

From

The Chief Town Planner,
Punjab, Chandigarh.

To

The Chairman,
Punjab Pollution Control Board,
Vatavaran Bhawan, Nabha Road,
Patiala.

Memo no. 3812-36 – CTP(Pb) SP-350A
Dated Chandigarh, the 3rd April, 2008.

Sub:- Regarding environmental issues-Clearance to residential colonies, institutions, hospital and hotels from environment angle).

Please refer to this office memo numbers 3256-CTP(Pb)/SP-350A dated 5.3.2008; and 3479 CTP(Pb)/SP-350A dated 18.3.2008 and Punjab Pollution Centred Board Memo No. 11281 dated 13.3.2008 and No Gen/419/2008/13806 dated 1.4.2008 on the subject.

In accordance with the views explained by you in the above said memos, the amended proceedings of the meeting held on 12.2.2008, under the chairmanship of Secretary Housing & Urban Development, Punjab, are enclosed herewith. In future the projects of residential colonies, institutions, hospitals, multi-media centers and hotels shall be processed at the field level and the head office level in the Department of Town & Country Planning and Punjab Pollution Control Board, in accordance with the clarifications, guidelines, delineated in the proceedings enclosed herewith.

Thus, in case of industrial projects including institutions, hospitals, multi-media centres and hotels, there shall be no criteria of distance from another industry of any category because as per the established norms no distancing is prescribed any where between different categories of industries in the designated industrial zone. However, these shall be interpreted as detailed out in the above said memos and the proceedings enclosed herewith.

Chief Town Planner, Punjab.

Endst.No. 3813–CTP(Pb)/SP-350A

Dated Chandigarh, the 3rd April, 2008.

A copy of above, along with copy of proceedings and copies each of the four memos included therein, is forwarded to the Secretary Housing and Urban Development, Punjab.

Chief Town Planner, Punjab.

Endst.No. 3814–36-CTP(Pb)/SP-350A

Dated Chandigarh, the 3rd April, 2008.

A copy of above, along with copy of proceedings is forwarded to all the Senior Town planner and District Town Planners in the State of Punjab, for information and necessary action.

Chief Town Planner, Punjab.

PROCEEDINGS OF THE MEETING REGARDING ENVIRONMENT ISSUES HELD ON 12TH FEBRUARY, 2008 AT 12.00 AM UNDER CHAIRMANSHIP OF SH. ARUN GOEL, IAS SECRETARY TO GOVERNMENT OF PUNJAB, HOUSING AND URBAN DEVELOPMENT DEPARTMENT

The following were present:

1. Sh. Yogesh Goel, Chairman, Punjab Pollution Control Board.
2. Sh. Rajinder Sharma, Chief Town Planner, Punjab Chandigarh.
3. Sh. Karumesh Garg, Executive Engineer, Punjab Pollution Control Board.

SHUD informed the participants that in different meetings of Empowered Committee held under the Chairmanship of Hon'ble CM, wherein CS was also present, there has been repeated criticism of slow processing of the projects in different departments particularly in the Department of Town and Country Planning and the Punjab Pollution Control Board. Many Ministers also voiced their concern on the slow processing which is hampering the flow of fresh investments in to Punjab. Hon'ble CM endorsed the views of the Ministers and asked the concerned Secretaries and HODs to ensure speedy disposal of the cases in a time bound manner and clear guidance to investors/ promoters regarding different provisions. It is in this background that this meeting is being held.

Notification dated 14.9.06 Ministry of Environment & Forest Government of India was discussed in relation to environment clearance of the projects concerning Urban Development Department. Chairman Punjab Pollution Control Board informed that as per schedule attached of this notification item no.8 i.e building/ Construction Projects/ Area Development projects and townships relates Urban Development Deptt.

The projects included in category A of the schedule require prior environmental clearance from the Centre Govt. in the ministry of Environmental & Forest and the projects or activities in category (B) item no. 8 of the schedule including expansion and modernization of existing projects or activities will require prior environmental clearance from the State Environmental Impact Assessment Authority (SEIAA). Chairman, Punjab Pollution Control Board informed that State Govt. has already constituted SEIAA and to assist the SEIAA State has constituted State Level Expert Appraisal committees (SEAC) for analyzing the projects.

