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## **EUROPEAN LANDSCAPE CONVENTION**

***CEP-CDCPP***

### **9th COUNCIL OF EUROPE CONFERENCE ON THE EUROPEAN LANDSCAPE CONVENTION**

*Conference organised under the auspices of the Cypriot Chairmanship of  
the Committee of Ministers of the Council of Europe*

#### **DRAFT RECOMMENDATION**

**of the Committee of Ministers to member States on principles for  
the participation of the public in the definition and implementation  
of landscape policies, as defined in the European Landscape Convention**

Council of Europe  
Palais de l'Europe, Strasbourg  
23-24 March 2017

*Document of the Secretariat General of the Council of Europe  
Directorate of Democratic Governance*

*The Conference is invited to:*

- consider the draft Recommendation of the Committee of Ministers to member States on principles for the participation of the public in the definition and implementation of landscape policies, as defined in the European Landscape Convention prepared by Working Group “Landscape and democracy”, in order to transmit it to the Steering Committee for Culture, Heritage and Landscape (CDCPP) for submission to the Committee of Ministers.

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**Draft Recommendation CM/Rec(2017)...  
of the Committee of Ministers to member States  
on principles for the participation of the public in the definition and implementation  
of landscape policies, as defined in the European Landscape Convention**

*(Adopted by the Committee of Ministers on ... at the ...th meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe,

Considering that the aim of the Council of Europe is to achieve a greater unity among its members, for the purpose of safeguarding and realising the ideals and principles which are their common heritage;

Concerned to achieve sustainable development based on a balanced and harmonious relationship between social needs, economic activity, cultural identity and the environment;

Taking into account that the Universal Declaration of Human Rights adopted in 1948 was an aspiration to guarantee both the basic necessities for survival and the spiritual, emotional and psychological needs that are quintessential to the human experience

Considering that the landscape is now being redefined as a vital public good;

Considering that active citizens require transparency and openness in planning and decision-making processes;

Recalling the Nafplio Declaration, “Promoting territorial democracy in spatial planning” (Resolution No. 1, 16th session of CEMAT, Nafplio, 17 June 2014);

Considering that the European Landscape Convention (ETS No. 176) formulates a series of measures for the protection, management and planning of landscapes for the attention of national, regional and local authorities, and states notably that each party undertakes to establish “procedures for the participation of the general public, local and regional authorities, and other parties with an interest in the definition and implementation of the landscape policies” (Article 5.c);

Recalling the preamble to the Convention, that landscape protection, management and planning entail rights and responsibilities for everyone;

Considering that strengthening the relationship between the population and its living surroundings underpins sustainable development and affects the whole process of landscape policy definition and implementation;

[Referring to the draft Recommendation CM/Rec(2017)... of the Committee of Ministers to member States on the contribution of the landscape approach, as defined in the European Landscape

Convention, to the exercise of democracy and human rights, in the context of sustainable development, and to the report entitled “Landscape and the European Landscape Convention's contribution to democracy, human rights and sustainable development” ]

Recommends that governments of member States Parties to the convention:

- take into consideration the interaction between landscape, spatial planning and other policies with territorial impact, when public participation procedures are put in place;
- recognise that active public participation in the definition and implementation of landscape policies is a key factor in safeguarding human rights and respect for democracy, with regard to the quality of the living environment;
- ensure that the landscape dimension is integrated into spatial/regional and town planning policies and in sectoral policies with territorial impacts.

## **Appendix**

### **Principles for the participation of the public in the definition and implementation of landscape policies, as defined in the European Landscape Convention**

#### **Introduction**

The landscape is always changing – due to natural processes and/or human activity, human activity being by far the most significant. The European Landscape Convention does not aim to prevent changes: on the contrary, its measures are designed to ensure that landscape changes are planned and managed in a way that responds to the aspirations of the community.

Territorial development policies affect all members of society. The quality and changes in the everyday landscape impact the way of life and the choices of the inhabitants as to their place of residence and destination for leisure or tourism purposes. Public space is in this respect of considerable importance; the location of streets, places and meeting places, as well as the atmosphere that prevails, can often determine the character and quality of interactions between individuals or groups. In order to ensure a balance between protection, management and planning, in accordance with the provisions of the Convention, spatial/regional planning is a key tool: it helps to identify the landscapes favored by the citizens and enables the development of landscape policies that meet the expectations of people in terms of quality. To encourage public involvement and its active participation, the formulation of landscape quality objectives as foreseen by the Convention (Article 1.b, c and 5.b) is particularly important in spatial planning processes.

