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**PHYSICAL PLANNING ACT**

NO. 6 OF 1996

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**NO. 6 OF 1996**

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**NO. 6 OF 1996**

**PHYSICAL PLANNING ACT**

[Date of assent: 24th October, 1996.]

[Date of commencement: 29th October, 1998.]

**An Act of Parliament to provide for the preparation and implementation of physical development plans and for connected purposes**

[ L.N. 40/1999, Act No. 6 of 2006, Act No. 2 of 2007.]

**PART I – PRELIMINARY**

**1. Short title**

This Act may be cited as the Physical Planning Act.

**2. Application**

The provisions of this Act shall apply to all parts of the country except such areas as the Minister may by notice in the *Gazette* specify.

**3. Interpretation**

In this Act, unless the context otherwise requires—

“**advertisement**” means any word, letter, devise, model, sign, placard, board, notice or representation, whether illuminated or not, in the nature of and employed wholly or in part for the purpose of the advertisement of proprietary articles and without prejudice to the foregoing includes any hoarding or similar structure used or adapted for use for the display of advertisement, and references to the display of advertisements shall be construed accordingly:

Provided that any advertisement displayed inside a building shall not be included;

“**building**” means any structure or erection and any part of any structure or erection of any kind whatsoever whether permanent, temporary or movable, and whether completed or uncompleted;

“**building operations**” include rebuilding operations, structural alterations or additions to buildings and other similar operations and the making of access roads, railways, waterworks, sewerage and drainage works, electrical and telephone installations and any road works preliminary to, or incidental to, the erection of buildings;

“**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;

“**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;

**“development”** means—

- (a) the making of any material change in the use or density of any buildings or land or the subdivision of any land which for the purpose of this Act is classified as Class “A” development; and
- (b) the erection of such buildings or works and the carrying out of such building operations, as the Minister may from time to time determine, which for the purposes of this Act is classified as Class “B” development:

Provided that—

- (i) the carrying out of works for the maintenance or improvement or other alteration, of or addition to, any building where such alteration or addition does not exceed 10 per cent of the floor area of the building measured on the date this Act becomes applicable to the area in which that building or land is situated;
- (ii) the carrying out by a competent authority of any works required for the construction, maintenance or improvement of a road, if the works are carried out on land within the road reserves;
- (iii) the carrying out by any local authority or statutory body of any works for the purpose of inspecting, repairing or renewing any sewers, mains, pipes, cables or other apparatus, including breaking-open of any street for that purpose and the installation of services by such local authority or statutory body,

shall not constitute development for the purposes of this Act:

Provided further that any local authority or statutory body shall within seven days, after completion of works carried out as in subparagraph (iii), restore the site to conditions that would not be injurious to users and the environment;

For the avoidance of doubt, it is hereby declared that, for the purposes of this Act—

- (a) the deposit of refuse, scrap or waste materials on land involves a change of use thereof;
- (b) the use as two or more dwellings of a building previously used as one dwelling constitutes Class “A” development;
- (c) the erection of more than one dwelling or shop or of both dwelling and shop on one plot constitutes Class “A” development;
- (d) the display of any advertisement constitutes Class “A” development;
- (e) the use of any buildings or land within the curtilage of a dwelling for any purpose incidental to the enjoyment of the dwelling constitutes Class “A” development;

**“development application”** means an application made under section 31 for permission to develop land;

**“development permission”** means a development permission granted under section 33 by a local authority to an applicant to develop land;

“**Director**” means the Director of Physical Planning appointed under section 4;

“**dwelling**” means a building or any part or portion of a building, used or constructed, adapted or designed to be used for human habitation, as a separate tenancy or by one family only, whether detached, semi-detached, or separated by party walls or floors from adjoining buildings or part or portion of the same building together with such out-buildings as are reasonably required to be used or enjoyed therewith;

“**enforcement notice**” means a notice served by a local authority under section 38 on the owner, occupier or developer of the land requiring that owner, occupier or developer to comply with provisions of that section;

“**existing building**” or “**existing works**” means, respectively, a building or works erected, constructed or carried out before the date this Act becomes applicable to the area in which the building or works are situated, and includes a building or works, as the case may be, commenced before, but completed after such date;

“**existing use**” means in relation to any building or land the use of that building or land for any purpose of the same character as that for which it was used before the date this Act becomes applicable to the area in which the building or land is situated:

Provided that where an existing use of land is, after such date, extended onto, under or over adjoining land, whether such adjoining land is held under the same title or not, such extension shall not be an existing use for the purposes of this Act;

“**function**” includes power and duties;

“**land**” includes any land covered with water, and any buildings or other things attached to land, and any interest or right of easement in, to or over land;

“**Land Control Board**” means as Land Control Board established under section 5 of the Land Control Act (Cap. 302);

“**local authority**” has the meaning assigned to it in the Local Government Act (Cap. 265);

“**local physical development plan**” means a plan for the area or part thereof of a city, municipal, town or urban council and includes a plan with reference to any trading or marketing centre;

“**Minister**” means the Minister for the time being responsible for physical planning;

“**owner**”, in the case of freehold land means the person owning such land, and in the case of any land held under a lease for a period of not less than ten years, or for the natural life of any person or which is renewable from time to time at the will of the lessee indefinitely, or for periods which together with the first period thereof amount in all to not less than ten years, and includes any agent who receives rents or profits from any such persons and also any superintendent, overseer, or manager or any such owner of the freehold or lessee in respect of the holding on which he resides as such superintendent, overseer or manager;

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**“Permanent Secretary”** means the Permanent Secretary for the time being responsible for physical planning;

**“Physical Planning Liaison Committee”** means the National Physical Planning Liaison Committee, the Nairobi Physical Planning Liaison Committee, the District Physical Planning Liaison Committee, or as the case may be, the Municipal Physical Planning Liaison Committee established under section 7 and any reference to the Liaison Committee shall be construed accordingly;

**“private land”** means leasehold or freehold as defined in the Government Lands Act (Cap. 280), or the Registered Land Act (Cap. 300);

**“regional physical development plan”** means a plan for the area or part thereof of a county council;

**“registered physical planner”** means a person who is holding a certificate as a registered physical planner under section 7 of the Physical Planners Registration Act, 1996;

**“road”** means any road whether public or private and includes any street, square, court, alley, bridge, footway, path, passage or highway whether a thoroughfare or not;

**“safeguarding area”** means any area adjoining any land owned or occupied by the armed forces of the Republic and which is declared by the Minister by notice in the *Gazette* to be a safeguarding area for the purposes of this Act;

**“short-term plan”** means a local physical development plan which elaborates in detail policies and proposals in relation to precise areas of land, and which provides the basis for both positive and regulatory planning to be realised within a specified period of time not exceeding 10 years and includes—

- (a) an action plan for comprehensive planning of areas selected for intensive change, which is to commence within a specified period, by improvement, re-development or new development, restoration and reuse of derelict land;
- (b) an advisory plan indicating permitted subdivision and use of land specified in such plan;
- (c) a subject plan for detailed treatment of a particular aspect of planning in relation to a part or the whole of a local physical development plan;
- (d) a part development plan indicating precise sites for immediate implementation of specific projects or for alienation purposes;

**“special planning area”** means an area that cuts across the boundaries of two or more local authorities and which has spatial or physical development problems and declared as such under section 23;

**“subdivision”** 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 by conveyance, transfer or partition or for the purpose of sale, gift, lease or any other purpose;

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**“the Kenya National Highways Authority”** means the Authority of that name established under the Kenya Roads Act, 2007;

**“the Kenya Rural Roads Authority”** means the Authority of that name established under the Kenya Roads Act, 2007;

**“the Kenya Urban Roads Authority”** means the Authority of that name established under the Kenya Roads Act, 2007;

**“unalienated Government land”** means Government land which is not for the time being leased to any person, or in respect of which the Commissioner of Lands has not issued any letter of allotment or reservation.

