



## **Deliverable 4: Review report of landscape related policy issues**

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# **1 The European Landscape Convention: State-of-the-Art, Present Achievements and Future Challenges**

Evidence suggests that the European public is not adequately informed about policies relating to sustainable development in Europe (e.g. Jordan and Adelle, 2012), one of which is the European Landscape Convention (ELC) (Council of Europe, 2000a). The main scientific (Conrad et al., 2011), political (Dower, 2008) or governance (Scott, 2011) stakeholders have yet to fully translate the principles of the ELC into strategic pathways and operational actions for the effective understanding and implementation by the general public. Howard (2004) argues that further knowledge is needed to help link scientific theory on landscape planning, management and conservation to the planning, political and governance regimes that are ultimately responsible for implementation of such theory into political and planning strategies and actions.

Guidelines for the implementation of the ELC were launched by the Committee of Ministers of the member states in 2008 (Recommendation CM/Rec (2008)3). These guidelines are based upon a series of principles that focus on increasing the efficiency and quality of public participation, and engagement throughout the cycle of policy making and implementation. Whilst some existing European national and regional political frameworks align with the governance-oriented principles (i.e. bottom-up) that underlie the ELC (Scott, 2011), the extent to which this is true varies across European countries, nations and regions. Although enhancing public participation in the implementation of the ELC throughout the political, planning and governance cycle is a requirement for the parties to the ELC (Jones, 2007), there is interest in the ELC going beyond present standards and mechanisms of public awareness and public participation.

Within the governance framework that underpins the ELC, issues such as learning, innovation and cooperation are the key to improve the quality of democratic practices in the policy-making process. This new governance model is expected to span spatial scales, institutional levels, political clusters, stakeholder and interest groups. Thus, by identifying innovative ways to facilitate processes of social learning and political cooperation, citizens could be engaged in the implementation of landscape policy. Consequently, the potential of the ELC to help generate a new democratic culture of landscape that acts as a driver for sustainable development (Dejeant-Pons, 2006) and social justice (Olwig, 2007) across Europe will be thoroughly enhanced.

To promote this ambitious set of goals, the E-CLIC project is exploring options for the use of ICT tools to increase the effectiveness of citizens in the process of policy making implementation and control. As such, it seeks to aid public agencies which are responsible for translating the ELC into national, regional and local policies across Europe. The use of such tools will allow public agencies to test novel models for the application of the principles that underpin the conceptual framework of sustainable development (Zelenika and Pearce, 2013), a task for which the ELC can be considered a particularly suitable mechanism (Dejeant-Pons, 2006; Jones et al., 2007).

As a first step to better understanding how the ELC and its underpinning principles and objectives can be implemented across the diverse countries and regions of Europe, it is important to gather information on the extent and nature of its implementation in nations and regions in Europe. To do this, an analysis of the different stages of the political and legislative stages of signature ratification, enforcement and application across countries and regions of Europe was obtained from the Culture, Heritage and Diversity directorate of the Council of Europe ([www.coe.int/t/dg4/cultureheritage/heritage/Landscape/default\\_en.asp](http://www.coe.int/t/dg4/cultureheritage/heritage/Landscape/default_en.asp)).

Forty of the 47 European countries (i.e. those that are included within the remit of the Council of Europe and the European Commission) have signed, ratified and enforced (in both cases 38 out of 47) the ELC. Amongst the countries which have not yet ratified the Convention are Germany, Estonia and Austria (see Table 1) which are EU Member States and are therefore committed, by the Treaty of Lisbon (2007), to abide by all EU policies which are considered as shared responsibility of nation states and the EU, including those relating to the natural environment and cultural heritage.

The guidelines for implementation of the ELC states in its general principles that all members of the Council of Europe shall “adopt the guidelines for the implementation of ELC” and use the ELC’s principles as a basis for their landscape strategies (Article I.1.D); integrate a landscape dimension into national, regional or local territorial policies (Article I.1.E); and, integrate consideration of landscapes into sectorial policies (Article I.1.F). This is difficult to achieve whilst not all countries are signatories of the Convention.

More than 13 years after its approval in Florence (Council of Europe, 2000) some countries have yet to sign up to the ELC. This could be interpreted as an indication of some of the problems which are commonly encountered in reaching a common agreement on any European Policy framework. This problem is particularly surprising in the case of the ELC, that itself is considered as open, flexible and consensus-oriented (Dejeant-Pons, 2006). Further two of its key principles and objectives are widely accepted across the EU national and regional political spectrum: sustainable development (Dejeant-Pons, 2006; Jones et al., 2007) and governance (Jones, 2007; Scott, 2011).

A lack of agreement on the ELC illustrates the difficulty in setting environmentally-oriented political agreements under the umbrella of any international organisation that deals with a territory as culturally, historically, economically and politically diverse as Europe (Jordan and Adelle, 2012).

In the case of the ELC this lack of common agreement may be also explained by the multiple and diverse ways in which landscapes are conceptually, politically and socially interpreted across European nations and regions (Pedroli et al., 2006); they are frequently influenced by historic, socio-economic and bio-physical factors.

Progress in implementing the ELC and proposed future steps and actions were reported at the 7<sup>th</sup> Council of Europe Conference on the ELC in Strasbourg (26<sup>th</sup>/27<sup>th</sup> March 2013),

([www.coe.int/t/dg4/cultureheritage/Heritage/Landscape/ReunionConf/7eConference/CEP-CDCPP-2013-OJ1\\_en.asp](http://www.coe.int/t/dg4/cultureheritage/Heritage/Landscape/ReunionConf/7eConference/CEP-CDCPP-2013-OJ1_en.asp)). Progress has been considerable despite problems with the administrative and political negotiations and implementation of the ELC. A recently launched web site of the Council of Europe hosts relevant documentation, with links to information on national actions, landscape awards and other related policies and actions also available through the same source ([www.coe.int/t/dg4/cultureheritage/heritage/Landscape/default\\_en.asp](http://www.coe.int/t/dg4/cultureheritage/heritage/Landscape/default_en.asp)).

At the 10<sup>th</sup> Anniversary of the ELC (Florence, 19<sup>th</sup>-20<sup>th</sup> October 2010), the President of the Conference of the European Landscape Convention of the Council of Europe, Mr Jean-Francois Seguin, affirmed that *“the vitality of the ELC can be argued by the heavy involvement of the States Parties and the increasing support from the general public, local and regional authorities and many other stakeholders for the principles and orientations set out in the instrument”*.

The updates reported at the conference on the institutional, political and administrative implementation of the ELC across countries and regions in Europe were generally positive. Amongst these was the apparent success obtained by the undersigning parties when abiding to the principles and operational pathways proposed by the Council of Europe, and of the outputs of working groups, committees and public and private actors and networks.

Evidence exists on the level to which regulatory, planning and wider governance frameworks and regimes across Europe have progressed in translating the principles and operational and strategic pathways that underpin the ELC. This information is collated in Section 2 of this report for the countries and regions that constitute the E-CLIC consortium (<http://www.E-CLICproject.eu/en/homepage/> and <http://E-CLIC.ning.com/>). A more generic, and geographically more inclusive, overview on the achievements to date can be obtained from the Council of Europe’s most recent meeting reporting document (7<sup>th</sup> Meeting, Strasbourg, 26<sup>th</sup> & 27<sup>th</sup> March 2013). This report can be used as basis to assess the state-of-the-art in the process of implementing the ELC’s main principles across European’s institutional and political frameworks and regimes. As part of this report, the following statements were made:

- the Conference *“expressed the wish that all of the Council of Europe member states could sign and ratify the European Landscape Convention as soon as possible”*
- the Conference *“took note with satisfaction of the General activity report on the European Landscape Convention and welcomed the work carried out to promote implementation of the Convention (<http://www.coe.int/EuropeanLandscapeConvention>), and expressed its satisfaction at the continuation of activities, in accordance with the Work Programme”*
- the Conference *“noted that the European Landscape Convention was already generating major progress in landscape policies in many Council of Europe member States at national, regional and local levels”*

- the Conference “*noted that the information collected on regards to landscape policies in member states of the Council of Europe will be updated, completed and adapted; according to the data presented by the Parties to the Convention in the Information System of the European Landscape Convention – L6 presently being established*”
- the Conference “*stated that sensible spatial development requires political attention and long term policies*”, and that “*municipalities and regions or counties and councils are responsible for the spatial development of their communities and the welfare of the citizens. This obligation is also a fundamental right in local and regional self-government and the right to evolve their own policies and strategies for urban and rural development and infrastructure, including how national policies should be applied within the community*”
- the Conference concluded that any “*spatial development based on the landscape qualities, encourages active citizens and active participation*”, and also that “*active citizens require transparency and openness in planning and decision making processes*”.

This last requirement from the Council of Europe to the signing parties of the ELC is very well aligned with the main objectives that underpin the E-CLIC project, including “*building a model for making Europe the ELC better known to people, and based on the principles of open democracy*” (Munoz-Rojas et al., 2013).

The Council of Europe (2013) suggests three main strategic pathways to achieve more direct involvement of Europe’s citizens, all of which are addressed under the objectives and actions of E-CLIC. These pathways can be summarised as; “*generating policies and measures on that respond to citizen’s demands*”, “*raising the citizen’s awareness and responsibility for their communities*” and “*providing training and experience in participatory democracy*”. The Council of Europe argues that by abiding to these pathways it is possible to “*get a development based on political reasoning and democratic debate-rather than a society governed by developer profits, complicated legal procedures and court decisions*” (Council of Europe, 2013).

Progress is taking place both in administrative implementation and in adapting pre-existing political and planning frameworks and regimes to the principles that underpin the ELC. To enable a stricter compliance with the ELC principles of open democracy, transparency and governance, two key steps seem crucial:

- (i) To shift of the main policy and planning frameworks and regimes towards more bottom-up led operational schemes and institutional-political architectures. The one developed by DEFRA for England would be exemplary (see Article 6 at [www.naturalengland.org.uk/Images/elcframework\\_tcm6-8169.pdf](http://www.naturalengland.org.uk/Images/elcframework_tcm6-8169.pdf)).



- (ii) The utilisation of novel tools that can facilitate the inclusion of the general public and key stakeholders throughout the whole policy cycle of design, approval, implementation and monitoring (Jones, 2007) of any landscape and related policies.

Whilst the former requirement is dependent on national and regional socio-political, economic and historic contingencies and falls partly out with the scope of the E-CLIC project, the project tackles the latter by proposing ICT tools as the key assets to better embed people in European policies.

## 2 Implementation of the ELC at National and Regional Scales

### 2.1 Implementing the ELC across Countries, Regions and Nations

The original and explanatory report of the ELC (see Article 4-Division of responsibilities) state that each party “*shall implement this Convention, in particular Articles 5 (General Measures, including implementing Landscape policies) and 6 (specific measures), according to its own division of powers, in conformity with its constitutional principles and administrative arrangements, and respecting the principle of subsidiarity, taking into account the European Charter of Local Self-government. Without derogating from the provisions of this Convention, each Party shall harmonise the implementation of this Convention with its own policies*”.

The Recommendations (CM/Rec (2008)3) of the Committee of Ministers to EU Member States regarding the implementation of the ELC (2008) indicates that “*each state shall decide on its own in landscape matters according to its own overall institutional organisation (centralised, decentralised, federal) at the existing government levels (from national to local levels) and according to its own administrative and cultural traditions and existing structures*” (see point II.1. of the document).

Because of the flexibility and responsibility given by the Council of Europe to the ELC parties on its adoption and implementation, there are differences in the way the Convention is implemented across Europe. Tensions might arise when some of the generic guiding principles clash with characteristics of individual national or regional policy framework and regimes. Examples of this are provided in the CE Recommendations (CM/Rec (2008)3). It shows that for some national and regional area, existing administrative and cultural traditions are arranged in ways (e.g. centralised or top-down oriented) that could hamper implementation of a local-based, participatory landscape policy.

It is clear that political authorities and actors operating at higher administrative levels (e.g. National and Regional Governments) “*may assume the tasks of guidance and co-ordination where these are not dealt with at local level*”, but it seems that for many the responsibility conferred on these high level authorities clearly exceed these functions (Primdahl et al., 2013).

Other relevant issues differ across the parties, and thus will need to be included in any meaningful policy analysis. These issues include national and regional approaches to awareness raising, training and education, the designation of landscape quality objectives and of cooperation measures. These

issues are all particularly relevant for the E-CLIC project, where the goal of “going beyond participation” in implementing the ELC is considered a clear and primary objective of project, and thus something to be strongly reflected in the present policy analysis.

## **2.2 National and Regional Case Studies**

The explanatory Report of the ELC (see Article 6- Specific Measures, Paragraph E-61- Implementation report published by Council of Europe in 2000) invites all Parties to “introduce specific legal, administrative, fiscal or financial instruments in view of protecting, managing and planning landscapes”, considering a wide array of instruments that explicitly include plans, projects, impact studies, emergency measures and any others that “are appropriate to the needs of its landscapes and to its legal system”. The same Explanatory Report for the ELC (Council of Europe, 2000b) also states (see Article 5-General Measures-50-d) that landscape “is not a question to be treated as a specialist field of public affairs, as Landscape can be affected for good or ill by action in many sectors. Hence the importance for governments to secure that landscape objectives are taken into account in all relevant sectors of public life”.

In order to obtain a clear overview of how these principles and recommendations have been differently implemented across national and regional policy frameworks and regimes (see Section 1), the following steps were undertaken:

- (i) Definition of a common template for the analysis of policies across countries and regions of Europe. After discussions across the partnership, and following a template drafted at the first SCCM (Athens, January 2013), a common template was agreed, coordinated by the James Hutton Institute. The contents and objectives are described in detail in the Appendix 2 annexed to this report.
- (ii) Following discussion amongst E-CLIC partners, it was agreed that each partner would provide a minimum of three policy cases that would be representative of the range of policy types, landscape targets and institutional levels at which the ELC principles and objectives are reflected in their own country or region. It was agreed to provide a minimum of three key policies operating across institutional levels and policy areas to provide an overview of where the main national or regional challenges and potential might lie. In total, 24 policy documents were analysed, spanning a wide range of spatial levels and institutional scales, policy areas, strategic approaches and policy models and cultures across Europe. A copy of the template used in the collation of information is provided in Appendix 2. The results are collated in Appendix 3, where the following national and regional policy case studies are included:
  - Scotland; the James Hutton Institute
  - Estonia; Eesti Maaulikool (Estonian University of Life Sciences)
  - Slovenia; Notranjski Ekoloski Center (NEC)
  - Hungary; Pan Parks



- Greece; Prisma
- Spain; Universitat de Valencia.

(iii) Synthesis of the main characteristics and features of current landscape policy and planning frameworks pertaining to each E-CLIC country or region. Following discussion amongst project partners, the capacity of individual policy case studies to fully reflect the adequacy and potential of each national and regional framework to abide and translate the ELC was considered insufficient. Thus, it was agreed that a synthesis report on the state of the art and future directions would be provided by each partner for their own individual country or region. To do this, each partner would need to take into account both the individual policy case studies that they had already completed (See Appendix 3) and also any other tacit or explicit knowledge they could have on the specific characteristics of their own landscape policy and planning frameworks and regimes. Results obtained by each partner for each of these national and regional policy summaries are compiled in section 2.3, with Germany ultimately added to the list of analysed countries and regions due to a change in the tasks and roles to be played by the partners of the project.

## 2.3 National summaries

### Scotland (United Kingdom)

The UK ratified the European Landscape Convention on November 21<sup>st</sup>, 2006. Scotland, as part of the UK, is directly affected by the principles and objectives of the ELC. It is also a region/nation with an autonomous planning policy framework which has been significantly revised over the past decade (including Planning Act Scotland 2006, Scotland's Land Use Strategy, 2011, National Planning Framework 2, 2009 and Scotland Planning Policy, 2010). Thus, Scotland has had more than five years to adapt its national political and planning framework to the ELC. During these years, a trend can be detected towards embedding landscape into the Scottish planning frameworks and regimes. As part of this transition there are a few milestones to be highlighted, including the creation of Scotland's Landscape Forum in 2006 and the publication of two reports aimed at guiding the incorporation of the ELC into Scotland's political, land management, educational and governance frameworks. These reports are "*Scotland's Living Landscapes. Places for People*" (Scotland's Landscape Forum, 2007) and Scotland's Landscape Charter (Scottish Natural Heritage, 2010).

Although the Landscape Forum was officially dissolved in 2009, the inclusion of the principles and ideas behind the ELC in the recent planning framework has followed some of the strategic guidance provided through the Charter (2010) and the Living Landscapes Report (2007). This is reflected in the latest versions of the main national planning and strategic instruments that are still open for public consultation. These include the Land Use Strategy (under annual review throughout 2013), National Planning Framework-3 (draft version approved in 2013) and Scotland's Planning Policy (draft version

approved in 2013). The consideration in these documents of landscape actions that combine functions of protection, management and planning has added value to pre-existing landscape policies, where landscape policy was mainly directed towards valuable and outstanding landscapes (e.g. National Scenic Areas, Local Landscape Designations and National Parks). With guidance from the Scottish Landscape Forum, a single independent Landscape Policy Framework has still to be produced.

In order to provide a clear overview of the state of the art and prescribed directions for Scotland's landscape policy, the following policies have been analysed, all of which are key to understanding the cross-scalar and cross-discipline complexity of landscape policy in Scotland:

- Policy Summary. National Scenic Areas (2000)
- Scotland's Land Use Strategy (2011)
- Scottish Borders Council Supplementary Guidance on Local Landscape Designations (2012)
- National Planning Framework 3; main issues report and draft framework (2013)

The specific details of each of these policies and their degree of alignment with the principles, objectives and operational implications of both the E-CLIC project and the ELC are explained in further detail in the entries relating to Scotland in Appendix 3.1 of this document.

## **Estonia**

The European Landscape Convention lists three terms when referring to Landscape Policies: 1. Protection; 2. Management; 3. Planning (Council of Europe, 2000a).

Unlike other partner countries and regions of the E-CLIC project, Estonia is part of a North-Eastern natural/cultural context, which underwent several changes in its landscape during the last century due the formation of contradicting political interests. Additionally it is important to note that Estonia is one of the very few EU partners still to sign and ratify to the ELC (Appendix 1).

The main policies affecting landscapes in Estonia and their implementation were identified and analysed. The following five examples of implementation projects were chosen to help create a possible typology for WP2 in E-CLIC (see best case study database in E-CLIC website, and appendix 3.2):

- Operational Programme "Development of Living Environment" Approved by European Commission on 10 October 2007
- Estonian Rural Development Plan 2007-2013
- Historical Natural Holy places in Estonia. Development plan 2008-2012. Approved by the Minister of Culture on 1st April 2008

### **Protection**

- Nature Protection: Soomaa National Park management plan

- National Heritage Protection: Keila-Joa Manor park

### **Management**

- Regional development: County thematic plan Viljandimaa

### **Planning**

- Landscape Qualification: Rural soviet ruins in Kuressaare
- Landscape Restoration: Oil-shale mining area Aidu.

## **Slovenia**

Slovenia signed the European Landscape Convention on 7 March 2001 and ratified it on the 25<sup>th</sup> September 2003. The designated authority for approval and implementation was originally the Ministry of the Environment and Spatial Planning; since 2012 this responsibility has shifted to the Ministry of Agriculture and the Environment (MKO)<sup>1</sup>. Nevertheless, it is important to note that in Slovenia there is no specific landscape policy document. Landscape is not mentioned in the National Constitution and therefore it is not a subject of the basic civil law framework. Thus, we find landscape, in its broader terms, mainly dispersed across other policy areas, including spatial planning, nature conservation, cultural heritage conservation and rural development. Overall, there are three policy documents that include landscape issues.

The first policy is the Spatial Management Policy of the Republic of Slovenia, which was adopted by the Slovenian Government in 2001. One of its objectives is to preserve significant features of rural landscapes. It includes guidelines for the harmonious development of rural areas and for the preservation of agricultural areas, and advocates an active protection of cultural landscapes.

The second policy is the Spatial Development Strategy of the Republic of Slovenia, adopted by the Slovenian Parliament in 2004, and defines spatial development through three interrelated segments, namely settlement, infrastructure and landscape. It defines landscape quality parameters, national landscape areas, guidelines for the sectorial use of landscape and guidelines for local spatial planning.

