



COMPLIANCE NOTICE!!!

JUMP ON THE AMNESTY WAVE

Lagos State Government Offers a 90-Day Amnesty for Planning Permit Compliance

Are you a property owner or developer with existing developments lacking proper Planning Permits? This is to inform you that the Lagos State Government is granting a 90-day amnesty period from May 2nd to July 30th, 2024. During this period, Planning Permits can be obtained without incurring statutory penalty fees.

To take advantage of this amnesty programme, applicants are expected to submit the required documents through the District Offices of the Lagos State Physical Planning Permit Authority in any of the 57 local government areas of Lagos State. This amnesty gives property owners and existing developers the opportunity to regularise their existing developments. There is also a 5% discount if an applicant makes payment within ten days of being issued the bill of fees.

WHY PLANNING PERMIT?

Under the Lagos State Urban and Regional Planning Law 2015, any physical development within Lagos State requires a Planning Permit from the Lagos State Physical Planning Permit Authority (LASPPPA).¹ Failure to apply and obtain this Permit before any development is an offence and attracts penal fees.

¹Section 27 of the Lagos State Urban and Regional Planning Law, 2015

The application to LASPPPA must be made using the form prescribed by the Lagos State Physical Planning Permit Regulations² in both physical and digital formats. This can be done through the online ePlanning Permit website at epp.lagosstate.gov.ng or at an ePlanning Permit Portal Centre. Applicants can also submit their application through any other portal or means that LASPPPA may require. LASPPPA has the discretion to approve or reject any application for a Planning Permit.

A Planning Permit would become invalid if development is not commenced on the land within two years.³ Hence, if a developer wants to commence development after two years, the developer must revalidate the Planning Permit and will pay twenty-five percent (25%) of the prevailing processing fees.⁴ Importantly, a Planning Permit does not confer ownership of the land to the person who obtains the permit, it only grants permission to develop the land.⁵

TIMELINE FOR OBTAINING PERMIT

The timeline for obtaining a Planning Permit depends on the completeness and accuracy of the submitted documents, the complexity of the proposed development, and length of administrative delays within LASPPPA at the time of application.

PENALTIES FOR UNAUTHORISED CONSTRUCTION

Any person who carries out development within the state without first obtaining a Planning Permit commits an offence of unauthorized construction.

However, the law allows for some flexibility. If the unauthorized development meets the minimum required standards, the developer would be required to submit a proposal for a Planning Permit to LASPPPA within seven days of the discovery of his infringement. The developer must also pay a penal fee equal to four times the normal assessment fee for that development. However, If the unauthorized development does not meet the minimum required standards, the structure will be removed within 21 days' of notice.

DEVELOPMENT BEYOND THE AUTHORISED LIMIT

The Lagos State Physical Planning Permit Regulations (the “Regulations”) groups development into different use zones and prescribes minimum and maximum plot/hectare for

²Section 28(1) of the Lagos State Urban and Regional Planning Law, 2015

³Section 37(2) of the Lagos State Urban and Regional Planning Law, 2015

⁴Regulation 39(3) of the Lagos State Physical Planning Permit Regulations, 2019

⁵Section 37(4) of the Lagos State Urban and Regional Planning Law, 2015

each use zone.⁶ The Regulations contemplate three categories of breach:

- a. If a developer who has obtained a Planning Permit develops the property beyond the level contained in the permit, but still within the approvable limit for the zone as prescribed in the Regulation, the developer has committed an offence, which automatically invalidates the original permit that was issued; the developer must then submit a fresh application for a Planning Permit within 21 days of receiving an enforcement notice. The Application must reflect the excess development. The developer must also pay a penal fee based on the volume of the contravened building (two times the current building plan assessment fee for a residential building, or four times the current building plan assessment fee for a commercial/industrial building).
- b. If a developer who has obtained a Planning Permit develops the property beyond the level contained in the permit and above the approvable limit for the zone, the developer has committed an offence of non-compliance. Within 21 days, the developer must either remove the over-development under the supervision of a registered engineer, or have the property removed by LASPPPA at the developer's expense and obtain a Contractor's All Risks Insurance Policy to cover any damages to adjacent buildings.⁷
- c. Additionally, if a developer builds contrary to the specific permitted use or uses the structure for a different purpose than the permit allows, it is also an offence of non-compliance, and the developer will be required to revert the use. If the person fails to comply with any notice to rectify such issues within the specified time, the building will be removed at the developer's expense.

CONCLUSION

Property owners and developers in Lagos State who have existing developments without the required Planning Permits must take advantage of the 90-day amnesty period from May 2nd to July 30th, 2024, to rectify the issue. This amnesty not only provides a chance to regularise unauthorised developments but also helps avoid future legal complications and penalties. To take advantage of this offer, applicants should promptly submit their application through the District Offices of the Lagos State Physical Planning Permit Authority.

Contact us for more information at RealCon@topeadebayolp.com

⁶Schedule 4a Lagos State Physical Planning Permit Regulations, 2019
⁷Regulation 27(5)b of the Lagos State Physical Planning Permit Regulations, 2019