwelling units and their total gross floor area, residential plot rations, site coverages, etc. relating to residential building sites should also be shown;

(10) sites formation requirements, levels and key dimensions of building platforms and formed sites, roads, and drains, extent of cutting and better slopes and other necessary engineering information;

(11) such other matters as may be necessary to indicate the type and form of actual development of the area.

4. NOTES:

(1) These plans indicate optional layouts of their areas providing all the required facilities. Private developers or other interested parties could produce equally suitable layouts in their draft comprehensive Development Plans which may be more attractive to their sponsors for financial or other reasons; and this shall be processed for statutory approval.

(2) Should such alternative options arise, they should not be dismissed but considered on merits and accepted if they would expedite development and meet a demand;

(3) The machineries for reviewing and amending adopted Outline Local and Town Plans shall not be onerous.

SECOND SCHEDULE

COMPREHENSIVE (MASTER) DEVELOPMENT PLAN

FUNCTIONS—PART I

1. The main functions of comprehensive Development Plans are to present the Lagos State Government's broad intentions for the use and development of all areas within their jurisdiction in such a manner as to provide a statutory framework, minimum standards, and guidance for—

(1) the preparation of State, Metropolitan and District development Plans and more detailed development plans;

(2) the administration of the development plans and development control system.

MATTERS TO BE DEALT WITH AND SCALE OF MAPS

PART II

2.—(1) Scale of Maps for comprehensive development plans (Regional, State Metropolitan Areas, shall be prepared to vary from 1 : 20,000 to 1: 100,000.

The Planning Authority may approve deviation for specific reasons;

Scale of Maps for Development Plans for small and medium towns shall be prepared to vary from 1 : 5,000 to 1 : 10,000.

3. SOCIAL

Provision for social and economic opportunities appropriate to the employment, housing welfare and needs of the future populations.

4. NATURAL RESOURCES AND ENVIRONMENT

The identification, preservation, and development of natural resources including water, soil, air and other natural systems, farmlands, forests, fisheries, mineral (including sand, metal gravel and brick clays) and areas of value for the enjoyment of nature and the landscape.

5. POPULATION

The general location of present and future development and population distribution including:

- (1) The pattern and general form of urban and rural development;
- (2) General identification of existing urban pattern, areas for future urban growth and expansion and areas for comprehensive development programmes for land assembly, development and disposal;
- (3) General pattern by broad areas of existing and planned future (twenty years ahead)—
 - (a) residential areas and their design population;
 - (b) industrial and commercial areas and their work-force capacities;
- (4) General identification of rural land and resources to provide all the fresh water and most of the fresh food requirements for the future population and adequate green belts to contain the metropolis and State as an entity;
- (5) General identification of areas to be excluded from future urban development, including land of high productive capability, and subject to hazards such as flooding and earth subsidence, land with high aesthetic or recreational value, and land to separate and to enhance the environments and individuality of urban complexes and Local Government Areas;
- (6) General identification of the present transportation system for projection of future demands.

6. TRANSPORTATION

Assessment of the present transportation system for projection of future demands and proposals to meet them with specific reference to the location and capacities of:

- (a) Major Highways;
- (b) Mass Transit Railways;
- (c) Waterways.

7. RECREATION

The present provision and future needs for active and passive recreational facilities including standards for their provision in district plans and development plans.

8. EDUCATION

Assessment of the standards and provision of existing facilities and estimates of future needs and standards for the provision of:

- (1) Primary Schools;
- (2) Secondary Schools;
- (3) Town Planning Schools;
- (4) Polytechnics;
- (5) Universities and their facilities.

9. HEALTH

Assessment of existing facilities and future requirements and standards for:

- (1) Medical centres including dentists;
- (2) Clinics including maternity services;
- (3) Hospitals (private and public);
- (4) General Hospitals.

10. COMMUNITY

Assessment of existing facilities and future requirements and standard of provision for—

- (1) Civil, entertainment and commercial facilities;
- (2) Police, fire and ambulance services;
- (3) Refuse disposal sites and systems;
- (4) Cemeteries—Crematoria.

