



COUNTY ENGAGEMENT FRAMEWORK FOR KENYA

Existing Planning Model, Gaps and
Opportunities for Engagement



UN HABITAT COUNTY ENGAGEMENT FRAMEWORK FOR KENYA

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Kakamega bus station, Kakamega County © Flickr/Nao Iizuka

Executive Summary

The purpose of the planning exercise for the counties is aimed at bolstering poverty reduction efforts, supporting the implementation requirements on regional development planning, promote equitable resource extraction and distribution, promote environmental conservation and overall, balanced regional growth and development.

This document discusses the existing legislation relating to Urban and Regional Planning in Kenya with a view to highlighting the opportunities and gaps that can be harnessed in respect to international, regional, national and county planning legal and regulatory framework, and planning processes. It aims at providing a nexus for engagement with the County governments of Kenya, to advance sustainable urban and rural settlements and promote the utilization of urban-rural linkages for eventual sustainable county development. The review of the current planning legal and policy framework examines various local and international policies, laws and regulations that affect planning at the national and county level. The outputs include an outline of viable entry points for collaboration with county governments in Kenya to develop integrated and sustainable county and urban development plans.

This includes proposing a framework for planning, the levels of possible engagement, and the tools to use in approaching planning the costs associated with the portfolio. This seeks to expound on the roles UN Habitat and its partners intend to put into place to advance the regional planning agenda through the counties and the terms of engagement.

The First Section explores the historical and current planning practices in Kenya, the planning challenges and viable solutions to the problems. The Second Section examines international, national, regional and local policy, legal and regulatory frameworks that guide planning at various levels; together with requisite planning authorities in the two levels (national and county). The Third Section outlines the role of participation in county planning and the types of plans that are required by law to support development processes in the counties. The Fourth Section identifies the opportunities and gaps and proposes possible areas of corroboration to enhance the planning processes at the national, regional and county level; so as to ultimately promote the planning agenda in Kenya.



Thika super-highway, Nairobi County © UN-Habitat

SECTION 1

1.0 HISTORICAL PERSPECTIVE OF REGIONAL PLANNING IN KENYA

1.1 Introduction

County planning exercise aims amongst other to bolster poverty reduction efforts, support the implementation requirements on regional development planning, promote equitable resource distribution, promote environmental conservation and overall, promote balanced regional and national growth and development.

To achieve such aim, it is important to develop a coherent framework for planning, strategies for various levels of engagement, and the tools to use for developing and implementing planning. This seeks to expound on the roles UN Habitat and its partners intend to put into place to advance the regional planning agenda through the counties and the terms of engagement.

This document examines existing legislation relating to Urban and Regional Planning in Kenya with a view to highlighting how UN-Habitat can assist in supporting Counties based on international, regional, national and county planning legal and regulatory framework, and planning processes. It aims at providing a nexus for engagement with the County governments to advance sustainable urban and rural linkages for a sustainable county development. This document examines various policies, laws and regulations concerning planning at the national and county level and the role UN-Habitat can and should play to support county governments.

The document outlines viable entry points to engage county governments in Kenya to develop integrated and sustainable county and town development plans. The first section examines international, national, regional and local policy, legal and regulatory frameworks that guide planning at the international, national and county levels; together with requisite planning authorities in the two levels (national and county), and the stakeholders involved at the different levels of planning. The second section explains the identified opportunities and gaps and proposes possible areas of synergy that if exploited can enhance the planning processes at the national, regional and county level; so as to ultimately promote the planning agenda in Kenya.

1.2 Planning Practice in Kenya

Formal Planning practice in Kenya spans to the pre-independence period when the colonial government began to address planning to streamline its development objectives in Kenya Colony. The 1926 Mombasa Municipal Council Plan was the first formally prepared, the 1948 Nairobi Master Plan; prepared after Britain's Town and Country Planning Act of 1947, the Swynnerton Plan of 1954¹; which was a national policy that sought to intensify agricultural production and formalize the land ownership system from community land to individual land parcels and the Mombasa Municipal Council Master Plan of 1962². After independence, the Kenyan Government published a policy paper; Sessional Paper Number 10: African Socialism and its Application to Planning in Kenya; which sought to correct development imbalances due to colonial development policies³. Subsequent national development plans and government policy decentralized development planning to the regions (provinces), districts and local authorities.

In 1978, a human settlement strategy was developed to guide urban and rural development; with an aim of realizing coherence in human settlements using service and growth center strategies. Selected growth centers were selected to stimulate the development of the hinterland and reduce rural-urban migration to primate cities like Nairobi and Mombasa.

From 1983, comprehensive physical planning was done at district level, the District Focus for Rural Development (DFTD) strategy. District Development Plans (DDPs) were prepared in line with five-year National Development Plans. In 1986, the Rural Trade and Production Center (RTPCs) were initiated as growth pole centers to further accelerate development of hinterland rural areas and be dispersion points for population concentrated in main towns.

1 More information available on <http://www.african.cam.ac.uk/images/files/titles/smallholder>

2 Kimani M. and Musungu T., Reforming and Restructuring Planning and Building Laws and Regulations in Kenya for Sustainable Urban Development, 46th ISOCARP Congress 2010 http://www.isocarp.net/data/case_studies/1813.pdf

3 Paper available on <http://siteresources.worldbank.org/INTAFRICA/Resources/257994-1335471959878/Sessional-Paper-No-10-%281965%29.pdf>



Street in Kisumu County © Flickr/Richard Portsmouth

After the district, the second tier of comprehensive physical planning took place at the Regional Development Authorities; which focused on resource use planning in Kenya's six drainage basin-based development authorities. They include Kerio Valley Development Authority (KEVDA), Tana and Athi River Development Authority (TARDA), Lake Victoria Basin Development Authority (LBDA), Coast Development Authority (CDA), Ewaso Nyiro North Development Authority (ENNDA) and Ewaso Nyiro South Development Authority (ENSDA)⁴. The third level of integrated development planning was carried out at sectoral and local physical planning⁵. Other modes of regional development adopted in Kenya include the Constituency Development Fund (CDF) which focused on electoral constituencies and Local Authority Transfer Funds (LATF) which focused on the electoral ward as the development units.

In 2002, Kenya faced a change in political dispensation and the Economic Recovery Strategy⁶ (ERS) for Wealth and Employment Creation policy document. The Strategy identified key actions necessary for economic recovery as;

- i. Enhancing revenue collection, expenditure and restricting of the monetary policy of Kenya to support economic stability
- ii. Strengthening institutional governance

- iii. Rehabilitating and expanding physical infrastructure, especially transport and telecommunication infrastructure
- iv. Investment in human capital; especially of the poor and other vulnerable groups in society.

When the Economic Recovery Strategy expired in 2007, Vision 2030 was developed by 2008. The Vision aimed at accelerating development of Kenya into a middle income economy by the year 2030. The millennium development Goals have since 2000 led the international development policy orientation of Kenya in a bid to eradicate poverty; among seven other goals that were to be achieved by 2015.

On 27th August 2010, a new planning dispensation was ushered in with the promulgation of the constitution of Kenya 2010; which established devolved units of planning: counties. In a move to devolve services from Kenya's capital Nairobi and Central Government realms, planning services were among the services bestowed upon Kenyan county governments⁷. It has long been observed as major shift from a centralized resource planning allocation system that was blamed for gaping inequalities in resource distribution, exclusion of some classes of society from critical government services and simmering divisions between various regions in Kenya.

⁴ Republic of Kenya and UNCRD: (2001) Nyandarua District Regional Development plan, 2001-2030 UNCRD, Nairobi

⁵ Government of Kenya. (1996) the Physical planning Act 1996. (CAP 286)

⁶ Government of the Republic of Kenya (2002): Economic Recovery Strategy for Wealth and Employment Creation 2003-2007. Government Printers

⁷ More information available on Constitution of Kenya 2010

1.3 Challenges facing Planning of Counties in Kenya

The following are some of the challenges facing county planning in Kenya;

1. Insufficient technical capacity to carry out planning functions.
2. Limited access to financial resources from the National Treasury
3. Skewed resource distribution from the national government for development in counties
4. Insufficient government interventions to address planning matters such as regulation of land and planning through practice, legislation and regulation.
5. Limited resource endowment in some counties such as the ASAL (Arid and Semi-Arid) counties.
6. Corruption and misappropriation of funds in some county governments
7. Overreliance on national budget appropriations to run county affairs
8. Lack of spatial planning at the county and other sub county levels.

1.4 Interventions to counter the challenges

To counter the challenges to planning at the county level, county governments have undertaken the measures such as;

- a) Hiring more planning technical staff to join the planning departments at the county. For many counties however, the technical capacity is still insufficient to satisfy the demand and need for county planning. This has thereby crippled the county planning process as per the requisite demand for planning services.
- b) Seeking partnerships with local and multinational organization for planning the counties; such in Nairobi where the County Government of Nairobi City County collaborated with JICA to prepare the Nairobi Integrated Master Plan; and Turkana that engaged UN Habitat services to prepare its County Integrated Development Plan.
- c) Lobbying for more funding from Central Government through the Council of Governors, the Senate and Commission of Revenue Allocation (CRA) to enable counties have funds for development funding.
- d) Diversification of county economies to enable counties net in more resources through alternative economic activities such as promotion of tourism and farming in Arid and Semi-Arid (ASAL) regions that have long relied on pastoralism as the main economic activity.



