LEGAL NOTICE NO. …….

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

ARRANGEMENT OF REGULATIONS

Regulation

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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 (PLANNING FEES) REGULATIONS, 2021

Citation.

1. These Regulations may be cited as the Physical and Land Use Planning (Planning Fees) Regulations, 2021.

Interpretation.

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

"advisory plan" means a plan indicating the permitted subdivision, use and density of development;

"easement" has the meaning assigned to it in the Land Act, 2012;

"ordinary scheme" means development that—

(a) does not exert demands on the existing infrastructure;

(b) does not comprise of more than ten units; and

(c) has one permitted use;

"part development plan" means a plan for the immediate implementation of a specific process including land alienation purposes;

"planning fees" means an amount payable for planning services;

"Planning Services" means services offered by a planning authority; and

"use" means any use of land for which development permission has been obtained.

Determination of planning fees.

3. (1) In determining planning fees chargeable for planning services, the planning authority shall be guided by the—

(a) principles of public finance set out in Article 201 of the Constitution;

(b) Articles 209 and 210 of the Constitution;

(c) Chapter Four of the Constitution; and

No. 31 of 2016.

(d) the Access to Information Act, 2016.

(2) Planning fees shall be charged based on—

(a) the type of planning service being rendered;

(b) the actual cost of providing the planning service;

(c) a subsidized provision of public goods and services;

(d) the location, use and size of development;

(e) the planning and land use zoning frameworks;

(f) the unit cost;

(g) the cost of the version, mode and making of copies of documents;

(h) the cost of the sessions and pages of minutes of the session;

(i) the cost of the certification of documents;

(j) the type of installation, where the development is a communication mast;

(k) whether the development or works are new, modifications or renovations;

(l) in the case of enforcement, time for undertaking works, the technology required, risk factors, manpower, cost of transportation of materials from the site and unit cost for restoration per square meter; and

(m) any other parameter that may be necessary in the circumstances.

Planning fees of the National Government.

4. (1) The national planning authority may impose planning fees for—

(a) the sale of copies of national physical and land use plans and policies;

(b) the application for the preparation of the development plans for strategic national projects;

(c) the sale of shape files for planning data;

(d) the sale of copies of inter-county physical and land use plans and policies;

(e) the scrutiny and sale of copies of the proceedings of the National Physical and Land Use Planning Consultative Forum;

(f) the scrutiny and sale of copies of the proceedings of an Inter-County Joint Physical and Land Use Planning Committee;

(g) the filing of applications for appeal to the National Physical and Land Use Liaison Committee;

(h) the scrutiny and sale of copies of minutes of the proceedings of the National Physical and Land Use Liaison Committee;

(i) the vetting of applications for change of user or extension of user;

(j) the inspection of sites;

(k) the issuance of certificates of compliance; and

(l) any other planning service offered in the performance of national government planning functions that Cabinet Secretary may designate by notice in the *Gazette*.

(2) A planning authority performing national government planning functions may impose the relevant planning fees set out in table 1 of the Schedule.

Planning fees of County Governments.

5. A planning authority performing county government planning functions shall charge planning fees for—

(a) the sale of inter-county physical and land use plan and policies;

(b) the sale of shape files for planning data;

(c) the sale of copies of county physical and land use plans and policies;

(d) the scrutiny and sale of proceedings of an Inter-County Joint Physical and Land Use Planning Committee;

(e) the scrutiny and sale of proceedings of a County Physical and Land Use Planning Consultative Forum;

(f) the filing application for appeal to the County Physical and Land Use Liaison Committee;

(g) the scrutiny and sale of the minutes of the proceedings of the County Physical and Land Use Liaison Committee;

(h) the inspection of sites;

(i) the vetting and approval of development applications;

(j) the issuance of certificates of compliance;

(k) the costs of enforcement; and

(l) any other planning service offered in the performance of a county government planning functions, that the relevant County Executive Committee Member, in consultation with the respective County Director of Physical and Land Use planning, may deem necessary.

(2) A county planning authority may impose the relevant planning fees set out in table 2 of the Schedule.

Waivers and variations.

6. (1) Subject to paragraph (2), a waiver or variation of planning fees shall be granted in accordance with the Public Finance Management Act, 2012 and section 63.

(2) The following may be exempted from payment of fees under these Regulations—

(a) the surrender of land for public use;

(b) the improvement of infrastructure for public use;

(c) works by or on behalf of national security organs; or

(d) where a land owner voluntarily permits imposition of easements on the land owner's land under any written law.

SCHEDULE

TABLE 1
(r. 4(2))

PLANNING FEES FOR PLANNING SERVICES OFFERED BY THE NATIONAL GOVERNMENT

s/no	Item Description	Unit of Measure/charge	Paper copy	Electronic copy	Certification of Copies
	Sale of Copies of National Physical and Land Use Plans and Policies				
1.	National Physical and Land Use Plan (Full version)	Per copy	2500	No charge	500 per copy
2.	National Physical and Land Use Plan (Popular version)	Per copy	No charge	No charge	500 per copy
3.	National Land Use Policy (Full version)	Per copy	1000	No charge	500 per copy
4.	National Land Use Policy (popular version)	Per copy	No charge	No charge	500 per copy
5.	Inter County Physical and Land use plans	Per copy	1000	No charge	500 per copy
6.	Inter County Physical and Land use plans (popular version)	Per copy	No charge	No charge	500 per copy
7.	Sale of shape files	Per theme	-	500 per layer	Not applicable
8.	Sale of prints of graphical plans per copy	**Size**	**Colour**	**Black & White**	**Blue Print**
		A_0	3000	1000	1500
		A_1	2500	1200	1200
		A_2	2000	1000	1000
		A_3	1000	500	500
		A_4	500	200	200
9.	Certification of downloaded prints of plans	Per copy	500	Not applicable	-
10.	Proceedings of National Physical and Land Use Consultative Forum	Per copy	50 per page	No charge	500
11.	Proceedings of Inter-County Physical and Land Use Planning Committee	Per copy	50 per page	No charge	500

