CHAPTER VI

IMPLEMENTATION OF LOCAL AREA PLAN AND REDEVELOPMENT SCHEMES

Through a comparative method, identification of the tools / mechanism that are multipurpose by nature and based on planning relevant to the BMA context is carried out. The Local Area plan, TPS scheme and redevelopment scheme is illustrated as test. The Opinion survey results are used to support and validate the findings carried out. The Scheme implementation is tested with the various scenarios for the viability and planning gains accrued. Based on the analysis, the recommendations enabling the implementation instruments are made as well as the changes required in the planning system.

6.0. Background

In the previous section, the main aspects or variables impacting the spatial plan implementation were reviewed. In the study, completeness of plans, binding rules of the plan along with the institutional aspects that support the working of regulations and instruments were discussed. Two of the critical aspects related the use of mechanisms/instruments are the use of scheme mechanism for getting the land owners together in fringe areas and the old areas for redevelopment. However, the schemes and planning proposals should be embedded within the framework – the ward plan and local area plans. The LAP, use of schemes, redevelopment proposals are used as test illustrative cases. The findings will establish the changes required for implementation of spatial plans effectively.

6.1. Ward level Planning and Local Area Plans

The Ward being lowest unit of the three tier democracy and representative unit for administration and planning within the urban Local Bodies, planning is mandated to be carried at this level. The actual needs at the grass root level can be established in a participatory manner and amenities for delivering the services should be established. The detailed ward planning process is discussed by others). A special planning guidance document similar to the Supplementary Planning Guidance (SPG) needs to be formulated (See Annexure_6.0A on SPG notes). The Radar charts showing the
deficiencies and the goals in terms of indicators/units such as open space per 10,000 population, etc. needs to be established. This document will be part of the ward plans.

For implementation purposes, it will be necessary that the larger planning district level Plan (LAP) be disaggregated into local area plans as the ward sizes are large. The LAP will ease in implementation, structuring packages for contract and will overcome constraints of administrative boundaries that often need to be respected. The LAP can help in directing towards the specific area of planning intervention. The Planning regulations can be evolved at the LAP level and development envisaged on this basis.

6.2. LAP within the Planning District / Development Plan

The Planning district /Development Plan are prepared by the authority along with the broad land use zoning, major proposals, identification of the Schemes and proposal for major Projects. The ward level plan for implementation requires smaller area for implementation. These are areas often with number of fragmented land parcels / plots, revenue layouts on which individuals seek to develop on their own. The development is mostly towards providing the services and upgradation of the amenities as well as road networks. The scope for renewal or the re-adjustment may not be present.

It will also be necessary to identify the Boundaries of the Local area Plans within the development Plan, which may or may not be co-terminus with the ward boundary. Currently the geographical extent of areas covered in the 47 Planning districts are very large (average 30 + sq.km) and the PD should be utilized as reference for the development plan and for the Local Area Plan delineation.

The identification of the LAP can be carried out with the help of the following:

1. Ward boundaries,

2. Equitable distribution of geographical area (average size),

3. Percentage of open space areas to be preservation, etc to be equitably distributed.

4. Comprise of Scheme area or be contagious to the scheme areas.
5. Areas having contiguity and similar character as observed in the case examples (Mumbai Development Plan, 2031)\(^1\)

The boundaries can be fine-tuned in consultation with the administrative and elected representatives as well as the service providers.

**Fig. 6.1: Ward boundaries within the Planning district 3.09**

The PD 3.09 of the RMP 2015 is taken up for the demonstration for delineation of the local Area Plans. The Jakkur ward is taken up for the delineation of the Local area Plans as it is about 1.70 sq.km in area, which is the average size of the wards in the BBMP area.

