

ACT 480
NATIONAL DEVELOPMENT PLANNING (SYSTEM) ACT, 1994

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ACT 480
NATIONAL DEVELOPMENT PLANNING (SYSTEM) ACT, 1994(1)

AN ACT to provide for a National Development Planning System, to define and regulate planning procedure and to provide for related matters.

The Authorities and the Plans

1. Decentralised development planning system

(1) The National Development Planning Commission established by the National Development Planning Commission Act, 1994 (Act 479) is the national co-ordinating body of the decentralised national development planning system.

(2) The decentralised national development planning system shall comprise district planning authorities at the district level, regional co-ordinating councils at the regional level, and a sector agencies, Ministries and the Commission at the national level.

(3) The decentralised national development planning system shall be regulated by legislative instruments and guidelines issued by the Commission.

(4) The Commission shall, by legislative instrument, provide for the time and procedure for the submission of development plans to the Commission.

2. Planning functions of the district planning authority

(1) A district planning authority established under the Local Government Act, 1993 (Act 462), shall

- (a) initiate and prepare district development plans and settlement structure plans in the manner prescribed by the Commission and ensure that the plans are prepared with full participation of the local community;
- (b) carry out studies on
 - (i) development planning matters in the district, including studies on economic, social, spatial, environmental, sectoral and human settlement issues and policies;
 - (ii) the mobilisation of human and physical resources for development in the district;
- (c) initiate and co-ordinate the processes of planning, programming, budgeting and implementation of district development plans, programmes and projects;
- (d) integrate and ensure that sector and spatial policies, plans, programmes and projects of the district are compatible with each other and with the national development objectives issued by the Commission;
- (e) synthesise the policy proposals on development planning in the district into a comprehensive framework for the economic, social and spatial development of the district, including human settlement, and ensure that the policy proposals and projects are in conformity with the principles of sound environmental management;
- (f) monitor and evaluate the development policies, programmes and projects in the district; and
- (g) provide the Commission with the data and information required by the Commission.

(2) Despite subsection (1) (a), the preparation of a settlement plan shall be in accordance with the existing legislative instrument on planning which is relevant to the preparation of the settlement plan.

3. Public hearing of development plans

(1) A district planning authority shall conduct a public hearing on a proposed district development plan and shall consider the views expressed at the hearing before the adoption of the proposed district development plan.

(2) A local community in a district authorised by the district planning authority to prepare a sub-district or local action plan under section 5 shall conduct a public hearing before the adoption of the proposed sub-district or local action plan.

(3) The Commission shall by guidelines prescribe the manner in which the public hearing shall be conducted.

4. District development plans

(1) A report on the public hearing shall be attached to the proposed district development plan by the district planning authority.

(2) The proposed district development plan in a format prescribed by the Commission shall be submitted for consideration to the Commission through the Regional Co-ordinating Council.

(3) The Commission shall determine the compatibility of the district development plans with the national development objectives and if approved shall incorporate them into a national development plan.

(4) A district planning authority may, with the prior written approval of the Commission, make modifications to an approved district development plan.

5. Preparation of local action plans and sub-district plans

(1) A district planning authority shall prepare or direct the preparation of the required local action plans or sub-district plans for the implementation of the approved district development plan unless the Commission otherwise determines.

(2) A local community in a district authorised by the district planning authority may prepare a sub-district or local action plan in accordance with

- (a) the approved district development plan,
- (b) the development guidelines of the district planning authority, and
- (c) the guidelines prescribed by the Commission.

(3) A sub-district or local action plan prepared under subsection (2) is subject to the approval of the district planning authority.

(4) Despite subsection (3), the Commission may call for the plans made under subsections (1) and (2) for its consideration and may modify the plans as it considers appropriate.

6. Grievance procedure

A person aggrieved by a matter relating to the performance of a function of the district planning authority may seek redress in accordance with the grievance procedure provided by the Commission, by legislative instrument.

The Units and Councils

7. Planning functions of the district planning co-ordinating unit

(1) A district planning co-ordinating unit established under the Local Government Act, 1993 (Act 462) is responsible for

- (a) advising and providing a secretariat for the district planning authority in its planning, programming, monitoring, evaluating and co-ordinating functions;
- (b) co-ordinating the planning activities of sectoral departments in the district responsible for economic production, social services, technical infrastructure, environmental management and any other appropriate agencies connected with the planning process;
- (c) synthesising the strategies related to the development of the district into a comprehensive and cohesive framework;
- (d) formulating and updating the components of a district development plan; and
- (e) providing the data and information required by the Commission.

8. Planning functions of a regional co-ordinating council

(1) A regional co-ordinating council established under the Local Government Act, 1993 (Act 462), shall

- (a) provide the district planning authorities with the information and data necessary to assist them in the formulation of district development plans;
- (b) co-ordinate the plans and programmes of the district planning authorities and harmonise the plans and programmes with national development policies and priorities for consideration and approval by the Commission;
- (c) monitor and evaluate the implementation of the programmes and projects of the district planning authorities within the region;
- (d) act on behalf of the Commission with respect to the national programmes and projects in the region as directed by the Commission; and
- (e) perform any other planning functions assigned to it by the Commission.

9. Planning functions of a regional planning co-ordinating unit

(1) A regional planning co-ordinating unit established under the Local Government Act, 1993 (Act 462), shall

- (a) advise the regional co-ordinating council on
 - (i) the co-ordination, monitoring and evaluation of district development plans, and
 - (ii) matters relating to development planning in the region, including spatial and sectoral policies; and
- (b) provide a secretariat for the regional co-ordinating council to perform its functions as specified under section 8 (1).

