



REPUBLIC OF KENYA



MINISTRY OF LANDS AND PHYSICAL PLANNING

REGULATIONS TO OPERATIONALISE THE PHYSICAL AND LAND USE
PLANNING ACT, 2019

EXPLANATORY MEMORUNDUM AND REGULATIONS

Table of Content

13. Physical and Land Use Planning (Liaison Committees) Regulations, 2021
(L.N No. 250 of 2021)
14. Physical and Land Use Planning (Development Control Enforcement) Regulations,
2021(L.N No. 251 of 2021)
15. Physical and Land Use Planning (Outsourcing of Professional Services) Regulations,
2021(L.N No. 252 of 2021)
16. Physical and Land Use Planning ((Development Permission and Control) (General))
Regulations, 2021 (L.N No. 253 of 2021)

	
THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 21 DEC 2021	DAY: <input type="text"/>
TABLED BY: <input type="text"/>	<input type="text"/>
CLERK THE <input type="text"/>	<input type="text"/>

EXPLANATORY MEMORANDUM TO:
THE NATIONAL AND COUNTY PHYSICAL AND LAND USE PLANNING
(LIAISON COMMITTEES) REGULATIONS, 2021

PART I

- Name of the Statutory Instrument** : The National and County Physical and Land Use Planning (Liaison Committees) Regulations, 2021
- Name of the Parent Act** : The Physical and Land Use Planning Act, No. 13 of 2019
- Enacted pursuant to** : Section 90 of the Physical and Land Use Planning Act, 2019
- Name of the Ministry/ Department** : Ministry of Lands and Physical Planning.
- Gazetted on** : 2nd December 2021
- Tabled on** :

PART II


1. Purpose of the Statutory Instrument

The purpose of the Regulations is to provide for composition, functions, and procedures of Physical and Land Use Planning Liaison Committees under PART VI of the Physical and Land Use Planning Act, 2019.

2. Legislative Context

The development of the Physical and Land Use Planning (Liaison Committees) Regulations, 2021 stems from enactment of the parent Act, which was necessitated by Constitutional regime change.

- 2.1. The promulgation of the Physical and Land Use Planning Act, 2019 repealed the Physical Planning Act, 1996. Necessarily, all regulations under the latter statute require revision to align them with the new legislative dispensation.

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 21 DEC 2021	
DAY: <input type="text"/>	
TABLED BY:	<input type="text"/>
CLERK-AT THE-TABLE:	<input type="text"/>

- 2.2. Section 90 of the Act gives the Cabinet Secretary, Ministry of Lands and Physical Planning, the power to make regulations to give effect to the Act and revise them from time to time if need arises.
- 2.3. It is incumbent that the practice and procedures affecting physical and land use planning be cognizant of devolved governance, hence development of new Regulations to that effect.
- 2.4. The Constitution of Kenya, 2010 established two levels of government with distinct planning functions. The Regulations shall guide the dispensation of these functions.

3. Policy Background

- 3.1. The changes in the statutory and policy frameworks stemming from the Constitution of Kenya fundamentally caused a paradigm shift in land policy principles, land tenure classification, institutional structures for administration and management of land and separation of the physical planning functions between the national and county governments.
- 3.2. The objective of the Regulations is to give full operationalisation of the parent Act by providing certification criteria and guidelines aimed at rationalizing and harmonizing the minimum standards of physical and land use planning throughout Kenya.
- 3.3. Implementation of the Regulations is also necessitated by the numerous changes that have taken place in the field of physical and land use planning with a fundamental impact on the manner and substance of the practice of physical and land use planning in the country.
- 3.4. The Regulations anticipate application of ICT in processing of development applications through an integrated information management system, where services could be accessed from a one-stop-shop. The implementation of this instrument is set to improve planning performance and efficiency. This is in tandem with the National Digital Economy Blueprint towards realization of Vision 2030 as implemented via the Big Four Agenda.

4. Consolidation

- 4.1 These Regulations repeal the Physical Planning Act (Regulations) 1996, therefore there is no need for consolidation.

5. Consultation Outcome

- 5.1. The formulation of the Regulations was spear-headed by the State Department for Physical Planning. Participants in the formulation process were drawn from the general public, professional associations involved with physical and land use planning, Government (both national and county), academia and stakeholders from the private sector.
- 5.2. The consultation sought views on proposals for reform of the physical and land use planning system within the framework of the parent Act, constitutional reforms in the sector, modernization and current practice. The aim was to streamline and modernise the physical and land use planning process, improve outcomes and sustainability, reform developer contributions and ensure fair administrative action approaches that are predictable, timely and effective.
- 5.3. The following outlines the steps taken in consultation for the development of the Regulations.
- a) The Ministry of Lands and Physical Planning established a Multi-Agency Technical Committee (hereafter referred to as “the Committee”) for the formulation of Regulations under the Act.
 - b) The Ministry developed a concept paper for the formulation of Regulations under the Act, which together with the response from the Office of the Attorney General, provided guidance for the process.
 - c) The Principal Secretary requested the Attorney General to release two legislative drafters to participate in a retreat to prepare layman’s draft regulations under section 90 of the Act.
 - d) The Committee converged at the Morendat Training and Conference Centre to formulate the Regulations between 2nd December 2019 and 23rd December 2019.

6. Drafting by the Attorney General

- 6.1 The Regulations were thereafter sent for drafting to the State Law Office on 13th February, 2020 via letter reference number PPD/5/42/II/ (60).

7. Notification for public information and comments

- 7.1 The Cabinet Secretary published the draft Regulations via Daily Nation Newspaper Notice dated 4th December, 2020 inviting comments from the public within a deadline of fourteen (14) days.
- 7.2 The Regulations were also published on the Ministry's website <https://lands.go.ke/physical-planning/>.
- 7.3 The comments from interested persons were required to be sent by email via ps.physicalplanning@gmail.com and postage via P.O. Box 45025-00100, Nairobi. Thereafter, the Ministry collated the comments received and produced the draft Regulations.

8. Public participation

- 8.1 Owing to the COVID-19 Pandemic and Government's directive to minimize physical contact, virtual stakeholder meetings via Webex were conducted between 23rd February, 2021 and 1st March, 2021.
- 8.2 During virtual sessions, the Ministry made a presentation to the participants, itemizing each set of Regulations and indicating any new practices introduced by the Regulations. The Participants were able to ask questions directly via video-link as well as post questions and comments through the chat feature. Video recordings are available for reference.

9. Responses

- 9.1 The following is a summary of the responses from stakeholders on the Draft Regulations and a summary of the views expressed at the engagements:
- a) Make guidelines on the content and procedure of preparation of an Inter-County Plan.
 - b) Make guidelines on contracting out of the plan preparation works to private consultants to include guidelines on the team composition and fees.

- c) Make guidelines on a seamless process for approval with timelines and which provides for joint sessions between the participating counties to ensure they are in concurrence and that the process moves faster.
 - d) The guidelines should recognize the city/municipal boards or town committees as planning authorities and give them clear roles in the preparation of the Integrated Development Plan.
 - e) Prepare guidelines on the approval process and adoption of these plans.
 - f) Make guidelines on e-permitting by integrating with the land information management system where a registered expert can then access some basic documentation such as title search, survey plans among others.
- 9.2 Comments by stakeholders were incorporated and the draft regulations submitted to the Attorney General for consideration and finalization vide a letter Ref. MOLPP/ADM/CSO/1/761 dated 28th April, 2021.
- 9.3 The Office of the Attorney General submitted finalized regulations to the Cabinet Secretary vide letter Ref. AG/LDD/188/2/17 dated 28th July, 2021.
- 9.4 The Kenya Law Reform Commission gave independent advice to the adequacy of the Regulatory Impact Assessment on the Physical and Land Use Planning Regulations, 2021.
- 9.5 Between 1st and 5th November, 2021, a pre-publication meeting was held between the Ministry and the National Assembly Committee on Delegated Legislation during which Members made comments.
- 9.6 The Ministry incorporated the comments and submitted revised regulations to the Office of the Attorney General for finalization.
- 9.7 The Office of the Attorney General finalized drafting the regulations and submitted to the Cabinet Secretary for publication.

10. Guidance

- 10.1. Guidance on the implementation of these Regulations shall be given through the Physical and Land Use Planning Handbook. In addition,

the Ministry intends to issue practicing notes to professional associations, the Physical Planners Registration Board and County Governments, conduct county sensitization workshops, disseminate free copies and undertake continuous professional development training through professional bodies and various media platforms.

11. Impact

- 11.1. The impact of these Regulations may be felt directly during implementation by both national and county governments.
- 11.2. It is expected that implementation of these Regulations will ensure a continued improvement in the speed and quality of decisions on applications for developments. This is likely to have a beneficial impact due to certainty of procedures, realization of expectations and the ease of doing business.
- 11.3. There is no adverse impact on the public sector. Performance will be assessed by reviewing data which the planning authorities will provide.


12. Monitoring and Review

- 12.1. The impact of the Regulations will be kept under review to ensure that the objects set out in section 3 of the parent Act are met. Regular communication with the Counties, stakeholders and other users will capture issues around implementation, ongoing compliance and administrative costs.
- 12.2. The Ministry of Lands and Physical Planning will publish data on the performance of the planning authorities to review and evaluate their operations from time to time, with a view to amending the instrument in future, if necessary.
- 12.3. The Cabinet Secretary, Ministry of Lands and Physical Planning is responsible for reviewing the Regulations. There is no limit on the number of times or the frequency the Regulations may be reviewed. All depend on the needs and dynamism of conducting business related to physical and land use planning.

13. Contact

Mr. Augustine K. Masinde, EBS
State Department for Physical Planning
Ministry of Lands and Physical Planning
Ardhi House, 1st Ngong Avenue,
P. O. Box 45025-00100,
NAIROBI

Tel: (+254)722691843
Email: augustine.masinde@ardhi.go.ke.

 THE NATIONAL ASSEMBLY PAPERS LAID			
DATE: 21 DEC 2021			
<table border="1"> <tr> <td style="width: 100px;">DAY.</td> </tr> <tr> <td> </td> </tr> </table>		DAY.	
DAY.			
TABLED BY:			
CLERK-AT THE TABLE:	1789		

SPECIAL ISSUE

Kenya Gazette Supplement No. 99

26th November, 2021

(Legislative Supplement No. 99)

LEGAL NOTICE NO. 250

THE PHYSICAL AND LAND USE PLANNING ACT

(No. 13 of 2019)

**THE PHYSICAL AND LAND USE PLANNING (LIAISON COMMITTEES)
REGULATIONS, 2021**

ARRANGEMENT OF REGULATIONS

Regulation

PART I—PRELIMINARY

- 1—Citation.
- 2—Interpretation.
- 3—Object of the Regulations.

**PART II—NATIONAL PHYSICAL AND LAND USE PLANNING LIAISON
COMMITTEE**

- 4—Conduct of business of National Liaison Committee.
- 5—Election of the chairperson of the National Liaison Committee.
- 6—Election of an interim chairperson.
- 6—Vacancy of office.
- 7—Filling of a vacancy.
- 8—Responsibilities of chairperson.
- 9—Role of the Secretary.
- 10—Filing of appeals.
- 11—Submission of appeals.
- 12—Particulars of the appeals register.
- 13—Interested parties.
- 14—Withdrawal and abandonment of appeals.
- 15—Amendment of Appeals.
- 16—Filing of response by respondent.
- 17—Conduct of hearings.
- 18—Disclosure of conflict of interest.
- 19—Consolidation of appeals.
- 20—Quorum of meetings and voting.

- 21—Language of hearing.
- 22—Appearance of the parties at a hearing.
- 23—Power to determine appeal without hearing.
- 24—Power to issue interim orders.
- 25—Site visits.
- 26—Communication of determination.
- 27—Filing of response by a respondent.

PART III—COUNTY PHYSICAL AND LAND USE PLANNING LIAISON
COMMITTEE

- 28—Conduct of business of the Committee.
- 29—Inauguration of the County Liaison Committee.
- 30—Vacancy of office.
- 31—Filling of vacancies.
- 32—Responsibility of the chairperson.
- 33—Roles of secretary.
- 34—Complaint, claim or appeals procedure.
- 35—Statement of complaint or claim or appeal.
- 36—Submission of complaint, claim or appeal.
- 37—Particulars of the appeals register..
- 38—Withdrawal and abandonment of complaint, claim or appeal.
- 39—Amendment of complaint/claim/appeal.
- 40—Filing of a response by respondent.
- 41—Conduct of hearings.
- 42—Consolidation of complaint, claim or appeal.
- 43—Disclosure of conflicts of interest.
- 44—Quorum.
- 45—Language of hearing.
- 46—Appearance of the parties at a hearing.
- 47—Power to determine complaint, claim or appeal without hearing.
- 48—Power to issue interim orders.
- 49—Site visits.
- 50—Communication of decisions.
- 51—Reasons for committees' decisions.
- 52—Filing and publication of determination.
- 53—Correction of errors.
- 54—Fees.

SCHEDULE—FORMS

THE PHYSICAL AND LAND USE PLANNING ACT

(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 (LIAISON COMMITTEES) REGULATIONS, 2021

PART I—PRELIMINARY

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

Citation.

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

Interpretation.

“amendment” means the formal addition, modifications or removal of parts of a complaint, claim or appeal with an intention to improve the complaint, claim or appeal;

“application for development permission” means an application for permission to develop land under section 55 of the Act;

“appeal” means a matter filed—

(a) before the National Physical and Land Use Planning Liaison Committee under section 75 (1) (b); or

(b) before the County Physical and Land Use Planning Liaison Committee under section 78 (a), (b) and (d);

“County Liaison Committee” means the County Physical and Land Use Planning Liaison Committee established under section 76;

“enforcement notice” means a notice served by a planning authority on a developer under section 72;

“interested party” means a person or a legal entity who expresses interest to be enjoined in a claim, complaint or appeal, who may be prejudiced if not joined but is not an original party to the appeal;

“National Liaison Committee” means the National Physical and Land Use Planning Liaison Committee established under section 73;

“party” includes an appellant, applicant, respondent or interested party;

“register” means a record of appeals kept pursuant to section 87 (1) of the Act and these Regulations;

“secretariat” refers to an office offering secretariat services provided by the—

(a) Cabinet Secretary under section 74 (2); or

(b) by the County Executive Committee Member under section 77 (3); and

“secretary” means an officer appointed by—

- (a) the Cabinet Secretary under section 74 (2) of the Act in respect of the National Physical and Land Use Planning Liaison Committee, or
- (b) the County Executive Committee Member under section 74 (3) of the Act in respect of the, County Physical and Land Use Planning Liaison Committee.

3. The object of these Regulations to provide for the institutional framework and mechanisms for resolving disputes relating to physical and land use planning.

Object of the Regulations.

PART II—NATIONAL PHYSICAL AND LAND USE PLANNING LIAISON COMMITTEE

4. The National Liaison Committee shall—

Conduct of business of National Liaison Committee.

