

REPUBLIC OF KENYA

COUNTY ASSEMBLY
OF SIAYA

★ 29 MAR 2023 ★

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COUNTY ASSEMBLY OF SIAYA

THIRD ASSEMBLY - SECOND SESSION

COMMITTEE ON LANDS, PHYSICAL PLANNING, SURVEYING AND HOUSING.

REPORT ON THE SIAYA DRAFT SPATIAL PLAN FOR 2023-2033

COUNTY ASSEMBLY CHAMBERS

MARCH 2023

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PREFACE

Hon. Speaker

Mandates of the committee

The Sectorial Committee on Lands, Physical Planning, Surveying and Housing is established pursuant to provisions of Standing Order No. 200 (5) and is mandated to; -

- a) Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;
- b) Study the program and policy objectives of departments and the effectiveness of the
- c) implementation.
- d) Study and review all legislation referred to it;
- e) Study, assess and analyse the relative success of the departments as measured by the results obtained as compared with their stated objectives;
- f) Investigate and enquire into all matters relating to the assigned departments as they may deem necessary and as may be referred to them by the House;
- g) Vet and report on all appointments where the Constitution or any law requires the House to approve, except those under Standing Order 195(committee on Appointments); and
- h) Make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.

Additionally, pursuant to the Second Schedule of the Standing Order, the committee oversees the departments of; Lands, Physical Planning, Surveying and Housing and is mandated to deliberate on; -

all matters related to Lands, Housing, Settlement, County Planning and development including statistics, Land Survey, mapping, boundaries and fencing, electricity and gas reticulation.

Membership of the Committee

Hon. Speaker,

The Committee as currently constituted by this House comprises of the following Honorable Members;

1. Hon. James Otare **-CHAIRPERSON**
2. Hon. John Apodo **-VICE CHAIRPERSON**
3. Hon. Andericus Odongo -Member
4. Hon. Alice Odhiambo -Member
5. Hon. Syllas Madingu -Member
6. Hon. Felix Okumu -Member
7. Hon. Gordon Onguuru -Member
8. Hon. David Ragen -Member
9. Hon. Eng. Bismark Olango -Member

Acknowledgement

The Committee is grateful to the offices of the Hon. Speaker and the County Assembly Clerk for support received as it discharged its mandate. The Committee is also grateful to the CECM in charge of Lands Department together with his technical officers who provided the necessary information needed by the Committee during the analysis and compilation of its report.

It is therefore my pleasant duty and privilege, on behalf of the Committee on Lands, Physical Planning, Surveying and Housing and as required by Standing Order 200(5) (g) as read together with the Second Schedule of the Standing Order, to present to this House, the Committees' report containing its recommendations on the proposed Spatial Plan 2023-2033 for consideration and approval.

SIGNED..........DATE..........

HON.JAMES OTARE-MCA, CHAIRPERSON

COMMITTEE ON LANDS, PHYSICAL PLANNING, SURVEYING AND HOUSING

1.0 INTRODUCTION

1.1 Purpose of the Plan

Hon. Speaker,

The purpose of a County Spatial Development is to guide development for a period of ten years and facilitate the transformation of the lives of citizens of the county through interpreting national and regional policies, guiding use of land, integrating sectoral policies and providing policies on which to anchor lower level plans.

Objectives

The main objective of the Siaya County Spatial Plan is to provide an overall integrated County Spatial Development of the County for the period 2023-2033. The specific objectives of the Plan include:

- I. To assess the available resources, their level of utilization and potential
- II. To indicate infrastructure and services levels and distribution and enable the county government prioritize investments in infrastructure development.
- III. To provide strategic guidance in respect of the location and nature of development within the county
- IV. To set out basic guidelines for a land use management system in the county taking into account any guidelines, regulations or laws as provided for under Article 67(2) (h) of the Constitution.
- V. To set out capital investment framework for the county's development programs.
- VI. To undertake a strategic assessment of the environmental impact of the spatial development framework.
- VII. To identify programs and projects for the development of land within the county.
- VIII. To provide a framework for coordinating County development programmers.
- IX. To form the basis for preparing sectoral programmes and projects.

