

UPR408

DEVELOPMENT CONTROL



Course video is available on our app

Course Code: URP 408

Course Title: Development Control

Course Units: 2 Units

Series 1: Strategies and Mechanics of Development Control

Series 2: Laws, Codes, Regulations, and Standards in Development Control

Series 3: Planning Applications, Consents, Appeals, and Enforcement Procedures

Series 4: Arbitration in Development Control: Appointment, Rules of Evidence, and Awards

Series 5: Preparation, Publication, and Enforcement of Awards in Development Control

Here is the proposed outline for Series 1:

Part 1 Concept and Importance of Development Control

- Definition of development control
- Objectives and significance in urban and rural areas
- Principles guiding development control strategies

Part 2 Strategies of Development Control

- Preventive strategies (planning schemes, zoning, codes)
- Corrective strategies (enforcement, penalties, compliance checks)
- Participatory strategies (community involvement, stakeholder engagement)

Part 3 Mechanics of Development Control

- Institutional frameworks and administrative processes
- Tools and instruments of control (permits, inspections, sanctions)
- Monitoring and evaluation mechanisms

Part 4 Challenges and Prospects of Development Control Strategies

- Common challenges (corruption, weak enforcement, inadequate resources)
- Implications for sustainable development
- Future prospects and reforms in development control

Introduction

Development control is a central aspect of planning practice, ensuring that land use and building activities conform to approved plans and regulations. It provides the framework for orderly urban growth, protects public health and safety, and promotes sustainable development. This Series introduces learners to the concept and importance of development control, explores the



strategies used to regulate development, and explains the mechanics of how control is exercised through institutions, tools, and monitoring systems. It also highlights the challenges faced in practice and considers prospects for reform and improvement.

The aim of this Series is to equip learners with a clear understanding of how development control operates, why it is necessary, and how strategies and mechanisms are applied in both urban and rural contexts. Sequentially, the Series begins with the concept and importance of development control, moves into strategies, examines the mechanics of control, and concludes with challenges and prospects.

Series Learning Outcomes (SLOs)

By the end of this Series, you should be able to:

- **SLO 1.1** define development control and explain its importance in planning practice.
- **SLO 1.2** outline and analyse the various strategies of development control.
- **SLO 1.3** describe the mechanics of development control, including institutional frameworks, tools, and monitoring systems.
- **SLO 1.4** evaluate the challenges and prospects of development control strategies in promoting sustainable development.

1.1 Concept and Importance of Development Control

1.1.1 Definition of development control

Development control refers to the regulation of land use and building activities to ensure they conform to approved plans, laws, and standards. It is a key instrument in planning practice, designed to promote orderly growth, protect public health and safety, and safeguard the environment.

Fill in the blank: Development control regulates _____ use and building activities to ensure conformity with approved plans.

Component	Definition
Legal Definition	<i>The process of regulating the use of land and the character of buildings through a system of permits, inspections, and enforcement.</i>
The Core Goal	<i>To ensure that all physical developments align with the public interest, safety, health, and the approved urban Master Plan.</i>



Regulatory Scope	<i>Covers everything from the "change of use" (e.g., turning a house into a school) to the structural details of a new skyscraper.</i>
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Caption: Box 1.1: Definition of development control

1.1.2 Objectives and significance in urban and rural areas

The objectives of development control include:

- Ensuring orderly urban and rural growth.
- Protecting public health, safety, and welfare.
- Preserving environmental quality.
- Promoting sustainable land use practices.

In urban areas, development control manages rapid expansion, infrastructure provision, and housing quality. In rural areas, it ensures agricultural land is protected and rural settlements develop in harmony with natural resources.

Fill in the blank: In rural areas, development control ensures that _____ land is protected and settlements develop sustainably.





Caption: Figure 1.1: Objectives of development control in urban and rural areas

1.1.3 Principles guiding development control strategies

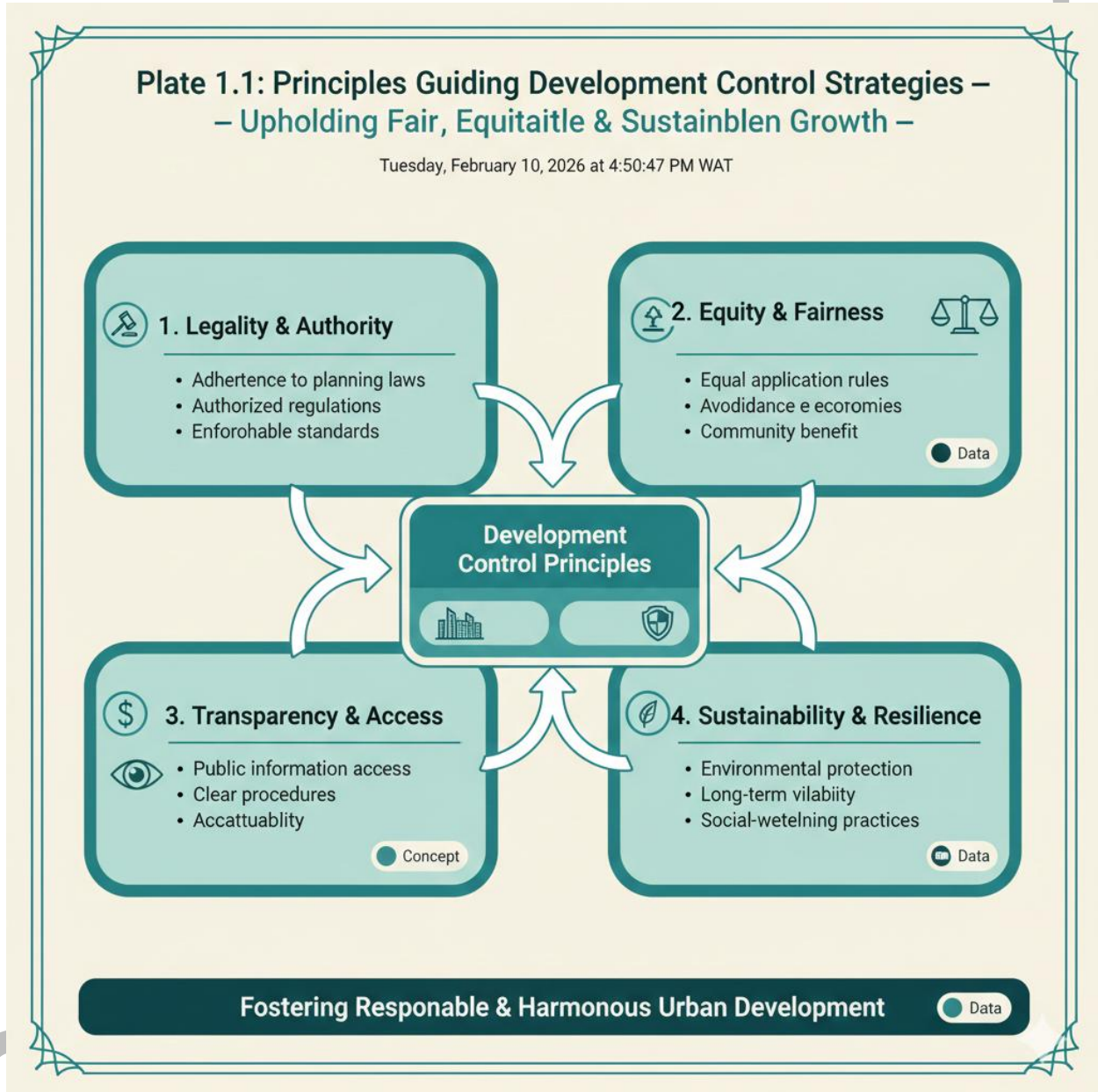
Development control is guided by principles such as:

- **Legality:** All actions must be based on laws and regulations.
- **Equity:** Decisions should be fair and non-discriminatory.
- **Transparency:** Processes must be open and accountable.



- **Sustainability:** Development should meet present needs without compromising future generations.

Fill in the blank: One principle guiding development control is _____, which ensures decisions are fair and non-discriminatory.



Caption: Plate 1.1: Principles guiding development control strategies

Pilot questions 1.1

1. What is development control?
2. State one objective of development control.
3. Mention one significance of development control in rural areas.



4. Identify one principle guiding development control strategies.
5. Why is transparency important in development control?

1.2 Strategies of Development Control

1.2.1 Preventive strategies (planning schemes, zoning, codes)

Preventive strategies are measures taken in advance to avoid uncontrolled or undesirable development. They include the use of **planning schemes** (formal plans that guide land use), **zoning** (division of land into categories such as residential, commercial, or industrial), and **building codes** (standards that regulate construction quality and safety). These strategies ensure that development is orderly and consistent with long-term plans.

Fill in the blank: Preventive strategies such as zoning divide land into categories like residential, commercial, and _____.

Strategy	Mechanism	Goal
Planning Schemes	<i>Comprehensive layouts for new or existing areas.</i>	<i>To provide a visionary roadmap for organized physical growth.</i>
Zoning Regulations	<i>Legal division of land into specific functional areas.</i>	<i>To prevent land-use conflicts (e.g., industry vs. residential).</i>
Building Codes	<i>Technical standards for design and construction.</i>	<i>To ensure structural stability, fire safety, and habitability.</i>
Subdivision Regulations	<i>Rules for breaking large land tracts into plots.</i>	<i>To guarantee that every plot has access to roads and utilities.</i>

Caption: Box 1.2: Preventive strategies in development control

1.2.2 Corrective strategies (enforcement, penalties, compliance checks)



Corrective strategies are measures applied when development has already occurred in violation of regulations. They include **enforcement actions** (such as demolition or modification of illegal structures), **penalties** (fines or sanctions imposed on offenders), and **compliance checks** (inspections to ensure adherence to approved plans). These strategies help restore order and discourage future violations.

Fill in the blank: Corrective strategies include enforcement actions, penalties, and _____ checks.



Caption: Figure 1.2: Corrective strategies in development control

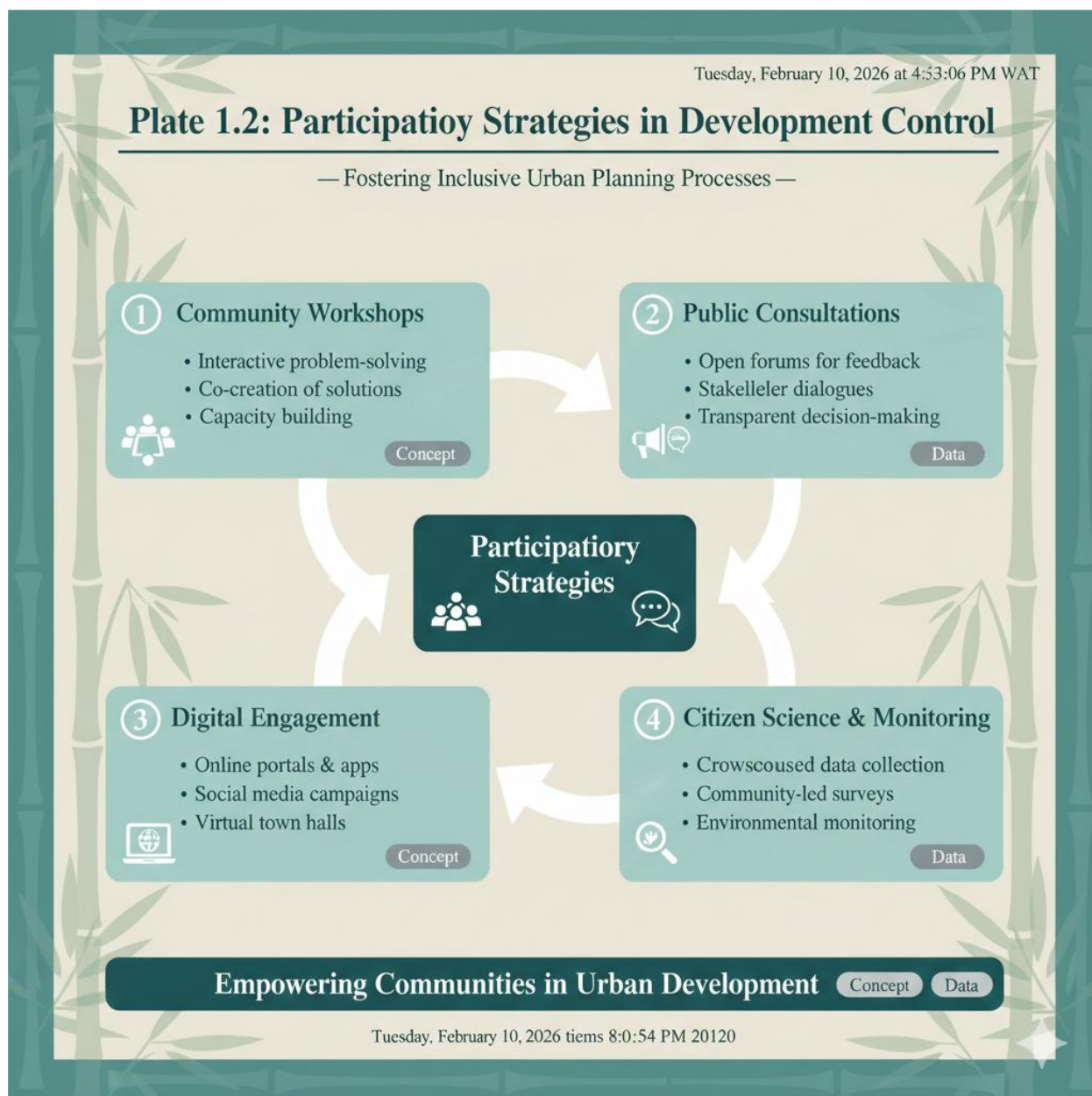


1.2.3 Participatory strategies (community involvement, stakeholder engagement)

Participatory strategies involve engaging communities and stakeholders in the planning and development control process. This may include public consultations, community workshops, and stakeholder forums. Participation ensures transparency, builds trust, and aligns development decisions with the needs of the people.

Fill in the blank: Participatory strategies promote transparency and build _____ between planning authorities and communities.





Caption: Plate 1.2: Participatory strategies in development control

Pilot questions 1.2

1. What are preventive strategies in development control?
2. Give one example of a corrective strategy.
3. What is the purpose of compliance checks?
4. Mention one method of participatory strategy.
5. Why is stakeholder engagement important in development control?



1.3 Mechanics of Development Control

1.3.1 Institutional frameworks and administrative processes

Institutional frameworks refer to the organisations and agencies responsible for implementing development control. These include planning authorities at national, state, and local levels. Their **administrative processes** involve reviewing applications, issuing permits, conducting inspections, and enforcing compliance. Together, they provide the structure through which development control is exercised.

Fill in the blank: Institutional frameworks for development control include planning authorities at national, _____, and local levels.

<i>Component</i>	<i>Description</i>	<i>Primary Responsibility</i>
<i>Institutional Framework</i>	<i>The hierarchy of agencies (Federal, State, and Local) and the laws that empower them.</i>	<i>Establishing policy, standards, and legal authority.</i>
<i>Administrative Process</i>	<i>The step-by-step workflow followed by these agencies to manage land use.</i>	<i>Handling applications, vetting plans, and issuing permits.</i>

Caption: Box 1.3: Institutional frameworks and administrative processes

1.3.2 Tools and instruments of control (permits, inspections, sanctions)

Development control relies on **tools and instruments** such as permits, inspections, and sanctions. **Permits** are official authorisations for development, **inspections** ensure compliance with approved plans, and **sanctions** are penalties imposed for violations. These instruments are essential for regulating land use and construction activities.

Fill in the blank: Permits, inspections, and _____ are instruments used in development control.





