

Arrangements of arbitrary constructions and interaction of urban and urban planning law provisions

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Abstract: The study explores the challenges bobbing up from the proliferation of arbitrary structures in city settings, tracing their historical roots to pre- and submit-struggle durations. Fueled by socio-financial factors and a lack of strong housing policies, arbitrary creation has become deeply ingrained, posing significant social and environmental worries. Departing from traditional views, the paper severely examines the intersection of arbitrary creation provisions with co-possession issues, emphasizing the want for comprehensive regulation. The look investigates the long-term evolution of laws governing co-owned freeholds, delving into the complex interaction among civil law, ceiling ownership, and freehold guidelines. This essay examines arbitrary buildings via analyzing the felony framework and jurisprudence, addressing challenges in co-possession and holiday domestic land acquisition. The legislative evolution, from the twenties to trendy regulations, goals to stability historical maintenance with city development. Recent legislative adjustments have simplified processes and resolved controversies in co-ownership and arbitrary production issues.

Keywords: *Arbitrary constructions, Historical roots, Housing regulations, Socio-economic factors, Urban planning.*

1. Introduction

Historical, political, social, and economic elements established in each pre-warfare and post-conflict period fueled fast urbanization in the United States of America. Internal migration to urban facilities and a scarcity of strong housing regulations fostered the improvement of arbitrary creation. Post-war conditions, including social marginalization, poverty, and an absence of lower-priced housing solutions, brought about the characteristic practice of arbitrary Construction. The 60s witnessed the proliferation of rental buildings in city centers, while the 70s saw arbitrary production flourishing in excursion areas, resulting in casual settlements near coastal areas. Despite national efforts, illegal constructions persist, evolving into a deeply ingrained cultural practice with profound social implications. The paper diverges from an essential attitude of arbitrary creation as a final management decision. Instead, it scrutinizes the troubles bobbing up from the intersection of arbitrary production provisions with co-ownership topics. A pivotal question surfaces regarding whether present-day provisions limit, facilitate, or exclude the announcement of arbitrary constructions inside co-ownership structures (Isaac et al., 2023, p. 591). The answer hinges on the possibility of creating a usual inventory of arbitrary structures, emphasizing the urgency of complete law (Liu and Liu, 2020, p. 19).

Additionally, the paper explores the linkage between arbitrary construction regulation and progressive structures like blockchain generation. While these structures simplify approaches and reduce reliance on criminal intermediaries, they align with the broader city-planning dreams of the U.S. The study significantly omits buildings falling within covered areas, seashores, forests, archaeological zones, or areas subject to special safety regimes. It narrows its awareness to undeclared arbitrary structures, posing challenges while requiring consent from co-proprietors. Factors influencing the inclusion or exclusion of arbitrary structures inside this context represent the primary research situation.

2. The Scope

The paper purports to look at the lengthy-term evolution of law concerning co-owned freeholds in search of premiere solutions. Additionally, it explores the tricky interplay among civil law, ceiling possession, and freehold regulations. The evaluation delves into provisions outlining constraints, boundaries, and motives hindering the announcement of arbitrary constructions or making use of them. The studies stem from empirical observations and reflections on the criminal standing of arbitrary structures, which, due to specific situations, prevent declaration and remain unseen. While Law 4178/2013 and Law 4495/2017 have addressed several issues, a few arbitrary instances persist, growing conflicts with co-possession and tenancy legal guidelines, rendering their announcement impossible below the modern Civil Code.

3. Methodology

The enterprise to determine the factors influencing the capability to declare arbitrary constructions entails an exam of number one and secondary sources. These assets embody an analysis of arbitrary legal guidelines, memoranda, reports from affected citizens submitted to the management, press publications, parliamentary debate minutes, explanatory reviews, and applicable writings. The methodology employed includes shifting from the vast and summary legal framework to the precise info of man or woman instances. Furthermore, to investigate the problem, insights and information gleaned from semi-structured interviews with officials from the Technical Chamber of Greece (TEE), heads of urban planning services, and officials from the Ministry of Environment and Energy are incorporated.

