



THE REPUBLIC OF KENYA

LAWS OF KENYA

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

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Kenya

Physical and Land Use Planning Act

The Physical and Land Use Planning (Inter-County Physical and Land Use Development) Regulations

Legal Notice 244 of 2021

Legislation as at 31 December 2022

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The Physical and Land Use Planning (Inter-County Physical and Land Use Development) Regulations
(Legal Notice 244 of 2021)

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PHYSICAL AND LAND USE PLANNING ACT

THE PHYSICAL AND LAND USE PLANNING (INTER-COUNTY PHYSICAL AND LAND USE DEVELOPMENT) REGULATIONS

LEGAL NOTICE 244 OF 2021

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1. Citation

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

2. Interpretation

In these Regulations, unless the content otherwise requires—

“Commission” means the National Land Commission established under Article 67 of the Constitution;

“Committee” means an Inter-County Joint Physical and Land Use Planning Committee established under section 29 of the Act; and

“Liaison Committee” means the National Physical and Land Use Planning Liaison Committee.

3. Application

These Regulations shall apply to all inter-county physical and land use development plans.

4. Object of the Regulations

The object of these Regulations is to provide for procedures, standards, guidelines and prescribed Forms for preparation of Inter-County Physical and Land Use Development Plans for inter-county projects under sections 33 and 69 (2) of the Act.

5. Period with which actions, notices, publications, etc. are to be executed

Actions, notices, publications and any other matters provided for under the Act and these Regulations shall be executed within the specified period, unless such period is extended in accordance with the Act and these Regulations.

6. National security

- (1) Where an inter-county physical and land use development plan touches on, relates to, borders, involves or in any way affects a national security installation safeguarded areas or any aspect of national security, the Cabinet Secretary shall seek the input of the National Security Council during the making of the plan.
- (2) The National Security Council shall comment on any plan submitted to it within a period of sixty days from the date of receiving the plan from the Cabinet Secretary.
- (3) Any inter-county physical and land use development plan that touches on, relates to, borders, involves or in any way affects an area under a strategic national installation and project, as

stipulated in [section 13](#) (g) and the Physical and Land Use Planning (Classification of Strategic National or Inter-County Projects) Regulations, 2019, shall be prepared in consultation with the respective institution.

- (4) For the purposes of these Regulations, security organs shall be exempt from any form of publication required under these Regulations where the said plans touch on, relate to, border, involve or in any way affect the said security organs.

7. Role of Director-General

- (1) The Director-General shall—
- (a) convene the first meeting in consultation with the other members of the Committee as provided in section 29 (6);
 - (b) co-ordinate meetings and provide secretariat services to the Committee as provided in section 29 (7);
 - (c) offer expertise on matters of physical and land use planning;
 - (d) co-ordinate the preparation of inter-county physical and land use development plan;
 - (e) undertake capacity building and technical support for county planning authority; and
 - (f) vote on any matter, subject to the rules agreed upon by the Joint Committee.
- (2) The secretariat services referred to in section 29 (7) and subregulation (1) (b) shall include the following—
- (a) keeping records of the meetings of the Committee;
 - (b) consulting with the Chairperson on the order of business and agenda;
 - (c) ensuring that the notice of the meeting and that copies of the agenda are prepared;
 - (d) circulating to all members any material to be discussed at the upcoming meetings;
 - (e) reading the minutes of the previous meeting, and if they are approved, obtaining the Chairperson's signature on them;
 - (f) reporting on action or matters arising from the previous minutes and reading any important correspondence that has been received;
 - (g) taking notes of the meeting, recording the key points and making sure that decisions and proposals are recorded, and the name of the person or group responsible for carrying out any decisions;
 - (h) ensuring that the Chairperson is supplied with all the necessary information for items on the agenda, and reminding the Chairperson if an item has been overlooked;
 - (i) preparing a draft of the minutes and consulting the Chairperson for approval;
 - (j) sending a reminder notice of each decision requiring action to the relevant person;
 - (k) promptly sending all correspondence as decided by the Joint Committee; and
 - (l) any other role that may be assigned by the Committee.

