

# A Comparative Study of the Rules and Regulations Dominating Urbanization in Iran and England

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**ABSTRACT:** Being aware from the dominating rules and regulations in urbanization is considered as one of the prerequisites to achieve sustainable development. Both developed and developing countries have certainly gone through different urbanization and urban planning conditions in their developmental path. Of course due to different social, economic, cultural, political and other conditions in both of these countries, the dominating rules and regulations on urbanization also differs. The main aim of the present research paper is to do a comparative study on the dominating urbanization rules and regulations in both Iran as well as England. In this paper, England is assumed to be as a developed and leading country in urbanization and its related rules and regulations, while Iran is considered to be a developing country. Present research is applied in its objective and a descriptive-analytical one in its methodology and it's also of comparative type. The studied variables are as: concept of the city and the way it is defined in urban rules of Iran and England, the existence of different urban plans in Iran and England, the elements of urban planning and urbanization in Iran and England and management of law and policy making centers and institutions in urbanization and urban and regional planning in Iran and England. The results of the study signifies the fact that the dominating urbanization rules and regulations in Iran respect the ownership rights of the people in such a way that considers them as an absolute and irrevocable ones and even in some cases causes to the violation of the objectives and motives of setting urbanization rules while in the judiciary system of England, a balanced individual ownership right and social law is created through a proper prediction.

**Keywords:** Urbanization Rules and Regulations, Comparative Study, Iran, England

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## INTRODUCTION

Urban rules and regulations can be assumed as the most important junctions between urban management and citizens. In other words, under urban rules and regulations the main elements of urban management as an actor can assign roles for themselves as well as other members and cooperate with citizens in managing of affairs and can verify the real meaning of citizenship (Lotfi et al., 2009).

One of important variable to achieve sustainable and desirable city is by promoting general awareness level of citizens in all fields, such as citizenship rights and urban rules and regulations (Mohammadi and Tabrizi 2011). Citizen rights are collections of rules, methods and regulations which adjust the citizen's relationship with urban offices and local and urban affairs institutions and make the duties of supervising bodies on councillors, mayors and other offices clear (Kamiar, 2008).

Principles of legal regimen and urbanization rules are particular and may differ from one country to another country or from one society to another society (Faghannejad and Noori, 2012).

Even though in urban planning, countries try to follow relatively similar and definite pattern and prepare their required tools according to general urbanization rules; but different political, economic, social and environmental structures of each country make the

urbanization rules and regulations distinct from each other (Mozayani, 1998, Batty, 1989).

Urbanization rules and regulations control that part of people's decision which has a regional and physical reflection and its ultimate intention can be achieving regional justice and sustainable development (Salehi 2006).

In fact, any country in order to reach healthy city and sustainable urban development needs not only to conduct urban plans but also to codify rules and to predict proper executive procedures (In the field of urban land use and regional and physical development) in order to maintain interest of public rules and to prevent its contradiction with the ideals of urbanization (Salehi and Hajikhan, 1997; Nasr, 2006).

In Iran, after so many years of preparation and codification of plans and schedules which their result is common pattern in urban constructions, it was expected that cities to develop according to correct principals and thoughtful rules and by considering economic, social, cultural and regional capabilities. This pattern unfortunately not only couldn't satisfy the actual need of the cities but also generally adds to obstacles and problems (Zabihi et al., 2012). In this condition, urbanization along with bulldozers jurisdiction and wide manipulation in the nature can be observed (Habibi and Hadi Jaber Moghaddam, 2005).

