

BILLS SUPPLEMENT

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Bill No. 15

Physical Planning Bill

2008

THE PHYSICAL PLANNING BILL, 2008.

MEMORANDUM.

1. Policy and principles

The policy behind the Bill is to consolidate the law on physical planning into one law in order to make the whole country a planning area. The principles of the Bill are—

- (a) to enact a physical planning legislation in accordance with the Constitution and other laws governing physical planning;
- (b) to provide for the establishment of the National Physical Planning Board and a Secretariat to be headed by a public officer responsible for physical planning;
- (c) to create and provide operational linkages between the National Physical Planning Board, the District Physical Planning Committees and other lower Physical Planning Committees;
- (d) to consider the special and specific needs of urban areas where appropriate separate planning structures should be provided, by setting up Urban Planning Committees;
- (e) to provide for a hierarchy of plans from national and regional plans to district, urban and other lower levels and to ensure public participation in the planning process;

- (f) to provide a structure for planning which is in accordance with the Government's decentralisation policy, a structure for resolving disputes at all levels and penalties for non-compliance with the law;
- (g) to adopt the objectives of international policy instruments on physical planning and to ensure that Uganda complies with its international obligations; and
- (h) to repeal the Town and Country Planning Act, Cap 246.

2. Need for legislation

The Town and Country Planning Act, Cap 246 which was enacted in 1951 and revised in 1964 is outdated. This Act was enacted to regulate and operate in a centralized system of governance, where physical planning was carried out at a national level through the Town and Country Planning Board. The implementation of the Act was supervised by local governments especially the urban local governments.

Uganda has gone through many social, political and economic changes. The promulgation of the 1995 Constitution established a decentralized system of governance which devolved several powers and functions including physical planning, finance and execution of projects from the Central Government to the local governments. This has created a need to enact a physical planning legislation which is consistent with the Constitution and other laws governing physical planning in Uganda.

3. Objects of the Bill

The object of the Bill is to consolidate the law on physical planning into one law in order to make the whole country a planning area. The Bill seeks to enact a physical planning legislation which is in accordance with the Constitution and other laws governing physical planning in Uganda.

The Bill establishes a National Planning Board which shall be responsible for physical planning. The Bill seeks to establish district and urban physical planning committees, it also provides for the making and approval of physical development plans, applications for development and other related matters. .

Provisions of the Bill

The Bill consists of eight parts and nine Schedules.

4. Part I—Preliminary

Part I of the Bill incorporating clauses 1 to 4 deals with preliminary matters relating to commencement and interpretation of words and phrases used in the Bill. Clause 3 provides the principles to guide the implementation the Act. Clause 4 declares the entire country a planning area.

5. Part II—National Physical Planning Board

Part II in clauses 5 to 9 deals with the National Physical Planning Board. Clause 5 established the National Physical Planning Board as is a body corporate. The board shall consist of nine members appointed by the Minister four of whom shall be persons not employed in the public service. Clause 6 provides for the tenure of office of the members of the board who shall hold office for three years and are eligible for reappointment for one more term.

Clause 7 deals with the functions of the board which among others include; advising government on all matters relating to physical planning, determining and resolving physical planning matters referred to it by the physical planning committees and causing physical development plans to be prepared at national, regional, district, urban and sub county levels. Clause 8 requires the head of the national planning department to be the secretary to the board.

6. Part III—District, Urban and Local Physical Planning Committees

Part III provides for district, urban and local planning committees. Clause 10 establishes the district physical planning committee. Clause 11 provides the functions of the district physical planning

committee which include; to prepare local physical development plans, to recommend to the national physical planning board, development applications for change of land use and to ensure integration of social, economic and environmental plans into the physical development plans.

Clause 12 establishes the urban physical planning committees. It provides for each urban authority or city to establish an urban physical planning committee which shall consist of the town clerk, the urban physical planner, the city engineer, the district environmental officer, a land surveyor, an architect and a physical planner in private practice, appointed by the council on the advice of the town clerk.

Clause 14 establishes the local physical planning committee which is responsible for initiating the preparation of local physical development plans and recommending local physical development plans to the district physical planning committee for consideration.

7. Part IV—Physical Development Plans

Clause 19 provides for the physical development plan which is the largest physical development plan and that all other physical development plans shall conform to the national physical development plan. Clause 20 requires the national and regional physical development plans to be prepared by the board in respect of any area for the purpose of improving that area and providing for proper physical development.

Clause 21 provides for the public display of the physical development plan and that the board shall publish a notice in the Gazette inviting the public to inspect the draft plan at the place and time specified in the notice. Clause 22 requires the Minister to approve the national and regional physical development plans, where after the expiration of ninety days specified in the public notice, no representations against, or objections to the plan, have been made.

Clause 32 deals with private local and physical development plans. It requires a land owner to use the services of a qualified planner to prepare a local physical development plan which shall be submitted to the local physical planning committee for adoption with or without modifications.

8. Part V—Control of Development

Part V in clauses 33 to 41 deals with control of development. Under clause 33, each local physical planning committee of a lower local government shall have powers to prohibit or control the use and development of land and buildings in the interests of the proper and orderly development of its area. Clause 34 prohibits a person from carrying out a development within a planning area without obtaining development permission from a physical planning committee.

Clause 38 requires an applicant to obtain an environmental impact assessment certificate in accordance with the National Environment Act. Clause 41 provides that an application for development permission in an area where there is no approved physical development plan shall be submitted to the local physical development committee for consideration.

9. Part VI—Financial Provisions

Clause 42 provides for the financial resources of the board which include monies appropriated by Parliament, grants from Government, any donations or grants received from sources within or outside the country, any sums which may in any manner become payable to or vested in the board under this Act or any written law and any monies accruing to the board in the course of the discharge of its functions.

Clause 43 requires the accounts and finances of the Board to be managed in accordance with the Public Finance and Accountability Act, 2003. Clause 44 provides for the accounts of the Board to be audited by the Auditor General in accordance with article 163 of the Constitution.

10. Part VII—General Provisions

Part VII consisting of clauses 45 to 48 deals with general provisions. Clause 45 requires all activities of the physical planning committees to be financed by local government finances. Clause 45 prohibits a registrar of documents from registering a document relating to the development of land, unless the development permission in respect of the development is granted as required under this Act.

Clause 47 provides for enforcement notice, it requires a local physical planning committee to serve an enforce notice on an owner, occupier or developer of land, where the committee is satisfied that the development of land is being carried out without the required development permission or that any of the conditions of development permission granted under the Act have not been complied with.

11. Part VIII—Miscellaneous

Part VIII consisting of clauses 49 to 62 deals with miscellaneous provisions. Clause 49 provides for appeals whereby, a person aggrieved by a decision of a sub county physical planning committee, may within sixty days after the decision, appeal in writing to the district physical planning committee. Clause 50 exempts a member of the board from liability for any acts or omission done in good faith in the discharge of his or her functions under the Act.

