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Assessing Non-Compliance of Development Controls in Ekiti State, Nigeria

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Abstract

Environmental management practices are urgent and serious issues that deserve greater attention in our world today. The study employs geo-spatial techniques to assess the level of non-compliance to development controls in Ekiti State. The data used for the study are of both primary and secondary sources. The primary data was obtained using questionnaire, ground survey method and the use of hand-held GPS equipment for rapid details concerned in the study area. The secondary data made use of administrative map of Ekiti State, internet facilities and Urban and Rural Planning laws of Nigeria as applicable to Ekiti State The result showed that only 40% of the features captured were in compliance with the development controls guiding the environment while 23% of the features have acceptable locational and spatial pattern as their offsets were at variance with the environmental laws of the land (Nigeria). It was found that majority of the hazards recorded such as flooding, gully erosion, collapsation of weirs, damage of electric poles, impairment of roads, fire out-break and contamination of ground water leads to health problems to the residents in the study area. The study recommends that government should apply stringent punishment to the erring individuals, companies and or organization that are liable by pulling down the affected features so as to serve as deterrent to others and to ensure that the relevant agencies that possess that capacity and ability to make policies back it up with laws to effect compliance for the sake of sustainability in the study area.

Keywords: Attitudinal Change, Development Controls, Geospatial Technique, Non-Compliance and Sustainability

1. Introduction

Man's interaction with his environment has posed challenges which require solutions. There are different land use activities of man which has impact on the environment in his quest to live a better life and earn his living. Some of the solutions to environmental challenges demand protection of the environment having realised that the quality and standard of human life and health care depend on the survival of the environment (Adeyeye, 2010) [9].Yet, survival of the people depends on the development in an environment and for any development to thrive well in any environment, there must be a guiding rule in place termed development control to checkmate the activities of developers by imposing restriction on them on the use of land within the environment for protection, management and for sustainability.

Environmental compliance through development control is the successful key to make environmental protection work. Developmental control is the process that regulates the development in a particular area Such developments include the construction of new buildings, rehabilitation and extension of existing ones that may result to land use changes in the environment (Ndukwe, 2002; Adegboyega and Ogunlade, 2019) [16, 8]. Building of new houses, industrial buildings and shops are important for sustaining the economy of any community as witnessed in the study area but they are uncoordinated and un authorized on the land use for several residential buildings were converted to commercial, medical and educational uses without approval (Oriye, 2013) [21], and it is very important that such developments are protected to improve the quality of the environment especially, in both urban and rural settings.

Adedibu (1995) [4] stressed the importance of development control in an environment because it ensures an orderly growth of settlement by stipulating adequate planning standards in the areas of lighting, ventilation, open space and other socio-cultural facilities that makes life worth-living. And neither laws nor legislation such as EIA in global or regional forms can save nature or the environment except man. Thus, not until man decides to have a change of attitude to protect nature and the environment; and until the people concerned are committed to having positive attitude towards compliance, no meaningful development control can take place in the environment, even though, legislations are important and necessary (Peter, 1993; Ajomo and Adewale, 1994) [22, 11].

Environmental challenges such as inadequate housing supply, pollution, insecurity and crime rates pose threats to lives and

properties. They emanate in the form of degradation, resulting from flooding and soil erosion and other menaces which have attracted the attention of environmentalists in the world (UNDP, 2006) [25]. The world today wants ensuring environmental sustainability to the development of nations, and to buttress this fact it was one of the goals of MDG of yesteryears in which the issues of sustainable development goal of this present age that takes after. Environmental degradation is not new for it has been happening all over the world for centuries, but it is fast occurring now than before not leaving enough time for the environment to recover and revegetate.

Soil erosion and flooding are severe environmental challenges resulting to hazards in Nigeria including Ekiti State which in no smaller measure have had negative impact on environment and the transportation network system of the study area. Development controls have been in place in Ekiti State such as public enlightenment campaigns on environmental degradation raging from waste disposal and management, ban on illegal tree felling in the forest, overexploitation of forest resources and the issue of setbacks to road networks both natural and artificial features that serve among many regulatory measures in planning laws. Assessing the non-compliance in the study area shows that setbacks and drainage facilities have been neglected or ignorantly overlooked in many developments springing up within the environment and the aftermath of this had been socio-economic and environmental hazards such as severe or excessive flooding of forests and farm lands, destruction of food crops, destruction of economic trees, truncation of roads, blockage of communication and damage to access routes among the neighbouring communities (Adegboyega, 2019) [6].

