

EFFECTS OF PRIVATIZATION OF PUBLIC LAND ON THE INTEGRITY OF
PLAN

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ABSTRACT

EFFECTS OF PRIVATIZATION OF PUBLIC LAND ON THE INTEGRITY OF PLAN

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There may be variances in the framework foreseen by the plans due to increasing public needs, unpredictable population increases. So, the need to modify urban plans becomes an important issue. However, the plan modifications have so many problems when future concerns and small interests are considered. So, plan modifications can lead to a damage in the urban pattern, and to decrease in the quality of life.

Institutions with planning authority is determined in the Development Law. Moreover, certain special laws are enacted in order to grant planning authority to different institutions. This causes confusion on the responsibility for planning. With one of the special laws that is the Law on Privatization (Law No. 4046 enacted in 1994), the Directorate of Privatization Administration gains the authority to create a plan for the public land, to modify existing plans in these areas. As stated in the Development Law, the planning activities carried out by the Administration should be integrated with the existing plan. Including different institutions as part of planning process resulted in partial approach for planning process.

The Administration has an authority to prepare new development plans and to make plan modifications. Although the importance of concepts of integrity of plans and public interest is stated in the Development Law and related regulations, the integrity

of plans is an important issue which should be evaluated in development plans and plan modifications prepared by the Administration.

With the study, positive and negative aspects of the planning authority of the Administration are evaluated.

Keywords: Public Land, Privatization, Public Interest, Integrity of Plans

ÖZ

HAZİNE ARAZİLERİNİN ÖZELLEŞTİRİLMESİNİN PLAN BÜTÜNÜNE ETKİSİ

Civelek, Sinem
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Artan kamusal ihtiyaçlar, hızlı nüfus artışları planları öngörülen çerçeveden saptırmaktadır. Bu bağlamda, imar planlarında değişikliğe gidilmektedir. Ancak imar planı değişiklikleri kamu yararı ve plan bütünlüğü göz ardı edilerek yapıldığında, bünyesinde çok fazla sorun barındırdığı görülmektedir. Dolayısıyla plan değişiklikleri, mevcut kentsel dokunun zedelenmesine yol açabilmekte, yaşam kalitesini düşürebilmekte ve kent kimliklerini giderek yok edebilmektedir.

İmar Kanunu ile imar planı yapımında yetkili idareler tanımlanmıştır. Ancak; imar kanunu dışında, özel kanun ve yasalar ile yeni kurum ve kuruluşlara planlama sürecinde etkin görevler tahsis edilmesi planlama sistemi karmaşık bir hale getirmiştir. Bunlardan biri olan, 1994 yılında çıkarılan 4046 sayılı Özelleştirme Kanunu ile özelleştirme programına alınmış kuruluşlara ait arsa ve arazilerin çevre imar bütünlüğünü bozmayacak şekilde imar tadilatları ve mevzi imar planlarının hazırlanması yetkisi Özelleştirme İdaresi Başkanlığı'na verilmiştir. Bu ve benzeri kanunlar, plan sürecinde yetki karmaşası sorununu artırırken planlamada çok parçalı bir sistemi yaratmıştır.

Özelleştirme İdaresi, sadece plansız durumda bırakılan parsellere plan kararı getirmemekte olup bütüncül olarak hazırlanan imar planlarındaki plan kararlarında da

değişiklik yapabilmektedir. Her ne kadar ilgili kanunlarda çevre imar bütünlüğünü bozmayacak, kamu yararına uygun değişiklikler yapılması gerektiği belirtilse de Özelleştirme İdaresi tarafından hazırlanan plan değişikliklerinde imar bütünlüğünün ve kamu yararının korunup korunmadığı konusu dikkate alınması gereken bir durumdur.

Çalışma ile özel kanunlar ile yetkilendirilmiş kurumlarda biri olan Özelleştirme İdaresi'nin Türkiye'deki planlama sistemine olumlu ve olumsuz etkilerinin araştırılması hedeflenmektedir.

Anahtar Kelimeler: Hazine Arazileri, Özelleştirme, Kamu Yararı, Plan Bütünlüğü

To my family

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CHAPTER 1

INTRODUCTION

The movements of industrialization that started in Turkey, in the 1950s resulted in the migration from rural to urban areas. In addition to industrialization, rapid population growth, mechanization in agriculture, the hope of living in better places, and migration from rural to urban areas; caused the cities to grow in an uncontrolled and unplanned way. Therefore, socio-economic and spatial problems have been experienced in many cities. The need to solve these problems contributed to the development of city planning.

In Turkey, many attempts on city planning have been carried out. However, the foundation of today's city planning system was clarified with the Development Law (Law No.3194) enacted in 1985. With this law, a planning hierarchy has been determined and responsible authorities for planning have been introduced. Apart from this law, there are some special laws which also granted planning authority to other administrations than the ones mentioned in the Development Law. With the Law on Privatization (Law No. 4046, enacted in 1994) which is one of them, the authority to prepare the plans for the land owned by the institutions involved in the privatization program, is given to the Directorate of Privatization Administration¹.

Development plans form the basis for Turkish planning practice. These are prepared for development and improvement of urban space. There may be variances in the framework foreseen by the plans due to increasing public needs, unpredictable population increases during the implementation of plans under the scale of changing social and economic conditions. In this context, the need to change of plans up as a result of unforeseen developments and deviances. In addition to the change itself in

¹ Hereafter the Directorate of Privatization Administration will be named as "the Administration"

urban areas, the concept of a “plan modification”, which also has a defining role, becomes a frequently used planning tool in Turkish planning practice.

The financial difficulties in the country's economy, the problems experienced in economic resources, and the fact that the state does not have strong economy to carry out its essential duties have also led to the emergence of the concept of privatization. The privatization activities, which started in 1984, in Turkey, are frequently on the agenda due to the continuous economic downturn forcing the government to include privatization activities in its policies.

The worse the economic situation is, the greater number of real property that the government has transferred to the private sector. Because of economic condition of Turkey, to generate income from public land besides factories and firms owned by the government is needed. For this reason, there is an increase in the number of the public lands included in the privatization process.

In the privatization of public land, to gain higher income from the sale of the land is one of the main objectives. Therefore, the development conditions of public land gain importance during the privatization activities. Therefore, the concepts of privatization, planning and plan modifications should be evaluated together.

1.1. Problem Definition

Institutions and organizations which hold planning authority are basically determined by the Development Law. Along with the Development Law, certain special laws are also enacted in order to grant authority to different institutions.

Granting planning authority to certain different institutions, by special laws, caused confusion for some areas where different institutions have the access and responsibility for planning. So, this creates some collision of authority among these institutions. Moreover, including different institutions as part of planning process resulted in partial and incompatible approach for planning process.

In the Development Law, development plans are defined as follows:

Development plans are considered as a procedure to provide public interest. They are prepared to find the best possible alternatives for urban functions such as living, working, resting and transportation with the aim of protecting the health of community and environment, providing the social and cultural needs, better life standards, working conditions and safety².

It is secured by the law that these principles mentioned above will be considered by institutions with planning authority. However, due to changing conditions and increasing public needs, modifications in development plans becomes inevitable for the institutions.

According to the Development Law, plan modifications must have an objective reason and must be appropriate for the public interest. It is also emphasized in the law that modifications should be carried out in accordance with the integrity of the development plan.

Although the plan modifications are small scale practices compared with a whole development plan, they have major and essential effects. In fact, small scale-parcel based decisions are made as modifications in the development plan. However, the development plan modifications may have important problems when the principles mentioned in the Development Law are not considered. They can lead to deficiencies in projected or existing urban pattern, to decrease the quality of life and also the gradual demolition of the urban identities.

When current economic conditions and government policies in Turkey are examined, it can be said that the sale of public land increases day by day. It can be seen that the construction conditions of the land are important in order to determine the value of it. So, development conditions of public land become an essential matter in their privatization process. In other words, construction conditions on the land, which is

² URL 1

going to privatized, determine the market value of it. For this reason, in order to gain maximum income from the sale, increasing the value of public land is considered by examination of its existing development conditions.

If the market value of a public land can be increased by changing its construction condition, the Administration may work on changing its development plans. Besides, the Administration prepares a new plan for the land without any development value in order to increase the value. So, in order to change the market value by changing construction and development conditions, planning studies are carried out by the Administration.

However, due to the fact that these planning studies are not comprehensive, and they consider only the economic return to be gained from the sale of land; they might be ignoring the fact that these lands are holding more livable environmental values in the city.

Public land is considered as a land for public areas such as education, health, culture and management facilities. This located all over the city for common needs is differentiated from other urban public facilities. However, involvement in the privatization program makes it less public. The transfer of public land to the private sector leads to development of private spaces in this area. Therefore, privatization of it increases the need for public areas.

Decisions about public or private use in public land included the privatization program are made by the Administration. So, the criteria that the Administration uses when deciding on land use becomes important. In other words, it is important how the planning approach of the Administration affects public land and also the whole area.

As stated in the Development Law for all type of plans and plan modifications, the planning activities carried out by the Administration should be integrated with the existing plan. Moreover, decisions regarding the modification should be prepared in an appropriate way for the public interest. In this respect, there are two main issues to be considered in the planning studies carried out by the Administration. The first one

is whether the plans prepared are compatible with integrity. The second one is their suitability for the public interest.

1.2. Aim and Scope of The Thesis

Institutions and organizations which have planning authority is determined by the Development Law and special laws. With these laws, the authority of planning at different scales in different areas is given to different institutions. In other words, the authority in the process of preparation and approval is shared among a lot of institutions. However, participation of a lot of institutions in the process causes confusion on authorization.

The Administration is one of the institutions which is granted planning authority with the special laws. According to the Law on Privatization (Law No. 4046), the authority of planning in the public land which is included in the privatization program is transferred from Municipalities to the Administration.

According to the literature review, there are a lot of articles on privatization, planning authority of the Administration, and its independent authority. For instance, Ersoy³ explains concepts of privatization and planning, and evaluates the relationship between these two concepts in his article. Together with that, Ülkü⁴ gives more details about privatization activities that carried out after the enactment of Law on Privatization (Law No. 4046). Moreover, Dinç⁵ analyzes impacts of planning activities on real estates covered by privatization program in her study. Besides, there are some these articles explaining that confusion on authority in planning process increased after the enactment of the Law on Privatization, such as the thesis named as ‘Council of State’s Resolutions: Authorizing Rules in Resettlement Plans and Problems and Solutions in Planning’ which is prepared by Altıntaş⁶.

³ Ersoy, 1997

⁴ Ülkü, 2007

⁵ Dinç, 2011

⁶ Altıntaş, 2006

Because of the transfer of planning authority, it can be said that institutions related to the privatization activities are valued more than the others. So, local authorities are left in the background in terms of planning, and the Administration uses its independent authority to prepare a new plan and to change existing plan decisions without any limitation.

In addition to these, there are a lot of researches on the sale of public property such as factory and firms and the sale of public land. For instance, Aliefendioğlu and Aksu⁷ determines methods for integration of treasury real estate to the economy, and evaluates the current practices carried out by the Administration. Together with this, Akkar⁸ explains in their declaration that public land is considered as a commercial product and a source which may be sold in order to reduce financial deficit.

However, the number of studies on the importance of public land in terms of planning and their privatization activities is limited. Besides, planning authority of the Administration is not examined and evaluated extensively.

The study aims to evaluate the planning authority of the Administration. The importance of public land in planning is examined and development plans for public land prepared by the Administration are evaluated. So, the planning authority, granted by special laws, is evaluated in their positive and negative aspects. Moreover, it is tried to be clarified what the Administration planning approach is.

In addition to these, it is aimed with this study to examine the compatibility and integrity of plans and plan modifications prepared by the Administration with existing ones.

The Administration prepares a plan only for areas included in the privatization program due to its authority. Therefore, it creates new parcel-based plans or makes modifications in the existing plan according to the boundaries of the public land. When public land is considered as a matter which should be discussed in plan integrity,

⁷ Aliefendioğlu and Aksu, 2017

⁸ Akkar, et. al., 1996

decisions made by the Administration may affect other development plans which are prepared for the surrounding area of the public land.

Preparing a plan only for public land causes partial planning approach. However, according to the planning principles, development plans are created with a holistic approach. So, it is important that development plans prepared by the Administration should be coherent with plans of the surrounding area. Therefore, the study aims to emphasize the necessity of the coordination among institutions with planning authority. In order to achieve this, an attempt is made to show how plans, prepared by the Administration, affect others prepared for the surrounding areas.

Moreover, it is stated in the Development Law that development plans must be prepared for public interest. All institutions without any exception have to protect public interest in their planning practices. So, the fact that whether the Administration pays attention to public interest or not is one of the important subjects examined in the study.

In summary, the study aims at determining the integrity of development plans and plan modifications prepared by the Administration with other plans for surrounding areas. In addition to this, the coherence of these plans with public interest is also examined.

1.3. Method of The Study

Firstly, the literature review was made about the concepts of planning, privatization and public benefit in this study. While examining the concepts, national and international sources were used. In addition to these, research about process and authority of privatization activities in different countries, were made.

After clarification of the concepts, planning and privatization activities in Turkey, are also determined. Historical development of both activities are evaluated, and their existing situation are stated.

At the beginning of the study, planning and privatization considered as two separate concepts. When thinking the planning authority of the Administration, these two concepts are evaluated together.

Privatization activities carried out by the Administration are elaborated in the chapter of case studies. Due to the fact that the aim of the study is to determine positive and negative aspects of the planning authority of the Administration, public properties subject to privatization, such as sugar factories are excluded from the evaluation. Examples of development plans and plan modifications prepared by the Administration are the main focus of this thesis.

The Administration has an authority for preparing a new development plan and changing existing ones at all scales. The part of case study is separated into two categories which are new development plans and plan modifications. As there are a lot of planning studies, carried out by the Administration, selection among them is needed.

Although the general information about plans approved by the Administration are published in the Official Gazette in order to carry out a detailed evaluation, details about plans are needed. Obtaining this detailed information from a private planning firm making urban plans for the Administration was possible. Therefore, areas that are planned by this firm are chosen as examples and the plans prepared between 2017-2018 are used in order to provide an up to date information.

Regulation on Construction of Spatial Plans categorizes development plan modifications into five groups in terms of reason for the change. First one is modifications in social and technical infrastructure. This type of modification is related with social and cultural facilities of the public. Second type of modification affects density. This type is defined as an increase in the structure of population density. Third one is modifications in road width and route direction. So, it can be said that this type is about transportation system. Another one is modifications in the land use of an area. Changing prescribed land use decision is an example for this type. The

last one is other kind of modifications such as rectifying cadastral shift and correcting drawing.

Development plans changed by the Administration, are correlated with this categorization. However, all five groups cannot be matched with practices, carried out by the Administration. So, examples of development plan modifications are divided into two groups which are modifications in social and technical infrastructure and modifications in the land use of an area.

Planning principles are clarified in the Development Law. Moreover, there are some criteria for preparing and changing development plans, which are used by judicial authorities⁹. So, development plans and plan modifications are evaluated in the section of case study in accordance with these principles and criteria.

First of all, development plans and plan modifications should be integrated with surrounding plans. Therefore, plans and plan modifications are evaluated in terms of integrity. The second point is to examine whether plan decisions benefit the public interest or not. Moreover, in evaluation of them, it is considered that how minimum social and technical infrastructure area for each person determined in the Regulation on Construction of Spatial Plans is changed in accordance with decisions of new plans and plan modifications. Moreover, according to the plan hierarchy, plan decisions compared with the upper and lower scale plans.

1.4. Structure of The Thesis

The study consists of six chapters. In the introductory chapter; the purpose, the scope and the method of the study are mentioned through the statement of the relationship between the Administration and planning.

⁹ Erğün, 2013

In the second chapter; the concepts of planning, privatization and public interest which are the main themes for the thesis, are examined. In addition to these, privatization practices were conducted in different countries in the world, are examined.

In the third part of the thesis; development process of planning and privatization activities in Turkey, are clarified. The development process in the planning system is divided into periods by taking into account the developments, that will be considered a turning point in terms of planning. Privatization activities were segmented by considering the Law on Privatization (Law No. 4046) which was enacted in 1984 as a turning point in privatization.

In the fourth one; today's planning system and privatization of public land are discussed. While the planning system is being investigated, the legal framework of the system based on the Development Law (Law No. 3194), the responsible authorities, the preparation and approval processes of the plans and their modifications are discussed. In addition to these, the Law on Privatization is discussed in order to examine the legal framework of privatization. So, the process of public land privatization and inclusion in privatization program are exhibited.

In the fifth chapter; the plan studies and plan modifications, prepared by the Privatization Administration, are evaluated in terms of integrity of plan and public interest.

In the last chapter, there is a general evaluation about the overall study and suggestions on the examples which are given in the fifth chapter.

CHAPTER 2

GENERAL CONCEPTS

The aim of the study is to evaluate the public lands which are privatized by the Administration. Several issues, such as the purpose of privatization of public lands, the planning approach adopted in the privatization process and the significance of these lands, in terms of planning, have gained importance. Therefore; concepts of plan, planning and privatization constitute the basis of the study.

2.1. The Concept of Plan and Planning

Planning approach which is a need to control urban growth and development has led to the emergence of the concept of plan in the implementation process. So, it is clear that the concepts of planning and plans are interrelated to each other and have complementary characteristics. In order to clarify the concepts, plan and planning are defined and explained separately in detail.

2.1.1. Planning

Planning is a profession to determine the objectives to be achieved by the Government, to confirm the measure of increase in agriculture, transportation, industrial sectors and to prepare the economic and social program explaining necessary alternatives beforehand for a certain period. It is possible to explain many definitions of this concept which is frequently used in spoken and written language.

Podol¹⁰ defined a classic definition of the concept as ‘planning is to specify and determine what needs to be done, how to do it, when to take action and who will take over this responsibility’.

¹⁰ Podol, 1962 as cited in Gözlükaya, 2007

The concept of planning is a subject related in different interest and disciplines. It is generally defined as a knowledge-based effort to mobilize, use effectively, and obtain resources to achieve predetermined objectives¹¹. In order to achieve the target, planning determines what, when and by whom it should be done. Therefore, the concept can be defined as a set of measures to achieve a certain purpose.

According to Tengilimoğlu et.al., planning is the process of defining the aims of the organization, determining the general strategies for achieving these goals, creating detailed plans to coordinate it and integrate employees in the organization¹².

The introduction of the concept into different disciplines led to defining its meaning according to different perspectives. However, although the definition of planning has been expressed divergently by different people, there are common points in these different definitions. One of them is, a significant relationship between planning and decision making. It is also a common point that city planning is a future-oriented term. When the concept of planning is evaluated according to all definitions, it is seen that the concept includes three basic features. These are;

- Being a future-oriented decision
- Being made to achieve a specific goal or aim
- Consisting of a systematic action process¹³.

Regarding the basic features mentioned above, the future-oriented characteristics of planning is seen as an interventive process¹⁴. Trying to respond to questions such as what, when, how to do it and who will do it, with the concern of reaching the target shows the intervention side of the planning concept.

There are four basic stages in the planning process. These are;

- Evaluation of the current situation

¹¹ Waterson, 1965: 8

¹² Tengilimoğlu and et. al., 2008

¹³ Ersoy, 2005

¹⁴ Soyak, 2003

- Determination of the period
- Data collection and evaluation
- Prediction and Foresight¹⁵.

The evaluation of the current situation is the first step of the planning process. At this stage, the current situation of the planning area is presented, and a general situation is evaluated with its positive and negative aspects. It is another important issue to determine how long the planning period will take. Collecting, gathering and interpreting all necessary data to make the decision-making process effective and efficient is one of the important stages of planning. The final step is to provide information about future development, orientation and growth based on all information gathered in the previous stage.

2.1.1.1. Urban Planning

Since planning is assumed to be a rational decision-making process, the process can be the subject of different disciplines or different interests. Therefore, the planning action can be divided into some groups according to its functions, coverage area, organizational form and its period¹⁶. One of these types is urban planning.

Thomas Adams¹⁷, an urban scientist, defines urban planning as a science, an art and an occupation field, which deals with problems related to shape the physical development of cities, taking into account the social and economic requirements.

Urban planning is an action to determine physical and geographical structure such as the soil structure and form of settlement area, social and economic characteristics such as the population, source of income, transportation, housing considered together with all the conditions of surrounding area, and to forecast their future orientations, and to

¹⁵ Can, n.d as cited in Aydın, 2012

¹⁶ Sezen, 1999: 14

¹⁷ Keleş, 1993 as cited in Çebi, 2013

provide urban services according to these assumptions. The main aim of urban planning is to increase the quality of urban life by controlling the growth of the city¹⁸.

Aydemir¹⁹ defines the concept as a decision-making and evaluation process included the design of social and physical pattern, functional relations, transportation and communication according to the clues and warnings identified from problems and growth potentials of the city or city population.

Günay²⁰ explains urban planning as an evaluation of social, economic, spatial and cultural factors related to settlements, in order to ensure planned development and change. He also added that it is also a process for development and implement of alternatives based on these evaluations.

As explained by Günay, planning action can be defined as a way of reflecting many professional disciplines to the physical area in accordance with the development purpose. In addition to this, it can also be considered as produced or created living spaces by the human mind to meet the need of harbouring, economic (trade / industry) and social (cultural / artistic) needs of the people²¹.

Based on all these definitions, it can be said that urban planning is a relevant phenomenon in the development of the society. The task of urban planning is to keep the information produced as a guiding and continuously renewed value. As a requirement of this task, it is not possible to separate urban planning from politics, economy, sociology, law, history and many other disciplines. Therefore, it is possible to say that urban planning has a multidisciplinary structure²².

¹⁸ Sezen, 1999: 15-16

¹⁹ Aydemir, 1999 as cited in Çebi, 2013

²⁰ Günay, 1997 as cited in Yenice, 2005

²¹ Şişman, Öztürk & Maraş, nd.

²² Dinçer, 1994 as cited in Çebi, 2013

Urban planning systems differ from one country to another, depending on their cultural characteristics, socio-economic issues, political developments and social structures²³.

2.1.2. Plan

The plan can be defined as a path, method and behavior targeted for the future-oriented aim by planning. The plan, which is the root of the planning word, refers to the decision or the sum of decisions. These decisions, in accordance with the general framework of the study, have the ability to reach to the desired or targeted points in the future. In this direction, if the plan is evaluated as a decision and a goal, the planning refers to the process that aims to reveal the plan in terms of reaching this goal²⁴.

According to Soysal²⁵, the plan is like an idea, the movement style to be followed or a decision that shows what kind of operations, how, when and in which order will be done to reach the aims of the organizations. It is a common character of these decisions that they indicate the future situation.

Özalp et.al.²⁶ have summarized this situation with the definition that ‘plan is the determination of where to reach from today to the future’. Therefore, in accordance with the definitions mentioned above, while planning is explained as a decision-making process for the future, the plan may be identified as an implementation tool for achieving this goal.

Depending on 5W1H (what, who, when, why, where, how) method, plan provides the following benefits:

- It prevents waste of time and effort.
- It attracts the attention of managers on its aims.

²³ ÇŞB, 2012

²⁴ Aydın, 2012

²⁵ Soysal, 1989

²⁶ Özalp and et. al, 2004: 99

- It communizes efforts on a significant point.
- It ensures that all opportunities are directed towards the goal.
- It provides the development of more rational rules and principles.
- It facilitates the transfer of authority.
- It reveals standards for auditing²⁷.

2.1.2.1. Development Plans

When the concept of plan is considered in terms of urban planning, physical qualities are more pronounced, it can be said that the most important tools of urban planning are development plans. In other words, the outcome of urban planning is the development plan.

The development plans determine the land use of urban areas in accordance with the urban growth, development trends and the needs of the citizens.

If the urban area is assumed as a cake, development plans aim to determine which slice is housing, which one is open areas, and which one will be allocated to transportation or education²⁸. In this respect; thanks to the development plans, urban decisions are made for the future social, economic, cultural and social developments of the city by taking into consideration all the needs, potentials and orientations of the city.

In the process of preparation of development plans, urbanism principles and planning guidelines should be considered in order to prepare successful plans which meet the requirements of housing, economic and social needs, and guide the settlements in terms of spatial change and development.

The planning guidelines refer to the main subjects that constitute the basis of the action. Based on the idea of principle which means basic knowledge, it is possible to

²⁷ Yılmaz, nd.

²⁸ Sezen, 1999: 16

say that the urbanism principle means the keynotes and basic knowledge of urbanism²⁹.

Development plans are designed and created in order to make the physical environment more healthy structure, to organize investments, to specify development trends, and to determine the balance of protection and use of land in accordance with the principles of urbanism and planning.

In the regions under the control of central or local authorities' responsibilities, development plans determine a development model by considering the present living standards, character, population, service and infrastructure relations of it and their relations with the environment. The decisions, which are made properly, with the determined development model are associated with the urban area. After that, development plans of the region are prepared. Thus, the idea of the city's spatial development and change have been carried out by considering the current trends with the development plans.

2.2. Privatization

The term of privatization was first mentioned in the 9th edition of Webster's New Collegiate Dictionary, in 1983. In the dictionary, it was defined as customizing, transferring industrial or commercial control and ownership from the public to the private sector.

The first use of the word was 'reprivatization' in Peter F. Drucker's book that named 'The Age of Discontinuity' based on A. Smith's discipline in 1969. Moreover, Robert W. Poe named this term as privatization, and used it in his work called 'Reason Foundation' in 1976³⁰.

Privatization has a dictionary definition, that is, sale of movable or immovable property belonging to the state³¹. Hence, privatization is the process of transferring the

²⁹ Bal, 2006

³⁰ Sezer, 2013: 8

³¹ TDK, 2019

ownership of public institutions to private individuals or institutions. The transfer of a public activity or service to the private sector can also be named as privatization³².

According to another definition, privatization is generally defined as the act of making something special or giving an entity with the control of the public sector under the control of the private sector. To this respect, privatization and expropriation are two antonymous terms³³.

While the definitions given above, explains the incomprehensive meaning of privatization, the term refers to more than ownership or management transfer in the broad sense. Besides, it involves the practices of changing an economic organization to a structure working according to the free market mechanism, and the necessary applications for this³⁴.

According to all definitions and explanations, privatization is a concept related to limiting the economic activities of the state as a whole and making the market forces effective in the economy.

2.2.1. Reasons and Objectives of Privatization

The state becomes unsuccessful while using its resources effectively, because of some problems such as economic problems, inefficiency in allocation of resources, increasing political pressures, inability to fulfill the essential duties of the state, increasing the share of the public in the economy and decreasing economic activity and productivity. In this respect, the idea that the economy will work better with the transfer of the production of public goods and services to the private sector, which proved their success in using the resources more effectively and efficiently, has become a current issue.

In regard to the ideas that form the need of privatization, the main philosophy of privatization can be clarified like that it is vital to provide essential payment for justice

³² Sarıkamış, nd.

³³ Altıntaş, 1988 as cited in Sezer, 2013

³⁴ Orkunoglu, 2010

and security, which are the state's primary duty, and to move towards infrastructure investments that cannot be carried out by the private sector, and to steer the economy by market mechanisms³⁵.

When the term is evaluated in general, the objectives of privatization activities can be categorized into four different categories which are economic, financial, social and political³⁶.

Economic objectives are;

- To increase activity and efficiency in the economy,
- To develop free market economy,
- To strengthen the capital market,
- To provide the transfer of modern technology and management techniques to the country by attracting foreign capital,
- To improve income distribution,
- To allow competition by decreasing public monopoly,
- To prevent unknown unemployment in state-owned enterprises,
- To increase foreign exchange revenues.

Financial objectives are;

- To provide income to the state,
- To minimize the share of the state in the economy,
- To fulfill the essential duties such as justice and security services and health and education services in accordance with the modern norms while carrying out the functions of regulating, directing and supervising the resources,
- To ensure that resources are used for infrastructure investments which cannot be carried by the private sector,
- To change the structure of taxation,
- To try to rid the state-owned enterprises of the burden of debt.

³⁵ URL 2

³⁶ Ayas, 2005 as cited in Göksu, 2012

Social and political objectives are:

- To ensure the spread of capital to the base,
- To return the state to its original functions,
- To weaken the forces of unions,
- To contribute to the democratization process,
- To eliminate pressures on public institutions and organizations producing goods and services,
- To put political thought into effect.

Considering the objectives of privatization activities, it can be said that privatization is a concept which is directly or indirectly related to different disciplines. In other words, privatization correlates with business, economy, law, politics, and many other disciplines. Privatization is particularly within the economic science and also aims to reduce the economic activities of the state or transferring this function to completely free market conditions³⁷.

2.2.2. Privatization Methods

Privatization methods vary depending on the sector of the institution to be privatized, its financial and technological structure, and its qualifications such as profitability. In general, privatization is carried out in three contexts. These include privatization of management, privatization of managers, and privatization of property³⁸.

Organizations and institutions become privatized by the implementation of one or more of the methods together. These methods are³⁹;

- Sales
- Hire
- Granting the right to operate
- Establishment of property rights in real estate

³⁷ Coşkun, 2017

³⁸ Tözer, 2003 as cited in Orkunoğlu, 2010

³⁹ URL 3

- Revenue partnership
- Legal savings

The sales method, which is one of the privatization methods, is preferred more than the other methods. The reason of this, is the fact that, the state earns much more money from the sales than other methods. Therefore, it is thought that the increase in productivity and the decrease in public expenditures in the economy are achieved through the sale of the state-owned enterprises and their assets.

Apart from the state-owned enterprises, public land is privatized because of considering that public land is one of the most valuable financial resources that can bring the maximum income among the whole public goods. So, public land is sold, and its ownership is transferred from the public sector to the private sector.

Selling public land should not be interpreted as just the realization of the sale of land. The function of the land may change the market value of the land. For example, the value of an area reserved for the residential use is not same as the value of one reserved for commercial functions. So, the determination of market value for the land is carried out according to the valuation studies.

In valuation studies, the factors and their weight coefficient, that influence the determination of the value of each property may be different. However, the main factors that directly affect the value and are accepted by everyone are listed below⁴⁰:

- The intended land use of the real estate
- Environmental characteristics
- Infrastructure status
- Climate conditions
- Population
- Legal specifications
- Construction conditions

⁴⁰ İlhan, 2017

- Legal restrictions
- Location of real estate
- Shape, size and measurement of the parcel
- Topographic structure
- Geological condition

The most important factor in determining the value of the real estate is the decision of its land use in the development plan. Therefore, it is necessary to clarify land use decision of it. It is also essential whether the land is planned or not. If it is planned, it is important issue for the determination of the value of the land which urban land use area will take place in there. In order to consider the land as an efficient financial resource, it is possible to make land use decisions which earn more income in these lands.

The importance of urban land use in public land combines the urban planning activities with the privatization activities. Thus, the concepts of privatization and urban planning can be considered together in terms of the creation of economic resources. In other words, privatization and urban planning are related with each other in terms of the sale of public lands.

2.2.3. Approaches to Privatization Activities

There are different ideas about whether privatization is a positive or negative process. While privatization is a necessary practice for improving the state economy according to some intellectuals, others think that the concept of privatization puts the state integrity at risk. Therefore, it should not be ignored that privatization has the idiosyncratic nature⁴¹.

Supporters of the privatization activities think that enterprises in the private sector work more efficiently than state enterprises, while opponents of privatization oppose to the privatization of state-owned enterprises by defending that, the state-owned

⁴¹ Greene, 1996

enterprises organize resource allocation, and have an effective and encouraging role in restructuring the economy or the branches of industry⁴².

Furthermore, according to the supporters, the direct and indirect interventions of the social state for economic life are restricted for individuals' freedoms. According to this thought, the transfer of state-owned enterprises to the private sector will result in the reduction of the intervention of the modern state⁴³.

However, others regard⁴⁴ the state-owned enterprises as a tool used by the state to determine deficiencies of the market mechanism and private enterprises. So, according to them, when the control of the state-owned enterprises belongs to the public, it can be provided to eliminate injustices in income distribution, to prevent unemployment, to ensure that the compulsory goods are presented to the society in certain quality, price and quantity and also to improve social rights.

In addition to these, opponents explain based on the principle of statism, that, the state-owned ones aim to achieve national independence by abolishing or decreasing the dominance of foreign capital and reveal the political objectives of privatization⁴⁵.

Based on positive and negative ideas about privatization given above, it can be said that, privatization has advantages and disadvantages. Some advantages are such as enterprises working more efficiently, the capital spreading to the base, and the state's already limited resources being used to invest in the public priority needs. Moreover, the revival of the economy leading to the provision of better-quality services to the public can be described as another advantage. Apart from the advantages of privatization, there are some disadvantages of the activity. The disadvantages of state-owned enterprises in possession of private sector are the reduction of employment, the monopoly status with the aim of maximum profit, and the decline of the consumer population welfare and living standards. In addition, due to privatization activities,

⁴² Öztürk, 2007

⁴³ Öztürk, 2007

⁴⁴ Öztürk, 2007

⁴⁵ Öztürk, 2007

foreign capital and the entry of the international organizations in the country may affect political power directly or indirectly. So, if this situation affects politicians and create a political hazard, it is seen as another drawback of privatization⁴⁶.

