

## A Land Development Conflict in Turkey: The Role of Planning in Regulating the Process

### **1. Introduction**

Land development process of Inciralti district demonstrates an example through which the logic of and conflicts in urban policy-making in Turkey can be observed. Inciralti experienced a long and complicated process of land development; however, the issue has not been resolved yet. For almost 30 years, public authorities and its residents developed proposals for the future development of district, but in different ways. The issue has gained more importance in recent years parallel to the city visioning and marketing attempts of the city authority and intentions of the investors for large-scale projects.

The current Planning Law (no: 3194) which regulates planning studies and urban development is based on a rational comprehensive approach. It neither mandates nor restricts participatory approaches. It only obligates announcement of the plans for one month for revision demands before approval. Due to recent developments in Turkish planning practice, the emphasis started to shift from comprehensive approach towards strategic approach through additional laws and regulations. Two of the regulatory arrangements related with the subject of the paper are the Metropolitan Municipalities Law (no: 5216) and the Regulation for Preparation of the Conservation Plans. Metropolitan Municipalities Law adopted in 2004 revised the definition, responsibilities and boundaries of the metropolitan municipalities. By the law, the municipalities are obligated to prepare their strategic plans within one year and to hold public hearings. Regulation for Preparation of the Conservation Plans adopted in 2005 mandates the planning authority to hold at least two public hearings inviting representatives of all related institutions, NGOs and the public.

The new regulatory arrangements provide new methods for planning. The paper evaluates the current and potential impacts of these new methods for resolving the conflicts and failures in the planning process.

### **2. Inciralti District: Opportunities and Threats**

#### **2.1. Site Characteristics and Urban Connections**

Inciralti district is located 5 km distance to "the center" of the city of Izmir and surrounded by Izmir bay from north, a marine and a ferryboat port from northeast, Izmir - Cesme highway from south. It has an easy access to the airport through bypass road. Additionally construction of the metro connection is about to be completed on the southeast. Thus, it is an important node providing easy access to other parts of the city and country through all modes of transportation. On the opposite side of the highway, locate good quality residential districts, shopping malls, university buildings and one of the biggest hospitals of Turkey. Its natural setting between the sea and the forest enriches the value and perceptibility of the site.

The site covers approximately 620 hectare of land composed of agricultural and urban uses, marshland and filled area. 470 hectare of the site is private land. In terms of soil characteristics, the site is first grade agricultural soil mostly covered with flower, vegetable greenhouses and other agricultural uses. The bay side of the site is a natural fishing weir. It accommodates numerous kinds of migrating birds. Claiming that it will became a swamp the weir was filled partly during 1990s but in 2000s, filling works was abandoned. Like most parts of the city, the site is a first grade earthquake zone. The region is rich of thermal resources. Close to the site exist thermal springs (Agememnon springs, dates back to ancient times). Thermal water flows towards Inciralti district and Izmir Bay. Beside recreational and health

purposes at present thermal water is used for heating in Inciralti – Balçova – Narlıdere districts.



Inciralti District in Metropolitan City of Izmir

source: Google Earth

Because of those features, the district has a high potential to attract various kinds of urban land uses and investments. The site provides many opportunities to promote development followed by high profits. However, to promote development on the site may have the risk of losing many of its potentials.

## **2.2. Social Structure**

Located on the Aegean coast the surroundings of Izmir accommodate numerous natural and historical sites for recreation. However, inside the central city Inciralti is one of the rare recreational areas that serve to the whole city. Therefore, beside its residents certain parts of the district are widely used by the public. In terms of the residents, there are two main groups. Residents of the first group are the landowners who have been living there for long and occupying agriculture; the second group is composed of relatively new residents who mostly preferred to reside in Inciralti with the aim to live in a big single-family house with a wide garden in a low-density district. The characteristics and expectations of these three groups are quite different from each other. Excluding the exceptions, only the first group of residents (landowners) is active participants in the development process of Inciralti district.

## **3. Planning and Development Process**

Rather than a comprehensive approach, since 1930s Inciralti district and surroundings have been developed through individual interventions and partial planning efforts. Particularly for the last 45 years, initial attempts came from public sector for large-scale public buildings or transportation structures.

