

URBAN REHABILITATION: THE CHALLENGE OF TOWN PLANNING IN PORTUGAL

Ana VIRTUDES*

* Dr.; C-Made – Centre of Materials and Building Technologies, Department of Civil Engineering and Architecture, University of Beira Interior, 6201-001 Covilhã, Portugal
E-mail address: virtudes@ubi.pt

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Abstract

In the last few years, town planning policy in Portugal has been based on the construction of new urban expansion areas. It is estimated that the urban areas can house a population of 30 million inhabitants, while the Portuguese population is around 10 million. Recently, there have arisen new legal diplomas designed to encourage a town planning praxis that goes against the current trend and gives incentives to urban rehabilitation. Apparently, there are unequivocal signs of policies which are aimed at the rehabilitation of urban consolidated areas and cultural heritage to the detriment of the construction of new urban areas. This article aims to reflect on the challenges to the urban rehabilitation as an agent of urban design by means of the detailed local plan, by a process of construction of the city not based on new urban areas.

Streszczenie

Polityka planowania miast w Portugalii, w ostatnich latach, rozwijała się w oparciu o tezę rozbudowy i pozyskiwania nowych obszarów miejskich. Oszacowano, że przestrzenie zurbanizowane mogą zapewnić warunki mieszkaniowe populacji liczącej 30 milionów mieszkańców, podczas gdy portugalska populacja wynosi około 10 milionów. Ostatnio, powstały nowe prawne ustalenia projektowe, mające na celu, zachęcić praktykujących urbanistów do zmiany aktualnym trendów i dać motywację do rehabilitacji przestrzeni miejskiej. Widocznie są wyraźne znaki polityki, która ma na celu odbudowę zwartych obszarów miejskich i dziedzictwa kulturowego, kosztem pozyskiwania nowych obszarów miejskich. Ten artykuł, odzwierciedla wyzwanie i ma na celu rozważenie kwestii projektowania urbanistycznego przy pomocy szczegółowego miejscowego planu, jako czynnika odnowy struktury miejskiej, przez proces stworzenia konstrukcji miasta, które nie jest oparte o nowe obszary miejskie.

Keywords: Urban rehabilitation; Urban expansion areas; Detailed local plan.

INTRODUCTION

The town planning policy of the last years, in Portugal, has been based on the construction of urban expansion areas, as much for industrial ends as for residential ends.

It is estimated that the areas available for new housing when added to the consolidated urban areas could house a population of 30 million inhabitants, while the Portuguese population is around 10 million.

Many of these new urban areas are much bigger and have much more housing than is necessary. It is undoubtedly true that this way of constructing the city

involves problems in terms of waste of infrastructures, creating urban voids or discontinuity. In many cases, the new urbanized areas are far away from consolidated urban fabric, despite being inside the urban perimeters. There are three levels of town planning in Portugal. National, regional and local (or municipal) and it is at this level, especially by means of the contents of Municipal Director Plan, by which the urban perimeters are designed.

Recently, there have arisen new legal diplomas in order to encourage a town planning praxis that goes against the current trend and gives incentives to urban rehabilitation actions. There are unequivocal signs of

policies which are aimed at the urban rehabilitation of consolidated areas and cultural heritage to the detriment of the construction of new urban areas.

These diplomas define a policy of urban rehabilitation in articulation with the municipal plans, namely with the contents of the detailed local plans, the most meticulous planning instruments of the Portuguese planning system, of which the main contents are urban design proposals.

In this context it is currently on the agenda to reflect on the following:

- The new challenges to urban rehabilitation as an agent of urban design, by means of figures of detailed local plans as the first instruments of town planning praxis in the cities;
- The process of construction of the city based on urban rehabilitation instead of the creation of urban expansion areas.

This article is structured on the follow subjects:

- Step 1. Background: incentives for the urban expansion policies;
- Step 2. The change of paradigm advocates urban rehabilitation;
- Step 3. Principles, policies and instruments of urban rehabilitation;
- Step 4. From urban rehabilitation of theory to that of practice.

STEP 1. BACKGROUND: INCENTIVES FOR THE URBAN EXPANSION POLICIES

The recent changes to the rules of town planning instruments in Portugal confirm the tendency shown in 1998 in the General Law of the Town Planning Policy which explicitly appealed to the contention of urban perimeters.

Since then, few have been the signs in the municipal plans which have evidenced in the sense of response to this appeal.

On the one hand, the upload versions of municipal director plans; most of them from the beginning of the 90's; which define the urban perimeters, are slow and on the other hand, few are the detailed local plans with rules of carrying out urbanization through the urban design proposals.

In terms of the Urban Development Plan (at the municipal level), it can be said that this town plan-

ning instrument takes a difficult stance between urban design of the detailed local plan and the real urbanization process by means of architectural and engineering projects according to the general parameters of construction and urbanization established in Municipal Director Plan. The consequence of this praxis is that we are constructing the city without designing the urban space. We are only defining the urban parameters such as the number of levels, the construction area, the height of the buildings or the width of the streets, without seeing in the design the result of the application of these rules.

