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## Cultural Landscape brings complicated issues beyond community development

A Case Study on Landfill and Bridge Project in Tomo, Japan

*Aya Kubota<sup>1</sup>*

### 1.0 THE ESSENCE OF PROBLEMS

#### 1.1 JAPANESE TRADITIONAL SENSE OF WORTH: IMPERMANENCE

The Japanese culture is often said to evaluate the transition of phenomena while the European one recognizes steady elements as the most valuable things to be preserved. The Nara Document of Authenticity of 1994 was influenced by such a clear diversity among different societies<sup>1</sup>.

The Japanese traditional sense of worth gives extra importance not on the object itself but on the system to sustain it. The landscape and townscape are just the result of efforts to manage the whole habitat and industrial environments. The Japanese word MU-JYO means no eternalness, which comes from Buddhism, anicca.

#### 1.2 LEGISLATIONS FOR HISTORIC PRESERVATION

As some legislations for historic preservation had progressed in Japan, we were able to conserve living environment in terms of physical aspects. One of the most important legislations is the Preservation Districts for Groups of Historic Buildings in 1975. This was enacted as a result of public movement. Local residents knew the value of their living environments well. They opposed to destroy them that were supposed to be replaced by new developments. Such conflicts happened all over Japan especially between the 1960s and the first half of 1970s when the Japanese society was in the middle of spectacular economic growth.

The Preservation Districts has three clear characteristics.

First, the designation of the Preservation District requires the agreement of the whole local residents with many reasons. It affects the property rights because the owner of a house should be approved by the authority for demolition of the designated building and change of its façade. Local community has to work in collaboration to protect their historical environment from fire. They should pay much attention because most of them are wooden houses and built closely each other. The community has to show their will and preparation to preserve their own living environment through living there. Second, it is the local government who designates the Preservation District. While the leading players of ordinary planning were prefectures, the Preservation District was an innovative planning tool. The municipalities are supposed to harmonize their Preservation Districts with surroundings from the urban planning point of view. Responding to the designation, the national government may or may not assign it as a selected one. The selected Preservation Districts are eligible for national subsidies. Finally, the Preservation District emphasizes on the value of the existing environment. In other words, it tries to deal with the quality of the environment. The goal of urban planning was to remake an old traditional town into a modern city. The Preservation District got started the paradigm shift in the planning world.

<sup>1</sup> Associate Professor, Department of Urban Engineering, the University of Tokyo, Tokyo, Japan.

### 1.3 INFLUENCE OF PRESERVATION ON COMMUNITY DEVELOPMENT

These three characteristics are just the same as the current directions of urban planning in Japan, namely public participation, decentralization, and orientation to quality.

These directions are reflected the efforts of local residents, officers and specialists who want to preserve the historic environment. They were always affinity with preservation. However, we begin to face different situations. It's time to reestablish how to sustain the value of historic environment. Furthermore, we should reconsider the essence of the value of historic environment.

We will see the situation in Tomo, locating at Fukuyama-city, Hiroshima prefecture, along the Seto Inland Sea. Showing the complicated relationships among local residents and between local residents and local governments, the case study will provide some hints on basic directions for reformation of preservation planning.

### 1.4 CAN THE LEGAL CULTURAL LANDSCAPE PRESERVE CULTURAL LANDSCAPE?

The most complicated and difficult legislation among many recent revisions and amendments is the Cultural Landscape established in 2004 as a new category in the Cultural Assets Preservation Act. The Agency for Cultural Affairs says that 'Landscape formed by people's lives or work in a given region and the climate of the region in question are indispensable for understanding the lives and work of the Japanese people. It is also stipulated that, following a proposal from a prefectural or a municipal government, the national government can select a particularly important cultural landscape as an Important Cultural Landscape from among those for which necessary protective measures have been taken.' The scheme of the Important Cultural Landscape is very similar to one of the Preservation District. However, the object that the article of Cultural Landscape tries to conserve tends to be places deeply related with primary industries, especially agriculture.

The essence of cultural landscape is the long lasting relationship between human or the community and the land. When we use the word 'cultural landscape' in such a broad sense, the problems in preservation of cultural landscape will bring on. The cultural landscape is not to be preserved but to be maintained that requires persons who are responsible for and are attached to. Such maintenances are often primary industries with some exceptions of secondary manufacturing and most of them have faced stiff competition in the global marketplace. Previously the urban planning has dealt with physical elements. If we want to preserve the cultural landscape, we have to innovate the new preservation planning way to manage industry, market and lifestyle.