All issues and affairs related to rules and regulations of urbanization are considered as the most complicated legal issues and this is because urban social is a mass of competitive and contradictory interests and interrupted treatment with these interests only cause disorder and anarchy. Experimental study shows that urbanization in countries around the world enjoys different levels of development. So that in the first years of the formation of planning regimen in England, the necessity of design and urbanity in planning regimen become stronger via codification of supporting planning rules (Nijman, 2007). This means that in some developed countries, urbanization and consequently rules and regulations dominating it are in better condition. Although majority of developing countries are in primary levels, that is they hadn't entered to modern urbanization (Hatami Nejad, 2005). Planning and urbanization activities and also urbanization rules and regulations in the third world, are generally established based on the pattern and experiments of western countries especially England and these countries copied their urbanization rules directly from England (Pakshir, 2004). In Iran's present planning regimen, especially in urban development plans, there isn't much clear picture of action area and preparation process and legal position of urban planning. The main aim of this research is to comparatively study the concept of the city, different types of urban plans, urban law makers, and elements of urban planning and to investigate central management of cities and districts and related institutes.

## REVIEW OF LITERATURE

### Studying of historical background of the city, urbanization rules in Iran and England

In Iran, the Construction And Developing Of Roads Act counted as the first urbanization rules that with the approval of this rule, the activities of city governor exacerbate for the creating and widening of roads; because some of problems that caused by loss of such rules got eliminated (Mashhadizadeh Dahaghani, 2012). Real State Registering Act is another act which is enacted in 1928 simultaneously with the beginning of vast urban activities in. Due to social and economic changes during the last years of this era, settlement for the first time turned into a social issue. This condition caused 2 Acts to be enacted, first was Rent Decrease Act and the second one was establishment of Mortgage Bank. The first act is to stabilize rent rates and the second one tries to satisfy the need for housing (Rashidieh, 1964).

For the first time urban design evidences which were prepared with the aim of increasing welfare and visual physical qualities couldn't take the present of aesthetics and treatment aspects and opportunity (Lang, 2005).

Comparative study of rules and regulations dominating urbanization can have scientific and executive benefits among developed and developing countries such as England and Iran in different dimension. Using experiences of England and other pioneer countries can help to understand weaknesses and strengths of executing urban plans and to apply these elements to the local conditions of Iran.

England, as the origin of industrial revolution, has a rich history in modern urbanization which its roots going

backed to mid-19th century. So far the regional and urban planning system in this country had faced lots of changes while leaving a huge influence on global urbanization. While studying the development of urbanization in England, three completely different levels should be identified.

First level: comprehensive plan period : Which includes early 20th century till mid 1960s and its main manifestation is preparing and execution of urban and regional comprehensive plans and approving rural and urban planning in the year 1947 (Mahdizadeh, 2006).

### Previous papers conducted with the same subject

There are few research papers conducted on comparative study of rules and regulations of urbanization. One of the research papers that had been conducted on urbanization rules and regulations in Iran or England is as follows:

In a research paper, Zekavat (2005) studies the position of planning policies in directional and strategic regimen of urbanization and urban designing along with related rules and regulations and also applying urban designing policies on developing programs of England.

Bonakdar et al. (2012) in a research paper compare the position of urban design documents in the planning strategy of Iran as well as England and it state the most important problems against urbanization rules and planning system of Iran as:

1. Lack of harmony, collaboration and cooperation between organizations.
2. Lack of definite design policies in urban development plans documents.
3. Weak general participation.
4. Lack of supervision and control over prepared documents, and
5. Weaknesses of searching centers in independency degree and policy making are some of the most important problems against urban design documents in the planning system of Iran. These propounded issues are accounted as the main structural and institutional differences between two planning systems of two countries.

Faghannejad and Noori (2012) in a research paper studied the citizenship rights in critical condition in a comparative way. They focused their comparative and legal studies on Iran, France and America. They showed that in the constitution of Iran, compared to other mentioned countries, one whole chapter is dedicated to national rights of the citizens but doesn't refer to their duties. With regard to citizenship rights, there are brief rules in legal system of Iran which only covers primarily rights of criminals and they don't refer to other problems.

