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## **A DISCURSIVE NARRATIVE ON PLANNING FOR URBAN HERITAGE CONSERVATION IN CONTEMPORARY WORLD HERITAGE CITIES IN PORTUGAL**

**Abstract.** This article analyses the structure of heritage conservation in the national context of Portugal. It assesses the political context in which planning operates, and the place of conservation and heritage planning within the planning system. By exploring how heritage conservation discourses developed within the national planning framework it is possible to understand the emergence of conservation practices and to consider recommendations for improved efficiency. The World Heritage cities in Portugal inform this research, as its designation should stand for best historic practices, internationally recognized and thus also compliant to an internationally coherent approach towards conservation policies. The narrative unveils a regulatory legislative framework exposed in general considerations rhetorically formulated as policy, usually setting out objectives and requirements, but saying ‘very little about the methodologies to be followed in the preparation of the plans’ (Rosa Pires 2001, p. 185). The resulting overlapping and sometimes conflicting competences, aims and objectives, all at play in the management of the historic city, thus call for concerted strategies underpinned by appropriate organizational and institutional structures and consistent policy making, where inclusive participation of all key stakeholders involved is critical.

**Key words:** urban conservation, public realm, placemaking, heritage management

### **1. PLANNING FOR CONSERVATION IN PORTUGAL**

The narrative that follows uses an historic discursive methodology seeking to trace not only how heritage conservation came to be in Portugal in the first place but also how it translates into (local) practices for the conservation of the historic city. The review briefly contextualises the history of heritage planning within the political framework and planning law in Portugal and places the chronicle in mo-

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ments when there has been a dynamic shift within that history:<sup>1</sup> from the inception of a ‘planning system’ in 1865 until 1926 when the dictatorial New Regime took over government; from 1926 until the dissolution of the New Regime in 1974; and from the rise of the democratic state to the ‘Modern Era’.

The release of the General Plan of Improvements in 1865 sets the practice of planning within a formal framework. Nevertheless, the Plan did not aim to do much more than just regulating road infrastructure and setting dimensions and aesthetic considerations for streets and buildings, and it did not include any concerns for conservation. During the New Regime, the Directorate General for Buildings and National Monuments (DGEMN) was created in 1929 and the arena for heritage planning slowly came to the forefront although strongly intertwined with the political agenda of the authoritarian regime, whereby monumental restoration is a means of spreading and imposing the overpowering image of the State. Monumental restorations and large-scale ‘public works’ would indeed be the focus and major contribution of the dictatorship years (1926–1974) whilst a formal planning system represented through institutions and instruments of planning was being set up. However, ‘formal plans were prepared only infrequently, when and where central government required them for urban development and social facilities’ (Carter and Nunes da Silva, 2001, p. 348).

### **1.1. Instruments of Planning**

Although the requirement for an Urban Development Plan (PGU) dates from 1934, municipalities were ill equipped to produce those and the stipulation of producing a PGU was reinforced in 1944 when the Urban Administration Board was created to oversee progress and approval. Soon after, in 1946, the ‘state planning offices’ were created in the municipalities and a new planning instrument required, the Urbanization Draft Plan. While local municipalities struggled to respond to central government directives, the State celebrated ‘15 years of Public Works’ in the 1948 exhibition, displaying selected projects of monumental architecture or environmental enhancement of landscaped areas. Into the 1950s the municipalities wriggled to save their historic urban fabric from demolition or decay as they were subjected to the pressures of modern infrastructure and to the demands for new expansion areas. The 1960s saw further de-investment across the national territory and the shift of human and financial resources mobilised towards the colonial wars in Africa, while heritage conservation continued to serve its political monumental restoration purpose. By 1971, no single PGU had been approved by central government. A refined version was then made compulsory for all municipalities, which were given a 5-year period for completion.

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<sup>1</sup> For a more detailed account on the history of planning and planning law in Portugal please refer to the work of M. Costa Lobo (2001) and F. Gonçalves (1989).

Such version specified contents and regulated another new instrument, the Detail Plan (PP), which could be approved by the municipality without the need for central government ratification, once an approved PGU was in place. By 1974, thirty plans were approved and effective (Carter and Nunes da Silva, 2001, p. 345).

The New Regime was dissolved in 1974 and the democratic principles were slowly reinstated within the upheaval of major economic and social restructuring that overburdened society at large. The 1980s saw the first legal instrument to allow planning of the whole area of a municipality established in 1982, the Municipal Master Plan (PDM), together with new offices being created in municipalities with historic centres marked by extreme urban and social decay and in need of specific management of their historic fabric. In 1985, the democratically elected central government regulates the statutes for cultural heritage (Law 13/85), embedding any listed cultural property under the supervision of the Portuguese Institute for Cultural Heritage (IPPC, created in 1980 under the Ministry of Culture). In the same year, the Portuguese government formalises the 'Local Technical Offices' (GTL) to assist the city council's planning department in assessing planning applications. In cities with historic centres these were often already existing departments (historic centre offices) branching out from the municipality structure, and these offices would oversee development in the historic area with overlapping responsibilities being shared in a non-cooperative environment with the municipality and IPPC.