The new incentives for urban rehabilitation are trying to reverse the town planning model of the last years, based on urban expansion areas whose negative consequences are well known to all:

- The waste of over-sized infrastructures;
- The spread of urbanization within the urban perimeters, with no continuity of urban fabric;
- The urbanized ruins of new neighbourhoods which are still waiting for buyers. For the first time urban rehabilitation action is required for new buildings and new neighbourhoods that became old without ever having been inhabited. The empty spaces require special strategies of urban rehabilitation.

Finally, another field of intervention is the housing estates, because, if initially these neighbourhoods solved the housing shortage, nowadays they are main targets for urban rehabilitation actions.

STEP 2. THE CHANGE OF PARADIGM ADVOCATES THE URBAN REHABILITATION

Understanding that the appeal of the General Law of Town Planning Policy to shrink the urban perimeters has remained without response, all the most recent rules of town planning are now addressing this recommendation. This imposition is carried out by performing on various fronts:

- In terms of land use, with the extinction of spaces for new urbanizations, the only ones which are not being urbanized and where this task has not been programmed within them could be able to be transformed into new urban spaces.

This production of urban space has been running with no urban design for the city, but by single private acts of urbanization, without taking into account the city as a whole;

- In terms of detailed local plans, with the different



Figure 1.
An example of deterioration and abandoning of Portuguese heritage. The case of Patacão, a wooden village near the Tagus River (photos by Filipa Almeida and Filipa Navarro)

types of these plans reinforced in the urban spaces already existent and consolidated.

This reinforcement is by means of the contents of local detailed plans whether it be, by actions of urban rehabilitation or whether it be objects of actions to safeguard the cultural heritage.

Concluding, the spaces for new urbanizations, with no urban design, i.e. with no detailed local plans, have been made extinct since 1999 and; more recently, since 2009 the type of detailed local plan for the new urban expansion areas also became extinct. We can recognise that these facts are two signals of change of paradigm in town planning policies, from the creation of urban expansion areas to the definition of urban rehabilitation actions.

STEP 3. PRINCIPLES, POLICIES AND INSTRUMENTS OF URBAN REHABILITATION

Reinforcing the necessity of heading towards a path suggesting the shrinkage of the urban perimeters, two new fronts of combat of urban expansion areas have been created.

These new fronts have limited the possibility of elaborating detailed local plans in urban areas, within the urban perimeters confined to spaces which have been built and urbanized:

- The regime of urban rehabilitation, established in the decree law nr. 307/2009 of 23 October, which in practice regulates the content of a new figure in the municipal planning level: the detailed local plan of urban rehabilitation;
- The regime of safeguarding cultural heritage, established in the decree law nr. 309/2009 of 23 October, which regulates the content of another new figure in the municipal planning level: the detailed local plan of safeguarding cultural heritage.

3.1. The urban rehabilitation principles

In the case of the detailed local plan of urban rehabilitation, it states that urban rehabilitation is today an indispensable component in city politics and of rehabilitation. The regime of urban rehabilitation establishes two modalities for which the urban rehabilitation actions can be performed:

- Simple urban rehabilitation, where responsibility



Figure 2.
The old buildings as a cultural heritage. The case of Covilhã (photos by Sérgio Santos)

and expenses is on the building owners;

- Systematic urban rehabilitation, defined by the head office of the detailed local plan of urban rehabilitation where the responsibility is with the municipal authorities.

The new principles of this regime as an instrument of urban rehabilitation politics are:

- Principle of responsibility – understanding the urban rehabilitation actions as a private sector responsibility, at the expense of the building owners;
- Principle of subsidiarity – recognizing the general interest of urban rehabilitation actions, but which should be financed by free market rules and not by public funds, in which the unilateral solutions should be the final ratio;
- Principle of inter-generation solidarity – which transfers the financial bill of the urban rehabilitation to the following generation;
- Principle of sustainability – in terms of financial, sociocultural and environmental issues, in which each of the agents which participates contributes with their resources towards the urban rehabilitation in a process of what amounts to self-financing;
- Principle of contracting – as a form of streamlining the executions of the operations of urban rehabilitation;
- Principle of protecting of what exists, principle of integration, principle of co-ordination, principle of a just consideration and, finally, the principle of equality.

In summary, the detailed local plan of urban rehabilitation includes the task of identifying the necessities of rehabilitation cities, modernization or demolition

of buildings, rehabilitation of urban infra-structures, equipment and green spaces of collective utility.

For the first time in Portugal the meaning of urban rehabilitation exceeds the actions in buildings and includes the actions in public spaces of the city such as streets, infra-structures or green areas.

3.2. The safeguarding cultural heritage challenges

In the case of regime of safeguarding cultural heritage there is a reference to intent to make compatible the protection of cultural heritage with the organization of land and sustainable development. That is, with the contents of the detailed local plan of safeguarding cultural heritage elements, a responsibility of the local authorities.

These contents should focus on relevant cultural interest of the heritage elements, in terms of the following aspects:

- Historical;
- Paleontological;
- Architectural;
- Artistic;
- Ethnographic;
- Scientific;
- Social;
- Industrial;
- Technical.

