



Strasbourg, 20 March 2013

CEP-CDCPP (2013) 5 E – Bil.

## **EUROPEAN LANDSCAPE CONVENTION**

### **7th COUNCIL OF EUROPE CONFERENCE ON THE EUROPEAN LANDSCAPE CONVENTION**

Council of Europe  
Palais de l'Europe, Strasbourg  
26-27 March 2013

### **LANDSCAPE POLICIES IN THE MEMBER STATES OF THE COUNCIL OF EUROPE**

*[Document for information: CEP-CDCPP (2013) 5]*

*General Secretariat document  
Democratic Governance Directorate  
Directorate General II – Democracy*

*Considering that Article 8 of the Convention, entitled “Mutual assistance and exchange of information”, states that the Parties undertake to co-operate in order to enhance the effectiveness of measures taken under other articles of th(e) Convention, and in particular: ... c. to exchange information on all matters covered by the provisions of the Convention”,*

*the Conference is invited to:*

- take note of the landscape policies in the Member States of the Council of Europe, presented on the basis of a document addressed by the Secretariat of the Council of Europe to the representatives of the Member States (Appendix);
- consider if the Information System on the European Landscape Convention with replace the current presentation of the national reports.

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## RAPPORT NATIONAL / RAPPORT NATIONAL

### ANDORRA / ANDORRE

**Approved by the Government on 31 October 2012**

**From:** Anna\_Moles@govern.ad [mailto:Anna\_Moles@govern.ad]  
**Sent:** vendredi 2 novembre 2012 12:39  
**To:** DEJEANT-PONS Maguelonne  
**Cc:** Marc\_Rossell@govern.ad; Natalia\_Rovira@govern.ad; Gemma\_Cano@govern.ad  
**Subject:** Re: Council of Europe - Conseil de l'Europe - European Landscape Convention - Convention européenne du paysage - National Report - Rapport national 2012

#### 1. Etat : ANDORRE

**2. La Convention européenne du paysage a-t-elle été signée et ratifiée ?**  
 Oui – Signé le 23 mars 2011 et Ratifiée le 7 mars 2012  
 Entrée en vigueur le 1<sup>er</sup> juillet 2012

#### 3. Correspondant

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#### 4. Répartition des compétences

« Chaque Partie met en œuvre la présente Convention, en particulier ses articles 5 et 6, selon la répartition des compétences qui lui est propre, conformément à ses principes constitutionnels et à son organisation administrative, et dans le respect du principe de subsidiarité, en tenant compte de la Charte européenne de l'autonomie locale. Sans déroger aux dispositions de la présente Convention, chaque Partie met en œuvre la présente convention en accord avec ses propres politiques. » (article 4)

4.1. Quel est le ministère/l'administration en charge du paysage ?

Ministère du Tourisme et de l'Environnement - Département de l'environnement

4.2. Ce ministère/administration a-t-il d'autres attributions ?

Oui

4.3. Ce ministère/administration dispose t-il d'un document spécifique en matière de politique du paysage ?

Le Gouvernement de l'Andorre a approuvé, le 27 avril 2011, la Stratégie Nationale du Paysage qui établit sept objectifs de qualité du paysage pour l'Andorre à l'horizon 2020. Le 15 février 2012 le Gouvernement a approuvé les 21 actions pour la période 2012 – 2015 afin d'atteindre les objectifs de qualité paysagère de la Stratégie Nationale du Paysage.

4.4. Les autorités régionales et locales ont-elles une compétence en matière de paysage ?

Oui, les communes andorranes ont des compétences sur leur territoire et les ressources naturelles. Dans le cadre de la Stratégie Nationale du Paysage, il est prévu de faire adhérer les communes à une Charte du paysage qui recueille les principes de la Stratégie.

4.5. Existe-t-il un cadre de concertation interministériel concernant le territoire et/ou le paysage (conférence territoriale, conseil du paysage...) ?

Une des actions de la Stratégie Nationale du Paysage est la création de la Commission Nationale du paysage qui rassemble des représentants du Gouvernement, des communes et des agents des secteurs sociaux, scientifiques et économiques qui interviennent sur le paysage. Plusieurs réunions de la Commission ont eu lieu en 2012 pour traiter, entre autres, la problématique liée aux « points noirs » du paysage.

4.6. Existe-t-il une procédure de concertation pour la prise de décision en matière de politique territoriale entre le niveau national et régional ?

C'est au sein de la Commission Nationale du paysage que va se faire cette concertation, de plus, il existe également une Commission d'urbanisme compétente en ce domaine et qui regroupe des représentants des communes et du ministère responsable du territoire.

4.7. Quels sont les moyens humains et financiers consacrés à la mise en place des politiques du paysage :

4.7.1. Au niveau national ?

Au sein du Département de l'Environnement du Ministère du Tourisme et de l'Environnement, cinq personnes collaborent pour le développement de la Stratégie Nationale du Paysage. En ce qui concerne le budget, le montant affecté en 2012 au paysage est d'environ 50.000 euros.

4.7.2. Au niveau régional ?

Chaque commune dispose de représentants dans la Commissions Nationale du Paysage. Pour le moment les communes ont été sollicitées pour arranger des « points noirs » du paysage, chaque commune sur son territoire a avancé en fonction de ses possibilités humaines et économiques.

## 5. Mesures générales

*« Chaque Partie s'engage à reconnaître juridiquement le paysage en tant que composante essentielle du cadre de vie des populations, expression de la diversité de leur patrimoine commun culturel et naturel, et fondement de leur identité ; » (article 5, a)*

5.1. Quel est la définition du terme paysage dans votre langue ?

1- « Porció de la superfície terrestre estructurada per les interrelacions dels seus elements (abiòtics, biòtics i antròpics que evolucionen en bloc, i dinamitzada per les energies naturals i antròpiques » (Ciencia del paisatge)

2- Àrea, tal com la percep la població, el caràcter de la qual és el resultat de la interacció de factors naturals i/o humans (Observatori del paisatge de Catalunya)

5.2. Existe-t-il une définition juridique du terme paysage ?

La définition du terme paysage de la CEP a été traduite en catalan et publiée au bulletin officiel législatif (BOPA). Cette définition a été reprise également l'avant-projet de loi sur la conservation de la nature qui est actuellement en cours de négociations.

« Paisatge : designa una part de territori tal com la percep la població, el caràcter de la qual resulta de factors naturals i/o humans i de les seves interrelacions. »

5.3. Le paysage fait-il l'objet d'un ou de plusieurs articles de la constitution ou de la loi fondamentale ?

Article 31 de la Constitution : « Il appartient à l'Etat de veiller à l'utilisation rationnelle du sol et de toutes les ressources naturelles afin de garantir à chacun une qualité de vie digne, ainsi que de rétablir et de

préserver pour les générations futures un équilibre écologique rationnel de l'atmosphère, de l'eau et de la terre, et de protéger la flore et la faune autochtones. »

Article 34 de la Constitution : « L'Etat garantit la conservation, la mise en valeur et la promotion du patrimoine historique, culturel et artistique de l'Andorre. »

5.4. Le paysage fait-il l'objet d'une loi spécifique ou est-il intégré à d'autres lois ?

Actuellement il n'y a pas de loi spécifique sur le paysage mais il est question de paysage dans l'avant-projet de loi sur la conservation de la nature qui est actuellement en cours de négociations.

5.5. Existe-t-il un code rassemblant les textes en vigueur concernant le paysage ?

Non.

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*« Chaque s'engage à définir et à mettre en œuvre des politiques du paysage visant la protection, la gestion et l'aménagement des paysages » (article 5, b) [« 'Politique du paysage' désigne la formulation par les autorités publiques compétentes des principes généraux, des stratégies et des orientations permettant l'adoption de mesures particulières en vue de la protection, la gestion et l'aménagement du paysage » (article 1, b)]*

5.6. Quelles sont les politiques paysagères (principes généraux, stratégies, lignes directrices) ?

Le Gouvernement de l'Andorre a approuvé en avril 2011, la Stratégie Nationale du Paysage, (Estratègia Nacional del Paisatge - ENPA) qui établit 7 objectifs de qualité paysagère pour l'Andorre et de nombreuses actions nécessaires pour atteindre ces objectifs.

Ces actions, qui font partie de la Stratégie, ont été proposées lors d'un séminaire qui a eu lieu en décembre 2010 et auquel ont participé des personnes représentant les différents secteurs économiques et sociaux concernées par le paysage.

De l'ensemble de ces actions, 21 ont été retenues pour être développées durant la période 2012-2015 et approuvées par le Gouvernement le 15 février 2012.

Le document qui recueille toutes ces informations sera disponible en fin d'année 2012, ainsi qu'un résumé en français et en anglais.

5.7. *« Chaque Partie s'engage à mettre en place des procédures de participation du public, des autorités locales et régionales, et des autres acteurs concernés par la conception et la réalisation des politiques du paysage mentionnées à l'alinéa b ci-dessus ; » (article 5, c)*

5.7. Quelles procédures permettent de mettre en œuvre une participation :

5.7.1. Du public ?

En 2010, le public a participé, lors du séminaire de préparation de la Stratégie Nationale du Paysage, à l'élaboration des 7 objectifs de qualité paysagère et à la rédaction des actions nécessaires pour atteindre ces objectifs ainsi qu'au classement par niveau de priorité des actions. En janvier 2012 il y a eu une session de présentation des 21 actions choisies pour être développées durant la période 2012-2015.

5.7.2. Des autorités locales et régionales ?

Une des 21 actions de la Stratégie est la mise en place de la Commission nationale du paysage où sont invités à participer des représentants de chaque commune.

5.7.3. Des autres acteurs concernés par la conception et la réalisation des politiques du paysage ?

Il est prévu que d'autres acteurs participent à la Commission au fur et à mesure que celle-ci se développe. De plus, au le 13 novembre 2012, aura lieu une journée sur l'intégration du paysage dans les stations de ski, où participeront de nombreuses personnes concernées par ce sujets (responsables de stations de ski, ingénieurs, ...).

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« Chaque Partie s'engage à intégrer le paysage dans les politiques d'aménagement du territoire, d'urbanisme et dans les politiques culturelle, environnementale, agricole, sociale et économique, ainsi que dans les autres politiques pouvant avoir un effet direct ou indirect sur le paysage. » (Article 5, d).

#### 5.8. Quels instruments permettent d'intégrer le paysage dans les politiques :

En général, la Stratégie Nationale du Paysage à travers ces 7 objectifs de qualité et les 21 actions approuvées pour la période 2012-2015 visent l'intégration du paysage dans les différentes politiques énoncées à l'article 5.d.

##### 5.8.1. D'aménagement du territoire ?

La loi générale de l'aménagement du territoire et de l'urbanisme de 2000, révisée en 2012, fait mention dans sa dernière révision de la récente ratification de la CEP par l'Andorre. Dans cette nouvelle révision législative, il est fait mention du fait que les plans d'aménagement et d'urbanisme communaux doivent déterminer les circonstances qui entraînent la révision des plans en accord avec des critères de développement durable d'un point de vue environnemental, territorial et économique. Les aspects à prendre en compte concernent l'évolution démographique, la progression économique, l'eau et les autres ressources naturelles, les infrastructures et la mobilité et le paysage. La documentation des plans d'aménagement et d'urbanisme devra donc contenir les mesures de protection concernant le paysage, l'environnement, et le patrimoine naturel.

Par ailleurs, le règlement de la construction établit des normes constructives pour les aménagements de terrains à finalité agricole ou de construction afin de les intégrer à la topographie et au paysage. Les constructions temporaires doivent elles aussi s'intégrer dans le paysage. Les terrains destinés à l'entreposage de matériel à l'air libre doivent être entourés de clôtures opaques de préférence végétales.

Finalement, les impacts sur le paysage de certains projets doivent être évalués et des mesures préventives, correctives et/ou compensatoires doivent être mises en place le cas échéant pour les projets soumis à autorisation selon le *Reglament per a la realització de treballs o activitats que modifiquin l'estat actual del terreny, del 25 juliol del 2001*.

##### 5.8.2. D'urbanisme ?

Voir ci - dessus

##### 5.8.3. Culturelles ?

La Loi du patrimoine culturel de 2003, dans son article 16.1, établit le lien entre les paysages culturels et les instruments d'aménagement de l'urbanisme pour préserver l'harmonie des paysages.

##### 5.8.4. Environnementales ?

Il est question de paysage dans l'avant-projet de loi sur la conservation de la nature qui est actuellement en cours de négociations.

##### 5.8.5. Agricoles ?

La Loi de l'agriculture et du pastoralisme de juin 2000, permet l'attribution d'aides aux agriculteurs pour la maintien d'une activité agricole traditionnelle et respectueuse de l'environnement et du paysage, comme les pratiques pastorales de haute montagne, le maintien des prairies de fauche, la production de produits de qualité, la recherche de nouveaux produits agricoles, la développement du tourisme rural....

##### 5.8.6. Sociales et économiques ?

##### 5.8.7. Dans les autres politiques pouvant avoir un effet direct ou indirect sur le paysage ?

## 6. Mesures particulières

« Sensibilisation : Chaque Partie s'engage à accroître la sensibilisation de la société civile, des organisations privées et des autorités publiques à la valeur des paysages, à leur rôle et à leur transformation » (article 6, A)

### 6.1. Quelles mesures ont été prises afin d'accroître la sensibilisation :

### 6.1.1. De la société civile (manifestations en faveur du paysage, fêtes, festivals...)

#### 6.1.1.1. Au niveau national ?

En octobre 2009, le Ministre de l'Environnement a inauguré une exposition intitulée « L'Andorre des paysages » dont le but était de faire comprendre la notion de paysage, de sensibiliser le grand public et les écoliers sur la diversité et les valeurs des paysages de l'Andorre, et de recueillir les avis des visiteurs. Cette exposition a été présentée dans toutes les communes et a été visitée par 2 355 personnes dont 715 écoliers.

En 2010 a eu lieu le Forum pour développer la Stratégie Nationale du Paysage.

La page Internet du Département de l'Environnement [www.mediambient.ad](http://www.mediambient.ad) dispose d'une rubrique dédiée au paysage dans un but d'information, de sensibilisation et de divulgation des travaux réalisés en la matière. Elle est mise à jour régulièrement. Dernièrement une rubrique de dénonciation - photo- a été créée dans le but de faire participer la population à l'inventaire des points noirs paysagers.

Un concours de photographies digitales « L'Andorre des paysages » a été également lancé en 2012. Près de 120 personnes y ont participé. Les prix seront délivrés le 13 novembre.

#### 6.1.1.2. Au niveau régional ?

Idem paragraphe précédent.

#### 6.1.2. Des organisations privées ?

L'exposition de l'année 2009 a été réalisée avec la collaboration d'une banque qui participe à l'ensemble des actions de sensibilisation sur le paysage réalisées par le Gouvernement.

Par ailleurs une réunion de sensibilisation et de concertation a été organisée en 2012 dans le cadre de l'élaboration du guide pour l'intégration du paysage dans les stations de ski, avec les responsables des stations et des administrations responsables du tourisme et du patrimoine naturel.

Une journée sur le thème paysage et stations de ski est prévue pour le 13 novembre 2012.

#### 6.1.3. Des autorités publiques ?

La participation des communes aux réunions de la Commission Nationale du Paysage va permettre une plus grande sensibilisation des responsables communaux.

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*« Formation et éducation : Chaque Partie s'engage à promouvoir la formation de spécialistes de la connaissance et de l'intervention sur les paysages ; » (article 6, B, a)*

### 6.2. Quelles mesures ont été prises en faveur de la formation de spécialistes à la connaissance et à l'intervention sur les paysages (établissement d'enseignements spécialisés, reconnaissance de diplôme en matière de paysage...) ?

En 2008 et 2009, le Ministère a organisé deux cours sur le paysage et le territoire en collaboration avec l'Université d'Andorre. Une trentaine de professionnels du pays ont assisté à ces cours et ont pu ainsi s'initier à la prise en compte du paysage dans leur travail quotidien, que se soit dans les projets d'architecture, d'aménagements divers ou d'infrastructures et dans les études environnementales.