4. Legal Framework

The criminal perspective governing arbitrary structures in city planning has evolved since the landmark Law of 1923. This regulation, a cornerstone in the history of city planning, laid the muse for subsequent regulations and policies. This article examines the critical milestones within the felony framework, tracing its development over time.

4.1. Early Legislation and Police Authority (1923-1955)

In the Law of 1923, 'on plans of towns, towns, and settlements of the State and their creation,' Article 60 set a precedent for uniform city planning law. Notably, it empowered authorities to demolish constructions undertaken against imposed situations and restrictions (Liu and Liu, 2020, p. 21). Subsequently, the Law of 18.03.1926 delegated control and demolition duties to the police government. Article four of this law granted the Police Authority instant demolition authority in particular instances, along with constructions within accepted plans without criminal permission. The criminal landscape advanced with the March 14/sixteen, 1939 law, editing standards for demolition. Notably, it extended the scope to encompass structures outside authorized plans, emphasizing the absence of everlasting agreement as an essential component. The August nine, 1955 regulation regarding the General Building Regulation of the State refined the criminal framework, using its provisions exclusively for new constructions.

4.2. Legislative Adjustments and Exemptions (1968-1983)

Law 410/1968 added a vast shift, allowing for the exclusion of arbitrary structures within authorized plans if favorable conditions have been met. The Minister of Public Works should exempt these structures from demolition, provided they no longer jeopardize structural protection or harm the city excessively. However, Law 349/1974 took a stricter stance, mandating the instantaneous demolition of illegal buildings erected after its enactment (Luce and Pukite, 2019, p. 8). Law 651/1977 repealed those provisions, prohibiting the relationship of arbitrary installations to public application networks. The Law of 1973, referred to as 'General Building Regulations,' introduced in addition readability by defining arbitrary structures and outlining conditions for demolition. Article 124 introduced the opportunity of acclaim for minor violations, balancing preservation concerns towards aesthetic considerations and structural safety.

4.3. Legislative Decrees and Landmark Laws (1983-2020)

The legislative panorama witnessed superb adjustments with Legislative Decree 651/1977, addressing arbitrary structures. However, the Supreme Court deemed its computerized exemption provision unconstitutional. Law 1337/1983, known as the 'Housing Law' or the 'Regulation of Tritsis,' attempted to convey order to arbitrary troubles (Wu and Quan, 2024, p. 113). It distinguished among 'vintage' and 'new' arbitrary constructions, placing standards for demolition and imposing fines. Amendments in the subsequent laws, such as Law 1557/1985 and Law 3775/2009, subtle the felony framework, addressing fines, manipulation, and documentation of arbitrary structures. Law 3843/2010, focusing on the Identity of Buildings, delivered provisions for maintaining arbitrary structures for a 40-year. Recent legal guidelines, consisting of Law 4014/2011, Law 4178/2013, and Law 4495/2017, aimed at controlling arbitrary constructions and ensuring environmental stability (Luce and Pukite, 2019, p. 10). Law 4759/2020 allowed cumulative legalization of arbitrary buildings, marking every other sizeable development within the legal concerns. For instance, consider the structure below showing expansion possibility;

5. Evolution of Legal Frameworks in Urban Planning: Balancing Historical Preservation and Urban Development

The felony framework governing arbitrary structures in city planning has evolved considerably, transitioning from early regulation in the 1920s to modern laws emphasizing environmental stability and cumulative regularization. These modifications reflect an ongoing attempt to balance maintaining historical systems and upholding urban development requirements. This paper examines the essential felony evolution that policymakers, city planners, and criminal practitioners must recognize while navigating the complex terrain of arbitrary structures (Askar et al., 2021, p. 47). The validity of deeds presenting vertically or horizontally divided ownership on assets is independent of compliance with written urban-making plan provisions. The regulation allows for establishing unbiased, vertically, or horizontally divided homes, even on destiny constructions. Violations of urban planning provisions incur penalties detailed through relevant town planning guidelines, but these transgressions do not invalidate legally performed constituent agreements. It is critical to notice that legally drawn-up rules may be challenged to amendment with a favorable majority. However, the volume of this majority of energy remains disputed.

