



LEGAL NOTICE NO.

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

ARRANGEMENT OF REGULATIONS

Regulation

PART I—PRELIMINARY

- 1—Citation
- 2—Interpretation

PART II—SUBMISSION OF DEVELOPMENT APPLICATIONS

- 3—Submission of application
- 4—Specification of onsite notice

PART III—PROCESSING OF DEVELOPMENT APPLICATIONS

- 5—County Director to issue tracking number for applications
- 6—Payment of prescribed fees
- 7—Registration of Development Application
- 8—Circulation and reviewing of application
- 9—Decision Making and Issuance of Development Permission
- 10—Permitted development
- 11—Exemption from development permission
- 12—Receiving and Processing of Conformance Conditions Applications

PART V—PERFORMANCE CONDITIONS MONITORING AND INSPECTIONS

- 13—Implementation of performance conditions
- 14—Site Inspection Procedure and Issuance of Permit
- 15—Final Inspection Issuance of Certificate of Compliance or Occupation
- 16—Revocation of development permissions

PART VI—ENFORCEMENT ACTION

- 17—Identification of contravention or breach and preparation of enforcement notice
- 18—Appeal to County Liaison committee
- 19—Judicial process for non-compliance

PART VII—MISCELLANEOUS

- 20—Registers maintained by the County Executive Committee Members
- 21—Management of riparian reserves
- 22—Measurement of the extent of riparian reserves

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 (DEVELOPMENT PERMISSION AND DEVELOPMENT CONTROL) (GENERAL) REGULATIONS, 2021

PART I—PRELIMINARY

Citation. 1. These Regulations may be cited as the Physical and Land Use Planning (General Development Permission and Development Control), 2021.

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

“amenity” means the physical attributes in an area which contribute to the quality of the environment and its better enjoyment during any permitted use;

“ancillary use” means an activity that is subservient to the primary use of land or building;

“building” has the meaning assigned to it by section 2 of the Act;

“building” or “works” include waste materials, refuse and other matters deposited on land and reference to the erection or construction of building or works shall be construed accordingly;

“building line” means a line drawn across a plot such that no building or permanent structure, except a wall of approved design enclosing the plot, maybe within the area contained between that line and the nearest road on which the plot has frontage;

“change of user” means any alteration in the use, purpose or level of activity within any property that involves a material change that results in a use that is completely different from the previous one and will require development permission;

“class” means a category of uses within which a person does not require application for development permission;

“conformance conditions” means conditions for applications that require further professional input such as structural, civil, electrical, mechanical and Information and Communication Technology engineering designs before commencement of development;

“controlled area” means any area adjoining land developed or set aside for development of a strategic installation which includes special planning

areas within the meaning of section 52(1) of the Act and areas where development may be controlled i.e. buffers, safeguarding areas, protected areas and controlled land;

“comprehensive development” means; a development proposed and implemented on a defined piece of land that goes beyond one defined land use with each land use being principal;

“density” means the maximum amount of development permitted or the maximum number of persons permitted to reside, as the case may be, on any area of land;

“densification of use” means a deliberate planning process that seeks to change and enhance the land carrying capacity of any land parcel or zone in terms of population and user activities;

“development application” means developments that relate to change of user, extension of user, extension and renewal of leases;

“development approval” means certification of a development permission by the planning authority for purposes of further necessary action by ministries, departments and agencies;

“development control instruments” means prescribed standard operating documents including forms and spreadsheets utilised in processing applications for development permission;

“development fees” means a fee levied under section 63 of the Physical and Land Use Planning Act, 2019 for development of infrastructure in relation to the property in question for general use by the residents of the area where the property in question is located;

“development permission” means permission granted by the planning authority to an applicant to develop land under section 57 of the Physical and Land Use Planning Act, 2019;

“dwelling house” means a building including a garden that affords those who use it facilities required for daily private domestic use;

“erection” in relation to a building includes extension, alteration and re-erection;

“extension of user” means introduction of an ancillary use in addition to the existing use within the same building or site while maintaining the dominance of the principal use on a specific parcel of land;

“ground coverage” as applied to a development means the percentage of the horizontal area of the site permitted to be used;

“highest water mark” means the highest level or boundary reached by a river or lake during floods, and by the ocean during periods of high tides

“land use” means the economic functions or utility associated with a specific piece of land such as agriculture, industrialization, residential, transportation, public purpose, recreation, public utility or educational utility;

“licenced professional” includes a Registered Physical Planner, Registered Architect, Registered Engineer, or, licensed land surveyor, licensed valuer and registered quantity surveyor;

“location plan” means a supporting document presented in a standard metric scale and indicating the direction of North to make the orientation clear that may be required by a planning authority as part of a development application that provides an illustration of the proposed development in its surrounding context to enable the planning authority to properly identify the land which the application refers;

“material consideration” means a matter of a planning nature that a planning authority may consider in determining a development application;

“performance conditions” means conditions discharged during implementation through interim, partial and incremental certification;

“permitted development” means development which may be undertaken without the outright permission of the relevant planning authority;

“planning authorities” has the meaning assigned to it under section 2 of the Physical and Land Use Planning Act, 2019;

“planning guidelines” means guidelines formulated by the cabinet secretary under section 10(b) of the Act;

“preliminary application” means an application seeking detailed information and guidance to enable submission of a detailed application;

“relevant Professional Registration Board” has the meaning assigned to it under Physical Planners Registration Act Cap 536, Architects and Quantity Surveyors Act Cap 525, Survey Act Cap 299, Valuers Act Cap 532 and Engineers Registration Act Cap 530;

“riparian reserve” means the ecological buffer of earth surface not being the bed of a stream, river, ocean, dam, natural or artificial lake, swamp or riverine wetlands measured horizontally from the highest water mark and may include part of any land parcel situated at the distance from the bank within the measurements provided herein, that is protected under this Act or its use regulated under any other written law;

“strategic installation” means any installation that is classified as such under the Act and relevant regulations or declared as such by the Cabinet Secretary subject to a risk assessment report prepared under these regulations or developed within a strategic national project;

“subdivision” in relation to land means the division of a specific parcel of land, including buildings into units held under single ownership, into two or more parts whether the subdivision is by conveyance, transfer or partition or for the purpose of sale, gift, lease or any other purpose

“statutory undertaker” means statutory bodies responsible under any written law within the country and any other body which the cabinet secretary may by notice in the Gazette specify to undertake activities that may lead to physical alterations to the land which has some degree of permanency;

“submission certificate” means a certificate that is issued to a person who has submitted a development application in accordance with section 62(1) of the Act;

“zoning” means a regulation that defines land in a specific geographic location which can be developed and used.

PART II—SUBMISSION OF DEVELOPMENT APPLICATIONS

Submission of application.

3. (1) An application for development permission shall be made in Form PLUPA/DC/1(A, B, C, D, E or F) as set out in the First Schedule.

(2) An application for development permission shall be transmitted to the electronic address of the planning authority or submitted in paper form and shall be accompanied by—

- (a) a certified copy of Title Deed, Certificate of Lease or any other legal ownership documents;
- (b) a search certificate of the property issued by the relevant registrar within three months before the date the application is transmitted or submitted to the planning authority;
- (c) a certified copy of a land rent clearance certificate of the land, where applicable;
- (d) a certified copy of a land rates clearance certificate of the land, where applicable;
- (e) written consent in accordance with section 58 (4);
- (f) a geo-referenced cadastral map, sectional plan or other filed plan prepared by a registered surveyor and duly authenticated in accordance with the Survey Act;
- (g) a location plan based on an up-to-date survey plan indicating clearly the subject area in relation to major landmarks, roads, features and north direction and duly authenticated in accordance with the Survey Act;
- (h) scheme plans or building plans;

- (i) where applicable, public notification in accordance with section 58 (7) and (8);
- (j) where applicable, a planning brief of the comprehensive development prepared by a registered and practising physical and land use planner in accordance with these Regulations;
- (k) where an applicant is not the registered owner of the land, the written consent of the registered owner of that land;
- (l) a copy of the notice published in at least one newspaper of nationwide circulation measuring five thousand square millimetres in Forms PLUPA/DC/2 and PLUPA/DC/3 set out in the First Schedule, that has been published for at least fourteen consecutive days prior to the date the application is submitted;
- (m) where the application is for a change of user or extension of user, a caption of an on-site notice inviting comments from the members of the public in accordance with section 58 (7) and (8); and
- (n) a copy of the receipt for the payment of the development fees.