Clause 57 provides for preservation of buildings of special architectural value or historic interest. This clause requires the board in consultation with the commissioner in charge of antiques, to serve on the owner or occupier of a building which in the opinion of the board is of special architectural value, an order prohibiting the demolition, alteration or extension of the building.

Clause 60 provides for the Minister's powers to amend the Schedules. It prohibits the Minister from amending the First Schedule without approval of cabinet. Under clause 61, the Minister may, by statutory instrument make regulations for giving full effect to the provisions of this Act. Clause 62 provides for repeal and savings; it repeals the Town and Country Planning Act.

12. Part IX—Schedules

Schedule 1 gives the value of a currency point. Schedule 2 provides for the proceedings of the board. Schedule 3 deals with detailed plans and area action plans. Schedule 4 provides for matters to be dealt with in national and regional physical planning development plans. Schedule 5 provides for matters to be dealt with in district, urban and local physical development plans. Schedule 6 contains the format of an application for development permission. Schedule 7 contains the format of an application for subdivision, consolidation of lands and buildings. Schedule 8 contains the format of a notification of approval, refusal or deferment of development permission. Schedule 9 contains the form of an enforcement notice.

DANIEL OMARA ATUBO, MP
Minister of Lands, Housing and Urban Development.

THE PHYSICAL PLANNING BILL, 2008.

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A Bill for an Act

ENTITLED

THE PHYSICAL PLANNING ACT, 2008

An Act to provide for the establishment of a National Physical Planning Board; to provide for the composition, functions and procedure of the Board; to establish district and urban physical planning committees; to provide for the making and approval of physical development plans and for the applications for development permission; and for related matters.

BE IT ENACTED by Parliament as follows—

PART I—PRELIMINARY.

1. Commencement.

This Act shall come into force on a date appointed by the Minister, by statutory instrument, and different dates may be appointed for the commencement of different provisions.

2. Interpretation.

In this Act, unless the context otherwise requires—

“advertisement” means any word, letter, device, model, sign, placard, board, notice or representation, whether illuminated or not, in the nature of and employed wholly or in part for the purpose of public communication and includes any hoarding or similar structure used or adapted for use for the display of the communication but does not include any communication displayed inside a building;

“area action plan” means a local plan intended to address specific development planning problems of a specific area;

“board” means the National Physical Planning Board established by section 5;

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

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

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

“court” means the High court;

“currency point” has the value assigned to it in the First Schedule;

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

“detailed plan” means a local physical development plan that operationalises the provisions of a structure plan;

“development” means—

- (a) the making of any material change in the use or density of any buildings or land or the subdivision of any land; and
- (b) the erection of such buildings or works and the carrying out of such building operations;

but does not include—

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

- “development application” means an application made under section 35 for permission to develop land;
- “development permission” means a development permission granted under section 34 by a local government to an applicant to develop land;
- “district physical planning committee” means a committee established under section 10;
- “district physical planner” means an officer responsible for physical planning in a district;
- “dwelling” means a building or any part or portion of a building, used or constructed, adapted or designed to be used for human habitation, as a separate tenancy or by one family only, whether detached, semi-detached, or separated by party walls or floors from adjoining buildings or part or portion of the same building together with such out-buildings as are reasonably required to be used or enjoyed;
- “enforcement notice” means a notice served by a local government under section 47 on an owner, occupier or developer of land, requiring that owner, occupier or developer to comply with provisions of that section;
- “existing building” or “existing works” means, respectively, a building or works erected, constructed or carried out before the date this Act becomes applicable to the area in which the building or works is situated, and includes a building or works, as the case may be, commenced before, but completed after that date;
- “head of the national physical planning department” means the head of the national department responsible for physical planning;
- “land” includes any land covered with water, and any buildings or other things permanently attached to land, and any interest or right of easement in, to or over land;

“local government” includes—

- (a) a district council;
- (b) a city council;
- (c) a city division council;
- (d) a municipal council;
- (e) a municipal division council;
- (f) a town council;
- (g) a sub county council;

“local council” includes a local government council and an administrative unit council;

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

“long-term plan” includes national, regional or district land use plans and urban structure plans, national, regional or district network plans for settlements, services, infrastructure and transportation;

“lower local government” includes a municipality, town, division and sub county council;

“Minister” means the Minister responsible for physical planning;

“national physical development plan” includes a land use plan, general or subject specific, developed to cover Uganda as a whole;

“owner” means a person holding land under leasehold, mailo, freehold or customary tenure system and includes a lessee, tenant, spouse and agent;

- “physical planning committee” includes a district physical planning committee, urban physical planning committee and a division or local physical planning committee;
- “regional physical development plan” means a physical development plan which covers more than one district;
- “road” means any way open to the public for the circulation of vehicles which is maintained by the government or an administration and includes any street, square, court, alley, bridge, footway, path, passage or highway whether a thoroughfare or not;
- “safeguarding area” means any area adjoining any land owned or occupied by the armed forces of Uganda which is declared by the Minister by notice in the *Gazette* to be a safeguarding area for the purposes of this Act;
- “special planning area” means an area that has spatial, socio-economic, physical and development problems and potential and which is declared as such under section 25;
- “structure plan” means a broad development framework of a given area showing the proposed use of the various parts of an area and translating national and regional planning principles and guidelines into land use proposals;
- “subdivision” in relation to land means the dividing of land into two or more parts whether by conveyance, transfer or partition or for the purpose of sale, gift, lease or any other purpose;
- “urban authority” includes a city, municipal, division and town council, declared as such under the Local Governments Act;
- “urban physical planner” means an officer responsible for physical planning in an urban authority.

3. Guiding principles.

The implementation of this Act shall be guided by the following principles---

- (a) creating a multidisciplinary partnership approach to physical planning for orderly and sustainable urban and rural development;
- (b) promoting access to land and services by ensuring equity in the use and productivity of land for the benefit of all;
- (c) making physical planning people-centred such that it guarantees the protection of human rights in the development of human settlements;
- (d) enhancing the practice of democratic, transparent, decentralised, participatory, bottom-up and partnership approach to physical planning and development;
- (e) creating sustainable planning systems of rural and urban settlements and promoting adequate and affordable shelter through a hierarchy of settlement network;
- (f) protecting the environment and its cultural attributes;
- (g) fostering comprehensive and integrated development planning;
- (h) enhancing greater awareness and building capacity for physical planning and implementation;
- (i) realising the interdisciplinary and multi-sector nature of physical planning;
- (j) ensuring the production of easy-to-implement physical plans;
- (k) making physical planning the framework for the development of dynamic and progressive human settlements;

- (l) promoting mechanisms that foster fast and just resolution of disputes; and
- (m) decentralisation, sustainable development and increased popular participation in public decision making.

4. Declaration of planning area.

The entire country is declared a planning area and this Act shall apply to the entire country in all respects.

PART II—NATIONAL PHYSICAL PLANNING BOARD.

5. Establishment of the National Physical Planning Board.

(1) There is established a board to be known as the National Physical Planning Board.

(2) The board shall consist of nine members appointed by the Minister of whom four shall be persons not employed in the public service.

