

An Assessment on Applications of Development Plans in Turkey

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SUMMARY

In Turkey, lands subject to property are settled with two main perceptions. Rural lands are settled with “Land Consolidation”; while for urban territories “Land Readjustment” is essential. Development plans with different content and purposes enable us to make interventions on rural and urban lands. In other words, the technical and legal foundations of these interventions on lands and land management are development plans. Development plans, which are supported by the Turkish Constitution, civil law and development law, not only determine new land property and its usage; but also delegate central and regional institutions. The problem is related with legitimacy and internalization of beneficiary. This situation brings discussions about the purposes of development plans and the methods in which they will be applied. Therefore, it is very important to prepare plans based on compromised resources. Even though development plans are prepared in detail carefully, they cause loss of time, effort and resource as long as these lands are not applied and not registered officially as new property and its use. Applications of development plans are harder and complicated than preparation. In order to provide sufficient new plots for urban needs, some land acquisition methods are practiced by the government in Turkey. The objectives of these methods include the provision of basic public services and other aspects of infrastructure to urban areas undergoing development. Most of the municipalities using master plans and zoning regulations perform land related developments.

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1. INTRODUCTION

Turkey like many other countries faced rapid urbanization. Later mechanization of agriculture resulted in a flow of much the rural population towards cities. These unskilled rural migrants boosted the economy of the rapidly industrializing country. During this period existing housing and infrastructure systems were inadequate for the newcomers. As a result, increased land speculation and an illegal housing market appeared. Cities started to expand in an unexpected and uncontrollable manner. New squatter areas '*called as gecekondu in Turkish*' were constructed for the low-income population and cooperative housing structures were built for the middle-income population.

In Turkey, the urban-rural population balance has changed with increasing speed starting from the '50s. To give an idea of urban-rural migration in Turkey: in 1950 21 million people lived in the countryside, which was 78 % of the population. In 1994 60,5 million lived in cities, which is 64,9 % of the population. Also the population shifted from the Eastern to Western part of the country, which was more favored. Today the Marmara region (including Istanbul) is producing around 30% of the overall GDP (TUIK, 2006), and most of the industrial activity is located in this region, which still makes the area an attraction for the population in search for formal employment and better living conditions. Accumulation of production and GDP in the Marmara region is not only problematic in the sense of regional imbalances, but it is also a highly earthquake prone area.

Government, aware of the housing and infrastructure problem, did not come up with a solid housing provision model until the 1980s. The central and local government became actors in housing process almost 30 years later than the beginning of the actual need, while the squatter areas that were built in the meantime, had been legalized through amnesty laws and had basic infrastructure already. Beginning from the 1970s, the ownership ratio in squatter started to decrease and in the 1990s, within a new economic era that prioritized the private sector, newcomers to the city encountered a different picture compared to the first flow of urban migrants. They could not find formally arranged employment, housing or available land located nearby the city to build their own houses (Tekeli, 2010). Government implemented a series of amnesty laws that legitimized some of the illegal settlements. Rapid growth in the urban population and inadequate policies and strategies to handle with this growth resulted in today's large cities in Turkey with inadequate physical, social and cultural infrastructure, green areas, losing part of their identity within the rapid development, and having severe traffic and accessibility problems.

According to the Land Registration Act of 1934 in Turkey, all land parcels were registered with their existing layouts that were mostly irregularly shaped. Hence, when a zoning plan aims to apply to land, some technical and legal issues arise. The limitations of financial, human, and technical resources mostly restrict land development options for a certain project time as well. The government therefore has difficulty in controlling rural-to-urban land-use

change to provide the appropriate land for both public and private sector requirements. As a result of these, many squatters have established patterns of land use rights that operate outside of the national cadastral system. The land allocated for public-use has been partly occupied by squatters (Yomralioglu et al., 1996).

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2. PLANNING SYSTEM IN TURKEY

In generally, planning process is the systematic assessment of land and water potential, alternatives for land use and economic and social conditions in order to select and adopt the best land-use options. Its purpose is to select and put into practice those land uses that will best meet the needs of the people while safeguarding resources for the future. The driving force in planning is the need for change, the need for improved management or the need for a quite different pattern of land use dictated by changing circumstances. All kinds of rural land use are involved: agriculture, pastoralism, forestry, wildlife conservation and tourism. Planning also provides guidance in cases of conflict between rural land use and urban or industrial expansion, by indicating which areas of land are most valuable under rural use.

