

URBAN PLANNING AND APPLICABLE ENVIRONMENTAL LAWS: CHALLENGES AND PROSPECTS*

Abstract

Urbanization is continuing at a very fast pace with expectations that by 2050, most of the world population would be resident in urban centres. This rural-urban drift has severe implications for development and attendant policy-making in Nigeria. The upsurge in the drift to urban centres necessitates the rationale for designing and planning new urban centres and suburbs in Nigeria. The advent of sustainable development goals and the need to safeguard the environment has thrown up possibilities for urban planning in tandem with environmental laws in the planning process in Nigeria. Research undertaken reveals that the environment is heavily impacted on by the daily activities of the population. Virtually on a daily basis, choices are made between safeguarding the environment and harnessing the benefits of urban planning. Our position is that extant town planning policies and regulations in Nigeria has not adequately taken requisite environmental laws into urban planning process. There should be a paradigm shift to this.

Keywords: Urban Planning, Applicable, Environmental Laws, Challenges, Prospects.

1. Introduction

Environmental law is dedicated to the protection of the environment and by extension, humanity as the former is the foundation on which humanity's existence is premised¹. It transcends national boundaries²; making environmental law an international as well as regional response to environmental problems³. It is a constantly evolving amalgam of statutes⁴, common law and the principles of equity⁵, treaties⁶, customary law⁷, regulations, policies and even religious dogmas and teachings⁸ which operates to regulate the interaction of humanity and the rest of the biophysical or natural environment so as to reduce or minimise the impact of human activity on the natural environment as that of the totality of humanity, present and future. From an economic perspective, it can be understood as concerned with the prevention of present and future externalities⁹. The study of environmental law is multi-disciplinary encompassing a wide spectrum of thought. According to Malcolm, 'The range of topics under the general heading of environmental law is extensive. It could include planning law, the law relating to the quality of air and water, the disposal and the transport of waste, the control of the nuclear industry and statutory nuisances. It presents a new classification which absorbs many areas previously considered to fall under different headings'¹⁰.

This is as a result of the fact that the information needed to fully understand the effect of humanity's interaction with the biophysical¹¹ environment is situate in other fields of knowledge. Consequently, to fully understand and appreciate the myriad of issues as it pertains to environmental law, one may need to conduct interdisciplinary research in biology, physical science, social science, economics, history, and other areas.

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¹ IA. Aniyie "What is the Much Ado About Environmental Law: Another Addition to the Rhetorics?" *Nigerian Current Law Review* 2007-2010 at 165.

² MA. Ajomo: 'An Examination of Federal Environmental Laws in Nigeria' in M. A. Ajomo & O Adewale (eds.): *Environmental Law and Sustainable Development in Nigeria* (Lagos: NIALS/ British Council, 1994) 11.

³ J. Thornton, S. Beckwith: *Environmental Law* (2nd ed.) (London: Sweet & Maxwell, 2004) 7.

⁴ See M Prost: 'Is European Law Becoming More Sustainable?' in Gehring and Segger (eds.): *Sustainable Development in World Trade Law* (The Hague: Kluwer Law International, 2005) 12.

⁵ LA. Atsegbua: et al, *Environmental Law in Nigeria: Theory and Practice* (Lagos: Ababa Press, 2004)32 – 34, 180 - 189

⁶ There are 16 treaties on the United Nations Treaty Collections pertaining to the environment as its scope. See Treaties <<http://treaties.un.org/Pages/Treaties.aspx?id=27&subid=A&lang=en>> accessed 12 May 2020..

⁷ This is a body of law which reflects the settled practices of States and forms part of their municipal law. See *Trendtex Trading Coy v. Central Bank of Nigeria* [1977] 1 QB 529.

⁸ Indeed, many religions have explicitly or tacitly taken a position in relation to the issue of environmental protection.

⁹ Externalities are the differences between the private and social cost of the exploitation of the resources of the biophysical environment. It encompasses the contemplated and un contemplated corollaries, spillovers or third – party effect of the exploitation process.