(3) The board shall be a body corporate and shall have perpetual succession and a common seal and the seal shall be authenticated by the signature of the chairperson and the secretary.

(4) The Minister shall appoint the chairperson of the board from among the members.

(5) The Minister shall appoint the members of the board, on such terms and conditions as shall be specified in the instruments of appointment.

(6) In making appointments to the board, the Minister shall take into consideration gender equity.

(7) The members of the board shall elect one person from among their number to be the vice chairperson of the board.

(8) The proceedings of the board shall be in accordance with the Second Schedule.

6. Tenure of office of members of the board.

(1) The members of the board shall hold office for three years and are eligible for reappointment for one further term.

(2) A member appointed to the board may at anytime before the expiry of his or her term, resign his or her office in writing signed by him or her, addressed to the Minister.

(3) A member may be removed from office by the Minister---

- (a) for inability to perform his or her functions;
- (b) if he or she is convicted of an offence involving fraud, dishonesty or moral turpitude;
- (c) if he or she is adjudged or otherwise declared to be an insolvent or bankrupt under any law in force in Uganda or elsewhere and has not been discharged;
- (d) for misbehaviour or misconduct; or
- (e) if he or she does not attend three or more consecutive meetings of the board without showing in writing to the Minister, good cause for his or her absence.

(4) Where a member of the board dies, resigns, or is removed from office, or for any other reason ceases to hold office before the expiration of his or her term of office, the Minister may appoint another person qualified to be appointed, to take his or her place and the person so appointed shall hold office until the expiration of the term of office of the member he or she is replacing.

7. Functions of the board.

(1) The functions of the board are—

- (a) to advise government on all matters relating to physical planning;

- (b) to hear and determine appeals lodged by persons or local governments aggrieved by the decision of any physical planning committees;
- (c) to determine and resolve physical planning matters referred to it by physical planning committees;
- (d) to advise the government on broad physical planning policies, planning standards and the viability of any proposed subdivision of urban or agricultural land;
- (e) to study and give guidance and recommendations on issues relating to physical planning which transcend more than one local government for purposes of co-ordination and integration of physical development;
- (f) to approve regional, urban or district physical development plans and recommend to the Minister national plans for approval;
- (g) to advise the Minister responsible for local governments on the declaration of town councils, town boards or upgrading of urban authorities;
- (h) to advise the Minister on the declaration of special planning areas;
- (i) to cause physical development plans to be prepared at national, regional, district, urban and sub county levels;
- (j) to monitor and evaluate the implementation of physical development plans;

- (k) to formulate draft planning policies, standards, guidelines and manuals for consideration by the Minister;
- (l) to ensure the integration of physical planning with social and economic planning at the national and local levels;
- (m) to exercise general supervisory powers over all lower planning committees such that they can seek guidance, set standards and take control; and
- (n) to foster co-ordination of physical planning related or interdisciplinary activities in the country in order to promote orderly and sustainable development of human settlements in rural and urban areas.

(2) In the absence of the board, the Minister may perform the duties of the board on the advice of the head of the national physical planning department.

Secretary to the board

8. Secretary to the board.

The head of the national physical planning department shall be the secretary to the board.

9. Functions of the secretary.

(1) In addition to any other function conferred upon him or her by the board, the secretary shall—

- (a) initiate draft national and regional physical development policies, guidelines and strategies for consideration by the board;
- (b) be responsible for the preparation of all national, district and local physical development plans;
- (c) from time to time, initiate, undertake or direct studies and research into matters concerning physical planning;

- (d) advise the Uganda Land Commission on matters concerning alienation of land;
- (e) advise local governments on the most appropriate use of land, including land management such as change of user, extension of user, extension of leases, subdivision of land and amalgamation of land;
- (f) require local authorities to ensure the proper execution of physical development control and preservation orders; and
- (g) assist districts and lower local governments to prepare district and local physical development plans.

(2) The secretary may, in writing, delegate any of his or her functions under this Act, generally or specifically to any officer under him or her and may at any time revoke or vary the delegation.

(3) The delegation by the secretary under this section shall not be taken as having divested the secretary of all or any of his or her functions and the secretary may, if he or she thinks fit, perform such functions notwithstanding the delegation.

(4) There shall be a public seal that shall be under the general supervision of the secretary.

PART III—DISTRICT, URBAN AND LOCAL PHYSICAL PLANNING COMMITTEES

District physical planning committee

10. Establishment of district physical planning committee.

Each district council shall establish a district physical planning committee, which shall consist of—

- (a) the chief administrative officer of the district, who shall be the chairperson;
- (b) the district physical planner who shall be the secretary;
- (c) the district surveyor;

- (d) the district roads engineer;
- (e) the district education officer;
- (f) the district agricultural officer;
- (g) the district water engineer;
- (h) the district community development officer;
- (i) the district medical officer;
- (j) the clerks of all urban and town councils within the district;
- (k) the district environment officer;
- (l) the natural resources officer; and
- (m) a physical planner in private practice appointed by the council on the advice of the secretary to the board.

11. Functions of district physical planning committee.

The functions of a district physical planning committee are—

- (a) to cause to be prepared local physical development plans, through its officers, agents or any qualified physical planners;
- (b) to recommend to the national physical planning board development applications for change of land use;
- (c) to recommend to the district council subdivision of land which may have a significant impact on contiguous land or be in breach of any condition registered against a title deed in respect of such land;
- (d) to approve development applications relating to housing estates, industrial location, schools, petrol stations, dumping sites or sewerage treatment, which may have injurious impact on the environment as well as applications in respect of land adjoining or within a reasonable vicinity of safeguarding areas;

- (e) to hear appeals lodged by persons aggrieved by decisions made by the district physical planner and lower local physical planning committees under this Act;
- (f) to ensure the integration of physical planning into the three year integrated development plan of the district;
- (g) to exercise supervisory powers over all lower planning committees;
- (h) to ensure integration of social, economic and environmental plans into the physical development plans.

Urban physical planning committees

12. Establishment of urban physical planning committees.

Each urban authority or city shall establish an urban physical planning committee which shall consist of—

- (a) the town clerk, who shall be the chairperson;
- (b) the urban physical planner, who shall be the secretary;
- (c) the city, municipal or town engineer;
- (d) the district environmental officer;
- (e) a land surveyor;
- (f) an architect; and
- (g) a physical planner in private practice appointed by the council on the advice of the town clerk.

13. Functions of an urban physical planning committee.

The functions of the urban physical planning committee include—

- (a) recommending development applications to the national physical planning board for change of land use;

- (b) recommending to the urban council, subdivision of land which may have significant impact on contiguous land or be in breach of any condition registered against a title deed in respect of such land;
- (c) determining development applications relating to industrial location, dumping sites or sewerage treatment which may have injurious impact on the environment as well as applications in respect of land adjoining or within a reasonable vicinity of safeguarding areas; and
- (d) hearing and determining appeals made against decisions of the urban physical planner or subordinate local authorities.

