

## **Comparison of participation approach in urban renewal in Britain and Iran in legal terms**

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**ABSTRACT :** Any systematic intervention in general fields to enhance the conditions and quality of life requires formal and legal support. Intervention with participation approach in urban development is also not excluded from this rule and will be appeared through creating legal structures. In this paper, at first the reasons and the necessity of adopting a participatory approach in urban renewal are presented, and next in the framework of the comparative survey method, we compare Iran and England based on the normative principle of partnership, and study the differences and similarities which there are between these two countries in terms of legal regulations and orders in order to better understanding the principles governing these structures and awareness of variety of legal structures for people participation especially the owners of provided lands. To do so, the method of evaluation of matrix for achievement to objective has been used.

### **Introduction**

Urban rules and regulations must act as supporting factor for all actors influencing on changing and improvement of the urban environment conditions. These regulations must support the general interests of citizens and others who influenced by the program and could establish the principle of justice in this multilateral and complex relation (Kazemian, 2002) but the intervention and involvement of other agents and actors in various countries are faced with some gaps and urban renewal like the other aspects of urban planning has provided legal frameworks for governmental and public intervening systems and does not included the legal position for the other actors especially residents and owners of renewal limits. This fact results to ignore their legal rights and interests in available frameworks.

Study and comparison of the legal aspect of participation in various plans of different communities require analysis and comparison of different arrangements and rights of planning based on their participation principle. The difficulty to explain the rights of democratic participation is that various communities apply a mixture of different types of democracy: the parliamentary democracy that relies on the registered political parties, referendum and participatory democracies and so on. Thus in fact, participation can be varied, whether among the communities or during different stages in the planning process. Objective Planning rights plays the role of prescribed factors of the legal formalities based on normative principal of democratic participation in planning which include the following: paying attention to the impending action plan, the rights of groups to oppose to plans and handling to their objections and complaints, the implications for public review the proposed plans and specified and determined presentation (for groups or influential individuals) in the legal planning authorities or other decision making units (Kahram, 20080).

Adopting the proper scientific way to deal with this topic is essential. Many researchers in the field of urban and regional studies are interested in gathering the international aspect of their work (Masser, 2005) which is referred to as "international comparative survey". To perform the successful comparative case, supporting it with a series of evidences and reports has an essential importance so that any step in this process with structure of internal compatible statements reveals a common statement for a number of samples. The complete series of evidences should not only cover the steps of comparative process, but also have separate steps in each case study, so that from outside the readers be able to follow the debates and they themselves do conclusions. For this purpose, graphic and table presentation of events as a way to gather complex information in a way that make the comparison possible is useful (Masser, 2005). In studying planning theories, urban renewal and the experiences of different countries in order to identify methods of the appropriate intervene, participate the all reconstruction principles especially its lost ring, that is, participation of residents and owners of rights was identified as the best method of intervene and the reasons for being legal the decisions and actions of civil

construction were mentioned. By this introduction, its needed beds were investigated and this result was achieved that the legal principles of this participation should be prepared and as long as the legal principles of participation of people especially land owners in guide and control Iranian urban reconstruction system were not explained and do not exist established rules in this field, reconstruction management will not enjoy the needed legal supports to participate the main influencing and influenced factors from urban reconstruction actions, and this is the subject of the present research and for objective study of the subject, the case samples of Iran and England were compared. The selection of these two countries is due to the limitation of the subject. It is obvious that comparing the other countries and presenting the more general and precise results needs further and complete studies. In this research, the selection method is the comparative evaluation by using matrix method to achieve the objectives of public participation in urban renewal.

Although these two countries had a lot of common methods in terms of common problems, but it was clear from the beginning for the researcher that there are subtle differences between two countries in connection with present and needed legal constructions that make the possibility of multi-lateral transformations implausible. Of course, the objective of this paper is to explain the structure of legal scheme of their urban reconstruction completely, but deals with that part of this structure which relates to the rights of the owners of rights especially the land owners in the range of the design and the participation field. This was prepared through the determination and definition of general subject and extraction of a large volume of recorded reports and papers as research supporting in order to provide the background of discovery about this certain subject in each of these countries using this possibility.

