

**SUBMISSION OF THE FURTHER REVISED DRAFT BILL TO THE ATTORNEY-
GENERAL'S OFFICE/CABINET AFTER FIRST CONSULTATIVE MEETING WITH
PARLIAMENTARY SELECT COMMITTEE IN SEPTEMBER 2011**

LAND USE AND SPATIAL PLANNING BILL

DRAFT

OCTOBER, 2011

LAND USE AND SPATIAL PLANNING BILL

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LAND USE AND SPATIAL PLANNING BILL

AN ACT to harmonize and regulate the laws on land use and 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, safety and regulate national, regional, district and local spatial planning, and generally deal with spatial aspects of socio economic development as well as provide for related matters.

BE IT ENACTED by the Parliament of the Republic of Ghana and assented to by the President as follows -

PART 1

OBJECTIVE, SCOPE, APPLICATION AND INSTITUTIONAL STRUCTURES

Sub-Part 1 - Objectives, Scope and Application

Objectives of the Act

1. The objectives of the Act are:

- (1) **to harmonize and regulate the laws on land use and 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, safety and regulate national, regional, district and local spatial planning, and generally deal with spatial aspects of socio economic development as well as provide for related matters.**
- (2) to establish a Land Use and Spatial Planning Authority to implement the provisions of this Act.
- (3) to ensure a continual review, effective planning and management of human settlements and spatial planning policies.
- (4) to ensure attainment of a balanced distribution of urban population and a spatially integrated hierarchy of human settlements to support the national socio-economic development of the country.
- (5) to facilitate improvement in the natural and built environment, and ultimately the quality of life for the population in rural and urban settlements.
- (6) to ensure formulation and continued revision of spatial development framework, structure and local plans to guide the development of human settlements in Ghana.
- (7) to encourage the private sector to partner the public sector in financing the development and management of human settlements and related physical development.

(8) to enhance the attainment of Ghana's decentralization agenda and in particular create an enabling regime for district assemblies to better perform the spatial planning and human settlements management functions.

(9) to create the regime for all district assemblies to acquire land in order to prevent or reverse depressed settlements.

(10) to establish spatial planning and land use database

(11) to ensure the creation of appropriate zoning schemes and also prevent encroachments or breach of zoning schemes.

(12) to facilitate the creation of an institutional framework that can ensure the effective operation of the law at the, district and local level.

(13) to ensure the establishment of an inter-sectoral approach to decision making in spatial planning in tandem with government development objective to attain a coordinated approach to development.

Scope and application

2. The Act shall apply to:

(1) All institutions responsible, directly and indirectly, for human settlement, spatial planning and use of land.

(2) Any person, whether corporate or otherwise, charged with responsibility for development of any land within the territory of Ghana.

(3) Development of any area within the territory of Ghana

(4) All national spatial planning matters

(5) All regional, district, urban, town and local planning matters

(6) Spatial development framework, structure plans, local plans, joint development schemes

(7) Land use permit process and standards

(8) Sub-divisions of land for purposes of development.

(9) 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

(10) The carrying out of development by private or public institutions including any physical development undertaken by entities hitherto exempted from planning permit compliance procedures as set out in Schedule 1 Part II of the National Building Regulations, LI 1630 of 1996.

(11) All spatial planning and physical development issues related to preparation of plans including:

(a) National Development Plan

(b) Regional Development Plan including the co-ordination of the spatial aspects of District Development Plans where applicable.

(c) District Development Plan

(d) Joint Development Plans

(e) Special Development Plans

(f) The division of Ghana or part of Ghana into administrative districts

(12) All matters related to land use including enforcement appeals, complaints and administrative process within the territory of Ghana.

Sub-Part 2 – Land Use and Spatial Planning Authority

Establishment of the Land Use and Spatial Planning Authority

3. (1) There is hereby established a body corporate to be known as the Land Use and Spatial Planning Authority.

(2) The Authority has perpetual succession and shall have a common seal and may sue and be sued in its corporate name.

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

(4) Where the Authority decides and the Government agrees that an acquisition of land or a right over land is necessary, the land may be acquired under the State Lands Act, 1962 (Act 125) or any law for the time being in force.

Ministerial Responsibility

4. (1) The Minister responsible for Environment shall have oversight responsibility for the Authority and may give general policy direction to the Authority including any policy direction on special physical development and projects of national character.

(2) The provision in subsection (1) of this section, shall not be construed to confer the power on the Minister to instruct the Authority or any entity on specific matters technical matters of spatial planning or on specific physical development activity.

Functions of the Authority

5. The functioning objectives of the Authority shall include:

- (a) Perform spatial, land use and human settlements planning functions of national development system established under Acts 479 and 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 national development plans or infrastructure plan prepared by the NDPC pursuant to Acts 479 and 480.
- (c) Prescribe the format and content of spatial development framework, structure plan and local plan;
- (d) Provide directions and guidelines for the spatial and human settlements planning;
- (e) Enhance the capacities of the district assemblies and other institutions for effective performance of their spatial planning and human settlement management functions;
- (f) Ensure efficiency in the development control function throughout Ghana at national, regional and local levels through the decentralized governance structures;
- (g) Provide guidelines and ensure that the districts assemblies perform site and service programmes for customary land owners in urban areas, in collaboration with district assemblies and relevant institutions;
- (h) Promote a sustainable system and put in place system to ensure the availability of human and material resources to ensure the performance of the functions at all levels including human settlements at the District Assembly level;
- (i) Ensure the control of physical development in hitherto 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;
- (j) Ensure that the exploitative use of natural resources for agriculture, mining, and other related activities do not adversely impact on human settlements;

- (k) Collaborate with relevant agencies including the Environmental Protection Agency (EPA), the Minerals Commission and the Forestry Commission, ensure adequate reclamation or eco-regeneration of natural resource areas which have been exploited;
- (l) Coordinate the implementation of human settlement policies in Ghana;
- (m) Oversee the implementation of approved policies regarding spatial planning and physical development within Ghana;
- (n) Give guidance, monitor district assemblies and generally advise the Minister on policy options and implementation of issues under the Act;
- (o) Give directives and guidelines on development control functions in conformity with this Act where the context requires;
- (p) 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;
- (q) Recommend the promulgation of relevant Regulations by the Minister
- (r) Issue Guidelines and Regulatory Notices which shall have the force of law to ensure compliance with the Act.

Sub-Part 3 – The Board of the Authority

The Board of the Authority

6. (1) The Authority shall have a governing board which shall be constituted by the President in accordance with this section
 - (2) The President shall constitute the Board not later than sixty (60) days after the coming into force of this Act.
 - (3) The Board of the Authority shall comprise fifteen (15) persons appointed as follows:
 - (a) A chairperson who shall be knowledgeable in human settlements, town planning and the built environment or issues related to spatial planning provided that a person currently employed in a full time capacity in the public service shall not qualify to be appointed a chairperson of the Authority
 - (b) A representative of the Ministry of Local Government and Rural Development not below the rank of director
 - (c) A representative of the Ministry of Environment not below the rank of

- director
- (d) A representative of the Ministry of Lands and Natural Resources not below the rank of director
 - (e) A representative of the Ministry responsible for Roads and Highways not below the rank of a director
 - (f) The Chief Executive of the Authority
 - (g) The Executive Director of the Environmental Protection Agency
 - (h) The Chief Executive Officer of the Lands Commission
 - (i) Chief Executive of the Office of the Administrator of Stool Lands
 - (j) A representative of the Ministry responsible for Water Resources, Works and Housing not below the rank of director
 - (k) The Chief Executive of the National Development Planning Commission
 - (l) Three (3) persons from the private sector appointed by the President being persons appointed from the built environment, the business community, the Ghana Institute of Planners, or from the class of retired physical planners.
 - (m) A representative of traditional authority nominated by the National House of Chiefs.

(4) In appointing the three (3) persons specified under sub-section 3(1) of this section the President shall ensure that at least one (1) of the appointees is a woman.

Specific Responsibilities of the Board of the Authority

7. The Board shall be responsible for ensuring the attainment of the overall objectives of this Act and the performance of the functions of the Authority and shall perform all related functions including but not limited to:
- (a) Ensuring the efficient performance of the functions conferred under the Authority
 - (b) Initiating policies, programmes, projects, budgets and annual report for the proper functioning of the Authority
 - (c) Ensure the sound and proper financial management of the Authority
 - (c) Approve or ensure the approval of policies, budgets and other decisions taken by the Authority as the context may require

Tenure of Office of the Board

8. (1) Except the ex-officio members, a member of the Board of the Authority shall hold office for a term of four (4) years and shall be eligible for re-appointment for only one other term of four (4) years whether or not the second term is successive.

(2) A Board member may be removed from membership of the Board by the President:

- (a) if the person is unable to perform the functions of office, by reason of infirmity

- of mind or body;
- (b) for proven misconduct;
- (c) if the person is convicted of an offence involving fraud or dishonesty;
- (d) if the person is absent from three (3) consecutive meetings of the Board without reasonable cause;

(3) Except as provided in subsection (2) of this section, a person may also cease to be a member of the Authority if the person resigns from office by written notice to the President.

(4) Where an ex-officio member is unable to function by virtue of any of provisions in subsection (2) of this section, the Chairman of the Authority shall inform the Minister responsible for the ex-officio's member sector organization or Ministry and the Minister shall designate a person next in rank as the ex-officio member to act as a member of the Board of the Authority until the anomaly is rectified or until a new substantive person is appointed to occupy the ex-officio position.

Vacation of office and filling of vacancies

9. (1) The office of a member of the Board becomes vacant if he or she –

- (a) in the case of an ex-officio member, if he or she ceases to occupy the position which made him a member of the Authority
- (b) is removed from office by the President
- (c) resigns or ceases to be a member by reason of death or incapacity

(2) If there is a vacancy as a result of the removal of an ex-officio member, a person appointed to the office referred to shall become a member of the Board upon assumption of the office for the unexpired term of the vacating member.

(3) In all other cases of vacancy, the President shall appoint a person to fill the vacancy within sixty (60) days of the occurrence of the vacancy.

(4) In the event of any vacancy in the Board, the chairperson or the person acting as chair shall, through the Minister, inform the President of such vacancy.

Meetings of the Board

10. (1) The Board shall meet for the dispatch of business at such times and at a regular place fixed by the Chairperson for its meetings and shall meet at least once every three (3) months.

(2) In addition to the regular meeting, the chairperson shall on the request of not less than one third of the membership of the Board convene a special meeting of the Board.

(3) In the event that the Board is unable to meet at its regular meeting place the Chairperson shall fix an alternative meeting place provided members receive the notice of the new venue at least three (3) clear days in advance of the meeting.

(4) The Chairperson shall preside at meetings of the Board and in the absence of the Chairperson, the members shall elect one of their numbers to preside for that meeting.

Quorum

(5) A meeting shall not be properly constituted unless at least eight (8) of the members of the Board are present at a meeting of the Board.

(6) Questions before the Board shall be decided by simple majority of the members present and voting.

(7) The chairperson or the person presiding at a meeting of the Board shall in the event of equality of votes have a casting vote.

Minutes

(8) The Board shall keep proper minutes of proceedings at its meetings.

(9) The Board may co-opt a person to act as an adviser at any of its meetings but a co-opted person shall not have a vote on any matter and shall not be counted for the purposes of determining a quorum.

(10) The validity of the proceedings of the Board shall not be affected by a vacancy among its members or by a defect in the appointment or qualification of a member.

(11) Except as otherwise provided under this Act, the Board shall determine and regulate the procedure for its meeting.

Allowance for members of the Board

11. The members of the Board shall be paid such allowances determined by the Minister in consultation with the Minister responsible for Finance.

Disclosure of Interest

12. (1) A member of the Board who has an interest in a matter being considered or dealt with by the Board shall disclose the nature of that interest at a meeting of the Board and shall not take part in the deliberation or decision of the Board with respect to that matter.

(2) Where a member fails to disclose his interest under sub-section (1) of this Section, any decision taken in respect of the matter by the Board shall be invalid.

Committees of the Board

13. (1) The Board may establish permanent, temporary or special committees from amongst its members and non-members to facilitate the efficient discharge of its duties.

(2) Committees referred to under sub-section (1) of this section may be set up by the Board to:

(a) advise the Board on any matter concerning the functions of the Board as the Board may determine; or

(b) perform such functions of the Board as may be delegated to the Committee.

(3) Non-members of the Board who serve on Committees set up by the Board shall only advise the Board or Committee but shall not vote on any issue being considered by the Board or Committee.

(4) The Board or a Committee of the Board may invite any person whose presence is in its opinion desirable to attend and to participate in its deliberations but such person has no voting power.

(5) Each sub-committee of the Board shall consist of not more than seven (7) persons.

(6) Each sub-committee shall include at least one (1) member of the Board and/or one (1) senior staff of the Authority.

Spatial planning decisions of the Board to be final on facts

14. (1) In matters relating to complaints under this Act the decision of the Board shall be the final on matters of fact relating to planning

(2) Any person dissatisfied with any decision of the Board may only appeal to the court on matters of law and procedure.

(3) The provisions of this section are subject to Part VII of this Act.

Sub-Part 4 - Chief Executive and Divisions of the Authority

Chief Executive

15. (1) The President shall appoint a Chief Executive for the Authority in accordance with the Article 70 of the Constitution and the person shall, on assumption of office and as long as he/she remains in that position be a member secretary of the Board.

(2) The functions of the Chief Executive shall include but not be limited to the day-to-day administration of the Authority, implementing the decisions of the Board, keeping accurate records of proceedings and decisions of the Board and such other functions as the Authority may direct.

(3) The Chief Executive may with the approval of the Board engage staff and such consultants and advisers as the Authority may require for the proper and efficient discharge of the functions of the Authority under this Act.

(4) The Chief Executive may delegate functions of his or her office to any officer of the Authority but shall not be relieved of the ultimate responsibility for the discharge of the delegated function(s).

(5) Subject to this Act, the Chief Executive shall hold office on such terms and conditions as may be spelt out in the letter of appointment to his office or as may be prescribed by the Authority.

Divisions of the Authority

16. (1) The Authority shall have such divisions and units as are necessary to perform the functions of the Authority.

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

- (a) Research, policy and development of planning standard
- (b) Monitoring and compliance of planning standards
- (c) Management of information system
- (d) Formulation of spatial development framework
- (e) Education, training and capacity building
- (f) Communication and public relations

(3) Divisions of the Authority shall be staffed by qualified persons appointed by the President in accordance with article 195 of the Constitution.

Accounts and Audit

17. (1) The Authority shall keep proper books of accounts and proper records in relation to them and the accounts, books and records of the Authority shall be in the form prescribed by the law governing management of accounts and records for the time being in force.

(2) The Authority shall keep proper books of accounts and proper records in relation to the accounts of the Authority in the form approved by the Auditor-General, and shall prepare at the end of each financial year within six (6) months after the end of the financial year, a statement of the accounts of the Authority in the form directed by the Auditor-General.

(3) The books of accounts of the Authority shall each year be audited by the Auditor-General and a copy of the report on the audit shall be made available to the Board.

Fiscal Year

18. The fiscal year of the Authority shall be the same as the fiscal year of the Government of Ghana.

Annual Reports

19. (1) The Authority shall not later than six (6) calendar months after the end of each calendar year, submit to Parliament through the responsible Minister:

- (a) a report of its activities and operations for the previous year
- (b) a copy of Audited Accounts

(2) The report presented in sub-section (1) of this section shall at least contain statement of the income and expenditure of the Authority for the financial year and the assets and liabilities of the Authority.

Internal Audit

20. The finances of the Authority and the Fund shall be subject to the control procedures within the Public Service including rules regulating internal audits and use of public funds

Sub-Part 5 – Planning At Regional Level

Regional Spatial Planning Committee of the Regional Planning Coordinating Unit

21. Not later than one hundred and twenty (120) days after the Board of the Authority is constituted, the Regional Coordinating Council in consultation with the Minister responsible for Local Government and the Regional Minister of each region shall inaugurate a Regional Spatial

Planning Committee (RSPC) as a technical committee of the Regional Planning Coordinating Unit in each administrative region of Ghana.

Membership of Regional Spatial Planning Committee

22. Each Regional Spatial Planning Committee shall comprise the following persons:

- (a) Head of the Regional Coordinating Council who shall be the chairman of the Committee
- (b) The Head of the Physical Planning Department who shall be the secretary of the Regional Spatial Planning Committee
- (c) The Head of the Regional Development Planning Department
- (d) The regional head of the Ghana National Fire Service or the Deputy
- (e) The regional head of the Lands Commission in the region or his or her deputy
- (f) The regional head of the Environmental Protection Agency in the region
- (g) The regional head of the Ghana Highway Authority or his deputy
- (h) A representative of the Regional House of Chiefs
- (i) A representative of the National Disaster Management Organization in the Region
- (j) The regional head responsible for Agriculture
- (k) A regional representative of the Forestry Commission not below the rank of a Director
- (l) A regional representative of Water Resources Commission not below the rank of a Director
- (m) A representative of utility services providers within region. For the purposes of this sub-section, utility services providers shall include water, sewage, telecommunication and electricity.

Functions of the Regional Spatial Planning Committee

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

- (a) Development of Regional Spatial Development Framework for the region in consultation with the District Assemblies as part of the spatial development component of the Regional Development Plan and taking into consideration the Regional Development Plan of the region for the time being in force.
- (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 Regional

(d) Any other function to give effect to the provisions of this Act within the region

Rules affecting the Regional Spatial Planning Committee

24. The provision of Sections 8, 9, 10 and 11 shall be applicable to the Regional Spatial Planning Committee provided that 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 relationship with Regional Coordinating Councils and District Assemblies

25. (1) The Regional Spatial Planning Committee shall act as the technical committee of the Regional Planning Coordinating Unit and shall perform the functions provided for under this Act for and on behalf of the Regional Planning Coordinating Unit under the oversight supervision of 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 spelt out in Regulations made by the Minister pursuant to this Act

(3) In the performance of its functions, the Regional Spatial Planning Committees shall at all times collaborate with the Regional Planning Coordinating Unit and take into consideration the Regional Development Plan prepared by the Regional Planning Coordinating Units of the Regional Coordinating Councils.

