

# Social Due Diligence Report

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Project Number: 51036-002  
August 2021

## Pakistan: Khyber Pakhtunkhwa Cities Improvement Project

### Main Report

Prepared by Project Management Unit, Local Government, Elections and Rural Development Department, Government of Khyber Pakhtunkhwa for the Asian Development Bank.

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**GOVERNMENT OF KHYBER PAKHTUNKHWA  
PROJECT MANAGEMENT UNIT**

**KHYBER PAKHTUNKHWA CITIES IMPROVEMENT PROJECT  
LOCAL GOVERNMENT, ELECTIONS &  
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**No: LGE&RD/KPCIP/2021/712-713**

**Dated: 24 August 2021**

**To:**

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**Subject: 51036-002-PAK: KHYBER PAKHTUNKHWA CITIES IMPROVEMENT  
PROJECT**  
**- ENDORSEMENT OF ENVIRONMENT AND SOCIAL SAFEGUARDS  
DOCUMENTS**

Dear Mr. Kiyoshi,

This is to confirm our endorsement of the following documents and their disclosure:

- Environmental Impact Assessment: Abbottabad Solid Waste Management Facility Development
- Environmental Impact Assessment: Mardan Solid Waste Management Facility Development
- Environmental Impact Assessment: Mingora Solid Waste Management Facility Development
- Environmental Impact Assessment: Peshawar Solid Waste Management Facility Development
- Initial Environmental Examination: Extension of JICA Water Treatment Plant and Gravity Water Supply Scheme (Abbottabad)
- Initial Environmental Examination: Construction and Improvement of Sewage Treatment System at Kohat Development Authority Township, Kohat
- Initial Environmental Examination: Construction of Rorya Sewage Treatment Plant and Revamping of Sewerage System in Mardan
- Initial Environmental Examination: Kohat Solid Waste Management Facility
- Initial Environmental Examination: Improvement of Water Supply System Kohat
- Initial Environmental Examination: Salhad Park Abbottabad
- Initial Environmental Examination: Water Supply Scheme, Mingora
- Initial Environmental Examination: Improvement of Water Supply System Peshawar
- Social Due Diligence Report
- Land Acquisition and Resettlement Framework
- Land Acquisition and Resettlement Plan: Landfill Site in Abbottabad
- Land Acquisition and Resettlement Plan: Landfill Site in Kohat
- Land Acquisition and Resettlement Plan: Access Route to Landfill Site in Mingora
- Land Acquisition and Resettlement Plan: Greater Water Supply Scheme Mingora
- Land Acquisition and Resettlement Plan and Environmental Safeguard Documents: Pedestrianization of Abbottabad Old City
- Corrective Action Plan: Chuna Water Supply, Abbottabad
- Corrective Action Plan: Integrated Solid Waste Management System & Landfill Site Mingora
- Corrective Action Plan: Integrated Solid Waste Management System & Landfill Site Peshawar
- Environmental Management Plan
- Resettlement Plan
- Due Diligence Report for Use of ADB Funds for Land Acquisition and Resettlement

We are committed to their full implementation in compliance with the requirements of ADB SPS (2009) Policy, please

  
**(VASIF SHINWARI)**

**PROJECT DIRECTOR**

**PMU, KPCIP, LGE&RDD, Peshawar**

Copy to:

- PS to Secretary LGE&RDD – for information

**Islamic Republic of Pakistan: Project Readiness Financing (PRF)  
Khyber Pakhtunkhwa Cities Improvement Project (KPCIP)**



**Volume A: Revised Consolidated Social Due-Diligence Report**

**August 2021**

**Prepared by Social Safeguard Team of Project Management Unit (PMU)  
Local Government, Khyber Pakhtunkhwa Cities Improvement Project  
Peshawar**

## **CONTENTS**

Definition of Terms .....	iv
A. Introduction to Social Due Diligence Report (SDDR) .....	1
II. METHODOLOGY.....	11
A. Purpose and Methodology of Social Due Diligence.....	11
III. FINDINGS OF DUE DILIGENCE WORK.....	12
A. Project Design and Implementation .....	12
B. Project Funding.....	12
C. Overall Socio-economic Profile of Project Cities .....	12
D. Scope of Land Acquisition and Resettlement (LAR).....	14
A. Involuntary Resettlement (IR) Category .....	14
f) Indigenous Peoples Category.....	24
E) Institutional Arrangements: .....	41
F) Meaningful Consultation Meetings.....	43
G) Unanticipated Impacts .....	44
IV. Conclusion and Recommendations .....	46
Appendix A: Pictures are shown as an evidence.....	49
Appendix-B: Evidence of undertaking of DPs to handover the LAR matters of LFS Kohat to Jirga.....	55
Appendix-C: Copy of Court Settlement Mardan Landfill Site .....	57

## **ABBREVIATION**

ADB	Asian Development Bank
AIIB	Asian Infrastructure Investment Bank
CAP	corrective action plan
CDIA	Cities Development Initiative for Asia
CIU	city implementation unit
DPs	displaced persons
EDCM	engineering design & construction management
EA	executing agency
Go-KP	Government of Khyber Pakhtunkhwa
GRC	grievance redress committee
GRM	grievance redress mechanism
IA	implementing agency
IR	involuntary resettlement
IPs	indigenous peoples
JICA	Japan International Corporation Agency
KDA	Kohat Development Authority
KPCIP	Khyber Pakhtunkhwa Cities Improvement Project
LAA	Land Acquisition Act (of 1894)
LAR	land acquisition and resettlement
LARP	land acquisition and resettlement plan
PAM	project administration manual
P&D	planning & development
PHED	Public Health Engineering Department
PMU	Project Management Unit
PFS	pre-feasibility study
PRF	project readiness financing
ROW	right of way
SDDR	social due diligence report

SES	socio economic survey
SPS	Safeguard Policy Statement 2009
STP	sewerage treatment plant
SWM	solid waste management
TMA	tehsil municipal administration
TOR	terms of reference
UPU	Urban Policy Unit
WSSC	water supply and sanitation company

## DEFINITION OF TERMS

Compensation	Payment in cash or in kind of the acquired/affected assets at replacement cost provided by the Project to displaced persons or households.
Cut-of-Date	The completion date of the census of project-displaced persons is usually considered the cut-off date. A cut-off date is normally established by the borrower government procedure that establishes the eligibility for receiving compensation and resettlement assistance by the Project displaced persons. In the absence of such procedures, the borrower/client will establish a cut-off date for eligibility.
Displaced Household	All members of a subproject affected household residing under one roof and operating as a single economic unit, who are adversely affected by the Project or any of its components; may consist of a single nuclear family or an extended family group.
Displaced Persons	In the context of involuntary resettlement, displaced persons are those who are physically displaced (relocation, loss of residential land, or loss of shelter) and/or economically displaced (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.
Economic Displacement	Loss of land, assets, access to assets, income sources, or means of livelihood because of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.
Encroachers	People who have trespassed onto private/community land to which they are not authorized. If such people arrived before the entitlements cut-off date, they are eligible for compensation for any structures, crops or land improvements that they will lose.
Entitlement	Range of measures comprising compensation, income restoration, transfer assistance, income substitution, and relocation, which are due to displaced persons, depending on the nature of their losses, to restore their economic and social base.
Meaningful Consultation	A process that (i) begins early in the project preparation stage and is carried out on an ongoing basis throughout the project cycle; (ii) provides timely disclosure of relevant and adequate information that is understandable and readily accessible to affected people; (iii) is undertaken in an atmosphere free of intimidation or coercion; (iv) gender inclusive and responsive, and tailored to the needs of disadvantaged and vulnerable groups; and (v) enables the incorporation of all relevant views of affected people and other stakeholders into decision making, such as project design, mitigation measures, the sharing of development benefits and opportunities, and implementation issues.
Physical displacement	Meaning relocation, loss of residential land, or loss of shelter a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions or land use or on access to legally designated parks and protected areas.
Rehabilitation	Compensatory measures provided under the ADB Policy Framework on Involuntary Resettlement other than payment of the replacement cost of acquired assets.
Replacement Cost	Calculation of compensation based on the following elements: (i) fair market value; (ii) transaction costs; (iii) interest accrued, (iv) transitional

	and restoration costs; and (v) other applicable payments, if any. In applying this method of valuation, depreciation of structures and assets should not be considered.
Squatters	People who do not own the land but are possessing and using it for residential, commercial, agricultural or other economic purposes, and as such they are not entitled to land compensation; they are, however, entitled to compensation for the loss of built-up structures, trees, crops and other non-land assets. They are also entitled to be supported to restore their livelihood.
Vulnerable Groups	Distinct group of people who may suffer disproportionately from resettlement effects. The policy defines vulnerable groups as households below the poverty line, the elderly, those without legal title to assets, landless, women, children and indigenous people.



## I. INTRODUCTION

### A. Introduction to Social Due Diligence Report (SDDR)

1. This consolidated social due diligence report (SDDR) has been prepared to document the screening process for land acquisition and resettlement related impacts of the subprojects selected under the proposed Khyber Pakhtunkhwa Cities Improvement Project (KPCIP) to be financed by the Asian Development Bank (ADB) and the Asian Infrastructure Investment Bank (AIIB). The SDDR has been prepared by the social safeguard team of the Project Management Unit (PMU) under the Local Government Department (LG) Government of Khyber Pakhtunkhwa (GOKP) as the executing agency (EA) for the proposed KPCIP project.

2. The proposed KPCIP project includes five major cities of Khyber Pakhtunkhwa (KP), namely Abbottabad, Kohat, Mardan, Mingora, and Peshawar, and aims to improve their access to quality urban services through two interlinked outputs: (i) enhanced municipal infrastructure and public urban spaces, and (ii) strengthened institutional capacities and efficiency of provincial, municipal and city governments and water and sanitation services. On the request of the Government of Pakistan (GOP), ADB assisted GOP through a Project Readiness Facility (PRF) to fast-track the project preparation, including the detailed engineering designs, due diligence assessments on safeguards, procurement, capacity development and other Project preparatory works ahead of the approval of the ensuing project (i.e., KPCIP). Fig. 1 provides the project map.

3. During the PRF inception stage of the proposed KPCIP project, PMU prepared a comprehensive list of subprojects in consultation with various stakeholders, mainly including the Water and Sanitation Companies in all five project cities. These subprojects were initially proposed based on a Pre-Feasibility Study (PFS) of three cities in Khyber Pakhtunkhwa, i.e., Abbottabad, Mardan, and Peshawar, with support from the Cities Development Initiative for Asia (CDIA) in 2017. The study assisted the GOKP in preparing an integrated, climate-resilient urban environmental infrastructure investment plan based on Pakistan's Vision 2030, KP's Integrated Development Strategy 2014-2018, and Regional Development Plans (RDPs).

4. The initial list of 62 subprojects (Annex-G) was further screened through the two-tier screening process keeping in view the subproject readiness and selection for detailed assessment during the situation analysis. Carried out in October 2019 to February 2020, the objective of the situation analysis of the list of subprojects was to study the existing systems related to water supply, sanitation, drainage, and solid waste management in all 5 cities; screen subprojects with regards to engineering aspects and safeguards assessment and; based on that, recommend subprojects for detailed assessments/designs and preparation of safeguard documents, including the land acquisition and resettlement plans (LARPs), where required. The following two-tiered screening methodology was applied to select the sub-projects.

- i. **Tier 1 screening:** engineering, hydrological, and topographic assessments of all subprojects concerning the end-to-end solution, i.e., to ensure that the selected subprojects can provide an end-to-end solution for service delivery benefits for end-users.
- ii. **Tier 2 validation screening:** subprojects to be qualified based on the tier 1 screening are further assessed for ADB's safeguard requirements and to ensure that selected subprojects do not pose significant adverse impacts and can move to the design stage.

5. The qualified subprojects were recommended for the feasibility and detailed engineering design stage. Twenty-four (24) subprojects (illustrated in below Table 1.1) were selected. The

design of these subprojects were submitted by the Engineering Design & Construction Management (EDCM) to PMU and ADB on 21 October 2020. PMU further shared it with Water Supply and Sanitation Companies (WSSCs) and Tehsil Municipal Administrations (TMAs) for review and comments. After addressing the comments of stakeholders, the design was approved in January 2021. Further details on the social safeguard screening of these subprojects are presented in Table 3.1 as observed during numerous field visits.

**Table 1.1: List of Subprojects Approved by Steering Committee**

<b>S. No</b>	<b>Subproject</b>	<b>Status of Subproject Design</b>	<b>Remarks/Scope</b>
<b>Abbottabad</b>			
1	New surface water treatment plant (WTP) and intake structure- Chuna water treatment plant	Detailed Engineering Design	<p>The Chuna treatment plant is located on a hill top at the end of Chuna road union council Dhamtor 2 Tehsil &amp; District Abbottabad. The existing treatment facility was built in 2015 through Japan International Corporation Agency (JICA), and has maximum treatment capacity of 200l/s. Land under the plant and reservoir is under the possession of Public Health Engineering Department (PHED) since 2013.</p> <p>The proposed new facility, i.e., construction of water treatment plant is to be constructed at 6.9 acres of barren land adjacent to the existing treatment facility. The WSSCA intends to expand the plant capacities from 200l/s to 400l/s to fully rely on gravity source. The proposed subproject will fulfill water supply requirements of Abbottabad city for the projected planning horizon population (till year 2040), from a surface water source, via a gravity-based transmission and distribution system.</p> <p>Other components of the subproject include an intake structure at two surface water sources (Jandar Bari and Phalkot), a 17 km main supply line from the water sources and the Chuna WTP, 34 km supply line to 33 overhead reservoirs and surface tanks (16 new and 17 old to be rehabilitated) that are all located on government owned land and within the existing ROW. Subproject 2 is also connected to this subproject.</p>
2	Rehabilitation and upgradation of water supply system connected to WTP	Detailed Engineering Design	The subproject involves the (a) replacement of water supply pipeline with a total length of about 190 km with right-of-way owned by TMA (The size of the pipe is 3 – 12 inches), and (b) construction of 16 surface tanks.
3	Integrated solid waste management system including landfill	Detailed Engineering Design	The subproject involves the integrated solid waste management including a landfill, dumping cell, leachate treatment through disc tube reverse osmosis (DTRO), parking area and office building.