10. Planning functions of ministries and sector agencies

(1) A ministry shall undertake the development planning functions in consultation with the Commission in accordance with the Civil Service Act, 1993.2(2)

(2) A ministry or sector agency shall at the request of the Commission prepare a development plan.

(3) The development planning undertaken by a ministry or a sector agency shall be based on national development goals and sectoral development guidelines issued by the Commission.

(4) The development plan of a ministry or a sector agency shall be submitted to the Commission for consideration and approval.

(5) The ministry or sector agency shall ensure that the plans are compatible with national development goals.

(6) A ministry or sector agency shall monitor the implementation of approved development plans and submit a monitoring report to the Commission in the prescribed form.

(7) The monitoring report shall be submitted at intervals determined by the Commission.

11. Functions of the Commission relating to development plans

The Commission shall

- (a) prescribe the format and content of development plans for the districts, ministries and sector agencies;
- (b) co-ordinate district development plans and programmes submitted through the regional co-ordinating councils and ensure that these plans and programmes are compatible with national development objectives;
- (c) integrate economic, spatial and sectoral plans of ministries and sector agencies and ensure that the plans are compatible with national development objectives;
- (d) advise relevant agencies on the formulation of guidelines for the regulation of physical development;
- (e) in collaboration with relevant agencies, monitor physical development to ensure that a proposed development conforms with the approved development plan for the respective area;
- (f) issue approved development policies as directed by the President for the guidance of the public and private sectors; and
- (g) perform any other functions reasonably related to development planning, policy and strategy.

Joint Planning Areas

12. Joint development planning areas

(1) The Commission may, in consultation with the Minister responsible for Local Government, recommend to the President the designation of a contiguous area as a joint development planning area, if special physical or socio-economic characteristics necessitate it being considered as a single unit for the purpose of development planning.

(2) The President may, by executive instrument, designate the contiguous area as a joint development

planning area.

13. Joint development planning board

(1) An executive instrument issued under section 12 (2) which creates a joint development planning area shall establish a joint development planning board for the area and shall include

- (a) the composition of the joint development planning board,
- (b) the functions of the joint development planning board,
- (c) the area of authority of the joint development planning board, and
- (d) modification of the powers of the district planning authorities and the regional co-ordinating councils wholly or in part within the designated area as are necessary to provide for the effective functioning of the joint development planning board.

(2) A joint development planning board shall only be established to formulate and supervise the implementation of development plans for the designated area.

(3) The joint development planning board shall determine the economic, social, spatial and sectoral policies of the designated area as well as the mobilisation of human, physical and financial resources for the development of the area.

(4) The development plan prepared by a joint development planning board shall be submitted to the Commission for consideration with copies to the affected district planning authority and regional co-ordinating council.

(5) Upon approval of the development plan of a joint development planning board by the Commission, the plans of the affected district planning authority shall be modified accordingly.

14. Special development areas

(1) The Commission may in consultation with the Minister responsible for Local Government, recommend to the President the designation of any area required for special purposes in the national interest as a special development area and the President may by executive instrument, designate the area accordingly.

(2) Despite a provision of this Act to the contrary, an area designated as a special development area shall be excluded from the administrative control of the district planning authority of the area.

(3) An executive instrument establishing a special development area shall, on the advice of the Commission, specify the planning authority responsible for the area.

(4) The executive instrument shall specify the functions and responsibilities relating to the special development area as well as the geographical limits of the Area.

Miscellaneous

15. Consideration of plans by the President

The President shall consider and may approve the national development plans, policies and strategies as proposed by the Commission.

16. Advice to Commission on planning divisions

The Commission shall advise the Minister responsible for each Ministry on the structure and function of the planning division of the Ministry established under the Civil Service Act, 1993.3(3)

17. Training of planning personnel

The Commission shall, in consultation with the Ghana Institute of Planners and any other relevant bodies specified by the Commission, advise on the training, qualification and employment of the planning personnel required for a planning authority.

18. Immunity of officers from liability

Subject to the Constitution, an employee of a planning authority or a person acting under the direction or authority of a planning authority is not personally liable for an act done in good faith in the performance of a function under this Act.

19. Regulations

(1) The Commission may with the prior approval of the President, by Legislative Instrument, make Regulations

- (a) to prescribe the procedure for the submission of development plans;
- (b) to prescribe the form and time for submission of the plans to the Commission; and
- (c) to make provisions to give full effect to this Act.

(2) The Regulations shall be personally signed by the chairman.

20. Amendment of the Local Government Act, 1993 (Act 462)

The Local Government Act, 1993 (Act 462) is amended by the substitution for subsection (3) of section 143 of the following subsection:

“A regional planning co-ordinating unit shall comprise the professional staff as directed by the regional co-ordinating council in consultation with the Commission”.

21. Interpretation

In this Act, unless the context otherwise requires,

“**approved district development plan**” means a plan approved for a district, a municipality, a metropolis or a joint development planning area by the Commission;

“**Commission**” means the National Development Planning Commission Act, 1994 (Act 479);

“**functions**” includes powers and duties;

“**planning authority**” includes the district planning authority at the district level, the regional co-ordinating council at regional level, the planning division of a Ministry or sector agency and any other body designated by the Commission to carry out a development planning function.

Endnotes

1 (Popup - Footnote)

1. The Act was assented to on 29th August, 1994 and came into force on 2nd September, 1994.

2 (Popup - Footnote)

2. [P.N.D.C.L. 327.](#)

3 (Popup - Footnote)

3. [P.N.D.C.L. 327.](#)