2.2.4. The Concept of Privatization in World Countries

In order to understand the different approaches to the concept of privatization, the privatization practices in different countries of the world have been examined. Since almost every country has carried out privatization activities, examples which have different approaches to the subject are chosen. At first, although the privatization processes have been seen and done in United States and England; later on, it started to take place in both Europe and newly developing countries altogether.

2.2.4.1. Privatization in Germany

The main objective of privatization in Germany was to improve the social market economy and to resolve the injustice in income distribution⁴⁷. The privatization attitude in the country includes privatization of state-owned enterprises as well as the privatization of agricultural areas and forest areas.

Because of the reunification of Germany, the transformation of the ownership structure of land in Eastern Germany is required. Therefore, new laws about governing restitution, allocation and privatization of state-owned agricultural land were introduced. In 1992, an agency which is called the BVVG (Bodenverwertungs- und – verwaltungs GmbH) was established for implementation. This agency is responsible for the management and the privatization of agricultural land in state-ownership. In that time, land privatization was organized in three phases which are leasing, selling at reduced prices under the Land Purchase Program, and selling to market value via tender. So, it wouldn't be wrong to say that privatization was characterized by the designing and implementing of the Land Purchase Program.

⁴⁶ Orkunoğlu, 2010

⁴⁷ Karagöz, 2009

According to Dells⁴⁸, the establishment of one state agency for managing all agricultural (and forest) land in state ownership proved right for various reasons. A uniform and turn-over oriented privatization which was fairly independent from the influence of daily politics is provided, thanks to the BVVG's structure. When they established the BVVG as a limited company, they also made sure that its activities will have transparent features.

Moreover, it supports the entire lease and sales procedure including the processing of applications, parcel selection and object forming, contract preparation, keeping record of the contract status, valuation data supply for identifying the market value or orientation price, etc. In the mid-nineties this instrument was complemented by a BVVG-own GIS system, which delivered additional cadastral, spatial and geographical data, and which delivers and visualizes all information the sales and lease officers require, for making privatization and management decisions in combination with the BVVG-land information system⁴⁹.

2.2.4.2. Privatization in New Zealand

New Zealand has had a long tradition of government operated enterprises to develop the country and increase the welfare of the people, including agencies for postal services, petroleum refining, communications, electrical power, forest production, air transport, marketing farm products, railroads, and others⁵⁰.

In New Zealand, corporatization and privatization are considered as two mechanisms for implementing the policy for any agency with the potential of generating. Privatization went further by severing the government connection through sale of assets to an existing or newly established private concern. This process was presumed to have the added attractiveness of accruing to the government at an early date the full

⁴⁸ Dells, 2008

⁴⁹ Dells, 2008

⁵⁰ Hall, 1995

value of the assets. In practice, with some agencies like the New Zealand Forest Service, privatization required many years to surmount unforeseen obstacles⁵¹.

2.2.4.3. Privatization in United States

In the US, privatization has been the most prominent term at the general and local scale. In the face of the decline in budgetary funds and growing displeasure to increased taxes, politicians have been forced to perform public infrastructure investments and services by private sector⁵².

A significant part of public services in the USA have been privatized. Especially municipal services, lifeguard services, prison services, garbage collection services, firefighting work are carried out by private sector⁵³.

Apart from privatization practices in the service sector, the privatization of national parks where the land sales are realized is also carried out by the United States.

According to Kelli Reeder, there are some reasons for making privatization of national parks current issue. Reeder⁵⁴ stated that “*National Park Services’ to-do list is growing every day as it continues to acquire new land, creating more parks that require federal funding. But park operations haven’t improved or become more efficient and resources are thinning with the addition of each park*”. Therefore, it became a common idea that privately managed parks mean more efficiency and profitability.

For example, Seattle’s Ravenna Park can be considered as a proof of the difference between public and private management. When Ravenna was operated privately, it was lush, clean, safe, and family-friendly. After it was privatized by the government in 1910, a master plan was put into action that built a road going through Ravenna. The road required engineers to reroute Ravenna Creek into an underground sewer,

⁵¹ Hall, 1995

⁵² Karagöz, 2009

⁵³ Karagöz, 2009

⁵⁴ URL 4

which caused Green Lake to dry up. Bridges were later added, and historic trees were logged. The park is now often described as “a ghost of its former self”⁵⁵.

2.2.4.4. Privatization in France

The management of public properties is shared between central and local Administration. Some of the public properties are managed by a public institution which is called ‘operator of the state’. There are almost 600 operators and they include some organizations such as universities, agencies and museums. These organizations have the authority to decide any subject regarding their own properties themselves, independently.

The management of public properties used for central Administrations’ services belongs to the Ministry of Finance and Economy. There is also an organization called France Domaine (FD) connected to the Ministry. FD is responsible to assess public properties, to manage abandoned properties, and to sale them.

According to social state approach in France, local Administrations have pre-emption right for public properties in order to construct social housing, green areas and to provide public facilities. So, FD must inform the local Administration regarding public properties before selling them⁵⁶.

2.2.4.1. Privatization in Netherlands

In Netherlands, 15% of properties belong to the state. The management of them is determined by the Law on Financial Account of the State and their ownership belongs to the Minister of Finance. Apart from the minister, there are other institutions being responsible for the sales of public properties including Ministry of Agriculture, Ministry of Water Administration, Ministry of Housing and Urban Planning, Ministry of Nature and Ministry of Justice.

⁵⁵ URL 4

⁵⁶ Aliefendioğlu & Aksu, 2017

In 2001, in order to develop assessment market, a council named RVR (Raad voor Vastgoed Rijksoverheid) is established. This council is charged to contribute the Central Government in assessment market, and to organize its assessment activities.

It is seen that public properties are managed by a committee consisting of different institutions and organizations, in which each has different tasks and a defining role. So, the committee carries out activities to protect national interest through collaboration and cooperation of all participants⁵⁷.

According to the general evaluation of privatization activities in different countries, privatization is a concept that is discussed in both developing and developed countries. Like privatization activities for resolving the injustice in income distribution in Germany, being fair is an important matter in privatization activities. Therefore, it can be said that privatization is implemented for public interest, not for individual one.

Management of public properties differs among countries. While central or local government has the responsibility for privatization activities in some countries, new organizations or institutions are established in others. However; even if different authorities are responsible for these activities, their common aim is to enhance national benefit.

According to the information given in Chapter 2, urban planning and privatization are two concepts related with the development of a city. Besides, privatization activities can be considered as an investment for the development determined by urban planning practices. So, it is clear that the concepts of urban planning and privatization are interrelated to each other. In privatization activities, the urban planning activities are carried out. Therefore, in order to understand how and when these two concepts are connected, their processes should be determined separately.

⁵⁷ Aliefendioğlu & Aksu, 2017

CHAPTER 3

URBAN PLANNING AND PRIVATIZATION ACTIVITIES IN TURKEY

Historical development of urban planning and privatization in Turkey is explained. Their current situations are explored in detail, in terms of the legislation and responsibility. While explaining these subjects, the process which brought urban planning and privatization together will be described.

3.1. Historical Development of Urban Planning in Turkey

In Turkey, urbanism and urban planning developed in accordance with politic and socio-economic conditions. Adopted economic model affected planning approach in the country. Therefore, urban planning system in Turkey can be separated into six groups in terms of economic relations.

In this context; at first, the reflection of the urban planning in the country is evaluated. Then, industrial approach in 1930 and agricultural approach in 1940 is determined and their influence on the urban planning is analyzed. In years between 1960 and 1980, named as a period of national development planning, institutionalization of planning is mentioned. Apart from institutionalization, consideration of planning as a marketable matter is also determined in this section. In the last period, variance in organization based on the urban planning approach is evaluated.

3.1.1. The Reflection of Urban Planning (1839-1923)

The reflections of the urban planning system, which was developed in Europe, in the Ottoman Empire were very limited. The reflection or adoption of the utopian

movements in Ottoman society was impossible due to the conditions of society. However, it is known that there were some attempts at planning⁵⁸.

In the Ottoman period, the first map and plan attempts were made by foreigners. The first study of development plan in the Ottoman Empire was prepared by Moltke for Istanbul in 1839. This plan not only showed the current state of the city, but also had development decisions. Decisions include the creation of new neighborhoods according to the geometrical rules that will guide the development of the city⁵⁹. However, unlike the urban planning system that started in Europe, the plans made in the Ottomans were not practices that envisaged the realization of a city vision with the big operations covering the whole of the city as in the other European examples⁶⁰.

The most important influence of the Moltke plan is that it pioneered the publication of the first development legislation of the Ottomans called the Ebniye Regulation (Ebniye Nizamnamesi).

In the regulation, there are rules on expropriation, ways of granting licenses to buildings, supervision of constructions, width of roads and streets, and height of buildings to be built around it⁶¹. Inspired by the developments in European cities, this regulation was only valid in Istanbul⁶².

In addition to these, after the first legislation, the City Commission was established with the aim of resembling the European cities. After that, the Municipal Administrations were also established⁶³.

In addition to the Istanbul development, the Municipalities Law was enacted in 1877 in order to expand the activities in other cities of the empire. Then, the construction works of these municipalities were detailed according to the Ebniye Law (Ebniye

⁵⁸ Keleş, 1980

⁵⁹ Ayverdi, 1958 as cited in Keleş, 1980

⁶⁰ Tekeli, 2009

⁶¹ Keleş, 1980

⁶² Tekeli, 2006

⁶³ Keleş, 1980

Kanunu) enacted in 1882 which was the first development law of the Ottoman Empire⁶⁴. With this law, the concept of the public interest has entered the Development Law (Osmanlı İmar Kanunu). So, conditions of being compatible with the public interest have been observed in the determination of expropriation rules. Moreover, it is also conditioned to be proper to form an estimate of building project prepared by a private person or institution in terms of public interest⁶⁵.

In addition, a map commission was established in 1909 and 1 / 25.000 scale maps were prepared by military cartographer⁶⁶.

When the urban planning system of before republican period is evaluated in general, it can be said that the operations are pioneers in map studies but remain superficial in urban planning.

In the period of Ottoman Empire, it was aimed to present the current situation of the settlement area in general. So, during this period, activities in mapping enlightened the development of cartography. In other words, due to improvement of mapping, studies gave cartographers more information about studying on the current standing of the lands.

3.1.2. Sectoral Industrialization (1923-1940)

After Ottoman Period, in addition to the development of mapping, the urban planning concept was developed after the declaration of the Republic. Thus, the proclamation of the Republic as a landmark, in Turkey, is also a turning point in the urban planning history.

In the republican period, it can be said that there are three strategies on the basis of urban planning approach of a nation which is radically changing and trying to

⁶⁴ MSB, 1975 as cited in Keleş, 1980

⁶⁵ Uzun, 2016

⁶⁶ MSB, 1975 as cited in Keleş, 1980

modernize. The first of these is the declaration of the capital in Ankara because it was believed that Ankara is capable of being an example of modernization.

The second one is the development of railroad network in the country with the aim of controlling the country's discipline. The last strategy is to make a location selection for factories on the route of railway network⁶⁷.

The first legal arrangement of urban planning was the Law No. 1351 regulating the establishment and duties of the Ankara Directorate of Reconstruction, which was enacted in 1928 with the directives of Atatürk. In that year when the law was enacted, a competition was organized on the preparation of a development plan for Ankara. So, the development plan studies were carried out at the same year.

In 1930, with the Law on Municipalities (Law No. 1580), all municipalities were obliged to prepare a development plan. It was aimed that the urban environment and all settlement areas were connected to the municipalities⁶⁸. Plan activities started with Ankara development plan in 1928 and gained speed with the Law on Municipalities.

The Law on Building and Roads (Law No. 2290) enacted in 1933, restored order of building construction. The Provincial Bank was established at the same year.

Apart from legal arrangements, Industrialization Plans for 5 years were prepared in this period. The main role in economic development was given to industrial sector. Besides, it was aimed to establish some units for agricultural production. So, it was tried to decrease the number of external purchases⁶⁹.

The planning system created by these laws has determined the Republic's approach to urban management and urban planning, until the 1980s and even afterwards. In addition to this, creating plans or being obliged to create plans for central institutions, in certain size cities became compulsory due to these laws. Urban planning activity, which started in the previous period, became widespread in this period and started to

⁶⁷ Tekeli, 2009

⁶⁸ Akay, 2007

⁶⁹ Övgün, nd.

be seen within the skill of architecture instead of being the field of activity of the cartographers⁷⁰.

3.1.3. Development Based on Agriculture (1940-1950)

The first urban planning practice was ‘Urgent Development Plan’ in 1946⁷¹. It clarified how national resources are used. According to the plan, industry should have been considered as a main sector for the economic development.

In addition to this, there were some institutional and legal arrangements in this period. Turkey Real Estate Credit Bank was founded in 1946. Besides, the Law on Building Construction Incentive (Law No. 5228) was enacted in 1948⁷². These laws are intended to keep the construction under control.

Urban planning practices being obliged in the previous period became local practices in 1950. Every municipality should have prepared a plan for the next 5 years due to the Law No. 2290. So, it is aimed to be organized in the urban structure⁷³.

However, since the law did not serve the purpose, the Law on Encouragement of Building Construction and Unauthorized Structures (Law No. 6188) was enacted in 1953.

In addition, with the Law on Construction (Law No. 6758), planning and structuring in the contiguous areas and within the boundaries of the municipality were clarified according to general guidelines in 1956. Moreover, The Ministry of Construction and Housing was established as obliged to organize and implement development applications in Turkey in 1958⁷⁴.

⁷⁰ Tekeli, 2009

⁷¹ Övgün, nd.

⁷² Akay, 2007

⁷³ Erdem, Meşhur & Sağ, 2008

⁷⁴ Akay, 2007

3.1.4. Planned Development (1960-1980)

In the 1960s, the State Planning Organization was established to prepare development plans for the purpose of accelerating the development of the country⁷⁵. Together with The State Planning Organization, in the second half of the 1960s, the Ministry of Development and Settlement, Metropolitan Planning offices in Istanbul, Ankara and Izmir were founded. The interdisciplinary teams, organized in these offices, have made plans for these areas by using modern urban planning techniques. Land use and transportation models were developed for the first time during these studies⁷⁶.

As the migration from rural to urban areas increased in these years, uncontrolled growth and widespread range of cities as a problem was observed in the cities. This growth caused by population increase led to the problem of illegal construction in cities. From this point of view, the concept of ‘squatter’ was discussed for the first time in the years mentioned, and then the Law on Squatter Housing (Law No. 775) was enacted⁷⁷.

Apart from these steps taken for development plans, further initiatives have been taken regarding upper-scale plans. Because of the idea that problems in cities cannot be solved within themselves, the need for upper-scale plans has gradually increased. For this reason, The Law on Construction (Law No.1605) was enacted in 1972, and the concepts of regional and sub-regional planning were introduced⁷⁸. Therefore, the 1970s can be considered as the first steps taken in the planning of upper scale urban planning and the legal stages of the urban planning hierarchy.

3.1.5. Becoming Available in Market Place (1980-2000)

The upper scale urban planning process, which still had been being developed in the early 1970s, went into radical changes in the 1980s. It is possible to follow these

⁷⁵ Soyak, 2003

⁷⁶ Tekeli, 2009

⁷⁷ Tekeli, 2009

⁷⁸ Özden, 2012

changes in every aspect of planning starting from development plans, as in other areas of urban society⁷⁹.

In this period, according to the urban planning approach, economy was related with finance and industrial investments. In order to become liberal, the concept of privatization was considered as an important method. Therefore, industrial facilities protected for a long time were marketed⁸⁰.

After the 1980s, the institutional structure of urban planning in Turkey was organized. The concept of development planning, which is not completely mentioned in the 1924 and 1961 Constitution, has been included in the 1982 Constitution. After that, new principles and aims of the planning have been determined⁸¹. Moreover, an attempt was made to create an administrative structure in the planning system with the new regulations such as laws, regulations and delegated legislations. In addition, a systematic situation in the planning system was tried to be provided by legal regulations and it was aimed to keep this system under control with administrative structure.

After 1983, the powers and resources of municipalities were increased to some extent. Besides, management in metropolitan areas was separated into two parts. The strengthening of local Administrations has begun to be perceived not only as a problem of management activity, but also as a result of improving the quality of democracy⁸².

The most important development of this period is the enactment of the Development Law (Law No. 3194) in 1985 which will be mentioned frequently in the study. This law, which is still in effect, forms the legal basis of the planning system.

⁷⁹ Özden, 2012

⁸⁰ Övgün, nd.

⁸¹ Akay, 2007

⁸² Tekeli, 2009

There was an uncertainty about the upper-scale urban plan in the law. According to the Law, the concept of plan hierarchy was stated, and different types of urban plans at different scale were defined. But, the relationship among these different plans was not described. In addition to this, due to the fact that effects of globalization, global competition and the concept of competing urbanism increased, upper scale urban planning has become more controversial. In other words, the urban development is an activity more than a regional and territorial scale for urban planning, and it emphasizes the obligation and necessity of looking at a global perspective⁸³.

In the period between 1980s and 2000s, there have been other important developments. When observing effects of globalization into the urban area, high buildings, offices and residences, shopping malls, multi-purpose buildings with mixed use fields, with similar features have started to take place in the city as big projects. However, this new construction was not made within the scope of upper scale urban plans, but through local decisions⁸⁴.

3.1.6. Strategic Urban Planning: (2000 and Later)

In order to manage urban planning process effectively, strategic planning approach was adopted in this period. This idea was presented the first time in 8th Five-Year Development Plan⁸⁵.

Strategic planning approach affected organization of planning. So, national organization of planning was recreated, and urban planning was considered at institutional level⁸⁶.

In recent years, partial planning manner has been adopted instead of holistic approach. So, the restructuring of the public institutions in terms of urban planning authority is also observed. Recently made legal arrangements grants planning authority to

⁸³ Özden, 2012

⁸⁴ Özden, 2012

⁸⁵ Övgün, nd.

⁸⁶ Övgün, nd.

different institutions and organizations. This is the fact that why today's planning system is not holistic.

Urban planning authorities as discussed in detail in Section 4.1.3 differs due to the Development Law and special laws day by day. Each passing day, a new institution and organization gain authority to prepare and approve development plans. This situation makes urban planning system more complicated. So, it can be said that there is a confusion over which institution is actually responsible for preparation of development plans.

3.2. Historical Development of Privatization Activities in Turkey

Historical development of privatization activities in Turkey can be divided into three categories. The first one is the beginning of the concept of privatization in Republican period. Arrangements for legal framework of privatization in years between 1980-2000 form the second period. The last one is when the massive increase in privatization activities are observed.

3.2.1. Privatization in Republican Period

In the Republican period, some structural arrangements are made due to the fact that the country has emerged from the war recently. In other words, the low level of national income, the prevalence of agriculture and husbandry sector, the weak industrial structure, the economic crisis of 1929 and similar reasons made the active participation of the public fractions in economic activities essential. For this reason, it was thought that the state should be responsible for national development because development would not be realized by the private sector in a new state⁸⁷.

In this respect, the Sümerbank for organizing industrial plans, Etibank for mine exploration, Sugar Factories and Soil Products Office for agricultural activities and their coordination were established.⁸⁸. Although the state has assumed a role in

⁸⁷ Çetinkaya, 2000 as cited in Göksu, 2012

⁸⁸ Doğan, 2016

economic development, the idea of privatization was considered firstly in the Law No 3460 by Atatürk's directive⁸⁹.

It was aimed to ease the burden on the government with the enactment of the concept of privatization in the Law No. 3460 and the provisions on the development of the private sector in the 1946 government program. Besides, getting benefit from private sectors' dynamism and increasing resource utilization were other two targets. However, governments took all responsibilities due to unsatisfied legal arrangements.

On the contrary, it has been observed that the government has adopted a management approach that does not correspond with the commercial management rules in the long term, because of the fact that the public sector has been forced to grow and the share of the state in the economy has increased steadily since the 1950s and the resources have not been used efficiently⁹⁰.

After the beginning of the planned development period in 1960, the problems of the State Economic Enterprises started to be evaluated for the first time and in this framework, the number of the state enterprises and the scope of their activities were aimed to be restricted⁹¹.

3.2.2. Privatization between 1980 and 2000

In the 1980s, along with the government under the prime minister Turgut Özal, Turkey has become one of the world's fastest growing economy. It has also become an attractive investment environment because of the implementation of free market principles, the establishment of dynamic capital markets and the liberal approach to trade with international investors and importers⁹².

In the early 1980s, various measures were introduced in terms of economy. Apart from economic measures, the concept of privatization has been included in the agenda of

⁸⁹ Çetinkaya, 2000 as cited in Göksu, 2012

⁹⁰ Karagün, 2009 as cited in Göksu, 2012

⁹¹ Doğan, 2016

⁹² Coşkun, 2017

the country on the basis of regulating the market mechanism without the need for government intervention. Creating a slow-paced structure of statist policies applied in the long term, declining in the economic and political boundaries between countries, developing activities in science and technology, increasing transportation facilities and telecommunication in order to provide economic development, were the main reasons for the rise of the privatization trend in Turkey during that period. Besides, financial and administrative arrangements which were made in the Turkish economy, and the privatization activities which related to industrial and commercial enterprises operated by the government, took place in this idea⁹³. Therefore, privatization practices have played an important role in the transition to the free market economy as a policy tool, aimed primarily at minimizing government intervention in the economy⁹⁴.

The legal regulations regarding the privatization activities initiated in the first half of the 1980s were given below in chronological order⁹⁵.

- The first legal regulation on privatization was enacted on 29.2.1984. This law defined privatization methods.
- The second legal arrangement related to privatization was made by Executive Order No. 233 enacted on 08.06.1984.
- With the Law No. 3291 dated on 28.05.1986 and Executive Order No. 38, new regulations about the decision-making and implementation stages of privatization have been established.
- The Law on Privatization (Law No. 4046) was enacted on 24.11.1994 in order to reorganize the principles of privatization on the basis of an intellectual and political agreement.

⁹³ Dinç, 2011

⁹⁴ Coşkun, 2017

⁹⁵ URL 6

- Within the framework of the new regulations introduced by this Law, the High Council of Privatization, the Administration and the Privatization Fund have been established.

Together with the legal regulations mentioned above, the privatization activities initiated with the authority of the Administration of Public Housing and Public Partnership Administration have been transferred to the Administration with various arrangements. The Figure 1 shows the process of authorization.

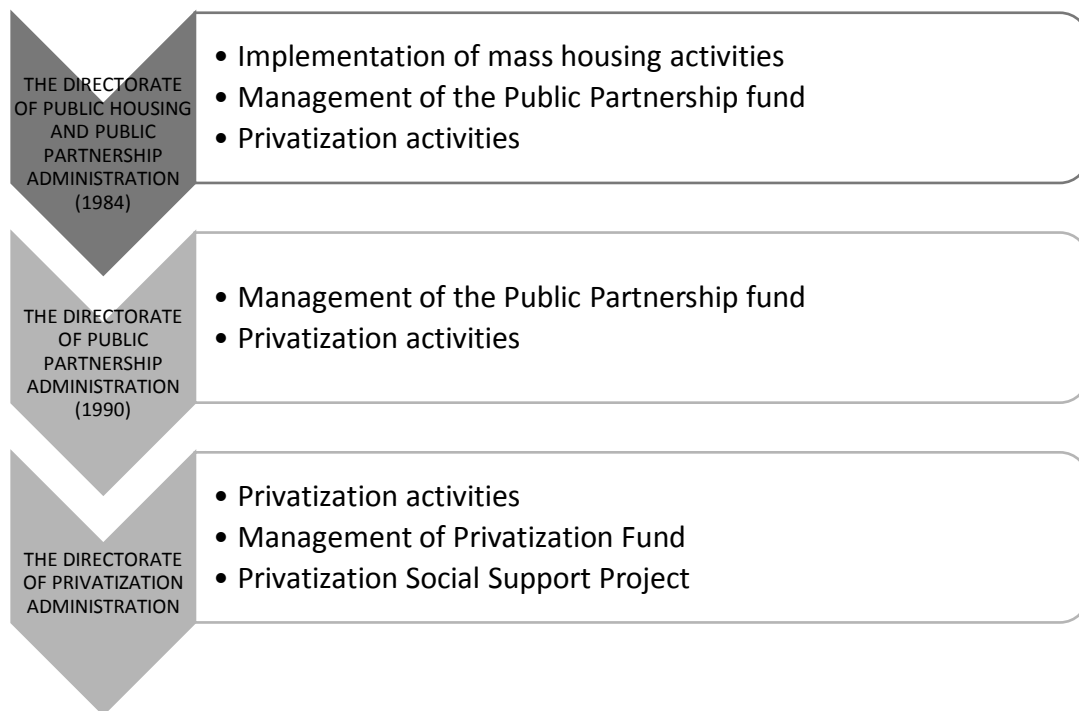


Figure 3.1 Development of Corporation and Scope of Their Activities

(Source: URL 16)

Due to the fact that, the main objective of privatization is to ensure that the government is completely passive in field of business in the economy, the legal process mentioned above has improved. Therefore, privatization activities organized to minimize the industrial and commercial activity of the state in the economy, it is aimed to improve

the capital market, to bring the idle occupations in the economy and to reserve the resources to be obtained in this manner to the infrastructure investments⁹⁶.

3.2.1. Privatization after 2000

In the 2000s, there was a significant increase in the number of privatization activities. The legal framework transformed after the February crisis in 2001, the privatization process carried out directly by the Administration, and the government being in demand of privatization was effective on this situation⁹⁷.

The importance of the privatization concept, which gained importance in 2000s, has shown its first impact in 2005 with the increase in income gained from privatization activities. Moreover, the significant rise in 2013 shows that the privatization approach is an important subject in government policies. Income gained from privatization in 2005 was doubled in 2013. This doubling of income obtained suggests that economic success has been achieved by privatization of public land, public institutions, ports, highways and bridges. This information is shown in Figure 2.

⁹⁶ URL 6

⁹⁷ Üçer, nd.

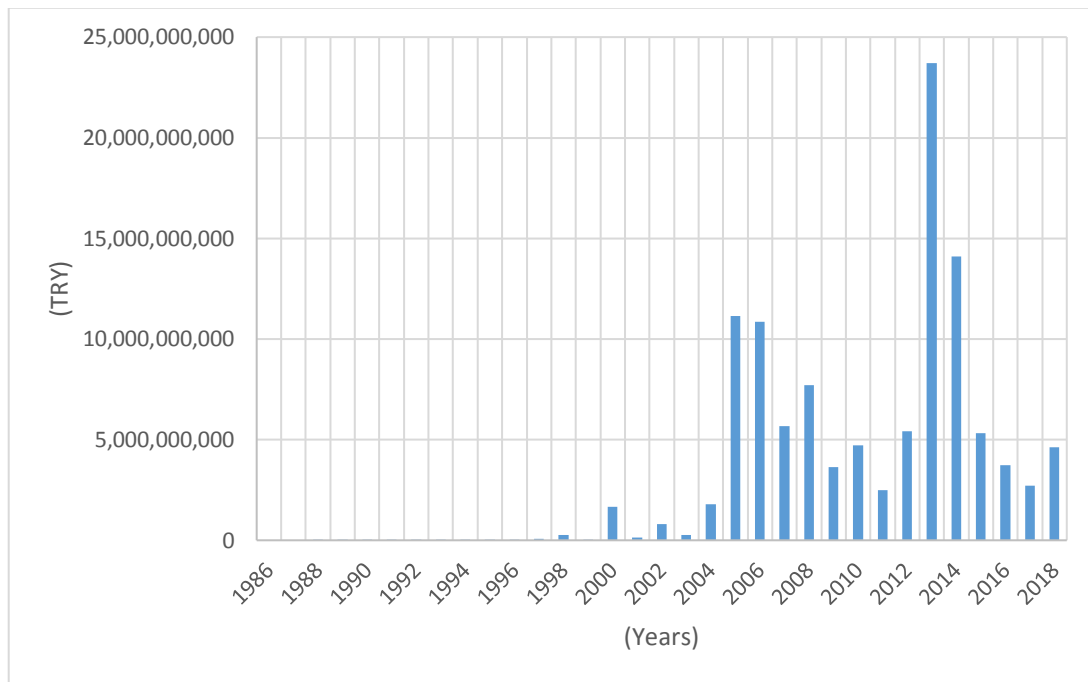


Figure 3.2 Earnings Gained from Privatization in Turkey

(Source: TMB, Electronic Data Delivery System, URL 7)

When the history of privatization activities in Turkey are analyzed, it can be said that the development level of privatization is proportionate compared to income gained from privatization activities.

If privatization activities in Turkey are categorized in terms of the size of the income, it can be clearly seen that the years after 2001 is much more dominant than the 1980s and 1990s. Behind this difference, there are some factors such as the fact that after 2001, the legal framework became more suitable for privatization, the politicians were consistently pro-privatization and the economic indicators were more appropriate for the use of international financing⁹⁸.

In Turkey, urbanism and urban planning developed in accordance with politic and socio-economic conditions. In the economic period based on industrial and agricultural sectors, the priority was given to supports provided by the government.

⁹⁸ Üçer, nd.

However, changing economic developments resulted in loss of importance of the government in the economy.

Together with national development planning approach, it is aimed to improve cities in terms of social and cultural dimension. Therefore, new institutions and organizations was established for preparing national development plans.

In 1980, economic policies considered urban planning as a marketable product. So, these policies caused a competitive society. Besides, there were some liberalization activities in manufacturing areas. This situation led to the concept of privatization.

The revaluation of manufacturing areas and their privatization to private sector increased in 2000. After this increase, the government tried to gain more income in order to improve their continuing economic downturn. So, privatization activities are started to be involved in the government program in Turkey.

CHAPTER 4

URBAN PLANNING SYSTEM AND PRIVATIZATION OF PUBLIC LAND

As it can be understood from the historical process of urban planning in Turkey, it is tried to form a general legal framework for planning practices. Until now, different laws, decree laws and regulations were enacted. Today, the Development Law, which was enacted in 1985, is the basis of the current urban planning system. Based on this law, other regulations have been formed and the urban planning process has been tried to be defined in detail.

An attempt was made to determine the execution of the urban planning system in Turkey, the entities or institutions to be involved in the planning process, institutions with authority for preparing and approving the plans, the detailed issues about making a change in plans by related laws.

This study aims also to determine where the Administration participates in the urban planning process. Therefore, existing urban planning process should be specified firstly.

4.1. Urban Planning System

Two of the most important issues caused by urbanization are the provision of habitats where the people can meet their needs, and the prevention of the outcomes caused by irregular construction.

For this reason, central or local administrations prepare urban plans by considering the specific features of lifestyle, character, population, location, service and structure relations and the connections of the region with the environment. Moreover, they

supervise the progress of the construction in accordance with these plans. Urban plans prepared and controlled for this purpose are called development plan⁹⁹.

In other words, development plans form the basis for urban planning. They aim to meet the socio-cultural needs and requirements of the citizens, to create a healthy and safe environment, to improve the quality of life. In order to succeed in these purposes, they are prepared based on data and studies of economic, demographic, social, cultural, historical and physical features about the settlement. They are also the documents consisting of the reports and notes that include the principles of organization and implementation, which determine the trends of urban settlement and development by creating alternative solutions¹⁰⁰.

The legal framework of the development plans which are implementation tools in Turkish urban planning system, types of development plan specified by this legal structure, detailed information about its making process such as institutions with an authority to make, to approve, and to change them will be explained. Moreover, the role of the Administration in this process will be also stated in the following sections.

4.1.1. Main Principles and Legal Basis of Urban Planning

Urban planning studies in Turkey is carried out based on specific legislation. Some of the legal key texts that provide a basis for the current urban planning system are:

- The Turkish Constitution
- The Development Law (Law No. 3194)
- The Regulation on Construction of Spatial Plans
- The Regulation on Development in Planned Areas

It is stated in the Constitution that everyone has the right to live in a healthy and balanced environment and the right to housing. As in the hierarchy of norms, various laws, legislations and regulations have been enacted in order to succeed in providing

⁹⁹ Dündar & Utaş, nd.

¹⁰⁰ Güneş & Uzunay, 2017

these rights to the people. The most important law published on this issue is the Development Law.

Development legislation in general, as stated in the Development Law, was prepared for supporting settlements and building constructions which were in accordance with health and environmental conditions¹⁰¹. Thus, the aim of providing a living area with the highest quality of life for people is tried to be secured with the legislation.

It is ensured that all urban plans and structures within or outside a municipality and contiguous boundaries are adopted for the health and environmental standards. Therefore, all urban plan practices should be convenient with the Development Law.