S. No	Subproject	Status of Subproject Design	Remarks/Scope
			The subproject also includes the procurement of waste collection vehicles & machinery.
4	Pedestrianizing of the old city commercial area covering 15 streets including 5 alleys	Detailed Engineering Design	<p>The subproject involves the upgradation, i.e., putting street lights, street furniture and replacing the pavement of footpath of 15 streets including alleys. Land acquisition is not involved.</p> <p>It also includes installation of underground electricity cables &amp; shifting of transformers and façade uplift through repainting.</p>
5	Shimla Hill Urban Forest Abbottabad (Green Urban Spaces)	Detailed Engineering Design	The subproject will develop a park on Shimla that include walking tracks, trails, staircases and trellises, cricket ground, Horse stable, rock climbing, zorbing, watch tower and zipline, family area, gazebos and BBQ pits, guardrails and different types of benches, parking area with parking shed, public washroom, tuck shops, kiosks, service area and ticket booths, main gates and electric charging decks ,signages, recycling dustbins and planters, cafés, pine forest and additional plantation of 528 trees and 5,810 shrubs and flowering plants, walking track, sitting benches, and swinging areas. The park will be constructed on 700 kanals (87.5 acres) of government land.
6	Rehabilitation of solid waste dump site and conversion into park	Detailed Engineering Design	The subproject involves the development of park, i.e., Café, Pine forest, Urban Forest , Kid's play area, Family area, outdoor sitting area, 3 trellises and 15 gazebos, Park furniture including 33 benches, 250 lampposts, 40 dustbins and 9 signboards, Stone boundary wall and concrete & M.S pipe gate, Public washroom block, administration block, guardroom and ticket booth, Prayer area, Parking area, Leachate pond and 1064 plants of 9 different varieties and 1052 shrubs and flowering plants in an area of 12.5 acres of an existing landfill dumping site. The site is also under the use of cantonment.
<b>Mardan</b>			

S. No	Subproject	Status of Subproject Design	Remarks/Scope
7	Integrated Solid Waste Management System including landfill	Detailed Engineering Design	<p>The subproject involves the construction of integrated solid waste management system at the government owned land (28.5 acres) acquired by TMA in 1996 and now in the possession of WSSC. The subproject involves the integrated solid waste management including a landfill, dumping cell, leachate treatment through disc tube reverse osmosis (DTRO), parking area and office building.</p> <p>It also includes procurement of waste collection vehicles &amp; machinery.</p>
8	Operationalization and upgrade Sewage Treatment Plant (STP)	Detailed Engineering Design	<p>The subproject involves the sewage collection and conveyance network and sewage treatment plant. Currently the sewage treatment plant is non-operational.</p> <p>The land is already acquired by TMA and now in the possession of WSSC.</p> <p>The new sewage treatment plant will treat a total sewage flow of 8.59 million US gallons per day.</p>
9	Ring Road Plantation (Green Urban Spaces)	Detailed Engineering Design	<p>This subproject involves the 150,000 RFT (69 ft wide) greenbelt shoulders along both sides of the ring road and 32,064 trees and shrubs of 12 different varieties in five formations. The plants include sour orange (narinj), jamun, pin oak, ficus benjamina, gul mohar, tecoma, stans bougainvillea, black ficus, and acacia nilotica along 39 km of the road. The IA is KP Provincial Highway Authority.</p>
10	Ghulam Nabi Park adjacent to railway line (green Urban Spaces)- Park for Men	Detailed Engineering Design	<p>The subproject involves plantation on the boundary of the park, walking tracks and sitting benches on the boundary of the parks, walking tracks and sitting benches to be carried out in an area of 1.25 acre of land owned by the Pakistan Railway.</p>
11	Ladies Park adjacent to railway line (Green Urban Spaces)	Detailed Engineering Design	<p>The subproject includes construction of family areas, green lawns, permeable walking track, different varieties of benches, gazebos, children play area having slides, seesaws, monkey bars &amp; swings, cafeteria and tuck shop, public washrooms, 2,105 plantation of 10 varieties of trees (i.e. alstonia estonia scholaris, cassia fistula, plum trees, peach trees, bottle brush, duranta erecta, night blooming jasmine, tecoma stans, spider plants</p>

S. No	Subproject	Status of Subproject Design	Remarks/Scope
			and wild roses, retaining wall and boundary wall on 1.25 acres of land owned by the Pakistan Railway.
12	Green Initiatives at N-45 (Green Urban Spaces)	Detailed Engineering Design	The subproject involves 16,667 interlocking barriers for central median, sweet earth concrete built-in planters for roundabout, grass, planting 13 trees and 8,341 shrubs and flowering plants. NHA is the IA of the subproject.
<b>Kohat</b>			
13	New sewage treatment plant (STP)	Detailed Engineering Design	The subproject will be constructed on 18 acres of land owned by Kohat Development Authority (KDA), GoKP. The subproject includes sewage collection and conveyance network and sewage treatment plant.  The subproject will treat a total sewage flow of 8.46 million US gallons per day
14	Water Supply improvements in Kohat City  a- Rehabilitation & Provision of water storage reservoirs b- New distribution network & metering system c- Solarization of existing tube wells	Detailed Engineering Design	a) Rehabilitation of 10 overhead and surface reservoirs in the existing infrastructures. b) Construction of 5 new and reconstruction of 6 overhead reservoirs on government (KDA) owned land c) Construction of 3 new surface reservoir and reconstruction of 1 surface reservoir on government (KDA) owned land d) Construction of 10 new tube wells. Of these, 4 tube wells will be installed on government (KDA) land while 6 are to be constructed on private land (0.256 acres). e) Rehabilitation of 20 tube wells at the existing infrastructures f) Replacement of 300 km rusted pipeline. g) Water metering system for approximately 32,000 households  The proposed subproject will fill-in the gaps of existing distribution network in terms of coverage and water demand and benefit 32,000 household upon the completion of the subproject.

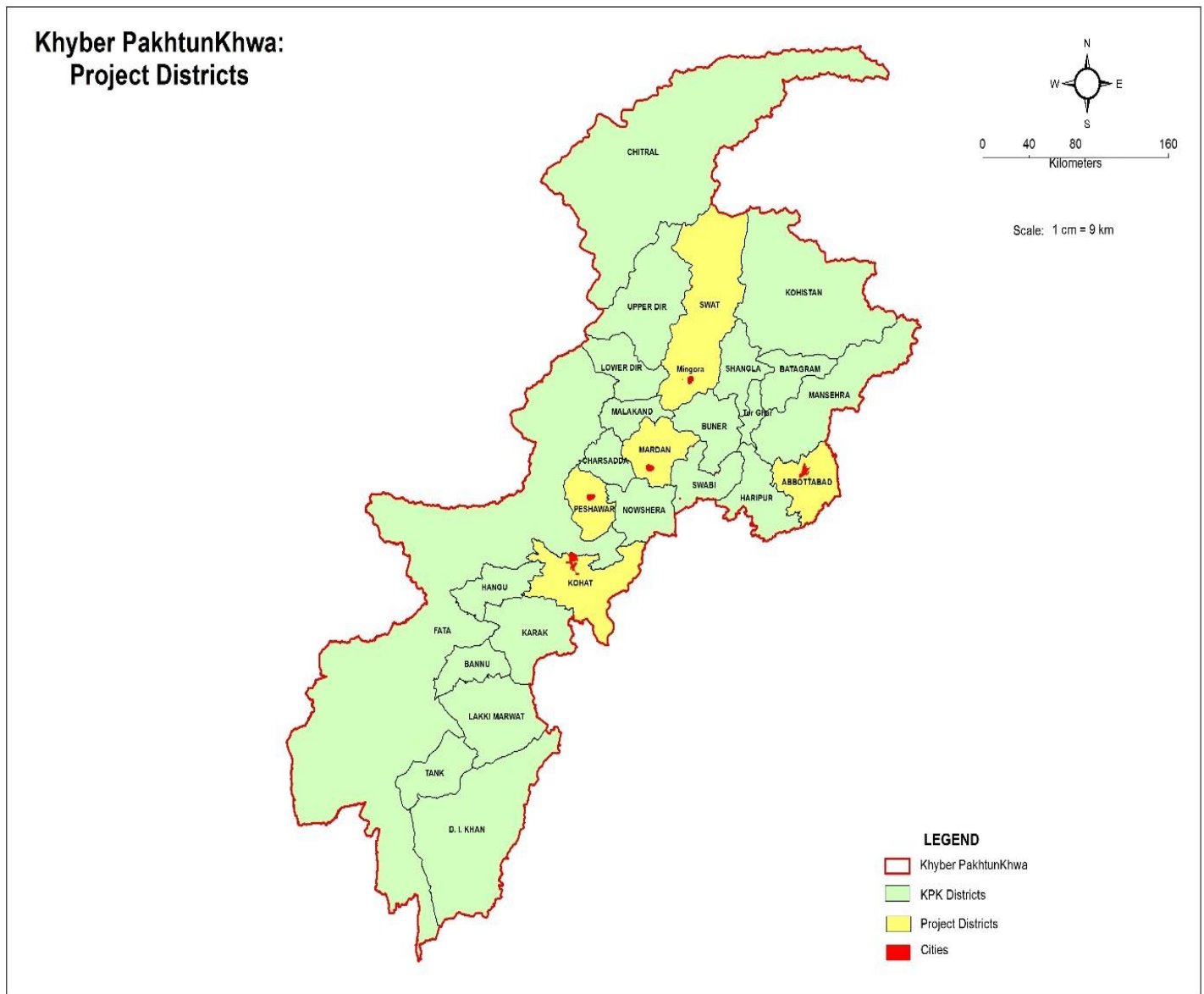
S. No	Subproject	Status of Subproject Design	Remarks/Scope
15	Integrated solid waste management and landfill	Detailed Engineering Design	<p>The LFS will be established on 20 acres of barren and unproductive communal land. The subproject involves the construction of landfill site including the dumping cell and purchase of truck as well.</p> <p>Procurement of waste collection vehicles &amp; machinery is also included in the subproject.</p>
16	Women Development Centre	Detailed Engineering Design	<p>The Women's Business Development &amp; Community (WBDC) Centre will have business development school for entrepreneurs, 5 classrooms and 6 design studios, outdoor community space &amp; exhibition hall, clothing &amp; crafts market for women, commercial shops for men, cafeteria, babysitting facility for working mothers and additional plantation of 64 trees and 1025 shrubs and flowering plants. The subproject will involve the construction of two plazas. The shops will be constructed in an area of 1,513 sq ft and 3,259 sq ft. It will be constructed on a government land owned by tehsil municipal administration (TMA) which is the IA of the subproject.</p>
17	Green initiatives in Sports Complex (Green Urban Spaces)	Detailed Engineering Design	<p>The subproject will be established on land owned by KP Sports Department. IN addition to the existing sports facilities, the subproject includes a prayer area, trellis on slope, step sitting areas around football and cricket ground, walking tracks, parking spaces for different sections with solar panels on parking sheds, tuck shop, toilets blocks, hard and soft landscape, a small park for women, and additional plantation of 355 trees and 6,285 shrubs and flowering plants.</p>
<b>Mingora</b>			

S. No	Subproject	Status of Subproject Design	Remarks/Scope
18	Mingora Greater water supply scheme including new water treatment plan (WTP) intake structure, transmission and distribution network	Detailed Engineering Design	The subproject involves intake structures at source, a 20 km transmission mains, water treatment plant, delivery/ supply mains from water treatment plant to city, storage tanks/reservoirs, and distribution network. Ten surface tanks and 8 overhead reservoirs will be constructed on private land (1.48 acres). The subproject will provide clean water access to 121,500 households on 24/7 mode of water supply with metered connections over the period of next 30 years.
19	Integrated solid waste management & landfill a) Land fill site b) Access route	Detailed Engineering Design	The LFS will be constructed on 8 acres of already acquired land and WSSC has the possession of the land. The subproject will improve the environmental conditions in the area by converting the currently existing open dumpsite into a sanitary LFS. The subproject also involves the construction of access route on owned an area of 0.82 acre by 27 landowners. The salient features of the ISWM system include: <ul style="list-style-type: none"> <li>• Door-to-door collection of all municipal waste from residential, commercial and institutional areas;</li> <li>• Procurement of waste collection vehicles &amp; machinery</li> <li>• Establishing material recovery facility and minimizing number of transactions between different components of waste management</li> <li>• Construction of landfill site near the existing dumping site at village Kawtaro Mera in District Swat.</li> </ul>
20	Development of neighborhood park on the old slaughterhouse (Green Urban Spaces)	Detailed Engineering Design	The subproject involves the plantation along the boundary walls, walking track and green areas in an area of 2.5 acres of government (TMA) owned land.
<b>Peshawar</b>			
21	Water supply system improvements in the city a- rehabilitation or provision of water storage reservoirs	Detailed Engineering Design	The subproject involves the construction of 300 km distribution network, 34 over head reservoirs (OHRs) and installation of water meters in the subproject area. All of these OHRs are located on land owned by GoKP. Twelve (12) new tube wells will be installed on government land



S. No	Subproject	Status of Subproject Design	Remarks/Scope
	b- New distribution network and water metering system		It will provide clean water access to 22,000 household with metered connections.
22	Integrated Solid Waste Management System including landfill	Detailed Engineering Design	<p>The subproject involves the conversion of an existing open dumpsite into a sanitary LFS on an area of 102.25 acres. The land was acquired in June 2018 and WSSC has the possession of the land. Three transfer stations will be developed in Peshawar city on government-owned land.</p> <p>Procurement of waste collection vehicles &amp; machinery is also included as a component of the subproject.</p> <p><b>Access Route:</b> A 100-feet wide access route in the length of 1.5 km will be constructed on land owned by KP Irrigation Department.</p>
23	Development of Besai Park in Phase VII (Green Urban Spaces)	Detailed Engineering Design	The subproject includes an urban forest having 1,801 trees, family area with sitting spaces, playground with swing sets, sand pits for toddlers, cycling track for children, skating zone for small children, recreational facilities for adults, rose garden, seasonal flower beds, maze, amphitheater, open air gym, chess sitting space, Ludo sitting space, gazebos, permeable walkways, guardrails, benches, public wash rooms, cafeteria and tuck shops, solar shed parking spaces and retaining wall along the Gando Khwar. The subproject will be on an area of 11.625 acres in an existing park owned by Peshawar Development Authority (PDA).
24	Development of Bagh-e-Naran Extension (Green Urban Spaces)	Detailed Engineering Design	The subproject involves plantation in an existing park in an area of 13.125 acres owned by Peshawar Development Authority (PDA). The subproject includes family area, sitting spaces, cycling track for children, playground with swing sets, sand pits for toddlers, recreational facilities for adults, urban forest with 1,782 trees, open air gym, gazebos, rose garden & seasonal flower beds permeable walkways, guardrails & benches, solar shed parking spaces, retaining wall, and connecting bridge with existing Bagh e Naran.

**Figure 1: Location Map of KPCIP**



## **II. METHODOLOGY**

### **A. Purpose and Methodology of Social Due Diligence**

6. The ADB's Safeguard Policy Statement (SPS) 2009 with regard to involuntary resettlement aims to "avoid involuntary resettlement wherever possible or to minimize impacts if avoidance is not possible by exploring project and design alternatives; enhance or at least restore livelihoods of those affected by the Project relative to pre-project levels and to improve the standards of living of those poor and other vulnerable groups. Following this aim of the SPS, the KPCIP project has been carefully conceptualized to either avoid all potential social impacts of proposed subprojects where possible or keep impacts to insignificant thresholds through adopting no or least impacts subproject designs. The social safeguard team of PMU undertook due diligence of the proposed subprojects to assess the land acquisition and resettlement (LAR) impacts of the subprojects, screen all subprojects, and categorize them under the SPS's projects categorization criterion for involuntary resettlement (IR) and Indigenous Peoples (IP) impacts, prepared land acquisition and resettlement plans (LARPs) and corrective action plans (CAPs) as required to compensate and assist all displaced persons (DPs) prior to starting the construction works.

7. To achieve this objective, the social team adopted the following methodology undertaking the social due diligence of the subprojects:

- i. Reviewed available project and subproject documents, final detailed design, inception report and situation analysis prepared by the Engineering Design and Construction Management (EDCM), land ownership records provided by respective Revenue Department and City Development Initiative for Asia (CDIA) document prepared for Pre-Feasibility Study (PSF) conducted in 2017 for three cities (Abbottabad, Mardan, and Peshawar).
- ii. Conducted field visits to all 24 subprojects of five cities to assess LAR impacts and to determine how to minimize them through opting different design alternatives.
- iii. Held series of consultations and meetings with ADB (project officer, coordinators, international project-specific experts in solid waste, sewerage and water supply and safeguard unit, P&D (Planning & Development), Provincial Minister (for local government), project technical committee and steering committee, Urban Policy Unit, PMU, District Administration, officials of Revenue Department, WSSC, Tehsil Municipal Administration, (Public Health Engineering Design (PHED), PDA, DPs, general population, EDCM, and internal meeting with the PMU on LAR impacts and sought their views and clarifications on the project design, gaps and the safeguard requirements to address the impacts. The action required from the government side was explicitly discussed and got their commitment over the actions needed along with timelines. Regular follow-ups through meetings, emails, and formal letters to complete or implement timed measures were also carried out.
- iv. Conducted multiple site visits to confirm whether the design adequately addressed the LAR issues and design alternatives were considered to avoid or minimize the impacts.
- v. Recorded baseline site situation by taking photos as an evidence of site visits and baseline site conditions.