- (a) save as otherwise provided in these Regulations, determine its own procedure; and
- (b) meet at least four times in a year, with not more than three months elapsing between the meetings of the Committee.

5. (1) The Cabinet Secretary shall convene the first meeting of the National Liaison Committee and preside over the election of the chairperson.

Election of the chairperson of the National Liaison Committee.

(2) If the office of the chairperson falls vacant, the Cabinet Secretary shall convene a meeting and preside over the election of a new chairperson.

6. Where the chairperson of a National Liaison Committee is unable to exercise his or her functions owing to illness, genuine absence or any other reason, the members present shall elect one of the members appointed under paragraph (h), (i), (j), (k), (l) or (m) of section 74 (4) to act as an interim chairperson for a particular meeting.

Election of an interim chairperson.

7. The office of the chairperson or a member shall become vacant if the holder—

Vacancy of office.

- (a) resigns from his or her position by notice in writing addressed to the appointing authority;
- (b) is absent from three consecutive meetings of the committee without notice;
- (c) is convicted of an offence by a court of competent jurisdiction and sentenced to imprisonment for a term of at least six months without the option of a fine;
- (d) is unable or unfit, by reason of mental or physical infirmity, to discharge his or her functions as a member of the committee;
- (e) dies;
- (f) loses membership in the nominating professional body;
- (g) the term of office expires; or

- (h) is removed from office on the ground of—
- (i) gross violation of the Constitution or any other written law;
 - (ii) gross misconduct or misbehavior;
 - (iii) incompetence or neglect of duty; or
 - (iv) bankruptcy.

8. (1) If a vacancy occurs in the office of the chairperson or member of the Committee, the secretary to the Committee shall communicate in writing to the Cabinet Secretary of the existence of a vacancy.

Filling of a vacancy.

(2) If a vacancy occurs in the office of a member under section 74 (1) (h), (i), (j), (k), (l) or (m), the Cabinet Secretary shall communicate in writing to the respective nominating body to nominate a suitable person within thirty days of the occurrence of the vacancy.

(3) A vacancy under paragraph (1) shall be filled within fourteen days after the name is nominated under subregulation (2).

9. The chairperson shall be responsible for—

Responsibilities of chairperson.

- (a) presiding over the meetings of the National Liaison Committee;
- (b) approving communication from the National Liaison Committee; and
- (c) assigning any member or Secretariat any other role in accordance with these Regulations.

10. The Secretary shall—

Role of the Secretary

- (a) be the head of secretariat;
- (b) be responsible for the day-to-day operations of the secretariat;
- (c) in consultation with the chairperson, prepare the agenda of meetings of the National Liaison Committee;
- (d) record proceedings, deliberations and decisions of the National Liaison Committee;
- (e) keep a record of meetings and decisions of the National Liaison Committee;
- (f) avail certified copies of minutes when required;
- (g) receive, register and keep custody of appeals and any other supportive documents to the appeal;
- (h) facilitate provision of extracts and copies from the register; and
- (i) undertake any other duty assigned by the National Liaison Committee.

- (5) The committee shall consider the request under subregulation (4) and may set aside or vary the decision made.
40. The complainant, claimant or appellant may amend the complaint, claim or appeal within seven days upon filing and must serve all parties within seven days of filing. Amendment of complaint/claim/appeal
41. (1) The respondent shall, upon receipt of a complaint, claim or appeal, file a written response within seven days of receipt thereof. Filing of a response by respondent
- (2) The respondent shall state—
- (a) whether or not he intends to oppose the appeal and the grounds on which it relies in opposing the appeal;
- (b) whether any other person or entity has a direct interest in the subject matter of the appeal, the name and address of such other person or entity; and
- (c) care must be taken to see that documents filed are legible.
42. (1) The Secretary shall, in consultation with the chairperson, set the agenda, time, date and place of hearing of an appeal. Conduct of hearings.
- (2) The Secretary shall communicate in writing on the date, time and place of the hearing to the respective parties within seven days of receipt of complaint, claim or appeal in Form PLUPA LC- 6 (b) as set out in the First Schedule.
- (3) At the commencement of a hearing, the chairperson shall direct the parties of the order in which they shall argue the complaint, claim or appeal.
43. The Committee may, in its discretion consolidate complaints, claims or appeals, where they have been filed in respect of the same subject matter or in respect of several interests in the same subject of dispute. Consolidation of complaint, claim or appeal.
44. (1) The Committee shall maintain a register of conflicts of interest disclosed by the members. Disclosure of conflicts of interest.
- (2) A disclosure of a conflict of interest shall be recorded in the minutes of the meeting and the register of conflicts of interest.
45. The quorum at the meetings of the committee shall be at least one-half of the members and shall be maintained throughout a meeting of the Committee. Quorum.
46. (1) The language of the complaint, claim or appeal shall be Kiswahili or English. Language of hearing
- (2) Despite subregulation (1), a party may make a request to make a representation in any language of their choice including braille or sign language.
- (3) A request under subregulation (2) shall be made at least seven days before the hearing of the complaint, claim or appeal.
- (4) Upon the request made under subregulation (2), the committee shall avail the required interpretation services required during the complaint, claim or appeal hearing.

47. (1) The committee shall issue summons in Form PLUPA LC- 2 (b) as set out in the First Schedule, which shall be served upon the respondent by the secretary within the period specified in the summons.

Appearance of the parties at a hearing.

(2) The complainant, claimant or appellant shall appear at the hearing in person or through an authorized representative.

(3) The appointment or substitution of the representative shall be communicated in Form PLUPA LC- 3 (b) as set out in the First Schedule.

48. The committee may, by consent in writing of all the parties to a complaint, claim or appeal determine the appeal without an oral hearing.

Power to determine complaint, claim or appeal without hearing.

49. (1) The committee may issue interim orders to stop development pending determination of the appeal in Form PLUPA LC- 7 (b) as set out in the First Schedule.

Power to issue interim orders.

(2) Any development affecting any land to which an enforcement notice relates shall be discontinued and execution of the enforcement notice shall be stayed pending determination of an appeal.

(3) Where a party is aggrieved by approval of a development application by the planning authority and files an appeal seeking interim orders, the committee may direct that the approval be suspended until the matter is heard and determined.

50. Prior to determination of a complaint, claim or appeal, the committee may on its own motion or an application from any of the parties visit or inspect the site subject of complaint, claim or appeal.

Site visits.

51. (1) The decisions of the committee shall be taken by the vote of the majority members but shall not include the votes of co-opted any members.

Decisions of the committee.

(2) In case of a tie of the vote the chairperson or the member acting as the chairperson shall have a casting vote in addition to the deliberative vote.

52. The chairperson shall notify the parties in an appeal of the committee's determination of the complaint, claim or appeal, in Form PLUPA LC-4 (b) as set out in the First Schedule.

Communication of decisions.

53. The committee shall give reasons for all its decision and determinations, and each of any such decisions shall include—

Reasons for committees' decisions.

(a) a statement of the findings of fact made from the evidence adduced, including, where applicable, any relevant government policy; and

(b) a statement of the laws and rules of law applied, and the interpretation thereof.

54. Determination by liaison committee under section 80 (3) shall be transmitted to the Environment and Land Court by the chairperson under the seal of the committee

Filing and publication of determination.

55. A clerical or arithmetic mistake in a liaison committee decision as a result of omission or slip may after determination under section 80 (3), or before or after recording by the court as a judgment of the court be corrected by the Committee on its own motion or by an order by the court or on application of any interested party to give effect to what was the intention of the Committee

Correction of errors.

56. There shall be paid such fees for the purposes of these Regulations as prescribed in the Second Schedule.

Fees.

FIRST SCHEDULE

Forms

FORM PLUPALC-1(a)

(r.11(2))



REPUBLIC OF KENYA

THE PHYSICAL AND LAND USE PLANNING ACT

(No. 13 of 2019)

THE NATIONAL PHYSICAL AND LAND USE PLANNING LIAISON COMMITTEE
APPEALS APPLICATION FORM

.....
APPELLANT
-VERSUS

.....
RESPONDENT
AND (where applicable)

.....
INTERESTED PARTY

STATEMENT OF APPEAL

In the matter of an appeal under section 75 of The Physical and Land Use Planning Act, 2019

1. TAKE NOTICE that the Appellant appeals against the decision of the
made on the..... day of20.....

2. The Appeal relates to.....
.....

3. The decision appealed against is
.....
.....

4. The Appeal is based on the following grounds: (set out each ground concisely)

(a)

(b)

(c)

5. The principle of policy or law relied on in the appeal:

(a)

.....

(b)

(c)

(a)

(b)

6. The documents the Appellant intends to rely on in the Appeal:

(a).....

(b).....

(c)

7. The witnesses the Appellant intends to call up at the hearing of the Appeal: *where applicable*

1) Name.....

contact(s)

ID/Passport No.

2) Name.....

contact(s)

ID/Passport No.

3).....

Name

contact(s)

ID/Passport No.

(attach ID/passport copies)

6. The reliefs sought in this Appeal are as follows: (set out each relief concisely)

a)

b)

c)

FILED ON THIS.....DAY OF.....20.....

SIGNED

Appellant

Name

Telephone No

Postal Address

Email Address

Physical Address

Appointed Representative's *where applicable*

SIGN.....

Name

Telephone No

Postal Address

Email Address

Physical Address

TO BE SERVED UPON: *Insert the names and address of the other parties to the Appeal.*

1)

2)

3)

For Official Use Only

APPEAL No OF 20.....

FORM PLUPA LC-1(b)

(r.34)



REPUBLIC OF KENYA

(Enter county name)

THE COUNTY PHYSICAL AND LAND USE PLANNING LIAISON COMMITTEE
COMPLAINT/CLAIM/APPEAL APPLICATION FORM
COMPLAINT/CLAIM/APPEAL No OF 20.....

.....
APPELLANT
-VERSUS

.....
RESPONDENT
AND (where applicable)

.....
INTERESTED PARTY

STATEMENT OF COMPLAINT/CLAIM/APPEAL

In the matter of an appeal under section 75 of The Physical and Land Use Planning Act, 2019

1. TAKE NOTICE that the Appellant complains/appeals against the decision of the county Executive Committee Member made on the..... day of 20.....

2. The Appeal relates to

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

3. The decision appealed against is

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

4. The Complaint/Claim/Appeal is based on the following grounds: (set out each ground concisely)

a).....

b).....

- c).....
- d)
- e).....
- f)

5. The principle of policy or law relied on in the appeal:

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

6. The documents the Complainant/Claimant/Appellant intends to rely on in the Appeal:

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

7. The witnesses the Complainant/Claimant/Appellant intends to call up at the hearing of the Appeal: *where applicable*

Name

Telephone No

Postal Address

Email Address

Physical Address

ID/Passport No.

1) Name.....

Telephone No

Postal Address

Email Address

Physical Address

ID/Passport No.

Name

Telephone No

Postal Address

Physical Address

Email Address

ID/Passport No.

(attach ID/passport copies)

6. The reliefs sought in this Complain/Claim/Appeal are as follows: *(set out each relief concisely)*

a).....

b)

c).....

FILED ON THIS.....DAY OF20.....

SIGNED

Complainant/Claimant/Appellant

Name

Telephone No

Postal Address

Email Address

Physical Address

Appointed Representative's *where applicable*

Name

Telephone No

Postal Address

Email Address

Physical Address

SIGN.....

TO BE SERVED UPON: *Insert the names and address of the other parties to the Appeal.*

1)

2)

3)

FORM PLUPA LC- 2(a)

(r.22(1))

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



(Enter county name)

THE NATIONAL PHYSICAL AND LAND USE PLANNING LIAISON
COMMITTEE

SUMMON FORM

.....
APPELLANT
-VERSUS

.....
RESPONDENT
AND (where applicable)

.....
INTERESTED PARTY

SUMMONS TO:
.....
.....

NOTE YOU ARE SUMMONED to appear in person before the National Physical and Land Use Planning Liaison Committee at on day of for the hearing of the appeal and thereafter to remain in attendance until excused by the Liaison Committee regarding all matters within your knowledge relating to the appeal.

YOU ARE REQUIRED to bring and produce to the Liaison Committee the following;
(Insert the document to be produced)

- a.
- b.
- c.
- d.

TAKE NOTE that if you do not comply with this summon you will be subject to Contempt of National Physical and Land Use Planning Liaison proceedings.

TAKE NOTE also that failure to honor the summon would not stop the Committee from determining the matter or taking any other action as it deems fit.

SIGNED ON THIS.....DAY OF.....20.....

.....
SECRETARY,
NATIONAL PHYSICAL AND LAND USE PLANNING LIAISON COMMITTEE.

FORM PLUPA LC- 2(b)

(r.46)



REPUBLIC OF KENYA

(Enter county name)

THE COUNTY PHYSICAL AND LAND USE PLANNING LIAISON COMMITTEE

SUMMON FORM

COMPLAINT/CLAIM/APPEAL No OF 20.....

APPELLANT -VERSUS

RESPONDENT AND (where applicable)

INTERESTED PARTY

SUMMONS

TO:

NOTE YOU ARE SUMMONED to appear in person before the County Physical and Land Use Planning Liaison Committee at on day of for the hearing of the complain/claim/appeal and thereafter to remain in attendance until excused by the Liaison Committee regarding all matters within your knowledge relating to the appeal.

YOU ARE REQUIRED to bring and produce to the Liaison Committee the following; (Insert the document to be produced)

- a.
b.
c.
d.

TAKE NOTE that if you do not comply with this summon you will be subject to Contempt of County Physical and Land Use Planning Liaison proceedings.

TAKE NOTE also that failure to honor the summon would not stop the Committee from determining the matter or taking any other action as it deems fit.

SIGNED ON THIS.....DAY OF.....20.....

.....
SECRETARY,
COUNTY PHYSICAL AND LAND USE PLANNING LIAISON COMMITTEE.

FORM PLUPA LC- 3(a)

(r. 22(3))

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



THE NATIONAL PHYSICAL AND LAND USE PLANNING LIAISON COMMITTEE
APPOINTMENT/SUBSTITUTION* OF RECOGNISED REPRESENTATIVE

.....
APPELLANT
-VERSUS

.....
RESPONDENT
AND (where applicable)

.....
INTERESTED PARTY

I.....bein
g the Appellant/Applicant/Respondent/Interested Party* authorize.....
.....to appear on my behalf in the above Appeal/Application.
I authorize that service of all pleadings shall be effected upon my recognized
representative.

SIGNED ON THIS.....DAY OF.....20.....
APPELLANT/APPLICANT/RESPONDENT/INTERESTED PARTY*

.....
REPRESENTATIVE'S NAME AND ADDRESS
.....
.....

FORM PLUPA LC- 3(b)

(r.46)



REPUBLIC OF KENYA

(enter County name)

THE COUNTY PHYSICAL AND LAND USE PLANNING LIAISON COMMITTEE

APPOINTMENT OF RECOGNISED REPRESENTATIVE FORM

COMPLAINT/CLAIM/APPEAL No OF 20.....

