

KERALA COASTAL ZONE MANAGEMENT AUTHORITY

Directorate of Environment & Climate Change

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Proceedings of the Member Secretary

(Present: SUNEEL PAMIDI IFS)

No: 5194/A2/2017/KCZMA

Dated: 05-08-2022

Sub:- KCZMA – Processing of applications for CRZ clearance – Instructions issued - reg.

Read :- 1. Proceedings No.5194/A2/2017/KCZMA dated 26.06.2018.

2. Judgment dated 6.11.2020 in WP (C) No.24704/ 2019 & 10.05.2022 in WP (C) 23352/2021 of the Hon'ble High Court of Kerala

3. Decision no.123.08.01 of the 123rd meeting of KCZMA held on 29.06.2022

ORDER

The CRZ notification 2011 has laid down the norms for the regulation of activities permissible under this notification. Norms for permitting constructions in NDZ of CRZ-III as per Paragraph 8, Clause 111 A (ii) are as under:

“ III. CRZ-III,-

A. Area upto 200mts from HTL on the landward side in case of seafront and 100 mts along tidal influenced water bodies or width of the creek whichever is less is to be earmarked as “No Development Zone (NDZ)”,-

(i) the NDZ shall not be applicable in such area falling within any notified port limits;

(ii) No construction shall be permitted within NDZ except for repairs or reconstruction of existing authorized structure not exceeding existing Floor Space Index, existing plinth area and existing density and for permissible activities under the notification, especially facilities essential for activities; Construction/reconstruction of

dwelling units of traditional coastal communities including fisherfolk may be permitted between 100 and 200 metres from the HTL along the seafront in accordance with a comprehensive plan prepared by the State Government or the Union territory in consultation with the traditional coastal communities especially fisherfolk and incorporating the necessary disaster management provision, sanitation and recommended by the concerned State or the Union territory CZMA to NCZMA for approval by MoEF ”

The Hon'ble High Court of Kerala vide order dated 6.11.2020 in WP(C) No.24704/2019 had categorically held that the first limb of CRZ III (ii) which is concerned only with repair or reconstruction of an existing authorized structure and is not dependent on whether or not the applicant belongs to the traditional coastal community or local inhabitant criteria. This was reiterated by the Hon'ble High court vide its judgment dated 10.05.2022 in WP (C) 23352/2021 and observed that the KCZMA cannot take a stand that the applicant in a case coming under the first limb of CRZ III (ii) should also satisfy the criteria of being a traditional fisherman community member or a local inhabitant.

In light of the above orders, it was decided by KCZMA in the 123rd meeting on 29.06.2022 (Item No 123.08.01), that the repair/ reconstruction of existing authorized structure not exceeding Floor Space Index, existing plinth area, and existing density is permissible as per Para 8 III A (ii) and the applicant doesn't need to belong to a traditional coastal community.

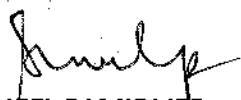
It was also decided by KCZMA that fixing an upper limit to the plinth area of residential buildings is not required as it is not stipulated in the CRZ Notification, 2011. The sub-committee of KCZMA also recommended that on a case-by-case basis, applications deserving flexibility may be sent to the KCZMA for processing by the DLC, based on the size of the dwelling unit and the socio-economic background of the applicant. The cases of small dwellings in need of improvement should be given special

consideration and sent to KCZMA. The Authority has also decided to issue instructions regarding the calculation of Floor Area Ratio for the purpose of Para 8 II (ii) of CRZ notification, 2011 which stipulates that Floor Space Index or Floor Area Ratio shall be as per 1991 level.

In view of the above decisions of KCZMA, the following instructions concerning the construction of dwelling units/ residential buildings are issued for compliance:-

- i. **Up to 100 m from HTL of Sea and Upto 100 m along tidal influenced waterbodies or width of the creek whichever is less** – only the repair/reconstruction of existing authorized structure not exceeding Floor Space Index,- and existing plinth area, is permissible for all in CRZ III as per clause 8 III A (ii) of CRZ Notification 2011 i.e not limited to applicants belonging to the traditional coastal community or a local inhabitant.
- ii. **Between 100m – 200m from HTL of the sea** -- construction/ reconstruction of dwelling units of traditional coastal communities especially fisherfolk is permissible without any upper limit in the plinth area. Applications in such cases deserving flexibility may be sent by the DLC to the KCZMA for consideration based on the size of the dwelling unit and socio-economic background of the applicant etc.
- iii. **Between 200 m to 500 m from the HTL of Sea** – construction/reconstruction of dwelling units is permissible with overall height of construction not exceeding 9 mts with two floors (ground + one floor) without any upper limit in plinth area.
- iv. **Floor Space Index/ Floor Area Ratio** should be the quotient obtained by dividing the Floor Area on all floors by the total area of the plot as defined in the Kerala Municipal building rules.




SUNEEL PAMIDI IFS
Member Secretary, KCZMA

To

1. The District Collector, Thiruvananthapuram / Kollam / Alappuzha / Kottayam / Ernakulam/
Thrissur/ Malappuram / Kozhikode/ Kannur/ Kasargod
2. The Director of Panchayats, Thiruvananthapuram
3. The Director of Urban Affairs, Thiruvananthapuram
4. The Chief Town Planner, Thiruvananthapuram
5. The District Town Planner, Thiruvananthapuram / Kollam / Alappuzha / Kottayam / Ernakulam/
Thrissur/ Malappuram / Kozhikode/ Kannur/ Kasargod
6. The Environment Department, Govt. Secretariat, Thiruvananthapuram
7. The Revenue Department, Govt. Secretariat, Thiruvananthapuram
8. The Fisheries Department, Govt. Secretariat, Thiruvananthapuram
9. The Local Self Government Department, Govt. Secretariat, Thiruvananthapuram
10. The Forest Department, Govt. Secretariat, Thiruvananthapuram
11. Information and Public Relation Department, Govt. Secretariat, Thiruvananthapuram (For
publishing on the Govt. Website)

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2. PA to Additional Chief Secretary, Environment Department, Govt. Secretariat,
Thiruvananthapuram
3. SF/OC