(3) Where the application has been transmitted to the electronic address of the planning authority, the written consent, public notification notice and planning brief shall be submitted in PDF format and shall—

- (a) not be password protected;
- (b) be of A4 paper size;
- (c) have line spacing of 1.5; and
- (d) not contain hyperlinks.

(4) The licensed professional shall be required to inform the registered owner of the submission and progress made in processing the development application.

Specification of onsite notice.

4. The onsite notice referred to in regulation 3 (2) (1) shall be in Form PLUPA/DC/4 as set out in the First Schedule and shall have the following specifications—

- (a) it shall be made of durable waterproof material that is capable of withstanding the extreme elements of the weather;
- (b) it shall measure at least one hundred and twenty centimetres by seventy centimetres;
- (c) it shall be placed at a height of one hundred and fifty centimetres on unobstructed space; and

- (d) it shall be legible from a distance of at least five metres from the notice.

PART III—PROCESSING OF DEVELOPMENT APPLICATIONS

County Director to issue tracking number for applications.

5. Upon the submission of the development application, the County Director shall issue a submission certificate with a tracking number in accordance with section 62 (1) in form PLUPA/DC/5 as set out in the First Schedule.

Payment of prescribed fees.

6. (1) In case of electronic submission, the application shall be received and downloaded by the county director of physical and land use planning subject to payment of prescribed fees in accordance to the regulations issued from time to time by the planning authorities.

(2) Payments due to planning authorities shall be made in the form that the planning authorities may prescribe from time to time.

(3) An application shall not be considered duly completed until the invoiced amount is paid in full.

Registration of Development Application.

7. Upon confirmation of payment of application fees or waiver authority, the county director shall record the application in the development applications Register in line with section 62 of the Act.

Circulation and reviewing of application.

8. (1) The County Director shall transmit a copy of the application to the—

(a) Director-General for projects covering two or more counties of parts thereof or those classified under projects of strategic national importance;

(b) applications that do not fall in category 7 (1) (i) shall be circulated to technical officer of the relevant authorities and agencies to review and comment in accordance with provisions of Section 60 (1) of the Act.

(2) For projects covering two or more counties of parts thereof the Director-General shall—

(a) issue an advisory or convene a meeting with the respective counties for further consultations;

(b) constitute an inter-county committee that shall prepare and complete the Inter-County project proposal within one year from the time notice of intention to prepare the plan;

(c) publish a notice in the Gazette and in at least two newspapers of national circulation and electronic media informing the public and request for submission of comments within 30 days;

- (d) within twenty-one days of the expiry of the notice period consider the submitted comments and may incorporate the comments in the inter-county project proposal;
 - (e) within seven days of making the decision publish it in a notice in the gazette and in at least two newspapers of national circulation.
- (3) For projects classified under projects of strategic national importance the Director-General shall—
- (a) publish a notice in the Gazette and in at least two newspapers of national circulation and electronic media informing the public of the intention to undertake a strategic national project and request for submission of comments within 60 days;
 - (b) in consultation with the respective County Director Physical and Land Use Planning convene public hearings to receive comments
- (4) For proposed projects falling within controlled areas around strategic installations, the County Director of Physical and Land Use Planning shall—
- (a) refer it to the Director General for verification of compatibility to the strategic installations development plan;
 - (b) transmit a copy of the application to the head of the relevant Ministry/Department/Agency responsible of the strategic installation comments;
 - (c) upon determination that the application falls under (3) the processing shall be undertaken in accordance with ----- (*Regulations for strategic installation*)
 - (d) upon determination that the application falls under (4) the processing shall be undertaken in accordance with ----- (*Regulations for development control for developments adjoining strategic installation*)
- (5) Circulation of applications in 7(1) and (2) shall be in forms PLUPA/ /DC/6A and 6B as applicable.
- (6) The County Director shall in accordance to sections 60 and 90(2)(f) of the Act maintain registers for circulation of applications in the format provided in forms PLUPA/ /DC/7A and 7B as applicable.

Decision Making and Issuance of Development Permission.

9. (1) The Cabinet Secretary shall approve, decline or defer application for prescribed projects of strategic national importance in accordance with Section 69(4) of the Act.

(2) For developments adjoining strategic installation projects and other applications, the county director shall under section 20—

- (a) analyse the comments received during circulation;
- (b) submit the report to the County Executive Committee Member;
- (c) transmit the decision to the property owner on such electronic address provided by the licensed professional supported by email or short message; and
- (d) re-circulate deferred applications to the relevant authorities for further review and reporting.

(2) Upon receipt of the report in 2 (ii), the County Executive Committee Member shall—

- (a) grant the applicant a development permission in Form PLUPA /DC/8 set out in the First Schedule with performance and conformance conditions or without conditions;
- (b) defer the application stating the grounds of deferment;
- (c) refuse to grant the applicant such development permission stating the grounds of refusal; or
- (d) authorise the County Director of Physical and Land Use Planning to communicate the decision in accordance to section 20(i) of the Act.

(3) Where required by the planning authority, land suitable and adequate for public purpose shall be surrendered at no cost to the County Government as a condition for development permission.

(4) In determining the size of land to be surrendered for public purpose in (3) above the planning authority shall consider the reason for subdivision, size of land, number of resultant sub-plots, the resultant use, type and scale of development.

(5) The County Executive Committee member shall communicate to the chairman National Land Commission of such surrender in form PLUPA /DC/9.

(6) Where an application for demolition is approved, the applicant shall be issued with a demolition permit.

(7) The County Government shall be indemnified against any claims that may arise from negligence and/or acts of omission during the demolitions works.

(8) Where an applicant does not receive written response within sixty days of the date the application was submitted, provisions of section 58 (6) shall apply

Permitted
development.

10. (1) Subject to the provisions of these Regulations, development of any class specified in Schedule two of these Regulations is permitted and may be undertaken upon land to which these Regulations apply with the permission of the planning authority provided that the permission granted by these Regulations in respect of any such class of development shall be subject to any condition or limitation imposed in the said Schedule.

(2) Nothing in this paragraph or in the said Schedule to these Regulations shall be deemed to permit any development which is not in accordance with any condition imposed when permission is granted or deemed to be granted under Part IV of the Act otherwise than by these Regulations.

(3) If the planning authority is satisfied that it is expedient that development of any of the classes specified in the second Schedule to these Regulations shall not be carried out in any particular development of any of the said classes unless permission is granted on application in that behalf—

- (a) the planning authority may direct that the permission granted by Part I of the second Schedule shall not apply;
- (b) the County Executive Committee Member shall publish in the *Gazette* categories of development in the county that require development permission.

(4) A direction in respect of any particular area under paragraph (a) of subparagraph (1) of this paragraph shall be given by notice by the local authority and shall specify the effect of the direction and the name of a place where a copy thereof and a map defining the area to which it relates may be viewed at all normal hours of official business and such direction shall come into force on the date on which notice thereof is first published.

Exemption from
development
permission

11. The carrying out of the following works by statutory undertakers in case of emergency is exempt from the process of development permission—

- (a) maintenance of bridges, buildings and railway stations;
- (b) alteration and maintenance of railway tracks and provision and maintenance of track equipment, including signal boxes, signal apparatus and other appliances and works required in connection with the movement of traffic by rail;
- (c) maintenance of harbours, quays, wharves and canals;
- (d) provision and maintenance of mechanical apparatus or appliances required for the purpose of shipping or in connection with the embarking, disembarking, loading, discharging or transport of passengers, livestock or goods at a harbour, quay or wharf;

- (e) any development required in connection with the improvement and maintenance or repair of water courses or drainage works, sewers, sewage disposal works base transmission stations or optic fibres.

Receiving and Processing of Conformance Conditions Applications.

12. (1) Application for Conformance Conditions shall be received by the Director-General in line with regulation 7 (1) (2) (3) or the County Director in line with regulation 7 (4) who shall—

- (a) circulate to the relevant authorities or agencies responsible for the matter under review; and
- (b) forward the reviewed application to the Cabinet secretary or the County Executive Committee Member for issuance of development permission.

PART V—PERFORMANCE CONDITIONS MONITORING AND INSPECTIONS

Implementation of performance conditions.

13. (1) The registered owner of a property or duly authorised agent shall send written notification in form PLUPA/DC/14 to the Director General or the County Director requesting for inspection during the—

- (a) commencement the of the project;
- (b) subsequent stages stated in the performance conditions.