Caption: Figure 1.3: Tools and instruments of development control

1.3.3 Monitoring and evaluation mechanisms

Monitoring and evaluation are processes used to track development activities and assess their conformity with planning regulations. Monitoring involves continuous observation of projects, while evaluation measures outcomes against objectives. These mechanisms help identify gaps, improve enforcement, and ensure sustainable development.

Fill in the blank: Monitoring involves continuous observation of projects, while _____ measures outcomes against objectives.





Caption: Plate 1.3: Monitoring and evaluation mechanisms in development control

Pilot questions 1.3

1. What are institutional frameworks in development control?
2. Mention one administrative process carried out by planning authorities.
3. Name one tool or instrument of development control.
4. What is the purpose of inspections in development control?
5. Distinguish between monitoring and evaluation.

1.4 Challenges and Prospects of Development Control Strategies



1.4.1 Common challenges (corruption, weak enforcement, inadequate resources)

Development control faces several **challenges** that hinder its effectiveness. These include **corruption** (unethical practices that compromise fairness), **weak enforcement** (limited capacity to monitor and penalise violations), and **inadequate resources** (shortage of skilled personnel, funding, and technology). These challenges reduce public trust and make it difficult to achieve orderly development.

Fill in the blank: One major challenge of development control is _____, which undermines transparency and fairness.

Challenge	Root Cause	Impact
Systemic Corruption	<i>Low transparency and manual processing.</i>	<i>Unauthorized buildings in floodplains or under power lines.</i>
Weak Enforcement	<i>Lack of political will and legal bottlenecks.</i>	<i>Proliferation of illegal structures and "haphazard" urban growth.</i>
Inadequate Resources	<i>Shortage of vehicles, GIS tools, and staff.</i>	<i>Inability to monitor vast suburban fringes or detect violations early.</i>
Public Ignorance	<i>Lack of awareness of planning laws.</i>	<i>High rates of "build-first, seek-permit-later" behavior.</i>
Slow Processing	<i>Over-centralized bureaucracy.</i>	<i>Discourages formal investment and fuels the informal land market.</i>

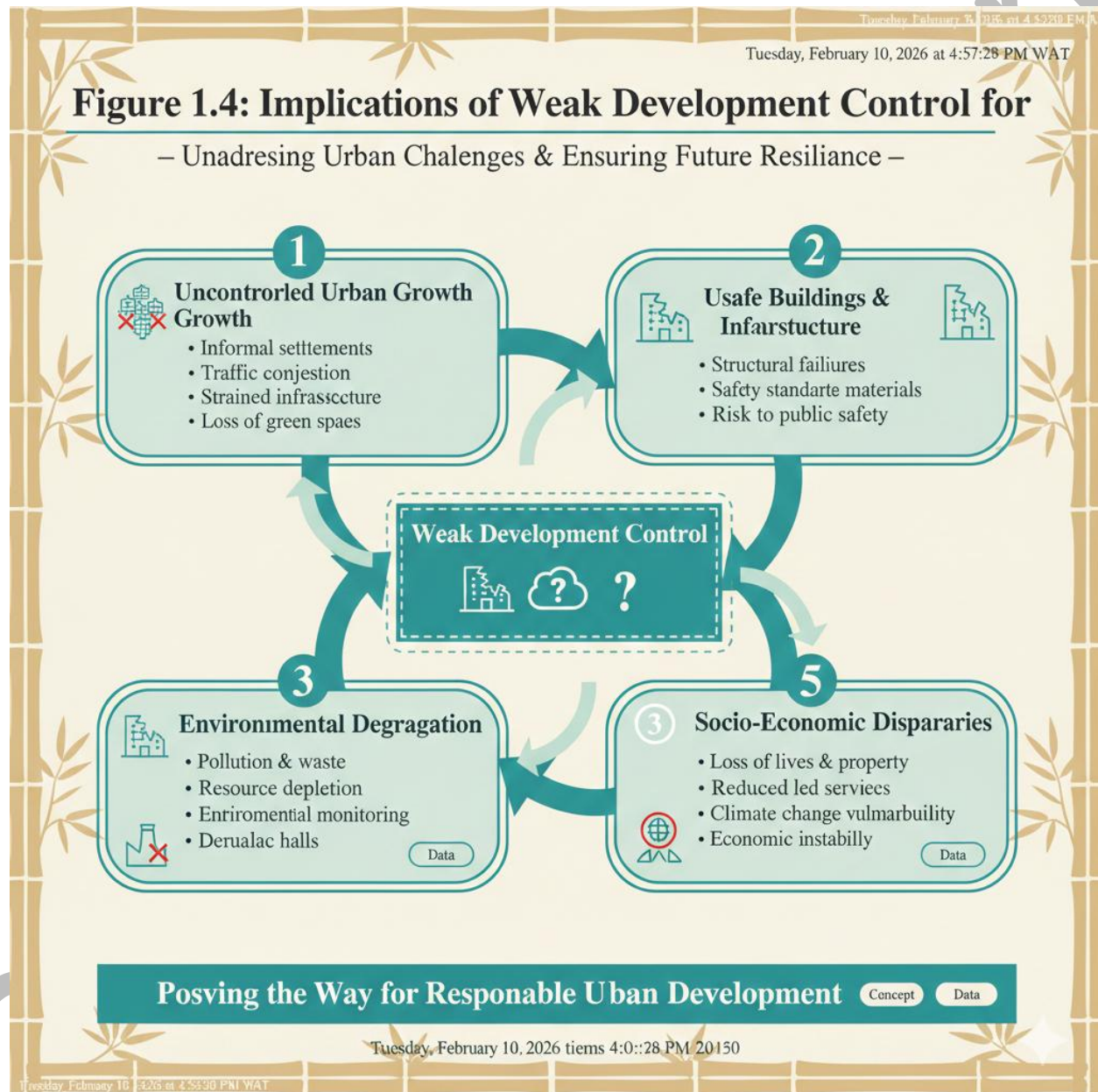
Caption: Box 1.4: Common challenges in development control

1.4.2 Implications for sustainable development



When challenges persist, they have serious implications for **sustainable development**. Poor enforcement can lead to uncontrolled urban growth, unsafe buildings, and environmental degradation. Corruption may result in illegal approvals, while inadequate resources limit the ability of planning authorities to manage development effectively.

Fill in the blank: Poor enforcement of development control can lead to uncontrolled _____ growth and unsafe buildings.



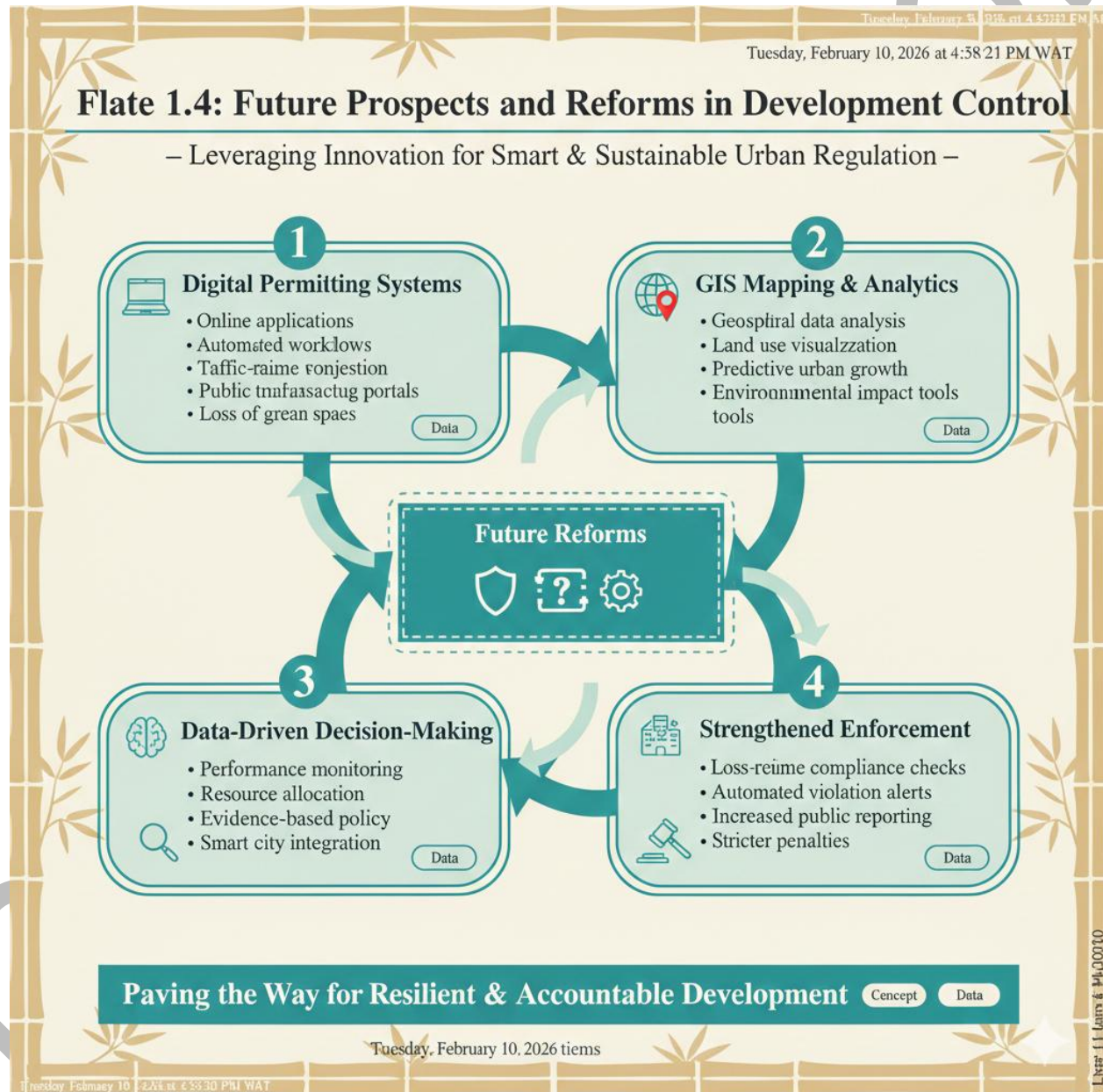
Caption: Figure 1.4: Implications of weak development control for sustainable development



1.4.3 Future prospects and reforms in development control

Despite these challenges, there are promising **prospects** for reform. These include strengthening institutions, increasing transparency, adopting modern technologies such as Geographic Information Systems (GIS), and encouraging community participation. Such reforms can make development control more effective, responsive, and aligned with sustainable urban management.

Fill in the blank: Modern technologies such as _____ can improve monitoring and enforcement in development control.



Caption: Plate 1.4: Future prospects and reforms in development control



Pilot questions 1.4

1. Mention one common challenge of development control.
2. How does corruption affect development control?
3. State one implication of weak enforcement for sustainable development.
4. Name one reform that can strengthen development control.
5. Identify one modern technology that supports development control.

Series Summary

This Series introduced the concept of development control, highlighting its importance in guiding land use and building activities to achieve orderly growth and sustainable development. We began by defining development control and explaining its objectives in both urban and rural contexts, before moving into the strategies used to regulate development. Preventive, corrective, and participatory approaches were discussed, showing how they complement one another in ensuring compliance and community involvement.

We then examined the mechanics of development control, focusing on institutional frameworks, administrative processes, and the tools used such as permits, inspections, and sanctions. Monitoring and evaluation mechanisms were also explained, followed by a discussion of the challenges that hinder effective practice, including corruption and weak enforcement, and the prospects for reform through transparency and modern technologies. By completing this Series, you should now be able to define development control and explain its importance (SLO 1.1), outline and analyse strategies (SLO 1.2), describe the mechanics of control (SLO 1.3), and evaluate challenges and prospects for sustainable development (SLO 1.4).

Series Glossary

- **Administrative processes:** The steps taken by planning authorities to review applications, issue permits, conduct inspections, and enforce compliance.
- **Building codes:** Standards that regulate construction quality and safety to protect public health and welfare.
- **Compliance checks:** Inspections carried out to ensure that development activities follow approved plans and regulations.
- **Corrective strategies:** Measures applied to address violations of planning regulations, such as enforcement actions, penalties, or sanctions.
- **Development control:** The regulation of land use and building activities to ensure conformity with approved plans, laws, and standards.
- **Enforcement:** Actions taken by authorities to ensure compliance with planning laws, which may include demolition or modification of illegal structures.
- **Institutional frameworks:** Organisations and agencies responsible for implementing development control, usually at national, state, and local levels.
- **Monitoring:** Continuous observation of development projects to track their progress and compliance with regulations.
- **Participatory strategies:** Approaches that involve communities and stakeholders in planning decisions through consultations and workshops.
- **Permits:** Official authorisations granted by planning authorities to allow development or construction.
- **Preventive strategies:** Measures taken in advance to avoid uncontrolled development, including planning schemes, zoning, and building codes.



- **Sanctions:** Penalties imposed on individuals or organisations that violate planning regulations.
- **Sustainability:** The principle of meeting present development needs without compromising the ability of future generations to meet theirs.
- **Transparency:** Openness and accountability in planning processes, ensuring fairness and public trust.
- **Zoning:** Division of land into categories such as residential, commercial, or industrial to regulate its use.

Concept Check Questions [Series 1]

Objective questions

1. Development control regulates _____ use and building activities to ensure conformity with approved plans. (Linked to SLO 1.1)
2. Preventive strategies of development control include planning schemes, zoning, and _____ codes. (Linked to SLO 1.2)
3. Permits, inspections, and _____ are instruments used in development control. (Linked to SLO 1.3)
4. One principle guiding development control is _____, which ensures decisions are fair and non-discriminatory. (Linked to SLO 1.1)
5. Modern technologies such as _____ can improve monitoring and enforcement in development control. (Linked to SLO 1.4)

Short-answer questions

6. Define development control in your own words. (Linked to SLO 1.1)
7. State one objective of development control in rural areas. (Linked to SLO 1.1)
8. Mention one corrective strategy used in development control. (Linked to SLO 1.2)
9. Identify one administrative process carried out by planning authorities. (Linked to SLO 1.3)
10. Explain why transparency is important in development control. (Linked to SLO 1.1)

Long-answer questions

11. Describe the concept and importance of development control, highlighting its objectives in both urban and rural contexts. (Linked to SLO 1.1)
12. Analyse the strategies of development control, explaining how preventive, corrective, and participatory approaches complement one another. (Linked to SLO 1.2)
13. Discuss the mechanics of development control, focusing on institutional frameworks, tools, and monitoring mechanisms. (Linked to SLO 1.3)
14. Evaluate the challenges facing development control and their implications for sustainable development. (Linked to SLO 1.4)
15. Assess the prospects for reform in development control, with emphasis on transparency, institutional strengthening, and modern technologies. (Linked to SLO 1.4)

Answers to Concept Check Questions [Series 1]

Objective questions



1. Land.
2. Building.
3. Sanctions.
4. Equity.
5. Geographic Information Systems (GIS).

Short-answer questions

6. Development control is the regulation of land use and building activities to ensure conformity with approved plans, laws, and standards.
7. Protecting agricultural land.
8. Enforcement actions such as demolition of illegal structures.
9. Reviewing applications.
10. Transparency ensures fairness, builds public trust, and prevents corruption.

Long-answer questions

Basic response: Development control regulates land use and building activities to ensure orderly growth. Its objectives include protecting public health, safety, and welfare in both urban and rural areas.

11. **Value-added response:** In urban areas, it manages rapid expansion and infrastructure provision, while in rural areas it safeguards agricultural land and natural resources. This dual role ensures balanced and sustainable development.

Basic response: Strategies include preventive measures like zoning, corrective actions such as enforcement, and participatory approaches involving communities.

12. **Value-added response:** Preventive strategies avoid problems before they occur, corrective strategies restore order when violations happen, and participatory strategies build trust and transparency. Together, they create a comprehensive system of control.

