

RETAINING THE PAST - A PERSPECTIVE ON URBAN CONSERVATION¹

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Opsomming

Groot Brittanje het een van die mees gevorderde, bewoningsgeoriënteerde beplanningstrukture in die wêreld. In Suid-Afrika waar konflik oor ras en magstrukture aan die orde was, was bewaring tot redelik onlangs 'n lae prioriteit. Namate bewaring van die beboude en die natuurlike omgewing 'n groter plek in die globale denke van volhoubare ontwikkeling, kry, het Suid-Afrikaanse beplanning veel te leer by die prosedures en tegnologie wat deur die leiers in bewaring gebruik word.

Britse en Amerikaanse wetlike, beleid- en besluitnemingsondervinding en kulturele invloede is bestudeer en met Suid-Afrikaanse toestande vergelyk. Hieruit kan afgelei word dat die gefragmenteerde plaaslike kultuurkonteks filosofies en kultureel nader aan die Amerikaanse as Britse situasie staan.

Die Suid-Afrikaanse opkomende wetlike raamwerk vir bewaring is kortliks bestudeer, met inbegrip van die Wet op Nasionale Erfenisulphronbewaring nr. 25 van 1999. Vergelyking daarvan met Britse en Amerikaanse ondervinding het verskeie foute uitgewys, onder andere

- 'n gebrek om die verskil tussen oorkoepelende bewaring van 'n struktuur se dominante kenmerke en die gedetailleerde bewaring van kultureel belangrike voorwerpe uit te wys;
- die samestelling van die Uitvoerende Raad van die Suid-Afrikaanse Erfenisbewaringsliggaam (SAHRA).
- 'n wye algemene wet wat so wyd probeer tref dat daar geen fokus is nie; en
- konflikte en oorleueling met ander wetgewing skep ook probleme.

Die klem wat op bewaring en tegnologie geplaas word, noodsaak ons om na die Britse situasie ook te kyk.

Summary

Great Britain has one of the most advanced, conservation-oriented, planning structures in the world. For South Africa, embroiled in an extensive era of conflict over race and power relations, conservation issues have remained a

low priority until recently. As conservation of the built environment and protection of the natural environment become more significant in the growing global coinage of sustainable development, South African planning has much ground to make up to draw level with the procedures and technologies employed by world leaders in conservation.

To that end, British and American legal, policy and decision-making experience and cultural influences were examined for compatibility with South African conditions. This survey suggests the fragmented local cultural context seem philosophically and culturally closer to American than British circumstances.

South Africa's evolving legal frameworks for conservation are briefly reviewed, including aspects of the National Heritage Resources Act, Number 25 of 1999. Comparisons with British and American experience suggests several flaws in this law. These include

- failure to grasp the considerable difference between the overall conservation of a structure's dominant characteristics, and the detailed preservation of culturally important objects;
- The composition of the governing Council, of the South African Heritage Resource Agency (SAHRA),
- A blurred focus from covering too much ground in an omnibus Act,
- Conflicting overlaps with other legislation are also problematic.

With regard to the emphasis on conservation and technology however, there may be much of value in British precedents.

INTRODUCTION

In 1978 Sir Colin Buchanan, president of the Royal Town Planning Institute, in a public lecture on conservation at the University of the Witwatersrand, stressed the difference between conservation and preservation. Most South Africans would not distinguish

between these two concepts, since even dictionaries use them interchangeably (COED, 1977). Buchanan also argued that conservation of life supporting systems must take precedence over the preservation of artefacts, in reiterating the question, "when all has been conserved, what then?"

In this paper, however, it will be assumed that ecological issues and natural habitats have been provided for through the evolution of the National Environmental Management Act, No.107, of 1998. Nevertheless, the wider South African National Estate has been rather unevenly protected:

- Prehistoric Bushmen paintings are protected,
- so are sites of colonialist victories,
- many Cape Dutch and frontier British buildings in the Cape and Natal,
- but many equally important items were until recently almost totally ignored. (E.g. many really significant 30s buildings in Johannesburg have been ruthlessly altered, left to rot, or destroyed).

It is worth defining, therefore, conservation and preservation and recognising the different impact of change on structures / spaces, and artefacts, before considering conservation's increasing significance globally and locally. Current legal and operational features of conservation-related planning are then reviewed,

¹ This paper is a revised, updated version of a paper originally given at a Conference exploring insights available from comparing British and South African planning practice, to coincide with a visit to Johannesburg by Mr Tony Struthers, then President of the RTPI. (1997)

before suggesting an appropriate set of objectives and procedures for conservation planning in South Africa, based on aspects of established practice in Great Britain and the United States.

