



LAND USE AND SPATIAL PLANNING AUTHORITY

Land Use and Spatial Planning Regulations, 2019 (LI 2384) HIGHLIGHTS

3rd to 7th January 2020
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Outline

- ▶ Background - Act 936 and LI 2384
- ▶ Planning Institutions at the Regional and District levels
- ▶ Preparation of spatial plans
- ▶ Development permitting
- ▶ Compliance
- ▶ Conclusion



Background - Land Use and Spatial Planning Act, 2016 Act 925



▶ Object

- ▶ consolidate the laws on land use and spatial planning,
- ▶ provide for sustainable development of land and human settlements through a decentralized 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 and district spatial planning”.**

Background - Land Use and Spatial Planning Regulation, 2019 (LI 2384)



Sec 197 mandates the Authority to recommend regulations to be issued by the minister on the following among others

- ▶ Planning standards
- ▶ Preparation of spatial plans
- ▶ Zoning and rezoning
- ▶ Subdivision and consolidation
- ▶ Planning in respect of heritage and listed buildings
- ▶ Permitting standards and procedures and requirements
- ▶ Fees to be charged under the act
- ▶ Public consultation procedures
- ▶ Forms to be used under the Act
- ▶ Appeals procedures



PLANNING INSTITUTIONS AT THE DISTRICT LEVEL

DSPC and Technical Sub Committees - Membership & Quorum for meetings (Regulations 1 to 10)



	DSPC (Meet at least once every month)		Tech Sub Committee	
No.	Members (14)	Quorum for meetings (8)	Members (11)	Quorum (Half of members)
1	DCE/DCD (Chairman)	DCE/DCD		
2	DCD			
3	Head –PPD (Secretary)	Head -PPD	Head – PPD	Head - PPD
4	D P O	D P O	D P O	D P O
5	Head WD	Head WD	Head – WD	Head - WD
6	Rep LC	Rep LC	Rep LC	Rep LC
7	Rep EPA	Rep EPA	Rep EPA	Rep EPA
8	Head-Roads Unit/URD	Head-Roads Unit/URD	Head-Roads Unit/URD	Head-Roads Unit/URD
9	Head of the Disaster Prevention Dep't	Head of the Disaster Prevention Dep't	Head of the Disaster Prevention Dep't	
10	Dev't Planning Sub-Committee (Chairperson)		District Fire Officer	
11	Works Sub-Committee (Chairperson)		Head-District Health Department	
12	Two Elected nominees of DA (Preference to females)		Two Co-opted members (one chairperson of a sub-metro or urban council)	

Functions - Secretariat of RSPC & DSPC



No.	RSPC	DSPC
1	day-to-day administrative functions of RSPC	day-to-day administrative functions of DSPC
2	receive complaints and appeals resulting from decisions, actions or inactions of the DSPCs	receiving applications to the DSPC for a permits
3	provide technical, professional, research, investigative and other support services for RSPC	providing technical, professional, research, investigative and other support services for the DSPC
4	any other related function determined by the RCC	any other related function determined by the DSPC.



THE SPATIAL PLANNING SYSTEM AND RELATED MATTERS (REG. 9 TO 28)

Preparation of Spatial Plans



The preparation of a SDF, SP and LP shall conform to the

- ▶ Act
- ▶ Prescribed Spatial Planning guidelines prepared by the Authority
- ▶ Guidelines, manuals and directives issued by the Authority
- ▶ Any other relevant document and directive of a relevant institution

The scope, objects, minimum content and methodology of spatial plans shall conform to the Spatial Planning guidelines issued by the Authority.

- ▶ Reg. 10 - indicates the Content of SDF
- ▶ Reg. 17 outlines the content of SP
- ▶ Reg. 23 to 28 - outlines the initiation process for the preparation LPs, the content, approval process, procedure for the validation of existing LP

Street Addressing



Street addressing system shall be based on:

- ▶ The National Street Naming and Property Numbering Operational Manual
- ▶ Manuals, policies and directives issued by the Authority in respect of street addressing

Re-zoning and Change of Use - Reg. 33



Application for re-zoning for a whole or part of a piece of land

- ▶ Justify the need for re-zoning
- ▶ Circumstances under which and application can be granted
- ▶ Report content
- ▶ Actions to be taken by DA



Application for Change of Use- Reg. 34

Conditions.