[Act No. 2 of 2007, Fifth Sch.]

## PART II – ADMINISTRATION

### 4. Director of Physical Planning, and other officers

(1) There shall be appointed by the Public Service Commission a Director of Physical Planning and such other officers, who shall be public officers, as may be deemed necessary for the purposes of this Act.

(2) The Director shall be the chief Government adviser on all matters relating to physical planning and shall in addition perform such functions as are conferred upon him by or under this Act.

(3) The principal office of the Director shall be at Nairobi but there may be established such other offices at such places as the Director may from time to time determine.

### 5. Functions of the Director

(1) The Director shall—

- (a) formulate national, regional and local physical development policies, guidelines and strategies;
- (b) be responsible for the preparation of all regional and local physical development plans;
- (c) from time to time initiate, undertake or direct studies and research into matters concerning physical planning;
- (d) advise the Commissioner of Lands on matters concerning alienation of land under the Government Lands Act (Cap. 280) and the Trust Land Act (Cap. 288) respectively;
- (e) advise the Commissioner of Lands and local authorities on the most appropriate use of land including land management such as change of user, extension of user, extension of leases, subdivision of land and amalgamation of land; and
- (f) require local authorities to ensure the proper execution of physical development control and preservation orders.

(2) The Director may delegate in writing any of his functions under this Act, either generally or specially to any officer appointed under section 4(1) and may at any time revoke or vary such delegation:

Provided that no such delegation shall be deemed to have divested the Director of all or any of his functions, and he may, if he thinks fit, perform such functions notwithstanding that he had delegated those functions.

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**6. Indemnity for Director and officers**

The Director or any officer appointed under section 4(1) shall not be personally liable to any action or other proceeding for or in respect of any act done or omitted to be done without negligence and in good faith in the exercise or purported exercise of any of the functions conferred by or under this Act.

PART III – ESTABLISHMENT AND COMPOSITION  
OF PHYSICAL PLANNING LIAISON COMMITTEES

**7. Establishment of Physical Planning Liaison Committees**

There shall be established the Physical Planning Liaison Committees in accordance with the provisions of section 8.

**8. Composition of Physical Planning Liaison Committees**

(1) The National Physical Planning Liaison Committee (hereinafter in this Act referred to as “the National Liaison-Committee”) shall consist of the following members—

- (a) the Permanent Secretary, who shall be the Chairman;
- (b) the Director who shall be the secretary;
- (c) the Permanent Secretary for the time being in charge of the Provincial Administration;
- (d) the Commissioner of Lands;
- (e) the Director of Medical Services;
- (f) the Director of Surveys;
- (g) the Director of National Environmental Secretariat;
- (h) The Director of Urban Development;
- (i) the Director of Housing;
- (j) the Director of Agriculture;
- (k) the Director of Industry;
- (l) the Director of Education;
- (m) the Director of Water Development;
- (n) the Chief Engineer (Roads), Ministry of Public Works and Housing;
- (na) the Director-General of the Kenya National Highways Authority;
- (nb) the Director General of the Kenya Rural Roads Authority;
- (nc) the Director-General of the Kenya Urban Roads Authority;
- (o) the Chief Architect, Ministry of Public Works and Housing; and
- (p) a Registered Physical Planner in private practice duly appointed by the Minister on the advice of the Physical Planners Registration Board.

(2) The Nairobi Physical Planning Liaison Committee shall consist of the following members—

- (a) the Provincial Commissioner of Nairobi, who shall be the Chairman;
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- (b) the Director of City Planning and Architecture, who shall be the secretary;
- (c) the Director;
- (d) the Commissioner of Lands;
- (e) the Director of Housing;
- (f) the Director of Agriculture;
- (g) the Director of Urban Development;
- (h) the Director of Surveys;
- (i) the Director of Medical Services;
- (j) the Director, National Environment Secretariat;
- (k) the Director-General of the Kenya Urban Roads Authority;
- (l) the General Manager, Water Sewerage Department, Nairobi City Council;
- (m) the Director of City Education;
- (n) the Director of Water Development;
- (o) the Chief Architect, Ministry of Public Works and Housing;
- (p) the Town Clerk, Nairobi City Council; and
- (q) a registered physical planner in private practice duly appointed by the Minister on the advice of the Physical Planners Registration Board.

(3) Each District Physical Planning Liaison Committee shall consist of the following members—

- (a) the District Commissioner who shall be the chairman;
  - (b) the District Physical Planning Officer who shall be the secretary;
  - (c) the Clerk of the County Council;
  - (d) the District Lands Officer;
  - (e) the District Surveyor;
  - (f) a representative of the Kenya Rural Roads Authority;
  - (g) the District Education Officer;
  - (h) the District Agricultural Officer;
  - (i) the District Water Engineer;
  - (j) the District Community Development Officer;
  - (k) the District Public Health Officer;
  - (l) the Clerks of all Urban and Town Councils within the respective districts;
  - (m) the Chairmen of Town Planning and Works Committees of all local authorities in the respective districts;
  - (n) the District Environment Officer;
  - (o) the District Social Development Officer;
  - (p) the District Architect; and
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- (q) a registered physical planner in private practice duly appointed by the Minister on the advice of the Physical Planners Registration Board.

(4) Each Municipal Physical Planning Liaison Committee shall consist of the following members—

- (a) the District Commissioner who shall be the chairman;
- (b) the District Physical Planning Officer who shall be the secretary;
- (c) the Town Clerk;
- (d) the District Land Officer;
- (e) the District Water Engineer;
- (f) a representative of the Kenya Urban Roads Authority;
- (g) the Chairman of the Municipal Town Planning and Works Committee;
- (h) the District Environment Officer;
- (i) the District Surveyor;
- (j) the Municipal Architect;
- (k) the Director of Social Services of the Municipal Council concerned; and
- (l) a registered physical planner in private practice duly appointed by the Minister on the advice of the Physical Planners Registration Board.

[Act No. 2 of 2007, Fifth Sch.]

#### **9. Co-opted members of liaison committees**

Notwithstanding the provisions of section 8, a liaison committee may co-opt such other persons as it deems fit to assist the committee in its deliberations.