Local physical planning committees.

14. Sub county councils to constitute local physical planning committee.

A sub county council shall constitute the local physical planning committee.

15. Functions of local physical planning committees.

A local physical planning committee shall be responsible for—

- (a) initiating the preparation of local physical development plans;
- (b) recommending local physical development plans to the district physical planning committee for consideration;
- (c) recommending to the district physical planning committee the approval of local physical development plans;
- (d) implementing structure plans, in close consultation with the district physical planner; and
- (e) implementing, in close consultation with the district physical planner, detailed plans and area action plans which shall address the matters specified in the Third Schedule.

General

16. Co-opting members to the district, urban or local physical planning committee.

(1) A district, urban or local physical planning committee may co-opt any person it considers necessary, to assist it in its deliberations.

(2) A person co-opted to a district, urban or local physical planning committee shall not have a right to vote at the meetings of the committee.

17. Proceedings of physical planning committees.

(1) At every meeting of a district, urban or local physical planning committee, the quorum shall be one third of all the members of the committee.

(2) All decisions of the committee shall be taken by a vote of the majority of the members present and voting, and in the case of an equality of votes, the chairperson or the person presiding shall have a casting vote.

(3) A physical planning committee shall meet at least once in every three months.

(4) A member of a physical planning committee shall not take part in the deliberation of any matter of which he or she is directly interested or concerned with.

18. Record of proceedings of the committees.

(1) The secretary to a district, urban or local physical planning committee shall keep a record of the proceedings of the committee.

(2) The record of proceedings of a district, urban or local physical planning committee may be inspected and copies may be made at the office of the secretary to the committee upon payment of the prescribed fee.

(3) The record of proceedings of a district urban or local physical planning committee shall be submitted to the head of the national physical planning department.

PART IV—PHYSICAL DEVELOPMENT PLANS.

19. Physical development plans.

(1) The physical development plans shall be—

- (a) the national physical development plan;
- (b) regional physical development plans;
- (c) district physical development plans;
- (d) urban physical development plans; and
- (e) local physical development plans.

(2) The national physical development plan shall be the largest physical development plan and all other physical development plans shall conform to the national physical development plan.

(3) Every physical development plan shall conform to a physical development plan made by a higher body.

*National and regional physical development plans***20. National and regional physical development plans.**

(1) The national and regional physical development plan shall be prepared by the board in respect of any area for the purpose of improving that area and providing for proper physical development.

(2) In the preparation of the national and regional physical development plan, the board shall take into account the securing of suitable provision for agricultural development, infrastructure, industrial development, environmental protection, natural resource management, urbanisation, human settlements conservation, tourism, the matters specified in the Fourth Schedule and other relevant matters.

(3) For the purposes of this section, a national or regional physical development plan may provide for planning, re-planning, or reconstructing the whole or part of the area comprised in the plan, and for controlling the order, nature and direction of development in the area.

21. Public display of physical development plans.

(1) Upon the completion of a draft national or regional physical development plan, the board shall publish a notice in the *Gazette* and in any other manner as it considers expedient, inviting the public to inspect the draft plan at the place and time specified in the notice.

(2) The notice published under subsection (1) shall request any interested person who wishes to make any representations against, or objections to the draft plan, in writing or through an open hearing, to write to the board within ninety days after the date of the first publication of the notice or by a date specified in the notice.

(3) The board may at its discretion accept or reject the representations or objections to the plan, and shall within thirty days after accepting or rejecting the representation or objection, notify the person making the representation or objection in writing accordingly, and shall give reasons in the case of a rejection.

(4) The board may dispense with or reduce the ninety day period for displaying of a physical development plan.

(5) A person aggrieved by a decision of the board may appeal to the court against the decision.

22. Approval of national and regional physical development plans.

(1) Where after the expiration of the ninety days specified in the public notice under section 21, no representations against, or objections to, the plan have been made, or after the representations and objections have been dealt with in accordance with this Act, the board shall certify the plan in triplicate and recommend the plan to the Minister for approval.

(2) The Minister may approve any national or regional physical development plan without, or subject to, any conditions or modifications as he or she may consider necessary.

(3) Where the Minister refuses to approve a national or regional physical development plan, the Minister may require the board to prepare a new plan taking into account the modification he or she has proposed.

23. Publication of approved national and regional physical development plans.

(1) The board shall, within fourteen days after the Minister approves a national or regional physical development plan, publish in the *Gazette*, a notice stating that the plan has been approved with or without modifications and that it may be inspected during normal working hours at the places and times specified in the notice.

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

(3) No development shall take place on any land within the area to which the plan relates, unless it is in conformity with the approved plan.

24. Amendment of approved national and regional physical development plans.

(1) Subject to this section, the board may submit to the Minister, in the prescribed manner, proposals for the revocation or modification of an approved national or regional physical development plan where—

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

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

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

(4) Where objections are made to the alteration of the plan, the board shall, within thirty days hold a hearing and invite the person making the objection to present his or her objections before the board, and the board shall determine the matter.

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

(6) Where the proposed alteration or modification is approved by the Minister, the approved plan shall be published in accordance with section 25.

25. Special planning areas.

(1) The Minister may, on the recommendation of the board, by statutory instrument, declare an area with unique development potential or problems, a special planning area for the purposes of preparation of a physical development plan.

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

(3) The board shall prepare a special planning area physical development plan in accordance with sections 21, 22, 23 and 24.

(4) The board may dispense with or reduce the ninety day period for displaying a draft plan.

(5) A person who makes a development in contravention of subsection (2) commits an offence and is liable on conviction to a fine not exceeding forty eight currency points or imprisonment not exceeding two years, or both.

District, Urban and local physical development plans

26. District, urban and local physical development plans.

(1) The secretary to the board may, at the request and cost of a local government through the district physical planning committee, urban physical planning committee or sub county planning committee, prepare—

- (a) a district physical development plan;
- (b) a city, municipality or town physical development plan; or
- (c) a sub county physical development plan.

(2) A physical development plan prepared under this section shall be presented and discussed by the appropriate committee and if adopted, it shall be presented to the appropriate local government council.

(3) A local physical development plan adopted by the district physical planning committee shall be submitted to the district council for approval.

(4) A district physical development plan shall be submitted to the board for approval upon payment of the prescribed fee.

(5) A city, municipality, or town council physical development plan adapted by the respective physical planning committee shall be submitted to the board upon payment of the prescribed fee.

(6) A local physical development plan adopted by a sub-county council shall be transmitted to the district physical planning committee and the district council for approval.

27. Contents of district, urban and local physical development plans.

A district, urban and local physical development plan shall consist of—

- (a) a topographical survey in respect of the area to which the plan relates, carried out in the prescribed manner;
- (b) maps and descriptions as may be necessary to indicate the manner in which the land in the area may be used, having regard to the requirements set out in the Fifth Schedule, in relation to a district or local physical development plan;
- (c) a technical report on the conditions, resources and facilities in the area;

- (d) a statement of policies and proposals with regard to the allocation of resources and the locations for development within the area;
- (e) a description and analysis of the conditions of development in the area as may be necessary to explain and justify the statement of policies and proposals;
- (f) relevant studies and reports concerning the physical development of the area;
- (g) maps and plans showing present and future land use and development in the area; and
- (h) any other information as the board and the committee may deem necessary.