### **III. FINDINGS OF DUE DILIGENCE WORK**

8. Key findings of due diligence work are presented below.

#### **A. Project Design and Implementation**

9. EDCM has prepared the detailed engineering design of 24 subprojects which were approved in January 2021. While preparing the detailed design of subprojects, attempts have been made to avoid or minimize all potential LAR impacts to the extent possible. The EDCM and PMU social safeguard team jointly visited all subprojects and assisted PMU in the selection of only those subprojects which have insignificant LAR impacts. The following impacts and design mitigation measures were followed during due diligence:

- a) Avoided or protected residential structures and public building structures for the landfill site (LFS) proposed in Abbottabad.
- b) Minimized impacts to agriculture land for landfill site Abbottabad and Peshawar. For the LFS in Kohat, the cultivated land and the building structures are entirely avoided.
- c) Community assets were completely avoided.
- d) Minimized the impacts on trees on all subprojects.
- e) To the extent possible, subprojects where land has already been acquired and under the possession of WSSCs have been considered for the subprojects to avoid new land acquisition and resulting project delays.
- f) Efforts were made to avoid impacts on women-headed households and other vulnerable groups such as the elderly, orphans, physically handicapped, landless, children and minorities.
- g) In case the government plans to acquire a major part of the land and the leftover land is no more useful for the landowners, the government would also acquire that small leftover piece of land. While the leftover lands are not needed by the Project, this option of acquiring the remaining unusable land will be in place.

10. Subprojects are grouped into five civil contract packages. The first batch of subprojects are expected to be awarded within the first quarter of 2022 when most LARPs/RP/CAPs have been finalized and fully implemented. Subprojects related to development of urban/green spaces and parks and improvement of water supply system are targeted for the first batch of subprojects to be implemented, subject to the completion of implementation of safeguards plans and mitigation measures. Award of the integrated solid waste management subprojects is planned towards the 3<sup>rd</sup> and 4<sup>th</sup> quarter of 2022.

#### **B. Project Funding**

11. The total cost of PRF is USD 10 million, including USD 2 million grant and USD 7 million loan from ADB. GoKP is providing USD 1 million as counterpart fund. ADB and its co-financier will provide about USD 438 million for implementing the ensuing project (KPCIP).

#### **C. Overall Socio-economic Profile of Project Cities**

12. The socio-economic structure of the project area is primarily urban. Most of the population lives in an urban area and depends upon business and employment in the private and government sectors. The main occupations of the male population include; self-employment, farming, employees of private organizations, government employees, farm labor, skilled and unskilled laborers. In general, the area has access to electricity and communication networks. The

government owned health facilities are generally available though not sufficient as people have to consult private doctors to meet their requirements. Education facilities are meeting the needs of the people with the support of the private schools. Pashto is the predominant language spoken in the area. City-wise socio-economic description is discussed as under.

- a. **Abbottabad City:** According to the 2017 census, the total population of District Abbottabad is 1,332,912 persons, including both urban and rural settlements, comprising 677,570 males and 655,281 females. Besides subsistence agriculture, modest additional income is generated through backyard poultry farming and livestock rearing. However, these are not optimally developed due to poor extension services, inadequate marketing support, and substantial shortages of feed and fodder. There is potential for increased livestock feed if the authorities could further develop rangelands in the District. There are many small rivers and streams capable of supporting aquaculture. This also needs to be fully developed. Mining activity is limited, dominated by soapstone and limestone, despite the reports of other rock and mineral deposits for industrial use. Abbottabad is ranked as a “least poor” district with a 7.32 percent incidence of poverty (compared to 36.92% for KP). Poverty is higher for female-headed households (9.22%) than for male-headed households (6.6%). The government is the largest provider of education. The number of primary schools is 1264, middle school 163, high school 121, higher secondary school 27, degree college 9, and postgraduate college 3. The private sector is a significant provider of health services in the Abbottabad District. Abbottabad has 116 public healthcare facilities with a combined strength of 1,438 beds, all of which are in tertiary level institutions. Rural health centers, basic health units, and dispensaries provide health services in rural areas.
- b. **Kohat City:** As per the 2017 census, the total population of District Kohat is 993,874, including both urban and rural settlements, comprising 496,593 males and 497,238 females. The rural population is 723,728 persons, while the urban population is 270,146 persons. Kohat is ranked as a “Poor” district with 32.97 percent incidence of poverty (compared to 36.92% for KP). The government is the largest provider of education. The number of primary schools is 800; middle school 106, high school 93, higher secondary school 25, and degree college 6. The private sector is a significant provider of health services in Kohat District. Kohat has 64 tertiary level public healthcare facilities with a combined strength of 610 beds.
- c. **Mardan City:** According to the 2017 census, the total population of District Mardan is 2,373,061, including both urban and rural settlements, comprising 1,200,871 males and 1,172,192 females. The rural population of the District is 1,933,736 persons, while the urban population is 439,325 persons. The City is home to textile and vegetable oil mills, as well as one of the largest sugar refineries in South Asia. Its industries also include the Pakistan Railways Locomotive Factory, small to large cigarette manufacturing industries, and flour, marble, and paper mills. Several financial agencies (banks) have established their branches in the City. While Mardan has some tourism potential with its unique Buddhist historical sites, this can only be explored once the security situation improves. Mardan is ranked as a poor district with poverty incidence estimated at 36.41 percent of households. The government is the largest provider of education. The number of primary schools is 1419; middle school 176, high school 167, higher secondary school 67, degree college 17, and postgraduate 2. Mardan has 83 healthcare facilities, including hospitals and rural health centers, with a combined strength of 826 beds. The hospitals are in Mardan City and two other urban settlements.

- d. **Swat/Mingora City:** According to the 2017 census, the total population of District Swat is 2,309,570, including both urban and rural settlements, comprising 1,172,974 males and 1,136,544 females. The rural community is 1,613,670 persons, while the urban population is 695,900 persons. Swat is ranked as a “Very Poor” district with 42.24 percent incidence of poverty (compared to 36.92% for KP). The government is the largest provider of education. The number of primary schools is 1306; middle school 131, high school 124, higher secondary school 38, and degree college 8. The private sector is a significant provider of healthcare services in the Swat District. Swat has 79 public healthcare facilities with a combined strength of 866 beds, all of which are in tertiary level institutions.
- e. **Peshawar City:** According to the 2021 census, the total population of Peshawar is 4,268,848 including male population of 2,201,257 and female population of 2,067,591. The main employment sector for men is agriculture (34%), followed by industry/manufacturing (21%), services (18%), construction (15%), and government (12%). About one-fifth of women are estimated to have no work outside the home; those who worked outside the home were engaged in services (56%) and manufacturing (19%). Around one-fifth of respondents come from families dependent on local remittances (17%) and foreign remittances (3%) as their primary sources of income. Peshawar is ranked as a poor district with a 32.15 percent incidence of poverty (compared to 36.92% for KP). Poverty is higher for female-headed households (34.03%) than for male-headed households (31.76%). The government is the largest provider of education. The number of primary schools is 1039; middle school 157, high school 141, higher secondary school 47, and degree college 16. The private sector is a significant provider of healthcare services in the Peshawar District. Peshawar has 182 public healthcare facilities, including 21 public hospitals, with a combined strength of 6,106 beds, of which 5,979 are in tertiary level institutions (hospitals).

## **D. Scope of Land Acquisition and Resettlement (LAR)**

### **A. Involuntary Resettlement (IR) Category**

13. As per ADB Safeguard Policy Statement (SPS-2009), the LAR impacts are considered significant if 200 or more persons experience significant impacts that are physically displaced from housing and lose 10% or more of their income-generating resources. Although the number of severely affected DPs is below 200, the risk of having additional impacts may be expected given the location/alignment of the subprojects (urban, near settlements and busy commercial areas) which justifies a category A for IR.

14. As per detailed assessment, of the 24 proposed subprojects (SPs) 15 SPs do not have IR impacts. The remaining 9 SPs have IR impacts. Approximately 215.237 acres of private land comprising 30.43 acres of agriculture land and 184.807 acres of barren land will be required. An estimated 10,856 DPs will be affected. Of these, 21 households (with 143 members) will likely lose 10% or more of their agriculture land. Other DPs are losing barren land. While still to be further assessed, there is also a risk that 6 households (with 40-42 members) living within the buffer zone of one LFS may need to relocate. For the Mingora Greater Water Supply subproject where the census is yet to be undertaken and a few other subprojects where some DPs were not available during the census, the number of household members was only estimated. These will be confirmed in the final LARPs when the census has been completed.

15. **Table 3.1** presents detailed screening and categorization of all 24 subprojects. Among the total category B subprojects, 4 draft LARPs have been submitted to ADB including one for the access route to landfill site, Mingora<sup>1</sup>. One resettlement plan (RP) is prepared for pedestrianizing of the old city commercial area, Abbottabad where impact on encroaching structures is expected. Result of the third-party validation of the negotiated settlement related to 3 subprojects is also included in this SDDR. Corrective action plan (CAP) was prepared for 3 subprojects, i) LFS Peshawar, ii) Chuna water supply scheme, iii) LFS Mingora to address some outstanding issues of the past to comply with SPS requirements. In case of LFS Mingora and LFS Peshawar, land was acquired prior to the KPCIP-PRF approval through the application of urgency clause (17/4/6) of the Land Acquisition Act 1894. For the Chuna Water Supply scheme in Abbottabad, land was acquired through the normal acquisition procedures in 2016 but compensation payment has not been disbursed to the landowners. The CAP also assessed severity of impacts and vulnerability of DPs on these subprojects. PMU has engaged a valuer accredited with the State Bank of Pakistan (SBP) to conduct an independent valuation study (IVS) to determine the adequacy of assessed compensation and find out any differential in compensation rate compared with the requirement of full replacement cost, ensuring compliance with the ADB's SPS 2009. All the resettlement planning documents are in draft and will be finalized after completing the IVS, socioeconomic surveys and issuance of DP acquaintance roll from the revenue department. A LARF is also prepared for KPCIP to address both identified and unanticipated impacts during the project implementation. An external monitor will also be engaged to independently assess if there are unanticipated impacts in all subprojects, including those that were initially categorized C for IR.

### **Subprojects with no IR impacts**

16. Field investigation confirms that 15 of 24 subprojects do not have any land acquisition and resettlement (LAR) impacts and are therefore considered as IR category C. These 15 subprojects do not have any IR impacts as they are installed on the government owned land and there are no third party or informal users who may be affected. No-objection certificate (NOC) from the relevant agencies have been obtained for 6 subprojects, while the NOC for other 8 subprojects is under process. PMU/CIU will do another due diligence during implementation in case unanticipated IR impacts occur. A land acquisition and resettlement framework (LARF) has been prepared to guide the project in case of unanticipated impacts during the subproject implementation. The external monitor to be engaged under KPCIP will also include these subprojects in the monitoring. The 15 subprojects with no IR impacts are listed as under;

- a) Shimla Hill urban forest (Green Urban Spaces), Abbottabad
- b) Rehabilitation of solid waste dump and conversion into park, Abbottabad
- c) New sewage treatment plant (STP), Kohat
- d) Women development and community centre, Kohat
- e) Green initiatives in sports complex (Green Urban Spaces), Kohat
- f) Integrated solid waste management system including landfill, Mardan
- g) Operationalization and upgrading sewage treatment plant (STP), Mardan
- h) Ring Road Plantation (Green Urban Spaces), Mardan
- i) Ghulam Nabi Park adjacent to railway line (Green Project), Mardan
- j) Ladies Park adjacent to Railway Park (green Project), Mardan
- k) Green initiatives at N-45 (Green project), Mardan

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<sup>1</sup> The LFS Mingora and Access route to LFS Mingora are two components of same subproject, hence are treated as one subproject.

- l) Development of neighborhood park on the old slaughter house (Green Urban Spaces), Mingora
- m) Development of Besai Park in Phase VII (Green Urban Spaces, Peshawar
- n) Development of Bagh-e-Naran Extension (Green Urban Spaces), Peshawar
- o) Water supply system improvements in the city, Peshawar

17. The remaining 9 subprojects involve varying degrees of land acquisition and resettlement (LAR) impacts. Most of the acquired land is barren & uncultivated land and livelihood of most DPs is not affected. IR impacts from these subprojects are generally assessed as “insignificant”. All safeguards assessments will be reconfirmed before contract award to ensure that all potential impacts are identified and are covered in the respective safeguards plans. Contract award for these subprojects will be conditional to the preparation and approval of final/implementation-ready LARP/RP/CAP, while the commencement of works will be conditional to the full implementation of these plans as verified by an external resettlement monitor. Monitoring of potential impacts will be continued during subproject implementation to identify and address unanticipated impacts that were not considered in the LARPs/RP/CAPs. Result of the continuous monitoring will be reported in the semi-annual monitoring reports to be submitted throughout the project implementation.

#### **Subprojects where land is acquired through negotiated settlement**

18. Three (3) of 10 subprojects in Abbottabad, Mingora and Kohat include overhead reservoirs, surface water tanks and tube wells where private land is being acquired through negotiated settlement. Negotiation for the purchase of land for 6 tube wells in Kohat has been completed. For the Abbottabad subproject, negotiation is ongoing and WSSC expects to complete it by August 2021, while for the Mingora WSS, it is expected to be completed by September 2021. An ADB RETA consultant verified the negotiation process confirming that all transactions were carried out in line with ADB’s SPS(2009). First option of WSSC was to consider government owned land for the reservoirs and tanks, only where government land was not available private land was considered. During the initial technical feasibility survey, WSSC staff observed the productivity of land and selected the land which was barren and unproductive for long time. Where private land was involved WSSC held initial meetings with the private landowners to examine their willingness to provide land for the project. Such sites were finalized where private landowners were willing to provide land for the project based on negotiated compensation amount or any other offer such as permanent jobs as pump operator or security guard. The sites where private landowners were reluctant to provide land for the project were completely avoided. Details of the verification is provided in Annex K of the report. In case of failure of negotiation, WSSC will look for an alternate land. There is still the option to shift the location of the OHR or tube well by 100-200 meters horizontally and 2 to 5 meters vertically. In case alternate land is not available, land acquisition through the normal LAA procedures will be done and a LARP will be prepared and implemented prior to commencement of civil works.

#### **a. Abbottabad rehabilitation or provision of water storage reservoir**

19. The WSSC is going to construct 16 surface tanks. Twelve of these 16 surface tanks will be constructed on 1.68 acres of private land. The capacity of the storage tank ranges from 80,000 gallons to 300,000 gallons for which land requirement is 8 to 26 Marla. This area will be used for construction of storage tank and operational components. There are 22 landowners whose private land is involved for the construction of these 12 tanks of various capacities. The land will be acquired through the negotiated settlement (as confirmed by WSSC) involving all the landowners. PMU is facilitating the negotiation process for the completion of all required



documentations. Once the process is concluded (expected to be completed by August 2021), all types of documentations including the names of the confirmed landowners will be updated and shared with ADB. Section 4 of the LAA was notified on 24 March and 8 April 2021. The negotiation committee was notified by the respective DC on 27 May 2021. The composition of the committee includes:

- a. Additional Deputy Commissioner, Member
- b. Chief Executive Officer WSSC, Member
- c. District Officer (F&P), Member
- d. TMO, TMA, Member
- e. Tehsil Revenue Officer Circle, Member
- f. Deputy Commissioner, Chairman

20. The committee will complete the process of valuation within 60 days from the date of its notification (as per notification document issued by DC). TORs of the committee include assessment of i) the price paid for land recently acquired in this estate/neighborhood, ii) price paid in private transaction as discoverable from the register of mutation and the record of registration department, and iii) all other information available especially the points referred in Section 23 of the LAA, 1894.

