

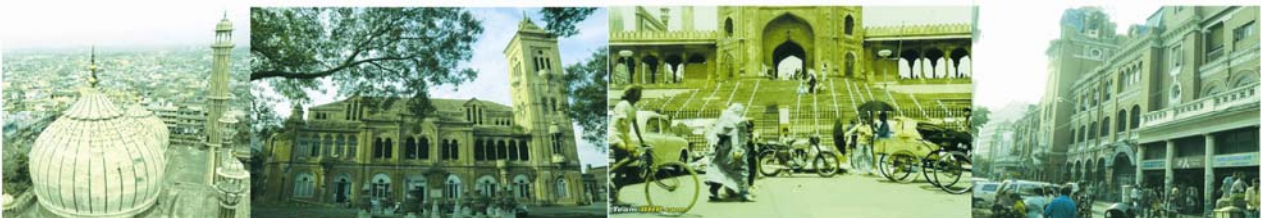
MODEL HERITAGE REGULATIONS



TOWN AND COUNTRY PLANNING ORGANISATION

**MINISTRY of URBAN DEVELOPMENT
GOVERNMENT of INDIA**

2011



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1. OBJECT

The object of Heritage Regulations is to safeguard, conserve, restore, manage, and maintain the heritage of India's cities, towns and villages, while regulating interventions and development activities having an impact on the heritage.

2. SCOPE

Conservation of heritage shall include buildings, artefacts, structures, streets, areas and precincts of historic, or aesthetic, or architectural, or cultural or environmentally significant nature (heritage buildings and heritage precincts), natural feature areas of environmental significance and sites of scenic beauty.

3. APPLICABILITY

The Regulations shall apply to all urban and rural areas of the State. They shall apply to heritage sites which shall be listed, graded and notified by the State Government under these Regulations, which are not under the purview of Archaeological Survey of India or State Archeological Departments (hereinafter referred to as Heritage Zones, Listed Heritage Sites, Listed Heritage Precincts, and Listed Heritage Structures). These shall include those buildings, artefacts, structures, streets, areas and precincts of historic, or architectural, or aesthetic, or cultural or environmentally significant nature (hereinafter referred to as Listed Heritage Buildings / Listed Heritage Precincts) and those natural feature areas of environmental significance or of scenic beauty including, but not restricted to, sacred groves, hills, hillocks, water bodies (and the areas adjoining the same), open areas, wooded areas, points, walks, rides, bridle paths (hereinafter referred to as 'listed natural feature areas') which shall also be listed in the notification to be issued by the State Government / identified in Master Plan. The process of listing heritage and grading the same is mandatory in all urban and rural areas in the State within the time frame specified under these Regulations and shall become part of Master Plan / Development Plan / Zonal Plan/ Draft District Development Plan, Metropolitan Plan and Regional Plan, if available for the referred area.

The list(s) issued in the Notification shall be hereinafter referred to as the "said list".

4. DEFINITIONS

- a) **“Heritage building”** means and includes any building comprising of one or more premises or any part thereof or structure or artefact which requires conservation or preservation for historical or architectural or artistic or artisanry or aesthetic or cultural or environmental or ecological purposes and includes such portion of land adjoining such building or part thereof as may be required for fencing or covering or in any manner preserving the historical or architectural or aesthetic or cultural or environmental value of such a building.
- b) **“Heritage Precinct”** means and includes spaces that require conservation or preservation for historical or architectural or aesthetic or cultural or environmental or ecological purpose and walls or other boundaries of a particular area or place or building which may enclose such space by an imaginary line drawn around it. The precinct may also include Heritage Streets, a Mohalla or ‘pol’ or any other area of one set character.
- c) **“Urban Heritage”** refers to the built legacy of the town/city history and includes protected and unprotected monuments, individual and group of buildings of archaeological, architectural, historic and cultural significance, public spaces including landscape, parks and gardens, street layout defining identifiable neighbourhoods or precincts, which together identify the visual, spatial and cultural character of the city. This is tangible and is closely linked with the intangible heritage, which confers it with meaning and significance.
- d) **“Cultural Heritage”** designates a monument, group of buildings or site/(s) of historical, aesthetic, archaeological, scientific, ethnological or anthropological value.
- e) **“Natural Heritage”** designates outstanding physical, biological and geological features; habitat of threatened plants or animal species and areas of value on scientific or aesthetic grounds or from a conservation perspective.