Street in Malindi, Kilifi County © Flickr/ Edward Ziskin

SECTION 2

2.0 COUNTY PLANNING POLICY AND LEGAL FRAMEWORK

2.1 GLOBAL DEVELOPMENT STRATEGY

2.1.1 Millennium Development Goals

This was a global response to the problem of worsening poverty. MDGs can be achieved at the county level by focusing on the 8 goals;

1. Eradicating extreme poverty and hunger
2. Achieving universal primary education
3. Promoting gender equality and women empowerment
4. Reducing child mortality rates
5. Improving maternal health
6. Combating HIV/AIDS, Malaria and other diseases
7. Ensuring Environmental sustainability
8. Develop a global partnership for Sustainable Development

The seven MDGs form the core development issues that affect all Kenyan counties; though at varying degrees. In Kenya, counties form one of the good platforms to step down the goals and work towards achieving them according to prevailing local conditions.

MDGs were key building blocks of County Integrated Development Plans (CIDPs) for all counties; because it was a mandatory requirement by the Kenyan government that MDGs are mainstreamed in development planning of all counties through Guidelines for the Preparation of CIDPs⁸. County Governments were required to state the status of MDGs implementation in their counties and state measures to implement the unachieved goals.

2.1.2 The Post 2015 Development Agenda: Sustainable Development Goals (SDGs)

Sustainable Development Goals (SDGs) are the proposed successors of the MDG framework at the global development arena. They consist of 17 goals and 179 targets⁹.

They seek to end poverty and hunger, secure education, health and basic services for all, achieve gender equality and empower all women and girls, reduce inequalities within and between countries, foster inclusive growth, shared opportunities and sustainable lifestyles for all, promote safe, inclusive cities and human settlements, protect the planet, fight climate change, sustainably use natural resources and safeguard oceans, strengthen governance and promote peaceful, just and inclusive societies and revitalize the global partnership for sustainable development

Goal 11 aims at making cities and human settlements inclusive, safe, resilient and sustainable. In the counties, this is one of the core reasons that drive county planning at the urban and rural level. Counties will be main actors in achieving all targets in Goal 11 as outlined below:

Target 11.1 by 2030; ensure access for all to adequate, safe and affordable housing and basic services, and upgrade slums

Target 11.2 by 2030; provide access to safe, affordable, accessible and sustainable transport systems for all, improving road safety, notably by expanding public transport, with special attention to the needs of those in vulnerable situations, women, children, persons with disabilities and older persons

Target 11.3 by 2030; enhance inclusive and sustainable urbanization and capacities for participatory, integrated and sustainable human settlement planning and management in all countries

Target 11.4 strengthen efforts to protect and safeguard the world's cultural and natural heritage

Target 11.5 by 2030; significantly reduce the number of deaths and the number of affected people and decrease by y% the economic losses relative to GDP caused by disasters, including water-related disasters, with the focus on protecting the poor and people in vulnerable situations

Target 11.6 by 2030; reduce the adverse per capita environmental impact of cities, including by paying special attention to air quality, municipal and other waste management

⁸ Government of Kenya. Ministry of Devolution and Planning (2013). Guidelines for the Preparation of County Integrated Development Plans.

⁹ United Nations. (2015b). Zero Draft of the Outcome Document for the UN Summit to Adopt the Post-2015 Development Agenda. United Nations. New York.

Target 11.7 by 2030; provide universal access to safe, inclusive and accessible, green and public spaces, particularly for women and children, older persons and persons with disabilities

Adopted by the 70th Session of the General Assembly in New York (in September 2015), SDGs are a mandatory inclusion in all county planning process to ensure development issues highlighted in the Post 2015 Development Agenda are mainstreamed into planning at the grassroots level.

2.1.3 International Guidelines on Decentralization and Strengthening of Local Authorities (2007)¹⁰

These guidelines were drafted to be a catalytic factor in enhancing policy and institutional reform in urban development management at the national level; as well as help local authorities improve urban governance practices. The changes in the practices thereby have an impact on the political, economic, social and administrative roles and responsibilities in management of social, economic and environmental affairs of a local authority or regional government.

The guidelines expressly address the following parts:

a) Governance and Democracy at the local level

They assert that political decentralization is essential in promoting democratization of a society, improve public participation in local governance and reduce bureaucracies of centralized governance systems. Representation and participation were to be achieved from this focus area.

In Kenya, governance and democracy has been devolved through the constitutional framework. The county system has provided a local level governance structure where county governments are the administrators of services that are crucial to the people such as health, physical planning and local infrastructure development.

However, governance in most counties is still inadequate to absorb the duties and responsibilities of some counties in the country. UN Habitat may undertake a county assessment to ensure counties have the capacity to promote governance and democracy in decision making at the county level.

b) Powers and responsibilities of local authorities

The principle of subsidiarity was an underlying factor in promoting decentralization in a bid to streamline service delivery. Local authorities were thus to be given powers and responsibilities to administer services to the people that can be effectively offered by the local authorities. In Kenya, this has been done through the constitution and subsequent legislation. The counties and national governments shared functions and responsibilities in Schedule Four of the Constitution of Kenya 2010.

However, the capacity of the counties in Kenya to carry out the functions, duties and responsibilities has been limited, making service delivery be marred by problems such as delay in accessing services, civil unrests and industrial action by workers working under counties. Counties would thus need capacity building efforts to bolster their efforts in disseminating their powers and responsibilities at the local level.

c) Administrative relations between local authorities and local governments

This part requires that local authorities should be recognized at the national levels and need to be incorporated into national legal and legislative documents; including the constitution. They should be designed to be legally autonomous sub-national entities with powers and national potential to contribute to local and national development. They should be administered and managed according to legal specifications.

In Kenya, county governments have been designed to be autonomous in the Constitution and supporting legislation such as the County Government Act and the Cities and Urban Areas Act.

d) Financial resources and capacities of local authorities.

Central governments are required to support local authorities financially to build the administrative, technical and managerial capacities of local authorities; and ensure governance structures are responsive, accountable and transparent.

In Kenya, the national government has been remitting more than the constitutionally agreed national budget figure of 15% to the counties to fulfill this purpose. However, there is an effort needed to make the remittance sustainable and promote self-reliance in the counties. This can be achieved through careful planning for resource use in the counties.

¹⁰ More information available on: the International Guidelines on Decentralization and Strengthening of Local Authorities; UN Habitat. 2007

2.1.4 International Guidelines on Decentralization and Access to Basic Services for All (2009)¹¹

These guidelines have been designed to provide a framework for improved partnerships in the delivery of basic services at the city level. They tailored to fit into situations of various countries. They were jointly developed by UN Habitat and United Nations Institute for Training and Research (UNITAR). On access to basic services, the guidelines seek to provide an enabling framework to foster partnerships that are formalized at various levels; horizontally and vertically, while enhancing collaboration between service providers and community members. They also promote sustainable financing of basic services, environmental sustainability and pro-poor policies and models to facilitate the provision of basic services for all members of any society among Member States.

2.1.5 International Guidelines on Urban and Territorial Planning (2015)¹²

These guidelines were drafted to complement and operationalize the International Guidelines on Access to Basic Services (2007) and the Interregional Guidelines on Decentralization and Strengthening of Local Authorities (2009). Adopted at the 25th session of the UN Habitat General Assembly, they seek to promote an integrated approach to planning and building of sustainable activities and other human settlements, increasing public awareness and enhancing public participation of urban residents in decision making; including the marginalized groups such as the poor and old people.

They contain universally agreed planning principles based on a broad framework adapted from national, regional and local experiences in the planning sector. They are also tailored to be efficient quality control and monitoring tools of planning at national and local scales. They thereby provide a key benchmark tool to use in the planning and M&E section of national and county planning in Kenya.

2.2 NATIONAL DEVELOPMENT STRATEGY

2.2.1 Vision 2030

Vision 2030 is Kenya's development blueprint that seeks to drive Kenya into a middle income economy by 2030. Its goal is to realize 'a globally competitive and prosperous Kenya with a high quality of life by 2030'. It contains a set of broad development issues that should be localized the county level. The National government implements it in a series of successive medium term plans (MTPs). It has three pillars from where it approaches development strategies as indicated below;

1. Economic pillar

It seeks to attain an economic growth rate of 10% by focusing in tourism, agriculture, livestock, wholesale and retail trade, manufacturing, finance and Business Process Outsourcing (BPO) as the key sectors.

2. Social Pillar

This seeks to build a just and cohesive society with social equity in a clean and secure environment, the key sectors to drive development in this sector include; education and training, health, water and irrigation, environment, housing and urbanization, gender, sports, youth and culture.

3. Political Pillar

It aims at realizing a democratic political system based on issue based politics that respects the rule of law, fundamental human rights and freedoms of every individual living in Kenya. Diversity of culture is embraced and should be made a national value. The strategies used to attain this include; rule of law, electoral and political process reform, democracy and public participation, transparency and accountability in public governance.

Vision 2030 highlights urbanization as one of the four key challenges facing Kenya. It outlines key potential sectors for investment and flagship projects in various parts of the county that should be implemented. These have been adopted by various county governments in consultation with the National government. However, it lacks a spatial framework to ensure that the vision is realized because there is no National Spatial Plan.

