

CHAPTER 142

THE PHYSICAL PLANNING ACT

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CHAPTER 142

THE PHYSICAL PLANNING ACT

Commencement: 29 April, 2011

An Act to provide for the establishment of the National Physical Planning Board; to provide for the composition, functions and procedure of the Board; to provide for the establishment of district and urban physical planning committees; to provide for the making and approval of physical development plans and for applications for development permission and for related matters.

PART I—PRELIMINARY

1. Interpretation

In this Act, unless the context otherwise requires—

“advertisement” means any word, letter, device, model, sign, placard, board, notice or representation, whether illuminated or not, in the nature of and employed wholly or in part for the purpose of public communication and includes any hoarding or similar structure used or adapted for use for the display of the communication but does not include any communication displayed inside a building;

“area action plan” means a local plan intended to address specific development planning problems of a specific area;

“Board” means the National Physical Planning Board established under section 4;

“building” means any structure or erection on, in or under any land and any part of any structure or erection of any kind whatsoever whether permanent, temporary or movable, and whether completed or uncompleted;

“building operations” include any building or erection operations, rebuilding operations, structural alterations or additions to buildings and other similar operations and the making of access roads, railways, waterworks, sewerage and drainage works, electrical and telephone installations and any road works preliminary to, or incidental to, the erection of buildings;

“building works” include waste materials, refuse and other matters deposited on land and reference to the “erection” or “construction of building or works” shall be construed accordingly;

“currency point” has the value assigned to it in Schedule 1 to this Act;

“density of development” means the maximum amount of development permitted or the maximum number of persons permitted to reside on any area of land;

“detailed plan” means a subcounty physical development plan that operationalises the provisions of a structure plan;

“development” means—

- (a) the making of any material change in the use or density of any buildings or land or the subdivision of any land; and
- (b) the erection of buildings or works and the carrying out of building operations;

but does not mean—

- (i) the carrying out of works for the maintenance of, improvement or other alteration of, or addition to, any building where such alteration or addition does not exceed ten percent of the floor area of the building measured on the date this Act becomes applicable to the area in which that building or land is situated;
- (ii) the carrying out, by a competent authority, of any works required for the construction, maintenance or improvement of a road, if the works are carried out on land within the road reserves; or
- (iii) the carrying out, by any local government or statutory body, of any works for the purpose of inspecting, repairing or renewing any sewers, mains, pipes, cables or other apparatus, including breaking open of any street for that purpose and the installation of services by the local government or statutory body, where the local government or statutory body, within seven days, after completion of works carried out, restores the site to conditions that would not be injurious to users and the environment;

“development application” means an application made under section 36 for permission to develop land;

“development permission” means a development permission granted under section 35 by a local government to an applicant to develop land;

“district physical planner” means an officer responsible for physical planning in a district;

“district physical planning committee” means a committee established by section 10;

“dwelling” means a building or any part or portion of a building, used or constructed, adapted or designed to be used for human habitation, as a separate tenancy or by one family only, whether detached, semi-detached, or separated by party walls or floors from adjoining buildings or part or portion of the same building together with such out-buildings as are reasonably required to be used or enjoyed;

“enforcement notice” means a notice served by a local government under section 52 on an owner, occupier or developer of land, requiring that owner, occupier or developer to comply with the provisions of that section;

“existing building” or “existing works” means, respectively, a building or works erected, constructed or carried out before the date this Act becomes applicable to the area in which the building or works is situated, and includes a building or works commenced before, but completed after that date;

“land” includes any land covered with water, and any buildings or other things permanently attached to land, and any interest or right of easement in, to or over land;

“local government” includes—

- (a) a district council;
- (b) a city council;
- (c) a city division council;
- (d) a municipal council;
- (e) a municipal division council;
- (f) a town council; and
- (g) a subcounty council;

“local council” includes a local government council and an administrative unit council;

“subcounty physical development plan” means a plan for an area or part of an area of a city, municipal, town or urban council and includes a plan with reference to any trading centre, marketing centre or rural area;

“long-term plan” includes national, regional or district land use plans and urban structure plans, national, regional or district network plans for settlements, services, infrastructure and transportation;

- “lower local government” includes a municipality, town, division and subcounty council;
- “Minister” means the Minister responsible for physical planning;
- “national physical development plan” includes a land use plan, general or subject specific, developed to cover Uganda as a whole;
- “owner” means a person holding land under leasehold, mailo, freehold or customary tenure system and includes a lessee, tenant, spouse and agent;
- “physical planning committee” includes a district physical planning committee, urban physical planning committee and a division or subcounty physical planning committee;
- “regional physical development plan” means a physical development plan which covers more than one district;
- “road” means any way open to the public for the circulation of vehicles which is maintained by the Government or an administration and includes any street, square, court, alley, bridge, footway, path, passage or highway whether a thoroughfare or not;
- “safeguarding area” means any area adjoining any land owned or occupied by the armed forces of Uganda which is declared by the Minister by notice in the *Gazette* to be a safeguarding area for the purposes of this Act;
- “special planning area” means an area that has spatial, socio-economic, physical and development problems and potential and which is declared as such under section 26;
- “structure plan” means a broad development framework of a given area showing the proposed use of the various parts of an area and translating national and regional planning principles and guidelines into land use proposals;
- “subdivision” in relation to land means the dividing of land into two or more parts whether by conveyance, transfer or partition or for the purpose of sale, gift, lease or any other purpose;
- “subject plan” means a thematic plan that covers a particular subject, such as housing, transportation network or industrial development;
- “urban authority” includes a city, municipal, division and town council declared as such under the Local Governments Act;
- “urban physical planner” means an officer responsible for physical planning in an urban authority.

2. Right to clean and healthy environment

(1) Every Ugandan has a right to a clean and healthy environment in accordance with Article 39 of the Constitution.

(2) Subject to subsection (1), every Ugandan has a duty to create, maintain and enhance a well-planned environment.

(3) A person may, where the right referred to in subsection (1) is threatened as a result of an act or omission, by any person, which has or is likely to breach a physical development plan or physical planning standards or in the enforcement of the duty referred to in subsection (2), report to the relevant authorities or file a civil suit against the person whose act or omission has breached or is likely to breach a physical development plan or physical planning standards.

(4) A person proceeding under subsection (3) may file a civil suit notwithstanding that the person cannot prove that the act or omission of another person has caused or is likely to cause personal harm or injury.

3. Declaration of planning area

The entire country is declared a planning area and this Act shall apply to the entire country in all respects.

PART II—NATIONAL PHYSICAL PLANNING BOARD

4. Establishment of National Physical Planning Board

(1) There is established the National Physical Planning Board which shall be the highest body responsible for physical planning in Uganda.

(2) The Board is a body corporate with perpetual succession and a common seal and may, for the purposes of discharging its functions under this Act

- (a) acquire, hold and dispose of movable and immovable property;
- (b) sue and be sued in its corporate name; and
- (c) do all acts and things as a body corporate may lawfully do.

(3) The Board shall be appointed by the Minister on such terms and conditions as the Minister may determine.

(4) The Minister shall appoint the chairperson of the Board from among the members.

(5) At least one-third of the members of the Board shall be women.