- f) **“Heritage Area”** is a buffer around a protected or unprotected structure, precinct or site and may include protected views.
- g) **“Heritage Zone”** is the zone delineated in the Master Plan / Zonal Plan that requires special attention in terms of heritage conservation.
- h) **“Heritage Site”** is a site which may be natural or built or open having significant heritage value.
- i) **“Conservation”** means all the processes of preserving and maintaining a place so as to retain its historical or architectural or aesthetic or cultural significance and includes maintenance, preservation, restoration, reconstruction and adoption of a combination of one or more of these measures.
- j) **“Preservation”** means and includes maintaining the form and fabric of a place in its existing state and checking deterioration.
- k) **“Restoration”** means and includes returning the existing fabric of a place to a known earlier state by removing accretions or by reassembling existing components without introducing new materials.
- l) **“Reconstruction”** means and includes returning a place as nearly as possible to a known earlier state and distinguished by the introduction of materials (new or old) into the fabric. This shall not include either re-creation or conjectural reconstruction.
- m) **“Skyline”** means the profile of buildings as seen from a distance.
- n) **“Listing”** means preparing an inventory of Heritage Zones, Listed Heritage Sites, Listed Heritage Precincts, and Listed Heritage structures as per various parameters.
- o) **“Grading”** means categorization of all listed heritage as per historical significance.

- p) **“Historic Urban Landscape”** means ensembles of any group of buildings, structures and open spaces, in their natural and ecological context, including archaeological and paleontological sites, constituting human settlements in an urban environment over a relevant period of time, the cohesion and value of which are recognized from the archaeological, architectural, prehistoric, historic, scientific, aesthetic, socio-cultural or ecological point of view.

5. PREPARATION OF LIST OF HERITAGE SITES INCLUDING HERITAGE BUILDINGS, HERITAGE PRECINCTS AND LISTED NATURAL FEATURE AREAS

The list of heritage sites including Heritage Buildings, Heritage Precincts and listed Natural Features Areas shall be prepared by the Commissioner/CEO, Municipal Corporation / Municipal Council / Nagar Panchayat or Vice- Chairman, Development Authority or District Collector as the case may be on the advice of the Heritage Conservation Committee to be appointed by the State Government. Before being finalized, objections and suggestions from the public are to be invited and considered. The said list to which the Regulations apply shall not form part of these Regulations for the purpose of Building Bye-laws or Development Control Regulations. The list may be supplemented from time to time by the Government on receipt of proposals from agencies concerned or by the Government *suo moto*, provided that before the list is supplemented, objections and suggestions from the public are to be invited and duly considered by the Commissioner/CEO, Municipal Corporation / Municipal Council/Nagar Panchayat or Vice- Chairman, Development Authority or District Collector, as the case may be on the advice of the Heritage Conservation Committee.

When a building or group of buildings or natural feature areas are listed, it would automatically mean (unless otherwise indicated) that the entire property including its entire compound / plot boundary along with all the subsidiary structures and artefacts, etc. within the compound/plot boundary, etc. shall form part of the list.

6. CRITERIA FOR LISTING

The listing of heritage may be done as per the parameters given below

		Abbreviations
(a)	Value for architectural, historical or cultural reasons	A
-	Architectural	A(arc)
-	historical	A(his)
-	cultural	A(cul)
(b)	The date and/or period and/or design and/or unique use of the building or artefact	B
-	period	B(per)
-	design	B(des)
-	use	B(use)
(c)	Relevance to social or economic history	C(seh)
(d)	Association with well-known persons or events	D(bio)
(e)	A building or group of buildings and/or areas of a distinct architectural design and/or style, historic period or way of life having sociological interest and/or community value	E
-	style	
-	historical	
(f)	The unique value of a building or architectural features or artefact and/or being part of a chain of architectural development that would be broken if it were lost	F
(g)	Its value as a part of a group of buildings	G (grp)
(h)	Representing forms of technological development... ..	H (tec)
(i)	Vistas of natural/scenic beauty or interest, including water-front areas, distinctive and/or planned lines of sight, street line, skyline or topographical	I (sec)
(j)	Open spaces sometimes integrally planned with their associated areas having a distinctive way of life which have the potential to be areas of recreation	J
(k)	Natural heritage sites	NH
(l)	Sites of scenic beauty	(sec)

7. GRADING OF THE LISTED BUILDINGS / PRECINCTS

Listed Heritage Buildings / Precincts may be graded into three categories. The definition of these and basic guidelines for development permissions are as given in section 7.1

Listing does not prevent change of ownership or use. However, change of use of such Listed Heritage Buildings / Precincts shall not be permitted without the prior approval of the Heritage Conservation Committee. Use should be in harmony with the said listed heritage site.

7.1 IMPLICATIONS OF LISTING AS HERITAGE BUILDINGS

The Regulations do not amount to any blanket prevention of changes to Heritage Buildings. The only requirement is to obtain clearance from the Commissioner,/CEO, Municipal Corporation, Municipal Council/Nagar Panchayat or Vice- Chairman, Development Authority or District Collector, as the case may be on the advice of the Heritage Conservation Committee.