The planning experience of Turkey in the 1930s constitutes a set of consistent policies and strategies. Establishment of a national economy and arrangement of the space of the nation-state were the main policies determining the major lines of policy-oriented urban planning experience in this period. The planning system in Turkey anticipates a hierarchy in plans, starting from national development plans, regional plans, city plans, development plans, application plans, protection plans, squatter prevention plans, urban design projects, and urban regeneration projects. As a part of intervening in rapidly growing major cities, urban transformation plans and projects have been used in the last ten years. These urban transformation projects, being above and therefore becoming the strongest planning tool to any other plan in progress for an area, brings large jurisdiction to Greater City Municipalities like cities such as Istanbul and Ankara of Turkey.

Government led housing provision for the low-income population disregarded the inhabitants' social structure in the areas from which they were evicted, and the dependency of the inhabitants to their former livelihoods by relocating them to distant locations. Currently most of these urban regeneration projects are realized by the Mass-Housing Authority (MHA, called as TOKI in Turkish) (Fig.1). TOKI, which by the government subventions and legitimized authority is the largest construction actor and government supported monopoly in Turkey (Geray, 2009). As defined by TOKI's operation areas are: social housing fund raising projects, land provision and production in cities; disaster housing; urban transformation projects; Housing production on TOKI's lands for low and middle income groups.



Fig 1. A view from a TOKI's regeneration project areas in Bursa, Turkey.

3. LEVELS IN DEVELOPMENT PLANS

In Turkey, planning development period can be done at three broad levels: national, regional and local. These are not necessarily sequential but correspond to the levels of government at which decisions about land use are taken. Different kinds of decision are taken at each level, where the methods of planning and kinds of plan also differ. However, at each level there is need for a land-use strategy, policies that indicate planning priorities, projects that tackle these priorities and operational planning to get the work done. There must be an interaction between the levels of planning. The flow of information should be from upper to lower scale directions. At each successive level of planning, the degree of detail needed increases from upper to lower scale, and so too should the direct participation of the local people.

In Turkey entire planning activities across the country are based on the Land Development Planning and Control Law (Act. No. 3194 dated 1985), and it is operated by the Ministry of Environment and Urban. The main aim of this act is to ensure that settlements and development therein come into being in compliance with plans, science, hygiene and environmental conditions. This Law shall govern all plans to be made and public and private structures to be constructed inside and outside municipal boundaries and adjacent areas. Plans shall be prepared as “Regional Plans” and “Land Development Plans” in terms of area coverage and purpose; and land development plans as “Master plans” “Implementation Plans”. Where necessary, implementation plans may be prepared in stages.

According to the Act 3194, it is mandatory to cause to make land development plans for settlements with population more than 10,000 residents in the last census. For settlements with population less than 10,000 residents in the last census, the municipal council shall decide whether a land development plan must be made or not. Existing land development plans shall be in force. Where existing plans are insufficient for the resident population or for creating new settlement areas for urgent use, action shall be taken in accordance with the localized development plans to be made by municipalities or governorships, or in absence of such plans, the principles of regulations to be issued by the Ministry.

3.1 Planning at National and Regional Level

At the national level, planning is concerned with national goals and the allocation of resources. National goals are complex while policy decisions; legislation and fiscal measures affect many people and wide areas. Decision-makers cannot possibly be specialists in all facets of land use, so the planners' responsibility is to present the relevant information in terms that the decision-makers can both comprehend and act on. In many cases, national land-use planning does not involve the actual allocation of land for different uses, but the establishment of priorities for district-level projects. A national land-use plan may cover:

- Land-use policy: balancing the competing demands for land among different sectors of the economy food production, tourism, housing and public amenities, roads, industry;
- National development plans and budget: project identification and the allocation of resources for development;
- Legislation on such subjects as land tenure, forest clearance and water rights.