¹¹ International Guidelines on Decentralization and Access to Basic Services for All; UN Habitat. 2009

¹² International Guidelines on Urban and Territorial Planning; UN Habitat

2.2.2 Kenya Medium Term Plan - MTP (2013-2017)¹³

It seeks to implement the flagship projects identified under Vision 2030 and complete programmes from the first MTP of 2008-2012.; taking into account the new governance structures of national and county government. Areas of focus are employment creation, development of human resource, poverty reduction, social protection, governance, public finance management, land reforms, security and promotion of national values and ethics. Some of the proposed projects include;

- (a) Development of the Lamu Port Southern Sudan-Ethiopia Transport LAPPSET transport corridor
- (b) Resort city development in Lamu
- (c) Development of a Small and Medium Enterprise (SME) park
- (d) Realization of a livestock disease free zone
- (e) Training of experts to raise the skills of the local workforce
- (f) Rehabilitation and upgrading of health facilities to offer integrated and comprehensive healthcare
- (g) Construction and maintenance of roads
- (h) Development of sports facilities at county levels.

At the County level, the proposed projects in the MTP (2013-2017) should form the priority areas for County Planning processes that must be borne in mind during the planning process. An assessment will thus need to be carried out to ascertain the implementation scale of these projects and the role the county government can/ should play to realize to Medium Term Plan 2013-2017.

2.3 NATIONAL LEGAL PLANNING FRAMEWORK

2.3.1 Constitutional Planning framework

2.3.1.1 Constitution of Kenya 2010¹⁴

The constitution of Kenya was enacted in 2010 and established a devolved system of government through the county system which replaced former local authorities.

In Article 66(1), the state is authorized to regulate land use for any interests or rights over the land in the interest of

defense, public safety, public order, public morality, public health and land use planning.

Article 67 establishes the National Land Commission that is in charge of public land management, administration of trust land, monitoring land use, as well as the government advising on a national land policy in Kenya.

Pursuant to Article 67(2) of the Constitution of Kenya 2010, NLC is mandated to monitor and have oversight responsibilities over land use planning throughout Kenya the country.

Article 176 and 184 of the constitution create provisions for devolved governance and a calls for new classification and management of urban areas respectively

In the distribution of functions between the national and county governments in schedule four, the following happens in regard to urban and regional planning

a) National Government

- i. National Economic Policy and Planning
- ii. General Principles of land use planning and the coordination of planning by the counties

b) County Government

- i. County planning and statistics including; Statistics Land surveying and mapping Boundaries and fencing Housing Electricity and gas reticulation Energy regulation
- ii. Control of outdoor advertising
- iii. Cultural activities, public entertainment and public amenities, including county parks and recreation areas
- iv. County transport including county roads, street lighting, traffic, parking, public transport, ferries and harbors.
- v. Development and regulation
- vi. County public works and services e.g. water and sanitation and storm water management
- vii. Facilitating and coordinating community participation in local level governance and assist communities develop administrative capacity for the effective exercising of their functions and powers at the local level.

The constitution thereby provides the requisite powers and duties that county governments can engage to fulfill their mandate to the citizenry. Participation and decentralization are embedded in law, creating a clear supreme legal framework for devolved county planning in Kenya.

¹³ Government of the Republic of Kenya (2013): Medium Term Plan (2013-2017). Government Printers

¹⁴ Government of the Republic of Kenya (2010). Constitution of Kenya. Government Printers

2.3.2 Policy Framework

2.3.2.1 Draft National Urban Development Policy (NUDP)¹⁵

It was developed with an aim of ensuring secure, well governed, competitive and sustainable urban areas and cities in Kenya. It seeks to harmonize the objects of Kenya's Vision 2030 and the Medium Term Plans in order to achieve well planned urban areas. NUDP is intent on guiding the spatial allocation of resources, as well as serve as a framework for governance and management of urban areas in Kenya.

The policy focuses on the following areas;

- (i) Giving support to an urban system that equitably serves the whole country and addresses the historically neglected regions of Kenya
- (ii) reversing the marginalisation of sub-national governments through devolution, decentralization and reforming local governance and finance systems as provided for in the Constitution of Kenya 2010
- (iii) introducing integrated land and environmental management practices that serve the demands of inclusive and sustainable urban development
- (iv) addressing infrastructure and housing backlogs, and improving service delivery
- (v) improving living conditions in slums and opportunities for slum residents
- (vi) improving urban safety
- (vii) Protecting the rights of the vulnerable and marginalised groups.

In its approach to planning, NUDP outlines the guiding principles as being;

- a) Entrenching participation in urban planning, development and management
- b) Promoting equity in the distributing and access of resources and opportunities
- c) Enhancing efficiency in resource use and provision of services to the public
- d) Promoting socio-economic and ecological sustainability
- e) Planning for inclusive urban and rural settlements; to cater for minorities, vulnerable and marginalized groups
- f) Rooting for good governance in management of urban areas

- g) Promoting connectivity between the regional and national development systems
- h) Promoting livability of urban places by having quality infrastructure, urban services, secure and clean living environments.

2.3.2.2 The National Land Policy (Sessional Paper NO. 3 of 2009)¹⁶

This was the first land policy drafted in Kenya that aimed at guiding Kenya towards efficient, sustainable and equitable use of land for prosperity and posterity. It outlines the overall framework of land administration framework through key measures needed to address the critical issues on land administration, land use planning, addressing historical injustices environmental degradation, an irresponsible legal framework that was outdated to adequately deal in land matters, reorganization of the institutional framework in land management and a new mode of land information management. Prudent land use planning identified as an essential part in the efficient and sustainable management of land and land resources.

2.3.2.3 The National Housing Policy (Sessional Paper NO. 3 of 2004)¹⁷

The policy identified an absence of comprehensive land use management plans in Kenya as some of the key contributors to the inadequate supply of housing. The policy thus recommended formulation of comprehensive land-use management plans as key tools to realize sustainable housing development, among other land uses.

2.3.2.4 The National Water Policy of 1999¹⁸

The policy gave a guide to use to realize supply of safe water for household use in Kenya. It also spelled out measures to effect water sector reforms that led to an improvement in institutional and operational challenges. It sought to avail clean water for all Kenyans; an aspiration that is still sought in many policy and legal documents in Kenya till date. County planning could thus be a good platform to ensure water is adequately provided to all Kenyans through its incorporation in county planning.

15 Government of the Republic of Kenya (2012) Draft National Urban Development. Government Printers

16 Government of the Republic of Kenya (2009). Sessional Paper no. 3 of 2009 on National Land Policy, Government Printers

17 Government of the Republic of Kenya (2004) Sessional paper no. 3 of 2004 on National Housing Policy, Government Printers

18 Government of the Republic of Kenya (1999) National Water Policy of 1999. Government Printers

2.3.2.5 Sessional Paper No. 6 of 1999 on Environment and Development¹⁹

The policy sought to integrate the environment into the national development planning process. It provided guidelines to achieve sustainable development during the development process. These guidelines were translated into legal and policy documents such as the Environmental Management and Coordination Act (EMCA) of 1999 and subsequent guidelines to the EMCA.

2.3.2.6 Regional Development Policy of 2007²⁰

This policy seeks to reduce socio-economic inequalities within and between regions, and provided a framework to guide developers in areas of investment that can reduce poverty and spur economic growth.

2.3.2.7 Integrated National Transport Policy of 2003²¹

This policy recommended transport planning measures to support national and regional development strategies and land use planning. It vouched for sustainable and efficient transport infrastructure and services to link production centers to centers of value addition, labor to the industrial centers and products to markets in reasonable time. Rural production zones were identified as crucial areas in Kenya's economic focus for development and they needed access to the market in a bid to realize socio-economic activity and growth.

2.3.3 Legal Framework

2.3.3.1 The Urban Areas and Cities Act 2011²²

For an area to be conferred with city, municipal or town status, it must have an integrated city/municipal/town development plan respectively, among other requirements such;

- A population threshold of 500,000 residents for a city, 250,000 for a municipality and 10,000 for a town
- Demonstrable economic, functional and financial viability
- Sufficient space for expansion
- Capacity to deliver effectively and efficiently essential urban services to its residents

- Existence of a platform to engage its residents in urban management affairs

In furtherance of decentralization in urban management, deliberate effort should be made to form Cities and Towns as stipulated in the Urban Areas and Cities Act to devolve governance and services to the people. This will require extensive capacity building to enable the urban area management committees manage urban areas prudently.

2.3.3.2 The County Government Act 2012²³

This act was enacted to effectuate Chapter Eleven of the Constitution of Kenya 2010; so as to empower county governments to deliver on their functions and responsibilities to deliver services. It defines county governments as body corporates with perpetual succession and powers needed to perform their functions including entering into partnership agreements with public and private bodies. It also calls on all county governments to ensure efficiency, effectiveness, inclusivity and participation of the people in its delivery of functions.

Summarily, county assemblies are charged with; among other things, approval of county plans (article 30 (2) f, the county governor submits county plans and policies to the county assembly for approval) and county budgets, ensuring public participation in decision making (including urban planning) and general oversight over the county executive. The approval of plans and subsequent critical decisions such as guiding policies, regulations and budgetary needs are necessary for the successful implementation of such plans.

