



Konza National Data Centre & Smart City
Facilities



Konza Complex (*Office
Block*)



Horizontal Infrastructure through
EPC-F

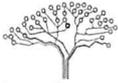
Physical Planning Design and Compliance

2021



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OUR IDENTITY

Vision

To be a leading global technology and innovation hub.

Mission

To develop a sustainable smart city and an innovation ecosystem, contributing to Kenya's knowledge-based economy.

Mandate

The mandate of KoTDA is to develop Konza Technopolis as a globally competitive smart city by creating an enabling environment through utilization of ICT for socio-economic development.

Strategic Objectives:

- Develop and manage a world-class smart city with a vibrant, safe and secure, healthy and sustainable ecosystem.
- Form partnerships with other actors in the National Innovation System, to recruit, attract, and develop high-end talent as well as create relevant, and smart innovative solutions and commercialize them.
- Mobilise adequate and sustainable funding to meet the Authority's mandate and changing needs of the business community and residents.
- Create a strong brand and image of Konza Technopolis that will attract, facilitate and retain investors.
- Ensure that the Authority has adequate institutional capacity to fulfil its mandate.



FOREWORD

The Management of Konza Technopolis Development Authority recognizes the critical role of ethical service and professionalism in service delivery in addition to concerted efforts from staff as a means to achieve the Authority's Vision, Mission and Mandate.

In order to promote transparency and accountability in the Authority, it is important to define the Authority's standards of practice to regulate behaviours, interactions and actions of its members of staff. The Management recognizes unethical and unprofessional conducts as impediments to social and economic development which also undermines confidence in public institutions.

The KoTDA Physical Planning and Development Control Policy outlines the standards for the Authority's undertaking of Physical Planning and Development Control services. This will ensure that the Authority engages with stakeholders and communities in physical planning activities that enhances sustainable development with integrity and without diminishing the Authority's reputation.

To inform the standards of practice stipulated in this Code, this document takes cognizance of the Authority's Vision, Mission, Values and Mandates. It also incorporates the statutory provisions of various acts namely; *The Survey Act, The Land Act 2012, The Public Participation Bill 2018, Public Procurement and Disposal Act 2015, The Public Officer Ethics Act 2003, The Civil Service Code of Regulations Revised 2006, The Public Service Commission Act Cap 185, The Anti-Corruption and Economic Crimes Act 2003* and other relevant regulations.

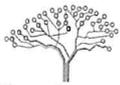
To create a physical environment that fosters corporate innovation for the furtherance of our goal of developing a smart city, it is important to have the free social environment.

I therefore call for a concerted effort from our staff, stakeholders, investors, development partners and the community to support the Authority through adherence to this Policy. Any incidence of unethical practice should be reported to the Authority.

Date: 18/06/24

Eng. John Tanui, MBS

CHIEF EXECUTIVE OFFICER



LIST OF ABBREVIATIONS

CM	Chief Manager
COK	Constitution of Kenya
EMCA	Environmental Management and Coordination Act
HR	Human Resource
KOTDA	Konza Technopolis Development Authority
KT	Konza Technopolis
LP&LUDP	Local Physical and Land Use Development Plan
MoLPP	Ministry of Lands and Physical Planning
PLUPA	Physical and Land Use Planning Act
PPD&C	Physical Planning Design and Compliance
WCMA	Wildlife Management and Conservation Act
BORAQS	Board of Registration of Architects and Quantity Surveyors of Kenya
EBK	Engineers Board of Kenya
NCA	National Construction Authority
PDRAP	Parcel Design Review and Approval Process
PAW	Parcel Allocation Worksheet



INTERPRETATION

"Board" means the board of directors of KoTDA

"Cabinet Secretary" means the Cabinet Secretary for the time being responsible for matters related to physical and land use planning;

"CEO" means the Chief Executive Officer of KoTDA

"Chief Manager" means Chief manager in charge of Physical and land use Planning

"Consultant" Means a person registered as per the consulting speciality by the regulating Board of Registration in Kenya including BORAQS, EBK, NCA, NEMA etc.

"Contractor" means a construction entity registered/licensed by National Construction Authority of;

"Department" means the department in charge of physical and land use planning

"development control" means the process of managing or regulating the carrying out of any works on land or making of any material change in the use of any land or structures and ensuring that operations on land conform to spatial development plans as well as policy guidelines, regulations and standards issued by the planning authority from time to time in order to achieve a purposeful utilization of land in the interest of the general welfare of the public;

"development" means carrying out any works on land or making any material change in the use of any structures on the land;

"KoTDA" means the Konza Technopolis Development Authority

"Local physical and land use development plan" means a plan for the area or part thereof of a city, municipality, town or urban centre

"Master Plan" means Local Physical and Land Use plan or an action area plan

"Parcel" means a parcel of land, which, on its own, would be eligible for a building permit, or can be assembled or consolidated with other land to increase the development or redevelopment potential of the whole, and includes any parkland or part of any park and the term Parcels shall be construed accordingly.

"Planning Act" means Physical and Land Use Development Plan

"Registered planner" means a licensed practising physical planner registered by the Physical Planners Registration Board (PPRB) under section 7 of the Physical Planners Registration Act, 1996.



