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SCHEDULE

REPUBLIC OF GHANA

THE NINE HUNDRED AND TWENTY-FIFTH

ACT

OF THE PARLIAMENT OF THE REPUBLIC OF GHANA

ENTITLED

LAND USE AND SPATIAL PLANNING ACT, 2016

AN ACT to revise and consolidate the laws on land use and spatial planning, provide for sustainable development of land and human settlements through a decentralised planning system, ensure judicious use of land in order to improve quality of life, promote health and safety in respect of human settlements and to regulate national, regional, district and local spatial planning, and generally to provide for spatial aspects of socio economic development and for related matters.

DATE OF ASSENT: 14th September, 2016.

PASSED by Parliament and assented to by the President:

Application

Application

1. (1) This Act applies to

(a) public institutions and private institutions which are responsible for human settlement, spatial planning and use of land;

(b) a person who is responsible for

(i) the development of land;
(ii) the development of an area;
(iii) national spatial planning matters;
(iv) planning matters related to a region, a district, part of a district or a defined area;
(v) spatial development framework, structure plans, local plans, joint development schemes; and
(vi) formulating zoning regulations, planning standards and processing of land use permit;

(c) sub-divisions of land for purposes of development;

(d) the creation and delineation of districts, special towns and special development, special planning areas or any matter relating to the spatial planning or development control function;

(e) the development of land by private institutions or public institutions including physical development by entities which are exempted from planning permit compliance procedures;

(f) spatial planning and physical development issues related to preparation of plans including
(i) national spatial development plans;
(ii) regional spatial development plans which comprise among others the co-ordination of the spatial aspects of district development plans where applicable;
(iii) district spatial development plans;
(iv) joint spatial development plans;
(v) special spatial development plans; and
(vi) the division of Ghana or parts of Ghana into spatial planning districts; and

(g) matters related to land use including enforcement, appeals, complaints and administrative processes as connected to land use within the country.

The Planning System

Planning at National Level

Establishment of the Land Use and Spatial Planning Authority

2. (1) There is established by this Act a body corporate with perpetual succession to be known as the Land Use and Spatial Planning Authority.

(2) The Authority may, for the performance of its functions, acquire and hold movable and immovable property and enter into a contract or any other transaction.

(3) Where there is a hindrance to the acquisition of property, the property may be acquired for the Authority under the State Lands Act, 1962 (Act 125) and the cost shall be borne by the Authority.

Objects of the Authority

3. The objects of the Authority are to

(a) provide for sustainable development of land and human settlements through a decentralised planning system;

(b) ensure judicious use of land; and

(c) enhance the attainment of Ghana's decentralisation programme and in particular create an enabling environment for District Assemblies to better perform the spatial planning and human settlements management functions.

Functions of the Authority

4. For the purpose of achieving its objects the Authority shall

(a) in support of the National Development Planning Commission, perform the spatial, land use and human settlements planning functions of the national development planning system established under the National Development Planning Commission Act, 1994 (Act 479) and the National Development Planning (System) Act, 1994 (Act 480);

(b) prepare and provide for the technical human settlements planning component as may be required by the National Development Planning Commission for inclusion in the national development plans or infrastructure plan prepared by the Commission pursuant to Acts 479 and 480;

(c) provide directives, issue regulatory notices, guidelines and manuals to ensure compliance with this Act;

(d) develop the capacities of the District Assemblies and other institutions for effective performance of their spatial planning and human settlement management functions;

(e) ensure efficiency in the development control function at national, regional and district levels through the decentralised governance structures;

(f) ensure that the District Assemblies in collaboration with the development institutions perform site and service programmes for the purpose of development;

(g) provide guidance on the requisite human and material resources for the performance of the spatial planning and physical development functions at all levels;

(h) ensure the control of physical development in uncontrolled or less controlled but sensitive areas such as forest reserves, nature reserves, wildlife sanctuaries, green belts, coastal wetlands, water bodies, water catchment areas, mining areas, open spaces and public parks;

(i) ensure that the exploitative use of natural resources for agriculture, mining, industry and other related activities do not adversely impact on human settlements;

(j) oversee the implementation of approved policies regarding spatial planning and physical development within the country;

(k) give guidance and monitor District Assemblies and generally advise the Minister on policy options and implementation under the Act;

(l) give directives and guidelines as appropriate on development control functions in conformity with the Act;

(m) prepare national spatial development framework plan and evaluate regional and district spatial development framework to ensure conformity with the national spatial development framework and the requirements of the Act;

(n) recommend relevant Regulations to be made by the Minister;

(o) ensure a continual review, effective planning and management of human settlements and spatial planning policies;

(p) ensure attainment of a balanced distribution of urban population and a spatially integrated hierarchy of human settlements to support the socio-economic development of the country;
(q) ensure continued revision of spatial development framework, structure and local plans to guide the development of human settlements in the country;
(r) encourage the private sector to partner the public sector in financing the development and management of human settlements and related physical development;
(s) create a regime that enables District Assemblies to acquire land in order to prevent or reverse depressed settlements;
(t) establish spatial planning and land use database;
(u) ensure the creation of appropriate zoning schemes and also prevent encroachments or breach of zoning schemes;
(v) facilitate the creation of an institutional framework that ensures the effective operation of this Act at all levels;
(w) ensure the establishment of an inter-sectoral approach to decision making in spatial planning in accordance with the development objective of government to attain a coordinated approach to development;
(x) provide technical advice on spatial planning to the Government through the Board;
(y) collaborate with relevant agencies; and
(z) perform any other function as may be required pursuant to the policy directives of the Minister referred to in section 12.

The Board of the Authority

Board of the Authority

5. (1) The governing body of the Authority is a Board consisting of
(a) a chairperson who is a person knowledgeable in human settlements, town planning and the built environment or issues related to spatial planning but who is not employed in a full time capacity in the public service;
(b) one representative each of

(i) the Ministry of Local Government and Rural Development not below the rank of a Director;
(ii) the Ministry of Environment, Science, Technology and Innovation not below the rank of a Director;
(iii) the Ministry of Lands and Natural Resources not below the rank of a Director;
(iv) the Ministry of Roads and Highways not below the rank of a Director;
(v) the Ministry of Water Resources, Works and Housing not below the rank of a Director;
(vi) the Ministry of Food and Agriculture not below the rank of a Director;

(c) the Chief Executive Officer of the Authority;
(d) the Executive Director of the Environmental Protection Agency;
(e) the Executive Secretary of the Lands Commission;
(f) the Administrator of Stool Lands;
(g) a representative of the National Development Planning Commission not below the rank of a Director;
(h) a representative of traditional authority nominated by the National House of Chiefs;
(i) one person nominated by the Ghana Institute of Planners; and
(j) three persons who are from the built environment professionals in the private sector at least one of whom is a woman representing the Ghana Institute of Architects, Ghana Institution of Engineers and the Ghana Institution of Surveyors.

(2) The members of the Board shall be appointed by the President in accordance with article 70 of the Constitution.

Responsibilities of the Board

6. The Board shall ensure the attainment of the overall objectives and the performance of the functions of the Authority and perform other related functions including

(a) ensuring the efficient performance of the functions required to be performed under the Act;

(b) initiating policies, programmes and projects for the proper functioning of the Authority and ensuring the preparation and submission of reports which are required to be submitted by the Act;
(c) ensuring the sound and proper financial management of the Authority;
(d) approving budgets and other decisions taken by the Authority as appropriate; and
(e) any other function as directed by the Minister.

Tenure of office of the Board

7. (1) A member of the Board shall hold office for a term of four years and is eligible for re-appointment but a member shall not be appointed for more than two terms.

(2) Subsection (1) does not apply to the Chief Executive Officer of the Authority.

(3) A member of the Board may at any time resign from office in writing addressed to the President through the Minister.

(4) A member of the Board who is absent from three consecutive meetings of the Board without sufficient cause ceases to be member of the Board.

(5) The President may, by letter addressed to a member, revoke the appointment of that member.

(6) Where a member of the Board is for a sufficient reason, unable to act as a member, the Minister shall, on the advice of the Board, determine whether the inability would result in a declaration of a vacancy for the unexpired tenure of office of that member.

(7) Where there is a vacancy
(a) under subsection (3), (4) or section 10 (2),
(b) as a result of a declaration under subsection (6), or
(c) by reason of the death of a member,
the Minister shall notify the President of the vacancy and the President shall appoint a qualified person to fill the vacancy.

Meetings of the Board

8. (1) The Board shall meet at least once every three months for the despatch of business at the times and in the places determined by the chairperson.

(2) The chairperson shall, at the request in writing of not less than one-third of the membership of the Board, convene an extraordinary meeting of the Board at the place and time determined by the chairperson.

(3) The quorum at a meeting of the Board is nine members of the Board or a greater number determined by the Board in respect of an important matter.

(4) The chairperson shall preside at meetings of the Board and in the absence of the chairperson, a member of the Board elected by the members present from among their number shall preside.

(5) Matters before the Board shall be decided by a majority of the members present and voting and in the event of equality of votes, the person presiding shall have a casting vote.

(6) The Board may co-opt a person to attend a meeting of the Board but that person shall not vote on a matter for decision at the meeting.

(7) The proceedings of the Board shall not be invalidated by reason of a vacancy among the members or a defect in the appointment or qualification of a member.

(8) Subject to this section, the Board may determine the procedure for its meetings.

Establishment of committees

9. The Board may establish committees consisting of members of the Board or non-members or both to perform a function.

Disclosure of interest

10. (1) A member of the Board or any committee established under this Act who has an interest in a matter for consideration

(a) shall disclose the nature of the interest and the disclosure shall form part of the record of the consideration of the matter; and

(b) shall not be present at or participate in the deliberations of the Board or committee in respect of that matter.

(2) A member ceases to be a member of the Board or committee, if that member has an interest in a matter before the Board or committee and

(a) fails to disclose that interest, or

(b) is present at or participates in the deliberations of the matter.

Allowances

11. Members of the Board and members of a committee of the Board shall be paid the allowances approved by the Minister in consultation with the Minister responsible for Finance.

Ministerial directives

12. (1) The Minister may, in writing, give directives to the Board on matters of policy.

(2) Subsection (1) shall not be construed to confer on the Minister the power to instruct the Authority on specific technical matters of spatial planning or any specific physical development activity.

Divisions and Units of the Authority

13. (1) The Authority shall have divisions and units that are necessary for the performance of the functions of the Authority.

(2) In creating the divisions, the Board shall ensure that there are divisions and units responsible for the following functions:

(a) research, policy and development of planning standards;
(b) monitoring of compliance with planning standards;
(c) management of information system;
(d) formulation of spatial development framework;
(e) education, training and capacity building; and
(f) communication and public relations.

(3) The Divisions of the Authority shall be staffed by persons who have the requisite knowledge, skill and experience and who are appointed by the President in accordance with article 195 of the Constitution.

Chief Executive Officer of the Authority

14. (1) The Authority shall have a Chief Executive Officer who shall be appointed by the President in accordance with article 195 of the Constitution.

(2) The Chief Executive Officer shall hold office on the terms and conditions specified in the letter of appointment.

(3) The Chief Executive Officer shall be the administrative head of the Authority and is responsible for

(a) the day to day administration of the Authority;
(b) implementing the decisions of the Board;
(c) keeping accurate records of proceedings and decisions of the Board; and
(d) performing other functions that the Board may direct.

(4) The Chief Executive Officer may delegate a function of the office to an officer of the Authority but shall not be relieved of the ultimate responsibility for the performance of the delegated function.

Finances of the Authority

Finances of the Authority

15. (1) The activities of the Authority shall be financed through

(a) moneys approved by Parliament for the purposes of the Authority;

(b) grants, gifts, and donations made to the Authority other than grants, gifts and donations designated for the Land Use and Spatial Planning and Development Fund established under section 21;

(c) rents, royalties and receivables accruing to the Authority from the properties belonging to the Authority;

(d) internally-generated funds accruing to the Authority; and

(e) proceeds received by the Authority from any investments approved by the Board.

(2) For the purpose of this section, the Authority shall prepare budget estimates for each financial year but the estimates shall be subject to the approval of the Board.

Additional resources

16. The Minister responsible for the Authority may, in consultation with the Minister responsible for Finance, make provisions relating to further financial resources that are to be allocated or ceded to the Authority.

Accounts and audit

17. (1) The Authority shall keep books of accounts and proper records in relation to them in the form approved by the Auditor-General.

(2) The Authority shall, submit the accounts to the Auditor-General for audit within three months after the end of the financial year.

(3) The Auditor-General shall, not later than six months, after the end of the financial year, audit the accounts and forward a copy of the audit report to the Board and the Minister.

Financial year

18. The financial year of the Authority is the same as the financial year of the Government.

Annual reports

19. (1) The Board shall within one month after the receipt of the audit report, submit an annual report to the Minister covering the activities and operations of the Authority for the year to which the report relates.

(2) The annual report shall include the report of the Auditor-General.

(3) The Minister shall, within one month after the receipt of the annual report, submit a report to Parliament with a statement that the Minister considers necessary.

(4) The Board shall submit to the Minister any other reports which the Minister may request in writing.

Control of finances and internal audit

20. The finances of the Authority and the Fund established under section 21 are subject to the control procedures within the Public Service including rules regulating internal audit and use of public funds.

Land Use and Spatial Planning Development Fund

Establishment of the Fund

21. There is established by this Act a Land Use and Spatial Planning Development Fund.

Object of the Fund

22. (1) The objects of the Fund include providing financial resources to

(a) finance research into planning issues and capacity building;

(b) defray the costs and expenses incurred by the Authority in preparing spatial development frameworks, plans, reports, documents, papers and other material related to the objects of the Authority or the dissemination of information by the Authority;

(c) pay for the costs related to the promotion of specific programmes determined by the Board in writing to be funded by the Fund;

(d) pay for the public educational activities of the Authority that the Board may determine; and

(e) assist planning entities in the performance of their functions under the Act.

(2) The Fund shall only be used for the purposes specified under the Act and shall not be used for the day to day administration of the Authority.

Sources of money for the Fund

23. The sources of money for the Fund consist of

(a) seed money specifically allocated for the start-up of the Authority;

(b) moneys that may be allocated to the Fund from the Ghana Infrastructure Investment Fund in consultation with the Minister responsible for Finance from the social infrastructure component of the Ghana Infrastructure Investment Fund pursuant to the Ghana Infrastructure Investment Fund Act, 2015 (Act 877);

(c) donations, grants and gifts;

(d) not less than twenty per cent of the internally-generated funds generated through the issuance of permits, penalties and approval of spatial plans; and

(e) any other money that Parliament may approve.

Management of the Fund

24. (1) The Fund shall be managed by a Fund Management Committee appointed by the Minister responsible for Environment Science, Technology and Innovation in consultation with the Minister for Finance which consists of

(a) a Chairperson;

(b) the Director of Finance of the Authority;

(c) two representatives of the Board;

(d) one representative of the Controller and Accountant-General; and

(e) one representative of the Ministry of Finance.

(2) The Chairperson shall be appointed by the Minister responsible for the Authority.

(3) The Committee shall, in consultation with the Minister responsible for the Authority, make recommendations to the Board regarding the disbursement of the Fund.

(4) The Minister responsible for Finance may issue guidelines and further directives that are necessary to guide the use of the resources under the Fund.

Reporting to Parliament

25. (1) The Board shall submit to Parliament, within three months after the passage of the Appropriation Act, a report on the programme and activities of the Fund for the year.

(2) The Minister responsible for Finance shall, within thirty days after the collection of the levy, cause the levy to be paid directly into the Fund and furnish the Minister responsible for Environment, Science, Technology and Innovation with evidence of the payment.

(3) The Minister responsible for Finance shall present to Parliament every three months a report on the payment of moneys into the Fund.

Planning at Regional Level

Regional Spatial Planning Committee

26. (1) The administrative regions established by the relevant enactments shall serve as the regions for the purpose of this Act.

(2) Each Regional Coordinating Council shall establish a Regional Spatial Planning Committee as a technical committee of the Regional Planning Coordinating Unit in each region.

Membership of Regional Spatial Planning Committee

27. (1) A Regional Spatial Planning Committee consists of

(a) the Regional Minister who shall be the chairperson of the Committee;
(b) the regional head of the Land Use and Spatial Planning Authority who shall be the secretary of the Committee;
(c) the Head of the Regional Planning Coordinating Unit;
(d) the regional head of the Ghana National Fire Service;
(e) the regional head of the Lands Commission;
(f) the regional head of the Environmental Protection Agency;
(g) the regional head of the Ghana Highway Authority;
(h) a representative of the Regional House of Chiefs;
(i) the regional head of the National Disaster Management Organisation in the region;
(j) the regional head of the Ministry of Agriculture;
(k) the regional head of the Forestry Commission;
(l) the regional head of the Water Resources Commission;
(n) the Regional Coordinating Director; and
(o) a representative of utility services providers within the region.

