

One less obstacle for Bishopscourt land claimants

By [Matthew Hirsch](#)

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The Friends of Liesbeek Association has withdrawn a town planning appeal, but a court case remains to be settled.



Victor Josephus (82) laughs with his friend, Ernest Stout, as they go through old pictures and letters. They started to sing a Christmas carol from their youth. Both are waiting to move to the Protea Village restitution housing project.

- **A town planning appeal brought by the Friends of Liesbeek Association against a Bishopscourt land claimants' restitution housing project has been withdrawn.**
- **86 families forcefully removed during apartheid are set to return to the area but there have been extensive delays.**
- **A matter in court, also brought by the Friends of Liesbeek, still needs to be settled.**

Dreams of returning home to Bishopscourt, one of the most expensive suburbs in Cape Town today, are a step closer for

86 families evicted during apartheid. This after an appeal against the Protea Village restitution housing project was withdrawn.

The Friends of Liesbeek Association had brought a town planning appeal on environmental grounds. A letter confirming its withdrawal was sent to the City of Cape Town's southern district manager on 4 September 2023.

Nick Fordyce, chair of the association, says this is "a show of good faith".

However, a case in the High Court lodged by the same organisation remains.

The proposed housing development follows a successful land claim in 2006 by the Protea Village community. The claim was first lodged in 1995. Some 46 families opted for compensation.

The forced removals took place under the Group Areas Act. By 1970, all [residents of Protea Village had been moved](#).

The state and the City agreed to award [erven 212 and 242 to the community](#) as part of the land claim settlement.

The development has suffered several extensive delays, including two separate court cases as well as the planning appeal, lodged in November 2022 and now withdrawn. One case, brought by a resident, has been settled.



A Protea Village sign has been erected near the entrance of the Boschenheuvel Arboretum trail. 86 families are expected to return once the development is completed.

Fordyce said there was never an intention to block the returning land claimants, but there were ecological concerns over the proposed development.

He said the development is taking place in the upper reaches of the river on the only remaining wetland in the river's upper and middle reaches.

Although the development had gone through the necessary Environmental Impact Assessment process, many concerns originally flagged had not been adequately dealt with, according to Fordyce.

He said they have instructed their attorney to settle the matter, and "settlement talks are advancing and the pathway to development is almost entirely clear".

He said the Friends of Liesbeek Association would continue to act in the interest of ensuring an ecologically robust and resilient river corridor.



Patrick Smith (77) was removed from Kirstenbosch and now lives in Lotus River. He said that many of his friends have passed away waiting to return.

For the land claimants, however, extensive delays mean that time is running out.

Patrick Smith (77) lives in Lotus River. He has fond memories of growing up in Kirstenbosch. Sitting on a couch with his friend, Ernest Stout (72), also a land claimant, he tells GroundUp, “We grew up together and were always in each other’s houses ... We had a beautiful life out there. We had a lot of things to do there. We were never bored. The whole area was our playground.”

He said he had lost contact with friends who were moved to other areas on the Cape Flats.

Many of the claimants are old and some have died. “It’s a sad situation,” he said.

“It is disgusting to wait so long,” said Stout. “In this very same road stayed a lady who died at the age of 99. She was looking forward to seeing [this development]. She was still going to church there in Protea Village. We should have been there already.”



People in Bishopscourt were relocated in the 1960s under apartheid's Group Areas Act to areas such as Hanover Park, Lansdowne and Steenberg. Some land claimants were originally moved to these flats in Grassy Park.

Victor Josephus (82) remembers coming home from being on a deep sea trawler to an empty house in 1967. "Normally when I knocked on the door I could hear my mother's footsteps coming down the passage. As I was looking in the dining room, I saw a notice [that my] parents had moved to Manenberg. I hadn't even known about Manenberg."

He said he asked a taxi driver to take him to his parent's new home, a two-bedroom flat. He said he struggled to deal with his new environment, and the crime in the area was something they were not used to.



Barry Ellman, chairperson of the Protea Village Communal Property Association, says that all the delays have been frustrating.

Barry Ellman, chairperson of the Protea Village Communal Property Association, welcomed the withdrawal of the appeal.

He said they were now waiting for a settlement in the court case.

Seven units will be sold on the open market to generate revenue for the project. This is down from 22, as a compromise made by the Protea Village Community, to mitigate concerns over the ecological impact.

“We hope that the more than reasonable proposition we have made from our side could end the remaining challenge through settlement, in order to spare our community suffering further delays and unnecessary legal costs,” he said.

He said that the community cared about the environment and was adamant that they would protect it. “It’s going to become the responsibility of the Protea Village community and of course, the other residents that live with us to take care of the green belt,” he said.



Leonard Lendore, Patrick Smith, Melvin Smith and Ernie Stout in a picture from their youth in Kirstenbosch Gardens.

David Baker, vice president of the Bishopscourt Residents Association, said many residents supported the return of the claimants.

“It is noteworthy that the appeal served no real purpose and held up the development for over a year; this is on the back of many other years of delays for other reasons,” he said.

Luthando Tyhalibongo, City of Cape Town spokesperson, confirmed the withdrawal of the appeal. He said the City was committed to supporting the national government in its land restitution mandate.



Houses near the Boschenheuvel Arboretum trail.

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