## 2.0 A CASE STUDY OF TOMO

### 2.1 ESTABLISHED HISTORIC VALUE

The historical landscape of the port town Tomo-no-ura has been widely acknowledged by planning and preservation experts as well as Japan's central government. The surrounding area of Tomo was designated as extraordinary scenic beauty in 1925 under the Cultural Assets Preservation Act and became a part of National Park Area in 1934. It features one of the last five port facilities of the Edo Period, consisted of a lighthouse, a quay, a dock, a wharf and a watch-house. There are numerous historical townhouses including of the Edo Period, too. The location and the pattern of streets also originate in the same era. The most important visual axis from the oldest shrine to the beautiful island in Tomo is supposed to be from the Ancient Age. All these historical elements are highly evaluated by all experts and stakeholders.

On the other hand, not all concerned parties find the value in the usual daily townscape, which the dense network in the community yields, as we shall see later.



Figure 1: Whole Image of Tomo

## 2.2 LOGIC FOR PUBLIC PROJECT

The related local governments, Hiroshima Prefecture and Fukuyama City as well as a majority of local residents promote a road widening project. The project requires the landfill and bridge construction at the historical small harbor, after which semicircle shape is responsible for the name, Tomo, meaning a kind of an arm.

The project was decided 30 years ago. Ever since the plans were finalized, a conflict between opponents and proponents of the project has ensued.

Ahead of the project plan, the survey was done for the Preservation Districts and concluded to preserve. However, Fukuyama City had not designated it because the transportation plan was considered to be too weak to support the future volume of traffic. The narrowest part of the streets is within two meters, and cars sometimes get stuck, especially when drivers don't know where they should stop for going by each other. They sometimes use vacant sites along the street to stay for a while. Tourists may not know such an unwritten code and may clog the street.

Fukuyama-city insisted that the landfill and bridge construction project was necessary condition for the Preservation Districts otherwise the planned road, located in the middle of the townhouses, should be widened. The widening road meant all those would be lost. In other words, Fukuyama City explained that it preferred to the Preservation District with a landfill and bridge than no designation without radical change of the small port.