#### **10. Functions of Liaison Committees**

(1) The functions of the National Physical Planning Liaison Committee shall be—

- (a) to hear and determine appeals lodged by a person or local authority aggrieved by the decision of any other liaison committee;
- (b) to determine and resolve physical planning matters referred to it by any of the other liaison committees;
- (c) to advise the Minister on broad physical planning policies, planning standards and economic viability of any proposed subdivision of urban or agricultural land; and
- (d) to study and give guidance and recommendations on issues relating to physical planning which transcend more than one local authority for purposes of co-ordination and integration of physical development.

(2) The functions of other liaison committees shall be—

- (a) to inquire into and determine complaints made against the Director in the exercise of his functions under this Act or local authorities in the exercise of his functions under this Act or local authorities in the exercise of their functions under this Act;
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- (b) to enquire into and determine conflicting claims made in respect of applications for development permission;
- (c) to determine development applications for change of user or subdivision of land which may have significant impact on contiguous land or be in breach of any condition registered against a title deed in respect of such land;
- (d) to determine development applications relating to industrial location, dumping sites or sewerage treatment which may have injurious impact on the environment as well as applications in respect of land adjoining or within a reasonable vicinity of safeguarding areas; and
- (e) to hear appeals lodged by persons aggrieved by decisions made by the Director or local authorities under this Act.

#### **11. Procedure of liaison committees**

(1) At every meeting of a liaison committee one half of the members (excluding the co-opted members) shall constitute a quorum and all decisions of the committee shall be taken by a vote of the majority of the members (excluding co-opted members) present and voting, and in the case of an equality of votes the chairman or the member acting as chairman shall have a casting vote in addition to his deliberative vote.

(2) A liaison committee shall meet at least once every month.

(3) The secretary to a liaison committee shall prepare the agenda for, and circulate minutes of, every meeting.

(4) No member of a liaison committee shall take part in the deliberation of any matter of which he is directly interested or concerned with.

#### **12. Record of proceedings of liaison committee**

The record of proceedings of a liaison committee shall be kept and filed in the office of the secretary to the committee and may be inspected and copies thereof obtained upon payment of such fees as the Minister may from time to time prescribe.

#### **13. Appeals to liaison committees**

(1) Any person aggrieved by a decision of the Director concerning any physical development plan or matters connected therewith, may within sixty days of receipt by him of notice of such decision, appeal to the respective liaison committee in writing against the decision in such manner as may be prescribed.

(2) Subject to subsection (3), the liaison committee may reverse, confirm or vary the decision appealed against and make such order as it deems necessary or expedient to give effect to its decision.

(3) When a decision is reversed by the liaison committee it shall, before making any order under subsection (2), afford the Director an opportunity of making representations as to any conditions or requirements which in his opinion ought to be included in the order, and shall also afford the appellant an opportunity of replying to such representations.

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**14. Protections of the members of liaison committees**

No member of a liaison committee shall be liable to any action, suit or proceedings for or in respect of any act done or omitted to be done in good faith in the exercise or purported exercise of the functions conferred under this Act.

**15. Appeals to the National liaison Committee and to High Court**

(1) Any person aggrieved by a decision of a liaison committee may, within sixty days of receipt by him of the notice of such a decision, appeal to the National Liaison Committee in writing against the decision in the manner prescribed.

(2) The National Liaison Committee may reverse, confirm or vary the decision appealed against.

(3) The provisions of this Act relating to the determination by the Director or local authority of objections to physical development plans or development applications, as the case may be, or the determination of an appeal under section 13, shall apply *mutatis mutandis* to the determination of appeals by the National Liaison Committee under this section.

(4) Any person aggrieved by a decision of the National Liaison Committee under this section may appeal to the High Court against such decision in accordance with the rules of procedure for the time being applicable to the High Court.

**PART IV – PHYSICAL DEVELOPMENT PLANS***A—Regional Physical Development Plan***16. Purpose of regional physical development plans**

(1) A regional physical development plan may be prepared by the Director with reference to any Government land, trust land or private land within the area of authority of a county council for the purpose of improving the land and providing for the proper physical development of such land, and securing suitable provision for transportation, public purposes, utilities and services, commercial, industrial, residential and recreational areas, including parks, open spaces and reserves and also the making of suitable provision for the use of land for building or other purposes.

(2) For the purposes of subsection (1), a regional physical development plan may provide for planning, replanning, or reconstructing the whole or part of the area comprised in the plan, and for controlling the order, nature and direction of development in such area.

**17. Content of regional physical development plan**

(1) A regional physical development plan, in relation to an area, shall consist of—

- (a) a technical report on the conditions, resources and facilities in the area;
  - (b) a statement of policies and proposals with regard to the allocation of resources and the locations for development within the area;
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- (c) such description and analysis of the conditions of development in the area as may be necessary to explain and justify the statement of policies and proposals;
- (d) relevant studies and reports concerning physical development of the area;
- (e) maps and plans showing present and future land uses and development in the area; and
- (f) such other information as the Director may deem necessary.

(2) The Director shall, in addition to the provisions of subsection (1), take into account those matters specified in the First Schedule when preparing a regional physical development plan.

#### **18. Special provisions to be inserted in regional physical development plan**

Without prejudice to section 17 special provisions shall be included in a regional physical development plan—

- (a) defining the scope of the plan; and
- (b) defining the area to which the plan relates.

#### **19. Objections**

(1) The Director shall, not later than thirty days after the preparation of a regional physical development plan, notify in writing to the local authority who's area is affected by the plan to make representation in respect of the plan and publish a notice in the *Gazette* and in such other manner as he deems expedient to the effect that the plan is open for inspection at the place or places and the times specified in the notice.

(2) The notice shall request any interested person who desires to make any representations against, or objections to the plan, shall write to the Director not later than sixty days after the date of the first publication of the notice or such date as is specified in the notice.

(3) The Director may in his discretion accommodate or decline to accommodate such representations or objections to the plan, and in either case, shall within thirty days of his decision, notify the petitioner in writing accordingly, and shall give reasons in the case of decline.

(4) If the petitioner is aggrieved by the decision of the Director he may appeal to the relevant liaison committee under section 13 against such decision and to the National Liaison Committee under section 15 if he is aggrieved by the decision of the respective liaison committee.

(5) A person who is aggrieved by a decision of the National Liaison Committee may appeal against such decision to the High Court in accordance with the rules of procedure for the time being applicable in the High Court.

#### **20. Approved of regional physical development plan**

(1) If after the expiration of the sixty days no representations against, or objections to, the plan have been made to the Director, the Director shall certify the plan in triplicate and submit the certified plans to the Minister for his approval.

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(2) The Minister may approve any regional physical development plan either without, or subject to, such conditions or modifications as he may consider necessary or may refuse approval in which case he may require the Director to prepare a new plan for his approval taking into account the proposed modifications or the grounds for his refusal.

(3) Any regional physical development plan submitted to the Minister under subsection (1) for his approval may be approved by him within sixty days from the date the plan is submitted to him unless he refuses such approval within that period.