Environmental Impact Assessment report a times does not assure of adequate mitigating measures to safeguard the environment from possible disaster occurring in the environment due to the negative attitude that people have towards development of structure. Many developments lack compliance to the regulation and departmental instructions because of unethical and sharp practices. Thus, the crux of this paper, lies on the fact that non-compliance to the development controls, this has eternal consequences on the livelihood of the people of the study area.

1.1 Aim and objectives of the study

The study aims at assessing level of non- compliance to development controls in Ekiti State. And the specific objectives of this study are to:

1. map out the areas that people are non-compliant to development controls in Ekiti State using Geospatial techniques.
2. examine the road transportation and land use pattern in the study area, with the planning laws
3. assess the havoc wrecked in the state due to non-compliance to development control and, recommend the necessary solutions to the challenges in the study area.

1.2 Literature review

Scholars of high repute like Faniran (1997) [13] lamented on the neglect of proper environmental education in Nigeria, while Abegunde et.al, (2007) [1], discussed the issue of continuous global challenges for environmental conservation and preservation while Jegede (2020) [14] assessed the spatial compliance and negligence with environmental laws in the South-south region of Nigeria. Obateru (2005) [17] in his own view about solving the problems of setbacks to public utilities in Nigeria discussed the types and the significance of such to people and the environment. Okpala (2009) [20] opined that Development Controls in Nigeria is an Institutional Framework and is an act of developmental regulation, this was corroborated by Ekiti State Official Gazette of 2011, and this must be keyed into otherwise, further problem would ensue. Setback as a development control is a legal and public provision for developmental regulation in Nigeria (Adeyeye, 2010) [9]. Thus, Adegboyega and Imole (2019) [7] worked on assessment of the level of compliance of developers for siting of fuel stations in Ado Local Government Area and found out that the level of obedience to law and order is not encouraging at all. Momoh and Oladebeye (2010) [15] commented on the assessment of non-compliance to environmental sanitation laws (the laid- down rules and regulations), serving as development controls due to attitudinal pattern of life of people living in Ado-Ekiti, the state capital. Also, Ajayi and Fateye (2015) [10] learnt from the global experience that the attitudinal response of people to development control is one of the problematic factors affecting urban development and the environment.

Other problematic factors are negligence, conflict of duty, low level of literacy and poverty. All these contribute to non-adherence to development controls in Nigeria which have their inherent dangers. Therefore, it is needful to discuss the danger of flouting laws by non-compliant on development controls that could help sustainable development within our environment in Nigeria especially Ekiti State, the study area.

1.2.1 Development controls in Ekiti state

The development control is an institutional law in Nigeria and one of the powers exercised by planning authority to control any development in an area. It has its goals and purposes to fulfill in an environment (Adebayo, 2010) [3]. which may either be an urban or rural settings where developments take place

1.2.1.1 Provisions of Right of Way and Setbacks

The right of way and setbacks are important to avoid building illegal structures. A setback is the distance observable between the building line and the property boundary, waterbodies; and right of ways of infrastructural facilities and utilities. Adeyeye (2010) [9] stated that the Town and Country Planning Ordinance of 1946 aims at re-planning, improving and ensuring development, all of which bothers on development controls in different parts of Nigeria.

1.2.1.2 Development control for buildings

The itemized conditions are development controls for buildings. They are:

1. Three copies of approved building plan showing the existing buildings or proposed ones on the site and the relation to the roadways and adjoining properties.
2. A certificate signed by the Chief Federal/State Fire Officer, or by an officer authorized on his behalf, that arrangements proposed for the prevention of fire at the site are satisfactory, in the case of fuel stations.
3. A certificate signed by the Area/Town Planning Authority for the construction on the proposed site.