DEFINING CONSERVATION

The distinction referred to initially is amplified below:

Conservation: “To preserve from injury, decay or loss” (COED, 1971). Hence it has come to represent the retention and protection for useful purposes, of buildings, artefacts or urban areas, without precluding minor changes to increase their continuing usefulness. It therefore belongs to a more encompassing perspective: “Conservation is the maintenance in the present of resources that, it is judged, will be important even in the long-range, largely unpredictable future: avoiding the loss or degradation of goods that are....sure to be continuously reusable, owing to certain probable limits to the variation of events”. (Lynch, 1972:103).

Preservation: “To maintain in a good or the same condition: preserving traditional or historic things” (COED, 1971). Generally, this term has come to mean retention as near as can be in the original condition.

The primary focus for urban planning and design is consequently assumed to be with conservation activities, not preservation, since the latter is more appropriate for individual buildings, or artefacts, while conservation is more suited to the protection of public spaces, parks, groups of buildings, skylines, or districts.

GLOBAL AND LOCAL SIGNIFICANCE

In 1877 William Morris introduced conservation to England, by founding the Society for the Protection of Ancient Buildings. Five years later English conservation acquired legal status (The Historic Monuments Protection Act:1882), although the French had already begun listing buildings for protection in 1840 (Kain, 1981:5-6). Two associated points should be noted from these European beginnings.

- Originally, protection applied only to monuments but soon it was extended to buildings / sites;

- The desire to protect the most significant elements from the past seems closely associated with the cataclysmic urban changes of the Industrial Revolution.

In the last century, however, European conservation reflected several shifts in emphasis:

1. Conservation has been progressively extended from the pre-industrial to Victorian, to Art Deco, and finally to Modern Movement architecture and design eras,
2. Conservation is no longer the sole preserve of learned societies and State institutions, but is now enconced in first world public consciousness, through “a number of pressure groups with burgeoning membership” (Kain, 1981: 6).
3. Increasing conservation costs (land and restoration) have highlighted the frequent association of ‘socially unjust’ processes of invasion and succession with urban conservation or regeneration (Kain, 1981:6). Here, marketing the past has become an industry in its own right, with gentrification and regeneration, often subsidised by state funding, driving lower income groups out of historic areas, as their locations become strategic and they are commodified.

Since the 1970s, the trends identified in point 2 have gained increasing currency through the efforts of the Green movement, although many supporters are socialist, or working class members. This perspective achieved a measure of official support via the United Nations sponsored Brundtland Report: “*Our Common Future*” (1985), and ensuing ‘sustainable’ agreements reached at the Earth Summit, Rio de Janeiro (1992).

Sustainability has consequently acquired an almost unassailable status and is now a pre-condition for funding from organisations like the World Bank. This strategy includes policies to protect and reuse or recycle older, or culturally significant, buildings: the World Bank has even introduced a policy on urban conservation as a loan criterion:

“*Cultural heritage: a draft operational directive on cultural property*” was completed in 1993, and a cultural heritage conservation programme is being created, which will include a

focus on historic urban environments. (Leitmann, 1994).

Since its emergence as a major first world planning issue, largely in response to urban renewal in the ‘fifties and early 1960s, conservation has expanded. From emphasising monuments or single buildings, it expanded to include the contexts of important buildings and the preservation of communities or districts, such as the Marais in Paris. Social structures threatened by large-scale urban change are also assisted.

This pattern reflects a global conviction that protecting and retaining as much existing built stock and cultural heritage as possible, has value, even if only to cushion Tofflers’ ‘future shock’ characterising the turbulent lifestyle changes of the last century.

LOCAL SIGNIFICANCE AND IMPLICATIONS FOR PLANNING

Urban conservation, like nature conservation, struggled to take root in the unyielding, divided South African political environment, between 1948 and 1995. Of the inter- national trends described above, some are also locally observable: the first (widening net of styles) and the third (tendency to favour the spatial artefacts and interests of the rich and powerful) are readily recognisable.

In that regard conservation was biased in favour of Afrikaner establishment priorities during that period. European and South African experience differ on the second point. Conservation has never achieved the level of popular support found in Northern Europe. This is mainly because:

- political priorities revolved around racial issues and power distribution,
- the divided cultural firmament prevented any common consensus emerging about the past and the relative value of artefacts. More of this later.