Some of the topics discussed in the Development Law are given below.

- Definitions of urban plans
- Principles related to development plans
 - Hierarchy of Spatial planning
 - Base maps and plans
 - Preparation and implementation of plans
 - Authority of Ministry in development plans
- Construction practices
 - Parceling out and land conjunction
 - License procedure

The spatial plans are divided into two categories in terms of the area and objectives they cover which are called ‘Environmental Plan’ and ‘Development Plan’. The principles considered in the process of the preparation of these plans are detailed in the Regulation on Construction of Spatial Plans which is prepared according to the Development Law.

¹⁰¹ URL 1

Other topics stated in the regulation are given below.

- Principles and definitions of spatial use,
- Hierarchy of spatial planning and their relations,
- General planning principles,
- Basics of preparation of a plan (Strategy plan, environmental plan, development plans, development plans for protection, integrated coastal area plan, urban design projects)
- The approval, announcement and finalization of the plans
- The publicity and control of the plans.

The purpose of the Regulation on Construction of Spatial Plans published in the official gazette on 14 June 2014 is to protect and develop physical, natural, historical and cultural values, to provide balance of protection and usage, to support sustainable development at country, region and city scale, to determine the principles and procedures for preparation and implementation of plans which are prepared to create healthy and safe environments, and to clarify decisions about land use and buildings¹⁰². In other words, this regulation includes the principles of preparation of all urban plans at all scales.

Regulation on Development in Planned Areas is another regulation which is formed by the Development Law and the Regulation on the Construction of Spatial Plans. It has an important role in the urban planning legislation too.

In accordance with the objective of the Regulation on Construction of Spatial Plans, the Regulation on Development in Planned Areas defines the procedures and principles related to project and control of plan according to the health and sustainable environmental conditions¹⁰³. This regulation includes more detailed information than the Regulation on Construction of Spatial Plans. It details procedures and principles for urban planning. Therefore, the construction details such as road elevation, number

¹⁰² URL 8

¹⁰³ URL 9

of floors, floor heights, garden distances, balconies, staircases and roofs are implemented in accordance with this regulation.

Due to the fact that the Regulation on Development in Planned Areas contains some information about environment-friendly construction, project planning and supervision, it can be said that this regulation is a guideline that dictates the lower scale plans such as development plans.

Municipalities and provincial municipalities have the authority to prepare their own regulations about urban spatial areas. As stated in the Regulation on Development in Planned Areas, related institutions can prepare their own regulations with consideration of historical and regional conditions of the settlement through being not contrary to the general principles of the regulation. The Administrations are required to obtain the appropriate opinion by submitting the regulation to the Ministry for approval¹⁰⁴. Therefore, these regulations prepared by the relevant Administrations should also be considered in the process of preparation of the development plan.

Together with the laws and regulations mentioned above, special laws and regulations have been prepared for certain special areas such as agricultural area, industrial areas, and coastal areas. Some of the special laws are as follows:

- ‘Regulation on the Protection and Usage of Agricultural Land’ in agricultural areas
- ‘Law on Pasture’ in pasture and public grassland areas
- ‘Law on Coastal’ and ‘Law on Tourism Incentive’ in tourism areas and coasts
- ‘Law on Protection of Cultural and Natural Property’ in protected areas
- ‘Regulation on Control of Water Pollution’ in water collection basins
- ‘Law on Organized Industrial Site’ and ‘Regulation on Organized Industrial Site Selection’ in industrial areas.

¹⁰⁴ URL 9

According to special laws, authorities should obey different laws in different area with special characteristics. In planning process, different institutions or organizations are become a planning authority in these area by special laws. Therefore, the number of authorities in urban planning process increases due to variance in planning area.

4.1.2. Hierarchy of Urban Plans

The concept of hierarchy can be defined as arranged system. This concept is used to reveal the relationship between the upper and lower scale. The concept of hierarchy in urban planning explains the relationship between plans at different scales.

According to the Development Law, urban planning hierarchy refers to the relationship between plans. In accordance with this principle, which has been introduced for the purpose of ensuring country-wide integrity in planning, urban plans on a different scale can also be considered as the rings of a chain. So, it is the hierarchy that connects these rings, in other words, it ensures the implementation together, solidifying the body¹⁰⁵.

The plan hierarchy states that the development plans in the lowest scale and the high-scale plans that direct these development plans must be prepared in such a way that they conform to the previous one.

According to the urban plan hierarchy, which is also defined as gradual association of plans, the decisions taken with the upper scale plans are discussed in detail with the sub-scale plans. So, with the hierarchy, it is possible that how these decisions can be materialized in the implementation process¹⁰⁶.

In hierarchy system, general and abstract principles produced for relatively large areas guide specific and tangible principles produced for smaller areas. In other words, the concept of hierarchy let upper scale plans shape lower scale plans¹⁰⁷.

¹⁰⁵ Orta, 2005

¹⁰⁶ Orta, 2005

¹⁰⁷ Ersoy, 2000 as cited in Ergül, 2012

In the hierarchy of plans, the information included in the plan at each scale is different. Especially, upper scale plans include more abstract information, while lower scale plans have more tangible information. While going down to the local scale, the scope of the plan becomes more detailed¹⁰⁸.

The concept of plan in the Development Law, which forms the basis of the urban planning system, has been categorized as ‘Environmental Plans’ and ‘Development Plans’

In 6th Article of the law mentioned above, it is stated that spatial plans are divided into two in terms of their scope and objectives which are called ‘Environmental Plans’ and ‘Development Plans’. The development plans are prepared as master plans at 1/5.000 scale and development plans at 1/1.000 scale. Each plan is prepared in accordance with the plan on a higher scale¹⁰⁹.

In the Development Law, it is defined with the concept of hierarchy that the low-scale plans should be in compliance with the upper-scale plans. However, there are some gaps in the definition of these plans and the hierarchical position of the plans.

In the Development Law, it was stated that if there is any upper scale plan, the development plans should be prepared in accordance with them. The statement ‘if any’ may be caused that it is not always necessary to be in compliance with the upper-scale plans. In other words, the necessity of hierarchy is not clarified well in the law. Thus, decisions of the plans such as environmental plans and development plans affected the urban area negatively¹¹⁰.

Upper scale plans have directive, instructive and restrictive characteristics. They form decisions of lower scale plans. However, when the relationship among plans is not established, general strategies of national development plans are not reflected to the development plans.

¹⁰⁸ Ergül, 2012

¹⁰⁹ URL 1

¹¹⁰ Yılmazabdurrahmanoğlu, 2012

Moreover, in the process of the adjustment of decisions in upper-scale plan to lower-scale ones, it is also aimed to provide the coordination of all scales plans over countrywide, and to check that whether a lower-scale plan is prepared in accordance with a higher-scale plan or not.

According to the general consideration of the urban planning, the hierarchy structure of plans in the existing urban planning system is categorized into three groups which are Strategic Spatial Plans, Environmental Plans and Development Plans. The order of this classification is given in the Figure 3.



Figure 4.1 Hierarchy of Urban Plans

(Source: Adapted from Regulation on Construction of Spatial Plans)

When the hierarchical relation between the plans is examined, it can be seen that the hierarchy started with the Strategic Spatial Plan and ended with the Development Plans. Besides, there are also 1/50.000 or 1/100.000 scale environmental plans and 1/5.000 or 1/25.000 scale master plans.

A lot of planning procedures at different quality and quantity are performed to create a development plan. In the preparation process, continuity, consistency and complementarity are important stages to be considered. Therefore, the decisions of the plans should be detailed according to their scales, and the new principles and decisions

should not be damaged. For this reason, the development plans are grouped as high-scale plans and urban development plans¹¹¹.

- Upper Scale Plans
 - Strategic Spatial Plans
 - Environmental Plan
- Urban Development Plans
 - Master Plan
 - Development Plan
 - Revision Plan
 - Additional Development Plan
 - Site Development Plan

The types of plans listed above must have the criteria of unity and coherence. Plan decisions should not contradict with the lower and/or upper scale plans. Thus, there is complementarity between high-scale plans and urban development plans.

In this respect, the relationship between the urban plans, according to the principles of complementarity and inclusion, is given in the Figure 3.

¹¹¹ Şişman et. al., nd.

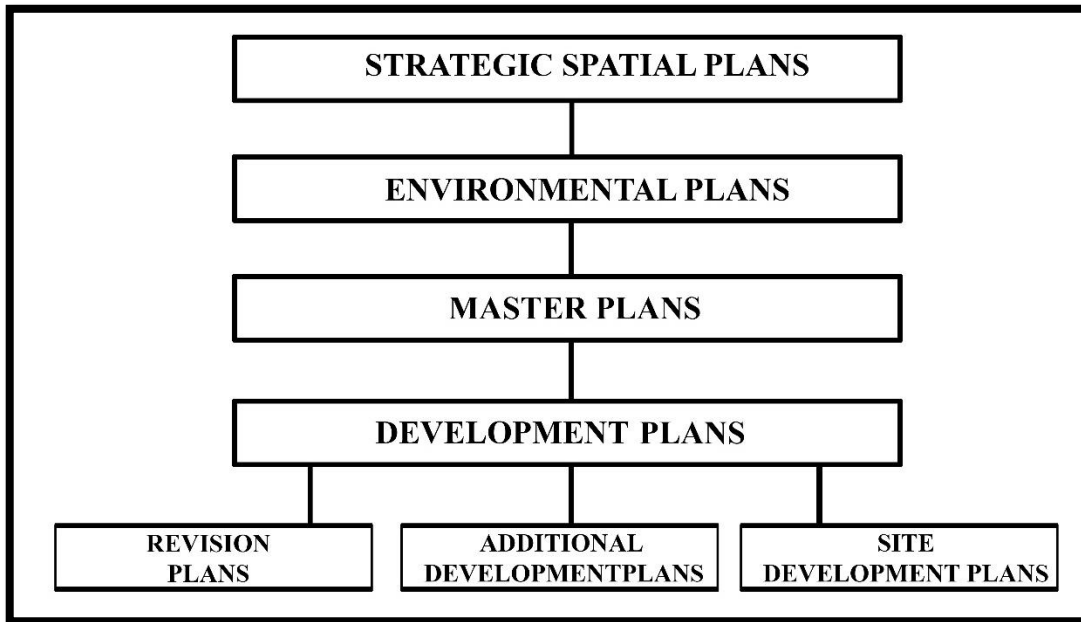


Figure 4.2 Relationship Among Various Urban Plans at Different Scales

Definitions of urban plans shown in the Figure 4, is given below.

- **Strategic Spatial Plans:** They are prepared for rapid development of industry and agriculture at the national degree, in balanced and harmonious way; and economic, social and cultural development, and also for the evaluation of the country's resources and for using them efficiently¹¹². It is aimed to determine strategies about different sectors.
- **Environmental Plans:** This type of plans is to guide lower scale plans about land use decisions, about settlement areas, housing development, and different economic sectors, and so, to determine principles and criteria according to the decisions. Like other plans, this one must include plan report and provisions¹¹³. Environmental Plans are accepted as the main plans which limit the infrastructure of construction in the settlement areas¹¹⁴. Therefore, these plans are restrictive and limitative plans to the structuring of sub-scale plans.

¹¹² Karadavut, 2008

¹¹³ URL 1

¹¹⁴ Üstündağ & Şengün, 2011

- Master Plans: This type of plans is important to determine general land use, direction and size of development of housing, population densities, thresholds, and transportation systems in accordance with environmental plans, if there is. It is also designed to help to organize development plans more properly¹¹⁵.
- Development Plans: According to the master plan, it includes detailed information about land use, area density and order, roads, the implementation stages required to realize the plan. It is prepared on the certified maps¹¹⁶.

Subjects such as preparation, approval, modification and application of development plans and the legal framework that plays a role in determining these issues will be explained in a detailed way, in the following headings 4.1.3.

4.1.3. Planning Authority

Urban planning activities must be in accordance with the law. It is important that the authorized personnel should comply with the procedures and rules specified in the legislation. So, one of the issues that become important in terms of the compliance with the law in development plans, is the notion of authorization.

The notion of authorization points out to the administrative position and government organs which can operate administrative proceedings. Defining limits and scope of the authority is very essential in terms of providing legal security and certainty¹¹⁷.

The authority, which are main competent in the preparation of development plans, is shared among a lot of institutions and organizations by the legal framework. The authorities are clarified in the Development Law. However, it is needed for special areas to specify different authority for planning. Therefore, urban planning authority is divided into two categories which are institutions holding authority by general laws and by special laws.

¹¹⁵ URL 1

¹¹⁶ URL 1

¹¹⁷ Çolak, 2000 as cited in Özlüer, 2015

According to features of special areas, urban planning authority is given to related institutions by related special laws. Besides, this situation is also determined in 4th article of the Development Law.

In the specified article, it is stated that there are different institutions that have the power to plan by special laws, such as the Law on Tourism Incentive, Law on Conservation of Cultural and Natural Assets, Law on Coastal Area and Law on Pastureland.

In addition to the mentioned authorities, the Administration has the authorization to prepare plans. With the Law on Privatization, which is one of the special laws, an additional paragraph had been added to the 9th Article of the Development Law on 24.11.1994, and then the Administration and High Council for Privatization gain the authority to create a development plan. Therefore, another law to be considered as one of the special laws regarding planning is the Law on Privatization (Law No. 4046).

In accordance with the amendments made in the Development Law, development plans, plan modifications and site development plans in lands and properties which are included in privatization program, can be prepared by the Administration in such a way that they will not disrupt the integrity of the environment and development conditions. If the planning area is in the municipality and the contiguous areas, the Administration must receive related municipality's opinion¹¹⁸.

In summary, the authority in preparing the development plans varies according to the qualifications of the areas and the legal texts to which they are subject.

Therefore, many laws in Turkey give the authority of making development plans and approving it to various institutions and organizations.

A significant part of the public institutions and organizations authorized by some laws are compiled in the Table 2.

¹¹⁸ URL 1

Table 4.1 List of Institutions with Planning Authority

(Source: Güneş and Uzunay, 2017)

| AUTHORITY | RELATED LAW NO. | SCOPE OF AUTHORITY | EXPLANATION |
|---|----------------------------|---------------------------------------|------------------------------------|
| <i>Ministry of Environment and Urbanization</i> | 3194 | Major projects and city entrances | 1/5.000-1/1.000 scale plans |
| | 644 | On a country basis | 1/100.000-1/25.000 scale plans |
| | 3621 | Coastal and integrated areas | 1/5.000-1/1.000 scale plans |
| | 6551 | Explosive area | 1/1.000 scale site plans |
| | 2872 | Special environmental protection zone | 1/5.000-1/1.000 scale plans |
| | 6306 | Risky areas | All scale plans |
| | 775 | Slum areas | All scale plans |
| | 7269 | Disaster areas | All scale plans |
| <i>Ministry of Culture and Tourism</i> | 2634 | Tourism regions and tourism centers | 1/5.000-1/1.000 scale plans |
| | 2863 | Protected areas | 1/5.000-1/1.000 scale plans |
| <i>Ministry of Forestry and Water Affairs</i> | 2873 | National parks | 1/1.000 scale plans |
| | 4533 | Gelibolu Peninsula | Development Plans |
| <i>Ministry of Industry</i> | 4562 | Organized industrial zone | 1/1.000 scale plans |
| | 4737 | Industrial regions | 1/5.000-1/1.000 scale plans |
| | 4691 | Technology development zones | 1/5.000-1/1.000 scale plans |
| <i>High Council for Privatization</i> | 3194 | Privatization areas | All scale plans |
| <i>Bosphorus Commission</i> | 2960 | Bosphorus area | 1/5.000-1/1.000 scale plans |
| <i>Public Housing Authority</i> | 2985 | Own properties | All scale plans |
| | 775 | Slum areas | All scale plans |
| <i>Metropolitan Municipality</i> | 644 | Metropolitan areas | 1/25.000 scale environmental plans |
| | 5216 | Metropolitan areas | 1/5.000-1/1.000 scale plans |
| <i>District Municipality</i> | 5216 | District areas | 1/1.000 scale plans |
| <i>Governor</i> | 5302 | Non-metropolitan cities | 1/25.000 scale environmental plans |
| | 5302 | Outside the municipality borders | All scale plans |

It can be seen that planning areas with different features result in an increase in the number of authorities in the planning process. Besides, different institutions can be responsible for the same planning area. This situation caused the confusion on planning authority.

4.1.4. Preparation Process

Development plans are prepared by the related authorities mentioned in the title of ‘Planning Authority’. Apart from the general principles on urban planning, the plan is prepared in order to achieve its aim basically in accordance with the guidelines which are considered in the Regulation on Construction of Spatial Plans. These general planning principles¹¹⁹ determined in the regulation are given below.

- Urban plans are prepared for the public interest.
- Urban plans create a meaningful integrity when they have plan sheets, a legend, an explanation report and plan decision.
- According to their scale and hierarchy, plans direct the lower-scale plans on condition that they provide enough information in detail required by their scale.
- Upper-scale plans are plans that set a spatial goal and guide the lower-scale plans.
- Implementation cannot be made by taking measurements on strategic spatial plans, environmental plans and master plans.
- Urban plans cannot be prepared by zoom in or out plans at the other scale.
- It is essential to ensure the balance of protection and use of natural, historical and cultural values.
- In order to improve the quality of the buildings and the environment, plans include decisions regarding the necessary restoration activities.
- In the urban plans, disaster, geological and natural data are taken as a base.

¹¹⁹ URL 8

- Preservation of existing traditional tissue, if there is, is essential.
- It is essential that large projects, which require decision at country and regional scale, are evaluated in the spatial strategy plan or the environmental plan.
- Planning process consists of research, revealing problems, analyzing data and data collection, gathering and combining the data, and evaluating the results, lastly making decision.
- In preparation of the plans, it is essential that the opinions of the parties and institutions are taken by using methods; such as surveys, opinion polls and research, meetings, workshops, announcements and information on the internet.
- In case of plans' cancellation, the analysis and synthesis studies carried out together with the opinions of the institutions and organizations taken before, are re-evaluated within the scope of this regulation in the preparation of the new plan.
- The urban plans are prepared in accordance with the existing plans, which covers adjacent area of them. Plans for surrounding area of the protected areas, are prepared by considering the sensitivity of these areas.

The urban plan at any scale to be prepared must be in accordance with the planning principles and guidelines mentioned above. In accordance with the relevant regulations and Development Law, plans are evaluated within the context of suitability with planning principles, compatibility with upper-scale plans, their impact to urban settlement and environment, integration with existing transportation system, provision of urban social and technical infrastructure¹²⁰.

The regulation includes detailed planning guidelines for plans at different scales. These are;

- Principles for the spatial plans
- Principles of spatial strategy plans

¹²⁰ URL 8

- Principles of environmental plans
- Principles of development plans

When the principles of master plan and development plan are evaluated together, it is seen that the master plan should be guide the development plan. It is also clear that the decision of development plan should not be contrary to the main decisions of the master plan. For this reason, there must be cooperation and harmony between these two.

The titles related to the data to be obtained from the relevant institutions and organizations mentioned in the principles of development plans are included in the regulation.

Considering this data to be taken into consideration when making a plan; conducting a research on economic, social, cultural, political, historical and sectoral matters in the planning area and gathering related institutions and organizations opinion are regarded as an important activity, in order to create effective and efficient plan.

In addition to these, with the consideration of conditions and future requirements of planning area or region, the minimum standard area sizes for urban, social and technical infrastructure are specified in the Appendix-2 table of this regulation¹²¹. With this table attached to the regulation, it has been tried to ensure quality of living area by making it necessary to provide minimum areas for education, recreation, worship, health, social and cultural facility area and technical infrastructure.

Apart from being in accordance with the stated principles, there are different issues, that should be considered in the preparation process of the plan. In the process of preparation of the plans, within the scope of the planning area boundaries, which data will be requested from the relevant institutions and organizations are included in the Regulation on Construction of Spatial Plans. The information that should be obtained

¹²¹ URL 10

for the development plans which are sub-scale plan is given in the 23th Article of the Regulation.

After obtained the information determined in the regulation, analysis, survey and research studies are carried out. While these data are discussed within the scope of master plans and development plans, they are detailed according to the scales of the plans. Development plans are prepared in accordance with the Development Law, related regulations and upper-scale plan decisions by looking at synthesis studies.

After the decision to prepare the development plan by the relevant municipality, the boundaries of the planning area are determined.

Current approved mapping plans are provided for the designated area, because it is specified in 21th Article of the Regulation on Construction of Spatial Plans that the plans should be drawn on the most recently approved mapping plans.

In addition to this information, development plans cannot be prepared in areas that do not have an approved geological-geotechnical or micro-zonation investigation report. In the case of study reports, it is mandatory to comply with the settlement condition¹²². Therefore, in areas where there is any investigation report, the relevant Administrations shall prepare or to be prepared the geological-geotechnical investigation report of the planning area at first.

Besides, it is tried to determine the aim and objectives of the plan through providing data which is required and gathered. Plan decisions, plan drawings and plan alternatives are prepared with the evaluation of the information obtained in line with the objectives.

The necessary comparison and evaluation procedures are carried out between the alternatives and the resulted product is found out.

¹²² URL 8

According to the Regulation on Construction of Spatial Plans, plan sheets, plan notes, and plan description reports should be prepared as resulted product. The figure of the steps of the preparation process is given in the Figure 5.

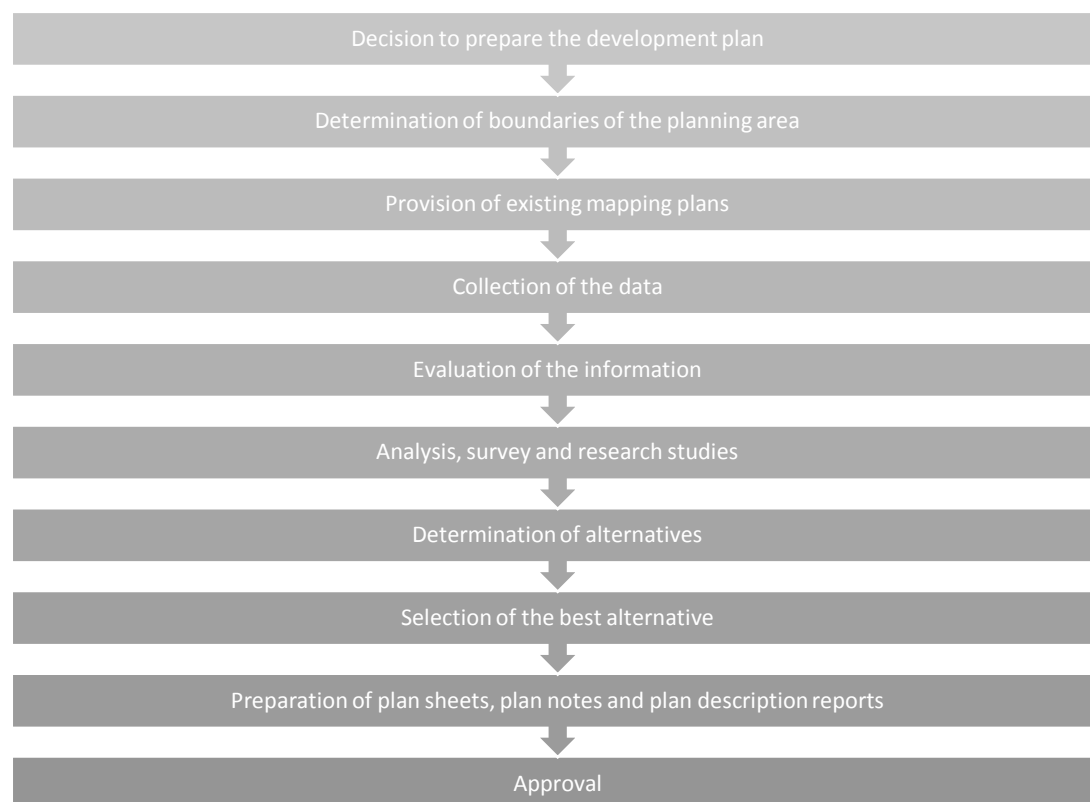


Figure 4.3 The Stages of Preparation Process of an Urban Plan
 (Source: Adapted from Regulation on Construction of Spatial Plans)

To summarize the urban plan construction process, the preliminary information is collected in order to prepare a plan of an area that its border determined by the authority in accordance with important planning principles. The obtained facts are analyzed and then, the objectives and targets to be reached with the urban plan, are determined. In the light of all information and data, decision making process is managed and plan decisions are clarified. As a result of the preparation process; the plan document, plan notes and plan explanation report are presented as the result of the process.

Together with technical necessities, preparation process needs the coordination among institutions in order to gather information about planning areas. Therefore, an authority should not carry out the process on its own.

4.1.5. Approval Process

At the end of the urban plan preparation process, plan sheets, plan notes and plan decisions are prepared. These three items must be prepared in order to submit it to the relevant administrative approval. In other words, the urban plans, which their preparation process are successfully completed, are submitted to the decision-makers of the relevant Administrations for approval.

Urban plan proposals are evaluated in accordance with the provisions of the Development Law and the relevant regulations. Like planning principles, the compatibility with upper-scale plans, the impact plan on the city and its surroundings, the integrity with existing transportation system, the allocation of social and technical infrastructure areas are essential subjects in the evaluation process¹²³.

As stated in the Regulation on Construction of Spatial Plans, the urban plans submitted for approval to the decision-maker will be declared in a place where is available to everyone for a period of 30 days, if it is approved. Moreover, urban plans can be posted on the websites of the Administrations at the exact same time.

The main purpose of the publishing the urban plans is to present the prepared plans to the public and to collect the objections about them.

Objections to published plans are accepted during the publishing period and evaluated at the end of 30 days.

According to the objections, there are two cases. First one is that the urban plans can be changed. Other one is that the objections are not taken into consideration, so plans remain the same and they are approved same as before.

¹²³ URL 8

In case the objection is not taken into consideration by the Administration, the claim can be done for the cancellation of the related development plan. In case the objection is not considered by the Administration, the person or the institution, whose request is rejected, can open a case for cancellation of the plan.

The declaration of urban plans is made to inform community and all related institutions about practices. All institutions gained authority both general and special laws should present their plans. This process prevents all institutions from making a decision independently. Therefore, prepared urban plans should be evaluated in accordance with objections submitted in the declaration process.

4.2. Urban Planning and Public Interest

Public interest is an important issue in the urban planning process.

The concept of public interest is basically defined as the whole of the values that responds to the needs of the State and provides benefits to the society in Turkish Dictionary of Turkish Linguistic Society¹²⁴.

The concept of public interest with a multi-functional feature is used to measure the lawfulness of public affairs. However, even though it has widespread coverage, its content, subject or substance is not clear¹²⁵. For this reason, different definitions are defined by different people.

When all definitions of the public interest are evaluated, it can be said that the concept has a character that expresses the public benefit and points to the common interests of all individuals belonging to the community. The concept of public interest, commonly referred to as general interest, public benefit, public good, is often used in management law, public law and political science. Therefore, urban planners, political scientists, public and administrative lawyers express the public interest in different ways¹²⁶.

¹²⁴ URL 5

¹²⁵ Akillioğlu, 1989

¹²⁶ Erğün, 2013

The arrangements made with planning practices relate with property pattern, so plans gain legal and technical dimension. Therefore, the urban plan creates a balance between the right to property and the public interest¹²⁷. Hence, the public interest is historically the most fundamental concept used in the justification of the planning intervention and legitimizing the planning practice¹²⁸.

The concept of public interest has two fundamental meanings, in terms of urban planning. The first one is the protection of the rights, as well as including private rights. The second one is about the establishment of a balance between the good and bad outcomes of planning policies. From this point of view, when the concepts of public interest and urban planning are considered together, it is necessary to make a decision in planning process by considering the common interests of each individual living in the designated area. This situation determines ‘common benefit approach’ in terms of public interest. According to this approach, it is vital to ensure the equal distribution of opportunities and interests that will arise from planning decisions. In other words, urban planning does not have any values without a substantial content, and viewed from a positive perspective, the persuasive need for planning and requirement for new social ambitions will drive the city planners to confer shape and content to the public interest¹²⁹.

Since development planning is made for the purpose of providing public interest, it is aimed to shape the physical areas of settlements by laws that protect public order and benefit.

While the legal dimension of the planning of physical areas is provided by especially the Constitution, the Development Law, other related laws, development regulations, and development plans, the functional dimension of it is provided by public interest¹³⁰.

¹²⁷ Özü, 1976 as cited in Çalışkan, 2011

¹²⁸ Duvarcı, 2004

¹²⁹ Nagy, 2015

¹³⁰ Kalabalık, 2005 as cited in Çalışkan, 2011

It is difficult to reach the public interest to the scale of conceptualization that will guide planning in a practical way. The positive qualities that living areas add to social life, make it impossible to explain a definition of the public interest, which can always be valid in all circumstances. So, public interest is disregarded in urban planning practice¹³¹. Therefore, urban planning approach guided with public interest practically should be an approach which is dealing with the city fundamentally, thinking carefully about mechanisms causing a monopoly of a limited number of interest groups with historical material values created by public, and providing equal share of these values in the public.

Apart from the common benefit approach to the concept of public interest, the privatization approach is also observed.

The privatization approach, which is a different kind of public interest, is the anti-public concept of public interest that the new world order requires and tries to adopt to the whole world. According to this approach, the public interest is considered as a reduction, or even a total elimination of the public sector's effectiveness in social and economic life.

In the changing and developing economic policy processes, the subject that whether the privatization activities are compatible with public interest or not, is one of the controversial issues in recent days in Turkey.

It has been adopted in Turkey that all privatization activities will contribute to the economy of the country, and economic growth will be beneficial for the society. So, privatization approach is thought as convenient with the public interest.

In summary, urban planning should be used as a guiding tool in the methods that ensure the fact that land use and regulations, as well as property development, provide the best services in order to serve the public interest that as emphasized in the paper, is certainly not a cumulative term of several individual interests¹³². In addition, the

¹³¹ Keleş ve Geray, 2000 as cited in Levent and Levent, 2011

¹³² Nagy, 2015

public interest approach should not be completely contrary to the benefit of society in terms of urban and environmental values. Therefore, the privatized approach having a negative or positive impact on the public should be demonstrated.

4.3. Plan Modifications

Development plans should not be changed as much as possible in order to achieve the aim decided in the preparation process of them. For this reason, all urban planning activities, especially during the preparation and data collection process, should be carried out in a detailed and rigorous way. Besides, it should be also ensured that the data gathered is correct.

For this reason, the targets should be determined correctly during the preparation stage of the urban plan, and all urban planning works, especially during the preparation phase and data collection period, should be carried out in a detailed and rigorous manner and be sure that the data are correct.

As the number of modifications made in an existing development plan increases, the confidence in the urban plan decreases inversely. So, the punctiliousness required in the preparation process will reduce the number of modifications, to be made in the plan as much as possible and will not affect the confidence in the plan¹³³.

However, practicability of the plans is closely related to the compatibility with planning data and the needs of the society.

It may be necessary to make changes in the plans due to the mistakes made during the urban planning, the reasons like increasing the public needs and population, the unpredictable developments during the construction of the plan, the changing socio-economic and demographic structure. Therefore, in order to adapt the plans to the new conditions and needs, amendments are made in the development plans.

¹³³ Demir, 2009

The scope of the plan modifications varies according to the feature of the operation. In addition to the small changes of the development plans, additional plans, local plans and plan renewals can also be considered within the scope of the plan modifications¹³⁴.

Practices named as plans that also be interpreted under the plan modifications are defined as follows:

- **Revision Development Plan:** It is prepared in cases where the plan of any type and size does not meet the needs, or its implementation is not possible or causes problems. In order to ensure compliance with the upper scale plan decisions, the plan is obtained as a result of the renewal of the whole plan or a part of the plan that will affect the main decisions¹³⁵.
- **Additional Development Plans:** In cases where the current plan does not respond to the need, it is prepared to ensure continuity, integrity and compliance with the current plan and with the general land use decisions of the current plan¹³⁶.
- **Site Development Plans:** In case the existing plans are insufficient for the settled population, or the need to open new settlements and the boundaries, are determined by the relevant Administration; it is possible to construct the plan according to the plan rules of construction and the technical infrastructure needs in its structure, providing a whole, is a zoning plan¹³⁷.

4.3.1.1. Reasons for the Modification in the Plan

According to the planning legislation, the main rule regarding development plans is the principle of non-modification. The need to reach the targets determined by the development plan requires not to be changed as much as possible in the 1/5.000 scale master plan and in the 1/1.000 scale development plan. However, it should be accepted that any development plan may always be changed, in order to keep up with the

¹³⁴ Ersoy, 1997

¹³⁵ URL 11

¹³⁶ URL 11

¹³⁷ URL 11

changing conditions in accordance with the conditions and the principles of amendment determined in the planning legislation. Therefore, it is not possible to consider the approaches, that adopt the development plans, as a binding and definite advisory document which should not be changed in any way.

