



County Spatial Planning Guidelines 2018



*Towards Sustainable
Development and County
Effectiveness*

Ministry of Lands and Physical Planning
& Council of Governors

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and County Effectiveness*

2018

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& Council of Governors

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County Spatial Plan

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APPROVAL OF THE GUIDELINES

These Guidelines have been prepared and published in accordance with the Constitution and are hereby approved.

CERTIFIED



National Director of Physical Planning

DATE 5/4/2018

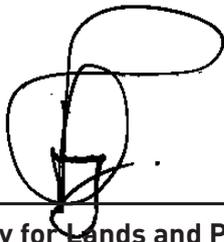
ENDORSED



Chairman, Council of Governors

DATE 10/04/2018

APPROVED



Cabinet Secretary for Lands and Physical Planning

DATE 5/4/2018

Acknowledgments

The preparation of the County Spatial Plan (CSP) Guidelines has been a success, which is attributable to the concerted efforts of good collaboration between many actors. I take this opportunity to gratefully acknowledge their roles and contribution towards the completion of this important document. Of special mention is the Council of Governors Land, Planning and Urban Development committee for taking leadership in the development of this document.

In the spirit of intergovernmental collaboration, we are sincerely grateful for input of National Government and more specifically the Ministry of Lands and Physical Planning. Many thanks to the various heads of Departments within the Ministry under the leadership of the National Director Planning for collaborating with the Council of Governors and for availing requisite information, maps, statistics and expertise to the completion of this guideline.

We also acknowledge the technical input of representatives of Kenya Institute of Planners. Further the Council would like to recognize the contribution of Members of County Executive Committees (CECs), County Directors and Planners who created time out of their busy schedule to prepare this document.

Immeasurable appreciation and deepest gratitude to our development partners for their support in developing this guideline. In this regard, we sincerely acknowledge the support of United Nation Development Programme (UNDP) and the Department for International Development (DFID) for ensuring that adequate resources and finance were availed for the project.



Jacqueline Mogeni

Chief Executive Officer
Council of Governors

Foreword

These Guidelines are a significant accomplishment by the Ministry of Lands and Physical Planning and the Council of Governors in support of the performance of the roles of the two levels of Government and the delivery of spatial planning function in the country.

The collaboration between the National and County governments in the formulation of the Guidelines is a demonstration of how the two levels of government can conduct their mutual relations on the basis of consultation and cooperation in fulfillment of Article 6 (2) of the Constitution. The spatial planning function is a concurrent function of both the national and county levels of government.

As per the Fourth schedule of part 1 Article (21 and 32), the national government is charged with the responsibility of formulating general principles of land planning and coordination of planning by counties and capacity building. In fulfillment of this mandate the national government performs the functions of; formulation of spatial planning policies, strategies and Guidelines applicable throughout the country, Preparation of National spatial plan, coordination of the preparation of regional/inter County spatial plans, undertaking research on spatial planning matters of national importance and offering capacity building and technical support to the counties.

The County governments are charged with the responsibility of county planning and development under Part 11 Article 8 of the Fourth Schedule of the Constitution. In undertaking this mandate the counties are expected to perform the functions of; formulating County specific policies, strategies and Guidelines, preparation of County spatial plans and urban spatial plans, implementation of the plans, undertaking of research on spatial planning within their area of jurisdiction and participating in the preparation of regional spatial development plans.

The Guidelines will be applicable throughout the country in provision of spatial planning services. They will form a basis for enhancing capacity of counties in planning and at the same time a tool for organizing the planning system in all counties, mainstreaming processes and procedures for preparation and implementation of plans. Legislation of planning will borrow heavily from these Guidelines.

It is critical that the Guidelines will be reviewed regularly to reflect on the dynamism and emerging trends in spatial planning.



FARIDA KARONEY, OGW,
Cabinet Secretary
Ministry of Lands and Physical Planning



H.E: Hon. JOSPHAT NANOK
Chairman
Council of Governors

Preface

The formulation of the Spatial Planning Guidelines was motivated by the need to address the challenge of institutionalizing spatial planning in the counties. The challenges include organizing the planning function, preparing and implementing plans, development control and enforcement as well as resolving disputes arising from planning decisions. Other challenges include estimating cost of preparing plans and selecting the method of delivery of plans. The County Spatial Planning Guidelines therefore aim at providing direction and a quick reference frame to the counties in discharge of the spatial planning function.

The guidelines are organized into eight sections namely; Introduction - which presents the foundations, rationale and basis for the guidelines, context - which articulates the legal and policy underpinnings, the national planning system, the types and hierarchy of plans as well as matters dealt with in spatial planning; organizational structure of spatial planning in the counties which indicates the typical structure of spatial planning in the County, staff establishment including typical staff establishment and the distribution of spatial planning roles.

The guideline further outlines various approaches and processes which ought to be mainstreamed in spatial planning. A County spatial planning process to include a typical planning process and indicative time budget for delivery Other aspects dealt with include: Costing of plans - cost elements to be taken into account and factors influencing the cost of plans; plan delivery mechanism – methods of preparing plans and the pros and cons of each method as well as means by which counties can enhance delivery of plans; implementation of projects and programmes identified in spatial plans, development control and finally dispute resolution in planning – purpose, sources of spatial planning disputes, mechanism for resolving disputes as well as means or reducing planning disputes.

Under the Constitution, spatial planning is a concurrent function of both the national and county governments. Since 2013 when the counties came into operation, several sets of guidelines/manuals have been formulated by various institutions to guide the counties in the discharge of their functions. These guidelines have therefore been formulated to create a single harmonized and comprehensive document that is responsive to the planning needs of the counties.

The preparation of the guidelines was a result of collaboration between the Ministry of Lands and Physical Planning and the Council of Governors. It benefitted from participation of spatial planning experts in public and private sector as well as planning experts in academia. It involved the review of existing guidelines and manuals, interactions and sharing of experiences with counties, work sessions and workshops to gather inputs from experts.

The guidelines are expected to enhance the capacity of counties to deliver the planning service more effectively and efficiently. It is expected to standardize the processes and procedures applied by counties in the preparation and implementation of plans. Consequently, this will translate into tangible benefits of better planning of counties generally and cities, municipalities and towns specifically. Ultimately this would lead to the optimal use of land and other resources as well as enhanced economic performance, improved livelihoods and sustainable development.

A handwritten signature in black ink, appearing to read 'Augustine K. Masinde', written over a faint circular stamp or watermark.

Augustine K. Masinde, EBS
National Director of Physical Planning

List of Abbreviations

CECM	County Executive Committee Member
CGA	County Government Act
CIDP	County Integrated Development Plan
COG	Council of Governors
CSP	County Spatial Plan
GIS	Geographical Information System
GPS	Global Positioning System
HQ	Headquarters
LAN	Local Area Network
LPDP	Local Physical Development Plan
LSP	Local Spatial Plan
MTPs	Medium Term Plans
NSP	National Spatial Plan
PPA	Physical Planning Act
PPP	Public Private Partnerships
RPDP	Regional Physical Development Plan
RSP	Regional Spatial Plan
SWOT	Strength Weakness Opportunity and Threats
TORs	Terms of Reference
UACA	Urban Areas and Cities Act
UN	United Nations
UTM	Universal Traverse Mercator
WAN	Wide Area Networks

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1.

INTRODUCTION

1.1 Background

The Constitution of Kenya 2010 apportions responsibility of planning to both National and County Governments. Under the Fourth Schedule on distribution of functions Part 1 (21) and (32) the National Government is charged with the responsibility of formulating general principles of land planning co-ordination of planning by the counties, capacity building and technical assistance to the counties. On the other hand, Part 2(8) allocates the function of county planning and development to County Governments.

This document presents County Spatial Planning Guidelines to facilitate counties in the discharge of their planning function. The guidelines will promote coordinated and sustainable development planning in the counties and facilitate the harmonization and standardization of planning processes in the Counties.

1.2 Definition of Spatial Planning Guidelines

Spatial Planning Guidelines are general rules, principles and processes formulated to guide in the execution of spatial planning function. They provide guidance on approaches and principles for county spatial planning, organizational structures for planning, the process of preparing and implementing County Spatial Plans, development control procedures and processes and dispute resolution mechanism.

1.3 Purpose of the Guidelines

Performance of the spatial planning function by counties has not yielded the anticipated outputs and outcomes. This has arisen from among others low level of appreciation of spatial planning by counties, lack of requisite institutional structures and capacities as well as a framework to guide spatial planning by the counties. These guidelines are therefore intended to provide a common and harmonized approach of undertaking spatial planning at counties.

These guidelines specifically will:

- Standardize and harmonize the process of preparing spatial plans by the Counties
- Clarify the process and procedure for development control
- Guide on the considerations for costing of spatial plans
- Clarify the roles and responsibilities of various actors/agencies involved in the preparation and implementation of CSPs
- Provide a guidance on thematic areas for consideration in spatial planning
- Provide a reference for training, induction and sensitization with respect to County spatial development planning.
- Guide on mechanisms for implementing spatial plans
- Guide establishment of a dispute resolution mechanism

1.4 Rationale

The drafting of the County Spatial Planning Guidelines was necessitated by the promulgation of the new Constitution in 2010, and the proliferation of numerous planning guidelines from various institutions which sought to interpret constitutional and legal provisions for planning. These guidelines exhibit similarities in terms of structure and are characterized by an overlap of the scope and content. The preparation of these Planning guidelines was also motivated by the need to address the challenges identified in the implementation by counties of their spatial planning mandates and functions. These challenges include:

- Lack of a common approach in spatial planning
- Inadequate institutional Capacity
- Inadequate human capacity
- Inadequate allocation of financial resources to undertake planning function
- Poor implementation of plans
- Low appreciation and limited understanding of roles of various County institution by counties
- Poor coordination of planning between national and County governments

It is therefore imperative to merge these guidelines into one comprehensive manual

1.4.1 Application of these Guidelines is expected to Result in:

- A harmonized approach and common reference frame to guide preparation of spatial plans
- Enhanced capacity for preparation and implementation of plans
- Establishment and Strengthening of institutional capacities
- Enhanced allocation of financial resources for performance of planning function
- Appreciation of planning roles by different institutions in the County
- Better coordination of the planning function between national and County governments

1.5 Guiding Principles

The guidelines promote the following principles:

- **Inclusivity:** -The guidelines are a product of intense participation of all key stakeholders including professionals, practitioners, sector agencies, national and county governments and academia.
- **Flexibility and Innovativeness:** -This guidelines are not prescriptive but a guide and gives room for creativity.
- **Simplicity:** -The guidelines are intended to be simple and user friendly.
- **Evidence Based:** -The guidelines are based on the legal and policy provisions that guide spatial planning

1.6 Approaches Adopted

Preparation of the County Spatial Planning Guidelines adopted various approaches:

- **Strategic** (particular/thematic/flexible, issues) –The guidelines focused on priority areas of spatial planning and challenges facing counties in the delivery of spatial planning function.
- **Collaborative** –The guidelines were developed through partnerships by various stakeholders including the Ministry of Lands and Physical Planning, Council of Governors, Counties, United Nations Development Programme (UNDP)
- **Participatory and Consultative**- preparation of the guidelines process was highly consultative. The following stakeholders; physical planning experts, Kenya institute of planners, County governments academic institutions key national institutions.

1.7 Users of the Guideline

These guidelines will be used by individuals and institutions in both private and public sectors as demonstrated below.

Table 1: Users of the CSP Guidelines

No	User	Area of application
1	Physical Planners	Preparing and implementing spatial plans Development control Dispute resolution Costing of the plans
2	County Executive	Budgeting for planning Resource mobilization Establishment of County planning structures
3	County Assembly	Approval of planning budgets Approval of plans Formulation of planning legislation Enhance their role of representation Oversight of the executive on spatial planning
4	Ministries, departments and agencies	Understand processes, procedures and responsibility towards sustainable development based on spatial planning provisions
5	Practitioners in built environment	Understand processes, procedures and requirements for development applications
6	Community, developers and investors	understand the processes and their obligations in County Spatial Planning
7	Development partners	Reference frame for funding spatial planning activities
8	Training institutions	Compliment the curriculum for training of spatial planners

1.8 Methodology of Guideline Preparation

The preparation of the County Spatial Planning Guidelines commenced in 2015 and progressed through the phases and activities outlined below.

Table 2: Planning process

	Phase	Activities
1	Initiation	Development of a proposal for preparation of Spatial Planning Guidelines Stakeholder analysis and mapping Resource mobilization Preparation of TORs and Procurement of consultancy services Launch and commencement
2	Situation analysis	Review of existing manuals and guidelines Assessment of spatial planning status in the counties -sampled counties
	Formulation of Draft guidelines	Synthesis and formulation of proposals from situational analysis Compilation of the draft guidelines
3	Stakeholder consultations	Consultative workshops for counties, physical planning experts- Kenya Institute of planners, universities (planning schools)
4	Finalization	Review and incorporation of inputs from consultations Content and copy editing Packaging of final guidelines
5	Adoption	Presentation to the Council of Governors
6	Dissemination	Distribution of the guidelines to counties and other stakeholder

2.

PLANNING CONTEXT

2.1 Legal and Policy Framework

The formulation of these guidelines took into account the Constitutional aspirations and principles. Kenya Vision 2030 aspirations and development concepts, the objectives, strategies and policy provisions of the National Spatial Plan; the country's planning system, distribution of mandates and hierarchy of spatial plans. A summary of the aforementioned is as provided in the graphic below.