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\(^1\) Delhi –LAP experience and the proposal for LAP in the draft Mumbai Development plan 2031.
Fig. 6.2: Delineated boundary of LAP

Some considerations for delineating the boundaries of the LAP

Size of the Jakkur Ward: 1698.642 ha
The wards and their boundaries are identified within the Planning District. The revenue villages that comprise the ward and the natural/man made elements such as roads are identified within the PD. The preliminary boundary for the LAP is drawn by considering the village boundaries and by fixing the boundaries in alignment with the man-made or natural features as boundaries for easy identification and administration. The finalization of the boundaries can then be vetted with the elected representatives and local population.

**Fig. 6.3: Jakkur LAP-Proposed Land use map with scheme of MP**

In the delineated LAP, the LAP shall include the development of the smaller roads in addition to the development of the proposals of the Master Plan/Development plan-road network creation of open spaces and areas to be conserved. Planning is proposed to be carried out at the Micro level in a consultative and participatory manner. The planning proposals have to be accommodated within the Master Plan allocation and stipulations, while the enforcement of regulations and byelaws ensured. The ward committees will prepare the necessary plans with technical assistance of the head office – planning wing.
The implementation of the plan can include the mechanisms such as the Land pooling and reconstitution, drafting of specific byelaws contracting for the ward work as well as maintenance of assets. The development of the areas can be supported by the budgeting of the corporation/Local contribution in form of annual budgets.

In case of development of the Master Plan roads – the Development authority’s must facilitate through the mobilization of land through the implementation TPS schemes, with a mix of compensation and prudent issue of TDR, to undertake the development and maintenance.

6.3. Scheme Implementation

Within the ward plans, planning and development proposals that may require land and resources need to be mobilized by the participation of the land owners. The provision of infrastructure using cost recovery means and development being guided by the plans will require the use of schemes. The plan proposals in form of Schemes are identified by carrying out studies at the master and development plan level, which can be for strategic purposes. The schemes at the ward level can address the demands and needs of the local areas such as roads, infrastructure, amenities, housing, affordable housing, etc. The initiatives that emerge during the plan period are incorporated in the strategic Plan, which are evaluated at the MPC/Planning board for its fitment in the development objectives. The Scheme may involve one or more LAP or be part of the LAP. The scheme may also have impacts which are localized within the LAP or have impacts that are spread across to other LAP/surrounding areas.

The impacts are varied and they could include some of the following such as the need for circulation, for pedestrian connections, infrastructure extensions and rehabilitation, parking, enhancement of value of the surrounding lands, etc.

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22These schemes are proposed to be taken up by the development authority/planning authority as the capacity for implementation of strategic schemes are available.
The major tasks involved in the Scheme are:

a. Identification of Planning opportunity and the issues to be addressed;
b. Formation of legal entity such as society/ trust/ etc to promote the proposal;
c. Acceptance of the “idea level” Scheme by the Government;
   - Preliminary identification of Scheme and its proposals within the strategic Plan;
   - Meeting the planning objectives and goals – in addition to the scheme content;
   - Preparing the necessary boundary, Survey of the land, land records along with the Government and private lands, small and large parcels;
   - Land ownership status and records compilation into GIS database as per the standards;
   - Preliminary Feasibility worked out along with major stakeholder consultation sent to Government for approval;
   - Notification of the Scheme along with the necessary Contents as per the Act;
   - Developments within the declared area will not be transacted within the scheme time limit;
   - Appointment of contractor /s for carrying out the work;
   - Rehabilitation/ alternative place and compensation if any facilitated to the citizens through the facilitation /scheme SPV;
   - Working out the costs and formula for the participants of the scheme; and
   - Working out of the on site features – on site impacts and outside impacts and internalize the same.

The current KTCP act has provisions of TPS and expanding the same will enable the formulation of the intended scheme discussed above.
6.4. Town Planning Scheme Implementation: (Test case)

The BDA CPS (co-ordinated planning scheme) scheme is identified in the RMP 2015 is taken up as the test and illustrative case for the feasibility and the workability of the scheme guidelines. The Scheme area is about 48 ha in area and has the Peripheral Ring Road passing through the scheme. The regulations allow for “commercial land use” zoning for the development in the Scheme. The TPS steps to be adopted for the scheme implementation are given below.