The third policy is the Biodiversity Conservation Strategy of Slovenia. It defines the characteristics of biological and landscape diversity in Slovenia, sets the conservation aims and provides general guidelines for achieving them (CE, 2008)”

Thus, although landscape is not a subject of specific law, it is partly embodied in other laws. These are (Council of Europe, 2008).

- Spatial Planning Act (2007)

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<sup>1</sup> In accordance with Government Act of the Republic of Slovenia of February 3, 2012 the Ministry of Agriculture, Forestry and Food of the Republic of Slovenia was combined with the Ministry of the Environment and Spatial Planning of the Republic of Slovenia on part that concerns the environment. Consequently, the name of the ministry has been changed into the Ministry of Agriculture and the Environment of the Republic of Slovenia.

- Nature Conservation Act (2004)
- Culture Heritage Protection Act (2008)
- Agricultural Land Act (2003)
- Environment Protection Act (2008).

In addition, other laws that take landscape into account directly are also essential for the protection and development of landscapes, including the Construction Act (2002, 2007 amended in 2009), the Forest Act (2007), the Agriculture Act (2008), the Agricultural Land Act (2003, 2008), the Environmental Protection Act (2004, 2008, amended in 2009) and other regional and local implementing acts in the fields of spatial planning, environmental protection and nature conservation.

In Slovenia, there is no permanent framework for consultation between ministries on territorial and landscape matters (CE, 2008). This poses a clear problem for complex issues, such as landscape, that clearly cut across policy areas and administrative boundaries.

Additionally, *“Although there are no regional authorities in Slovenia, there are 12 statistical (functional) regions, which represent the basis for the implementation of national balanced regional development policy”*. They prepare *regional development programmes* which have to be confirmed by the governmental office responsible for regional development. (Council of Europe, 2008).

In order to represent as inclusively and effectively as possible the range of spatial scales, institutional levels, policy areas and options at which landscape policy is designed and implemented in Slovenia, the following landscape-related policy documents were exhaustively analysed for Slovenia (Appendix 3.3):

- The Spatial Development Strategy of Slovenia (2004)
- The Regional Development Programme of the Inner - Karst Region 2007 – 2013. (2006)
- Ordinance on the Notranjska regional park (2002) based on Nature Conservation Act and the Law on Cultural Heritage Protection.

## **Hungary**

The access to the richness of the Hungarian landscape is an essential human right. It has been described as not halting at the edge of the horizon where land and sky meet, but continues in ourselves. The importance of the evocation of feelings by such landscapes are recognised in the European Landscape Convention.

Hungary was one of the first countries to adopt the European Landscape Convention (Appendix 1). However, the implementation is most frequently incorporated by policies such as those relating to forestry, nature conservation or mining. One of the implementation mechanisms in Hungary is the bi-annual landscape award competition. This does not look at the beauty of a landscape, but instead

values the actions done by a municipality, an association of administrations or civil society organisations for the protection and good management of a landscape.

The most important policy achievement in relation to the Hungarian landscape is the partial inclusion of landscape protection in the nature conservation law from 1996 (LII. law). Under the current government structure the main implementation body is the Ministry of Rural Development.

However, there is significant room to improve the policy environment for landscape protection. Therefore, the Hungarian Association of Landscape Architects is lobbying for a Landscape Law, which the E-CLIC project can further promote.

In order to understand the particularities and contingencies of the Hungarian approach and possibilities for politically implementing the ELC, the following policies were analysed (Appendix 3.4);

- “Regional Development” law (RDL) XXI/1996
- “Forest and forest protection” law XXXVII / 2009
- “Country-wide Regional Planning Strategy” XXVI / 2003.

## **Greece**

The Greek policy framework relating to the planning, management and protection of landscape is predominantly set at a national scale. It is naturally distinct to the policy that was in force before the ratification of the ELC by Greece (in 2010), both in terms of aims and basic principles.

By reviewing the landscape policy framework that was in force before the ratification of the ELC by Greece, the following trends emerge:

- (i) Landscape was viewed as a complementary parameter in relation to the preservation of either natural or cultural resources, and not as a valuable resource in itself
- (ii) There was no single comprehensive landscape policy, but scattered articles referring to the landscape within many different policies (policies for the protection of forests, the preservation of places of “outstanding natural beauty”, the protection of the environment, spatial planning and sustainable development, building regulations etc.)
- (iii) The target of these policies was mainly management and protection (the planning approach was often completely overlooked or non-compulsory) and there was little or no provision for citizens’ engagement, awareness raising and education/training
- (iv) Landscape is defined as “a dynamic set of biotic and abiotic factors and aspects of the environment, which selectively or in interaction within a particular space, create a visual experience” (Law 1650/1985 for the protection of the environment), however only landscapes of outstanding natural or cultural significance were included for management and protection

- (v) The absence of particular implementation guidelines, together with the lack of strong political will, the often vague and general language used in these policies and the sometimes confusing/conflicting legislation, resulted in minimum and scattered results in the implementation

The Greek ratifying law of the ELC in 2010 was the first policy in Greece introduced specifically about landscape, bearing in mind that the Greek Constitution does not include any specific provision about the landscape. With the ratification, Greece has committed to:

- introduce landscape as a horizontal concept valid at every level of planning
- ensure active public participation in policy making, as well as the formulation of landscape objectives
- create a new administrative system at a central and regional level, in order to allow the effective implementation of ELC in Greece.

The first policy to incorporate the ELC measures to the legislation was Law 3937/2010 on the Conservation of Biodiversity. The focus of this policy was management and protection (planning measures are not included). However, it provided important steps forward: there is no distinction in the law between landscapes of outstanding beauty and ordinary or degraded landscapes; there are specific measures regarding citizens' engagement as well as awareness raising and education/training (as a commitment of the State), landscape is referred to as a distinct and important resource, and there is an emphasis on specific landscape elements to be protected.

The planning approach to landscape in Greece is expressed through national-level policies called "Frameworks of Spatial Planning and Sustainable Development" – there is a cross-sectorial General Framework and various sectorial Special Frameworks (for Tourism, Renewable Energy, Industry etc.), as well as Regional Frameworks. The Regional Frameworks –currently under revision – all are bound to incorporate regional landscape assessments.

Following the ratification of the ELC by Greece in 2010, there have been positive and decisive steps in generating policies that incorporate the ELC principles and measures. However, there are still gaps in implementation guidelines especially with regard to management/planning and citizens' engagement.

To understand where Greece stands in terms of political implementation of the principles, ideas and operational frameworks behind the ELC, the following policies, both prior to and after the adoption of the ELC by Greece were jointly or independently analyzed in further detail (Appendix 3.5):

- The ratifying Law 3827/2010 of European Landscape Convention (Government Gazette A/30/25 February 2010)



- Law 998/1979 regulating the protection of forests, their ecosystems and broadly the protection of the natural environment
- Law 3208/2003, which is about the protection of forest ecosystems (Article 2 on the protection of landscape and biodiversity)
- Law 1469/1950) regulating the protection of what it calls 'Places of Outstanding Natural Beauty' (PONB)
- Law 3028/2002 which is a key piece of legislation with a direct bearing to landscape and it is more specialized in the protection of monuments, antiquities and cultural goods in general, in practice extends to landscape
- Law 1650/1985 about the protection of the environment, with reference to landscape directly and explicitly and to the criteria for the designation of protected landscape areas
- Conservation of Biodiversity, Law 3937/2010 (G.G. A' 60/31.03.2011)
- Law 2742/1999, which is about spatial planning and sustainable development and in article 2 specific guidelines referring to landscape protection are formulated
- Law 2508/1997 (G.G. B' 209/07.04.2000), which is about spatial planning at the Municipality level, referring to a general development Plan and to a special housing plan
- Law 2831/2000, General Construction Building (GCC), provides for the protection of the natural and architectural heritage
- Law 3201/2003 is about the restoration, protection and enhancement of the natural and built environment of the islands of the Aegean Archipelagos.

## **Spain**

In Spain, certain political and legal responsibilities were decentralized and devolved to the regional governments (Autonomous Communities), following the approval of the Spanish Constitution in 1978. These are described in the Article 148 of the Spanish Constitution. Within these, spatial planning is particularly relevant for the E-CLIC project. The full list of political areas where regional governments have been granted (and have consequently adopted) an exclusive political and legal competence in Spain, include:

- Spatial planning, urban development and housing
- Public works of significance and funding at the Regional level
- Mountain and forest harvesting
- Management on environmental protection
- Cultural Heritage, affecting monuments of interest in the region.

Spain has, at a national level, a comprehensive legislative framework. The Land Law 2008 sets basic principles and a strategic framework to guide the regional and sub-regional legislation to be approved by each Regional Government to legislate land development and spatial planning in their region.

Spain ratified the ELC in 2007, which entered into force in 2008. Before then, the ELC had already been ratified by two regional governments (Comunitat Valenciana in 2004 and Catalonia in 2005) which developed their own legislation on landscape. Following the ratification by Spain, Galicia also produced and approved its own landscape legislation in 2008.

So far, only three regions out of 17 have produced specific legislation on landscape, all based on the ELC (2000). These are:

- Law 4/2004, 30th June, Planning and Landscape Protection of Comunitat Valenciana. This was further developed by Decree 120/2006, August 11th of the Consell, by which it is approved the Regulation of landscape of the Comunitat Valenciana.
- Law 8/2005, of June 8th Protection, management and planning of landscape of Catalonia.
- Law 7/2008, of July 7th Landscape protection of Galicia.

Two other regions (Cantabria and Basque Country) have specific regulations on the landscape at the project stage. For the purpose of completing our landscape policy analysis, we reviewed Valencia and Galicia plus Vitoria-Gasteiz, Basque Country, with the results summarised in the Appendix 3.6.

## **Germany**

### **Introduction**

As a federal republic Germany has one federal government (Bundes-Regierung) and 16 state governments (Länder-Regierungen). Some of the larger states (Länder) have installed sub-regions (Regierungsbezirke) and regional cooperation bodies. The latter act on behalf of state ministries and landscape policy is one of their responsibilities. At local level the municipalities (Städte, Gemeinden) have the authority over landscape policy. County (Kreise) administrations are sandwiched between regional and municipal administrations; counties are charged with state and municipal functions .

The federal government provide country-wide policy that are relevant to landscape, such as the Federal Building Act (Baugesetzbuch), the Federal Spatial Planning Act (Raumordnungsgesetz), the Federal Act on Nature Conservation and Landscape Management (Bundesnaturschutzgesetz). Federal administrations also prepare development policy such as transportation plans (Bundesverkehrswegeplan). All are applied at state and regional levels.

The most recent federal policy that specifically includes landscape is Concepts and Strategies for Spatial Development in Germany. This document defines three main vision statements (Leitbilder) and one of them puts the focus on the shaping of cultural landscape, stating that national and state policy must “ensure that the distinctive characteristics of cultural landscapes, which have evolved

over long periods of time, are preserved and this should include their cultural and natural heritage.”

Four area types are specified:

- Urban areas such as historic town and city centers, urban landscapes, and others;
- Semi-urban areas and mixed urban regions with landscapes that have been designed and enhanced;
- Rural areas such as agricultural and energy producing areas, or pasture land and wilderness;
- Other areas such as coastal zones, river basins and woodland or historic cultural landscapes .

### **Statutory landscape policy**

Each of the states (Länder) is responsible for their territorial and spatial development. For this purpose, each state is drafting regional development policy and plans, which ministries and their sub-regional administrative bodies implement. Many state policy documents include principles and guidelines that are pertinent to landscape.

Germany has a strong tradition in landscape policy making through landscape planning; the Bundesnaturschutzgesetz (see above) provides the statutory basis. Statutory landscape policy is documented in local landscape plans, in district or county landscape plans and in regional landscape plans or programs. Regional policy documents are programmatic in nature, while local plans are action oriented. All landscape documents should include

- Information about existing and anticipated states of nature and landscape;
- Objectives and principles of nature conservation and landscape management (to be detailed for every planning area in question);
- Assessment of the existing and anticipated state of nature and landscape (done on the basis of objectives and principles), including conflicts that need solving;
- Policy recommendations on measures proposed to avoid, reduce or eliminate adverse effects on nature and landscape, and to protect, conserve and develop certain areas.

### **Implementation of European landscape policy**

Federal and state policy is often being amended, in many cases to implement current European policy, and each time providing guidance for the Länder to follow suit. European policy provisions must also be implemented in the context of landscape policy documents, such as landscape plans. For example, it is part of landscape policy making to develop recommendations for the

- Character and beauty of nature and landscape, as outlined in the ‘Pan-European Biological and Landscape Diversity Strategy’;

- Flora, Fauna and Habitat Directive and the European ecological network ‘Natura 2000’;
- European Spatial Development Perspective, ESDP;
- Other European policy provisions, including those made in Agricultural policy, regional development policy, etc.

The European Landscape Convention, ELC, is most relevant European landscape policy. Even though Germany has not ratified the ELC, many of the ELC recommendations are part of landscape planning and are also included in state and municipal landscape policy documents. Examples are provisions for landscape protection and management, and the implementation of landscape issues in spatial development. Such provisions are legally binding after adoption through local and regional parliament. Procedures for public participation are addressed in German planning acts.

### **Landscape policy in local and regional planning**

Regional policy and plans must be taken into consideration in local planning. Local policy and plans provide development guidance. With the purpose of integrating landscape policy into statutory planning, landscape planning usually runs in parallel to local (land-use) and regional planning. Ideally, local and regional landscape planning are corresponding in ways whereby regional provisions are detailed in local plans, and municipal needs are considered in regional planning.

For example, in the case of local planning, the city administration of Offenburg has developed local land use plan that integrates policy provisions made by their municipal landscape plan. In turn, the local landscape plan specifies regional and state policy, the regional landscape plan of the Region Southern Upper-Rhine, and the Development Program of the State of Baden-Württemberg. In particular, much of the municipal territory is designated to accommodate regional green corridors (Regionaler Grünzug, Grünzäsur). Local landscape planning specifies how corridors make design proposals for corridors that run along the Rhine Valley and others that connect the river basin with highland valleys of the Black Forest. In this context, local landscape plans consider a number of issues concerning landscape, such as ecological aspects, scenery and beauty of the land, and the variety of cultural heritage. Based on the vision statement and the results of the landscape analysis, the local landscape plan includes a catalogue of concrete measures (Action programme) on the protection of areas of special interest, on the improvement of natural areas, on the development of open space, and on recreation and tourism.

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## **2.4 Reflections, ideas and conclusions on the existing Landscape Policy frameworks and regimes across European countries, nations and regions**

To be consistent with the analysis conducted for each policy, the conclusions and results have been structured using the same headings. The following conclusions were drawn:

1. Countries: the list of countries and regions included in the analysis of policies are: the United Kingdom (focusing on Scotland), Estonia, Slovenia, Hungary, Greece and Spain (focusing on Catalunya, The Basque Country and the Comunitat Valenciana). This is representative of the diverse planning and policy cultures and models (Jordan and Adelle, 2012), and also of the diverse approaches to landscapes (Pedroli et al., 2006) that co-exist across Europe. Additionally, a synthesis report was produced for Germany following changes in the attribution of tasks and responsibilities to the different partners of the E-CLIC project. The analysis includes regions and nations that are at different stages of implementation of the ELC as well as one which has not yet signed (i.e. Estonia). There is a broad range of landscape and planning frameworks and regimes represented in E-CLIC partner countries. These provide an indication of the different approaches to implementing the ELC in Europe, but are recognised as not being fully comprehensive.
2. Name and Year: the policies included in the analysis were approved and enforced across a range of dates. These range from those activated before the initial drafting and negotiation of the ELC (e.g. Greek Law 1469/1950 regulating the protection of what it calls ‘Places of Outstanding Natural Beauty’ (PONB)), to those produced as recently as 2013 (e.g. the consultation text of the National Planning Framework 3 for Scotland, for which only the main issues’ report and draft framework has been approved). Nevertheless, most of the individual documents analysed (16 of 27) had been approved after the relevant country had signed the ELC, with a minority (7 of 27) approved after the ELC had been enforced by their country or region. The range of situations represented in the analysis helps understand the effect of the ELC over European countries and regions through its influence on planning and policies. It should be noted that because of the date of approval, the majority of policies analysed might not have origins which reflect the ELC. The ELC is more likely to have had influence where

there have been recent revisions to legal, regulatory or guidance (e.g. Scotland), or where the process to approve, ratify and enforce the ELC was quick (e.g. Slovenia).

3. Level of implementation: the majority of the policy and planning instruments (18 of 24) included in the policy analysis operate at the national level, although some countries, such as Spain, define and approve most of their landscape-relevant policies at regional or local levels. Therefore, the three Spanish case studies included in the analysis operate at the regional or local level. In Scotland, where, following political devolution in 1999, all legislative responsibility for issues of spatial planning, land use and landscape were transferred to the Scottish Executive. This process of devolution has driven the Scottish Government to fully revise and update its spatial planning framework, including landscape policies. Given that the ELC had already been ratified by the UK, it is reasonable to assume that the ELC might have influenced the Scottish spatial planning and wider landscape policy regime. Although only one policy instrument operating at local level was included in the policy analysis (the Scottish Borders Council Supplementary Guidance on Local Landscape Designations (2012)), it is at this level at which most governance-led actions and projects take place. Additionally, although spatial and land-use planning, operate at the regional level, more than 13 years after the ELC, a many landscape-relevant policies are still being approved at the national level.
4. Competent authority for approval and implementation: the results obtained are very closely aligned with those for the analysis of the level of implementation. Nevertheless, the implication and key role of other entities and actors, including local stakeholders, NGOs and educational institutions, can be influential (e.g. the Operational Programme “Development of Living Environment” Approved by European Commission on 10 October 2007 in Estonia in Appendix 3.3). Although landscape usually comes under the jurisdiction of a single administrative or political authority, institutional complexity and lack of policy coordination hinders implementation of the ELC.
5. Nature of policy instrument (direct or indirect approach to landscape): it is still very rare to find administrative or political units or departments that place landscape at the core of their functions, responsibilities and areas of work. This has resulted in an array of distinctive approaches to the management, planning and protection of rural and urban landscapes. Nevertheless, some countries and regions have managed to produce unique strategic approaches, or at least common frameworks, for landscape management, planning and protection. Some have opted to unify landscape policy under the umbrella of spatial and land use planning, whilst others have opted to implement explicit landscape policies, laws and strategic frameworks. Examples of the former include Scotland’s Land Use Strategy (Scottish Government, 2011), the Spatial Development Strategy for Slovenia (2004) and the Country-Wide Regional Planning Strategy for Hungary (XXVI-2003). Some cases of direct landscape



policies are represented by the Law 4/2004, 30<sup>th</sup> June, of Planning and Landscape Protection of Valencia and the Law 8/2005, of June the 8<sup>th</sup> for the Protection, management and planning of landscape in Catalonia. There is only one case study in this project, Greece, where the objective of the legislator is the implementation of the ELC itself.

6. Types of landscapes addressed/affected by the policy: both the nature of each specific policy document and of the competent authority in charge of producing and implementing policies and plans were considered the key drivers in determining the types of landscapes that are directly targeted or potentially affected by each piece of legislation or policy. Thus, since most of the documents analysed were found to be cross-sectorial (mostly planning) or sectorial policies with an indirect focus on landscape, the types of landscapes addressed by each single policy instrument will be variable. Whilst this is clear from the results from both individual policy case studies (Appendix 3) and national overviews (section 2.3), there are some types of landscapes that were found to be more widely covered by policies than others. These include rural-agricultural and semi-natural and forest landscapes. These specific types of landscapes and others, such as the visually valuable landscapes that were the target of the Scottish Policy Summary on National Scenic Areas (Scottish Natural Heritage, 2000), are poorly aligned with the holistic and integrative understanding of landscape that is proposed by the ELC (Council of Europe, 2000).