The 1990s saw major changes in the portfolio of planning instruments, aiming at regulating and planning development in the municipalities – the PDM and its associated plans: the Development Plan (PU) and the Detail Plan (PP). The GTLs also strengthened their authority through specific planning instruments to regulate development in the historic centre, although restricted to aesthetic details or architectural concerns (i.e. in the city of Porto – the regulation for outdoor lighted up adds, 1986; and canopy installation, 1991; as well as guidelines for construction and/or renovation of buildings, 1988) (Guimarães, 2000, p. 93). While criticisms were raised about the instruments for local planning comparing the PDM to a mere zoning plan while regarding PPs as too specific (Carter and Nunes da Silva, 2001: 361), heritage conservation was capitalizing on the physical legacy of the past as a powerful tool for community and economic development. After joining the European Union (EU) in 1986, Portugal had access to the EU funds in areas such as transport, urban facilities, sewage treatment, the environment, and tourism and culture. The resulting funding of IPPC from the 1989–1993 Community Framework Support (QCA) under the 'Tourism and Culture' headline, served to secure major preservation works in monuments while supporting the heritage debate, which helps to understand the resulting integration of the restored monuments into touristic uses and routes (like the *Pousadas*, former castles or convents converted into a network of high end hotels). Although 'Tourism and Culture' were allocated €70,885 x10<sup>3</sup> million<sup>2</sup> in the first European

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<sup>2</sup> Conversion from PTE currency of 14,177x10<sup>6</sup> (Carter and Nunes da Silva, 2001, p. 356).

framework (FEDER<sup>3</sup>, 1989–1993), funding was not granted in the subsequent second framework and cohesion funds of 1994–1999 therefore the need to apply through national programmes became straining. Since its inception, the dynamics of financing urban heritage conservation in Portugal has always been attached to programmes of urban renewal or re-qualification, and more recently, urban regeneration.

At this time, the Heritage Law is no more than a set of statements and intentions but with no formal implementing regulation. In parallel, the IPPC Code of Practice was only regulated ten years after its creation, in 1990, which also led to IPPC being restructured and re-named in 1992 to Portuguese Institute for Architectonic Heritage (IPPAR). IPPAR should have prepared conservation plans for the historic centres and although it compiles comprehensive lists of criteria and objectives, its action is limited to defining protection limits and buffer zones, and to issue binding opinions when assessing planning applications that fall within those areas. Table 1 summarises the overlap of institutional layers and planning instruments at play in the management of the historic centre at the start of the new 21st century, which inherently has an overlap of limits and competences, and of aims and objectives.

Table 1. Overlap of institutional layers and planning instruments in the historic city management

	International		National	Local		Overlap of Limits + competences Aims + objectives
Institutional layers	UNESCO	EU	IPPAR	Municipality	GTL	
			Advisory Committees			
	WHC	Capital of Culture (CC)	Listed property Asset of public interest Monument	Listed property Asset of public interest	Historic city	
<b>THE HISTORIC CITY CENTRE</b>						
Planning Instruments	WH List	CC List	Decree-Law Policy Guidance	PDM, PU, PP Policy Guidance	Design Scheme Renewal Project Regulations	

Source: compiled by the author.

Amidst this complex framework of overlapping and sometimes conflicting competences, two local authorities were given international recognition for the value and quality of their historic centres, based on persistent practice of urban

<sup>3</sup> FEDER – Fundo Europeu de Desenvolvimento Regional; European Fund for Regional Development.

conservation planning. In 1986 Évora was listed as ‘World Heritage’ city by the United Nations Educational, Scientific and Cultural Organization (UNESCO), followed in 1996 by Porto.<sup>4</sup> Soon after, in 1998, a Protocol for Heritage Cooperation was signed between IPPAR, the Association of Local Authorities with an Historic Centre, and the *Misericórdias* (Church Guilds), creating a platform for discussion of conservation issues, allowing a framework for funding allocation, and to implement technical management of architectural conservation projects. Nevertheless, it could not accomplish its most ambitious objective – to produce conservation planning specific guidelines.

## **1.2. Heritage Legislation and Key Institutional Actors in Heritage Decision-Making**

Urban conservation has been a matter of overlapping interest to several (and often re-named) Ministries, such as Culture; Education; Science and Higher Education; Public Works; Transport and Housing; Towns, Territorial Planning and Environment; or more recently, Agriculture, Sea, Environment and Territorial Planning. Heritage is undisputedly framed under the domain of ‘culture’, but its implications and consequences range within a wider spectrum as it involves issues of inventory and classification of cultural (tangible and intangible) property and assets, training of specialists and research, restoration works and urban planning, to name but a few. National authorities and institutions with an interest in cultural heritage have closely followed the international debate on heritage conservation being present at key moments in the history of the international conservation movement, which would consequently be translated into the national context (see table 2). These included:

(1) the presence of Portuguese representatives in the Athens meeting and CIAM (International Congress for Modern Architecture) congresses in 1930 (and 1933) – which led to a national congress on restoration and definition of the statutes for listed property;

(2) Portugal’s subscription to the Venice Charter in 1964 and later ICCROM (International Centre for the Study of the Preservation and Restoration of Cultural Property), in 1967;

(3) the ratification of international regulation after the 1974 revolution – i.e. the 1954 Paris Convention (in 1975), the 1972 World Heritage Convention (in 1979), and the 1985 Granada Convention (in 1991);

(4) the creation in 1982 of the ICOMOS (International Council on Monuments and Sites) Portuguese committee, and

(5) hosting several international conferences and meetings on the themes of world heritage and historic centre rehabilitation from the early 1990s onwards.