**Fig. 6.4: CPS Scheme identified in PD 3.09 shown in blue**

6.5. Scheme boundary

The scheme boundary is identified in the MP and DP level. The identified scheme is located within the Ward / LAP for addressing the aspirations, demand and supply. The implementation of the scheme should be taken up along with the LAP plan implementation or immediately after the Master plan has come into force.

In real world, the procedure for the declaration of intention for the scheme is to be followed. The first step is to assemble the village maps and the revenue records for the villages coming under the scheme. The survey numbers and corresponding Rights Tenancy Certificate / documents related to the ownership of the land are captured in a database. The set of documents that are used for the establishing the ownership of the land parcel and determining the boundaries is sought. The entire data is digitized for carrying out the subsequent operations with the field data such as the Total station survey data, the revenue sketches, the land area stated in the revenue records, the
extent of the government land, Kharab such as water bodies, Nallahs are mapped with care.

In the test/illustrative case, each survey number is assumed to be owned by an owner. The initial map with the land owners, areas and the plot geometry is mapped and confirmed ideally through a participatory exercise. The Final map is then ready for the planning operations. This is called base map with the original plot (OP) and the valuation of land is based on the plot, i.e. is recorded as the OP value. The value is tabulated in the form.

**Fig. 6.5: Revenue survey map with villages and parcels of land-scheme area delineated**

Source: Author and DSSLR records.

### 6.6. Planning scheme

The Planning activity includes developing a program, working out the infrastructure needs and preparation of road network, carving out open spaces and civic amenities. About 5% of the land is also reserved for the land banking purpose of the authority. The Plan is superimposed on the revenue/boundary map for the assembled parcels of land. The Plan is also finalized through a participatory manner. The extent land lost by the each owner proportionately is deducted and tabulated for the calculation of the...
compensation. In the test case, about 40% of the area is deducted and in the final plan proposal, the land owners are accommodated within the scheme, to the extent possible close to the original position.

Fig. 6.6: Overlay of the roads on the survey nos.
6.7. Fiscal Component - Working of the costs

The land deducted for the scheme is valued (O.P- original plot value) at the Guideline market value and tabulated. The infrastructure development incurs a cost that is calculated at the PWD SR rates and normative costs in line with the market trends. For the test case, the cost of development of the entire scheme is taken at INR 2000 per sq.mtr. This excludes built up area costs and includes all infrastructure and a portion of costs towards development of offsite infrastructure as linking roads, water supply, drainage, storm water drainage, power, etc. These costs are to be borne by the land owner and remitted to the authority. On completing the planning proposal the final plot areas of each land owner is tabulated. The value now is determined with respect to the enhanced market value, as the plot has necessary infrastructure and access. This value is found to be over 2.5 times the guideline value before the commencement of the scheme. The development contribution\(^3\) is calculated at 50 % of the difference of the final plot value and the original plot value. This is tabulated as final demand to be paid by the land owner. If the compensation is to be provided after the value of contribution and cost of infrastructure is offset, then the authority has to budget for this. The detail working of the scheme is in Annexure.6.0.

6.8. Test Results - Scenario’s

The Scenario’s included for the test are:

1. Scenario-1: Inclusion of PRR as the part of the scheme and the land towards the PRR road must be part of the scheme. In other words the scheme beneficiaries allow for the PRR road land to be proportionately deducted from the plots.

2. Scenario-2: PRR land area will be acquired by conventional land acquisition and the CPS scheme stand alone will be worked out.

