

**THE NYERI COUNTY PHYSICAL AND LAND USE PLANNING BILL, 2020**

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**THE NYERI COUNTY PHYSICAL AND LAND USE PLANNING BILL, 2020**

**A Bill for**

**AN ACT** of the County Assembly of Nyeri to provide for the planning, use, regulation and development of land and for connected purposes.

**ENACTED** by the County Assembly of Nyeri, as follows—

**PART I — PRELIMINARY**

<i>Short title</i>	1. This Act may be cited as the Nyeri County Physical and Land Use Planning Act, 2020.
<i>Application and commencement</i>	2. Save as stated otherwise in this Act or other written law, this Act shall apply to all property in the County and shall come into operation on such day as the County Executive Committee Member shall appoint and publish in the Gazette.
<i>Interpretation.</i>	3. In this Act, unless the context otherwise requires—
	<b>"advertisement"</b> 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 article and without prejudice to the foregoing includes any billboard or similar structure used or adapted for use for the display of advertisement and references to the display of advertisements shall be construed accordingly;
	<b>"building"</b> 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 incomplete;
	<b>"building operations"</b> 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;
	<b>"building or works"</b> 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;
	<b>"Cabinet Secretary"</b> means the Cabinet Secretary for the time being responsible for matters related to Physical and Land Use Planning;

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	<b>"commercial use"</b> includes shops, offices, hotels, restaurants, bars, kiosks and similar business enterprises but does not include petroleum filling stations;
	<b>"Commission"</b> means the National Land Commission established under Article 67 of the Constitution;
	<b>"County Executive Committee Member"</b> means the County Executive Committee Member for the time being responsible for matters relating to Physical and Land Use Planning in Nyeri County;
	<b>"density"</b> 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;
	<b>"development"</b> means carrying out any works on land or making any material change in the use of any structures on the land;
	<b>"development control"</b> means the process of managing or regulating the carrying out of any works on land or making of any material change in the use of any land or structures and ensuring that operations on land conform to spatial development detailed plans as well as policy guidelines, regulations and standards issued by the planning authority from time to time in order to achieve a purposeful utilization of land in the interest of the general welfare of the public;
	<b>"Director"</b> means the "County Director of Physical and Land Use Planning" appointed under section 10;
	<b>"dwelling"</b> means any house or part of a house or room used as a separate dwelling in any building and includes a garden or other premises within the curtilage of and used as a part of the dwelling house;
	<b>"electronic media"</b> includes a television, radio, computer, mobile phone, tablet or any other device that may be used to transmit information;
	<b>"emerging technologies"</b> include telecommunication installations, information and communications technology parks and aviation services;
	<b>"existing building" or "existing works"</b> 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;

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	<p><b>"existing use"</b> 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:</p> <p>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;</p>
	<p><b>"industrial use"</b> includes manufacturing, processing, distilling, brewing, warehousing and storage, workshops and garages, mining and quarrying, power generation and similar industrial activities including petroleum filling stations;</p>
	<p><b>"Inter-County Physical and Land Use Development Plan"</b> means a Plan for the area covering two or more counties or parts thereof;</p>
	<p><b>"land"</b> has the meaning assigned to it in Article 260 of the Constitution of Kenya, 2010;</p>
	<p><b>"land use planning"</b> means the process of designating, regulating, evaluating, zoning and organizing the present and future use and development of land in all its geographical areas and its resources to secure the physical, economic and social efficiency, health and well-being of urban and rural communities;</p>
	<p><b>"Liaison Committee"</b> means the Nyeri County Physical and Land Use Planning Liaison Committee established under Section 66;</p>
	<p><b>"Local Physical and Land Use Development Plan"</b> means a Plan for the area or part thereof of a city, municipality, town or urban centre and includes a Plan with reference to any trading or market centre;</p>
	<p><b>"physical planning"</b> means the active process of organizing the physical infrastructure and its functions to ensure orderly and effective siting or location of land uses, and it encompasses deliberate determination of spatial detailed plans with an aim of achieving the optimum level of land utilization in a sustainable manner;</p>
	<p><b>"planning authority"</b> with respect to county government planning functions means the County Executive Committee Member in charge of matters relating to the physical and land use in Nyeri County.</p>
	<p><b>"public purposes"</b> means the purposes of—</p>

	<ul style="list-style-type: none"> <li>(a) transportation including roads, canals, highways, railways, bridges, wharves and airports;</li> <li>(b) public buildings including schools, libraries, hospitals, factories, religious institutions and public housing;</li> <li>(c) public utilities for water, sewage, electricity, gas, communication, irrigation and drainage, dams and reservoirs;</li> <li>(d) public parks, playgrounds, gardens, sports facilities and cemeteries;</li> <li>(e) security and defence installations;</li> <li>(f) settlement of squatters, the poor and landless and the internally displaced persons; and</li> <li>(g) any other similar public purpose.</li> </ul>
<i>No. 3 of 1996</i>	<b>"registered physical planner"</b> means a person who is holding a certificate as a registered physical planner under Section 7 of the Physical Planners Registration Act, 1996;
	<b>"safeguarding area"</b> means any area adjoining any land owned or occupied by the Kenya Defence Forces; and
	<b>"spatial planning"</b> means the methodology and approach used to influence the distribution of people and activities to achieve optimal utilization of physical, economic and sociocultural resources
<i>Objects of the Act.</i>	<p>4. The objects and purpose of this Act are to provide—</p> <ul style="list-style-type: none"> <li>(a) a framework within which the Nyeri County shall perform and exercise its constitutional functions and powers under Article 187 and 209 (3), (4) and (5) of the Constitution as read together with the Fourth Schedule of the Constitution;</li> <li>(b) the principles, procedures and standards for the preparation and implementation of physical and land use development detailed plans within Nyeri County;</li> <li>(c) the administration and management of physical and land use planning within Nyeri County;</li> <li>(d) the procedures and standards for development control and the regulation of physical planning and land use;</li> <li>(e) a mechanism for dispute resolution with respect to physical and land use planning;</li> <li>(f) a framework for equitable and sustainable use, planning and management of land;</li> <li>(g) a robust, comprehensive and responsive system of physical and land use planning and regulation;</li> </ul>

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	<p>(h) a framework to ensure that investments in property benefit local communities and their economies ensure efficiency, accountability and transparency in administration of valuation land for rating;</p> <p>(i) promote economic development;</p> <p>(j) ensure equity and fairness in land valuation and rating system; and</p> <p>(k) ensure compliance with payment of rates related to land.</p>
<p><i>Values and principles</i></p>	<p>5. Every County officer, and person engaged in physical planning or land use regulation is bound by the Constitution and in particular —</p> <p>(a) the national values and principles set out in Articles 10 and 232 of the Constitution;</p> <p>(b) the principles of land policy set out in Article 60 of the Constitution;</p> <p>(c) the leadership and integrity principles set out in Articles 73 and 75 of the Constitution; and</p> <p>(d) the principles, procedures, and standards of physical and land use planning contemplated in this Act.</p>

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<p><i>Establishment of the Nyeri County Physical and Land Use Planning Consultative Forum</i></p>	<p>6. (1) There is established a consultative forum to be known as the Nyeri County Physical and Land Use Planning Consultative Forum.</p> <p>(2) The Consultative Forum shall comprise —</p> <ul style="list-style-type: none"> <li>(a) the County Executive Committee Member responsible for matters related to physical and land use planning who shall be the Chairperson and shall provide the secretariat;</li> <li>(b) the County Director of Physical and Land Use Planning;</li> <li>(c) the Chairperson of the Committee responsible for matters relating to physical and land use planning in the Nyeri County Assembly;</li> <li>(d) the County Executive Committee Member responsible for matters related to economic planning;</li> <li>(e) the County Executive Committee Member responsible for matters related to the environment;</li> <li>(f) the County Executive Committee Member responsible for matters related to roads and infrastructure;</li> <li>(g) the County Executive Committee Member responsible for matters related to social and community development;</li> <li>(h) a person nominated by the Commission;</li> <li>(i) a person nominated by the Director-General of Physical and Land Use Planning;</li> <li>(j) a person residing and working or conducting business in Nyeri County nominated by the Kenya Institute of Planners;</li> <li>(k) a person residing and working or conducting business in Nyeri County nominated by the Institution of Surveyors of Kenya;</li> <li>(l) a person residing and working or conducting business in Nyeri County nominated by the Architectural Association of Kenya;</li> <li>(m) a person residing and working or conducting business in Nyeri County nominated by Kenya Private Sector Alliance;</li> <li>(n) a person residing and working or conducting business in Nyeri County nominated by the Registered Associations representing residents in the County;</li> <li>(o) a person residing and working or conducting business in Nyeri County nominated by the National Council for Persons with Disability; and</li> <li>(p) Any person co-opted by the County Physical and Land Use Planning Consultative Forum for that person's special skills, interest and knowledge.</li> </ul> <p>(3) The respective County Executive Committee Member in clause 2 (a) shall appoint members nominated under clause (2) (h), (i), (j), (k), (l), (m), (n), (o) and (p) by notice in the Gazette.</p>
<p><i>Functions of the Nyeri County</i></p>	<p>7. The functions of the Consultative Forum shall be to—</p>

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<p><i>Physical and Land Use Planning Consultative Forum</i></p>	<ul style="list-style-type: none"> <li>(a) provide a forum for consultation on County and Inter-County Physical and Land Use Development Detailed plans;</li> <li>(b) promote effective coordination and integration of physical and land use development and sector planning; and</li> <li>(c) advise on the mobilization of adequate resources for the preparation and implementation of physical and land use development detailed plans and strategies.</li> </ul>
<p><i>Meetings of the Consultative Forum.</i></p>	<p>8. (1) The Consultative Forum shall meet quarterly.</p> <p>(2) Subject to this Act and any other written law, the Consultative Forum may regulate its procedure.</p> <p>(3) The Consultative Forum may establish committees for the effective performance of its functions.</p>
<p><i>County Executive Committee Member for matters related to physical and land use planning to formulate policy.</i></p>	<p>9. The County Executive Committee Member for matters related to physical and land use planning shall be responsible for —</p> <ul style="list-style-type: none"> <li>(a) formulating a county policy on physical and land use planning; and</li> <li>(b) promoting the integration of County Physical and Land Use Planning functions and sectorial planning levels.</li> </ul>
<p><i>County Director of Physical and Land Use Planning</i></p>	<p>10. (1) There is established the office of the County Director of Physical and Land Use Planning of the County Government of Nyeri which shall be an office in the county public service headed by the Director.</p> <p>(4) The Director shall advise and be answerable and responsible to the County Executive Committee Member for matters related to physical and land use planning.</p>
<p><i>Qualifications for appointment as a County Director of Physical and Land Use Planning.</i></p>	<p>11. A person is qualified for appointment as the County Director of Physical and Land use Planning if that person —</p> <ul style="list-style-type: none"> <li>(a) is a citizen of Kenya;</li> <li>(b) holds a bachelor's degree in Urban and Regional Planning or related discipline from a university recognized in Kenya ;</li> <li>(c) is registered as a physical planner under the Physical Planners Registration Act, 1996 and is in good standing with the relevant professional body;</li> <li>(d) has at least seven years' post-qualification professional experience in physical and land use planning; and</li> <li>(e) is not otherwise disqualified under the provisions of Chapter Six of the Constitution or any other written law.</li> </ul>