#### **b. Kohat construction of 6 tube wells on private land**

21. A total of 6 new tube wells will be constructed on private land (0.256 acres). The land has been acquired through negotiation. Section 4 was not notified and WSSC immediately proceeded towards the negotiations. The 6 landowners were offered 2 options for compensation – one time compensation for the land based on current market rates or provision of permanent jobs in the subproject. The landowners opted the option of being given permanent jobs to 2 family members of the landowner as pump operator and Chowkidar (Security guard) on the same tube wells in exchange for the land. The job agreement will be signed at the same time when these private landowners transfer the land in the name of WSSC Kohat and job offer will be provided after completion of installation work of tube wells and at operation stage. The acquisition will have negligible impact on the landowner's livelihood since the land is not productive. The detail is given as an Annex-K of the report. The negotiations were undertaken by WSSC water wing members that comprise of following officials:

1. Surveyor
2. Assistant supervisor
3. Supervisor
4. Manager projects

22. The committee held a series of face-to-face meetings with the landowners who were also frequently contacted telephonically even APs also contacted the committee members if they have any queries regarding the negotiation process.

#### **c. Mingora water supply scheme (construction of OHR and surface tanks)**

23. Total of 10 surface tanks and 8 overhead reservoirs (OHRs) will be constructed on an area of 1.48 acres of private land. The capacity of the storage tank ranges from 100, 000 gallons to 300,000 gallons for which land requirement is 8 Marla to 20 Marla respectively (this area will be used for construction of storage tank and operational components)/ There are approximately 18 landowners whose private land may be required for the construction of these 10 tanks and 8

OHR of various capacities. Third-party verification of the negotiation will be undertaken once the negotiation process is successful with the landowners.

24. The land will be acquired through negotiated settlement (as confirmed by the respective WSSC). Presently, the negotiation is not started, although WSSC requested DC Swat in March, 2021 for the notification of Section 4 in order to initiate the land acquisition process. The Section 4 notification is delayed owing to the transfer of the DC. WSSC assured that Section 4 will be notified by 15<sup>th</sup> of August, 2021. Once the Section 4 is notified, DC will be requested to constitute the negotiation committee so that the negotiation process could start.

#### **Subprojects where land is being acquired under the normal process of the LAA**

25. There are four subprojects where land is being acquired under the normal process of the LAA. For these subprojects, the formal land acquisition process has started with the notification of Section 4 of the LAA. Funds have been allocated in the district revenues. For 3 subprojects, notification of Section 5 of the LAA has been completed. For Mingora access route to the LFS, notification of Section 5 is expected until August 2021. Draft LARPs are being prepared and independent valuation study (IVS) is ongoing. These draft LARPs will be finalized following the result of the IVS and the issuance of the acquaintance roll of DPs by the DC as per Section 9 of the LAA which is expected in October-November 2021. Disbursement of compensation payments and its verification is expected within the first quarter of 2022. For all these subprojects, contract award will be conditional to the preparation and approval of an implementation-ready LARPs while commencement of civil works will be conditional to the full implementation of the LARP as verified in a LARP implementation compliance report.

##### **a. Abbottabad integrated SWM system (landfill site)**

26. This subproject involves the development of an integrated landfill site adjacent to Dhor Hevellian near nullah Jub Dhamtour Abbottabad-about 10 km away from the city Centre. The LFS will be constructed over an area of approximately 52.02 acres of private land owned by 347 DPs. The land acquisition process has been triggered with the issuance of Section 4 of the Land Acquisition Act of 1894 (LAA) in January 2020. Section 5 was notified on 30 July 2021. The land is being acquired through normal procedure.

27. The land to be acquired is in a mountainous area. About 46.2 acres of which is completely barren and not used for any productive purpose, whereas the remaining 6.5 acres is cultivated with wheat and fodder. A census of the landowners identified 9 vulnerable DPs. The subproject is categorized B for IR. The subproject will not cause of any physical dislocation. None of the DPs who are cultivating 6.5 acres will lose 10% or more of their agricultural land. The access to LFS will be available from Havilian – Abbottabad bypass road. Key milestones to be achieved are:

- a) Notification of Section 5A by 14 September 2021
- b) Submission of IVS Report by 15 September 2021
- c) Submission of final LARP with the IVS results and DP acquaintance roll following Section 9 of LAA by 29 October 2021
- d) Notification of land award by 28 November 2021

#### **b. Kohat integrated SWM (landfill site)**

28. The LFS is located around village Muhammad Zai about 8 km away from the Kohat city center. The LFS will be constructed over an area of approximately 20 acres of communal (Shamilat) land with 3,695 shareholders belonging to Aurakzai tribe. The land acquisition process has been initiated through issuance of Section 4 of LAA in January 2020. Section 5 was notified on 28 June 2021. The land will be acquired through normal acquisition process. The LFS does not have any impact on trees, crops, structures or any other physical infrastructure e.g., any water courses or irrigation network. The land is barren and is not used for any productive purposes. In order to ensure transparency of the acquisition and compensation process and to address the issue of compensation disbursement of meager amounts to those not having bank accounts, the office of Assistant Commissioner (AC) Kohat held meetings with tribal elders of shareholders and Jirga members for a committee to be set up for disbursement of compensation to the shareholders. The meeting resulted in setting up of an 11- member committee, representing all shareholders, in the presence of AC, Kohat and tribal elders and Jirga representatives on 4 March 2021. An undertaking is already signed by the potential shareholders in the presence of Assistant Commissioner confirming that the committee will look after their (DPs) interest in the project is being prepared (The Copy Annexed as of C). The key milestones to be achieved are discussed as under;

- a) Notification of Section 5A by 14 September 2021
- b) Submission of IVS Report by 15 September 2021
- c) Submission of final LARP with the IVS results and acquaintance roll of DPs by 29 October 2021
- d) Notification of land award by 28 November 2021

#### **c. Mingora Greater Water Supply Scheme**

29. The subproject involves the construction of a 20 km water supply system. It also includes intake structures, treatment plant, water reservoir, 10 surface tanks and 8 overhead reservoirs (OHRs). These surface tanks and OHRs will be constructed on an area of 1.48 acres of private land. The land will be acquired through negotiated settlement. The proposed ROW of water supply line is 3 meters wide and will cover government and private land. Section 4 of the LAA 1894 was notified on 11 May 2020 for the land acquisition for the water supply line. Section 5 of the LAA was notified on 28 June 2021. Land will be acquired under the normal acquisition process of LAA, 1894. The water supply line will have impact on 15 acres of private land, crops and trees. It is estimated that approximately 3,200 landowners may lose marginal portions of their land, except for 20 landowners who may lose 10% or more of their agricultural land. The consultations (through the district government) with the landowners are underway. Discussion is ongoing related to the request of some landowners on the possibility of changing the alignment on the first 8 km of the pipeline. Socioeconomic survey will commence after agreement has been reached on the alignment. As per the assessment made based on the detailed design and consultations with the WSSC and EDCM, the subproject is categorized B for IR. The key milestones to be achieved are stated as;

- a) Initiation of socio economic and census survey after agreement reached with landowners on the alignment of the first 8 km of the pipeline
- b) Notification of Section 5A by 27 September 2021
- c) Submission of IVS Report by 15 September 2021
- d) Submission of final LARP with IVS results and acquaintance roll of DPs following Section 9 of the LAA by 11 November 2021

e) Notification of land award by 11 December 2021

**d. Mingora integrated SWM (access route to LFS)**

30. The subproject will be constructed in an area of 0.82 acres of private uncultivated land owned by 27 landowners. The land acquisition process is going on since September 2020. The government is acquiring the land through normal acquisition process. The subproject impacts are deemed insignificant as none of DPs are required to physically move out of their residence or lose 10% or more of their income generating resources. Therefore, the subproject can be categorized B for IR. The key milestones to be achieved are discussed as under;

- a) Notification of Section 5 by 31 August 2021
- b) Submission of IVS Report by 15 September 2021
- c) Notification of Section 5A by 15 September 2021
- d) Submission of final LARP with IVS results and acquaintance roll of DPs following Section 9 of the LAA by 15 October 2021
- e) Notification of land award by 15 December 2021

**Subproject with no land acquisition but with temporary impacts on structures during construction**

**Abbottabad pedestrianizing of the old city commercial area**

31. The subproject involves the upgradation of pedestrian pavement on 15 streets possessing the ROW from 7 – 35 feet. The shopkeepers got the shops on lease. Their businesses include selling garments clothes, fruit, groceries, meat and pharmaceutical products. Mobile vendors also roam these streets to sell their goods. The temporary impacts (expected during construction) are expected on the structures of 128 shops that have encroached into the street at Eid Gah Road, Masjid Road, Atta Mandi, Gol mandi, Gurdwara street, and Noor Din Mohalla. The mobile vendors are not expected to be affected as they are mobile and sometimes sell their goods at the main road (where the subproject streets are linked).

32. The subproject does not have any permanent impact. Only impacts during construction is expected, DPs business activities will be disrupted during the construction period. Measures are provided in the environmental management plan (EMP) to mitigate these impacts (i.e. mitigation plan in the EMP to address temporary restriction of access under Sr. # 5 traffic management, Sr. # 8 public nuisance of design phase, Sr. # 14 traffic management, and Sr # 15 pedestrianization management of construction phase. Mostly, moveable structures will be affected. However, few iron shade will need to be removed. None of the DPs will be displaced physically from housing or lose 10% or more of their productive assets. Hence, the subproject falls under category B for IR. A draft RP has been prepared. For this subproject, contract award will be conditional to the preparation of an implementation-ready RP while commencement of works will be conditional to the full implementation of the RP and confirmed in an RP implementation compliance report. The submission of final RP with complete socioeconomic survey of all DPs by 15 September 2021.

**Subprojects with IR-legacy issues for which a corrective action plan (CAP) is being prepared**

33. Prior to the processing and approval PRF for KPCIP, the government acquired land for two (2) landfill sites (Mingora and Peshawar) through the application of urgency clause (17/4/6) of the LAA 1894. These two sites were used for open dumping before the KPCIP. In Abbottabad, land adjacent to the existing Chuna water treatment plant was acquired on 13 January 2016 under the normal LAA procedure, but compensation has not been completed. These 3 subprojects are considered with legacy issues which require a corrective action plan (CAP) to meet the SPS requirements. Key aspects of the CAP are the conduct of an independent valuation study (IVS) to determine the adequacy of assessed compensation and find out any differential in compensation rate compared with the requirement of full replacement cost in accordance with ADB's SPS 2009 and conduct of fresh consultations and surveys for impact assessment. Three draft CAPs were prepared. These will be updated following the completion of the IVS expected within August 2021. Contract award for these subprojects will be conditional to the preparation of implementation-ready CAP while commencement of work will be conditional to the full implementation of the CAP as verified in a CAP implementation compliance report. Except for the Abbottabad Chuna new surface WTP extension and intake structure which is expected to be awarded by the first quarter of 2022, the 2 subprojects with legacy issues (Mingora and Peshawar LFS) are expected to be awarded by the fourth quarter of 2022.

**a. Abbottabad new surface treatment plant and intake structure at Chuna water treatment plant**

34. The proposed new facility is to be constructed adjacent to the existing JICA funded water supply scheme constructed in 2015. The land is barren and not used for any productive purpose. The land was acquired through the application of normal procedure of LAA, 1894 and land award was announced on 13 January 2016. According to the Revenue recorded and award document, 6.9-acres land owned by 245 land owners was awarded in the name of Public Health & Engineering Department (PHED) Abbottabad. Surprisingly, none of the DPs have received compensation, although the compensation amount (PKR 1.8 million as per award) has been transferred to the district treasury by the PHED. The main reason for the non-payment was the absence of acquaintance roll and none of the DPs was served the notice for receiving their land payment. The acquaintance roll of DPs was prepared and finalized in April 2021 and the revenue department will serve the notice for payment to DPs in August 2021. Regarding the consultations with the DPs, a total of 4 meetings were held and 10 men and 15 women participated. The main concerns raised by the participants are given below:

- a. The DPs were not happy with the land rate Government offered them and demanded the compensation as per prevailing market.
- b. The drainage system is bad and dire straits, it needs to be improved.
- c. The DPs demand for unskilled jobs at new proposed subproject.
- d. Clean drinking water is a top priority. Despite living near the JICA WS project, the local villagers are deprived from clean water

35. A corrective action plan (CAP) was prepared to address some outstanding issues to safeguards compliance with SPS requirements. The PMU has engaged a licensed valuer (M/S Anderson) to conduct an independent valuation study (IVS) for this subproject to determine the adequacy of the compensation rates to ensure meeting the SPS requirement of full replacement

costs. The valuer is expected to submit the IVS report by 15 September 2021. The final CAP with the IVS results will be submitted to ADB for review.

**b. Mingora landfill site**

36. Construction of integrated landfill site on 8.251 acres of land acquired through Section 17/4/6 (urgency procedure of Land Acquisition Act 1894 (LAA). Section 4 of LAA was notified in 2017 while land award was announced on 25 April 2018, almost 1 year prior to the ADB approval of the PRF in March 2019. TMA claims ownership/possession of land since 2018 and has been using the site as an open dumpsite. The land acquisition history (along with the available notification/referred letters as of Annex-C) is discussed as under:

- a) Section 4 notified on 26 May 2014
- b) Section 4 de-notified on 7 July 2014 (on the protest of the surrounding community against the subproject caused environmental hazards)
- c) Section 4 was again notified on 29 June 2017
- d) Land award was announced on 24 April 2018
- e) Landowners filed their reference in the civil court of Mingora and next hearing is scheduled on 5 August 2021. During consultations, the landowners indicated that they will agree to withdraw their application in court if the government will enhance the compensation rate. An IVS is currently being conducted by an independent appraiser engaged by the PMU to determine the adequacy of assessed compensation and find out any differential in compensation rate compared with the requirement of full replacement cost of SPS 2009.
- f) The surrounding community filed a reference in Mingora Bench of Peshawar High court since 11 April 2018 on their environmental concerns related to the previous dumpsite. Latest hearing was held in May, 2021 and still the next hearing is not fixed. The PMU is doing the negotiations with the surrounding community to settle this issue.

37. An amount of Rs. 54,432,827 (including Rs. 96,000 for forest compensation and Rs. 89,315 for building compensation) are included in the land award. None of the DPs have come forward to receive compensation owing to the low value of land fixed by the revenue department. Referring to the community consultations, the main findings are discussed as; i) The land compensation should be given as per market value of land and non-land assets, ii) The subproject should be shifted away from the population centers as caused environmental hazards, iii) The schools, hospital and mosque located along the access route will be impacted from various diseases owing to the transportation of solid waste, and iv) surrounding population will face difficulty owing to the malodorous situation.

38. Also, as per EIA, sensitive receptors (six residential structures) are located within the distance of 250 meters from the proposed site (referred to IFC guideline). EIA findings shows that there are six nearest receptors from the proposed landfill site which are residential housing falling within 250 m from the landfill design. Further assessment and mitigation is needed to avoid impacting these residences. In case it cannot be avoided, a resettlement plan may be needed to be prepared and implemented prior to the operation of the LFS.

39. **Concern raised by locals:** All the indirectly affected people included the population living in the vicinity of the subproject area. Those people complained about the smell issues and spreading of different diseases due to the open dumping of untreated solid waste in the proposed landfill site. Due to variation in direction and flow of wind in summers, the odor problem was observed to be increased and hence causing the spread of fever and skin diseases.

40. **Response Given by EIA Team:** The people indirectly affected from the subproject were told about the new technological installation in the project area as installation of new engineered landfill would reduce the odor issue and hence reduction in spreading of different diseases.