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\(^3\) This is currently at 30 % as per the Act, but needs to be enhanced to minimum 50 %.
### Option -1  Scheme with PRR land included

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<tbody>
<tr>
<td>1</td>
<td>Percentage of deduction</td>
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<tr>
<td>2</td>
<td>Demand - from Land owners</td>
</tr>
<tr>
<td>3</td>
<td>Sale of 5 % land - 21843.74 at Rs 15500</td>
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<tr>
<td>4</td>
<td>External development @ 150 Lakhs</td>
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<td></td>
<td>Total</td>
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### Option-2  Scheme without PRR- standalone scheme

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<tr>
<td>1</td>
<td>Percentage of deduction</td>
</tr>
<tr>
<td>2</td>
<td>Demand - from Land owners</td>
</tr>
<tr>
<td>3</td>
<td>Sale of 5 % land - 13858.31 at Rs 15500</td>
</tr>
<tr>
<td>4</td>
<td>External Development @150 lakhs</td>
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<tr>
<td></td>
<td>Total</td>
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In the scenario, that the land for the PRR was acquired through the LAA act, it would have involved monetary compensation dispensation to the tune of Rs. 42.12 Crore of the small stretch considered within the Scheme area. The normative calculation is given below:

**As again the use of Compensation for PRR road**

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<table>
<thead>
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<tbody>
<tr>
<td>1</td>
<td>Area of PRR</td>
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<tr>
<td>2</td>
<td>Compensation as per value@ 240 per acre</td>
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<tr>
<td>3</td>
<td>Value per sq.mtr</td>
</tr>
<tr>
<td>4</td>
<td>Total compensation</td>
</tr>
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Scenario -3: Additional Standalone scheme developed: This scheme is worked out to test:

- The viability of the scheme (standalone basis) for surplus value creation
- Can then the surplus value be added to the Main CPS to offset the negative value of Standalone CPS.
Fig.6.7: CPS Extension of the Scheme Standalone

Result:

(i) The standalone scheme of similar area and in close proximity / contagious to the Main CPS scheme is chosen for the test. The percentage of deduction is about 40%. Also the land bank with 5% of the total area is calculated and the sale proceeds are added. It is observed that a positive gain of 4838 Lakhs is observed.

(ii) An arithmetic addition of the gained value from the standalone scheme to the Main CPS scheme deficit does not help as the value is still negative. (-) 7709 +4838= (-) 2871 Lakhs
Scenario- 4: Combined Scheme – Main CPS with additional Scheme area including reservation of land for the PRR.

Fig. 6.8: Main CPS with additional scheme

The combined scheme of the standalone and the main CPS scheme is tested for its gain. Based on the model, it indicates that the scheme can be self-financing as well as the land can be mobilized for the major infrastructure such as the PRR, civic amenities and about 2% of the land area for sale by the authority. (Land bank provisions).

6.8.1. Guidelines for the scheme formulation with respect to its implementation mechanism (Town Planning scheme)

1. Area of the scheme: Based on the test model, the size of scheme area should be about 100 ha and above.
2. Area for Parks & open spaces and civic amenities can be restricted to 15%. In case of road area exceeding the 25%, provision to reduce the Civic amenity area should be possible.

3. The area for the Authority’s land bank can be above 3%, attempt to reserve at least 5% should be attempted.

4. The Cost of the infrastructure – on site and off site infrastructure should be factored appropriately. In case the cost estimates are not adequate, the scheme will not be financially viable.

5. Sizes of the parcels of the land- the extensive fragmented land parcels are not conducive as the sizes after deduction will be very small.

6. Contribution due to the improvement of value of the land should be revised to at least 50% instead of the 30% as stipulated in the KTCP Act.

7. Purpose: The Scheme today is focused on residential development. The scheme can be expanded to other predominant / mixed use scheme such as Industrial and commercial PSP and Park and open spaces.

**6.9. Legal Implementation Pre-requisites**

The legal provisions for “Town Planning Schemes” provided in the KTCP Act in the current form are adequate to be operationalized.

