



**THE REPUBLIC OF KENYA**

LAWS OF KENYA

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**THE PHYSICAL AND LAND USE PLANNING (CLASSIFICATION OF  
STRATEGIC NATIONAL OR INTER-COUNTY PROJECTS) REGULATIONS**

NO. 156 OF 2019

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Kenya

Physical and Land Use Planning Act

## The Physical and Land Use Planning (Classification of Strategic National or Inter-County Projects) Regulations

Legal Notice 156 of 2019

Legislation as at 31 December 2022

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The Physical and Land Use Planning (Classification of Strategic National or Inter-County Projects)  
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# PHYSICAL AND LAND USE PLANNING ACT

## THE PHYSICAL AND LAND USE PLANNING (CLASSIFICATION OF STRATEGIC NATIONAL OR INTER-COUNTY PROJECTS) REGULATIONS

### LEGAL NOTICE 156 OF 2019

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**Commenced on 11 October 2019**

[Amended by [Physical and Land Use Planning \(Classification of Strategic and Inter-County Projects\) \(Amendment\) Regulations, 2020 \(Legal Notice 27 of 2020\)](#) on 3 March 2020]  
[Revised by [24th Annual Supplement \(Legal Notice 221 of 2023\)](#) on 31 December 2022]

#### 1. Citation

These Regulations may be cited as the Physical and Land Use Planning (Classification of Strategic National or Inter-County Projects) Regulations.

#### 2. Interpretation

In these Regulations, unless the context otherwise requires—

"inter-county projects" means projects carried out for the realisation of development objectives for the area covering at least two counties or parts of at least two counties;

"strategic national projects" means projects identified as strategic national projects by the national and county governments under the Act, the Intergovernmental Relations Act (Cap. 265F) or any other written law.

[LN. 27/2020, r. 2.]

#### 3. Application of Regulations

- (1) These Regulations shall apply to the national and county governments and the respective ministries, departments and agencies of the national and county governments.
- (2) Notwithstanding the generality of paragraph (1), these Regulations shall apply to—
  - (a) strategic national projects; and
  - (b) inter-county projects.

[LN. 27/2020, r. 3.]

#### 4. Criteria for classifying strategic national projects

Projects shall be classified as strategic national projects if the projects meet the following criteria—

- (a) strategic projects for the implementation of National Government functions specified in Part I of the Fourth Schedule to the Constitution;
- (b) projects identified as strategic national projects by the national and county governments under the Act, the Intergovernmental Relations Act (Cap. 265F), or any other written law;
- (c) *deleted by LN. 27/2020, r. 4;*

- (d) projects implemented by the private sector in special economic zones and export processing zones;
- (e) projects undertaken by the National Government in inter-coastal zones, the territorial sea, exclusive economic zones and inland lakes;
- (f) projects undertaken by the National Government under international conventions, declarations or treaties ratified by Kenya;
- (g) strategic national projects undertaken on public land that is held by the National Government including on reserved public land, wetlands, riparian areas, public forests, national reserves, mountains and gazetted water towers;
- (h) any other project of strategic national importance as may be determined by the Cabinet Secretary under the Act or any other written law in consultation by county governments;
- (i) *deleted by LN. 27/2020, r. 4;*
- (j) *deleted by LN. 27/2020, r. 4.*

[LN. 27/2020, r. 4.]

## 5. Criteria of intercounty projects

Projects shall be classified as inter-county projects if they meet the following criteria—

- (a) projects for the implementation of county government functions specified in Part II of the Fourth Schedule to the Constitution for an area covering at least two counties or parts of at least two counties;
- (b) projects relating to national government functions that have been transferred to county governments under Article 187 of the Constitution for an area covering at least two counties or parts of at least two counties;
- (c) projects covering at least two counties undertaken by the respective county government for the purposes of obligations under international conventions, declarations or treaties ratified by Kenya;
- (d) projects identified through an Inter-county Physical and Land Use Development Plan under the Act;
- (e) strategic national projects undertaken on public land held by the county government or on community land; and
- (f) projects promoted by county governments in special economic zones and export processing zones in consultation with the national government.