(2) The Director General or the County Director shall—

- (a) issue an invoice subject to prescribed fees in accordance to the regulations issued from time to time;
- (b) circulate the notification to the relevant authorities or agencies to carry out the inspection
- (c) Notify the registered owner of a property or duly authorised agent of the date of inspection in form PLUPA/DC/15.

Site Inspection Procedure and Issuance of Permit.

14. (1) The architect and the structural engineer shall issue a certificate of guarantee and compliance for the curtain walling system, prior to the issuance of the certificate of occupation.

(2) The relevant authorities or agencies shall—

- (a) visit the project site and conduct inspection in accordance to procedures prescribed in the relevant codes;
- (b) prepare the inspection report in the prescribed inspection card and—

- (i) if satisfied with standards on the visited site issue permit authorizing progress of development within 7 days from the date of inspection; or
- (ii) if not satisfied, demand compliance to the set standards or conditions of approval before embarking on the development;
- (iii) issue a demolition order to the owner of the building if the structure cannot be repaired to a safe condition for either the occupier or the surroundings.

(3) The registered owner of a property carrying out the development shall not proceed with the development unless issued with a copy of the inspection report and permit authorising progress.

Final Inspection
Issuance of
Certificate of
Compliance or
Occupation.

15. (1) Upon completion of the development project the licensed professional or duly authorised agent shall on behalf of registered owner of the property—

- (a) notify the Director General or the County Director requesting for joint final inspection of all the relevant authorities and agencies;
- (b) prepare the site of the completed development to standards stipulated in the performance conditions.

(2) The Director General or the County Director shall coordinate the final joint inspection exercise and consolidate all inspection reports and forward to the relevant Planning authority who shall within 7 days, in prescribed forms PLUPA/DC/10 and PLUPA/DC/11 cause the issuance of—

- (a) certificate of compliance;
- (b) notice for issuance of certificate of occupation.

Revocation of
development
permissions.

16. (1) Under section 57(5), the County Executive Committee Member may revoke development permission issued under these Regulations on the following grounds—

- (a) contravention of the conditions of approval;
- (b) any consideration under Article 66(1) of the Constitution; or
- (c) risk of natural disaster.

(2) The County Executive Committee Member may consult with the relevant authorities for their recommendations, before revoking a development permission.

(3) Where the County Executive Committee Member revokes the development permission under sub-regulation (1), he shall issue the holder

a notice of revocation of development permission in Form PLUPA 12 set out in the First Schedule.

(4) The County Executive Committee Member shall specify the reasons for the revocation in the notice issued under sub-regulation (3).

(5) A person aggrieved by a decision to revoke a development permission may appeal to the county physical and land use planning liaison committee within fourteen days of receiving the decision.

PART VI—ENFORCEMENT ACTION

Identification of contravention or breach and preparation of enforcement notice.

17. (1) The County Director shall, in liaison with relevant authorities and agencies, conduct routine surveillance visits for the purpose of—

- (a) monitoring on-going developments in the county;
- (b) identify un-authorised developments or those in contravention to approval.

(2) The Director of Planning and Land Use Planning shall prepare an enforcement notice for non-conforming developments in a prescribed Form **PLUPA/.....** (*The form is contained in the set of regulations for enforcement*).

Appeal to County Liaison committee

18. Any person aggrieved with the decision of the County Director may appeal to the respective County Physical and Land Use Liaison Committee in **Form PLUPA.....** in accordance to section 72(3)(4) of the Act. (*The form is contained in the set of regulations for the Liaison committee*)

Judicial process for non-compliance.

19. (1) Whereupon the registered owner of a property fails to comply with the decision of the county liaison committee, the chairperson of the committee shall—

- (a) commence the judicial process for court summons;
- (b) prosecute the case to a logical conclusion.

(2) Without prejudice to the determination of the case, the County Executive Committee Member shall cause the demolition or restoration of the land to its original state in accordance with section 57(3) of the Act.

PART VII—MISCELLANEOUS

Registers maintained by the County Executive Committee Members.

20. (1) The County Executive Committee Member shall prepare and maintain registers as per section 62 of the Act containing the information set out in the Second Schedule relating to—

- (a) all submitted applications as per the Third Schedule of the Act;
- (b) all decisions made pursuant to development applications;
- (c) all communication made and received pursuant to development applications; and
- (d) all decisions to approve, defer or revoke a development permission.

(2) Any person may request for the information contained in the registers by submitting a written request indicating the scope of the information sought their reason and purpose for obtaining the information sought.

Management of riparian reserves.

21. (1) Physical and land use development plans shall be prepared to guide utilization of land within riparian reserves in rural and urban areas and provide buffers for lakes, rivers, swamps and oceans beyond the riparian reserves where controlled development may be allowed.

(2) The plans prepared under paragraph (1) shall promote controlled utilization of riparian reserves as recreational areas, open spaces, green ways and as utilities corridors among other sustainable uses.

(3) In connection with the utilization of the riparian reserve or development of the area beyond the riparian reserve or both, the applicant shall be required to submit an Environmental Impact Assessment and Audit Report together with the development application.

Measurement of the extent of riparian reserves.

22. The following standards shall apply during the measurement of riparian reserves for the purposes of these Regulations—

- (a) for rivers, a minimum riparian reserve of ten metres or a reserve that is equal to the average full width of the river measured from the highest water mark, whichever is higher, but which shall not exceed thirty metres, on either side of the river shall be maintained:

Provided that in the case of a flood plain, the riparian reserve may be higher as may be determined by the Water Regulation Authority;

- (b) for lakes, a riparian reserve of not less than one hundred metres and not more than two hundred metres as measured from the highest water mark shall be maintained for all lakes:

Provided that in the case of Lake Naivasha, there shall be observed a contour of one thousand eight hundred and ninety-two point eight metres above sea level;

- (c) for the Indian Ocean, a riparian reserve of three hundred metres as measured from the highest water mark shall be maintained;

- (d) for swamps measuring more than one acre, a riparian reserve of at least fifty metres and not more than seventy metres as measured from the highest water mark shall be maintained;
- (e) for swamps measuring less than one acre, a riparian reserve of at least twenty metres and not more than thirty metres as measured from the highest water mark shall be maintained;
- (f) for dams, a riparian reserve of seventy metres as measured from the highest water mark shall be maintained for all dams:

Provided that downstream of the dam, there shall be maintained a riparian reserve of at least twenty metres and not more than one hundred metres as measured from the toe of the dam as determined by structural engineer; and

- (g) for springs, a riparian reserve of at least six metres as measured from the source of the spring shall be maintained.

FIRST SCHEDULE

FORM PLUPA/DC/1A

(r. 3(1))

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

Registered Number of Application

APPLICATION FOR DEVELOPMENT PERMISSION (PLANNING APPLICATION)

To the.....

(Insert Name and address of the appropriate County Government Office)

I/We hereby apply for permission to develop the land and/or building as described in this application and on the attached plans and drawings.

Date

Coordinates of Property/Plot (UTM).....

Section A—General Information

1. Owner’s name and address
2. Applicant’s name and address
3. If applicant is not the owner, state interest in the land e.g. leasee, prospective purchaser, etc. and whether the consent of the owner to this application has been obtained.
 - (a) L.R. or parcel No.....
 - (b) Road, District and Town
 - (c) Acreage.....
4. If an application has been previously been submitted state the registered number of the application

Section B—Subdivision

1. Describe briefly the proposed subdivision including the purposes for which land and/or buildings are to be used
2. State the purpose for which land and/or buildings are now used. If not now used, the purpose for which and the date on which they were last used
3. State whether the construction of a new or an alternative of an existing means of access to or from a road is involved.....
4. State method of:
 - a. Water supply.....
 - b. Sewerage disposal.....
 - c. Surface water disposal.....
 - d. Refuse disposal.....
5. Give details of any relevant easements affecting the proposed subdivision.....

Section C—Extension of Lease or Use or Change of user

1. State whether subdivision is involved and if so whether permission has been applied for and if so give registered number of the application.....
2. Describe briefly the proposed development including the purpose for which land and/or buildings are to be used.....
3. State the purpose for which land and/or buildings are now used. If not now used, the purpose for which and date on which they were last used.....
4. State whether the construction of a new or alternative of an existing means of access to or from a road is involved.....
5. If the proposed development consists only of a change of use and does not involve building operations state the exact nature of such change.....

6. If the site abuts on road junction, give details and height of any proposed walls, fence, etc., fronting thereon.....
7. State method of:
 - a. Water supply.....
 - b. Sewerage disposal.....
 - c. Surface water disposal.....
 - d. Refuse disposal.....
8. Give details of any relevant easements affecting the proposals.....
9. State the:
 - a. Area of land affected
 - b. Area covered by buildings
 - c. Percentage of site covered
 - by existing buildings.....
 - by proposed buildings.....