.....
APPELLANT
-VERSUS

.....
RESPONDENT
AND (where applicable)

.....
INTERESTED PARTY

I.....
being the appellant/applicant/respondent/ Interested Party* authorize.....
.....to appear
on my behalf in the above Appeal/Application.

I authorize that service of all pleadings shall be affected upon my recognized
representative.

SIGNED ON THIS..... DAY OF20.....
APPELLANT/APPLICANT/RESPONDENT/INTERESTED PARTY*

.....
REPRESENTATIVE'S NAME AND ADDRESS
.....

FORM PLUPA LC- 4(a)

(r.26)



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

THE NATIONAL PHYSICAL AND LAND USE PLANNING LIAISON
COMMITTEE

NOTIFICATION OF DETERMINATION

.....

APPELLANT

- VERSUS -

.....

RESPONDENT

AND (where applicable)

.....

INTERESTED PARTY

The National Physical and Land Use Planning Liaison Committee pursuant to provisions of section 80(2) of Physical and Land Use Planning Act, 2019 heard the Appeal Ref No.....filed on..... by (insert party(s) and vide minute No..... dated.....the Committee made the determination as follows (reliefs)

1.
2.
3.

Dated at this Day of 20.....

Name

Sign.....

Seal.....

CHAIRPERSON,
NATIONAL PHYSICAL AND LAND USE PLANNING LIAISON COMMITTEE



REPUBLIC OF KENYA

(enter county name)

THE COUNTY PHYSICAL AND LAND USE PLANNING LIAISON COMMITTEE

NOTIFICATION OF DETERMINATION

COMPLAINT/CLAIM/APPEAL No OF 20.....

.....
APPELLANT
-VERSUS

.....
RESPONDENT
AND (where applicable)

.....
INTERESTED PARTY

The County Physical and Land Use Planning Liaison Committee pursuant to provisions of section 80(2) of Physical and Land Use Planning Act, 2019 heard the Complain/Claim/Appeal Ref No.....filed on..... by (insert party(s) and vide minute No.....dated.....the Committee made the determination as follows (reliefs)

1.
2.
3.

Dated at this Day of 20.....

Name.....
sign.....
seal.....

CHAIRPERSON,
COUNTY PHYSICAL AND LAND USE PLANNING LIAISON COMMITTEE

FORM PLUPA LC 5(a)

(r.12(2))



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

THE NATIONAL PHYSICAL AND LAND USE PLANNING LIAISON
COMMITTEE

INSPECTION OF APPEALS REGISTER

I/We

.....of
ID/passport/ Reg No(s).....Tel. PO
Box pursuant to section 87(3) of Physical and Land Use Planning Act, 2019
apply to examine the Appeals register.

Subject Matter/Interest in the Register

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

Signed by

Perusee.....

Date.....

(attach ID/passport copies)

Authorised by Secretary.....

FORM PLUPA LC 5(b)

(r .38(2))



REPUBLIC OF KENYA

(Enter county name)

THE COUNTY PHYSICAL AND LAND USE PLANNING LIAISON
COMMITTEE
INSPECTION OF APPEALS REGISTER

I/Weof
ID/passport/ Reg No(s)..... Tel. PO
Box pursuant to section 87(3) of Physical and Land Use Planning Act, 2019
apply to examine the Appeals register.

Subject Matter/Interest in the
Register.....
.....
.....
.....

..... Signed by
Perusee..... Date.....

.....
(attach ID/passport copies)

Authorised by Secretary.....

FORM PLUPA LC- 6(a)

(r.17(2))



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

THE NATIONAL PHYSICAL AND LAND USE PLANNING LIAISON
COMMITTEE
NOTICE OF HEARING

APPEAL No OF 20.....

.....
APPELLANT
-VERSUS

.....
RESPONDENT
AND (where applicable)

.....
INTERESTED PARTY

TO:
.....
.....
.....

TAKE NOTICE that the HEARING of this appeal has been scheduled for the day
of,20..... starting(Time) before the Committee at
.....(State location; Name of building,
Floor and room Number)

Given under my hand and Seal of the Committee this..... day
of.....,20.....

.....
SECRETARY

NATIONAL PHYSICAL AND LAND USE PLANNING LIAISON COMMITTEE

FORM PLUPA LC-6 (b)

(r.41(2))



REPUBLIC OF KENYA

(enter county name)

THE COUNTY PHYSICAL AND LAND USE PLANNING LIAISON COMMITTEE

NOTICE OF HEARING

COMPLAINT/CLAIM/APPEAL No OF 20.....

APPELLANT -VERSUS

RESPONDENT AND (where applicable)

INTERESTED PARTY

TO:

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

TAKE NOTICE that the HEARING of this appeal has been scheduled for theday of,20..... starting(Time) before the Committee at

.....(State location; Name of building, Floor and room Number)

Given under my hand and Seal of the Committee this..... day of.....,20.....

SECRETARY
COUNTY PHYSICAL AND LAND USE PLANNING LIAISON COMMITTEE

FORM PLUPA LC- 7(a)

(r.24(1))



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

THE NATIONAL PHYSICAL AND LAND USE PLANNING LIAISON
COMMITTEE

ORDER FORM

APPEAL No OF 20.....

.....
APPELLANT
-VERSUS

.....
RESPONDENT
AND (where applicable)

.....
INTERESTED PARTY

TO:

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

ORDER

In hearing the Appeal on (date)..... on its Own Motion,

In determining the appeal on (date) , on its Own Motion, the Liaison
Committee in its proceedings, vide minute number

It is ORDERED that:

1.
2.
3.
4.
5.

Made this.....day of.....20.....

Name.....Signature:.....

CHAIRPERSON,

NATIONAL PHYSICAL AND LAND USE PLANNING LIASION COMMITTEE.

FORM PLUPA LC- 7(b)

(r.48(1))



REPUBLIC OF KENYA

(Enter county name)

THE COUNTY PHYSICAL AND LAND USE PLANNING LIAISON COMMITTEE

ORDER FORM

COMPLAINT/CLAIM/APPEAL No OF 20.....

.....

APPELLANT

-VERSUS

.....

RESPONDENT

AND (where applicable)

.....

INTERESTED PARTY

TO:

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

ORDER

In hearing the Appeal on (date)..... on its Own Motion,
In determining the appeal on (date) , on its Own Motion, the Liaison
Committee in its proceedings, vide minute number

It is ORDERED that:

1.
2.
3.

- 4.
- 5.
- 6. Made this.....day of.....20.....

<p>Name.....Signature:.....</p> <p>.....</p> <p>CHAIRPERSON, NATIONAL PHYSICAL AND LAND USE PLANNING LIASION COMMITTEE.</p>

FORM PLUPA LC- 8(a)

(r.14(1))



REPUBLIC OF KENYA

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

THE NATIONAL PHYSICAL AND LAND USE PLANNING LIAISON
COMMITTEE

WITHDRAWAL OF AN APPEAL

I/We

of ID/passport No(s)..... Tel. PO Box
..... pursuant to section 83(1) of PLUPA apply to withdraw appeal Ref. No.

.....Dated

Reasons for
withdrawal.....

Signed By

Date.....

Name:.....
(Attach ID/passport copies)

FORM PLUPA LC- 8(b)

(r.38(1))



REPUBLIC OF KENYA

(enter county name)

WITHDRAWAL OF AN APPEAL

I/We

...../.....of
ID/passport No(s)..... Tel. PO Box

..... pursuant to section 83(1) of PLUPA apply to withdraw appeal Ref. No.

.....Dated

Reasons for withdrawal.....

Signed by.....Date.....

Name:.....

(attach ID/passport copies)

SECOND SCHEDULE

No	Fees description	Amount (Kshs)
1	Filing fees:	
	a) Costs of filing in National Liaison Committee	5000
	b) Costs of filing in County Liaison Committee	3000
2	Examination of appeals register	Free
3	Obtaining extracts of appeals at National Physical and Land use planning Liaison Liaison committee	500
4	Obtaining extracts of appeals at County Physical and Land use Liaison committee	300
5	Photocopy of determinations under both National and County Physical Planning and Land use committee by third parties:	
	a) Front page	300
	b) Any other page	20
6	Amendment of appeals	
	a) National Physical Planning and Land use committee	1000
	b) County Physical and Land use planning committee	500
7	Certification of Full determination	500
8	Appointment/ change of an authorized representative	
	a) National Physical Planning and Land use committee	1000
	b) County Physical and Land use planning committee	500
9	Counter-claim fees-Filing of counter claims	3000

Made on the 15th November, 2021.

FARIDA KARONEY,
Cabinet Secretary for Lands and Physical Planning.

LEGAL NOTICE NO. 251

THE PHYSICAL AND LAND USE PLANNING ACT, 2019

(No. 13 of 2019)

THE PHYSICAL AND LAND USE PLANNING (DEVELOPMENT CONTROL
ENFORCEMENT) REGULATIONS, 2021

ARRANGEMENT OF REGULATIONS

Regulation

PART I—PRELIMINARY

- 1—Citation.
- 2—Interpretation.
- 3—Object of the Regulations.

PART II—ADMINISTRATION

- 4—Enforcement teams.

5—Functions of members of enforcement teams.

6—Mandate of the Technical Team.

PART III—COMPLAINTS

7—Lodging of complaints.

8—Verification of complaints.

PART IV—ENFORCEMENT

9—Enforcement notice.

10—Mode of service of enforcement notice.

11—Feedback mechanism.

12—General principles of enforcement.

13—Execution of enforcement notice.

14—Identification of Enforcement Team.

15—Execution of Enforcement Notice for demolition and alteration of buildings.

16—Determination of Restoration costs.

17—Appeals.

18—Register.

First Schedule—Conditions and Timelines for Various Enforcement Issues

Second Schedule—Forms

EXPLANATORY MEMORANDUM TO:

**THE PHYSICAL AND LAND USE PLANNING (DEVELOPMENT CONTROL
(ENFORCEMENT)) REGULATIONS, 2021**

PART I

- Name of the Statutory Instrument** : The Physical and Land Use Planning
(Development Control
(Enforcement)) Regulations, 2021
- Name of the Parent Act** : The Physical and Land Use Planning
Act, No. 13 of 2019
- Enacted pursuant to** : Section 90 of the Physical and Land
Use Planning Act, 2019
- Name of the Ministry/ Department** : Ministry of Lands and Physical
Planning
- Gazetted on** : 2nd December, 2021
- Tabled on** :

PART II


1. Purpose of the Statutory Instrument

The purpose of the Regulations is to provide for enforcement under PART V of the Physical and Land Use Planning Act, 2019.

2. Legislative Context

The development of the Physical and Land Use Planning (Development Control (Enforcement)) Regulations, 2021 stems from enactment of the parent Act, which was necessitated by Constitutional regime change.

- 2.1. The promulgation of the ~~Physical and Land Use Planning Act, 2019~~ repealed the Physical Planning Act, 1996. Necessarily, all regulations under the latter statute require revision to align them with the new legislative dispensation.

 THE NATIONAL ASSEMBLY PAPERS LAID		
DATE: 21 DEC 2021		
<table border="1"><tr><td>DAY.</td></tr></table>		DAY.
DAY.		
TABLED BY:		
CLERK-AT THE-TABLE:		

- 2.2. Section 90 of the Act gives the Cabinet Secretary, Ministry of Lands and Physical Planning, the power to make regulations to give effect to the Act and revise them from time to time if need arises.
- 2.3. It is incumbent that the practice and procedures affecting physical and land use planning be cognizant of devolved governance, hence development of new Regulations to that effect.
- 2.4. The Constitution of Kenya, 2010 established two levels of government with distinct planning functions. The Regulations shall guide the dispensation of these functions.

3. Policy Background

- 3.1. The changes in the statutory and policy frameworks stemming from the Constitution of Kenya fundamentally caused a paradigm shift in land policy principles, land tenure classification, institutional structures for administration and management of land and separation of the physical planning functions between the national and county governments.
- 3.2. The objective of the Regulations is to give full operationalisation of the parent Act by providing certification criteria and guidelines aimed at rationalizing and harmonizing the minimum standards of physical and land use planning throughout Kenya.
- 3.3. Implementation of the Regulations is also necessitated by the numerous changes that have taken place in the field of physical and land use planning with a fundamental impact on the manner and substance of the practice of physical and land use planning in the country.
- 3.4. The Regulations anticipate application of ICT in processing of development applications through an integrated information management system, where services could be accessed from a one-stop-shop. The implementation of this instrument is set to improve planning performance and efficiency. This is in tandem with the National Digital Economy Blueprint towards realization of Vision 2030 as implemented via the Big Four Agenda.

4. Consolidation

- 4.1 These Regulations repeal the Physical Planning Act (Regulations) 1996, therefore there is no need for consolidation.

5. Consultation Outcome

- 5.1. The formulation of the Regulations was spear-headed by the State Department for Physical Planning. Participants in the formulation process were drawn from the general public, professional associations involved with physical and land use planning, Government (both national and county), academia and stakeholders from the private sector.
- 5.2. The consultation sought views on proposals for reform of the physical and land use planning system within the framework of the parent Act, constitutional reforms in the sector, modernization and current practice. The aim was to streamline and modernise the physical and land use planning process, improve outcomes and sustainability, reform developer contributions and ensure fair administrative action approaches that are predictable, timely and effective.
- 5.3. The following outlines the steps taken in consultation for the development of the Regulations.
 - a) The Ministry of Lands and Physical Planning established a Multi-Agency Technical Committee (hereafter referred to as “the Committee”) for the formulation of Regulations under the Act.
 - b) The Ministry developed a concept paper for the formulation of Regulations under the Act, which together with the response from the Office of the Attorney General, provided guidance for the process.
 - c) The Principal Secretary requested the Attorney General to release two legislative drafters to participate in a retreat to prepare layman’s draft regulations under section 90 of the Act.
 - d) The Committee converged at the Morendat Training and Conference Centre to formulate the Regulations between 2nd December 2019 and 23rd December 2019.

6. Drafting by the Attorney General

- 6.1 The Regulations were thereafter sent for drafting to the State Law Office on 13th February, 2020 via letter reference number PPD/5/42/II/ (60).

7. Notification for public information and comments

- 7.1 The Cabinet Secretary published the draft Regulations via Daily Nation Newspaper Notice dated 4th December, 2020 inviting comments from the public within a deadline of fourteen (14) days.
- 7.2 The Regulations were also published on the Ministry's website <https://lands.go.ke/physical-planning/>.
- 7.3 The comments from interested persons were required to be sent by email via ps.physicalplanning@gmail.com and postage via P.O. Box 45025-00100, Nairobi. Thereafter, the Ministry collated the comments received and produced the draft Regulations.

