

* Application for a development permit 30.-(1) A developer (whether private or government) shall apply for a development permit in such manner using such forms and providing such information including plans, designs drawings and any other information as may be prescribed by regulation made pursuant to this section.

* (2) No development shall be commenced by any Government or its agencies without obtaining an approval from the relevant Development Control Department.

* (3) A plan required to be made under this Decree shall be prepared by a registered Architect or Town Planner or Engineer and shall be in accordance with the provisions of this Decree.

Grounds for rejection of a development application.

31. An application for a development permit may be rejected if-

(a) the plan is not in accordance with an approved plan; or

(b) the plan is in the course of preparation; or

(c) in the opinion of the Control Department, the development is likely to have major impact upon the environment, facilities, or inhabitants of the community or contains such additioned facilities which are not within the estimation of the Physical Development Plan for that community; or

(d) in the opinion of the Control Department, the development is likely to cause a nuisance to the inhabitants of the community or contains such additional facilities that are not within the estimation of the Physical Development Plan for that community; or

(e) the development is not in accordance with any other condition as may be specified under any regulation made pursuant to this Decree.

Consideration of representation by a developer.

32. The Control Department may consider representations made to it by a person, body or organisation to be affected by an intended development.

Submission of detailed environmental impact statement.

33. A developer shall at the time of submitting his application for development submit to an appropriate Control Department a detailed environmental impact statement for an application for-

(a) a residential land in excess of 2 hectares; or

(b) permission to build or expand a factory or for the construction of an office building in excess of four floors or 5,000 square meters of a lettable space, or

(c) permission for a major recreational development.

* 34.-(1) The Control Department may approve or reject an application for development permission.

Approval and rejection of a development permission.

* (2) The Control Department may delay the approval of an application for development permit if circumstances so require that-

Delay of approval of an application subject to conditions.

(a) the developer at his own expense-

(i) shall provide public infrastructure and facility; or

(ii) shall provide necessary commercial facility; or

(iii) shall provide necessary social, recreational, communal facility; or

(iv) shall pay a sum of money in lieu to the Control Department for providing (i) and (ii) of this paragraph;

(b) the developer enters into an agreement with an individual, corporate or unincorporated body in respect of any matter the Control Department deems to be necessary for the development;

* (c) the developer pays such fee or other charges imposed by the Control Department; and

(d) the developer shall comply with any other condition stipulated by regulation made under this Decree. R

(3) In reaching its decision under sections (1) and (2) of this section the Control Department shall comply with-

(a) the policy and proposal of an approved plan applicable to a locality within its area of jurisdiction;

(b) a proposed plan or an approved plan under review; and

(c) any other consideration made particular and applicable to a locality by a regulation made by or pursuant to the provisions of this Decree. R

(4) Subject to such directives as may be given by the Federal State or Time limit for

Decision of the Control Department shall be in writing * (5) The Control Department's decision on an application for development permit shall be communicated to the applicant in writing.

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

Control Department's decision is conclusive evidence of facts so stated. * (7) The Control Department's decision shall be conclusive evidence of information stated therein.

Legal right shall attach to an application after it is communicated. (8) The refusal or rejection of an application for development permit shall not confer on a developer any legal or other rights until it has been communicated to the applicant in writing.

Enforcement of rights and duties attached to a development permit. * 35.-(1) The Control Department shall enforce all the rights and duties attached to a development permit against a developer:

Provided that where a developer transfers or assigns his interest, the Control Department shall enforce all the rights and duties attached to a development permit against a holder or occupier for the time being.

Development permit valid for two years. *

(2) A development permit granted to a developer shall-

(a) remain valid for two years from the date of communication of the approval of a development permit to a developer; and

Failure to commence development within 2 years of approval of an application.

(b) where a developer fails to commence development within two years the development permit shall be subject to re-validation by the Control Department which issue the original permit.

Conditions for grant of development permit to conform with condition of issue of certificate of occupancy.

36. The conditions attached to the grant of a development permit by a Control Department shall not conflict with the conditions attached to a grant of a certificate of occupancy or a customary right of occupancy.

Alteration, amendment, etc., of conditions attached to grant of development.

37.-(1) Conditions attached to the grant of a development permit may be altered, amended, varied or revoked by a Control Department which shall serve a notice of its intention on the holder for the time being of a development permit.

(2) The notice required to be served by subsection (1) of this section shall state the reasons for the proposed action of the Development Control Department,

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

(4) The Control Department's decision on sub-section (1) of this section shall be communicated in writing to a developer or a holder for the time being of a development permit.

38. A dissatisfied developer or holder for the time being of a development permit may appeal to a tribunal set up to hear appeals within 28 days of service of a notice under this section by the Control Department.

Appeals against alteration, amendment, etc., of conditions attached to grant of a development permit.
Revocation of development permit by the Control Department.

39.-(1) A development permit already granted and communicated to a developer or holder for the time being may be revoked by the Control Department which shall serve a notice of its intention to revoke the development permit.

(2) The notice in subsection (1) of this section shall state the reasons for the revocation of the development permit.

(3) The Control Department shall consider any representation made by a developer to it.

40.-(1) A dissatisfied developer or holder for the time being or a development permit may appeal against the decision of the Control Department in the first instance to the Minister or Commissioner charged with responsibilities for matters relating to planning.

Appeal against revocation of a development permit.

(2) An appeal against the decision of the Minister or Commissioner shall be to a tribunal set up to hear appeals within 28 days of service of a notice under this section by a Control Department.

41. In the exercise of its functions under section 34 of this Decree the Control Department shall

Conditions for revoking a development permit.

(a) have regard to all matters and conditions specified by the provisions of this Decree prior to granting a development permit; and

(b) take into account matters of over-riding public interest as provided for in section 27(2), (3) of the Land Use Act.

Cap. 202 LFN.

42. Compensation shall be payable for the revocation of a development permit to a developer or the holder for the time being of a development permit

Compensation payable for revocation of a development permit

(a) development has commenced; or

(c) the developer has incurred any expense or has suffered a loss during the process of obtaining the development permit.

Non-payment of compensation for revocation. ✕

43. (1) The amount of compensation payable under section 43 of this Decree shall be such as to reimburse the developer or holder for the time of a development permit of the losses incurred as a result of the revocation and shall not be in the form of payment of damages or in excess of the sum incurred by the developer

(2) No compensation shall be payable under this section if-

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

(b) the right of occupancy of the land on which a development was to take place has been canceled or revoked on the ground that the applicant did not comply with the requirements of the Land Use Act; or

(c) a claim for compensation is made 28 days after a notice of revocation is served on the developer or the holder for the time being of a development permit.

Cap. 202 LFN.

Time limit for payment of compensation.

44. Compensation payable under this section shall be paid not later than 90 days after a claim for compensation had been made.

Disputes arising from compensation payable.

45. In the event of a dispute arising as to the amount of compensation payable to a developer, the dispute may be referred to a Planning Tribunal.

46. An appeal against the decision of a Planning Tribunal in respect of an amount payable to a developer shall lie as of right to the High Court in the State or the Federal Capital Territory, Abuja, as the case may be.

ENFORCEMENT

Service of enforcement notice. ✕

47. (1) The Control Department may serve an enforcement notice on the owner of a private residential, commercial, industrial or any other land wherever any development is commenced without its approval.

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

Alteration, variation, etc. of a development.

48. (1) An enforcement notice served pursuant to subsection (1) of section 47 may direct the developer to alter, vary, remove, discontinue a development. ✕