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Strengthening the institutional and legal framework

Workshop "Rehabilitation of Historic Towns and Urban Sectors"

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BACKGROUND PAPER

René GUERIN, Architect and Town Planner

Introduction

Arising initially from the concerns of conservationists about threats to the heritage from modern urban planning, the concept of urban rehabilitation began to emerge in 1963, when the Consultative Assembly of the Council of Europe adopted a recommendation, a resolution and a directive for the preservation and development of historic and artistic sites and buildings¹. The European Charter of the Architectural Heritage² was adopted in 1975 by the Committee of Ministers; it is based on the principle of “integrated conservation”, i.e. integrating conservation into the lives of the general public and into planning and development schemes.

In 1975, ICOMOS adopted resolutions about the conservation of smaller historic towns³. In 1976, the Recommendation concerning the Safeguarding and Contemporary Role of Historic Areas⁴ was adopted by UNESCO. ICOMOS in 1987 adopted the Washington Charter for the Conservation of Historic Towns⁵, which recommends measures necessary for the towns’ “development and harmonious adaptation to contemporary life”.

Thus, after originating from the idea of integrated conservation, the concept of urban rehabilitation has been extended, by progressively assimilating questions of local development, regional planning, sustainable development and cultural diversity.

In order to facilitate the presentation and comparison of the various systems and approaches available, we will consider urban rehabilitation in terms of the **chronology of the processes applied**. The contributions of this Workshop will be divided into four parts, corresponding to the main stages of urban rehabilitation: **diagnosis, programme, scheme and evaluation**.

¹ Consultative Assembly Recommendation 365 (1963), Resolution 249 (1963) and Directive 216 (1963).

² Charter adopted by the Committee of Ministers on 26 September 1975.

³ Resolutions of the International Symposium on the Conservation of Smaller Historic Towns (4th General Assembly of Icomos, Rothenburg ob der Tauber, 29-30 May 1975).

⁴ Unesco Nairobi Recommendation, 26 November 1976.

⁵ Charter adopted by Icomos in Washington, October 1987.

Political and administrative organisation

In the preliminary stage, the aim will be to set out the organisational structure of executive powers and competences (which may be exclusive, joint or shared) depending on the nature of each country's system (centralised, devolved or decentralised), while indicating any normative or legislative powers in the hands of the territorial authorities (whether regional or provincial). At each level from the state to the municipal authorities, we will determine the respective supervisory powers and responsibilities of the various institutions with regard to each field of urban rehabilitation.

- **Planning at the regional or urban area level:** the authority (or authorities) in charge of drafting and approving the planning documents; the role and powers of the municipal authorities inside the territory.

- **Planning at town or historic sector level:** the authority (or authorities) in charge of drawing up regulations, approving the town planning or historic sector conservation document, and its application (works permits).

- **Facilities and infrastructures:** authority (or authorities) in charge of the construction and management of public facilities (educational, social, sports and cultural facilities, etc.) and urban networks (roads, water, sewage, public transport, waste management, etc.)

- **Housing:** authority (or authorities) in charge of establishing the social housing programme and allocating social housing; social housing construction and management organisations; existence of public housing stock.

- **Social action:** authority (or authorities) in charge of social policy, social support, and preventing delinquency.

- **Culture and heritage:** authority (or authorities) in charge of cultural life (programming, support for initiatives, support for sponsorship, etc.); authority (or authorities) in charge of the inventory of historic buildings, their protection, works permits, the financing and control of the works.

- **Environment:** authority (or authorities) in charge of policies to promote the environmental quality of constructions, energy savings, water and air quality control, and pollution control.

1 – The diagnosis: Statement of the issues

The public authority initiating the urban rehabilitation scheme draws up a diagnosis based on clearly specified data about the historic centre. Prior to this stage, the question of the **definition of the sector to be rehabilitated** will be raised:

- Existence or non-existence of a legal definition of the historic centre in the countries concerned;
- Definition of the perimeter of the area to be studied: compatibility of typological criteria (urban morphology, built structure) with the zoning of statistical data bases.

The question of **access to the data bases** which are necessary for the diagnosis will be raised, particularly that of the relationship between the supplier (the source) and the user (the authority in charge of the diagnosis):

- Data which are locally available (town planning rules, condition of facilities and infrastructures, demographic data, employment data, inventory of historic buildings, etc.);
- Data with a confidentiality risk (identity of building owners, income of residents, criminality rates inside the sector, etc.);
- ...

The diagnosis must also be established on the basis of specific information which requires the use of **specific internal or external human resources** which we will determine: social and property ownership survey, economic analysis, analysis of built structure, etc.

Finally, it will be helpful to determine whether any constructive relationships exist between municipal authorities and **neighbourhood associations**, and whether such associations make a significant contribution to information for the diagnosis.