### ***The necessity of participation in urban reconstruction***

The necessity resulted from urban renewal leads us toward participatory reconstruction. Urban planning due to its function and identity influences the members of society in various forms and different rates because by allocating land and space to various activities and directing its changes over time, scheduling mechanism can not only influence on the value of land and space but also can influence the distribution and redistribution of the wealth (and thus the power). Although multi-lateral, massive and continuous participation of population in planning processes and urban management is difficult, increasing transparency, openness and democracy in the planning are of the demands that the public and planning experts have always expressed to increase the efficiency of the planning system.

According to the role of planning in resources redistribution by available instruments (such as land use planning, providing welfare services, public facilities and urban infrastructure), when this role is expanded, the need for open plan against the democratic forces is also set forth more than before (Danesh Pour, 2008). The residents of the old contextures are exposed to direct influence of changes resulted from reconstruction actions, because it is them that should face with land allocation and even changing the trend of ownership on their lands. Thus, any efficiency increase in urban renewal process relates to the needs and demands of residents and their enjoying of benefits and at same time the costs of renewal. Public participation in urban renewal meets several goals that are briefly stated as follows:

Increasing public confidence in the recreating and urban renewal system and accepting the decisions taken in its domain;

Training citizens and convey information about the environment from the urban planning authorities to public;

Legitimization of the process of urban renewal;

Empowerment of urban old contexture residents in various fields such as the ability to understand public problems in old contextures and the ability of thinking about solving those problems. Thus, urban reconstruction and recreating due to its influences on public life, deserves that be exposed into vision and criticism, and be influenced by inclination, demands and needs of residents, and steps are taken for improvement of their life conditions by their help.

### ***Comparing the two countries in terms of rights to participate in urban renewal programs***

To do this comparison, the achievement-to-the goal method was used that have been done according to the following steps:

The goals of cooperative reconstruction were identified.

The goals were explained in order to be possible the measurement of the achievement rate to goals of each created legal framework in two selected countries to compare Iran and England.

The relative importance of the objectives determined by a set of numerical values was shown.

Different levels of achievement to the loaded goals were collected together to obtain the overall level of achievement of any rule, statute, and policy in each country in order to be able to compare these two countries by them.

### ***Description of steps***

Step one: determination of the set of goals of the cooperative reconstruction:

The set of goals of the participation right in urban renewal can be classified in the following fields:

The objectives resulted from the study of participation in macro dimension,

The objectives resulted from theoretical dimensions of government intervention in urban renewal and the experiences of other countries in approach to property rights in urban renewal.

The objectives resulted from theoretical dimensions stated in the legal theories and value base of participation rights in urban renewal.

The objectives resulted from theoretical dimensions of formal and institutionalized participation. The objectives resulted from the opinions relate to the participation levels (diagram 1).

Step Four: determine the relative importance of objectives

To determine the relative importance of objectives, it is necessary to show the numerical value of objectives; for this purpose, value judgments are used and we can rely on the overall values assumed almost arbitrary (Barari, 2010: 7) that obtain from summarizing the theoretical framework.

***Step Five: loading the level of achievement to the objectives***

For this purpose, first the objectives and its hierarchy in groups are loaded; the weight and load of groups are multiplied in its high level objectives, and the importance of options is estimated from the sum of multiplies and also the level of achievement of each framework or rule to determined objectives for both countries is estimated and next, numerical values are loaded and recorded in matrix, then different values are added to each other to attain their level of achievement to objectives, and finally by comparing the obtained overall values for each country in groups of different objectives, it is possible to compare the two countries and can do judgment about them (tables 1 and 2).

***Step Six: Comparison of the two countries in terms of the level of achievement of each framework to these objectives: research findings***

Since the main objective of this research is the analytical comparison of legal frameworks of Iran and England, the findings will also present the comparative entity and results; so, by comparing each of prepared hierarchical objectives for achievement to legal public participation in urban renewal in the two countries and finally putting them together, this objective will be achieved.