Section D- Densification

1. Describe briefly the proposed development including the purpose for which land and/or buildings are to be used.....
2. State the purpose for which land and/or buildings are now used.....
3. State whether the construction of a new or alternative of an existing means of access to or from a road is involved.....
4. If the proposed development consists only of densification of use and does not involve building operations state the exact nature of such densification.....
5. If the site abuts on road junction, give details and height of any proposed walls, fence, etc., fronting thereon.....
6. State method of:
 - a. Water supply.....
 - b. Sewerage disposal.....
 - c. Surface water disposal.....
 - d. Refuse disposal.....
7. Give details of any relevant easements affecting the proposals.....
8. State the:
 - a. Area of land affected
 - b. Area covered by buildings
 - c. Percentage of site covered by existing buildings
 - d. Percentage of site covered by proposed buildings.....

Section E- Demolition

1. State the purpose for undertaking demolition.....
2. Provide a clear description of the proposed methods of demolition including the volume of works

.....

.....
3. State method and place of:
 - a) Storage of debris.....
 - b) Disposal of debris.....

***NB: Demolitions do not constitute permission for alteration of structures
Attached an EIA& A report***

Section F- Easements and wayleaves

1. State the purpose of the proposed easement or wayleave.....

2. Provide a clear description of the proposed easement or wayleave including the area, coordinates and any other important factor
.....
3. State :
 - a. Any existing physical developments along the proposed area.....
 - b. Type of land use activities along the proposed area

Note.—Drawing and specifications must be prepared and signed by licenced professionals

If filled by Agent:

Name.....

Address.....

Profession.....

Registration Number

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

Registered Number of Application

APPLICATION FOR DEVELOPMENT PERMISSION (BUILDING PLAN)

TO.....
.....
.....

(Insert Name and address of the appropriate County Government Office)

From.....

Reg Architect(s) No.....

E-mail.....

Mobile No.....

P.O. Box.....

Having duly been appointed as the Project Architect(s), I/We submit herewith Building Plans and particulars in a manner prescribed in the Physical and Land Use Planning Act that requires a Licenced Architect submits in accordance to Section 59 of the Act.

Description of Project:

1. Location details

a) Municipality

b) Sub County

c) Ward

d) Name of Nearest Road/Street:

e) Name of Area/Estate:

2. Plot L/R No.....

3. Plot Size.....

4. Land Tenure:-(Tick Appropriate Box)

a) Freehold

b) Leasehold

c) Registered community land

d) Share Certificate

(Share certificate to be accompanied by): -

(i) Sworn Affidavit

(ii) Approved Sub Division

(iii) Beacon Certificate

5. Conformity of building with approved land use and zoning regulations

a) Current Land Use.....

b) Zone.....

c) Permitted Ground Coverage (%)

d) Permitted Plot Ratio (No).....

e) Class of Building (tick √ where applicable)

Residential:

Single Dwelling

Multiple Dwelling

Industrial

Institutional

Commercial

Details:

Details:

Details:

Details:

Details:

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

APPLICATION FOR DEVELOPMENT PERMISSION (STRUCTURAL/CIVIL ENGINEERING DRAWINGS)

Registered Number of Application

Appendix B: Standard Certification by The Qualified Person for Structural Works.

1. In accordance with Regulation 9 of The Building Control Regulations, I, _____, the Qualified Person for structural works appointed under section 8(1)(a) or 11(1)(d)(i) of the Building Control Act., hereby submit the detailed structural plans and design calculations prepared by me and certify that they have been prepared in accordance with the provisions of the Building Control Regulations, the Building Control Act and any other written law pertaining to buildings and construction for the time being in force.
2. I further certify that these detailed structural plans and design calculations are in reference to Project Ref. No: _____
3. Total number of structural plans submitted: _____ and total number of pages of design calculations in this book: _____

Qualified Person for Structural Works

Date

Signature and Stamp

I hereby indemnify (having duly completed The Indemnity **Form PLUPA/DC/...) the County Government of from any claims that might arise during building construction or as a result of building collapse or loss of life.**

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

Registered Number of Application

APPLICATION FORM FOR DEVELOPMENT PERMISSION OF A STRATEGIC NATIONAL PROJECT

To the Cabinet Secretary.....

1.0 Name of Applicant.....

(a) Contacts

(b) Physical Address.....

(c) Telephone.....

(d) E-mail.....

(e) Permanent Postal Address.....

2.0 Location of Project

(a) County(s).....

(b) Sub County(s).....

(c) Ward(s).....

(d) Road.....

3.0 Status of Land

(a) Land Tenure (Public/Private/Community)

(b) Acreage (Hectares).....

4.0 Nature of the project.....

5.0 (1.) Indicate type of development permission sought

.....

(2) Indicate the national sectoral policy framework the project will operate under

.....

.....

(3) Indicate the national sectoral legislation the project will operate under.

.....

.....

(Attach a planning brief, a cadastral plan, architectural designs, civil drawings, structural drawings, Environmental Impact Assessment, Environmental and Social Impact Assessment and Strategic Environmental Assessment reports and any other relevant documents

S.20(j)
FORM **PLUPA/DC/**

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

**AUTHORITY TO ISSUE DEVELOPMENT PERMISSION AND OTHER
DEVELOPMENT CONTROL INSTRUMENTS**

To.....
County Director of Physical and Land Use Planning

You are hereby authorised to

- a) consider the following development application and approve, defer or refuse development permission of:

Application Number.....

Submitted on

For permission to.....

.....

On L.R. No..... With coordinates.....

Situated in..... Road.....

- b) issue..... (other relevant development control instruments) with respect to proposed development or existing development on:

On L.R. No..... With coordinates.....

Situated in..... Road.....

Name

Signed

Date

County Executive Committee Member
for Physical and Land Use Planning

c.c.
National Land Commission
The Land Registrar.
Director of Surveys
The City/Municipal/Town Manager.
Land Administration Officer

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

PUBLIC NOTICE

NOTIFICATION FOR PROPOSED SUBDIVISION

NOTICE IS HEREBY GIVEN THAT.....

of

has applied to

for permission to subdivide land situated at (address of property)

.....with coordinates.....

a plan of the site and plans and details of the proposed subdivision is deposited.....

..... and may be inspected free of charge between the hours of

..... and* until the day of

....., 20

Any person who wishes to make any representations or objections to the proposed subdivision

should serve notice of such representations or objections in writing on.....

P.O. Box not later than day of.....20.....

and shall at the same time submit a copy of such representations or objections by notice served on the undersigned at the address mentioned below.

Signed

Dated this day day of, 20

Name of the Registered Planner..... Reg. No.....

**Not more than fourteen (14) days from the date of the first advertisement shall be allowed for inspection of the plan.*

***Not more than twenty-one (21) days from the date of the first advertisement shall be allowed for the submission of representations and objections*

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

PUBLIC NOTICE

NOTIFICATION FOR PROPOSED CHANGE OF USER/EXTENSION OF USER/DENSIFICATION OF USE /EXTENSION OF LEASE/RENEWAL OF LEASE

The registered owner of Plot L.R No.....located in area, proposes to;

- a. (change use, extend use, densify the use) from to subject to approval by the County Government of ; or
b. (extend lease, renew lease) subject to approval by the County Government of

Individuals, institutions, members of the public etc. with comments and or objections to the proposal are requested to forward them in writing within fourteen (14) days of this notice to:

The County Executive Committee Member
County Government of
P.O BOX
Name of the Registered Planner..... Reg. No.....

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

PUBLIC NOTICE

**NOTIFICATION FOR PROPOSED CHANGE OF USER/ EXTENSION OF USER/
DENSIFICATION OF USE / EXTENSION OF LEASE/ RENEWAL OF LEASE**

The registered owner of this plot no. in
..... area proposes to;

- a) Change/ extend/ densify its use from to
.....
- b) Extend/ Renew Lease

SUBJECT TO APPROVAL BY THE COUNTY GOVERNMENT OF
..... INDIVIDUALS, INSTITUTIONS OR MEMBERS OF THE PUBLIC
WITH COMMENTS AND OR OBJECTIONS TO THE PROPOSAL ARE REQUESTED
TO FORWARD THEM IN WRITING WITHIN FOURTEEN (14) DAYS OF THIS
NOTICE TO:

The County Executive Committee Member,
County Government Of
P.O BOX

Dated:
Name of the Registered Planner..... Reg. No.....