En 2012, la journée sur le paysage et les stations de ski et le guide sur l'intégration du paysage dans les stations de ski sont destinés à la sensibilisation et à la formation des spécialistes de ces secteurs.

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*« Chaque Partie s'engage à promouvoir des programmes pluridisciplinaires de formation sur la politique, la protection, la gestion et l'aménagement du paysage, destinés aux professionnels du secteur privé et public et aux associations concernés (B) ; » (article 6, B, b)*

### 6.3. Quelles mesures ont été prises en faveur de la mise en place de programmes pluridisciplinaires de formation, destinés :

#### 6.3.1. Aux professionnels du secteur privé ?

Les professionnels du secteur privé ont pu bénéficier des formations énoncées ci-dessus.

#### 6.3.2. Aux professionnels du secteur public ?

Idem que ci-dessus.

#### 6.3.3. Aux associations concernées ?

Idem que ci-dessus.

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*« Chaque Partie s'engage à promouvoir des enseignements scolaire et universitaire abondant, dans les disciplines intéressées, les valeurs attachées au paysage et les questions relatives à sa protection, à sa gestion et à son aménagement. » (article 6, B, c)*

#### 6.4. Quelles mesures ont été prises en faveur de la formation et de l'éducation au paysage dans les programmes d'enseignements :

##### 6.4.1- 2. Primaire et secondaire ?

Le Ministère de l'Environnement a élaboré un atelier pédagogique pour les élèves des enseignements primaire et secondaire visant à apprendre aux enfants ce qu'est le paysage, les énergies qui le transforment et ses valeurs.

##### 6.4.3. Universitaire ?

Le secteur universitaire est peu développé en Andorre et il n'y a pas de filières en relation avec le paysage.

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#### *« Identification et qualification*

*1. En mobilisant les acteurs concernés conformément à l'article 5.c et en vue d'une meilleure connaissance de ses paysages, chaque Partie s'engage :*

- a. i) à identifier ses propres paysages, sur l'ensemble de son territoire ;*
- ii) à analyser leurs caractéristiques ainsi que les dynamiques et les pressions qui les modifient ;*
- iii) à en suivre les transformations ;*

*b. à qualifier les paysages identifiés en tenant compte des valeurs particulières qui leur sont attribuées par les acteurs et les populations concernés.*

*2. Les travaux d'identification et de qualification seront guidés par des échanges d'expériences et de méthodologies, organisés entre les Parties à l'échelle européenne en application de l'article 8. » (article 6, C)*

#### 6.5. Quelles mesures ont été prises en vue de réaliser l'identification et la qualification des paysages (catalogues, atlas, registres de paysages...)

##### 6.5.1. Au niveau national ?

Dès 2006, le Gouvernement a commencé les études sur le paysage, principalement pour la réalisation de la carte des Unités de paysage (Mapa de les unitats de paisatge) et le Catalogue du paysage qui comprend différentes cartes (carte de qualité, cartes des potentialités touristiques, carte des prévisions d'évolution des paysages). Ces documents ont été terminés en 2009.

##### 6.5.2. Au niveau régional ?

Les documents ci-dessus sont suffisamment détaillés, vue la dimension de l'Andorre, pour être utilisés au niveau régional.

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#### *« Objectifs de qualité paysagère*

*Chaque Partie s'engage à formuler des objectifs de qualité paysagère pour les paysages identifiés et qualifiés, après consultation du public conformément à l'article 5.» (article 6, D) [« 'Objectif de qualité paysagère' désigne la formulation par les autorités publiques compétentes, pour un paysage donné, des aspirations des populations en ce qui concerne les caractéristiques paysagères de leur cadre de vie ; »]*

#### 6.6. Pourriez-vous mentionner deux exemples ou plus, d'expériences tendant à formuler des objectifs de qualité paysagère.



1- Le principal résultat du Forum de 3 jours pour la Stratégie Nationale du Paysage du mois de décembre 2010 a été la formulation de 7 objectifs de qualité du paysage pour l'Andorre.

2- La réunion de concertation avec les responsables des stations de ski a permis de formuler des objectifs de qualité paysagère pour ce type de paysages.

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*« Mise en œuvre : Pour mettre en œuvre les politiques du paysage, chaque Partie s'engage à mettre en place des moyens d'intervention visant la protection, la gestion et/ou l'aménagement des paysages » (article 6, E)*

6.7. Quels sont les types de moyens d'intervention adoptés en vue de protéger, gérer et/ou aménager les paysages (conventions de gestion, contrats, chartes, labels...) ?

1- Approbation de la Stratégie Nationale du Paysage par le Gouvernement

2- Adhésion des communes à la Stratégie Nationale du Paysage, moyennant une Charte.

## **7. Assistance mutuelle et échange d'informations**

*« Les Parties s'engagent à coopérer pour renforcer l'efficacité des mesures prises conformément aux articles de la présente Convention, et en particulier :*

*a. à offrir une assistance technique et scientifique mutuelle par la collecte et l'échange d'expériences et de travaux de recherche en matière de paysage ;*

*b. à favoriser les échanges de spécialistes du paysage, notamment pour la formation et l'information ;*

*c. à échanger des informations sur toutes les questions visées par les dispositions de la présente Convention. » (article 8)*

7.1. Une assistance technique et scientifique a-t-elle été réalisée avec d'autres Etats et/ou régions (collecte et échange d'expériences, travaux de recherche en matière de paysage...) ?

L'Andorre échange des informations de manière continue et demande souvent conseil à l'Observatori del paisatge de Catalunya.

L'Andorre participe à certaines réunions d'information du réseau paysages de Midi-Pyrénées.

7.2. Des échanges de spécialistes du paysage ont-ils été effectués ?

Pour la journée sur le paysage et les stations de ski du 13 novembre, des spécialistes de différents pays ont été invités en Andorre. Le programme sera disponible sur le web : [www.mediambient.ad](http://www.mediambient.ad)

## **8. Paysages transfrontaliers**

*« Les Parties s'engagent à encourager la coopération transfrontalière au niveau local et régional et, au besoin, à élaborer et mettre en œuvre des programmes communs de mise en valeur du paysage. » (article 9)*

8.1. Des actions tendant à encourager la coopération transfrontalière ont-elles été menées :

8.1.1. Entre les Etats :

8.1.1.1. Au niveau national ?

Pas pour le moment.

8.1.1.2. Au niveau régional ?

Pas pour le moment.

8.1.2. Entre des régions de l'Etat ?

8.2. Des programmes de coopération transfrontalière avec d'autres Etats et ou régions ont-ils été mis en place ?

Il n'y a pas à proprement parler de programme de coopération, néanmoins il existe une collaboration très étroite avec l'Observatori del Paisatge de Catalunya.

## **9. Prix du paysage du Conseil de l'Europe**

*« 1. Peuvent se voir attribuer le Prix du paysage du Conseil de l'Europe les collectivités locales et régionales et leurs groupements qui, dans le cadre de la politique de paysage d'une Partie à la présente Convention, ont mis en œuvre une politique ou des mesures visant la protection, la gestion et/ou l'aménagement durable de leurs paysages, faisant la preuve d'une efficacité durable et pouvant ainsi servir d'exemple aux autres collectivités territoriales européennes. La distinction pourra également être attribuée aux organisations non gouvernementales qui ont fait preuve d'une contribution particulièrement remarquable à la protection, à la gestion ou à l'aménagement du paysage.*

*2. Les candidatures au Prix du paysage du Conseil de l'Europe seront transmises aux Comités d'experts visés à l'article 10 par les Parties. Les collectivités locales et régionales transfrontalières et les regroupements de collectivités locales ou régionales concernés peuvent être candidats, à la condition qu'ils gèrent ensemble le paysage en question.*

*3. Sur proposition des Comités d'experts visés à l'article 10 le Comité des Ministres définit et publie les critères d'attribution du Prix du paysage du Conseil de l'Europe, adopte son règlement et décerne le prix.*

*4. L'attribution du Prix du paysage du Conseil de l'Europe doit conduire les sujets qui en sont titulaires à veiller à la protection, à la gestion et/ou à l'aménagement durables des paysages concernés. » (article 11)*

9.1. Un ou des prix du paysage ont-ils été mis en place au niveau national et/ou régional ? Ce (ces) prix se réfère(nt)-t-il(s) à la Convention européenne du paysage ?

9.1.1. Au niveau national

Non

9.1.2. Au niveau régional

Non

## **10. Changements majeurs depuis le précédent rapport (CEP-CDPATEP (2009) 3)**

Les changements majeurs sont l'approbation de la Stratégie Nationale du Paysage et l'entrée en vigueur de la CEP pour l'Andorre en juillet 2012.

# RAPPORT NATIONAL / RAPPORT NATIONAL

## AUSTRIA / AUTRICHE

**From:** ROTH, Michael [mailto:michael.roth@bka.gv.at]

**Sent:** mardi 20 novembre 2012 16:32

**To:** DEJEANT-PONS Maguelonne

**Subject:** AW: Council of Europe - Conseil de l'Europe - European Landscape Convention - Convention européenne du paysage - National Report - Rapport national 2012

### 1. State: AUSTRIA

### 2. Has the European Landscape Convention been signed or ratified?

No

### 3. Correspondent

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### 4. Division of responsibilities

*“Each Party shall implement this Convention, in particular Articles 5 and 6, 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.”(article 4)*

#### 4.1. Which ministry/administration is in charge of landscape?

Competence of the Federal States and Bundesministerium für Unterricht, Kunst und Kultur (Austrian Federal Ministry for Education, Arts and Culture) for cultural aspects

#### 4.2. Is this ministry/administration vested with other responsibilities?

Yes

#### 4.3. Is this ministry/administration provided with a specific landscape policy document?

No

#### 4.4. Are regional and local authorities empowered in respect of landscape?

Ämter der Landesregierungen (Governments of the Federal States)

#### 4.5. Is there a framework for consultation between ministries on territorial and/or landscape matters (territorial conference, landscape council, other structure)?

ÖROK – Österreichische Raumordnungskonferenz (Austrian Conference on Spatial Planning)

#### 4.6. Is there a consultation procedure for decision-making on territorial policy between the national and the regional levels?

No, because of the only competence of the Federal States

#### 4.7. What are the human and financial resources devoted to putting landscape policies in place:

4.7.1. At national level? .....

4.7.2. At regional level?

Staff of the Governments of the Federal States concerned for instance with spatial planning and nature conservation

## 5. General measures

*"Each Party undertakes to recognise landscapes in law as an essential component of people's surroundings, an expression of the diversity of their shared cultural and natural heritage, and a foundation of their identity;" (article 5. a)*

5.1. How is the term "landscape" defined in your language?

Landschaft

5.2. Is there a legal definition of the term "landscape"?

Landschaft ist ein charakteristischer, individueller Teil der Erdoberfläche, bestimmt durch das Wirkungsgefüge der hier vorhandenen Geofaktoren einschließlich der anthropogeographischen, mögen auch die Einwirkungen des Menschen, etwa durch bauliche Anlagen, nur untergeordnete Teile der Landschaft ausmachen (Judikatur des Verwaltungsgerichtshofes).

5.3. Is landscape the subject of one or more articles of the constitution or the basic law?

No

5.4. Is landscape the subject of a specific law or is it embodied in other laws?

It is embodied in the Laws on Nature Conservation of the Federal States (Naturschutzgesetze der Länder)

5.5. Is there a code that consolidates the applicable texts relating to landscape?

See legal definition

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*"Each Party undertakes to establish and implement landscape policies aimed at landscape protection, management and planning" (article 5. b) ["Landscape policy" means an expression by the competent public authorities of general principles, strategies and guidelines that permit the taking of specific measures aimed at the protection, management and planning of landscapes (article 1. b)]*

5.6. What are the landscape policies (general principles, strategies, guidelines)?

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*"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 mentioned in paragraph b above;" (article 5, c)*

5.7. What are the procedures for arranging participation?

5.7.1. by the public?

-

5.7.2. by local and regional authorities? .....

5.7.3. by other players with an interest in the framing and implementation of landscape policies?

-

*“Each Party undertakes to integrate landscape into its regional and town planning policies and in its cultural, environmental, agricultural, social and economic policies, as well as in any other policies with possible direct or indirect impact on landscape” (article 5, d)*

5.8. Which instruments allow the integration of landscape into?

5.8.1. Regional planning policies?

Laws on Spatial Planning of the Federal States (Raumordnungsgesetze der Länder)

5.8.2. Town planning policies?

Laws on Spatial Planning of the Federal States (Raumordnungsgesetze der Länder)

5.8.3. Cultural policies?

5.8.4. Environmental policies?

Laws on Nature Conservation of the Federal States (Naturschutzgesetze der Länder)

5.8.5. Agricultural policies?

-

5.8.6. Social and economic policies?

-

5.8.7. Into such other policies as may have a direct or indirect effect on landscape?

-

**The questions of the chapters 6 to 10 have not been answered because Austria has not signed the European Landscape Convention.**

## RAPPORT NATIONAL / RAPPORT NATIONAL

### FINLAND / FINLANDE

**From:** Forss Sonja [mailto:Sonja.Forss@ymparisto.fi]

**Sent:** mercredi 14 novembre 2012 11:35

**To:** DEJEANT-PONS Maguelonne

**Cc:** Heikkilä Tapio

**Subject:** VS: Council of Europe - Conseil de l'Europe - European Landscape Convention - Convention européenne du paysage - National Report - Rapport national 2012

#### 1. State: FINLAND

#### 2. Has the European Landscape Convention been signed or ratified?

Signed 2000, ratified 2006

#### 3. Correspondent

Name: Sonja Forss

Ministry/Department: Finnish environment institute/Natural environment centre

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#### 4. Division of responsibilities

*“Each Party shall implement this Convention, in particular Articles 5 and 6, 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.”(article 4)*

##### 4.1. Which ministry/administration is in charge of landscape?

Ministry of the Environment

##### 4.2. Is this ministry/administration vested with other responsibilities?

Yes. Nature conservation, environmental protection, land use planning, housing.

##### 4.3. Is this ministry/administration provided with a specific landscape policy document?

No. Landscape will be included in the National strategy for the cultural environment that is currently being prepared, along with the built environment, archaeological and historic sites, and traditional cultural landscapes.

##### 4.4. Are regional and local authorities empowered in respect of landscape?

Yes. The regional environmental authorities (regional centres for economic development, transport and the environment), regional councils (i.e. regional planning authorities), municipalities.

##### 4.5. Is there a framework for consultation between ministries on territorial and/or landscape matters (territorial conference, landscape council, other structure)?

A yearly national seminar on the cultural environment for national and regional authorities and other actors. Working groups for landscape related projects also serve as contact fora to some extent.

4.6. Is there a consultation procedure for decision-making on territorial policy between the national and the regional levels?

Yes. The regional councils are responsible for regional planning, but the process is instructed by the Ministry of the Environment that also confirms the regional plans.

4.7. What are the human and financial resources devoted to putting landscape policies in place:

4.7.1. At national level?

Ministry of the Environment, Finnish environment institute, National heritage board, Ministry of agriculture and forestry, the state forest administration, together about 3 man-years.

4.7.2. At regional level?

Regional centres for economic development, transport and the environment, regional councils, together about 3-4 man-years.

## 5. General measures

*"Each Party undertakes to recognise landscapes in law as an essential component of people's surroundings, an expression of the diversity of their shared cultural and natural heritage, and a foundation of their identity;" (article 5. a)*

5.1. How is the term "landscape" defined in your language?

Land surface as a whole visible to the viewer, view, natural view.

5.2. Is there a legal definition of the term "landscape"?

No. Finland applies the definition of the ELC, but the term is not defined in any law.

5.3. Is landscape the subject of one or more articles of the constitution or the basic law?

Not specifically. The closest is §20 in the constitution "Everyone is responsible for nature, biodiversity, the environment and cultural heritage".