**Fig. 6.9: TPS implementation within the existing KTCP Act.**
About 65% have recorded that amendments are required to KTCP Act to make it concurrent with the TPS implementation realities. As it has not been operationalised since inception a respondents are of the opinion that existing laws can be utilized for pilot schemes. Within the responses, which have recorded that is possible to implement a Town Planning Scheme, both Govt. and private practitioners have responded.

6.10: Aspects that need consideration for the effective TPS implementation

Fig. 6.10: Chart showing the responses on the aspects that need consideration for effective Town planning scheme.

On the aspects that need consideration for the effective TPS implementation, as seen in the bar chart a large percentage of the respondents are in favour of the introduction of TPS schemes as follow-up to the development Plan, while streamlining the procedures for a time bound implementation programme. As the process of TPS requires working with land owners and public at large consultation and participatory techniques are to be introduced. As the appeals board is not present in the existing provisions of the act, the small percentage are of the opinion that introduction of appeals board may lead to another procedure thereby leading to delay. For non-residential schemes, the use of TPS can be tried at Pilot level.
1. Statutory – Amendment to the Act for the provision of the Town Planning Scheme and general schemes other than the one mentioned in the Bangalore Development Authority Act.

2. Modification of development programme – to include higher percentage of non-commercial / with respect to the overall guidelines.

3. To devise regulations suitable for the urban design plans – the provision to be similar to the GUTP Act.

4. Time bound clearance of proposals from the Government.

5. The above scheme working needs to be expanded to include the existing built up structures- re-allocation in case of redevelopment projects. Further detailing and adaptation is required.

6.11. Illustrative /test case for the Renewal/Redevelopment in intended in the RMP 2015

Redevelopment / Renewal opportunities in the plan implementation is required for the old areas in the city – Historic core, CITB areas, old government housing such as BDA, KHB housing, Squatters, Old urban villages and large defunct industrial areas.

Based on the learnings from the case studies, scheme like operations that allow for the land re-adjustment, re-allocation and conversion along with the meeting the planning objectives are intended. The basic conditions in these redevelopment includes a large number of land owners, already developed/ partial infrastructure, a structures, varying tenures, often economic and social classes and activities. Due to the diverse and complexity, implementation is not attempted. Introducing the instruments such as the Urban renewal Cluster and expanding the scheme provisions will enable the implementation. This is illustrated here.

6.12. Redevelopment Urban Renewal Cluster

Some of the steps to be taken up are:

1. Identification of the scheme / area where the planning proposals are drawn up. This could also be drawn up by the community on its own and place the proposal with the MPC /authority. Some form of consultation is required for formulating the idea level planning proposal. This can be registered with the
authority for developing the detailed program and content. This gives legitimacy of the possible investment and indicative commitment, at the plan level. It is possible that bids can be called even at this stage for rendering the development services.

2. Based on this, conceptual plans, scheme financials, infrastructure, urban design scheme, along with vision –images and diagrams can be presented to the owners / participants.

3. In normal circumstances, a simple majority over 70 % should be sufficient as consensus for the development and also for the enforcing the scheme in a legal manner. The persons who carry out “hold out “can be legally expropriated.

4. Also in circumstances of dilapidated conditions, danger to life, consensus need not be obtained. (KMC act 1976 allows the ULB to intervene).

5. Participatory exercises’ and consultation with the stakeholders must allow for the finalization of the preliminary scheme details. This must be registered with the authority as approval. At this stage, it must be possible for making internal modifications and flexibility provided. This stage will be called the Project structural Plan.

6. The major road network, transportation, FAR, likely ground coverages, broad landscape strategy etc. is worked out at this level. The re-allocation and re-adjustment is finalized at this stage.

7. Project specific detailing will result in (Master) development Plan which will be similar to the development plans carried out by the developers. This stage will include all the details of the scheme with resulting minor changes possible.

