

Sr. No.	Within distance from	Outer peripheral distance from the Boundary of the Urban Local Bodies where PMAY is permissible
1	Municipal Corporations	2.0 k.m.
2	Municipal Councils / Nagarpanchayats	1.0 k.m.

14.5 CONSERVATION OF HERITAGE BUILDINGS / PRECINCTS / NATURAL FEATURES

14.5.1 Applicability

This regulation will apply to heritage sites which means, artefacts, structures, areas and precincts of historic and/or architectural and / or cultural significance (hereinafter as ‘Listed Buildings / Heritage Buildings and Listed Precincts / Heritage Precincts’) and those natural features of environmental significance including scared graves, hills, hillocks, water bodies (and the areas adjoining the same) etc. within the areas of Planning Authorities and Regional Plan.

14.5.2 Preparation of List of Heritage Buildings, Heritage Precincts and Natural Features

The Authority on advice of Heritage Committee shall prepare heritage list and shall issue public notice in the local newspapers declaring his intention to include the buildings or modify such list of buildings, structures artefacts, areas and precincts of historic and /or cultural significance and the list of natural features of environmental significance, including sacred groves, hills, hillocks, water bodies etc. and invite objections and suggestions from any person in respect of the proposed inclusion within a period of 30 days from the date of such notice.

While preparing the list, the authority shall strictly insure that such structure / precinct has heritage value and is liable for inclusion in the list in view of its national, regional, or local importance as specified in Regulation No. 14.5.8. The structure / precinct which do not comply the requirements specified in the said regulation shall not be included in the list. Generally, the following aspects shall be ascertained while preparing the list.

- a) Its value for architectural, historical or cultural reasons
- b) The date and/or period and/or design and/or unique use of the building or artefact
- c) Relevance to social or economic history
- d) Association with well-known persons or events
- e) A building or groups 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
- 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
- (g) Its value as a part of a group of buildings
- (h) Representing forms of technological development
- (i) Vistas of natural/scenic beauty or interest, including water front areas, distinctive and/or planned lines of sight, street line, skyline or topographical features.
- (j) Open spaces sometimes integrally planned with their associated areas having a distinctive way of life and for which they have the potential to be areas of recreation
- (k) Industrial sites of historical interest

- (l) Archaeological sites
- (m) Natural heritage sites
- (n) Sites of scenic beauty

All such heritage structures shall be documented in the Heritage List Card as given in Appendix - L and the Heritage List Card shall be duly authenticated by the authorised heritage conservationist upon his site visit, stating the significance of heritage site for its appropriate grading.

The Authority shall issue notice to the owner of the buildings, artifacts, areas and precincts of historic and/or cultural significance etc. and invite objections and suggestions from such person in respect of proposed inclusion within 30 days from the date of such notice.

The Authority, in respect of any objections or suggestions, shall decide the same after giving hearing to such persons and send the list as finalised by him to the State Government for approval. The State Government may sanction the said heritage list with modification, if required. This list will be called Final Heritage List. For this, modification under section 37 or 20 of the Maharashtra Regional and Town Planning Act, 1966 need not be necessary.

Thereafter, the Authority may amend the Final Heritage List from time to time as and when required, on the advice of the Heritage Committee. In such case it shall not be necessary to follow the procedure under Section 37 or section 20 of the Maharashtra Regional and Town Planning Act of 1966, but the procedure as laid down above in this regulation shall be followed.

The heritage lists which have been approved by the Government before coming into force these regulations, shall remain valid and shall be the part of these regulations.

14.5.3 Restriction on development, Redevelopment/repairs etc.

No development or redevelopment or engineering operations or addition, repairs, renovation including the painting of buildings, replacement of special features or plastering or demolition of any part thereof of the said listed buildings, or listed precincts or listed natural features shall be allowed except with the prior written permission of the Authority. Before granting any such permission, the Authority shall consult the Heritage Conservation Committee to be appointed by the State Government (hereinafter referred to as 'the said Heritage Conservation Committee') and shall act on the advice of the Heritage Conservation Committee.