These sorts of heritage elements have a protection zone and it is predicted that they can be delimited in two ways:

- In the short term by means of a provisional special zone of protection;
- In the longer term by means of several types of

zones which include namely the ring of the general zone of protection, the 50.00 meters taken from the external limits of the heritage element; the ring of the special provisional protection zone, which will be able to include zones *non aedificandi*; the ring of the zone of sensibility with the imposed restrictions.

These two new instruments of action and intervention in the city; the regime of urban rehabilitation and the regime of safeguarding cultural heritage; are unequivocally signs of policies which are aimed at the urban rehabilitation of consolidated areas to the detriment of the creation of new areas for urban expansion.

STEP 4. FROM THE URBAN REHABILITATION OF THEORY TO THAT OF PRACTICE.

4.1. Difficulties of the process of urban rehabilitation

In the time of economic and financial crisis, how will the building owners react to the suggestion of rehabilitation of their assets?

What are the challenges which arise to the buildings which will be rehabilitated placed for sale by a “forced sale” (The “forced sale” of buildings for rehabilitation is a new instrument and a new incentive of the regime of urban rehabilitation) at the time of stagnation of the real estate market?

The “forced sale” is understood in the regime of urban rehabilitation as a social function of the buildings for rehabilitation applied when the owner does not keep his obligations given by the process of urban rehabilitation.

How will the local authorities on the municipal level resist to the pressure, that is, incentives to urban rehabilitate actions, given that the recent years of their work in terms of town planning have been characterized by the creation of new urban areas policies?

How will the local authorities explain to the citizens, the building and land owners, their electorate that their properties classified as spaces for new buildings and new urbanizations by the Municipal Director Plan and which were not yet built neither urbanized, will become classified as rural land use? Therefore, these areas will be excluded from the urban perimeters stop being used as prospective for easy profit by the transaction at a high price (much higher than their real value), just because the Municipal Director Plan says that it is possible to build and urbanize there, even if there is no more

need of new urban areas.

In conclusion, the concept of urban rehabilitation should be extended not only as the recuperation of the buildings, the modernization of infra-structures and the creation of public places, such as green spaces but also as the creation of economic, social and cultural conditions which promote the fixation of population in the old parts of the cities.

4.2. The international charters for safeguarding cultural heritage

The recent policies for urban rehabilitation and for safeguarding cultural heritage in Portugal couldn't be analysed independently from the international context. Since March 1992 the European Urban Charter defined explicitly the fundamental urban rights which the state must guarantee. Also, the Charter of Venice dated May of 1964, the European Charter of Architectonic Heritage of 1975, the Granada Convention of 1985 or the Charter of Safeguard to Historic Cities of 1987, among other diplomas, designate and refer to the European policies of town planning and cities which should include the cultural heritage elements concern. The meaning of the word heritage is linked to the issue of intangible or tangible inheritance. In 2002 the World Heritage Committee declared that the heritage is an instrument for the sustainable development of all societies.

It is understood in the current regime of safeguarding cultural heritage in Portugal, that if the cultural and urbanization interests are in conflict, the former takes priority. We can say that the urbanization interests are subordinated to the cultural heritage interests. In this context the cultural heritage elements are classified in several ways:

- Monuments;
- Groups of monuments or places;
- Rustic, urban or building blocks;
- Other constructions;
- Gardens;
- Squares or paths.

As we had noticed before, the classification of cultural heritage elements consisted not only of buildings but also of related public spaces such as gardens, squares or paths.

In relation to these classified elements, the detailed local plan of safeguarding cultural heritage has several obligations:

- To preserve by means of planning instruments in

general or by means of actions of urban rehabilitation in particular;

- To defend or value, in economical or cultural terms, in order to avoid its loss or deterioration.

In one word, the detailed local plan of safeguarding cultural heritage should guarantee the enlargement of cultural heritage elements, in order to by passing-on to future generations, promoting the cultural enrichment of the country.

CONCLUSIONS

More than finding answers, this paper aimed to formulate some questions that arise now in the town planning domain. The object of this paper was to share concerns and hope for a coming victory in the urban rehabilitation process at least on a legislative level.

Above all, the new ideas for urban rehabilitation through the detailed local plans need to be developed by experts who are aware of the complexities of the city. The planning management on the municipal level in terms of urban rehabilitation still needs to be conducted on a local scale, i.e. through the urban design proposals.

One of the steps for the success of urban rehabilitation actions is integration and bringing together the efforts of the municipal authorities and the building owners.

This new regime should be the signal of changing from a State that regulates the private activity to a State that contracts with the private owners, in order to guarantee the success of urban rehabilitation. In this domain it is an advantage to have a State that is promoting consensus between the agents (local authorities, land owners, government authorities) instead of an authoritarian State.

In conclusion, the definition of urban rehabilitation actions requires the definition of the issues, their framework within the municipal plans and careful definition of the type of urban rehabilitation to make (simple for the buildings or systematic for the urban fabric). The choice of the manager entity of urban rehabilitation and the establishment of the strategies for intervention program are also important aspects.

These are some of the biggest challenges currently facing the experts in town planning and urban design in Portugal.

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