(6) The members of the Board may be paid remuneration or allowances approved by the Minister, in consultation with the Minister responsible for finance and the Minister responsible for public service.

(7) The proceedings of the Board shall be in accordance with Schedule 2 to this Act.

5. Tenure of office of members of Board

(1) The members of the Board shall hold office for four years and are eligible for re-appointment for one further term.

(2) A member appointed to the Board may, at any time, before the expiry of his or her term, resign his or her office in writing signed by him or her, addressed to the Minister.

- (3) A member may be removed from office by the Minister
- (a) for inability to perform his or her functions arising from infirmity of body or mind;
 - (b) if he or she is convicted of an offence involving fraud, dishonesty or moral turpitude;
 - (c) if he or she is adjudged or otherwise declared to be an insolvent or bankrupt under any law in force in Uganda or elsewhere and has not been discharged;
 - (d) for misbehaviour or misconduct;
 - (e) if he or she does not attend three or more consecutive meetings of the Board without showing in writing to the Minister, good cause for his or her absence; or
 - (f) for incompetence.

(4) Where a member of the Board dies, resigns, or is removed from office, or for any other reason ceases to hold office before the expiration of

his or her term of office, the Minister may appoint another person qualified to be appointed, to take his or her place and the person so appointed shall hold office until the expiration of the term of office of the member he or she is replacing.

6. Functions of Board

- (l) The functions of the Board are—
- (a) to cause to be prepared national and regional physical development plans for the orderly and sustainable development of Uganda;
- (b) to ensure the coordination of the preparation of physical development plans made by local governments;
- (c) to hear and determine an appeal lodged by a person or local government aggrieved by the decision of a physical planning committee;
- (d) to determine and resolve physical planning matters referred to it by physical planning committees;
- (e) to advise the Government on all matters relating to physical planning and urban development, including physical planning policies and physical planning standards;
- (f) to study and give guidance and recommendations on issues relating to physical planning which transcend more than one local government for purposes of coordination and integration of physical development planning;
- (g) to approve urban or district physical development plans;
- (h) to recommend to the Minister, regional and national physical development plans for approval by Cabinet;
- (i) to advise the Minister responsible for local governments on the declaration and upgrading of urban authorities and cities;
- (j) to advise the Minister on the declaration of special planning areas;
- (k) to monitor and evaluate the implementation of physical development plans;
- (l) to ensure the implementation of local government physical development plans;
- (m) to ensure the integration of physical planning with social and economic planning at the national and local government levels;
- (n) to exercise general supervisory powers over all physical planning committees;

- (o) to coordinate physical planning related activities in Uganda to ensure the orderly and sustainable development of human settlements in rural and urban areas;
 - (p) to sensitise the public on matters of physical planning;
 - (q) to issue guidelines to ensure effective participation and engagement of the public in physical planning; and
 - (r) to cause to renew urban areas and improve slums and other informal settlements.
- (2) The Board shall, to the greatest extent possible and consistent with this Act, consult and cooperate with Ministries, departments and agencies of Government including the Uganda Police Force and other agencies having duties, aims or functions related to those of the Board.
- (3) It shall be the duty of any organisation to which subsection (2) relates to cooperate with the Board in the carrying out of its functions under this Act.

7. Powers of Board

- (1) The Board may, in the performance of its functions, exercise and discharge the following powers—
- (a) control, supervise and administer the assets of the Board in such manner and for such purposes to promote the purpose for which the Board is established;
 - (b) conduct any investigation or inquiry relevant to physical planning development in Uganda;
 - (c) issue guidelines, directives or instructions to physical planning committees for the proper conduct of physical planning and urban development;
 - (d) order the demolition of any building or structure constructed in contravention of this Act; and
 - (e) delineate the planned area by pegs or any other appropriate form of visible delineation.
- (2) The Board may, by instrument of delegation, delegate to the Chairperson, a member of the Board or an officer of the Board, any of the powers, duties or functions of the Board under this Act.

Secretariat and Staff of Board

8. Secretariat of Board

(1) The Board shall have a Secretariat which shall be headed by an Executive Director.

(2) The Executive Director shall be appointed by the Board on terms and conditions specified in the instrument of appointment.

(3) The Executive Director shall be a person of high moral character and proven integrity, with qualifications and experience in physical planning and with experience and competence to manage the affairs of the Board.

(4) The Executive Director shall be the secretary to the Board.

(5) The Executive Director shall hold office for five years and is eligible for re-appointment for one further term only.

(6) The Executive Director shall cease to hold office if—

- (a) he or she resigns;
- (b) he or she is declared bankrupt or insolvent, or has made an arrangement with his or her creditors;
- (c) he or she is convicted of an offence and sentenced to imprisonment for six months or more by a competent court in Uganda or outside Uganda without the option of a fine; or
- (d) he or she is removed from office by the Board for—
 - (i) inability to perform the functions of his or her office arising from infirmity of body or mind;
 - (ii) abuse of office;
 - (iii) misbehaviour or misconduct; or
 - (iv) incompetence.

(e) The Board may, on the advice of the Executive Director, appoint other officers and staff of the Board as may be necessary for the effective performance of the functions of the Board.

(8) The employees appointed under this section shall hold office on such terms and conditions as the Board may determine and specify in their instruments of appointment.

9. Functions of Executive Director

(1) The Executive Director is responsible for the day-to-day operations and administration of the Board.

(2) Subject to this Act and to the general supervision of the Board, the Executive Director shall—

- (a) implement the policy decisions of the Board;
- (b) be responsible for the control of the staff of the Board;
- (c) arrange the business of the Board, record and keep the minutes of all decisions and proceedings of the Board at its meetings and any other records of the Board;
- (d) ensure the proper management of the funds and property of the Board;
- (e) develop strategic plans to guide the Board in achieving its objectives;
- (f) develop an economic, efficient and cost-effective internal management structure for approval by the Board; and
- (g) perform any other function which may be assigned to him or her by the Board.

(3) The Executive Director is, in the performance of his or her functions, answerable to the Board.

**PART III—DISTRICT, URBAN AND SUBCOUNTY PHYSICAL
PLANNING COMMITTEES**

District physical planning committee

10. Establishment of district physical planning committee

Each district council shall establish a district physical planning committee, which shall consist of—

- (a) the chief administrative officer of the district, who shall be the chairperson;
- (b) the district physical planner who shall be the secretary;
- (c) the district surveyor;
- (d) the district roads engineer;
- (e) the district education officer;
- (f) the district agricultural officer;

- (g) the district water engineer;
- (h) the district community development officer;
- (i) the district medical officer;
- (j) the clerks of all urban and town councils within the district;
- (k) the district environment officer;
the natural resources officer; and
- (m) a physical planner in private practice appointed by the council on the advice of the Executive Director.

