

An analysis of difficulties faced in the implementation of land use regulations in urban areas and proposals for their resolutions

Saliya Wickramasinghe

The utilization and management of the land resource is governed by various laws such as the Land Development Ordinance, Land Survey Act, Title Registration Act, Partition Act etc.

Land use planning in urban areas is governed by the regulations introduced by Urban Development Authority. These regulations are implemented through Local Authorities. The local authorities empower a planning committee comprising several elected members of the Council, a few staff members of the local authority and a representative from the Urban Development Authority.

The scope of work of the committee is to ensure that the proposed subdivision schemes are in conformity with the enacted regulations of the Urban Development Authority. Their ignorance of the legal regime governing ownership, utilization and management of land results in the planning decisions being sub-optimal. They are therefore also unable to influence the further improvement of these laws or to demonstrate the benefits of the planning regime to the community. When the land is situated in a developing area and where there is a big demand for the locality the co-owners of the land and immediate neighbors are very keen that their interests are looked after by the planning authorities. It is a difficult situation for the planning authorities and often lead to conflicts.

A technical officer of the local authority serves as a permanent staff member serving in the planning committee. The representative of Urban Development Authority is merely a visiting officer. The submission of development proposals along with recommendations to the committee is entrusted to the relevant technical officer. He also acts as the liaison officer with the general public. In these circumstances the implementation of the land use planning regulation leads to conflicts with the community and public dissatisfaction and results in the public conception that the land use regulatory system is a bureaucratic harassment rather than one which ensure benefits to the community.

Difficulties faced by the public in getting their development proposals approved pertain to

1. Need to allocate 10% of the land for public purposes when the land is more than 1.0 Hectare
2. Local Authorities giving directions counter to State Lands and other Ordinances pertaining ownership
3. Inconsistencies in decision making
4. Exceptions given when political patronage influences in decision making

There is no smooth path to correct these deficiencies in our legal system or political system. The expensive, time consuming, tedious legal system doesn't allow any body to seek relief when the land use planning is at fault. The plan approval is a small segment of a development project and should be done in a short period of time, to derive the benefit of the project. On the other hand the inconveniences caused to the society by and unlawfully or incorrectly sited house or a factory building will last forever.

Ensuring that land use planning regulations are properly implemented for the benefit of the community require many changes to existing system. This paper will attempt a comprehensive review of the existing system and identify the changes required.

Key words: Land-Use, Development, Urban, Planning, Appraisal

¹ Surveyors' Institute of Sri Lanka