<p><i>Responsibilities of the County Director of Physical and Land Use Planning</i></p>	<p>12. The County Director of Physical and Land Use Planning shall be responsible for —</p> <ul style="list-style-type: none"> <li>(a) advising the county government on matters relating to physical and land use planning in the county;</li> <li>(b) formulating County Physical and Land Use Planning Policies, guidelines and standards;</li> <li>(c) preparation of County Physical and Land Use Development detailed plans;</li> <li>(d) preparation of Local Physical and Land Use Development detailed plans;</li> <li>(e) participating in the preparation of Inter-County Physical and Land Use Development detailed plans;</li> <li>(f) undertaking, research on matters relating to physical and land use development planning at the county level;</li> <li>(g) recommending to the county government the establishment of planning units as may be necessary;</li> <li>(h) maintaining a land information system to guide physical and land use planning;</li> <li>(i) communicating decisions of the county government on development applications; and</li> <li>(j) with the approval of the County Executive Committee Member; issuance of development permission and other development control instruments under this Act</li> </ul>
	<p style="text-align: center;"><b>PART III – TYPES OF PHYSICAL AND LAND USE DEVELOPMENT DETAILED PLANS</b></p>
<p><i>Types of Physical and Land Use Development Detailed plans</i></p>	<p>13. There shall be three types of Physical and Land Use Development Detailed plans: -</p> <ul style="list-style-type: none"> <li>a) Nyeri County Physical and Land Use Development Detailed plans;</li> <li>b) Local Physical and Land Use Development Detailed plans; and</li> <li>c) Inter-County Physical and Land Use Development Detailed plans.</li> </ul>
<p><i>County Physical and Land Use Development Plan</i></p>	<p>14. (1) The County Government of Nyeri shall prepare the Nyeri County Physical and Land Use Development Plan once in every ten years as set out in the First Schedule.</p> <p>(5) The Nyeri County Physical and Land Use Development Plan shall consist of —</p> <ul style="list-style-type: none"> <li>(a) policies, strategies and general proposals for the development and use of land;</li> <li>(b) a summary of the situational analysis;</li> </ul>

	<p>(c) proposals for proper county development, resource utilization and linkage with neighboring counties;</p> <p>(d) any diagrams, illustrations and description of current and anticipated developments in the county;</p> <p>(e) an implementation strategy;</p> <p>(f) a reporting, monitoring and evaluation strategy; and</p> <p>(g) Any other matters as may be prescribed.</p> <p>(6) In addition to the provisions of subsection (1) the County Government of Nyeri shall, in handling any issue relating to physical planning, take into account the matters specified in the First Schedule.</p> <p>(7) The Nyeri County Physical and Land Use Development Plan shall be in conformity with the National Physical and Land Use Development Plan and any relevant Inter-County Physical and Land Use Development Plan.</p> <p>(8) The County Executive Committee Member shall ensure the County Physical and Land Use Development Plan is prepared and published within a period of eighteen months from the time the notice of intention to prepare the plan is published.</p> <p>(9) There is outlined a procedure for formulating the Nyeri County Physical and Land Use Development Plan which shall be as set out in the Third Schedule hereunder.</p>
<p><i>Purpose and Objects of County Physical and Land Use Development Plan</i></p>	<p>15. The objects of the Nyeri County Physical and Land Use Development Plan shall incorporate procedures which shall include —</p> <p>(a) to provide an overall physical and land use development framework for the county;</p> <p>(b) to guide rural development and settlement;</p> <p>(c) to provide a basis for infrastructure and services delivery;</p> <p>(d) to guide the use and management of natural resources;</p> <p>(e) to enhance environmental protection and conservation;</p> <p>(f) to identify the proper zones for industrial, commercial, residential and social developments;</p> <p>(g) to improve transport and communication networks and linkages;</p> <p>(h) to promote the safeguarding of national security; and</p> <p>(i) any other purposes that may be determined by the planning authority.</p>
<p><i>Notice of intention to prepare a County</i></p>	<p>16. (1) At least twenty-one days before the commencement of the preparation of the Nyeri County Physical and Land Use Development plan, the County Executive Committee Member shall publish a notice</p>

<p><i>Physical and Land Use Development Plan.</i></p>	<p>in the Gazette detailing for the purpose of the general public, the intended preparation for the plan.</p> <p>(2) The notice shall include-</p> <p>(a) the intention to prepare the development plan,</p> <p>(b) the objects of the plan ;</p> <p>(c) the matters to be considered in the plan ;and the address to which any comments on the plan may be sent.</p> <p>(3) The notice shall be displayed for a period of fourteen days in a conspicuous place at the Offices of the County Government of Nyeri and such other places as may be necessary in all the wards within the county.</p> <p>(4) The Nyeri County Physical and Land Use Planning Consultative Forum shall hold adequate stakeholder meetings in each ward before the completion of the preparation of the Nyeri County Physical and Land Use Development Plan</p>
<p><i>Public Participation in the preparation of a County Physical and Land Use Development plan</i></p>	<p>17. (1) Within thirty days of the preparation of a County Physical and Land Use Development plan, the county planning authority shall publish a notice in the Gazette, in at least two newspapers of national circulation and through electronic media informing the public that the draft County Physical and Land Use Development Plan is available at the places and times specified in the notice.</p> <p>(2) The County Executive Committee Member shall facilitate public participation.</p> <p>(3) The County Executive Committee Member shall consider the comments made about the draft County Physical and Land Use Development plan and may incorporate the comments in the plan.</p> <p>(4) A person aggrieved by a decision of the county planning authority concerning the County Physical and Land Use Development plan or matters connected therewith, may within sixty days of receipt by him of notice of such decision, appeal to the County Physical and Land Use Planning liaison committee in writing against the decision in such manner as may be prescribed.</p> <p>(5) Subject to sub-section (4), the County Physical and Land Use Planning 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.</p>

	<p>(6) When a decision is reversed by the County Physical and Land Use Planning Liaison Committee, it shall, before making any order under sub-section (5), afford the county planning authority 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 to replying to such representations.</p> <p>(7) Any person aggrieved by a decision of the County Physical and Land Use Planning Liaison Committee under this section may appeal to the Environment and Land Court against such decision in accordance with the rules of procedure for the time being applicable to the High Court.</p>
<p><i>Completion and approval of a County Physical and Land Use Development plan</i></p>	<p>18. (1) If there are no applications for the review of a County Physical and Land Use Plan and to be heard and/or determined, the County Executive Committee Member shall submit the draft County Physical and Land Use Development Plan to the County Physical and Land Use Planning Consultative Forum for comments.</p> <p>(2) The County Physical and Land Use Planning Consultative Forum shall consider the plan and may propose changes which shall be incorporated in the plan.</p> <p>(3) Upon incorporation of the proposed changes by the County Physical and Land Use Planning Consultative Forum, the County Executive Committee Member shall submit the completed County Physical Land Use Development Plan to the county governor who shall cause it to be placed before the county assembly for approval.</p> <p>(4) On the approval of the County Physical and Land Use Development plan by the respective county assembly, the County Executive Committee Member shall publish the approved plan in the Gazette and in at least two newspapers with a national circulation within fourteen days of the approval and no development shall take place on any land unless it is in conformity with the approved plan.</p> <p>(5) A County Physical and Land Use Development plan shall be the basis for the preparation of sectoral programmes and projects in the county and sub-county levels.</p>
<p><i>Modification of a County Physical and Land Use Development Plan</i></p>	<p>19. (1) A County Executive Committee Member, on his own motion or on recommendation of the county government, may initiate the modification of a County Physical and Land Use Development plan if—</p>

	<p>(a) there are practical difficulties in the execution or enforcement of that County Physical and Land Use Development plan; or</p> <p>(b) there has been a change of circumstances since the County Physical and Land Use Development plan was approved.</p> <p>(2) On the approval of the county government, the County Executive Committee Member shall publish a notice in the Gazette, in at least two newspapers of national circulation and through electronic media notifying any interested parties of the proposed amendments to the County Physical and Land Use Development plan and the period within which interested parties may make representations to the County Executive Committee Member.</p> <p>(3) A proposal for amending a County Physical and Land Use Development plan shall —</p> <p>(a) state the reasons for the proposed amendment;</p> <p>(b) comply with the relevant provisions of the County Governments Act, 2012 (No. 17 of 2012); and</p> <p>(c) be in conformity with the National Physical and Land Use Development Plan and all relevant Inter-County Physical and Land Use Development Plans.</p> <p>(4) Where a County Executive Committee Member determines that a proposed amendment to the County Physical and Land Use Development plan shall affect other counties, the County Executive Committee Member shall consult the County Executive Committee Members in the counties that are likely to be affected and shall take into account their comments before incorporating the amendment to the County Physical and Land Use Development plan.</p> <p>(5) During the process of amending a County Physical and Land Use Development plan, the County Executive Committee Member shall ensure public participation.</p> <p>(6) The amended County Physical and Land Use Development plan shall be published by the county planning authority in accordance with section 18 of this Act.</p> <p>(7) This section shall not prevent the national government or a person ordinarily resident in a county from proposing an amendment to the County Physical and Land Use Development plan</p>
<i>Revision of a County Physical</i>	20. (1) A County Executive Committee Member may only initiate the process of revising a County Physical and Land Use Development plan

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<p><i>and Land Use Development plan</i></p>	<p>after eight years have elapsed since the county plan was published in the Gazette.</p> <p>(2) The provisions of section 19 of this Act shall apply with the necessary modifications to the revision of a County Physical and Land Use Development plan.</p>
<p><i>Establishment of Inter-County Joint Physical and Land Use Planning Committees.</i></p>	<p>21. (1) Where it is established by the county authorities that it is necessary for Nyeri county government to jointly with another county to formulate an Inter-County Physical and Land Use Development plan, the County Executive Committee Member shall in consultation with the other county and with the written approval of the Governor, by mutual agreement with the other county, or out of compelling necessity, formulate an Inter-County Physical and Land Use Development plan.</p> <p>(2) In the preparation of the Inter-County Physical and Land Use Development plan, the County Executive Committee Member shall seek to form with the other county, an Inter-County Joint Physical and Land Use Planning Committee.</p> <p>(3) The Inter-County Joint Physical and Land Use Planning Committee shall consist of—</p> <ul style="list-style-type: none"> <li>(a) the County Executive Committee Member of the respective counties;</li> <li>(b) two other relevant County Executive Committee Members from the respective counties nominated by the relevant county governor;</li> <li>(c) The Director-General of Physical and Land Use Planning who shall be an <i>ex-officio</i> member of the Committee.</li> </ul> <p>(4) The Inter-County Joint Physical and Land Use Planning Committee may co-opt such other persons as maybe necessary to assist it in performance of its duties.</p> <p>(5) The members of the Inter-County Joint Physical and Land Use Planning Committee appointed under sub clause 3(a) and (b) shall, during the first meeting of the Committee, elect from amongst themselves a chairperson and a vice chairperson provided that the chairperson and the vice chairperson shall not be County Executive Committee Members from the same county.</p> <p>(6) The Director-General of Physical and Land Use Planning shall, in consultation with the other members of the joint committee, convene the first meeting.</p>

