CHAPTER 286

PHYSICAL PLANNING ACT

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[L.N. 135/1998.]

PART I – PRELIMINARY

1. Short title

These Rules may be cited as the Physical Planning (Building and Development) (Control) Rules, 1998.

2. Interpretation

In these rules, unless the context otherwise requires—

“applicant” means the owner, lessee or occupier, of land or premises and includes his duly authorized agent or representative;

“building” has the meaning assigned to it by section 3 of the Act;

“building line” means a line drawn across a plot such that no building or permanent structure, except a wall of approved design enclosing the plot, may be within the area contained between that line and the nearest road on which the plot has frontage;

“business or commercial area” means any area or zone wherein the building will be permitted of business and commercial premises and such other building as the Director of Physical Planning may approve and includes land used as open space or other public place;

“business premises” means a building or part of a building used or designed to be used for the purpose of carrying on retail trade or business (not being a petroleum filling station) and includes any office, store and workroom or stockroom on the same premises as and incidental to the conduct of such retail trade or business;

“caretaker’s quarters” means a building or part of a building designed for use as caretaker’s residential quarters and having a total area not exceeding 37 sq. m. (400 sq. ft.);

“commercial premises” means a building or part of a building used or designed for use as an office or for the conduct in such building or any business but does not include a petroleum filling station or an industrial building;

“coverage” as applied to a building means the portion of the horizontal area of the site of the building permitted to be built on under the provisions of these Rules at each floor level;

“development” has the meaning assigned to it by section 3 of the Act;

“development plan” has the meaning assigned to it by section 3 of the Act;

“Director of Physical Planning” has the meaning assigned to it by section 3 of the Physical Planning Act;

“domestic building” means a building used, constructed or adapted to be used in whole or in part for human habitation or any combination thereof or any other building not being a public building or a building of the warehouse class;

“double-dwelling” means a building or a maximum of two storeys designed to contain exclusively two self-contained dwellings together with such out-buildings as are ordinarily used therewith;
“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 walls or by floors from adjoining buildings, together with such out-buildings as are reasonably required to be used and enjoyed therewith, and shall include any residential flat or apartment;

“dwelling house” means a building designed for use exclusively as one self contained dwelling by a single family, together with such out-buildings as are ordinarily used therewith;

“external wall” means an outer wall or vertical enclosure of a building not being a partywall even though adjoining a wall of another building;

“guest house” means a dwelling or a residence, not being a main dwelling and not leased as a separate self-contained dwelling, within the boundaries of a plot or sub-plot, which shall comprise not more than one room, one water closet, one bathroom and one verandah, and the total plinth area shall not exceed 37 sq. m.(400 sq. ft.);

“habitable room” means a room designed or used for human habitation and includes any living room, office, workroom or any room designed or adapted or used for the purpose of sleeping, eating or cooking of food therein, or as a place for the habitual employment of any person;

“industrial building” is a building used for carrying on such trades or processes as in the opinion of the Director of Physical Planning, require the building to be cited within the industrial zone in accordance with the provisions of any development plan or zone plan or structure plan;

“industrial area or zone” means any area or zone restricted for use for industrial purposes and includes land or buildings to be reserved for or used for public purposes;

“internal open space” means a space which is surrounded or is liable to become surrounded with buildings or erections of any description either wholly or to such extent that the free passage of air into and throughout such space is or may be insufficiently provided for;

“latrine” or “latrine accommodation” means a receptacle for human excreta of both solid or liquid character, together with the structure containing and including such receptacle and the fittings and apparatus connected therewith and includes a water closet, pail closet and pit closet;

“medical officer of health” has the meaning assigned to it by section 2 of the Public Health Act (Cap. 242);

“movable dwelling” includes any tent, van or other conveyance whether on wheels or not, any sectional hitting shed or similar structure, being a tent, conveyance or structure which is used either regularly, or at certain seasons only, or intermittently for human habitation;

“noxious industrial building” means an industrial building or part of an industrial building used or designed to be used for the carrying on of such trade or process;

“occupier” means any person in actual lawful occupation of land or premises;

“owner” has the meaning assigned to it by section 3 of the Act;

“pail closet” means latrine accommodation and includes a movable receptacle for the reception of human excreta;
“partywall” means—
   (a) a wall forming part of building and used or constructed to be used in any part of its height or length for—
      (i) the separation of adjoining buildings;
      (ii) the separation of semi detached building;
      (iii) the separation of residential flats, shops and/or offices into separate occupancies or limited groups or such occupancies;
   (b) a wall forming part of a building and standing in any part of its length to a greater extent than the projection of the footings on land of different owners;

“person” shall include any company or association or body of persons corporate or incorporate;

“petroleum filling station” is a building or part of a building used or designed for use for that purpose and includes provision for the servicing of vehicles;

“pit closet” means latrine accommodation when the receptacle for reception and retention of human excreta is formed by a pit or tank beneath the structure, and includes aqua privy;

“plinth area” means the sum total of the floor area contained in all the storeys of a building, the measurements for which shall be taken from the external faces of the enclosing walls or other boundaries of such buildings;

“plot or sub-plot” means any portion of land which is the subject of a separate registered conveyance, or sub-lease or any portion of a plot the position and boundaries of which are delineated on a plan or plan of subdivision prepared by the Director of Physical Planning or other competent authority;

“plot ratio” means the factor by which the area of a plot is multiplied to determine the maximum plinth area of a building permitted on that plot;

“public building” means a building used or constructed or adapted to be used ordinarily or occasionally as a place of public worship or as a hospital, college, school (not being a dwelling house so used), theatre (including a private theatre), an institution for persons admitted by ticket or otherwise or used or adapted to be used for any other public office or public purpose;

“quarrying” means the extraction of stone, sand or other minerals from the ground by manual or mechanical means;

“residential area” or “residential zone” means any area or zone restricted for use exclusively for residential purposes and includes land reserved for open spaces, sports grounds or land reserved for public purposes;

“residential building” means a building (other than a dwelling house, double dwelling, terrace houses, special block of flats, block of flats or apartment house) designed and used for residential purposes, a residential club, boarding house, lodging house or hostel;

“road” means any street, highway or sanitary lane or any land reserved for a street, highway or sanitary lane and includes any bridge, footway, public area park, square, court, alley or passage whether a thoroughfare or not;

“servant quarter” means any building or part of a building used, designed or updated for use as a dwelling for occupation by domestic servants employed by the owner or occupier of any dwelling of which the quarters are deemed to form a part of one of the out-buildings ordinarily used therewith; such quarters shall comprise living or sleeping rooms, cooking, ablution and latrine accommodation;
“service industrial building” means a building or part of a building designed for use and includes the following classes, the total floor area of which should not exceed an area equal to one hundred and fifty per cent of the site area—

(a) printing and book binding works;
(b) bakery and confectionary;
(c) dairy;
(d) tailoring and dress making;
(e) instrument making;
(f) sign writing;
(g) dry cleaning;
(h) retail grindery;
(i) minor electrical repairs;
(j) plumbing and painting works,
or such other similar uses and includes storage of goods;

“special block of flats” means a two or more storey building designed in part to contain two or more self-contained dwellings, together with out-buildings as are ordinarily used therewith; the ground floor of the building not being used as a dwelling;

“store” means a building which is used or intended or designed to be used for the storage of any kind of materials including foodstuffs;

“tenement” or “apartment house” means a building not necessarily of two or more storeys, wholly or partially containing rooms or suites of rooms having a common entrance or common entrances and occupies or intended to be occupied as dwellings;

“terrace house” means a building designed to contain more than two self-contained dwellings arranged in a row or otherwise attached to one another and with such out-buildings as are ordinarily used;

“use and density zone map” means the map or maps prepared by the Director of Physical Planning and deposited in the office of the Local Authority and accordingly adopted by the local authority as relative to these Rules and on which is indicated the use and/or density zones for the whole or parts of the urban area;

“use” or “purposes” or “purpose” means the particular use or purpose for which a building or part thereof has been erected or to which it has lawfully been altered and not solely its general purpose as a domestic building, public building or other type of building and in a domestic building only that portion thereof which has been erected as a dwelling may be uses as such;

“water closet” means any latrine accommodation used or adapted or intended to be used in a water carriage system and comprising provisions for the flushing of the receptacle by means of a water supply;

“width” as it applies to a road, means the distance between the two sides of the space used or intended to be used or laid out or planned so as to admit of being used as a road, measured at right angles to the direction of the road.

PART II – SITINGS, AMENITIES DENSITY AND USE ZONING RULES

3. Vetting of building plans

(1) Any person intending to erect a new building or re-erect a existing building shall comply with the provisions of the existing building code, local authority by-laws and the physical planning requirements and such conditions as may be imposed by the approving
authority regarding the siting, size, height, shape and appearance of such building in order to safeguard, maintain or impose the dignity or preserve the amenity and general appearance of street, square, or public place or have effect on the complemented appearance of such street, square or public place.

(2) All new buildings and all additions to existing buildings, particularly out-buildings, latrines and all drains and sanitary apparatus of any kind pertaining thereto shall be situated on such plot, sub-plot or other piece of land on which they may be built, as to ensure the best practicable hygienic and sanitary conditions and avoid as much as possible any nuisance or annoyance from the position and appearance of such latrines or buildings or from noise caused by the occupants of such out-buildings or from any other cause whatsoever.

