

**PROBLEMS CAUSED BY COASTAL LAW AND DECISION MAKING  
MECHANISM IN SMALL COASTAL SETTLEMENTS:  
CASE STUDY MUĞLA- BOZBURUN**

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## ABSTRACT

### PROBLEMS CAUSED BY COASTAL LAW AND DECISION MAKING MECHANISM IN SMALL COASTAL SETTLEMENTS: CASE STUDY MUĞLA- BOZBURUN

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In Turkey, there is not a comprehensive (integrated) coastal policy. In addition, there are many different policies and legal regulations describing the implementation processes of these policies and institutional structures emerged as the consequences of these regulations concerning the coastal areas. Although there is a coastal law specified for the coasts, the applicability of the rules determining the utilization principles of the coast and shore strip described with this law administratively has always been controversial.

In the Constitution, the principle of controlling the coasts and shore strips within the framework of public interest and environmental protection was adopted. The valid Coastal Law necessitates the formation of a uniform spatial pattern in the shore strip described in a stable manner. This situation means that the existing characteristics of small coastal settlements, existed in an integration with the sea throughout the history, were ignored and the relations of these settlements with the sea were disconnected. The main target of the thesis is to put forward and criticize to what extent the spatial pattern desired to constitute with the planning approach proposed in the Law is in service of the public interest and principles of environmental protection in the small coastal settlements.

Finally, the implementation problems caused by the Coastal Law in Bozburun are put forward in this thesis. Recommendations are given concerning that the power of planning should be increased in this process and accordingly institutional structure should be rearranged in stead of the Coastal Law's proposing similar plan decisions for the coastal settlements at any scale.

Key Words: Coastal Planning, Small Coastal Towns, Coastal Law, Shore Strip, Decision-making Mechanisms.

## ÖZ

### KIYI KANUNU VE KARAR ALMA MEKANİZMALARININ KÜÇÜK KIYI YERLEŞMELERİNDE OLUŞTURDUĞU PROBLEMLER: ÖRNEK ÇALIŞMA MUĞLA- BOZBURUN

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Türkiye’de kapsamlı (bütüncül) bir kıyı politikası bulunmamaktadır. Bununla birlikte kıyı alanlarını ilgilendiren pek çok farklı politika ve bu politikaların uygulanma sürecinin tariflendiği yasal düzenlemeler ve bu düzenlemeler sonucu kurgulanmış kurumsal yapılar mevcuttur. Kıyılara ilişkin tanımlı bir kıyı kanunu bulunsa bile, bu kanunun idari olarak tanımladığı kıyı ve sahil şeridinden yararlanma esaslarını belirleyen kuralların uygulanabilirlikleri sürekli tartışma konusu olmuştur.

Anayasa ile kıyıların ve sahil şeritlerinin kamu yararına ve çevrenin korunması çerçevesinde kontrol altına alınması ilkesi benimsenmiştir. Yürürlükteki Kıyı Kanunu, sabit olarak tariflenen sahil şeridinde tek tip bir mekansal desen oluşturulmasını öngörmektedir. Bu durum, küçük kıyı yerleşimlerinin tarih boyunca deniz ile iç içe yaşamış olan mevcut karakterlerinin görmezlikten gelinmesi ve bu yerleşimlerin deniz ile olan ilişkilerinin koparılması anlamına gelmektedir. Kanunda önerilen planlama yaklaşımı ile oluşturulmak istenilen mekansal desenin küçük kıyı yerleşimlerinde ne kadar kamu yararına ve çevre koruma ilkelerine hizmet ettiğinin ortaya konulması ve eleştirilmesi tezin ana hedefidir.

Sonuç olarak bu tezde Kıyı Kanunu’nun Bozburun yerleşiminde yarattığı uygulama problemleri ortaya konulmuştur. Kıyı Kanunu’nun, her ölçekteki kıyı yerleşimi için aynı plan kararlarını önermesi yerine, bu süreçte planlamanın gücünün artırılmasına ve buna bağlı olarak kurumsal yapının yeniden düzenlenmesine ilişkin önerilerde bulunulmuştur.

Anahtar Kelimeler: Kıyı Planlaması, Küçük Kıyı Kasabaları, Kıyı Kanunu, Sahil Şeridi, Karar Alma Mekanizmaları.

To My Love, mom and dad

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## CHAPTER 1

### INTRODUCTION

Coastal zone, as an ecosystem of interaction between land and sea, is **a natural resource**. Besides, it is also a resource due to being an obligatory space for so many activities. Being **a transition zone** between landward and seaward, coast becomes a matter of a resource for differentiated activities.

The competition among the activities, which try to take place on limited coastal areas, encourages the speculative actions. Within this context, the provision of the continuity of the coastal identity of coastal settlements can only be realized avoiding the mentioned speculative actions. Therefore, the need for **coastal zones ‘planning’ based on local qualities** has become a current issue for every country.

**If planning is simply described as the decision making process for coastal areas, the primary elements are national policy and legislation (national framework), to which this process is subjected, and its applicability in local.**

At this point there are three important points to emphasize, what should be the proper;

- (1) coastal policy?
- (2) legal regulation and institutional structure which are constituted in the context of that coastal policy?
- (3) planning approach as the tool of application at local level?

**In Turkey, national policies and legislation (National Framework) about coastal areas are clogged at the local implementation level in some stages/points.** These stages/points are going to be discussed in the context of Marmaris/Bozburun settlement.

**In this thesis, it is questioned if the legal regulations, which are prepared within the framework of national superior policies, and to which Bozburun is subjected, are applicable on Bozburun at the present. If the requirements of Coastal Law (strictly normative) are completely fulfilled in Bozburun, the results incompatible with national superior policy (conservation- sustainability- and public interest) formed for the coasts will arise. In**

addition, it is controversial that how good the spatial order created with the planning approach presented in Bozburun by the Institution of Specially Protected Areas established in accordance with the national superior policy (conservation of areas having special qualities with special approaches) overlaps with relevant policy and the coastal town identity of Bozburun.

Consequently, the main themes to question are the problems occurring when the Coastal Law is enforced in Bozburun which can be described as a coastal town included in the “Specially Protected Area of Datça-Bozburun” and the planning approach of Institution of Specially Protected Areas about the area beyond the shore strip.

Moving forward with this brief and clear description, it is evident that two national policies are effective in Bozburun settlement. First one is *national coastal policy*, the other is the policy related with the *protection of special areas*. The common purpose of these two policies is the effective utilization of coastal resource. At this point, **these two policies and legal regulations prepared within the framework of these policies constitute the basis of the planning problem of Bozburun.**

Under the light of these two policies, the planning studies to be conducted on the shore strip of 100 meters and the filling areas, which are on the coast of Bozburun, are subjected to the Coastal Law numbered 3830/3621. Since the settlement takes place within “the Specially Protected Area of Datça-Bozburun”, “Institution of Specially Protected Areas” is entitled for the planning on each scale within the framework of “Decree Law for “Establishing Institution of Specially Protected Areas” Numbered 383”. Moreover, as the settlement is subjected to the Coastal Law numbered 3830/3621, the parts of coast, shore strip and filling areas involved in the plan, which is prepared in compliance with this law, are approved by “the Ministry of Public Works and Settlement”. The Municipality of Bozburun, as being the local administration unit, is responsible for the implementation of the plans, which are prepared and put into implementation after the approval within the framework of the aforementioned legislation.

<p>administrative boundaries</p>			
<p>determining legal body for planning</p>	<p>Coastal Law Numbered 3830/3621</p>	<p>Decree Law for "Establishing Institution of Specially Protected Areas" Numbered 383</p>	
<p>authorized institution (plan approval)</p>	<p>Ministry of Public Works and Settlement</p>	<p>Institution of Specially Protected Areas</p>	

**Figure 1.** Legal framework for planning process of Bozburun.

**In spite of that this distribution of authority and tasks and the spatial decomposition constituting a base for the planning seem apparently to be a system, which has to proceed good or bad, it causes insoluble processes at the point of implementation in practice and locally.**

The Institution of Specially Protected Areas, responsible for the preparation and the approval of the plans of Bozburun, has the task and responsibility of determining the Specially Protected Areas and suggesting them to the Cabinet with the authority given with a Decree Law. Within this framework, Specially Protected Area of Datça-Bozburun was issued in the official journal and put into effect with the decision of the Cabinet in year 1990. In this context, it is expected that the plans prepared for Bozburun settlement should include plan decisions overlapped with **the principles of specially protected areas**. In other words, if Bozburun settlement is included in Specially Protected Area of Datça-Bozburun owing to its local characteristics, the task of determining (in detail) the local values necessary to protect should be given priority in the planning studies to be conducted. Local characteristics, before making the plan decisions in general and beyond the analysis topics specified with the relevant legislation, should be *diversified as cadastral possession pattern, living spaces forming (formed) within the natural processes in compliance with this pattern, open area system, structuring/architectural features, economic activities peculiar to the local, urban design and values articular to that vicinity, etc.* Within this context, the main issue is to provide the continuity of the existing coastal settlement identity of the

settlement and the spatial typology formed within this framework; the search for the ways to enrich of these features in line with the decisions taken. If the aforementioned values are ignored in the planning process of a coastal town populated around 2000 and recently become a municipality, building blocks and lots are established within the framework of traditional Turkish Planning Practice and the planning approach constituted of “total construction area and building height” for this blocks is preferred, it should be questioned how much this situation overlaps with the continuity of the coastal town identity and the principles of specially protected areas.

The plan decisions necessary to be taken for the coastal region on a 1/1000 scaled Implementation Plan for Bozburun Settlement, which will be prepared by Institution of Specially Protected Areas, **are stated “clearly”** in the Coastal Law numbered 3621 (amended by the law numbered 3830 in 1992) and enforced in 1990 based upon the Constitution of 1982. The main purpose of the Turkish Coastal Law is to set out principles for the protection of the sea, natural and artificial lakes, river shores and the shore strips **“by paying attention to their natural and cultural characteristics and for their utilization towards public interest, open for the society to benefit”**. Besides, it is **impossible to reflect in a legal way the local characteristics of Bozburun Settlement and the necessity of planning as a whole with the back zones in the context of abovementioned Principles of Specially Protected Areas within the framework of the Coastal Law numbered 3830/3621.**

Only one description for coast takes place for the 8300-kilometer shore strip of Turkey in the Coastal Law numbered 3830/3621. A zone of 100 meters in the back zone of the described coast is reserved as shore strip and a number of structuring and utilization criteria is set out within the framework of main policy of arranging the coasts among the other areas as open for everybody. Approximately 1/3 of the existing urban pattern of Bozburun Settlement (entire city center, municipality building, military station, mosque, etc.) remains within the coast and shore strip, which have to be organized as open space, as it is required to keep the coasts open for everybody. Bozburun settlement normally has a spatial pattern integrated with the sea as required by the identity of being a small coastal town. Since the sea is in the focus of the economic activities, spatial typology shaped as closer as possible to the sea. **This situation does not constitute an obstacle for the society to utilize the coasts of Bozburun settlement completely and freely. In other words, the spatial pattern existing in present Bozburun has absolutely not been evolved to prevent the society’s utilization of the coasts of Bozburun.**

Bozburun is a settlement, which is included in Specially Protected Area of Datça Bozburun, and, which is not under the pressure of location selection for a number of usages (industry, secondary

resident, small, medium and large sized tourism facilities, etc.). **The approach ignoring these characteristics of Bozburun settlement, which is adopted by the Coastal law, which is an outcome of the efforts exerted to control the competition of location selection on the coast between the above mentioned and many other usages with its strict rules as much as possible, is specified as the main problem within the scope of this thesis. In addition, the problem of how much the planning approach presented by the Institution of Specially Protected Areas is in conformity with the superior policies is another issue necessary to be evaluated within the same framework with the first problem.**

The consideration of local characteristics of a small coastal settlement as an input is essential to provide consistency of plan and reliable performance of application process. Local characteristics of these settlements totally differ from urban settlements in terms of both physical structure and life style; social and cultural relations.

The existence and role of the ‘sea’ is very important on the life styles of and in the constitution of social and economic network among the people that live in. In that manner, the relationship between settlement and the sea determines the character and identity of that settlement. Being an important natural resource, the climatic attributes and the uniqueness of recreational activities of the sea and its creation of visual, structural and especially local solutions, which form settlement’s spatial typology (building, street, their relationship with sea and each other, activity pattern) show the importance of it and the **diversity of local characteristics** in terms of planning.

In the most of the coastal settlements, while discussions are going on for coast and shore strip, the other parts of the settlement are influenced from high-density development based on speculative land rent. As a result, coastal settlement looks like ‘urban’ or becomes totally urbanized.

The problematic point that constituted the subject of the thesis is the main structure of “policy (legal and administrative structure), planning and practice” that includes all small coastal settlements. Different legal bodies create no practical solutions or solutions (?) that deny the existing coastal characteristics and continuity (or sustainability) of that settlement by affecting (regulating) planning processes.

In the second chapter of the thesis, the aim is to define coastal environments in terms of **change**. Coastal environment as the place of triple conjunction (air, sea and land), has a very dynamic structure. It has so many definitions and classifications in terms of different scientific contexts. Dynamic and changeable coasts have attracted ‘man’ since the earliest times of world history. Man

always tried to take place in the coastal area. Firstly seas; then the landward environment created by the effects of the sea are natural resources for man to use. Human settlements in every scale have sprinkled on the coast since the first settlements taken in the history. Within this framework, human-sea relationship on the coastal stage will be examined in the second chapter.

The relationship between man and coastal environment must go on within the framework of coastal planning. Man's competition based on usage of coasts shows that a structure of decision mechanism must be established for every nation. Of course some other regulatory studies are held in international level but the main decision makers for coastal areas are the nations their selves.

In this context, third chapter of the thesis will examine the principles of coastal planning procedures, accepted mainly on the agenda. From this point of view the issue will be studied in a context of policy, planning and practice. Regulatory bodies, which are the products of government policies, control and draw the borders of the coastal environment administratively. The planning and practice processes under the power of those regulations usually have some major problems. These problems especially affect coastal small towns, which are settled next to sea and have been living for decades (maybe centuries) without any tension.

Within this framework, researches will be undertaken in order to find out what kind of a planning approach should be preferred for a small coastal town lasting a peaceful life in itself. It is essential that national policies and implementation instruments should accord with the local and implementation process should clearly be described. Within this context, the target of second chapter is to conceptualize the each stage of policy-implementation and to provide openings for the solution of the problem put forward within the scope of the thesis. In order to reach this target; it is required to;

- Produce a national policy,
- Describe policy implementation instruments,
- Provide the implementation of the policy with the described instruments in the local, and
- Follow the process and, if necessary, intervene the deficient points on superior policy level.

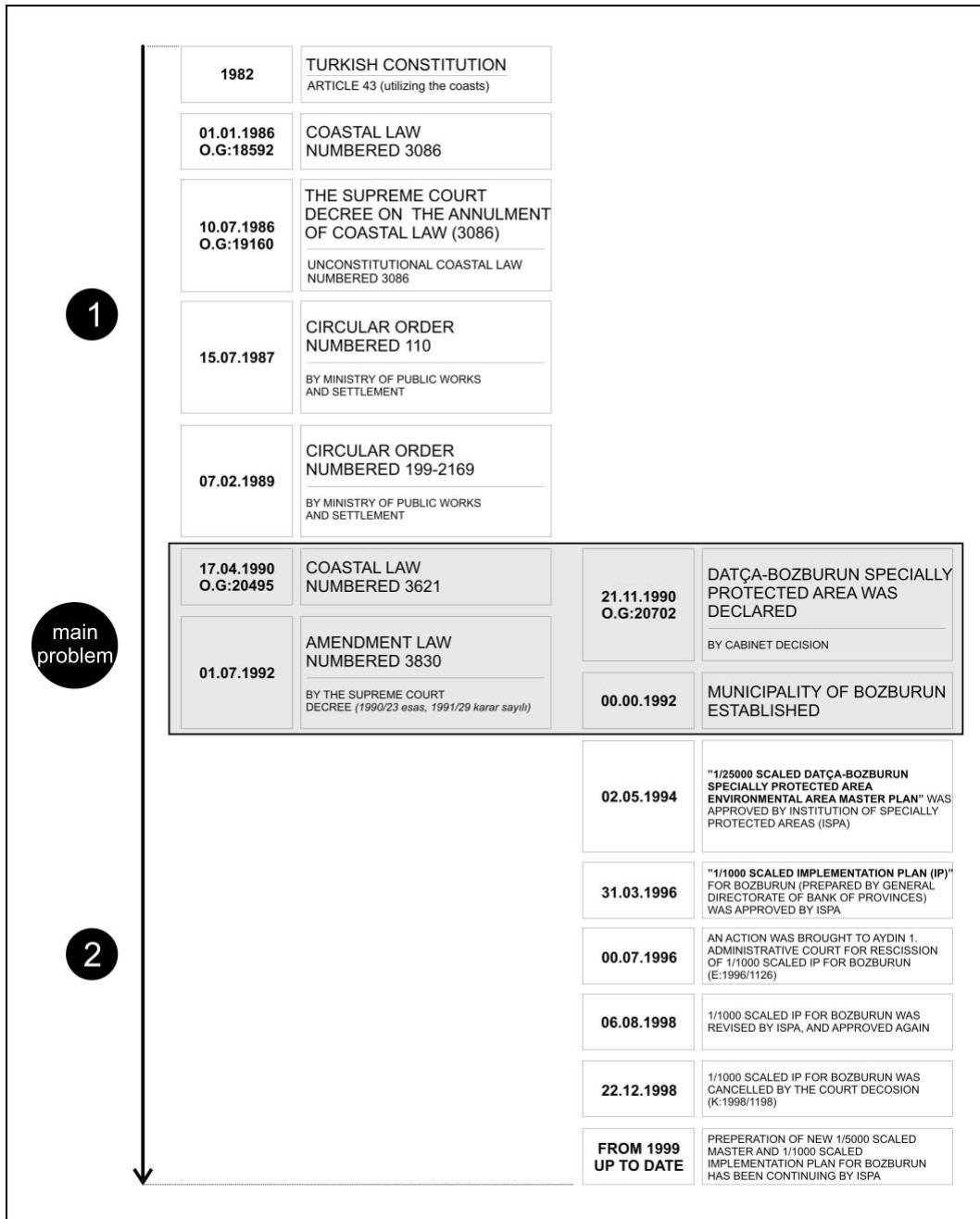
In this chapter, it is decided as a study method to scrutinize the formations in the different coastal countries. In order to reach a solution at the insufficient points of the issue specified as a problem within the content of this thesis, the different examples were looked through and it is researched how these were overcome.

The next two Chapter covers the Coastal Laws constituted on the base of the framework defined in the Constitution of Republic of Turkey since the year 1982 when the constitution was put into force, the basis of the existing Coastal Law and the examination of the mentioned Law in particular on Bozburun<sup>1</sup>. Within this scope, the period between 1982 and 1992 may be described as a controversial and continuously interrupted period from the point of “practice of establishing a unique legal regulation concerning the coastal areas”. The terms of “controversial and interrupted” mentioned above should be underlined within the scope of the thesis. The reason why the Coastal Law, which has been formed within the framework of certain policies and is still in force, is completely insufficient at the local implementation level in Bozburun and Bozburun-like settlements is the disconnections experienced during the process of drafting the contents and the scope of the Coastal Law and putting the Law into force. At this point, Figure 2 should be studied in details.

In figure 2 **there are two main time periods. First period** overlaps with the process of trying to acquire a “Coastal Law” that was based on the 1982 Constitution. In that period the fundamental idea was to enact a coastal law which involves **a successfully operating control mechanism** for the coastal areas. “Benefit to the public (Kamu yararı) of the shores and shore strips” was the major aim of that mechanism. But here, the problematic question was **what were the proper policy, the accurate planning criteria and suitable usage for publicly open coastal areas?**

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<sup>1</sup> Why Bozburun was selected as a case study? Within the Urban Design Master degree Program, Urban Design Studio Studies were held in Bozburun in 2001-2002 semester. Thesis author was also in that Bozburun study team. In these studies the main problem in “Urban Design Studies in Bozburun” was the Coastal Law.



**Figure 2.** A basic Timeline for “Coastal Law” and Bozburun’s administrative and planning situation.



First period was examined in the context of some critical points. In this period;

- There were two *Coastal Laws* (3086 and 3830/3621).
- There were two *Constitutional Court Orders* (Cancellation of 3086 and Amendment in 3621 with 3830).
- There were legal gap years (1986-1990).

**Second period** specially overlaps with **the thesis problematic issue**. By the end of first period (as existing Coastal Law 3830/3621 has been constructed) Bozburun's precedent planning story began. In here, the main questions are:

- **What specific rules must be put into practice in Bozburun within the framework of existing Coastal Law?**
- **Could these rules be put into practice by the Planning Authority<sup>2</sup> of Bozburun?**
- **If that so, what would have been the social, economic and spatial results of local implementation of Coastal Law in Bozburun?**

Finally, in the next two chapters the aim was to put forth Bozburun's planning problem into consideration and to discuss it. In the forth chapter, the first period in Figure 2 was examined in basic topics. In here, the aim was not to investigate all the history and content of the Coastal Law in a detailed way but **to put forth the focal points of Bozburun's specially related problems for consideration was the major objective**.

In the fifth Chapter, the primary legal framework was the Coastal Law numbered 3830/3621. That framework spatially encloses the coast, shore strip and areas gained through land reclamation of Bozburun. The second level problematic issue was *the planning approach and plan decisions* of settlement's inland areas. Here, the central figure is the Institution of Specially Protected Areas as Bozburun is located in "Datça-Bozburun Specially Protected Area".

The primary aim of this chapter is to show how protection of coastal areas (coast and shore strip) and natural assets of inland areas (Conservation minded approach) are provided by the policies and related legal bodies in the context of Bozburun (local implementation level).

As a result in this thesis the aim is to answer these questions:

- What are the points that have to be considered definitely in the transition of the small coastal town to a planning process?

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<sup>2</sup> Planning Authority for Bozburun is the "Institution of Specially Protected Areas" as Bozburun settlement is in "Datça-Bozburun Specially Protected Area" (See Figure 1).

- What happens if the attributes of decisions of the plan do not get along well with the life style, architectural and designated background as previous space production process?<sup>3</sup>
- The main criteria in benefiting from the sea are 'public interest' and some definitions and widths have been determined in terms of these criteria by law. Do these regulations operate in a small coastal town properly?
- Is it possible for a small coastal town to sustain with protecting its local characteristics in spite of general constraints and demands on the coasts? Which planning approach should be appropriated to provide that?

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<sup>3</sup> By the decisions of a plan, of course it is possible to change the development process of a settlement totally. It is also certain that the results of this wholly transformation can also positive. However, if the decisions were not effective enough and ignored the local characteristics of the settlement, could it be possible to speak of the strength and applicability of that plan?

## CHAPTER 2

### COASTAL ENVIRONMENT AND HUMAN RELATIONSHIP

#### 2.1. Description of Coastal Environments in the Context of “Differentiation Related To Change”

Firstly, in order to describe the coastal areas, it is necessary to emphasize that coast in scientific terms is the subject of different sciences due to its “dynamic” structure. Therefore, a single and simple description for the coast is not available. Because of this reason, in literature, all the works, no matter whether they are academic or not, which deals with the coast and its surrounding starts with the description of the coast. Each author of each work determines the content of the description according to the scope of his work.

Similarly, in this chapter thesis owner was examined coastal environments and their special features in the context of “differentiation related to change” (Değişime bağlı farklılaşma).

##### 2.1.1. Primal Definitions of the Coast

The coast, simply, refers to the area where land, water -and air- meet (the triple conjunction). It is best viewed as a zone of *mixing* or *adjustment*.

A more formal definition is “*The coastal Zone*<sup>4</sup> is that space in which terrestrial environments influence marine (or lacustrine-lake-) environments and vice versa.” (Carter, 1988). From this

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<sup>4</sup> In common English there is a little distinction between zone or area. In wordweb dictionary (computer type) zone and area defined as in their first meanings:

“*Zone*: A circumscribed geographical region characterized by some distinctive features”

“*Area*: A particular geographical region of indefinite boundary (usually serving some special purpose or distinguished by its people or culture or geography)”

But in coastal management there has been some debate as to the implied meanings associated with zone, as used in ‘coastal zone management’ (Kay & Alder, 1999, p.1). The debate has focused on the implication that zone may imply that geographically defined planning zones will be established and become the dominant part of the coastal management process. Kay and Alder (1999) concur with Kaluwin (1996) in their book “Coastal Planning and Management” that zone could be implied to mean a planning zone, and to ensure consistency they use coastal area or simply ‘at the coast’ or ‘on the coast’, except when quoting from original sources which use the term coastal zone. Thesis author would also use the same approach.

point of view the coastal zone can also be described as the part of the land affected by its proximity to the sea and that part of the sea affected by its proximity to the land.

There are also other, less quantitative definitions also exist (cited in King and Green, 2001), including:

“the coastline, together with adjacent areas (maritime fringe, foreshore and inshore waters” (Sheehan, 1994)

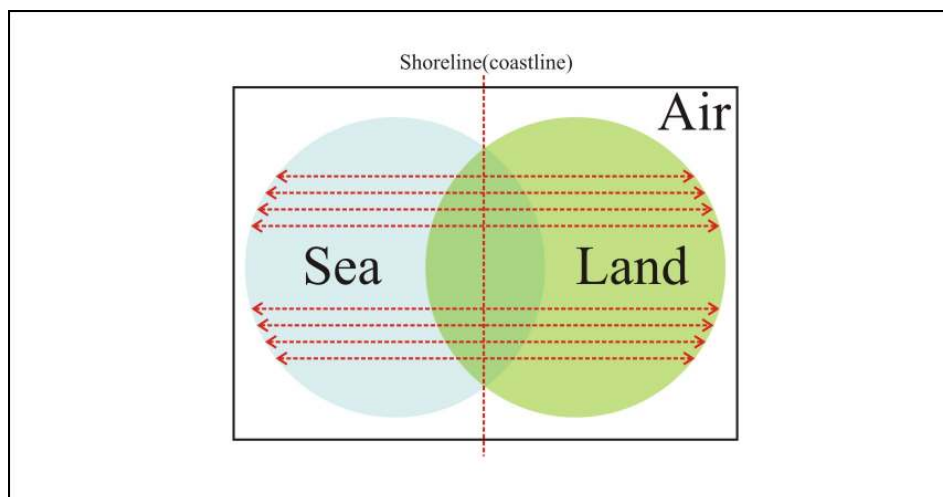
“an area of dynamic transition where land and sea interact and which includes both the landward margin and inshore waters” (DoE, 1996, p.1)

This range of definitions shows what is certain is that all coastal zones include some area of water, an area of land, and an area that is intermittently covered by the sea (the intertidal zone).

The coastal area is commonly include (Brochier and Giupponi, 2001)

- *Inland areas*, which affect the sea mainly via rivers and non-point sources of pollution;
- *a coastal lands*, wetlands;
- *coastal waters*, mainly out to the edge of national jurisdiction (200 nautical-miles offshore);
- *high seas*, beyond the limit of national jurisdiction.

Most of the definitions of the coast begins with the shoreline or coastline (the line of intersection of a water body with land) and extending inland to the limit of tidal or sea-spray influence, or to where the terrain show signs of major change; and include the nearshore waters that extend from the shoreline to a specified limit (figure 3) (Klee, 1999, p.2).



**Figure 3.** Relational structure of coastal environments based on reciprocal ‘impacts’.

Coast is a simple line on a map-but the natural processes that shape the coast are highly dynamic, varying in both space and time. Thus the line that joins land and sea is constantly moving, with the rise and fall of tides, creating a region of interaction between land and sea. The coastal environment includes beaches, coastal marshes, mangroves and fringing coral reefs; other parts may be more distant from the immediate coast (inland or out to sea) but they play an important role shaping it (Kay and Alder, 1999).

As a result, the connection between land and sea is very important in defining coastal area as:

“The band of dry land and adjacent ocean space (water and submerged land) in which terrestrial processes and land uses directly affect oceanic processes and uses, and vice versa.” (Ketchum, 1972)

The key element in this definition is the ‘interaction’ between marine and terrestrial processes and uses: coastal areas contain land which interacts with the sea in some way, ocean space which interacts with the land. Thus coastal areas (Kay and Alder, 1999):

- contain both land and sea components
- have land and sea boundaries that are determined by the degree of influence of the land on the sea and the sea on the land; and
- are not uniform width, depth or height.

These elements show, the transition between land and sea is often gradual, depending on local physical conditions. The issue here is not the nature of the actual transition, but what its implications are for defining coastal area. Choosing the thresholds, which define the landward and seaward limits of a coastal area, depends to a large extent on why the definition is needed. This ‘need-driven- approach to coastal area definition is the main frame.

### **2.1.2. The Concept of Natural ‘Change’ in the formation of Coastal Environments**

The coasts are clearly not the areas, which completed their formation. The restructuring process, which based upon the concept of “change” and continued up to day since the formation of the world, continues on the coasts. Coastal environments are among the most changeable on the Earth’s surface.

The facts that coasts are dynamic areas and involve formation processes very different from each other from the point of their qualities cause the each pieces of coasts to have different structures from one another. The main structures peculiar to the sea and land itself lead the formation of different natural areas at the points where these two meet. For instance, the integration of off-sea

with the land and the integration occurred in a small bay causes the formation of coastal areas different from one another. One of the easily available results is that the interaction between the percentage of salt content of the sea and the soil capability of the land, where they meet, is very important in the formation of physical space.

#### **2.1.2.1. Coastal Dynamics**

Coastal environment is the place of change. If somebody visit some piece of coast on different occasions, he will probably notice that it changes. These changes may be many and varied, and occur on a variety of scales and time (Table 1).

**Table.1.** The time scale of coastal changes in relation to both absolute and human time (taken from French, 1997, p.9).

<i>Absolute Time Scale</i>	<i>Human time Scale</i>	<i>Coastal Processes</i>
Millenia		Response of sea level to glaciation
Centuries	Shifts in settlement and industry	Historical coastal change-loss of towns and villages
Decades	Coastal engineering and protection	Formation and loss of habitats-marshes, dunes, etc.
Years	Coastal engineering, management plans	Effects of protection works, longshore drift
Months	Impacts of tourism	Seasonal adjustments, shore profiles
Weeks	Impacts of tourism, emergency coastal protection works, extraction	Shore profiles, spring-neap tidal cycles
Days	Emergency flood protection works	Storm surges, defence beaches
Hours	Sewage, litter	Tidal cycles
Minutes		Wave and currents
Seconds		Sediment grain movement

According to Hansom (1988) the coastal area is under constant change due to three major groups of natural factors: (1) terrestrial factors; (2) marine factors; (3) biological factors.

The *geologic structure* of the site is a primary terrestrial factor. Also climatic changes is another terrestrial factor that impacts coastal areas (temperature, rainfall amount, intensity, etc.) (Hansom, 1988).

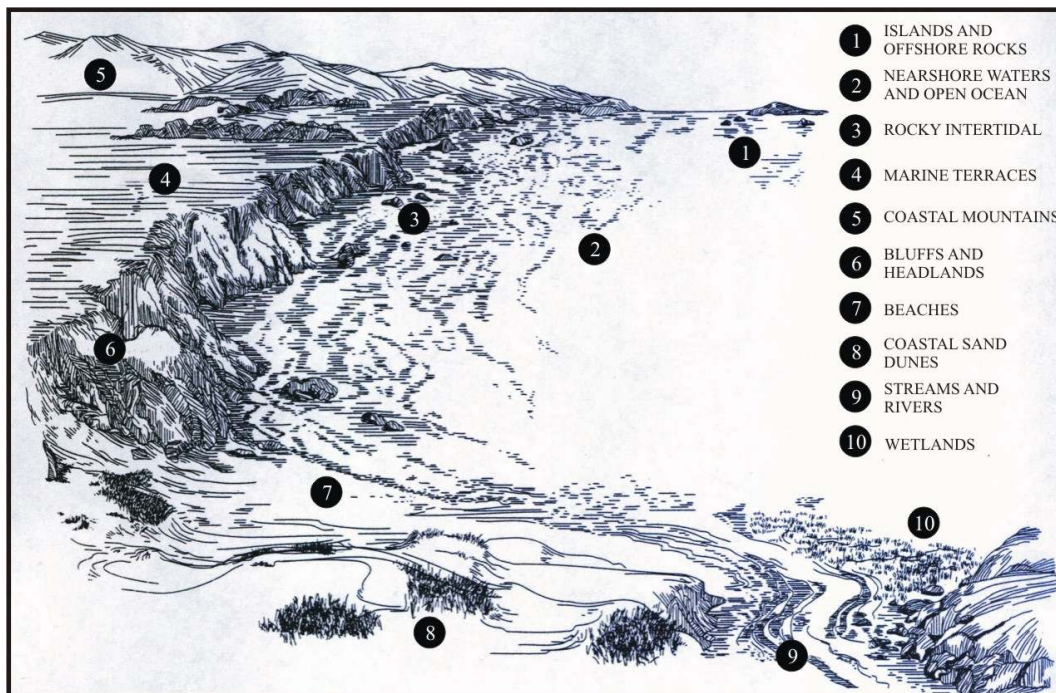
The coastal zone is also affected by marine factors, such as tides, storm surges, waves, tsunamis, currents, upwelling, and sea level rise (Hansom, 1988). Classification of coasts in terms of terrestrial and marine factors are vary in so many formations (Table 2).

**Table 2.** Morphological classification of coasts (Klee, 1999, p.8, taken from Viles and Spencer 1995, p.22, adopted from Inman and Nordstrom, 1971).

<b>Coast type</b>	<b>Characteristics</b>
<b>Mountainous coast</b>	Shelf <50 km wide, coastal mountains >300 m high, rocky shore zone with pocket beaches. Mainly on collision coasts
<b>Narrow-shelf hilly coast</b>	Shelf <50 km wide, coastal hills c.300 m high or less, occasional headlands and beaches, some barriers
<b>Narrow-shelf plains coast</b>	Shelf <50 km wide, low lying coastal plains, barrier beaches, occasional low cliffs
<b>Wide-shelf plains coast</b>	Shelf >50 km, low-lying coastal plains and wide shore zone, often with barrier beaches
<b>Wide-shelf hilly coast</b>	Shelf >50 km wide, coastal hills c. 300 m or less, barrier beaches and occasional headlands and cliffs
<b>Deltaic coast</b>	Sediment deposited where river enters sea; low-lying coastal bulge
<b>Reef coast</b>	Organic origin, resistant; fringing or barrier type
<b>Glaciated coast</b>	Coastal features dominated by erosional effects of glaciers, precipitous cliffs and fjords common

In summary, *Coastal Spaces* can be seen as a dynamic, unpredictable and interdependent set of subsystems in which the land-sea interactions are at the origin of very specific environments such as wetlands, estuaries, and open seas areas (Figure 4).





**Figure 4.** Diagram of major coastal habitats (Adapted from Klee, 1999, p.14, and it is adapted from California Coastal Commission, 1987, pp.13-14).

## 2.2. Human Interaction With Coasts

Dubos (1971) points out that:

“All primitive people regard *air, water, and earth* as the very essence of material creation. The early philosophers tried to account for the structure of the universe and of the human body in terms of these primeval principles. **Modern man**, as we shall see, still regards them as eternal, fundamental, and essentially irreducible values.”

It has long been known, of course, that air, water and earth are not elementary principles; but despite this knowledge, these words are still associated in the mind of modern man with sensations and physiological effects very similar to those experienced by ancient man (Dubos, 1971). The ancient and unchanging state of man’s relation to nature still constitute essential determinants of *satisfaction and happiness*.

Human’s effort to exist for thousands of year overlaps with his effort to harmonize the natural environment, where he lives in, with himself. Natural environment always exposed to the intervention of human being. Human created his own space according to his life conditions; and continuously converted the natural environment. When the individual living space was planned together with the others, settlements came out.

The coast happened to be one of the most special factors in the process of the formation of the space. This special area became the one, where the *water world*, the life resource of the human being, and the *land world*, on which they lived and gave shape in different ways, met and integrated.

The seas, lakes and rivers create the natural balance through the water and oxygen they produced, and provide the optimum living conditions with its impact leading to a temperate climate. Balances were changed with the joining of human being within this transition strip, where all the living creatures are in an exchange and where an environmental integrity is experienced.

At this point, since the sea has the quality of being the resource of life for human, it put forward the preference of human to live in close relation with this resource. Throughout the history, coastal areas were primarily preferred as living space.

The importance of air, water and world for humans during the history up to modern man could be observed from their efforts to continue their lives on the special coastal spaces, which had completely superior qualities, and were formed through the gathering of the individual qualities of these three.

As the coastal areas are the “transition areas from water to land and/or from land to water”, it attracted any kind of the interest for hundreds of years. This interest was shaped with the conditions of each period. The quality of being the transitional area between the sea and land capacitated the coast to provide a living environment, which was impossible to form in any other place.

The sea<sup>5</sup> is the strongest entity of water world due to the large areas they occupied and the other living forms they included. The sea lives; is a living space. This special space has always been a source of interest for human being. Humans utilized the sea as the source of dreams, too. Different cultures developed different beliefs and thoughts about the sea.