Regional level refers not necessarily to administrative districts but also to land areas that fall between national and local levels. Development projects are often at this level, where planning first comes to grips with the diversity of the land and its suitability to meet project goals. When planning is initiated nationally, national priorities have to be translated into local plans. Conflicts between national and local interests will have to be resolved. In Turkey, The Ministry of Development shall, where necessary, make or cause to make regional plans (also called as Environmental Plans) that shall be prepared to determine socio-economic development trends, development potential of settlements, sectorial objectives and distribution of activities and infrastructure. Accordingly, “Environmental Plan” (scaled between from 1:100.000 to 1:25.000) is the plan that lays down settlement and land use decisions such as housing, industry, agriculture, tourism, and transportation in compliance with regional and national planning decisions.

3.2 Planning at Local Level

The local planning unit may be the municipality, a group of districts or a water basin. At this level, it is easiest to fit the plan to the details. Where planning is initiated at the regional level, implementing plan has to be carried out by municipalities. Alternatively, this may be the first level of planning, with its priorities drawn up by the local people. Local-level planning called “Master Plan” is about getting things done on particular areas of land - what shall be done where and when, and who will be responsible.

“**Master Plan**” (scaled to 1:5.000) is a whole plan with a detailed explanatory report which is drawn on the base maps with cadastral drawings worked if available in compliance with regional or environmental plans, and prepared to form a basis for the preparation of the implementation plan and display such matters as general forms of use of land pieces, main zone types, future population densities of the zones, building densities as necessary, development direction and magnitude and principles of various settlement areas, transport systems and solutions to transport problems.

“**Implementation Plan**” (scaled to 1:1.000) also called as Zoning Plan is the plan which is drawn on approved base maps with cadastral drawings if available in accordance with the

principles of the master plan, and contains in detail the building blocks of various zones, their density and order, roads and implementation phases to form the basis for land development implementation programmes and other information.

Planning at these different levels needs information at different scales and levels of generalization. Much of this information may be found on maps. The most suitable map scale for regional planning is one by which the whole province fits on to one map sheet, which may call for a scale from 1:100.000 to 1:25.000 or larger. Master planning requires details to be mapped at about 1:5.000, although some information for implementation of master plans may be more detailed at smaller scales, down to 1:1000. At the national level, implementation is usually a matter of government decisions on priorities. In planning at the regional level, implementation will often be achieved through a development plans, requiring considerably greater details of land development.

3.3 Preparation and Entry Into Force of Land Development Plans

Land Development Plans shall comprise the Master Plan and the Implementation Plan. Relevant municipalities shall make or cause to make the master plan and implementation plans of places within municipal boundaries by making them comply with the regional plan and environmental plan decisions if any. They shall enter into force upon approval by municipal councils. Such plans shall be posted publicly for one month from the date of approval at such posting boards as designated by municipalities. Objections may be raised against plans within the posting duration of one month. Municipal councils shall review and finally resolve within fifteen days any objections and plans referred by mayors to municipal councils. One copy of the finalized land development plans shall be sent to the Ministry.

Governorships or the relevant administration shall make or cause to make the plans for the areas outside municipal boundaries and adjacent areas. They shall enter into force after approval of the governorship. They shall be posted publicly for one month from the date of approval at such posting boards as designated by the governorship. Objections may be raised against plans within the posting duration of one month. Objections shall be filed with the governorship which shall review and finally resolve within fifteen days such objections and plans. Amendments to the approved plans shall be subject to the aforementioned procedures. Land development plans shall be public. It shall be the duty of administrations to make it public. Municipalities or civil administrations shall copy, or make into booklets and reproduce the whole or part of the land development plan and give them to anyone.

In Turkey, no agricultural land may be planned to be used for purposes other than agricultural ones without obtaining permissions as required in the Law on Soil Conservation and Land Use (Act. No. 5403 dated 2005).

4. IMPLEMENTATION OF LAND DEVELOPMENT PLANS

In Turkey, the federal government carries out some land projects, such as a new highway, railway design, and other kinds of main infrastructure constructions, only. On the other hand,

municipalities carry out provision of new settlement and public-use areas. Using regional and master plans are prepared and implemented for local urban development.

According to the Act 3194, municipalities shall prepare, within three months from the date of entry into force of the land development plans, the five-year land development programs to implement such plans. During the deliberations of such five-year land development programs, representatives from the relevant public entities shall attend the council meetings for consulting their opinions. Such programs shall be final when adopted by the municipal council. The areas allocated to the public entities under the program shall be notified to the relevant entities. The public entities concerned shall expropriate the areas allocated for public service facilities within the boundary of five-year land development programs during the time period of the program. Appropriations necessary for this purpose shall be reserved in the annual budget of the public entities concerned. Rights on the land granted under other laws shall be enjoyed until such places as allocated for public services in the land development program or subject to restrictions pursuant to special laws are expropriated or the projects of public services are realized.