28. Public display of district, urban and local physical development plans.

(1) Upon the completion or receipt of a draft district, urban or local physical development plan, the committee shall publish a notice in the *Gazette* and in any other manner as it considers expedient, inviting the public to inspect the draft plan at a place and time specified in the notice.

(2) The notice published under subsection (1) shall request any interested person who wishes to make any representations against, or objections to the plan, in writing or through an open hearing, to write to the committee within ninety days after the date of publication of the notice, or a date specified in the notice.

(3) The committee may accept or reject the representations or objections to the plan, and shall within thirty days after accepting or rejecting the representation or objection, notify, in writing, the person making the representation or objection and shall give reasons in the case of rejection.

(4) A person aggrieved by a decision of the committee may appeal in writing to a higher physical planning committee, board or to the court, against the decision.

29. Approval of district, urban and local physical development plans.

(1) Where, after the expiration of the ninety days specified in the notice under section 28, no representations against, or objections to, the plan have been made to the board, or where such representations and objections are dealt with in accordance with this Act, the board shall approve the plan.

(2) A physical development plan approved under subsection (1) shall not be altered in any manner without the prior written authorisation of the district physical planning committee.

30. Publication of approved district, urban and local physical development plans.

The board shall, within fourteen days after approving a district, urban or local physical development plan, publish a notice in the *Gazette*, specifying whether or not the respective plan has been approved, with or without modification, and specifying the place and time where it may be inspected during normal working hours.

31. Modification of district and urban physical development plans.

(1) Subject to this section, a district or urban physical planning committee may, with the approval of the relevant local government council, and in the prescribed manner, submit proposals to the board for the alteration or modification of an approved district or urban physical development plan, upon payment of the prescribed fee, where —

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

(2) A local physical planning committee may, with the approval of the local government council, submit to the urban or district physical planning committee, proposals for the amendment or modification of an approved local physical development plan.

(3) The board or committee shall publish in a daily newspaper with wide circulation, a notice of the proposed alteration or modification of the approved plan, stating the period within which representations or objections to the proposed modification or alteration may be made in writing or at a public hearing to be convened on a specified date.

(4) If, after the expiration of the period specified in the notice, no representations or objections have been made, the board or committee shall consider the proposed modification or alteration of the approved plan and determine the matter.

(5) Where objections are made to the alteration or modification of the plan, the board or committee shall, within thirty days, hold an open hearing and invite the person making the objection to present his or her objections before the board or committee, and the board or committee shall determine the matter.

(6) The board may approve the proposed alterations with or without conditions.

(7) Where the board approves the proposed alteration or modification of the approved plan, the board shall publish a notice of the approval in the *Gazette*.

32. Private local physical development plans.

(1) A land owner shall use the services of a qualified planner to prepare a local physical development plan which shall be submitted to the local physical planning committee for adoption with or without modification.

(2) A plan prepared under this section shall be processed in accordance with sections 27, 28, 29, 30 and 31.

(3) A land owner may submit to the local physical planning committee, proposals for the amendment or modification of an approved local physical development plan in respect of his or her land, where—

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

(4) The local physical planning committee may waive the time frame required under subsection (2), for public display.

PART V—CONTROL OF DEVELOPMENT.

33. Powers of local physical planning committee.

Subject to this Act, each local physical planning committee of a lower local government shall have power—

- (a) to prohibit or control the use and development of land and buildings in the interests of the proper and orderly development of its area;
- (b) to control or prohibit the consolidation or subdivision of land or existing plots;
- (c) to ensure the proper execution and implementation of approved local physical development plans;
- (d) to initiate formulation of by-laws to regulate physical development; and
- (e) to ensure the preservation of all land planned for open spaces, parks, urban forests and green belts, environmental areas, social and physical infrastructure and other public facilities, in accordance with the approved physical development plan.

34. Development permission.

(1) A person shall not carry out a development within a planning area without obtaining development permission from a physical planning committee.

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding forty eight currency points or imprisonment not exceeding two years or both.

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

(4) Notwithstanding subsection (3), a local government physical planning committee shall require a developer to restore the land on which a development is made without permission, as much as possible, to its original condition.

35. Application for development permission.

(1) An application for development permission shall be in form P.P.A.1 set out in the Sixth Schedule.

(2) The application shall be made to the relevant local government which shall then forward the application to the relevant physical planning committee.

(3) A physical planning committee shall, when considering a development application submitted to it under this section—

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

36. Non conformity of land for development.

Where in the opinion of a local physical planning committee, an application in respect of development, change of user, subdivision or consolidation of land has an impact on adjacent land or does not conform to any conditions registered against the title of the property, the committee shall, at the expense of the applicant, publish the notice of the application in the *Gazette*, in a manner it thinks expedient.

37. Subdivision or consolidation of land.

(1) Land within the area of a local government shall not be subdivided or consolidated, except in accordance with the approved local physical development plan relating to that area.

(2) The subdivision or consolidation plan in relation to any land shall be prepared by a qualified physical planner and the plan shall be subject to approval as specified in section 39.

(3) An application for the sub division or consolidation of land shall be in form P.P.A. 2 in the Seventh Schedule.

(4) The committee shall serve copies of the application on every owner or occupier of the property adjacent to the land to which the application relates and to any other persons as the local physical planning committee may think fit.

(5) Where the local physical planning committee receives any objection to, or representation in connection with an application made under subsection (3), the local physical planning committee shall notify the applicant of the objections or representations and shall, before the application is determined, accord the applicant an opportunity to make representations in response to the objections or representations.

(6) A local physical planning committee may recommend, with or without modifications and subject to conditions as it may think fit, or refuse to recommend an application made under subsection (3).

(7) A person aggrieved by a decision of the local physical planning committee under this section may appeal in writing to a higher physical planning committee.

38. Environmental impact assessment.

Where a development application relates to matters that require an environmental impact assessment to be carried out, the approving authority or physical planning committee may grant preliminary approval of the application subject to the applicant obtaining an environmental impact assessment certificate in accordance with the National Environment Act.

39. Approval or refusal of development permission.

(1) Subject to section 35, a local planning committee may, in respect of a development application—

- (a) grant an applicant, development permission in the form specified in the Seventh Schedule, with or without conditions; or
- (b) refuse to grant an applicant development permission.

(2) The physical planning committee shall, within thirty days after making a decision, notify the applicant in form P.P.A. 3 set out in the Eighth Schedule, of its decision and shall specify the conditions, if any, attached to the development permission granted, or in the case of refusal to grant the permission, the grounds for refusal.

(3) A person aggrieved by the decision of the local physical planning committee may appeal in writing to a higher physical planning committee.