#### **21. Publication of approved regional physical development plan**

(1) The Minister shall within fourteen days after he has approved the regional physical development plan, cause to be published in the *Gazette*, by the Director, a notice to the effect that the plan has been approved with or without modifications and may be inspected at the places and times specified in the notice during normal working hours.

(2) An approved regional physical development plan published under subsection (1), shall have full force and effect in the area to which it relates, and every person shall comply with the requirements of the approved plan.

(3) On the approval of the regional physical development plan no development shall take place on any land unless it is in conformity with the approved plan.

#### **22. Amendments of approved regional physical development plan**

(1) Subject to the provisions of this section, the Director, may from time to time and in such manner as may be prescribed, submit to the Minister proposals for the revocation or modification of an approved regional physical development plan on either or both of the following grounds—

- (a) that there are practical difficulties in the execution or enforcement of the approved plan;
- (b) that there has been change of circumstances since the plan was approved.

(2) The Director shall publish in the *Gazette* a notice of the proposed revocation or modification of the approved plan stating the period within which representations or objections to the proposed modification or revocation may be made to the Director.

(3) If after the expiration of the period specified in the notice no representations or objections have been made to him under subsection (2), the Director shall submit the proposed modification or revocation of the approved plan to the Minister for his approval.

(4) The Minister may approve or refuse to approve the proposed revocation or modification of the approved plan.

(5) When the proposed revocation or modification has been approved by the Minister the Director shall, not later than sixty days after the approval, publish in the *Gazette* a notice of such revocation or modification of the approved plan.

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**23. Special planning area**

(1) The Director may, by notice in the *Gazette*, declare an area with unique development potential or problems as a special planning area for the purpose of preparation of a physical development plan irrespective of whether such an area lies within or outside the area of a local authority.

(2) Subject to subsection (3), the Director may by notice in the *Gazette*, suspend for a period of not more than two years, any development he deems necessary in a special planning area until the physical development plan in respect of such area has been approved by the Minister.

(3) Where, before the declaration of a special planning area under subsection (1), a development permission has been granted by a local authority for development in the area such permission shall not be affected by the suspension if the development in respect of which the permission is granted has been commenced not less than six months before the suspension of development of the kind in the special planning area.

*B—Local Physical Development Plan***24. Preparation of local physical development plan**

(1) The Director may prepare with reference to any Government land, trust land or private land within the area of authority of a city, municipal, town or urban council or with reference to any trading or marketing centre, a local physical development plan.

(2) A local physical development plan may be a long-term or short-term physical development or for a renewal or redevelopment and for the purpose set out in the Third Schedule in relation to each type of plan.

(3) The Director may prepare a local physical development plan for the general purpose of guiding and coordinating development of infrastructural facilities and services for an area referred to in subsection (1), and for the specific control of the use and development of land or for the provision of any land in such area for public purposes.

(4) The Director may include in a local physical development plan any or all of the matters specified in the Second Schedule.

**25. Content of local physical development plan**

A local physical development plan shall consist of—

- (a) a survey in respect of the area to which the plan relates carried out in such manner as may be prescribed; and
- (b) such maps and description as may be necessary to indicate the manner in which the land in the area may be used having regard to the requirements set out in the Third Schedule in relation to each type of local physical development plan.

**26. Objections**

(1) The Director shall later than thirty days after the preparation of a local physical development plan, publish a notice in the *Gazette* and in such other manner as he deems expedient to the effect that the plan is open for inspection at the place or places and at the times specified in the notice.

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(2) The provisions of Sub-Part “A” relating to the making of representations or objections to the Director concerning regional physical development plans and to the consideration by the Director of such representations or objections and to appeals shall apply *mutatis mutandis* to this section.

#### **27. Approval of local physical development plan**

(1) The provisions of Sub-Part “A” relating to the approval or disapproval of a regional physical development plan shall apply *mutatis mutandis* to the approval or disapproval of a local physical development plan by the Minister under this section.

(2) A local physical development plan approved under subsection (1) shall not be altered in any manner without the prior written authorization of the Director.

#### **28. Publication of approved local physical development plan**

The Minister shall within fourteen days after he has approved a local physical development plan cause to be published in the *Gazette*, by an officer authorized by him, a notice to the effect that the plan has been approved with or without modification and may be inspected at the place or places and times specified in the notice during normal working hours.

### **PART V – CONTROL OF DEVELOPMENT**

#### **29. Powers of local authorities**

Subject to the provisions of this Act, each local authority shall have the power—

- (a) to prohibit or control the use and development of land and buildings in the interests of proper and orderly development of its area;
- (b) to control or prohibit the subdivision of land or existing plots into smaller areas;
- (c) to consider and approve all development applications and grant all development permissions;
- (d) to ensure the proper execution and implementation of approved physical development plans;
- (e) to formulate by-laws to regulate zoning in respect of use and density of development; and
- (f) to reserve and maintain all the land planned for open spaces, parks, urban forests and green belts in accordance with the approved physical development plan.

#### **30. Development permission**

(1) No person shall carry out development within the area of a local authority without a development permission granted by the local authority under section 33.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable to a fine not exceeding one hundred thousand shillings or to an imprisonment not exceeding five years or to both.

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(3) Any dealing in connection with any development in respect of which an offence is committed under this section shall be null and void and such development shall be discontinued.

(4) Notwithstanding the provisions of subsection (2)—

- (a) the local authority concerned shall require the developer to restore the land on which such development has taken place to its original condition within a period of not more than ninety days;
- (b) if on the expiry of the ninety days notice given to the developer such restoration has not been effected, the concerned local authority shall restore the site to its original condition and recover the cost incurred thereto from the developer.

(5) Subject to subsection (7) no licensing authority shall grant, under any written law, a licence for commercial or industrial use or occupation of any building, or in respect of any premises or land, for which no development permission had been granted by the respective local authority.

(6) For the purposes of subsection (5)—

- (a) commercial use includes shops, offices, hotels, restaurants, bars, kiosks, markets and similar business enterprises and trade but does not include petroleum filling stations;
- (b) industrial use includes manufacturing, processing, distilling and brewing, warehousing and storage, workshops and garages, mining and quarrying and other similar industrial activities including petroleum filling stations.

(7) No local authority shall grant a development permission for any of the purposes mentioned in subsection (5) without a certificate of compliance issued to the applicant by the Director or an officer authorized by him in that behalf.

(8) Any person who contravenes subsection (5), or (7), shall be guilty of an offence and shall be liable to a fine not exceeding one hundred thousand shillings or to an imprisonment not exceeding twelve months or to both.

### **31. Development application**

(1) Any person requiring a development permission shall make an application in the form prescribed in the Fourth Schedule, to the clerk of the local authority responsible for the area in which the land concerned is situated.

(2) The application shall be accompanied by such plans and particulars as are necessary to indicate the purposes of the development, and in particular shall show the proposed use and density, and the land which the applicant intends to surrender for—

- (a) purposes of principal and secondary means of access to any subdivisions within the area included in the application and to adjoining land;
  - (b) public purposes consequent upon the proposed development.
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**32. Development applications to be referred to the Director**

(1) A local authority to which a development application has been made under section 31 shall, not later than thirty days after the receipt of the application, refer it to the Director for his comments.