8. The working drawings, construction milestones will have to be approved by the authority.

9. Finally a handover of the project to both the owners in accordance to their participation, to the community in terms of amenities and the land for free sales or realization from sale of floor space. The Planning objectives may include space for the authority.
The process for plan approvals will also require some changes:

**Chart 6.1: Project – Development Plan Process**

<table>
<thead>
<tr>
<th>Proposed Process (Plan)</th>
<th>Existing Process (Plan)</th>
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<tbody>
<tr>
<td>Concept</td>
<td>Concept</td>
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<tr>
<td>Project Structure Plan</td>
<td>Project Structure Plan</td>
</tr>
<tr>
<td>Regn with Authority - CLM/Devpt Agreement</td>
<td>Regn with Authority - CLM/Devpt Agreement</td>
</tr>
<tr>
<td>SH/Funding/Public</td>
<td>SH/Funding/Public</td>
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<tr>
<td>Approval</td>
<td>Approval</td>
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<tr>
<td>Master Plan</td>
<td>Master Plan</td>
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<tr>
<td>Final Approval</td>
<td>Final Approval</td>
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<tr>
<td>Implementation</td>
<td>Implementation</td>
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<tr>
<td>Fulfilling Obligation</td>
<td>Fulfilling Obligation</td>
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<tr>
<td>Occupancy Certificate</td>
<td>Occupancy Certificate</td>
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The advantage of moving to the proposed system is to take advantage of the permit and the flexibility and to bring a method for the development. This has been discussed in the earlier section, as to why some degree of certainty and flexibility is required for the implementation.

**6.13. Development of Large areas**

This can involve single owner or the assembly of the land in the periphery for the development. Illustrative case for typical development and insisting the planning objectives are met.
Table 6.1: Illustrative Table for Planning Obligations- Large Areas

<table>
<thead>
<tr>
<th>Type of Plan</th>
<th>Building Plan</th>
<th>Project Development Plan</th>
<th>Project Development Plan</th>
<th>Project Development Plan</th>
<th>Project Development Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>Obligations</td>
<td>Only fee</td>
<td>OS+CA+roads</td>
<td>OS+CA+Roads + DP level</td>
<td>+ DP/MP objective</td>
<td>+ MP re-adjustment</td>
</tr>
<tr>
<td>Size stipulation</td>
<td>4000 sq.mtr</td>
<td>Upto 12,000 sq.m</td>
<td>Upto 20 acres</td>
<td>Upto 50 acres</td>
<td>Above 50 acres</td>
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The obligations are insisted in an incremental manner with respect to the size of development. The local, ward level, DP, MP needs are to be accommodated within the Project by the Private sector.

- On site infrastructure provision costs
- Land for onsite public infrastructure
- Land for onsite public buildings / amenities
- On site public buildings
- Affordable housing
- Contribution to the off-site public infrastructure
- Betterment capture – real estate space or money

6.15. Illustrative case: Redevelopment of Old Industrial Area:

An illustrative example for the redevelopment of Old Industrial area is shown below, it will be necessary to accommodate the planning obligations/reservations as indicated in the above table, while the road network, location as well configuration of the amenities will have accommodated through a consultative manner.
Fig. 6.11: Conceptual Plan – Redevelopment of Old Industrial Area – PD 3.09, K.R.Puram – ITI industrial area.

6.16. Introduction of the Value Captures Mechanisms

Fig. 6.12: Pie chart showing the responses on the value capture methods
Over 57% of the respondents agree, while about 8% are not in favour to support a statement that it is easy of implementing the value capture methods.

6.17. Summary: Enablers for the Implementation

For implementation of the redevelopment and renewal plans some critical aspects include reducing the dependence on the land owner for the land towards infrastructure by introducing the compulsory re-adjustment for land and overcome the potential Hold out problem by expropriation.

Not all the schemes will offer full cost recovery or allow for value capture, viability gap funding becomes important. As these schemes are based on high degree of public participation, communication aspects and negotiations play an important role. By introducing these plan mechanisms/ tools and techniques, implementation at the project areas level will be impacted. The implementation can commence on select pilot basis for an area.