Badiee Azandehie and Sadat Mirahmadi (2014) studied the constitutions of both Iran and Pakistan comparatively in order to understand the principles of citizenship rights and their effects on national unity. They describe rules and regulations dominating citizenship rights in constitution of both countries in full details. Finally they tried to answer how the rules regarding citizenship rights in the constitutions of both Iran and Pakistan can affect their national unity. As per their research, in the triple citizenship rights in the constitution of Iran, religion is having a determinant role in keeping

national religious unity while it has created a gap between different groups of people in Pakistan.

Present paper tries to keep a different comparative approach on the rules and regulations of urbanization in Iran and England.

## MATERIAL AND METHOD

This is an applied research and of descriptive-analytical type which is conducted in a comparative way. The research methodology of the present study is argumentative which is done in a qualitative analysis. Data are collected through library search and online available sources. Presently, comparative study is considered as an inseparable part of research papers in urban science and other related fields and it is also claimed to be required for a strong analytical structure. This approach lets us to define measurable variables and to eliminate irrelative elements from the study (Pierre, 2005).

Nijman (2007) in his paper which was published in *Urban Geography Journal* refers to the fact that even though comparative study started to decline from 1990 but it has been so effective in human sciences in general and in urbanization in particular.

Milz et al. (2006) classified the parameters of comparative study in 4 categories: study case selection, analysis measure, planning to create an equivalent and variable orientation and/or case orientation condition.

The main element which are going to be studied comparatively are as: concept of the city and its definition in the urbanization rules and regulations of Iran and England, different types of urban and urbanization plans on Iran and England, urban and urbanization planning elements and institutions of Iran and England and comparing the central management in urbanization and urban as well as regional planning.

## RESULTS AND DISCUSSION

### The concept of city as per the rules of Iran and England

Before the enactment of Country Division Definitions and Rules Act in 1983, there was no clear and comprehensive definition for a city in Iran. The first definition for the city comes in the Municipality Act enacted in 1955 in which city is defined as any place of five thousand population and having a municipality office (Zebardast, 2004).

In the same bylaw, some factors such as population, existing shops, public bathrooms, number of schools and ... are considered as effective factors in founding municipality office in the area. So, as per the article 6 of the executive bylaw of the act enacted by the board of ministers in 1984, municipality office is established in a city in which majority of the city permanent residents occupy trade, industry, agriculture and service related businesses while the city has got relative self-sufficiency in city services and containing at least 10,000 population. In England however, this is on the basis of the governance territory of the local organizations which is a two column regimen including counties and districts as per the Local Government Act of 1972 and census of 1974.

### Different types of city plans in Iran

Comprehensive plan, descriptive plan and guide plan are some of the Iranian city plans. Comprehensive plan is a complete map of the city for the purpose of controlling and regulating physical growth of the city limits. This is an official public document which is regulated mostly by the predetermined local governments for a time interval of 20 to 30 years. The main aim of this plan is to conduct planning control and urban development as per the common regulations of urbanization. It is obvious that due to different conditions and factors effective on designing and planning of the cities and societies, irrespective of all existing similarities there will also be differences in the regulations and concepts of the given plans (Shieh, 2010). So, the following issues will be codified in the comprehensive plan as: zoning, how to use the available land and how to create the passes and roads. So it is clear that the comprehensive plan never refers to the details, rather it mostly talks about the zoning and also the way of using the available land (Razavian, 2010).

Descriptive plan is also regulated to execute enacted issues in the comprehensive plan. The history of these plans in Iran goes back to 1967-1968 (2007). It mostly investigates the urban land usage in the alleys level of the city, geographical location and exact area for each alley, the detailed and exact condition of the transit networks, the population and building density in the urban units and the areas which are in priority to improve, reconstruct, develop and solving the urban issues. Other different urban impositions, mapping and characterization of each plot as per the registered ownership documents are also regulated through the descriptive plan (Pour Mohammadi, 2009).

Guide plan is particularly codified for the small cities having 25000 populations or even less. In fact they only provide the general principles for the urban development and signify the future growth direction of the city. These issues are analysed more deeply in the comprehensive plan while being studied generally in the guide one. In Iran, guide plan is much older than the comprehensive plan and is regulated for the cities which are not having their specific budget for the comprehensive plan or it is impossible to conduct comprehensive plans there (Mojtahedzadeh, 2011).

