



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

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

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

“city” has the meaning as assigned to it under section 8 of Urban Areas and Cities Act, 2011.

“local physical and land use development plan” means a plan for the area or part thereof of a city, municipality, town or urban centre and includes a plan with reference to any trading or market centre;

Application. **3.** These Regulations shall apply to all local 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 a local 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 Physical and Land Use Planning Consultative Forum 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. (1) In defining the scope and the geographic area of the plan, the County Executive Committee Member shall delineate clearly defined boundaries.

(2) All the developments under these Regulations shall be restricted within designated urban centres and shall have a clearly-defined boundaries.

Preparation of a
Local Physical and
Land Use
Development Plan

7. (1) The preparation of a local physical and land use development plan may be initiated by a county executive committee member—

(a) on his own motion;

(b) the relevant county assembly member on behalf of an individual resident county member;

(c) residents' association; or

(d) upon request of the national government.

(2) The County Executive Committee Member may outsource Physical Planning consultancy and other services in accordance with the relevant Public Procurement laws for the time being in force in Kenya.

(3) 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 and authentication.

Notice of intention
to prepare plan.

8. The county executive committee member shall publish a notice of intention to prepare a plan in the *Gazette*, in at least two newspapers with national circulation and through electronic media in Form PLUPA L-1 of the First Schedule.

Notice of
completion of draft.

9. (1) Upon completion of the development of the Plan, the county executive committee member shall inform the public that a plan is available for inspection and comments.

(2) The form of notice which the county executive committee member shall inform the public that a plan is available for inspection and inviting public comments shall be in Form PLUPA L-2 of the First Schedule to these Regulations.

Public participation.

10. (1) In facilitating public participation regarding the plan, the county executive committee member 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, television;
- (d) information communication platforms;
- (e) newsletter
- (f) public hearings and group discussions, town hall meetings, public fora;
- (g) conferences, seminars or workshops; and
- (h) placement of documents at a common place, available to the members of the public including noticeboards.

(2) In dealing with comments and other representations in regard to the draft plans from the public, the county executive committee member 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.

(3) After dealing with the comments from the public regarding the plan, the county executive committee member shall issue a notice in the form of a letter addressed to persons who made comments or representations, confirming that the same were wholly or partially adopted into the plan or rejected using the same channel through which the comments were received.

Appeals.

11. (1) A person aggrieved by a decision of the county executive committee member concerning the local physical and land use development plan or matters connected therewith, may within sixty days of receipt by him of notice of such decision, appeal to the Liaison Committee in writing against the decision in Form PLUPA L-

3 in the First Schedule to these Regulations.

(2) The Liaison Committee may reverse, confirm or vary the decision appealed against and make such order as it deems necessary or expedient to give effect to its decision.

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

(4) Representations made by the county executive committee member in response to an appeal lodged before the Liaison Committee may be in oral form or by written submissions.

(5) A person dissatisfied with the decision of the 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.

Approval of the plan.

12. (1) Where all applications for review have been heard and determined, the county executive committee member shall submit the draft local physical and land use development plan to the County Physical and Land Use Planning Consultative Forum for comments and the changes shall be incorporated into the plan.

(2) After submission of the plan by the county executive committee member to the Consultative Forum for comments, Form PLUPA L-4 in the First Schedule to these Regulations shall be used to capture the input of the Forum

County assembly approval.

13. Pursuant to the provisions of sections 49(3) and 41(3) of the Act, the county assembly shall consider the plan in accordance with its house rules and approve it with or without modifications.

Publication.

14. The notice required under section 50 of the Act informing the public of the approval of the local physical and land used development plan and on the inspection of the approved plan shall be in the manner set out in Form PLUPA L-5 of the First Schedule to these Regulations.

Amendment or Revision of the plan.

15. (1) Amendment or Revision of the plan may be initiated by the county executive committee member—

- (a) on his own motion;
- (b) on recommendation by the county or national government;
- (c) by request of a person ordinarily resident in that county; or
- (d) on recommendation of a residents' association.

(2) County Executive Committee Member shall notify the County assembly of the proposed amendment or revision of the plan in Form PLUPA L-6 of the First Schedule to these Regulations.

(3) upon approval of the amendment or revision of the plan by the county assembly, the County Executive Committee Member shall publish the proposed amendments in form PLUPA L-2 of the First Schedule to these Regulations inviting interested parties for their comments.

(4) Public participation for the amendment of the plan shall be in a similar manner as regulation 10 of these Regulations.

(5) County Executive Committee Member shall consider the comments from the public and incorporate them into the amendment or revision of the Plan where necessary and thereafter submit the amended Plan to the Governor, who shall place it before the County Assembly for approval.

(6) 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 L-7 in the First Schedule herein, inviting comments and representations from the public.

(7) The form for publication of the amended local physical and land use development plan shall be as per Form PLUPA L-8 of the First Schedule to these Regulations.

Revision.

16. The provisions of these Regulations in regard to procedure for modifications or amendments of the plan shall be applicable with the necessary modifications to the revision of a local physical and land use development plan.

FIRST SCHEDULE

FORM PLUPA L-1

r.8

REPUBLIC OF KENYA



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

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

Title of Development Plan

Pursuant to the provisions of section (47) 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 of.....
.....20.....

The purpose of the Plan is:
.....

