

LEGISLATIVE PROPOSAL

SPATIAL PLANNING BILL

1. TITLE OF THE PROPOSAL

- a) Title: The Spatial Planning Bill of Bhutan
- b) Type of legal measure: Act
- c) Lead Ministry: Ministry of Works & Human Settlement (MoWHS)
- d) Expected date of adoption Day/Month/Year: July, 2022

2. PROBLEM IDENTIFICATION

The rapid progress in socio-economic parameters, increasing urban population, and vulnerability of suitable land to natural hazards adds to the development pressure on the limited available land. Absence of legislation specific to spatial and human settlement planning has constrained development initiatives and interventions. Human settlement planning and development till date has been functioning without dedicated legal instruments to support effective planning and enforcing of compliance to Development Control Regulations to ensure that all development plans are implemented as per the approved plan. In its absence, transparency and public participation in the planning process were weak with lack of grievance redressing mechanisms for those affected by planning schemes. Land use management and rural - urban integration were not fully facilitated through planning and regulations. The role of agencies involved in the planning and development were not clearly defined.

Recognizing these limitations and a need for such a specific legal framework to address the issues, the Ministry of Works and Human Settlement sought the approval of the *Lhengye Zhungtshog* to draft the Bill. The 143rd *Lhengye Zhungtshog* held on 12th September 2017 accorded the approval to draft the Bill.

The Spatial Planning Bill will provide for an integrated approach to planning sustainable and livable human settlement in the country. The Bill will regulate plan initiation, preparation, approval, implementation and administration; prescribe the levels and categories of plans, planning procedures, techniques and also give legal effect to the development control regulations to make the best use of the country's available land. The Bill addresses the deficiencies confronted by the sector in the absence of a specific legal instrument in regulating appropriately.

3. MAIN OBJECTIVE OF THE PROPOSAL

- a) Implement plans and policies of spatial related planning and development in a coherent and effective manner.
- b) Ensure optimal and sustainable use of physical space and natural resources that capitalizes on the potential and comparative advantages of different areas, locations and regions.
- c) Institute a comprehensive planning system that is most efficient and sustainable.
- d) Harmonize conflicting provisions of various legislations, policies, strategies related to human settlement planning and development, and

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- e) Coordinate and integrate sectoral policies and plan on transport, industry, agriculture, forestry and culture, etc.

4. OPTIONS TO ACHIEVE THE OBJECTIVES

The following two options were considered to achieve the objectives;

Option 1: Introduction of the Spatial Planning Act

Introduction of the Spatial Planning Act would provide a legal basis for preparation and enforcement of plans and the development control regulations. This will ensure that all development plans are implemented as per the approved plan. This would also enhance transparency and public participation in the planning process and provide for proper grievance redressing mechanisms for those affected. Further, the Act will provide clear delineation of roles, responsibilities and accountabilities for agencies involved in planning and development.

Option 2: Function as it is without proper legal framework

This option considers addressing the varied spatial planning and development issues and challenges with no clear legislative framework. This will entail working with current challenges and difficulties in enforcement of planned development. While the Ministry will try to perform its mandates with due diligence even without a legislative framework, it could lead to poor implementation and weak enforcement resulting in haphazard development of human settlements.

Therefore, the option of drafting of the Spatial Planning Act was the preferred.

5. IMPACTS – POSITIVE AND NEGATIVE

The following are some of the key positive impacts, amongst others:

- a) Promote coherent, inclusive, safe, livable and sustainable human settlement.
- b) Provide legal standing/backing to the initiation, preparation, approval and implementation of settlement plans and its Development Control Regulations.
- c) Promote conservation of the natural environment, preservation of tradition and culture and strengthening of good governance.
- d) Align human settlement planning and development with the national goals and objectives.
- e) Regulate plan preparation, planning procedure and techniques.
- f) Reduce administrative burden through clearly defined roles, responsibilities and accountability of agencies.
- g) Strengthen participatory planning and development approach.
- h) Institute grievance redressal system for human settlement planning and development.

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- i) Promote robust urban governance and bring clarity in the roles of the LGs and the central agencies.
- j) Enhance collaboration of stakeholders including residents and landowners.
- k) Empower Local governments and agencies to initiate, prepare, implement and monitor human settlement planning and development.

Negative impact

- a) No negative impact anticipated.