### Law-making bodies in Iran

**Comprehensive plan:** Procurement of these plans signifies the existence of multiple periods to study and enact these plans. At the first period, along with the second plan (1955-1962), procurement of comprehensive plans for the cities like Isfahan, Sanandaj, Bijar, Uromia and others was done by the American experts with the help of 4 principles. In this period there was no process to study and enact the plans (Nazarian, 2008).

In the second period, along with the commencement of third plan (1962-1967), urbanization units were created in the Ministry of Domestic Affairs and by the presence of German experts the comprehensive plans in the form of previous plans were procured.

In the third period, following the establishment of Housing Ministry in 1964 and creation of Supreme Council of Urbanization and Iranian Architecture in 1972

(Sharmand Counseling Engineers), procurement of comprehensive plans and regulating its related rules and bylaws were assigned to Supreme Council of Urbanization. Finally, by the passing the act related to the establishment of Supreme Council of Urbanization and Iranian Architecture in 1972, this unit got the responsibility to study and enact the comprehensive urban plans.

**Descriptive plan:** As per the article 5 of the Establishment Act of Supreme Council of Urbanization and Architecture, studying and enactment of descriptive urban plans and any modifications in them are done by a provincial commission which is headed by Governor-General and its members also are as: Association Head of the city, Mayor, representative of Culture and Art Ministry, representative of Housing Ministry, representative of Counselling Engineers Organization. The modifications in the descriptive plans, if considered effective in the comprehensive urban plan, should be approved by the Supreme Council of Urbanization.

The procurement of these plans in all the cities of Iran (Except for Tehran) is on the shoulders of the Counseling Engineers and Article 5 commission is also responsible to study, enact and modify them. With the conducted reforms in the Establishment Act of Supreme Council of Urbanization and Architecture in 1986, Article 5 commission also got the responsibility to study and enact the descriptive urban plans and to create any modifications in them (Sharmand Counseling Engineers, 1999).

This commission has got the authority to modify the buildings density in each urban unit provided that the comprehensive urban plan will not get damaged. Distribution, division and identification of building densities in different levels of each given urban unit is in the rules and regulations of the descriptive plan, while Article 5 commission is responsible to study, modify and finally enact them. In cases these modifications do not affect comprehensive urban plan, so they should get enacted by the Supreme Council of Urbanization. As per the last part of the Article 5, municipality has to conduct those sections of descriptive plans which are passed by the city council.

### Urban plans in England

The first zoning plan of England was procured in 1944 with the aim of improving and reconstructing the destructed areas of the city as the cause of the bombardment during the war as well as the shabby areas of the cities.

As per the "Urban and Rural Planning Act", the local governments were able to purchase the lands in some specific areas called as obligatory areas and then to start constructions there by person or through contractors. In this planning regimen, the mostly applied construction plans were in the form of zoning. So, due to the problems of this rule and in order to get rid of these problems and at the same time to create a balanced urbanization regimen, an act was passed in 1947. As per this act, the layout of the new system of planning act was codified and Urban and Rural Planning Act of 1943 was nullified (Housing Ministry, Urbanization and Architecture Unit,

Urbanization Rules and Regulations of England, Tehran, 1978).