Contrary to at least one angle, the majority's modification power is not countless. Art. 4, paragraph 1 of Law 3741/29 explicitly confines the rights to decisions related to preserving, improving, or using commonplace elements defined utilizing the Civil Code for the commonplace interest (Liu and Liu, 2020, p. 23). Modifications by a majority vote are prohibited in numerous aspects, which include changing participation chances in shared expenses, enforcing regulations on separate residences' use, amending agreements for inseparable components of a building, and figuring out the right to expand the building. Recent legal guidelines, constructed on their predecessors' enjoyment, limit transactions (established order, disposition, and switch of fundamental rights) on arbitrary structures or uses.

This prohibition, embedded in regulation, serves as a safety valve against the emergence of a new generation of arbitrary structures. Article 82 of Law 4495/2017 outlines the prohibition of shifting or setting up actual property rights with arbitrary buildings, ensuring stringent measures to save you from legal movements violating those provisions. Law 4178/2013 allows the switch of prominent impartial horizontal or vertical homes under particular conditions. In instances wherein Category 3 violations are detected, allowing attestation beneath Article 3 of Law 4178/2013, the drafting of a notarial record remains unaffected. However, it's essential to note that specific regulations and prohibitions follow, along with leasing or granting real estate with arbitrary buildings or adjustments of use.

Nonetheless, enacting notarial deeds in violation of legal guidelines prohibiting felony moves outcomes in their invalidity. Exceptions to this rule exist for unique categories of arbitrary structures or modifications of use, as genuinely defined in the law. Article 83 of Law 4495/2017 outlines the necessity for a responsible assertion and an engineer's certificates, extending their validity until a particular date. The constitutionality of legal guidelines, including Law 4014/2011, confronted scrutiny, with the following felony choices highlighting flaws inside the provisions of Article 24.

6. Navigating the Legal Landscape: Analyzing the Legalization of Arbitrary Structures and Co-Ownership in Vacation Home Land Acquisition

Advertised as 'plots with mild, water, cellphone,' it brought about the proliferation of small residential nuclei with arbitrary buildings in numerous regions inclusive of Attica (which includes Keratea, Lavrio, Grammatiko), Larissa, Crete, and Halkidiki. Illegally, the more prominent regions were subdivided on paper into smaller houses of 'plots of 250 to 300m²,' frequently illustrated on topographical diagrams (Kalfaoglu and Mahmut, 2022, p. 73).

First, this policy was enacted to deal with legal and goal-demanding situations related to affirming arbitrary homes on co-owned lands within off-plan regions. It became repealed after three years via Law 4495/2017. Despite opposition and protests during parliamentary discussions, the repeal left several arbitrary constructions undeclared. Owners, whether or not uninformed or financially restrained due to the extended financial disaster, neglected the possibility of claiming their structures even as the availability became nevertheless in effect. The explanatory declaration of paragraph 2 of article five highlights an inserted phase allowing a co-owner to provide, together with helping files, a pre-settlement for the status quo of a rental. This helps the submission of arbitrary constructions to the law's policies, resolving co-possession issues. Circular instructions from the applicable organization specify no time constraints on drawing up the notarial initial settlement. However, submission to Law 4178/2013 Civil Code is remitted after filing a prescribed lawsuit within the regionally equipped Single-Member Court of First Instance.

The application of this provision relates to regions outside the plan with indivisible possession via a couple of co-owners. For the declaration of arbitrary buildings, the consent of all co-proprietors is critical for both the notarial deed and pre-agreement. Compliance with Law 4178/2013 is essential for the last established order of horizontal or vertical possession, applying oblique stress on co-proprietors. In its attempt to address co-ownership complexities, the legislator no longer made clear the status of moving these provisions. To transfer a percentage with Construction, all co-owners should adhere to plot regulations, settle their plots, and eventually draft a definitive contract for ownership or distribution. However, financial and logistical challenges, specifically during monetary crises and the COVID-19 pandemic, make these situations noticeably unbelievable, paramount to non-assertion or misguided declarations of arbitrary systems. Paragraph 3 introduces a provision permitting co-owners of at the most negligible sixty 5% of the sphere, with independent homes, to request the status quo of direct possession via a lawsuit. This provision raises questions regarding its scope, application compared to current laws, and the legislator's rationale. The scope of this provision encompasses homes outside the plan with homes erected till 28.7.2011, both felony or regulated of their arbitrariness. The advent of paragraph 3 for judicial distribution objectives to facilitate the assertion of arbitrary buildings and remedy related troubles. Comparatively, it diverges from the broader scope of article 480A§1 of the Civil Code and Law 1562/1985, emphasizing the need for additional evaluation of its reason and application.