11. Functions of district physical planning committee

The functions of a district physical planning committee are

- (a) to prepare district physical development plans, through its officers, agents or any qualified physical planners;
- (b) to recommend to the Board development applications for change of land use;
- (c) to recommend to the district council subdivision of land which may have a significant impact on contiguous land or be in breach of any condition registered against a title deed in respect of such land;
- (d) to approve development applications relating to housing estates, industrial location, schools, petrol stations, dumping sites or sewerage treatment, which may have injurious impact on the environment as well as applications in respect of land adjoining or within a reasonable vicinity of safeguarding areas;
- (e) to hear appeals lodged by persons aggrieved by decisions made by the district physical planner and lower subcounty physical planning committees under this Act;
- (f) to ensure the integration of physical planning into the three year integrated development plan of the district;
- (g) to exercise supervisory powers over all lower physical planning committees;
- (h) to ensure integration of social, economic and environmental plans into the physical development plans;
- (i) to recommend to the district council, district physical development plans for approval by the Board;
- (j) to recommend to the district council the approval of subcounty physical development plans.

*Urban physical planning committees***12. Establishment of urban physical planning committees**

Each urban authority shall establish an urban physical planning committee which shall consist of—

- (a) the town clerk, who shall be the chairperson;
- (b) the urban physical planner, who shall be the secretary;
- (c) the city, municipal or town engineer;
- (d) city, municipal or town environmental officer;
- (e) a land surveyor;
- (f) an architect; and
- (g) the officer responsible for public health.

13. Functions of urban physical planning committee

The functions of the urban physical planning committee are to—

- (a) prepare urban physical development plans and detailed plans;
- (b) recommend development applications to the Board for change of land use;
- (c) recommend to the urban council, subdivision of land which may have significant impact on contiguous land or be in breach of any condition registered against a title deed in respect of the land;
- (d) determine development applications relating to industrial location, dumping sites or sewerage treatment which may have injurious impact on the environment as well as applications in respect of land adjoining or within a reasonable vicinity of safeguarding areas;
- (e) hear and determine appeals made against decisions of the urban physical planner or subordinate local authorities; and
- (f) recommend to the appropriate urban authority, urban physical development plans for approval by the Board.

*Subcounty physical planning committee***14. Establishment of subcounty physical planning committees**

(1) Each subcounty council shall establish a subcounty physical planning committee which shall consist of—

- (a) the subcounty chief, who shall be the chairperson;

- (b) the district physical planner, or his or her representative, who shall be the secretary to the committee;
- (c) the community development officer;
- (d) the officer responsible for public health at the subcounty;
- (e) the officer responsible for agriculture at the subcounty; and
- (f) the district natural resources officer or his or her representative.

(2) The parish chief shall ensure that each house is built in accordance with the site plan issued.

15. Functions of subcounty physical planning committee

A subcounty physical planning committee shall be responsible for

- (a) the preparation of subcounty physical development plans;
- (b) recommending subcounty physical development plans to the district physical development committee for consideration and approval by the district council;
- (c) implementing structure plans, in close consultation with the district physical planner; and
- (d) implementing, in close consultation with the district physical planner, detailed plans and area action plans which shall address the matters specified in Schedule 3 to this Act.

General

16. Co-opting members to district, urban or subcounty physical planning committee

(1) A district, urban or subcounty physical planning committee may co-opt any person it considers necessary, to assist it in its deliberations.

(2) A person co-opted to a district, urban or subcounty physical planning committee shall not have a right to vote at the meetings of the committee.

17. Proceedings of physical planning committees

(1) At every meeting of a district, urban or subcounty physical planning committee, the quorum shall be one-third of all the members of the committee.

(2) All decisions of the committee shall be taken by a vote of the majority of the members present and voting, and in the case of an equality of votes, the chairperson or the person presiding shall have a casting vote.

(3) A physical planning committee shall meet at least once in every three months.

(4) A member of a physical planning committee shall not take part in the deliberation of any matter of which he or she is directly interested or concerned with.

18. Record of proceedings of committees

(1) The secretary to a district, urban or subcounty physical planning committee shall keep a record of the proceedings of the committee.

(2) The record of proceedings of a district, urban or subcounty physical planning committee may be inspected and copies may be made at the office of the secretary to the committee upon payment of the prescribed fee.

(3) The record of proceedings of a district, urban or subcounty physical planning committee shall be submitted to the Executive Director.

19. Experts and consultants

A district, urban or subcounty council may, at the request of a district, urban or subcounty physical planning committee, engage the services of experts and consultants in respect to preparation of physical development plans.

PART IV—PHYSICAL DEVELOPMENT PLANS

20. Physical development plans

- (1) The physical development plans shall be—
 - (a) the national physical development plan;
 - (b) regional physical development plans;
 - (c) district physical development plans;
 - (d) urban physical development plans;
 - (e) subcounty physical development plans; and

- (f) detailed physical development plans, area action plans and subject plans.

(2) The national physical development plan shall be developed to cover Uganda and all other physical development plans shall conform to the national physical development plan.

(3) Every physical development plan shall conform to a physical development plan made by a higher body.

(4) In as far as possible, the physical development plans shall be linear.

National and regional physical development plans

21. National and regional physical development plans

(1) The national physical development plan and the regional physical development plans shall be prepared by the Board in respect of any area for the purpose of improving that area and providing for proper physical development.

(2) In the preparation of the national physical development plan or a regional physical development plan, the Board shall take into account the securing of suitable provision for agricultural development, infrastructure, industrial development, environmental protection, natural resource management, urbanisation, human settlements conservation, tourism, the matters specified in Schedule 4 to this Act and other relevant matters.

(3) For the purposes of this section, a national or regional physical development plan may provide for planning, re-planning, or reconstructing the whole or part of the area comprised in the plan, and for controlling the order, nature and direction of development in the area.

22. Public display of physical development plans

(1) Upon the completion of a draft national or regional physical development plan, the Board shall publish a notice in the *Gazette* and in any other manner as it considers expedient, inviting the public to inspect the draft plan at the place and time specified in the notice.

(2) The notice published under subsection (1) shall request any interested person who wishes to make any representation against, or objections to, the draft plan to write to the Board within ninety days after the date of the first publication of the notice or by a date specified in the notice.

(3) A person who wishes to make a representation against or objection to a draft plan shall notify the Board that the representation or objection shall be made in writing or through open hearing.

(4) The Board may, at its discretion, accept or reject the representations or objections to the plan and shall, within thirty days after accepting or rejecting a representation or an objection, notify the person making the representation or objection in writing accordingly, and shall give reasons in the case of a rejection.

(5) The Board may dispense with or reduce the ninety day period for displaying of a physical development plan.

(6) Any person aggrieved by a decision of the Board may appeal to the High Court against the decision.

23. Approval of national and regional physical development plans

(1) Where after the expiration of the ninety days specified in the public notice under section 22, no representations against, or objections to, the plan have been made, or after the representations and objections have been dealt with in accordance with this Act, the Board shall certify the plan in triplicate and recommend the plan to the Minister for approval by the Cabinet.

(2) The Cabinet may approve a national or regional physical development plan without, or subject to any conditions or modifications as it may consider necessary.

(3) Where the Cabinet refuses to approve a national or regional physical development plan, the Minister shall require the Board to prepare a new plan taking into account the modifications proposed by Cabinet.

24. Publication of approved national and regional physical development plans

(1) The Board shall, within fourteen days after Cabinet approves a national or regional physical development plan, publish in the *Gazette*, a notice notifying the public that the plan has been approved and that it may be inspected at a place and time specified in the notice.

(2) An approved national or regional physical development plan published under subsection (1) shall have full force and effect in the area to which it relates, and every person shall comply with the requirements of the approved plan.