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	<p>(7) The Director-General of Physical and Land Use Planning shall coordinate meetings of the Inter-County Joint Physical and Land Use Planning Committee and provide it with secretariat services.</p>
<i>Scope of Inter-County Physical and Land Use Development Plan</i>	<p>22. An Inter-County Physical and Land Use Development Plan shall —</p> <p>(a) define the scope of the plan; and</p> <p>(b) define the geographical area to which the plan relates.</p>
<i>Commencement of Inter-County Physical and Land Use Development Process</i>	<p>23. (1) The Inter-County Physical and Land Use Planning Joint Committee preparing an Inter-County Physical and Land Use Development Plan shall publish a notice of intention to prepare a plan in the Gazette, in at least two newspapers with a national circulation and through electronic media.</p> <p>(2) The notice published under sub-section (1) shall state the constitution of the Inter-County Physical and Land Use Planning Joint Committee, the broad reasons for the constitution of the joint committee and the joint committee's address where comments on the plan may be submitted.</p> <p>(3) The joint committee shall prepare and complete the Inter-County Physical and Land Use Development Plan within two years from the time notice of intention to prepare the plan is published.</p> <p>(4) The joint committee shall consult, publish, consider national security and hold stakeholders' meetings during the preparation of the Inter-County Physical and Land Use Development Plan.</p>
<i>Notice of and objections to an Inter-County Physical and Land Use Development Plan</i>	<p>24. (1) Within thirty days of the completion of an Inter-County Physical and Land Use Development Plan, the Inter-County Physical and Land Use Planning Joint Committee shall publish a notice in the Gazette and in at least two newspapers of nationwide circulation informing the public of the availability of the plan, at the place and time specified in the notice for inspection and that any interested person may, within fourteen days, comment on the content of the plan.</p> <p>(2) The Inter-County Physical and Land Use Planning Joint Committee shall, within twenty-one days expiry of the period for making comments under subsection (1), consider the comments made about the plan and may or may not incorporate the comments in the plan.</p> <p>(3) Within seven days of making a decision under subsection (2), the Inter-County Physical and Land Use Planning Joint Committee shall</p>

	<p>publish a notice in the Gazette and in at least two newspapers of nationwide circulation informing the public that a decision on the comments received by the joint committee has been made and that the reviewed draft Inter-County Physical and Land Use Development Plan is available for perusal at the place and time specified in the notice.</p> <p>(4) Any person dissatisfied with the decision of the Inter-County Physical and Land Use Planning Joint Committee may appeal to the National Physical and Land Use Planning Liaison Committee within fourteen days and the joint committee shall consider the application and make its determination within sixty days of the receipt of the application.</p> <p>(5) Any person aggrieved with the decision of the National Physical and Land Use Planning Liaison Committee may, appeal to the Environment and Land Court.</p>
<p><i>Approval of an Inter-County Physical and Land Use Development Plan.</i></p>	<p>25. (1) The County Executive Committee Member shall in consultation with the other counties request all counties participating in the Inter-County Physical and Land Use Development Plan to separately submit the detailed plans to the respective County Assemblies for approval and thereafter submit the same to the Director-General of Physical and Land Use Planning for coordination and certification.</p> <p>(2) Within thirty days of the completion of an Inter-County Physical and Land Use Development Plan or if comments on the plan have been heard and determined, the Inter-County Physical and Land Use Planning Joint Committee shall publish a notice in the Gazette and in at least two newspapers of national circulation informing the public that the Inter-County Physical and Land Use Development Plan is available for perusal at the place and time specified in the notice.</p> <p>(3) Before the Inter-County Physical and Land Use Development Plan can be implemented, the governors of the relevant counties shall adopt the plan at a joint meeting of the relevant governors that shall be organized by the Inter-County Physical and Land Use Planning Joint Committee.</p> <p>(4) The approved Inter-County Physical and Land Use Development Plan shall be deposited with the relevant County Director of Physical and Land Use Planning who shall submit certified copies of the plan to the Director General of Physical and Land Use Planning and the Commission.</p>

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<p><i>Implementation of the Inter-County Physical and Land Use Development Plan.</i></p>	<p>26. (1) In addition to the national physical and land use development plan, the Inter-County Physical and Land Use Development Plan shall inform the preparation of a County Physical and Land Use Development plan, a Local Physical and Land Use Development plan or an urban area physical and land use development plan for the county governments within the planning area covered by the Inter County Physical and Land Use Development Plan.</p> <p>(2) Where a National Physical and Land Use Development Plan and an Inter-County Physical and Land Use Development Plan have not been prepared or approved, county governments may prepare other physical and land use development detailed plans which will be incorporated into the National Physical and Land Use Development Plan or the relevant Inter-County Physical and Land Use Development Plan after they have been prepared and approved in accordance with this Act.</p>
<p><i>Status Reports on an Inter-County Physical and Land Use Development Plan.</i></p>	<p>27. The County Executive Committee Member shall, where there has been approved an Inter-County Physical and Land Use Development Plan relating to Nyeri County, at least three months before the end of a financial year, submit a report on the implementation of the Plan to the Commission and the Cabinet Secretary for their purposes.</p>
<p><i>Local Physical and Land Use Development Plan.</i></p> <p><i>No 13 of 2011</i></p>	<p>28. (1) The County Government of Nyeri shall prepare a Local Physical and Land Use Development plan in respect of a city, municipality, town or unclassified urban area, including local centers and market centers, as the case may be.</p> <p>(2) A Local Physical and Land Use Development plan may be for long-term physical and land use development, short-term physical and land use, development, urban renewal or redevelopment and for the purposes set out in the Second Schedule in relation to each type of plan.</p> <p>(3) A Local Physical and Land Use Development plan shall be consistent with an Integrated City or Urban Development Plan as contemplated under Part V of the Urban Areas and Cities Act, 2011</p>
<p><i>Purpose of a Local Physical and Land Use Development Plan</i></p>	<p>29. The County Government of Nyeri shall prepare a Local Physical and Land Use Development plan for —</p> <ul style="list-style-type: none"> <li>(a) zoning, urban renewal, or redevelopment;</li> <li>(b) guiding and coordinating the development of infrastructure;</li> <li>(c) regulating the land use and land development;</li> <li>(d) providing a framework for coordinating various sectorial agencies; and</li> <li>(e) Providing a framework and guidelines on building and works development in the city, municipality, urban area, or other</li> </ul>

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	smaller urban centers including local centers, and market centers.
<i>Initiation and preparation of Local Physical and Land Use Development Plan.</i>	30. The preparation of a Local Physical and Land Use Development plan may be initiated by the County Executive Committee Member
<i>Contents of a Local Physical and Land Use Development Plan.</i>	31. (1) A Local Physical and Land Use Development plan shall consist of — (a) a survey report in respect of the area to which the plan relates carried out as the manner specified in the Second Schedule; and (b) any Geographical Information System-based maps and descriptions as may be necessary to indicate the manner in which the land in the area may be used in accordance with the requirements of the Second Schedule.  (2) The survey report in a Local Physical and Land Use Development plan should include technical annexes and a sieve analysis of gradient, environment and infrastructure so as to provide for maximum locations for new developments.
<i>Notice of objections and approvals to a Local Physical and Land Use Development Plan.</i>	32. (1) Within thirty days of the preparation of a Local Physical and Land Use Development plan, the Nyeri county planning authority shall publish a notice in the Gazette, in at least two newspapers of national circulation and through electronic media informing the public that the plan is available at the places and times designated in the notice for inspection and that an interested person may comment on the content of the plan.  (2) The provisions of the Second Schedule relating to the making of representations or objections to the County Physical and Land Use Planning liaison committee concerning County Physical and Land Use Development detailed plans and to the consideration by the committee of such representations or objections and to appeals shall apply with necessary modifications to this section. (3) The provisions of the Second Schedule relating to the approval or disapproval of a County Physical and Land Use Development plan shall apply with necessary modifications, to the approval or disapproval of a Local Physical and Land Use Development plan.
<i>Publication of Local Physical</i>	33. The County Executive Committee Member shall within fourteen days after the approval of a Local Physical and Land Use Development plan

<p><i>and Land Use Development Detailed plans.</i></p>	<p>publish a notice in the Gazette and in at least two newspapers of national circulation and through electronic media that the plan has been approved with or without modification and that the plan may be inspected at the place or places and times specified in the notice during normal working hours.</p>
<p><i>Amendment or Revision of Local Physical and Land Use Development Plan.</i></p>	<p>34. (1) The County Executive Committee Member may by notice in the gazette review a Local Physical and Land Use Development plan where—</p> <p style="padding-left: 40px;">(a) there are practical difficulties in the implementation of the plan; or</p> <p style="padding-left: 40px;">(b) There has been change of circumstances since the plan was approved.</p> <p>(2) Where the County Executive Committee Member intends to revise a Local Physical and Land Use Development plan, the provisions of the second schedule shall apply with the necessary modifications.</p> <p>(3) A County Executive Committee Member may initiate the revision of a Local Physical and Land Use Development plan after a period of three years after the plan has been approved in accordance with sub-section (1) or as the need arises.</p>
<p><i>Declaration of a Special Planning Area.</i></p>	<p>35. (1) The County Government of Nyeri may, on its own motion or as may be requested by the national government or the National Physical and Land Use Planning Consultative Forum, declare an area as a special planning area where —</p> <p style="padding-left: 40px;">(a) that area has unique development, natural resource, environmental potential or challenges;</p> <p style="padding-left: 40px;">(b) that area has been identified as suitable for intensive and specialized development activity;</p> <p style="padding-left: 40px;">(c) the development of that area might have significant effect beyond that area's immediate locality;</p> <p style="padding-left: 40px;">(d) the development of that area raises significant urban design and environmental challenges; or</p> <p style="padding-left: 40px;">(e) the declaration is meant to guide the implementation of strategic national projects; or guide the management of internationally shared resources.</p> <p>(4) Where the County Government of Nyeri has declared an area to be a special planning area, the County Executive Committee Member may, by notice in the Gazette, suspend for a period of not more than two years any development in the special planning area until a</p>

