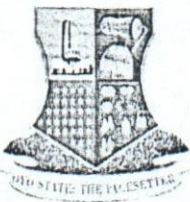


Assented to by me this 3rd day of May 2019

Senator Abiola Ajimobi
His Excellency, The Executive Governor



OYO STATE OF NIGERIA

No.5

A LAW TO PROVIDE FOR THE ESTABLISHMENT OF THE OYO STATE BUREAU OF PHYSICAL PLANNING AND DEVELOPMENT CONTROL AND OTHER MATTERS CONNECTED THEREWITH

Date of Commencement.

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Enactment.

ENACTED by the House of Assembly of Oyo State of Nigeria as follows:

Short Title.

1. This Law is cited as the Oyo State Bureau of Physical Planning and Development Control Law, 2019.

Interpretation.

- 2. In this Law –
 - “Authorised authority” means the Planning Authority in the Local Government Area or any other agency authorised by the Governor or the Bureau;
 - “Bureau” means the Oyo State Bureau of Physical Planning and Development Control as established under section 3 of this Law;
 - “Developer” (in relation to any building works) means the person for whom or on whose behalf the building works are carried out;
 - “Development” means the carrying out of building, construction, engineering, mining or other operations in, on, over or under land;
 - “Development Permit” means a permission to develop any land and building by the Bureau;
 - “Director-General” means the Director-General of the Bureau;

“Functions” includes powers and duties;

“Government” means the Government of the State;

“Governor” means the Governor of the State;

“Local Government Area” includes Local Council Development Area;

“Master Plan” means Ibadan City Master Plan and any other City Master Plan being prepared and implemented in the State;

“MPCI” means Master Plan Coordination and Implementation Department;

“PDC” means Physical Development Control Department;

“Physical development plan” means detailed spatial development plans, drawings and specifications for a proposed development rendered at appropriate scales, dimensions and sizes;

“Registered professionals” mean professionals in urban and Regional Planning, registered with Town Planners Registration Council of Nigeria (TOPREC);

“Staff” means staff of the Bureau;

“Tribunal” means the Physical Planning and Development Control Tribunal established under section 60 of this Law;

“URMCE” means Urban Renewal, Monitoring, Compliance and Enforcement Department;

“SPDP” means Strategic Physical Development Planning Department;

“State” means Oyo State of Nigeria.

Establishment
of the Oyo State Bureau
of Physical Planning
and Development
Control.

3. (1) There is hereby established the Oyo State Bureau of Physical Planning and Development Control (referred to in this Law as the “Bureau”) which shall have and exercise powers conferred on it by this Law.
- (2) The Bureau shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.

Functions of
the Bureau.

4. The functions of the Bureau include to –
 - (a) formulate and implement policies for physical planning and development in the State including spatial location of infrastructural facilities;
 - (b) initiate, prepare and review, in collaboration with the appropriate Local Planning Authority or any agency authorized by the Governor, local, regional, sub-

regional spatial development and other physical development plans and schemes in the State;

- (c) provide technical and professional assistance including capacity building to Government agencies, Local Planning Authorities and other Physical Planning agencies in the State;
- (d) develop strategies for settlement patterns with a view to integrating physical planning with socio-economic and environmental programs;
- (e) oversee and coordinate physical planning projects and programs which are technically and financially supported by local and international donor agencies;
- (f) process and grant planning approval and clearance to prospective developers on various land uses in the State;
- (g) ensure full compliance with statutory physical planning, development plans and standards in the State;
- (h) discourage and sanction contraventions or illegal development in relation to physical planning and urban development in the State;
- (i) identify and remove illegal, dilapidated, non-conforming and distressed buildings in the State to prevent collapse;
- (j) establish physical planning offices in cooperation with the Local Governments for the discharge of its functions at the Local Government level with the approval of the Governor;
- (k) ensure sustainable physical planning and aesthetic development of open spaces and statutory setbacks in the State in line with local, national and global standards;
- (l) acquire land for physical planning and development control purposes for the State;
- (m) formulate and implement urban renewal policies and programmes in the State; and
- (n) carry out other duties that may be necessary for implementation of this Law and as may be assigned by the Governor.

Appointment
of Director-General.

5. (1) There is appointed for the Bureau, a Director-General who shall be appointed by the Governor.
- (2) He shall –
- (a) be a person of impeccable character;
 - (b) be a certified professional in Urban and Regional Planning, registered with the Town Planners Registration Council of Nigeria (TOPREC).
 - (c) have a minimum of 15 years cognate experience in physical planning, either public or private practice.
- (3) He shall –
- (a) be the Chief Executive Officer and Chief Accounting Officer of the Bureau;
 - (b) be responsible for the execution of the policy and the day to day administration of the Bureau;
 - (c) be answerable to and responsible to the Governor in the discharge of his functions; and
 - (d) upon invitation, attend meetings of the State Executive Council at which physical planning, urban or regional development issues or activities of the Bureau are to be discussed.
- (4) The tenure of office of the Director-General shall be determined by the Governor and cease when the Governor ceases to hold office.

Powers of the
Director-General.

6. The Director-General shall have the power to –
- (a) review the issuance of planning permits by the Bureau or its authorised authority;
 - (b) direct any authorised authority established under this Law or regulations to seal up any premises for any alleged contravention of any physical planning or development control for the purpose of enforcement and compliance;

Draughtsman provided that such drawing shall be certified and approved by a registered Architect in the State;

(d) detailed information relating to construction works, provision of services, clearance from the State Fire Services, Police, Nigerian National Petroleum Corporation, Drainage Department, Report of Environmental Impact Analysis, Site Analysis Report, Site Location Plan, Traffic Impact or any other relevant information in the Building Plan Regulations made pursuant to this Law is supplied.