The narrow concept of landscape that is adopted by the Scenic Area Policy is an exceptional one, approved before the ELC had been signed by the UK. This problem is regularly found across Europe, particularly in the form of legal and policy instruments that are still active and thus relevant to landscape policies at country or regional level. For example, in the case of the Greek Law 1650/1985 about the protection of the environment, refers to landscape directly and explicitly and to the criteria for the designation of protected landscape areas, the text of which, criteria and determinations are outdated with respect to the ELC, but still are still binding in the Greek National context.

Some of the less specialised and more integrative norms were found to be very strictly aligned with the basic principle of the ELC (see Article 2 -Scope) that indicates that the Convention “*applies to the entire territory of the Parties and covers natural, rural, urban and peri-urban areas. It includes land, inland water and marine areas. It concerns landscapes that might be considered outstanding as well as every-day or degraded landscapes*”. These kinds of integrative and holistic approaches to landscape were found to be well represented under land use and spatial planning frameworks that had been approved at national, regional and local levels, for example, Scotland’s Land Use Strategy (Scottish Government, 2011), the Spatial Development Strategy for Slovenia (2004) or the Country-Wide Regional Planning Strategy for Hungary (XXVI-2003). Under other landscape-focused norms and laws, good examples

are the Law 4/2004, 30<sup>th</sup> June, of Planning and Landscape Protection of the Comunitat Valenciana and the Law 8/2005, of June the 8<sup>th</sup> for the Protection, management and planning of landscape in Catalonia. The results of this analysis led to the decision that the types of landscapes to be addressed under E-CLIC should be left very broad in order for the project to be aligned with both the holistic and integrative approach to landscape that underpins the ELC, and also the way landscape policies and planning frameworks need to better reflect landscape diversity and uniqueness across Europe.

7. Policy Target (protection, management, planning): the first impression from the individual policy analysis is that the majority of documents considered address at least two (8 cases), or more frequently all three (14 cases) of the objectives set for landscapes, under the ELC. Few pieces of legislation explicitly addressing only one of the targets (2 cases). These two cases are the Scottish Policy Summary. “National Scenic Areas” (Scottish Natural Heritage, 2000), and the Greek “Law 1650/1985 about the protection of the environment”, which defines the criteria for the designation of protected landscape areas. In both cases, it is the landscape protection function that is uniquely covered. One common characteristic is that the dates of these documents are amongst the earliest analysed, and thus the approach to landscapes is less in tune with the ELC. It is recognised that the examples selected do not represent the entirety of the landscape legislative framework in those countries or regions. However, the overall synthesis provided for each country, combined with the examples used, provides as basis of interpretation of the whole landscape policy framework (Munoz-Rojas et al., 2013). After consulting all the national syntheses produced in the project, the conclusion can be drawn that the management, planning and protection of landscapes are commonly addressed across Europe under unique, single pieces of legislation. These legislative instruments were found to be either wider land use or spatial planning policies, or alternatively specific policies aiming at providing an explicit framework for landscape policy at national and regional levels.

8. Measures re: citizen engagement, awareness raising, training and education, identification and assessment of landscapes, landscape quality objectives, implementation instruments and trans-frontier co-operation measures: It is clearly stated under Articles 6 to 9 (Chapter II) of the ELC that issues of citizen engagement, awareness raising, training and education should be placed at the core of every national or regional landscape policy and planning framework. Nevertheless, Recommendation (CM/Rec (2008)3) of the Committee of Ministers to member states for the implementation of the European Landscape Convention (2008) also indicates that “*each state shall decide on its own in landscape matters according to its own overall institutional organization at the existing government levels and according to its own administrative and cultural traditions and existing structures*” (point II.1. of the ELC). Whilst certain principles, including subsidiarity, need to cover implementation of the ELC as a

whole, the contingent characteristics of each national and regional political framework will have direct impacts on the extent to which objectives and actions (e.g. including awareness raising and education), that go beyond participation and promoting innovation, will be implemented in practice.

Results from the analysis indicate a broad gradient from north-west to south-east Europe of decreasing citizen engagement, participation, awareness raising and innovation in the development of landscape policies. This results in a landscape policy mosaic that is determined by the complex set of cultural, political and economic drivers that ultimately drive the nature of planning and policy-making models across Europe. Additionally, it was found that the identification and assessment of landscapes and the definition of landscape quality objectives is most intensive where concrete landscape policies and plans exist. This would be clearly the case of Valencia and Catalunya in Spain, and of Scotland. Finally, it is also clear from our analysis that significant weaknesses remain in international and cross-regional cooperation in landscape policy making across Europe.

### **3 International Consultation Campaign: Design, Implementation and Results**

In addition to the results obtained from the individual policy analysis, the E-CLIC project proposed the design and implementation of an international consultation campaign to address members of relevant organisations, such as ECLAS, PPF, Landscape Europe and Le:Notre. This campaign, along with the policy analysis across partner countries and regions, is aimed at contributing to the definition of landscape challenges to be addressed by the project. Ultimately it will be considered with the contents of the libraries of best practice examples (Deliverable 5) and ICT resources (Deliverable 7) to guide the definition of learning objectives to be approached using novel ICT tools (Deliverable 6).

To design and implement this consultation campaign, discussions with representatives of the main targeted international organisations (including Le Notre, ECLAS, PPF and Euracademy) were held at the 2<sup>nd</sup> SCM in Loski Potok (Slovenia) in July 2013. Representatives of these organisations include Simon Bell (President of ECLAS and member of the Le:Notre network), Diedrich Bruns (representative of ECLAS in the E-CLIC project), Zoltan Kuhn (Executive Director of Pan Parks) and Fouli Papageorgiou (Vice-President of the Euracademy Association), all of whom are also members of the E-CLIC project. Following discussion, it was clear that the international consultation campaign should be aimed at obtaining input through additional case studies and feedback on the policy issues identified by the project partners, and not to obtain feedback on the relevance or adequacy of these results. The 12<sup>th</sup> Summer Academy, which focused on “Culture and Landscape: Contributions to Sustainable Rural Development”, and to which most partners of the E-CLIC project directly or indirectly contributed, provided an additional opportunity to extend the consultation campaign to those international experts from all Europe attending the event.

Although it was thought that the deadlines initially established for this consultation campaign would be too short to obtain results which would be meaningful for the objectives of the project, some ideas were proposed by members in the international organisations to guide both the structure and contents of the campaign, and also to provide some indirect sources of information to inform the project. It was suggested that these international bodies be used to reach the appropriate experts who could offer inputs into some of the challenges posed by the ELC. It was also suggested that a search of the Le Notre ([www.le-notre.org/](http://www.le-notre.org/)) webpages be carried out for specific information on key issues for the political and social implementation of the ELC across Europe.

These include: minimising the impact of urban and peri-urban sprawl on landscapes and landscape character, improving strategies for landscape regeneration through the designation of novel models of sustainable tourism, addressing issues of permanence and transformation in relation to landscape heritage and identity, and designing strategies that are based on the use of novel tools (including ICT) to guide the planning system and local populations in conflict resolution with a focus on fragile and vulnerable landscapes, including remote rural, rural-urban, historic and coastal landscapes. In addition, further ideas on key relevant policy issues across Europe were obtained from the international expert presentations and discussions that took place over the Euracademy Association 12<sup>th</sup> Summer Academy (Loski Potok, Slovenia, 12<sup>th</sup> and 13<sup>th</sup> July 2013).

Some of the issues discussed in this Seminar are directly relevant to the E-CLIC project, and generically guide the implementation of the ELC. These include:

- the implementation of the ELC in Slovenia (Jelena Hladnik),
- the role of landscape in driving social innovation in rural areas (Mika Klinar),
- public visioning and related ICT tools for the planning of future landscapes (David Miller),
- the role of public involvement in the context of the ELC (Diedrich Bruns),
- the complexity of relationships between landscape and territorial and ecosystem governance (Joan Noguera),
- the possibilities to better understand landscapes and their underlying processes (Simon Bell),
- the concept of responsible management and its potential for landscapes (Ana Kucan),
- the role and importance for Europe of wilderness landscapes (Zoltan Kuhn),
- the role of development in the framework of the ELC (Friedrich Kuhlmann),
- the use of educational tools and strategies for the implementation of sustainable spatial development and landscape awareness (Spela Kuhar).

These presentations can be downloaded from the webpage of the 12<sup>th</sup> Euracademy Association Summer Academy ([www.euracademy.org/index.php?option=com\\_content&view=article&id=84](http://www.euracademy.org/index.php?option=com_content&view=article&id=84)). Other relevant institutions consulted included the University of Aberdeen Natural History Centre ([www.abdn.ac.uk/nhc/](http://www.abdn.ac.uk/nhc/)) which organises design and implementation campaigns for the participation, education and awareness of children and young students in issues related to the protection of nature.

Moreover, to complement the results already obtained, the project's partner the University of Kassel is in the process of generating a form for consultation (questionnaire, survey etc.) that will be soon circulated to partners and associate relevant partner's networks (ECLAS Le Notre, Euracademy, Uniscape etc.). This consultation campaign will be launched together with the Competition announcement, inviting people to have their say while also participating to the E-CLIC competition. The results will be incorporated to this report by the end of February for the Interim Report – further updates being also possible.

## 4 Conclusions

Some of the key issues that arose from the policy analysis, and that can potentially inform the definition of learning objectives in ECLIC include:

- Landscape is very rarely the main subject of currently active policies, planning instruments and regulations across Europe. The number is increasing, albeit variable across the parties to the ELC, institutional levels and spatial scales.
- The main targets of landscape planning, management and protection are very rarely addressed individually under single policy or planning instruments.
- The institutional architecture of political and administrative entities in specialised departments strongly determines the nature and orientation of landscape policies under their jurisdiction, resulting in urban and rural landscapes frequently separated into different policy instruments.
- The complexity of drivers (historic, economic, cultural and social) behind the different levels to which public engagement is included in policy making and planning processes across nations and regions of Europe has resulted in a patchwork of landscape governance frameworks and regimes.
- In general, there is a geographic gradient, north-west to south-east across Europe with a decreasing role for the public in policy and planning through indicators such as awareness raising, public participation and the role of education.
- International and cross-regional cooperation in landscape policy and decision making is limited despite the international and unifying scope and vocation of the ELC.
- National and regional time-lags in adopting and implementing the ELC is a key, yet not unique, factor for the development of adequate planning and policy making with regard to landscapes.
- Thirteen years after the ELC was launched, there remains a need for political authorities to address key issues for the implementation of objectives, including the role of the public, across policy sectors, institutional levels and spatial scales.
- There is a role for suitable tools in facilitating better standards of participation and awareness, and thus of related policy and planning options remains, of which ICT is one.
- From the findings of the (draft) consultation campaign, the following main target landscape types were identified as providing a basis for the definition of appropriate challenges per target

group, and to ultimately define landscape objectives. These are: peri-urban and rural-urban landscapes located in urban and metropolitan areas, coastal and mountain tourism-specialised landscapes, and remote rural landscapes where conflicts between conservation and rural and human development are frequent.

A set of target groups (selected on the basis of common landscape-related learning competences) and key challenges per selected landscape type and target group were defined for the E-CLIC project. This was based on the joint analysis obtained for Deliverables 5 and 7, and also what can be extracted from relevant bibliographic references consulted (including *We are the Landscape* (RECEP-ENEL, 2011), *Elements of Visual Design in the Landscape* (Bell, 2004) and *Landscape; pattern, perception and process* (Bell, 2012)).

The target groups which were selected to focus on the definition of learning objectives were defined by clustering those groups which had been suggested on the original E-CLIC proposal (see page 34). This clustering exercise was based upon characteristics that were coincident amongst some of these groups, including their distinctive learning competencies such as their ability to read the landscape, their capacity to use specialized ICT tools, and also the degree to which they held a stake in the landscape and thus could be directly affected by any changes in the landscape.

- (i) School and young learners.
- (ii) General public and local communities.
- (iii) University and college students.

The following generic challenges were identified in relation to the defining issues from the E-CLIC application (page 30):

- (i) Better understand the main characteristics and components of the landscape that define their distinctiveness.
- (ii) Propose alternatives and negotiated solutions to deal with external pressures placed on landscapes.
- (iii) Facilitate and promote active public involvement.

Some final remarks can be made with respect to the results of the landscape-related policy analysis. These are:

- The objectives, methods and steps covered by the E-CLIC project are a timely opportunity to advance understanding of existing barriers and opportunities to implement the ELC across Europe. The E-CLIC project can contribute to guiding the design of better policy and planning practices, and models that are based on more democratic and socially-inclusive processes.
- Any planning and political authorities and public and private stakeholders with responsibility in landscape decision-making need to accept the potential implications that their own national or regional social, economic, historic and cultural contingencies might have for the



implementation of landscape policies and planning frameworks, regimes and practices in their territories. This should be a basis to aid the political implementation of the objectives of better awareness raising, promoting education and going beyond participation that are at the core of both the E-CLIC project and also of the ELC.

- The initial results obtained through consultation with selected international entities are being expanded and improved to more guide the definition of learning objectives, and ultimately the design and validity of the landscape competitions that will be held across selected European countries, and internationally as part of the E-CLIC project. To do this, the schedule proposed for the consultation in September 2013 (see Section 3) will need to be strictly followed by all involved E-CLIC partners.

## 5 Next Steps

The results obtained from the analysis of policies and the draft international consultation campaign will guide the identification of the potential implications of the policy and planning frameworks that currently co-exist across Europe for the selection of landscape challenges per selected country (see WP3) and for the subsequent definition of learning objectives per target group (Deliverable 6). The outcomes of the national and international policy analyses will be jointly considered along with the results obtained for the analysis of best landscape practices (Deliverable 5) and the ICT tools (Deliverable 7) to inform the definition of learning objectives (Deliverable 6).

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**Appendix 1. List of parties which have signed or ratified the ELC as of 31<sup>st</sup> August 2013** (wording taken from the ELC website; Council of Europe, 2013)

States	Signature	Ratification	Entry into force	Temporal Application.
Albania				
Andorra	23/3/2011	7/3/2012	1/7/2012	
Armenia	14/5/2003	23/3/2004	1/7/2004	
Austria				
Azerbaijan	22/10/2003	30/8/2011	1/12/2011	
Belgium	20/10/2000	28/10/2004	1/2/2005	
Bosnia and Herzegovina	9/4/2010	31/1/2012	1/5/2012	
Bulgaria	20/10/2000	24/11/2004	1/3/2005	
Croatia	20/10/2000	15/1/2003	1/3/2004	
Cyprus	21/11/2001	21/6/2006	1/10/2006	
Czech Republic	28/11/2002	3/6/2004	1/10/2004	
Denmark	20/10/2000	20/3/2003	1/3/2004	X
Estonia				
Finland	20/10/2000	16/12/2005	1/4/2006	
France	20/10/2000	17/3/2006	1/7/2006	
Georgia	11/5/2010	15/9/2010	1/1/2011	
Germany				
Greece	13/12/2000	17/5/2010	1/9/2010	
Hungary	28/9/2005	26/10/2007	1/2/2008	
Iceland	29/6/2012			
Ireland	22/3/2002	22/3/2002	1/3/2004	
Italy	20/10/2000	4/5/2006	1/9/2006	
Latvia	29/11/2006	5/6/2007	1/10/2007	
Liechtenstein				
Lithuania	20/10/2000	13/11/2002	1/3/2004	
Luxembourg	20/10/2000	20/9/2006	1/1/2007	
Malta	20/10/2000			
Moldova	20/10/2000	14/3/2002	1/3/2004	
Monaco				
Montenegro	8/12/2008	22/1/2009	1/5/2009	
Netherlands	27/7/2005	27/7/2005	1/11/2005	X
Norway	20/10/2000	23/10/2001	1/3/2004	
Poland	21/12/2001	27/9/2004	1/1/2005	
Portugal	20/10/2000	29/3/2005	1/7/2005	
Romania	20/10/2000	7/11/2002	1/3/2004	
Russia				
San Marino	20/10/2000	26/11/2003	1/3/2004	
Serbia	21/9/2007	28/6/2011	1/10/2011	
Slovakia	30/5/2005	9/8/2005	1/12/2005	
Slovenia	7/3/2001	25/9/2003	1/3/2004	
Spain	20/10/2000	26/11/2007	1/3/2008	
Sweden	22/2/2001	5/1/2011	1/5/2011	
Switzerland	20/10/2000	22/2/2013	1/6/2013	
The former Yugoslav Republic of Macedonia	15/1/2003	18/11/2003	1/3/2004	
Turkey	20/10/2000	13/10/2003	1/3/2004	
Ukraine	17/6/2004	10/3/2006	1/7/2006	
United Kingdom	21/2/2006	21/11/2006	1/3/2007	X

## Appendix 2. Template for policy analysis

### A. PROFILE

- 1. Country:** This makes reference to the country (and if pertinent to the region and/or nation) for which each legislative or planning instrument analysed is legally competent.
- 2. Name, year:** The name of each legal instrument to be included in the analysis should be translated into English, making full reference to the complete official denomination by which it was originally approved by the pertinent political authority. In order to optimise the quality and relevance of the information obtained both the year of approval and the period for which any particular law, plan or programme analysed is legally active were also included on the analysis. Where relevant, some reference could be made to any other directly-related legal, planning or political instrument or framework. For example, this could be the case of a regional or local legal instrument aimed at translating any national strategic policy into the operational and institutional level at which decision making effectively takes place. Or, it could be used to help identify where the instrument in question formed part of a schedule to adapt any previously existing political framework into the principles of the ELC, in which case some reference to this pre-existing framework could also be made.
- 3. Specify national/regional/local level:** Where possible, there should be a reasonable distribution of cases across institutional levels for each national or regional case study. This would help understand how the common strategic and conceptual umbrella provided by the ELC is then translated in each country across the diverse levels of administrative and political organisations. This will provide an oversight of how the common principles and objectives are interpreted differently across Europe. Understanding the actual process of cross-level policy making is well reflected in Article 4 (Division of responsibilities), Chapter II (National Measures) of the Explanatory Report of the ELC (Council of Europe, 2000b), where it is stated that *“each Party is to implement the convention at the most appropriate level of government for landscape action, regard being had to the principle of subsidiarity and the European Charter of Local Self-Government This implies that, if necessary, local and regional authorities, and groupings of such authorities, are guaranteed formal involvement in the implementation process”* and also that *“where local and regional authorities have the necessary competence, protection, management and planning of landscapes will be more effective if responsibility for their implementation is entrusted – within the constitutional framework legislatively laid down at national level – to the authorities closest to the communities concerned. Each country should set out in detail the tasks and measures for which each level – national, regional or local – is responsible and should lay down rules for*

*inter-level co-ordination of such measures, in particular where town planning and regional planning instruments are concerned” (Article 49).*

- 4. Competent authority for approval and implementation:** This information will provide knowledge on how the ELC is implemented and translated differently across the diverse territories of Europe (countries, regions and localities). In this sense, it is important to identify when different authorities have responsibilities of legally approving and implementing the ELC for the one territory. This will add depth to the understanding on how the requirements that were set under Article 4 of the Explanatory Report of the ELC (CE, 2000) are actually met under each single party across Europe.
- 5. Identify: Sectorial or cross-sectorial policy with landscape focus, or sectorial policy with landscape implications (direct or indirect link to landscape policy):** It is the explicit intention of the ELC to influence and drive decision making across Europe beyond the boundaries of landscape policy and planning. This is set out under Article 50 of the Explanatory Report of the ELC (Council of Europe, 2000b), that states that actions necessary to implement the Convention by each party will include those to “*systematically accommodate landscape into the country’s spatial and town-planning policies, its cultural, environmental, agricultural, social and economic policies, and any other policy sector, which may have direct or indirect impact on the landscape, such as transport*”. Additionally, the Guidelines for the Implementation of the Convention (Recommendation CM/Rec(2008)3) state that, from the operational viewpoint, the Convention, under Point I.4, presupposes that “*the drawing up of specific landscape policies and concurrently the systematic inclusion of the landscape dimension in all sectorial policies that have a direct or indirect influence on changes to the territory. Landscape is therefore not additional to other themes but is an integral part of them*”. In view of this, it was agreed that the policy report should also take note of both the direct (landscape policy that directly translates the ELC into institutional and political contexts) and indirect (sectorial policy that intentionally or unintentionally addresses any main issues to be covered by translating the ELC into policy frameworks and instruments) landscape policy instruments for each country or region. This would add some depth in better understanding how the different political and planning frameworks and regimes operate in practice.
- 6. Types of landscapes addressed/affected by the policy:** It is the intention of the ELC to be inclusive of all types of landscapes, both outstanding and ordinary, which under the original text of the ELC (see Article 2-Scope) are explicitly considered as equally important for the purpose of planning, management and protection. In addition, the Convention talks about the importance of considering Natural, Rural, Urban and Peri-Urban landscapes, as well as inland waters and marine areas when designing policies and actions. Thus, it is clear that any analysis of ELC-driven policies will need to address the degree of inclusiveness and openness



that each political and planning framework or instrument has when considering the types of landscapes to be planned, managed or conserved. Therefore, it was agreed to use a classification that proved capable of encompassing all these different types of landscapes, whilst also being simple and easy to apply across all regions and nations of Europe. In addition, it was agreed that the chosen classification should have been produced, tested or employed by any international political organisation operating at European level. This would allow the political relevance of the results obtained in the policy analysis to be grounded in the experience and criteria of a political entity operating at a European level.