2.1.1 Constitution

The Constitution of Kenya is the supreme law of the country and provides the basis for planning. County Planning should take cognizance of the constitutional aspirations and principles.

Table 3: Constitutional Article on Spatial Planning

ARTICLE/SECTION	PROVISIONS	REMARKS
Article 60	Principles of land policy	Guides the formulation of land use and management policies
Article 66	Regulation of use of any land, interest in or right over land in the interest of defense, public safety, public order, public morality, public health or land use planning	Provides powers to the National and County governments to regulate the use of land and property through spatial planning
Article 67 (h)	Monitoring and oversight	Provides powers to the National Land Commission to monitor and have oversight over land use planning
Fourth Schedule, Part I (21)	General principles of Land planning and the co-ordination of planning by the counties	Provides mandates to the National Director to coordinate Planning by the Counties
Fourth schedule, part 2 (8)	County Planning	Provides for county planning and development
Fourth schedule part 32	Capacity building and technical assistance to the counties	Mandates the National Director of Planning to assist the counties acquire requisite personnel and skills to competently carry out the planning function

Figure 1: Aspirations and Principles of Vision 2030



2.2 Legal Framework for Spatial Planning

The appreciation of these provisions in law will assist the counties in plan preparation processes and implementation.

Table 4: summary of Legal instruments for spatial planning

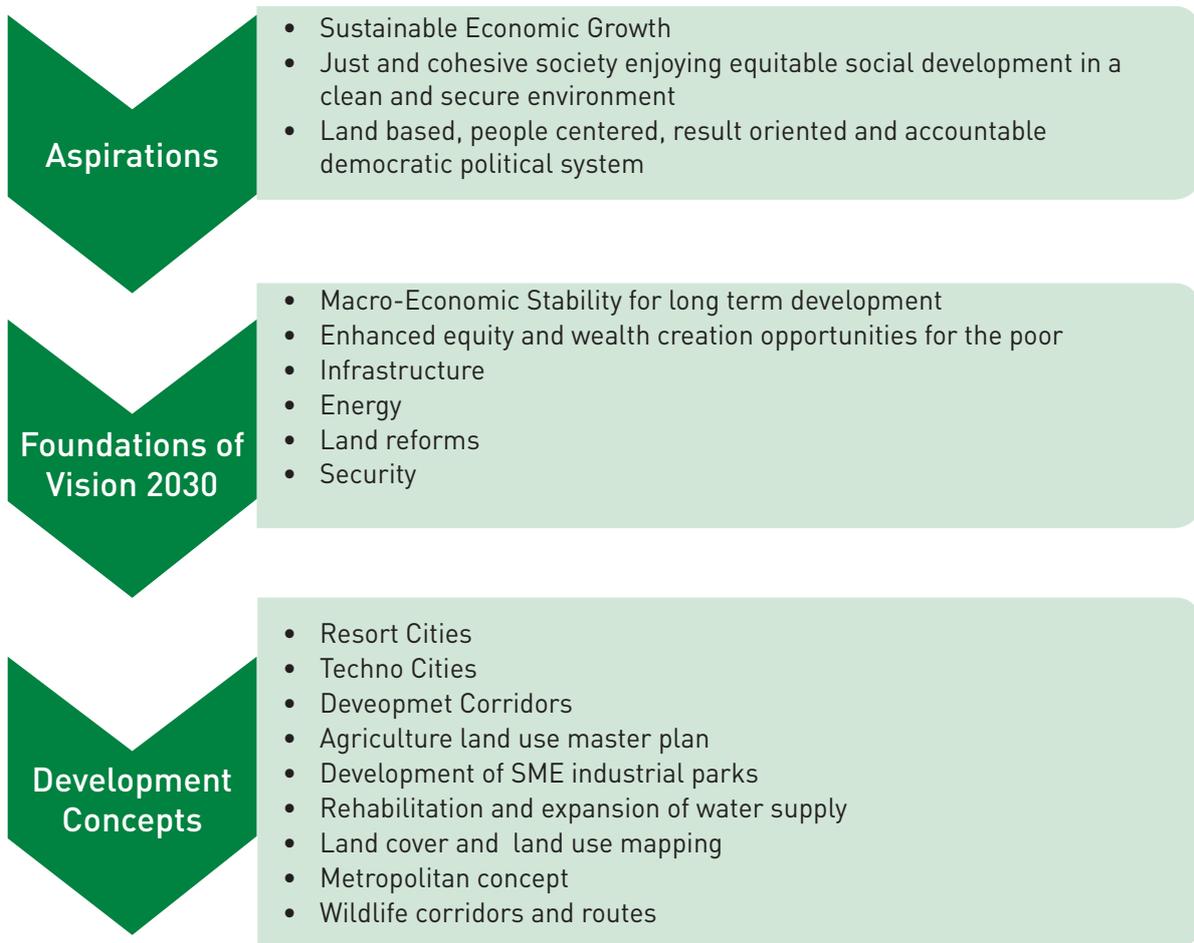
STATUTE	ARTICLE/SECTION	PROVISIONS	REMARKS
County Government Act, 2012	Section 102-115	County planning and development	Provides principles of planning and development facilitation to guide County planning
Urban Areas Cities Act, 2012	Section 37	Linkages between County plans	Provides interlinkages between County plans
Physical Planning Act Cap 286	Relevant Schedules 1, 2, 3 and 5	Matters to be considered in spatial planning	*under review Sections and schedules can be domesticated by counties to guide regional and local planning and development control
	Part 5	Provides a framework for Development Control	
	Section 16, 17 and 24	Purpose and content of spatial plans	
Statutory instruments	PPA 1, 2, 5,6 & 7	Tools for public participation and development control	

2.3 Policy Instruments

2.3.1 The Kenya Vision 2030

Kenya Vision 2030 is the overarching national development framework which all plans should be aligned to. The preparation of County spatial plans should take cognizance of the aspirations foundations and development concepts as summarized below

Figure 2: Foundations and Development Concepts of the Vision 2030



2.3.2 The National Spatial Plan

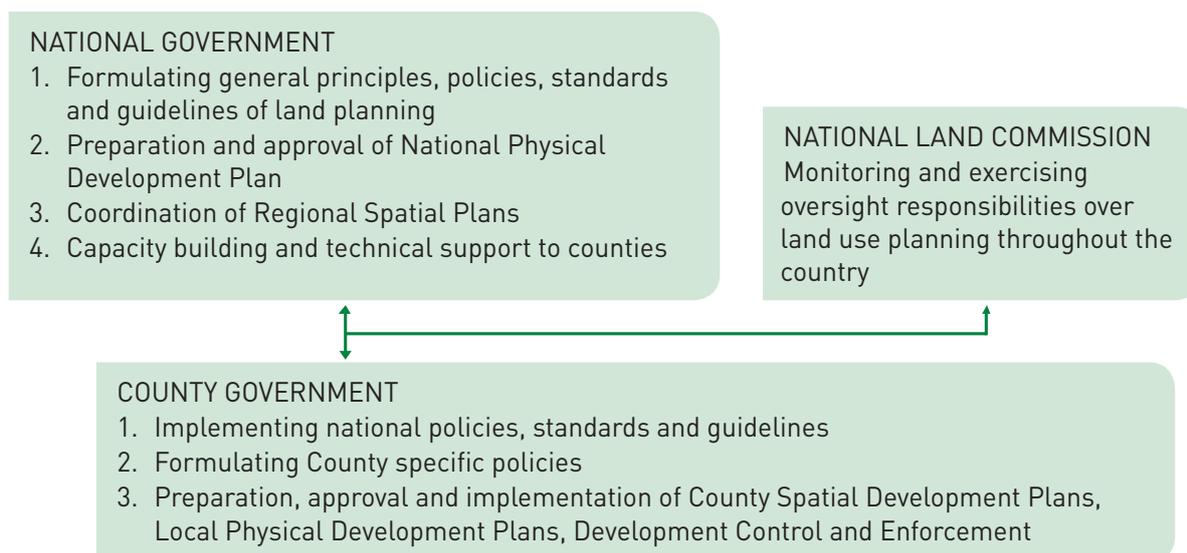
The National Spatial Plan (NSP) is a territorial plan that covers the whole country and translates and grounds Kenya Vision 2030. County Spatial Plans should be aligned to the policies outlined in the NSP.

Table 5: The National Spatial Plan Provisions

Expected outcomes	<ul style="list-style-type: none"> • National competitiveness • Optimizing the use of land and land based resources • Balanced regional development • Appropriate infrastructure • Efficient national transportation network • Enhancing national economy (modernizing agriculture, diversifying tourism etc.) • Managing human settlements
Purposes	<ul style="list-style-type: none"> • Strengthen national economic planning by providing spatial dimension of national economic policies; • Coordinate sectoral agencies by providing the spatial expression to sector policies to mitigate duplication and wastage of resources. • Formulate physical/spatial planning policies to support socio-economic and sectoral planning, and • Guide the preparation of regional, County and local physical/spatial development plans.
Development Strategies	<ul style="list-style-type: none"> • Managing impacts of Global Trends • Optimizing the use of land and natural resources • Promoting balanced regional development • Promoting rural development • Urbanization Strategy
Development Policies	<ul style="list-style-type: none"> • The National Spatial Plan shall be the basis for preparation of lower tier development plans • High potential agricultural area shall be safeguarded against the threat of urbanization and land subdivision • Enhance the provision of adequate and affordable energy supply for the industrial sector • Infrastructure and efficient transportation shall be provided to enhance the quality of life and improve functionality of the urban areas • Promote diversification of tourism • Mainstream climate change into the national and county planning processes.

2.4 Distribution of Planning Mandate

Figure 3: Distribution of planning mandate



2.4 1 Role of the National Director of Physical Planning in county planning

Spatial planning is a concurrent function that is carried out by both the national government and county governments hence there is a relationship between the two levels of planning. The National Director of planning is mandated to prepare policies that guide spatial planning throughout the country, coordination of planning by counties and capacity building. In specific terms the national Director is mandated to:

1. Prepare the National Spatial plan and ensure the policies in the NSP are integrated into county Spatial plans
2. Spatial planning needs assessment
3. Capacity build the counties on:
 - Required staff establishment, Personnel skills and competencies
 - Spatial planning processes
 - Preparation of terms of reference (ToRs)for spatial planning consultancy etc.
4. Coordinate spatial planning by counties through sensitizing counties on the importance of spatial planning, bringing together several counties in planning of common resources and sharing of information regarding planning in the counties etc.
5. Advise counties on critical spatial planning challenges and how the counties can address these challenges.
6. Promote common norms and standards through the preparation of Physical planning handbook and guidelines.

The relationship between the National Director of planning and county planning can be maintained through;

- Convening of forums bring together the National director and the county directors of planning to deliberate on planning issues
- Advisories on planning matters issued by the national Director from time to time
- Workshops & Seminars to evaluate the state of planning in the country
- Joint planning exercises with individual counties
- Individual Counties consulting with the director

Circulation of draft plans to the national director for technical input and policy concurrence

2.5 Planning System

Planning system in the country is divided into two levels, namely National and County, both of which work towards the achievement of the aspirations of Vision 2030. The national level comprises of the medium-term plans (MTPs), the National spatial plan (NSP) and sectoral policies and plans.

The MTPs are a series of successive five year economic plan meant for implementing the Flagship Projects identified under Vision 2030 as well as other key policies and programmes identified in the National Spatial Plan and the sectoral policies and plans.

The NSP is specialized plan which outlines strategies and policies relating to the use of land at the national scale including grounding of the flagship projects of vision 2030 and the coordination of sectoral policies and plans.

Sectoral policies and plans are actions undertaken for the achievement of sector specific objectives.