The categories of grading and the relevant procedures are indicated under each category in the following table.

GRADE-I	GRADE-II	GRADE-III	HERITAGE PRECINCTS
<p>A) Definition</p> <p>Heritage Grade-I comprises buildings and precincts of national or historic importance, embodying excellence in architectural style, design, technology and material usage and/or aesthetics; they may be associated with a historic event, personality, movement or institution. They have been and are the prime landmarks of the region.</p> <p>All natural sites shall fall within Grade-I.</p>	<p>Heritage Grade-II comprises buildings and precincts of regional or local importance possessing special architectural or aesthetic merit, or cultural or historical significance though of a lower scale than Heritage Grade-I. They are local landmarks, which contribute to the image and identity of the region. They may be the work of master craftsmen or may be models of proportion and ornamentation or designed to suit a particular climate.</p>	<p>Heritage Grade-III comprises buildings and precincts of importance for townscape; that evoke architectural aesthetic, or sociological interest though not as much as in Heritage Grade-II. These contribute to determine the character of the locality and can be representative of lifestyle of a particular community or region and may also be distinguished by setting, or special character of the façade and uniformity of height, width and scale.</p>	<p>A heritage precinct is an area of heritage value. It may consist of a number of buildings and spaces, such as streets, with cultural or heritage significance worth recognition and conservation, or it may be an area where the relationship between various elements creates a special sense of place like mass, scale, building material, typology, roof profile and shapes or containing architectural style or elements. Precincts are of different importance and are made up of different types of elements such as houses, trees, commercial properties and public spaces combining to create a unique significance.</p>
<p>(B) Objective:</p> <p>Heritage Grade-I richly deserves careful preservation.</p>	<p>Heritage Grade-II deserves intelligent conservation.</p>	<p>Heritage Grade-III deserves intelligent conservation (though on a lesser scale than Grade-II and special protection to unique features and attributes).</p>	<p>Precincts deserve appropriate repair and maintenance and very sensitive development i.e. regarding the mass, scale and setting. It also requires conservation of its heritage and cultural significance.</p>

<p>(C) Scope for Changes: No interventions shall be permitted either on exterior or interior of the heritage building or natural features unless it is necessary in the interest of strengthening and prolonging the life of the buildings/or precincts or any part or features thereof. For this purpose, absolutely essential and minimum changes shall be allowed and they must be in conformity with the original.</p>	<p><u>Grade-II(A):</u> Internal changes and adaptive re-use may be allowed, subject to strict scrutiny. Care should be taken to ensure the conservation of all special aspects for which it is included in Heritage Grade-II.</p> <p><u>Grade-II(B):</u> In addition to the above, extension or additional building on the same plot or compound may in certain circumstances, be allowed provided that the extension / additional building is in harmony with (and does not detract from) the existing heritage building/(s) or precincts especially in terms of height and façade and provided that the additional building is not larger than the original building in terms of mass and scale</p>	<p>Internal changes and adaptive re-use may by and large be allowed. Changes may include extensions and additional buildings on the same plot or compound. However, any changes should be such that they are in harmony and should be such that they do not detract from the existing heritage building/ precinct especially in terms of height and façade and provided that the extension/ additional building is not larger than the original building in mass and scale.</p>	<p>Sensitive additions, alterations, extensions and interior renovations shall be permissible but these should not alter the character of the building/ precinct. The new interventions may be contemporary but subtle or inspired by the original character and not tasteless imitation. Reconstruction is permissible but only for buildings that are totally structurally unsafe as certified by a Structural Engineer and corroborated by the Heritage Conservation Committee. The reconstruction should not follow the prevailing byelaws but should be in such a manner which ensures that the building/ precinct character is not diminished, yet allows for growth and good urban design. Urban Design Guidelines should be prepared separately for each of the listed heritage precincts as extension of the bye laws. All constructions within heritage precincts should be governed by the said guidelines.</p>
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<p>(D) Procedure:</p> <p>Development permission for changes shall be given by the Commissioner/CEO, Municipal Corporation/ Municipal Council/ Nagar Panchayat/ Vice-Chairman, Development Authority / District Collector on the advice of the Heritage Conservation Committee.</p> <p>Reports stating that buildings are structurally unsafe should be checked by a Structural Engineer and duly cross checked by the Heritage Conservation Committee before allowing reconstruction.</p> <p>E) Vistas / Surrounding Development:</p> <p>All development in areas surrounding Heritage Grade-I shall be regulated and controlled, ensuring that it does not mar the grandeur of, or view of Heritage Grade-I.</p>	<p>Development permission for changes shall be given by the Commissioner/CEO, Municipal Corporation/ Municipal Council/ Nagar Panchayat/ Vice-Chairman, Development Authority / District Collector on the advice of the Heritage Conservation Committee.</p> <p>Reports stating that buildings are structurally unsafe should be checked by a Structural Engineer and duly cross checked by the Heritage Conservation Committee before allowing reconstruction.</p> <p>All development in areas surrounding Heritage Grade-II shall be regulated and controlled, ensuring that it does not mar the grandeur of, or view of Heritage Grade-II.</p>	<p>Development permission for changes would be given by the Commissioner/CEO, Municipal Corporation/ Municipal Council/ Nagar Panchayat/ Vice-Chairman, Development Authority / District Collector on the advice of the Heritage Conservation Committee.</p> <p>Reports stating that buildings are structurally unsafe should be checked by a Structural Engineer and duly cross checked by the Heritage Conservation Committee before allowing reconstruction.</p> <p>All development in areas surrounding Heritage Grade-III shall be regulated and controlled, ensuring that it does not mar the grandeur of, or view of Heritage Grade-III.</p>	<p>Development permission for changes shall be given by the Commissioner/CEO, Municipal Corporation/ Municipal Council/ Nagar Panchayat/ Vice-Chairman, Development Authority / District Collector on the advice of the Heritage Conservation Committee .</p> <p>Reports stating that buildings are structurally unsafe should be checked by a Structural Engineer and duly cross checked by the Heritage Conservation Committee before allowing reconstruction.</p> <p>All development within precincts should be regulated and controlled following the Urban Design Guidelines.</p>
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8 DEVELOPMENT CONTROL

