



## NOISE POLLUTION IN THE URBAN ENVIRONMENT IN NIGERIA: LEGAL REGULATION, PUBLIC HEALTH IMPLICATIONS AND POLICY GAPS

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### ABSTRACT

*In Nigeria, noise pollution has emerged as one of the most prevalent and least controlled types of environmental damage. In contrast to oil spills, floods, fires, or smoke, noise frequently goes away as soon as law enforcement arrives, but its effects on the body persist, including disturbed sleep, anxiety, stress, poor concentration, hearing loss, hypertension, cardiovascular strain, and a slow decline in the livability of metropolitan areas. This paper examines noise pollution in Nigeria's urban environment through the linked lenses of legal regulation, public health and policy design. It argues that Nigeria does not suffer from a complete absence of law. The National Environmental Standards and Regulations Enforcement Agency Act 2007, the National Environmental (Noise Standards and Control) Regulations 2009, state environmental laws, the Environmental Impact Assessment Act, common law nuisance and human rights principles together provide a substantial regulatory foundation. The deeper difficulty is that the framework is fragmented, unevenly enforced, weakly integrated with public health surveillance, and insufficiently connected with transport planning, building control, land use zoning, generator dependence and entertainment noise. A national noise policy, updated standards, city noise maps, regular decibel monitoring, integration of noise into environmental impact assessment and urban planning, stronger state and local enforcement, public health screening, safer nighttime rules, community mediation, responsible worship and entertainment protocols, and rights sensitive enforcement are some of the practical solutions that the paper suggests using legal analysis, public health literature, and specific Nigerian urban experience.*

**KEYWORDS:** *Environmental Law, Public Health, Noise pollution, Urban environment, Public health, and Sustainable cities.*

### 1. INTRODUCTION

Nigerian cities today are busy, crowded and noisy. Vehicle traffic, commercial motorcycles, market loudspeakers, street vendors, clubs, bars, outdoor events, construction sites, factories, sirens, home generators and the overall strain of urban survival all influence the soundscape in Lagos, Abuja, Port Harcourt, Kano, Onitsha, Ibadan, Aba, Benin City, and other expanding urban centers. A few of these noises are an unavoidable part of urban living. Others are destructive, excessive, and unnecessary. The problem is that noise has frequently been viewed as a minor inconvenience rather than as an issue pertaining to environmental justice and public health. Because of this mindset, a type of invisible pollution has been normalized in areas where people live, work, worship, study and sleep.<sup>1</sup>

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Noise pollution is not simply loud sound. It is unwanted, excessive or harmful sound that interferes with normal human activity or threatens health, comfort, welfare, property and environmental quality. The World Health Organization has long treated environmental noise as a public health issue because it is associated with annoyance, sleep disturbance, hypertension, ischaemic heart disease, hearing impairment, tinnitus, cognitive impairment and other health outcomes.<sup>2</sup> The law therefore cannot sensibly regard noise as a private irritation that neighbours must merely tolerate. Where noise becomes regular, excessive, preventable and injurious, it enters the domain of environmental regulation, public health protection and human rights governance.

Nigeria's urban problem is sharpened by rapid urbanisation. More than half of Nigeria's population is now urban, and the urban cities continues to expand under the combined pressure of demographic growth, rural-urban migration, insecurity, economic aspiration and concentration of services in cities.<sup>3</sup> Urbanisation is not itself a wrong. It can promote productivity, cultural exchange and innovation. However, unplanned or poorly regulated urbanisation compresses incompatible land uses into the same space. Residential houses share boundaries with clubs, workshops, schools, generators, bars, hotels, informal markets and mechanical workshops. The result is acoustic conflict where one person's livelihood or entertainment becomes another person's sleepless night.

The focus of this paper is therefore not whether Nigerian cities should be silent. Cities cannot be silent and should not be expected to be so. The proper question is whether Nigerian law and policy can create a healthy sound environment in which social, economic, religious and cultural activities proceed without sacrificing the health, dignity and peace of residents. A city may be vibrant without being abusive. Commerce may be lively without turning residential streets into permanent noise corridors. Construction may be necessary without continuing at hours that destroy sleep. Public transport may be efficient without a culture of reckless honking and loudspeaker solicitation. The National Environmental (Noise Standards and Control) Regulations 2009 prescribe permissible noise levels, control measures, permits, complaint procedures, noise control orders and enforcement powers.<sup>4</sup> Lagos State has also developed a more visible state level enforcement culture through the Lagos State Environmental Protection Agency, including a dedicated noise control function.<sup>5</sup> However, public experience suggests that noise pollution remains widespread, especially in dense urban neighborhoods.

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<sup>1</sup> United Nations Environment Programme, *Frontiers 2022: Noise, Blazes and Mismatches: Emerging Issues of Environmental Concern* (UNEP 2022) 1-18.

<sup>2</sup> World Health Organization, 'Guidance on Environmental Noise' (WHO Compendium on Health and Environment, 2024 update) <<https://www.who.int/tools/compendium-on-health-and-environment/environmental-noise>> accessed 7 May 2026.

<sup>3</sup> World Bank, 'Urban Population (% of Total Population) - Nigeria' (World Development Indicators, 2024 series) <<https://data.worldbank.org/indicator/SP.URB.TOTL.IN.ZS?locations=NG>> accessed 7 May 2026.