(2) The Local Authority may, when considering a development application submitted to it under subsection (1), consult with any or all of the following officers or authorities—

- (a) the Director of Survey;
- (b) the Commissioner of Lands;
- (c) the Chief Engineer (Roads), Ministry of Public Works and Housing;
- (d) the Chief Public Health Officer of the Ministry of Health;
- (e) the Director of Agriculture;
- (f) the Director of Water Development;
- (g) the Director of Livestock Development;
- (h) the Director of Urban Development;
- (i) the Chief Architect, Ministry of Public Works and Housing;
- (j) the Director of Forests; and
- (k) such other relevant authorities as the Local Authority deems appropriate.

(3) The Local Authority shall, when considering a development application submitted to it under subsection (1)—

- (a) be bound by any relevant regional or local physical development plan approved by the Minister;
- (b) have regard to the health, amenities and conveniences of the community generally and to the proper planning and density of development and land use in the area;
- (c) have regard to any comments received from the Director, officers or authorities referred to in subsections (1) and (2);
- (d) in the case of a leasehold, have regard to any special conditions stipulated in the lease.

(4) If any development application requires subdivision or the change of user of any agricultural land, the Local Authority shall require the application to be referred to the relevant Land Control Board.

(5) The relevant Land Control Board shall recommend to the Local Authority to accept or reject the application for subdivision or change of user and shall give reasons for its recommendations to the Local Authority within thirty days.

**33. Approval of development application**

(1) Subject to such comments as the Director may make on a development application referred to him under section 32, a local authority may in respect of such development application—

- (a) grant the applicant a development permission in the form prescribed in the Fifth Schedule, with or without conditions; or
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- (b) refuse to grant the applicant such development permission stating the grounds of refusal.

(2) The local authority shall notify the applicant in writing of its decision within thirty days of the decision being made by it and shall specify the conditions, if any, attached to the development permission granted, or in the case of refusal to grant the permission, the grounds for refusal.

(3) Any person who is aggrieved by the decision of the local authority refusing his application for development permission may appeal against such decision to the relevant liaison committee under section 13.

(4) Any person who is aggrieved by a decision of the liaison committee may appeal against such decision to the National Liaison Committee under section 15.

(5) An appeal against a decision of the National Liaison Committee may be made to the High Court in accordance with the rules of procedure for the time being applicable to the High Court.

#### **34. Deferment of development application**

A local authority may, if it deems it expedient, by notice of deferment served on the applicant in the manner prescribed defer consideration of development application for such period and for such reasons as may be specified in the notice.

#### **35. Certain development applications to be referred to relevant liaison committee**

(1) A local authority shall refer any development application, which in its opinion involves matters of major public policy, to the relevant liaison committee.

(2) Where a development application has been referred to the relevant liaison committee under subsection (1) for determination, the provisions of this part relating to the consideration of development applications by local authorities shall apply *mutatis mutandis* to this section:

Provided that before determining any such development application the liaison committee, if so requested by either the applicant or the Director, afford each of them an opportunity to make representations in writing to the committee for its consideration.

(3) A person aggrieved by the decision of the liaison committee may, not later than thirty days after he has been notified of the committee's decision, appeal against such decision in writing to the National Liaison Committee.

(4) Any person aggrieved by the decision of the National Liaison Committee may appeal to the Resident Magistrate's Court in accordance with the rules of procedure for the time being applicable to the Senior Resident Magistrate's Court.

#### **36. Environmental impact assessment**

If in connection with a development application a local authority is of the opinion that proposals for industrial location, dumping sites, sewerage treatment, quarries or any other development activity will have injurious impact on the environment, the applicant shall be required to submit together with the application an environmental impact assessment report.

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**37. Registration of documents**

(1) The Registrar shall refuse to register a document relating to the development of land unless a development permission has been granted as required under this Act in respect of such development or unless the appropriate conditions relating to such development permission have been complied with.

(2) For the purposes of subsection (1) “**Registrar**” has the same meaning respectively assigned to it in section 2 of the Government Lands Act (Cap. 280), section 2 of the Registration of Titles Act (Cap. 281), section 3 of the Registered Land Act (Cap. 300) and in relation to land to which part II of Land Titles Act (Cap. 282) applies means the Principal Registrar or any Registrar appointed for the purposes of that part.

**38. Enforcement notice**

(1) When it comes to the notice of a local authority that the development of land has been or is being carried out after the commencement of this Act without the required development permission having been obtained, or that any of the conditions of a development permission granted under this Act has not been complied with, the local authority may serve an enforcement notice on the owner, occupier or developer of the land.

(2) An enforcement notice shall specify the development alleged to have been carried out without development permission, or the conditions of the development permission alleged to have been contravened and such measures as may be required to be taken within the period specified in the notice to restore the land to its original condition before the development took place, or for securing compliance with those conditions, as the case may be, and in particular such enforcement notice may require the demolition or alteration of any building or works or the discontinuance of any use of land or the construction of any building or the carrying out of any other activities.

(3) Unless an appeal has been lodged under subsection (4) an enforcement notice shall take effect after the expiration of such period as may be specified in the notice.

(4) If a person on whom an enforcement notice has been served under subsection (1) is aggrieved by the notice he may within the period specified in the notice appeal to the relevant liaison committee under section 13.

(5) Any person who is aggrieved by a decision of the liaison committee may appeal against such decision to the National Liaison Committee under section 15.

(6) An appeal against a decision of the National Liaison Committee may be made to the High Court in accordance with the rules of procedure for the time being applicable to the High Court.

(7) 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 made under subsection (4), (5) or (6).

**39. Supplementary provisions as to enforcement**

(1) If, within the period specified in the enforcement notice or within such further period as the local authority may determine any measures required to be taken (other than discontinuance of any use of land) have not been taken, the

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local authority may enter on the land and take those measures and may, without prejudice to any penalties that may be imposed or any other action that may be taken under this Act, recover from the person on whom the enforcement notice is served, any expenses reasonably incurred by it in connection with the taking of those measures.

(2) If such person has not lodged an appeal under section 38 he shall not be entitled to question the validity of any action taken by the local authority under subsection (1) upon any grounds, that could have been raised in such appeal.

(3) Where a local authority has taken action under subsection (1) any material removed by it from the land in pursuance of such action shall, unless the owner claims and removes such material within thirty days, be sold and the proceeds thereof, after deduction of any expenses reasonably incurred by the local authority in connection with such action and sale, be paid to the owner.

(4) Any person who obstructs, or otherwise interferes with, a local authority in the execution of its functions under subsection (1) shall be guilty of an offence and shall be liable to a fine not exceeding fifty thousand shillings or to an imprisonment not exceeding two years or to both.

#### **40. Power of Minister as to enforcement**

The Minister may, in writing, direct a local authority to take such action as he considers appropriate in order to ensure that the provisions of this Part are complied with without undue delay on the part of any person.