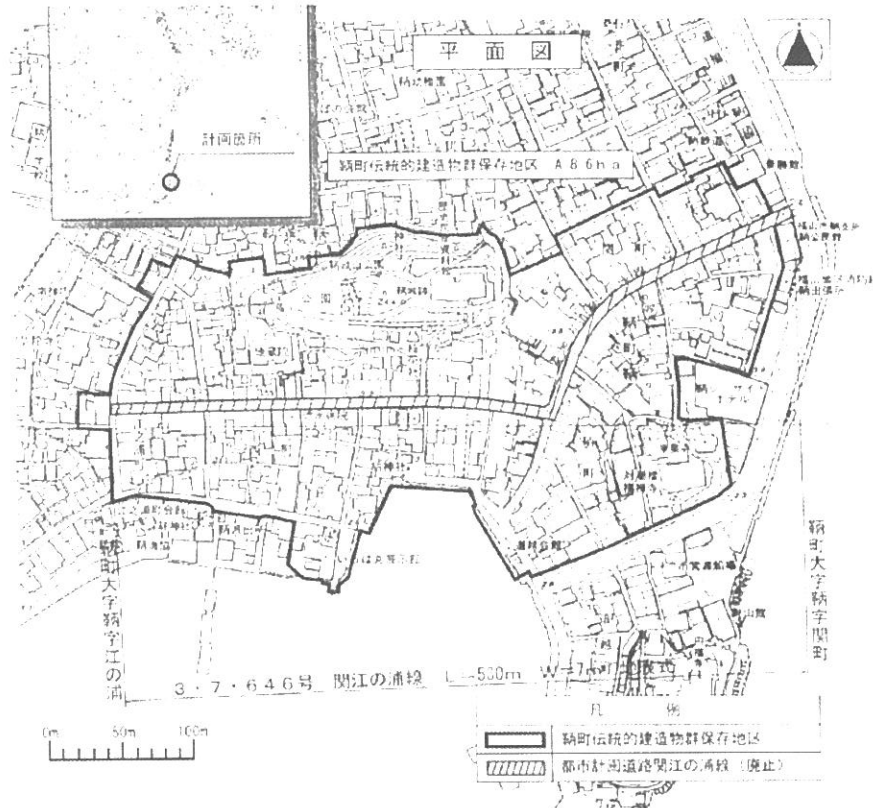


Figure 2: Central Area of Tomo with the Preservation District

Fukuyama city established a master plan in 1996 for Tomo area with descriptions of a landfill and bridge construction. This policy of Fukuyama city gained supports from most local residents, especially construction workers, who were often chairpersons of neighborhood associations. Local residents thought that it was natural to obey their leaders because it had been conventionally so. This means that the plan and the city have completely sympathy from the majority of residents.



Figure 3: Landfill and Bridge Project in Tomo

### 2.3 RECENT DISCERNED CULTURAL LANDSCAPE

For some local residents, the designation of the Preservation District with the landfill project or the widening road of the historical main street seemed to destroy the historical environment and their living surroundings. They considered another option should be adopted, that is to say, the designation of the Preservation District with neither the landfill and bridge construction project nor the widening the main street. They have cooperated with outer experts, including members of University of Tokyo, and developed a proposal that a set of minor changes could improve the traffic problem.

Recently, the unique waterfront townscape has been acknowledged as cultural landscape by International Council on Monuments and Sites (ICOMOS), who strongly recommends to abandon the project. The same goal has been also pursued by a group of citizen activists who finally sued the local governments in April 2007.

The plaintiffs insisted how important their living environments were in court with their own words. Some of them used old photos to show how the environments had changed and not changed. Others explained their walking course, feeling of each season, enjoying sun and moon on the sea face, and conversations with neighbors along mews. They, men and women, young and old, have one thing in common. They emphasize the relationship between the daily life and sea or the beautiful nature to be preserved, otherwise that will be extinguished by the public project. The sea is to provide unique seafood and the possibility for creating cultural landscape. Being enriched by ever-changing nature in a stable cycle, local residents feel an intimate connection with the sea.

Their rich and varied everyday lives are closely related with the historical environment. Such a relationship comes out as a cultural landscape.



Figure 4: Social Gathering of Fisherperson

### 2.4 JUDGEMENT BY THE COURT

In October 2009, the Hiroshima District Court ruled in favor of the plaintiffs and cited that the local governments failed to prove that the landfill and bridge project should be done.

The Court ruled that persons who had rights of drainage were not standing to sue because they would not be involved serious damage, and who had fishery rights were not neither because they had already disclaimed. However, the Court admitted that who had profits from scenery were eligible to sue

because townscape of Tomo had not only beautiful but also historical and cultural value that should be legally protected.

The Court clearly specified that the project would severely impact on the landscape beyond repair. It was the first time in Japanese legal history that a public project was canceled for reasons of urban landscape preservation.

As Hiroshima prefecture has appealed the ruling, we have to wait for the final decision of the Court. Furthermore, urban planners should pay attention to the judgment. The Court mentioned that the project plan should be rational based on adequate survey and comparison. Admitting the need for reform, the Court pointed out the following six points.

- 1) road improvement: an alternative tunnel plan may also be effectual in terms of improving the present traffic congestion. The current landfill and bridge plan will cause serious harm to the townscape of Tomo. Both plans should be properly compared to each other.
- 2) addition of parking: some existing vacant spaces can be utilized as parking lots. The municipality has to show the reasons why a big parking should be allocated in the middle of the port where is also the main destination of tourists and how many lots are newly constructed. It should also compare the current proposal with a distributed layout plan of parking lots.
- 3) construction of mooring facilities: control of illegal occupation by a part of fishery persons and effective utilization of existing spaces should be examined before the new construction.
- 4) construction of a ferry pier: a pier plan without landfill should be first studied.
- 5) disaster prevention: the current plan may be superior to the tunnel one in terms of disaster prevention but the effects are secondary and minor.
- 6) construction of sewage: the recognition of the municipality that the new construction of drainage should necessarily be accompanied by a bypass is wrong. Even though the road network remains in the present situation, a sewage system can be renewed.

With the above indications, the Court concluded that the landscape of Tomo was treasure of the Japanese and that authorization by the governor for landfill under the Public Water Body Reclamation Act was abuse of discretion and ordered an injunction against the public project.