<sup>4</sup> National Environmental (Noise Standards and Control) Regulations 2009, regs 1-5 and First Schedule.

<sup>5</sup> Lagos State Environmental Protection Agency, 'Departments: Noise Control Department' <<https://lasepa.gov.ng/departments/>> accessed 7 May 2026.



## 2. CONCEPT CLARIFICATION

### 2.1 Sound and Noise Pollution

Sound is a physical phenomenon. Noise is a social, legal and health judgment about sound. A sound may be welcome in one context and oppressive in another. Music at a wedding may be joyful for the guests but unbearable for a sick neighbour. A call to worship may be meaningful to believers but intrusive when amplified excessively in a dense residential area. A generator may be necessary where electricity supply fails, but its constant vibration may turn a compound into a hostile living space. This explains why noise law must combine objective decibel limits with contextual judgment.

The National Environmental (Noise Standards and Control) Regulations 2009 recognize this dual character. They define permissible noise levels by reference to facilities, zones, sources and time, while also regulating disturbing noise in residential areas and noise control zones.<sup>6</sup> The Regulations are therefore not concerned only with laboratory measurement. They are concerned with the human consequences of exposure. Their stated objective is to maintain a healthy environment, preserve tranquillity and psychological wellbeing, prescribe maximum permissible levels, provide control and mitigation measures, and give effect to the NESREA Act.<sup>7</sup> By connecting noise control with psychological wellbeing and standard of living, the Regulations move noise from the realm of mere annoyance into the realm of welfare. A person who cannot sleep, study, recover from illness, converse, concentrate or work because of excessive noise is not merely inconvenienced. That person suffers a reduction in quality of life. In a constitutional democracy, quality of life is linked with dignity, health, privacy, education, productivity and environmental protection. A proper conceptual framework must also distinguish between occupational noise and environmental noise. Occupational noise concerns workers exposed to high levels of sound in factories, workshops, airports, construction sites, sawmills and other workplaces. Environmental noise concerns the wider population exposed in homes, schools, hospitals, roads, markets and public spaces. Both are important, but this paper focuses on urban environmental noise while recognizing that many Nigerians experience both forms simultaneously.

### 2.2 Principal Sources of Urban Noise in Nigeria

The sources of urban noise in Nigeria are diverse. Traffic noise is perhaps the most constant. Congestion, poor road surfaces, informal bus stops, commercial motorcycles, tricycles, heavy-duty vehicles, defective exhaust systems, impatient honking, sirens and public address systems at motor parks combine to produce a permanent acoustic burden. In many residential areas, the road does not merely connect neighbourhoods, it invades them acoustically. Houses built before traffic growth now face roads that function as transport corridors. Schools and hospitals are often located near roads without meaningful noise buffers.

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<sup>6</sup> National Environmental (Noise Standards and Control) Regulations 2009, First Schedule, Tables I, V, VI and VII.

<sup>7</sup> National Environmental (Noise Standards and Control) Regulations 2009, reg 1.



Generator noise is another defining source. Nigeria's electricity challenge has produced a domestic and commercial generator culture. Small petrol generators, diesel generators in estates, church and mosque generators, hotel and nightclub generators, shop generators and industrial generators create a layer of mechanical sound that becomes especially intrusive at night. Generator dependence shows why noise regulation cannot be separated from energy policy. A law that simply punishes noise without addressing power supply may be seen as unfair. However, failure of public electricity cannot justify unlimited private harm.

Religious and entertainment noise occupy a sensitive place in the debate. Nigeria's cities are deeply religious and socially expressive. Worship centers, vigils, crusades, street preaching, mosque loudspeakers, nightclubs, bars, lounges, event centers and open-air parties are part of urban life. The law must avoid hostility to culture or religion. But freedom of worship and association does not include a right to impose excessive amplified sound on unwilling neighbours. The practical task is to protect religious and cultural freedom while enforcing reasonable acoustic boundaries. Lagos enforcement experience shows that religious centers and entertainment venues are among the recurring subjects of complaints and sanctions.<sup>8</sup>

Industrial, commercial and construction noise also contribute substantially. Workshops, block moulding sites, sawmills, factories, markets, building sites, metal works, printing shops and informal manufacturing often operate close to residential areas.<sup>9</sup> Where zoning is weak, the burden of economic activity falls directly on households. The problem is intensified by night time construction in commercial cities, the use of poorly maintained machines and the absence of acoustic barriers. Nigerian studies have repeatedly identified traffic, generators, commercial activities, religious activities and industrial sources as dominant contributors to urban noise pollution.<sup>10</sup>

### 2.3 Environmental justice, public health and sustainable cities

This paper rests on three linked ideas which includes environmental justice, public health and sustainable urban governance. Environmental justice asks who suffers environmental burdens and who enjoys environmental benefits. Noise pollution is a good example because the benefits and burdens are frequently separated. The owner of a nightclub earns income while the nearby resident loses sleep. The transport operator attracts passengers with loud speakers while the school child nearby loses concentration. Law must mediate and harmonize these conflicts fairly.

Public health theory adds that the state has a duty to prevent avoidable harm before it becomes disease. Noise regulation should not wait until residents suffer hearing loss or hypertension. The preventive nature of public health supports early monitoring, zoning, education, design standards and enforcement. It also supports special protection for vulnerable persons including children, the

<sup>8</sup> G Salau, *Organisations, Religious Centres for Noise Pollution*, 2004 (The Guardian, Lagos 7 January 2025).