PROJECT BACKGROUND

- 1.1. Konza Technopolis (**Konza** or **KT**) is envisioned to be a sustainable, world-class technology hub and a major economic driver for Kenya, with a vibrant mix of businesses, workers, residents, and urban amenities. KT will create high value jobs, boost the country's GDP by focusing on Research, Development and Entrepreneurship in the Science Technology and Innovation (**STI**) sector. This will position Kenya as a global center for innovation and Africa's technology hub.
- 1.2. Konza aims to attract Research, Education and Commercial partners in Information Technology Enabled Services (**ITES**), Life Sciences and Engineering. Increased innovation will lead to an increase in patenting and increased quality will produce skilled workforce for industries. KT will attract investors and build programs aimed at commercializing the products of research. It will provide a good innovation ecosystem to educate new and existing technology entrepreneurs and for multinational companies entering Africa to consider setting up their offices or branches.
- 1.3. Konza will be a 'smart city' with highly advanced overall infrastructure, sustainable developments, communication networks and market viability. KT will feature world-class civic and commercial architecture and it will be a Regional Innovation Hub; KT will also host a high quality Technology University, Smart Schools, Research Labs, Recreational Facilities (Sports Stadium, Film and Media Centre), Hospitality (Hotels and Convention Centers), Smart City Solutions (Smart Traffic, Smart Parking and Smart Governance) and world-class infrastructure.
- 1.4. Konza Technopolis is a Special Economic Zone declared under the Special Economic Zones Act of 2015. Special Economic Zones were established with the purpose of creating an enabling environment in the zones through:
 - a. Development of integrated infrastructure facilities.
 - b. Creation of incentives for economic and business activities.
 - c. Removal of impediments to economic or business activities that generate profits for enterprises.
- 1.5. Konza Technopolis requires a comprehensive policy on physical and land use planning to provide a guiding framework for all developments to achieve its envisioned status of a smart and sustainable city.

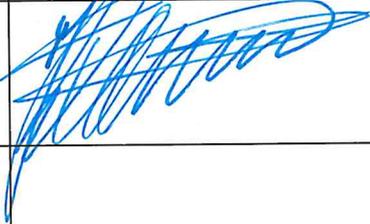


INTRODUCTION

The Konza Technopolis Physical planning and development control Policy provides policies for undertaking both physical and land use planning as well as development control functions within the Authority that must be followed by all staff and investors. It also provides guidelines upon which the policy shall be administered and the correct procedures to be followed.

The Authority will keep the Physical planning and development control Policy current and relevant. Therefore, from time to time it will be necessary to modify and amend appropriate sections of this policy or to add new procedures as may arise.

Particulars of the Physical Planning and Development Control policy

Implementing Unit	Department
Effective Date	Physical Planning, Design and Compliance
Review Date	July 2030
Policy Version/ Revision History	DRAFT 0
Scope of Policy Application	All KoTDA Stakeholders
Approval by the CEO:	
Approval by the Board of Directors:	

This Policy has been divided into two (2) main parts namely: Physical and Land Use Planning; and Permitting and Development Control.



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PART 1: PHYSICAL AND LAND USE PLANNING



1.0 EXECUTIVE SUMMARY

1. Physical and Land Use planning policy provides a framework to guide development in an integrated and sustainable manner
2. Lack of a comprehensive policy framework results into the common urban development challenges such as traffic congestion, inadequate social and physical infrastructural provision, environmental degradation, urban decay among others
3. The existing national legal and policy framework demands that land and other resources have to be utilized in a manner that is sustainable for current and future generations
4. This policy provides for guidelines in plan preparation, types of plans to be prepared as well as plan's implementation and review.
5. There are 2 types of plans that can be prepared in KT namely Local Physical and Land Use Development Plan and Action area plans
6. The office of the Chief Manager in charge of Physical Planning and will be in charge of initiating plan preparation by a registered physical planner. The plans will be approved by the cabinet secretary in charge of physical planning
7. The Chief Manager in charge of Physical Planning will also be responsible for all liaison matters on physical planning and development control both eternally and externally.
8. Various institutions to ensure implementation of this policy and plans include KOTDA, MoLPP, KWS and NEMA
9. Konza Technopolis Development Authority will work with other relevant partners and stakeholders in the planning, development and management of the 10KM buffer zone around the Technopolis.

2. OBJECTIVE AND PURPOSE OF THE POLICY

2.1 Objective

The objective of this Policy is to provide a guiding framework for all developments within KT to achieve a balanced and integrated development for all aspects of urban life: physical, social, and economic in a comprehensive manner. The specific objectives of this Policy are to:

- Establish institution framework for plan preparation, approval, review and implementation
- Describe the types of plans to be prepared for Konza Technopolis and their contents
- To provide for liaison strategy on physical planning matters between KT and other institutions

2.2 Purpose of the Policy

This policy provides guidelines for Physical Planning and Permitting and Development Control function in the Authority and ensures that all functions of the Physical Planning, Design and Compliance Department are aligned to the Authority's aspirations as stipulated in the various legal and statutory documents that establish and regulate our operations.

3. STATEMENT OF THE PROBLEM

3.1 KT lacks a comprehensive policy framework to guide physical planning activities such as Plan preparation, implementation, and review as well external liaison on physical planning matters.



3.2 Lack of an appropriate planning policy direction will result to common urban challenges such as inadequate land use planning; traffic congestion, unsustainable agricultural and industrial production methods, poor environmental management and inappropriate ecosystem protection and management which are experienced in other urban areas across the country.

4. JUSTIFICATION AND RATIONALE

4.1. Justification

1. Physical and Land Use Planning is the guiding framework on all the developments to achieve conformity and adherence to the guidelines on urban development. This Policy will therefore provide the framework to guide developments in an optimal and sustainable manner within the Technopolis. The Policy will also anchor land development initiatives that will respond positively to the market demands.

2. The need for a policy framework to guide Physical and Land Use Planning in KT is articulated in Chapter 5 of the Constitution of Kenya 2010 which states that Land in Kenya should be held, used and managed in a manner that is equitable, efficient, productive and sustainable (article 60). Additionally, articles 66, 68 and 69 stipulates for regulation of land uses, review of sectoral laws and management and conservation of the environment and all-natural resources. The State is also given powers to regulate use of any land and property (Article 66) in the interest of land use planning among others.

3. The Constitution also establishes the requisite institutional framework to carry out the spatial planning function. In the Fourth Schedule on distribution of functions between the national and county government levels, the Constitution assigns the National Government the role of formulating of general principles of land planning and coordination of planning by the counties to ensure uniformity and quality in delivery of planning services in all parts of the country. The County Governments are responsible for county planning and development.

4.2 Rationale

1. This policy framework has been developed as per the provisions of existing national legal and policy framework on Physical and Land Use Planning matters.