11. CULTURAL FACILITIES AND AMENITIES

Assessment of existing facilities and future demand standards for the provision of—

- (1) Cultural facilities including libraries, auditoriums, museums, art galleries, theatres, cinemas, and public halls.
- (2) Resort areas, camps and sporting facilities, including sports stadia and race-courses.
- (3) Zoological and botanical gardens;
- (4) Shrines, mosques and churches.

12. REGULATIONS AND STANDARDS

Comprehensive Development Plans shall include regulations and standards which define the scope and limits within which District Plans and other development plans are to be framed and drafted. These shall include the following:

- (1) Definition of the main planning zones and the main types of developments and uses that are permissible and departure developments and uses within them plus certain, but not all restrictions and conditions that may be imposed by the Planning Authority on departure planning permissions.
- (2) Planning, building regulations defining—
 - (a) Requirements for the provision of formed streets, provision of service and site;
 - (b) formation; minimum requirements for dwelling units of various types including sizes, service cores, room sizes, ceiling height and day lighting/ventilations;
 - (c) Building site requirements and limitations, minimum building lines, airspaces and maximum coverages, heights and plot ratios, for the main types of residential, commercial, industrial and institutional developments in defined use zones.
- (3) Defined requirements for the sub-division of land and the partitioning of buildings including—
 - (a) Minimum and maximum building site requirements for the type of buildings to be constructed on them;

- (b) General requirements for the completion of construction works and formation of carriageways, footways and drains;
- (c) The provision of utility services including piped fresh water supply and water-borne sewage disposal;
- (d) The provision of service cross within all dwelling units;
- (4) Offences and penalties for illegal developments.

The new requirements for Change of Use of Land and Building.

13. PROGRAMMING

In presenting policies and strategies, the Development Plan may indicate the scale, sequence, timing and relative priority of developments.

14. IMPLEMENTATION

The Development Plan shall include such of the following as may be appropriate—

- (1) Levels of service and operating policies for public utilities, services and facilities.
- (2) Amount, type and source of financial and other resources necessary.
- (3) Identification of the bodies or Agencies responsible for implementation.

THIRD SCHEDULE

TYPES OF PLANS

1. BUILDING DEVELOPMENT PLANS

(i) Building Development Plans are the documents attached to applications for development permit, and comprise written statements, schedules and plans which are submitted with applications for—

- (a) permit to use and develop; or
- (b) approval of partition of land and buildings; or
- (c) departures from approved plans or operative planning schemes;
or
- (d) temporary non-conforming uses.

(ii) The functions of the Building Development Plans shall be to portray as clearly as possible all the intended uses and proposed development on the site and the effect they will have on adjacent development and the neighbourhoods in which they are situated. These matters must be taken into account when the applications are being considered.

(iii) Persons authorised to prepare Building Development Plans—

- (a) All Development Plans and planning applications shall be prepared by or under the supervision of qualified relevant professional body registered to practise in Nigeria.
- (b) The relevant professionals registered to practise in Nigeria shall be responsible for the reliability, accuracy, feasibility and correctness of any development plans which bear their signatures and which are submitted to the Planning Authority for approval.

2. LOCATION PLAN

All Development Plans shall be accompanied by location plan on a scale of 1 : 200, 1 : 500 or 1 : 8000 indicating its whereabouts in relation to other developments, and existing and proposed main roads, drainage, channels, major community facilities and the like, co-ordinates of the boundaries of the site and its total area must be given.

3. LAYOUT PLANS: ESTATE DEVELOPMENT REGULATIONS

(i) Layout plans indicate the physical layout of the area and show the location and dimensions of roads, footways, drainage channels, and the sites

for the various uses intended, according to a standard notation. Levels should be indicated on roads, drains, buildings and other sites. Cutting slopes, batters, walls and other physical features should be indicated. All sites should be serially numbered and clearly defined, and shall have accompanying schedule.