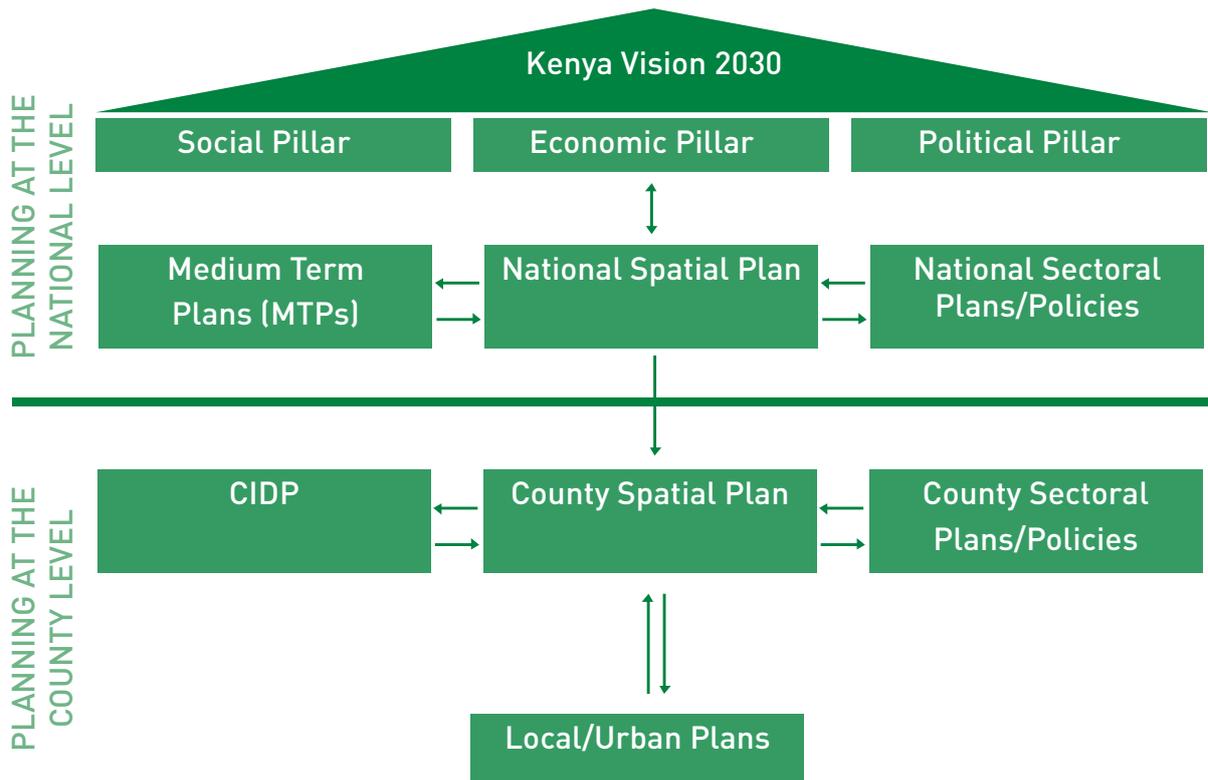
The County planning level comprises of the County Integrated Development Plan (CIDP), the County Spatial Plan (CSP) and the County specific sectoral policies and plans. The CIDP is a counterpart plan of the MTP at the County level. It is meant to implement projects identified in the counties. The projects may be identified in the CSP and County sectoral plans.

The CSP is a counterpart plan of the National Spatial Plan at the County level which outlines strategies and policies relating to the use of land at the County scale including grounding of the projects identified under the NSP and the coordination of the County sectoral policies and plans.

The County sectoral policies and plans are undertaken by the sectors within the counties for the achievement of sector specific objectives.

The local/urban plans are the lowest plans that that are prepared by counties to further ground the projects identified under the CSP and County sectoral polices and plans. The graphic below illustrates the country's planning system.

Figure 4: Kenya's Planning System



2.6 Hierarchy of Spatial Plans

Spatial development plans are organized in a hierarchical structure with the higher-level plans guiding the preparation of the lower level plans. The higher-level plans inform the lower level plans whereas the lower level plans implement the higher order plans. However, the preparation of the higher-level plans takes into account the lower level plans.

Figure 5: Hierarchy of spatial plans

TYPE OF PLAN	PREPARATORY AUTHORITY	DESCRIPTION	PLAN PERIOD	GEOGRAPHICAL SCOPE
NSP	National Government	Strategic spatial vision for the country	Twenty (20) years 10 year reviews	Kenya's territorial space
RPDP	National Government - Coordination County Governments - Implementation	Spatial framework to address issues that transcend more than one County	Twenty (20) years Ten (10) year reviews	Two or more counties or countries
CSP	County Governments	Spatial development framework for the whole County	Ten (10) years Five (5) year reviews	Entire County
LPDP	County Governments	A plan for an area an urban area	Long term (10-20) years Short term (5 - 10 years)	A city, municipality or town

2.7 Key Issues in Spatial Planning

Spatial development plans are designed to promote optimal use of land to achieve sustainable development by addressing development challenges and exploiting opportunities in key areas that have spatial dimension. Therefore, a Spatial Plan addresses urban and rural spaces and places in an integrated way, and considers how land-use, transportation planning, and infrastructure and services provision must be coordinated to contribute to a competitive, economically robust, socially livable, and sustainable Regions, that lend themselves to meeting the day to day aspiration for prosperity for the residing population.

The spatial plans should therefore develop policies, strategies and standards to enhance efficiency and equity, taking into consideration the following key thematic areas:

Table 6: Planning Themes

Thematic Area	Issues
Population	Size, projections, distribution, movement, growth rate, structure, poverty, welfare indicators -mortality, literacy levels, morbidity,
Land use	Land cover, existing and potential land uses, land use conflicts, land availability, cadaster, land use changes, land tenure
Economy	Growth and prospects, employment, income distribution, livelihoods, balanced development
Economic drivers: Tourism, trade, mining, agriculture, industry	Potentials, distribution of resources, production trends, diversification, level of exploitation
Transport: Road, railway, air, water, Non-motorized transport	Modes, distribution, conditions, coverage, connectivity and linkages integration, terminal facilities, urban transportation, safety
Infrastructure- energy, ICT, health, water and sanitation, pipeline,	Type, distribution, capacity, coverage, conditions, location
Human settlement; Rural settlements and urbanization	Settlement patterns, population size, distribution, functions, density, growth rate, conditions, housing, linkages, urban sprawl, informal settlements, rural-urban migration
Environment	Environmentally sensitive areas, location, potential for use, urban ecology, waste management,
Governance	Gender, safety, public participation, resource management, institutional arrangements, policies and legislation
Other matters	Special cities; -Technology cities, resort cities, special economic zones, mini cities

2.8 Mainstreaming Cross-Cutting Issues

Mainstreaming of cross-cutting issues into the County Spatial Planning process is important in order to achieve integrated County spatial development. The provision of mainstreaming of cross cutting issues in this guideline provides a platform for planners and other experts at County level to put in place the minimum standards required to integrate pertinent thematic issues in the CSP process. It ensures priority mainstreaming-needs permeate decision-making culture and practices as well as corresponding identified policies and programmes to bring about improved livelihoods, increased economic security and environmental management. These are informed by County realities and circumstances, and hence while some themes are applicable to all e.g. environment and climate change with varying degrees of interest from County to County, no one size fits all counties with regard to the mainstreaming process.

To ensure that the process of mainstreaming cross cutting issues into the CSP is successful, reference is drawn from different legal and institutional frameworks. For the purpose of these guidelines, two key cross cutting issues were considered for integration in the CSP process. These include:

i. Climate Change and Disaster Risk Reduction

Constitution of Kenya 2010: Environmental rights are envisaged under Article 42 which provides for the right to a clean and healthy environment, including the right to have the environment protected for the benefit of present and future generation. Chapter Five (Land

and Environment); Part 2 deals with the Environment. This requires sustainable exploitation, utilisation, management and conservation of the environment and natural resources, and ensure the equitable sharing of the accruing benefit to be achieved through planning for instance. Section 66 specifically engages regulation of land use and property in the interest of defence, public safety, order, morality, public health or land use planning. The Fourth schedule handles the distribution of Roles between National and County Governments. The roles relating to planning, climate change and DRR and socio-economic development (agriculture, fisheries, health, water, tourism etc.) are also distributed. Kenya National Climate Action Plan (2013) - Domesticate

Climate Change Act 2016 in Part IV requires the County government to integrate and mainstream climate change actions into its various functions, sectors and plans including the County Integrated Development Plan, and the County Sectoral Plans. Therefore, in preparation of the spatial plans counties should Other International agreements including the UN Framework Convention on Climate Change (UNFCCC) - Paris Agreement 2015 (COP21) which talks on strengthening global response to climate change, and under which Kenya has pledged its Intended Nationally Determined Contribution (INDC). This include 2030 Agenda for Sustainable Development, where under SDG 13 Kenya pledges to take urgent action to combat climate change and its impacts. Other International frameworks such as the Sendai Framework for Disaster Risk Reduction (2015-2030): Emphasizes on disaster risk management as opposed to disaster management, articulating four priority (*Draft County Spatial Planning Manual 83*) areas including understanding disaster risk, strengthening disaster risk governance, enhancing preparedness and mobilization of risk sensitive investments. Kenya National Climate Action Plan (2013) - Domesticates UNFCCC COP21 agreement. It recognizes that Environment and climate change is a function of the national and county government; and:

- Mainstream climate change and Disaster Risk aspects in the County into corresponding policies and programmes.
- Create sustainable, safe and resilient communities with enhanced mitigative and adaptive capacities.

ii. Gender, Youth and Disability

Constitution of Kenya under the Bill of Rights provides for the application of rights and fundamental freedoms for Children, Persons with disabilities, Youth, Minorities and marginalized groups and older members of society and requires their mainstreaming in government policies, plans, budgets and programmes. National Gender Policy 2011 requires that gender concerns are mainstreamed in the national development process.

Spatial plans should be developed in a manner that ensures inclusivity in policy making, development planning, budgeting and implementation processes.

The organizational structuring for county spatial planning entails:

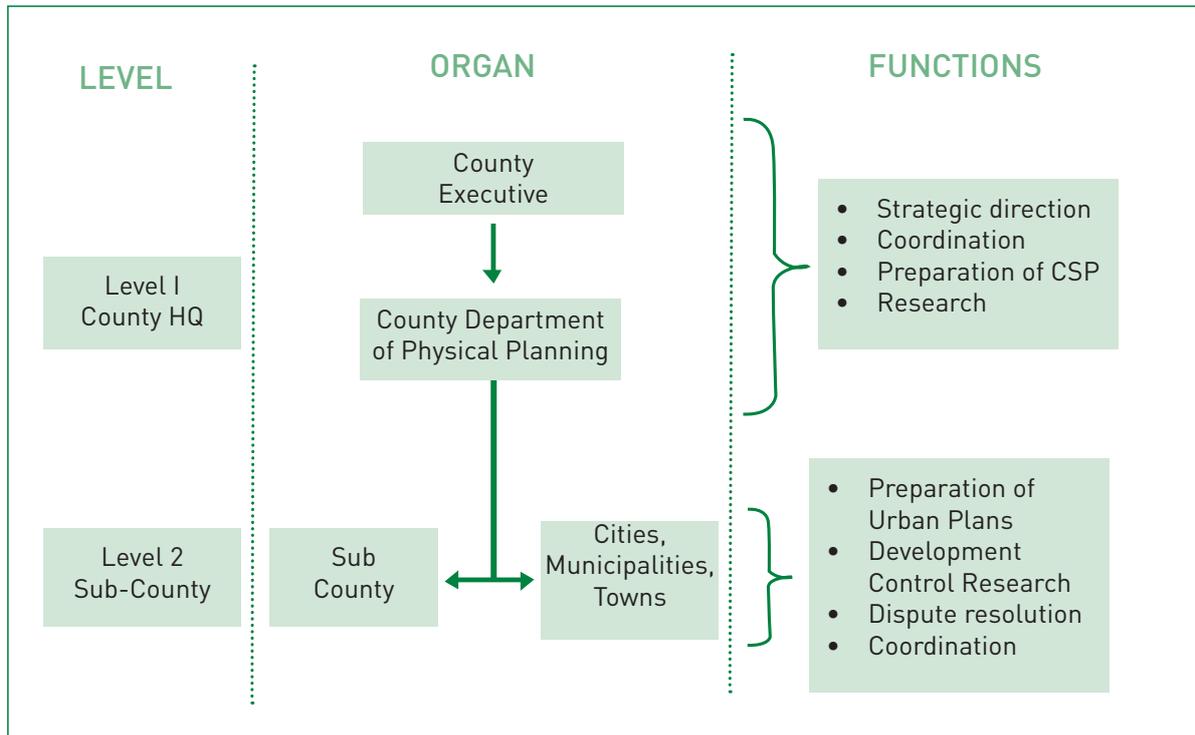
- Administrative structure of County Governments
- Distribution of roles among County institutions- County Executive County Assembly and Spatial planning authority
- County planning mandate and functions
- Level and status of urbanization

3.

ORGANIZATIONAL STRUCTURE OF SPATIAL PLANNING IN THE COUNTIES

3.1 Typical Structure of Spatial Planning in the County

Figure 6: Typical County Spatial Planning Structure



3.2 Staff Establishment

For counties to deliver on their spatial planning mandates and functions there is need to recruit adequate staff with appropriate skills and competencies. To be able to achieve this, some of the parameters to be considered include:

- Proposed organizational structure of the County Spatial Planning unit
- Range of functions to be performed
- Administration structure of the County such as the number of sub counties, level of urbanization.