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<sup>4</sup> Guimarães is also a World Heritage City, listed in 2001.

Table 2. Key moments in heritage conservation – International and Portuguese context

DECADE	INTERNATIONAL	PORTUGAL
1900s	<p><b>1902</b> Luca Beltroni, <i>restauro storico</i>.</p> <p><b>1904</b> Conclusions of the IV Congress on Architecture and Construction in Spain: <i>dead monuments should be consolidated, live ones should be conserved for continuous use</i>.</p>	<p><b>1902</b> Portuguese Architects Association is founded.</p>
1910s	<p><b>1909</b> Riegl, <i>Denkmalkultus (The modern cult of monuments)</i>: concepts of antiquity, decay and value.</p> <p><b>1914–18</b> World War I</p> <p><b>1919</b> United Nations is founded, where international cultural issues are debated.</p>	<p><b>1910</b> Decree 16<sup>th</sup> Jun: National Monuments listing. 5<sup>th</sup> Oct: Republic establishment. Portuguese Archaeologists Association is created. <b>1911</b> Law for the Separation of the State and the Church. <b>1914–18</b> Portugal joins the Allies. <b>1915</b> Archaeological Institute of Algarve is created. <b>1919</b> Creation of the Ministry of Public Instruction and the Fine Arts Board. Pro-Évora Group is created.</p>
1920s	<p><b>1929</b> Gustavo Giovannoni, <i>Norme per il restauro dei Monumenti</i>. Restoration Charter.</p>	<p><b>1921–22</b> Cloisters in Évora cathedral are unobstructed under orientation of Pro-Évora. <b>1929</b> Creation of DGEMN, National Monuments and Buildings Board.</p>
1930s	<p><b>1930</b> Athens meeting: International Conference for the Protection and Conservation of Artistic and Historical Monuments. The Restoration Charter.</p> <p><b>1933</b> International Congress on Modern Architecture (CIAM), Greece.</p> <p><b>1936</b> Spanish Civil War (1936–39)</p> <p><b>1939</b> World War II (1939–45).</p>	<p><b>1931</b> 1<sup>st</sup> Congress of the National Union, the basis for restoration on Portuguese monuments defined. <b>1932</b> Decree 20985, defines levels for listing buildings: National Monuments and Buildings of Public interest. <b>1935</b> DGEMN 1<sup>st</sup> Bulletin is edited. <b>1937</b> Restoration of Évora Cathedral by DGEMN (1937–40). <b>1939–45</b> Portugal remains neutral in the conflict.</p>

1940s	<p><b>1941</b> Athens Charter (published by Le Corbusier).</p> <p><b>1945</b> Foundation of ICOM, International Council of Museums.</p>	<p><b>1940</b> Celebration of Foundation (1140) and Restoration (1640) of Portugal in the Portuguese World Exhibition.</p> <p>Signing of Concordat: treaty between the State and the Church.</p>
1950s	<p><b>1953</b> Creation of ICCROM, International Centre for the Study of the Preservation and Restoration of Cultural Property, Rome, Italy.</p> <p><b>1954</b> The Hague Convention, protecting cultural property under armed conflicts.</p> <p>Paris Convention, European Cultural Heritage defined – European Council.</p> <p><b>1957</b> 1<sup>st</sup> International Congress of Architects and Specialists on Historical Monuments, Paris, France.</p>	<p><b>1947</b> IST (Technical Advanced Institute) Exhibition, celebrating 15 years of Public Works. Monuments in the limelight.</p> <p><b>1949</b> Law 2032, defines a 3<sup>rd</sup> level for listing buildings – Municipal Value.</p>
1960s	<p><b>1960</b> Council of Europe, includes committee on monuments and sites, a coordination permanent office.</p> <p><b>1964</b> Venice meeting, 2<sup>nd</sup> International Congress of Architects and Specialists on Historical Monuments, Venice, Italy. Venice Charter – International Charter for the Conservation and Restoration of Monuments and Sites.</p> <p><b>1965</b> Foundation of ICOMOS, International Council on Monuments and Sites</p>	<p>Portugal signed the Hague Convention but did not ratify it until 2000.</p> <p><b>1957</b> Queen of England visits Portugal. Several monuments are restored.</p> <p><b>1960</b> 5<sup>th</sup> Centenary of Infante D. Henrique's death. Monuments related to the discoveries history are restored.</p> <p><b>1964</b> Portugal subscribes the Venice Charter</p> <p>Decree 46349, creation of Protection Buffer Zones for listed property (ZEP).</p>
1970s	<p><b>1971</b> Split Declaration (Yugoslavia) on European Cities of Historical Interest.</p>	<p><b>1965</b> 9<sup>th</sup> Scientific Meeting of IBI (International Burgen Institut), in Viseu.; The Venice Charter applied to the restoration of castles.</p> <p><b>1967</b> Portugal joins ICCROM</p>

Table 2 (cont.)