<sup>9</sup> S O Oyedepo, 'Noise Pollution in Urban Areas: The Neglected Dimensions' [2012] 2 *Environmental Research Journal* 259.

<sup>10</sup> E Wokekoro and O A Oguntoko, 'An Examination of Sources of Noise Pollution in Cities in Nigeria' [2015] *World Journal of Research and Review* 20.



elderly persons, pregnant women, hospital patients, persons with disabilities, shift workers and persons already living with cardiovascular or mental health conditions.

Sustainable cities require more than roads, bridges and high-rise buildings. Sustainable Development Goal 11 calls for inclusive, safe, resilient and sustainable cities, while Goal 3 focuses on health and wellbeing.<sup>11</sup> A city that compels residents to live under continuous acoustic stress is not truly sustainable. Quiet is part of urban infrastructure. It may not be visible like drainage or electricity lines, but it shapes learning, sleep, recovery, productivity and mental balance. Nigeria's urban policy must therefore treat sound management as part of livability, not as a minor regulatory afterthought.

### 3. IMPLICATIONS OF NOISE POLLUTION

#### 3.1 Noise as a Public Health Risk

The most damaging misconception about noise pollution is that it is simply irritating. Scientific literature shows that noise exposure can trigger both auditory and non-auditory effects. Auditory effects include temporary or permanent hearing loss and tinnitus. Non-auditory effects include sleep disturbance, annoyance, stress responses, hypertension, cardiovascular disease, impaired cognition and mental health strain.<sup>12</sup> These outcomes matter for law because environmental regulation is justified not only by visible damage but also by credible risk. The absence of smoke or waste does not make noise harmless.

The World Health Organization's environmental noise guidance reflects growing evidence that excessive noise increases risks of ischaemic heart disease, hypertension, sleep disturbance, hearing impairment, tinnitus and cognitive impairment, with emerging evidence for adverse birth outcomes and mental health impacts.<sup>13</sup> Earlier WHO work estimated substantial healthy life years lost from traffic related noise in Western Europe alone, showing that noise can impose a measurable disease burden even in societies with stronger data systems than Nigeria.<sup>14</sup>

Nigeria lacks a comprehensive national burden of disease estimate for environmental noise. That absence of data should not be mistaken for absence of harm. Indeed, it may show a policy gap. Where residents complain of sleeplessness, fatigue, irritation, stress, poor concentration and elevated blood pressure in noisy environments, law and public health agencies should not dismiss the experience because national statistics are incomplete. The better approach is more precautionary measures and integrate environmental noise into health surveillance.

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<sup>11</sup> United Nations General Assembly, Transforming Our World: The 2030 Agenda for Sustainable Development, UNGA Res 70/1 (25 September 2015), Goals 3, 11 and 16.

<sup>12</sup> Mathias Basner and others, 'Auditory and Non-Auditory Effects of Noise on Health' (2014) 383 *Lancet* 1325.

<sup>13</sup> World Health Organization, 'Guidance on Environmental Noise' (WHO Compendium on Health and Environment, 2024 update) <<https://www.who.int/tools/compendium-on-health-and-environment/environmental-noise>> accessed 7 May 2026.

<sup>14</sup> L Fritschi and others, Burden of Disease from Environmental Noise: Quantification of Healthy Life Years Lost in Europe (WHO Regional Office for Europe 2011).

### 3.2 Hearing Loss and Tinnitus

Hearing is not only a biological function. It is central to communication, education, work, safety and social participation. Prolonged exposure to excessive sound can damage the inner ear and contribute to noise induced hearing loss. The damage may be gradual, and people may not immediately connect it with everyday exposure. In Nigerian cities, occupational and environmental sources often overlap. A trader exposed to traffic noise throughout the day may return home to generator noise at night. A student may pass through loud transport hubs, study near a noisy road and sleep beside a generator. The law must take cumulative exposure seriously.

Tinnitus, often experienced as ringing or buzzing in the ear without an external source, is another possible consequence of excessive noise exposure. It may produce anxiety, irritation, poor sleep and difficulty concentrating. Where urban policy tolerates unnecessary noise, it effectively transfers the cost of commercial, religious and transport activities to the bodies of residents. Public health agencies should therefore treat hearing protection as part of urban environmental policy, not only as workplace safety.<sup>15</sup>

### 3.3 Sleep Disturbance, Stress and Cardiovascular Risk

Sleep is one of the clearest points at which noise pollution becomes a rights and health issue. Night-time noise interrupts rest, recovery, memory consolidation and emotional regulation. Repeated sleep disturbance may increase irritability, reduce productivity, weaken learning and contribute to broader health problems. The WHO Night Noise Guidelines emphasise that night exposure deserves special protection because sleep is a biological necessity and because people are less able to control exposure while asleep.<sup>16</sup>

Cardiovascular risk is very obvious because it links noise with serious non communicable disease. Studies associate environmental noise with hypertension and ischaemic heart disease, partly through stress pathways and sleep disruption.<sup>17</sup> In Nigeria, where hypertension and cardiovascular disease already present major public health concerns, noise control should be integrated into prevention strategies. It is not enough to tell citizens to eat better and exercise more while allowing their living environments to produce continuous stress. The stress effect of noise is not confined to extreme decibel levels. Persistent unwanted sound may produce annoyance, tension and a sense of loss of control. In dense neighborhoods, residents may feel trapped because they cannot sleep, complain effectively or relocate. This helplessness is itself a public health concern. The law should therefore focus not only on maximum levels, but also on duration, timing, recurrence and vulnerability of the receptor.