[LN. 27/2020, r. 5.]

## 6. Criteria

For the purposes of these Regulations, projects of strategic national importance and inter-county projects shall be classified in accordance with the Schedule hereto.

[LN. 27/2020, r. 6.]

## SCHEDULE [r. 6.]

### CLASSIFICATION OF PROJECTS OF STRATEGIC NATIONAL IMPORTANCE AND INTER-COUNTY PROJECTS

[LN. 27/2020, r. 7]

#### A. STRATEGIC NATIONAL PROJECTS

1. Road transport

Projects for the following types of roads:

- (a) National trunk roads that include Class S, A, B and C roads
- (b) Roads serving strategic national facilities including roads serving beaches, mineral extraction areas, military camps and other security facilities, learning institutions, conservation areas and special projects roads
- (c) Special interchanges, bridges and tunnels

2. Railway transport

Projects for the entire rail transport.

3. Airports

Projects for airports including international airports and national airports.

4. Water transport

Projects for the following types of water transport:

- (a) International ports
- (b) National ports
- (c) Regional ports
- (d) International harbours and ports including seaports and inland ports

5. Energy

Projects for the following types of energy:

- (a) The national electricity grid
- (b) Energy generation stations
- (c) Electricity transmission infrastructure including transmission lines and substations
- (d) Electricity distribution infrastructure including distribution lines, service lines and substations
- (e) National and regional control centres
- (f) Nuclear power stations

6. Oil and gas

Projects for the following developments in the oil and gas sector:

- (a) Oilfields and exploration-related works
- (b) Oil and gas pipelines into and out of Kenya and associated storage facilities

7. Hazardous waste

Projects relating to the management of hazardous waste:

- (a) Electronic waste disposal facilities
- (b) Nuclear waste disposal facilities

8. Industrialisation

Projects for the following types of industrial areas:

- (a) Special economic zones

- (b) Industrial parks
- (c) Technology parks
- (d) Export processing zones

9. Mining

Projects for the mining of:

- (a) Coal
- (b) Gold
- (c) Gold
- (d) Gold
- (e) Gold

10. Historical sites and monuments

Ancient and gazetted historical sites and monuments of national importance.

11. Theatres and cultural exhibition centres

Projects for the development of national theatres and cultural exhibition sites including projects undertaken at the Bomas of Kenya and Kenya National Theatre.

12. Stadia and sports centres

Projects for the following types of stadia and sports centres:

- (a) National stadia
- (b) National arenas

13. Geologically unstable areas

Projects in the following geologically unstable areas:

- (a) Areas prone to volcanic activity
- (b) Areas prone to seismic activity
- (c) Areas prone to landslides

14. Education and research institutions

Projects for public educational and research institutions including public universities and research institutions.

15. Housing

Projects for the following types of housing:

- (a) Affordable housing projects
- (b) National slum redevelopment projects
- (c) National government housing including institutional housing, government pool housing, civil or state officers housing, and disciplined forces housing
- (d) Emergency housing projects initiated by the national government

16. Resettlement and relocation

Resettlement and relocation projects for the following types of persons on land held by the national government:

- (a) Landless persons settled by the national government
- (b) Internally displaced persons
- (c) Refugees and asylum seekers
- (d) Persons displaced by strategic national projects
- (e) Persons living in informal settlements

17. Persons living in informal settlements

Projects for the following types of land programmes:

- (a) Land banking for strategic national projects
- (b) Land reservation for conservation purposes
- (c) Land acquisition and purchases

18. Public forests

Projects for the management of public forests including the management of national government forests and gazetted water towers.