8. Quorum

The quorum for the meetings of the Inter-County Joint Physical and Land Use Planning Committee shall be all the County Executive Committee Members responsible for physical and land use planning of respective counties and the Director-General.

9. Delimitation of the Planning Area

- (1) In defining the scope and the geographic area of the plan, the Committee shall delimit a planning area guided by the physiographic characteristics, administrative boundaries, electoral units, agro-ecological zones and planning projections.
- (2) The Committee may on its own initiative or by a proposal submitted to it outsource physical and land use planning consultancy and other services in accordance with the relevant public procurement laws for the time being in force.
- (3) Outsourced physical and land use planning consultancy and other services shall be submitted to the Committee through the Director-General for scrutiny and authentication and shall remain the joint property of the counties.

10. Notice of intention to plan

- (1) The Committee shall publish a notice of intention to prepare an inter-county physical and land use plan in Form PLUPA IC1 of the First Schedule.
- (2) Notwithstanding any form of publication for the intention to prepare an inter-county physical and land use development plan, sensitization fora shall be conducted for members of the public to create awareness where the circumstances so permit.

11. Public participation

- (1) In the preparation of the inter-county physical and land use development plan, the Committee shall convene a meeting or a series of meetings in which stakeholders and other parties affected by the planning process will be allowed to participate and give their views and suggestions.
- (2) The purpose of the meeting convened under subregulation (1) shall be to—
 - (a) sensitize the public and develop consensus on the objectives of the plan;
 - (b) create awareness; and
 - (c) identify issues, problems and challenges with a view to developing proposals to address, mitigate or otherwise resolve the issues.
- (3) In order to facilitate the effective participation of stakeholders, the Committee shall identify key stakeholders and their interests and assess potential impacts of the plan on the stakeholders.

12. Notice of Completion

The Committee shall publish a notice of completion to prepare an inter-county physical and land use plan in Form PLUPA IC2 as set out in the First Schedule herein.

13. Circulation of draft plan for comments

- (1) The draft inter-county physical and land use development plan shall be circulated to ministries, departments, public agencies, statutory bodies, academic institutions, research institutions, and the private sector for comments.
- (2) Comments on the draft plan from circulation and publication shall be submitted to the Director-General in paper and electronic form within sixty days of circulation and publication.

14. Review of comments

In dealing with comments and other representations from the public with regard to the draft inter-county physical and land use development plan, the Committee may–

- (a) wholly incorporate the comments or representations into the plan;
- (b) partially incorporate the comments or representations into the plan; or
- (c) altogether decline to incorporate comments or representations with reasons.

15. Appeals

- (1) Notwithstanding the provisions of section 32 (4) of the Act, the Committee may agree on an alternative dispute resolution method for any disagreement arising within the Committee or between a third party in relation to any action, omission or other matter relating to the plan before the matter is escalated to the Liaison Committee.
- (2) The appeal to the Liaison Committee shall be made in Form PLUPA IC-3 as set out in the First Schedule, setting out the grounds and the reliefs sought.
- (3) The Liaison Committee shall consider the appeal and communicate its decision to the dissatisfied party in writing, through the same channel which the application for appeal was received and copied to the Committee and the Commission.
- (4) Any person dissatisfied with the decision of the Liaison Committee may, within fourteen days of the decision, appeal to the Environment and Land Court.

16. Certification by the Director-General

The Director-General shall issue a certificate in Form PLUPA IC-4 as set out in the First Schedule, confirming that the relevant county assemblies have approved the inter-county physical and land use development plan.

17. Status report

- (1) Every county executive committee member of a County covered by an Inter-County physical and land use development plan shall submit a report on the implementation of the Inter-County Physical and Land Use Development Plan to the Commission and the Cabinet Secretary at least three months before the end of every financial year
- (2) The report shall contain the details set out in the Second Schedule.