Provided that before granting any permission for demolition or major alterations/ addition to listed buildings (or buildings within listed precincts) objections and suggestions from the public shall be invited and duly considered by the Heritage Conservation Committee.

Provided that, in exceptional cases for reasons to be recorded in writing the Authority may overrule the advice of the Heritage Conservation Committee.

Provided further that the power to overrule the advice of the Heritage Conservation Committee shall not be delegated by the Authority to any other officer.

If the application for development, alteration, modification of the Heritage precincts or listed building is rejected under this regulation or while granting such permission any conditions are imposed on the owner which deprives him to use the FSI, the said owner shall be compensated by grant of Development Right Certificate.

14.5.4 Incentive uses for Heritage Buildings.

After the commencement of this Regulation, the Heritage Precincts or the Listed Buildings shall not be permitted to be used for any commercial or office purpose except with the concurrence of the Heritage Conservation Committee. However, in cases of buildings included in the Heritage Conservation List, if the owner /owners agree to maintain the listed Heritage Building in an ideal state of preservation with due repairs / restorations and if the owner / owners give a written undertaking to that effect, may be allowed by the Authority in consultation with Heritage Conservation Committee to convert part or the whole of the building to commercial / office use / any other different use that is beneficial to the preservation of the same Provided that, if the heritage building is not maintained suitably or if the heritage value of the building is allowed to be spoiled in any manner, the Authority shall withdraw the permission forthwith.

14.5.5 Grant of Transferable Development Rights to Owners/ Lessees of Heritage Buildings/Heritage Precincts.

If the owner is deprived of using permissible FSI on the said plot or development permission is granted to him with conditions which deprive him of use of permissible FSI, then he shall be entitled for TDR as decided by the Authority in consultation with Heritage Conservation Committee. The utilization of this TDR shall be as per TDR Regulation.

14.5.6 Maintaining Skyline

Building included in heritage precinct shall maintain the skyline, roof profile, built form edges, and respect the architectural style (without any high-rise development) as may be existing in the surrounding area, so as not to diminish or destroy the value and beauty of the said heritage building/ heritage precinct. The development within the precinct shall be in accordance with the guidelines framed by the Authority on the advice of the Heritage Conservation Committee.

14.5.7 Restrictive Covenants

Covenants, terms and conditions, imposed under Regulations existing as on the date of this Regulation, on the leasehold plots either by the State Government or by the Planning Authority, shall continue to be imposed, in addition to the UDCPR. However, in case of any conflict with the heritage preservation interest/ environmental conservation and the said Development Control and Promotion Regulations, this heritage regulation shall prevail.

14.5.8 Grading of the Listed Buildings/Listed Precincts.

Grade-I	Grade-II	Grade-III
(A) Definitions		
Heritage Grade-I comprises Buildings and precincts of National or Historic importance, excellence in architectural style, design technology and material usage and/or aesthetics; associated with a great historic event, personality, movement or institution. They have been and	Heritage Grade - II (A and B) comprises buildings and precincts of Regional 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	Heritage Grade - III comprises buildings and precincts of local importance for townscape, they evoke architectural, aesthetic, or sociological interest though not as in Heritage Grade - II. These contribute to determine the character of the locality and can be representative of life-style of a