Before deciding to follow any planning model, which entails conservation, South African planners must therefore thoroughly grasp all the implications:

“Conservation takes a disproportionate amount of time, money and administrative and political negotiation as compared with that normally demanded by administration, planning and

building...very clear justification is needed, particularly in developing countries, where available resources are usually scarcer, and the scramble for development on almost any terms tends to sweep all other considerations aside.” (Shankland,1975:24)

In addition conservation in market economies has been distorted since the mid seventies, becoming embroiled with gentrification, then regeneration and lastly what Boyer (1995) describes as “city tableaux of historic preservation”, in which she claims commercial developers “Produce a play within a play...whose function, acting through the richness of its forms, is to draw attention to itself as pure art, and not as a believable image of the world.” It is superficial, comforting and sanitised, (Boyer, 1995:369) offering the bland middle/upper class retail environment, criticised by Wilkinson (1994: 266-296) in his analysis of the Victoria and Alfred Waterfront development, Cape Town.

QUO VADIS?

The promulgation of the 1999 National Heritage Resources Act has settled the issue of whether Conservation matters nationally. Nevertheless the question is now “which type or types of conservation do planners want to encourage locally?” The preservation of single buildings? The conservation of what remains intact of our historic urban areas? This is feasible in comfortably marginal settlements - the Genadendals, Graaff Reinetts, or Franschoeks where capitalist development poses little or no threat. But what about the protection of the remaining historic parts of Fordsburg, Johannesburg (See Figure 1), or Block AK, in Durban? Here the issues are clouded by processes of invasion and succession, sometimes motivated by Apartheid dogma, involving different ethnic groups from the original residents: they are unaware of the value of the dwellings and urban fabric they have ‘inherited’, and in places have seriously disfigured them. Must we then begin with a slower process of educating the public to show a degree of respect for the past? Can the conservation of urban districts effectively be employed in SA, as it was in the USA, to create new social myths, providing a basis for greater tolerance, and a measure of common culture between race and income groups?

“Reinforcing national solidarity and pride was the chief reason for preservation” (Lynch,1972:30)

If so, which artists will frame these myths and can we avoid these 'legends' being hijacked, like so much else, by corrupt, money-grabbing panhandlers? And what are the best policy, programming, design principles and other precedents for our circumstances? E.g, would Transfer of Development Rights work here? And what legislative changes are required for it to be applied? ²

EVOLUTION AND CHARACTER OF CURRENT LEGAL CONDITIONS

The Bushmen Relics Protection Act of 1911 initiated South African conservation legislation, followed by the National Monuments Act (amended in 1937, 1948, 1950, 1960, and 1962. The entire Act was replaced in 1969: this law remained in force until the 1999 Act was passed which constitutes the current statute assessed below.

NATIONAL HERITAGE RESOURCES ACT NO 25 OF 1999

The Act empowers the Minister responsible for arts and culture, acting on the advice of the National Heritage Resources Council, to realise the aims of the act, namely to “promote good management of the National Estate, and to encourage communities to ... conserve their legacy, so it can be passed on to future generations. They should also be assisted to define their cultural identity, to affirm their diverse cultures, and thereby shape the national character. (Preamble to the Act). Other intentions in the introductory paragraphs (omitting irrelevant material for planners) include -

- to introduce an integrated, interactive system to manage the national heritage,
- to promote good government, (and) empower civil society,
- to lay down general principles for governing heritage resource management countrywide, using

² See Smuts' and Boden's proposals for Central Presbyterian Church Pretoria, Urban Design Project Awards, Architecture SA 1985, and Figure 2.

To answer some of these questions, the current legal and administrative situation will briefly be reviewed, and British and American experience analysed to establish whether they could offer suitable precedents

integrated classification and assessment methods,

- to set norms and maintain national standards,
- to enable provinces and local authorities to set up provincial or local level heritage resource management organisations.

Other sections of the Act describe the powers, functions and duties of provincial and local government. These include several measures of interest to physical planners:

1. There are three levels of authority associated with three levels of heritage importance - the *National* (SA Resource Heritage Council), *Provincial* (provincial government), and *local* levels (Local Government). {Section 7, (a), (b) and (c)}
2. Sites which qualify for protection include those which {section 3(3)}:
 - are important historically or to a community;
 - exhibit rare aspects of South Africa's cultural or natural heritage, or help to explain it;
 - exhibit aesthetic features valued by a community or cultural group;
 - display outstanding technical virtuosity for the period;
 - hold strong/special/spiritual/ cultural or social associations, for groups or cultures;
3. Section 5 lists four management criteria to apply to all heritage resource sites, and refers to the need to utilise heritage sites for education, tourism, and research, including allowing for social and economic development, whilst respecting the interests of local communities {sec5 (7)} then SAHRA is empowered to prescribe relevant principles and policies related to or further detailing broader principles in the act. It will also set out by Gazette, the classification system for ranking all artefacts places structures, cultural activities or natural features. Ranking will determine priorities in protection, resource allocation, etc. SAHRA must also evaluate provincial competence (primarily experience, staff and skills) to perform the conservation functions, including systematically recording and ranking all items in the national register, as required by the Act.