### **PART VI – MISCELLANEOUS**

#### **41. Subdivision of land**

(1) No private land within the area of authority of a local authority may be subdivided except in accordance with the requirements of a local physical development plan approved in relation to that area under this Act and upon application made in the form prescribed in the Fourth Schedule to the local authority.

(2) The subdivision and land use plans in relation to any private land shall be prepared by a registered physical planner and such plans shall be subject to the approval of the Director.

(3) Where in the opinion of a local authority an application in respect of development, change of user or subdivision has important impact on contiguous land or does not conform to any conditions registered against the title deed of property, the local authority shall, at the expense of the applicant, publish the notice of the application in the *Gazette* or in such other manner as it deems expedient, and shall serve copies of the application on every owner or occupier of the property adjacent to the land to which the application relates and to such other persons as the local authority may deem fit.

(4) If the local authority receives any objection to, or representation in connection with, an application made under subsection (1) the local authority shall notify the applicant of such objections or representations and shall before the application is determined by it afford the applicant an opportunity to make representations in response to such objections or representations.

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(5) A local authority may approve with or without such modifications and subject to such conditions as it may deem fit, or refuse to approve, an application made under subsection (1).

(6) Any person aggrieved by a decision of the local authority under subsection (5) may appeal against such decision to the respective liaison committee:

Provided that if such person is aggrieved by a decision of the liaison committee he may appeal against such decision to the National Liaison Committee in writing stating the grounds of his appeal:

Provided further that the appeal against a decision of the National Liaison Committee may be made to the High Court in accordance with the rules of procedure for the time being applicable to the High Court.

#### **42. Disposal of land, extension of lease, etc.**

(1) Subject to the provisions of the Government Lands Act (Cap. 280), the Trust Land Act (Cap. 282) and any other written law relating to the administration of land, no subdivision, consolidation, lease or renewal of lease of an unalienated Government Land or Trust Land or of a private land shall be effected without due regard being had to the requirements of the relevant physical development plan.

#### **43. Access to records**

It shall be lawful for the Director, an officer or a local authority to demand the production of, and make extracts from, all registers or other records or any deeds or instruments belonging to, or in the custody or possession of, any public officer or any person and in which are contained particulars of any land or property affected by any physical development plan.

#### **44. Secrecy**

Any information obtained by the Director, an officer or a local authority under section 43 shall be treated in confidence and shall not be divulged to any other person except by an order of a court in connection with any legal proceedings, and the provisions of Official Secrets Act (Cap. 187) shall apply to this section for that purpose.

#### **45. Service of notice**

Any notice or order under this Act shall be made in writing and any notice or order shall be served or given to any person or his agent or shall be sufficiently served if it is left at the last known postal, residential or business address of the person to be served or if it is so sent by registered post addressed to the person, and in the latter case the notice or order shall be deemed to have been received by the person in the ordinary course of post.

#### **46. Right of entry**

(1) Subject to subsections (2) and (3) and to section 43, any person authorized in writing by the Director or a local authority shall have the right to enter upon any land or premises at all reasonable times with such men, vehicles, materials and instruments and to do all such acts thereon as are necessary for or incidental to the exercise of the powers conferred, or the performance of the duties imposed, by this Act.

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(2) A person shall not have the right to enter upon any land or premises until after the expiration of forty-eight hours after a notice of entry has been served on the owner or occupier of the land or premises.

(3) The owner or occupier of any land or premises affected by the exercise of a right of entry under subsection (1) shall be entitled to compensation for any damage caused by the person entering upon the land or premises:

Provided that nothing done by any duly authorized person in the *bona fide* execution or purported execution of his functions under this section shall make such person personally liable for any claim.

(4) Any person who hinders or obstructs the authorized person in the exercise of any of the powers conferred by subsection (1), shall be guilty of an offence and liable to a fine not exceeding twenty thousand shillings or to imprisonment not exceeding two years or to both.

#### **47. Preservation of buildings of Special Architectural values or historic interest**

(1) Subject to the provisions of the National Museums and Heritage Act, the Director may, after consultation with the Board of National Museums serve on the owner or occupier of a building which in the opinion of the Director is of special architectural value or historic interest, an order prohibiting the demolition, alteration or extension of such building.

(2) The Director shall not make an order under subsection (1) in respect of any building declared under the National Museums and Heritage Act to be a monument.

(3) All regional and development plans shall take into account and record all heritage declared or deemed to have been declared by the Minister under the National Museums and Heritage Act (Cap. 216).

[Act No. 6 of 2006, s. 76.]

#### **48. False statement**

Any person who knowingly—

- (a) makes any false statement in or in connection with any application or appeal under this Act; or
- (b) gives any false information in connection with any application or appeal under this Act,

shall be guilty of an offence and shall be liable to a fine not exceeding twenty thousand shillings or to an imprisonment not exceeding two years or to both.

#### **49. Regulations**

(1) The Minister may make regulations for carrying into effect the purposes of this Act.

(2) Without prejudice to subsection (1) such regulations may provide—

- (a) for the forms to be used and fees to be charged under this Act;
  - (b) for the procedure for making applications to the liaison committees and local authorities; and
  - (c) for making appeals to the Minister and liaison committees.
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**50. Amendment of Schedules**

The Minister may by notice published in the *Gazette* amend or revoke any of the Schedules.

**51. Government to be bound**

Except where otherwise exempted or in respect of development by or on behalf of the armed forces of the Republic the Government shall be bound by the provision of this Act.

**52. Publication of notice in newspapers**

Every notice published in the *Gazette* under any of the provisions of this Act, except the notices published under sections 49 and 50, shall be simultaneously published in at least two local dailies, one in English and one in Kiswahili and be displayed at the offices of the Chiefs.

**53. Repeals**

The Town Planning Act (Cap. 134) and the Land Planning Act (Cap. 303) are hereby repealed.

**54. Transitional provisions**

(1) Any approval for development granted under any building by-laws, given under the provisions of any written law, in force immediately prior to the commencement of this Act, shall be deemed to be a development permission granted under this Act:

Provided that such approval shall cease to have effect unless the development in respect of which approval was given has been commenced within twenty-four months prior to the commencement of this Act.

(2) The functions previously exercised by the Central Authority under the Land Planning Act (Cap. 302) shall stand transferred to the Physical Planning Liaison Committees under this Act.

(3) An application for permission to develop land made to the Commissioner of Lands or any local authority before the commencement of this Act, being an application that has not been determined before such commencement shall, for the purposes of this Act, be deemed to be an application for development permission made under this Act.

(4) An application for permission to develop land made to the Commissioner of Lands before the commencement of this Act; being an application that has not been determined by the Commissioner of Lands before such commencement shall for the purposes of this Act, be deemed to be a development application made to the local authority for the area in which the land is situated, and shall be deemed to have been made on the commencement of this Act.

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*Physical Planning*

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FIRST SCHEDULE

[Section 17(2).]