8. Public participation

- 8.1 Owing to the COVID-19 Pandemic and Government's directive to minimize physical contact, virtual stakeholder meetings via Webex were conducted between 23rd February, 2021 and 1st March, 2021.
- 8.2 During virtual sessions, the Ministry made a presentation to the participants, itemizing each set of Regulations and indicating any new practices introduced by the Regulations. The Participants were able to ask questions directly via video-link as well as post questions and comments through the chat feature. Video recordings are available for reference.

9. Responses

- 9.1 The following is a summary of the responses from stakeholders on the Draft Regulations and a summary of the views expressed at the engagements:
 - a) Make guidelines on the content and procedure of preparation of an Inter-County Plan.
 - b) Make guidelines on contracting out of the plan preparation works to private consultants to include guidelines on the team composition and fees.
 - c) Make guidelines on a seamless process for approval with timelines and which provides for joint sessions between the participating counties to ensure they are in concurrence and that the process moves faster.

- d) The guidelines should recognize the city/municipal boards, or town committees as planning authorities and give them clear roles in the preparation of the Integrated Development Plan.
 - e) Prepare guidelines on the approval process and adoption of these plans.
 - f) Make guidelines on e-permitting by integrating with the land information management system where a registered expert can then access some basic documentation such as title search, survey plans among others.
- 9.2 Comments by stakeholders were incorporated and the draft regulations submitted to the Attorney General for consideration and finalization vide a letter Ref. MOLPP/ADM/CSO/1/761 dated 28th April, 2021.
 - 9.3 The Office of the Attorney General submitted finalized regulations to the Cabinet Secretary vide letter Ref. AG/LDD/188/2/17 dated 28th July, 2021.
 - 9.4 The Kenya Law Reform Commission gave independent advice to the adequacy of the Regulatory Impact Assessment on the Physical and Land Use Planning Regulations, 2021.
 - 9.5 Between 1st and 5th November, 2021, a pre-publication meeting was held between the Ministry and the National Assembly Committee on Delegated Legislation during which Members made comments.
 - 9.6 The Ministry incorporated the comments and submitted revised regulations to the Office of the Attorney General for finalization.
 - 9.7 The Office of the Attorney General finalized drafting the regulations and submitted to the Cabinet Secretary for publication.

10. Guidance

- 10.1. Guidance on the implementation of these Regulations shall be given through the Physical and Land Use Planning Handbook. In addition, the Ministry intends to issue practicing notes to professional associations, the Physical Planners Registration Board and County Governments, conduct county sensitization workshops, disseminate free copies and undertake continuous professional development training through professional bodies and various media platforms.

11. Impact

- 11.1. The impact of these Regulations may be felt directly during implementation by both national and county governments.
- 11.2. It is expected that implementation of these Regulations will ensure a continued improvement in the speed and quality of decisions on applications for developments. This is likely to have a beneficial impact due to certainty of procedures, realization of expectations and the ease of doing business.
- 11.3. There is no adverse impact on the public sector. Performance will be assessed by reviewing data which the planning authorities will provide.

12. Monitoring and Review

- 12.1. The impact of the Regulations will be kept under review to ensure that the objects set out in section 3 of the parent Act are met. Regular communication with the Counties, stakeholders and other users will capture issues around implementation, ongoing compliance and administrative costs.
- 12.2. The Ministry of Lands and Physical Planning will publish data on the performance of the planning authorities to review and evaluate their operations from time to time, with a view to amending the instrument in future, if necessary.
- 12.3. The Cabinet Secretary, Ministry of Lands and Physical Planning is responsible for reviewing the Regulations. There is no limit on the number of times or the frequency the Regulations may be reviewed. All depend on the needs and dynamism of conducting business related to physical and land use planning.

13. Contact

Mr. Augustine K. Masinde, EBS
State Department for Physical Planning
Ministry of Lands and Physical Planning
Ardhi House, 1st Ngong Avenue,
P. O. Box 45025-00100,
NAIROBI

Tel: (+254)722691843
Email: augustine.masinde@ardhi.go.ke.

SECOND SCHEDULE

No	Fees description	Amount (Kshs)
1	Filing fees:	
	a) Costs of filing in National Liaison Committee	5000
	b) Costs of filing in County Liaison Committee	3000
2	Examination of appeals register	Free
3	Obtaining extracts of appeals at National Physical and Land use planning Liaison committee	500
4	Obtaining extracts of appeals at County Physical and Land use Liaison committee	300
5	Photocopy of determinations under both National and County Physical Planning and Land use committee by third parties:	
	a) Front page	300
	b) Any other page	20
6	Amendment of appeals	
	a) National Physical Planning and Land use committee	1000
	b) County Physical and Land use planning committee	500
7	Certification of Full determination	500
8	Appointment/ change of an authorized representative	
	a) National Physical Planning and Land use committee	1000
	b) County Physical and Land use planning committee	500
9	Counter-claim fees-Filing of counter claims	3000

Made on the 15th November, 2021.

FARIDA KARONEY,
Cabinet Secretary for Lands and Physical Planning.

LEGAL NOTICE NO. 251

THE PHYSICAL AND LAND USE PLANNING ACT, 2019

(No. 13 of 2019)

THE PHYSICAL AND LAND USE PLANNING (DEVELOPMENT CONTROL
ENFORCEMENT) REGULATIONS, 2021


ARRANGEMENT OF REGULATIONS

Regulation

- 1—Citation.
2—Interpretation.
3—Object of the Regulations.
4—Enforcement teams.

PART I—PRELIMINARY

PART II—ADMINISTRATION

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 21 DEC 2021	DAY.
TABLED BY:	
CLERK-AT THE-TABLE:	

5—Functions of members of enforcement teams.

6—Mandate of the Technical Team.

PART III—COMPLAINTS

7—Lodging of complaints.

8—Verification of complaints.

PART IV—ENFORCEMENT

9—Enforcement notice.

10—Mode of service of enforcement notice.

11—Feedback mechanism.

12—General principles of enforcement.

13—Execution of enforcement notice.

14—Identification of Enforcement Team.

15—Execution of Enforcement Notice for demolition and alteration of buildings.

16—Determination of Restoration costs.

17—Appeals.

18—Register.

First Schedule—Conditions and Timelines for Various Enforcement Issues

Second Schedule—Forms

THE PHYSICAL AND LAND USE PLANNING ACT

(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 (DEVELOPMENT CONTROL ENFORCEMENT) REGULATIONS, 2021

PART I—PRELIMINARY

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

Citation.

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

Interpretation.

“building inspector” means a person with professional expertise in architecture, civil engineering, structural engineering, quantity surveying, mechanical engineering or electrical engineering charged with inspection of buildings or works;

“development permission” means approval granted by a planning authority for development, with or without conditions, after submission of a development application;

“enforcement” means action carried out by a planning authority with respect to any development that contravenes development permission or takes place without development permission or breaches the development specifications of the drawings and plans;

“electronic address” means an email address or any other prescribed form of electronic address suitable for effecting service;

“enforcement notice” means a notice served by a planning authority on a developer under the provisions of section 72 of the Act communicating the intention of the planning authority to correct a breach or act on development that has been undertaken without planning permission or in contravention of planning permission granted;

“enforcement officer” means an officer mandated by the planning authority to take action on any development that contravenes development permission or takes place without development permission or breaches the development specifications of the drawings and plans;

“non-compliant development” means development that is undertaken without development permission or that fails to meet any of the conditions granted under the Act;

“use” means the purpose or activities carried in, alongside or on land, buildings or structures without interfering with the physical characteristics of the land;

“user” means the designation given to a registered parcel of land with development conditions for continued use or enjoyment of a right;

“subdivision”—

- (a) in relation to land, means the division of any land other than buildings held under single ownership, into two or more parts whether the subdivision is for conveyance, transfer or partition or for the purpose of sale, gift, lease or any other purpose; and
- (b) in relation to buildings, means the division of a unit as defined in the sectional Properties Act, 2020; and

“technical committee” means a working team established under the Physical and Land Use Planning (Development Control Enforcement) Regulations, 2021.

3. The object of these Regulations is to provide for procedures, standards, guidelines and prescribed Forms for carrying out enforcement under the Act.

Object of the Regulations.

PART II—ADMINISTRATION

4. An Enforcement Team shall be composed of—

Enforcement teams.

- (a) the County Director Physical and Land Use Planning;
- (b) the County or Municipal Physical Planners;
- (c) Building Inspectors; and
- (d) County Enforcement Officers.

5. (1) Building Inspectors shall have the authority to—

Functions of members of enforcement teams.

- (a) inspect buildings and works for compliance;
- (b) issue a stay order to a developer in case of non-compliant buildings or works; and
- (c) report to the County Director any non-compliance of buildings or works.

(2) The County Director shall have the authority to—

- (a) issue and enforce enforcement notices on behalf of the County Executive Committee Member;
- (b) take action on the report from the Building Inspector on non-compliant buildings and works;
- (c) refer the report to the Technical Committee for further investigation if need be;
- (d) determine compliance of other aspects of development other than buildings and works; and
- (e) issue enforcement compliance certificates.

(3) County or Municipal planners shall have the power to—

- (a) inspect other aspects of development other than buildings and works for compliance to development permission;

- (b) issue a stay order to the developer;
- (c) report to the County Director.
- (4) An enforcement officer shall have the power to—
 - (a) issue an enforcement notice;
 - (b) execute the enforcement notice upon expiry of the period specified in the notice; and
 - (c) report to County Director on the status of the enforcement of the enforcement notice.

6. In case a matter reported from preliminary investigation requires further investigation, the County Director shall, within fourteen days, convene a meeting of the Technical Committee to—

Mandate of
Technical
Committees.

- (a) assess the matter;
- (b) prepare a report on the status of development and any corrective measures to be undertaken; and
- (c) submit the status report to the County Executive Committee Member for action.

PART III—COMPLAINTS

7. (1) Lodging of complaints about non-compliant developments may be made to the County Director by—

Lodging of
complaints.

- (a) individual members of the public;
- (b) residents' associations;
- (c) private or public institutions; or
- (d) any other affected persons.

(2) A complaint under subregulation (1) may be lodged through any of the following means—

- (a) postal mail;
- (b) hand delivered mail;
- (c) transcription of verbally lodged complaints;
- (d) electronic address; or
- (e) website or portal.

(3) A complainant under this regulation shall provide proof of non-compliance.

(4) The complainant shall not be under an obligation to disclose his or her identity and, where a complainant discloses his or her identity, the County Director shall protect the identity of the complainant.

8. The County Executive Committee member shall verify the validity of the complaint and, if it may deem necessary, issue a Stay Order in Form PLUPA-DC-19 as set out in the Second Schedule.

Verification of
complaints.

PART IV—ENFORCEMENT

9. (1) Where a person fails to comply with any of the conditions specified in a stay order issued under these Regulations, the County Executive Committee Member shall, on the expiry of the stay order, issue an enforcement notice in Form PLUPA-DC-20 as set out in the Second Schedule specifying the actions to be taken by that person in order to comply with the provisions of the Act or these Regulations.

Enforcement notice.

(2) Where the matter is referred for further investigation by the Technical Committee, the Committee may advise the County Executive Committee Member to—

- (a) lift the stay order issued under regulation 8;
- (b) cause the revocation of the development permission;
- (c) cause the modification or alteration of the conditions imposed on development permission;
- (d) cause the development to be discontinued;
- (e) cause the building to be altered or demolished; or
- (f) cause the land to be restored to its original or near-original condition.

(3) The County Director shall, within seven days of approval by the County Executive Committee Member after the decision of the Technical Committee, issue an enforcement notice or lift the stay order.

10. (1) An enforcement notice may be served—

Mode of service of enforcement notice.

- (a) by post to any postal address inside or outside Kenya entered in the land register as an address for service or as provided in the application for development permission;
- (b) by electronic transmission to the electronic address entered in the land register or in the application for development permission as an address for service;
- (c) by hand delivery to the registered owner or the applicant through the national or county government administration officers within the area of jurisdiction; or
- (d) by notice in the *Gazette* and in one newspaper with nationwide circulation where appropriate at least three months before the enforcement in case of demolition.

(2) For unregistered property or where application for development permission has not been made, the notice may be served to any address where the County Director believes the owner, occupier, agent or the developer is likely to receive it or in a newspaper of nationwide circulation.

(3) In all cases, a copy of the notice shall be visibly displayed on the property.

(4) The service of a notice under subregulation (1) shall be regarded as having taken place if—

- (a) for service under subregulation (1) (a), the notice is served within seven working days in case of address within Kenya and fourteen working days in case of address outside Kenya after being posted;
- (b) for service under subregulation (1) (b), the notice is served within two working days after being transmitted; or
- (c) for service under paragraph 1(c), the notice is served within the same day that it was posted.

11. (1) The County Director may send reminders to the persons in breach during the life of the enforcement notice to notify them that the breach and the enforcement notice are still in force

Feedback mechanism.

(2) Where a person served with the notice complies with stipulated conditions, the County Director shall issue an enforcement compliance in Form PLUPA-DC-21 as set out in the Second Schedule.

12. In administering the enforcement notice, the County Director shall be guided by—

General principles of enforcement.

- (a) Article 47 of the Constitution;
- (b) the achievement of the intended goals of development control enforcement;
- (c) the requirement that the development control enforcement shall be commensurate to the breach; and
- (d) the principle of uniformity and equity in the application of the enforcement action.

13. Upon expiry of the enforcement notice and where the person on whom an enforcement has been served has not appealed to the liaison committee, the Enforcement Team shall within seven days enter the premises or property and execute the conditions in the notice.

Execution of enforcement notice.

14. Any person participating in executing an enforcement shall identify himself or herself by the production of—

Identification of Enforcement Team.

- (a) his or her original national identification card;
- (b) his or her official or staff identification card;
- (c) a letter of authorization from the County Director; and
- (d) a certified copy of enforcement notice issued under regulation 9.

15. (1) Where enforcement requires the Enforcement Team to demolish buildings or works, the demolition shall be carried out between 6.00 a.m. and 6.00 p.m.

Execution of Enforcement Notice for demolition and alteration of buildings

(2) The enforcement officer taking part in enforcement action shall take an inventory of any possessions on the premise or property in Form PLUPA -DC-22 as set out in the Second Schedule.

- (3) The inventory shall be served to the owner or occupiers.
- (4) The owner or occupiers of the premise shall be responsible

for securing the possessions on the premises when an enforcement action is initiated.

16. For the purpose of determining the costs for restoration of land to its original state or near to its original state after enforcement under section 57 (4) of the Act, the County Director shall—

Determination of
Restoration costs

- (a) be guided by the general principles of enforcement outlined in regulation 12;
- (b) develop a costing roll for restoration based on—
 - (i) the technology required for the restoration;
 - (ii) risk factors;
 - (iii) manpower needs;
 - (iv) unit cost for restoration per square meter; and
 - (v) transportation cost of materials from the site.

17. Any person who is aggrieved by a decision of the County Director may appeal against such decision in accordance with section 72 (3) and (4) of the Act.

Appeals.

18. (1) The County Director shall keep a register in Form PLUPA-DC-23 as set out in the Second Schedule containing the information in respect of every enforcement notice issued.

