

LAWS OF KENYA

THE PHYSICAL AND LAND USE PLANNING (LOCAL PHYSICAL AND LAND USE DEVELOPMENT PLAN) REGULATIONS

NO. 248 OF 2021

Revised and published by the National Council for Law Reporting with the authority of the Attorney-General as gazetted by the Government Printer

www.kenyalaw.org

Kenya

Physical and Land Use Planning Act

Physical and Land Use Planning (Local Physical and Land Use Development Plan) Regulations

Legal Notice 248 of 2021

Legislation as at 31 December 2022

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FRBR URI: /akn/ke/act/ln/2021/248/eng@2022-12-31

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Physical and Land Use Planning (Local Physical and Land Use Development Plan) Regulations (Legal Notice 248 of 2021)

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PHYSICAL AND LAND USE PLANNING ACT

PHYSICAL AND LAND USE PLANNING (LOCAL PHYSICAL AND LAND USE DEVELOPMENT PLAN) REGULATIONS

LEGAL NOTICE 248 OF 2021

Published in Kenya Gazette Vol. CXXIII—No. 253 on 10 December 2021

Commenced on 10 December 2021

[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 (Local Physical and Land Use Development Plan) Regulations.

2. Interpretation.

In these Regulations, unless the context otherwise requires—

"city" has the meaning as assigned to it under section 8 of the Urban Areas and Cities Act (Cap. 275);

"local physical and land use development plan" means a plan for the area or part thereof of a city, municipality, town or urban centre and includes a plan with reference to any rural area, trading or market centre; and

"register" means a register of local physical and land use development plans.

3. Object of the Regulations.

The object of these Regulations is to provide a framework for the preparation and approval of local physical and land use development plans pursuant to sections 45, 46, 47, 4, 49, 50 and 51 of the Act.

4. Application of the Regulations.

These Regulations shall apply to the preparation and approval of local physical and land use development plans.

5. National security.

- (1) Whenever a plan touches on, relates to, borders, involves or in any way affects a safeguarding area or any aspect of national security, the County Physical and Land Use Planning Consultative Forum shall notify the National Security Council of the proposal to prepare the plan.
- (2) The National Security Council shall give its comments on the proposed plan within thirty days of receiving a notification under subregulation (1).
- (3) Where necessary, a plan touching on, relating to, bordering, involving or in any way affecting a national security organ shall be subjected to any conditions that may imposed on it by the National Security Council.
- (4) For the purposes of these Regulations, security organs responsible for the preparation of local physical and land use development plans shall be exempt from any form of publication required under these Regulations where the plans touch on, relate to, border, involve or in any way affect the said security organs.

6. Delineation of plan area.

- (1) In defining the scope and the geographic area of a plan, the County Executive Committee Member shall delineate clearly defined boundaries as shall be provided for by the Director of Survey.
- (2) Each development relating to plans prepared under these Regulations shall be—
 - (a) restricted to designated urban centres; and
 - (b) have clearly-defined boundaries.

7. Preparation of a local physical and land use development plan.

- (1) The preparation of a plan may be initiated by a County Executive Committee Member—
 - (a) on his or her own motion;
 - (b) on the request of a member of the county assembly on behalf of person who is a resident of the county;
 - (c) on the recommendation of a residents' association; or
 - (d) upon the request of the national government.
- (2) The County Executive Committee Member may outsource the preparation of a plan and other related services to a suitably qualified physical and land use planning consultant in accordance with the relevant written laws relating to public procurement.
- (3) A plan prepared through outsourcing by a physical and land use planning consultant under subregulation (2) shall be submitted to the County Director of Physical and Land Use Planning for scrutiny and who shall submit it to the County Executive Committee Member for approval.

8. Notice of intention to prepare plan.

The County Executive Committee Member shall publish a notice of intention to prepare a plan in the *Gazette*, in at least two newspapers with national circulation and through electronic media in Form PLUPA L-1 as set out in the First Schedule.