***Comparison of the strategic goal of providing public macro participation in urban renewal in both countries***

By overall comparison we can conclude that in this goal, there is not any significant difference between the two countries and both have been able to provide the needed legal macro dimensions for public participation, although there are trivial differences between these two, so that Iranian historical context by experiencing the long period of tyranny of kings has been influential in delaying the trend of establishment of the needed legal frameworks, and has shown its influence in other objectives with all its strength (diagrams 3 and 4).

***Comparison of the strategic goal of increasing the direct intervention of government in urban renewal of the two countries***

As discussed in the theoretical framework, by increasing direct intervention of government in urban renewal, the possibility of public participation and the needed beds for non-governmental activities is provided and by existence of interventional and centralized governments in the fields of urban renewal activities, the ring is closed for participatory action in urban renewal and its necessary acts and frameworks are not provided because any necessity does not sense for it. Comparing the two countries in the fields shows that there is a significant difference between the two countries so that in terms of the obtained scores, United Kingdom gained 47.5 points, but Iran gained 21 points. This fact relates more on taking cooperative policies, local construction and ecosystem with 22.5 points and increasing intervention of agencies, institutes, associations, and private and civil institutions with 21 points while these cases in Iran's legal framework are 0 and 3 respectively. Also there is a significance difference in terms of the content of rules and its frameworks in the field of creating spaces by planners with contribution of people that England with 18 points and Iran with -6 points are ranked.

***Comparing the strategic objective as an appropriate value base for public participation rights in urban reconstruction of the two countries***

As we saw, this strategic objective was divided into six sectional goals. The importance of this objective is such that in the case of not creating such value base for urban rules, especially urban reconstruction, the legitimacy and public participation value system will be questioned.

Comparing the rate of achievement of both countries' legal framework in this field reveals the inherent and infrastructural weaknesses because mainly the legal instruments to apply planning and urban renewal process in England has been designed for governmental system that obviously is similar with the young centralized planning system of Iran, and as mentioned the starting-up of urban renewal activity in England and Iran, in spite of the difference in its type has been without participatory approach. However, some inclinations in the field of emphasis on community-based rights have been seen in England (15 scores).

***Comparing the strategic objective of increasing the fields of institutionalized and formal participation in two countries' urban renewal***

There is the possibility of formal participation of land owners, civil constructors, planners, and state ministers in low level in both countries. As we will see in the discussions related to the study of re-adaptation participatory approach, the land owners' formal participatory, especially in terms of their inclusion in resultants of urban reconstruction policy

with more strong legal frameworks in other countries, can be persuaded that its comparison with countries of Iran and England to show the weaknesses in this field is necessary.

Participation in improvement of renewal policy in England through participation in community development program and renewal strategy of neighborhood units is done, although as its illegal aspect and through participation in social surveys according to the explanation of services for preparing civil improvement plans semi-legally.

Small movements have been done in direction of preparing local community participation for improvement of urban renewal policies in both countries include positive points that will require reinforcement. Also, the appropriate mechanisms by responsible organizations are incomplete comparing to participatory actions of urban renewal. In this field, England with 2 scores and Iran with 0 score are placed respectively.

The theme related to legitimacy has been measured with criterion of residences' satisfaction with sign of the lack of objection to renewal plans. The contents of the investigations in England show the existence of objections to renewal actions and removals done by government. This lack of satisfaction is also true about urban renewal plans in Iran, because complaints and referrals to the courts and the court of appeal indicate these objections; however it is tried to obtain residents' satisfaction in England. (Housing Act, 1974).

### ***Compared the levels of the strategic partnership between the two countries within the framework created by urban renewal***

One of the most important and fundamental topics related to targeting the public participation in urban renewal is pay attention to rates of participation. Any action under the general title of participation may be a vague action and perhaps for justifying and deceiving public minds; so, even in literature according to some scholars, the topic of private and public partnership in urban renewal should not been set forth under title and domination of participation. However, the participation is in high ranks in Ernestine.