(3) No development shall take place on any land within the area to which the plan relates, unless it is in conformity with the approved plan.

25. Amendment of approved national and regional physical development plans

(1) Subject to this section, the Board may submit to the Minister, in the prescribed manner, proposals for the revocation or modification of an approved national or regional physical development plan where—

- (a) there are practical difficulties in the execution or enforcement of the approved plan; or
- (b) there has been a change in the circumstances since the plan was approved.

(2) The Board shall publish in the *Gazette* a notice of the proposed modification or alteration of the approved plan, stating the period within which representations or objections to the proposed modification or alteration may be made to the Board.

(3) Where, after the expiration of the period specified in the notice under subsection (2), no representations or objections are made, the Board shall submit the proposed modification or alteration of the approved plan to the Minister for approval by Cabinet.

(4) Where objections are made to the alteration of the plan, the Board shall, within thirty days hold a hearing and invite the person making

the objection to present his or her objections before the Board, and the Board shall determine the matter.

(5) The Cabinet may approve or refuse to approve the proposed alteration or modification of the approved plan.

(6) Where the proposed alteration or modification is approved by the Cabinet, the approved national or regional physical development plan shall be published in accordance with section 24.

26. Special planning areas

(1) The Minister may, by statutory instrument, on the recommendation of the Board, declare an area with unique development potential or problems, a special planning area, for the purposes of preparation of a physical development plan.

(2) Subject to subsection (3), the Minister may, by statutory instrument, suspend for a period of not more than two years, any development the Minister thinks necessary in a special planning area until the physical development plan in respect of the area has been approved.

(3) The Board shall prepare a special planning area physical development plan in accordance with sections 21, 22, 23 and 24.

(4) The Board may dispense with or reduce the ninety day period for displaying a draft plan.

(5) Any person who makes a development in contravention of subsection (2) commits an offence and is liable, on conviction, to a fine not exceeding forty-eight currency points or to imprisonment for a term not exceeding two years, or both.

District, urban and subcounty physical development plans

27. District, urban and subcounty physical development plans

(1) A district, urban and subcounty council shall prepare a district physical development plan, urban physical development plan and subcounty physical development plan, respectively.

(2) A district physical planning committee, urban physical planning committee and subcounty physical planning committee, respectively shall cause to be prepared the physical development plan referred to in subsection (1).

(3) The Board may, at the request and cost of a local government through the district physical planning committee, urban physical planning committee or subcounty physical planning committee, prepare

- (a) a district physical development plan;
- (b) a city, municipality or town physical development plan; or
- (c) a subcounty physical development plan.

(4) A physical development plan prepared under this section shall be presented and discussed by the appropriate committee and if approved, it shall be presented to the appropriate local government council.

(5) A subcounty physical development plan approved by a subcounty council shall be transmitted to the district physical planning committee for approval.

(6) A subcounty physical development plan approved by the district physical planning committee shall be submitted to the district council for approval.

(7) A city, municipality, or town council physical development plan approved by the respective physical planning committee shall be submitted to the Board upon payment of the prescribed fee.

(8) A district physical development plan shall be submitted to the Board for approval upon payment of the prescribed fee.

28. Contents of district, urban and subcounty physical development plans

A district, urban and subcounty physical development plan shall consist of—

- (a) a topographical survey in respect of the area to which the plan relates, carried out in the prescribed manner;
- (b) maps and descriptions as may be necessary to indicate the manner in which the land in the area may be used, having regard to the

- requirements set out in Schedule 5 to this Act, in relation to a district, urban or subcounty physical development plan;
- (c) a technical report on the conditions, resources and facilities in the area;
 - (d) a statement of policies and proposals with regard to the allocation of resources and the locations for development within the area;
 - (e) a description and analysis of the conditions of development in the area as may be necessary to explain and justify the statement of policies and proposals;
 - (f) relevant studies and reports concerning the physical development of the area;
 - (g) maps and plans showing present and future land use and development in the area; and
 - (h) any other information as the Board and the committee may deem necessary.

29. Public display of district, urban and subcounty physical development plans

(1) Upon the completion or receipt of a draft district, urban or subcounty physical development plan, the committee shall publish a notice in the *Gazette* and in any other manner as it considers expedient, inviting the public to inspect the draft plan at a place and time specified in the notice.

(2) The notice published under subsection (1) shall request any interested person who wishes to make any representation against, or objections to, the draft plan to write to the Board within ninety days after the date of the first publication of the notice or by a date specified in the notice.

(3) A person who wishes to make a representation against or objection to a draft plan shall notify the Board that the representation or objection shall be made in writing or through open hearing.

(4) The committee may accept or reject the representations or objections to the plan, and shall within thirty days after accepting or rejecting the representation or objection, notify, in writing, the person making the representation or objection and shall give reasons in the case of rejection.

(5) Any person aggrieved by a decision of the committee may appeal, in writing, to a higher physical planning committee, the Board or to the High Court, against the decision.

30. Approval of district, urban and subcounty physical development plans

(1) Where, after the expiration of the ninety days specified in the notice under section 29, no representations against, or objections to, the plan have been made to the Board, or where such representations and objections are dealt with in accordance with this Act, the Board shall approve the plan.

(2) A physical development plan approved under subsection (1) shall not be altered in any manner without the prior written authorisation of the district physical planning committee.

31. Publication of approved district, urban and subcounty physical development plans

The Board shall, within fourteen days after approving a district, urban or subcounty physical development plan, publish a notice in the *Gazette*, specifying whether or not the respective plan has been approved, with or without modification, and specifying the place and time where it may be inspected during normal working hours.

32. Modification of district, urban and subcounty physical development plans

(1) Subject to this section, a district or urban physical planning committee may, with the approval of the relevant local government council, and in the prescribed manner, submit proposals to the Board for the alteration or modification of an approved district or urban physical development plan, upon payment of the prescribed fee, where—

- (a) there are practical difficulties in the execution or enforcement of the approved plan; or
- (b) there has been a change of circumstances since the plan was approved.

(2) A subcounty physical planning committee may, with the approval of the subcounty council, submit to the urban or district physical planning

committee, proposals for the amendment or modification of an approved subcounty physical development plan.

(3) The Board or committee shall publish in a daily newspaper with wide circulation, a notice of the proposed alteration or modification of the approved plan, stating the period within which representations or objections to the proposed modification or alteration may be made in writing or at a public hearing to be convened on a specified date.

(4) If, after the expiration of the period specified in the notice, no representations or objections have been made, the Board or committee shall consider the proposed modification or alteration of the approved plan and determine the matter.

(5) Where objections are made to the alteration or modification of a plan, the Board or committee shall, within thirty days, hold an open hearing and invite the person making the objection to present his or her objections before the Board or committee, and the Board or committee shall determine the matter.

(6) The Board or committee may approve the proposed alterations with or without conditions.

(7) Where the Board or committee approves the proposed alteration or modification of the approved plan, the Board shall publish a notice of the approval in the Gazette.

33. Private physical development plans

(1) A land owner shall use the services of a qualified planner to prepare a physical development plan in respect of the land of that land owner, which shall be submitted to the subcounty physical planning committee for approval and the plan may be approved with or without modification.