2 – The programme: Devising strategies

Initially, we will determine which is the **entity responsible** for implementing the urban rehabilitation programme and scheme:

- State (Ministry for Town Planning, Ministry for Housing, Ministry for Culture, Interministerial organisation with a specific brief, etc.);
- Intermediate authority (regional authority, provincial authority, joint municipal authority, etc.);
- Municipal authority (interdepartmental organisation, department in charge of city centre, department created specially for the scheme, etc.);
- Public sector entity (State / regional authority, State / municipal authority, inter-territorial authority, etc.);
- Public sector / private sector partnership entity (involving private investors);
- ...

Article 17a of the UNESCO Recommendation of 26 November 1976 stipulates that “there should be **an authority** responsible for ensuring the permanent coordination of all those concerned, e.g. national, regional and local public services or groups of individuals”. The ways and means used for the **governance** of the programme and the scheme will need to be defined:

- The public authority which is responsible, and has at its disposal all the prerogatives relating to the scheme: the Minister or the representative of the state, the President of the regional executive or the Mayor holds the decision-making power;
- Joint governance entity set up for the purposes of the scheme (e.g. Steering committee bringing together state representatives and local elected representatives);
- Combined governance entity set up for the purposes of the scheme (e.g. Steering committee bringing together state representatives, local elected representatives, representatives of businesses, neighbourhood associations);
- ...

Article 17c of the UNESCO Recommendation of 26 November 1976 indicates that: "the authorities should take the lead in sounding the opinions and organizing the participation of the public concerned". Article 3 of the Washington Charter of Icomos stipulates that: "**the participation and the involvement of the residents** are essential for the success of the conservation programme..." For the drawing up of the programme, the ways and means used for the participation of the public will need to be defined:

- Participation of the residents of the district or of the whole town;
- Direct participation or participation by representation of associations;
- Consultation body for the drawing up of the programme (e.g. Working group);
- Consultation and coordination body for the drawing up of the programme, and the definition and monitoring of projects (e.g. Monitoring Committee);
- ...

The programme must be backed up by a **town planning scheme** whose rules must contribute to the **preservation of the heritage**. It will be a question of determining the relevance of the applicable town planning documents:

- Preservation scheme specific to the historic sector, drawn up by a multi-disciplinary team;
- Town planning scheme covering the whole town, and including heritage preservation provisions which are specific to the historic sector;
- Town planning scheme covering the whole town without any specific provisions for the historic sector: in this case, the drawing up of a heritage preservation scheme is an essential prerequisite for programming;
- ...

Article 9 of the Washington Charter of ICOMOS stipulates that: "**the improvement of housing** should be one of the basic objectives of conservation". It will be necessary to determine the approaches to be adopted with regard to housing:

- Keeping existing residents in their housing and combating real estate speculation;
- Combating excessive population density in historic sectors by a policy of rehousing in peripheral areas;
- Combating the pauperisation of historic sectors by a policy of encouraging a social mix (encouraging the arrival of middle-class or wealthy residents);
- Combating housing insalubrity and non-occupation by improving housing;
- Partnership with social housing organisations or real estate companies to provide funding for housing rehabilitation;
- ...

Urban rehabilitation is also and above all a **social act**: in addition to ensuring the decency and comfort of the housing, its objective is also to guarantee access to services and mobility, for which purposes various measures will be considered:

- Home help service for the elderly or disabled;
- Programming of neighbourhood facilities;
- Extension or creation of public transport networks;
- ...

The UNESCO Recommendation of 26 November 1976 encourages **research, teaching and information** (Articles 47 to 53); the Washington Charter of ICOMOS recommends "a **general information** programme, beginning with children of school age" (Article 15), together with "**special training** for all those professions concerned with conservation"

(Article 16). We will define the support provided locally in this respect, because ensuring the awareness of as many people as possible is conducive to the success of the schemes:

- Specialised training about the heritage for main contractors (architects, engineers), construction companies, administrative personnel and all professionals concerned;
- Education of school children and raising of public awareness of town planning and heritage issues;
- ...

Article 33 of the UNESCO Recommendation of 26 November 1976 stipulates that "protection and restoration should be accompanied by **revitalization activities...**". The rehabilitation programme must strike the right balance between housing and activities:

- Programming of cultural structures;
- Partnership with private investors with a view to developing economic activities (shops, traditional crafts);
- ...

3 – The scheme: Implementation of the action mechanisms

The **project management** of the urban rehabilitation scheme requires the setting up, by the authority responsible and under its supervision, of a technical structure which we will define:

- Administration (state, regional authorities, district councils) to be defined;
- Public urban rehabilitation agency;
- Public/private sector or private sector urban rehabilitation company (authorised agent or concession-holder);
- ...