**THE PHYSICAL AND LAND USE PLANNING ACT (No. 13 of 2019)
SUBMISSION CERTIFICATE**

County Government of

Department/Section of Physical and Land Use Planning.....

On..... Before

(Name and Title of the Officer),

Personally/electronically received the application Ref No..... on

Plot L.R No.....

located along.....Road

inarea,.....Sub-County

for the proposed

.....

..... hereby acknowledge receipt of
the application with the attachments mentioned below:

- a)
- b)
- c)
- d)
- e)
- f)

Name of the Applicant.....

ID No of the Applicant

Registration No of Registered Professional

This certificate will be deemed to be an approval, where the applicant does not receive written response to this application within 60 Working Days as per the provisions of Section 58 (6) of this Act.

Name of the Receiving Officer.....

Designation

Signature (Stamp)

CC:

County Executive Committee Member

The Applicant

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

CIRCULATION SHEET (GENERAL)

RECEIPT DATE & STAMP	COUNTY GOVERNMENT OF	Sub County Code	PLAN REGISTRATION NUMBER
Received By:		Pre-Vetting By:	
	SUBMITTED PLANNING CIRCULATION SHEET		

DEVELOPER PARTICULARS	DESCRIPTION OF DEVELOPMENT			TYPE OF SUBMISSION
Name:	Change of user		Plot No	Preliminary
P O Box:	Ext of Use		Plot Size (Ha)	Full
	Ext of Lease		Estate/Area	Complimentary
Telephone	Master Plan		Road/Street	Amendment
	Detailed Planning			Regularization
SUBMITTING PLANNER	Ext of Lease		Ward	FEES & CHARGES
Name :	Subdivision		No of subplots	
Reg No :	Amalgamation		Type of structure	
P.O. Box:	Outdoor Advert			
	Structure			
Telephone:				
E-mail:				
			TOTAL	

CIRCULATION						First	
STAGE	DAYS	Dept.	<input checked="" type="checkbox"/>	MONITOR	ACTIVITY	Second RESPONSIBLE	DATE
1	5	Physical Planning			<ul style="list-style-type: none"> • Circulation Recording • Dispatch/Receiving • Zoning/Requirements • Planning Standards • Riparian Reserves 		
2	2	Environment			<ul style="list-style-type: none"> • Environmental Standards 		
3	3	Public Health			<ul style="list-style-type: none"> • Public Health By-Laws • Commenting 		
4	3	Engineering/Public Works			<ul style="list-style-type: none"> • Roads & Related Infrastructure 		
5	3	Survey			<ul style="list-style-type: none"> • Survey Boundaries • Easement of Way leaves 		
6	3	Lands			<ul style="list-style-type: none"> • Encumbrances • Caveats • Ownership Status 		
7	2	Water & Sewerage			<ul style="list-style-type: none"> • Sewage Lines • Bio Box Capacity 		
8	5	KENHA/KERRA/KURA			<ul style="list-style-type: none"> • Classification, Road Size 		

RECOMMENDATION FOR APPROVAL¹		
Agenda Item No.	Technical Committee Meeting Date	
		Signed: Name: The Director, Lands, Housing and Physical Planning Date:

Conditions of Development Approval		
I	Submission of satisfactory buildings plans within one year and completion of construction within two years otherwise the approval lapses;	
Ii	Payment of revised ground rent as will be determined by the National Land Commission;	
Iii	Payment of revised rates as will be determined by the Director of Valuation – County Government of ;	
Iv	The land must be free from any encumbrances and/or any disputes;	
V	Subject to compliance of the Physical Planning Act ;	
Vi	Subject to Compliance with Zoning Policy of the County Spatial Plan;	
vii	Subject to provisions of appropriate setback(s) as per Building Code;	
viii	Subject to provisions of adequate and functional onsite parking to the satisfaction of the Chief Officer, Roads, Transport and Public Works;	
Ix	Subject to traffic management report for the development to be prepared and submitted to the County Chief Officer – Roads, Transport and Public Works for approval before commencement of the works;	
X	Subject to Civil Engineering drawings being submitted for approval by Chief Officer Roads, Transport and Public Works for approval before commencement of the works;	
Xi	Subject to submission of water supply and sewerage reticulation designs to the Chief Officer – Water, Environment and Natural Resources;	
xii	Change of user/extension of user/sub divisions should be effected within one year otherwise the approval lapses;	

¹ See approval conditions overleaf

Survey

Lands

Water & Sewerage

KENHA/KERRA/KURA

Physical Planning

Environment

Public Health

Engineering/Public Works

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

CIRCULATION SHEET (BUILDING PLAN)

RECEIPT DATE & STAMP	COUNTY GOVERNMENT OF	Sub County Code	PLAN REGISTRATION NUMBER
Received By:		Pre-Vetting By:	
	SUBMITTED ARCHITECTURAL PLANS CIRCULATION SHEET		

DEVELOPER PARTICULARS	DESCRIPTION OF DEVELOPMENT				TYPE OF SUBMISSION	
Name:	Residential Class		Plot No		Preliminary	
P O Box:	Commercial/Offices Class		Plot Size (Ha)		Full	
Telephone:	Industrial/Warehouse Class		Estate/Area		Complimentary	
			Road/Street		Amendment	
SUBMITTING ARCHITECT	Institutional/Public Class		Ward		FEES & CHARGES	
Name :	Zone		Value		Plinth	
Reg No :			Plinth Area (M ²)	Estimated		Site Board
P O Box :	Plot Coverage			Confirmed		Infrastructure
Telephone :			Plot Ratio		Sewage Disposal	Sewer
	Conservancy	Hoarding				
Email:					TOTAL	

CIRCULATION						First	
						Second	
STAGE	DAYS	Dept.	 	MONITOR	ACTIVITY	RESPONSIBLE	DATE
1	5	Architect Development Control			<ul style="list-style-type: none"> • Circulation Recording • Dispatch/Receiving • Density & Coverage Verification • Building By-Laws 		
2	3	Public Health			<ul style="list-style-type: none"> • Public Health By-Laws 		
3	5	Engineering/Public Works	Roads		<ul style="list-style-type: none"> • Roads & Related Infrastructure 		
			Structural				
			Fire				
			Mechanical				
4							
5							
FOR APPROVAL²							
Agenda Item No.	Technical Committee Meeting Date		Signed:				

²See approval conditions overleaf

			Name: The Director, Lands, Housing and Physical Planning Date:
--	--	--	--

Conditions of Building Plans Approval

i	Submission of satisfactory structural designs and calculations;	
ii	Submission of certificate as to workmanship;	
iii	Submission of satisfactory plumbing and drainage details;	
iv	Submission of satisfactory electrical and ICT scheme designs;	
v	Submission of satisfactory mechanical ventilation scheme;	
vi	Submission of drawings for ground soakage septic tank or conservancy tank to be approved and constructed to the satisfaction of the County Chief Officer – Roads, Transport and Public Works;;	
vii	Satisfactory surface water drainage to be agreed on site;	
viii	All debris and excavated materials to be dumped on site approved by the County Chief Officer – Water, Environment and Natural Resources;	
ix	Canopy approval;	
x	Replacement of cut down trees and landscaping implementation to the satisfaction of the County Chief Officer – Water, Environment and Natural Resources;	
xi	Satisfactory canalization of river to the approval and satisfaction of the County Chief Officer – Water, Environment and Natural Resources;	
xii	Structures coloured yellow to be demolished and debris dumped on site approved by the County Chief Officer – Water, Environment and Natural Resources;	
xiii	Strip of land coloured blue being reserved for road widening;	
xiv	Temporary access to the plot to be constructed/provided to the satisfaction of the County Chief Officer – Roads, Transport and Public Works;	
xv	Road frontage landscaping scheme to be approved and implemented to the satisfaction of the County Chief Officer – Roads, Transport and Public Works;	
xvi	Subject to traffic management report for the development to be prepared and submitted to the County Chief Officer – Roads, Transport and Public Works for approval before commencement of the works;	
xvii	The land must be free from any encumbrances and/or any disputes;	
xviii	The developer obtaining the required completion/occupation certificate ;	
xix	Compliance with the approved Zoning Policy and approved physical and land use development plans	
xx	Compliance with prescriptions of the National Building code	
xxi	Compliance with conditions from the relevant national highway authority for development directly accessing national trunk roads	
xxi	The development not falling within an existing/designated electricity power or any other way leave;	
xxii	Pre-treatment of all effluents to the satisfaction of the County Chief Officer – Water, Environment and Natural Resources before discharge to the Public Sewer;	
xxiii	Treatment of all effluents to the satisfaction of the County Chief Officer – Water, Environment and Natural Resources before discharge to the Natural Water Course;	
xxiv	Permit for hoarding, scaffolding or erection of cranes	