To select the most appropriate classification system, some pre-existing pan-European landscape classifications were initially considered. Most of these classifications were initially discarded based on problems such as their lack of update (e.g. the European Landscape Classification by Meews, 1995), their inadequate capacity for generalisation and subsequent inability to be upscaled (e.g. the Landmap classification that had been proposed by Mucher et al., 2010) or their focus on a single aspect of landscape (e.g. the rural landscape typology proposed by Eupen et al., 2012). Based on this, the Landscape Classification produced by the European Environment Agency, and reflected in the State of the Environment Report No. 1/2010 ([www.eea.europa.eu/data-and-maps/figures/dominant-landscape-types-of-europe-based-on-corine-land-cover-2000-2](http://www.eea.europa.eu/data-and-maps/figures/dominant-landscape-types-of-europe-based-on-corine-land-cover-2000-2)), was selected for classification of focus landscape types.

7. **Target: (protection, management, planning).** The ELC offers a very clear definition of what each of these three main targets for landscape intervention means in the framework of the ELC's principles and objectives (see respectively Points d, e and f under Article 1-definitions of Chapter I of the ELC original text). Additionally, Point b Article 5 defining General Measures under the same text states as an obligation of each party to the ELC to “*establish and implement landscape policies aimed at landscape protection, management and planning through the adoption of the specific measures including awareness raising, training and education, identification and assessment of landscapes, definition of landscape quality objectives and implementation*”. Whilst these objectives are widely covered by the E-CLIC project, the intention of the project to go beyond awareness raising, and also to focus on issues of education and participation, indicated that the analysis of policies should help understand not only the generic targets of the policies but also how the implementation of landscape planning, management or protection measures could potentially influence aspects of training, education and awareness raising. Thus, whilst a clear response should be given on the target measures of each policy, some further connections and potential implications could also be made as to how these targets could be operationalised through related measures, such as those that are described on the following point of the policy analysis.

**8. Measures re: citizens' engagement, awareness raising, training and education, identification and assessment of landscapes, of landscape quality objectives, of implementation instruments and trans-frontier cooperation measures.**

As indicated under point 7, the measures explicitly cited by the ELC (for further detail on this see article 6 and 9 on Specific Measures to be pursued when implementing the generic principles defined under Chapter II-National Measures of the ELC) are options for consideration for the design and implementation of landscape management, planning and conservation policies. Thus, it was deemed important to not only identify, but more importantly to briefly describe, the types of ELC implementation options for each of the documents analysed. This way, the different methods, approaches and strategic pathways could be potentially identified, and comparatively addressed. Furthermore, the key importance given to aspects common to both the E-CLIC project and the ELC, including going beyond public participation, facilitating training and education, and defining a novel and innovative framework for enhancing the definition and of Landscape Quality Objectives, can only be approached once there is a clear understanding of the potential and constraints for implementation of each policy framework and instrument. Consequently, it was agreed that partners would provide information for each policy or planning document, including details of implementation. This should include indirect sources of information, implementation strategies and further monitoring and assessment reports for each policy or plan.

- B. **BRIEF DESCRIPTION.** With a maximum of 300 words, for each example this point is intended to provide a clear and concise and narrative-based description on the context, and the main aims, methods, goals and relevance within the context of the E-CLIC project. It is intended to inform about the interest and relevance of every document under the scope of the ELC, and the context under which it was approved or operationalised.

**Key References:** All (legal or academic) references cited in the text are included at the end of each policy report document.

## Appendix 3 Individual case study policy analysis across 6 countries and regions of Europe

### Appendix 3.1 Landscape Policy Review - Scotland



#### A. PROFILE

1. **Country:** United Kingdom (Scotland).
2. **Name, year:** Land Use Strategy: *Getting the best from our land.*  
*A Land Use Strategy for Scotland (laid before the Scottish Parliament by the Scottish members on 17<sup>th</sup> March 2011 in pursuance of Section 57 of the Climate Change (Scotland) Act 2009” (LUS).*
3. **Specify national/regional/local level:** Regional (Scotland).
4. **Competent authority for approval and implementation:** The Scottish Government, in association with public, private and third sector organisations.
5. **Identify; Sectorial or cross-sectorial policy with landscape focus, or sectorial policy with landscape implications (direct or indirect link to landscape policy):** It is a cross-sectorial policy with references to landscape under several topics.
6. **Types of landscapes addressed/affected by the policy:** The policy is holistic in nature, thus covering all types of landscapes, from artificial areas to semi-natural vegetation (for potential categories see the map of Landscape Types published by the European Environmental Agency and reflected in the State of the Environment Report No 1/2010, from the European Environment Agency), considered at the Scottish National/Regional scale.
7. **Target: (protection, management, planning).** Management (“Land Based Businesses” Objective), Planning (“Urban & Rural Communities” objective) and Protection (“Responsible Stewardship of Scotland’s Natural Resources” objective).
8. **Measures re. citizen’s engagement, awareness raising, training and education, identification and assessment of landscapes, of landscape quality objectives, of implementation instruments and trans-frontier cooperation measures:** The LUS sets out an agenda for public, private and third sector alike, guiding a Scottish approach to land use. It seeks to ensure that

Scottish people can support and participate on achieving sustainable land use across Scotland; optimising the way land is used and ensuring that it continues to provide the benefits that Scotland needs, now and in the future. The LUS states that its principles are relevant for everybody involved in planning the future use of land or in taking significant decisions about changes in land use. The LUS has produced a series of documents aimed at monitoring and guiding its effective implementation. These include: a guide and action plan (Scottish Government, 2011b), an information note for community planning partnerships focused on applying an ecosystems approach to land use (Scottish Government, 2012a), and annual progress statements (Scottish Government, 2012b). In addition, there are several reports associated with the SEA procedure (Scottish Government, 2010), including a consultation analysis, a scoping report, a scenarios information note and a forestry-issues related report. All the guidance documents and reports are characterised by a strong focus on stakeholder and general public's consultation and engagement, with training and education processes as yet underdeveloped. These documents provide a coherent and complete guidance framework for the implementation of the principles and ideas under the ELC (Council of Europe, 2000), with a clear focus on encouraging bottom-up approaches to implementation of landscape-related and other land-use objectives and targets. With respect to landscapes, no specific methodology is proposed regarding the characterization and identification of objectives. The expectation is that these would arise from the implementation of proposals and adherence to the principles, set out in the Strategy, which should permeate through a bottom-up and local scale-oriented planning approach for land-use and landscape change (i.e. an ecosystem approach).

## **B. BRIEF DESCRIPTION**

The Land Use Strategy (Scottish Government, 2011a) is a strategic cross-sectorial political document that sets an agenda for sustainable land use across Scotland. Within the Strategy it is recognised that the way in which Scotland's land resources are used in the future are of significant importance to economic prosperity, the environment, sense of place and community and the quality of life of Scotland's citizens. This strategy sets out a long-term vision towards 2050 with clear objectives relating to economic prosperity, environmental quality and communities. To secure these objectives, the strategic key principles for sustainable land use are set, reflecting the Scottish Government's policies on the priorities which should influence land-use choices. The principles are relevant for everybody involved in planning the future use of land or in taking significant decisions about changes in land use. With these targets in mind, the Strategy sets out a vision (*"A Scotland where we full recognize, understand and value the importance of our land resources, and where our plans and decisions about land use deliver improved and enduring benefits, enhancing the wellbeing of our nation"*), three main objectives (that respectively affect and involve; land-based businesses, natural resource stewardship, and

urban and rural communities), and ten principles for Sustainable Land Use. It also presents 13 proposals. Amongst these ten principles, the following ones explicitly relate to issues pertinent to the ELC (Council of Europe, 2000): maintaining land capability for primary land use (Principle B), linking land-use decisions to ecosystems (Principle D), positively managing landscape change (Principle F), enhancing land restoration (Principle G), facilitating outdoor recreation (Principle H) and the debating and open decision-making processes on land-use change (Principle I) and finally, connecting land use and daily living (Principle J). Of the proposals, two of particular relevance to the ELC are to 'identify and publicise effective ways for communities to contribute to land-use debates, and decision-making; and, to demonstrate how the ecosystem approach could be taken into account in relevant decisions made by public bodies to deliver wider benefits, and provide practical guidance. This combination of objectives, principles and proposals make the Land Use Strategy a very good fit to the ELC.

## Key References

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## A. PROFILE

1. **Country:** United Kingdom (Scotland)
2. **Name, year:** “*Policy Summary. National Scenic Areas*” (Scottish Natural Heritage & Scottish Government, 2000). This summary presents the definition, designation and management of National Scenic Areas in Scotland. Their role in the Scottish Spatial Planning Framework is presently regulated in Scotland through Section 263 A of the “*Planning (Scotland) Act 2006*”, and their most updated “state of the art” is synthesised in Commissioned Report No. 374 “The Special Qualities of the National Scenic Areas (iBids and Project n. 648)” (Scottish Natural Heritage, 2010).
3. **Specify National/regional/local level:** Regional (Scotland)
4. **Competent authority for approval and implementation;** The Scottish Government (Scottish Ministers)
5. **Identify; Sectorial or cross-sectorial policy with landscape focus, or sectorial policy with landscape implications (direct or indirect link to landscape policy):** This is a sectorial landscape policy. The designation and management of these areas explicitly refers to the “outstanding scenic value” as the main characteristics needing protection to “safeguard or enhance their character” (Section 263 A.1 of “*Planning (Scotland) Act 2006*”).
6. **Types of landscapes addressed/affected by the policy;** Landscapes characterised, and categorised, by their “outstanding natural beauty”. Thus, this regulation refers to “the very best of Scotland’s natural beauty and amenity-rather than representative of Scotland’s diverse landscapes” (Scottish Natural Heritage and Scottish Government, 2000). Subsequent work commissioned by the Scottish Government “identify the special qualities of Scotland’s National Scenic Areas” (Scottish Natural Heritage, 2010) reinforces this idea of “outstanding landscape value” as a main target to be protected, managed and planned, and is in contradiction with the principles of inclusiveness and diversity set by the ELC. According to the Landscape Classification produced by the European Environment Agency and reflected in the “State of the Environment Report No 1/2010”, this policy potentially ought to affect landscape typologies that include forested land, semi-natural vegetation, open spaces, wetlands and water bodies.
7. **Target: (protection, management, planning)** The main target of this designation is the protection of landscapes characterised by their “outstanding scenic value” (Scottish Executive, 2006), although the designation of these areas holds direct implications for landscape planning (Scottish Executive, 2006) and management (Scottish Natural Heritage, 2000).
8. **Measures re: citizen’s engagement, awareness raising, training and education, identification and assessment of landscapes, of landscape quality objectives, of**

**implementation instruments and trans-frontier cooperation measures:** According to Section 263 A of the “*Planning (Scotland) Act 2006*”, there is a compulsory process of consultation when issuing any approval and/or modification for a National Scenic Area (NSA) which necessarily must involve SNH and Scottish Ministers. No other private or public stakeholders are explicitly mentioned. Both the original SNH Policy Summary (2000) and that on special qualities of the National Scenic Areas (Scottish Natural Heritage, 2010) include note necessity to improve the participation process in the designation, management and planning of these areas. Scottish Natural Heritage (2000) note the need to “increase the level of involvement and direct responsibilities of local authorities and local communities” and to “seek greater effort to increase awareness and understanding for NSAs amongst local communities and general public”. This remains a matter dependent on the Spatial Planning process, which in Scotland is made effective at the local level (through Local Development Plans and Local Strategic Plans approved by local authorities), and thus the degree of awareness raising, participation, training and education depends on the qualitative level at which the planning is effectively implemented by every local authority. Landscape quality objectives and identification of landscape types are defined under the specific plans and regulations for each NSA, although they require to abide with the “outstanding natural beauty” characteristic which is a common denominator for all these designated areas. The implementation of specific measures is then defined individually for each NSA and embedded within the existing bottom-up oriented planning framework, where the local level (through the figures of Local Development Plans and Local Strategic Plans) is the key to decision making, and limitations to development and interventions in the landscape.

## **B. BRIEF DESCRIPTION**

The Scottish Executive (2006) notes that Scotland’s scenery is nationally and internationally renowned and thus has economic significance as an attraction for tourists. It is recognised as important to quality of life, providing settings within which people live, work and play, therefore becoming the main route by which most people come to understand and value the natural heritage. National Scenic Areas are areas characterised by their outstanding scenic values in a Scottish context, and as such their character or appearance is designated by the Scottish Ministers requiring to be protected. Forty areas were originally designated as NSAs in 1980 in Scotland by the then “Countryside Commission Scotland” “....of unsurpassed attractiveness which must be conserved as part of Scotland’s Natural Heritage”. Since then, both SNH and the Scottish Government have worked together to clarify the role these areas ought to play to improve the process of protection, management and planning of outstanding sceneries and “natural” landscapes (Scottish Executive, 2006; Scottish Natural Heritage, 2010). Although, the designation, management and planning model for these areas is subject to change, in order to be better aligned with the shifting planning, land-use and nature designation, there are some features

that make these areas unique within the Scottish context in the light of the ELC principles (Council of Europe, 2000). Thus, the intention to protect, manage and plan landscapes as independent and separate entities subject to regulation is fully accomplished through the NSAs. Nevertheless, it is the requirement, as stated under the ELC, to consider all landscapes as equally valuable that is clearly not consistent with the aims of the NSAs when designated, the main target of which was in landscapes of “outstanding natural beauty” (Scottish Natural Heritage, 2010).

### **Key References**

Council of Europe (2000) *European Landscape Convention*. CETS No.: 176, 9pp. <http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=176&CM=8&CL=ENG>

European Environment Agency (2012) *The European environment-state and outlook 2010: Synthesis*, 228pp. [www.eea.europa.eu/soer/synthesis/synthesis](http://www.eea.europa.eu/soer/synthesis/synthesis) (for landscape types employed, see; [www.eea.europa.eu/data-and-maps/figures/dominant-landscape-types-of-europe-based-on-corine-land-cover-2000-2](http://www.eea.europa.eu/data-and-maps/figures/dominant-landscape-types-of-europe-based-on-corine-land-cover-2000-2))

Scottish Executive (2006) *Planning etc. (Scotland) Act 2006*. 96pp. [www.legislation.gov.uk/asp/2006/17/pdfs/asp\\_20060017\\_en.pdf](http://www.legislation.gov.uk/asp/2006/17/pdfs/asp_20060017_en.pdf)

Scottish Natural Heritage (2010) *The special qualities of the National Scenic Areas*. SNH Commissioned Report No.374. published online: [www.snh.gov.uk/protecting-scotlands-nature/protected-areas/national-designations/nsa/special-qualities/](http://www.snh.gov.uk/protecting-scotlands-nature/protected-areas/national-designations/nsa/special-qualities/)

Scottish Natural Heritage (2000) *Policy Summary*. *National Scenic Areas*. 3pp. [www.snh.gov.uk/docs/A327497.pdf](http://www.snh.gov.uk/docs/A327497.pdf)



## A. PROFILE

1. **Country:** United Kingdom (Scotland)
2. **Name, year:** “National Planning Framework 3. Main issues report and draft framework” (Scottish Government, 2013). This policy (published in April 2013) is currently undergoing public consultation and evaluation for approval of the definitive National Planning Framework 3, which is expected to be in place by the 25<sup>th</sup> June 2014. The NPF3 sits at the top of the hierarchy of the Scottish Spatial Planning regulatory and strategic framework and is a direct follow-up from National Planning Framework 2 (Scottish Government, 2009). It provides the spatial framework for Scotland’s economic and sustainability agenda for the long term (20 to 30 years). The updating of the NPF every five years is a statutory requirement for the Scottish Government, under Part 1A (section 3A) of Planning etc. (Scotland) Act 2006 (Scottish Executive, 2006).
3. **Specify national/regional/local level:** Regional (Scotland)
4. **Competent authority for approval and implementation:** the NPF3 is published by the Scottish Government (Department of Local Government and Planning), according to the Planning etc. (Scotland) Act 2006, it requiring to laid before the Scottish Parliament for approval (Section 3c of Planning etc. (Scotland) Act 2006). Responsibilities for implementation of the principles, objectives and National Projects included in this document are spread across institutional levels, and implies the direct involvement of multiple public (e.g. local councils) and private stakeholders (e.g. developers).
5. **Identify: Sectorial or cross-sectorial policy with landscape focus, or sectorial policy with landscape implications (direct or indirect link to landscape policy):** It is a cross-sectorial (territorial) policy with landscape implications. It is strongly linked to other Scottish national strategies which have relevance to landscapes (e.g. National Scenic Areas; Land Use Strategy; Scottish Forest Strategy).
6. **Types of landscapes addressed/affected by the policy:** This policy is holistic in nature, thus covering all types of landscapes, from artificial areas to semi-natural vegetation (for potential categories see the classification of Landscape Types produced by the European Environment Agency and reflected in the State of the Environment Report No 1/2010), considered at the Scottish National/Regional scale.
7. **Target: (protection, management, planning)** The NPF 3 is a planning oriented, strategic framework, which has implications for the management and protection of landscapes. Components of the document which are more closely related to landscapes include: the definition of areas of opportunity for wind energy developments, which are especially relevant for visual impacts over protected (e.g. NSAs), valuable (e.g. wild) landscapes (landscape planning and

protection), the conservation of natural resources, including semi-natural landscapes such as peatland (landscape management, planning and protection), the restoration of vacant and derelict land (landscape protection and management), the implementation of green networks (landscape planning and management), and long-distance paths and trails to facilitate recreation and enjoyment of landscapes (landscape planning and management).

- 8. Measures re. citizen's engagement, awareness raising, training and education, identification and assessment of landscapes, of landscape quality objectives, of implementation instruments and trans-frontier cooperation measures:** It is not a goal of the "Main issues report and draft framework for the NPF3" to establish the specific mechanisms for public engagement and participation. Nevertheless a Participation Statement was released in September 2012 as part of the design of the definitive NPF3. This includes a public call for National Developments to be included in the final NPF3, and a series of stakeholder consultation and public engagement meetings. Although questions to be resolved under these consultation documents are not restricted to the landscape component of the NPF3, a few of the questions posed to the public are very strongly connected to landscapes. These include questions on the role of NPF3 in supporting the sustainable use of environmental assets (including landscape functions and ecological landscape networks), in facilitating the delivery of national development proprieties outwith sensitive locations (e.g. landscapes). Other questions include support of recreational access to landscapes through a strong network of pathways, and in contributing to health and well-being through place making (which is very directly connected to high quality lived and every day landscapes). A questionnaire which was initially submitted to key stakeholders in 2012 includes a question on the nature and location of aspects of the environment, including landscapes that will need protection from development.

No precise details are provided in documents relating to the NPF3 regarding the definition of landscape quality objectives. Few of the objectives that need to be complied by National Developments to be considered by the NPF3 raise specific landscape issues. Nevertheless, some of the objectives to be accomplished under NPF3 (SG, 2013) will have implications for the implementation of landscape quality objectives. The accomplishment of these objectives is expected to be met through the translation of the generic principles guiding the NPF3 into sectorial policy instruments that deal with the implementation at lower institutional levels (e.g. Local Development Plans, Forest Indicative Development Plans) and across sectors (e.g. nature protection, rural development). Bottom-up mechanisms are prescribed throughout the whole Scottish Planning Framework, including NPF3. This aligns very well with the vision of landscapes as social constructs established under the ELC (EC, 2000; "...areas of land, as perceived by people..."). The downscaling of national and regional strategic objectives into local-based decisions, including improving the awareness, education and training of local

stakeholders is a requirement for the NPF3 to fully match the ELC's principles and objectives. Aspects of that role are addressed by the four Strategic Development Planning Authorities, and the local authority development plans.