(2) For the purpose of paragraph (o), utility services providers include water, sewage, telecommunications and electricity service providers.

Functions of the Regional Spatial Planning Committee

28. The Regional Spatial Planning Committee shall perform the functions provided under this Act including the following for and on behalf of the Regional Planning Coordinating Unit:

(a) develop a Regional Spatial Development Framework for the region in consultation with the district assemblies as part of the spatial development component of the Regional Integrated Plan;

(b) adjudicate on appeals or complaints resulting from decisions, actions or inactions of the District Spatial Planning Committee of the District Assemblies;

(c) where required, prepare sub-regional or multi-district spatial development framework for two or more districts within the region; and

(d) perform any other function to give effect to this Act within the region.

Rules affecting the Regional Spatial Planning Committee

29. The provisions of sections 8, 10 and 11 are applicable to the Regional Spatial Planning Committee but the Minister may, in consultation with the Authority and the Regional Coordinating Council, make further rules regarding the Regional Spatial Planning Committee.

Regional Spatial Planning Committee and Regional Coordinating Councils

30. (1) A Regional Spatial Planning Committee shall perform the functions provided for under this Act for and on behalf of the Regional Planning Coordinating Unit with oversight supervision by the Regional Coordinating Council.

(2) The Regional Spatial Planning Committee shall perform oversight spatial planning functions over the District Spatial Planning Committee within the scope prescribed by Regulations made under the Act.

(3) In the performance of its functions, the Regional Spatial Planning Committees shall act in accordance with the directives of the Regional Planning Coordinating Unit and take into consideration the Regional Integrated Plan prepared by the Regional Planning Coordinating Unit.

The Secretariat of the Regional Spatial Planning Committee

31. The Regional office of the Land Use and Spatial Planning Authority shall serve as the Secretariat of the Regional Spatial Planning Committee.

Planning at the District Level

Spatial planning in districts

32. (1) The administrative districts established by the relevant enactment shall serve as the districts for the purpose of this Act.

(2) The Authority may recommend the making of further Regulations regarding the spatial planning matters to be taken into account in the creation of districts.

(3) In the performance of its functions under this Act, a District Assembly is in addition to the provisions of this Act, subject to conditions imposed in regulatory notices and administrative instructions issued by the Authority in accordance with this Act.

(4) The District Chief Executive or in the absence of the District Chief Executive, the District Coordinating Director, is responsible and accountable for an action taken in pursuance of the responsibilities under this Act.

Establishment of Districts as Planning Authorities

33. Where a new district is created or existing districts are consolidated into one district, the new district shall be the planning authority for its area of jurisdiction for the purposes of this Act.

District Planning Authority and its functions

34. (1) A District Assembly or a special planning authority is for the purpose of this Act the spatial, human settlement and planning authority for its area of authority.

(2) The functions of the District Assembly under this Act shall be performed by the District Spatial Planning Committee in accordance with this Act and the Local Government Act, 1993 (Act 462).

Delegation of functions

35. Except as specified in this Act or Regulations made under this Act, a District Assembly shall not delegate its functions under this Act to any entity other than the District Spatial Planning Committee.

Decisions of the District Assemblies and responsibility

36. (1) The decision of a District Assembly in respect of the function of the District Assembly under this Act shall be taken in a corporate manner through the District Spatial Planning Committee at its formal meetings.

(2) The head of a District Spatial Planning Committee is responsible for ensuring compliance with this Act and the head is not absolved from accountability or responsibility if any of the functions are delegated.

District Spatial Planning Committee

37. (1) There is established by this Act, as a committee of each District Assembly, a District Spatial Planning Committee.

(2) A District Spatial Planning Committee consists of

(a) the District Chief Executive of the district who shall be the chairperson and in the absence of the District Chief Executive, the District Coordinating Director shall act as the chairperson;

(b) the head of the Physical Planning Department of the district who shall be the secretary of the Committee;

(c) the District Coordinating Director;

(d) the chairperson of the sub-committee on

(i) development planning of the District Assembly; and

(ii) works of the District Assembly;

(e) the District Development Planning Officer;

(f) the head of the Works Department;

(g) the head of the Roads Unit of the District Assembly;

(h) a representative of the regional director of the Environmental Protection Agency;

(i) the Head of the Disaster Prevention Department of the District Assembly;

(j) one representative, of the Lands Commission in the District not below the rank of a Staff Surveyor appointed from the Survey and Mapping Division of the Lands Commission;

(k) one representative from the traditional council of the district and in districts where there are more than one traditional council, the person elected by the traditional councils within the district to represent them on a rotating basis; and

(l) not more than two persons nominated by the elected members of the District Assembly from among their number to represent them except that in the nomination, preference shall be given to female elected members of the District Assembly.

(3) A District Spatial Planning Committee may co-opt or invite any other qualified person as a consultant, to attend a meeting of the District Spatial Planning Committee for the purpose of the specific subject matter being considered by the District Spatial Planning Committee.

(4) A co-opted person may only advise the District Spatial Planning Committee and shall not vote on any matter for decision by the District Spatial Planning Committee.

Functions of the District Spatial Planning Committee

38. (1) A District Spatial Planning Committee shall

(a) ensure that physical development is carried out in the District in accordance with this Act;

(b) ensure that the preparation of the District Spatial Development Framework is in accordance with this Act;

(c) ensure that the preparation of the structure plan and local plan in the district is in accordance with this Act;

(d) deliberate on and approve the recommendation of the Technical Sub-Committee or request further consideration by the Technical Sub-Committee where necessary;

(e) consider and approve applications for permit; and

(f) perform other functions required to be performed by this Act within the district.

(2) The District Spatial Planning Committee may impose conditions that it considers appropriate in giving approval to the recommendations of the Technical Sub-Committee.

(3) The Authority may, in accordance with Regulations made under this Act, prescribe the scope of the approved functions of the District Spatial Planning Committee that may be delegated by the District Spatial Planning Committee to the Technical Sub-Committee.

(4) Section 10 applies to the District Spatial Planning Committee and any committee formed under the District Spatial Planning Committee.

Technical Sub-Committee

39. (1) There is established by this Act in each District Assembly, a Technical Sub-Committee of the District Spatial Planning Committee.

(2) A Technical Sub-Committee consists of

(a) the head of the Physical Planning Department of the district who shall be the secretary of the Committee;
(b) the District Development Planning Officer;
(c) the head of the Works Department;
(d) the head of the Roads Unit of the District Assembly;
(e) the district head of the Disaster Prevention Department of the District Assembly;
(f) one representative of the Lands Commission in the District;
(g) one representative of the regional head of the Environmental Protection Agency;
(h) the District Fire Officer;
(i) the head of the District Health Department; and
(j) two co-opted members at least, one of whom is the chairperson of a sub-metro or urban council as appropriate.

(3) A representative from any of the utility agencies or other relevant agencies may be co-opted, if required.

(4) The chairperson of a Technical Sub-Committee shall be elected by the members of the Technical Sub-Committee from their number at the first meeting of the Technical Sub-Committee.

(5) The chairperson of the Technical Sub-Committee shall serve for a period of two years and is eligible for re-election.

(6) In the absence of the chairperson at a meeting of the Technical Sub-Committee, the members present and forming a quorum shall elect one of their number to chair that meeting.

(7) Where any of the members of the Technical Sub-Committee as specified in subsection (2) is not available, the District Spatial Planning Committee shall, in consultation with the Regional Spatial Planning Committee, co-opt a person from another district within the Region to fill the vacancy until a substantive person is appointed within the district.

(8) The Technical Sub-Committee shall report to the District Spatial Planning Committee.

Functions of the Technical Sub-Committee

40. The Technical Sub-Committee shall

(a) prepare or review the District Spatial Development Framework, Structure Plans, Local Plans and Rezoning Plans;

(b) review applications for physical development;

(c) recommend to the District Spatial Planning Committee applications for approval;

(d) through the District Spatial Planning Committee, provide the Authority with reports as required for the enforcement of this Act;

(e) make recommendations to the District Spatial Planning Committee to approve any of the items, documents or matters required to be approved under this Act;

(f) make input into the discussions of site advisory and site selection teams set up for public projects by the Site Advisory Committee established under the State Lands Regulations, 1962 (L.I. 230);

(g) provide technical services, establish conditions in relation to the various plans and monitor implementation of the plans; and

(h) perform any other function assigned to the Committee by the District Spatial Planning Committee.

Meetings

41. (1) The District Spatial Planning Committee and the Technical Sub-Committee shall meet as and when required to perform the functions stated under this Act but shall in any event meet at least once a month except that the Technical Sub-Committee shall hold its meetings and submit a report to the District Spatial Planning Committee before the District Spatial Planning Committee's meetings.

(2) A quorum for a meeting of the District Spatial Planning Committee and Technical Sub-Committee is constituted by half or more of the members present.

(3) The District Spatial Planning Committee and the Technical Sub-Committee may co-opt non-members to attend their meetings but a co-opted person may only advise on matters which are being deliberated on at the meeting and shall not vote on decisions.

(4) A decision of the District Spatial Planning Committee and the Technical Sub-Committee shall be by consensus.

(5) Where the District Spatial Planning Committee is unable to reach a consensus on the matter, the matter shall be referred to the Technical Sub-Committee with the comments of the members of the District Spatial Planning Committee.

The Secretariat of the District Spatial Planning Committee

42. (1) The Physical Planning Department of a District Assembly shall serve as the Secretariat of the District Spatial Planning Committee.

(2) The head of the Physical Planning Department of a District Assembly shall be the head of the Secretariat.

(3) In addition to the regular funding sources, the activities of the District Spatial Planning Committee and the Technical Sub- Committee shall be funded from other sources including funds that may accrue or be assigned to the District Assembly from the Land Use Planning and Development Fund set up under section 21.

Joint and Multi District Issues

Creation of Joint District Planning Entities by Regional Coordinating Council

43. (1) Where the President creates a Joint Development Planning Area, the Regional Coordinating Council may

(a) in the interest of spatial harmony, or

(b) in the interest of cost savings, economy or enhancement of national development, or

(c) on the request of two or more District Assemblies,

after prior consultations with the Authority, the Regional Spatial Planning Committee and the respective District Assemblies, create

(d) a Joint District Spatial Planning Committee where only two District Assemblies are affected; or

(e) a Multi-District Spatial Planning Committee where more than two districts are affected.

(2) In setting up the Joint or Multi-District Spatial Planning Committee, the Regional Coordinating Council shall

(a) take into account the provisions of the National Development Planning (system) Act, 1994 (Act 480) and any other legislation for the time being in force; and

(b) ensure that the membership conforms to the provisions of section 39.

(3) The Regional Coordinating Council shall determine the tenure of a Joint or Multi-District Spatial Planning Committee.

Joint Statutory Technical Sub-Committees

44. Where a Regional Coordinating Council creates a Joint District Spatial Planning Committee or Multi-District Spatial Planning Committee under section 43, the Regional Coordinating Council shall create a Joint Technical Sub-Committee or Multi-District Technical Sub-Committee as appropriate in accordance with the expertise that are required in section 39 for constituting a Technical Sub-Committee.

Planning Area and Levels of Planning

Planning area

45. The territory of Ghana as defined under the Constitution of the Republic of Ghana including the land mass, air space, sub-terrain territory, marine space and reclaimed lands shall be a planning area and subject to the planning system provided under this Act and other relevant laws.

Spatial development frameworks, structure and local plans

46. (1) The framework for spatial planning in the country comprises

(a) the National and Sub-National Spatial Development Framework covering the entire country or a part of the country including marine space, where the context requires;

(b) a Regional Spatial Development Framework for each of the administrative regions of the country or Joint-Regional Spatial Development Framework for multiple regions where appropriate or Sub Regional Spatial Development Framework covering parts of a region where the context requires; or

(c) District Spatial Development Framework for each district, or where appropriate, a Joint or Multi-District Spatial Development Framework.

(2) In furtherance of the National and Regional Spatial Development Framework and where available the Sub-National, the Joint-Regional, Regional, Sub-Regional or District Spatial Development Framework, the following plans shall be prepared to guide physical development:

(a) a structure plan for each district, part of a district or multiple districts but a structure plan shall not be prepared unless that structure plan conforms to the criteria prescribed in Regulations made by the Minister under this Act or in the absence of Regulations, in accordance with guidelines issued by the Authority; and

(b) a local plan for each part of a district where physical development is taking place or proposed to take place and the local plan shall conform to guidelines issued by the Authority.

(3) The Spatial Development Frameworks and Plans shall have as their key goal the general improvement of the quality of life in the country.

(4) A Spatial Development Framework, a Structure Plan and a Local Plan shall be for the following periods:

(a) in the case of National or Sub-National Spatial Development Framework, twenty years;

(b) in the case of Regional or Sub-Regional Spatial Development Framework, twenty years;

(c) in the case of Sub-Regional Spatial Development Framework, twenty years*;*

(d) in the case of District Spatial Development Framework, twenty years;

(e) in the case of a structure plan, fifteen years; and

(f) in the case of a local plan, five years.

(5) A Spatial Development Framework and a Structure Plan shall be revised at the end of the period specified in subsection (4) or at an earlier date that the Authority may direct.

(6) Until the revised Spatial Development Framework is approved in accordance with this Act, the existing Spatial Development Framework shall continue to be in force.

(7) Despite subsection (5), a review session shall be held by the applicable entity every four years to determine changes that are required in the framework.

(8) Where changes are required, approval shall be sought from the approving authority before any modification is made except where the modification is envisaged or permissible under the approved framework.

Public Data Room

47. (1) Each District Assembly shall set up a permanent physical Public Data Room at an openly accessible place and the Public Data Room shall be open to the Public during normal working hours.

(2) The Public Data Room shall be manned by staff of the District Assembly who shall

(a) assist the public to have access to documents prescribed to be made available in the data room; and

(b) keep records that may be prescribed by the Authority.

(3) In addition to the physical Public Data Room, the Public Data Room may be set up by the District Assembly as a virtual Public Data Room where possible.

National or Sub-National Spatial Development Framework

Preparation of National or Sub-National Spatial Development Framework

48. (1) The Authority shall, after consultation with the National Development Planning Commission and on the basis of the approved or proposed National Development Plan as stipulated in the National Development Planning (System) Act, 1994 (Act 480), prepare a National Spatial Development Framework covering the entire territory of Ghana.

(2) The Authority shall ensure that the National Spatial Development Framework is the framework within which other spatial development frameworks are formulated.

(3) In addition to the National Development Plan, the National Spatial Development Framework shall be informed by background studies, reports, plans, maps and other information prescribed by Regulations made by the Minister under this Act.

(4) The National Spatial Development Framework shall prescribe the spatial aspects of the social and economic development and related human settlement as well as activities within the marine space of the country.

(5) The President, on the advice of the Authority in consultation with the National Development Planning Commission, may create a special development zone pursuant to section 14(1) of the National Development Planning (System) Act, 1994 (Act 480).

(6) Where the President creates a special development zone pursuant to section 14(1) of Act 480, the Authority shall prepare a spatial development framework for that zone.

(7) The National or Sub-National Spatial Development Framework shall be prepared in accordance with the scope, objectives, minimum content and methodology prescribed by Regulations.

(8) The National or Sub-National Spatial Development Framework shall be

(a) prepared by the Authority in consultation with the National Development Planning Commission and other public institutions, and

(b) based on the development policy framework approved by the President.

Object of National Spatial Development Framework

49. The National Spatial Development Framework shall have as its object, the judicious use of land and the equitable distribution of national infrastructure and facilities in various human settlements of the country.

Contents of the National or Sub-National Spatial Development Framework

50. (1) The National or Sub-National Spatial Development Framework shall contain

(a) a statement from the Authority covering

(i) the spatial dimensions of general trends, prospects, opportunities and challenges of the country;

(ii) the objectives that are to guide the Authority in coping with the challenges and enable the Authority to contribute to the improvement of quality of life and sustainable management of land use and human settlements;

(iii) the strategies adopted by the Authority to cope with and guide management on how to meet the identified challenge of land use; and

(iv) the means to be employed in monitoring the efficiency of the strategies adopted by the Authority;

(b) the designation of the proposed hierarchy of human settlements, anticipated population growth and distribution;
(c) the location of major potential projects, development corridors and other areas of national importance;
(d) the designation of infrastructure, services and development corridors of national importance;
(e) the allocation of development centers of national importance and their likely development within the planning period;
(f) a strategic environmental assessment of the spatial development framework;
(g) a statement of the consultative procedures undertaken in the preparation of the framework; and
(h) any other matter considered relevant for the purpose of the National or Sub-National Spatial Development Framework.