The most valuable resources of an advanced society may be the knowledge, creativity and ingenuity of its population. The mobilisation of entrepreneurs, young people and voluntary associations gives new impetus to many communities. With regard to landscape issues, professionals and citizens should all have the same opportunity to express their views, regardless of their professional situation and social or cultural background. Everyone has a relationship of perception, understanding and experience of the place where they live, work or visit. Moreover, the landscape does not belong to any one academic discipline alone, but is a common meeting ground for a number of professions.

The principle of subsidiarity acknowledges that local challenges are most effectively met by local initiatives. According to this principle, local decisions should be seen in a larger picture. The local demands and demands by society in general should be balanced. Finding a good balance between them is the greatest challenge for landscape policies. To ensure balanced participation and equal rights at the

initial level of the decision making process, the individual citizens and local communities should be empowered to make informed decisions and truly influence the outcome of the planning process.

New approaches may emerge in our increasingly multicultural societies, where citizens come not only from diverse cultural backgrounds, but also from very diverse landscape backgrounds. Active citizens and public participation bring new life and new approaches to the political debate. It is likely that they will seek and defend satisfactory solutions if they understand, accept and acknowledge the importance of the quality of their living environment. In addition, citizens who are aware of these issues will be able to support their politicians when they are confronted, for example, with developers who present glossy but unsustainable schemes which are likely to cause detrimental changes to their living environment.

Active public participation is likely to encourage and support political creativity and increase the range of feasible solutions that support good decision making. The transparency, openness and good governance that are associated with active citizen participation can discourage attempts of corruption. In this way, conflicts are prevented or resolved in open, transparent and democratic processes. The consideration of spatial development and landscape policies is based on political reasoning and democratic debate – rather than being governed by developer profits, complicated legal procedures or court decisions.

### **1. Aim**

The aim of public participation is to enable the population, whether directly or indirectly concerned, to play an active role in defining and implementing landscape policies, specifically in formulating, implementing and monitoring landscape quality objectives.

### **2. Stakeholders**

National, regional and local authorities, the citizens directly and indirectly affected, the public, non-governmental organisations, the business community and professional organisations, landscape experts and scientists, either as individuals or organised groups, are all regarded as stakeholders in a participatory process.

### **3. General principles**

In accordance with the European Landscape Convention, public participation:

- is a democratic process involving all the relevant stakeholders;
- is regarded as an instrument for strengthening the expression of the diversity of people's shared cultural and natural heritage, the foundation of their identity, so that they can recognise themselves in their surroundings;
- respects the principle of subsidiarity in the sense that each State decides on methods and tools of public participation, which are implemented in the light of the most appropriate level of decision-making authority;
- involves taking into account the social perception of landscape and aspirations of the public in choices regarding landscape policies;
- should take place at all phases of the processes of drawing up, implementing and assessing landscape policies;
- is more than simple consultation and implies real involvement of those concerned, as well as a negotiation process;
- implies reciprocal communication between authorities, experts and citizens;

- implies that all the participants have equal rights and duties during the procedure;
- implies adequate, timely and comprehensive information and full access to it.

#### **4. Procedures**

The public participation procedures used on the occasion of projects under territorial development policies, policies having territorial impacts or being the subject of impact studies, must consider the specificity of the landscape. They should be chosen by each State from among methods and tools appropriate to the problems identified, taking account of existing procedures, administrative bodies, the various territorial situations, the social and cultural background of the population, the types of operational instruments used, the scale and scope of the operation. Various processes, methods and tools, such as consultation, public inquiries, information meetings, exhibitions, videos, scenarios and so on, may be used individually or simultaneously.

Public participation activities should be adequately prepared by the responsible authority as well as by relevant stakeholders (timelines should be ensured). In order to be effective, public participation requires appropriate, timely and easily accessible information. If necessary, specific information may be prepared for awareness-raising activities preceding and during the public participation procedure. The information provided should be both technical and non-technical, and easy to understand by all who want to participate in the process. Care should also be taken to consider those not familiar with, or with no easy access to, digital or electronic means of communication.

#### **5. Results**

The results of public participation (comments submitted, objections, additional or alternative proposals, and so on) whether taken into consideration or not, should be made public, namely by means of a dedicated report. The decision not to consider certain results should be justified.

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