Article 47 requires that the county executive committee designs a performance management plan to evaluate the performance of the county public service and implementation of county policies and they shall be objective, measurable, time bound performance indicators that are linked to mandates of the county government, annual performance reports, harboring of citizen participation in the evaluation process. The performance management plan shall be a public document

Article 87 enshrines citizen participation in county development matters; in particular regard to timely access to information, data and documents related to policy formulation and implementation, reasonable access to the formulation and implementation process, protection and promotion of rights and interest of minorities and marginalized groups, promotion of PPP reasonable balance of roles between state and non-state

19 Government of the Republic of Kenya (1999) Sessional Paper No. 6 of 1999 on Environment and development, Government Printers

20 Government of the Republic of Kenya (2007). Regional Development Policy 2007. Ministry of Regional Development.

21 Government of the Republic of Kenya (2003). Integrated National Transport Policy of 2003, Ministry of Transport.

22 Government of the Republic of Kenya (2011): Urban Areas and Cities Act. Government Printers

23 Government of the Republic of Kenya (2012): The County Government Act. Government Printers

actors, and recognition of the roles of non-state actors in the participation and oversight function of county governments.

Part XI of the Act delimits county planning as a function of the County governments. The principles of planning outlined here are;

- a) Integration of national values in all county planning and development processes and concepts as they are outlined in article 10 of the constitution of Kenya 2010. They include; patriotism, human dignity, good governance and sustainable development.
- b) Promote sustainability protect and integrate needs and interests of minority groups and marginalized groups in the county
- c) Align resource use in the county to the national laws and policies
- d) Ensure county financial and institutional resources are utilized for intended and agreed on policy objectives and programmes.
- e) Mobilize resources to promote sustainable development
- f) Promote equity in resource use within the counties
- g) It provides a platform for unifying planning, budgeting, financing, programme implementation and performance review through county planning
- h) Serves as a basis for engagement between county governments, citizens, stakeholders and interest groups.

The objectives of county planning therefore are;

1. Ensure harmony between the national, county and sub county spatial planning requirements
2. Facilitate balanced development for social-economic and ecological growth in the county
3. Ensure maintenance of viable green and open spaces for ecosystem continuity and biodiversity resilience.
4. Harmonize the development of a county communication system, infrastructure and other services for seamless inter-county connectivity and national infrastructure development.
5. Develop urban and rural areas as integrated zones for social and economic activity
6. Integrate marginalized areas of the county to bring them to the level of other developed areas in the county
7. Protect historical and cultural heritage, artifacts, and historical sites within the county

8. Create reserves towards public security and other critical infrastructure
9. Work towards achieving and maintaining a tree cover of at least 10%

10. Develop human resource capacity for the county

Article 104 asserts that NO public funds will be appropriated to a county outside a planning framework developed by the county executive committee and approved by the county assembly. The county planning is the basis for county funding and its framework integrates;

- Economic planning
- Physical/ Spatial planning
- Social planning
- Environmental planning

County governments are required to designate county departments, cities and urban areas, sub counties and wards as planning authorities for the county. All planning authorities must include state and non-state actors to make their planning participatory. Every appropriate planning authority within the county should organize for the effective implementation of the planning function within the county or their jurisdiction.

County Planning has the following duties:

1. Coordinating integrated development within the counties
2. Ensuring integrated development within the counties
3. Ensuring linkages between the county plans and national spatial planning frameworks
4. Ensure meaningful engagement of citizens in the planning process
5. Ensure there is collection, collation, storage and updating of date and information suitable for the planning process.
6. Ensure the establishment of a GIS based database system in the county

2.3.3.3 The Intergovernmental Relations Act 2012²⁴

It establishes a framework for partnership and cooperation between the county, national government and other county governments. It establishes a National and County Governments Coordination Summit to manage intergovernmental relations enhance inclusivity, participation and good governance and accountability in all actions taken. There is thus provided a platform for the national and county governments to consult.

²⁴ Government of the Republic of Kenya (2012): Intergovernmental Relations Act. Government Printers

In county planning, this could be used as a forum for all stakeholders in the county to come together, share experiences on development matters in the county, take stock of the development milestones and review their performance against expected outputs. This would be a great tool to promote inter-agency cooperation, partnerships and synergy for county development.

2.3.3.4 Public Finance Management Act 2012²⁵

It makes it mandatory that every budget of a county government in every financial year should consist of integrated development planning (short term and long term) and outline financial and economic priorities of the county. The budget must be based on projects and other expenditure as outlined in the plan. Section 126 demands for a CIDP to be developed. It should include reviews of how county government is responding to changes in the financial and economic environment, programs implemented at the county.

2.3.3.5 Physical Planners Registration Act²⁶

This Act states that a physical development plan shall be prepared by a registered physical planner. Plan development in the counties thereby will need the input and supervision of a planner registered by the Physical Planners Registration Board for purposes of quality control.

2.3.3.6 National Land Commission Act 2012²⁷

Article 67 of the constitution established the National Land Commission Act (NLC) whose mandate was to manage all public land on behalf of the national and county government, advising the government on a national land policy among other tasks such as oversight on land use in the country. The NLC this plays an important role in land use planning and development regulation

2.3.3.7 Environmental Management and Coordinating Act (EMCA)²⁸

It requires that Strategic Environmental Assessments (SEA) is prepared for proposed programmes and plans while Environmental Impact Assessments be conducted on proposed projects. The SEA or EIA should be approved by the National Environmental Management Authority (NEMA).

25 Government of the Republic of Kenya (2012): Public Finance Management Act. Government Printers

26 Government of the Republic of Kenya (1996): The Physical Planners Registration Act. Government Printers

27 Government of the Republic of Kenya (2012): National Land Commission Act. Government Printers

28 Government of the Republic of Kenya (1999): EMCA. Government Printers

2.3.4 Planning Guidelines

2.3.4.1 County Land Management Board Guidelines²⁹

They set out guiding principles in approving land use development applications for public land based on minimum standards; such as change of user, subdivision of land, amalgamation and other activities affecting public land at the county level.

2.3.4.2 Guidelines for the Development of County Integrated Development Plans³⁰

They outline guiding principles in developing County Integrated Development Plans. They provide planners at the county with a framework for the framework for preparing CIDPs and eventually provide a framework for linking county planning processes to Kenya's Vision 2030 and the Medium Term Expenditure Framework. It calls for comprehensiveness in the CIDP process, performance analysis, development of a vision and mission, strategic presentation of issues and a clear monitoring and evaluation framework. It proposes an outline of 8 chapters as follows:

Chapter 1: County General Information

Chapter 2: County Socio-Economic Development; challenges and Strategies

Chapter 3: County Spatial Framework

Chapter 4: Linkage with Other Plans

Chapter 5: Institutional Framework

Chapter 6: Resource Mobilization Framework

Chapter 7: County Development Priority Programmes and Projects

Chapter 8: Implementation, Monitoring and Evaluation

The spatial framework as mentioned is supposed to describe the spatial framework within which development projects and programmes will be implemented.

29 Government of the Republic of Kenya (2014): County Land Management Board Guidelines. Government Printers

30 Government of the Republic of Kenya (2012): Guidelines for the Development of CIDPs. Government Printers

2.3.4.3 Guidelines for the Development of County Spatial Plans³¹

They outline guiding principles in developing Integrated County Spatial Plans. They have step-by-step measures that are to harmonize the county spatial plan preparation in all counties. They clarify the roles and responsibilities of all stakeholders (actors and agencies) in the preparation and implementation process.

The guidelines set benchmarks, quality control criteria and guiding notes for counties. They also provide a rich

reference tool for the training, induction and sensitization in respect to county spatial planning.

The guidelines include an introduction with an explanation of its contents, the methodology for a county spatial, plan formulation, consultation and participatory phases in plan the preparation of a county spatial plan. The guidelines are not to replace but complement planning laws and regulations in Kenya and at the county.

The outputs of the plan should include policies, strategies, measures and actions; which are documented in a report, using maps, graphics and diagrams. The report should contain the following sections:

Part I

1.0. Introduction

This section addresses who initiated the plan, why the plan is being prepared, strategic issues to be addresses by the plan and scope of the plan.

- 1.1 Background of the plan
- 1.2 Vision statement
- 1.3 Objectives
- 1.4 Scope of the plan
- 1.5 principles of the plan
- 1.6 Methodology
- 1.7 Outline of the plan

2.0 Planning Context

- 2.1 Location-national, regional, local context
- 2.2 Legal and policy context
- 2.3 Stakeholder concerns

Part II 3.0

Situation Analysis

- 3.1 population and demographic
- 3.2 physiographic dynamic
- 3.3 land analysis

- 3.4 economy- industry, agriculture, commerce, mining and quarrying, fisheries
- 3.5 transportation and communication
- 3.6 infrastructure services
- 3.7 urbanization
- 3.8 rural developments
- 3.9 Housing
- 3.10 Environments
- 3.11 Governance

4.0 Synthesis

- 4.1 Development challenges, opportunities and alternative interventions

Part III

5.0 Plan Proposals

- 5.1 county Structure plan
- 5.2 Strategies, measures, actions

6.0 Action plans

Part IV

7.0 Implementation of CSDP

³¹ Government of the Republic of Kenya (2012): Guidelines for the Development of CIDPs. Government Printers

2.4 PLANNING INSTITUTIONAL FRAMEWORK

In Kenya, as currently structured, Planning takes place at the national level through the Ministry of Lands; Housing and Urban Development; Department of Physical Planning. At subnational levels, counties and regional development authorities carry out planning at the county and regional authority levels. There are 47 counties and six regional development authorities.

