



THE REPUBLIC OF KENYA

LAWS OF KENYA

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

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Physical and Land Use Planning Act

The Physical and Land Use Planning (County Physical and Land Use Development Plan) Regulations

Legal Notice 240 of 2021

Legislation as at 31 December 2022

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The Physical and Land Use Planning (County Physical and Land Use Development Plan) Regulations
(Legal Notice 240 of 2021)

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PHYSICAL AND LAND USE PLANNING ACT

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

LEGAL NOTICE 240 OF 2021

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1. Citation

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

2. Interpretation

In these Regulations, unless the context otherwise requires—

“Consultative Forum” means the County Physical and Land Use Planning Consultative Forum established under the Act;

“County plan” means the County Physical and Land Development Plan; and

“liaison committee” means the County Physical and Land Use Planning Liaison Committee.

3. Object of the Regulations

The object of these Regulations is to provide a framework, guidelines and procedures for the preparation, public participation, completion, approval, revision and forms in respect of County Physical and Land Use Development Plans.

4. Delimiting of planning areas

In defining the scope and geographic area of the plan, the County Executive Committee Member shall delimit a planning area guided by the physiographic characteristics, administrative boundaries, electoral units, agro-ecological zones and planning projections.

5. Notice of Intention to prepare a County Physical and Land Use Development Plan

- (1) The County Executive Committee Member shall, at least twenty-one days before the commencement of the preparation of the County Physical and Land Use Development Plan, publish a notice of intention to prepare a County Physical and Land Use Development Plan in FORM PLUPA C-1.
- (2) The County Executive Committee Member shall publish a notice in the *Gazette*, and at least two newspapers of national circulation and electronic media informing the public of the intention to prepare the plan, the objects of the plan and matters to be considered in the County plan and the address to which any comments on the County plan may be sent.

6. Plan reference number

- (1) Upon publication of the notice of intention to prepare the county plan under regulation 5, the County Executive Committee Member shall request, in writing, the Director-General to issue a plan reference number in respect of the county plan.
- (2) The Director-General shall, within fourteen days from the date of the request under subregulation (1), issue in writing a plan reference number for the county plan.

7. National security

- (1) Where a county plan touches on, relates to, borders, involves or in any way affects a safeguarding area or any aspect of national security, the approval of the National Security Council shall be sought before the preparation of the county plan.
- (2) The National Security Council shall approve or reject the preparation of a county plan to the extent that the plan relates to a safeguarding area or any aspect of national security submitted to the Council within sixty days from the date of receipt thereof from the County Executive Committee Member and notify the County Executive Member in writing of the decision and the reasons thereof.
- (3) The National Security Council may impose such conditions as may be necessary to the preparation of county plans that touch on, relating to, bordering, involving or in any way affecting national security.

8. Outsourcing of physical planning services

- (1) The County Executive Committee Member may, where staff capacity is lacking, on his or her own initiative or a proposal made by any other person, outsource physical planning consultancy and other services in accordance with the relevant public procurement and disposal laws and any other applicable law relating to registration and licensing of professional practitioners in the field of physical and land use planning, land surveying and related disciplines in the built environment
- (2) Outsourced physical and land use planning consultancy and other services shall be submitted to the County Executive Committee Member through the County Director of Physical and Land Use Planning for scrutiny, authentication and processing for approval and shall remain the property of the county.

9. Presentation of county plans

The presentation of a county plan shall be in paper and electronic form including geo-database or shapefiles.

10. Land use zones

A County Plan shall demonstrate land use zones including—

- (a) housing;
- (b) industry;
- (c) education;
- (d) recreation, conservation, preservation and open spaces;
- (e) commerce;
- (f) public purpose;
- (g) public infrastructure and utilities;

- (h) transport;
- (i) agriculture; and
- (j) land banking and other reservations.