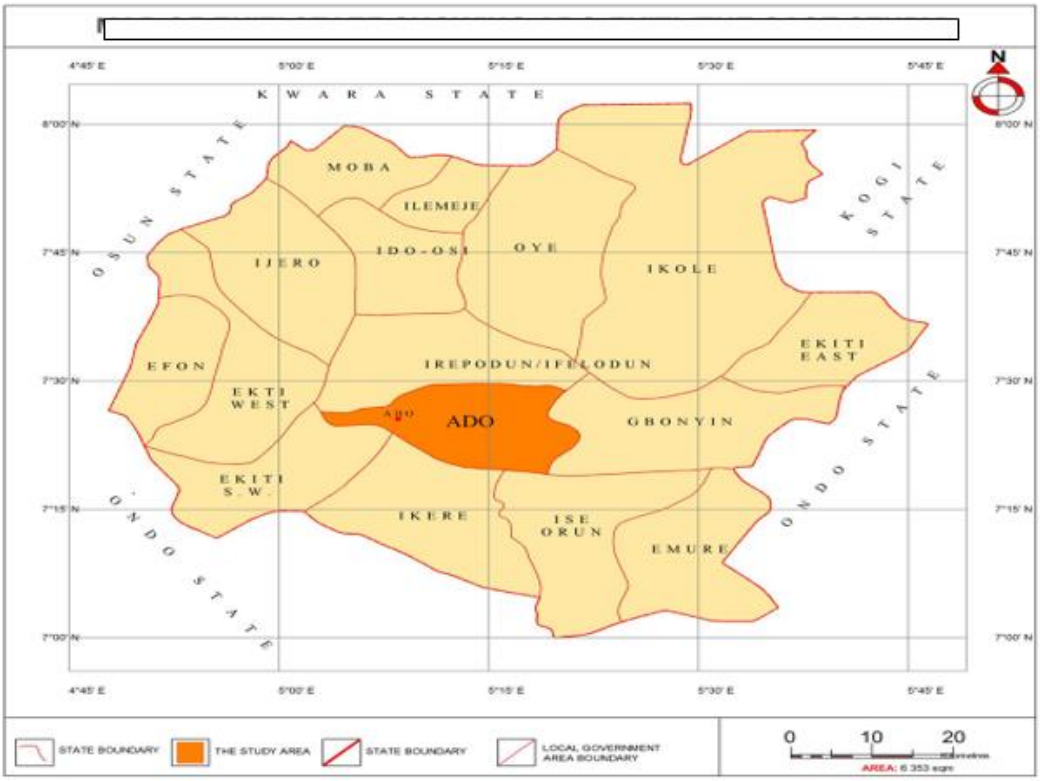
4. A certificate signed by the Divisional Police Officer, or a superior police officer in-charge of police M.T.D that he is satisfied that the site and layout of the proposed building do not constitute unnecessary traffic hazard. Also, this as applied to fuel stations.
5. Evidence that the company applying is duly registered as a limited liability company by the appropriate Federal Ministry/Corporate Affairs Commission that deals in the products (e.g., petroleum).
6. Tax receipt/tax clearance certificate for the three preceding years.

2. Data and methodology adopted

2.1 The Study Area

The study area is Ekiti State with sixteen Local Government Areas, located in the south western part of Nigeria (Fig.1). It lies between latitudes $07^0$15' and 08^0 5' north of the Equator and between longitudes 04^0 45' and 05^0 45' east of the Greenwich Meridian. The state is bounded in the north east by Kogi State, and in the south east and south by Ondo State and in the west by Osun State. and in the north by Kwara State.

Ekiti State is categorised into two major vegetation zones which are the north and the south vegetation. The south vegetation is in the tropical rainforest zone of Nigeria, While the northern vegetation is in the form of the Guinea savannah woodland with scattered trees (Adebayo, 2004) [2].



Source: Office of Surveyor-General, Ekiti State, 2019

Fig 1: Map of Ekiti State and its Local Government Areas

2.2 Data collection

The data for this research work were of both primary and secondary sources. The primary source was. obtained directly from the field observation using geospatial techniques. The location, names, width of the roads were carried out using the physical measurement to get the attribute data. After the reconnaissance survey was carried out, five types of development controls were identified for selection in the study area namely: house and housing in the urban/ rural settings, lack of drainage facilities to roads (highways, state, Local Government Area and layout on both and new sites) in state capital, and few selected towns, indiscriminate dumping of wastes and shortfall in types, setbacks to bodies of water, Dam, rivers and streams, especially, the problematic river Osun at Ikere-Ekiti, river Elemi, river Ureje at Ado-Ekiti. Setback to Public Utilities and educational facilities such as Schools, Mosques, Churches, Sawmills, Mechanics workshop, High tension wires, GSM Mast, Electronic Poles and set back to Fuel Stations in the study area as seen in tables1 and 2.