According to Mengi and Keles¹³⁸, it is not an easily acceptable matter in terms of development plan and its implementation that the relevant Administration has the authority to change plans at any time and to create a new one instead of them. Therefore, there must be some justification for making changes to the plan.

It is possible to change the development plans in accordance with the procedures in the planned way and the conditions in the planned area. However, this modification should be made if there are reasons that necessitate the modification.

Duyguler¹³⁹ describes the factors that may cause development plan modification, which are:

- Personal benefit
- Community benefit
- Increasing income of local government Administration
- Ease of implementation to plan decisions
- Correction of drawing errors.

The reasons for the development plan modification are explained by Suher¹⁴⁰ (1971) as follows.

- Edit errors
- Land policy
- Financial insufficiencies
- Technical inadequacies

¹³⁸ Mengi and Keleş, 2003 as cited in Altın, 2006

¹³⁹ Duyguler, 1982 as cited in Karadavut, 2008

¹⁴⁰ Suher, 1971 as cited in Altın, 2006

- Preparation without considering financial or technical shortcomings
- Political and administrative situation

Considering the various reasons mentioned above, the main factors which cause some changes in the plans, were determined by Altın¹⁴¹ and they were classified under 8 headings.

1. Being static

There are obstacles in the implementation of development plans, which are prepared without flexibility, that can be adapted to the conditions that will develop over time because of rapid urbanization as well as plan implementation tools, have not been developed sufficiently. In addition to these, it is observed that integration between planning and implementation cannot be achieved by the local governments in the urban planning system of Turkey. As a result of this situation, development plan modifications became the most preferred method by the local governments, as a solution providing the continuity of planning and implementation. As a result, the reflection of the dynamic and changeable structure of the society to the area, is provided with the changes in the development plan.

2. Deficiencies in the preparation and implementation of the plans

In the preparation process of development plans, the lack of accurate data on the city, such as potentials, limiters and socio-economic structure, leads to misguided plan decisions and urban development. Errors are like, made during the preparation process and data collection period, and the plan making process arise during the implementation of the urban plans. Preparation of a plan from outside the city by planners, without adequately recognizing the city, is also the cause of the wrong decisions to be taken. At this phase, planners without enough information about the planning area can make the wrong decisions. Hence, as a result of wrong plan

¹⁴¹ Altın, 2006

decisions taken by the planner or planning team, the urban plan is no longer fulfilling the demands of the local people.

3. Landowners' personal demands and income from urban rent

Although development plans are prepared in a fair manner by considering the principle of public interest, one group is aggrieved while the other one acquires unfair profit. This situation causes speculation in the urban land. Some private owners, who have been restricted to the building rights of their real estates, are expected to take their savings and to make sacrifices on behalf of the public, while some owners seem to be more profitable. It is observed that private property, which is transformed into urban land by development plans, is used as a tool for providing income from urban rent. The people who are the victims of this income war, are looking the remedy in a development plan modification. Moreover, the fact that the spatial preferences of private sector initiatives are not known in advance lead to changes that will occur later over time.

4. Simplification of the plan modification process

According to Ersoy¹⁴², after the enactment of Development Law, it is observed that there has been a huge increase in the demands and acceptance of the plan modifications compared to before 1985. Because of giving the authority to approve plan and plan modifications to local governments, and leaving central government out of the process, bureaucratic procedures have been greatly reduced and the new regulation has caused a significant increase in the number of plan modifications.

5. Insufficient participation in urban planning

In the preparation stage of the development plan, failure of municipalities and local people to participate in urban planning, will cause the planner group or the plan organizer to meet the needs and create development plans with strategic plan decisions

¹⁴² Ersoy, 1997

that do not solve the problems. In this case, there will be a need for change in development plans.

6. Lack of technical staff

One of the biggest problem of municipalities is the lack of qualified technical staff, who can evaluate the development plan in the light of the principles of urbanism and inform the local government and public, and provide a basis for understanding the plan.

In addition, the inadequacy of technical staff and planners employed within the local government, is another outstanding problem. Errors are made in the implementation of the development plan, which is not understood properly by the local government and the public, and so the solution is sought in the changes in development plan.

7. Special purpose plans and planning authority in private areas and demands of public institutions

Planning privileges given to public institutions by the Development Law, are the main factors of such reasons. Due to various urban planning authority, the hierarchy of plans has become distorted and the coordination between the plans has become difficult. With the specialized plans, central Administrations are imposed restrictions on the planning authorities of local government, and this resulted in confusion among institutions. It is seen that, due to the changes in the development plan within the framework of the special purpose plans, the plan integrity was removed.

8. The impact of policy and insufficiency of control mechanism

Each political party has its own vision, world view and work program. Therefore, it is not possible for local governments and central governments to be affected by the political approaches of their parties during the urban planning process.

Because of the policy decisions based on political approaches, plans are changed before they fill their applicability lives. Auditing activities are important to prevent

important land use decisions from being taken arbitrarily by the local authorities. So, the inadequacy of the control mechanism is a big problem.

4.3.1.2. Principles to be Considered in the Plan Modifications

In order to adapt to new conditions and needs, various principles should be taken into consideration while changing the plans.

First of all, it should be ensured that the targets and decisions determined in the urban plan, are not suitable for the expected development and that the need for change is inevitable.

Therefore, the amendment of the development plan should be based on objective and scientific reasons, and no change of plan should be made due to abstract, arbitrary and unlawful reasons. In addition, a new urban plan should not be prepared as a result of the plan modification, and the integrity, continuity and main decisions of the current urban plan should be maintained. Otherwise, the work will not be change anymore, and a new plan will be released¹⁴³.

Some important criteria, which should be taken into consideration in the creation and modification of the development plans and used by the judicial bodies in the control of them, are as follows.

1. Justification for Modification

Development plans are prepared in order to establish healthy physical environment, which closely affects the life of the people, to determine the balance between land use and preservation, and to guide the site selection and developmental tendencies of the investments.

Although it is a general rule that the development plans prepared to achieve their objectives, is not to be changed, it is possible to change them in the required cases that

¹⁴³ Çiçek, 2016

arise with various needs in accordance with the procedures in the relevant legislation. Moreover, these modifications arise in order to achieve the expected benefits of development plans by adapting to the social and geographic developments experienced over time¹⁴⁴.

It has been emphasized in the Regulation on Construction of Spatial Plans that it is important to make the development plan modifications in the case of certain conditions. In other words, it should be changed when it is necessary.

Therefore, in the plan explanation report, which is one of the result products of the plan studies, the rationale behind the plan modifications should be included and an explanation about the issue should be made.

2. Providing Public Interest

It is stated in 26th Article of the Regulation on Construction of Spatial Plans that the development plan modifications should be made with the purpose of public interest. Furthermore, the Council of State believes that there should be definitive and compulsory reasons in accordance with the public interest, in order to make changes in the development plan. So, this opinion supports the importance of public interest in plan modifications¹⁴⁵. Unless such a necessity and certainty are explicitly stated, attempting to make changes to protect the private interests of certain landowners, does not conform to the principles of administrative law and planning legislation.

The public interest during the preparation of the plan, is both a goal and a condition for any modifications to the plan. On the other hand, the requests of people living in any area to change the development plans are limited with the public interest. In its various decisions, the Council of State has strictly adopted the principle that development plans may be changed not for personal gain, but for the benefit of the public¹⁴⁶.

¹⁴⁴ Erğün, 2013

¹⁴⁵ Ersoy, 1997

¹⁴⁶ Erğün, 2013

In summary, it is preferred not to make any changes unless there are great requirements in development plans. However, in case of necessity of public interest, plan modifications are absolutely necessary.

3. Compliance with Urban Planning Principles and Planning Rules

As urbanism is used in the same sense as city planning, urban planning or urban science; it can be said that the principles of urbanism and urban planning principles are integrated. The principles of urbanism are the set of rules that will meet the social, environmental and physical needs of the inhabitants of an urban settlement, and that will respond to their expectations and that will protect the natural, historical and cultural values of the city¹⁴⁷.

Development plans aim to determine the current situation, possibilities and future development of the planned area as close as possible. For this purpose, data about natural structure, current land use, economic and demographic data and research studies are taken into consideration.

Development plans are used for the planning area and the people who live there, with the information obtained as a result of the surveys and surveys on natural structure data, existing land use and equipment, economic and demographic data, so that the current state, possibilities and future development of the planned area are determined to find and provide the best solutions. Therefore, it is prepared to find and provide the best solutions for people living there.

When the two explanations given above are considered together, it is seen that the objectives of urbanism principles and the objectives in the preparation of development plans are in harmony with each other. Therefore, the process of preparation of development plans requires compliance with the principles of urbanism. In other words, modifications in the development plans prepared in accordance with the

¹⁴⁷ Uzun, 2016

principles of urbanism need to be amended not by decreasing the living standards of the people living there, but by increasing them.

In addition to these, it is stated in 25th Article of the Regulation on Construction of Spatial Plans, regarding this principle taken into consideration in the plan modifications that revision in the development plans are done in accordance with the principles, rules and standards.

4. Compliance with Plan Integrity and Main Decisions of the Plan

Another issue that should be considered in the plan modifications is that the amendment is prepared in accordance with the current plan integrity and compliance with the main decisions of the plan. Any modifications in the development plans should be changed in accordance with the upper plans and should also guide the plans in the lower scale.

In the 26th Article of the Regulation on Construction of Spatial Plans, it was emphasized that the development plan modification should be consistent with the integrity, continuity and social and technical infrastructure balance of the development plans. Therefore, in the process of changing the urban plans as well as the plan construction process, ensuring the integrity between the plans is mandated by the regulation. 3 articles related to the subject in the regulation are as follows:

- Development plan modification is made on the basis of technical and objective reasons for public benefit, which will not disrupt the main decisions, continuity, integrity, social and technical infrastructure balance.
- Improvement of social and technical infrastructure services in the development plans is essential. Any plans can be made to reduce the standards of social and technical infrastructure areas provided in the current urban plans.
- Plan modifications on the abolition, reduction or displacement of social and technical infrastructure areas in development plans are not made unless they are necessary.

Therefore, while making any modifications into the urban plan, it is necessary to consider the hierarchy between the plans as well as to make sure that the modifications do not disturb its integrity.

4.3.1.3. Types of Plan Modification

It is possible to categorize the development plan modifications under five main headings. The reasons for the plan modifications vary according to each topic. The type of plan modifications mentioned in 26th Article of the Regulation on Construction of Spatial Plans, are given below respectively their order in the regulation.

1. Modifications in Social and Technical Infrastructure

Improvement of social and technical infrastructure services in the development plans as stated in the Regulation, is essential. However, plans cannot be made to reduce the social and technical infrastructure standards provided in the existing development plans. Plan modifications on the abolition, reduction or displacement of social and technical infrastructure areas in development plans cannot be made unless they are necessary. In order to make such a change in compulsory situations which are:

- The opinion should be taken from the relevant investor Ministries or organizations that will carry out the construction on the land of social and technical infrastructure, will be changed.
- The removal and reduction of social and technical infrastructure areas as well as the social and cultural facilities of the public, except for the road included in the development plan, can only be made by determining an equivalent new area will used for social purpose. The size and location characteristics of the area are preserved in the selection process. In relocating these areas, it is obligatory to stay within the same implementation stage or region according to the service area in the current urban plan, to take into consideration the pedestrian access distances and to make the newly identified area available to the facility.

It should be emphasized that changes in removing, reducing or relocating in the areas determined for social and technical infrastructure have the potential to create income from urban rent.

The activity of new land selection and enlargement of areas may cause similar impacts as well as have the possibility of being used in local political conflicts or conflicts of interest. Therefore, it should be accepted that such changes should be based on obligatory situations¹⁴⁸.

2. Modifications Affecting Density

This type of modifications is defined as an increase in the structure or population density. Development plan modifications that increase the number of floors or building height have to be done without an effect on pattern and identity of the area, the silhouette of the city or the surrounding, and characteristics of the facade and orientation of the buildings by considering the settlement characteristics and its urban structure. If there is an increase in population density, as a result of changing the construction conditions, number of storeys and development requirements of the construction plan, the social and technical infrastructure areas, which are in need of increasing population, have to be provided in accordance with the standards.

However, according to Ersoy¹⁴⁹, it is impossible to say that these problems, caused by the increase in the intensity of such plan modifications, will be eliminated by fulfilling the two conditions mentioned above. He argues that changing the technical rationalized measures in the whole plan, means ignoring the function of the development plan. Therefore, modifications in the whole, should not change the standards of social and technical infrastructure designed in the plan. In addition, the condition, led to increase the number of floors, does not take into consideration the whole plan.

¹⁴⁸ Karadavut, 2008

¹⁴⁹ Ersoy, 1997

3. Modifications in Road Width and Route Direction

The transportation system is one of the most determinant elements of the development plans. It is designed and organized as overall with other types of use in the plan.

The hierarchy of the transport system included the main roads, collector roads, secondary roads and pedestrian paths, is designed based on the location of different urban functions in different qualities and densities, and their relations with each other and topographic structure and urban landscape.

During the implementation of the plans, changes in the relations system may be required. However, such changes should be avoided, unless there is a need based on significant reasons. In case of need for changes in the transportation system, the points to be considered in the changes to be made, are determined in the regulation.

Although modifications in the transport system have been identified, such changes are associated with modifications in urban density. Due to a wrong decision or change, increasing the density may lead to inadequate existing roads and a modification in the width of road. Moreover, by expanding the roads' width, pressures and tendencies on increasing the density may arise. For this reason, modifications in the density increase and modifications in the width of the roads are related with each other.

4. Modifications in the Land Use of an Area

In case of unpredictable developments in plans, changing the land use of areas should be preferred rather than making irreversible mistakes instead of density modifications. In this case, it is possible to create new areas for settlement with additional development plans. It is also likely to change the prescribed uses, if they do not disrupt the functional distribution of land use in the plan¹⁵⁰.

¹⁵⁰ Karadavut, 2008

5. Other Modifications

This type of modifications, cannot be included in other 4 types, are grouped under one heading. These are the modifications in the development plan that simplify application and do not compromise the balance of urban functions such as to change the development plan approval border, to rectify cadastral shifts in ownership and to correct the road drawing according to the cadaster.

In summary; a variance in conditions causes a modification in plans. However, even if changing a plan seems that it solves the problem, it creates new difficulties. Therefore, plan modifications should be considered as the last option.

When plans need to change indeed, the reason for change should be very rational and acceptable for everyone. Therefore, the modification should be done for the public interest, not for the welfare of individual or a group. Besides, modification in plans should be prepared in accordance with planning principles in order to prevent plans from changing one more time.

It is not necessary to change all part of plans. Changing can be related to some part of plans. In such a changing, there should be coherence between new decisions and remaining parts.

4.4. Privatization of Public Lands

The land owned by the state is called public land or public property. On the other hand, mountain, hill, rocks, lakes, rivers, glaciers and streams, which are not registered to the title deed, are also considered within the scope of public property. In this sense, areas fully owned by the state, such as registered public property, forests and pastures are also included in the public lands¹⁵¹.

In the urban planning process, the public lands are considered as the areas where social and cultural, green and open areas, areas of worship are used in the field of planning.

¹⁵¹ Kardeş, 2004 as cited in Çelik, 2009

This situation is explained in 18th Article of the Development Law indicating that ‘...these areas cannot be used for any purpose together with for places of primary and secondary schools affiliated to the Ministry of National Education, for public uses such as road, waterway, square, park, parking area, children's playground, green areas, and other facilities related to these services¹⁵².

In Turkey, privatization practices have been going on for 14 years. In 1985, the authority to prepare the Master Plan for Privatization was given to the State Planning Organization and so the process of implementation was initiated. Until now, various legal changes have been made and different institutions or organizations have been authorized to perform privatization activities. These institutions carried out privatization activities with being directly proportional to government agenda. Today, the Law on Privatization constitutes the legal framework for privatization activities.

Privatization of public lands gained momentum with various regulations made in privatization activities. Therefore, the amount of lands registered in the ownership of public institutions is gradually decreasing with the transfer of the ownership of these properties, to the private sector.

Considering the importance mentioned above, the public lands in terms of urban planning; it is examined that changes in the ownership of these land can be seen as a change in their land use. Consequently, it is obvious that the plans will be affected as a result of the privatization of the public parcels designed with various social uses on behalf of the public interest.

From this point of view, the legal framework of the privatization of public properties will be examined, the privatization process will be investigated, and the effects of the privatization will be evaluated.

¹⁵² URL 1

4.4.1. Legal Basis of Privatization

It is stated in the title 4.3 that there were some arrangements on privatization activities which is started with the Law No. 2983, enacted on 29.02.1984.

Under this title, the content of the Law on Privatization (Law No. 4046) will be examined in detail.

The Law on Privatization was enacted in 27.11.1994 as a result of the studies on the reorganization of the principles of privatization within the framework of a law that can be reconciled on an intellectual and political basis. The new regulations introduced with the law are as follows:

- The High Council of Privatization was established.
- The Administration was established.
- The scope of privatization has been expanded. Arrangements have also been made to enable the privatization of economic state enterprises and their institutions and shares, as well as other public institutions and organizations.
- The Fund of Privatization was launched¹⁵³.

According to arrangements; the High Council of Privatization consists of four ministers appointed by the Prime Minister. It is convened with the participation of all the members and their decisions are taken unanimously.

The Administration conducts secretarial works of the Council. The duties of the High Council, which is established as a decision-maker for the privatization of institutions, are specified in the Law on Privatization. Some responsibilities determined in 3rd Article of the Law was given below.

- The Council is authorized to take the institutions listed in 1st Article of the Law into the scope of Privatization and to prepare them for privatization.

¹⁵³ URL 12

- They decide that which institutions, included in the scope, will be excluded from the privatization process and to be returned to their former status.
- The Council determine which one of the privatization methods will be used in the privatization process for the property.
- They decide about some practices clarified by the Law and related regulations¹⁵⁴.

4.4.1.1. Aim and Scope of The Law

According to the privatization approach, it is aimed to minimize the industrial and commercial activity of the state in the economy. Moreover, the purpose is to create a competitive market economy, to reduce the financial share of public Administrations on the state budget, to improve the capital market and to contribute the economy with unproductive savings. So, the resources to be obtained in this way are planned to be used in infrastructure investments.

The main purpose of privatization is to ensure that the state is completely separated from the field of Business Administration, because it is not possible to provide strong economy in Turkey without the development of stock market and capital market.

The development of the capital market is only possible by directing a larger portion of the savings to the financial markets and thus creating an economic structure that will allow the funds generated to flow into the capital market.

According to consideration of this point of view, it is aimed to create new resources that will direct domestic and foreign savings to these markets. On the other hand, it is intended to prevent negative pressure on the financial market, which is under heavy pressure due to the demand of the public sector on funds¹⁵⁵.

The purpose of the law is specified in article 1 of the law. According to this article, it is aimed with the privatization of institutions and organizations, public properties and

¹⁵⁴ URL 3

¹⁵⁵ Dinç, 2011

their operational shares to increase economic productivity and to decrease public expenditures. It can be said that the target considers public properties as an economic product in order to meet public's need.

4.4.2. The Administration and its Authority in Making Development Plans

The Administration is a private budget organization with a public legal entity affiliated to the Presidency. The Administration is a temporary organization and when the privatization process ends, its staff will be transferred to the relevant institutions according to their specialization¹⁵⁶.

The duties of the Administration according to 3rd Article of the Law on Privatization are given below:

- Implementing decisions of the High Council of Privatization
- Deciding on matters related to the duties and authorities given by the Council and carrying out the necessary actions
- Making an offer about which institutions will be included in, with the condition of exclusion from the state economic enterprise and from the cope of privatization to the Council
- Following the privatization process and coordinating privatization activities
- Carrying out all kinds of transactions related to the privatization required by the privatization practices.

In addition to responsibilities mentioned above, the Administration has the authority to create a plan. In 1994, the Administration became one of the institutions that have the urban planning authority.

The urban planning authority of the Administration has changed over the years and it has taken its present form with the amendment made in the Development Law No.

¹⁵⁶ Dinç, 2011

3194 on 24.07.2008. The statement about the authority of the Administration examined in the amendment is given below.

Plans for public land included in the privatization program are prepared or to be prepared at all scale and then approved by the Administration. The Administration should take the opinion of other related institutions or organizations. These plans are published in the Official Gazette in order to finalize them. Related organizations cannot change the plans prepared, according to this article for a period of five years from the date of incorporation. In this period, the works and transactions related to the development plan modifications will be carried out by the Administration in accordance with the procedures and principles set forth in this article. In accordance with these plans, all kinds of licenses, other documents and permits are given by authorized institutions and organizations within the framework of the relevant legislation¹⁵⁷.

According to this statement, the Administration has been given the opportunity to prepare the development plans in their own capacity or to give the task to the city planners who have enough qualification.

The development plans and plan modifications to be prepared by the Administration can be at any scale, while the importance of preserving the integrity of the plan has been given the utmost importance.

In addition, according to the consideration of this authority gained by the special law in terms of other planning authority, it can be said that the Administration is superior to the other Administrations in terms of the planning authority.

The organizational structure of the Administration is determined by the Regulation on Structure and Duty of the Administration published in the official gazette on 29.11.2003.

¹⁵⁷ URL 1

For the purpose of this thesis, only the plans produced by the Administration are investigated. The regulation on organizational structure of the Administration determine that The Department of Project Assessment and Arrangement will be established.

After establishment of the department, urban planning practices are carried out by them. According to annual reports of the Administration, it can be seen that the number of plan studies increased with the establishment of the department. Some data obtained from reports is given in the Figure 5.

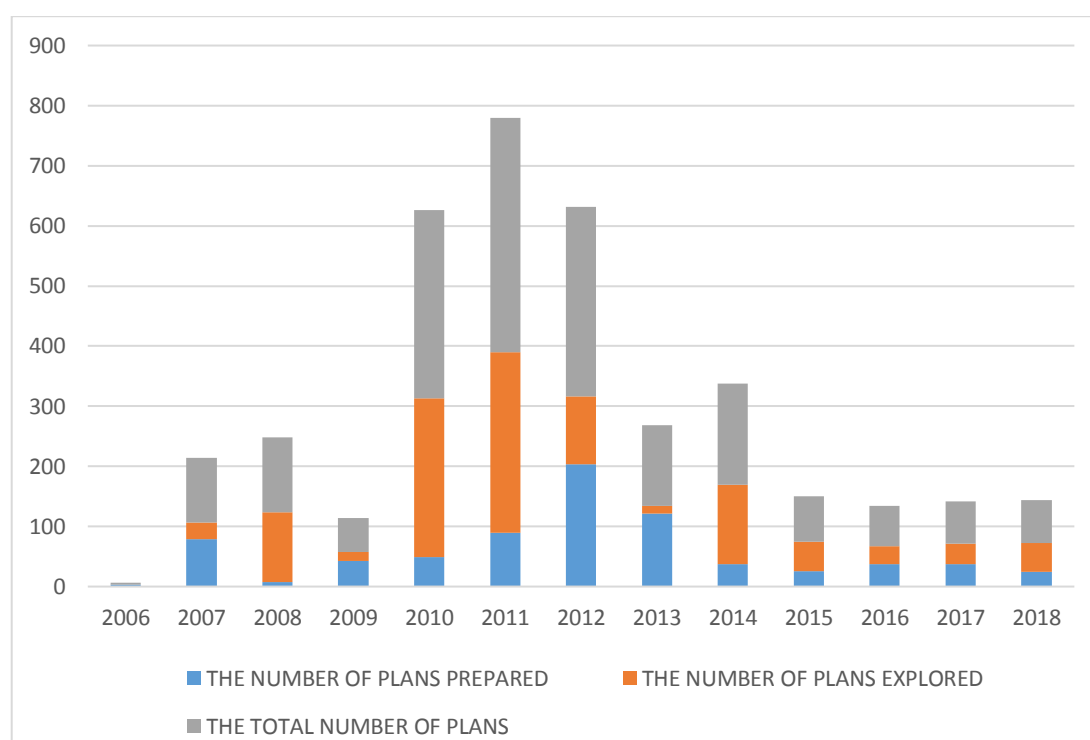


Figure 4.4 The Number of Plan Studies Between 2006 and 2008

(Source: URL 17)

According to the data shown in the Figure 6, urban planning activities carried out by the department between the years 2010-2012, is more than the others. When data are evaluated in general, plan practices operated in 2006 is minimum; while the ones that took place in 2011 is maximum.

4.4.3. Privatization Applications for Public Lands

According to the Law on Privatization, which is valid in privatization applications, the term of ‘institutions’ is considered as state-owned enterprises, subsidiaries, enterprises, business units, general and annexed budget organizations (dams, ponds, motorways, inpatient treatment institutions, ports etc.). In addition, public lands, public properties and registered or unregistered private properties, which are fully owned and controlled by the State, are included the Law¹⁵⁸.

The privatization methods applied are as follows:

- Tender
- Legal-institutional liberalization
- Sales
- Management Transfer
- Operating Rights Transfer
- Leasing
- Franchising
- Pricing
- Build-Operate-Transfer Method
- Joint Venture Method
- Consumer Supporting
- Manufacturer Supporting¹⁵⁹

The method of sale mentioned above, is a method used frequently in the privatization of public lands. Sales method is also called ‘Asset Sale’ in Turkey. With this method, all ownership of the public land is sold to private individuals or organizations. In other words, due to the privatization practices, the land registered in the name of the Public

¹⁵⁸ Dinç, 2011

¹⁵⁹ Üzümcü, 2007

Land is intended to become private property by selling it in order to remove it from the idle situation.

The sale of the real estate of the public, decided to be privatized, is made through the tender procedure. For the public land being subject to sale, the Administration may appreciate the cost or present it to an expert witness. The tender price is decided by the Price Determination Commission. In the sale of the land, one of the open or closed offer procedures can be applied; in another words, an auction might take place for participants in a public or private auction event. Special laws and regulations might allow direct sales to rightful shareholders.

4.4.4. Involvement in The Scope of Privatization Program

The High Council of Privatization and the Administration are two institutions that are active in the privatization process of public land.

The process of privatization and its preparation, and thus the determination of which land will be included in privatization program, is carried out by the High Council of Privatization. In other words, inclusion or exclusion activities is performed by the High Council.

Collecting the information of real estates, the transfer operations, the procurement practices and the implementation of the privatization strategy are some procedures which are carried out by the Administration.

The High Council of Privatization has the authority to intervene in the operations, carried out by the Administration, and so it shows that the Council has a mandate above the Administration authority. The scheme for the mentioned privatization process, is given in the Figure 7.

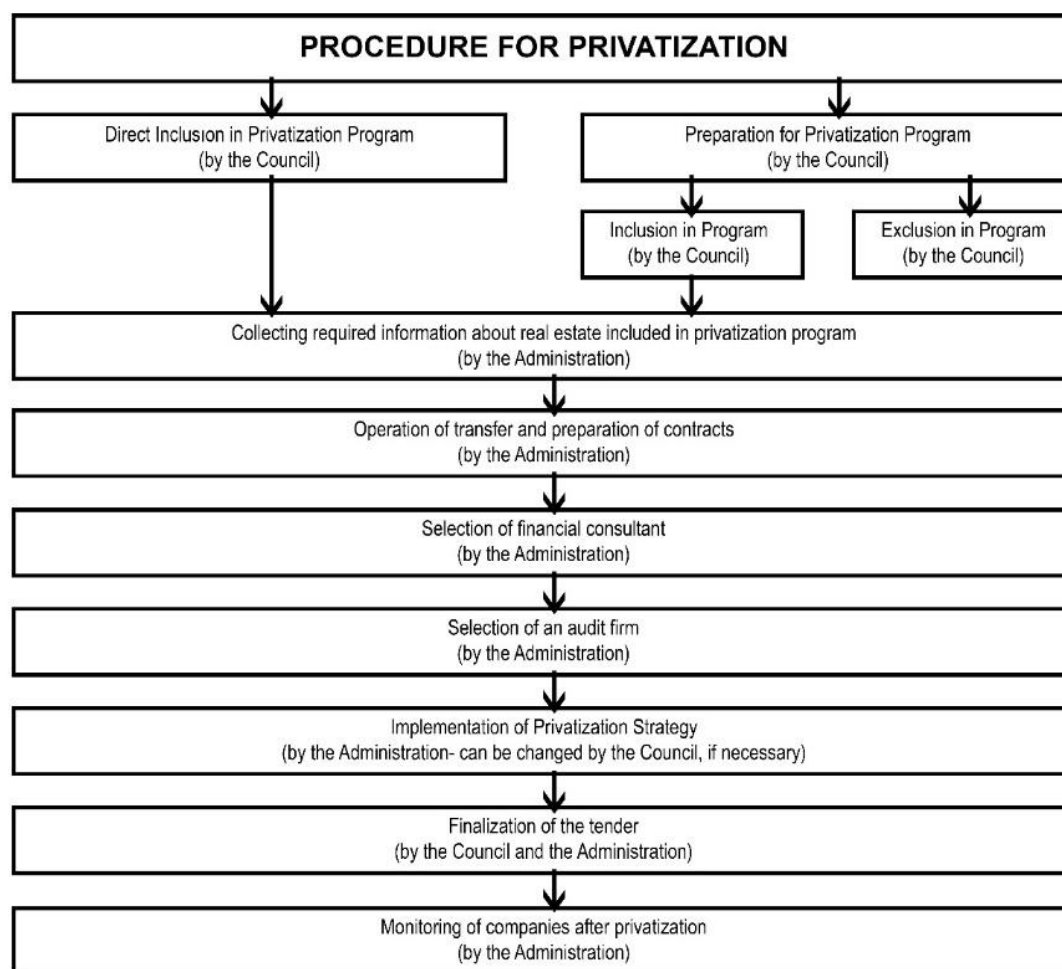


Figure 4.5 Procedure for Privatization Activities

(Source: Adapted from the Law on Privatization)

The privatization procedures for the public land, are determined by the relevant departments of the Administration. The parcels, to be included in the scope, are selected according to some research on them in order to choose them from the parcels belonging to the public properties, which are not allocated to any institution. Essential correspondence with the institution, for the allocated parcels, is made and information is obtained, whether the institution needs that area or not. In the case that the institution does not need the land, the allocation is terminated, and the parcel is included in the scope of privatization.

Essential correspondence to obtain the necessary data, which are related to the parcels, included in the scope for urban planning and implementation process, are carried out by the relevant departments of the Administration. The construction conditions of the lands gain prominence in terms of the privatization. If the existing construction status of the parcel, supports the fact that the parcel earns some income with its sale, it can be sold with its existing status. However, it is possible to add more value to the land by making plan modifications for it. When considered from this point of view, studies of development plan can be done by the Administration. Therefore, in accordance with the Development Law and the Law on Privatization, the Administration with planning authority may change the development plan in the public land included in the privatization program.

In the parcels which are included in the program but do not have development plan, urban planning studies for only these parcels can be carried out by the Administration due to its planning authority.

For example, the current construction status of a parcel registered in the name of the State Treasury included in the scope of privatization, is separated for green areas. As a result of the privatization application, it is necessary to provide qualified commodity for the people, who will buy the parcel in order to obtain income from this parcel. Therefore, according to the privatization approach, the parcel, reserved for the park area, needs to be converted into an income-generating use such as housing, trade or tourism. In such a case, the development plan modifications are prepared by the Administration, to change the land use of the public land.

The new plan studies and plan modification studies, prepared by the Administration, are sent to the relevant institutions for taking their opinions, based on the quality of the parcel and plan scales. According to the opinions of the institutions, the plans sent for the approval to the High Council of Privatization, either changed or not.

The approved studies are published in the official gazette and the plan samples are sent to the municipalities, where the parcel is located. It has the right to make

objections to the plans, during the suspension process. The objections, collected within 30 days, are evaluated by the Administration and the plan is finalized after that. In case of any amendment to the plan in terms of the objections, the amendment is submitted for the approval to the High Council of Privatization.

In addition to this, it is stated in 9th Article of the Development Law that plans and plan modifications, prepared by the Administration, cannot be changed by the relevant municipality for 5 years.

In summary, according to the Development Law and the Law on Privatization, the Administration has the authority to prepare a plan for public lands. The Administration must obey planning principles determined in the Development Law in the plan preparation process. Similarly, it is also clarified what the Administration should do in plan changing process.

Public lands, involved in the privatization program, are determined by the relevant departments of the Administration, to generate revenue from the sale of them. The necessary urban planning studies are carried out in the determined areas. It is aimed to obtain maximum profit from the sale of the lands.

In these public lands, the planning authority is taken from municipalities in order to give it to the Administration. So, the Administration is valued more than other institutions or organizations in terms of urban planning authority in public lands. This superiority is criticized by other institutions and organizations.