Since 1960s due to increasing level of bor mineral in underground water used for irrigation, agricultural productivity and therefore profits started to drop. To overcome the problem the local government proposed to construct an irrigation dam close to the site. Construction of the dam was completed early in 1970s. However, due to rapid urbanization, the land between Inciralti and the dam started to be developed as urban neighborhoods -legal or illegal and the local authority decided to use the water for the emerging neighborhoods. Other important developments of 1960s were the constructions of a thermal resort next to Agamemnon Thermal Springs and the dormitories built for the 1971 Mediterranean Games. Construction of the hospital followed these developments in 1970s. Neo-liberal policies of 1980s accelerated the development pressures in Inciralti and surroundings. A radical decision came from central government and further promoted development of the whole region was the construction of Izmir-Cesme highway. All these public buildings and structures were constructed on the land mostly acquired through expropriation.

The first comprehensive master plan of Izmir approved in 1973 considered the site as a recreational area. In 1989 the master plan (scale: 1/25000) was revised including the changes proposed by larger scale master plans (scale: 1/5000) and implementation plans (scale: 1/1000). The revision had proposed touristic uses and sports activity areas for Inciralti district. They proposed to expand the site by filling the weir completely except for a small area where a marina would be constructed.

Two years after the approval of the master plan revision, in 1991 most of the site was registered as tourism center zone. Based on that decision the ministries of Public Works and Tourism had completed preparation of the master plans in 1994 and implementation plans in 1995. As the public authorities were willing to host an expo organization in Izmir in the following years, the plans proposed a fair and recreation area for Inciralti district. However, the landowners were not satisfied with the plan decisions thinking that their land would be expropriated at a price below its market value and they would not be paid soon. They had this belief because of their previous experience during highway construction.

Parallel with the planning efforts the same year professional organizations hold a symposium on Inciralti and Narlidere districts to discuss the problems and expectations of the districts' residents. Various professionals, experts, academics, city administrators, political party representatives, landowners and residents participated in the meeting, presented and discussed their opinions on the districts. Many of them accepted that the site had lost its agricultural value and another type of use had to be proposed, but each party offered a different solution. (see sections 4.1 and 4.2)

Following the meeting the issue was discussed in city commissions several times and the commission accepted to develop the district for urban uses. The press announced the decision with the slogan "Izmir is losing its last green area". The decision was criticized and objected by the public and NGOs.

In 1996, development permission was given for the construction of a hotel and shopping mall complex on the waterfront of the site. The building obtained the permission because of a partial plan revision at one spot of the district. The approach and demands of the landowners changed pretty much by the construction of the building. The building sets an example for the residents to demand high development rights.



Hotel and shopping mall complex in Inciralti      photograph by melagoz, www.panoramio.com

In the following years, metropolitan municipality reconsidered the issue in planning commissions and decided again to open the district to urban uses including residential use. Although not finalized as an official plan, the decisions of the planning commission were highly criticized by different parties, particularly NGOs and in 1999 due to its natural characteristics and to restrict the undesirable developments the entire district was registered as first grade conservation zone by the conservation council of the Ministry of Culture. Private property owners of the district objected to that decision and brought the issue to the court. The court accepted their opposition and in 2002, the conservation zone was degraded partially. While the waterfront was considered as the first grade again, inner areas and the land close to highway was second and third grades. Both this change and construction of the hotel – shopping mall complex promoted the development demands, as it was possible any longer to allocate the land for urban uses such as hotels or residences with restricted building rights.

In 2005, metropolitan municipality started to revise its master plan in accordance with its strategic plan. Within this context in 2006, the municipality held a two days public hearing for Inciralti part of the plan. The municipality announced the meetings with the heading “we are planning the future of Inciralti together”. (see sections 4.1 and 4.2) The plan finalized in 2007 and considered Inciralti district as agricultural land and recreational area. As defined by the regulations metropolitan municipality together with the Ministry of Public Works would prepare detailed the master plans in compliance with the comprehensive master plan. Following these efforts, district municipalities would prepare the implementation plans together with the Ministry of Tourism and Culture as the district was partly registered as a tourism zone.

It was a period when the public authorities were searching for a site for an expo organization, as the city was a candidate for Expo 2015. Various groups from both public and private sectors considered Inciralti as the most appropriate place for expo use. In fact, many of them had to be familiar with the issue, as the same decision existed in 1994 plan. Even though it was not officially accepted or announced yet, the Ministry of Tourism and Culture started to prepare a draft plan for the site without waiting the completion of the master plans.