1970s	<p><b>1972</b> World Heritage Convention, recommendation on protection of world cultural and natural heritage and recommendation on protection, at national level, of cultural and natural heritage, Paris, 23<sup>rd</sup> November (although entry into force only 17<sup>th</sup> June 1975 and registration at UN on 15<sup>th</sup> March 1977).</p> <p><b>1975</b> Amsterdam Charter: European Heritage.</p> <p><b>1976</b> UNESCO Conference, Nairobi: on safeguarding and contemporary role of historic areas, Manila Charter.</p> <p><b>1978</b> ICOMOS: principles of urban conservation.</p> <p><b>1979</b> ICOMOS Burra Charter, Australia.</p>	<p><b>1974</b> 25<sup>th</sup> April Revolution.</p> <p><b>1975</b> Portugal ratifies the Paris Convention of 1954 (D 717).</p> <p><b>1979</b> Portugal ratifies the World Heritage Convention (DL 49), in effect from 30<sup>th</sup> November 1980.</p>
1980s	<p><b>1985</b> Granada Council of Europe Convention, for the safeguarding of European architectural heritage (as an essential town and country planning objective).</p> <p><b>1987</b> ICOMOS Washington Charter for the Conservation of Historic Towns and Urban Areas (a guide for urban conservation).</p>	<p><b>1982</b> Creation of the ICOMOS Portuguese Committee.</p> <p><b>1985</b> Law 13/85 for the Portuguese Cultural Heritage. Creation of IPPC (later IPPAR). <i>Europa Nostra</i> prize to GTL (Historic Centre Bureau) Guimarães.</p>
1990s	<p><b>1991</b> 1<sup>st</sup> International Seminar of World Heritage Cities on 'safeguarding historic urban ensembles in a time of change', Québec, Canada. Guide for the Management of Historic Towns.</p> <p><b>1992</b> World Heritage Centre, organises Bureau and Committee meetings and administrates Fund.</p> <p><b>1993</b> Foundation of OWHC, Organization of World Heritage Cities, Québec, Canada. 1<sup>st</sup> GA OWHC, Fez, Morocco.</p> <p>ICCROM Guidelines for management of world cultural heritage sites.</p>	<p><b>1991</b> Portugal ratifies the Granada Convention (Decision 5/91).</p> <p><b>1993</b> Portuguese Association of Town Planners (AUP) is created. Évora is vice-president of OWHC Regional Secretariat for Southern Europe and the Mediterranean. International Conference 'Historic centre rehabilitation and its dynamics, Lisbon.</p>
	<p><b>1994</b> NARA Conference, Japan: authenticity.</p>	<p><b>1994</b> DGEMN magazine MONUMENTOS (1) is edited.</p>



1990s	<p>International Youth Forum on World Heritage, Bergen, Norway. 2<sup>nd</sup> GA OWHC, Bergen, Norway: communication and interchange – Bergen Protocol. Election of 8<sup>th</sup> September as Solidarity Day between WHC.</p>		
1995	<p>ICOMOS 11<sup>th</sup> GA International Symposium ‘The heritage and social changes’, Sofia, Bulgaria.</p>	1996	<p><i>Real Fundação de Toledo</i> prize to GTL Guimarães.</p>
1996	<p>Agreement UNESCO-OWHC</p>	1997	<p>International Meeting of experts in historic centre rehabilitation, Porto: CMP/CRUARB. IPPAR Internal Code of Practice, DL 120/97, 17-05-1997</p>
1997	<p>ICOMOS 12<sup>th</sup> GA Scientific Symposium, Mexico: good use of heritage: heritage and development.</p>	1998	<p>3<sup>rd</sup> GA of OWHC, Evora, Portugal: tourism, different perspectives and opportunities.</p>
1999	<p>4<sup>th</sup> GA of OWHC, Santiago de Compostela, Spain: management innovations. <i>Santiago de Compostela Manifesto</i> in favor of cooperation for the active conservation and sustainable management of heritage cities of humankind</p>	1999	<p>EXPO 98, Lisbon: The oceans, heritage of the future. DGEMN celebrates 70 years. Heritage Paths: exhibition and catalogue edition.</p>
2000	<p>European Charter of Cultural Cities and Territories (by <i>Alliance of European Cultural Cities</i>, AVEC).</p>	2000	<p>Law 159/99, on decentralization and delegation of powers to LAs, including managing public investment related to municipal heritage, whether natural or urban.</p>
2001	<p>ICROM/ICOMOS Manual for monitoring heritage sites, Malta: conservation indicators for historic cities. Cracow 2000: cultural heritage as foundation of civilization development. Cracow Charter.</p>	2001	<p>Law 19/2000 – Defines the concept of Portuguese Cultural Heritage, 10-08-2000. Debate ‘Impact of urban and social rehabilitation in the historic centre of Porto’, Porto. Symposium, ‘Built heritage – international experiences’, Porto. Law 107/01, foundations for cultural heritage decision-making and regime for protection and valuation. 9<sup>th</sup> Conference of AUP: ‘Heritage cities – which urbanism?’, Lagos.</p>
	<p>ICOMOS 13<sup>th</sup> GA, Madrid, Spain: strategies for world cultural heritage safeguarding in the global world: principles, practices and perspectives.</p>		<p>International meeting ‘the intangible dimension of the historic city’, Porto: CMP/CRUARB. IPPAR magazine STUDIES - HERITAGE (1) is edited.</p>
	<p>5<sup>th</sup> GA of OWHC, Puebla, Mexico: protection and preventive measures in case of disaster.</p>		
	<p>Creation of Regional Secretariat for OWHC South of Europe, Cordoba, Spain.</p>		
	<p>ICOMOS 16<sup>th</sup> GA, Québec, Canada: interpretation and presentation of cultural heritage sites.</p>		

Sources: adapted from Alho and Cabrita (1988); Jokilehto (1996); CMP (1998); Fernandes et al. (2000); CRUARB (2000); Neto (2002).

