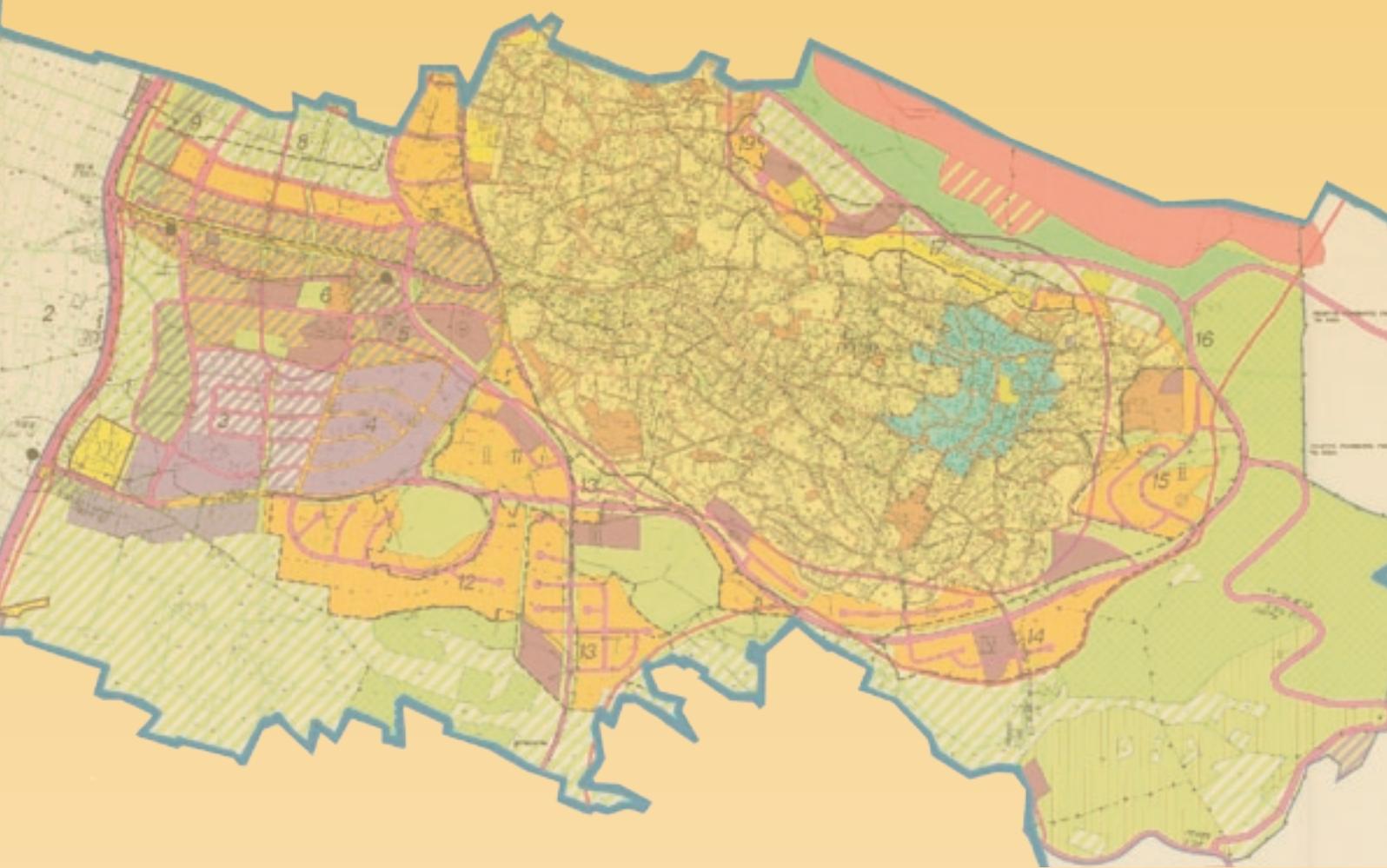


Outline Planning for Arab Localities in Israel



מתכננים למען זכויות תכנון (ע"ר)
מخططون من اجل حقوق التخطيط
Planners for Planning Rights

במקום
במקום
BIMKOM



المركز العربي للتخطيط البديل
המרכז הערבי לתכנון אלטרנטיבי
The Arab Center for Alternative Planning



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Summary

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INTRODUCTION

The study and its goals

The goal of the report is to provide an up-to-date picture of the outline planning in most of the Arab localities in Israel, and the extent to which these plans correspond to the present and future needs of the population. **Part A** of the report examines the status of outline planning in most Arab localities, true to the end of 2011. **Part B** presents a comparative survey that considers the quality of the outline plans of Arab localities, relative to similar Jewish localities; specifically, to what extent the outline plans meet the needs of the populations concerned.