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<sup>15</sup> O F Orikpete and others, 'A Review of Noise Management Practice in Nigeria' (2023) Environmental Science and Sustainable Development <<https://press.ierek.com/index.php/ESSD/article/view/931>> accessed 7 May 2026.

<sup>16</sup> World Health Organization Regional Office for Europe, *Night Noise Guidelines for Europe* (WHO 2009) 109-111.

<sup>17</sup> Wolfgang Babisch, 'Updated Exposure-Response Relationship between Road Traffic Noise and Coronary Heart Diseases: A Meta-Analysis' (2014) 15 Noise and Health 1.



### 3.4 Cognitive, Educational and Productivity Effects

Noise has special implications for children and education. Learning requires attention, comprehension and memory. Schools located near highways, markets, religious centers, airports, motor parks or construction sites may expose pupils to conditions that undermine concentration. The effect is not always dramatic, but it is cumulative. A child who repeatedly struggles to hear the teacher or focus during lessons is placed at a disadvantage. Research reviewed for WHO environmental noise guidelines identifies links between environmental noise and cognitive outcomes in children.<sup>18</sup>

Adults also suffer productivity losses. A trader who sleeps poorly may work less effectively. A lawyer, teacher, nurse, driver, factory worker or civil servant exposed to constant noise may experience fatigue and irritability. Noise can reduce workplace concentration and increase conflict in shared residential compounds. These effects carry economic costs that are rarely counted. The Nigerian policy debate often treats noise control as a moral or religious controversy, even though it is also an economic productivity issue. Nigerian empirical studies, though uneven in scope, point in the same direction. *Akinsiku's* study of selected Lagos residential areas identified high noise levels and reported health effects including annoyance, stress, fatigue, sleep disturbance, high blood pressure and aggression among neighbours.<sup>19</sup> Other Nigerian studies have connected urban noise with traffic, generators, commercial activity and perceived health challenges.<sup>20</sup> These materials justify stronger integration of noise control into education, health, housing and transport policy.

### 3.5 Vulnerable Groups and Environmental Inequality

The burden of noise is not evenly shared. Children, the elderly, pregnant women, hospital patients, persons with hearing conditions, persons with mental health difficulties and low-income residents are particularly vulnerable. In hospitals, excessive noise may interfere with recovery. In schools, it may undermine learning. In homes for the aged, it may produce anxiety and sleep disruption. The NESREA Regulations reflect this sensitivity by prescribing lower general environmental limits for hospitals, convalescent homes, homes for the aged, sanatoria, institutions of higher learning, conference rooms, public libraries and recreational sites.<sup>21</sup>

Environmental inequality is also spatial. Low-income communities often sit beside roads, markets, industrial activities and informal transport nodes. They may lack insulation, secure tenancy or political influence. Where enforcement is complaint driven, those with less voice suffer more. A rights sensitive noise policy must therefore move beyond the individual complainant model. It

<sup>18</sup> C Clark and others, 'WHO Environmental Noise Guidelines for the European Region: A Systematic Review on Environmental Noise and Cognition' [2018] 15 *International Journal of Environmental Research and Public Health* 285.

<sup>19</sup> O E Akinsiku, 'Sources, Impact and Resident Perceptions of Noise Pollution in Selected Residential Areas of Lagos State, Nigeria' [2025] *Journal of Engineering Research*.

<sup>20</sup> C F Akinnubi and others, 'Assessment of Noise Pollution and Perceived Health Challenges among Residents in Lagos State, Nigeria' [2020] *European Journal of Education Studies*.

<sup>21</sup> National Environmental (Noise Standards and Control) Regulations 2009, First Schedule, Tables I, V, VI and VII.

should identify hotspots, publish noise maps, priorities sensitive receptors and intervene proactively in communities where residents are least able to protect themselves.

## 4. NIGERIAN LEGAL AND INSTITUTIONAL FRAMEWORK

### 4.1 The Nigerian Constitutional

The Nigerian Constitution does not contain an express justiciable right to a healthy environment in Chapter IV. However, section 20 directs the State to protect and improve the environment and safeguard the water, air, land, forest and wildlife of Nigeria.<sup>22</sup> Although section 20 is located in Chapter II and is subject to the non-justiciability limitation in section 6(6)(c), it remains constitutionally important. It guides legislative policy, administrative discretion and judicial interpretation. Environmental governance is not outside constitutional concern merely because its clearest textual statement is in Chapter II.

Noise pollution may also implicate justiciable rights. Excessive noise can interfere with life, dignity, privacy and the peaceful enjoyment of home. Sections 33, 34 and 37 therefore provide possible rights-based entry points, especially where state inaction allows persistent harmful exposure. Section 45 permits reasonable restrictions on certain rights in the interest of public order, public morality or public health. This matters when enforcement touches religious or expressive activities. Freedom of religion and expression are protected, but they may be regulated to protect the health and rights of others.