## **B. BRIEF DESCRIPTION**

The “Main Issues and Draft Framework” on NPF3 (Scottish Government, 2013), sets the agenda for Scotland's spatial strategic development for a period of 20 to 30 years. Currently this is a consultation document, the period for comments on which has now closed, with approval by the Scottish Parliament scheduled for June 2014. This document follows NPF2 (2009), and is a result of the requirement under Planning etc. (Act) Scotland 2006 to produce a Planning Framework for Scotland every five years. The draft framework focuses on proposing “National Developments” that are considered as key assets to achieve a series of objectives for Scotland including becoming: a low carbon economy, a natural place to invest, a successful, sustainable and connected place (Scottish Government, 2013). Although not a landscape policy *per se*, this framework sets the spatial and strategic criteria for development in several sectors that are key to landscapes, including: renewable energy, sustainable resource management, accessibility and recreation, urban development and green networks. The strategic nature of this document implies that objectives will need to be delivered at the local level, following the principle of subsidiarity that underpins the Scottish planning framework. This is well aligned with the conception of landscapes as socially-constructed entities established under the ELC. The strategic nature of the document implies that its efficiency in translating the principles of the ELC, including education, awareness raising and training, into practice will ultimately depend on how efficiently the planning system works in downscaling and operationalising national objectives on the ground.

### **Key References**

Council of Europe (2000) *European Landscape Convention*. CETS No.: 176, 9pp. <http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=176&CM=8&CL=ENG>

European Environment Agency (2012) *The European environment-state and outlook 2010: Synthesis*, 228pp. [www.eea.europa.eu/soer/synthesis/synthesis](http://www.eea.europa.eu/soer/synthesis/synthesis) (for landscape types employed, see; [www.eea.europa.eu/data-and-maps/figures/dominant-landscape-types-of-europe-based-on-corine-land-cover-2000-2](http://www.eea.europa.eu/data-and-maps/figures/dominant-landscape-types-of-europe-based-on-corine-land-cover-2000-2))

Scottish Executive (2006) *Planning etc. (Scotland) Act 2006*. 96pp. [www.legislation.gov.uk/asp/2006/17/pdfs/asp\\_20060017\\_en.pdf](http://www.legislation.gov.uk/asp/2006/17/pdfs/asp_20060017_en.pdf)

Scottish Government (2009) *National Planning Framework for Scotland 2. A long term strategy for Scotland's development*. 134pp. [www.scotland.gov.uk/Resource/Doc/278232/0083591.pdf](http://www.scotland.gov.uk/Resource/Doc/278232/0083591.pdf).

Scottish Government (2012) *National Planning Framework 3. Participation Statement*. 19pp. [www.scotland.gov.uk/Topics/Built-Environment/planning/NPF3-SPP-Review/NPF3-documents/Part-state](http://www.scotland.gov.uk/Topics/Built-Environment/planning/NPF3-SPP-Review/NPF3-documents/Part-state)

Scottish Government (2013) *Main Issues Report and Draft Framework. Scotland's Third National Planning Framework*. 84pp. [www.scotland.gov.uk/Resource/0042/00421073.pdf](http://www.scotland.gov.uk/Resource/0042/00421073.pdf)

## A. PROFILE

1. **Country:** United Kingdom (Scotland).
2. **Name, year:** Scottish Borders Council “Supplementary Planning Guidance on Local Landscape Designations (LLDs)”, August 2012. This policy is aimed at translating into the Scottish Borders context, the principles and practicalities of LLDs through the designation of “Special Landscape Areas” (SLAs), and to determine their role within the “Consolidated Local Development Plan for the Scottish Borders” (2011). This policy represents the first update in LLDs in this locality since “Areas of Great Landscape Value” (AGLVs) were designated in the 1960s. The policy is set in response to the standards and guidelines for “Local Landscape Designations” by Scottish Natural Heritage and Historic Scotland in 2005. The document refers to national policies of the National Planning Framework 2 (Scottish Government, 2009) and Scottish Planning Policy (Scottish Government, 2010), National Scenic Areas (as incorporated into the Consolidated Local Development Plan of the Scottish Borders; Policy EP1, 2011), and the Strategic Development Plan Action Programme for Edinburgh and the SE (Policy 1B, 2011), to be considered when designating new SLAs.
3. **Specify national/regional/local level:** Local level (Scottish Borders Council)
4. **Competent authority for approval and implementation:** The Scottish Borders Council is the public authority ultimately in charge of approving and implementing this policy. Consequently, this policy was aligned with the review of the “Consolidated Local Development Plan for the Scottish Borders” (2011). Private and public sector organisations have also been involved in the review process for LLDs. These include:
  - Land Use Consultants ([www.landuse.co.uk/](http://www.landuse.co.uk/)), which delivered the “Revised Report for the Scottish Borders Local Landscape Designations Review” in June 2012 after consultation with stakeholders (2011)
  - the Strategic Development Planning Authority for Edinburgh and south east Scotland, which delivered an “Action Programme for the Strategic Development Plan” in November 2011, including specific policies related to SLAs. The Action Programme includes consideration of impacts of proposed development over AGLVs (or “Special Landscape Areas”, in the terminology adopted by the Borders local council).
  - Scottish Natural Heritage (SNH) is a key stakeholder in the process, providing advice and guidance on issues such as Landscape Character Assessment, landscape capacity and Strategic Environmental Assessment, thus helping set LLDs within the theoretical and operational framework of the Local Planning process (Scottish Natural Heritage, 2005).

- 5. Identify: Sectorial or cross-sectorial policy with landscape focus, or sectorial policy with landscape implications (direct or indirect link to landscape policy):** This is a sectorial landscape policy that is reflected in the “National Landscape Policy Framework” (Scottish Natural Heritage, 2005). This document was the main guide to better embed landscapes within the planning and policy-making process across institutional levels and spatial scales. Within this National Landscape Policy Framework, LLDs/SLAs replicate at the local level the role that National Scenic Areas play at the national and regional levels. This helps protect areas of landscape quality through the local planning process and also in close alliance with key land and landscape managers.
- 6. Types of landscapes addressed/affected by the policy:** This policy protects areas of outstanding natural and scenic beauty at the local level, through the local development and planning systems, in consultation with land managers. As with National Scenic Areas, this objective does not directly align with the principles of inclusiveness and diversity set by the ELC. According to the Landscape Type Classification produced by the European Environment Agency, and reflected in the State of the Environment Report No 1/2010, potentially this policy affects landscape typologies that include forested land, semi-natural vegetation, open spaces, wetlands and water bodies.
- 7. Target: (protection, management, planning)** Although this is part of a planning procedure (“Consolidated Local Development Plan for the Scottish Borders”, 2011), the main objective of this guidance document is the protection of landscapes. Protection is intended to safeguard landscapes that are considered significant and valuable at the local level. Protecting such landscapes from potential negative impacts of development is preceded by the review and evaluation of previously existing Landscape Character Area Units, and their subsequent conversion into SLAs. This process comprised the evaluation of the existing Landscape Character Units (LCUs) using quantitative methods, criteria of landscape quality, and landscape character complemented by fieldwork. Units worthy of designation as Special Landscape Areas (SLAs) are then selected through the aggregation of LCUs and the use of qualitative landscape evaluation techniques. This led to the definition of statements of importance for each proposed SLA including the identification of forces for change within each SLA, and the establishment of *ad-hoc* management recommendations for each of them. Three Supplementary Planning Policies (referring to respectively the delineation of SLA boundaries, the process of development management, and the landscape measures to be defined by the council) were established and subject to public consultation along with the Local Landscape Designation Review. Finally, the Supplementary Planning Guidance was produced and approved by the Council in August 2012. This complex process was aimed at more tightly embedding SLAs within the local planning

framework. All types of landscape interventions considered under the ELC, planning, protection and management of landscapes, are well represented throughout this policy guidance.

- 8. Measures re: citizen’s engagement, awareness raising, training and education, identification and assessment of landscapes, of landscape quality objectives, of implementation instruments and trans-frontier cooperation measures:** As part of the complex and intricate process of designation of SLAs, a comprehensive and complete framework for public participation and engagement was designed and implemented. This included a stakeholder workshop arranged by Land Use Consultants in 2009 as part the initial phase of the Local Landscape Designation Review. The workshop was used to help define assessment criteria and “decision rules” for the systematic analysis of existing SLAs within the Scottish Borders. Once the SLAs had already been proposed by the Council, a public consultation was arranged in 2011 to review both the draft Supplementary Guidance on LLDs and the draft Local Landscape Designation Review Report. Then the definitive Supplementary Planning Guidance could be approved, and subsequently incorporated into the Local Development Plan. This consultation resulted in responses from over 120 stakeholders, and helped redefine the delineation, definition and objectives associated with the final SLAs. Both of the definition of clear landscape quality objectives (the conservation of areas of outstanding natural and aesthetic values), and of straight implementation instruments (the “Consolidated Local Development Plan for the Scottish Borders (2011) and related supplementary planning guidance documents) are very well defined and straightforward. However, in terms of the objectives of the ELC, there is no clear reference to objectives relating to training and education from documents reviewed. Regarding trans-frontier cooperation measures, clear references are made in the revised document to wider but directly related protection (National Scenic Areas) and planning (“Action Programme for the Strategic Development Plan for Edinburgh and SE Scotland”, 2011) instruments. These can help coordinate and upscale the principles and decisions set at the local level across a broader set of institutional and spatial levels, including the sub-regional and Scottish national levels.

## **B. BRIEF DESCRIPTION**

Local Landscape Designations (LLDs), or Special Landscape Areas (SLAs) as they are named under the Scottish Borders Council “Supplementary Planning Guidance on Local Landscape Designations (LLDs)” (2012) are aimed at identifying Landscape Character Areas which are sensitive to land intervention and development that are therefore worthy of protecting through the local development planning framework. This type of landscape designation is aligned to the principles of landscape quality, uniqueness and of visual singularity that also define “National Scenic Areas” NSAs (Scottish Natural Heritage, 2000). Therefore, SLAs fulfil at the local spatial/scalar level a similar role to the one that is played by NSAs (national) at the national and regional levels. Consequently, there is a clear contradiction between the (singularity-based)

approach to landscapes defined under SLAs and the inclusive and comprehensive approach to landscapes established under the ELC (Council of Europe, 2000). However, SLAs might be considered a valuable tool to merge the subjects of classification, diagnosis, perception and policy that are suggested for managing European Landscapes in the scientific literature (Pedroli et al., 2006). The combination under one regulatory heading (SLAs) of tasks relating to landscape assessment (through Landscape Character Assessment) and intervention (through definition of guidelines for planning, management and conservation) matches very well the principles and ideas of the ELC. Additionally, the design of a process of public participation that is well embedded in the policy making cycle adds value to the process, facilitating compliance with the requirements of public awareness, engagement and participation that underpin the ELC. In this sense, the fact that SLAs are designated at the local level facilitates their position in the planning framework (the Local Development Plan), at which decisions over landscape change are closer to the citizen.

## Key References

- Council of Europe (2000) *European Landscape Convention*. CETS No.: 176, 9pp. <http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=176&CM=8&CL=ENG>
- European Environment Agency (2012) *The European environment-state and outlook 2010: Synthesis*, 228pp. [www.eea.europa.eu/soer/synthesis/synthesis](http://www.eea.europa.eu/soer/synthesis/synthesis) (for landscape types employed, see; [www.eea.europa.eu/data-and-maps/figures/dominant-landscape-types-of-europe-based-on-corine-land-cover-2000-2](http://www.eea.europa.eu/data-and-maps/figures/dominant-landscape-types-of-europe-based-on-corine-land-cover-2000-2))
- Land Use Consultants (2012) *Scottish Borders Local Landscape Designation Review. Revised Report*. 230pp. [www.scotborders.gov.uk/downloads/file/4235/annex\\_1\\_lldr\\_revised\\_report](http://www.scotborders.gov.uk/downloads/file/4235/annex_1_lldr_revised_report)
- Pedroli B., Pinto-Correia T., Cornish P. (2006) Landscape- what's in it? Trends in European landscape science and priority themes for concerted research, in *Landscape Ecology* 21: 421-430.
- Scottish Borders Council (2011) *Consolidated Local Development Plan for the Scottish Borders*. [www.scotborders.gov.uk/downloads/178/development\\_plans](http://www.scotborders.gov.uk/downloads/178/development_plans)
- Scottish Borders Council (2012) *Supplementary Planning Guidance on Local Landscape Designations*. [www.scotborders.gov.uk/downloads/download/1400/local\\_landscape\\_designations](http://www.scotborders.gov.uk/downloads/download/1400/local_landscape_designations)
- Scottish Government (2009) *National Planning Framework for Scotland 2. A long term strategy for Scotland's development*. 134pp. [www.scotland.gov.uk/Resource/Doc/278232/0083591.pdf](http://www.scotland.gov.uk/Resource/Doc/278232/0083591.pdf).
- Scottish Natural Heritage & Scottish Government (2000) *Policy Summary. National Scenic Areas*. 3pp. [www.snh.gov.uk/docs/A327497.pdf](http://www.snh.gov.uk/docs/A327497.pdf)
- Scottish Natural Heritage (2005) *SNH's Landscape Policy Framework. Policy Statement No. 05/01*. 20pp. [www.snh.gov.uk/docs/A147583.pdf](http://www.snh.gov.uk/docs/A147583.pdf)
- Scottish Natural Heritage & Historic Scotland (2005) *Guidance on Local Landscape Designations*. 32pp. [www.snh.org.uk/pdfs/publications/heritagemanagement/GuidanceonLocalLandscapeDesignations.pdf](http://www.snh.org.uk/pdfs/publications/heritagemanagement/GuidanceonLocalLandscapeDesignations.pdf)
- Strategic Development Planning Authority for Edinburgh and the SE (2011) *Strategic Development Plan Action Programme for Edinburgh and the SE*. 43pp. [www.sesplan.gov.uk/dev\\_plans.html](http://www.sesplan.gov.uk/dev_plans.html)

## Appendix 3.2 Landscape Policy Review - Estonia



### A. PROFILE

1. **Country:** Estonia
2. **Name, year:** Operational Programme “Development of Living Environment” Approved by European Commission on 10 October 2007
3. **Specify national/regional/local level:** National
4. **Competent authority for approval and implementation:** European Commission, through the Environmental Board, NGOs, foundations with nature protection background, museums, and educational institutions.
5. **Identify; cross-sectorial policy with landscape focus, or sectorial policy with landscape implications (direct or indirect link to landscape policy):** It is a sectorial policy with landscape implications (indirect landscape policy).
6. **Types of landscapes addressed/affected by the policy:** The policy affects urban areas, rural settlements and protection of natural diversity.
7. **Target: (protection, management, planning).** Management, Planning and Protection.
8. **Measures re: citizen’s engagement, awareness raising, training and education, identification and assessment of landscapes, of landscape quality objectives, of implementation instruments and trans-frontier cooperation measures.** The programme aims at improving the quality of life in Estonia in environmental, spatial and social terms. Environmental protection will be improved by dedicating resources to environmental education and constant monitoring. According to the agenda, Estonia will be better equipped to fight environmental emergencies, such as forest fires and accidents at sea – particularly with oil tankers. The programme will be implemented through six main priorities and technical assistance.

Priority 1: Development of water and waste management infrastructure

Priority 2: Development of infrastructures and support systems for sustainable use of the environment

Priority 3: Development of energy sector



Priority 4: Integral and balanced development of regions

Priority 5: Development of educational infrastructure

Priority 6: Development of health and welfare infrastructure

Priority 7: Horizontal Technical Assistance

Priority 8: Technical assistance

## **B. BRIEF DESCRIPTION**

It is a strategic political document that pins down the principles and guidelines for distributing finances for actions to achieve the aims listed in the document. It is a holistic document covering all aspects of the living environment. It has two chapters directly dealing with landscape issues, its protection and development: Priority 2 – Development of infrastructures and support systems for sustainable use of the environment and Priority 4 Integral and balanced development of regions. Priority 2 aims to compile landscape management plans and deals with endangered species and their habitat. Education and developing educational centres are also highlighted.

Priority 4 deals with urban settlements and urban sprawl and measures for their management, and with former industrial and military objects and their reuse and development of visiting centres.

### **Key References**

Council of Europe (2000) *European Landscape Convention*. CETS No.: 176, 9pp. <http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=176&CM=8&CL=ENG>

Estonian Ministry of the Environment (2007) Operational Programme “Development of Living Environment”. [www.envir.ee/orb.aw/class=file/.../id.../Loplik\\_EARK\\_2007+EST.doc](http://www.envir.ee/orb.aw/class=file/.../id.../Loplik_EARK_2007+EST.doc)

## A. PROFILE

1. **Country:** Estonia
2. **Name, year:** “*Estonian Rural Development Plan 2007-2013*”
3. **Specify national/regional/local level:** National
4. **Competent authority for approval and implementation:** European Commission through Estonian Ministry of Agriculture
5. **Identify; cross-sectorial policy with landscape focus, or sectorial policy with landscape implications (direct or indirect link to landscape policy):** Sectorial policy with landscape implications
6. **Types of landscapes addressed/affected by the policy:** Rural, agricultural landscapes; NATURA protection areas, semi-natural landscapes and forest landscapes
7. **Target: (protection, management, planning).** Management, planning and protection
8. **Measures re: citizen’s engagement, awareness raising, training and education, identification and assessment of landscapes, of landscape quality objectives, of implementation instruments and trans-frontier cooperation measures** The document sets the following goals affecting landscape:
  - In the forestry sector the objective is to raise the long-term competitiveness of forestry to a level which ensures the restoration of forest potential, in forests damaged by natural disasters and fires and establish relevant preventive actions;
  - Applied farming practices should ensure a stable status of the environment and agricultural land use should also be guaranteed in the regions where it is important for shaping traditional landscapes and for the preservation of high nature value areas;
  - The development plan foresees training activities, advisory support, modernisation of agricultural holdings, NATURA 2000 support for agricultural land, and funding measure (Leader-measure).

## B. BRIEF DESCRIPTION

The Development plan outlines four priority fields. One of them considers landscape and landscape value. Under this condition several landscape issues are being regulated and dealt with.

Priority field two deals with the following landscape issues:

- support for less favoured areas
- Natura 2000 support for agriculture land
- support for the maintenance of semi-natural habitats

- support for establishment of protection forest on agricultural land
- Natura 2000 support for private forest land
- agri-environmental support

Less favoured areas for agriculture are supported by this document in order to maintain traditional agricultural land. By funding the farmers, the countryside and sustainable agriculture is maintained.

The documentation sets regulatory support for Natura 2000 for agricultural land, aiming to maintain the biological and landscape diversity and to compensate for the restrictions deriving from the Nature Conservation Act. By supporting the establishment of a protected forest by small groves, biodiversity increase is also supported.

### **Key References**

Council of Europe (2000) *European Landscape Convention*. CETS No.: 176, 9pp.  
<http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=176&CM=8&CL=ENG>

Estonian Ministry of Agriculture (2007) Estonian Rural Development Plan 2007-2013.  
[www.agri.ee/mak](http://www.agri.ee/mak)

## A. PROFILE

1. **Country:** Estonia
2. **Name, year:** “*Historical Natural Holy places in Estonia. Development plan 2008-2012*”. Approved by the minister of culture on 11<sup>th</sup> of April 2008
3. **Specify national/regional/local level:** National
4. **Competent authority for approval and implementation:** Estonian Ministry of Culture
5. **Identify; cross-sectorial policy with landscape focus, or sectorial policy with landscape implications (direct or indirect link to landscape policy):** It is a sectorial policy with landscape implications
6. **Types of landscapes addressed/affected by the policy:** Natural places with holy background
7. **Target: (protection, management, planning).** Management & Protection
8. **Measures re: citizen’s engagement, awareness raising, training and education, identification and assessment of landscapes, of landscape quality objectives, of implementation instruments and trans-frontier cooperation measures:** The development plan aims to value and preserve historical, natural holy places. The document defines holy places as having cultural, historical and social value and aims to guarantee their preservation, restoration and use. To accomplish this, the document states it is necessary to improve the legal arrangements, work out the methodology, make an inventory of the natural holy places, popularise the subject and advise land owners. The document gives lists of places/ objects that are typical of natural holy places.