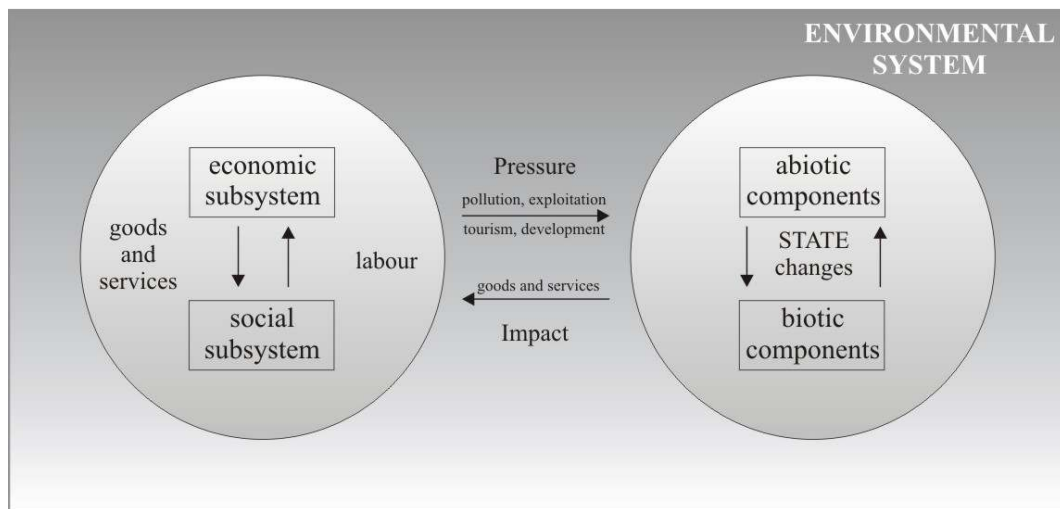
The sea “is a limit, a barrier extending towards the horizon, a super natural, mysterious infinity, which never disappears and captures the every moment of man” (Braudel, Coarelli, Aymard, 1977, p.31).

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<sup>5</sup> The water elements such as oceans, rivers and lakes, which should be considered within the same framework with the coast, are not ignored by the author of the thesis; however, since they are out of the scope of the thesis, they are excluded from the discussions. Therefore, the processes concerning the coast concept will be carried out over the seas.

“The edge of the sea is a strange and beautiful place. All through the long history of earth it has been an area of unrest where waves have broken heavily against the land, where the tides have pressed forward over the continents, receded and then returned. For no two successive days is the shoreline precisely same. Not only do the tides advance and retreat in their eternal rhythms, but the level of the sea itself is never at rest. It rises or falls as the glaciers melt or grow, as the floors of the deep ocean basins shift under its increasing load of sediments, or as the Earth’s crust along the continental margins warps up or down in adjustment to strain and tension. Today a little more land may belong to the sea, tomorrow a little less. Always the edge of the sea remains an elusive and indefinable boundary.” (Carson, 1983, p.11)

The main components of coastal systems, natural processes and human activities, interact in coastal zones in a complex manner, forming a so called *eco-socio-system* (Henocque et al., 1997, cited in Brochier and Giupponi, 2001) (figure 5) in which the dynamic nature and the productivity are vital for economic well-being and development in many countries. In the last decades the combination of increasing human and natural pressures have resulted in jeopardised coastal areas in terms of their ecological integrity, and regions at risk in terms of socio-economic welfare (Brochier and Giupponi, 2001).



**Figure 5.** Components and Interactions of the coastal *ecosocio-system* (taken from Brochier and Giupponi, 2001, and it is adapted from Swart and Bakkes, 1995).

### 2.2.1. Human Activities Having Impact on Coasts

Human has been effective on the coast and the sea environment by living in, using natural resources, giving shape there in compliance with his own purposes within an approach to shape his

living space in line with his own interest. Hence, it creates a *pressure* emerging from the utilization of sources of coast and land directly.

According to Klee (1999, pp.1-2) coastal zone is very important for humans for some reasons such as:

- *a habitat for wildlife* (e.g., a large indefinite number of plants and animals that depend on coastal estuaries);
- *a natural filter* (e.g., wetlands that filter impurities from waters that pass through them);
- *a safety barrier* (e.g., barrier islands, beaches, dunes, and cliffs that buffer residents along the coast from high winds and seas);
- *a food source* (e.g., coastal fisheries that provide a food source for millions of people world wide)
- *a recreation area* (e.g., open space for beach-combing<sup>6</sup>, sun bathing, swimming, boating, fishing, and relaxing of whatever sort);
- *aesthetics* (e.g., inspiration for the painter, nature photographer); and
- *a source for psychological and spiritual renewal* (e.g, a mental “time-out” from the daily grind to regenerate one’s soul)

The coast’s being a transitional region between the sea and land supplies it with a special position. The quality of coast’s being a resource, which was provided with its special position, turns it into a resource to be benefited with its several functions. These usages or functions may be listed as follows (Tekeli, 1976, s.41) (Figure 6) (More detailed in Table 3):

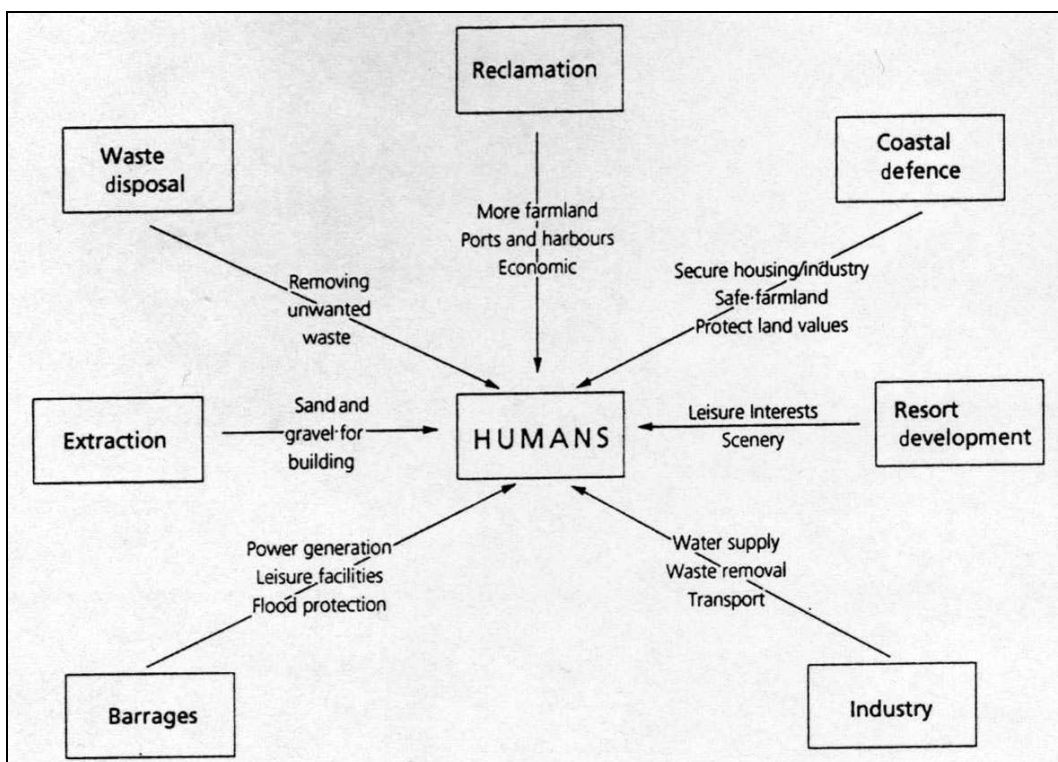
- To connect the sea transportation with highway transportation, thus providing the opportunities of industry and urban settlement for the port enterprises (dock, port, shelter, landing place, quay, breakwater, bridge, lighthouse, sideways, shipyard...)
- To have fisheries
- To treat the urban and industrial wastes cheaply
- To provide the environment for the utilization of tourism and holiday
- To form the conditions and the environment close to the sea especially favorable for agriculture.

The major factor causing the coast to be subject of different purposes for profit is its showing different characteristics in different parts (Geray and Yavuz, 1978, p.941). Its being sandy, deep or shallow, having cliffs creates different opportunities for different utilizations. No matter whether it

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<sup>6</sup> Beachcomber means “hayatını kıyılardan topladığı enkaz ile kazanan kimse” Red House Dictionary.

is described as a single line or a strip, being close to the coast gives a piece of land or real estate superiority. The accessibility of the coast is also important. Furthermore, the opportunity to utilize the coast may be increased thanks to specific and controlled regulations on the utilization. In other words, the coast is a resource available for increasing. The coast is diminished due to misuse. Eventually, coast is never lost, but carries the quality of a misusable resource (Geray and Yavuz, 1978, p.941). As result of misusage, the opportunity of the utilization of any kind of creature may be prevented as long as one or several generations according to the extent of the destruction and it will be very expensive to rehabilitate it to utilize again. (Bulguç, 1981).



**Figure 6.** Development of the coast as seen from a human perspective (taken from French, 1997, p.3).

**Table 3.** The ways man use coastal areas (Karabey, 1978).

<b>USAGE-TYPE OF ACTIVITY</b>	<b>water priority</b>	<b>land priority</b>
<b>TRANSPORTATION</b>		
programmed sea lines	*	
sea trade ways	*	
anchoring places	*	
commercial harbours and sub-facilities	*	*
passenger harbours and sub-facilities	*	*
bridge, underwater pass,ferryboat lines		*
submarine communication lines		*
submarine transmission (water,fuel,energy) lines		*
lighthouses	*	*
<b>DEFENCE</b>		
submarine training areas	*	
shooting and mine areas	*	
sea force base areas	*	*
military areas at the coast		*
<b>INDUSTRIAL SERVICES</b>		
coastal industrial areas		*
industry using water for cooling	*	*
industry using water as feeding input	*	*
industry using water for discharging waste materials	*	
economical activities depended on transmission of row materials	*	*
<b>FLOATING FACILITIES OVERSEAS</b>		
floating harbour	*	
floating airport	*	
floating touristic facilities	*	
floating power station	*	
<b>ENERGY</b>		
energy production from water motion	*	
<b>SOURCE OF RAW MATERIAL</b>		
taking out sand, pebble, limestone, stone...	*	*
taking out oil, natural gas	*	
taking out salt	*	
taking out coal and metals		*
collecting sea plant	*	
<b>DISCHARGE OF WASTE MATERIALS</b>		
discharge of urban waste materials	*	
discharge of sewerage	*	
discharge of industrial waste materials	*	
<b>STORAGE</b>		
storage in the sea by special methods	*	
storage at the coast by special methods		*

(Table 3 continued)

<b>USING COAST LINE</b>		
drainage		*
filling	*	
marsh drying		*
quay constitutuon		*
<b>AGRICULTURE</b>		
sea plants agriculture	*	
land agriculture		*
erosion flow		*
coastal forests and related activities	*	*
collecting plant		*
<b>SOURCE OF FOODSTUFFS</b>		
professional sea hunting	*	
fish agriculture	*	
collection and agriculture of curustacean (sea animals with shell)	*	
<b>VACATION, HEALTH, ENTERTAINMENT, CULTURE</b>		
beach facilities	*	*
yacht harbours	*	*
fishery	*	
scuba-diving	*	
rowing-sailing	*	
entertainment places, restaurants		*
picnic		*
excursion		*
health and cure facilities	*	*
observation,research,training	*	*

## CHAPTER 3

### DECISION MAKING IN COASTAL AREAS: POLICY, PLANNING AND PRACTICE

In the former chapter, it is defined that coasts are the special areas of “change” due to the dynamic formation process. The ability of the coast which can be utilized as a natural source by different usages because of its different characteristics is underlined in detail. The competition of different activities to take a place on the coasts lead all the coastal countries to formulate a decision making mechanism that encloses all the coastal strip.

If “decision making and implementation processes” for the coastal areas is a whole body, this body may be subdivided into three broad areas, policy, planning and practice<sup>7</sup> (Carter, 1988, p.356). Very nearly, all coastal issues can be discussed under these headings.

#### 3.1. Coastal Policy Making (Governance Of The Coast)

Many coastal nations have developed, or are in the process of developing, their own approaches to coastal planning (Kay and Alder, 1999, p.72). Coastal Nations should be in a position to develop that planning approach uniquely suited to that nation-“to the nature of its coastal areas, to its institutional and governmental arrangements, and to its traditions and cultures, and economic conditions” (World Bank, 1993).

##### 3.1.1. The Conditions of Good Policy Making

If a coastal country is to desire to generate a good coastal policy; before the content, some key barriers should be overcome in the process of policy making. The first step is the *process of policy making*, and then the “*contents of policy*” comes. At this point the main question is “*how do we*

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<sup>7</sup> At this point, in the literature, there are a lot of research works on “integrated coastal zone management” which are based on the policy, planning, practice for the planned development coastal areas; not only interested in every three parts in detail, but also as a whole.

According to the thesis author, the concept of “coastal zone management” does not differ from coastal planning. The problems and discussion techniques of that concept in the literature are the re-discovery of the origin of planning. Planning is in the center of the concept of “integrated management of coastal zones” with the legal and administrative structure which it bases on and the internal process (implementation and monitoring levels are included).



*provide better governance for our coastal zone?”* In a general sense, “governance” in other words ‘policy making’ process of the coast refers to full range of *laws, policies, plans and legal precedents* that can either prescribe how the coast is used to constrain its use<sup>8</sup> (Hill and Lynn, 2004).

Institutional governance must unlock the barriers to successful coastal policy making. In a theme report from the Coast to Coast 2002 National Conference (Gold Coast, November 2002) some critical key barriers are determined to good policy making for coastal zones:

- **Lack of integration;**
- **Inappropriate policy scope;**
- Inadequate or inappropriate public participation and involvement;
- Lack of resources for both policy making and implementation;
- Information base is either inadequate or drawn from a narrow range of sources;
- Lack of appropriate capacity and skills;
- Lack of political and community support;
- Institutional and leadership inertia;
- **Lack of adequate monitoring of policy implementation and policy review;**
- A shift in emphasis by key agencies from local to regional scale;
- Unreasonable demands by funding agencies;
- Lack of trust in the key decision-making agencies; and
- Some of the key agencies are perceived to have conflicting roles as both a regulator and a facilitator in policy making.

All these key barriers should be overcome in order to formulate an applicable coastal policy that encloses all the coastal strip. As all of these barriers are so important, some of these which are in the center of thesis problematic should be clarified.

#### **3.1.1.1. The Concept of Integration**

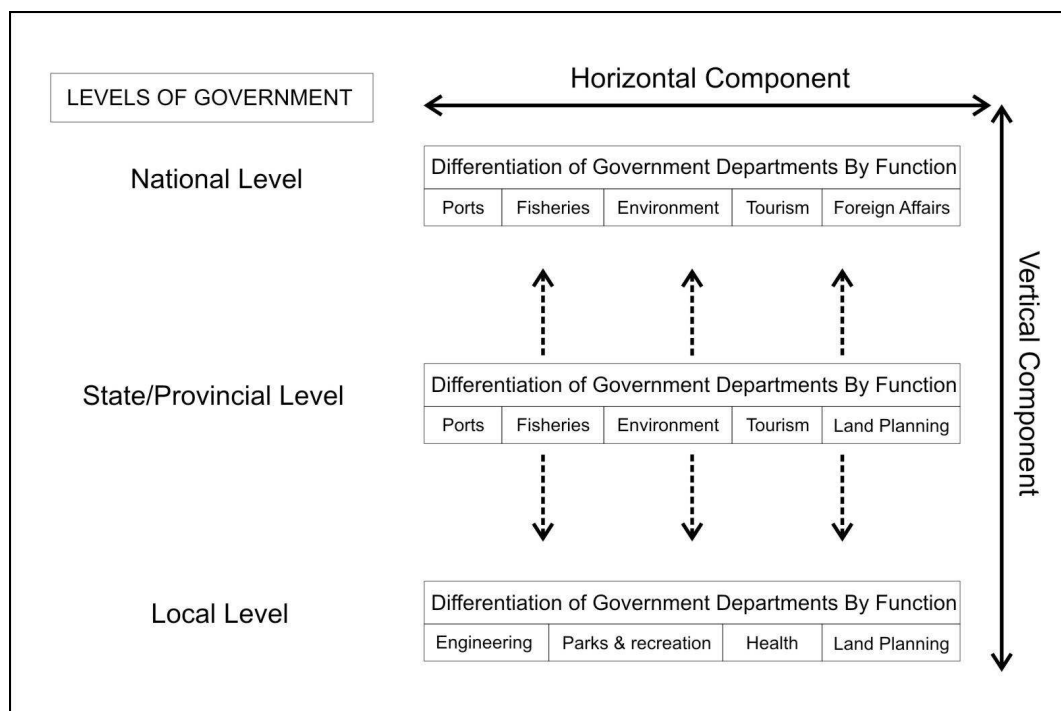
In the administrative context, the term ‘integration’ generally means co-ordination among the various administrative bodies in charge of planning and at various scale and in different sectors. Lack of integration is a problem at a variety of levels. Firstly, there is a lack of integration between

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<sup>8</sup> At this point, it is impossible to separate policy from planning, and planning from implementation. A good or bad formulated coastal policy must define some application tools in a specific framework. These are the legal framework, implementing institutional structuring and the planning method, for the implementation of coastal policy at local level.

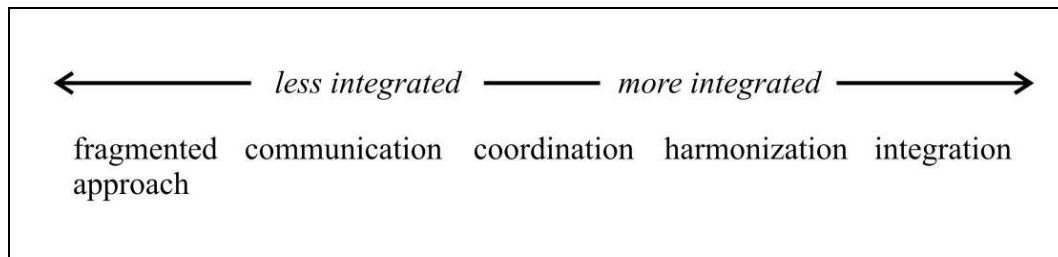
the various levels of government. Levels of government are shown as the vertical component, while the different sectors comprising a single level of government form the horizontal component. In the example shown in Figure 7 there are three levels of government, as is common in large and/or populous countries (Kay and Alder, 1999, p.75).

Horizontal components of government are **separated according to function**, which in turn is reflected in division of government into various agencies and departments. For example, in Turkey government has created separate departments, such as tourism, environment and forestry, transport, energy and industry, etc. This horizontal differentiation can lead to gaps and overlaps between the various government departments with responsibilities for coastal planning.



**Figure 7.** Example of national system of 'levels of government' on coastal issues divided into vertical and horizontal components (taken from Kay and Alder, 1999, p.76).

Another way at looking at the use of integrated, coordinated and other descriptors of coastal planning is outlined by Cicin-Sain (1993). he has set up a continuum terminology describing the degree to which is to bring together disparate elements (Co-operation ) (Figure 8).



**Figure 8.** Continuum of policy integration in coastal planning (Cicin-Sain, 1993, taken from Kay and Alder, 1999, p.52).

Co-operation operates at a number of degrees, leading from a fragmented approach to integration. The five locations on the continuum shown in the figure are described by Cicin-Sain as:

1. *fragmented approach* – presence of independent units with little communication between them,
2. *communication* – there is a forum for periodic communication / meeting among the independent units;
3. *coordination* – independent units take some actions to synchronize their work;
4. *harmonization* – independent units take some actions to synchronize their work, guided by a set of explicit policy goals and directions, generally set at a higher level; and
5. *integration* – there are more formal mechanisms to synchronize the work of various units which lose at least part of their independence as they must respond to explicit policy goals and directions (this often involves institutional reorganisation).

Integration is also needed beyond governments and agencies dealing with coastal policy. As Dovers (2002) notes, integration is also needed:

- spatially – for example linking of marine and terrestrial environments within a consistent policy framework;
- temporally – integrating the short and long-term impacts of human activity into policy;
- knowledge – integrating various sources of knowledge into policy, whether scientific, local, social or economic; and
- social – integrating policies into the broader community through better participation techniques.

### 3.1.1.2. Appropriate Policy Scope

A coastal policy should be formulated in the scope of the related coastal zones. The scope of a policy can be considered inappropriate when it is either too narrow or mis-directed. The policy can be too narrow in two ways (Middle, 2004):

**“...the geographic extent (i.e. policy focuses on an area defined by some administrative boundary rather than a whole catchment), and, extent of issues covered (i.e. covering only environmental concerns and failing to integrate social and economic concerns as well)”**

Overcoming this barrier relates to inadequate consultation at the policy problem definition phase, which partly stems from a lack of willingness of some lead agencies to seek advice at this stage of policy making.

### **3.1.1.3. Monitoring and Policy Implementation**

According to the Middle (2004) the lack of adequate monitoring and policy implementation relates to both ensuring that actions are being carried out and measuring actual policy outcomes or impacts. Generally for coastal countries (especially developing ones) it is a political reality that the fact “to have a policy” is more important than to know if it’s being implemented or is actually working. This issue is very important because policy and practice is a whole top-down body. Because of this structure a good policy formulation should also consist of monitoring implementation level. As doing it so, if a policy has negative impacts on the coastal area, the problematic parts could be revized appropriately. “Without measuring the changes that result from policy implementation, there will be no way of knowing that the policy is having the desired environmental, social and economic outcomes” (Middle, 2004).

To Monitor actual outcomes or impacts of a coastal policy, policies should include some specific monitoring systems. This system could be achieved by a institutional organisation. An institution could be structured to monitor, evaluate and give advice to the policymaker to revize the policies.

As an example for this kind of monitoring system, The Coastal Council of NSW (New South Wales) Coasts of Australia could be given<sup>9</sup>. The Council is an independent watchdog for coastal planning in NSW and was established under the Coastal Protection Act, 1979 as amended in 1998.

Coastal Council’s role, as defined in Section 28 of the Coastal Protection Act, is to:

- provide independent advice to Government through the Minister for Planning (and other Ministers as appropriate) regarding the orderly and balanced utilisation and conservation of the coastal environment and its resources; and
- monitor and review the implementation of the NSW Coastal Policy 1997 through an annual report to the NSW Parliament.

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<sup>9</sup> <http://www.coastalcouncil.nsw.gov.au>

That kind of institutional bodies could prevent the implementation gaps of coastal policies by wathing the outcomes and impacts of the coastal policies (also legal frameworks).

### **3.1.2. The Framework of Coastal Policy**

Policy relates to the political and administrative framework through which coastal planning is regulated (Carter, 1988, p.356). The coastal policy is designed to guide planning of the coastal zone. The competing demands for use of the coastal zone's resources, together with the intrinsic fragility of coastal environments, makes it essential to have a philosophy which provides a framework for reconciling or making choices between these competing demands (NSW Government, 1997). If coastal areas are in need of special attention, a framework is needed in order that balanced and coordinated planning of the coast's unique physical, ecological, cultural and economic character. **The coastal policy must provide this framework for the coast in order to guide decision making.**

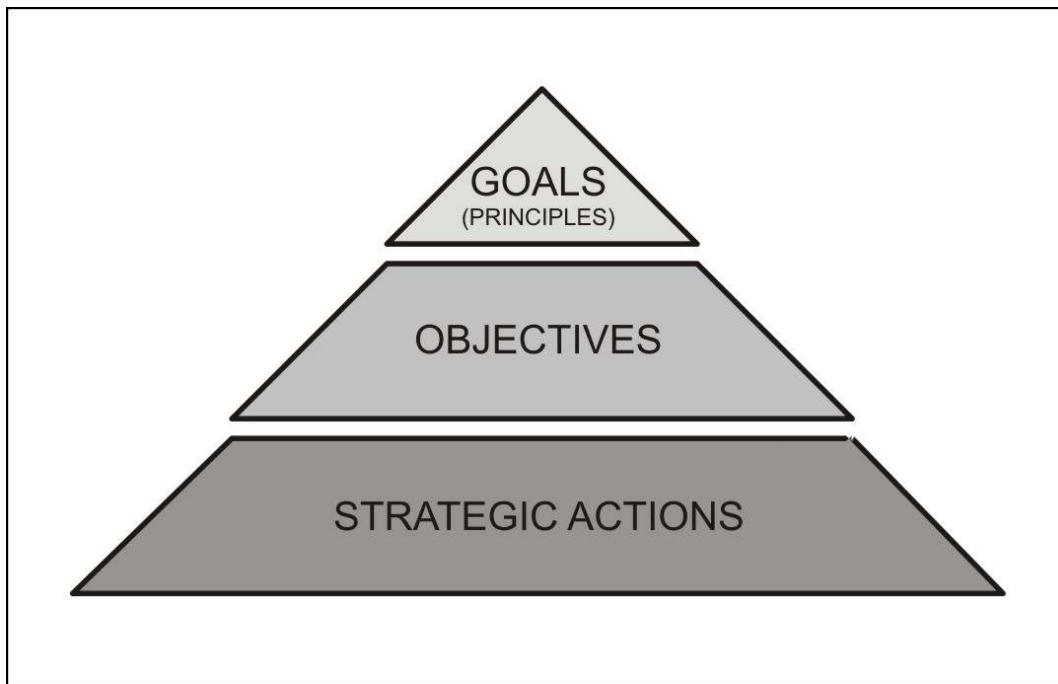
#### **3.1.2.1. The Basic Structure of Governance of The Coastal Zones**

Despite differences around the world in the use of particular terms, there is general agreement in planning should use a hierarchy of *direction-setting statements* (Figure 9).

At the top of the hierarchy is a statement which describes the overall direction, or purpose, and which will guide all subsequent actions (Kay and Alder, 1999, p.53). Such a statement can be given various names, including *vision, mission, or overall goal*<sup>10</sup>.

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<sup>10</sup> The choice of words will depend on the particular interpretations attached to them by the governors (Kay and Alder, p.53). for example, a government may use 'vision' to imply that they have attributes of inspiration. The use of overall goal suggests that there is some overall target which can be met. Likewise, a 'mission' suggests that there is a well defined campaign ahead in order to develop and implement a coastal planning process.



**Figure 9.** Schematic representation of the coastal policy (taken from NSW Government –Coastal Policy-, 1997).

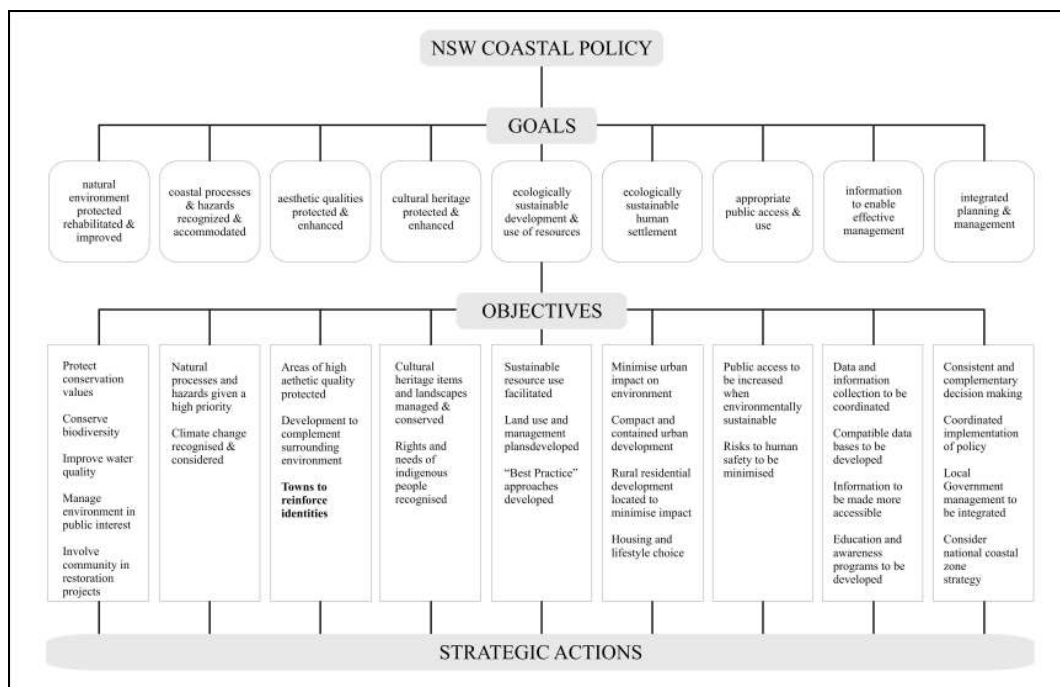
The overall goal formulation for Australian NSW coasts is a good example. The 1997 Coastal Policy provides a strategic policy framework for the coast in order to guide decision making. It sets a direction to be taken by local and central government in the planning of the coast and in works and activities impacting on the coast. The overriding vision of the 1997 Coastal Policy is the ecologically sustainability of the NSW Coast. In order to give expression to this vision, nine goals have been adopted which represent a commitment to (NSW Government, 1997) (Figure 10):

- Protecting, rehabilitating and improving the natural environment of the coastal zone (goal 1).
- Recognising and accommodating the natural processes of the coastal zone (goal 2).
- Protecting and enhancing the aesthetic qualities of the coastal zone (goal 3).
- Protecting and conserving the cultural heritage of the coastal zone (goal 4).
- Providing for ecologically sustainable development and use of resources (goal 5).
- Providing for ecologically sustainable human settlement in the coastal zone (goal 6).
- Providing for appropriate public access and use (goal 7).
- Providing information to enable effective management of the coastal zone (goal 8).
- Providing for integrated planning and management of the coastal zone (goal 9).

All nine goals are inter-related. No one is more or less important than another. It is fundamental when using the policy that a specific goal is placed in the context of the other eight goals.

The next, and probably the most important (Kay and Alder, 1999), set of guiding statements are those which describe exactly what a coastal policy is trying to achieve (**objectives**) (Figure 10). The critical issue in formulating these statements is the degree to which they are measurable, or specific as to time.

At the lowest level of the hierarchy of guiding statements are **strategic actions**. These action statements translate the overall directions set higher in the planning hierarchy into tangible on-the-ground or on-the-water activities, and are designed to meet goals, objectives, targets or expected outcomes that achieve the mission, vision or overall goal (Kay and Alder, 1999, p.54). In other words, the strategic actions are vital to the success of the policy as they are the key ways in which the policy will be implemented (Table 4). Responsibility for their implementation rests primarily with State and local government.



**Figure 10.** Major elements of the coastal policy (Australia-NSW Coasts) (adopted from NSW Government -Coastal Policy-, 1997).

**Table 4.** An example of a part of guiding statements in Australia, NSW Coasts. For every goal, some objectives, strategic actions and responsible institutions are specified (adopted from NSW Government-Coastal Policy-, 1997).

GOAL 3	OBJECTIVE 3.2	STRATEGIC ACTIONS	PRIME RESPONSIBILITY	OTHER RESPONSIBILITY
To Protect and Enhance the Aesthetic Qualities of the Coastal Zone	To design and locate development to complement the surrounding environment and to recognise good aesthetic qualities.	3.2.1 Guidelines such as the North and South Coast Design Guidelines and Guidelines for Tourism Development along the New South Wales Coast will be promoted to encourage good development and design in order to conserve the natural environment and integrate built features with the natural environment	DUAP Tourism NSW	Local Councils
		3.2.2 The use of good design principles will be encouraged to ensure more compact, human scale towns are developed with their own character within the constraints of existing infrastructure.	Local Councils DUAP	

### 3.1.3. Where Policy Is Applied?

The coast is where land and sea meet. If this line of meeting did not move, then defining the coast would be easy (Kay and Alder, 1999, p.3). It is seen as a simple line on the maps but the natural processes that shape the coasts are highly dynamic, varying in both space and time (Chapter 2).

Defining the boundaries of a coastal area for governments to apply the coastal policies is also a complex issue. Governments create administrative systems, set out policies and guide decision-making, that operate within a *defined coastal policy area*. A clearly defined coastal area is needed for the application of a coastal policy. But there are variety of ways in which such areas may be delineated.

#### 3.1.3.1. Administrative Definition of The Coast

As it is mentioned in the former chapter, coasts are very dynamic places. It is a dynamic area with frequently changing biological, chemical and geological attributes.

Especially in scientific definitions coasts is not a single line. Coastal areas contain land which interacts with the sea in some way, and sea space which interacts with the land. Thus coastal areas (Kay and Alder, pp.2-3):

- contain both land and sea components;
- have land and sea boundaries that are determined by the degree of influence of the land on the sea and the sea on the land; and



- are not uniform width, depth, or height.

Every part of a coastal line differs: the definitions of the coastal types of a sandy beach coast, delta coasts, estuarine coasts, etc. The transition between land and sea is often gradual, depending on local biophysical conditions.

Applicability of coastal policies is directly related to define the coast administratively for all the coastal nations. In this context there is not only one way in defining the coast. As definitions of coasts differ scientifically, they also differ administratively (Table 5).

**Table 5.** Existence and definitions of the coastal zone for purposes of coastal planning in different European countries (adopted from EUCC, 2000).

<u>COUNTRY</u>	<u>Definitions/Comments</u>
<b>Denmark</b>	Terrestrial planning responsibility generally landward from start of continuous land vegetation. In practice this means generally above the limit of highest astronomical tides.
<b>England</b>	Terrestrial planning responsibility generally landward from mean low water (MLW) mark; no statutory planning below MLW.
<b>Finland</b>	Planning focuses on terrestrial, where guideline is development restriction generally in 100 m coastline strip, but some places now have "archipelago zones" which include marine.
<b>Germany</b>	Terrestrial planning responsibility generally landward from mean high water (MHW) mark. Whole marine area seaward of MHW administered by Water & Shipping Directorates.
<b>Norway</b>	Planning is a unitary system covering all land, watercourses and the marine area out to a baseline, defined as a line drawn at low tide between the outermost skerries along the coast. Terrestrial limit of coastal zone defined locally depending on local needs.
<b>Poland</b>	In practice Maritime Offices have planning responsibility in both sea area and terrestrial parts of coastal zone; latter being defined as a shoreline-linked technical belt of up to 200 m landward of the mean position of waves (Baltic Sea has no tide) and a protective belt up to 3 km landward, there are individual arrangements for urban areas.
<b>Spain</b>	The National Shores Act provides a definition of the shore, the sea and its inlets. The shore includes the foreshore between high and low water marks of equinoctial tides, banks of tidal rivers and low-lying land that is at times flooded by the sea, and also all natural and artificial beaches, shingle deposits and dunes. Delineation of the boundaries of the shore (for the purposes of defining coastal public property) is a statutory consultative procedure.
<b>Sweden</b>	Within the planning system, coastal zone includes the marine area out to the 12 nautical mile limit, and the shore and terrestrial area including a shore protection area a minimum of 100 m (max. 300 m) from the shoreline.
<b>Turkey</b>	Coast line: the line along which water touches the land at the shores of the seas, natural or artificial lakes and rivers, excluding inundation periods. Coast: the area between the coast line and the shore edge line, defined as: the natural limit of sand and gravel beaches, rock, boulder, marsh, wetland and similar areas which are created by water motions in the direction of land starting from the coastline. Note that these definitions cover both coastal and inland (freshwater) shores. Although the definition is precise, in practice the delineation of the shore edge line on the ground often proves difficult.

### 3.1.3.2. Administrative Boundaries of Coastal Areas (Set-Back Line Policy)

Many countries have established set-back lines, although they are for a variety of reasons. Some are incorporated into legislation and policy, others are of a more informal nature (EUCC, 2000). There are a wide variety of local and national approaches to the concept of set-back lines as well as the mechanisms for, and strengths of, enforcement. Frequently these depend upon socio-cultural attitudes as well as legal contexts. The issue of land ownership and compensation is particularly important in establishing or widening a zone bounded by a set-back line. The reason why a set-back line is initially established can have a profound effect upon the subsequent levels of implementation and enforcement at the local level.

A development set-back line is generally defined as a prescribed distance from a landscape feature such as a cliff top, water course, shoreline or line of permanent vegetation, within which all or certain types of development are prohibited (Cambers, 1997). Set-back lines may be defined for one or more of several distinct functions, generally (EUCC, 2000):

- protection of development from natural hazards, *e.g.* flooding, erosion
- control of development, especially ribbon development, along coastlines
- establishment and protection, of sensitive areas or those of conservation status
- ensuring public access to the shore
- maintenance of cultural land and seascapes

Moderately, the-land sea boundary usually marks a change in jurisdiction in a unrealistic way of being not sensible about practical matters.

According to Hildebrand and Norrena (1992, cited in Kay and Alder, 1999) in practice, the coastal zone (area) may include a narrowly defined area about the land-sea interface of the order of a few hundreds of meters to a few kilometers, or extended from the inland reaches of coastal watersheds to the limits of national jurisdiction in the offshore. **Its definition will depend on the particular set of issues and geographic factors, which are relevant to each stretch of coast.**

Kay and Alder (1999) suggested four possible ways to define coastal areas at a policy oriented level:

- Fixed distance definitions (Shore-parallel linear)
- Variable distance definitions
- Definition according to use
- Hybrid definitions

Fixed distance definitions, as the name implies, specify a fixed distance away from the coast, which is considered “coastal”. A fixed distance strip is defined usually in metres, from a supposedly precisely defined point along the land-sea continuum (EUCC, 2000). Usually this distance is calculated from some measure of the boundary between land and water at the coast, usually the high water mark<sup>11</sup>. Fixed distances defined for the sea component of a coastal area usually apply to the limit of governmental jurisdiction, for example the limits of Territorial Seas.

The boundaries of variable distance definitions are set from some measure of the coast, usually the high water mark. However, their boundaries are not fixed, but vary along the coast according to a range of variables such as physical features (rock cliffs), biological features (landward limit of a coastal vegetation complex) and administrative boundaries (landward limit of local municipalities which front the sea).