40. Deferment of application for development permission.

(1) A physical planning committee may, if it thinks expedient, by notice of deferment served on the applicant, in the prescribed manner, defer consideration of the application for development permission for a given period and for reasons specified in the deferment notice.

(2) The notice of deferment of an application for development permission shall be in form P.P.A. 3 in the Eighth Schedule.

(3) A person aggrieved by the decision of the local physical planning committee may appeal in writing to a higher physical planning committee.

41. Application for development permission in areas without approved physical development plans.

(1) An application for development permission in an area where there is no approved physical development plan shall be submitted to the local physical development committee for consideration.

(2) The local physical development committee may approve the application but where the application covers matters of a national character, the committee shall refer the application to the board.

(3) A person aggrieved by the decision of the board may appeal to the court.

PART VI—FINANCIAL PROVISIONS.

42. Financial resources of the board.

The funds and resources of the board shall consist of—

- (a) monies appropriated by Parliament for enabling the board to perform its functions;
- (b) grants from Government;
- (c) any donations or grants received from sources within or outside the country;
- (d) any sums which may in any manner become payable to or vested in the board under this Act or any other written law; and
- (e) any monies accruing to the board in the course of the discharge of its functions.

43. Accounts and financial management.

The accounts and finances of the Board shall be managed in accordance with the Public Finance and Accountability Act, 2003.

44. Audit.

The accounts of the Board shall be audited by the Auditor General in accordance with article 163 of the Constitution.

PART VII—GENERAL PROVISIONS.

45. Finances of physical planning committees.

All activities of the physical planning committees shall be financed by the local government finances.

46. Registration of documents.

The registrar of documents shall not register a document relating to the development of land under the Registration of Documents Act, unless development permission, in respect of the development, is granted as required under this Act.

47. Enforcement notice.

(1) A local physical planning committee shall serve an enforcement notice on an owner, occupier or developer of land, in the form specified in the Ninth Schedule, where the committee is satisfied that the development of land has been or is being carried out, without the required development permission, or that any of the conditions of development permission granted under this Act have not been complied with.

(2) The enforcement notice shall specify a period within which the owner, occupier or developer shall comply with the notice.

(3) Upon the service of an enforcement notice under this section, any development in respect of the land to which the enforcement notice relates shall be discontinued.

(4) An owner, occupier or developer of land on whom an enforcement notice is served may, within the time specified in the notice for complying with the notice, appeal against the notice to the next higher physical planning committee.

(5) Where an appeal is lodged under this section, the enforcement notice shall be stayed pending the determination of the appeal.

48. Supplementary provisions relating to enforcement.

(1) Where, within the period specified in the enforcement notice or within a further period as the local physical planning committee may determine, any measures required to be taken other than discontinuance of use of the land, are not taken, the local government may enter on the land and take those measures.

(2) Where the local government enters on the land under subsection (1), the local government may, without prejudice to any penalties that may be imposed or any other action that may have been taken under this Act, recover from the person on whom the enforcement notice is served by way of a suit, any expenses reasonably incurred by the local government in connection with the taking of those measures.

(3) An owner, occupier or developer who has not lodged an appeal under section 49 (4) shall not be entitled to question the validity of any action taken by the local physical planning committee under subsection (1) on any grounds that may have been raised in the appeal.

(4) Where a local physical planning committee has taken action in accordance with subsection (1), anything removed by the committee from the land in pursuance of that action shall, unless the owner claims and removes it within thirty days, be sold and the proceeds, after deduction of any expenses reasonably incurred by the local government in connection with the action and sale, shall be remitted to the owner, occupier or developer.

(5) A person who obstructs, or otherwise interferes with, a local physical planning committee in the execution of its functions under subsection (1) commits an offence and is liable on conviction to a fine not exceeding forty eight currency points or imprisonment not exceeding two years or both.

PART VIII—MISCELLANEOUS

49. Appeals.

(1) A person aggrieved by a decision of a sub county physical planning committee may within sixty days after the decision, appeal in writing to the district physical planning committee.

(2) A person aggrieved by the decision of a district physical planning committee or an urban physical planning committee may, within thirty days after the decision, appeal in writing to the board.

(3) A person aggrieved by a decision of the board may within thirty days after the decision appeal to the High court.

(4) Subject to subsection (3), the relevant physical planning board may reverse, confirm or vary the decision appealed against and may make such order as it thinks necessary or expedient to give effect to its decision.

(5) Where a decision is reversed by the board or physical planning committee, who shall, before making any order under subsection (4), give a physical planner an opportunity of making representations as to any conditions or requirements which in his or her opinion ought to be included in the order, and shall also afford the appellant an opportunity to respond to the representations.

50. Exemption from liability for acts done in good faith.

A member of the Board or a public officer shall not be liable for any act or omission done or omitted to be done by him or her in good faith in the discharge of his or her functions under this Act.

51. Minister's general powers.

The Minister may give directives on policy in order to ensure compliance with this Act.

52. Disposal of land, extension of lease, etc

(1) Subject to any other law relating to the administration of land, no subdivision, consolidation, renewal or extension of a lease of any land shall be effected without approval by the relevant physical planning committee.

(2) An application for approval under this section shall be in form P.P.A. 1 set out in the Sixth Schedule.

(3) The physical planning committee shall, when considering an application under this section, have regard to the relevant physical development plan.

53. Access to records.

The secretary to the board, a physical planner or a local physical planning committee may demand the production of, and make extracts from, all registers or other records or any deeds or instruments belonging to, or in the custody or possession of any public officer, which contain particulars of any land or property affected by any physical development plan.

54. Secrecy.

(1) The Official Secrets Act shall apply to information obtained under this section.

(2) Any information obtained by the board, the secretary, a physical planner or a local physical planning committee under section 53 shall be treated in confidence and shall not be divulged to any other person, except by an order of court in connection with any legal proceedings.

55. Service of notice.

A notice or order made or issued under this Act shall be in writing and shall be served on every concerned person or his or her agent and shall be taken to have been sufficiently served if it is left at the last known postal, residential or business address of that person or if it is sent by registered post, addressed to that person, in which case the notice or order shall be taken to have been received by the person in the ordinary course of post.

56. Power of entry.

(1) Subject to subsections (2) and (3), a person authorised in writing by the board, the head of the national physical planning department, a district physical planner, or a local physical planning

committee, shall have the right to enter upon any land or premises at all reasonable times with vehicles, materials and instruments to do all acts as are necessary for or incidental to the exercise of the powers conferred, or the performance of the duties imposed, by this Act.

(2) Entry under this section shall not be made unless a notice of entry is served on the owner, occupier or developer of the land or premises.

(3) A person shall not enter upon any land or premises until after the expiration of forty-eight hours after serving a notice of entry on the owner, occupier or developer of the land or premises.

(4) Subject to subsection (5), the owner or occupier of any land or premises affected by the exercise of a right of entry under this section shall be entitled to compensation for any damage caused by the entry upon his or her land or premises.