National and regional physical planning work is approved by the Director of Physical Planning at the Ministry of Lands, Housing and Urban Development. Counties approve plans in their respective counties.

Various government ministries and other agencies also oversee sectoral plans concerning their respective docket such as the ministry in charge of Public Health, National Construction Authority, among others. However, the functions, duties and responsibilities of these government agencies largely remain uncoordinated and amorphous.

In the county planning framework should laid down structure to engage all stakeholders and government offices in the county and at the national scale to ensure there is cooperation and synergies in the plan making and preparation process.



Highway to Kisumu, Kericho County © Flickr/BBC World Service

SECTION 3

3.0 EXISTING COUNTY PLANNING FRAMEWORK

3.1 REQUIREMENTS OF COUNTY PLANNING IN KENYA³²

This section is excerpted from the County Government Act. It singles out various crucial aspects and typologies of planning that should be carried out during planning at the counties.

3.1.1 Citizen and Stakeholders Participation in the Planning Process

Planning is an integral part of the development process. The County Governments Act, 2012 (CGA), 104 obligates a county to develop an integrated plan, designate planning units' at all county administrative levels and promote public participation and engagement by non-state actors in the planning process.

3.1.2 Role of the public in the County planning process

Public Participation is mandatory in planning at the county. All nationally significant development projects require public hearings in the counties they affect and must be approved or rejected by the respective county assemblies.

This is accomplished through;

- a) Clear strategic environmental assessments
- b) Clear environmental impact assessments
- c) Engagements to find out expected development outcomes and the development options and their cost implications.

Every county should have its own law to give effect to public participation in development planning and performance management within the county.

Citizen participation is mandatory in the planning process. CGA, 106(4) states "county planning shall provide for citizen participation" and shall be done in a process that involves meaningful engagement of citizens" (CGA, 105

(1-d). Public participation shall be facilitated through:-

- (a) The County Budget and Economic Forum (CB&EF) (PFM 137) provides that a county government shall establish the CB&EF. It shall comprise the Governor and members of the county executive committee, an equal number of nominees of Non State Actors (NSA) (professionals, business, labor, women, and persons with disabilities, elderly and faith based groups at county level). The forum shall provide a means of consultation on the planning budgeting, economic and financial management processes in the county.
- (b) County Citizen Engagement Framework (CGA Part VIII) obligates the county government to establish structures for citizen participation. These are guided by principles set out in CGA87.
- (c) County Communication Platform and Strategy (CGA Part IX) obligates the county government to integrate communication in all its development activities, observe Article 35 through access to information. The county government is required to establish an effective communication and sensitization framework using various media forms, targeted at widest selection of stakeholders in the county.
- (d) County Civic Education Strategy (CGA Part X) requires the county government to develop an effective civic education framework through which it shall empower and enlighten citizens and promote the principles of devolution in the constitution on a continual basis.

The Governor shall submit an annual report to the county assembly on the status of citizen participation in the affairs of the county government (CGA 92(2)).

3.1.3 Role of Civil Society Organizations in the County Planning Process

1. *Awareness creation:* Use your networks to sensitize the public on the process and encourage citizens engage in the process;
2. *Support the planning process:* work with the county government to make the process a success through cash or kind collaboration;

³² Government of the Republic of Kenya (2012): County Government Act. Government Printers

3. *Ensure accountability of the process:* Take steps to ensure the county government has made the process participatory and open as required by the constitution and county legislation.

3.1.4 Practical Steps County Governments need to take

- i. Provide a meeting timetable of planning forums with sufficient notice to enable active public engagement;
- ii. Provide a meeting agenda informing the expected inputs from members of the public;
- iii. Work with NGO's, CSO's and county based media in the county to raise awareness of the county planning agenda, dates and times;
- iv. Use an effective communication strategy such as mainstream and community media, social media, and other networks;
- v. Keep the process accountable by maintaining a record of public submissions, providing timely updates on the process, ensuring access to planning documents to stakeholders at all stages of the process.

3.2 COUNTY PLANS IN KENYA

All county plans are done in total regard to all functions devolved to the counties in the Fourth Schedule of the Constitution and other laws or relevant national policies and regulations. Projects identified in the plans must be viable.

In county planning, the following types of plans should be prepared:

- County Integrated Development Plan
- County Sectoral Plan
- County Spatial Plan
- Cities, municipalities and town plans (as provided for in the Urban Areas and Cities Act No 13 of 2011)
- Performance Management Plan

3.2.1 County Integrated Development Plans

Integrated County Development Plans are valid for 5 years. They are used for resource allocation and are needed to contain the following;

- a) Clear goals and objectives
- b) An implementation plan with clear outcomes
- c) Provisions for monitoring and evaluation

- d) Clear reporting mechanisms

The plan should identify the institutional framework which shall include an organizational chart for plan implementation and needed transformation needs. It should identify investment initiatives in the county, development initiatives in the county (infrastructure, physical, social, economic and institutional), all projects, and plans or programmes to be implemented within the county by the county or any state/non-state organ.

The CIDP should contain statistical charts maps and other useful materials to help in its interpretation and operationalization.

The plans must have resource mobilization and management framework that includes budget projections, indications of available financial resources to fund the plan implementation and a financial strategy to define financial management, revenue streams and expenditure control. It should address the following;

- revenue raising strategies;
- asset management strategies;
- financial management strategies;
- capital financing strategies;
- operational financing strategies; and
- Strategies that would enhance cost-effectiveness.

It informs the county's annual budget; based on the annual development priorities and objectives referred to in the plan.

It should be used to develop action plans to implement identified strategies. The performance indicators shall include:

- a) Percentage of households with access to basic services (Article 43 of the Bill of Rights of the Constitution of Kenya 2010)
- b) The percentage of the county's budget spent on capital projects identified for a particular financial year in the CIDP
- c) Projections of the number of jobs created through local economic development initiatives including of capital projects
- d) Financial viability of the CIDP in relation to nationally applicable guidelines

They can be reviewed/ amended as stipulated in section (112) of the County Government Act of 2012. All urban areas within the county must be consulted (Cities, municipalities, and towns).

3.2.2 County Sectoral Plans

A county department shall develop county sectoral plans as components of the County Integrated Development Plan and are done every ten years. They are programme based and the basis for budgeting and performance management. They are reviewed every five years by the county executive and approved by the county assembly, but updated annually.

3.2.3 County Spatial Plans

They are 10 year GIS based spatial development framework for the county and should be part of the CIDP as they translate the CIDP into a spatial dimension.

***The Law apparently contains an inconsistency: CIDPs last only 5 years while County Spatial Plans last for 10 years. There is thus required a synchrony for the CIDP to be harmonious to the Spatial Plan or a review of the Spatial Plan after 5 years.

They clearly state how the spatial plan is linked to the county, regional and national or other associated plans. It clarifies the anticipated sustainable development outcomes of the spatial plan. County Spatial Plans give effect to the principles of County Planning (Section 102) and objectives of county planning (section 103).

They set objectives that reflect the desired spatial form of the county, with regard to the development programme of the county as articulated in the CIDP.

They should contain strategies and policies that indicate the desired land use patterns in the county, address spatial construction and reconstruction of the county, strategically guide the nature and location of development within the county, set basic guidelines on land use management in the county with due regard to all laws described under article 67(2) of the constitution (NLC-Monitoring and oversight role, Land Policy, Land laws), set out the capital investment framework of the county's development programmes, contain a strategic assessment of the environmental impact of the spatial development framework and identify programs and projects for development of land within the county.

They should be aligned/ integrated with the spatial frameworks reflected in the development plans of neighboring counties.

They demarcate where public and private land development and infrastructure investment should take place. They also indicate the desired and undesired utilization of space in a particular area.

They delineate the urban edges of municipalities within its jurisdiction and mechanisms of dealing with the rural urban interfaces.

They identify areas for strategic intervention and indicate areas where priority spending is required.

They clarify anticipated sustainable development outcomes of the spatial plan and indicate areas designated for conservation and recreation.

3.2.4 City/municipal/town plans

Each city, municipality or town shall have; city, municipal and town land use plans, building and zoning plans which clearly indicate location of recreation areas, public facilities and other facilities.

All cities/municipalities must develop instruments to affect development controls within their areas of jurisdiction.

This plan shall provide for functions and principles of land use and building plans, location of various types of infrastructure within the county/municipality and development controls in the confines to the national housing and building code framework

These plans shall be binding to all public and private entities operating within the city/municipality.

City land use and building plans shall be regulatory instruments to guide and facilitate development within a particular city/municipality.

Every municipal land use and building plan should be reviewed every five years and revisions approved by the respective county assemblies.