Nonetheless, the status quo of vertical ownership under Article 5 is contingent upon unique situations related to constructing permits, legality, and excess constructing factors. Additionally, paragraph 4 presents authority for a presidential decree, yet its constitutionality and coherence in the legislation increase issues, especially given the dearth of issuance (Pan and Zhang, 2021, p. 321). Article 11 outlined helping files, which include. Subsequent amendments stepped forward provisions, allowing co-proprietors to challenge arbitrary constructions to the law without unanimous consent and requiring the maintaining co-owner to assume responsibility for related fees. Article 98 introduces progressive provisions, allowing the unilateral establishment of horizontal property and addressing violations in peak or width (Kalfaoglu and Mahmut, 2022., p. 79). It also outlines conditions for incorporating such cases into regulations, requiring accountable declarations, engineer certificates, and a ten-12 month passage seeing that arbitrariness. The newly brought provisions' purpose of legalizing arbitrary structures furnished they meet positive criteria, such as adherence to constructing permits, size limitations, and co-proprietors' consent (Al-Kodmany, 2023, p. 39). The legislation outlines specific situations, including arbitrary constructions serving co-ownership, wherein unilateral actions by using the proprietor are presumed legitimate. Hence, the legislative amendments deal with the complexities of

arbitrary buildings and co-possession, providing avenues for legalization, distribution, and established order of ownership. However, issues persist regarding the constitutionality and coherence of certain provisions, necessitating additional examinations and capacity refinements.

Furthermore, upon adherence to the prerequisites for the regularization of arbitrary buildings, if either of the two aforementioned conditions is met simultaneously or if there is an arbitrary extension or reduction of horizontal or vertical property and consecutive buildings that represent horizontal or vertical houses within plots, components of plots, or parcels of land present for the reason that production of the constructing and Civil Code, either inside the prison volume of the constructing or at a felony or illegal underground stage (McDonald and McCormack, 2021, p. 726), the owner possesses the unilateral proper to provoke a notarial deed of change to the document establishing horizontal or vertical possession. This action targets incorporating the concerned area into the proprietor's horizontal or vertical belongings or excluding it, following the provisions of the regulation (McDonald and McCormack, 2021, p. 726). In this situation, the consent of all co-owners is presumed. Moreover, the owner is entitled to unilaterally continue with a notarial deed amending the record setting up horizontal or vertical possession, even in cases in which the equal arbitrary creation exists on all floors and does not pertain to the Construction (Kalfaoglu and Mahmut, 2022, p. 82). A prerequisite, within the event that the aforementioned situations are not cumulatively met, entails the passage of ten years from the fee of the arbitrariness until the enactment of the regulation and the absence of an irrevocable court decision mandating demolition.

7. Arbitrary Constructions in Exclusive Use Areas

Arbitrary structures or changes of use inside elements of distinctive use in horizontal or vertical co-possession that have been assigned to beneficiaries all through the established order of divided residences no longer necessitate the consent of different co-proprietors for regularization (Isaac et al., 2023, p. 593). Specifically, when arbitrary structures or modifications of use, serving co-ownership, are situated in an annex of horizontal or vertical possession, the owner has the unilateral right to amend the notarial deed organizing horizontal or vertical possession (Askar et al., 2021, p. 53). This change aims to designate the annex as not unusual and together-owned area of the co-ownership. In this instance, the consent of all co-owners is presumed.

