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EXAMINATION OF THE STATE OF THE ART IN LAND USE AND ALLOCATION PROCEDURES IN DELTA STATE

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Abstract

Most man's activity requires the use of land and this makes land the most valuable asset of man. In every organized society, there are legal framework which guides the ownership and the use of land in the society. The legal framework of Land use and ownership in Nigeria is provided by the Land Use Act of 1978. It provides among all other things the procedure for land use and allocation in Nigeria. The aim of this study is to examine the state of art in land use and allocation procedures in Delta State with a view to ascertaining its efficiency. Using Taro Yamane's Formula, a sample size of 885 was obtained from a total population of 4,744. The study adopted qualitative and quantitative research methods to analyse the opinion of the respondents. Questionnaires were distributed to the respondents to obtain their opinion. Data collected were presented using table and analysed using mean score analysis, while the Two-way ANOVA was used to test the formulated hypothesis using SPSS (statistical package for social sciences). The study found that the Land Use and Allocation Procedures adopted in Delta State includes; Zoning, Application of Master Plan, Application of Planning Standard and Application of Planning Scheme, the study equally found out that all of these Procedures are efficient in Delta State. The study recommends that Government should intensify in ensuring that citizens adhere to the land use and allocation procedures of the State.

Keywords: State of the art, Land Use Allocation, Procedures, Property Development

Introduction

Land is a private property, its ownership and use is protected by the constitution of Federal Republic of Nigeria 1999 as amended (farmer and Gibb, 1979). It is the free gift of nature to mankind. However, in Nigeria the enactment of the Land Use Act of 1978 automatically made all the land in Nigeria to be owned by the Governor of various States thereby making any other individual a tenant to the government. Therefore, the Land Use Act made provision for mode of acquisition of land in Nigeria, it among other things established the Land Use and Allocation committee to advise the Governor on how land is to be allocated and to what use a particular land is to be subjected. This simply means that you don't just acquire land from government or individual, it is equally the duty of government to tell you what you are to use the land for. The process and procedure of this acquisition of land and approval of use is what is called Land Use and Allocation Procedure. This procedure can either encourage or discourage development of land in the state.

Land use allocation necessarily has to do with the citing of buildings and communication routes with objectives of achieving equilibrium between convenience, beauty and cost. According to Nwanekezie (2009) it determines where new industries should be located, how raw materials can be transported to them, and their products distributed to market, where the

employees should live, how they would get to work, where schools and other institutions should be situated.

The basic principle of allocation is that adequate land should be set aside for each uses at the onset in appropriate locations pending the time they will be needed and or funds will be available for their provision or development. This is because, it takes a long time to fully develop a residential neighborhood for instance. This is actually the basis of land use allocation. However, in most of the States in Nigeria, due to the challenges in the procedure of obtaining proper allocation for various land uses on one hand and the problem of not obtaining approval before construction many buildings are erected in wrong locations, for example, residential properties are often erected in commercial centers and industrial or agricultural properties constructed in residential layouts. This type of development often time affects negatively the lives of the people living in such area and depreciates the value of the property in such locality. Building against the master plan or building regulation of a city reduces the chances of achieving an urban equilibrium, thereby allowing a particular land use to hinder the satisfaction of other land uses. In this kind of condition, it may seem like the city is developing but the development will be haphazard and uncoordinated. Therefore, it is the interest of this work to investigate the land use allocation procedures of Delta State with the intention to examine its impact on property development.

Land Use and Allocation Procedures

Land use allocation is a critical process that involves the allocation and management of land resources for various purposes, such as residential, commercial, industrial, agricultural, and recreational activities. The state of art in land use allocation procedures has been a subject of interest for researchers and policymakers due to its significance in sustainable development and effective urban planning.

The land use allocation procedures involve several stages and processes that are governed by legal frameworks, policies, and regulations. One of the key aspects of land use allocation is the acquisition of land for specific purposes. In Delta State, land acquisition can be done through various means, including purchase, lease, or government allocation. The process typically involves obtaining necessary approvals from relevant authorities, such as the Delta State Ministry of Lands and Surveys.

Furthermore, the land use allocation process also includes the identification and classification of land for different uses. This involves conducting surveys, mapping, and zoning exercises to determine suitable areas for residential, commercial, industrial, agricultural, or recreational purposes. Government plays a crucial role in this process by formulating land use plans and policies that guide the allocation decisions.