Similarly provincial authorities would have to assess local authority competence for these responsibilities. {Section 6 (a)(i) and (ii)} This assessment must occur biennially:

should province and local authority disagree over the assessments, the issue is resolved by arbitration.

Section 14(1)(a)(b) and (2) are more contentious. The SAHRA council consists solely of bureaucrats, one from each province, but supported where necessary by sub-committees. The Council may not exceed fifteen members. However, a quick review shows there are at least seventeen professional groups³ with a stake in these decisions, and, justifiably, few of these, if any, would willingly relinquish their right to represent their perspective.

Local or larger scale private groups are also ignored: e.g. Wildlife Society, local historical, community, architectural or garden societies. This is a lopsided and inadequate structure, with authoritarian overtones. It is too politically controlled, too top-down and too unrepresentative in structure.

Section 9(2) requires the competent authorities to maintain heritage site databases, and to monitor and thwart all actions, which could threaten parts of the national estate.

The state may also under certain circumstances {9(3)(e)} develop a heritage site but only where it can show there is no feasible alternative location for its legitimate operations. This constraining requirement may be a little too easy to circumvent. Private owners are more constricted: they must give the relevant resource heritage authority 60 days warning of any intention to "develop" a heritage site. The authority must then decide whether it wishes to protect the site, and if so whether it will receive a two-year protection rating, or a temporary three month order. Neither is effective if the owner of the land is not warned in writing of the Authority's intention to protect the site. Protected sites may be fenced off, guarded by security staff, and under certain constraints be developed for tourism etc. The site may be given a *cordon sanitaire* to prevent the context intruding into the field of vision, etc. [Sections 28-30].

³ Archaeology, Palaeontology, Architecture, Urban Design/Planning, Landscape Architecture, Civil, Mining and Mechanical Engineering, Geology, Military / 'normal' History, Botany, Construction, Cultural and Art History, and Spiritual stakeholders.

Both private owners and government can object to a proposal to declare their property part of the national register. However, Government apparently has more leeway in this regard than private landowners. Once a site has been listed though, the Surveyor-General is responsible for recording the listing on the relevant property title deeds, with necessary survey descriptions indicated on a map. This registration will, however, depend on the responsible authority providing his office with the appropriate data. The unequal treatment of Government and private sector is a matter of concern.

Specific duties for the local authority include:

- (a) Protecting areas under its care;
- (b) keeping a register of all such areas;
- (c) researching the need for new sites to be proclaimed;
- d) revising the town planning scheme or equivalent, to reflect the location of each site and restrictions applicable in each case.

Sections 30(5) and 35 (31) and (7) describe other local authority responsibilities with respect to revising Town Planning Schemes to accommodate newly proclaimed sites, and the procedure for declaring a heritage area.

However, there are several acts which have historically bedevilled the urban conservation cause; they were the Physical Planning Act, the National Environmental Management Act and its successor, and the Development Facilitation Act referred to below. The primary difficulty they posed was an unresolved conflict of interest.

As the Physical Planning Act has been repealed, and the DFA requires separate examination, it remains to point out that the NEMA process overlaps unnecessarily with the Heritage Resources Act, and there is no indication of which should take priority legally. Some accommodation is also needed where cities have no alternative growth options - such as around the Cape Peninsula. It must be realised that preserving significant cultural and architectural/urban design features of our cities, whether in older inner suburbs, or on the urban fringes (where many historic Black cultural foci are located), fall squarely within the ambit of the act, and may well require

policies at odds with what environmentalists might demand.

THE DEVELOPMENT FACILITATION ACT, NO. 67 OF 1995

By its nature this Act is opposed to pre-existing (planning or other) legislation capable of hindering or preventing development, particularly where it might hinder housing delivery [see clause 2 (c)]. Whilst the current need for housing is uncontroversial, it does not justify the underlying discernible bias in certain clauses against existing urban areas, some of which are outstanding, even by international standards; e.g. Westcliff, Johannesburg, Wynberg Cape Town, and much of central Stellenbosch. This bias is evident in sections 3 (c) iii: "promote the

availability of residential and employment opportunities in close proximity, or integrated with each other;

3(c) v. "discourage urban sprawl;

3(c)vii "correct the "historically distorted patterns of settlement" in the Republic and make optimum use of existing infrastructure "in excess of current needs".

There are reasons for these statements in the Act, but taken together there is a presumption against older suburbs and districts, which developers and their agents would readily employ to justify redevelopment at greater densities than these older areas could possibly sustain without losing their more appealing qualities.