(2) A national development plan required under the National Development Planning (System) Act, 1994 (Act 480) shall be accompanied with

(a) the National or Sub-National Spatial Development Framework;
(b) the Regional Spatial Development Framework;
(c) the Multi-Regional or Sub-Regional Spatial Development Framework; and
(d) the District Spatial Development Framework which shall constitute the spatial component of the National Development Plan.

(3) The National and Sub-National Spatial Development Framework shall be submitted to the President for approval and the Framework shall commence on the date of the approval.

(4) The contents of a Sub-National Spatial Development Framework shall be as provided in subsection (1).

Notification of President's approval

51. (1) After the President has given approval to the National or the Sub-National Spatial Development Framework, the Chief Executive of the Authority shall give notice of the approval by publication in the *Gazette* and in a daily newspaper of national circulation.

(2) The Authority shall, in addition, send copies of the approved Framework to

(a) the Office of the President;
(b) the National Development Planning Commission;
(c) each Regional Coordinating Council;
(d) each District Assembly;
(e) the National House of Chiefs; and
(f) each Ministry.

(3) A copy of the National or Sub-National Spatial Development Framework may be made available at a fee prescribed by the Authority to a person who requests for a copy of the Framework.

Regional Spatial Development Framework

Preparation of Regional Spatial Development Framework

52. (1) In furtherance of the National Spatial Development Framework, each Regional Coordinating Council shall ensure that a Regional Spatial Development Framework is prepared for each administrative region of the country not later than twelve months after the approval by the President, of the National Spatial Development Framework.

(2) The Regional Spatial Planning Committee shall, on the basis of the National Spatial Development Framework approved by the President, and in consultation with the District Assemblies and other public sector agencies, and after public consultation, prepare the Regional Spatial Development Framework for its region within the time specified in subsection (1).

(3) Where the Authority in consultation with the relevant Regional Coordinating Council specifically directs, the Regional Spatial Planning Committee concerned shall prepare Sub-Regional Spatial Development Framework for part of the Region or a Joint or Multi-Regional Spatial Development Framework for two or more regions.

(4) The Regional Spatial Development Framework, Sub-Regional Spatial Development Framework, Joint or Multi-Regional Spatial Development Framework shall prescribe the spatial aspects of the Regional Integrated Plan and related human settlement issues.

(5) The Regional Spatial Development Framework, Sub-Regional Spatial Development Framework, Joint or Multi-Regional Spatial Development Framework shall be prepared in accordance with the scope, objectives, minimum content and methodology prescribed by Regulations and guidelines issued by the Authority.

(6) A Regional Spatial Development Framework, Sub-Regional Spatial Development Framework and Joint or Multi-Regional Spatial Development Framework shall be submitted for consideration and approval by the National Development Planning Commission through the Authority.

(7) A draft Regional Spatial Development Framework, draft Sub-Regional Spatial Development Framework and a draft Joint or Multi-Regional Spatial Development Framework shall be submitted to the Regional Coordinating Councils concerned for approval and after the approval, the draft Regional Spatial Development Framework, draft Sub-Regional Spatial Development Framework or draft Joint or Multi-Regional Spatial Development Framework shall be lodged with the National Development Planning Commission through the Authority.

(8) Where the National Development Planning Commission does not comment on the draft Framework within sixty days after the Framework has been lodged with the National Development Planning Commission, the Regional Spatial Planning Committee shall endorse the Framework.

(9) Where the National Development Planning Commission intends to comment on the draft Framework, it shall issue its comments on the draft Framework and return it to the Regional Spatial Planning Committee which shall revise the draft Framework and lodge it with National Development Planning Commission within thirty days of receipt of the comments.

(10) Where a Framework is revised, the revised Framework shall be endorsed by the National Development Planning Commission within thirty days after the revised Framework is lodged with the National Development Planning Commission.

(11) Where the National Development Planning Commission does not issue an endorsement of the revised framework within the thirty day period, the Regional Spatial Planning Committee shall endorse the draft Regional Spatial Development Framework.

(12) The Regional Spatial Development Framework or Multi-Regional Spatial Development Framework shall conform to the general requirements of the National Spatial Development Framework.

Object of Regional Spatial Development Framework

53. The Regional Spatial Development Framework, Sub-Regional Spatial Development Framework and Joint or Multi-Regional Spatial Development Framework shall have as its key object the judicious use of land and supportive spatial strategy for exploiting unique regional prospects for increasing regional and national prosperity.

Content of Regional Spatial Development Framework

54. The content of the Regional Spatial Development Framework shall be prescribed in Regulations made under this Act.

Notification

55. (1) The Regional Coordinating Director shall give notice of the approval of the Regional or Sub-Regional Spatial Development Framework to the public by publication in the *Gazette* and a newspaper of national circulation and send copies of the Framework to

(a) the President;
(b) the Authority;
(c) the National Development Planning Commission;
(d) each Regional Coordinating Council;
(e) each District Assembly in the region; and
(f) each Ministry, Department and Agency within the region.

(2) The Chief Executive Officer of the Authority shall give notice of the approval of the Joint or Multi-Regional Spatial Development Framework to the public by publication in the *Gazette* and a newspaper of national circulation and send copies of the Framework to

(a) the President;
(b) the National Development Planning Commission;
(c) each Regional Coordinating Council;
(d) each District Assembly in the region; and
(e) each Ministry, Department and Agency within the region.

(3) A person may, on payment of the prescribed fee, obtain a copy of the

(a) Joint or Multi-Regional Spatial Development Framework from the Authority; or
(b) Regional or Sub-Regional Spatial Development Framework from the Regional Co-ordinating Council.

(4) A copy of the Regional or Joint or Multi-Regional or Sub-Regional Spatial Development Framework shall be made available in the Public Data Room of each District Assembly within the region.

District Spatial Development Framework

Spatial component of district development plans

56. (1) The spatial component of a development plan required by section 2 of the National Development Planning (System) Act, 1994 (Act 480) shall be prepared in accordance with this Act.

(2) In furtherance of section 4 of the National Development Planning (System) Act, 1994 (Act 480), each proposed District Development Plan shall, where a District Spatial Framework exists, be accompanied by evidence that that plan has been prepared taking into account the District Spatial Development Framework.

(3) Where a District Spatial Development Framework does not exist, the execution of projects and developments shall incorporate the prescriptions of the District Spatial Development Framework when it comes into force.

(4) A District Assembly shall, in making modifications to an approved District Development Plan under section 4 of the National Development Planning (System) Act, 1994 (Act 480), take into account the District Spatial Development Framework and the provisions of this Act.

Preparation of District Spatial Development Framework

57. (1) Within sixty days of the coming into force of a Regional Spatial Development Framework, the Chief Executive Officer of the Authority shall in consultation with the National Development Planning Commission direct the District Assemblies to prepare the District Spatial Development Framework within twelve months of the coming into force of the Regional Spatial Development Framework.

(2) The Technical Sub-Committee of each District Spatial Planning Committee shall,

(a) in consultation with relevant public and private institutions and stakeholders; and

(b) in conformity with the Regional Spatial Development Framework,

prepare a District Spatial Development Framework for the district in accordance with this Act.

(3) Where appropriate, the Regional Spatial Planning Committee shall, in consultation with the Regional Coordinating Council and affected district assemblies, prepare a Joint-District Spatial Development Framework.

(4) The District Spatial Development Framework or the Joint-District Spatial Development Framework shall conform to the general guidelines of the Regional Spatial Development Framework.

(5) The District Spatial Development Framework shall be submitted to the District Assembly for approval.

(6) Where a draft Joint-District Spatial Development Framework is prepared, it shall be presented for approval by each District Assembly affected or the joint session of the districts concerned where the Regional Coordinating Council so directs and the draft Joint-District Spatial Development Framework shall be submitted to the Regional Coordinating Council for endorsement.

(7) In the case of the preparation of the Joint-District Spatial Development Framework, the District Assembly shall be given notice of the approval by the Regional Spatial Planning Committee.

(8) After a District Spatial Development Framework is approved by the District Assembly, or in the case of a Joint-District Spatial Development Framework by the Regional Coordinating Council, the District Chief Executive or the Regional Coordinating Director, as the case may be, shall give notice to the public of the completion of the Framework through publication in a newspaper of national circulation and a copy of the Framework shall be made available at the Public Data Room of the relevant district or of each of the districts concerned.

(9) A person may, on request, obtain a copy of

(a) the District Spatial Development Framework from the District Assembly on the payment of the fee fixed by the District Assembly by resolution in accordance with the procedure for fixing rates by the District Assembly approved by the Minister responsible for Local Government; or

(b) a Joint-District Spatial Development Framework from the Authority on payment of the fee prescribed by the Authority.

(10) A copy of the District Spatial Development Framework shall be lodged with the Regional Coordinating Council and the Regional Spatial Planning Committee.

(11) The functions of the District Spatial Planning Committee shall be performed by the Technical Sub-Committee.

Object of the District Spatial Development Framework

58. A District Spatial Development Framework or Joint-District Spatial Development Framework shall have as its key object the judicious use of land and supportive spatial strategy for coordinated and integrated district development.

Content of District Spatial Development Framework

59. The content of a District Spatial Development Framework shall be prescribed by the Authority in consultation with the National Development Planning Commission and the Minister in Regulations made under this Act.

Effect of a joint framework

60. (1) A reference to a Regional Spatial Development Framework and a District Spatial Development Framework includes a reference to a Joint Regional Spatial Development Framework or a Joint-District Spatial Development Framework as appropriate.

(2) Where an action is required to be taken by a district, the action shall be taken by each district and in the case of Joint-District Spatial Development Framework, the action shall be taken jointly.

(3) An action required to be taken pursuant to a Joint-District Spatial Development Framework shall

(a) where the action falls entirely within the jurisdiction of a District Assembly, be taken within the jurisdiction of that District Assembly, and

(b) where the action falls within the jurisdiction of more than one District Assembly, be taken by the District Assemblies involved under the guidance of the Regional Coordinating Council after prior approval by the Executive Committee of each District Assembly.

(4) The Authority may make Regulations regarding Joint-District Spatial Development Framework.

(5) Where two or more District Spatial Planning Committees, or Regional Spatial Planning Committees decide that they need a Joint Spatial Development Framework, they may initiate the preparation of the Joint Spatial Development Framework under the guidance of the Authority.

(6) Where it is recognised by the Authority, the National Development Planning Commission or the President that two or more districts or regions ought to be planned as one entity but the District Spatial Planning Committees or the Regional Spatial Planning Committees of the districts or regions concerned have not initiated the process for the preparation of a Joint Spatial Development Framework, the Authority, the National Development Planning Commission or the President may direct those districts or regions to prepare a Joint Spatial Development Framework.

Compliance with District Spatial Development Framework

61. Where the context requires, a person who plans to carry out physical development or any physical development of a scale which requires it taking into account the prescription of the District Spatial Development Framework shall comply with the District Spatial Development Framework and with the relevant structure plan and local plan.

Structure Plans

Time for the preparation of structure plans

62. (1) Except where the Authority through the Regional Coordinating Council grants an extension, each District Assembly shall,

(a) within thirty days after approval of the District Spatial Development Framework,

(i) give notice of the approval to the public by publication in a newspaper of national circulation, and

(ii) commence the preparation of a structure plan for its area of jurisdiction, and

(b) complete the structure plan not later than eighteen months after the approval of the District Spatial Development Framework or within an extension granted by the Authority in accordance with Regulations and guidelines.

(2) A structure plan shall be prepared for the areas prescribed in the District Spatial Development Framework, Joint-District Spatial Development Framework or Multi-District Spatial Development Framework

(3) Where it is deemed appropriate to have a structure plan for an area within two contiguous districts, or where two or more contiguous districts have a Joint or Multi-District Spatial Development Framework, the Regional Spatial Planning Committee shall prescribe the areas to be covered by the structure plan.

(4) Where the District Spatial Development Framework prescribes structure plans that cover the entire district, the District Spatial Planning Committee shall ensure that the structure plans for the entire district whether prepared in parts or as a whole are prepared within the time limit specified in subsection (1) or within the extension period granted by the Authority.

Object and scope of structure plan

63. The Minister shall, upon the recommendation of the Authority and in consultation with the National Development Planning Commission, prescribe Regulations for the objects and scope of a structure plan.

Sub-urban structure plan

64. The structure plan for a sub-urban area shall be prepared in accordance with Regulations made under this Act and directives issued by the Authority and approved by the Minister.

Responsibility for structure plan

65. (1) The Technical Sub-Committee shall, subject to the approval of the District Spatial Planning Committee, prepare the structure plans for the District.

(2) A District Assembly may on the recommendation of the District Spatial Planning Committee engage a private sector entity in accordance with the laws on public procurement to prepare the structure plan.

Public notice of draft structure plan

66. (1) After the preparation of the draft structure plan, the District Chief Executive shall

(a) give notice in the manner prescribed by Regulations that the draft structure plan is open for inspection; and

(b) submit a copy of the draft structure plan to the Regional Spatial Planning Committee for comment.

(2) The draft structure plan shall, before being approved, be made available for inspection in the Public Data Room of the District Assembly.

Approval of structure plan

67. (1) A District Spatial Planning Committee shall, after the expiration of the date for public comments, direct the Technical Sub-Committee to take action on the relevant public comments and submit the revised structure plan to the District Spatial Planning Committee for approval.

(2) The Technical Sub-Committee shall, in submitting the revised plan to the District Spatial Planning Committee, draw the attention of the District Spatial Planning Committee to how the comments and objections received have been accounted for in the revised structure plan.

(3) Where the District Spatial Planning Committee approves the structure plan, that Committee shall submit the approved structure plan to the District Assembly for a formal endorsement.

(4) The District Assembly shall discuss the structure plan at a formal session of the Assembly and where there are no objections endorse the structure plan.

(5) Where at the formal session of a District Assembly, the attention of the District Assembly is drawn to any objections or comments which, in the view of the District Assembly, may have a substantial impact on the structure plan, the District Assembly shall refer the structure plan back to the District Spatial Planning Committee for its consideration and necessary action.

(6) Where a District Assembly refers a structure plan back to the District Spatial Planning Committee, the District Spatial Planning Committee acting through the Technical Sub-Committee, may effect the necessary amendments and re-submit the amended structure plan to the District Assembly within the time frame specified by the District Assembly or as may be specified in Regulations made under this Act.

(7) A District Assembly may endorse a structure plan with or without amendments.

(8) Where a District Assembly endorses a structure plan with recommended amendments, the amendments shall be effected before the seal of the District Assembly is embossed on the structure plan as the approved structure plan.

(9) A copy of the duly endorsed structure plan bearing the seal or embossment of the District Assembly shall be made available for inspection at the Public Data Room of the District Assembly.

(10) The date of publication of the notice referred to in section 62 (1)*(a)*(i) shall be the date on which the structure plan comes into effect.

Procedure for approval of structure plan

68. (1) The District Assembly shall

(a) in respect of the approval of a structure plan, hold a formal meeting for the purposes of the approval of the structure plan;

(b) keep a record of the minutes of the meeting; and
(c) communicate the approval in writing to the District Spatial Planning Committee.

(2) The District Assembly shall keep copies of the evidence of the approval at the Public Data Room and lodge a copy of the structure plan with the Regional Spatial Planning Committee.

(3) Pending the approval of the structure plan, the draft structure plan shall be used to guide development.

Revision of approved structure plan

69. (1) Unless the Authority directs otherwise or unless otherwise provided in Regulations made under this Act, the District Spatial Planning Committee shall review a structure plan within six months after the fifth year of the commencement of the structure plan.

(2) The District Spatial Planning Committee may, apply to the District Assembly to amend or withdraw a structure plan which has been approved.

(3) Where a District Spatial Planning Committee after a period of ten years determines that a revision of the structure plan is not necessary, the District Spatial Planning Committee shall apply, with proper justification, to the District Assembly for an extension of the period of the validity of that structure plan.

(4) Where the District Assembly decides to extend the validity of a structure plan, it shall give notice to the public of its intention and invite comments from the public in respect of the intention.

(5) The validity of a structure plan shall not be extended unless the period for public comments has lapsed.

(6) The amendment, withdrawal or revision of a structure plan shall conform with the requirements prescribed by Regulations.

Effect of an approved structure plan

70. A structure plan does not confer or take away any user rights in respect of land except as provided for under this Act.

Amendment of zoning schemes pursuant to approved structure plan

71. (1) A District Assembly may, where necessary, authorise a District Spatial Planning Committee to amend an existing zoning scheme for the district in order to ensure conformity with the approved structure plan.

(2) The District Assembly may, as part of its structure plan approval process, or on the written request of the Regional Spatial Planning Committee, authorise the District Spatial Planning Committee to amend an existing zoning scheme.