The rules and regulations for the issuance of Building license was not firm and determinant at all, while requiring more authorities to be provided to the local officials to interpolate and codify any conditions to be necessarily followed by the applicants of Building License (Housing Ministry, Urbanization and Architecture Unit, Ahmad Azimi, Urbanization Rules and Regulations of England, Tehran, 1978). Moreover, local planning officials should review the enacted plans of the region physically, socially and economically every 5 years in order to secure health and facilities for the public, to plan to use the land properly and to do reforms wherever necessary. All these factors caused the plan not to be of specific firmness. As per the act of 1968, constructional plans were evaluated carefully. Some criticisms such as concentrating only on details, lack of enough considerations towards political issues, great delay in the procurement of the plans (2006) etc. caused the structural plans to be substituted for the developmental plans that needs to be passed by the secretary of environment conservation as the vice minister of urban and rural planning. Act of 1968 later was reformed in 1971, 1972, 1986 and 1990 respectively and finally the Act of 1991 as the compensation act, maintained a two row system while creating some changes as well. Anyway, modifications from 1986 have been done in major populated parts of the country. In London itself along with 6 other metropolitan cities, structural and local plans have been replaced with the integrated developmental plans covering around 18 million people.

Structural as well as local plans are some of the urban plans in England. Structural plans are procured for the cities with 50 thousand populations or more. The focus of this plan is mainly on future development of the cities and their improvement, the relation between transportation and also land use and it does not refer to the details. The main task of this plan is to identify the places which are going to be reconstructed or improved in the near future. These places are called as the Functional Places and the given plan also is called as Functional Place Plan. Structural plan not only identifies the limits of the given places, but also specifies the nature and quality of the suggested measures for such places. Identification of the exact limits and details of the suggestions related to the given places are specified in the local plans.

In order to procure and propose a structural plan, the local planning authorities should consider all different physical, economic and social aspects and also follow all the rules and regulations under the article 53 of Act 1990. While procuring suggestions, it is necessary to ask for advice from some authorities such as Head of the Environmental Preservation, Transportation, Planning Authorities of the neighboring regions, national rivers authorities, county commissions and historical heritage preservation commission. Finally, decisions made by the local planner to confirm the suggestions related to structural plans are considered as the final and irrevocable ones except for cases in which there is a limited repetition right for juridical issues in the Supreme Court.

Local plans in England are in the form of the most descriptive plans for the specific functional place while being identified by structural plan. Even though local

plans include details of specific policies and suggestions on constructions and land uses, but planning details are not considered in the local plans and only some general guidelines are provided to reach to the specified goals. These are comprehensive plans being prepared for specific regions in which economical activities, population and communicational networks distribution, general recreational policies, environment preservation, green zone etc. are specified (Housing Ministry, Urbanization and Architecture Unit, Ahmad Azimi, Urbanization Rules and Regulations of England, Tehran, 1978).