(5) A person who hinders or obstructs an authorised person from the exercise of powers conferred under this Act, commits an offence and is liable on conviction to a fine not exceeding twenty four currency points or imprisonment not exceeding one year or both.

57. Preservation of buildings of special architectural value or historic interest.

Subject to the Historical Monuments Act, the Board may, after consultation with the commissioner in charge of antiquities, serve on the owner or occupier of a building which in the opinion of the Board is of special architectural value or historic interest, an order prohibiting the demolition, alteration or extension of that building.

58. Penalty for giving false information.

A person who knowingly makes a false statement or gives false information in respect of an application or appeal under this Act, commits an offence and is liable on conviction to a fine not exceeding twenty four currency points or imprisonment not exceeding one year or both.

59. Publication of notices.

Every notice required to be published in the *Gazette* under this Act, except the notices published under sections 47 and 55, shall also be published in at least two local daily newspapers, one in English and one in a local language relevant to the affected district and shall be displayed at the offices of the relevant local government.

60. Minister's power to amend Schedules.

(1) Subject to subsection (2), the Minister may by statutory instrument amend the Schedules.

(2) The Minister shall not amend the First Schedule under this section without the approval of Cabinet.

61. Regulations.

(1) The Minister may, by statutory instrument, make regulations for giving full effect to the provisions of this Act and, in particular, for prescribing anything required or authorised by this Act to be prescribed.

(2) Regulations made under this section may prescribe penalties not exceeding twenty four currency points or imprisonment not exceeding one year for the contravention of offences under the regulations.

62. Repeal and savings.

(1) The Town and Country Planning Act is repealed.

(2) An approval for development granted under the Town and Country Planning Act before the commencement of this Act, shall be taken to be development permission granted under this Act.

(3) Subsection (2) applies only where the development in respect of which the approval was given, was commenced before the coming into force of this Act.

(4) A statutory instrument made under the Town and Country Planning Act shall continue in force if it is not inconsistent with this Act, until it is revoked or until regulations are made under this Act.

FIRST SCHEDULE.

S. 2

Currency Point

A currency point is equivalent to twenty thousand shillings.

SECOND SCHEDULE

S. 5

PROCEEDINGS OF THE BOARD**1. Meetings of the Board**

(1) The chairperson shall convene every meeting of the board at times and places as the Board may determine, and the board shall meet for the discharge of business at least once in every three months.

(2) The Chairperson may, at any time, convene a special meeting of the board and shall also call a meeting within fourteen days, if requested to do so in writing by at least four members of the board.

(3) Notice of a board meeting shall be given in writing to each member at least fourteen working days before the day of the meeting.

(4) The chairperson shall preside at every meeting of the board and in the absence of the chairperson, the members present shall elect one of their number to preside at that meeting.

2. Quorum.

(1) The quorum for a meeting of the board is six members.

(2) All decisions at a meeting of the board shall be by a majority of the votes of the members present and voting and in case of an equality of votes, the person presiding at the meeting shall have a casting vote in addition to his or her deliberative vote.

3. Minutes of meetings.

(1) The secretary shall cause to be recorded and kept, minutes of all meetings of the board, in a form approved by the board.

(2) The minutes recorded under this paragraph shall be submitted to the board for confirmation at its next meeting following that to which the minutes relate and when so confirmed, shall be signed by the chairperson and the secretary in the presence of the members present at the latter meeting.

4. Power to co-opt.

(1) The board may invite any person who, in the opinion of the board, has expert knowledge concerning the functions of the board, to attend and take part in the proceedings of the board.

(2) A person attending a meeting of the board under this section may take part in any discussion at the meeting on which his or her advice is required but shall not have any right to vote at that meeting.

5. Validity of proceedings not affected by vacancy.

The validity of any proceedings of the board shall not be affected by a vacancy in its membership or by any defect in the appointment or qualification of a member or by reason that a person not entitled, took part in its proceedings.

6. Disclosure of interest of members.

(1) A member of the board who is in any way directly or indirectly interested in any matter to be considered by the board, shall disclose the nature of his or her interest at a meeting of the board.

(2) A disclosure made under subparagraph (1) shall be recorded in the minutes of that meeting.

(3) A member who makes a disclosure under subparagraph (1) shall not—

(a) be present during any deliberation of the board, with respect to that matter; or

(b) take part in any decision of the board, with respect to that matter.

(4) For purposes of determining whether there is a quorum, a member withdrawing from a meeting or who is not taking part in a meeting under subparagraph (3) shall be treated as being present.

7. Board may regulate its procedure.

Subject to this Act, the board may regulate its own procedure or any other matter relating to its meetings.

THIRD SCHEDULE

S. 15

DETAILED PLANS AND AREA ACTION PLANS

A detailed plan and an area action plan shall address the following:--

- (a) treatment of a particular planning aspect like residential, transportation, water supply, sewerage, in part or as part of a long-term plan;
- (b) advisory or subdivision plans, indicating permitted subdivision, use and density of development;
- (c) an assessment of immediate land requirement to accommodate specific population needs as they arise;
- (d) detailed allocation of the land requirements to various land uses taking into account compatibility of adjoining land uses and conforming to the existing physical development plan proposals for the area.

FOURTH SCHEDULE

S. 20

MATTERS TO BE DEALT WITH IN NATIONAL AND REGIONAL
PHYSICAL DEVELOPMENT PLANS

PART I—ANALYSIS

1. Population growth, distribution and movement.
2. Land potential, including distribution of agricultural land potential, the relative values, population and land imbalance, land tenure, land use and other natural resource endowments.
3. Employment and incomes, including characteristics of employment, income distribution, the labour force, potential of the informal sector and their locations.
4. Human settlements, including distribution of existing services, growth and pattern of urbanization cause of rural-urban migration.
5. Matters affecting more than one district which require central government co-ordination.

PART II—PLAN PROPOSALS

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

PART III—IMPLEMENTATION

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

**PART IV--CONTENTS OF NATIONAL AND REGIONAL PHYSICAL
DEVELOPMENT PLANS**

9. A national or regional physical development plan, in relation to an area, shall consist of—

- (a) a technical report on the conditions, resources and facilities in the area;
- (b) a statement and proposals with regard to the allocation of resources and locations for development within the area;
- (c) a description and analysis of the conditions of development in the area as may be necessary to explain and justify the statement of policies and proposals;
- (d) relevant studies and reports concerning physical development of the area;