Grounds for rejection of application for development permit.

17. (1) An application for development permit may be rejected if-

- (a) the development for which the permit is being sought is not in accordance with an approved physical development plan; or
- (b) the physical development plan for the area is in the course of preparation; or
- (c) in the opinion of the PDC Department, the development is likely to have a major impact on the environment, facilities or inhabitants of the community or demands such additional facilities which are not within the estimation of the physical development plan for that community; or
- (d) the applicant is found to have submitted false or misleading information about the site; or
- (e) the proposed development falls within setback of road, high tension power line, drainage channel, canal, water body or flood plain; or
- (f) the proposed development falls within public recreational open space or other serviced plot within a layout, government acquisition or revocation areas; or
- (g) the development is not in accordance with any other condition as may be specified under any regulation made pursuant to this Law.

Representation.

(2) The PDC department may consider representation made to it by any person, body or organisation to be affected by an intended development.

(3) The departments and the Town planning offices at the Local Government and Local Council Development Authority headquarters of the Bureau shall be headed by Directors.

(a) For the purpose of effective performance of its functions under this Law, there shall be deployed to the Bureau by the appropriate authorities such relevant officers of various grade levels and cadres.

(b) The officers of the Bureau shall be subject to the Civil Service Rules and Regulations, on issues relating to recruitment, benefit, entitlement, promotion, discipline, retirement and other matters affecting the civil servant in the State.

(4) The organisational structure and the schedule of duties of the departments of the Bureau shall be in accordance with the organogram and schedule of duties in Schedules I and II of this Law respectively.

Annual report.

9. The Bureau shall prepare and submit to the Executive Council not later than 31st December of each year a report showing the activities of the Bureau for the year ending, and shall include report of audited account of the Bureau.

Compliance of application with planning requirements and regulations.

10. (1) Any application for development permit made under this Law shall comply with all the requirements, regulations and standards of the operative Comprehensive Physical Development Plans where applicable.

(2) Any application for development permit to erect or partition or amend a structure shall be in conformity with the Building Plan Regulations and spatial standards.

Granting of development permit.

(3) Under this Law, development permit may be granted to any applicant in respect of the following-

(a) use and development of land;

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

(c) interim use of land or seabed that is zoned or scheduled for an approved development but not required for that use within 2 years, provided such development or structures that may be erected shall be temporary building materials; and

(d) modification of an approved development plan.

Application for a development permit.

11. A developer shall apply for a development permit from the Bureau in such forms and providing such information including plans, designs, drawings and any other information as may be prescribed by Regulations made pursuant to this Law.

Government agencies to obtain approval for land.

- 12.(1) Notwithstanding any provision in any law to the contrary, agencies of Government at the Local, State or Federal levels involved in development of land shall obtain approval of the Bureau for such development before construction commences.

- (2) No development shall be commenced by any person, government or its agencies without obtaining an approval from the Bureau.

Development plan to be prepared by registered Town Planner.

13. The Bureau shall, through the PDC Department, grant development permit to any applicant if-

- (a) the physical development plan is prepared by a registered Town Planner in the form prescribed in the Building Plan Regulations made pursuant to this Law;
- (b) architectural drawings are prepared by qualified architects registered to practice in Nigeria; and
- (c) the application which involves civil or structural details and calculations is prepared and signed by a qualified Civil or Structural Engineer registered to practice in Nigeria and as specified in the Building Plan Regulations made pursuant to this Law.

Submission of Environmental Impact Analysis Report.

- 14.(1) A developer shall at the time of submitting his application for development permit submit a detailed Environmental Impact Analysis Report in respect of application for-

- (a) a residential land in excess of 1/2 hectare or development in excess of 3 floors, factory building or expansion of factory building;
- (b) office or other commercial building;
- (c) place of worship;
- (d) recreational development;
- (e) institutional building;

- (f) petrol filling, service stations or gas station;
 - (g) cemetery, morgue and crematoria;
 - (h) land sub-division (layout) plan for all land in excess of $\frac{1}{2}$ hectare; and
 - (i) any other building as specified in the Building Plan Regulations made pursuant to this Law.
- (2) The Environmental Impact Analysis Report referred to in subsection (1) of this section must be prepared and signed by a registered Town Planner.

Submission of Site Analysis Report.

15.(1) A developer shall, at the time of submitting his application for development, submit a detailed Site Analysis Report on-

- (a) all development proposals; and
- (b) applications for Statutory and Customary Rights of Occupancy.

(2) The Site Analysis Report referred to in subsection (1) of this section must be prepared and signed by a registered Town Planner.

Approval or rejection of development plan application.

16. (1) The PDC Department may reject or approve, with conditions, an application for development permit.

(2) The PDC Department 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 public infrastructure facility; or
 - (ii) provide necessary social, recreational and communal facilities; or
 - (iii) submit all relevant documents pertaining to his application; or
 - (iv) pay the necessary statutory fees and levies.

(b) the developer enters into an agreement with an individual applicant, corporate unit or non-corporate body in respect of any matter the PDC Department deems necessary for the development;

(c) all architectural drawings are prepared and signed by a registered Architect or in the case of building not beyond a storey building for rural development, by a registered

- (c) direct the demolition of an unauthorized structure or development on, under, or over any land or flood plain in the State after the issuance of appropriate notices;
- (d) authorise the entry into any premises at reasonable hours of the day for the purposes of giving effect to the provision of this Law and regulations made under it;
- (e) delegate specific responsibilities and functions for implementation to any department established under this Law and to any other authority; and
- (f) organise stakeholders' meetings and consultation for the purpose of deliberating on any matter under this Law.