Architect – Development Control	
Permitted Ground Coverage	Actual Ground Coverage
Permitted Plot Ratio	Actual Plot Ratio
Car Parking Requirements	Car Parking Provision
Other Requirements	
Public Health	
Engineering/Public Works	

FORM PLUPA/DC/7B

(r (7)(6))

COUNTY GOVERNMENT OF
BUILDING PLANS CIRCULATION REGISTER

ARCHITECTURAL													CIRCULATION										ARCHITECTURAL & DEVELOPMENT CONTROL								
COL. 1			COL. 2				COL. 3			COL. 4			COL. 5	6	COL. 7			COL. 8			COL. 9				COL. 10			COL. 11	COL. 12		
INDEX NO.	PLAN DETAILS			SITE DESCRIPTION				ARCHITECT			OWNER/DEVELOPER			NATURE OF APPLICATION	SUBMITTED BY :	INDEX NO.	PUBLIC HEALTH			ENGINEERING			SURVEY				OTHER SPECIFY			APPROVED	ELLSANEOUS COMMENTS
	DATE	REG. NUMBER	AID (KSHSS)	NO.	LOCALITY	ROAD/STREET	NAME	NO.	FILE NO.	NAME	MESS BOX NO.	RECEIVED BY:	RECEIVED				DISPATCHED	RECEIVED BY:	RECEIVED	DISPATCHED	RECEIVED BY:	RECEIVED	DISPATCHED	RECEIVED BY:	RECEIVED	DATE DISPATCHED	DATE				

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

Registered Number of Application

NOTIFICATION OF APPROVAL/REFUSAL/DEFERMENT OF APPLICATION

To.....
.....

Your application number as above, submitted on

.....

For permission to.....

.....

L.R. a Parcel No..... With coordinates.....

Situated in..... Road.....

Has been by the County Executive Committee Member

On (date).....

for the following reasons/subject to the following conditions:

(a).....

(b).....

(c).....

(d).....

Name

Signed Date

County Director of Physical Planning.....

c.c.

The National Land Commission, Nairobi.

The Land Registrar.

The City/Municipal/Town Manager.

The Director General-Physical and Land Use Planning, Nairobi.

The Director of Surveys, Nairobi.

APPROVAL CONDITIONS

1. When considering applications for subdivisions the County Government may impose conditions of approval in respect of the matter enumerated below, and after implementation of such approval the conditions shall be binding upon the owner, successors and assigns:
2. When considering applications for building plans, a planning authority shall adhere to specifications contained in the National Building Code.
3. The type and form of development to be carried out or permitted and the size, form and situation of holding and the conditions on which such holdings may be transferred.
4. The surrender of land for roads and public purpose or for other purposes referred to in the Act section 55 and Third Schedule (7) which shall be surrendered to the National or relevant county government free of cost and managed by the National Land Commission.

5. The character and type of roads and public utilities or other works, including the standard of construction and/or maintenance of a road, water supply, drainage and sewerage works which are to be undertaken and completed by the applicant for subdivision at the applicant's cost.
6. Provision as to the forms of security to be given by the applicant of any conditions imposed and provision as to the right of the local authority to carry out any such conditions at the expenses of the applicant.
7. The co-ordination of the subdivision of contiguous properties in order to ensure the proper development of such properties.
8. The transfer free of charge to National Government or County Government of any land reserved in accordance with the provisions of this Act hereof may be by the applicant.
9. The registration by the applicant of any conditions imposed in the deed of the title of the property.

DRAFT

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

Registered Number of Application

SURRENDER OF LAND FOR PUBLIC PURPOSE

To The Chairman National Land Commission

An application for development permission was presented by
on..... with respect to L.R. a Parcel No. Situate
in.....

road..... The application was approved on.....
(date) by the County Executive Committee Member responsible for
matters related to physical and land use planning County Government of
.....

subject to surrender free of cost to the County Government of the following:

- (a)..... hectares for use as
 - b) hectares for use as
 - (c) hectares for use as
 - (d) hectares for use as
 - (e) hectares for use as
- as indicated in the attached certified approved plan number.....

Date..... Name in full.....

Signed

County Executive Committee Member

County Government of

c.c.

The Chief Land Registrar.

The Director General of Physical and Land Use Planning

The Director of Surveys

The Director of Land Administration in the Ministry responsible for land matters

Other relevant Agencies

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

Registered Number of Application

CERTIFICATE OF COMPLIANCE

Certificate No.

Name and Address of Applicant

Type of Development (Industrial, Commercial, etc.)

On L.R./Parcel No. with coordinates.....situated in

Road locality (City, Municipality, Township, etc.)

Received from (County Government) by

Ref. No. of

This is to certify that the application above is in compliance with:

(a) Approved Development Plan No.

(b) Approved Subdivision Plan/Advisory Plan No.

(c) Special conditions specified in the Notification of Approval Form PLUPA..... datedday of20.....with respect to Registered Application No.....

Issued by

(Name of Officer)

.....

Sign

County Director of Physical Planning

For: County Executive Committee Member

Department Seal

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

Registered Number of Application

NOTICE FOR ISSUANCE OF OCCUPATION CERTIFICATE

To:

Your application for Occupation Certificate submitted on:

LR. No.....

Plot Coordinates.....

Situated in.....

has been received and considered for issuance of:

- a) Temporary Occupation Certificate valid for

.....
Subject to the following conditions:

.....
.....
.....
.....
.....

- b) Permanent Occupation Certificate

Subject to the following conditions:

.....
.....
.....
.....
.....

(Temporary to be issued for temporary buildings, incomplete buildings certified fit for partial occupation while permanent occupation will be issued for permanent buildings fully constructed and certified fit for occupation)

Name in full.....

Sign

Date.....

Designation

For: County Executive Committee Member

Cc:

County Architect

County Engineer

County Public Health officer

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

Registered Number of Application

NOTIFICATION OF REVOCATION OF DEVELOPMENT PERMISSION

To:
.....
.....

Your approval number issued on
For permission to on LR. a Parcel
No. Situated in Road has
been revoked on date (date) by the

For the following reasons/subject to the following conditions: -

- (a)
- (b)
- (c)
- (d)
- (e)

Date..... Name in full.....

Signed
County Executive Committee Member
County Government of

Cc:
Cabinet Secretary, Ministry of Lands and Physical Planning, Nairobi
National Land Commission.
Director General of Physical Planning, Nairobi
The Director of Surveys, Nairobi.
The Land Registrar
County Secretary
FORM PLUPA/DC/14
(r.13 (1))

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

Registered Number of Application

COMMENCEMENT NOTICE FOR DEVELOPMENT

Approval Ref No: _____

Submission Certificate No.....

1. I, hereby give notice that I intend to carry out the development as per;
 - a. the development permission and that I shall comply with the conditions as well as notify the County Government to undertake inspections at each stage as they County may prescribe.

- b. Provisions of section 58(6) of the Act, where sixty days from the date of submission of application have lapsed.
(Delete as appropriate)

The development shall commence onday of 20.....

Name of Applicant(s):

Sign..... Date.....

Address:

Tel: _____

Email: _____

Enclosures

1. Copy of the submissions certificate (where approval not granted)
2. Copy of the National Construction Authority Compliance Certificate No (Where applicable).....
3. Copy of the Environmental Impact Assessment (EIA) License (Where applicable).....

Cc:

National Construction Authority
Architectural Association of Kenya
National Environmental Management of Kenya
Kenya Institute of Planners
Institution of Surveyors of Kenya

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

Registered Number of Application

NOTICE OF INSPECTION

Ref no. _____

Date _____

The owner _____

REGISTRATION NO: _____

BUILDING NAME: _____

PLOT NO. L.R.: _____

STREET/ROAD: _____

TOWN _____

To ensure that the proposed project is implemented in conformity with the development permission Nogranted on.....day of.....20....., the planning authority wishes to visit the project site onday of 20..... for purposes of;

- a) Confirming compliance with conditions granted in the development permission
- b) Identifying any material variations from the development permission.
- c) Authorizing implementation of the next phase of the project

Name in full.....

Sign

Date.....