(2) A plan prepared under this section shall be processed in accordance with sections 28, 29, 30, 31 and 32.

(3) A land owner may submit to the subcounty physical planning committee, proposals for the amendment or modification of an approved

subcounty physical development plan in respect of the land of that land owner, where—

- (a) there are practical difficulties in the execution or enforcement of the approved plan; or
- (b) there has been a change of circumstances since the plan was approved.

(4) The subcounty physical planning committee may waive the time frame required under subsection (2), for public display.

PART V—CONTROL OF DEVELOPMENT

Development permission

34. Powers of subcounty physical planning committee

Subject to this Act, each subcounty physical planning committee of a lower local government shall have power to—

- (a) prohibit or control the use and development of land and buildings in the interests of the proper and orderly development of its area;
- (b) control or prohibit the consolidation or subdivision of land or existing plots;
- (c) ensure the proper execution and implementation of approved subcounty physical development plans;
- (d) initiate formulation of byelaws to regulate physical development; and
- (e) ensure the preservation of all land planned for open spaces, parks, urban forests and green belts, environmental areas, social and physical infrastructure and other public facilities, in accordance with the approved physical development plan.

35. Development permission

(1) A person shall not carry out a development within a planning area without obtaining development permission from a physical planning committee.

(2) Any person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding forty-eight currency points or to imprisonment for a term not exceeding two years, or both.

(3) Any dealings in connection with any development in respect of which an offence is committed under this section shall be null and void and that development shall be discontinued.

(4) Notwithstanding subsection (3), a local government physical planning committee shall require a developer to restore the land on which a development is made without permission, as much as possible, to its original condition.

36. Application for development permission

(1) An application for development permission shall be made using Form P.P.A.1 set out in Schedule 6 of this Act.

(2) The application shall be made to the relevant local government which shall then forward the application to the relevant physical planning committee.

(3) A physical planning committee shall, when considering a development application submitted to it under this section—

- (a) be bound by any approved relevant regional or subcounty physical development plan;
- (b) have regard to the health, amenities and conveniences of the community generally and to the proper planning and density of development and land use in the area;
- (c) have regard to any comments received from the physical planner or authorities; and
- (d) in the case of a leasehold, have regard to any special conditions stipulated in the lease.

37. Non-conformity of land for development

Where, in the opinion of a subcounty physical planning committee, an application in respect of development, change of user, subdivision or consolidation of land has an impact on adjacent land or does not conform to any conditions registered against the title of the property, the committee shall, at the expense of the applicant, publish the notice of the application in the *Gazette*, in a manner it thinks expedient.

38. Subdivision or consolidation of land

(1) Land within the area of a subcounty shall not be subdivided or consolidated, except in accordance with the approved subcounty physical development plan relating to that area.

(2) The subdivision or consolidation plan in relation to any land shall be prepared by a qualified physical planner and the plan shall be subject to approval as specified in section 40.

(3) An application for the subdivision or consolidation of land shall be made using Form P.P.A. 2 in Schedule 7 to this Act.

(4) The subcounty physical planning committee shall serve copies of the application on every owner or occupier of the property adjacent to the land to which the application relates and to any other persons as the subcounty physical planning committee may think fit.

(5) Where the subcounty physical planning committee receives any objection to, or representation in connection with an application made under subsection (3), the subcounty physical planning committee shall notify the applicant of the objections or representations and shall, before the application is determined, accord the applicant an opportunity to make representations in response to the objections or representations.

(6) A subcounty physical planning committee may recommend, with or without modifications and subject to conditions as it may think fit, or refuse to recommend an application made under subsection (3).

(7) A person aggrieved by a decision of the subcounty physical planning committee under this section may appeal in writing to the district physical planning committee.

39. Environmental impact assessment

Where a development application relates to matters that require an environmental impact assessment to be carried out, the approving authority or physical planning committee may grant preliminary approval of the application subject to the applicant obtaining an environmental impact assessment certificate in accordance with the National Environment Act.

40. Approval or refusal of development permission

(1) Subject to section 36, a local planning committee may, in respect of a development application—

- (a) grant an applicant, development permission using the Form specified in Schedule 8 to this Act, with or without conditions; or
- (b) refuse to grant an applicant development permission.

(2) The physical planning committee shall, within thirty days after making a decision, notify the applicant using Form P.P.A. 3 set out in Schedule 8 to this Act, of its decision and shall specify the conditions, if any, attached to the development permission granted, or in the case of refusal to grant the permission, the grounds for refusal.

(3) A person aggrieved by the decision of the subcounty physical planning committee may appeal in writing to a higher physical planning committee.

41. Deferment of application for development permission

(1) A physical planning committee may, if it thinks expedient, by notice of deferment served on the applicant, in the prescribed manner, defer consideration of the application for development permission for a given period and for reasons specified in the deferment notice.

(2) The notice of deferment of an application for development permission shall be in Form P.P.A. 3 in Schedule 8 to this Act.

(3) A person aggrieved by the decision of the subcounty physical planning committee may appeal in writing to a higher physical planning committee.

42. Application for development permission in areas without approved physical development plans

(1) An application for development permission in an area where there is no approved physical development plan shall be submitted to the local government physical development committee for consideration.

(2) The local government physical development committee may approve the application but where the application covers matters of a national character, the committee shall refer the application to the Board.

(3) A person aggrieved by the decision of the Board may appeal to the High Court.

PART VI—FINANCIAL AND OTHER MATTERS

43. Funds of Board

The funds of the Board shall consist of—

- (a) money appropriated by Parliament for the purposes of the Board;
- (b) fees, fines and other money paid to the Board for services rendered under this Act;
- (c) loans to the Board with the approval of the Minister, the Minister responsible for finance and Parliament;
- (d) grants, gifts or donations to the Board with the approval of the Minister and the Minister responsible for finance; and
- (e) any revenue derived from the sale of any property, movable or immovable, by or on behalf of the Board.

44. Power to open and operate bank accounts

(1) The Board shall, with the authority of the Accountant General, open and maintain bank accounts as are necessary for the performance of the functions of the Board.

(2) The bank accounts of the Board shall be operated in accordance with the Public Finance Management Act.

45. Estimates

(1) The Board shall, in accordance with the Public Finance Management Act cause to be prepared and submitted to the Minister for approval, estimates of the income and expenditure of the Board and the operating plan of the Board for the next financial year.

(2) The Board shall not incur any expenditure exceeding its budget without the written approval of the Minister and the Minister responsible for finance.

46. Financial year

The financial year of the Board is the period of twelve months commencing on the 1st day of July and ending on the 30th day of June of the following year.

47. Accounts

The Board shall—

- (a) keep proper books of accounts and all records relating to the transactions and affairs of the Board;
- (b) within two months after the end of the financial year, prepare annual financial statements of the Board for the preceding financial year; and
- (c) within two months after the end of each financial year, submit the annual accounts to the Auditor General.

48. Audit

The Auditor General or an auditor appointed by the Auditor General shall, in each financial year, audit the accounts of the Board in accordance with the National Audit Act.

49. Annual report

(1) The Board shall submit to the Minister, as soon as practicable but not later than three months after the end of each financial year, a report detailing the activities and operations of the Board during the year to which the report relates, including the audited accounts.