A person may apply for a change of use of land where the type of development

- ▶ is within the permissible uses within the zoning scheme of the area
- ▶ does not significantly alter the original intention of the plan or zone
- ▶ has minimal impact on existing services and infrastructure
- ▶ does not cause disruption to the surrounding land uses by way of
 - ▶ significantly increasing traffic generation;
 - ▶ significantly increasing noise and odour;
 - ▶ increasing the risk of fire or explosion; or
 - ▶ undermining the image of the area.
- ▶ Where there is an intrusion of privacy, the intrusion must be of net benefit to the community in which the land is located



Blight, Nuisance, Betterment and Compensation - 35 to 42

- ▶ Definition of blight.
 - ▶ “blighted area or property means an area or a 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”
- ▶ In accordance with section 103 of the Act, the District Assembly may acquire, hold, clear, repair, manage or dispose of any blighted property as defined in the Act and these Regulations in order to abate blight.
- ▶ District Assembly shall recover the cost of any clearing or repair of property from the owner.



DEVELOPMENT PERMITTING



Authority for Issuance of Permit

- ▶ A district Planning Authority is the sole authority for the issuance of permit for development
- ▶ All Physical Developments shall require a Planning Permit and or Development Permit in accordance with Land Use and Spatial Planning Regulations, 2019 (LI 2384).
- ▶ **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 exiting 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 other.



Planning Permit

PLANNING PERMIT : means a written permit issued for the purpose of fostering compliance of activities with approved

(a) zoning regulations in the nature of

- ▶ Land Use
- ▶ heights,
- ▶ orientation,
- ▶ building line and setbacks and,
- ▶ plot coverage

(b) planning standards in the nature of

- ▶ geographical accessibility
- ▶ size and;
- ▶ class of development

Planning Permit Continued



- ▶ Physical Developments that require a planning permit include the following
 - ▶ Temporary structures
 - ▶ Temporary activities that require the use of public space
 - ▶ Demolition
 - ▶ Advertisement
 - ▶ Change of use
 - ▶ Consolidation
 - ▶ Subdivision
 - ▶ hoarding
 - ▶ Mining in the nature of sand winning, quarrying, and minerals extraction
 - ▶ Disposal of industrial waste or chemical waste on land
 - ▶ Excavation
 - ▶ Change in color schemes
 - ▶ Tree removal



Development Permit

A Development Permit comprises both a Planning Permission and Building permission as prescribed by Regulation 45(3) of LI 2384

Physical developments that require Development Permit shall be include the following:

- ▶ The erection of any building or structure except those exempted by law;
- ▶ The making of structural alteration or transformation or a renovation to a building;
- ▶ Execution of works or installation of nay fittings in a building;
- ▶ Civil and engineering works
- ▶ Hoarding of a property;
- ▶ Regularization of existing structures; and
- ▶ Redevelopment.

Development Permit Continued



Development Permit application shall be accompanied with four sets each of the following:

- ▶ a site plan to the scale of 1:2500 and conforming to the local plan of the area;
- ▶ a block plan to the scale of 1:100 or 1:200 depending on the scale of development;
- ▶ architectural drawings to the scale of 1:20 or 1:40;
- ▶ structural drawings to the scale of 1:20 or 1:40;
- ▶ Evidence of a right or authorization to use the land in accordance with the laws of Ghana
- ▶ a report on stakeholder consultation where applicable and;
- ▶ where applicable reports relating to:
 - ▶ Air or aviation safety
 - ▶ Radiation protection
 - ▶ Environmental protection
 - ▶ Fire Safety
 - ▶ Petroleum Operations
 - ▶ Standard verification
 - ▶ Traffic Impact
 - ▶ Geotechnical Impact
 - ▶ Hydrological Impact and
 - ▶ Structural Impact.

Evidence of a Right or Authorization to Use the Land



Reg 44 (3) (a) & Reg. 45 (9) (e)

▶ A Evidence of a right or authorization to use the land in accordance with the laws of the country

▶ **NOTE (3): Planning Permit / Development Permit**

▶ This planning permit does not imply or confirm the right or title of the applicant to the land or building comprised herein.