Vision

A County that is able to harness socio-economic and capital for human development.

Scope of the Plan

The Siaya County Spatial Plan covers a detailed analysis of the sectoral and spatial structure of the County. It covers a land surface area of 2,530km squared and the area is 1,005km squared. The plan is a medium-term spatial planning framework and regional development strategy with a planning horizon of ten years from 2019-2028 and shall be subject to 5 –year review. The Plan discusses the current situation in Siaya County highlighting the sectoral and thematic constrains in the County that inhibit the economic vibrancy, environmental sustainability and community development. It also appraises significant spatial planning and development challenges in the County and proposes robust strategies with pragmatic sectoral programs and investments to solve the identified constraints.

The plan aims to comply with the strategies, policies and objectives of the National Spatial Plan, compliment the programs identified in the Siaya County Integrated Development Plan 2019-2022.

It shall also seek to mainstream contemporary issues of climate change adaptation, disaster risk reduction, utilization of green renewable energy and gender parity. The plan purposes to facilitate its full implementation and therefore includes a comprehensive plan implementation strategy detailing realistic programs, their respective estimated costs and time frames and appropriately matched with institutional responsibility with an applicable Monitoring and Evaluation framework for implementing the proposed programs and investments.

1.2 Legal framework

1.2.1 The Constitution of Kenya, 2010

The Constitution establishes the basis and principles for planning and provides aspirations to be attained through County Spatial Planning. Article 67 (2) (h) gives the National Land Commission the mandate to have oversight responsibilities over land use planning throughout Kenya. Article 66 (1) provides explicit powers to the National and County Governments to regulate the use of any land and property, in the interest of land use planning.

1.2.2 The County Governments Act, 2012

Section 104 provides for the County Government to plan for the County and that no funds shall be appropriated outside a planning framework developed by the County Executive Committee Member in charge of Spatial Planning and approved by the County Assembly.

Section 110 provides that there shall be a ten-year County GIS based database system spatial plan for each County which shall be a component part of the County Integrated Development Plan.

The Spatial Plan must integrate economic, physical, social, environmental and spatial planning issues. It requires that the County Spatial Plan should set out basic guidelines for a land use management system in the County considering any relevant guidelines, regulations or laws.

1.2.3 Urban Areas and Cities Act no. 13 of 2011 and Amendment 2019

The Act covers among others the following: classification and establishment of urban areas and cities; governance and management of urban areas and cities delivery services; integrated Development Planning; financial provisions and preparation of an integrated plan.

In accordance with the Act, every city, municipality and town are expected to operate within the framework of an integrated development plan.

1.2.4 Kenya Vision 2030

This is the Country's current long-term development blueprint covering the period 2008-2030. It aims at transforming Kenya into a globally competitive and newly industrializing middle-income country by providing a high quality of life to all its citizens by 2030. The vision is based on three pillars: the economic the social and the political pillar. The economic pillar aims to improve the prosperity of all Kenyans through an economic development program.

The main aspirations of the Vision 2030 are that all development projects undertaken within the state across the thematic sectors should all aim to achieve the objectives set under the vision. The County Spatial Plan is designated to align to the Vision 2030 the strategies of provision of infrastructure, enhanced governance approach, sustainable economic and environmental growth as well as sustainable human settlement strategy.

1.3 Stakeholder engagements

Upon receipt of the plan, the Committee conducted public participation on 16th and 17th of February 2023 in Bondo, Ugunja and Alego Usonga Sub-Counties. The Committee also held a meeting with the CECM-Lands and the Consultants from Pre-Envero Consultancy.

The Committee received two memoranda from the public; one from Nature Kenya and the other one from Yala Ecosystem Site Support Group.