(2) The Minister shall, within two months after receipt of the annual report, submit the report to Parliament with any statement which he or she considers necessary.

(3) The Board shall publish the annual report and the report on the audited accounts within six months after the end of each financial year.

PART VII—GENERAL

50. Finances of physical planning committees

All activities of the physical planning committees shall be financed by the local government finances.

51. Registration of documents

The Registrar of Documents shall not register a document relating to the development of land under the Registration of Documents Act, unless development permission, in respect of the development, is granted as required under this Act.

52. Enforcement notice

(1) A subcounty physical planning committee shall serve an enforcement notice on an owner, occupier or developer of land, in the Form specified in Schedule 9 to this Act, where the committee is satisfied that the development of land has been or is being carried out, without the required development permission, or that any of the conditions of development permission granted under this Act have not been complied with.

(2) The enforcement notice shall specify a period within which the owner, occupier or developer shall comply with the notice.

(3) Upon the service of an enforcement notice under this section, any development in respect of the land to which the enforcement notice relates shall be discontinued.

(4) An owner, occupier or developer of land on whom an enforcement notice is served may, within the time specified in the notice for complying with the notice, appeal against the notice to the next higher physical planning committee.

(5) Where an appeal is lodged under this section, the enforcement notice shall be stayed pending the determination of the appeal.

53. Supplementary provisions relating to enforcement

(1) Where, within the period specified in the enforcement notice or within a further period as the subcounty physical planning committee may determine, any measures required to be taken other than discontinuance of use of the land, are not taken, the local government may enter on the land and take those measures.

(2) Where the local government enters on the land under subsection (1), the local government may, without prejudice to any penalties that may be imposed or any other action that may have been taken under this Act, recover from the person on whom the enforcement notice is served by way of a suit, any expenses reasonably incurred by the local government in connection with the taking of those measures.

(3) An owner, occupier or developer who has not lodged an appeal under section 56 shall not be entitled to question the validity of any action taken by the subcounty physical planning committee under subsection (1) on any grounds that may have been raised in the appeal.

(4) Where a subcounty physical planning committee has taken action in accordance with subsection (1), anything removed by the committee from the land in pursuance of that action shall, unless the owner claims and removes it within thirty days, be sold and the proceeds, after deduction of any expenses reasonably incurred by the local government in connection with the action and sale, shall be remitted to the owner, occupier or developer.

(5) Any person who obstructs, or otherwise interferes with, a subcounty physical planning committee in the execution of its functions under subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding forty-eight currency points or to imprisonment for a term not exceeding two years, or both.

54. Rewards for implementing physical development plan

(1) The Board may reward a local government, land owner or any person involved in physical planning for complying with a physical development plan under this Act.

(2) The Minister shall, by statutory instrument, make regulations to give effect to subsection (1).

55. Certificate of compliance with physical development plan

(1) The Minister shall, in consultation with the Board, issue a certificate of compliance to each local government for the implementation of a physical development plan for the previous year, by 30th October each year.

(2) The Minister shall, before issuing a certificate of compliance under subsection (1) assess the performance of a local government in implementing the physical development plan.

(3) Where a local government fails to implement a physical development plan, the Minister may recommend to the Minister responsible for finance that funding for the local government concerned be reduced or withheld until the relevant local government complies with the physical development plan.

PART VIII—MISCELLANEOUS

56. Appeals

(1) A person aggrieved by a decision of a subcounty physical planning committee may, within sixty days after the decision, appeal in writing to the district physical planning committee.

(2) A person aggrieved by the decision of a district physical planning committee or an urban physical planning committee may, within thirty days after the decision, appeal in writing to the Board.

(3) A person aggrieved by a decision of the Board may, within thirty days after the decision, appeal to the High Court.

(4) Subject to subsection (3), the relevant physical planning committee or the Board may reverse, confirm or vary the decision appealed against and may make such order as it thinks necessary or expedient to give effect to its decision.

(5) The Board or relevant physical planning committee shall, before making any order under subsection (4), give the physical planning committee an opportunity to make representations regarding the appeal and shall afford the appellant an opportunity to respond to the representations of the physical planning committee.

57. Exemption from liability for acts done in good faith

A member of the Board or a public officer shall not be liable for any act or omission done or omitted to be done by him or her in good faith in the discharge of his or her functions under this Act.

58. General powers of Minister

The Minister may give directives on policy in order to ensure compliance with this Act.

59. Disposal of land, extension of lease, *etc.*

(1) Subject to any other law relating to the administration of land, no subdivision, consolidation, renewal or extension of a lease of any land shall be effected without approval by the relevant physical planning committee.

(2) An application for approval under this section shall be in Form P.P.A. 1 set out in Schedule 6 to this Act.

(3) The physical planning committee shall, when considering an application under this section, have regard to the relevant physical development plan.

60. Access to records

The Executive Director, a physical planner or a subcounty physical planning committee may demand the production of, and make extracts from, all registers or other records or any deeds or instruments belonging to, or in the custody or possession of any public officer, which contain particulars of any land or property affected by any physical development plan.

61. Secrecy

(1) Any information obtained by the Board, the Executive Director, a physical planner or a subcounty physical planning committee under section 60 shall be treated in confidence and shall not be divulged to any other person, except by an order of court in connection with any legal proceedings.

(2) The Official Secrets Act shall apply to information obtained under this section.

62. Service of notice

A notice or order made or issued under this Act shall be in writing and shall be served on every concerned person or his or her agent and shall be taken to have been sufficiently served if it is left at the last known postal, residential or business address of that person or if it is sent by registered post, addressed to that person, in which case the notice or order shall be taken to have been received by the person in the ordinary course of post.

63. Power of entry

(1) Subject to subsections (2) and (3), a person authorised in writing by the Board, a district physical planner, or a subcounty physical planning committee, shall have the right to enter upon any land or premises at all reasonable times to do all acts as are necessary for or incidental to the exercise of the powers conferred, or the performance of the duties imposed, by this Act.

(2) Entry under this section shall not be made unless a notice of entry is served on the owner, occupier or developer of the land or premises.

(3) A person shall not enter upon any land or premises until after the expiration of forty-eight hours after serving a notice of entry on the owner, occupier or developer of the land or premises.

(4) Subject to subsection (5), the owner or occupier of any land or premises affected by the exercise of a right of entry under this section shall be entitled to compensation for any damage caused by the entry upon the land or premises.

(5) Any person who hinders or obstructs an authorised person from the exercise of powers conferred under this Act, commits an offence and is liable, on conviction, to a fine not exceeding twenty-four currency points or to imprisonment for a term not exceeding one year, or both.

64. Preservation of buildings of special architectural value or historic interest

Subject to the Museums and Monuments Act, the Board may, after consultation with the Commissioner in charge of antiquities, serve on the owner or occupier of a building which in the opinion of the Board is of special architectural value or historic interest, an order prohibiting the demolition, alteration or extension of that building.