3.2.5 Performance Management Plan

Established in Section 47 of the County Government Act, it is meant to facilitate the assessment of performance of the county public service and the implementation of county policies. It provides a platform of marching indicators and performance of contracting commitments in place to measure success/failure. The governor thus submits an annual performance report to the county executive and county assembly for consideration. UN Habitat is committed towards realizing urban development that is compact, integrated, connected and socially inclusive. This is actualized through a participative planning process.

SECTION 4

4.0 UN HABITAT COUNTY ENGAGEMENT STRATEGY

4.1 Emerging County Planning Issues in Kenya

4.1.1 Current State County of Planning

Prior to the development of CIDPs, there were county profiles done for every county in Kenya developed by the Ministry of Devolution and Planning. The county profiles were to provide factual data towards the CIDP development process. These provide rich baseline information for every county to use in preparing county development plans. The Ministry also developed guidelines for developing CIDPs and county spatial plans. The documents are pointers of what the plan making process should entail.

In respect to the Environmental Management and Coordination Act, in addition to planning, there are needed development of Strategic Environmental Assessments (SEA) and Environmental Impact Assessment (EIA) to safeguard the environment against impacts. This is done to promote environmental sustainability and induce mitigation measures to projects that would be detrimental to the environment. In many county planning exercises, this has largely been undone; exposing the environment to problems of pollution and dereliction. The National and Environmental Management Authority (NEMA) should thereby enhance measures to promote the development of impact assessments in the county planning and other planning activities across the country.

Since development of CIDPs was mandatory in Kenya, all counties developed them; largely for purposes of resource allocation from the central government. Some of the counties developed quite comprehensive CIDPs that can be used as a benchmark document to further improve on the process and outcome documents other counties. To better the impact of the CIDPs, an objective review would be required to investigate their level of addressing county development challenges. The CIDPs act as anchor documents for county development and they should thus be all encompassing and elaborate.

At the national level, most CIDPs integrated their development strategies to existing development plans. However the integration of the plans to regional and global development strategies was inadequately covered on some plans. In the present era of globalization, the development strategies need to have a global outlook to adequately address local problems.

County assemblies throughout the county are the legislative arm of the counties. They thereby make county planning laws. However, the technical know-how of many Members of County Assembly to oversee the planning process from initiation to completion is inadequate. They thus need to be sensitized on the importance of planning and regulating development based on plans developed by the county assembly. UN Habitat has been involved in a few of the counties to build capacity to help the county legislature and technical planning teams appreciate objective planning at the county to boost development.

4.1.2 Issues on Plan Development

The CIDPs have a component on spatial framework. County spatial plans are supposed to be based on CIDPs. However, in most CIDPs, the spatial element is not adequately addressed because the spatial dimension is underrepresented. Many proposed development projects proposed lack a strong attachment to a sound spatial rationale. Development projects and programmes will be implemented using the spatial framework.

County Spatial Plans are supposed to be prepared after CIDPs. In some counties, some counties have not prepared their County Spatial Plans. UN Habitat is keen to ensure all counties prepare their County Spatial Plans. An update will need to be sought from the counties on the status of spatial planning of the counties

Cross cutting issues were highlighted in some plans such as gender, youth, climate change, disaster preparedness and risk management, HIV/AIDS, Vulnerable groups (e.g. disabilities), ICT and poverty. Some did not succinctly deal with this matter and they need to incorporate them to ensure the plans are sustainable.

Delineation of Cities and Urban areas has not happened, as it should be the guiding principle in establishing cities and urban areas as stipulated in the Urban Areas and Cities Act (2011). Every city, municipality and town is supposed to have its own development plan. Collective effort is thus needed between the national government, county government, the national land commission and the Independent Electoral and Boundaries Commission together with other agencies to ensure the new administrative areas are delineated.

4.1.3 Issues on Plan Implementation, Monitoring and Evaluation

The effectiveness of a plan is actualized when it's fully implemented. Many plans fail to be fruitful documents because they are not implemented. In the current county planning setup, there are given open implementation timelines. Plan implementation timelines without time limits cripple the monitoring and evaluation of the plan. During implementation of the plans thereby, monitoring and evaluation is not given a strong emphasis.

Under the financial framework, there are disparities between county budgets and income projections for project/programme funding. To bridge this gap, there is needed a robust strategy to raise funds to facilitate plan implementation for the counties to better realize plan objectives.

In the current planning practice, effective plan implementation is hampered by absence of a solid monitoring and evaluation framework that will ensure plans are implemented. There is thereby a significant need to have a practical M&E framework with integrated stakeholder inclusion to facilitate delivery of plan recommendations.

4.2 UN Habitat role in County Planning and Development in Kenya

As a development agency, the United Nations Human Settlements Programme (UN-Habitat) has for long promoted sustainable urbanization in Kenya as a host country of its global headquarters; for the sake of sustainable urbanization and socioeconomic development.

UN-Habitat has assisted the Kenyan government, local authorities and communities in their efforts to achieve sustainable urban development through a wide range of normative and technical advisory services, addressing issues

such as: urban planning, rehabilitation/construction and infrastructure development, provision of basic and social services and adequate shelter, security of land tenure, and development of institutional capacities.

UN-Habitat has adopted and applied a participatory, integrated and inclusive planning approach to solve urbanization challenges. The rationale behind enhanced stakeholder involvement is to enable them collectively to identify their strategic needs, using these as entry points for sustainable development, while promoting local and national project ownership.

In this respect, UN-Habitat has extensive experience gained in more than 120 countries (including a number of devolved government environments) focusing on urban sector studies, land, shelter, post-disaster rehabilitation, urban management, participatory processes, training and capacity-building. In a bid to enhance and complement its work in Kenya to date, UN-Habitat intends to intensify its partnership with the counties of Kenya, the Government and other relevant stakeholders, taking advantage of lessons learned and accumulated experience to contribute to peace-building and accelerate the economic development of the counties. This is to be achieved through improved spatial strategies and policies to deal with pressing issues such as integrated planning, affordable housing, reintegration and resettlement of IDPs and provision of basic services (such as schools, clinics, police stations, community centers, etc.).

4.3 Current UN Habitat Engagement in County Development Planning in Kenya

According to a report from UN Habitat's Regional Office for Africa (ROAF), the following inroads have been made to achieve effective coordination of development at the county by UN agencies operating in Kenya.

1. Under the UN system in Kenya, there was formed a UN Devolution Working Group that is headed by UNDP; under the coordination of the UN Resident Coordinator. All UN agencies are represented in the Working Group. UN Habitat is represented by ROAF. All county coordination activities, projects and programmes are coordinated here.
2. There is a UN Country Team (UNCT)³³ comprising of high level senior managers of the UN headed

33 Full list of UNCT available on <http://www.unon.org/content/un-kenya>

by the UN Resident Coordinator/ UNDP Resident Representative³⁴. UN Habitat is nominally represented by Executive Director but this is delegated to the Strategic Technical Advisor on the Kenyan Urban Sector³⁵ from ROAF. It also sits to appraise on all initiatives of the UN agencies in the country.

3. County governors in Kenya, under the banner of the 'Council of Governors' have a special committee on Planning and Urban Development, which is useful in liaising with the county heads on the various working partnerships with the counties. They should thus be appraised on any urban and regional development initiatives that UN Habitat will engage with the counties. There is a focal person in the committee for liaison purposes with partners such as the UN Habitat.

4.4 Entry Points for Engagement and Collaboration

UN Habitat will harness the following services and entry points that will be used to enhance partnership and collaboration with counties and other potential stakeholders in regional planning;

4.4.1 Technical assistance in developing County plans

UN Habitat will offer technical assistance in the preparation, implementation, monitoring and evaluation of plans. The engagement framework should be done based on a needs assessment and the counties to cater for the costs of developing plans. This will entail County Integrated Development Plans, County Spatial Plans, Cities Plans, Municipal Plans and Town Plans. This will be done in co-operation with existing county technical staff and other relevant stakeholders.

This will be done as may be needed in conjunction with the requisite county departments on sectoral issues such as water, energy, roads etc. this will also be done in collaboration with relevant stakeholders at the international, national, regional and county level to ensure inclusivity and comprehensive coverage of issues. To foster learning and enhance capacity at the county level, relevant universities and training institutions within the county will be involved as appropriate.

UN Habitat will leverage on its multidisciplinary experiences and expert staff in local and international urban and regional planning and various sectors in the urban and regional continuum to bridge the technical gap in county

planning. It will use best practices and international experiences from around the globe to enhance the county planning process.

4.4.2 Capacity building

UN Habitat will be engaged directly in capacity building of the technical and legislative staff in counties and other partner organizations engaged in county planning. This will be done on the essence of comprehensive planning at various levels to the technical staff from counties, community members, relevant stakeholders and Members of the County Assembly. For instance, capacity needs assessment will be undertaken to ensure that the training responds to needs and gaps identified. The capacity development may cover human, institutional and financial. Selected topics that could be covered include plan development, plan implementation, systems and tools for effective planning, resource mobilization, and development of a proper framework for monitoring and evaluation. Further, UN-Habitat could facilitate study tour and cross-learning within Kenya and abroad as might be needed.

4.4.3 Review of Existing County Plans

In order to mainstream county plans to national, regional and international spatial development strategies and realize consistency and collective efforts to solve common development concerns in Kenyan counties, there will be a review of existing county plans as need will arise to identify any gap that needs to be addressed in bridging the development divide.