Basic response: The mechanics involve institutional frameworks, administrative processes, tools such as permits and inspections, and monitoring mechanisms.

13. **Value-added response:** These mechanics ensure that development control is not only regulatory but also adaptive, allowing authorities to evaluate outcomes and improve enforcement for sustainable urban management.

Basic response: Challenges include corruption, weak enforcement, and inadequate resources, which undermine effective control.

14. **Value-added response:** These challenges lead to uncontrolled growth, unsafe buildings, and environmental degradation. Addressing them is essential for achieving sustainable development goals.

Basic response: Prospects for reform include strengthening institutions, promoting transparency, and adopting modern technologies.



15. **Value-added response:** GIS and digital permitting systems enhance efficiency and accountability. Combined with community participation, these reforms align development control with global best practices in sustainable urban planning.

Answers to Pilot Questions [Series 1]

Pilot questions 1.1

- Regulation of land use and building activities.
- Ensuring orderly urban and rural growth.
- Agricultural land protection.
- Equity.
- It ensures fairness and builds public trust.

Pilot questions 1.2

- Planning schemes, zoning, and building codes.
- Enforcement actions.
- To ensure compliance with approved plans.
- Public consultations.
- It promotes transparency and trust.

Pilot questions 1.3

- Organisations and agencies responsible for development control.
- Reviewing applications.
- Permits.
- To check conformity with approved plans.
- Monitoring is continuous observation, evaluation measures outcomes.

Pilot questions 1.4

- Corruption.
- It undermines fairness and transparency.
- Uncontrolled urban growth.
- Strengthening institutions.
- Geographic Information Systems (GIS).

References and Attributions [Series 1]

Core references (APA style)

- Aluko, O. (2010). *Urbanisation and Planning Laws in Nigeria*. Journal of Sustainable Development in Africa, 12(2), 1–15.
- Mabogunje, A. L. (2001). *Urban Planning and the Post-Colonial State in Africa*. Routledge.
- Udo, R. K. (1990). *Land Tenure Systems in Nigeria*. Ibadan University Press.

Open Educational Resources (OERs)



- UN-Habitat. (2015). *International Guidelines on Urban and Territorial Planning*. UN-Habitat OER Repository.
- MIT OpenCourseWare. (2018). *Planning Law and Administration*. MIT OER Repository.

Illustrations (placeholders and attributions)

- Box 1.1: Definition of development control. Prompt: "Create a text box defining development control and explaining its role in regulating land use and building activities." (AI-generated, Copilot graphic prompt).
- Figure 1.1: Objectives of development control in urban and rural areas. Prompt: "Create a diagram showing objectives of development control in urban areas (housing, infrastructure) and rural areas (agriculture, environment)." (AI-generated, Copilot graphic prompt).
- Plate 1.1: Principles guiding development control strategies. Prompt: "Generate an image showing principles of development control: legality, equity, transparency, sustainability." (AI-generated, Copilot graphic prompt).
- Box 1.2: Preventive strategies in development control. Prompt: "Create a text box listing preventive strategies such as planning schemes, zoning, and building codes." (AI-generated, Copilot graphic prompt).
- Figure 1.2: Corrective strategies in development control. Prompt: "Create a diagram showing corrective strategies such as enforcement, penalties, and compliance checks." (AI-generated, Copilot graphic prompt).
- Plate 1.2: Participatory strategies in development control. Prompt: "Generate an image showing community members and stakeholders participating in planning workshops and consultations." (AI-generated, Copilot graphic prompt).
- Box 1.3: Institutional frameworks and administrative processes. Prompt: "Create a text box describing institutional frameworks and administrative processes in development control." (AI-generated, Copilot graphic prompt).
- Figure 1.3: Tools and instruments of development control. Prompt: "Create a diagram showing permits, inspections, and sanctions as tools of development control." (AI-generated, Copilot graphic prompt).
- Plate 1.3: Monitoring and evaluation mechanisms. Prompt: "Generate an image showing monitoring and evaluation processes in development control, such as site visits and performance reviews." (AI-generated, Copilot graphic prompt).
- Box 1.4: Common challenges in development control. Prompt: "Create a text box listing challenges such as corruption, weak enforcement, and inadequate resources." (AI-generated, Copilot graphic prompt).
- Figure 1.4: Implications of weak development control for sustainable development. Prompt: "Create a diagram showing implications such as uncontrolled growth, unsafe buildings, and environmental degradation." (AI-generated, Copilot graphic prompt).
- Plate 1.4: Future prospects and reforms in development control. Prompt: "Generate an image showing planners using GIS and digital permitting systems to strengthen development control." (AI-generated, Copilot graphic prompt).

Course code: **URP 408**

Course title: **Planning Law and Administration**



Course credit load: 2 Units

List of Series:

- Series 1: Purpose and Legal Basis of Development Control in Nigeria
- **Series 2: Evolution of Land and Planning Laws in Nigeria**
- **Series 3: Planning Applications, Consents and Appeals**
- **Series 4: Enforcement Procedures and Arbitration**
- **Series 5: Awards, Impeachment and Statutory Arbitration**

2 Evolution of Land and Planning Laws in Nigeria

Series outline

- **2.1 Land Law in Pre-Colonial and Colonial Nigeria**
 - 2.1.1 Pre-colonial land tenure systems
 - 2.1.2 Colonial land ordinances and their impact
- **2.2 Post-Independence Planning Legislation**
 - 2.2.1 Early post-independence planning laws
 - 2.2.2 The Town and Country Planning Law and its provisions
- **2.3 Land Use and Planning Reforms**
 - 2.3.1 The Land Use Act of 1978
 - 2.3.2 Urban and Regional Planning Act of 1992
- **2.4 Challenges and Reforms in Land and Planning Law**
 - 2.4.1 Weaknesses in the legislative framework
 - 2.4.2 Calls for reform and recent legislative developments

Introduction

The land and planning laws that govern development in Nigeria today did not emerge in isolation. They are the product of a long evolution shaped by pre-colonial customs, British colonial policy, post-independence government decisions, and continuing reform efforts. Understanding this history is essential for any development control practitioner because current laws carry the imprint of each phase of this evolution.



The aim of this Series is to trace the evolution of land and planning laws in Nigeria from pre-colonial times to the present, equipping you to understand how and why the current legislative framework came to be.

We shall commence this Series by examining land law in pre-colonial and colonial Nigeria. Next, we will explore the early post-independence planning legislation and the Town and Country Planning Law. Following that, we will study the major land use and planning reforms of 1978 and 1992. Finally, we will consider the weaknesses in the current legislative framework and the calls for further reform.

Series Learning Outcomes

Upon completing this Series, you should be able to:

- **SLO 2.1** define the concept of planning law and explain its historical background,
- **SLO 2.2** analyse the social, economic, environmental, and spatial purposes of planning legislation,
- **SLO 2.3** identify and explain the constitutional provisions and statutory instruments that form the legal basis of planning in Nigeria,
- **SLO 2.4** evaluate the implications of planning legislation for urban development and implementation challenges.

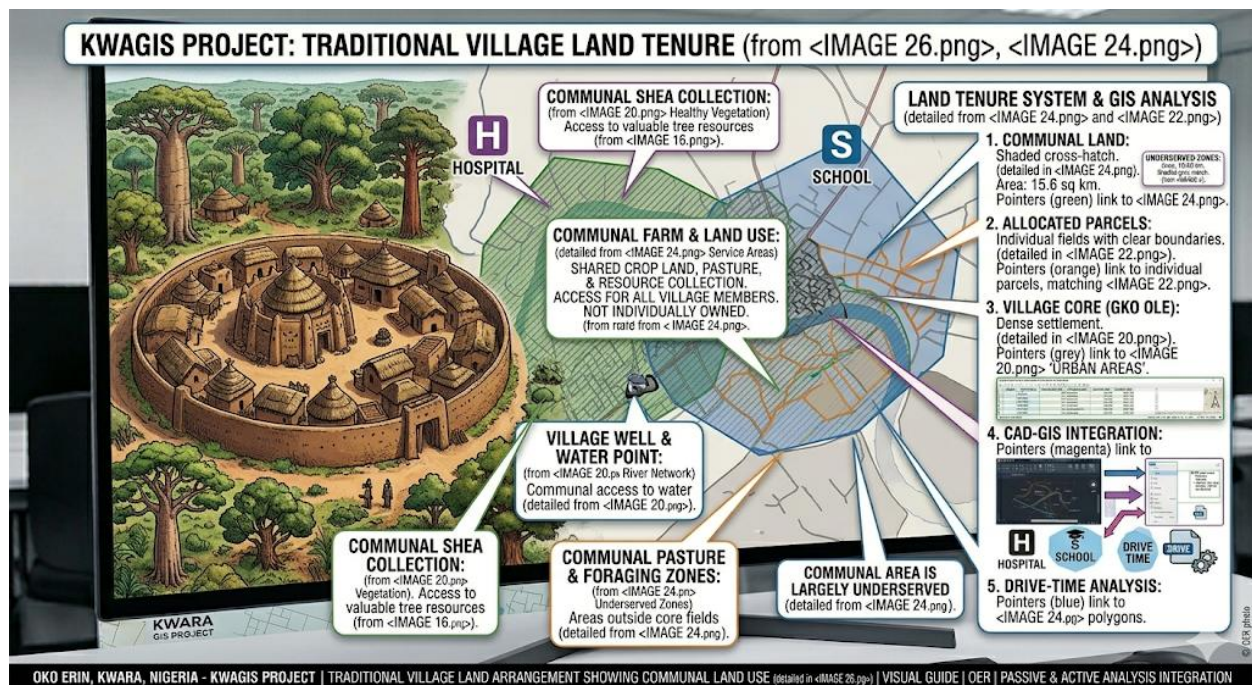
2.1 Land Law in Pre-Colonial and Colonial Nigeria

2.1.1 Pre-colonial land tenure systems

Planning law refers to the body of rules and regulations that govern the use, development, and management of land and physical space. It provides the legal framework through which governments and planning authorities control urban growth, protect the environment, and ensure orderly development. Without planning law, cities and towns would grow in a haphazard manner, leading to congestion, environmental degradation, and social inequality.

Fill in the blank: Planning law provides the _____ framework through which governments regulate land use.





Photograph of a Nigerian urban planning office with legal documents on display
Caption: Plate 2.1 Traditional Nigerian settlement illustrating communal land management under customary tenure

2.1.2 Colonial land ordinances and their impact

The historical development of planning legislation in Nigeria can be traced to colonial times, when British authorities introduced laws to regulate land use and urban growth. Early ordinances focused on sanitation, housing, and the control of public spaces. Over time, these frameworks evolved into more comprehensive statutes, culminating in modern planning laws that reflect Nigeria's socio-economic and political realities.

Fill in the blank: Early planning ordinances in Nigeria were introduced during the _____ period.

Pilot questions 2.1

1. Describe the key features of pre-colonial land tenure systems in Nigeria.
2. Explain the significance of the Crown Lands Ordinance of 1900.
3. Identify two colonial land ordinances and state the impact of each.
4. Explain what is meant by a dual land tenure system in colonial Nigeria.
5. Describe how modern planning laws reflect Nigeria's socio-economic and political realities.



2.2 Post-Independence Planning Legislation

2.2.1 Early post-independence planning laws

Planning legislation serves important **social objectives**, such as promoting equitable access to housing, health facilities, and public services. It also advances **economic objectives** by guiding investment, supporting infrastructure development, and ensuring that land is used efficiently. For example, zoning laws can encourage industrial growth in designated areas while protecting residential neighbourhoods from pollution.

Fill in the blank: Zoning laws encourage _____ growth in designated areas while protecting residential neighbourhoods.

Era	Key Legislation	Core Focus & Impact
Early Colonial (1904–1917)	Cantonments Proclamations / Township Ordinance (1917)	Focused on racial segregation and "European Reservations." Established "Townships" (Class A, B, C) with varying levels of administrative control.
Inter-War Period (1928)	Lagos Town Planning Ordinance	Created the Lagos Executive Development Board (LEDB) in response to a bubonic plague outbreak. It was the first "modern" planning authority in Nigeria.
Late Colonial (1946)	Nigeria Town and Country Planning Ordinance	Based on the British 1932 Act. It allowed for the creation of Planning Authorities across the whole country, though focus remained on major urban centers.
Independence / Regional (1960s)	Regional Planning Laws (Western, Eastern, Northern)	After 1960, the 1946 Ordinance was adopted by the regions. The Western Region Law (1959) was particularly influential in establishing early housing corporations.
Post-Independence (1978)	Land Use Act (Decree No. 6)	Revolutionized planning by vesting all land in the State Governor. This moved planning from a "land-use" focus to a "land-tenure" focus.



Era	Key Legislation	Core Focus & Impact
Modern Framework (1992)	Nigerian Urban and Regional Planning Law (Decree 88)	The current primary framework. It established a hierarchy of planning (Federal, State, and Local) and mandated "Development Control" for all projects.

Box 2.1 Planning legislation inherited at Nigerian independence and early post-independence developments

2.2.2 The Town and Country Planning Law and its provisions

Planning legislation also addresses **environmental objectives**, such as conserving natural resources, reducing pollution, and protecting ecosystems. In addition, it has **spatial objectives**, which involve organising land use to achieve balanced urban growth and prevent overcrowding. For instance, legislation may require green belts around cities to limit sprawl and preserve ecological balance.

Fill in the blank: Planning legislation may require _____ belts around cities to limit sprawl and preserve ecological balance.

Pilot questions 2.2

1. Explain why the post-independence period produced fragmented planning legislation in Nigeria.
2. Identify the British statute on which the Town and Country Planning Law was modelled.
3. State two key provisions of the Town and Country Planning Law.
4. Describe one limitation of the Town and Country Planning Law in Nigeria.
5. Explain what the Town and Country Planning Law contributed to later Nigerian planning legislation.

2.3 Land Use and Planning Reforms

2.3.1 The Land Use Act of 1978

The **Constitution** is the supreme law of Nigeria, and it provides the foundation for planning legislation. It establishes the authority of government at federal, state, and local levels to regulate land use and development. For example, the Constitution empowers states to enact laws that guide physical planning and urban development within their territories.



Fill in the blank: The Constitution is the _____ law of Nigeria and provides the foundation for planning legislation.

2.3.2 Urban and Regional Planning Act of 1992

Beyond the Constitution, planning legislation is supported by **statutory instruments**, which are specific laws enacted to regulate planning activities. These include acts of parliament, decrees, and regulations that define procedures for land allocation, zoning, and development control. In addition, **case law**—judicial decisions interpreting planning statutes—plays a crucial role in clarifying ambiguities and setting precedents for future planning practice.

Fill in the blank: Judicial decisions interpreting planning statutes are referred to as _____ law.