## B. BRIEF DESCRIPTION

The document envisages that by 2012 Estonian natural holy places are valued, their historical, cultural and social importance recognised, and that they enrich the living environment. Therefore it improves rural sustainable development and promotes sustainable and natural lifestyle.

Since most of the holy places are areas of old woodland, streams, lakes, reefs, caves hills, islands etc., they are part of the traditional landscape that is being addressed in the document.

The document sets five goals for these landscapes/ objects:

- (i) Make an inventory of these places in order to map them
- (ii) Mapped and preserved natural holy places are protected
- (iii) Information about natural holy places is available for spatial planners and institutions dealing with cultural and natural heritage
- (iv) Events that introduce and value natural holy places are taking place for popularisation and education

- (v) Natural holy places are being restored and marked on site to ensure sustainable regional development.

### **Key References**

Council of Europe (2000) *European Landscape Convention*. CETS No.: 176, 9pp.

<http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=176&CM=8&CL=ENG>

Estonian Ministry of Culture (2008) Historical Natural Holy Places in Estonia.

[www.muinas.ee/muinsuskaitsetegevus/programmid/looduslikud-puhapaigad](http://www.muinas.ee/muinsuskaitsetegevus/programmid/looduslikud-puhapaigad)

## Appendix 3.3 Landscape Policy Review - Slovenia



### A. PROFILE

1. **Country:** Slovenia
2. **Name, year:** The Spatial Development Strategy of Slovenia (2004)
3. **Specify national/regional/local level:** National
4. **Competent authority for approval and implementation:** Ministry of Agriculture and the Environment
5. **Identify: cross-sectorial policy with landscape focus, or sectorial policy with landscape implications (direct or indirect link to landscape policy):** It is a cross-sectorial policy with a landscape focus
6. **Types of landscapes addressed/affected by the policy:** The policy covers all types of landscapes (based on State of the Environment Report No 1/2010, from the European Environment Agency)
7. **Target: (protection, management, planning):** Management, Planning and Protection: Ministry of Agriculture and the Environment, Ministry of Finance, local communities, local development agencies, municipalities, education and research institutions and public administration officers
8. **Measures re: citizen's engagement, awareness raising, training and education identification and assessment of landscapes, of landscape quality objectives, of implementation instruments and trans-frontier cooperation measures:** The Spatial Development Strategy of Slovenia defines tasks and activities for all relevant stakeholders and other entities responsible for implementation of the strategy. The Strategy ensures the conservation of recognisable features at the level of landscape regions. The document defines the measures, and continues with entities responsible for their implementation. Public consultation and engagement is undertaken by the Ministry responsible for spatial planning. There are no specific guidelines for awareness raising, training or education.

### B. BRIEF DESCRIPTION

The Spatial Planning Act does not have special provisions on landscape, except for the definition of terms. Landscape development is regulated through spatial planning documents at national

(Spatial Development Strategy of Slovenia (2004), Spatial Planning Order of Slovenia (2004)) and local level (CE, 2008).

The Spatial Development Strategy of Slovenia is the main strategic spatial development document, setting basic objectives, priorities and guidelines for development and protection of land. In addition to settlements and infrastructure, landscape development is one of the three integrated systems of spatial development policy. One of the main objectives set by the spatial development policy is to preserve and develop the recognisable features of an area. In addition to the preservation of the cultural heritage and identity of Slovenian settlements, the strategy defines and determines “recognisable landscape areas at the national level” (71 areas), which provide a basis for further spatial planning at the local level, for tourist programmes and the development of protective measures (MOP, 2010).

At a local level, municipalities have responsibilities for spatial planning and management on their territory. Spatial development is regulated through spatial planning documents which include landscape, following the guidelines from policy documents and of national institutions which collaborate in the process of preparation of municipal spatial planning documents as stakeholders. In practise, on the basis of requests from the municipality, the guidelines for a specific spatial planning document are provided by Directorate for Spatial Planning, Natural conservation office, Cultural heritage office (Council of Europe, 2008).

### **Key References**

Council of Europe (2008) *European Landscape Convention – Florence Convention – Presentation Of The Status Of Landscape Policies In The Member States Of The Council Of Europe - 2007-2008*, 14pp. [www.dkas.si/files/priloga4.pdf](http://www.dkas.si/files/priloga4.pdf)

Council of Europe (2000) *European Landscape Convention*. CETS No.: 176, 9pp. <http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=176&CM=8&CL=ENG>

European Environment Agency (2012) *The European environment-state and outlook 2010: Synthesis*, 228pp. [www.eea.europa.eu/soer/synthesis/synthesis](http://www.eea.europa.eu/soer/synthesis/synthesis) (for landscape types employed, see; [www.eea.europa.eu/data-and-maps/figures/dominant-landscape-types-of-europe-based-on-corine-land-cover-2000-2h](http://www.eea.europa.eu/data-and-maps/figures/dominant-landscape-types-of-europe-based-on-corine-land-cover-2000-2h))

Ministry of the Environment and Spatial Planning of Republic of Slovenija (MOP) (2010) *European Land Scape Convention – Implementation in Slovenia*. 37pp. [www.coe.int/t/dg4/cultureheritage/heritage/landscape/compendium/leafletSlovenie.pdf](http://www.coe.int/t/dg4/cultureheritage/heritage/landscape/compendium/leafletSlovenie.pdf)

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## A. PROFILE

1. **Country:** Slovenia
2. **Name, year:** Regional Development Programme of Inner - Karst Region 2007 – 2013. (2006). (*Regionalni razvojni program Notranjsko – kraške regije 2007 – 2013. (2006)*)
3. **Specify national/regional/local level:** Regional (Inner - Karst Region)
4. **Competent authority for approval and implementation:** Government Office of the Republic of Slovenia for Local Self-Government and Regional Policy, now Ministry of Economic Development and Technology for regional development and Ministry of Justice and Public Administration for local self-government
5. **Identify; cross-sectorial policy with landscape focus, or sectorial policy with landscape implications (direct or indirect link to landscape policy):** It is a cross-sectorial policy with a landscape focus
6. **Types of landscapes addressed/affected by the policy:** Artificial build areas, Forest, Arable, Water bodies, Wetlands. Natura 2000
7. **Target: (protection, management, planning):** Management and Protection
8. **Measures re: citizen's engagement, awareness raising, training and education, identification and assessment of landscapes, of landscape quality objectives, of implementation instruments and trans-frontier cooperation measures:** The Regional Development Plan defines key measures and indicators for a set period of time. There are awareness-raising activities regarding sustainable agriculture and diversification of complementary activities in rural areas. The RDP identifies vocational training for development of farm tourism and complementary activities, thereby improving the distribution of work and provide additional employment opportunities. In addition, it sets the objective to conserve natural resources, biodiversity and traditional cultural landscape as an advantage for the development of other activities through awareness raising and training (RDA IKR, 2006).

## B. BRIEF DESCRIPTION

A Regional Development Plan (RDP) is a fundamental programme document at the regional level, which defines the developmental strengths of the region and includes financially evaluated programmes to promote development in the region (RDA IKR, 2006).

Regional development agencies prepare regional development programmes which require to be confirmed by the government office responsible for regional development. This programme must be prepared on the basis of a partnership principle, and requires broad public endorsement in the regions and localities, which makes them one of the most important policy tools for the



implementation of development policy of Slovenia. It is desirable, but not obligatory, to harmonise regional plans with spatial development plans, prepared at local levels, to reconcile investments in regional development with spatial development objectives set in spatial development documents. Regional development programmes refer to landscape, mostly in relation to tourism or/and as a part of quality of life objectives (Council of Europe, 2008).

Regional Development Programme of Inner – Karst region sets out the following five programmes: 1. Economy, 2. Tourism, 3. Human Resources, 4. Rural Areas, 5. Infrastructure, Environment and Spatial Planning. In the SWOT analysis of Infrastructure, Environment and Spatial Planning, highlights identified are the Notranjska Regional Park, untouched nature, ecologically preserved areas, Natura 2000 areas, and landscape areas of national identity. The objectives of the programme are preserved natural environment, environmentally friendly infrastructure and harmonious spatial development of the region. The Rural Areas Programme consists of two measures - Maintaining a sustainable agriculture and Marketing for Rural Development (RDA IKR, 2006).

### **Key References**

Council of Europe (2008) *European Landscape Convention – Florence Convention – Presentation of The Status of Landscape Policies in The Member States of The Council of Europe* – 14pp. [www.dkas.si/files/priloga4.pdf](http://www.dkas.si/files/priloga4.pdf)

Council of Europe (2000) *European Landscape Convention*. CETS No.: 176, 9pp. <http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=176&CM=8&CL=ENG>

European Environment Agency (2012) *The European environment-state and outlook 2010: Synthesis*, 228pp. [www.eea.europa.eu/soer/synthesis/synthesis](http://www.eea.europa.eu/soer/synthesis/synthesis) (for landscape types employed, see; [www.eea.europa.eu/data-and-maps/figures/dominant-landscape-types-of-europe-based-on-corine-land-cover-2000-2h](http://www.eea.europa.eu/data-and-maps/figures/dominant-landscape-types-of-europe-based-on-corine-land-cover-2000-2h))

Ministry of the Environment and Spatial Planning of Republic of Slovenia (2010) *European Land Scape Convention – Implementation in Slovenia*. 37pp. [www.coe.int/t/dg4/cultureheritage/heritage/landscape/compendium/leafletSlovenie.pdf](http://www.coe.int/t/dg4/cultureheritage/heritage/landscape/compendium/leafletSlovenie.pdf)

Regional development agency of Inner – Karst region (2006) *Regional Development Programme of Inner - Karst Region 2007 – 2013*, 115pp. [www.rra-nkr.si/materiali/priloge/slo/regionalni\\_razvojni\\_program\\_notranjsko-krake-regije\\_2007-2013pdf.pdf](http://www.rra-nkr.si/materiali/priloge/slo/regionalni_razvojni_program_notranjsko-krake-regije_2007-2013pdf.pdf)

## A. PROFILE

1. **Country:** Slovenia
2. **Name, year:** Ordinance on the Notranjska regional park (2002) based on Nature Conservation Act and the Law on Cultural Heritage Protection (Odlok o Notranjske regijskem parku (2002))
3. **Specify National/regional/local level:** Regional (Notranjska)
4. **Competent authority for approval and implementation:** Notranjska regional park (Public Institute) Governance and management of the park is a public service
5. **Identify; Sectorial or cross-sectorial policy with landscape focus, or sectorial policy with landscape implications (direct or indirect link to landscape policy):** Sectorial or cross-sectorial policy with landscape focus
6. **Types of landscapes addressed/affected by the policy:** Artificial build areas, Forest, Arable, Semi-natural Vegetation, Water bodies, Wetlands, Water bodies. Natura 2000. Ramsar
7. **Target: (protection, management, planning):** Management, Planning and Protection: This Ordinance is to maintain, protect and explore the natural and cultural values, outstanding geomorphological, geological and hydrological sites, to protect the indigenous flora, fauna and natural ecosystems and features inanimate world, palaeontological and archaeological, ethnological and architectural features and cultural landscape. It defines that management of the protected areas is carried out on the basis of the management plan of park and that public institute is responsible for governance and management.
8. **Measures re: citizen's engagement, awareness raising, training and education, identification and assessment of landscapes, of landscape quality objectives, of implementation instruments and trans-frontier cooperation measures:** At a local level, municipalities have responsibilities for spatial planning and management on their territory. According to the Spatial Planning Act public debate has to be organised during the preparation of the spatial planning document (Council of Europe, 2008). According to the Nature Conservation Act the public debate has to be organised during the Establishment of protected area and the preparation of its management document. The official agency is required to inform the public of the draft instrument of protection by which a protected area is established at the public presentation. The public presentation shall include public discussion and public presentation of reasons for the protection, of the draft instrument of protection and of the cartographic documents. The public presentation shall last at least 60 days. Within that time the public debate is organised. The administrative body, responsible for the establishment of protected area prepares the public debate in the local community, where the aims, objectives, proposals and impacts are presented and discussed (Council of Europe, 2008). According to the Culture

Heritage Proclamation Act the public debate has to be organised during the establishment of the protected area of cultural heritage landscape. The administrative body responsible for the establishment protected area prepares the public debate in the local community, where the aims, objectives, reasons for the protection, draft instrument of protection and the cartographic documents are presented and discussed (Council of Europe, 2008). The Notranjska Regional Park has not established a long-term comprehensive education programme and has only partially implemented the Ramsar Convention CEPA programme since 2006 (EARS, 2008). Previously, different ideas were proposed for the economic use of the lake area and its surroundings including draining the lake, acquiring farmland, and creating a permanent lake by damming and exploiting it for tourism. None of these plans, however, were completely realised. People have always been closely attached to the area of the Notranjska Regional Park since as it is their living environment. Although through time trends towards the economic exploitation of the lake have appeared, today's residents are re-establishing the original state of the lake and its surroundings and their conservation (EARS, 2008).

## **B. BRIEF DESCRIPTION**

The Notranjska Regional Park (NRP) is a protected area of nature conservation, ecological important area, Natura 2000 and Ramsar site. NRP covers the area of the Municipality of Cerknica. It was established in 2002 in order to preserve, protect, and explore the natural and cultural heritage of this area (NRP, 2007).

Landscape matters are integrated through nature conservation documents. In this way, biodiversity conservation contributes to the maintenance of typical landscapes through specific management of the area, preserving specific habitat types and species. Landscape is included in the objectives and directions of Biodiversity Conservation Strategy of Slovenia and of protected areas of nature conservation, with a view that a specific human activity is required in order to achieve biodiversity and landscape conservation targets (Council of Europe, 2008). The Ordinance sets out ways for biodiversity conservation and preservation of cultural heritage. In the park, the Nature Conservation promotes sustainable development, (ULRS, 2002) by:

- Using environmentally-friendly techniques and methods to manage natural resources, to maintain ecosystem values and their reproducibility, and habitats of flora and fauna and natural features
- Farming which is consistent with natural and cultural values and to the improvement of agricultural infrastructure and maintenance of settlements
- The sustainable management of water, forests, wildlife and fish in a manner that allows the preservation of biodiversity

- Environmentally-friendly tourism and recreation, which enables people to experience and learn about nature and cause the least possible noise, taking visitors directed to the ecologically less sensitive areas
- Spatial arrangement of features space to maintain the diversity of landscapes
- The maintenance of settlements to allow the complementary activities and jobs.

Development guidelines in this article in specific areas and specific activities determined in the development documents of the Municipality of Cerknica and management plan.

### **Key References**

Council of Europe (2008) *European Landscape Convention – Florence Convention –Presentation Of The Status Of Landscape Policies In The Member States Of The Council Of Europe*. 14pp. [www.dkas.si/files/priloga4.pdf](http://www.dkas.si/files/priloga4.pdf)

Environmental Agency of the Republic of Slovenia. Polajnar K. (2008) *Bridging The Gap Responding To Environmental Change: From Words To Deeds : Conservation education and environmental awareness*. [www.bridgingthegap.si/pdf/btgab.pdf#page=66](http://www.bridgingthegap.si/pdf/btgab.pdf#page=66)

Council of Europe (2000) *European Landscape Convention*. CETS No.: 176, 9pp. <http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=176&CM=8&CL=ENG>

European Environment Agency (2012) *The European environment-state and outlook 2010: Synthesis*, 228pp. [www.eea.europa.eu/soer/synthesis/synthesis](http://www.eea.europa.eu/soer/synthesis/synthesis) (for landscape types employed, see; [www.eea.europa.eu/data-and-maps/figures/dominant-landscape-types-of-europe-based-on-corineland-cover-2000-2h](http://www.eea.europa.eu/data-and-maps/figures/dominant-landscape-types-of-europe-based-on-corineland-cover-2000-2h))

Ministry of the Environment and Spatial Planning of Republic of Slovenija (2010) *European Land Scape Convention – Implementation in Slovenia*. 37pp. [www.coe.int/t/dg4/cultureheritage/heritage/landscape/compendium/leafletSlovenie.pdf](http://www.coe.int/t/dg4/cultureheritage/heritage/landscape/compendium/leafletSlovenie.pdf)

Notranjski regijski park (2007) *Notranjska Regional Park*. [www.notranjski-park.si/eng/zlozenka-ang-1-2008.pdf](http://www.notranjski-park.si/eng/zlozenka-ang-1-2008.pdf)

Uradni list Republike Slovenije (2002) *Odlok o Notranjskem regijskem parku*, Pages 8330., Published online: [www.uradni-list.si/1/content?id=38003](http://www.uradni-list.si/1/content?id=38003)

## Appendix 3.4 Landscape Policy Review - Hungary



### A. PROFILE

1. **Country:** Hungary
2. **Name, year:** “Regional Development” law (RDL) XXI/1996 **URL (in Hungarian):** [http://net.jogtar.hu/jr/gen/hjegy\\_doc.cgi?docid=99600021.TV](http://net.jogtar.hu/jr/gen/hjegy_doc.cgi?docid=99600021.TV)
3. **Specify national/regional level:** National
4. **Competent authority for approval and implementation:** Government, Ministry of National Development <http://www.kormany.hu/en/ministry-of-national-development/organisation>
5. **Identify specific landscape policy or sectorial policy with landscape implications (direct or indirect link to landscape policy):** It is a cross-sectorial policy, which sets the framework of territorial development with direct implications to landscape development and planning
6. **Types of landscapes addressed/affected by the policy (typologies?):** The policy covers all types of landscapes in Hungary as it provide the framework for the regional development across the whole country
7. **Target: (protection, management, planning):** The main target of the policy is to guarantee an equal development of the regions of Hungary and to create the framework of an overall regional development strategy covering social, economic and cultural development. The main purpose is to serve the regional policy targets also set in the European Union.
8. **Measures re: citizen’s engagement, awareness raising, training and education, identification and assessment of landscapes, of landscape quality objectives, of implementation instruments and trans-frontier cooperation measures:** The RDL defines the role of stakeholder in regional development. The defined stakeholders and decision making bodies are: the Parliament, Government, the relevant Ministry, County Administrative bodies, Regional Development Committees at county and regional levels. Paragraph 25 specifically deals with public participation and open government. This paragraph states that regional development plans are open documents. Information must be disseminated about the planning procedure and also about the means of approval of regional development plans. Depending on the scale of the plan, the dissemination of information might be done on local, regional or country levels. There

is a loophole in the law, saying that “detailed rules relating to planning, in particular the rules of professional preparation of the plans, are set out in a decree”.

Note: public participation is typically low in Hungary in terms of development plans.

## **B. BRIEF DESCRIPTION**

The main purpose of the RDL is to set key tasks, and establish rules for regional development and spatial planning, including the definition of the institutional system linked to the implementation. This Act covers regional development matters on national and regional levels. The RDL is relevant to legal entities and individuals, but also to others that lack legal status. However, it must be noted that a special government decree applies to urban development and urban land-use planning provisions (314/2012 decree).

Although RDL is probably the most relevant law for the implementation of the European Landscape Convention (ELC) we note that paragraph 2, which deals with the objectives and goals of the RDL, does not refer to the ELC. The Act sets the following objectives for regional development and landscape planning:

- (i) the RDL should support setting up of a social market economy in all regions of the country. The RDL must lead to the spatial diffusion of innovation to promote the development of appropriate social, economic and environmental goals of spatial structure;
- (ii) the RDL must mitigate the social, economic and cultural differences between the capital and the countryside, the towns and villages, and between the developed and underdeveloped regions and municipalities (including the living conditions, economic, cultural and infrastructural conditions) with special attention to the promotion of gender equality;
- (iii) the RDL should enhance the harmonious development of the whole country, and finally
- (iv) the Act must contribute to the maintenance and strengthening of national and regional identity.