Land use and allocation committee as provided by the land use act

Section 2(2) of the Act mandated the Governor to empanel a Land Use and Allocation Committee to perform various functions. The appointment, composition and the modus operandi of the committee is at the exclusive discretion of the Governor. The committee shall consist of such number of persons as the Governor may determine, but shall include in its membership at least not less than two persons possessing qualifications approved as estate surveyors or land officers and who have had such qualification for not less than five years; and a legal practitioner. The Governor is thus the unquestionable personage in the overall administration of land in the state. In practice the composition, quality and tenure of the committee has tended to vary over time depending on the government in power and the disposition of the governor

Approaches to urban land use allocation

Nwanekezie; Iroegbu; Alozie and Okorocha (2010) have identified three major ways of allocating land to urban uses. These include:

1. **Development Control:** - This is designed to regulate the growth of a settlement in a planned and orderly manner. Development control has two mechanisms or technical devices used in the control process. They include:
    a. **Land Use Zoning: -** This is the practice of defining certain areas on the map to be reserved for certain land use and not for other. An area could be zoned commercial-for instance, in such case any application to develop a noncommercial activity would be refused. This technique of development control was popular under the development planning system where development plans were to a great extent, land use zone plans and the refusal of application for non-conforming uses was often made on this basis. With the introduction of structure planning and its more flexible position and strategic approach, the use of land zoning mechanism for development control has diminished.
    b. **Planning Standard: -** Efficient urban land use allocation of a country, town, city, district or neighborhood can be achieved by stipulating adequate standards for all aspect of development. The planning standards are either prescriptive or regulatory. Prescriptive standards are used to insure that there will be adequate playground for children open spaces for relaxation and recreation. It also ensures that residential, commercial, industrial, educational and agricultural areas are properly and carefully located to prevent conflicts and promote a harmonious interrelationship. Regulatory standard is used to ensure that there will be adequate day lighting, ventilation, sun lighting, car parking, plot ratio or coverage density etc. planning standards are widely used as regulatory mechanism to ensure that development is in accordance with certain minimum standards. Such minimum standards are often defined in subsidiary planning legislations as regulations or by-laws.
2. **Planning Schemes: -** This is a second approach to urban land allocation, which relates to the preparation of scheme of actions on any part of a city declared as planning area. This type of scheme usually specifies uses and regulates overall development in a particular area. It could involve establishment of separate residential estate, shopping complex, new town, mechanic village, industrial centers and a host of other land uses. It may also entail provision of basic infrastructure to ensure comfort living, easy movement and for the eradication of certain social vices and diseases. For example, housing estates or new town or satellite town can be established to minimize shortage of accommodation and congestion in an urban centre. In addition, overhead bridges, fly-over, and ring roads and dual carriage – ways can be constructed to tackle traffic problems within a city centre.
3. **Master Plan**: - This is usually prepared in order to provide a general guide for the development of a city and to further serve as development policy guide to both public and private developers. It is therefore, necessary for a master plan to

be prepared for every town or city with the aim of allocating its land space to major uses.

4. In its preparation, the inter-relationship of the uses and socio-economic implications of one use in relation to others are duly considered in a master plan. It is a futuristic positive approach to land use in a given city or region with a view to assigning every area to types and form of uses like housing circulation, utilities, services, open space and general design.

Type of land allocation to various uses

The typical land allocation to various uses could be assigned to the following:

a. **Residential** Layout**: -** A neighbouhood is the minimum planning unit desirable for the development of residential areas. It is the area within which residents may all share the common services, social activities and facilities required in the vicinity of the dwellings. The population of neighborhoods according to Farmer and Gibb (1979) vary from 2,000 to 8,000 requiring land areas of 20 – 100 hectares. The density of the development being the primary determining factor.

b. **Commercial Layouts: -** In commercial layout plans, at least 45-50% of the land to be developed should be allocated to road and vehicular parking and at least 10% to recreation and public utilities. This means that the land areas (building plots) put to actual commercial use should not exceed 40-45% of the land area. A small commercial layout for a neighborhood shopping centre or market requires at least 1.5 hectares (Farmer and Gibb, 1979).

c. **Industrial Layouts: -** The minimum land area required for modern industrial estate is about 20 hectares (Farmer and Gibb, 1979). Of these, 30-40% should be allocated to roads and vehicular parking. This implies that not more than 50-60% of the entire layout land should be committed to actual industrial uses.