(3) In authorising the amendment of a zoning scheme, a District Spatial Planning Committee shall

(a) act in accordance with the guidelines laid down by the Authority and may amend or revise the approved structure plan; and

(b) give notice of the amendment to be made to the zoning scheme to the Regional Spatial Planning Committee in the manner prescribed by Regulations.

Local Plans and Street Addressing System

Local plan

72. (1) A local plan shall have as its key object, the judicious use of land for attaining a sound, natural and built environment and an improved living standard.

(2) A local plan is required for each specific physical development.

(3) A local plan shall be drawn up and adopted before

(a) the approval of a development scheme in respect of the layout of land for more than twenty individual plots each of which is not less than one hundred and ten square metres; and

(b) major redevelopment schemes in urban areas.

(4) A local planning authority shall prepare a local plan, where that authority intends in respect of an urban or urbanizing area to establish legally binding regulations for

(a) the land coverage for a construction on a plot in the zone;

(b) the type of structure on the land;

(c) the form and height of buildings;

(d) tree preservation;

(e) the preservation of buildings with a cultural heritage and historical structures; and

(f) any landscaping or tree planting requirements.

(5) A District Spatial Planning Committee shall, prepare a local plan for a specific area within its jurisdiction within the time frame specified in Regulations made under this Act.

(6) Each estate developer, owner of land of a size specified by the Authority or a traditional ruler who owns that land shall submit to the District Assembly local plans in respect of estate schemes or schemes to develop the land for sale in the district.

(7) The District Spatial Planning Committee shall, by publication in the *Gazette* and a newspaper of national circulation, give notice of the commencement of preparation of the local plan.

Object and scope of local plan

73. (1) A local plan shall

(a) include a spatial arrangement for the development of the areas prescribed in the Regulations; and

(b) contain provisions for orderly, coordinated, efficient and environmentally sound development and proper use of land in the district.

(2) A local plan shall be prepared in accordance with Regulations made under this Act.

(3) A local plan shall provide for the spatial aspects of the socio-economic development in the district and for the details that are relevant to human settlement issues as prescribed in the Regulations.

(4) A local plan shall conform to the general purpose and prescription of the zoning scheme.

Responsibility for local plan

74. (1) Where a person or an entity seeks to set up or develop a town in phases and each phase comprises an area of the size that requires a local plan, the person or the entity seeking to undertake the development shall prepare a local plan for the area concerned.

(2) The local plan in subsection (1) shall be prepared by a qualified planner.

(3) Where a person seeks to dispose of plots in a large tract of land for which the District Spatial Planning Committee considers a local plan to be required, the person seeking to dispose of the land shall prepare a local plan before disposing of any of the plots.

(4) The Authority shall prescribe the minimum size of a tract of land for which a local plan is required under subsection (3).

(5) A local plan shall be submitted to the District Spatial Planning Committee for approval.

Public notice of draft local plan

75. The District Spatial Planning Committee shall, on approval of a local plan prepared by the Technical Sub-Committee or after it receives a local plan from a developer or a person required to prepare a local plan,

(a) give notice in the manner prescribed by Regulations made under this Act that the draft local plan is open for inspection at the Public Data Room of the District Assembly; and

(b) include in the notice that the draft local plan will be approved if no objection or complaint is received within the time frame specified in the notice and that time frame shall not be more than sixty days from the date of the notice.

Approval of local plan

76. (1) The District Spatial Planning Committee shall publish a notice on its notice boards, its website, in a newspaper of national circulation and any other manner that it considers appropriate to the effect that the local plan has been approved if

(a) the District Spatial Planning Committee does not receive any comment before the date for making comments expires;

(b) the District Spatial Planning Committee receives a comment within the time for making comments but decides that the comment does not have to be acted on; and

(c) the conditions imposed on the person submitting the draft local plan, have been satisfied by that person.

(2) In granting the approval, the District Spatial Planning Committee may impose any conditions it considers appropriate in respect of the approval.

Local plan to conform to structure plan

77. (1) A local plan shall conform to the structure plan of the area within which the local plan falls.

(2) Where a structure plan does not exist, the District Spatial Planning Committee shall prepare the local plan in accordance with the prescriptions of the District Spatial Development Framework.

(3) Where a District Spatial Development Framework does not exist, the District Spatial Planning Committee shall prepare the local plan in accordance with the prescriptions of the Regional Spatial Development Framework or where a Regional Spatial Development Framework does not exist, the National Spatial Development Framework.

Local plan pending structure plan

78. Pending the commencement of the implementation of an approved structure plan, the District Spatial Planning Committee may prepare a local plan but the local plan shall, if it deviates from a subsequently approved structure plan, be amended to conform to the structure plan.

Effect of an approved local plan

79. A physical development that is to be carried out in an area for which the District Spatial Planning Committee has approved a local plan shall be carried out in accordance with the details of the local plan.

Enforcement of local plan

80. A local plan shall be enforced in the same manner as a zoning scheme where

(a) a local plan already exists prior to the coming into force of this Act; and

(b) the Regional Spatial Planning Committee on a request by the District Assembly has confirmed in writing that the existing local plan conforms to the structure plan and that there is no need to prepare a local plan for the entire or part of the area of the district concerned.

Procedure where local plan conforms to structure plan

81. (1) Where a Regional Spatial Planning Committee confirms the position of a District Assembly in the region that an existing local plan conforms to the structure plan of the district, a reference to a zoning scheme under this Act includes a reference to that local plan in respect of the area it covers.

(2) The Regional Spatial Planning Committee shall not confirm that a local plan conforms with a structure plan unless the local plan has been subjected to public consultation in accordance with the procedure under section 174.

(3) The public comments shall be considered at a formal meeting which shall be held within thirty days after the expiration of the time stated in the advertisement for the submission of public comments.

Post-approval requirement

82. (1) The confirmation by the Regional Spatial Planning Committee in respect of a local plan shall be published by the Regional Coordinating Council or the District Assembly in a daily newspaper of national circulation.

(2) The local plan shall come into effect on the day it is published.

Street Addressing System

83. A District Assembly shall, subject to subsection (4) of section 145 and Regulations made under this Act, maintain a computerised street addressing system and integrated database.

Zoning Schemes and Matters Related to Zoning

Enforcement of zoning schemes pursuant to structure plan

84. (1) A Regional Spatial Planning Committee may prescribe the preparation of a zoning scheme as part of a structure plan or on its own.

(2) Subject to subsection (3), after the coming into force of the structure plan, the District Assembly shall ensure that buildings and other structural and infrastructural developments in the district conform to the zoning scheme incorporated in the structure plan.

(3) The zoning scheme shall be updated periodically in accordance with Regulations or guidelines made under this Act.

(4) The preparation of an update of the zoning scheme shall conform to the procedure prescribed for the preparation of structure plans in this Act and Regulations made under this Act.

(5) The zoning scheme in a structure plan shall, as a minimum, provide for the following:

(a) use of the land;
(b) land coverage of the construction on a plot;
(c) structure of the building;
(d) size of the building;
(e) height of the building;
(f) orientation of building;

(g) accessibility;
(h) waste disposal;
(i) drainage system;
(j) public utilities; and
(k) floor area ratio.

Zoning scheme pending approved structure plan

85. (1) Where a District Assembly is unable to have an approved structure plan within the time stipulated by this Act or within an extended time determined by the Authority, the Authority may, pending the completion of the structure plan by the District Assembly, coordinate with the Regional Coordinating Council to assist the District Assembly to prepare or to enable the District Assembly to appoint an independent entity to prepare a zoning scheme for the district.

(2) Where an independent entity is engaged to undertake the preparation of a zoning scheme, the independent entity shall undertake the task in accordance with this Act and in consultation with the District Assembly, the Regional Coordinating Council and other entities that may be prescribed by guidelines issued by the Authority.

(3) The Authority shall provide guidelines in respect of zoning schemes affecting

(a) agriculture;
(b) the purchase of the whole of a partially affected agricultural unit;
(c) mining;
(d) utilities including gridlines, pipelines, telephone lines and masts;
(e) highways;
(f) outdoor advertisement;
(g) environment;
(h) conservation;
(i) security;
(j) creation of green belts; and
(k) national, regional, district and local parks.

Failure to prepare a zoning scheme

86. (1) Where in spite of the assistance provided under section 85, a District Assembly is unable to prepare or cause to be prepared a zoning scheme for the district within the time frame required by this Act or set by the Authority, the Authority may request the assistance of the Regional Coordinating Council in the preparation of the zoning scheme.

(2) Where the Regional Coordinating Council prepares a zoning scheme on behalf of a District Assembly, the Regional Coordinating Council shall submit the scheme to the public for comment in accordance with this Act.

Effect of approval of zoning scheme

87. (1) An approved zoning scheme shall be used to determine the user rights for a part of or the whole of a parcel of land within the district.

(2) A zoning scheme shall not deviate from the National Spatial Development Framework, Regional Spatial Development Framework and District Spatial Development Framework.

(3) A District Assembly or the Regional Coordinating Council shall publish a notice of the zoning scheme in the *Gazette*.

(4) The notice shall state the time and place where the public may view the zoning scheme but the District Assembly shall ensure that the scheme is available for viewing at the Public Data Room during working hours.

(5) Where an approved zoning scheme exists, a District Assembly or responsible entity shall enforce it and any person may lodge a complaint under this Act to the Regional Coordinating Council or the Authority or bring an application in the courts, to compel the District Assembly or the responsible entity to enforce the approved zoning scheme.

Adoption of a zoning scheme

88. A person responsible for the adoption of a zoning scheme shall comply with the procedure specified in this Act and Regulations made under this Act.

Interpretation of sections 72 to 88

89. (1) For purposes of interpretation of sections 72 to 88, a reference in any law to a local plan approved under the Town and Country Planning Ordinance, 1945 (Cap 84) or the National Building Regulations, 1996 (LI 1630), is deemed to be a reference to a zoning scheme or a local plan under this Act.

(2) An existing use right prescribed in terms of a prohibition on the erection of buildings in accordance with the Town and Country Planning Ordinance, 1945 (Cap 84) and any related law then in force is valid under this Act.

Conflict with provisions of other laws

90. (1) Where a provision of this Act is in conflict with any other enactment relating to land use, the provision of this Act shall prevail.

(2) Matters relating to whether or not there is a conflict between land use and a zoning scheme or local plan shall be determined

(a) in the first instance by the District Spatial Planning Committee;

(b) by the Regional Coordinating Council on the advice of the Regional Spatial Planning Committee where a person is not satisfied with the determination of the District Spatial Planning Committee; and

(c) by the courts in respect of matters of law.

Register of zoning schemes

91. (1) Each Regional Coordinating Council shall, after consultation with the Regional Spatial Planning Committee and District Assemblies within the region, publish a register showing an up-to-date list of districts in respect of which approved zoning or local plans are already in effect or have been approved or otherwise adopted under this Act.

(2) Each District Assembly within the region shall ensure that the register is at all times available for inspection by the general public at the Public Data Room of the District Assembly.

(3) The publication of the register is adequate notice to the public of how land use is to be determined by the District Spatial Planning Committee in accordance with published zoning scheme or local plans.

(4) A member of the public may take appropriate action to compel the District Assembly to make the register available and the court may order the District Assembly to compensate the applicant for any loss suffered or cost incurred as a result of the failure of the District Assembly to make the register available.

(5) Each District Assembly shall lodge with Parliament, a copy of a zoning and re-zoning scheme which affects a public space.

Publication of zoning scheme or local plan

92. A variation of a zoning scheme or local plan shall be published in a newspaper of national circulation and on an official website of the Authority and the Regional Coordinating Council.

Application for change of use or request for re-zoning

93. (1) Where a person seeks to change the zoning of the whole or part of a piece of land, that person shall apply in writing to the District Spatial Planning Committee of the district to which the change relates in the form prescribed in the zoning regulations and planning standards.

(2) The request for re-zoning or change of use of land shall be accompanied with a report prepared by a professional planner.

(3) A District Spatial Planning Committee shall not grant a request for change of the existing zoning or land use unless the request is intended to make the zoning of the land comply with the structure plan or zoning scheme or local plan.

(4) Without limiting subsection (3), the change of use or re-zoning of a public space shall be subjected to approval by Parliament.

(5) Where the request for change is for a purpose other than compliance and there is evidence that

(a) a special circumstance has arisen that necessitates the change requested;

(b) a notice of the special circumstance has been brought to the attention of the community in which the land affected by the request is located and an objection has not been raised by that community; and

(c) details of the special circumstance have been made available at the Public Data Room for a period of at least twenty-one days after the request, the District Spatial Planning Committee shall grant the request.

(6) Where an application for re-zoning relates to a change of use and the address of the owners of land abutting the land to which the application relates are not known, the District Planning Officer shall

(a) require the applicant concerned to

(i) give notice in the manner prescribed by Regulations to the owners of land abutting the land to which the application relates;

(ii) advertise the application in the manner prescribed by the Regulations; and

(iii) post the notice in the immediate vicinity of the land concerned subject to Regulations made under this Act;

(b) where an objection against the application is received, submit the objection to the applicant for comment and the comment shall be submitted to the District Assembly through the District Spatial Planning Committee within fourteen days;
(c) request for comment from any person who in the opinion of the Head of the Physical Planning Department of the District Assembly has an interest in the application;
(d) submit the application and relevant documents to the District Spatial Planning Committee;
(e) give notice to the applicant of the decision of the District Spatial Planning Committee and, where applicable, furnish the applicant with a copy of the conditions imposed by the local authority;
(f) give notice to an objector in the manner prescribed by Regulations, of the decision of the District Spatial Planning Committee; and
(g) record the re-zoning in accordance with this Act.

Change of use or zoning by District Assemblies

94. Where there is an application to re-zone land or to change the land use, the Physical Planning Officer shall

(a) give notice of the proposed change of use or re-zoning to the owners of the abutting land if their addresses are known or can be ascertained;
(b) give the owners opportunity to comment on or to make representations; and
(c) publish the re-zoning in a newspaper of national circulation.

Existing use rights

95. (1) Where at the date of commencement of implementation of a zoning scheme, an existing land use is contrary to the zoning scheme, that land use may continue if that land use was first obtained in accordance with the zoning scheme existing at the time of the physical development or at the time the use right commenced or accrued.

(2) The right to continue the use of land under subsection (1) lapses if the right has not been exercised at the time of the commencement of the implementation of the zoning scheme currently in force.

Provisions affecting acquisition or the occupation of land generally

96. (1) After the commencement of this Act, a person shall not dispose of or otherwise let land or property for any purpose unless that person can demonstrate to the prospective buyer or tenant that the land or property has been zoned or re-zoned for the purpose for which it is being let, acquired or otherwise disposed of.

(2) The responsibility of ensuring conformity with the approved land use is on the person disposing of the land.

(3) The person disposing of the land shall attach evidence of the approved land use to the instrument of transfer or conveyance of the land to the person who is acquiring the land.

(4) A person who lets or enters into an agreement relating to land use commits an offence if that person does not have evidence that the premises is zoned for the purpose of the transaction entered into.

(5) A person who commits an offence under this section is liable on summary conviction

(a) in the case of a person who sells, leases or conveys the land, to a fine of not less than three thousand penalty units and not more than five thousand penalty units or to a term of imprisonment of not less than five years and not more than seven years or to both; and

(b) in the case of the person who acquires the land, to a fine of not less than one thousand penalty units and not more than three thousand penalty units or to a term of imprisonment of not less than four years and not more than six years or to both.

Land Use Certificate

97. (1) The Authority shall prescribe the form of a Land Use Certificate.

(2) In granting a permit for physical development, a District Assembly shall attach the appropriate Land Use Certificate to the permit and where necessary shall indicate the conditions applicable to the land use.

(3) An application for Registration of title to land shall be accompanied by a Land Use Certificate.

(4) A District Assembly shall maintain a register of approved physical development in the district and the register shall indicate the land use for each physical development.

(5) The register shall be made available by the District Assembly at the Public Data Room.

Land situated in multiple districts

98. (1) Where land is situated within more than one district, a special zoning or Land Use Certificate shall be issued for that land after a special joint meeting of the connected District Spatial Planning Committees.

(2) A Zoning Certificate issued under subsection (1) shall be jointly signed by the chairperson and secretaries of the Spatial Planning Committees in the affected districts.

Complaints of non-compliance

99. (1) A person may lodge a complaint against an on-going or existing physical development for non-compliance with the zoning scheme.

(2) A District Assembly may, where it receives a complaint on non-compliance, issue a notice to the person responsible for the physical development to suspend the development if the District Assembly is of the view that the development poses a threat to the environment, is in breach of this Act or may cause irreparable harm.