Only two clauses refer to a more sustainable approach -

- 3 (c) iv : Optimise the use of existing resources, e.g. resources related to land;
- 3(c) viii : Encourage environmentally sustainable land development practices and processes.

It is worth noting that there is no reference to the recycling or preservation of buildings, in (iv), and (viii) refers to practices and processes as foci for sustainable action, but ignores building stock or other artefacts as useful elements in a sustainable plan.

Section 3(j) is the only clause, which mentions conservation, stating that no particular land use, such as residential,

commercial, conservation, industrial etc., should in advance or in general be regarded as less important or desirable than any other use of land. This presents two problems.

- All competent site planners know that no two pieces of land are identical and what often determines the best use for a site is the fit between the proposed use and its containing building(s) and the context, and not just its profitability. Historic sites and conservation areas demand a predisposition towards compatible adjacent land uses, in terms of *inter alia*, scale, mass, grain, texture and materials, and intensity of vehicular traffic generated. This is a core focus of conflict between developer and conservation interests.
- The statement under 3(j) ignores the requirement of 3(m), which states: "An effective land development market is to be encouraged". But the property market always values land uses by their profitability and scarcity value, jeopardising those residential, community and culturally oriented land uses normally associated with lower returns.

Even in assessing development proposals under this law, the experts to be consulted in deciding how acceptable a proposal is, comprise agriculturists, planners, engineers and geologists, but no experts on conservation issues - e.g. archaeologists, architects or some urban designers. The overriding impression then is that conservation of any urban fabric was far lower on the list of priorities of the drafters of this legislation than development.

COUNTER PERCEPTION

An alternative perspective was expressed in 1977 by the Minister of Arts and Culture, the Hon. Mr L Tshali, at a conference on the formation of a National Trust for South Africa:

"My interpretation of the new South Africa is that it means the old and the new will be reconciled and accommodated in an integrated social and cultural tapestry... this conference is dedicated to the rediscovery of both the old and new, within a new spirit of mutual appreciation and respect. What excites me most about the theme and the topics... Is the promise they hold

for the more active and concerted rediscovery of South Africa..."

"The effectiveness of a national Trust will depend to a considerable extent on the co-ordination of activities with the provinces.. Therefore, I am impressed by the intention... to stimulate, co-ordinate and facilitate a network of independent organisations, individuals, community representatives and corporations with the common goal of preserving and promoting heritage sites..."

"Furthermore the ultimate success of your initiative will depend on the extent to which you are able to stimulate interest among communities... hitherto ignored... among the poor and marginalised communities... the pressures of survival are such that heritage interests (sic) are not at the forefront of their interests." (Hon. Mr Lionel Mtshali in Binckes, 1997, 10-13).

At the same conference Mr Justice A Sachs, in reviewing the new constitution quoted:

"Section 24: Every one has the right: (b) to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures, that

- i) prevent pollution;
- ii) promote conservation,
- iii) secure ecologically sustainable development... while promoting economic development."

Sachs also stressed the multiple heritages we possess in South Africa, asking how we can "equalise" the heritage of the haves and have-nots. However, he saw buildings as one bridge between the two extremes, since:

"They are beautiful buildings and need to be preserved with love and affection and not dismay and guilt. because they were built by everybody - the people who laid the bricks,... the people who thought about it, who laid it out, all the different communities in that sense were united in the construction of the buildings even if not in their use. How does one record in a meaningful and sensitive way, what those physical structures meant and mean?"

The minister certainly saw a role for planning in this respect:

"I need to think about, and consult on, your suggestion in your discussion paper for a comprehensive Town and Country Planning Act, to supersede the diversity of legislation which currently applies to settlement. The logic is persuasive, and I too see the need for more integrated legislative provisions regarding the natural and built environments in all their aspects⁴. But the process of getting there is worrying. There are so many powerful interest groups... That heritage sites in particular may be overshadowed by ...other interests".

PRIVATE SECTOR CONTRIBUTIONS

Given the comments above on the undemocratic structure of the new SAHRA council, the role the private sector has played previously is significant. South Africans are normally not very active participants in community affairs where their own interests are not directly involved. Nevertheless the former National Monuments Council could not have survived and functioned for nearly fifty years without the dedicated involvement of many unpaid, or under paid, private workers and contributors.

Perhaps the major question needing exploration here is why did the Government shut the private sector out so emphatically. Should we not explore the highly effective models offered by the English, Scottish and other National Trusts in existence around the world? A major role for such private sector involvement would be to seize on opportunities for conservation work where the government's focus on development might cause it to overlook the need or scope for such actions.