5.4. Is landscape the subject of a specific law or is it embodied in other laws?

Primarily the nature conservation law where landscape is subject to a separate chapter. The land use and building law includes the national objectives for land use that concerns landscape areas among other things.

5.5. Is there a code that consolidates the applicable texts relating to landscape?

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*"Each Party undertakes to establish and implement landscape policies aimed at landscape protection, management and planning" (article 5. b) ["Landscape policy" means an expression by the competent public authorities of general principles, strategies and guidelines that permit the taking of specific measures aimed at the protection, management and planning of landscapes (article 1. b)]*

5.6. What are the landscape policies (general principles, strategies, guidelines)?

National objectives for land use, integrated in the land use and building law: valuable landscape areas are mentioned as areas that must be considered in land use planning.

National strategy for the cultural environment: the first strategy for the cultural environment is currently being prepared by a working group at the Ministry of the Environment. The strategy will deal with the built environment, landscape, archaeological heritage and traditional rural biotopes. The strategy is supposed to be ready in 2013.

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*“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 mentioned in paragraph b above;” (article 5, c)*

5.7. What are the procedures for arranging participation?

5.7.1. by the public?

Hearing as defined in administrative legislation. Public information and discussion events. Local events arranged by the local authorities and/or organisations.

5.7.2. by local and regional authorities?

Working groups, workshops, hearing.

5.7.3. by other players with an interest in the framing and implementation of landscape policies?

Any of the above, depending on what players.

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*“Each Party undertakes to integrate landscape into its regional and town planning policies and in its cultural, environmental, agricultural, social and economic policies, as well as in any other policies with possible direct or indirect impact on landscape” (article 5, d)*

5.8. Which instruments allow the integration of landscape into?

5.8.1. Regional planning policies?

Defined valuable landscape areas must be recognised in land use planning, as stated in the national objectives for land use in the land use and building law.

5.8.2. Town planning policies?

-

5.8.3. Cultural policies?

-

5.8.4. Environmental policies?

Landscape is recognised as a value in nature conservation and environmental policy in general.

5.8.5. Agricultural policies?

Some parts of the EU agri-environmental subsidies deal with traditional rural biotopes and landscape management.

5.8.6. Social and economic policies?

-

5.8.7. Into such other policies as may have a direct or indirect effect on landscape?

-

## **6. Specific measures**

*“Awareness-raising: Each Party undertakes to increase awareness among the civil society, private organisations, and public authorities of the value of landscapes, their role and changes to them.” (article 6, A)*

6.1. Which measures have been taken to increase awareness?

6.1.1. in civil society (landscape-related events, celebrations, festivals, etc.)

6.1.1.1. at national level?

The national landscape award, the winner of which represents Finland in the contest for the European landscape award. Press releases on current issues, i.e. at the moment the inventories of nationally valuable landscape areas. Web-pages of the national environmental authorities.



## 6.1.1.2. at regional level?

Information on current regional/local landscape related issues in the form of i.e. village gatherings, walks in the local landscapes etc. Press releases on current issues. Web-pages of the regional environmental authorities.

## 6.1.2. among private organisations?

-

## 6.1.3. on the part of the public authorities?

Press releases etc.

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*“Training and education: Each Party undertakes to promote training for specialists in landscape appraisal and operations” (article 6, B, a)*

## 6.2. Which measures have been taken to promote training for specialists in landscape appraisal and operations (setting up specialist courses, recognition of landscape engineering diplomas, etc.)?

University and vocational education in landscape architecture, landscape management and landscape design. Practical courses in landscape management for forest owners. Landscape issues are included in some university programs in ecology and environmental science.

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*“Each Party undertakes to promote multidisciplinary training programmes in landscape policy, protection, management and planning, for professionals in the private and public sectors and for associations concerned; (article 6, B, b)*

## 6.3. Which measures have been taken to promote the introduction of multidisciplinary training programmes?

## 6.3.1. for professionals in the private sector?

-

## 6.3.2. for professionals in the public sector?

-

## 6.3.3. for associations concerned?

-

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*“Each Party undertakes to promote: school and university courses which, in the relevant subject areas, address the values attaching to landscapes and the issues raised by their protection, management and planning.” (article 6, B, c)*

## 6.4. Which measures have been taken to promote landscape-related training and education as part of the curriculum in?

## 6.4.1. Primary education?

-

## 6.4.2. Secondary education?

-

## 6.4.3. Tertiary education?

Vocational training in landscape design and landscape management. University programs in landscape architecture. Landscape issues dealt with in some university programs in ecology and environmental sciences.

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*“Identification and assessment:*

*1. With the active participation of the interested parties, as stipulated in Article 5.c, and with a view to improving knowledge of its landscapes, each Party undertakes:*

- a. i) to identify its own landscapes throughout its territory;*
- ii) to analyse their characteristics and the forces and pressures transforming them;*
- iii) to take note of changes;*

*b. to assess the landscapes thus identified, taking into account the particular values assigned to them by the interested parties and the population concerned.*

*2. These identification and assessment procedures shall be guided by the exchanges of experience and methodology, organised between the Parties at European level pursuant to Article 8”. (article 6, C)*

6.5. Which measures have been taken to carry out the identification of landscapes and the analysis of their characteristics (catalogues, atlases, registers of landscapes?)

6.5.1. at national level?

Finland is divided into landscape provinces and sub provinces according to landscape character. There are 156 defined nationally valuable landscape areas that are currently being re-inventoried.

6.5.2. at regional level?

Some regions have conducted regional landscape surveys that are more detailed than the national division in landscape provinces (comparable to landscape character assessments). There are varied numbers of defined regionally valuable landscape areas.

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*“Landscape quality objectives: Each Party undertakes to define landscape quality objectives for the landscapes identified and assessed, after public consultation in accordance with Article 5.c.” (article 6, D) [“‘Landscape quality objective’ means, for a specific landscape, the formulation by the competent public authorities of the aspirations of the public with regard to the landscape features of their surroundings” (article 1, c)]*

6.6. Please give two or more examples of experiences conducive to the definition of landscape quality objectives.

Nationally valuable landscape areas can be appointed landscape management areas when the locals initiate management. For the area to be appointed a plan for management and use must be in place, and include goals for the management. Regionally valuable landscape areas can be appointed regional landscape management areas in much the same manner.

---

*“Implementation: To put landscape policies into effect, each Party undertakes to introduce instruments aimed at protecting, managing and/or planning the landscape.” (article 6, E)*

6.7. Which types of instruments have been adopted for protecting, managing and/or planning landscapes (management agreements, contracts, charters, seals of quality ...)?

Nationally valuable landscape areas can be appointed landscape management areas when the locals initiate management. For the area to be appointed a plan for management and use must be in place, and include goals for the management. Regionally valuable landscape areas can be appointed regional landscape management areas in much the same manner.

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## **7. Mutual assistance and exchange of information**

*“The Parties undertake to co-operate in order to enhance the effectiveness of measures taken under other articles of this Convention, and in particular:*

- a. to render each other technical and scientific assistance in landscape matters through the pooling and exchange of experience, and the results of research projects;*
- b. to promote the exchange of landscape specialists in particular for training and information purposes;*
- c. to exchange information on all matters covered by the provisions of the Convention”. (article 8)*

7.1. Has technical and scientific assistance been conducted with other states and/or regions (pooling and exchange of experience, research work on landscape ...)?

There are plans for starting an expert network between the Nordic countries.

7.2. Have there been exchanges of landscape specialists?

-

## 8. Transfrontier landscapes

*“The Parties shall encourage transfrontier co-operation on local and regional level and, wherever necessary, prepare and implement joint landscape programmes.” (article 9)*

8.1. Have actions to encourage transfrontier co-operation been conducted:

8.1.1. between states:

Workshop in 2011 about landscape management and conservation in the north calotte area (Finland, Sweden, Norway)

8.1.1.1. at national level?

-

8.1.1.2. at regional level?

-

8.1.2. between regions of the state?

-

8.2. Have programmes of transfrontier co-operation with other states and/or regions been set up?

-

## 9. Landscape award of the Council of Europe

*“1. The Landscape award of the Council of Europe is a distinction which may be conferred on local and regional authorities and their groupings that have instituted, as part of the landscape policy of a Party to this Convention, a policy or measures to protect, manage and/or plan their landscape, which have proved lastingly effective and can thus serve as an example to other territorial authorities in Europe. The distinction may be also conferred on non-governmental organisations having made particularly remarkable contributions to landscape protection, management or planning.*

*2. Applications for the Landscape award of the Council of Europe shall be submitted to the Committees of Experts mentioned in Article 10 by the Parties. Transfrontier local and regional authorities and groupings of local and regional authorities concerned, may apply provided that they jointly manage the landscape in question.*

*3. On proposals from the Committees of Experts mentioned in Article 10 the Committee of Ministers shall define and publish the criteria for conferring the Landscape award of the Council of Europe, adopt the relevant rules and confer the Award.*

*4. The granting of the Landscape award of the Council of Europe is to encourage those receiving the award to ensure the sustainable protection, management and/or planning of the landscape areas concerned.” (article 11).*

9.1. Have one or more landscape awards been instituted at national and/or regional level? Do they refer to the European Landscape Convention?

9.1.1. at national level

Yes, three times (2008, 2010, 2012). The rules are the same as for the European landscape award, and the winner represents Finland in the contest for the European award.

9.1.2. at regional level

No.

**10. Major changes since the previous report (CEP-CDPATEP (2012) 3)**

Landscape issues are since 2010 also dealt with at the Finnish environment institute, since the co-ordination of the updating inventories of nationally valuable landscape areas was set there. The updating inventories of nationally valuable landscape areas are in action (2010-2015), the areas were last inventoried in the 1990's. The national landscape award has been issued three times since 2008, and Finland has participated in the European landscape award. The first landscape management area was established in 2007, and since then two more have been established.

## NATIONAL REPORT / RAPPORT NATIONAL

### HUNGARY / HONGRIE

**From:** Kiss Gábor Dr. [mailto:gabor.kiss@vm.gov.hu]  
**Sent:** mardi 13 novembre 2012 15:39  
**To:** DEJEANT-PONS Maguelonne  
**Subject:** national report - Hungary

#### 1. State: HUNGARY

#### 2. Has the European Landscape Convention been signed or ratified?

It has been ratified on 26th of October in 2007, and it has entered into force 1st of February in 2008.

#### 3. Correspondent

*National Representative for ELC, Member of CDCPP:*

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*Member of CDCPP:*

Name: Mrs. Viktória PÁLÓCZI-HORVÁTH

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#### 4. Division of responsibilities

*“Each Party shall implement this Convention, in particular Articles 5 and 6, 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.”(article 4)*

##### 4.1. Which ministry/administration is in charge of landscape?

The Minister responsible for Nature Conservation consent of the Minister of Culture and collaboration with the Minister for Regional Development and the Minister responsible for Spatial Planning shall ensure the implementation of the ELC.

Ministry of Rural Development (MRD)

Ministry of Interior (MI)

Ministry of Human Resources (MHR)

Ministry of National Development (MND)

##### 4.2. Is this ministry/administration vested with other responsibilities?

MRD: rural development, supervision of food retail chains, environmental protection and the

agricultural economy.

MI: responsible for internal affairs, public employment, municipal affairs, protection of cultural heritage and construction.

MHR: responsible for the functioning of the national healthcare and welfare system in Hungary, the development of school education from nursery to university, the protection of cultural heritage, promotion of the interests of children and the young, and the realisation of government aims related to sport in Hungary.

4.3. Is this ministry/administration provided with a specific landscape policy document?

National Basic Plan for Nature Conservation within the National Program for Environmental Protection,

Act. No. LIII. of 1996 on Protection of Nature,

Act No. XXI of 1996 on Spatial Development and Planning,

Act No. XXVI of 2003 on the National Spatial Plan (ANSP),

Act No. CXXII. of 2000 on the Spatial Plan Balaton Resort District Area,

Act No. LXIV of 2005 on the Spatial Plan of Budapest Agglomeration Area,

Act No. LXIV of 2001 on Protection of the Cultural Heritage,

Act No. LXXVII of 2011 on World Heritage.

4.4. Are regional and local authorities empowered in respect of landscape?

On regional level: the Regional Inspectorates for Environment, Nature and Water, the National Park Directorities

Local governments: self-governments and municipalities (County Spatial Plans on county level, Plans of Settlements on community level)

4.5. Is there a framework for consultation between ministries on territorial and/or landscape matters (territorial conference, landscape council, other structure)?

The European Landscape Convention National Coordination Working Group has been established by ministries responsible for ELC.

There are direct consultations between the ministries.

The working group organises conferences and workshops regularly for implementing ELC.

4.6. Is there a consultation procedure for decision-making on territorial policy between the national and the regional levels?

Yes, there is regular consultation procedure, both official and non-official one.

4.7. What are the human and financial resources devoted to putting landscape policies in place:

4.7.1. At national level?

The European Landscape Convention National Coordination Working Group established by the 1189/2012. (VI. 11) Governmental Decision. Each minister responsible for the implementation of the ELC delegates one member to the Group. It is allowed to delegate experts.

The Working Group held its first meeting on 19<sup>th</sup> September 2012.

The human resources: Staff of the ministries responsible for ELC.

MRD: Human resources: Department of National Parks and Landscape Preservation.

MI: Human resources: Unit of Spatial Planning of Ministry of Interior

Financial resources are changeable year by year, e.g. in National Budget as "Budget Estimates for

Spatial Planning”.

4.7.2. At regional level?

Staff of the regional organisations of the ministries responsible for ELC.

Human resources: Regional Inspectorates for Environment, Nature and Water, National Park Directorities

Human resources: Principal Architects in charge of County

Financial resources: County budget

## 5. General measures

*"Each Party undertakes to recognise landscapes in law as an essential component of people's surroundings, an expression of the diversity of their shared cultural and natural heritage, and a foundation of their identity;" (article 5. a)*

5.1. How is the term “landscape” defined in your language?

“Landscape” means an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors. (Act. No. CXI. of 2007 on Promulgation of European Landscape Convention, dated in Florence at 20th October, 2000.)

“Landscape” means a confinable part of Earth's surface with a particular structure and characteristics, specific natural assets and natural systems combined with the characteristic features of human culture, where the forces of nature and the artificial (man-made) environmental elements coexist and interact. (Act. No. LIII. of 1996 on Protection of Nature)

5.2. Is there a legal definition of the term “landscape”?

Yes, Act. No. CXI. of 2007 on Promulgation of European Landscape Convention, dated in Florence at 20th October, 2000. There are another “legal” definitions in the Act. No. LIII. of 1996 on Protection of Nature and Act. No. LIII. of 1996 on Protection of Nature (*see above*). But these definitions are not generally accepted by scientists. Different definitions are used by all fields of science (e.g. landscape = humanised nature; landscape architects’ approach).

5.3. Is landscape the subject of one or more articles of the constitution or the basic law?

No, only the environment is the subject of the basic law.

5.4. Is landscape the subject of a specific law or is it embodied in other laws?

Embodied in other laws.

Act. No. LIII. of 1996 on Protection of Nature,

Act. No. LXIV. of 2001 on Protection of Cultural Heritage.

Act No. XXI of 1996 on Spatial Development and Planning,

Act No. XXVI of 2003 on the National Spatial Plan (ANSP),

Act No. CXXII of 2000 on the Spatial Plan Balaton Resort District Area,

Act No. LXIV of 2005 on the Spatial Plan of Budapest Agglomeration Area,

Act No. LXXVII of 2011 on World Heritage.

5.5. Is there a code that consolidates the applicable texts relating to landscape?

No.

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*"Each Party undertakes to establish and implement landscape policies aimed at landscape protection, management and planning" (article 5. b) ["Landscape policy" means an expression by the competent public*

*authorities of general principles, strategies and guidelines that permit the taking of specific measures aimed at the protection, management and planning of landscapes (article 1. b)]*

#### 5.6. What are the landscape policies (general principles, strategies, guidelines)?

National Spatial Development Programme: The programme defines the meaning of territories that have to be managed with special care, and prescribes the way these territories have to be maintained. In addition the legal protection of cultural landscapes as parts of the definition of territories connected with cultural heritage. The real importance of this law is the equal and joint protection of landscapes and cultural heritage.