8.1 RESPONSIBILITY OF THE OWNERS OF HERITAGE BUILDINGS

It shall be the responsibility of the owners of heritage buildings and buildings in heritage precincts to carry out regular repairs. The State Government / Municipal Corporations / Municipal Councils / Nagar Panchayats/ Rural Local Bodies and Authorities shall not be responsible for such repair and maintenance except for the buildings owned by them.

8.2 RESTRICTIONS ON DEVELOPMENT / RE-DEVELOPMENT / REPAIRS ETC.

- (i) No development or redevelopment or engineering operation or additions / alterations, repairs, renovations including painting of the building, replacement of special features or plastering or demolition of any part thereof of the said listed buildings or listed precincts or listed natural feature areas shall be allowed except with the prior permission of the Commissioner/CEO, Municipal Corporation / Municipal Council / Nagar Panchayat or Vice- Chairman, Development Authority or District Collector. Before granting such permission, the agency concerned shall consult the “Heritage Conservation Committee” and shall act in accordance with the advice of the “Heritage Conservation Committee”.
- (ii) Provided that, before granting any permission for demolition or major alterations / additions to listed buildings (or buildings within listed streets or precincts), or construction at any listed natural feature areas, or alteration of boundaries of any listed natural feature areas, objections and suggestions from the public shall be invited and considered by the “Heritage Conservation Committee”.
- (iii) Provided that, only in exceptional cases, for reasons to be recorded in writing, the Commissioner/ CEO, Municipal Corporation / Municipal Council / Nagar Panchayat or Vice- Chairman, Development Authority or District Collector may refer the matter back to the Heritage Conservation Committee for reconsideration.

The decision of the Heritage Conservation Committee after such reconsideration shall be final and binding.

8.3 ALTERATIONS / MODIFICATIONS / RELAXATIONS IN DEVELOPMENT NORMS

On the advice of the Heritage Conservation Committee and for reasons to be recorded in writing, the Commissioner,/CEO, Municipal Corporation / Municipal Council / Nagar Panchayat or Vice- Chairman, Development Authority or District Collector shall follow the procedure as per Development Authority Act / Town and Country Planning Act / Building Byelaws / Development Control Regulations to alter, modify or relax the Development Control Norms prescribed, if required, for the conservation or preservation or retention of historic or aesthetic or cultural or architectural or environmental quality or beauty or vista of any heritage building/precinct.

8.4 DEVELOPMENT PERMISSION FOR HERITAGE PRECINCTS / NATURAL FEATURE AREAS

In case of notified streets, precincts, areas and natural feature areas, development permissions shall be granted in accordance with Urban Design Guidelines prescribed for respective streets, precincts / natural feature areas which shall be framed by the Commissioner/CEO, Municipal Corporation / Municipal Council / Nagar Panchayat or Vice- Chairman, Development Authority or District Collector on the advice of the Heritage Conservation Committee.

Before finalizing the same, the draft shall be published in the official gazette and in leading newspapers in English and the local language for the purpose of inviting objections and suggestions from the public. All objections and suggestions received from public within a period of 30 days from the date of publication in the official gazette shall be considered by the Commissioner/CEO, Municipal Corporation / Municipal Council / Nagar Panchayat/ Vice- Chairman, Development Authority / District Collector / Heritage Conservation Committee.