For instance, there could be a review of CIDPs where the framework adopted by the counties could not have been strong enough to help strengthen the spatial framework and integrate the plans to existing local, regional and national plans and development strategies.

4.4.4 Knowledge Sharing on International Best Practices and Experiences

UN Habitat has been extensively engaged in urban and territorial planning in several countries around the world. From the planning exercises, valuable best practices in both the developing and developed world have been documented and shared. It will thus provide a perfect platform to share the experiences to better shape and inform the county planning process in Kenya. If study tour is needed, UN-Habitat will mobilized its vast international network to organize and facilitate.

34 Nardos Bekele-Thomas

35 Dr Grace Lubaale

4.4.5 Develop Tools and Instruments to Support County planning

UN Habitat will be a partner in the development of tools to support county planning such as a business model, tool for participation, a tool for data evaluation (to assess data needs and gaps) and any other tools as needs will require. These will be developed based on demand and drawn from the experience gained in planning in various regions around the world. This will ensure that planners are well equipped to undertake planning process in their respective counties.

4.4.6 Assist in developing a monitoring and evaluation framework for counties

Implementation is hampered by absence of a solid implementation, monitoring and evaluation frameworks that ensure plans are implemented. UN Habitat will assist counties build capacity in implementation of prepared plans (through a committee, board or any other institution).

There will thereby be reviews of existing plans with a view of strengthening the implementation matrix.

4.4.7 Development of County Spatial Plans

After the development of CIPDs, counties are legally required to prepare County Spatial Plans that will reflect the CIDP in a more detailed spatial framework. Spatial plans at the county should be prepared in various levels such as the countywide spatial plans, the urban spatial plans and other local spatial plans.

4.4.8 Integration of County Plans to other county, regional, national and international level development plans and strategies

This will also entail integration of county planning processes to regional development plans of Regional Development Authorities, national and international development plans/ strategies. This is to ensure that planning issues in the county are well represented at the regional scale to ensure coherence of county development objectives and strategies to the regional as a whole.

4.4.9 Engaging Kenyan Professional Planning Societies

In Kenya, there are two professional planning societies that register professionals in physical planning: the Kenya institute of Planners (KIP) and the Town and County Planners Association of Kenya (TCPAK) that has an affiliation to the Architectural Association of Kenya (AAK).

UN Habitat will seek to involve planning professional societies in county planning through:

- a) Information sharing and knowledge management.
- b) To better understand the county planning processes and dynamics, professional planning forums will be organized using seminars and conferences regarding county planning.
- c) Continuous Professional Development events will be held in conjunction with county governments and the professional societies to discourse on county planning matters and better disseminate knowledge and dynamics of planning in various counties.
- d) Student and graduate members will be given a platform under county planning to understand the link between planning practice and theory through the county planning processes. This will further facilitate capacity building in technical staff at the counties.
- e) The societies will be an anchor point of easily identifying local professionals in specific fields of planning such as transport and environment planning. This will ease mapping of human and technical resources available in Kenya and abroad in matters touching on county planning for eventual engagement

4.4.10 Engaging Universities in Regional/County Planning

UN Habitat will engage universities in Kenya teaching their undergraduate and postgraduate student's course(s) in 'Regional Planning'. This will be done with a view of bridging the theory and practice gap between regional planning education and practice and give practical experience to students learning various aspects of planning in Kenyan planning schools. Universities teaching urban planning should be engaged to bring in technical support and also expose the staff and students in the regional planning process.

Kenyan counties will in turn become key sources of planning knowledge, data and experience for both learners and tutors. The counties will thereby start to plan from a knowledge perspective and the plans so realized will be objective and well informed. The planning schools will be engaged in data collection, preliminary surveys, academic researches data analysis and generate academic literature from county planning.

For instance, the University of Nairobi’s Department of Urban and Regional Planning helped the County Government of Bomet develop the first CIDP in Kenya³⁶.

Physical planning schools in Kenya include³⁷;

UN Habitat will use its accrued experience in knowledge sharing and management (Such as the UNI- UN Habitat Partnership with Universities Worldwide initiative) and its staff experienced in engaging academic institutions to planning authorities to enhance the outputs of the planning process

4.4.11 Data Collection

Data is crucial in any planning exercise. Planning data for the counties is crucial for effective planning. UN Habitat will facilitate objective data collection from the counties to bridge data gaps for the planning process. It will help the data collection teams in gathering spatial data that

University	Department	weblink
University of Nairobi	Department of Urban and Regional Planning	http://urbanplanning.uonbi.ac.ke
Maseno University	Department of Urban & Regional Planning	http://maseno.ac.ke/index/index.php?option=com_content&view=article&id=327&Itemid=531
Technical University of Kenya	Department of Urban and Regional Planning	http://sabe.tukenya.ac.ke/departments/urbanand-regional-planning
Jaramogi Oginga Odinga University of Science and Technology	School of Spatial Planning and Natural Resource Management	http://www.jooust.ac.ke/index.php/admissions/courses-by-school
Jomo Kenyatta University of Agriculture and Technology (JKUAT)	Center of Urban studies	http://www.jkuat.ac.ke/
Kenyatta University	Department of Environmental Planning and Management	http://www.ku.ac.ke/schools/environmental/departments/environmental-planning-and-management
University of Eldoret	Department of Environmental Planning, Monitoring and Management	http://uoeld.ac.ke/uoeprogrmodule/school-of-environmental-studies
Egerton University	School of Natural Resources and Planning	http://castle.egerton.ac.ke/index.php/faculty-ofenvironment.Html
Technical University of Mombasa	Department of Environmental and Health Sciences	http://www.tum.ac.ke/university/department/8

36 <http://www.centreforurbaninnovations.com/content/applying-regional-planning-preparation-county-integrated-development-plans-bomet-county>

37 This is according to the Association of African Planning Schools (AAPS) data: UN Habitat-Association of African Planning Schools (AAPS) Kenyan Chapter Consultations. Proceedings of the Workshop 23-24 September 2013, Silver Springs Hotel, Nairobi. Accessible on <http://unhabitat.org/books/un-habitat-and-association-of-african-planning-schools/>

for spatial data needs. This will be done using technical staff from Habitat and other partners like universities and professional planning societies.

4.4.12 Resource Mobilization

Without resources, plan development and implementation at the counties will be an impossible task. UN Habitat will thereby collaborate with county governments to source for resources to go into county planning and project development using grants and other commercial capital engagements using public private partnerships.

4.4.13 Development of a Performance Management Plan

Assist the County Executive Committee in designing a performance management plan to evaluate the implementation of county plans and development policies. The plan shall be based on instruments that are objective, measureable, time bound performance indicators that are linked to the mandates of the county government, annual performance reports, and harbor citizen participation in the evaluation process. The performance management plan shall be a public document. UN Habitat will enhance this process through introduction of best practices in the plan management from other regions around the world and facilitating capacity building of the local communities to participate in the plan appraisal and management process.

4.4.14 Localization of the National Urban Policy, International Guidelines on Urban and Territorial Planning in Kenyan Counties and the Sustainable Development Goals (SDGs)

Kenya is finalizing the preparation of its National Urban Development Policy, a process that UN Habitat has been a partner. The policy outlines the measures that Kenya should take to realize sustainable urban settlements; with measures touching on various sectors of the urban economy. UN Habitat will contribute to the implementation of the National Urban Policy through the county planning programmes by introducing international experience and best practices in the implementation of national policies through regional governments (county governments). This will include experiences from implementation of National Urban Policies in African countries like Ghana and Nigeria and other developed countries like Australia.

On the other hand, UN Habitat adopted the International Guidelines on Urban and Territorial Planning to guide urban and regional planning at local, national and subnational planning levels. The UN General Assembly also adopted the Sustainable Development Goals; that were to be used as a global blueprint to tackle climate change, poverty and other development challenges from the year 2015 to 2030. UN Habitat will assist in mainstreaming these planning policy documents into county planning processes and products.

4.5 Principles of Engagement

For effective engagement with county governments, the following nine principles will be engaged to build synergies and improve results:

4.5.1 Principle of subsidiarity

Subsidiarity requires that decentralization takes place and decision making is taken to the lowest cadre of an organization or organized society. To enhance participating in the county planning process and enhance inclusivity, this principle should be engaged. This will take planning and decision making to the lowest level of government and eradicate bureaucracy. There will high level of acceptability in planning decisions due to high level consultation.

4.5.2 Principle of partnership/ collaboration

The engagement between UN Habitat and county governments should be based on voluntary entry into an agreement to carry out county planning or any other activity agreed thereon. The inclusion of relevant stakeholders at the international, national, sub-national, county and sub-county level in planning decision making process will improve coordination and direct engagement in all relevant projects; according to international, national and county laws. The right number and the right type of people should be involved in the process. Priority should be bestowed to the participants' discussions.