4. Terminal features

A person owning a plot upon which a building may be so sited as to form a terminal feature to a street or which may otherwise be prominently displayed shall site such building in such position as the local authority in consultation with the Director of Physical Planning may decide and that person shall comply with such stipulations as may be imposed with regard to siting, size, height, shape and appearance of such building.

5. Sites of public building

(1) No person shall erect a public building on any site unless that site has been recommended by the Director of Physical Planning through the preparation of relevant part development plan or an advisory plan as the case may be and the same has been approved by the Minister, or by the relevant local authority.

(2) The Director of Physical Planning may refuse to recommend the site mentioned in subsection (1) on the grounds that—

(a) the site is not suitable for the purpose;
(b) the erection on the site of any such public buildings would be contrary to the public interest;
(c) the site does not sufficiently provide for the safety of persons frequenting such public building or the general public;
(d) the discharge of audiences or patrons from any such building on a site is likely to interfere with the safe conduct of traffic in the streets;
(e) the site is so close to another public building that congestion of traffic may be possible; or
(f) car parking provision on or in the vicinity of the site is, in the opinion of the Director of Physical Planning, inadequate.

(3) In the case of a theatre, cinematography halls, music halls and concert halls, the sites of these buildings shall have two sides as frontage to a public street and the street shall be of such width and direction as shall enable the persons accommodation in the premises to disperse rapidly in the event of fire or panic and as will afford facilities for the approach and use of fire appliances:

Provided that, where the local authority in consultation with the Director of Physical Planning so decides, a private open and paved passage way for the exclusive use of the audience of such theatre or hall leading to a street and having a minimum width of 7 meters (24 feet) may be regarded as equivalent to a public street.

6. Front frontage

(1) No building shall be erected on any plot or sub-plot which has no proper and sufficient frontage to a street, such street, not being a sanitary lane or passage.
(2) No building shall, except with the prior written permission of the Director of Planning, be so erected as to have its principal access to or its principal frontage abutting on a service lane, alley or passage.

(3) No means of access from a service lane for use by the public shall be permitted in any premises used for retail trade, coverage.

7. Density

(1) The size of plot within the area shown on any structure plan, development plan, advisory plan, zoning plan, subdivision plan approved by the Minister and adopted by the local authority shall not be subdivided into smaller sub-plots than the minimum specified thereon for the area within which the plot is situated without the consent of the Director.

(2) The minimum size of the plot or sub-plot prescribed for any area may be increased to a satisfactory extent if such minimum size is inconsistent with the amenity of the environs of any plot or portion of the area or if such increase is necessary for the proper development of the plot or sub-plot and if the nature of the ground necessitates large plots or sub-plots to obtain good hygienic conditions.

8. Plot coverage

Each local authority shall in consultation with the Director determine the plot coverage and plot ratios depending on the zoning of the urban area and the level of urban services available.

9. Cartilage

Except in the case of dwellings contained in a special block of flats or a block of flats where any building is designed or constructed or used so as to provide within the same building more than one dwelling for a single family, each such dwelling shall be deemed to be a separate house and shall have its own separate area, cartilage or open space which shall be contiguous with such dwelling as if it were a separate building and the number of such dwellings shall not exceed the number permitted under these Rules for the area within which the building is situated.

10. Reduction in plot area

No plot on which a building is erected shall be reduced in area so that in relation to the reduced site the area covered by the building exceeds the percentage permitted for that class of building, except where the reduction in area is caused by acquisition of land by proper authority.

11. Alteration of building (change of class)

Where the use of any building or part thereof of any one class or combination of classes be altered to that of another class or combination of classes for which a less amount of coverage is required under these rules not less than the minimum open space required under these Rules shall be provided for the class or combination of classes to which the building has been altered.

12. Building Lines

(1) The Director may prescribe a building line on any road to be such distance from the road reserve boundary as the Director may deem expedient for preserving the amenity of the road.
(2) No person shall erect any building other than a boundary wall or other fence nearer to the road than such building line may be so prescribed:

Provided that at the discretion of the Director of Physical Planning such building line may vary in distance from the road boundary throughout a road or part thereof. Such building line shall generally be in accordance with the specification described below—

(a) where roads range between 6 m.—18 m. in width the building line shall be 6 m;
(b) for any road above 18 m. in width the building line shall be 9 m.

13. Back to Back Dwelling

(1) No person shall erect a building in such manner as to provide any back-to-back dwelling.

(2) The expression “back-to-back” dwelling shall include any dwelling the whole of the habitable portion of which is not adequately and efficiently through-ventilated by means of ventilating aperture communicating directly with the external walls.

14. Access to rear of building from street

Access of not less than 1.6 m. (5 ft.) in width shall be provided from the street to the rear of buildings other than through the building where such access is not provided from a side passage or rear line.

15. Access to dwelling and other buildings

(1) Every domestic building, every part of a building which in the opinion of the Local Authority may be from a separate tenancy or occupancy, shall have independent access to a street, such street not being a sanitary lane or passage:

Provided that—

(a) dwellings contained in a special block of flats or a block of flats; or
(b) separate offices within a building may have a common access to a street.

(2) Within every plot or sub-plot upon which it is intended to erect a domestic building there shall be laid out and constructed sufficient and suitably made footpaths of not less than 3 ft. (1 m.) in width and where applicable, such vehicular ways as to provide adequate means of passage between the building and the nearest or most convenient road to which the plot or sub-plot has a frontage.

(3) Where any roadway is laid out and constructed for the purpose of providing access from any building to any road, street or lane it shall be extended from the boundary of the plot to the edge of the carriageway within the road, street or lane and the sitting of such access road shall be in accordance with the specifications of the local authority.

16. Canopies and projections

(1) A canopy may, with the permission of the local authority in consultation with the Director of Physical Planning, be erected over a footway but such canopy—

(a) shall not be less than 3 m. (10 ft.) above the level of the footway;
(b) shall not extend outwards from the building so as to be nearer the vertical plans of the kerb line of the footway than 0.6 m. (2 ft.);
(c) shall be impervious to moisture on the upper surface and drained in a manner which shall prevent the discharge of water therefrom on the footway.

(2) No canopy shall be used in conjunction with or as a means of access to any room or apartment.
(3) No person shall place or permit or cause to be placed any article or load upon any canopy.

(4) Where it is considered desirable that canopies should be erected in front of new buildings, the local authority may require the owner to provide in the design of such buildings for canopies and such structures shall conform to the conditions or design and materials as the structural engineer may prescribe.

(5) On being so required, the owner shall at his own cost, when he erects the new building construct such canopy and execute the requisite canopy agreement.

17. Offensive sites

No building shall be erected on any site which has been made up or filled up by offensive or insanitary materials on which has been used for the deposit of the refuse, excrementious materials or carcasses of dead animals or other filthy or offensive matter until such site has dealt with to the satisfaction of the Medical Officer of Health, Chief Materials Engineer, Environment Officer and the Director.

18. Space in front of buildings

(1) A domestic building shall be so sited as to leave an open space immediately in front thereof, which space shall extend throughout the whole width of the front of the building to a distance of not less than 6 m. (20 ft.) measured at right angles therefrom:

Provided that, if the building fronts on a street of lesser width, the width of such open space may be not less the width of the street, together with one half of the difference between that width and 6 m. (20 ft.).

(2) Any part of an open space left as aforesaid which lies within the plot shall be free from erection above the level of the ground, except a fence or wall not exceeding 1.4 m. (4.6 ft.) in height or a portico, porch, step or other like projection from the building or a gate.

19. Minimum measurement of courtyard

Where any building contains more than one dwelling and is designed to have an internal courtyard or open space, there shall be provided within such courtyard or open space an area free from obstruction of not less than 32.5 sq. m. (350 sq. ft.) and having no dimension less than 4.5 m. (15 ft.).

20. Secondary means of access

Unless the council otherwise agrees, a building shall be provided with a secondary means of access.

21. External passage

Any passage between buildings erected on the same plot or between a building and the boundaries of the plot on which such building is situated, shall have minimum dimensions of 1.2 m. (4 ft.) in width and 2.1 m. (7 ft.) in height.

23. Service area

A person erecting a building shall provide to the satisfaction of the local authority in consultation with the Director, a service area for the security serving that building, loading and unloading of vehicles, dustbins, and such other purposes as the Director of Physical Planning may require, and the means of the access thereto shall be of a width not less than 3 m. (10 ft.).
24. Permitted advertisements

The owner of a building may display the following illustrated advertisements without the prior consent of the local authority—

(a) in the case of shops, the name and occupation of the occupier provided that the letters are not greater than 0.3 m. (12 inches) in depth and contains not more than 6 words;
(b) in the case of offices, a notice board displayed at the ground floor entrance to the premises not exceeding 0.3 sq. m. (3 sq. ft.) total for all occupiers;
(c) any advertisement displayed within a building or on land or building not visible from a street;
(d) notices in connection with religious events or residential plots.