Planning and development in Arab localities

The Arab localities in Israel have undergone, over the years, a gradual process of change from a pronounced rural village fabric to a dense urban fabric, with no overarching strategy. In many localities, this process was not accompanied by proper planning procedures that meet the needs of the population, in terms of housing, infrastructure and allocation of State lands. In Jewish localities, on the other hand, the State is extensively involved in planning and development procedures. This state of affairs in Arab localities has led to a situation in which there is a lack of housing solutions for two main groups: (1) Residents who own land which is located outside the area zoned for development; (2) Residents who do not own land, and due to excess of demand over supply, are unable to purchase land for building a home.

The planning procedures in the Arab localities, which over the last decade have been under the auspices of the Ministry of the Interior, have not succeeded in addressing these problems. In most cases, the plans offer only a partial solution. In addition, due to the lengthy period often required for completing planning procedures, by the time plans are approved, they are often no longer relevant.

- 1) The Or Commission Report of 2003 determined that phenomena of discrimination, neglect and hardship from which the Arab population in Israel suffers, particularly in the realm of planning and building, contributed to the October 2000 unrest in Israel.¹ The Or Commission stated that while

¹ The Or Commission was established by the government following the killing of 13 Arab citizens during Arab demonstrations in October 2000. In its report, the Or Commission emphasized the need to close the gaps between the Arab and Jewish sectors, citing institutional discrimination towards Arab citizens in the field of planning as one of the root causes that led to the unrest in 2000.

the Arab population in Israel increased sevenfold during the 50 years that had passed since the founding of the State, the scope of the area zoned for residential purposes remained virtually unchanged; the Commission also stated that the main obstacle to building for residential purposes in the Arab localities is the lack of outline plans, and the unreasonably lengthy period entailed in the preparation and updating of outline plans for Arab localities. According to the Commission's findings, until 2000, many of the Arab localities in Israel did not have any approved outline plan.

Ministry of the Interior Project for the Advancement of Outline Planning in the Non-Jewish Sector

Following a number of government decisions, the Ministry of Interior launched a large-scale project for the "advancement of outline planning in the non-Jewish sector" at the beginning of 2000. The project originally included approximately 30 Arab localities in the north and center of Israel, and later expanded to 66 localities, for which outline plans were to be prepared. The project also included the preparation of master plans,² for 13 localities, and a regional master plan for localities in Wadi Ara. Concomitantly, nine additional local outline plans were initiated for nine Arab localities that were not included in the framework of the Ministry of the Interior's project.

The plans were meant to have been completed within a few years, however twelve years have passed since the project's inception and to date, updated outline plans have been approved for only half of the localities included in this project. The remaining plans are in various stages of advancement; some are at the stage of deposition for public review and possible objections, and others have not yet been approved for deposition for public review. In other words, the Interior Ministry's project has not kept pace with the schedule set by the government.

The Importance of Local Outline Plans for Development of Localities

A local outline plan is a statutory document that stipulates the planning policy of a locality through zoning and the designations and uses of its land. The purpose of the local outline plan is oversight of the land development in the planning area, and ensuring suitable housing solutions and living conditions in the locality. This is

² Master plans delineate general principles for planning, building and development. However, unlike master plans, outline plans are statutory and have to be reviewed by the public and against which planning objections can be submitted.

carried out by designating areas for housing, industry, commerce, public buildings, open spaces, agriculture, roads, etc. The procedure for drawing up and approving a local outline plan is long and complex, and includes, inter alia, a period of deposition, during which the public can submit objections to the plan. By definition, a local outline plan is a legal framework that determines the direction of the locality's development and manages the land usage for the benefit of all residents.

A local outline plan that responds to the needs of the residents grants relative planning independence to the local authority. However, when there is no updated outline plan, a lack of residential areas and public spaces gradually ensues, leading to deterioration in quality of life in the locality, unregulated building, and the expansion of local development to areas that do not correspond to the local or regional planning policy. There are, however a few strong local authorities that manage well in terms of planning matters even though they have no approved outline plan. Yet this is not the case of the local Arab authorities: the advancement of acceptable outline plans that are suitable for their needs is highly important for them.