Memorandum by Nature Kenya

Nature Kenya is Africa's oldest environmental Society, established in 1909 to promote the study and conservation of nature in eastern Africa.

Nature Kenya had the following inputs:

1. Recognize the Yala Delta Land Use Plan. The plan, informed by a strategic Environment Assessment and approved by Siaya and Busia County Governments, aim to balance various interests of the delta. This is not recognized in the spatial plan. It is important that proposals within Yala ecosystem align to the Land Use Plan. Recommendations from the Yala Land Use Plan need to guide this spatial plan and be replicated in other parts of the County for sustainability.
2. Add a section on the rate of land cover changes, the drivers of these changes and propose solutions to contain the negative changes.
3. Define forest restoration targets to increase the current forest cover to 30%. Based on Government policy, the national average is 10% but more is needed to support Siaya County economic growth.

4. Every sector enjoys ecosystem services that biodiversity supports. Sectoral programmes, however contribute to biodiversity loss. Mainstream biodiversity in all Departments and formulate sector-based mitigation measures /action plans on how they will contribute to biodiversity safeguards.
5. Add a section to describe the role of local communities including Community Based Organizations to understand and effectively engage in implementing the spatial plan. Capacity building through livelihood support is crucial to enhance ownership and community participation in decision making.
6. Add the following Multilateral Environmental agreements that need to be consulted and included in the list of policies that guided formulation of this spatial plan: sustainable development goals ,African Convention on conservation of Natural Resources, Convention on biological Diversity, The World Heritage Convention, UN Convention on Trade in Endangered Species, Ramsar Convention, International Plant Protection Convention, UN Framework Convention on Climate Change and UN framework to combat Desertification.
7. A section to be added to describe the role of local communities including Community Based Organizations to understand and effectively engage in implementing the Spatial Plan.
8. Add Multilateral Environmental Agreements that need to be consulted and included in the list of policies that guided formulation of this Spatial Plan: Sustainable Development Goals, African Convention on Conservation of Natural Resources, Convention on Biological Diversity, The World Heritage Convention, UN Convention on Trade in endangered Species.

MEMORANDUM BY YALA ECOSYSTEM SITE SUPPORT GROUP

The Yala ecosystem Site Support Group had the following proposals:

1. That wetlands and ecologically sensitive areas, such as Yala Swamp, should be accorded the highest protection. Their use should be guided by strong, environmental-friendly plans. This will ensure the highest benefits to the community and the environment.

2. That, the County should support and strengthen law enforcement to make sure that good spatial plans are followed and any violations are remedied judicially.
3. That, Urban plans must incorporate mandatory open, community green spaces. This will enhance community interaction and wellness.
4. That, settlement plan should adopt green energy (solar and wind). This will help slow down climate change, while reducing energy use and harmful greenhouse gases.
5. That, urban plans provide for efficient waste management and sanitation to ensure better living environment.

COMMITTEE FINDINGS AND OBSERVATIONS

1. The plan was going to guide development in the County for the next ten (10) Years.
2. The Plan is GIS (Geographic Information System) based plan.
3. The plan will be reviewed after 5 years
4. The plan covered all the critical areas that would spur both economic and social development in the County. The County government should ensure that agricultural and economic activities are exercised within their zones.
5. The plan requires a wide stakeholder consultation, capacity building, sensitisation and awareness building to internalise the plan as legal document with its benefits, impacts, outcomes and constraints for future development of the County.
6. The County Government need to strictly adhere to the plan proposals on environmental conservation by creating awareness on wildlife corridors as this would enhance tourism activities in the County.
7. Some of the Ward headquarters need to be amended as proposed the respective area members of County Assembly

COMMITTEE RECOMENDATIONS

Having considered the Draft Spatial Plan, the memoranda from the two organizations and the submissions from other Key Stakeholders, the committee recommends that:

That the Draft Siaya County Spatial Plan for 2023-2033 be **APPROVED** with amendments especially on the ward headquarters as attached..