9. Notice of completion of draft.

- (1) Within thirty days of the preparation of a draft plan, the County Executive Committee Member shall publish a notice in the *Gazette*, in at least two newspapers of national circulation and through electronic media informing the public that the plan is available at the places and times designated in the notice for inspections and that any person interested may comment on the contents of the plan within sixty days.
- (2) The notice published under subregulation (1) shall be in Form PLUPA L-2 as set out in the First Schedule.

10. Circulation.

- (1) On completion and publication of a plan, the County Director shall circulate the plan to relevant agencies in the county and to the Director-General for comments.
- (2) The relevant agencies shall submit to the County Director their comments on the plan within sixty days of the plan being circulated under subregulation (1).
- (3) The Director-General shall—
 - (a) submit comments to the County Director on the plan within sixty days of the plan being circulated under subregulation (1); and

(b) assign a plan reference number to the plan.

11. Public participation.

- (1) In facilitating public participation regarding the plan, the County Executive Committee Member may use various methods including—
 - (a) direct contact using interview guides and questionnaires;
 - (b) public notices in newspapers;
 - (c) mass media including radio, television;
 - (d) information communication platforms;
 - (e) newsletter;
 - (f) public hearings and group discussions, town hall meetings, public fora;
 - (g) conferences, seminars or workshops; and
 - (h) placement of documents at a common place, available to the members of the public including notice boards.
- (2) In dealing with comments and other representations regarding draft plans from the public, the County Executive Committee Member may—
 - (a) incorporate the comments or representations into the plan;
 - (b) or dismiss the comments or representations and provide reasons therefor.

12. Appeals.

- (1) A person aggrieved by a decision of the County Executive Committee Member concerning the local physical and land use development plan may, within sixty days of being notified of the decision, appeal to the County Physical and Land use Liaison Committee in writing against the decision in Form PLUPA L-3 as set out in the First Schedule.
- (2) Representations made by the County Executive Committee Member in response to an appeal lodged before the County Physical and Land use Liaison Committee shall be in writing.
- (3) The Liaison Committee shall consider the appeal within thirty days and may set aside, confirm or vary the decision appealed against and make such order as it deems necessary or expedient to give effect to its decision and communicate the decision to the appellant within fourteen days.
- (4) In exercising its power to set aside, confirm or vary the decision appealed against, the County Physical and Land use Liaison Committee shall do so in accordance with the rules of natural justice and fair administrative action.
- (5) A person dissatisfied with the decision of the County Physical and Land use Liaison Committee may lodge an appeal to the Environmental and Land Court within a period of thirty days from the date of the making of the decision by the Liaison Committee.

13. Approval of the plan.

(1) Where all applications for review have been heard and determined, the County Executive Committee Member shall submit the draft local physical and land use development plan to the County Physical and Land Use Planning Consultative Forum for comments within fourteen days, and any changes shall be incorporated into the plan.

(2) After submission of the plan by the County Executive Committee Member to the Consultative Forum for comments, the input of the Forum shall be in Form PLUPA L-4 as set out in the First Schedule.

14. County assembly approval.

- (1) Pursuant to the provisions of sections 49 (3) and 41 (3) of the Act, the county assembly shall, on submission of the local physical and land use development plan by the Governor, consider the plan within thirty sitting days and thereby approve it with or without any modification.
- (2) upon approval by the County Assembly, the County Director shall issue an approved plan number to the plan and enter the number in the register.

15. Contents of the Register.

The register which shall be maintained by the County Director shall contain—

- (a) date of initiation of plan preparation;
- (b) departmental reference number;
- (c) scale;
- (d) title;
- (e) sub-county;
- (f) date of completion;
- (g) date of circulation;
- (h) date of approval; and
- (i) approved plan number.