2.2 Data analysis

The data gathered from the primary source used survey and questionnaire. The data were processed through descriptive statistic method (tables). The secondary source was through collection of survey plans along the flood prone area especially along the river courses processed using Chi-square as inferential method to compare the level of development in Ekiti State to the level of compliance to the planning law within the State. The respondents were systematically selected. The Chi-square was the inferential statistical method employed for the analysis of the work

3. Results and discussion

3.1 Results

Table1: Digital Mapping Information and its Usage for Development Controls in Ekiti State

S. No	Types	Developmental Usage	Digital Geodata Required
1	House/Housing	Setback to: Public, Private and Individual schemes	Line Map
2	Roads and Waterbodies	Land use, Drainage facilities, New Town development, utility management and monitoring, road maintenance	Cadastral map and LINE map
3	Refuse Disposal/Management	Drains, gutters and dump sites	Cadastral map and Line map
4	Public buildings/ Fuel Stations	Setbacks to roads, houses and fuel stations	Line Map/ Thematic map
5	Educational facilities	Facility planning, location/sitingof institution	Line Map

Source: Adapted after Oluwamotemi, 2015

NOTE

LM: Line Maps: These contain topographical, road, utilities, boundary, administrative layers at various scale

TM: Thematic Maps: These are maps for specific purposes or theme. They include Geological, Land Use/ Land Cover, Vegetation, Mineral and Soil Maps at various scales.

CM: Cadastral Maps: These are property maps containing Land Parcel Identifier, Ownership, Use and Tenement Rate and Conveyance History.

Table 2: Right of way and Set Backs for Development Controls in Ekiti State

S. No	Variable (Type of Development)	Right of way	Set Back
1	Streams, Rivers		15m,30m
2	Water works. Dam/Water Bodies (Ocean)	100m	50m
3	Federal Roads (High ways)	90m	50m
4	State Road (Trunk B)	60m	30m
5	Local Government Roads	6m	25m,18m,15m,12m
6	High Tension Power line(330KVA)	45m	25m
7	Medium Tension(132KVA)		15m
8	Low Tension (Domestic)(11/33KVA)		5.5m
9	Gorges (New/Built-up Area)		10m
10	Optic Fibre line		4.5m
11	Main Pipe line/NNPC/water)		15m
12	Quarry Site		100m
13	Railway		21m
14	Gas Pipe line		30m
15	GSM Cell (Antenna)		10m

Source: Ministry of Housing and Urban Development, Ado-Ekiti, 2020

Table 2 shows the right of way and the standard setbacks for granting planning permit for any development in Nigeria as applicable to Ekiti State, the study area. This should be adhered to strictly in order to bring the desired control development wished for the sustainability of Ekiti State.

Table 3: Road Map of Major Towns in Ekiti State

Town	Routes	Senatorial District
Emure to:	Owo Supare Akoko Ise-Ijan-Iluomoba-Aisegba-Agbado-Ikare Akoko Ise-Ikere-Ado-Ekiti Ise-Ikere-Igbaraodo-Akure	Ekiti South
Ado-Ekiti to:	Afao-Igbemo-Iluomoba-Ikole-Omuo-Kogi state Ilawe-Igbaraodo-Igbaraoke-Akure Ijan-Ilumoba-Aisegba-Agbado-Ikare-Akoko (Ondo State) Iyin-Igede-Aramoko-Efon-Ijebu Jesha (Osun State) Ifaki-Oye-Ikole-Omuo Ifaki-Ido-Usi-Otun Ekiti-Ayedun(KwaraState)	Ekiti Central
Ifaki Ekiti to:	Osi-Awo-Igede Ekiti Eyio-Awo-Igede Ekiti Ido-Usi-Otun-Omu Aran (Kwara State) Oye-Ikole-Ilasa-Omuo-Iyamoye (Kogi State) Oye-Itapa-Ikole-Ipao-Irele	Ekiti North

Authors' Compilation, 2019

Table 3 shows the road-networks of Ekiti State. The major roads start from Emure-Ekiti to Supare- Akoko, Emure-Ekiti to Owo, then Emure-Ekiti to Ise down to Ikere-Ekiti, all in Ekiti South senatorial district. Secondly, route 2 takes root from Ado-Ekiti to Afao, Ado-Ekiti to Ilawe, Ado-Ekiti to Ijan, Ado-Ekiti to Iyin, Ado-Ekiti to Ifaki, all as described in the table3 for Ekiti Central senatorial district. Then thirdly, from Ifaki-Ekiti to Osi, from Ifaki-Ekiti to Eyio, from Ifaki-Ekiti to Ido, from Ifaki-Ekiti to Oye and the rest towns in Ekiti North senatorial district as shown in the table. It was found out that the provision of setback to roads, streams and buildings were not in tandem with development controls.