**International organizations and large coastal nations often define the limits of a coastal area according to the use<sup>12</sup>.** Within the context of defining a coastal area according to what the purpose is, the concept of ‘areal foci’ used by Jones and Westmacott (1993) is very useful. Areal Foci includes:

- An administratively designated area, in the sense that the political process or the administration will designate the responsibility to manage;
- An ecosystem area;
- A resource base area, e.g. a mineral body, oil fields, fisheries, habitats, etc; and
- A demand area, i.e. the wider area from which demands are exerted on the designated coastal area, such as for use for recreation, marine transport or waste disposal.

Defining a coastal area according to use has the advantage of focusing attention on particular issues, however care needs to be taken to avoid multiple coastal area definitions being established in one region to address different coastal planning issues, leading to confusion. Defining the coast

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<sup>11</sup> In Turkey, coast is defined as the area between the ‘coast line’ and the ‘shore edge line’. These borders can be acted as scientifically determined by a commission includes some professional from various disciplines. There is no policy orientation in defining that area in Turkey.

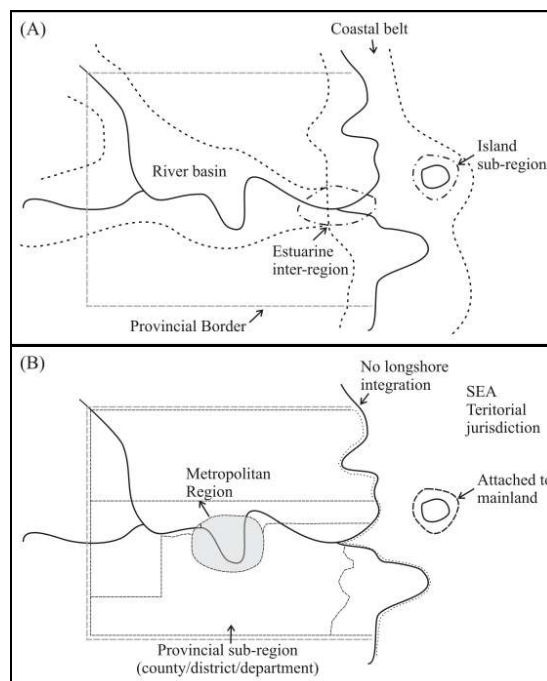
On the other hand, the area which is affected by sea and coast is defined in a fixed width (100 meters) for all parts of the coast. This length defines landward limits of coastal area, from the shore edge line (may be similar to high water line) to inland. The regulation about the coastal area, coastal law of Turkey, includes some decisions and rules of development and protections for that area.

<sup>12</sup> On the other hand, according to EUCC (2000) in Europe fixed definitions are the most common type of set-back line, especially in Baltic States (Appendix A).

according to one use only may perpetuate sectoral managerial systems and detract from an integrated *management* perspective.

Hybrid definitions mix one type of coastal definition for the landward limit of the coastal area and another for the seaward limit. This is relatively common practice by governments that have a fixed limit of jurisdictions over near shore waters.

In summary, definition of a coastal area must reflect the purpose. If the purpose is to control certain types of development, then fixed, variable or hybrid definitions may be used. If reducing pollution of marine waters is the purpose, then variable definitions including catchments or groundwater boundaries may be more appropriate. By focusing on coastal planning issues, simple and workable definitions of coastal areas must be made.



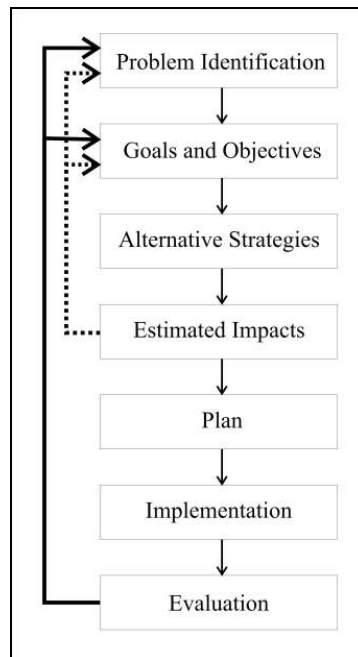
**Figure 11.** Administrative zoning in coastal environment (A) Zoning based on human activity criteria, focusing on river basins and coastal areas. (B) Traditional Zoning using natural boundaries (rivers and shore lines) to divide rather than integrate (Adapted from Carter, 1988).

### **3.2. Planning and Practice: Decision Making Process In Coastal Areas**

Being applicable of policies is as important as policy making. Planning, which should be prepared proper to both local values and upper country policies, is one of the most important steps of applying the determined policies.

The planning process that takes the differentiated types of coasts, attributes of own features into consideration should includes the steps of; an analyses study within the problem identification is made according to the own values and features of the region which the planning study is done, determining of planning decisions which is formed according to that problem, strategies and organisation schemas for implementation of the plan and monitoring and evaluation to interfere to the process immediately.

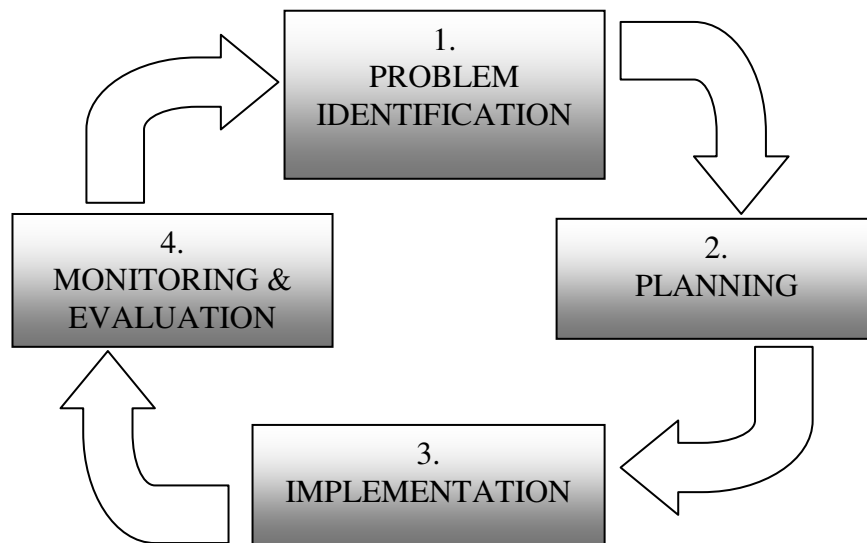
In the coastal planning literature, this rational planning type is generally offered in differentiated terminologies. For example, according to Kay and Alder (1999), these steps are defined as; problem identification, goals and objectives, alternative strategies, estimated impacts, plan, implementation and evaluation (Figure 12). This process is the basis of the rational decision model (comprehensive planning).



**Figure 12.** Rational (comprehensive) model of planning and decision making (taken from Kay and Alder, 1999, p.65).

According to Brochier and Giupponi (2001), a similar planning process for integrated coastal planning is defined with the stages of; triggers, inception, problem identification, planning, implementation, and monitoring & evaluation. An iterative cycle of activities outputs, decisions, and feedback is formed (Figure 13).

The process is expected to be continuous, and there is no end point after which the process is considered complete. Links between component phases should allow retroaction mechanisms and the timely correction of activities (UNEP, 1995). It is used the method of Brochier and Giupponi in the thesis to describe the steps of integrated coastal planning.



**Figure 13.** Main stages of the Coastal Planning process (Includes practice phase) (Brochier and Giupponi, 2001).

### 3.2.1. Problem Identification

According to Brochier and Giupponi (2001), this stage is designed to prepare for the planning process and for the elaboration of proposals and action plans in order to submitted to decision-makers. It is often included in the planning phase as a preliminary stage (UNEP, 1995).

The problem definition process should start with survey. According to Kay and Alder (1999, p.66);

“Without ‘perfect’ knowledge there are inevitably value judgements made which reflect the biases and values of the decision maker. Generally, in coastal planning ... there is rarely complete information and knowledge of all possible alternatives”.

After completing the survey step, analysis of data and findings should be done. Brochier and Giupponi (2001) claims that there should be a guiding program to analyses the information and knowledge which are gotten in the survey step. This program should include the steps of;

1. the precise delimitation and definition of the concerned area (boundaries and zoning methodologies);
2. the identification of the main problems of the area and the problems to solve in order of priority;
3. the identification of information gaps;



4. a proposal for the preparation of an integrated coastal master plan;
5. an analysis of legal requirements posed by the proposal (need of new legislation, or need of modification);
6. an analysis of the financial requirements for the implementation.

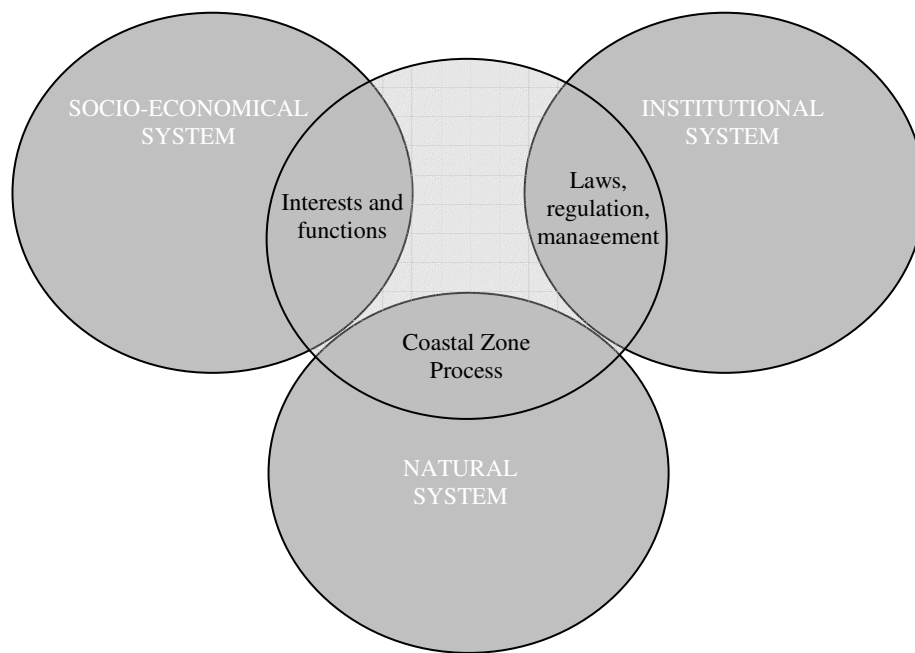
After preparing the stated program, there should be determined the main problems which should also include the local information.

### **3.2.2. Plan**

Decision making for coastal planning implies dealing with uncertain conditions related to variations in socio-economic parameters (demand on coastal resources, demography, technological progress, etc.) and environmental factors (geomorphologic changes, ecological processes, climate change, etc.). Traditional methods of coastal planning have shown limitations in managing this uncertainty and the complexity of choices surrounding an appropriate and rational use of coastal resources (Brochier and Giupponi, 2001). The intrinsic dynamic nature of coastal spaces has been largely ignored by traditional approaches, together with a narrowed vision of problems due to sectoral management practices. The result is decades of uncoordinated planning and inappropriate decision making.

*Successful coastal planning* aims at strengthening institutional and legal frameworks and implementing issue-driven action plans through the co-ordinated application of a series of case-specific elements (Brochier and Giupponi, 2001) (Figure 14) :

- set of principles;
- set of measures (structural, institutional, economical, legal, financial);
- set of mechanisms (for linking responsible agencies and organisations, for public involvement);
- set of technological tools and instruments (information systems, cost-benefit analyses, scientific models, surveys, environmental impact assessments, etc.).



**Figure 14.** Coastal Planning at the center of natural and human interactions (adapted from Klomp, 1993).

According to Brochier and Giupponi (2001), to reach the stated purposes and strategies, integrated coastal plan stage should include the *surveys and scenario analyses; definition of objectives and strategies; and elaboration of an integrated action plan.*

The *surveys* step here should be oriented towards the defined problem. Departed from the information and knowledge which is gotten with the survey step, future *scenarios* should be developed. These scenarios should take into account the diverse opportunities and modes of development for the coastal zone and then, the most appropriate scenarios should be selected. Then, the *definition of objectives and strategies* step should be completed before the preparation of action plans. To start this step, first of all, the clear definition of objectives should be done.

Coastal Planning objectives must include (Brochier and Giupponi, 2001):

- to maximise economic and social benefits derived from the use of coastal zone resources;
- to minimise conflicts (provide conflict resolution mechanisms) and the harmful effects of activities on resources, on the environment and upon each other;
- to stimulate and guide the sustainable development of coastal regions;

- *to facilitate integrated decision making through a continuous decision support process.*

Involvement of public while defining and determining the objectives, has great importance. Then, a hierarchical classification and organization should be done in determined objectives according to priorities. After defining the objectives, strategies should be determined and they should involve a set of actions designed to achieve the pre-selected objectives.

The last step of coastal plan stage is preparation of integrated action plan. According to Brochier and Giupponi (2001), an integrated action plan should be designed to:

- describe the institutional context in which the plan should be implemented;
- define the political aspects of the plan in relation to the legal context, and the legal status;
- identify the actors and entities which must have a role and which should be involved in the implementation process;
- clearly define the execution steps required;
- define the instruments involved in the implementation;
- define the approbation procedure for the plan and for periodical revision;
- identify the financial aspects (constraints and support);
- identify the time perspective of the plan.

### **3.2.3. Execution (Implementation and Monitoring & Evaluation)**

This stage consists of the implementation of the integrated action plan and the monitoring and evaluation processes. The implementation will put the action plan into effect by adopting the elaborated proposals and integrating them into the existing institutional structure of the appropriate decision level.

Scialabba (1998) claims that an implementing plan should involve:

- Changing the way existing institutions operate (improving the linkage between them);
- Creating new institutions;
- Changing the rights of users of coastal resources;
- Introducing new mechanisms to regulate human activities within, or that may affect, coastal areas.

While the implementation has done, breakdowns should not be ignored to interfere at the monitoring and evaluation step. According to Bosch (1996), monitoring can be defined as “the periodic re-measurements of appropriate parameters to determine the effects of particular

managements strategies or policies, and the response of systems to changes in the wider environment”. The evaluation criteria of monitoring stage are defined by Brochier and Giupponi (2001), as:

- results and benefits obtained with respect to the objectives;
- performance of ICZM policies that have been implemented;
- efficiency of decisions;
- efficiency of financial investments;
- equity of the generated benefits;
- impacts of actions on the environment

### **3.3. Concluding Remarks**

The dynamic structure of coasts made it necessary to formulate a special framework of coastal policy and planning. Coastal areas as a natural resource are in the target of so many different society sectors which try to benefit from it. This competitive situation requires a policy and implementation system which should place the word “balance” at the focus. This system must balance the use and protection of the coastal areas.

The applicability of national policies in local levels is the key point. In this context, specified policies, and their implementation processes should be clarified clearly. The major tools of that process must reflect “a characteristic of wholeness”. Generally these tools are *laws* and *responsible institutions* and planning as defined in this context.

It required that any kind of policy specified for the coastal areas and legal regulations constituted within this framework should accord with the local characteristics of the coastal area and consider them. The plans of coastal areas should cover the existing local characteristics. This asserts the necessity of drafting national coastal policy constituted taking into account the coasts and local characteristics. The most efficient implementation instrument of that kind of national coastal policy is the law and the coastal planning regulated with these laws.

Within the scope of the thesis, the applicability of the coastal law, which has been constituted as the result of national policies in Turkey, on a small coastal town is discussed. The main problem is that the Coastal Law suggests the same coast and shore strip arrangement for all the coastal settlements as a rule.

All the settlements at any scale on the coastal area passed through a historical development focusing on the sea. These development scenarios expose different local characteristics, although their common feature is the sea. In this context, each settlement has particular qualities, whether they are environmental, social, economic or urban, which make it different from its neighbors. Therefore, treating all the settlements from the same perspective and stipulating all the plan decisions to be same do not accord with the existing features of the coastal settlements.

Within this framework, it is necessary to underline some significant points within the content of the thesis:

1. It is essential that national policies should not deny the local characteristics.
2. It is obligatory to determine the boundaries of a specific coastal area, where national policies will be implemented, by means of law.
3. It is required to underline that strict administrative boundaries do not generally accord with the dynamic structure of the coast. What should be done at this point is to determine what kind of a planning approach should be adopted within these administrative boundaries.
4. Within the administrative boundaries specified through legal regulations, it is requisite that a method should be determined for planning in the different parts of the coast considering the local characteristics. In other words, Coastal Laws should describe;
  - how the policies will be reflected in the implementation through planning
  - how the plans will be prepared by which institution; that is, plan process and the roles of actors in that process.

With this respect, it is not necessary to develop a completely different planning model. It will be sufficient to empower the planning efficiently by the Law and increase the functionality of the existing planning models.

It is clear that all coastal settlements are different in terms of *size, servicing, infrastructure, employment opportunities, and the potential to grow*, as well as urban and natural characteristics (NSW Coastal Council, 2003). Settlements are under differing levels of development pressure independent of urban and natural characteristics.

Despite their differences, considering the coast as a hierarchy of places recognises that all settlements are interconnected and interdependent. It is therefore important to consider a hierarchy of settlements in order to understand the interdependence between settlements and reflect this into plans.

## **Hierarchy of Settlements**

Seven settlement types are identified in NSW Coastal Design Guidelines (2003):

1. coastal cities
2. coastal towns
3. coastal villages
4. coastal hamlets
5. inland coastal centres: cities, towns and villages
6. new coastal neighbourhoods: hamlets and villages
7. isolated coastal dwellings.

The discussion of broad characteristics for each settlement type offers a framework for future planning. A detailed process of analysing, debating, planning and designing for each and every settlement along the coast is necessary in conjunction with the use and application of these guidelines and local communities. According to these guidelines (2003):

“Larger settlements, such as cities and large towns, require more complex and detailed urban design plans that may relate to precincts or distinctive geographic locations within the settlement.

These precinct plans sit within the overall plan for the settlement. Use of place-specific, urban design-based development control plans to apply the principles defined in this document will be important.

Smaller settlements, such as hamlets and small villages, are simpler and contain studies that photographically detail key views and vistas. Plans that detail three dimensional building form for key sites and streets and resolve design options for infill development will also be important.”

## CHAPTER 4.

### A BRIEF HISTORY OF COASTAL LAW AND THE PLACE OF BOZBURUN WITHIN THE SCOPE OF COASTAL LAW

1982	TURKISH CONSTITUTION ARTICLE 43 (utilizing the shores)	
01.01.1986 O.G:18592	COASTAL LAW NUMBERED 3086	
10.07.1986 O.G:19160	THE SUPREME COURT DECREE ON THE ANNULMENT OF COASTAL LAW (3086)  UNCONSTITUTIONAL COASTAL LAW NUMBERED 3086	LEGAL GAP YEARS
15.07.1987	CIRCULAR ORDER NUMBERED 110  BY MINISTRY OF PUBLIC WORKS AND SETTLEMENT	
07.02.1989	CIRCULAR ORDER NUMBERED 199-2169  BY MINISTRY OF PUBLIC WORKS AND SETTLEMENT	
17.04.1990 O.G:20495	COASTAL LAW NUMBERED 3621	EXISTING COASTAL LAW
01.07.1992	AMENDMENT LAW NUMBERED 3830  BY THE SUPREME COURT DECREE (1990/23 esas, 1991/29 karar sayılı)	

**Figure 15.** A basic Timeline for “Coastal Law<sup>13</sup>” (Outline of this chapter).

<sup>13</sup> As denoted in former chapters, there are a lot of terms can be used in similar meanings in “coastal issues”. For instance, “coast” and “shore” means “kıyı” or “sahil” at the same time in Turkish. But in written academic studies about this topic:

“Kıyı Kanunu” is “Coastal Law”,

“kıyı çizgisi” is “coast line”,

“kıyı kenar çizgisi” is “shore edge line”,

“kıyı” is “coast”, and

“sahil şeridi” is “shore strip”. In the discussions about legal framework thesis author was going to use these terms for the integrity of the study.

#### 4.1. The Turkish Constitution as the Basis of Coastal Law

In Turkey, the main existing legal body for the coastal regulations is the Coastal Law numbered 3621 which has the basis of Turkish Constitution. The 1982 Turkish Constitution as the basis of legal framework of coastal areas states that **coasts and shore strips are under the jurisdiction and responsibility of the State (*Devletin hüküm ve tasarrufu altında*) and “benefit to the public (Kamu yararı) is primarily sought** (Article 43). According to the same Article of the Constitution, the opportunities and conditions of persons’ utilization of these areas and the depths of the coasts and the shore strips in compliance with the purpose of utilization is regulated by the Law.

The regulation included in Article 43 is the first legal regulation *guaranteeing* clearly the conditions of the utilization of the coasts within the principle of public interest during the Republican era. Up to this date, regulations concerning the coasts were prepared to overcome the existing problems without necessitating any description and included in different regulations (*For the “dispersed and limited” legal arrangements before the Republican Era -Ottoman Period- until 1982 Turkish Constitution, See Appendix B*). Even though this issue was handled in a more detailed way with the articles annexed to the reconstruction law in year 1972, a certain stance about the utilization of the coasts for the public interest and the concept of coastal law took place in the agenda with the Constitution of 1982.

If the Article 43 of the Constitution is reviewed, the principles put forward concerning the shore and shore strip, which are the two components of a whole on the coastal areas can be listed as follows (Tekinbaş, 2000, p.119):

For the coast;

- All the legal regulations to be conducted in compliance with the requirements of the Constitution should be based on the principle that the coasts are areas under sovereignty and the disposal of the state.
- The purpose of the utilization of the coasts should be determined within the framework of this general principle. **THE COASTS MUST NOT BE THE SUBJECT FOR THE PRIVATE PROPERTY.**

For the shore strip;

- Public interest should be considered in the utilization of the areas in the continuity of the shore strips –the concept of shore strip is used in that text for the first time–.
- The depths of the shore strips are determined in compliance with the purpose of utilization.



Afterwards, **the Coastal Law<sup>14</sup> numbered 3086**, which was put into force after its being issued in the Official Journal dated 1<sup>st</sup> December 1984 and numbered 18592 within the scope of the decision of “the opportunities and conditions of persons’ utilization of these areas and the depths of the coasts and the shore strips in compliance with the purpose of utilization is regulated by the Law”, was put into implementation.

#### **4.2. Coastal Law Numbered 3086 and Its Regulation**

In the coastal law numbered 3086, the principle that the coasts are open for equal and free utilization of everybody is adopted. The law determined that the areas, shore edge line of which is not determined, must not be the subject for structuring; the public interest will be given priority for the utilization of the coast and shore strips; and it stated that the constructions would not be allowed unless there is a decision of plan for that area. *If only a plan decision is taken, it is possible to construct plant, power plant, industrial facilities for the production of fisheries, dockyard, ship dissemblance place, facilities for sports, training and tourism*, beside the facilities<sup>15</sup>, which will facilitate the usage and utilization of the coast or the facilities, which have to be constructed on the coast due to the qualities of their activities. Furthermore, except for the places, where public has the priority, private structuring on the coast is permitted given that it has a decision of plan to be approved by the Cabinet. (Tekinbaş, 2000, p.119). The Ministry of Public Works and Settlement is entitled to give the permission for and approve the plan of the areas gained through filling and drainage.

One of the biggest differences between the law numbered 3086 and the regulation concerning the Annexed Articles 7-8, is about the provisions related with the scientific principles of the determination of coastal areas. It means that the coast was determined according to the coastal movements by the sea and lake and water activities by the river before, but in the coastal law

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<sup>14</sup> This law is important from the aspect of its being the first legal regulation dealing with only the coasts as a whole within the scope of the searches for a legal regulation, to which Turkish coasts are subjected.

<sup>15</sup> A considerable difference exists between the types of these structures and the types of the structures listed in the regulation on articles 7–8 annexed to the Reconstruction Law and thus, conflicts arise. (Tekinbaş, 2000, pp.119-120.). The coastal law numbered 3086 did not annul the annexed articles 7-8 of the Reconstruction Law. The article 7 of the law numbered 1605 seemed to be in force on the date 1.12.1984, when the coastal law was put into effect. At this point, the provisions of the annex 7 and annex 8 were issued in the Official Journal dated 9.5.1985 with the repeated number and put into force on the date 9.11.1985 and remained in force until the enforcement of the Reconstruction law numbered 3194.

In addition to this, article 43 of the Constitution of 1982 was in force, too. It is entirely a controversial situation. The main reason for this controversial situation may be that Turkish Grand National Assembly did not negotiate the drafts of the Coastal and Reconstruction laws simultaneously.

numbered 3086, water activities become a determinant factor for all. Therefore, it happened that the coasts were narrowed physically. (Tekinbaş, 2000, p.119).

The Coastal Law numbered 3086 determines the width of shore strip for the sea, natural and artificial lakes and rivers as follows:

- At least 10 meters for the areas having a structuring plan
- At least 30 meters for the others.

Thus, in accordance with the regulation on Annexes 7-8, the implementation of keeping the shore strip as 100 meters in the areas out of the settlements was abolished<sup>16</sup>.

It is seen that the coastal law numbered 3086 allows much more structuring on the areas so-called coast comparing to the former legal regulations. Moreover, the buildings, which were subjects of private property before 1972 and the buildings constructed in compliance with the legislation and reconstruction plans in force before the enforcement of the law have been remitted<sup>17</sup>. It is expressed that the facilities such as port and dock, which are essential to construct on the coast but which have been constructed illegally and without permission on the coast before the date 1.10.1983 and the industrial and tourism facilities, which have been beneficial for the national economy or provide public interest will be protected and allocated.

The regulation based on the law has been prepared on 18.05.1985. The proceedings to be realized on the regulation have been detailed<sup>18</sup> and the list of the rivers to be subjected to the coastal law has been attached.

#### **4.2.1. Evaluation**

When the coastal law numbered 3086 is evaluated, in general it does not provide a different interpretation for the provisions of the regulation on Annexes 7-8. However, as it has been stated before, it allows much more structuring on the areas so-called coast compared to the former

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<sup>16</sup> This situation appears to be a factor that again facilitates the type of utilization based on private possessions such as cooperative of summerhouses to get closer the coast. Because, according to the regulations put forward in annexes 7 and 8, it was prohibited to approximate the building blocks and parcels to the coast closer than 100 meters during the division and consolidation proceedings.

<sup>17</sup> “The implementation of reconstruction remit for the structures, subjects of private property before 1972, on the coast” included in the first paragraph of temporary article 2 was found to be contrary to the Constitution (Karaman, 1991, p.371).

<sup>18</sup> The necessary explanations were provided in the regulation in order to determine the shore edge line in a precise way. The article in the regulation on Annexes 7-8, which suggested to consider at least the 30-meter area starting from the 0 coded natural *eşyükselti* curve, which was determined according to the *nivelmen ağı* of the country, was abolished (Eke, 1995, pp.10-11).

legislation. It can be assessed that this condition caused a conflict with the principle defining the necessity of giving priority to public interest for the utilization of the coast and shore strip, which is stated in the Article 43 of the Constitution. Although it was considered positive that the law provided certain and detailed descriptions and expressions concerning the determination of shore edge, permission for, planning and investigation of filling areas, it lost its meaning as some of the principles in conflict with the Constitution of 1982 were abolished, thus it was terminated.

#### **4.3. The Supreme Court Decree on the Annulment of the Law Numbered 3086**

At the end of the case opened on the legal basis that the Articles 4, 5, 6, 9, 12, 13, 17 and the temporary Article 2 were contrary to mainly the Article 43 of the Constitution and the principle of equality, the coastal law numbered 3086 was annulled with the Supreme Court Decree dated 25.2.1986 and numbered 1986/4; the decree was published in the official journal dated 10.7.1986 and numbered 19160 and put into effect.

The Supreme Court decided that 6 months would be sufficient for lawmaker to draft a new law in conformity with the Constitution by considering the legal basis for the annulment.

If the legal basis for the annulment of the Supreme Court is handled in details, it is seen that the provisions in conflict with the Constitution have been put forward as follows:

- The law did not include the cliffs, which were the determinants of the coast in the descriptions of shore edge line and coast (Article 4). Hence, the cliffs within the scope of the coast stayed out of the Constitutional rule defining their being under the sovereignty and disposal of the state<sup>19</sup>. Due to this reason, the Descriptive Articles of the law were found to be contrary to the Constitution.
- It was annulled by the Supreme Court as the training, sports and tourism-purpose facilities the construction of which was allowed with the Article 6 of the law regulating the structuring on the coast<sup>20</sup>, were contrary to the characteristics of the coast, which were determined in the Constitution.

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<sup>19</sup> On the other hand, that the cliffs were not included in the description of “shore edge line” within this law was not arisen due to the forgetfulness of the lawmaker, because a draft resolution on adding the cliffs to the text during the negotiations on the article in Turkish Grand National Assembly was rejected.

<sup>20</sup> In this article, the principles and conditions of structuring on the coast are shown as follows: These were the rules stating that; a) Only with the plan decisions, it is allowed on the coasts to construct structures and facilities with the purpose of protecting the coasts and facilitating the utilization of the sea, natural and artificial lakes and rivers for public interests; shipyard, plant, power plant, industrial facilities for the fisheries due to the characteristics of their activities; ship dissemblance place and the facilities obligatory to build on the other coasts; and facilities of tourism, training and sports. b) These structures and facilities must not be

- The provision of “shore strip must not be narrow than 10 meters on the land side of shore edge line in the areas having reconstruction plan, 30 meters on the other areas” takes place in the Article 9 of the law numbered 3086. The Article just specified the width of those places regarding the shore strips, however, it did not explained that how the public interest would be followed and did not determine the opportunities and conditions for the persons’ utilization of shore strips. These deficiencies in the Article 9 were found to be contrary to the Article 43 of the Constitution and the article was annulled.
- It was stated in the Article 13 of the law numbered 3086 that “In order to give the permission for structuring on the areas within the shore strips reserved for the utilization of the society, this quality had to be recorded in the declaration column of the register of title deeds”. It could be interpreted from the provision that some places would be reserved for public utilization and the structuring on these areas would be allowed providing that it would be recorded in the register of title deed<sup>21</sup>. The article was annulled on the basis that it disturbed the principle of recognizing the priority of public for the shore strip as it was for the coasts.
- Temporary article 2 was annulled on the basis that the construction which was subject of the private property before the year 1972 included the constructions contrary to the legislation and it necessitated to accept the right of private property arose before that year as the acquired right although the coasts never become the subject for private property.
- Owing that all these annulled articles effect the enforceability of the whole law, it was decreed to annul the entire law. This decree was necessitated to draft a new coastal law within 6 months period.

Pursuant to the annulment of the coastal law numbered 3086 by the Supreme Court, the period of legal gap has started and lasted approximately for 4 years.

#### **4.4. The Period of Legal Gap and the Circular Numbered 110**

As it was mentioned before, the Supreme Court found 6 months period sufficient to draft a new law considering the decree of annulment of coastal law numbered 3086 and the legal basis. However, this law could not be put into force within 6 months. The real reason for experiencing

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used for the purposes other than their construction purposes and the structures of training, tourism and sports must not be constructed in a form that prevents the crossing to the coast. c) Private structuring may be allowed on the areas out of the places, where public has the priority, with a plan decision and these plan decisions cannot be implemented before their approval by the Board of Ministers and these structures must also not be constructed in a form that prevents the crossing to the coast.

<sup>21</sup> The Supreme Court Decree, Principle Number: 1985/1, Decree Number: 1986/4, Date of Decree: 25.2.1986 (It was published in the Official Journal dated 10.7.1986 and numbered 19160.)

this period of legal gap is that the articles 7 and 8 annexed to the former reconstruction law numbered 6785 by the law numbered 1605 was abolished with the entire law after the enforcement of reconstruction law dated 1985 and numbered 3194 and that the law numbered 3194 referred to the annulled Coastal Law numbered 3086 about the regulations on the coasts. No legislation was left concerning the coasts and an uncertain period started. During this period, structuring on the coasts continued within the framework of reconstruction plans referring to the law numbered 3194.

On this occasion, the Ministry of Public Works and Settlement published the circular dated 15.7.1987 and numbered 110 with an explanation as follows:

“In order to remove the wavering until the new coastal law is put into effect; it is approved to proceed as specified below, considering the issues, which are found not to be contrary to the Constitution in the aforementioned decree and the legal basis of the Supreme Court and the set principles in the former legislation and implementation.”

The circular aims at benefiting from the legislation implemented up to now in the healthiest way. (Eke, 1995, p.12). Within this context, the shore strip was determined in the scope of the circular as the area with the width of;

- 1) At least 10 meters in the areas having a reconstruction plan,
- 2) At least 30 meters in the settled area of villages and hamlets within or out of the boundaries of the municipality and contiguous area and within the municipalities not having a reconstruction plan,
- 3) At least 100 meters in the areas, where structuring is allowed in accordance with the Part 6 of “reconstruction regulation to be applied for the areas not having a plan within or out of the boundaries of municipality and contiguous areas”<sup>22</sup>.

Some restrictions were applied on the classification of the structures allowed to build on the coast in accordance with the Supreme Court Decree. In compliance with the circular, on the coast it is permitted to construct;

- a. Structures and facilities such as dock, port, shelter, landing place, quay and breakwater in order to use the coast for the public interest and conserve the coast,
- b. Tourism facilities to be constructed in compliance with the relevant Regulation on the Qualities of Tourism Investments and Enterprises,
- c. Structures and facilities such as shipyards and fisheries facilities, which cannot be constructed in anywhere due to their activities.

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<sup>22</sup> As it is seen, in this classification, Regulation on Annexes 7-8 and the Coastal Law numbered 3086 were integrated.

Furthermore, it is foreseen that the areas of technical and social infrastructure such as road, open parking place, park and gardens for kids together with the abovementioned ones could be organized on the filling areas with a plan decision in the same manner<sup>23</sup>.

Another circular provision, considered to be important, sets out that the plans to be carried out on the coasts, shore strips and filling areas are not going to be approved by the Ministry of Public Works and Settlement now on, but are going to be approved by the relevant administrations in line with the article 7 of the law on Incitement of Tourism in accordance to the reconstruction legislation<sup>24</sup>.

Despite of the legal basis that the circular numbered 110 was issued for a short term until the new coastal law was issued in order to fill the legal gap occurred because the law could not be enforced in the period foreseen by the Supreme Court, a new coastal law could not be put into force for a long time. The preparation period was extended due to the factors of removing the problems occurred; not being able to terminate the acquired rights; its being impossible from the point of finance to correct trough expropriation and the law's being prepared taking into consideration all abovementioned.

The circular was abolished with circular dated 7.2.1989 and numbered 199-2169 and published by the Ministry of Public Works and Settlement. The legal basis of this situation was explained as "since the new coastal law was drafted and sent to the Prime Ministry" (Tekinbaş, 2000, p.123). Again, with this circular, local administrations were instructed to stop the implementations until the new coastal law was put into effect.

#### **4.4.1. Evaluation**

It arises as a controversial issue on its own if it is appropriate that only one circular was in force as a legal basis regarding the coasts for such a long time in spite of the provision that "the widths of the coasts and shore strips according to the purpose of utilization and the opportunities and the

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<sup>23</sup> This circular puts some restrictions on the utilization of the filling areas when compared to the law numbered 3086.

<sup>24</sup> However, it is required to receive the positive opinions of the Ministry of Transportation, Ministry of Public Works and Settlement, and Ministry of Tourism and Culture within this planning process. It is occurred because the central administration has to direct the local administrations about this issue (Eke, 1995, p.13). Therefore, in compliance with the principle of localizing the circular, the authority is granted to the relevant administrations, in other words, mayor and municipalities, and to the Ministry of Tourism and Culture in the tourism centers and areas.

conditions related with the persons' utilization are regulated by the law" of the article 43 of the Constitution.

Even though the circular was not in the power of law, it directed the implementation for long years. However, there is a negative point necessary to emphasize that some of the provisions of the circular were not in conformity with some legal basis suggested by the Supreme Court. That is to say, one of the legal bases for the annulment was that "cliffs", which were determined as one of the important components of the coast, were again not included in the description of the coast.

Moreover, it appears as another controversial issue that the provision stating that tourism facilities, which had been allowed in compliance with the law numbered 3086 but then were found to be contrary to the Constitution by the Supreme Court, could be constructed on the coast was reserved in the circular numbered 110.

These controversies lead new controversies whether all the proceedings and implementations within the framework of the circular were contrary to the Constitution or not. When the difficulties in inspection and implementation were joined, this circular could not provide even temporary solutions. The fact that the Toplu Konut İdaresi provided loans for the secondary residence in 1989 caused irreversible coastal structuring.

#### **4.5. Final Period in the Quest for a Legal Regulation on the Coasts (After 1990)**

The way to be followed during the studies on the legal order, to which the coasts were subjected at that time, was specified as follows; firstly, three significant situations could basically be mentioned for the legal order about the coasts in this chapter:

- The new coastal law, which was drafted considering the legal basis for the annulment put forward by the Supreme Court, which annulled the law numbered 3086, was put into force after it was issued with the title "Coastal Law numbered 3621" in the Official Journal dated 17.4.1990 and numbered 20495. The Enforcement regulation of this law was put into effect on the date 3.8.1990.
- Later on, in order to annul the some articles of this law within the framework of the Supreme Court Decree with Decree Number of 1991/29 and Principle Number of 1990/23,
- It could be evaluated as the enforcement of "the law numbered 3830 on the amendment to be made on the law numbered 3621" on the date 1.7.1992.

The legal regulations on the coasts appeared to be changes on regulation after that process.

Therefore, the Coastal Law numbered 3621 constitutes the base for the relevant legislation for the coasts after 1990. It kept its integrity except for the essential amendments on certain articles within the process specified above.