(ii) Schedules shall indicate the areas and uses of all sites, including roads, footways, reserves, etc. and the building coverage, building lines, plot ratios and gross floor areas of all buildings to be erected on them. They shall also indicate the occupancy rates assumed by gross floor area per person, and the residential densities and design populations for the proposed developments.

(iii) Every layout plan shall be prepared and endorsed by a town planner registered to practise in Nigeria.

4. ENGINEERING PLANS

These shall be included for all Development Plans, involving site formation works, construction of roads, footways, drains, walls, sewage works and service reticulations. They shall indicate the location and levels of all the above-mentioned elements and others that may be proposed in the development and provide specifications for their construction. Where standard approved elements are used, no specification would be required.

FOURTH SCHEDULE

FUNCTIONS, REQUIREMENTS AND MATTERS TO BE DEALT WITH IN DISTRICT PLANS

PART I—FUNCTIONS

1. The primary functions of district Plan is to interpret the policies and requirements of comprehensive Development Plan and present a clearer indication of the future disposition of major uses, development patterns and population distributions in the areas of their jurisdiction. They should present an indication of the phasing and timing of development, provision of services and population growth.
2. They provide a clear framework and guide for the formation of more detailed planning proposals and the preparation of all types of development plans for applications to the Planning Authority for development permit to use and develop.
3. Within the areas of their jurisdiction and when they become operative, they provide the criteria for the consideration of all applications for development permit and their approval, conditional approval or disapproval by the Planning Authority.

PART II—REQUIREMENTS

4. District Plans shall conform with all the requirements and minimum standards of comprehensive Development Plans insofar as they pertain to the area.
5. Draft district plans shall be prepared by the Ministry or Authority and shall be displayed for public scrutiny, comments and objection, hearing and deciding on objections after which it shall be submitted to the Honourable Commissioner for Physical Planning and Urban Development for approval.

PART III—MATTERS TO BE DEALT WITH IN DISTRICT PLANS

6. District plans shall cover all relevant matters referred to in comprehensive Development Plans, which are operative and applicable in their areas, in more specific and detailed terms, if appropriate. Scales of maps to be used are to vary from 1 : 10,000 to 1 : 5,000 and the Ministry or Authority may approve deviation for specific reasons.
7. District plans shall comprise written statements— and such plans, diagrams, schedules and tables as may be required to clearly portray their intentions.
8. They shall provide a statement of existing conditions, constraints and potentials in its area, based on sound and updated survey data.

9. They shall provide assessments of existing and future design residential populations and employment opportunities within defined neighbourhoods and zones.

10. They shall, where appropriate, provide plans at suitable scales indicating the appropriate provision and deposition of:

- (a) Main roads, footways, cycle-ways, railways, ferry routes and other means of communication.
- (b) Drainage and utility reserves, area where urban development is restricted or prohibited, green belts, wooded and amenity areas to be preserved.
- (c) Residential zones (A,B,C &D as appropriate) and the type, form and intensity for development permitted in them, their residential densities and design populations.
- (d) Commercial, Residential Zones and type, form and intensity of development permitted in them and their design populations.
- (e) Commercial Zones and type, form and intensity of development permitted in them, and their design populations.
- (f) Industrial Zones (A,B,C&D as appropriate) and the types, forms and intensities of uses permitted in them.
- (g) District, Government, Institutional and Community Use Zone and the type of uses permitted in them, where specific use have been determined for sites, these should be annotated.
- (h) District Open Space Zones and the recreational facilities provided in them.
- (i) Specified Use Zones which should indicate those major uses which are likely to provoke public comment or objections or which have extraordinary restrictions such as cemeteries, abattoirs, refuse tips and reclamations, petrol filling and gas stations.
- (j) Schedules of design populations and residential densities for all zones with residential elements and the design population for total areas.