The National Strategy of Rural Development between 2022 and 2020 assigned the following aims and measures:

- the sustainable development of rural territories and landscapes is one of the most important aims of this Strategy;
- the comprehensive protection of world heritage sites;
- establishing educational centres where the sustainable development of rural territories and other important knowledge-elements related to agriculture can be taught.

Long-term development plans: National Spatial Development Programme, National Development Plan, National Strategy of Sustainable Development.

Long term spatial plans: at national, regional (Balaton Resort District Area, Budapest Agglomeration Area) and county level.

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*“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 mentioned in paragraph b above;” (article 5, c)*

#### 5.7. What are the procedures for arranging participation?

##### 5.7.1. by the public?

Laws being in force ensure participation in the planning process for local people, for example in regional and town planning, as well as in compiling management plans for protected areas.

Organising conferences and exhibitions related to European Landscape Convention.

Organising “Entente Florale” national competitions each year.

##### 5.7.2. by local and regional authorities?

Local and regional authorities also take part in planning processes.

##### 5.7.3. by other players with an interest in the framing and implementation of landscape policies?

There are strategic partnership with universities, research institutes and civil organisations.

Laws being in force ensure participation in the planning process for NGO-s.

The Programme of the Government mentions this topic.

The 5/2012. (II. 7.) NEFMI decree declared the famous Tokaj-Hegyalja wine region as cultural landscape, so the territory as a whole was given the same protection as any other monument (buildings, for example) in the country. This is absolutely unique in Hungary that a landscape has this kind of legal, cultural heritage protection.

The law on world heritage prescribes that landscape protection measure have to be included in the management plans of every hungarian world heritage site.

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*“Each Party undertakes to integrate landscape into its regional and town planning policies and in its cultural, environmental, agricultural, social and economic policies, as well as in any other policies with possible direct or indirect impact on landscape” (article 5, d)*

5.8. Which instruments allow the integration of landscape into?

5.8.1. Regional planning policies?

Act XXI of 1996 on Spatial Development and Planning,

Act XXVI of 2003 on the National Spatial Plan (ANSP),

Act CXXII. of 2000 on the Spatial Plan Balaton Resort District Area,

Act LXIV of 2005 on the Spatial Plan of Budapest Agglomeration Area

5.8.2. Town planning policies?

Act LXXVIII of 1997 on the Management of Built Environment, Government decree 253/1997. (XII. 20) on National Spatial Planning and Building Requirements

Integrated Urban Development Strategies

5.8.3. Cultural policies?

Act No. LXIV of 2001 on Protection of the Cultural Heritage

5.8.4. Environmental policies?

Act. No. LIII. of 1996 on Protection of Nature,

National Basic Plan for Nature Conservation within the National Program for Environmental Protection.

5.8.5. Agricultural policies?

Landscape policy is part of the New Hungary Rural Development Plan (2007-2013).

5.8.6. Social and economic policies?

5.8.7. Into such other policies as may have a direct or indirect effect on landscape?

## **6. Specific measures**

*“Awareness-raising: Each Party undertakes to increase awareness among the civil society, private organisations, and public authorities of the value of landscapes, their role and changes to them.” (article 6, A)*

6.1. Which measures have been taken to increase awareness?

6.1.1. in civil society (landscape-related events, celebrations, festivals, etc.)

6.1.1.1. at national level?

Workshops are organised regularly by ministries in charge of landscape.

National Landscape Award Program,

Landscape Architect of the Year,

Private Garden of the Year,

National Celebration of International Landscape Architecture Month

European Heritage Days in Hungary (Several famous monuments and landscapes are free to visit, people can also visit buildings which are usually closed for the public – for example ministries, office buildings or dwelling houses if they are monument buildings.)

The Hungarian Parliament declared that 2012 is the Year of World Heritage in the country.

Cultural landscape heritage inventarisation and mapping for helping to launch the European Landscape Convention, and for the methodology layout of landscape character assessment in Hungary; project of Corvinus University of Budapest, Faculty of Landscape Architecture (TÉKA)

6.1.1.2. at regional level?

6.1.2. among private organisations?

The Green City Council.

NGO-s concerned with landscape matters are often invited for workshops organised by the ministries in charge of landscape.

6.1.3. on the part of the public authorities?

The “Entente Florale” Movement Hungary.

Public authorities concerned with landscape matters are invited for workshops.

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*“Training and education: Each Party undertakes to promote training for specialists in landscape appraisal and operations” (article 6, B, a)*

6.2. Which measures have been taken to promote training for specialists in landscape appraisal and operations (setting up specialist courses, recognition of landscape engineering diplomas, etc.)?

Special courses in landscape architecture and planning organised (recognised) by Chamber of Architects (CA). Landscape related CA-branches: Division of Landscape and Garden Architecture, Division of Spatial and Urban Planning). Extra education courses organised by different institutes, organisations (recognition based on a score system by CA). Recognition of outlander diplomas is also by CA.

Unfortunately, there are only a few landscape and garden construction engineers in the country, that is why we actively promote this profession among the young.

*“Each Party undertakes to promote multidisciplinary training programmes in landscape policy, protection, management and planning, for professionals in the private and public sectors and for associations concerned; (article 6, B, b)*

6.3. Which measures have been taken to promote the introduction of multidisciplinary training programmes?

6.3.1. for professionals in the private sector?

Special courses in landscape architecture and planning organised (recognised) by Chamber of Architects (CA). Landscape related CA-branches: Division of Landscape and Garden Architecture, Division of Spatial and Urban Planning). Extra education courses organised by different institutes, organisations (recognition based on a score system by CA). Recognition of outlander diplomas is also by CA.

6.3.2. for professionals in the public sector?

There are conferences and courses for Principal Architects.

Training of gardening and landscaping specialist in vocational schools.

6.3.3. for associations concerned?

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*“Each Party undertakes to promote: school and university courses which, in the relevant subject areas, address the values attaching to landscapes and the issues raised by their protection, management and planning.” (article 6, B, c)*

6.4. Which measures have been taken to promote landscape-related training and education as part of the curriculum in?

6.4.1. Primary education?

The landscape and other related topics are part of primary education and the National Core Curriculum (NCC). Following the instructions of the NCC, the elementary schools build in the geography and natural science subjects the main issues and knowledge about landscape, national parks, nature conservation and other relations. The elementary school geography and science teachers usually take part on accredited teacher training seminars where they facing with this issues.

There are specialized „eco-schools”.

There are the *Man and Nature literacy education field goals* in the National Curriculum. These include development of environmental and sustainability topics and practice of human activities with regard to the needs of our environment.

#### 6.4.2. Secondary education?

The landscape and other related topics are part of secondary education and the National Core Curriculum (NCC). Following the instructions of the NCC, the secondary schools build in the geography and natural science subjects, and history the main issues and knowledge about landscape, national parks, nature conservation and other relations. Compulsory part of the secondary school education the development of students thinking about different types of environmental pollution and the importance of the environmental protection. Following the school curriculum and the teachers instructions, the students learn in the schools about different landscapes and the changing environment, as well as the government support the green education project. The secondary school geography and science teachers usually take part on accredited teacher training seminars where they facing with this issues.

There is landscaper education in High Schools of Gardening.

#### 6.4.3. Tertiary education?

Landscape constructor (BSc) and Landscape Architect education (MSc) at Corvinus University Budapest Faculty of Landscape Architecture (100-150 students/year).

Staff of the Ministries gives lessons regularly on landscape policy in different higher education courses.

There are several curriculums connected with landscape protection (builder, engineer, agriculture majors): Corvinus University of Budapest, Budapest University of Technology and Economics, Szent István University, University of Pécs etc.

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#### *“Identification and assessment:*

*1. With the active participation of the interested parties, as stipulated in Article 5.c, and with a view to improving knowledge of its landscapes, each Party undertakes:*

- a. i) to identify its own landscapes throughout its territory;*
- ii) to analyse their characteristics and the forces and pressures transforming them;*
- iii) to take note of changes;*

*b. to assess the landscapes thus identified, taking into account the particular values assigned to them by the interested parties and the population concerned.*

*2. These identification and assessment procedures shall be guided by the exchanges of experience and methodology, organised between the Parties at European level pursuant to Article 8”. (article 6, C)*

6.5. Which measures have been taken to carry out the identification of landscapes and the analysis of their characteristics (catalogues, atlases, registers of landscapes?)

#### 6.5.1. at national level?

There are land use categories and spatial zoning regulations (written and maps) in ANSP.

Scientific researches on identification and characterisation of landscapes have been started. Workshops were also organised with the same topic.

Cultural landscape heritage inventarisation and mapping for helping to launch the European Landscape Convention, and for the methodology layout of landscape character assessment in

Hungary; project of Corvinus University of Budapest, Faculty of Landscape Architecture (TÉKA project)

6.5.2. at regional level?

Land use categories and spatial zoning regulations (written and maps) in regional and county spatial plans (see details in 4.3).

*“Landscape quality objectives: Each Party undertakes to define landscape quality objectives for the landscapes identified and assessed, after public consultation in accordance with Article 5.c.” (article 6, D) [“‘Landscape quality objective’ means, for a specific landscape, the formulation by the competent public authorities of the aspirations of the public with regard to the landscape features of their surroundings” (article 1, c)]*

6.6. Please give two or more examples of experiences conducive to the definition of landscape quality objectives. Examples in ANSP:

Land Use:

No parcel of ground, falling under grades 1 and 2 according the vineyard cadastre in wine-growing areas, may be qualified as area for development.

Zoning:

The local building code of the settlement falling under the zone of landscape protection areas must also include the rules relating to the harmonisation of technical facilities with the landscape. In order to achieve that, a visual plan specified in a separate law provision shall be prepared of the facilities significantly changing the landscape.

*“Implementation: To put landscape policies into effect, each Party undertakes to introduce instruments aimed at protecting, managing and/or planning the landscape.” (article 6, E)*

6.7. Which types of instruments have been adopted for protecting, managing and/or planning landscapes (management agreements, contracts, charters, seals of quality ...)?

Spatial plans as both planning and legal instruments,

Law on Lake Balaton,

National Spatial Planning Programme.

## 7. Mutual assistance and exchange of information

*“The Parties undertake to co-operate in order to enhance the effectiveness of measures taken under other articles of this Convention, and in particular:*

- a. to render each other technical and scientific assistance in landscape matters through the pooling and exchange of experience, and the results of research projects;*
- b. to promote the exchange of landscape specialists in particular for training and information purposes;*
- c. to exchange information on all matters covered by the provisions of the Convention”. (article 8)*

7.1. Has technical and scientific assistance been conducted with other states and/or regions (pooling and exchange of experience, research work on landscape ...)?

Cross-border cooperation with the neighbouring countries.

CEMAT membership; Collect research information through Internal Scientific Council (Spatial Planning and Urban Management Working Group under establishment)

World Heritage Summer Course on the management of cultural WH properties has organised every year since 2009 in the framework of the “Visegrad 4” (CZ, H, PL, SK) cooperation.

7.2. Have there been exchanges of landscape specialists?

Participation of landscape architects on CEMAT

Exchanges of landscape specialists: especially in the universities.

**8. Transfrontier landscapes**

*“The Parties shall encourage transfrontier co-operation on local and regional level and, wherever necessary, prepare and implement joint landscape programmes.” (article 9)*

8.1. Have actions to encourage transfrontier co-operation been conducted:

8.1.1. between states:

Cooperation – expert consultation between Austria and Hungary on wind farm projects affecting WH area Fertő-Neusiedlersee.

8.1.1.1. at national level?

There are regional transfrontier co-operation with the neighbouring countries (exchange of experience, research work on landscape, application for EU-funds etc.).

8.1.1.2. at regional level?

There are regional transfrontier co-operation with the neighbouring countries (exchange of experience, research work on landscape, application for EU-funds etc.) organised by National Park Directorate, NGOs etc.

8.1.2. between regions of the state?

8.2. Have programmes of transfrontier co-operation with other states and/or regions been set up?

Bilateral cooperation in spatial planning with Slovakia.

V4 countries + Bulgaria and Romania cooperation in regional development/spatial planning (led by Ministry of Economy).

Collaboration with Tisa river catchment basin countries in Tisa Catchment Area Development (TICAD) transnational programme.

Cross-border Operative Programmes (e.g. Hungary-Austria, landscape prevention project for Fertő-Neusiedlersee)

**9. Landscape award of the Council of Europe**

*“1. The Landscape award of the Council of Europe is a distinction which may be conferred on local and regional authorities and their groupings that have instituted, as part of the landscape policy of a Party to this Convention, a policy or measures to protect, manage and/or plan their landscape, which have proved lastingly effective and can thus serve as an example to other territorial authorities in Europe. The distinction may be also conferred on non-governmental organisations having made particularly remarkable contributions to landscape protection, management or planning.*

*2. Applications for the Landscape award of the Council of Europe shall be submitted to the Committees of Experts mentioned in Article 10 by the Parties. Transfrontier local and regional authorities and groupings of local and regional authorities concerned, may apply provided that they jointly manage the landscape in question.*

*3. On proposals from the Committees of Experts mentioned in Article 10 the Committee of Ministers shall define and publish the criteria for conferring the Landscape award of the Council of Europe, adopt the relevant rules and confer the Award.*

*4. The granting of the Landscape award of the Council of Europe is to encourage those receiving the award to ensure the sustainable protection, management and/or planning of the landscape areas concerned.” (article 11).*

9.1. Have one or more landscape awards been instituted at national and/or regional level? Do they refer to the European Landscape Convention?

9.1.1. at national level

Landscape award programs were carried out on national level in 2008, 2010 and 2012, according to the Resolution CM/Res(2008)3 on the Rules governing the Landscape Award of the Council of Europe.

The 14/2012. (VI. 25.) VM decree of the minister of rural development on the tasks in connection with the awards honoured by the minister of rural development including Hungarian Landscape Award entered into force.

9.1.2. at regional level

**10. Major changes since the previous report (CEP-CDPATEP (2012) 3)**

Establishment of the European Landscape Convention National Coordination Working Group (2012).  
Realising next session of the Hungarian Landscape Award (2012).

The 14/2012. (VI. 25.) VM decree of the minister of rural development on the tasks in connection with the awards honoured by the minister of rural development including Hungarian Landscape Award entered into force.

The 5/2012. (II. 7.) NEFMI decree declared the famous Tokaj-Hegyalja wine region as cultural landscape, so the territory as a whole was given the same protection as any other monument (buildings, for example) in the country. This is absolutely unique in Hungary that a landscape has this kind of legal, cultural heritage protection.

## NATIONAL REPORT / RAPPORT NATIONAL

### LITHUANIA / LITUANIE

-----Original Message-----

From: Giedrė Godienė [mailto:g.godiene@am.lt]

Sent: jeudi 3 janvier 2013 15:23

To: DEJEANT-PONS Maguelonne

Cc: DELPLACE Jessica

Subject: Lithuanian presentation of the status of landscape policies 2011-2012

#### 1. State: LITHUANIA

#### 2. Has the European Landscape Convention been signed or ratified?

Signed 20/10/2000

Ratified 03/11/2002

#### 3. Correspondent:

Name: Giedrė Godienė

Ministry/Department: Ministry of Environment /Department of Protected areas and Landscape

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#### 4. Division of responsibilities

*“Each Party shall implement this Convention, in particular Articles 5 and 6, 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.”(article 4)*

##### 4.1. Which ministry/administration is in charge of landscape?

Ministry of Environment of the Republic of Lithuania.

##### 4.2. Is this ministry/administration vested with other responsibilities?

Ministry of Environment is the leading state administrative institution in the fields of protection of environment, forestry, management of natural resources, territorial planning, urban development, architecture and construction.