In adopting the World Heritage Convention, Portugal undersigned the pledge to Article 5(a), which after reference to general policy expresses the commitment to integrate the protection of cultural and natural heritage into comprehensive planning programmes through land use and management planning. The historic city, and its core centre characterised by large-scale dereliction and vacancy, which had been for long of secondary interest for state politics or urban planning, re-claimed its importance as evidenced by accounts of positive examples of improvement works done in the historic centres of Porto from 1974 onwards (gaining World Heritage City status in 1996), in Guimarães from 1979 onwards (designated World Heritage City in 2001), and in Évora as a consequence of its World Heritage City listing in 1986. As Evans (1994) remarked, ‘inclusion of a site in the World Heritage List is not by itself a direct instrument of planning control, but it does signal the importance of the site as a material factor to be taken into account by a local planning authority’ (Evans, 1994, p. 505). Table 3 gives a historical overview of the legislative framework that directly and indirectly has had an impact on the heritage conservation governance structure in Portugal from 1974 until early 2000s.

Table 3. Review of Heritage Legislation in Portugal

Date	Legal Instrument	Guideline or directive
1	2	3
1975	Decree 717	Ratifies the European Cultural Heritage Convention, signed in Paris 1954
1979	DL 49/79, 6 June	Ratifies the World Heritage Convention, signed in Paris in 1972
1980	DL 59/80, 3 April	Creates IPPC, the Institute for the Portuguese Cultural Heritage
1985	Law 13/85, 6 June	Portuguese Cultural Heritage Law
1990	DL 216/90, 3 July	Defines the Internal Code of Practice IPPC
1991	Decision from President of the Republic n° 5/91, 23 January	Ratifies the safeguarding of European Architectural Heritage Convention, signed in Granada in 3 October 1985
	DL 254/91, 18 July	Alteration to Art°12 of council tax code exempting listed property from council tax
	Normative Decision 23/91, 29 January, amended 28-I/91	Creates the award for Cultural Heritage Protection and approves its regulations
1992	DL 106-F/92, 1 June	Creates IPPAR – Portuguese Institute for Architectonic Heritage (and extinguishes IPPC); later with amendments from DL n°316/94, 24 December
1992	Policy Guidance 1008/92, 26 October	Approves the Code of the Advisory Board of IPPAR; later regulated as Consulting Council by Decree n°13/99, 11 January
1996	Decree 42/96, 7 May	Creates the Code of Practice for the Ministry of Culture

1	2	3
1997	Decree 120/97, 16 May	Defines the Internal Code of Practice of IPPAR
1999	Law 159/99	Delegation and decentralization of powers to municipalities, including the management of public investment related to municipal heritage (natural or urban)
2000	Law 19/2000, 10 August Policy Guidance 1101/2000	First amendment to Law 13/85 Approves the legal compliance framework
2001	Decree 177/01, 4 June	Amends Decree nº 555/99 defining the legal framework for urbanization and building development
	Law 107/01, 8 September	Defines the basis for decision making and framework for cultural heritage conservation and enhancement
2005	Council of Ministers Resolution 124/05, 4 August	Central Administration Restructuring Programme (PRACE)
2006	DL 215/06, 27 October	Organic Law of the Ministry of Culture
2007	DL 96/07, 29 March	Establishment of IGESPAR, IP (merging IPPAR and IPA, whilst also including part of the attributions of the former DGEMN)
	Ministerial Order 376/07, 30 March	Statute/Organisation of IGESPAR, IP
2009	DL 138/09, 15 June	Fund for the Protection of Cultural Heritage for financing the protection and enhancement of listed cultural property, or property undergoing classification
	DL 139/09, 15 June	<i>Regime</i> for the protection of immaterial cultural property
	DL 140/09, 15 June	Facilitates a more expedited evaluation by the central and local authorities of private planning applications
	DL 307/09, 23 October	Defines the regime for urban (mainly architectonic) renewal
	DL 309/09, 23 October	Defines proceedings for listing of cultural property and regulations of protection areas as well as conservation plans
2011	Law Proposal 24/X11/11, 30 September	Revises DL 307/09
	DL 126-A/11, 30 December	Directorate General for Cultural Heritage (DGPC) is created (merging IGESPAR-IP with the Museums and Conservation Institute (IMC) and the Regional Directorate for Culture in Lisbon and the Tagus Valley)
2012	DL 114/12, 28 May	Regional Directorates for Culture Code of Practice
	DL 115/12, 28 May	DGPC Code of Practice
	Ministerial Order 223/12, 24 July	DGPC Internal Structure

Sources: compiled by the author on the basis of Alho and Cabrita (1988); Costa Lobo (2001); Neto (2002); CML (2005); Pinho *et al.* (2005); and <http://www.igespar.pt/en/> [last accessed 19.06.2015].