25. Hanging sign

The owner or occupier of any premises may display hanging advertisements with the consent of the local authority in consultation with the Director provided that they do not exceed 1.8 m. x 0.6 m. (6 ft. x 2 ft.) and the bottom of the sign is 2.4 m. (8 ft.) minimum height from the pavement.

26. Advertisements requiring permission

(1) The display of advertisements not mentioned in rule 24 shall require permission from the local authority and the Director.

(2) The grant of permission under subrule (1) shall depend on—

(a) the location, size and colours of the billboard;
(b) traffic and pedestrian safety;
(c) religious, cultural and moral character of the advertisements;
(d) preservation of the natural environment;
(e) scenic beauty;
(f) the preservation of natural monuments and archaeological sites;
(g) general amenity; and
(h) any other factor that the local authority and the Director may consider necessary.

27. Removal of unauthorized advertisements

A local authority may by notice in writing, require any person who displays an advertisement under Rule 26 without permission to remove such advertisement within the time specified in the notice.

28. Appeals

Any person aggrieved by the decision of the local authority under the foregoing rules may appeal to the respective liaison committee.

PART III – APPLICATION NOTICES APPROVAL, ETC.

29. Authentication and validity of notices and orders

(1) Any notice, order or other document from the Director of Physical Planning made and issued by virtue of the provisions of these Rules may be signed by an officer authorized in that behalf by the Director.
(2) Any notice, order or other document from the liaison committee made and issued by virtue of the provisions of these Rules shall be signed by the chairman of the liaison committee.

(3) No notice, order or other document duly authenticated in accordance with this Rule shall be invalid by reason only of a defect in the form thereof.

30. What constitutes erection of buildings

For the purposes of these Rules any of the following operations shall be deemed to be the erection of a building or the carrying out of development—

(a) the erection of any new building;
(b) the erection of any addition to an existing building;
(c) the re-erection or alteration of any part of an existing building;
(d) the re-erection of any building or part of a building where an outer wall of that building or that part of a building has been destroyed, pulled down, burned down or damaged either wholly or partially;
(e) the roofing-over of any space between walls or buildings;
(f) the changing of the use, or purpose for which a building, part of a building or appurtenances thereto are used, or increasing or reducing the number of dwellings or separate tenancies to execute any alterations or works in connection with the proposed change;
(g) the carrying out of any drainage works and water service works;
(h) the changing of use of the land including quarrying, dumping and drying operations.

31. Exemptions and partial exemptions

Buildings constructed exclusively for the purposes listed below shall be exempt from the operation of these Rules except those that require notice to be given of the intention to erect the building, submission of site and block plans, written particulars and notice of any material change of user—

(a) a poultry house, aviary, dog kennel, greenhouse or orchard house;
(b) a fuel store (other than for the storage of petroleum fuels, kerosene or alcohol;
(c) a boat house (not intended for the accommodation of a motorboat);
(d) a garden tool shed, potting shed or cycle shed;
(e) a moveable dwelling or tent:

Provided that such building shall not remain erected or be used for a period exceeding twenty-eight (28) days and that it is not more than 700 cubic feet and is wholly detached from other buildings.

32. Application for approval of building

(1) Any person who proposes to erect a building or to carry out any development to which these Rules relate shall lodge with the local authority an application for approval together with the plans relative thereto, indicating—

(a) the purpose or purposes for which the building or erection will be used;
(b) the number of dwellings or separate tenancies or occupancies to be provided in the building;
(c) the mode of drainage and means of disposal of waste water, soil, water, roof water or other liquid;
(d) the water supply;
(e) the number of persons to be accommodated in each part thereof, the means and capacity thereof for ventilation and the provisions made for the safety of the public.

(2) The plans submitted under this rule shall be duly signed by the applicant and shall illustrate the proposal in a clear and intelligible manner, to wit: Plans of all floors, ground and street levels and elevations sections and drainage shall be to a scale of not less than 1 cm. 1 m. (1": 8ft.) block plans indicating the site of the building and adjoining buildings to a scale of not less than 1":40 and details where required by the local authority to a scale of 0.5 cm.: 4 ft. (0.5": 1 ft.).

33. Planning grounds for refusal of building plans

The Director of Physical Planning shall refuse to recommend any new building or proposed development, or alteration or addition to any existing building if—

(a) the proposal is not in conformity with approved development plans;
(b) such plan discloses a contravention of these Rules or the provisions of any written law;
(c) the plans are not correctly drawn or omit to show information required under these Rules;
(d) on such being required, a separate application accompanied by sets of plans has not been lodged in respect of buildings on separate plots or sub-plots;
(e) the land or the proposed building or structure is to be used for any purpose or purposes which might be calculated to depreciate the value of the neighbouring property or interfere with the convenience or comfort of neighbouring occupants;
(f) the proposed building or land use is unsuitable, injurious to amenities or detrimental in respect of appearance or dignity or fails to comply with physical planning requirements in regard to siting, design, height, elevation, size shape, structure or appearance;
(g) the building is likely to become objectionable on any environmental grounds;
(h) roads of access, parking bays, vehicular and pedestrian circulation spaces or other services to the plot or premises are inadequate;
(i) the building is not sited in a satisfactory position;
(j) the site on which it is proposed to build is unfit or unsuitable for the erection thereon of the building proposed to be erected;
(k) the system of drainage including soil, waste and surface water of the plot or sub-plot upon which the building is to or stands, is not satisfactory;
(m) provision has not been made for adequate natural light and ventilation; or
(n) any other physical planning issue.

34. Approval of building plans

(1) The decision of the local authority in respect of an application submitted in accordance with Rule 33 shall be communicated to the applicant within a period of ninety (90) days.

(2) Copies of plans approved under this Rule shall be deposited with the Director.
35. Compliance with approved building plans
   No person shall erect or authorize to be erected any building except in accordance with
   the plans submitted to and approved by the local authority in consultation with the Director
   of Physical Planning.

36. Disregard of approval of building plans
   (1) Where a person commences work upon any alterations or additions to any existing
   building, or carries out developments before receiving the approval of the local authority in
   consultation with the Director of Physical Planning, the local authority shall serve the
   person with a notice requiring him to cease such work or development.
   (2) A person who fails to comply with the requirements of a notice served under sub-rule
       (1), commits an offence and is liable to the penalty provided for in section 38(1) of the Act.

37. Disregard of approved building plans
   (1) A person who obtains the approval of the local authority in consultation with the
   Director of Physical Planning for the erection of any proposed building, shall erect such
   building in accordance with the approved plans, sections, elevations, descriptions and
   particulars relating to such building.
   (2) A person who erects a building contrary to sub-rule (1) commits an offence and is
       liable to a penalty as provided for in section 38(1).
   (3) The Director of Physical Planning may advise the local authority to serve upon the
       owner of a building a notice requiring the owner—
       (a) to erect such building strictly in accordance with the approved plans and
           particulars; or
       (b) to execute such work or alterations upon or additions to such building or any
           part thereof as may be prescribed in such notice in order to render such
           building safe and sanitary or otherwise to conform to the requirements of
           these Rules; or
       (c) to remove or demolish such building or any part thereof.

38. Owners responsibility
   The approval of any drawings, particulars or calculations of any building or structure or
   work shall not in any way impose or imply acceptance of any responsibility on the part of
   the local authority for the stability of any such building structure or work.

39. Offences and penalties-general
   A person who contravenes the provisions of any of these Rules, commits an offence and
   is liable to the penalty provided for in sections 38 and 39 of the Physical Planning Act.
PHYSICAL PLANNING (PLANNING AND ENDORSEMENT FEES) REGULATIONS, 1998

ARRANGEMENT OF REGULATIONS

Regulation
1. Short title.
2. Interpretation.
3. Planning fees.
4. Inspection fees.
5. Building plans fees.
7. Checking fees.
8. Exemption.
PHYSICAL PLANNING (PLANNING AND ENDORSEMENT FEES) REGULATIONS, 1998
[L.N. 136/1998.]

PHYSICAL PLANNING (PLANNING AND ENDORSEMENT FEES) REGULATIONS, 1998

PHYSICAL PLANNING (PLANNING AND ENDORSEMENT FEES) REGULATIONS, 1998

1. Short title
These Regulations may be cited as the Physical Planning (Planning and Endorsement Fees) Regulations, 1998.

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

“advisory plan” means a plan indicating permitted use of land;

“comprehensive scheme” means anything other than the ordinary scheme;

“Director” has the meaning assigned to it by section 3 of the Act;

“Minister” means the Minister for the time being responsible for Physical Planning;

“ordinary scheme” means development that shall not exert demands on the existing infrastructure, shall have not more than 10 units and shall have one user;

“part development plan” has the meaning assigned to it by section 3 of the Act;

“subdivision” has the meaning assigned to it by section 3 of the Act.

3. Planning fees
The following fees shall be payable in respect of advisory plans or part development plans or subdivision plans prepared by the Director:

(1) For preparation of a part development plan designating land for private alienation where stand premium is payable, 3 per cent of stand premium.

