



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 makes the following Regulations—

THE PHYSICAL AND LAND USE PLANNING (SPECIAL PLANNING AREA) REGULATIONS, 2021

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

Application. **2.** These Regulations shall apply to all special planning areas declared under section 52.

Timelines. **3.** 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. **4.** (1) Whenever a special physical and land use development plan touches on, relates to, borders, involves or in any way affects a safeguard area 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 shall approve or reject any plan submitted to it within a period of sixty days from the date of receipt thereof from the county executive committee member and shall specify the reasons for its decision thereof.

(3) Where necessary, plans touching on, relating to, bordering, involving or in any way affecting a national security organ shall be subjected to any conditions that may be imposed on it by the National Security Council.

(4) For the purposes of these Regulations, national 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 national security organs.

Boundaries. **5.** In defining the scope and the geographic area of the plan, the county executive committee member shall delineate clearly defined boundaries as shall be provided for by the Director of Surveys.

Declaration of special planning area. **6.** (1) The County Executive Committee member shall publish a notice in the *Gazette* in Form PLUPA S-1 as set out in 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) In addition to a notice under paragraph (1), the county planning authority may also conduct sensitization forums 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 and specify the reasons for the decision in writing.

(5) The County Executive Committee Member shall notify in writing the 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.

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

Review of
comments.

7. 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; or

(b) where the special planning area is declared for the purposes of national security, the developments thereon shall cease immediately upon publication of the declaration.

Public participation.

8. (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.

9. (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 in accordance with section 40 in Form PLUPA S-3 as set out in 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.

10. 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 within fourteen days, in Form PLUPA S-4 as set out in the First Schedule.

County assembly approval.

11. (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 within fourteen days

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

Publication.

12. Upon approval by the county assembly, the county committee executive member shall cause the notice of final approval in Form PLUPA-S-5 as set out in the First Schedule and published in the *Gazette* and two newspapers of national circulation.

Reports, etc. to be submitted to the National Land Commission.

13. Reports, notices, plans prepared under these Regulations shall be submitted to the National Land Commission.

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 of1* declares the following area2* 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*

Datedday of20.....

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 theday of, 20.....

Signed
County Executive Committee Member

Notes—

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

Made on the, 2021.

FARIDA KARONEY,
Cabinet Secretary for Lands and Physical Planning.