The project management structure is based on an **urban project management** team set up to bring together a variety of complementary skills, , in the fields of public management, local development, and social and cultural support, and for which the various types of employment status will need to be defined:

- Public administration personnel;
- Public service associations;
- Private service providers (experts, consulting engineers, etc.);
- ...

The urban project management team carries out a **monitoring and revitalization mission** by making use of an information and mediation structure (rehabilitation workshop, housing office, heritage centre, etc.) whose field of intervention will need to be defined:

- Establishment of reviews (intermediate and final) of the scheme, and report to the authority responsible (state representative(s) or local elected representatives);
- Permanent exchange of information with the authority responsible (possible reframing of political aims);
- Mediation between the authority responsible and the various parties intervening in the scheme (possible reframing of the scheme programme);
- Technical information about the town planning or heritage preservation scheme rules;
- Architectural and technical advice (conformity with comfort standards), from which the main contractor is excluded;
- Technical feasibility and architectural management of projects;
- Technical appraisals for works permit applications;
- Conformity checks on authorised works;

- Information about financial and fiscal aid;
- Assistance for setting up the financing of public and private schemes;
- Preparation of subsidy applications for rehabilitation works;
- Investigation of subsidy applications;
- Social support for individuals;
- Management of provisional or definitive rehousing;
- Information about the programming and realisation of public facilities, services and amenities;
- Revitalization and facilitation actions to help keep shops and traditional craft activities inside the historic sector;
- Support for cultural initiatives;
- ...

The scheme requires a **financial commitment** by the public authority, property owners and private investors. The rehabilitation of the built structure in private use (housing, business premises) must receive aid in the form of subsidies or tax benefits, so as to overcome the handicaps faced by historic sectors (spatial constraints and limited accessibility) and by the historic built structure with heritage value (high cost of works), while real estate is subject to the conditions of the market economy. Article 35 of the UNESCO Recommendation of 26 November 1976 stipulates that: "Safeguarding activities should couple **the public authorities' contribution** with the contribution made by individual and collective owners and the inhabitants and users, separately or together, whose activities should be encouraged." We will determine the nature of the financial aid and tax benefits and their attribution criteria:

- Sources of funding: state, regional authorities, district councils, public agencies (to be defined);
- Soft loans (low interest rates, long loan period, etc.);
- Tax mechanisms (expenses deductible from the income of natural persons, income tax or other tax reductions or exemptions for individuals or companies, etc.);
- Subsidy criteria (subsidy rates and ceilings, eligible works, etc.);
- Reciprocal actions required (compliance with town planning rules, obligation to create social housing or employment, opening to the public of places of heritage interest, etc.);
- ...

The rehabilitation of the built structure for public use, the creation of public facilities and the development of public spaces can be financed in ways which we will define:

- Exclusive self-financing by the public project manager;
- Joint public financing (state, regional authorities, district councils, public agencies, public financial institution, etc.);
- Public sector / private sector partnership (concession, agreement to make available, sponsorship, etc.);
- ...

Real estate project management is sometimes a prerequisite if preservation and rehabilitation targets are to be met. We will determine the methods of acquisition by the project manager of the scheme:

- Priority private acquisition;
- Right of pre-emption and right of abandonment;
- Expropriation (public utility definition, compensation, automatic expropriation in the event of insalubrity, danger or threat to the heritage, etc.);
- Public sector real estate credit institution (financial arrangement);

- ...

In addition, **communication** and **cultural revitalization** actions - for which we will define the means - must be conducted, so that as many people as possible take the rehabilitation process on board:

- Information offices, public meetings, Web sites, news bulletins, press, radio and TV;
- Cultural events linked to local identity or the cultural contributions of migrant populations (shows, lectures, visits, etc.);

- ...

4 – The evaluation: Emulation possibilities

We will determine which **short, medium and long term evaluation** methods can be applied to assess the potential benefits of emulating rehabilitation policies used in the past:

- Analysis of results: intermediate reviews, final reviews of schemes (comparing expected results with results actually achieved);
- Impact indicators for long-term schemes;
- Sustainability of approach: social equity, economic efficiency, respect for the environment;

- ...

Conclusion

Now that the concept of urban rehabilitation has been in existence for almost half a century, it is clearly necessary for the various parties involved to collaborate internationally in a vast programme to evaluate the policies which have been applied.

The reviews published on completion of the schemes do not throw enough light on the indirect effects of the actions undertaken, which can only be objectively assessed with the benefit of hindsight. Relatively few efforts have been made to analyse closely the urban and social changes set in motion in districts that have undergone rehabilitation in the past.

The evaluation advocated here will have to take into account changes in policy approaches over recent decades, as the prospect of urban growth has come to incorporate the prospect of sustainable development. The aim will be to estimate the extent to which past policies are capable of taking up future challenges. It is our hope that experience of urban rehabilitation can thus be made available in a way which benefits future generations.