



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 makes the following Regulations—

THE PHYSICAL AND LAND USE PLANNING (SPECIAL PLANNING AREA) REGULATIONS, 2020

Citation. **1.** These Regulations may be cited as the Physical and Land Use Planning (Special Planning Area) Regulations, 2020.

Interpretation. **2.** In these Regulations, unless the content otherwise requires—

“county executive committee member” means the county executive committee member responsible for matters relating to physical and land use planning in the respective county; and

“declaration” refers to declaration of an area as a special planning area by a county government pursuant to section 52 of the Act.

Application. **3.** These Regulations shall apply to all special planning areas under the Act.

Timelines. **4.** All actions, notices, publications and any other matter provided in the Act in relation to a special planning area 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 a special 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 approval 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 approve any plan submitted to it within a period of sixty days from the date of receipt thereof from the county executive committee member.

(3) Where necessary, all plans touching on, relating to, bordering, involving or in any way affecting the National Security organs, as defined in the constitution, shall be subjected to any conditions set by

the National Security Council.

(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.

Boundaries.

6. In defining the scope and the geographic area of the plan, the county executive committee member shall delineate clearly defined boundaries.

Declaration of special planning area.

7. (1) The County Executive Committee member shall publish a notice in the Gazette in the manner set out in Form PLUPA S-1 of the First Schedule informing the public of the —

- (a) declaration of a special planning area;
- (b) proposed development for which the declaration has been made; and
- (c) commencement of the plan preparation.

(2) Notwithstanding any form of publication of the plan by notice, the county planning authority may conduct sensitization fora for public awareness where the circumstances so permit.

(3) The county planning authority may use various methods to conduct public participation including—

- (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 or workshops, town hall meetings, public fora; or
- (h) placement of documents at a common place, available to the members of the public including noticeboards.

(4) In considering the comments and other representations from the public, the county planning authority may adopt them wholly, partially or reject them altogether.

(5) Any interested party affected by the declaration of any area as a special planning area shall make representations to the county executive committee member in writing, stating reasons and the reliefs sought.

Review of
comments.

8. The county executive committee member shall assess the representation made by the affected party under regulation 7 and—

- (a) where planning permission was granted more than six months prior to the declaration of the special planning area, the permitted developments shall continue notwithstanding the declaration;
- (b) notwithstanding the planning permission in (a) above, where the special planning area is delineated for purposes of national security, all developments thereon shall cease and desist immediately upon publication of the declaration;
- (c) in any other circumstance, the provisions of Article 40 of the Constitution of Kenya limiting the enjoyment of the right to property shall apply.

Public
participation.

9. (1) Before completion of the preparation of the special area plan, the county planning authority shall hold stakeholder meetings and ensure effective participation of key stakeholders and assess their interests and potential impacts.

(2) After completion of the preparation of the special area plan, the county executive committee member shall publish a notice in the Gazette and two newspapers of national circulation in form PLUPA S-2 of the First Schedule, inviting public comments.

(3) After reviewing the comments from the public regarding the plan, the county executive member shall issue a notice in the form of a letter addressed to all persons who made comments or representations, stating the decision made and of any other decision.

Appeals.

10. (1) A person aggrieved by the decision of the county executive committee member may appeal to the county physical and land use planning liaison committee as provided in section 40 of the Act in the manner provided in form PLUPA S-3 of the First Schedule stating the grounds of appeal and the reliefs sought.

(2) When considering an appeal, the county physical and land use planning liaison committee may reverse, confirm or vary the decision appealed against and in executing this mandate the liaison committee shall act in accordance with the rules of natural justice and fair administrative action.

(3) A person dissatisfied with the decision of the county physical and land use planning 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 in accordance with the rules of procedure for the time being applicable in the High Court.

Comments by consultative forums.

11. When all appeals have been determined by the county physical and land use planning liaison committee or where no appeals were made, the county executive committee member shall submit the plan to the Consultative Forum for comments, the form which shall be used to capture their input shall be form PLUPA S-4 in the First Schedule to these Regulations.

County assembly approval.