Sub-Part 6 – Planning At The District Level

District Spatial Planning Committee

26. (1) A District Spatial Planning Committee is hereby established in every District Assembly in Ghana as a committee of the District Assembly.

(2) The District Spatial Planning Committee shall comprise of the following persons:

- (a) The District Chief Executive of the district who shall be the Chairman and in his/her absence, the Chairman of the District Assembly's sub-committee on works shall act as chairman, and the absence of both of them, the District Coordinating Director shall act as the Chairperson.
- (b) Head of the Physical Planning Department of the district who shall be the secretary of the Committee
- (c) District Coordinating Director

- (d) Chairman of the sub-committee on development planning of the District Assembly
- (e) Chairman of the sub-committee on works of the District Assembly
- (f) Chairman of the sub-committee on environment of the District Assembly
- (g) District Development Planning Officer
- (h) Head of the Works Department
- (i) Head of the Roads Unit of the District Assembly
- (j) One representative of the Environmental Protection Agency not below the rank of a senior officer
- (k) One representative of the National Disaster Management Organization
- (l) Two representatives of the Lands Commission at the District and as much as possible at least one of the two must be appointed from the Survey Division of the Lands Commission not below the rank of a Staff Surveyor.
- (m) The district head of urban economics department
- (n) One representative from the Traditional Council of the district and in districts where there are more than one traditional council, the various traditional councils within the district shall elect one person to represent them on rotating basis.
- (o) Elected members of the District Assembly shall nominate a number of elected assembly members to represent them on the District Spatial Committee as follows:
 - (i) in case of a Metropolitan Assemblies, three (3) representatives
 - (ii) in the case of a Municipal Assembly, two (2) representatives
 - (iii) in the case of a District Assembly, one(1) representative

provided that in the selection of members of the Assembly preference shall be given to female elected members of the Assembly.

(3) The District Spatial Planning Committee may co-opt or invite any other person or Consultant required for the purpose of the specific subject matter being considered by the District Spatial Planning Committee to be part of the District Spatial Planning Committee.

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

Function of the District Spatial Planning Committee

27. (1) The District Spatial Planning Committee shall perform the functions stated under this Act including:

- (a) to ensure that no physical development is carried out in the District unless duly authorized in accordance with this Act;
- (b) to prepare or cause the preparation of the District Spatial Development Framework in accordance with this Act;

- (c) to ensure the preparation of the structure plan and local plan in the district in accordance with this Act;
- (d) to deliberate and approve or the recommendation of the Technical Sub-Committee or request further consideration by the Technical Sub-committee if the context require.
- (e) to perform other functions required to be performed with the district under the provisions of this Act.

(2) In giving approval to the recommendations of the Technical Sub-committee, the District Spatial Planning Committee may impose such conditions as it may deem fit.

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

Technical Committee

28. (1) A Technical Sub-Committee of the District Spatial Planning Committee is hereby established in every District Assembly.

(2) The Technical Sub-Committee shall comprise the following:

- (a) Head of the Physical Planning Department of the district who shall be the secretary of the Committee
- (b) District Development Planning Officer
- (c) Head of the Works Department
- (d) Head of the Roads Unit Urban Roads Department of the District Assembly.
- (e) Head of the Disaster Management Preventive Department.
- (f) One representative of the Lands Commission at that District
- (g) Representative of the Environmental Protection Agency
- (h) District Fire Officer
- (i) Head of the District Health Department
- (j) Head of the Hydro-Services
- (k) Head of the Sewage Service
- (l) Two (2) co-opted members at least, one of whom shall be the chairman of a Sub-metro or urban council as the context requires.
- (m) Representative from any of the utility agencies or other relevant agencies may be co-opted, if required

(3) The Chairman of the Technical Sub-Committee shall be selected by the members of the Technical Sub-Committee from their number at the first meeting of the Technical Sub-Committee. In the absence of the Chairman at any subsequent meeting of the Technical Sub-Committee, the members present and forming a quorum shall elect one of their members to chair that meeting.

(4) Where any of the persons mentioned in sub-section (2) of this section is not available within the district the District Spatial Planning Committee shall, in consultation with the Regional Spatial Planning Committee co-opt persons from other districts within the Region to fill the vacancy until a substantive person is appointed within the district.

Inauguration and operations

29. (1) The District Chief Executives shall, with prior information being given to the Regional Co-ordinating Council inaugurate the District Spatial Planning Committee and the Technical Sub-Committee within sixty (60) days after the coming into force of this Act..

(2) The Technical Sub-Committee shall deliberate on all matters in detail and send a report to the District Spatial Planning Committee.

(3) The District Spatial Planning Committee and Technical Sub-Committee may co-opt non-members for its meetings but a co-opted person may only advise and not vote on decisions.

Functions of the Technical Sub-Committee

30. The Technical Sub-Committee shall be responsible for:

- (a) preparation of the District Spatial Development Framework, Structure Plans, Local Plans, Rezoning Plans or review of same if prepared by any other entity if the context require
- (b) the review of all applications for physical development
- (c) recommendation of approval or otherwise to the District Spatial Planning Committee
- (d) providing the Authority with reports as required for the enforcement of the provision of this Act
- (e) the making of recommendation to the District Spatial Planning Committee to approve any of the items, documents or matters under this section of this Act
- (f) making input into the discussions of site advisory and site selection teams set up for public project pursuant to the Site Advisory Committee established under the State Lands Regulations, L.I. 230 of 1962
- (g) technical services, conditions and monitoring.

Meetings

31. (1) Both 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 and the Technical Sub-Committee shall always hold its meetings and always send a report to the District Spatial Planning Committee prior to the District Spatial Planning Committee's meetings.

(2) A quorum for a meeting of the District Spatial Planning Committee and Technical Sub-Committee shall be constituted by:

- (a) at least half of its members are present; and
- (b) the persons present who constitute that half or more shall include the following persons:
 - (i) Head of the Physical Planning Department
 - (ii) District Development Planning Officer
 - (iii) Head of the Works Department
 - (iv) Head of the Disaster Management Preventive Department
 - (v) Representative of the Lands Commission
 - (vi) Representative of the Environmental Protection Agency
 - (vii) Head of the Roads Unit or Urban Roads Department of the Assembly

(3) The decisions of the District Spatial Planning Committee and the Technical Sub-committee shall be decided by consensus.

(4) Where the District Spatial Planning Committee is unable to reach 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 for reconsideration of the Technical Sub-Committee.

The Secretariat

32. (1) The Physical Planning Department of the District Assembly shall serve as the Secretariat of the District Spatial Planning Committee and shall always be staffed with persons trained and knowledgeable in land use planning issues.

(2) The head of the Physical Planning Department of the 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 special sources including but not limited to such funds as may accrue or be assigned to the District Assembly from the Town and Country Planning Fund set up under Section 41 of this Act.

Exercise of Spatial Planning Functions by District Assemblies

33 The provisions of Part II of the Local Government Act of 1993 shall cease to exist upon the coming into force of this Act by virtue of its repeal under the First Schedule to this Act.

(2) Despite its repeal every District Assembly shall continue to perform the spatial planning functions hitherto assigned to the District Assembly under to Part II of the Local Government Act, Act 462 of 1993, shall but shall do the provisions of this Act.

(3) Except as an act may be required to be performed by virtue of any unfinished business pursuant to transitional arrangements pursuant to Section 195 and unfinished business pursuant

to Section 195 of this Act, provision of Part II of the Local Government Act, Act 426 of the 1993, shall upon the coming into force of this Act, cease to exist.

Additional functions of the District Assemblies

34. In addition to the functions exercised pursuant to section 33 of this Act, District Assemblies shall perform the additional functions assigned to them under this Act.

Sub-Part 7 – Joint and Multi District Issues

Creation of Multi-districts Planning Entities by Regional Coordinating Council

35. (1) Where in the view of the Regional Coordinating Council

- (a) one or more district assemblies are not for the time being staffed with persons qualified and or experienced enough to perform the functions of the District Assembly, the District Spatial Planning Committee or Technical Sub-Committee required under this Act or
- (b) it is in the interest of spatial harmony or
- (c) it is in the interest of cost savings, economic or enhancement of national development

may, after prior consultations with the Authority, the Regional Spatial Planning Committee and the respective district assemblies concerned do one or more of the following:

- i. Create a joint District Spatial Planning Committee where only two district assemblies are involved
- ii. Create a multi-district District Spatial Planning Committee where more than two (2) districts are involved

(2) In the setting up any joint or multi-district Spatial Planning Committee, the Regional Coordinating Council shall at all times ensure that the membership conforms to the provisions of section 26 of this Act.

Joint Statutory Technical Sub-committees

36. In the event the Regional Coordinating Council invokes the provision under Section 35 of this Act and creates either a Joint District Spatial Planning Committee or Multi-district District Spatial Planning Committee then the Regional Coordinating Council shall also create a joint technical sub-committee or multi-district, technical sub-committee as the context require in accordance with expertise that are required in constituting Technical Sub-Committee under section 26 of this Act.

Permit Application Examination

37. All District Spatial Planning Committees shall always hold formal meetings in the examination of any application for permit.

Power to Obtain Information

38. (1) The planning entities or panel under the Act shall have the following powers in performing their functions under this Act

(a) By notice in writing, to require any person to furnish information in such form and manner and within such time as may be specified in the notice, for the purposes of the planning entity or panel ensuring compliance with this Act or determination of a matter pursuant to this Act;

(b) To interview any and request him/her to furnish such particulars as the planning entity or panel may require;

(2) A notice referred to in subsection (1) shall state that it is served in exercise of the powers conferred by this section and shall include a general statement of the purpose for which the information or response is required.

(3) When a requirement to furnish information or particulars under this Act is made, the response shall be furnished by the party concerned not later than the time specified in the notice or such extension as the planning entity or panel may grant.

(4) A person who fails to furnish information requested by planning entities or panel under the Act or who knowingly provides misleading or false information or materials or willfully obstructs the work of the planning entities or panel, or any officer, agent or employee of the planning entity in the performance of any of the planning entities' functions under this Act, commits an offence and shall be liable upon conviction to the applicable penalty under this Act.

Confidentiality and Prohibition of Disclosure of Information

39. (1) It shall be an offence for any official of the Authority, the Regional Spatial Planning Committee, the District Spatial Planning Committee or any planning entity to:

(a) Disclose any data or information obtained pursuant to Section 38 to a person not authorized to receive the information; or

(b) Use of data or information obtained pursuant to Section 38 directly or indirectly for

commercial purposes including the purpose of speculating in any stock, bond or other security or any goods or services.

(2) Any member, official, employee or agent of the Authority, Regional or District planning authority, or any person whether in the private or public sector who commits any of the offences in this section shall be liable upon conviction to the applicable penalty under this Act.

(3) A member of the Authority or a person appointed/co-opted by the Authority who fails to disclose his or her interest in any matter contrary to section 12 of this Act and a member who contravenes this section shall be guilty of misconduct and liable to be removed from the Authority and/or suffer any penalty that may be applicable under this Act.

Sub-Part 8 – Finance of the Authority

Finances of the Authority

40. (1) The activities of the Authority shall be financed by -

- (a) Moneys approved by Parliament for the purposes of the Authority through the national budget process.
- (b) Grants, gifts, and donations made to the Authority but excluding grants, gifts and donations designated for the Land Use Planning and Development Fund set up under section 41 of this Act.
- (c) Other sources of income for the Authority as approved by Parliament.

(2) For the purposes of this section, the Authority shall prepare budget estimates for each financial year and subject to approval of the Board of the Authority shall be presented to Parliament through the Minister

Sub-Part 9 – Land Use Planning and Development Fund

Establishment of the Fund

41. There is hereby established under this Act a Land Use Planning and Development Fund.

Object of the Fund

42. (1) The purpose of the Fund shall be for the achievement of the objectives of the Authority under this Act including the following:

- (a) Finance research into planning issues
- (b) Defray the costs and expenses incurred by the Authority in preparing any spatial development framework, plans, reports, documents, papers and such material related to the objects of the Authority or the dissemination of the Authority's information but shall not be used for the day to day administration of the Authority
- (c) Pay for the costs related to the promotion of specific programmes prescribed in writing by the Board to be funded under the Fund
- (d) Pay for the Authority's public educational activities but shall not be applied for the acquisition of long term academic qualification of staff education of staff or any other person at educational institutions within Ghana or abroad except for short courses designed to update the knowledge of staff.
- (e) Assist planning entities under the Act in the performance of their functions under the Act

(2) The Fund shall only be used for purposes specified under this Act.

Sources of the Fund

43. The sources of the Fund shall consist of:

- (a) monies provided for the Fund generally or a specific purpose of the Fund by the Minister for Finance with the approval of Parliament;
- (b) fees, if any, from the provision of services (local, regional and international) that the Authority may perform;
- (c) proceeds received by the Authority from any investments;
- (d) special levies pursuant to fee fixing resolution of the District Assemblies;
- (e) monies ceded to the Fund from the District Assembly Common Fund
- (f) funding from development partners and donations;
- (g) income from other sources received for the purpose of the Fund;
- (h) grants and gifts to the Authority; and
- (i) monies allocated from the stool land revenue

Management of the Fund

44. (1) There shall be a Fund Committee which shall consist of the following:

- (a) a representative of the Ministry responsible for Finance;
- (b) the Director of Finance of the Authority
- (c) two (2) representatives of the Board;
- (d) a representative of the Controller and Accountant-General; and
- (e) a representative of the Ministry responsible for Local Government

(2) The Committee shall, in consultation with the Minister of Finance, make recommendations for the administration and management of the Fund to the Board.

Additional Resources

45. (1) The Ministers responsible for the Authority may in consultation with the Minister of Finance make provisions relating to further financial resources that are allocated or ceded to the Authority.

(2) The Minister responsible for finance may issue guidelines and such further directives as may be necessary to guide the use of the resources under the Fund.

PART II

SPATIAL PLANNING SYSTEM AND RELATED MATTERS

Sub-Part 1- Planning Area and Levels of Planning

Planning Area

46. The territory of Ghana as defined under the Constitution of the Republic of Ghana inclusive of the land mass, air space, sub-terrain territory, territorial waters and reclaimed lands shall be a planning area and subject to the planning system provided under this Act and other relevant Acts as the context may require.

Spatial Development Frameworks and Structure Plans

47. (1) The framework for spatial planning in Ghana shall comprise -

- (a) the National Spatial Development Framework covering the entire country of Ghana
- (b) one Regional Spatial Development Framework for each of the administrative regions of Ghana or multi-regional spatial development framework for multiple regions if the context require; and
- (c) District Spatial Development Framework for each district, or, as the context may require, a joint or multi-district Spatial Development Framework.

(2) Pursuant to the National and Regional Spatial Development Framework and where available the multi-regional, regional, sub-regional or District Spatial Development Framework, the following plans shall guide all physical development:

- (a) Structure plan for each district, part of a district or multiple districts provided that no structure plan shall be prepared for part of a district unless such structure plan conforms to the criteria prescribed by in Regulations made by the Minister pursuant to this Act
- (b) Local plan for each part of a district where physical development is taking place or proposed to take place and all local plans shall conform to guidelines prescribed by the Authority.

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

(4) The period of spatial development framework and, structure and local plan shall be as follows:

- (a) In the case of National Spatial Development Framework, twenty (20) years
- (b) In the case of Regional Spatial Development Framework, twenty (20) years

- (c) In the case of District Spatial Development Framework, twenty (20) years
- (d) In case of Structure Plan, fifteen (15) years
- (e) In case of Local Plan, ten (15) years

(5) The spatial development framework and the structure plan shall be revised at the end of its period or at an earlier date as that the Authority shall direct or as may be prescribed in Regulations made by the Minister pursuant to this Act

(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 the dates set in this section in respect of revision of the spatial development framework a review session shall be held by the applicable entity every four (4) years to outline, if any, changes required.

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

Public Participation and Public Data Room

48. (1) All plans shall be prepared with the participation of the general public and key stakeholders and the Authority shall, through Guidelines prescribe the details of the procedure to be followed by public officials and consultants in ensuring public participation at all levels of the spatial planning system.

(2) Every District Assembly shall, not later than sixty (60) days after the coming into force of this Act, set up a permanent Public Data Room at an openly accessible place which shall be open to the public during normal working hours of every working day.

(3) The Public Data Room shall be manned by staff of the District Assembly who shall assist the public have access to all documents prescribed to be made available in the data room and shall keep such records as may be prescribed by the Authority.

Permits

49. (1) No physical development as defined under this Act shall be carried out unless such development has been duly authorized to take place by the District Assembly acting through the District Spatial Planning Committee or by an appropriate entity pursuant to this Act.

(2) Subject to Regulations and Guidelines issued pursuant to this Act, physical development may be subject to one or multiple stages of the permit process as the context may require.

Preparation of National Spatial Development Framework

50. (1) Not later than twenty-four (24) months after the commencement of this Act, the Authority shall, after adequate consultation with the National Development Planning Commission and on the basis of approved or planned National Development Framework as stipulated in the National Development Planning System Act, Act 480, prepare and gazette a National Spatial Development Framework covering the entire territory of Ghana.

(2) The Authority shall ensure that at all times the National Spatial Development Framework shall be the framework within which other spatial development framework shall be formulated.

(3) In addition to the National Development Plan, the National Spatial Development Framework shall be informed by such background studies, reports, plans, maps and such other information prescribed by Regulations made by the Minister pursuant to this Act(4) The National Spatial Development Framework shall prescribe the spatial aspects of Ghana's social and economic development and related human settlement issues.

