

**GOVERNMENT OF UTTRAKHAND
URBAN AFFAIRS DEPARTMENT**

NOTIFICATION

DATED DEHRADUN THE Date Month, 2016

No : In exercise of the powers conferred by Section 18 of the Uttarakhand Heritage Acts, 2016 the Uttarakhand Heritage Authority with the approval of the state Government is pleased to make the following regulations to conserve the Heritage sites which shall include building Artifacts structure, streets, areas and precincts of historic or aesthetics or architectural or culture or environmentally significance and sites of science beauty namely.

**SHORT TITLE AND
COMMENCEMENT**

1. (1) Those Regulations may be called the Uttarakhand Heritage regulations, 2016
(2) They shall come into force on the date of notification in the Official Gazette.

DEFINITIONS

2. (1) In these regulations unless context otherwise requires.
 - (a) "Act" means the Uttarakhand Heritage Act 2016
 - (b) "Authority" means the Uttarakhand Heritage Authority constituted under section 6 of the Act.
 - (c) "Regulations" means the Uttarakhand Heritage Regulations, 2016
 - (d) "State Government" means the Government of the State of Uttarakhand.
- (2) Words and expressions not defined in these Regulations but defined in the Act shall have the same meaning assigned respectively to them in the Act.

**RESPONSIBILITY OF THE
OWNER OF HERITAGE
BUILDING**

3. It shall be the duty of the owners of heritage building and building in heritage precincts or in heritage streets to carry out regular repairs and maintenance of the building concerned.

**RESTRICTIONS ON
DEVELOPMENT/RE
DEVELOPMENT/REPAIRS ETC.**

- 4 (1) No development or redevelopment or engineer operation additional alternations, repairs, renovation or demolition of any part thereof of the said listed building or listed precincts or listed natural

feature areas shall be allowed except with the prior permission of the Uttarakhand Heritage Authority as constituted the Act.

Provided that before granting any permission for demolition or major after nations/additions to listed buildings (or buildings within listed streets or precincts), or construction at any listed natural features, or alternation of boundaries of any listed natural features areas, objections and suggestions from the public shall be invited and shall be considered by the Authority.

(2) In relation to religious building in the said lists the changes, repairs additions alterations and renovations required on religious grounds mentioned in sacred texts. Or as part or holy practice laid down in the religious codes may be treated as permissible, subject to their being in accordance and in consonance with the original structure and architecture design, aesthetics and other special features thereof.

Provided prior permission for such changes, repairs additions alternation and renovation are obtained from the Authority.

(3) The decision of the Authority after such reconsideration shall be final and binding.

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

5(1) The list of heritage sites including heritages building, Heritage. Precincts and listed Natural Features Areas is to be prepared and supplemented by the Authority. Before being finalized. Objections and suggestions from the public are to be invited and considered. The said list to which the regulation applies shall not from parts of this regulation for the purpose of Building Bye-laws or Development Control Regulation. The list may be supplemented from time to time by the State Government on receipt of proposal from the Authority or by States Government suo moto.

Provided that before the list is supplemented,

objections and suggestions from the public are invited and duly considered by the Authority.

(2) When a building or group of building or natural features 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 and artifacts, etc within the compound/plot boundary, etc shall form part of list.

CRITERIA FOR LISTING OF HERITAGE SITES

The criteria for listing of heritage sites shall be as follows:							<u>Abbreviations</u>
(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 artifacts						
-	Period						B(per)
-	Design						B(des)
-	Use						B (use)
(c)	Relevance to social or economic history						C ()
(d)	Association with well-known persons or events						D(bio)
(e)	A building or groups of building and/or areas of distinct architectural design and/or style, historic period or the way of life having sociological interest and/or community -value -Style -historical						E
(f)	The unique value of a building or architectural features artifact_and/or being part of a chain or architectural development that would be broken if it was lost.						F
(g)	Its value as 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	
(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	(SSB)

ALTERATION/MODIFICATION IN DEVELOPMENT NORMS IN URBAN AREAS.

7. On the advice of the Authority and for reasons to be recorded in writing the States Government shall follow the Procedure as per Uttrakhand Town country Planning Act 1973 and as amended from time to time to after modify if required, for the conservation or preservation or retention or historic or aesthetic or cultural or architectural or environmental quality or beauty or vista of any heritage sites.