In this context, it is essential to evaluate that how the Administration behaves with its superiority. In other words, it should be examined how the planning approach of the Administration affects urban planning practices. In order to succeed in reaching the aim of the thesis, plans prepared by the Administration will be evaluated in terms of legal framework of urban planning.

4.5. Public Interest in Urban Planning and Privatization Activities

Providing successful improvement and development of cities, and rising life standards and scale of welfare are based on countries' economy. In other words, economy may affect development levels of countries. Otherwise, countries without strong economic power cannot provide any service in order to develop their cities.

The concept of urban planning is related with to develop cities according to their all physical features, conditions and potentials and to provide public services at higher levels. Urban planning practices determines future objectives of cities. It is important to make suggested development a real that necessary investments should be done. Therefore, objectives of planning are directly proportional to countries' economic condition.

On the other hand, the economy is based on different factors. In order to develop economy, governments try to different ways. Privatization is one way to develop economy. Privatization activities get a lot money, and so they increase productivity and efficiency in the economy. So, governments may invest the money earned by privatization activities in the primary requirement of community.

Therefore, it is possible to spend privatization earnings on investments determined by urban planning practices. So, urban planning and privatization can be evaluated together in terms of urban dimension. In addition to this, it can be said that privatization recreates urban spaces with the market-oriented approach¹⁶⁰.

Privatization activities can affect city development negatively and positively. While it increases living standards, it is also possible to decrease them. This difference is based on the approach of responsible authorities.

In order to affect urban space positively, privatization activities should consider public benefit. Privatization earnings gained for public should be also used for the public.

¹⁶⁰ Eren, 2008

Urban planning should be used as a guiding tool in the methods that ensure land use and regulations, as well as property development, provide the best services in order to serve the public interest that, as emphasized in the paper, is certainly not a cumulative term of several individual interests¹⁶¹. Therefore, urban planning should be considered as a tool for providing public interest. Besides, privatization activities are carried out for supplying public needs. In other words, public interest is a common aim of urban planning and privatization.

¹⁶¹ Nagy, 2015

CHAPTER 5

URBAN PLANS AND MODIFICATIONS MADE BY THE ADMINISTRATION

The Administration carries out planning studies in 81 provinces, in Turkey, based on the authority, given through Development Law and the Law on Privatization. These studies are completed before the sale of public lands, which are included in the scope of privatization program. In this thesis, urban plans prepared by the Administration in different provinces were discussed. It is seen in Figure 6 in Section 4.3.2 that there are more than 750 plans prepared by the Administration in years between 2006 and 2018. In order to make an in-depth evaluation, a selection out of this large number is made for the case study.

Although the general information about plans approved by the Administration are published in the Official Gazette in order to carry out a detailed evaluation, details about plans are needed. Obtaining this detailed information from a private planning firm making urban plans for the Administration was possible. Therefore, plans prepared by this firm are chosen as examples and the ones prepared between 2017-2018 are used in order to provide an up to date information.

Regarding to its authority, the Administration prepares development plans or makes plan modifications. Therefore, urban planning studies carried out between years mentioned above are divided into two categories, as new plans and plan modifications.

Plans in areas without any development decision that were included in the privatization program are selected as examples to development plans prepared by the Administration. Moreover, areas, which are planned as ‘an area determined by special laws’ in the existing plans, are also discussed under this group.

If an area is planned as an area determined by special laws, its land use decision is made by an institution related with a special law. So, if a public land planned as an

area determined by special laws, its planning authority is given to the Administration after its inclusion in the privatization program. In other words, the decision-making authority and planning in the areas, included in privatization program and which do not have any land use decision, belongs to the Administration. Therefore, the development plans prepared by the Administration for areas without any land use decision and planned as areas determined by special laws are also discussed.

The examples of development plans are evaluated in terms of compliance with the legal regulations. At this point, the compliance of the plans with the standards specified in the Regulation on Construction of Spatial Plans and compliance with the planning principles have been taken into consideration.

Size of social-technical infrastructure and green-open areas needed for new additional population will be determined in the areas where development residential decision is made. Whether these necessities are provided in plans prepared by the administration or not is evaluated.

In addition, the compliance with existing plans and spatial organizations has been also examined. In other words, the effects of the proposed land use on surrounding areas are evaluated.

The type of plan modifications is mentioned in 26th Article of the Regulation on Construction of Spatial Plans. These are:

1. Modifications in Social and Technical Infrastructure
2. Modifications Affecting Density
3. Modifications in Road Width and Route Direction
4. Modifications in the Land Use of an Area
5. Other Modifications

Plan modifications in this chapter are categorized according to the types of modifications, specified in the Regulation. However, all types of modifications mentioned in the regulation are not found in the plan modifications made by the

Administration between 2017-2018. For this reason, in the analysis, the development plan modifications changing land use decisions are considered.

While evaluating the examples of development plan modifications, the principles to be considered in the plan modifications mentioned in Section 4.2 are taken into consideration. In this context, the modifications should be based on a justification, should provide the public interest, should be in compliance with urbanism principles and planning rules, and finally should be compatible with the integrity of the plan.

According the purpose of this thesis, the relevance to the public interest and plan modifications' impact on the overall plan, are regarded as two important issues, while evaluating the case studies. Therefore, when evaluating the modifications, previous plan decisions and new plan decisions are compared with each other. In the light of the standards in the Regulation on Construction of Spatial Plans, new plan decisions are interpreted.

As with new development plans, the process of evaluating modifications' quality is carried out with a holistic approach. Therefore, how spatial organizations are affected by the modification of plans is taken into consideration.

5.1. Development Plans

5.1.1. Development Plans for Unplanned Areas

Development plans made in the unplanned areas aimed to change them into a planned one and to determine the building rights, for these areas before putting public lands, included in the scope of privatization, up for sale. In this section, development plans made for the public land without a development plan are examined.

5.1.1.1. Kartaltepe, İstanbul Case

The planning area is located in Kartaltepe neighborhood, in Bakırköy, İstanbul.

Bakırköy, which is one of the localities in İstanbul, is bounded by the E-5 Highway, in the north. There are Güngören and Bahçelievler localities in the north side, the

Marmara Sea in the south side and the Küçükçekmece district in the west side. Within this boundary, Bakırköy district has an area of 35 km², and includes 15 neighborhoods.



Figure 5.1 The Location of Bakırköy

(Source: Adapted from Google Earth)

The district is an organic part of the İstanbul metropolitan city. The land use in the district is mostly industry and trade. Due to the presence of former Atatürk Airport¹⁶² within the boundaries of the district, commercial functions developed in the area. In other words, commercial areas and located around the airport contribute to the economy of the district, and also to the economy of the city. In addition to this, shopping centers such as Galleria, Atrium, Carousel, Town Center, Capacity and Marmara Forum keep the commercial life alive in this area.

Kartaltepe neighborhood is in the eastern part of the district. It is located to the west of former Atatürk Airport. Therefore, there are commercial centers and luxurious residential areas within the boundaries of the neighborhood.

¹⁶² Until very recently Atatürk Airport served as a global hub between Asia, Africa and Europe.



Figure 5.2 The Location of Planning Area in Kartaltepe

(Source: Adapted from Google Earth)

The neighborhood is preferred, since, the neighborhood is within walking distance to the sea, it is close to the important highway connections and the public transportation lines, which make access to the neighborhood easier. Therefore, the rental value of properties in the areas, within the boundaries of the neighborhood, is gaining importance and their land values are increasing.

The public land, which is included in the privatization program, is within the boundaries of the Kartaltepe neighborhood. When the location of the land is evaluated in general, it is seen that the land is in the south of the E-5 Highway. The land is approximately 2,5 kms away from Ataturk Airport and it is surrounded by luxurious residential areas from the east and, by the commercial areas from the west.

As well as these, the World Trade Center, Istanbul Fair Area (CNR Expo), Airport Shopping Mall are in the west side and the residence estates are in the east side. Moreover, except the highway connection, Yenibosna Metro Station, which is located to the west of the area, increases the accessibility to the planning area.

Existing Plans of the Area

In the current urban plans regarding the area is in the borders of urban settlement land use in the 1/100.000 scale environmental plan. However, the 1/25.000 scale plan does not exist in this area. Therefore, no plan at upper-scale can guide the development plan at the preparation process.

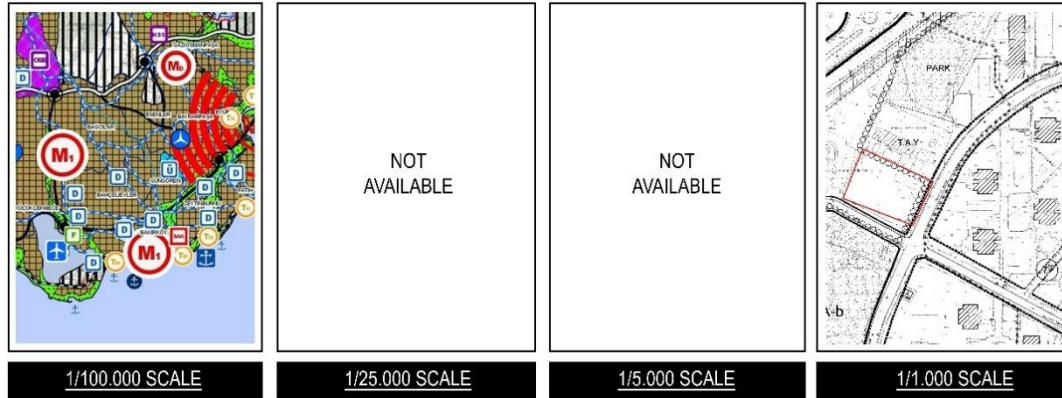


Figure 5.3 Existing Plans at All Scales for Public Land in Kartaltepe

1/5.000 scale master plan for the public land is prepared by the Administration and the land is planned as commercial area in the plan. However, this plan was sued, and it was cancelled. So, there is no 1/5.000 scale master plan belonging to this public land.

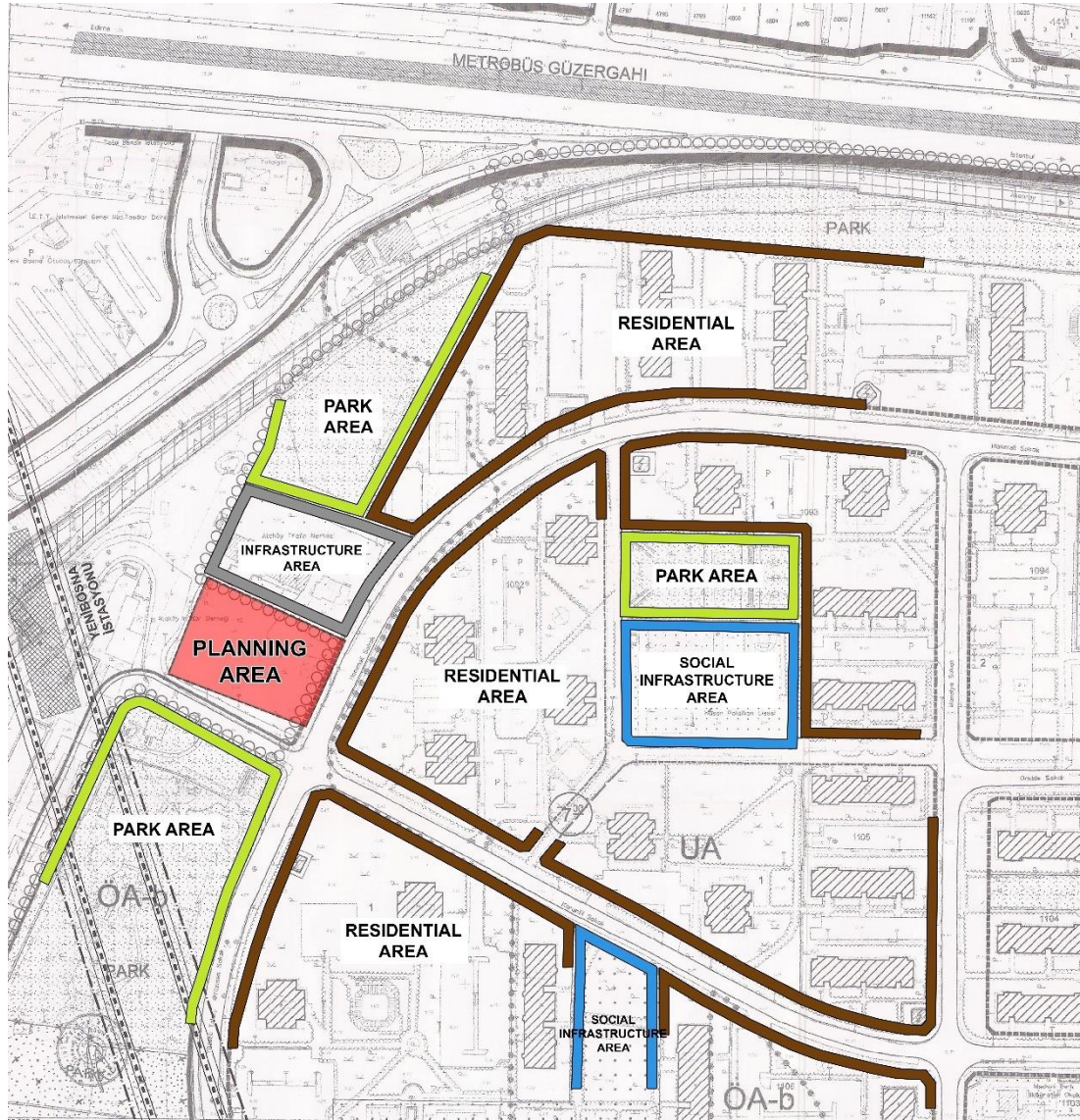


Figure 5.4 Existing Development Plan at 1/1.000 Scale for Public Land in Kartaltepe

While this land has been planned as an infrastructure area, it is changed and planned as a commercial area in the 1/1.000 scale urban development plan prepared by the Administration. Like the 1/5.000 scale master plan, this plan was also cancelled. In addition to this, in Kartal neighborhood, there is a 1/1.000 scale development plan. But this plan does not cover the land included in privatization program. So, it can be said that there is no 1/1.000 scale development plan belonging to the land.

According to the general evaluation, there is only 1/100.000 scale environmental plan which guide lower scale plans. This plan defines land use decision for the public land not exhaustively. So, it can be said that there are not any upper scale plans which have detail information about implementation of a plan and determine building rights.

Plans Prepared by the Administration for the Area

After including the public land in the privatization program, the development plans of the land are needed. For this reason, 1/1.000 scale development plan and 1/5.000 scale master plan for the land are prepared by the Administration.

In the prepared 1/1.000 scale development plan, the land is proposed as residential area, green area and road.

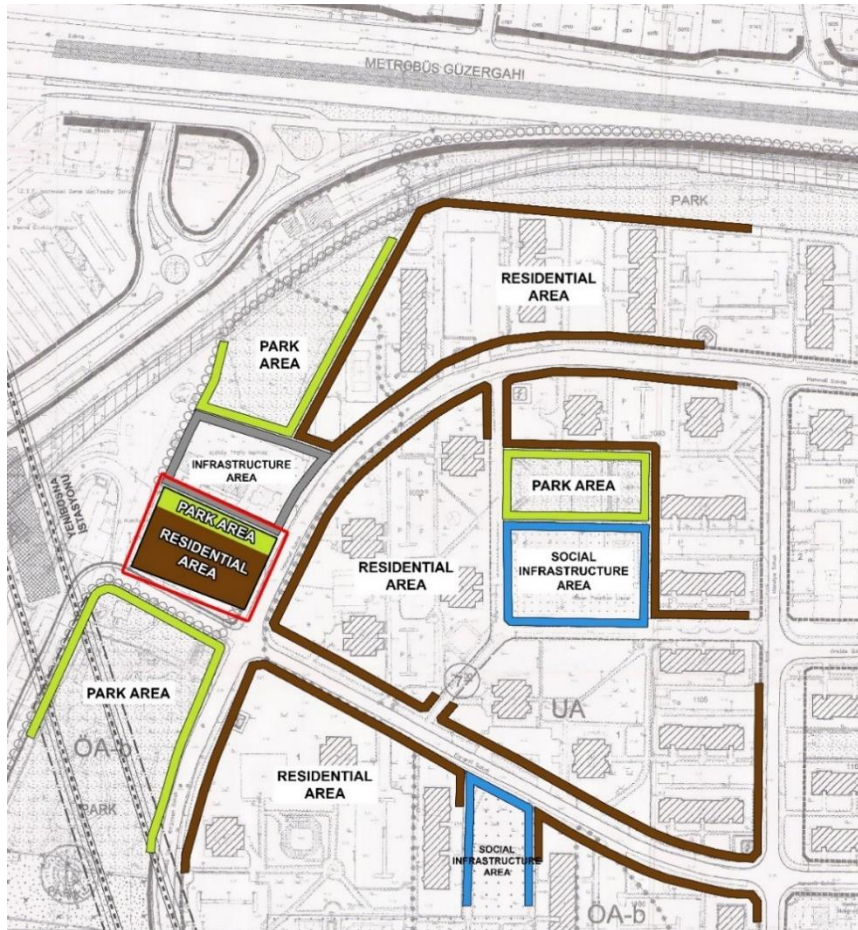


Figure 5.5 Proposed Development Plan for Public Land in Kartaltepe

According to the plan, the construction conditions of the houses to be built in the area, are determined as detached buildings with 5 storeys, with 0.25 building coverage ratio and 1.25 floor area ratio. The land use distribution of the land with an area of 3.521,80 m², is given in the Table 3.

Table 5.1 The Area Distribution of Public Land in Kartaltepe

| LAND USE | AREA (m²) | SHARE IN TOTAL AREA (%) |
|------------------|-----------------------------|--------------------------------|
| Residential Area | 2.741,16 | 77,83 |
| Green Area | 735,08 | 20,87 |
| Road | 45,56 | 1,3 |
| TOTAL | 3.521,80 | 100,00 |

According to the data in the table, it is seen that 78% of the planning area is planned as residential area and 21% as green area.

Compliance with Surrounding Area

In the unplanned area, it is required that new plan decisions should be made in accordance with land use of surrounding area. When proposed plan decisions are evaluated, it is seen that the construction condition of the planning area which is the same as the surrounding area. This will result in suitable development with the surrounding area in terms of the height of buildings. In other words, compliance with the construction condition of the surrounding area can provide the continuity of the silhouette of buildings.

When the plan decisions and the construction conditions are considered together, one 5-storey building can be constructed on a 2,741,16 m² area with 3,426,25 m² construction area and 685,25 m² floor area. Depending on the size of the floor area, there are 4 flats with 125 m² area. Assuming that the family size¹⁶³ is 3 people on the

¹⁶³ URL 13

average, 60 people can live in the building. In other words, there will be an addition population of 60 people in the area.

According to the minimum social and technical areas, required for the population groups, specified in Annex-2 of the Regulation on Construction of Spatial Plans, 600 m² green area should be reserved for a population of 60 people. When the plan, prepared by the Administration, is examined, it is seen that there is 735 m² green area for the additional population. Therefore, more than the minimum required green area is provided with this plan. Furthermore, the placement of this green area between the main power distribution unit and housing may be seen as a correct approach in terms of planning.

Although the green area has been provided at sufficient quantities according to the standards, the only need for additional population is not the green area. Other social infrastructure areas such as health, worship and education are also needed. It is not possible to provide these areas due to the limited size of the land, by the Administration. For this reason, the population increase, as a result of the plan decisions, may cause insufficiency of the social and technical infrastructure areas in the existing plans. Therefore, the Administration should act in a way that their plans should be integrated with the existing urban plan.

Effect on Integrity of the Plan

Together with the compliance with surrounding area, spatial organization is one of the important matters which should be considered in the preparation process of a plan.

The spatial organization of the planning area is given in Figure 14.

In the planning area and its surroundings, in order to lighten the burden on the city center, a commercial area is planned in the center for the citizens living in surrounding residential areas to meet their daily needs. Considering the accessibility to the center, the commercial area was supported by the main transportation network. There are residential areas around this commercial center.

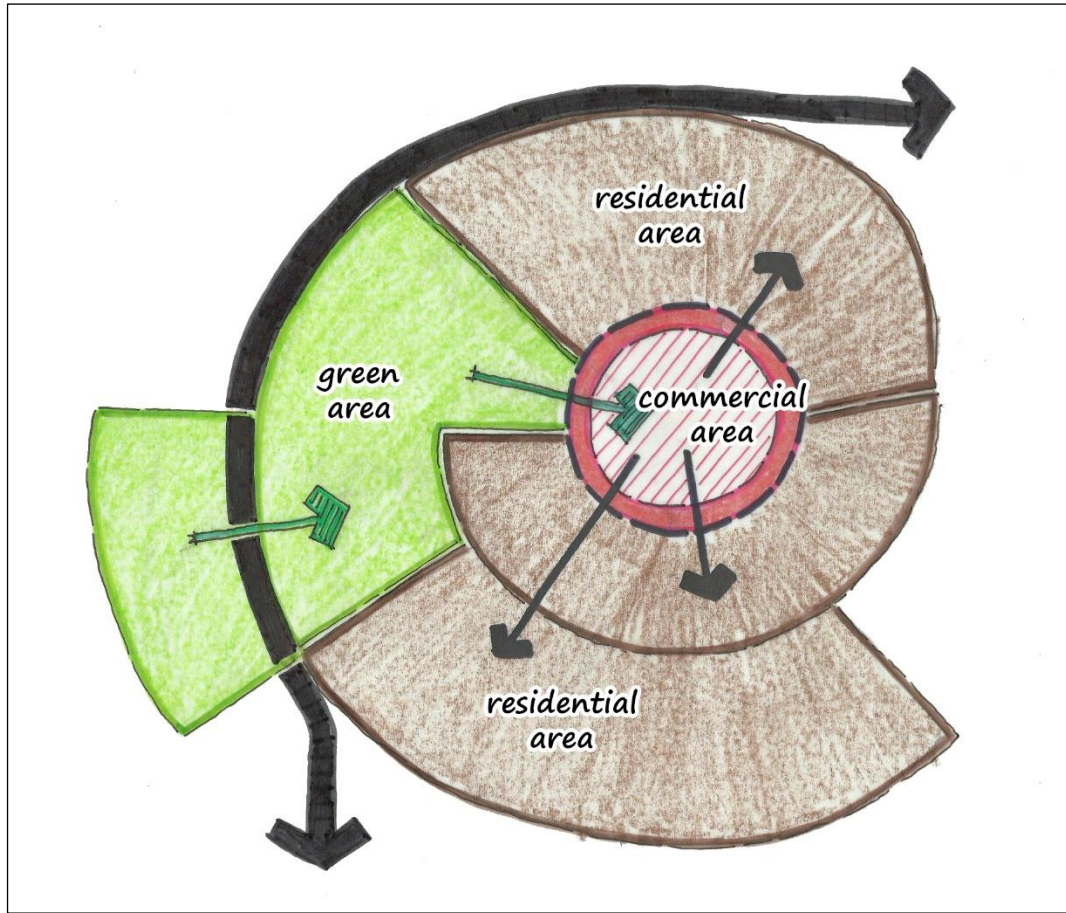


Figure 5.6 The Spatial Organization of the Planning Area in Kartaltepe

Together with commercial functions, people living there also need social and public spaces. Therefore, in the center, education areas that will serve for the citizens are included. Open and green areas in the west of the center meet the need for public spaces. Especially green areas help to create public space in the whole area. Therefore, publicity and environmental quality can be increased by increasing the accessibility of green areas¹⁶⁴. Furthermore, the connection of this green area with the central area causes the commercial function to be strengthened. In general, the place is designed not only to ensure that people are safe in housing but also to meet their needs of trade, education and socialization.

¹⁶⁴ Özdemir, 2009

When the relation between transportation and green area is evaluated, it is seen that green areas act as a buffer between residential areas and main road.

The planning area included in the scope of privatization is located in the open and green area mentioned above. According to the plan prepared by the Administration, it has been decided to convert this area to a residential area. According to the existing spatial organizations, the suggested development of a residential area within the green area will primarily damage the continuity of the green area. Therefore, the strength of the relationship between the green area and the center will decrease.

Some people consider green areas as wasted urban spaces¹⁶⁵. However, these areas provide benefits such as social communication and psychological relaxation. Therefore, these areas can be considered as the areas where communication between the city and the citizen is created.

It is not enough that the plan to be made in the area is only compatible with the surrounding area. The spatial organization should also be considered in the plan. In other words, the change in land use of a small area can have a major impact on the integrity of the plan. Therefore, it is not enough to think that residential land use decision is compatible with the surroundings. This land use decision's effects on the integrity of urban plan should be considered.

The Question of Public Interest

Despite the criticism and negative reviews of the plans prepared for the planning area in Kartaltepe, it can be said that there is a positive side of it. The change in land use and the sale of this idle area can be interpreted as an important situation which will affect the economy positively.

Considering its location and potential of its preferability, the contribution of the parcel to the economy through its sale, can be accepted as an activity providing public benefit. However, when the suggested development is completed, the possibility of

¹⁶⁵ Özdemir, 2009

decrease in the quality of life of the people in this area and the surrounding area may cause negative opinion about this practice. Therefore, it is not possible to make a clear judgement about which one is more suitable for the public interest, contribution to the economy or preservation of social infrastructure.

Moreover, after planning the public land as a commercial area, the Administration decide to change the land use to housing area after the lawsuits. It can be said that the Administration uses its planning authority through the profit-oriented approach. At first, it is aimed to earn more income from the sales of the land, by planning its land use as commercial area. However, this decision was sued and annulled as a result. Because of their planning authority for the land, the Administration prepared one more development plan for it. This situation can be interpreted as an arbitrary decision. However, it is also clear that although the Administration can behave in its own way, its decision was cancelled by suing it.

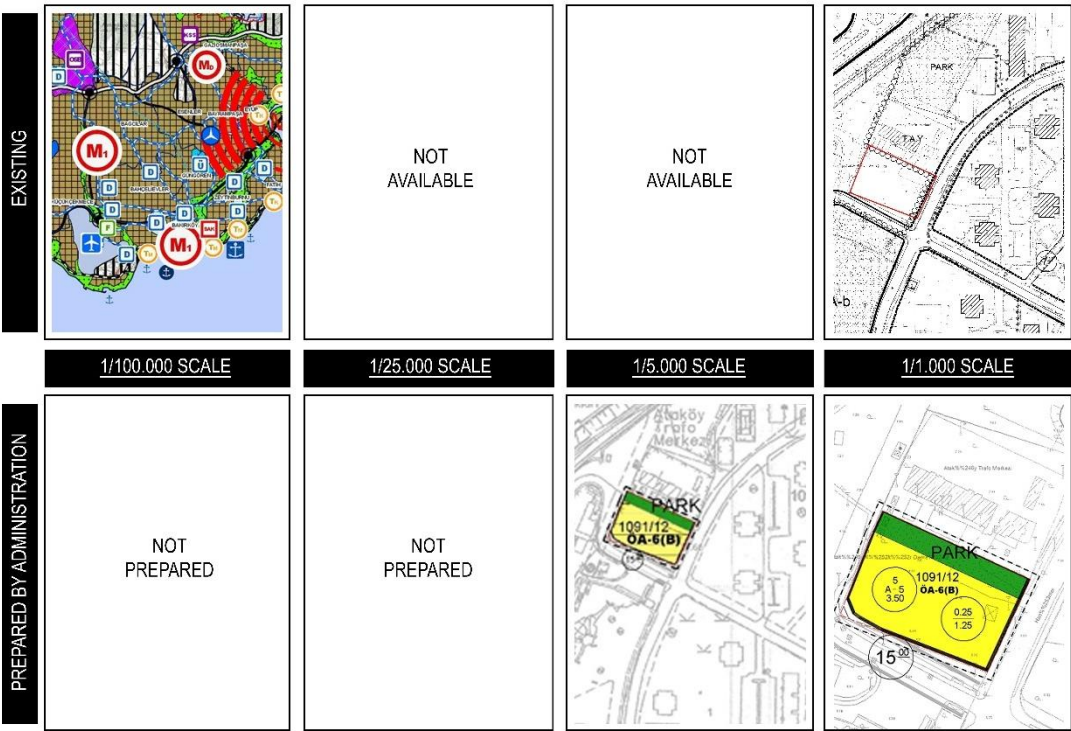


Figure 5.7 Comparison Between Existing and Proposed Plans for Public Land in Kartaltepe

In summary, the plan prepared by the Administration regarding the land within the boundaries of the Kartaltepe neighborhood in Bakırköy, is an example for Administration's profit-oriented approach to planning.

The Administration considers plan hierarchy in terms of drawing techniques. In addition, decisions are made in accordance with the standards for green areas, specified in the Regulation on Construction of Spatial Plans. However, all kind of social and infrastructure areas, determined in the regulation, are not considered.

The new plan decisions are consistent with the environment and the current plan. The new plan decisions may create negative impact on existing living conditions. While this negative impact can be considered as an effect opposite to the public interest, the contribution of the land to the economy by its sale can be considered as an appropriate situation for the public interest.

5.1.1. Development Plans for Areas whose Status are Determined by Special Laws

Areas, whose status are determined by Special Laws, are national parks, nature conservation areas, nature parks, natural monuments, wildlife development areas, tourism centers, cultural and tourism protection and development zones, areas, which are included in privatization program. The authority of planning in these areas belongs to different institutions. In this section, the areas whose land use are not determined in the existing plans and whose status are determined by the Special Laws, are examined as the Administration is one of these institutions.

5.1.1.1. Sorkun, Antalya Case

The planning area is located in Manavgat, in Sorkun neighborhood, in Antalya.

Manavgat is a charming district that attracts the attention of tourists from all walks of life, thanks to being close to the sea and having natural beauties. The district is one of the largest districts of Antalya with a surface area of 2,283 km². It is also the most populous district together with Alanya.



Figure 5.8 The Location of Manavgat

(Source: Adapted from Google Earth)

Sorkun, one of the 106 neighborhoods of Manavgat, is located in the south of the district. Therefore, the neighborhood has a seashore. When the tourism potential of the district and the coastal area of the neighborhood is combined tourism development potential in these areas increase.

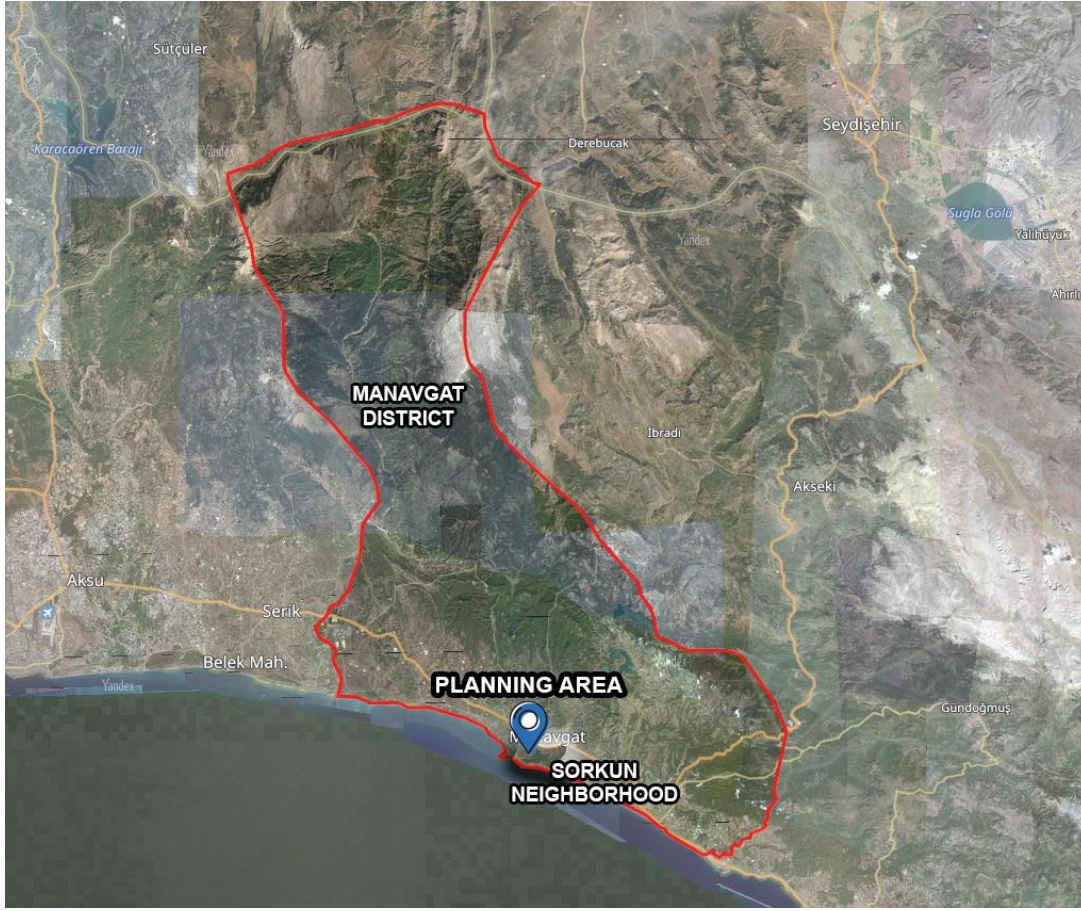


Figure 5.9 The Location of Planning Area in Sorkun

(Source: Adapted from Google Earth)

D-400 Konya-Manavgat Highway in the north of the neighborhood makes easier to reach the Sorkun neighborhood.