## A. PROFILE

### 1. **Country:** Hungary

**Name, year:** “*Country-wide Regional Planning Strategy*” XXVI / 2003  
[http://net.jogtar.hu/jr/gen/hjegy\\_doc.cgi?docid=A0300026.TV](http://net.jogtar.hu/jr/gen/hjegy_doc.cgi?docid=A0300026.TV)

### 2. **Specify National/regional level:** National, Hungary

### 3. **Competent authority for approval and implementation:** Ministry of Rural Development

### 4. **Identify Specific landscape policy or sectorial policy with landscape implications (direct or indirect link to landscape policy):** It is a cross-sectorial policy, which sets the framework of territorial design including the definition of various land-use types across the country. Therefore the law has a direct relevance to landscape development and planning.

### 5. **Types of landscapes addressed/affected by the policy (typologies?):** The policy covers all types of landscapes in Hungary as it sets the framework for the regional development across the country. The law defines land use categories applied to the whole country (above 1000 ha) and to the counties (at least 50ha and at least 10 ha).

### 6. **Target: (protection, management, planning):** The main purpose of the Act is to determine the conditions of land use, spatial planning and co-ordinated policy with regard to sustainable development. The Act defines land use and landscape types at a regional level with natural, ecological and cultural characteristics, values, and supports the preservation and protection of resources in relation to technical infrastructure networks.

### 7. **Measures re: citizen’s engagement, awareness raising, training and education, identification and assessment of landscapes, of landscape quality objectives, of implementation instruments and trans-frontier cooperation measures:** This Act does not have a specific chapter about awareness raising and citizen engagement. However, there is a statement saying that during the application of the law, the rules of the Act on administrative procedures (2004/CXL) should apply. This law defines how natural and legal persons and entities can interact with the administrative bodies.

Some of the most important applications are:

- equal rights of citizens
- rights for minority groups
- special attention paid to younger people.

## **B. BRIEF DESCRIPTION**

The first section of the law deals with setting various definitions (41) such as World Heritage Sites and Landscape Protection Area with regional importance. The second section of the law explains that the national planning includes a structural plan for the country, as well as national and regional zones. The rules for the country's municipalities, in different regions of the land use and the building should be set and agreed in accordance with the provisions of this Act. In other words, this law defines the development goals and principles for the whole country with special attention on infrastructure development priorities.

However, the law defines the rules for various land use zones or types such as

- arable lands
- forests
- water reservoirs
- areas with importance for ground and drinking water protection.



## A. PROFILE

1. **Country:** Hungary
2. **Name, year;** “*Forest and forest protection*” law XXXVII / 2009  
[http://net.jogtar.hu/jr/gen/hjegy\\_doc.cgi?docid=A0900037.TV](http://net.jogtar.hu/jr/gen/hjegy_doc.cgi?docid=A0900037.TV)
3. **Specify National/regional level:** National, Hungary
4. **Competent authority for approval and implementation;** Ministry of Rural Development
5. **Identify Specific landscape policy or sectorial policy with landscape implications (direct or indirect link to landscape policy):** this is a specific policy for the maintenance, protection and sustainable use of the forests in Hungary. However, the law has a strong indirect effect on establishing the landscape character of the country (roughly 20% forest cover) and also on the protection of natural resources.
6. **Types of landscapes addressed/affected by the policy (typologies?):** forested landscapes are targeted with this law. It should be noted that natural forests and plantation of non-native tree species are both considered forests within this law. Therefore, the forest cover of the country does not give an indication whether a particular forested landscape has natural character.
7. **Target: (protection, management, planning):** The main target of this law is to define and regulate the relation between forest ecosystems and the society, with particular attention to the determination of the conditions for sustainable forest management. The law aims to ensure the survival, protection and prosperity of forest with a threefold functionality for environment, society, and economy completion. The law defines priorities of forest in the following themes:
  - mitigating the effects of climate change,
  - the conservation of biological diversity,
  - rural development, especially in the expansion of employment opportunities,
  - improvement the environmental condition of the country,
  - the protection of surface and ground waters,
  - the soil, protection of agricultural land,
  - timber as a renewable energy source and raw material ensuring
  - to ensure clean drinking water,
  - the production of healthy food,
  - maintain the quality, improve security, a healthy environment is a fundamental right subject to moral enforcement.

- 8. Measures re: citizen’s engagement, awareness raising, training and education, identification and assessment of landscapes, of landscape quality objectives, of implementation instruments and trans-frontier cooperation measures:** The law clearly states that the information in the Forestry Database is open to the public, and should be available for copying as electronic files. There is a paragraph dedicated to citizen engagement and participation within the law. Paragraph 43 states the following: The forest management activities are to ensure the public is involved where it concerns:
- a) the establishment of private forestry road expansion
  - b) the amendment of forest plans with particular attention to any changes in the primary purpose of forest protection and welfare
  - c) the thinning and clear-cutting, the gradual regeneration cuts, health care logging and selective logging.

In terms of awareness raising, the law refers to a specific role for the relevant Minister who must define the annual ‘Week of Forest’, aiming to raise public awareness about the role and function of forest in the wider public.

The Minister must also publish an annual report about the state of forests in Hungary.

## **B. BRIEF DESCRIPTION**

The two basic principles of the forestry law are the following:

Sustainable forest management should ensure that the forest preserves biological diversity, naturalness, or natural magnificence, fertility, viability, and compliance in accordance with social needs to protect the public welfare and economic requirements, and opportunities to fulfil their role in the management of forest resources and nature conservation, public welfare (health, social, tourism, education and research) objectives are maintained for future generations.

Forestry activities must guarantee the maintenance of important public interests such as biological diversity, rehabilitation, protection and welfare services, and the state must provide adequate means in implementing these functions.

Sections of the law outline the definitions and rules of various ministries. One particularly important element in the law requires wide consultation and stakeholder agreement in order to allow land-use change in any forests. This is due to historic reasons as the forest cover in Hungary was much lower in the early twentieth century when a strong reforestation campaign was initiated by the government. Therefore, forests are important factors in establishing a region’s landscape character.

## Appendix 3.5 Landscape Policy Review - Greece



### A. PROFILE

1. **Country:** Greece
2. **Name, year:** The ratifying Law 3827/2010 of European Landscape Convention (Government Gazette A/30/25 February 2010)
3. **Specify national/regional/local level:** National
4. **Competent authority for approval and implementation:** Hellenic Ministry of the Environment, Energy and Climate Change
5. **Identify; cross-sectorial policy with landscape focus, or sectorial policy with landscape implications (direct or indirect link to landscape policy):** This is sectorial policy with a focus on landscape
6. **Types of landscapes addressed/affected by the policy:** This convention applies to the entire territory and covers natural, rural and urban areas. It includes land, inland water and marine areas. It concerns landscapes that might be considered outstanding as well as ordinary or degraded landscapes.
7. **Target (planning, management, protection):** The main targets are planning, management and protection. In relation to landscape protection this policy aims to conserve and maintain the significant or characteristic features of a landscape, justified by its heritage value derived from its natural configuration and/or from human activity. In relation to landscape management, this policy aims to ensure the regular upkeep of a landscape to guide and harmonise changes which are brought about by social, economic and environmental processes. Lastly, in relation to landscape planning, it aims to enhance, restore or create landscapes.
8. **Measures re: citizen's engagement, awareness raising, training and education, identification and assessment of landscapes, of landscape quality objectives, of implementation instruments and trans-frontier cooperation measures:** This ratifying Law basically reiterates the text of the European Landscape Convention; therefore, all the measures about citizen's engagement, awareness raising, training and education are taken into consideration.

## **B. BRIEF DESCRIPTION**

The current Constitution (1975/1986/2001/2008) of Greece does not contain any provision devoted specifically to landscapes (Maria, 2009). However, there are many cross-sectorial policies in Greece with a landscape focus, especially landscape protection. In comparison to other laws ratifying international conventions, in the field of environmental protection, in Article 2 of the Ratifying Law 3827/2010, explicit authorisation for the regulation of general and specific measures is provided, along with any other detail necessary for the implementation of ELC (Maria, 2009).

As a result, Greece faces the challenges: a) to introduce landscape as a horizontal concept at every level of planning, b) to ensure active public participation in policy making, as well as the formulation of landscape objectives, c) to create a new administrative system at a central and regional level, to allow the effective implementation of the ELC in Greece (Maria, 2009).

### **Key References**

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Maria E.A. (2009) *The legal protection of landscape in International, European Community and National Law*, Athens: Sakkoulas (In Greek).

## A. PROFILE

1. **Country:** Greece
2. **Name, year:** Law 998/1979 regulating the protection of forests, their ecosystems and, broadly, the protection of the natural environment. The Law 3208/2003 is about the protection of forest ecosystems (Article 2 on the protection of landscape and biodiversity).
3. **Specify national/regional/local level:** National
4. **Competent authority for approval and implementation:** Primary responsibility for such places was assigned to the Ministry of the Environment, Energy and Climate Change)
5. **Identify; cross-sectorial policy with landscape focus, or sectorial policy with landscape implications (direct or indirect link to landscape policy):** This is cross-sectorial policy with a focus on forests
6. **Types of landscapes addressed/affected by the policy:** It is concerned with the natural environment (with a specific focus on forests).
7. **Target (planning, management, protection):** The main targets are management and protection. However, landscape is mostly referred to with respect to protection in quarry and mining excavations taking place in forest areas. Landscape restoration is also mentioned, as a reclamation procedure of natural vegetation.
8. **Measures re: citizen's engagement, awareness raising, training and education, identification and assessment of landscapes, of landscape quality objectives, of implementation instruments and trans-frontier cooperation measures:** The measures taken are for the protection of plant species, selection of adequate species for forest reclamation and practices creating adequate vegetation formations. There is no specific consideration for citizen's engagement, awareness raising, training and education.

## B. BRIEF DESCRIPTION

The Law 998/1979 refers to the protection of forest ecosystems, emphasising the protection of the natural environment from any economic activities such as quarrying and mining excavations. Reference to landscape is clear but incomplete since the term is identified as forest vegetation (Maria, 2009). The 3208/2003 focuses mostly on landscapes of forests but it has proved problematic from both an operational and an ethical point of view (Beriatos, 2012). Although it contains provisions relating to landscape and biodiversity, it is worth noting that its provision is designed to make it easier for owners of farmland to demarcate their property with hedgerows.

## **Key References**

Beriatos, H. (2012) Greek Landscape: problems, policies, perspectives. In: Papayannis T., Howard P. (Eds) *Reclaiming the Greek Landscape*. Athens:Med-INA:123-132.

Council of Europe (2000) *European Landscape Convention*. CETS No 176, 9pp. <http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=176&CM=8&CL=ENG>

Maria E.A. (2009) *The legal protection of landscape in International, European Community and National Law*, Athens: Sakkoulas (In Greek).

## A. PROFILE

**1. Country:** Greece

**2. Name, year:** Law 1469/1950) regulating the protection of ‘Places of Outstanding Natural Beauty’ (PONB). Law 3028/2002 is a key piece of legislation with a direct bearing to landscape and it is more specialized in the protection of monuments, antiquities and cultural goods in general, in practice extends to landscape.

**3. Specify national/regional/local level:** National

**4. Competent authority for approval and implementation:** Primary responsibility for such places was assigned to the Hellenic Ministry of Culture. Responsibility was transferred to the Hellenic Ministry of the Environment, Energy and Climate Change) (presidential Decree 161/D/84).

**5. Identify: cross-sectorial policy with landscape focus, or sectorial policy with landscape implications (direct or indirect link to landscape policy):** This is cross-sectorial policy with a focus to historical places and to cultural heritage.

**6. Types of landscapes addressed/affected by the policy:** It is concerned less with the natural and more with the built environment (with a specific focus on the historical –traditional settlements- and generally, on places that combine man-made and natural elements (Beriatos, 2012)

**7. Target (planning, management, protection):** The main targets are management and protection. Beriatos (2012: 127) reports that several hundred (c.300) PONB have been registered, but the provisions for their protection and management have had no practical effect. “This is because the wording is too general and vague to enable the application of criteria for monitoring and implementing the legislation, while no specific process for achieving its objectives is specified”. However, Law 3028/2002 is more focused on landscape, and specifically on cultural heritage.

**8. Measures re: citizen’s engagement, awareness raising, training and education, identification and assessment of landscapes, of landscape quality objectives, of implementation instruments and trans-frontier cooperation measures:** The particular policy, especially Law 3028/2002, enhances the relationship of the protection of cultural heritage with space, by emphasising the importance of the protection of archaeological spaces and historical places to any framework of Spatial Planning and Sustainable Development (Maria, 2009).

## B. BRIEF DESCRIPTION

These particular laws are for the protection of landscape as cultural heritage. It is worth noting that the legislator refers to places, which at that time were identified with landscapes. Although in archaeology the terms ‘place’ and ‘historical place’ are more familiar, in administrative

practices, the term of landscapes of outstanding natural beauty is more predominant (Law 1496/1950). Law 1469/1950 provides with no specific guidelines and directives in this sense.

These laws have been implemented in places and areas the scales of which are very different. As a result, there are no particular and distinctive restrictions and prohibitions for each PONB. The particular restrictions refer basically to economic activities such as quarries, industries etc. (Maria, 2009). Law 3028/2002 refers more broadly to landscape as cultural heritage and not exclusively as historical place. According to this Law cultural heritage has three meanings: a) as a configuration element of historical memories and collective identities, b) as an important parameter of people's well-being, c) as a temporal enrichment factor of human life (Maria, 2009). This particular Law might not refer directly to landscape as a term, but focuses on a more anthropocentric approach and defines this as the result of action and interaction of natural and/or human factors through time, as defined in the ELC. As a result, the protection of historical places has a broader sense, incorporating their ethnographic, social, architectural, industrial, historical, artistic and scientific meanings. In relation to the ELC measures, the particular Law takes actions to conserve and maintain the significant or characteristic features of a landscape, justified by its heritage value derived from its natural configuration and/or from human activity.

### **Key References**

- Beriatos, H. (2012) Greek Landscape: problems, policies, perspectives. In: Papayannis T., Howard P. (Eds.) *Reclaiming the Greek Landscape*. Athens:Med-INA: 123-132.
- Council of Europe (2000) *European Landscape Convention*. CETS No 176, 9pp. <http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=176&CM=8&CL=ENG>
- Maria E.A. (2009) *The legal protection of landscape in International, European Community and Notional Law*, Athens: Sakkoulas (In Greek).



## **A. PROFILE**

**1. Country:** Greece

**2. Name, year:** Law 1650/1985 about the protection of the environment, with reference to landscape directly and explicitly and to the criteria for the designation of protected landscape areas

**3. Specify national/regional/local level:** National

**4. Competent authority for approval and implementation:** Primary responsibility for such places was assigned to the Hellenic Ministry of the Environment, Energy and Climate Change

**5. Identify: cross-sectorial policy with landscape focus, or sectorial policy with landscape implications (direct or indirect link to landscape policy):** This is a cross-sectorial policy with a focus to the environment and its protection

**6. Types of landscapes addressed/affected by the policy:** It is concerned with unique landscapes of special value. The particular policy raises the subject of landscape protection, especially for its biological, ecological, aesthetic or geomorphologic value.

**7. Target (planning, management, protection):** The main targets are management and protection

**8. Measures re: citizen's engagement, awareness raising, training and education, identification and assessment of landscapes, of landscape quality objectives, of implementation instruments and trans-frontier cooperation measures:** This policy sets the criteria for the protection of landscape and more specifically for outstanding landscapes. However, for the first time, the legislation regards landscape for its visual quality and the perceptual aspect of landscape is recognised. Although the Law 1650/1985 helped towards the designation of many areas as protected landscapes of outstanding value, it has not been implemented in its true sense. Mostly areas of natural value, such as parks or nature areas, are protected instead of landscapes with aesthetic or cultural value. Landscape appears as a parameter of the environment, and there is no strong focus on training, education or consultation.

## **B. BRIEF DESCRIPTION**

This Law is very important, because landscape is explicitly referred to in several articles. Article 1 (3d) records its aims; Article 2 (16) defines landscape; Article 18 (4) recognises that landscape is something to be protected; and, Article 19 (4) lists the criteria for areas the landscapes of which are to be protected. Landscape is defined as “a dynamic set of biotic and abiotic factors and aspects of the environment, which selectively or in interaction within a particular space, create a visual experience”. For the first time there is a clear designation among the terms of nature and landscape and the articles allow for the designation of a special zone/area for the protection of the landscape, elements of landscape and geomorphologic formations (Beriatos, 2012). Protected

landscape elements are characterized as parts, or components, of the landscape of special aesthetic or cultural value, which contribute to the protection or efficiency of natural resources due to their particular of natural or man-made characteristics (traditional cultivations, paths, farmhouses, stone walls, fountains, etc.).

“Unfortunately, these provisions have almost never been implemented for the purpose they were designed and only one instance of its use is recorded for the entire prefecture of Attiki” (Beriatos, 2012:127). Another weakness of this Law is its reference only to landscapes of specific value or outstanding beauty and not to degraded areas or ordinary ones as stated by ELC. However, the Law has been amended by the recent Law 3937/2011 on the conservation of biodiversity. Specifically, Articles 18, 19 and 21 of Law 1650/1986 concerning the various categories of protected areas (which include protected landscapes) have been completely replaced.

Due to the ratification into Law of the ELC (Law 3827/2010), there is an opportunity to ameliorate the above policies and to make the necessary adjustments for all the landscape types (ordinary, deteriorated, etc).

### **Key References**

Beriatos, H. (2012) Greek Landscape: problems, policies, perspectives. In: Papayannis T., Howard P. (Eds.) *Reclaiming the Greek Landscape*. Athens:Med-INA: 123-132.

European Comission (2000) *European Landscape Convention*. CETS No 176, 9pp. <http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=176&CM=8&CL=ENG>

Maria E.A. (2009) *The legal protection of landscape in International, European Community and Notional Law*, Athens: Sakkoulas (In Greek).

## A. PROFILE

1. **Country:** Greece

2. **Name, year:** Conservation of Biodiversity, Law 3937/2010 (G.G. A' 60/31.03.2011).

3. **Specify national/regional/local level:** National

4. **Competent authority for approval and implementation:** Hellenic Ministry of the Environment, Energy and Climate Change)

6. **Identify; cross-sectorial policy with landscape focus, or sectorial policy with landscape implications (direct or indirect link to landscape policy):** This is cross-sectorial policy with a focus to biodiversity

6. **Types of landscapes addressed/affected by the policy:** It is with landscape in general. Based on ELC there is no discrimination between landscapes of outstanding beauty and ordinary or deteriorated landscapes.

7. **Target (planning, management, protection):** The main targets are management and protection.

8. **Measures re: citizen's engagement, awareness raising, training and education, identification and assessment of landscapes, of landscape quality objectives, of implementation instruments and trans-frontier cooperation measures:** This particular Law takes specific measures regarding citizen's engagement, awareness raising, training and education. From now on, the Greek State is responsible for the environmental education in schools and universities and for the promotion of any results related to conservation of biodiversity, through the internet or printed materials (guides). Academic Institutes are prone to publish their research results as long as they do not put at risk the endangered species.

## B. BRIEF DESCRIPTION

This Law aims at the sustainable management and conservation of biodiversity, as precious, irreplaceable and of great importance national capital.

Articles 18, 19, 21 of Law 1650/1986 concerning the various categories of protected areas (which include protected landscapes) have been replaced (Beriatos, 2012:127). Landscape is referred as a separate parameter and, in accordance with biodiversity and nature, is protected and maintained, in order that all the natural processes and resources be ensured, that the balance and evolution of ecosystems is achieved, and that the diversity, distinctiveness or uniqueness is secured. Landscape is referred to in most Articles as an important parameter, especially in the paragraph for the protection of Nature Reserves and Natural Parks. For the first time, there is a reference to landscape structural elements, especially for their protection in the agricultural landscape. In Article 5, there is a particular mention to *Protected landscapes/ seascapes*, as areas

of high economic, geological, aesthetic or cultural value, best suited for public recreation or protection of natural resources due to their particular natural or manmade characteristics. In protected landscapes, names may be given according to their main characteristics (aesthetic forest, Geopark, rural landscape, urban landscape, etc.). There is an emphasis on *protected landscape elements* as parts or components of the landscape with special ecological, aesthetic and cultural value, or which contribute to the protection of natural resources, due to particular natural or manmade characteristics (e.g. traditional crops, farmhouses, paths, stone fences, stone walls terraces, fountains, etc.). For the first time, there is a mention of the ratifying Law of the ELC and of biodiversity goals and protection of the natural landscapes. This Law is the first attempt by the Greek State to incorporate into legislation the principles and measures of the ELC.