In March 2007, planning authority of the ministry held two public hearings and presented the draft plan. In terms of land uses the plan proposed touristic, residential and commercial uses and recreational and green areas. While most of the landowners seemed to be satisfied with the presentation due to proposed land uses and the planning authorities’ approach for the search of a consensus among different groups, some others were disappointed as they were expecting a more detailed presentation and asked several questions for the details but got no

response. More importantly, it was a surprise for most of the participants, as it said nothing about the expo project. The director of the planning authority mentioned that unless the government informed them officially about the expo site they would not be able to consider that use in the plan. (see sections 4.1 and 4.2)

In two months following the meetings, they completed preparation of their plan. In addition to the uses presented in the meetings, the plan included an expo site on public property and planned the private land in compliance with the regulations of second and third grade conservation zones. It was a conditional proposal as allocation of the land for fair use would be possible only in the case that Izmir would host Expo 2015.



Inciralti district

source: Google Earth

#### **4. Evaluation: Analysis of the Process**

Analysis of the process and the meetings will help to clarify the conflicts among different actors and failures faced in planning process.

##### **4.1. Analysis of the Public Meetings**

To provide a co-productive atmosphere, professional organizations and later due to regulatory obligation public authorities held three groups of meetings regarding Inciralti district:

- I. Inciralti – Narlidere Symposium: 14.01.1995

II. Public Hearings for Master Plan of Metropolitan City of Izmir, 09.11.2006 - 12.11.2006

III. Public Hearings for Inciralti Conservation Plan, 13.03.2007 - 20.03.2007

The common points and the differences of the meetings can be analyzed to understand their contribution to the process and to observe how the participants' approaches evolved throughout the process:

- Almost all related parties are participated in the meetings individually or by representatives of their organizations or institutions. Nevertheless, the public not affected directly by development of the district did neither participate nor speak in the meetings.
- The participants were ambitious to express their opinions, problems or demands and get informed about the related issues. They were informed much more about the natural and social characteristics of the site, legal aspects of the issue and planning principles.
- From the first meeting to the last one the parties in the process became more organized and clarified about their own positions, intentions and requests. They participated in the meetings better prepared with written documents, presentations, even with plan proposals. They developed various decisions that might be considered during preparation of the plan. However, those proposals were not discussed in the meetings.
- Planning authorities of both of the plans followed a similar approach during the meetings; after explaining the plan briefly, they reported the comments and demands and answered the questions of the participants.

The meetings could not provide a communicative stage where people communicate and discuss with each other. There was no sign of an intention for a co-productive work and a search for consensus building among different parties. Particularly the landowners considered the parties who did not share their opinions as the opposite side and were strongly and impolitely reactive against them. However, it does not mean that meetings were useless. Indeed, they were useful, as they provided an informative atmosphere where people were informed both about various characteristics of the site, different aspects of the planning process and more importantly about the actors' position, intentions and demands. The meetings were useful also as they helped to observe the source of conflicts and failures. Thus, the meetings had the potential to provide useful inputs both to be considered in preparation of the plans and clues to help to eliminate the obstacles based on conflicts and deficiencies.

#### **4.2. Conflicts among the Actors**

In early discussions in 1990s, two groups of actors who were either in favor of the development of the district or against it were in conflict. While claims of some groups' persistently remained the same from the beginning up to day, some of the others' changed slightly. They do not only express their opinions but also brought proposals, sometimes even draft plans. The opinions of these actors are observed through public meetings and from the press. Actors are grouped according to the opinions they advocate in the follows:

I. The group who are against the development:

- a. Members of professional organizations and academics: Considering natural values of the site, this group of actors bases their claims on scientific and technical analysis. Each actor in the group make comments within the limits of his/her field of study: While agricultural engineers emphasize the soil characteristics, geology engineers stress the land capability. Particularly

agricultural engineers object to the claims of decreasing agricultural quality accepting local problems that can be treated, but rejecting the comments regarding the entire site.