11. Notice of completion

- (1) The notice which the County Executive Committee Member shall use to inform the public that the draft County plan is complete and available for inspection and inviting public comments shall be in Form PLUPA C-2 as set out in the First Schedule.
- (2) The period of time applicable for comments and representations from the public shall be sixty days.

12. Circulation

- (1) Upon completion, the County Director of physical and land use planning shall circulate the draft county plan to relevant agencies at the county level and to the Director-General for comments.
- (2) The Director-General and the relevant agencies shall submit comments within sixty days of circulation.

13. Public participation

- (1) In the preparation of a county plan, the county executive committee member shall convene a meeting or meetings at which stakeholders and other parties affected by the planning process will be allowed to participate and give their views and suggestions.
- (2) The object of the meeting convened under subregulation (1) shall be to achieve the following objectives—
 - (a) sensitization and developing consensus on objectives of the plan;
 - (b) creating awareness; and
 - (c) identifying issues and development proposals and solutions thereof.
- (3) In facilitating public participation, the county executive committee member may use any or a combination of the following methods but not limited to—
 - (a) direct contact using interview guides and questionnaires;
 - (b) public notices in newspapers;
 - (c) mass media including radio and television;
 - (d) information communication platforms;
 - (e) newsletter;
 - (f) public hearings and group discussions;
 - (g) conferences, seminars, workshops, town hall meetings and citizen fora; and
 - (h) placement of documents at a common place, available to the members of the public including notice boards.

14. Review of public comments

When reviewing comments and other representations from the public relating to a draft county plan, the County Executive Committee Member may—

- (a) incorporate wholly the comments or representations;

- (b) incorporate partially the comments or representations; and
- (c) decline to incorporate any comments or representations altogether and in such a case, shall specify the reasons in writing.

15. Appeals

- (1) A person who is aggrieved by the decision of the County Executive Committee Member under these Regulations may lodge an appeal to the Liaison Committee against the decision in in Form PLUPA C-3 as set out the First Schedule stating the grounds for the appeal and the remedies sought.
- (2) The Liaison Committee may reverse, confirm or vary the decision of the County Executive Committee member and in so doing, the Liaison Committee shall apply the rules of natural justice and fair administrative action.
- (3) The response by the County Executive Committee Member to an appeal lodged under this regulation shall be in writing.
- (4) A person dissatisfied with the decision of the Liaison Committee may lodge a further appeal with the Environmental and Land Court within fourteen days after the decision of the Liaison Committee.

16. Comments by consultative forums

- (1) Pursuant to section 41(1) of the Act, the County Executive Committee Member shall, after reviewing the public comments made in respect of a county plan and exhaustion of the appeal process, submit the county plan to the County Physical and Land Use Consultative Forum for comments within sixty days from the date the county plan is finalised.
- (2) The County Physical and Land Use Planning Consultative Forum shall consider and submit its comments on the county plan to the County Executive Committee Member in Form PLUPA C-4 as set out in the First Schedule.
- (3) Upon receipt of the comments from the Physical and Land Use Planning Consultative Forum, the County Executive Committee Member shall consider the comments for incorporation and completion of the plan within a period of thirty days.

17. County assembly approval

Within fourteen days of completion the County Executive Committee Member shall cause the plan to be submitted to the County Executive Committee for endorsement and submission to the county assembly for approval.

18. Publication

The County Executive Committee Member shall, by notice in the *Gazette*, publish the County Physical and Land Use Plan in Form PLUPA C-5 as set out in the First Schedule.

19. Modification

- (1) Any person ordinarily resident in the county may apply to the County Executive Committee Member for the modification of a County Physical and Land Use Planning Plan.
- (2) An application under subregulation (1) shall be made in Form PLUPA C-6 as set out in the First Schedule.
- (3) Within fourteen days after receiving the application subregulation (1), the County Executive Committee Member shall publish the proposed modification in Form PLUPA C-7 as set out in

the First Schedule, notifying any interested party of the modification to the plan to submit representations in respect of the proposed modifications.