Register.

(2) Every entry in the register shall be made within seven days of the happening of the event in respect of which an entry is required to be made.

(3) The register of enforcement notices shall be kept at the office of the County Director in paper form or electronic form.

FIRST SCHEDULE

r. 9(1)

Conditions and Timelines for Various Enforcement Issues

<i>S/No.</i>	<i>Nature of Non-Compliant Development</i>	<i>Notice period</i>
1.	Commencing the development of a Commercial/Residential/Industrial/Institutional building without the approval of building plans	30 days
2.	Commencing the development of Commercial/Residential/industrial/institutional building without submission of structural drawings to the county government for approval;	21 days
3.	Commencing the development of Commercial/ Residential/Industrial/Institutional building without erecting notice of the development on the site	5 days
4.	Commencing the development of a perimeter wall without the approval of building plans by the county government;	30 days
5.	Extending development of Commercial/ Residential/Industrial/Institutional development beyond approved level without development permission/ commencement notice;	30 days
6.	Development of Commercial/ Residential/Industrial/Institutional buildings using outdated development permission;	30 days
7.	Development of Commercial/ Residential/Industrial/Institutional premises without adhering to standard building lines;	90 days
8.	Occupying/ allowing the occupation of Commercial/Residential/Industrial/ Institutional buildings without acquiring Certificate of Compliance and consequent Certificate of Occupation from the County Government;	14 days
9.	Developing/occupying/ allowing the occupation of substandard Commercial/ Residential/Industrial/ Institutional buildings that pose danger to the occupants and general public;	90 days
10.	Subdividing/Re-parceling/amalgamating land without development permission,	21 days
11.	Changing the Use/Extending the Use of the land without development permission;	21 days
12.	Allowing effluent from the building to flow in the open posing danger to the public;	7 days
13.	Dumping waste on undesignated waste disposal site;	2 days
14.	Excavating soil/murram/sand without development permission;	7 days
15.	Digging channels across/ along the road without development permission;	7 days
16.	Leaving dug channels across/along roads uncovered or not cordoned posing danger to the public	Cordoning - 1 day

		Covering dug channels - 7 days
17.	Encroaching on a public road of access/ railway reserves/ wayleaves and easements/public space	Temporary - 7 days Permanent - 30 days
18.	Displaying advertisement without development permission	21 days
19.	Generating excessive noise causing nuisance to the public	Immediate

SECOND SCHEDULE

FORM PLUPA-DC-19

r (8)



REPUBLIC OF KENYA

COUNTY GOVERNMENT OF.....

STAY ORDER

[Physical and Land Use Planning Act Sec. 72(1)]

Serial No.....

Date Issued.....

To (Owner, Developer, Agent, Occupier)

Name.....

Postal address.....

E mail Address.....

Physical address.....

Description of the Land Parcel No.....

Coordinates.....

General description of land (for un-surveyed land).....

County/City/Municipality/Town/Ward.....

Name of road/street

Enforcement Notice No.....

Enforcement Report

The under signed Enforcement Officer in the presence of the owner/Developer/Agent/ Occupier exercising their powers under section 72 of PLUPA, 2019 identified the following non-compliant development at..... hrs (time) ondate..... while inspecting the land /premises

Developer/Agent/Occupier

Type of Development.....

Your attention is therefore drawn to the following provisions and requirements of PLUPA, 2019

Information/document required*

- (i) Approved Architectural drawings
- (ii) Approved Structural drawings

- (iii) Commencement Notice
- (iv) Site notice
- (v) Approved subdivision/Amalgamation/Re-parcellation/partitioning scheme plan
- (vi) Consent to subdivide
- (vii) Planning brief for subdivision/Change of User/Extension of User/Extension of Lease/Renewal of Lease prepared by a registered and practising Physical Planner
- (viii) Application to National Land Commission for Renewal of Lease
- (ix) PLUPA Form.....(Approval/deferment/rejection of development)
- (x) PLUPA Form.....(Certificate of compliance)
- (xi) Certificate of Occupation in case of Buildings

*Tick as appropriate

You are hereby required to immediately stay the development and submit the required information/documents to the County Director of Physical and Land Use Planning within fourteen working days from the date of this notice failure to which an Enforcement Notice shall be served on you in accordance to Section 72(1) of PLUPA 2019.

Signeddate.....

Owner/ Developer/Agent/Occupier

Signeddate.....

Enforcement Officer

Copy: County Executive Committee Member in charge of Physical and Land Use Planning
County Director of Physical and Land Use Planning

FORM PLUPA-DC-20

r.(9(1))



REPUBLIC OF KENYA
COUNTY GOVERNMENT OF.....
ENFORCEMENT NOTICE
[Physical and Land Use Planning Act Sec 72(1)]

- Ref No.....
- To (Owner, Developer, Agent, Occupier)
- Name.....
- Postal address.....
- E mail Address.....
- Physical Address.....
- 1. Take notice that you have undertaken the development of land described here under without the grant of development permission and/or the following conditions required on that behalf under Part IV of the Physical and Land use Planning Act.
- 2. Description of the Land Parcel No.....
Coordinates.....
Correspondence file No. (If known).....
General description of land (for un-surveyed land).....
County/City/Municipality/Town/Ward.....
Name of road/street.....
- 3. Nature of Development
- 4. Development conditions contravened.....
(See Details overleaf)
- 5. By this notice you are required to*
 - (a) Immediately stop any further activities on the land
 - (b) Alter/modify the buildings or works as per attached diagram
 - (c) Demolish the buildings or works
 - (d) Surrender Form PLUPA..... Serial no/Ref. no.....(the approval of development permission) issued for variation of development permission conditions.
 - (e) Restore the land to its original or near condition as before within 90 days.
 - (f) Any other measure (describe).....

*Tick whichever is applicable

- 6. This notice shall take effect on the.....day of, 20.....
- 7. If you are aggrieved by this notice, you may appeal to the County Physical and Land Use Planning Liaison Committee within fourteen days of this notice in which case the operation of this notice shall be suspended pending the final determination or withdrawal of the appeal
- 8. Any person who uses or causes or permits to be used the land to which this notice relates or carries out or causes or permits to be carried out operations on the said land in contravention to this notice shall be guilty of an offence provided by section 72(5) of the Act

TAKE NOTICE that at the expiry from the date of this notice, failure to comply, the County Government may enter on the said land and execute the requirements as outlined above and may recover as a civil debt in Environment and Land Court any related expenses incurred

Official use:

Name and signature of Authorised Officer.....

Official stamp

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

CC

Deputy County commissioner.....Sub County

OCPD..... Division

Sub-County Enforcement Officer.....Sub-County

Details

1. Commencing the development of a Commercial/Residential/Industrial/Institutional building without the approval of building plans by the county government.
2. Commencing the development of Commercial/Residential/Industrial/Institutional building without submission of structural drawings to the county government for approval.
3. Commencing the development of Commercial/ Residential/Industrial/Institutional building without erecting notice of the development on the site.
4. Commencing the development of a perimeter wall without the approval of building plans by the county government.
5. Extending development of Commercial/ Residential/Industrial/ Institutional development up to level without development permission/ commencement notice.
6. Development of Commercial/ Residential/Industrial/ Institutional buildings using outdated development permission.
7. Development of Commercial/ Residential/Industrial/ Institutional premises without adhering to standard building lines.
8. Occupying/ allowing the occupation of Commercial/ Residential/Industrial/ Institutional buildings without acquiring Certificate of Compliance and consequent Certificate of Occupation from the County Government.
9. Developing/occupying/ allowing the occupation of substandard Commercial/ Residential/Industrial/ Institutional buildings that pose danger to the occupants and general public.
10. Subdividing/Re-parceling/Amalgamating land without development permission.
11. Changing the Use/Extending the Use of the land without development permission.
12. Allowing effluent from the building to flow in the open posing danger to the public.
13. Dumping waste on undesignated waste disposal site.
14. Excavating soil/murram/sand without development permission.
15. Digging channels across/ along the road without development permission.
16. Leaving dug channels across/along roads uncovered/not cordoned posing danger to the public.
17. Encroaching on a public road of access/ public space.
18. Displaying advertisement without development permission.
19. Generating excessive noise causing nuisance to the public.

PLUPA-DC-21

r. 11(2)



REPUBLIC OF KENYA

COUNTY GOVERNMENT OF.....

ENFORCEMENT COMPLIANCE CERTIFICATE

[Physical and Land Use Planning Act Sec 72(1)]

Ref No.....

To (Owner, Developer, Agent, Occupier,)

Name.....

Particulars of property.....

Postal address.....

Email address.....

Physical address.....

IT IS HEREBY confirmed that you have FULLY COMPLIED with conditions of Enforcement Notice No..... ofDay of, 20..... and are therefore allowed to continue with utilization of the property

Official use:

Name and Signature of Authorized Officer.....

Official stamp

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

CC

Deputy County Commissioner.....

Sub County.....

OCPD.....

Division.....

County Enforcement Officer.....

County.....

FORM PLUPA-DC-22

r.15(2)



REPUBLIC OF KENYA

COUNTY GOVERNMENT OF.....
 INVENTORY OF ITEMS FOUND ON SITE DURING ENFORCEMENT
 [Physical and Land Use Planning Act Sec 72(1)]

Ref No.....

Date.....

Description of the Land Parcel no.....

Coordinates.....

General description of land (for un-surveyed land)

County/City/Municipality/Town/Ward.....

Name of road/street.....

Enforcement notice No.....

S/NO.	ITEM DESCRIPTION	NO. OF ITEMS	STATUS	SIGNATURE-OWNER/AGENT	SIGNATURE-Enforcement Officer

WITNESS

I hereby confirm that the items described above were retrieved from the premises on this day..... of20..... in my presence.

Name.....Signature.....

(To be Completed by; Ward Administrator or Chief or Assistant Chief.)

FORM PLUPA-DC-23

r. 18(1)



REPUBLIC OF KENYA

COUNTY GOVERNMENT OF.....

REGISTER OF ENFORCEMENT NOTICES

[Physical and Land Use Planning Act Sec 72(2)]

S/No	Enforcement Notice Number	Date of Notice	Particulars of Person Served	Land Ref. No./description of property	Physical Address	Stipulated Corrective Measure	Date & brief of action taken by the person served	Date of issuance of compliance form	Date & Decision of appeal to Liaison Committee	Date & Decision of Court

Made on the 15th November, 2021

FARIDA KARONEY,
Cabinet Secretary for Lands and Physical Planning.

LEGAL NOTICE NO. 252

THE PHYSICAL AND LAND USE PLANNING ACT

(No. 13 of 2019)

THE PHYSICAL AND LAND USE PLANNING (OUTSOURCING OF PROFESSIONAL SERVICES) REGULATIONS, 2021

ARRANGEMENT OF REGULATIONS

Regulation

PART I—PRELIMINARY

1—Citation.

2—Interpretation.

PART II—PROCURING PHYSICAL AND LAND USE PLANNING SERVICES

3—Procurement of consultancy services.

4—Mode of consulting.

EXPLANATORY MEMORANDUM TO:

THE PHYSICAL AND LAND USE PLANNING (OUTSOURCING OF PROFESSIONAL SERVICES) REGULATIONS, 2021

PART I

- Name of the Statutory Instrument :** The Physical and Land Use Planning (Outsourcing of Professional Services) Regulations, 2021
- Name of the Parent Act :** The Physical and Land Use Planning Act, No. 13 of 2019
- Enacted pursuant to :** Section 90 of the Physical and Land Use Planning Act, 2019
- Name of the Ministry/ Department :** Ministry of Lands and Physical Planning
- Gazetted on :** 2nd December 2021
- Tabled on :**

PART II

1. Purpose of the Statutory Instrument

The purpose of the Regulations is to provide for procurement of physical and land use planning services under the Physical and Land Use Planning Act, 2019.

2. Legislative Context

The development of the Physical and Land Use Planning (Outsourcing of Professional Services) Regulations, 2021 stems from enactment of the parent Act, which was necessitated by Constitutional regime change.

- 2.1. ~~The promulgation of the Physical and Land Use Planning Act, 2019 repealed the Physical Planning Act, 1996. Necessarily, all regulations under the latter statute require revision to align them with the new legislative dispensation.~~

THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 21 DEC 2021	DAY:
TABLED BY:	
CLERK-AT THE-TABLE:	

- 2.2. Section 90 of the Act gives the Cabinet Secretary, Ministry of Lands and Physical Planning, the power to make regulations to give effect to the Act and revise them from time to time if need arises.
- 2.3. It is incumbent that the practice and procedures affecting physical and land use planning be cognizant of devolved governance, hence development of new Regulations to that effect.
- 2.4. The Constitution of Kenya, 2010 established two levels of government with distinct planning functions. The Regulations shall guide the dispensation of these functions.

3. Policy Background

- 3.1. The changes in the statutory and policy frameworks stemming from the Constitution of Kenya fundamentally caused a paradigm shift in land policy principles, land tenure classification, institutional structures for administration and management of land and separation of the physical planning functions between the national and county governments.
- 3.2. The objective of the Regulations is to give full operationalisation of the parent Act by providing certification criteria and guidelines aimed at rationalizing and harmonizing the minimum standards of physical and land use planning throughout Kenya.
- 3.3. Implementation of the Regulations is also necessitated by the numerous changes that have taken place in the field of physical and land use planning with a fundamental impact on the manner and substance of the practice of physical and land use planning in the country.
- 3.4. The Regulations anticipate application of ICT in processing of development applications through an integrated information management system, where services could be accessed from a one-stop-shop. The implementation of this instrument is set to improve planning performance and efficiency. This is in tandem with the National Digital Economy Blueprint towards realization of Vision 2030 as implemented via the Big Four Agenda.

4. Consolidation

- 4.1 These Regulations repeal the Physical Planning Act (Regulations) 1996, therefore there is no need for consolidation.

5. Consultation Outcome

- 5.1. The formulation of the Regulations was spear-headed by the State Department for Physical Planning. Participants in the formulation process were drawn from the general public, professional associations involved with physical and land use planning, Government (both national and county), academia and stakeholders from the private sector.
- 5.2. The consultation sought views on proposals for reform of the physical and land use planning system within the framework of the parent Act, constitutional reforms in the sector, modernization and current practice. The aim was to streamline and modernise the physical and land use planning process, improve outcomes and sustainability, reform developer contributions and ensure fair administrative action approaches that are predictable, timely and effective.
- 5.3. The following outlines the steps taken in consultation for the development of the Regulations.
 - a) The Ministry of Lands and Physical Planning established a Multi-Agency Technical Committee (hereafter referred to as “the Committee”) for the formulation of Regulations under the Act.
 - b) The Ministry developed a concept paper for the formulation of Regulations under the Act, which together with the response from the Office of the Attorney General, provided guidance for the process.
 - c) The Principal Secretary requested the Attorney General to release two legislative drafters to participate in a retreat to prepare layman’s draft regulations under section 90 of the Act.
 - d) The Committee converged at the Morendat Training and Conference Centre to formulate the Regulations between 2nd December 2019 and 23rd December 2019.