	<p>physical and land use development plan in respect of that area has been approved.</p> <p>(5) Despite sub-section (2), where planning permission has been granted in an area declared to be a special planning area before the declaration is made, the permitted development shall be permitted to continue but only if planning permission was granted more than six months before the declaration of the special planning area.</p> <p>(6) The County Government of Nyeri shall declare an area as a special planning area by notice in the Gazette and in at least two newspapers of national circulation and the notice shall specify the area declared as a special planning area and the nature of the proposed development for which the declaration has been made.</p> <p>(7) A county planning authority may publish such Regulations as may be necessary to promote public participation during the process of declaring an area a special planning area.</p> <p>(8) A Physical and Land Use Development Plan prepared for a special planning area shall undergo the process of approval in accordance with section 33 of this Act.</p>
<p><i>Contents of a special area plan.</i></p>	<p>36. A special area plan shall contain —</p> <p>(a) a written statement highlighting the grounds for the declaration of a special plan area;</p> <p>(b) the challenges the special plan intends to address;</p> <p>(c) the geographical area covered by the special plan;</p> <p>(d) the infrastructure needs of the special plan area;</p> <p>(e) a detailed assessment of the social, environmental and economic conditions of the special plan area;</p> <p>(f) proposed zones in the special plan area;</p> <p>(g) proposed conditions for development in the special plan area;</p> <p>(h) how public participation and innovative approaches will be used in planning and implementation process; and</p> <p>(i) a framework for the implementation, monitoring and evaluation of the special plan.</p>
<p><i>Detailed plans to be made in accordance with this Act.</i></p>	<p>37. All detailed plans formulated under the Urban Areas and Cities Act, 2011 shall, with necessary modifications, be prepared and approved in accordance with this Act.</p>
	<p><b>PART IV- PHYSICAL DEVELOPMENT DETAILED PLANS</b> <i>A-Regional Physical Development Plan</i></p>

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<p><i>Purpose of regional physical development detailed plans</i></p>	<p>38. (1) A Regional Physical Development Plan may be prepared by the Director with reference to the county government land, trust land or private land within the area of authority of a County Government 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.</p> <p>(2) For purposes of subsection (1), a Regional Physical Development Plan may provide for planning, re-planning, 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.</p>
<p><i>Contents of Regional Physical Development Plan</i></p>	<p>39. (1) A Regional Physical Development Plan, in relation to an area, shall consist of —</p> <ul style="list-style-type: none"> <li>(a) a technical report on the conditions, resources and facilities in the area;</li> <li>(b) a statement of policies and proposals with regard to the allocation of resources and the locations for development within the area;</li> <li>(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;</li> <li>(d) relevant studies and reports concerning physical development of the area;</li> <li>(e) maps and detailed plans showing present and future land uses and development in the area; and</li> <li>(f) such other information as the Director may deem necessary.</li> </ul> <p>(2) The Director shall, in addition to the provisions of subsection (1), take into account those matters specified in the Fourth Schedule when preparing a Regional Physical Development Plan.</p>
<p><i>Approved of Regional Physical Development Plan</i></p>	<p>40. With prejudice to section 35, special provisions shall be included in a Regional Physical Development Plan —</p> <ul style="list-style-type: none"> <li>(a) defining the scope of the plan; and</li> <li>(b) defining the area to which the plan relates.</li> </ul>
<p><i>Objections</i></p>	<p>41. (1) The Director shall, not later than thirty days after the preparation of a Regional Physical Development Plan, notify in writing, the local authority whose 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</p>

	<p>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.</p> <p>(2) The notice shall request any interested person who desires to make any representations against, or objections to the plan, to 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.</p> <p>(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.</p> <p>(4) If the petitioner is aggrieved by the decision of the Director, he may appeal to the Nyeri County Physical and Land Use Planning Liaison committee under section 55 against such decision.</p> <p>(5) A person who is aggrieved by a decision of the liaison committee may appeal against such decision to the Environment and Land Court in accordance with the rules of procedure.</p>
<p><i>Approval of Regional Physical Development Plan</i></p>	<p>42. (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 detailed plans to the County Executive Committee Member for his approval.</p> <p>(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.</p> <p>(3) Any Regional Physical Development Plan submitted to the County Executive Committee Member under subsection(1) for his approval may be approval by him within sixty days from the date the plan is submitted to him unless he refuses such approval within that period.</p>
<p><i>Publication of approved Regional Development Plan</i></p>	<p>43. (1) The County Executive Committee Member 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.</p>

	<p>(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.</p> <p>(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.</p>
<p><i>Amendments of approved Regional Physical Development Plan</i></p>	<p>44. (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 County Executive Committee Member proposals for the revocation or modification of an approved Regional Physical Development Plan on either or both of the following grounds —</p> <p style="padding-left: 40px;">(a) That there are practical difficulties in the execution or enforcement of the approved plan;</p> <p style="padding-left: 40px;">(b) That there has been change of circumstances since the plan was approved.</p> <p>(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 proposed modifications or revocation may be made to the Director.</p> <p>(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.</p> <p>(4) The County Executive Committee Member may approve or refuse to approve the proposed revocation or modification of the approved plan.</p> <p>(5) When the proposed revocation or modifications has been approved by the County Executive Committee Member 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.</p>
<p><i>Special planning area</i></p>	<p>45. (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.</p>

	<p>(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 County Executive Committee Member.</p> <p>(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.</p>
	<p><i>B — Local Physical Development Plan</i></p>
<p><i>Preparation of Local Physical Development Plan</i></p>	<p>46. (1) The Director may prepare with reference to National and County Government Land, trust land or private land within the area of authority of a County, municipal, town or urban council or with reference to any trading or marketing centre, a Local Physical Development Plan.</p> <p>(2) A Local Physical Development Plan may be a long-term or short-term physical development or for a renewal or development and for the purpose set out in relation to each type of plan.</p> <p>(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.</p> <p>(4) The Director may include in a Local Physical Development Plan any or all of the matters in the fifth schedule.</p>
<p><i>Content of Local Physical Development Plan</i></p>	<p>47. A Local Physical Development Plan shall consist of—</p> <p>(a) A survey in respect of the area to which the plan relates carried out in such manner as may be prescribed; and</p> <p>(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 sixth Schedule in relation to each type of Local Physical Development Plan.</p>

<p><i>Objections</i></p>	<p>48. (1) The Director shall not later than thirty days after the preparation of a Local Physical Development Plan, publish a notice in the <i>Gazette</i> and in such other manner deemed expedient to the effect that the plan is open for inspection at the place or places and at the times specified in the notice.</p> <p>(2) The provisions of Sub-Part “A” relating to the making of representations or objections to the Director concerning regional physical development detailed plans and to the consideration by the Director of such representations or objections and to appeals shall apply mutatis mutandis to this section.</p>
<p><i>Approval of Local Physical Development Plan</i></p>	<p>49. 1) The approval of Sub-Section “A” relating to the approval or disapproval of Regional Physical Development Plan shall apply mutatis mutandis to the approval or disapproval of a Local Physical Development Plan by the County Executive Member under this section.</p> <p>(2) A Local Physical Development Plan approved under subsection (1) shall not be altered in any manner without prior written authorization by the Director.</p>
<p><i>Publication of approved Local Physical Development Plan</i></p>	<p>50. The County Executive Member shall within fourteen days after he has approved a Local Physical Development Plan cause to be published in the <i>Gazette</i>, by an officer authorized by the County Executive Member, 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.</p>
<p><b>PART V — DEVELOPMENT CONTROL</b></p>	
<p><i>Objectives of development control</i></p>	<p>51. (1) The objectives of development control may include —</p> <ul style="list-style-type: none"> <li>(a) to ensure orderly physical and land use development;</li> <li>(b) to ensure optimal land use;</li> <li>(c) to ensure the proper execution and implementation of approved physical and land use development detailed plans;</li> <li>(d) to protect and conserve the environment;</li> <li>(e) to promote public safety and health;</li> <li>(f) to promote public participation in physical and land use development decision-making;</li> <li>(g) to ensure orderly and planned building development, planning, design, construction, operation and maintenance; and</li> <li>(h) to promote the safeguarding of national security.</li> </ul>

	<p>(2) In addition to the provisions of sub-section (1), development control may also relate to the matters specified in the Fourth Schedule.</p>
<p><i>Power to undertake development control</i></p>	<p>52. Subject to the provisions of this Act, the Urban Areas and Cities Act, 2011, and the County Governments Act, 2012, the county governments shall within its areas of jurisdiction—</p> <ul style="list-style-type: none"> <li>(a) prohibit or control the use and development of land and buildings in the interests of proper and orderly development of its area;</li> <li>(b) control or prohibit the subdivision of land;</li> <li>(c) consider and approve all development applications and grant all development permissions;</li> <li>(d) ensure the proper execution and implementation of approved physical and land use development detailed plans;</li> <li>(e) formulate regulations to regulate zoning in respect of use and density of development;</li> <li>(f) reserve and maintain all the land planned for open spaces, parks, urban forests and green belts in accordance with the approved physical and land use development detailed plans; and</li> <li>(g) Consider and determine development planning applications made in respect of land adjoining or within reasonable vicinity of safeguarding areas.</li> </ul>
<p><i>Development permission.</i></p>	<p>53. (1) A person shall not carry out development within Nyeri County without a valid development permission granted by the County Executive Committee Member.</p> <p>(2) A person who commences any development without obtaining development permission commits an offence and is liable on conviction to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding two months or to both.</p> <p>(3) Despite sub-section (2), a County Executive Committee Member shall require a person who has commenced a development without obtaining development permission to restore the land on which the development is taking place to its original condition or as near to its original condition as is possible and that such restoration shall take place within ninety days.</p> <p>(4) Where a person who is required to restore the land on which the development is taking place to its original condition fails to comply with the provisions of sub-section (3), the County Executive Committee Member may undertake to restore the land as required and shall recover the cost of the restoration from the person required to undertake the restoration.</p>

	<p>(5) A County Executive Committee Member may revoke development permission if the applicant has contravened any provision of this Act or conditions imposed on the development permission for any justifiable cause.</p> <p>(6) A County Executive Committee Member may modify the conditions imposed on development permission where circumstances require it or for any justifiable cause.</p>
<p><i>Application for development permission</i></p>	<p>54. (1) A person shall obtain development permission from the respective County Executive Committee Member by applying for development permission from that County Executive Committee Member in the prescribed form and after paying the prescribed fees.</p> <p>(2) An applicant for development permission shall provide documents, detailed plans and particulars as may be required by the respective County Executive Committee Member to indicate the purposes of the proposed development.</p> <p>(3) An applicant for development permission shall indicate the proposed use to which the land shall be put, the population density to which that land shall be subjected and the portion of the land the applicant shall provide for easements as a consequence of the applicant's proposed development.</p> <p>(4) Where an applicant is not the registered owner of the land for which development permission is being sought, that applicant shall obtain the written consent of the registered owner of that land and the applicant shall provide that written consent to the respective County Executive Committee Member at the time of applying for development permission.</p> <p>(5) The development permission granted by a County Executive Committee Member shall be subject to compliance with the provisions of any other written law.</p> <p>(6) Where an applicant does not receive written response for development permission within sixty days of the application, such permission shall be deemed to have been granted in terms of this Act.</p> <p>(7) A person applying for development permission shall also notify the public of the development project being proposed to be undertaken in a certain area in such a manner as the Director shall prescribe.</p>