(5) The National Spatial Development Framework must be prepared in accordance with the scope, objectives, minimum content and methodology prescribed by regulation.

(6) The National Spatial Development Framework shall be prepared by the Authority in consultation with the National Development Planning Commission and other public institutions, and in particular shall be based on the socio-economic development framework approved by the President.

Contents of the National Spatial Development Framework

(7) The National Spatial Development Framework must contain:

(a) A statement from the Authority covering:

- (i) The spatial dimensions of general trends and challenges that Ghana is facing
- (ii) The objectives guiding the Authority in coping with the challenges and enabling the improvement of quality of life and sustainable management of land use and human settlement
- (iii)The strategies designed or to be employed by the Authority to cope with and guide management of land use to meet the identified challenges
- (iv)The means employed in monitoring the efficiency of the strategies employed by the Authority

(b) The designation of the proposed hierarchy of human settlements, 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 Centres of national importance and the likely development of them within the planning period
- (f) Any other matter deemed relevant for the purpose of ensuring the observation of national needs under this act.
- (g) A strategic environmental assessment of the spatial development framework
- (h) A statement of the consultative procedures taken in the preparation of the framework

Spatial Component of Development Plans

(8) All development plans required under the National Development Planning Systems Act, Act 480 of 1993 shall be accompanied by:

- (a) the National Spatial Development Framework
- (b) Regional Spatial Development Framework
- (c) Multi-regional or Sub-regional Spatial Development Framework
- (d) District Spatial Development Framework

and shall constitute the spatial component of the National Development Plan as the context require.

Approval of National Spatial Development Framework

(9) The National Spatial Development Framework shall be submitted to the President for approval.

(10) The date of the President's approval shall be the date the framework is deemed to commence.

Notification of President's Approval

51. (1) After the President has given approval to the National Spatial Development Framework, the Chief Executive of the Authority shall notify the public through the gazette and a newspaper of national circulation.

(2) In addition, the Chief Executive shall send copies to the following:

- (a) the President

- (b) the Board
- (c) the National Development Planning Commission
- (d) all Regional Coordinating Council
- (e) all Regional Spatial Planning Committee
- (f) all District Chief Executives
- (g) Presiding Member of the District Assembly
- (h) chairmen of the District Spatial Planning Committee
- (i) Secretary of each District Spatial Planning Committee
- (j) National and Regional Houses of Chiefs
- (k) all ministries, departments and agencies

thereof to every person who in the Chief Executive's opinion may have an interest in the National Spatial Development Framework;

(3) Copies of the National Spatial Development Framework may be made available to any person at a fee prescribed by the Authority

Sub-Part 2 - Regional Spatial Development Framework

Preparation of Regional Spatial Development Framework

52. (1) Pursuant to the National Spatial Development Framework each Regional Coordinating Council shall prepare or cause to be prepared, a Regional Spatial Development Framework for each administrative region of Ghana not later than twelve (12) months of the approval by the President of the National Spatial Development Framework.

(2) The Regional Spatial Planning Committee shall in consultation with relevant stakeholders prepare or cause to be prepared, the Regional Spatial Development Framework for its region within the timeframe specified in subsection (1) of this section.

(3) Where the Authority in consultation with the Regional Coordinating Council specifically directs, the Regional Spatial Planning Committee may prepare or cause to be prepared, if specific circumstance exist therefore, sub-regional spatial development plans and multi-regional Spatial Development Framework for two or more regions.

(4) The Regional Spatial Development Framework or multi-regional Spatial Development Framework shall conform to the general requirements of the National Spatial Development Framework.

(5) The Regional Spatial Development Framework or multi-regional Spatial Development Framework shall have the general improvement of quality of life in Ghana as its key goal.

Contents of the Regional Spatial Development Framework

- (6) The Regional Spatial Development Framework must contain:
- (a) A statement from the Regional Spatial Planning Committee covering:
 - (i) The specific development challenges in the Region that is addressed in the Regional Spatial Development Framework
 - (ii) The strategies proposed in the development framework by the Regional Spatial Planning Committee to cope with and guide development and use of land
 - (iii) The means employed in monitoring the efficiency of the strategies proposed by the Regional Spatial Planning Committee
 - (b) The designation of the spatial structure of the Region taking into account the relevant parts of the National Spatial Development Framework and the regional challenges and trends, including:
 - (i) The proposed hierarchy of settlements, growth distribution of urban population and functional locations of regional importance
 - (ii) The allocation of regional development corridors
 - (iii) The indicative reservations of land imposed for the purpose of serving the needs under (i) and (ii)
 - (c) An environmental assessment of the development framework
 - (d) A statement of the consultative procedures taken in the preparation of the framework

Procedure for the Regional Spatial Development Framework

53. (1) The Regional Spatial Planning Committee shall, after adequate consultation with the Authority and National Development Planning Commission and on the basis of approved National Spatial Development Framework under this Act and Regional Development Plan as stipulated under the National Development Planning System Act, Act 480, prepare and gazette a Regional Spatial Development Framework covering the region or multi-regional Spatial Development Framework as the case may be.

(2) The Authority shall ensure that at all times the Regional Spatial Development Framework or multi-regional Spatial Development Framework as the case may be shall be the framework within the region which other spatial development framework, structure plan and local plans may be formulated.

(3) In addition to the Regional Development Plan and the National Spatial Development Framework, the Regional Spatial Development Framework or multi-regional Spatial Development Framework shall be informed by such background studies, reports, plans, maps and such other information prescribed by Regulations pursuant to this Act issued by the Authority.

(4) The Regional Spatial Development Framework or multi-regional Spatial Development Framework shall prescribe the spatial aspects of the Regional Development Plan and related human settlement issues.

(5) The Regional Spatial Development Framework or multi-regional Spatial Development Framework shall be prepared in accordance with the scope, objectives, minimum content and methodology prescribed by regulation or guidelines as the context require.

(6) The Regional Spatial Development Framework shall be prepared by the Regional Spatial Planning Committee in consultation with all the district assemblies in the Region and other public and private sector entities as required and in particular shall be based on the socio-economic development framework approved by the President.

(7) The Regional Spatial Development Framework or Multi-regional Spatial Development Framework shall be submitted to the Regional Coordinating Council for approval and after the Regional Coordinating Council's approval, a copy of the Regional Spatial Development Framework shall be lodged with the National Development Planning Commission through the Authority.

(8) Any objection or concerns of the National Development Planning Commission shall be referred back to the Regional Spatial Planning Committee for consideration and the revised regional spatial development framework or multi-regional spatial development framework shall be resubmitted to the Regional Coordinating Council for approval and thereafter a copy shall be lodged with the National Development Planning Commission for its records.

(9) Where no objection is received from the National Development Planning Commission within sixty (60) days of the regional spatial development framework or multi-regional spatial development framework being lodged with the National Development Planning Commission it shall be deemed to have come into force

, Where an objection is received within the sixty (60) days, the appropriate revisions shall be effected, if necessary, and the revised framework the Regional Spatial Development Framework shall be deemed to come into force within thirty (30) days after the revised Regional Spatial Development Framework has been lodged with the National Development Planning Commission.

Notification

54. (1) Upon the coming into force of the Regional Spatial Development Framework or multi-regional Spatial Development Framework as the case may be, the Chief Executive of the Authority shall notify the public through the gazette and a newspaper of national circulation.

(2) In addition, the Chief Executive shall send copies to the following:

- (a) the President
- (b) the Board
- (c) the National Development Planning Commission

- (d) all Regional Coordinating Council
- (e) all Regional Spatial Planning Committees
- (f) all District Spatial Planning Committees in the Region
- (g) all District Chief Executives in the Region
- (h) chairmen of the District Spatial Planning Committee in the Region
- (i) Secretary of each District Spatial Planning Committee in the Region
- (j) all ministries, departments and agencies within the Region

thereof to every person who in the Chief Executive's opinion may have an interest in the Regional Spatial Development Framework.

(3) Copies of the Regional Spatial Development Framework may be made available to any person at a fee prescribed by the Authority.

(4) A copy of the Regional Spatial Development Framework for the region shall be made available at the Public Data Room of each District Assembly within the region.

Sub-Part 3 - District Spatial Development Framework

Preparation of District Spatial Development Framework

55. (1) Not later than twelve (12) months of the coming into force of the Regional Spatial Development Framework, each Technical Sub-Committee of the District Spatial Planning Committee shall prepare a District Spatial Development Framework for the entire district of its jurisdiction in accordance with this Act.

(2) Where the context requires, the Regional Spatial Planning Committee shall, in consultation of the Regional Coordinating Council and affected district assemblies, prepare or cause to be prepared a multi-district or Joint Spatial Development Framework if the context require.

(3) The District Spatial Development Framework or the multi-district or Joint Spatial Development Framework shall conform to the general guidelines of the Regional Spatial Development Framework

(4) The District Spatial Development Framework shall be prepared in accordance with the scope, objectives, minimum content and methodology prescribed by Regulation made by the Authority.

Contents of District Spatial Development Framework

(5) In addition to the National Development Plan and the Regional Spatial Development Framework the District Spatial Development Framework shall be informed by such background studies, reports, plans, maps and such other information prescribed by Regulations made by the Minister pursuant to this Act

(6) The District Spatial Development Framework shall contain:

- (a) The designation of the spatial structure within the District taking into account the relevant parts of the National and Regional Spatial Development Frameworks and the challenges and trends, including:
 - (i) The allocation of the projected size and functions of urban areas and area for urbanisation in the District
 - (ii) The designation of infrastructure corridors laid out at District level
 - (iii) The allocation and delineation of areas that are subject to Structure plans
 - (iv) The designation of land uses in areas that are not subject to Structure Plans
 - (v) The reservations of land designated for the purpose of future development
 - (vi) Potential areas for the location of industrial development
- (b) An environmental assessment of the development framework
- (c) A statement of the consultative procedures taken in the preparation of the framework
- (d) A statement showing how other regulatory requirements or applicable directives, if any, have been taken into account.

Objectives of the District Spatial Development Framework

(7) The District Spatial Development Framework or multi-district Spatial Development Framework shall have the general improvement of quality of life in district as its key goal.

(8) The District Spatial Development Framework or multi-district Spatial Development Framework shall prescribe the spatial aspects of the district's social and economic development and related human settlement issues

(9) The District Spatial Development Framework shall be prepared by the Technical Sub-Committee of the District Spatial Planning Committee of the District Assembly in consultation with all relevant public and private institutions and other relevant stakeholders and shall be based on the economic development framework approved by the President, Cabinet or the National Development Planning Commission or the regional authorities as the context require and shall conform to the Regional Spatial Development Framework

(10) The District Spatial Development Framework shall be submitted to the District Assembly for approval and where a multi-district Spatial Development Framework is prepared it shall be submitted to the Regional Spatial Planning Committee for approval.

(11) In the case of the preparation of the multi-district Spatial Development Framework, the District Assembly shall be notified of the approval by the Regional Spatial Planning Committee.

Notification

(12) After approval of the District Spatial Development Framework or the receipt of the notification by the District Assembly in the case of multi-district Spatial Development Framework, the District Coordinating Director shall issue a Public Notification through publication in a newspaper of national circulation of the completion of a District Spatial Development Framework or multi-district Spatial Development Framework and a copy of the District Spatial Framework or the multi-district Spatial Development Framework shall be at all times thereafter be available in the Public Data Room.

Copies of the District Spatial Development Framework

(13) Copies of the District Spatial Development Framework or multi-district Spatial Development Framework may be made available to any person at a fee prescribed by the Authority or in the absence of such prescription by the Authority at a fee fixed by the District Assembly, under its Fee Fixing Resolution.

(14) Where there is a conflict between the fee fixed by the Authority and the District Assembly, the fee fixed by the Authority shall prevail.

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

Interpretation of this Section

56. (1) All references to the Regional Spatial Development Framework and District Spatial Development Framework shall be deemed to be a reference to joint spatial development framework or multi-district spatial development framework where the context require

(2) Where any action is required to be taken by a district, the action shall be taken by each district in the case of joint or multi-district spatial development framework as the case may be.

(3) The Authority may make regulation regarding joint and multi-district spatial development framework.

Sub-Part 3 - Structure Plans

Time for structure plans

57. (1) Except as otherwise expressly extended by the Authority, each Technical Sub-Committee of the District Spatial Planning Committee of the District Assembly shall, not later than twelve (12) months after approval of the District Spatial Development Framework commence the preparation of a structure plan or structure plans for its area of jurisdiction and shall complete the structure plan no later than thirty-six (36) months after approval of the District Spatial Development Framework.

(2) If the Technical Sub-Committee decides to prepare structure plans for parts of the district, it shall ensure that a structure plan exist for all parts of the district within thirty-six (36) months after the approval of the District Spatial Development Framework by the District Spatial Planning Committee.

Objectives and scope of structure plans

58. (1) A structure plan must deal with spatial developments of a district and must contain planning aims, objectives and principles and development proposals, plans, maps and such background studies, reports and information prescribed by regulation, with the purpose of securing orderly, coordinated, efficient and environmentally sound urban or rural development and proper use of land in such a manner that the general welfare of the urban or rural area concerned, as well as the order of that area, are the most effectively promoted.

(2) The Structure Plan must contain:

- (a) The designation of uses or re-zoning to land that is subject to the plan for the purpose of ensuring the continuous supply of land to meet the needs identified in the Spatial Development Framework, including land required to protect natural drainage systems and environmentally sensitive areas
- (b) A designation of the supply-infrastructure within the planning area, including:
 - (i) The network of the primary and secondary roads of the area
 - (ii) The network of facilities of the power infrastructure of the area
 - (iii) The network of water supply infrastructure, including sewage treatment facilities
 - (iv) The network of drainage and sewage water infrastructure
 - (v) The network of telecommunications infrastructure
 - (vi) The location of final waste disposal sites, land fill sites, or other waste treatment sites
 - (vii) The route-network of public transport services within the area (where relevant)
- (c) The designation of time schedule for the development of land and supply-infrastructure within the planning area
- (d) The framework guidelines applicable to development schemes and local plans within the planning area (where relevant)
- (e) A Strategic Environmental Assessment of the plan
- (f) A statement of the consultative procedures taken in the preparation of the framework

(3) Zoning requirements:

The designation of land uses must contain:

(a) The designation of areas for:

- (i) shopping centres,
- (ii) public offices and institutions
- (iii) housing
- (iv) offices
- (v) industry, and their noise related buffer zones
- (vi) activities that requires the permit on the basis of an EIA procedure
- (vii) mixed activities, e.g. offices and housing purposes
- (viii) urbanisation areas requiring upgrade or re-development
- (ix) nature conservation
- (x) leisure purposes

(b) In designating areas for industrial purposes the planning authority must ensure that buffer zones designated for noise and/or environmental purposes are not subject to land uses conflicting with the industrial purposes

(4) A structure plan may cover the whole or part of an urban area or rural area within the district or any specific land area, and must consist of such statement of policies, plans and such background studies, reports, maps and such other information prescribed by regulation, made pursuant to this Act

(5) A structure plan must be prepared in accordance with the scope, objectives, minimum content, and methodology proscribed by regulation made pursuant to this Act.

(6) A structure plan shall not deviate from the general purpose and prescription of the National, Regional or District Spatial Development Spatial Framework or multi-regional or sub-regional spatial development framework as the case may be.

Sub-urban structure plans in urban areas

59. (1) In urban areas, sub-urban structure plans may be prepared to cover an entire area or part of an area, urban area or urban areas which fall within one administrative authority and may include adjoining towns and villages

(2) Where urban areas fall under different District Assemblies, an urban structure plan shall not be prepared to cover multiple urban areas unless it is done with the prior approval of the Regional Spatial Planning Committee.

Responsibility for structure plan

60. (1) The Technical Sub-committee provided under Section 28 of this Act, shall have the responsibility to prepare structure plans subject to the approval of District Spatial Planning Committee.

(2) The completed structure plan shall be considered as a draft structure plan until the approval processes provided in this sub-part of the Act are fully complied with.

(3) The District Assembly may on the recommendation of the District Spatial Planning Committee engage a private sector entity through a competitive selection process to prepare the structure plan.

Public notice of draft structure plan

61. (1) After the completion of the draft structure plan by the Technical Sub-Committee of District Spatial Planning Committee, the District Coordinating Director shall:

- (a) give notice in the manner prescribed by regulation that the approved structure plan will lie open for inspection
- (b) submit a copy of such plan to the Regional Spatial Planning Committee for comment
- (c) Include a notice that the structure plan is a draft plan and that any entity or person may submit comments within a specified time frame specified by the Authority.

(2) The draft district structure plan, be made available for inspection in the public data room at the District Assembly.

Approval of structure plans

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

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

(3) Upon approval of the structure plan by the District Spatial Planning Committee, the 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 District Assembly and give its endorsement.

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

(6) If the District Assembly refers structure plan back to the District Spatial Planning Committee, the District Spatial Planning Committee acting through the Technical Subcommittee may effect the necessary amendments, if necessary, 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 an applicable Regulation made by the Authority.

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

(8) If the District Assembly endorses structure plan with recommended amendments, the amendments concerned must be effected before the seal of the District Assembly is embossed on the structure plan for the district as the approved structure plan.

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

(10) The date of publication of the notice referred to in subsection (8) shall be the date on which the structure plan concerned is deemed to have come into effect and shall thereafter have the force of law.

Revision of approved structure plans

63. (1) Unless the Authority directs otherwise or unless otherwise provided in Regulations made by the Minister pursuant to this Act, the District Spatial Planning Committee must review structure plan no later than six (6) months after the tenth anniversary of the commencement of the structure plan.