2. The Physical and Land Use Planning Act, 2019 which is the overarching legal framework on matters physical planning has been largely adopted in the formulation of this Policy. This is because Konza Technopolis is a project of *Strategic National Significance* as identified in the PLUPA Regulations under Sec. 69. This Section, (69(3)) mandates the Cabinet Secretary to make regulations prescribing the projects that may be classified as Strategic National or Inter-county Projects.

3. The Cabinet Secretary is the Planning Authority (plan approvals and development control) in charge of all projects of National Significance as clarified under Section 69 hence he/she have the authority to approve all development plans in Konza Technopolis.

4. Other legal and policy frameworks in which this Policy is anchored are listed below:

- i. **Kenya Vision 2030** which promotes planning for realization of high quality urban livelihoods for Kenyans under the Infrastructure Services sector. The Vision outlines the need for planning of strategic national flagship projects in transport, water and sanitation, environment management, special cities such as Konza Technopolis amongst others



- ii. **The National Spatial Plan (2015-2045)** which aims at providing a spatial framework for the country to achieve economic efficiency, global competitiveness, balanced regional development, livable and functional human settlements and environmental sustainability for high quality of life.
- iii. **National Land Policy (2009)** which espouses on land policy principles and guiding values. It sets out the goals and direction for the administration and management of land and measures and guidelines to be adopted to achieve optimal utilization and management of land.
- iv. **The National Land Use Policy (2017)** which provides legal, administrative, institutional and technological frameworks for enhancing optimal Productivity, Efficiency, Equitability and Sustainability in the use of land and land related resources at national, county and community levels.
- v. **Special Economic Zones Act, 2015; Land (Amendment) Act, 2016; National Land Commission Act, 2012; Legal Notice No. 23 of 2012 that established KOTDA and Integrated National Transport Policy, 2009.**

5. PHILOSOPHY AND GUIDING PRINCIPLES OF THIS POLICY

5.1 Policy Philosophy

This Policy and its implementation shall be guided by the philosophy outlined below;

- a. Land is a critical resource and important factor of production.
- b. Land is the foundation of economic development and transformation that should be managed productively.
- c. Land is a finite resource that should be utilized sustainably; and
- d. Land is a cultural heritage which should be conserved for posterity
- e. KT is a smart and sustainable city and one of its kind in Sub-Saharan Africa

5.2 Principles and norms of Physical and Land Use Planning

The guiding principles should direct the manner in which appropriate use of land can be achieved. In any Physical and land use planning, the following principles and values will be upheld:

- a. Promotion of sustainable use of land and liveable communities which integrates human needs in any locality;
- b. Development activities shall be planned in a manner that integrates economic, social and environmental needs of present and future generations;
- c. Physical and land use planning shall be inclusive and must take into consideration the culture and heritage of people concerned
- d. Ensure ecological sustainability, biodiversity conservation and natural resources conservation and protection
- e. Amicable conflict resolution and liaison on Physical and land use planning matters
- f. Integrity and adherence to the rule of law.
- g. Urban agriculture and food security.
- h. Access to land use information.
- i. Effective public participation.



- j. Public benefit and interest.
- k. Order and harmony in land use.
- l. Adoption of technology in land use management.

6. PHYSICAL AND LAND USE PLANNING ORGANIZATIONAL STRUCTURE

6.1 Chief Manager, Physical Planning, Design & Compliance

The Chief Manager shall be appointed by KOTDA Board and will be the head of the Physical Planning Design and Compliance Department and will be appointed as per the KOTDA HR manuals and career guidelines.

Responsibilities: The office of the CM-PPD&C shall be responsible for:

- i. Oversee the preparation and implementation of the Konza Masterplan through the different phases.
- ii. Initiate periodic review of the Master plan in coordination with National Department of Physical Planning.
- iii. Prepare Konza Technopolis development control policies, strategies and programs
- iv. Recommend approval of all site plans submitted for development at Konza Technopolis.
- v. Provide technical assistance to Makueni, Machakos and Kajiado Counties in implementation of the Konza Buffer Zone plan
- vi. Coordinate all surveys and land use planning in Konza Technopolis
- vii. Liaison with relevant Government and Development agencies on a need basis.

Establishment: in order to perform the above functions, the Department of physical planning, design and compliance will be staffed as follows:

- i. Chief Manager
- ii. Assistant office administrator/senior
- iii. Driver/senior

6.2 Other staff members

Other staff members in the PPD&C Department will also be appointed as per the KOTDA HR manuals and career guidelines and will work for the Chief Manager. They will perform all the duties assigned to the office of the Chief Manager on his/her behalf. The proposed structure is as follows:

FIGURE 1: PPD&C DEPARTMENT ORGANOGRAM

6.3 Liability and indemnity of the officers

Neither KotDA nor any public officer in physical planning department shall be personally liable for any defective plan, action done/omitted or any work appertaining thereto, performed by a registered planner, notwithstanding that any plan has been authenticated in accordance with the requirements and provisions of this Policy and the PLUPA. Developers and their professionals will therefore be required to indemnify the said officers by signing indemnity forms which will be prepared and issued by the CM-PPD&C.



7 PHYSICAL AND LAND USE DEVELOPMENT PLANS

7.1 Physical and Land Use Plan preparation

7.1.1 Mandate to Prepare

The CM-PP&C will be responsible for initiating preparation of all the plans in Konza Technopolis on behalf of the Authority and KOTDA Board. The Plans have to be prepared a registered and licenced physical planner and approved by the Cabinet Secretary, Ministry of Lands and Physical Planning.

7.1.2 Types of Plans

1. Local Physical and Land Use Development Plan – 15 years

(1) The Authority shall prepare a 15-year Local Physical and Land Use Development Plan in respect of the Konza Technopolis Physical and Land Use Planning Policy. The Plan shall be subjected to a 5 – year periodic reviews to allow flexibility.