After consideration of the above suggestions and objections, the agency concerned, acting on the advice of the Heritage Conservation Committee shall modify, if necessary, the aforesaid Urban Design Guidelines for streets, precincts, and natural features areas and forward the same to Government for notification.

Provided that pending consideration of suggestions and objections and pending final sanction of the Government, the Commissioner/CEO, Municipal Corporation / Municipal Council / Nagar Panchayat or Vice-Chairman, Development Authority or District Collector/ Heritage Conservation Committee shall give due regard to the draft regulations while considering applications for development / re-development etc. of heritage buildings, streets, heritage precincts, areas, listed natural features.

8.5 PROTECTION OF VISUAL LANDSCAPE AND SURROUNDINGS

Buildings within heritage precincts or in the vicinity of heritage sites shall strive to maintain the skyline in the precinct and follow the architectural style (without any high-rise or multi-storeyed development) as may be existing in the surrounding area, so as not to diminish or destroy the aesthetic value or view of, from the said heritage sites. The development within the precinct or in the vicinity of heritage sites shall be in accordance with the Urban Design Guidelines framed by the Commissioner/CEO, Municipal Corporation / Municipal Council / Nagar Panchayat or Vice- Chairman, Development Authority or District Collector on the advice of the Heritage Conservation Committee or separate Regulations if any, prescribed for respective zones by the Municipal Corporation / Municipal Council / Panchayat / Development Authority / District Collector.

8.6 SIGNS AND OUTDOOR DISPLAY STRUCTURES / INCLUDING STREET FURNITURE ON HERITAGE SITES

The Commissioner/CEO, Municipal Corporation / Municipal Council / Nagar Panchayat or Vice-Chairman, Development Authority or District Collector on the advice of the Heritage Conservation Committee shall frame Regulations to regulate signs, outdoor display structures and street furniture on heritage sites. Till such regulations are framed, the following guidelines may be followed:

A) National Building Code to apply – The display or advertising signs and outdoor display structures on buildings and land shall be in accordance with Part X – Signs and Outdoor Display Structures of the National Building Code of India, 2005.

- B) Additional Conditions** – In addition to sub-regulation A, above, the following provisions shall apply to advertising signs in different land use zones:
- i) Residential Zone** : Non-flashing neon signs with illumination not exceeding 40 watts.
 - (a) One name plate with an area not exceeding 0.1 sq. m. for each dwelling unit
 - (b) For other uses permissible in the zone, one identification sign or bulletin board with an area not exceeding 10 sq.m. provided the height does not exceed 1.5 m.
 - (c) “For sale” or “For rent” signs for real estate, not exceeding 2 sq. m. in area provided they are located on the premises offered for sale or rent.
 - ii) Mixed Use Zone** : Non flashing business signs placed parallel to the wall and not exceeding 1 m in height per establishment.
 - iii) Commercial Zone** : Flashing or non-flashing business signs parallel to the wall not exceeding 1 m in height provided such signs do not face residential buildings in which case only non-flashing signs shall be permitted.
- C) Prohibition of advertising signs and outdoor display structures in certain cases:**

Notwithstanding the provisions of sub-regulations A & B, no advertising sign or outdoor display structures shall be permitted on buildings of architectural, aesthetic, historical or heritage importance as may be decided by the Commissioner/CEO, Municipal Corporation / Municipal Council / Nagar Panchayat or Vice-Chairman, Development Authority or District Collector on the advice of the Heritage Conservation Committee or on Government buildings, save that in the case of Government buildings only, advertising signs or outdoor display structures may be permitted if they relate to the activities of the said buildings.

D) Provided, that if the Heritage Conservation Committee so advises, the Commissioner/CEO, Municipal Corporation / Municipal Council / Nagar Panchayat or Vice-Chairman, Development Authority or District Collector, shall refuse permission for any sign or outdoor display structure.

E) The Municipal Commissioner/CEO, Municipal Corporation / Municipal Council / Nagar Panchayat or Vice-Chairman, Development Authority or District Collector, may, on the advice of the Heritage Conservation Committee, add to, alter or amend the provisions of sub-regulations A, B and C above.

F) Signs, outdoor display structures (including street furniture) shall require the approval of the Heritage Conservation Committee, which may prescribe additional requirements for the same.

8.7 RESTRICTIVE COVENANTS

Restrictions existing as imposed under covenants, terms and conditions on leasehold plots either by the State Government or by Municipal Corporation, Municipal Council/Nagar Panchayat or Development Authority /District Collector shall continue to be imposed in addition to Development Control Regulations. However, in case of any conflict with the heritage preservation, the Heritage Regulations shall prevail.