4.1 Land Subdivision

According to the Article 15 of Act 3194, no subdivision or amalgamation shall be allowed for parts of immovable properties which fall in such places earmarked for public services as roads, public squares, green areas, parks and parking lots. Subdivisions or amalgamations to be executed on sites for which the plotting plans have been completed must comply with such plans. Minimum frontage widths and sizes of subdivisions at places where the frontages of plots have not been specified on the land development plan shall be specified in accordance with the principles laid down in the regulation. No subdivisions smaller than the size as prescribed in the regulations shall be allowed in areas outside the limits of land development plans.

4.2 Land Readjustment

Land readjustment aims to take rural or unplanned urban land, usually irregularly subdivided, and re-allocate it in the required balance for public and private use according to land development planning requirements. The main objectives of a land readjustment project may be development of new urban sites, redevelopment of an already urbanized area, improvement and expansion of public facilities, disaster rehabilitation (Yomralioglu, 1993). In Turkey, land readjustment is one of the land acquisition methods that have more advantages when compared with the other land-acquisition methods. Because of the implementation difficulties with the other methods the government tried to set a more powerful and practical solution to the land development process by an act. In 1985, the Land Readjustment Article was involved in Act 3194 and passed in Turkey. Following a land readjustment regulation is also legislated.

According to the Article 18 of Act 3194, municipalities shall be authorized to combine land parcels and landowners with or without buildings within the limits of the land development plan with one another, with residues left over from the roads or with places owned by public entities or municipalities without consent of the property owners or beneficiaries, subdivide

the same again into blocks or plots or subdivide again in compliance with the land development plan, or distribute to the beneficiaries on the basis of individual, joint or divided co-property ownership and make registration process. If the places concerned are outside municipal boundaries and adjacent areas, such authority shall be exercised by the governorship. During the distribution of land parcels and landowners arranged by municipalities or governorships, sufficient area may be deducted as “share of common land use” from their areas in return for the increase in value due to the land readjustment. However such common use reserve from re-allotment pursuant to this Article may not exceed 40% of the area of the land parcel and landowners before the arrangement.

Common use reserves from re-allotment may not be used for purposes other than public services such as primary and secondary schools under the Ministry of National Education, roads, public squares, parks, parking lots, playgrounds, green areas, places of worship and police stations and facilities related to such services, all of which shall be needed by the areas being arranged. Where the total of common use reserves from re-allotment is smaller than the area of the places that must be reallocated for the public services mentioned in the paragraph above, the municipality or governorship through expropriation shall complete the short amount. If a part of a plot needs to be expropriated, the common use reserve from re-allotment shall be allocated from the site left over from the expropriation.

4.3 Land Expropriation

In Turkey, land expropriation applications done under the Act 2942 (dated 1983) numbered Expropriation Law result in problems for both the state and landowners. The expropriation procedure starts after the determination of state or municipal authorities due to the project; there will be a need to acquire land for public use in accordance land development plans. The feasibility studies first carried out for each sub-project will provide information on the need to carry out an expropriation process. A valuation committee comprising relevant municipal and utility officials appraises the value of the land to be expropriated. As Article 8 of the Expropriation Law, expert opinion on the value of the land should be sought. The standard applied in assessing value of land and property assets is that of full replacement cost. A significant number of expropriation implementations cause disagreements between the state and landowners, resulting in court proceedings. This is frequently because the expropriation value is different from the market value, so there are problems in how land prices are determined in order to obtain “real value” (Yomralioglu et al., 2008).

4.4 Land Consolidation

Land consolidation can be defined as “the rearrangement of the countryside in line with the requirements of the developing farming technology and of the individuals in order to take every necessary decision to make the farms more prolific”. Land consolidation is generally considered as the consolidation and redistribution of fragmented farming grounds according to modern business administration principles. 1984 dated and 3083 numbered Agriculture Reform Law about Land Consolidation in Irrigation Areas also includes land reform stylistically. This law also predicts, determined land norm for the publicizing of big landowners’ lands and provision of lands for farmers who do not have land. Levelling basis

does value assessments of rural area in land consolidation works. And their bases are done by 3083 numbered Law and Land Consolidation Charter. On the other hand assessment of real estates in rural areas is determined by interest rate. This rate is gathered by dividing annual income to value of land (Ulger and Cay, 2012).