(2) For preparation of subdivision/advisory plans for agriculture/public purpose/recreational use—

(a) Where land is to be subdivided into two portions only, KSh. 200 per portion;

(b) where land is to be subdivided into three or more portions but not exceeding ten, KSh. 200 per portion for the first two and KSh. 100 per portion for the additional eight portions.

(c) Where land is to be subdivided into eleven or more portions (2) (a) and (2) (b) above apply, KSh. 80 per portion for the additional portions..

(3) For preparation of subdivision/advisory plans for residential use—

(a) where land is to be subdivided into two portions only, KSh. 1,000 per portion;

(b) where land is to be subdivided into three or more portions but not exceeding ten, KSh. 1,000 per portion for the first two and KSh. 450 per portion for the additional eight portions;

(c) where land is to be subdivided into eleven or more portions 3(a) and 3(b) above apply, and KSh. 400 per portion for the additional portions.
(4) For preparation of subdivision/advisory plan for commercial use—
   (a) where land is to be subdivided into two portions only, KSh. 1,100 per portion;
   (b) where land is to be subdivided into three or more portions but not exceeding ten, KSh. 1,100 per portion for the first two and KSh. 500 per portion for the additional eight portions;
   (c) where land is to be subdivided into eleven or more portions 4(a) and 4(b) above apply, and KSh. 450 per portion for the additional portions.

(5) For preparation of subdivision/advisory plans for industrial use—
   (a) Where land is to be subdivided into two portions only, KSh. 2,200 per portion;
   (b) where land is to be subdivided into three or more portions but not exceeding ten, KSh. 2,200 for the first two portions and KSh. 1,000 per portion for the additional eight portions;
   (c) where land is to be subdivided into eleven or more portions 5 (a) and 5 (b) above apply and KSh. 950 per portion for additional portions.

3. Planning fees

The following fees shall be payable in respect of advisory plans or part development plans or subdivision plans prepared by the Director:

(1) For preparation of a part development plan designating land for private alienation where stand premium is payable, 3 per cent of stand premium.

(2) For preparation of subdivision/advisory plans for agriculture/public purpose/recreational use, fifty shillings for each portion subdivided.

(3) For preparation of subdivision/advisory plans for residential use—
   (a) where land is to be subdivided into two portions only, KSh. 1,000 per portion;
   (b) where land is to be subdivided into three or more portions but not exceeding ten, KSh. 1,000 per portion for the first two and KSh. 450 per portion for the additional eight portions;
   (c) where land is to be subdivided into eleven or more portions 3(a) and 3(b) above apply, and KSh. 400 per portion for the additional portions.

(4) For preparation of subdivision/advisory plan for commercial use—
   (a) where land is to be subdivided into two portions only, KSh. 1,100 per portion;
   (b) where land is to be subdivided into three or more portions but not exceeding ten, KSh. 1,100 per portion for the first two and KSh. 500 per portion for the additional eight portions;
   (c) where land is to be subdivided into eleven or more portions 4(a) and 4(b) above apply, and KSh. 450 per portion for the additional portions.

(5) For preparation of subdivision/advisory plans for industrial use, two hundred shillings for each portion subdivided.

[L.N. 118/2007, s. 2.]
4. Inspection of fees

For inspection of property/site for extension of user, extension of lease and change of user, the fees shall be as follows—

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee (KSh)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Nairobi and Mombasa</td>
<td>3,000</td>
</tr>
<tr>
<td>(b) all other municipalities</td>
<td>1,000</td>
</tr>
<tr>
<td>(c) all other townships and centres</td>
<td>500</td>
</tr>
</tbody>
</table>

[Rev. 2012, L.N. 118/2007, s. 3]

5. Building plans fees

For building plans charges shall be one hundred shillings.

[L.N. 118/2007, s. 4.]

6. Certificate fees

For acquisition of certificate of compliance under the provisions of section 30(7) of the Act, the fees shall be as follows—

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee (KSh)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Nairobi and Mombasa</td>
<td>2,000</td>
</tr>
<tr>
<td>(b) all other municipalities</td>
<td>1,000</td>
</tr>
<tr>
<td>(c) all other townships and centres</td>
<td>500</td>
</tr>
</tbody>
</table>

[L.N. 50/2000, L.N. 118/2007, s. 3]

7. Checking fees

(1) For scrutiny of the minute book maintained by the secretary of the liaison committees, KSh. 200.

(2) Procurement of copies, under sub-regulation (1) KSh. 300 for first page and KSh. 20 per page of additional copies.

(3) For scrutiny of subdivisions referred to the Director—
   (a) where the subdivision comprise 2-10 sub-plots, KSh. 200 per resultant sub-plot;
   (b) where the subdivisions comprise 11-20 sub-plots, (a) above shall apply and KSh. 150 per remaining sub-plots;
   (c) where the subdivisions comprise 21-50 sub-plots (a) and (b) above shall apply and KSh. 100 per remaining sub-plots;
   (d) where the subdivisions comprise 51 and above (a), (b) and (c) above shall apply and KSh. 80 per remaining sub-plots.

8. Exemption

Fees under subregulation 7(3) of these Regulations shall not be payable where the plan has been prepared by the Director.

9. Appeal fees
For lodging an appeal under provisions of section 13(1) by an applicant to the Municipal of District Liaison Committee, KSh. 1,000 and for lodging an appeal under the provisions of section 15(1) by an applicant to the National Liaison Committee, KSh. 2,000.
PHYSICAL PLANNING (DEVELOPMENT PLANS) REGULATIONS, 1998

ARRANGEMENT OF REGULATIONS

Regulation
1. Short title.
2. Application.
3. Procedures for preparation, submission and approval of development plans.
5. Resolution to prepare a development plan.

SCHEDULES

FIRST SCHEDULE
–
NOTICE OF COMPLETION OF DEVELOPMENT PLAN

SECOND SCHEDULE
–
NOTICE OF APPROVAL OF DEVELOPMENT PLAN
PHYSICAL PLANNING (DEVELOPMENT PLANS) REGULATIONS 1998  
[L.N. 137/1998]

1. Short title

These Regulations may be cited as the Physical Planning (Development Plans) Regulations, 1998.

2. Application

These Regulations shall apply to all Physical Development Plans submitted to the Minister under the provisions of Part IV of the Act.

3. Procedures for preparation, submission and approval of development plans

(1) The Director shall notify the respective local authority of his decision to prepare a development plan in respect thereof, the purpose of the plan and the extent of the area covered.

(2) The Director may in the course of preparing the development plan call a meeting or a series of meetings in which all stakeholders will be allowed to participate and give their views and suggestions.

(3) Where a development plan is prepared by the Director he shall immediately give public notice of the preparation in form P.P.A. 3 set out in the First Schedule hereto.

4. Notice of submission of development plan

(1) Any plan prepared by a commissioned registered Physical Planner shall be submitted to the Director for scrutiny and authentication.

(2) A plan published by the Director in accordance with regulation 3 shall be the property of the Director.

5. Resolution to prepare a development plan

Where the Minister approves a development plan submitted to him in accordance with these Regulations he shall certify them in triplicate and return two certified copies to the Director who shall immediately give public notice of the approval in the form P.P.A. 4 set out in the Second Schedule hereto.

FIRST SCHEDULE

Form P.P.A. 3  
(Rule 3(3))

NOTICE OF COMPLETION OF DEVELOPMENT PLAN

Title of Development Plan .................................................................

NOTICE is hereby given that preparation of the above Development Plan was on ......................

day of ......................................................... completed.

The Development Plan relates to land situated within ..........................................................

A copy of the Development Plan as prepared has been deposited for public inspection at the office of the ......................................................... at .........................................................

The copy so deposited is available for inspection free of charge by all persons interested at the above-mentioned address between the hours of ......................................................... and .........................................................
FIRST SCHEDULE—continued

Any interested person who wishes to make any representation in connection with or objection to the above Development Plan may send such representations or objections in writing to be received by the Director of Physical Planning, P.O. Box ........................................ not later than ........................... day of ........................ and any such representation or objection shall state the grounds on which it is made.

Dated the .............................................................................., 20........

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

Director of Physical Planning

SECOND SCHEDULE

Form P.P.A. 4 (Rule 8)

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 ....

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

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.
PHYSICAL PLANNING (APPLICATION FOR DEVELOPMENT PERMISSION) REGULATIONS, 1998

ARRANGEMENT OF REGULATIONS

Regulation
1. Short title.
2. Application.
3. Interpretation.
4. Development permission.
5. Consultations.
8. Reference of application to liaison committee.
9. Notification to application.
10. Register of applications other than subdivisions.
11. Index to register.
12. Entry in register.
13. Inspection of register.

SCHEDULE

FORM
PHYSICAL PLANNING (APPLICATION FOR DEVELOPMENT PERMISSION) REGULATIONS, 1998

1. Short title

These Regulations may be cited as the Physical Planning (Application for Development Permission) Regulations, 1998.

2. Application

These Regulations shall apply to all land to which section 2 of the Act applies.

3. Interpretation

In these Regulations, unless the context otherwise requires—

“Act” means the Physical Planning Act;

“development” has the meaning assigned to it by section 3 of the Act and “develop” shall be construed accordingly;

“land” has the meaning assigned to it by section 3 of the Act;

“liaison committee” means a committee established under provisions of section 7 of the Act;

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

“Minister” means the Minister for the time being responsible for Physical Planning;

“subdivision” has the meaning assigned to it by section 3 of the Act and “subdivide” shall be construed accordingly.