(2) The purpose of the Local Physical and Land Use Development Plan is:

- a) To provide for zoning, urban renewal, or redevelopment;
- b) Guiding and co-ordinating the development of infrastructure;
- c) Regulating land use and land development;
- d) Providing a framework and guidelines on building and works development in Technopolis

(3) The objectives of an LPLUDP should focus on:

- Enhancing liveability index in housing, environment, transportation, health, and social engagement. An urban area must be economically viable, socially inclusive and ecologically sustainable.
- Promoting smart and green urban growth by encouraging sustainable use of energy, creation of green spaces and reducing the need for motorised transport
- Ensuring sustainable development by promoting balancing social, economic and environmental dimensions of development and catering for current and future generations
- Promoting ecological integrity through protection and conservation of ecologically sensitive areas.

(4) Initiation and preparation: the preparation of LP&LUDP shall be initiated by the Chief Manager-PPD&C. The plan has to be prepared in multi-disciplinary approach and the team leader has to be a registered and practising Physical Planner.

(6) Contents of a Local Physical and Land Use Development Plan- A LP&LUDP shall consist of:

- i. A survey report in respect of the area to which the plan relates and should include technical annexes and a sieve analysis of gradient, environment and infrastructure so as to provide for maximum locations for new developments (see Annex 1).
- ii. Geographical Information System-based maps and descriptions as may be necessary to indicate the manner in which the land in the area may be used (zones) and for ease of information of each parcel.



(7) Notice of intention to plan, objections and approvals to a Local Physical and Land Use Development Plan

- a. The CM PPD&C shall notify the KOTDA Board in writing of the intention to prepare a Local Physical and Land Use Plan
- b. Upon approval by the Board, the CM will initiate the preparation process either through a consultancy or task force
- c. The Local Physical and Land Use Plan shall be approved by the Cabinet Secretary Ministry of Lands and Physical Planning as per the provisions of PLUPA 2019 (69(4)).

(8) Amendment or revision of Local Physical and Land Use Development Plan:

- a. The CM-PPD&C may amend or revise a local physical and land use development plan where—
 - there are practical difficulties in the implementation of the plan; or
 - there has been change of circumstances since the plan was approved.
- b. The CM may initiate the revision of a local physical and land use development plan after a period of five years after the plan has been approved or as the need arise.
- c. Amendment or revision of the LP&LUDP shall follow the same process as the preparation of a new Plan
- d. The contents and structure a Local Physical and Land Use Development Plan are annexed (annex 1)

2. Action Area Plans

1. The CM may initiate the preparation of an Action Area Plan for comprehensive planning of areas selected for intensive development, which is to commence within a specified period. Since development in the Technopolis is Phased, Action Area Plans should be prepared for each phase as well as need arises (demand driven).
2. The form and content of Action Area Plan will reflect details and proposals of an existing long-term LP&LUD plan. However, the most important considerations in its preparation shall be—
 - (i) an assessment of immediate land requirement to accommodate specific population needs as they arise
 - (ii) detailed allocation of the land requirements to various land uses taking into account compatibility of adjoining land uses and conforming with a long-term plan proposals for the area; and
 - (iii) Identification of investors to develop the various land use allocations.
3. Just like the LP&LDP, an action area plan must be prepared by a registered and practising physical planner and approved by the CS, Ministry of Lands and Physical Planning.

4. The content, preparation and approval process of an Action area Plan is the same as that of a Local Physical and Land Use Development Plan.

7.2 Physical and Land Use Plan implementation

7.2.1 Institutional Framework

The implementation of this Policy will require a well-coordinated institutional framework. The success of a good Policy depends largely on the willingness and ability of the Authority to implement the prescribed recommendations. The implementation of this Policy will be undertaken by a multiplicity of actors and hence the need for a coordinated approach.

Konza Technopolis Physical and Land Use Planning Consultative Forum

- There will established the Konza Technopolis Physical and Land Use Planning Forum. The Chief Manager in charge of Physical Planning will exercise technical leadership and ensure that physical planning is embraced by all the other departments and agencies involved in development of the Technopolis.
- The membership of the Forum shall be as follows:
 - i. The Chief Manager in charge of Physical and Land Use Planning
 - ii. The Manager – Physical Planning Design and Compliance
 - iii. The Manager in charge Business Development
 - iv. The Manager in charge of Economic Planning (corporate research and strategy)
 - v. The Manager Construction Management and Operations
 - vi. Any 2 members appointed by the Chief Executive Officer
- The functions of the Konza Technopolis Physical and Land Use Planning Forum shall be to—
 - (a) provide a forum for consultation on Physical and Land Use Development Plans.
 - (b) promote effective coordination and integration of physical and land use development and sector planning; and
 - (c) advise on the mobilization of adequate resources for the preparation and implementation of physical and land use development plans and strategies.

Ministry of Lands and Physical Planning

The Cabinet Secretary in charge of physical planning shall be in charge of approving all the Physical and Land Use Plans for KT since it is a project of national significance (PLUPA Section 69).

National Environmental Management Authority

NEMA will be in charge of approving Environmental Impact Assessments for all projects with potential impact to the environment as per the provisions of

EMCA (Amendment Act) 2015 before the CM in charge of Physical Planning issues construction permit.

Kenya Wildlife Service

Konza Technopolis, being within the wildlife corridor is habited by a variety of wildlife. Kenya Wildlife Service will be in charge of conserving and managing wildlife within the Technopolis as mandated by the Wildlife Conservation and Management Act (WCMA), of 2013

7.2.2 Preparation of Planning Guidelines and Manuals

To operationalize and implement the physical development plans, the Authority (led by the CM-PPD&C) shall prepare guidelines and standards. However, the guidelines shall be prepared in a multi-sectoral and participative manner to ensure ownership and easy implementation of the Policy principles. Guidelines (**Annex 2**) shall be prepared to cover the following areas:

- Urban transportation guidelines
- Building standards (code)
- Sustainability guidelines
- Commercial residential guidelines
- University guidelines
- Public housing guidelines
- Infrastructural development guidelines
- Social services guidelines
- Landscaping guidelines
- Parks and open spaces guidelines
- Urban agriculture guidelines
- Renewable energy guidelines
- Environment Management guidelines
- Climate change and biodiversity conservation

8.0 PHYSICAL AND LAND USE POLICY REVIEW

This Policy will be reviewed after every ten (10) years to consider emerging issues, new national policies and legislations, lessons learnt and developments in the governance dynamics of the Technopolis' social-economic development. In extremis, the policy may be reviewed to deal with exceptional circumstances arising within a period shorter than ten (10) years.