KEY PROVISIONS OF NIGERIAN LAND USE ACT 1978

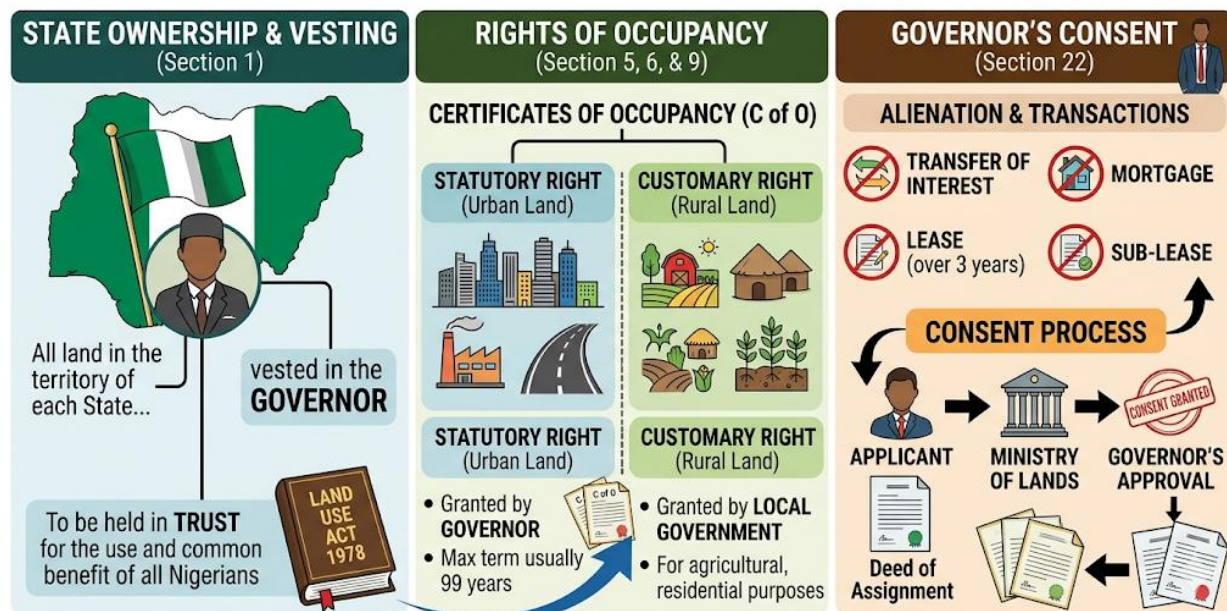


Diagram showing the hierarchy of legal basis for planning in Nigeria (Constitution at the top, followed by statutory instruments, then case law)

Caption: Figure 2.1 Key provisions of the Land Use Act of 1978

Pilot questions 2.3

1. State the key principle introduced by the Land Use Act of 1978 regarding land ownership.
2. Explain why the Land Use Act was incorporated into the Nigerian constitution.
3. State the three tiers of the planning system established by the Urban and Regional Planning Act of 1992.



4. Describe one provision of the Urban and Regional Planning Act of 1992 relating to development control.
5. Identify one reason why implementation of the 1992 Act has been incomplete.

2.4 Challenges and Reforms in Land and Planning Law

2.4.1 Weaknesses in the legislative framework

Nigeria's land and planning legislative framework has a number of significant weaknesses. The ****Land Use Act**** is widely criticised for creating a centralised system that is slow, opaque, and prone to abuse: the requirement for the governor's consent to all land transactions adds time and cost and creates opportunities for corruption. ****Outdated development plans**** are another major weakness: many local government areas do not have current approved plans, meaning that development control decisions are made without an adequate policy framework. ****Duplication and inconsistency**** between federal and state legislation creates confusion about which law applies and which authority has jurisdiction. ****Weak penalties**** for contraventions of planning law mean that developers often find it cheaper to pay fines than to comply with regulations.

Fill in the blank: Planning legislation helps prevent _____ by enforcing building codes and regulating plot sizes.

2.4.2 Calls for reform and recent legislative developments

There have been persistent calls for a comprehensive review and reform of land and planning legislation in Nigeria. Critics argue that the Land Use Act should be amended or repealed to allow a more market-friendly land market, simplify transactions, and reduce state discretion. Various reform proposals have been debated in the National Assembly but none has been enacted. At the state level, some states have enacted new planning laws that update the 1992 framework: Lagos State's Urban and Regional Planning and Development Law of 2010 is the most comprehensive example, introducing streamlined permit procedures, stronger enforcement powers, and provisions for urban renewal. The need for a new national planning act that reflects contemporary urban challenges, including climate change, informality, and digitalisation of planning processes, is widely acknowledged but has yet to produce legislative action at the federal level.

Fill in the blank: One major challenge of planning legislation in Nigeria is weak _____.





Photograph of an overcrowded urban settlement in Nigeria illustrating poor enforcement of planning laws
Caption: Plate 2.2 Nigerian legislative building representing the institutional setting for land and planning law reform

Pilot questions 2.4

1. State two weaknesses of the Land Use Act of 1978 identified by critics.
2. Explain what is meant by outdated development plans and why they are a problem for development control.
3. Identify one state that has enacted planning legislation that updates the 1992 federal framework.
4. Describe one proposal for reforming land law in Nigeria.
5. Explain why reform of the Land Use Act has been difficult to achieve.

Series summary

This Series has traced the evolution of land and planning laws in Nigeria from pre-colonial customs to the present. We began by examining pre-colonial land tenure systems and the colonial ordinances that disrupted them. We then explored the fragmented post-independence planning legislation and the provisions of the Town and Country Planning Law. We went on to examine the two major legislative reforms: the Land Use Act of 1978 and the Urban and Regional Planning Act of 1992. Finally, we identified the weaknesses in the current framework and the reform efforts that have been made.



By engaging with these discussions, you should now be able to describe pre-colonial tenure and the impact of colonial ordinances, trace post-independence planning legislation to the Town and Country Planning Law, explain the key provisions of the Land Use Act and the 1992 Act, and identify the weaknesses in the current framework and the main reform proposals. These abilities reflect the Series Learning Outcomes and provide the historical and legal context for the more detailed study of contemporary development control practice that follows.

Glossary of terms

- **Case law:** Judicial decisions that interpret planning statutes and set precedents for future practice.
- **Constitution:** The supreme law of Nigeria that provides the foundation for planning legislation and empowers different levels of government to regulate land use.
- **Planning law:** The body of rules and regulations that govern the use, development, and management of land and physical space.
- **Social objectives:** Goals of planning legislation that promote equitable access to housing, health facilities, and public services.
- **Spatial objectives:** Goals of planning legislation that organise land use to achieve balanced urban growth and prevent overcrowding.
- **Statutory instruments:** Specific laws, acts, decrees, and regulations enacted to regulate planning activities such as land allocation, zoning, and development control.
- **Zoning laws:** Regulations that designate specific areas for particular uses, such as industrial, residential, or commercial, to ensure orderly development and prevent conflicts.

Concept check questions 2

Objective questions

1. Describe the key features of pre-colonial land tenure in Nigeria. (Linked to SLO 2.1)
2. Identify the British statute on which the Town and Country Planning Law was modelled. (Linked to SLO 2.2)
3. State one key provision of the Town and Country Planning Law. (Linked to SLO 2.2)
4. State two key provisions of the Land Use Act of 1978. (Linked to SLO 2.3)
5. Identify one weakness in Nigeria's current land and planning legislative framework. (Linked to SLO 2.4)

Short-answer questions

6. Explain the impact of the Land and Native Rights Ordinance of 1916 on land tenure in northern Nigeria. (Linked to SLO 2.1)
7. Describe the three-tier planning system established by the Urban and Regional Planning Act of 1992. (Linked to SLO 2.3)



8. Outline the main weaknesses of the Land Use Act identified by critics. (Linked to SLO 2.4)
9. Summarise the contribution of the Town and Country Planning Law to Nigerian planning legislation. (Linked to SLO 2.2)
10. Explain why comprehensive reform of Nigeria's land and planning legislation has been difficult to achieve. (Linked to SLO 2.4)

Long-answer questions

11. Analyse the significance of the Land Use Act of 1978 for development control in Nigeria, discussing both its intended benefits and its practical shortcomings. (Linked to SLO 2.3)
12. Evaluate the evolution of planning legislation in Nigeria from colonial times to the present, identifying the key turning points and assessing the extent to which the current framework meets the needs of contemporary urban development. (Linked to SLOs 2.1, 2.2, 2.3, and 2.4)

Answers to concept check questions 2

Objective questions

1. Land was communally owned; managed by family or village heads; individual members had rights of use but not outright ownership; land could not be alienated without community consent.
2. Crown Lands Ordinance of 1900 or Land and Native Rights Ordinance of 1916.
3. Requirement to obtain planning permission before development, or preparation of development plans.
4. Vesting of all land in the state governor, and conversion of all existing rights to statutory rights of occupancy.
5. Outdated development plans, or requirement for governor's consent creating delay and corruption.

Short-answer questions

6. The Ordinance vested all land in northern Nigeria in the governor, displaced customary rights, and made all occupancy subject to state grant, laying the foundation for the state control principle later adopted in the Land Use Act.
7. The Act created federal, state, and local planning bodies corresponding to the three tiers of government: the National Physical Planning Commission, State Urban and Regional Planning Boards, and Local Planning Authorities, each responsible for plan preparation and development control at their respective level.
8. Critics argue the Act centralises too much power in the governor, making transactions slow and costly; it is prone to corruption; it has not reduced land speculation; and it has made it difficult for ordinary Nigerians to secure bankable land titles for investment and mortgage purposes.
9. The Constitution distributes legislative competence between federal and state governments, placing physical planning primarily within state jurisdiction. This empowers states to enact their own planning laws and establish development control systems suited to local conditions.
10. Weak enforcement allows developments to proceed without permits, meaning that the



objectives of the development plan and zoning regulations are not achieved in practice. It also undermines public confidence in the planning system and encourages further non-compliance.

Long-answer questions

11. *Basic response:* Weak enforcement leads to uncontrolled development, overcrowding, and poor infrastructure provision.

Value-added response: Beyond these, weak enforcement undermines public trust in institutions, encourages informal settlements, and exacerbates socio-economic inequalities.

12. *Basic response:* Constitutional provisions empower states to regulate land use, while statutory instruments provide specific rules for planning activities.

Value-added response: Together, they ensure a multi-level governance framework, balancing national authority with local autonomy, and enabling adaptation to diverse socio-economic contexts.

Answers to pilot questions 2

Answers to pilot questions 2.1

1. Land was communally owned; managed by family or community heads; individual rights were rights of use; land could not be sold outside the community without consent.
2. It declared waste and unoccupied land to be crown land, establishing state control over land as a colonial principle.
3. Crown Lands Ordinance of 1900 established state control over unoccupied land; Land and Native Rights Ordinance of 1916 extended state control to all land in the north.
4. Customary tenure persisted alongside statutory rights created by colonial ordinances, creating uncertainty and inconsistency in land rights.
5. They reflect Nigeria's socio-economic and political realities.

Answers to pilot questions 2.2

1. Because each of the three regions enacted its own planning legislation, producing inconsistent standards and approaches across the country.
2. British Town and Country Planning Act of 1947.
3. Requirement for planning permission; preparation of development plans; powers of enforcement against unauthorised development.
4. Limited administrative capacity or lack of qualified planners or absence of up-to-date development plans.
5. It provided the legislative vocabulary, institutional framework, and procedural basis on which the 1992 Act and state laws built.

Answers to pilot questions 2.3

1. Requirement to obtain planning permission before development, or preparation of development plans.



2. Because the Act was incorporated into the 1979 and 1999 constitutions, giving it protected status that makes amendment very difficult.
3. National Physical Planning Commission at federal level; State Urban and Regional Planning Boards at state level; Local Planning Authorities at local government level.
4. Requirement for development permits; right of appeal against decisions; enforcement powers; public participation in plan preparation.
5. Many states have not fully domesticated the Act's provisions, and inter-governmental conflicts and resource constraints have prevented the three-tier system from functioning as intended.

Answers to pilot questions 2.4

1. Slow and costly transaction process due to governor's consent requirement; and susceptibility to corruption in the consent process.
2. Outdated plans mean decisions are made without an adequate policy framework, creating inconsistency and opportunity for arbitrary or corrupt decisions.
3. Lagos State, through its Urban and Regional Planning and Development Law of 2010.
4. Amendment or repeal of the Land Use Act to allow a more market-friendly land market and reduce state discretion over transactions.
5. The Act has constitutional protection; powerful interests benefit from the current system; and there is no consensus on what a reformed system should look like.

References and attributions 2

- Constitution of the Federal Republic of Nigeria. (1999). *Laws of the Federation of Nigeria*. Abuja: Government of Nigeria.
- Mabogunje, A. L. (2002). *Nigeria and the evolution of planning legislation*. Ibadan: University Press.
- Umeh, J. A. (1983). *Land policies in Nigeria*. London: Allen & Unwin.
- Agbola, T. (1997). *The architecture of fear: Urban design and construction response to urban violence in Nigeria*. Ibadan: IFRA.

Illustrations

- Plate 2.1: AI-generated using prompt “Illustration of traditional Nigerian village land arrangement showing communal land use”. Tool/platform: AI image generation. Suggested OER search string: “traditional Nigerian village communal land tenure OER illustration”.
- Box 2.1: AI-generated using prompt “Timeline diagram showing evolution of Nigerian planning legislation from colonial era to independence”. Tool/platform: AI image generation. Suggested OER search string: “Nigeria planning legislation history colonial independence timeline OER”.



- Figure 2.1: AI-generated using prompt “Diagram showing key provisions of Nigerian Land Use Act 1978: state ownership, rights of occupancy, governor’s consent”. Tool/platform: AI image generation. Suggested OER search string: “Nigeria Land Use Act 1978 provisions diagram OER”.
- Plate 2.2: AI-generated using prompt “Photograph of Nigerian state legislative assembly or government building”. Tool/platform: AI image generation. Suggested OER search string: “Nigeria state legislative assembly government building OER photo”.

Course code: **URP 408**

Course title: **Planning Law and Administration**

Course credit load: 2 Units

List of Series:

- Series 1: Purpose and Legal Basis of Development Control in Nigeria
- **Series 2: Evolution of Land and Planning Laws in Nigeria**
- **Series 3: Planning Applications, Consents and Appeals**
- **Series 4: Enforcement Procedures and Arbitration**
- **Series 5: Awards, Impeachment and Statutory Arbitration**

3 Planning Applications, Consents and Appeals

Series outline

- **3.1 The Planning Application Process**
 - 3.1.1 What constitutes development and when permission is required
 - 3.1.2 Submitting a planning application
- **3.2 Assessment and Decision on Applications**
 - 3.2.1 How applications are assessed
 - 3.2.2 Types of decision and conditions
- **3.3 Consents and Planning Permissions**
 - 3.3.1 Nature and effect of planning consent
 - 3.3.2 Duration, modification, and revocation of consent
- **3.4 Appeals against Planning Decisions**



- 3.4.1 Grounds and procedure for appeal
- 3.4.2 Determination of appeals and further remedies

Introduction

Planning applications, consents, and appeals are the operational heart of the development control system. They are the procedures through which individual development proposals are submitted, assessed, decided, and if necessary contested. A sound understanding of these procedures is indispensable for planning practitioners, developers, and citizens who interact with the planning system in Nigeria.

The aim of this Series is to equip you with a thorough understanding of the planning application process, the nature and effect of planning consents, and the procedures available for appealing against planning decisions in Nigeria.

We shall commence this Series by examining what constitutes development and how planning applications are submitted. Next, we will explore how applications are assessed and the types of decisions that can be made. Following that, we will study the nature and effect of planning consents, including their duration and how they can be modified or revoked. Finally, we will examine the grounds and procedures for appealing against planning decisions and the remedies available to unsuccessful applicants.

Revised Series Learning Outcomes

Upon completing this Series, you should be able to:

- **SLO 3.1:** Define what constitutes "development" and identify the specific scenarios where planning permission is required.
- **SLO 3.2:** Explain the step-by-step procedure for submitting and assessing a planning application within the Nigerian context.
- **SLO 3.3:** Distinguish between the different types of planning decisions, including the nature, duration, and conditions of consents.
- **SLO 3.4:** Evaluate the grounds and legal procedures for appealing planning decisions and identify available further remedies.

3.1 The Planning Application Process

3.1.1 What constitutes development and when permission is required

Planning law refers to the body of rules and regulations that govern the use, development, and management of land and physical space. It provides the legal framework through which governments and planning authorities control urban growth, protect the environment, and ensure orderly development. Without planning law, cities and towns would grow in a haphazard manner, leading to congestion, environmental degradation, and social inequality.

Fill in the blank: Planning law provides the _____ framework through which governments regulate land use.