4. Development permission

(1) All applications for development permission shall be made on forms issued by the local authority or liaison committee and shall include such particulars and shall be accompanied by such plans and drawings as may be required by directions indicated thereon.

(2) In the case of an application for determination whether any operations on land or any change of extension in the use of any land or building would constitute development of that land or building, it shall not be necessary to furnish plans and drawings other than a plan sufficient to identify the land to which the application relates in any case where the proposal is sufficiently described by the particulars together with the plan.

(3) All applications for development permission shall be in the prescribed form and accompanied by a certificate of compliance in form P.P.A. 5 set out in the Schedule hereto, and shall be submitted to the liaison committee through the local authority having jurisdiction in the area to which the application relates and the necessary application forms may be obtained from that local authority.

5. Consultations

(1) Before granting permission for development in either of the following cases whether unconditionally or subject to conditions, the local authority or liaison committee, shall consult with the following authorities—
(a) where it appears to the local authority or liaison committee that the development is likely to affect adversely any land in the area of any other local authority, with such local authority;
(b) where it appears to the local authority or liaison committee that the development is likely to create or attract traffic which may result in a material increase in the volume of traffic entering or leaving a main road or using a level crossing over a railway, with the appropriate highway or railway authority;
(c) where it appears to the local authority or liaison committee that any development is likely to affect adversely adjacent airports or seaports, the appropriate airport or seaport authority.

(a) The local authority or liaison committee shall give not less than thirty (30) days’ notice to the authority required to be consulted that such an application is to be taken into consideration and shall not determine the application until after the expiration of the period mentioned in such notice.
(b) In deciding the application the local authority or liaison committee shall take into account any representations or objections received from the authority referred to in paragraph (a).

8. Reference of application to liaison committee

On referring any application to the liaison committee pursuant to a direction in that behalf under the provisions of section 35 of the Act, a local authority shall within seven (7) days of the receipt of the direction by the committee serve on the applicant notice of the terms given by the liaison committee for issuing the direction and such notice shall inform the applicant that the application has been referred to the liaison committee which shall, if the applicant so desires, afford the applicant or his representative an opportunity of appearing before and being heard by the committee.

9. Notification to application

The local authority or liaison committee shall in every case serve notice on the applicant of its decisions in accordance with section 33(2) of the Act.

10. Register of applications other than subdivisions

The local authority or liaison committee as the case may be shall keep a register containing the following information—
(a) particulars of any application for permission to develop made to it in respect of any land, including the land reference number of the property, and the road, district and town in which it is situated, the name and address of the applicant and registered number and date of receipt of the application and brief particulars of the development forming the subject of the application;
(b) particulars of any direction given under the Act in respect of the application;
(c) the decision of the local authority or liaison committee in respect of the application and the date of such decision;
(d) the date and effect of any decision of the liaison committee in respect of any application referred to it under section 35 of the Act;
(e) the date and effect of any determination or order of the liaison committee in respect of an appeal against a decision of the application;
(f) the date and effect of any decision of the National Liaison Committee in respect of an appeal against the determination of the local liaison committee; and
(g) the date and effect of any decision of the High Court in respect of an appeal against the determination of the National Liaison Committee.
11. Index to register

A register may contain an index in the form of cards and each card shall contain the land reference number of the property which is the subject of the application and the road, district or town in which it is situated, the name and address of the applicant and the registered number of the application, and shall be filed in numerical sequence according to the land reference number.

12. Entry in register

Every entry in the register shall be made within seven (7) days of the happening of the event in respect of which an entry is required to be made.

13. Inspection of register

The register shall be kept at the offices of the local authority or the secretary to the liaison committee and made available for inspection by the public during normal hours of official business.

14. Any notice or other document to be served or given under these Regulations shall be served or given in accordance with the provisions of section 45 of the Act:

Provided that any notice of an unconditional grant of development permission which is to be served under regulation 8 may be served in accordance with the provisions of section 45 of the Act as though the word “registered” were deleted from the said section.

SCHEDULE

[L.N. 51/2000.]

Form P.P.A. 5

(Rule 4(3))

CERTIFICATE OF COMPLIANCE

Certificate No. ........................................

Name and address of applicant .................................................................

Type of development (industrial, commercial, etc.) ..................................................

On L.R./Parcel No. ........................................, situated in .....................................................

Locality .......................................................... (Municipality, Township, etc.)

Received from ........................................ (Local Authority) by Ref. No. .................................

df ..........................................................

This is to certify that the application above is in compliance with—

(a) Approved Development Plan No. .................................................................

(b) Approved Subdivision Plan/Advisory Plan No. ..................................................

(c) Special conditions specified in the Notification of Approval (Form P.P.A. 2) date ........................................

with respect to Registered Application No. .................................................................

Issued by ..........................................................

(Name of Officer)

Signature ..........................................................

for Director of Physical Planning

DEPARTMENT SEAL

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P17-64 [Issue 1]
PHYSICAL PLANNING ORDER, 1998
ARRANGEMENT OF ORDERS

Order
1. Short title.
2. Application.
3. Interpretation.
4. Grant of Permission.
5. Permitted development.
6. Directions restricting permitted development.
7. Application determination whether permission is required.
8. Application for grant of permission.

SCHEDULE

________________________________________
PHYSICAL PLANNING ORDER, 1998
[L. N. 139/1998]

1. Short title
This Order may be cited as the Physical Planning Order, 1998.

2. Application
This Order shall apply to all land in the country to which section 2 of the Act applies.

3. Interpretation
In this Order, unless the context otherwise requires—
   “Act” means the Physical Planning Act;
   “building” has the meaning assigned to it by section 3 of the Act;
   “Development” has the meaning assigned to it by section 3 of the Act;
   “erection” in relation to a building includes extension, alteration and re-erection;
   “highway authority” means a highway authority as defined in the Public roads and Roads of Access Act (Cap. 399);
   “land” has the meaning assigned to it by section 3 of the Act;
   “liaison committee” means a committee established under provisions of section 7 of the Act;
   “local authority” has the meaning assigned to it in the Local Government Act (Cap. 265);
   “Minister” means the Minister for the time being responsible for Physical Planning;
   “owner” has the meaning assigned to it by section 3 of the Act;
   “statutory undertaker” means statutory bodies responsible under any law within the country and any other body which the Minister may by notice in the Gazette specify.

4. Grant of Permission
All development in areas to which this Order, applies shall require the grant of permission for the purpose of Part V of the Act.

5. Permitted development
   (1) Subject to the provisions of this Order, development of any class specified in the Schedule to this Order is permitted and may be undertaken upon land to which this order applies with the permission of the local authority or liaison committee:
       Provided that the permission granted by this Order in respect of any such class of development shall be subject to any condition or limitation imposed in the said Schedule.
   (2) Nothing in this section or in the said Schedule to this Order shall be deemed to permit any development which is not in accordance with any condition imposed when permission is granted or deemed to be granted under Part V of the Act otherwise than by this Order.
6. Directions restricting permitted development

(1) If the local authority or relevant liaison committee is satisfied that it is expedient that development of any of the classes specified in the Schedule to this Order shall not be carried out in any particular development of any of the said classes unless permission is granted on application in that behalf, the local authority or the relevant liaison committee may direct that the permission granted by Part I of the Schedule shall not apply to—

(a) any development of all or any of the said classes in any particular area specified in the direction; or

(b) any particular development, specified in the direction, falling within any of the said classes.

(a) A direction in respect of any particular area under paragraph (a) of subparagraph (1) of this paragraph shall be given by notice by the local authority or relevant liaison committee and shall specify the effect of the direction and the name of a place where a copy thereof and a map defining the area to which it relates may be viewed at all normal hours of official business and such direction shall come into force on the date on which notice thereof is first published.

(3) Notice of any direction specifying any particular development under subparagraph (1) (b) shall be served by the local authority on the owner of the land affected, and any such direction shall come into force on the date on which notice thereof is served on the owner.

(4) No direction given or having effect under this paragraph shall have effect in relation to the carrying out in case of emergency of any development specified in the schedule to this Order, or unless such direction specifically so provides, to the carrying out by a statutory undertaker of the following—

(a) maintenance of bridges, buildings and railway stations;

(b) alteration and maintenance of railway tracks and provision and maintenance of track equipment, including signal boxes, signal apparatus and other appliances and works required in connection with the movement of traffic by rail;

(c) maintenance of harbours, quays, wharves and canals;

(d) provision and maintenance of mechanical apparatus or appliances required for the purpose of shipping or in connection with the embarking, disembarking, loading, discharging or transport of passengers, livestock or goods at a harbour, quay or wharf;

(e) any development required in connection with the improvement and maintenance or repair of water courses or drainage works, or sewers or sewage disposal works.

7. Application determination whether permission is required

A person who proposes to carry out any developments on land or to make any change in the use of land or buildings and who wishes to have it determined whether the carrying out to those operations or the making of that change in the use of the land or buildings would constitute or involve development within the meaning of the Act and, if so, whether an application for permission in respect thereof is required under the Act having regard to this Order may apply to the local authority or liaison committee for determination.

