

Public Participation in Urban Renewal Legal Aspects (Comparison Between England and Iran)

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Abstract—this research investigates the relationship between participation in urban renewal and related legal aspects that could offer appropriate criterion for evaluation of legal structures for implementation of planning goals and provides participation context for urban renewal. The aim of this research is analytical comparison in Iran and England in hierarchies. This research is a comparative study that policy analyses for comparative assessment in the category of qualitative methods. By studying experiences, it was specified that there is no proper legal context for public participation particularly the owners of the lands in urban renewal plan. There is a close relationship between renewal decisions and implementation and public and personal rights. Aspects of the public participation are not considerably different in legal structures in both countries. It does not mean that legal contexts in macro level connote possibility of employing them in urban renewal. This conduct requires studies in lower levels.

Keywords— Participation, Urban Renewal, Legal Aspects, Comparative Analysis.

I. INTRODUCTION

THIS research is important since it investigates the relationship between participation planning and participation in urban renewal and also legal structure in the countries that this participation plan has been executed officially and there is possibility of conducting the participation planning. It can also provide a proper criterion for assessment of legal structures to be employed in achieving planning goals and providing context for participation in urban renewal. The aim of this research is to comparative study used as comparative assessment in policy analyses in category of the qualitative methods. In this analysis, common between qualitative and quantitative methods [13], achievement goal matrix [1] was employed for both cases. In this article, only findings are present. The current research is policy analysis, since types of renewal polices legalized in these countries and executed by the governments have been determined.

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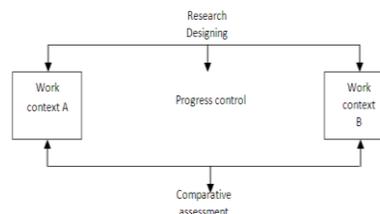


Fig. 1 research procedures in Iran and England
Resource: Masser and Williams, 2005, p:20

II. FUNDAMENTAL AND CROSS SECTIONAL GOALS OF PUBLIC PARTICIPATION IN URBAN RENEWAL 1

The goals of the public participation in urban renewal are categorized in the following based on theoretical foundations and experiences of other countries (Figure 2).

A. Public participation in urban renewal in Iran and England

1. Comparison of the public participation macro level strategic goals

There is no significant difference between Iran and England in public participation in urban renewal and these countries could meet the needs in this regard. Dictatorship has influenced the establishment of the legal structures in Iran and this process has been affected by other factors.

B. Comparison of the government direct intervention

Public participation and nongovernmental activities will be possible by reduction of the direct governmental intervention in urban renewal. The comparison of public participation in Iran and England shows that there is a significant difference between these countries so that England achieved score 47.5 and Iran achieved -21 in this regard.

This difference is due to policies of participation and local and environmental development by score of 22.2 and increase of institutes, associations and private and civil sectors intervention with score of 21, while these cases achieve score of 0 and 3 respectively in Iran legal structure. Also, there is a significant difference in legal contents in creating spaces by the planners by the help of people and England possess score of 18 while the score of Iran is -6.

TABLE I
COMPARISON OF ACHIEVING PUBLIC PARTICIPATION IN URBAN RENEWAL STRATEGIC GOALS

Country	England		Iran	
	Value	%	Value	
Macro level public participation	17.5	6.35	16.5	3.34
Reduction of government direct intervention	47.5	17.22	-21	16.98
Establishment of proper value base for participation	28	10.15	4	.23
Increase institutionalized participation contexts	31	11.24	24	9.40
Attention to the participation level	151.8	55.04	100.2	1.00
Total	275.8	100	123.7	00

TABLE II
COMPARISON OF THE ACHIEVING PUBLIC PARTICIPATION IN URBAN RENEWAL FUNDAMENTAL GOALS IN ENGLAND AND IRAN

Country	England		Iran	
	Value		Value	
Macro level participation dimensions	17.5	.35	16.5	3.34
Considering official participation characteristics	12	.35	8	.47
Increase official participation in local policy making	19	.89	16	2.93
No confinement to level 1: information	12.3	.46	1.2	.97
Determine consulting manner	40.5	4.68	18	4.55
Achieving citizenship power	99	5.90	81	5.48
Reduction of public concentration and intervention	8.5	.08	-18	14.55
Democratic styles	39	4.14	-3	2.43
Participation agreed approvals	5	.81	0	0
Legal procedures	6	.18	4	.23
Lack of disagreed approval	15	.44	0	0
Participation right in profitability of land and space	2	.73	0	0
Total	275.8	00	123.7	00