¹⁰ R. Malcolm: *A Guidebook to Environmental Law* (London: Sweet & Maxwell, 1994)15 – 16.

¹¹ The biophysical environment includes the abiotic and biotic spheres of the earth's ecosystem.

2. The Environment

The environment has been defined as “the totality of physical, economic, cultural, aesthetic and social circumstances and factors which surround and affects the desirability and value of property and which also affects the quality of people’s lives”¹² This portrays that the environment includes the animate and inanimate, corporeal and incorporeal, individual and social features that exists in a given location at a given time and even the infrastructures available for human use. The rapid urbanization, rural-urban migration, decades of steady economic downturn, decay of urban infrastructure and negligent urban housekeeping,¹³ has brought along with it an array of physical and economic development problems. Default in areas of zoning, building along utility lines and non-adherence to provisions of adequate ventilation is now the rhetorical bane of modern society. This has resulted in the rise of concrete jungles within a climate of urban chaos. In spite of the ever increasing knowledge of modern town planning, physical development in most societies remains an array of chaos and disorder. This is manifested in urban sprawl characterized by poor access to dwellings, bad drainage, and housing congestion, uncontrolled and increasing density of physical development among others.

3. The Concept of Town Planning

Town planning is a dynamic process that is constantly evolving in response to changes within a community.¹⁴ Town planning also referred to as urban planning or urban and regional planning is a comprehensive planning of the physical and social development of a town including the construction of facilities. Town planning involves both control of existing and new development and ‘strategic planning’ to ensure resources are carefully managed to match future needs and expectations. It focuses on the ordering of land, planning and design of all new buildings, transportation routes, facilities to ensure adequate livability and functionality. An urban area is a cluster of productive activities and human population which manifests in a dense web of interacting land uses and locations of institutions. It is necessary for there to be a demarcation. Town planning encompasses zoning. This regulates the type of activities that can be accommodated on a given piece of land as well as the amount of space devoted to these activities and the way that buildings may be situated and shaped. It involves delineating land for residential, commercial, industrial, public/institutional, office, agricultural purposes, health care, construction of market infrastructure, public services and facilities, road network, rail line, station port, airports *et cetera*. Town planning is expedient in making decisions on how best to use space, protect coastline and historic buildings, regenerate declining places and create new environments, preserve the best of the past and promote innovation. It is the planning and design of buildings, roads to make the town attractive and convenient for the people who live there.

4. Necessity of Town Planning

Land appears to be the most precious possession of mankind. This is because every other thing that man has-gold, bitumen, petroleum, all of which make man who he is today, is a by - product of the land. The way man relates with land therefore becomes important, if he is to take full advantage of it. According to Enoh¹⁵, as man uses land, environmental alterations and abuses are bound to occur. Inyang¹⁶ also writes that both over - utilization of land by man and its symptoms or outcomes are clear indicators of man-land related problems. Conscious of this fact however, man has for long regulated his interaction with the land. He has addressed the questions of who has access to it, for what purpose and under what circumstance and has consequently come up with a profound land use technique technically called ‘town planning’. Town planning is essentially a practice that is concerned with the management of land in an urban setting. Town planning in modern usage is a process of controlling the use of land and the character and arrangement of building so as to achieve economy and secure convenience and beauty¹⁷.It ensures easy access to places of work, schools, markets and other places and as well ensures best utilization of land in the interest of all. According to Oyebanji¹⁸, such agglomerations usually help activities to reduce the cost per unit of production. They also help to reduce the total distance that people travel for them to satisfy many purposes with little efforts. Town planning also ensures safety of the citizens by the provision of pedestrian ways and easy access to and from dwelling-houses. Thus, unlike before when land use types were

¹²National Environmental Standards Enforcement Agency Act (NESREA) Cap F10, Laws of the Federation of Nigeria, 2004.

¹³ World Bank: Global Monitoring Report 2005 Millennium Development Goals: from Consensus to Momentum World Bank <www.site.resources.worldbank.org/globalmonitoringext> accessed 17 April 2020.