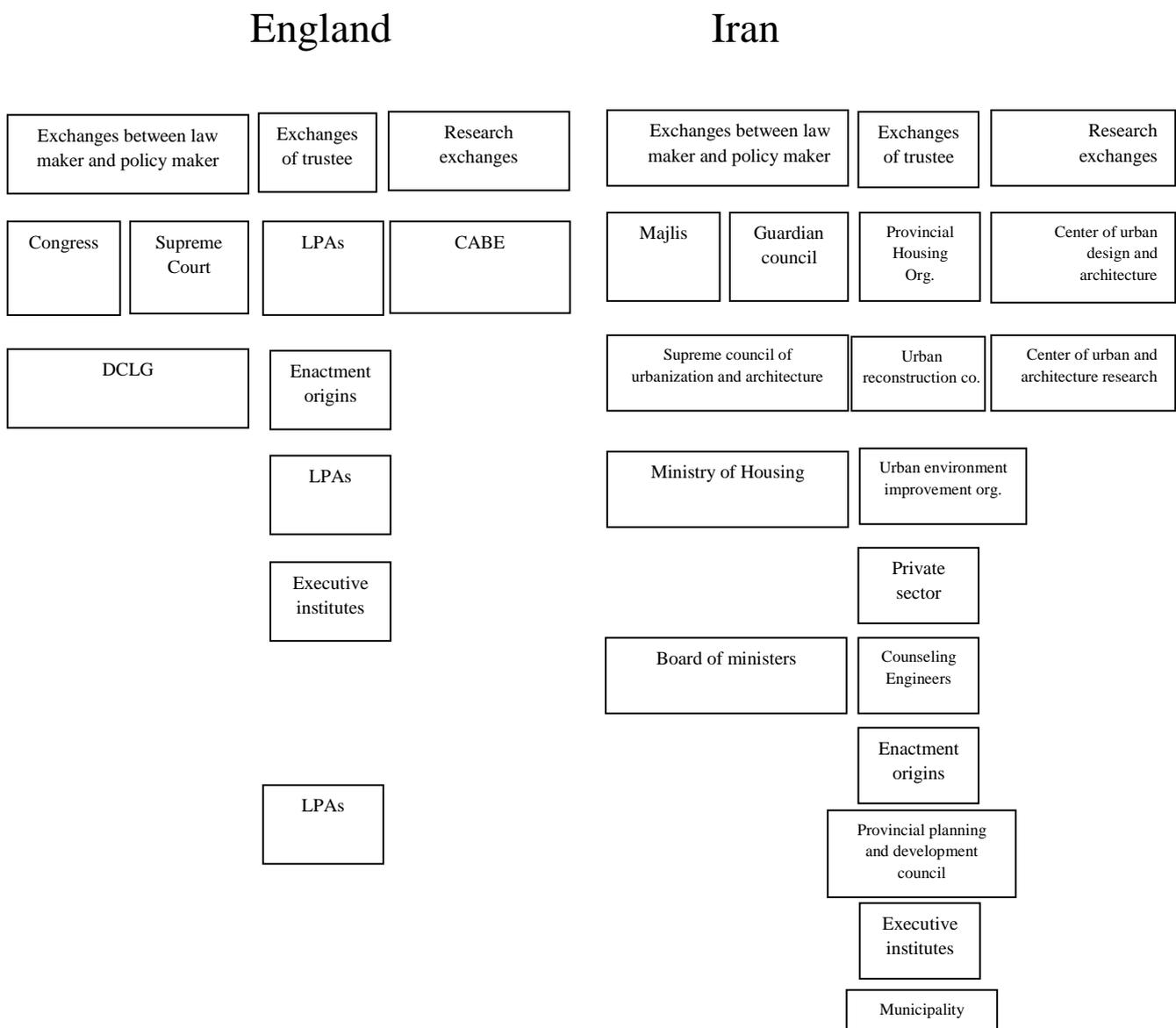
As per the Act 1990, local plans include a written text that describes general policies of the planner in relation to local plans. Local plan also includes a map called as suggestions map that describes the details of

each suggested policies, diagrams and topics which are related to general policies identified by the secretary of environment preservation.

The practical process, procurement and legal enactment of all these plans, irrespective of their origin that is regional council, are similar to structural plans. Local plans are enacted by regional council and any types of modification in local plans are done by local planning authorities.

Secretary of environment preservation can, anytime that is required, ask regional council to modify parts of local plan that seems to be unjustifiable. In this case, the regional council can enact all or some part of the plan only when modifications are applied or the secretary provides his/her agreement to do so.

**Figure 1.** Law-making and policymaking bodies of Iran vs. England



## Central management in Iran and England

Urban and Rural Planning Management responsibility in England and Velz is for the Secretary of Environment Preservation and Local Planners. Secretary of Environment Preservation is also the vice minister if urban and rural planning and in the article 1 of the Urban and Rural Planning Act of 1943, his duty is to supervise the correlation and progression in the procurement and conduction of the national policy in relation to land uses and their construction all over England and Velz. His duty is not only procurement of a plan but also codifying urban policies for transferring industries and residents to the countryside, green zone creation and preserving agricultural lands.

So, all the bylaws, instructions, rules and regulations issued by the Secretary of Environment Preservation will be binding to all local officials and individuals looking for reconstruction projects. In cases he does not follow all his rules correctly; it can be perused in the court of law (Ae telling RMC Duxbury, planning law and Procedure, London, Dublin, Edinbury, Butterworths, 1993).