The objectives of the Plan are.....
.....
.....

Comments on the proposed plan may be directed to.....
.....

¹* not later than²*

Dated this day of20.....

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 LOCAL PHYSICAL AND LAND USE
DEVELOPMENT PLAN

Title of Development Plan

.....

Pursuant to the provisions of section 49(1) of the Physical and Land Use Planning Act, 2019,
NOTICE is hereby given that the preparation of the above Plan was on the.....
day of20.....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*} and such
representations or comments the grounds upon which they are made.

Dated this day of20.....

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 place where the plans are availed to the public and if electronic, give name and link to website.

REPUBLIC OF KENYA



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

APPEAL AGAINST DECISION REGARDING LOCAL 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/We1*, 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 of 20

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)

NOTICE OF REVIEW OF LOCAL PHYSICAL AND LAND USE DEVELOPMENT
PLAN BY COUNTY PHYSICAL AND LAND USE CONSULTATIVE FORUM

Title of Development Plan

Pursuant to the provisions of section 49(3) of the Physical and Land Use Planning Act, 2019,
the County Physical and Land Use Planning Consultative Forum of.....

..... County of Post Office Box No.....

.....in the Republic of Kenya has reviewed the above Plan

on thisday of20.....and approves/ does not

approve with the following comments^{1*}:

(1)

(2)

Dated the, 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 LOCAL PHYSICAL AND LAND USE
DEVELOPMENT PLAN

Title of Development Plan

Approved Development Plan No.

Pursuant to the provisions of section 50 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 this day of.....20.....

Signed
County Executive Committee Member

Notes—

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

REPUBLIC OF KENYA



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

NOTIFICATION OF AMENDMENT/REVISION OF LOCAL PHYSICAL AND LAND USE DEVELOPMENT PLAN

Title of Development Plan.....
Approved Development Plan No.

To: The Clerk County Assembly of.....

I/We^{1*}, of P.O. Box
propose modification to the 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, relevant Inter-County and County Physical and Land Use Development Plans.

Dated this day of20

Signature

County Executive Committee Member

Notes—

^{1*}Delete as necessary.

^{2*}Please attach additional written text if space is insufficient.

REPUBLIC OF KENYA
PHYSICAL AND LAND USE PLANNING ACT



(No. 13 of 2019)

**NOTICE OF APPROVAL OF AMENDMENT/REVISION OF A LOCAL PHYSICAL AND
LAND USE DEVELOPMENT PLAN BY THE COUNTY ASSEMBLY**

Title of Development Plan

Approved Development Plan No

Pursuant to the provisions of section 49(3) of the Physical and Land Use Planning Act, 2019,
NOTICE is hereby given that the County Assembly of^{1*}
has on theday of20.....
approved modification to the above Plan.

Dated this day of20

County Executive Committee Member

Notes—

^{1*} state name and address of entity that has approved modification.

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



(No. 13 of 2019)

**NOTICE OF MODIFICATION/AMMENDMENT OF A LOCAL PHYSICAL AND LAND
USE DEVELOPMENT PLAN**

Title of Development Plan

Approved Development Plan No

Pursuant to the provisions of section 50 of the Physical and Land Use Planning Act, 2019,

NOTICE is hereby given that on the..... day of20..... the above plan was approved with/without^{1*} modification.

The plan shall be available at.....^{2*} for inspection free of charge.

Dated this day of20

County Executive Committee Member

Notes—

^{1*} strike through where necessary.

^{2*} 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.

DRAFT

THIRD SCHEDULE

SHORT-TERM PLANS

Short-term plans are of the following types—

- (a) **Neighborhood plans**-Prepared for comprehensive planning of areas selected for intensive development, which is to commence within a specified period.
- (b) **Sectoral Plans**- Prepared for detailed treatment of a particular planning aspect, for example, housing, transportation (Roads, railway, airports and water ways), communication infrastructure including Fibre optic, water supply, sewerage, solid waste disposal, pipelines (Oil/Gas) conservation and preservation areas including wildlife migratory corridors and dispersal areas etc., The Plans should be prepared to guide the implementing agencies.
- (c) **Property Site master Plan**, indicating permitted use, density, access, plot coverage, plot ratio and building heights. This shall include 3D models.
- (d) **Part Development Plans /advisory plans**, indicating precise sites for immediate implementation of specific projects including land alienation for public use. The Plan will be prepared by the planning authority in consultation with National Land Commission as per the provisions of the Land Act, 2012

The form and content of short-term plans differ with plan types and in most cases will reflect details and proposals of a long-term plan, where it exists. However, the most important considerations in their preparation shall be—

- (i) An assessment of immediate land requirement to accommodate specific population needs as they arise for a period of 3 to 5 years;
- (ii) Detailed allocation of the land requirements to various land uses taking into account compatibility of adjoining land uses and conforming with a long-term plan proposal for the area; and
- (iii) Identification of authorities to service and/or develop the various land use allocations.

Except for part development plans, other short-term plans may be prepared by commissioned registered physical planners. In order to ensure that plans prepared by registered physical planners conform to long-term plans prepared by the Planning Authority, all such plans must have a seal of approval of the Planning Authority before their implementation.

Made on the, 2020.

FARIDA KARONEY,
Cabinet Secretary for Lands and Physical Planning.

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