- (4) Within thirty days after the publication of the notice under subregulation (3), the County Executive Committee Member shall consider application and representations in respect thereof and make modifications to the plan as may be necessary and submit the modified plan to the County Assembly for approval.
- (5) Within thirty days after receiving the modified plan from the County Executive Committee Member under subregulation (4), the County Assembly shall consider and approve or reject the modified plan and shall notify the County Executive Committee Member of its decision within fourteen days after the decision.

20. Publication of modified County Physical and Land Use Development Plan

Within fourteen days after being notified by the county assembly of the approval of a modified County Physical and land Use Planning Plan, the County Executive Committee Member shall publish the modified plan in the *Gazette* in Form PLUPA C-8 as set out in the First Schedule.

21. Revision

The provisions of regulation 19 and 20 shall apply, with the necessary modifications, to the revision of a County Plan.

22. Submission of reports, notices and plans to the Commission and Director-General

All reports, notices and plans prepared under these Regulations shall be submitted to the Commission and the Director-General.

FIRST SCHEDULE

FORMS

FORM PLUPA C-1

(r. 5(1))

REPUBLIC OF KENYA



THE PHYSICAL AND LAND USE PLANNING ACT

(Cap. 303)

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

Title of Development Plan

Pursuant to the provisions of section 38(1) 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 the day of 20

The objectives of the Plan are:

.....

The purpose of the Plan is:

.....

Extent of the area covered

The information to be set out in the Plan shall include:

.....

Suggestions that may be included in the proposed plan may be directed to^{1*} not later than

.....^{2*}

Dated the, 20

County Executive Committee Member

Notes—

^{1*} provide details of the receiving entity.

^{2*} provide a twenty-one-day window.

FORM PLUPA C-2

(r. 11(1))

REPUBLIC OF KENYA



THE PHYSICAL AND LAND USE PLANNING ACT

(Cap. 303)

NOTICE OF COMPLETION OF COUNTY PHYSICAL AND LAND USE DEVELOPMENT PLAN

Title of Development Plan

Pursuant to the provisions of section 40(1) of the Physical and Land Use Planning Act, ([Cap. 303](#)), NOTICE is hereby given that the preparation of the above draft Plan was on the day of 20 completed.

The Plan relates to land situated within

A copy of the draft plan 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*} by^{3*} and such representations or comments shall state the grounds upon which they are made.

Dated the, 20

County Executive Committee Member

Notes—

- 1* provide details of the physical address and time the plan is available to the public and if electronic, give name and link to website.
- 2* provide details of the physical address of the receiving entity.
- 3* Specify actual date (60 days) for receiving comments

FORM PLUPA C-3

(r. 5(1))

REPUBLIC OF KENYA



THE PHYSICAL AND LAND USE PLANNING ACT

(Cap. 303)

APPEAL AGAINST DECISION REGARDING COUNTY PHYSICAL AND LAND USE DEVELOPMENT PLAN

(To be filled in triplicate)

Title of Development Plan

To: The Secretary, County Physical and Land Use Planning Liaison Committee County

I/We^{1*}, of P.O. Box appeal against the decision made by County Executive Committee Member regarding the Draft Plan

My/our grounds for appeal are as follows:

- 1)
- 2)^{2*}

The remedies sought are:

- 1)
- 2)^{3*}

Dated this day of 20

Signature^{4*}

Notes—

- 1* Delete as necessary.
- 2* Please attach additional written text if space is insufficient.
- 3* Please attach additional documentation as may be necessary.
- 4* Insert name and signature of authorized signatory.