MATTERS WHICH MAY BE DEALT WITH IN  
REGIONAL PHYSICAL DEVELOPMENT PLAN

PART I – ANALYSIS

1. Population growth, projections, distribution and movement.
2. Land potential including distribution of agricultural land potentials, their relative values, population and land imbalance, land tenure and other natural resource endowments.
3. Employment and incomes including characteristics of employment, income distribution, the labour force, potential of the informal sector and their locations.
4. Human settlements including distribution of existing services, growth and pattern of urbanization, cause of primacy, and rural-urban migration.

PART II – POLICY

5. Alternative development patterns including rural development, urban development and interrelations between urban and rural development.
6. Strategies for human settlements in the area including development of service centres, growth centres, transport and communication network and rural development.

PART III – IMPLEMENTATION

These include sectoral approach to development and measures for implementation and co-ordination in these sectors, namely industrial development, housing, transportation, health services, education, water supply, sewerage and electricity supply.

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SECOND SCHEDULE

[Section 24(2).]

MATTERS WHICH MAY BE DEALT WITHIN  
LOCAL PHYSICAL DEVELOPMENT PLAN

1. Every local physical development plan, shall have for its general purpose orderly, co-ordinated, harmonious and progressive development of the area to which it relates in order to promote health, safety, order, amenity, convenience and general welfare of all its inhabitants, as well as efficiency and economy in the process of development and improvement of communications.
  2. Classification of the plan area for residential, commercial, industrial and other purposes, including the provision of special areas for factories, or industries generally, or for shops, warehouses, stores, stables and other buildings used for commercial and industrial purposes and fixing the sites for buildings required for
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any of the purposes mentioned in paragraph 1 and for open spaces, public and private, and prohibiting the carrying on of any trade or manufacture, or the erection of any building, in a particular part of the area otherwise than in accordance with the provisions of the plan.

**3.** The basis for disposing of land acquired, or to be acquired under the plan by a local authority or relevant authority.

**4.** The replanning and reconstruction of the plan area, or any part thereof, including any provisions necessary for—

- (a) the pooling of the lands of several owners, (or any lands, roads, streets, or rights-of-way adjacent or near thereto); and apportionment of planning fees, and other expenses of preparing the plan among the owners concerned;
- (b) the redivision of such land among such owners;
- (c) providing for or making new roads, streets, or right-of-way;
- (d) adjusting and altering the boundaries, areas, shapes, and positions of any such land, road, street, or right-of-way;
- (e) effecting such exchanges of land or cancellation of existing subdivision as may be necessary or convenient for the purposes mentioned above in this paragraph;
- (f) adjustment of rights between owners or other persons interested in such lands, roads, streets, or right-of-way;
- (g) the vesting of such lands, roads, streets, or right-of-way, subject to any rights or trust, and any other provisions necessary for giving effect to the purpose mentioned above in this paragraph.

**5.** Determining type and density of development generally or in any particular locality.

**6.** Conservation of the natural beauty of the area, including lakes and other inland waters, banks of rivers, foreshore of harbours, and other parts of the sea, hill slopes and summits and valleys.

**7.** The preservation and enhancement of historic buildings and objects of architectural, archaeological, historical or scientific interest.

**8.** Probable routes for railways and canals, probable sites for bridges, docks, harbours, piers, quarries, powerlines, telecommunication; water drainage and sewerage; or any other work or undertaking of public utility.

**9.** Works ancillary to or consequent on the plan.

**10.** The closure or variation of any right-of-way or easement, public or private or of any restrictive covenants affecting land.

**11.** Power of entry and inspection.

**12.** Basis for the local authority to acquire land or buildings or make any agreement or proposal in respect thereto.

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- 13.** Basis for the local authority to remove, alter or demolish and to prohibit, regulate and control the maintenance, alteration and reconstruction of any building which obstructs the observance or carrying out of the plan.
- 14.** Basis for the local authority to declare any land referred to in the plan as land reserved for streets to be public streets.
- 15.** Basis for the local authority to execute street works on land referred to in the plan as land reserved for streets and incidental works upon adjacent land.
- 16.** Power of the local authority, subject to the approval of the Minister and subject to such of the provisions of the Public Roads and Roads of Access Act (Cap. 399), and the Street Adoption Act (Cap. 406) as are applicable to land reserved for streets by the plan, be reserved for streets.
- 17.** Basis for the local authority to fix the building lines not shown on the map illustrating the plan.
- 18.** Power of the local authority to permit buildings in advance of building lines fixed by the plan.
- 19.** Basis for the local authority to fix improvement lines for existing streets and building.
- 20.** The area to which the plan is to apply.
- 21.** The recovery of expenses incurred in giving effect to the plan, and the time and manner of payment of such expenses.
- 22.** The carrying out and completion of the plan generally, and particularly the time and manner in which, and the person and authorities by whom or by which the plan, or any part thereof, shall be carried out and completed and its observance ensured.
- 23.** Limitation of time for the operation of the plan, or of any parts of the plan, for the renovation of any works which are to be executed as part of the plan.
- 24.** Where any group of plots or holdings of land are compulsorily pooled and redistributed or where the boundaries, areas, shapes or positions of any plots or buildings or land are compulsorily readjusted by a plan approved under this Act the provisions of the Registered Land Act (Cap. 300) shall take effect.
- 25.** Any matter necessary or incidental to local physical development plan.

The mention of particular matters in this Schedule shall not prejudice or affect the generality of any other matter.

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## THIRD SCHEDULE

[Section 24(2).]

## LONG-TERM, SHORT-TERM, RENEWAL AND RE-DEVELOPMENT PLANS

*A—LONG-TERM PLAN**Purpose*

The purpose of long-term plans include—

- (i) interpreting regional physical development policies in terms appropriate to the local area;
- (ii) articulating the aims of the Government and local authority for the area together with strategies, policies and general proposals which are intended to achieve those aims;
- (iii) providing a framework for detailed policies and proposals for subsequent short-term plans for the area;
- (iv) indicating action area for immediate development or re-development;
- (v) providing a co-ordinated basis upon which various implementing agencies can develop their individual programmes of work for which they have executive responsibility, for example, housing, transportation, water supply, electricity supply, sewerage developments, etc.;
- (vii) showing amount of land sufficient to accommodate growth of the local area over a period of 20 to 30 years; and
- (viii) outlining the transportation and communication networks to serve the area over a period of 20 to 30 years.

*Content of Long-Term Plans*

(a) Statement of problems and objectives:

These include—

- (i) main problems of the local area for example, housing, unemployment, traffic congestion, pollution, land tenure, lack of services, bad terrain or soils, etc., all based on a preliminary reconnaissance of the local area;
- (ii) opportunities of the local area, for example, tourism, fishing, manufacturing, etc.; and
- (iii) main objectives of the plan to alleviate the local area problems and maximize utility of any specific opportunities.