Nigerian environmental rights jurisprudence has not yet developed a rich noise pollution line of cases. However, cases such as *Gbemre* and *Centre for Oil Pollution Watch* demonstrate that Nigerian courts can connect environmental harm with rights, standing and accountability where the facts justify intervention.<sup>23</sup> The African Commission's decision in *SERAC v Nigeria* is also instructive because it recognizes environmental degradation as capable of violating health, housing, food and peoples' rights.<sup>24</sup> Noise pollution should be understood within this larger movement from environmental discretion to environmental accountability.

### 4.2 NESREA Act 2007 and Federal Environmental Enforcement

The NESREA Act 2007 establishes the National Environmental Standards and Regulations Enforcement Agency as the federal institution responsible for enforcing environmental standards, regulations, rules, laws, policies and guidelines.<sup>25</sup> Its creation marked a significant shift in federal environmental regulation after the repeal of the Federal Environmental Protection Agency framework. Scholars such as Ladan have described the NESREA Act and associated regulations as an important new phase in environmental compliance and enforcement in Nigeria.<sup>26</sup> The crucial

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<sup>22</sup> Constitution of the Federal Republic of Nigeria 1999 (as amended), s 20, 33, 34, 37 and 45.

<sup>23</sup> *Gbemre v Shell Petroleum Development Company Nigeria Ltd and Others* (2005) AHRLR 151 (NgHC 2005).

<sup>24</sup> *Social and Economic Rights Action Centre (SERAC) and Another v Nigeria* (2001) AHRLR 60 (ACHPR 2001).

<sup>25</sup> National Environmental Standards and Regulations Enforcement Agency (Establishment) Act 2007, s 1, 7, 8, 22 and 34.

<sup>26</sup> Muhammed Tawfiq Ladan, 'Review of NESREA Act 2007 and Regulations 2009-2011: A New Dawn in Environmental Compliance and Enforcement in Nigeria' [2012] 8 *Law, Environment and Development Journal* 116.



point is that NESREA is empowered to make and enforce standards for environmental quality, including noise control. The Agency's role is not merely advisory. It is expected to set standards, monitor compliance, enforce regulations and coordinate environmental protection. In practice, however, federal enforcement alone cannot manage the everyday noise conflicts of Nigerian cities. Noise is local, immediate and recurring. A nightclub operating at midnight, a loudspeaker in a motor park, a generator in a compound and a construction site beside a school require local presence. This is why federal standards must be complemented by strong state and local implementation.

Federalism creates both opportunity and difficulty. National standards promote uniformity and prevent a race to the bottom. State enforcement promotes proximity and responsiveness. However, where responsibilities are unclear, agencies may duplicate efforts or leave gaps. Effective noise governance should therefore define federal, state and local roles clearly. NESREA should lead on national standards, technical protocols, inter-state issues, national data, industrial sources and federal facilities. States should lead on urban enforcement, complaints, premises control, public enlightenment and integration with planning. Local governments should support community reporting, market management, motor park control and neighbourhood mediation.

#### **4.3 National Environmental (Noise Standards and Control) Regulations 2009**

The National Environmental (Noise Standards and Control) Regulations 2009 are the central Nigerian legal instrument on environmental noise. Their objectives include maintaining a healthy environment, protecting tranquillity and psychological wellbeing, prescribing maximum permissible noise levels, providing control and mitigation measures and giving effect to the NESREA Act.<sup>27</sup> The Regulations are important because they translate the general idea of noise control into enforceable categories and standards.

The First Schedule prescribes maximum permissible levels for the general environment. It sets lower limits for sensitive facilities such as hospitals, homes for the aged, sanatoria, institutions of higher learning, conference rooms, public libraries and recreational sites; residential buildings; mixed residential areas such as residential-industrial-commercial areas and industrial areas.<sup>28</sup> The same Schedule also addresses factories and workshops, impulsive noise, construction sites, public announcement systems, places of entertainment, places of worship, accelerating vehicles, mines and quarries. This breadth is commendable. It recognizes that urban noise is multi-source and cannot be regulated by a single rule.

The Regulations also impose a duty to control noise. Owners or occupiers of machinery, industry, mines or other facilities must undertake measurements within the facility and ambient environment using approved noise level meters and submit data to the Agency at intervals determined by the Agency.<sup>29</sup> This provision is potentially powerful because it shifts part of the monitoring burden to

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<sup>27</sup> National Environmental (Noise Standards and Control) Regulations 2009, reg 1.

<sup>28</sup> National Environmental (Noise Standards and Control) Regulations 2009, First Schedule, Tables I, V, VI and VII.

<sup>29</sup> National Environmental (Noise Standards and Control) Regulations 2009, regs 1-5 and First Schedule.



regulated entities. However, its practical effect depends on regular enforcement, availability of meters, credibility of data, independent audits and consequences for false or absent reporting.

The enforcement framework includes complaints by any person, investigation, reasonable steps to abate or control noise, improvement notices, power to require noise audits, power to stop or restrict noise, and power to confiscate machinery in appropriate cases.<sup>30</sup> The Regulations also state that a complainant need not prove personal loss, injury or discomfort. This is an important public interest element because noise pollution affects communities, and proof of individual medical injury may be difficult or expensive. Nevertheless, enforcement remains vulnerable if agencies lack personnel, equipment, laboratory support, transport, political backing and accessible complaint channels.