s/no	Item Description	Unit of Measure/charge	Paper copy	Electronic copy	Certification of Copies
S/NO	**Item description**	**Unit of measure**		**Charges (Kshs)**	
	Processing of Development Applications				
12.	Application for Development Permission for National Strategic projects	Per application		5000	
13.	Site inspection fee	Per visit within the locality		Cities-4,000 Municipalities-3,000 Towns, markets and other areas -2000 Special Economic Zone- 5000 Territorial Sea and Exclusive Economic Zone- 10,000	
14.	Certificate of compliance	Per copy		Cities-2,000 Municipalities-1,500 Towns, markets and other areas -1000 Special Economic Zone- 3000 Territorial Sea and Exclusive Economic Zone- 5,000	
15.	Vetting of applications for change of user or extension of user	Per application		3,000	
16.	Vetting of sub-division	Per plot		500	
	Appeal fees and Checking fees for National Physical and Land Liaison Committee				
17.	Appeal to National Physical and Land Use Planning Liaison Committee	Per application		2000	
18.	Amendment of appeal to National Physical and Land Use Planning Liaison Committee	Per application		1000	
19.	Obtaining extracts of Register of appeals to the National Physical and Land Use Planning Liaison Committee	Per copy		500	
20.	Obtaining copies of minutes of the National Physical and Land Use Planning Liaison Committee	Per page		50	

s/no	Item Description	Unit of Measure/charge	Paper copy	Electronic copy	Certification of Copies
21.	Certification of copies of minutes of National Physical and Land Use Planning Liaison Committee	Per set of minutes		500	

TABLE 2

(r. 5(2))

PLANNING FEES FOR PLANNING SERVICES OFFERED BY A COUNTY GOVERNMENT

s/no	Item Description	Unit of Measure/charge	Paper Copy	Electronic Copy	Certification of Copies
	Sale of Copies of Physical and Land use plans/ Policy				
1.	Inter-County	Per copy	1000	No charge	500

s/no	Item Description	Unit of Measure/charge		Paper Copy	Electronic Copy	Certification of Copies
	Physical and Land use plans (Full version)					
2.	Inter-County Physical and Land use plans (popular version)	Per copy		No charge	No charge	500
3.	County Physical and Land use plans (full version)	Per copy		2000	No charge	500
4.	Sale of shape file	Per theme		-	500 per layer	Not applicable
5.	Sale of prints of graphical plans per copy	**Size**		**Colour**	**Black & White**	**Blue Print**
		A_0		3000	1500	1500
		A_1		2500	1200	1200
		A_2		2000	1000	1000
		A_3		1000	500	500
		A_4		500	200	200
6.	Certification of downloaded prints of plans	Per copy		500	Not applicable	-

S.No	Item description	Unit of measure	Sub-Units	Charges (Kshs.)
	Acquiring forms and certificates for Development Permission			
7.	Application for Development Permission (Form PLUPA/DC/1…..)	Per Form	-	1000
8.	Submission Certificate (Form PLUPA….)	Per application		1000
9.	Certificate of compliance	Per application		Cities-2,000 Municipalities-1,500

				Towns, markets and other areas -1000
10.	Certificate of occupation	Per application		Cities-3,000 Municipalities-2,000 Towns and other areas -1000
	Processing Development Applications			
11.	Site inspection fee	Per visit		Cities-4,000 Municipalities-3,000 Towns, markets and other areas -2000
12.	Processing fee for subdivisions	No. of Plots	1-10	500
			11-20	400
			21-50	300
			51 and above	200
13.	Processing fee for building plans	Floor area(sq. M)		100 per square metre
14.	Processing fee for perimeter wall	Type of material	Stone	100 per linear meter
			Electric	
			Wooded	50 per linear meter
			Chain link	
			Iron sheets	
			Barbed wire/razor wire	
15.	Processing fee for change of user /extension of user	User		5000
16.	Processing fee for communication masts e.g Base Transmission Stations, radio and television frequency transmission sites	Per Mast		25000
17.	Processing fee for advertisement	Siting and design of advertisement	On road reserve	As per the Roads Act No.2 of 2007
			Within private property	20,000 per annum
			Within public land under County Government	20,000 –one off for installation 20,000–per annum standing fee
			Hanging signs	3000 per square metre
			On buildings	3000 per square metre

		Type /Size in square meters	**Bill boards /Wall wraps**	
			First 3 square metres	15,000
			Additional square metre	4,000 per square metre
			Multi directional signs	
			First 3 square metres	5500
			Additional square metre	2000 per square metre
			LED Screen	
			First 3 square metres	13000 monthly
			Additional square metre	1500 monthly per square metre
18.	Processing fee for fibre optic cables	Length		100 per metre
	Appeal fees and Checking fees for Physical and Land Use Liaison Committee			
19.	Appeals to County Physical and Land Use Planning Liaison Committee	Per application	-	2000
20.	Obtaining extracts of register for appeals to County Physical and Land Use Planning Liaison Committee	Per copy	-	500
21.	Obtaining copies of minutes of the County Physical and Land Use Planning Liaison Committee	Per page	-	50
22.	Amendment of appeal to County Physical and Land Use Planning Liaison Committee	Per application	-	1000
23.	Certification of copies of minutes of County Physical and Land Use Planning Liaison Committee	Per set of minutes	-	500

Made on the ……, 2021.

FARIDA KARONEY,
Cabinet Secretary for Lands and Physical Planning.