Thus, while the legislation, to which Bozburun is subjected, is studied on, necessary explanations about the articles amended within this process will be provided based on the Coastal Law numbered 3621.

#### **4.6. The Place of Bozburun Settlement within the Scope of Coastal Law Numbered 3830/3621<sup>25</sup>**

It is necessary to put forward the framework explicitly in order to scrutinize which rules Bozburun settlement is subjected to within the scope of the coastal law. The approach of the coastal law (and relevant regulation on implementation) is to include the **planning and implementation principles** for the lands obtained through filling and drainage on the coast and shore strip. In this context, with the purpose of putting forward the specified problem clearly within the scope of this study, the following issues will be examined in the framework of the coastal legislation;

1. planning on the coast and what could be done,
2. planning on the shore-strip and what could be done,
3. planning on the lands obtained through filling and drainage and what could be done;

and the abovementioned issues will be tried to scrutinize, in particular on Bozburun settlement. Hence, the main target is to find out at which points the approach and process of planning and implementation necessitated by the law remain insufficient, in particular on Bozburun settlement. At this point, in addition to its being subjected to the Coastal Law, it is essential to clarify what kind of outcomes, from the perspective of both content and legislation during the process of planning and implementation, arise from the below mentioned features of Bozburun;

- a) being a coastal town,
- b) taking place in the Special Environmental Conservation District of Datça-Bozburun.

These features are specified as the complementary elements for the target.

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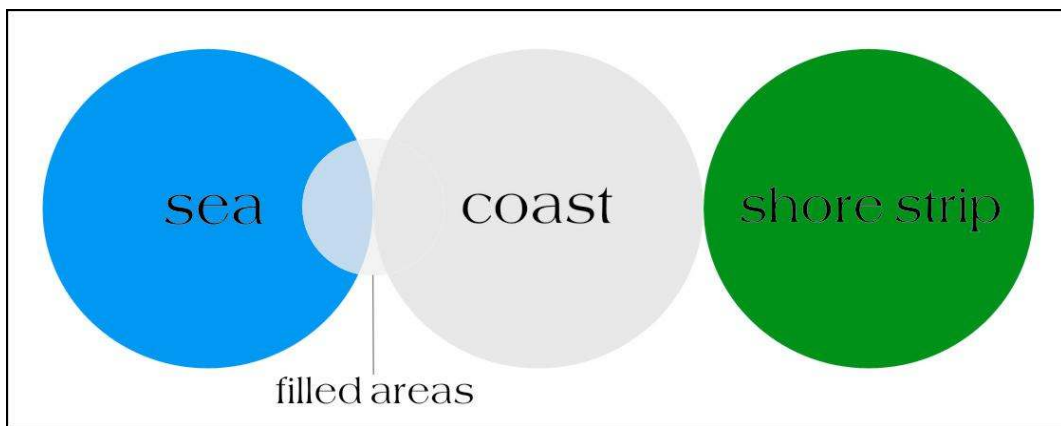
<sup>25</sup> The author of the thesis regards the coastal law and the regulation on the implementation of this law as a legal integrity within the framework of the problem of this thesis. This approach emerges from the characteristic of “integrity” of this law involving main decisions and the regulation, an instrument to implement these main decisions locally. The expression of “coastal law” will hereafter include the expression of “together with the regulation”.



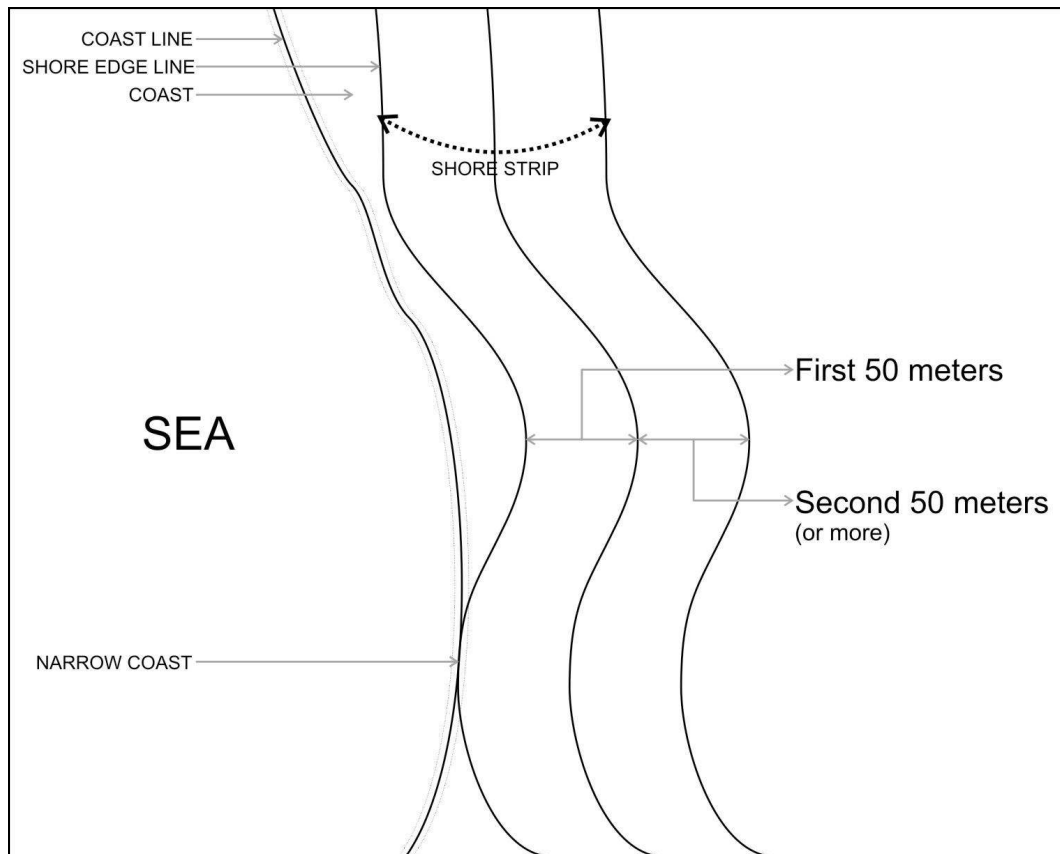
#### 4.6.1. General Principles

In general, the areas covered by the Coastal Law are as follows;

- a) Coast as the first interaction area of sea and the land,
- b) Shore-strip as the continuity of the coast (it is categorized as first 50 meters and second 50 meters –or more-)
- c) Lands obtained through artificial techniques, filling and drainage on the seaside of the coast (Figure 16-17).



**Figure 16.** Areas covered by the Coastal Law (conceptual) - filling area, coast and shore-strip.



**Figure 17.** The widths of coast and shore-strip.

Within these areas, the following main policies are followed;

- Coasts and the lands obtained through filling and drainage are under the sovereignty and at the disposal of the state. These must not be the subject for private property.
- Coasts are open for the equal and free utilization of everybody. No building is allowed to construct; barriers such as wall, fence, ditch etc. must not be constructed.
- Public interest has the top priority in benefiting from the shore and coastlines.

**The main approach is to reflect these policies on the physical setting during the implementation by means of decisions based on and the instruments specified in the Law.** In other words, within the framework of the vision of providing the conservation of coastal areas and their utilization for public interest, it is determined as the main approach that the reflection of the aforementioned vision should be provided during the implementation by describing the content of the plan rather than the process of planning.

#### 4.6.2. Planning on the Coast

Before some evaluations on the coastal planning within the framework of Turkish Coastal Law, it is essential to explain which area means “the coast” in accordance with the legislation in force at the time.

**On the legal basis, the coast is the area between the two lines.** These lines are (Article 4 of the Regulation):

**Coast Line:** It is the natural line which is formed with the connection of points where sea, natural and artificial lakes and rivers contact with the land, except for the cases of flood, and which changes according to the meteorological conditions.

**Shore Edge-Line:** (Amended Regulation: 30.3.1994/21890 O.J.) It is the natural boundary of the areas like sandy, gravelly, rocky, stony, reed bed, marshy places formed with sands and coastal dunes shaped by water movements towards the land beyond the coastline on the low and flattened parts of the coasts of sea, natural and artificial lakes and rivers. In addition, it is the upper bound of the slope or cliff where the coast is narrow and high.

The first condition to start the planning process on the coast is the determination of **the shore edge-line**. Implementation cannot be started on the coasts before the preparation and approval of the implementation plan on scale 1/1000. Pursuant to the approval of the shore edge-line,

- a) Infrastructures and facilities<sup>26</sup> providing the conservation of the coast and allowing its utilization for public interest, and
- b) Buildings and facilities impossible to be constructed anywhere other than the coast due to the characteristics of its activities<sup>27</sup>

are permitted to be constructed on the coast with the decision of **implementation plan** upon receiving the opinions of the related institutions. **In accordance with the decision of implementation plan, it is impossible to construct buildings and facilities, other than those mentioned above, on the coasts**<sup>28</sup>.

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<sup>26</sup> Quay, port, shelter, landing place, dock, breakwater, bridge, culvert, retaining wall, lighthouse, slipway, boathouse, saltpan, fishery, purification and pumping stations.

<sup>27</sup> Dockyard, ship-disassembling place, and production and breeding facilities of fisheries.

<sup>28</sup> It is allowed to construct portable shower, canopy, dressing cabinets, kiosks no larger than 6 m<sup>2</sup> at minimum 150 meters distant from each other, mobile toilets not necessitating sewage facilities and not having polluting features and wooden quays on the coasts without an implementation plan (Article 6 of the Law).

At this point, that it is for public interest is described by means of the characteristics of the facilities allowed to be constructed on the coast. Moreover, if a logical inference is made; coasts must not be the subject for private property and they are under the sovereignty and the disposal of the state. Therefore, only the facilities for public interest are permitted to be constructed on the coast with the decision of plan. On this issue, it is stated that coasts should completely be open for public utilization; also, if necessary, only the utilization for public interest is allowed to choose a place on this area.

Consequently, as the coast constitutes the *primary transition zone* between the sea and the land according to its definition, the utilization of the sea should be open for public purposes. Thus, the policy of preventing the coasts' being the subject for private property and keeping them open for equal and common utilization of everybody, is adopted. In addition, **Coastal Law lays basically down the same definition of “coast” for each region instead of explaining the methods and principles for how to determine the area, which is exposed to the interaction of the sea and the land, in different parts showing different geographical characteristics.**

#### **4.6.2.1. Types of the Coasts and Their Connection with Planning**

Two types of coasts are described in the Article 4 titled Descriptions of the Regulation on the Implementation of the Coastal Law. These are as follows:

**Narrow-High Coast:** These are the coasts, which are not beaches or abrasion platforms, or which are narrow and ends with a slope or cliff. (Figure 18).



**Figure 18.** An example for *narrow –high coast* without a beach.

**Low-Flattened Coast:** These are the coasts, which extend beyond the coastline and which include the beaches formed by the coastal movements, coastal zones made up of running and stable sand dunes, lagoons and the red bed, marshy, sandy, gravelly, stony and rocky places (Figure 19).

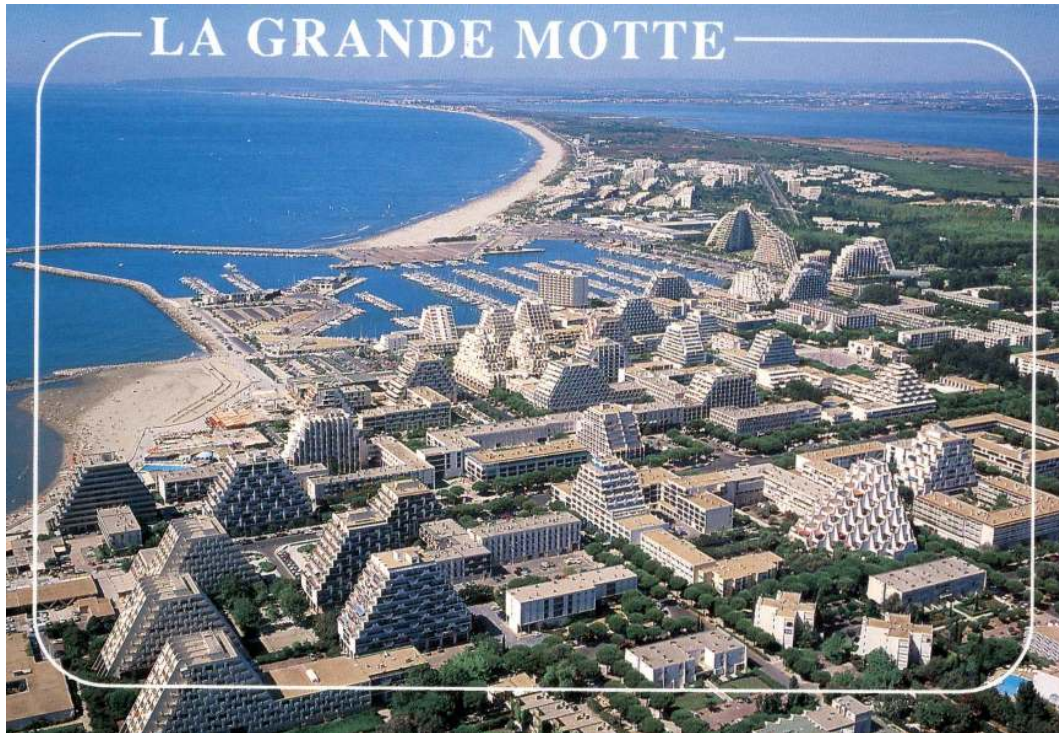


**Figure 19.** A typical example for *low and flattened coast* -Ayvalık Sarımsaklı Beach.

**When the planning is necessary for coastal areas, the characteristics of the coast have the considerable importance for the main principles of the planning.** If the coast is a transition area, the physical quality of the coast is directly connected with its feature of transition. (Figure 20, 21, 22). This situation is the most effective determinant of the source quality of the coast. There are still some uncertainties about how big an opening on the issue of “coastal planning” is provided by the descriptions of the coast in the Coastal Law and relevant Regulation. **It means that what could be done on the coast for the public interest is clarified in the Law explicitly; however, it is not clear that what kind of utilizations is allowed on which type of coasts. Besides, the characteristics of the formation of the coast on the transition point from the sea to the land should provide the diversification of what to do upon the decision of plan and/or restriction of them.** Actually, although the description of the coast types following the description of the coast in the Law supports this judgment from the point of the contents, planning processes and their contents referring to these types are not described in the whole Law and the relevant regulation. **In other words, it could be claimed that an opinion supporting restricted description and diversification of coast within the framework of the Coastal legislation put forward as the main problem in this study is adopted, rather than the description of different planning contents and processes for coastal areas showing both different geomorphologic**



and typological (multi-dimensional, *-Sociologic, economic, design-* space focused) features for each individual settlement.



**Figure 20.** Different transition types on the coast: La Grande Motte, France (Baykan Günay's personal archive).



**Figure 21.** Different transition types on the coast: Nice, France (Baykan Günay's personal archive).



**Figure 22.** Different transition types on the coast: Girne, Cyprus (Baykan Günay's personal archive).



#### 4.6.3. Shore Strip and Planning (*Set-Back Line Policy*)

The shore strip, as it is described in the law, is the belt at a specific width, which extends along with the coast on the landside. If it is described in a more definite manner, (article 4 in regulation and Law):

**Shore Strip:** (Amended: 13/10/1992/21374 O.J.) It is the area of **at least 100 meters** extending on the landside horizontally from the shore edge line of the sea, natural and artificial lakes. This area constituted of two parts is **determined according to the purpose of utilization and natural thresholds.**<sup>29</sup>

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<sup>29</sup> According to the Coastal law numbered 3621, shore strip means;

- a) an area of at least 20 meters horizontally, in the regions where implementation plan is done (article 16, regulation) or implementation plan is going to be done after 17 April 1990,
- b) an area of at least 50 meters horizontally with or without environmental master plan and/or development master plan, in the regions located within or out of the boundaries of municipality or contiguous area, which do not have an implementation plan,
- c) an area of at least 100 meters horizontally with or without environmental master plan and/or development master plan, in the regions within or out of the boundaries of municipality or contiguous area, on the land side from the shore edge line.

What should be emphasized here is the priority given to the implementation plan in this description. According to Eke (1995, p.14.), this is favorable to protect the areas not structured or only the areas subjected to environmental master plan and the coastal areas not subject of a certain implementation plan as far as possible. However, that the Constitutional provision concerning the determination of shore strip based on its utilization purpose is not exactly obeyed; type of utilization is used as the synonymous of type of settlement and the situation of preparing or not preparing a reconstruction plan is another fact (Tekinbaş, 2000, p.124).

Furthermore, while the provision in the Circular numbered 110, which was, before this law, the latest document including the legal regulations about the coasts necessitated that the shore strips in the new reconstruction plans to be prepared was determined as 10 meters, now it is amended as 20 meters.

It is claimed that the provision regarding the decrease of shore strip to 20 and 10 meters is contrary to the Constitution in the court sued in the Supreme Court for the amendments of some articles of the Law numbered 3621.

According to the Decree of the Supreme Court:

“in order to clarify the constitutional requirements about the shore strips, the questions of what the public benefit is in the utilization of the shore strips; how much width to be reserved is in compliance with the objective of “public benefit” necessitated by the Constitution should be answered.

The contemporary state understanding determined the minimum conditions of regulations on the coasts in compliance with public benefit. The minimum condition for the priority to be given public in the utilization of this areas is that shore strips should follow an area having coastal conditions and be favorable for the utilization of the sea and the sun and moreover, consist of a width suitable for construction of some facilities open for the utilization of the society to meet person’s health, clean air and resting requirements and passage of a sufficient coastal road.

The widths of the shore strip are determined individually according the purposes of utilization in the places, which have implementation plan or do not have yet. However, a width including the conditions above should not naturally be less than 100 meters. The determination of a narrower area as shore strip will make it difficult to utilize these places for public benefit as necessitated in the Constitution.”

#### 4.6.3.1. The Parts of Shore Strip and the Uses to Take Place

According to the Coastal Law, shore strip consists of two parts. These aforementioned parts are determined according to their closeness to the coast and naturally to the sea. Within this framework, **the first part includes a fixed width of 50 meters on the land side from the shore edge line.** This part is arranged as **only the open space** with the plan decisions. In other words, the implementation plans including the first parts of the shore strips are arranged to allow their allocation for public utilization as very open space. In this content, *green area, playground, walking and resting areas, watching and terrace areas* can be established as well as the **recreational areas<sup>30</sup> and pedestrian roads described in the regulation** in the first 50-meter part<sup>31</sup>. The aforementioned utilizations are those determined to open the shore strips, which are regarded as the continuation of the coast, for the public utilization.

The second part of the shore strip is the one determined **in the width of at least 50 meters horizontally on the the landside from the first part of the shore strip.** On this part, only the following buildings are allowed to construct:

- “the buildings allowed on the coast” explained in the previous chapter,
- technical and social infrastructures such as highways (open for motor vehicle traffic- Annex: 13.10.1992/21374 O.J.), open parking lots, treatment facility, park, green area and play ground for kids,
- Daily tourism buildings and facilities open for the public utilization (except for accommodation) described in the regulation.

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Within the context of this main idea, the Supreme Court stated the requirement of regulating again the width of the shore strip and the utilization principles by emphasizing the minimum width (100 meters) essential for the utilization of shore strips for public benefit and the concept of shore strip was regulated again with “Amended Regulation on the Some Articles of the Regulation on the Implementation of the Coastal Law” published in the Official Journal dated 13/10/1992 and numbered 21374.

<sup>30</sup> *Recreational Areas:* (Annex:13.10.1992/21374 O.J.) It is the area arranged to meet public needs such as the entertainment and resting and to include open spaces for sitting and eating, cooking places, fountains, play and sports grounds, open demonstration areas and vegetation (article 4 in regulation).

<sup>31</sup> New highways cannot be opened in the first part of the shore strip. However, the vested rights on the roads started to be constructed according to the plans approved in compliance with the provisions of the legislation before 11 July 1992 or the State Highways being used and the planned roads constructed are reserved. Revisions on the reconstruction plans are carried out in order to provide the connection between the internal roads at the possible closest distance on the planned roads started to be constructed. In the first part of the shore strip, only internal roads and planned roads for short passages to connect the roads constructed or to be constructed on the filling areas.

*Daily Tourism Facilities* gains importance within the scope of the thesis, as they are the constructions taking place in the shore strip. Within this context, the daily tourism facilities are **the buildings and facilities excluding camping and accommodation units, including shower, arbor, dressing cabinet, wc, cafe-bar, bakery, restaurant, tea house, open sports ground, sports facilities, golf course, open demonstration areas, funfair, fair, aqua parks, exhibition and sale units of special handicrafts not larger than 20 m<sup>2</sup>** in accordance with the amended regulation dated 30.3.1994 (21890 O.J.) concerning the implementation of the Coastal Law (article 4, regulation). For the daily tourism buildings and facilities to be constructed on the second part of the shore strip, plan decisions providing that floor area ratio would not exceed 0.20, one (1) storey, H=4.50 meters, if it includes an entresol, H=5.50 meters, can be put into implementation. **The main principle in these facilities is their being open for public utilization.** In other words, these facilities and buildings are “those without immunity of housing and those free and equally open for any utilizer without providing any preferential utilization right for anyone or any group, in compliance with the rules and price schedule determined and confirmed in accordance with the legislation” (article 4, regulation). According to Eke (1995, p.28), the main target regarding the buildings and facilities to be constructed on the second part of the shore strip is “to increase the service opportunities meeting the resting needs of the contemporary society. It is an actual fact that the time and opportunities reserved for resting in all the societies increase as a result of increasing welfare level and now it is expected from the urban administrations to carry out services upgrading the living conditions beyond meeting the basic needs”.

It is prohibited to form obstacles such as wall, fence, railing, barbed wire, ditch, pile, etc in the shore strip included in an implementation plan. It is prohibited to throw waste and leftover materials such as rubble, soil, slack and trash with the polluting and destructive impacts; and carry out excavation works. (Article 8 in Law)

#### **4.6.3.2. Planning In the Shore Strip**

Shore strip is determined at the width of at least 100 meters horizontally on the land side from the shore edge line in the areas, for which implementation plan is going to be prepared for the first time, village settled areas and areas out of settlement (article 16 in amended regulation: 30.3.1994/21890 O.J.). In case that the areas, for which partial development plan has already been approved, remained within the scope of these areas, the shore strip in the reconstruction blocks, which do not completely or partially include structuring, within the partial development plan is determined as at least 100 meters.

If there is partial or complete development in the urban or rural settlements, **having an implementation plan approved before 11 July 1992**, the shore strip specified in the approved reconstruction plan is valid<sup>32</sup>.

**In the areas having an partial development plan approved before 11 July 1992;** in case the reconstruction blocks in the first line as far as the starting point of the shore strip specified in the plan are partially or completely filled with structures, the shore strip in the approved plan is kept regardless to whether the development is partial or complete in the reconstruction blocks in the back zone. In case the reconstruction blocks taking place in the first line are not filled with structures partially or completely, the other reconstruction blocks in the back zone are evaluated and then the shore strip is determined based on the frontage on the coast in the reconstruction blocks having partial or complete development.

The acquired rights are reserved for the structures constructed in compliance with the plan and/or legislation in force before 11 July 1992 or constructed up to the basement upon the receipt of construction license on the shore strip. This provision is also valid for the structures constructed at least up to the basement level Bu in the plots having a license taken in order to construct buildings more than one.

#### **4.6.3.3. “The Right Acquired” and “Partial Development” on the Shore Strip**

Another regulation taking place in the Law is about the acquired rights on the shore strip. According to Turkish Legal System, the right emerged as entirely valid together with its results in compliance with the law in the previous legal term is named acquired right (Onar, 1966). According to this description, the acquired right is a term related with the validity of the laws; it is an exceptional situation that it remains valid although the former law has been abolished. The concept of acquired right does not mean that de facto situation continues after the existing legal regulation is abolished, instead it should be accepted that it is directly related with the concepts such as administrative producers’ not covering the past generally and objectively and

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<sup>32</sup> In the regulation, it is stated that the former Ministry of Tourism is entitled to approve the parts including the tourism decisions within the implementation plan and partial development plan covered by tourism region, area and centers. With the latest amendment made on the Tourism Encouragement Law numbered 2634, (Law numbered 4957) Tourism region, area and centers were replaced with Cultural and Tourism Preservation and Development Regions and tourism centers. With this amendment, the Ministry of Culture and Tourism is entitled to approve plans at any scale in these regions. As not all the other relevant Laws were revised while the mentioned amendment was being carried out, legal confusions occurred. Within this framework, since they are out of the scope of the thesis, tourism related parts are excluded at this point.

administrative consistency. This situation is first brought about with the Law numbered 3621 throughout the historical process of coastal legislation.

The partial development taking place in the article 4 in regulation on the implementation of the Law:

“It is the condition that more than 50% of the plots included in the reconstruction blocks in the implementation plans approved before 17 April 1990 and the plots large enough to construct buildings more than one is covered with the buildings described as complying with the reconstruction plan and legislation of the time they were constructed, and the ones constructed at least up to the basement level upon the receipt of a construction license.”

According to the former coastal legislation, the shore strip related provisions of the implementation plan are valid in the areas, partially or completely developed and have a 1/1000 scaled implementation plan approved before 17 April 1990<sup>33</sup> (article 16 in regulation). However, it is prohibited to form barriers such as wall, fence, railing, barbed wire, ditch, pile, etc; to throw waste and leftover materials such as rubble, soil, slack and trash having polluting and destructive impact; and to carry out excavation works<sup>34</sup>.

Moreover, the areas, where shore strip was determined as 20 meters, are explained as the reconstruction blocks, where partial development did not appear, included in the implementation plan approved in accordance with the provisions of the legislation before 17 April 1990 (Paragraph c, article 16 in regulation).

The provision on the acquired rights added in order to prevent the problems of restructuring in the urban areas having a plan and developed according to that plan, which could be caused by the obligation about the determination of shore strip as 20 meter in the areas covered by a reconstruction plan, has become the most troublesome and controversial provision of the law (Tekinbaş, 2000: pp.124-125).

Another provision on the acquired right is suggested for the settled areas of the villages:

“...however, the shore strip could be decreased to 10 meters horizontally for the buildings to be constructed as a dwelling unit within the approved settled area of village, without an environment physical plan, master development or implementation plan out of the boundaries of municipality or contiguous area, where the buildings constructed in compliance with the previously valid legislation provisions by the permanent inhabitants

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<sup>33</sup> This is also stated in the Coastal Law numbered 3621 as a temporary article.

<sup>34</sup> This approach is the result of the thought that the shore strips are as important as the coasts from the points of protection and their utilization for the public benefit.

registered in that village before 10/11/1985, considering also the existing structure after 1/3/1985.”<sup>35</sup>

The provision on determination of rights acquired for future in the shore strips within the settled areas of villages and not less than 50 meters was going to be put into force on 1.3.1995. It means that villagers would be able to construct dwelling in those areas after that date. This situation may be regarded as the permission for constructing a dwelling in the shore strip in order to compensate unjust treatment rather than partial development situation<sup>36</sup>.

A number of amendments were realized on the Partial Development provisions within the scope of “the Amended Regulation on Some Articles of the Regulation on the Implementation of Coastal Law”, which was published in the Official Journal dated 30/3/1994 and numbered 21890.

Consequently, at the end of this amendment, *partial development* is:

**a)** the situation occurring when the number of plots including the buildings constructed in line with the plan and legislation valid at the date of construction on the reconstruction blocks within the area of 100 meters on the land side from the shore edge line of the **1/1000 scaled partial development plan approved before 11 July 1992** and the buildings constructed at least up to basement level upon the receipt of the construction license, or the total lot coverage is more than fifty percent of total area or total plots in the reconstruction block; within or out of the municipality and contiguous area.

The plots enough to construct buildings more than one are considered within this scope with respect to the lot coverage or number of structure, providing that these structures be constructed at least up to the basement level.

**b)** The provisions of paragraph (a) is valid for more than fifty percent of the reconstruction blocks taking place in the 100-meter belt from the shore edge line, and on the land side of the **implementation plans approved before 11 July 1992 in urban and rural settlements.**

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<sup>35</sup> Article 16 in the Regulation on the Implementation of the Coastal Law numbered 3621, published in Official Journal dated 3.8.1990 and numbered: 20594

<sup>36</sup> This provision was annulled with the decree dated 18.9.1991 and with the principle number 1990/23 of the Supreme Court.

#### **4.6.4. Planning In the Lands Gained Through Filling and Drainage**

Only in case of it is required by the public benefit<sup>37</sup>, land may be gained through filling and drainage *taking into account the ecological features*<sup>38</sup> of the sea, natural and artificial lake<sup>39</sup> with the decision in implementation plan.

##### **4.6.4.1. Permission and Planning Process**

The proposal sent to the governorship by the relevant institution to be conduct the filling and drainage works on such areas, and the opinion of the governorship are sent to the Ministry of Public Works and Settlement. The Ministry examines the proposals also by taking the opinions of the institutions, which are related with the issue. In case it is approved, related administration prepares the implementation plan<sup>40</sup>. If these plans are within the scope of the Tourism Encouragement Law numbered 2634, they are approved by the Ministry of Public Works and Settlement in compliance with the article 7 in the said Law. *These areas are under the sovereignty and disposal of the state; must not be the subject of private property.*

##### **4.6.4.2. The Buildings Allowed To Be Constructed On These Areas**

On these areas, it is allowed to construct;

- technical and social infrastructure areas such as park, play ground and open sports ground<sup>41</sup> within the content of green area arrangements,
- fair, picnic areas and recreation areas including restaurant, night club, teagarden, exhibition units and administrative buildings constructed with modules in a form not exceeding 5.50 meters and covering the 3% of the area, floor area ratio of which is reserved for the same purpose and giving emphasize on open spaces,

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<sup>37</sup> Due to the lack of alternatives that are more appropriate or insufficient coastal area (amendment. Amended Regulation on Some Articles of Regulation on the Implementation of Coastal Law, Published in Official Journal dated 30.3.1994 and numbered 21890.).

<sup>38</sup> In the processes of preparing and examining Plans and carrying out filling and drainage works, it is the principle to protect ecological balance and not to affect negatively the sea, natural and artificial lakes and rivers and their surrounding and the habitat.

<sup>39</sup> Providing that it is not the resource of drinking and potable water (Amendment, related regulation).

<sup>40</sup> As it is a sensitive issue to gain filling area, central administration recovers the authority of conducting planning studies in these areas. Here, the purpose is to scrutinize the local demands and needs of local administrations throughout the country and to balance them (Eke, 1995, p.15.).

<sup>41</sup> Amended Regulation on Some Articles of Regulation on the Implementation of Coastal Law, Published in Official Journal dated 30.3.1994 and numbered 21890.).

as well as the structures mentioned earlier to be permitted on the coast and *infrastructure facilities*<sup>42</sup> for highway (roads, open parking lots), maritime and airline transportation.

In order to construct the buildings and facilities allowed to be constructed on the areas gained through filling and drainage, it is necessary to get the required permission of the Ministry of Finance.

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<sup>42</sup> Although it is stated that “infrastructure facilities for airline transportation” may be constructed on these areas within the scope of “buildings allowed to construct in compliance with the article 7 of Law” in article 17 of the latest version of regulation, such an expression does not take place in the article 7 of law.



## CHAPTER 5

### BOZBURUN'S PRECEDENT STORY

In this chapter, implementation problems of the coastal legislation, which was formed as a result of national polices, will put forward in particular on Bozburun settlement, and the local qualities of the Coastal and its rules ignoring the existing life will be questioned. At this point, primarily the Coastal Law, then different legal regulations related with the coasts and planning model established by institutional structures appeared within this legal framework will be scrutinized with their basic outlines in particular on Bozburun<sup>43</sup> settlement.

In the previous chapter, the Coastal Law numbered 3830/3621, which in force now, has been scrutinized in details. The main question of the thesis is what the Coastal Law will cause in Bozburun and the future problems, which will arise if the situation goes on like this. In addition, that Bozburun settlement is included in Specially Protected Area of Datça-Bozburun and so Institution of Specially Protected Areas is responsible for the planning works of this settlement at any scale creates another dimension, which leads the requirement of handling the planning problem of whole Bozburun settlement certainly<sup>44</sup>.

Coast and shore strip planning based on the Coastal Law and the planning approach, which was found to be appropriate for the back zone of the shore strip by the Institution of Specially Protected Areas, will be scrutinized as a whole. Although the main theme of the thesis is the problems

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<sup>43</sup> At this point, firstly it is necessary to explain briefly, why Bozburun was chosen as the study area. Bozburun/Marmaris/Muğla was chosen as sample study area for the courses of UD 501 URBAN DESIGN STUDIO I-II within the scope of Urban Design Master Program in education year of 2001-2002 under the body of Department of City and Regional Planning of the Faculty of Architecture in Middle East Technical University. Thesis author was taking part in the group conducting studies in particular on Bozburun within the scope of the mentioned course.

One of the most impressive results achieved at the end of the studies conducted within the Studio is the spatial dead ends caused by the Coastal Law in particular on Bozburun. What kind of a coast and shore strip will emerge in case the Coastal Law was implemented in Bozburun settlement is scrutinized with respect to urban design. At the end of the Studio studies, an unpublished study book was prepared. In this thesis, this book was utilized mainly in order to put forward the problem in Bozburun.

<sup>44</sup> At this point, it is necessary to keep in mind that there are some specific legal regulations, to which Bozburun settlement has been subjected after 1980s. It is a fact that these legal regulations are the landmarks in the spatial development of Bozburun. In addition, these were excluded from this study in order to execute this thesis study within an outlined content and based on a specific problem. For the timeline concerning the problem of the thesis and the legal regulations, to which Bozburun settlement has been subjected to after 1980s, See-Appendix-C)

caused by the Coastal Law in Bozburun, it is essential to underline that the planning approach of the Institution of Specially Protected Areas for the back zone of the shore strip is not so much different from the spatial arrangements, which were going to be caused by the Coastal Law in Bozburun. In other words, if those that should be protected in Bozburun are determined in general terms under the title of “Protection”, it would be resulted in the need for a different planning approach both for the coast and shore strip and back zones.

Within this context,

1. **At the outset, the philosophy of Specially Protected Areas is going to be scrutinized. The answer for the question of “What kind of a planning approach does the Institution of Specially Protected Areas adopt?” will be searched<sup>45</sup>.**
2. **The structural features of Bozburun will be examined. Its features, which have been mentioned as the local features throughout the thesis will be exposed under specific titles. Data from observations and occupational interpretations constitute the basis for this section.**
3. **Afterwards, the planning process of Bozburun settlement will be scrutinized since the year 1992, when it became a municipality, up to date.** At this point, the coastal Law is playing a determinant role. The 1/1000 scaled Implementation Plan of Bozburun, which was approved in 1996, will be evaluated in order to bring about the planning approach of the Institution of Specially protected Areas and to try to overcome the Coastal Law. The designs foreseen for the public interest by the mentioned plan will present the examples of specific patterns such as withdrawing the existing buildings into the land 10 meters.

The reasons why the same institution was not be able to conclude its studies up to date since 1998, when the plan was canceled will be explored within the framework of the Coastal Law. The progress achieved by the relevant institution during 7 years period will be clarified and the new plan studies obtained from the institution will be questioned. This argument will focus on how many buildings on the coast, shore strip and filling areas would be discharged if the coastal law was implemented in Bozburun now; to what extent it could be for the interest of public, if the mentioned discharge was realized; and to what extent the arrangements foreseen instead of the discharge would accord with the case of “Specially Protected Areas”.

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<sup>45</sup> At this point, the information on the official website of Specially Protected Area is specified as the main reference.

## 5.1. The Philosophy of Specially Protected Areas<sup>46</sup>

Specially protected areas are vulnerable areas, which show integrity from the point of view of natural, historical and cultural values, and have the ecological importance both on the world scale and on national scale. These areas are rich from the aspects of their natural, historical and cultural values; have an unspoilt biological and ecological balance and are promising areas. The areas determined by “the Protocol on Specially Protected Areas in the Mediterranean Region<sup>47</sup>”, in which Turkey is one of the parties, are described as specially protected areas and this status was legalized with the Decree in Law numbered 383 on the Establishment of the Presidency of the Institution of Specially Protected Areas in Turkey<sup>48</sup>.

### 5.1.1. General Planning Approach

According to the approach of Institution of Specially Protected Areas (ISPA)<sup>49</sup>:

“It is a basis for a country to conserve the environment for the happiness and welfare of the existing and next generations beside its industrialization, urbanization and agricultural modernization. To lead and improve the future considering the physical and socio-economical aspects and to sustain the existence of ecological values depend on the effective utilization of the planning.”

With this understanding, beside the planning studies in the Specially Protected Areas, it is targeted to;

- Protect the acquired environmental values,
- Remove the current environmental problems and take the necessary precautions,
- Provide the balance of protection utilization through the determination of the principles of protection utilization.

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<sup>46</sup> The main source for this part is the official web site of “Institution of Specially Protected Areas” ([www.ockb.gov.tr](http://www.ockb.gov.tr)).

<sup>47</sup> Within the framework of the Convention on Protection of the Mediterranean against the Pollution accepted on 16 February 1976 in Barcelona, it is necessitated that the areas around the sea and their environment should be protected as specially protected areas in order prevent the annihilation of natural areas in the Mediterranean and the cultural heritage in the region. To this end, Turkey has approved the Protocol on the Specially Protected Areas in the Mediterranean on 7 October 1988 with the Decision of the Board of Ministers numbered 88/13151.