Cessation of office of the Director-General.

7. The Director-General shall cease to hold office if he—

- (a) resigns his appointment as Director-General by notice under his hand addressed to the Governor; or
- (b) is removed by the Governor for inability to discharge the functions of his office as a result of an infirmity of either mind or body or for misconduct or corruption in relation to his duties; or
- (c) becomes bankrupt or makes a compromise with his creditors; or
- (d) is convicted of a felony or any offence involving dishonesty or corruption or any other criminal offence.

Departments and other staff of the Bureau.

8.(1)The Bureau shall subject to the provisions of this Law, consist of the following departments —

- (a) Strategic Physical Development Planning;
- (b) Physical Development Control;
- (c) Urban Renewal, Monitoring, Compliance and Enforcement;
- (d) Master Plan Coordination and Implementation;
- (e) Administration and Supplies; and
- (f) Finance and Accounts.

(2) There shall be Town Planning Offices in all the Local Government and Local Council Development Area headquarters in the State.

- (3) In reaching its decision under subsections (1) and (2) of this section, the PDC Department shall comply with —
 - (a) the policy and proposal of an operative physical development plan applicable to a locality within its area of jurisdiction;
 - (b) a proposed physical development plan or an approved physical development plan under review;
 - (c) any other consideration made and applicable to a locality by a regulation made pursuant to this Law; and
 - (d) the overall society benefit attached to the development weighed against any contrary representation made to it.

Time limit of delaying approval.

(4) The PDC Department may delay the approval of an application for development permit for a period of time not exceeding 3 months: Provided that the reason for the delay is communicated to the applicant within a reasonable time.

(5) The decision of the PDC Department on an application for development permit shall be communicated to the applicant in writing.

(6) Where the PDC Department decides not to approve an application it shall give reasons for its decision.

(7) The decision of the PDC Department shall be conclusive evidence of information stated therein.

(8) The refusal or rejection of an application shall not confer on a developer any legal rights or other rights until it has been communicated in writing to the developer or applicant.

Enforcement of rights and duties attached to development permit.

18. (1) The URMCE Department shall enforce all the rights and duties attached to a development permit against the holder for the time being of a development permit or his agents.

(2) Where a holder of a development permit transfers or assigns his interest, the URMCE Department shall enforce all the rights and duties attached to a development permit against the assignee.

Validity of a development permit.

19.

(1) A development permit granted in respect of any development on any land shall be deemed valid for two years from the date of communication of the approval of a development permit to a developer.

(2) Where the holder for the time being of a development permit fails to commence development within 2 years of such permit, the development permit shall be subject to re-validation by the PDC Department which issued the original permit.

(3) A permit under this section shall only be revalidated twice after which it shall be treated as an application for a fresh permit.

Conformity with development permit and Certificate of Occupancy.

20.

The conditions attached to the grant of a development permit by the PDC department shall not conflict with the condition attached to a grant of a Statutory or a Customary Right of Occupancy, provided that the Right of Occupancy is not in conflict with the approved land use zoning for the site.

Revocation of development permit.

21.(1)

Any development permit granted by the PDC Department under this Law may be revoked on any of the following grounds-

(a) that the proposed development and uses for which the development permit was given are no longer appropriate;

(b) that the site to which the development permit applies is required for over-riding public interest;

(c) that false information was given by the developer or person who applied for the development permit;

(d) that the development for which the permit was granted contravenes any other conditions as may from time to time be stipulated by the PDC Department; and

(e) that the structure for which the permit was granted collapsed, was gutted by fire or damaged by other natural disasters.

(2) The developer or holder for the time being of a development permit shall be served a notice of the intention to revoke the permit.

(3) The conditions attached to the grant of a development permit may be altered, amended, varied or revoked by the PDC Department which shall serve notice of its intention to the holder for the time being of a development permit.

(4) The notice shall state the reasons for the proposed action of the PDC Department.

(5) The PDC Department shall consider any representation made to it by the holder for the time being of a development permit or his agent.

Compensation payable on revocation.

22.(1) On such revocation mentioned in paragraphs (a), (b) and (d) of subsection (1) of section 21 of this Law, the Bureau may pay compensation if—

- (a) development has commenced; or
- (b) the holder for the time being of development permit or his agent is liable under an existing contract to a third party to damages for a breach of contract by reason of such revocation; or
- (c) the holder for the time being of a development permit or his agent has incurred any expense or has suffered a loss during the process of obtaining the development permit.

Compensation not payable.

23. No compensation shall be payable if—

(a) a development is not in accordance with the terms and conditions under which a development permit was granted; or

(b) the right of occupancy of the land on which development was to take place has been revoked on the ground that the holder for the time being of development permit or his agent did not comply with the requirements of the Land Use Act; or

(c) a claim for compensation is not made within 28 days after a notice of revocation of development permit is served on the developer or the holder for the time being of a development permit.

Time limit for payment of compensation.

24.(1) Compensation payable under section 47 of this Law shall be paid not later than 180 days after claim for compensation has been made.

(2) Any dispute arising from the amount of compensation payable to a developer shall be referred to the Tribunal in the first instance and on appeal to the High Court.

Service of enforcement notice.

25. The URMCE Department may serve an enforcement notice on the developer; or owner; or occupier of any structure on land commenced without development permit, which shall include any or all of the following—
- (a) notice of contravention;
 - (b) notice to stop work (stop work order);
 - (c) notice to quit;
 - (d) notice to seal up (seal up order); and
 - (e) notice of demolition.