The planning area in the Sorkun neighborhood, is approximately 2 km from the sea. Due to its closeness to the sea, the hotel areas and residential areas are frequently seen in the immediate surroundings.

Existing Plans of the Area

There are all type of plans containing the public land in Sorkun neighborhood.

In the 1/100.000 scale environmental plan, the public land is defined as urban development area.

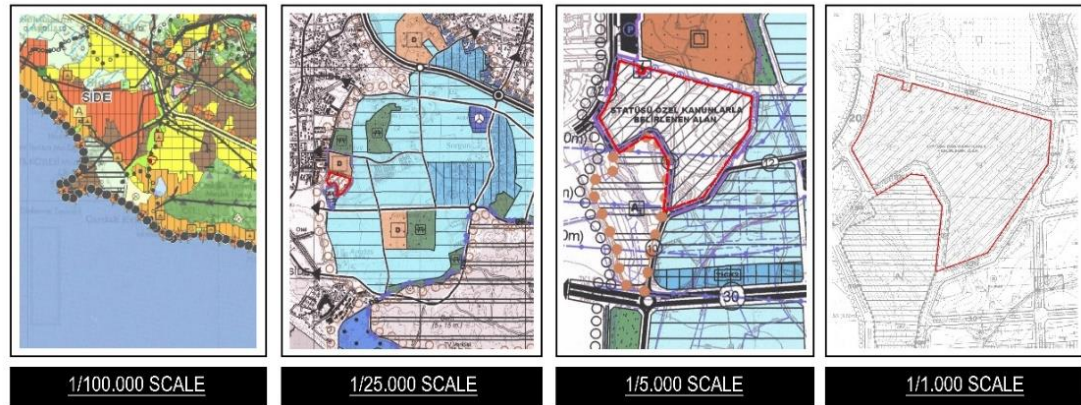


Figure 5.10 Existing Plans at All Scales for Public Land in Sorkun

In the 1/25.000 scale environmental plan, 1/5.000 scale master plan and 1/1.000 scale development plan, the land is planned as the area, determined by special laws. So, the planning authority in this public land located in Sorkun neighborhood belongs to the Administration after its inclusion in privatization program.

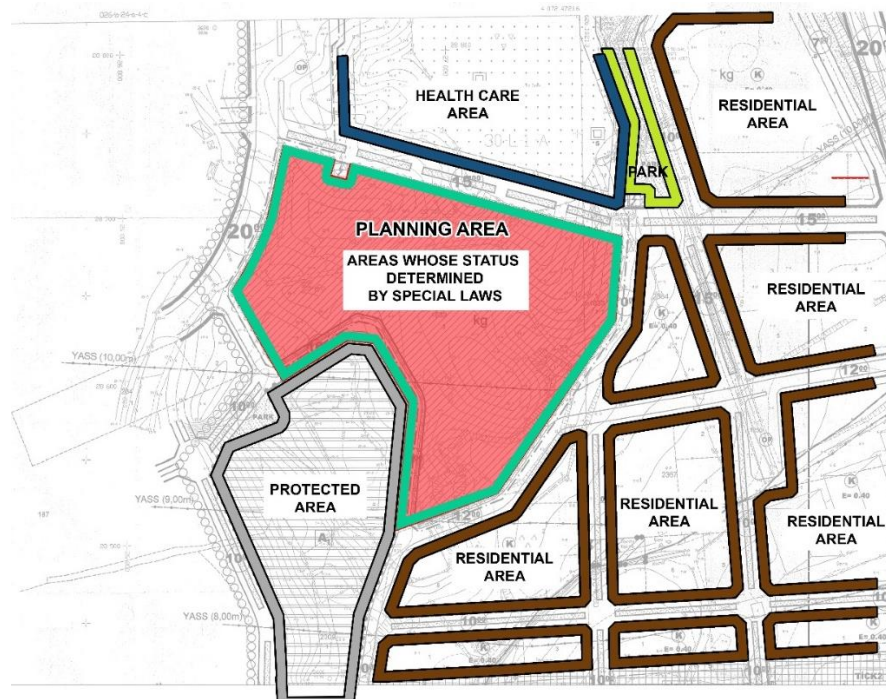


Figure 5.11 Existing Development Plan at 1/1,000 Scale for Public Land in Sorkun

Plans Prepared by the Administration for the Area

After taking the land into the scope of privatization, 1/25.000 scale environmental plan, 1/5.000 scale master plan and 1/1.000 scale development plan were prepared by the Administration.



Figure 5.12 Proposed Development Plan for Public Land in Sorkun

In the 1/1.000 scale development plan, this public land is planned as a residential area, green area, pedestrian road and motorway. The development conditions in residential areas are determined as buildings with maximum 3 storeys with 0.40 floor area ratio. After preparation of the plan, the distribution of land use in the land is given in the Table 4.

Table 5.2 The Area Distribution of Public Land in Sorkun

| LAND USE | AREA (m ²) | SHARE IN TOTAL AREA (%) |
|------------------|------------------------|-------------------------|
| Residential Area | 20.330,18 | 66,68 |
| Green Area | 7.418,80 | 24,33 |
| Road | 2.739,07 | 8,99 |
| TOTAL | 30.488,05 | 100,00 |

According to the data in the table, it is seen that approximately 67% of the planning area is planned as housing area and 24% as green area.

Compliance with Surrounding Area

Considering the environmental development situation of planning area, it is observed that housing uses are in the surrounding area. Plan decisions for the land, have been determined by the Administration in a way to comply with housing areas being near it and their construction conditions. This will result in suitable development with the surrounding area in terms of the height of buildings. In other words, compliance with the construction condition of the surrounding area can provide the continuity of the silhouette of buildings.

When the plan decisions and the construction conditions are considered together, in 20,330,18 m² area, three buildings with 3 storeys can be constructed with 8,132,072 m² construction area. Assuming that the family size¹⁶⁶ is 3 people on the average, 108 people can live in the building. In other words, there will be an addition population of 108 people in the area.

According to the minimum social and technical areas required for the population groups specified in Annex-2 of the Regulation on Construction of Spatial Plans, 1080 m² green area should be reserved for a population of 108 people. When the plan, prepared by the Administration, is examined, it is seen that there is a green area with

¹⁶⁶ URL 13

7420 m² for the additional population. Therefore, it can be said that more than the minimum required green area is provided with this plan.

The additional population, resulting from proposed development of residential areas with the plan, does not require only green areas. They need all kind of social infrastructure areas. However, the plan does not specify any land use apart from green areas. Therefore, people, who will live in new housing areas, will meet their social needs from the existing surrounding social areas. It is clear that this situation will intensify in the existing social and technical infrastructure areas. In other words, since the size of the social infrastructure areas in the current urban plan is sufficiently determined to the projected population, these areas are not enough for the population to be added by the Administration. In addition, since the location of the existing social areas is decided according to the designed development houses, and taking into consideration the walking distances, a residential area that is added later, will not be suitable for this design.

Effect on Integrity of the Plan

The spatial organizations, including the planning area, are shown in Figure 21. When this figure is evaluated, it is seen that the accessibility of the area is increased with a strong transportation network. Commercial uses are provided on roads which have an important place in the transportation network. Access to these areas is made easy by positioning commercial uses on the road. Therefore, it can be said that the accessibility of the people living in the surrounding residential areas to commercial areas was

considered in the spatial organization. Besides, the planning of a commercial axis between residential areas establishes a link among housing areas.

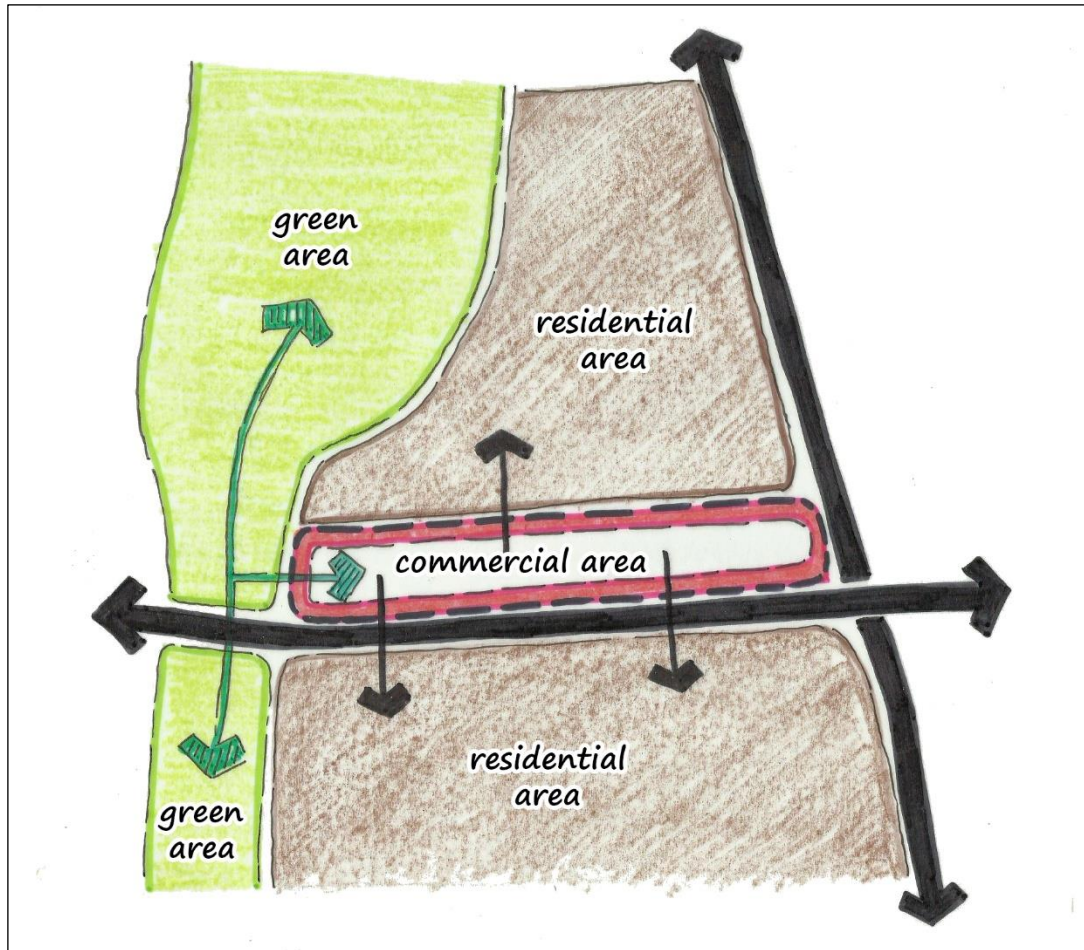


Figure 5.13 The Spatial Organization of the Planning Area in Sorkun

The planning area is located in these open and green areas. In the plan prepared by the Administration, this area has been transformed into a residential area. When the relationship between existing land uses is examined, it can be said that the development of housing within the green area will affect the continuity of the green areas negatively. It is also clear that the restrictive feature of the green area will disappear due to the proposed development of residential areas. In addition to these, the support between green and commercial areas may be interrupted.

The Question of Public Interest

It is clear that the planning area becomes an idle area since any decision about construction has been made in the upper scale plans. When the planning authority was transferred to the Administration, housing development was proposed in this area. It can be seen as a positive approach to evaluate an idle area with residential use. Moreover, contributing to the economy by privatizing this area is another positive aspect of the plans prepared by the Administration.

However, even if the plan decision is made suitable with the construction conditions of surrounding areas, the planning of the area in a way to disrupt the spatial organizations causes negative criticism. The negative effects on existing spatial organizations and integrity of plan raise doubts about the compliance with the public interest.

While the plan decisions should increase the existing living standards, it is stated above that the new plan decisions will adversely affect them. On the other hand, the contribution of the area to the economy is also a step for the benefit of the public. Therefore, it is not clear whether decisions of plan are compliance with the public interest or not.

In addition to these, it is considered that 1/5.000 scale master plans, prepared in accordance with the 1/1.000 scale plan by the Administration, are not prepared based on the concept of hierarchy of plans. While the 1/5.000 scale master plans should be a manual to guide the 1/1.000 scale development plans, the upper scale plans are prepared by the Administration through not being against with the lower scale plans.

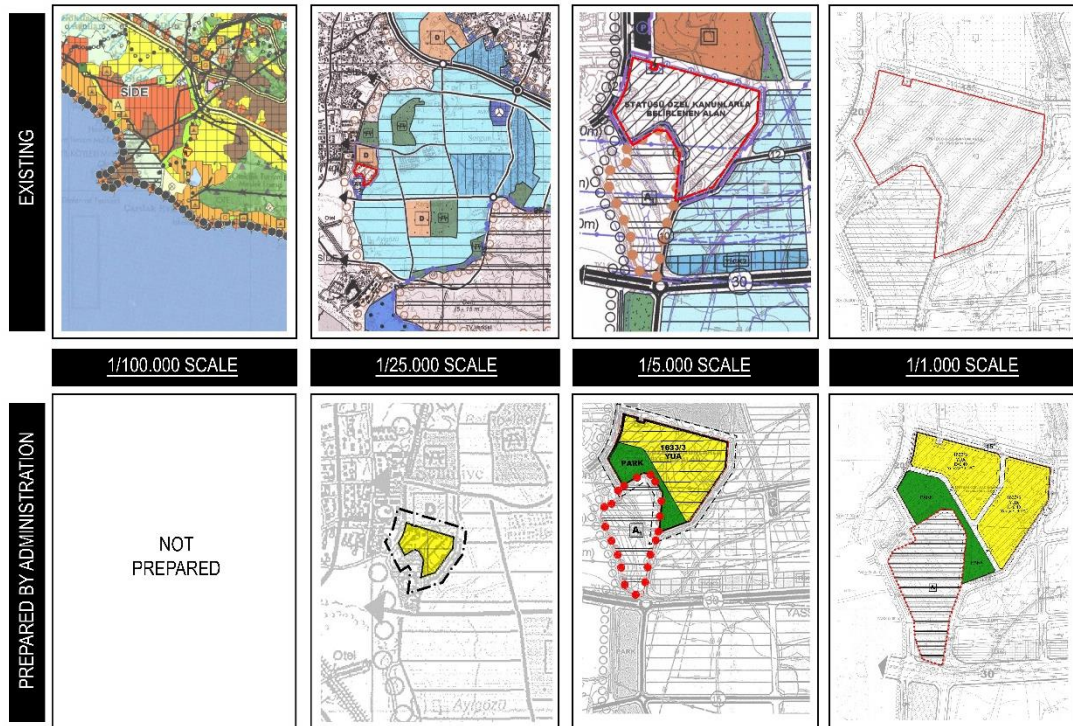


Figure 5.14 Comparison Between Existing and Proposed Plans for Public Land in Sorkun

Furthermore, the preparation of a 1/25.000 scale environmental plan modification for only one parcel is also an argumentative issue. If it is thought that environmental plans are schematic plans with spatial and functional integrity, they cannot include development and construction decisions for a land. However, in the current 1/25.000 scale environmental plan, the land is planned as the area, whose status are determined by special laws and so, it supports the Administration to change the environmental plan for the land.

In summary, the decisions, made by the Administration on the public land, in the boundaries of Sorkun neighborhood, in Antalya, were determined in accordance with the surrounding land uses in the existing development plans. However, the socio-technical infrastructure areas required for the projected housing area are not included in the plan. Therefore, while the green area standards, specified in the Regulation on Construction of Spatial Plans, are provided, the fact that the additional population will increase in intensity of the existing social and technical infrastructure areas is ignored.

In addition to these, it may be discussed that upper-scale plans, prepared by the Administration, are not suitable with planning principles and not coherent with plan hierarchy.

5.2. Development Plan Modifications Regarding Planned Land Uses

The land use decision of an area determined in the current development plans is changed by the Administration. Regardless of which land use is provided in the planning area, modifications are discussed in this section.

5.2.1.1. Lodumu, Ankara Case

The planning area is in the Lodumu neighborhood, in Çankaya, Ankara.

Çankaya, located in the central part of Ankara, is one of Turkey's most populous and developed district¹⁶⁷. Eskişehir-Ankara highway, which has an important role in Ankara transportation system, passes through the north of the district. This road connection is important in transportation to the area, and it also connects the area to other districts. Apart from such an essential transportation link, the metro connections to the planning area, also increased the accessibility of the district.

¹⁶⁷ URL 15

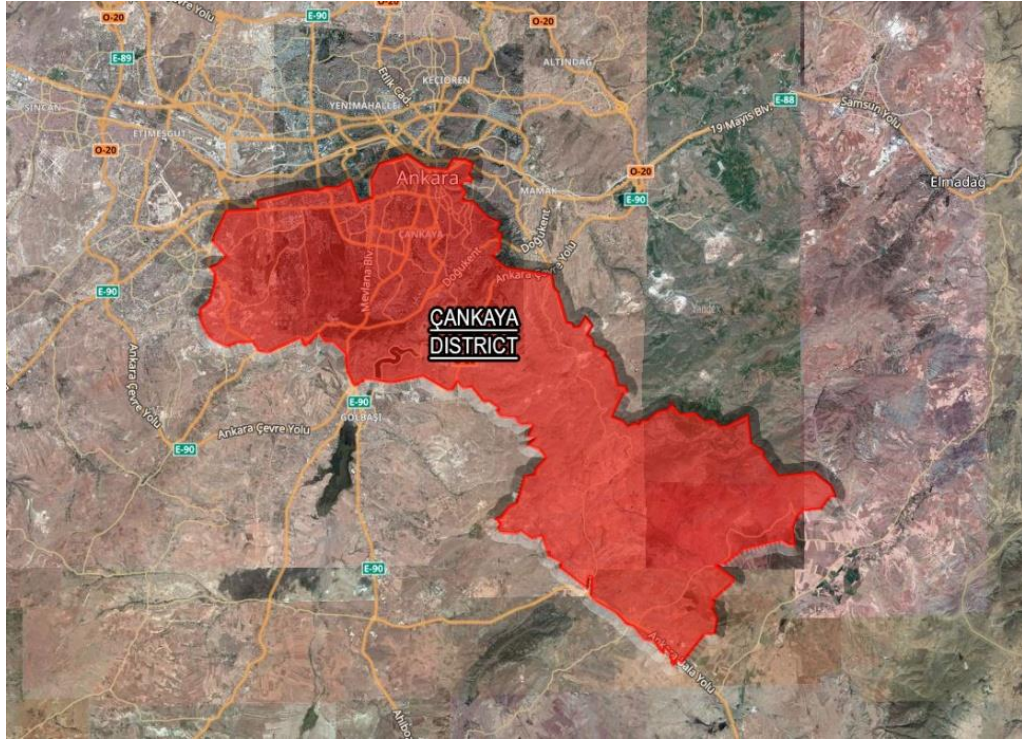


Figure 5.15 The Location of Çankaya

(Source: Adapted from Google Earth)

According to 2018 data¹⁶⁸, the population of Çankaya, which has 115,7 hectares land, is among the districts constituting the Ankara Metropolitan Area, is 920,890 people. Due to the existence of 10 universities and many business centers in the district, the population of the district is doubled back in those days¹⁶⁹. In the light of this

¹⁶⁸ URL 13

¹⁶⁹ URL 14

information, it is possible to say that the district is more developed than the other districts in Ankara. Therefore, the land in this district is valuable.



Figure 5.16 The Location of Planning Area in Lodumu

(Source: Adapted from Google Earth)

Lodumu neighborhood is located in the west of the district. The neighborhood is about 35 km away from the district center, and it can be considered as a new settlement in the district. For this reason, it is observed that empty areas are more common than other neighborhoods and settled areas are used as new luxury housing sites.

There are housing area and luxury villas near the planning area.

Existing Plans of the Area

There are upper and lower-scale plans of the area in Lodumu. The planning area is defined as a residential and planned areas in the 1/100.000 scale environmental plan, and as a residential area with medium density in the 1/25.000 scale master plan.



Figure 5.17 Existing Plans at All Scales for Public Land in Lodumu

The land is planned as a cultural facility area in 1/5.000 scale master plan and 1/1.000 scale development plan. According to the 1/1.000 scale development plan decisions, this land can be used for cultural facilities, such as museum of cinema, cinema, film archive, library, exhibition hall, etc. and their complementary administrative, service, technical uses.

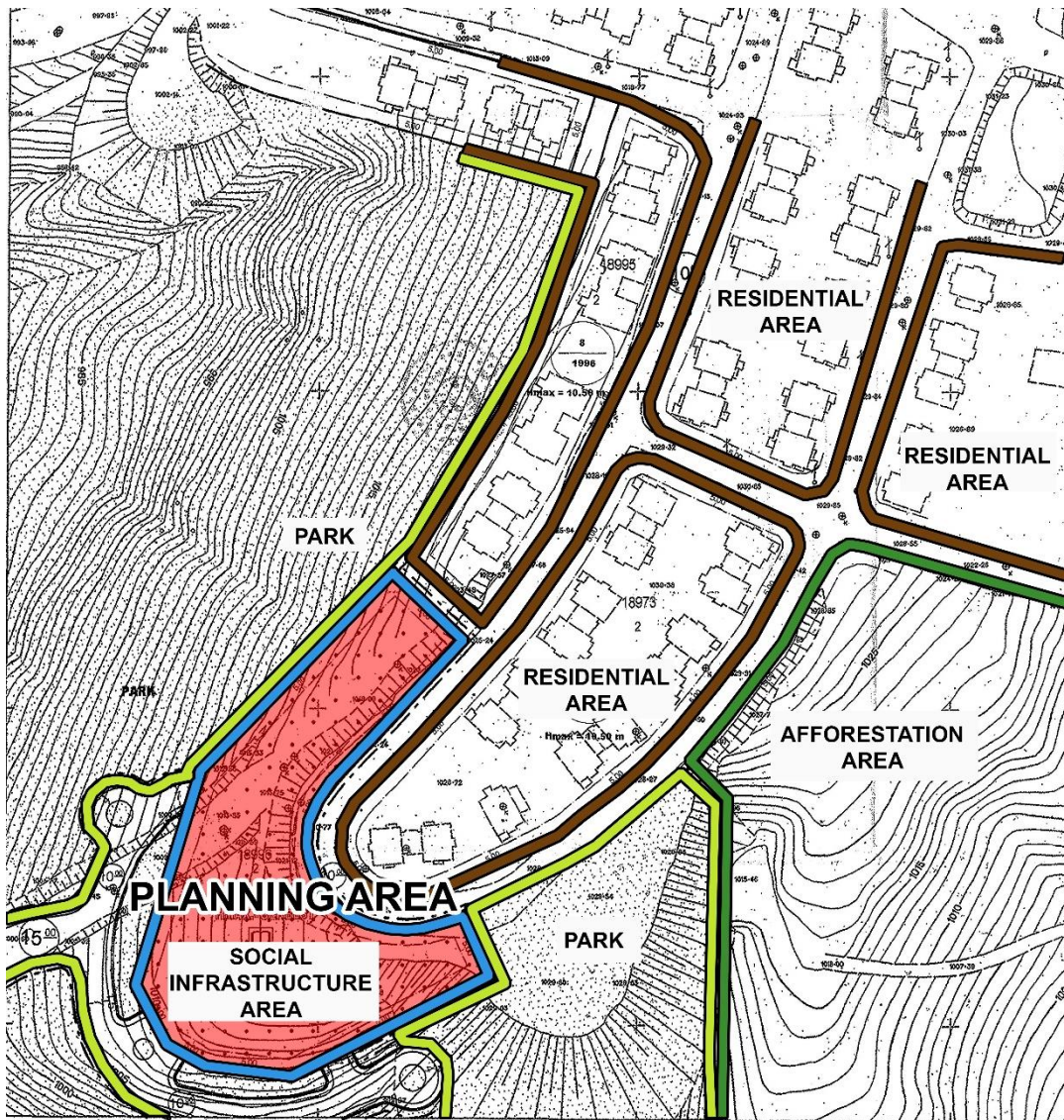


Figure 5.18 Existing Development Plan at 1/1,000 Scale for Public Land in Lodumu

This public land was allocated to Ministry of Culture and Tourism for 2 years in order to build a museum of film archives and cinema in there.

Since the Ministry did not initiate any activity within 2 years, it was requested to extend the allocation period. However, the fact that no construction work started in the area within the specified period, caused the demand to be rejected.

Plans Prepared by the Administration

After cancellation of the allocation period, the parcel was taken into the privatization program and considered to be a contribution to the economy.

The plans for the land have been prepared by the Administration after it was included in the privatization program. According to these studies, it is foreseen that the land will be categorized as a residential area, by the fact that considering the place being one of the areas to the most prestigious houses of the city. For this reason, modifications have been made in the existing plans which contradict the decision of development regarding the residential area. The 1/100.000 and 1/25.000 scale plans are not changed, due to the fact that the area remained in residential areas in upper scale plans' decisions. However, in the other 1/5.000 scale master plan and 1/1.000 scale development plan modifications are prepared in order to eliminate the plan decision about being the cultural facility area.

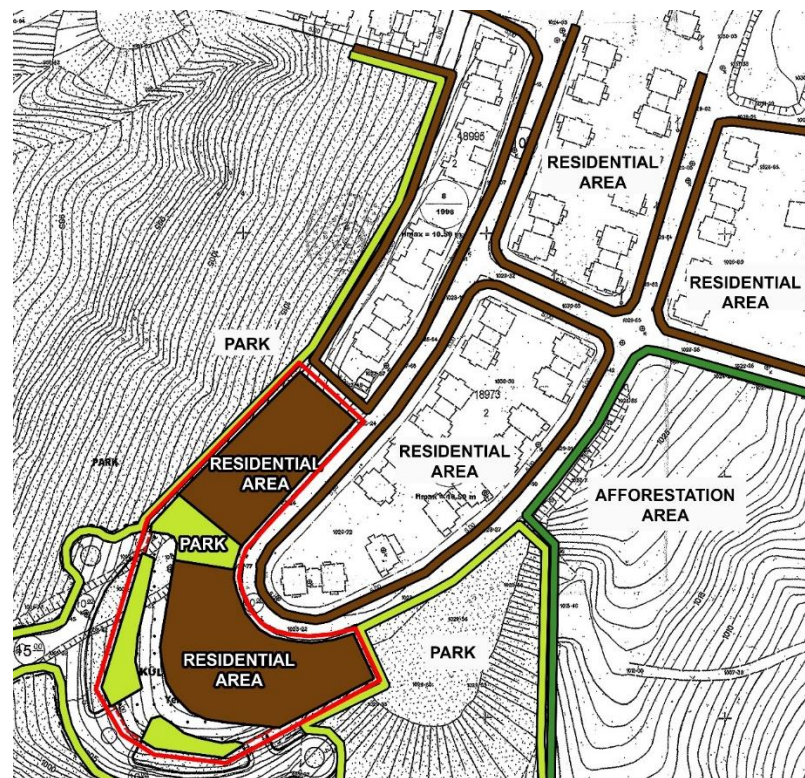


Figure 5.19 Proposed Development Plan for Public Land in Lodumu

According to the prepared development plan modifications, the public land is planned as the area of residential area, green area, and road.

The development conditions in residential areas are determined as buildings with maximum 3 storeys with 0.40 floor area ratio. After preparation of the plan, the distribution of land use in the land is given in the Table 5.

Table 5.3 The Area Distribution of Public Land in Lodumu

| LAND USE | AREA (m²) | SHARE IN TOTAL AREA (%) |
|------------------|-----------------------------|--------------------------------|
| Residential Area | 5.312,81 | 64,11 |
| Green Area | 1.566,34 | 18,90 |
| Road | 1.407,85 | 16,99 |
| TOTAL | 8.287,00 | 100,00 |

According to the data, approximately 64% of the planning area is planned as residential area and 19% as green area.

Compliance with surrounding area

According to the adaptation of the plan decisions to the surrounding area, it is seen that the construction conditions determined in the housing areas are in harmony with the surrounding residential areas. The same construction conditions will prevent the formation of different building silhouettes in the area.

Together with residential areas, it is seen that approximately 36% of the area is reserved for public services.

When the plan decisions and construction conditions are considered together, one 3-storey building can be constructed on a 5,128,81 m² area with a construction area of 2,125,124 m² and its floor area will be 708,37 m². However, in order to construct same buildings with the near environment, five 3-storey buildings which have one flat on

one floor can be built. Assuming that the family size¹⁷⁰ is 3 people on average, 45 people can live in buildings. In other words, there will be an addition population of 45 people in the area.

According to the minimum social and technical areas required for each person specified in Annex-2 of the Regulation on Construction of Spatial Plans, 450 m² green area should be reserved for a population of 45 people. When the plan prepared by the Administration is evaluated, it is seen that there is a green area with 1566 m² for the additional population. Therefore, it can be said that more than the minimum required green area is provided with this plan. However, other social urban areas, which are needed because of the increasing population mentioned in the regulation, are not considered.

Effect on integrity of the plan

Figure 27 showing the spatial organizations in the holistic plan is given below. According to it, residential areas and green areas are separated by transport networks. The fact that the transportation system serves both green spaces and residential areas increases accessibility in the urban area. Furthermore, the restrictive green areas indicate that the development of residential areas is aimed to be kept under control.

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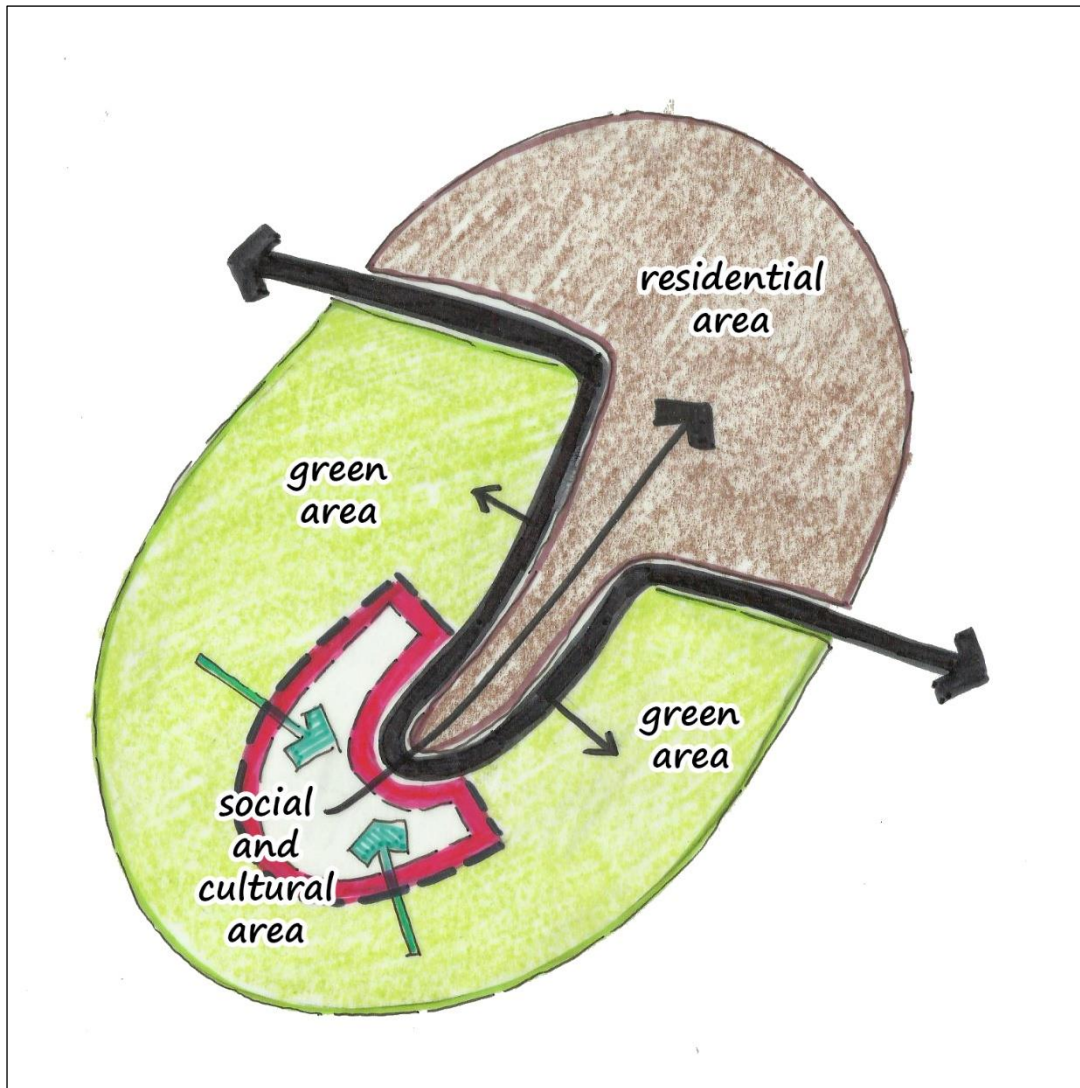


Figure 5.20 The Spatial Organization of the Planning Area in Lodumu

In a central location where housing and green areas intersect, a cultural facility area is provided to meet the need for public space. Considering the location of the site, it was observed that a cultural area was created at an easily accessible distance from the residential areas.

