



THE REPUBLIC OF KENYA

LAWS OF KENYA

**THE PHYSICAL AND LAND USE PLANNING (NATIONAL
PHYSICAL AND LAND USE DEVELOPMENT PLAN) REGULATIONS**

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Physical and Land Use Planning Act

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

Legal Notice 241 of 2021

Legislation as at 31 December 2022

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Physical and Land Use Planning (National Physical and Land Use Development Plan) Regulations (Legal Notice 241 of 2021)

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PHYSICAL AND LAND USE PLANNING ACT

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

LEGAL NOTICE 241 OF 2021

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Part I – PRELIMINARY

1. Citation

These Regulations may be cited as the Physical and Land Use Planning (National Physical and Land Use Development Plan) Regulations.

2. Interpretation

In these Regulations, unless the context otherwise requires—

"electronic" has the meaning assigned to it under section 2 of the Kenya Information and Communications Act (Cap. 411A);

"Consultative Forum" means the National Physical and Land Use Planning Consultative Forum established under section 6 of the Act; and

"Plan" means the National Physical and Land Use Development Plan.

3. Object of the Regulations

The object of these Regulations is to provide a framework for preparation, content, approval, implementation and forms thereof of the National Physical and Land Use Development Plan pursuant to sections 21, 22, 23, 23, 25, 26, 27 and 28 of the Act.

Part II – NATIONAL PHYSICAL AND LAND USE DEVELOPMENT PLAN

4. Planning area

In defining the scope and the geographic area of the Plan, the Director-General of Physical and Land Use Planning shall delineate the planning area through the services of the Director of Survey.

5. Concept paper on the Plan

- (1) The Director-General of Physical and Land Use Planning shall forward the concept paper on the Plan to the Consultative Forum pursuant to section 23 (1)(d) of the Act for the purpose of obtaining the input of the Consultative Forum within a period of thirty days from the date of receipt of the concept paper on the plan.
- (2) The Director-General shall upon receiving input on the concept paper on the plan from the Consultative Forum notify the Cabinet Secretary of the input in writing.

6. Notice of Intention Prepare Plan

The Cabinet Secretary shall upon receipt of the concept paper on the plan under regulation 6 (2) publish in the *Gazette* and in at least two newspapers of national circulation and through electronic media a notice of intention to plan in form PLUPA 1 as set out in the First Schedule.

7. National security

- (1) Where the Plan touches on, relates to, borders, involves or in any way affects safeguarding areas or national security, the Consultative Forum shall submit the Draft Plan to the National Security Council for comments.
- (2) The National Security Council shall give its comments on the Draft Plan submitted under subregulation (1) within a period of fourteen days from the date of receipt.

8. Notice of Completion of Draft Plan

- (1) The Cabinet Secretary shall pursuant to section 25 (1) of the Act, by notice in the *Gazette* and in at least two newspapers of national circulation and through electronic media notify the public that the Draft Plan is available for inspection and submission of comments in Form PLUPA 2 as set out in the First Schedule.
- (2) The notice under subregulation (1) shall specify the manner by which comments on the Draft Plan may be sent to the Cabinet Secretary.

9. Notice of publication of the revised plan

The Cabinet Secretary shall publish a notice in the *Gazette* and in at least two newspapers of national circulation and through electronic media pursuant to section 25 (3) of the Act in Form PLUPA 3 as set out in the First Schedule.

10. Final consultation with the Consultative Forum

- (1) The Cabinet Secretary shall pursuant to section 26 (1) of the Act submit the Draft Plan to the Consultative Forum for its final comments within thirty days after the period for considering and incorporating comments in the Plan has elapsed.
- (2) The Consultative Forum shall consider and submit its final comments on the draft Plan to the Cabinet Secretary in form PLUPA-4 as set out in the First Schedule.

11. Parliamentary approval

Upon obtaining Cabinet approval, the Cabinet Secretary shall submit the Draft Plan to the National Assembly for approval.