- 11.** They shall provide schedules, regulations and standards for:
- (a) The provision to be made at local level within any or all of the above-mentioned zones for:
 - (i) Local Community facilities (including education);
 - (ii) Local open spaces and recreational area;
 - (iii) Local pedestrian and vehicles access;
 - (iv) Any other local facilities as may be appropriate.
 - (b) Land sub-division and building partitioning regulations;
 - (c) Planning, building regulations for all zones including site coverage, building heights, building lines and plots ratios;
 - (d) Regulations relating to excavation and contouring of the ground, the provision of landscaping, fences, walls or barriers;
 - (e) Regulation controlling advertising displays;
 - (f) Regulations relating to the location, design and appearance of loads, streets, pedestrian ways, cycle-ways, and waterways.
 - (g) Regulations controlling effluents;
 - (h) Such other regulations as may be necessary or appropriate in the district.
- 12.** They shall indicate the assessed scale, sequence, and timing of development and population growths and the priorities for the provision of services and community facilities.

FIFTH SCHEDULE

PLANNING BRIEFS

1. FUNCTIONS

(1) The functions of planning brief is to provide:

- (a) framework and a reliable indication of the intended uses;
- (b) the extent of various types of development;
- (c) the design populations of major physical elements; and
- (d) the areas of their jurisdiction.

For those responsible for preparing draft district Plans and comprehensive development plans.

(2) Planning briefs shall also serve to identify:

- (1) constraints;
- (2) proposed public works which will directly affect or influence the form of development in the area; and
- (3) ensure that all relevant available data are considered and used in their preparation.

2. PREPARATION

Planning briefs are to be prepared by the State Ministry/Authority within the frameworks and requirements of comprehensive Development Plans.

3. ISSUANCE OF PLANNING BRIEFS

They shall be issued by the Commissioner or any officer in that behalf.

4. A definition of the area covered by the Planning Brief by co-ordinates and area, shall be given.

5. They shall provide an indication of the appropriate timing of development in relation to comprehensive development programmes, and the provision of access, services and community facilities.

6. They shall indicate whether or not it is appropriate to proceed with more detailed planning at a particular time.

7. A description of the intended functions of the area shall be given.
8. The intended population for the area and its likely household and income structure shall be given.
9. Any relevant information that may be available or should be obtained by surveys on existing physical conditions, populations and uses shall be identified.
10. Known constraints on development due to flooding ground conditions, reclamation fillings, ground water table levels, etc. shall be stated.
11. Constraints required for environmental, ecological or amenity reasons shall be stated.
12. The location of existing or proposed public works which will affect the use and planning of the area, such as major highways, canals, drainage reserves, railways, overhead power transmission lines and the like shall be given.
13. Regional reserves and facilities, which must be provided for in the planning of the area, shall be identified.
14. The type and extent of the major uses, which should be provided to produce a balanced development, shall be broadly stated.
15. The provisions that should be made for open spaces, recreation facilities, schools; other community facilities, shopping and marketing shall be stated.
16. An indication of the level of services that should be provided and when they will be available to the area shall be given.
17. An indication of the types of housing and residential occupancies and densities that would be appropriate in the area shall be stated.
18. The amount and type of commercial, shopping and industrial uses which should be provided for the planning of the area shall be identified.
19. Any other relevant information which may be available and could assist in the planning of the area shall be identified.
 - (a) The process of physical improvement of existing urban settlements to eliminate blight through surveys and planning recommendations for land acquisitions and buildings and installation of public facilities, utilities and services;
 - (b) The physical improvement could be re-development, upgrading or rehabilitation.

URBAN RENEWAL

This is the planning process geared towards a physical improvement of existing urban settlements to eliminate blight by any of the following methods: Redevelopment, Upgrading or Rehabilitation, Preservation and Conservation.

UP-GRADING

This is a planning process whereby an existing but decaying urban area is improved to meet established physical planning standards and criteria. It can therefore be called an Improvement Scheme.

REHABILITATION

This is a planning process whereby individual structures are improved to meet established building standards and criteria. It can also be called Renovation Scheme.

MADE at Ikeja, this 13th day of October 2005.

This printed impression has been compared by me with the Bill which has been passed by the Lagos State House of Assembly and found by me to be a true and correctly printed copy of the said Bill.

R. O. A. JAIYESIMI
Clerk of the House of Assembly