Ogboru's critique of the Regulations remains useful. He argues that certain provisions may impede the realization of their objective, including broad permitting for noise beyond permissible limits and time frame difficulties that may not sufficiently reflect Nigerian realities.<sup>31</sup> That critique does not diminish the value of the Regulations. Rather, it shows the need for review, clarification and stronger implementation. A regulation drafted in 2009 must be updated for a Nigeria of denser cities, widespread generator use, digital sound amplification, expanding nightlife economies and more sophisticated public health evidence.

#### 4.4 Lagos State Framework and LASEPA Practice

Lagos provides the most visible state level example of noise regulation in Nigeria. The Lagos State Environmental Management and Protection Law 2017 and the Lagos State Environmental (Noise Standards and Control) Regulations 2014 form part of the state framework. Under the Part VI of the 2017 Law, section 177 prohibits noise pollution in private and public places, and section 199 empowers LASEPA to make enforceable regulations concerning noise standards and control noise to prevent adverse psychological and physiological effects of noise.<sup>32</sup>

LASEPA also maintains a Noise Control Department whose stated functions include investigating and resolving complaints on noise pollution from industrial, commercial and residential areas, mediating environmental disputes, sensitizing the public on noiseless Lagos and representing the agency in inter-ministerial meetings on noise pollution control.<sup>33</sup> Its regulatory services page lists the Lagos State Environmental (Noise Standards and Control) Regulations 2014 among the state's domesticated environmental regulations.<sup>34</sup>

<sup>30</sup> National Environmental (Noise Standards and Control) Regulations 2009, regs 10-13 and Second Schedule.

<sup>31</sup> Tolulope Ogboru, 'Addressing Concerns in the Control of Noise Pollution under National Environmental (Noise and Control) Regulations 2009' (2023) *University of Ibadan Law Journal* 97.

<sup>32</sup> Lagos State Environmental Management and Protection Law 2017, Part VI and ss 177 and 199, as summarized by Lagos State Environmental Protection Agency, 'Departments: Noise Control Department' <<https://lasepa.gov.ng/departments/>> accessed 7 May 2026.

<sup>33</sup> Lagos State Environmental Protection Agency, 'Departments: Noise Control Department' <<https://lasepa.gov.ng/departments/>> accessed 7 May 2026.

<sup>34</sup> Lagos State Environmental Protection Agency, 'Environmental Law and Regulatory Services' <<https://lasepa.gov.ng/laws-and-services/>> accessed 7 May 2026.



The Lagos experience shows both seriousness and limits. In 2023, LASEPA reportedly stated that noise pollution constituted 81.8 per cent of environmental complaints received yearly by the agency.<sup>35</sup> In 2025, it was reported that Lagos shut 528 organizations, including religious centers, for noise pollution in 2024.<sup>36</sup> In May 2026, LASEPA reportedly sealed more than 40 facilities in one week for violating noise pollution regulations.<sup>37</sup> These figures suggest that Lagos has not ignored the problem. They also reveal that enforcement alone has not also produced durable compliance. A purely seal-and-reopen model may create temporary deterrence but not lasting culture change. Facilities may reduce noise briefly, negotiate reopening, and return to old habits. The better approach is technical assessment, compliance plan, installation of soundproof, time restrictions, permit review, community engagement, administrative penalties, public listing of repeat offenders and eventual closure for serial non-compliance. Enforcement must be firm but it must also be designed to produce acoustic reform.

#### **4.5 Environmental Impact Assessment, urban planning and building control**

The Environmental Impact Assessment Act requires environmental assessment before certain public or private projects likely to have significant environmental effects are undertaken.<sup>38</sup> Noise should be treated as a material impact in projects such as highways, airports, rail lines, industrial estates, event centers, markets, power plants and major construction developments. However, EIA practice in Nigeria often gives more visible attention to air, water, waste and social impacts than to acoustic effects. This is a gap that should be filled by express noise impact requirements.

Urban and regional planning law is equally important. Noise conflicts often arise because incompatible uses are placed too close together. Planning approvals should ask acoustic questions before conflict begins. Should a nightclub be approved beside a residential building? Should a large entertainment and event center be permitted without parking, insulation and sound control? Should a school be sited beside a heavy traffic corridor without noise barriers? Should residential estates be allowed to install large generators without acoustic enclosures? These questions cannot be answered effectively after construction. They are issues to be addressed at the planning stage.<sup>39</sup>

Building control also matters. Nigerian cities need acoustic design rules for schools, hospitals, event centers, hotels, clubs, factories and high-density residential buildings. Soundproofing should not be mandatory for facilities that generate significant noise. It should be a condition of approval and operation. Residential buildings near major roads and planning authorities should encourage design measures such as setbacks, vegetation buffers, double glazing, orientation of bedrooms away from noise sources and use of sound absorbing materials where feasible.

<sup>35</sup> NAN, 'Noise pollution constitutes 81.8% environmental complaints yearly - LASG' *The Guardian* (Lagos, 11 May 2023).

<sup>36</sup> Gbenga Salau, '2024: Lagos shuts 528 organizations, religious centers for noise pollution' *The Guardian* (Lagos, 7 January 2025).

<sup>37</sup> S Jacob, 'LASEPA Seals 40 Facilities Over Noise Pollution in Lagos' *Nigeria Info FM* (Lagos, 4 May 2026).

<sup>38</sup> Environmental Impact Assessment Act Cap E12 Laws of the Federation of Nigeria 2004, s 1-4.