(3) A complaint made under this section shall be considered if it is

(a) made in the prescribed form; and

(b) accompanied by a statement that the complainant has verified from the records at the Public Data Room that the physical development complained of is a deviant development or that the complainant's attempt to verify was frustrated by officials of the District Assembly or some other relevant entity.

Rectification of scheme regulations and provisions

100. (1) After the commencement of a zoning scheme, the District Spatial Planning Committee shall annotate the scheme and the applicable zoning map and give notice to the land title agencies of the zoning scheme.

(2) The Lands Commission may declare a land transaction to be incomplete if it does not comply with the appropriate zoning or land use requirements prescribed under this Act.

Participation in ensuring conformity with zoning

101. For the purpose of ensuring that a zoning scheme is complied with, a person may lodge a complaint to the District Spatial Planning Committee, Regional Spatial Planning Committee or the Authority as the case may be, to compel the District Assembly to abide by its approved zoning scheme.

Contravention of zoning scheme

102. A person who contravenes a zoning scheme commits an offence and is liable on summary conviction to a fine of not less than one thousand penalty units and not more than three thousand penalty units or to a term of imprisonment of not less than four years and not more than six years or to both.

Provisions Relating to Blight

Criteria on blighted areas

103. (1) A District Assembly may require

(a) an area comprising one or more properties to be acquired for redevelopment; or

(b) an owner to redevelop the land to bring the land to a required standard if the District Assembly is of the opinion that, the current use of the land is not in conformity with the general standard of the vicinity as prescribed by the District Spatial Development Framework, structure plan or local plan.

(2) The Authority may publish guidelines and recommend the making of Regulations by the Minister in furtherance of subsection (1).

(3) In making recommendations for Regulations under this section, the Authority shall ensure that the criteria for determining that an area requires redevelopment include

(a) irregularity of plots or parcels;

(b) inadequacy of streets in the vicinity;

(c) lack of access to plots or habitable dwelling within the area;

(d) diversity of existing use which makes development control difficult or impossible;
(e) incompatibility with
(i) the existing or proposed use;
(ii) the spatial development framework; and
(iii) the structure or local plan;
(f) adverse impact on the environment;
(g) overcrowding leading to unhealthy population density;
(h) lack of sanitation, drainage or appropriate service;
(i) high incidence of crime which has been confirmed to be attributable to the type of development; and
(j) safety or restriction to other authorised users.

(4) In pursuance of redevelopment under this Act, a District Assembly may acquire land including vacant land for the purpose of renewal or improvement of the environment.

(5) Despite any Regulations made under this Act in respect of this section, a decision by a District Assembly to initiate re-zoning or to acquire land for purposes related to blight shall be made at a formal meeting of the District Spatial Planning Committee called for the purpose and the records and the basis of the decision shall be made available at the Public Data Room.

(6) The decision of the District Assembly shall be published in the *Gazette* and in a newspaper of national circulation for at least twenty-eight days before the decision takes effect.

(7) A person affected by the decision may appeal or lodge a complaint within twenty-eight days after the notice has been published.

(8) Where a District Spatial Planning Committee invokes any of the provisions relating to blight under this Act in respect of an area considered to be affected by blight but for which the District Assembly has specified that a detailed local plan is required, the District Spatial Planning Committee shall prepare a local plan for the area affected.

Compensation and Betterment

Provisions as to compensation

104. (1) A person
(a) whose property is adversely affected by the operation of a scheme or by the execution of a work under a scheme under this Act, or

(b) who for the purpose of complying with a scheme or in respect of redevelopment under a scheme incurs an expenditure which is made nugatory by a revocation or modification of the scheme,

may recover as compensation from the District Assembly, so far as is reasonable, the amount of the expenditure incurred.

(2) The Authority shall, for the purpose of ensuring compliance with this Act, make rules to provide for

(a) claims for compensation and payment of compensation;
(b) recovery of compensation;
(c) charges for betterment;
(d) the definition of betterment;
(e) determination of betterment;
(f) payment of betterment charges; and
(g) the effect of failure to pay for betterment charges.

Loss pursuant to accrued rights

105. (1) A person who has an accrued right and claims to have suffered a loss as a result of a zoning scheme may apply to the relevant District Assembly through the District Spatial Planning Committee.

(2) A District Spatial Planning Committee shall grant an application if it determines that the applicant has suffered a loss.

(3) The District Assembly may acquire the land of the applicant where the District Assembly determines that in the circumstance acquisition is appropriate.

(4) The Land Valuation Division of the Lands Commission shall provide the values which shall form the basis for determining the applicable value of the land for compensation.

Claims for compensation

106. A person

(a) whose property is adversely affected by the coming into operation or the execution of a development plan,
(b) who for the purpose of complying with an approved development plan incurs an expense because of a subsequent revocation or

(i) modification of the plan, or
(ii) variation of a development permit granted to that person, or

(c) who is aggrieved by a decision or, an action relating to a development plan or the enforcement of a development plan,

may within six months after the date of the revocation or modification of the plan or of the revocation or variation of the permit or of the taking of the decision or action complained of, lodge a claim for redress or compensation with the District Assembly.

Compensation for detrimental effect after change in land use

107. Where a District Assembly decides to change the use of land in respect of which a person has acquired a land use right under the Town and Country Planning Act, 1945 (Cap 84) and the Towns Act, 1951 (Cap 86) or to amend a Land Use Certificate acquired by a person after the coming into force of this Act, the District Assembly shall pay compensation at a value determined by the Land Valuation Division of the Lands Commission to

(a) a person whose land is adversely affected or who suffers a loss as a result of the change in the already acquired land use right or by the execution of work authorised by the District Spatial Planning Committee; or

(b) a person who incurs an expense as a result of the change in land use by complying with the directive of the District Spatial Planning Committee.

Institution of claim for compensation

108. A claim for compensation under sections 104 and 107 shall be instituted within six months after the date of commencement of the act which gave rise to the claim.

Elimination and limitation of compensation in certain cases

109. Compensation shall not be paid in respect of damage to land

(a) caused by the commencement of a land use scheme which

(i) prescribes the space for buildings;
(ii) fixes building lines;

(iii) regulates the position of buildings on each premises in relation to other buildings;

(iv) regulates or empowers the District Assembly or appropriate authority to regulate the character, size or height, harmony, design or external appearance of buildings, including the materials used in the construction of buildings or to secure the safety or integrity of the structure or compliance with the Building Regulations;

(v) limits the number of buildings which may be erected on any premises;

(vi) prescribes the maximum area which may be built on any premises;

(vii) restricts the manner in which buildings may be used;

(viii) regulates, in the interests of safety, the heights and position of existing and proposed walls, fences or hedges near the corners or bends of streets;

(ix) with a view to remove restrictions to or improve the flow of human, vehicular or other traffic or to curtail the obstruction of traffic, requires that a building should make provision for areas where vehicles can be loaded or unloaded or where persons who are employed or resident on the premises can park their vehicles;

(x) prohibits or restricts building operations permanently on the ground that, by the nature of the land, the erection of buildings on the land is likely to pose danger to life, cause injury, undermine good health or lead to excessive expenditure of public money in the provision of roads, required public open space or relevant pedestrian access;

(xi) prohibits the use of land for a purpose likely to pose danger to life, endanger health or be a detriment to the neighbourhood and restricts the use of land so far as is necessary for preventing the danger or detriment; and

(xii) limits the number or prescribes the sites of roads entering or exiting, the site of a proposed road or the access and egress requirements to land under the scheme;

(b) if the claim for compensation relates to the operation of a provision of an estate or a land use scheme, and the provision could have been made and enforced under another law without liability to the District Assembly;

(c) that relates to the demolition or alteration of any building or works unless the building or works which the District Assembly demolished or altered was approved by the District Assembly before the estate or land use scheme came into operation;

(d) that relates to a building erected or a work done which is inconsistent with any provision of an estate or a land use scheme; and

(e) as a result of the revocation of a provision of a land use scheme by a subsequent scheme, where the claim for compensation is on the ground that the land has been injuriously affected by the later provision if that later provision is the same or substantially the same as the earlier provision revoked.

Compensation due

110. (1) Despite the provisions of section 109, compensation is payable if

(a) by fixing a fence line in terms of a provision of an estate or land use scheme, the area of the land fronting the street or the proposed street will be diminished to an extent that renders the land substantially less suitable for the erection of a building or buildings in conformity with the zoning scheme; or

(b) as a result of the enforcement of a provision of an estate or a land use scheme, a building is required to be used in a manner different from that which the District Assembly had approved before the date the District Assembly gave the new land use directive.

(2) Where a person is entitled to compensation under this Act in respect of a matter and that person is entitled to compensation in respect of the same matter under another law, that person is not entitled to compensation in respect of that matter or thing under both this Act and that other law, and that person is not entitled to a greater compensation under this Act than that under the other law.

(3) A claim made within the time limit provided under this Act may be enforced in the same manner as if the earlier land use scheme had continued in operation, if at the date of the revocation of the earlier provision

(a) there is still a claim for compensation outstanding; or

(b) the time originally limited for making the claim has not expired.

Recovery of betterment

111. Where the provision of a plan, the execution of public works, or a decision or an action of a district planning authority increases the value of a land within a district, the district planning authority shall, in accordance with Regulations made under this Act publish the applicable settlement charges for the area in context in a daily newspaper of national circulation.

Determination of claim for compensation

112. (1) The Land Valuation Division of the Lands Commission shall prescribe the amount of compensation payable to any person under this Act or the amount to be recovered by the District Assembly under this Act.

(2) In making a determination of an amount of compensation payable or the amount to be recovered in any matter under this Act, the Courts shall give consideration to the amount prescribed by the Land Valuation Division of the Lands Commission.

Decentralised Planning System and the General Planning Functions of District Assemblies

Permits

113. (1) A person shall not undertake any physical development of land within a district unless that person has been issued with a permit by the District Assembly within the jurisdiction in which the land is situated.

(2) The Authority shall from time to time prescribe the levels of permits to be issued by a District Assembly.

Certification of plans of special buildings

114. (1) A District Assembly may require the design or plan of specific types of buildings to be prepared or certified by a registered architect or engineer or an architectural draughtsman licensed under an enactment and the layout of the design or plan to be certified by an appropriate planning officer or planner.

(2) Despite subsection (1), a restriction shall not be imposed on a person in relation to the design or signing of the plan of a single storey traditional building with a total floor space of not more than one hundred and twenty square metres.

(3) A person shall not submit to a district planning authority the plan of a building which is required to be submitted under subsection (1) unless the plan has been prepared by or under the supervision of, and is signed by, a person registered as an architect or an engineer under an enactment.

Revocation of development permit or imposition of additional conditions

115. (1) Where a developer does not comply with a development permit or where the development does not comply with the conditions of the permit, a planning authority may revoke the development permit or may impose additional conditions to that permit.

(2) A revocation of a permit or an imposition of additional conditions on a permit may be subject to the payment of a penalty.

Fee for permit

116. (1) A planning authority shall charge a fee for the grant of a permit for a physical development.

(2) Where a person applies for a permit for the change of use of an existing building for the purpose of compliance with an approved local plan, the application shall not be subject to payment of a fee but the District Assembly shall impose a time limit for compliance.

(3) Subject to further guidelines issued by the Authority and despite subsection (2), a fee may be charged if the application for a permit for the purpose of compliance is brought after the time limited for compliance has lapsed.

(4) Subject to guidelines that the Authority, in consultation with the Lands Commission, the Ministers responsible for Local Government and Finance may issue, development charges shall be determined and collected by a District Assembly.

(5) A District Assembly shall allocate part of the funds generated by that district under this section to the performance of planning functions specified under this Act within the district.

Prohibition of development without permit

117. (1) A person shall not carry out physical development within this country unless the development is carried out in accordance with a permit issued under this Act.

(2) A person who carries out any physical development without a permit commits an offence and is liable on summary conviction to a fine of not less than five hundred penalty units and not more than one thousand penalty units or to a term of imprisonment of not less than two years and not more than four years or to both.

Unauthorised development

118. (1) A District Assembly shall comply with the procedure stated in section 119 where

(a) a physical development has been or is being carried out without a permit contrary to this Act; or

(b) the conditions of a permit are not complied with.

(2) Despite subsection (1), a District Assembly may issue an enforcement notice demanding the immediate stoppage of the execution of a development or of works carried out contrary to this Act or to the terms of an approved development plan.

Execution of district and spatial development permit

119. (1) A District Assembly may, for the purpose of enforcing this Act or any other relevant enactment,

(a) prohibit, abate, remove, pull down or alter a physical development

(i) which does not conform to the approved plan, or

(ii) where that action is necessary for the implementation of an approved plan, so as to bring that physical development into conformity with the approved plan; or

(b) prohibit the use of a land or building for a purpose or in a manner contrary to the provision of an approved plan; or

(c) execute a work which is the duty of a person to execute under an approved plan, where delay in the execution of the work has occurred and the efficient operation of the approved plan has been or is likely to be prejudiced.

(2) Before taking action under subsection (1), the District Assembly shall serve notice in the prescribed form on the owner of the land in respect of which the action is proposed to be taken, and on any other person who in its opinion may be affected by the action, specifying the nature of, and the grounds on which the District Assembly proposes to take the action.

Abatement of nuisance

120. (1) Where substantial damage to the environment, public amenities or public health is caused or likely to be caused by nuisance or is likely to result from the action or inaction of a person, a District Assembly may serve notice in the prescribed form on the person responsible for the nuisance, requiring that person to abate the nuisance within the time specified in the notice in accordance with the relevant laws and directives issued by the Environmental Protection Agency.

(2) A notice served under subsection (1) shall specify the nuisance and the steps required to be taken to abate the nuisance.

(3) Where a notice issued under this section is not complied with, a District Assembly may carry out the abatement and recover the costs from the person responsible for the nuisance as if it were a debt due from that person to the District Assembly.

Unauthorised development of right of space of community

121. An authorised officer may, without notice, effect or carry out instant prohibition, abatement, alteration, removal or demolition of an unauthorised development if that breach is creating an environmental nuisance as defined in an enactment relating to the environment or interferes with the use of public right of space.

Buildings

Building Regulations, building code and building by-laws

122. The Minister responsible for Water Resources, Works and Housing shall, in consultation with building industry practitioners, publish a building code defining the scope and standards for buildings and structures and matters related to the structural integrity of buildings.

Physical Planning Standards and Development Guidelines

Guidelines and standards

123. (1) The Authority may, by guidelines and standards issued under this Act, prescribe procedures and forms in respect of

(a) the life cycle and update of plans;
(b) data gathering and update of data;
(c) the planning component of the building regulations;
(d) planning standards;
(e) standard zoning regulations;
(f) spatial plans;
(g) a permit database; and
(h) development applications and permits.

(2) Without limiting subsection (1), the standards shall provide for

(a) submission of application and related activities where there is an approved local plan;
(b) processing of an application by the District Spatial Planning Committee;
(c) submission of an application and related activities where there is an approved structure plan but no local plan;
(d) submission of application and related activities where there is neither an approved structure plan nor a local plan;
(e) matters related to approval and signing of development permits;
(f) matters related to rejection of application;
(g) authorised signatories of approved plans;
(h) local plans and sector plans;

(i) grant of a permit;
(j) sub-division of plots;
(k) re-zoning;
(l) information on development control;
(m) processes related to public and private sector partnership and private sector involvement in planning;
(n) the role and obligation of land owners and developers in the implementation process of frameworks and plans;
(o) the role of planning tribunals and limits on ambit of decisions on planning appeals; and
(p) approval of development generally.

Regulatory notices and circulars

124. Where the context requires, the Authority may issue regulatory notices and circulars in respect of

(a) evidence of approval regarding plans;
(b) compliance by planning authorities with their own plans;
(c) approval of development of major national and regional projects;
(d) approval of plans in special development areas;
(e) approval of special projects including major stadia, resettlement schemes and dams;
(f) approval of development projects including educational institutions, hospitals, offices and factories;
(g) approval for security agencies in respect of core security exclusion zones;
(h) National, Sub-National, Regional, Sub-Regional and District Spatial Development Frameworks;
(i) structure plans and local plans;
(j) consultations between planning entities and between stakeholders;
(k) the power of the Minister and the Authority to give directions in relation to local plans;
(l) local inquiry or hearing in respect of objectives of a plan or scheme;
(m) the procedure for the adoption of planning proposals;

(n) conformity between plans;
(o) certificate of conformity;
(p) alteration of structure plans;
(q) status of existing local plans in cases of conflict between the local plan and structure plan;
(r) joint structure plan and local plan;
(s) the power of the Minister and the Authority to order the review of plans;
(t) publicity;
(u) consultation with stakeholders and requirements in connection with preparation of plans;
(v) the scope of planning framework;
(w) adoption of local area plans;
(x) integration of spatial plans into development plans;
(y) initiation of the planning process; and
(z) powers of District Assemblies to require the construction, at the applicants cost, of offsite infrastructure as a condition for approval of plan.