¹⁴ More Tonbay <www.moretonbay.qld.gov.au/general.aspx?Id=2242> accessed 27 April 2020.

¹⁵ COE Enoh, ‘Man -Land Impact on Development in South - Eastern Nigeria’ in Inyang, I.B (ed.), *South - Eastern Nigeria’ its Environment, Kaduna*: Abaam Publishing Company, 2000 at. 209.

¹⁶ I Inyang, ‘Dynamics of Rural Land Utilization in Akwa Ibom State. Nigeria: Highlights, Consequences and the way Forward’ *Ibom Journal of Social Issues*, Vol. 3. No2, July, 2001 at 7.

¹⁷ CS Ola, *Town and Country Planning Law in Nigeria* London: Oxford University Press, 1977 at 22 24.

¹⁸ JO Oyebanji, ‘Power Technology and Spatial Organization of Society’ in JB Ipaye& SO. Oduloye(eds.) *Reading in General Studies*, Unilorin Publication Committee, University of Ilorin, 1987 at 34.

restricted mainly to residential, transportation, markets, kings' palaces, farmlands and shrines¹⁹. Major urban cities across the world today are characterised by high degree of area differentiation into land use types like industrial, commercial, residential, recreational, administrative, transportation, religious *etcetera*. Town planning considers the needs of people and the environment whilst respecting limits to development. It involves analysis, research, strategic thinking, policy recommendations and implementations. It is evident that a small house if well arranged and planned looks far better than a disordered big palace. In a similar way, a town which is properly planned provides people with more comfort and convenience.²⁰ Lack of proper town planning could lead to the following issues discussed hereunder.

Haphazard Location of Industries

Industries should be located away from residential areas. Hence, industrial zones have to be allotted so that haphazard springing up of industries on unsuitable locations can be avoided.

Defective Road System

This may result in the formation of narrow streets and lanes; bad road network; bad transportation system. The inefficiency of the road network could lead to heavy traffic congestion during the working hours of the day, thus making life uncomfortable for citizens.

Development of Slums and Squatter Settlement

There are inadequate open spaces in cities and if there are, they are used up for designing more houses and constructing more buildings. This will eventually degrade the quality of the life of the citizens.

Lack of Essential Amenities

If planning is not done and towns and cities are left to grow on their own, there would be lack of efficient network of amenities such as electricity, water supply, drainage system, sewage. Lack of these results in degraded quality of life.

Pollution

This is the contamination of the environment by a variety of sources including but not limited to hazardous substances, organic wastes and toxic chemicals. Man's activities expose man to all kinds of pollution; air, land, water and noise pollution. The above leads to unhealthy living conditions in the society, which situation can be avoided if more attention is placed on planning.

Promote Security

During town planning, threats like storm surges and floods are considered. Extreme weather or other kinds of emergencies like fire are considered to create evacuation routes within the town. Safety features like retaining walls, shelters and levees are provided for to increase the security and safety of the population. A planned city is a well prepared city.

Increases Aesthetic Value

Towns or cities are planned by considering the aesthetics. Most of the towns which are seen as attractive are the outcome of long lasting land systems of guidance and prohibitions about uses, features and building sizes.

Prevents Slums

Rapid urbanization has resulted in the formation of slums in major cities all over the world especially in developing nations. Rapid growth in urbanization has brought about significant problems that the public authorities could not handle and which led to the proliferation of slum areas and shabby constructions all over the land. The presence of slums poses a very great threat to the financial strength of a town.

Promotes Renewal

Town planning can restore a town devastated by war, fire drought *etcetera*. Historic, social and religious centres can also be preserved through planning.

¹⁹ OO Odugbemi, 'Nigerian Culture and Space Utilization with Special Reference to Yoruba Land' in OY. Oyeneye and MO. Shoremi, (eds.) *Nigerian Life and Culture*, Department of Sociology, Ogun State University, Ago-Iwoye, Nigeria, 1985 at 56.