<sup>48</sup> Aforementioned Decree was issued in the Official Journal dated 13.11.1989 and numbered 20341 and was put into force in accordance with the provision of “The Board of Ministers is entitled to determine and declare the Specially Protected Areas in order to conduct the required regulations with the purpose of securing the transfer of natural beauties and areas, which are vulnerable against the environmental pollution and damage and have the ecological importance on the world and national scale, to the next generations; to determine the principles of protection and utilization to be applied in these areas; and to determine which ministry will conduct the plans and projects” included in the article 9 of Environment Law numbered 2872.”

<sup>49</sup> [www.ockb.gov.tr](http://www.ockb.gov.tr)

Within this framework, it is stated in the official website of ISPA that the planning procedures and standards based on the Reconstruction Law numbered 3194 are taken as the basis and this order has been improved with some additions<sup>50</sup>. It has been underlined that all natural values were determined, protection standards were raised, protection-utilization decisions were elaborated in planning provisions and organizational decisions were taken with the preliminary researches conducted on the planning under the title of ecological planning.

It is stated that main target is to arrange especially the ways of utilization of the coast in order to make the plans suitable for implementation, provide the immediate realization of reconstruction implementations, prepare the projects of the urban infrastructure and implement, take the human activities under control.

Especially Protected Areas are declared with the Decision of the Board of Ministers. The total area of the 14 specially protected areas declared up to day is 11853, 13 km<sup>2</sup> (Table 6).

**Table 6.** Specially Protected Areas in Turkey (Gülkal, 2004).

SPAs	Area (km <sup>2</sup> )	Ratio	Population in 2000	Declaration Date
<b>Fethiye-Göcek (Muğla)</b>	774.07	0.07	85098	05.07.1988
<b>Köyceğiz-Dalyan (Muğla)</b>	461.46	0.04	29129	
<b>Gökova (Muğla)</b>	576.90	0.05	8313	
<b>Patara (Antalya)</b>	189.81	0.02	18016	02.03.1990
<b>Kekova (Antalya)</b>	232.36	0.02	1134	
<b>Göksu Deltası (Mersin)</b>	226.31	0.02	104814	
<b>Datça-Bozburun (Muğla)</b>	1443.68	0.12	25874	21.11.1990
<b>Foça (İzmir)</b>	27.61	0.002	14604	
<b>Belek (Antalya)</b>	111.79	0.01	98723	
<b>Gölbaşı (Ankara)</b>	273.94	0.02	40803	
<b>Ihlara (Aksaray)</b>	54.64	0.005	7319	
<b>Pamukkale (Denizli)</b>	66.56	0.01	14698	
<b>Tuz Gölü (Konya-Aksaray)</b>	7414.00	0.63	347432	02.11.2000
<b>Uzungöl (Trabzon)</b>	149.12	0.01	4150	07.01.2004
<b>TOTAL</b>	<b>11853.13</b>	<b>1.00</b>	<b>795957</b>	
<b>TURKEY</b>	<b>774815.00</b>	<b>0,0153</b>	<b>67844903</b>	

<sup>50</sup> www.ockb.gov.tr

### 5.1.2. Principles of Planning

It is stated in the official website of ISPA that the following general planning principles are taken into consideration for healthy structuring within the balance of protection-utilization and protecting the natural, ecological and historical values of specially protected areas, each of those has special features.

- To provide the establishment of balance between the ways of utilization giving emphasize on the protection for the areas, which are included in Planning Area and have importance from the aspects of natural structures and ecological features,
- To protect the limited and productive agricultural areas,
- To prevent the activities causing the lose of areas rich in water and sand dunes, which constitute a great ecological, cultural, scientific and recreational source as marsh, reed bed, wetland, pasture, and waters,
- To provide the protection-utilization balance in a planned manner in the areas having importance at the national level and recreational potential owing to its natural qualities,
- To rehabilitate and improve the infrastructures of the settlements in the regions,
- To provide the protection of natural sites determined and declared or to be declared by the Boards of Protection of Cultural and Natural Heritage,
- To protect the archeological sites and to benefit from them by improving,
- To make decisions, which will facilitate the realization of tourism activities considering the protection-utilization balance, and will direct and balance existing tourism demands, and to reflect them on the plans,
- To protect, improve and direct the architectural pattern and local characteristics existing in the region.

Again in the official website of ISPA, it is stated that the plans scaled of 1/5000 and 1/1000 are prepared in line with the targets pointed by Environmental Master Plan scaled of 1/25000; the conditions for the structuring are specified with these plans; the studies concerning the protection of cultural heritage as well as the management of natural resources in the Specially Protected Areas are being conducted; the conditions for the protection and structuring in archeological and urban sites are specified at the end of researches; **the structuring works are directed in a manner to protect, improve and to provide the continuity of the general structure of the settlements, architectural pattern and local architectural characteristics.**

### **5.1.3. Approval and Implementation of Plans**

The Environmental Master Plans scaled of 1/25000 and the revisions on them are carried out by ISPA, the others are carried out by either ISPA or the municipality itself or realized through bidding and approved by ISPA. Approved plans are put into implementation by the local administrations.

According to the information provided on the official website of the Institution, these plans are made on the maps prepared digitally in computer environment depending on the frame of reference of the country. Institution works in cooperation with Public Institutions and Organizations, scientific institutions, volunteer institutions and international environment organizations, while fulfilling its duties.

Environmental Master Plans, which include protection decisions and area utilization decisions, evaluate and direct the progresses, happened in last two decades based on applied researches. Furthermore, the planning studies of areas described as vulnerable zone and ecological zone are elaborated. All these implementations are conducted with “Ecological Management Plan”, which is prepared for each region. 11 Environmental Master Plans scaled of 1/25.000 and 36 Master Development Plans scaled of 1/5000 have been approved. The implementation of the plans is under the responsibility of municipalities within the boundaries of contiguous areas and of Governor out of these areas according to the provisions of the Reconstruction Law numbered 3194.

### **5.2. Datça-Bozburun Specially Protected Area**

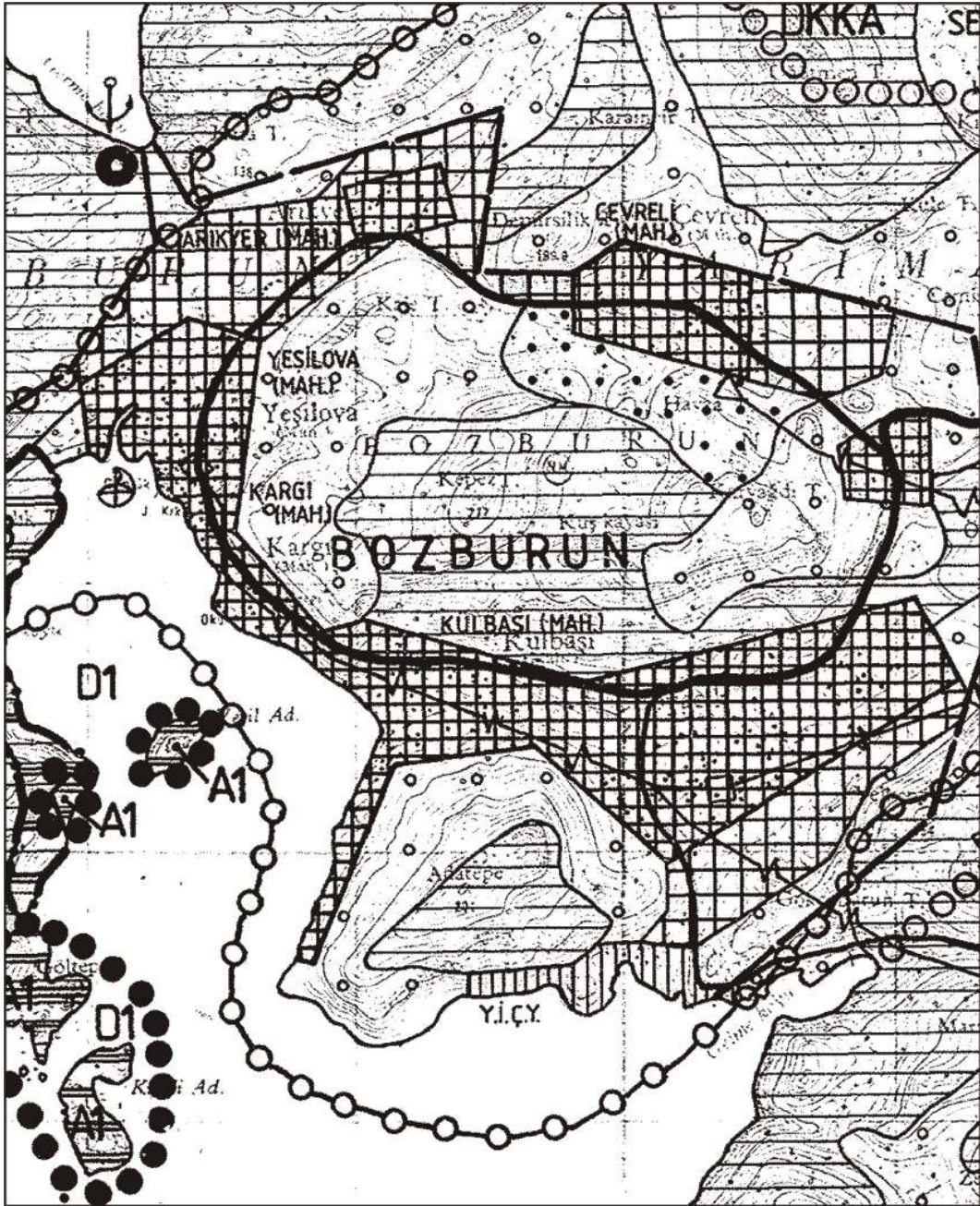
With the purpose of protecting the natural, cultural and historical values of the region; Datça and Bozburun peninsulas, the coordinates of which were defined in the Official Journal upon the Cabinet Decision dated 22.10.1990 and numbered 90/1117, which was published in the Official Journal dated 21.11.1990 and numbered 20702 and then put into force, were determined and declared as “Datça-Bozburun Specially Protected Area” in order to protect their natural, ecological, cultural and historical values against the environmental pollution and destruction and to assure their transfer to the next generations.

**5.2.1. 1/25000 scaled Datça-Bozburun Specially Protected Area Environmental Master Plan (approval date: 02.05.1994, revised one time in 09.01.1998<sup>51</sup>)**

In the Decree in law numbered 383, the Institution of Specially Protected Areas is entitled with “the authority and responsibility of protecting the environmental values of the region, taking any kind of measures to overcome the existing environmental problems, determining the protection utilization principles of these regions, making the reconstruction plans at any scale and approving with their own initiative” in the areas to be determined and declared as the Specially Protected Area. Within this framework, 1/25000 scaled environmental master plan of the area determined and declared as “Datça-Bozburun Specially Protected Area” was prepared by the Presidency of Protected Area and approved by the same institution on 02.05.1994 (Figure 23-24).

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<sup>51</sup> Revision did not include Bozburun section of the plan. Therefore, no further examination was processed by thesis writer.



**Figure 23.** 1/25000 Scaled Datça Bozburun Specially Protected Area Environmental Master Plan-Bozburun Section (Plot No: o 20-d1).





### **5.3. Structural Characteristics of Bozburun Coastal Settlement<sup>52</sup>**

#### **5.3.1. Location**

Bozburun is a small municipality in the borders of Muğla Province and Marmaris district in Aegean Region. It is surrounded by Söğütköy and Bayırköy settlements on the east, Atabol Cape, continuation of the peninsula surrounded by Yeşilova and Hisarönü Gulfs on the west, Hisarönü Gulf on the north and Yeşilova Gulf and Kızıl Island on the south.

#### **5.3.2. Social and Demographic Structure**

Although it was a village depending on Marmaris town until 1992, its municipality organization was established after that date.

If the demographic features of Bozburun town is simply reviewed, it could be stated that population is continuously changing up to the season and the time of the day. While its winter population is approximately 2000, there is not any certain data about its summer population. When the similar features of coastal settlements in different sizes are taken into consideration, it is obvious that the summer population of Bozburun is considerably high comparing to the winter population<sup>53</sup>.

It is seen that the almost all of the population (approximately 95%) is the native inhabitants of the Bozburun when the social structure of the settlement having rural characteristic is looked through. Moreover, immigration is hardly seen.

The average family size in Bozburun is 3.12 and the average number of the families per house is 1. In Bozburun, the share of woman population in the total population is 49%. Men are generally dealing with fishing and yachting. The latter work may be either serving for the yachts or

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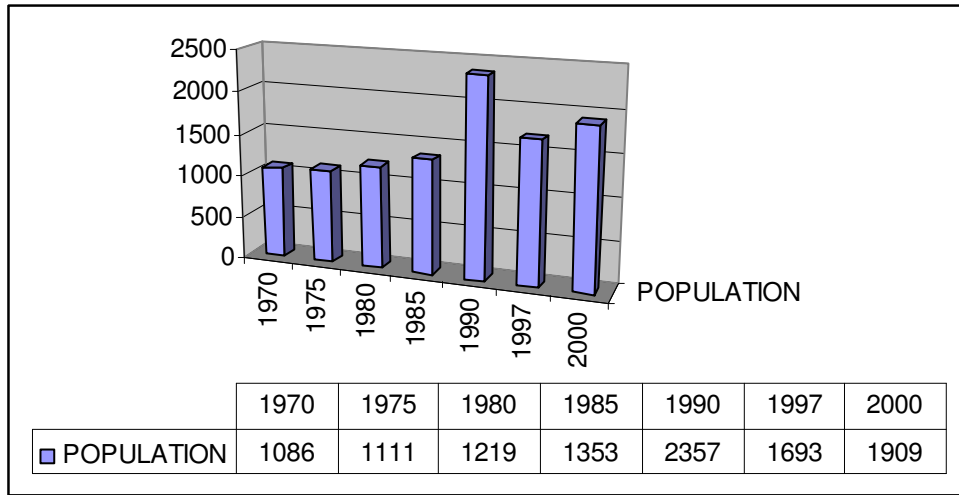
<sup>52</sup> The main sources used for these determinations are;

- the preliminary analysis for new 1/5000 and 1/1000 scale plans of Bozburun (started to be prepared by the Authority for the Special Protection Area, after the cancellation of old 1/1000 plan by court order in 1998) , and
- Urban Design Studio-Bozburun Project Studies (2002). In the scope of METU, Faculty of Architecture, Department of City and Regional Planning, Urban Design Master Program.

<sup>53</sup> The number of tourism accommodations and summer houses are the main criteria based on in order to put forward the main outline of summer population. Since the institutional and social infrastructure, required collecting usable data does not exist in the settlement; interpretations are made only by means of raw data collected.

constructing them. The reason why Bozburun attracts yacht tourism is its bays, which have natural protection and beauties as well as its historical wealth.

**Table 7.** Population change in Bozburun according to years.



At the end of the population projections made by ISPA with four different methods, the population figures were found to be minimum 2599, maximum 3107 and average 2917 for the plan target year 2020<sup>54</sup>.

### 5.3.3. Spatial Pattern

#### 5.3.3.1. General Features

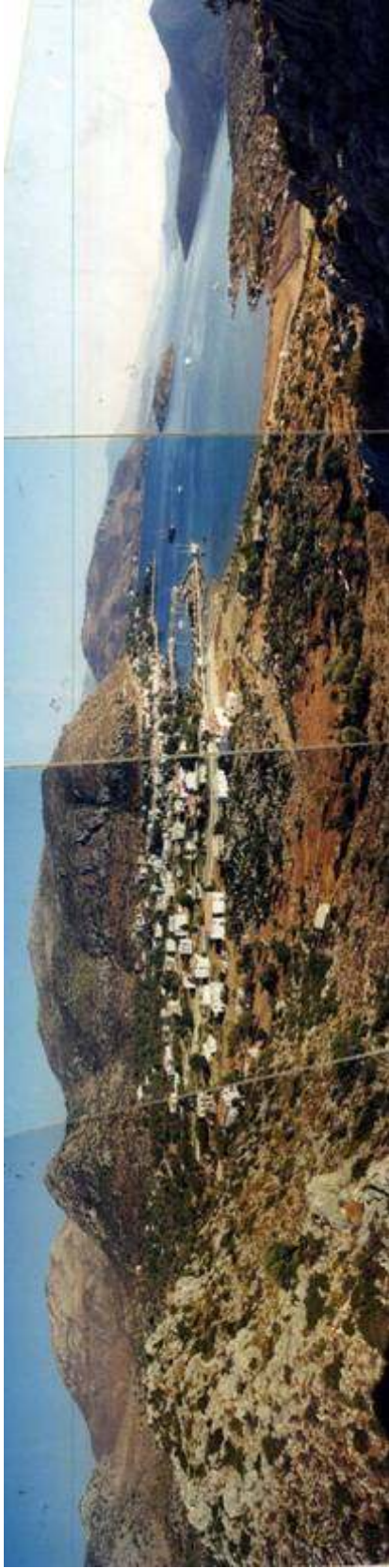
The fluctuations caused with the topography of Bozburun Peninsula reflect to the settlement. Gulf's being surrounded by the mountains play a restricting role on the settlement; hence the settlement appeared on the plain parts of the coast (Figure 21).

<sup>54</sup> However, it has been explained by the ISPA that although it has a stable and limited population growth, a plan for the permanent population of 4500 is being prepared to cover the period after 2020 by taking into consideration that the town is located in the most important tourism region of the country; it is integrated with historical and cultural values, and it has an economical potential like boat construction.

The core of the current settlement is constituted by the central neighborhood, which is now called “İskele neighborhood”. The first settlement was developed around the municipality and then progressed toward Yeşilova and eastern parts.

These neighborhoods were established on the plain parts of the coast. Avlana neighborhood, which was located inland, was formed as the continuation of the both neighborhoods. Considering the physical space, there is a progress in parallel with the bowl shaped structure, along the valley extending in east-west directions. Central neighborhood shows a progress along the valley in the directions of north-northeast.

The shore settlements having a population less than ten thousand and surrounded by the sea at least on one side are considered within the description of “coastal town”. Thus, Bozburun settlement is a “coastal town” owing to its spatial qualities. It is possible to reach some generalizations on the analysis undertaken on coastal towns.



**Figure 25.** İskele Neighbourhood (Town center and yacht port) (UD Studio archive).



**Figure 26.** Yeşilova Neighbourhood (UD Studio archive).

### 5.3.3.2. Town Center

Coastal towns do not often present a multi central structure due to their scales. The only current center contains the commercial and cultural functions; the diversity of the activities depends on the characteristics of the town. Besides, the positioning of the center for many coastal towns is directly related with the direction of coastal axis. Therefore, in the coastal towns the promenade is the space where the movement of pedestrians is dense. Because of this, the centers, where the face-to-face relation is important, are in a tendency of positioning in integration with pedestrian axis.

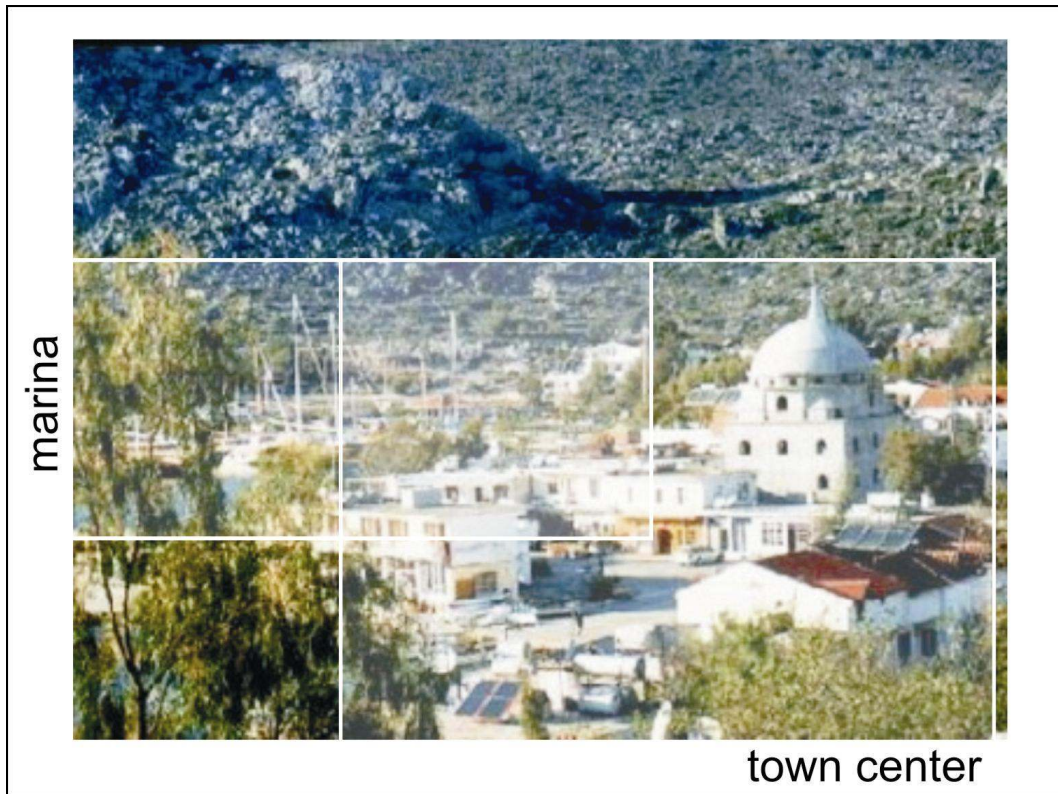
İskele neighborhood is the central neighborhood of Bozburun settlement and its density is higher than the other neighborhoods. Brut density in the neighborhood, where two-storied buildings are frequent, is 92 persons/ha. The density is located mainly around the port and it decreases towards the inner parts.

Yeşilova Neighborhood has a larger area considering its capacity for settlement, but the existence of the yacht construction ateliers in this region leads to a less frequent housing pattern. There are one-storied buildings in Yeşilova, where the density is 22 persons/ha.

Yacht port is one of the primary determinant factors for the quality of the utilizations of the center, its scale and the selection of location of the center. The yacht ports, which have the priority to access the settlement for the many coastal towns, have the nature of a city gate. Because of this, center of the town and yacht port are the components of the whole. Thus, the size of the center of the coastal town and its quality are related with the capacity and user profile of the yacht port.

Bozburun achieved a center and yacht port oriented progress as required by its structural features. The utilizations of the center choose a place in integration with the yacht port, which is the passage point in Bozburun for the sea transportation (Figure 27).





**Figure 27.** Location of the town center and marina (yacht port) in Bozburun in a manner to support each other spatially. (Adopted from [www.yerelnet.org](http://www.yerelnet.org)).

Bozburun, where average 50 daily boats call in during the day, is located within the routes of boats traveling between Bodrum and Marmaris. The port with the capacity of 70-80 large boats and 60-70 fishing boats, which fishing vessels are also benefiting from, is not able to meet the needs<sup>55</sup>.

The functions of the center such as municipality, post office, police station, mosque, square and an active trade including all the other activities are located around the port in İskele Neighborhood (Table 8).

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<sup>55</sup> Planning study- primary report for plan research by the ISPA.

**Table 8.** Trade branches and number of enterprises in Bozburun (taken from ISPA primary research report).

<b>Commercial Function</b>	<b>Number of enterprises</b>
Bakery	3
Market	12
Draper's shop	1
Restaurant-cafe-bar	18
Souvenir shop etc.	5
Pharmacy	1
Boutique	1
Butchery	3
Fishmonger	1
Jewelry	1
White goods store	2
Hardware store	2
Hair dresser	3
Other	5
<b>Total</b>	<b>58</b>

### **5.3.3.3. Coastal Landscape Character**

The element, which determines the progress chart in coastal settlements in an effective way comparing to the other settlements, is **natural landscape** beside center and yacht port. **The primary criteria of the location selection for coastal towns, activities of which are mainly tourism oriented, is the existence of a natural landscape, where the sea and land meets.** Within this framework, the existence of the sea generally effects the formation of settlement as close as possible. As it is mentioned before, the type and extent of the utilization of the sea and coast changes according to the settlement. Within this framework, it is natural that settlements select a location, as close to the sea as possible and it is unnecessary to prevent them.

Other urban utilizations having a tendency to select a location on the coast like town centers are public open air areas (parks), accommodation facilities (hotels, pension vb.) and maritime related production activities. The tendency of these activities to select a location on the coast is determined with what this activity gets from and gives to the sea. This relation may appear



physical in terms of production as well as visual from the recreational point. With this respect, training and health units or religious facilities are the urban utilizations without such a tendency, in peculiar on any kind of relation.

At this point, the concept of “**spatial dependency**” of urban utilizations gains great importance for coastal settlements. In case of a new location selection, the functions, which cannot continue their existence in other urban areas so effectively, take place in this description. For instance, taking trade areas and pensions away from the sea in Bozburun, taking these utilizations from the seaside and locating them inland will emerge negative results for the viability of their functions.

Hence, it is on the agenda for many coastal settlements having a great dynamism of urban development to start an urban planning process necessitating a location selection. Within this process, it is required to locate the utilizations, which provide the continuity of economic and social life of town.

However, there is no need for such an approach in coastal towns, which have little dynamism for urban development. High spatial dependency of utilization in this type of settlements is in a nature to lead this process a dead end legally. This problem is valid for many coastal towns especially considering the content of the Coastal Law. At this moment, the biggest contribution for planning process is the analytical examination of these coastal towns in order to direct the decision making process. However today, the insufficiency of this process causes insoluble problems in small coastal towns like Bozburun.

#### **5.4. Planning Approach in Bozburun 1/1000 Scaled Implementation Plan (Approved in 1996)**

##### **5.4.1. Coast and Filling Areas**

Official documents of construction process of Bozburun yacht port<sup>56</sup> could not be accessed during the studies of thesis. At this stage, the comparison between the existing spatial pattern and the plan decisions concerning the coast and filling areas in the plans of year 1996 will facilitate to reach the result whether the legal procedure regarding the yacht port was completed or not. That is, if it was completed its legal procedure entirely, plan decisions would overlap with existing spatial pattern.

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<sup>56</sup> The existing port in Bozburun does not cover exactly neither the function of a Fisher Shelter nor a qualified yacht port. Therefore, in order to prevent the concept confusions, this structure will be called “yacht port” in the rest of the thesis, as it is mainly in the service of yachts in spite of its being unqualified.

In the existing pattern, it is seen that trade oriented utilizations are located in the eastern part of yacht port in north-south direction (Figure 28).



**Figure 28.** Eastern part of Bozburun yacht port/ north-south axis (UD Studio Archive).

The structure mass taking place at the end of this north-south axis leads towards east and defines the square, which includes Atatürk Monument in the center, from its west side (Figure 29).

Within this framework, the impact of Bozburun yacht port on the formation of the structural characteristic of Bozburun town is put forward. The functions of the center selected their places, which are visually and spatially in close contact with yacht port. The axes coming out parts of settlement and going inward the center go directly yacht port and the square including Atatürk Monument. When this spatial pattern altogether with its physical features and trade-oriented functions is evaluated from the point of design, it is considered positive. The center of the settlement and the yacht port, where the center integrates with the sea, are the attraction centers and they constitute the most powerful elements of coastal town identity.



**Figure 29.** The structure mass of north-south axis defining the square including Atatürk Monument<sup>57</sup> (UD Studio Archive).

What happened to this pattern with the plan decisions approved in 1996? All the functions of the center are withdrawn 10 meters away from shore edge line with plan decision. Therefore, it is decided that the existing pattern seen in Figure 28 and Figure 29 should be removed and organized as green area (Figure 30).

However, such plan decisions cause the removal of spatial pattern, which is the most important element of coastal identity of Bozburun, and replace it with green areas, which have no characteristics and design quality (as far as seen in the plan). Within this context, the spatial proposals put forward for Bozburun are not different than those put forward for other coastal settlements (like İzmir), which are not different than Bozburun from the aspect of their scales (Figure 31).

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<sup>57</sup> The mosque construction seen in the picture was going on in 2001. As it is seen earlier in figure 22 in the section of “structural characteristics of Bozburun settlement”, the said mosque construction was completed. Although there is not an approved plan in Bozburun at present and the mosque in question takes place in the first 50 meters of the shore strip, the question of how the construction could continued; to what extent such processes realizes in the settlement remains unanswered. The absence of a plan to be put into effect due to the local dead ends prevents the spatial progress continuing in practice in Bozburun settlement. The realization of this spatial progress totally uncontrolled and unplanned will arise irreversible results; and will play an important role in clogging the planning process in future.



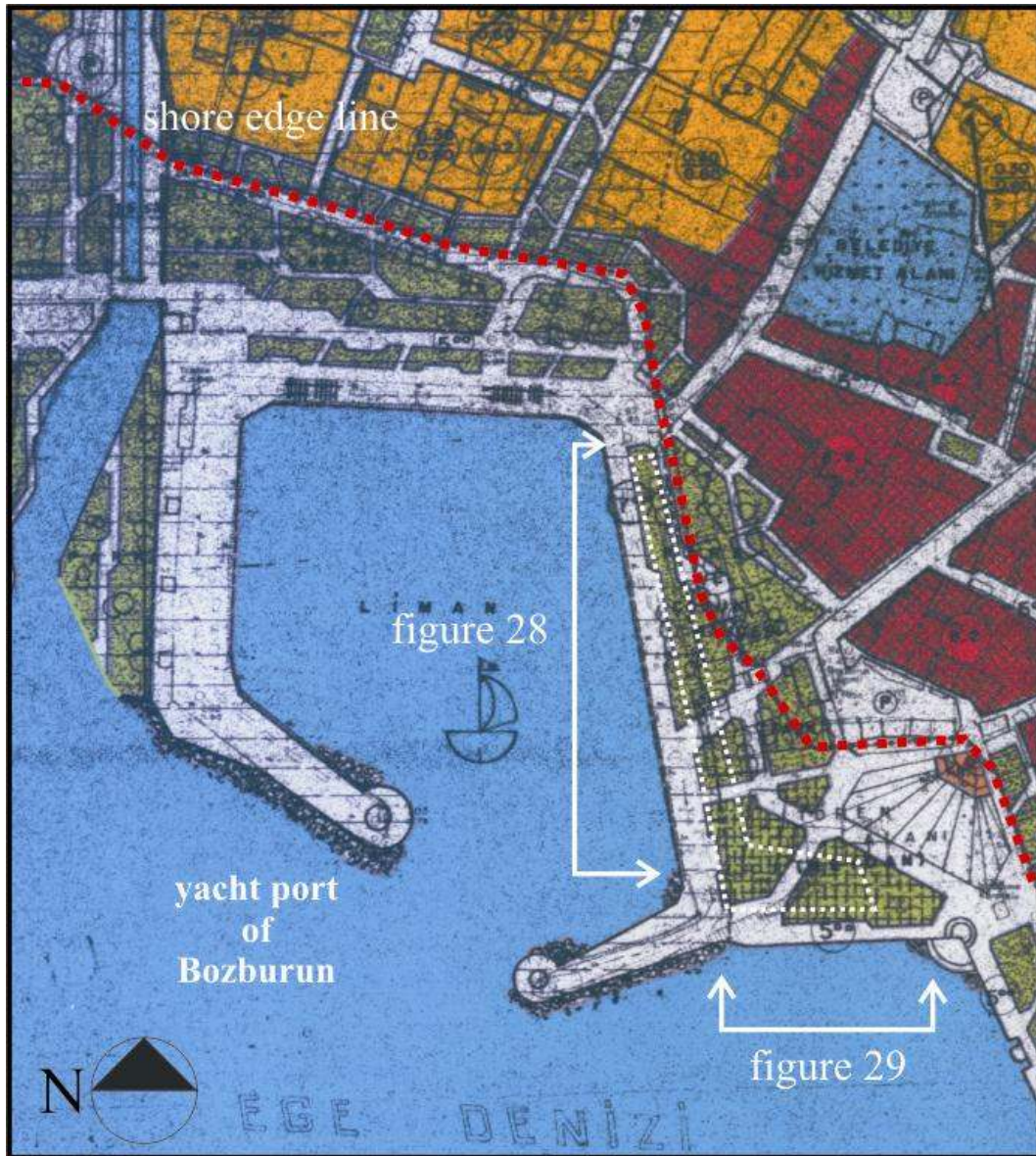


Figure 30. Decisions taken for the surrounding of yacht port with the plan approved in 1996.



**Figure 31.** İzmir, Seaside, which has a green area organization similar to that proposed for Bozburun settlement (although the scales of these settlements are different, a land and sea relation, which is similar with that in İzmir and could be defended at some points there, proposed for Bozburun, and this causes some troubling issues from the aspect of the protection of their coastal town identity.)

If it is implemented in Bozburun settlement in line with the plan decisions of the Coastal Law numbered 3830/3621, this consequence will be faced with along the coastal strip (See Appendices D and E).

#### **5.4.2. Shore Strip Approach**

Shore strip is reserved as **at least 10 meters** from the shore edge line determined officially in this plan and it is proposed to keep it completely as green area (See Appendix F). Here it is essential to emphasize two important points:

1. the basis of reserving shore strip as 10 meters
2. the reason for organizing the first 10 meters as green area and after that the design green area proposal

#### **5.4.2.1. The Basis of Reserving Shore Strip as 10 Meters**

Bozburun settlement was subjected to the Coastal Law numbered 3830/3621, when its 1/1000 scaled Implementation Plan was put into force. Therefore, the shore strip should be reserved as at least 100 meters in the areas, for which new plans will be made, after the date 11.07.1992 in compliance with the said Law.

However, in the mentioned plan, 10 meters was left as shore strip. This is exactly contrary to the Law. Though this approach is regarded as the consequence of the considerations about providing the continuity of existing pattern, it is not a right approach as it is contrary to the Law.

#### **5.4.2.2. The Reason for Organizing the First 10 Meters As Green Area and After That the Design Green Area Proposal**

First, it will be beneficial to reiterate two points. The shore strip was left as 10 meters in the implementation plan of Bozburun, which was approved in 1996 and this strip was indicated entirely as green area in the plan. Does that approach overlap with its structural characteristic, which constitutes the basis for coastal town identity of Bozburun?

At this point, it necessary to conduct a small sized pattern study. There is a two-storied building line in form of attached housing for 12-14 buildings on the coastal strip extending from center towards south (Figure 32). This building line constitutes one of the most significant indicators of the coastal town identity of Bozburun. As it would be stated later, as in the example of Port Grimaud in France, buildings and accordingly building lines are integrated with the sea, the area remained between the buildings and the sea (shore) is reserved as defined by the buildings on one side and the sea on the other. Both the sea and the buildings serve for public benefit from the point of the urban design values that they constituted (and they would constitute a bigger value by future regulations). It supports, instead of restricting, the coastal movement leading from center to south with the continuation of building line and establishment of sea-building line corridor. Under this condition, the plan decision taken considering the mentioned building mass should be scrutinized. **What is the plan decision taken for that building mass; even under the condition that shore strip is left as 10 meters?**





**Figure 32.** The two-storied building line in form of attached housing in the 10 meters shore-strip (personal archive).

In accordance with the Implementation Plan of Bozburun, which was approved in 1996, this building stock should be knocked down completely and withdrawn 10 meters inward (Figure 33). It raises a paradox to what extent the arrangement required to be realized for public sake will be for public benefit. It is a discussion topic that either the economic and social dimension of withdrawing the buildings 10 meter inward (knocking down and constructing 10 meters inward) or leaving a undefined 10-meter green strip in order to provide **the utilization of shore strip for public benefit** will be for public benefit. Certainly, it is not true that the latter is much more for public interest than the former.



**Figure 33.** Building stock to be knocked down completely and withdrawn 10 meters inward (1/1000 scaled Bozburun implementation plan, approved in 1996).

10-meter strip, determined as shore strip in Bozburun is not arranged entirely as green area. As far as it is read in the plan, although it will not be wrong to name spatial pattern proposed for shore strip as “arrangement”, it is controversial that which design criteria that arrangement is based on. Same arrangement reasoning was accepted for the entire coastal strip including the center (Appendix F). All the roads going down between the blocks behind the shore strip are extended as far as the coast and all the areas remained between them are afforested. It is a fact that the design of green area (and accordingly open-air area) is ignored in the plans in our country. Unless it is described as a project, green area designs are remained as areas, which are covered with plain grass and are not devoted to a charge (meeting, festival, hard surface, soft surface).

Actually, in the planning process of coast and shore strip as open-air areas, a number of design criteria should be developed and the implementation instruments of those should be described. Nevertheless, at this point, there is a dead end in the Coastal Law.

The concept of private property does not take place in the Coastal Law. However, there is not a prohibition against the private property within the shore strip. In other words, there are private properties in the shore strip but it must be utilized for the public benefit. Therefore, the biggest congestion in the Law occurs at that point. It means that shore strips should be arranged as open spaces; but, besides that, private property may remain. This situation does not comply with the right of ownership.

By the way, since the coast and shore strip are subjected to a different Law, the plan cannot be integrated totally by the ISPA. In another saying, although the ISPA is responsible for the whole planning studies on Bozburun, since the coast and shore strip part of the plan is to be approved by the Ministry of Public Works and Settlement, it prevents the ISPA from exerting effort to create areas, which are qualified in terms of design and appropriate to the plan. In the Coastal Law, it is stated that shore strip must be arranged as open space utilization. Though the framework is described as open space utilization, an open space design should be made on this strip, which is the area of connection with the sea.

While significant importance is attributed to afforestation and landscape in the plots of private property, no main principle is adopted about the landscape arrangements on the coast. In the plan notes included in 1/1000 scaled Implementation Plan of Bozburun; the following plan decision takes places:

“An area amounted to 40% of the total plot will be left with its natural soil cover without using any artificial material and arrangements will be made with the plants on this area. Such an arrangement is the basis for the afforestation that the building should be hid with



the tree types peculiar to the nature and the green should be emphasized. Accordingly, it is obligatory to plant one tree suitable for the local natural vegetation on every 20 m<sup>2</sup> of the area...”