(2) Where circumstances require, the District Spatial Planning Committee may, at any time apply to the District Assembly to amend or withdraw a structure plan which has been approved, and the District Assembly may at any time direct a District Spatial Planning Committee to amend or withdraw a structure plan which has been approved.

(3) If a District Spatial Planning Committee is of the opinion that after a period of ten (10) years a revision of structure plan is not warranted, the District Spatial Planning Committee must apply, with proper justification, to the District Assembly for an extension of the period of validity of the structure plan concerned.

(4) Where the District Assembly decides to extend the validity of structure plan, it shall give notice to the public that it intends to do so and invite comment from the public in respect of why the structure plan must not be extended.

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

(6) The amendment, withdrawal or revision of a structure plan must comply with the requirements prescribed by regulation by the Authority.

Procedure for approval

64. (1) The District Assembly shall before approving a structure plan take the following steps:

- (a) Hold a formal meeting for the purposes of approval and keep records of the minutes of the meeting
- (b) Communicate the approval in writing to the District Spatial Planning Committee

(2) The District Assembly shall keep copies of the formal approval letter in the public data room and shall lodge a copy of the structure plan with the Regional Spatial Planning Committee.

Effect of an approved structure plan

65. (1) A structure plan does not confer or take away any use rights in respect of land except as may be provided for under this Act.

(2) No compensation will be payable in accordance with the provisions of this Act if a structure plan is amended, withdrawn or pursuant to comments or complaints made by a member of the public.

Amendment of zoning schemes pursuant to approved structure plan

66. (1) The District Assembly may if the context require authorize any District Spatial Planning Committee to amend an existing zoning scheme in force in the district in order to ensure conformity with approved structure plan.

(2) The District Assembly may, as part of its structure plan approval process, or upon the written request of the Regional Spatial Planning Committee, give an authorization to District Spatial Planning Committee in urban areas to amend existing zoning schemes.

(3) Where a District Spatial Planning Committee is authorized pursuant to subsection (2) of this section, the District Spatial Planning Committee shall in the exercise of the authorization concerned –

- (a) act according to the guidelines laid down by the Authority, amend or revise the approved structure plan in terms of this part; and
- (b) notify the Regional Spatial Planning Committee in the manner prescribed by regulation, of the amendments made to the zoning scheme.

Sub-Part 4 - Local Plans and Unique Parcel Numbering

Requirement of Local Plan

67. (1) Subject to Regulations made pursuant to this Act in respect of planning standards, Local Plans may be required for specific physical development.

(2) A Local plan must be drawn up and adopted prior to:

- (a) The approval of a development scheme involving the layout of land for more than twenty (20) individual plots.
- (b) Major redevelopment schemes in urban areas

(3) Local plans should be adopted for urban or urbanising areas where the local planning authority intends to set forth legally binding regulations for:

- (a) The land coverage of the construction on a plot in the zone
- (b) The type of structure on the land
- (c) The forms and height of the buildings
- (d) The materials used in the facing or construction of buildings on the land
- (e) The colour of buildings or the doors windows and or roofs of the building constructed on special areas or ceremonial roads
- (f) Tree preservation
- (g) The preservation of existing buildings and/or historical structures
- (h) Any landscaping or tree planting requirements

(4) A District Spatial Planning Committee shall, subject to this Act and such Regulations or guidelines, prepare or cause to be prepared a local plan for a specific area within its jurisdiction within the time frame specified in the Regulations or by the Authority:

(5) Subject to the Regulations made by the Minister pursuant to this Act a District Assembly shall also require all estate developers, owners of land of sizes specified by the Authority and traditional owners to submit local plans in respect of such estate schemes or schemes to develop land for sale.

Objectives and scope of local plans

68. (1) A local plan shall deal with spatial plan of developments of an area in a district measuring not larger than the area prescribed in Regulation.

(2) A local plan shall contain planning aims, policies, objectives, principles and development proposals, plans, maps and such background studies, reports and information prescribed by regulation, with the purpose of securing orderly, coordinated, efficient and environmentally sound development and the proper use of land

(3) A local plan must be prepared in accordance with the scope, objectives, minimum content and methodology prescribed by regulation issued by the Authority.

(4) A local plan shall deal with spatial aspects of the socio economic development and provide the details relevant to human settlement issues as required by regulation.

(6) A local plan shall conform to the general purpose and prescription of the zoning scheme as prescribed in the local plan.

Responsibility for local plan

69. (1) The District Spatial Planning Committee shall have the responsibility to prepare a local plans subject to the provisions of this sub-part of this Act and to Regulation made by the Authority:

(2) In the event a person or an entity seeks to set up an estate scheme or to develop a town in phases and where each phase comprises an area of the size that requires a local plan as determined by the District Spatial Planning Committee or as specified in Regulations , the person or the entity seeking to undertake the development shall be responsible for the preparation of the local plan for that area concerned.

(3) In the event the District Spatial Planning Committee invokes any of the provision relating to blight under this Act in respect of an area deemed affected by blight but for which the Assembly has hitherto specified that a detailed local plans is required, the Technical Sub-Committee shall be responsible for the preparation of the local plans for the area deemed affected by the provision related to under this Act.

(4) In respect of a person seeking to dispose of plots in large tract of land for which in the view of the District Spatial Planning Committee a local plan is required prior to such disposal, the person seeking to dispose or sell the land shall have the responsibility for the preparation of a local plan.

(5) All local plans shall be submitted to the District Spatial Planning Committee for its approval.

Public notice of draft local plan

70. The District Spatial Planning Committee shall upon approval of the draft local plan prepared by the Technical Sub-Committee or after it receives the local plan from a developer and person required to prepare a local plan:

- (a) give notice in the manner prescribed by regulation that the approved local plan will lie open for inspection in the Public Data Room of the District Assembly

- (b) Include in the notice that the is a draft local plan shall be deemed approved if no objection or complaint is received within a time frame specified in the notice which time frame shall not be less than sixty (60) days from the date of the first notice.

Approval of local plan

71. (1) The District Spatial Planning Committee shall issue a notice in a classified column of a newspaper of national circulation that the local plan has been approved:

- (a) If it receives no comment after the date for comments has lapsed; or
 - (b) If it receives comment and objects and have not incorporated these comments or evaluated the comments and concluded at a formal meeting of the District Spatial Planning Committee that the comments should not be incorporated; or
 - (c) If all conditions imposed on the draft local plan has been met by the applicant or person required to meet the conditions
- (2) In granting the approval the District Spatial Planning Committee may impose any conditions it deems fit in respect of the approval.

Local plan to conform to structure plan

72. In all cases, local plans must conform to the structure plan of the area within which the local plan falls.

Local plans pending structure plan

73. Pending the commencement of an approved structure plan, the District Spatial Planning Committee may prepare or cause a local plan to be prepared 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

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

Unique Parcel Numbering

75. (1) Every District Assembly shall maintain a computerized unique parcel numbering system subject to the provision of section 151(3) of this Act and Regulations or Guidelines in respect of unique parcel numbering system.

Sub-Part 5 - Declaration of Planning Areas and Effect of the Declaration

Declaration of planning areas

76. (1) The entire territory of Ghana shall continue to be a planning area.

(2) Every physical development shall be deemed to take place within the jurisdiction of the District Assembly responsible for the area.

No development without permit

77. (1) No physical development shall be carried out within the territory of Ghana unless such development is carried out in accordance with this Act.

(2) For the purposes of clarity physical development includes development of land or a construction, demolition, an alteration, extension, a repair or renewal of a building or as defined under Part IX of this Act.

(3) A person who contravenes a provision of this Act by carrying out any development without permit shall be liable to the appropriate fine prescribed for the purposes of this Act.

Powers of entry, examination and survey

78. The planning entities under this Act shall where it has reasonable ground to believe there is a breach of this Act, have the power to enter any land or premises to investigate if such breach.

Penalty for obstruction

79. Any person who obstructs the Authority for performing its functions shall upon conviction be liable to a fine not exceeding five hundred (500) penalty units or imprisonment for a term not exceeding one (1) year or both.

Acquisition of land

80. (1) The District Assembly may on its own accord or pursuant to a request by the Regional Spatial Planning Committee or the District Spatial Planning Sub Committee or the Regional Coordinating Council in the case of joint district assemblies, negotiate with the owner and acquire, at the District Assembly's cost, land or buildings if such acquisition is necessary or

expedient for enforcing the provisions of this Act including ensuring compliance with the National, Regional, Multi-district or District Spatial Development Framework, structure plan or local plan.

(2) Where the District Assembly is unable to purchase by agreement a land or building required under sub-section (1) of this Section, the land or building may be acquired under the State Lands Act, 1962 (Act 125) or any law for the time being in force in accordance with the Constitution.

(3) The lands and building acquired under this section for giving effect to the Act shall be used only for, or in connection with, the scheme for which they were so acquired and a failure to do so shall entitle the original owner to be given the first right of refusal to acquire the land back at a concessionary value to be determined by the Land Valuation Division of the Lands Commission.

Sub-Part 6 - Compensation and Betterment

Provisions as to compensation

81. Subject to the provisions of this Act, a person

- (a) Whose property is injuriously affected by the coming into operation of a provision contained in a scheme or by the execution of a work under a scheme, or
- (b) Who for the purpose of complying with a provision contained in a scheme or in making or resisting a claim under the provisions of this Act relating to compensation and betterment, has incurred expenditure which is rendered abortive by a subsequent revocation or modification of the scheme,

is entitled, if a claim is made within the time limited for the purpose by this Act or any applicable instrument, or applicable legislation, to recover as compensation from the District Assembly, the Regional Coordinating Council or the Authority as the context may require, the amount by which the property is decreased in value, or, so far as it was reasonably incurred, the amount of the abortive expenditure.

Sub-Part 7 – Zoning Schemes and Matters Related To Zoning

Enforcement of zoning schemes pursuant to structure plan

82. (1) Subject to subsection (2) of this section, after the coming into force of the structure plan the District Assembly shall at all times ensure that all developments conform to the zoning scheme incorporated in the structure plan.

(3) The zoning scheme may be updated periodically in accordance with Regulations or Guidelines made pursuant to this Act

(4) Any update of such zoning scheme must conform to the procedure prescribed for the preparation of structure plan in this Act and Regulations made pursuant to this Act

(5) The zoning scheme in structure plans shall, as a minimum, cover 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 building
- (f) Orientation of the building
- (g) Building material
- (h) Floor area
- (i) Colour scheme of the area
- (j) Ancillary services

Zoning scheme pending approved structure plan

83. (1) Where the District Assembly is unable to have an approved structure plan within the time stipulated within this Act or within a period duly extended 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 or districts, subject to the provisions of this Act.

(2) In any event where an independent consultant is engaged to undertake the preparation of a structure plan, the Consultant shall undertake the task in accordance with this Act and in regular consultation with the District Assembly, the Regional Coordinating Council and other entities as may be prescribed by guidelines issued by the Authority.

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

- (a) Agriculture
- (b) Special provisions for requiring purchase of the whole of partially affected agricultural unit
- (c) Mining
- (d) Utilities including gridlines, pipelines, telephone lines, mast
- (e) Highways,
- (f) Outdoor advertisement
- (g) Environment
- (h) Conservation
- (i) Security

- (j) Creation of Green Belts,
- (k) National, Regional, District and Local Parks

Failure to prepare a zoning scheme

84. (1) If notwithstanding the assistance provided pursuant to Section 83 of this Act, a District Assembly is unable to prepare or cause to be prepared a zoning scheme for the district within the timeframe required by this Act or set by the Authority, the Authority may request the assistance of the Regional Coordinating Council to do so.

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

(3) The costs of preparing the zoning scheme shall be borne by the District Assembly or set off by the Regional Coordinating Council or the Ministry of Finance or the Administrator of the Common Fund as may be appropriate from any proceeds or revenue or income due the District Assembly.

Effect of approval

(4) An approved zoning scheme shall be used to determine use rights for part or whole parcel of land within the district or joint or multiple districts.

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

(6) Subject to the provisions of subsections (5) of this section the District Assembly or the Regional Coordinating Council as the context may be, shall advertise in the manner prescribed by regulation, the intention to gazette a zoning scheme.

(7) The notice shall state the time and place where public may view the proposed zoning scheme provided that if the place stated by the District Assembly is a place other than the District Assemblies Public Data Room, the District Assembly shall ensure that the scheme is also available at the Public Data Room during working hours.

(8) Where an approved zoning scheme exists, it shall be an offence for the District Assembly not to enforce it and any person shall have a right to lodge a complaint under this Act to the Regional Coordinating Council or the Authority or bring an application in the courts, if context require to compel the District Assembly or the responsible entity to enforce the approved zoning scheme.

Adoption of a local plan

85. The procedure for adoption of a zoning scheme under this Act shall be complied with and the 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 upon a request by the District Assembly has confirmed in writing that the existing local plan conforms to the structure plan and
- (c) that there is no need to prepare a local plan for the entire or part of the area of the District Assembly concerned

Procedure in such cases

86. (1) Where the Regional Spatial Planning Committee confirm on request of the District Assembly that an existing local plan conforms to the structure plan of the district under section 86 of this Act, a reference to a zoning scheme under this Act shall be deemed to include a reference to the local plan in respect of the area it covers.

(2) The Regional Spatial Planning Committee shall not confirm the conformity of a local plan with a structure plan unless same has been subject to public comments in accordance with the procedure under section 83 of this Act.

(3) At a formal meeting which shall be held not earlier than thirty (30) days after the expiration of the time stated in the advertisement for the submission of public comments.

Post-approval requirement

87. (1) The confirmation of the Regional Spatial Planning Subcommittee shall be published by the Regional Coordinating Council or the District Assembly in the gazette and in a classified column of a newspaper of national circulation.

(2) The date of publication of the notice referred to in subsection (1) of this section shall be deemed to be the day the particular local plan came into effect.

Existing zoning schemes approved under Cap 84 and 86

88. (1) Except as the Authority may otherwise direct, in any district where prior to the coming into force of this Act the District Assembly

(a) had adopted zoning scheme which was prepared in accordance with the Towns Act, Cap 86 of 1951

(b) the zoning scheme had been duly approved by the head office of the Town and Country Planning Department existing prior to the commencement of this Act in accordance with the Town and Country Planning Ordinance,

(2) Such zoning scheme shall continue to be the applicable zoning scheme for a period of five (5) years unless the Authority directs that it should be for such shorter or longer duration as the Authority may deem necessary in the circumstance.

(2) Save as the Authority may direct in writing, any approved zoning or local plan shall be deemed to be the zoning scheme for all purposes of this Act including the determination of land use of rights.

Interpretation of this Part

89. (1) For purposes of interpretation of this part any reference in any law to a local plan approved under the Town Planning Ordinance, or the National Building Regulation LI 1630, shall be deemed to be a reference to a zoning scheme or a local plan under this Act provided the local plan has been approved in accordance with conforms to this Act.

(2) Any existing use of right prescribed in terms of a prohibition on the erection of buildings in accordance with the Town Planning Ordinance, Cap 84 of 1945 and any related law then in force shall be deemed to be valid.

Conflict with provisions of other laws

90. (1) If any provision of a zoning scheme or a local plan made or adopted after the coming into force of this Act, which relate to land-use is in conflict with any other law or enactment or regulation relating to the land use, the zoning scheme shall prevail.

(2) All matters relating to the determination of 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) If any person is not satisfied with the determination of the District Spatial Planning Committee, by the Regional Coordinating Council on the advice of the Regional Spatial Planning Committee.
- (c) Further recourse may be had to the court for determination only in respect of matters of law.

(3) The courts shall have the power to make determinations on matters of law but shall not have power to alter the local plan, zoning scheme or use right of any land.

Register of zoning schemes

91. (1) Not later than twenty-four (24) months of the Commencement of this Act, each Regional Coordinating Council shall, after consultations 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 referred to in subsection (1) is at all times available for inspection by the general public in the Public Data Room of the District Assembly.

(3) A failure to make the register available in the Public Data Room shall be deemed to be a breach of this Act by the District Assembly.

(4) The publication of the register shall be deemed to be adequate notification to the public of how land uses are to be determined by the District Spatial Planning Committee pursuant to duly published zoning or local plans contained therein.

(5) A member of the public shall have the capacity to take the appropriate action to compel the District Assembly to make the register available and the court may, in its discretion, cause the District Assembly to compensate the applicant for any loss suffered or cost incurred as a result of the District Assembly's failure to make the register available.

Gazette

92. Any variation of any zoning or local plan shall be duly published in the gazette and in newspapers of national circulation in a duly classified column of such newspaper and an official website of the Authority and the Regional Coordinating Council.

Application for change of use or request for re-zoning

93. (1) In the case of owners, licencees or occupants who seek to change the existing zoning of the whole or part of any piece of land, such a person shall apply in writing to the District Spatial Planning Committee of the district concerned in the form prescribe in the Schedule of this Act.

(2) The District Spatial Planning Committee shall not have the power to approve any request or change the existing zoning or land use unless the request is intended to bring the land in conformity with the structure plan or zoning scheme or local plan.

Special Circumstances

(3) If the request for change is other than to bring it in conformity as prescribed in 94(2) (a) above there is evidence that;

- (a) very special circumstances have arisen that necessitates the change requested and
- (b) a notice of the special circumstances have been brought to the attention of the community in which the land affected by the request is located and
- (c) details of the special circumstances same have been made available in the Public Data Room for a period of at least twenty-one (21) days following the notice to the community affected as prescribed under Section 94(3) (a) herein.

Change of use or zoning by district assemblies

94. If the District Assembly itself seeks to rezone land that has already been zoned or to change the land use;

- (a) the District Assembly shall notify the owner or owners if address is known or can be ascertained, of the proposed change of use or rezoning and afford that owner an opportunity to comment or to make representations in this regard and
- (b) notify the public through the newspaper of national circulation and the gazette.