Alteration, variation of development.

26. (1) Any enforcement notice served pursuant to subsection (1) of section 25 of this Law may direct the developer or owner to alter, vary, remove or discontinue the development in question.
- (2) The URMCE Department may impose additional conditions as it may deem fit in each circumstance.
- (3) Before issuing an enforcement notice the URMCE Department 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 under consideration to its surrounding development; and
 - (c) consider the overriding public interest without prejudice to paragraph (b) of this subsection.

Forms of enforcement.

27. (1) An enforcement notice served under section 25 of this Law by the URMCE Department shall—
- (a) be in writing and served on the developer or owner of the building;
 - (b) be served by pasting such enforcement notice on the development in lieu of paragraph (a) on any part of the structure or premises;
 - (c) state the reasons for the proposed action of the URMCE Department;
 - (d) take immediate effect; and
 - (e) give time deadlines for response to the notice.
- (2) The URMCE Department shall consider any representation made by the developer or owner or his agent and inform him of its final decision on the development.

- (3) Where service of notice is effected by pasting or affixing on any part of a structure or premises, the person effecting service shall make photographic evidence of the pasting or fixing of the notice.
- Enforcement of an order. 28. The URMCE Department or its authorised agent shall enforce an order of the Tribunal or High Court against a developer or holder for the time being of a development permit who fails to comply with such an order.
- Developer or owner liable for expenses. 29. A developer or holder for the time being of a development permit shall be liable for all expenses reasonably incurred by the URMCE Department or any of its officers or agents in enforcing the provisions of section 25 of this Law.
- Issuance of Stop-Work Order. 30. Where it appears to the URMCE Department that—
- (a) an unauthorised development is being carried out; or
 - (b) where a development does not comply with a development permit issued by the PDC Department, the URMCE Department shall issue Stop-Work Order pending the service of an appropriate enforcement notice on the owner, or developer and occupier or holder of development permit, as specified in section 46²⁶ of this Law.
- Stop-Work Order to take effect on service. 31. (1) A Stop-Work Order shall take immediate effect upon service on a developer or owner or occupier or agent of the owner of the development for the time being.
- (2) A Stop-Work Order shall comply with the provisions of section 25 and shall in addition, inform the developer or occupier of—
- (a) the development which is required to be stopped; and
 - (b) the work to be done on the site to conform with the development permit issued.
- Reasonable time to be given to a developer to comply with Stop-Work Order. 32. The URMCE Department shall give a reasonable time not exceeding 21 days within which the developer shall be required to comply with the provisions of section 26 of this Law.
- Duration of Stop-Work Order. 33. A Stop-Work Order shall cease to have effect if within 21 days of its issuance, the appropriate enforcement notice is not served on a developer.

Extension of
Stop work
Order.

34. Where enforcement notice is served in respect of a development to which a Stop Work Order is served, the Bureau may extend the period of time for which a Stop Work Order shall remain in force until the defect is corrected.

Power of the
URMCE
Department on
contravention
of a planning
regulation.

- 35.(1) Where a developer or owner contravenes the provisions of a planning law or any regulation made pursuant to it, the URMCE Department shall have the power to require the developer to-

- (a) prepare and submit his building plan for approval; or
- (b) carry out such alterations to a building as may be necessary to ensure compliance; or
- (c) pull down the building; or
- (d) re-instate a piece of land or building to its original state prior to the commencement of development.

- (2) Where a developer fails to comply with the provisions of subsection (1) of this section, the Bureau shall carry out demolition of the structure and recover the cost of demolition from the owner or developer.

Power to
demolish dilapidated
or defective buildings.

36. (1) The Bureau shall have powers to serve on a developer or owner, a demolition notice if a structure erected by the developer or owner of the permit is found to be defective as to pose danger or constitute a nuisance to the public, or constructed without planning permit.

(2) The Bureau shall take steps to commence demolition of a defective structure within 21 days of serving the demolition notice and recover the cost of demolition from the owner.

(3) Where the owner refuses to pay the cost of demolition within 3 months of service of a demand notice, such property shall be forfeited to the Government.

Offences and
penalties.

- 37.(1) Any person who fails to comply with the terms of an enforcement notice or disregards a Stop-Work Order issued and served under this Law commits an offence and is liable on conviction to a fine not exceeding ₦100,000 and in the case of a corporate body, fine not exceeding ₦500,000.

- (2) Any person who –
- (a) executes or develops a layout plan; or
 - (b) engages in a development;

without an approval or contrary to the physical plan of the Bureau commits an offence and is liable on conviction to a fine of ₦30,000 or 6 months imprisonment or both.
- (3) Any person who breaks any seal or removes any marking placed upon any property by or with the orders of the Bureau commits an offence and is liable on conviction to 6 months imprisonment or a fine of ₦250,000 or both.
- (4) Any person who 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 fails to comply with the written consent of the Bureau commits an offence and is liable on conviction to a –
- (a) fine of ₦50,000; or
 - (b) fine of ₦ 100,000 in the case of a body corporate; or
 - (c) fine of 5,000 for every day the offence persists.
- (5) Any person who contravenes the provisions of this Law where no penalty is stipulated commits an offence and shall be liable on conviction to a fine of ₦100,000 or 6 month of community service or both.

Demolition
Notice.