4.5.3 Principle of Sustainability³⁸

The planning process should be able to deliver long term planning interventions to development challenges facing Kenyan counties. The principle of sustainability is informed by the fact that human societies are made up of social, economic and environmental systems that constantly

³⁸ More information available at <http://www.colorado.edu/hazards/publications/informer/infrmr3/informer3c.htm>

interact. The system needs harmonious balance to operate optimally in the present and future periods. This will entail ensuring;

- a) There is a maintenance and if possible enhancement of the quality of life of county residents
- b) Enhancing the local economic vitality of counties
- c) Promoting social, intergenerational and intergenerational equity
- d) Maintaining and enhancing the quality of the environment
- e) Integrating disaster preparedness, resilience and mitigation strategies in plan preparation through informed impact assessments.
- f) Include participation and consensus building in plan preparation and implementation

4.5.4 Principle of reciprocity

There will be a focus to promote the synergistic and symbiotic engagements with the counties. This will ensure that resulting partnerships have commitments from all parties who take part in the planning process this will improve plan ownership for both parties.

4.5.5 Principle of equality and non-discrimination

The principle of equality and non-discrimination states that all people should be treated in equal regard. This

principle will promote inclusiveness in the planning process and ensure that marginalized groups are involved in the planning process. There should be equality of treatment of all people, equality in accessing opportunities and equality in accessing welfare in society.

4.5.6 Principle of efficiency

The principle of efficiency is informed by the assertion that 'maximum social benefits are accrued when marginal social costs are incurred due to resource allocation'. It thus implies that there should be more benefits realized due to a marginal input into the development process. This ensures there is no wastage and unnecessary expenditure of public resources.

4.5.7 Principle of spatial resilience

Planning is spatially anchored. Landscape ecology has a high potential to contribute to sustainability and resilience of places due to the constant interaction between people and other natural phenomena. Planning should thus be robust and responsive to adapt and mitigate the environment to unforeseen or foreseen problems to make it sustainable. The planning exercises in the various counties should be able to deliver adapted solutions to local challenges.



Downtown street, Nakuru County © Flickr/Seth G

4.5.8 Principle of good governance and administration

The planning process should be facilitated to be transparent, embodying all aspects of integrity and sound governance and administration. The principle of good governance and administration embodies the following aspects:

- (i) Being people/client oriented
- (ii) Open and accountable
- (iii) Is fair and proportionate
- (iv) Seeks to make wrongs right
- (v) Continually seeks to improve

4.6 Tools of Engagement

4.6.1 Activities/ Services

For every county, all or part(s) of the activities that could be undertaken include³⁹;



Oil exploration, Turkana County © Flickr/Demosh

Suggested Activities	Details of Activities	Staffing Requirements	Duration ***
County Level	Activities on Plan Formulation		
Review of Existing plans	Review of Existing county, regional, national and sub-national plans	One International One Local Consultant	4-6 weeks
Planning meeting and a reconnaissance field survey mission	(i) During the planning meeting, areas of collaboration between RDAs and UN-Habitat in county development planning and plan preparation are discussed. (ii) A reconnaissance field survey is conducted for the planning team to appreciate scope of the county/ or planning region in terms of geographical coverage, development challenges and areas of concern for county development plan formulation (iii) Data gaps are analyzed to find the gaps	Two local/international experts County staff, national officers	3 – 6 weeks
1 st Stakeholders Participation , Engagement and Analysis	The result of the stakeholder analysis process is to map potential stakeholders and their priorities in county planning and design an engagement formula in county planning	One national / local Planning expert	4 – 8 weeks including report development
Capacity Building Workshop on Techniques of Data Collection and Analysis	Training data collection techniques to enhance data quality and strengthen the data collection capacity of the task force members and provide them with the necessary guidance on data collection skills for county development planning.	Five international / local experts 30 Task force members	Preparation and post-workshop follow-up time: 1 -2 months Training 2-3 days

³⁹ The estimated costs and timing are based on fact that UN-Habitat will be supporting County Governments to build the capacity of its planners in county development planning.

Development of base map and other relevant plans	Development of county base map and different types of maps required for plan preparation	2 international / local GIS experts	3 – 4 months
Primary Data Collection and Analysis	Involves design of instruments to collect primary data, their administration and analysis of the collected data.	2 local experts and 10 data collection assistants	3 – 4 Months
Capacity Building Workshop on data analysis, synthesis and plan formulation	<p>This workshop would concentrate on training the taskforce team members on techniques of data analysis, projection of the future county development scenarios, formulating strategies and programmes for preparation of an integrated regional development plan.</p> <p>During the training, participants will present data and information collected by their respective planning teams.</p> <p>Using the knowledge and skills they acquired, the participants will also analyze the data they have collected.</p> <p>Planners will then make projections of future county and local development scenarios.</p>	One international expert and 4 local experts	<p>Preparation and post-workshop follow-up time: 2 - 3 months</p> <p>Actual Training 4 – 5 days</p>
2 nd Stakeholders Consultative /Data Validation Workshop	The consultative workshop will evaluate and validate the data and information collected for the regional plan preparation.	4 international /local experts 30 stakeholder representatives	<p>Preparation and post-workshop follow-up time: 1 - 2 months</p> <p>Actual Training: 2– 3 days</p>
Synthesis of development issues challenges and opportunities	Involves analysis of cross cutting issues challenges and development opportunities in the region	One international expert One local expert	2 – 3 weeks
County Strategies and Programmes Analysis	This analysis assist in the formulation of appropriate and integrated county development strategies and programmes that would address county development challenges	2 international experts and 4 local experts	3 – 4 weeks
Development of Final Integrated County Plan Report including Editing	Development of the final county plan and editorial work	One international expert One Local expert	3 - 6 weeks
Printing	Typesetting and Printing of Final Integrated County Development Plan	One national expert	2 – 3 weeks
Launch and Investors forum	To launch the plan, share it with stakeholders , potential local and international partners and investors and marketing the county projects and programmes to investors and donors	Two national experts	<p>2 – 3 months for preparation of the launch</p> <p>Actual Launch 1 day</p>
Activities on Plan Implementation			
Resource mobilization	Create a resource mobilization database and actively pursue for engagements with potential donors and investors to fund implementation of the county plan	1 local consultant	1 month

Creation of a Communication strategy	(i) Have a strategy to enhance knowledge sharing in local and international best practices on urban and regional planning (ii) Have a framework of marketing the plan to potential donors and investors to increase plan visibility	2 consultants	1-2 months
Preparation of a Strategic Environmental Assessment (SEA)	County planning being a major development programme, there will be carried out a Strategic Environmental Assessment based on the county plan to identify and mitigate environmental, social and economic impacts on the environment	1 international 4 local consultants	1-3 months
Activities on Plan Monitoring and Evaluation			
Annual Plan Implementation Monitoring and Evaluation	Involves data collection, stakeholders consultation and evaluation report preparation	Two international experts	2 – 3 months monitoring process
Development of a performance management plan	Developing a monitoring and evaluation framework and a performance management plan to effectively actuate the planned programmes and activities	One Consultant	
Other Activities			
Engagements with professional societies	(i) Information sharing and knowledge management. (ii) Organizing professional planning forums such as seminars and conferences regarding county planning. (iii) Holding Continuous Professional Development (CPD) events in conjunction with county governments and the professional societies to discourse on county planning matters and better disseminate knowledge and dynamics of planning in various counties. (iv) Giving student and graduate members a platform under county planning to understand the link between planning practice and theory through the county planning processes. This will further facilitate capacity building in technical staff at the counties. (v) Human resource mapping of expertise in county planning to facilitate access to human resource	Members of Planning professional societies in Kenya	Annual

Engagement with Kenyan planning schools	<ul style="list-style-type: none"> (i) Bring in technical support and also expose the staff and students in the regional planning process. (ii) Kenyan counties will in turn become key sources of planning knowledge, data and experience for both learners and tutors. (iii) The counties will thereby start to plan from a knowledge perspective and the plans so realized will be objective and well informed. (iv) The planning schools will be engaged in data collection, preliminary surveys, academic researches data analysis and generate academic literature from county planning. (v) UN Habitat will use its accrued experience in knowledge sharing and management (Such as the UNI- UN Habitat Partnership with Universities Worldwide initiative) and its staff experienced in engaging academic institutions to planning authorities to enhance the outputs of the planning process 	Faculty and students of Planning Schools in Kenya	Annual
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***Cost Estimate may vary depending on the planning region being covered (county/city/town/municipality)

4.6.2 County Planning Resource Mobilization Database

This will be a framework of seeking additional funding and development partners to partner with county governments to carry out the plan preparation process and directly or indirectly be engaged in the implementation of development projects according to the plan. This will seek to find corroborators in the public and private sector (through PPPs) and create a link/connection with the county governments for expeditious development of proposed activities and projects.

This will be done based on a comprehensive plan implementation matrix that will clearly address the proposed programmes, projects, possible partners

This framework will be bound to the planned project activities and seek to account for revenues and expenditures every year of the planning process. Currently, CIDPs have identified possible development partners that would be further engaged to deliver on the proposed projects

4.6.3 Activities Road Map

The strategy will also map out efforts so far put in place by other UN agencies at the counties to avoid duplication of roles and efforts.

4.6.4 Stakeholder Appraisal tool

This will be tailored at scoping and identifying relevant stakeholders in the county plan development and plan implementation

***More tools to be prepared as need arises

CONCLUSION

The county planning framework is a valuable instrument to guide the engagement modalities between UN Habitat and selected county governments in Kenya. If well utilized, it will be handy in addressing development challenges stemming from lack of or inadequate planning interventions at the urban or regional level.

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