3.3 Typical Staff Establishment for County Spatial Planning Unit

The typical staff establishment structure is as illustrated below:

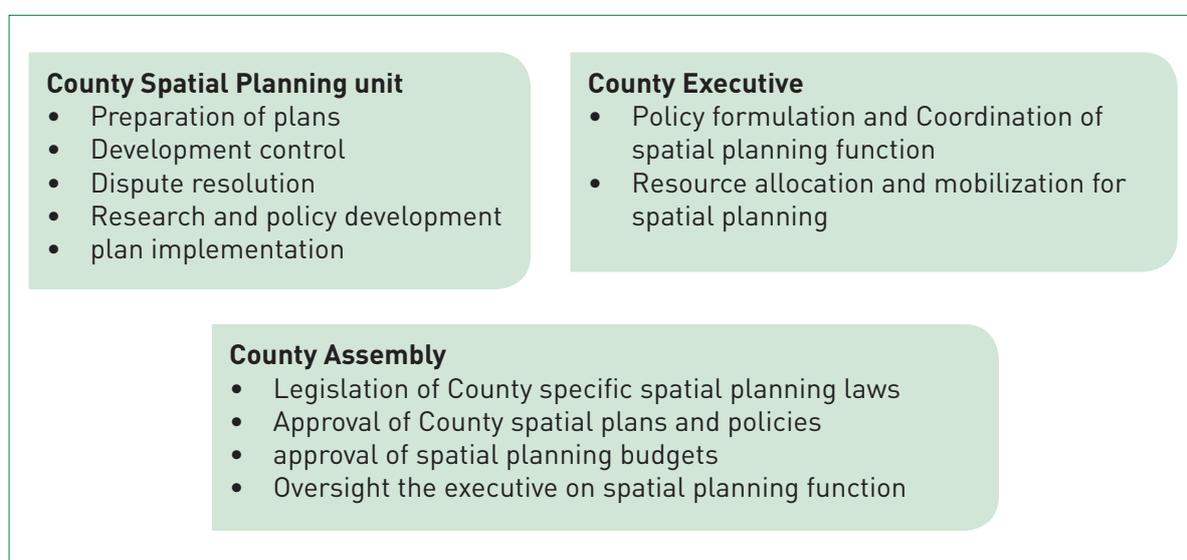
Table 7: Staff establishment for County Spatial Planning unit

Position	Role	Minimum qualifications	Minimum Number
County Director of Physical planning	<ul style="list-style-type: none"> Overall administration and coordination of planning in the County Initiate preparation of plans Liaison with other agencies and sectors Resource mobilization 	<ul style="list-style-type: none"> Masters in Urban and Regional Planning 10 years' experience Registered with PPRB Senior management course 	1
Deputy Directors	<ul style="list-style-type: none"> Preparation of County Spatial Plans Research and County specific policy development Administration of County Planning Development control and conflict resolution (initiate and oversee the processes in the respective divisions) 	<ul style="list-style-type: none"> Masters in Urban and Regional Planning 7 years' experience Registered with PPRB Senior management course 	4
County Planners (at the County Headquarters)	<ul style="list-style-type: none"> In charge of operations in the respective divisions Preparation of County spatial plans Prepare reports for the various division activities Review development applications/plans Identify research areas and undertake research 	<ul style="list-style-type: none"> Bachelor's degree in Urban and Regional Planning 5years' experience 	2 per Division
Assistant Director in charge of sub-County/ City/ Municipality/ Town	<ul style="list-style-type: none"> Coordinate planning services at the sub County level Ensure implementation of County planning policies Development control 	<ul style="list-style-type: none"> Bachelor's degree in Urban and Regional Planning 5years' experience Registered with PPRB Management course 	1 Assistant Director per sub County 2 per City/ Municipality/ Town
Sub County planner	<ul style="list-style-type: none"> Preparation of plans Receiving and processing development applications 	<ul style="list-style-type: none"> Entry level requirements 	2 sub County planners per sub County
Urban Areas - City/ Municipal/ Town directors of planning	<ul style="list-style-type: none"> Initiate Preparation of urban plans for the Municipality/City/town Resource mobilization Initiate Research 	<ul style="list-style-type: none"> Masters in Urban and Regional Planning 7 years' experience Registered with PPRB Senior management course 	1 per Town/ Municipality/ City

Position	Role	Minimum qualifications	Minimum Number
City/municipal/town planners	<ul style="list-style-type: none"> Preparation and implementation of plans Development control Dispute resolution 	<ul style="list-style-type: none"> Entry requirements 	4 per City/Municipality/Town
County, city, municipal, town GIS Managers	<ul style="list-style-type: none"> Responsible for the overall County, city, municipal, town technical planning services and the County GIS Unit 		1 at County, city, municipal, town
Planning Assistants/ GIS technicians at the County, sub-County, city, municipal and town levels	<ul style="list-style-type: none"> To provide technical support to the planning departments at the County, sub-County, city, 	<ul style="list-style-type: none"> Diploma in any of the following, building, civil engineering, cartography, Geographic information system (GIS) from a recognized institution. Entry level experience Members of a relevant professional body 	2 per County, sub County city, Municipal and town

3.4 Distribution of Spatial Planning Role in the Counties

Figure 7: Distribution of spatial planning roles at the County



4.

SPATIAL PLANNING
APPROACHES AND
PROCESSES

4.1 Concept

Approaches and processes of spatial planning includes; the methodologies and series of actions or steps that may be taken in the formulation of spatial plans. The approaches and methodologies may be customized and adopted by counties in the preparation of County Spatial Plan or urban plans.

4.2 Rationale

The objective of outlining the approaches and processes of spatial planning is to provide standard norms and values that may be adopted by the counties. The adoption of these approaches and processes leads to the appreciation of the multi-disciplinary and multi-sectoral nature of planning as well as to adopt strategic, integrated and participatory approaches. This will improve the quality of plans and enhance their implementation.

4.3 Approaches

a. Multi-Disciplinary Approach

A multi-disciplinary approach to spatial planning involves drawing appropriately from multiple professional disciplines in a sector to redefine problems outside normal boundaries and reach solutions based on a new understanding of complex situations. The planning process benefits from the wide range of ideas from the team members with varied but complimentary experience, qualifications, and skills that contribute to the achievement of the plan's specific objectives. The planning team coordinates other professionals to aid in the identification of key planning issues, analysis and formulation of plan proposals. The disciplines will include urban planning, urban design, transport planning, Environment, Sociology, economics, GIS, agriculture, rangeland management, water management etc. The table below shows examples of the roles played by the different professionals in plan preparation.

Table 8: Multi-disciplinary planning team

Professional	Role
Transport planner	Guides in formulation of future policies, goals, investments and designs to prepare for future needs to move people and goods to destinations.
Environmentalism	Presents concerns and advice on the mechanisms for the protection of the environment.
Sociologist	Guides on issues concerning development, structure, and functioning of human society.
Economist	Brings issues of production, consumption, and transfer of wealth
Urban designer	Presents and advices on how to shape the physical setting for life in cities, towns and villages.
GIS Expert	Works with geographic information systems (GIS) to solve problems, present data, and store information.

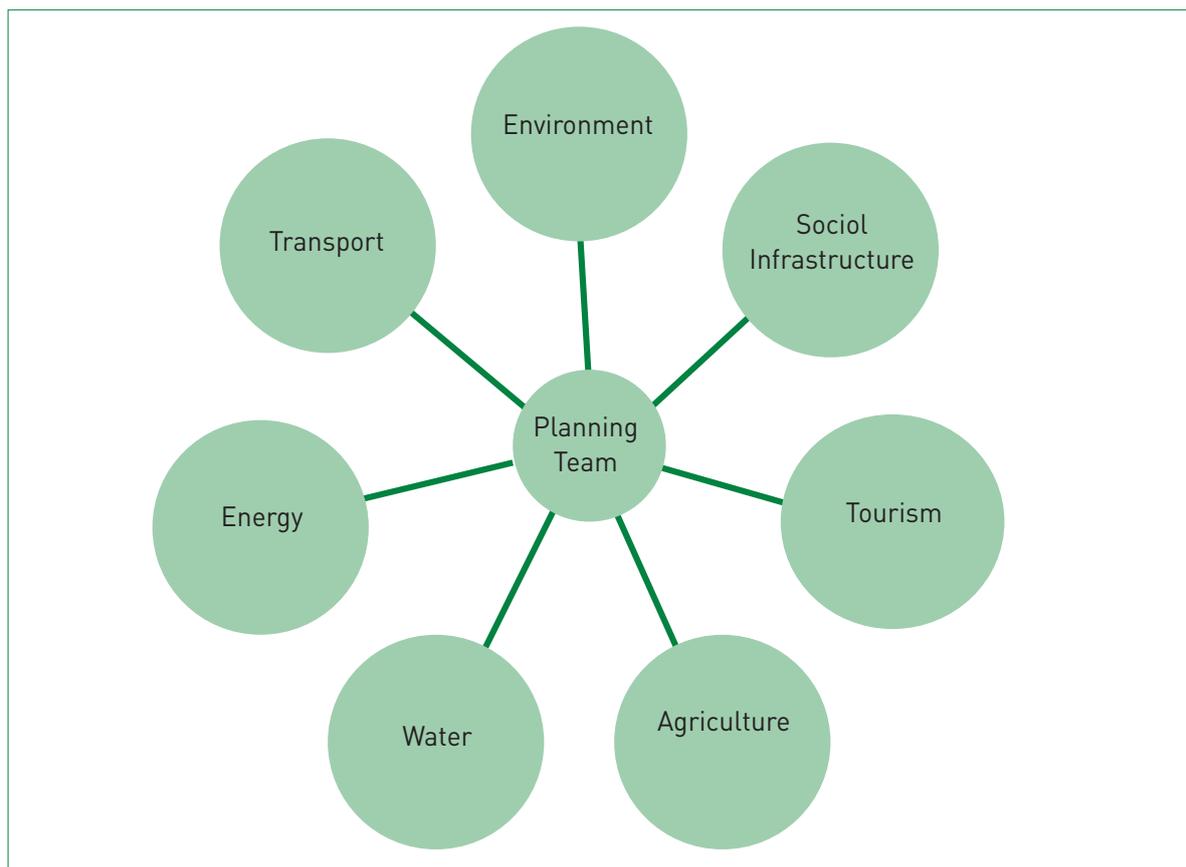
Figure 8: Multi-disciplinary approach to planning



b. Multi-Sectoral Approach

The multi-sectoral model calls for holistic inter-organizational and inter-agency efforts that promote participation of people of concern, interdisciplinary and inter-organizational cooperation, and collaboration and coordination across key sectors, including (but not limited to) environment, agriculture, transport, water, energy etc.

Figure 9: Multi sectoral approach to plan



c. Participatory and Consultative Approach to Planning

It is the involvement of various categories of actors in the plan preparation process. The actors include ministries, departments and agencies, professional and academic institutions, civil society, resident associations, political and opinion leaders, development partners among others.

Participatory approach is agreed upon with the local community members in the recognition of issues of concern. In order to ensure that participation is realized and that it eventually becomes meaningful and socially inclusive, a range of undertakings and conditions for setting minimum conditions should be adopted in the plan process. This includes a planning approach that allows and encourages active stakeholder participation as a guiding principle. An action model rooted in a planning approach with specifics on how the participatory processes motivates plan preparation and decision-making should be incorporated.

Stakeholder participation is an integral part of the entire plan preparation process as it:

- Facilitates integration of interests and concerns of all stakeholders and meets the needs of the planning and decision making authority.
- Gives stakeholders an opportunity to make decisions on matters that affect them.
- Enhance ownership of the plan and Gather support for plan implementation therefore ensure sustainability
- Provides opportunities for learning for both the planning team and stakeholders.
- Builds capacity and enhances responsibility.
- Source of information for both the planning team and stakeholders.
- Minimization of conflict during preparation and implementation
- Assists in resource mobilization
- Creates awareness

d. Strategic Approach

Strategic development planning is a process-oriented and action-oriented approach differing from the conventional planning approaches such as master plans or comprehensive development plans which are product-oriented. It guides development in the direction of those strategic priorities identified by all stakeholders through a consultative process.

A strategic plan looks at all the planning issues that should be addressed in a plan and narrows down to the most significant in the overall well-being of the County that require full and immediate attention of the planning authority. Such issues can be fixed in a short term and achieve the biggest positive transformation of the County.

Strategic spatial planning is adopted because of its ability to coordinate and integrate economic, infrastructural and social policies in space in the interests of a counties economic positioning; its ability to take a strong stand on resource protection and environmental issues, as well as on heritage and quality of place issues; and the fact that it's implementation is focused.

e. Integrated Development Planning Approach

An integrated plan for sustainable development comprises a system of interlinked actions which seeks to bring about a lasting improvement in the economic, physical, social and environmental conditions of a County. The key to the process is integration, implying that all policies, projects and proposals are considered in relation to one another. In this regard, the synergies between the elements of the plan should be such that the impact of the plan as a whole adds up to more than would the sum of the individual parts if implemented in isolation.

As an approach, integrated development planning seeks to take into account the complexity of conflicting goals and interlinked challenges. By designing measures that address several interlinked development goals and involve the respective actors, it helps

to reduce trade-offs between development goals, increase effectiveness of measures and deployed resources, and strengthen institutional capacities to act on complex and dynamic challenges.

f. Collaborative Approach

This approach involves gathering stakeholders and engaging them in the process of making decisions together in a manner that respects the positions of all involved. It is an important approach especially during plan implementation when different agencies are brought into to the fore to support the execution of the projects and programmes identified in the plan.

4.4 County Spatial Planning Process

Spatial planning assumes a cyclic process. The process can be summarized into seven broad steps. These include; Initiation, scoping of the context, identification of key planning issues and analysis, formulation of land use proposals, formulation of development policies and measures, development of strategies and final review and approval.

4.4.1 Initiation

The physical planning unit initiates preparation of the Spatial Plan by:

- i. Conducting planning needs assessment to identify the areas for planning, issues to be addressed by the plans, type of plans to be prepared and the availability of resources.
- ii. Delineation of the planning area
- iii. Preparing a concept paper
- iv. Preparing Terms of Reference (ToRs)
- v. Cost estimation for plan preparation
- vi. Constituting of the planning team (for internal capacity)
- vii. Procurement of consultancy services (when outsourcing)
- viii. Notification of Intention to plan

4.4.2 Scoping of the Context

Scoping refers to the process of determining the major issues and impacts that will be important in decision-making and need to be addressed by the Plan. It involves scanning the planning area to establish the major issues and entails an analysis of the social, environmental and economic issues. The geographic and legal context also needs to be described.