9.0 PHYSICAL AND LAND USE PLANNING LIAISON

9.1 The CM in charge of Physical Planning will be in charge of all liaison between KOTDA, the national government and its agencies, County governments as well as the private sector on matters physical planning within the Technopolis

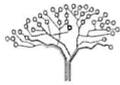
9.2 Konza Technopolis Development Authority will work with other relevant partners and stakeholders in the planning, development and management of the 10KM buffer zone around the Technopolis.



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PART 2: PERMITTING AND DEVELOPMENT CONTROL



1. EXECUTIVE SUMMARY

1. Konza Technopolis permitting and development control policy regulates processes in four phases in the following chronological order;
 - 1.1. Land disposition phase,
 - 1.2. Parcel Design Review and Approval phase,
 - 1.3. Construction Compliance phase
 - 1.4. Post construction phase.
2. At the beginning of Land disposition, Permitting and development Control Documents including the Master Plan and the board's approved Parcel Allocation Work Sheets (PAWS) will be used.
3. 10% of the stand premium paid by the investor before signing the lease shall be used for permitting and development control activities.
4. Parcel Design review and approval commences within 18 months after an Investor has received a parcel or parcels at Konza Technopolis through a signed lease.
5. Parcel Design Review and Approval Process involves the following:
 - 5.1. Orientation meeting,
 - 5.2. Pre-Application Consultation,
 - 5.3. Site plan review
 - 5.4. Construction Permitting
6. Orientation meeting can be physical or online. The applicant is explained the whole process of Permitting and development control in accordance to this policy.
7. Pre application Consultation will involve application forms from the applicant to the department, review, and feedback to the applicant.
8. Site plan review will involve application forms from the applicant to the department, review, and feedback to the applicant for the following
 - 8.1. Site plan review application documents
 - 8.2. Variance request application forms
 - 8.2.1. Subdivision request – To divide the parcels
 - 8.2.2. Variance request – deviation from guidelines, zoning etc
 - 8.2.3. Vacation of street/Easement/right of way-
9. Construction Permit will involve application forms from the applicant to the department, review, presentation to the board and feedback from the department with a condition for applications to NEMA and NCA in accordance to construction regulations in Kenya.
10. Construction compliance involves periodic checks on construction activities on conformance with approved designs and compliance to Konza Technopolis Construction Compliance codes on:
 - 10.1. Quality Assurance
 - 10.2. Traffic Management
 - 10.3. Environmental Management
 - 10.4. Health and safety
 - 10.5. Security Management
11. Occupation certification involving application documents to the department, review and feed back to the applicant.
12. Post construction phase involves Monitoring and Evaluation of Konza Technopolis developments for sustainability for two years after issuance of Occupation Certificate



2. STATEMENT OF THE PROBLEM

KT lacks a comprehensive policy framework to guide permitting and development control process ranging from design approvals, construction inspection, occupation certification and sustainability compliance after construction.

Lack of an appropriate permitting and development control regulations will result to development of an urban environment that does not correspond to the approved master plan and complications of responsibility when a noncompliance issue arises

3. JUSTIFICATION AND RATIONALE

3.1. Justification

Permitting and development control polices have been utilised by different county government in exercising there development control mandate. This Policy will therefore provide the framework to guide developments in an optimal and sustainable manner within the Technopolis. The Policy will also ensure all development adhere to the master plan.

The need for a policy framework to guide permitting and development control in KT is articulated in the PDRAP prepared by KoTDA and MDP 2.

The PDRAP has also established roles and responsibility to be carried out by deferent personnel in KoTDA for the purposes of ensuring permitting and development control is regulated in an uniform manner.

3.2 Rationale

This policy framework has been developed as per the provisions of existing national legal and policy framework on permitting and development control matters. The KT PDRAP has informed the provisions of this policy. Other legal and policy frameworks in which this Policy is anchored are listed below:

- i. **Kenya Vision 2030** which promotes planning for realization of high quality urban livelihoods for Kenyans under the Infrastructure Services sector. The Vision outlines the need for planning of strategic national flagship projects in transport, water and sanitation, environment management, special cities such as Konza Technopolis amongst others
- ii. **The National Spatial Plan (2015-2045)** which aims at providing a spatial framework for the country to achieve economic efficiency, global competitiveness, balanced regional development, livable and functional human settlements and environmental sustainability for high quality of life.
- iii. **National Land Policy (2009)** which espouses on land policy principles and guiding values. It sets out the goals and direction for the administration and management of land and measures and guidelines to be adopted to achieve optimal utilization and management of land.
- iv. **The National Land Use Policy (2017)** which provides legal, administrative, institutional and technological frameworks for enhancing optimal Productivity, Efficiency, Equitability and Sustainability in the use of land and land related resources at national, county and community levels.
- v. **Special Economic Zones Act, 2015; Land (Amendment) Act, 2016; National Land Commission Act, 2012; Legal Notice No. 23 of 2012 that established KOTDA and Integrated National Transport Policy, 2009.**



4. OBJECTIVES, PHILOSOPHY AND GUIDING PRINCIPLES OF THIS POLICY

4.1 Objective of the Policy

The objective of this Policy is to provide a guiding framework for all developments within KT in order to achieve a balanced and integrated development for all aspects of urban life: physical, social and economic in a comprehensive manner. The specific objectives of this Policy are to:

- i. Establish institution framework for design preparation, approval, review and compliance during implementation
- ii. Describe the processes that all designs shall go through before construction at KT.
- iii. Describe the compliance requirements for all construction going at KT