6. Drafting by the Attorney General

- 6.1 The Regulations were thereafter sent for drafting to the State Law Office on 13th February, 2020 via letter reference number PPD/5/42/II/ (60).

7. Notification for public information and comments

- 7.1 The Cabinet Secretary published the draft Regulations via Daily Nation Newspaper Notice dated 4th December, 2020 inviting comments from the public within a deadline of fourteen (14) days.
- 7.2 The Regulations were also published on the Ministry's website <https://lands.go.ke/physical-planning/>.
- 7.3 The comments from interested persons were required to be sent by email via ps.physicalplanning@gmail.com and postage via P.O. Box 45025-00100, Nairobi. Thereafter, the Ministry collated the comments received and produced the draft Regulations.

8. Public participation

- 8.1 Owing to the COVID-19 Pandemic and Government's directive to minimize physical contact, virtual stakeholder meetings via Webex were conducted between 23rd February, 2021 and 1st March, 2021.
- 8.2 During virtual sessions, the Ministry made a presentation to the participants, itemizing each set of Regulations and indicating any new practices introduced by the Regulations. The Participants were able to ask questions directly via video-link as well as post questions and comments through the chat feature. Video recordings are available for reference.

9. Responses

- 9.1 The following is a summary of the responses from stakeholders on the Draft Regulations and a summary of the views expressed at the engagements:
 - a) Make guidelines on the content and procedure of preparation of an Inter-County Plan.
 - b) Make guidelines on contracting out of the plan preparation works to private consultants to include guidelines on the team composition and fees.
 - c) Make guidelines on a seamless process for approval with timelines and which provides for joint sessions between the participating counties to ensure they are in concurrence and that the process moves faster.

- d) The guidelines should recognize the city/municipal boards or town committees as planning authorities and give them clear roles in the preparation of the Integrated Development Plan.
 - e) Prepare guidelines on the approval process and adoption of these plans.
 - f) Make guidelines on e-permitting by integrating with the land information management system where a registered expert can then access some basic documentation such as title search, survey plans among others.
- 9.2 Comments by stakeholders were incorporated and the draft regulations submitted to the Attorney General for consideration and finalization vide a letter Ref. MOLPP/ADM/CSO/1/761 dated 28th April, 2021.
- 9.3 The Office of the Attorney General submitted finalized regulations to the Cabinet Secretary vide letter Ref. AG/LDD/188/2/17 dated 28th July, 2021.
- 9.4 The Kenya Law Reform Commission gave independent advice to the adequacy of the Regulatory Impact Assessment on the Physical and Land Use Planning Regulations, 2021.
- 9.5 Between 1st and 5th November, 2021, a pre-publication meeting was held between the Ministry and the National Assembly Committee on Delegated Legislation during which Members made comments.
- 9.6 The Ministry incorporated the comments and submitted revised regulations to the Office of the Attorney General for finalization.
- 9.7 The Office of the Attorney General finalized drafting the regulations and submitted to the Cabinet Secretary for publication.

10. Guidance

- 10.1. Guidance on the implementation of these Regulations shall be given through the Physical and Land Use Planning Handbook. In addition, the Ministry intends to issue practicing notes to professional associations, the Physical Planners Registration Board and County Governments, conduct county sensitization workshops, disseminate free copies and undertake continuous professional development training through professional bodies and various media platforms.

11. Impact

- 11.1. The impact of these Regulations may be felt directly during implementation by both national and county governments.
- 11.2. It is expected that implementation of these Regulations will ensure a continued improvement in the speed and quality of decisions on applications for developments. This is likely to have a beneficial impact due to certainty of procedures, realization of expectations and the ease of doing business.
- 11.3. There is no adverse impact on the public sector. Performance will be assessed by reviewing data which the planning authorities will provide.

12. Monitoring and Review

- 12.1. The impact of the Regulations will be kept under review to ensure that the objects set out in section 3 of the parent Act are met. Regular communication with the Counties, stakeholders and other users will capture issues around implementation, ongoing compliance and administrative costs.
- 12.2. The Ministry of Lands and Physical Planning will publish data on the performance of the planning authorities to review and evaluate their operations from time to time, with a view to amending the instrument in future, if necessary.
- 12.3. The Cabinet Secretary, Ministry of Lands and Physical Planning is responsible for reviewing the Regulations. There is no limit on the number of times or the frequency the Regulations may be reviewed. All depend on the needs and dynamism of conducting business related to physical and land use planning.

13. Contact

Mr. Augustine K. Masinde, EBS
State Department for Physical Planning
Ministry of Lands and Physical Planning
Ardhi House, 1st Ngong Avenue,
P. O. Box 45025-00100,
NAIROBI

Tel: (+254)722691843
Email: augustine.masinde@ardhi.go.ke.



REPUBLIC OF KENYA

COUNTY GOVERNMENT OF.....

REGISTER OF ENFORCEMENT NOTICES

[Physical and Land Use Planning Act Sec 72(2)]

d u.

S/No	Enforcement Notice Number	Date of Notice	Particulars of Person Served	Land Ref. No./description of property	Physical Address	Stipulated Corrective Measure	Date & brief of action taken by the person served	Date of issuance of compliance form	Date & Decision of appeal to Liaison Committee	Date & Decision of Court

Made on the 15th November, 2021

FARIDA KARONEY,
Cabinet Secretary for Lands and Physical Planning.

LEGAL NOTICE No. 252

THE PHYSICAL AND LAND USE PLANNING ACT

(No. 13 of 2019)


THE PHYSICAL AND LAND USE PLANNING (OUTSOURCING OF PROFESSIONAL SERVICES) REGULATIONS, 2021

ARRANGEMENT OF REGULATIONS

Regulation

PART I—PRELIMINARY

- 1—Citation.
- 2—Interpretation.
- PART II—PROCURING PHYSICAL AND LAND USE PLANNING SERVICES
- 3—Procurement of consultancy services.
- 4—Mode of consulting.

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 21 DEC 2021	
DAY.	
Tabled BY:	
Clerk-at the-table:	

PHYSICAL AND LAND USE PLANNING ACT, 2019

(No. 13 of 2019)

The powers conferred by section 90 of the Physical and Land Use Planning Act, 2019, the Cabinet Secretary may, by written instrument, make regulations—

PHYSICAL AND LAND USE PLANNING (OUTSOURCING PROFESSIONAL SERVICES) REGULATIONS, 2021

PART I—PRELIMINARY

These Regulations may be cited as the Physical and Land Use Planning (Professional Services) Regulations, 2021. Citation.

These Regulations shall apply, unless the content otherwise requires— Interpretation.

These Regulations shall apply to a registered and practicing physical planner or a professional physical and land use planning consultant.

“Physical and land use planning services” means physical and land use planning services of a technical or advisory nature;

“Outsourcing” means a licensed physical planner contracted to provide physical and land use planning services;

“Professional physical and land use planning consultant” means a licensed physical planner who is a consultant.

“Physical and land use planning services” include—

(a) scenario building necessary in formulating of policies, standards, guidelines and procedures;

(b) physical and land use development plans;

(c) research on matters relating to physical and land use planning at national and county levels;

(d) multi-disciplinary team of professionals to undertake physical and land use planning services;

(e) the acquisition by purchase, rental, lease, licence, franchise, or by any other contractual arrangement of works, assets, services or goods or any other facilities, which includes advisory, planning and processing in relation to physical and land use planning services;

(f) the meaning assigned to it in section 2 of the Physical and Land Use Planning Act, 2015; and

(g) the meaning assigned to it in section 2 of the Physical and Land Use Planning Act, 2019.

The object of these Regulations is to provide for the regulation and control of physical and land use planning services by physical and land use planning consultants. Object of the Regulations.

PART II—PROCURING PHYSICAL AND LAND USE PLANNING SERVICES

4. A planning authority or a person or entity authorized to perform a planning function shall ensure that the procurement of consulting services is conducted in accordance with the Public Procurement and Assets Disposal Act, 2015.

Procurement of consultancy services.

5. A planning authority may fully or partially procure the services of a consultant to undertake some components of physical and land use planning.

Mode of consulting.

6. (1) A planning team shall co-ordinate the identification of key planning issues, analysis and formulation of physical and land use planning proposals.

Functions and compositions of planning teams.

(2) Depending on the nature of the physical and land use planning service, the planning team shall include persons from the following disciplines—

- (a) policy analysis;
- (b) urban planning;
- (c) urban design;
- (d) architecture;
- (e) transport planning;
- (f) marine planning;
- (g) environmental management;
- (h) sociology;
- (i) land economics;
- (j) economics;
- (k) surveying;
- (l) agriculture;
- (m) rangeland management;
- (n) water management; and
- (o) disaster risk management.

7. (1) A planning authority shall specify the quality control benchmarks to be satisfied by a consultant when performing the consulting services.

Reporting.

(2) A planning authority shall specify the quality control benchmarks to be satisfied by a consultant when offering physical and land use planning services.

(3) A consultant shall submit to the relevant planning authority periodic reports based on the specified quality control benchmarks.

8. When procuring the physical and land use planning services a planning authority shall—

Procurement of physical and land use planning services.

- (a) conduct a planning needs assessment;
- (b) define the scope;
- (c) prepare a concept paper and terms of reference;
- (d) constitute a planning team;
- (e) give public notice on the intention to undertake a physical and land use planning service;
- (f) give a public notice of the completion of the physical and land use planning service;
- (g) process approval or adoption of the output of physical and land use planning service in accordance with the Act; and
- (h) maintain registers of all approved or adopted output of physical and land use planning services.

9. When providing consulting services in the development of a physical and land use development plan, pursuant to the Third Schedule, a consultant shall—

Performance of consulting services.

- (a) prepare a base map;
- (b) scope and undertake data collection;
- (c) undertake detailed situational analysis and synthesis of key planning issues;
- (d) conduct visioning and objective setting workshops;
- (e) formulate, compile and package the plan; and
- (f) submit the plan for approval and publication.

10. A physical and land use development plan or report prepared and approved under these Regulations shall be deemed to be the property of the relevant planning authority.

Ownership of professional work.

PART III—COSTING OF CONSULTING SERVICES AND PHYSICAL AND LAND USE PLANNING SERVICES

11. The costing for the provision of physical and land use planning services shall be in accordance with the guidelines set out in the First Schedule.

Costing for provision of physical and land use planning services.

12. A consultant shall consider the factors set out in the Second Schedule when costing for the development of a physical and land use development plan.

Factors influencing costing.

13. The costing of the activities specified in the third column of the table set out in the Third Schedule, for the phase specified in the second column thereof, shall be based on the elements set out in the fourth column thereof.

Costing elements.

14. The roles of the professionals engaging in consulting services or physical and land use planning services shall be as set out in the Table set out in the Fourth Schedule.

Professionals' roles.

PART IV—MISCELLANEOUS

15. (1) In this regulation, “consortium” means an association of two or more firms contracted to provide physical and land use planning services beyond the capacity of any one firm.

Lead consultant.

(2) Where a planning authority has procured the services of a consortium to offer consulting services under these Regulations, the lead consultant of the consortium shall be a licensed physical planner or firm.

16. Planning authorities shall give preference to local consultants during the procurement of physical and land use planning services under these Regulations.

Preference for local consultants.

THIRD SCHEDULE

(r. 13)

Costing Elements

<i>S/No.</i>	<i>Phase</i>	<i>Activity</i>	<i>Possible costing elements</i>
	Initiation	Conducting planning needs assessment	Field work – rapid appraisal of the area
		Delineation of the planning area	Planning needs assessment workshop
		Preparing a concept paper	Technical workshop for development of concept paper
		Preparing Terms of Reference (ToRs)	
		Deciding the mode of delivering the plan	Meeting
		Procurement of consultancy services (when outsourcing)	Advertisement for consultancy services
		Presentation of inception report	Technical workshop
		Constituting of the planning team	Team building workshop
		Conducting data needs assessment	Technical workshop Fieldwork
		Stakeholder analysis	Work session
		Sensitization and awareness creation	Publication of the notice of intention to plan in the local dailies, electronic media, public barazas.
		Preparation of base map	Data acquisition
	Data processing (digital and topographic mapping and preparation of base map)		Reconnaissance research Work session
	Scoping and data collection	Expert and sector engagement workshop	Stakeholder workshops
		SWOT analysis and preliminary visioning Socio-economic data collection	Research and fieldwork
	Detailed situational analysis and synthesis of key planning issues	Preparation of thematic maps	Work session
		Socio-economic data analysis	Work session
		Situational analysis Validation	Analysis validation workshops Technical workshop
	Visioning	Setting objectives	Visioning workshop

<i>S/No.</i>	<i>Phase</i>	<i>Activity</i>	<i>Possible costing elements</i>
		Scenario building	
	Plan formulation and associated outputs	Development of the land use plan	Work session
		Formulation of policies and measures Development of strategies	Work session
		Formulation of the implementation framework	Work session
		Validation of draft plan	Technical workshop Stakeholder workshop
		Finalization of the plan and associated outputs	Work session
	Compilation and packaging	Printing, publishing and publication	Printing, publishing and publication of notice of completion
	Plan approval and gazettelement	Sensitization and awareness creation	Gazettelement of the approved plan

FOURTH SCHEDULE

(r. 14)

Roles of Different Professionals in the Preparation of a Physical and Land Use Plan

<i>Professional</i>	<i>Role</i>
<i>Transport Planner</i>	Guides in formulation of future policies, goals, investments and designs to prepare for future needs to move people and goods to destinations
<i>Environmentalist</i>	Presents concerns and advice on the mechanisms for the protection of the environment
<i>Sociologist</i>	Guides on issues concerning development, structure, and functioning of human society
<i>Economist</i>	Brings issues of production, consumption, and transfer of resources
<i>Urban Designer</i>	Presents and advices on how to design the physical setting for life in cities, towns and villages.
<i>Surveyor</i>	Data capture and preparation of base maps, confirms areas of parcels and buildings, and fixes boundaries
<i>Land Valuer</i>	Provide advice on land values and return on investment

Made on the 15th November, 2021.

FARIDA KARONEY,
Cabinet Secretary for Lands and Physical Planning.

EXPLANATORY MEMORANDUM TO:

THE PHYSICAL AND LAND USE PLANNING (DEVELOPMENT PERMISSION AND DEVELOPMENT CONTROL) (GENERAL) REGULATIONS, 2021

PART I

- Name of the Statutory Instrument** : The Physical and Land Use Planning (Development Permission and Development Control) (General) Regulations, 2021
- Name of the Parent Act** : The Physical and Land Use Planning Act, No. 13 of 2019
- Enacted pursuant to** : Section 90 of the Physical and Land Use Planning Act, 2019
- Name of the Ministry/ Department** : Ministry of Lands and Physical Planning
- Gazetted on** : 2nd December 2021
- Tabled on** :

PART II

1. Purpose of the Statutory Instrument

The purpose of the Regulations is to provide procedures for processing development applications under PART IV of the Physical Land Use Planning Act, 2019 by providing elaborate guidelines and procedures for matters governed therein.