Cultural space constitutes the closed public space in spatial organization. The open and green areas around this area can be considered as open public spaces. The fact that the cultural area and the green area are adjacent increases the publicity of the space. In other words, social relations in open and closed public spaces support each other.

The fact that these areas are easily accessible, and that people can perform various activities in these areas increase the quality of urban area.

The cultural area is the area included in the scope of privatization. According to the plan prepared by the Administration, this area is planned as a residential and green areas. The conversion of the public space to a completely private space may affect the quality of the space negatively. On the contrary, increasing the number of public spaces will contribute to the quality and healthy development of the social structure¹⁷¹.

The question of public interest

Although it was stated that the parcel would be used for public benefit by being included in the privatization program, the plan decision about residential area was made instead of the cultural facility area.

Table 5.4 Comparison Between Current and Proposed Plans for Public Land in Lodumu

| CURRENT PLANS | | MODIFIED PLANS | |
|------------------------|--------|-----------------------|-------|
| RATIO | | RATIO | |
| Cultural Facility Area | 100,00 | Residential Area | 64,11 |
| | | Green Area | 18,90 |
| | | Road | 16,99 |

Decisions that affect the social infrastructure are made with the new plan and more population is added to the neighborhood with them. As stated in the Regulation on Construction of Spatial Plans, the development plan modifications should be made in a way that they will not disrupt the balance of social and technical infrastructure and will defend public interest.

¹⁷¹ Uzgören & Erdönmez, 2017

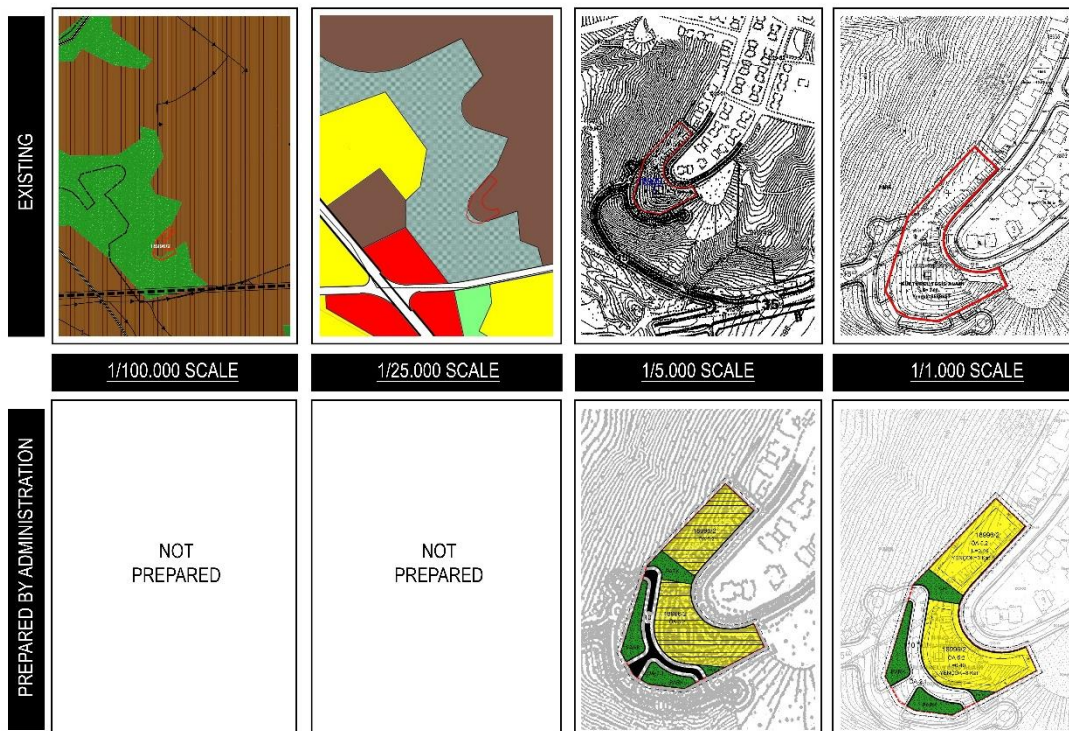


Figure 5.21 Comparison Between Existing and Proposed Plans for Public Land in Lodumu

This plan, prepared by the Administration, is contrary to this principle. Also, according to the regulation, social and technical infrastructures should not be removed, minimized or replaced. If this is done, an equivalent area should be specified in the plan modification. It is not possible to allocate an equivalent area instead of the removed social and cultural facility area because the modification is made for just one parcel by the Administration. Therefore, it is seen that the regulation is not complied due to the cancellation of the current land use decision in the parcel, and the fact that there is no equivalent area for this one. In addition, the previous plan calculations such as the service area of the cultural facility, walking distance and pedestrian access will be affected negatively.

Although it is stated that the parcel will be used for public benefit by being included in the privatization program, the introduction of such a plan decision, instead of the cultural facility area, will decrease the living standards of the people living in there.

Therefore, it is a controversial subject about whether the plan modification is for public interest or not.

5.2.1.1. İncek-İmar, Ankara Case

The planning area is located in İncek-İmar neighborhood, in Gölbaşı, Ankara.

Gölbaşı district located in the central part of Ankara is 20 km away from the city center. It is home to many natural beauties thanks to its forest areas and lakes.

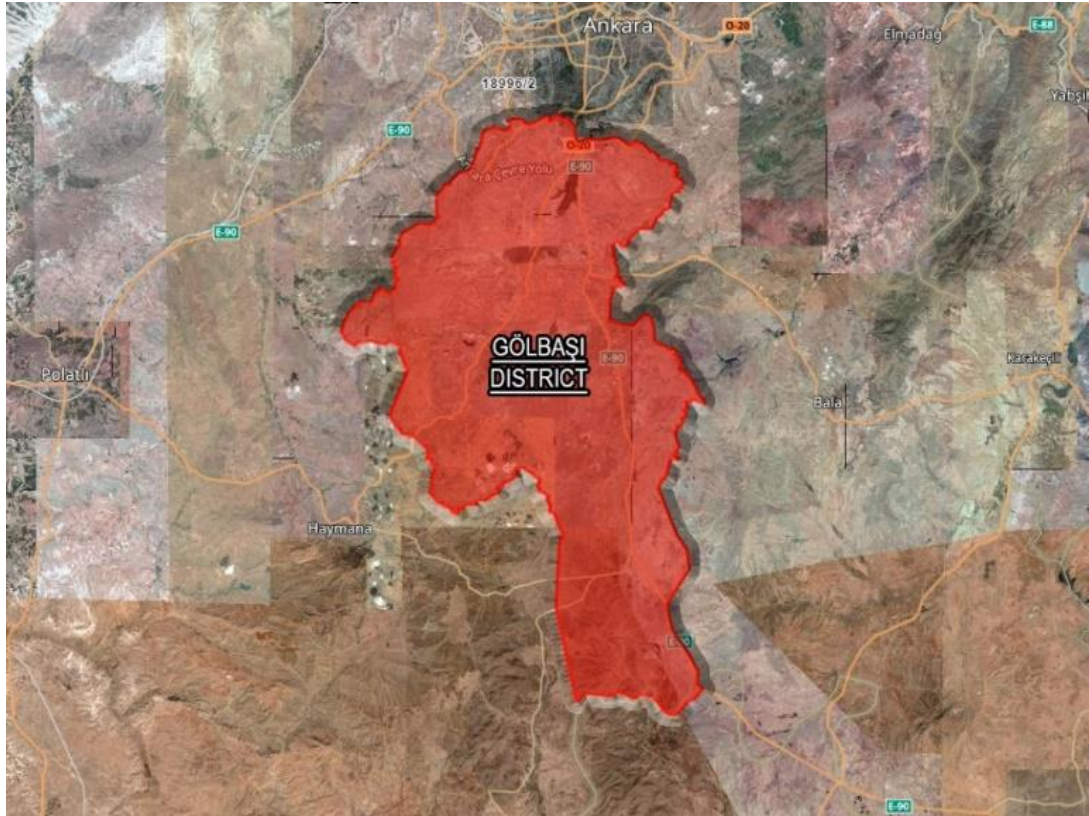


Figure 5.22 The Location of Gölbaşı

(Source: Adapted from Google Earth)

Konya-Ankara highway, which has an important role in the transportation system in Ankara, passes through the west of the district. This road connection connects the district to other parts of the city and so it is also essential to reach the district from other residential areas.



Figure 5.23 The Location of Planning Area in İncek-İmar

(Source: Adapted from Google Earth)

İncek-İmar neighborhood is located in the north of the district. The neighborhood is approximately 16 km away from the city center and it is one of the new settlements in the district. Due to the presence of the O-20 Ankara Peripheral Highway at the end of the neighborhood border, no intensive development is observed in there.

Existing Plans of the Area

The planning area located in the İncek-İmar neighborhood has all plans at the upper and lower scales. In the 1/100.000 scale environmental plan, the planning area is determined as a residential and planned Areas, while it is specified as a housing area with very low-density in the 1/25.000 scale master plan.

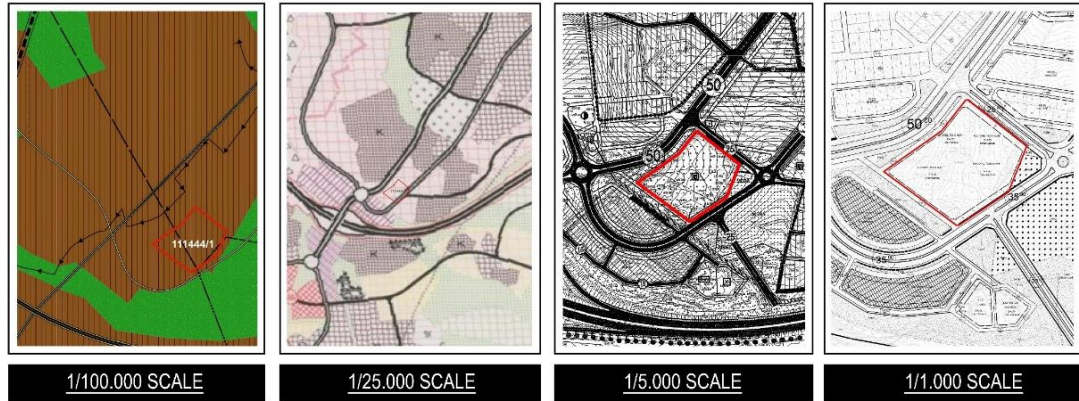


Figure 5.24 Existing Plans at All Scales for Public Land in İncek-İmar

In the 1/5.000 scale master plan, the public land is planned as a socio-cultural facility area. It is specialized as cultural facility area in 1/1.000 scale development plan.

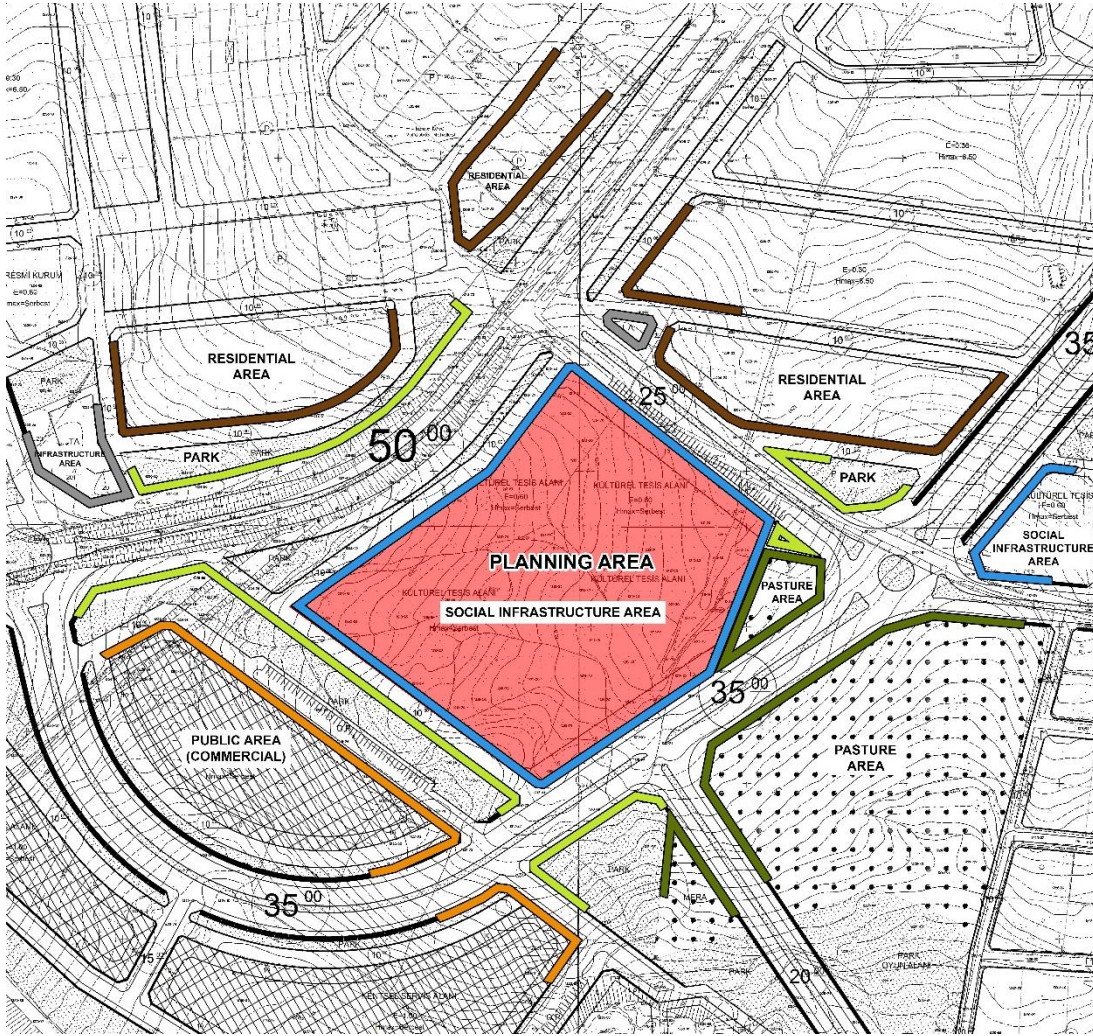


Figure 5.25 Existing Development Plan at 1/1.000 Scale for Public Land in İncek-İmar

Plans Prepared by the Administration

The plans for the land have been prepared by the Administration after it was included in the privatization program.

The Administration considered that this area is suitable for commercial and residential use, so the development plan modifications at 1/5.000 and 1/1.000 scales are prepared. No modification has been made in upper scale plans such as 1/100.000 and 1/25.000 scale due to the fact that the decisions to be planned are not contrary to the current plans' depictions.

The public land is planned to be in use of trading-housing area, green area, parking area and road in the development plan modification.



Figure 5.26 Proposed Development Plan for Public Land in İncek-İmar

According to the modifications prepared by the Administration, the construction conditions in the area where the trade and houses can take place are determined as buildings with maximum 2 storeys with 0.30 floor area ratio.

In these areas, the planning decisions are clarified in order to combine trade and housing land use. In other words, trading or housing use cannot be developed alone in the planning area. The distribution of the planning area with 44.260,00 m² land is given in the Table 7.

Table 5.5 The Area Distribution of Public Land in İncek-İmar

| LAND USE | AREA (m ²) | SHARE IN TOTAL AREA (%) |
|------------------|------------------------|-------------------------|
| Residential Area | 33.131,44 | 74,86 |
| Green Area | 5.709,63 | 12,90 |
| Parking Area | 2.382,73 | 5,38 |
| Road | 3.036,20 | 6,86 |
| TOTAL | 44.260,00 | 100,00 |

According to the data given above, it is seen that approximately 75% of the planning area is planned as commercial and residential area and 13% as green area. When the distribution of land use is examined, it is seen that approximately 25% of the area is reserved for public services.

Compliance with surrounding area

There is not any space in the planning area where trade and housing functions can be used together. It may be thought that the central location of the area will contribute to the development of commercial functions with the residential use. Therefore, the area was planned as both commercial and residential functions instead of creating only residential use on it.

When the construction conditions are examined, it is seen that the construction conditions in the area are suitable with the surrounding area. The presence of 2-storey houses in the surrounding area acts as an example of the construction of 2-storey buildings in the planning area. Therefore, it can be said that the silhouette of the buildings in the area was considered.

Effect on integrity of the plan

When the spatial areas in the urban area are evaluated, it is seen that a center with both social and commercial functions is planned in the middle of the area. The relationship of this center with the surrounding spatial areas is shown in Figure 34.

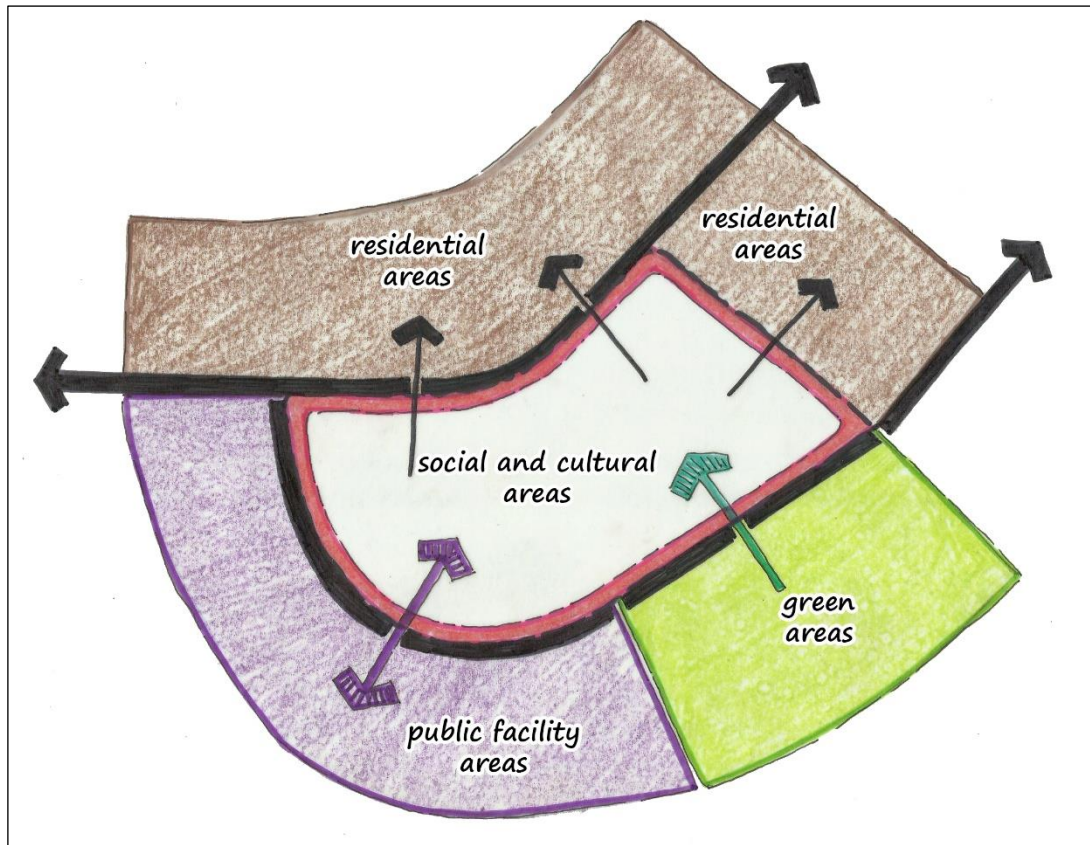


Figure 5.27 The Spatial Organization of the Planning Area in Incek-İmar

According to Figure 34, it is clear that the center is supported by the transportation network. This connection around the center facilitates access to the commercial area.

The residential areas to the north of the center can be considered as the private areas of spatial organization. Therefore, it is clear that the residential areas are located close to the center. The nearness of private and public spaces strengthens spatial organizations.

In addition, public and green areas are planned to support the center in the south of the central area. Therefore, it can be said that variety of spatial areas is provided in this urban area. The closeness of the areas with different functions increases the spatial organizations and strengthens the social relations. Furthermore, the connection of different functions with the transport network enables these areas to support each other.

The area to be privatized is located within the center. According to the decisions of the plan modification prepared by the Administration, there will be trade and housing functions in this area.

When the spatial organizations of the area are evaluated, it can be said that the development of housing in the area may reduce the publicity of the area. While the cultural facility area provides a completely public space for the citizens living there, the transformation of this area into commercial and residential use may create a semi-public area. Compared to the previous situation, the plan decisions will affect the spatial organization in the area. Therefore, the strong public area at the center of the spatial organizations will be eliminated by the plan decisions made by the Administration.

The question of public interest

Decisions are made with the modification of plan that will affect the social infrastructure projected in the existing urban plan. The existing social infrastructure area was removed, and new decisions were made in which trade and residential use were combined. Like in the case of Lodumu neighborhood, the Administration did not comply with the planning principles in social and technical infrastructure areas specified in the Regulation on Construction of Spatial Plans. Moreover, since this plan modification is on the basis of a land, and the area of planning is not large enough to ensure that all the principles are considered overall, same amount of social area removed by the Administration is not provided equally.

Table 5.6 Comparison Between Current and Proposed Plans for Public Land in İncek-İmar

| CURRENT PLANS | | MODIFIED PLANS | |
|------------------------|--------|-----------------------------|-------|
| RATIO | | RATIO | |
| Cultural Facility Area | 100,00 | Commercial+Residential Area | 74,86 |
| | | Green Area | 12,90 |
| | | Parking Area | 5,38 |
| | | Road | 6,86 |

Beyond the reduction of the social facility areas calculated according to the population projections of the former plan, an addition population is introduced with new plan decisions. Providing an equivalent area to a cultural area would be a supportive process for previous plan decisions. However, with the new plan decisions, increasing the population shows that there is a need for more space than the equivalent area. Therefore, even if an area equal to the social and cultural area that is being removed is planned in the new plan, this area will be insufficient due to newly added population.



Figure 5.28 Comparison Between Existing and Proposed Plans for Public Land in İncek-İmar

In summary, there are different opinions about the suitability of the plan modification prepared by the Administration in terms of the public interest. The lack of emphasis on urban service areas with planning studies shows that public interest is not taken into account. On the other hand, the fact that the area is not used as a cultural facility in the current situation and it is sold, in order to gain income, are economically profitable. The gain provided can be seen as a public interest. Therefore, whether this

area should be privatized and be sold in order to contribute to the economy or not, becomes a matter of debate.

5.2.1.1. Sıra, İzmir Case

The planning area is located in Sıra neighborhood, in Urla, İzmir.

Urla, in the west side of İzmir, is about 38 km away from the city center. The presence of the nearest beach of İzmir, Urla being one of them, increases the tourism potential of the district. Resorts, beaches and natural structures increase the interest for the area. In addition to this, preserving the historical identity of the district attracts tourists and channels the interest to the Aegean Region. Therefore, according to the data gathered in 2018, the population of the district, which is 66.360 people, increases considerably in the summer season.



Figure 5.29 The Location of Urla

(Source: Adapted from Google Earth)

In the middle part of the district, Sıra neighborhood is located near the Aegean Sea. There are 37 neighborhoods in the district, and Sıra is one of them. The neighborhood is bordered by the İzmir ring road and highway between Urla and İzmir. Having these important road connections increases the accessibility of the neighborhood.



Figure 5.30 The Location of Planning Area in Sıra

(Source: Adapted from Google Earth)

The planning area in Sıra neighborhood is very close to the sea. In its surrounding area, there are residential areas with low-density.

Existing Plans of the Area

The public land included in the privatization program has plans at all scales. The land is planned as a tourism facility area in 1/100.000 scale and 1/25.000 scale environmental plans.

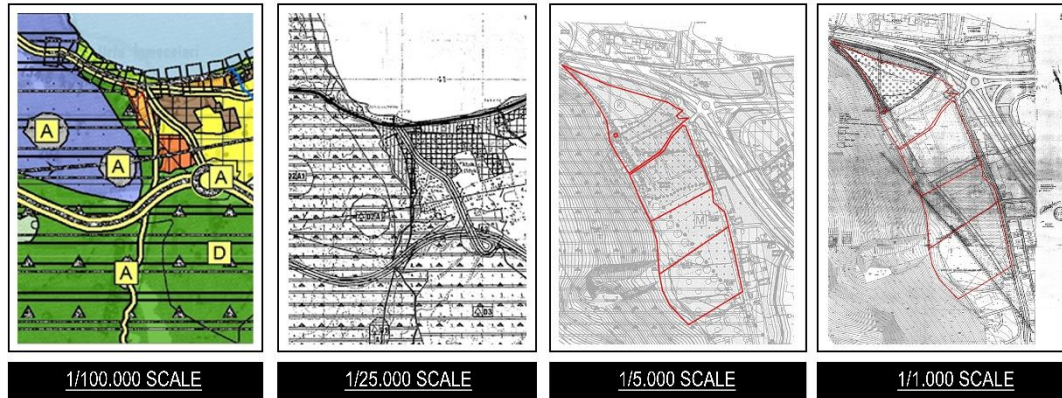


Figure 5.31 Existing Plans at All Scales for Public Land in Sıra

In lower-scale plans, it has reserved areas for thermal tourism activities, social facility centers, sports, and education.

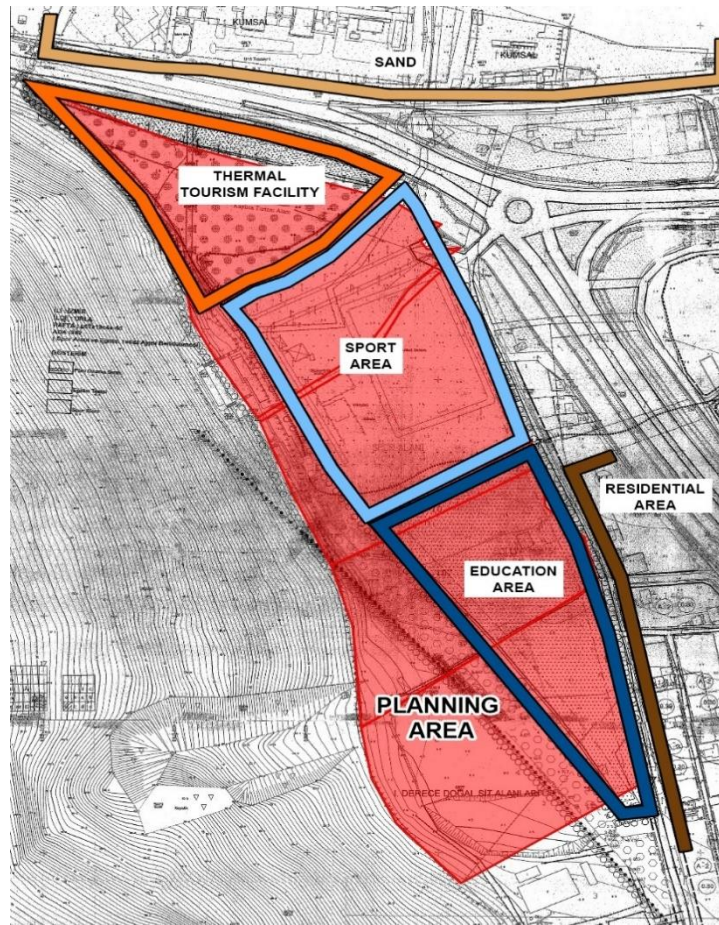


Figure 5.32 Existing Development Plan at 1/1.000 Scale for Public Land in Sira

Plans Prepared by the Administration

Considering the existing development plan, it is seen that 22,63% of planning area separated for thermal tourism facility, 47,42% for sports and 29,95% for education. According to these ratio, 77,37% of planning area is planned for public social areas, while 22,63% is considered as an area that can be privatized and sold. In order to sell the land at maximum ratio, the Administration carried out planning practices in this land and changed existing plans.

The Administration claim that plan modification is needed in order to use the land active and productive. It is important to have a rational reason for the change. So, it is controversial issue whether the Administration's reason for the change is rational or

not. However, the opinion about gaining less income from selling by existing conditions may guide the Administration to change plans. In other words, social areas planned in the public land cannot be sold, so the Administration may think that it must change the development plans. Therefore, economic approach in planning should not be resulted in changing development plans.

Because of the public land located in a district with tourism potential, the Administration planned it as tourism, commercial and residential area. Existing upper scale plans let only the development of tourism area in the land, the Administration prepared plans at all scales. So, 1/100.000 and 1/25.000 scale environmental plan modifications, and 1/5.000 and 1/1.000 scale development plan modifications are prepared by the Administration.

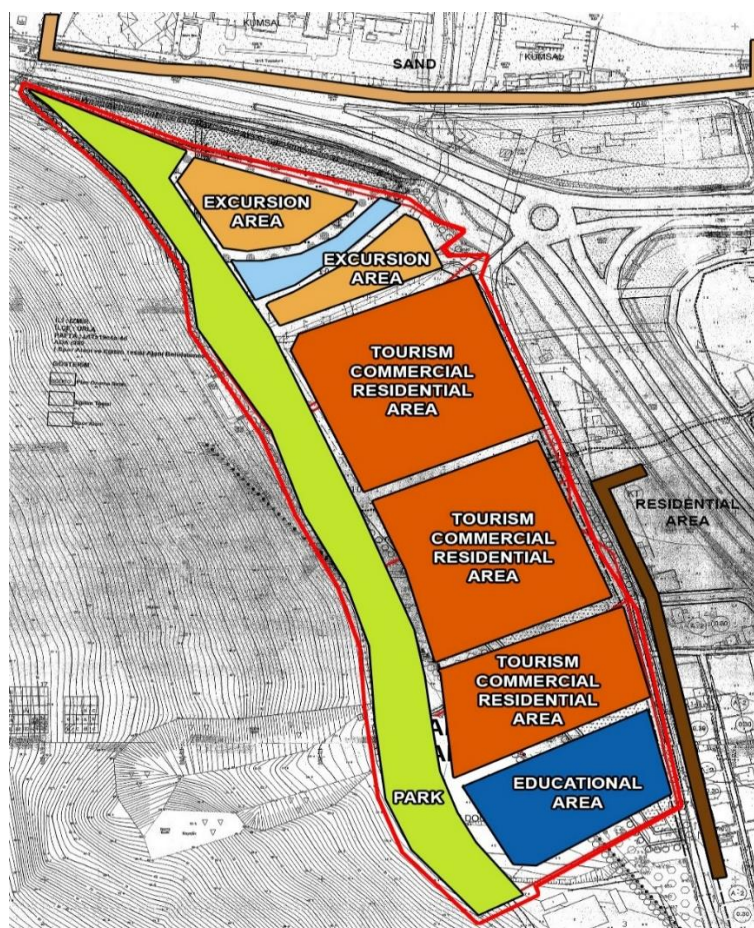


Figure 5.33 Proposed Development Plan for Public Land in Sira

According to plans prepared by the Administration, the land planned as areas for tourism, commercial, residential, excursion, education, green area and roads.

Due to close location to the sea, plan is prepared according to the Law on Coastal Area. It is stated in the law that facilities for excursion must be located in the area between coastal line and 50 meters distance. So, area in this distance designed as the excursion area.

Another area is planned as an area called 'TICTK' where tourism, commercial and residential buildings can be constructed but each one cannot be constructed with only one purpose alone. In other words, in this area, residential buildings may be constructed with also e.g. tourism function.

In this area, the construction conditions are specified as buildings with maximum 2 storeys with 0.40 floor area ratio. The distribution of the planning area is given in the Table 9.

Table 5.7 The Area Distribution of Public Land in Sıra

| LAND USE | AREA (m²) | SHARE IN TOTAL AREA (%) |
|---|-----------------------------|--------------------------------|
| Tourism+Commercial +Residential Area | 48.904,53 | 41,80 |
| Excursion Area | 9.710,82 | 8,30 |
| Education Area | 10.297,36 | 8,80 |
| Stream | 2.637,83 | 2,25 |
| Green Area | 23.856,59 | 20,39 |
| Road | 21.585,82 | 18,45 |
| <i>TOTAL</i> | <i>116.992,95</i> | <i>100,00</i> |

According to the data in the table, it is observed that 42% of planning area is planned as TICTK, 8% planned for excursion area, 9% for education area and 20% reserved for green area. So, half of the total area is separated for public facility zones.