8. Application for grant of permission

(1) An application to the local authority or liaison committee for any permission or decision required under this Order, shall unless otherwise provided in this Order, be made in accordance with the provisions of the Physical Planning (Application for Development Permission) Regulations.
(2) Where an applicant so desires, an application (hereinafter called “an application in principle”), may be made under subparagraph (1) of this paragraph for permission for the use of any building or land or for erection of any building, and any approval thereof shall be subject to the subsequent approval of the local authority or liaison committee with respect to any matter relating to the siting, design or external appearance of the building, or the means of access thereto, in which case particulars and plans in regard to these matters shall not be required and permission may be granted subject as aforesaid (with or without other conditions) or refused:

Provided that—

(a) where such permission is granted it shall be expressed to be granted under this subparagraph on an application in principle and the approval of the local authority or liaison committee shall be required with respect to the matters reserved in the permission before any development is commenced;

(b) where the local authority or liaison committee is of the opinion that in the circumstances of the case the application for permission ought not to be considered separately from the siting, design or external appearance of the building, or the means of access thereto, the local authority or liaison committee shall within thirty (30) days from the receipt of the application in principle, serve notice on the applicant that the local authority or liaison committee is unable to consider such application, specifying the matters as to which the local authority or liaison committee requires further information for the purpose of arriving at a decision in respect of the proposed development and the applicant may either furnish the information so required (in which event the application shall be treated as if it had been received on the date when such information was furnished and had included such information).

SCHEDULE

[Rule 6.]

PART I

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

<table>
<thead>
<tr>
<th>COLUMN (1)</th>
<th>COLUMN (2)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Description of Development Conditions</strong></td>
<td><strong>Class I—Development within the cartilage of dwelling-house</strong></td>
</tr>
</tbody>
</table>
| The enlargement, improvement or other alterations of a dwelling-house materially affecting the external appearance of the building so long as the cubic content of the original dwelling house (as ascertained by external measurement) is not exceeded by more than 50 cubic metres or one tenth whichever is the greater subject to a maximum of 133 cubic metres. | 1. The height of such buildings shall not exceed the height of the original dwelling-house.  
2. Standard conditions Nos. 1 and 2. |
| **Class II—Sundry minor operations** | 1. The erection or construction of gates, fences, walls or construction of enclosure not being within the cartilage of a dwelling-house not exceeding two metres in height and the maintenance, improvement or other alterations of such gates, fences, walls or other means of enclosure, except on the road transaction. | Standard condition Nos. 1 and 2. |
2. The painting of the exterior of any building or work otherwise than for the purpose of advertisement.

Class III—Changes of Use

Development consisting of a change of use to:

(a) (i) Use of a light industrial building defined by the Physical Planning hand book.

(ii) Use of a general industrial building as so defined.

(b) Use as any type of shop except—

(i) a drive-in shop;

(ii) a fast foods shop;

(iii) a butcher shop;

(iv) a shop for the sale of pet animals or birds;

(v) a shop for the sale of motor vehicles from use as any type of shop.

Class IV—Temporary buildings and uses

The use of land for any purpose for not more than twenty-eight (28) days in total in any calendar year, and the erection or placing of movable on the land for the purposes of that use.

Class V—Development for industrial purposes

The deposit by an industrial undertaker of waste material or refuse resulting from an industrial process on any land comprised in a site which was used for such deposit otherwise than in contravention of previous planning control, on the appointed day.

Class VI—Repairs to roads and ways

The carrying out of works required for maintenance or improvement of roads or ways not under the control of a highway authority being works carried out on land within the existing limits of such roads or ways.

Class VII—Rebuilding of existing buildings and plant

The rebuilding, restoration or replacement of buildings, works or plant which were in existence on the appointed day.

1. The cubic content of the works or plant shall not be increased by more than ten per centum.

2. There shall be no material alteration from the external appearance, as on the appointed day except with the approval of the local authority or liaison committee.

3. Standard conditions Nos. 1, 2 and 3.
PART II – STANDARD CONDITIONS

1. This permission shall not authorize any development which involves the formation laying out or material widening of a means of access to a main or district road as defined in the Roads and Road Traffic Act or a public street as defined in the Street Adoption Act.

2. No development shall be carried out which creates an obstruction to the view of persons using any road used by vehicular traffic at or near any bend corner, junction or intersection of any roads so as to be likely to cause danger to such persons.

3. No part of any building shall project beyond any building line laid down for the holding or plot.

PART III

This part shall apply only to areas where there is an approved development plan.

Class IX—Confoming Development

Where a layout or subdivision plan has been lawfully approved and any conditions contained in such approval have been fulfilled the erection in any zone of purpose for which the permission of the local authority is not normally required by the approved written document.

1. In residential use zones for the erection of dwelling-houses only, the subdivision of land shall not be less than approved plot sizes.

2. The Minister is satisfied that adequate provision for parking, loading and unloading or vehicles in the case of industrial and commercial buildings or uses has been made.
SCHEDULE—continued

3. The approval of the local authority to the external design appearance and materials in the case of commercial building and uses has been obtained.

4. If the development is likely to affect adversely any land in the area of any local authority or is likely to create or attract traffic which will result in a material increase in the volume of traffic entering or leaving a main road or using a level crossing over a railway the provisions of regulation 7 of Development Permission shall first be complied with.
PHYSICAL PLANNING (SUBDIVISION) REGULATIONS, 1998

ARRANGEMENT OF REGULATIONS

Regulation
1. Short title.
2. Application.
3. Interpretation.
4. Grant of Permission.
5. Applications for grant of permission.
6. Reference of application to the liaison committee.
7. Notification to applicants.
8. Register of applications.
9. Index to Register.
10. Entry in Register.
11. Inspection of Register.
13. Subdivision procedures.
14. Format of subdivision plans.
15. Requirements when subdivision schemes are submitted.
17. Alteration and cancellation of subdivisions.
18. Public density.
19. 

SCHEDULES

FIRST SCHEDULE
–
FORM
SECOND SCHEDULE
–
CONDITIONS OF APPROVAL
THIRD SCHEDULE
–
SUBDIVISION REGISTER (SR)
PHYSICAL PLANNING (SUBDIVISION) REGULATIONS, 1998

1. Short title

These Regulations may be cited as the Physical Planning (Subdivision) Regulation, 1998.

2. Application

These Regulations shall apply to all land to which section 2 of the Act applies.

3. Interpretation

In these Regulations, unless the context otherwise requires—

“holding” means any area of land which is shown as a parcel, plot or farm on a general plan or other land approved under the Survey Act and shall include any building erected thereon;

“land” has the meaning assigned to it by section 3 of the Act;

“liaison committee” means a committee established under provisions of section 7 of the Act;

“local authority” has the meaning assigned to it in the Local Government Act;

“Minister” means the Minister for the time being responsible for Physical Planning;

“owner” has the meaning assigned to it by section 3 of the Act;

“public notice” has the meaning assigned to it by section 52 of the Act.

4. Grant of Permission

All subdivisions in the areas to which these Regulations apply shall require the grant of permission for the purposes of Part V of the Act.

5. Applications for grant of permission

(1) An application to the local authority or liaison committee for any permission required under these Regulations, shall be made in accordance with the provisions of the Physical Planning (Application for Development Permission) Regulations.

(2) On receipt of an application to subdivide made under the provisions of section 31 of the Act, the local authority may—

(a) demand further information from the applicant; or

(b) require that public notice be given under section 41(3) inviting objections to the application in the manner prescribed in the First Schedule;

(c) approve the applications subject to any of the conditions set out in the Second Schedule.

6. Reference of application to the liaison committee

On referring any application to the liaison committee pursuant to section 35 of the Act, a local authority shall within seven (7) days of the receipt of the application serve on the applicant notice to that effect giving reasons of such reference and such notice shall inform the applicant that the application has been referred to the liaison committee and shall, if the applicant so desires afford the applicant or his representative an opportunity of appearing before and being heard by the liaison committee.
7. Notification to applicants
   (1) The local authority or liaison committee shall in every case serve notice on the applicant of its decision.
   (2) The period within which the local authority or liaison committee shall serve notice on the applicant shall be ninety (90) days from the date of receipt of the application.
   (3) Every notice shall be in writing and in the case of an application for permission or approval where the local authority liaison committee decides to grant such permission or approval subject to conditions or to refuse it, it shall state the conditions, in such notice.

8. Register of applications
   The local authority or liaison committee shall keep a separate register as set out in the Third Schedule containing the following information in respect of all applications for permission to subdivide land within which it is concerned namely—
   (a) particulars of any application for permission to subdivide made in respect of any land, including the land reference number of the property and the road, district and town in which it is situated, the name and address of the applicant and brief particulars of the subdivision forming the subject of the application;
   (b) particulars of any direction given under the Act in respect of the application;
   (c) the decision of the local authority or liaison committee in respect of the application and date of such decision;
   (d) the date and effect of any decision of the liaison committee in respect of any application referred to it under section 35 of the Act;
   (e) the date and effect of any decision of the National Liaison Committee in respect of an appeal against the determination of the local liaison committee;
   (f) the date and effect of any decision of the High Court in respect of an appeal against the determination of the National Liaison committee.