##### 4.3. Is this ministry/administration provided with a specific landscape policy document?

Yes, National Landscape Policy was adopted by Lithuanian Government in 2004, Programme of its Implementation in 2005.

##### 4.4. Are regional and local authorities empowered in respect of landscape?

In the Law of Local Self-government (article 6) among the functions of municipalities there are maintenance and protection of the landscape, immovable cultural values and protected areas established by a municipality, protection, maintenance and development of green areas, vegetations, organisation and monitoring of inventory, accounting, cadastral measuring of land plots of separate green areas and their recording in the Real Property Register.

Local authorities are empowered in respect of landscape by the Law on Protected areas, the Law on

Environmental protection, The law on Green plots, etc.

4.5. Is there a framework for consultation between ministries on territorial and/or landscape matters (territorial conference, landscape council, other structure)?

National Landscape Policy was adopted after broad discussions and consultations with other ministries, NGO's, scientists, Association of Local authorities.

After the last amendment in 2009 this document created the framework for consultations in the field of landscape issues. According this document information about implementation of National landscape Policy is generated in the Ministry of Environment and yearly submitted to the Government and presented for the broad public in the seminar. Starting 2010, in such seminars landscape specialists from ministries, local authorities, universities, NGO's and other institutions present actual information and exchanges opinions about landscape related issues.

4.6. Is there a consultation procedure for decision-making on territorial policy between the national and the regional levels?

Yes, the consultancy is organized according to the Law on Territorial planning.

4.7. What are the human and financial resources devoted to putting landscape policies in place:

4.7.1. At national level?

There are no specially assigned financial resources.

4.7.2. At regional level?

There are no specially assigned financial resources.

## 5. General measures

*"Each Party undertakes to recognise landscapes in law as an essential component of people's surroundings, an expression of the diversity of their shared cultural and natural heritage, and a foundation of their identity;" (article 5. a)*

5.1. How is the term "landscape" defined in your language?

Kraštovaizdis – in Lithuanian it means "view of the country".

5.2. Is there a legal definition of the term "landscape"?

Yes. In the Law on Protected areas, landscape shall mean a territorial compound of the land surface natural (surface rocks, ground level air, surface and ground waters, soil, living organisms) and/or anthropogenic (archaeological remnants, structures, engineering installations, land and information field) components related by material, energy and information links; natural landscape shall mean a landscape which has preserved a natural character; cultural landscape means a landscape created as a result of human activities and reflecting his co-existence with the environment.

In the National Landscape Policy (2004) official landscape definition is supplemented with the meaning of landscape according the European Landscape convention: a territorial compound of the land surface natural (surface rocks, ground level air, surface and ground waters, soil, living organisms) and/or anthropogenic (archaeological remnants, structures, engineering installations, land and information field) components related by material, energy and information links; an area, as perceived by people, whose character is the result of the action and interaction of natural and human factors.

5.3. Is landscape the subject of one or more articles of the constitution or the basic law?

Landscape is not the subject of Lithuanian constitution, but the Article 53 of Lithuanian constitution determines that the state and each person must protect the environment from harmful influences and Article 54 – that the state shall take care of the protection of the natural environment, wildlife and plants, individual objects of nature and areas of particular value and shall supervise a sustainable use of natural resources, their restoration and increase, the destruction of land and the underground, the



pollution of water and air, radioactive impact on the environment as well as depletion of wildlife and plants shall be prohibited by law.

5.4. Is landscape the subject of a specific law or is it embodied in other laws?

There are no specific law. Landscape is the very important subject of the Law on Protected areas (1993), the Law on Green plots (2006), the Law on Protection of Immovable cultural heritage (1994), the Law on Coastal strip (2002).

Landscape protection statements are integrated in the Law on Environment protection (1992), the Law on Land (1994), the Law on Local Self-government (1994), the Law on Territorial planning (1995), the Law on Environmental impact assessment (1996), the Law on Construction (1996), etc. There are some examples.

In the *Law on Protection of Immovable cultural heritage* (Article 19) protection of Immovable Cultural Property Clusters or Separate Historical and Cultured Landscape Sites is defined.

Landscape identity, its ecological, aesthetical and recreational values protection is the main objective of the designation of the Lithuanian Coastal strip in the *Law on Coastal strip*.

In the *Law of Land* (Article 9) is stated that land users must use the land rationally and preserve landscape properties.

In the *Law of Construction* (Article 2) is stated that in Approval of the design documentation environmental and landscape requirements shall be specified; architecture of a construction must be in harmony with the landscape (article 5); it shall be mandatory to act in compliance with other laws, legal acts which regulate the environmental protection and the assessment of an impact of planned economic activities on the environment; protection of protected areas, landscape, immovable cultural heritage properties and their territories (Article 6), etc.

5.5. Is there a code that consolidates the applicable texts relating to landscape?

No.

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*“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 mentioned in paragraph b above;” (article 5, c)*

5.6. What are the procedures for arranging participation?

5.6.1. by the public?

There no specific, but regular procedures of involvement the public in the State governing: general public has right for information and all legal acts projects are open to public opinion for certain time; public is involved in the planning process according to the Laws of Environment protection, Protected areas, Territorial planning, Environment Impact Assessment., etc..

5.6.2. by local and regional authorities?

There no specific, but regular procedures of involvement the local authorities in the planning process according to the Law on Environmental protection, the Law on Protected areas, the Law on Territorial planning, the Law on Environment Impact Assessment.

5.6.3. by other players with an interest in the framing and implementation of landscape policies?

See p. 5.6.1

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*“Each Party undertakes to integrate landscape into its regional and town planning policies and in its cultural, environmental, agricultural, social and economic policies, as well as in any other policies with possible direct or indirect impact on landscape” (article 5, d)*

5.7. Which instruments allow the integration of landscape into:

#### 5.7.1. regional planning policies?

1. Legal framework, especially National landscape policy (2004) and Measures of its Implementation (2005)
2. Lithuanian landscape study (2006) contains main information about landscape character.
3. By the Law on Territorial planning regional and local planning documents (general (comprehensive) and special plans) must be prepared with accordance to the national level planning documents.

By this law, among the tasks of general territorial planning is: to provide main provisions for the formation and implementation of regional policy, to provide measures and restrictions to ensure rational use of natural resources, ecological balance of the landscape, formation of the natural framework, preservation of the natural and cultural heritage values. Information about the landscape character, values is collected and evaluated.

Solutions concerning the formation of the urban and natural framework, preservation of the landscape, biological diversity and cultural heritage, the use and management of bioproductive economy, the use and management of recreational, industrial, trade or any other territories, as well as territorial development and reservation of territories for social, cultural and communications needs of the State (in the town and city general plans also for the formation of architectural spatial composition, development of municipal park system, improvement of quality of the habitat, establishment of ecological conservation zones, the issues of territorial regulations and provisions of further implementation of detailed planning) shall be prepared.

4. Comprehensive plan of the territory of the Republic of Lithuania was adopted by Seimas (Parliament) in 2002. This document presented common (optimising urban system and ensuring landscape protection) and special territorial structures (territories of bio-productive economy, recreational, technical infrastructure territories, etc.), spatial integration of the development and reserved territories for state needs till the 2020.

Nature framework and NATURA 2000 network, protection of landscape and biodiversity, use and protection of cultural heritage territories was provided. The nature framework territories were defined and presented, as well as functionally differentiated system of protected territories of the country.

National comprehensive plan and its solutions were detailed in the regional planning documents of counties and municipalities in 2005-2011.

#### 5.7.2. town planning policies?

1. Legal framework, especially National Landscape policy (2004) and Measures of its implementation (2006), Laws of Territorial planning, protected areas and Green plots
2. Continues cooperation with municipalities in the landscape field (methodical assistance, etc.).

#### 5.7.3. cultural policies?

1. Legal framework, especially National Landscape policy (2004) and Measures of its implementation (2006), Comprehensive plan of the territory of the Republic of Lithuania
2. Territorial planning system, for example see p. 5.7.1. (4)
3. Continues cooperation with the Ministry of Culture and Department of Cultural heritage under the Ministry of Culture.

#### 5.7.4. environmental policies?

Through the legal framework. Landscape takes an important role in National strategy of Sustainable development and other strategic documents of environment protection (The programme of biodiversity and protected areas management for 2007-2013, including biodiversity protection and NATURA 2000 designation, planning and management of protected areas, creation and implementation of nature management plans, forests, inland water bodies and coastal zone protection, environment monitoring, public information and education, etc).

#### 7.5. agricultural policies?

Through the legal framework, Comprehensive plan of the territory of the Republic of Lithuania, national and EU agri-environment policy, national Rural development programme for 2007-2013.

#### 5.7.6. social and economic policies?

Through Regional development policy, seeking for better quality of life in rural and urban areas.

#### 5.7.7. into such other policies as may have a direct or indirect effect on landscape?

### 6. Specific measures

*“Awareness-raising: Each Party undertakes to increase awareness among the civil society, private organisations, and public authorities of the value of landscapes, their role and changes to them.” (article 6, A)*

#### 6.1. Which measures have been taken to increase awareness:

##### 6.1.1. in civil society (landscape-related events, celebrations, festivals, etc.)

##### 6.1.1.1. at national level?

According the Measures of National landscape policy implementation (2006), Lithuania is:

1. Going to establish or renew Information centres in all National and Regional Parks until 2020. With financial support of EU in 2008 there were working 17, 2009 – 22, 2010 – 25 public information centers in Lithuanian state parks.

2. Seeking to exchange information about landscape management and to show good practice examples of landscape protection, management and planning, regarding to the European landscape Convention Article 11, Ministry of Environment established the National landscape Award in 2007. In 2008 honour was given to first winner – Kupiskis municipality and the local community – for the Kupa river valley management. In 2012 second National landscape award session was completed. Exhibition of candidates was organized. Utena district municipality was awarded for the continues efforts developing town parks system.

3. In 2008-2010 series of books (catalogues) were published representing traditional rural architecture and traditional rural landscape elements of 7 Lithuanian regions and specific features of several Regional parks. In 2012 the book “European Landscape Convention. Related texts” (In Lithuanian, some articles – in English) was published. Two volumes of periodical publication “Lithuanian landscape diversity are under preparation.

4. National Competitions of best managed territories (every 3 years) are organized. In 2010 – the Competition of Best managed schools and kinder gardens territories was organized with the ministry of Science and Education.

5. Contests. National Contest of Landscape architecture Works (every 4 years) are organized, since 2007 – in main Lithuanian exhibition centre. National Contest of Landscape architecture works was organized in 2011 with the exhibition on the official website of the Ministry of Environment: <http://www.am.lt/VI/index.php#a/11119>.

6. Other related contests and competitions. National competition “Sustainable environment” was organized in 2011 with the Ministry of Interior and other social partners in which recent 34 urban public areas projects were ranked, looking for the sustainability of use, proper landscape management, benefit for local society etc. (10 best honoured).

7. Seminars, conferences – are organized yearly. From 2010 2 special events are organized per year. One of them – special seminar where the National report on National landscape policy implementation, including best practises from municipalities is presented to the interested institutions, scientific organizations and wide public.

Since 2002 national exhibitions (contests) of Lithuanian Landscape architecture works are organized, since 2007 – in main Lithuanian exhibition centre.

8. Information about implementation of National landscape policy is provided in official website of the Ministry of Environment.

9. In 2004 Lithuanian Association of Landscape architects established landscape Architecture merit award (6 awards were delivered).

The broad company of public education (local fests, education programmes for children and adults, contests, etc.) are organized by the State Survey for Protected areas and Directions of national and regional parks.

In the field of cultural landscape (preservation and rehabilitation of historic parks) are important initiatives of the Eduard Fransua Andre club. The club partners are active members of the Lithuanian Association of landscape architects, local authorities, communities, Direction of Trakai historic national park, etc.. Club is working in projects, related to the Eduard Fransua Andre parks evaluation, restoration, planning, organizes different educational programmes, discussions, artistic events, some of them – as the part of Cultural Way of Nordic parks.

6.1.1.2. at regional level?

-

6.1.2. among private organisations?

See p. 6.1.1, 7.

6.1.3. on the part of the public authorities?

Competitions of the Best managed farms, rural estates, urban plots, streets and other territories, which involves enthusiastic people over the country and promotes exchange of best everyday landscape management and maintenance practice – yearly. See p. 6.1.1, 7.

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*“Training and education: Each Party undertakes to promote training for specialists in landscape appraisal and operations” (article 6, B, a)*

6.2. Which measures have been taken to promote training for specialists in landscape appraisal and operations (setting up specialist courses, recognition of landscape engineering diplomas, etc.)?

Landscape sciences are covered within landscape geography, landscape ecology, general land management, landscape architecture and design fields.

The main universities, offering the higher landscape studies are: the Vilnius university faculty of Natural sciences (fields - geography (bachelor and master degree) and land management (master degree), including general landscape morphology, fundamental and applied landscape analysis, evaluation, protection, management, planning, policy, etc.), Klaipėda university faculty of Nature sciences and Mathematics (landscape architecture and landscape design (bachelor and from 2010 - master degree) including architectural landscape analysis and evaluation, protection, management, planning, policy, etc.), Kaunas Technological university faculty of Construction and Architecture (fields - architecture (bachelor), land management (master degree)), including landscape perception, architectural landscape analysis and evaluation, rural, protected areas management, planning, policy, etc.), Lithuanian university of Agriculture (land management (bachelor and master degree).

Landscape subjects are integrated into Vilnius Gediminas Technical University and Vilnius Art academy studies programmes of Architecture, Civil and Environmental engineering, Kaunas Vytautas Magnus University programmes of Ecology and Environmental engineering, etc.

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*“Each Party undertakes to promote multidisciplinary training programmes in landscape policy, protection, management and planning, for professionals in the private and public sectors and for associations concerned; (article 6, B, b)*

6.3. Which measures have been taken to promote the introduction of multidisciplinary training programmes:

6.3.1. for professionals in the private sector?

Formal and non-formal education programmes for some arboristic works (The Technology of the growing trees and shrubs pruning, The Pruning and rejuvenate of the trees and shrubs in urbanized territories, The Protection of the woody plants in urban territories, etc.) for private sector were prepared and working since 2003.

In 2011 the international conference “The tree ecosystem and the man” with the special training elements was held in Vilnius.

6.3.2. for professionals in the public sector?

From 2007 regional seminars “Green space” for local municipalities specialists and other concerned public were organized by Lithuanian Landscape architects association in order to promote professional solution and exchange of good and bad practices in landscape protection, management and planning.

Training for National and Regional parks staff on the landscape issues was organised in 2012.

6.3.3. for associations concerned?

See p. 6.3.1., 6.3.2.

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*“Each Party undertakes to promote: school and university courses which, in the relevant subject areas, address the values attaching to landscapes and the issues raised by their protection, management and planning.” (article 6 ,B, c)*

6.4. Which measures have been taken to promote landscape-related training and education as part of the curriculum in:

6.4.1. primary education?

Landscape related training is the part of integrated social and nature sciences education, based on the discovery of the world in broader senses.

6.4.2. secondary education?

In secondary schools landscape related issues are taught through integrated social or nature sciences courses (geography, biology, ecology, physics, chemistry, history, political sciences, etc.) using Lithuanian and worldwide examples and experiences.

6.4.3. tertiary education?

There are 5 higher schools (universities of applied sciences) offering landscape gardening and design study programmes, see p. 6.2.

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*“Identification and assessment:*

*1. With the active participation of the interested parties, as stipulated in Article 5.c, and with a view to improving knowledge of its landscapes, each Party undertakes:*

*a. i) to identify its own landscapes throughout its territory;*

*ii) to analyse their characteristics and the forces and pressures transforming them;*

*iii) to take note of changes;*

*b. to assess the landscapes thus identified, taking into account the particular values assigned to them by the interested parties and the population concerned.*

*2. These identification and assessment procedures shall be guided by the exchanges of experience and methodology, organised between the Parties at European level pursuant to Article 8”. (article 6, C)*

6.5. Which measures have been taken to carry out the identification of landscapes and the analysis of their characteristics (catalogues, atlases, registers of landscapes)

6.5.1. at national level?