- b. Conservation council strongly rejects urban development on the site. However in practice while in the beginning they registered the site as first grade conservation zone then converted some parts to second and third grades.
- c. In the beginning, most of the professional and academic planners were advocating not to develop the land to conserve natural characteristics and recreation potentials of the site and to avoid from a dense urban use. They changed their opinions slightly following recent developments.
- d. One exceptional request comes from a resident and landowner who mentions that he is against the development of the district and that will never leave his home and will not ask for more development rights.

II. The group who are in favor of development:

- a. Landowners and residents are not willing to occupy agriculture claiming that it was not feasible anymore due to decreasing water quality. However, it seems that this claim is an excuse to demand development rights. They demand residential use to construct apartment blocks in one of which they can dwell and sell or rent the others. This request remained the same from the beginning up to day, but the development rights that they request changed at great distances. In 1995 they had consent to leave 60% of their land to the public (while legal limit was 35%). A second option was to increase the current building ratio from 5% to 12% and a third one to exchange the land with dwellings in a different but prestigious place in the city. In recent years, they are more aggressive about their position because of the surrounding developments, particularly because of the hotel and shopping mall complex constructed and opened in 2001 just nearby their properties. Their requests are specified in terms of land uses (residential), density (middle or high), building ratio (100% min.), size of building plots (not be larger than 2000 m<sup>2</sup>). They have no consent to leave more land to the public than the legal limits anymore. They mention their frustration about uncertainties of the process and their distrust to science and to the experts, but at the same time, they feel more self-confident thinking that they could change the conservation decisions. One landowner stated that if the authorities responsible for making the plans will not do their work then others will do like the chamber of commerce. They have the belief that if the city authority did not solve the problem then, land speculators would purchase their land and have the city authority do whatever they want to. They are strongly aware of the value of their land and are willing to get the whole rent themselves. They are against a participatory process. Claiming that they had no comment on previous developments in other parts of the city, they are highly offensive to the participation of other parties who are not landowners or residents of Inciralti district.
- b. The attorney of the landowners is a dominant figure in directing the landowners and residents in the district. He is trying to increase development rights to maximize the profits of his clients. He bases his claims on the property rights defined in the constitution. On behalf of his clients, he applied to European Court of Human Rights to resolve the issue.
- c. The public: The demand of the public is clear as they want to keep on using the site for recreational, cultural, sportive and entertainment purposes. Other parties

particularly by the planners and public authorities advocated their interest, but they did not participate in discussions individually or by representatives.

- d. Academics and professionals (individual or representing an NGO):
  - i. Including the chamber of city planners' this group consider the site as one of the rare open spaces in the city and prefer to have the site planned for recreational uses, which may also include urban agricultural activities like agro-tourism. They base their claims on scientific grounds and public interest concept. From the beginning up to day they repeated their recommendations but advanced their proposals. Chamber of city planners proposes to have the conservation plan prepared more detailed than standard procedures – preparation of the plan through an urban design competition, development of alternatives and possible outcomes of these alternatives, special notifications, and organization of the ownership pattern. They consider expo as an irrelevant use for Inciralti district.
  - ii. Chamber of commerce is an important actor in investment and development decisions of Izmir. They emphasize the importance of city visioning and promote large-scale urban projects as the tools for attracting investments to the city both at national and global scales. In this sense, the hottest subject for Izmir is the expo organization. Although the issue is under the responsibility of central government, before announcement of the expo site and government's attempts to have the official plan prepared, chamber of commerce came up with an expo project on Inciralti district. The president of the chamber met with the landowners and tried to persuade them claiming that expo organization would resolve the problems of the district.
  - iii. Public Authority: The approach of the public authority mostly defines the work of planning. Political concerns of the administrators shape their discourses and actions. The mayor of Izmir in 1990s suggested that the best decision for Inciralti would base on objective and scientific principles protect landowners' rights and serve the public interest. His emphasis on the property rights was followed by the construction of the hotel and shopping mall complex. The current mayor suggested that it would only be possible to conserve the site by the help of a planned development and the planners had to decide how to reach that aim. The representative of the planning authority of the ministry stated their planning approach as the consideration of each demand and equal distribution of benefits provided by the plan.

The actor perspectives including both the comments and recommendations have some common points even though it is still far from achieving a final consensus. The legal framework and intentions of the actors bring out that the conflict between develop or not develop is not the main concern anymore, but the conflict is based on the allocation of land uses and assignment of development rights.