However, for arbitrary movements situated inside components of distinctive use in horizontal or vertical co-ownership, the owner individually using them is responsible for their settlement. Consent (51%) of different co-owners is required for the decision of arbitrary joint-use or mutually-owned parts of the construction (Luce and Pukite, 2019, p. 11). Article 98 grants particular weight to properties issued to the ground possession machine, commonly inside a town plan, to keep away from deadlocks or extended complications. A change to Article 98 paragraph 4 of Law 4495/2017 lets in rental residences, that is, homes without hooked-up horizontal ownership (commonly owned family residences) adhere to the law's rules. In essence, the legislator helps assert arbitrary buildings in buildings below the condo machine without co-owner consent, even when those constructions are in shared areas beneath unique conditions (Askar et al., 2021, p. 61).

The legislator introduces formidable provisions to prevent transaction obstacles, allowing unilateral announcement and change of ceiling ownership recommendations. This adjustment became deemed necessary to illustrate settled arbitrariness, i.e., shared space occupied by horizontal or vertical assets in floor plans accompanying notarial deeds of the switch. The provision of paragraph 5 and subsequent sections of Article 98 of Law 4495/2017, as amended, addresses problems now not protected by way of preceding laws (Al-Kodmany, 2023, p. 41), making it extra comprehensive and entire than Article 5 of Law 4178/2013.

In off-plan regions, unlawful department of buildings primarily based on horizontal possession faces difficulties converting to vertical possession due to the want for cooperation from all co-proprietors and substantial taxation and procedures (McDonald and McCormack, 2021, p. 726). Consequently, owners are discouraged from maintaining them under trespass laws. The posting of woodland maps further complicates belongings transfer and agreement while part of the property is disputed as forest/grassland, requiring finality from a non-forestry authority for settlement (Luce and Pukite, 2019,

p. 7). Certain boundaries arise, consisting of the incapability to unilaterally amend the composition of the horizontal property while arbitrary extensions exceed prison above the floor extent. Likewise, transferring vertical belongings is hindered if the measured location deviates slightly from the established order's preliminary specification.

A precise situation emerges with the ban on shifting category 5 declarations from September 30, 2020, putting genuine property proprietors in a difficult position without criminal options. Paragraph 8 of Article 98 introduces the opportunity for people erecting arbitrary structures in exclusive use areas to situation them to Law 4495/2017 without having consent from other co-owners (McDonald and McCormack, 2021, p. 726).

However, it calls for the majority's consent to switch the gap to complete ownership, discouraging owners from asserting such arbitrary structures. Paragraph 9 relates to all other cases, requiring consent from more than 50% of co-proprietors for adherence to Law 4495/2017 (Luce and Pukite, 2019, p. 6). Subsequently, with an identical percentage of consent, a change to the notarial deed establishing horizontal possession is viable. This method means that if an arbitrary owner can have difficulty with their Construction to Law 4495/2017, they also can amend the advice to designate the not unusual area attached to their horizontal or vertical assets without changing the odds at the plot or area. However, questions arise about the utility of this paragraph in cases wherein arbitrariness is located in a not-unusual place, together with a basement remote from the horizontal property (Pan and Zhang, 2021, p. 278). For example, can an arbitrary warehouse inside the basement be organized if it hinders the usage of a parking area employing any other co-owner? In such instances, it might be extra suitable to legally require an engineer's documentation demonstrating that the arbitrary addition does now not interfere with using other felony horizontal houses or annexes or detract from aesthetics.

8. The Position of Jurisprudence 'Vis-À-Vis' the Respective Legislative Regulations of Arbitrary Constructions

Citing relevant jurisprudence is instrumental in comprehending the complexities of arbitrary co-ownership and addressing them according to felony steerage (Al-Kodmany, 2023, p. 59). Examining how unique courtroom levels techniques the legalization of arbitrary constructions in the context of co-possession disputes offers precious insights into the evolving trajectory of arbitrariness and its subsequent decision. In this discourse, the focus initiates with the evaluation of critical criminal decisions, which include the ruling numbered 1469/2014 from the Single-Member Court of First Instance of Piraeus, which set up that in cases regarding undivided co-owned buildings, a co-proprietor withholding consent to annexation should acquiesce to the joint announcement for the asset's adherence to favorable rules. The selection emphasized that refusal ought to bring about adverse effects, including the incapability to transfer ownership chances, incurring giant fines, and capability crook liability (Pan and Zhang, 2021, p. 167).