Provisions Relating to the Issue of Regulatory Notices and Circulars in Respect of Plans and Land Use

Matters relating to regulatory notices

125. (1) The Authority shall establish a system of numbering of notices and shall publish the notices in the *Gazette* and may in addition publish the notices in a newspaper of national circulation and at other places including public notice boards and town halls.

(2) The Authority shall, in consultation with the Survey and Mapping Division of the Lands Commission, issue guidelines in respect of gridlines and requirements for coordinates based on appropriate systems, and scales of maps for spatial development frameworks, structure plans and local plans.

Spatial Planning Matters Related to Towns, Localities, Special Development Areas and Related Matters

Continuation of towns, establishment of new town or extension of existing town

126. (1) A town may only be declared, established or extended in accordance with the provisions of this Act.

(2) A District Assembly or a person that seeks to establish a new town, shall comply with the procedure prescribed in Regulations made under this Act for the establishment of towns.

(4) The Authority may issue guidelines for the purpose of this section and sections 127 to 138.

(5) Where a District Assembly seeks to establish a new town or extend the boundaries of an existing town or where the President seeks to establish a special town, the following procedure shall be observed:

(a) in the case of establishment by the President, the President shall request the Authority to advise on the measures to be put in place to ensure the attainment of the objectives for the special town;

(b) in the case of establishment by a District Assembly, the District Assembly shall consult the Regional Spatial Planning Committee in respect of the matter to be taken into account in implementing the decision of the District Assembly; and

(c) in the case of establishment by a person, that person shall comply with the provisions of section 127.

Housing scheme and private town

127. (1) A person who intends to develop a housing scheme or create a new town shall

(a) submit to the District Assembly in which the development or the creation is intended to take place, an application to develop a housing scheme or create the town, together with the location and site plans, context and local plans, public services and facilities plan, related written report and other relevant documents as prescribed;

(b) pay to the District Assembly the prescribed fees;

(c) where the land on which the housing scheme is sought to be developed or the town sought to be created is subject to a registered encumbrance, submit to the District Assembly the written consent of the holder of the encumbrance or show how the encumbrance is to be removed; and

(d) ensure that the proposed housing scheme or town conforms to the applicable spatial development framework.

(2) The District Assembly shall, after it has received the documents referred to in subsection (1)

(a) advertise the application in accordance with the requirement prescribed by Regulations;

(b) invite comments, information, representations or objections from the public in relation to the application;

(c) consider the need for and the desirability of the intended housing scheme or new town; and

(d) consider the plans and proposed conditions of development of the new housing scheme or creation of the new town.

(3) The District Assembly may grant or refuse an application referred to in subsection (2) and may, in the granting of an application, impose conditions that the District Assembly considers appropriate for the development of the housing scheme or creation of the new town.

(4) The decision of the District Assembly shall be made in accordance with Regulations that provide for the application.

(5) Where the District Assembly approves the application, the District Assembly shall

(a) give notice to the applicant, the Director of Survey and Mapping Division of the Lands Commission and the Registrar of Lands by way of a certificate, of the decision of the Authority, including the conditions imposed by the Authority;

(b) cause the proposed housing scheme or town to be surveyed in accordance with the approved local plan and a general plan to be prepared by the applicant; and

(c) give effect to the requirements set out in this section.

(6) Where in the course of the survey, it is found that it is necessary or desirable to vary the approved local plan, the District Assembly may approve the variation but where the variation is in the opinion of the District Assembly of a minor nature, the District Spatial Planning Committee may approve the variation and give notice of the variation to the District Assembly.

Extension of a town

128. A District Assembly which seeks to extend an existing town shall

(a) publish the intention for the extension in accordance with guidelines issued by the Authority and request for any comments, representations or objections from the general public within twenty-one days;

(b) publish the present and proposed extended layout plan, diagrams and other documents required; and

(c) where the land on which the extension is to be carried out is subject to any registered encumbrance indicate that the written consent of the holder of the encumbrance has been obtained.

Extension of a town by a private entity

129. (1) Where a person applies to a District Assembly to extend a town, the procedure under sections 127 and 138 shall be observed and the District Assembly may grant or refuse the application.

(2) The District Assembly may in granting an application under subsection (1) impose relevant conditions in relation to the extension of the town.

Information to Regional Spatial Planning Committee

130. (1) In each case of an application for the development or extension of a housing scheme or the creation or extension of a town, the District Assembly shall inform the Regional Spatial Planning Committee of the decision of the District Assembly.

(2) There shall be a period of thirty days between the date a District Assembly communicates the decision of the District Assembly to the Regional Spatial Planning Committee and when the District Assembly communicates to the applicant.

Conflicting application

131. (1) Where a District Assembly approves an application for the development of a housing scheme or the creation of a new town or where the President on the recommendation of the Authority directs or approves the creation of a new town or special town, the President shall notify the District Assembly.

(2) Where the President approves the creation of a new town or a special town, it shall be subject to the approval of the District Assembly.

(3) A District Assembly shall not in relation to a housing scheme, a new town or a special town issue a permit which is in conflict with the approved plans of the housing scheme or new town or the requirements of the special town.

Failure to comply with conditions

132. (1) Where a person who seeks to establish a new town or extend the boundaries of a town fails to comply with the condition imposed by the District Assembly within a period of twelve months from the date on which the condition was imposed, the District Assembly shall give that person notice of the failure and the application shall lapse after the notice is served on that person.

(2) A person who proceeds, after the notice is served, to establish the new town or extend the boundaries commits an offence and is liable on summary conviction, to a fine of not less than three hundred penalty units and not more than five hundred penalty units or to a term of imprisonment of not less than one year and not more than three years or to both.

(3) Where the District Assembly decides to extend the validity or review the application, a fee shall be paid for the extension or review.

Survey in case of establishment or extension

133. A person who applies to a District Assembly for approval to establish a town or extend the boundaries of a town, shall be given notice by the District Assembly to lodge the plans, diagram or documents for the purposes of survey of the land earmarked for the establishment or extension and failure by that person to submit the plans, diagram or documents within the time specified in the notice shall lead to an immediate lapse of the application.

Ownership of public space

134. The ownership of a public space in a new town or an extension to an existing town vests, from the date of approval by the District Assembly of the plans and diagrams,

(a) in the District Assembly; or

(b) in the owner in trust for the District Assembly if the establishment or extension of the town is by a private person.

Guidelines on private town

135. The Authority may issue further guidelines for the establishment and operation of a private town.

Information to Lands Commission for the prohibition of sale

136. (1) Where a District Assembly approves the establishment or extension of a town or the President prescribes the creation of a special town, notice of the approval of the establishment or extension of the town or notice of the creation of the special town shall be given to the Lands Commission.

(2) A person shall not

(a) enter into an agreement for the sale, trade, alienation or disposal in any other way of a plot of any size, or

(b) grant an option to buy or to obtain land, in a town established or extended under subsection (1),

except in accordance with procedures specified in sections 127 and 128 for that purpose.

(3) Subsection (1) does not prohibit a person from buying land on which that person wants to develop a property that is in conformity with the approved local plan for the new town.

(4) An agreement which is in conflict with subsection (2) is void.

(5) A person who contravenes or fails to comply with the provisions of subsection (2) commits an offence and is liable on summary conviction to a fine of not less than two hundred and fifty penalty units and not more than one thousand penalty units or to a term of imprisonment of not less than two years and not more than four years or to both.

Alteration, amendment or cancellation pursuant to complaint

137. (1) A person who is opposed to the establishment of a new town or wishes to have the general plan of an approved town or approved extension of a town, amended or totally or partially cancelled shall apply in writing to the District Assembly or in the event that the town cuts across two or more districts within a region, to the Regional Coordinating Council.

(2) The procedure specified in subsection (6) to (9) of section 168 for dealing with complaints applies to this section.

Extension of boundaries of approved town or approved extension

138. Where an area of land, by reason of it being contiguous,

(a) constitutes or becomes a portion of an approved estate, town or an extension of any approved estate or town, or

(b) adjoins an approved estate or town or an approved extension of an estate or town,

the District Assembly may, by a certificate to the Director of Survey and Mapping Division of the Lands Commission, extend the boundaries of the estate or town or extension of the estate or town to include that area.

Physical Planning Matters Related to the Subdivision or Consolidation of Land

Application for subdivision or consolidation

139. (1) Subject to the provisions of any other relevant enactment, a person who intends to subdivide or consolidate a parcel of land shall submit an application to the District Spatial Planning Committee requesting for the subdivision or consolidation.

(2) The application shall be accompanied with

(a) an approved local plan of the parcel or parcels of land involved;

(b) the zoning certificate of the land as evidence of compliance with the approved structure plan; and

(c) a plan indicating access road or internal circulatory road system.

Unique parcel number

140. The Physical Planning Department of the District Assembly in consultation with the Lands Commission shall provide a referenced coordinate system which the District Spatial Planning Committee shall use as the basis to provide a unique parcel number for each parcel of land.

Consideration of application for subdivision or consolidation

141. The District Spatial Planning Committee may reject or accept a request for consolidation except that before the Committee accepts a request, the Committee shall

(a) advertise the application in the manner prescribed by Regulations and request for public comments or objections; and

(b) on receipt of an objection to or comment on an application, submit the objections and comments to the person who made the request for a response.

Granting or refusal of application for subdivision or consolidation

142. (1) The District Spatial Planning Committee may grant or refuse an application for subdivision or consolidation.

(2) Where the District Spatial Planning Committee decides to grant the application, it may impose conditions for the subdivision or consolidation as it considers appropriate.

(3) The Authority shall, by guidelines, specify the conditions that have to be complied with before the grant of the application for subdivision or consolidation.

Condition for subdivision or consolidation

143. (1) Where a District Spatial Planning Committee imposes a condition for the subdivision or consolidation of land, the applicant shall comply with the condition before conveying any part of that land.

(2) A person who subdivides or consolidates land or who acquires land which is a subdivision of a larger parcel of land or a consolidated land without complying with this section commits an offence and is liable to pay an administrative penalty specified by the District Assembly or the Lands Commission as the context requires.

(3) The District Spatial Planning Committee shall not approve a subdivision or a consolidation unless it has received a written report from the Survey and Mapping Division of the Lands Commission.

Conveyance of consolidated or subdivided land

144. A conveyance, lease or any other disposal of a subdivided or consolidated land is void unless the conveyance, lease or disposal complies with sections 143, 146 and 148.

Ownership and use of public space

145. (1) A public open space on a subdivided or consolidated land shall, from the date of approval by the District Spatial Planning Committee

(a) vest in the District Assembly; or

(b) be reserved or utilised by the District Assembly for purposes prescribed by Regulations made under this Act or approved in the local plan.

(2) Where land is reserved by the District Assembly, the reservation shall be without the payment of a fee or the burden of an encumbrance but is subject to the payment of applicable compensation to the original owner if

(a) the District Assembly decides not to make it a public space;
(b) the District Assembly changes the zoning in relation to the land to any other use; or
(c) the period prescribed by the Regulations expires.

(3) Where the District Assembly fails to pay compensation within twelve months of the decision in paragraph *(a)* of subsection (2) or changes the use of the reserved land, the land shall revert to the original owner.

(4) Where the subdivision or consolidation has been approved by a Joint Spatial Planning Committee or by the Authority in the case where the public space is in respect of land which abuts more than one district, the land shall be assigned a unique parcel number by the District Spatial Planning Committee in accordance with the unique parcel numbering system of the District Assembly and the unique parcel number shall constitute the basis of future applications for a licence, Land Use Certificate or permit.

Endorsement by the Lands Commission

146. After the grant of an approval for a subdivision or consolidation, the Lands Commission shall endorse or amend the records at the Lands Registry in respect of that land to reflect the subdivision or consolidation.

False or misleading information

147. A person or district planning authority that intentionally provides false or misleading information in connection with an application made under this Act commits an offence and is liable on summary conviction to a fine of not less than two hundred and fifty penalty units and not more than one thousand penalty units or to a term of imprisonment of not less than two years and not more than four years or to both.

Preventive and Enforcement Measures

Compliance with this Act

148. Where the Authority determines that a District Assembly has failed to discharge its duties or exercise its powers satisfactorily in terms of its

spatial planning, the Authority may recommend to the Minister responsible for Local Government to

(a) sanction the District Assembly in a manner that the Minister considers appropriate;

(b) instruct the District Assembly to take steps to ensure compliance with the provisions of this Act; or

(c) recover from the District Assembly any amount spent by the Authority in connection with any matter referred to in its recommendation under this section.

Offences and penalties

149. (1) A person who

(a) threatens, resists, hinders or obstructs, or uses foul, insulting or abusive language towards a person who is exercising a power under this Act, or

(b) refuses or fails to answer a question put to that person in the course of the performance by an officer of a function under this Act

commits an offence and is liable on summary conviction to a fine of not less than five hundred and fifty penalty units and not more than one thousand penalty units or to a term of imprisonment of not less than two years and not more than four years or to both.

(2) A person who is convicted of an offence under this Act and who after the conviction continues with the conduct in respect of which that person has been convicted, commits a further offence and is liable on summary conviction to a fine of not less than one hundred penalty units and not more than one thousand penalty units for each day that the offence continues or to a term of imprisonment of not less than six months and not more than two years or to both.

Preventive measures

150. (1) The Planning and Building Inspectorate Unit established under this Act, shall take preventive measures to prevent a breach of the provisions of this Act or a deviation from its purposes.

(2) The Authority shall in consultation with the Minister responsible for Local Government make further rules to guide the implementation of this section.

Outsourcing of enforcement

151. (1) Where in the opinion of a District Spatial Planning Committee, part or all of the functions of the enforcement unit is better performed by an agent, the District Assembly may take steps to engage one or more entities on a competitive basis to perform those functions.

(2) An agent appointed under subsection (1) shall only make enforcement recommendations.

Register of enforcement notices

152. (1) Each District Assembly shall maintain an enforcement register and a copy of the register shall always be available at the Public Data Room.

(2) The enforcement register shall contain each notice of enforcement in a manner prescribed in Regulations made under this Act.

Enforcement and penalties

153. Where a person or entity fails to comply with an enforcement notice within the time specified in or under this Act, that person or entity is liable to pay to the relevant District Assembly an administrative penalty of the Ghana Cedi equivalent of two hundred United States Dollars for each day that the person or entity fails to comply after the date specified for compliance has lapsed.

Institutional coordination

154. In carrying out its preventive enforcement measures, the Authority, a Regional Spatial Planning Committee and a District Assembly shall liaise with the relevant agencies needed to ensure compliance.

Continuous monitoring

155. The Authority shall assist District Assemblies to undertake continuous monitoring of compliance with the Act and the attainment of its objectives.

Appeal to Authority

156. A person aggrieved by an enforcement decision may appeal against the decision in accordance with sections 168 to 172.

Intervention of the Court

157. An application to the Court for judicial review shall be in respect of matters of law and not matters of fact relating to planning.

Methods of Enforcement

Planning and Building Inspectorate Unit

158. Each District Assembly shall establish a Planning and Building Inspectorate Unit in accordance with the Local Government Service Act, 2003 (Act 656) and Local Government (Departments of District Assemblies) (Commencement) Instrument, 2009 (L.I. 1961).

Functions of planning and building inspector

159. (1) An officer of the Planning and Building Inspectorate Unit, whether employed by the District Assembly or engaged as an outsourced person, shall monitor physical development to ensure compliance with the approved permits and with the provisions of this Act.

(2) An officer under subsection (1) shall on request by the occupant of the land produce the identification and authorisation of the officer.

Enforcement procedures

160. In carrying out its enforcement functions, a District Assembly may issue

(a) enforcement notices;
(b) stop notices;
(c) orders for discontinuance;
(d) revocation of permits;
(e) certificate of approved land use; and
(f) certificate of habitation.

Certificate of habitation

161. A person shall not use a building for any purpose or permit a building to be used for a public purpose unless a certificate of habitation for that building has been issued by the District Assembly pursuant to the National Building Regulations, 1996 (L.I. 1630).

Special Controls

Control of specific matters

162. (1) A District Assembly shall liaise with the Environmental Protection Agency and other relevant agencies on matters related to enforcement in respect of

(a) trees, gardens and the natural environment; and
(b) the general duty of planning authorities regarding trees.

(2) The Authority shall make rules regarding the following:

(a) tree preservation orders;
(b) tree removal procedures;
(c) compensation for loss or damage caused by reason of orders made by the Authority;
(d) consequences of tree removal; and
(e) trees in conservation areas.