HERITAGE PRECINCTS IN NATURAL FEATURE AREAS

8. (1) In cases of notified streets, precincts, areas and Natural features areas development permissions shall be Granted in accordance with the separate development control regulations to be prescribed for respective streets, precincts/natural feature areas which shall be framed by the Authority.

(2) Before finalizing such regulation for precincts streets, natural features, areas, the draft of the same shall be published in the official gazette and in leading newspapers for the purpose of inviting objections and suggestions from the public. All objections and suggestion received within a period of 30 days from the date of publication in the Official Gazette shall be considered by the Authority.

(3)After consideration of the above suggestions and objections, the Authority shall modify (if necessary) the aforesaid draft development control regulations for streets, precincts, areas and natural features and

forward the same to State Government for notification

Provided that pending consideration of suggestions and objections and pending final sanction from State Government the Authority shall give due regard to the draft development control regulation while considering applications for development/ redevelopment etc. of heritage building, streets, heritage precincts, areas, listed natural features.

ROAD WIDENING :

9. (1) If road widening lines are proposed under the Development plans/ Master Plans. It shall be such that it should protect and not detract from the said heritage sites.

(a) If there are any new any new roads widening lines proceed in the revised draft or sanctioned Development Plan/ Master Plans the Authority shall consider the heritage provisions and environmental aspects while considering applications for development permissions in these precincts Necessary steps may be taken to modify the Development Plans/ master Plans accordingly. Pending this action the road widening/ development of new roads shall not be carried out.

(2) No widening of the existing roads shall be carried out in a manner which may effects the existing heritage building (even if they are not included in a heritage Precinct) or which may affect listed natural features widening of the existing roads shall be carried out considering the existing heritage building (even if they are not included in a Heritage Precinct) which affect listed natural features areas.

**DEVELOPMENT
PLANS/MASTER
RESERVATION**

PLANS

10. If there are any Development Plan/Master Plan reservation proposed such provision shall not effect unless has the clearance of the Authority and the State Government.

INCENTIVE USES FOR HERITAGE BUILDING 11. In cases of building located in non-commercial use zones included in the Heritage Conservation List. If the owner/owner agree to maintain the listed heritage building as it is, in the existing stage and to preserve the heritage stage 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 Authority within permissible use zones to convert part or whole thereof of the non-commercial area within such a heritage building to commercial/own 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/own use shall be disallowed.

GRANT OF TRANSPERABLE DEVELOPMENT RIGHTS (TDR) IN CASES OF LOSE OF DEVELOPMENT RIGHTS 12 If any application for development is refused under this Regulation or conditions are imposed while permitting such development floor areas Ratio (FAR), the said owner lessees 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 Authority.

MAINTAINING SKYLINE AND ARCHITECTURAL HARMONY 13 Buildings within heritage precincts or in the vicinity of heritage sites shall maintain the skyline in the precinct and follow the architectural style (without any high-rise or multi-storied development)as may be existing in the surrounding areas, so as not to diminish or destroy the aesthetic value or the view of or from the said heritage sites. The development within the precinct or in the vicinity of heritage sites shall be in accordance with the guidelines framed by the Authority.

RESTRICTIVE CONVENENT 14 Resonations existing as imposed under covenants, terms and conditions on lessee hold plots either by the State

Government shall continue to be imposed to addition to Development Control Regulations However, in case of any conflict with the heritage preservation interest/environmental conservation, the Heritage Regulations shall prevail.

GRADING OF THE LISTED BUILDING/ LISTED PRECINCTS

15 Listed Heritage Building/Listed Heritage Precincts may be granted into three categories. The definition of these and basic guidelines for development permission are as follows.

GRADE-I	GRADE-II	GRADE-III	HERITAGE PRECINCTS
<p>Heritage Grade-I comprises building and Precincts of national or historic importance an bodying excellence in architectural style design, technology and alerts usages and/or aesthetics, they may be associated with a great historic event personality movement or institution they have been and are the prime landmarks of the region. All natural sites shall fall within Grade-1</p>	<p>Heritage Grade-II comprises of building and precincts of regional or local importance possessing special architectural or aesthetics, merit, or cultural or historical significance though of a lower scale than Heritage Grade-I. They are local land marks which contribute to the image and identity of the region. They may be the work of master draftsman or may be models of proportion and ostentation or designed to suit a particular climate</p>	<p>Heritage Grade-III comprises of building and precincts of importance for townscape that evoke architectural aesthetic or sociological interest through not as much as in Heritage Grade-II. These contribute to determine the character of locality and can be representative of lifestyle of particular community of 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 personify an areas of heritage value if could consist of a number buildings and spaces, such as streets, with cultural or heritage significance worth recognition and conservation or it could be an area where the relationship between various element creates a special sense of piece like mass scale building materials, 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>