C. Comparison of participation proper value base

As seen this strategic goal is divided into six categories. This goal is so important that in case of lack of value base for urban regulations particularly urban renewal, the legitimacy and value system of the public participation in urban renewal will be meaningless. Comparison of the legal structures in these countries depicts fundamental weakness since legal tools

have been designed for urban renewal and planning for governmental system and there is similarity between Iran and England in concentrated planning system and beginning of the urban renewal activity in England and Iran was without participatory approach in spite of having differences. Although, tendencies toward emphasis on social based rights in this country (Score: 15).

D. Increase institutionalized and official participation contexts

There is possibility of the official participation in low level. In participation approach, the land readjustment and land owners official participation in urban renewal policy making confirmed with powerful legal structures can be followed in other countries and comparison between Iran and England seems necessary to show weakness.

Participation in renewal policy making in England is done by participation in social associations' development and neighborhood renewal [11]. Although, non legal participation is carried out according to urban renewal plans. Weak progress in local public participation in both countries has positive points requiring empowerment. In this regard, England achieves score 2 and Iran has score 0 respectively.

Legitimization is measured by the residents' satisfaction and lack of protest to renewal plans $\square 10 \square$. The studies have shown protest on renewal plans in England $\square 3 \square$. This dissatisfaction is true in Iran. Hence in England it is tried to satisfy the owners [5].

E. Comparison of the attention to the participation level

One of the main and fundamental issues is attention to participation level. Any conduct by the title of participation is implicit and in many researchers' viewpoints, the issue of public and private participation in urban renewal should not be considered as participation, although in Ernestine hierarchy, participation is done in higher level. Both countries suffer fundamental weakness in this regard, but participation is mentioned in their legal systems and England has special position in this case [3] and it covers English partnership and governmental and private sectors in urban renewal. Governmental and private sectors partnership is a new challenge in Iran and it is considered in civil participation form in law of commerce according to recent approvals related to old fabric renewal. In England efforts have been done for establishing required legal contexts for consulting and there is no position for participation in most of the European countries but there is long distance between Iran by score of 9 and England by score of 36 (Tables 1 & 2).

III. COMPARATIVE ASSESSMENT OF PUBLIC PARTICIPATION LEGAL ASPECTS CHANGES

This assessment is carried out based on time serial and revolution trend in Iran and England and the differences and

similarities are clarified.

A. Period before 1950

Similarities: Britain urban and regional planning law (1947) by approach of comprehensive planning with nonofficial relations and disclosing information and limited consulting [6][20]. This system was established in Iran.

Differences: 1-Limited consulting with people is important in this planning discipline [3]. This limited consulting is not done in Iran. 2 -In Iran the public official and legal participation in indirect way has been accompanied by election of the municipalities and it has been called beginning of participation in Iran. But in England, Urban planning law 1960 and Stephenson report refer to direct participation in urban planning [3]. In general, there is no complied urban planning law in Iran that could be referred in this regard. 4-In spite of the role of the central government in England, the local governments have been considered but there is no such system in Iran. 5- Renewal plans have been accompanied by health and then by dwelling in England [9] but it was accompanied by using automobile and modernistic thoughts related to widening of the passages [20]. In Iran, widening the main passages was considered and in England, the unhygienic centers and dwellings were destructed. There were three governmental systems of urban authorities, new cities civil firms and central governments in England [7] but in Iran the affairs were controlled by king [20].

B. Period: 1950-1960

Similarities: There are fundamental similarities in planning discipline according to Urban planning regulations approved in 1947 and 1960 in England [7] and widening of the passages plan in Iran (www.dastour.ir, 1941). Both countries emphasized on land dispossession and compulsory purchase in non participatory way. Land possession law (1960) was completed and replaced by law approved in 1941. It can be referred to manner of completion of urban plans that despite emphasis of law (1968) approved in England on public participation, it was stipulated to implement the plans by the experts [6]. In Iran, and these plans were conducted by the experts. Urban planning was separated from urban renewal in England and limited counseling was avoided. There was no position for consulting with people in Iran in this period.

Differences: In England, central government was responsible for participation legal obligations and the government wanted to release this obligation to the local governments [6]. There was no possibility in Iran for participation and government conducted all plans. England emphasized on offering optimal methods for development according to planning law 1968. In Iran legal approvals did not consider urban planning in explicit and implicit way.