This will inform formation of technical working groups and identification of key local stakeholders and experts.

Outputs:

An analysis of the planning issues, opportunities and potential inherent in the areas of environment, economy and social development.

4.4.3 Identification of Key Planning issues and Analysis

This involves the collection and analysis of both spatial and socio-economic data within the planning area with the aim of establishing the key issues. Specific areas important for key socio-economic development and environmental conservation are also spatially identified and mapped. The analyzed data is presented in form of graphics, charts, reports and maps.

4.4.4 Visioning

Visioning is a process by which a community with the guide of the planning team decides the future it wants and then plans how to achieve it. The key fundamental questions to ask include: (1) Where are we now? (2) Where are we going? (3) Where do we want to be? And (4) how do we get there?

The primary purpose of the visioning process is to develop a set of vision statements, community goals, and objectives that best articulate the desires of the residents about the future.

4.4.5 Formulation of Land use Proposals

This involves the zoning of different areas and allocating them different uses. These could include residential, industrial, commercial, agricultural and transportation among other land uses.

4.4.6 Formulation of Development Policies and Measures

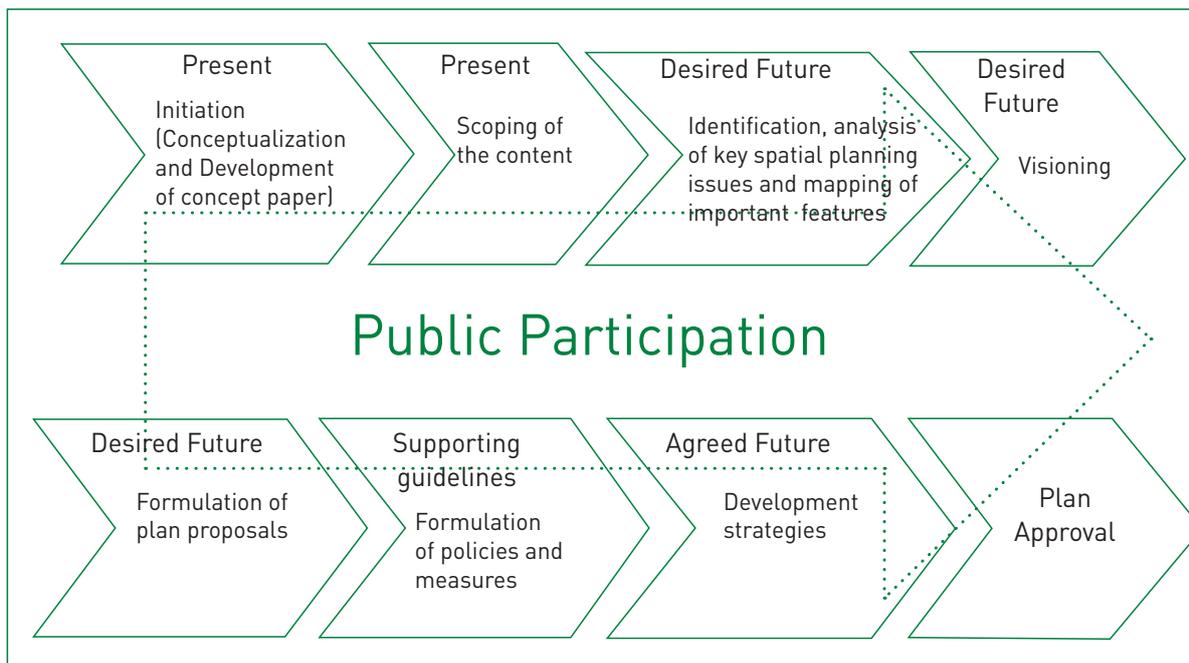
This involves the broad development of policies to support the proposed land uses. For each zone, a clear set of land use guidelines is developed.

4.4.7 Development of Strategies

This entails the development of implementable strategies in key planning areas of urbanization and human settlement, rural development, transportation, infrastructure and services development, environment and natural capital, economic development and implementation of the plan.

4.4.8 Plan Approval

Figure 10: Spatial Planning Process



The spatial plans prepared at the county level go through three stages major phases:

1. Preparation of the draft plan by the County Director of planning

The County Director of planning after completing preparing the plan does the following:

- Publishes a notice of completion of the plan
- Considers any comments received
- Prepares a justification brief to the CECM on the need for approval.

2. Submission of the draft plan to the County executive for adoption

The County Director of planning presents the draft plan to the CECM in charge of planning who undertakes the following;

- presents the draft plan to the county executive together with the justification brief prepared by the county director
- The draft plan can be adopted without comments or the county executive can issue comments that the county Director should consider and incorporate in the draft plan before the plan is tabled in the county assembly.
- prepares a justification brief to the county assembly on need for approval

3. Submission of the draft plan to the County Assembly for approval

The County executive member in charge of planning presents the draft plan to the county assembly for deliberation and approval.

4. Post approval activities

After approval, other activities to be undertaken by the Director include:

- Packaging and printing of the plan
- Publication, dissemination and implementation

The process is illustrated as below

4.4.9 Effect of approval of plans

The plan becomes a legitimate instrument and a basis for decisions making. The approved plans

- Form a basis for budgeting
- Form a basis for development control
- Guide or direct investments
- Guide and secure suitable provision for transportation, utilities and services
- Enhances harmony in land uses
- Form a basis for further planning

4.5 A Typical Spatial Planning Process

4.5.1 Public Participation in Plan Preparation

Public participation is a process that cuts across all the plan preparation stages with the intensity varying with stages ranging from informing to empowering the public as illustrated below

Figure 11: County spatial plan approval process

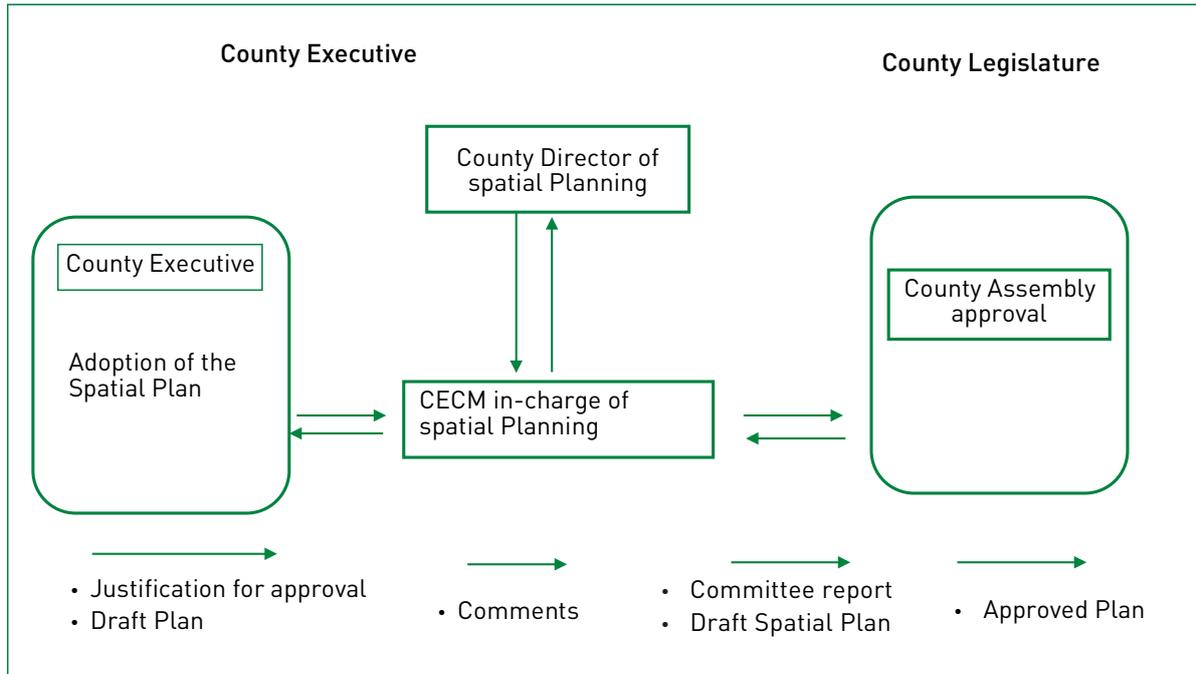
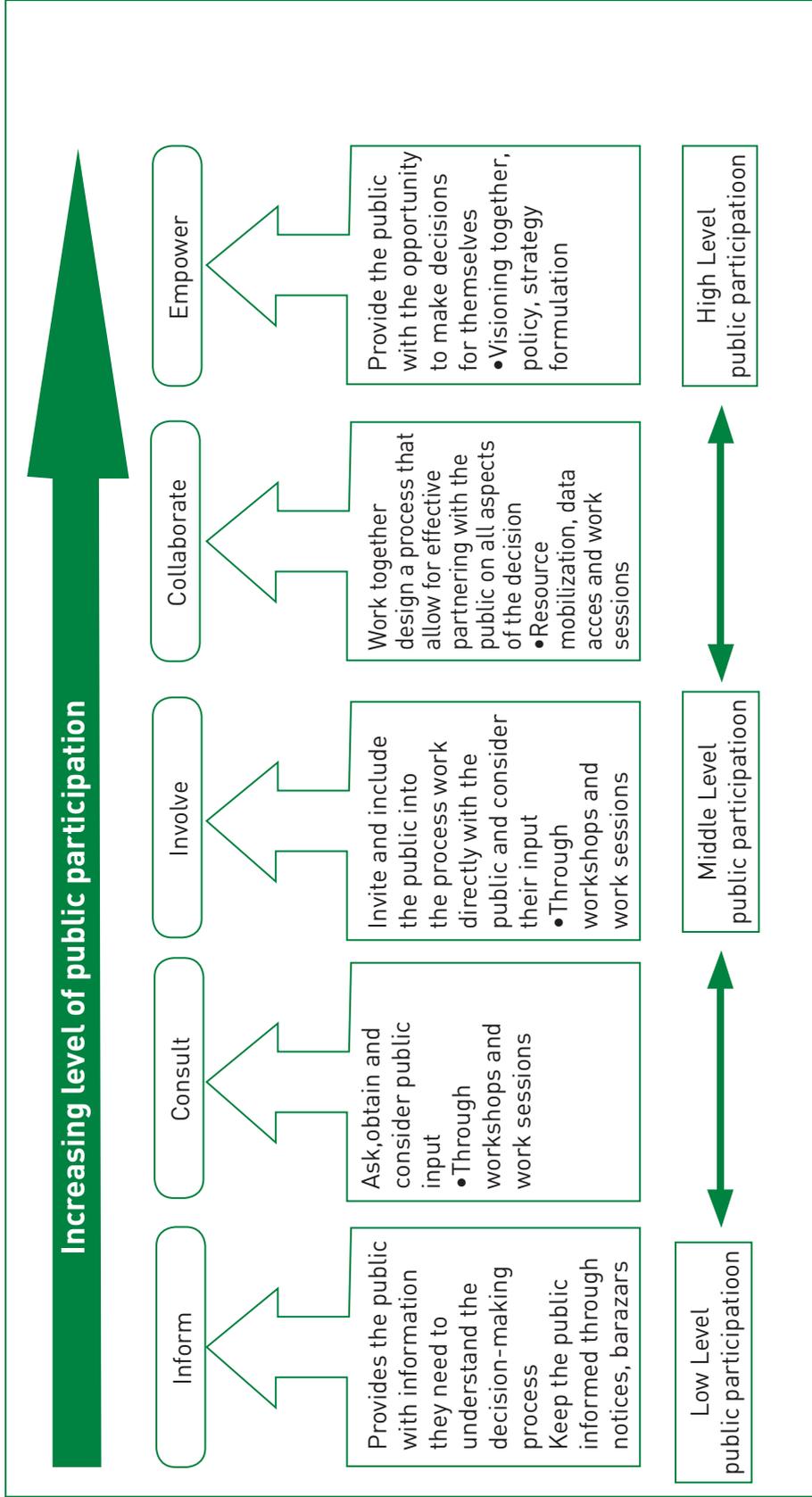


Figure 12: Levels of Public Participation



4.5.2 Typical Time Budget for Delivery of County Spatial Plan

Figure 13: Time budget for preparing a county spatial plan

Stage in plan preparation	Time (months)																		Deliverables
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	
Initiation																			Concept paper
Scoping of the context																			Inception report
Identification of key planning issues and analysis																			Analysis report
Visioning																			Visioning report
Formulation of planning proposals																			Plan proposals
Formulation of policies and measures																			Policies and measures
Development of strategies																			Strategies
Compilation and packaging																			Draft plan
Plan approval																			An approved plan

5.

COSTING OF PLANS

5.1 Concept

This refers to the system of estimating the cost of preparing a County Spatial Plan. Spatial Planning is undertaken in different phases with each phase having a set of activities that carry with them a costing element.

5.2 Rationale

Costing of plans in this guideline is to provide the costing elements of activities undertaken during spatial planning process. The guideline seeks to standardize and justify the costing of County spatial plans. The main costing elements can be clustered into the following:

- i. Public participation - Publications, stakeholder workshops etc.
- ii. Personnel - Hiring of planning department personnel
- iii. Tools and equipment – Procuring computers, GPS, software, plotters, printers, servers, internet, vehicles, Setting up a GIS Lab etc.
- iv. Data acquisition – socio-economic data, mapping information (satellite images, aerial photography, topographic information etc.)
- v. Work sessions/technical workshops - Expert work sessions
- vi. Packaging, printing and dissemination
- vii. Logistical costs – transport, per diem, airtime, lunch allowances etc.