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	<p>(8) The notification referred to under sub-section (7), shall invite the members of the public to submit any objections on the proposed development project to the County Executive Committee Member for consideration.</p>
<p><i>Detailed plans and documents to be prepared by qualified person.</i></p>	<p>55. (1) A person applying for development permission shall ensure that any documents, detailed plans and particulars that are provided to the respective County Executive Committee Member while applying for development permission have been prepared by the relevant qualified, registered and licensed professionals.</p> <p>(2) A person who purports to prepare a document, plan or particulars required under this Act shall provide that person's credentials when asked to do so by a County Executive Committee Member and shall be required to authenticate the copies of the documents, detailed plans or particulars provided to the County Executive Committee Member in that person's name.</p>
<p><i>Development application referred to relevant authorities.</i></p>	<p>56. (1) Within seven days of receiving an application for development permission, the County Executive Committee Member may give a copy of the application to the relevant authorities or agencies to review and comment and the relevant authorities or agencies shall comment on all relevant matters including —</p> <ul style="list-style-type: none"> <li>(a) land survey;</li> <li>(b) roads and transport;</li> <li>(c) agriculture and livestock;</li> <li>(d) health;</li> <li>(e) public works and utilities;</li> <li>(f) environment and natural resources;</li> <li>(g) urban development;</li> <li>(h) national security in respect of land adjoining or within reasonable vicinity of safeguarding areas; and</li> <li>(i) Any other relevant authority.</li> </ul> <p>(2) Within fourteen days of receiving the copy of the development permission from a County Executive Committee Member, the relevant authorities or agencies shall submit their comments to the respective County Executive Committee Member.</p>
<p><i>Decision making and communication.</i></p>	<p>57. (1) When considering an application for development permission, a County Executive Committee Member—</p> <ul style="list-style-type: none"> <li>(a) shall be bound by the relevant approved national, county, local, city, urban, town and special areas detailed plans;</li> </ul>

	<p>(b) shall take into consideration the provision of community facilities, environmental, and other social amenities in the area where development permission is being sought;</p> <p>(c) shall take into consideration the comments made on the application for development permission by other relevant authorities in the area where development permission is being sought;</p> <p>(d) shall take into consideration the comments made by the members of the public on the application for development permission made by the person seeking to undertake development in a certain area; and</p> <p>(e) In the case of a leasehold property, shall take into consideration any special conditions stipulated in the lease.</p> <p>(2) With regards to an application for development permission that complies with the provisions of this Act and within thirty days of receiving an application for development permission, the County Executive Committee Member may —</p> <p>(a) grant the applicant the development permission in the prescribed form and may stipulate any conditions it considers necessary when granting the development permission; or</p> <p>(b) Refuse to grant the applicant the development permission in the prescribed form and state the grounds for the refusal in writing.</p> <p>(3) An applicant or an interested party that is aggrieved by the decision of a County Executive Committee Member regarding an application for development permission may appeal against that decision to the County Physical and Land Use Planning Liaison Committee within fourteen days of the decision by the County Executive Committee Member and that committee shall hear and determine the appeal within fourteen days of the appeal being filed.</p> <p>(4) An applicant or an interested party who files an appeal under subsection (3) and who is aggrieved by the decision of the committee may appeal against that decision to the Environment and Land Court.</p>
<p><i>Registers.</i></p>	<p>58. (1) Each County Executive Committee Member shall maintain a register of documents submitted by applicants for development permission and shall issue a submission certificate to every applicant who submits such documents.</p> <p>(2) Each County Executive Committee Member shall maintain a register of development permission and shall enter the details of each applicant for development permission, whether or not development permission was granted to that applicant and the details of the</p>

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	<p>proposed project for which development permission has been applied for.</p> <p>(3) A register maintained by a County Executive Committee Member under this Act shall be open to the public for scrutiny and the Director shall publish guidelines for public access to that register.</p>
<i>Development fees</i>	<p>59. (1) A County Executive Committee Member may levy a development fee against an applicant for development permission.</p> <p>(2) The County Government of Nyeri may, by notice in the Gazette, publish Regulations determining the circumstances under which a development fee shall be levied, the rates that shall be payable and the circumstances under which a development fee may be waived.</p> <p>(3) Where a development fee has been waived in relation to an application for development permission, a County Executive Committee Member may require that applicant to develop infrastructure in relation to the property in question for general use by the residents of the area where the property in question is located.</p>
<i>Lapse of developmental permission</i>	<p>60. (1) Where an applicant has been granted development permission but the applicant has not commenced the proposed project within two years of receiving the development permission the permission shall be considered to have lapsed.</p> <p>(2) Despite sub-section (1), where an applicant makes an application, a County Executive Committee Member, may extend development permission by a period of one year if the County Executive Committee Member determines it is necessary or just to grant that extension.</p> <p>(3) Where a County Executive Committee Member extends development permission, it may impose further conditions on the applicant that he or she considers fit.</p>
<i>Commencement and completion of building.</i>	<p>61. The County Executive Committee Member may impose conditions or impose a fine to be prescribed in regulations on an applicant for development permission for building works where that applicant fails to complete the building works within five years.</p>
<i>Prohibition of grant of license for development of a commercial or industrial nature</i>	<p>62. A licensing authority shall not grant a license for the commercial or industrial use or occupation of any building, or in respect of any premises or land, for which development permission has not been granted by the County Executive Committee Member.</p>

<p><i>Offences relating to development permission</i></p>	<p>63. (1) A person commits an offence if that person —</p> <ul style="list-style-type: none"> <li>(a) uses or permits to be used any land or building in contravention of any conditions imposed by a County Executive Committee Member when granting development permission; or</li> <li>(b) commences, undertakes or carries out— <ul style="list-style-type: none"> <li>i. a development where development permission has been revoked;</li> <li>ii. a development where development permission has been modified and the development does not comply with the modifications in the development permission; or</li> <li>iii. a development where the building works are inconsistent with the detailed plans approved by the County Executive Committee Member.</li> </ul> </li> <li>(c) Being a public officer, grants development permission or comments on an application for development permission contrary to this Act or any other law.</li> </ul> <p>(2) Despite the provisions of subsections (1) (a) and (b) (iii), in case of any material variations in a development permission, the applicant may apply to the County Executive Committee Member for development permission.</p> <p>(3) A person who contravenes the provisions of this section commits an offence and is liable, on conviction to a fine of not less than one million shillings or to imprisonment for a term of not less than five years or to both.</p>
<p><i>Access to information</i></p>	<p>64. (1) A County Executive Committee Member may 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 the relevant physical and land use development plan.</p> <p>(2) The information obtained by a County Executive Committee Member in accordance with sub-section (1) shall be treated confidentially and shall not be disclosed to any other person except by an order of a court in connection with any legal proceedings.</p> <p>(3) Any request for information shall protect the rights enshrined in Article 31 of the Constitution.</p>
<p><b>PART VI — ENFORCEMENT</b></p>	
<p><i>Enforcement notice.</i></p>	<p>65. (1) The County Executive Committee Member shall serve the owner, occupier, agent or developer of property or land with an enforcement</p>

	<p>notice if it comes to the notice of that County Executive Committee Member that—</p> <p>(a) a developer commences development on any land after the commencement of this Act without the required development permission having been obtained; or</p> <p>(b) Any condition of a development permission granted under this Act has not been complied with.</p> <p>(2) An enforcement notice shall—</p> <p>(a) specify the development alleged to have been carried out without development permission or the conditions of the development permission alleged to have been contravened;</p> <p>(b) specify measures the developer shall take, the date on which the notice shall take effect, the period within which the measures shall be complied with ; and</p> <p>(c) Require within a specified period 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.</p> <p>(3) Where a person on whom an enforcement notice has been served is aggrieved by the notice, the person may appeal to the County Physical and Land Use Planning Liaison Committee within fourteen days of being served with the notice and the committee shall hear and determine the appeal within thirty days of the appeal being filed.</p> <p>(4) Any party aggrieved with the determination of the County Physical and Land Use Planning liaison committee may appeal to the court only on a matter of law and the court shall hear and determine the appeal.</p> <p>(5) A person who has been served with an enforcement notice and who refuses to comply with the provisions of that notice commits an offence and is liable on conviction to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding two months or, both.</p>
<p><i>Establishment of County Physical and Land Use Planning Liaison Committees.</i></p>	<p>66. There is established a liaison the Nyeri County Physical and Land Use Planning Liaison Committee.</p>

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<p><i>Composition of the County Physical and Land Use Planning Liaison Committee.</i></p>	<p>67. (1) The Liaison Committee shall consist of—</p> <ul style="list-style-type: none"> <li>(a) a chairperson who shall be an advocate of the High Court nominated by the Law Society of Kenya and appointed by the County Executive Committee Member;</li> <li>(b) a representative of the National Land Commission;</li> <li>(c) a representative of the National Construction Authority;</li> <li>(d) a registered physical planner with seven years' post-qualification experience nominated by the Kenya Institute of Planners and appointed by the County Executive Committee Member;</li> <li>(e) a registered architect with seven years' post qualification experience nominated by the Architectural Association of Kenya and appointed by the County Executive Committee Member;</li> <li>(f) a registered surveyor with seven years' post qualification experience nominated by the Institution of Surveyors of Kenya and appointed by the County Executive Committee Member; and</li> <li>(g) Two members, being one male and one female, nominated by the county chamber of commerce and appointed by the County Executive Committee Member.</li> </ul> <p>(2) The County Physical and Land Use Planning liaison committee may co-opt experts to assist in its deliberations provided that not more than five experts may be co-opted members at any given time.</p> <p>(3) The County Executive Committee Member shall second officers under the department to provide secretariat services to the committee.</p> <p>(4) The members of the County Physical and Land Use Planning Liaison Committee appointed under subsection (1)(a), (d), (e), (f) and (g) shall serve for a term not exceeding three years, renewable once.</p>
<p><i>Functions of the County Physical and Land Use Planning Liaison Committee.</i></p>	<p>68. The functions of the Liaison Committee shall be to —</p> <ul style="list-style-type: none"> <li>(a) hear and determine complaints and claims made in respect to applications submitted to the planning authority in the county;</li> <li>(b) hear appeals against decisions made by the planning authority with respect to physical and land use development detailed plans in the county;</li> <li>(c) advise the County Executive Committee Member on broad physical and land use planning policies, strategies and standards; and</li> <li>(d) hear appeals with respect to enforcement notices.</li> </ul>
<p><i>Procedure of the County Physical and Land Use</i></p>	<p>69. (1) The Liaison Committee shall, subject to this Act or any other written law, determine its own procedure.</p>

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<p><i>Planning Liaison Committees.</i></p>	<p>(2) Despite sub-section (1), the quorum of Liaison Committee shall be half the members of the Liaison Committee.</p> <p>(3) Every decision of the Liaison Committee shall be by a majority vote of the members present and voting and where there is a tie, the chairperson of that committee or the person acting as the chairperson of that committee shall cast the deciding vote.</p> <p>(4) Where the chairperson of a County Physical and Land Use Planning Liaison Committee is unable to exercise his functions owing to illness, genuine absence or any other reason, the members present shall elect one of their own to be the chairperson of the respective Liaison Committee.</p> <p>(5) A County Physical and Land Use Planning Liaison Committee shall meet at least four times in a year.</p>
<p><i>Appeal to a County Physical and Land Use Planning Liaison Committee</i></p>	<p>70. (1) An appeal by an aggrieved party to the Liaison Committee shall do so in writing in the prescribed form.</p> <p>(2) A County Physical and Land Use Planning Liaison Committee shall hear and determine an appeal within thirty days of the appeal being filed and shall inform the appellant of the decision within fourteen days of making the determination.</p> <p>(3) The chairperson of a County Physical and Land Use Planning Liaison Committee may apply to the Environment and Land Court for a declaration that the records of the liaison committee is a true record of the accounts of their deliberation and where the court makes such a declaration, it shall be recorded as the true record the determination shall be published in the Gazette or in at least one newspaper of national circulation.</p>
<p><i>Duty to appear before a County Physical and Land Use Planning Liaison Committee</i></p>	<p>71. (1) A person who has been summoned to appear before the Nyeri County Physical and Land Use Planning Liaison Committee may appear in person or through a representative or through any form of communication that the committee may from time to time approve for the purpose and shall, where required, produce or deliver any document to the committee, in accordance with the direction of the committee.</p> <p>(2) A person who contravenes the provisions of this section commits an offence and is liable, on conviction, to imprisonment for a term not exceeding five years or to a fine not exceeding twenty-five thousand shillings, or both.</p>