12. (1) The county executive committee member shall submit the comments of the liaison committee and the plan as amended to the county assembly for approval.

(2) The plan shall be considered in accordance with the county assembly's house rules and approve it with or without further amendments.

Publication.

13. Upon approval by the county assembly, the county committee executive member shall cause the notice of final approval in form PLUPA-S-5 in the First Schedule to be published in the Gazette and two newspapers of national circulation.

Reports to the National Land Commission.

14. All reports, notices, plans prepared under these Regulations shall be submitted to the National Land Commission for purposes of monitoring and oversight.

REPUBLIC OF KENYA



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

NOTICE OF DECLARATION OF A SPECIAL PLANNING AREA

In exercise of powers conferred by section 52 of the Physical and Land Use Planning Act, 2019, the county government of ... declares the following area ... as a Special Planning Area.

The purpose of the declaration is: ... 3*

The objectives of the declaration are: ... 4*

The preparation of the Special Area Plan has commenced. Any development within the declared area is hereby suspended until the ... day of ... 20... 5*

Any development for which development permission had been sought from the relevant planning authority more than six months before this notice shall be allowed to be carried out but in strict compliance with the terms of such approval.

Members of the public are hereby invited to make representations/ comments on the proposed Plan. Details on the subject area are available at ... 6*

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

County Executive Committee Member

Notes—

- 1* Insert name of county.
2* Define the extent of the area.
3* Please attach additional written text if space is insufficient.
4* Please attach additional written text if space is insufficient.
5* Provide a maximum of a two-year window
6* State physical address and opening hours, postal and telephone address, website and give link.

REPUBLIC OF KENYA



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

NOTICE OF COMPLETION OF SPECIAL AREA PLAN

Title of Development Plan.....

Pursuant to the provisions of section 52(6) of the Physical and Land Use Planning Act, 2019, NOTICE is hereby given that the preparation of the above Plan was on the..... day of.....20.....completed.

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*} by theday of20.....^{3*} and such representation or objection shall state the grounds upon which they are made.

Dated theday of 20.....

County Executive Committee Member

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*} provide details of the physical address of the receiving entity.

^{3*}Specify actual date (60 days) for receiving comments

REPUBLIC OF KENYA



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

APPEAL AGAINST DECLARATION OF A SPECIAL PLANNING AREA

(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
above Plan.

My/our grounds for appeal are as follows:

- (a)
(b)
(c) 2*

The reliefs which I/We seek are:

- (a)
(b)
(c) 3*

Dated this day of20.....

Signature of Applicant

Notes—

1*Delete as necessary.
2*Please attach additional written text if space is insufficient.
3*Please attach additional written text if space is insufficient.

REPUBLIC OF KENYA



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

MEMORANDUM FOR REVIEW OF A SPECIAL AREA PLAN BY
THE COUNTY PHYSICAL AND LAND USE PLANNING CONSULTATIVE FORUM

To: The County Executive Committee Member County Government of.....
.....

Title of Development Plan.....

Pursuant to the provisions of section 52(6) of the Physical and Land Use Planning Act, 2019,
the County Physical and Land Use Planning Consultative Forum of.....

.....County of P.O. Box has
reviewed the above Plan on thisday of20..... and gives the
following comments:

- (1)
- (2)

The plan is hereby forwarded for your consideration/action.

Dated theday of, 20.....

Chairperson

Secretary

REPUBLIC OF KENYA



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

NOTICE OF APPROVAL OF A SPECIAL AREA PLAN

Title of Development Plan

Approved Development Plan No.

Pursuant to the provisions of section 52(6) of the Physical and Land Use Planning Act, 2019, NOTICE is hereby given that on the day of 20.....the County Assembly of County approved the above Plan.

A certified copy of the plan as approved has been deposited at.....^{1*}

Dated the day of, 20.....

Signed
County Executive Committee Member

Notes—

^{1*} Provide physical address and if electronic, name of website and link.

Made on the, 2020.

FARIDA KARONEY,
Cabinet Secretary for Lands and Physical Planning.