16. Publication.

The notice required under section 50 of the Act regarding the approval of the local physical and land use development plan and on the inspection of the approved plan shall be in in Form PLUPA L-5 as set out in the First Schedule.

17. Amendment or revision of the plan.

- (1) The amendment or revision of the plan pursuant to Section 51 of the Act may be initiated by the County Executive Committee Member—
 - (a) on his or her own motion;
 - (b) on recommendation by the county or national government;
 - (c) by request of a person ordinarily resident in that county; or
 - (d) on recommendation of a residents' association in the county.
- (2) The County Executive Committee Member shall notify the County assembly of the proposed amendment or revision of the plan in Form PLUPA L-6 as set out in the First Schedule.
- (3) Upon approval of the amendment or revision of the plan by the county assembly, the County Executive Committee Member shall publish a notice in the *Gazette*, in at least two newspapers of national circulation and through electronic media the proposed amendments in form PLUPA L-2 as set out in the First Schedule inviting any interested party to make comments thereon.

- (4) The provisions of regulations 11, 12 and 13 with the necessary modifications, shall apply to the amendment or revision of a Plan regarding the receiving of and decisions on public comments thereon.
- (5) The County Executive Committee Member shall submit the amended Plan to the Governor, who shall place it before the County Assembly for approval.
- (6) On the approval of the amended Plan by the County Assembly, the County Executive Committee Member shall publish the approval of the amended Plan in Form PLUPA L-7 as set out in the First Schedule, inviting comments and representations from the public.
- (7) The provisions of regulation 17 shall apply to an amended local physical and land use development plan
- (8) The amended local physical and land use development plan shall be published in Form PLUPA L-8 as set out in the First Schedule.

18. Reports, etc. to be submitted to the Commission and the Director-General.

All reports, notices, plans prepared under these Regulations shall be submitted to the National Land Commission and the Director-General within fourteen days after publication.

FIRST SCHEDULE

FORMS

FORM PLUPA L-1 (r. 9)

REPUBLIC OF KENYA



THE PHYSICAL AND LAND USE PLANNING ACT

(Cap. 303)

NOTICE OF INTENTION TO PREPARE A LOCAL PHYSICAL AND LAND USE DEVELOPMENT PLAN

Title of Development Plan
Pursuant to the provisions of section (47) of the Physical and Land Use Planning Act (Cap. 303), NOTICE is hereby given that the County Government of intends to commence preparation of the above Plan on theday of
The purpose of the Plan is:
The objectives of the Plan are
Comments on the proposed plan may be directed to
1*
not later than ^{2°}
Dated this20
County Executive Committee Member
Notes—
1* provide details of the receiving entity.
2* provide a twenty one day window.
FORM PLUPA L-2 (r. 10)

REPUBLIC OF KENYA



THE PHYSICAL AND LAND USE PLANNING ACT

(Cap. 303)

NOTICE OF COMPLETION OF LOCAL PHYSICAL AND LAND USE ${\tt DEVELOPMENT\ PLAN}$

Γitle of 1	Development Plan
303), NO	t to the provisions of section 49(1) of the Physical and Land Use Planning Act (Cap. OTICE is hereby given that the preparation of the above Plan was on the day 20
А сору с	of the plan as prepared has been deposited for public inspection free of charge at
	1*
nay wit	erested person who wishes to make any representation in connection with or objection to the above plan hin sixty days send the same to $^{2^*}$ and such representations or comments te the grounds upon which they are made.
Dated th	nis20
Notes-	County Executive Committee Member
	provide details of the place where the plans are availed to the public and if electronic, give name and link to website.
	provide details of the place where the plans are availed to the public and if electronic, give name and link to website.
	