- (2) Listing does not prevent change for ownership or usage however; change of use or such listed Heritage Building/ Listed Precincts is not permitted without the prior approval of the Authority. Use should be in harmony with the said listed heritage site.
- SESSION OF THE
UTTRAKHAND AUTHORITY** 16. Nothing mentioned above should be deemed to confer a right on the owner occupier of the plot to demolish or reconstruct or make alternations to his heritage buildings/buildings in a heritage precinct or a natural heritage site if in the opinion of the Authority such demolition/ reconstruction/alteration is undesirable.
- APPROVAL TO PRESERVE
THE BEAUTY OF THE AREA** 17. The Authority 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.
- SIGNS AND OUTDOOR
DISPLAY STRUCTURES/
INCLUDING STREET
FUNITURE ON HERITAGE
SITES** 18. (1) The Authority shall frame regulations or guidelines to regulate signs outdoor display structures and street, furniture on heritage sites in accordance with part X signs and Outdoor display Structures of the National Building code of India, 2005
(2) Notwithstanding the provisions mentioned above, 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 Authority 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 or related programmers.
(3) The Uttrakhand Heritage Authority may add or after amend the provisions of sub-regulations (1) and (2) above.
(4) Signs, outdoor display structures (including street furniture) will require the approval of the Authority. Which may prescribe additional guidelines for the same?
- IMPLICATIONS OF LISTING
AS HERITAGE BUILDINGS** 19. The Regulations do not amount to any blanket prevention of changes to Heritage Buildings. The only requirement is to obtain clearance from the Authority form heritage point of view.

OWNERSHIP NOT AFFECTED 20. Sale and purchase of Heritage Buildings does not require any permission from the Authority. However if the Heritage Building is located in Government Department should be obtained for such sale and purchase Further, any transfer for heritage property to a 'non-tribe' has to be in conformity with the provisions of the Uttrakhand Land Transfer (R) Act. The Regulations do not affect the ownership or usage However such usage should 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.

POWER TO DELEGATE 21. The Authority may delegate any functions under this regulation to the line Departments Govt. Agencies Urban local Bodies, member of the Authority.

Secretary
Deptt. of Culture

Memo No., Dated Dehradun, the 0nd Month, 2016

Copy to:-

- 1- Principal Secretary to the Governor of Uttrakhand, Raj Bhavan Dehradun
- 2- PS to Chief Minister of Uttrakhand
- 3- PS to all Deputy Minister of Uttrakhand
- 4- PS to all Minister of Uttrakhand
- 5- PS to Chief Secretary Govt. of Uttrakhand
- 6- PS to all Addi.Chief Secretaries Govt. of Uttrakhand
- 7- All principal secretaries, Government of Uttrakhand
- 8- All Secretaries, Government of Uttrakhand
- 9- All Deputy Commissions/ Government of Uttrakhand with a request to kindly publish the Regulation in the Official Gazette

Secretary
Deptt. of Culture

APPENDIX-X
(See Regulation 12)

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

As provided in Regulations 12 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 Regulation, Development Rights of the owner/lessee of any Heritage Buildings who suffers loss of Development Rights due to any restrictions imposed under 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 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 a to any other person he shall submit the DRC to the Uttrakhand Heritage Authority with an appropriate application for an endorsement of the new holder's name i.e. transfers 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.
 - (a) Any heritage building.
 - (b) Any heritage Precinct except with the prior approval of the Uttrakhand Heritage Authority and subject to compliance with the development control regulations of the particular precinct.
5. DRCs may be used on one or more plots of lands whether vacant or already development or by the erection of additional storey's, or in any other manner consistent with these Regulations but not so as to exceed in any total built-up FAR higher than that prescribed in clause 8 below.
6. The FAR of a receiving plot shall be allowed to be exceeded by not more than 0.4 in respect of a Development Right transferred to it. (Whether in respect of a heritage building or by any other means)
7. With an application for development permission where an owner/lessee seeks utilization of DRCs, he shall submit the DRCs to the Uttrakhand Heritage Authority who shall endorse thereon in writing in figure and words, the quantum of the DRCs proposed to be utilized before granting.