



MASENO UNIVERSITY
UNIVERSITY EXAMINATIONS 2013/2014

**FIRST YEAR SECOND SEMESTER EXAMINATIONS FOR THE
DEGREE OF MASTER OF ARTS IN PROJECT PLANNING &
MANAGEMENT
(HOMA BAY CAMPUS)**

PPM 832: PLANNING AND ENVIRONMENTAL LAW

Date: 12th April, 2014

Time: 9.00 - 12.00 noon

INSTRUCTIONS:

- **Answer ANY FOUR questions.**



PPM 832: Planning and Environmental Law – Homa Bay Campus

Answer any Four questions

1. The Government of Kenya has recently discovered oil in Turkana and this has attracted immigrants from other areas of the country consisting of people who seek to benefit from the prospects of oil extraction. However, land and development speculators have built substandard houses to house the surging population. This has led to an informal urban settlement around the areas where oil was discovered. The government intends to acquire the land in Turkana to facilitate oil extraction and intends, further, to regulate the haphazard urban development in the vicinity of the oil rich zones of Turkana.
 - a) Which power shall the government use to acquire ancestral land from the people of Turkana for purposes of oil extraction? (5 Marks)
 - b) Which mandate gives the state power to offer planning intervention in order to facilitate regulated urban development in the vicinity of the oil extraction areas of Turkana? (5marks)
 - c) What are the principal differences in the two government mandates mentioned in (a) and (b) above? (5 marks)
2.
 - (a) Define the concept 'development control'? (5 marks)
 - (b) What are the steps of acquiring development permission from the county authority under the provisions of the Physical Planning Act Cap 286? (10 marks)
3. The enactment of the Physical Planning Act was seen as a panacea to land use planning and development control in the country, yet informal settlements are a major characteristic of human settlement in Kenya today.
 - (a) Why was the enactment of the Physical Planning Act (Cap 286) seen as a panacea to planning and development control in Kenya? (7.5 marks)
 - (b) Why is the Physical Planning Act unable to resolve the challenges of planning and development control in the country to-date?(7.5 marks)

4. "Once a plan has been approved under this Act, it shall have full force in the area in which it applies and every developer must comply with the provisions of the plan" (PPA, 286)
 - (a) What are the legal procedures of approving a physical development plan under the provisions of the Physical Planning Act (Cap 286)? (7.5 marks)
 - (b) What are the legal procedures of approving a Physical development plan under the provisions of the Urban areas and Cities Act (2012)? (7.5 marks)

5. Discuss the use of the following instruments in the planning and management of the environment:
 - (a) Zoning (5 marks)
 - (b) Planning law (5 marks)
 - (c) Institutional framework (5 marks)

6. The Physical Planning Act and the Environmental Management and Conservation Act (EMCA) were enacted to address the inadequacies of the Town Planning Act and the Land Planning Act
 - (a) What were the inadequacies of the two acts referred to above? (7.5 marks)
 - (b) How was PPA and EMCA meant to address the inadequacies referred to above? (7.5 marks)