Where the address is not known

95. Where application for rezoning is a change of use submitted to the District Spatial Planning Committee, the District Planning Officer shall:

- (a) require the applicant concerned to –
 - (i) notify in the manner prescribed by regulation any adjacent owner of the application; and
 - (ii) advertise the application in the manner prescribed by regulation;
 - (iii) post it in the immediate vicinity of the land concerned subject to Regulations made by the Minister pursuant to this Act
- (b) if objections are received against the application, the District Planning Officer shall submit such objections to the applicant concerned for applicant to provide comment to the District Assembly through the District Spatial Planning Committee within fourteen (14) days;
- (c) obtain the relevant comment from any person who in his or her opinion has an interest in such application;
- (d) submit the application and all relevant documents to the District Spatial Planning Committee;
- (e) notify the owner concerned of the decision of the District Spatial Planning Committee and, if applicable, furnish such owner with a copy of any conditions imposed by the local authority;
- (f) notify and objector in the manner prescribed by regulation, of the decision of the District Spatial Planning Committee; and
- (g) cause the amendment concerned to be recorded in terms of the provisions in this Act

Existing use rights

96. (1) Where at the date of commencement of a zoning scheme, any existing land use is contrary to the zoning scheme, the use for such purpose or user right may continue provided such use were first obtained in accordance with the zoning scheme existing at the time of the physical development or the use right commenced or accrued.

(2) The right to continue the use of any land as contemplated in subsection (1) of this section shall however be deemed to have lapsed if the right had not been exercised at the time of the commencement of the zoning scheme currently in force.

Loss pursuant to accrued rights

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

(2) If the District Spatial Planning Committee received an application pursuant to Section 97(1) of this Act, the application shall be considered favourably if such owner has, in the opinion of the District Spatial Planning Committee, suffered a loss.

(3) District Assembly may enter into discussions with the owner to acquire the land if the context require

(4) The values prescribed by the Valuation Division of the Lands Commission, shall be the basis for determining the applicable value of the land for the compensation.

Provisions affecting acquisition or the occupation of land generally

98. (1) After the commencement of this Act, no person shall dispose of or otherwise let any land or property for any purpose unless such person can demonstrate to the buyer that the land or property has been zoned or rezoned for the purpose for which it is being let, leased, conveyed, acquired or otherwise disposed of.

(2) The responsibility of ensuring conformity with approved land use shall be on the present owner or person disposing of the land.

(3) The present owner or 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 new owner.

(4) It shall be an offence punishable under this Act for any person to let or enter into an agreement relating to land unless the person, whether such person is a buyer or seller, tenant or land lord, occupant or licensee, lessor or lessee, sub-lessor or sub-lessee or of any other description, possesses or can produce evidence that the premises is zoned for the purpose of the transaction entered into.

(5) Any persons who contravene this section shall be liable to a fine as follows:

(a) in the case of the landlord or the person who sold, leased or conveyed an amount to be determined in the fee fixing resolution or applicable bye law of the District Assembly for the time being in force.

(b) in the case of the tenant, lessee, buyer or the person who acquired a third of the sum payable by the landlord, lesser or seller under sub-section (3)(a) of this section.

(6) The Minister shall, in consultation with, all relevant Ministers including the Minister responsible for Lands and the Minister responsible for Finance provide guidelines for the fixing of the fines to be imposed under this section.

Land use certificate

99. (1) The Authority shall prescribe the form of a land use certificate

(2) In granting the permit for every physical development the District Assembly shall attach the appropriate land use certificate as an annexure to the permit and where the context requires, shall indicate any conditions applicable to the land use.

(3) A District Assembly shall at all times maintain a register of all physical development in the district indicating the land use of each such physical development.

(4) The register of land use referred to under subsection (3) of this section shall be made available by the District Assembly in the Public Data Room.

Compensation for detrimental effect after a change in land use

100. In the event a District Assembly decides to change the use of any land on which a person had already acquired a land use right pursuant to the Town and Country Act and the Towns Act existing prior to the coming into force of this Act or to amend a land use certificate acquired by any person pursuant to the coming into force of this Act

(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 any work authorized by the District Spatial Planning Committee other than the existing the land use right already acquired by the person;

(b) A person who, by complying with the directive of the District Spatial Planning Committee pursuant to the change in the already acquired land use

shall be compensated by the District Assembly at a value determined by the Valuation Division of the Lands Commission, if such a person suffers any financial encumbrance as a result of such change in land use.

Institution of claim of compensation

101. A claim for compensation pursuant to section 100 of this Act shall be instituted within twenty-four (24) months after the date of commencement of the rezoning which gave rise to such claim.

Elimination and limitation of compensation in certain cases

102. No compensation shall, subject to the provisions of this Act, be payable in respect of the damage to land by the commencement to any provision of a land use scheme which –

- (a) prescribes the space about buildings;
- (b) fixes building lines;
- (c) regulates the position of buildings on each premises in relation to other buildings;
- (d) 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 comply with the Building Regulations;
- (e) limits the number of buildings which may be erected on any premises;
- (f) Prescribes the maximum area which may be built on any premises;
- (g) Restricts the manner in which buildings may be used;
- (h) 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;
- (i) With a view to remove restrictions to or improve the flow of human, vehicular or other traffic or to curtailing the obstruction of traffic, requires that at any building should make provision for –
 - i. areas where vehicles can be loaded or unloaded
 - ii. areas where persons who are employed or resident on the premises can park their vehicles as well as areas where vehicles can be loaded or unloaded;
- (j) prohibits or restrict building operations permanently on the ground that, by reason of the situation or nature of the land, the erection of buildings thereon would be likely to involve danger to life or danger or injury to health, or excessive expenditure of public money in the provisions of roads or required public open space or relevant pedestrian access;
- (k) prohibits the use of land for a purpose likely to involve danger to life or danger or injury to health or serious detriment to the neighborhood, or restricts (otherwise than by way of restriction of building operations) the use of land so far as may be necessary for preventing such danger, injury or detriment;
- (l) Limits the number or prescribes the sites of roads entering or exiting road or the site or a proposed road or prescribes the access and egress requirements –

Compensation due

103. (1) Notwithstanding the provisions of section 102, compensation shall be payable

- (a) if, by fixing any building line in terms of a provisions of an estate or land use scheme, the area of the land of any owner fronting the street or the proposed street will be diminished to such an extent as to render it substantially less suitable for the erection of a building or buildings in conformity with the zoning scheme, whether by reason of the shape of the land, or otherwise;
- (b) Upon the enforcement of a provision of a estate or land use scheme, which requires that any building must be used in a manner different from that in which the District Assembly had approved to be used prior to the date the District Assembly gave the new land use directive.

(2) No compensation will be payable in respect of the operation of any provision of a estate or land use scheme if such provision could have been made and enforced under any other law without liability by the District Assembly.

(3) if a person is entitled to compensation under this Act in respect of any matter or thing, and he or she would be entitled to compensation in respect of the same matter or thing under any other law, he or she will not be entitled to compensation in respect of that matter or thing both under this Act and that other law, and he or she will also not be entitled to any greater compensation under this Act than he or she would have been under that other law.

(4) A person has no right to compensation in respect of any action taken by a District Assembly to demolish a building or works unless the building or works which the District Assembly has removed, pulled down or altered was duly approved by the District Assembly before the estate or land use scheme came into operation.

(5) Compensation shall not be payable in respect of any building erected or any work done inconsistent with any provision of a estate or land use scheme.

(6) Where any provision of a land use scheme is revoked by a subsequent scheme, no compensation will be payable in respect of any land on the ground that it has been injuriously affected by such later provision provided that such later provision is the same or substantially the same as the earlier provision revoked.

(7) Notwithstanding the provisions of subsection (6) of this section, any claim made within the time limit provided under this Act shall be entertained and determined, and such claim may be enforced in the same manner in all respect as if the earlier land use scheme has continued in operation if at the date when the revocation of that earlier provision came into force –

- (a) there is still any claim outstanding for compensation duly made thereunder; or
- (b) the time originally limited for making such claim has not expired.

Determination of claim and any compensation or betterments

104. (1) The Valuation Division of the Lands Commission shall be the authorised entity to prescribe the amount of compensation due any person under this Act or the amount to be recovered by the District Assembly under this Act.

(2) In making a determination of any amount of compensation or recovery in any matter related to this Act, the Courts shall give due consideration to the amount prescribed by the Valuation Division of the Lands Commission its successor entity under this Act.

Land situated in multiple districts

105. (1) Where land is situated within more than one district, a special zoning or land use certificate shall be issued for that land pursuant to a special joint meeting of the District Spatial Planning Committee involved with a joint certificate

(2) A zoning certificate issued pursuant to sub-section (1) of this section shall be jointly signed by the Chairman and Secretaries of the Special Planning Committee's in the applicable districts.

Complaints of non-compliance

106. (1) Any person shall have right to lodge a complaint on non-compliance with the zoning scheme in respect of any on-going or existing physical development.

(2) The District Assembly may, where it receives a complaint on non-compliance, issue a notice to suspend the development if in its view the development poses a threat to the environment, is in breach of the Act or may cause irreparable harm

(3) A complaint pursuant to this section shall not be entertained unless

(a) it is made in the prescribed form

(b) is accompanied by the statement that the complainant has verified from the records at the Public Data Room that the physical development complained of is 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

107. (1) After the commencement of any zoning scheme the District Spatial Planning Committee shall annotate the scheme and the applicable zoning map and notify the land title agencies of the zoning scheme

(2) Pursuant to this section and to the general provisions of this Act, a land transaction may be deemed incomplete by the Lands Commission if it does not comply with the appropriate zoning or land use requirements prescribed under this Act.

Participation of the private sector in ensuring conformity with zoning

108. For the purpose of entry conformity with zoning schemes any person shall have the right to lodge a complaint to the District Spatial Planning Committee, Regional Spatial Planning Committee or Authority as the case may be, to compel the District Assembly to abide by its approved zoning scheme.

Contravention of zoning scheme

109. Any person who contravenes or fails to comply with any provision of a zoning scheme shall, upon conviction be liable to a fine prescribed for the purposes of this Act.

Sub-Part 5 – Provisions Relating to Blight

Criteria on Blighted Areas

110. (1) A District Assembly may require an area comprising one or more properties to be acquired for redevelopment or require the owner or owners to redevelop the land to bring it to a required standard, if in the view of the District Assembly the current use of land is not in conformity with the general standard of the vicinity prescribed by the assembly in 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 to guide the use of this provision to prevent the abuse of this power by the assembly.

(3) In recommending the making Regulations affecting this part, the Authority shall ensure that the criteria for determining that an area is blighted and therefore affected by this provision shall include reasons related to:

- (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 making development control difficult or impossible
- (e) Incompatibility with
 - i. Existing or proposed use
 - ii. Spatial development framework
 - iii. 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
- (j) Safety or restriction to other authorized users

(4) For the purposes related to blight pursuant to this section and this Act in general, the District Assembly may acquire land including vacant land for the purpose of renewal or improvement of the environment.

(5) For the purposes of guiding compliance with this Part, the Authority shall make rules regarding

- (a) Claims for and payment of compensation
- (b) Recovery of compensation
- (c) Charges for Betterment
- (d) Definition of Betterment
- (e) Determination of Betterment
- (f) Payment of Betterment Charges
- (g) Effect of Failure to pay for Betterment Charges

(6) Notwithstanding any Regulations made pursuant to this Act in respect of this section, any decisions by the District Assembly to initiate a rezoning 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 for which records and the basis of the decision shall be available in the Public Data Room.

(7) The decision of the District Assembly shall be published in the gazette and in a newspaper of national circulation for at least twenty-eight (28) days before it shall take effect.

(8) A person affected by the decision may take steps to appeal or otherwise lodge a complaint during the twenty-eight (28) day period.

PART III

DECENTRALISED PLANNING SYSTEM AND THE GENERAL PLANNING FUNCTIONS OF DISTRICT ASSEMBLIES

District Planning Authority and its functions

111. (1) The district assemblies already in existence at the commencement of this Act, district assemblies or special planning authorities subsequently established in accordance with the laws of Ghana shall be the spatial, human settlement and planning authority for its area of authority.

(2) For the purposes of subsection (1) of this section and for all purposes of this Act, a District Assembly shall perform the planning functions conferred on it by this Act.

(3) Unless otherwise specifically stated, the functions of the District Assembly under this Act shall be performed either directly by the District Spatial Planning Committee or by the Technical Sub-Committee through the District Assembly in accordance with the rules and procedures pursuant to the Local Government Act, Act 462 of 1993.

Spatial component of district development plans

112. (1) The spatial plan component of all development plans required pursuant to Section 2 of Act 480 shall be prepared in accordance with this Act.

(2) Pursuant to section 4 of the National Development Planning System Act, Act 480, every proposed district development plans shall be accompanied by evidence that a district development plan has been prepared taking into account the District Spatial Development Framework.

(3) A District Assembly shall in making any modifications to an approved District Development Plan pursuant to Section 4 of Act 480, take into account the District Spatial Development Framework and the provisions of this Act.

Compliance with district development plans

113. In complying with the district development plan all parties including the District Assembly shall also comply with structure and local plans.

Physical development

114. (1) A physical development shall not be carried out in a district without prior approval in the form of a written permit granted by the district planning authority.

(2) The procedure and manner for securing a permit under subsection (1) shall be prescribed by Regulations.

(3) The form of evidence that a development has been approved shall be provided by the Authority.

(4) The manner in which evidence of development permit shall be displayed on the development on the land shall be prescribed in Guidelines issued by the Authority.

Fee for permit

115. (1) A charge shall be levied in respect of a planning development or development permit granted for the carrying out of a physical development.

(2) Where a person applies for a permit for the change of use of an existing building in order to conform to 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 made by the Authority a fee may nevertheless be imposed if the application to comply is brought after the lapse of the time limited for compliance.

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

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

Conditional or unconditional development permit

116. (1) A District Assembly may grant a permit for physical development conditionally or unconditionally, or may refuse to grant the permit, provided that where a permit is refused or granted conditionally reasons shall be given in writing in each case and the decision shall be subject to the appeals, complaints and review process under this Act.

(2) A record of the approval or rejection of application for physical development or planning permit shall be made available in the public data room.

(3) A district planning authority may revoke a permit to develop or impose additional conditions to a permit already granted, but a revocation or modification is subject to the payment, on receipt of a claim, of the compensation determined by the Authority.

(4) The Minister shall by Regulations prescribe the permit requirement of the following activities:

- (a) subsistence farming
- (b) farming and other activities carried out in a settlement irrespective of the population of the settlement
- (c) small-scale vegetable and flower gardening
- (d) gardening and green areas carried out on an erf

(5) No fee shall be imposed for permits granted pursuant to subsection 4 of this section and all such physical development may proceed within thirty (30) days of the application unless a contravening instruction or stop notice is received from the District Assembly.

(6) This section does not preclude the members of the immediate local community from lodging complaints in respect of such physical development.

(7) The Regulations may prescribe other conditions for this part

Unauthorised development

117. (1) The District Assembly shall follow the procedure stated in section 124 of this Act where

- (a) a physical development has been or is being carried out without a permit contrary to this Act, or
- (b) the conditions incorporated in a permit are not complied with,

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

Execution of district plans

118. (1) A district planning authority may, for the purpose of enforcing the Act or any relevant Act.

- (a) prohibit, abate, remove, pull down or alter so as to bring into conformity with the approved plan, a physical development which does not conform to the approved plan, or the abatement, removal, demolition or alteration of which is necessary for the implementation of an approved plan;
- (b) prohibit the use of a land or building for a purpose or in a manner contrary to a 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 will be prejudiced.

(2) Before taking action under subsection (1), the district planning authority 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 it, specifying the nature of, and the grounds on which it proposes to take the action.

Abatement of nuisance

119. (1) Where substantial injury to the environment, amenity, public health or the economy is caused by a nuisance or is likely to result from the action or inaction of a person, a district planning authority may serve notice in the prescribed form on, and requiring that person to abate the nuisance within the time specified in the notice and in accordance with provisions of the prevailing law on such nuisance and any relevant directives issued by the Environmental Protection Agency.

(2) A notice served under subsection (1) of this section 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 planning authority may carry out the abatement and recover the costs from the person causing the nuisance or the owner of the land where the nuisance is occurring as if it were a debt due from that person to the district planning authority.

Unauthorised development of community's right of space

120. A district planning authority may without prior notice, effect or carry out instant prohibition, abatement, alteration, removal or demolition of an unauthorized development carried out or being carried out that encroaches or will encroach on a community's right of space, or interferes or will interfere with the use of that space.

Compensation

Claims of compensation

121. (1) Subject to this Act, a person:

- (a) whose property is adversely affected by the coming into operation or the execution of an approved development plan, or
- (b) who for the purpose of complying with an approved development plan incurs expenditure
 - (i) by a subsequent revocation or modification of the plan, or
 - (ii) by a subsequent revocation or variation of a development permit granted to that person by a district planning authority or
- (c) who is aggrieved by a decision, an action or a policy relating to an approved development plan or the enforcement of it

(2) May within six months after the date of the approval of the plan or of the revocation or variation of a permit or of the taking of the decision or action complained of, lodge a claim for redress or compensation with the district planning authority.

Recovery of betterment

122. (1) Where the provision of a plan or the execution of public works, or a decision or an action of a district planning authority increases the value of a land within the district, the district planning authority shall, on the advice of the body charged with the valuation of public land, recover from a person whose land is increased in value, where that person sells or otherwise disposes of the land, a determinable percentage of the amount of the increase.

(2) Financial gains from land transactions are liable to betterment charges.

(3) A sum of money recoverable under this section may be set off against a claim of compensation.

Buildings

Building regulations, building code and building bye-laws

123. (1) The Ministry responsible for Water Resources, Works and Housing shall not later than twenty four (24) months of the coming into force of this Act, in consultation with the Authority and the Minister for responsible Local Government promulgate a new National Building Regulations or amend the existing National Building Regulations, LI 1630 of 1996 to bring it into conformity with this Act.