Designation

For County Executive Committee Member

SECOND SCHEDULE

SCHEDULE

r. (4)

PART I

The development specified in the first column is permitted subject to the conditions set against in the second column:

DEVELOPMENT

CONDITIONS

Description of Development Conditions
Class I—Development within the cartilage of dwelling-house.

1. The height of such buildings shall not exceed the height of the original dwelling-house.

(a) The enlargement, improvement or other alterations of a dwelling-house materially affecting the external appearance of the building so long as the cubic content of the original dwelling house (as ascertained by external measurement) is not exceeded by more than 50 cubic meters or one-tenth whichever is the greater subject to a maximum of 133 cubic meters.
(b) construction within the curtilage of a hard surface for a purpose incidental to the enjoyment of the dwelling house

2. Standard conditions Nos. 1 and 2.

Class II—Sundry minor operations

Standard condition Nos. 1, 2, 3 and 4.

1. The erection or construction of gates, fences walls or construction of enclosure not being within the cartilage of a dwelling-house not exceeding two meters in height and the maintenance, improvement or other alterations of such gates, fences, walls or other means of enclosure, except on the road transaction.

No improvement or alteration shall increase the height above the height prescribed by the planning authority

No operations carried out shall materially affect the external appearance of the premise

2. The painting of the exterior of any building or work otherwise than for the purpose of advertisement

Standard condition Nos. 1, 2, 3 and 4.

Class III—Change of user

Standard conditions 1, 2, 3 and 4

Development consisting of a change of use to:

(a) (i) Use of a light industrial building defined by the Physical and Land Use Planning Hand Book or guidelines and

circulars issued by the cabinet secretary under section 10(b) of the Act.

(ii) Use of a general industrial building as so defined;

(b) Use as any type of shop except—

(i) a drive-in shop;

(ii) a fast foods shop;

(iii) a butcher shop;

(iv) a shop for the sale of pet animals or birds,

(iv) a shop for the sale of motor vehicles from use as any type of shop.

(v) Mobile money transfer with a booth not exceeding 3 square meters

Class IV— (a) Temporary buildings and uses

The use of land for any purpose for not more than twenty-eight (28) days in total in any calendar year, and the erection or placing of movable structure on the land for the purposes of the permitted use.

(b) Provision of movable structures, plant or machinery required temporarily for the duration of permitted operations being carried out on land

Such buildings and structures shall be removed at the expiration of that period and where they were sited on any such adjoining land, that land shall be reinstated

Standard conditions 1, 2, 3 and 4

Class V—Development for industrial purposes

The deposit by an industrial undertaker if the waste material or refuse resulting from an industrial process on any land comprised in a site which was used for such deposit otherwise than in contravention of previous planning control, on the appointed day.

Standard conditions Nos. 1 and 2.

Class VI—Repairs to roads and ways

The carrying out of works required for maintenance or improvement of roads or ways not under the control of a highway authority being works carried out on land within the existing limits of such roads or ways.

Standard conditions Nos. 1 and 2.

Class V11 Repairs to infrastructure by competent authorities

Standard condition Nos. 1, 2, 3 and 5.

The carrying out of any works for the purpose of inspecting, repairing, or renewing sewers, mains, pipes, cables or other apparatus, including the breaking open of any land for that purpose.

The relevant agency shall notify the county government of its intention to commence erection, construction, maintenance, emergency repairs improvement or other alteration works. The county government shall inform persons ordinarily resident in the affected areas of the time the works will commence

Class VI11—Rebuilding of existing buildings and plant, the rebuilding, restoration or replacement of buildings, works or plant which were in existence on the appointed day

1. The cubic content of the works or plant shall not be increased by more than ten per centum.

2. There shall be no material alteration from the external appearance, as on the appointed day except with the approval of the planning authority

Class IX—Development by a county government or statutory undertaker

3. Standard conditions Nos. 1, 2 and 3.

1.(i) The erection, construction, maintenance, emergency repairs improvement or other alteration by the National or respective county government, road agencies as established under the Kenya Roads Act No.2 of 2007, public utilities bodies, ICT works:

Standard condition Nos. 1, 2, 3 and 5.

(ii) Such buildings, works and equipment as are required on land belonging to or maintained by them for the purposes of any related and appropriate functions exercised by them on that land;

The relevant agency shall notify the county government of its intention to commence erection, construction, maintenance, emergency repairs improvement or other alteration works. The county government shall inform persons ordinarily resident in the affected areas of the time the works will commence

(iii) Development carried out by the National or county government under Article 66 in the interest of defence, public order, public morality, public health or land use planning

(iv) Lamp stands, fire alarms, public drinking fountains, street name plates, refuse bin or baskets, information kiosks, passenger shelters, street public shelters and seats, barrier for the control of persons who are waiting to enter public

Standard condition No. 2.

vehicles and such other similar structures or works as may be required in connection with the operation of any public service.

2. The deposit by a county government of waste material or refuse on any land comprised in a site which was used for that purpose otherwise than in contravention of planning permission. Standard condition Nos. 1 and 2.

PART II

STANDARD CONDITIONS

1. This permission shall not authorize any development which involves the formation laying out or material widening of a means of access to a trunk or county road or a public street as defined in the Kenya Roads Act, 2007
2. No development shall be carried out which creates an obstruction to the view of persons using any road used by vehicular traffic at or near any bend corner, junction or intersection of any roads so as to be likely to cause danger to such persons.
3. No part of any building shall project beyond any building line laid down for the holding or plot.
4. The planning authority will prescribe colour of paint for exterior surface of buildings.
5. Compliance with national and county specific physical and land use policies including the National Physical and Land Use Development Plan, relevant Inter county Physical and Land Use Plans, relevant county physical and land use development plans.

PART III

This part shall apply only to areas where there is an approved physical and land use development plan including a redevelopment or renewal plan .

Class X— C o n f o r m i n g Development

Where a layout or subdivision plan has been lawfully approved and any conditions contained in such approval fulfilled the erection in any zone of purpose for which the permission of the planning authority is not normally required by the approved written document.

1. In residential use zones for the erection of dwelling-houses only, the subdivision of land shall not be less than approved plot sizes.
2. The planning authority is satisfied that adequate provision for parking, loading and unloading of vehicles in the case of industrial and commercial buildings or uses has been made.
3. The approval of the planning authority to the external design appearance and materials

in the case of commercial buildings and use has been obtained.

4. For buildings fronting the main road, uniformity and character of the façade is maintained.

5. If the development is likely to adversely affect any land in the area of a county or is likely to create or attract traffic which will result in a material increase in the volume of traffic entering or leaving a main road or using a level crossing over a railway, evidence of relevant authority shall be provided.

6. The developer shall before commencement of development inform the planning authority in writing of the intention and date of commencement of development

CLASS XI – Use for agriculture and forestry

The use of land for purpose of agriculture or forestry including afforestation, use of buildings on land for any of those purposes, is not a development, but excludes, erection of greenhouses, engineering and mining works, processing agricultural or forest raw products

Tree preservation order to ensure the progressive attainment of the constitutional requirement of ten percent tree cover.

Instruments that are binding on planning authorities when considering development applications

10 The planning authority may in order to preserve amenity of human settlements impose conditions for approval of development

11. (a) A planning authority shall in considering a development application be bound by: -

- (i) The National Land Use Policy and other relevant national policies
- (ii) National standards and norms on physical and land use planning
- (iii) The National Physical and Land Use Development Plan
- (iv) Approved inter county physical and land use development plans
- (v) Approved county physical and land use development plans

- (vi) Approved local physical development plans
- (vii) Approved special area plans
 - vii) Gazette policy statements, guidelines and circulars on general and specific aspects issued by the cabinet secretary from time to time
- (viii) County Policies formulated by the County Executive Committee member
- (ix) treaties or conventions ratified by Kenya

Material consideration

12. (a) material consideration shall be considerations of a planning nature.

(b) A planning authority shall in considering a development application have regard to: -

(i) Specific sitting of buildings, their number, height, design characteristics, means of access, impact on neighboring land, availability of infrastructure, safeguarding land that may in future be required for road widening, preservation of structures or landscapes of historical significance, whether a proposed development may be detrimental to amenity and requirement of public safety, possible effects on viability of a neighborhood possibility of creating an offence to neighbors, protection of character of a human settlement, pedestrian and vehicular traffic considerations and communications.

(ii) Degree to which activities on each site are related even if geographically separated, and international best practices

(c) The following are not material considerations: -

(i) Likelihood of creating or enhancing competition in business including protection of individual businesses.