While in the Jewish localities the central government in many instances promotes and initiates local development through various means, in Arab localities, the main tool by which the central government enables local development is the outline plan. Therefore, Arab localities are extremely dependent on local outline plans prepared for them by the Ministry of the Interior. Despite this, outline plans prepared for Arab localities have not provided a satisfactory response to their unique characteristics, and suffer from systemic problems, such as unrealistic predictions of housing needs relative to the expected population growth 20 years ahead,³ limited land reserves, lack of planning flexibility, etc. These often lead to housing crises and lack of public buildings for services, as well as areas for employment purposes. As a result, the relevance of a local outline plan to the reality in a given Arab locality is often limited to a small window of time, which makes it necessary to prepare updated outline plans at a relatively high frequency. The time it takes to prepare outline plans thus has significant ramifications on their degree of relevance in the long term, as well as on the extent to which they provide up-to-date answers to the needs of the locality.

³ The life span of an outline plan is intended to be at least 20 years, but this is not always implemented.

Part A – The State of Statutory Planning in the Arab Localities

The planning survey covered 119 Arab localities, which constitute almost all of the Arab localities in the Northern, Haifa, Central and Jerusalem districts. Not included in the survey were Bedouin localities in the Negev, mixed cities, and Arab localities that were coalesced with Jewish cities many years ago. The total population of the localities included in the survey is approximately 948,200 residents.

The survey first examined all of the localities for which local outline plans were initiated after 2000: their formal characteristics, the time taken for the planning procedure, and their degree of correspondence to the localities' actual needs. As part of the research, questionnaires were distributed to the local authorities in order to assess the perspective of the heads of the authorities and key professionals (mainly city engineers) regarding the updated outline plans and the planning process. In addition, the planning situation was examined for localities where no local outline plan was advanced after 2000; namely, whether there was an outline plan, and the year it obtained statutory approval.

Findings

- Of the 119 localities that were examined, 63 local outline plans were initiated for 75 localities⁴ between 2000 and the end of 2011. Of these 75 localities, 66 were included in 54 local outline plans in the framework of the Ministry of the Interior project.
- At the end date of the survey (December 2011), 36 updated local outline plans were approved for 41 Arab localities (with a total of approximately 227,560 residents, which is 24% of the total population of all the survey's localities). Of these 36 plans for which the planning procedures were completed and the plans statutorily approved, 28 plans relating to 33 localities were included in the framework of the Ministry of Interior Project.
- Of the 75 localities for which an updated outline plan has been prepared, 16 local outline plans for 19 localities were submitted for public review and objections (191,990 residents, approximately 20% of the total population in the localities surveyed). With the exception of one plan for

⁴ In some cases, an outline plan includes more than one locality.

one locality, all of the above mentioned plans, currently deposited for public review, are included in the framework of the Ministry of Interior project.

- Of the 75 Arab localities for which updated outline plans have been prepared, 11 updated local outline plans for 15 localities (44,740 residents, approximately 5% of the total number of residents in the localities surveyed) were submitted to the planning authorities, but have not yet been deposited for public reviews. All of these localities are included in the framework of the Ministry of Interior Project.
- Despite the fact that since 2000, local outline plans have been prepared for a majority of the Arab localities (63%) and are currently in various stages of advancement, these localities represent barely one half of the total Arab population in the localities surveyed (approx. 464,290 residents, comprising 49% of the total population of the localities surveyed). In other words, most of the localities for which an updated local outline plan has been prepared, and which are in various stages of advancement, are small localities. In each of the districts, updated outline plans were prepared for at least half of the Arab localities in the district. At the same time, with the exception of the central district, most of the Arab population lives in localities for which no updated local outline plan is in process.
- The time required for the planning institutions in the Northern, Haifa, Central and Jerusalem districts to process the updated local outline plans was, on average, close to six years (70 months). In terms of the size of the localities, the greater the number of residents, the longer it took to the planning institutions to process the local outline plan.
- A qualitative survey was also conducted. In this framework, questionnaires were sent to the 75 Arab localities for which a new outline plan had been initiated since 2000; 32 responses were received (approximately 43%). The main findings yielded by these questionnaires are as follows:
 - The overall degree of satisfaction on the part of the local authorities with the updated plans is only partial. Those authorities that are satisfied with the plan itself claim that they lack the resources and budgets to implement the plan.