2. Legislative Context

The development of the Physical and Land Use Planning (Development Permission and Development Control) (General) Regulations, 2021 stems from enactment of the parent Act, which was necessitated by Constitutional regime change.

- 2.1. The promulgation of the ~~Physical and Land Use Planning Act, 2019~~ repealed the Physical Planning Act, 1996. Necessarily, all regulations under the latter statute require revision to align them with the new legislative dispensation.

THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 21 DEC 2021	
DAY: <input type="text"/>	
TABLED BY:	<input type="text"/>
CLERK-AT THE-TABLE:	<input type="text"/>

- 2.2. Section 90 of the Act gives the Cabinet Secretary, Ministry of Lands and Physical Planning, the power to make regulations to give effect to the Act and revise them from time to time if need arises.
- 2.3. It is incumbent that the practice and procedures affecting physical and land use planning be cognizant of devolved governance, hence development of new Regulations to that effect.
- 2.4. The Constitution of Kenya, 2010 established two levels of government with distinct planning functions. The Regulations shall guide the dispensation of these functions.

3. Policy Background

- 3.1. The changes in the statutory and policy frameworks stemming from the Constitution of Kenya fundamentally caused a paradigm shift in land policy principles, land tenure classification, institutional structures for administration and management of land and separation of the physical planning functions between the national and county governments.
- 3.2. The objective of the Regulations is to give full operationalisation of the parent Act by providing certification criteria and guidelines aimed at rationalizing and harmonizing the minimum standards of physical and land use planning throughout Kenya.
- 3.3. Implementation of the Regulations is also necessitated by the numerous changes that have taken place in the field of physical and land use planning with a fundamental impact on the manner and substance of the practice of physical and land use planning in the country.
- 3.4. The Regulations anticipate application of ICT in processing of development applications through an integrated information management system, where services could be accessed from a one-stop-shop. The implementation of this instrument is set to improve planning performance and efficiency. This is in tandem with the National Digital Economy Blueprint towards realization of Vision 2030 as implemented via the Big Four Agenda.

4. Consolidation

- 4.1 These Regulations repeal the Physical Planning Act (Regulations) 1996, therefore there is no need for consolidation.

5. Consultation Outcome

- 5.1. The formulation of the Regulations was spear-headed by the State Department for Physical Planning. Participants in the formulation process were drawn from the general public, professional associations involved with physical and land use planning, Government (both national and county), academia and stakeholders from the private sector.
- 5.2. The consultation sought views on proposals for reform of the physical and land use planning system within the framework of the parent Act, constitutional reforms in the sector, modernization and current practice. The aim was to streamline and modernise the physical and land use planning process, improve outcomes and sustainability, reform developer contributions and ensure fair administrative action approaches that are predictable, timely and effective.
- 5.3. The following outlines the steps taken in consultation for the development of the Regulations.
 - a) The Ministry of Lands and Physical Planning established a Multi-Agency Technical Committee (hereafter referred to as “the Committee”) for the formulation of Regulations under the Act.
 - b) The Ministry developed a concept paper for the formulation of Regulations under the Act, which together with the response from the Office of the Attorney General, provided guidance for the process.
 - c) The Principal Secretary requested the Attorney General to release two legislative drafters to participate in a retreat to prepare layman’s draft regulations under section 90 of the Act.
 - d) The Committee converged at the Morendat Training and Conference Centre to formulate the Regulations between 2nd December 2019 and 23rd December 2019.

6. Drafting by the Attorney General

- 6.1 The Regulations were thereafter sent for drafting to the State Law Office on 13th February, 2020 via letter reference number PPD/5/42/II/ (60).

7. Notification for public information and comments

- 7.1 The Cabinet Secretary published the draft Regulations via Daily Nation Newspaper Notice dated 4th December, 2020 inviting comments from the public within a deadline of fourteen (14) days.
- 7.2 The Regulations were also published on the Ministry's website <https://lands.go.ke/physical-planning/>.
- 7.3 The comments from interested persons were required to be sent by email via ps.physicalplanning@gmail.com and postage via P.O. Box 45025-00100, Nairobi. Thereafter, the Ministry collated the comments received and produced the draft Regulations.

8. Public participation

- 8.1 Owing to the COVID-19 Pandemic and Government's directive to minimize physical contact, virtual stakeholder meetings via Webex were conducted between 23rd February, 2021 and 1st March, 2021.
- 8.2 During virtual sessions, the Ministry made a presentation to the participants, itemizing each set of Regulations and indicating any new practices introduced by the Regulations. The Participants were able to ask questions directly via video-link as well as post questions and comments through the chat feature. Video recordings are available for reference.

9. Responses

- 9.1 The following is a summary of the responses from stakeholders on the Draft Regulations and a summary of the views expressed at the engagements:
 - a) Make guidelines on the content and procedure of preparation of an Inter-County Plan.
 - b) Make guidelines on contracting out of the plan preparation works to private consultants to include guidelines on the team composition and fees.
 - c) Make guidelines on a seamless process for approval with timelines and which provides for joint sessions between the participating counties to ensure they are in concurrence and that the process moves faster.

- d) The guidelines should recognize the city/municipal boards or town committees as planning authorities and give them clear roles in the preparation of the Integrated Development Plan.
 - e) Prepare guidelines on the approval process and adoption of these plans.
 - f) Make guidelines on e-permitting by integrating with the land information management system where a registered expert can then access some basic documentation such as title search, survey plans among others.
- 9.2 Comments by stakeholders were incorporated and the draft regulations submitted to the Attorney General for consideration and finalization vide a letter Ref. MOLPP/ADM/CSO/1/761 dated 28th April, 2021.
- 9.3 The Office of the Attorney General submitted finalized regulations to the Cabinet Secretary vide letter Ref. AG/LDD/188/2/17 dated 28th July, 2021.
- 9.4 The Kenya Law Reform Commission gave independent advice to the adequacy of the Regulatory Impact Assessment on the Physical and Land Use Planning Regulations, 2021.
- 9.5 Between 1st and 5th November, 2021, a pre-publication meeting was held between the Ministry and the National Assembly Committee on Delegated Legislation during which Members made comments.
- 9.6 The Ministry incorporated the comments and submitted revised regulations to the Office of the Attorney General for finalization.
- 9.7 The Office of the Attorney General finalized drafting the regulations and submitted to the Cabinet Secretary for publication.

10. Guidance

- 10.1. Guidance on the implementation of these Regulations shall be given through the Physical and Land Use Planning Handbook. In addition, the Ministry intends to issue practicing notes to professional associations, the Physical Planners Registration Board and County Governments, conduct county sensitization workshops, disseminate free copies and undertake continuous professional development training through professional bodies and various media platforms.

11. Impact

- 11.1. The impact of these Regulations may be felt directly during implementation by both national and county governments.
- 11.2. It is expected that implementation of these Regulations will ensure a continued improvement in the speed and quality of decisions on applications for developments. This is likely to have a beneficial impact due to certainty of procedures, realization of expectations and the ease of doing business.
- 11.3. There is no adverse impact on the public sector. Performance will be assessed by reviewing data which the planning authorities will provide.


12. Monitoring and Review

- 12.1. The impact of the Regulations will be kept under review to ensure that the objects set out in section 3 of the parent Act are met. Regular communication with the Counties, stakeholders and other users will capture issues around implementation, ongoing compliance and administrative costs.
- 12.2. The Ministry of Lands and Physical Planning will publish data on the performance of the planning authorities to review and evaluate their operations from time to time, with a view to amending the instrument in future, if necessary.
- 12.3. The Cabinet Secretary, Ministry of Lands and Physical Planning is responsible for reviewing the Regulations. There is no limit on the number of times or the frequency the Regulations may be reviewed. All depend on the needs and dynamism of conducting business related to physical and land use planning.

13. Contact

Mr. Augustine K. Masinde, EBS
State Department for Physical Planning
Ministry of Lands and Physical Planning
Ardhi House, 1st Ngong Avenue,
P. O. Box 45025-00100,
NAIROBI

Tel: (+254)722691843
Email: augustine.masinde@ardhi.go.ke.

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 21 DEC 2021	DAY.
TABLED BY:	
CLERK-AT THE-TABLE:	1857 26th November, 2021

SPECIAL ISSUE

Kenya Gazette Supplement No. 2021

(Legislative Supplement No. 100)

LEGAL NOTICE NO. 253

THE PHYSICAL AND LAND USE PLANNING ACT

(No. 13 of 2019)

THE PHYSICAL AND LAND USE PLANNING (DEVELOPMENT PERMISSION AND CONTROL) (GENERAL) REGULATIONS, 2021

ARRANGEMENT OF REGULATIONS

Regulation

PART I—PRELIMINARY

- 1—Citation
- 2—Interpretation
- 3—Objects

PART II—CHANGE OF USER AND EXTENSION OF USER

- 4—Application
- 5—Planning considerations and standards

PART III—EXTENSION OF LEASE AND RENEWAL OF LEASE

- 6—Standards or considerations

PART IV—SUBDIVISION AND AMALGAMATION

- 7—Application
- 8—Subdivision, partition, re-parcellation and amalgamation schemes
- 9—Planning brief
- 10—Surrender of land for public purposes

PART V—EASEMENTS, WAYLEAVES AND RIPARIAN RESERVES

- 11—Utilisation of riparian reserves
- 12—Standards and considerations for easement and wayleaves
- 13—Management of riparian reserves.
- 14—Measurement of the extent of riparian reserves.

PART VI—REQUIREMENTS FOR SUBMISSION OF DEVELOPMENT APPLICATIONS

- 15—Submission of application
- 16—Specification of onsite notice

PART VII—PROCESSING OF DEVELOPMENT APPLICATIONS

- 17—County Director to issue tracking number for applications
- 18—Payment of prescribed fees
- 19—Registration of Development Application
- 20—Circulation and reviewing of application
- 21—Decision Making and Issuance of Development Permission
- 22—Permitted development
- 23—Exemption from development permission
- 24—Receiving and Processing of Conformance Conditions Applications

PART VIII—PERFORMANCE CONDITIONS MONITORING AND INSPECTIONS

- 25—Implementation of performance conditions
- 26—Site Inspection Procedure and Issuance of Permit
- 27—Final Inspection Issuance of Certificate of Compliance or Occupation
- 28—Revocation of development permissions

PART IX—MISCELLANEOUS PROVISIONS

- 29—Registers maintained by the County Executive Committee Members
- 30—Management of riparian reserves
- 31—Measurement of the extent of riparian reserves

THE PHYSICAL AND LAND USE PLANNING ACT

(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 CONTROL) (GENERAL) REGULATIONS, 2021

PART I—PRELIMINARY

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

Citation.

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

Interpretation.

“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 Act 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 Act;

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

“easement” means a non-possessory interest in another’s land that allows the holder to use the land to a particular extent, to require the proprietor to undertake an act relating to the land, or to restrict the proprietor’s use to a particular extent, and shall not include a profit; and

“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 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, Architects and Quantity Surveyors Act, Survey Act, Valuers Act and Engineers Act, 2011;

“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 specified in regulation 14, that is protected under the Act or its use regulated under any other written law;

“strategic installation” means any installation that is classified as such under the Physical and Land Use Planning (Classification of Strategic National or Inter-County Projects) Regulations, 2019 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;

“way leave” means a contract between the owner or occupier of land (the grantor) and a third party (the grantee) permitting the grantee to access privately-owned land to carry out works in return for some form of compensation; and

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

3. The object of these Regulations is to provide for the procedures and standards for development control and the regulation of physical planning and land use.

Object of the Regulations.

PART II—CHANGE OF USER AND EXTENSION OF USER

4. (1) A person who seeks to put land into a use other than that which it is registered under shall apply to the planning authority for—

Application.

- (a) a change of user; or
- (b) an extension of user.

(2) The application under subregulation (1) shall be required when—

- (a) the proposal consists of a significant change of the registered use of the land and constitutes a change of more than twenty per cent of the registered user of the land based on the plot coverage and plinth area; and
- (b) the existing registered use of land does not conform to the approved plan or the zoning regulations.

(3) An extension of user application shall be required when the proposal consists of a change of the registered land use not exceeding twenty per cent in any case where a developer intends to comply with any revised physical and land use plans and land use zoning regulations.

5. In addition to paragraph 5 of the Third Schedule to the Act, a planning authority may consider the following matters with respect to an application under regulation 4—

Planning considerations and standards.

- (a) whether or not the intended use shall be in accordance with the desirable urban form and character of the area;
- (b) where the land is needed for the establishment of wayleaves and easements, a part development plan shall be prepared showing the siting of the wayleave or easement; and

- (c) the applicant shall provide an approved traffic management plan where applicable.

PART III—EXTENSION OF LEASE AND RENEWAL OF LEASE

6. In addition to paragraph 6 of the Third Schedule to the Act and the provisions of any other relevant written law, the following matters shall also be considered in respect of an application for an extension of lease or renewal of lease—

Standards or considerations.

- (a) if the land was not developed, the land should revert back to the lessor;
- (b) whether the applicant has satisfied the previous development conditions imposed on the lease;
- (c) the applicant's compliance with the National Land-Use Policy, land-use zoning regulations and approved National, Inter-County and County Physical and Land-Use development plans of the area;
- (d) the capacity of the lessee to develop in accordance with the new conditions of the approved plan or land-use zoning regulations for the area;
- (e) whether the land is required for environmental conservation and preservation; and
- (f) whether portions or all of the land is required for registration of easements and way leaves for planned infrastructural facilities and other relevant way leaves.

PART IV—SUBDIVISION AND AMALGAMATION

7. A developer shall apply to the planning authority for planning approval in respect of a proposed subdivision or amalgamation in areas to which these Regulations apply.

Application.

8. (1) A developer shall prepare a subdivision or amalgamation scheme in accordance with the provisions of the Third Schedule to the Act.

Subdivision and amalgamation schemes.

(2) Where any proposed street or road or railway line or tramway is included in the subdivision scheme, the layout shall conform to the relevant planning guidelines, standards, regulations and by-laws of the planning authority.

(3) Reference should be made to the abutting area regarding road alignment among other requirements as may be required by the relevant Road Agency and particularly—

- (a) a minimum road width of twelve metres shall be provided for a road reserve for a public through road;
- (b) where public roads intersect, a truncation of half the width of the lower hierarchy road shall be provided;
- (c) where the road is private and the minimum is not less than nine metres wide, a truncation of four and a half metres shall

be provided; and

- (d) footpaths and cycle paths that are not less than two metres wide shall be provided in all new roads.

(4) Unless site conditions prohibit, each plot shall be at right angles to the road, with the shorter side fronting the road and with a regular shape for optimum use of land and integration with the general spatial form of the area.