(ii) Financial viability of a development except if refusal of development may result in structures or land degenerating into a derelict state or if a development is likely to facilitate other development generate fund

Planning authorities to give reasons for decisions

13. (i) Where a planning authority grants permission for development subject to specified conditions, the planning authority shall provide reasons for each condition imposed and specify policies, plans, standards and other material considerations relevant to the decision.

(ii) Where a planning authority refuses to approve a development, the planning authority shall provide reasons for refusal to approve a proposed development and shall in addition, specify policies, plans, standards and other material considerations relevant to the decision.

Strategic Environmental Assessment

14. (a) Any physical and land use development plan which sets a framework for use and development of land, shall be subjected to a Strategic Environmental Assessment

(b) A proposed development requires a Strategic Environmental Assessment if:-

- (i) it is likely to significantly affect the environment due to its nature, size or location
- (ii) its importance transcends beyond a local geographical area
- (iii) it is situated in an environmentally sensitive area
- (iv) it may have potentially hazardous effect
- (v) It is a strategic national or intercounty project classified under regulations made by the cabinet secretary under section 69(3) of the Act.

15. The following types of development require a Strategic Environmental Assessment

**Type of development
Threshold**

Greenhouses - Area of development exceeds ...Hectares

Reclamation of land - All development

Mining and quarrying - All development

Construction of buildings - All development except construction of ancillary structures where the new development does not Square.

Energy production - All Development Processing electronic, radioactive Biodegradable and non-biodegradable - All Development Waste Processing food products - The area of floor space exceeds square meters

Development - All development that involves processing, basic inorganic and organic substances, blending inorganic or organic compounds, storage and distribution of chemical substances or compounds.

Infrastructure projects that include All development Roads, railways, oil and gas installations, airports, harbors, dykes, jetties, sea walls, stadia, industrial parks, housing projects, malls, establishment of artificial islands, development on territorial sea, exclusive economic zone

Criteria for determining likely effects of development on the environment

15. The planning authority shall in determining whether a project requires a Strategic Environmental Assessment have regard to:

(a) Whether the proposed development influences other projects

(b) Possible duration including and reversibility of effects

(c) Possible magnitude and spatial extent, impact on landscapes with identifiable international, national county and sub county

significance, cumulative, trans boundary, risks to human, flora, fauna

CLASS XII – Development control for conservation areas

16. (a) where development on a conservation area is deemed permitted in connection with pipelines and transport works, the planning authority must determine whether the permission should be reviewed. and the extent to which the development is likely to negatively affect the integrity of land. The planning authority shall conduct stakeholder meetings before allowing a developer to commence development

(b) where development falls within an area gazetted as a conservation area under an international convention or treaty ratified by Kenya, the planning authority shall refer the application to the cabinet secretary for policy guidance under section 10 of the Act

XIII Ancillary development

(a) A development or use of land and buildings that is ancillary to the primary use is permitted

(b) Planning authorities shall determine whether a development is ancillary to the dominant or primary use or not on a case by case basis

Standard condition Nos. 1, 2, 3, 4 and 5 including guidelines issued from time to time by the cabinet secretary and county specific policies on physical and land use planning formulated by the county executive committee member under sections under sections 10 and 17 of the Act respectively

(i) In principle, the right to use land for a dominant or primary purpose includes the right to use it for any purpose which is ancillary.

(ii) A development is ancillary to the primary or dominant use if it is merely part of the primary or dominant use and if the land and buildings are together used for a single dominant or primary purpose.

(iii) The purpose determines the character of the use of the whole unit, without regard to any ancillary uses to which individual parts of the unit may be put.

(iv) If an ancillary use is likely to become a primary use, a material change may take place, hence development permission is required.

(v) If the use of land or buildings is not incidental or ancillary to the primary use, then if the use is material, planning permission is required

XIV (a) Use classes

Classification of uses aim at ensuring compatibility of uses to enhance amenity and reduce detrimental effect on neighbourhoods

(b) (i) Use of land or building within the same class does not require an extension or change of user, however use between classes or a category within a specified class requires permission from the planning authority

(ii) Notwithstanding (i), county governments may impose conditions based on county specific policies on physical and land use planning formulated under section 10 of the Act

(c) As a general rule county government should not license activities in classes that are not compatible

1. Class A1 – Informal sector including hawkers, shoe shiners shoe repairers, hawkers and street vendors

Class A2 - Kiosks

Class A3 -shops and retail outlets

- (i) Courier and tickets outlets
- (ii) Shops where goods and services are sold including mobile cash outlets
- (iii) Florists
- (iv) Merchant shops
- (v) Saloons and barber shops
- (vi) Laundry and dry cleaning
- (vii) Display of furniture, clothes
- (viii) Premises where domestic or personal goods are hired
- (ix) Cyber café
- (x) Groceries for offsite consumption

A4 Hardware outlets

CLASS A5- SUPERMARKETS

- (i) Hyper Supermarkets more than 10,000 meter square
- (ii) Mega supermarkets 3001 to 10,000 meter square
- (iii) Large trader shops 300 to 3000 square meters

2. CLASS B premises where the public visits for professional services, financial and insurance services, chemists, pharmacists and non invasive medical laboratories including any other service that the planning authority deems appropriate for the location

4. CLASS C INFORMATION AND COMMUNICATIONS

- (a) Sale of computers and computer accessories including repair of computers
- (b) Sale of cellphones
- (c) Sale of radios and television sets
- (d) Sale of telecommunication equipment

CLASS D MACHINERY

- D1 – Earth moving machinery
- D2 – Sale of motor vehicles
- D3 – Sale of agricultural and power plants

CLASS E ENERGY

- (a) Sale of batteries
- (b) Sale of solar panels
- (c) Sale of electrical installations

CLASS F1

- Petrol service stations

CLASS F2

- Petrol filling stations

CLASS G1

Universities

CLASS G2

Post-secondary institutions

CLASS G3

Post primary education

CLASS G4

Secondary education

CLASS G5

Primary
Schools

CLASS G6

Early childhood institutions

3. CLASS H1 Eateries for food and
drink to be consumed cold onsite

CLASS H2 Fast foods and take
away including butcheries

CLASS H3 Butcheries

CLASS J Alcoholic drinks

CLASS K – Hotels, hostels and guest
houses,

CLASS L – Cinema halls,
gymnasiums, casinos, night clubs,
betting shops

CLASS M1 – Hospitals,

M2 – Nursing homes

M3- invasive laboratory
services,

M4 funeral homes

CLASS N Veterinary services

(a) Hospital

(b) Outpatient clinic

CLASS P – scrap metal yards, recycling of non-bio degradable material

CLASS Q – garages, car wash sites

CLASS R – automobile spare parts outlets, hardware, sale of lubricants

CLASS S- sale of motor vehicles and agricultural machinery

CLASS T – theatres, fanfare and amusement parks

CLASS U 1 – Processing of human food products

CLASS U 2 Processing animal feeds

CLASS V Processing and storage of organic and inorganic chemical substances

CLASS W1 Processing and storage of radioactive substances

CLASS W2 incineration, disposal of biomedical and chemical wastes

XV (a) Demolition of buildings or structure aimed at compliance with county specific physical and land use planning policies and approved physical and land use plans is permitted subject to the conditions set out in the Third Schedule . The person who intends to undertake demolition under this paragraph, shall in writing notify the county executive committee member fourteen days before commencement of works

(b) Demolition of any building the cubic content of which measured externally does not exceed 50 cubic meters

(c) Demolition of the whole or any part of any gate, fence , wall or other means of enclosure except in heritage areas declared or deemed to have been declared under the National Museums and Heritage Act,2006.

(d) Permitted demolition shall comply with conditions listed in the Third Schedule

THIRD SCHEDULE

- i. Compliance with the approved EIA & A Report
- ii. Compliance with relevant national and county specific policies on physical and land use planning
- iii. Compliance with relevant physical and land use development plans
- iv. To repair and make good any damage to adjacent building or structure caused by the demolition or negligent act or omission of any person engaged in it
- v. To remove material or debris resulting from demolition or clearance of the site
- vi. To remove and seal at such a point as the statutory undertaker may reasonably require, any sewer or water pipe under the building
- vii. To make arrangements with relevant statutory undertakers for disconnection of supply of electricity and water to the building
- viii. To leave the site following demolition in such a condition as the planning authority may consider reasonably necessary to guarantee public safety and ensure preservation of amenity
- ix. Any other condition

Made on the, 2021.

FARIDA KARONEY,
Cabinet Secretary for Lands and Physical Planning.