38. (1) The Bureau shall have the power to serve on a developer or owner, Demolition Notice if a structure erected by the developer or owner is found to be structurally defective, poses danger or constitutes a nuisance to the occupier or the public.
- (2) Notice served pursuant to subsection (1) of this section shall contain a date not later than 14 days on which the URMCE Department shall take steps to commence demolition action on the structure.
- (3) After the expiration of the time specified in the notice served under subsection (1) of this section, the URMCE Department shall take necessary action to effect the demolition of the defective structure.

Reimburse
cost of
demolition.

39. A developer or owner shall reimburse the Bureau for all expenses incurred in the exercise of its powers under this Law.

- Listing of buildings of special historical interest. 40. (1) In the performance of its functions under this Law in relation to control of architectural or wasteland, trees and buildings of special architectural or historical interest, the Bureau shall compile a list of such buildings.
- (2) In carrying out its function under subsection (1) of this section the Bureau may obtain a list of buildings of special architectural and historical interest from individuals and corporate bodies for compilation.
- Conditions for listing of a building. 41. (1) A building may be included in the Bureau's list mentioned in section 40 of this Law if—
- (a) the building is of historical or special architectural interest; or
- (b) its exterior contributes to the architectural or historical interest of a building or a group of buildings of which it forms part; or
- (c) a desirable man-made object or structure is fixed to the building or part of the land comprised within the cartilage of the building.
- Consultation of persons with special knowledge. (2) Before compilation of a list, such persons as may appear to have special knowledge in buildings or architectural or historical interest may be consulted.
- Deposit of list. (3) The list of such buildings of architectural or historical interest shall be deposited with the Town Planning Offices, agencies of the Local Government and then forwarded to the Bureau.
- Publication in the Gazette. (4) The Bureau shall cause to be published in the State Official Gazette a list of buildings of special architectural or historical interest within the State for the purpose of preservation.
- Demolition or alteration of listed building. 42. A listed building may be demolished, altered or extended if the Bureau gives a written consent for the execution of works on the listed building with due regard to preserving its historical or architectural interest.

Development permit to include appropriate provision for preservation and planting of trees.

43. (1) The Bureau shall, where appropriate, grant a development permit subject to a provision on the preservation of existing trees or planting of new trees by the imposition of necessary conditions.

(2) Without prejudice to the provisions of existing laws under this subject, the Bureau shall make tree preservation orders for securing such amenity within its area of jurisdiction.

Maintenance of waste land etc.

44. If it appears to the Bureau that the amenity 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 Bureau through the URMCE Department shall serve on the developer or occupier or owner of such land a notice requiring such steps to be taken for abating the injury as may be specified in the notice to be served on such owner or developer or occupier within such period of time as may be specified.

Power to revoke a right of occupancy and acquire lands for schemes.

45. (1) Where it appears to the Bureau that it is necessary to obtain any land in connection with planned urban, rural or any other form of development in accordance with the policies and proposals of any approved plan, any right of occupancy subsisting on that land shall be revoked on the recommendation of the appropriate authority.

(2) Any right of occupancy held in pursuance of subsection (1) of this section shall be revoked in accordance with the relevant provisions of the Land Use Act and other relevant laws.

(3) The Bureau shall have power to acquire land for residential, commercial and industrial scheme in any part of the State.

Compensation.

46. (1) All matters connected with the payment of compensation for the revocation of a right of occupancy under 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 Law shall be paid within a reasonable period.

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

Facilitation of execution of approved plan.

47. Notwithstanding any provision in this Law, the Bureau may, when it deems fit and necessary-

(a) facilitate the execution of the approved plan; or

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

(i). injurious affection; or

(ii) disturbances; or

(iii) severance; or

(iv) displacement.

Recovery of betterment from owners of land or property that increased in value.

48.(1) Where by the coming into operation of any provisions contained in a Physical Development Plan or by the execution of any work under an Operative Physical Development Plan, any land or property within the area to which the Physical Development Plan or work relates is increased in value by the provision of sites, services or infrastructure by the Government, the Bureau may recover within three years after the commencement of such provision, or within three years after the completion of the development or activities from any person whose property is thereby increased in value for an amount not exceeding seventy-five percent sum of the increase of it.

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

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

(4) Where any provision of an existing scheme is revoked or modified by a subsequent scheme, no claim for betterment shall accrue to the Bureau in respect of any land or any property whose value is being increased: Provided that any outstanding claim due to the Bureau 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 Bureau under this Law.

Delegation of power of urban renewal policies.

49. (1) The Bureau may delegate the power to implement all urban renewal policies and programmes to the URMCE Department established pursuant to section 8 (1) of this Law.

- (2) Where development plan specified in section 13 (a) of this Law has been prepared by the appropriate planning agency and approved under subsection (1) of section 16 of this Law, the URMCE Department may exercise the powers hereinafter set out for the purpose of assisting in the implementation of that development plan.

Improvement areas. 50.

(1) A development plan to which paragraph (a) of section 13 of this Law applies may designate 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 infrastructures 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 URMCE Department and any other body or bodies in complementary effort to the rehabilitation, renovation and upgrading of the area.

(3) The URMCE Department shall before declaring an area to be an improvement area, satisfy itself that the purpose set out in subsection (2) of this section is reasonably achievable.

Improvement
area consultation
and co-operation.

51.

(1) The URMCE Department shall, before declaring any part of an area to be an improvement area-

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

(i). the purpose and contents of the proposed improvements;

(ii) the powers vested in the URMCE Department; and

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

(b) hold meetings with the Local Government of the area and other body or bodies 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 URMCE Department and representative of the residents to monitor the progress of the rehabilitation, renovation or upgrading in the area;

Preparation, coordination and implementation of city master plans.