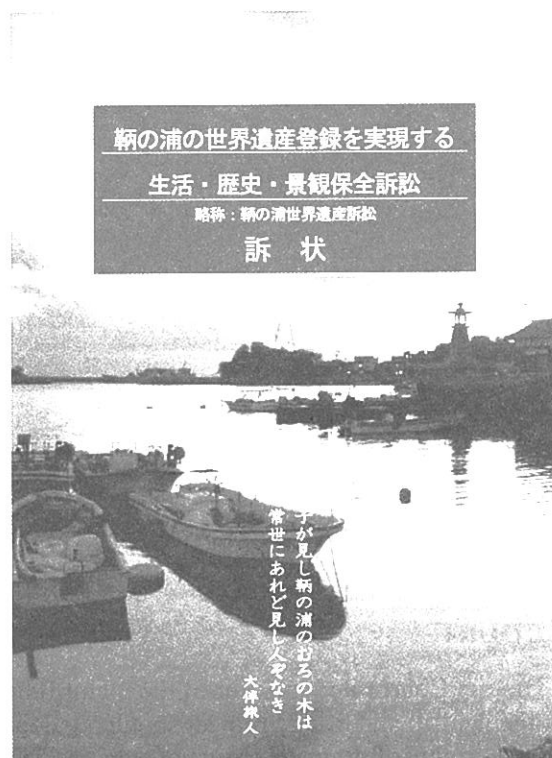


Figure 5: Cover of Complaint

## 2.5 MEDIATION PROCESS

The media had reported the conflict with the stereotypical point of view that proponents are for actual life without any consideration to beautiful scenery and opponents are completely opposite. However, the truth was not so. As the Court clearly described, both sides have paid attention to both values. The proponents considered the new project could make their lives better and add a new attraction. They consider that landfill is a kind of tradition of Tomo. Lands have been filled many times in the long history of Tomo. On the other hand, the opponents considered that the project might destroy not only the beautiful landscape but also the current life of the community based on the relationship with the sea.

The situation has changed with the election of a new governor of Hiroshima prefecture, who launched a mediation process between the conflicting parties in May 2010.

The new governor was supposed to make a final decision around the end of the fiscal year of 2010 when the mediation process was planned to terminate. However, this process is still not concluded to this day, as of May 2011.

The dialogue among mediators and conflicting parties has not been done well. The landfill and bridge construction project may not be realized because of shrinking trend in social and finance aspects and growing worldwide interest in historic preservation. Such apparent change in situations make the advocates of the project feel restless.

The meaning of the mediation is to make it clear what can be shared by the whole local residents beyond the different attitudes. When we focus on the differences, we cannot do anything for the improvement of the town. During the long term of disputes, the difference had been outstanding and local residents were divided into two. For the future we have to find something common for community development. It is natural that local residents cannot arrive at an agreement over everything by themselves. However, all of them share the living environment with deep feelings to. They can improve it without damaging it. Then they can begin to improve their living environment without waiting for the decision of the governor. Their own community development will result in cultural landscape.

## 3.0 CONCLUSION

The case study of Tomo-no-ura shows that the concept in historic preservation again clearly requires reform. We should elaborate further the current accomplishments in the decade-long machizukuri community development efforts especially from the following three points.

First, we have to establish the valid public participation during the planning procedure. The participation in Tomo was deficient because of a lack of information and the conventional community. The mediation process is supposed to provide an opportunity to find a way for collaboration among concerned parties with different ideas.

Second, decentralization and empowerment of local governments should be carefully balanced with a wide range of stakeholders including the national authorities, such as the Agency for Cultural Affairs. We should discern which tasks are entrusted to local governments. When the value is belonged to the nation, the process on how to deal with it will be open to the public.

Lastly, the quality of spaces depends on how to be managed and created through everyday life. The management of spaces has been out of the realm of conventional planning. It is important to demonstrate a good quality of space in various planning alternatives and elaborate ways of how to produce and maintain these spaces.

**Acknowledgment:**

I would like to express my deep gratitude to local residents who always show me how to love their own living environment, and colleagues who discuss and work together with me.

**Footnote:**

<sup>1</sup> The conference held to commemorate the tenth anniversary of Nara Conference of 1994 adopted Yamato Declaration on Integrated Approaches for Safeguarding Tangible and Intangible Cultural Heritage in 2004.

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