

A Developer's Guide to Securing Building Permits in Lagos State

Authors



**Ayobami
Tunde**
Managing Partner



**Oladapo
Olabode**
Senior Counsel

Introduction

Urban development in Nigeria, especially in cities like Lagos has grown at an unprecedented pace, with soaring population figures and rapid economic expansion reshaping its skyline. However, with this surge comes a critical challenge—ensuring safe, sustainable, and orderly development.

Building permits stand as a cornerstone in this process, serving as a vital instrument to regulate construction activities and safeguard public welfare. In response to mounting urbanisation pressures, the Lagos State government has taken a decisive stance against unapproved developments, making it crucial for builders, developers, and property owners to navigate the building permit process correctly.

Now, more than ever, understanding the building plan approval process is not just important—but essential for anyone looking to build in Lagos. This article breaks down the steps, requirements, and key insights needed to secure a planning permit, ensuring compliance with regulations and a smooth construction journey.

1. What is the Regulatory Framework Governing the Grant of Building Permits in Lagos State?

The grant of a planning permit in Lagos State is primarily governed by the Lagos State Physical Planning Permit Regulations 2019 (the “Regulation”) and the Lagos State Urban and Regional Planning and Development (Amendment) Law, 2019 (the “Law”).

The Law and Regulation are enforced by 2 major regulators:

a. Lagos State Physical Planning Permit Authority (LASPPPA)

Established under the Law and saddled with the primary responsibility of:

- processing and issuing of all planning permits in the State; and
- monitoring and ensuring compliance with relevant regulations, orders and operative development plans.

b. Lagos State Building Control Agency (LASBCA)

Also established under the Law, and charged with the responsibility of:

- enforcing building control regulations;
- regulating and inspecting building works;

- certifying various stages of building construction and keeping proper records of such certifications;
- removing illegal and non-conforming buildings;
- identifying and removing distressed buildings to prevent collapse;
- issuing certificates of completion and fitness for habitation, etc.

2. What are the Types of Planning Permits Available to Builders in Lagos?

There are two types of planning permits:

a. Provisional Planning Permit: This is a temporary authorisation issued to applicants before obtaining a final permit. It is granted to individuals who are yet to secure or are currently processing the registration of their land titles, such as a Certificate of Occupancy, registered Deed of Assignment, or Ratification of a title, as applicable.

Applicants may qualify for this permit by providing supporting documents showing ownership over the land, such as a duly stamped land purchase receipt or an unregistered Deed of Assignment to LASPPPA.

This permit is also available to applicants who wish to commence construction during the regularisation of their existing federal title documents with the Lagos State Government.

b. Final Planning Permit: This is granted upon completion of the registration of title documents or regularisation of federal title documents as well as the submission of the requisite documents required for the planning permit.

3. When are You Required to Obtain a Planning Permit?

You need a planning permit for the following purposes:

- a. new development;
- b. redevelopment/remodelling of an existing structure;
- c. renovation;
- d. fencing;
- e. revalidation (this is required if you fail to start construction within two years of obtaining the permit);
- f. demolition of structures;
- g. construction of additional floors; and
- h. as-built development that meets certain criteria.

4. What is the Process of Obtaining a Planning Permit from LASPPPA for a New Development?

Any person, corporate body, Federal, State and Local Government or its agencies intending to carry out any development on any land within the State is mandated to apply to the Lagos State Physical Planning Permit Authority for a grant of Planning Permit for such development.

The following are some of the documents required from applicants:

- a. 2 passport photographs of the applicant(s);
- b. Copy of current tax clearance certificate or evidence of updated personal income tax payment of the applicant(s) or tax clearance certificate of 2 directors if applicant is a company;
- c. Evidence of Pay As You Earn (P.A.Y.E) returns (where applicant is a company);
- d. Copy of certificate of incorporation (where the applicant is a company);
- e. Development levy receipt;
- f. Site photograph;
- g. 5 original copies of architectural drawing duly stamped and sealed with a stamp endorsed by the Architects Registration Council of Nigeria (ARCON);
- h. 5 original copies of structural drawings duly signed, sealed and dated, together with a letter of supervision from an engineer registered with the Council for the Regulation of Engineering in Nigeria (COREN), confirming that the building is constructed according to good standards and under the supervision of the engineer who will be responsible for any failures or defects on the project;
- i. Calculation sheet for the materials to be used for the project, duly signed by the COREN registered engineer;
- j. Letter of structural stability/integrity report duly signed by a COREN registered engineer (in case of a construction/renovation of an existing building);
- k. Certified true copy of title documents (i.e. certificate of occupancy, registered conveyance, governor's consent or letter of allocation);
- l. An original sun-print survey plan;
- m. Evidence of payment of assessment fees due on the application;
- n. Tenement rate or land use charge receipt or sworn affidavit as to payment in lieu of receipts;
- o. 5 original copies of the mechanical and electrical drawings (if applicable);
- p. Confirmation/Clearance letter from the Lands Bureau if title documents are being processed by the Lands Bureau (if applicable);
- q. Clearance letter from the Land Use Allocation Committee (LUAC) (if applicable);
- r. Fire safety clearance letter from Lagos State Fire Service (if applicable);
- s. Metroline corridor clearance letter from Lagos State Ministry of Transport (if applicable);
- t. Traffic impact assessment report from the Lagos State Ministry of Transport (if applicable);

- u. Drainage clearance letter from the Office of Drainage Services, Lagos State Ministry of Environment (if applicable);
- v. Copy of a confirmation letter from New Towns Development Authority (if applicable);
- w. Soil test report (if applicable);
- x. Environmental impact assessment report from the Ministry of Physical Planning (if applicable);
- y. Physical Planning Technical Report from the Physical Development Intervention Department of LASPPPA (if applicable);
- z. Clearance letter from the Nigerian Air and Civil Aviation (if applicable); and
- aa. Clearance letter from LASURA (if applicable).

Please note that it is advisable to consult a professional regarding requirements from (o.) to (aa.) to determine their suitability to your application.

Upon the successful submission of your application and documentation, careful consideration of same by LASPPPA and payment of all assessment fees, your application will be approved with condition(s) or rejected with reason(s). Once approved, LASPPPA will issue a letter conveying the planning permit with any relevant conditions of approval.

5. When can construction works commence on site?

Upon obtaining a planning permit approval, you are required to give 7 (seven) days' notice in writing to LASBCA of your intention to commence construction works at the site, accompanied with the following documents:

- a. Planning Permit for the proposed development;
- b. Sub-soil Investigation Report in the case of structures above 4 (four) floors and all developments in areas with low bearing capacity soils;
- c. Sanitary Inspection and Disinfestation Report by a licensed Environmental Health Officer;
- d.1 copy each of detailed architectural, mechanical, electrical and structural design as approved;
- e. General Contractors' All Risk Insurance Policy of buildings above 2 (two) floors;
- f. Letter of undertaking of supervision of project by professionals involved;
- g. Programme of Works which shall include five (5) copies each of:
 - i. builder's site execution document;
 - ii. construction methodology;
 - iii. construction of programmes;
 - iv. project quality management;
- h. Health, Safety and Environment Report; and
- i. Any other report as maybe required.

Upon receipt of the notice of intention to commence construction and inspection of the construction site by an inspector from LASBCA to ensure compliance with the agency's regulation, the agency may then grant authority to commence construction works.

Conclusion

Planning permits are crucial for ensuring safe and compliant construction practices in Nigeria. While the process of obtaining a permit can be lengthy and fraught with challenges, recent reforms are progressively enhancing the compliance rate. For instance, the amnesty period introduced on 24th May 24, 2024, for owners and developers of existing buildings lacking Planning Permits has significantly contributed to adherence to regulations and legal requirements. By embracing digital solutions, enhancing public awareness, and streamlining bureaucratic procedures, Nigeria can create a more efficient and transparent planning permit process, ultimately fostering safer and more sustainable urban development.



The information contained in this article is solely for educational purposes. It does not and is not intended to constitute legal or any other professional advice.

If you require any further information or professional advice on securing building permits, you can reach out to our Real Estate Desk at contactus@tundeadisa.com and we will be happy to provide any assistance you may need.