55.(1) The Bureau through the Master Plan Coordination and Implementation Department shall have power to-

- (a) initiate, coordinate and oversee the preparation and implementation of master plans for all major cities in the State;
 - (b) declare any town or city a planning area for the purpose of preparation and implementation of the city master plan;
 - (c) serve as the project implementation unit of Ibadan city master plan and other city master plans;
 - (d) prepare detail urban plans necessary for implementation of city master plan;
 - (e) source for implementation of Ibadan and other city master plans;
 - (f) create, manage and administer geo-data base for implementation of Ibadan and other city master plans; and
 - (g) synergize with and secure necessary technical and logistic support from other agencies and levels of government on execution of city master plan.
- (2) The city master plan when prepared shall be funded through-
- (i).initial take off grants to be provided by Government;
 - (ii) annual budgetary provision of the Bureau; and
 - (iii) 5% of the statutory monthly allocation from the constituent Local Government Areas for development of capital projects.

Fund of the Bureau.

56. The Bureau shall establish and maintain a Fund which shall comprise of-

- (a) such sums as may be provided for the Bureau by the Government by way of subventions, grants and budgetary provisions;
- (b) any fees charged for service rendered by the Bureau; all other sums accruing to the Fund by way of fines, grants, aids, gifts, sales of publication of maps, plans, journals and charges; and
- (c) dividends from investments and other monies that may become payable to or vested in the Bureau in respect of any matter within its functions.

Expenditure.

57. (1) The Bureau may, from time to time apply the Fund for—

- (a) the pursuance of all or any of its functions under the provisions of this Law;
- (b) the remuneration of any consultant employed under the provisions of this Law;
- (c) the interests payable in respect of any money borrowed under the provisions of this Law; and

- (d) the payment of taxes, State and Local Government development levies; duties, rates or other charges payable by it under any enactment or law.

(2) The Bureau may –

- (a) make grants from time to time from the funds at its disposal to any institution, society, body or bodies for the preparation of any development plan which in the opinion of the Bureau is likely to be of benefit to the people of the State;
- (b) commission studies and carry out surveys on urban and regional issues for the purpose of collecting base-line data;
- (c) finance various studies, workshops and seminars on matters relating to its functions under this Law; and
- (d) compensate any of its officers involved in any risk or hazard on duties.

Power to borrow.

58. The Bureau may, with the approval of the Governor, borrow whether by way of mortgage or otherwise, such sum of money for and in the exercise of its functions under this Law and for such other functions as the Bureau may deem necessary.

Appeals against revocation of development permit.

59. A dissatisfied holder of a development permit or his agents may appeal against the decision of the PDC Department to the Tribunal established under this Law.

Establishment of the Tribunal.

60. There is established a Physical Planning and Development Control Tribunal (in this Law referred to as the "Tribunal") which shall have the jurisdiction, power and authority conferred on it by this Law and by any regulations made thereunder.

Composition of the Tribunal.

61. The Tribunal shall consist of—

(a) a Chairman who shall be a registered professional in Urban and Regional Planning with at least 15 years post-qualification experience;

(b) an Architect who shall be a registered member of the Nigerian Institute of Architects and Architects Registration Council;

(c) a Civil or Structural Engineer registered with the Council of Registered Engineers;

(d) a builder registered with the Nigerian Institute of Building and Council of Registered Builders of Nigeria;

(e) a State Counsel from the Ministry of Justice not below Grade Level 12;

(f) a Government registered Land Surveyor not below Grade Level 12; and

(g) a Secretary who shall be a registered Town Planner with at least 10 years post - qualification experience.

Appointment
of members
of the Tribunal.

62. The Governor shall appoint—

(a) the Chairman of the Tribunal, on the recommendation of the Oyo State Chapter of the Nigeria Institute of Town Planners;

(b) the other members of the Tribunal, in section 61 (b), (c) and (d) of this Law, on the recommendation of their professional bodies; and

(c) the Secretary to the Tribunal shall be a serving officer with the State Government.

Tenure and vacancy
of office of
a member of
the Tribunal.

63.(1) The Chairman and members of the Tribunal shall hold office for 3 years and shall be eligible for re-appointment for one further term of 3 years only.

(2) The office of the Chairman or a member of the Tribunal shall become vacant if—

(a) the Chairman or a member has completed his tenure of office; or

(b) he resigns his appointment in writing under his hand to the Governor; or

(c) without good cause decline to sit for the hearing of an appeal referred to the Tribunal on three consecutive occasions; or

(d) he is adjudged bankrupt by a court of competent jurisdiction; or

(e) he is adjudged to be of unsound mind; or

(f) his appointment is revoked by the Governor; or

(g) he was found guilty of professional misconduct by an appropriate professional registration council of Nigeria.

(3) For purposes of subsection (2) (c) of this section, "good cause" means—

(a) illness certified as such by a qualified medical practitioner; or

(b) a professional involvement in the case before the Tribunal at its earlier or prior stages; or

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

Remuneration
of members of
the Tribunal.

64. The Chairman and members of the Tribunal shall be paid allowances as the Governor may approve from time to time.

Jurisdiction
of the Tribunal.

65. The Tribunal shall have jurisdiction to investigate and adjudicate on all public complaints concerning the activities of the Bureau as regard building plans approval or rejection, preparation of Master or District Plans, Layouts or Schemes, disputes arising from compensation and other matters affecting physical developments in the State.

Appeal.

66. (1) An aggrieved person or any interested party may appeal against the decision of the Bureau and any of its departments to the Tribunal within 28 days after the notification of the final decision of the Bureau or department of the Bureau has been communicated.