Photograph of a Nigerian urban planning office with legal documents on display
Plate 3.1 Completing a planning application with drawings and supporting documents

3.1.2 Submitting a planning application

The historical development of planning legislation in Nigeria can be traced to colonial times, when British authorities introduced laws to regulate land use and urban growth. Early ordinances focused on sanitation, housing, and the control of public spaces. Over time, these frameworks evolved into more comprehensive statutes, culminating in modern planning laws that reflect Nigeria's socio-economic and political realities.

Fill in the blank: Early planning ordinances in Nigeria were introduced during the _____ period.

Pilot questions 3.1

1. Define development in the context of planning law.
2. State two documents that must typically accompany a planning application in Nigeria.
3. Explain why it is important to establish whether development requires planning permission before commencing works.
4. Describe the steps taken by a planning authority after receiving a planning application.
5. Describe how modern planning laws reflect Nigeria's socio-economic and political realities.



3.2 Assessment and Decision on Applications

3.2.1 How applications are assessed

Planning legislation serves important **social objectives**, such as promoting equitable access to housing, health facilities, and public services. It also advances **economic objectives** by guiding investment, supporting infrastructure development, and ensuring that land is used efficiently. For example, zoning laws can encourage industrial growth in designated areas while protecting residential neighbourhoods from pollution.

Fill in the blank: Zoning laws encourage _____ growth in designated areas while protecting residential neighbourhoods.

Assessment Category	Key Consideration & Criteria	Requirements/Standards
Zoning & Land Use	Is the use compatible with the Operative Development Plan?	Residential, Commercial, Industrial, or Mixed-use must match the zone.
Site Analysis	Does the building respect legal boundaries and easements?	Setbacks from roads (e.g., 6m–9m for major roads), high-tension lines, and water bodies.
Structural Integrity	Is the building safe for habitation and structural load?	Endorsed Structural Drawings, Soil Test Reports (for buildings above 2–3 floors).
Density & Coverage	Is the plot being overdeveloped?	Maximum Plot Coverage (often 40%–60% depending on the state and zone).
Infrastructure Impact	Can existing services handle the new development?	Adequacy of on-site parking, drainage connection, and access for emergency vehicles.



Assessment Category	Key Consideration & Criteria	Requirements/Standards
Amenity & Neighbor Impact	Does it negatively affect surrounding properties?	Privacy (overlooking), "Right to Light," ventilation, and noise/pollution levels.
Environmental Impact	Are there significant ecological or social risks?	Environmental Impact Assessment (EIA) required for large-scale or high-impact projects.
Professional Endorsement	Are the documents legally valid?	Plans must be stamped and signed by TOPREC (Planners), ARCON (Architects), and COREN (Engineers).

Box 3.1 Key considerations in assessing a planning application

3.2.2 Types of decision and conditions

Planning legislation also addresses **environmental objectives**, such as conserving natural resources, reducing pollution, and protecting ecosystems. In addition, it has **spatial objectives**, which involve organising land use to achieve balanced urban growth and prevent overcrowding. For instance, legislation may require green belts around cities to limit sprawl and preserve ecological balance.

Fill in the blank: Planning legislation may require _____ belts around cities to limit sprawl and preserve ecological balance.

Pilot questions 3.2

1. State the three types of decision a planning authority can make on an application.
2. Explain why a planning authority might consult other agencies before deciding an application.
3. Describe one type of condition that may be attached to a planning approval.
4. State what must be included in a refusal notice.
5. Explain the purpose of the statutory determination period in the planning application process.

3.3 Consents and Planning Permissions



3.3.1 Nature and effect of planning consent

The **Constitution** is the supreme law of Nigeria, and it provides the foundation for planning legislation. It establishes the authority of government at federal, state, and local levels to regulate land use and development. For example, the Constitution empowers states to enact laws that guide physical planning and urban development within their territories.

Fill in the blank: The Constitution is the _____ law of Nigeria and provides the foundation for planning legislation.

3.3.2 Duration, modification, and revocation of consent

Beyond the Constitution, planning legislation is supported by **statutory instruments**, which are specific laws enacted to regulate planning activities. These include acts of parliament, decrees, and regulations that define procedures for land allocation, zoning, and development control. In addition, **case law**—judicial decisions interpreting planning statutes—plays a crucial role in clarifying ambiguities and setting precedents for future planning practice.

Fill in the blank: Judicial decisions interpreting planning statutes are referred to as _____ law.

NIGERIA PLANNING APPLICATION AND BUILDING APPROVAL PROCESS

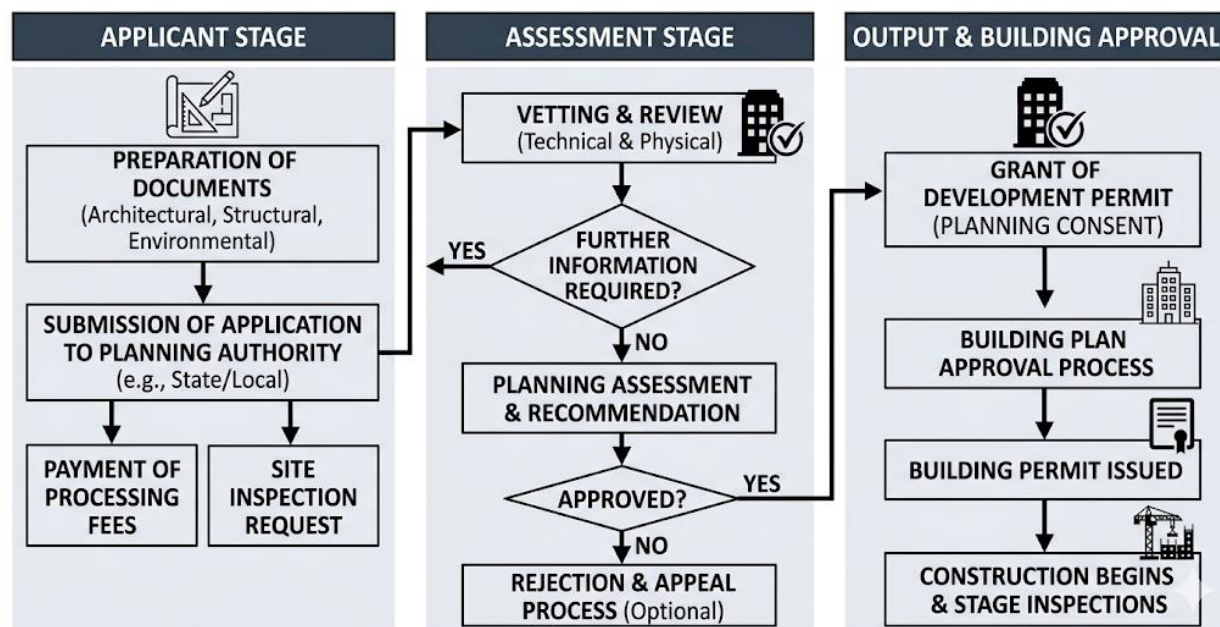


Diagram showing the hierarchy of legal basis for planning in Nigeria (Constitution at the top, followed by statutory instruments, then case law)

Figure 3.1 Flow of the planning application and consent process in Nigeria

Pilot questions 3.3



1. Explain what it means that a planning consent attaches to the land rather than to the applicant.
2. State one way in which a planning consent may be ended or altered after it has been granted.
3. Explain the difference between planning consent and building approval in Nigeria.
4. Describe the consequence for a developer who does not commence development within the consent period.
5. State the typical range of years within which development must be commenced under a Nigerian planning consent.

3.4 Appeals against Planning Decisions

3.4.1 Grounds and procedure for appeal

An applicant who is aggrieved by a planning decision has the right to appeal. The grounds for appeal include refusal of permission, the imposition of conditions considered unreasonable, failure of the authority to determine the application within the statutory period, and decisions on enforcement notices. In Nigeria, the appeal body is typically a planning appeals tribunal or board established under the relevant state planning law, and in some cases the High Court has jurisdiction over planning appeals. The appeal must be lodged within the time limit specified in the planning law, which is commonly 30 to 90 days from the date of the decision notice. The appellant must submit a notice of appeal stating the grounds of appeal and the relief sought, accompanied by copies of the original application, the decision notice, and any relevant supporting documents.

Fill in the blank: Planning legislation helps prevent _____ by enforcing building codes and regulating plot sizes.

3.4.2 Determination of appeals and further remedies

The appeal body examines the appeal on its merits, considering the same material considerations that should have been applied by the planning authority. It may ****dismiss**** the appeal and uphold the original decision; ****allow**** the appeal and grant permission, with or without conditions; or ****vary**** the decision by substituting different conditions. In some systems the appeal body may also award costs against a party who has behaved unreasonably in the proceedings. Where an applicant remains dissatisfied after the appeal, further recourse may be available through the courts by way of judicial review, which examines whether the decision-making process was lawful rather than whether the decision itself was correct on the planning merits. In Nigeria, the practical availability of appeal and judicial review remedies is limited by cost, complexity, and delays in the judicial system, meaning that many aggrieved applicants do not pursue available remedies.

Fill in the blank: One major challenge of planning legislation in Nigeria is weak _____.





Photograph of an overcrowded urban settlement in Nigeria illustrating poor enforcement of planning laws

Plate 3.2 Tribunal or court building where planning appeals are heard in Nigeria

Pilot questions 3.4

1. State the grounds on which an applicant may appeal against a planning decision in Nigeria.
2. Identify the body that typically hears planning appeals in Nigerian states.
3. State two documents an appellant must submit when lodging a planning appeal.
4. Describe the three outcomes available to an appeal body when determining a planning appeal.
5. Explain the difference between a planning appeal and judicial review.

Series summary

This Series has examined the procedures for planning applications, consents, and appeals in Nigeria. We began by defining development and describing the planning application process, including submission requirements and public notification. We then explored how applications are assessed and the three types of decisions available to the planning authority. We went on to examine the nature and effect of planning consents, their duration, and how they may be modified or revoked. Finally, we examined the grounds and procedure for appealing against planning decisions and the further remedies available through judicial review.



By engaging with these discussions, you should now be able to explain what constitutes development and how applications are submitted, describe how applications are assessed and decided, explain the nature and effect of planning consents, and describe the appeal process and available remedies. These abilities reflect the Series Learning Outcomes and equip you to navigate the planning application system in Nigerian practice.

Glossary of terms

- **Case law:** Judicial decisions that interpret planning statutes and set precedents for future practice.
- **Constitution:** The supreme law of Nigeria that provides the foundation for planning legislation and empowers different levels of government to regulate land use.
- **Planning law:** The body of rules and regulations that govern the use, development, and management of land and physical space.
- **Social objectives:** Goals of planning legislation that promote equitable access to housing, health facilities, and public services.
- **Spatial objectives:** Goals of planning legislation that organise land use to achieve balanced urban growth and prevent overcrowding.
- **Statutory instruments:** Specific laws, acts, decrees, and regulations enacted to regulate planning activities such as land allocation, zoning, and development control.
- **Zoning laws:** Regulations that designate specific areas for particular uses, such as industrial, residential, or commercial, to ensure orderly development and prevent conflicts.

Concept check questions 3

Objective questions

1. Define development in the context of planning law and state one example of an exempt activity. (Linked to SLO 3.1)
2. Explain why a planning authority might consult other agencies before deciding an application. (Linked to SLO 3.2)
3. State two characteristics of a planning consent. (Linked to SLO 3.3)
4. State two grounds on which an applicant may appeal a planning decision. (Linked to SLO 3.4)
5. Explain the difference between a planning appeal and judicial review. (Linked to SLO 3.4)

Short-answer questions

6. Explain why public notification is required before a planning application can be determined. (Linked to SLO 3.1)
7. Describe the three types of decision a planning authority may make on an application. (Linked



to SLO 3.2)

8. Outline the consequences of commencing development after a planning consent has lapsed. (Linked to SLO 3.3)

9. Summarise the procedure an applicant must follow to lodge a planning appeal in Nigeria. (Linked to SLO 3.4)

10. Explain what is meant by conditions attached to a planning consent and give two examples of conditions commonly imposed in Nigeria. (Linked to SLO 3.2)

Long-answer questions

11. Analyse the planning application and decision process in Nigeria, identifying the key steps, the considerations applied, and the weaknesses that limit its effectiveness in practice. (Linked to SLOs 3.1 and 3.2)

12. Evaluate the appeal and judicial review remedies available to an aggrieved applicant in the Nigerian planning system, assessing their accessibility and effectiveness in practice. (Linked to SLO 3.4)

Answers to concept check questions 3

Objective questions

1. Development is any operation in, on, over, or under land or any material change of use of land or buildings. An exempt activity is minor internal alterations or repairs that do not affect the external appearance or use.
2. Conformity with the approved development plan for the area.
3. Any two of: it attaches to the land rather than the applicant; it takes effect from the date of the decision notice; it lapses if development is not commenced within the specified period; it applies only to the development described in the approved documents.
4. Refusal of permission, or imposition of unreasonable conditions, or failure to determine within the statutory period.
5. A planning appeal asks the appeal body to reconsider the planning merits of the decision; judicial review asks the court to examine whether the decision-making process was lawful, without reconsidering the planning merits.

Short-answer questions

6. Public notification allows neighbouring owners, occupiers, and interested parties to be aware of and comment on proposals that may affect them, ensuring that the planning authority has access to relevant local information and that the process is transparent.
7. Approval without conditions grants permission as proposed; approval subject to conditions grants permission with requirements to be met; refusal denies permission with stated reasons. All three must be communicated within the statutory determination period.
8. A developer who does not commence within the consent period loses the benefit of the consent; the consent lapses and a fresh application must be made; any works carried out after lapse without a new consent will be unauthorised and subject to enforcement.
9. The Constitution distributes legislative competence between federal and state governments, placing physical planning primarily within state jurisdiction. This empowers states to enact their



own planning laws and establish development control systems suited to local conditions.

10. Weak enforcement allows developments to proceed without permits, meaning that the objectives of the development plan and zoning regulations are not achieved in practice. It also undermines public confidence in the planning system and encourages further non-compliance.

Long-answer questions

11. *Basic response:* Weak enforcement leads to uncontrolled development, overcrowding, and poor infrastructure provision.

Value-added response: Beyond these, weak enforcement undermines public trust in institutions, encourages informal settlements, and exacerbates socio-economic inequalities.

12. *Basic response:* Constitutional provisions empower states to regulate land use, while statutory instruments provide specific rules for planning activities.

Value-added response: Together, they ensure a multi-level governance framework, balancing national authority with local autonomy, and enabling adaptation to diverse socio-economic contexts.

Answers to pilot questions 3

Answers to pilot questions 3.1

1. Development is any operation on land or material change of use that requires planning permission under applicable law.
2. Completed application form and site and location plans drawn to scale.
3. Because proceeding without permission where it is required exposes the developer to enforcement action including demolition orders.
4. It acknowledges receipt, assigns a reference number, registers the application, and arranges public notification.
5. They reflect Nigeria's socio-economic and political realities.

Answers to pilot questions 3.2

1. Approval without conditions; approval subject to conditions; refusal.
2. To obtain specialist advice on matters such as traffic, drainage, or environmental impact before reaching a decision.
3. Any one of: requiring submission of material samples for approval; restricting working hours; requiring drainage details before commencement.
4. The reasons for refusal, clearly stated.
5. To ensure decisions are made within a reasonable time, giving applicants certainty and preventing undue delay by the authority.

Answers to pilot questions 3.3



1. Any two of: it attaches to the land rather than the applicant; it takes effect from the date of the decision notice; it lapses if development is not commenced within the specified period; it applies only to the development described in the approved documents.
2. A planning appeals tribunal or board established under the state planning law, or in some cases the High Court.
3. Notice of appeal stating the grounds and relief sought; copies of the original application documents and the decision notice.
4. Dismiss the appeal and uphold the original decision; allow the appeal and grant permission; or vary the decision by substituting different conditions.
5. A planning appeal asks an independent body to reconsider the planning merits; judicial review asks the court to examine whether the decision-making process was lawful, not the merits.