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<p><i>summons to be in writing or electronic form</i></p>	<p>72. All summons issued or notices issued, or awards or orders made, under this Act by the Nyeri County Physical and Land Use Planning Liaison Committee may be issued or made in electronic or written form.</p>
<p><i>Withdrawal of appeal and abandonment of appeal.</i></p>	<p>73. (1) A person who has made an appeal before a County Physical and Land Use Planning Liaison Committee may withdraw the appeal in writing at any time before the appeal is determined by the committee.</p> <p>(2) The County Physical and Land Use Planning Liaison Committee shall within seven days of receiving the written notice of intention to withdraw, notify each relevant party that an appeal has been withdrawn.</p> <p>(3) Where a County Physical and Land Use Planning Liaison Committee determines that an appeal has been abandoned by the person who filed the appeal, that committee may require the applicant to submit to the committee, within fourteen days of the committee notifying the applicant in writing, reasons why the appeal should not be regarded as having been withdrawn.</p> <p>(4) The County Physical and Land Use Planning Liaison Committee shall consider the submissions made under sub-clause (3) and shall either allow the appeal to be finally heard and determined or shall stop all proceedings and determine that the appeal has been withdrawn.</p> <p>(5) Every County Physical and Land Use Planning Liaison Committee shall maintain written records of all its proceedings.</p>
<p><i>Declaration of personal interest</i></p>	<p>74. (1) A member of the Nyeri County Physical and Land Use Planning Liaison Committee who has an interest in a matter being considered by that committee shall disclose that interest at the meeting in which that matter is being considered.</p> <p>(2) A member of a Physical and Land Use Planning Liaison Committee who makes a disclosure under subsection (1) shall not take part in any proceedings related to that matter.</p> <p>(3) A member of a physical and land use planning liaison committee who does not disclose an interest as required under this clause commits an offence and is liable on conviction to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding two months or to both.</p>

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<p><i>Disclosure of information</i></p>	<p>75. (1) A person shall not disclose, without the consent of the Nyeri County Physical and Land Use Planning Liaison Committee—</p> <p>(a) any information obtained while serving on that committee; or</p> <p>(b) Any information obtained from the committees in the performance of its functions.</p> <p>(2) A person who contravenes the provisions of subsection (1) commits an offence and is liable on conviction, to a fine not exceeding one hundred thousand shillings.</p> <p>(3) Despite sub-section (1), a person may disclose information that the person obtained while serving on the County Physical and Land Use Planning Liaison Committee in the performance of their duties to a person authorized by any written law to be given that information or as may be required by a court of competent jurisdiction.</p>
<p><i>Physical and Land Use Planning Liaison to keep register</i></p>	<p>76. (1) Each Physical and Land Use Planning Liaison Committee shall maintain a register of each appeal filed, minutes of the meeting of the committee and the decisions of the committee.</p> <p>(2) Each register maintained by Physical and Land Use Planning Liaison Committees shall be public documents which may be scrutinized upon application by any interested person.</p> <p>(3) Any person may apply to a Physical and Land Use Planning Liaison Committee to examine a register maintained by that committee’ interested in examining the register shall fill the prescribed forms and pay the prescribed fee and may make copies or take extracts from that register.</p> <p>(4) The Cabinet Secretary may, by notice in the Gazette, make Regulations for the better implementation of the provisions of this sections.</p>
<p><i>Remuneration.</i></p>	<p>77. The remuneration of the members of the Physical and Land Use Planning Liaison Committees shall be made by the County government on the recommendation of the Salaries and Remuneration Commission.</p>
<p><i>Right of Entry</i></p>	<p>78. Any person authorized in writing by the Director shall have the right to enter upon any 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.</p>

<i>Protection from personal liability.</i>	79. A public officer acting under the Act shall not be liable in an action or a proceeding for or in respect of an act done or omitted to be done without negligence and in good faith in the exercise of any of the functions conferred by or under this Act.
	<b>PART VII-MISCELLANEOUS PROVISIONS</b>
<i>Transitional provisions</i>	<p>80. (1) Any approval for development granted in accordance with 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.</p> <p>(2) Despite the provisions of sub-clause (1), if a development for which approval was granted under the provisions of any written law in force immediately before the commencement of this Act shall not have been commenced within twenty-four months of the commencement of this Act that development approval shall lapse.</p> <p>(3) Where an application for development had been made under the provisions of any written law prior to the commencement of this Act and approval has not been granted, that application shall be deemed to be an application for development permission under this Act and shall be deemed to have been made on the date of the commencement of this Act</p>
<i>Pending disputes</i>	81. All disputes relating to physical and land use Pending disputes. Planning, before establishment of the national and County Physical and Land Use Planning liaison committees shall be heard and determined by the Environment and Land Court.

**FIRST SCHEDULE**

**(Section 14 &19)**

**FRAMEWORK OF COUNTY AND INTER-COUNTY PHYSICAL AND LAND USE  
DEVELOPMENT DETAILED PLANS**

**PART I**

1. Introduction

- a) Background of the Plan
- b) Vision statement
- c) Objectives
- d) Scope of the Plan
- e) Principles of the Plan
- f) Methodology
- g) Outline of the Plan

2. Planning Context

- a) Location-national, inter-county, local context
- b) Legal and policy context
- c) Stakeholder concerns

**PART II**

3. Situational Analysis

- a) Population and demographic
- b) Physiographic dynamic
- c) Land analysis
- d) Economy: industry, agriculture, commerce, mining and quarrying, fisheries
- e) Transportation and communication
- f) Infrastructure services
- g) Urbanization
- h) Rural developments
- i) Housing
- j) Environment
- k) Climate change
- l) Governance

4. Synthesis

**PART III**

Development challenges, opportunities and alternative interventions

5. Plan Proposals

- a) County Structure Plan
- b) Strategies, measures, Actions

**SECOND SCHEDULE**  
**CONTENTS OF LOCAL PHYSICAL AND LAND USE DEVELOPMENT**  
**DETAILED PLANS (S. 31)**  
**PART A — MATTERS WHICH MAY BE DEALT WITH IN A LOCAL**  
**PHYSICAL AND LAND USE DEVELOPMENT PLAN**

1. Vision
2. Objectives
3. Statements of the problem
  - (a) Aspects of housing, unemployment, traffic congestion, pollution, land tenure, lack of services, terrain, soils;
  - (b) Opportunities in tourism, fishing, manufacturing; etc.
  - (c) Combating climate change.
4. Objectives Statement
  - (a) Ways of alleviating the problems.
  - (b) Ways of maximization of utility and opportunities.
5. Analysis
  - (a) Spatial analysis accompanied by physical and land use and suitability maps and charts focusing on—
    - (i) The terrain, soils and climate;
    - (ii) Existing land uses and development;
    - (iii) Potential pattern of development;
    - (iv) Land tenure system; and
    - (v) Cadastral outlay of all development.
  - (b) Population analysis;
    - (i) Population growth.
    - (ii) Migration.
    - (iii) Density.
    - (iv) Distribution, age and sex structure.
    - (v) Household sizes.
    - (vi) Rates of household formation.
  - (c) Economic analysis focusing on;
    - (i) Employment and incomes and places of work.
    - (ii) Development trends and
    - (iii) Problems of service delivery.
    - (iv) Agricultural potential of the urban region.
    - (v) Problems of transforming the agricultural land into urban use.
  - (d) Contextual analysis
    - (i) Peri-urban slum settlements and problems they pose.

- (ii) Potential, distribution and size of service centres within and outside the urban boundary.
  - (iii) Evaluation of urban boundary extension.
  - (iv) Evaluation of the importance of such factors as commerce and tourism within extended areas.
  - (v) Historical patterns and conditions.
- (e) Housing and infrastructure analysis
- (i) Housing occupancy rates, accommodation density, housing requirements, type of residential areas and industrial locations.
  - (ii) Education.
  - (iii) Recreation areas and other public purpose land uses.
  - (iv) Power lines and way leaves.
  - (v) Water and sewerage networks.
  - (vi) Housing and infrastructure programmes.
- (f) Transportation and communication analysis
- (i) Roads networks, footpaths, cycle ways, railway lines, depots, water ways, docks, etc.
  - (ii) Telephone lines.
6. Projections
- (a) Land Use Projection Tables
7. Maps and modeling
- (a) Existing land use map
  - (b) Sieve maps of the physical and land use constraints or thresholds to development
  - (c) Development model map indicating land use designation and distribution as well as a clear transport and communication network

**PART B—CONTENTS OF SURVEY REPORT**

1. Before commencing preparation of a local spatial development plan a survey report shall be prepared providing details on —
  - (a) Spatial analysis: Existing and projected land use patterns, land tenure, land suitability analysis, spread and trends;
  - (b) demographic dynamics; population growth, migration, density, and distribution, age and sex structure, household sizes and rates of household formation; employment and incomes including where people go to work and what trend and problems there are in relation to services;
  - (c) Economic base analysis;
  - (d) Reports on State of the environment; environmental assets, and condition;
  - (e) Transport; mode, level of service, traffic flow and congestion;
  - (f) Communications networks such as roads, footpaths, cycle ways, railway lines, depots, water ways, docks, etc;
  - (g) Housing situation; housing occupancy rates, accommodation density, housing requirements, type of residential areas and industrial locations;
  - (h) peri-urban slum settlements and problems they pose;
  - (i) Problems of transforming the agricultural land into urban use;
  - (j) Other social aspects including education, recreation areas and other public purpose land uses;
  - (k) Infrastructure and services; existing, projected and gap analysis;
  - (l) Opportunities; commerce, trade, transport, tourism, fishing, manufacturing, etc; and
  - (m) any other matter as may be prescribed;664

**PART C —CONTENT FOR RENEWAL AND RE-DEVELOPMENT PLAN**

1. Maps of the project area
2. Justification statement for eligibility of the areas as a substandard, decadent or blighted open area
3. Land use pattern analysis and proposals
4. Project objectives including specifications of all proposed redevelopment and detailed job creation and retention estimates
5. A financial Plan including cost estimates and a project budget
6. Local approvals
7. Site preparations including land protections and measures to address environmental or flood problems, conservation of areas of historic, architectural significance
8. Traffic systems including safe pedestrian movement, access to buildings convenient and ample public car parks as well as efficient road links
9. Public improvements including how the improvements will help achieve the objectives of the Plan
10. A relocation Plan
11. Redeveloper's obligations (restrictions that are or will be placed on owners of individual parcels)
12. Disposition for each parcel including any known redeveloper
13. A report on citizen participation describing meaningful citizen participation in the Planning process and expected citizen participation during project execution