FORM PLUPA C-4

(r. 16(2))

REPUBLIC OF KENYA



THE PHYSICAL AND LAND USE PLANNING ACT

(Cap. 303)

COUNTY PHYSICAL AND LAND USE PLANNING CONSULTATIVE FORUM NOTICE OF REVIEW

Title of Development Plan

Pursuant to the provisions of section 41(2) the Physical Land Use Planning Act, ([Cap. 303](#)), the County Physical and Land Use Planning Consultative Forum of

County of Post Office Box Number in the Republic

of Kenya has reviewed the above County Physical and Land Use Development Plan on

the day of 20 and proposes the following changes or approves the plan as is^{1*}:

(1)

(2)

Dated the day of 20

Chairperson

Secretary

Notes—

^{1*} strike through where necessary.

FORM PLUPA C-5

(r. 17)

REPUBLIC OF KENYA



THE PHYSICAL AND LAND USE PLANNING ACT

(Cap. 303)

NOTICE OF APPROVAL OF A COUNTY PHYSICAL AND LAND USE DEVELOPMENT PLAN

Title of Development Plan

Approved Development Plan No.

Pursuant to section 41(4) of the Physical and Land Use Planning Act ([Cap. 303](#)) NOTICE is hereby given that on the day of 20 the County Assembly of approved the above Plan.

A certified copy of the plan as approved is available at^{1*}

Dated this day of 20

Signed

County Executive Committee member County

Notes—

^{1*} Provide Physical address where the copies of the Plan can be accessed (Headquarters, Sub County, ward etc.)



THE PHYSICAL AND LAND USE PLANNING ACT

(Cap. 303)

MEMORANDUM FOR MODIFICATION OF A COUNTY PHYSICAL AND LAND USE DEVELOPMENT PLAN

Title of Development Plan

Approved Development Plan No.

To: The County Executive Committee Member

County Government of

I/We ^{1*} of P.O. Box propose modification to the County Physical and Land Use Development Plan referenced above.

My/our reasons for the proposed amendments are as follows:

(a)

(b)

(c) ^{2*}

I/We certify that:

(a) I/We have complied with the relevant provisions of the County Governments Act, ([No. 17 of 2012](#));

(b) The proposed amendments are in conformity with the National and all relevant Inter-County Physical and Land Use Development Plans.

Dated this day of 20

Name and Signature of Applicant ^{3*}

Notes—

- 1* Delete as necessary.
- 2* Please attach additional written text if space is insufficient.
- 3* Name and designation of authorized signatory.
-

FORM PLUPA C-7

(r. 18(2))

REPUBLIC OF KENYA



THE PHYSICAL AND LAND USE PLANNING ACT

(Cap. 303)

**NOTICE OF PROPOSED MODIFICATION TO THE COUNTY
PHYSICAL AND LAND USE DEVELOPMENT PLAN**

Title of Development Plan

Pursuant to the provisions of section 42(2) of the Physical and Land Use Planning Act, ([Cap. 303](#)), NOTICE is hereby given that the County Government of intends to amend the above Plan.

A copy of the proposed modification has been deposited for public inspection free of charge at^{1*}

Dated this day of 20

County Executive Committee Member

Notes—

^{1*} State the physical address and if website provide link.

^{2*} State the physical address and if website provide link.

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

FORM PLUPA C-8

(r. 9)

REPUBLIC OF KENYA



THE PHYSICAL AND LAND USE PLANNING ACT

(Cap. 303)

**NOTICE OF APPROVAL OF MODIFICATION OF A COUNTY
PHYSICAL AND LAND USE DEVELOPMENT PLAN**

Title of Development Plan

Approved Development Plan No.

Pursuant to the provisions of section 42(6) of the Physical and Land Use Planning Act, ([Cap. 303](#)), NOTICE is hereby given that the modified plan was approved on the day of20

The plan shall be available at^{1*} for inspection free of charge.

Dated the, 20

County Executive Committee Member

Notes—

^{1*} state physical address and opening hours. If online, state website and give link

SECOND SCHEDULE

OUTLINE STRUCTURE OF THE COUNTY PHYSICAL AND LAND USE DEVELOPMENT 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. 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 matrix - 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 shall be prepared by a certified authority.
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.