(2) The Minister for Water Resources, Works and Housing shall, in consultation with building industry practitioners publish building code within the scope of national building practices and shall in particular make provision for:

- (a) the control of the construction of buildings, streets, boarding, fences and signboards;
- (b) the execution of work on and in relation to existing building structures and streets;
- (c) drainage and sanitation;
- (d) the removal or abatement or obstructions and nuisance; and
- (e) matters referred to for the guidance of district planning authorities, in the Second Schedule.

(3) The by-laws may be made with respect to standards applicable to urban and non-urban land uses.

Development permits and unauthorized buildings

124. (1) A person shall, before constructing a building or any other structure, or undertaking a work or any physical development, including a change of use, obtain a permit from the District Assembly which shall contain the necessary conditions.

(2) The District Assembly may give notice in writing in the form prescribed in the Third Schedule to an owner, occupier or a developer of premises or structure, if the owner occupier or developer:

- (a) is constructing a building or any other structure, or undertaking any physical development
- (b) has constructed a building or any other structure, or completed a physical development
- (c) is working or executing a work

Without a permit or in contravention of a by-law made by the District Assembly

(3) The notice under subsection (2) shall require the owner, occupier or developer not later than twenty-eight days after the notice by a statement in writing signed personally by the owner, occupier or developer or signed personally by an agent duly authorised in that behalf and duly served on the district planning authority to show sufficient cause why the building, structure, physical development or work should not be removed, altered or pulled down.

(4) If the owner, occupier or developer, fails to show sufficient cause why the building, structure, physical development or other work should not be removed, altered or pulled down, the District Assembly shall by notice order the owner, occupier or developer within sixty (60) day to remove, alter or pull down the building, structure, physical development or other work at the expense of the owner, occupier or developer.

(5) if the owner, occupier or developer fails to comply with the order within the specified time, the district planning authority may carry out the removal, alteration or pulling down, and recover the expense from the owner, occupier or developer, as if it were a debt from that person to the District Assembly.

(6) without prejudice to subsection (4) and (5), a person who undertakes a physical development without a permit contrary to this Act or contrary to conditions incorporated in a permit issued under this Act, commits an offence and is liable on conviction to a fine not exceeding **five hundred penalty units** or to a term of imprisonment not exceeding six months or to both, and in the case of a continuing offence to a further fine not exceeding fifty penalty unit for each day that the contravention continues after written notice has been served on the offender.

Signing of plans of special buildings

125. (1) Pursuant to Regulations made by the Minister pursuant to this Act or in accordance with the National Building bye-laws or regulations made by the Minister responsible

for Works and Housing, a District Assembly may require that the design or plan of specific types of buildings shall be prepared by or certified by a registered architect or engineer or an architectural draughtsman licensed under an enactment and that the layout of such design or plan be certified by an appropriate planning officer or planner.

(2) There shall be no restriction as to the person to design or sign the plan of a single-storey traditional building characteristic of rural areas and parts of urban areas.

(3) A person shall not submit to the 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.

Delegation of functions

126. Except as may be specified under this Act, or Regulation made by the Authority, the District Assembly shall not delegate its functions under this Act to any entity other than the District Spatial Planning Committee or Technical Sub-Committee.

Request for information

127. (1) A District Assembly or planning entity may in writing request a person to furnish it within the time specified in the request the information that is required for the performance of its functions under this Act.

(2) A person who without lawful excuse fails to comply with a request for information or furnishes information which that person knows to be false, commits an offence and is liable on conviction to a fine not exceeding one hundred and fifty penalty units or to a term of imprisonment not exceeding three months or to both the fine and the imprisonment.

Power of entry of premises

128. (1) An authorized officer of a district planning authority may enter on land or enter a building in the district to make an inspection, a survey, study, an examination or investigation necessary for the performance of the functions of the district planning authority under this Act.

(2) This authorized officer of the district planning authority shall, before exercising the powers under subsection (1), give reasonable notice to the owner or occupier.

Immunity of officers from liability

129. (1) Subject to the constitution, an employee of a District Assembly or a person acting under the direction or authority of a District Assembly shall not be 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, the district assemblies shall be subject to the provisions of this Act and to such other conditions as may be laid down in

regulations and administrative instructions issued pursuant to this Act.

(3) The heads of district assemblies and/or any person to whom responsibility is delegated in accordance with this Act shall be held responsible and accountable for any action taken in pursuit of his/her responsibilities.

Decisions of the district assemblies and responsibility

130. (1) The decisions of any District Assembly in respect of its function 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 shall be responsible for ensuring compliance with the provisions of this Act and members shall not be absolved from accountability or responsibility if any of its functions are delegated.

Sub-Part 2 - Physical Planning Standards & Development Guidelines

131. The Authority, pursuant to this Act or Regulations made by the Minister pursuant to this Act, shall, from time to time as it may deem necessary, set standards, prescribe procedural and format under the Guidelines and Regulatory Notices as the context may require, in respect of:

- (a) Life Cycle of Plans and Update
- (b) Data Gathering and Updates
- (c) Evidence of Approval Regarding Plans
- (d) Compliance by Planning Authorities with their own plans
- (e) The Planning Component of the Building Regulations
- (f) Planning Standards
- (g) Standard Zoning Regulations
- (h) Guidelines for Spatial Plans
- (i) Permit database
- (j) Development applications and permits

132. Without limiting the generality of the provision in section 131 of this Act on the standards to be prescribed shall cover the following:

- (a) Submission of application and related activities where there is an approved local plan
- (b) Processing by District Spatial Planning Committee
- (c) Submission of 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 and building permits
- (f) Matters related to rejection of application
- (g) Distinction between planning and development permit
- (h) Authorized signatories of approved plans
- (i) Local plans/sector plans
- (j) Grant or refusal of an application
- (k) Sub-division permits
- (l) Development permits
- (m) Building permits
- (n) Rezoning (detailed provisions on zoning are set out in Part III)
- (o) Text information on development control
- (p) Approval of development (development of houses, industrial complexes, schools, health facilities by mining, timber and other licensed development companies)

133. In making the standards the Authority shall take steps to ensure that clear standards are provided for the following categories of development:

- (a) Approval of Development Of Major National/Regional Projects
- (b) Approval of Plans In Special Development Areas
- (c) Approval of Special Projects (Major Stadia, Resettlement Schemes, Dams)
- (d) Approval of Development/Projects by Public Institutions (Educational Institutions, Hospitals, Offices, Factories, etc.)
- (e) Approval for security agencies in respect of core security exclusion

General matters related to planning

134. The Authority may, provide regulatory notices and circulars or prescribe procedural and format which shall be gazetted and shall be complied with by all affected persons. Regulatory notices may be issued by the Authority in respect of:

- (a) National, Regional or District Spatial Development Framework
- (b) Structure and local plan
- (c) Consultations
- (d) Power of Minister/Authority to direct making of local plan, etc.
- (e) Local inquiry or hearing in respect of objectives
- (f) Procedure for the adoption of planning proposals
- (e) Conformity Between Plans
- (f) Certificate of conformity
- (g) Alteration of structure plan
- (h) Status of existing Local plans in cases of conflict with structure plan
- (i) Joint structure and local plans
- (j) Power of the Minister/Authority to order the review of plans
- (k) Publicity and consultation with stakeholder requirements in connection with preparation of plans

- (l) The scope of planning framework
- (m) Adoption of Local Area Plan
- (n) Integration into development plans
- (o) Initiation of planning process
- (p) Processes related to public private sector partnership and private sector involvement in planning
- (q) Role and obligation of land owners and developers (both public and private)
- (r) Extent of role of planning tribunals and limit on ambit of decisions on planning appeals
- (s) Powers of MMDAs to require as condition for approval of plan, the construction at the applicants cost of offsite infrastructure
- (t) Development applications and permits

Sub-Part 3 – Provisions Relating to the Issue of Regulations, Regulatory Notices and Circulars In Respect Of Plans and Land Use

Matters related to regulatory notices

135. (1) In issuing regulatory notices or guidelines, the Authority shall prescribe a system of numbering of such notices and gazette all notices and may in addition publish such notices in newspaper of wide circulation and such places as public notice boards, town halls and relevant public places.

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

PART IV

SPATIAL PLANNING MATTERS RELATED TO DIVISION OF GHANA INTO ADMINISTRATIVE AREAS, DISTRICTS, TOWNS, LOCALITIES, SPECIAL DEVELOPMENT AREAS AND RELATED MATTERS

Creation of districts

136. (1) The administrative regions and districts in existence immediately before the coming into force of this Act shall continue as the districts for the purpose of this Act unless otherwise altered by the President in accordance with the Constitution and other relevant laws of Ghana.

(2) In addition to the requirement to consult the Electoral Commission, the President may, when considering creating a region or district, consult the Authority and the Regional Spatial Planning Committee of the Regional Coordinating Council respectively.

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

Establishment of districts as planning authorities

137. Upon the creation of a new district or the consolidation of existing districts into one district, the new district shall be deemed to be the planning authority for its area of jurisdiction for all purposes of this Act whether or not that provision is expressly made in its establishment instrument.

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

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

(2) All towns existing prior to the coming into force of this Act shall continue to be towns within the meaning and scope of this Act

(3) At any time where the District Assembly or any person seeks to establish a new town, the procedure prescribed in Regulations made by the Minister pursuant to this Act for the establishment of towns shall be followed.

(4) The Authority may issue Guidelines for the purposes of this part.

(5) Where the District Assembly seeks to establish a new town or seeks to extend the boundaries of an existing town or where the President by virtue of the President's powers under the Constitution seeks to establish a special town, the following shall be applicable:

- (a) In the case of the President he or she shall request the Authority to advise him or her on the requirement to be put in place to ensure the attainment of objectives for the creation of a new or special town.
- (b) In the case of the District Assembly, consult the Regional Spatial Planning Committee in respect of the modalities to be taken into account in implementing the District Assembly's decision.
- (c) In the case of a person seeking to establish a new town or a private town, comply with the provisions of Section 139 of this Act.

Estate schemes and private towns

139. (1) If any person intends to develop an estate or a new town, such person shall –

- (a) Submit an application to establish such town or estate together with the layout plan, diagram and other relevant documents as prescribe by guidelines to the District Assembly
- (b) Pay the appropriate fees prescribed by regulation
- (c) Submit the written consent of the holder of the encumbrance to the District Assembly or show how the encumbrance is to be removed if the land on which the new estate or town is to be established is subject to any registered encumbrance,
- (d) Ensured in all instances that the proposed estate scheme or town conform to applicable spatial development framework.

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

- (a) advertise the application to the District Assembly for permission to establish an estate or a new town in accordance with the provisions prescribed by regulation.
- (b) invite comments, representations or objections from the public in relation to the application
- (c) obtain such comments and information which in its opinion are still required;
- (d) consider the need and desirability of the intended establishment of the new town; and
- (e) consider the layout and proposed conditions of establishment 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 relevant conditions in relation to the establishment of the new town.

(4) The decision of the District Assembly shall be made in accordance with Regulations applicable to the application.

(5) Upon approval of the application by the District Assembly, the District Assembly shall –

- (a) notify the applicant, the Director of Survey and Mapping of the Lands Commission and the Registrar of Lands by way of a certificate, of the decision of the Authority, including all conditions imposed by the Authority;
- (b) cause the proposed new estate or town to be surveyed in accordance with the approved layout plan and a general plan to be prepared; and
- (c) give effect to all the requirements set out in this Part of the Act

(6) If, in the course of the survey referred to in subsection (5)(a), it is found that it is necessary or desirable to vary the approved layout plan, the Authority may approve such amendment, but if such amendment is in the opinion of the Authority of a minor nature, the District Spatial Planning Committee may approve such amendment and must give notice thereof to the Authority.

Extension of a town

140. Where a District Assembly wants to extend an existing town the following should be applicable:

- (a) It must publish the intention in accordance with guidelines issued by the Authority and request for any comments, representations or objections from the general public within a specific time
- (b) To assist the public make suggestions, the District Assembly must publish the present and proposed extended layout plan, diagrams and other documents required;
- (c) if the land on which the existing town is to be extended, is subject to any resisted encumbrance indicate that the written consent of the holder of the encumbrance.

Establishment of a town by a private entity

141. Where any person applies to the District Assembly to extend a town the procedure under this Act shall be followed and the District Assembly may grant or refuse the application and may in the granting of an application impose relevant conditions in relation to the extension of the town.

Information to Regional Spatial Planning Committee

142. (1) In all cases of application for the establishment or extension of towns or estate schemes the District Assembly shall inform the Regional Spatial Planning Committee of its decision to approve or not to approve the application.

(2) There shall be a thirty (30) day waiting period between the date the District Assembly communicates its intention to the Regional Spatial Planning Committee and when it communicates to the applicant.

(3) If the Regional Spatial Planning Committee does not communicate any objection to the District Assembly within the thirty (30) days waiting period the District Assembly may go ahead to communicate its decision to the applicant.

No approval of conflicting application

143. (1) Where a District Assembly has approved any application for an estate scheme or new town or where the President has authorized the creation of a new town or special town, District Assembly shall refer the matter to the Authority for directions and the Authority shall give directives after consultation with the President.

(2) District Assembly shall not approve any building plan or planning permit application or any related land use application which is in conflict with the President's special development on the approved layout of the new town.

Failure to comply with conditions

144. (1) If a private person seeking to establish a new town or extend the boundaries of a town fails for a period of twelve (12) months from the date on which he or she was requested to comply with any condition imposed by the District Assembly, to comply with any such condition, the District Assembly may notify such applicant of such failure and thereupon the application will lapse.

(2) If the District Assembly decides to extend the validity or review the approval a new fee shall be applicable.

Survey in case of establishment or extension

145. After the applicant has been notified, the applicant must lodge the plans, diagram or documents concerned and failure to do so within the specified time shall lead to an immediate lapse of the application.

Ownership in public place in new towns extensions of existing towns

146. The ownership in any public place on land in new towns and extensions to existing towns vest, from the date of approval by the District Assembly of the plans and diagrams

- (a) in the District Assembly if the land is situated within a district; or
- (b) in the owner in trust for a possible future District Assembly if it is a special town established by the President or a private town established pursuant to the approval of the District Assembly.

Regulations on private towns

147. The Authority may make further Guidelines on the establishment and operation of private towns.

Information to land division for the prohibition of sale

148. (1) As soon as the District Assembly approves the establishment or extension of town or the President prescribes the creation of a special town, the Lands Commission shall be notified and no person may –

- (a) enter into any agreement for the sale, trade, alienation or disposal in any other way including an erf or plot of any size in such town;
- (b) grant an option to buy or to obtain land, until such town has been declared an approved town or an approved extension to an existing town in terms of sections 140 or 141 of this Act

(2) Subsection (1) of this section is not to be construed so as to prohibit any person to buy land on which he or she wants to develop a property that is in conformity with the approved layout upon the coming into force of the approval of the new town.

(3) Any agreement entered into in conflict with the provisions of subsection (1) is null and void.

(4) Any person who contravenes or fails to comply with the provisions of subsection (1) of this section shall be liable upon conviction to a fine not exceeding the applicable penalty units specified in regulations made pursuant to this Act

Alteration, amendment or cancellation pursuant to compliant

149. Any 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 altered, amended or totally or partially cancelled must apply in writing to the District Assembly or in the event the town cut across two or more districts within a region to the Regional Spatial Planning Committee.

Extension of boundaries of approved town or approved extension

150. If an area of land, by reason of its being contiguous, constitutes or becomes a portion of an approved town or estate or any extension thereof or adjoins an approved town or an approved extension, the District Assembly may extend, by issuing a certificate to the Director of Survey and Mapping of the Lands Commission, the boundaries of such town or extension to include such area.

PART V

PLANNING MATTERS RELATED TO THE SUBDIVISION OR CONSOLIDATION OF LAND

Unique Parcel Numbering and Prohibition on subdivision or amalgamation

151. (1) Subject to the provisions of the Lands Act, this Act and any other relevant law, any person who intends to subdivide or consolidate any parcel of land must comply with the following:

(2) Submit an application to the District Spatial Planning Committee requesting for the subdivision or consolidation which application shall be accompanied by:

- (a) an approved layout of the parcel or parcels of land involved
- (b) the zoning certificate or certificates of the land in compliance with approved structure plan
- (c) a plan indicating an access road or internal circulatory road system

Unique Parcel Number

(3) In accordance with section 75 of this Act, the Survey and Mapping Division of the Lands Commission within the district shall provide coordinates based on which the District Spatial Planning Committee shall provide unique parcel number for each parcel of land.

Application for subdivision or consolidation

152. The District Spatial Planning Committee may reject or accept a request for consolidation provided that prior to accepting the request, the District Spatial Planning Committee shall

- (a) Advertise the application in the manner prescribed by regulation requesting for public comments or objections if any;
- (b) If objections against or comment regarding such application are received, submit such objections and comments to the owner concerned for his or her comment.

Granting or refusal of application for subdivision or consolidation

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

(2) The District Spatial Planning Committee may impose conditions for such subdivision or consolidation if the context requires.

(3) The Authority shall by Guidelines specify the conditions that must be complied with prior to the grant of application for subdivision or consolidation as the context requires.

Conveyance of consolidated or subdivided land

154. Any conveyance, lease or disposal of any subdivided or consolidated land shall be null and void unless such conveyance has been made in compliance with sections 152, 153 and 155 of this Act.

Condition for the sub-division and compliance with conditions

155. (1) If the District Spatial Planning Committee imposes conditions relating to subdivision or consolidation of land the applicant must comply with the applicable conditions prior to conveying any part of the land.

(2) Any person who subdivides or consolidates land or who acquires land which is a subdivision of a larger parcel without compliance with this commits an offence and shall be liable to a fine specified by the Authority or Lands Commission as the context require.