41. A corrective action plan (CAP) is prepared to address some outstanding issues related to land acquisition to meet the ADB SPS requirements. The draft CAP has been submitted to ADB for review. The PMU has engaged a licensed valuer (M/S Aamir) to conduct an independent valuation study (IVS) to determine the adequacy of the compensation rates to ensure meeting the SPS requirement of full replacement costs. The IVS report is expected by 15 September 2021. The final CAP with the result of the IVS will be submitted to ADB for review

### **c. Peshawar landfill site**

42. The proposed subproject is located at village Shamshatoo, about 20km South of Peshawar Ring Road. WSSP has the possession of land and is used as an open waste dumping site since 2018. The land measuring 102.4 acres was acquired in 2018 using the urgency clause of LAA, 1894. There are 231 landowners. Payment to DPs started in May 2020. So far, 149 (65%) DPs have received compensation against their acquired land. Out of the total compensation amount of PKR 159 million, PKR 120 million (75%) has been disbursed. Payments to 82 DPs of PKR 39 million is pending mainly due to procedural impediments like inheritance mutation, meager amount of compensation, absentee DPs, lack of CNIC and absence of bank accounts. The payment for non-land assets like crop, trees and structures has not commenced and will start once the land compensation payments is completed as reported by the revenue department. In term of consultations, a total of 9 consultation meetings were held where 48 participants attended including 30% women. The main concerns raised during the consultations are discussed as under:

- a) BOR assessed rate for land are not at par with the current market value;
- b) The compensation payment process was delayed despite the compensation amount was already available in the district treasury. Hence, government should pay the interest on the assessed compensation value of land and non-land assets;
- c) The Government should immediately start the compensation for the non-land assets;
- d) The open dumping of solid waste has affected the drinking water quality and the water borne diseases are on the rise;
- e) The site is not suitable for dumping waste material as it is close to population and the entire area is engulfed with very bad odor.

43. As per the EIA, all the Indirectly affected people included the population living in the vicinity of the project area complained about the smell issues and spreading of different diseases in the project area due to open dumping of untreated solid waste in the proposed landfill site. Due to variation in direction and flow of wind in summers, the odor problem was observed to be increased and hence causing the spread of fever and skin diseases.

44. The EIA team informed the people indirectly affected by the project about the new technological installation in the project area as installation of new engineered landfill would reduce

the odor issue and hence reduction in spreading of different diseases. The locals agreed with this proposed measure.

45. A Corrective Action Plan (CAP) is prepared to address the legacy issues related to the acquisition of the land and meet the ADB SPS requirements. The CAP was submitted to ADB for review. The PMU has engaged a licensed valuer (M/S Anderson) to conduct an independent valuation study (IVS) to determine the adequacy of the compensation rates to ensure meeting the SPS requirement of full replacement costs. The valuer is expected to submit his IVS report by 15 September 2021. A final CAP with the IVS results will be submitted to ADB for review.

#### **f) Indigenous Peoples Category**

46. In KP Province, the Pashtun is largest ethnic group. Other ethnic groups also exist but are considered mainstreamed to the overall culture in the province. The SDDR team carefully reviewed the project documents, visited the subproject areas, conducted consultations with the project staff, consultants and locals in the subproject areas to know the presence of any IPs communities. The entire population is Muslim (no ethnic and religious minority exists) and they did not consider themselves to be called any other type of population such as Indigenous Peoples as defined in ADB's SPS 2009 description. As the Project does not entail any impact on indigenous peoples owing to the nonexistence of the IP in the project area, hence SR3 on IP is categorized "C" (Annex-F). Therefore, an Indigenous Peoples Development Plan (IPDP) is not required for any subproject under the KPCIP.



**Table 3.1: IR Category of Selected Subprojects of Five Cities under KPCIP**

S#	City	Project	IR	Remarks	Safeguards Instrument
1	Abbottabad	New surface water treatment plant (WTP) and intake structure at Chuna water treatment plant	B	<p><b>Screening result:</b></p> <p>This activity involves the construction of new water treatment plant parallel to the exiting WTP financed by JICA. Acquisition of 6.9 acres of barren land owned by 245 landowners (AHs) adjacent to the existing PHED water supply treatment facility was initiated in January 2016 through normal land acquisition process. However, the land acquisition process was not completed. Land award under Section 11 of the LAA was notified but acquaintance roll was not prepared. The subproject facility is owned by PHED. The land is a barren hilltop with shrubs and forest trees. Currently, land is used mostly for firewood collection and animal grazing.</p> <p>A compensation amount of PKR 1,826,155 (for entire 6.9 acres) was not received by the affected landowners as they refused to accept compensation due to low land price.</p> <p>PMU has conducted consultations with the community but not a single land owner is willing to receive payment due to the low rate offered. They are willing for their land to be acquired as long as they are compensated enough to be able to purchase some other piece of land in the vicinity. Most of the land owners are same whose land acquired under JICA scheme and they did not receive the land payment there owing to less rate.</p> <p>The subproject does not have any impact to any private structures whether residential, commercial or public. The proposed subproject is categorized B for IR as the subproject does not involve any physical displacement from housing or loss of productive asset.</p>	CAP. Draft prepared. To be updated following the IVS results.

S#	City	Project	IR	Remarks	Safeguards Instrument
				<p>Other components of the subproject (i.e. intake structures, 17 km main supply line from the water sources and the Chuna WTP, 34 km supply line to 33 overhead reservoirs and surface tanks (16 new and 17 old to be rehabilitated) that are all located on government owned land and within the existing ROW.</p> <p>A corrective action plan is prepared in consultation with landowners to settle the compensation with all landowners before handing over of the site for civil works. CAP will also assess if any of the DPs can be considered vulnerable. PMU engaged an independent valuer accredited with the State Bank of Pakistan to conduct an Independent Valuation Study (IVS) to determine the adequacy of assessed compensation and find out any differential in compensation rate compared with the ADB SPS (2009) requirement of full replacement cost. The conduct of IVS and provision of additional compensation through the CAP is expected to address the landowners' concern regarding low compensation rate.</p>	
2	Abbottabad	<p>a) Rehabilitation and upgradation of water supply system connected to WTP</p> <p>b) Rehabilitation or provision of water storage reservoirs</p>	B	<p><b>Screening result:</b></p> <p>a) Replacement of water supply pipeline with a total length of about 190 km with right-of-way owned by TMA. The size of the pipe is 3 – 12 inches.</p> <p>b) The PMU social team revisited the site at Bandku Link Road and Bani Chowk to Nawa Shehar Bazar and assessed that the works will not have any LAR impacts even on the identified encroachments on some sections. There is available enough space where the pipe can be installed without disturbance to any structure/encroachment as shown in the pictures reflected in Appendix A. Also, sufficient space is available where traders/vendors can shift away their structures from the construction work to continue their business freely. No impacts are assessed anywhere along the distribution network. Even for the sake of the subproject due to finding good quality of drinking water, locals are happy to cooperate with the department in term of closing their shops/business voluntary basis (if it is required) however they showed concern that construction work usually get delayed it should be timely completed and government should give the guarantee in writing that civil works will be timely completed.</p>	Third-party validation of negotiation

S#	City	Project	IR	Remarks	Safeguards Instrument
		c) New distribution network and water metering system		<p>c) The provision of water storage reservoirs will require land acquisition which is being done through negotiated settlements. The process is going on and expected to be completed by the end of July 2021. The WSSC is going to construct 16 surface tanks. Twelve of these 16 surface tanks will be constructed on 1.68 acres of private land. Negotiation is ongoing with 22 landowners (households) for the location of these surface tanks which is expected to be completed by the end of August 2021. PMU is facilitating the negotiation process for the completion of all required documentations. Once the process is concluded, all the documentations will be shared with the ADB. In cases of failure of negotiations, alternate site will be identified.</p> <p>The remaining four surface tanks will be installed in an area of 0.5 acres on government land that belong to TMA. A no-objection certificate (NOC) from TMA is required. Civil works commencements will be subject of obtaining NOC. Copy will be shared with ADB once it is received.</p> <p>WSSC/Design consultant have adopted design-construction related measures to avoid impacts to any structures encroaching in ROW and vendors and their businesses operating in ROW. The subproject does not cause any physical dislocation from housing or losing 10% or more of their productive assets. The negotiation process for the sites of the surface tanks is at very initial stage.</p> <p>PMU will prepare and submit an updated SDDR before the commencement of civil work to assess and update the latest status in term of LAR impacts along the distribution network. In case any impact is identified, a LARP will be prepared and implemented as per the LARF</p>	process for the 12 surface tanks

S#	City	Project	IR	Remarks	Safeguards Instrument
3	Abbottabad	Integrated Solid Waste Management System	B	<p><b>Screening result:</b></p> <p>a) The LFS will be established in an area of 52.02 acres of private land owned by 347 landowners (AHs). About 6.25 acres of land is rain-fed cultivated area. It is confirmed from the field that no sensitive receptors exist within the 250 meters buffer zone the proposed facility. The access to landfill site will be available from Havilian – Abbottabad bypass road.</p> <p>b) Total LAR budget is expected to be PKR 245.5 million while the land compensation is PKR 174.16 million (worked out by the Revenue Department). PMU has engaged an independent valuer accredited with the State Bank of Pakistan to conduct an IVS to find out any differential in the LAC calculation of compensation rate compared with the ADB SPS (2009) requirement of full replacement cost and address the gap in the LARP.</p> <p>The subproject will impact 347 landowners (AHs) owing to loss of 52.02 acres of land. Most (45.52 acres) land is barren mountainous area and not used for any agricultural activity. The remaining 6.5 acres is cultivated (rain fed). As per the available land record and consultation with the DPs, none of the DPs will lose 10% or more of their productive assets (from 6.5 acres). The subproject does not have any impact on the non-land assets and none of the AHs will be displaced physically. No impact is also noted on waste pickers. The subproject has been categorized as B for IR. A draft LARP was prepared. The LARP will be updated following the completion of the independent valuation study (IVS) and issuance of the acquaintance roll of DPs as per Section 9 of the LAA. The final LARP will be submitted to ADB for review.</p>	Draft LARP. To be updated following the IVS results and issuance of acquaintance roll of DPs.
4	Abbottabad	Pedestrianizing of the old city commercial area	B	<p><b>Screening results:</b></p> <p>a) Upgradation of pedestrian pavement on 15 streets possessing the ROW from 7 – 35 feet. The shopkeepers got the shops on lease and they are doing the business of garments, clothes, shops, fruit, grocery, meet and pharmacy. Mobile vendors are also roaming in these streets to sell their goods.</p>	

S#	City	Project	IR	Remarks	Safeguards Instrument
				<p>b) Referring to the meeting held in the Deputy commissioner (DC) office on 15 February 2021, the design was reviewed and 6 of 21 streets that may experience major LAR impacts were excluded from the subproject. However, temporary impacts (expected during construction) are expected on 128 shop owners who encroached the ROW and put their stalls of fruit, vegetables, garments, meat and cloth located at streets namely Eid Gah Road, Masjid Road, Atta Mandi, Gol mandi, Gurdwara street and Noor Din Mohalla. There are mobile vendors in the area but are not expected to be affected as they are mobile and sometimes sell their goods at the main road (where the subproject streets are linked).</p> <p>c) The subproject does not have any permanent impact. None of the DPs will be displaced physically from housing or lose 10% or more of their productive assets. Only temporary impact during construction will occur. Other temporary impacts like potential disruption of businesses in the subproject area will be mitigated through several measures as provided in the subproject's environmental management plan (EMP). Income potential of the subproject area, once completed, is expected to increase which will also benefit the affected vendors and shops. Hence, the subproject falls under category B for IR.</p> <p>d) A resettlement plan (RP) has been prepared. This will be updated once socioeconomic survey of remaining DPs has been completed.</p>	Draft RP. To be updated following completion of the socioeconomic survey of the remaining DPs.
5	Abbottabad	Shimla Hill Forest Green	C	<p><b>Screening results:</b></p> <p>a) TMA intends to develop a park on the Shimla hills, out of 212 acres, the park will be established on 87.5 acres. The land is owned by the government (TMA). The TMA is pursuing with the Revenue Department to obtain the land ownership record which shows the ownership of TMA and expected to get it by July 10, 2021. Once it is obtained, it will be shared with the ADB.</p> <p>b) TMA is maintaining the parks and no 3rd party land users are involved as confirmed through the TMA, design consultant and verified during field assessment. Also, the concerned revenue patwari who accompanied the social</p>	SDDR

S#	City	Project	IR	Remarks	Safeguards Instrument
				<p>safeguard team, confirmed that the land belongs to TMA and no 3rd party user or even illegal users are involved.</p> <p>c) As per detailed design, the subproject does not have any impact on private land and non-land assets. All activities will be carried out within the available land owned by TMA.</p>	
6	Abbottabad	Rehabilitation of solid waste dump and conversion into a park (green project)	C	<p><b>Screening Results:</b></p> <p>a) The sub-project only involves plantation. The land (12.5 acres) is owned by Cantonment and TMA. Since TMA is the implementing agency, there is a need of an NOC from the Cantonment. EA has requested the concerned Cantonment office; Abbottabad and the request has been forwarded to the concerned office Rawalpindi. The request is attached as of Annex-B of the report. Although, it is a time consuming process but PMU will ensure receiving the NOC before civil works starts and the same will be confirmed by the external monitoring agency (EMA).</p> <p>b) The subproject does not have any LAR impacts even on the encroachers or vendors. None of the informal users or third party is involved in the subproject.</p>	SDDR
7	Mardan	Integrated solid waste management system and landfill	C	<p><b>Screening result:</b></p> <p>a. A LFS will be established in an area of 28.5 acres of land, which has already been in the possession of TMA. Initially used for dumping purpose but later on stopped due to local reaction.</p> <p>b. TMA purchased land from a single family with an amount of PKR 10 million in 1996. Land has been transferred to TMA and TMA has handed over the Project to WSSC through letter no 2253/TMA (M) dated 05/8/2019 (Annex-B).</p> <p>c. Previously, residents of surrounding villages had gone under litigation against the open dumpsite due to expected environmental hazards of the project. The litigation process has been settled in the court and copy is attached as an Annex-C. The court gave the decision in favor of the landfill site for public interest.</p> <p><b>IR categorization:</b></p>	

S#	City	Project	IR	Remarks	Safeguards Instrument
				d. The subproject does not have any LAR impact. Hence it has been assessed as category C for IR. It is confirmed from the field that there are no third-party users on the land that will be used for the subproject. Also, no sensitive receptor is found within the buffer zone, i.e., 250 meters.	
8	Mardan	Operationalization and upgrading of sewage treatment plant (STP)	C	<b>Screening results:</b> <ul style="list-style-type: none"> <li>a) Upgradation of an existing STP established in 1996 but is not in operation.</li> <li>b) Land was acquired in 1993 and compensation has been paid to DPs.</li> <li>c) TMA has the ownership and possession of land and TMA has handed over the site to WSSC through letter no 2253/TMA (M) dated 05/8/2019.</li> <li>d) As per field assessment and consultation with the WSSC and local community, there are no 3<sup>rd</sup> party land users or illegal users that are expected to be affected by the subproject. Also, it is confirmed from WSSC, no legacy issue exists related to the site.</li> <li>e) As per detailed design, the subproject does not have any impact on land and non-land assets.</li> </ul>	SDDR
9	Mardan	Ring Road plantation (Green project)	C	<b>Screening results:</b> <ul style="list-style-type: none"> <li>a) The proposed subproject involves plantation along 39 km of roads owned by Provincial Highway Authority (PHA)</li> <li>b) The NOC for the said subproject has been obtained by PMU dated 07 April 2021.</li> <li>c) District Administration is the implementing agency and Additional Deputy Commissioner (ADC) Finance &amp; Planning is the focal person</li> <li>d) The subproject does not have any LAR impact even no impact is reported on informal/illegal users of the ROW.</li> </ul>	SDDR
10	Mardan	Ghulam Nabi Park adjacent to Railway line (Green Project)	C	<b>Screening results:</b> <ul style="list-style-type: none"> <li>a) The proposed subproject involves plantation in an area of 1.25 acres, which is owned by the Pakistan Railways. The subproject is intended for the male members of the community.</li> <li>b) NOC is still not available. PMU is pursuing it with the Railway Department.</li> </ul>	SDDR