Within this framework, it is foreseen that several values peculiar to the region should be employed during the process of spatial arrangement. In the plots of private property, which gained the quality of “reconstruction” with the plan decision, afforestation is specified as the primary objective. “Hiding the building” and “emphasizing the green” is the main target. Mainly it should be targeted to make the buildings architecture employ materials suitable for the region and carry beautiful design details; and present the result after harmonizing the green and building, which gained the quality of spatial value on its own in a balanced way. Within this framework, implementation plan decision should include the definitions of types of trees, implementation methods and models instead of the expression of “types of tree peculiar to the region”.

In spite of this, as it is mentioned before, in plan decisions, “afforestation” on the private plots is put as a single plan decision on its own, whereas no specific criteria was determined for the arrangements of green area on coast and shore strip to be utilized by everybody. Plan leads the Municipality, who will realize the implementation.

#### **5.4.3. Back Side Zone of Shore Strip**

It is possible to examine the back zone of shore strip of the settlement under (4) category within the framework of Implementation Plan of Bozburun, which was approved in 1996. These are as follows<sup>58</sup>:

- a) Settlement center and back zone (İskele neighborhood)
- b) Strip extending along the coast from center to south (İskele neighborhood-vicinity of Kargı)
- c) Yeşilova neighborhood and coastal strip
- d) “tourism facilities area”- south of Yeşilova coastal strip

Existing road network and building stock of the region, so-called center, were protected. Due to the utilization of the center, structuring condition of B-2 (two-storied attached housing) was put into force. According to the plan conditions, the following decision was put into effect for the blocks, which have to comply with the structuring condition of B-2:

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<sup>58</sup> The inner parts of Bozburun (Avlana Neighborhood), which are not connected with the sea, are excluded.

The withdrawal distance of the new buildings to be constructed on the commercial areas, which was not given a withdrawal distance, should comply with the building line formed in that block”<sup>59</sup>.

This approach targets to establish trade corridors along the axis entering into the town from outside. Again, in accordance with the plan decisions, tourism facilities can be built on the areas, which are foreseen as B-2 trade area. This approach may be considered positive as an effort to create diversity of functions in the center of the settlement.

In the other parts of the center and the strip extending towards south from the center, there are areas, structuring conditions of which are determined in a formulation of A-2 (two-storied detached housing) lot coverage ratio/ floor area ratio (LCR/FAR)<sup>60</sup>. Housing or tourism facilities can be constructed on these areas. In order to provide the harmonization of the buildings to be constructed with the existing ones, it is necessitated that if the existing building in one of the two plots side by side is in the form of detached housing, the building to be constructed on the next plot should be in the detached form; if the existing one is in the form of attached housing, the other should be in attached form, too.

While the structuring conditions are established in such a way for all the back zone of the shore strip, a region for “tourism facilities area” is determined in the south of coastal strip of Yeşilova neighborhood (Appendix D). On this area, instead of the preference for housing or tourism facilities, only the construction of tourism facilities is allowed. It may be considered a positive development that the said region is reserved for the utilization of tourism and the pattern to be formed newly is almost going to match other housing areas.

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<sup>59</sup> When the areas thought to utilize in trade according to Plan B-2 are looked through, it is seen that there is no trade area without any withdrawal distance. Within this context, the plan decisions remaining out of the drawn part of the plan are prepared in a general framework not in particular for Bozburun, as in all the other plan decisions.

<sup>60</sup> **Lot Coverage Ratio:** It is the proportion of Building Lot Coverage to development plot area (maximum).

**Floor Area Ratio:** It is the proportion of total Floor Area Ratio to development plot area (Maximum). For Bozburun settlement, the structuring conditions of 0,30/0,60-0,15/0,30 are given.

## **5.5. The Annulment of the Plan Approved In 1996 and Recent Planning Studies**

### **5.5.1. Determination of the Existing Circumstances in the Shore Strip in Accordance with the Coastal Law Numbered 3830/3621**

Since Bozburun acquired the status of municipality as of 1992, its 1/1000 scaled implementation plan, which was approved by the ISPA in 1996, was prepared by the Bank of Provinces<sup>61</sup>. Regarding this, according to Alaca (1997, p.84), decisions of use in the plan prepared by the Bank of Provinces are taken by paying attention to the existing pattern in the areas described as shore strip (100 meters from the shore edge line) in the Coastal Law numbered 3830/3621 in a “practical and protective” approach (Appendix F). In this case, the existing spatial pattern of Bozburun settlement in those areas, types of use and structure stock should be scrutinized.

Within this framework, the studies conducted in UD501-502 Urban Design Studio during the education year of 2001-2002 were taken as a basis. The purpose of this study is to put forward the details of existing spatial pattern within the shore strip of 100 meters and coast in Bozburun and to scrutinize the significance of this pattern for the entire settlement. In the stage of spatial analysis, the first pillar of planning process, analysis study based on geographical information system, which is an important instrument for the integrated evaluation of social and physical inputs of the space, was chosen as a methodology. A qualified database was established as the result of the detailed determination studies conducted already locally and a number of questionings was carried out on the areas subjected to the Coastal Law. Within the scope of thesis study, main questionings were preferred instead of scrutinizing all of them<sup>62</sup>.

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<sup>61</sup> It is another dimension of the discussion that why 1/1000 scaled implementation plan of Bozburun was prepared by the Bank of Provinces but not by the ISPA. While the ISPA is entitled to prepare and get prepared plans at any scale by the central administration, it is a controversial situation that why this institution does not prepare the implementation plans of the settlements remaining within Specially Protected Areas within the framework of the principles of “specially protected areas”. Even though the ISPA, as the owner of the plan, has the role of main guidance in the process of planning studies conducted by the Bank of Provinces, this approach cannot replace the role of preparing the plan on its own in compliance with its own principles.

<sup>62</sup> The entire study could be accessed through “the unpublished studio book of Bozburun Urban Design Project of Urban Design Studio”, which was prepared in 2002 within the framework of Urban Design Master in Department of City and Regional Planning, Faculty of Architecture, Middle East Technical University. It is named as “Bozburun UD Studio Book”, while being referred.

### 5.5.1.1. Questioning for Urban Structure

#### 5.5.1.1.1. Uses remaining within 100-meter Shore Strip

The first questioning was held within the framework of the hypothesis that the uses primary for the urban economy would mainly take place within the coastal strip of 100 meters. It was thought that the majority of these uses were not capable to continue their existence in any where other than its existing position within the framework of “spatial dependency”. This insight is suggested in line with the observations on the area mentioned before and the description of coastal town. Accordingly, it is estimated that pension/hotel, daily trade and schooner production, which comply with this definition within the first 100 meters, will gain density, when compared to the whole.

After the structural analysis of the part of settlement, which remain in the shore strip of 100 meters, was conducted, the existing situation as indicated in Table 9 came out.

**Table 9.** Structural analysis of the province based on the case of 100 m (taken from Urban Design Studio, 2002).

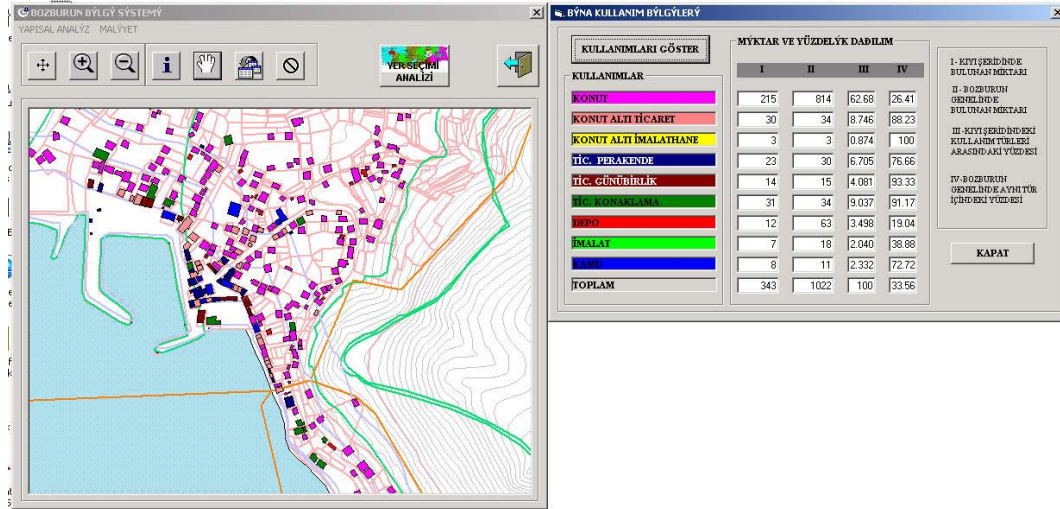
<b>USE OF THE BUILDING</b>	<b>NUMBER (within 100 m)</b>	<b>NUMBER (whole province)</b>	<b>RATE</b>
<b>Housing</b>	215	814	<b>27</b>
<b>Daily Trade</b>	14	15	<b>94</b>
<b>Retail Trade</b>	23	30	<b>77</b>
<b>Accommodation</b>	31	34	<b>92</b>
<b>Production</b>	7	18	<b>39</b>
<b>Public</b>	8	11	<b>73</b>
<b>Plant under-housing</b>	3	3	<b>100</b>
<b>Trade under-housing</b>	30	34	<b>88</b>
<b>Warehouse</b>	12	63	<b>19</b>

The questioning indicates that in case the Coastal Law, which is determined as the question, is implemented in particular on Bozburun, the share of the building stock to be impacted directly by the intervention is **33.56%** of the total building stock<sup>63</sup>. In another saying, the plan intervention to

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<sup>16</sup> According to Alaca (1997, p.85), approximately one third of the buildings constituting the existing pattern in settlement (150 buildings) remains within the 100-metre shore strip. 20 units of these buildings remain in the area described as coast, 70 units in the first 50 meters of shore strip, and 60 units in the second 50 meters of shore strip. In the detailed researches undertaken within the content of Urban Design Studio studies, it was determined that the buildings within the shore strip amount to 343 totally. Although the results are in conflict, the share of the buildings within the shore strip was similarly determined as one third of the number of buildings throughout the settlement.

be undertaken in line with the Coastal Law is an issue related with not only coastal region but whole province as well. When it is examined in the context of urban uses, it is seen that 90% of the buildings of daily trade and accommodation (hotel and pension) remains within the area of 100 meters. Similarly, almost 80% of the retail trade use remains in the shore strip of 100 meters (Figure 34).



**Figure 34.** An example for the distribution of the function in the center (taken from Urban Design Studio, 2002).

The percentage of the housing and the production buildings (plants and ateliers) within the area of 100 meters is relatively low; however, it is understood that this percentage is enough to affect the urban life seriously. Within the context of “spatial dependency”, when it is considered that almost all of the uses depending on the coast remain in this strip, the majority of the units mentioned under the title of production within the area of 100 meters are specialized on schooner production; and they cannot exist anywhere other than the coast.

In the evaluation made by Alaca, it was stated that when the width of 10 meters for shore strip was applied from the Shore Edge Line, 45 buildings remained in that 10-meter strip and these buildings were in conflict with the provisions of the legislation of the period that they were constructed.

The objective of the thesis is not to detect the buildings in Bozburun whether they are legally convenient or inconvenient according to the legislation and to seek the ways to harmonize them with the regulations as much as facilitated by the existing Coastal Law. It generally puts forwards the consequences caused by the Coastal Law in Bozburun and suggests solutions within the framework of structural changes to be conducted in the context of the Law.

#### 5.5.1.1.2. The Quality of Buildings

It is estimated that the quality of building within the shore strip of 100 meter would be over the average. This estimation is put forward through the assumption that the building stock on the coast must be such good quality that it could reflect the value of the land on the coast. One of the reasons for this assumption is that there are many pensions on the coast. These pensions have a tendency to provide the continuity of the quality of building in order to raise the quality of the service with the purpose of maximizing their profit.

**Table 10.** Quality of building based on the case of 100 m ((taken from Urban Design Studio, 2002).

QUALITY	WITHIN 100 m		WHOLE PROVINCE	
	NUMBER	RATE	NUMBER	RATE
<b>Good</b>	126	%36.7	292	%28.5
<b>Medium</b>	187	%54.5	637	%62.3
<b>Poor</b>	30	%8.8	93	%9.2
<b>TOTAL</b>	343	100	995	100

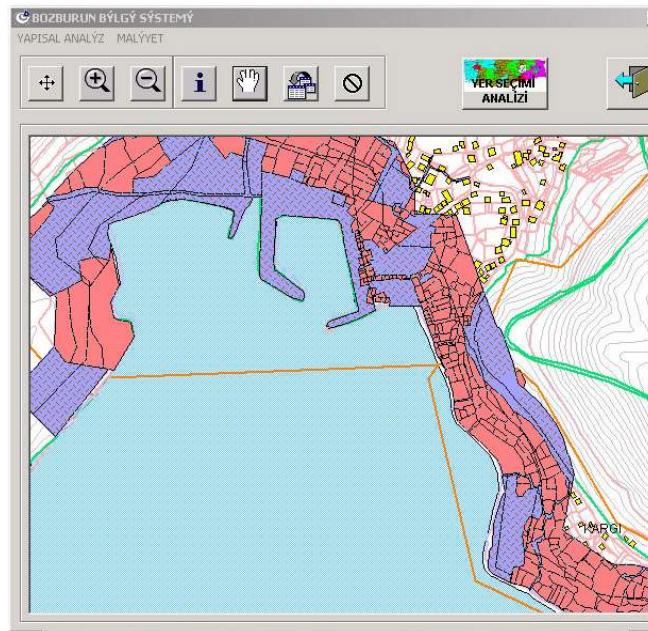
The estimations on the building stock within 100 meters about the building quality are proved to some extent according to the result of the questioning. Thus, besides the rate of the housing in good condition is determined as 36.4%, almost all are included in pension related uses. When it is compared with the whole province, it is seen the density of building stock in good condition is higher on the coast. Under the current circumstances, it may be concluded that restructuring process and structuring are experienced more effectively on the coast. When it is considered in particular within the context of the Coastal Law, the finding becomes valid that 92% of the possible intervention will be on the buildings in medium or upper than medium quality becomes valid.

## 5.5.1.2. Questioning For Economic Cost

### 5.5.1.2.1. Structure of Ownership

If the first 100 meter should mainly be arranged as open space in accordance with the Coastal Law, the only way to realize it by protecting the right of ownership is expropriation<sup>64</sup>. As no reconstruction plot is formed within the first 100 meters in line with the plan decision, expropriation should be made over the cadastral parcel order.

According to this, the total amount of the area, subject of private property within the first 100 meters, is 328.663 m<sup>2</sup>. When it is considered that, the total area of the said region is 679.031 m<sup>2</sup>; the share comes to be 48.4% (Figure 35). What decreases this share to half is the existence of public lands owned by the municipality on the coast. On the contrary, when it is taken into account that these coasts are public places, it may be concluded that this rate is quite high.



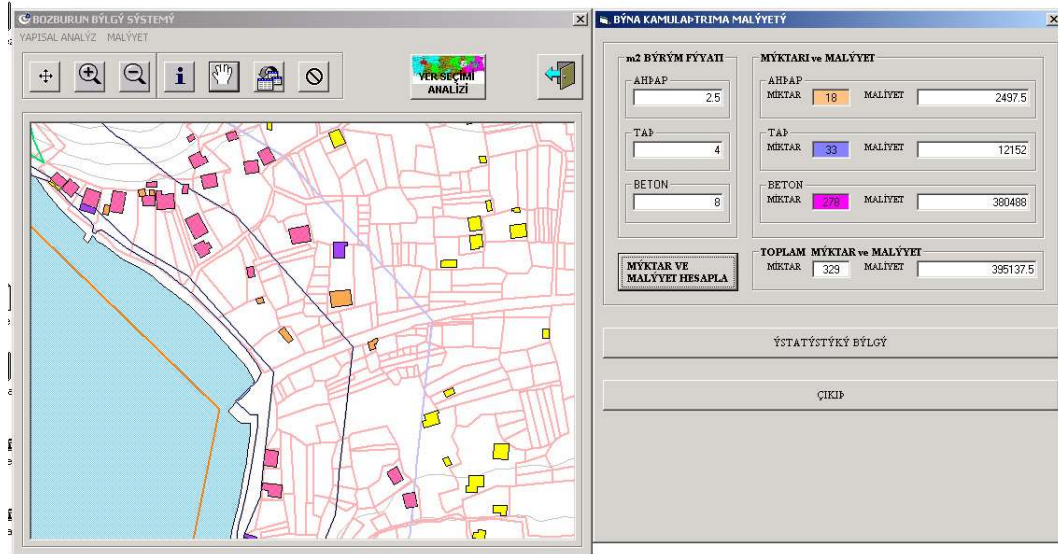
**Figure 35.** Distribution of ownership in the shore strip (red areas: private property) (taken from Urban Design Studio, 2002).

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<sup>64</sup> In accordance with the Reconstruction Law numbered 3194, “implementation of article 18” may be considered a solution. However, it is not a realistic approach to cover the shore strip in the implementation of article 18 for the settlement. If this approach is preferred, the implementation instrument for the technical and social infrastructure areas required for the rest of the settlement will be completely removed.

### 5.5.1.2.2. Cost of destruction

The social dimension of the economic cost appears with the cost of destruction. Therefore, the costs of destruction and transportation of the unlicensed buildings are borne by the owner in accordance with the law. The factors establishing the costs of destruction and transportation are the type of building and lot coverage.



**Figure 36.** An example of questioning the cost of destruction (taken from Urban Design Studio, 2002).

For the questioning of the cost of destruction, when the cost of destruction per m<sup>2</sup> is estimated as 2.5 \$ for wooden buildings, 4 \$ for stone made buildings, 8 \$ for concrete buildings<sup>65</sup>, it amounts to 400.000 \$ in total. As this cost will be borne by the owner considering the unlicensed buildings, it will not create any economical cost for public but will cause a considerable burden on national economy. Furthermore, that the owner, who has to pay the cost, will meet the other costs such as transportation and new construction makes the realization of destruction work difficult.

<sup>65</sup> The mentioned unit destruction costs are not the official figures. These figures are just determined to demonstrate the economical dimension of the destruction on rational basis. According to the financial conditions of the period, they may seem as irrational figures; however, although they are so low, the results caused by the destruction cost are thought provoking.



### **5.5.2. The Annulment Process of Bozburun Implementation Plan Approved in 1996**

It was stated earlier that the shore strip was left as 10 meters in the 1/1000 scaled implementation plan of Bozburun, which was prepared by the Bank of Provinces, and eventually according to the Coastal Law numbered 3830/3621, it must be at least 100 meters. The current form of plan (that is, the plan decisions foreseeing the implementation of a shore strip of 10 meters and continuation of current uses and spatial pattern within 100-meter area) was submitted to the Presidency of the Institution of Specially Protected Areas. However, it clear and obvious that the current form of the plan is contrary to the Coastal Law. Hence, the plan decisions concerning the area of 100 meters from the shore edge line were taken back. As a result, in order to solve the planning problem of Bozburun settlement partially, the coast and the 100-meter part of the shore strip was excluded from the boundaries of the plan and the plan of inner parts was approved.

It is impossible to claim that this approach constitutes a solution for the problems related with the coast and shore strip. It was elaborated in the previous section that the coast and shore strip are the most important areas of a coastal settlement. The ISPA, as being the only responsible institution for the planning, could not avoid the Law's ignorance of the existing life and spatial pattern formed through that life, and the plan was approved after those areas were excluded.

As a natural consequence of this preference, objections arose from the local public against the reconstruction plan approved. The objections made during the suspension process of the plan approved by the ISPA could not reach to a positive result. Therefore, the citizens owning real estates in the shore strip sued twenty-four different trials in Aydın Administrative Court (Alaca, 1997, p.85). Within this process, the abundance of the trials against the plan caused conflicts about the legality of the plan. Consequently, Municipality of Bozburun sued the ISPA demanding the annulment of Bozburun Implementation Plan scaled of 1/1000 and made up with twenty-three layouts (E: 1996/1126).

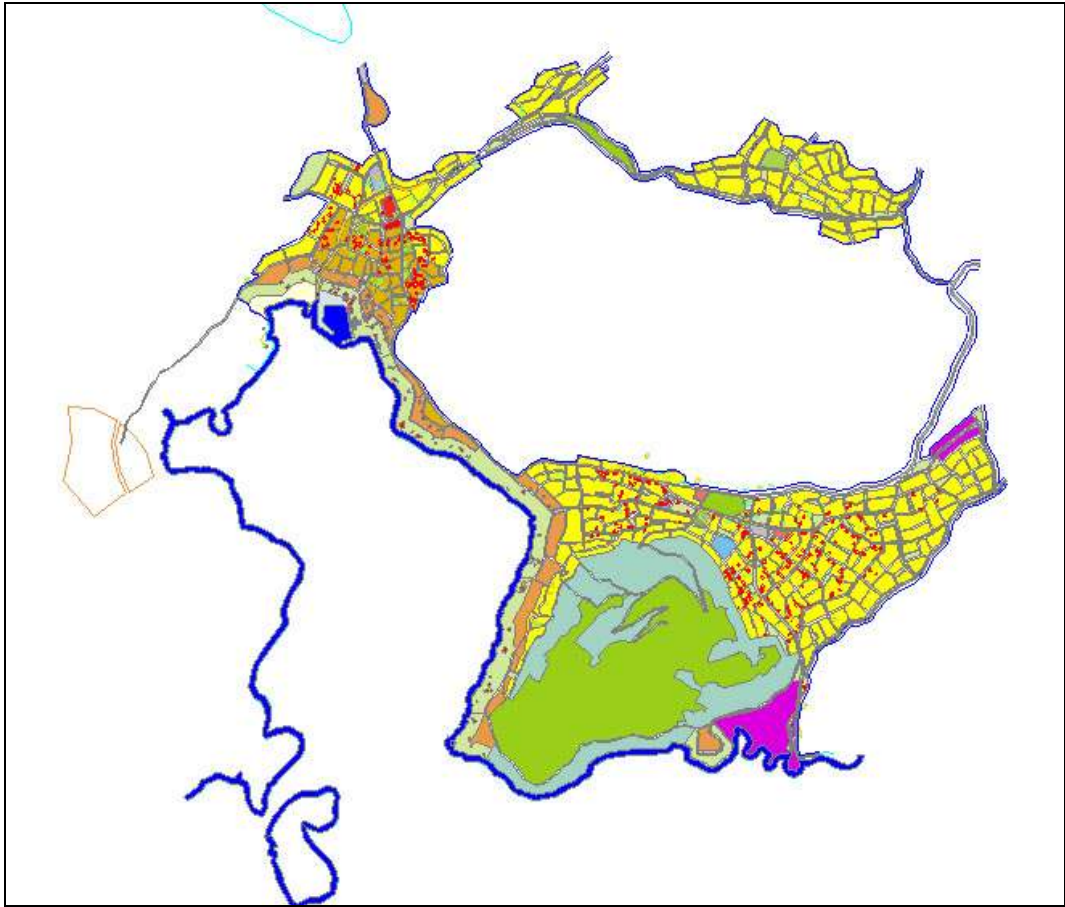
Bozburun Implementation Plan scaled of 1/1000 was annulled and repealed by the Decree numbered 1998/1198 of Aydın Administrative Court on 22.12.1998.

### **5.5.3. New Planning Studies (The New Plan Preparation Process for Bozburun)**

The ISPA initiated the new planning studies after the annulment of 1/1000 scaled implementation plan of Bozburun. According to the information obtained from the Institution, the updating studies for data and in situ surveys have been initiated; the region was visited in 2002 in order to complete

the local studies, contact was provided with the public institutions and organizations, and questionnaires were filled in order to determine the socio-economic structure, as well as site surveys. Although it has been 6 years since the decree of annulment was taken, lower scaled planning studies on Bozburun cannot be completed up to date by the institution authorized for planning.

In Figure 37, new planning studies carried out on computer are seen.



**Figure 37.** New plan study for Bozburun by Institution of Specially Protected Areas (Scales: 1/5000, 1/1000) (Taken from ISPA).

The arrangements proposed for coast and shore strip, which caused the annulment of implementation plan with the court decree in 1998 constitute a basis for the new planning studies. Within this framework, the coast is arranged as totally unqualified green area use as in the first plan; the shore strip, which was reserved as 10 meters in the previous plan, extended up to 100

meters. The first 50 meters out of the 100 meters is completely colored green in the new planning study. The second 50-meter part is reserved for daily uses and colored orange.

Within this content, the Coastal Law numbered 3830/3621 was put into implementation by the ISPA, which has the authority and responsibility of preparing and approving the reconstruction plan in Bozburun, in such a way. Transferring the final situation of the spatial arrangement necessitated by the Coastal law into the plan drawings means that the Coastal law is applied. However, it is not described by the ISPA that how the process of establishing parks by removing existing life on the coast and in shore strip will proceed in the new period.

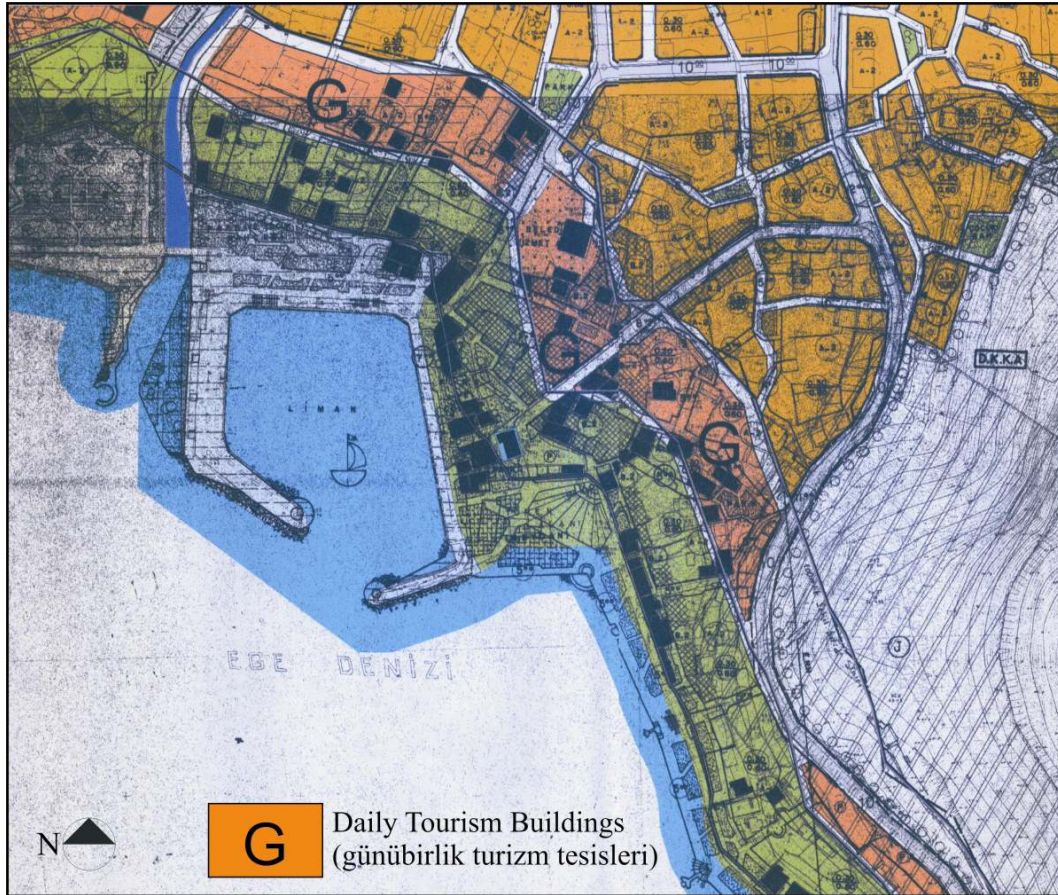
It is obvious that an approach not being able to protect the existing uses of the coast is adopted. In this framework, basic solution proposals were produced by the ISPA approximately for a period of 7 years. If the relevant institution accepts the application of the Coastal Law in this way, it is necessary to make plan decisions regarding the coast and shore strip in compliance with the Law, and in this context, to realize the changes on structural decisions throughout the plan. That is to say, if the first 50 meters of shore strip of Bozburun settlement is reserved completely for green area use and the second 50 meters for daily uses, it will be essential to design a new center development in the back zone of this strip (Figure 38 and 39). There is not any effort of producing such a plan decision by the ISPA for the last 7 years.

Another important point is the disappearance of tourism accommodation capacity of Bozburun. In Bozburun, tourism accommodation is based on pensions. As mentioned earlier, almost all of these pensions remain in the shore strip of 100 meters. Moreover, the tourism facility area proposed to be established in south of the Yeşilova neighborhood in the plan approved in 1996 remains completely within this 100-meter area. In the new planning studies, none of these areas can keep its existing situation. Hence, the existing tourism accommodation stock of Bozburun will completely disappear.

In the new planning study, the plan decision of “area to be afforested” is taken for the hill defining Yeşilova Neighborhood in the south. However, afforestation of this area is contrary to provide the continuation of its natural uncultivated appearance, where its name, Bozburun, resourced. Furthermore, the plan decision about this hill proposed in 1/25000 scaled environmental master plan does not suggest the use of “area to be afforested”.

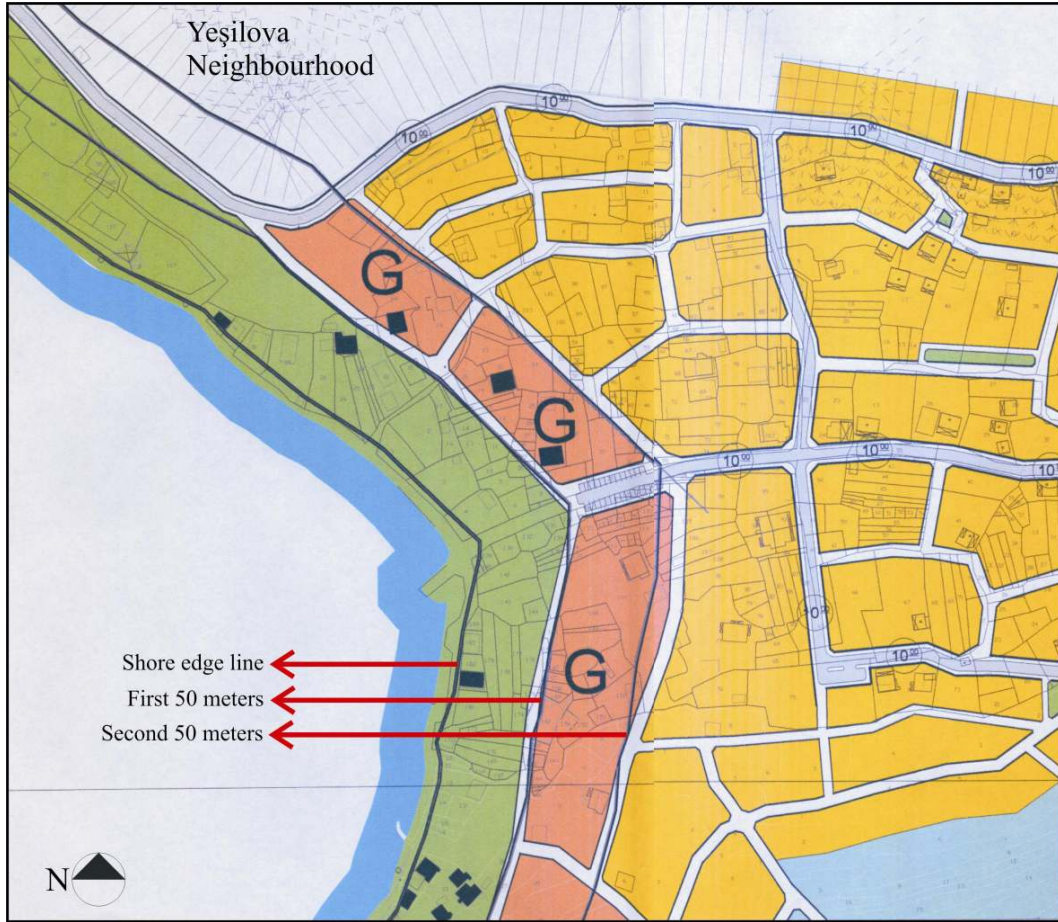
Finally, it is obvious that the planning studies conducted by the ISPA for 7 years could not reach a clear conclusion. This situation is the most explicit indicator of inclusion of locally inapplicable

decisions by the Coastal Law. If the spatial pattern created by the Coastal Law in Bozburun overlapped with the local values, its plan would be prepared and put into effect and implemented in a healthy way by the ISPA after Bozburun had gained the statue of municipality. That the preparation of the plan, which was annulled due to the coast and shore strip, in compliance with the Coastal Law has continued for 6 years and has not reached a reel conclusion yet is the most specific evidence proving that the process is clogged on the point of the Coastal Law.



**Figure 38.** The new plan (preparations are still going on): town center and coastal strip relationship, all the buildings in coastal strip are in problem (taken from ISPA).





**Figure 39.** The new plan (preparations are still going on): Yeşilova Neighbourhood and coastal strip relationship (taken from ISPA).

### 5.6. General Evaluation

In this section, planning problems faced in Bozburun were put forward on the basis of the Coastal Law. The planning studies conducted throughout Bozburun settlement were looked through under the same denominator of the Coastal Law numbered 3830/3621 and planning approach of the ISPA.

The result for such a coastal town expected to pass a planned period after it gained the statue of municipality in 1992 emerged completely in reverse direction. The natural development process of the settlement does not accord with the general approach of the Coastal Law numbered 3830/3621. If it is a fact that the implementation of the Laws is an obligation, it is essential to implement the Coastal Law with all its requirements in Bozburun within this framework, and to replace the

existing structure in the settlement. This obligation could not be fulfilled in the planning studies in particular on Bozburun by the ISPA, which is responsible for the preparation of plans at any scale in Bozburun. In the first place, plans of the back zones from where coasts and shore strips were excluded were approved within the scope of the Coastal Law but this approach was faced with oppositions from the society and then the plan was cancelled.

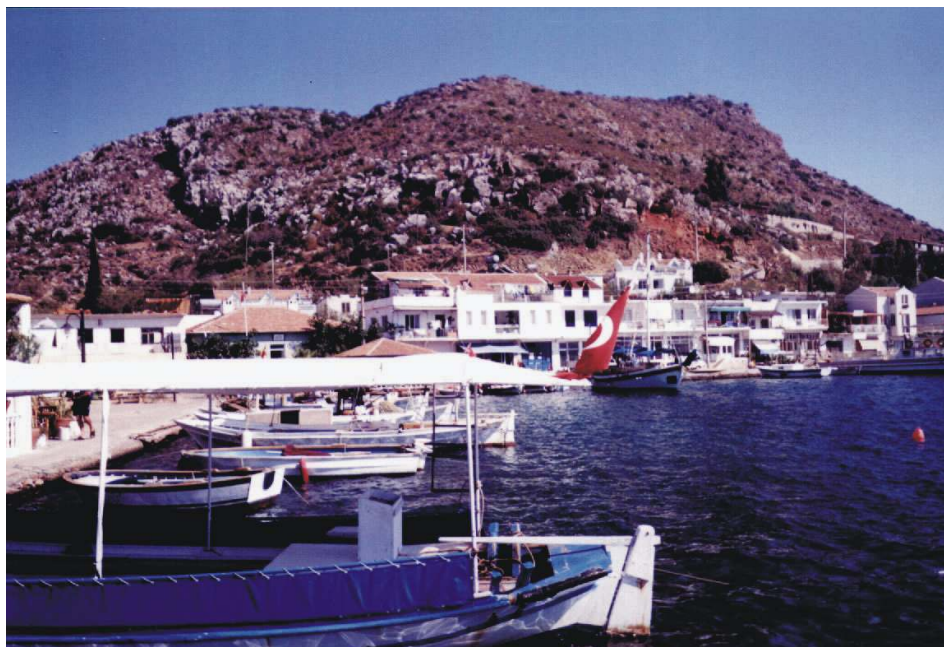
During 7 years period after the cancellation of the plan, relevant institution was not be able to find a solution. If it would be the solution just to arrange the coast and shore strip as open space and to approve the former plan as it was for the other areas, the ISPA should have realized it immediately after the cancellation of the plan. However, it did not proceed in this way and no solution was developed for Bozburun. In addition, as the result of meetings with the ISPA on that issue, it was interfered that no comprehensive studies were realized in Bozburun for the solution of the problem.

At this point, the focus of the problem is the planning approach, which collects the restrictive regulation quality of the Coastal Law, which prevents the reflection of local characteristics into the plan, under a single denominator; and ignores the fact that different coastal settlements may have different natural structures and settlement typologies. It is essential to handle the rules and principles of utilization of the coast and shore strip with a different point of view especially for the small coastal settlement. In such a country order believing in the power of planning, the Law should cover the rules of inclusion of any group responsible for the plan or affected directly or indirectly with it to a specific extent into the plan process, beyond that it should determine the content of the plan.

Within this framework, primarily what should be the main philosophy to constitute the basis for the planning approach in the small coastal settlement?



**Figure 40.** An example of wall and street pattern, which are the local values of Bozburun and have to be knocked down when the Coastal law is enforced. Establishment of wall, fence and railing within the shore strip is prohibited (UD Studio Archive).