65. Offences

(1) Any person who—

- (a) knowingly makes a false statement or gives false information in respect of an application or appeal under this Act;
- (b) obstructs or resists an officer or a person authorised under this Act, in the course of his or her duty;
- (c) fails to paint his or her building, place litter bins at his or her building, place a sign with the street name on his or her plot as prescribed by the local government or builds in a road reserve as defined in the Roads Act or environmentally sensitive area as defined under the National Environment Act or litters a public place; or
- (d) fails to comply with any order issued under this Act,

commits an offence and is liable, on conviction, to a fine not exceeding one hundred currency points or to imprisonment for a term not exceeding one year, or both.

(2) Any person convicted of a subsequent offence under this section is liable to a fine not exceeding forty-eight currency points or to imprisonment for a term not exceeding two years, or both and in case of a continuing offence, to a fine not exceeding twenty-five currency points for every day or part of a day during which the offence continues.

66. Publication of notices

Every notice required to be published in the *Gazette* under this Act, except the notices published under sections 52 and 62, shall also be published in at least two local daily newspapers, one in English and one in a local language relevant to the affected district and shall be displayed at the offices of the relevant local government.

67. Power to amend Schedules

(1) The Minister may, by statutory instrument, with the approval of Cabinet, amend Schedule 1 to this Act.

(2) The Minister may, by statutory instrument, amend Schedules 2, 3, 4, 5, 6, 7, 8 and 9 to this Act.

68. Regulations

(1) The Minister may, by statutory instrument, make regulations for giving full effect to the provisions of this Act and, in particular, for prescribing anything required or authorised by this Act to be prescribed.

(2) Regulations made under this section may prescribe penalties not exceeding forty-eight currency points or imprisonment not exceeding two years, or both for the contravention of offences under the regulations.

SCHEDULE

S Schedule 1

Sections 1, 67(1)

Currency Point

A currency point is equivalent to twenty thousand shillings.

Schedule 2

Sections 4(7), 67(2)

Proceedings of Board

1. Meetings of Board

(1) The Chairperson shall convene every meeting of the Board at times and places as the Board may determine, and the Board shall meet for the discharge of business at least once in every three months.

(2) The Chairperson may, at any time, convene a special meeting of the Board and shall also call a meeting within fourteen days, if requested to do so in writing by at least four members of the Board.

(3) Notice of the Board meeting shall be given in writing to each member at least fourteen working days before the day of the meeting.

(4) The Chairperson shall preside at every meeting of the Board and in the absence of the Chairperson, the members present shall elect one of their number to preside at that meeting.

2. Quorum

(1) The quorum for a meeting of the Board is five members.

(2) All decisions at a meeting of the Board shall be by a majority of the votes of the members present and voting and in case of an equality of votes, the person presiding at the meeting shall have a casting vote in addition to his or her deliberative vote.

3. Minutes of meetings

(1) The Secretary shall cause to be recorded and kept, the minutes of all the meetings of the Board, in a form approved by the Board.

(2) The minutes recorded under this paragraph shall be submitted to the Board for confirmation at its next meeting following that to which the minutes relate and when so confirmed, shall be signed by the Chairperson and the Secretary in the presence of the members present at the latter meeting.

4. Power to co-opt

(1) The Board may invite any person who, in the opinion of the Board, has expert knowledge concerning the functions of the Board, to attend and take part in the proceedings of the Board.

(2) A person attending a meeting of the Board under this section may take part in any discussion at the meeting on which his or her advice is required but shall not have any right to vote at that meeting.

5. Validity of proceedings not affected by vacancy

The validity of any proceedings of the Board shall not be affected by a vacancy in its membership or by any defect in the appointment or qualification of a member or by reason that a person not entitled, took part in its proceedings.

6. Disclosure of interest of members

(1) A member of the Board who is in any way directly or indirectly interested in any matter to be considered by the Board, shall disclose the nature of his or her interest at a meeting of the Board.

(2) A disclosure made under subparagraph (1) shall be recorded in the minutes of that meeting.

(3) A member who makes a disclosure under subparagraph (1) shall not—

- (a) be present during any deliberation of the Board, with respect to that matter; or
- (b) take part in any decision of the Board, with respect to that matter.

(4) For purposes of determining whether there is quorum, a member withdrawing from a meeting or who is not taking part in a meeting under subparagraph (3) shall be treated as being present.

7. Board may regulate its procedure

Subject to this Act, the Board may regulate its own procedure or any other matter relating to its meetings.

Schedule 3

Sections 15(d), 67(2)

Detailed Plans and Area Action Plans

A detailed plan and an area action plan shall address the following—

- (a) treatment of a particular planning aspect like residential, transportation, water supply, sewerage, in part or as part of a long-term plan;
- (b) advisory or subdivision plans, indicating permitted subdivision, use and density of development;
- (c) an assessment of immediate land requirement to accommodate specific population needs as they arise; and
- (d) detailed allocation of the land requirements to various land uses taking into account compatibility of adjoining land uses and conforming to the existing physical development plan proposals for the area.

Schedule 4

Sections 21(2), 67(2)

Matters to be Dealt with in National and Regional Physical Development Plans

PART I—ANALYSIS

- 1. Population growth, distribution and movement.
- 2. Land potential, including distribution of agricultural land potential, the relative values, population and land imbalance, land tenure, land use and other natural resource endowments.
- 3. Employment and incomes, including characteristics of employment, income distribution, the labour force, potential of the informal sector and their locations.
- 4. Human settlements, including distribution of existing services, growth and pattern of urbanisation cause of rural-urban migration.

5. Matters affecting more than one district which require Government coordination.

PART II—PLAN PROPOSALS

6. Alternative development patterns, including rural development, urban development and interrelations between urban and rural development.
7. Strategies for human settlements in the area, including development of service centres, growth centres, transport and communication networks and rural development.

PART III—IMPLEMENTATION

8. The sector approach to development and measures for implementation and coordination in these sectors, namely industrial development, housing, transportation, health services, education, water supply, sewerage, electricity supply and environment.

PART IV—CONTENTS OF NATIONAL AND REGIONAL PHYSICAL DEVELOPMENT PLANS

9. The national physical development plan or a regional physical development plan, in relation to an area, shall consist of—
 - (a) a technical report on the conditions, resources and facilities in the area;
 - (b) a statement and proposals with regard to the allocation of resources and locations for development within the area;
 - (c) a description and analysis of the conditions of development in the area as may be necessary to explain and justify the statement of policies and proposals; and
 - (d) relevant studies and reports concerning physical development of the area.
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Schedule 5

Sections 28, 67(2)

Matters to be Dealt with in District, Urban and Subcounty Physical Development Plans

1. Every district, urban or subcounty physical development plan, shall have for its general purpose, orderly, coordinated, harmonious and progressive development of the area to which it relates in order to promote health, safety, order, amenity, convenience and general welfare of all its inhabitants, as well as efficiency and economy in the process of development and improvement of communication.
2. Classification of the plan area for residential, commercial, industrial and agricultural development, infrastructure, environmental protection, natural resource management, urbanisation, human settlements conservation, tourism and other purposes, including the provision of special areas for industries generally, or for shops, warehouses, stores, stables, and other buildings used for commercial and industrial purposes and fixing the sites for buildings required for any of the purposes referred to in paragraph 1 and for public and private open spaces, and prohibiting the carrying on of any trade or manufacture, or the erection of any building, in a particular part of the area, otherwise than in accordance with the plan.
3. The area to which the plan is to apply.
4. The basis for disposing of land acquired, or to be acquired under the plan by a local government or relevant authority.
5. The re-planning and re-construction of the plan area, including any provisions necessary for—
 - (a) the pooling of the lands of several owners, (or any lands, roads, streets, or right-of-way adjacent or near the plan area) and the redistribution of that land among the owners;
 - (b) providing for or making new roads, streets, or rights-of- way;
 - (c) adjusting and altering the boundaries, areas, shapes, and positions of any land, road, street, or right-of-way;
 - (d) effecting exchanges of land or cancellation of existing subdivision as may be necessary or convenient for giving effect to this paragraph; and

