

From

Principal Secretary to Government, Haryana,
Town & Country Planning Department,
Chandigarh

To

1. Principal Secretary to Government, Haryana,
Urban Local Bodies Department,
Chandigarh.
2. Director General,
Town & Country Planning Department,
Haryana, Chandigarh.

Memo No:PF-31/7/10/2012-2TCP; Dated **June 14, 2012**

SUBJECT: FORMULATION OF COMPREHENSIVE POLICY FOR PLANNED DEVELOPMENT OF LEFT-OVER LAND POCKETS, VIZ., UN-LICENCED / UN-ACQUIRED / RELEASED AREAS LOCATED IN THE DEVELOPED SECTORS THROUGH EITHER GRANT OF LICENCE UNDER ACT NO 8 OF 1975 OR APPROVAL OF TOWN PLANNING (TP) SCHEME UNDER MUNICIPAL ACTS.

In accordance with the decision of the Council of Ministers in its meeting held on 01.06.2012, as conveyed by the Secretary, Council of Ministers, Haryana, vide UO No. 9/52/2012-2Cabinet dated 1st of June 2012, the Governor of Haryana is pleased to prescribe the following policy parameters for encouraging planned development of left-over land pockets located in developed sectors as follows:

1. **BACKGROUND:** (i) Development of urban areas in a planned manner is undertaken by various public and private agencies as per the provisions of notified Development Plans in various towns of the State. Whereas, the private sector can obtain licence for development of colonies under the Haryana Development and Regulation of Urban Areas Act, 1975 (hereinafter referred as Act No 8 of 1975), the public sector undertakes acquisition of land for the purpose of undertaking development of such colonies. (ii) Thus in any given sector, several public and private sector agencies may remain simultaneously engaged for development of the sector. It has been observed that there happen to be several left-over land pockets which either stand un-acquired or released from acquisition proceedings or have remained un-licenced since they do not independently fulfill the area norms prescribed for grant of licences in the midst of any developed sector which stands developed and services are already functional. Such left-over pockets face the threat of unauthorized construction/ colonization since no licence can be granted for such pockets since they don't fulfill area norms and the public sector development agencies do not consider it viable to acquire such scattered land pockets. (iii) There is a felt need to have curtailed area norms and other policy parameters to be made uniformly applicable for development of colonies for such left-over land pockets by private sector under the provisions of Act no 8 of 1975 as well as for approval of Town Planning (TP) Schemes under the Municipal Act for such sites located in such developed sectors which fall within the municipal limits as on date. Accordingly considering the site

imperatives, the planning parameters have been formulated to allow planned development of such released/ un-licenced/ un-acquired pockets falling in the developed sectors.

2. LOCATIONAL NORMS: Any case which fulfills the following location norms can be considered for grant of licence under the Act No 8 of 1975 or approval of TP Scheme, without prejudice to the fulfillment of the provisions of Act/Rules:

- i.** The site should be in a compact block. For approval of TP Scheme, the site should be located within municipal limits as notified under the Municipal Act from time-to-time.
- ii.** The location of the site should be in conformity with the Development Plan proposals in terms of prescribed land uses.
- iii.** The site should also conform to the approved sectoral plan proposal.
- iv.** The site should be located in a developed sector. A developed sector, for the purpose of this criteria would be one where more than 75% of the "Net Planned Area" of such sector stands developed by any public sector agency viz. HUDA, HSIIDC, Housing Board etc. and the possession of plots stand handed over/offered to the allottees or by colonisers after obtaining licence under Act No 8 of 1975 for which part/final completion certificate stands granted.

3. AREA AND ACCESS NORMS: The area norms for the purpose of the present policy shall be as follows:

| Category | Area Norms | Access Norms | Remarks |
|---------------------|---|---|---|
| Residential Plotted | 5 acres and more | Accessible through a existing Public Road of at least 12m width | There shall be no limit on the maximum area for which such plotted colony can be allowed. However, 4% commercial development shall be allowed in such colonies as per prevailing norms. Norms for provisioning of community facilities shall be followed as prescribed for such colonies. |
| Group Housing | <ul style="list-style-type: none"> •Min. 2 acres for hyper potential zone •Min. 1 acre in rest of the State | Accessible through a existing Public Road of at least 12m width | The total area under group housing should not exceed 20% of the Sector area. Thus in such sectors where the 20% sector limit for grant of group housing licences stands exhausted, no group housing licence will be allowed. |
| Commercial | 0.2 to 0.5 acres | Accessible through a existing Public Road of at least 12m width | Such colonies shall be allowed in commercial zones of development plan as well as in residential zone where the 3.5 % sector area limits, as per commercial licencing policy has not been exhausted. |
| Industrial Plotted | 5 acres and more. | Accessible through a existing Public Road of at least 12m width | Such colonies shall be allowed only in industrial zones of development plan and nowhere else. |

| | | | |
|---------|--|---|---|
| IT Park | 1 acre to 2 acres | Accessible through a existing Public Road of at least 12m width | Such colonies shall be allowed only in industrial zones of development plan and nowhere else. |
| IT City | No such development shall be allowed under this policy | | |