**Figure 41.** *Gray (Boz) and Blue.* A Specially mixed environment *to protect* (Urban Design Studio Archive).



### **5.6.1. What kind of a planning approach?**

The protection of the coasts and utilization of them for public benefit is adopted as the main policy in Turkey. Actually, this approach accords with the national policies of coastal countries, which they drafted for their countries. However, there are some challenges in the system prepared in Turkey.

Turkey could not upgrade the national policy as a single whole to involve all the coasts. An integrated institutional structure, an integrated legal regulation and an integrated planning approach covering the coastal areas could not be drafted as single complete package. Quite different legal regulations other than the Coastal Law numbered 3830/3621 and different institutions have the authority of decision making on the issues related with the coasts and power of planning. As a natural consequence of this, a policy package for only coasts and a law harmonized with this package (or interconnected laws) could not be constituted and accordingly, institutional structures to facilitate the implementation could not be established.

In fact, what is required is to develop a method, which covers the whole coast. The Coastal law numbered 3830/3621 in its described form (coast and shore strip) covers all the coasts of Turkey. Although the law provides it from the point of its scope, it does not cover all from the point of its content and perspective. It evaluates all the coastal settlements within the same framework, and it differentiates between a small coastal town and a big city on the basis whether it had a plan before 11.07.1992 or not (Partial development). Within this framework, as the objective is reduced to “the buildings allowed to be constructed on the coast”, surrounding space development and organization is ignored although the buildings constructed already in compliance with the legislation are protected. The law ignores the decision making power of plan for the public benefit and prevents plans from going further from drawings. Eventually, at this point, it is necessitated that the Law should recognize the power of planning, grant that power to it, clarify how these plans will be prepared by who, describe the institutional structures to follow the planning and implementation process. In addition, it is required to lead the preparation of principle decisions, which will direct the planning for any kind of settlement, instead of seeing the whole shore strip in a restricted perspective. In this content, it is certainly required to classify hierarchically the settlements on the coastal areas and different principle decisions should be prepared for each class. Development scenarios and concepts for coastal design are important as a context for future planning and decision-making in a place-based approach. The basic approach should definitely be the urban design at this stage.



### 5.6.2. Why is an urban design approach?

Ruker (2002) summarizes why an urban design approach was adopted in “*coastal design guidelines*”, made up for the NSW<sup>66</sup> coasts of Australia, as follows:

“Urban design is a multi-disciplinary approach to achieving a vision for place. It brings together people with a wide range of perspectives and skills. Urban design is relevant to all scales of the built environment; from State to region and to the scale of an individual building or street. Urban design plays a key role in influencing the livability and sustainability of communities.

The main factors involved in this include:

- clean air, clean water and healthy natural environment
- access to employment, services and shops
- diversity of housing choice and environmentally sustainable housing design
- high quality built environment
- walkable and safe neighborhoods and a network of high quality open space
- access to surrounding natural areas
- transport choice including walking and cycling

urban design plays a key role in protecting the environment. It will also improve the economic viability of a community by protecting the unique natural and cultural characteristics of a place.”

The main features of the urban design emphasized by Ruker actually suggest that this approach should be adopted for coastal planning. Which points should be emphasized in the planning to be conducted for Bozburun settlement?

It has been frequently touched upon the relation between the sea and settlement in Bozburun. Furthermore, it has been underlined that it is not necessary to arrange the shore strip of 100 meters as wholly open space in order the society and settlement to benefit from the coast and sea in such small settlements; if it was done so (however, it is revealed that it is impossible to realize it in Bozburun), it would be impossible to mention about the coastal town identity of Bozburun.

In this framework, a specific example, where the relation of the sea and settlement are planned to integrate, will be looked through. For this purpose, the sample of port Grimaud in France will be discussed.

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<sup>66</sup> NSW-New South Wales.

### 5.6.3. Port Grimaud, Cote d'Azur, France

Keywords: Venetian-style fishing village, maritime villages, residential marinas

#### 5.6.3.1. General information

One of the most significant uses in order to benefit from the sea is undoubtedly marinas. If the settlements having the marina in the focus were being able to be connected with the marina in the best way, the coastal province identity would exactly be indicated for that settlement. Since the marinas are just used as a parking lot for boats in some coastal settlements, they do not have a nature supporting the settlement. That structure, which is only benefited by the yacht owners, does not definitely contribute to the life in the settlement. Here what is important is the integration, the integration of the sea and settlement. The employment of that integration in settlement design has resulted in the development of concept “maritime village”, especially after 1960s.

**Maritime villages**, with berths immediately adjacent to most dwellings, had become highly popular in Europe and US, particularly groundbreaking **Port Grimaud** Catalan-Style scheme<sup>67</sup>.



**Figure 42.** Location of Port Grimaud on the French coast.

<sup>67</sup> [www.idn.rtpi.org.uk/reports/mr20010411.html](http://www.idn.rtpi.org.uk/reports/mr20010411.html)

### 5.6.3.2. Building A Lagoon Town Behind A Natural Shoreline

Port Grimaud was designed in 1966 by the French architect, François Spoerry . He created this marine village (*cit  lacustre*) inspired by an ancient fishing village. Main theme of the project was based on a “realistic desire”. *“It was the dream of an architect and sailor as well, having his own boat just in front of the house”*

The location, where Port Grimaud was founded, had been a marsh at that time (Figure 43). According to what Spoerry said (1991, p.34), approximately 35 ha. area could not have been sold, as it was marshy and had unhealthy conditions. Construction started in 1966, after the required permissions were received<sup>68</sup>.



**Figure 43.** Marsh in St. Tropez, where Port Grimaud came into existence-1965 (taken from Spoerry, 1991).

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<sup>68</sup> Port Grimaud is the personal project of Franois Spoerry. As the mentioned settlement was entirely built with project logic, construction process was described clearly. The area was divided into stages, and the income from the sale of the first stage after it was completed was used for the construction of other stages. (Spoerry, 1991).

Within the scope of the thesis, that the creation of the Port Grimaud out of nothing by a single developer, designer and master builder seems to in conflict with the claim that existing characteristics of settlements should be taken into account. However, as it will be mentioned later, during the creation of port Grimaud existing buildings were not used but architectural and cultural characteristics from the past were utilized. With this respect, the characteristics named as local qualities throughout the thesis became the basic determinants of the design. Besides, although the existing living spaces are integrated with the sea in Bozburun and the Coastal Law tries to avoid it completely, this thesis claiming the necessity of providing the continuity of the integration of existing living spaces with the sea should prove that such an approach is presently accepted in different samples.

The project started on the connection point of Grimaud village (Figure 45) with sea, which was located on a dominant point over St. Trope in the back zone of the coast was firstly began to be constructed on a 35 ha area. Today, the area is about 98-hectare and the water area is approximately 27 ha, the quays have a length of 14 km. The minimum water depth in the main channels is about 3,5 m and 2,15 m in the side channels (Figure 44).



**Figure 44.** Port Grimaud (taken from <http://www.cagnardette.com>).





**Figure 45.** Grimaud Village in the background (taken from <http://www.cagnardette.com>).

### 5.6.3.3. Design Criteria

While Port Grimaud was being realized, Spoerry, architect who is the owner of the project, undertook some preliminary researches. The mentioned researches aimed at determining the design principles of the project. The architect (1991, p.47), as he expressed it in his own words, especially “wanted to rediscover certain constants in scale, together with the feeling of permanence which belonged to the vernacular architecture” which he had so admired on his travels to Greece. The purpose was not to create the imitations of existing examples of buildings, frontages, streets from the point of traditional and regional architecture but to produce an “authentic creation”. Within this framework, the architecture based on the creative continuity of the life lasted through out the history in each region and each country since Roman era till 20<sup>th</sup> century. The architect conducted researches on the said continuity in Italy and Spain before he designed Port Grimaud (Spoerry, 1991, p.49). He looked through the architectural samples in those countries and prepared a “list of formulae”. This list was employed by builders of the past.

Spoerry (1991, p.49) used “a whole arsenal of equally traditional shapes, all of which gave the possibility of creating a homogeneous whole, while diversifying details. The structure of the facades, the positioning of the barely perceptible curves allow the sun to brush walls.” All these factors contribute to the harmony of the whole. Spoerry has named this as “*gentle architecture*”.

Design details were used in Port Grimaud based on these approaches. Channels were planned as street, small coasts were left as pocket parking lots in order the boats to come alongside. Lanterns, lamp-posts, name-plates, benches and even land pattern were designed one by one in compliance with the harmony created.

Spoerry (1991, p.57) states that the streets are the most extensive features of the towns and employs the expression “the art of street-planning” in order to underline the importance he attributed to the decoration of the streets in Port Grimaud.

#### **5.6.3.4. Evaluations**

When Spoerry evaluates the Port Grimaud from the point of town-planning, he especially points out the necessity of increasing the sea frontage:

“Building a lagoon town behind a natural shoreline... enabled us to increase the sea frontage, thereby lessening the speculative pressures on the coast itself and thereby avoiding very high density building near the shore. By increasing the possibilities of direct access to the sea we added an extra 14 kilometers to the French coast.”

In Port Grimaud, instead of a single marina, a channel-city, which provides the opportunity of supplying each unit with coast. By means of this approach, the sea does not stay just in the focus but reaches to the whole settlement.



**Figure 46.** Unity of the sea and the structure in Port Grimaud (Baykan Günay's personal archive).



**Figure 47.** Unity of the sea and the structure in Port Grimaud (Baykan Günay's personal archive).

“It sometimes becomes private, semi private, semi common and sometimes entirely common space”<sup>69</sup>. In Port Grimaud, the density is low (rate of structuring is 0,27). As private property is frequent in its total structure, the spaces open for the foreign visitors are limited.

## 5.7. Concluding Remarks

Consequently, the problems of Bozburun related with national coastal policies, the Coastal Law, planning process were discussed. Within this framework, the main target should be to provide the continuity of the spatial, social and cultural relation of a coastal town with the sea (Figure 48). The Coastal Law should be revised in order to make the coastal settlement acquire the quality of “a value” as whole like Port Grimaud, instead of causing their coasts to be stereotype. It is essential that Bozburun (and similar settlements) should improve and continue the existing spatial pattern, in which the sea is the focus, by means of specific criteria. This approach constitutes the basis of the principle of sustainability.

Here, the main point is what characteristics should be taken into account in order to sustain for the future? Some special features of Bozburun (small coastal towns) should be well analyzed. Some of these are (NSW Coastal Design Guidelines, 2003):

- Relationship to the environment
- Visual sensitivity
- Edges to the water and natural areas
- Streets
- Buildings
- Heights

These are the key elements to be analyzed in a detailed way and should be transformed into a package of design criteria. It is required to underline that the public interest and superior policies for environmental protection cannot be exactly provided through arranging all the coastal areas in the same way, and plan decisions based on urban design will facilitate the reflection of these principles in the implementation (Figure 49).

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<sup>69</sup> Baykan Günay’s personal notes.





**Figure 48.** A typical transition area (from sea to the land, or vice versa) that creates a space to “live” (economically and socially) (Urban Design Studio Archive).



**Figure 49.** Spatial scheme developed focusing on urban design for the center and surrounding in Bozburun settlement in the course of UD501-502 Urban Design Studio within the scope of Urban Design Master Degree Program in Middle East Technical University, Faculty of Architecture, Department of City and Regional Planning in academic year 2001-2002.

## CHAPTER 6

### CONCLUSION

The facts that in Turkey urbanization gained momentum after 1960s, changes happened concerning the vacation habits of the society, the needs regarding tourism and transportation appeared, tendency of owning a summer house rose, caused a considerable increase in the demands for settling on the coasts and this led to take some measures in order to protect and improve the coasts (Eke, 1993, p.21). **On the other hand, a special planning approach concerning the coastal areas, in order to protect and improve the coasts, in the general sense, which is able to put forward the conditions to establish a protection-utilization balance, could never be developed in Turkey at any period.**

Although Turkey started to produce policies, prepare legal regulations and describe new implementation instruments for the methods of establishing the protection-utilization balance within the scope of its own coasts at the same time with all the other coastal countries (especially with the developed countries), all these could not largely be reflected to implementation. Even though more elaborated rules related with the coasts were established in the legal regulations especially after 1970s, these regulations did not lead the results such as reflecting a definite planning approach on space.

Duru underlines that (2003, p.227), it is hard to evaluate the coastal policy of Turkey just taking into account the legal regulations, since they have been emerged in a specific period of time and been a product of a specific political-social environment; though he stated that the point of view of Turkey about the coasts could partially be understood at the end of an study on the historical development of the legal regulations concerning the coasts. **No matter how good the policy is expressed, how well it is elaborated in the specific official document, it is impossible to see the positive results of these policies unless a number of key barriers regarding the description of implementation instruments are overcome.**

If the Constitution is a kind of main book of various national policies, it will not be wrong to mention that a national policy on the coasts with a definite framework was determined in Turkey after 1982. Besides, it is impossible to mention about an integrated and comprehensive coastal policy, as that touched upon in the thesis.

That the coasts are under the sovereignty and disposal of the state and in this context, they must not be the subject for private property is definitely clarified in the article 43 of the Constitution. Article 43 is the first constitutional regulation *ensuring* the utilization conditions of the coasts within the framework of the principle of public benefit. In addition, the expression that “the width of the coasts and shore strips according to the purpose of use and the terms and conditions of their utilization by people are regulated by the law” in the same article underlines the necessity of enforcing a Coastal Law in order to reflect the superior policies on the space within the framework of specific rules.

While it is stated in the Constitution that a special Coastal Law must be prepared concerning the coastal areas, it is also specified in the Constitution that it is essential to prepare different Laws, which will be effective on the principles of utilization of the coastal areas, though they are not directly connected with the coastal areas.

Within the scope of national policies, specific institutions are entitled to determine the regions, which must be planned and improved under control with priority, from the aspects of specific fields and sectors by means of several exceptional legal regulations (Environmental Law, Tourism Encouragement Law, Law on National Parks, etc.) based on the Constitution of 1982. At this point, these special regions established in accordance with the positive views of the responsible institution, which determines its boundaries, and the positive views of relevant institutions are declared with the decision of the Board of Ministers and put into force after it is published in the Official Journal. The majority of these special regions are located on the coastal areas.

**The Institution of Specially Protected Areas is entitled to make, get made and approve the plans at any scale within these Specially Protected Areas with the Decree in Law.** There are other regulations adopting the same approach. For instance, the Ministry of Culture and Tourism is entitled to make, get make and approve the plans at any scale within the Culture and Tourism Protection and Development Regions and/or Tourism Centers in compliance with the Tourism Encouragement Law numbered 4957/2634. Besides, the Ministry of Environment and Forest is required to get prepare and approve Long Term Development Plans within the scope of National Parks. The responsible institution for the planning of the “the areas with a special quality”, which is declared with the decision of the Board of Ministers, is the one, which is directly interested in the quality of the area.

Consequently, the factors forming the planning process in a coastal settlement are as follows:

1. Coastal Law on the coast and shore strip,

2. in the back zone of the shore strip;

a) Lower scaled plans prepared in compliance with the upper-scaled plans prepared by the relevant institution in accordance with the legislation concerning that region, if it is a region with a special definition,

b) Lower scaled plans prepared and approved by the municipality in accordance with the upper scaled plan (often, 1/25000 scaled environmental master plan) prepared by central administration (the Ministry of Environment and Forest and/or the Ministry of Public Works and Settlement), if it is not a region with a special definition<sup>70</sup>

Though the quality of the building and the required distance are established in the coastal law, which determines how and in which way the coastal areas will be protected and utilized, it is a fact that a continues and visible damage occurs on the coastal areas. The Coastal Law is just enforced on a restricted strip such as coast and shore strip. Physical planning approach prepared within the framework of the Coastal Law, though it includes some regulative rules, is a very stable approach applied regardless to the characteristics of different coastal areas.

The biggest dilemma at this point is to try to describe clearly a zone continuously changing according to the scientific data within a legal framework. In other words, the effort to establish common rules for the utilization of the coasts, which reflect the balance between the natural forces, within a legal framework does not frequently overlap with the dynamic structure of the coastal areas.

That the coastal areas have quite different characteristics due to the active/changeable structure of the sea constituted a basis for the establishment of various settlements by human being. Within this framework, the main problem in the scope of the thesis that the Coastal Law deals with coastal settlements at any scale by means of the same intervention methods.

**The coasts are special areas; therefore, a special planning approach should be described for these areas.** If we criticize the Coastal Law numbered 3830/3621 because it tries to **handle with** all the coasts and coastal settlements at any scale in Turkey **within the same context**, we must be

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<sup>70</sup> The mentioned planning authority is described as environmental master plan on provincial basis and transferred jointly to Private Provincial Administrations and Municipalities in compliance with the Private Provincial Administration Law numbered 5302, which is put into force after it has been published in the Official Journal dated 04.03.2005 and numbered 25745. This situation is being experienced in the planning history of Turkey. Planning authorities always shuttle (horizontally, vertically) between the institutions. Although this development is out of the scope of the thesis, it is a natural sample of the problems experienced in the fields of policy and integration.

able to describe the new ways of developing different intervention methods for different coastal settlements. **If a plan is prepared for a settlement and this settlement has some local values in terms of its location, and economic and socio-cultural qualities owing to its location,** these local values should be scrutinized very well during the mentioned planning process and reflected plan decisions.

**Within the framework of special planning model to be established, center and local; state and theory; decision makers and those affected with that decision should be integrated in a common institutional structure.**

The Ministry of Culture and Tourism is entitled to implement the Coastal Law within the Culture and Tourism Protection and Development Regions and Tourism Centers declared within the framework of the Tourism Encouragement Law numbered 2634 within the scope of the Coastal Law numbered 3830/3621. At this stage if the purpose is to carry out a tourism planning on the coast, shore strip and in the back zone, it should be ensured that the institution planning the back zone should establish the connection of the plan with the sea. Although the privileges are granted to tourism sector in the Coastal Law, the consequences of this approach are not quite different from those of the plans prepared in other fields. Because what can be done on the coast and shore strip are defined clearly in the Coastal Law, it is prevented to create diversifications to connect that strip with the back zones at the outset.

With regard to the coasts, a very strict *set back line policy*, which is based on a fixed width of the coastal strip, is produced; the existing buildings have been categorized according to the criteria of to have or not to have a plan before a specific date. “Implementation plan” and its connection with the coastal law conducted by the ISPA, “Implementation plan” and its connection with the coastal law conducted by the Ministry of Culture and Tourism; or “Implementation plan” and its connection with the coastal law within a National Park are all considered in the same way.

**In Turkey, the responsibility of specifying the utilization conditions of the coasts is not left to the plans. The dynamic and variable structures of the coasts, accordingly sea oriented local characteristics of the settlements are tried to be regulated with the Coastal Law, which is not integrating the local characteristics, instead of a planning process based on healthy detections and analysis. Within this framework, although the coasts are special areas, “special plans” cannot be described for the coastal settlements.** Besides, there is a similar planning approach for special areas in Turkey as an example.

For instance, the concept of “**protection oriented reconstruction plans**” was developed for the sites necessary to protect<sup>71</sup> and an intermediate institutional structure made up with “**Regional Boards for the Protection of Cultural and Natural Entities**” and a superior board, on which they depend, could be established<sup>72</sup>. Such kind of an institutional structuring between the center and province and a planning approach in compliance with the special characteristics of the area can be developed for the coasts.

Protection oriented reconstruction plans are the ones,

“which are at the scale required by the master development and implementation plans, those are integrated with targets, tools, strategies and planning decisions, attitudes, plan notes as well as explanation report; and which are prepared on the base maps in a form to include also the management models of participatory areas in accordance with the finance principles of the implementation, local ownership, design rules, densities and plot designs of infrastructure facilities, pedestrian movement and vehicle transportation, open space system, rehabilitating and renewing fields and projects and their implementation stages and programs, protection rules, utilization conditions and restrictions on structuring as well as the strategies creating employment and value in and improving the economic and social structures of plants operating and households living within the protection areas; based on the field survey including the archeological, historical, natural, architectural, demographical, cultural, socio-economical data as well as the data of structuring and ownership in order to provide the protection of cultural and natural entities in the sites in line with the principle of sustainability taking into consideration the interaction-transition areas ...” (*Article 3, Law on the Protection of Cultural and Natural Entities numbered 5226/2863*)

Protection oriented reconstruction plans include not only the sites but also;

- a) The structure groups of streets, squares and etc. to be protected but excluded from the boundaries of the site, and
- b) The areas remained among sites but not going under the board inspections affecting the sites directly,

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<sup>71</sup> That the term of “reconstruction” does not accord with the purpose of protection is another discussion topic, which is always on the agenda. This discussion is out of the scope of the thesis. At this point, what should be emphasized is the establishment of a special planning approach for the areas having special qualities.

<sup>72</sup> The aforementioned boards are constituted of academicians from the departments of architecture, urban planning, history of art under the bodies of the universities (2), experts graduated those departments and chosen by the administration (3), and according to the scope of the subject;

- Relevant mayor or technical representative, if the issue to be discussed is included in the boundary of municipality; a technical representative assigned by the governor, if it is out of that boundary,
- A technical representative of relevant institution, if it is a completely different issue.

Which complete the site and which are necessitated to be improved and harmonized with the sites from the aspects of their density and settlement order, as “Impact Transition Areas” during the planning in order to find a solution for the problems of physical planning and protection<sup>73</sup>.

It is thought to prepare gradually the written and drawn documents to be constituted a basis for the protection oriented reconstruction plan<sup>74</sup>. The first one of these stages is “*research/data collecting/detection/analysis*”. Plan has to include comprehensive researches concerning *archeological, historical, natural, architectural, demographical, cultural, socio-economic as well the data of structuring and ownership*, according to the characteristics of the site<sup>75</sup>. The second stage in the plan preparation process is “*evaluation of research results and determination of the targets*”. At this stage, the knowledge acquired in the previous stage are synthesized and evaluated. In this scope, *objectives and targets* concerning the area, the subject of the plan, are specified. In the final stage, **plan decisions** are made. These plan decisions are prepared in the most detailed way in line with the synthesis conducted and the targets specified<sup>76</sup>.

If it is evaluated in a general sense, the same rules concerning the all sites were not suggested by the Law on Protection of Cultural and Natural Entities for the sites determined based on the protection principles; instead of this, a comprehensive planning model taking into consideration the local elements was put forward. Not only the sites but also the transition points, which may affect these areas, are included in the boundaries of the plan. The procedure of elaborating the plan decisions based on the said local elements is actually valid for every reconstruction plan; however, it is a fact that in practice these plans are not generally prepared in this way. It is considered a right approach to describe the decision making process rather than the content of plan decisions by means of the legal regulations. It is also important that Regional Boards be legally capacitated to follow the process closely and intervene, if necessary, thanks to this approach. This approach will facilitate the applicability of the plan prepared; will pave the way of monitoring and assessing during the implementation and intervening, if necessary.

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<sup>73</sup> The Principle decision dated 19.04.1996 and numbered 420 of Superior Board for the Protection of Cultural and Natural Entities.

<sup>74</sup> “*Protection oriented reconstruction plan*” is redefined from the aspects of both the content and preparation process with the latest amendment realized on the the Protection of Cultural and Natural Entities Law numbered 2863 (Law Number:5226/O.J. 27.07.2004-25535). In addition, although the implementation regulation has not been issues yet, the draft has reached its the final stage. Because of this reason, certain expressions are not used at this point.

<sup>75</sup> The details of this stage and other stages are given in “Draft Regulation on Protection Oriented Reconstruction Plans and Environmental master Plan Projects” in Appendix F.

<sup>76</sup> See Appendix F.



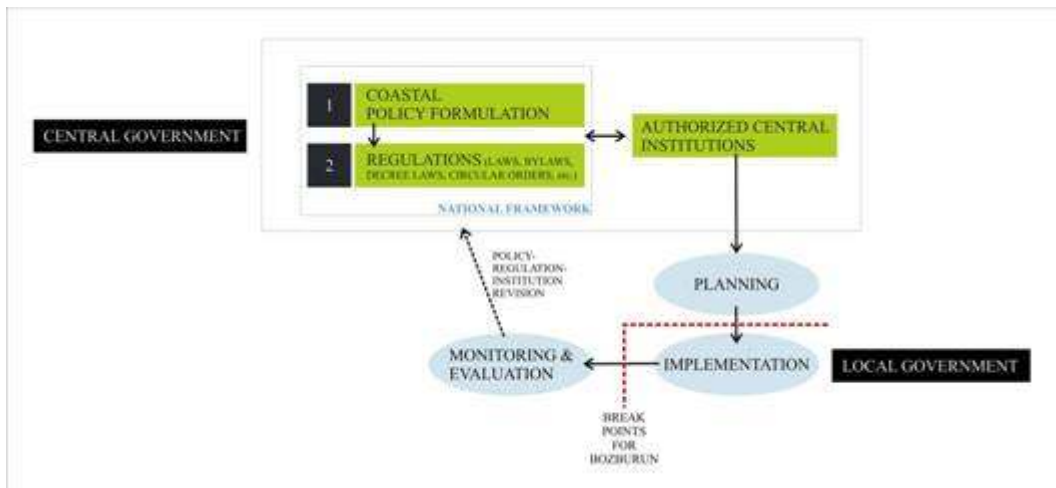
There are “principle decisions” concerning the sites in different geographical regions and prepared according to the local qualities of the area by the Regional Boards. Within this framework, the principle decisions developed for the sites in Cappadocia are different from those prepared for Muğla. The boards with the identity providing balance between the overlooking approach of central administration and local level are able to conduct the works of implementation and monitor/evaluation in the best way.

**Such a structure similar to the aforementioned should also be established for the coastal areas. Well, what kind of a system should be established for this?** If it is necessary to describe briefly the problem again through Figure 44, central administration in Turkey formulates policies regarding the coasts, issues a number of laws, primarily the Coastal Law within this framework, gives the authority and responsibility of planning on the coast to the relevant institutions with these laws. Plans are prepared by the relevant institution. Up to this stage, it may be concluded that the system thought (regardless to its content) is a working system. **However, there are problems about the content of the plan and on the stages of implementation, monitor and evaluation, and accordingly intervention at some non-working points in the system, if necessary.**

As the Institution of Specially Protected Areas is responsible for the planning of Bozburun, it is expected that the process will proceed as follows:

1. Preparation of the plans of Bozburun by the ISPA,
2. Approval of the coast and shore strip parts of the plan by the Ministry of Public Works and Settlements, as it is responsible for the implementation of the Coastal Law,
3. Enforcement of the plan after the rest is approved by the ISPA.

However, it cannot proceed like this. The problem is related with the content of the Coastal Law. That is, the law has to describe actually the planning process on the Coastal areas, but it describes the plan decisions necessitated to be taken as the result of the detailed analyses in the planning process. This approach means that the spatial arrangement in the shore strips of coastal settlements should be uniform and same.



**Figure 50.** The conceptual scheme of coastal policy, planning, practice process in Turkey.

The Law could not regulate the terms and conditions of the utilization of coasts and shore strip for the public benefit within the framework of the dynamic structure of the coast and characteristics of coastal settlement. The public benefit is reduced to open space arrangement. If the plans of these areas are not carried out on an empty land from the beginning, this approach of the Coastal Law becomes useless.

If there are buildings constructed within the shore strip of 100 meters in accordance with a plan approved in compliance with the legislation prior to the date 11 July 1992, these are evaluated within the principle of “partial development” in the Coastal Law. This is the only former implementation to be protected. This approach reduces the plan only to scale of “allowed structures”.

**Consequently, first of all a coastal plan should be determined within the framework of goals, objectives, strategic actions.** The mentioned policy should include all the sectors existing now and possible to exist in the future on the coastal areas. The vision and overall goals, which are peculiar to each sector and provide the integration between the sectors, should be formed.

After the integrated policies are determined, it is essential to put into force a single “Coastal Areas Law” drafted within the framework of a superior policy to be formed, instead of enforcing many different laws beside the Coastal Law in the coastal areas. The main approach of this law should not be to determine what would be done on the coast and in the shore strip of a fixed width in the same way for the each settlement. Naturally, it is required to provide the continuity of a minimum

setback line policy. In addition to this, it should be ensured that what should be done in this shore strip is determined with the plan decisions after the existing local characteristics are evaluated. At this stage, it is required to form a concept of “**coastal area plan**”. Though the mentioned law is not so-called, the planning approach should accord with the features of the coast, and evaluate the any kind of spatial, social, economic and cultural (authentic) qualities of the sea oriented coastal settlements as data and reflect them to the plan decisions.

By the way, it is necessary to underline two point regarding the establishment and operation of the system above. Firstly, is it possible to continue such a system, that is, the planning system based on local qualities, with the existing institutional structure? Secondly, how is the purposed planning approach formed?

**The most important issues underlined throughout the thesis are those the central administration tries to provide the planned improvement of the coastal areas in an up down approach such as legal regulations concerning the Coastal Law and the ISPA, and this approach causes insoluble implementation problems on the local level.** Within this context, a new institutional structure should be formed in order to provide the integration of national superior policies and local implementations, between the center and the local. However, it should be kept in mind that continuously proposing a new institutional structure as the solution of the problem would lead a clumsy state structure rather than a solution. At this point, it is important that the proposed institutional structure should be established, only if a comprehensive revision of the structures, authorities and responsibilities of all the other relevant institutions are conducted in parallel. Naturally, specific legal regulations in specific fields and sectors, (Tourism Encouragement Law, Environment Law, National Parks Law, etc.), institutional structures (relevant Ministries, institutions and organizations), implementation instruments (planning, approving authorities, etc.) will last their existence. The main point is that this structure should be organized, directed and monitored by an intermediate institution defined for the coasts; and intervention should be provided, when necessary. Within this context, things to do may be listed as follows:

- **A Coastal Council should be established<sup>77</sup>.**
- **The duties and authorities of this council should be described in “coastal area law” directly.** Objective and principle specified within the framework of described superior policies should be implemented; the integration between the local and central, sector

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<sup>77</sup> Although a structuring like “National Committee on Coastal Zone Management (KAY)” exists in Turkey, this committee has no official responsibility for the preparation and implementation of coastal plans. It works just as an advisory body.

(tourism, industry etc.) and community should be provided; and the implementation of the coastal policy should be monitored and reviewed.

- **It is essential that principle decisions should be made within the framework of national policies by the Council.** These principle decisions should reveal the main approach of planning to be conducted on the coastal areas. “A hierarchy of coastal settlements” is required, since all the coastal settlements are not similar, such as coastal cities - coastal towns - inland coastal centers; cities, towns, villages - coastal villages - new coastal neighborhoods; villages and hamlets - coastal hamlets - isolated coastal dwellings<sup>78</sup>. It is necessary to produce different principle decisions of design for the each settlement described at different levels.
- **This Council should have an independent budget.** As a research and monitor-oriented program will be implemented while it is fulfilling the described duties, the infrastructure to remove the economic obstacles should be provided<sup>79</sup>.
- **In the institutional structuring, there should be a local coastal council under the Council.** They are established locally. The purpose of these councils is to keep under control the local implementation process of superior policies. Therefore, it should be constituted of the authorities from the central administration, academic units and local units. The working system should be transparent; it should be charged during the processes of both preparation and implementation. It should be main the objective to reflect the principle decisions of coastal design suggested by the Council in to the plan decisions.
- **Local Coastal Councils should be obliged to follow up the implementation process of the plans prepared by using its authority to monitor and evaluate.** At this point, it should be targeted to carry out the necessary revisions or coastal policy formulations by determining all the challenges experienced as the result of facilitating the implementation of good examples in the other coastal settlements.
- **At this stage, the results of monitor and evaluation should periodically be sent to the Council, and Council should issue an annual evaluation report once a year.** This report should be in nature of a comprehensive guide in order to realize revisions on some issues such as national coastal policy, relevant legal legislation, existing institutional structure and distribution of the authority.

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<sup>78</sup> As in the Coastal Design Guidelines for NSW prepared by Coastal Council (2003).

<sup>79</sup> It is impossible especially for small municipalities or villages to implement the plan on their own. Coastal Council should intervene at this point, and be in close cooperation with the local administrations on every stage of the implementation of the plan.

Consequently, within the scope of the thesis, the applicability of the Coastal law, which is the main legal regulation concerning the coasts, on the small coastal towns like Bozburun was put forward; it was concluded that the rules included in the law establish a plan approach ignoring the local qualities of the coastal settlement.

Each coastal country determined various policies for its coastal areas and prepared various regulations and planning methods within this framework. To determine which one is the ideal and right approach will not be so realistic as the coasts have a dynamic and continuous structure and these structures affect the coastal settlement in the same way. What is ideal for a country may be the one, which is useless for another.

Therefore, it is the main element that a planning process, which proceeds without any disconnection and the actors of this process, should be put forward clearly. Besides, if the interpretation is made on Bozburun, the ways of improvement by protecting the spatial pattern existing in the plan for the small coastal settlements should be found. If the existing improvement of the settlement proceeds to integrate with the sea as in the example of Port Grimaud in France, it is required to protect that pattern and support it with the plan decisions taken and projects developed.

Within this context, it will be the final solution to prepare a planning process based on “urban design”. With this approach, the coastal area plans prepared for small coastal settlements like Bozburun will be able to protect the local pattern; undesired sudden and uncontrolled developments will not be met as the implementation and monitor stages of the plan are strengthened. In addition, the small coastal settlement will appear as a value on its own and will be forwarded for the public benefit as a whole.

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**APPENDIX A.**

**EXISTENCE AND DEFINITIONS OF NATIONAL COASTAL SET-BACK LINES IN  
DIFFERENT EUROPEAN COASTAL COUNTRIES (ADOPTED FROM EUCC, 2000)**

<b><u>COUNTRY</u></b>	<b><u>Statutory Set-back line(s)?</u></b>	<b>Definitions</b>	<b>notes</b>
<b>Denmark</b>	Yes	1. 300 m inland beach protection zone 2. 3 km development protection zone inland.	1. Prohibits building (with a few exceptions where coastal location necessary), fence erection & caravan parking 2. Restriction of planning for new activities.
<b>England</b>	No	5 m contour line recently being used in some localities in relation to coast protection and flood defence management	
<b>Finland</b>	No	Guidelines: 100 m (can be increased to 200 m locally) strip along coastline: all development controlled by planning requirement.	Ministry of Environment planning guidelines. Protected strip width agreed on case by case basis
<b>Germany</b>	Yes	-Lower Saxony: 50m landward of dikes - all building prohibited. -Schleswig-Holstein: 100 m inland from coast. -Mecklenburg-Vorpommern: 200 m inland from coast.	No consistent set-back line at national scale: different set-back line width applied by each of Länder.
<b>Norway</b>	No	100 m landward of shoreline: no development	National policy guideline
<b>Poland</b>	Yes	A "technical belt" and a "protective belt". Technical belt definition and width varies depending on shore type: -Dune shores: beach, dune ridge & up to 200 m landward of dune ridge; -Cliff shores: cliff foot, cliff & up to 100 m landward of upper edge of cliff; -Lagoon shores: up to 200 m landward of the shore, or between the shore and a flood embankment. -Protective belt: 2 km landward from shoreline; acts as buffer zone to technical belt.	Designed chiefly for erosion control and flood protection, but also used for nature conservation. Within the two belts construction and development must have approval from relevant Maritime Office.

<b>Spain</b>	Yes	<p>1. "easement of protection": minimum 100 m (can be extended to 200);</p> <p>2. easement of passage: 6 m (can be extended to 20 m) strip from landward limit of shore - permanently clear for pedestrian and search &amp; rescue access;</p> <p>3. "easement of free public access to the sea": outside protected areas, requirement for access roads at max. 500 m apart and pedestrian access at max. 200 m apart;</p> <p>4. "influence zone": min. 500 m from landward limit of shore - building density restricted and car parking space required.</p>	Easements under National Shores Act impose restrictions on development and exercise of private property rights.
<b>Sweden</b>	Yes	100 m both inland and offshore from the shoreline. Can be extended up to 300 m inland and/or offshore.	Under new Environmental Code: zone reserved for outdoor recreation and nature protection; prohibition of all new development (exemptions can be made).
<b>Turkey</b>	Yes	<p>Minimum 100 m shore strip width, from 'shore edge line', into two zones:</p> <p>In first 50 m of shore strip, no building (except exemptions where planning permission and coastal location essential): strip is for public access and recreation.;</p> <p>In landward 50 m (or greater), infrastructure and tourism facilities permitted subject to planning permission.</p>	Effective application of shore strip planning policy depends on precise definition and delineation of 'shore edge line' - <b>in practice this has not proved easy to apply.</b>

## APPENDIX B.

### COASTAL LEGISLATION FROM THE OTTOMAN PERIOD TO 1982 CONSTITUTION OF REPUBLIC OF TURKEY

The legal regulations specifying the methods and principles of usage and utilization of coastal areas in Turkey have gone on as disconnected articles within the scope of different laws since the foundation of the Republic<sup>80</sup> until 1970s<sup>81</sup>. The aforementioned approach depriving of the integrity

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<sup>80</sup> During the period before the Republican era, there was not a direct regulation concerning the coasts within the Ottoman Law (Kutay, 1978, p.12); however, the opinion that the coasts were considered under the sovereignty of the state and were open for the utilization of everybody within the Ottoman land order based on the bare ownership of the state has been overpowered (Geray, 1977, p.69).

Although the lands within the Empire were categorized from the points of their type of disposal and possession in compliance with the *Land Law* dated 1858 (Land –properties subjected to private property-, miri land –its possession belonged to the state but the right of disposal could be transferred-, charity land, metruk land, mevat -dead- land) (Akin, 1998, p.21), no criteria was specified to assist the determination of in which certain land category the coasts were included in according to this law.