9. Index to Register
   Every register shall contain an index in the form of cards, and each card shall contain—
   (a) the land or parcel reference number of the application;
   (b) the road, district and town in which it is situated;
   (c) the name and address of the applicant; and
   (d) the registered number of the application which must be filed by local authorities in numerical sequence according to the land reference number.

10. Entry in Register
    Every entry in the register shall be made within seven (7) days of the happening of the event in respect of which an entry is required to be made.

11. Inspection of Register
    The register shall be kept at the offices of the local authority or the secretary to the liaison committee and made available for inspection by the public during normal hours of official business.

12. Notices
    Any notice, or other document to be served or given under these Regulations shall be served or given in accordance with the provisions of section 45 of the Act:
    Provided that any notice of unconditional grant of development permission which is to be served under these Regulations may be served in accordance with the provisions of section 45 of the Act as though the word “registered” were deleted from the said section.

13. Subdivision procedures
The subdivision procedures shall be as provided in section 41 of the Act.

14. Format of subdivision plans

Any person who submits a plan of a scheme of subdivision of any land within the area of the local authority shall comply with the following conditions—

(a) a minimum of 12 copies of all plans, together with a letter of consent to subdivide from the land control board and certificate of official/postal search or any other evidence from the respective Land Registrar, shall be submitted to the local authority;

(b) the scale of any such plan shall be in the series of 500’s for example 1:500, 1:1000, 1:1500 etc.;

(c) the plan shall show, correctly plotted to scale, the existing plot boundaries and their dimensions, the areas of the plot, the location, the land reference number or registered number of the plot and of such contiguous plot, the contiguous boundaries of all adjacent plots and road system (existing and approved). Lanes (pedestrian and sanitary), and their widths. The true north shall be indicated by a pointer and the names of all existing streets shall be indicated with their widths;

(d) the proposed scheme of subdivision, the boundaries in red and the approximate dimensions of sub-plots and the proposed means of access, road or lane system (if any) with the widths of such streets, roads or lanes clearly indicated appropriately in blue on each plan. Other colours to be used in the subdivision plan shall be blue for surrender and yellow for demolition;

(e) all existing buildings of any nature whatsoever, shall be correctly plotted and the relationship to the proposed boundaries of the plots or sub-plots clearly indicated;

(f) building lines shall be shown on the plan whenever necessary;

(g) the proposed use of each sub-plot shall be stated;

(h) every sub-plot shall be separately numbered or lettered;

(i) every plan shall have clearly shown on it the line of every or any right-of-way road or access or wayleaves over the plot or sub-plot;

(j) all plans shall be signed by the owner or his duly authorised agent and the Physical Planning Officer preparing the plans shall sign and date the plans.

15. Requirements when subdivision schemes are submitted

In any scheme of subdivision of land within the area of a local authority the following conditions shall be complied with—

(a) streets shall be laid out in a manner to facilitate natural storm water flow;

(b) adequate drainage facilities by streets, drainage reserves wayleaves or otherwise as may be expedient and suitable shall be provided and such reserves and wayleaves shall not in any case be less than 3 metres in width;
(c) wayleaves or reserves along any river, stream or water course shall be provided of not less than 10 metres in width on each bank, except in areas where there is an established flooding;
(d) reserves along the ocean and lake beaches shall be provided of not less than 2 km. and 1 km. respectively;
(e) where required by the local authority and the Director of Physical Planning, land suitable and adequate shall be reserved at no cost to the local authority for open spaces, amenities, recreational facilities, road reserves, public purpose relative to the area to be subdivided and for road widening;
(f) streets connected at each end to other streets or which may be so connected shall be at a width required by the Director of Physical Planning;
(g) provision, adequate in the opinion of the Director of Physical Planning shall be made for the truncation of street corners and the widening of existing streets or lanes;
(h) plots shall be of appropriate shape and size and shall have proper and sufficient access to a street, such street not being a sanitary lane or passage;
(i) the proposal shall conform with the provisions of any structure plan, local physical development plan, advisory plan, zoning, or development plan approved by the Minister;
(j) notwithstanding the provisions of these Rules regarding the minimum size of plots in any area, plots at street corners shall be made to adequate size to permit establishment of satisfactory building lines (whenever appropriate) and to provide for proper utilization of such plots within the building lines;
(k) where any proposed street or road is included in the scheme of subdivision, the layout and construction of such street or road shall conform to the requirements of the relevant local authority.

16. Building Density

In the case of a scheme of subdivision of land within the agricultural land the Director of Physical Planning shall at his discretion prescribe the minimum size of plots therein, the use of such land or building and the maximum number and coverage of buildings per acre to be erected thereon.

17. Alteration and cancellation of subdivisions

A local authority may on the recommendations of the Director of Physical Planning or respective authorities cancel the whole or any scheme of division or subdivision which has not been carried into effect provided reasons thereof are given to the affected party.

18. Public density

(1) Subject to the provisions of any written law not more than one building (other than an out-building of or appurtenances to the building) shall be erected within the boundaries of any one plot, sub-plot, or holding whether the buildings are erected on account of the owner or otherwise.

(2) Before the erection of additional buildings, each on a separate plot or holding as aforesaid can be authorized, a scheme of division or subdivision shall be submitted by the local authority for approval:

Provided that the Director of Physical Planning may—

(a) prohibit the erection within a plot, sub-plot, or holding of more than one guest house or any other building or out-building or any building when such building, out building or appurtenance is intended to be used as a guest house;
(b) waive the necessity of a scheme of division or subdivision being submitted when more than one building is necessary in connection with a public building, school, hospital, clinic, mission station, welfare or philanthropic institution, a Government, local authority or other housing scheme, a scheme of flats, or in connection with business or industrial premises under one management or staff housing schemes, on an undertaking being given that the building so erected shall not under any circumstances be sold separately.

19. A public building shall be erected only on plots certified by the Director of Physical Planning as being suitable for the purpose.

FIRST SCHEDULE
[Rule 5(2)(b).]

NOTIFICATION OF INTENT TO SUBDIVIDE

Form P.P.A. 6
(Section 41(3))

ADVERTISEMENT

NOTICE IS HEREBY GIVEN THAT ........................................................................................................
of .......................................................................................................................................................
has applied to ..........................................................................................................................................
for permission to subdivide land situated at (address of property) ..........................................................
..........................................................................................................................................................
a plan of the site and plans and details of the proposed subdivision is deposited ..................................
..........................................................................................................................................................
and may be inspected free of charge between the hours of ................................................................. and
..........................................................................................................................................................
until the ............................................................................................................................................ day of ................................, 20 ........................................
Any person who wishes to make any representations or objections to the proposed subdivision should serve notice of such representations or objections in writing on ..........................................................
..........................................................................................................................................................
P.O. Box ........................................................................................................................ not later than ................................... day of ................................, 20 ........................................
and shall at the same time submit a copy of such representations or objections by notice served on the undersigned at the address mentioned below.

Signed .............................................................................................................................................

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

Not less than fourteen (14) days from the date of the first advertisement shall be allowed for inspection of the plan.

Not less than thirty (30) days from the date of the first advertisement shall be allowed for the submission of representations and objections.
SECOND SCHEDULE
[Rule 5(2)(c.)]

CONDITIONS OF APPROVAL

When considering applications for subdivisions the local authority or liaison committee
may impose conditions of approval in respect of the matter enumerated below, and after
implementation of such approval the conditions shall be binding upon the owner, successors
and assigns:—

1. The type and form of development to be carried out or permitted and the size,
   form and situation of holding and the conditions on which such holdings may
   be transferred.

2. The reservation of land for roads and public purpose or for other purposes
   referred to in the Act for which land may be reserved.

3. The character and type of roads and public utilities or other works, including
   the standard of construction and/or maintenance of a road, water supply,
   drainage and sewerage works which are to be undertaken and completed by
   the applicant for subdivision at the applicant's cost.

4. Provision as to the forms of security to be given by the applicant of any
   conditions imposed and provision as to the right of the local authority to carry
   out any such conditions at the expenses of the applicant.

5. The co-ordination of the subdivision of contiguous properties in order to
   ensure the proper development of such properties.

6. The transfer free of charge to Government or local authority of any land
   reserved in accordance with the provisions of paragraph 2 hereof may be by
   the applicant.

7. The registration by the applicant of any conditions imposed in the deed of the
   title of the property.

THIRD SCHEDULE
[Rule 8.]

SUBDIVISION REGISTER (SR)

<table>
<thead>
<tr>
<th>SR No.</th>
<th>Township</th>
<th>Plot No.</th>
<th>District</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Date</th>
<th>Name of Holder and Address</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Particulars of any direction
given under the Act.

Decisions of Committees Date

P17-79 [Issue 1]
PHYSICAL PLANNING (ENFORCEMENT NOTICES) REGULATIONS, 1998

ARRANGEMENT OF REGULATIONS

Regulation
1. Citation.
2. Application.
3. Interpretation.
4. Form of enforcement notice.
5. Register.
6. Index to register.
7. Entry in register.
8. Inspection of register.

