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Defending the public interest against unlawfulness: Exploring the judicial processes of contested urban planning practices in London and in Istanbul

This research addresses the relationship between law and urbanism. It focuses on judicial reviews of planning decisions taken in urban regeneration projects, which considers the exercise of state authority in relation to development control (referred as development management in England since the 2000s). The latter is an important aspect and process of planning that includes “the accountability of decision-makers to third parties through the courts” (Booth 1996: 135). Inspired by the latest discussions that attend to the instabilities concerning the legitimacy of urban development in the Global South and South-East (Bhan 2016, Yiftachel 2020), and their travel to the Global North, this paper highlights the control of development as a “shared feature” (Robinson 2015) among different cities administered by different legal systems (i.e. civil law and common law). It examines how socio-materialities of lost spaces and proposed built environment by state executives are represented in judicial reviews launched by public groups in Istanbul and in London. For this, the study uses Actor Network Theory. Starting with court transcriptions, it follows how different claims (including claims about public interest/public value), evidence and documents (i.e. plans) are enrolled in this legal process in the construction of the legality of a development (Campbell 2018). The study, thus, hopes to advance epistemologies of power and knowledge claims in land-use conflicts, touching also on the normative aspect of the latter process that unfold instances of “urban injustices” (McLeod/McFarlane 2014).