Table 4: Setback to Roads (existing) and new ones

Roads	Observed (O)	Expected (E)	O-E	$(O-E)^2$	$(O-E)^2/E$	Remark
Highways	20m	50m	-30	900	18	Non-compliant
State	10m	30m	-20m	400	13.33	Non-compliant
Local	3m	12m	-9	81	6.75	Non-compliant
Layout	9m	12m	-3	9	0.75	Non-compliant
Total					$X^{2=}38.83$	

Source: Authors' field work, 2019

The features on both the new roads and the existing ones were queried as follows:

Table 4 shows the setback to roads. It was observed that the road types were of two folds: the main roads and the feeder roads. It was found that only in the urban centres that we have few drains that could collect water when rain falls, to drain the running water running into them as drainage pathway between network of roads constructed to prevent flooding and water logging. The setbacks provided were expected to be carried out in accordance with the provision of laws (table 2), to new roads, as well as the already existing ones. But the grade level of the roads varies from 6m to 45m and since Ekiti State is yet to have railways, the level of compliance to railways could not be determined. For trunk A (Federal roads) it is supposed to be 45m from the site (chain line) to the centre of the road but when measured, the width of the highways from the field lies between 7.5m and 7.8m. Also, only few drains or drainage pathway were provided in nearly in all roads in the state to prevent flooding, water logging and to avoid truncation of the road due to incessant flooding and soil erosion in most of the road networks in the state capital such as Ayemi Garrage (Ado-Iworoko road) and Ureje along Ado-Ikare road, Ado-Ekiti. The state of disrepair has gulped a lot of money (Adebayo, 2010) [3].

Table 5: Setbacks to Water bodies in the Study Area

Variables	Observed (O)	Expected (E)	O-E	(O-E) 2	(0-E) 2/E	Remark
Streams	15m	30m	-15	225	7.5	
Rivers	15m	30m	-15	225	7.5	
Dam/Waterbodies	100m	150m	-50	2500	16.67	
					X^2 =31.67	

Source: Author's field work, 2019

Table 5 shows the setbacks to the bodies of water in the study area. For small streams, the setback is 15m and for bigger river, it is 30m and for the dams, the setback is a radius of 150m e.g., Egbe Damin Egbe -Ekiti, Itapaji Dam in Itapaji-Ekiti, Ero Dam in Ikun -Ekiti and Ureje Water works in Ado-Ekiti. The essence of the setbacks is to control flood and to prevent accident due to pressure exerted by water on the Dams and or in the rivers whenever they overflow their banks during the rainy season. As for the water bodies- the set back to it should be radius of 150metres minimum but it was not so when visited Ureje water works at Ado-Ekiti, this made the department of Urban and Regional Planning marked down some houses for demolition in the area.

Table 6: Setbacks to Power line and other public buildings

Items	Observed(O)	Expected(E)	O-E	$(O-E)^2$	$(0-E)^2/E$	Remark
11/33KVA	3m	5.5	-2.5	6.25	1.136	
132KVA	10m	15	-5	25	1.667	
330KVA	15m	25	-10	100	4.000	
GSM Mast	5m	10	-5	25	2.500	
Water Pipe	5m	15	-10	100	6.667	
Gas Pipeline	10m	30	-20	400	13.333	
Total	48				$X^{2=}$ 29.303	

Source: Authors' field work, 2019

Tables 2 and 5 show the minimum setback between any development such as building to PHCN low tension overhead cable (11KVA or 33KVA) which ranges from 5.5m to 45m based on the capacity of the wire tension. These are truncated today. The study revealed that most developments are at variance to the development control under this discourse. Some developments in the form of kiosks and farms were sited under high tension wire (330KVA). The issue of GSM Mast is recent, common and rampant within our corridors. Table 5 reveals the outcome of the statistical analysis using Chi-Square method to report the level of compliance in the study area and found out that, it is at zero level which indicates that lives of people is at most risk. So many communicable diseases attached to the erection of GSM Mast were reportedly seen in the Newspaper, (Punch August 12, 2018) [23] that GSM Telecommunication masts have adverse effect on the people who live close to the transmitters, attend school nearby or work in close proximity to them were at most risk because the people constantly exposed themselves to the radiation were at the risk. Diseases such as Alzheimer, brain cancer of various types, depression and miscarriage to mention but a few are attached. In some places the 10m radius were not adhered to, because the construction work went on before taking approval. Everybody lives on deception. What could be the aftermath effect? Danger!