are the prime landmarks of the city and of National importance.	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.	particular community or region and, may also be distinguished by setting on a street line or special character of the façade and uniformity of height width and scale.
(B) Objective		
Heritage Grade-I richly deserves careful preservation.	Heritage Grade-II deserves intelligent conservation.	Heritage Grade-III deserves intelligent conservation (though on a lesser scale than Grade-II and special protection to unique features and attributes.)
(C) Scope for Change		
No interventions be permitted either on exterior or interior unless it is necessary in the interest of strengthening and prolonging the life of the buildings or precincts or any part of features thereof. For this purpose absolutely essential and minimum changes would be allowed and they must be in accordance with the original. Repairs shall be with the use of like to like material.	Grade-II (A) Internal changes and adaptive reuse and external changes may by and large be allowed but subject to strict scrutiny. Care would be taken to ensure the conservation of all special aspects for which it is included in Heritage Grade-II Grade-II (B) In addition to the above, extension of Additional building in the same plot or compound, in certain circumstances be allowed, provided that, the extension/additional building is in harmony with (and does not detract from) the existing heritage buildings or precincts especially in terms of height, and facade.	External, internal changes and adaptive reuse would by and large be allowed. Changes can include extensions, and additional buildings in the same plot or compound. However any changes should be such that they do not detract from the existing heritage building/ precinct.
(D) Procedure		
Development permission for the changes would be given by the Authority on the advice of the Heritage Conservation Committee.	Development permission for the changes / additional construction would be given by the Authority on the advice of Heritage Conservation Committee.	Development permission for the changes / additional construction would be given by the Authority on the advice of the Heritage Conservation Committee.
(E) Vistas/ Surrounding Development		
All developments in areas surrounding Heritage Grade-I shall be regulated and		

controlled by ensuring that it does not mark the grandeur of or view from Heritage Grade-I		
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14.5.9 Signs and Outdoor Display Structures

No display or advertising signs and outdoor display structures on listed building and / or the Heritage Precincts shall be permitted except accordance with part X (sign and outdoor display structure) National Building Code of India.

Prohibition of advertising signs and outdoor display structure in certain cases :

Notwithstanding the provisions mentioned above no advertising sign or outdoor display structures shall be permitted on buildings of architectural, aesthetic, historic or heritage importance as may be decided by the Authority, Committee or also on Government buildings, save that in the case of Government buildings only such advertising signs or outdoor display structures may be permitted that relate to the activities of the said buildings and related programs.

Provided that, if the Heritage Conservation Committee so advises, the Authority shall refuse permission for any sign or outdoor display structure.

14.5.10 Composition of Heritage Conservation Committee.

There shall be Heritage Conservation Committee for the areas within the jurisdiction of Planning Authority and Regional Plan area. This Committee shall be constituted by the Government in consultation with the Authority. The committee shall comprise of the following members:-

i)	Chairman Appointed by the Government	Chairman
ii)	Joint Director of Town Planning of the Concerned Division (For the areas excluding Municipal Council and Regional Plan area) (Assistant Director of Town Planning of the District for Municipal Councils)	Member
iii)	Divisional/ District officer of Archaeological Survey of India	Member
iv)	Divisional/ District officer of Archaeological Survey of Maharashtra	Member
v)	Convenor, INTACH Local Chapter	Member
vi)	Heritage Conservation Architect having more than 10 years of experience and membership of the Council of Architecture	Member
vii)	Historian having experience of more than 10 years in the field of History.	Member
viii)	Structural Engineer having experience of more than 10 years and member of Institute of Engineers.	Member
ix)	City Engineer (Planning Authority)/ Chief Planner (Metropolitan Authority or SPA or NTDA) / Chief Officer (Municipal Council) / Assistant Director of Town Planning of the District. (Regional Plan area)	Member secretary

The tenure of the Chairman and Members of categories (vi) to (viii) above shall change after every three years provided however that, the same person shall be eligible for re-appointment as Member.

The Heritage Conservation Committee shall come into existence with effect from the date of its publication in the official Gazette. However, Heritage Committees constituted by the Government before coming into force of these regulation, shall remain in operation till further period as may be specified.

No act of the Committee done in good faith, shall be deemed to be invalid by reason only of some defect subsequently discovered in the organization of the Committee or in the Constitution of the Committee or in the appointment of the Member or on the ground that such member was disqualified for being appointed.

The Chairman and in his absence the chosen Member of the Committee shall preside over the meeting of the Committee.