It should be noted that following the ‘stable’ dictatorship period a rather unstable political environment<sup>5</sup> ensued (for example, from 1985 to 2001 there were five changes of government in Portugal<sup>6</sup>) which has certainly had an influence on fluctuating policies in various fields, including urban planning and conservation. The statutory planning system and the key institutional actors in heritage decision-making had to negotiate judgements within several planning instruments, devised at different times and with different formats, often grounded on different implementation procedures. The early 2000s see urban conservation very much entwined with urban politics and housing policy as governmental decision makers define their scope as the converging point of urban renewal and regeneration objectives. In 2004 a new actor comes into force in historic cities, the Society for Urban Rehabilitation (SRU), a public-private partnership created at national level, but with different local set-up and format in the cities where this agency is established. Of the first three SRUs co-funded by the Institute for Housing and Urban Rehabilitation (IHRU), one is in the World Heritage City of Porto, the Porto Vivo-SRU ([www.portovivosru.pt](http://www.portovivosru.pt)), created in 2004 (Decree-Law 104/04). This agency is funded exclusively with public capital, with a share of 60% belonging to the State (IHRU) and a share of 40% belonging to the City Council of Porto. The SRU ‘vision’ entails a re-shaped framework for action, in line and in tune with central government, and integrated with other ministerial directives, a commendable attempt to merge or blur the boundaries of the overlapping *status quo*. Table 4 lists the key institutional actors in heritage conservation in Portugal accountable to two separate Ministries, and their roles, competences and the legal instruments under which they operate.

Table 4. Institutional actors in heritage decision-making in Portugal and legal mechanisms

Actor	Legal Instrument	Role and competences
1	2	3
Ministry of Culture	DR n° 18/80, 23 May Law 13/85, 6 June DL n° 42/96, 7 May DR n° 12/98, 19 May Law 107/01, 8 September DL n° 215/06, 27 October	Responsible for management, fostering and promotion of national cultural policy. Oversees IPPAR and IPA, later IGESPAR-IP and more recently DGPC

<sup>5</sup> Between 2001 and 2010 three more changes of government followed.

<sup>6</sup> From the X<sup>th</sup> Constitutional Government established in December 1985 to the XIV<sup>th</sup> Constitutional Government established in November 1999.

1	2	3
DGEMN	DL n° 284/93, 18 August	Conception, planning and coordination of activities related to construction, enlargement, renovation and conservation of public buildings and offices and safeguarding of architectonic heritage not managed by the ministry of culture together with evaluation of quality of construction, namely: (i) planning, conception and undertaking of valuation or conservation actions of classified property not managed by the ministry of culture; (ii) technical support to valuation, restoration or conservation of classified property (or awaiting classification) regardless of ownership assuming financial burden if necessary; (iii) promote organisation and update of records archive of referred property; (iv) evaluate processes and construction techniques; (v) assess quality of construction of buildings destined to services or housing when requested
IPPAR	DL n° 120/97, 16 May	Safeguard and enhancement of national architectonic heritage. Classification of movable and immovable property and buffer zones. Inventory, fostering of research and promotion of cultural architectonic heritage. Technical support and promotion of works, in cooperation with other public institutes, in classified property (or awaiting classification) and buffer zones. Assess plans, projects, works and public or private actions undertaken in classified property (or awaiting classification). Granting of subsidies and bursaries
IGESPAR-IP	DL n° 96/07, 29 March Ministerial Order 376/07, 30 March	Its mission is to manage, safeguard, conserve, and enhance those assets that, due to their historical, artistic, landscape, scientific, social and technical value integrate Portugal's listed architectural and archaeological heritage. It has a <i>management</i> rationale
DGPC	DL n° 126-A/11, 30 December DL n° 115/12, 28 May Ministerial Order 223/12, 24 July	Its mission is to manage, safeguard, enhance, conserve and restore all listed cultural assets, as well as to develop a museums' policy
Ministry for the Environment, Spatial Planning and Regional Development (MAMAOT)	DL n° 7/12, 17 January	Following from the Government Plan for the Reduction and Improvement of Central Administration (PREMAC), the MAMAOT Code of Practice, mission and internal structure are defined

Table 4 (cont.)

1	2	3
IHRU	DL n° 223/07, 30 May	Institute for Housing and Urban Rehabilitation, holds the archival holdings of the former DGEMN and preceding entities
SIPA	DL n° 223/07, 30 May	Heritage Information System
Municipality	PDM/PU/PP DL n° 69/90, 2 March, changed by DL n° 211/92 and DL n° 115/97	Local authority normative regulations and plans
Historic Centre Office (GTL)	PP/Detailed schemes DL n° 497/85, 17 December	Local authority normative regulations specifically for the historic centre
SRU	DL n° 104/04, 7 May	Society for Urban Rehabilitation, Local authority department to create, define and regulate the exceptional judicial regime of historic centre areas to undergo urban renewal and regeneration. Deals with all aspects of actioning, implementation, investment and finance, and private/public engagement. Can be co-managed by the State

Source: compiled by the author on the basis of Costa Lobo (2001); IPPAR (2001); <http://www.portaldahabitacao.pt/>; and <http://www.portugal.gov.pt/> [last accessed 29.06.2015].