C. Period: 1960-1970

Similarities: In this period both countries emphasized on compulsory land purchase and governmental aids. The governmental organizations were responsible for renewal budget. The ownership transfer was done by buying or

dispossession that in case of agreement the owners received compensation. There was no particular approval for manner of participation in urban renewal in both countries. The people protested on the inefficiency and limited consulting and lack of cooperation in implementations of the plans. Emphasis on the speed and efficiency of the plans in the regions in war in the first development program was similar to Thatcher urban planning in England [8] that participation was a barrier in these plans [3].

Differences: While, England emphasized on local economic development and urban facilities were reduced [17][3] in Iran central government increased its aids in municipalities by relying on oil income and the role of government was emphasized [8]. Central government in England emphasized on people and their needs and social development teamwork was carried out [7]. But in spite of emphasis on the public participation in plans type 12 and necessity of such teamwork there was no arrangement and only in supreme consulting establishment law it was referred to public participation. In this period, interurban problems were considered and urban development and creative area firms were established.

D. Period: 1970-1980

Similarities: There is no similarity in this period. Urban challenge plan [16] [4] and emphasis on participation approach in 1990s in England and financial participation and regional offices and lack of specified financial plan for budgeting of the urban renewal in Iran were characteristics of this period. So the supportive and encouragement approvals by the government rely on the municipalities' income.

Differences: This period is characterized by private and public sectors in England while there is no such position for participation in Iran.

E. Period: 1980-1990

Similarities: the private sector investment was emphasized in social and economic development second program like Thatcher period and free market and private sector played an important role. The urban development firms establishment in England and urban renewal and civil firms in Iran and manner of the renewal of the old urban fabrics and also, employing strategic and policy making are common in this period. It can be referred to intervention based on land and real states development, expansion of the private intervention in urban renewal processes, reliance on encouraging privileges resulted from governmental approvals as supportive tool, reliance on central government policies and minimum effect from local authorities'. There are differences in establishment of the firms. In England, such firms were established based on planning and land law 1980, while such firms were established in Iran according to the second development program and the article of association is legal and it has not been reviewed. In Iran, public participation was the main strategy and it involved the main part of the services that such emphasis on the urban development policies and conducts is not seen. The main difference is manner of urban old fabric

renewal in Iran and England that government plays an important role while, urban teams are established in England (1985) for coordination of the administrative, local and private sectors authorities.

F. Period: since 2000 until present

Similarities: Supporting and participation in old fabric renewal by the private sector, owners and banks and other entities are emphasized in Iran and England emphasizes on urban renaissance and encouragement of the public in urban development in this period.

Differences: Urban renaissance and even social development plans and providing neighborhood renewal are not legalized in England. The law of support of the old fabric renewal approved by Islamic consulting association is the latest reference and approval in Iran.

IV. COMPARATIVE ASSESSMENT BASED ON THE OWNERSHIP AND ROLE AND APPLICATION OF THE OWNERS

A. Different methods of land integration

There are direct and indirect and voluntary purchasing methods in land integration [14]. However, direct purchase by governmental authorities is common related to manner of purchase and renewal of the old monuments for government plans in Iran and land compulsory purchase for renewal in England.

B. Land compulsory purchase and dispossession problems

Longevity of these rules procedures and inability to justify the rules and the consequences are problems in settlement of the disputes in compulsory land purchase that have not been considered in Iran and England.

C. Land possession by private sector

Land possession by aristocrats was common in England and this group could afford the cost of their land renewal. These lands are big and they do not need separation required in land readjustment and participation of the owners. The private sector ownership is based on legal structure in Iran and its dimensions and form have changed fundamentally. There is significant difference in old fabric renewal plan in Iran and England.

D. Replacement methods for land readjustment

Although, there is no land readjustment plan structure in Iran and England compared to other countries related to owners participation in urban renewal in England other plans like owners agreement and securities are employed for solving problems. Iran does not have such plans.

E. Land Readjustment as a part of land planning and management

LR has been considered as part of the land planning and management package in England [19] that requires legal investigation. Iran has investigated this method and referred to the legal barriers.