8.8 PENALTIES

Violation of the Regulations shall be punishable under the provisions regarding unauthorized development. In case of proven deliberate neglect of and/or damage to Heritage Buildings and Heritage Precincts, or if the building is allowed to be damaged or destroyed due to neglect or any other reason, in addition to penal action provided under the Act concerned, no permission to construct any new building shall be granted on the site if a Heritage Building or Building in a Heritage Precinct is damaged or pulled down without prior permission of the Municipal Commissioner/CEO, Municipal Corporation / Municipal Council / Nagar Panchayat or Vice- Chairman, Development Authority or District Collector.

It shall be open to the “Heritage Conservation Committee” to consider a request for re-building/reconstruction of a Heritage Building that was unauthorizedly demolished or damaged, provided that the total built-up area in all floors put together in such new construction shall not be in excess of the total built-up area in all floors put together in the original Heritage Building in the same form and style in addition to other conditions / controls that may be specified.

9 EXISTING PLANS AND PROJECTS

9.1 ROAD WIDENING

(i) If road widening lines are proposed under the Master Plan, they shall be such that they protect and not detract from the said heritage sites.

(ii) If there are any new road widening lines proposed in the revised draft or sanctioned Development Plans / Master Plans / Regional Plans, the Municipal Commissioner/CEO, Municipal Corporation / Municipal Council / Nagar Panchayat or Vice- Chairman, Development Authority or District Collector / Heritage Conservation Committee shall consider the heritage provisions and environmental aspects while considering applications for development permissions in these areas. Necessary steps may be taken to modify the Development Plan / Master Plan/Regional Plan accordingly. Pending this action, the road widening / development of new roads shall not be carried out.

(iii) No widening of the existing roads under the Development Plan/Master Plan / Regional Plans shall be carried out in a manner which may affect the existing heritage buildings (even if they are not included in a Heritage Precinct) or which may affect listed natural features. Widening of the existing roads under the Master Plan or Zonal Development Plan or Layout Plan shall be carried out considering the existing heritage buildings (even if they are not included in a Heritage Precinct) which may affect listed natural features areas.

9.2 MASTER PLAN RESERVATIONS

If there are any Development Plan / Master Plan / Regional Plan reservations shown on heritage sites, the same shall not be implemented. If required, Municipal Commissioner/CEO, Municipal Corporation / Municipal Council / Nagar Panchayat or Vice- Chairman, Development Authority or District Collector, on the advice of the Heritage Conservation Committee, shall approach the State Government to get these reservations modified/deleted.

10. INCENTIVE USES FOR HERITAGE BUILDINGS

In case of buildings located in non-commercial use zones included in the Heritage Conservation List, if the owner / owners agree to maintain the listed heritage building as it is, in the existing state and to preserve its heritage state with due repairs and the owner / owners / lessees give a written undertaking to that effect, the owner / owners / lessees may be allowed with the approval of the "Heritage Conservation Committee" within permissible use zones to convert part or whole thereof of the non-commercial area within such a heritage building to Commercial / office / hotel use. Provided that, if the heritage building is not maintained suitably or if the heritage value of the building is altered in any manner, the commercial / office / hotel use shall be disallowed.

10.1 GRANT OF TRANSFERABLE DEVELOPMENT RIGHTS (TDR) IN CASES OF LOSS OF DEVELOPMENT RIGHTS

If any application for development is refused under these Regulations or conditions are imposed while permitting such development which deprive the owner of any unconsumed FAR, the said owner/lessee shall be compensated by grant of Development Rights Certificate of the nature set out in Appendix I and as may be prescribed by Government from time to time. The extent of Development Rights Certificate to be granted may be determined by the Municipal Commissioner/CEO, Municipal Corporation / Municipal Council / Nagar Panchayat or Vice- Chairman, Development Authority or District Collector, on the advice of the Heritage Conservation Committee.

10.2 HERITAGE FUND

With a view to give monetary help for repairs of Heritage buildings a separate fund may be created, which would be kept at the disposal of the Municipal Commissioner/CEO, Municipal Corporation, Municipal Council/Nagar Panchayat or Vice- Chairman, Development Authority or District Collector, who shall make disbursement from the funds on the advice of the Heritage Conservation Committee. The fund shall be used mainly to support the cost of listing of heritage buildings/ sites and expert guidance and fees for architects, engineers and other experts while the actual conservation works shall be supported by the owners or from sources other than the Heritage Fund.