Answers to pilot questions 3.4

1. Refusal of permission; imposition of conditions considered unreasonable; failure of the authority to determine within the statutory period; decisions relating to enforcement notices.
2. A planning appeals tribunal or board established under the relevant state planning law.
3. Notice of appeal stating grounds of appeal and relief sought; and copies of the application, decision notice, and supporting documents.
4. Dismiss the appeal and uphold the original decision; allow the appeal and grant permission with or without conditions; vary the decision by substituting different conditions.
5. A planning appeal reviews the planning merits of the decision; judicial review examines whether the decision-making process was lawful, not the planning merits.

References and attributions 3

- Constitution of the Federal Republic of Nigeria. (1999). *Laws of the Federation of Nigeria*. Abuja: Government of Nigeria.
- Mabogunje, A. L. (2002). *Nigeria and the evolution of planning legislation*. Ibadan: University Press.
- Umeh, J. A. (1983). *Land policies in Nigeria*. London: Allen & Unwin.
- Agbola, T. (1997). *The architecture of fear: Urban design and construction response to urban violence in Nigeria*. Ibadan: IFRA.

Illustrations

- Plate 3.1: AI-generated using prompt “Photograph of planning permit application form with site drawings on a desk in a Nigerian planning office”. Tool/platform: AI image



generation. Suggested OER search string: “Nigeria planning permit application form drawings OER photo”.

- Box 3.1: AI-generated using prompt “Simple checklist or table of key considerations in assessing a Nigerian planning application”. Tool/platform: AI image generation. Suggested OER search string: “Nigeria planning application assessment criteria development plan zoning OER”.
- Figure 3.1: AI-generated using prompt “Flowchart showing planning application process in Nigeria from submission through assessment to consent and building approval”. Tool/platform: AI image generation. Suggested OER search string: “Nigeria planning application process flowchart consent building approval OER”.
- Plate 3.2: AI-generated using prompt “Photograph of Nigerian tribunal or court building for planning appeals”. Tool/platform: AI image generation. Suggested OER search string: “Nigeria tribunal court building planning appeal OER photo”.

Course code: **URP 408**

Course title: **Planning Law and Administration**

Course credit load: 2 Units

List of Series:

- Series 1: Purpose and Legal Basis of Development Control in Nigeria
- **Series 2: Evolution of Land and Planning Laws in Nigeria**
- **Series 3: Planning Applications, Consents and Appeals**
- **Series 4: Enforcement Procedures and Arbitration**
- **Series 5: Awards, Impeachment and Statutory Arbitration**

4 Enforcement Procedures and Arbitration

Series outline

- **4.1 Enforcement in Development Control**
 - 4.1.1 Nature and purpose of enforcement
 - 4.1.2 Types of enforcement action
- **4.2 Enforcement Procedures**
 - 4.2.1 Investigation and site inspection



- 4.2.2 Enforcement notices and stop notices
- **4.3 Introduction to Arbitration in Planning**
 - 4.3.1 Concept and purpose of arbitration
 - 4.3.2 Appointment of arbitrators and rules of evidence
- **4.4 Arbitration Submissions and Proceedings**
 - 4.4.1 Submission to arbitration
 - 4.4.2 Conduct of arbitration proceedings

Introduction

When development is carried out without permission or in breach of conditions, the planning authority must have effective tools to remedy the breach and restore compliance with planning law. Enforcement is those tools in action. Where disputes arise between parties over planning matters that cannot be resolved through the normal administrative process, arbitration provides an alternative dispute resolution mechanism. This Series examines enforcement procedures and the principles and practice of arbitration in the planning context.

The aim of this Series is to equip you with a clear understanding of enforcement procedures in development control and the principles and practice of arbitration as an alternative means of resolving planning disputes in Nigeria.

We shall commence this Series by examining the nature and purpose of enforcement in development control and the types of enforcement action available. Next, we will explore enforcement procedures, covering investigation, site inspection, enforcement notices, and stop notices. Following that, we will introduce arbitration as a dispute resolution mechanism in planning, covering its concept, purpose, and the appointment of arbitrators. Finally, we will examine the submission to arbitration and the conduct of arbitration proceedings.

Series Learning Outcomes

Upon completing this Series, you should be able to:

- **SLO 4.1** define the concept of planning law and explain its historical background,
- **SLO 4.2** analyse the social, economic, environmental, and spatial purposes of planning legislation,
- **SLO 4.3** identify and explain the constitutional provisions and statutory instruments that form the legal basis of planning in Nigeria,
- **SLO 4.4** evaluate the implications of planning legislation for urban development and implementation challenges.

4.1 Enforcement in Development Control

4.1.1 Nature and purpose of enforcement



Planning law refers to the body of rules and regulations that govern the use, development, and management of land and physical space. It provides the legal framework through which governments and planning authorities control urban growth, protect the environment, and ensure orderly development. Without planning law, cities and towns would grow in a haphazard manner, leading to congestion, environmental degradation, and social inequality.

Fill in the blank: Planning law provides the _____ framework through which governments regulate land use.



Photograph of a Nigerian urban planning office with legal documents on display
Plate 4.1 A planning enforcement officer inspecting an unauthorised structure

4.1.2 Types of enforcement action

The historical development of planning legislation in Nigeria can be traced to colonial times, when British authorities introduced laws to regulate land use and urban growth. Early ordinances focused on sanitation, housing, and the control of public spaces. Over time, these frameworks evolved into more comprehensive statutes, culminating in modern planning laws that reflect Nigeria's socio-economic and political realities.

Fill in the blank: Early planning ordinances in Nigeria were introduced during the _____ period.

Pilot questions 4.1

1. Define enforcement in the context of development control.



2. State two circumstances that constitute a breach of planning control.
3. Explain why enforcement action is described as discretionary.
4. Identify two types of enforcement action available to a planning authority in Nigeria.
5. Describe how modern planning laws reflect Nigeria's socio-economic and political realities.

4.2 Enforcement Procedures

4.2.1 Investigation and site inspection

Planning legislation serves important **social objectives**, such as promoting equitable access to housing, health facilities, and public services. It also advances **economic objectives** by guiding investment, supporting infrastructure development, and ensuring that land is used efficiently. For example, zoning laws can encourage industrial growth in designated areas while protecting residential neighbourhoods from pollution.

Fill in the blank: Zoning laws encourage _____ growth in designated areas while protecting residential neighbourhoods.

Phase	Action	Detail
1. Trigger	Complaint or Monitoring	Can be a public petition (neighbor complaint), a report from a whistle-blower, or a routine patrol by a Town Planning Officer.
2. Assignment	Officer Allocation	A designated Enforcement Officer or "Area Officer" is assigned to the case to maintain accountability.
3. Site Inspection	Physical Verification	The officer visits the site to check for a valid Development Permit and "All-Clear" letter. If no permit is displayed, the site is marked.
4. Evidence Gathering	Documentation	Photographic evidence is taken from multiple angles. The officer records dimensions, setbacks, and deviations from the approved plan (if one exists).



Phase	Action	Detail
5. Verification	Registry Search	The officer returns to the Planning Office to cross-check the site's file in the registry to confirm if a permit was ever issued or if it is a forgery.
6. Reporting	Technical Memo	A formal report is written recommending specific enforcement action (Stop Work, Demolition, or Regularization).
7. Service of Notice	Contravention Notice	If a breach is confirmed, a formal Contravention Notice is served on the owner/developer, usually giving them 24 to 48 hours to respond.

Box 4.1 Key steps in the enforcement investigation process

4.2.2 Enforcement notices and stop notices

Planning legislation also addresses **environmental objectives**, such as conserving natural resources, reducing pollution, and protecting ecosystems. In addition, it has **spatial objectives**, which involve organising land use to achieve balanced urban growth and prevent overcrowding. For instance, legislation may require green belts around cities to limit sprawl and preserve ecological balance.

Fill in the blank: Planning legislation may require _____ belts around cities to limit sprawl and preserve ecological balance.

Pilot questions 4.2

1. State three items that must be included in an enforcement notice.
2. Explain the purpose of a planning contravention notice.
3. State one risk to the planning authority associated with issuing a stop notice.
4. Describe the consequence for a landowner who does not comply with an enforcement notice.
5. Explain when a stop notice takes effect and how it differs from an enforcement notice.

4.3 Introduction to Arbitration in Planning

4.3.1 Concept and purpose of arbitration



The **Constitution** is the supreme law of Nigeria, and it provides the foundation for planning legislation. It establishes the authority of government at federal, state, and local levels to regulate land use and development. For example, the Constitution empowers states to enact laws that guide physical planning and urban development within their territories.

Fill in the blank: The Constitution is the _____ law of Nigeria and provides the foundation for planning legislation.

4.3.2 Appointment of arbitrators and rules of evidence

Beyond the Constitution, planning legislation is supported by **statutory instruments**, which are specific laws enacted to regulate planning activities. These include acts of parliament, decrees, and regulations that define procedures for land allocation, zoning, and development control. In addition, **case law**—judicial decisions interpreting planning statutes—plays a crucial role in clarifying ambiguities and setting precedents for future planning practice.

Fill in the blank: Judicial decisions interpreting planning statutes are referred to as _____ law.

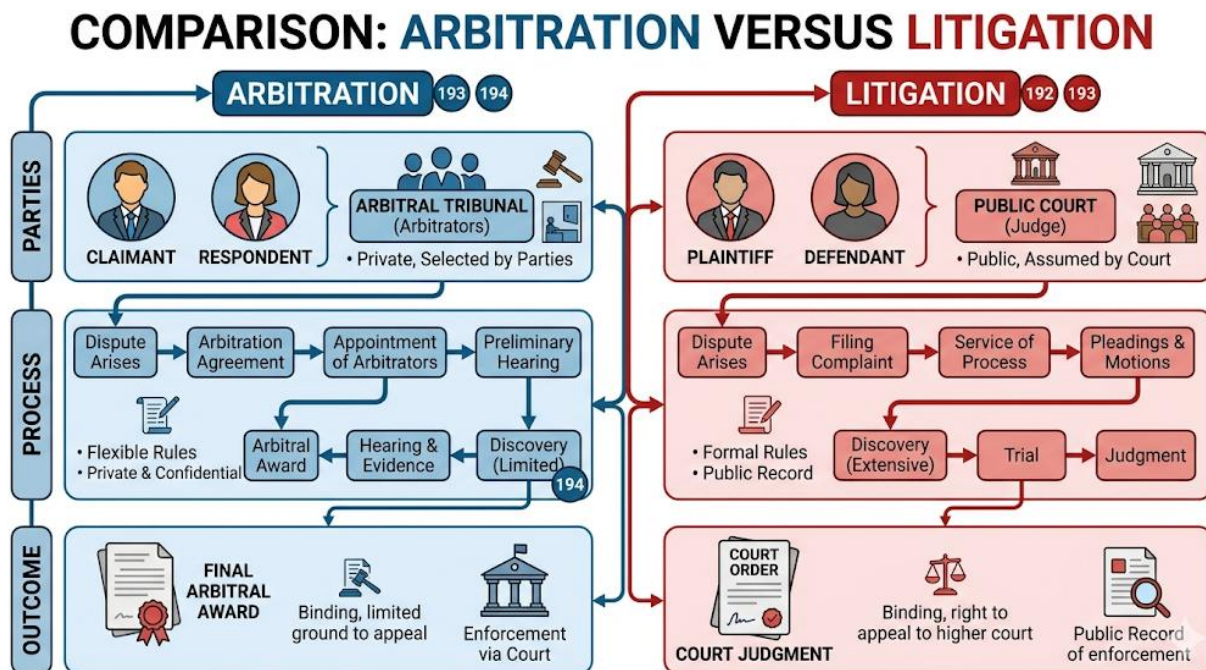


Diagram showing the hierarchy of legal basis for planning in Nigeria (Constitution at the top, followed by statutory instruments, then case law)

Figure 4.1 Arbitration compared with litigation as a planning dispute resolution method

Pilot questions 4.3

1. Define arbitration and explain how it differs from litigation.
2. State two advantages of arbitration over litigation for resolving planning disputes.



3. Explain what is meant by statutory arbitration in the planning context.
4. Describe how an arbitrator may be appointed where the parties cannot agree on a choice.
5. Explain why the rules of evidence in arbitration are more flexible than in court proceedings.

4.4 Arbitration Submissions and Proceedings

4.4.1 Submission to arbitration

A submission to arbitration is the formal agreement by which the parties refer their dispute to an arbitrator. The submission must identify the parties, describe the matter in dispute, specify the powers granted to the arbitrator, and set out any procedural arrangements agreed by the parties. It may be contained in a separate submission agreement, in a clause within a contract, or in a statutory provision. Once the submission is made, the arbitrator has jurisdiction over the dispute and neither party may withdraw without the consent of the other or an order of a court. The parties must submit their respective cases to the arbitrator, typically in the form of written pleadings or statements of case that set out the facts relied upon, the legal or technical arguments advanced, and the relief sought. Supporting documents, plans, expert reports, and witness statements are appended to or served alongside the statements of case.

Fill in the blank: Planning legislation helps prevent _____ by enforcing building codes and regulating plot sizes.

4.4.2 Conduct of arbitration proceedings

Arbitration proceedings are conducted in accordance with the rules agreed by the parties or laid down in the applicable statute or arbitration rules. The arbitrator directs the proceedings, sets timetables for the exchange of documents and evidence, and decides procedural questions that arise. Either party may request an oral hearing at which witnesses may give evidence and be cross-examined, or the arbitrator may decide the matter on written submissions alone if the parties agree or if an oral hearing is not necessary. The arbitrator must give each party a fair opportunity to present their case and to respond to the case of the other party. After considering all the evidence and submissions, the arbitrator issues the ****award****, which is the final binding decision on the matter. The award must be in writing, signed by the arbitrator, and must state the reasons for the decision unless the parties have agreed that reasons are not required. The award is enforceable as a court judgment.

Fill in the blank: One major challenge of planning legislation in Nigeria is weak _____.





Photograph of an overcrowded urban settlement in Nigeria illustrating poor enforcement of planning laws

Plate 4.2 Arbitration hearing room illustrating the setting for planning dispute resolution

Pilot questions 4.4

1. State three items that must be included in a submission to arbitration.
2. Explain what is meant by a statement of case in arbitration proceedings.
3. Describe one procedural decision the arbitrator may make during arbitration proceedings.
4. Explain the nature and legal effect of an arbitration award.
5. State two requirements for a valid arbitration award.

Series summary

This Series has examined enforcement procedures and arbitration in the context of development control. We began by describing the nature and purpose of enforcement and the types of enforcement action available to planning authorities. We then explored enforcement procedures, covering investigation, site inspection, and the issue of enforcement and stop notices. We went on to introduce arbitration as a dispute resolution mechanism, examining its concept, advantages, and the appointment of arbitrators. Finally, we examined the submission to arbitration and the conduct of arbitration proceedings up to the making of the award.

By engaging with these discussions, you should now be able to explain the nature and purpose of enforcement, describe the types of enforcement action and the procedures for investigating and



remedying breaches, explain the concept and advantages of arbitration, describe how arbitrators are appointed and how proceedings are conducted, and explain the nature and effect of an arbitration award. These abilities reflect the Series Learning Outcomes and prepare you for the study of planning awards and their enforcement in the Series that follows.