(3) The District Spatial Planning Committee shall not approve unless written prior approval is received from the Survey Division of the Land Commission.

(4) The Authority may in consultation with the Lands Commission recommend the making of Regulations for this part.

Ownership and use of public places on land which has been subdivided or consolidated

156. (1) The ownership and use of any public place of any land which has been subdivided or consolidated shall, from the date of approval by the District Spatial Planning Committee of the request to subdivide or consolidate –

(a) vest in the District Assembly subject to payment of applicable compensation; or

(b) be reserved or utilized by the District Assembly for such purposes as prescribed by Regulations made by the Minister pursuant to this Act

(2) Where such land is reserved by the District Assembly, it shall be reserved without any fee or encumbrance subject only to a reversion to the original owner free of charge if the District Assembly decides not to make it a public place or changes its zoning to any other use other than a public place or after the expiration of the period prescribed regulation issued by the Authority.

(3) After the sub-division or consolidation has been approved by the Regional Spatial Planning Committee or in the case where consolidation is in respect of land which abuts more than are Region, by the Authority, the land shall be assigned a unique parcel number by the District Spatial Planning Committee of the District Assembly Pursuant to the District Assembly's unique parcel numbering system and the unique parcel number shall constitute the basis of all future application to the District Spatial Planning Committee for any licence, land use certificate or permit as the case may be.

Registrar endorsement

157. After the approval of any sub-division or consolidation, the Lands Commission (**see new lands Bill**) shall endorse or amend the records at the lands registry as the context require in respect of such land.

False or misleading information

158. Any person or district authority who, with the intent to defraud, furnishes false or misleading information in connection with any application referred to in this Act is guilty of an offence and shall be subject to the application of section 160 of this Act.

PART VI

PREVENTIVE AND ENFORCEMENT MEASURES

Compliance with this Act

159. (1) Every District Assembly shall comply with this Act and also enforce compliance with this Act, and no person or entity including the District Assembly shall do anything which is in conflict with the provisions of this subsection.

(2) Where in the opinion of the Authority, any District Assembly fails to perform or to exercise its duties or powers satisfactorily in terms of its spatial planning duties or the District Assembly's functions under this Act, the Authority may, recommend to the President and the Minister responsible for Local Government that such District Assembly be:

- (a) sanctioned in a manner deemed fit by the President or the Minister;
- (b) instructed to take steps to ensure compliance with the provisions of this Act
- (c) recover from such district authority any amount spent by the Authority in connection with any matter referred to in its recommendation under this section.

Offences and penalties

160. (1) Except as may be specified elsewhere in this Act, any person who

- (a) contravenes or fails to comply with any provision of sections **[TO BE SPECIFIED BY THE ATTORNEY GENERAL IN VIEW OF THE QUASI-CRIMINAL NATURE OF SOME OF THE OFFENCES UNDER THE ACT]**
- (b) threatens, resists, hinders or obstructs, or uses foul, insulting or abusive language towards a person who is exercising a power under this Act include the right of entry, or refuses or fails to answer to the best of his or her ability a question put to him or her in terms of that section, shall on conviction be liable to a fine not exceeding five hundred (500) penalty units specified in Regulation by the Authority.

(2) Any person who has been convicted for an offence in terms of this Act and who after such conviction continues with the conduct in respect of which he or she has so been convicted, is guilty of a continuing offence and on conviction liable to a fine not exceeding one hundred penalty units in respect of each day on which he or she so continues the conduct concerned or allows that it be continued.

Sub-Part 1

Preventive Measures

161. (1) The Planning and Building Inspectorate Unit set up under this Act, shall at all times take preventive measures to prevent a breach of the provision 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 this part.

Outsourcing of enforcement

162. (1) Where in the opinion of the District Spatial Planning Committee, part or all of the activities of the enforcement unit is better performed by an outsourced agent, the District Assembly may take steps to engage one or more entities to do so on competitive selective basis.

(2) The final power to implement enforcement recommendation shall at all times remain the sole prerogative of the District Assembly and shall not be outsourced, delegated or assigned.

Register of enforcement notices

163. (1) Every District Assembly shall maintain an enforcement register and a copy of the register shall be available at the public data room at all times.

(2) The enforcement register shall contain all notices of enforcement in a manner prescribed in Regulations made by the Minister pursuant to this Act.

Enforcement and penalties

164. Where any person or entity fails to comply with an enforcement notice within the time specified under this Act, or Regulation or by the Authority that person or entity shall be liable to a fine as prescribed under this Act or Regulation.

Institutional Coordination

165. In carrying out its preventive enforcement measures, the Authority, Regional Spatial Planning Committee and District Assembly shall at all times liaise with all relevant agencies necessary to ensure compliance.

Continuous Monitoring

166. The Authority shall assist all district assemblies to undertake continuous monitoring of compliance with the Act and the attainment of its objectives.

Appeal to Authority

167. Any person aggrieved by any enforcement decision may appeal or lodge a complaint in accordance with Part VII of this Act.

The Intervention of the Courts

168. Any appeal to or intervention by the court shall be in respect of matters of law and not matters of fact relating to planning.

Planning and Building Inspectorate Unit

169. (1) There shall be established a planning and building inspectorate unit in each District Assembly.

(2) Planning and Building Inspectorate Unit shall comprise of the persons to be specified in Regulations made by the Minister pursuant to this Act.

(3) In making Regulation in respect of Planning and Inspectorate Unit, the Authority shall consult the Local Government Service and the Ministry responsible for Local Government.

Sub-Part 2 - Methods of Enforcement

Demolition and removal procedures

170. (1) In carrying out its enforcement functions the District Assembly may issue

- (a) Enforcement notices
- (b) Stop notices
- (c) Enforcement of orders for discontinuance of use, etc.
- (d) Revocation of Use certificates
- (e) Certificate of approved land use

(2) No public building shall be put in use unless a certificate of habitation is issued by the District Assembly.

Powers of planning and building inspectors

171. Officials of the planning and building inspectorate unit, whether directly employed by the District Assembly or acting as outsourced persons shall have the power assigned to them under this Act to enforce the provisions of this Act in accordance with the prescribed procedures.

Services of notice

172. (1) Except any physical development poses an immediate threat to safety or the community or prevents the movement of human or other traffic, no demolition of any physical development shall be carried out by the District Assembly without a minimum of seven (7) days' notice to the occupant, developer or owner of the physical development.

(2) The Authority shall make rules for the operation of this part.

Right to entry

173. (1) Subject to the provisions of subsection (2), any person authorised in writing by the Authority or District Assembly, as the case may be, may at any reasonable time and causing as little inconvenience as possible after three (3) days prior written notice to the occupant of the land enter upon the land in order to –

(a) do anything which the Authority or the district authority, as the case may be, has to do under or in terms of this Act; or

(b) make an inquiry, investigation or survey, including the taking of photographs, in connection with the exercise or performance of such person's powers or duties as authorised by the Authority or the district authority, as the case may be.

(2) A person referred to in subsection (1) must identify himself or herself and must on request by any person on the land produce the authorization concerned.

(3) The exercise of the right of entry under this section shall be subject to the provisions of the Constitution of Ghana.

Sub-Part 3 - Special Controls

Control of specific matters

174. (1) The District Assembly shall liaise with the Environmental Protection Agency and other relevant agencies regarding matters related to enforcement regarding:

(a) trees, gardens and the natural environment

(b) General duty of planning authorities in respect of 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 orders, etc.

(d) Consequences of tree removal, etc.

(e) Trees in conservation areas

(3) The Authority shall liaise with the Ministry responsible for the respective agencies in prescribing enforcement measures related to:

- (a) Matters related to highways and trunk roads as defined in Act 540, the Ghana Highway Authority Act
- (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 Water Resources Commission pursuant to Act 522, Community Water and Sanitation Agency (CWSA) and related entities
- (f) Matters related to Mining Areas & Minerals Commission
- (g) Matters related to Agriculture and Agricultural Areas
- (h) Matters related to forestry areas
- (i) Standard Byelaws on outdoor Advertisements
- (j) Regulations Relating to Advertisements
- (k) Repayment of expenses of removing authorized advertisements
- (l) Enforcement of control over advertisements
- (m) Acquisition and Appropriation of Land for Planning and Public Purposes
 - i. Acquisition for planning and public purposes
 - ii. Appropriation, disposal and development of land acquired for planning purposes, etc.
- (n) 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 / or families of security personnel
- (o) Laying of fibre optic cables
- (p) Statutory Undertakers/Utility Agencies including:
 - (i) Ghana Civil Aviation Authority
 - (ii) Ghana Post and various post offices
 - (iii) Ghana Railway Development Authority
 - (iv) Environmental Protection Agency
 - (v) Water Resource Commission
 - (vi) Oil, Petroleum and Gas Transportation entities
 - (vii) Hydro and other power generating entities
 - (viii) authorized distributors or transmitters of electricity such as ECG and GRIDCO
 - (ix) Mast installers and telecommunication operators.
 - (x) Any other statutory undertakers or utility agencies

Rectification of contradictions

175. (1) If any building or any part thereof has been erected or is used in conflict with the provisions of this Act and/or the approved zoning scheme of the area and/or the provisions or conditions of subdivision and consolidation of land, the District Assembly shall serve an instruction on the owner of such building –

(a) to rectify such contradiction before a date specified in the instruction, which date may not be more than twelve (12) months after the date of the instruction except in exceptional circumstances where the District Assembly may extend pursuant to a written application by the person concerned;

(b) to apply to the District Spatial Planning Committee formally requesting for a rezoning or change of use before a date specified in the instruction, which date may be more than thirty (30) days after the date of the instruction.

(2) If an owner fails to comply with an instruction the District Assembly must take appropriate enforcement measures to rectify such contradiction as may be prescribed by Regulations Guidelines

(3) Any person dissatisfied with any enforcement measure taken by the District Assembly under subsection (2) of this section may appeal to the Regional Coordinating Council.

PART VII

COMPLAINTS, APPEALS AND REVIEW PROCESS

Right to review

176. (1) The following shall have the right to lodge a complaint make an appeal or seek a review under this Act.

- (a) Any person who has suffered or is at the risk of suffering a loss or damage as a result of an action taken by the Authority, Regional Spatial Planning Committee, District Assembly or any entity or person pursuant to this Act or as a result of a breach of this Act by another person or entity;
- (b) Any person who has grounds to believe that he or she has been prevented from enjoying his/her rights or privileges under this Act;
- (c) Any person who has reason to believe that there has been a breach of this Act by any person or entity whether the perceived or actual breach is by private or public entity;
- (d) Any person seeking to enforce the provisions of this Act or to compel another person or a public entity to comply with this Act.
- (e) A person who feels dissatisfied with a decision of any planning authority under this Act or the decision arrived at after an earlier complaint or review

(2) A person qualified under this Act shall have a right to lodge a complaint and may seek review or redress from the District Spatial Planning Committee or the Regional Coordinating Council as the context may require.

(3) In respect of a person seeking to compel a planning authority to comply with the Act, the person may lodge a complaint to a higher planning authority or to the courts if the context require.

(4) A complaint or request for review shall not be entertained unless the person submitting it -

- (a) Submits it in writing;
- (b) Has stated his or her particulars and the means by which he or she may be reached;
- (c) Has stated the nature of the complaint or grievance and, where

applicable, part of the planning process from which the complaint arose; and

(d) Where necessary or demanded has supplied relevant evidence in support.

(5) Every complaint or appeal shall be submitted as follows:

(a) in respect of complaints to the Authority, to the Chief Executive of the Authority

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

(c) in respect of complaints to the District Assembly, to the District Coordinating Director of the District Assembly

(6) On receipt of a complaint the District Assembly shall refer to the Technical Sub-Committee of the District Spatial Planning Committee to investigate.

(7) The findings of the Technical Sub-Committee shall be submitted to the Executive Committee of the District Assembly as set up under the Local Government Act, Act 462, for deliberation and the decision of the Executive Committee shall be deemed to be a decision of the District Assembly.

(8) The District Assembly shall communicate its decision not later than twenty (20) days of receipt of the complaint.

(9) The District Assembly's response to the complaint shall be in writing and shall state:

(a) The reasons for the decision; and

(b) Whether the complaint is upheld in whole or in part

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

Further review

177. A person entitled to lodge a complaint or seek a review under this Act shall do so as of right and nothing in this Act or in any other law shall derogate from the right of a qualified person to lodge a further complaint, appeal or seek a further review from the Regional Coordinating Council.

Powers of the Regional Coordinating Council

178. (1) The Regional Coordinating Council shall have the power to:

- (a) Prohibit the District Assemblies or its planning authority from acting in an unauthorized manner
- (b) Revise or amend decision of the District Assembly where such decision was made in disregard of the provisions of this Act, applicable Regulations, Guidelines or applicable instrument
- (c) Direct the District Assembly to grant the request of the applicant or make any decision of fact to address the complaint

(2) In exercising any of the powers above, the Regional Coordinating Council shall seek the advice of the Regional Spatial Planning Committee.

Suspension of planning process

179. (1) Except in the case of emergency, any District Assemblies that receives a complaint other than a request for further review under subsection (2) of this section shall immediately suspend all 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 regulating administrative procedures for the time being in force.

Record for all decisions

180. Every District Assembly shall keep a record of all decisions and the reasons thereof, and a copy of the decision and the reason shall be available at the Public Data Room.

Time for complaints and appeals

181. (1) Any complaint or appeal shall be lodged not later than thirty (30) days after the decision of the district authority concerned has been made known or otherwise brought to the notice of the complaint appellant.

(2) The decision arrived at on appeal shall be conclusive as to fact and shall be binding on the appellant or district authority concerned, as the case may be.

Appeal process

182. (1) Except as may otherwise be 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 emanates before any further appeal is made in accordance with this Act.

(2) An appeal in all instances must be lodged within thirty (30) days after the decision being complained of was made known or otherwise brought to the notice of the appellant.

(3) A decision of the Regional Coordinating Council or the Authority as the case may be in respect of appeals may be subject to review by the High Court except that no court shall have the power to make a decision regarding a matter of fact of planning of physical development.

PART VIII GENERAL PROVISIONS

Conduct of public officials and their representatives

183. (1) Any public officer involved in planning shall –

- (a) discharge his or her duties impartially so as to ensure fairness, equity and justice and shall not use personal relationships or private grievance as basis for decision.
- (b) always take the public interest into account and act in accordance with the object and procedures of this Act.
- (c) at all times avoid conflict of interest and the appearance of conflicts of interest, in carrying out his or her duties and shall immediately disclose any conflict of interest and recuse himself or herself from any involvement in the matter.

(2) The Authority shall, as soon as possible, publish a code of conduct for the purposes of this Act.

Public consultation

184. (1) Unless otherwise specified under this Act, public consultation procedures to be conducted by the District Assembly, the District Spatial Planning Committee or Technical Sub-Committee for the purposes of this Act shall follow the procedure outlined in this Section.

- (a) The District Assembly must submit the draft plan for public consultation for a period of not less than 4 weeks, in doing so the District Assembly must:
 - (i) Make the plan available in the public data room
 - (ii) Announce the consultation procedure in a newspaper of wide circulation available in the district and the Official Gazette.
 - (iii) Communicate where and how opinions, objections, and submissions may be launched
- (b) The District Assembly shall:
 - (i) Invite designated stakeholders to submit opinions and objections
 - (ii) Arrange public meetings and hearings
 - (iii) Arrange for poster sessions in Public Institutions

- (c) The District Assembly shall record and take submitted opinions and objections into consideration as part of the adoption procedure.
- (d) The District Assembly shall submit its decision to adopt the plan available to the public for a period of not less than 4 weeks, in doing so the District Assembly must:
 - (i) Make the decision to adopt the plan available to the public in the public data room, and announce it in a newspaper of wide circulation available in the district and the Official Gazette.
 - (ii) Provide a statement on how and the extent to which submissions from the public have been taken into consideration through the adoption procedures
 - (iii) Provide a statement of the degree to which the Strategic Environmental Assessment report have been taken into consideration during the adoption procedures, in the light of reasonable alternatives considered in the report
 - (iv) Provide the details of how the significant environmental impacts of the plan will be monitored during the planning period
 - (v) Provide details of how and to which Authority a complaint against the decision to adopt the plan may be launched, including the details of a deadline for submitting a complaint.
- (e) The Authority may make further guidelines on public consultation.

(2) In addition to the methods for public notification specified under this section, a District Assembly may employ additional methods of public notification and consultation including but not limited to announcements at places as may be necessary for the context.

Records

185. Written records shall be kept of all planning decisions together with supporting document including but not limited to:

- (a) maps
- (b) layouts
- (c) minutes of the meetings
- (d) reasons for decisions
- (e) supporting documents including records of site visits, if any
- (f) other relevant records
- (g) statistical analysis
- (h) records of public consultation

Public Records

186. (1) All parts of the records specified in this Act to be made available to the public on

demand shall be made available in the Public Data Room for inspection within normal working hours by members of the general public and any public official who prevents any person from having access to such public information relating to planning under this Act may be sanctioned by an appropriate authority.

(2) Any person who seeks to make copies of such public records shall bear the cost of such copies and also pay appropriate fee prescribed by the Authority.

(3) The provision of this part shall be subject to any other law on access to information for the time being in force.