11. COMPOSITION OF HERITAGE CONSERVATION COMMITTEE

The Heritage Conservation Committee shall be appointed by the State Government comprising of:

- | | | |
|-------|---|-------------------------|
| (i) | Heritage Expert with 15 years experience in the field of heritage conservation | Chairman |
| (ii) | Structural Engineer having experience of ten years in the field and membership of the Institution of Engineers, India | 1 Member |
| | Architect having 10 years experience | |
| | A) Urban Designer | 1 Member |
| | B) Conservation Architect | 1 Member |
| (iii) | Environmentalists having in-depth knowledge and experience of 10 years of the subject matter | 1 Member |
| (iv) | Historians having knowledge of the region having 10 years experience in the field | 1 Member |
| (v) | Natural heritage experts having 10 years experience in the field | 1 Member |
| (vi) | Chief Town Planner, Municipal Corporation / Development Authority | Member Secretary |

(a) The Committee shall have the powers to co-opt upto five additional members who have special knowledge of the subject matter. Provided, that additional members may be co-opted for special purposes or on sub-committees of the Heritage Conservation Committee.

(b) The tenure of the Chairman and Members of other than Government Departments / Local Bodies shall be three years.

11.1 TERMS OF REFERENCE:

- (i) To advise the Municipal Commissioner/CEO, Municipal Corporation, Municipal Council/Nagar Panchayat or Vice- Chairman, Development Authority or District Collector, whether development permission is to be granted under Heritage Regulations and the conditions of permission.
- (ii) to prepare a list of heritage sites, which include buildings, artefacts, structures, streets, areas, precincts of historic, aesthetic, architectural, cultural, or environmental significance and a list of natural feature areas of environmental significance, scenic beauty including but not restricted to sacred groves, hills, hillocks, water bodies (and the areas adjoining the same), open areas, wooded areas, points, walks, rides, bridle paths etc. to which the Regulations would apply.
- (iii) To advise whether any relaxation, modification, alteration, or variance of any of the Building Bye-laws is required in the context of the Regulations.
- (iv) To frame regulations for precincts and if necessary for natural feature areas and to advise the Municipal Commissioner/CEO, Municipal Corporation, Municipal Council/Nagar Panchayat or Vice- Chairman, Development Authority or District Collector regarding the same;
- (v) To advise on the extent of Development Rights Certificate to be granted, in terms of sub-regulation 10.
- (vi) To advise whether Development Rights Certificate may be allowed to be consumed in a heritage precinct (in terms of sub-regulation 10, Appendix I).
- (vii) To advise whether to allow commercial / office/ hotel use in the (name the areas) and when to terminate the same.
- (viii) To advise the Municipal Commissioner/CEO, Municipal Corporation, Municipal Council/Nagar Panchayat or Vice- Chairman, Development Authority or District Collector, in the operation of Building Bye-laws to regulate or eliminate/erection of outside advertisements / bill boards / street furniture.
- (ix) To recommend to the Municipal Commissioner/CEO, Municipal Corporation, Municipal Council/Nagar Panchayat or Vice- Chairman, Development Authority or District Collector, Urban Design Guidelines to be

adopted by those private parties or public / Government agencies who sponsor beautification schemes at heritage sites.

- (x) To advise the Municipal Commissioner/CEO, Municipal Corporation, Municipal Council/Nagar Panchayat or Vice- Chairman, Development Authority or District Collector, to evaluate the cost of repairs to be given to owners to restore the existing buildings back to the original condition. For this purpose the Committee may also try to help the ULBs/RLBs to raise funds through private resources.
- (xi) To prepare designs / publications for listed buildings, control of height and essential façade characteristics such as maintenance of special types of balconies and other heritage items of the buildings and to suggest adoption of appropriate materials for replacement keeping the old form intact to the extent possible.
- (xii) To advise the Municipal Commissioner/CEO, Municipal Corporation / Municipal Council / Nagar Panchayat or Vice- Chairman, Development Authority or District Collector on any other issues as may be required from time to time during course of scrutiny of development permissions and in the overall interest of heritage conservation.
- (xiii) To appear before the Government, either independently or through or on behalf of the Municipal Commissioner/CEO, Municipal Corporation / Municipal Council / Nagar Panchayat or Vice- Chairman, Development Authority or District Collector, in cases of Appeals under Development Authority / Municipal Corporation Act in cases of listed buildings and listed precincts and listed natural feature areas.

11.2 OPINION OF THE HERITAGE CONSERVATION COMMITTEE

Nothing mentioned above should be deemed to confer a right on the owner / occupier of the plot to demolish or reconstruct or make alterations to a heritage building / buildings in a heritage precinct or on a natural heritage site if in the opinion of the Heritage Conservation Committee, such demolition / reconstruction / alteration is undesirable.

11.3 APPROVAL TO PRESERVE THE BEAUTY OF THE AREA

The Heritage Conservation Committee shall have the power to direct, especially in areas designated by them, that the exterior design and height of buildings should have their approval to preserve the *beauty of the area*.