These costing elements will ease the County's decision making, planning and control, budgeting and resource mobilization.

5.3 Factors Influencing the Cost of a Plan

The cost of preparing a plan is depended on several factors. They include:

- Geographical size of the planning area
- Number of experts
- Range of equipment and tools
- Type of plan
- Mechanism of delivery
- Population of the planning area
- Number of public work sessions
- Source of planning information
- Number of copies to be produced

The table below shows the detailed associated activities with a cost element in each planning phase.

Table 9: Possible costing elements in the spatial planning process

Phase	Activity	Possible costing element	
1	Initiation	Conducting planning needs assessment	Field work – rapid appraisal of the area
		Delineation of the planning area	Planning needs assessment workshop
		Preparing a concept paper	Technical workshop for development of concept paper and Terms of Reference
		Preparing Terms of Reference (ToRs)	
		Deciding the mode of delivering the plan	Meeting
		Procurement of consultancy services (when outsourcing)	Advertisement for consultancy services
		Presentation of inception report	Technical workshop
		Constituting of the planning team	Team building workshop
		Conducting data needs assessment	Technical workshop Fieldwork
		Stakeholder analysis	Work session
		Sensitization and awareness creation	Publication of the notice of intention to plan in the local dailies, electronic media, public barazas.
2	Base mapping	Data acquisition	Satellite imagery Aerial photography Spatial data Ground controls Participatory mapping
		Data processing (digital and topographic mapping and base mapping)	Work session
3	Scoping and data collection	Reconnaissance	Research
		SWOT analysis and preliminary visioning	Stakeholder workshops Expert and sector engagement workshop
		Socio-economic data collection	Research and fieldwork
4	Detailed situational analysis and synthesis of key planning issues	Preparation of thematic maps	Work session
		Socio-economic data analysis	Work session
		Situational analysis validation	Analysis validation workshops Technical workshop

Phase	Activity	Possible costing element
5	Visioning	Setting objectives
		Scenario building
6	Plan formulation and associated outputs	Development of the land use plan
		Formulation of policies and measures Development of strategies
		Formulation of the implementation framework
		Validation of draft plan
		Finalization of the plan and associated outputs
7	Compilation and packaging	Printing, publishing and publication
8	Plan approval and gazettment	Sensitization and awareness creation

6.

PLAN DELIVERY
MECHANISM

6.1 Concept

The delivery mechanisms are methods that may be used by counties in performance of their function of preparing plans. Counties should choose a method that ensures efficient delivery of plans and facilitates optimal use of County resources.

6.2 Rationale

It is important that counties select the most appropriate method of delivery of plans to ensure that preparation of plans is efficiently undertaken. The method determines to a great extent the quality of plans given that in some cases counties may not possess the necessary human resource capacity. Counties require evaluating the different mechanisms to appreciate their level of preparedness in adopting any of the methods. The following considerations will guide the County in selection of a suitable method.

6.3 Methods of Plan Delivery

The planning authority in selecting the method of delivery of plans should consider among other things the following:

- Available funding for planning
- Status of human resource capacity within the County
- Type and scale of the plan
- Time frame within which the plan is required
- Availability of planning data and equipment
- Nature and terms of delivery of plan including partnerships
- Source of funding
- Formulation of terms of reference to guide the outsourcing
- Formulate a concept paper to guide preparation through internal capacity

The delivery mechanisms can be classified into three namely:

- Use of internal capacity
- Outright outsourcing
- Partial outsourcing

6.3.1 Use of Internal Capacity

It is the initiation, preparation and completion of the plan using internal County resources in the form of technical expertise, financial resources, data and equipment. In adopting this method, the County planning unit must possess the necessary skills and competencies for undertaking the plan

6.3.2 Outsourcing /Contracting

This entails procuring consultancy services of a competent consultant with the requisite expertise and experience in spatial planning.

In applying this method, the County should prepare clear and comprehensive Terms of Reference (ToRs) to guide in the procurement of an appropriate consultant as well as clearly define the task to be performed. These terms of reference will facilitate close supervision of the process of preparing the plan to ensure the desired outputs and outcomes are achieved in an efficient and effective manner.

6.3.3 Partial Outsourcing

The County planning unit outsources some components of the planning process and undertakes others through internal capacity. The components to be outsourcing may require specialized technical expertise and equipment which may not be available within the County. In addition, some of the components may be time consuming and require in-depth study or research which the County may not be in a position to undertake.

6.4 Comparative Analysis of the Methods of Delivery

In selecting any of the above methods the following disadvantages and advantages may be considered.

Mode	Advantages	Disadvantages
Internal capacity	<ul style="list-style-type: none"> • Will develop the capacity of the planning authority • Relatively cheaper compared to outsourcing • Will help in equipping the planning authority • Will easily associate with the locals 	<ul style="list-style-type: none"> • Inadequate capacity • May take a lot of time due to other intervening activities • May compromise on quality
Outsourcing	<ul style="list-style-type: none"> • Allows the County planning unit to focus on other planning functions • Timely delivery of the plan • County planning unit is able to provide quality control 	<ul style="list-style-type: none"> • Inadequate capacity of the planning unit to supervise the process • More costly • Loss of opportunity to develop internal capacity
Partial/Hybrid	<ul style="list-style-type: none"> • Builds capacity of the planning authority. • It is more cost effective than outsourcing • Promotes time efficiency 	<ul style="list-style-type: none"> • Disconnect between deliverables of the different players • Can occasion delays in the process

7.

IMPLEMENTATION
OF PROJECTS AND
PROGRAMMES IDENTIFIED
IN SPATIAL PLANS

7.1 Concept

Spatial planning projects and programmes are activities or a series of activities identified in spatial plans. They are systematic and time bound and can be undertaken by either public or private entities.

7.2 Rationale

Implementation ensures that plans lead to the attainment of the plan objectives and the aspirations of the County at large.

7.3 Nature of Projects and Programmes

- i. Further planning to bring into effect the long-term planning frameworks e.g. preparation of urban plans in the county, preparation of redevelopment plans, subject plans etc.
- ii. Sectoral projects and programmes e.g. infrastructural projects, economy, environmental, transport etc.
- iii. Legislative and policy projects and programmes

7.4 Strategies of Implementation

Projects and programmes may be implemented through;

- Incorporation into the CIDP for budgetary allocation
- Public private partnerships (PPP)
- Grants and aid from development partners/agencies
- Development conditions

8.

SETTING UP A GIS LABORATORY

County Government Act requires Counties to develop GIS based spatial plans. This provides for the need to establish a centralized database development, management and information access system. Geographical Information Systems, GIS, plays a vital role in ensuring realization of this initiative. There are many factors that are taken into consideration enabling creation of these maps for information communication. Both spatial and non-spatial data will be integrated to fully communicate intended message to the targeted audience.

Based on both immediate and long run use, setting up a GIS lab needs proper understanding of GIS and a planned detail on how the lab will be established. Basically, there are 4 major items to be placed under consideration;

8.1 Hardware

This is the first item to be considered. The key items here being:

- Desktop and laptop computers
- Plotters and printers
- GPS receivers
- Server (and network infrastructure: LAN, WAN, Wi-Fi)

8.1.1 Desktop and Laptops

Special consideration should be given to the ideal specifications indicated in the table below:

Table 10: Hard ware- Desktop & Laptops specifications

Specification	Description
Operating System	Windows 7 (32-bit and 64-bit (EM64T)) and above
CPU Speed	4.0 GHz minimum or higher; Hyper-threading (HHT) or Multi-core recommended
Memory/RAM	4 GB or higher
Processor	Intel Pentium 4, Intel Core i5 and above, or Xeon Processors; SSE2 (or greater)

8.1.2 Plotters and Printers

Ideal plotter and printers with following features and capacities are recommended:

Table 11: Hard ware- plotter and Printers specifications

Plotter:	Scanner:
Description	Description
<ul style="list-style-type: none"> • Up to 42 inch (1067mm) wide print • Greater line accuracy and image quality • Remote printer management • 2400 x1200 dpi maximum resolution • Rolls up to 300 ft. (90m) long • Ink supplies of 225 and 400-ml for CMY; 400 and 775-ml for K • Embedded processor and 608MB Memory (upgradeable to 1120MB). 160GB HDD • Can support printing different versions of documents e.g. HP-GL/2, HP-RTL, TIFF, JPEG, CALS G4 	

8.1.3 GPS Receivers

GPS receivers are vital in collecting both point and route data. They have also been used to mark land boundaries in demarcation exercises. Their specific areas of application are based on needed accuracy for that particular work.

The GPS receivers will need to have the following ideal designs, features, and performance capabilities for a good mapping project:

1. Accuracy levels of below 2 CEP and not more than 5CEP of horizontal level or at least 95% confidence.
2. Data processing speed (Update rate) of 1GHz or more.
3. Global Navigation Satellite System (GNSS) receiver chipset with at least 12 channels access giving 3D mode capability.
4. Employ Differential GPS (DGPS) in conjunction with Wide Area Augmentation System (WAAS) to reduce problem of selective availability of signals.
5. Receivers that could incorporate other systems like GLONAS, WAAS,GALILEO, EGNOS / MSAS/GAGAN
6. Good memory for mapping needs of at least 1GB RAM and 4GB or more for card.
7. Working on easily available operating systems like windows or similar/compatible system.
8. A screen that is easily readable in the direct sun, under heavy clouds, and at night.
9. Long battery life for long-lasting performance and rechargeable. Easily replaceable and/or rechargeable batteries like lithium batteries last long.

10. USB cord compatibility to hook into computer for adding and updating maps
11. Blue tooth and WIFI capability for data transfer if necessary.
12. Camera with good megapixel property (8 and above if possible) for clear photos.
13. Among good GPS receivers brands include Trimble GeoExplorer series, Garmin and Spectra Precision's Mobile Mapper 50

To facilitate mapping, the software below accompanies the GPS receivers:

- i. Arc Pad - mobile field mapping and data collection software designed for GIS professionals. It includes advanced GIS and GPS capabilities for capturing data, editing and displaying geographic information quickly and efficiently.
- ii. GPS receivers Correct for post processing to increase accuracy

8.1.4 Server

A Server (based on IBM x3650 M4) with the following specifications will be recommended:

Table 12: Server specifications

Description	Quantity
x3650 M4, Xeon 8C E5-2670 115W 2.6GHz/1600MHz/20MB, 1x8GB, 0/Bay HS 2.5in SAS/SATA, SR M5110e, 750W p/s, Rack	1
8GB (1x8GB, 2Rx4, 1.5V) PC3-12800 CL11 ECC DDR3 1600MHz LP RDIMM	1
IBM 300GB 2.5in SFF 10K 6Gbps HS SAS HDD	4
IBM System x 750W High Efficiency Platinum AC Power Supply	1
IBM Ultra Slim Enhanced SATA Multi-Burner	1
x3650 M4 ODD Cable	1
4.3m, 10A/100-250V, C13 to IEC 320-C14 Rack Power Cable	2
Preferred Pro USB Keyboard UK English (Business Black)	1
USB Optical Wheel Mouse	1

8.2 Software

There are several software used in GIS environment. Among them are ESRI ARCGIS, Q-GIS, ERDAS IMAGINE, and MAPINFOR. It is desirable to employ software that features seamless interfacing between two or more GIS/mapping hardware like GPS and desktop computers to allow data integration.

8.3 Personnel

Setting up a GIS lab basically requires two levels of hierarchy, these are:

GIS Manager: Looks into the overall operations of the GIS facility with the aim of achieving the overall target of the GIS project. He answers to the main project manager or the director. He/she should meet at least the following academic and experience qualifications:

- Bachelor's Degree or Higher National Diploma (or any other profession related to the project) plus 3 years' experience in GIS, Remote Sensing or photogrammetry
- Master's degree in Urban Planning, Project Management (or any other profession related to the project) plus 2 years' experience in GIS, Remote Sensing or photogrammetry **or** post Master's degree in Survey/Geospatial Engineering/ Geomatics/GIS/Remote Sensing/Photogrammetry experience
- post Postgraduate Diploma in Survey/Geomatics/GIS/Remote Sensing/ Photogrammetry experience

8.3.1 GIS and Photogrammetry Technicians

They perform the hands on technical work ranging from digital Image processing, data development, storage, sharing and minor system maintenance. Should meet at least the following academic qualifications:

- i. Bachelor's degree or Higher Diploma in Survey, Geomatics, Geospatial Engineering, GIS, Remote Sensing, Photogrammetry, Urban Planning, Project Management plus 1 year experience in GIS related project
- ii. Diploma in Survey, Geomatics, GIS, Remote Sensing, Photogrammetry, Urban Planning, Project Management plus 2-year experience in GIS related project

8.3.2 Space requirements

A typical GIS lab for 5 people i.e. the GIS project manager, two experts and two technicians requires a minimum of 12ft by 10ft room

8.4 Data requirements and Sources

8.4.1 Data types:

The topographic information can be acquired as:

- Satellite Imageries (resolution is dependent to geographical extent), Aerial Photos.
- Lidar data, DEMs (Digital Elevation Models).
- Shapefiles of natural and manmade features of the planning area.
- Old Paper maps
- Statistical data e.g. population, climate, health records, economic data etc.