Among the most important executed Measures for Implementation of the National Landscape Policy is *Lithuanian Landscape types and its spatial characteristics identification study*, analysing and systematizing the general concepts, basic determinants and pressures on the landscape, ascertaining its types and morphology, based on its climatic, hydrological conditions, geomorphological and bio-differentiation supplemented with aspects of technogenic structure, spatial geochemical processes, aesthetical characterisation and spatial differentiation. It was carried out by leading scientists and presented for wide public in 2006. This Study now is used for spatial planning, SEIA and EIA, etc.

<http://www.am.lt/VI/index.php#r/1144>

The new geographical atlas of Lithuania, including landscape related maps is under preparation.

6.5.2. at regional level?

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*“Landscape quality objectives: Each Party undertakes to define landscape quality objectives for the landscapes identified and assessed, after public consultation in accordance with Article 5.c.” (article 6, D)*

6.6. Please give two or more examples of experiences conducive to the definition of landscape quality objectives.

Determination of Landscape quality objectives, as defined in the Convention is not directly legally introduced into territorial planning system.

The goals, related to landscape natural and cultural values protection, safeguarding of its ecological, aesthetical and social values is obligatory part of comprehensive planning. For example see p. 5.7.1. (4).

Landscape protection, management, its enhance, restoration or creation is the main purposes of special Landscape management plans in which landscape targets, measures are ascertained and located. Adopted in 2005, the Special Landscape planning regulations determine necessary procedures, needed landscape research, as well as main directions for preparing of planning proposals in all physical (land use) planning levels.

Until the 2013 it is planned to amend existing methodology for closer relevance to the Convention Article 5.

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*“Implementation: To put landscape policies into effect, each Party undertakes to introduce instruments aimed at protecting, managing and/or planning the landscape.” (article 6, E)*

6.7. Which types of instruments have been adopted for protecting, managing and/or planning landscapes (management agreements, contracts, charters, seals of quality ...)?

The Law on Protected areas set the legal basis for the management agreements, which could be signed for the management of certain landscapes in order to sustain particular environment conditions for some rare or protected species protection.

As the part of general EU agro-environmental policy, the Landscape maintenance measures are set up in the National Rural development programme 2007-2013. The management agreements are signed to maintain particular agro-environment conditions.

## 7. Mutual assistance and exchange of information

*“The Parties undertake to co-operate in order to enhance the effectiveness of measures taken under other articles of this Convention, and in particular:*

*a. to render each other technical and scientific assistance in landscape matters through the pooling and exchange of experience, and the results of research projects;*

*b. to promote the exchange of landscape specialists in particular for training and information purposes;*  
*c. to exchange information on all matters covered by the provisions of the Convention". (article 8)*

7.1. Has technical and scientific assistance been conducted with other states and/or regions (pooling and exchange of experience, research work on landscape ...)?

Not in national and regional level.

7.2. Have there been exchanges of landscape specialists?

The exchanges of landscape specialists have been made only among the scientific and education institutions – conferences, meetings, etc.

## **8. Transfrontier landscapes**

*"The Parties shall encourage transfrontier co-operation on local and regional level and, wherever necessary, prepare and implement joint landscape programmes." (article 9)*

8.1. Have actions to encourage transfrontier co-operation been conducted:

8.1.1. between states:

Cooperation with the Russian Federation in order to prepare common documentation (including the management plan, tourism strategy, traffic regulation plan, etc.) on the protection of transboundary cultural landscape of Curonian Spit, protected by UNESCO from the 2002.

8.1.1.1. at national level?

-

8.1.1.2. at regional level?

-

8.1.2. between regions of the state?

-

8.2. Have programmes of transfrontier co-operation with other states and/or regions been set up?

Cross border cooperation within Euroregion "Country of lakes":

Project "Sustainable Water Tourism Development at Kupiškis Lagoon (Lithuania) and Lake Luban "STELLA" (Nr. LLI-010)" between Kupiškis region (Lithuania) Rezekne region (Latvia) was executed in 2011 <http://www.kupiskis.lt/index.php/lt/53163>

Project "Creation of green communities near Lithuania-Latvia border" started in 2010.

<http://www.kupiskis.lt/EasyAdmin/sys/files/e-newsletter%20Green%20Investments%20LT.pdf>

The Cross border cooperation between the Lithuania and Poland within euroregion "Šešupė" in project „Sintautai-Goldap1“ (Nr. LT-PL/020) in which Sintautai cultural- recreational park project will be developed. <http://sintautai.eu/archyvas/0/78/-sintautai-goldap-1>; <http://tic.sesupe.lt/?id=775&mid=55>

The cooperation between Rokiškis region (Lithuania) and Postavy region in Belorussia started in 2011 in order to promote tourism and safeguard the common cultural and historical heritage.

International project LIFEscape with the Poland, Denmark, Sweden partners is executed in the National park Žemaitija (Lithuania) together with Elbląg landscape park (Poland), Klingaväl river valley (RAMSAR, NATURA 2000 area, Sweden), Tude river delta (Denmark). The main tasks of the project: to raise public awareness about the landscape values, prepare new and renew existing spatial and strategic planning documents, to elaborate methodology of the participative landscape planning, establish the South Baltic Landscape forum, etc. <http://www.zemaitijosnp.lt/lt/projektai/lifescape-projektas/>

## 9. Landscape award of the Council of Europe

*“1. The Landscape award of the Council of Europe is a distinction which may be conferred on local and regional authorities and their groupings that have instituted, as part of the landscape policy of a Party to this Convention, a policy or measures to protect, manage and/or plan their landscape, which have proved lastingly effective and can thus serve as an example to other territorial authorities in Europe. The distinction may be also conferred on non-governmental organisations having made particularly remarkable contributions to landscape protection, management or planning.*

*2. Applications for the Landscape award of the Council of Europe shall be submitted to the Committees of Experts mentioned in Article 10 by the Parties. Transfrontier local and regional authorities and groupings of local and regional authorities concerned, may apply provided that they jointly manage the landscape in question.*

*3. On proposals from the Committees of Experts mentioned in Article 10 the Committee of Ministers shall define and publish the criteria for conferring the Landscape award of the Council of Europe, adopt the relevant rules and confer the Award.*

*4. The granting of the Landscape award of the Council of Europe is to encourage those receiving the award to ensure the sustainable protection, management and/or planning of the landscape areas concerned.” (article 11).*

9.1. Have one or more landscape awards been instituted at national and/or regional level? Do they refer to the European Landscape Convention?

9.1.1. at national level

Yes. Seeking to exchange information about landscape management and to show good practice examples of landscape protection, management and planning, regarding to the European landscape Convention Article 11, Ministry of Environment established the National landscape Award in 2007.

In first session in 2008 Kupiskis municipality and the local community was awarded for the Kupa river valley management.

[http://www.recep-enelc.net/pageNatContImg.php?idCont=1175&idM=115&idFam=2&id\\_smloc=788&lang=en](http://www.recep-enelc.net/pageNatContImg.php?idCont=1175&idM=115&idFam=2&id_smloc=788&lang=en)

The second National landscape award session was completed in 2012.

Exhibition of the candidates and the conference was organised

<http://www.am.lt/VI/index.php#a/12008>

Utena district municipality was awarded for continues efforts developing town parks system.

[http://www.lkas.lt/index.php?subaction=showfull&id=1351893299&archive=&start\\_from=&ucat=3&](http://www.lkas.lt/index.php?subaction=showfull&id=1351893299&archive=&start_from=&ucat=3&)

9.1.2. at regional level

-

## 10. Major changes since the previous report (2002)

Convention was ratified (2004)

National Landscape Policy (2004) [http://www.recep-](http://www.recep-enelc.net/pageNatContImg.php?idCont=980&idM=115&idFam=2&id_smloc=836&lang=en)

[enelc.net/pageNatContImg.php?idCont=980&idM=115&idFam=2&id\\_smloc=836&lang=en](http://www.recep-enelc.net/pageNatContImg.php?idCont=980&idM=115&idFam=2&id_smloc=836&lang=en)  
Programme of Measures for Implementation of the National Landscape Policy until 2020 (2005)

[http://www.recep-enelc.net/pageNatContImg.php?idCont=981&idM=115&idFam=2&id\\_smloc=788&lang=en](http://www.recep-enelc.net/pageNatContImg.php?idCont=981&idM=115&idFam=2&id_smloc=788&lang=en)



Special Landscape planning regulations (2005)  
The Law on Green plots (2006)  
Lithuanian Landscape types and its spatial characteristics identification study (2006)  
<http://www.am.lt/VI/index.php#r/1144>  
Regulation on Nature framework (2007)  
National Landscape Award (2008)  
Creation of framework of information gathering about ELC implementation in national institutions and local municipalities (2009).

## NATIONAL REPORT / RAPPORT NATIONAL

### POLAND / POLOGNE

**From:** Małgorzata Opęchowska [mailto:Malgorzata.Opechowska@gdos.gov.pl]

**Sent:** mardi 12 mars 2013 15:52

**To:** DEJEANT-PONS Maguelonne

**Subject:** Re: Council of Europe - Conseil de l'Europe - European Landscape Convention - Convention européenne du paysage - National Report - Rapport national 2012

#### 1. State: POLAND

#### 2. Has the European Landscape Convention been signed or ratified?

Yes.

Signing: 21 December 2001

Ratifying: 27 September 2004

Entry into force: 1 January 2005

#### 3. Correspondent

Name:

Małgorzata Opęchowska

Ministry/Department:

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#### 4. Division of responsibilities

*"Each Party shall implement this Convention, in particular Articles 5 and 6, 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."(article 4)*

##### 4.1. Which ministry/administration is in charge of landscape?

The General Directorate for Environmental Protection, Department of Nature Conservation (based on the recommendation of the Minister of Environment from the date 10 December 2009).

The Ministry of Culture and National Heritage is responsible for the cultural landscapes (based on the Act on Protection of Monuments and the Guardianship of Monuments (Journal of Laws of 2003 No. 162, item 1568, as amended).

##### 4.2. Is this ministry/administration vested with other responsibilities?

The General Directorate for Environmental Protection is responsible for nature conservation including the national forms of nature conservation, Natura 2000 sites, information about the environment, environmental impact assessments, support for international conventions (Ramsar Convention, Bern

Convention, Memorandum of Understanding Concerning Conservation Measures for the Aquatic Warbler (*Acrocephalus paludicola*).

4.3. Is this ministry/administration provided with a specific landscape policy document?

No

4.4. Are regional and local authorities empowered in respect of landscape?

Yes. Regional and local authorities are responsible for establishment and management of some forms of protected areas, like:

- landscape parks and protected landscape areas – voivodeship parliament,
- scenic complexes - municipal authorities.

According to the Act on Spatial Planning and Land Development (Journal of Laws of 2012 No. 647), municipalities are obliged to develop local plans, which should include, among others: the principle of the protection and development of spatial order, protection of the environment, nature and cultural landscape, protection of cultural heritage and cultural monuments and modern , the requirements arising from the needs of the development of public spaces.

The regional authorities develop spatial land development plans for the voivodeship territory, which should include, among others: system of protected areas, including the areas of environmental protection, nature and cultural landscape, health resorts and protection of cultural heritage and monuments and modern culture.

4.5. Is there a framework for consultation between ministries on territorial and/or landscape matters (territorial conference, landscape council, other structure)?

No

4.6. Is there a consultation procedure for decision-making on territorial policy between the national and the regional levels?

No

4.7. What are the human and financial resources devoted to putting landscape policies in place:

4.7.1. At national level?

At the national level coordination of the implementation the ELC is committed to one person who works half time for ELC. In 2010-2012 basic measures were funded by the National Fund for Environmental Protection and Water Management.

4.7.2. At regional level?

Human and financial resources devoted to putting landscape policies in place are difficult to estimate as it depends on the region.

## 5. General measures

*"Each Party undertakes to recognise landscapes in law as an essential component of people's surroundings, an expression of the diversity of their shared cultural and natural heritage, and a foundation of their identity;" (article 5. a)*

5.1. How is the term "landscape" defined in your language?

According to definition in Polish Language Dictionary (Polish Scientific Publisher, 2011: <http://sjp.pwn.pl/lista.php?co=krajobraz>) landscape definition is: 1. space of ground surface as seen from certain point; 2. area separated for its natural characteristic, topography, etc.; 3. picture of a site.

5.2. Is there a legal definition of the term "landscape"?

No. Landscape is defined as part of an environment (Article 3 of the Environmental Protection Law Act – Journal of Laws of 2008 No. 25, item 150 as amended). According to the Act of Nature Conservation (Journal of Laws of 2009 No. 151, item 1220, as amended), landscape protection is defined as maintenance of the characteristic of a landscape (Article 5) and is a part of nature conservation (Article 2).

However, in the Act on Spatial Planning and Land Development (Journal of Laws of 2012 No. 647, item 1227, as amended) there is a definition of spatial order which is defined as shaping the space, which creates a harmonious whole, and takes into account all the circumstances of ordered relations and functional requirements, socio-economic, environmental, cultural, aesthetic and compositional.

In accordance with the Act of 23 July 2003 on Protection of Monuments and the Guardianship of Monuments (Journal of Laws of 2003 No. 162, item 1568, as amended) , the cultural landscape is understood as historically shaped space in the result of human activity, containing the products of civilization and the elements of nature.

5.3. Is landscape the subject of one or more articles of the constitution or the basic law?

The landscape is not directly the subject of any provision of Polish Constitution, but it is included in the Constitution as part of the environment (The Republic of Poland shall ensure protection of the environment, guided by the principle of sustainable development – Article 5 and Article 74).

5.4. Is landscape the subject of a specific law or is it embodied in other laws?

Landscape is the subject of several provisions in the following acts:

- The Act of Nature Conservation (Journal of Laws of 2009 No. 151, item 1220, as amended) - defined protected areas devoted to landscape protection: national parks, nature reserves, landscape parks, protected landscape areas, natural-landscape complexes,
- The Environmental Protection Act (Journal of Laws of 2008 No. 25, item 150, as amended) - landscape approach: landscape is a part of environment, preservation of landscape as nature compensation,
- The Act on Spatial Planning and Land Development (Journal of Laws of 2012 No. 647, item 1227, as amended) - consideration the landscape feature in spatial planning policy, protection of the landscape at local level – studies of conditions and spatial development conditions, local planes,
- The Act of 3 October 2008 on the Provision of Information on the Environment and its Protection, Public Participation in Environmental Protection and Environmental Impact Assessment (Journal of Laws of 2008 No. 199, item 1227, as amended) - assessment and analysis of the projects, which could affected the landscape,
- The Act on Protection of Monuments and the Guardianship of Monuments (Journal of Laws of 2003 No. 162, item 1568, as amended) - protection of cultural landscapes by the monument registration or establishing a cultural park.

5.5. Is there a code that consolidates the applicable texts relating to landscape?

No.

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*"Each Party undertakes to establish and implement landscape policies aimed at landscape protection, management and planning" (article 5. b) ["Landscape policy" means an expression by the competent public authorities of general principles, strategies and guidelines that permit the taking of specific measures aimed at the protection, management and planning of landscapes (article 1. b)]*

5.6. What are the landscape policies (general principles, strategies, guidelines)?

General principles for the landscape policy is under preparation.

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*"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 mentioned in paragraph b above;" (article 5, c)*

## 5.7. What are the procedures for arranging participation?

### 5.7.1. by the public?

The Act of 3 October 2008 on the Provision of Information on the Environment and its Protection, Public Participation in Environmental Protection and Environmental Impact Assessment (Journal of Laws of 2008 No. 199, item 1227, as amended) determine the public participation in the procedures on environment protection (Environment Impact Assessment) and making decisions and preparation of the documents.

### 5.7.2. by local and regional authorities?

According to article 5 of aforementioned Act, prior to the issuance and change of decisions requiring the public participation (for example decision on spatial planning), the authority competent to take a decision is obliged to make public all important information without any delay.