4.5 Land Regeneration

Urban regeneration can be defined as to arrangement of property whose land has crooked and dilapidated constructions, sensitive to natural hazards and urban risks, with insufficient and poor infrastructure, dense, illegal and unsettled (Ulger, 2010). It covers many aspects of city life: physical, social and environmental. Law on Redevelopment of Areas Under Disaster Risk numbered 6306 (dated 2012) describes the rules and bases of regeneration. It is expected that about 6 million houses will be redeveloped under this law. Three methods can be mentioned for urban regeneration in Turkey (Ulger, 2010):

- **Public-based method:** It is set up on the assumption that the public covers the total sum of constructional expenses. This method foresees a complete demolition in project area, a reconstruction in the same area and a consignment to real estate owners. In addition, holders of right, whose lands are no constructed, take an area depending on their amount of participation area after the regeneration process.

- **Agreement-based method:** This method is applied to small and narrow places where problems related with property do not exist. This model is based on agreements and financial share; however participation and consignment values are not known and not defined in detail. Actually, stakeholders make plans and decisions depending on their profit / value in both types of contract. The main logic is related with the profit with a partnership. The relationship between participation and consignment value is similar to the relationship between the revenue and land cost or cost of independent unit. However, there are important differences. The first, there is a lack of civil or public mediator to manage the process; the second is that the criteria is not clear for consignment of profit to stakeholders after defining participation / participation value and consignment / consignment value, in another word current net value of the project.

- **Value-based method:** A new project has an investment cost including all expenses with construction company's profit. Current participation value (land + building values) is considered as one of the expenses of investment cost. Investor desires to have a profit after the project depending on its expectations on this investment. It is obliged to give investment costs and profit to construction company. This cost must be supplied to the company as cash or an equivalent land or construction zone that are located nearby or anywhere else.

5. CONCLUSIONS

The urbanization process in Turkey, speeding up in the 1950s and subsequent decades, contributed to ingraining corruption in the system. Indeed, urbanization largely took place through the illegal building of slum houses. Gradually, these illegal slums were turned into multi-story buildings by construction firms, a process that required a complex mix of bribes

and kickbacks to obtain the necessary permits. This in turn lifted many people out of poverty, and allowed others to make fortunes, while making corruption systemic in local administrations. Planning authority is distributed between the central government and local governments in Turkey. In general the upper-scale plans are prepared by central government institutions and remain by local governments.

Development plans, of which structure and content are defined in planning legislation, are the main planning control tools in the Turkish system. Urban Development Law no. 3194, issued in 1985, exists at the very center of this legislation. It is the main law directly related with production of the urban built environment. The principle rules about planning are given place at the beginning. The Development Law no.3194 defines two kinds of plans in the planning system; Regional Plans and Development Plans. Especially, land development plans must be positive. These plans must find out about public and people's needs and also the local knowledge, skills, labor and capital that they can contribute. It must study the problems of existing land-use practices and seek alternatives while drawing the public's attention to the hazards of continuing with present practices and to the opportunities for change. Local acceptability is most readily achieved by local participation in planning. The support of local leaders is essential while the participation of agencies that have the resources to implement the plan is also important.

In Turkey land local governments carry out readjustment process. Despite the great advantages land readjustment has in solving the land-use problems in urban areas in Turkey there are still some issues, such as inequitable land distribution land that affect the effective and efficient use of the process. Significantly, there have been many objections from landowners about the reallocation course. They claim that equitable benefits were not obtained after the project because such factors as the number of floors, the land use, view, proximity to commercial areas, other public facilities, etc. are not taken into account during the land reallocation. Land value does not play a role in the calculation of the percentages to be contributed by each landowner for public areas. The only criterion is the parcel size, and the contribution factor is the public-use land area required in the zoning plan. This single coefficient is calculated and applied to all landholders in the project to derive their contribution to the public land. There is no parcel appraisal, before or after the project. The area method, instead of valuation, does not provide an equitable approach for the landowners, because many other factors that affect a parcel value are ignored.

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BIOGRAPHICAL NOTES

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