4. PROVISIONING OF COMMUNITY BUILDINGS AND OTHER SPECIAL DISPENSATIONS:

Since the colonies would be individually small in size, the norms of community buildings which have been prepared keeping in mind the usual plotted and group housing colonies, shall be meaning less since the threshold population for the provisioning of community buildings in such colonies shall be difficult to attain. Further the prescribed threshold population for higher order community buildings is much larger to the tune of 10,000 to 30,000 persons, which would be almost impossible to attain in any such colony, meaning thereby, that though as an aggregate of all such colonies approved, the population attained may be of a higher order but individually, on account of these plotted/ group housing colonies being smaller in size, would manage to escape such provisioning requirements. Therefore, in order to provide community facilities the requirements of community buildings for a plotted colony of 100 acres where a maximum density of 120 persons per acre is achieved, having a total population of 12000 persons has been considered which is as follows:

(All Area Figures are in Acres)

| Community Facility | Reqd. No of community Facilities | Area per Unit | Total Area | Remarks |
|---|----------------------------------|---------------|--------------|---|
| Crèche | 1 | 0.2 | 0.2 | |
| Nursery School | 2 | 0.2 | 0.4 | 1 Nursery School site adjusted against 1 Primary School site and 1 Nursery School against 1 High School site as per Govt. orders dated 30.05.2002 |
| Primary School | 1 | 1 | 1 | |
| High School | 1 | 5 | 5 | |
| Dispensary | 1 | 1.25 | 1.25 | |
| Comm. Centre | 1 | 2 | 2 | |
| Religious Building | 1 | 0.2 | 0.2 | |
| Taxi stand | 2 | 0.5 | 1.0 | |
| | | | 11.05 | |
| Proportionate area required against a Plotted colony of 5 acres: 0.55 acres, say 0.6 acres | | | | |

- i. In order to resolve this issue of providing community facilities in **Residential Plotted colonies**, the following provisions are proposed to be made applicable,
 - a. For every 5 acre of Residential Plotted Colony, the developer would be required to earmark a site of 0.6 acre for the purpose of provisioning of community buildings. The said area for provisioning of community facilities shall increase in proportion to the actual licenced area.

b. The type of community facility to be provided on such site shall be dependent on the area of such site, the availability of similar facilities in nearby areas, etc. and accordingly, at the time of approval of the layout plan, the use of such site shall be prescribed in the layout plan by the Director. Alternately, the Department may also decide to freeze the use of such site for taking a final decision at later stage but under no circumstances beyond 2 years from the date of grant of licence.

c. The construction of such community facility shall be required to be completed within a period of 3 years from the date of approval of zoning plans for such sites, failing which the Government shall be free to take over such sites for getting the same constructed by any third party.

d. **OPEN SPACES:** In a normal plotted colony, the area under open spaces is prescribed as minimum 5% of the colony area. However, since such smaller colonies are not likely to have an independent community centre, an increased area under Open space would serve to compensate for such requirement. Therefore, Open Space/ Park site measuring at least 10% of the licenced colony shall be required to be provided for every 5 acre of plotted colony. At least one of the open spaces shall have a minimum size of 0.5 acres.

ii. In case of **Group Housing colony** exceeding 4 acres in area, 10% of the licenced area shall be reserved for provisioning of community building, which shall be transferred free of cost to the Government/HUDA. The type of community building to be constructed on such site shall be decided by the Director, who may decide to allot or auction such site to any third party for the purpose of creation of necessary community facility for the neighborhood or hand it over to HUDA for allotment in accordance with the prescribed policy parameters.

5. APPLICABLE FEES & CHARGES & REVENUE SHARING MECHANISM: Since these licences/ TP Schemes are to be granted/approved in developed sectors, most of them shall be located in developed sectors to be maintained by either the Urban Local Bodies or by HUDA, HSIIDC, Housing Board etc., or may also be land-locked within a private licenced colony. Such projects would be required to connect their internal services to the internal services of such developed colonies. The guidelines to be followed for levy of fees and charges and sharing of revenue for proper maintenance of such colonies shall be as follows:

a. The fees and charges as prescribed under the Act no 8 of 1975 and under Act no 41 of 1963 shall be made applicable.

b. The EDC shall be recovered at prescribed rates and shall be transferred to the agency responsible for provisioning of External Development Works in the said area, whereas the IDC being recovered shall go the 'Fund' designated for the purpose under the Act No 8 of 1975.

c. In case of grant of licence under original municipal limits, i.e., not falling in a any controlled area or TP Schemes approved in such areas, the licence fees and conversion

charges collected shall be transferred to the concerned ULB (Urban Local Body), whereas, for licences/ TP Schemes approved in controlled areas under the present policy, the said fees and charges shall be shared equally by the Government and the concerned ULB.

d. The developer will make provision of water supply, sewerage, water storm, drainage etc. inside the colony as per norms but if he takes the services from adjoining developed colony, he will make payment of the same to the developer of the adjoining developed colony as per their mutual agreement. However, in case of dispute, same shall be paid by the developer as determined separately by the Director as internal development cost for providing these services.

6. **CONCLUSION:** The present policy aims to enable the landowner to either to go through the route of TP Scheme or to apply for licence under the Act No.8 of 1975 for any left-over pocket of land located in any developed sector. Thus while providing options to the land-owner, the uniformity in policy parameters across implementing Departments shall be maintained.

Sd/-

(T.C.Gupta, IAS)

Special Secretary

For: Principal Secy to Government, Haryana,
Town & Country Planning Department.

Endst No PF-31/7/10/2012-2TCP

Dated: June 14, 2012

A copy of the above is also forwarded to the Secretary, Council of Ministers, Haryana in compliance of the decision conveyed vide UO No. 9/52/2012-2Cabinet dated 1st of June 2012, for information and record.

Sd/-

(T.C.Gupta, IAS)

Special Secretary

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