4.2 Policy Philosophy

This Policy and its implementation shall be guided by the philosophy outlined below;

- i. Design and construction should be regulated to attain a coherent urban development.
- ii. Design and Construction compliance should be exercised equally to all
- iii. Developed KT will be a green city.
- iv. KT is a smart and sustainable city and one of its kind in Sub-Saharan Africa

4.3 Principles and norms of Permitting and development control

The guiding principles should direct the manner in which appropriate permitting and development control can be achieved. In this policy, Permitting and development control shall follow, the following principles and values:

- i. Promotion of sustainable permitting and development control process which integrates KT master plan goals to the designed and construction KT.
- ii. Compliance to Permitting and Development control shall be done in a manner that integrates economic, social and environmental needs of present and future generations;
- iii. Development control will Ensure ecological sustainability, biodiversity conservation and natural resources conservation and protection
- iv. Amicable conflict resolution and liaison on permitting and development control matters.
- v. Integrity and adherence to the rule of law.
- vi. Effective public participation.
- vii. Adoption of technology in permitting and development control.

5. PERMITTING AND DEVELOPMENT CONTROL ORGANIZATIONAL STRUCTURE

5.1 Chief Manager, Physical Planning, Design & Compliance

The Chief Manager shall be appointed by KOTDA Board and will be the head of the Physical Planning Design and Compliance Department and will be appointed as per the KOTDA HR manuals and career guidelines.

- i. **Responsibilities:** The office of the CM-PPD&C shall be responsible for:
- ii. Ensure compliance of all designs at Konza Technopolis with the KT master plan.
- iii. Issue design permitting correspondences to applicants
- iv. Ensure compliance of all construction activities with approved design
- v. Issue construction compliance notices to contractors and consultants.
- vi. **Establishment:** to perform the above functions, the Department of physical planning, design and compliance will be staffed as follows:
- vii. Chief Manager
- viii. Assistant office administrator/senior
- ix. Driver/senior

5.2 Other staff members

Other staff members in the PPD&C Department will also be appointed as per the KOTDA HR manuals and career guidelines and will work for the Chief Manager. They will perform all the duties assigned to the office of the Chief Manager on his/her behalf. The structure is in accordance to KoTDA HR manuals.

5.3 Liability and indemnity of the officers

Neither KoTDA nor any public officer in physical planning department shall be personally liable for any defective designs or any construction work appertaining thereto, performed by a consultant and or a contractor, notwithstanding that any design and or construction has been authenticated in accordance with the requirements and provisions of this Policy and boards / authorities of registration for consultants and contractors. Consultants and contractors will therefore be required to indemnify the said officers by signing indemnity forms which will be prepared and issued by the CM-PPD&C.

PERMITTING AND DEVELOPMENT CONTROL

KT permitting and development control regulations cover four areas as detailed below:

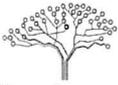
- **Land disposition phase:** During Land disposition, KT master Plan and or action area plan shall be used with PAWs.
- **Parcel Design and Approval phase:** PDRAP commences within 18 months after an Investor has received a parcel or parcels at Konza Technopolis through a signed lease. Four Development Control activities are involved in the following chronological order during this phase.

5.1.1. Orientation meeting.

Orientation meeting will be carried out with the applicant and the department either physical or online. The applicant shall be explained the whole process of Permitting and development control in accordance to this policy.

5.1.2. Pre-Application Consultation,

1. During the orientation meeting, the applicant will be advised to fill and submit a pre application consultation documents online / one soft copy and three hard copies to the department.
2. A Case Team made of a development Control Officer (Case Manager) and a customer care officer will be assigned to the submitted documents from PPD &C and One Stop Shop, respectively.
3. An identification number will be allocated, to the applicant as a case, by the case Manager.
4. The Case Manager will take two days to check completeness of the submitted documents. If the documents are not complete, the case manager will directly inform the applicant and put aside the application until the complete documents are resubmitted.
5. The case manager will communicate to the applicant receipt of a complete document within five days of receipt and inform that a review shall be conducted.
6. The case manager will coordinate a review and prepare a pre application report within two (2) weeks of receipt of pre application form and forward to the applicant.
7. The case manager will organize a meeting with the applicant within two days after the report has been sent to the applicant.



8. The case manager will chair the meeting and ensure concurrence.
9. Following a successful pre application meeting, The Chief manager, PPD&C will give a notification of Authorization to the applicant to proceed to the Site Plan application.
10. In case the meeting was not successful, the applicant will be advised to repeat the application with reasons for rejection.
11. When approved, a public notification is made.
12. If the applicant does not accept the outcome, they will submit an appeal with CM, PPD&C, if not resolved, the applicant shall submit the appeal to Konza Resolution Office.
13. The approval for pre application consultation stays valid for one year after which the applicant shall re start the application a fresh.

5.1.3. Site plan review

1. Site plan review will involve application forms from the applicant to the department, review, and feedback to the applicant for the following:

5.1.3.1. Site plan review application documents

1. The applicant has 12 months after approval of pre application consultation report to submit documents for site plan application.
2. The site plan application will consist of one soft copy and three hard copies.
3. The Case Manager will take two days to check completeness of the submitted documents. If the documents are not complete, the case manager will directly inform the applicant and put aside the application until the complete documents are resubmitted.
4. The case manager will communicate to the applicant receipt of complete document within five days of receipt and inform that a review shall be conducted.
5. The case manager will coordinate a review and prepare a site plan review report within twenty (20) business days of receipt of site plan application documents and forward to the applicant.
6. The case manager will also inform the applicant the requirement of any variation application if necessary. Variance requests shall be approved before issuance of construction permit.
7. The case manager will organize a meeting with the applicant if any party requests for the same within two days after the report has been sent to the applicant.
8. Applicable meetings to build consensus on the review report shall be concluded within fifteen days from the date that the report was forwarded to the applicant.
9. The case manager will chair the meeting and ensure concurrence.
10. Following a successful pre application meeting and or approved review report, the Chief Manager, PPD&C shall give a notification of Authorization to the applicant to proceed to the Site Plan application.
11. In case the meeting and or review report was not successful, the applicant will be advised to repeat the application with reasons for rejection.
12. The case manager shall ensure that not more than three re-applications are done, otherwise conditional approval to the next stage shall be given.
13. When approved, a public notification is made.
14. If the applicant does not accept the outcome, they will submit an appeal with CM, PPD&C, if not resolved, the applicant shall submit the appeal to Konza Resolution Office.
15. The approval for site plan application stays valid for one year after which the applicant shall re start the application a fresh.