FORM	PLUPA L-3 (r. 13(1))

REPUBLIC OF KENYA



THE PHYSICAL AND LAND USE PLANNING ACT

(Cap. 303)

APPEAL AGAINST DECISION REGARDING LOCAL PHYSICAL AND LAND USE ${\tt DEVELOPMENT\ PLAN}$

(To be	filled in triplicate)
Title c	of Development Plan
To: Th	e Secretary, County Physical and Land Use Planning Liaison Committee
	County
I/We ^{1*}	, appeal against the decision made by County Executive Committee Member regarding the above Plan.
My/ou	r grounds for appeal are as follows:
(a)	
(b)	
(c)	2*
The re	eliefs which I/We seek are:
(a)	
(b)	
(c)	3°
Dated	this
	cure of Applicant
J	
Note	rs—
1*	Delete as necessary.
2*	Please attach additional written text if space is insufficient.
3*	Please attach additional written text if space is insufficient.

FORM PLUPA L-4 (r. 14(2))

REPUBLIC OF KENYA



THE PHYSICAL AND LAND USE PLANNING ACT

(Cap. 303)

NOTICE OF REVIEW OF LOCAL PHYSICAL AND LAND USE DEVELOPMENT PLAN BY COUNTY PHYSICAL AND LAND USE CONSULTATIVE FORUM

Physic of Kenya	of Development Plan	se Planning Consultative Forumin the Republic of
(1)		
(2)		
	Dated the, 20	
	Chairperson	Secretary
	Notes—	

strike through where necessary.

FORM PLUPA L-5 (r. 17)

REPUBLIC OF KENYA



THE PHYSICAL AND LAND USE PLANNING ACT

(Cap. 303)

NOTICE OF APPROVAL OF LOCAL PHYSICAL AND LAND USE ${\tt DEVELOPMENT\ PLAN}$

Title of Development Plan.		
Approved Development Plan No.		
Pursuant to the provisions of section 50 of the Physical and Land Use Planning Act (Cap. 303), NOTICE is hereby given that on the day of		
A certified copy of the plan as approved has been deposited at		
Dated this		
Signed		
County Executive Committee Member		
Notes—		

1*	Provide physical address and if electronic, name of website and link.		
FORN	M PLUPA L-6	(r. 18(2))	

REPUBLIC OF KENYA



THE PHYSICAL AND LAND USE PLANNING ACT

(Cap. 303)

NOTIFICATION OF AMENDMENT/REVISION OF LOCAL PHYSICAL AND LAND USE DEVELOPMENT PLAN

Title of Development Plan		
Approved Development Plan No.		
To:		
The Clerk County Assembly of		
$\label{eq:localization} \text{I/We}^{1^*}, \qquad \qquad \text{of P.O. Box} \qquad \qquad \text{propose modification to the Plan}$ referenced above.		
My/our reasons for the proposed amendments are as follows:		
(a)		
(b)		
(c) ^{2*}		
I/We certify that:		
I/We have complied with the relevant provisions of the County Governments Act (Cap. 265);		
(b) The proposed amendments are in conformity with the National, relevant Inter-County and County Physical and Land Use Development Plans.		
Dated thisday of		
Signature		

				County Executive Committee Member
Note	s—			
1*	Delete as necessary			
2*	Please attach additi	onal written text if space is insu	ıfficient.	
FORM	M PLUPA L-7			(r. 18(6))
		REPUBLIC OF	F KENYA	
		THE PHYSICAL AND LAND	USE PLAI	NNING ACT
		(Сар. 30	03)	
	NOTICE (F APPROVAL OF AMENDMENT	T/REVISIO	N OF A LOCAL PHYSICAL
	AND	LAND USE DEVELOPMENT PLA	N BY THE	COUNTY ASSEMBLY
Title o	f Development Plan .			
Appro	ved Development Plan	ı No		
Pursua	nt to the provisions o	f section 50 of the Physical and	Land Use	Planning Act (Cap. 303), NOTICE is hereby

modification to the above Plan.