12. Publication of approval

The Cabinet Secretary shall pursuant to section 26 (5) of the Act publish the duly approved plan by the National Assembly in form PLUPA5 in a notice in the *Gazette* and in at least two newspapers of national circulation and through electronic media, within fourteen days from the date of approval.

13. Status report

The Status Report prepared in accordance with section 28 of the Act shall include—

- (a) the extent of the implementation of the plan;
- (b) challenges in implementation or application;

- (c) estimated timelines for completion;
- (d) annexes (including photos, maps, matrices and graphs); and
- (e) any other relevant matter.

14. Structure and technical specifications

Further to the provisions of section 24 (1) and the First Schedule to the Act, the structure of the final Plan report and the technical specifications on maps shall be as set out in the Second schedule.

Part III – STRATEGIC NATIONAL INSTALLATION PROJECTS

15. Notice of preparation of strategic national installation and projects

- (1) The Director-General shall, before preparing a strategic national installation and project plan pursuant to section 13 (g) of the Act, publish a notice of intention to plan in Form PLUPA 6 of the First Schedule.
- (2) Notwithstanding any form of publication for the intention to prepare a strategic national installation and project plan, sensitization may be conducted for members of the public to create awareness.

16. Stakeholder involvement

- (1) Before completion of the preparation of the strategic national installation and project plan, the Director-General shall hold stakeholders meeting for the purposes of—
 - (a) sensitization and developing consensus;
 - (b) creating awareness;
 - (c) identifying issues; and
 - (d) clarifying objectives of the plan.
- (2) To ensure effective participation by stakeholders, the Director-General shall identify key stakeholders and their interests and assess potential impact of the plan on the stakeholders.

17. Notice of completion of the draft plan

- (1) Within thirty days of the completion of draft strategic national installation and project plan, the Director-General shall publish a notice in the *Gazette* and in at least two newspapers of national circulation informing the public that the plan is available at the place and time specified in the notice for inspection and that any interested person may, within fourteen days, comment on the content of the plan.
- (2) The notice in subregulation (1) shall be in Form PLUPA 7 as set out in the First Schedule.
- (3) Within twenty-one days of the expiry of the period for making comments under subregulation (1), the Director-General shall consider the comments made and may incorporate them.

18. Circulation of the draft plan

- (1) Within fourteen days of incorporating the comments under regulation 18 (3), the Director-General shall circulate the draft strategic national installation and project plan to ministries, departments, public agencies and statutory bodies for comments.

- (2) Comments made on the circulated draft strategic national installation and project plan under subregulation (1) shall be submitted to the Director-General in written or electronic form within sixty days of circulation.
- (3) Within twenty-one days of the expiry of the period for comments received under subregulation (2), the Director-General shall consider the comments made and where necessary incorporate them in the plan.

19. Notice of completion of the draft plan

Within seven days of making a decision under regulation 19 (3), the Director-General shall publish a notice in the *Gazette* and in at least two newspapers of national circulation informing the public that a decision on the comments received has been considered and that the reviewed draft strategic national installation and project plan is available for perusal at the place and time specified in the notice.

20. Approval of the plan

Within fourteen days of the notice under regulation 20, the Director-General shall submit the draft strategic national installation and project plan to the Cabinet Secretary for approval as provided under section 69 (4) of the Act.

21. Appeals

- (1) Any person dissatisfied with the decision of the Director-General may appeal to the National Physical and Land Use Planning Liaison Committee within fourteen days and the committee shall consider the application and make its determination within sixty days of the receipt of the application.
- (2) The appeal under subregulation (1) shall be made in Form PLUPA LC-1A as set out in the First Schedule, setting out the grounds and the reliefs sought.
- (3) The National Physical and Land Use Planning Liaison Committee shall consider the appeal and communicate its decision to the dissatisfied party in Form PLUPA LC-4(a).
- (4) Any person dissatisfied with the decision of the National Physical and Land Use Planning Liaison Committee may, within fourteen days of the decision, appeal to the Environment and Land Court.