(2) An appeal against the decision of the Tribunal shall lie as of right to the High Court which appeal shall be made within 28 days after the decision of the Tribunal or its department.

(3) The Chairman of the Tribunal shall cause a sitting of the Tribunal within 20 days of the receipt of an appeal.

(4) The aggrieved owner or occupier or interested party may attend and be heard if he desires, or his authorised representative may attend the sitting of the Tribunal.

Mode of
appeal.

67. Any appeal to the Tribunal shall be in the prescribed form and on payment of a fee as may be prescribed in the regulations made pursuant to this Law.

Proceedings
of the
Tribunal.

68. The Tribunal shall be duly constituted for the purpose of exercising the power and authority conferred on it by this Law if it consists of the Chairman and three other members.

Power to make
Regulations.

69. The Director-General may, with the approval of the Governor, make regulations for –

- (a) the fees to be paid in relation to this Law;
- (b) the review of fees to be paid in relation to this Law;
- (c) the procedure to be adopted for preparation and review of development plan;
- (d) the preparation and publication of draft physical development plan; and
- (e) carrying into effect the purpose of this Law.

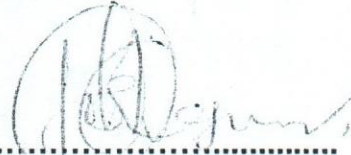
Repeal.

70. Part B of the Ministry of Environment, Physical Planning and Urban Development Law, 2015 is hereby repealed.

This printed impression has been carefully compared with the Law which has been passed by the Oyo State House of Assembly and found by me to be a true and correct printed copy of the Law.

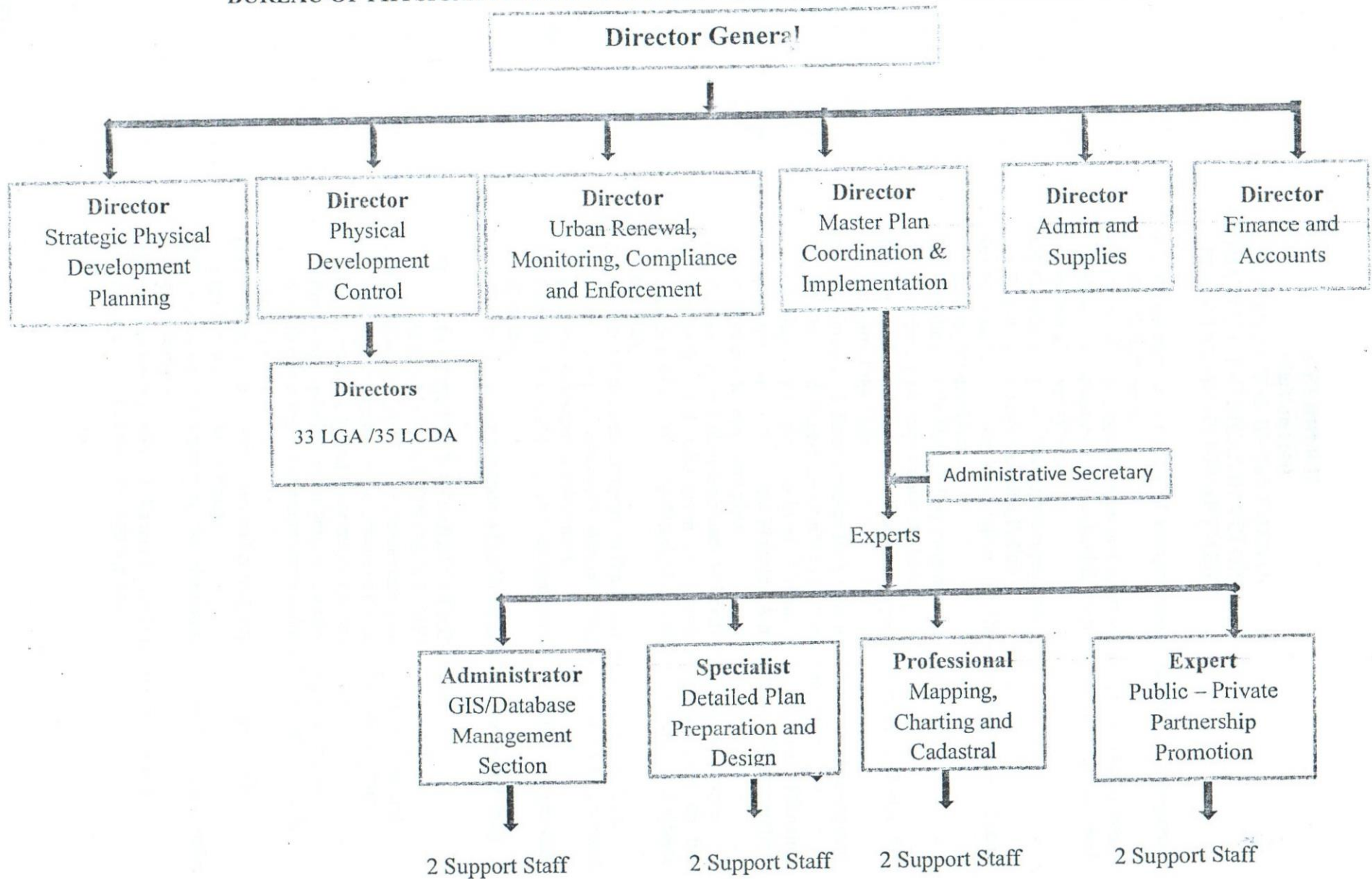


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Ms. Foluke Felicia Oyediran
Clerk of the State
House of Assembly