Pre-Application



- ▶ A District Planning Authority shall through appropriate medium, make available the procedure, requirement and general information for securing a planning permit and development permit.
- ▶ Preferably it should be made available online or at specific locations. The information shall include:
 - ▶ Applications forms
 - ▶ Guidelines for completing forms
 - ▶ Full check list of documents required for various categories of developments
 - ▶ Schedule of fees
 - ▶ Duration for acquiring permits (30 DAYS) - Reg. 44 (10)
 - ▶ Designated office for submission
 - ▶ Contacts for further enquiries

Permitting Procedure - Duration



Step	Duration
1. Submission of Application	Acknowledge receipt in 7 days
2. Vetting	
3: Collation of Technical Findings	Within 14 days
4: Site inspection	
5: Technical Consideration by Technical Sub Committee	Within 21 days
6: Technical Consideration by Spatial Planning Committee	Within 30 days - Reg. 44 (10)
7: Processing	
8: Payment and Collection of Development permit/ Discussion of Queries and appeals	
9: Appeal to RSPC/DA	

PERMITTING PROCEDURE



Step	Action to be taken	Key Actors		
1 : Submission of Application	<ul style="list-style-type: none"> Check submission for compliance & provide technical guidance Recommendations for change of use Applicant pays processing fees Create record database 	Applicant/Agent Statutory Planning Committee Secretariat		
2: Vetting	<table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> Physical Planning Department <ul style="list-style-type: none"> Zoning checks Planning comments Consultation . </td> <td style="width: 50%; vertical-align: top;"> Works Department <ul style="list-style-type: none"> - Permit fees - Structural comments - Architectural comments - Returns plans to secretariat for vetting </td> </tr> </table>	Physical Planning Department <ul style="list-style-type: none"> Zoning checks Planning comments Consultation . 	Works Department <ul style="list-style-type: none"> - Permit fees - Structural comments - Architectural comments - Returns plans to secretariat for vetting 	Physical Planning Department Works Department Other key stakeholders
Physical Planning Department <ul style="list-style-type: none"> Zoning checks Planning comments Consultation . 	Works Department <ul style="list-style-type: none"> - Permit fees - Structural comments - Architectural comments - Returns plans to secretariat for vetting 			
3: Collation of Technical Findings	Secretariat collates technical finding for site inspection			
4: Site inspection	Physical Planning Officer and Works Engineer to conduct site inspection with Applicant or his agent.	Physical Planning Department, Works Department. Applicant		
5: Technical Consideration by Technical Sub Committee	Assess application and make recommendations to Statutory planning committee <ul style="list-style-type: none"> Recommendations for change of use for non conforming but permissible use 	Technical Sub Committee		
6: Technical Consideration by Spatial Planning Committee	Deliberates on recommendations made by TSC and come out with following outputs: <ul style="list-style-type: none"> Approval Refusal Queries/deferment/amendment 	Statutory Planning Committee		
7: Processing	<ul style="list-style-type: none"> Notify applicant Prepare certificate Certificate signed jointly by Secretary to SPC and Works Head of Works Receive permit fees (and development charges if any) 	Statutory Planning Committee Secretariat/Works Department		
8: Payment and Collection of Development permit/ Discussion of Queries and appeals	Applicant collect development permit at secretariat Applicant discusses queries and appeals at Secretariat	Applicant		
9: Appeal to Regional Spatial Planning Committee	Applicant appeals to the Regional Spatial Planning Committee	Applicant		

Fees



Processing Fees Reg. 44 (5)

- ▶ “An applicant shall pay a processing fee to cater for processing including site inspection fees”

Permit Fees Reg. 44 (11)

- ▶ “Where an application is granted an applicant shall pay a permit fee”

Development Fees Reg. 44 (12)

- ▶ A planning authority may charge development fee that has been provided for in the FFR

Certificate of Habitation



- ▶ Issued upon completion of every development in accordance with the conditions of the development permit.
- ▶ An applicant shall demonstrate that all conditions and requirements of the development permit have been fulfilled.