S#	City	Project	IR	Remarks	Safeguards Instrument
				c) District administration is the implementing agency and ADC Mardan is the focal person. d) The subproject does not have any LAR impact, even none of the informal/illegal users are found in the ROW.	
11	Mardan	Ladies Park Adjacent to Railway Park (green Project)	C	<b>Screening results:</b> a) The proposed subproject involves plantation in an area of 1.25 acres, which is owned by Pakistan Railway and proposed for ladies' park b) NOC is still not available. PMU is pursuing it with the Railway Department. c) District administration is the implementing agency and ADC Mardan is the focal person. d) The subproject does not have any LAR impact; even none of the informal/illegal users are found in the ROW.	SDDR
12	Mardan	Green initiatives at N-45 (Green project)	C	<b>Screening results:</b> a) The proposed subproject involves plantation along the highway, which is owned by the National Highway Authority (NHA) b) NHA has provided the NOC. See Annex B. The IA is pursuing for the ROW owned by NHA and expected to be available on July 10, 2021. c) District Administration is the implementing agency and ADC Finance & Planning is the focal person for this subproject. d) The subproject does not have any LAR impact even none of the informal/illegal users are found in the ROW.	SDDR
13	Kohat	New STP at KDA	C	<b>Screening results:</b> a) An STP will be established on 18 acres of land. b) The land is completely barren and Kohat Development Authority (KDA) has the possession of land and claimed for ownership since 2000. For this subproject, KDA has provided the NOC, which is available as Annex B. c) The information regarding the sales and purchase of land is not available. It is also confirmed through KDA, WSSC and consultations with the locals that no third-party users are involved in the subproject. d) The subproject has no impacts on land and non-land assets. No informal/illegal users are found in the ROW.	SDDR



S#	City	Project	IR	Remarks	Safeguards Instrument
14	Kohat	<p>Water Supply improvements in Kohat City</p> <ul style="list-style-type: none"> <li>a- Rehabilitation and Provision of water storage reservoirs</li> <li>b- New distribution network &amp; metering system</li> <li>c- Solarization of existing tube wells</li> </ul>	B	<p><b>Screening results:</b></p> <ul style="list-style-type: none"> <li>a) This subproject involves the rehabilitation and laying of distribution network with a total length of 190 km. The PMU social team revisited the site and re-assessed if there are any LAR impacts at the Old Sanghair City, railway track, &amp; new bus stand. The visit confirmed that there is enough available space where the pipe can be installed without disturbance to any encroached structure. Also, the place is available where the encroaching structures can shift away from the construction work and enable the traders/vendors to continue with their business. Even for the sake of the subproject due to finding good quality of drinking water, locals are happy to cooperate with the department and leave the place (if it is required) on voluntary basis for few days. However, they showed the concerns that construction work usually get delayed it should be timely completed and government should give the guarantee in writing that work will be timely completed.</li> <li>b) The subproject also includes solarization of 10 tube wells. These tube wells already exist at KDA's land. No LAR impacts are anticipated for this component of the subproject.</li> <li>c) WSSC intends to construct eight new tube wells, including two on KDA's land and remaining six on private land (0.256 acres). WSSC has already acquired the land through negotiated settlement. Agreement with the landowners (AHs) has been materialized as confirmed in the report prepared by ADB's RETA Consultant and copy is provided as Annex-K of the SDDR.</li> <li>d) The subproject does not cause any physical dislocation from housing or losing 10% or more of their productive assets.</li> <li>e) PMU will prepare and submit the SDDR just before the commencement of civil work to assess and update the latest status in term of LAR impacts along the distribution network. In case of any impact, LARP will be prepared, implemented and monitored by EMA.</li> </ul>	<p>SDDR</p> <p>Third-party validation of the negotiated settlement.</p>
15	Kohat	Solid Waste Management System	B	<b>Screening results</b>	

S#	City	Project	IR	Remarks	Safeguards Instrument
				<p>a) Integrated solid waste management will be developed on 20 acres of shamilat /communal land.</p> <p>b) <b>Land Acquisition:</b> The section 4 of LAA, 1894 has been notified on 24 January 2020. Section 5 was notified on 28 June 2021. Section 5A is expected in October 2021 while award is to be announced by November 2021.</p> <p>c) The completely barren community land has about 3695 shareholders/ landowners belonging to Aurakzai tribe .</p> <p>d) Total cost of land is worked out to PKR 134 million by the Revenue Department. PMU has engaged an independent valuer accredited with the State Bank of Pakistan to conduct an IVS to find out any differential in the LAC calculation of compensation rate compared with the ADB SPS (2009) requirement of full replacement cost and address the gap in the LARP.</p> <p>e) As per the available land record and consultation with the AHs, none of the AHs will experience major impacts, i.e., losing 10% or more of their productive assets as entire land is barren in nature. It is also confirmed that no sensitive receptor is found within the buffer zone, i.e., 250 meters. A draft LARP was prepared. The LARP will be further updated following the result of the IVS and issuance of the acquaintance roll of DPs as per Section 9 of the LAA. The updated LARP will be submitted to ADB for review.</p>	Draft LARP. To be updated following the IVS and issuance of acquaintance roll of shareholders to the communal land.
16	Kohat	Women business Development & Community Centre	C	<p><b>Screening results:</b></p> <p>a) The subproject will be established on 1.5 acres of land owned by TMA. Previously, Red Cross Department was the IA of the project and now replaced with TMA.</p> <p>b) The land ownership record is presented as Annex J of this document.</p> <p>c) The subproject will have impacts on 11 shopkeepers, who got the land on lease from the TMA. and their lease agreement is revised on annual basis. These leaseholders have established grocery, meat and fruit shops. IA has assured the leaseholders that they will be shifted immediately in the new plazas/shops once it is constructed to avoid any impact on their business activity. Leaseholders are happy but demand written confirmation for their shifting to new market. PMU is facilitating both the parties (TMA and leaseholders) to come</p>	SDDR

S#	City	Project	IR	Remarks	Safeguards Instrument
				<p>up with the signed agreement to formalize the arrangement. PMU will ensure materializing the agreement between two parties before civil works commencements and same has to be verified by EMA.</p> <p>As per the assessment made based on the detailed design, the project does not involve any land acquisition and resettlement impacts.</p>	
17	Kohat	Green initiatives in sports complex (Green Project)	C	<p><b>Screening results</b></p> <p>a) This subproject involves plantation on 36 acres of land owned by Sports Department.</p> <p>b) As per detailed design the subproject does not involve any LAR impact and no 3<sup>rd</sup> party users are involved.</p>	SDDR
18	Mingora	Mingora Greater water supply scheme including new water treatment plant (WTP) intake structure, transmission and distribution network	B	<p><b>Screening results:</b></p> <p>a) Construction of water supply system with a length of 20 km. The proposed ROW of distribution network is 3 meters wide and will cover government and private land. The detail of area will be discussed in the LARP.</p> <p>b) The components also include the intake structures, treatment plant, water reservoir, 10 surface tanks and 8 overhead reservoirs (OHRs).</p> <p>c) These surface tanks and OHRs will be constructed on an area of 1.48 acres of private land. The land will be acquired through the negotiated settlement (as confirmed by WSSC). The negotiation process is yet not initiated with the 18 landowners (AHs). WSSC requested the DC in March, 2021 for the notification of section 4 but delayed owing to the transfer of DC and new DC is taking more interest to convince the land owners of supply line to provide the socio economic and census data to social team of PMU. In case of failure of negotiations, an alternate site will be identified.</p> <p>d) <b>Land Acquisition:</b> The land acquisition is under process, Section 4 of LAA 1894 was notified on 11 May 2020 while Section 5 of LAA was notified on 28 June 2021.</p> <p>e) The ROW for the distribution network will have impact on 15 acres of private land, crops and trees. It is expected that 20 landowners (AHs) will be impacted severely due to experience of losing 10% or more of their productive</p>	<p>Third-party validation of the negotiated settlement for the acquisition of 1.48 acres for the OHRs.</p> <p>Draft LARP. To be updated following the agreement on the alignment of the first 8 km of the pipeline,</p>

S#	City	Project	IR	Remarks	Safeguards Instrument
				<p>assets. The will be reported once the socio economic and census data is available. The consultations (through the district government) with the landowners are underway and it is expected that data collection activities will be commenced soon.</p> <p>f) Total compensation cost of land worked out by the Revenue Department is PKR 720.5 million.</p> <p>g) As per the assessment made based on the detailed design and consultations with the WSSC and EDCM 20 AHs will be impacted severely owing to losing 10% or more of their productive assets. The impacts will be reassessed once the actual list of AHs, socioeconomic and census survey are available following agreement on the alignment of the first 8 km of the pipeline. AHs are generally expected to lose only marginal portions of their land.</p>	result of the IVS and issuance of the acquaintance roll of DPs.
19	Mingora	<p>Integrated solid waste management and landfill</p> <p>a) Land Fill Site b) Access Route</p>	B	<p><b>Screening results:</b></p> <p>a) Construction of integrated landfill site on 8.251 acres of land acquired through Section 17/4/6 (urgency procedure of Land Acquisition Act 1894 (LAA) in 2018. The section 4 of LAA was notified in 2017 while land award was announced on April 25, 2018, almost 1 year prior to the ADB approval of the PRF in March 2019.</p> <p>b) The residents including the landowners and surrounding community especially the owners of private school have the concerns against the environment hazards of the open dumpsite. About 57 people have gone to the court against the subproject (Annex-C). However, PMU is doing the consultations with them to sort out this issue.</p> <p>c) An amount of PKR 54,432,827 needed to be paid to 6 landowners (as per award) but the landowners have refused to receive the payment and have gone to court against the low compensation assessment. The copy is provided as Annex C</p> <p>d) The Revenue Department also confirmed that the landowners have not received any money on account of land compensation.</p> <p>e) PMU did the consultations with the land owners and CAP is prepared including the ongoing IVS to meet the requirement of replacement cost of the lost assets of ADB's SPS, 2009.</p>	Draft CAP for the LFS. To be updated following the IVS results.

S#	City	Project	IR	Remarks	Safeguards Instrument
				<p>f) The access route component of this subproject requires 0.82 acres of land owned by 27 landowners (AHs). The Section 4 of LAA, 1894 has been notified. Section 5 is under process and expected to be notified by 10 August 2021.</p> <p>g) EIA shows that there are six nearest receptors from the proposed landfill site which are residential housing falling within 250 m from the landfill design. Further assessment and mitigation may be needed to avoid impacting these residences. In case it cannot be avoided, a resettlement plan may be needed to be prepared and implemented prior to the operation of the LFS.</p> <p>h) The proposed subproject (both components) has impacts on barren land, no impacts are anticipated on the non-land assets and nobody will be physically displaced. Hence, the subproject is categorized B for IR category. A corrective action plan will be prepared in consultation with landowners to resolve the issue of compensation to all land owners. Also, impact severity, i.e., loss of 10% or more of the productive assets will be covered under CAP. PMU has engaged an SBP accredited valuer to conduct an IVS to determine the adequacy of assessed compensation and find out any differential in compensation rate compared with the requirement of full replacement cost to ensure compliance with ADB's SPS 2009.</p> <p>i) LARP for the access route has been prepared. It will be updated following the result of the IVS and issuance of acquaintance roll of DPs following Section 9 of the LAA.</p>	Draft LARP for the access road. To be updated following the IVS results and issuance of acquaintance roll of DPs as per Section 9 of the LAA.
20	Mingora	Development of neighborhood park on the old slaughter house (Green Urban Spaces)	C	<p><b>Screening results:</b></p> <p>a) The proposed land (2.5 acres) for the park is owned by TMA KP, since WSSC is the implementing agency for this subproject, hence departmental NOC will be required from TMA.</p> <p>b) Based on review of final design and consultation with the EDCM, WSSC and field assessment, it is confirmed that subproject does not have any LAR impacts and no third-party users are involved.</p>	SDDR

S#	City	Project	IR	Remarks	Safeguards Instrument
21	Peshawar	Water supply system improvements in the city a- rehabilitation or provision of water storage reservoirs b- New distribution network and water metering system	C	<p><b>Screening results:</b></p> <p>a) The subproject involves the construction of 300 km long distribution network and 34 overhead reservoirs (OHRs). All of these OHRs are located on government-owned land. Besides, 12 new tube wells will be installed on land owned by TMA and Auqaf, Hajj, Religious and Minority Affairs Department.</p> <p>b) The PMU social team revisited the distribution network and did not assess any LAR impacts during the visit of Khanam market, Assia Park, and Kohati gate. None of the encroached structures existed (in the evening) and pipe can be installed at the center of road without disturbance to any shop. Also, the vendors (if any) can move to other area during construction work and continue their business activities (Appendix below of Volume A). Even for the sake of the subproject due to finding good quality of drinking water, locals are happy to cooperate with the department in term of closing their shops/business for few days (if it is required) voluntary or move to other places however, they showed the concerns that construction work usually get delayed it should be timely completed and government should give the guarantee in writing that work will be timely completed.</p> <p>c) It is confirmed through final design, consultations with EDCM, WSSC and local community and field visit that the subproject does not have any impacts on the locals. None of the impacts are reported on the housing or APs losing 10% or more of their productive assets will be affected.</p> <p>d) PMU will prepare and submit the SDDR just before the commencement of civil work to assess and update the latest status in term of LAR impacts along the distribution network. In case of any impact, LARP will be prepared, implemented and monitored by EMA as per the LARF provisions.</p>	SDDR
22	Peshawar	e) Integrated solid waste management and landfill f) Access route to LFS	B	<p><b>Screening results:</b></p> <p>a) The subproject involves the construction of LFS on 102.4 acres of land. The land has already been acquired in June 2018 and WSSC has the possession of the land. Land acquired by EA as a part of their own development plan</p>	

S#	City	Project	IR	Remarks	Safeguards Instrument
				<p>but not in anticipation of ADB's financing. Besides, 3 transfer stations will be developed in Peshawar city on the Government land (as claimed by WSSC/P) but ownership documents (from the Revenue Department) are still not available. So, PMU will ensure receiving ownership documents before civil works commencement and the same will be verified by EMA.</p> <p>b) The land is privately owned by 231 landowners and 98% is barren in nature.</p> <p>c) Land has been acquired through the urgency clause 17/4/6 (urgency procedure of Land Acquisition Act 1894) in June 2018.</p> <p>d) The cost of affected land and structures was assessed as PKR 157 million including cost of trees and building structures (Annex-D).</p> <p>e) Payment to DPs started in May 2020 and so far, 149 (65%) DPs have received compensation against their acquired land. Out of the total compensation amount of PKR 159 million, PKR 120 million (75%) has been disbursed. Payments to 82 DPs of PKR 39 million is pending mainly due to procedural requirements like inheritance mutation, meager amount of compensation, absent DPs, lack of CNIC and lack of opening of bank accounts.</p> <p>f) WSSC has the possession of land since June 2018.</p> <p>g) Access Route: According to IA and field visit findings the 100-feet wide access route in the length of 1.5 km will be constructed on the land owned by Irrigation Department. PMU will ensure receiving ownership documents before civil works commencement and the same will be verified by EMA.</p> <p>h) As per detailed design, ROW will cover the existing ROW and no LAR impacts are anticipated from the access route.</p> <p>i) It is confirmed through the review of detailed design, consultation with the EDCM, WSSC and locals that the subproject has only minor LAR impacts. No DP will be displaced from housing. However, 1 DP will lose his entire agricultural land. There are also scavengers on the existing dumpsite whose livelihood may be affected. The land was acquired through the application of urgency clause (17/6/4) of the LAA and CAP is required to rectify</p>	Draft CAP. To be updated following the IVS results.