- (e) adjustment of rights between owners or other persons interested in land, roads, streets, or rights-of-way.
- 6. Determining the type and density of development generally or in any particular locality.
- 7. Conservation of the natural beauty of the area, including lakes and other inland waters, banks of rivers, hillsides and summits and valleys.
- 8. Conservation and enhancement of historic buildings and objects of architectural, archaeological, historical or scientific interest.
- 9. Probable routes for railways and canals, probable sites for bridges, docks, harbours, piers, quarries, power-lines, telecommunication; water drainage and sewerage; or any other work or undertaking of public utility.
- 10. Works ancillary to or consequent to the plan.
- 11. The closure or variation of any right-of-way or easement, public or private or of any restrictive covenants affecting land.
- 12. The power of entry and inspection.
- 13. The basis for the local government to acquire land or buildings or to make any agreement or proposal in respect of this.
- 14. The basis for the local government to remove, alter or demolish and to prohibit, regulate and control the maintenance, alteration and reconstruction of any building which obstructs the observance or carrying out of the plan.
- 15. The basis for the local government to declare any land referred to in the plan as land reserved for streets to be public streets.
- 16. The basis for the local government to execute street works on land referred to in the plan as land reserved for streets and incidental works upon adjacent land.

17. The basis for the local government to fix building lines not shown on the map illustrating the plan.
18. The power of the local government to permit buildings in advance of building lines fixed by the plan.
19. The basis for the local government to fix improvement lines for existing streets and buildings.
20. The recovery of expenses incurred in giving effect to the plan, and the time and manner of payment of such expenses.
21. The implementation of the plan generally, and particularly the time and manner in which, and the person and authorities by whom or by which the plan, or any part of the plan, shall be carried out and completed and its observance ensured.
22. Potential of given areas and comparative advantage of alternative approaches to development.
23. Any matter necessary or incidental to the district, urban or subcounty physical development plan.

Schedule 6

Sections 36(1), 59(2), 67(2)

**Application For Development
Permission*** (*The Physical Planning Act,
Cap. 142*) **Form. P.P.A.1**

Application No _____ of 20 _____

To _____
(*Insert name and address of the appropriate planning office*)

I/We hereby apply for permission to develop the land and/or building as described in this application and on the attached plans and/or drawings/photographs.

Section A—General information

1. Owner's name and address _____
2. Applicant's name and address _____
3. Nature of interest in land (*registered owner, lessee, tenant by occupancy, sublessee, customary tenant*) _____
4. (a) Block, plot number and location _____
(b) District, subcounty, parish, town and street/road _____
(c) Acreage _____
5. If an application was previously submitted, state the registered number of the application _____
6. The purpose for which land or building is now used. If not used, the purpose for which and the date on which they were last used _____

7. Does the development require the construction of a new or an alternative of an existing means of access to or from a road? _____

8. The method of—
(a) water supply is _____

(b) sewerage disposal is _____
(d) refuse disposal is _____ (c) surface water disposal is _____
9. Describe briefly the proposed development including the purpose for which the land or buildings are to be used _____

10. If the proposed development consists only of a change of use and does not involve building operations, state the exact nature of such change _____

11. If the site abuts a road junction, give details and height of any proposed walls, fence, *etc.*, fronting the road junction _____

Note: Drawing and specifications must be prepared and signed by a qualified physical planner.

Section B Extension of lease or use or change of user.

State whether there is an extension of lease or use or whether there has been a change of user if the land is on lease, and the period of extension _____

Schedule 7

Sections 38(3), 67(2)

Application for Subdivision/Consolidation of Lands and Buildings
(*The Physical Planning Act, Cap.*
142) Form. P.P.A. 2

Application No _____ of _____ 20 ____

To _____
(*Insert name and address of the appropriate Planning Office*)

1. Owner's name and address _____

Applicant's name and address _____

3. Nature of interest in land (*registered owner, lessee, tenant by occupancy, sublessee, customary tenant*) _____
4. (a) Block, plot number and location _____
- (b) District, subcounty, parish, town and street/road _____
- (c) Acreage _____

5. If an application was previously submitted, state the registered number of the application _____
6. The purpose for which the land or building is now used. If not used, the purpose for which and the date on which the land or building was last used

7. Describe briefly the proposed subdivision, including the purposes for which the land and/or buildings are to be used _____
8. Details of any relevant easements affecting the proposed subdivision.

9. State the—
 - (a) area affected _____
 - (b) area covered by buildings _____
 - (c) percentage of site covered by existing buildings and that covered by proposed buildings _____

Dated this _____ day of _____

Signature of applicant or agent _____

If signed by agent, state: _____

Name _____

Address _____

Profession _____

Telephone _____

E-mail _____

*Application to be submitted in TRIPLICATE in respect of each transaction and sent to or left at appropriate office of the subcounty physical planning committee.

Schedule 8

Sections 40, 41(2), 67(2)

**Notification of Approval/Refusal/Deferment of Development
Permission**

(The Physical Planning Act, Cap. 142)

No. _____ of 20

To: _____

Your application No. _____ of 20 _____, for permission to develop parcel No _____ situated on _____ road was considered on _____ *(insert date)* and the committee approved/refused/deferred the application for the following reasons/subject to the following conditions—

- (a) _____
- (b) _____
- (c) _____
- (d) _____

Dated this _____ day of _____

Signed _____
For: Chief Administrative Officer/ Town Clerk/ Subcounty Chief

Schedule 9

Sections 52(1), 67(2)

Enforcement Notice*(The Physical Planning Act, Cap. 142)*

No _____ of 20 _____

To: _____
(insert name of owner, occupier or developer)

In accordance with section 52 of the Physical Planning Act, the committee is satisfied that you are carrying out an illegal development on plot _____

_____ in *(state area)*

_____ of this town/

municipality/ district. This is therefore to require you to—

(a) _____

(b) _____

(c) _____

Within _____ days from the service of this notice.

Failure to comply with this notice shall result in _____

(a) _____

(b) _____

(c) _____

Dated this _____ day of _____

Signed _____

For: Chief Administrative Officer/ Town Clerk/Subcounty Chief

History: Act 8/2010; S.I. 18/2011; Act 2/2020

Cross References

Constitution

Building Control Act, Cap. 136

Local Governments Act, Cap. 138

Museums and Monuments Act, Cap. 149

National Audit Act, Cap. 170

National Environment Act, Cap. 181

Official Secrets Act, Cap. 323

Public Finance Management Act, Cap. 171

Registration of Documents Act, Cap. 291

Roads Act, Cap. 346