Exemption from Submission of Plans



A public entity shall comply with the permit procedure for planning and development permit except otherwise exempted under Act 925 or LI 2384

The Authority shall issue of planning standards for entities that may be exempted from specified parts of the permitting process

Exempted entities include a diplomatic mission and a military and security installations. Exemptions shall not cover non security aspects

Exempted institutions shall be required to deposit the following with the assembly

- ▶ Basic drawings or plans as prescribed by the Authority
- ▶ And indicative sketch
- ▶ Bock plans
- ▶ Elevations
- ▶ Traffic impact assessment
- ▶ Any basic requirements that the Assembly considers appropriate

Requirements for planning permission



- ▶ The authority shall issue guidelines regarding application procedures for statutory undertakers and special development enclaves including the following;
 - ▶ Ghana Airports Company Limited
 - ▶ Ghana Highways Authority
 - ▶ Department of Urban Roads
 - ▶ Department of Feeder Roads
 - ▶ Water Resources Commission
 - ▶ Minerals Commission
 - ▶ Environmental Protection Agency
 - ▶ Ghana Civil Aviation Authority
 - ▶ Ghana Ports and Harbor Authority
 - ▶ Universities
 - ▶ Other relevant institutions

Land Use Certificate Reg 46.

A land use certificate shall be

- ▶ Issue as set out in Form 43F
- ▶ Shall be based on an approved local or structure plan.
- ▶ Required
 - ▶ as an attachment to a planning permit and a development permit
 - ▶ for an applicant who intends to register a parcel of land upon writing to the District Planning Authority
 - ▶ for any other activity for which a Land Use Certificate is required.

Subdivision or Consolidation of Land Parcels



- ▶ Application set out in Form 46
- ▶ Procedure for consideration and approval outlined in reg. 54 (2) to (12)
- ▶ The District Assembly shall within shall, **within sixty days** after receipt of the application, consider the application and communicate its decision to the applicant.



ENFORCEMENT

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Compliance with planning standards Reg. 47

- ▶ A physical development shall comply with the Planning Standards published by the Authority.
- ▶ The Planning Standards shall be reviewed and updated by the Authority periodically.
- ▶ The Authority may issue guidelines and directives to be complied with by persons responsible for considering applications.

Enforcement Provisions- Act 925



Sections 115, 117, 118, 119 of Act 925 and Sections 94, 95,96,97 of Act 936 provide a number of enforcement measure

▶ Section 117

- ▶ (1) “A person shall not carry out any physical development within the 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 offense and is liable on summary conviction to a fine of not less than 500 penalty units (12) and not more than 1000 penalty units or to a term of imprisonment of not less than 2 years and not more than 4 years or both

Enforcement Provisions- Act 925

Continued



A District Assembly may issue an enforcement notice demanding the immediate stoppage of the execution development or works contrary to an approved plan

A District Assembly may for the purposes of enforcement,

- ▶ prohibit, abate, remove, pull down or alter a physical development which
 - ▶ does not conform to an approved plan, or
 - ▶ where that action is needed to ensure conformity with approved plans
- ▶ prohibit the use of land or building for or in a manner contrary to planning provision

Where a development does not comply with a permit or permit condition the planning authority may revoke the permit or imposition of additional conditions. This may be subject to payment of penalty.

Preventive and Enforcement Measures LI 2384



The applicable forms for executing the enforcement functions - Forms 47, 48A and 48B

The District Assembly may issue

- ▶ Planning Contravention Notice;
- ▶ a Breach of Condition Notice;
- ▶ an Untidy Land Notice;
- ▶ a Dangerous Buildings Notice; and
- ▶ other notices approved by the Authority or permitted under the Act and these Regulations.
- ▶ Service of notice

Service of Notice



- ▶ A notice required is deemed to be served where it is
 - ▶ posted in a conspicuous place on the affected land or building;
 - ▶ posted on the notice board of the Public Data Room;
 - ▶ posted on the notice board of the District Assembly;
 - ▶ sent by post to the last known address of the individual or entity concerned;
 - ▶ posted at the last known address of the individual or entity concerned;
 - ▶ published in a newspaper of national circulation;
 - ▶ emailed to the last known email address of the individual or entity concerned; or
 - ▶ sent to the individual or entity concerned through any other form of written communication.

Complaint and Appeal Procedures

- ▶ A person shall, except where the complaint relates to the Regional Coordinating Council or the Authority, lodge a complaint with the District Assembly.
- ▶ An appeal against a decision of a District Assembly shall be made to the Regional Coordinating Council. (An appeal against the decision of a Regional Coordinating Council shall be made to the Authority.)

Schedules

- ▶ Forms
- ▶ List of schedules
- ▶ [Forms.docx](#)
- ▶ [SCHEDULE.docx](#)
- ▶ [Permit Flow Chart.PNG](#)



THANK YOU