### 1.3. Managing Urban Heritage – Who Defines Conservation Policy?

The restructuring of IPPC to IPPAR in 1992 did not require any changes to the 1985 Cultural Heritage Law. Therefore, ‘the protection, conservation, enhancement and revitalisation of cultural heritage should be considered compulsory at all levels of urban planning, national, regional and local’ (Law 13/85, Art. 44°). It is IPPAR’s duty to define the criteria and list all assets of cultural value, and attend to all the procedures relating to the listing of cultural property. World Heritage Cities are prime property assets of cultural value, hence under IPPAR’s tutelage. As such, when IPPAR restructuring took place in 1996 (that included the drafting of a new code of practice as well as staff and logistics reinforcement) its functional outcomes were the increasing focus on planning ahead (with management objectives set for 1996–1999), new management structures and the creation of a Studies Department. This department had the role of defining procedures for listed property including the study and implementation of new policy and guidelines for conservation, but this never happened due to the political conservation context

described above, and IPPAR lacked motivation, investment and public interest, coupled with battling functional and financial instability.

IPPAR produced an evaluation report in 2001 (IPPAR, 2001), an important milestone in the heritage policy literature in Portugal, as it evaluates the efficiency of the previous goals of the Institute and its previous policy, and sets a new, forward looking, heritage policy framework. IPPAR vows to carry out studies in order to define the basic content for the management of the conservation plan and look into an integrated heritage-socio-economic approach with the local authorities and private entities (IPPAR, 2001, p. 84). Words like ‘historical urbanism’, cooperation and flexibility are used in the definition of this action framework. Cultural policy is argued to be efficient only when policies of culture, urban planning and environment are addressed simultaneously. The Strategic Plan 2000–2006 envisages the widening of the heritage concept to the urban landscape and setting; the promotion of ‘area management plans’ and ‘urban projects’ on conservation areas; and the strengthening of the linkages between heritage conservation and urban planning, environment, tourism, education, social exclusion and leisure. However, all these statements just seem to echo the international and EU charters and recommendations without really advancing an ‘action plan’ of how these will translate into policy and no guidance is advanced as how these would be implemented.

Even if IPPAR has a very clear conservation policy, its scope is so vast that the PUs and more importantly the PPs have a major role in conservation decision-making. Legislation has also reinforced this by delegating responsibilities to regional and local authorities who should go beyond defining Protected Zones (ZP) and Special Protected Zones (ZEP) and promote legal conservation planning instruments. These were already predicted as early as 1985 in Law 13/85 where the concerned authority (national, regional or local) was expected to prepare a ‘conservation plan’ (within a PP format) within 180 days from the date of listing (Costa Lobo, 2001, p. 158). If the local authority did not provide one, then the Institute had the option to do it. Nevertheless, in 2001 no conservation plan had ever been prepared, neither from the local authority nor from IPPAR, for the whole listed historic centre of any World Heritage City in Portugal in spite of the ‘Protocol for Heritage Cooperation’ signed in 1998.

The regulation necessary for the effective implementation of the principles spelled out in the Law 13/85 were delayed until its amendment was approved in 2001, defining the foundations for cultural heritage decision-making and establishing the regime for its protection and valuation. Law 107/2001 follows closely the internal evaluation report produced by IPPAR in 2001 and includes previous guidance established in Law 159/99 about de-centralisation and delegation of powers and responsibilities to the local authorities, where it is stated (Art. 20<sup>o</sup>) that local authorities are empowered to plan, implement and manage public investments in regard to municipal heritage, whether cultural, natural, or urban. The proposal for



a revised Law of Cultural Heritage 107/01 went further and stated that whenever a ZEP is designated the local authority is obliged (Art. 54°) to prepare a conservation plan (PP) for that area, referring the call for an integrated plan to the specific regional heritage administration (i.e. area management plan, urban project). General guidelines are given in Art. 53° and the ‘conservation development plan’ (Art. 63°) is defined and called to be drafted together by the local authority and IPPAR within 2 years after publication of the Law (guidance also stated previously in the IPPAR strategic plan 2000–2006, Art. 54°).

From 2001, IPPAR’s duties included giving a binding decision on the appraisal of every planning application regarding construction works or changes<sup>7</sup> in listed buildings (or undergoing classification) and those located on protected areas (or buffer zones). IPPAR also does non-binding appraisals and gives advice when required by the local authorities and private developers and is officially engaged in the drafting of planning instruments, such as the PDM, PU and PP, or otherwise gives advice to the PP while under consultation and after taking part on appraisal committees with other institutional bodies. IPPAR also reports to the State and issues its judgment on preference rights whenever there is change of property (by transaction or alienation) of any listed or protected building or assets undergoing classification.

Nonetheless governance structures continued its state of flux and following the 2005 central administration re-structuring, both IPPAR and IPA (Institute of Archaeological Heritage) were merged into the Institute of Architectonic and Archaeological Heritage Management, Public Institution (IGESPAR, IP<sup>8</sup>). By 2005 the content of the conservation plan lacks specifications, which were supposed to be established by the *development guidance policy*, namely on uses, areas to undergo restoration works and criteria to be applied, inventory and documentation, specific regulation for the protection of existent archaeological heritage, and strategic criteria for social, economic, urban and landscape regeneration.