It is now time to consider what might be learnt from British experience and praxis.

THE BRITISH APPROACH TO CONSERVATION AND PLANNING

Rather than consider the evolution of British attitudes to this relationship,

⁴ A new draft bill on Planning is under consideration. It is not yet certain whether it will cover this.

brevity requires that three points be focused on:

- the culture of conservation;
- a skeleton outline of the widening focus of conservation interests, and the current institutional and statutory capacity;
- the recognition, retention and celebration of the past through monuments, ceremonies and continuous revalidation in everyday events, are deep-seated characteristics of British society. Thus, despite the introduction of regional assemblies in Scotland and Wales, and the possible establishment of sub-regional administrative authorities (Baker, 2001), a broadly-based common conservation culture remains in place, giving purpose, significance and direction to aspects of everyday life.

Secondly, since its inception through the efforts of Pugin and Ruskin conservation has widened its scope from only monumental sites to include historic buildings, then outstanding examples of Gothic, Renaissance, Neo-classical and finally modern architecture.

The similarities with South African experience derive partially from British cultural and legal influence throughout the Empire/Commonwealth, from 1902-1960 before South Africa's expulsion.

Unfortunately this hiatus coincided with the beginning of a new phase in the evolution of conservation as it widened to include the protection of conservation areas or architecturally consistent neighbourhoods. Hence the long delay before this provision began to be extended locally.

Institutionally the Heritage Trust of Scotland and the National Trust (in England) and various Royal Commissions, have played and continue to play major non- or semi-governmental roles in purchasing, protecting and maintaining specific sites. A detailed description of these efforts is provided in LeLas's paper (in Binckes 1997:29-39). She lists three requirements if a country is to protect its cultural Heritage, through conservation or preservation:

- An inventory and grading of the stock;
- Finance for maintenance and sometimes purchase of the structures or objects;

- Safeguards within the system - presumably the planning system - to regulate new development. (In this respect she felt public participation was more crucial than legal minutiae). Both of these are problematic locally: certainly in Gauteng, the system is not sympathetic to conservation, and is development led. Furthermore, the public majority here is largely unconcerned about conservation.

Two primary mechanisms exist in the UK to involve planners in the protective process. Firstly, since the 1944 Town and Country Planning Act, a register has had to be kept of all listed buildings selected according to the following criteria:

- Architectural interest;
- historic Interest (note the sequence);
- close association with nationally important people or events;
- group value - buildings, squares or suburbs that are an intrinsic part of a larger group or entity.
- planning permission for any change or development depends on the listing or otherwise of any existing structures on the site. Which is a reminder that planning rights do not exist in the United Kingdom: rights must be negotiated from scratch.

Also, after problems arose with the degree to which modernist era urban renewal, infill or redevelopment threatened historic/cherished areas, it became evident that local authorities must be enabled to protect such areas. Interestingly, during the listing process values are assigned to sites according to national significance, but district/area status is based on local valuations. The Conservation Act of 1990 includes several provisions worth quoting:

- Section 69:1 "Every local planning authority - shall from time to time determine which parts of their area or areas are areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance, and shall designate these areas as conservation areas."
- Section 71:1: It shall be the duty of a local planning authority from time to time to formulate and publish proposals (to protect and enhance) any parts of their areas which are conservation areas.

- Section 71.2: Proposals under this section (71.1) shall be submitted to a public meeting in the area to which they relate.
- Section 71.3: The local planning authority shall have regard to any views concerning the proposals, expressed by persons attending the meeting.
- Section 72: In the exercise with respect to any buildings or other land in a conservation area of any powers... attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Planning practice guidelines are published regularly by the Department of the Environment, under which planning falls, to advise planners on the interpretation of new Acts and the consequences of court judgements for planning. These provide additional guidance to planners in conservation matters.

The crucial differences between the British and South African situations are therefore cultural (concerning the support of the populace for conservation) and procedural - (concerning the more egalitarian system, and the body of policy, procedure and principles that have developed in the treatment of different conservation-related planning issues over the past thirty-five years). Before examining the implications of these differences, two aspects of American conservation practice, which like South Africa, has to function in a multicultural context, deserve attention.

A CONTRIBUTION FROM AMERICAN CONSERVATION

Edmondson (in Binckes, 1997:41), records the challenge in the USA, as follows:

"Whether mansion or urban streetscape, the challenge of the conservation and preservation movement today is to ensure that the heritage of Americans is reflected in our efforts, and that these resources get the financial attention, legal protection and political support to ensure they are preserved."