V. CONCLUSION

It was specified that there is no proper legal context for public participation particularly in urban renewal in Iran and England. There is a close relationship between general law and personal law. Providing public participation macro level in both countries does not show significant difference and this aspect requires investigation in lower levels. There is no significant difference in government intervention in urban renewal in these countries. According to this fact that legal and value systems are designed for governmental activities without attention to other agents' participation in Iran and England. Also, England has taken steps in improvement of the policy making. Participation is a multi aspects concept by hierarchy so; participation in legal aspect does not mean establishing all contexts for participation and this requires specifying the status and level. Partnership is considered as one of the participation elements while both of them are different and partnership of the public and private sectors in urban renewal is referred not equal to public participation in urban renewal.

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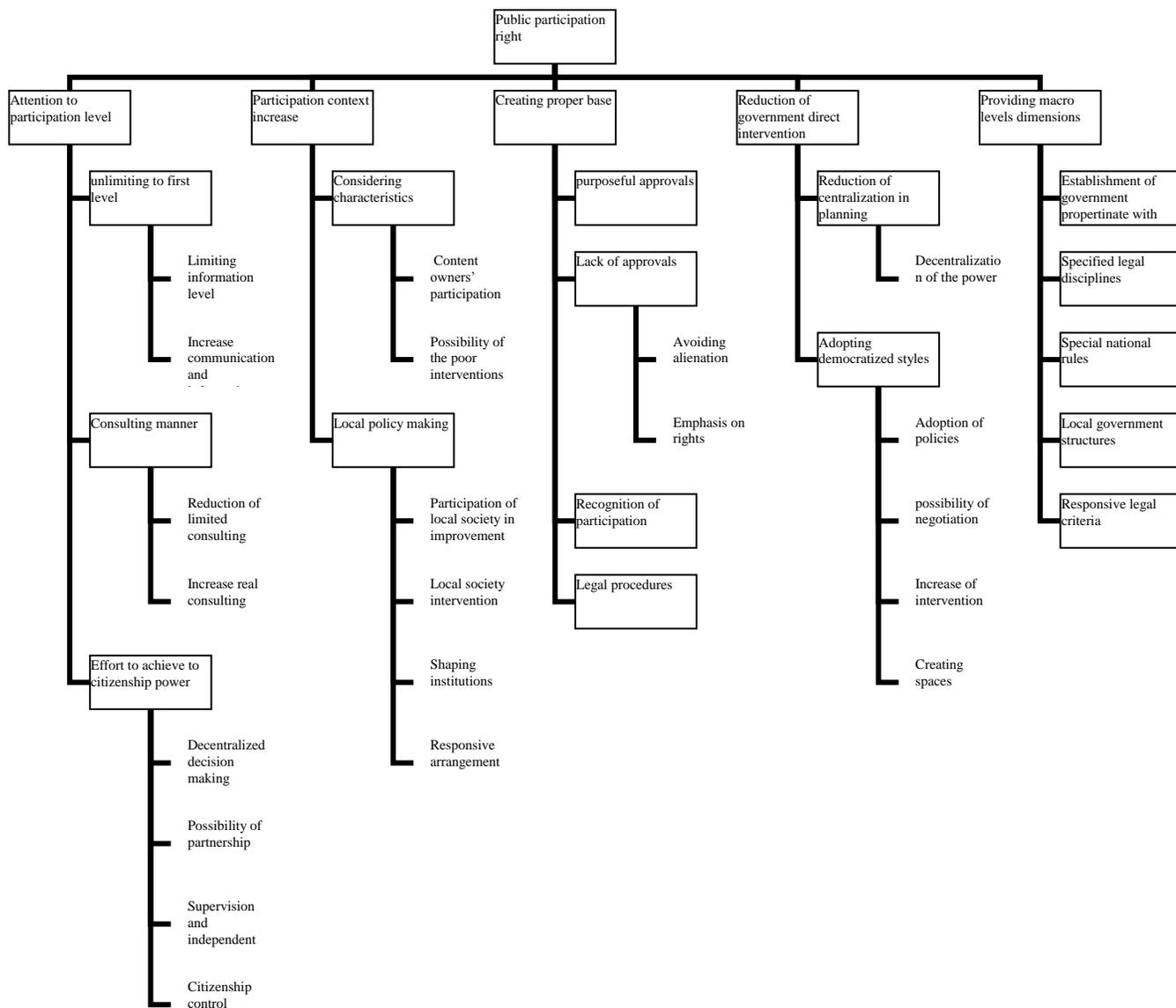


Fig. 2 fundamental goals