### 5.7.3. by other players with an interest in the framing and implementation of landscape policies?

Lack of knowledge about such information.

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*“Each Party undertakes to integrate landscape into its regional and town planning policies and in its cultural, environmental, agricultural, social and economic policies, as well as in any other policies with possible direct or indirect impact on landscape” (article 5, d)*

## 5.8. Which instruments allow the integration of landscape into?

### 5.8.1. Regional planning policies?

According to the Act on Spatial Planning and Land Development, municipalities are obliged to determine the directions of spatial development and implementation of spatial policy in their areas, including the protection of nature, historical values and landscape.

### 5.8.2. Town planning policies?

See item 5.8.4 – strategic environmental assessment.

### 5.8.3. Cultural policies?

According to the Act on Protection of Monuments and the Guardianship of Monuments, all forms of protection of monuments (monuments listed in the register of monuments, cultural parks, monuments of history) must be included in the local management spatial plan.

### 5.8.4. Environmental policies?

According to the Act on the Provision of Information on the Environment and its Protection, Public Participation in Environmental Protection and Environmental Impact Assessment, environmental impact assessment of the investment should include an assessment of the impact on the landscape.

Also, according to this Act, there should be a strategic environmental assessment carried out for projects of documents concerning spatial planning and policies, strategies, plans or programs in the fields of industry, energy, transport, telecommunications, water management, waste management, forestry, agriculture, fisheries, tourism and land use. For this strategic environmental assessment the Prognosis of environmental impact should contain i.a. predicted significant impacts, including direct, indirect, secondary, cumulative, short-term, medium-term and long-term, permanent and temporary, and positive and negative impact on landscape.

### 5.8.5. Agricultural policies?

See item 5.8.4 – strategic environmental assessment.

### 5.8.6. Social and economic policies?

Lack of instruments

5.8.7. Into such other policies as may have a direct or indirect effect on landscape?

Lack of information

## 6. Specific measures

*"Awareness-raising: Each Party undertakes to increase awareness among the civil society, private organisations, and public authorities of the value of landscapes, their role and changes to them." (article 6, A)*

6.1. Which measures have been taken to increase awareness?

6.1.1. in civil society (landscape-related events, celebrations, festivals, etc.)

6.1.1.1. at national level?

Programmes on awareness raising and information at the public are implemented by the National Secretariat of the European Landscape Convention.

Examples of promotional and informational activities of the secretariat:

- Creating a website devoted to the European Landscape Convention,
- Preparing informational folder about European Landscape Convention,
- Preparing informational folders about Landscape Award and announcement of the competition for the selection of Polish candidate to the Landscape Award of the Council of Europe,
- Preparing and publishing a guidance: "Public participation in the protection, management and planning of landscape - good practice guide", which provides comprehensive information about public participation in the process of organizing space, and thus the management of the landscape and is directed both to local government representatives as well as local communities.

6.1.1.2. at regional level?

There have been taken some measures to increase awareness at the regional level for example:

- the LIFEscape project which was initiated by the local authorities to speed up the implementation of the European Landscape Convention in the South Baltic region. Innovative solutions will be worked out and tested in four pilot areas, as a showcase of participative landscape planning.

In the four LIFEscape pilot projects local people will be empowered to actively take part in the ongoing spatial/landscape planning processes. Together they will discuss their perception, wishes and visions for each of the pilot areas.

- Announcement by the regional authorities of Pomerania areas, 2012 the Year of the Pomerania Landscapes. The general purpose of establishing this Year is to raise awareness of local people and tourists, government authorities and social and economic organizations about resources, values and the importance of Pomeranian landscape in local and regional land development. Organizers aim to promote the principles of protection and rational use of the space, due to conference and other events.

6.1.2. among private organisations?

Lack of information

6.1.3. on the part of the public authorities?

On 20 September 2012 the General Directorate organized the conference on "Implementation of the European Landscape Convention in Poland."

The aim of the conference was to start a public dialogue on protection, planning and management of the landscape in accordance with the European Landscape Convention.

At the conference have been discussed, among others, legal provisions on the shaping the landscapes, valuation of Polish landscape, education and social participation, protection of natural and cultural landscapes.

The conference was attended by representatives of various institutions, i.a. the representatives of the governmental institutions, regional level (administrative authorities and environment protection institutions), landscape park and NGOs, but also landscape architects, spatial planners, scientist.

The fact that the conference was attended by participants with different backgrounds, has resulted in a fruitful discussion and valuable conclusions. These conclusions will be taken into account in future activities related to the implementation of the ELC.

*“Training and education: Each Party undertakes to promote training for specialists in landscape appraisal and operations” (article 6, B, a)*

6.2. Which measures have been taken to promote training for specialists in landscape appraisal and operations (setting up specialist courses, recognition of landscape engineering diplomas, etc.)?

Lack of actions

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*“Each Party undertakes to promote multidisciplinary training programmes in landscape policy, protection, management and planning, for professionals in the private and public sectors and for associations concerned; (article 6, B, b)*

6.3. Which measures have been taken to promote the introduction of multidisciplinary training programmes?

6.3.1. for professionals in the private sector?

Lack of actions

6.3.2. for professionals in the public sector?

Lack of actions

6.3.3. for associations concerned?

Lack of actions

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*“Each Party undertakes to promote: school and university courses which, in the relevant subject areas, address the values attaching to landscapes and the issues raised by their protection, management and planning.” (article 6, B, c)*

6.4. Which measures have been taken to promote landscape-related training and education as part of the curriculum in?

6.4.1. Primary education?

There have been released educational packages for primary school children aged 10-12 years on landscape protection and shaping in view of the European Landscape Convention.

6.4.2. Secondary education?

Lack of measures

6.4.3. Tertiary education?

At the universities runs courses related to landscape architecture and planning and landscape conservation.

Education on landscape architecture currently in Poland is offered by 20 public and private universities. Their teaching staff associated with landscape architecture consists of several hundreds people who have scientific degrees and titles. These people carry out a number of scientific research, the results of which are published in scientific journals and presented at the annual conferences.

Since the ratification of the Convention by Poland, at the Department of Geography and Regional Studies of the University of Warsaw are run classes connected to the landscape.

In frame of the geoecology course the structure and functioning of landscapes issues are lectured. On the second degree there are the following courses: Polish Landscapes and their use, monitoring and protection of the environment, landscape ecology. Also, collective and individual research projects devoted to the diagnoses of the landscape states and its sustainable development proposals are carried out.

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*“Identification and assessment:*

*1. With the active participation of the interested parties, as stipulated in Article 5.c, and with a view to improving knowledge of its landscapes, each Party undertakes:*

- a. i) to identify its own landscapes throughout its territory;*
- ii) to analyse their characteristics and the forces and pressures transforming them;*
- iii) to take note of changes;*

*b. to assess the landscapes thus identified, taking into account the particular values assigned to them by the interested parties and the population concerned.*

*2. These identification and assessment procedures shall be guided by the exchanges of experience and methodology, organised between the Parties at European level pursuant to Article 8”. (article 6, C)*

6.5. Which measures have been taken to carry out the identification of landscapes and the analysis of their characteristics (catalogues, atlases, registers of landscapes?)

6.5.1. at national level?

In 2013 a conference will be organized devoted to the typology of landscapes, on which the issue of methodology for landscapes units delimitation will be extensively discussed in frame of the European Landscape Convention implementation.

6.5.2. at regional level?

The activities will be started as soon as the methodology for the landscape typology will be appointed.

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*“Landscape quality objectives: Each Party undertakes to define landscape quality objectives for the landscapes identified and assessed, after public consultation in accordance with Article 5.c.” (article 6, D) [“‘Landscape quality objective’ means, for a specific landscape, the formulation by the competent public authorities of the aspirations of the public with regard to the landscape features of their surroundings” (article 1, c)]*

6.6. Please give two or more examples of experiences conducive to the definition of landscape quality objectives.

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*“Implementation: To put landscape policies into effect, each Party undertakes to introduce instruments aimed at protecting, managing and/or planning the landscape.” (article 6, E)*

6.7. Which types of instruments have been adopted for protecting, managing and/or planning landscapes (management agreements, contracts, charters, seals of quality ...)?

According to the Act of Nature Conservation, plans of conservations are drawn up and implemented for landscape parks, which are contain i.a.: assessment of the natural resources, landscape and cultural values, existing and potential internal and external threats, as well as indication of protection measures.



Also, voivodship parliament designates a protected landscape areas by way of resolution, which must define arrangements for the active protection of ecosystems and the prohibitions laid down in order to protect the landscape values.

## **7. Mutual assistance and exchange of information**

*“The Parties undertake to co-operate in order to enhance the effectiveness of measures taken under other articles of this Convention, and in particular:*

- a. to render each other technical and scientific assistance in landscape matters through the pooling and exchange of experience, and the results of research projects;*
- b. to promote the exchange of landscape specialists in particular for training and information purposes;*
- c. to exchange information on all matters covered by the provisions of the Convention”.* (article 8)

7.1. Has technical and scientific assistance been conducted with other states and/or regions (pooling and exchange of experience, research work on landscape ...)?

The aforementioned LIFEscape project in the South Baltic region. The project is organised around the 4 pilot areas:

- Tolkmicko in Poland,
- Žemaitija National Park in Lithuania,
- Vombsänkan in Sweden,
- Tude Å in Denmark.

In each case a partnership is established between a nature protection authority with a municipality and/or county responsible with spatial management in the respective area. This cooperation is aided by two universities providing the methodological input, and associated organisations who are either bodies responsible for implementation of the European Landscape Convention (ELC) on national level or transnational landscape related organisations.

7.2. Have there been exchanges of landscape specialists?

-

## **8. Transfrontier landscapes**

*“The Parties shall encourage transfrontier co-operation on local and regional level and, wherever necessary, prepare and implement joint landscape programmes.”* (article 9)

8.1. Have actions to encourage transfrontier co-operation been conducted:

8.1.1. between states:

no

8.1.1.1. at national level?

no

8.1.1.2. at regional level?

no

8.1.2. between regions of the state?

no

8.2. Have programmes of transfrontier co-operation with other states and/or regions been set up?

no

## **9. Landscape award of the Council of Europe**

*“1. The Landscape award of the Council of Europe is a distinction which may be conferred on local and regional authorities and their groupings that have instituted, as part of the landscape policy of a Party to this Convention, a policy or measures to protect, manage and/or plan their landscape, which have proved lastingly effective and can thus serve as an example to other territorial authorities in Europe. The distinction may be also*

*conferred on non-governmental organisations having made particularly remarkable contributions to landscape protection, management or planning.*

*2. Applications for the Landscape award of the Council of Europe shall be submitted to the Committees of Experts mentioned in Article 10 by the Parties. Transfrontier local and regional authorities and groupings of local and regional authorities concerned, may apply provided that they jointly manage the landscape in question.*

*3. On proposals from the Committees of Experts mentioned in Article 10 the Committee of Ministers shall define and publish the criteria for conferring the Landscape award of the Council of Europe, adopt the relevant rules and confer the Award.*

*4. The granting of the Landscape award of the Council of Europe is to encourage those receiving the award to ensure the sustainable protection, management and/or planning of the landscape areas concerned.” (article 11).*

9.1. Have one or more landscape awards been instituted at national and/or regional level? Do they refer to the European Landscape Convention?

9.1.1. at national level

In April 2012 the General Directorate have announced the competition for the selection of Polish candidate to the 3<sup>rd</sup> Session of the Landscape Award of the Council of Europe. The competition ran from 15<sup>th</sup> of July to 31<sup>st</sup> of October. There have been taken some measures on competition and landscape award promotion. Jury selected the winner, who was a Polish candidate for the Landscape award of the Council of Europe.

9.1.2. at regional level

no

## **10. Major changes since the previous report (CEP-CDPATEP (2012) 3)**

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## NATIONAL REPORT / RAPPORT NATIONAL

### SPAIN / Espagne

**De:** Cruz Perez Linarejos

**Enviado el:** jueves, 20 de diciembre de 2012 13:06

**Para:** DEJEANT-PONS Maguelonne

**Asunto:** Prix Paysage 2013 Espagne

#### 1. State: SPAIN

#### 2. Has the European Landscape Convention been signed or ratified?

Signature: 20 / 10 / 2000

Ratification: 26 / 11 / 2007

Entered into force: 1 / 3 / 2008

#### 3. Correspondent

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#### 4. Division of responsibilities

*"Each Party shall implement this Convention, in particular Articles 5 and 6, 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."(article 4)*

##### 4.1. Which ministry/administration is in charge of landscape?

Joint responsibility between two ministries:

- The Ministry of Agriculture, Food and Environment is responsible for the follow up of international initiatives concerning territory, environment and landscape.
- The Ministry of Education, Culture and Sport, is responsible for the follow up of initiatives concerning landscape and cultural heritage.

##### 4.2. Is this ministry/administration vested with other responsibilities?

- The Ministry of Agriculture, Food and Environment has the responsibility for agriculture, livestock, fisheries, food, biodiversity, rural development, water, coastal and marine environment, environmental quality and impact assessment, and climate change.
- The Ministry of Education, Culture and Sport has the responsibility for archives, libraries, cultural

cooperation, book, reading and letters, historical heritage, intellectual property, performing arts and music, film and audiovisuals, cultural industries, museums and art promotion.

4.3. Is this ministry/administration provided with a specific landscape policy document?

The Ministry of Education, Culture and Sport has the National Plan for Cultural Landscape.

4.4. Are regional and local authorities empowered in respect of landscape?

Every regional or local authority, making use of its autonomy, may adopt specific criteria of its own to shape the regulations, plans and programmes in the areas of territorial policy and in environmental and historical heritage management. There is a considerable diversity concerning landscape policy; but, with some minor exceptions, landscape responsibilities are located in the departments of environment, land planning, public works or culture (cultural heritage).

Most of the Spanish landscape legislation is situated at the regional level. At the national level, the Ministry of Agriculture, Food and Environment is responsible for the follow-up of international initiatives concerning territory and landscape; in addition, it is the competent authority in such environmental policy issues.

The Ministry of Education, Culture and Sport is responsible of the follow up of national and international initiatives concerning culture, historic heritage and cultural landscape.

On the other hand, the regions (Autonomous Communities) are endowed with shared authority over environmental and cultural heritage management and exclusive authority over spatial planning issues, according to their statutes of autonomy, as established in article 148.1.3<sup>a</sup> of the Constitution. In order to provide a global harmonization, the Ministries involved carry out research and information tasks on landscape, dealing with territorial and cultural elements of general interest, by means of specific programmes; and provide coordination and support to the regions.

Some statutes of autonomy include explicit mentions to landscape in the relevant sections. In addition, some regions (Autonomous Communities) have made big progresses in the legal and instrumental development of landscape policy: Andalusia, Aragón, Canary Islands, Catalonia and Valencia among others. At present, the regional laws display considerable heterogeneity.

4.5. Is there a framework for consultation between ministries on territorial and/or landscape matters (territorial conference, landscape council, other structure)?

The Ministry of Agriculture, Food and Environment and the Ministry of Education, Culture and Sport, hold periodical meetings among them and the autonomous communities to coordinate and harmonize landscape matters.

4.6. Is there a consultation procedure for decision-making on territorial policy between the national and the regional levels?

According to the Spanish Constitution and the Statutes of Autonomy, the regions are vested with full responsibility on territorial and cultural matters.

There are official coordination bodies between the ministries and the regional governments.

The Advisory Council for the Environment is a collective body whose role is to participate in the elaboration and monitoring of general environmental policy, oriented at sustainable development. The Spanish Historic Heritage Council is an organ of cooperation between state administration and autonomous communities, and is essentially intended to facilitate communication and exchange of programs of action and information related to Spanish historical heritage.

4.7. What are the human and financial resources devoted to putting landscape policies in place:

4.7.1. At national level?

- Human resources: Monitoring Committee of the Cultural Heritage National Plan.
- Financial resources: Varies yearly depending on budget

4.7.2. At regional level?

Some developments are recently observed in different regions (autonomous communities) with provision of human and financial resources.