#### **4.3. Failures in the Planning Process**

Throughout the process of this case, planning has faced with curial problems mostly because of the weakness of institutional arrangements to provide an appropriate development for the site in general and to solve the conflict among actors in particular. The problems turned out to become a puzzle. The failures generated negative perceptions for the role of planning and disrespect to experts in general and to the planners in particular.



Major problems faced regarding planning were inconsistency and uncertainty in development of the planning decisions. For instance while a portion of land was restricted for development because of its natural characteristics another portion having exactly the same characteristics obtained quite high development rights. In addition to the development of different decisions for identical portions of land, another problem was the development of different decisions on the same land by different planning authorities or even by the same authority due to changing political concern. For instance while metropolitan municipality assigned agricultural use in its 2007 master plan, at the same date the ministry proposed a fair use in its plan. Another example is decisions of the conservation council's change by time depending on the decision of the courts or sometimes even depending on the composition of the council.

The atmosphere of uncertainty not only created distrust to the planning system but also started to depreciate the environment. With the hope to develop the land for urban uses, some of the landowners stopped occupying agriculture and investing to their land or buildings, they damage the land themselves or rent it temporarily for another type of use. Some others built unauthorized annexes. Starting from the waterfront and edges of main roads, the site started to be used for urban activities like restaurants in the gardens, recreation spaces or commercial uses. However, its infrastructure remains the same.

In spite of conflicts, planning has several instruments to resolve them. One of them is the expropriation method. Nevertheless, it became very difficult to employ such methods due to economy politics of the governments.

Taking into account these failures, is it possible to claim that planning has no active or positive role in regulating the process to reach a desirable urban structure and future? Actually, most of the deficiencies stated above are not indigenous problems of planning. The action of planning is defined by legal and political frames and supported by various disciplines' scientific findings. Any problem with these issues affects the process and substance of planning. However, for this case if a solution is desired actually, planning staff might have consider the meetings not as a formality but potential areas of consensus building.

On the other hand, besides several wrong practices, most of the site could be conserved in its natural characteristics. The reason behind this is that the pressures could be blocked more or less. The conflicts practiced throughout land development process of the district kept the land away from high-density development and protect its potentials. However, it seems that the situation is changing. Planning needs to make reconsideration and develop new solutions, not only new land use decisions.

## **5. Conclusion**

The land development conflict of Inciralti is used to stem from existence of contradicting opinions of the actors who advocates to develop the land and who advocates not to. It seems that this is not the main concern anymore, but the conflict is based on the land uses and development rights.

Inciralti district is a unique place in the city and has to be planned considering the whole users of the site. It does not make sense to keep the land that is surrounded by urban uses in its current rural form. The major question is then whether it is possible to convert the land to urban uses without destroying its features and how a consensus can be built.

The first part of the question is rather easy to answer. Yes, the land can be allocated to urban green uses with a minimum harm on its natural features. These uses may involve a controlled recreational site, botanical garden, urban agriculture, a city park, hobby gardens, etc. The second part of the question is not that easy. For all those green solutions, the public

has to pay a price. In fact, this is not the big part of the problem. Through an innovative solution, they can provide a feasible solution. The big part of the problem is how to find a common ground while various actors are waiting big profits from the development of the district and.

Planning will always be constrained by certain conditions and the planners need to develop innovative solutions and find new methods to realize them within the limits of constraints. Planning theory provides some important tools to work in such conditions such as methods of communication, collaboration and consensus building. For Inciralti practice, there are some attempts to apply these methods. Public authorities attempt to collaborate; meetings provide information flow between parties and planners formulate conditional plan decisions. However, these are not enough and the district needs an urgent solution.

To help to achieve a rather smooth process, the process should include three issues. First is the design of the planning process by considering all constraints and uncertainties. At this point, two steps have to be taken urgently - prediction of all possible developments and formulation of alternative strategies accordingly. Second is the content of the plan meetings. The meetings are to be organized in a communicative way where each party is well informed about all aspects of the case and where parties could communicate and discuss with each other. Instead of a court atmosphere, the meetings should be held in workshops. Recommendations and if exists plan proposals of the groups should be discussed and compared carefully emphasizing all kinds of costs and benefits based on technical analysis. This may also help to the position of planner. Third attentions of the citizens and particularly users of the site have to be attracted to the problem.

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