**THIRD SCHEDULE**  
**PROCEDURE FOR FORMULATING THE NYERI COUNTY PHYSICAL AND**  
**LAND USE DEVELOPMENT PLAN**  
**(S.17)**

**A. Public Participation in the preparation of the Nyeri County Physical Land Use Development Plan**

1. Within **thirty (30) days** of preparing the Nyeri County Physical and Land Use Development Plan, the Nyeri County Physical and Land Use Planning Consultative Forum shall publish a notice in the *Gazette*, in at least two newspapers of national circulation and through electronic media informing the public that the draft County Physical and Land Use Development plan is available at the places and times specified in the notice.
2. The County Executive Committee Member shall facilitate public participation and shall consider the comments made about the draft Nyeri County Physical and Land Use Development Plan and may incorporate the comments in the Plan.
3. A person aggrieved by a decision of the Nyeri County Physical and Land Use Planning Consultative Forum concerning the Nyeri County Physical and Land Use Development Plan or matters connected therewith, may within **sixty days** of receipt by him of notice of such decision, appeal to the Nyeri County Physical and Land Use Planning Liaison Committee in writing against the decision in such manner as may be prescribed.
4. Subject to sub-clause (4), the Nyeri County Physical and Land Use Planning 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.
5. When a decision is reversed by the Nyeri County Physical and Land Use Planning Liaison Committee it shall, before making any order under subclause (5), afford the Nyeri County Physical and Land Use Planning Consultative Forum 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 to replying to such representations.
6. Any person aggrieved by a decision of the Nyeri County Physical and Land Use Planning Liaison Committee under this clause may appeal to the Environment and Land Court against such decision in accordance with the rules of procedure for the time being applicable to the High Court.

**B. Completion and Approval of the Nyeri County Physical Land use Development Plan**

1. If there are no applications for the review of the Nyeri County Physical and Land Use Development Plan or if all applications for review have been heard and determined, the County Executive Committee Member shall submit the Draft Nyeri County Physical

and Land Use Development Plan to the County Physical and Land Use Planning Consultative Forum for comments.

2. The County Physical and Land Use Planning Consultative Forum shall consider the plan and may propose changes which shall be incorporated in the plan.
3. Upon incorporation of the proposed changes by the County Physical and Land Use Planning Consultative Forum, the County Executive Committee Member shall submit the completed Nyeri County Physical and Land Use Development Plan to the Nyeri County Governor who shall cause it to be placed before the County Assembly for approval.
4. On the approval of the Nyeri County Physical and Land Use Development Plan by the Nyeri County Assembly, the County Executive Committee Member shall publish the approved plan in the Gazette and in at least two newspapers with a national circulation within **fourteen days** of the approval and no development shall take place on any land unless it is in conformity with the approved plan.
5. The Nyeri County Physical and Land Use Development Plan shall be the basis for the preparation of Sectoral Programmes and Projects in the County and Sub-county levels.

### **C. Modification of a County Physical and Land Use Development Plan**

1. A County Executive Committee Member, on his own motion or on recommendation of the County Government of Nyeri, may initiate the modification of a County Physical and Land Use Development plan if—
  - (a) there are practical difficulties in the execution or enforcement of that County Physical and Land Use Development plan; or
  - (b) there has been a change of circumstances since the County Physical and Land Use Development plan was approved.
2. On the approval of the County Government of Nyeri, the County Executive Committee Member shall publish a notice in the Gazette, in at least two newspapers of national circulation and through electronic media notifying any interested parties of the proposed amendments to the County Physical and Land Use Development plan and the period within which interested parties may make representations to the County Executive Committee Member.
3. A proposal for amending the Nyeri County Physical and Land Use Development Plan shall —
  - (a) state the reasons for the proposed amendment;
  - (b) comply with the relevant provisions of the County Governments Act, 2012; and

- (c) be in conformity with the National Physical and Land Use Development Plan and all relevant Inter-County Physical and Land Use Development Detailed plans.
4. Where a County Executive Committee Member determines that a proposed amendment to the County Physical and Land Use Development plan shall affect other counties, the County Executive Committee Member shall consult the County Executive Committee Members in the counties that are likely to be affected and shall take into account their comments before incorporating the amendment to the County Physical and Land Use Development plan.
  5. During the process of amending the Nyeri County Physical and Land Use Development Plan, the County Executive Committee Member shall ensure public participation.
  6. The amended Nyeri County Physical and Land Use Development Plan shall be published by the county planning authority in accordance with of this Act.
  7. This clause shall not prevent the national government or a person ordinarily resident in a Nyeri county from proposing an amendment to the Nyeri County Physical and Land Use Development Plan.

**D. Revision of the Nyeri County Physical and Land Use Development Plan**

1. A County Executive Committee Member may only initiate the process of revising a County Physical and Land Use Development plan after eight years have elapsed since the county plan was published in the Gazette.
2. The provisions of this Act shall apply with the necessary modifications to the revision of a County Physical and Land Use Development plan.

**FOURTH SCHEDULE (s. 35(2))  
MATTERS WHICH MAY BE DEALT WITH IN REGIONAL PHYSICAL  
DEVELOPMENT PLAN**

**PART I- ANALYSIS**

1. Population growth, projections, distributions 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**

1. Alternative development patterns including rural development, urban development and interrelations between urban and rural development.
2. Strategies for human settlements in the area including development of services 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.

**FIFTH SCHEDULE (S. 42)**

**LONG-TERM, SHORT-TERM, RENEWAL AND RE-DEVELOPMENT DETAILED PLANS**

**A—LONG TERM PLAN**

*Purpose*

The purpose of long-term detailed plans include—

- (a) interpreting regional physical development policies in terms appropriate to the local area;
- (b) articulating the aims of the National and County Government and local authority for the area together with strategies, policies and general proposals for subsequent short-term detailed plans for the area;
- (c) providing a framework for detailed policies and proposals for subsequent short-term detailed plans for the area;
- (d) indicating action area for immediate development or re-development;
- (e) providing a coordinated 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.
- (f) showing amount of land sufficient to accommodate growth of the local area over a period of 20 to 30 years; and
- (g) outlining the transportation and communication networks to serve the area over a period of 20 to 30 years.

*Contents of Long-Term Detailed 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 physical suitable for development;
- (ii) Existing land uses and development potential pattern of development, land tenure system and cadastral outlay of all development.

- (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 trends 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) pre-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 purposes land uses.

(d) Communication and services:

These include—

- (i) Historical pattern and condition of communications networks such as roads, footpaths, cycle ways, railways lines, depots, water ways, decks, 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 wayleaves requirements under the Land Act, 2012.

(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.

*B— SHORT-TERM DETAILED PLANS*

Short-term detailed plans are of the following types—

- (a) Action are detailed plans, for comprehensive planning of areas selected for intensive development, which is to commence within a specified period.
- (b) Subject Detailed 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 detailed plans, indicating permitted subdivision, use and density development.
- (d) Part developments detailed plans, indicating precise sites for immediate implementation of specific projects including land alienation purposes.

The form and content of short-term detailed 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—

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

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

*C— RENEWAL OR DEVELOPMENT DETAILED PLANS*

The purpose of renewal or development detailed plans include—

- (a) Providing a broad land use framework illustrating a coordinated policy of renewal and guiding both public and private redevelopment activities;
- (b) Providing a road patten 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 extension of leases, extension of users and change of users.

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

*Contents of Renewal Detailed plans*

1. Land use pattern analysis:

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

- (a) Conservation of areas whose historic, architectural, or commercial values are relatively high;
- (b) Improvement of general up-grading of areas whose existing conditions are desirable; and
- (c) Comprehensive cumulative redevelopment of areas whose conditions are undesirable.

2. Traffic systems:

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

- (a) Safe pedestrian movement;
- (b) Easy access to buildings;
- (c) Efficient circulation of traffic with business;
- (d) Convenient and ample public car parks; and
- (e) Efficient road links, among other things.

**SIXTH SCHEDULE (S. 43)**

**MATTERS WHICH MAY BE DEALT WITHIN LOCAL PHYSICAL DEVELOPMENT PLAN.**

1. Every Local Physical Development Plan, shall have for its general purpose orderly, coordinated, 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 any of the purposes mentioned in paragraph 1 and for open spaces, public and private, and prohibiting the carrying on 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 replanting 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, street, 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 redevising 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 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, streets, or right-of-way;
  - (g) The vesting of such lands, roads, streets, or right-of-way, subject to any rights or trust, any other provisions necessary for giving effect to the purpose mentioned 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 architerual, archeological or scientific interest.

8. Probable routes for railways and canals, probable sites for bridges, docks, harbours, piers, quarries, power lines, 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 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.
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 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 County Executive Committee Member 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 fix improvement lines for existing streets and buildings.
19. Basis for the local authority to fix improvement lines for existing streets and buildings.
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 any parts of the plan, for the renovation of any works which are to be executed as part of the plan.

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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 Land Registration Act, 2012 shall take effect.
25. Any matter necessary or incidental to Local Physical Development Plan.

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

**SEVENTH SCHEDULE (S.47)**  
**PART A- DEVELOPMENT CONTROL**

1. The development control process and procedures may relate to any of the following —
  - (a) change of user;
  - (b) extension of users;
  - (c) extension of lease;
  - (d) renewal of leases;
  - (e) sub-division scheme and amalgamation proposals;
  - (f) building detailed plans;
  - (g) processing of easements and way-leaves;
  - (h) siting of education institutions, base transmission station, petrol stations, eco lodges, camp sites, power generation Plants, factories;
  - (i) advertisement; and
  - (j) other as the County Executive Committee Member may prescribe from time to time;
2. A county government shall, when considering a development application submitted —
  - (a) be bound by approved physical and land use Detailed plans;
  - (b) have regard to relevant national and county policies;
  - (c) have regard to the health, safety, amenity, efficiency, aesthetics and conveniences of the
  - (d) community generally and to the proper Planning and density of development and land use in the area;
  - (e) have regard to any comments received from the officers or authorities and or relevant stakeholders as referred to in Section 39;
  - (f) in the case of a leasehold, have regard to any special conditions stipulated in the lease.
3. If any development application requires subdivision or change of user of any agricultural land, the county government shall require the applicant to obtain consent from the relevant Board.
4. Planning authorities shall require applications for major developments to be subjected to environmental and social impact assessment.
5. The following factors shall be considered in the determination of change and extension of user—
  - (a) provisions of an approved physical and land use development Plan
  - (b) Probable effects on the character of the neighbourhood
  - (c) Effects on vehicular and pedestrian safety;
  - (d) visual impact;
  - (e) effect on the right to a view;
  - (f) defined location and size of the land;
  - (g) current user;
  - (h) area zoning regulations;
  - (i) infrastructure availability and adequacy.