Glossary of terms

- **Case law:** Judicial decisions that interpret planning statutes and set precedents for future practice.
- **Constitution:** The supreme law of Nigeria that provides the foundation for planning legislation and empowers different levels of government to regulate land use.
- **Planning law:** The body of rules and regulations that govern the use, development, and management of land and physical space.
- **Social objectives:** Goals of planning legislation that promote equitable access to housing, health facilities, and public services.
- **Spatial objectives:** Goals of planning legislation that organise land use to achieve balanced urban growth and prevent overcrowding.
- **Statutory instruments:** Specific laws, acts, decrees, and regulations enacted to regulate planning activities such as land allocation, zoning, and development control.
- **Zoning laws:** Regulations that designate specific areas for particular uses, such as industrial, residential, or commercial, to ensure orderly development and prevent conflicts.

Concept check questions 4

Objective questions

1. Define enforcement in development control and state its primary purpose. (Linked to SLO 4.1)
2. Explain the purpose of a planning contravention notice. (Linked to SLO 4.2)
3. Define arbitration and state one advantage it has over litigation. (Linked to SLO 4.3)
4. State two items that must be included in an arbitration award. (Linked to SLO 4.4)
5. Explain the legal effect of an arbitration award. (Linked to SLO 4.4)

Short-answer questions

6. Explain why enforcement action in development control is described as discretionary. (Linked to SLO 4.1)
7. Describe the steps taken by a planning authority when investigating an alleged breach of planning control. (Linked to SLO 4.2)
8. Outline the key information that must be included in an enforcement notice. (Linked to SLO 4.2)
9. Summarise the advantages of arbitration as a method of resolving planning disputes in



Nigeria. (Linked to SLO 4.3)

10. Explain the procedure for conducting an arbitration hearing from submission to award. (Linked to SLO 4.4)

Long-answer questions

11. Analyse the enforcement powers available to planning authorities in Nigeria, assessing their adequacy and the practical challenges that limit their effective use. (Linked to SLOs 4.1 and 4.2)

12. Evaluate arbitration as a method of resolving planning disputes in Nigeria, identifying its advantages, limitations, and the conditions necessary for it to operate effectively. (Linked to SLOs 4.3 and 4.4)

Answers to concept check questions 4

Objective questions

1. Enforcement is action taken by a planning authority to remedy a breach of planning control. Its primary purpose is to restore the position that would have existed had the breach not occurred and to protect the public interest.
2. Any two of: enforcement notice; stop notice; breach of condition notice; injunction.
3. Arbitration is a form of alternative dispute resolution in which parties submit their dispute to an independent arbitrator whose award is binding. One advantage: it is generally faster and less costly than litigation.
4. Any two of: it must be in writing; it must be signed by the arbitrator; it must state the reasons for the decision.
5. An arbitration award is binding on both parties and is enforceable as a court judgment.

Short-answer questions

6. Enforcement action is discretionary because the planning authority must weigh whether it is expedient in the public interest to take action, considering the nature and impact of the breach, proportionality, and the resources available; not every breach warrants formal enforcement action.

7. An enforcement officer investigates the alleged breach through a site inspection, recording the nature, location, extent, and date of commencement of the breach using photographs and notes; checks the planning register to confirm whether permission exists; and may serve a planning contravention notice requiring information from the landowner or occupier.

8. An enforcement notice must identify the land, describe the breach, specify the steps required to remedy it, set out the period for compliance, and inform the recipient of their right of appeal and the time limit for lodging one.

9. The Constitution distributes legislative competence between federal and state governments, placing physical planning primarily within state jurisdiction. This empowers states to enact their own planning laws and establish development control systems suited to local conditions.

10. Weak enforcement allows developments to proceed without permits, meaning that the objectives of the development plan and zoning regulations are not achieved in practice. It also undermines public confidence in the planning system and encourages further non-compliance.



Long-answer questions

11. *Basic response:* Weak enforcement leads to uncontrolled development, overcrowding, and poor infrastructure provision.

Value-added response: Beyond these, weak enforcement undermines public trust in institutions, encourages informal settlements, and exacerbates socio-economic inequalities.

12. *Basic response:* Constitutional provisions empower states to regulate land use, while statutory instruments provide specific rules for planning activities.

Value-added response: Together, they ensure a multi-level governance framework, balancing national authority with local autonomy, and enabling adaptation to diverse socio-economic contexts.

Answers to pilot questions 4

Answers to pilot questions 4.1

1. Enforcement is action taken by a planning authority to remedy a breach of planning control such as development without permission or failure to comply with conditions.
2. Development without the required permission, and failure to comply with conditions attached to a permission.
3. Because the authority must consider whether it is expedient in the public interest to act, taking into account the nature and impact of the breach; not every breach warrants formal action.
4. Enforcement notice and stop notice.
5. They reflect Nigeria's socio-economic and political realities.

Answers to pilot questions 4.2

1. The land to which the notice relates, a description of the breach, the steps required to remedy it, the compliance period, and the right of appeal.
2. It requires the landowner or occupier to provide information about activities on the site, assisting the authority in determining whether a breach has occurred.
3. If the stop notice is subsequently found to have been wrongly issued, the authority may be liable to pay compensation to those affected.
4. Non-compliance is a criminal offence; the authority may prosecute and seek fines or apply to the court for an injunction.
5. A stop notice takes effect immediately on service; an enforcement notice takes effect at the end of the appeal period. A stop notice requires immediate cessation while an enforcement notice gives the recipient a period to comply.

Answers to pilot questions 4.3



1. Arbitration is a form of alternative dispute resolution in which parties submit their dispute to an independent arbitrator whose award is binding. One advantage: it is generally faster and less costly than litigation.
2. Speed and lower cost; confidentiality; choice of a specialist arbitrator; flexibility in scheduling and procedure.
3. Statutory arbitration is required by statute rather than agreed voluntarily; it arises where a planning law provides for specific types of dispute to be resolved by arbitration.
4. By an appointing authority such as a professional institution or a court, on the application of either party.
5. Because arbitration is a less formal process focused on resolving the substance of the dispute; strict court rules such as hearsay exclusions do not automatically apply, allowing the arbitrator to receive any evidence considered relevant and reliable.

Answers to pilot questions 4.4

1. The parties, the matter in dispute, the powers of the arbitrator, and any procedural arrangements agreed by the parties.
2. A statement of case sets out the facts relied upon, the legal or technical arguments advanced, and the relief sought by that party; supporting documents, plans, and expert reports are appended.
3. Any one of: setting a timetable for the exchange of documents; directing whether an oral hearing or written submissions are to be used; ruling on admissibility of evidence.
4. An arbitration award is the final binding decision of the arbitrator; it is enforceable as a court judgment against either party.
5. Any two of: it must be in writing; it must be signed by the arbitrator; it must state the reasons for the decision unless the parties have agreed otherwise.

References and attributions 4

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- Mabogunje, A. L. (2002). *Nigeria and the evolution of planning legislation*. Ibadan: University Press.
- Umeh, J. A. (1983). *Land policies in Nigeria*. London: Allen & Unwin.
- Agbola, T. (1997). *The architecture of fear: Urban design and construction response to urban violence in Nigeria*. Ibadan: IFRA.

Illustrations

- Plate 4.1: AI-generated using prompt “Photograph of a planning enforcement officer inspecting an unauthorised building in Nigeria”. Tool/platform: AI image generation.



Suggested OER search string: “Nigeria planning enforcement officer site inspection unauthorised building OER”.

- Box 4.1: AI-generated using prompt “Flowchart of enforcement investigation steps in Nigerian development control from complaint to contravention notice”. Tool/platform: AI image generation. Suggested OER search string: “Nigeria development control enforcement investigation steps flowchart OER”.
- Figure 4.1: AI-generated using prompt “Diagram comparing arbitration and litigation as dispute resolution methods showing process, parties, and outcome”. Tool/platform: AI image generation. Suggested OER search string: “arbitration versus litigation dispute resolution comparison diagram OER”.
- Plate 4.2: AI-generated using prompt “Photograph of an arbitration hearing room with table, chairs, and documents for dispute resolution”. Tool/platform: AI image generation. Suggested OER search string: “arbitration hearing room dispute resolution OER photo”.

Course code: **URP 408**

Course title: **Planning Law and Administration**

Course credit load: 2 Units

List of Series:

- Series 1: Purpose and Legal Basis of Development Control in Nigeria
- **Series 2: Evolution of Land and Planning Laws in Nigeria**
- **Series 3: Planning Applications, Consents and Appeals**
- **Series 4: Enforcement Procedures and Arbitration**
- **Series 5: Awards, Impeachment and Statutory Arbitration**

5 Awards, Impeachment and Statutory Arbitration

Series outline

- **5.1 Preparation and Publication of Awards**
 - 5.1.1 Contents and form of an arbitration award
 - 5.1.2 Publication and notification of the award
- **5.2 Methods of Enforcing an Award**
 - 5.2.1 Enforcement as a court judgment



- 5.2.2 Other enforcement mechanisms
- **5.3 Impeachment of an Award**
 - 5.3.1 Grounds for challenging an award
 - 5.3.2 Procedure for setting aside or remitting an award
- **5.4 Statutory Arbitration and Reference by Court Order**
 - 5.4.1 Nature and scope of statutory arbitration
 - 5.4.2 Reference to arbitration by order of the court

Introduction

The arbitration process concludes with the making of an award, but the award itself raises further questions: how must it be prepared and published, how can it be enforced against a party who refuses to comply, and on what grounds and by what procedure can it be challenged. This Series addresses these questions and also examines the specific context of statutory arbitration and the reference of planning matters to arbitration by order of a court.

The aim of this Series is to equip you with a thorough understanding of the preparation and publication of arbitration awards, the methods of enforcing and impeaching an award, and the nature and procedure of statutory arbitration and court-ordered reference to arbitration in the planning context.

We shall commence this Series by examining the contents, form, and publication of arbitration awards. Next, we will explore the methods available for enforcing an award against a non-complying party. Following that, we will examine the grounds and procedure for impeaching or challenging an award. Finally, we will address statutory arbitration and the reference of planning disputes to arbitration by order of the court.

Series Learning Outcomes

Upon completing this Series, you should be able to:

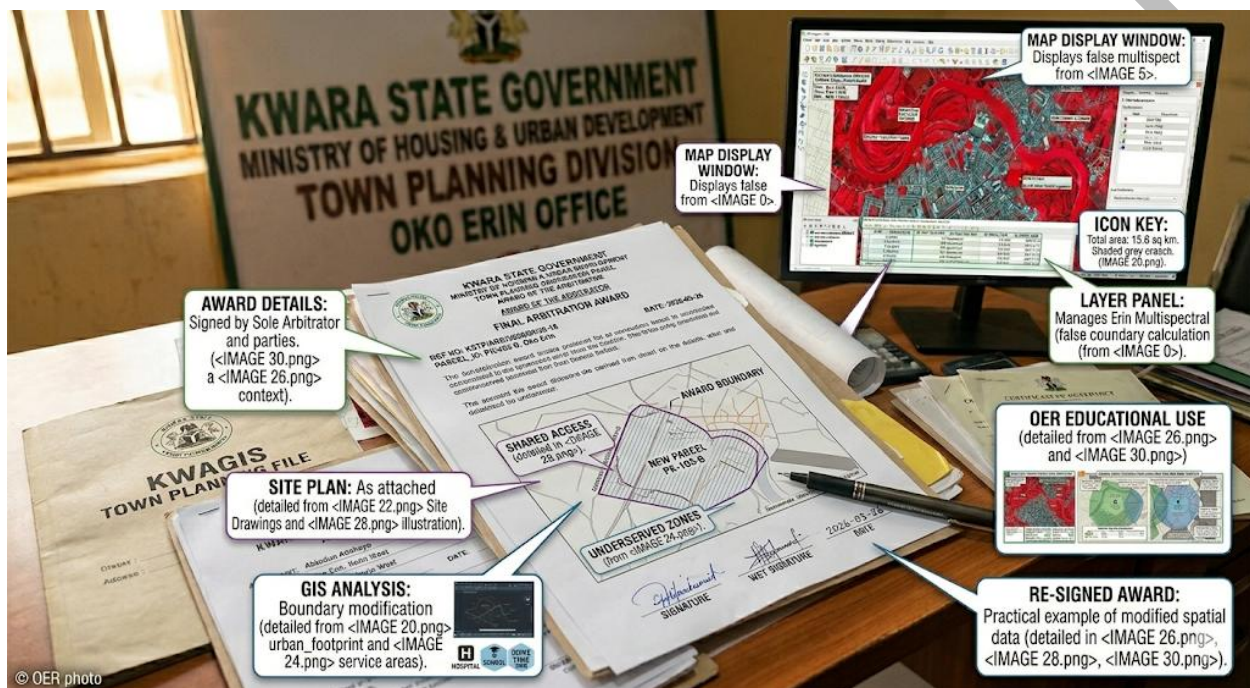
- **SLO 5.1** define the concept of planning law and explain its historical background,
- **SLO 5.2** analyse the social, economic, environmental, and spatial purposes of planning legislation,
- **SLO 5.3** identify and explain the constitutional provisions and statutory instruments that form the legal basis of planning in Nigeria,
- **SLO 5.4** evaluate the implications of planning legislation for urban development and implementation challenges.

5.1 Preparation and Publication of Awards

5.1.1 Contents and form of an arbitration award



Fill in the blank: Planning law provides the _____ framework through which governments regulate land use.



Photograph of a Nigerian urban planning office with legal documents on display

Plate 5.1 A signed arbitration award document illustrating the formal requirements of a valid award

The historical development of planning legislation in Nigeria can be traced to colonial times, when British authorities introduced laws to regulate land use and urban growth. Early ordinances focused on sanitation, housing, and the control of public spaces. Over time, these frameworks evolved into more comprehensive statutes, culminating in modern planning laws that reflect Nigeria's socio-economic and political realities.

Pilot questions 5.1

- 

2. Explain what is meant by a reasoned award in arbitration.
3. Describe how an award is published and communicated to the parties.
4. Explain why arbitration awards are generally kept confidential.
5. Describe how modern planning laws reflect Nigeria's socio-economic and political realities.

5.2 Methods of Enforcing an Award

5.2.1 Enforcement as a court judgment

Planning legislation serves important **social objectives**, such as promoting equitable access to housing, health facilities, and public services. It also advances **economic objectives** by guiding investment, supporting infrastructure development, and ensuring that land is used efficiently. For example, zoning laws can encourage industrial growth in designated areas while protecting residential neighbourhoods from pollution.

Fill in the blank: Zoning laws encourage _____ growth in designated areas while protecting residential neighbourhoods.

Method	Legal Mechanism	How it Works
Registration as Judgment	Application for Leave	The winning party files an application at the High Court. Once granted, the award is treated exactly like a court-delivered judgment.
Writ of Fieri Facias (Fi.Fa)	Seizure & Sale of Assets	The Court Sheriff seizes the debtor's movable property (vehicles, equipment, inventory) and sells them at auction to satisfy the debt.
Garnishee Proceedings	Bank Account Attachment	The court orders a third party (usually a bank) holding the debtor's money to pay the judgment sum directly to the creditor.
Charging Order	Property Lien	The court places a "charge" on the debtor's immovable property or shares. This prevents the sale of the asset until the debt is cleared.



Method	Legal Mechanism	How it Works
Writ of Possession	Real Estate Recovery	Specifically for land disputes; the Sheriff physically removes the occupant and restores possession to the award holder.
Judgment Debtor Summons	Financial Examination	The debtor is hauled to court to testify under oath about their assets, which can lead to a court-ordered installment payment plan.

Box 5.1 Methods of enforcing an arbitration award in Nigeria

5.2.2 Other enforcement mechanisms

Planning legislation also addresses **environmental objectives**, such as conserving natural resources, reducing pollution, and protecting ecosystems. In addition, it has **spatial objectives**, which involve organising land use to achieve balanced urban growth and prevent overcrowding. For instance, legislation may require green belts around cities to limit sprawl and preserve ecological balance.

Fill in the blank: Planning legislation may require _____ belts around cities to limit sprawl and preserve ecological balance.