There are two American programmes Edmondson cites for possible local emulation:

1. MAIN STREET PROGRAMMES

The typical American Main Street of smaller cities and towns in the 19th and early 20th Centuries reflected "pride of ownership, quality of materials and design, and substantial economic development". After 1945 growing car ownership and the Federal Homes for Veterans programmes fuelled rapid suburbanisation, simultaneously rendering the main street commercial and shopping belts obsolete. Many decayed, some were abandoned. (In 1977 the US National Trust began restoring these street, using a fourfold strategy: organisation, promotion, design and economic restructuring. The Downtown image had to be changed, usually successfully: some 1200 projects in 46 states, produced an average of 250 new jobs and some 6 billion dollars in investment, with 33,000 new businesses, and 115,000 jobs in all, rehabilitating 34,000 buildings.

But is this conservation or just using conservation in skilful marketing? Similar projects mentioned previously (Ghirardelli Square, San Francisco, Quincy Mall, Boston, and the V and A Waterfront in Cape Town) are economic blockbusters. But they are accused of distorting the historical record, destroying the difficult zones of uncertainty and complexity, and concealing conflicts between rich and poor in these areas, that were part of their history, in order to ease marketing, by creating Alzheimer-like partial recollection in our urban collective memories. To know the truth we

"are compelled to create new memory walks through the city, new maps that help us resist and subvert the all too programmed and enveloping messages of our consumer culture" (Boyer, 1997:29)

2. COMMUNITY PARTNERS

This second programme has six key elements:

- Anchor preservation programmes into the surrounding neighbourhood, to stimulate economic development. (One example has developed around the home of Martin Luther King in Atlanta.

- Re-use historic properties for both market and affordable housing, including all types from old warehouses to three room cottages.
- Make use of existing National Trust programmes to provide low interest loan and grant programmes, often combined with federal tax concessions.
- The Trust provides technical assistance, in financial property restoration, and organisational aspects.
- The programme assists local communities develop flexible design standards to permit rehabilitation at lower costs.
- It creates a partnership of historic preservationists and local community activists to create a powerful voice for neighbourhood investment.

Such an approach resonates with the statement by Alexander Marc of the World Bank, (quoted in Binckes, 1997:54)

"Conserving a heritage is always difficult. In Africa, weak institutional capacities lack of appropriate resources, and (the) isolation of many culturally essential sites are compounded by a general lack of awareness of the value of heritage conservation. On the other hand the dynamism of local initiatives and community solidarity systems.... are impressive assets."

CONCLUSION

What has been established in this lengthy review?

- The new law has considerable potential, particularly if its flaws can be remedied to make it more democratic, open to private initiative, and if implementation of the requisite conservation plans and protective procedures are timeously introduced.
- Local and Provincial planning authorities will struggle to fulfil their part of the 'new deal', particularly as so many planning posts are filled by unqualified personnel, and even qualified planners are not trained to implement this law. Some form of mid-career training in this specialised area is therefore desperately needed.
- Government needs to be more rigorous in resolving potential overlaps and conflicts between Acts before they are promulgated. In particular the clash between the DFA and the NHR Act should be resolved,

preferably with a bias towards the latter.

- We should learn from British and American experience in the determination of policies, processes and principles to be applied in bringing conservation to the most significant of the older parts of our cities.
- It is likely that American procedures will fit more easily into our context than British, because of the stronger multicultural flavour of their society.
- A prolonged educative process will be needed to raise popular awareness of conservation issues, perhaps along the lines of some of the English secondary School programmes which deal with conservation. In a society where survival is still an issue for more than half the population this will be a long hard struggle.
- It is worth recalling Gawie Fagan's comment at a conference at the University of the Witwatersrand in mid 1977: " South Africa does not need to be as constricted by conservation measures as England has been".
- Even in the area of training it will be difficult to replicate English methods, as there are language, craft tradition and technological differences to be overcome. Nevertheless, South Africa could do much worse than to appeal to English institutions for assistance in making this transition, and as it is labour intensive, it could assist in reducing joblessness, particularly in centres like Graaff Reinett, where conventional employment opportunities are very limited.

Finally planners should respond to Mr Mtshali's comment that the past should be rediscovered as the foundation for a shared vision for the future. South Africans should not permit their history to be hijacked for the benefit of what Boyer calls "profit driven historic tableaux" (frozen snapshots of instants in a particular perception of the past which may not be comprehensive or truthful).

Nor should the urban historical record be obliterated or distorted, out of fear, revenge or hatred, or to serve manipulative ends. The record can only remain straight by preserving an adequate, representative sample from each era.