By these definitions, both countries are faced with serious weaknesses in terms of achieving to objectives of reinforcing citizens and controlling them, but the topic of partnership has been mentioned obviously in their legal frameworks, however England with a relatively long background in partnership subject enjoys a special position in this field (90 points) and this sharing relates to England sharing and participation of state and private sections in urban renewal. Starting-up the public and private partnerships in Iran is considered as one of serious topics and is done limitedly and diffusely in the form of civil partnerships under business laws and according to recent acts in relation with reconstruction and improvement of the old contextures.

In the field of creating the needed legal beds to do the effective and real consultations, the extensive attempts have been done in English and this country is mainly known as a consultant in the field of participation and the partnership has not gained a very common position as many of European countries, but by acquiring 36 points compared with Iran has a long distance (Iran with 9 points).

### **Conclusions**

Since in many past decades, urban recreating has been directed from pure removal to paying attention to political supports, normative and management values, and any intervention in urban reconstruction needs to create understanding with interested groups through dialog and discussion and finally their participation, its theoretical framework is to pay attention to communicative planning and people-oriented paradigm, while in its evolutionary trend in countries like Iran, this topic does not reveal itself very much and is still in the service of government's interventional removal actions without considering the other influential and interested groups. Providing people participation in urban renewal needs to create the needed legal backgrounds. In comparing Iran and England, it was identified that such necessities have not been provided in their legal structures, while urban renewal is one of urban development interventions that creates the most changes in rights holder and non- participation has meant ignoring their legal rights. Land owners and other rights holders' participation in urban renewal are inevitable and necessary.

Participation has a legal micro aspect and the rate of the government intervention in it influences the rate of the other factors' intervention. If the government has a main role in urban renewal, the legal system is designed for such system, while the participation is a hierarchical fact and considering all its levels in contents of the rules is necessary.

Comparative assessment method contributed to clarify the dimensions of the subject, whereas at first it was thought and expected that in developed countries like England with advanced and complex planning and urban development is a pioneer in creating the needed legal backgrounds for new dimensions of planning science and the necessary changes in their legal structures have been provided, but in practice it has not been so. Even in such a country, the existence of the traditional and very strict rules has acted as an obstacle to realize participatory and communicative planning objectives and people-oriented paradigm and has many similarities with Iran especially in the field of applying expropriation procedures of land in urban renewal, and there is not anywhere for the rights of land owners is maintained by registering the land documents, and their real rights have been adapted and the share of each partner in expenses and interests of performing urban renewal plans is clearly determined.

To apply such procedures in other countries such as Iran and England, it was clarified that the legal needs and its legal aspects should be considered and the rules of each country should be revised to apply this procedure and its backgrounds should be provided.

Any systematic intervention in general fields, in order to improve the condition and quality of living in these fields, requires knowledge and understanding of available instruments to intervene and implement the intended changes. Of the most necessary required instruments, we can cite the proportional and appropriate rules and regulations. In fact, any action and intervention in public affairs, including urban planning program, is required to have official support and legal and formal documentation. It is in this case that the intended program has the necessary legal support in executive field and will find the influential set of elements and effective, administrative and interested relationships as its supporter. Thus, the rules can be considered as one of the major and effective rings for linking and contacting the planning system with management system.

But meanwhile something is important in preparing instruments and legal structures that has provided procedures, instruments, and the way of intervention in reconstructing the old contextures, and that these regulation and rules provide which ways for the owners, right holders, and the residents of old contextures in order they choose the procedure appropriate with their situation in consciously changing their living place.

Preparing the appropriate legal regime for the old contextures with mentioned participatory approach creates an appropriate opportunity to study the fundamental problems in connection with the way of intervention in reconstructing the old urban contextures that are confirmed at present time collection of experts and managers and they have referred to as a necessity, and based on the proper theoretical framework for corporative renewal, the appropriate legal system is provided.

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