<sup>39</sup> Nigerian Urban and Regional Planning Act Cap N138 Laws of the Federation of Nigeria 2004, ss 1-6; Lagos State Urban and Regional Planning and Development Law 2019.

#### 4.6 Common law nuisance and private remedies

Apart from statutory regulation, noise pollution may be addressed through the common law of nuisance. Private nuisance protects the use and enjoyment of land against unreasonable interference. Excessive noise from neighbouring premises may qualify where it is substantial, unreasonable and persistent. Public nuisance may also arise where noise affects a class of the public. The attraction of nuisance is that it gives affected persons a direct civil remedy. Its weakness is that litigation is expensive, slow and often unsuitable for low-income residents who need urgent relief.<sup>40</sup> Nuisance law is nevertheless vital because it expresses a moral principle as property use is relational. A person may use property for business, entertainment or recreation, but not in a manner that unreasonably destroys another person's peaceful enjoyment. Nigerian courts should be open to injunctions, damages and restorative orders in appropriate noise cases. However, litigation should complement, not replace, administrative enforcement. The ordinary resident should not need to file a High Court action before sleeping at night.

### 5. REGIONAL LEGAL FRAMEWORK

#### 5.1 African human rights and environmental governance

The African Charter on Human and Peoples' Rights provides a regional framework for environmental health. Article 16 protects the right to health, while article 24 protects the right of peoples to a general satisfactory environment favourable to their development.<sup>41</sup> These provisions are broad enough to include protection against serious urban noise exposure where such exposure impairs health and development. *SERAC v Nigeria* confirms that African human rights law imposes duties on states to prevent pollution, regulate private actors and protect communities from environmental harm.<sup>42</sup>

ECOWAS environmental policy also supports preventive and participatory environmental management, even though it does not create detailed noise rules for Nigerian cities.<sup>43</sup> The African lesson is that environmental protection must be localized. Regional rights and policies provide values while domestic institutions must convert those values into monitoring, standards, enforcement and remedies. Nigeria can therefore treat noise control as part of its obligation to realize healthy, dignified and sustainable urban life.

#### 5.2 European Union and United Kingdom lessons

The European Union's Environmental Noise Directive is more adequate because it treats environmental noise as a matter of mapping, public information and action planning. It requires strategic noise maps and action plans for major roads, railways, airports and agglomerations.<sup>44</sup> The

<sup>40</sup> *Bamgboye v Olarewaju* (1991) 4 NWLR (Pt 184) 132 (CA) on nuisance principles; *Cambridge Water Co Ltd V Eastern Counties Leather Plc* [1994] 2 AC 264 (HL).

<sup>41</sup> African Charter on Human and Peoples' Rights (adopted 27 June 1981, entered into force 21 October 1986) arts 16 and 24.

<sup>42</sup> *Social and Economic Rights Action Centre (SERAC) and Another v Nigeria* (2001) AHRLR 60 (ACHPR 2001).

<sup>43</sup> ECOWAS, Supplementary Act A/SA.4/12/08 adopting Community Environmental Policy (19 December 2008), arts 2-4.

<sup>44</sup> Directive 2002/49/EC of the European Parliament and of the Council relating to the assessment and management of environmental noise [2002] OJ L189/12.



lesson for Nigeria is not that EU thresholds should be copied mechanically. The lesson is that noise cannot be managed only through complaints. Cities need data. Without maps, regulators chase individual offenders while missing structural hotspots.

The United Kingdom combines statutory nuisance controls with local authority powers. Under the Environmental Protection Act 1990, noise emitted from premises may constitute a statutory nuisance, and local authorities may serve abatement notices. The Noise Act 1996 further addresses night noise from dwellings and premises.<sup>45</sup> The useful lesson is local administrative responsibility. Noise control works best when there is a nearby public authority with clear power, equipment and duty to respond. Nigeria's local governments and state agencies need a similar practical role, adapted to constitutional and institutional realities.

### 5.3 India and South Africa lessons

India's Noise Pollution (Regulation and Control) Rules 2000 provide a helpful model for zone based limits, silence zones around sensitive institutions, restrictions on loudspeakers and public address systems, and time limits for night use.<sup>46</sup> India is valuable as a comparator because it is a large, noisy, religiously diverse and densely populated society where courts and regulators have had to balance night clubs, festivals, commerce and sleep. Nigeria can draw from the Indian approach by strengthening silence zones around hospitals, schools, courts and residential areas, while allowing reasonable exceptions subject to permits and strict time limits.

South Africa's framework links noise governance with environmental management and local regulation. The National Environmental Management such as Air Quality Act recognises noise control powers, while provincial and municipal regulations may set detailed rules.<sup>47</sup> The South African lesson is the importance of aligning national standards with local implementation and constitutional environmental rights. Nigeria's lack of an express justiciable environmental right makes this harder, but not impossible. Statutory reform and judicial creativity can still provide effective protection.

## 6. CONCLUSION

Noise pollution in Nigerian cities is a serious environmental and public health problem. It is easy to overlook because it is transient, culturally complicated and often normalized as part of urban life even though the human body does not treat excessive noise as harmless. It affects sleep, concentration, hearing, stress, cardiovascular risk, productivity and quality of life. For children, patients, elderly persons and low-income residents, the stress may be very severe. The Nigerian legal framework contains important tools. The Constitution provides environmental and rights-based values. The NESREA Act establishes federal enforcement capacity. The National

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<sup>45</sup> Environmental Protection Act 1990 (UK), s 79-82; Noise Act 1996 (UK).