(3) The Authority shall liaise with the relevant Ministry in prescribing enforcement measures regarding

(a) matters related to highways and trunk roads as defined in the Ghana Highway Authority Act, 1997 (Act 540);
(b) matters related to urban roads;
(c) matters related to feeder roads;
(d) matters related to general right of way;
(e) waterways and planning orders made by the Water Resources Commission under the Water Resources Commission Act, 1996 (Act 522), the Community Water and Sanitation Agency and related entities;
(f) matters related to mining areas and the Minerals Commission;
(g) matters related to agriculture and agricultural areas;
(h) matters related to conservation areas including forestry reserves, game and wildlife sanctuary, Ramsar sites, water catchment areas, nature reserves and coastal belts;
(i) standard by-laws on outdoor advertisements;
(j) regulations relating to advertisements;
(k) repayment of expenses for removal of unauthorised advertisements;
(l) enforcement of control over advertisements;
(m) acquisition and appropriation of land for planning and public purposes;
(n) disposal and development of land acquired for planning purposes;
(o) provisions relating to physical development in general public areas belonging to security agencies and areas under the control of security agencies but which are ordinarily accessible to the public and families of security personnel;

(p) laying of fibre optic cables and other utility service cables and lines; and

(q) public bodies which are service providers including

(i) the Ghana Civil Aviation Authority;
(ii) the Ghana Post and various post offices;
(iii) the Ghana Railway Development Authority;
(iv) the Environmental Protection Agency;
(v) the Water Resources Commission;
(vi) the Ghana Highway Authority;
(vii) the Ghana Airport Company Limited;
(viii) the Ghana Ports and Harbours Authority;
(ix) the Ghana Maritime Authority;
(x) the Fisheries Commission;
(xi) the Ghana Water Company Limited;
(xii) oil, petroleum and gas transportation entities;
(xiii) hydro and other power generating entities;
(xiv) authorised distributors or transmitters of electricity; and
(xv) mast installers and telecommunication operators.

Rectification of contradiction

163. (1) Where a building or a part of a building has been erected or is used in contravention of this Act, the District Assembly shall give notice to the person responsible for the building directing that person to take the required remedial action before the date specified in the notice which date shall not be more than twelve months after the date of the notice.

(2) Despite subsection (1), the District Assembly may, in exceptional circumstances, extend the date pursuant to a written application by the person concerned.

(3) Where the person responsible for the building fails to comply with the notice, the District Assembly shall take appropriate enforcement measures as prescribed by the Regulations and Guidelines.

(4) A person who is dissatisfied with an enforcement measure taken by the District Assembly under subsection (3) may appeal to the Regional Coordinating Council.

Right of entry to premises

164. (1) An authorised officer of a planning entity may, at a reasonable time, enter land or a building to conduct an inspection, a survey, study, an examination or investigation necessary for the performance of the functions of the planning entity under this Act or to abate a nuisance, prevent a breach or carry out an enforcenment pursuant to the provisions of this Act.

(2) A survey or investigation in subsection (1) includes the taking of photographs.

(3) The authorised officer of a planning entity shall, before exercising the power under subsection (1), give three days' notice to the owner or occupier.

(4) The authorised officer of a planning entity shall, on request by the occupant of the land or building, produce the authorisation.

(5) Despite subsection (3), an authorised officer may enter any land or building without notice in order to carry out the functions specified under section 121.

Immunity of officer from liability

165. (1) An employee of a District Assembly or a person acting on the authority of a District Assembly is not personally liable for an act done in good faith in the performance of a function or the execution of a duty under this Act.

(2) In the performance of its functions under this Act, a District Assembly is, in addition to the provisions of this Act, subject to conditions imposed in regulatory notices and administrative instructions issued by the Authority in accordance with this Act.

(3) The District Chief Executive or a person to whom responsibility is delegated in accordance with this Act is responsible and accountable for an action taken in pursuance of the responsibilities under this Act.

Penalty for obstruction

166. A person who obstructs an officer of the District Assembly or the Authority from performing the functions under this Act commits an offence and is liable on summary conviction to a fine of not less than three hundred penalty units and not more than five hundred penalty units or to a term of imprisonment of not less than one year and not more than three years or to both.

Acquisition of land

167. (1) A District Assembly may, on its own accord or at the request of the Regional Spatial Planning Committee, the District Spatial Planning Committee or the Regional Coordinating Council in the case of joint District Assemblies, negotiate with the owner of land and acquire, at the cost of the District Assembly, land or buildings where the acquisition is necessary for enforcing the provisions of this Act.

(2) Where a District Assembly is unable to purchase a land or a building required under subsection (1), the land or building may be acquired under the State Lands Act, 1962 (Act 125) and the cost shall be borne by the district.

(3) A land or a building acquired under this section shall be used only for, or in connection with the scheme for which that land or building was acquired and a failure to use the land or building for the purpose for which it was acquired entitles the original owner to be given the option to acquire the land back at a concessionary value to be determined by the Land Valuation Division of the Lands Commission.

Complaints, Appeals and Review Process

Right to review

168. (1) A person may lodge a complaint, make an appeal or seek a review under this Act if that person

(a) has suffered or is likely to suffer a loss or damage as a result of an action taken by the Authority, Regional Spatial Planning Committee, District Assembly or an entity or person under this Act or as a result of a breach of this Act by another person or entity;

(b) has grounds to believe that a right or privilege that that person is entitled to under this Act has been infringed on;

(c) has reason to believe that there has been a breach of this Act by a person or entity;

(d) seeks to enforce this Act or to compel another person or a public entity to comply with this Act; or

(e) feels dissatisfied with a decision of a planning authority under this Act or the decision arrived at after an earlier complaint or review.

(2) A person entitled to lodge a complaint under this Act may seek a review from the District Assembly, the Regional Coordinating Council or the Authority as appropriate.

(3) Where a person seeks to compel a planning authority to comply with this Act, the person may lodge a complaint to a higher planning authority or to the courts.

(4) A complaint or request for review shall not be entertained unless

(a) the complaint or request is submitted in writing;

(b) the particulars of the person submitting the request or complaint and the means by which that person can be reached is stated in the complaint or request;

(c) the nature of the complaint or grievance is stated and, where applicable, the part of the planning process from which the complaint arose is specified;

(d) the person submitting the complaint or seeking for review has supplied relevant evidence in support; and

(e) the person aggrieved by a decision or action of a Spatial Planning Committee lodges the complaint or appeal to the District Planning Authority within three months after receipt of the notice of decision or action.

(5) A complaint or appeal shall

(a) in respect of complaints to the Authority, be submitted to the Chief Executive Officer of the Authority;

(b) in respect of complaints or appeals to the Regional Coordination Council, be submitted to the Regional Coordinating Director of the Regional Coordinating Council; and

(c) in respect of complaints to a District Assembly, be submitted to the District Coordinating Director of the District Assembly.

(6) Where a complaint is submitted to

(a) the District Chief Executive, the District Chief Executive shall constitute a five member committee and refer the complaint to the committee;

(b) the Regional Coordinating Council, the Regional Coordinating Director shall refer the complaint to a sub-committee of the Regional Spatial Planning Committee; and

(c) the District Assembly, the District Coordinating Director shall refer the complaint to the Technical Sub-Committee of the District Spatial Planning Committee.

(7) The findings of the Committee shall be submitted to the

(a) Board in the case of the Authority;

(b) Regional Coordinating Council in the case of the Regional Spatial Planning Committee; and

(c) District Chief Executive of the District Assembly in the case of the District Assembly for a final decision to be taken by the District Assembly.

(8) A decision shall be communicated not later than twenty-one days after the receipt of the complaint.

(9) The decision shall be in writing and shall state

(a) the reasons for the decision;

(b) whether the complaint is upheld in whole or in part; and

(c) where applicable indicate the corrective measures that are to be taken.

(10) A person who is dissatisfied with the decision of the District Assembly may further appeal to the Regional Coordinating Council.

Suspension of planning process

169. (1) Except in the case of an emergency, a District Assembly that receives a complaint other than a request for a review of a previous decision in respect of a complaint, shall immediately suspend any decisions and investigate the complaint.

(2) The Authority may make rules to regulate complaints and reviews and the rules shall be consistent with the laws that regulate administrative procedures.

Record of all decisions

170. Each District Assembly shall keep a record of its decisions and the reasons for the decisions and a copy of the decision and the reason shall be kept and be made available at the Public Data Room of the District Assembly.

Time for complaints

171. A complaint shall be lodged not later than thirty days after the decision concerned has been made known or otherwise brought to the notice of the complainant.

Appeal process

172. (1) Except as otherwise specified under this Act, a complaint or an appeal shall in the first instance be made to the body or entity against whom the complaint or appeal is made before an appeal is made in accordance with this Act.

(2) An appeal in all instances shall be lodged within thirty days after the decision being complained of was made known or was otherwise brought to the notice of the appellant.

(3) A decision arrived at on appeal is conclusive as to fact and is binding on the appellant or district authority concerned.

(4) A decision of the Regional Coordinating Council or the Authority in respect of an appeal is subject to review by the High Court except that no court shall make a decision regarding a matter of fact in respect planning of physical development.

General Provisions

Conduct of public officials and their representatives

173. (1) A public officer who performs a planning function shall

(a) perform that function impartially so as to ensure fairness, equity and justice and shall not use personal relationships or private grievance as the basis for any decision;

(b) take the public interest into account and act in accordance with the object and procedures of this Act; and

(c) avoid conflict of interest and the appearance of conflicts of interest, in the performance of that function and shall immediately disclose any conflict of interest and request to be recused in a matter that involves a conflict of interest.

(2) The Minister may, by legislative instrument, provide for a code of conduct for the purposes of this Act.

Public consultation

174. (1) The procedure for public consultation conducted by a District Assembly for the purposes of this Act shall be in accordance with this section.

(2) The District Assembly shall make the draft spatial development framework, structure plan and local plan available for public consultation for a period of not less than four weeks.

(3) In furtherance of subsection (2), the District Assembly shall

(a) make the plan available at the Public Data Room;

(b) publish the consultation procedure in a newspaper of national circulation;

(c) inform the public by posting of notices at the premises of the District Assembly and by publication on the official website of the District Assembly or by any other means, where and how opinions, objections and submissions may be lodged;

(d) invite designated stakeholders to submit opinions and objections;

(e) arrange public meetings and hearings;

(f) arrange for poster sessions in public institutions; and

(g) receive and record opinions and objections as part of the adoption procedure.

(4) The District Assembly shall make available to the public for a period of not less than four weeks the decision of the Assembly to adopt the plan.

(5) In furtherance of subsection (4), the District Assembly shall

(a) make available at the Public Data Room the notice of the decision to adopt the plan and publish the decision in a newspaper of national circulation and in the *Gazette*;

(b) provide a statement on

(i) how and the extent to which submissions from the public have been taken into consideration in the adoption of the plans; and

(ii) the degree to which the Strategic Environmental Assessment report has been taken into consideration during the adoption of the plan; and

(c) provide the details of

(i) how the significant environmental impacts of the plan will be monitored during the planning period; and

(ii) how and to which Authority a complaint against the decision to adopt the plan may be made including the details of the deadline for submitting a complaint.

(6) The Authority may issue further guidelines in respect of public consultation.

(7) In addition to the methods for public notification specified under this section, a District Assembly may employ other methods of giving notice to the public including announcements at places that are appropriate for the purpose of giving notice.

Public participation

175. A person responsible for the preparation of a plan shall ensure that stakeholders are consulted in accordance with the procedure prescribed in the Regulations and Guidelines.

Records

176. The Authority, the Regional Coordinating Council and each District Assembly shall keep written records of planning decisions together with supporting documents including

(a) maps;
(b) layouts;
(c) minutes of meetings;
(d) a record of decisions on each application and reasons for decisions;
(e) records of site visits;
(f) statistical analysis;
(g) records of public consultation; and
(h) other relevant records.

Public records

177. (1) Records specified in this Act to be made available to the public on demand shall be made available at the Public Data Room of the District Assembly for inspection within normal working hours by members of the general public.

(2) A public official who prevents a person from having access to public information relating to planning under this Act may be sanctioned by the appropriate authority.

(3) A person who seeks to make copies of public records on planning shall bear the cost of the copies and pay the appropriate fee prescribed by the Authority.

(4) This section is subject to any other law on access to information.

Power to obtain information

178. (1) A planning entity may, in the performance of its functions under this Act and subject to any law on right to information,

(a) by notice in writing, require a person to provide information in the form and manner and within the time specified in the notice, where the planning entity considers the information necessary for the purpose of ensuring compliance with this Act or for the determination of a matter under this Act; or

(b) interview a person and request that person to provide particulars that the planning entity may require.

(2) The notice shall contain a general statement of the purpose for which the information is required.

(3) A person who

(a) fails to provide information requested by a planning entity within the time specified in the notice or by the planning entity where extension of time is granted,

(b) knowingly provides misleading or false information or materials, or

(c) willfully obstructs the work of a planning entity or an officer, agent or employee of the planning entity in the performance of any of the functions of the planning entity

commits an offence and is liable on summary conviction to a fine of not less than one hundred and fifty penalty units and not more than three hundred penalty units or to a term of imprisonment of not less than one year and not more than two years or to both.

Confidentiality and prohibition of disclosure of information

179. (1) An official of the Authority, the Regional Spatial Planning Committee, the District Spatial Planning Committee or any other planning entity commits an offence if that officer

(a) discloses any data or information obtained under section 176 to a person not authorised to receive the information; or

(b) uses data or information obtained under section 176 directly or indirectly for commercial purposes including speculating in any stock, bond or other security.

(2) A person who commits an offence under subsection (1) is liable on summary conviction to a fine of not less than five hundred penalty units and not more than two thousand penalty units or to a term of imprisonment of not less than two years and not more than four years or to both.

Provision of information by District Assembly to Authority

180. Each District Assembly shall, within the period stated in this Act, provide the Authority with information that the Authority may in writing require.

General offences

181. Except as otherwise specified in this Act, a person who commits an offence under this Act, is liable on summary conviction to a fine of not less than three hundred penalty units and not more than five hundred penalty units or to a term of imprisonment of not less than one year and not more than three years or to both.

Inter-sectoral collaboration for effective planning

182. (1) A public sector agency, whether or not, it is represented on any of the entities created under this Act, shall cooperate with the Authority, a Regional Coordinating Council or a District Assembly and other agencies for the purpose of ensuring compliance with this Act.

(2) For the purpose of subsection (1), a public sector agency includes the Ministry of Local Government and Rural Development, the Ghana Highway Authority, a District Assembly, the Lands Commission, the Forestry Commission, the Ministry of Food and Agriculture, the Ministry of Environment, Science, Technology and Innovation, the Ministry of Health, the National Development Planning Commission, the Environmental Protection Agency and any other agency that plays a role in human settlement and spatial planning.

Register and index of notices

183. The Authority shall prescribe an index and a register to be kept of all notices issued by various planning authorities under this Act.

Effect of notice

184. The issue of a notice in accordance with this Act and Regulations and guidelines made under this Act is sufficient evidence that the attention of the person affected by the notice has been drawn to the contents of the notice.

Levels of operation of the Authority

185. (1) The Authority shall operate as a national level authority.

(2) The Authority shall operate regional offices to take instructions from the Authority, to implement the decisions of the Authority and to provide a feedback from the sub-national level to the Authority.

(3) The regional offices of the Authority shall serve as the Secretariat for the Regional Spatial Planning Committee.

(4) The Physical Planning Department at the district level shall be part of the District Assembly in line with the Local Government Service Act, 1993 (Act 656).

(5) The Physical Planning Department shall be the Secretariat for the District Spatial Planning Committee.

(6) The Physical Planning Department shall perform spatial planning functions and provide feedback, data and information to the Authority through the Regional Spatial Planning Committee.

Implementation of planning system

186. To facilitate the implementation of this Act, the Authority may prescribe a time frame for District Assemblies to comply with various requirements of this Act including

(a) the preparation of

(i) a District Spatial Development Framework;

(ii) a structure plan;

(iii) a local plan;

(iv) utility mapping and planning; and

(v) street address;

(b) the development of unique parcel numbering;
(c) conformity with permit procedures;
(d) regular data gathering and updates for planning purposes; and
(e) the formulation of the
(i) National Spatial Development Framework;
(ii) Regional Spatial Development Framework;
(iii) Sub-Regional and Multi-Regional Spatial Development Framework; and
(iv) guidelines for the update of the matters provided for within this section.

Form of regulatory notices and circulars

187. The form of regulatory notices and circulars shall be prescribed by Regulations.

Regional and District Guidelines

Regional and district guidelines

188. Subject to a request by a Regional Coordinating Council, the Authority may, in consultation with the Minister, publish guidelines specific to each region and district regarding planning standards or zoning regulations and in that regard shall take account of specific variations relating to climate, established traditions or customs where appropriate.