8.4.2 Data sources

The topographic information and data can be acquired from:

- Private vendors
- Survey of Kenya
- Self-generated data through GPS receivers, drone aerial surveys
- UN bodies e.g. UNEP, UN-HABITAT etc.
- International bodies like ILRI, ICRAF, FAO, etc.
- Open data sources

8.4.3 Data acquisition

The selection of appropriate satellite and/or aerial imagery data is critical. Image characteristics such as spatial resolution, spectral resolution, temporal resolution, image extent, and image cost must all be carefully considered and evaluated to ensure that the selected imagery will meet your specific project needs and expectations.

8.4.4 Conversion of data

For satellite imagery, aerial photography or Lidar data, always establish the datum. This means the planner/ GIS technical officer should know:

- The datum in your County or region- for Kenya it is 36N, 36S, 37N or 37S depending on which divide of equator the County or region lies.
- The coordinate system used on the maps and the GIS layers e.g. UTM, Cassini etc.
- Converting into a common projection ensures that the different layers fall in the right geographical position when overlaid.
- Conversion of Data from one format to another e.g. .SHP, .KML, etc. or from one type to another i.e. Raster or Vector data.

8.4.5 Data Integration

Integration of geospatial data from various sources: projections and coordinate transformations, format conversions, spatial interpolation, transformations between data models.

8.4.6 Visualization and Presentation

It is the form and nature of presenting the results. Visualization transforms from the invisible to the visible. It is the Communication of digital georeferenced data in form of:

- Digital Maps, paper Maps, Live maps, Geoportals etc.
- Animations
- Virtual reality (computer cartography)
- Geo-Infographics

9.

DEVELOPMENT CONTROL

9.1 Concept

Development control refers to the process of managing or regulating the carrying out of any works on land or making of any material change in the use of land or structures. It seeks to ensure that operations on land conform to spatial development plans as well as policy guidelines, regulations and standards issued by the planning authority from time to time.

Material change is the alteration in the density or type of use of land or building.

9.2 Rationale

Development control is an integral part of the planning process that ensures developments comply with land use and land management regulations outlined in the approved spatial development plans. It also ensures developments comply with physical planning standards. Specifically, development control seeks to promote the achievements of the following objectives:

- a. To ensure orderly physical development
- b. To ensure optimal land use
- c. To ensure the proper execution and implementation of approved physical development plans
- d. To protect and conserve the environment
- e. To promote public participation in physical development decision-making
- f. To ensure orderly and planned building development, planning, design, construction, operation and maintenance.

9.3 Matters subjected to development control

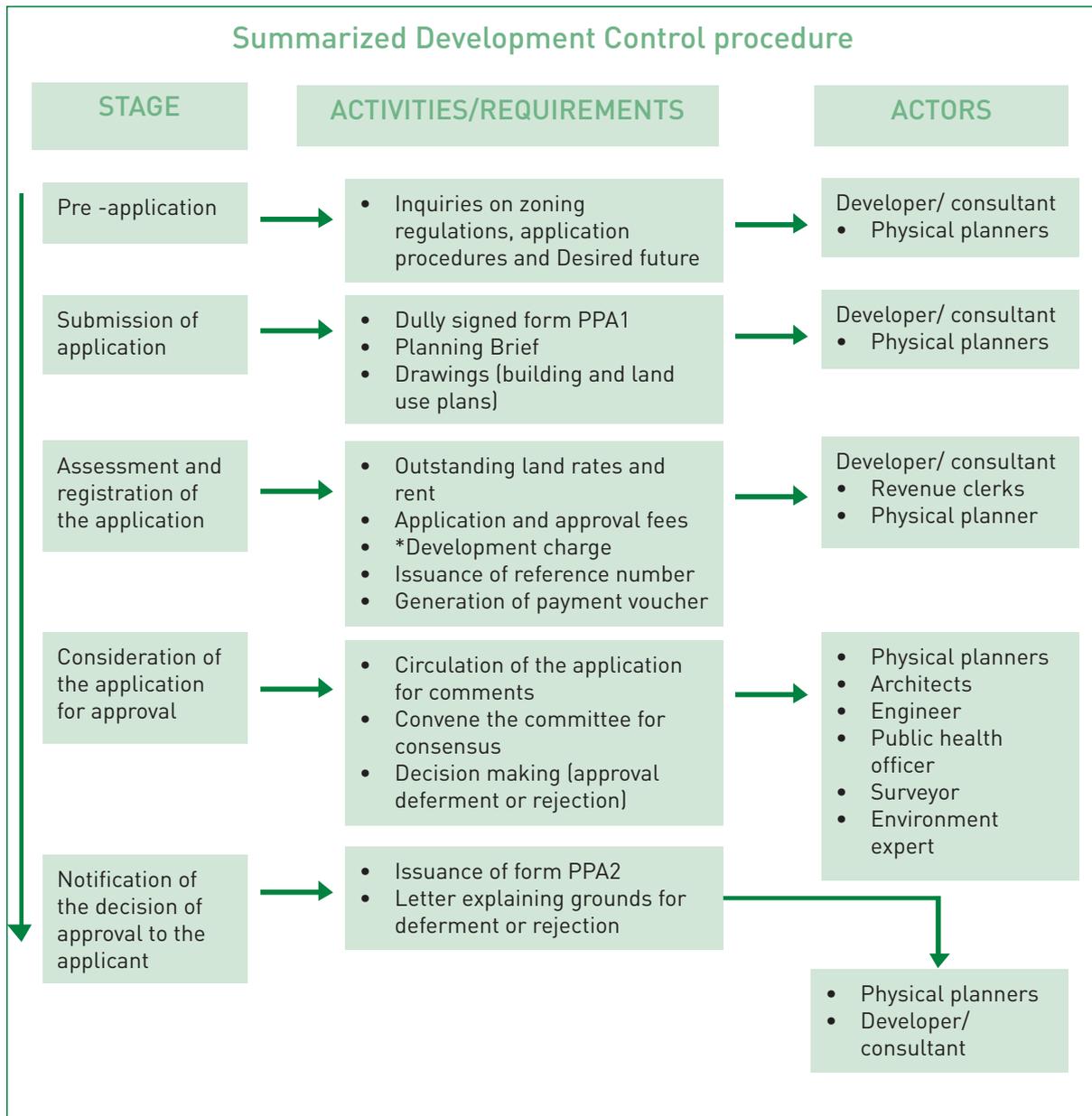
Development control cuts across a number of development proposals which meet the specified criteria as defined in the Physical Planning Act, Cap 286.

Table 13: Matters subjected to development control

Matter	Description	Rationale
Building Plans	A drawing made to scale to represent the view (vertical and horizontal) of a structure	Ensure conformity with approved development plans, regulations and standards in the subject area
Land Subdivision	Entails parceling of land into two or more portions	Ensure conformity with approved development plans, regulations and standards in the subject area Ensure conformity with design principles
Amalgamation	Entails combination of two or more parcels of land into one	Ensure conformity with approved development plans, regulations and standards in the subject area
Change of Use	Any alteration in the use, purpose or level of activity within any land, space or building that involves material change which does not conform to the existing plans and policies	Ensure compatibility and compliance to the set regulations and standards
Extension of Use	Introduction of a new user in addition to the existing use within the same building or site while maintaining the dominance of the existing use The additional use should be compatible with the existing use and the neighborhood character	Ensure compatibility and compliance to the set regulations and standards
Extension of Lease	Involves the Lessor of land extending the lease period to a lessee before expiry of the lease period following an application for the extension.	Ensure the extended lease conditions factor any new development policies of the area
Renewal of Lease	Involves the Lessor of land getting into a new lease agreement with the Lessee for a new lease period (and new lease conditions) following the lapse of the old lease period after an application for the renewal.	Ensure the new lease conditions factor any new development policies of the area

9.4 Typical Procedure for Development Control

The procedure for the development control involves presenting an application for development permission by a developer to the planning authority, consideration of the application and the granting of approval, deferment or rejection of the application. The development application may be presented by a registered consultant on behalf of the developer in the prescribed manner. The procedure, the activities and the actors are as indicated below.



9.5 Ways of Improving Development Control Process

The Development control process is bedeviled by the following challenges:

- The process is costly for the planning authority and developers in terms of time and money
- Bureaucracy

The process can be reengineered through the following:

- Formulation of one stop shop technical committee for development application consideration and approval
- Introduce digital platforms to promote efficiency and transparency in the process
- Preparation of spatial plans and land management regulations
- Embrace negotiations in terms of trade offs

9.6 Tools for Plan Preparation and Implementation

9.6.1 Concept

Tools, in relation to spatial planning refer to forms/schedules used for application, notification, certification and making of appeals in the entire processes of preparation and implementation of plans. These tools are adopted and formulated from are existing legal and policy documents including; The Physical Planning Act, Cap 286, Zoning Regulations, Planning Policies (The National Spatial Plan), fiscal instruments and the Building Code.

These planning tools also include criteria used for submission and evaluation of development application such as Building Plans, Subdivision and Amalgamation Plans, Change of User, Extension of User, Extension of Lease and Renewal of Lease, Temporary Use Permit, Easements and way leaves and advertisement.

A Planning brief is prepared to describe the proposed development in nature and scope, demonstrate compliance with approved development plan and provide proposals for managing resultant impacts of the development for Change of User, Extension of User, Extension of Lease, Renewal of Lease and Subdivision applications

9.6.2 Rationale

The purpose of these planning tools is to ensure standardized approach to the process of plan preparation and implementation. They help in establishing consistency in counties' approach to spatial planning as well as compliance to plan requirements in implementation. They also enable Counties to formulate County specific regulations.

9.6.3 Schedules

Typical schedules proposed for use in the preparation and Implementation of plans in counties are outlined in the table below. These schedules can be customized by counties.

Table 14: Schedules

No.	Type of Form	Purpose
1	Form PPA1	Application for Development permission obtained by the developer from the Planning Authority
2	Form PPA2	Notice of Approval/Refusal/Deferment of Development permission issued by the Planning Authority to the Developer
3	Form PPA3	Notice of Completion of Development Plan published by the Director of Physical Planning
4	Form PPA4	Notice of Approval of Plan published by the Director of Physical Planning
5	Form PPA5	Certificate of Compliance issued by the Planning Authority to the developer for developments that have complied with planning requirement (Subdivisions and Development of Petrol Stations)

6	Form PPA6	Intention to Sub divide obtained by the developer from the Planning Authority
7	Form PPA7	Enforcement Notice issued by the planning Authority to the Developers who have not complied with the planning standards
8	Form PPA8	Appeal against Development Planning Decision by County Dispute Resolution Committee obtained by the aggrieved party from the Planning Authority
9	Form PPA9	Appeal against development Planning decision by the Sub County and Cities, Urban Areas and Municipal Dispute Resolution Committee obtained by the aggrieved party from the Planning Authority
10	Certificate of Occupation	Issued by the Planning Authority to the Developer for complying with set standards for building plans

9.7 Enforcement

The County planning authority is expected to establish an enforcement unit within its structure. The role of enforcement unit is to ensure that all physical developments comply with conditions and requirements given in their approval. In enforcing these conditions and requirements, the enforcement unit will apply the following process.

Table 15: Enforcement

STAGE	ACTIVITY	ACTORS
Pre-enforcement	Monitoring compliance- Site visit to confirm plan approval and authentication and cross check. Issuance of Warning	Enforcement officers in the Planning Authority
Notification for noncompliance	1. Issuance of PPA7 to the developer specifying; Development carried out without development permission Conditions of the development permission that have been contravened Measures required for the developer to take to rectify non-compliance Time within which it should be taken.	Enforcement unit in the Planning authority Developer, occupier, owner etc.
Appeal against enforcement notice by the developer *the developer may appeal or may not appeal	Developer appealing through PPA8 to local/sub County/County physical planning dispute resolution committee (as case may be) within the notice period.	Planning authority Dispute resolution Committee
Enforcement action	Demolition Alteration Discontinue of use	Planner Enforcement unit

10.

DISPUTE RESOLUTION IN
PLANNING

10.1 Concept

Dispute resolution refers to settlement of disagreement using a set of mechanisms and processes to address the grievances arising from a planning decision and/or processes.

10.2 Rationale for Dispute Resolution Mechanism

The primary purpose of a dispute resolution mechanism is to resolve disputes that arise from the planning processes. This is expected to result in harmonious environment for preparation and implementation of spatial plans.

10.3 Sources of Disputes in Spatial Planning

Disputes in spatial planning may arise from any stage(s) in the planning process of plan preparation, implementation and development control. In specific terms disputes may arise from:

- Decision made in the preparation of spatial plans
- Application for development permission
- Approval of development application
- Deferment of development application
- Rejection of development application
- Development without development permission
- Issuance of enforcement notice
- Enforcement action

10.4 Dispute Resolution Mechanisms

The County planning authority is expected to establish a conflict resolution committee to hear and determine grievances arising from plan preparation, implementation or development control in the County.