The benefits of land use and allocation procedures

Nwanekezie; Iroegbu; Alozie and Okorocha (2010) highlighted the benefits of a functional allocation of land to various use to include:

i. It serves as a basis for describing the land use pattern of individual communities in comparison with what obtains in other places. Necessary corrective measures can thereafter be taken for enhanced efficiency.

ii. The value of an individual site is affected by the restriction of building density. In essence, such restriction limits the amount of capital, which can be applied to a given site.

iii. It alters the pattern of land values. It restricts the amount of land available for offices, raises the values of existing office land and thus of any land which in the future is given planning consent for offices.

iv. It shifts land values and cause the value of land in the urban area to fall. They affect the aggregate value and hence allocation efficiency.

v. It has both direct and indirect distributional effects which may clash with the economic efficiency objectives.

vi. It is an avenue for sorting out units of land use into groups whose members have definable features in common.

vii. It forms the basis for the observation of all existing land uses with a view to knowing the trends of development and land utilization in any country.

viii. It offers recipe for successful planning activities against disaster land degradation and other environmental problems.

ix. It is useful in carrying out necessary survey in respect of all existing land uses with a view to checking haphazard development and making adequate provision for adequate supporting services.

Methodology

For this study, qualitative and quantitative research methods were adopted. The population for this study are Professional members of Nigerian Institution of Estate Surveyors and Valuers Delta State, Real Estate Developers Association of Nigeria delta State, Nigerian Institute of Town Planner Delta State, Occupiers of the housing Estates in Asaba, Agbor and Warri designed and developed by Delta Development and Property Authority, Asaba (DDPA), Allottees of Delta State Government in Asaba, Ughelli and Warri and Delta State Land Use Allocation Committee. The choice of Asaba, Warri, Agbor and Ughelli as the area of study is because these cities has in them housing estates developed by DDPA and they are equally the major urban centers in Delta State. The total population for the study is 4,744. From this population a sample size of 885 was drawn with the use of Taro Yamane formula. Questionnaire was distributed to the respondents to obtain their opinion. The data obtained from the respondents were presented with the use of tables and charts and analysed with Two Way ANOVA.

Data Presentation and Analysis

Land use and allocation procedures takes three procedures. To ascertain its efficiency, questions about key indicators that ascertain efficiency were posed on the respondents accordingly.

Table 1: Application of land use zoning in Delta State

Indicator	Research Statement	SA	A	UD	DA	SD	Total	Mean
Land Use Zoning	land use zoning been efficient and impacted positively on property development	55	30	15	5	3	108	4.19

Table 2: Application of planning standard in Delta State

Indicator	Research Statement	SA	A	UD	DA	SD	Total	Mean
Application of Planning Standard	There is adequate provision of playground for children	662	127	58	30	8	885	4.58
	There is enough open spaces for relaxation	681	150	21	28	5	885	4.67
	Specific location of different land uses are provided	675	101	98	6	5	885	4.62
	Adequate day lighting, ventilation, car parks, plot ratio etc. are provided.	560	213	67	30	15	885	4.44
	Government made provision for subsidiary planning legislations	167	40	6	3	0	216	4.71

Table 3: Application of master plan in Delta State

Indicator	Research Statement	SA	A	UD	DA	SD	Total	Mean
Application of Master Plan in the study area	Development of policy guide for public and private developers	98	75	20	18	5	216	4.1
	Consideration of inter-relationship of uses	105	60	25	16	10	216	4.08
	Socio-economic implications of one use in relation to another	111	55	40	6	4	216	4.22

Table 4: Use of planning scheme in Delta State

Indicator	Research Statement	SA	A	UD	DA	SD	Total	Mean
Provision of Basic Infrastructure	Basic infrastructure is provided	650	160	33	25	17	885	4.58
Establishment of new/satellite town when need be	Government establishes new/satellite town when the need arises	666	130	39	28	22	885	4.57

From Tables 1-4, the respondents are of the opinion that land use zoning, planning standard, master plan and planning scheme are land use and allocation procedures adopted in Delta State which impacts positively on property development. This is evidenced by the mean scores which are above 3.0.