6. Sub-division and amalgamation proposals
  - (a) The design of the Plan.
  - (b) Provisions of relevant approved physical and land use development Detailed plans.
  - (c) Land reference number, Size and shape of
  - (d) land.
  - (e) The location Plan/inset.
  - (f) Resultant subplots, their access and adequate truncations.
  - (g) The owner of the property, name, signature, identification and telephone number.
  - (h) Linkage and indication of classified roads, and other Infrastructure availability and adequacy.
  - (i) Surrender of land for public utilities.
  - (j) Change of user considering the minimum size of sub-plots.
  - (k) Consent from the relevant agency in case of agricultural land.
  
7. Where the development involves the erection of a building, the county government will consider the following —
  - (a) the use of the building;
  - (b) the sitting of the building within the plot;
  - (c) the elevations of the building, plinth area, canopies and height of buildings;
  - (d) the design, shape, civic design and facade and appearance of the building;
  - (e) the set back and the building line;
  - (f) access to and parking on land which the building is to be erected;
  - (g) loading bay;
  - (h) density;
  - (i) plot coverage;
  - (j) provision for rainwater harvesting facilities and water storage tanks in every building;
  - (k) landscaping;
  - (l) character;
  - (m) ventilation and lighting;
  - (n) infrastructure adequacy;
  - (o) environmental, health and cultural considerations; and
  - (p) any other matter that a county government considers necessary for purposes of planning.
  
8. Where the building detailed plans submitted do not meet the required standard, a county government shall communicate the areas of improvement to the applicant
  
9. The applicant to whom any written directions are given shall amend the buildings Detailed plans or drawings accordingly and resubmit within such a period as the county government may specify.
  
10. The building Detailed plans or drawings to be submitted include —
  - (a) development Plan and drawings;

- (b) architectural drawings and specifications;
- (c) civil and Structural engineer's drawings and specifications;
- (d) electrical engineer's drawings and specifications; and
- (e) mechanical and plumbing drawings and specifications.

11. The following services require easements and wayleaves —

- (a) telecommunications;
- (b) electrical power supply;
- (c) water and sewerage networks;
- (d) oil pipeline;
- (e) fibre optic;
- (f) base transmission stations; and
- (g) any other service as may require easement and or way leave.

12. The owner of a building may display the following illustrated advertisements without the prior consent of the relevant county government —

- (1) In the case of shops: the name and occupation of the occupier;
- (2) Provided that the letters are not greater than 0.3 meter. (12 inches) in depth and contains not more than 6 words.
- (3) In the case of offices: a notice board displayed at the ground floor entrance to the premises not exceeding 0.3 sq. meter. (1 sq. ft.) total for all occupiers.
- (4) Any advertisement displayed within a building or on land or building not visible from a street.

13. The display of advertisements not mentioned in (1) shall require permission from the relevant county government.

- (1) The grant of permission under paragraph (I) shall depend on —
- (2) the location, size and colours of the billboard.
- (3) traffic and pedestrian safety;
- (4) religious, cultural and moral character of the advertisements;
- (5) preservation of the natural environment;
- (6) scenic beauty;
- (7) the preservation of natural monuments and archeological sites;
- (8) general amenity; and
- (9) any other factor that the county government may consider necessary.

14. A county government may by notice in writing, require any person who displays an advertisement without permission to remove such advertisement within the time specified in the notice.

15. Authorities responsible for licensing educational facilities shall not issue licenses without advice from the relevant county government.

16. In processing the applications the following planning considerations are taken into account—
- (1) the adequacy of the physical facilities;
  - (2) land use conformity; and
  - (3) size of land.

**PART B- RENEWAL AND EXTENSION OF LEASES.**

1. Consideration of extension of lease.
  - (a) Whether the land is required for public purpose.
  - (b) Whether special conditions in the lease were adhered to.
  - (c) Whether the land is developed.
  - (d) Whether the buildings on the land have been well maintained.
  - (e) Provisions of relevant approved physical and land use development Detailed plans.
  - (f) Defined location and size of the land.
  - (g) Current user of the land.
  - (h) Infrastructure availability and adequacy.
2. Procedure for extension of lease.
3. The procedure for application for extension involves;
  - (a) The registered proprietor of the land or the appointed administrator lodging an application with the Director.
  - (b) Upon receipt of the application, the Director is required within seven (7) days, to forward the application for approval to the County Executive Committee Member.
  - (c) Once the County Executive Committee Member, the Director shall have and operate a serialized register where such application shall be registered.
4. Rejection of Application to extend a lease.

In cases of non-extension of leases the Director will issue the lease holder notice of at lease three (3) years before the expiry of the lease, and a copy of the same issued to the County Executive Committee Member.
5. Grounds for rejection.

The Director may reject to extend a lease on grounds of; use for public purposes and, if the land is included in the County Spatial Plan and Cities Urban Areas Plan as provided for under the County Governments Act, 2012 and the Urban Areas and Cities Act,2011 or where there is proof that the lessee has not complied with the terms of the existing lease.
6. Renewal of Leases
  - (a) Where the lease expires without prior notice by the County Executive Committee Member to the lessee
  - (b) The application for renewal shall be lodged with the Director to forward the application for approval to the County Executive Committee Member and shall be done by the registered owner of the expired lease or appointed administrator.

- (c) Before making the decision on whether or not approve the application for renewal, the County Executive Committee Member shall seek recommendations from the Director of the officials stated herein above.
  - (d) Where the application for renewal is allowed, the County Executive Committee Member shall have the land revalued to determine land rent payable and other requisite fees, have land resurveyed and georeferenced and issue a new letter of allotment in a prescribed form and a new lease issued.
7. Where the County Executive Committee Member gives an objection against renewal, the County Executive Committee Member shall require the planning authority and all other relevant authorities to give reasons for the rejection within thirty days.

8. Notice of Renewal

The County Executive Committee Member is required to notify a person to whom a lease(lessee) is granted by registered mail, five(5) years before expiry of the leasehold that the lease is about to expire.

The notice shall indicate the date of expiry and notifies the lessee of their pre-emptive right to apply for extension.

In case the lessee does not respond to the notice within one year, the County Executive Committee Member shall publish the notice on two newspaper of wide circulation.

**EIGHTH SCHEDULE**

**THE CONDUCT OF BUSINESS AND AFFAIRS OF COMMITTEES IN MEETINGS**

1. The committees under this Bill shall conduct its business and affairs in meetings in accordance with this Schedule.
2. The committees shall meet as often as may be necessary for the dispatch of its business.  
(3) A meeting of a committee shall be held on such date and at such time and place as that committee may determine.
3. The chairperson of any committee shall, on the written application of one-third of the members, convene a special meeting of the committee.
4. Unless three quarters of the total members of the committee otherwise agree, at least fourteen days' written notice of every meeting of that committee shall be given to every member of the committee.
5. The quorum for the conduct of business at a meeting of a committee shall be two-thirds of the total number members of that committee.
6. The chairperson shall preside at every meeting of the committee at which he or she is present and in the absence of the chairperson at a meeting, the members present shall elect one of their number who shall, with respect to that meeting and the business transacted thereat, have all the powers of the Chairperson.
7. Subject to paragraph 6, unless a unanimous decision is reached, a decision on any matter before the committee shall be by a majority of the votes of the members present and voting at the meeting and in the case of an equality of votes, the chairperson or the person presiding shall have a second or casting vote.
8. Subject to paragraph 6, no proceedings of the committee shall be invalid by reason only of a vacancy among the members thereof.
9. Unless otherwise provided by or under any law, all instruments made by and decisions of the committee shall be signified under the hand of the chairperson.
10. Subject to this Schedule, the committees may determine its own procedure and may co-opt any person to attend any of its meetings, but that person shall not vote at such meeting, and may make rules in respect thereof.
11. The office of the chairperson or a member of any committee shall become vacant if the holder—
  - (a) dies;

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- (b) is absent from three consecutive meetings of the committee without reasonable cause;
- (c) resigns from office by notice in writing addressed to his/her appointing authority;
- (d) is unable to perform the functions of the office arising out of physical or mental infirmity;
- (e) is negligent or incompetent in the performance of his or her functions;
- (f) is adjudged or otherwise declared bankrupt under any law in force in Kenya;
- (g) violates Chapter Six of the Constitution; or
- (h) is convicted of a criminal offence and sentenced to imprisonment for a term of not less than six months.

**MEMORANDUM OF OBJECTS AND REASONS**

**Statements of objects and reasons of the Bill.**

The main objective of the Nyeri County Physical and Land Use Planning Bill is to provide for the planning, use, regulation and development of land and for connected purposes.

The Bill seeks to provide a framework for equitable and sustainable use, planning and management of land.

The Bill further seeks to provide a regulatory framework within which the Nyeri County shall perform and exercise its constitutional functions and powers in matters relating to the physical and land use planning.

The Bill also seeks to promote economic development and ensure sustainable use, planning and management of land within Nyeri County.

The principal object of this Bill is to provide the principles, procedures and standards for the preparation and implementation of physical and land use development detailed plans within Nyeri County

Part I of the Bill deals with preliminary provisions including the short title, interpretations of the main terms used in the Bill, the application and objects of the Bill.

Part II of the Bill provides for the establishment of the County Director of Physical and Land Use Planning responsible for undertaking research on matters relating to physical and land use development planning at the county level. It also establishes physical and land use planning institutions under the Nyeri County Government which provide fora for consultations on development detailed plans.

Part III of the Bill provides types of physical and land use development detailed plans which include local area, county, inter-County Physical and Land Use Development detailed plans for proper development, resource utilization and basis for infrastructure. It also provides for the procedure for the preparation of these development detailed plans and establishes the committees involved in the processes.

Part IV of the Bill makes provisions for development control whose objectives are to protect and conserve the environment and to ensure orderly and planned building development, planning, design, construction, operation and maintenance. It also provides for the procedure for making applications for development permission.

Part V of the Bill provides for the enforcement procedure for compliance of development regulations under the Bill. It also provides for the establishment of the Nyeri County Physical and Land Use Planning Liaison Committee whose functions shall include hearing and determining complaints and claims made in respect to applications submitted to the planning authority in the county and hear appeals against decisions made by the planning authority with respect to physical and land use development detailed plans in the county.

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Part VIII of the Bill provides for the savings and transitional provisions in respect to the effects on previous operations and determination of pending disputes.

The First Schedule of the Bill provides the framework of the County and Inter-County Physical and Land Use Development detailed plans and the contents thereof. It also provides for what is contained in a survey report, renewal and re-development plan.

The Second Schedule of the Bill provides for the procedure for formulating the Nyeri County Physical and Land Use Development Plan including how public participation ought to be conducted and approval, modification and revision of the development plan.

The Third Schedule provides for the procedure for conducting meeting of the committees established under this Bill.

**Statements on the delegation of Legislative powers and limitation of fundamental rights and freedoms.**

The Bill does not delegate legislative powers and limitation of fundamental rights and freedoms of the Constitution of Kenya, 2010.

**Statements as to whether the Bill is a money Bill within the meaning of Article 114 of the Constitution.**

Dated ....., 2020