Projects under Category B item No. 8 (a) and (b) need prior clearance from SEIAA. Any project or activity specified in category B will be treated as category A if located in whole or in part within 10km. from boundary: (I) protect area notified under the Wild Life (Protection Act 1972), that (II) critical as notification by the Center PPCB from time to time, III notify eco sensitive area, (IV) State Inter- State boundaries and International boundaries.

Chairman PPCB, informed that all other projects not covered under category B item 8 (a) (b) of the schedule do not need environment clearance but require clearance from the PPCB under:

- i. Water (Prevention & control of pollution) Act 1974 amended 1988
- ii. Municipal Solid Waste (Management & Handling Rules 2000)
- iii. Air (Prevention & control of pollution) Act, 1981

After detailed discussions, following clarifications emerged to facilitate faster processing.

- i) In case of CLU cases of residential project, boundary of the project should be at a minimum distance of 100 mts from the boundaries of MHU/ Red category industry till the case pending in High Court is finally disposed off. The cases of Heaven Infrastructure Malout and Akme Ludhiana were discussed. As on today, CLU permissions are being granted on the pattern of Haryana subject to PPCB clearance later on. The pattern of clearance given by PPCB in the case of Heaven Infrastructure Malout and Akme Ludhiana be followed in all cases across Punjab.
- ii) In case of building/ construction project having covered area of 72000sq. mts., the promoter after the approval of building plan shall get the clearance from State Environment Impact Assessment Authority (SEIAA). For building projects having proposed covered area less than 20,000 sq. mts., No environment clearance of State Environmental Impact Assessment Authority (SEIAA) is required. Thus, these projects only require clearance from pollution angle and not environment angle, of PPCB.

- iii) In case of lay out of housing project, the promoter after the approval of lay out plan shall get the approval of State Environment Impact Assessment Authority (SEIAA) if the area is less than 50 hectares or built up area is less than 1,50,000 sq. mts. Therefore, projects receiving area less than 50 hectare or built up area less than 1,50,000 sq mts do not require any environment clearance. However, they shall take clearance from PPCB from pollution angle.
- iv) Presently, PPCB follows the principle of designated area for a specific use while granting NOC. To determine this, they take the comments of the office of the CTP. Accordingly all kind of industry is permitted in the designated industrial area and residential projects are permitted in the designated residential area. No distinction is made between the categories of industry while granting NOC in the designated industrial area. As per policy of 11.1.2008 institutions, hospitals, multi- media centers and hotels have been declared as industrial use for the purposes of land use by the competent authority viz. the Department of Housing & Urban Development. Since there is no distinction on the type of industry in the industrial area, these activities shall be freely allowed in the designated industrial areas provided they fulfill the conditions of the policy dated 11.1.2008 for which CTP has been designated as the processing authority. Moreover, even in the past, commercial areas were integral part of any industrial phase/sector. World over, hotels are essential part of any industrial area/ zone as they provide vital service for the industry. In the SEZ policy of Government of India, hotels are permitted within SEZ. Thus, from discussions it clearly emerge that henceforth institutions, hospitals, multi-media centers and hotels once approved under policy dated 11.1.2008 by the CTP shall require no environmental processing/clearance if the covered area is less than 20,000 sq.mts. However, these projects shall require clearance from pollution angle but not from environmental angle of PPCB under Air and Water Pollution Control Act.

The area around educational institutions, hospitals etc. is to be designated as silence zone for the purpose of implementation of the Noise Pollution (Regulation and Control) Rules, 2000 enacted under Environment (Protection) Act, 1986 vide Govt. of India notification No. S.O. 123(E) dated 14.02.2000 amended to date (copy of the rules enclosed). Therefore, while granting change of land use to such activities like institution (education), hospital etc. in industrial zone the Noise Pollution (Regulation and Control) Rules, 2000 be also kept in mind. The definition of the Silence Zone as per the Noise Pollution (Regulation and Control) Rules, 2000 is reproduced as under:

“Silence Zone is an area comprising not less than 100 mts. Around spitals, educational institutions, courts, religious places or any other area which is declared as such by the Competent Authority”

In future, all cases shall be processed as per above clarifications and promoters shall also be guided accordingly so that there is neither any confusion nor any communication gap.

CTP Punjab