19. Ecologically sensitive and fragile areas

Projects in the following ecologically sensitive and fragile areas:

- (a) Mountains
- (b) Wetlands
- (c) Riparian lands along major rivers, lakes and oceans
- (d) Coral reefs
- (e) Marine ecosystems

20. Wildlife conservation areas

Projects in the following types of wildlife conservation areas:

- (a) National parks
- (b) National reserves
- (c) Wildlife dispersal corridors
- (d) Special protected areas
- (e) Wildlife sanctuaries for endangered species

21. Irrigation schemes

Large scale irrigation schemes of at least three thousand acres.

22. Strategic installations

Projects in the following strategic installations and safeguarding areas around the installations:

- (a) State Houses
- (b) State Lodges



- (c) Parliament Buildings
  - (d) Security installations including installations belonging to the Kenya Defence Forces, National Police Service, National Intelligence Service, Kenya Coast Guard Service, National Youth Service and Kenya Prisons Service
  - (e) Installations belonging to the Kenya Space Agency
  - (f) Foreign embassies, consulates, high commissions and the United Nations
  - (g) Border control installations
  - (h) National broadcasting and telecommunications installations
  - (i) Strategic Grain Reserve depots
  - (j) National Cereals and Produce Board depots
  - (k) Kenya Wildlife Service installations
  - (l) Kenya Forest Service installations
23. Blue economy
- Projects in the blue economy and within coastal areas and inland lakes including:
- (a) Harvesting and trade of marine resources including fisheries and aquaculture projects
  - (b) Extraction and use of non-living marine resources
  - (c) Use of renewable non-exhaustible natural energy
  - (d) Commerce and trade in and around the oceans including maritime transport, inter-coastal development, tourism and recreation projects
24. Telecommunications
- Projects for the following types of telecommunications facilities:
- (a) Base transmission stations
  - (b) Telecommunications substations
  - (c) Telecommunications masts
  - (d) Fibre optic cables
  - (e) Fibre optic cables landing sites
25. National referral hospitals
- Projects for the development of national referral hospitals.
26. Public purpose areas
- Projects for the development of the following types of public purpose areas:
- (a) Disaster management centres
  - (b) Meteorological centres
  - (c) National public parks
27. Special cities
- Projects for the development of special cities
- B. INTER-COUNTY PROJECTS

1. Oil and gas

Projects for the development of liquefied petroleum and natural gas reception buildings and facilities

2. Waste management

Projects for the following types of waste management developments:

- (a) Biomedical waste facilities
- (b) Asbestos disposal facilities

3. Mining

Projects for sand harvesting including the harvesting beach sand

4. Cities

Projects for the following kinds of developments:

- (a) Metropolitan areas
- (b) Regional transportation and commercial hubs
- (c) Special cities
- (d) Gateway cities
- (e) Border towns

5. Land programmes

Projects for the following types of land programmes:

- (a) Land banking for inter-county projects
- (b) Land reservation for conservation purposes
- (c) Land acquisition and purchases by counties for intercounty projects

6. Wildlife conservation areas

Projects for the following kinds of wildlife conservation areas:

- (a) Inter-county parks
- (b) Inter-county reserves
- (c) Wildlife dispersal corridors
- (d) Special protected areas
- (e) Wildlife sanctuaries

7. Irrigation schemes

Projects for the following types of irrigation schemes:

- (a) Medium-scale irrigation schemes between 100 acres and 3,000 acres
- (b) Small scale irrigation schemes not exceeding 100 acres

8. Blue economy

Projects in the blue economy and within rivers including:

- (a) Harvesting and trade in marine living resources including fisheries and aquaculture projects
- (b) Extraction and use of non-living marine resources

- (c) Fish landing sites
- (d) Beach access roads
- (e) Jetties
- (f) Harbours

9. Housing

Projects for the following types of housing:

- (a) Affordable housing projects
- (b) County slum redevelopment projects
- (c) County government housing including institutional housing, government pool housing, and civil or state officers housing.