



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 (COUNTY PHYSICAL AND LAND USE DEVELOPMENT PLAN) REGULATIONS, 2020

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

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

“Act” means the Physical and Land Use Plan Act, 2019

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

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

“electronic” has the meaning assigned to it under section 2 of the Kenya Information and Communications Act Cap 401A; and

“liaison committee” means the county physical and land use planning liaison committee.

Boundaries. **3.** In defining the scope and the geographic area of a County plan, the County Executive Committee Member shall delineate clearly defined boundaries.

National Security. **4.** (1) Where a County Plan touches on, relates to, borders, involves or in any way affects safeguarding areas as defined in the Act or any aspect of national security, the approval of the National Security Council shall be sought prior commencement of the process of preparation of the County Plan.

(2) The National Security Council may approve the process of preparation of any County plan to the extent it relates to a safeguarding area or any aspect of national security 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.

Delegated powers.

5. (1) The County Executive Committee Member may where staff capacity is lacking, on his own initiative or by a proposal submitted to him outsource Physical Planning consultancy and other services in accordance with the relevant Public Procurement laws for the time being in force in the Republic of Kenya.

(2) Outsourced Physical and Land Use Planning consultancy and other services shall be submitted to the County Executive Committee Member through the office of the County Director of Physical and Land Use Planning for scrutiny, authentication and processing for approval and shall remain the property of the county.

Presentation.

6. The presentation of the County plan shall be in hard copy and digital, including GIS based database system.

Land use zones.

7. A County plan shall demonstrate various 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.

Notice of completion.

8. (1) The form of notice which the county planning authority shall use to inform the public that the draft County plan is available for inspection and inviting public comments shall be Form PLUPA C-2 set out in the First Schedule.

(2) The period of time applicable for comments and representations from the public shall be sixty days.

Public participation.

9. (1) To ensure effective participation by stakeholders, the county planning authority shall identify key stakeholders, their interests and assess potential impact of the County plan on the stakeholders.

(2) In facilitating public participation, the county planning authority may use any or a combination of the following methods—

- (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 noticeboards.

Review of public comments.

10. (1) When reviewing comments and other representations from the public relating to the draft County plan, the county executive committee member may—

- (a) wholly incorporate the comments or representations;
- (b) partially incorporate the comments or representations; and
- (c) dismiss altogether the comments or representations.

(2) The county executive committee member shall respond in form of a letter addressed to persons who made comments or representations, confirming that the same have wholly or partially been adopted or rejected.

Appeals.

11. (1) The appeal to be lodged by a person aggrieved by the decision of the county planning authority regarding the plan or matters therein shall be in Form PLUPA C-3 in the First Schedule herein stating the grounds for appeal and the remedies sought.

(2) In exercising its power to reverse, confirm or vary the decision appealed, the liaison committee shall do so in accordance with the rules of natural justice and fair administrative action.

(3) Any representations made by the county planning authority in response to an appeal before the liaison committee shall be in writing.

(4) A person dissatisfied with the decision of the liaison committee may further appeal to the Environmental and Land Court within a period of thirty days from the date of receipt of the written decision by the liaison committee.

Comments by
consultative
forums.

12. (1) Pursuant to section 41(1) of the Act the county executive committee member shall submit the draft County Plan to the Consultative Forum for its comments.

(2) The Consultative Forum shall consider and submit its comments on the Draft County plan to the county executive committee member in Form PLUPA C-4 set out in the First Schedule to these Regulations.

County
assembly
approval.

13. Upon of the County plan by the Consultative Forum the draft County Plan shall be submitted to the county assembly for consideration and approval.

Publication.

14. The form for publication of the notice of approval of the county physical and land use development plan shall be as per Form PLUPA C-5 in the First Schedule herein of these Regulations.

Modification.

15. (1) Any form of modification proposed by the County Executive Committee Member on recommendation of the county government, national government or a person ordinarily resident in a county shall be made in Form PLUPA C-6 in the First Schedule herein.

(2) Upon receipt of the proposed modification, the County Executive Committee Member shall cause the proposed modifications to be placed before the county assembly for approval in accordance with its house rules.

(3) Thereafter the County Executive Committee Member shall publish the approval for modification in Form PLUPA C-7 in the First Schedule herein, notifying any interested parties of the proposed amendment to the Plan and inviting representations.

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

(5) The County Executive Committee Member shall consider the comments from the public and incorporate them into the modification of the Plan where necessary and thereafter submit the amended Plan to the Consultative forum for comments.

(6) The consultative forum shall consider the Plan and may propose changes which shall be incorporated whereupon the County Executive Committee Member shall incorporate the comments into the amended Plan and submit the amended Plan to the Governor, who shall cause it to be placed before the County Assembly for approval.

(7) On the approval of the amended Plan by the respective County Assembly, the County Executive Committee Member shall publish approval of the amended Plan in Form PLUPA C-8 in the First Schedule herein of these Regulations.

Revision.

16. The provisions of these Regulations in regard to the amendment of a plan shall be applicable with the necessary modifications to the revision of a county physical and land use development plan.

Reports to the National Land Commission.

17. All reports, notices, plans prepared under this Act and regulations shall be submitted to the National Land Commission for purposes of monitoring and oversight.

DRAFT

FIRST SCHEDULE

FORM PLUPA C -1

r.15

REPUBLIC OF KENYA



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

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, 2019, NOTICE is hereby given that the County Government of.....intends to commence preparation of the above Plan on the.....day of20.....

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.

REPUBLIC OF KENYA



PHYSICAL AND LAND USE PLANNING ACT

(No. 13 of 2019)

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, 2019, NOTICE is hereby given that the preparation of the above draft Plan was on theday 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

REPUBLIC OF KENYA



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

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.

REPUBLIC OF KENYA



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

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, 2019, the County Physical and Land Use Planning Consultative Forum of..... County of Post Office Box Numberin the Republic of Kenya has reviewed the above County Physical and Land Use Development Plan on theday of2019 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.

REPUBLIC OF KENYA



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

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, 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 of20.....

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)

REPUBLIC OF KENYA



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

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, 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 of20

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

REPUBLIC OF KENYA



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

NOTICE OF PROPOSED AMENDMENT 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, 2019, NOTICE is hereby given that the County Government of...intends to amend the above Plan.

A copy of the proposed amendment has been deposited for public inspection free of charge at ...
... 1*

Any interested persons who wishes to make any representation in connection with or objection to the proposed amendments may send the same to ... 2* not later than...day of...20... 3* stating grounds upon which the representations are made.

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.

**REPUBLIC OF KENYA
PHYSICAL AND LAND USE PLANNING ACT**



(No. 13 of 2019)

**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, 2019,
NOTICE is hereby given that the modified plan was approved on the day of
.....20.....

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

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. 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

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.

Made on the, 2020.

FARIDA KARONEY,
Cabinet Secretary for Lands and Physical Planning.