<sup>46</sup> Noise Pollution (Regulation and Control) Rules 2000 (India), rules 3-8 and Schedule.

<sup>47</sup> National Environmental Management: Air Quality Act 39 of 2004 (South Africa), ss 34-36; Western Cape Noise Control Regulations 2013.



Environmental (Noise Standards and Control) Regulations 2009 prescribe standards, duties, complaint mechanisms and enforcement powers. Lagos State has developed a visible state level framework and enforcement practice. Common law nuisance and African human rights principles add further support. The real challenge is not total legal absence, but regulatory fragmentation, weak monitoring, limited data, outdated standards, poor integration with planning and public health, generator dependence, entertainment contexts and uneven enforcement.

The way forward is not a campaign against sound. It is a campaign for responsible sound. Nigerian cities must remain lively, expressive and economically active, but they must not become acoustically hostile. The law should support commerce without sacrificing sleep, permit construction without ignoring health, and encourage urban growth without creating permanent noise injury. A healthier sound environment is part of sustainable development. It is also part of human dignity. A credible reform programme should review the 2009 Regulations, adopt a national noise policy, create city noise maps, strengthen state and local enforcement, integrate noise into EIA and planning, protect quiet zones, regulate generators, develop sector-specific codes, support public health surveillance, expand community mediation and improve access to justice. If these reforms are pursued with consistency, Nigeria can move from occasional sealing of noisy premises to a culture of preventive acoustic governance. The goal is not silence. The goal is a city where people can live, learn, work, celebrate and rest without preventable harm.

The Federal Ministry of Environment and NESREA should commence an evidence-based review of the National Environmental (Noise Standards and Control) Regulations 2009, with participation from states, public health experts, acoustic engineers, entertainment operators, transport unions, civil society and academia. Again, Nigeria should adopt a national noise pollution policy that defines institutional responsibilities and links noise control with health, transport, energy, planning, housing and education. In addition, major Nigerian cities should prepare and publish strategic noise maps and action plans within a defined statutory timetable.

State environmental agencies should establish dedicated noise control units with calibrated meters, trained officers, standard operating procedures and public reporting duties. Environmental impact assessment and planning approval should expressly require noise impact assessment for roads, airports, rail, event centers, factories, hotels, clubs, markets and major construction projects. Quiet zones around schools, hospitals, courts, libraries and homes for the aged should be created and enforced through signage, traffic control, horn restrictions and public address restrictions. Crucially, sector specific codes should be developed for entertainment venues, transport hubs, construction sites and generators. Public health institutions should integrate noise exposure into hearing screening, school health programmes, occupational health outreach and community health surveillance. Complaint systems should be digital, accessible, transparent and supported by response timelines, mediation options and appeal channels. Nigerian courts and environmental tribunals should provide effective remedies for serious and repeated noise pollution, including injunctions, abatement orders, damages and costs against serial offenders.



## **7. RECOMMENDATIONS**

### **1. Review and Modernize the National Noise Control Framework**

The Federal Ministry of Environment and the National Environmental Standards and Regulations Enforcement Agency (NESREA) should undertake a comprehensive review of the National Environmental (Noise Standards and Control) Regulations 2009 to reflect current scientific knowledge, urban realities and international best practices. The review should involve state governments, public health experts, acoustic engineers, urban planners, transport operators, the entertainment industry, civil society and academia. It should also culminate in the adoption of a National Noise Pollution Policy that clearly defines institutional responsibilities and integrates noise management into environmental protection, public health, urban planning, transportation and energy policies.

### **2. Strengthen Monitoring, Enforcement and Urban Planning**

Federal, state and local authorities should establish dedicated noise control units equipped with calibrated sound level meters, trained personnel and standard operating procedures for monitoring and enforcement. Strategic noise mapping should be made mandatory for major cities, while environmental impact assessments and planning approvals should require comprehensive noise impact assessments for infrastructure projects, industries, entertainment facilities and commercial developments. Quiet zones around schools, hospitals, courts, libraries and residential neighbourhoods should be legally protected through enforceable restrictions on excessive noise.

### **3. Promote Preventive Public Health and Community Participation**

Noise pollution should be recognized as a significant public health concern by integrating noise exposure assessment into hearing conservation programmes, occupational health services, school health initiatives and community health surveillance. Governments should establish accessible digital complaint platforms with clear response timelines, mediation mechanisms and transparent reporting systems. Continuous public awareness campaigns should educate citizens, businesses and community organizations on the health effects of excessive noise and promote voluntary compliance with noise control standards.

### **4. Improve Access to Justice and Accountability for Noise Pollution**

Nigerian courts and environmental adjudicatory bodies should provide effective and timely remedies for victims of persistent noise pollution through injunctions, abatement orders, damages and other appropriate sanctions against repeat offenders. Sector-specific codes of practice should also be developed for construction sites, transport hubs, entertainment venues, markets and generator use to ensure compliance with acceptable noise limits. Consistent enforcement, coupled with meaningful penalties, will encourage preventive compliance and foster a culture of responsible acoustic governance that balances economic activity with the protection of public health and human dignity.