



LEGAL NOTICE NO.

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

ARRANGEMENT OF REGULATIONS

Regulation

- 1—Citation
- 2—Interpretation
- 3—Forms
- 4—Boundaries
- 5—Approval of the concept plan by Consultative Forum
- 6—Notice of Intention Prepare Plan
- 7—National security
- 8—Strategic national installations and projects
- 9—Notice of Completion of Plan
- 10—Review of public comments
- 11—Notice of publication of the revised plan
- 12—Final consultation with the Consultative Forum
- 13—Parliamentary approval
- 14—Publication of approval
- 15—Status report
- 16—Structure and technical specifications

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 (NATIONAL PHYSICAL AND LAND USE DEVELOPMENT PLAN) REGULATIONS, 2021

Citation. **1.** These Regulations may be cited as the Physical and Land Use Planning (National Physical and Land Use Development Plan) Regulations, 2021.

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

“electronic” has the meaning assigned to it under section 2 of the Kenya Information and Communications Act, 1998; and

“Plan” means the National Physical and Land Use Development Plan.

Forms. **3.** Save as otherwise provided in these Regulations, the forms contained in the First Schedule shall be used for the purposes specified in these Regulations and may be provided in paper form and any other relevant format for the purposes of these Regulations.

Boundaries. **4.** In defining the scope and the geographic area of the Plan, the Director-General of Physical and Land Use Planning shall delineate clearly defined boundaries as shall be provided for by the director of surveys.

Approval of the concept plan by Consultative Forum. **5.** (1) Pursuant to section 23 (1) (d), the Director-General of Physical and Land Use Planning shall forward the concept plan to the Consultative Forum for approval.

(2) Upon approval of the concept plan by the Consultative Forum, the Director General shall notify the Cabinet Secretary of the approval in writing.

Notice of Intention Prepare Plan. **6.** Upon notification of the approval of the concept plan under regulation 5 (2), the Cabinet Secretary shall publish in the *Gazette* a notice of intention to plan in form PLUPA 1 as set out in the First Schedule.

National security. **7.** (1) Where the Plan touches on, relates to, borders, involves or in any way affects safeguarding areas or national security, the Consultative Forum shall submit the Plan to the National Security Council for comment.

(2) The National Security Council shall give its comments on the Plan submitted under paragraph (1) within a period of sixty days from the date of receipt.

Strategic national installations and projects

8. All plans touching on, relating to, bordering, involving or in any way affecting strategic national installations and projects under sections 13 (g) and 69 (3) shall be prepared in consultation with the respective lead agencies.

Notice of Completion of Plan.

9. (1) Pursuant to section 25 (1), the Cabinet Secretary shall, by notice in the *Gazette*, notify the public that the draft Plan is available for inspection and submission of comments in Form PLUPA 2 as set out in the First Schedule.

(2) The notice under paragraph (1) shall specify the manner by which comments on the draft Plan may be sent to the Cabinet Secretary.

Review of public comments.

10. (1) The Cabinet Secretary may integrate the comments on the Plan given under regulation 9 wholly, partially or in such other manner as may be deemed fit.

(2) The Cabinet Secretary shall, by notice in the *Gazette*, publish the decision made with regards to the comments received under regulation 9 indicating the manner in which the comments have been dealt with in respect of the draft Plan.

Notice of publication of the revised plan.

11. The Cabinet Secretary shall publish the notice required to be published under section 25 (3) in Form PLUPA 3 as set out in the First Schedule.

Final consultation with the Consultative Forum.

12. (1) Pursuant to section 26 (1), the Cabinet Secretary shall submit the draft Plan to the Consultative Forum for its final comments within thirty days after the date when the period for considering and incorporating comments in the Plan has elapsed.

(2) The Consultative Forum shall consider and submit its final comments on the draft Plan to the Cabinet Secretary in form PLUPA-4 as set out in the First Schedule.

Parliamentary approval.

13. Upon obtaining Cabinet approval, the Cabinet Secretary shall submit the draft Plan to both the National Assembly and the Senate for approval.

Publication of approval.

14. After approval by Parliament, the Cabinet Secretary shall publish the approval in form PLUPA-5 including in at least two newspapers of national circulation and through electronic media in accordance with the provisions of section 26 (5) of the Act.

Status report.

15. The Status Report prepared in accordance with section 28 of the Act shall include—

(a) the extent of the implementation of the plan;

- (b) challenges in implementation or application;
- (c) estimated timelines for completion;
- (d) annexes (photos, maps, matrices, graphs); and
- (e) any other relevant matter.