In accordance with *Mecelle* dated 1876, the seas and lakes were public properties shared by everybody (Article 1234). Any body could utilize the seas and lakes without disturbing any other (Article 1237). Even though it was observed that *Mecelle* had the consideration focusing on that the seas and lakes were common properties from the point of water resources, it could be stated that it did not include rules about the implementation. The situation, that is, not to put forward the rules of utilization of the coasts, is an uncertain situation, which would be benefited by individuals, who wanted to own an area on the coast, in order to realize their private purposes easily. In addition, it should be emphasized that in that period there were not so much demand for the coasts except for the waterside residences in the cities like Istanbul. (Gezim and Kiper, 1991, p.364).

<sup>81</sup> The efforts exerted on regulations related with the legal position of the coasts within the regime of Republic was seen first in the *Civil Code numbered 743*, which was put into force on 4<sup>th</sup> October 1926. “The properties, utilization of which belonged to public” were considered under the sovereignty and disposal of the state in accordance with the Articles 641 and 912 of the Law, and it was emphasized that those real estates, which were allocated for the public utilization, must not be the subject for private property and registration. Within this framework, it is obvious that a clear and specified decision was not taken regarding the coasts. In order to find solutions for the legal position of the coasts, it will be possible to reach the result only through logical interferences. The necessity of regarding the seas, lakes and rivers as the continuity of the coasts can be suggested by means of interpretations. According to Akin (1998, p.23) as the decisions related with the coasts could be interfered through interpretation, it is hard to say that Civil Code revealed a system sufficient to specify the principles and procedures of the utilization of the coasts.

That the statement of “the disposal, management and supervision of the coasts within the municipality boundaries belong to the municipality” takes place in the Article 19 of the *Municipalities Law dated 1930 and numbered 1580* is considerably important in order to stress that only the legal entities are charged with the management and the monitor of those areas as a result of considering the coasts public property; that the buildings owned by private persons cannot be constructed and everybody can utilize the coasts without any payment and special permission (Keleş, 1997, p.460).

The legal regulations for the implementation on the coasts were handled first within *the Law on Municipalities and Constructions and Roads dated 1933 and numbered 2290* (This law was in force until the

(in other words, due to the lack of a superior policy concerning the coasts) was not put on the agenda until 1970s, since the demands for the utilization of the coasts were not so dense at that period.

Before 1950s, there was not a serious coastal problem in Turkey, because the urbanization and industrialization were so slow and geographical movement was restricted. During the period starting from 1950s up to day, the changes in the life styles of the societies and within this context the problems of urbanization and industrialization, together with the increase in movements in tourism in parallel with the accessibility, changes in socio-economic structures led the emergence of various demands and pressure on the coasts. That there was not a law including certain rules without any space for interpretation especially about the protection and the utilization of the coasts during those years was the most encouraging situation for the speculative developments<sup>82</sup> (Seymen and Koç, 1995, pp.218-219).

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year 1957). Clause (f) Article 4 of this law covers the provision of **“an area of 10 meters width starting from the dock or the point supposed to be dock, on the waterside should be left decontrolled for the public utilization”**. However, according to Eke (1992, p.22), since the aforementioned expression did not suggest a concrete quality for the description of coastal zone, those areas remained without a description and caused controversies. **In addition, that the first legal regulation for the implementation on the coasts includes the minimum width of the coast left decontrolled for public utilization increase the importance of this approach from the point of the arguments to be conducted on the problem of the thesis in the further chapters.**

<sup>82</sup> One of the most effective regulations concerning the coasts is *the Law on Incitement of Tourism Industry numbered 6086* and put into force in the year 1953. Article 8 of the law brought up that the areas under the sovereignty and disposal of the state could be transferred with the decision of the Board of the Ministers. (Seymen and Koç, 1995, p.219).

The Forest Law dated 1956 and numbered 6831 took the forests under the sovereignty and disposal of the state, prohibited the activities disturbing the forests, fauna, forest and water resources, and restricted the utilization of the areas within the forests for different purposes. Forest regions on the coastal areas are subjected to the provisions of this law. However, the Forest Law has been violated with the Law on Incitement of Tourism Industry, which effects the development on the coastal area. This law made it possible to transfer the areas -even the ones within the national parks- for the purposes of construction and recreation (Sesli and Akyol, 2003).

Afterwards, *the Reconstruction Law dated 1956 and numbered 6785*, which terminated the Law on Municipalities and Constructions and Roads dated 1933 and numbered 2290, capacitated the Regulations and by-laws to determine the distance for the constructions from the waterside and the road. Therefore, in accordance with the Article 40 of the Reconstruction By-law dated 18.6.1957 and numbered 9153, which was put into effect in compliance with the Article 25 of the Law numbered 6785; the construction is permitted as far as 30 meters on the watersides, which do not have a reconstruction plan.

If the whole text is considered, it is as follows:

“It is not permitted to construct private buildings at least 30 meters distant from the watersides, archeological sites, highways and railway axis in the areas for which reconstruction, road and direction plans are not prepared, unless there is force major.”

There is not a description of coast in this Article; moreover, restriction includes only the private constructions. It can be concluded that there are no restrictions concerning the private land ownership.

Although the year 1966 could be a landmark for Turkish coastal areas' gaining an integrated legal order, it could not be realized. On that date, “The Draft Law on National Coasts” was submitted to the Grand

The realization of the necessity of conducting the reconstruction activity experienced in the coastal settlements within a certain system led the nations to search and take a number of measures in order to protect the ecological balance of the coasts in the early 1970s. (Karaman, 1991, p.371).

The increase in the demand of the mass constituted with the investors and beneficiaries in 1970s and the difficulties in the implementation, which were caused by the existing regulations, put forward the necessity of a legal regulation including certain rules regarding the coasts.

In Turkey, the first regulation<sup>83</sup> prepared within the scope of reconstruction legislation on the planning and reconstruction on the coasts of the sea, lake and river and the shore strips, which

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Assembly but it was not enacted. The purpose of this draft was to leave a zone of 10 meters on the waterside as “national coast” (Geray, 1977).

The Board of Ministers approved the report on “Principles of Tourism Improvement Policies” by Supreme Planning Council with the decision numbered 6/12209 in 1969. This report had a set of purposes to make use of the tourism wealth of this country, determine the favorable places for tourism and construct necessary facilities rapidly in order to make the tourism prior sector in the development and increase the revenue in foreign exchange. The areas with the width of 3 km. taking place within the shore strip between the city boundaries of Çanakkale and Balıkesir, and Antalya and İçel are established as tourism development districts and the capacity of 500.000 beds is estimated for the next 20 years. (Geray, 1977).

“According to the Cabinet decision dated 12.1.1970 and numbered 7/52, it was necessitated that the public areas on the coasts of the sea and lake and within the historical sites, regions favorable for tourism must not have been sold, distributed, reserved as a camping place, transferred to real and legal persons through servitude and occupied unnecessarily. In compliance with the same decision of the cabinet, those areas should not be purchased from real and legal entities as camping place. However, in the same decision, the provisions of the law concerning the draining the marshes were reserved with the Title Deed Law providing the opportunity of gaining land on the coasts as private property. The procurement demands for the facilities required by the public services were not included in this decision.” (Geray, 1977).

The state policies showed the tourism as the only way of development and encourage the owning a land on the coast. However, while doing so, **legal regulations were not scrutinized completely and some gaps and implementation principles suitable for interpretation were left.** This situation was reflected in a decision of Council of State. According to the mentioned law:

“Loathing of the coasts could not be prevented and the opportunity of majority’s utilizing the sea, lake and river equally and freely could not be provided as the prohibitions stated in article 40 of Reconstruction Directorate based on the article 25/C of the law numbered 6785 was not absolute and sufficient.” (6<sup>th</sup> Department of Council of State, date: 19.11.1979, P.1976/410, D.1979/3307)

<sup>83</sup> A few months before this regulation, in March 1972, the draft law prepared on “the protection and improvement of the coasts, shore strips and tourism areas” by the Ministry of Tourism and Promotion could not be legalized. The purpose of the draft, which regulated the issue in detail, was explained in its legal basis as follows:

“As it is known, the coasts of the seas and lakes were owned by both state institutions and private persons in our country, therefore, on one hand it was foreseen that everybody could utilize those areas, on the other hand the rapid increase in the prices of areas due to the speculations made it impossible to conduct scientific tourism planning in line with the interests of the country.

This situation leads to the obligation of providing a legal regulation for the coasts in favor of the society....” (Yıldırım, 1975, pp.8-9)

The areas, for which the draft suggests regulations in order to provide a new legal order, are those fitting in the description of the sea and lakes, coasts, shore strips and tourism areas. In this draft, the description of the coast is suggested as follows:

were regarded as the continuity of those places, was realized with ANNEX: Article 7, which was annexed to the Law numbered 6785 in accordance with the Law dated 11.7.1972 and numbered 1605<sup>84</sup>. Thus, our coastal regions were subjected to the reconstruction order (Eke, 1992, p.22).

With this article, it is stated that,

“The buildings, which are not reserved for the utilization of public, must not be constructed by the private persons within the distance determined by the Ministry of Reconstruction and Settlement and not less than 10 meters on the coasts of the sea, lake and river. Addition is not allowed on the existing ones.”

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“The coast is the area, which takes place between the starting point of the water of the sea, natural and artificial lakes and the agricultural lands, and which is covered with sand, stones, rocks and reed beds.

In case these areas do not exist, the coast is the place, where the water of the sea and lake joins the land at highest level under normal conditions.

In case it is impossible to determine natural position due to some various artificial obstacles, the coast is the place, where the water of the sea and lake joins the constructions on the land under the current conditions.”

In the draft, “shore strip” is described as:

“the area, which continues towards the in-land from the coast, and the width of which is determined and declared according to the tourism characteristics of each region by the Board of Ministers upon the suggestion of the Ministry of Tourism and Promotion after the positive opinion of the Ministry of Reconstruction and Settlement is taken...”

This draft has the importance from the aspects of the descriptions of both the coast and the related areas included in it, its date of being drafted, the institution, which purposed it.

If we start with the last, “the lack of coordination and synchronization between the institutions”, which will be focused in the further chapters, occurs to be one of the inevitable problems of Turkish political history. That the each ministry and each authorized institution regarded the problem as its own problem and drafted laws including integrated rules without conducting a joint study and exchanging the views with the other related ministries appeared to be a negative progress in each step tried to be taken by Turkey towards the development. It is a situation necessary to be emphasized that two ministries seek to draft the legal regulations on the coastal areas almost at the same time independent of one another without (or with) informing each other. The problem related with the coastal areas, that is, the construction of structures, which are not open to the utilization of all and are on the areas owned by the private persons within the shore strip, is not a problem to be solved based on the a single law in the period of after 1980s.

In the description for “shore strip” within the draft, the principle of the determination of the width of this area “according to the tourism features of the region” has been considered important as it constituted the first step for the idea of benefiting from the local qualities of the region to determine the width of the shore strip but has been found to be uncertain and insufficient as it was explained only with such a general term, “tourism features”, by the author of the report.

<sup>84</sup> The most important factor, which has been effective to enforce these regulations, is the public reacting against the looting of the coasts. This public reaction was one of the most important factors, which led the coasts to be regulated as public property in the Constitution at present. According to Geray, the most conscious reaction was shown by the Chamber of Architects in 1967. It was stated in the report prepared by “the Commission of Watersides and Planning” established by the chamber at that time that each level of the public had the right to utilize the coasts freely and the state was responsible to take necessary measures to prevent the looting on the coasts, to open the coasts to the utilization of the public, to prevent the establishment of private property on contrary to the law (Geray, 1976, p.64-65). These articles became a landmark as they were the first serious regulation for the coasts and they targeted the public interest by explaining the descriptions relevant to the coast clearly.

Furthermore, it is explained that firstly the reconstruction plans of the areas determined and declared with the decision of the Board of the Ministers and the proposal of the Ministry of Reconstruction and Settlement according to the local features and regional conditions of the coasts of the sea, lake and river should be prepared and the implementations contrary to plan principles to be prepared and the provisions of the regulation to be issued in compliance with this law cannot be carried out.

According to Mr. Geray (1976) when Annexed article 7 is considered together with Annexed article 8, which provides the opportunity for the administration to use the authority concerning the reconstruction out of the municipality and neighboring (contiguous) areas due to the reasons such as regional planning, metropolitan development, importance for tourism, settlement qualities and being on the transportation network, it also gives the administration the authority and responsibility of utilization of the land on the coast, significant planning, reconstruction inspection, organization and implementation about the structuring<sup>85</sup>.

#### **1. REGULATION ON THE IMPLEMENTATION OF ARTICLES 7 AND 8 ANNEXED TO THE RECONSTRUCTION LAW WITH THE LAW NUMBERED 1605**

The regulation on the implementation of Annex Articles 7 and 8 annexed to the reconstruction law with the law numbered 1605 in order to conserve the coasts and provide the utilization of them for public interest, was put into force on 18.01.1975<sup>86</sup>. The first expressive description of the coast was made in this regulation.

According to the regulation, coast is a piece of land. This piece of land is described as the area between the line (coast line) specified with the water when it moves furthest toward the land except for the case of floods in the sea and lake and the natural boundary of the areas covered with sand, gravel, stone, rock, reed bed and marsh formed with the coastal movements, which occurs on the land side.

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<sup>85</sup> Besides, Prof. Dr. Cevat Geray emphasized that the problem of looting of the coasts is not such an easy problem to be solved with one article of law and to be handled by one ministry in his article titled "General review of the New Articles Annexed to the Law numbered 6785 on Reconstruction..." in the Journal of Provinces and Municipalities. According to Geray, it is striking that the title of Ministry of Tourism and Promotion is not taking place in the article. Furthermore, in the same article Geray states that the reason to try to solve –moreover, while there is a draft prepared by the Ministry of Tourism and Promotion- this important problem with only one article of law as it was through the history could not be understood ( Geray, 1973).

<sup>86</sup> However, Ministry of Reconstruction and Settlement continued the preparations of regulation and studies of determining the principles of implementation within the period of two and a half years between the enforcement date of the law, 11.07.1972, and the enforcement date of the regulation. In addition, the circulars issued by the Ministry led the implementations and constituted a basis for the abovementioned regulation (Tekinbaş, 2000).



Again in the regulation, it is stated that the coasts are open for the utilization of everybody equally and freely; and it is allowed to construct the structures open only for the daily usage of the society, and the structures and facilities such as dock, port, landing place, repair and maintenance stations for water vehicles, which have to be on the coast, or the structures, which are for the utilization of public and targets the public interest<sup>87</sup>.

On the other hand, it creates a possibility to construct tourism facilities including accommodation on the strips, which are continuity of the coasts and determined as,

At least 10 m., not lesser than that in the plan, in the areas included by reconstruction plan,

At least 30 m. within the residential area of villages and towns without a reconstruction plan,

At least 100 m. in other areas (Tekinbaş, 2000).

Another important aspect of the regulation is the article 1.07, which extends the coast almost up to 30 m. wherever it is narrow. The barriers such as wire fence, ditch, pit, etc is forbidden at those points. Another important point is that the areas in zones described above must not be registered as private property and the land cannot be obtained through filling as private property<sup>88</sup>. This regulation has the provision of adjustment of the plans within 6 months period<sup>89</sup>.

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<sup>87</sup> Tekinbaş, claims that the structures such as teahouse, restaurant, coffee house, beach facilities other than the mentioned ones could be built on the coast with the decision of reconstruction plan and thus, defends the idea that “coasts are not under the absolute protection and it is contrary to the principle of the equal and free utilization of the coasts” (Tekinbaş, 2000, p.118). However, the article 1.06 of the regulation includes the expression “these aforementioned structures, which are open for the utilization of the public, could totally or partially be constructed over the water. It includes a warning that these kinds of utilizations must not prevent the free utilization of the coast. Despite of this, these provisions have been abolished in the further legislations (Eke, 1995, p.8).

<sup>88</sup> Actually, the basis for this situation has been prepared in the last paragraph of the annexed article 7. Accordingly, it is expressed that:

“.. the public areas with or without buildings and the lands must not be transferred to private property and the areas and lands must not be obtained as private property through filling the sea and removing the marsh ...” within the strip described in the article.

With this provision, article 8 of the Law numbered 6086 on Incitement of Tourism Industry was abolished due to the provision of “the provisions of the other laws in contrary to this law were abolished...” in the article 3 of the law numbered 1605.

Similarly, the opposing provisions of the Law numbered 2644 on Title Deed and the laws related with the removal of marshes were abolished due to the provision of “the areas and lands must not be obtained as private property through filling the sea and removing the marshes...” (Yıldırım, 1975, pp.10-11).

<sup>89</sup> However, with the transition provisions, it reserves the rights registered in the title deed and the gained rights of the structures being constructed within the area closer than 10 m. to the coast as of 20.7.1972 and within the area of 100 m. starting from the coast as of 4.11.1974.

## 2. EVALUATION

With annexed articles 7 and 8, it is targeted to regulate the utilization of the coasts and prepare a legal basis for their utilization appropriate for the public interest with the strict and realistic methods. The Regulation of ANNEX 7-8 has the quality of reform with the main principles, which it put forward concerning the coast legislation<sup>90</sup>. The terms emerged in this period are; coast, shore edge line, coastline and the structures reserved for the utilization of the society. Concretizing these concepts provides the standardization, which will considerably prevent the difficulties experienced in the implementation.

However, the governments in power at present provided the opportunities and conditions necessary in order to be able to implement the regulation. Mr. Geray (1976) suggested a number of findings regarding that period. According to these:

1. What should be done is that the reconstruction plans including a coast within its boundaries on the areas with an approved reconstruction plan should be reviewed and adjusted within the framework of the regulation; however, such studies have been either not carried out or lasted long.
2. Although the preparation of the reconstruction plans of the regions having importance from the point of tourism, industry and health has the priority in compliance with the law, no studies have been conducted on this issue except for the studies of the Ministry of Tourism and Promotion in several places and the board of ministers has not taken a decision on this issue.
3. Even though it is forced by the law to organize the Provincial Directorate of Reconstruction on the coasts to be able to execute the works of construction permission and inspection on the areas within the boundaries of the municipality and neighboring areas and to equip them with required tools and devices and man power, their real reflections could not be put forward.
4. The construction inspections on the coasts were diminished. When the inspection mechanism was not established effectively, an opportunity occurred to register considerable coastal areas as private property based on the gained rights, which were recognized in the regulation.

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<sup>90</sup> For instance, according to the arrangements included in the regulation, it is prohibited to draw the building block and plot established during the procedures of division and consolidation nearer than 100 m. to the coast. It has a main factor as not to allow the type of utilization based on private property such as summer houses within the shore strip (Seymen, and Koç, 1995, p.220).

5. The essential inspections concerning the removal of barriers such as fence, wire fence and wall preventing the society to reach the coast and then the sea could not be conducted.

6. It is continue to transfer the lands into private property on the coasts by way of filling the sea.

7. The coasts must not be the subject for private property. It is essential that the Ministry of Finance should apply to the relevant court in order to cancel the title deeds received for these areas. The expropriation of these areas is impossible. The expropriation of the areas under the sovereignty and disposal of the state cannot be carried out.

While the implementation have been carried out in accordance with the regulation of Annex 7-8, the necessity of drafting a coastal law special for the coasts has been put forward with the increasing demand to utilize the coasts in order to meet the needs of tourism and vacation, which increased in parallel with the dense industrialism and urbanization in Turkey and with the requirement of handing them down to the next generations at least with their existing values. This purpose gets its source and support from the Constitution of 1982.

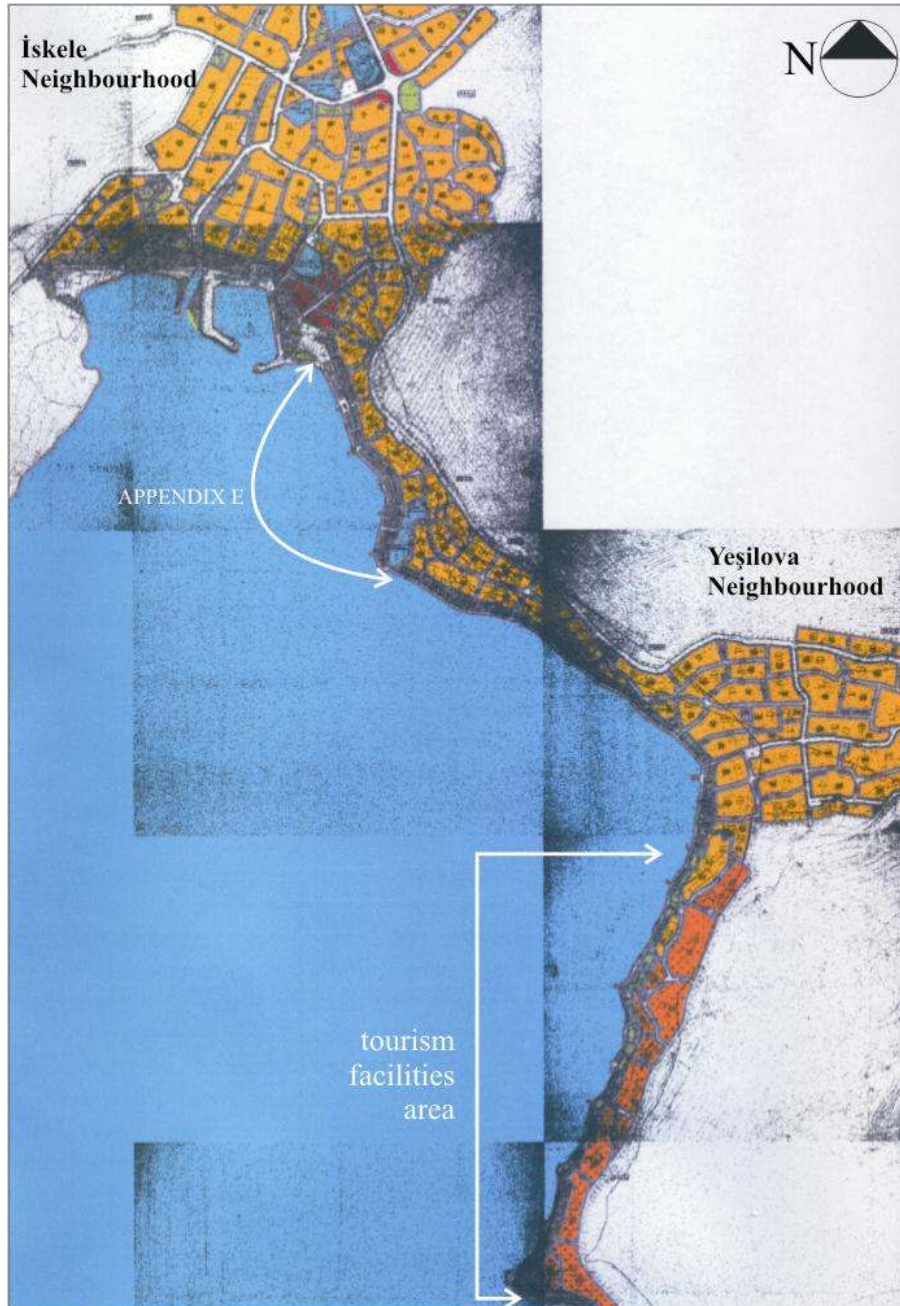
APPENDIX C.

TIME LINE OF LEGALLY BASED PROCESS FOR BOZBURUN

BOZBURUN		TIMELINE	
LEGAL FRAMEWORK PROCESS	1980s	1990s	2000s
Coast (Shore) Law, No. 3621 (4.4.1990, Amendment 17.1092)	As a village (pop.:1276-census year (cy) 1980, 1353-cy 1985). Bozburun experienced all the specific coastal law (No. 3621) amendments till, since 1972 to 1990, Coastal Law, No. 3621	Bozburun has no place in Coastal Law (Amendment 17.1092) as a municipality that have no plan before the date 17.1092. It means coastal strip for Bozburun is 1000 m. If the coastal strip must be claimed from all present private buildings.	No Change in Situation
Reconstruction Law, No. 3194, (9.5.1985)	As a village (pop.:2276-census year (cy) 1980, 1353-cy 1985), Bozburun dependent on the Settlement Law, No.3194, and its "38y-Law of reconstruction that is to be put into practice inside and outside the municipal and adjacent area boundaries where there is no approval plan".	Bozburun's development progress is under the control of Settlement Law, No.3194, as a municipality.	No Change in Situation
Council of Ministers' Decree for Establishment of Institution for Specially Protected Areas, No.383 (31.11.1989)	N/A	Divce Bozburun Specially Protected Area is declared by the 21.11.1990. This administrative boundary includes Bozburun settlement.	No Change in Situation
Municipality Law, No. 1580 (old), 5272 (New, 24.12.2004)	N/A	In 1990 census of population, the population of Bozburun is 2276. According to the Municipality Law, No. 1580, it is time for Bozburun to become a municipality. Article seven (Amendment in 4.5/1960) clarifies that the villages, whose population are above 2000 in the last population census, can establish a incorporated body of a municipality and leave the identity of 'village'.	Municipality Law, No.1580 is rescinded and new Municipality Law, No.5272 is established. According to that Law, for a village to become a municipality, the population of minimum 5000 is needed from now on. Municipalities that have a population under that number will be transformed into village status till the end of year 2005. Bozburun is a original case for that situation.
	THE WAY OF EXAMINING THE PROCESS	THE PROBLEMATIC LEGAL BODY AS THE FOCUS OF THIS STUDY	A TEMPORARY DELAY OF PROBLEM

**APPENDIX D.**

**THE COASTAL STRIP OF BOZBURUN**





APPENDIX E.

A SECTION OF COASTAL STRIP OF BOZBURUN SETTLEMENT IN 1/1000 SCALED  
IMPLEMENTATION PLAN (approved in 1996)





APPENDIX F.

“TOWN CENTER” SECTION OF BOZBURUN SETTLEMENT IN 1/1000 SCALED  
IMPLEMENTATION PLAN (approved in 1996)



## APPENDIX G.

### DRAFT REGULATION ON PROTECTION ORIENTED RECONSTRUCTION PLANS (PLANNING PROCESS SECTION)

#### 1. AŞAMA

##### 1-Araştırma/Veri Toplama/Saptama/Analiz

##### 1.a-Genel Araştırmalar

Planlama alanının içinde yer aldığı bölgeye/yerleşme sistemine ilişkin araştırmalardır:

- Yönetmelik, fiziki ve coğrafi genel durum ve konumu (Yönetmelik/hukuki yapı, sınırlar, iklim, jeolojik/morfolojik veriler, doğal kaynaklar, nüfus dağılımı, çevre sorunları, vb.)
- Genel tarihi ve önemli olaylar
- Ekonomik veriler (Sektörler, istihdam, yatırımlar, projeler, vb.)
- Ulaşım
- Gelişme eğilimleri/sorunlar/olanaklar (nüfus hareketleri, fiziki gelişme, yer seçimi, vb.)
- Kademelenme, etki alanları, işlevsel farklılaşmalar (çekim ötekleri, uzmanlaşma, vb)
- Planlama alanıyla etkileşim
- Geçmişte uygulanan ve bugün yürürlükte olan planların etkisi
- Diğer veriler

##### 1.b- Planlama araştırmalar

- Yönetmelik veriler
  - Kamu kurum ve kuruluşlarının uygulamaları (yatırım programları, projeler, mahkeme kararları, vb.)
- Korumaya ilişkin veriler
  - Sit sınırlarının biçimlenme süreci, kurul kararları, korumaya katılım, sit alanının, alan bütününde ve bölgedeki yeri ve önemi, vb.
- Fiziki ve Doğal veriler
  - Jeomorfolojik ve topoğrafik yapı
  - Jeolojik durum ( deprem, taşkın, ve benzeri afetler, sakıncalı alanlar, vb)
  - İklim yapısı
  - Ekolojik yapı
    - Flora
    - Fauna



- Toprak yapısı ve kabiliyeti
- Su kaynakları
  - Tarihsel arařtırmalar
- Tarihsel süreç ierisinde, kronolojik olarak belirlenmiř dnemsel, ynetsel, sosyolojik, ekonomik, vb. bilgiler, nemli olaylar
- Tarihsel geliřim: eřitli dnemlerde mekanın geliřmesi/deęiřmesi, kent elemanlarının oluřumu/geliřimi/yer seimi
  - Gemiřteki ve mevcut planlara iliřkin arařtırma
- Gemiřte uygulanan planların, deęiřikliklerinin ve bunların etkilerinin analizi
- Yürlkte olan planların, deęiřikliklerinin ve bunların etkilerinin analizi
  - Kullanım ve kullanıcılara iliřkin bilgiler
- Sosyo-ekonomik, kltrel arařtırmalar:
  - demografik yapı
  - alan kullanıcılarının ynelim/eęilim/talepleri, Alana iliřkin dřnceleri
  - soyut kltrel miras ęeleri (gelenek, grenek, adetler, vb.)
  - ekonomik arařtırmalar (sektrel veriler, alıřanların sektrel daęılımı, retim tarzları ve kapasiteleri, gelir daęılımı, mevcut kaynaklar, yatırımlar, tahminler, ekonomik verilerin fiziki mekana yansımaları, kamunun Alana iliřkin ekonomik politikaları, istihdam imkanları, vb.)
- Fiziki mekan arařtırması
  - Sınırlar
    - İl, ile, belediye, ky, mahalle, sit, milli park, vb. sınırlar
  - Alan kullanımı
    - konut
    - ticaret (toptan, perakende)/MİA
    - kamu
    - aık/yeřil alan/rekreasyon
    - turizm
    - tarım
    - sosyal altyapı (eęitim, saęlık, vb.)
    - teknik altyapı (su, enerji, kanalizasyon, vb.)
  - Ulařım ve hareketlilik (mevcut sistemin analizi, trel ayırım, hacim, ulařılabilirlik, vb. ve sorunlar)
  - evre deęerleri (baskın imgeler, alan iřaretleri, izler, odak noktaları, mekan oluřumları, rperler, cepheleler, vistiralar, bakı noktaları, simgesel ęeler, silet, grnm, vs.) ve bunları olumlu/olumsuz etkileyen unsurlar

-Çevre kalitesi ve sorunları (hava, su, toprak kirliliği, ses şiddeti, gürültü, koku, vibrasyon, vb.)

-Mülkiyet

-kadastral yapı

-sahiplilik (hazine, kamu, vakıf, belediye, özel, vb., hisseli/tek sahipli)

-mülkiyete ilişkin dönüşümler

-Arsa/bina değerleri ve spekülasyon eğilimleri (tarihsel süreç içinde fiyatlarda ve mülkiyette değişim ve bugünkü durum) ve rant analizi

-Doku özellikleri (Doku sistemi, açık-kapalı mekan ilişkileri, ada tipolojisi, yapılaşma oranı, adaların ve yapıların birbirleri ile ilişkileri, vb.)

-Eşik analizi

### **1.c- Yapılar/parceller ve taşınmaz kültür varlıklarına ilişkin araştırmalar**

- Bütün parceller ve yapılar için araştırmalar

-parceller konumları ve tipolojisi

-köşe parceller

-ara parceller

-ada içi parceller-balta parceller

-ada ve parcellere ilişkin nicel veriler

-parceller kullanımı

-yapı parceller ilişkileri

-hukuki durum (ruhsatlı, izinsiz, tecilli, yıkım kararı, vb.)

-mimari dönem/strüktür/malzeme/konum/kat adedi

-yapısal durum

-ana yapı, bitişik ek yapı, müstemilat, vb.

-konfor durumu

-yapı kullanım biçimleri

-tek fonksiyonlu yapılar (konut, ticaret, resmi, dini, vb)

-çok fonksiyonlu yapılar

-kullanılmayan yapılar

- Korunması gerekli taşınmaz kültür varlıklarına ilişkin araştırmalar

-mimari dönem ve üslup

-mimari deperler

-cephe öğeleri ve tipolojisi

-plan tipolojisi

-sisleme elemanları-çatı formları, baca, ocak, vb. gibi öğeler

-yapım tekniği

- yapılarda deęişmişlik (müştemilat ve ana yapı)
  - cephede
  - iç mekanda
  - yapılarda malzeme ve teknoloji deęişmişlik/bozulma ve nedenleri
- yapılarda orjinal fonksiyonlar ve fonksiyonda deęişmişlik
- avlu/bahçe kullanımları
- onarılabilirlik/kullanılabilirlik
- Korunması gerekli taşınmaz tabiat varlıklarına ilişkin arařtırmalar

#### **1.d- Sorunlar-olanaklar**

- Sorun formülasyonu
  - fiziki mekan/çevre/dokuya ilişkin sorunlar
  - sosyal/ekonomik sorunlar
  - yönetmel sorunlar
  - korumaya ilişkin sorunlar
- Olanakların belirlenmesi
  - yasal olanaklar
  - yönetmel olanaklar
  - finansal olanaklar

#### **1.e- Dięer arařtırmalar**

## **2. AŐAMA**

### **2-Arařtırma sonuçlarının deęerlendirilmesi ve hedeflerin belirlenmesi**

#### **2.a-Sentez ve deęerlendirme**

- Eşik sentezi
- Sorunlu bölgeler/alanlar
- Tampon bölgeler
- Homojen bölgeler
- Gelişme/yapılaşma olanakları, potansiyelleri
- Fonksiyonel deęişiklik potansiyelleri
- Müdahale gerektiren hususlar
- Olumlu/olumsuz dışsal etkiler
- Nüfus projeksiyonları
- Sektörel projeksiyonlar
- Mekansal projeksiyonlar
- Yürürlükteki planlarla entegrasyon
- Tescil ile sit ve planlama sınırları deęişikliği önerileri

- Diğer kestirimler

vb. konularda çalışmalar yapılır.

Araştırma safhasında elde edilen tüm veri ve bilgiler doğrultusunda:

- Genel çevre özelliklerine ilişkin değerlendirmeler
- Sosyal yapıya ilişkin değerlendirmeler
- Ekonomik yapıya ilişkin değerlendirmeler
- Koruma/planlama sürecine ilişkin değerlendirmeler
- Yapılara ilişkin değerlendirmeler

yapılır.

### **2.b-Amaçlar ve hedefler**

- Sosyo-kültüre/demografik hedefler
- Ekonomik hedefler
- Fiziki mekana yönelik hedefler
- Yönetmel hedefler
- Diğer hedefler

Saptanır.

## **3. AŞAMA**

### **3-Plan kararlarının oluşturulması**

**3.a-Fiziki plan:** zorunlu durumlarda 1/25000 ölçekli olmak üzere, genel olarak 1/10000 veya 1/5000 ölçekli koruma amaçlı nazım ve 1/2000 veya 1/1000 koruma amaçlı uygulama imar planlarının, kentsel tasarım projelerinin ve diğer fiziksel projelerin hazırlanması:

- Planlama alanının ait olduğu bölgey/çevreye ilişkin kararlar
- Planlama alanına ilişkin kararlar
  - genel kararlar/hükümler
  - sınırlar
  - yoğunluk
  - gelişme alanları
  - bölgeleme/işlevlendirme/alan kullanımı
  - yapılaşma (mevcut/yeni)
  - mülkiyet
  - sosyal altyapı (eğitim, sağlık, kültür, vb.)
  - teknik altyapı (enerji, ulaşım, dolaşım, atık, vb.)
  - koruma stratejileri, koruma ilkelerine ilişkin kararlar
  - afet ve risklerine ilişkin kararlar

- çevre kalitesi
- doğal verilerin kullanımına ve çevre değerlerine ilişkin kararlar
- kentsel tasarım
- peyzaj düzenlemesi
- özel koşullar
- Alt bölge/ada/sokak ölçeğinde kararlar
  - yapılaşma düzeni (yapılaşma oranı, ayırık, bitişik, blok, vb.düzen, kat düzenlemeleri, yükseklik, cephe düzenlemeleri vb.)
  - yol hizaları, bina hizaları, yaklaşma sınırları
  - peyzaj düzenlemelerine ilişkin kararlar
  - alt bölge, ada, sokak ölçeğinde korunacak kültürel ve doğal değerlere ilişkin kararlar
  - yaya ve taşıt kullanımına ilişkin kararlar
- Sele ilişkin kararlar
  - korunması gerekli kültür/tabiat varlığı parseline ilişkin kararlar
    - koruma ve müdahale biçimleri
    - kullanım/işlevsel kararlar
    - parsellerde yer alacak yeni yapı ve düzenlemelere ilişkin kararlar (yapı konumlandırılması, ifraz, tevhid, şuyulandırma, arsa düzenleme esasları)
  - mevcut kültür varlığı niteliğinde olmayan yapılara ilişkin kararlar
    - koruma önerileri
    - kullanım/işlevsel kararlar
    - müdahale biçimleri
  - yeni yapılaşmaya ilişkin kararlar
    - parselin kullanımına ilişkin kararlar,
    - yapının konumlandırılmasına, yapılanma koşullarına ilişkin kararlar
    - kullanım/işlevsel kararlar
    - yapı çevresinin düzenlenmesine ilişkin kararlar
  - plan uygulamasına yönelik kararlar
  - diğer kararlar

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Ek bilgi: “Koruma amaçlı imar planı hazırlık sürecinde aşamaların her birinin sonunda ilgili kurumlar, meslek odaları, sivil toplum kuruluşları ve plandan etkilenen hemşerilerin katılımı ile düzenlenen toplantılarda aşamaya ilişkin görüşlerini bildirirler. Aşamaya ilişkin plan belgeleri, toplantı sonuçlarıyla ilgili Koruma Bölge Kurulunun görüşüne sunulur ve kurul tarafından incelenip sürecin sonuçlandırılması aşamasında değerlendirilmek üzere arşivlenir.”