.....
Rt. Hon. Joshua Olagunju Ojo
Speaker of the State
House of Assembly

SCHEDULE 1
(section 8(4))
BUREAU OF PHYSICAL PLANNING AND DEVELOPMENT CONTROL ORGANOGRAM



SCHEDULE II

(Section 8(4))

DUTIES OF THE DEPARTMENTS

A. STRATEGIC PHYSICAL DEVELOPMENT PLANNING (SPDP) DEPARTMENT

- (a) Preparation and review of comprehensive regional, sub-regional and district plans.
- (b) Preparation and coordination and approval of sub-division (layout) plans and schemes for residential, commercial, institutional and industrial development.
- (c) Coordinating rural development projects.
- (d) Preparing the State Housing Policy.
- (e) Monitoring the implementation of National, State and Local housing programmes.
- (f) Handling World Habitat Day programmes.
- (g) Coordinating transportation studies.
- (h) Preparation and review of outline physical development plan for any part of the State.
- (i) Formulation of State policies for Urban and Regional Planning and initiation and preparation of physical development plans.
- (j) Liaising with the National Urban and Regional Planning Commission and the Local Planning Authorities in the preparation of physical development plan.
- (k) Provision of technical assistance to Local Planning Authorities.
- (l) Preparation and submission of annual progress report on the operation of the National Physical Development Plans as it affects the State.
- (m) Review of the annual report on the Local Planning Authorities.
- (n) Coordinating of externally funded programs relating to physical planning and urban development.
- (o) Carrying out publicity and enlightenment activities on physical planning.
- (p) Physical planning arbitration (handling petitions and complaints)

B. MASTER PLAN COORDINATION AND IMPLEMENTATION (MPCID) DEPARTMENT

- (a) Initiation, preparation, implementation and review of new and existing city master plans, structure plans, detail urban plans for the capital city and other major towns of the State.
- (b) Preparing, updating, managing, and analysing geo-data base operation relating to the preparation and implementation of City master plans.
- (c) Preparing detail urban plans and zoning regulations plans for each sector of the master plan.
- (d) Coordinating and monitoring the implementation of Ibadan and other city master plans.
- (e) Ensuring synergy with MDAs and Local Government Areas in implementation of the city master plans.

- (f) Carrying out mapping activities, charting coordination of plans and geo-referencing of proposed development based on the master plans,
- (g) Developing policies and programs for encouraging investment in infrastructure, tourism, housing, commercial and industrial development.
- (h) Preparing quarterly and annual progress reports.

C. PHYSICAL DEVELOPMENT CONTROL (PDC) DEPARTMENT

- (a) Issuance of development permits to applicants on State lands and other lands,
- (b) Identification, prevention and removal of unapproved development on all lands.
- (c) Assessment of Environmental Impact Analysis Report on development before granting planning approval.
- (a) Control of development on areas designated as open space.
- (b) Control of outdoor advertisement on all lands and roads.
- (c) Issuance of clearance on all applications for physical development
- (d) Collation, organisation and storage of data and records on rejected, cleared and approved development plans.

D. URBAN RENEWAL, MONITORING, COMPLIANCE & ENFORCEMENT (URMCE) DEPARTMENT

- (a) Monitoring of physical development with a view to initiating necessary action to contain or control such patterns.
- (b) Handling slum upgrading projects.
- (c) Handling community improvement programmes.
- (d) Carrying out routine site inspection to monitor compliance of physical development to the extant laws and development control regulations,
- (e) Enforcing, after serving necessary statutory notices, the extant physical planning laws and space standard regulations.
- (f) Carrying out assessment of urban activities on the environment.
- (g) Keeping records and carrying out database operations in Urban and Regional Planning including housing, traffic, transport, urbanisation, waste management and population.

E. TOWN PLANNING OFFICES AT LGAs and LCDAs

- (a) Issuance of development permits to physical developments as specified in the space standard regulations.
- (b) Identification, prevention and removal of unauthorised physical development within areas of jurisdiction.
- (c) Controlling development on areas designated as open space and on heritage and historic sites.
- (d) Resolution of planning petitions and appeal (planning advocacy and arbitration) within areas of jurisdiction.
- (e) Rendering technical assistance to constituent Local Government and Local Council Development Areas.
- (f) Collection of data and vital statistics for physical planning decisions.

- (g) Controlling developments around designated road and transportation network corridors and government acquisitions such that encroachment is warded off.
- (h) Preparation of local area plans and layouts to guide growth in constituent areas.

F. ADMINISTRATION AND SUPPLIES DEPARTMENT

- (a) Handling Personnel matters and supplies.
- (b) Maintenance of all departmental assets and office equipment.
- (c) Taking charge of the general administration of the Bureau.
- (d) Advising on general administrative matters.
- (e) Taking responsibility for administrative matters.
- (f) Coordinating the training programme of staff.
- (g) Assisting in the formulation, execution and review of policies.

G. FINANCE AND ACCOUNTS DEPARTMENT

- (a) Handling all finance pertaining to the Bureau.
- (b) Carrying out management decision or directives.
- (c) Analysing accounting data for management information.
- (d) Taking charge of vote control by constantly analysing the application.
- (e) Examining and reconciling all accounts of the Bureau.
- (f) Preparing weekly report of activities and statements of the Bureau.
- (g) Supervising the Finance and Accounts units and sections.
- (h) Preparation of the monthly transcript.
- (i) Collating all financial returns and rendering of reports to relevant offices.
- (j) Establishing appropriate Inter Control Systems.