Compliance with surrounding area

The fact that the area is close to the sea has caused tourism and daily facility areas to take place around it. In addition to tourism areas, there are residential areas with low density.

According to the plan decisions made by the Administration, tourism, trade and housing functions are suggested in the area. As in the other examples, plan decisions have been made in accordance with the current building conditions.

Effect on integrity of the plan

According to the integrity of the plan, the conceptual diagram showing the spatial organizations in this urban area is given in Figure 41. The sea located in the north of the area has highlighted the tourism potential of the area. The sandy areas around the sea have led to the creation of excursion areas and tourism areas nearby. Besides, tourism areas are surrounded by residential areas.

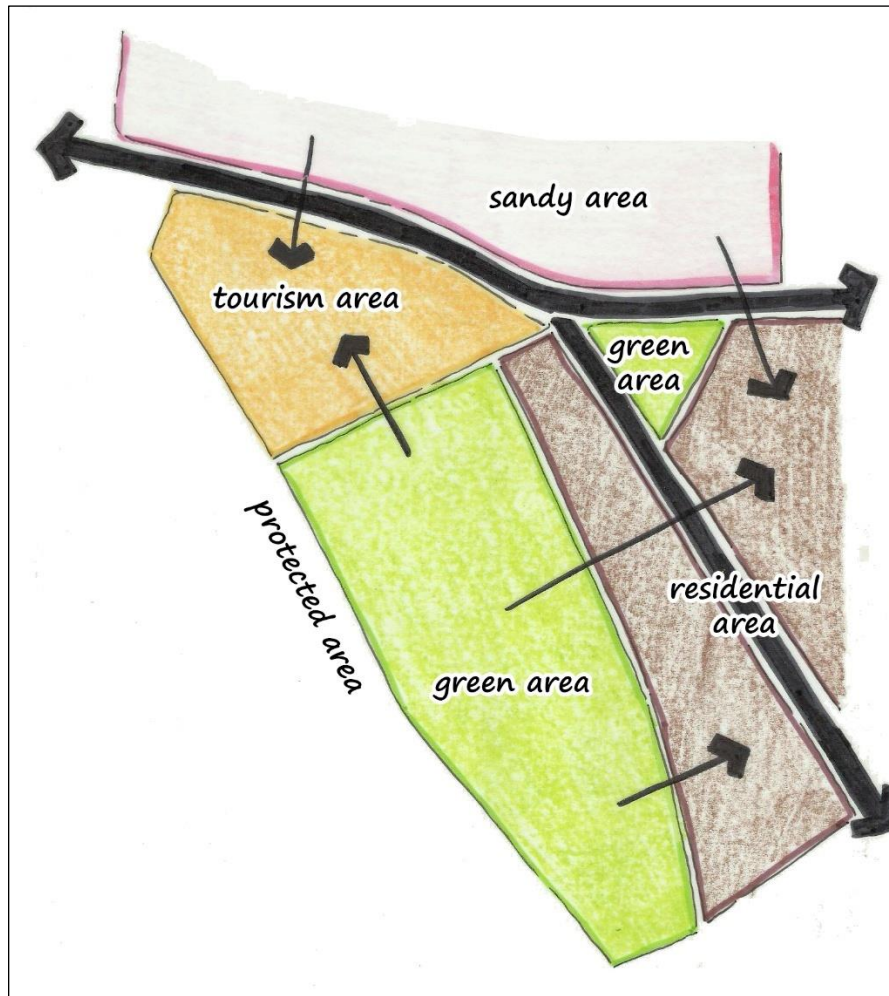


Figure 5.34 The Spatial Organization of the Planning Area in Sıra

Areas with different land use decisions are connected to each other by transport networks. The fact that there are natural protected areas in the area and not allowing construction in these areas created a need for restrictive land use in the area. Therefore, open and green spaces were created between the natural protected areas, tourism and housing areas in order to keep the urban development under control. These open areas are planned in order to serve both tourism and residential areas. The public relations in the area were increased with the sports facilities in the green area. In addition, the creation of different public spaces within the green areas enables efficient use of them.

In addition to tourism, green areas and sports areas, education areas that support social life are also included in spatial organizations. An education area has been located in a place where access to residential areas can be easy.

The area to be privatized includes tourism, education and green areas. According to decisions of the plan prepared by the Administration, this area has been turned into tourism, trade, housing, education and green areas.

Transforming the green area into tourism, residential and commercial areas affects the continuity of green areas negatively. In addition, when the buffer area between the protected area and the residential area is reduced, its restrictive feature may be disappeared.

Green areas and sport facility areas are somewhere people communicate with each other, socialize and form a common identity. Therefore, converting these areas to different land use reduces public relations in the urban area. The removal of the sport facility area in the plan affects the social structure in planning area.

In addition to these, it is clear that the newly planned tourism, residential and commercial areas will cause concentration in the existing transport network.

The question of public interest

The distribution of the area according to the former plan and proposed plan is given in the Table 10. Considering the data given, the percentage of social areas (77,37%) is reduced with the new plan. So, the Administration made a decision which affect public social areas negatively.

Table 5.8 Comparison Between Current and Proposed Plans for Public Land in Sıra

| CURRENT PLANS | | MODIFIED PLANS | |
|----------------------|-------|-------------------------------------|-------|
| RATIO | | RATIO | |
| Thermal Tourism Area | 22,63 | Commercial+Residential+Tourism Area | 41,80 |
| | | Excursion Area | 8,30 |
| Sport Area | 47,42 | Education Area | 8,80 |
| | | Stream | 2,25 |
| Education Area | 29,95 | Green Area | 20,39 |
| | | Road | 18,45 |

In addition to these, the reduction of life standards for the citizens, living in the surrounding area, shows that plan modifications are not prepared for public interest. Although plan modifications are created for their sale in order to gain more income which is evaluated as a practice for public service, decisions that result in a loss of life standards of the public should not be made.

In summary, the Administration evaluates construction conditions of the public land in terms of economy. In order to earn more money, plan modifications in Sıra neighborhood is prepared, and decisions affecting social areas are made. Consideration of the land separately also affects the integrity of the plan. Changing schematic upper scale plans is against to the plan hierarchy in order to make them coherence with lower scale plans.

5.2.1.1. Sürsürü, Elazığ Case

The planning area is located in Sürsürü neighborhood, in Elazığ.

The central district is the biggest district of Elazığ, and it is located in the center of the city. Roads connecting the city to other cities are passing through the central district. These roads also connect the central district to other ones.

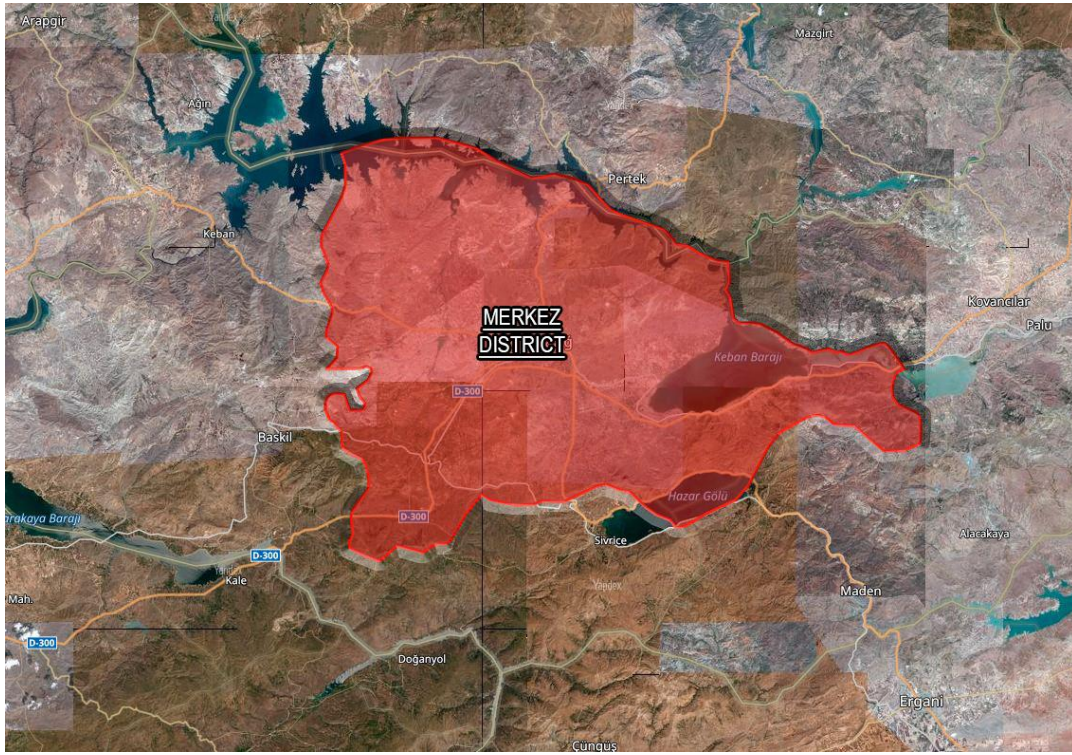


Figure 5.35 The Location of Central District of Elazığ

(Source: Adapted from Google Earth)

According to the data taken from Turkish Statistical Institute, the district's population is 421.726 people¹⁷². By considering the population of other districts, it is seen that central district is the most crowded one.

¹⁷² URL 13



Figure 5.36 The Location of Planning Area in Sürsürü

(Source: Adapted from Google Earth)

The neighborhood of Sürsürü is located in the southwest side of the district. Compared to the settlement in the district, settlement in the neighborhood is rather with low-density. Therefore, there are lots of empty land in the neighborhood.

Existing Plans of the Area

The planning area in the Sürsürü neighborhood has 1/100.000 scale environmental plan. In this plan, it is planned as an urban settlement area. However, there is no 1/25.000 scale environmental plan included this area. So, there is only one plan which guides lower-scale plans in the preparation process.

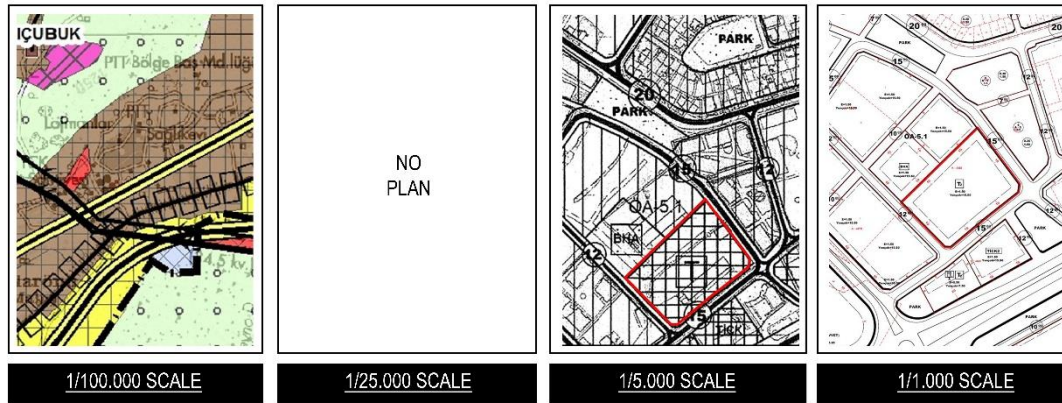


Figure 5.37 Existing Plans at All Scales for Public Land in Sürsürü

Development plans for the planning area at 1/5.000 and 1/1.000 scale was created by the Administration and they are approved by the High Council of Privatization in 2010.

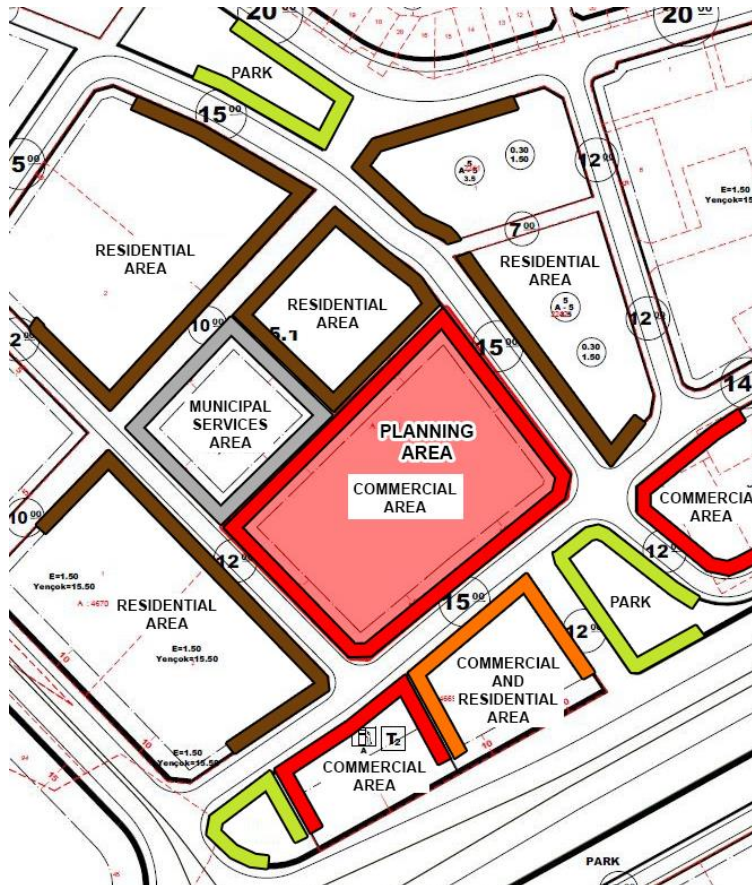


Figure 5.38 Existing Development Plan at 1/1,000 Scale for Public Land in Sürsürü

The land was planned as a commercial area. After that, Elazığ Municipality prepared an overall plan for the central district in 2016 and did not change plan decisions made by the Administration.

Plans Prepared by the Administration

After taking this public land in the privatization program again, plan practices were made by the Administration. Due to the development of residential areas in the surrounding area, the Administration wanted to change plans which were prepared in accordance with its own opinion. Therefore, development plan modifications at 1/5.000 and 1/1.000 scale are prepared.

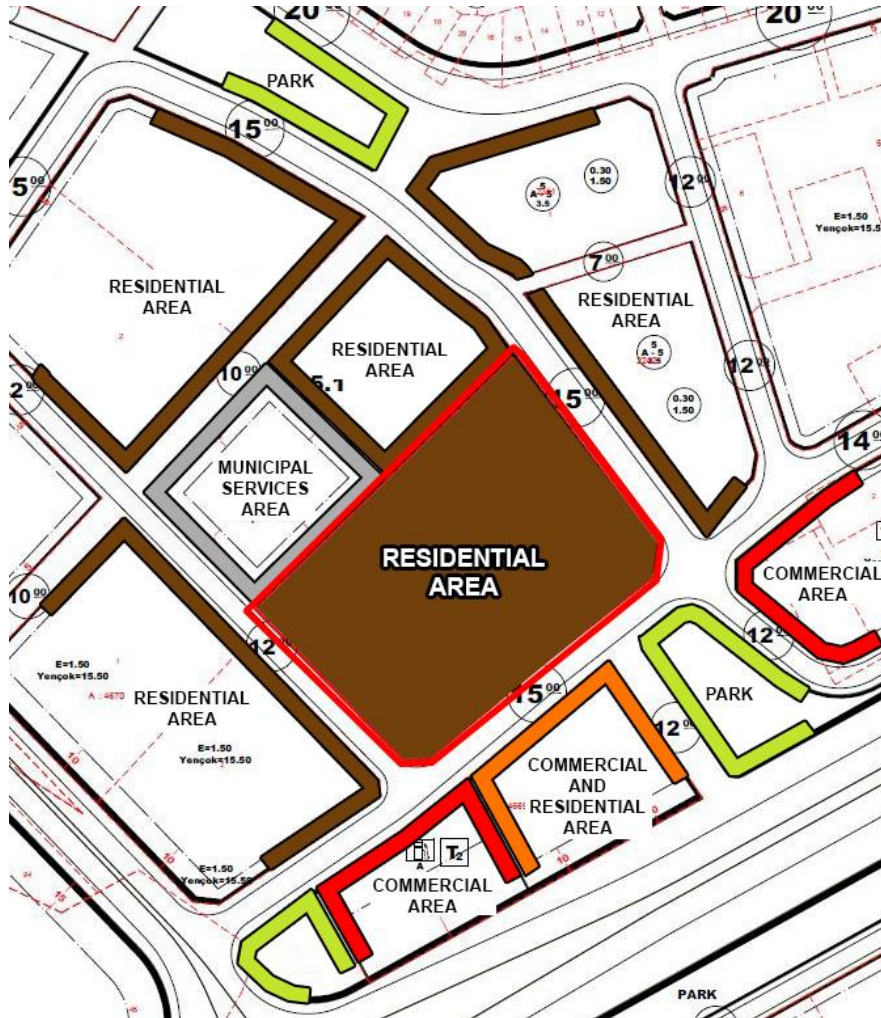


Figure 5.39 Proposed Development Plan for Public Land in Sürsürü

According to the plan modifications prepared by the Administration, the public land is all reserved for residential use. Distribution of the area is given in the Table 11.

Table 5.9 The Area Distribution of Public Land in Sürsürü

| LAND USE | AREA (m²) | SHARE IN TOTAL AREA (%) |
|---------------------|-----------------------------|--------------------------------|
| Residential Area | 10.526,64 | 100,00 |
| <i>TOTAL</i> | <i>10.526,64</i> | <i>100,00</i> |

Compliance with surrounding area

According to the prepared plans, the construction conditions are specified as buildings with maximum 5 storeys with 1.50 floor area ratio. These building conditions are compatible with the surrounding residential areas.

When the plan decisions and construction conditions are considered together, there are approximately 15.800 m² construction area. According to this construction area, the number of 6-storey buildings with 350 m² floor area can be eight. Assuming 3 flats on one floor, 144 flats can be constructed in the area in total. Therefore, considering the family size¹⁷³ is 4 people on the average, 576 people can live in buildings. In other words, there will be an addition population of 60 people in the planning area.

According to the plan decisions, social and infrastructural areas must be provided for the population, added with plan modifications. Required social areas for each person whose standards determined in the Regulation on Construction of Spatial Plans must be planned in order to satisfy the need for them. According to the fact that 10 m² green areas must be supplied for one person, there is a need of 5760 m² green spaces for new population.

In plan decisions, there is not any social area including a green area. Therefore, added population will meet their need of social area from the surrounding ones. So, this

¹⁷³ URL 13

situation increases the density of them and lowers the living standards in the area. In other words, plan modifications must be done for the increase in the living standards. But these modifications made by the Administration is not suitable for this opinion. Therefore, it can be said that development plan modifications made by the Administration are against to the Regulation on Construction of Spatial Plans.

Effect on integrity of the plan

The spatial organizations in the area are shown in Figure 47. According to the figure, it is seen that there are commercial functions around the important transportation connections. These trade areas meet the daily needs of people living in this area. Therefore, the closeness of these areas to residential areas is important matter for this area.

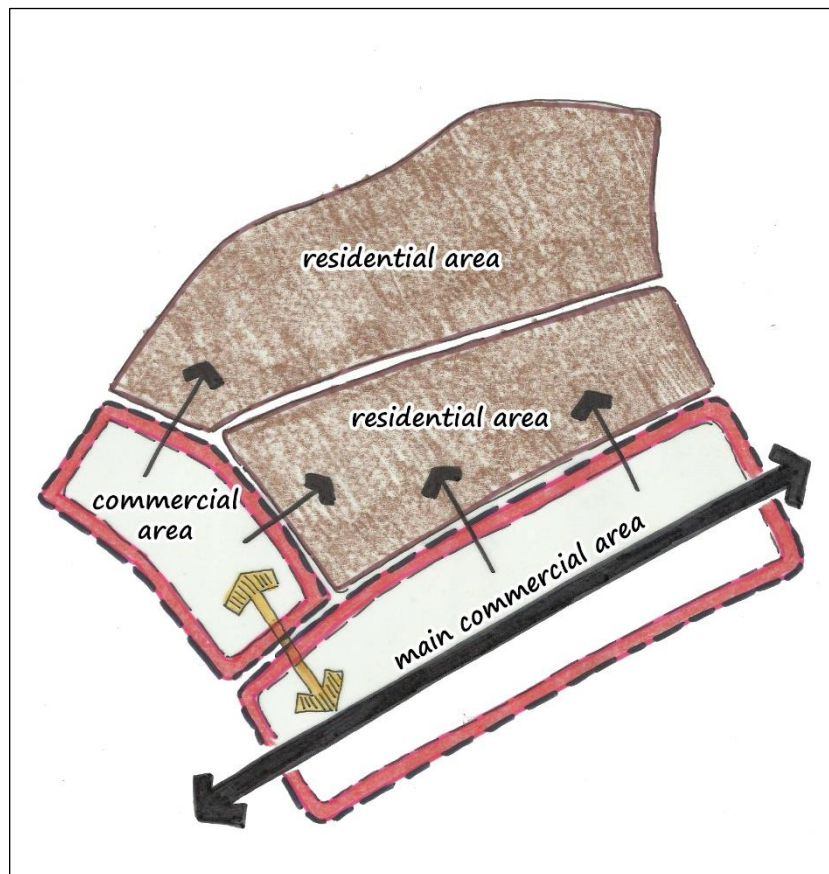


Figure 5.40 The Spatial Organization of the Planning Area in Sürsürü

When the trade corridor is examined in detail, it is seen that the function shows continuity in north-south and east-west directions. This situation shows that commercial functions have been created in such a way as to meet the demand of the citizens and to be accessed easily from the residential areas. Therefore, these public spaces where commercial functions play a role as the attraction area in the planning area.

The land included into the privatization program is located at the intersection of commercial functions. According to the plan decision, this area has been changed as a housing area. Replacing the commercial function with the housing will affect the continuity of the commercial corridor in a negative way. It can be said that converting a public area into a private one can also reduce social quality in the space.

The question of public interest

In order to contribute to the economy, the sales of the public land may be evaluated as a situation for public interest. However, lowering life standards with new plan decisions is not for the public weal. There is no way to find out an answer for creating balance between contribution to the economy and provision of living standards.

5.3. Evaluation of Case Studies

The main purpose of planning is to create more healthy and livable cities. Due to changing conditions in market trend, public lands become important assets in urban development, to create healthy urban centers, and to subsidize the urban development. In other words, despite of market trends, public lands play an important role in the progress of urban development.

While planning authority in public lands belongs to the local and central administrations, this authority is given to the Administration according to the Development Law and the Law on Privatization. Therefore, planning authority in a public land, included in the privatization program, belongs to the Administration. So, this situation brings the concept of privatization and planning together.

The planning authority of the Administration is criticized in terms of some perspectives. Some of them are to be inconvenient with principles of plan integrity and plan hierarchy, to be against public interest, and to adopt the idea of profit-oriented approach rather than public welfare.

These reviews mentioned above are examined by evaluation of plan and plan modifications prepared by the Administration for different cities in Turkey.

Firstly, planning authority of the Administration is not limited in terms of scale with respected laws and regulations. Therefore, the Administration can prepare a plan at all scales. Although upper scale plans must be a guide to the lower scale ones, the Administration approaches the concept of plan hierarchy from a different point. Like the example of Urla-İzmir, when upper scale plans being not suitable for the development plans, the Administration changes the upper scale ones in accordance with decisions of development plans. Because of considering environmental plans with their schematic drawings, an environmental plan modification at 1/100.000 scale for a public land with 10 hectares coverage area which is planned as a residential area in the development plan is meaningless.

Secondly, privatization activities of public lands and planning decrease the amount of public areas. Privatization activities' main goal is stated in the first paragraph of the Law on Privatization. According to this purpose, public lands are privatized for public interest. However, the sales of them cause different and unpredictable effects on settlement areas, regarding life standards.

Due to the fact that social areas are provided for free to everyone, ownership of public lands gains importance. So, lands whose ownership belongs to the public are mostly planned as a social and infrastructural area. Therefore, it is observed that public lands included in the privatization program are social and technical infrastructure areas in current development plans.

In implementation process, social and technical infrastructure areas are given to related institutions without any charge. Due to free transfer of these areas, their land

use decisions are changed in order to earn more money from their sales. These practices are carried out by the Administration.

Areas gained from the regulatory share and all public lands are planned as areas for social and infrastructural facilities. Changing land use decision of these lands with other urban functions reduces the existence of the lands used for social activities, required and needed by the citizens. Therefore, the decrease of social areas ends up lowering the life standards in the settlement.

Plans and plan modifications should provide high standards of living in accordance with conditions of urban development. In preparation process, this principle is secured with related laws and regulations. Principles for social and technical infrastructure areas are especially made clear in the Regulation on Construction of Spatial Plans. According to the regulation, changes, affecting social areas negatively, must not be made. Considering this statement, the Administration carries out plan practices against the regulations.

Together with reduction in social and technical infrastructure areas, the Administration adds some population to the area due to its plan decisions. By decreasing existing social areas and increasing the need for social and technical infrastructure areas makes life standards fairly low. Considering plan modifications, as an attempt to increase standards of living, the Administration creates some problems instead of solving the existing ones. Moreover, it shows that planning at only one land affects the plan integrity negatively. So, plans should be determined as an overall situation and the outcomes should not only affect the region but also the future conditions of the city.

Negative effects on social and technical infrastructure areas raise an issue on public interest. However, it is not certain that plans prepared by the Administration are against the public interest due to the fact that public lands are sold to gain income for public welfare. While some thinks that the Administration does not provide public

interest in terms of planning, the others defend the Administration's belief in a way that privatization activities are carried out for public welfare¹⁷⁴.

According to the evaluation of case studies, the Administration changes land use decisions of social lands in order to earn income from the sales of them. In this situation, it is seen that the main goal of the Administration is to gain maximum profit by selling public lands. New land uses and construction conditions determined by new plans and modifications, prepared by the Administration, may increase the market value of the public land. This explains that the Administration is using its planning authority to adopt a profit-oriented approach instead of giving importance to the public welfare.

Approved plans let reducing the trust for planning institutions and creating the loss of identity of city and society. Moreover, they also create low-quality places and buildings. So, the concepts of public, planning and public interest lose their meanings. Therefore, land use decisions and construction conditions of idle areas should be examined in accordance with the future need of all citizens. In this way, the physical effects of privatization on the settlement are decreased. The fact that giving thought to future possibilities and the chances of unpredictable complications coming up to the surface also helps reducing the costs, thus, saving the budget for more public services.

In summary, the Administration's profit-oriented planning approach is not consistent with the urbanism principles and planning rules.

Together with these, the Administration carries out plan studies against legal framework in some respects. Firstly, it is important to make the development plan modifications in the case of certain conditions. However, reasons determined by the Administration is not enough for changing plans. Secondly, plan modifications prepared by the Administration in social and technical infrastructure areas are not consistent with planning principles. According to the Regulation on Construction of

¹⁷⁴ Öztürk, 2007

Spatial Plans, social and technical infrastructure areas should not be removed, minimized or replaced. If this is done, an equivalent area should be specified in the plan modification. It is not possible to allocate an equivalent area instead of the removed social and cultural facility area because the modification is made for just one parcel by the Administration. Thirdly, land use decision of plans and plan modifications prepared by the Administration contribute to the economy, while it affects the quality of life of the people living in planning area and surroundings. So, it is not possible to make a clear judgement about plans and plan modifications prepared by the Administration is suitable for the public interest. Lastly, the Administration prepares a plan and plan modification for one parcel. Considering only one land may affect spatial organization of the whole area in a negative way. In other words, the change in land use of a small area can have a major impact on the integrity of the plan.

According to the evaluation of negative and positive outputs mentioned above, some suggestions are given below.

- As emphasized in the Regulation on Construction of Spatial Plans, reason for plan modification should be rational. In order to change development plans in the case of certain conditions, the mechanism for controlling modifications is needed.
- The process of preparation of development plans and plan modifications requires compliance with the urban principles. So, new development plans and plan modifications should be prepared in accordance with the principles by increasing the living standards of the people living there.
- Planning authority should be used to provide the best services for everyone and to serve the public interest.
- It should be provided that public lands are used for creating healthy settlements. Plan modifications in public lands planned as a social and technical infrastructure area according to the plan integrity should be avoided. If the Administration makes a modification in these areas, other institutions should make up for this shortage. Therefore, it is essential that there should be

effective communication and coordination among institutions holding planning authority.

CHAPTER 6

CONCLUSION

Urban planning is an action to determine physical and geographical structure such as the soil structure and form of settlement area, social and economic characteristics such as the population, source of income, transportation, housing considered together with all the conditions of surrounding area, and to forecast their future orientations, and to provide urban services according to these assumptions. The main goal of urban planning is to increase the quality of urban life by controlling the growth of the city¹⁷⁵.

The legal framework of planning system in Turkey is determined in order to supply living areas with high standards. The base of the system is clarified by the Development Law. Moreover, in order to make implementation process easier, some related laws and regulations are also enacted. Basic principles, plan hierarchy, institutions and organizations holding planning authority, process of preparation and approval of development plans are specified by this legal framework.

The urban planning system determined by the legal framework is detailed with some special laws. According to these laws, together with the Ministry of Environment and Urbanism and municipalities, planning authority is given to some other institutions and organizations such as Ministry of Culture and Tourism, Industry and The Administration. In other words, while the general frame of planning authorization is being determined by the Development Law, this authority is expanded by special laws. So, there are a lot of institutions and organizations with planning authority.

¹⁷⁵ Sezen, 1999: 15-16

The institutional variety in planning brings complicated legislations together. Complicated legislation results in conflict of authority in terms of urban planning. In other words, there may be conflict among institutions in terms of urban planning.

Different institutions with planning authority at different scales create serious problems in plans. In this thesis, the Administration's planning authority given by the Law on Privatization (Law No. 4046) is evaluated in order to determine the result of the institutional variety in planning system in Turkey.

The Administration has the planning authority to prepare new development plans and plan modifications for the land owned by the institutions involved in the privatization program. In other words, the Administration prepares a plan only for areas included in the privatization program due to its authority. So, it can be said that preparing a plan only for public land causes partial planning approach.

Due to the fact that institutions like the Administration create plans for their own responsibility area without considering other plans at different scales, all act independently in the process of preparation and implementation.

A comprehensive law specifying the process of coordination and participation is needed. In particular, different legal texts on the same issue should not contain different institutions with planning authority. Therefore, authorization determined by the Development Law and other special laws should be defined explicitly.

A management model for areas with special status quo should be formed in order to coordinate different institutions, to define authorities completely, and to create plans with integrity. The consistency, operability, productivity and intelligibility should be main concerns for the coordination.

Together with confusion of planning authority, another issue is that plan modifications affect the integrity of plan negatively. While changing plans in order to keep up with new conditions and requirement, it is needed to pay attention to some planning principles. These principles include some guidelines such as protecting the integrity

and continuity of plans, and not affecting plans' main decisions. Even though changing socio-economic conditions and problems in implementation require a change in plans, plan modifications are used for different purposes.

Institutions can use their planning authority in their responsibility area. Due to holding authority for different areas, plan modifications are made with partial approach. Requirements and conditions of urban cannot be satisfied. So, partial modifications, made by different institutions, affect all plan decisions and the integrity of plan negatively.

Even though the institutions think that they do not damage development plans, partial plan modifications -especially modifications made on parcel basis- cause the decrease of life standards in the urban area and the destruction of urban patterns.

Considering plan modifications in a profit-oriented planning approach creates some debates about public welfare. It can be said that institutions with economic interest is far away from a planning approach for protection of interest of public and society.

In order to maintain the integrity of plans, and to provide expected benefits, development plans should be changed in accordance with planning principles determined in the Development Law and related regulations by all institutions and organizations without any exceptions. Otherwise, the decrease in the number of public areas and the increase in density of settlement are some consequences. These result in urban areas with low quality buildings and abominations in terms of principles and standards defined by legislation.

In case of a need for modification, development plans should be changed through providing measures determined by the Ministry of Environment and Urbanism. If there is a need for changing development plans, integrated plans should be made in accordance with data obtained from new development conditions.

Together with creating a new method for planning, administrative audit committee should be also established like the judgmental audit. Moreover, it will be beneficial to

set some policies on punishment in order to prevent acting against public interest and to stop creating income from urban rent for particular people or groups belonging to the ‘inner circle.’

In summary, approved and changed plans by different institutions let reducing the trust for the concept of urban planning. In order to change this perception, to provide healthy and livable settlements for citizens, and to be the beacon of public welfare, principles and authorities for planning should be determined in a proper manner. In addition to this, there should be coordination between institutions and organizations with planning authority. Therefore, it is essential that effective communication and coordination among institutions holding planning authority is needed.

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