(5) Streets shall be aligned in such a manner as to facilitate natural stormwater flow and, where necessary, the scheme shall demarcate stormwater easements.

(6) The scheme shall respect riparian and ocean reserves, wayleaves and easements.

(7) The subdivision scheme shall provide for the preservation of the natural flora and fauna as much as possible in the case of a large-scale subdivision.

9. (1) All application for subdivision and amalgamation within urban areas, municipalities and cities shall be accompanied with a planning brief.

Planning brief.

(2) A planning brief under subregulation (1) shall be exempted in respect of applications for subdivision and amalgamation of agricultural land in rural areas for less than ten parcels.

10. (1) Subdivision schemes under regulation 7 may be subjected to surrender of land for public use in accordance with section 58 and paragraph 7 of the Third Schedule to the Act.

Surrender of land for public purposes.

(2) Where required by the county executive committee member, in consultation of the county director of physical and land use planning, suitable and adequate land shall be surrendered by the applicant at no cost to the County Government for open spaces, amenities, recreational facilities, excluding road reserves, a public purpose relating to the area to be subdivided or for road-widening.

(3) Land surrendered in subregulation (2) shall be utilized for the planned purpose.

(4) The surrender can be in the form of part of the land to be subdivided or the provision of land of equivalent size and value at an alternative suitable site.

(5) The land to be surrendered shall be shaded in blue in the subdivision scheme.

(6) The surrendered land shall be registered in the name of the County Government or the Cabinet Secretary responsible for matters relating to finance in accordance with the Land Registration Act, 2012.

(7) The County Government shall notify the National Land Commission of a surrender under this regulation for the purposes of allocation, processing and communication to the relevant authorities or

agencies.

(8) Relevant utility services providers may be consulted during the process of determining the most favorable location of the surrendered land for purposes of provision of utility services.

(9) The developer or any other interested private party can apply to the County Government to use the land once it is registered to provide the public purpose service or utility for which the land was surrendered.

PART V—EASEMENTS, WAYLEAVES AND RIPARIAN RESERVES

11. (1) The utilization of riparian reserves shall be in strict compliance with the provisions of approved physical and land use development plans, the National Land Use Policy and any applicable written law.

Utilisation of
riparian reserves.

(2) In addition to the services contemplated in the Act and the Third Schedule, the following services shall also require easements or way leaves—

- (a) storm water drainage channels;
- (b) footpaths, pedestrian walkways and footbridges;
- (c) cycle paths;
- (d) water irrigation canals and pipelines;
- (e) gas reticulation systems;
- (f) street lighting works;
- (g) wildlife migratory corridors;
- (h) green spaces;
- (i) springs and water access points;
- (j) water storage points;
- (k) sub stations for power distribution or power-lines;
- (l) road reserves shall be managed in accordance to the Roads Act; and
- (m) vicinity of strategic developments and special planning areas such as nuclear plants, coal plants, mineral exploration sites.

(3) The development of ground water facilities shall be in accordance with the Water Act and shall not negatively impact the neighboring ground water facilities.

12. (1) The acquisition of easements for private use shall be compatible with the existing developments and appropriate for the intended use.

Standards and
considerations for
easement and
wayleaves.

(2) New developments shall not extinguish obligations that come with existing way leaves and easements.

(3) Where the way leaves are on road reserves, they shall be dealt with in accordance with the provisions of the Public Road and Roads of

Access Act.

(4) Way leaves and easements shall be registered in accordance with the provisions of the Land Act, 2012.

(5) Where wayleaves and easements fall on private property, the planning authority shall apply for creation and registration under the Land Act, 2012.

(6) Way leaves and easements shall be depicted in the physical and land use development plans and survey plans.

(7) The acquisition of way leaves shall be guided by the principle of health and safety, legal clarity, public participation, environmental conservation and protection, economic viability and sustainable developments.

(8) Siting considerations for street lights and high mast floodlights shall—

- (a) be at the most suitable location that affords illumination to more than one path;
- (b) be in near proximity to electricity;
- (c) provide for security of facility; and
- (d) be in proximity to trading centres and shall illuminate pathways.

(9) The minimum wayleave for erecting the high mast floodlights shall be three metres in length and three metres in width.

13. (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.

Management of riparian reserves.

(2) The plans prepared under subregulation (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.

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

Measurement of the extent of riparian reserves.

- (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.

PART VI—REQUIREMENTS FOR SUBMISSION OF
DEVELOPMENT APPLICATIONS

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

Requirement for
Submission of
application.

(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 or certificate of title or Certificate of Lease or other documents of ownership recognised under the laws of Kenya;
- (b) a location plan indicating clearly the subject area in relation to major landmarks, roads and features;
- (c) scheme plans or building plans;
- (d) where applicable, public notification in accordance with section 58 (7) and (8);

- (e) where applicable, in case of change of user, extension of user, densification of use, extension of lease, renewal of lease, subdivision and amalgamation a planning brief of the comprehensive development prepared by a registered and practising physical and land use planner in accordance with these Regulations;
- (f) where an applicant is not the registered owner of the land, the written consent of the registered owner of that land in accordance with section 58 (4) of the Act;
- (g) in case of change of user, extension of user, densification of use, extension of lease and renewal of lease, 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; and
- (h) 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).

(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.

16. 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;
- (d) it shall be legible from a distance of at least five metres from the notice; and

Specification of
onsite notice.

- (e) it shall be placed on the boundary of the property fronting the access road.

PART VII—PROCESSING OF DEVELOPMENT APPLICATIONS

17. Upon submission of a 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.

County Director to issue tracking number for applications.

18. (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.

Payment of prescribed fees.

(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.

19. 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.

Registration of Development Application.

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

Circulation and reviewing of application.

- (a) Director-General for projects covering two or more counties or parts thereof or those classified under projects of strategic national importance; and
- (b) the technical officers 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 thirty 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; and
- (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 sixty days; and
- (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 Government Ministry, Department or Agency responsible for the strategic installation comments;
- (c) upon determination that the application falls under subregulation (3) the processing shall be undertaken in accordance with the Physical and Land Use Planning (Development Control for Strategic National Projects) Regulations, 2021; and
- (d) upon determination that the application falls under (4) the processing shall be undertaken in accordance with the Physical and Land Use Planning (Development Control Around Strategic Installations) Regulations, 2021.

(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.

21. (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.

Decision-making and issuance of development permission.

(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.

(3) Upon receipt of the report in subregulation (2) (b), 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 under subregulation (3) 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) of the Act shall apply.

22. (1) Subject to the provisions of these Regulations, development of any class specified in the Second Schedule 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.

Permitted
development.

(2) Nothing in this subregulation or the Second Schedule 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 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; or
- (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 subregulation (3) (a) 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.

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

Exemption from
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; and
- (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.

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

Receiving and
Processing of
Conformance
Conditions
Applications.

- (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 VIII—PERFORMANCE CONDITIONS MONITORING AND INSPECTIONS

25. (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—

Implementation of
performance
conditions.

- (a) commencement 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; and
 - (c) notify the registered owner of a property or duly authorised agent of the date of inspection in form PLUPA/DC/15.

26. (1) The relevant authorities or agencies shall—

- (a) visit the project site and conduct inspection in accordance to procedures prescribed in the relevant codes; and
- (b) prepare the inspection report in the prescribed inspection card and communicate within seven days —
 - (i) if satisfied with standards on the visited site issue permit authorizing progress of development 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; or
 - (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.

Site Inspection
Procedure and
Issuance of Permit.

(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.

27. (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; and
- (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 seven days, in Forms PLUPA/DC/10 and PLUPA/DC/11 cause the issuance of—

- (a) certificate of compliance; and
 - (b) notice for issuance of certificate of occupation.
- (3) The architect and the structural engineer shall issue a

Final Inspection
Issuance of
Certificate of
Compliance or
Occupation.

certificate of guarantee and compliance for the curtain walling system, prior to the issuance of the certificate of occupation.

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

Revocation of
development
permissions.

- (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 subregulation (1), he shall issue the holder a notice of revocation of development permission in Form PLUPA/DC/ 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 subregulation (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.

(6) Whereupon the registered owner of a property fails to comply with the decision of the county liaison committee, the County Executive Committee Member shall initiate enforcement process in accordance to section 72 of the Act.

PART VI—MISCELLANEOUS PROVISIONS

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

Registers
maintained by the
County Executive
Committee
Members.

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

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

FORM PLUPA/DC/1B

(r. 3(1))

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:

(i) Location details

(a) Municipality

(b) Sub County

(c) Ward

(d) Name of Nearest Road/Street:

(e) Name of Area/Estate:

(ii) Plot L/R No.....

(iii) Plot Size.....

(iv) 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

(v) 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 \checkmark where applicable)

Residential:

- Single Dwelling Details:
- Multiple Dwelling Details:
- Industrial Details:
- Institutional Details:
- Commercial Details:
- Comprehensive Details:
- Other (Specify) Details:

- (f) Water supply by.....
- (g) Method of Sewerage Disposal.....

(vi) (a) Number of dwellings/units with separate occupation.....

(vii) Plinth Areas; (For fees calculations only) must include porches, veranda, balconies, garages, swimming pools etc.

<i>Development Level</i>	<i>Existing M²</i>	<i>New M²</i>
Basement/s		
Ground Floor/s/		
Mezzanine Floor/s		
1st Floor		
2nd Floor		
3rd Floor		
4th Floor		
Others		
Total (Submissions)		

8. Estimated Cost of the Project.....

9. Construction Materials of Approved Standard and Specifications:

- (a) Foundation.....
- (b) External walls.....
- (c) Mortar.....
- (d) Roof cover.....
- (e) Damp proof course.....
- (f) Finishes.....

10. In the event of the accompanying plans being required to be amended in any way in order that they may be approved by the County Government, I/We agree that for the purpose of Section 126(c) of the Public Health Act (Cap. 242) that the date of deposit shall be the date on which plans are re-deposited with the County after amendments have been satisfactorily made.

FORM PLUPA/DC/1C (r. 3(1))
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
Signature and Stamp

Date

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.

FORM PLUPA/DC/1F

(r. 3(1))

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

FORM PLUPA/DC/

S.20(j)

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

FORM PLUPA/DC/2

(r. 3(3)(xi))

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*

FORM PLUPA/DC/3

(r. 3(3)(xi))

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.....

FORM PLUPA/DC/4

(r.

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.....

FORM PLUPA/DC/5 (r. 5(1))
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 in
.....area,.....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

FORM PLUPA/DC/6A (r (7)(5))
 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:	SUBMITTED PLANNING CIRCULATION SHEET	Pre-Vetting By:	
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		
P.O. Box:	Outdoor Advert	Type of structure	
	Structure		
Telephone:			
E-mail:			
		TOTAL	

CIRCULATION						First	
						Second	
STAGE	DAYS	Dept.		MONITOR	ACTIVITY	RESPONSIBLE	DATE
1	5	Physical Planning			Circulation Recording Dispatch/Receiving Zoning/Requirements Planning Standards		
2	2	Environment			Riparian Reserves Environmental Standards		
3	3	Public Health			Public Health By-Laws Commenting		
4	3	Engineering/Public Works			Roads & Related Infrastructure		
5	3	Survey			Survey Boundaries Easement of Way leaves		
6	3	Lands			Encumbrances Caveats Ownership Status		
7	2	Water & Sewerage			Sewage Lines Bio Box Capacity		
8	5	KENHA/KERRA/K					

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

<i>Conditions of Development Approval</i>		
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

FORM PLUPA/DC/6B

(r (7)(5))

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:	SUBMITTED ARCHITECTURAL PLANS CIRCULATION SHEET	Pre-Vetting By:	

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	Estimated	Site Board
P O Box :	Plot Coverage		(M ²)	Confirmed	Infrastructure
Telephone :			Sewage Disposal	Sewer Conservancy	Occupation Cert
Email:	Plot Ratio				Hoarding
					TOTAL

CIRCULATION						First	
						Second	
STAG E	DAY S	Dept.		MONI TOR	ACTIVITY	RESPO NSIBL E	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		• Roads & Related Infrastructure		
			Structural				
			Fire				
			Mechanical				
4							
5							
FOR APPROVAL ²							
Agenda Item No.	Technical Committee Meeting Date		Signed:				
			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 Other Requirements		Car Parking Provision
Public Health		
Engineering/Public Works		
Public Health		
Engineering/Public Works		

FORM PLUPA/DC/8 (r.8(3)(i))

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

SignedDate.....

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.

FORM PLUPA/DC/9

(r. 8(5))

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

FORM PLUPA/DC/10

(r.15 (2))

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

FORM PLUPA/DC/11

(r.15 (2))

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:

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

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

FORM PLUPA/DC/12

(r.16(3))

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

Registered Number of Application

NOTIFICATION OF REVOCATION OF DEVELOPMENT PERMISSION

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

Your approval numberissued 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

FORM PLUPA/DC/15

(r.13 (2) (iii))

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

PART I

SCHEDULE

r. (4)

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

DEVELOPMENT	CONDITIONS
<p>Description of Development Conditions</p> <p>Class I—Development within the cartilage of dwelling-house.</p> <p>(a) The enlargement, improvement or other alterations</p> <p>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.</p> <p>(b) construction within the curtilage of a hard surface for a purpose incidental to the enjoyment of the dwelling house</p>	<p>1. The height of such buildings shall not exceed the height of the original dwelling-house.</p> <p>2. Standard conditions Nos. 1 and 2.</p>
<p>Class II—Sundry minor operations</p> <p>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.</p>	<p>Standard condition Nos. 1, 2, 3 and 4.</p> <p>No improvement or alteration shall increase the height above the height prescribed by the planning authority</p> <p>No operations carried out shall materially affect the external appearance of the premise</p>
<p>2. The painting of the exterior of any building or work otherwise than for the purpose of advertisement</p>	<p>Standard condition Nos. 1, 2, 3 and 4.</p>
<p>Class III—Change of user</p> <p>Development consisting of a change of use to:</p>	<p>Standard conditions 1, 2, 3 and 4</p>

(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.

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

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

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

Standard conditions Nos. 1 and 2.

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.

Class VII 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 VIII—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

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

- 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.
- 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.
- 10 The planning authority may in order to preserve amenity of human settlements impose conditions for approval of development.
- Instruments that are binding on planning authorities when considering development applications
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

Material consideration

- (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
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 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

1. Compliance with the approved EIA & A Report
 - i. Compliance with relevant national and county specific policies on physical and land use planning
 - ii. Compliance with relevant physical and land use development plans
 - iii. 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
 - iv. To remove material or debris resulting from demolition or clearance of the site
 - v. To remove and seal at such a point as the statutory undertaker may reasonably require, any sewer or water pipe under the building
 - vi. To make arrangements with relevant statutory undertakers for disconnection of supply of electricity and water to the building
 - vii. 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
 - viii. Any other condition

Made on the 15th November, 2021.

FARIDA KARONEY,
Cabinet Secretary for Lands and Physical Planning.