22. Approval of the strategic national installation and project plan

The Director-General shall issue a certificate in Form PLUPA 8 as set out in the First Schedule, confirming that the Cabinet Secretary has approved the Plan.

23. Forms

The forms contained in the First Schedule shall be used for purposes specified in these Regulations and may be used in paper and electronic format for the purposes of these Regulations.

FIRST SCHEDULE

FORMS

FORM PLUPA 1

(r. 7)



REPUBLIC OF KENYA

THE PHYSICAL AND LAND USE PLANNING ACT

(Cap. 303)

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

Title of Development Plan

Pursuant to the provisions of section 23(2) of the Physical and Land Use Planning Act, 2019, NOTICE is hereby given that the Cabinet Secretary^{1*} intends to commence the preparation of the above Plan on the day of 20

The purpose of the Plan is:

The objectives of the Plan are:

The information to be set out in the Plan shall include

Comments on the proposed plan may be directed to^{2*} not later than^{3*}

Dated the day of 20

Cabinet Secretary

Notes—

^{1*} Insert name of relevant Ministry.

^{2*} provide details of the receiving entity.

^{3*} provide a fourteen-day window.

FORM PLUPA 2

(r. 10)

REPUBLIC OF KENYA



THE PHYSICAL AND LAND USE PLANNING ACT

(Cap. 303)

NOTICE OF COMPLETION OF NATIONAL PHYSICAL AND LAND USE DEVELOPMENT PLAN

Title of Plan

Pursuant to the provisions of section 25(1) of the Physical and Land Use Planning Act, 2019, NOTICE is hereby given that preparation of the above draft Plan was on day of 20 completed

A copy of the Plan prepared is available for inspection by the public at ^{1*} from ^{2*}

Any interested person who wishes to make any comments in connection with or the above draft Plan may send such comments in writing to the office the Cabinet Secretary not later than ^{3*} Day of 20 and any such comments shall state the ground on which it is made.

Cabinet Secretary

Notes—

^{1*} provide details of the place where the plans are availed to the public and if electronic, give name and link to website.

^{2*} for physical locations, specify time when the plan is available for inspection.

^{3*} specify date of deadline.

FORM PLUPA 3

(r. 12)

REPUBLIC OF KENYA



THE PHYSICAL AND LAND USE PLANNING ACT

(Cap. 303)

**NOTICE OF PUBLICATION OF THE REVISED NATIONAL
PHYSICAL AND LAND USE DEVELOPMENT PLAN**

Title of Development Plan

Pursuant to the provisions of section 25(3) of the Physical and Land Use Planning Act, 2019, NOTICE is hereby given to the general public that a decision has been made by the Cabinet Secretary

^{1*} on the comments received in respect to the above draft Plan and the same is available for perusal at ^{2*} from ^{3*} .

Dated the, 20

Cabinet Secretary

Notes—

^{1*} Insert name of relevant Ministry.

^{2*} provide details of the place where the plans are availed to the public and if electronic, give name and link to website.

^{3*} for physical locations, specify time when the plan is available for inspection.

FORM PLUPA 4

(r. 13(2))

REPUBLIC OF KENYA



THE PHYSICAL AND LAND USE PLANNING ACT

(Cap. 303)

**NATIONAL PHYSICAL AND LAND USE PLANNING CONSULTATIVE FORUM FINAL
COMMENTS ON THE DRAFT NATIONAL PHYSICAL AND LAND USE DEVELOPMENT PLAN**

Title of Development Plan

Pursuant to the provisions of section 25(3) of the Physical and Land Use Planning Act, 2019, the National Physical and Land Use Planning Consultative Forum considered the above Plan and under Minute in a meeting held on the day of 20, recommend for final approval subject to the following conditions:

- (1)
- (2)
- (3)

Dated the day of 20

.....