²⁰Architecture Student <www.architecture-student.com/town-planning/necessity-of-town-planning> accessed 23 March 2020.

A Framework for Growth

Town planning positively impacts the economy. Town planning is a framework that enables Governments and private parties transform the many ambitious ideas and plans for spatial development and new infrastructure using space as a key resource. It is a valuable lever for city leaders to achieve sustainable development. It helps them formulate medium and long term objectives that reconcile a collective vision with a rational organization of resources to achieve it.²¹ It distributes economic development within a given territory to reach social objectives and create a framework for collaboration between local governments, the private sector and the public at large. Planning helps make the most out of municipal budgets by informing infrastructures and services investments, balancing demands for growth with the need to protect the environment. The city may be devoid of open spaces, parks, gardens and natural places. Where there are no designs in layout of buildings, poor management of the location of infrastructure, neglect of the welfare of citizens, would lead to an urban sprawl without a centre, nothing but a series of disconnected living and working areas between freeway systems.

5. Town Planning and Environmental Laws

According to Oyesiku and Alade, one form of arrangement of land use or the other existed in many cities in Nigeria especially around the palaces before colonial administration.²² Indeed, as customary laws vary from one locality to another, so also are land use patterns. Although, there were no professional Planners then, physical development and growth even in the villages were coordinated and regulated by considering the relationship of any proposed development to the existing structures and making adequate provisions for movement and the conveniences. However, when colonialism came, the British government introduced various legislative planning frameworks for the country. Planning at this time was skeletal and restricted to towns and localities where the colonial administrators and European expatriates resided.²³ Legislation started in Nigeria with the Lagos Town Planning Improvement Ordinance of 1863. At the national level, it was the Lord Lugard's Law Proclamation of 1900. There were also series of legislations after 1900 that guided planning across the country. These included:

- i. The Cantonment Proclamation of 1904 which created the European Reservation Areas in few selected urban centres.
- ii. Ordinance No 9 of 1914 enacted for the purpose of Government acquisition of land compulsorily for public use.
- iii. Township Ordinance No 29 of 1917 enacted to classify urban settlement into different grades of cities as well as established broad physical layout of towns as well as the furtherance of the segregation tendency of major Nigerian cities along ethnics and colour lines that is European Reservation Areas for the expatriates
- iv. Lagos Town Planning Ordinance of 1928 enacted in response to the fundamental drawback of 1917 Township Ordinance. This Ordinance for the first time made town planning a government activity.
- v. Nigeria Town and Country Planning Ordinance No. 4 of 1946 which provided for planning and implementation of schemes by Town Planning Authorities. It was perhaps the first comprehensive Urban and Regional Planning legislation that covered the entire country. It was modelled after the British 1936 Town and Country Planning Law²⁴.

The Town and Country Planning Ordinance was promulgated to make provisions for the planning, improvement and development of different parts of Nigeria by means of planning schemes and planning authorities. It was in existence for about 50 years only to be replaced by the Urban and Regional Planning Decree No 88 of 1992. Although, there were national development plans but physical planning was not addressed. So, regional governments of the post-independence Nigeria continued to use the 1946 Town and Country Planning Law with the town planning units becoming the town planning departments and making policies for the urban and rural planning in the regions, preparing master plans for specific towns and regional plans for some areas. Due to the capital intensive nature of physical planning, the regional governments could not adequately give urban and regional planning the needed priority in the face of rapid urbanization. The non-existence of physical planning administration at the national level made it difficult to initiate planning proposals that cut across regional boundaries²⁵. When States were created from the regions in 1967, many rural towns became state capitals and there was the need for spatial re-ordering of urban centres in the country. The 1946 Planning Act perhaps as the only legal framework for urban and regional planning activities was also adopted by the States in one form or the other. The third national development plan of 1975-1989, unlike the previous ones had some policies that related

²¹Ten Reasons Cities Need Urban Planning < <http://urbantimes.co/magazine/2013/07/ten-reasons-cities-need-urban-planning>> accessed 5 March 2020.