Structure and
technical
specifications.

16. Further to the provisions of section 24 (1) and the First Schedule to the Act, the structure of the final Plan report and the technical specifications on maps shall be as set out in the Second schedule.

FIRST SCHEDULE

FORMS

FORM PLUPA 1

(r.6)

REPUBLIC OF KENYA



PHYSICAL AND LAND USE PLANNING ACT

(No. 13 of 2019)

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

Title of Development Plan

Pursuant to the provisions of section 23(2) of the Physical and Land Use Planning Act, 2019, NOTICE is hereby given that the Cabinet Secretary.....^{1*}intends to commence the preparation of the above Plan on the.....day of20.....

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

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

The information to be set out in the Plan shall include.....

Comments on the proposed plan may be directed to.....^{2*} not later than^{3*}

Dated the day of 20.....

Cabinet Secretary

Notes—

^{1*} Insert name of relevant Ministry.

^{2*} provide details of the receiving entity.

^{3*} provide a fourteen-day window.

REPUBLIC OF KENYA



PHYSICAL AND LAND USE PLANNING ACT

(No. 13 of 2019)

NOTICE OF COMPLETION OF NATIONAL PHYSICAL AND LAND USE DEVELOPMENT PLAN

Title of Plan.....

Pursuant to the provisions of section 25(1) of the Physical and Land Use Planning Act, 2019, NOTICE is hereby given that preparation of the above draft Plan was on.....day of.....20.....completed

A copy of the Plan prepared is available for inspection by the public at^{1*}..... from.^{2*}.....

Any interested person who wishes to make any comments in connection with or the above draft Plan may send such comments in writing to the office the Cabinet Secretary not later than^{3*}..... Day of20.....and any such comments shall state the ground on which it is made

Cabinet Secretary

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*} for physical locations, specify time when the plan is available for inspection.

^{3*} specify date of deadline.

REPUBLIC OF KENYA



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

NOTICE OF PUBLICATION OF THE REVISED NATIONAL PHYSICAL AND LAND
USE DEVELOPMENT PLAN

Title of Development Plan

Pursuant to the provisions of section 25(3) of the Physical and Land Use Planning Act, 2019, NOTICE is hereby given to the general public that a decision has been made by the Cabinet Secretary.....^{1*} on the comments received in respect to the above draft Plan and the same is available for perusal at.....^{2*}from.....^{3*}.

Dated the, 20.....

Cabinet Secretary

Notes—

^{1*} Insert name of relevant Ministry.

^{2*} provide details of the place where the plans are availed to the public and if electronic, give name and link to website.

^{3*} for physical locations, specify time when the plan is available for inspection.

REPUBLIC OF KENYA



PHYSICAL AND LAND USE PLANNING ACT

(No. 13 of 2019)

NATIONAL PHYSICAL AND LAND USE PLANNING CONSULTATIVE FORUM
FINAL COMMENTS ON THE DRAFT NATIONAL PHYSICAL AND LAND USE
DEVELOPMENT PLAN

Title of Development Plan

Pursuant to the provisions of section 26(3) of the Physical and Land Use Planning Act, 2019, the National Physical and Land Use Planning Consultative Forum considered the above Plan and under Minute in a meeting held on theday of20....., recommend for final approval subject to the following conditions:

- (1)
(2)
(3)

Dated the day of 20.....

.....

(Name)

Chairperson

.....

(Name)

Secretary

REPUBLIC OF KENYA



PHYSICAL AND LAND USE PLANNING ACT

(No. 13 of 2019)

NATIONAL PHYSICAL AND LAND USE DEVELOPMENT PLAN
NOTICE OF APPROVAL

Title of Development Plan.....

Approved Development Plan No.....

Pursuant to the provisions of section 26(5) of the Physical and Land Use Planning Act, 2019.

NOTICE is hereby given that on the day of20.....The above Plan was approved in accordance with the provisions of Physical and Land Use Planning Act, 2019.

A certified copy of the Plan as approved is available to the public at 1*

Copies of the Plan can be accessed through the Ministry's website.....

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

Cabinet Secretary

Notes—
1* Provide physical location where the plan is available for access by the public.

SECOND SCHEDULE

The structure of the National Physical and Land Use Development Plan Report

PART I

1. Cover Page
2. Introduction
3. Constitutional, legal and policy planning context

PART II

4. Geographic coverage, 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

Made on the, 2021.

FARIDA KARONEY,
Cabinet Secretary for Lands and Physical Planning.