S#	City	Project	IR	Remarks	Safeguards Instrument
				<p>the land acquisition process, compensation assessment and ongoing disbursement process. CAP.</p> <p>j) PMU has engaged a SBP-accredited valuer to conduct an IVS to determine the adequacy of assessed compensation and find out any differential in compensation rate compared with the requirement of full replacement cost to ensure compliance with the ADB's SPS 2009.</p>	
23	Peshawar	Development of Besai Park in Phase VII (Green Urban Spaces)	C	<p><b>Screening results:</b></p> <p>a) The subproject involves plantation in the already established park on a land owned by Peshawar Development Authority (PDA). PDA is the implementing agency of this subproject.</p> <p>b) PDA is pursuing for obtaining the land ownership record (produced by the Revenue Department). It is expected to be available by 30 August, 2021.</p> <p>c) As per review of the detailed design followed by the field visits and consultations with the local community, it has been concluded that the subproject does not have any LAR impact and no 3<sup>rd</sup> party land users are involved. Hence, the subproject has been categorized as C for IR.</p>	SDDR
24	Peshawar	Development of Baghe-Naran Extension (Green Urban)	C	<p><b>Screening results:</b></p> <p>a) The subproject involves plantation in the already established park on a land owned by Peshawar Development Authority (PDA). Since PDA is the implementing agency of this subproject hence, no NOC is required.</p> <p>b) PDA is pursuing to obtain the land ownership record (produced by the Revenue Department). It is expected to be available by 30 August 2021.</p> <p>c) As per review of the detailed design followed by the visits and consultations with the local community, it has been concluded that the subproject does not have any LAR impacts and no 3<sup>rd</sup> party land users are involved.</p>	SDDR



47. The subprojects with LAR impacts will require the acquisition of approximately 215.237 acres (87.1 ha) of private land comprising 30.43 acres (12.31 ha) of agriculture land and 184.807 acres (74.8 ha) of barren/unproductive land. Of the required private land, 117.551 acres (47.57 ha) have been acquired by the government prior to KPCIP but have IR legacy issues for which corrective action plans were prepared. Affected non-land assets include 761 trees, 25 permanent structures and 107 temporary structures (wooden stalls). For those who are losing agricultural land, all members of the households were considered as DPs. However, for those losing barren land with no economic or productive use and owners of shops and structures, the owners were counted as DPs. Similarly, affected workers and scavengers were counted as DPs. Based on this approach, the subprojects under KPCIP have a total of 10,856 DPs. Most of the DPs are losing marginal portions of their productive land or unproductive (not income generating) land. However, 20 households (with 136 members) from the Mingora greater water supply scheme pipeline and 1 household (with 7 members) from the Peshawar landfill site who are losing 10% or more of their agricultural land are considered significantly affected. Overall, DPs include 867 individual landowners of barren land, 1 community with 3,695 shareholders losing barren communal land, 911 households (with 6,153 members) losing agricultural land, 107 non-mobile vendors who are temporarily losing their vending location and 21 shop owners losing the iron shade of their shops due to the pedestrianization of the Old city of Abbottabad, and 9 informal waste pickers at the Peshawar dumpsite. Table 3.2 provides a summary of the affected land and non-land assets, number and categories of DPs from the 9 subprojects with LAR impacts.

**Table 3.2 Subprojects with IR Impacts: Affected Assets and Number of DPs**

<b>Subproject</b>	<b>Total Land to be Acquired (in Acres)</b>	<b>Agricultural Land to be Acquired (in Acres)</b>	<b>Affected Structure</b>	<b>Affected Trees</b>	<b>Number and Categories of DPs</b>	<b>DPs experiencing major impacts</b>
New surface water treatment plan (WTP) and intake structure at Chuna, Abbottabad	6.9	0	0	0	245 landowners (AHs) losing barren land	0
Rehabilitation and upgrading of water supply system connected to the WTP: a. rehabilitation or provision of water storage reservoirs, Abbottabad	1.68	0	0	0	22 landowners (AHs) losing barren land	0
Integrated solid waste management system including landfill, Abbottabad	52.02	6.5	0	0	314 landowners (AHs) losing barren land  and 33 households (with 182 members) losing	0  0

Subproject	Total Land to be Acquired (in Acres)	Agricultural Land to be Acquired (in Acres)	Affected Structure	Affected Trees	Number and Categories of DPs	DPs experiencing major impacts
					agricultural land	
Pedestrianization of the old city commercial area, Abbottabad	0	0	107 temporary wooden stalls 25 iron shades of shops	0	107 non-mobile vendors  25 shop owners	0
Water supply improvements in Kohat City	0.256	0	0	0	6 landowners for location of 6 tubewells on barren land	0
Integrated solid waste management system including landfill, Kohat	20	0	0	0	1 community with 3,695 members losing barren communal land	0
Greater water supply scheme including new WTP, intake structure, transmission and distribution system	21.43	21.43	3 permanent structures	705	876 households (with 5,957 members) losing agricultural land	20 households (with 136 members) losing 10% or more of agricultural land
and construction of overhead storage tanks, Mingora	1.48	0	0	0	18 landowners of barren land	0
Integrated solid waste management system including landfill, Mingora	8.251	0	1 permanent structure	24 acacia trees	6 Landowners of barren land	0
	0.82	0	0	0	27 landowners of barren land	0
Integrated solid waste management system including landfill, Peshawar	102.4	2.5	1 permanent structure	32 trees	229 landowners of barren land 2 households (with 14 members) losing agricultural land, and 9 informal waste pickers	1 household (with 7 members) losing 100% of agricultural land

Subproject	Total Land to be Acquired (in Acres)	Agricultural Land to be Acquired (in Acres)	Affected Structure	Affected Trees	Number and Categories of DPs	DPs experiencing major impacts
Total	215.237	30.43	107 wooden structures 25 iron shades 5 permanent structures	761 trees	10,856	143 (HH members from 21 HHs)

Note: For affected agricultural land, all members of the households of the registered owners are counted as DPs. For barren land with no economic or productive use and owners of shops and structures, the owners are counted as DPs. Similarly, affected workers and scavengers are counted as DPs.

### E) Institutional Arrangements:

48. The provincial Local Government is the Project Executing Agency while the City Implementing Unit (CIU) is the project implementation agency in each city as reflected in **Figure 3.1**. The CIU will manage the Project's day-to-day implementation in each city, and will be responsible for approval of subproject design, contract management and technical input of engineering design through WSSC and city government. The overall coordination will be provided by Project Management Unit (PMU) located in Peshawar (headed by the Project Director) in addition to recruitment of PRF consultant, contract signing and preparation of key reports. The Social and Environment team under the PMU is already in place to manage the environment, social and LAR tasks and activities including handling/resolving any complaints or grievances of those displaced by the Project.

### F) Meaningful Consultation Meetings

49. The consultation meetings were held with a wide range of stakeholders including DPs, general public, local leadership (such as Member, Provincial Assembly - MPA), Officials of WSSC, TMA, KDA, PDA, Urban Policy Unit (UPU), Ministers, EDCM, Consultants and ADB.

50. A total of 325 people were consulted. List is available in Annex-I. The main findings of the consultation meetings are summarized below.

- The water supply (drinking) subprojects should be launched on priority basis and landfill site and STP project should be given least priority.
- The government should be more practical rather than just wasting the time on studying. As they are hearing about the launching of water supply project since 2017 but so far none of the subprojects have been implemented despite the dire need of the drinking water supply.
- The government should replace the old water supply lines with the new pipes as the old pipes are rusted and sewerage water is mixing with the drinking water.
- The government should give the compensation as per the replacement cost for the lost land and other assets.
- The government should immediately give the compensation to those DPs whose land has already been acquired and government has the possession of that particular piece of land for last couple of years.
- Landfill site and STP should be constructed away from the communities to avoid the offensive odor.

- g) All the involved institutions should work more coherently rather than doing the individual decisions especially in selection and timely completion of the subprojects.
- h) There must be 3<sup>rd</sup> party monitoring of social safeguard activities on a day-to-day basis
- i) The government should take the action against the responsible persons in case of further delayed the Project,
- j) The government should first initiate those subprojects where land is already available and WSSC has the possession of land.
- k) The government should timely complete the land acquisition process.
- l) The Government should not consider/acquire fertile agriculture land for any of the subproject of KPCIP.
- m) The government should ensure that the land should not be acquired through applying the urgency clause (17/6/4) and all the DPs should be compensated as per replacement cost prior to the commencement of civil work.

#### **G) Unanticipated Impacts**

51. The PMU Resettlement team, CIU and Project Management Consultant (PMC) will identify any unanticipated safeguards impacts during implementation of Project. If any such impacts are found, these will be addressed in accordance with the approved LARF for the project and SPS 2009.

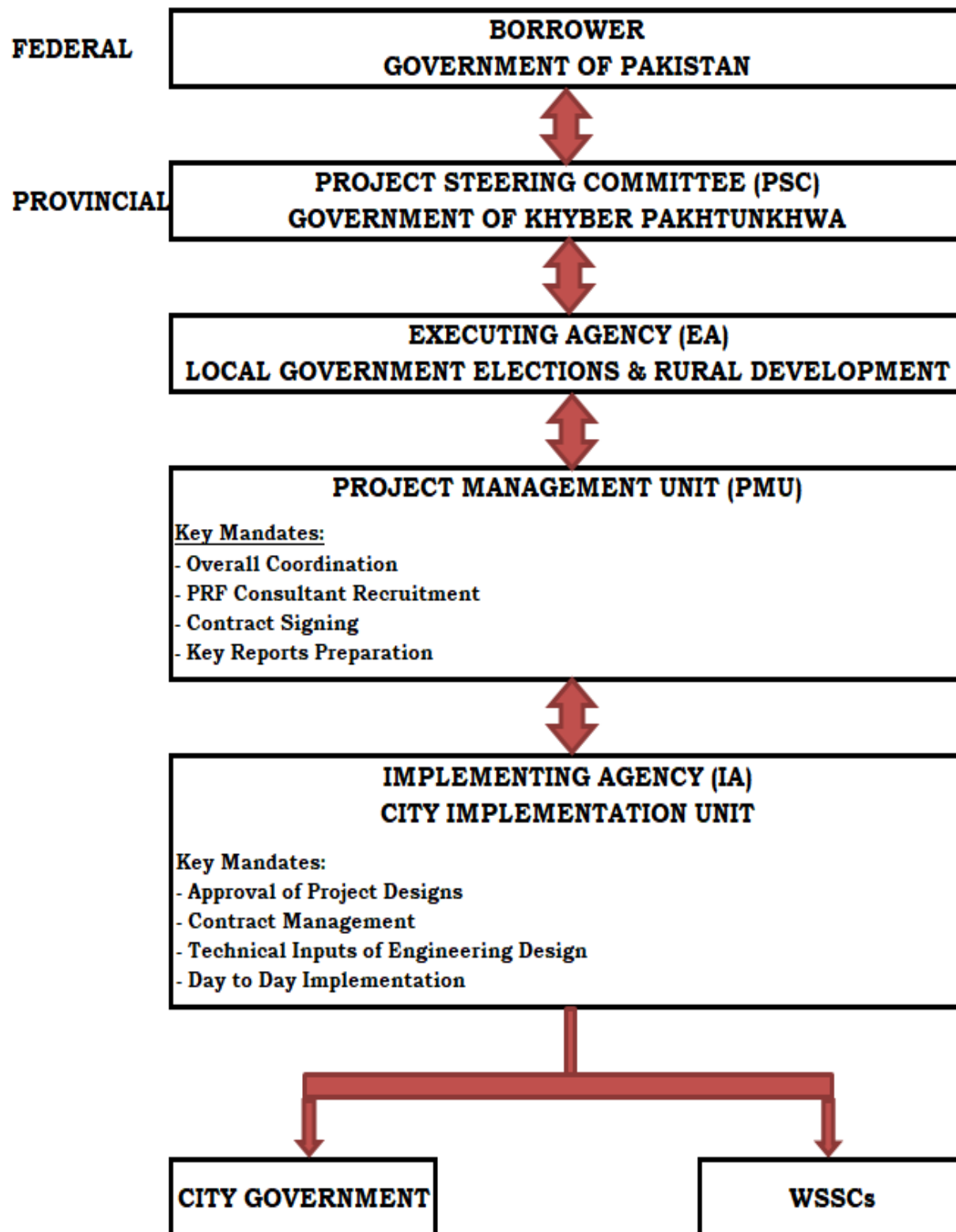


Fig 3.1: Showing the institutional set up of KPCIP

#### **IV. Conclusion and Recommendations**

52. The SDDR team based on the findings of the due diligence work has made the following conclusion and recommendations for the project preparation.

53. It is concluded based on the detailed engineering design that the selected 24 subprojects are not expected to have significant LAR impacts. Subprojects are not expected to physically displace people from housing or result in the loss of 10% or more of productive assets except in two subprojects. In most cases, the land stands acquired although there are litigation cases that will need to be addressed before start of construction work. With this assessment, 15 out of total 24 subprojects have been placed under IR category C but with actions requiring implementation before start of subproject construction.

54. Nine SPs have IR impacts. Approximately 215.237 acres of private land comprising 30.43 acres of agriculture land and 184.807 acres of barren land will be required. An estimated 10,856 DPs will be affected. Of these, 21 households (with 143 members) will likely lose 10% or more of their agriculture land. Other DPs are losing barren land. While still to be further assessed, there is also a risk that 6 households (with 40-42 members) living within the buffer zone of one LFS may need to relocate. Although the number of severely affected DPs is below 200, the risk of having additional impacts may be expected given the location/alignment of the subprojects (urban, near settlements and busy commercial areas) which justifies a category A for IR.

55. The land acquisition process is underway for four subprojects through LAA 1894 by normal land acquisition process, and not through the urgency acquisition procedure of 17/4/6.

56. For 3 subprojects involving the construction of some overhead reservoirs and surface water tanks on private land in Abbottabad, Kohat, and Mingora, purchase of land through negotiation is being pursued. Negotiation has been completed with 6 landowners for the acquisition of land for the construction of 6 tube wells in Kohat. For the other sites, negotiations are going on to acquire the land through negotiated settlements. Negotiation in Abbottabad is expected to be completed by August 2021 while the negotiation in Mingora is expected to be completed by September 2021.

57. One (1) subproject (Pedestrianizing of the old city commercial area, Abbottabad) will have temporary impacts on encroaching structures during construction and for which a draft RP has been prepared. This will be updated once socioeconomic data has been completed for the remaining DPs who were not present or who refused to be interviewed during the census.

58. In case of two subprojects (LFS Mingora and LFS Peshawar) where land was acquired prior to the KPCIP-PRF approval through the application of urgency clause (17/4/6) of the Land Acquisition Act 1894, a corrective action plan (CAP) is being prepared to meet the ADB-SPS requirements. PMU has engaged a valuer accredited with the State Bank of Pakistan (SBP) to conduct an independent valuation study (IVS) to determine the adequacy of assessed compensation and find out any differential in compensation rate compared with the requirement of full replacement cost, ensuring compliance with the ADB's SPS 2009. For the Chuna Water Supply scheme in Abbottabad where the land was acquired through the normal acquisition procedures in 2016 but compensation payment has not been disbursed to the landowners, a CAP is also being prepared.

59. Concerns related to land compensation can be addressed/resolved through the preparation of Corrective Action Plan in consultations with APs/landowners particularly with the

conduct of the IVS to determine replacement cost of the affected assets. These CAPs need to be fully implemented before the start of subproject implementation work and need to be monitored by a third party.

60. Subprojects with concerns from stakeholders, including those related to environment, need to be addressed and resolved to avoid potential risk of complaints to ADB if the issues are not resolved before the subproject implementation.

61. For Indigenous Peoples Policy, it is concluded that all subprojects fall in IP category C as no IP groups as described in SPS 2009 exist in the subproject areas. More specifically, the people in the subproject areas do not recognize themselves to be IPs. Hence, IP policy is not triggered in KPCIP and therefore no IP plan is required for this Project.