SCHEDULE
PHYSICAL PLANNING (ENFORCEMENT NOTICES) REGULATIONS, 1998
[L. N. 141/1998.]

1. Citation
These Regulations may be cited as the Physical Planning (Enforcement Notices) Regulations, 1998.

2. Application
These Regulations shall apply to any enforcement notice served under section 38 of the Act.

3. Interpretation
In these Regulations, unless the context otherwise requires—

"Act" means the Physical Planning Act;
"enforcement notice" means an enforcement notice served under the provisions of section 38 of the Act;
"liaison committee" means a committee established under the provisions of section 7 of the Act;
"local authority" has the meaning assigned to it in the Local Government Act (Cap. 265);
"Minister" means the Minister for the time being responsible for Physical Planning.

4. Form of enforcement notice
An enforcement notice shall be in the form set out in the Schedule hereto.

5. Register
(1) The local authority shall keep a register containing the information in respect of every enforcement notice served by it.

(2) The register shall contain the following information—

(a) the name and address of the person on whom the enforcement notice is served, the land reference number of the property affected and the road, district and town in which it is situated, the number of the enforcement notice, and the date of the enforcement notice by the liaison committee;

(b) the date the enforcement notice is to take effect;

(c) the date and effect of any determination of the local liaison committee in respect of an appeal against the enforcement notice;

(d) the date and effect of any decision of the National Liaison Committee in respect of an appeal against the determination of the local liaison committee;

(e) the date and effect of any decision of the High Court in respect of an appeal against the determination of the National Liaison Committee;

(f) the date and brief particulars of any action taken by the person on whom the enforcement notice is served to satisfy the conditions therein and whether or not the person has complied with the enforcement notice.

(2) Every enforcement notice in respect of which an entry is made in the register shall be numbered and such numbers shall run consecutively.
6. Index to register
   (1) A register may contain an index in the form of cards, and each card shall contain—
       (a) the land reference number of the property affected and the road on which it
           is situated;
       (b) the district and town in which it is situated;
       (c) the name and address of the person on whom the enforcement notice is
           served.
   (2) The enforcement notice shall be filed by the local authority in numerical sequence
       according to the land reference number.

7. Entry in register
   Every entry in the register shall be made within seven (7) days of the happening of the
   event in respect of which an entry is required to be made.

8. Inspection of register
   The register shall be kept at the office of the local authority and made available for
   inspection by the public during normal hours of official business.

SCHEDULE

ENFORCEMENT NOTICE

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Form P.P.A. 7

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


1. The development/subdivision of land described hereunder has been carried out without the grant
   of permission and/or the following conditions required on that behalf under Part V of the Physical
   Planning Act:

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

   Subject to which permission for the development/subdivision of land as described hereunder was
   granted in respect thereof under Part V of the Physical Planning Act has/have not been complied
   with.

2. (Description of development or subdivision of land)

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

3. You are hereby required to (describe the steps to be taken)

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

   within a period of .......................................................... ..........................................................

   from the date of this notice failing which the .......................................................... (local authority) may enter
   on the said land and execute the requirements as outlined hereinabove and may recover as a
   civil debt in any court of competent jurisdiction from any related expenses incurred.
4. This notice shall take effect on the ........................ day of ........................................, 20.............

5. If you are aggrieved by this notice you may appeal to the liaison committee or High Court as the
case may be under provisions of part III of the Act before the aforesaid ........................................
day of .............................................. 20 ................., ................................. in which case the operation
of this notice shall be suspended pending the final determination or withdrawal of the appeal.

6. Any person who uses or causes or permits to be used the land to which this notice relates or
carries out or causes or permits to be carried out operations on the said land in contravention of
this notice shall be guilty of an offence as provided for by section 30 of the Act.

Signed ............................................................................................................................................................

Dated this .............................................. day of .............................................., 20............... ..............................
'*Delete whichever is inapplicable.
''Insert name of the local authority.
PHYSICAL PLANNING (APPEALS TO THE PHYSICAL PLANNING LIAISON COMMITTEE) REGULATIONS, 1998

ARRANGEMENT OF REGULATIONS

Regulation
1. Short title.
2. Interpretation.
3. Appeals procedure.
4. Consideration of the appeal
5. Decision of the committee

SCHEDULE
PHYSICAL PLANNING (APPEALS TO THE PHYSICAL PLANNING LIAISON COMMITTEE) REGULATIONS, 1998
[L.N. 142/1998.]

1. Short title
These Regulations may be cited as the Physical Planning (Appeals to the Physical Planning Liaison Committee) Regulations, 1998.

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

“committee” means a liaison committee established under provisions of section 8 of the Act;

“petitioner” means any person aggrieved by a decision of the Director of Physical Planning or a local authority concerning any physical development plan or matters connected therewith, and any person aggrieved by a decision of a liaison committee;

“secretary” means the secretary of the Committee.

3. Appeals procedure
All appeals shall be made on forms P.P.A. 8 and P.P.A. 9 set out in the Schedule respectively and issued by the relevant liaison committee or local authority, and shall include such particulars as may be required by the directions printed on the forms.

4. Consideration of the appeal
The secretary to the relevant liaison committee shall within ninety days of receipt of the application in writing inform the petitioner the date on which the liaison committee shall consider the appeal.

5. Decision of the Committee
The secretary shall inform the petitioner of the decision of the committee within sixty (60) days.

Where the petitioner is not satisfied with the decision of the committee the petitioner may appeal to the National Liaison Committee within thirty (30) days of receipt of the decision of the committee communicated under regulation 5.

SCHEDULE
[Rule 3.]
APPEALS AGAINST DEVELOPMENT PLANNING DECISION

Form P.P.A. 8

PART I

Registered No. of Appeal

(To be filled in triplicate)

To:
THE SECRETARY

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APPEALS AGAINST DEVELOPMENT PLANNING DECISION

[Section 15(1).]

PART II

Form P.P.A. 9
(To be filed in triplicate)

To:
THE SECRETARY

NATIONAL PHYSICAL PLANNING LIAISON COMMITTEE

(Delete as necessary)

If we, ......................................................... of P.O. Box ................................................................. appeal against the decision made by ................................................................. regarding development on Parcel No(s): .................................................................

(a) .................................................................................................................................

(b) .................................................................................................................................

(c) .................................................................................................................................

My/our grounds for appeal are as follows:

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

(Please attach additional written text if space is insufficient.)

Signature of Applicant ........................................................................................................

Dated this ............................................. day of .............................................. year .............................................
PHYSICAL PLANNING (PROCUREMENT OF PHYSICAL PLANNING SERVICES) REGULATIONS, 2010

ARRANGEMENT OF REGULATIONS

Regulation
1. Citation.
2. Interpretation.
3. Project initiation.
4. Adoption.
5. Contracting.
6. Reporting.
7. Procedure for preparation and publication of plan.
8. Ownership of professional work.
PHYSICAL PLANNING (PROCUREMENT OF PHYSICAL PLANNING SERVICES) REGULATIONS, 2010
[L.N. 109/2010.]

1. Citation

These Regulations may be cited as the Physical Planning (Procurement of Physical Planning Services) Regulations, 2010.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“consultant” means a registered physical planner in private practice contracted to provide professional physical planning services;

“procurement” means the acquisition by purchase, rental, lease, hire purchase, license, tenancy, franchise, or by any other contractual means of any type of works, assets, services or goods including livestock or any combination;

“physical planning services” includes formulation of policies, guidelines and strategies at national, regional and local levels and preparation of national, regional and local physical development plans;

“public body” means—
(a) the Government, or any department, institution or undertaking thereof; or
(b) a local authority; or
(c) any authority, board, commission, committee or other body, whether paid or unpaid, which is vested with or is performing, whether permanently or temporarily, functions of a public nature.

3. Project initiation

(1) The Director may on his own initiative or by a proposal submitted to him by a local authority or public body, start the process of preparing a plan.

(2) The Director may, where a plan may have significant implications beyond a local authority or covers an area that transcends more than one local authority, initiate the process of preparing a plan in consultation with a local authority or public body.

4. Adoption

A local authority or public body may, after consulting the Director, adopt the planning preparation process for a project which falls within its jurisdiction.

5. Contracting

(1) A local authority or public body may engage a consultant where it lacks staff capacity to prepare a plan.

(2) The local authority or public body shall initiate procurement of a consultant for physical planning services in accordance with the Public Procurement and Disposal Act, 2005 (No. 3 of 2005).

(3) The consultant, in consultation with the Director, shall, when preparing the plan, consider the purpose of the plan, the processes to be followed and extent of the area covered.
6. Reporting

The Director shall provide quality control benchmarks and may require the consultant to submit periodic reports in such a format as he may prescribe.

7. Procedure for preparation and publication of plan

The Director shall—
(a) give a public notice of the completion of plan in the prescribed form;
(b) present a copy of the approved plan to the procuring entity as well as the consultant;
(c) maintain a register of all approved plans.

8. Ownership of professional work

(1) A plan or report prepared and approved under these Regulations shall be the property of the Director.
(2) The Director shall acknowledge the participation of the consultant.