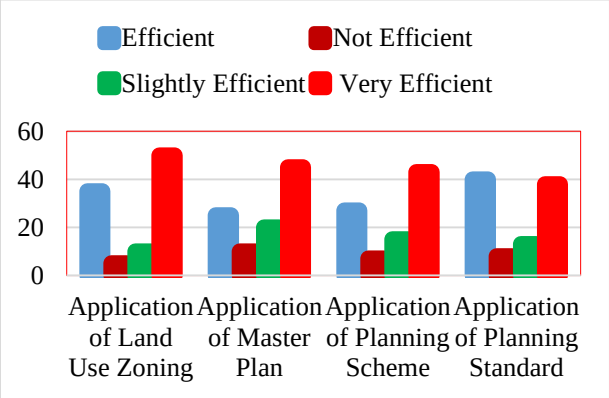


Figure 1: Land Use Approach and Procedures for Asaba (2022)

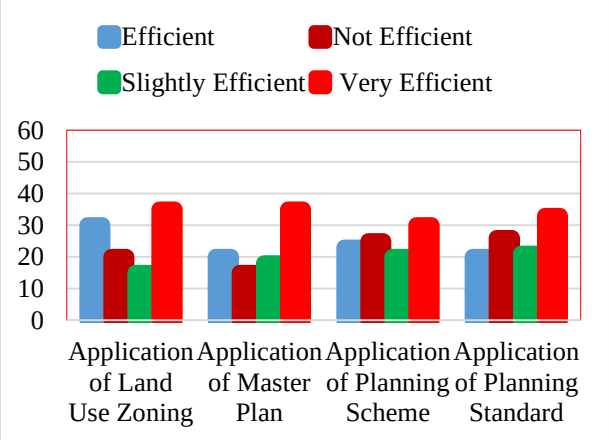


Figure 2: Land Use Approach and Procedures for Ughelli (2022)

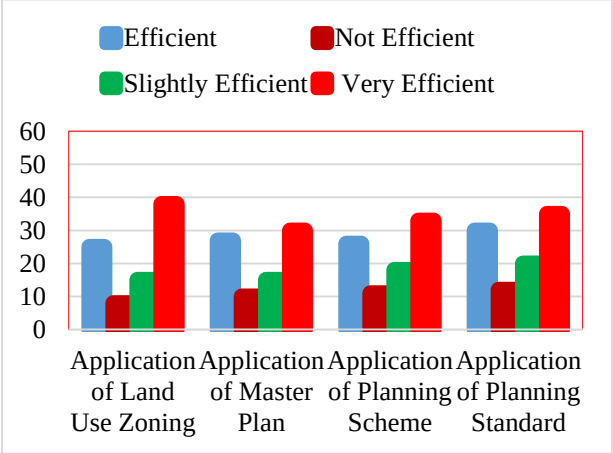


Figure 3: Land Use Approach and Procedures for Warri (2022)

Figures 1, 2 and 3 show the rate of efficiency of the approaches and procedures adopted in land use allocation in three zones in Delta State. From the clustered bar charts, it is observed that Asaba has the highest level of efficiency in the application of the Land Use Allocation Procedures adopted in Delta State. This is majorly because Asaba is the capital of Delta State. Therefore, compliance to the necessary laws guiding the use of land is enforced more in the State Capital than any other place. However, from Bar Charts, all the zones are efficient in the application of the land use procedures but Asaba is more efficient than others.

Hypothesis was postulated and tested to ascertain the efficiency of the process and procedure of land use and allocation.

H_{o1}: The approach to land use and allocation process and procedures adopted in Delta State is not efficient.

Table 5: Test of Hypothesis

Sources of variances	SS	Df	Ms	Cal-P	Crit-P Level
Between group	63452.36	1	63452.36		0.05
Within group	65214	8	8151.75	6.34	4.12

Table 5 shows that calculated P-value of 6.34 was greater than critical P-value of 4.12 at 0.05 level of significance. This leads to rejection of the hypothesis that approach to land use and allocation process and procedures adopted in Delta State is not efficient.

Conclusion

The study found out that the approaches to Land use and Allocation Procedures adopted in Delta State include:

1. Development Control: - This is designed to regulate the growth of a settlement in a planned and orderly manner. Development control uses two mechanisms or technical devices in the control process. They include Land Use Zoning and Planning Standard.

2. Planning Schemes

3. Master Plan

Equally, the hypothesis tested reveals that the approaches to land use and allocation procedure adopted by Delta State Government are efficient and impact positively to property development in Delta State **(see Figures 1-3).** The research also produced a clustered Bar Chart showing the level of efficiency of land use and allocation approaches in different zones of the state in 2022.

Thus land use and allocation procedures have a significant impact on property development in Delta State. They promote controlled development and generates revenue for the government. It is important for property developers to comply with these procedures to ensure sustainable development in the state.

The study recommends that government should intensify in ensuring that citizens adhere to the land use allocation. Zoning regulations and building codes should be strictly adhered to by property developers. If a land has been allocated to be used for commercial purpose, such land should not be used for a different purpose.

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