- One of the main problems which emerge from the received responses is the fact that most of the plans lack detailed instructions on the basis of which building permits can be obtained. Consequently, for residents to obtain a building permit, detailed plans or parcellation schemes must be prepared and submitted for approval by the planning institutions – an additional process that takes a significant amount of time. The considerable expenses involved and the complex coordination entailed in the preparation of detailed plans severely limits the potential benefit of the updated outline plans as a solution for the housing crisis in Arab localities.
- For 44 Arab localities in the Northern, Haifa, Central and Jerusalem districts no updated outline plan has been initiated since 2000. There are 34 localities whose local outline plans were approved between 1990 and 1999. Approximately 318,390 residents live in these localities. The local outline plans of eight other Arab localities, home to 98,610 residents, were approved before 1990. In two additional localities with approximately 66,902 residents, there is no valid local outline plan at all. Localities that have no updated outline plan account for just over half of the Arab population (approximately 483,910, or 51% of the residents in the localities surveyed).

Part B – Residential and Employment Areas in the Outline Plans of Arab and Jewish Localities: Comparative Study

The outline plans in most of the Arab localities, including the most updated among them, do not provide a reasonable solution for the needs of residents, particularly where housing and employment are concerned. Meanwhile, in most of the Jewish localities the situation is quite different, and their updated outline plans address the full range of residents' needs. In an attempt to examine the differences between Arab and Jewish localities, at the level of outline planning, a comparative study was carried out that included four pairs of localities. Each pair was composed of a Jewish locality and an Arab locality, similar in characteristics such as population size, jurisdictional area, character of local government, type of local committee, etc. Naturally, this sample of isolated test cases is by and large indicative only.

The study focused on two main aspects: (1) The extent of the area that the outline plan allocates for future residential development; (2) The extent of the area that the plan allocates for industry and employment. To complete the picture, a fifth pair of local outline plans was examined regarding the planning procedures themselves, namely, the amount of time necessary to advance the outline plan and approve it, and the statutory framework in which the decision to advance it was made.

Following is a list of the pairs studied (in each pair, the Arab locality appears first and the Jewish locality, second) (1) Tamra and Safed; (2) Dabouriyya and Shlomi; (3) Taibeh and Rosh Ha-Ayin; (4) Nein and Timrat; (5) Tantour and Harish

For each of the paired localities, we also examined the given target population of the plan. Target population is the number of residents expected to live in the locality at the end of the plan's 20-year lifespan. It includes not only natural growth, but also other factors that may affect the population's size, such as internal immigration, and absorption of Jewish immigrants in Jewish localities. It should be noted that the target population serves as the major factor in determining the programmatic needs of the locality, and in providing planning solutions for the locality's needs, such as the number of housing units, public buildings for services, employment areas, green areas, allocation of areas for future development. We examined the residential development potential that the outline plan enables relative to the predicted population in each locality. In addition, we examined the extent of the areas that the outline plan allocates for industry and employment relative to both the target population, and the population expected by natural growth exclusively. In our comparison between the target

population in Arab and Jewish localities, we found significant differences, as detailed below.

Findings

The Plan's Target Population

The prevalent assumption in the outline plans of Jewish localities is that the population will grow considerably, far beyond the forecast natural growth. In some cases, the population target allows for a doubling and even a tripling of the existing population. The planning institutions justify these frequently inflated population targets by such intentions as “attracting a new population,” “strengthening the locality,” or “stabilizing the status of the locality in its region.”

The initial assumptions underlying the local outline plans with regards to the target population of the Jewish localities necessitate large land reserves for housing, employment, public lands and more. A particularly large target population also increases the amount of land which needs to be designated for public use, in the outline plan. Given that it is unclear whether such a large target population would indeed be reached, a relatively small population is likely to benefit from large land reserves for residential, employment and public building purposes that are well beyond its needs. This situation provides “planning security” for the locality for many years to come, during which there is no need to prepare an additional outline plan and to obtain new land reserves. This will enable the locality to develop, for the long term, those lands that are already zoned for development in its jurisdiction.

In Arab localities, by comparison, the target population of the outline plans is based on natural growth only. The possibility of population growth as a result of internal migration, for example, is not addressed at all, even in the case of relatively large localities with an urban character. In addition, no safety margin is employed to ensure alternative possibilities for development in the eventuality that areas slated for development are found to be unsuitable or unavailable for building, for various reasons. Were these considerations to be taken into account, and assuming that considerable time is likely to pass until a new outline plan is prepared, such data regarding the target population would constitute a safety margin that could ensure the possibility of planning for development beyond the target date of the outline plan. In practice, it seems that the extent of local development allowed by the outline plans in Arab communities tends to be limited because of the fact that it is based exclusively on the natural growth rate, and therefore lacks land reserves for additional development.

It should be noted that this pattern of significant differences in determining the target population in Jewish and Arab localities also recurs in updated outline plans of localities that were not included in the comparative survey.