14.5.11 The Terms of reference of the Committee :-

- i) To advise whether development permission should be granted under this Regulation and the conditions of such permission.
- ii) To prepare a list or supplementary list of buildings, artefacts, structures, areas/ precincts of historic, aesthetic, architectural, cultural significance and a supplementary list of natural features of environmental significance including sacred groves, hills, hillocks etc., water bodies (and the areas adjoining the same) to which this regulation would apply.
- iii) To advise whether any relaxation, modification, alteration, or variance of any of the Development Control and Promotion Regulations is called for.
- iv) To suggest amendments, changes or special regulations or modification to regulations for listed buildings and the heritage precincts regulated under these regulations
- v) To advise on the extent of Development Rights to be granted to the owners of listed Buildings or Heritage Precincts.
- vi) To advise whether development Rights Certificates may be allowed to be consumed in a heritage precinct.
- vii) To advise whether to allow commercial /office user of any listed building of Heritage Precincts and when to terminate the same.
- viii) To advise on erection of outside advertisement/ bill boards.
- ix) To recommend guidelines to be adopted by those private parties or any other agency, who sponsor beautification schemes at public intersections and elsewhere.
- x) To advise on the cost of repairs to be given to the owners to bring the existing building back to the original condition. For this purpose, the Committee may suggest ways to raise funds through private sources.
- xi) To advise on special designs and elements and guidelines for listed buildings and control of height and essential façade characteristics such as maintenance of the buildings and to suggest suitable design adopting new materials for replacements keeping the old form intact to the extent possible.
- xii) To advise on preparation of guideline relating to design elements and conservation principles to be adhered to and to advise on other guideline for the purpose of this regulation.
- xiii) To consider any other issue as may be required from time to time during course of scrutiny of development permissions and in overall interest of heritage/ environmental conservation.

In the absence of Heritage Conservation Committee, the Authority shall consult the Government before giving such permission.

14.5.12 Heritage Conservation Fund

- i) Heritage buildings included in the said list shall be maintained by the owners of the said buildings themselves, with a view to give monetary help for such maintenance/repairs a separate fund may be created which would be kept at the disposal of the Authority, who will utilise these funds on the advice of the Heritage conservation Committee. The Authority may, in such cases disburse appropriate amount to the owner or may get maintenance/ repair work done through Planning Authority/ Collector.
- ii) 2% of total development charges collected shall be transferred to the Heritage Conservation Fund.
- iii) The fund may also be used to support the cost of listing of heritage sites and cost towards expert guidance and fees for architects, engineers and other expert.
- iv) The Authority shall have right to remove any unauthorized construction in the property enlisted as heritage property and recover the expenses of such removal/ demolition work from the owner as per provisions of the Act.
- v) The Authority shall have right to enter into any such heritage property to repair such property to avoid any damage or injury, and the amount shall be spent form Heritage Conservation Fund and shall be recovered from the owner as arrears of taxes due to the Authority.
- vi) If Heritage structure listed in Grade I needs conservation, preservation and immediate repairs and if the structure is affected due to vandalism by occupier/ owner, then the Authority shall have right to acquire such heritage property and conserve its heritage value.

14.6 SLUM REHABILITATION SCHEME FOR PUNE, PCMC, PCNTDA AND NAGPUR.

The slum Rehabilitation Scheme Regulations for Pune, Pimpri-Chinchwad and Nagpur Municipal Corporation shall be applicable as sanctioned by the Government from time to time.

14.7 SLUM REHABILITATION SCHEME FOR OTHER MUNICIPAL CORPORATIONS.

Slum rehabilitation scheme for other Municipal Corporations, excluding covered in Regulation No. 14.6, shall be as below.

14.7.1 Eligibility for redevelopment scheme

- i) A person eligible for redevelopment scheme shall mean a protected occupier as defined in Chapter IB of Maharashtra Slums Areas (Improvement, Clearance and Redevelopment) Act, 1971 as amended time to time, (hereinafter referred to as the Slum Act) and orders issued there under.
- ii) Subject to the foregoing provisions, only the actual occupants of the hutment shall be held eligible, and the so-called structure-owner other than the actual occupant if any, even if his name is shown in the electoral roll for the structure, shall have no right whatsoever to the reconstructed tenement against that structure.

14.7.2 Definition of Slum, Pavement, and Structure of hut

- i) Slums shall mean those censused, or declared and notified, in the past or hereinafter under the Slum Act. Slum shall also mean area/pavement stretches hereinafter notified or deemed to be and treated as Slum Rehabilitation Areas.