Guidelines, regulations, manuals and detailed instructions

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

(2) Only the Authority is authorized to recommend Regulations to be issued by the Minister for the purposes of attaining the objectives of this Act

(3) The Authority shall ensure that any regulations issued by the Minister or guidelines, manuals, circulars and directives issued by the Authority pursuant to this Act is consistent with the Act

(4) For the purposes of this Act, and in furtherance of this section, the Regulations, Guidelines, Policies, Circulars, manuals and other documents issued pursuant to this Act may include:

- (a) Permitting standards and procedures
- (b) The preparation and submission of plans for permits
- (c) The provision for the manner of publication of notices for matters provided for in this Act;
- (d) Matters relating to zoning, blight and depressed settlements
- (e) Site requirements
- (f) Site coverage of buildings
- (g) Projections beyond building lines
- (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 Standard
- (m) Zoning and Rezoning
- (n) Variation of Planning Standard
- (o) Planning in respect of heritage and listed building in consultation with the Ghana Tourist Board or district assemblies.

(5) The Authority may from time to time prescribe by Guidelines, a revision, redraft, modification or amendment of the contents and format of:

- (a) Spatial development frameworks
- (b) Structure plan
- (c) Zoning scheme
- (d) Local plan

Request for information by the Authority

188. Every District Assembly shall provide the Authority with such information as the Authority may require in writing with periods stated in this Act or pursuant to this Act.

General offences

189. Other than as specified in a specific section, an offence under this Act, shall upon conviction, attract a fine not exceeding five hundred (500) penalty units.

Inter-sectoral collaboration for effective planning

190. (1) All public sector agencies, whether or not they are represented on any of the entities created under this Act, are enjoined to cooperate with the Authority, Regional Planning Board or District Assembly and other agencies for the purpose of ensuring compliance with this law

(2) These public sector agencies include but not limited to the Minister of Local Government, the Ghana Highway Authority, the District Assemblies, Town and Country Planning Departments, Lands Commission, Forestry Commission, Ministry of Environment, Ministry of Health, National Development Planning Commission, Environmental Protection Agency and other agencies that play a role in human settlement and/or spatial planning.

Register or index of notices

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

Effect of notices

192. The issue of a notice in accordance with this Act and Regulations or Guidelines made pursuant to this Act shall be adequate evidence of attention being drawn to the applicable person to the contents of the notice.

Levels of operation of the Authority

193 (1) The physical planning officers at the district level shall be part of the staff of the District Assembly under the Local Government Service law and they will function as part of the District Assembly.

(2) The Regional Coordinating Council where the context require and on the advise of the Regional Spatial Sub-committee for the purposes of efficient use of human or other resources, or at the request of the responsible District Assemblies set up multi-district or joint District Spatial Planning Committees for two or more district assemblies.

Operationalisation of planning system

194. In order to further facilitate the implementation of this Act, the Authority may prescribe a time frame for all district assemblies to comply with various requirements including:

- (a) District Spatial Development Framework
- (b) Preparation of Local Plans
- (c) Structure plan
- (d) Utility mapping and planning
- (e) Street names/numbers (geo-coding)
- (f) Unique parcel numbering
- (g) Conformity with permits procedures
- (h) Regular data gathering and updates for planning purposes
- (i) National Spatial Development Framework
- (j) Regional Spatial Development Framework
- (k) Sub-regional and multi-regional spatial development framework
- (l) Guidelines for the update of any of the matters dealt with in this section.

Transitional provisions

195. (1) The Town and Country Planning Department established under the Town and Country Planning Ordinance and in existence immediately before the coming into force of this Act, shall continue to be in existence until otherwise dissolved in accordance with sub-section (2) of this Act.

(2) The President shall not later than sixty (60) days of 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 sub-section (1) of this section has ceased to exist from the date of the Executive Instrument.

(3) Except as they may be otherwise transferred or reassigned in accordance with the rules of the public service, staff of the Town and Country Planning Department referred to sub-section (1) of this section shall be deemed to have been transferred to the Authority immediately the Executive Instrument comes into force.

(4) Notwithstanding the coming into force of this Act, planning authorities having application for permits pending before them shall have six (6) months within which to process all applications which were pending immediately before the coming into force of this Act.

(5) Where the District Spatial Planning Committee is unable to process a pending application because the applicant is unable to meet a condition or supply relevant information, such pending application shall lapse at the end of the sixth (6th) month of its submission to the secretariat of the District Spatial Planning Committee.

(6) An application which has lapsed may be processed only if an application for renewal is submitted and the applicable fee paid.

(7) An applicant whose application has lapsed may submit a fresh application.

Form of regulations, regulatory notices and circulars

196. The form of Regulatory Notice and Circulars shall be prescribed by Regulation issued by the Authority.

Furnishing of comment and information

197. Any person who is required to furnish any planning entity, District Spatial Planning Committee or any authorized officer, as the case may be, with any comment or information in terms of this Act must furnish such comment or information within a period of thirty (30) days from the date on which such a comment or other information has been required.

Repeal of laws and savings

198. (1) The laws referred to in the First Schedule to this Act, subject to the provisions of subsection (2) and (3), are hereby repealed, amended or otherwise affected to the extent referred to in First Schedule.

(2) Anything made or prescribed, including regulations, or done under any law repealed by subsection (1) of this section, and having the force of law immediately before the commencement of this Act continues, insofar as it is not inconsistent with this Act, to be in force, until altered or revoked under the provisions of this Act.

National and regional guidelines

199. Subject to a request by the Regional Coordinating Council the Minister may, in consultation with the Authority, publish guidelines specific to each region or district regarding planning standards or zoning regulations to take account of specific variations relating established traditions or custom if the context require.

Immunity of officers from liability

200. (1) Subject to the constitution, an employee of a District Assembly or a person acting under the direction or authority of a District Assembly shall not be 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, the district assemblies shall be subject to the provisions of this Act and to such other conditions as may be laid down in a Regulatory Notice and administrative instructions issued by the Authority in accordance with this Act.

(3) The heads of district assemblies or any person to whom responsibility is delegated in accordance with this Act shall be held responsible and accountable for any action taken in pursuit of his/her responsibilities.

Model and byelaws

201. The district assemblies may make byelaws affecting the physical development provided they are made with the scope of model byelaws prescribed by Regulation made by the Authority.

Application of Act to public entities

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

Short title and commencement

203. This Act shall be called the Land Use and Planning Act, 2010 (Act....) and comes into operation on a date to be determined by the Minister by notice in the Gazette.

Scope of the planning decisions by the court

204. (1) Despite the power of the courts to hear matters of law and procedure pursuant to the complaint process under this Act, no court shall have the power to order the carrying out of physical development on any land or in any part of Ghana unless such an order is for the purposes of enforcing the carrying out of such physical development approved by the District Assembly, Regional Spatial Planning Committee or the Authority as the case may be.

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

General use of district assembly

205. A reference to a District Assembly under this Act in all cases implies to a Municipal and Metropolitan Assembly or a district by whatever name called.

Requirement for the regular collection development and land use data

206. (1) The Authority shall publish guidelines requiring all district assemblies and Regional Coordinating Councils to collect data on regular basis to provide input for the various requirements of this Act including but not limited to input for the National Spatial Development Framework, Regional Spatial Development Framework, structure plan and local plan, etc.

(2) Such updates may include but not limited to evolving trends and changes in Ghanaian society that have land use impact.

Promotion and regulation of the practice of planning

207. For the purposes of ensuring that persons with the adequate technical expertise perform relevant public sector functions or perform relevant private sector services and also to enhance the continuous development of professional knowledge related to physical planning, the Minister may, in consultation with relevant stakeholders promote the promulgation of an Act of Parliament for the establishment of a body to promote and regulate the practice of the physical planning profession in particular and the profession of planning generally.

Interpretation

208. Capitalised words and phrases used in this Act shall have the meaning set out on Part IX of this Act.

PART IX
DEFINITIONS AND INTERPRETATIONS

209. The capitalized words and phrases in this Act shall have the meaning ascribed to them in this Section.

- (1) **Act**, unless otherwise indicated, refers to this Act
- (2) **Administrative Boundaries** has the same meaning as in the Local Government Act. It refers to any area over which a specified administrative authority, such as Unit Committee, Area Councils, Urban Council, Sub Metros, District Assemblies, Regional Coordinating Councils or National Authorities are vested with oversight authority
- (3) **Approved District Development Plan** has the meaning ascribed to it in the National Development Planning (System) Act, 1994 (Act 480) Section 21
- (4) **Authority** refers to the Town and Country Planning Authority
- (5) **Betterment** refers to the monetary compensation that a District Assembly may deem to be payable as a result of the increase in the value of land or property generated by improvements carried out by a public entity
- (6) **Blighted Area/Property** refers to an area or any property or properties that, in the view of the planning authority requires development or upgrade in order to bring the area, property or properties to the standard of surrounding or adjoining development community in which or near which the blighted property is located
- (7) **Board** refers to the board of the Town and Country Planning Authority
- (8) **Building** means any structure or a part of a structure and includes drains, sewers, pipes and every physical development regulated in this Act and the National Building Regulations **for the time being in force**
- (9) **Building Permit** is a permit granted by the District Assembly pursuant to this Act and the applicable Building Regulations which sets out conditions prescribed by the District Spatial Planning Committee to an Applicant for the construction of a building or any structure or the execution of works on a proposed building.
- (10) **Community** means group of households who refer to their defined settlement or administrative area by the same name

- (11) **Community right of space** means 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 settlement plan or under the provision of any law.
- (12) **Consolidation** means the joining of otherwise separate parcels of land or plots so as to incorporate the components in one whole property with clearly defined boundaries
- (13) **Database** refers to a structured collection of records or data for the purposes prescribed under Sections 2(9) and 131(h) of this Act
- (14) **Development** refers to a change of use to any property, land or real estate including any such human-created change to buildings, structures, flat surfaces, the ecosystems, mining, dredging, filling, grinding, paving, excavating, bridges, civil works, drilling or any alteration that changes undeveloped land or existing property for better or worse and includes every aspect of Physical Development as defined under this Act (See also Section 96(10)(b) of the Local Government Act, Act 462)
- (15) **Development Permit** refers to a permit authorizing any person to carry out development in accordance with the conditions specified in the permit and includes a Building Permit and other permits granted for any form of development
- (16) **District** means the area of authority of a District Assembly and includes a municipality and metropolis as defined under the **Local Government Act 1993, Act 462 Section 162**
- (17) **District Spatial Development Framework** refers to the spatial strategy and indicative plan for achieving defined social, economic and environmental policies which will include the location of key components of the strategy aimed at achieving the desired development in the area of authority of a District Assembly and includes a municipality and metropolis.
- (18) **District Development Plan** means a detailed plan of the economic, social, spatial, environmental, sectoral and human settlement issues and policies of a

district duly approved by the National Development **Planning Commission**.
[**National Development Planning (system) Act 1994, Act 480, Section 2(1)(b)(i)**]

- (19) **District Spatial Planning Committee** means a committee of the Assembly constituted in accordance with Section 26 of this Act to perform the functions spelt out under this Act and in the Regulation including but not limited to the preparation of district and local plans and approve development and building permits.
- (20) **Fund** means the Land Use Planning and Development Fund established under Section 41 of this Act.
- (21) **Joint Development Plan** refers to 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 has been designated by the National Development Planning Commission as a joint development planning area. [**National Development Planning (System) Act 1994, Act 480, Section 12(1)**]
- (22) **Land Use Management** refers to the **system of legal** requirements, regulations and guidelines that apply to the use of land in order to achieve objectives of this Act for the built environment and the general purposes of this Act.
- (23) **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 has yet to be defined or 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.
- (24) **Local Plan** - 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.
- (25) **Local Planning Authority/District Planning Authority** means the District Assembly which includes the Municipal or Metropolitan Assembly as defined under **Section 162 of the Local Government Act, Act 462**
- (26) **Minister** refers to the Minister responsible for town planning

- (27) **National Development Plan** refers to a detailed plan of the economic, social, spatial, environmental, sectoral and human settlement issues and policies of a nation. (**National Development Planning (System) Act 1994, Act 480, Section 2(1)(b)(i)**)
- (28) **National Spatial Development Framework** refers to the spatial strategy and indicative plan for achieving defined social, economic and environmental policies which will include the location of key components of the strategy aimed at achieving the desired development of the entire territory of Ghana
- (29) **Neighbourhood** may refer to a geographically localised community located within a larger community administrative area such as a city, town or suburb of Ghana.
- (30) **Parcel** refers to part or whole part of land in the dimension specified under the Lands Act, Act 2011 [**WE HAVE ASSUMED THE LANDS ACT WILL BE PASSED IN 2011 AND THAT THE PHRASE “PARCEL” WILL BE DEFINED IN THAT ACT**]
- (31) **Planning Standards** refers to the standards approved by the Authority for the development of land, including such things as type of permissible development, density of development, plot coverage, building heights, set backs from the road and surrounding buildings, accessibility, width of roads, open space requirements.
- (32) **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 and includes 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 advertisement or other hoarding (**Section 162 of Act 462** maintained)
- (33) **Planning Authority** within the meaning of this Act includes the District Planning Authority at the district level, the Regional Co coordinating Council at regional level and any other body designated by the [National Development Planning] Commission to carry out a development planning function. **S.21 National Development Planning (System) Act, 1994, Act 480**

- (34) **Plot** is a measured piece of land having the dimensions ascribed to it under the Lands Act, Act 2011 [**WE HAVE ASSUMED THE LANDS ACT WILL BE PASSED IN 2011**]
- (35) **Region** means a specified political and administrative territory with assigned boundaries recognized under the Constitution of the Republic of Ghana or otherwise created pursuant to Article 5 of the Constitution of the Republic of Ghana.
- (36) **Regional Development Plan** refers to 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. (**National Development Planning (system) Act 1994, Act 480, Section 2(1)(b)(i)**)
- (37) **Regional Spatial Development Framework** refers to the spatial strategy and indicative plan for achieving defined social, economic and environmental policies which will include the location of key components of the strategy aimed at achieving the desired development within a specified region of Ghana and includes a joint development framework
- (38) **Rural Area** means an area other than an urban area and which is generally characterized by low population density and does not possess the human settlement characteristics of an urban area
- (39) **Right of way** has the same meaning as Community Right of Space
- (40) **Settlement** means a permanent or temporary community in which people live, without being specific as to size, population, importance or hierarchy
- (41) **Spatial Development Framework** refers to the spatial strategy and indicative plan for achieving defined social, economic and environmental policies which will include the location of key components of the strategy aimed at achieving the desired development and it includes joint development framework
- (42) **Strategic Planning** refers to the determination of the steps required to reach an objective that makes the best use of available resources.
- (43) **Structure Plan** is a statutory long term framework used to guide the development or redevelopment of a town or city or a particular area. It is used to define future development and land use patterns, areas of open space, the layout and nature of

infrastructure (including transportation links), and other key features for managing the effects of development.

- (44) **Technical Sub-committee** means a committee of the Assembly constituted in accordance with Section 28 of this Act to perform the functions spelt out under this Act and in the Regulation including but not limited to the preparation of district and local plans and approve development and building permits
- (45) **Title to Land** shall have the meaning ascribed to it under the Lands Act, Act 2011 [**WE HAVE ASSUMED THE LANDS ACT WILL BE PASSED IN 2011**]
- (46) **Town** - a human settlement larger than a village but smaller than a city.
- (47) **Town Planning Scheme** as used under the Town Planning Ordinance, Cap 84 of 1945 and the Towns Act, Cap 86 of 1945 has the same meaning in local plan under this Act
- (48) **Traditional Council** - A house of chiefs or any council or body established or recognized as such under customary law. (**Definition of traditional council under Local Government Act 1993 Act 462 Section 162**)
- (49) **Unit Area:** The smallest established administrative area within a District Assembly in accordance with the Local Government Act, Act 462.
- (50) **Unique Parcel Number** refers to the computer generated number based on the 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 151(3) of this Act
- (51) **Urban Area** refers to an area officially declared as urban area pursuant to this Act or generally considered a built up area characterized by higher population density and diverse human settlement characteristics than that of a rural area
- (52) **Urban regeneration** 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

- (53) **Wayleaves** may refer to 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 (**LANDS STATUTORY WAYLEAVES) ACT, 1963 (ACT 186)**)
- (54) **Zone** refers to 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.
- (55) **Zoning Map** refers to 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
- (56) **Zoning Regulations** refers to Regulations passed pursuant to this Act by the Authority under this Act including the District Assembly, that relates to the use of which land within any part of Ghana or a region or district of Ghana may be part
- (57) **Zoning Scheme** refers to a systemic plan or orderly arrangement of various recommended or approved schemes within a zone

SCHEDULES

FIRST SCHEDULE

Table of Affected Legislation

A REVISED LIST OF ACT TO BE REPEALED OR AMENDED AS WELL AS ACTS THAT MAY BE AFFECTED SHALL BE PREPARED AFTER THE ATTORNEY-GENERAL'S OFFICE HAS COMPLETED THE REVISIONS OF THIS DRAFT

Law	Effect	Reason
Cap 84	To be repealed in its entirety	To be replaced by new law and accompanying regulations
Part II of Act 462	The whole of Part II of the Act, Planning functions to be repealed	To be replaced by new law and accompanying regulations
Cap 86	To be repealed in its entirety	To be replaced by new law and accompanying regulations
Act 33	To be repealed in its entirety	To be replaced by new law and accompanying regulations
LI 1630	Only relevant parts to be repealed from the planning components in Sections 1-10 of LI	To remove the implied permit provisions and e amend the schedule granting exemptions to certain agencies and the making of planning provisions in the Building regulation
Act 479 and Act 480 issues	To be affected by enhancing the provisions that facilitate NDPC's oversight of spatial components of development planning	
Act 479	“	To require the addition of spatial plans to development plans

- SECOND SCHEDULE - Forms to be used by Applicants
 - a) Development Permit Application
 - b) Change of use application
 - c) Complaint form
 - d) Challenge form

- THIRD SCHEDULE - Forms to be used by planning Authority
 - a) Land use Certificate
 - b) Certificate of Completion and Habitation
 - c) Forms of Notices

- FOURTH SCHEDULE - Site and Spatial Requirements

- FIFTH SCHEDULE - List of first set of Regulations to be promulgated