



LEGAL NOTICE NO.

THE PHYSICAL AND LAND USE PLANNING ACT, 2019
(No. 13 of 2019)

IN EXERCISE of the powers conferred by section 90 of the Physical and Land Use Planning Act, 2019, the Cabinet Secretary for Lands and Physical Planning makes the following Regulations—

THE PHYSICAL AND LAND USE PLANNING (INTER-COUNTY PHYSICAL AND LAND USE DEVELOPMENT PLAN) REGULATIONS, 2020

Citation. **1.** These Regulations may be cited as the Physical and Land Use Planning (Inter-County Physical and Land Use Development Plan) Regulations, 2020.

Interpretation. **2.** 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 for purposes of preparing an Inter-County physical and land use development plan;

“Inter-County physical and land use development plan” means a plan for the area covering two or more counties or parts thereof;

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

Application. **3.** These Regulations shall apply to all Inter-County physical and land use development plans.

Timelines. **4.** All actions, notices, publications and any other matter provided in the Act shall be executed within the stipulated period, subject to any period of extension permissible under the Act or any other written law.

National security. **5.** (1) Whenever an Inter-County physical and land use development plan touches on, relates to, borders, involves or in any way affects safeguarded areas as defined in the Act or any aspect of national security, the input of the National Physical and Land Use Planning Consultative Forum shall be sought in the entire process of making the plan.

(2) The National Security Council may comment on any plan submitted to it within a period of sixty days from the date of receipt thereof from the Inter County Physical and Land Use Planning Joint Committee.

(3) All plans touching on, relating to, bordering, involving or in any way affecting areas under the strategic national installations and projects, as stipulated in section 13 (g) of the Act 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.

Role of
Director-
General.

6. (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) of the Act;
- (b) co-ordinate meetings and provide secretariat services to the Committee as provided in section 29 (7) of the Act;
- (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) of the Act and regulation 6 (1) (b) shall include the following administrative roles—

- (a) keeping records of the meetings of the Committee;
- (b) consulting with the Chairperson on the order of business and agenda;
- (c) ensure that the notice of the meeting and that copies of the agenda are prepared;

- (d) circulate to all members any material to be discussed at the upcoming meetings;
- (e) read the minutes of the previous meeting, and if they are approved, obtain the Chairperson's signature on them;
- (f) report on action or matters arising from the previous minutes and read any important correspondence that has been received;
- (g) take notes of the meeting, recording the key points and making sure that all decisions and proposals are recorded, as well as the name of the person or group responsible for carrying them out;
- (h) ensure that the Chairperson is supplied with all the necessary information for items on the agenda, and remind the Chairperson if an item has been overlooked;
- (i) prepare a draft of the minutes and consult the Chairperson for approval;
- (j) send a reminder notice of each decision requiring action to the relevant person; and promptly send all correspondence as decided by the Joint Committee; and
- (k) any other role assigned by the Joint Committee.

Meetings of the Joint Committee.

7. In the performance of its functions, the Committee shall regulate the conduct of its own meetings, including—

- (a) co-opting any members that it deems fit for its own purposes;
- (b) determination of quorum;
- (c) determining the seat of meetings;
- (d) any other matter it deems fit and necessary for its purposes.

Boundaries.

8. In defining the scope and the geographic area of the plan, the Committee shall demarcate clearly defined boundaries.

Delegation of powers.

9. (1) In the execution of its duties under these Regulations, the powers of the Committee may be exercised in person or by subordinate officers acting in accordance with general or special instructions.

(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 in the Republic of Kenya.

(3) Outsourced physical and land use planning consultancy and other

services shall be submitted to the Committee through the office of the Director General of Physical and Land Use Planning for scrutiny and authentication and shall remain the joint property of the counties.

Notice of preparation.

10. (1) The form of notice which the Committee shall publish of intention to prepare an inter-county physical and land use development plan shall be Form PLUPA IC-1 of the First Schedule herein.

(2) Notwithstanding any form of publication for the intention to prepare an Inter-County physical and land use development plan, sensitization fora may be conducted for members of the public to create awareness where the circumstances so permit.

Stakeholder involvement.

11. (1) Before completion of the preparation of the Inter-County physical and land use development plan, the Committee 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 Committee shall identify key stakeholders and their interests and assess potential impact of the plan on the stakeholders.

Circulation and publication of draft plan for comments

12. (1) The draft Inter-County physical and land use development plan shall be circulated to line agencies for comments.

(2) The notice for informing the public that Inter-County physical and land use development plan is complete shall be in Form PLUPA IC-2 of the First Schedule of these Regulations.

(3) Comments on the draft plan from circulation and publication shall be submitted to the Director General of Physical and Land Use Planning in written or electronic form within sixty days of circulation and publication.

Review of comments.

13. (1) 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;

(c) dismiss the comments or representations altogether.

(2) Review of decisions by the Committee under these Regulations shall be communicated to the applicant in writing through the same channel which the application for review was received.

Appeals.

14. (1) Notwithstanding the provisions of section 32 (4) of the Act, the Committee may agree on an alternative dispute resolution method for disagreements *inter se* or by a third party relating 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 of 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.

Certification by
the Director-
General.

15. The Director General shall issue a certificate in Form PLUPA IC-4 of the First Schedule to these Regulations, confirming that the relevant county assemblies have issued their approval over the joint plan.

Status report.

16. (1) At least three months before the end of a financial year, every county executive committee member in a county covered by an Inter-County physical and land use development plan shall submit a report on the implementation of the Plan to the Commission and the Cabinet Secretary for their purposes.

(2) The report shall contain the details set out in the Second Schedule.

FIRST SCHEDULE

PLUPA IC-1

R10(1)



REPUBLIC OF KENYA

PHYSICAL AND LAND USE PLANNING ACT

(No. 13 of 2019)

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, 2019, 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 theday of20.....^{2*}

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.



REPUBLIC OF KENYA

PHYSICAL AND LAND USE PLANNING ACT

(No. 13 of 2019)

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, 2019, 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.

REPUBLIC OF KENYA



PHYSICAL AND LAND USE PLANNING ACT
(No. 13 of 2019)

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, 2019, 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 this day 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.

PLUPA IC-4

R.15

REPUBLIC OF KENYA



PHYSICAL AND LAND USE PLANNING ACT
(No. 13 of 2019)

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, 2019, 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

r.16(2)

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

Made on the, 2020.

FARIDA KARONEY,
Cabinet Secretary for Lands and Physical Planning.