A desired County dispute resolution system should be a two-tier level including:

Level 1

- Sub County and Cities/urban/ municipalities dispute resolution committee

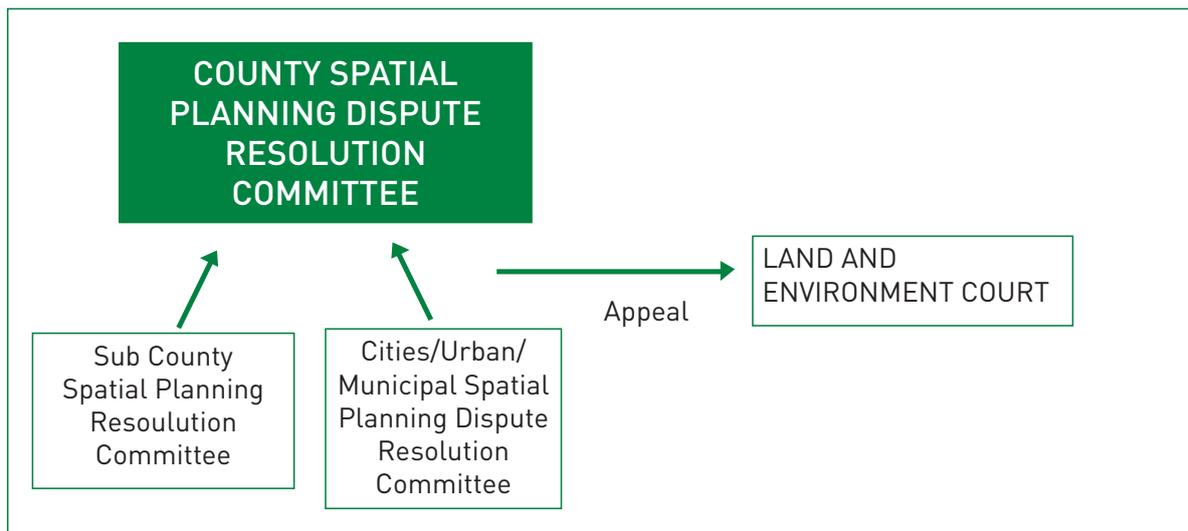
Level 2

- County dispute resolution committee

Aggrieved parties dissatisfied with the outcomes of the decisions made at the two levels should proceed to the Land and Environment Court as provided for in the law. A typical dispute resolution mechanism structure is illustrated in the figure below.

Typical Dispute Resolution Mechanisms

Figure 14: Typical Dispute resolution Mechanism



10.5 Distribution of Dispute Resolution Roles

Table 16: Distribution of dispute resolution roles

	Institution	Role
1.	Sub County dispute resolution committee	Inquire, hear & determine grievances against the County Physical Planning Authority in the Sub County Enquire into and determine conflicting claims made in respect of applications for development permission
2.	Urban dispute resolution committee	Inquire, hear & determine grievances against the County Physical Planning Authority in City & Urban Centers Enquire into and determine conflicting claims made in respect of applications for development permission
3.	County dispute appeals committee	Determine Appeals from the Cities/ Urban/ Municipal & Sub County Physical Planning Dispute Resolution Committees Determine and resolve spatial planning matters referred to it by the Cities/ Urban/ Municipal & Sub County Physical Planning Dispute Resolution Committees

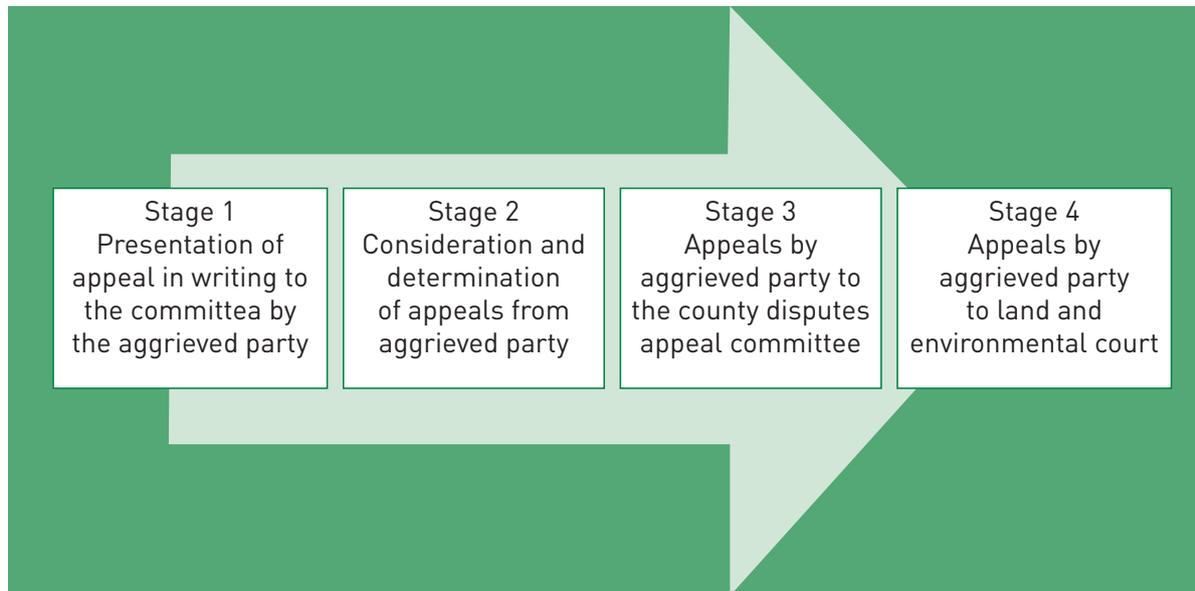
10.6 Membership of the Dispute Resolution Committees

In formulating dispute resolution committees the following principles should be embraced:

- i. Multi-disciplinary approach where members are appointed from various disciplines in the County
- ii. Broad based approach should be applied to ensure involvement of a wide range of participation from various stakeholders in the County
- iii. Adherence to the legal requirements

10.7 The Dispute Resolution Procedure

Figure 15: Dispute resolution procedure



10.8 Reducing Spatial Planning Disputes in the County

Spatial Planning Disputes can be reduced in the County by:

- i. Creation of an environment that encourages and ensures active participation of all stakeholders in the entire planning process
- ii. Adhere to the set procedures, laws, standards and regulations by planning authorities
- iii. Sensitization of stakeholders on the planning process
- iv. Open, transparent and fair system of the planning process
- v. Use of effective communication systems between planning authorities and stakeholders
- vi. Consideration of needs of stakeholders in the planning process

APPENDICES

APPENDIX 1: A TYPICAL PLANNING BRIEF

Structure and Content of a Planning Brief

1. Title
It should be precise indicating the development application being made and the land reference Number in full. This should be on the most front page together with details of the applicant, developer and date of the application.
2. Introduction; describe the planning brief.
3. Context of the application
 - The legal and policy frameworks guiding the application
 - Geographical context of the application
 - The existing status; Acreage, Land tenure and ownership, current user, access, topography, level of services, existing developments on the site, neighborhood characteristics and development trends
4. Description of the application
Define the nature, scope and character of the proposed development.
5. Justification for the application
 - Explains the conformity of the application to general planning policy and approved plan for the area
 - Potential and opportunity that will accrue from the proposed development.
 - Outline of anticipated social and environmental impacts and strategies for restoration and mitigation
 - State the level of infrastructure required and to the strategies for filling the gap
6. Conclusion and recommendation.
7. Annexes
 - copies of ownership documents
 - Relevant plans (location plan, survey/deed plan, layout plans etc.)
 - Copies of advertisement
 - Stakeholders concerns and evidence of their engagement

APPENDIX 2: TYPICAL TERMS OF REFERENCE (TORS)

The terms of reference in the context of spatial planning is a document which forms the basis for outsourcing in preparation of spatial plan by way of consultancy.

It provides a basis for developing a common understanding between the County and the consultant and provides a criteria for decision making in the day to day administration of the planning project.

Outline of Terms of Reference (ToRs)

- The type and background of the project
- The objectives to be achieved
- The scope of the assignment
- Obligations and responsibilities of the parties involved.
- Duration of the consultancy
- The methodology to be applied
- For supervision of the consultant and provide a frame work for evaluating the work
- The expected outputs
- Time line requirements (Work plan, activity and schedules)
- Format of presentation of the final project document.

Methods of Enhancing Plan Delivery

To enhance the delivery of plans the following alternatives can be adopted.

- Through partnerships-which may be public to public and public to private
- Recruiting and acquire staff with required skills and competence in the counties
- Enhanced resource allocation for planning by County
- Capacity building and training of staff
- Sensitization of the Executive and County Assembly to prioritize planning

APPENDIX 3: REQUIREMENTS FOR SUBMISSION AND CRITERIA FOR EVALUATION OF DEVELOPMENT APPLICATIONS

A. Submission Requirements

Administrative Requirements

- a. Copies of ownership documents (Title Deed/Certificate of Lease/Certificate of grants, sale agreements)
- b. Current official search
- c. Rates clearance certificate
- d. Rent clearance certificate
- e. Proof of payment of statutory fees and charges
- f. Lease/sublease agreement where applicable

Technical Requirements

- a. Duly filled form PPA1
- b. Planning brief
- c. Evidence of advertisement
- d. Conformity to development plan and policies of the area
- e. Compliance with existing relevant legal provisions

- f. Comments by relevant professionals
- g. Stakeholder concerns
- h. Structural designs and elevations of the advertisement

B. Criteria for Evaluation

i. Criteria for Evaluating A Subdivision Plans

At least five (5) copies of subdivision scheme with the following;

Context

- Title and subject of the plan
- Location plan based on an up-to-date survey plan indicating clearly the subject area in relation to known roads, features and landmarks
- True North direction
- Scale – 1:2500/1:5000
- Name, personal details and signature of the owner
- Date of preparation
- Name and signature of registered planner who has prepared the plan
- A clear delineation of the subject plot
- Dimensions
- Acreage and parcel number

Design of the Subdivision

- Indication of the proposed subplots and the approximate dimensions
- proposed means of access
- road system indicating street widths and truncations
- Orientation and shape of resultant plots to integrate with existing plots and services
- Unless site conditions prohibit, plots be at right angles to the road with regular shapes
- Existing buildings and structures are correctly plotted
- numbered subplots / lettered separately and proposed use indicated
- Mark out existing roads/streets for widening
- Make adequate provisions for corner plots to allow satisfactory building lines
- Existing boundary marked in red/bolded
- Land to be surrendered marked in blue
- Structures to be demolished in yellow
- Align the streets in a manner to facilitate natural storm water flow
- Riparian and Ocean reserves, way-leaves and easements to be respected
- Mitigation measures put in place to conserve and preserve the environment

ii. Criteria for Evaluating a Change of User/ Extension of User

What constitutes an application: -

- Zoning regulations
- General development trends in the area
- The impact adjoining properties
- The impact on infrastructure and services

iii. Criteria For Evaluating Extension/Renewal Of Lease

- The site has been developed per lease conditions
- General development trends
- Zoning regulations
- Impact on the adjoining properties, infrastructure and services

iv. Criteria for Evaluating Building Plans Applications

- Minimum five (5) copies of building plans
- Current copy of practicing license of the architect
- Zoning regulations relating to user, plot coverage, ratio, building lines, parking provisions, access and setbacks
- The level of infrastructure and services provided is adequate for the proposed building
- The elevations of the building, plinth area, canopies and height of buildings are accurately indicated
- The design, shape and appearance of the building is indicated

v. Criteria for Evaluating a Temporary Use Permit Application

An application for temporary use permit is made by the applicant to the planning authority providing the following details:

- The nature of the event/use or development
- The duration of the event/use
- Location of event/use
- Current user of the land
- Existing services (water, sanitation, electricity, parking space, convenient shops)
- Acreage where applicable
- Developments on the site where applicable
- Neighborhood characteristics and development trends
- Access to the site and traffic management
- Anticipated population and traffic generation
- Measures to restore land/site/premises to its original state

vi. Criteria for Easements and Way Leaves Applications

The planning authority in considering the application shall be guided by:

- The planned use of the site earmarked for easement/way-leave
- How to get crossovers, pipelines, cables and masts on, over or under land, while safeguarding the integrity of the existing land use and infrastructure
- Provision of adequate arrangement for installation, servicing and general operation of the proposed network
- Provision of adequate arrangements is made to meet health and safety requirements of all concerned parties

The planning authority will give advice on the appropriateness of the application to the National Land Commission by correspondence.

Advertisements

Types of advertisements

- Bill boards
- Placards and boards
- Fascia signs and projecting signs Pole signs
- Canopy signs, Models and devices
- Advance signs and directional signs
- Estate agents' boards
- Flag advertisements Price markers and price displays Traffic signs
- Town and village name signs
- Advertisements mounted on vehicles

vii. Criteria for Evaluating Application for Advertisement

- The effects on amenity and public safety – is compatible with the desired and visual character of the area
- Effects on public morality- Content of the advertisement should not be offensive
- Those close to buildings should not distract the character and appearance of the buildings
- Aesthetics - high quality design and finish
- Provide time limits for display

SECOND SCHEDULE

THE PHYSICAL PLANNING ACT
(Cap. 286)

FORM P.P.A. 4

r. 5

NOTICE OF APPROVAL OF DEVELOPMENT PLAN

Title of Development Plan

Approved Development Plan No.

NOTICE is hereby given that on the day of the minister of approved the above Development Plan.

A certified copy of the Development Plan as approved has been deposited at the offices of the at

The copy of the Development Plan so deposited will be open for inspection free of charge by an interested person between the hours of

Any person wishing to purchase copies of the plan and the written document may do so on application to the Director.

Dated this day of

Signed
Director of Physical Planning.

NOTES:

Insert the name and address of the local authority affected by the Development Plan.



*Empowered lives.
Resilient nations.*