Furnishing of comment and information

189. A person who is required to furnish a planning entity, District Spatial Planning Committee or an authorised officer, as the case may be, with a comment or information under this Act shall furnish that comment or information within a period of thirty days from the date on which the comment or other information was requested.

Immunity of officer of the Authority or the Regional Coordinating Council from liability

190. An employee of the Authority, a Regional Coordinating Council or a person acting under the authority of the Authority or a Regional Coordinating Council is not personally liable for an act done in good faith in the performance of a function or the execution of a duty under this Act.

By-laws

191. A District Assembly may make by-laws that affect physical development under this Act.

Application of Act to public entities

192. Except as may be otherwise specified in Regulations made by the Minister under this Act, this Act shall be fully complied with by public entities in respect of the matters provided for in this Act.

Scope of the planning decisions by the court

193. (1) Despite the power of the courts to hear matters of law and procedure under the complaint process under this Act, a court shall not order the carrying out of physical development on any land in any part of the country unless the order is for the purposes of enforcing the carrying out of physical development approved by the District Assembly, Regional Spatial Planning Committee or the Authority.

(2) A court may award damages to a person who in the view of the court has suffered a loss as a result of the decision on planning or physical development by the District Assembly, Regional Spatial Planning Committee or the Authority.

Requirement for the regular collection of development and land use data

194. The Authority shall publish guidelines requiring all District Assemblies and Regional Coordinating Councils to collect data on a regular basis to provide input for the various requirements of this Act including input for the National Spatial Development Framework, Regional Spatial Development Framework, structure plans and local plans.

Promotion and regulation of the practice of planning

195. For the purposes of ensuring that persons with adequate technical expertise perform relevant land use and spatial planning functions and to enhance the continuous development of professional knowledge related to physical development planning, the Minister shall, in consultation with relevant stakeholders promote the promulgation of an Act of Parliament for the establishment of a body to regulate the practice of the physical planning profession in particular and the profession of planning generally.

Exercise of Spatial Planning functions by District Assemblies

196. (1) Part II of the Local Government Act, 1993 (Act 462) is repealed in accordance with the Schedule.

(2) Despite subsection (1), a District Assembly shall continue to perform the spatial planning functions assigned to the District Assembly under Part II of the Local Government Act, 1993 (Act 462) but shall do so in accordance with the provisions of this Act.

Miscellaneous

Regulations, guidelines, manuals and detailed instructions

197. (1) The Authority may issue further guidelines, procedures, manuals and relevant documents to give effect to this Act.

(2) The Authority may recommend Regulations to be issued by the Minister for the purpose of attaining the objects of this Act.

(3) For the purposes of this Act, and in furtherance of this section, the Regulations, guidelines, policies, circulars, manuals and other documents issued under this Act may provide for

(a) permitting standards and procedures;
(b) the preparation and submission of plans for permits;
(c) the manner of publication of notices in relation to matters in this Act which require notice;
(d) matters relating to zoning and depressed settlements;
(e) site requirements;
(f) site coverage of buildings;
(g) projections beyond building lines including erfs;
(h) orientation, building lines and improvement lines;
(i) boundary lines;
(j) building at street corners;
(k) dimensions, heights and space of rooms and areas in dwelling units;
(l) planning standards;
(m) zoning and re-zoning;
(n) variation of planning standards;
(o) planning in respect of heritage and listed building;
(p) procedure for considering appeals;
(q) procedure for public consultations; and
(r) structural repairs.

(4) The Authority may by guidelines, prescribe a revision, redraft, modification or amendment of the contents and format of

(a) a spatial development framework;
(b) a structure plan;
(c) a zoning scheme; and
(d) a local plan.

(5) In addition to subsection (3), the Minister may, by legislative instrument, make Regulations to prescribe for

(a) fees to be charged under this Act;
(b) the procedure for the preparation of a structure plan;
(c) the procedure for the update of a zoning scheme;
(d) the procedure for re-zoning;
(e) the forms to be used under this Act;
(f) the procedure for the lodging of an appeal or a complaint;
(g) the acquisition of a conditional or unconditional permit;
(h) the standards applicable to urban and non-urban land use;
(i) spatial planning matters;
(j) the procedure for subdivision or consolidation of land; and
(k) the effective implementation of this Act.

Interpretation

198. In this Act, unless the context otherwise requires,

"administrative boundaries" has the meaning as assigned in the Local Government Act, 1993 (Act 462) and refers to an area over which a specified administrative authority including a Unit Committee, Area Council, Urban Council, Sub Metro, District Assembly, Regional Coordinating Council or National Authority is vested with oversight authority;

"approved District Development Plan" has the assigned meaning in section 21 of the National Development Planning (System) Act, 1994 (Act 480);

"Authority" means the Land Use and Spatial Planning Authority established under section 2;

"betterment" means the monetary compensation that in the opinion of a District Assembly is payable because of the increase in the value of land or property arising from improvements carried out by a public entity;

"blighted area or property" means an area or property that, in the opinion of the planning authority, requires development or upgrade in order to bring the area or property to the standard of surrounding or adjoining development or community in which or near which the property is located;

"Board" means the governing board of the Land Use and Spatial Planning Authority established section 5;

"building" means a structure or part of a structure and related drains, sewers, pipes and works regulated in this Act and the National Building Regulations, 1996 (L.I. 1630);

"building permit" means a written permission granted by a District Assembly under this Act and the applicable Building Regulations which sets out conditions for the construction of a building or a structure or the execution of works on a proposed building;

"built environment professional" means a practising professional in the area of physical development;

"community" means a group of households who refer to their defined settlement or administrative area by the same name;

"community right of space" includes a road, street, footpath, pavement, passenger terminal, parking area, any public right of way, school ground, hospital ground, open space, cemetery, playing field, square, durbar ground, market place, public place of assembly, or any space or ground or area for public or community use that exist or is so designated in an approved structure or local plan or under the provision of any law;

"consolidation" means the joining of otherwise separate parcels of land or plots so as to incorporate the separate components in one whole property with clearly defined boundaries;

"database" means a structured collection of records or data for the purposes prescribed under sections 4 (*x*) and 123(1)(g);

"development permit" means a permit authorising a person to carry out development in accordance with the conditions specified in the permit;

"district" means the area of authority of a District Assembly, a Municipal Assembly and a Metropolitan Assembly as defined under section 162 of the Local Government Act, 1993 (Act 462);

"District Assembly" includes a Municipal Assembly and a Metropolitan Assembly;

"District Spatial Development Framework" means the spatial strategy and indicative plan for achieving defined social, economic and environmental policies and which comprises among others, the location of key components of the strategy aimed at achieving the desired development in the area of authority of a District Assembly;

"District Development Plan" means a consolidated plan of the economic, social, spatial, environmental, sectoral and human settlement and the policies of a district in respect of them which are duly approved by the National Development Planning Commission;

"District Spatial Planning Committee" means a committee of a District Assembly is constituted in accordance with section 37 to perform the functions of preparation of district and local plans and approve development and building permits and other functions spelt out under this Act and in the Regulations;

"erf" means a portion of land smaller than a minimum plot for a building and usually bounded on one side by a fence line, access, a waterbody or anything as a result of which a building cannot be erected on that portion of land;

"fence line" means a line determined by the planning authority for the purpose of defining the boundaries of a plot;

"Fund" means the Land Use Planning and Development Fund established under section 21;

"infrastructure" includes transportation links and other key features for managing the effects of development;

"joint development plan" means a detailed plan of any contiguous area whose special physical or social economic characteristics necessitate it being considered as a single unit for the purpose of development and that has been designated by the National Development Planning Commission as a joint development planning area;

"land use management" means the system of legal requirements, regulations and guidelines that apply to the use of land in order to achieve the objectives of this Act for the built environment;

"land use plan or planning scheme" means a plan which proposes the disposition of land by function and purpose, including land for which the purpose is yet to be defined or which is to be preserved in its present state, to meet the present and future identified community needs within the time frame for which the plan is valid;

"local plan" means a detailed plan which proposes a dimensionally accurate disposition of parcels of land by function and purpose to meet the present and future identified community needs within the time frame for which the plan is valid;

"local planning authority" or "district planning authority" means a District Assembly;

"marine space" means the jurisdiction of the maritime waters of Ghana extending up to two hundred nautical miles from the shorelines of Ghana as prescribed by the United Nations Convention on the Law of the Sea, (UNCLOS);

"Minister" means the Minister responsible for town planning;

"National Development Plan" means a consolidated plan of the economic, social, spatial, environmental, sectoral and institutional issues and policies of this country;

"National Spatial Development Framework" means the spatial strategy and indicative plan for achieving defined social, economic and environmental policies and which comprise the location of key components of the strategy aimed at achieving the desired development of the entire territory of this country;

"neighbourhood" means a geographically localised community located within a larger community administrative area in the nature of a city, town or suburb;

"parcel" means an extended area of land which can be used for several purposes;

"physical development" means the carrying out of building, engineering, mining or other operations on, in, under or over land or the material change in the existing use of land or building comprising among others the sub-division of land, the disposal of waste on land including the discharge of effluent into a body of still or running water and the erection of an advertisement or other hoarding among others;

"planning authority" includes a district planning authority at the district level, a Regional Coordinating Council at regional level and any other body designated by the Authority to carry out a development planning function;

"planning entity" means the Authority, Regional Coordinating Council, Metropolitan, Municipal and District Assemblies, Ministries, Departments and Agencies and Special Development Authorities;

"planning standards" means the standards approved by the Authority for the development of land and comprising among others, the type of permissible development, density of development, plot coverage, building heights, setbacks from the road and surrounding buildings, accessibility, width of roads and open space requirements;

"plot" means an area of land that has been measured and considered as a unit for a particular purpose;

"public space" means a generally open area accessible to and used by the public including resource lands, urban utility space, riparian buffer zones, natural park areas, forests, urban parks, recreational areas, infrastructure right of way, areas of cultural or historical interests;

"region" means a specified political and administrative territory with assigned boundaries recognised under the 1992 Constitution of the Republic of Ghana or otherwise created under article 5 of the 1992 Constitution of the Republic of Ghana;

"Regional Development Plan" means a detailed plan of the economic, social, spatial, environmental, sectoral and human settlement issues and policies of a region approved by the National Development Planning Commission;

"Regional Spatial Development Framework" means the spatial strategy and indicative plan for achieving defined social, economic and environmental policies comprise among others the location of key components of the strategy aimed at achieving the desired development within a specified region of the country and where applicable a joint development framework;

"right of way" has the same meaning as community right of space;

"rural area" means an area other than an urban area and which is generally characterised by low population density and does not possess the human settlement characteristics of an urban area;

"settlement" means a permanent or temporary community in which people live, without being specific as to size, population, importance or hierarchy;

"Spatial Development Framework" means the spatial strategy and indicative plan for achieving defined social, economic and environmental policies and which comprise among others the location of key components of the strategy aimed at achieving the desired development and where applicable a joint development framework;

"strategic planning" means the determination of the steps required to reach an objective that makes the best use of available resources;

"structure plan" means a statutory long term framework used to guide and define the development, redevelopment and land use patterns of a town or city or a particular area;

"Technical Sub-Committee" means the committee of a District Assembly constituted in accordance with section 39 to perform the functions spelt out under this Act and in the Regulations including the preparation of district and local plans and approved development and building permits;

"title to land" means legal proof of ownership of real property;
"town" shall have the meaning as prescribed from time to time by the Authority and may include such settlements as an estate;
"town planning scheme" as used under the Town and Country Planning Ordinance, 1945 (Cap 84) and the Towns Act, 1951 (Cap 86) has the same meaning as local plan in this Act;
"traditional council" means a house of chiefs or a council or body established or recognised by customary law;
"Unit Area" means the smallest established administrative area within a District Assembly in accordance with the Local Government Act, 1993 (Act 462);
"Unique Parcel Number" means the computer generated number based on a system of identifying coordinates provided by the Survey and Mapping Division of the Lands Commission, assigned to each parcel of land or consolidated land by the District Spatial Planning Committee by virtue of its powers under section 140;
"urban area" means an area officially declared as an urban area under this Act or generally considered a built up area characterised by higher population density and diverse human settlement;
"urban regeneration" means a process of reviving the local economy, invigorating the community and improving the natural and urban environment through an integrated programme of restoration of building and redevelopment of land and related infrastructure as well as complementary social and economic programmes and projects;
"wayleaves" means any right of way or other similar right over any land which permits entry onto any land for the purpose of the construction, installation and maintenance of works for a public utility in the public interest on the authority of an Executive Instrument issued by the President under the Lands (Statutory Wayleaves) Act, 1963 (Act 186);

"zone" means an area in any region, district or town that has been prescribed as a zone pursuant to a spatial planning framework structure or local plan and has been given restrictions as building type or size, land use or permitted activity;

"zoning map" means a map approved by the Authority that shows the various approved zoning within a structure plan or any area or a part of a territory of Ghana;

"zoning Regulations" means Regulations passed under this Act by the Authority that relates to the use to which land within any part of the country, a region or district may be put; and

"zoning scheme" means a scheme of a zone.

Repeals and savings

199. (1) The laws referred to in the Schedule to this Act, are subject to subsection (2) repealed, amended or otherwise affected to the extent referred to in the Schedule.

(2) Anything made or prescribed or done under any law repealed by subsection (1), including Regulations and having the force of law immediately before the commencement of this Act shall continue to be valid and remain in force as far as it is consistent with this Act, until it is altered or revoked under this Act.

Transitional provisions

200. (1) The Town and Country Planning Department established under the Town and Country Planning Act, 1945 (Cap 84) and in existence immediately before the coming into force of this Act, shall continue to be in existence until otherwise dissolved in accordance with subsection (2).

(2) The President shall not later than sixty days after the coming into force of this Act constitute the Board of the Authority and issue an Executive Instrument that the Town and Country Planning Department referred to under subsection (1) has ceased to exist from the date of the Executive Instrument.

(3) Staff of the Town and Country Planning Department referred to in subsection (1), except those otherwise transferred in accordance with the rules of the public service shall be deemed to have been transferred to the Authority immediately after the Executive Instrument comes into force.

(4) A property owned by the Town and Country Planning Department shall, upon the coming into force of this Act, be deemed to be the property of the Authority.

(5) A disposal, net accrual, income or royalty received from the property shall be lodged into the Fund for the exclusive use of the Authority.

(6) A planning authority that has an application for permit pending before it before the commencement of this Act shall process the application within six months after the commencement of this Act.

(7) Where the District Spatial Planning Committee is unable to process a pending application because the applicant is unable to satisfy a condition or supply relevant information, the application shall lapse at the end of the sixth months.

(8) An application which has lapsed may be processed only if an application for renewal is submitted and the applicable fee is paid.

(9) An applicant whose application lapses may submit a fresh application.

(10) The following actions required to be taken in connection with this Act shall be taken after the commencement of this Act, within the time specified:

(a) the establishment of Regional Spatial Planning Committee by the Regional Coordinating Council in consultation with the Minister responsible for Local Government under section 26, within one hundred and twenty days after the constitution of the Board of the Authority;

(b) the inauguration of the District Spatial Planning Committee and the Technical Sub-Committee by the Regional Minister under sections 37 (2) and 39 (1), within ninety days;

(c) the establishment of a permanent Public Data Room by each District Assembly under section 47 (1), within sixty days; and

(d) the publication of register of approved or adopted zoning or local plans already in effect in districts by each Regional Coordinating Council after consultation with the Regional Spatial Committee and District Assemblies in the region under section 91 (1), within twenty-four months.

(11) Except as otherwise determined by the Authority, where before the commencement of this Act,

(a) a District Assembly had adopted a zoning scheme which was prepared in a accordance with the Towns Act, 1951 (Cap 86); or

(b) a zoning scheme had been approved by the head office of the Town and Country Planning Department in accordance with the Town and Country Planning Ordinance, 1945 (Cap. 84)

the zoning scheme shall continue to be the applicable zoning scheme for a period of five years after the commencement of this Act.

(12) Except as otherwise directed by the Authority in writing, an approved zoning scheme or local plan under subsection (1) is the zoning scheme for the purpose of this Act including the determination of land use rights.

(13) A town which exists before the commencement of this Act shall continue to be a town within the meaning and scope of this Act.

SCHEDULE
Repeal
(Sections 196 and 199)

ENACTMENT	HOW AFFECTED
Town and Country Planning Ordinance 1945, (Cap 84)	Repealed
Local Government Act 1993, (Act 462)	Part II of the Act on planning functions repealed
Towns Act of 1892, (Cap 86)	Repealed
Town and Country Planning (Amendment) Act 1960, (Act 33)	Repealed

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