It is arguable too that good urban precedents are an essential component in the training of all concerned with the planning and design of urban settings. Hence poor conservation practices are

deleterious to the preparation of future professionals in these fields. Protecting our urban heritage for all these reasons is not only a legal and constitutional requirement now, but it is

good practice and should be part of the urban planner's standard repertoire.

Bibliography

Attoe W and Moudon, A Vernez, ed., (1995), Urban Design - Reshaping our Cities. papers by Nyberg, Boyer, Slater, Morris and Huhta, 62-3, 67- 82, and 113-117. Urban Design Program. University of Washington, Seattle.

Appleyard D, ed., (1979), The Conservation of European Cities. MIT Press, Cambridge, Massachusetts. Introduction, and chapters 3 and 20-23.

Baker L, (2001), Article on Autonomy for Regional Planning Agencies, Planning Week. April 20.

Boden R T, (1996), Reassessing the Cultural Landscape of South Africa, Muniviro. 12, 2, 16-19.

Boyer, M C, (1995), The City of Collective Memory, Its Historical Imagery and Architectural Entertainments. MIT Press, Cambridge, Mass.

Buchanan Sir Colin, (1978), Priorities in Conservation, Paper under Auspices of Norman Hanson Fellowship. given at the University of the Witwatersrand, and the University of Natal, June/July.

Binckes G, Ed, (1997), Report on the Proceedings of a Conference to consider A National Trust for South Africa, Cape Town, April 4-6.

Daifuku H, (1975), Introduction, in The Conservation of Cities. Unesco Press, Paris/Croom Helm, London. 9-23.

Dow D. (1997), The National Trust for Scotland, in Binckes G, ed, Report on a Proposed National Trust of South Africa. Cape Town, April 4-6.

Goodey B, (1979), Towards New Perceptions of the Environment Using the Town Trail, in

Appleyard D, ed., the Conservation of European Cities. MIT Press, Cambridge, Mass., 282-293.

Government Printer, (1999), National Heritage Resources Act, No 25 of 1999, Government Gazette. 28 th April.

Committee of European Ministers, (1975), European Charter of the Architectural Heritage, in Appleyard D, ed., The Conservation of European Cities. MIT Press, Cambridge, Mass.

Edmonson, P W, (1997), The Organisation and work of the National Trust for Historic Preservation in the United States, in Binckes G, Ed., Report on Proposed National Trust of South Africa. Cape Town, 4 -6 April..

Hicks L and T Mthembu, (1994), Inanda: Will its Future Development be Entangled by the Web of Its Past. Vol 2, Proceedings, Planning History Study Group Symposium: Places. People and Planning. October.

HMSO, (1990), Planning (Listed Buildings and Conservation Areas Act, 1990, London.

Japha D and V, L Le Grange, and F Todeschini, (1993), Mission Settlements in South Africa: Report on their Historical Background and Prospects for Conservation. Department of Environmental Affairs.

Kain R, ed, (1981), Planning for Conservation. Mansell, London, Chapters 1,5, 9, 14.

Leitmann J, (1994), The World Bank and The Brown Agenda: Evolution of a Revolution, TWPR. 16, 2, May 117-128.

Le-Las, W, (1997), Safeguarding Heritage Sites in Britain, The role of Law, Policy and NGOs, in Binckes G, Ed., Report on Proposed National Trust of South Africa.

Cape Town. 4-6 April.

Lynch K, (1972), What Time is this Place. MIT Press, Cambridge, Mass.

Mtshali, Hon L, (1997), in Binckes G, Ed., Report: A Proposed National Trust of South Africa. Cape Town April 4-6.

Anonymous editor, (1977), Oxford English Dictionary Compact Edition. Oxford University Press, Oxford.(COED)

Pastor, J, (1997), Cultural Resources Management, in Binckes G, Ed., Report on Proposed National Trust for South Africa. Cape Town, 4-6 April.

Pistorius P, (1997), The Proposed New Heritage Resources Bill, in Binckes G, Ed., Report on Proposed National Trust of South Africa. Cape Town, 4-6 April.

Sachs, Mr Justice A, (1997), Keynote address, in Binckes G, Ed., Report on Proposed National Trust of South Africa. Cape Town, 4-6 April.

Shankland G, Why Trouble with Historic Towns, in The Conservation of Cities. Unesco Press, Paris/Croom Helm, London, 66-80.

Van Zyl W, (1994), Conservation in Central Kimberley: Dilemmas of Development, in Proceedings, Planning History Study Group Symposium: Places. People and Planning. October, 165-180.

Wilkinson P, (1994), Marketing History and Marketing Place: Cape Town's Victoria and Alfred Waterfront Project, Proceedings, Planning History Study Group Symposium, Places. People and Planning. Pretoria, October 26-28, 266-296