5.1.3.2. Variance request application documents

- **Subdivision request application documents.**



1. If this variance is required, the variation request application will consist of one soft copy and three hard copies.
 - a. The Case Manager will take two days to check completeness of the submitted documents. If the documents are not complete, the case manager will directly inform the applicant and put aside the application until the complete documents are resubmitted.
2. The case manager will communicate to the applicant receipt of complete document within five days of receipt and inform that a review shall be conducted.
3. The case manager will coordinate a review and prepare a review report within twenty (20) business days of receipt of the application document.
4. If the review report indicate that the request is not admissible, the CM PPD&C will forward the a rejection notification to the applicant.
5. The case manager will organize a meeting with the applicant if any party requests for the same within two days after the report has been sent to the applicant.
6. Applicable meetings to build consensus on the review report shall be concluded within fifteen days from the date that the report was forwarded to the applicant.
7. The case manager will chair the meeting and ensure concurrence.
8. If the review report indicate that the variation request is admissible, the CM PPD&C will draft a board paper to be adopted by the CEO and management. If adopted, the CEO will submit to the board for approval.
9. When the request is approved by the board, the CM PPD&C will issue the approval notification to the applicant.
10. When approved, a public notification is made.
11. If the applicant does not accept the outcome, they will submit an appeal with CM, PPD&C, if not resolved, the applicant shall submit the appeal to Konza Resolution Office.
12. The approval for site plan application stays valid for one year after which the applicant shall re start the application a fresh.

Variance request application documents.

1. If this variance is required, the variation request application will consist of one soft copy and three hard copies.
2. The Case Manager will take two days to check completeness of the submitted documents. If the documents are not complete, the case manager will directly inform the applicant and put aside the application until the complete documents are resubmitted.
3. The case manager will communicate to the applicant receipt of complete document within five days of receipt and inform that a review shall be conducted.
4. The case manager will coordinate a review and prepare a review report within twenty (20) business days of receipt of the application document.
5. If the review report indicate that the request is not admissible, the CM PPD&C will forward the a rejection notification to the applicant.
6. The case manager will organize a meeting with the applicant if any party requests for the same within two days after the report has been sent to the applicant.
7. Applicable meetings to build consensus on the review report shall be concluded within fifteen days from the date that the report was forwarded to the applicant.
8. The case manager will chair the meeting and ensure concurrence.
9. If the review report indicate that the variation request is admissible, the CM PPD&C will draft a board paper to be adopted by the CEO and management. If adopted, the CEO will submit to the board for approval.



10. When the request is approved by the board, the CM PPD&C will issue the approval notification to the applicant.
11. When approved, a public notification is made.
12. If the applicant does not accept the outcome, they will submit an appeal with CM, PPD&C, if not resolved, the applicant shall submit the appeal to Konza Resolution Office.
13. The approval for site plan application stays valid for one year after which the applicant shall re start the application a fresh.

➤ **Vacation of street/Easement/right of way application documents.**

1. If this variance is required, the variation request application will consist of one soft copy and three hard copies.
2. The Case Manager will take two days to check completeness of the submitted documents. If the documents are not complete, the case manager will directly inform the applicant and put aside the application until the complete documents are resubmitted.
3. The case manager will communicate to the applicant receipt of complete document within five days of receipt and inform that a review shall be conducted.
4. The case manager will coordinate a review and prepare a review report within twenty (20) business days of receipt of the application document.
5. If the review report indicate that the request is not admissible, the CM PPD&C will forward the a rejection notification to the applicant.
6. The case manager will organize a meeting with the applicant if any party requests for the same within two days after the report has been sent to the applicant.
7. Applicable meetings to build consensus on the review report shall be concluded within fifteen days from the date that the report was forwarded to the applicant.
8. The case manager will chair the meeting and ensure concurrence.
9. If the review report indicate that the variation request is admissible, the CM PPD&C will draft a board paper to be adopted by the CEO and management. If adopted, the CEO will submit to the board for approval.
10. When the request is approved by the board, the CM PPD&C will issue the approval notification to the applicant.
11. When approved, a public notification is made.
12. If the applicant does not accept the outcome, they will submit an appeal with CM, PPD&C, if not resolved, the applicant shall submit the appeal to Konza Resolution Office.
13. The approval for site plan application stays valid for one year after which the applicant shall re start the application a fresh.

5.1.4. Construction Permitting

1. Construction permitting application shall be submitted within eighteen (18) months after approval of site plan review approval.
2. The Case Manager will take two days to check completeness of the submitted documents. If the documents are not complete, the case manager will directly inform the applicant and put aside the application until the complete documents are resubmitted.
3. The case manager will communicate to the applicant receipt of complete document within five days of receipt and inform that a review shall be conducted.
4. The case manager will coordinate a review and prepare a review report within twenty (20) business days of receipt of the application document.
5. If the review report indicate that the request is not admissible, the CM PPD&C will forward a rejection notification to the applicant.
6. The case manager will organize a meeting with the applicant if any party requests for the same within two days after the report has been sent to the applicant.