(Name)

Chairperson

.....

(Name)

Secretary

FORM PLUPA 5

(r. 15)

REPUBLIC OF KENYA



THE PHYSICAL AND LAND USE PLANNING ACT

(Cap. 303)

NATIONAL PHYSICAL AND LAND USE DEVELOPMENT PLAN NOTICE OF APPROVAL

Title of Development Plan

Approved Development Plan No.

Pursuant to the provisions of section 26(5) of the Physical and Land Use Planning Act, 2019. NOTICE is hereby given that on the day of

..... 20 The above Plan was approved in accordance with the provisions of Physical and Land Use Planning Act, 2019.

A certified copy of the Plan as approved is available to the public at ^{1*}

Copies of the Plan can be accessed through the Ministry's website

Dated this day of 20

Cabinet Secretary

Notes—

- ^{1*} Provide physical location where the plan is available for access by the public.

FORM PLUPA 6

(r. 17)

REPUBLIC OF KENYA



THE PHYSICAL AND LAND USE PLANNING ACT

(Cap. 303)

NOTICE OF INTENTION TO PREPARE A STRATEGIC NATIONAL INSTALLATION AND PROJECT PLAN

Title of Development Plan

Pursuant to the provisions of section 13(g) of the Physical and Land Use Planning Act, 2019, NOTICE is hereby given that the Director-General of Physical and Land Use

Planning intends to prepare the above Plan with effect from the day of20

The purpose of the Plan is:

The objective of the Plan is:

.....

.....

Comments on the proposed plan may be directed to^{2*} not later than^{3*}

Dated the day of 20

*Director-General
of Physical and
Land Use Planning*

Notes—

- 1* Insert name of relevant Ministry.
- 2* provide details of the receiving entity.
- 3* provide a fourteen-day window.

FORM PLUPA 7

(r. 19)

REPUBLIC OF KENYA



THE PHYSICAL AND LAND USE PLANNING ACT

(Cap. 303)

NOTICE OF COMPLETION OF A STRATEGIC NATIONAL INSTALLATION AND PROJECT PLAN

Title of Development Plan

Pursuant to the provisions of section 13(g) of the Physical and Land Use Planning Act, 2019, NOTICE is hereby given that the preparation of the above Plan was on theday of20 completed.

The Plan relates to land situated within

A copy of the plan as prepared has been deposited for public inspection free of charge
at^{1*}

Any interested person who wishes to make any representation in connection with or objection to the above plan
may send the same to^{2*} and such representations or comments the grounds upon which they are
made not later than the day of 20^{3*}

Dated this day of 20

Director-General of Physical and Land Use Planning

Notes—

- ^{1*} provide details of the Joint Director-General's address and if electronic, give name and link to website.
- ^{2*} provide details of the Joint Director-General's address and if electronic, give name and link to website.
- ^{3*} provide a 14-day window.

FORM PLUPA 8

(r. 24)

REPUBLIC OF KENYA



THE PHYSICAL AND LAND USE PLANNING ACT

(Cap. 303)

CERTIFICATE OF APPROVAL OF A STRATEGIC NATIONAL INSTALLATION AND PROJECT PLAN

Title of Development Plan

Pursuant to the provisions of section 69(4) of the Physical and Land Use Planning Act, 2019, this is to CERTIFY that the Cabinet Secretary responsible for matters related to physical and land use planning have issued the approval in respect of the Plan enclosed herewith known as^{2*}

Dated the day of 20

Issued By^{3*}

Cabinet Secretary

Department Seal^{4*}

Notes—

1* *Insert title of Plan

2* Name of the Cabinet Secretary

3* Seal of the Cabinet Secretary.

SECOND SCHEDULE

THE STRUCTURE OF THE NATIONAL PHYSICAL AND LAND USE DEVELOPMENT PLAN REPORT

PART I

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

PART II

4. Geographic coverage, 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