Notes—	
1* state name and address of entity that	t has approved modification.
FORM PLUPA L-8	(r. 18(6))
	REPUBLIC OF KENYA
THE PHYSIC	AL AND LAND USE PLANNING ACT
	(Cap. 303)
NOTICE OF MODIFICATION/ AMENDMEN	IT OF A LOCAL PHYSICAL AND LAND USE DEVELOPMENT PLAN
Title of Development Plan	
Approved Development Plan No	
	e Physical and Land Use Planning Act (Cap. 303), NOTICE is hereby20 the above plan has been amended.
The plan shall be available at	
Dated this day of	20
	County Executive Committee Member
Notes—	

strike through where necessary.

1*

13

2* state physical address and opening hours. If online, state website and give link.

SECOND SCHEDULE

STRUCTURE OF THE COUNTY PHYSICAL AND LAND USE DEVELOPMENT PLAN REPORT

Part I

The outline structure of the County Physical and Land Use Development Plan Report

Part I

- 1. Cover Page
- 2. Introduction
- 3. Constitutional, legal and policy planning context

Part II

- 4. Physiography and climate
- 5. Population and demography
- 6. Housing
- 7. Agriculture
- 8. Commerce
- 9. Industry
- 10. Education
- 11. Public purpose
- 12. Recreation, Conservation, preservation and open spaces
- 13. Public infrastructure and utilities
- 14. Transportation
- 15. Blue Economy

Part III

16. Synthesis and emerging issues

Part IV

- 17. Plan proposals
- 18. Action Plans
- 19. Implementation schedule-Timelines, Resource and Institutional requirements

Reference

Appendix

Annex

Part II

Preparation of the Maps

- 1. Notwithstanding the provisions of First Schedule Part IV (9), the actual scale to be used in the map shall depend on the level of detail and circumstances.
- 2. The Maps prepared shall adopt a scale of a multiple of 500.
- 3. Maps prepared shall be authenticated and approved by the authority responsible for Survey.
- 4. Base Map" means a geo-referenced and geometrically accurate graphical representation of land which includes topographical maps, administrative boundary maps, sea charts, aeronautical charts and other thematic and special purpose maps obtained from the relevant authorities.
- 5. All the maps and plan reports shall adopt standard paper size series A4-A0.
- 6. Fine details on the plan report shall be contained in an appropriate professional handbook and practicing notes.

THIRD SCHEDULE

SHORT-TERM PLANS

Short-term plans are of the following types—

- (a) Neighborhood Plans-Prepared for comprehensive planning of areas selected for intensive development, which is to commence within a specified period.
- (b) Sectoral Plans- Prepared for detailed treatment of a particular planning aspect, for example, housing, transportation (Roads, railway, airports and water ways), communication infrastructure including Fiber optic, water supply, sewerage, solid waste disposal, pipelines (Oil/Gas) conservation and preservation areas including wildlife migratory corridors and dispersal areas etc., The Plans should be prepared to guide the implementing agencies.
- (c) Property Site Master Plan, indicating permitted use, density, access, plot coverage, plot ratio and building heights. This shall include 3D models.
- (d) Part Development Plans/advisory plans, indicating precise sites for immediate implementation of specific projects including land alienation for public use. The Plan will be prepared by the planning authority in consultation with National Land Commission as per the provisions of the Land Act (Cap. 280).

The form and content of short-term plans differ with plan types and in most cases will reflect details and proposals of a long-term plan, where it exists. However, the most important considerations in their preparation shall be—

- (i) An assessment of immediate land requirement to accommodate specific population needs as they arise for a period of 3 to 5 years;
- (ii) Detailed allocation of the land requirements to various land uses taking into account compatibility of adjoining land uses and conforming with a long-term plan proposal for the area; and
- (iii) Identification of authorities to service and/or develop the various land use allocations.

Except for part development plans, other short-term plans may be prepared by commissioned registered physical planners. In order to ensure that plans prepared by registered physical planners conform to long-term plans prepared by the Planning Authority, all such plans must have a seal of approval of the Planning Authority before their implementation.