Table 7: Development to Public places

S. No	Variable	Expected	Inspected (measured)	Remarks
1	Markets	In all layouts	Few	Non-compliance
2	Parks and Garden	In all developing areas	Few	Non-compliance
3	Educational Institution	In all developing areas	Many	Okay
4	Stadium/ Sport Complex	In all developing areas	Scanty	Non-compliance

Source: Field work, 2020

Table 8: Approved plans

S. No	Variables	Expected	Observed	Remarks
1	Perimeter Survey/ Survey plan	All developments	Scanty	Non-compliance
2	Building plans	All developments	Only few	Non-compliance
3	EIA Report	All developments	Only few	Non-compliance

Source: Field work, 2020

Tables 7 and 8 revealed the high level of non-compliance to development controls in public places and that only few developers were mindful to obtain the approved plans before embarking on their developments. This is an indication of non -compliance to development controls in most of the arena contacted in the study area

3.2 Discussion

Assessing Non-compliance to development controls in Ekiti State

Based on the results presented, the health status of the people is not guaranteed. This corroborates the findings of (Omueti *et al.*, 2000) [19] that when wastes are not properly dumped, rain could wash the wastes, pollute the environment to cause diseases such as diarrhea, cholera, and some of the wastes when they are burnt cause air pollution that invariably result to cancer or any respiratory problem (bronchitis). Secondly, burning of refuse in an unauthorized place is harmful to the environment for the ozone layers which serve as blanket that protects the earth from direct sunlight are depleted, and get destroyed. Thus, causes global warming which is dangerous to the immediate environment and globally

The third issue on assessing the level of non-compliance in the study area is that the development controls forbid dumping of solid wastes in unauthorized places, such attitude cause serious impact on agricultural and farming activities. The research is in line with the assertion of (UNDP, 2005) [24] that soil drainage hinders the growing crop since some waste materials are water proof. They are therefore not good to the aeration system of the soil, in that, it reduces the fertility of cultivable land especially damp site, as a result of the act, ponds and other aquatic habitats are affected, this pollutes the water.

Fourthly, some of the dumped wastes that pollute the land and the water cause havoc to the domestic animals that could be of economic value. For example, some of them die while taking polluted water, subsequently affect the actual economy. This observation corresponds with the World Bank Report (2015).

Again, the result gathered revealed that, soil erosion and flooding have spoilt 75% of the roads in almost every part of the state irrespective of their status (federal/ state/ the feeders) roads. Thus, road accidents occur frequently due to bad roads and collapsing of weirs/ bridges, The non-maintenance of these roads by the government/ individual concerned often leads to loss of lives and properties yearly. This was evidently witnessed at Ogbese river, in Ogbese-Ise-Ekiti and at Ureje bridge, Ado- Ekiti.

Lastly, another inherent danger is the issue of kidnapping and arm robbery due to bad roads. Most of the roads are death traps to people. drivers and commuters while trying to slow down to maneuver the pot-holes,victims come across terrorists who hide underneath to wreck havoc in such places, such things have effects on the economy of the study area. Unworthy expenses, loss of time/ delay on the road, spoiling of vehicles and damage to vehicles happens intermittently.

4. Conclusion and recommendations

4.1 Conclusion

The study conducted showed both Institutional and legal frame were to be implemented and followed to letter otherwise, more havoc would be wrecked to the environment than the good things. desired for it.

4.2 Recommendations

Let all the concerned bodies be united in enforcing development controls in the study area. Application for development permit should only be granted according to planning edict, and there must be good reasons for rejecting application for development permit in the land such as: if the proposed development falls within public recreation, open space or other service plots within a layout, government acquisition or revocation areas. And peradventure the proposed development falls within the set-back to roads, Power Holding Company of Nigeria (Plc) lines, high tension power lines, drainage channels, canals or water bodies, the Ekiti State government should apply stringent punishment to the erring individuals, companies and or organization that are liable by pulling down the affected features so as to serve as deterrent to others

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