Another pertinent selection, numbered 1553/2009 from the Supreme Court, clarified that a legalized arbitrarily erected ground on the roof belongs, via ownership, to the rightful possessor of the ascension rights (Isaac et al., 2023, p. 617). It also highlighted the importance of each co-owner exercising the proper to absolute use without infringing upon the rights of others, emphasizing the prohibition of adjustments that compromise the class and architectural integrity of the entire construction. Moving forward, the 1899/2017 Court of Appeal of Thessaloniki dominated those prohibitions outlined in Law 3741/1929 concerning structures in not unusual regions of a building stay relevant even supposing those buildings are legalized. The selection underscored that such legalization does not prevent them from negatively impacting different co-owners' rights to unencumbered use of shared regions.

Besides that, the 2791/2019 Administrative Appeals of Athens selection emphasized that, in instances where co-proprietors fail to adjust, through regulation, the use of collectively owned and shared components of a building containing arbitrary constructions, the consent of all co-proprietors is required for the association to Law 4178/2013 (Luce and Pukite, 2019, p. 8). This ensures that the Construction no longer hinders other tenants' loose and unchecked use of commonplace areas. The belief of a 'present building' below Article 480 A paragraph 1 section A' of the Civil Code was discussed, elucidating that it should not be complete, however, configured in a manner that aligns with the reason

and nature of the plot, as consistent with city planning provisions. The discourse additionally touched upon the contentious issue of setting up separate possession on residences with arbitrary constructions, emphasizing the prohibition, below Law 1337/1983, of transferring or setting up actual rights on demolish able structures, making them problem to demolition irrespective of habitation or use.

Henceforth, the discourse delved into the consequences of Laws 3775/2009, 3843/2010, and 4014/2011, highlighting the argument that separate possession could be installed even in arbitrary homes, provided they had been built based on a building allow and urban planning regulation. The impact of Article 23 of Law 4014/2011 exempting specific systems from demolition became explored (Kalfaoglu and Mahmut, 2022, p. 84), allowing for the switch of ownership and status quo of actual rights upon completion of the settlement manner. The discourse concluded by addressing issues of asset identification, stating that a solemnly defined description is not obligatory for the validity of a deed of transfer so long as there is no ambiguity about the property's identification (Isaac et al., 2023, p. 628). It clarified that the transcription of arbitrary structures resulting from settlement strategies preserves their use instead of conferring possession, and corrections to the belongings' descriptions are pointless. The presentation explained the multifaceted legal landscape surrounding arbitrary co-ownership, drawing on super jurisprudential decisions and legislative nuances.

9. Conclusion

The creation of the aforementioned guidelines aimed to address the urgent social trouble of arbitrary constructions by imparting a feasible answer through unobstructed declarations and integration into transactions. The legislator, aware of potential conflicts among co-proprietors, strategically brought provisions making an allowance for the establishment of vertical ownership, enhancing monetary usage and disposal of these constructions. The rules, grounded in Law 1337/1983 framework, set a deadline of July 28, 2011, encouraging property owners to declare arbitrary structures and pay related levies and fines, leading to brief suspension or definitive exemption from sanctions based on the class of the buildings. Arbitrary constructions, regularly belonging to a couple of contemporaries, commonly remained underutilized due to resistance from positive co-proprietors, driven through selfishness, indifference, or a negative assessment of conditions. The legislative amendments to section 98 disentangled the declaration of belonging from the want for co-proprietor consent, thereby serving the pursuits of belongings proprietors in search of transfers or income with legalized arbitrary buildings.

In summary, the legislator's centered method informed utilizing the implementation of Law 4014/2011, eliminating regulations and simplifying procedures in Laws 4178/2013 and 4495/2017. This no longer encourages more co-owners to comply; however, it additionally provides an opportunity to remedy longstanding controversies in co-possession. Additionally, the legislation allows for the final constitution of divided residences and distribution upon complete charge of the single special excellent or a partial fee amounting to 30% of the fine, solidifying its complete impact on resolving arbitrary construction issues.

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