62. The Project has established appropriate institutions including the PMU and social team to assess and address LAR impacts of the Project and implement and monitor the LARPs/RPs/CAPs and other safeguard instruments.

63. The local community wants the implementation of water supply subprojects on priority basis owing to the dire need of the area. While the other subprojects like STP and Landfill site should be ranked as low priority, according to the views and suggestions of the communities. The DPs demanded the immediate compensation for the loss of their land and other assets that have been acquired a few years ago. The DPs want the compensation as per replacement cost of the lost assets.

## **Recommendations**

64. The SDDR team based on the study findings makes following recommendations:

- i. Several actions are still required to update the LARPs, RP and CAPs into a final/implementation-ready plan. Specific activities include the completion of the independent valuation studies (IVS) to confirm the replacement cost of acquired land, issuance of the acquaintance roll of DPs by the revenue districts to specify the final names of DPs and their respective shares in compensation, and completion of census and socio-economic surveys for some subprojects.
- ii. Complaints related to land acquisition and compensation should be addressed and appropriate corrective actions and plans prepared in consultation with litigants and implemented as agreed between them and EAs/IAs and implementation verified by external monitoring agency before start of construction in the concerned subproject.
- iii. All subprojects with IR impacts need to have the LARPs/RPs prepared in accordance with SPS 2009 and fully implemented and verified in an implementation compliance report prior to commencement of civil works.
- iv. The LARPs/RPs should cover displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
- v. Meaningful consultations with affected persons, host communities, and concerned nongovernment organizations should be undertaken for all subprojects and those subprojects that have ongoing disputes on land acquisition and compensation. Special attention needs to be given to vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and those without legal title to land, ensuring their participation in consultations.

- vi. All subprojects, including those categorized as C for IR should be regularly monitored for unanticipated impacts so that appropriate measures can be taken. Semi-annual monitoring of subprojects should include all subprojects (including those which were initially assessed as having no impact) throughout the project implementation period.
- vii. A grievance redress mechanism at subproject levels should be established to receive and facilitate resolution of the displaced persons' concerns.
- viii. An effective training program should be implemented emphasizing policy training for senior management including CIU and operational training for land acquisition staff. Sending staff on study tours to similar projects can be an inexpensive yet effective way of building resettlement capacity.
- ix. A comprehensive livelihood restoration program, based upon detailed assessment of LAR impacts (through LARP), will need to be prepared (through meaningful consultations with DPs) to ensure restoration of livelihoods of those affected. The livelihood activities will be monitored (both internally and externally).
- x. An awareness program should be launched in the surrounding community of the subprojects especially near the landfill site/STP. These people must be taken into confidence and it must be explained to them that the solid waste will be managed through the scientific way and therefore the subproject will not cause any offensive odor.
- xi. Decision on the 6 residential structures located within the buffer zone of the Mingora landfill site should be made. If no viable mitigation or adjustment can be made to meet the buffer zone requirement and relocation outside the area to be as designated buffer zone is the only option, a resettlement plan will need to be prepared and implemented prior to the operations of the LFS following the provisions of the LARF.



## APPENDIX A: PICTURES OF SUBPROJECT SITES



Water Supply Distribution network, Kohat where 3 -12 inches pipeline is proposed at the center of the road



Sewerage Treatment Plant, KDA, Kohat











View of green initiative site in sport complex, Kohat	Women business and community development center Kohat
	
Kohat Landfill Site	
	
View of the Land Fill Site, Abbottabad	Conversion into Park (old dumping site), Abbottabad
	



Shimla Hill green spaces, Abbottabad	Chuna Water supply scheme, Abbottabad
	
Water Supply Distribution network, Abbottabad where 3 -12 inches pipeline is proposed at the center of the road	
	
Pedestrianizing of the old city commercial area, Abbottabad	
	
STP Site Mardan	Landfill Site, Mardan



	
<p>Green Space (for men), Mardan</p>	<p>Green Space (for women), Mardan</p>
	
<p>Ring Road Project Green Space, Mardan</p>	<p>N-45 project, Green Space, Mardan</p>
	
<p>Mingora greater water supply scheme</p>	



Mingora Landfill site, Mingora



Development of neighborhood park, Mingora



**Peshawar:** Development of Besai Park in Phase VII , Peshawar



Development of Bagh-e-Naran Extension project, Peshawar



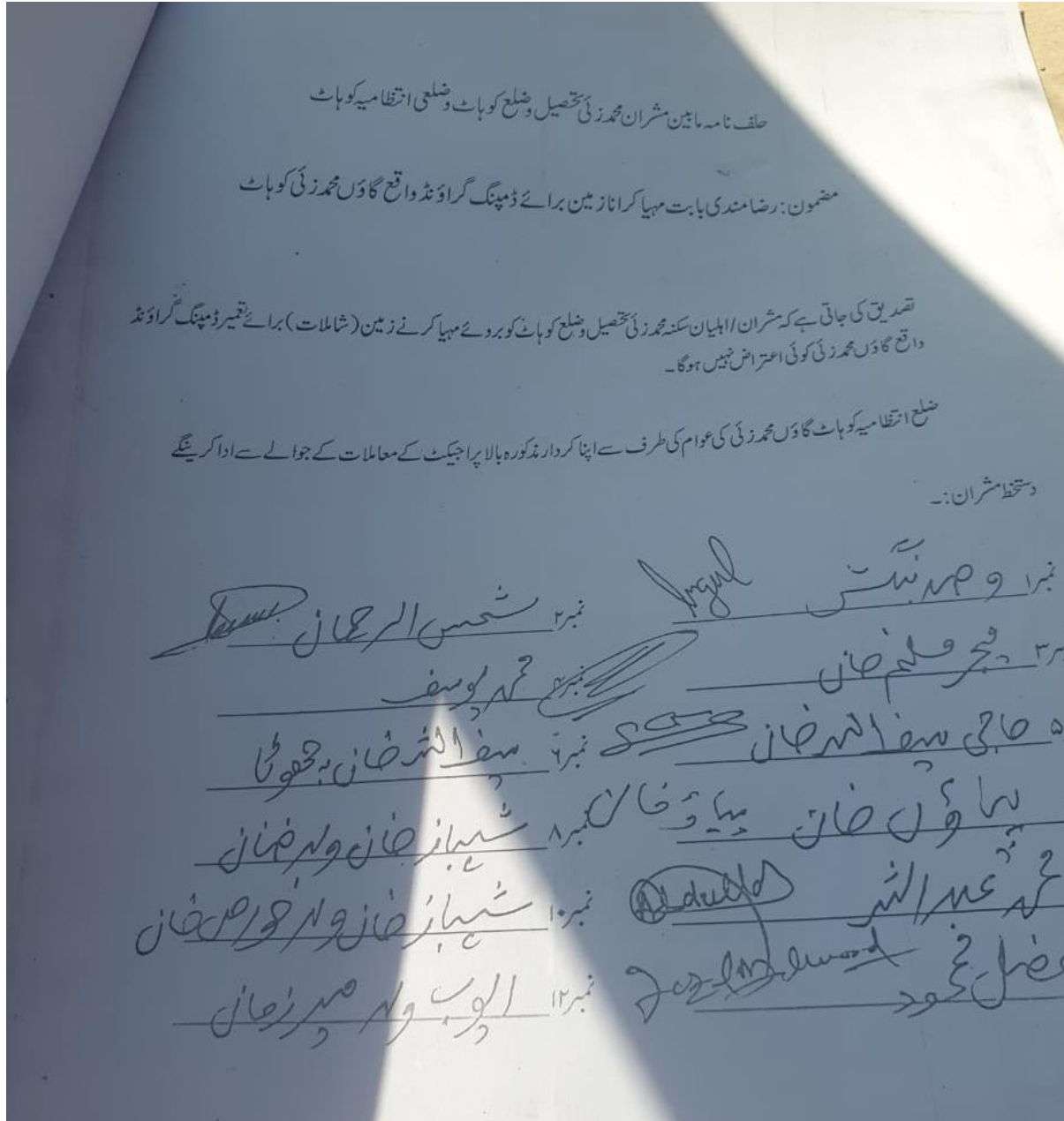


Landfill Site, Abbottabad



Water Supply Distribution network, Peshawar where 3 -12 inches pipeline is proposed at the center of the road

APPENDIX-B: EVIDENCE OF UNDERTAKING OF DPS TO HANDOVER THE LAR MATTERS  
OF LFS KOHAT TO JIRGA



حلف نامہ مابین مشران محمد زئی تحصیل و ضلع کوہاٹ و ضلع انتظامیہ کوہاٹ

مضمون: رضا مندی بابت مہیا کرنا زمین برائے ڈمپنگ گراؤنڈ واقع گاؤں محمد زئی کوہاٹ

تقدیر کی جاتی ہے کہ مشران/امایان سکس محمد زئی تحصیل و ضلع کوہاٹ کو بروئے مہیا کرنے زمین (شملات) برائے تعمیر ڈمپنگ گراؤنڈ واقع گاؤں محمد زئی کوئی اعتراض نہیں: دکان

ضلع انتظامیہ کوہاٹ گاؤں محمد زئی کی عوام کی طرف سے اپنا کردار مذکورہ بالا پراجیکٹ کے معاملات کے حوالے سے ادا کرینگے

دستخط مشران:-

نمبر ۲ حاجی شافع الدین	نمبر ۱ حاجی گل صبر خان
نمبر ۳ ملک مسرت عالم خان	نمبر ۲ حاجی خان بادشاہ
نمبر ۴ ملک حسن بادشاہ	نمبر ۳ ملک شہد نور خان
نمبر ۵ ملک رحیم الدین	نمبر ۴ ملک فرید تونس خان
نمبر ۶ شافع خان	نمبر ۵ محمد رستم خان
نمبر ۷ غفر اقبال	نمبر ۶ شہر المنظم خان
نمبر ۸ محمد طفیل	نمبر ۷ ملک نور خان
	نمبر ۸ گل صبر

اسٹنٹ کمشنر صاحب کوہاٹ



APPENDIX-C: COPY OF COURT SETTLEMENT MARDAN LANDFILL SITE

IN THE COURT OF NOSHEEN NISAR, CIVIL JUDGE-III, MARDAN  
Title " WSSCM Vs Abdur Rasheed etc  
Civil Suit No.54/1

Water and Sanitation Services Company Mardan Government of  
Khyber Pakhtunkhwa through Chief Executive Officer. (Plaintiff)

VERSUS

1. Abdur Rasheed S/o Sher Bahadar R/o Saeed Abad, Nisata  
Road, Mardan and 11 others.  
(Defendants)

141

Date of Institution.....17/07/2017.  
Date of institution in this court.....28/03/2020.  
Date of Decision.....27/05/2021  
31/5/21

SUIT FOR DECLARATION & PERMANENT INJUNCTION

Ex.PARTE JUDGMENT:

1. This order is intended to dispose of the suit filed by the plaintiff  
against the defendants seeking declaration along with  
permanent injunction.

2. Brief facts of the case are that, plaintiff has brought the instant  
suit, against defendants, seeking declaration to the effect that  
plaintiff is entitle and have a legal right to render services to  
safeguard public health and protect the environment against the  
water and landed pollution by managing water supply,  
sanitation and managing solid waste system within the  
territorial jurisdiction of district Mardan, whereas; the  
defendants have no right and concern to create hurdle, //

14 JUN 2021  
Examiner Copying Branch  
Session Court Mardan

Masti  
Wazir  
27/05/2021  
Civil Judge

1

**IN THE COURT OF NOSHEEN NISAR, CIVIL JUDGE-III, MARDAN**  
**Title " WSSCM Vs Abdur Rasheed etc**  
**Civil Suit No.54/1**



142

resistance or to stop and restrain the vehicles of the plaintiff/company carrying solid waste, collected from Mardan city, for disposal of dumping within the area measuring 228 kanal at Khanjar Killi Mouza Chamtar Nisara Road, Mardan bearing survey No.994, 995, 998, 999, 1004, 1005, 1014, 1015, 1016, owned and possessed for the said purpose, therefore, act of the defendants i.e. restraining the plaintiff from disposing the solid waste within the above mentioned area is liable to be declared illegal, against the law and facts, based on fraud and collusion and against the public interest, hence, ineffective upon the rights of the plaintiff. Plaintiff also seeks permanent injunction against defendants by way of restraining them to stop vehicle of plaintiff/company carrying solid waste to the area owned and possessed by the plaintiff for dumping and disposal or to make any hindrance/resistance in the disposal of the same or any other such act detrimental to the right and interest of plaintiff.

3. **After** institution of the suit, defendants were summoned, wherein, they appeared through counsel and submitted written statement alongwith an application u/o VII Rule 11 CPC, which was dismissed vide order of this court dated 13/03/2018 but later on, didn't appear before the court, hence were placed and proceeded ex-parte. //

2

*Handwritten signature and date: 27/06/2021*

Certified To Be True Copy

12 JUN 2021

Examiner Copying Branch  
Session Court Mardan

**IN THE COURT OF NOSHEEN NISAR, CIVIL JUDGE-III, MARDAN**  
**Title " WSSCM Vs Abdur Rasheed etc**  
**Civil Suit No.54/1**

143

4. **Thereafter**, plaintiff was directed to produce his evidence which he did accordingly. Mr. Fazal Akbar S/o Muhammad Akbar/ Office Superintendent WSSCM appeared in the witness box and recorded his statement as PW1, wherein, he exhibited authority letter in his favour as Ex.PW1/1 and reiterated the facts alleged in the plaint. PW1 produced copy of agreement, snapshots of machinery and other supporting documents as Ex.PW1/2 to Ex.PW1/5.

5. **Similarly** Muhammad Khalil Akbar Manager Municipal Services WSSCM appeared in the witness box as PW.2 who also supported the stance of plaintiff. Thereafter, plaintiff closed his evidence.

6. **Arguments** heard. Case file gone through.

7. **In** the light of detailed arguments and perusal of record, it is humbly concluded that admittedly, the dispute of accumulation of waste on the disputed area has already been decided by the learned Judicial Magistrate vide order dated 31/07/2007 with directions to the present plaintiff i.e. by installing fence around the trenches, to make necessary drainage system avoiding

Certified To Be True Copy storage and seepage of water out and to ensure regular spray of antiseptic to extinguish easy production of mosquitoes and germs. It is evident that in support of his claim, the plaintiff produced oral and documentary evidence which supports the stance of plaintiff. The relevant documents supports stance of

12 JUN 2021  
Examining Copying Branch  
Session Court Mardan

*Nosheen Nisar*  
*27/6/2021*

**IN THE COURT OF NOSHEEN NISAR, CIVIL JUDGE-III, MARDAN**  
Title " WSSCM Vs Abdur Rasheed etc  
Civil Suit No.54/1



144  
the plaintiff are Ex. PW1/3 and Ex.PW1/5, which reveals that plaintiff has complied/followed the terms and conditions as discussed above by digging, excavating trenches and raising wall as well as equipped latest machinery for fumigation. In addition, there is nothing in rebuttal, as defendants were proceeded ex-parte, therefore, drawing wisdom from the most established principle of law that whenever certain facts go un-rebutted they are deemed to be admitted.

**RELIEF:**

8. As sequel of the discussion above, decree is passed in favour of plaintiff as prayed for. Defendants are restrain not to create hurdles in way of plaintiff company carrying solid waste to the area owned and possessed for dumping and disposal.
9. File be consigned to Record Room after its necessary completion and compilation.
10. **Pronounced** in open court at Mardan and given under my hand and the seal of this court on this 27<sup>th</sup> day of May, 2021.

*Nosheen*  
**NOSHEEN NISAR**  
Civil Judge-III, Mardan

Certified to be True Copy

12 JUN 2021

Examiner Copying Branch  
Session Court Mardan