FIRST SCHEDULE

FORM PLUPA IC-1

(r. 10(1))

REPUBLIC OF KENYA



THE PHYSICAL AND LAND USE PLANNING ACT

(Cap. 303)

NOTICE OF INTENTION TO PREPARE AN INTER-COUNTY PHYSICAL AND
LAND USE DEVELOPMENT PLAN

Title of Development Plan

Pursuant to the provisions of section 31(1) of the Physical and Land Use Planning Act ([Cap. 303](#)), NOTICE is hereby given that the Inter-County Physical and Land Use Planning Joint Committee from the Counties of

^{1*} intends to prepare the above Plan with effect from the day of20

The Inter-County Physical and Land Use Planning Joint Committee constitutes the following members from the corresponding counties:

<i>Name</i>	<i>ID No.</i>	<i>County</i>
.....		
.....		

The reason for establishing the Inter-County Physical and Land Use Planning Joint Committee is

Comments on the proposed plan may be directed to the Inter-County Physical and Land Use Planning Joint Committee's address at

^{2*} not later thanday of.....20.....^{3*}

Dated the, 20.....

Chairperson, Inter-County Joint Committee.

Notes—

- 1* state the names of the counties involved in the inter-county development plan.
- 2* provide address as appropriate.
- 3* provide timeline.

FORM PLUPA IC-2

(r. 12)

REPUBLIC OF KENYA



THE PHYSICAL AND LAND USE PLANNING ACT

(Cap. 303)

NOTICE OF COMPLETION OF INTER - COUNTY PHYSICAL AND LAND USE
DEVELOPMENT PLAN

Title of Development Plan

Pursuant to the provisions of section 32(1) of the Physical and Land Use Planning Act ([Cap. 303](#)), NOTICE is hereby given that the preparation of the above Inter-County Physical and Land Use Development Plan was on theday of.....20.....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.....

Chairperson, Inter-County Joint Committee

Notes—

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

FORM PLUPA IC-3

(r. 13(2))

REPUBLIC OF KENYA



THE PHYSICAL AND LAND USE PLANNING ACT

(Cap. 303)

APPEAL AGAINST A DECISION OF AN INTER-COUNTY PHYSICAL AND LAND
USE PLANNING JOINT COMMITTEE

(To be filled in triplicate)

Title of Development Plan

To: The Secretary

National Physical and Land Use Planning Liaison Committee

Pursuant to the provisions of section 32(4) of the Physical and Land Use Planning Act, ([Cap. 303](#)), I/We^{1*},
.....

of P.O. Box appeal against the decision made by the Inter-County Physical and Land
Use Planning Joint Committee of the counties of^{2*}, regarding the above Plan.

My/our grounds for appeal are as follows:

- (a)
- (b)
- (c)^{3*}

The reliefs I/we seek are:

- (a)
- (b)
- (c)^{4*}

Dated thisday of 20

Signature.....^{5*}

Notes—

1* Insert name of complainant/appellant.

2* Delete as necessary.

3* Please attach additional written text if space is insufficient.

4* Please attach additional written text if space is insufficient.

5* Insert name and signature of Authorised signatory of complainant/appellant.

FORM PLUPA IC-4

(r. 16)

REPUBLIC OF KENYA



THE PHYSICAL AND LAND USE PLANNING ACT

(Cap. 303)

CERTIFICATE OF APPROVAL OF AN INTER-COUNTY PHYSICAL AND LAND
USE DEVELOPMENT PLAN BY COUNTY ASSEMBLIES

Title of the Plan.

Pursuant to the provisions of section 33(1) of the Physical and Land Use Planning Act ([Cap. 303](#)), this is to
CERTIFY that the County Assemblies of.....^{1*} have issued the approval in respect of the
Plan enclosed herewith known as.....^{2*}

Dated this.....day of.....20.....

Issued By.....^{3*}

Director-General

Department Seal^{4*}

Notes—

- 1* Names of Counties
- 2* Insert title of Plan
- 3* Name of the Director-General
- 4* Seal of the Director-General

SECOND SCHEDULE

The content of the implementation report on an Inter-County physical and land use development shall include:

1. Strategic projects
2. Coordination framework
3. Financing strategy
4. Communication strategy
5. Community participation framework
6. Capacity building
7. Implementation framework
8. Monitoring and Evaluation mechanisms