11.4 OWNERSHIP NOT AFFECTED

Sale and purchase of Heritage Buildings does not require any permission from the Municipal Commissioner/CEO, Municipal Corporation / Municipal Council / Nagar Panchayat or Vice- Chairman, Development Authority or District Collector, or the Heritage Conservation Committee. The Regulations do not affect the ownership or usage. However, such usage shall be in harmony with the said listed precincts / buildings. Care shall be taken to ensure that the development permission relating to these buildings is given within 60 days.

APPENDIX – I

REGULATIONS FOR THE GRANT OF TRANSFERABLE DEVELOPMENT RIGHTS TO OWNERS/LESSEES OF HERITAGE BUILDINGS/HERITAGE PRECINCTS AND CONDITIONS FOR GRANT OF SUCH RIGHTS.

As provided for in Regulations 10.1 the development potential of a plot of land may be separated from the land itself and may be made available to the owner of the land in the form of **Transferable Development Rights (TDR)**. These rights may be made available and be subject to the conditions prescribed below:

1 As proposed in the Regulations, Development Rights of the owners/lessees of any Heritage Buildings who suffer loss of Development Rights due to any restrictions imposed by Commissioner/CEO, Municipal Corporation/Municipal Council/Nagar Panchayat / Vice Chairman, Development Authority / District Collector or Government under these Regulations shall be eligible for award of **Transferable Development Rights (TDR)** in the form of Floor Area Ratio (FAR) to the extent and on the conditions set out below. Such award shall entitle the owner of the Heritage Building to FAR in the form of a Development Rights Certificate (DRC) which he may use himself or transfer to any other person.

2 A DRC shall be issued only on the satisfactory compliance with the conditions prescribed in this Appendix.

3 If a holder of a DRC, intends to transfer it to any other person, he shall submit the DRC to the Commissioner/CEO, Municipal Corporation/Municipal Council/Nagar Panchayat / Vice Chairman, Development Authority / District Collector with appropriate application for an endorsement of the new holder's name, i.e. transferee on the said Certificate. Without such an endorsement, the transfer shall not be valid and the Certificate shall be made available for use only by the earlier original holder.

4 A holder of a DRC who desires to use the FAR credit certified therein on a particular plot of land shall attach to his application for development permission valid DRCs to the extent required.

5 DRCs may be used in conformation to section 7 of APPENDIX I

- 6 A DRC shall not be valid for use on receivable plots in the areas listed below:-
- (a) All listed congested areas where extra FAR shall not be allowed.
 - (b) On plots falling within 50 m. on roads on which no new shops are permitted as per Development Plan/Master Plan/Zonal Development Plan.
 - (c) Any heritage building.
 - (d) Any heritage precinct except with the prior approval of the Heritage Conservation Committee and subject to compliance with the Regulations of that particular precinct.
- 7 The user shall be permitted for utilization of the DRCs on account of transfer of Development Rights as under:-

Zone in which designated/reserved Plot is situated	Uses to be permitted in receiving areas
1. Residential	.. Only residential uses and in Residential zones only.
2. Commercial	.. Commercial, if the plot where FAR is to be utilised is situated in Commercial Zone.
3. Institutional	.. Institutional if the plot where the FAR is to be utilised is situated in Institutional Zone.
4. Industrial	.. Industrial if the plot where the FAR is to be utilised is situated in Industrial Zone.

8 DRCs may be used on one or more plots, whether vacant or already developed or by the erection of additional storeys, or in any other manner consistent with these Regulations, but so as not to exceed in any plot the total built-up FAR higher than that prescribed in clause 9 below.

9 The FAR of a receiving plot shall be allowed to be exceeded by not more than 40 in respect of a Development Right transferred to it. (whether in respect of a heritage building or other).

10 With an application for development permission, where a owner / lessee seeks utilization of DRCs, he shall submit the DRCs to the Commissioner/CEO, Municipal Corporation/Municipal Council/Nagar Panchayat/ Vice Chairman, Development Authority / District Collector who shall endorse thereon in writing in figures and words, the quantum of the DRCs proposed to be utilised, before granting development permission, and when the development is complete, shall endorse on the DRC in writing, in figures and words, the quantum of DRCs actually utilized and the balance remaining thereafter, if any, before issue of occupancy certificate.

11 A DRC shall be issued as a certificate printed in an appropriate form prescribed by the Government. Such a certificate will be a transferable “negotiable instrument” after due authentication by the Urban Local Body / Rural Local Body concerned. The Municipal Commissioner/CEO, Municipal Corporation, Municipal Council/Nagar Panchayat or Vice- Chairman, Development Authority or District Collector, shall maintain a register in an appropriate form of all transactions, etc. relating to grant of utilization of DRCs.