FIFTH SCHEDULE

S. 27

MATTERS TO BE DEALT WITH IN DISTRICT, URBAN AND LOCAL
PHYSICAL DEVELOPMENT PLANS

1. Every district, urban or local physical development plan, shall have for its general purpose, orderly, coordinated, harmonious and progressive development of the area to which it relates in order to promote health, safety, order, amenity, convenience and general welfare of all its inhabitants, as well as efficiency and economy in the process of development and improvement of communication.
2. Classification of the plan area for residential, commercial, industrial and agricultural development, infrastructure, environmental protection, natural resource management, urbanisation, human settlements conservation, tourism and other purposes, including the provision of special areas for industries generally, or for shops, warehouses, stores, stables, and other buildings used for commercial and industrial purposes and fixing the sites for buildings required for any of the purposes referred to in paragraph 1 and for public and private open spaces, and prohibiting the carrying on of any trade or manufacture, or the erection of any building, in a particular part of the area, otherwise than in accordance with the plan.
3. The area to which the plan is to apply.
4. The basis for disposing of land acquired, or to be acquired under the plan by a local government or relevant authority.
5. The re-planning and reconstruction of the plan area, including any provisions necessary for—
 - (a) the pooling of the lands of several owners, (or any lands, roads, streets, or right-of-way adjacent or near the plan area) and the re-distribution of that land among the owners;
 - (b) providing for or making new roads, streets, or rights-of-way;
 - (c) adjusting and altering the boundaries, areas, shapes, and positions of any land, road, street, or right-of-way;

- (d) effecting exchanges of land or cancellation of existing subdivision as may be necessary or convenient for giving effect to this paragraph;
- (e) adjustment of rights between owners or other persons interested in land, roads, streets, or rights-of-way.

6. Determining the type and density of development generally or in any particular locality.

7. Conservation of the natural beauty of the area, including lakes and other inland waters, banks of rivers, hill-sides and summits and valleys.

8. Conservation and enhancement of historic buildings and objects of architectural, archaeological, historical or scientific interest.

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

10. Works ancillary to or consequent to the plan.

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

12. The power of entry and inspection.

13. The basis for the local government to acquire land or buildings or to make any agreement or proposal in respect of this.

14. The basis for the local government to remove, alter or demolish and to prohibit, regulate and control the maintenance, alteration and reconstruction of any building which obstructs the observance or carrying out of the plan.

15. The basis for the local government to declare any land referred to in the plan as land reserved for streets to be public streets.

16. The basis for the local government to execute street works on land referred to in the plan as land reserved for streets and incidental works upon adjacent land.

17. The basis for the local government to fix building lines not shown on the map illustrating the plan.
18. The power of the local government to permit buildings in advance of building lines fixed by the plan.
19. The basis for the local government to fix improvement lines for existing streets and buildings.
20. The recovery of expenses incurred in giving effect to the plan, and the time and manner of payment of such expenses.
21. The implementation of the plan generally, and particularly the time and manner in which, and the person and authorities by whom or by which the plan, or any part of the plan, shall be carried out and completed and its observance ensured.
22. Potential of given areas and comparative advantage of alternative approaches to development.
23. Any matter necessary or incidental to the district, urban or local physical development plan.

SIXTH SCHEDULE

Form. P.P.A.1

Ss. 35, 52

THE PHYSICAL PLANNING ACT, 2008

APPLICATION FOR DEVELOPMENT PERMISSION*

Application No.....of 20...

To
(Insert name and address of the appropriate Planning Office)

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

SECTION A- GENERAL INFORMATION

1. Owner's name and address
2. Applicant's name and address
3. Nature of interest in land (Registered owner, lessee, tenant by occupancy, sub lessee, customary tenant)
4. (a) Block, plot number and location.
 (b) District, sub county, parish, town and street/road
 (c) Acreage
5. If an application was previously submitted, state the registered number of application.....
6. The purpose for which land or building is now used. If not used, the purpose for which and the date on which they were last used
7. Does the development require the construction of a new or an alternative of an existing means of access to or from a road?

8. The method of--

- (a) water supply is.....
- (b) sewerage disposal is.....
- (c) surface water disposal is.....
- (d) refuse disposal is.....

9. Describe briefly the proposed development including the purpose for which land or buildings are to be used

.....

.....

.....

10. If the proposed development consists only of a change of use and does not involve building operations, state the exact nature of such change

.....

.....

11. If the site abuts a road junction, give details and height of any proposed walls, fence, etc, fronting thereon

.....

.....

Note: Drawing and specifications must be prepared and signed by a qualified physical planner.

SECTION B- EXTENSION OF LEASE OR USE OR CHANGE OF USER

State whether there is an extension of lease or use or whether there has been a change of user if the land is on lease, and the period of extension

.....

.....

SEVENTH SCHEDULE

S.37

Form. P.P.A. 2

APPLICATION FOR SUBDIVISION/CONSOLIDATION OF LANDS AND BUILDINGS.

Application No.....of 20...

To
(Insert name and address of the appropriate Planning Office)

1. Owner's name and address
2. Applicant's name and address
3. Nature of interest in land (Registered owner, lessee, tenant by occupancy, sub lessee, customary tenant)
4. (a) Block, plot number and location.
(b) District, sub county, parish, town and street/road
(c) Acreage
5. If an application was previously submitted, state the registered number of the application
6. The purpose for which land or building is now used. If not used, the purpose for which and the date on which they were last used.....
.....
7. Describe briefly the proposed subdivision, including the purposes for which the land and/or buildings are to be used.....
.....
8. Details of any relevant easements affecting the proposed sub-division.
.....
.....

9. State the—

- (a) area affected.....
- (b) area covered by buildings.....
- (c) percentage of site covered by existing buildings and that covered by proposed buildings.....

Dated this day of

Signature of applicant or agent.....

If signed by agent, state:

Name.....

Address

Profession

Telephone

E-mail.....

**Application to be submitted in TRIPLICATE in respect of each transaction and sent to or left at appropriate office of the local physical planning committee.*

EIGHTH SCHEDULE

Ss. 39, 40

Form P.P.A. 3

THE PHYSICAL PLANNING ACT, 2008

NOTIFICATION OF APPROVAL/REFUSAL/DEFERMENT OF DEVELOPMENT PERMISSION

No.of 20.....

TO:

Your application No.of 20....., for permission to develop parcel No.....situated on.....road was considered on(insert date) and the committee approved/refused/deferred the application for the following reasons/subject to the following conditions—

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

Dated this.....day of

Signed.....

For: Chief Administrative Officer/ Town Clerk/ Sub county Chief

THE PHYSICAL PLANNING ACT, 2008
ENFORCEMENT NOTICE

No.....of 20.....

TO:
(insert name of owner, occupier or developer)

In accordance with section 48 of the Physical Planning Act, 2008 the committee is satisfied that you are carrying out an illegal development on plot.....

..... in *(state area)*

..... of this town/municipality/district.

This is therefore to require you to

- (a).....
- (b).....
- (c).....

Within days from the service of this notice.

Failure to comply with this notice shall result in--

- (a).....
- (b).....
- (c).....

Dated this.....day of

Signed.....
For: Chief Administrative Officer/ Town Clerk/ Sub county Chief

Cross References

1. Constitution of Uganda, 1995
2. Historical Monuments Act, Cap. 46
3. Land Act, Cap. 227
4. Local Governments Act, Cap. 243
5. National Environment Act, Cap. 153
6. Official Secrets Act, Cap. 302
7. Public Finance and Accountability Act, 2003, Act No. 6 of 2003
8. Registration of Documents Act, Cap. 81
9. Town and Country Planning Act, Cap 246