²²K Oyesiku, W Alade, "Historical Development of Urban and Regional Planning in Nigeria"" in The Nigeria Institute of Town Planners, State of Planning Report at 2 available at <www..nitpng.com> accessed 8 April 2020.

²³. *Ibid*, 3

²⁴ *Ibid* 3.

²⁵ *Ibid* at 4 .

to the physical planning activities such as environmental and rural development, the establishment of the Federal Ministry of Works and Housing and Federal Ministry of Social Development and Cooperatives²⁶. The Federal Government promulgated the Land Use Decree in 1978 as a policy to provide easy access to land for its numerous housing and other social services projects and this also rubbed on the States and the Local Governments. There is also the Federal Capital Territory Act No 6 of 1976. The fourth national development plan (NAP) gave rise to State Housing Corporations and Town Planning Authorities at the state level with the power to undertake long-term urban development programmes through the master plan preparation for facilities. Though, the fourth NAP did not run its course due to military intervention, however, like previous ones, there was lack of commitment to its detailed implementation and therefore the development of the country²⁷. Many States in the federation have had several legislations that have guided Urban and Regional Planning from time to time²⁸. Using Lagos State as an example, the legislations include the following: Town and Country Planning Law²⁹ No. 42 of 1980, Town Planning Fees Order; Lagos State Law of Nigeria No.5 of 1982, Town Planning Fees Order; Lagos State Law of Nigeria No.6 of 1983, Guidelines for Approval of Layouts and Lagos State of Nigeria Law No. 14 of 1983 on the same subject. Describing the briefs of these legislations, Town and Country Planning Law³⁰ for example, provided for control of Town and Country Planning activities throughout the state and the law puts together six previous planning laws as applicable to Lagos state. These other laws include: Western Region Law No.41 of 1959, Town and Country Planning (Amendment Law 1959), Lagos Local Government Acts 1959-1964³¹, Lagos Town Planning (Compensation) Act 1964, Lagos Executive Development Board (Powers) Act 1964, Lagos Town Planning (Miscellaneous Provision) Decree 1967 and Town Planning Authorities (Supervisory Powers) Edict 1971³². The Lagos State Law of Nigeria No. 42 of 1980 provided for fees paid on all applications, approval for new development or alteration to existing ones. The law had its commencement date as 22nd of April 1980.

Similarly, the Lagos State Law of Nigeria No.5 of 1982 was in respect of regulations for processing application on building plan approval with the commencement date of 1st January 1981 and has 48 sections that dealt with the applicant, the planning authority and the developer as well as conditions for approval in respect of setbacks, zoning, height, nature of land and the need for every approved plan to bear the seal of the Ministry.³³ Another important Urban and Regional Planning legislation that the State Government promulgated was the Lagos State Law of Nigeria No.6 of 1983 that was in respect of guidelines for approval of layout. The law took effect from June 1983 with 23 sections and dealt with the guidelines for the application of private developers and contents of the scheme, processing of application and minimum standard for the provision of educational community facilities. In addition, colour choice for land uses and provision of infrastructure, preliminary approval, final approval and allocation of plots in the schemes were the main features of the Law³⁴. The 1979-1983 periods in planning history in Nigeria was remarkable at the state level. This was a period of numerous planning legislations and focus on planning as public service activity. The civilian governments had so much to do planning-wise but were cut short again by another military intervention.

During this military era, two planning laws were enacted by the government of Lagos State in 1986: Lagos State Edict No. 1 of 1986- the Town and Country Planning Edict 1985 Planning Activities, Planning Commission *etcetera*; and Lagos State Law of Nigeria No. 15 of 1986-Town and Country Planning (Building Plan) Regulations 1986. An important framework for Urban and Regional Planning activities in Lagos State was the Town and Country Planning edict of 1985 also known as edict No. 1 of 1986. The edict with commencement date of June 1985 had forty-eight sections and six schedules dealt with virtually all aspects of planning activities ranging from the establishment of the State planning commission and its membership, technical committee and its membership, processing, publication, objections to master plans, establishment of town planning authorities, outline of developed plans and functions and matters to be dealt with in planning briefs.³⁵ The Lagos State Law of Nigeria No.15 of 1986 which is on Town and Country Planning (Building Plan) regulation with a commencement date of 1st of January 1986 has 43 sections dealing with applications and conditions governing the submission by the developer, setbacks and plot coverage and density, permissible height of building plans and overall conditions for

²⁶ *Ibid* . 5 .