In the regional level, Urban and Rural Planning Management is on the shoulders of local planners. Enactment of Local Government Act in 1972, which was conducted in 1974 divided England (except London) and Sisily Islands into 6 metropolitan county and 39 none-metropolitan counties and all these counties have got some districts.

Planning system in England generally is in two categories: first in England and Velz and the second one in Great London and metropolitan counties.

Local planners in Great London and Metropolitan County include London regional councils and London general council at Great London and metropolitan councils at Metropolitan County. So, in Great London and 6 metropolitan counties there only exists single row local government while all around England and Velz there is a comprehensive two row system of county and district councils. In the following figure, you can see the law-making and policymaking bodies for both Iran and England.

## CONCLUSION

The present research tries to comparatively study the rules and regulations dominating the urbanization of both Iran as well as England in order to find both similarities and differences in their urbanization rules and regulations, definition of the concept of the city, different types of urban plans, urban law makers, elements of urban planning and to investigate central management of cities and districts and related institutes. Iran is selected as a developing country and England as a developed country pioneering in the urbanization rules and regulations.

The existence of the commissions for the Article 5 and Article 100 in Iran gives the power to the officials to modify the enacted urbanization rules and regulations in their power limits. However, the Article 100 commissions in their power limits may immunize the constructional trespasses and cause the violation and modification of urbanization rules and regulations.

Irrespective of practical modifications in the existing urbanization rules as the result of constructional

trespasses of the individuals and issued votes from the article 100 commissions brought up enacting and conducting new rules and regulations in urbanization affairs and/or modifying the existing rules by urban planners as the result of these modifications. In these cases, obviously the verdict of the above mentioned law makers will be binding whether to maintain or to change some particular buildings or their usage. So, these lawmakers don't have potentiality to decide how to compensate the damages caused by the rules and regulations.

As a result of the present study, it is understood that in the judiciary system of England there is a balanced relationship between the individual and social proprietary rights while predicting principles such as compensation, depreciation and nonconforming land uses but in Iran there is not such concepts. So, the main solution should be sought in general legal principles such as the agreement between the people and the legal bodies in the form of Article 10 G.M. By all these definitions, it can be claimed that there is no clear balanced relationship among the individual and social proprietary rights.

From the other hand, in some cases existing urbanization rules and regulations inside Iran respect too much to the proprietary right of the individuals and make it too difficult to modify even if it is against the national interests. So the main aim and motive behind setting such law is forgotten. Clause 9 of Article 100G of Municipalities Law is an example that makes all the constructions before the enactment of this law as an exception and there is no other law to make it obligatory to follow all urbanization rules and regulations.

Obviously the result of these laws is that even if there exists firm urbanization rules and regulations, but still there will be a sort of permanent dualism in the urban tissue since the previous conditions are fossilized and not changeable through the law. This dualism is particularly true for those land uses in which even after reconstruction, the same business continues to exist and nobody has got the capability to change its usage and to oblige them to follow the comprehensive and descriptive plans. In other words, urbanization rules don't cover these cases.

Another significant problem about urbanization rules and citizenship is lack of awareness between the citizens and even the academicians such as lawyers and judges don't know much about these rules and regulations and their importance in the daily life. These rules are sometimes ignored and called as an extra phenomenon which is set only to be an income source for the municipalities. This attitude causes the authorities to look for ways to violate the rules, apply their own preferences to gain their personal interests and finally to refer to the juridical system to complain against urban planners. This way, majority of construction trespasses stay away from the hands of law and this leads to anarchy in the urbanization regimen. Offenders also can't be prosecuted and earn lots of profit through violating the rules particularly by using residential areas for non-residential purposes.

To deal with these issues, we need to create public awareness through personal and social communication tools with regard to urbanization rules and regulations and their importance in the personal and individual lives of the citizens to provide health and safety measures to them and

generally to remove this feeling that all rules and regulations are against the religious orders (Sharia). Obviously universities in general and law departments in particular can help to train citizens with regard to urbanization and urban affairs.

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