### **Key References**

Beriatos, H. (2012) Greek Landscape: problems, policies, perspectives. In: Papayannis T., Howard P. (Eds.) *Reclaiming the Greek Landscape*. Athens:Med-INA: 123-132.

Council of Europe (2000) *European Landscape Convention*. CETS No 176, 9pp. <http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=176&CM=8&CL=ENG>

## **A. PROFILE**

**1. Country:** Greece

**2. Name, year:** Law 2742/1999 is about spatial planning and sustainable development and in article 2 specific guidelines referring to landscape protection are formulated. Additionally, Law 2508/1997 (G.G. B' 209/07.04.2000) is about spatial planning at the Municipality level, referring to a general development Plan and to a special housing plan.

**3. Specify national/regional/local level:** National, Regional, and Local

**4. Competent authority for approval and implementation:** The Hellenic Ministry of the Environment, Energy and Climate Change)

**5. Identify: cross-sectorial policy with landscape focus, or sectorial policy with landscape implications (direct or indirect link to landscape policy):** This is cross-sectorial policy with a focus to spatial planning

**6. Types of landscapes addressed/affected by the policy:** It is concerned mostly with the landscapes of particular natural, architectural and cultural value

**7. Target (planning, management, protection):** The main targets are planning protection, enhancement and cohesion. The general guidelines which are indirectly or directly related to landscape focus on:

- The improvement of people's quality of life and on the amelioration of infrastructures
- The maintenance, reinforcement and improvement of settlements and ecosystems diversity, in coastal, insular and mountainous areas
- The safeguarding of a harmonious relationship among urban, and rural space
- The social, economic, environmental and cultural revitalisation of cities and metropolitan centers, especially of those with problems of social cohesion, production or abandonment
- The integrated development and protection of islands, mountain areas
- The continuous protection, restoration, maintenance and enhancement of places, settlements and landscapes of particular natural, architectural and cultural value.

**8. Measures re: citizen's engagement, awareness raising, training and education, identification and assessment of landscapes, of landscape quality objectives, of implementation instruments and trans-frontier cooperation measures:** This particular policy, especially Law 2742/1999, enhance citizen's engagement, since any planning process includes citizen's consultation for its approval. However, there is no clear description about awareness raising, training and education in relation to landscape.

## **B. BRIEF DESCRIPTION**

Landscape is referred to as a separate parameter to spatial planning laws, and the protection of any natural, cultural or architectural landscape elements is obligatory. Although landscape is included in spatial planning before the ratification of the ELC, it is worth noting that the law does not include degraded or ordinary landscapes, but only the outstanding ones (Maria, 2009). Nowadays, after the ratification of ELC by Greece (2010), landscape is considered an important parameter, to be taken into consideration during the regional planning process. In the General Framework of Spatial Planning and Sustainable Development, landscape often coincides with protected places and it is an important parameter in daily life (e.g. agricultural landscape, urban landscape, micro landscape). Also, in the Special Frameworks of Spatial Planning and Sustainable Development, which are under revision every five years, landscape is becoming an important parameter in spatial planning. Nowadays, landscape assessments are in the process of completion since the Special Framework of Spatial Planning and Sustainable Development is under revision. Among the various frameworks, landscape protection is taken very seriously in the Special Framework of Spatial Planning and Sustainable Development about Renewable Energy Sources (G. G. B'2464/3.12.2009).

Finally, Law 2508/1997 analyses the landscape at a local scale, but it refers only to the outstanding landscapes and therefore to protected areas. The absence of landscape assessments is also noticeable, during the analysis and proposal of the planning process.

### **Key References**

- Council of Europe (2000) *European Landscape Convention*. CETS No 176, 9pp. <http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=176&CM=8&CL=ENG>
- Maria E.A. (2009) *The legal protection of landscape in International, European Community and Notional Law*, Athens: Sakkoulas (In Greek).

## **A. PROFILE**

- 1. Country:** Greece
- 2. Name, year:** Law 2831/2000, General Construction Building (GCC), provides for the protection of the natural and architectural heritage
- 3. Specify national/regional/local level:** National
- 4. Competent authority for approval and implementation:** Ministry of the Environment, Energy and Climate Change)
- 5. Identify: cross-sectorial policy with landscape focus, or sectorial policy with landscape implications (direct or indirect link to landscape policy):** This is cross-sectorial policy with a focus to architectural and aesthetic criteria of buildings in order to protect the natural, architectural and cultural environment
- 6. Types of landscapes addressed/affected by the policy:** It is basically concerned with the built environment, generally with places that combine man-made and natural elements and with the landscapes of outstanding beauty
- 7. Target (planning, management, protection):** The targets are planning, management and protection
- 8. Measures re: citizen's engagement, awareness raising, training and education, identification and assessment of landscapes, of landscape quality objectives, of implementation instruments and trans-frontier cooperation measures:** There are not any measures related to citizen engagement, awareness raising, training and education

## **B. BRIEF DESCRIPTION**

The law is about specific guidelines of building construction and planning of settlements to protect the natural and cultural heritage. However, it focuses on landscapes of “particular interest” (historical, social, architectural, scientific, aesthetical) or on landscapes of outstanding beauty. Therefore, according to the ELC the law does not refer to ordinary and degraded landscapes.

It is believed (Beriato, 2012) that the law - especially its older versions - is problematic in its implementation. Earlier versions of the GCC have long since provided for the application of architectural and aesthetic criteria to buildings in certain cases by special committees (Urban Planning and Architectural Control Committees-UPACC) charged with ensuring that built structures blend harmoniously into their natural and built environment. However, it could hardly be said that UPACC has been successful in protecting the environment and more specifically the landscape of Greece (Beriato, 2012).

Nowadays, GCC is under reformation and there is an effort to include landscape assessment in the evaluation of traditional settlements (up to 2000 inhabitants). Landscape is considered an important parameter for people's well-being and for the protection of our national and cultural heritage. However, most of the above assessments are conducted by scientists without any background on landscape assessment, landscape design, etc. and it is doubtful if this procedure is going to serve its true purpose.

**Key References:**

Beriatos H. (2012) Greek Landscape: problems, policies, perspectives. In: Papayannis T., Howard P. (Eds.) *Reclaiming the Greek Landscape*. Athens:Med-INA: 123-132.

Council of Europe (2000) *European Landscape Convention*. CETS No 176, 9pp.  
<http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=176&CM=8&CL=ENG>

Maria E.A. (2009) *The legal protection of landscape in International, European Community and Notional Law*, Athens: Sakkoulas (In Greek).



## **A. PROFILE**

- 1. Country:** Greece
- 2. Name, year:** Law 3201/2003 is about the restoration, protection and enhancement of the natural and built environment of the islands of the Aegean Archipelagos
- 3. Specify national/regional/local level:** Regional
- 4. Competent authority for approval and implementation:** Hellenic Ministry of the Mercantile Marine and the Aegean
- 5. Identify: cross-sectorial policy with landscape focus, or sectorial policy with landscape implications (direct or indirect link to landscape policy):** This is cross-sectorial policy with a focus to restoration, protection and enhancement of the natural and built environment of the islands of the Aegean Archipelagos
- 6. Types of landscapes addressed/affected by the policy:** It is basically concerned with the built environment and landscape of the Aegean islands.
- 7. Target (planning, management, protection):** The targets are planning, management and protection
- 8. Measures re: citizen's engagement, awareness raising, training and education, identification and assessment of landscapes, of landscape quality objectives, of implementation instruments and trans-frontier cooperation measures:** There are not any measures related to citizen's engagement, awareness raising, training and education.

## **B. BRIEF DESCRIPTION**

The law provides specific guidelines about the restoration of buildings, removing measures that may restrict the improvement of people's way of living, for the sustainable development of the Aegean Islands, for landscape restoration and for the maintenance of buildings integrated into the landscape. To achieve these goals, a Committee for Landscape and Architecture was established and was in charge of: a) to suggest general guidelines for the protection of landscape and architectural heritage of the Aegean Archipelagos, b) to consult upon landscape and architectural matters. This has proved that there is political willingness to protect the landscape of the Aegean islands in conjunction to architectural heritage. Unfortunately, the above Committee was inactive from the outset and the law for the protection of landscape was never implemented. This policy is a theoretical attempt by the Hellenic Ministry of the Mercantile Marine and the Aegean, to characterise specific areas or islands as landscapes of outstanding natural beauty. This law recognises the serious problems of landscape degradation of the Aegean Islands due to tourism development, and the urgency to take serious measures for landscape restoration and protection.

**Key References:**

European Comission (2000) *European Landscape Convention*. CETS No 176, 9pp.  
<http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=176&CM=8&CL=ENG>

Maria E.A. (2009). *The legal protection of landscape in International, European Community and Notional Law*, Athens: Sakkoulas (In Greek).

## Appendix 3.6 Landscape Policy Review - Spain



### A. PROFILE

1. **Country:** Spain
2. **Name, year:** Decret 120/2006, d'11 d'agost, de 2006, del Consell, pel qual s'aprova el Reglament de Paisatge de la Comunitat Valenciana. [2006/9858] (Decree 120/2006, August 11th, 2006, of the Consell, by which it is approved the Regulation of landscape of the Comunitat Valenciana. [2006/9858])
3. **Specify national/regional/local level:** Regional (Comunitat Valenciana)
4. **Competent authority for approval and implementation:** The Government of Comunitat Valenciana
5. **Identify; cross-sectorial policy with landscape focus, or sectorial policy with landscape implications (direct or indirect link to landscape policy):** It is a cross-sectorial policy with a landscape focus
6. **Types of landscapes addressed/affected by the policy:** Its scope includes all natural areas, urban areas, peri-urban and rural areas and reaches all areas of land and coastline. It concerns all remarkable landscapes as both the common and degraded.
7. **Target: (protection, management, planning):** Protection, Management and Planning
8. **Measures re: citizen's engagement, awareness raising, training and education, identification and assessment of landscapes, of landscape quality objectives, of implementation instruments and trans-frontier cooperation measures:** The Regulation has three main objectives:
  - a) To regulate the actions of protection, management and planning of landscapes from Valencia through landscape instruments.
  - b) To integrate and to preserve scenic values so that they are compatible with everyday use, with creativity and with the improvement of their conditions.

c) To organise cooperation between administration bodies and between territorial administrations of the Comunitat Valenciana.

It introduces the use of public participation processes with the objectives of:

- a) Increasing the transparency of administration actions in landscape and achieve greater viability of the project, involving stakeholders from the origin of space management.
- b) Obtaining valuable information on the landscape provided by citizens.
- c) Engaging citizens in making decisions affecting the landscapes that concern them.

## **B. BRIEF DESCRIPTION**

Decree 120/2006 has two functions:

- (i) To develop the Law 4/2004 of 30th June, Planning and Landscape Protection, that was the first to incorporate criteria from the ELC in Spain. It also develops the Law 10/2004 of December 9th, the Undevelopable Land, and the Law 16/2005 of December 30th, Valencian Urban Development, because both contain elements related to landscape policy.
- (ii) To coordinate activities with those derived from the application of other laws that regulate actions and instruments but are closely related to the visual impacts of works and projects and territory regulation.

The Regulation consists of 66 items divided into 4 sections:

- (i) Preliminary title. It sets the object and its scope, defining the landscape in all its dimensions, as a criterion for spatial and planning policies and any other with an impact on the territory.
- (ii) Title I: Public Intervention. 1) It regulates the practice of landscape policy by the government, and 2) it sets the principles, mechanisms, programmes and effective public participation procedures according to criteria of the European Landscape Convention.
- (iii) Title II: It sets Landscape Integration Standards.
- (iv) Title III: It regulates the Instruments of Landscape Protection, Management and Planning referred to the Law 4/2004 of 30th June: Territorial Action Plan of the Valencian Landscape, Landscape Studies, Landscape Integration Studies, Catalogues and Programmes.

### **Key References:**

DECRET 120/2006, d'11 d'agost (2006) del Consell, pel qual s'aprova el Reglament de Paisatge de la Comunitat Valenciana. [2006/9858], 32pp.  
[www.cma.gva.es/web/indice.aspx?nodo=68140&idioma=V](http://www.cma.gva.es/web/indice.aspx?nodo=68140&idioma=V)

Council of Europe (2000) *European Landscape Convention*. CETS No.: 176, 9 pp.  
<http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=176&CM=8&CL=ENG>

Llei 4/2004, de 30 de juny, de la Generalitat Valenciana d'Ordenació del Territori i Protecció del Paisatge (DOGV 2/07/2004), 38 pages, published online:

[www.cma.gva.es/web/indice.aspx?nodo=4052&idioma=V](http://www.cma.gva.es/web/indice.aspx?nodo=4052&idioma=V)

Llei 10/2004, de 9 de desembre, de la Generalitat Valenciana de Sòl No Urbanitzable (09/12/2004), 23 pages, published online: [www.cma.gva.es/web/indice.aspx?nodo=4051&idioma=V](http://www.cma.gva.es/web/indice.aspx?nodo=4051&idioma=V)

[Llei 16/2005, de 30 de desembre 2005, de la Generalitat València, Urbanística Valenciana \(DOGV 31/12/2005\), 96pp. www.cma.gva.es/web/indice.aspx?nodo=4050&idioma=V](http://www.cma.gva.es/web/indice.aspx?nodo=4050&idioma=V)

## A. PROFILE

1. **Country:** Spain
2. **Name, year:** Ordenanza de creación de zonas verdes (Ordinance creation of green areas.)  
BOTHÁ, nº 130 of 07/11/2003
3. **Specify National/regional/local level:** Local (Vitoria-Gasteiz)
4. **Competent authority for approval and implementation;** The city council of Vitoria-Gasteiz
5. **Identify: Sectorial or cross-sectorial policy with landscape focus, or sectorial policy with landscape implications (direct or indirect link to landscape policy):** This is a sectorial policy related to the natural landscape inside a city
6. **Types of landscapes addressed/affected by the policy:** The "green space" has two different types in the city: 1) the "Urban Parks and Gardens", landscaped areas which are embedded within the urban fabric, and 2) the Green Belt, with its parks and links, arranged in a peripheral distribution over the town. This only applies to the type of Urban Parks and Gardens. The scope of the programme covers:
  - Urban Parks, of which the parks of Green Belt will be excluded
  - Public green areas designated in the General Plan
  - Private green areas for public use and municipal maintenance
  - Green areas of community facilities, which have to be maintained by the City Council.
7. **Target: (protection, management, planning):** Protection of existing vegetation, if the Office of Urban Landscape considers it, management and planning of the Urban Parks and Gardens
8. **Measures re: citizen's engagement, awareness raising, training and education, identification and assessment of landscapes, of landscape quality objectives, of implementation instruments and trans-frontier cooperation measures:** The purpose of the ordinance is to regulate the creation of new green areas and the reform of existing ones in the city of Vitoria-Gasteiz. The new green areas have to satisfy the needs and expectations of citizens regarding them through the public participation. The regulation requires minimum documentation to ensure that a projected green zone is integrated into the network of green spaces in the city and has a detailed design that allows its construction.

## B. BRIEF DESCRIPTION

It is a local policy, approved in 2003, regarding the creation of green zones and the reform of existing ones in the city of Vitoria-Gasteiz, which was the European Green Capital 2012. It regulates the Urban Parks and Gardens inside the city. It does not regulate the Green Belt. It gives the responsibility of management to the Office of Urban Landscape of the city. The

creation of green areas can be done by the Office or other Municipal Services, but for building it, a report of The Office of Urban Landscape will be needed.

The principal aims of the regulation are.

- Optimising the execution of the work, its maintenance and the environmental and social benefit to be achieved
- Ensuring the link between natural areas, the newly created and existing ones to promote biological diversity, continuity of its routes and pedestrian mobility
- Structuring the urban space according to criteria of improving the environmental quality of the city of Vitoria-Gasteiz
- Contributing to the improvement of the living conditions of the inhabitants of the city
- Establishing the necessary documents for the drafting of green areas projects.

### **Key References**

*Ordenanza de Creación de Zonas Verdes* (2003) 11pp. [www.vitoria-gasteiz.org/we001/was/we001Action.do?aplicacion=wb021&tabla=contenido&idioma=es&uid=ord\\_617](http://www.vitoria-gasteiz.org/we001/was/we001Action.do?aplicacion=wb021&tabla=contenido&idioma=es&uid=ord_617)

## A. PROFILE

1. **Country:** Spain
2. **Name, year:** Ley 8/2005, de 8 de junio, de protección, gestión y ordenación del paisaje (Law 8/2005, of June 8, protection, management and planning of landscape)
3. **Specify National/regional/local level:** Regional (Catalonia)
4. **Competent authority for approval and implementation:** The Government of Catalonia.
5. **Identify; Sectorial or cross-sectorial policy with landscape focus, or sectorial policy with landscape implications (direct or indirect link to landscape policy):** It is a cross-sectorial policy with a landscape focus
6. **Types of landscapes addressed/affected by the policy:** The whole territory of Catalonia is dominated by natural elements and those which have a marked human transformation. That is the natural, rural, forest, urban and suburban areas and unique, common and degraded landscapes, whether inland or coastal.
7. **Target: (protection, management, planning):** Protection, Management and Planning
8. **Measures re: citizen's engagement, awareness raising, training and education, identification and assessment of landscapes, of landscape quality objectives, of implementation instruments and trans-frontier cooperation measures:** Principles:
  - (i) Promoting the development of the landscape in accordance with the concepts of rational land use, sustainable urban development and ecosystem functionality
  - (ii) Preserving, with protective measures of the landscape, the right of citizens to live in a culturally significant environment
  - (iii) To recognise that the landscape is an individual and collective welfare which, in addition to aesthetic and environmental values, has an economic, cultural, social, heritage and identity dimension
  - (iv) To consider the consequences on the landscape of any performance of planning or management of land and to assess the impact of the building on the landscape
  - (v) To encourage cooperation between the various public authorities in the development and implementation of planning and landscape policies
  - (vi) To promote collaboration of public and private initiative in driving performances, the adoption of instruments and decision-making on the landscape
  - (vii) To promote participation in landscape policy of social, professional and economic agents
  - (viii) To promote training in landscape.



## **B. BRIEF DESCRIPTION**

The law is the result of the accession of the Parliament of Catalonia to the European Landscape Convention (2000) by 364/VI Resolution of December 14th, 2000. The law aims at the recognition, protection, management and planning of landscapes, to preserve their natural, heritage, cultural, social and economic values in a sustainable development framework. In turn it establishes the integration of landscape into regional and urban planning policies and other sectorial policies that affect it.

This is a regional law, therefore it requires that neighbouring regions collaborate to establish common landscaped programmes in areas that require it. Two instruments are set to be implemented: the landscape catalogues and landscape guidelines.

The law gives prominence to the Landscape Observatory, legally constituted November 30th, 2004, because it is the designated body that advises the Catalan government on the development, implementation and management of landscape policies, as well as having the role of raising awareness of society of issues relating to landscape.

The law promotes the creation and use of new tools for the coordination of strategies on the landscape, between public and private agents, such as the Letters of the Landscape.

Through the law, the Government is committed to promoting raising awareness of society about the landscape, and the education training of specialists in this field. A fund, as a financial instrument of the Government, is created to finance landscape improvement actions.

### **Key References**

Council of Europe (2000) *European Landscape Convention*. CETS No.: 176, 9pp. <http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=176&CM=8&CL=ENG>

Ley 8/2005, de 8 de junio (2005) *de protección, gestión y ordenación del paisaje*, 4pp. [http://www.catpaisatge.net/fitxers/llei\\_paisatge.pdf](http://www.catpaisatge.net/fitxers/llei_paisatge.pdf)