²⁷ *Ibid* 6 .

²⁸ A Aribigbola "Improving Urban Land Use Planning and Management in Nigeria: The case of Akure," *Theoretical and Empirical Research in Urban Management*, Year 3, no. 9, 2008 at .6, 54.

²⁹ Cap 133 Lagos State Laws of Nigeria.

³⁰ *Ibid*.

³¹ Cap 77 section 126.

³² Oyesiku and Alade, 'Historical Development of Urban and Regional Planning in Nigeria' *op.cit.*, at 15 55.

³³ *Ibid* at 16 .

³⁴ *Ibid*.

³⁵ *Ibid* at 18 .

granting building approval. It is important to note that the 1986 law also provided for the establishment of the new towns development authority which also carries out functions related to physical planning activities in the State³⁶.

In 1992, the Federal Government of Nigeria promulgated the Nigerian Urban and Regional Planning Act³⁷ No.88 (URP Act No. 88) as a major advancement aimed at overhauling the old laws and clearly defining the roles of the three tiers of government in the planning process. The Act has facilitated the growth of Town and Country Planning laws.³⁸This Act is exceptional in incorporating controls over use of land as well as over the design and form of the built environment. It forms a basis of common and uniform practice for the nation and to coordinate standard development control in the country.³⁹ Its general objective is to facilitate the preparation and implementation of development plans and planning schemes, with a view of creating a better environment for living, working and recreation. Its specific objective in summary are: plan preparation and implementation; development control; additional effective control in special cases; land acquisition and compensation; improvement areas: rehabilitation, renewal and upgrading; fair hearing and justice as far as planning is concerned. However, the Planning Act does not explicitly require or articulate criteria for integrating environmental conservation into the planning process. Considering the range of plans to be made as stipulated by the URP Act No.88, there is a wide scope of services for professional planners to contribute to the planning of human settlements. However, since governments at all levels in Nigeria are yet to fully implement all the tenets of the Act, the situation has some serious side effects. Thus far, except in Lagos State and the Federal Capital Territory, Abuja, planning laws in the country are yet to be properly organized along the lines of the enabling legislations⁴⁰. The new millennium was said to have ushered into the annals of physical planning in Nigeria a number of developments. These include the creation of an independent Ministry responsible for Housing and Urban Development. The policy is a lucid exposition of all that is bad and ugly in and about Nigerian cities and urban agglomerations with well thought out strategies on how to make the cities work again. Illegal development and conversion is another perspective from which planning in Nigeria can also be viewed. The term ‘Development’ as defined in the Nigerian URP Decree 88 of 1992 thus:

the carrying out of any building, engineering, mining and other operation in, or, over or under land or the making of any environmentally significant change in the use of any land or demolition of building, including the falling of trees and the placing of free standing erections used for the display of advertisement on the land

Whenever, a particular operation or change of use falls within the definition of development, it should require planning permission. Any development that therefore does not have the planning permission of the relevant Town Planning Agency(ies) is classified as ‘illegal development’⁴¹. The indiscriminate siting of temporary structures used for residential purpose or for commercial purposes (kiosks) and the more recently metal containers all constitute illegal development. These illegal developments pose serious problems to the environment in form of pollution, blockage of drains and congestion, to mention a few. Findings indicate that the most violated aspects of building regulations are plot coverage, setback stipulations, room size, provision of utilities as well as a change of use from a wholly residential use to the incorporation of home-based enterprises and that both the public and Government are guilty of indiscriminate change of use⁴². Laws owe its existence to man and does not exist independently. There is a correlation between planning and environmental protection. This is enunciated in the *Halsbury’s Laws of England*⁴³ which states that ‘the town and country planning system is designed to regulate the development and use of land in the public interest, and it is an important instrument for protecting and enhancing the environment in town and country...’. Environmental laws are laws that help to regulate human conduct towards the environment. It regulates all human activities in relation to the environment. Planning and environmental laws are positive statements made by citizens about what measures, constraints and processes they want in place to make their cities the sort of place they want it to be. It helps to shape cities in the ultimate reflection of the desires of the citizens taking the environment into consideration. Planning law is viewed as a tool of environmental policy as echoed by the Stockholm Declaration as follows:

Rational planning constitutes an essential tool for reconciling development and environmental needs and that planning must be applied to human settlements and

³⁶ *Ibid* 20 .

³⁷ The Act was promulgated as Decree No.88, 1992, now Cap N128 LFN 2004.

³⁸ Nigerian Urban and Regional Planning <Nigerianenvironment.blogspot.co.ke/2016/10/Nigerian-urban-and-regional-planning.html?m=1> accessed 3 April 2020.

³⁹ *Ibid*.

⁴⁰ *Ibid* 21 .

⁴¹ *Ibid* 22 .

⁴² *Ibid* 24.

⁴³ Halsbury’s Laws of England 4th edition, volume 46, paragraph 1.

urbanization with a view to avoid adverse effects on the environment and obtaining maximum social, economic and environmental benefits for all.⁴⁴

The basis of environmental policy in Nigeria is contained in the 1999 Constitution as amended.⁴⁵ The State is empowered to protect and improve the environment and safeguard the water, air and land, forest and wildlife pursuant to section 20 of the CFRN 1999 as amended. In addition to this, section 2 of the Environmental Impact Assessment Act of 1992 provides that the public or private sector of the economy shall not undertake or embark on or authorize projects or activities without prior consideration of the effect on the environment. In this regard, the Federal Government has promulgated various environmental laws and Regulations which impact on town planning such as the National Enforcement Environmental Agency Act (NESREA), Environmental Impact Assessment Act of 1992, Harmful Wastes (special Criminal Provisions etc) Act of 1988 *et cetera* to safeguard the environment as well as specific town planning laws as well as building bye-laws and zoning regulations.

Succinctly in tandem with the above, environmental laws which impact on urban planning improve and protect the environment from abuse by ensuring that conditions and terms attached to planning permit granted to a developer are enforced against the developer.⁴⁶ Oshodi in Lagos State, a renowned place of lawlessness, business agglomeration, evidently filled with features of urban decay, homes for hoodlums and pick pockets, little space for vehicular and human traffic was transformed to one of the neatest places on earth due to the implementation of Environmental and town planning laws. There may be little or nothing of historic, cultural or aesthetic significance from the past if there are no environmental laws guiding town planning. Other ways in which town planning can aid environmental law will include the reduction of noise and air pollution levels in both residential and industrial layouts; implementation of policy on residential and industrial use of land; creation of road network; promoting aesthetic value of the community etc.

6. Conclusion

The rationale for town planning is to fashion well planned urban centres that will adequately support their resident population. In Nigeria, as in most third world societies, population figures in urban centres are rising by the day without a corresponding increase in land supply. This situation has created an urgent need for sustainable town planning measures that will effectively allocate the burgeoning population numbers within the urban space. An unavoidable consequence of ever increasing population growth is the high rate of consumption of scarce resources. The absence of town planning is therefore bad news for the people and the environment. Absence of town planning will be evident in haphazard layout of buildings, poor management of the location of infrastructure, neglect of the welfare of citizens and eventually lead to creation of an urban sprawl. The need for town planning in a bid to protect the environment is therefore a necessity and must be embraced holistically.

⁴⁴ Conference was held in Stockholm, Sweden in June, 1972.

⁴⁵ Cap C20 Laws of the Federation of Nigeria.

⁴⁶ Section 35 of Nigerian Urban and Regional Planning (NURP) Act.