(b) Physical analysis:

These include—

- (i) general statements on the terrain, soils and climate together with illustrations using maps and charts to show what areas are physically suitable for development;
  - (ii) existing land uses and development potential pattern of development, land tenure system and cadastral outlay of all development.
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## (c) Population and economic base:

These include—

- (i) population growth, migration, density, and distribution, age and sex structure, household sizes and rates of household formation;
- (ii) employment and incomes including where people go to work and what trend and problems there are in relation to services;
- (iii) agricultural potential of the urban region showing various agricultural activities and the process as well as problems of transforming the agricultural land into urban use;
- (iv) peri-urban slum settlements and problems they pose;
- (v) potential, distribution and size of service centres within and outside the urban boundary together with evaluation of urban boundary extension;
- (vi) evaluation of the importance of such factors as commerce and tourism within extended areas of the township administration;
- (vii) housing occupancy rates, accommodation density, housing requirements, type of residential areas and industrial locations;
- (viii) other social aspects including education, recreation areas and other public purpose land uses.

## (d) Communication and services:

These include—

- (i) historical pattern and condition of communications networks such as roads, footpaths, cycle ways, railway lines, depots, water ways, docks, etc.; and
- (ii) historical patterns and conditions of water and sewerage networks including plan programmes.

## (e) Power and telephone lines:

These must be analyzed with respect to their wayleaves requirements.

## (f) Land Use Projection Tables:

These include a master table showing the relationship of existing population and land uses to realistic projections.

## (g) Maps and Development Models:

These include—

- (i) existing situation and sieve maps of the physical constraints or thresholds to development;
  - (ii) existing land use maps;
  - (iii) development model map showing land use designation and distribution alongside a clear transport and communication network.
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***B—SHORT-TERM PLANS***

Short-term plans are of the following types—

- (a) Action are plans, for comprehensive planning of areas selected for intensive development, which is to commence within a specified period.
- (b) Subject Plans, for detailed treatment of a particular planning aspect, for example, residential, transportation, water supply, sewerage, etc., in part or all of a long-term plan.
- (c) Advisory or zoning plans, indicating permitted subdivision, use and density of development.
- (d) Part developments plans, indicating precise sites for immediate implementation of specific projects including land alienation purposes.

The form and content of short-term plans differ with plan types and in most cases will reflect details and proposals of a long-term plan, where it exists. However, the most important considerations in their preparation shall be—

- (i) an assessment of immediate land requirement to accommodate specific population needs as they arise for a period of 3 to 5 years;
- (ii) detailed allocation of the land requirements to various land uses taking into account compatibility of adjoining land uses and conforming with a long-term plan proposals for the area; and
- (iii) Identification of authorities to service and/or develop the various land use allocations.

Except for part development plans, other short-term plans may be prepared by commissioned registered physical planners. In order to ensure that plans prepared by registered physical planners conform to long-term plans prepared by the Director, all such plans must have a seal of approval of the Director before their implementation.

***C—RENEWAL OR REDEVELOPMENT PLANS***

The purpose of renewal or redevelopment plans include—

- (a) providing a broad land use framework illustrating a co-ordinated policy of renewal and guiding both public and private redevelopment activities;
  - (b) providing a road pattern and traffic networks designed to improve vehicular access and parking space and also facilitate segregation of vehicles and pedestrians;
  - (c) providing a basis for determining development applications on extensions of leases, extension of users and change of users.
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Physical Planning

The form and content of renewal plans include a set of written statements and land use maps whose details are outlined below—

Content of Renewal Plans

(a) Land use pattern analysis:

The analysis must deal with policy statements and land use proposals to facilitate—

- (i) conservation of areas whose historic, architectural, or commercial values are relatively high;
- (ii) improvement of general up-grading of areas whose existing conditions are desirable; and
- (iii) comprehensive cumulative redevelopment of areas whose conditions are undesirable.

(b) Traffic systems:

This analysis should comprise policy statement and land use proposals for—

- (i) safe pedestrian movement;
- (ii) easy access to buildings;
- (iii) efficient circulation of traffic with business;
- (iv) convenient and ample public car parks; and
- (v) efficient road links, among other things.

Note—Preparation of renewal plans can be done by Director or registered planners as in short-term plans.

FOURTH SCHEDULE

[Section 31(1).]

Form P.P.A. 1

Registered Number of Application .....

APPLICATION FOR DEVELOPMENT PERMISSION

(To be submitted in TRIPLICATE in respect of each transaction and sent to or left at appropriate office of the Local Authority).

To the .....

(Insert Name and address of the appropriate Local Authority 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 .....

Signature of Applicant or Agent

Physical Planning

FOURTH SCHEDULE—continued

If signed by Agent state:

Name .....

Address .....

Profession .....

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. lessee, prospective purchaser, etc. and whether the consent of the owner to this application has been obtained.
- 4. (a) L.R. or parcel No. ....  
     (b) Road, District and Town .....
- (c) Acreage .....
- 5. If an application has been previously submitted state the registered number of the application .....

SECTION B – SUBDIVISION

- 6. Describe briefly the proposed subdivision including the purposes for which land and/or buildings are to be used .....
- 7. 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 .....
- 8. State whether the construction of a new or an alternative of an existing means of access to or from a road is involved .....
- 9. State method of:
  - (a) Water supply .....
  - (b) Sewerage disposal .....
  - (c) Surface water disposal .....
  - (d) Refuse disposal .....
- 10. Give details of any relevant easements affecting the proposed subdivision ...

FOURTH SCHEDULE—*continued*

SECTION C – EXTENSION OF LEASE OR USER OR CHANGE OF USER

- 11. State whether subdivision is involved and if so whether permission has been applied for and if so give registered number of the application .....  
.....  
.....
  - 12. Describe briefly the proposed development including the purpose for which land and/or buildings are to be used .....  
.....  
.....
  - 13. 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 .....  
.....  
.....
  - 14. State whether the construction of a new or alternative of an existing means of access to or from a road is involved .....  
.....  
.....
  - 15. If the proposed development consists only of a change of user and does not involve building operations state the exact nature of such change .....  
.....  
.....
  - 16. If the site abuts on road junction, give details and height of any proposed walls, fence, etc., fronting thereon .....  
.....  
.....
  - 17. State method of:
    - (a) Water supply .....
    - (b) Sewerage disposal .....
    - (c) Surface water disposal .....
    - (d) Refuse disposal .....
  - 18. Give details of any relevant easements affecting the proposals  
.....  
.....  
.....
  - 19. State the:
    - (a) Area of land affected .....
    - (b) Area covered by buildings .....
-

Physical Planning

FOURTH SCHEDULE—continued

- (c) Percentage of site covered .....
- (i) by existing buildings .....
- (ii) by proposed buildings .....

Note—Drawing and specifications must be prepared and signed by a registered physical planner.

FIFTH SCHEDULE

[Section 33(1)(a).]

Form P.P.A. 2

Registered Number of Application .....

NOTIFICATION OF APPROVAL/REFUSAL/DEFERMENT OF DEVELOPMENT PERMISSION

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

Your application number as above, submitted on .....  
..... for permission to .....  
on L.R. a Parcel No. .... situate in .....  
road ..... has been .....  
on (date) ..... by the  
for the following reasons/subject to the following conditions:

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

Date ..... Signed .....  
for Local Authority

- c.c. The Commissioner of Lands, Nairobi.
- The Land Registrar.
- The Town/County Clerk.
- The Director of Physical Planning, Nairobi.
- The Director of Surveys, Nairobi.

