CRITICAL EVALUATION OF DEVELOPMENT CONTROL MEASURES OF URBAN DEVELOPMENT AUTHORITY LAW IN THE PROCESS OF URBAN LAND DEVELOPMENT IN SRI LANKA

A CASE STUDY OF SOME SELECTED TOWNS IN THE WET ZONE

M. G. DHARMAPALA
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M.G.Dharmapala
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INTRODUCTION

The term development control measures though more often than not have been interpreted in a negative way as those are the instruments that give effect to the meaning of development by managing any objects material or otherwise with the environment, when it is a process of a action to achieve its own goal. Hence the concept of development always goes along with the development control measures.

The development control measures related to urban land development are two-fold one is derived from macro policies such as land regulation, Land taxation etc., while the other is derived from micropolicies such as regulating the development activities etc.

In Sri Lanka although these two measures are prevailing, the latter is more vital for the process of urban land development mainly because it is the measure that usually deals with the larger segment of the community or lands. Thus the study deals with this measure only.

Definition of the Problem

In appropriate, adhoc and unequitable distribution and adoption (application) of Land Development rights and obligations among developers in the process of urban land development lead to discourage the achievement of urban development objectives in the country.

The effective implementation of urban development policies and the provisions in the development plans are determined by the effectiveness of development control measures. Because these direct the urban development in accordance with policies formulated in general and plans prepared in particular, therefore the inadequacy of the effectiveness of development control measures due to such reasons as socio economic
physical environmental and institutional etc. discouraged the development desired for an urban area, i.e., formation of the existence of adhoc physical manifestation, in an urban area causing urban problems related to socio economic physical an environmental aspect. According to the facts mentioned above inadequacy of the effectiveness of development control measures is more or less the same in respect of the rights and obligations of urban land developments. This is because, development control measures are norms that explain the rights and obligations of an urban land development.

Magnitude of the Problem

It would be observed that the problem has been spread out all over the urban areas in the country. Other than certain areas where public and authoritative involvement are relatively high and as such less problems are prevailed. The magnitude of the problem varies in accordance with the socio-economic, physical, environmental and institutional and situations of the respective urban area. However in broader sense it can be observed that physical characteristic are more influential for the magnitude of the problem.

The Objective of the Study

The objectives, other than partial fulfilment of the M.Sc. Degree Course in Town and Country Planning, could be spelled out as follows:

1 To examine and study the nature of the development control measures and their suitability for different characters of urban areas in the country.

2 To identify problematic areas of development control measures in their implementation.
3 To identify land development areas to which development control measures are not adopted.

4 To recommend ways and means in the equal and rational distribution of urban right and obligations by means of development control measures as an urban planning management method or tool, so as to achieve the urban development objectives.

Methodology of the Exercise

The hypothetical thinking behind this exercise is that the socio-economic, physical, environmental and institutional including legal administrative and political situations of the respective urban area determine the effectiveness of development control measures in Sri Lanka other than its own weakness.

Therefore keeping in mind the hypothesis the exercise will evaluate (equality uniformity applicability and desirability of) the development control measures both in theoretical basis and empirical basis, in the process of urban land development.

For the theoretical basis the literature survey including secondary data survey is adapted. Hence all available and relevant reading materials have been made are i.e. Primarily the Urban Development Authority Law. Its subordinate legislation and the circulars and other relevant statutes dealing with planning matters etc. Secondly the literature survey relating to empirical situations was observed by available planning literature as mentioned in the bibliography.

In this endeavour it was able to identify the following major problematic areas.
1. The conceptual problems of the development control measures. (Law Regulation and Circulars)

2. The empirical problems i.e. the problem of adaptability of the measures to the areas where heterogeneous characteristics prevailed.

The case study areas totally continued to the 06 urban areas of wet zone, the criteria for selection of these urban areas were discussed in Chapter III. In brief the urban areas were selected in accordance with the followings.

1. Socio-economic diversity
2. Physical environmental diversity
3. Institutional diversity

The empirical evaluation of development control measures in the case study area has been done on the basis of land development activities. (Development Activities) For this purpose a 05 year period was selected from 1988-92. Accordingly,

1. Survey of Planning Committee minutes of the urban areas
2. Observation of development applications
3. Observation of development plans available
4. Other relevant materials, and
5. Finally a questionnaire survey attached as appendix were carried out.

Thus the planning process of this study in page indicates the steps of this exercise in precisely.
THE PLANNING PROCESS

Identification and Evaluation of Development control measures

Definitions
- scope
- significance

Introduction to DCM in Sri Lanka and Analysis of UDA Law as Major DCM

Problem Identification

Legislative
- Regulative
- Circular

Conceptual
- Content
- Interpretation

Empirical
- Socio
- Economic
- Physical Environment
- Institution

Case Study

Magnitude of the problem

Conclusion + Recommendation