7. Applicable meetings to build consensus on the review report shall be concluded within fifteen days from the date that the report was forwarded to the applicant.
8. The case manager will chair the meeting and ensure concurrence.
9. If the review report indicate that the variation request is admissible, the CM PPD&C will draft a board paper to be adopted by the management and CEO. If adopted, the CEO will submit to the board for approval.
10. When the request is approved by the board, the CM PPD&C will issue the approval notification to the applicant.
11. The construction permit approval will have a disclaimer that the applicant should get approvals from NEMA and NCA before start of construction activities.
12. The construction permit approval will also include the required Construction compliance reporting.
13. When approved, a public notification is made.
14. If the applicant does not accept the outcome, they will submit an appeal with CM, PPD&C, if not resolved, the applicant shall submit the appeal to Konza Resolution Office.
15. The approval for construction permit stays valid for one year after which the applicant shall re start the application a fresh.

5.2. Construction compliance:

1. Construction Compliance will commence when the applicant starts construction activities within one year upon approval and notification of construction permit approval.
2. It will involve activities of planning, design and compliance department on construction inspection, commissioning, and issuance of Occupancy Certificate.
3. This involves periodic checks on construction activities and their compliance with approved designs.
4. There shall be at least five (5) Construction Compliance Reports submitted by every 10th of the subsequent month of a construction month.
5. The construction compliance reporting will comprise of:
 - 5.1. Quality Assurance
 - 5.2. Transport management
 - 5.3. Environmental management
 - 5.4. Health and Safety
 - 5.5. Security.
6. Failure to comply with the above requirements will attract closure of the construction sites or introduction of fines until compliance prove is provided.

5.3. Post Construction Phase:

Post construction phase involves Monitoring and Evaluation, hard file storage and sustainability certification process and reporting.



ANNEXES

Part A —Local Physical and Land Use Development Plan Contents

1. Vision

2. Objectives

3. Statements of the problem

- (a) Aspects of housing, unemployment, traffic congestion, pollution, land tenure, lack of services, terrain, soils;
- (b) Opportunities in tourism, fishing, manufacturing; etc.
- (c) Combating climate change.

4. Objectives Statement

- (a) Ways of alleviating the problems.
- (b) Ways of maximization of utility and opportunities.

5. Analysis

- (a) Spatial analysis accompanied by physical and land use and suitability maps and charts focusing on—

- (i) the terrain, soils and climate;
- (ii) existing land uses and development;
- (iii) potential pattern of development;
- (iv) land tenure system; and
- (v) cadastral outlay of all development.

- (b) Population analysis;

- (i) Population growth.
- (ii) Migration.
- (iii) Density.
- (iv) Distribution, age and sex structure.
- (v) Household sizes.
- (vi) Rates of household formation.

- (c) Economic analysis focusing on;

- (i) Employment and incomes and places of work.
- (ii) Development trends and
- (iii) Problems of service delivery.
- (iv) Agricultural potential of the urban region.
- (v) Problems of transforming the agricultural land into urban use.

- (d) Contextual analysis

- (i) Peri-urban slum settlements and problems they pose.
- (ii) Potential, distribution and size of service centres within and outside the urban boundary.
- (iii) Evaluation of urban boundary extension.
- (iv) Evaluation of the importance of such factors as commerce and tourism within extended areas.
- (v) Historical patterns and conditions.



- (e) Housing and infrastructure analysis
 - (i) Housing occupancy rates, accommodation density, housing requirements, type of residential areas and industrial locations.
 - (ii) Education.
 - (iii) Recreation areas and other public purpose land uses.
 - (iv) Power lines and way leaves.
 - (v) Water and sewerage networks.
 - (vi) Housing and infrastructure programmes.
- (f) Transportation and communication analysis
 - (i) Roads networks, footpaths, cycle ways, railway lines, depots, water ways, docks, etc.
 - (ii) Telephone lines.

6. Projections

- (a) Land Use Projection Tables
- (b) Population projections

7. Maps and modeling

- (a) Existing land use map
- (b) Sieve maps of the physical and land use constraints or thresholds to development
- (c) Development model map indicating land use designation and distribution as well as a clear transport and communication network

Part B — Contents of Survey Report

8. Before commencing preparation of a local spatial development plan a survey report shall be prepared providing details on—

- (a) spatial analysis: Existing and projected land use patterns, land tenure, land suitability analysis, spread and trends;
- (b) demographic dynamics; population growth, migration, density, and distribution, age and sex structure, household sizes and rates of household formation; employment and incomes including where people go to work and what trend and problems there are in relation to services;
- (c) economic base analysis;
- (d) reports on State of the environment; environmental assets, and condition;
- (e) transport; mode, level of service, traffic flow and congestion;
- (f) communications networks such as roads, footpaths, cycle ways, railway lines, depots, water ways, docks, etc;
- (g) housing situation; housing occupancy rates, accommodation density, housing requirements, type of residential areas and industrial locations;
- (h) peri-urban slum settlements and problems they pose;



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- (j) other social aspects including education, recreation areas and other public purpose land uses;
- (k) infrastructure and services; existing, projected and gap analysis;
- (l) opportunities; commerce, trade, transport, tourism, fishing, manufacturing, etc; and
- (m) any other matter as may be prescribed.



Other annexes to be used with permitting and development control policy:

- a. Consolidation Pre application consultation application and review material
- b. Pre application consultation application form
- c. Consolidated site plan review application and review material
- d. Site plan application review form
- e. Site plan application forms
- f. Site plan review map requirements
- g. Site plan approval/denial/conditional letter
- h. Minor subdivision application forms
- i. Minor subdivision review map requirements
- j. Minor subdivision review model approval /denial/conditional – letter
- k. Variance request application form
- l. Variance review model approval /denial/conditional – letter
- m. Vacation of Easement or right of way application forms
- n. Vacation of Easement or right of way review map requirements
- o. Vacation of Easement or right of way review model approval /denial/conditional – letter
- p. Construction permit application forms
- q. Construction permit review map requirements
- r. Construction permit approval/denial/conditional letter
- s. Professional indemnity forms.
- t. Construction Compliance reporting templates for quality assurance, environmental management, biodiversity, security and health and safety.
- u. Construction compliance default notification forms.
- v. Occupation certificate letter