Industry and Employment

Industry and employment areas provide not only places of work for the residents of the locality, but are also sources of income for the local authority and enable its proper functioning for the benefit of its residents. In cases that were examined, the scope of industry and employment areas in the Arab localities, according to a calculation of area per capita, is lower than in Jewish localities, sometimes as much as by a half. This is true not only in terms of the extent of areas zoned for industry and employment, relative to the target population, but also in terms of the building rights⁵ given for these uses. The difference is even more pronounced when one compares the scope of employment areas, relative to the natural growth of the population, in both the Arab and Jewish localities examined. This study shows a very large allocation of employment area per capita in the Jewish localities.

These land reserves ensure the ability of the Jewish local authority to develop long-term employment in the locality, far beyond the target date of the program. In addition, Jewish localities have better a starting point than neighboring Arab localities in the competition to attract investors and industry into their realm. Since most of the land reserves in Jewish localities are State-owned, the building development, marketing and actualization procedures are simpler than in Arab localities, in which most of the industrial and employment areas are privately owned, a situation that causes many pitfalls in realizing their planning potential. The actualization rate of the industrial and employment areas in Arab localities is therefore noticeably lower.

Land Reserves

The lack of land reserves for development in Arab localities for their overall needs, first and foremost for housing (particularly for residents who do not own land), is even more acute in light of the fact that they have almost no State lands and most of the local development is based on private lands. This situation imposes many limitations, due to ownership rights, on the possibility of actualizing the local development potential, and

⁵ Building rights: These define the extent of the permitted area of construction (site coverage, floor areas), number of stories in the building, number of housing units allowed in the building, etc.

leads to the local outline plan only being partially actualized. This is because an owner of private land cannot be forced to utilize the full developmental potential of his private lot. The extent of implementation of the outline plan in Arab localities is hence, as mentioned above, partial. Publicly-owned land reserves are therefore required in order to solve the housing needs of those who do not own private land.

Comparison of Planning Procedures

The role of the planning institutions is complex, and it is reasonable to expect differences in the advancement of various types of plans and in the extent of public resources allocated to them. And yet, significant differences were found in the manner in which the outline plans for the Arab locality Tantour and the Jewish locality Harish were advanced. This is manifested in the type of planning institution which considers the plans, the pace of these deliberations, the timeframe during which planning procedures were carried out, and the end-result.

Although the planning procedures for both localities, having similar population targets, began in the second half of 2008, the outline plan for Harish has already been approved, while the outline plan for Tantour is at a midway stage, in which the planning alternative for the locality has been determined, but there is no forecast regarding the timeframe for the continuing planning procedure.

In summary, the difference between the planning concept in Arab and Jewish localities is significant. The prevalent approach in outline plans for Jewish localities is one of “entrepreneurial planning,” which utilizes all the existing resources available in their area in order to exhaust the locality’s development potential as regards housing, services, infrastructure, employment, etc. By contrast, the outline plans for Arab localities are drawn up based on an approach of “regulatory planning,” which offers basic solutions to the locality’s population based only on its rate of natural growth, without examining opportunities for local development in the area surrounding the locality. Such planning therefore ultimately limits, rather than enables, the locality’s development potential.

Recommendations

The report presents a number of recommendations regarding the existing systemic planning failures in the realm of outline planning in the Arab localities. Acceptance of these recommendations would ensure that local outline plans provide a real response to the needs of the Arab localities and guarantee maximum benefit from the Interior Ministry’s project, which is still underway.

Some of the recommendations for the planning authorities focus on further research needed in order to deepen their understanding of the issues concerned, such as: the expected feasibility in the development of private lands, according to the specific characteristics of each locality; external factors that delay the advancement of local outline plans; the need to analyze successful implementation of parcellation schemes in Arab localities, in order to draw conclusions for future cases.

Other recommendations focus on planning policies, and on possible improvements of the existing planning situation in Arab localities. These recommendations call for a change in perspective in relation to the unique characteristics of the Arab population, its localities and their use of space; definition of target populations not limited to the natural growth; adjusting the outline planning to the unique characteristics of the Arab localities; and allocating State lands for local development in Arab localities, in order to solve the lack of land reserves due to the inability to actualize, in full, the development potential of privately owned lands.

In addition, it is recommended that further tools be employed which will enable development in the Arab localities, including preparation of locally initiated and executed master plans and planning policy documents. This tool defines the planning needs of a locality in a manner similar to an outline plan, but it is simpler and less expensive, and takes less time to plan. In addition, a plan that is initiated by the local authority, in cooperation with the community, will contribute greatly to improving the status of the locality, both in the eyes of the residents and vis-à-vis the state authorities.