#### 1.4. Discussing Recent Changes in Conservation Planning Policy

Only in March 2009, there was further guidance signed off by the Ministry of Culture, and published in June 2009 by IGESPAR, IP, to expand the 2001 Heritage Law. As such, law 107/01 was revised by three amendments, finally approved six years after the recommended two-year deadline for the preparation of the ‘development guidance policy’ needed in order to clarify the ‘conservation management

<sup>7</sup> This includes drafts of planning application, projects, works, works’ intentions, land movements and impact assessment. It can also include management on site.

<sup>8</sup> In December 2011, following the governmental action plan for improved efficiency, IGESPAR-IP is further merged with the Museums and Conservation Institute (IMC) and the Regional Directorate for Culture in Lisbon and the Tagus Valley; in the same year the Directorate General for Cultural Heritage (DGPC) was also created (although its code of practice was only approved in May 2012).



plan' foreseen in law 107/01. Of these, two are of particular relevance for urban heritage conservation:

– Decree Law 138/2009 creates a Fund for the Protection of Cultural Heritage for the funding of *conservation* and *enhancement* measures in unmovable property (including developments and sites included in the 'World Heritage' list, as well as cultural assets of 'national interest' or 'of public interest').

Albeit opportune, the 'measures' and the procedures that would inform the application to the fund still need further clarification.

– Decree Law 140/2009 rationalises the evaluation process for planning applications in unmovable property, including cultural assets of 'national interest' or as 'of public interest' (where the historic centre is included). It defines that the entity responsible for the administration of the cultural asset is the one that started the designation proceeding. A preliminary report is now compulsory for all planning applications, focusing on the importance and evaluation of the planning application. Interim reports should be prepared 'as and when' requested by the municipality. And a final report should clarify the nature of the work completed, the research and analysis done, the techniques, methodologies, materials and procedures that have been applied, as well as all the visual and graphic documentation of the process and final outcome.

As it stands, the 'importance and evaluation of the proposal' requested for the preliminary report is still quite vague and calls for more detail, i.e. to include the research and analysis that needs to occur, as well as the techniques, methodologies, materials and procedures that will be applied. Consequently, it should be made explicit that the final report should have an evaluation of the process (where all of the above listed items should be included, i.e. nature of the work, research and analysis done, etc). Lastly, it is not clear under which circumstances the interim reports can be requested and under what thematic they can be, i.e. either work in progress or completed.

Most importantly, and although this is not clearly stated, it is implicit that in the case of the World Heritage Cities, the administrative responsibility for the tasks above lies with the local authority. This clarification was long overdue and it should be made explicit, with further details about assigning that administrative responsibility to the historic centre office and agency for urban rehabilitation, the prime key *in loco* actors in the management of the historic city.

## 2. CONCLUSIONS

Objectives can be implemented through programmes, actions, and policy. But these will continue to be only statements of intentions for piecemeal interventions if they are not sustained 'by implementing organizational strategies that

adequately analyze, plan, resource, implement and evaluate revitalization solutions' (Balsas, 2007, p. 255). As such, the narrative of planning for urban heritage conservation in Portugal has shown us that two key dimensions are essential if local conservation practice is to deliver efficient management of the historic city (Cidre, 2010):

– *Appropriate organisational and institutional structures*

There has been indeed a complex network of overlapping, and sometimes conflicting, institutional actors involved in heritage conservation. These include binding and non-binding (advisory) agents, who operate under national and municipal control, whilst making use of different planning instruments and funding streams. Nonetheless, whilst the decision-makers and historic centre offices have found ways to work in this complex framework, the overlap of institutional layers has certainly delayed or undermined conservation efforts, in the absence of a framework of 'joined-up' thinking (Stewart, 2002, p. 150). Clarifying the role (boundaries), the remit (duties and responsibilities) and the scope (aims and objectives) of each institutional actor's involvement in conservation planning is therefore of paramount importance to improving efficiency.

– *Consistent policy making,*

Through strategic guidance and procedures that embed into the system a culture of good practice in the management of the historic city, setting out the processes through which policy will be delivered. What is most significant in the narrative of heritage conservation in Portugal is the existence of several planning instruments that guide development and management of the historic city, at national and local level, and an encompassing Conservation Plan does not underpin these. World Heritage Cities have the additional layer of their international recognition and conformity to international guidance.

No doubt the local practice of heritage conservation has been guided by strategic city-wide plans and piecemeal regulatory instruments. However, a Conservation Plan which would clarify conservation objectives, ownership, and investment priorities and links to funding, would fully comprehend the value of heritage conservation in its manifold dimensions. As such, the historic centre office would be the appropriate institutional actor commissioned with the preparation of the conservation plan, and supplementary bespoke guidance. Good practice and the pursuit of planning for an urban heritage conservation agenda would require the drafting of the Conservation Plan to be undertaken by an interdisciplinary team of experts and trained qualified professionals, i.e. a Conservation 'Task Force', drawn from an inter-institutional team so that aims and objectives of all actors can be accommodated in a positive cooperative environment. Although this article did not dwell on participatory planning, the prime users of heritage conservation, the local community, must also not be left out of the decision-making process. This has been reiterated since the 1991 ICCROM principles of urban conservation in various international conservation charters

and is explicitly resonated in the 2011 ICOMOS principles for the Safeguarding and Management of Historic Cities, Towns and Urban Areas, i.e. ‘direct consultation and continuous dialogue with the residents and other stakeholders is indispensable because the safeguarding of their historic town or area concerns them first and foremost’ (ICOMOS, 2011, p.17).

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