Pilot questions 5.2

1. Explain the primary method by which an arbitration award is enforced in Nigeria.
2. State two enforcement measures available to a court after granting leave to enforce an award.
3. Explain what the court examines when considering an application to enforce an arbitration award.
4. Describe a situation in which an injunction might be used to enforce an arbitration award.
5. State one alternative to enforcement as a court judgment that may be available to a successful party.

5.3 Impeachment of an Award

5.3.1 Grounds for challenging an award



The **Constitution** is the supreme law of Nigeria, and it provides the foundation for planning legislation. It establishes the authority of government at federal, state, and local levels to regulate land use and development. For example, the Constitution empowers states to enact laws that guide physical planning and urban development within their territories.

Fill in the blank: The Constitution is the _____ law of Nigeria and provides the foundation for planning legislation.

5.3.2 Procedure for setting aside or remitting an award

Beyond the Constitution, planning legislation is supported by **statutory instruments**, which are specific laws enacted to regulate planning activities. These include acts of parliament, decrees, and regulations that define procedures for land allocation, zoning, and development control. In addition, **case law**—judicial decisions interpreting planning statutes—plays a crucial role in clarifying ambiguities and setting precedents for future planning practice.

Fill in the blank: Judicial decisions interpreting planning statutes are referred to as _____ law.

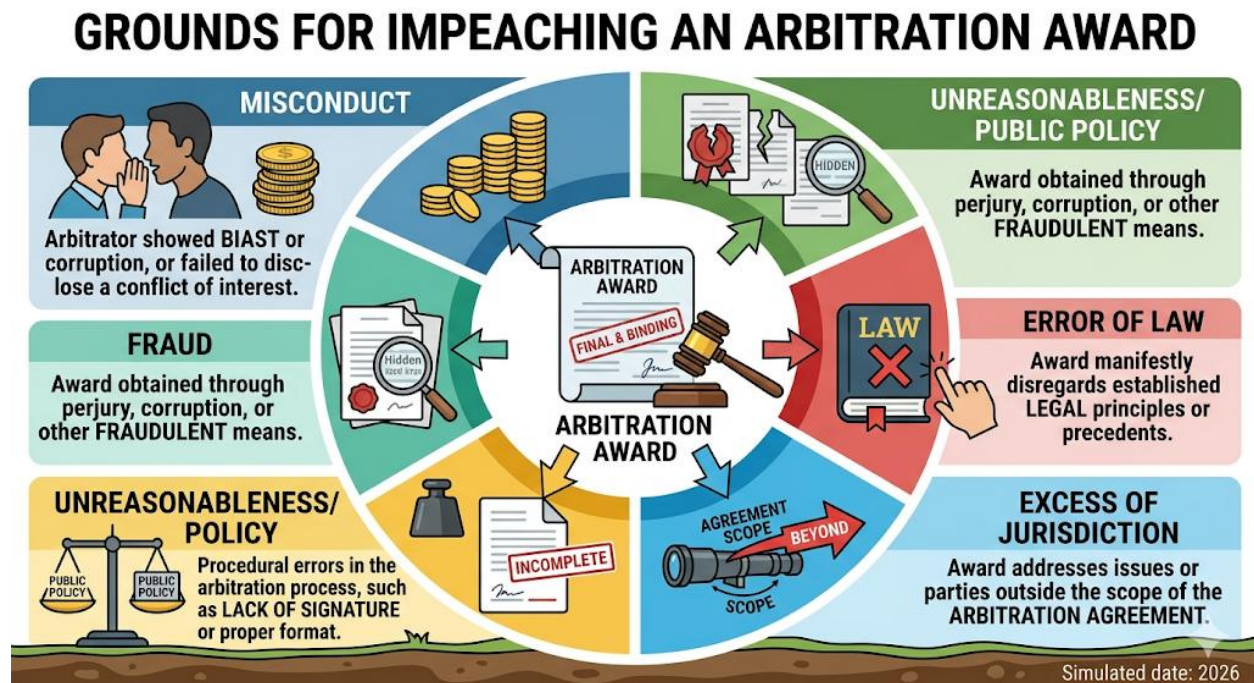


Diagram showing the hierarchy of legal basis for planning in Nigeria (Constitution at the top, followed by statutory instruments, then case law)

Figure 5.1 Grounds for impeaching an arbitration award

Pilot questions 5.3

1. Define impeachment of an arbitration award.
2. State two recognised grounds for impeaching an arbitration award.



3. Explain the difference between setting aside and remitting an arbitration award.
4. Describe the burden and standard of proof applicable in a challenge to an arbitration award.
5. State one reason why courts approach challenges to arbitration awards with caution.

5.4 Statutory Arbitration and Reference by Court Order

5.4.1 Nature and scope of statutory arbitration

****Statutory arbitration**** arises where a statute provides that certain disputes must or may be resolved by arbitration rather than by the ordinary courts. In the planning and development context, statutes may prescribe arbitration for specific types of dispute such as compensation for the compulsory acquisition of land, disputes over the valuation of land or buildings affected by planning decisions, disputes between planning authorities and developers over the terms of planning agreements, and certain categories of enforcement dispute. The arbitration in these cases is not a matter of choice between the parties but is imposed or authorised by law. The procedure for statutory arbitration follows the general provisions of the Arbitration and Conciliation Act supplemented by any specific procedural requirements in the enabling statute. The arbitrator in a statutory arbitration is typically appointed in the manner prescribed by the statute, often by a designated official, professional body, or court, rather than by agreement between the parties.

Fill in the blank: Planning legislation helps prevent _____ by enforcing building codes and regulating plot sizes.

5.4.2 Reference to arbitration by order of the court

A ****reference by order of the court**** occurs when a court, in the course of proceedings before it, refers a matter to arbitration for determination rather than deciding it itself. This may happen where the matter requires specialist technical or valuation expertise that the court does not possess, or where the parties have an existing arbitration clause that the court orders to be invoked. In planning disputes that reach the courts, a judge may refer a technical issue such as the valuation of land or the assessment of planning loss to an independent expert acting as arbitrator. Once the reference is made, the arbitrator proceeds in accordance with the general rules of arbitration and issues an award on the referred matter. The court may then adopt the award in its judgment or take it into account in reaching its own decision. A court-ordered reference differs from a voluntary submission to arbitration in that it is initiated by the court rather than the parties, but once made, it is governed by the same procedural principles and the award has the same binding effect.

Fill in the blank: One major challenge of planning legislation in Nigeria is weak _____.





Photograph of an overcrowded urban settlement in Nigeria illustrating poor enforcement of planning laws
 Plate 5.2 Nigerian High Court building illustrating the court's role in arbitration enforcement and reference

Pilot questions 5.4

1. Define statutory arbitration and give one example of a dispute in the planning context that may be subject to it.
2. Explain how the arbitrator in a statutory arbitration is typically appointed.
3. Describe the circumstances in which a court may refer a matter to arbitration.
4. Explain how the outcome of a court-ordered reference to arbitration is used by the court.
5. State one way in which a court-ordered reference differs from a voluntary submission to arbitration.

Series summary

This Series has completed the study of arbitration in the development control context by examining the award, its enforcement, and the means of challenging it, and by introducing statutory arbitration and court-ordered references. We began by describing the formal requirements of a valid award and how it is published and communicated to the parties. We then examined the primary and secondary methods of enforcing an award. We went on to identify the grounds for impeaching an award and describe the court procedures for setting aside or remitting



it. Finally, we examined the nature and procedure of statutory arbitration and the reference of matters to arbitration by order of the court.

By engaging with these discussions, you should now be able to describe the required contents and form of an arbitration award, explain how it is published and enforced, identify the grounds for impeachment and describe the court procedures available to challenge an award, and explain the nature and procedure of statutory arbitration and court-ordered references. These abilities reflect the Series Learning Outcomes and complete your study of development control law and arbitration procedure in URP 408.

Glossary of terms

- **Case law:** Judicial decisions that interpret planning statutes and set precedents for future practice.
- **Constitution:** The supreme law of Nigeria that provides the foundation for planning legislation and empowers different levels of government to regulate land use.
- **Planning law:** The body of rules and regulations that govern the use, development, and management of land and physical space.
- **Social objectives:** Goals of planning legislation that promote equitable access to housing, health facilities, and public services.
- **Spatial objectives:** Goals of planning legislation that organise land use to achieve balanced urban growth and prevent overcrowding.
- **Statutory instruments:** Specific laws, acts, decrees, and regulations enacted to regulate planning activities such as land allocation, zoning, and development control.
- **Zoning laws:** Regulations that designate specific areas for particular uses, such as industrial, residential, or commercial, to ensure orderly development and prevent conflicts.

Concept check questions 5

Objective questions

1. State three formal requirements of a valid arbitration award. (Linked to SLO 5.1)
2. State two enforcement measures available to a court after granting leave to enforce an award. (Linked to SLO 5.2)
3. State two recognised grounds for impeaching an arbitration award. (Linked to SLO 5.3)
4. Define statutory arbitration and state one planning dispute to which it may apply. (Linked to SLO 5.4)
5. Explain the difference between setting aside and remitting an arbitration award. (Linked to SLO 5.3)

Short-answer questions

6. Explain what is meant by publishing an arbitration award and state how confidentiality



applies. (Linked to SLO 5.1)

7. Describe the steps a successful party must take to enforce an arbitration award as a court judgment in Nigeria. (Linked to SLO 5.2)

8. Outline the procedure for challenging an arbitration award on the ground of misconduct. (Linked to SLO 5.3)

9. Summarise the differences between statutory arbitration and voluntary arbitration. (Linked to SLO 5.4)

10. Explain the circumstances in which a court may refer a planning matter to arbitration and how the award is used. (Linked to SLO 5.4)

Long-answer questions

11. Analyse the grounds on which an arbitration award may be impeached and evaluate the extent to which the courts in Nigeria should intervene in arbitration awards in planning disputes. (Linked to SLO 5.3)

12. Evaluate the role of statutory arbitration and court-ordered references to arbitration in the resolution of planning disputes in Nigeria, identifying the types of dispute most suited to each and the practical conditions necessary for these mechanisms to operate effectively. (Linked to SLO 5.4)

Answers to concept check questions 5

Objective questions

1. Any three of: it must be in writing; it must be signed by the arbitrator; it must be final and certain; it must state reasons unless waived; it must state the date on which it is made.
2. By applying to the High Court for leave to enforce the award as a court judgment.
3. Any two of: misconduct of the arbitrator; fraud or corruption; error of law on the face of the award; excess of jurisdiction; technical invalidity of the award.
4. Statutory arbitration is arbitration required or authorised by statute; one example is arbitration to determine compensation for the compulsory acquisition of land.
5. Setting aside treats the award as if it never existed; remission returns the award to the arbitrator to correct a specific defect without setting it aside entirely.

Short-answer questions

6. Publishing an award means making it available to the parties, not to the general public; arbitration awards are generally confidential unless the parties agree otherwise or law requires disclosure. The arbitrator sends a signed copy to both parties simultaneously, often on condition that fees have been paid.

7. The successful party applies to the High Court for leave to enforce the award; the court examines whether the award is valid on its face and whether any enforcement objections exist; if leave is granted, the award may be enforced by seizure of assets, garnishment of bank accounts, or committal for contempt.

8. The applicant files a challenge in the High Court within the statutory time limit, identifying the specific conduct alleged to constitute misconduct; the court examines the evidence of the alleged misconduct; if the ground is established, the court may set aside or remit the award.



9. The Constitution distributes legislative competence between federal and state governments, placing physical planning primarily within state jurisdiction. This empowers states to enact their own planning laws and establish development control systems suited to local conditions.
10. Weak enforcement allows developments to proceed without permits, meaning that the objectives of the development plan and zoning regulations are not achieved in practice. It also undermines public confidence in the planning system and encourages further non-compliance.

Long-answer questions

11. *Basic response:* Weak enforcement leads to uncontrolled development, overcrowding, and poor infrastructure provision.

Value-added response: Beyond these, weak enforcement undermines public trust in institutions, encourages informal settlements, and exacerbates socio-economic inequalities.

12. *Basic response:* Constitutional provisions empower states to regulate land use, while statutory instruments provide specific rules for planning activities.

Value-added response: Together, they ensure a multi-level governance framework, balancing national authority with local autonomy, and enabling adaptation to diverse socio-economic contexts.

Answers to pilot questions 5

Answers to pilot questions 5.1

1. It must be in writing, signed by the arbitrator, final and certain, and include reasons unless waived.
2. It explains the arbitrator's findings of fact, the legal or technical principles applied, and how the evidence led to the conclusion reached.
3. The arbitrator sends a signed copy to both parties simultaneously, typically on condition that outstanding fees have been paid.
4. Because arbitration proceedings and awards are generally confidential, protecting the commercial and personal interests of the parties.
5. They reflect Nigeria's socio-economic and political realities.

Answers to pilot questions 5.2

1. By applying to the High Court for leave to enforce the award as a court judgment.
2. Seizure and sale of assets, and garnishment of bank accounts.
3. Whether the award is valid on its face and whether there are any grounds for refusing enforcement; it does not re-examine the merits.
4. Where the award requires a party to do something rather than pay money, the court may issue an injunction to compel compliance with the award's terms.
5. Incorporating the terms of the award into a consent judgment by agreement of the parties.

Answers to pilot questions 5.3



1. Any two of: misconduct of the arbitrator; fraud or corruption; error of law on the face of the award; excess of jurisdiction; technical invalidity of the award.
2. Any two of: misconduct of the arbitrator; fraud or corruption; error of law on the face of the award; excess of jurisdiction; technical invalidity.
3. Setting aside treats the award as if it never existed and is reserved for serious defects; remission returns the award to the arbitrator to correct a specific defect without setting it aside entirely.
4. The burden is on the applicant challenging the award; the courts approach challenges with caution and require clear evidence of the alleged defect.
5. To protect the finality of the arbitration process and the value of arbitration as an efficient dispute resolution mechanism.

Answers to pilot questions 5.4

1. Arbitration required or authorised by statute for specific categories of dispute; one example is arbitration to determine compensation for the compulsory acquisition of land for public purposes.
2. As directed by the statute, often by a designated official, professional body, or court, rather than by agreement between the parties.
3. Where the matter requires specialist technical or valuation expertise the court does not possess, or where the parties have an arbitration clause that the court orders to be invoked.
4. The court may adopt the award in its judgment or take it into account in reaching its own decision on the matter.
5. A court-ordered reference is initiated by the court rather than the parties, whereas a voluntary submission is initiated by agreement of the parties.

References and attributions 5

- Constitution of the Federal Republic of Nigeria. (1999). *Laws of the Federation of Nigeria*. Abuja: Government of Nigeria.
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- Agbola, T. (1997). *The architecture of fear: Urban design and construction response to urban violence in Nigeria*. Ibadan: IFRA.

Illustrations

- Plate 5.1: AI-generated using prompt “Photograph of a signed arbitration award document on a desk with pen and legal papers”. Tool/platform: AI image generation. Suggested OER search string: “arbitration award document signed written OER photo”.



- Box 5.1: AI-generated using prompt “Simple table listing methods of enforcing an arbitration award in Nigeria”. Tool/platform: AI image generation. Suggested OER search string: “Nigeria arbitration award enforcement methods court judgment OER”.
- Figure 5.1: AI-generated using prompt “Diagram showing grounds for impeaching an arbitration award including misconduct, fraud, error of law, excess of jurisdiction, and technical invalidity”. Tool/platform: AI image generation. Suggested OER search string: “grounds impeachment arbitration award diagram misconduct jurisdiction OER”.
- Plate 5.2: AI-generated using prompt “Photograph of a Nigerian High Court building exterior”. Tool/platform: AI image generation. Suggested OER search string: “Nigeria High Court building OER photo”.