## 5. General measures

*"Each Party undertakes to recognise landscapes in law as an essential component of people's surroundings, an expression of the diversity of their shared cultural and natural heritage, and a foundation of their identity;" (article 5. a)*

5.1. How is the term "landscape" defined in your language?

In Spanish, *paisaje* (landscape) is a multivalent term including several loose semantic notes:

- Scenery (something to be looked on as a unity from a vantage point: prospect, panorama, view, vista)
- The sensorial dimension of territory (emphasis on visual qualities and rural spaces),
- Representation of a piece of land by artistic means (emphasis on landscape painting).

This ambivalence is evident from the definition in the Royal Academy Dictionary of the Spanish Language:

1. A piece of land as surveyed from a viewpoint.
2. A piece of land considered in its artistic dimension.
3. A painting or a picture representing a piece of land.

5.2. Is there a legal definition of the term "landscape"?

Not at a national level. Some regional laws have been drafted in the wake of the European Landscape Convention, which they adopt, and they introduce a definition of the term landscape, in agreement with the ELC.

5.3. Is landscape the subject of one or more articles of the constitution or the basic law?

Although no specific mention is included, The Spanish Constitution (section 45) states the right of every Spaniard to enjoy an environment suitable for the development of the person, as well as the duty to preserve it.

### Act 16/1985. Spanish Historical Heritage

The approach to the concept of landscape is shown in the figure of Historic Site, defined as the place or natural setting linked to events or memories of the past, popular traditions, cultural or natural creations and man's work, that has historical, ethnological, paleontological or anthropological, and in the figure of Natural Sites, Gardens and Parks that integrate Spanish Historical Heritage.

### Act 42/2007 of Natural and Biodiversity Heritage

It assumes the definition of landscape according to the European Landscape Convention.

5.4. Is landscape the subject of a specific law or is it embodied in other laws?

-Autonomous Community of Valencia Act 4/2004 June the 30<sup>th</sup>, of the Generalitat, on Territory Planning and Landscape Protection.

-Autonomous Community of Catalonia Act 8/2005 June the 8<sup>th</sup>, on Landscape Protection, Management and Planning.

-Autonomous Community of Galicia Act 7/2008 June the 7<sup>th</sup>, on the Protection of the Landscape of Galicia.

Most of the instruments of the sectoral legislation, both at a national and a regional level, take landscape into account.

The key legal instruments at national level are described in section 5.7.

5.5. Is there a code that consolidates the applicable texts relating to landscape?

Not specifically concerning landscape. Some regions (Andalucía, Valencia o Catalonia) have developed codes to consolidate their landscape laws.

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*"Each Party undertakes to establish and implement landscape policies aimed at landscape protection, management and planning" (article 5. b) ["Landscape policy" means an expression by the competent public authorities of general principles, strategies and guidelines that permit the taking of specific measures aimed at the protection, management and planning of landscapes (article 1. b)]*

5.6. What are the landscape policies (general principles, strategies, guidelines)?

The landscape policies aimed at landscape protection, management and planning are reflected to a greater or lesser extent, in the national and regional legislation:

### **National Legislation**

#### **Historical Heritage Act 16/1985**

The approach to the concept of Landscape is shown in the figure of Historic Site, which is defined as the place or natural setting tied to events or memories of the past, popular traditions, cultural or natural creations and the work of the man, that have historical, ethnological, paleontological and anthropological values.

#### **Land Act 8/2007**

It establishes the principle of urban and territorial sustainable development by which the policies intended to the regulation, management, occupation and land transformation, must favor the rational use of resources, cultural heritage and landscape included, ergo, it recognizes the landscape as a resource. It incorporates as rights and duties of the citizens to enjoy and respect natural and urban landscape. The positive definition of rural land includes landscape values to preserve and protect.

#### **Natural Heritage and Biodiversity Act 42/2007**

It assumes the definition of landscape according to the ELC; it establishes specific figures for landscape protection in protected natural areas; and includes landscape in natural resource management. But most especially recognizes the landscape as potential to give consistency and connectivity to areas of Natura 2000 (almost a quarter of the country's territory).

#### **Sustainable Rural Environment Development Act 45/2007**

It inaugurates the treatment of Landscape as an asset in rural environments, and introduces the landscape as a resource with the consequent tasks of its protection and conservation.

#### **Royal Decree ((Legislative) 1/2008.**

By approving the revised text of the Act on Environmental Impact Assessment of Projects, this Act seeks to ensure the integration of environmental aspects in projects that have an impact on the territory.

#### **Instrument of Ratification of the European Landscape Convention (Number 176 of the Council of Europe), November 6, 2007. BOE nº 31, February 5, 2008**

In the document of ratification by Spain it is stated that "...I here come to pass and ratify as is arranged in the same, and by virtue of this I approve and ratify, promising comply, observe and enforce compliance and timely notice in its entirety ..." Including the content of the convention.

### **Regional Legislation**

#### **Specific Landscape legislation**

#### **Act 4/2004 of the Generalitat, Autonomous Community of Valencia, June 30, on Land management and Landscape protection**

It reads: "The landscape is the common heritage of all citizens and a fundamental element of their quality of life" The law addresses from the most common conception of it to that emanating from the European Landscape Convention".

#### **Autonomous Community of Cataluña, Act 8 /2005. Protection, management and landscape planning**

It defines Landscape as "an area, as perceived by the community, whose character is the result of the interaction of natural and human factors"

#### **Autonomous Community of Galicia, Act 7/2008, July 7. On the protection of the landscape of Galicia**

It legally recognizes the landscape as an important element of our environment and human welfare, an indicator of the life quality of individuals, a key component of the natural and cultural heritage of Galicia, and an expression of its identity"

### **Cultural Landscape Legislation**

#### Act 14/2007, November 26, of Andalusian Historical Heritage

It aims to approach historical heritage protection from a territorial perspective, in accordance with the latest doctrinal approaches, using newly created figures as the Heritage Area, and emphasizing coordination with planning legislation, following the approved establishment of the so called Cultural Parks.

#### Act 12/1997. Aragón Cultural Parks

It defines Cultural Park as a delimited area, with cultural and natural values related to a resource inventory that seeks the development of the territory in a comprehensive and integrated way, with their own management bodies.

Currently there are five existing Cultural Parks in Aragón.

#### Act 1/2001. March 6, 2001. Regulatory norms of Cultural Heritage

Contemplate the figure of landscape in the context of ethnographic heritage.

#### Act 11/1998. October 13, Cultural Heritage of Cantabria

Cultural landscape: Specific portions of the territory, formed by combining the work of both man and nature, illustrating the evolution of human society and its settlements in space and time that have become socially recognized values at different territorial levels thanks to tradition, techniques, or the description in literature and works of art. Hedge landscapes and mosaic structures in rural areas of Cantabria will have special consideration.

#### Act 12/2002. July 11, 2002. Castilla and León's Cultural Heritage Act

This Act regulates the figure of Cultural Space for buildings that for their natural and cultural values require special attention in their management and diffusion aspects. The Regulation prepared in 2001 for the implementation of this Act establishes the structure and determinations of the Adaptation Plans and Uses of Declared Cultural Spaces.

#### Act 9/1993. September 30, 1993. Cultural Heritage Regulation

Contemplates the concept of landscape integrated into the ethnological heritage.

#### Act 8/1995, October 30, 1995. Cultural Heritage of Galicia

It establishes a figure which approximates to landscape: Site of historical territory, defined as “the place or natural setting linked to events or memories of the past, cultural creations of nature and man's works that have historical or technical values”.

#### Act 10/1998. July 9, 1998. Historical Heritage Act of the Community of Madrid

In a generic way, it contemplates landscape as a component of Assets of Cultural Interest.

#### Act 4/2007, March 16. On the Cultural Heritage of Murcia

Establishes a classification of assets that make part of the cultural heritage of the Murcia Region, including for the first time the figure of “Cultural Landscape”, defined as a “a piece of rural, urban or coastal territory where there may exist cultural heritage assets that for its historical, artistic, aesthetic, ethnological, anthropological, technical, industrial values as for the integration with natural and cultural resources are worthy of special planning.

#### Foral Act 14/2005. November 22, 2005. Cultural Heritage Foral Act of Navarra

It defines Cultural Landscape as a “Natural site,, ethnological interest area, group of buildings or facilities related to lifestyles, culture and traditional activities of the people of Navarra.

#### Act 7/2004. October 18. Cultural, Historical and Artistic Heritage of La Rioja

It defines cultural landscape as an “extension of land that represents human interaction with nature's

work. It's regime as a Cultural Asset will apply regardless of its specific protection by the environmental legislation. Special consideration will apply to the "Vineyard Cultural Landscape"

Act 4/1998. June 11, 1998. Cultural Heritage Act of Valencia

Contemplates the landscape in the protected environment of the BIC's, which shall consist of the buildings and public spaces that form the immediate visual and environmental area and those urban or landscape elements on which any intervention could affect the perception of the asset itself.

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*"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 mentioned in paragraph b above;" (article 5, c)*

5.7. What are the procedures for arranging participation?

5.7.1. by the public?

There being no specific landscape law in Spain, participation in this matter is regulated by parallel instruments. Territorial and environmental planning are open to participation. Protected areas are controlled by Natural Resources Planning Agendas (PORN) and Guideline Plans for Use and Management (PRUG), as established by Law 4/1989. Both PORN and PRUG are subject to formal participation procedures. In the heritage field, all protected objects (BIC: cultural heritage unit) incorporate protection of the surroundings, and public participation is mandatory.

The use of common space is regulated by territorial and urban planning, a procedure including mandatory public participation as a pre-requisite.

Spain ratified the Aarhus Convention in 2004, an agreement seeking to promote greater transparency and accountability among government bodies by guaranteeing public rights of access to environmental information, providing for public involvement in environmental decision-making and requiring the establishment of procedures enabling the public to challenge environmental decisions.

5.7.2. by local and regional authorities?

Civil participation and stakeholder conciliation in the landscape field is explored e.g. by the so-called Landscape Charters (Catalonia). The Landscape Regulation of Valencia includes public participation as a dimension of landscape policy. Territorial and urban planning involves regional and local authorities, respectively.

5.7.3. by other players with an interest in the framing and implementation of landscape policies?

Land stewardship agreements have become more and more usual in the practice of Spanish private firms and foundations. Several prominent areas and landscapes are being protected under the frame of voluntary agreements involving land owners and stewardship organizations.

Spanish companies are gradually implementing systems of corporate social and environmental responsibility.

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*"Each Party undertakes to integrate landscape into its regional and town planning policies and in its cultural, environmental, agricultural, social and economic policies, as well as in any other policies with possible direct or indirect impact on landscape" (article 5, d)*

5.8. Which instruments allow the integration of landscape into?

5.8.1. Regional planning policies?

Regions (Autonomous Communities) are vested with full responsibility in matters concerning territorial and cultural policy. However, the Ministries are playing a role in providing assistance and coordination in global issues. Territorial planning improvements are e.g.: guidelines for shore land planning, public acquisition of land plots in high quality landscape or environment areas, regeneration of public land.

5.8.2. Town planning policies?

Land Act 8/2007, May 28th.

Enforced since 1st July 2007, it seeks to improve the operational rules and increment social control on future developments. It takes into account the principle of sustainable territorial and urban development



(Art. 2), according to which “public policies concerning land regulation, planning, usage and transformation (...) must support the rational use of natural resources (...), in particular: a) both the effectiveness of the nature conservation measures and cultural heritage and landscape’s protection measures”. Furthermore, among the citizen’s rights (Art.4) it considers “the right to enjoy a decent home (...) in an adequate environment and landscape”; among the citizen’s responsibilities (Art.5) it considers “the duty to respect and contribute to preserve the environment, historic heritage and the natural and urban landscape...” Two basic land situations are recognized: rural land and developed land. In the situation of rural land (Art.12) is “the land (...) preserved from its transformation through urbanization which must include (...) grounds that must be subjected to such protection according to the urban and territorial planning due to the values that they have (...) including forest and landscape values”. The landscape values are considered in the articles dedicated to the use and valorisation of the rural land.

#### Penal Code 10/1995, November 23rd.

In Art. 319, landscape is mentioned in the context of land zoning offences.

Regional town planning laws generally include landscape protection as a part of their policy.

A growing number of municipalities have adopted the local Agenda 21 plan of action.

#### 5.8.3. Cultural policies?

##### Spanish Historical Heritage Act 16/1985, June 25th.

Art. 15: various legal concepts are introduced; the subsequent development of which entails considerable landscape implications: landmark, historical garden, historical ensemble, historical site, archaeological area. Art. 17: “In legal actions taken in the direction of declaring a historical unit as a cultural interest property, its links with the territorial area to which it belongs shall be considered, along with the protection of any geographical singularity and natural landscapes forming its surroundings.” Art. 20: “Declaration of a historical ensemble or site or archaeological area as property of cultural interest shall entail the obligation for the municipality or municipalities in which they are located to draw up a special Plan to protect the area involved by the declaration or another of the types of plans included in town planning legislation providing that under all circumstances it meets the requirements of this Law”. Also, Natural Sites, Gardens and Parks that integrate the Spanish historical heritage. See also the Royal Decree 111/1986, written in partial development of the above.

A particular mention can be made to the National Plan for Cultural Landscape, sponsored by the Ministry of Education, Culture and Sport, and the Institute for Spanish Cultural Heritage, in action since 2002 and definitely approved on October the 4<sup>th</sup> 2012. Below the national level, there are indeed many sectoral, regional or municipal initiatives addressing landscape issues. Cultural landscape is a concept being used by several regional policies, such as the case of Navarra.

#### 5.8.4. Environmental policies?

Wildlife Conservation and Natural Protected Areas State Act 4/1989, March 27th. The landscape is an explicit inspiring principle behind this law. For its justification the law refers to “the need to provide a decent quality of life to all citizens”. Several sections include specific references to landscape. Art. 2: The law aims, among other things, at achieving “the preservation of the diversity, singularity and beauty of the natural ecosystems and the landscape”. Art. 17: “Protected landscapes are those specific areas in the natural environment which deserve special protection owing to their aesthetic and cultural values”. Consider also the following sections: Art. 4.4. (Natural Resources Development Plans, PORN), Art. 10.2 b, Art. 12, Art. 13 (aesthetic values), Art. 16.2 (natural monuments), art. 18.1, art. 38.5. The law was modified by Act 41/1997, November 5<sup>th</sup>, with no changes affecting its view of landscape.

##### The Act 42/2007 of Natural Heritage and Biodiversity

Among its principles, it considers the preservation of the variety, singularity and beauty of the natural ecosystems, the geologic and landscape diversity, and it takes into account the European Landscape Convention (ELC). However, it doesn’t intend to be the generic Spanish national instrument to apply the determinations established by the ELC, although it incorporates some aspects: definition of the figure of Protected Landscape, definition of landscape, and natural landscape considered as natural resource. It regulates the Natural Resources Development Plans, which must have among its basic contents a definition of the state of conservation of the landscapes included in their territory.

Royal Decree (Legislative) 1302/1986, June 28th, on Environmental Impact Assessment: it includes, according to art. 2, the “assessment of the predictable direct and indirect effects of a given project on the population, the fauna, the flora, the soil, the air, the waters, the climatic factors, the landscape and the material assets, including historical and artistic heritage, and archaeological heritage.” The specific procedures are set in Law 6/2001, May the 8th, which modifies the Royal Decree 1302/1986.

Act 9/2006 of 28 April

On the assessment of the effects of certain plans and programs on the environment. Strategic Environmental Evaluation, on the evaluation of specific plans and programmes; landscape is specifically mentioned (Art. 1b, 2c and Annexes).

#### 5.8.5. Agricultural policies?

- Mountain Agriculture Act 25/1982, June 30th (Art. 8.1).

- Herding Tracks Act 3/1995, March 23rd (Art. 1.3).

Specific efforts towards revitalizing, fostering and modernizing traditional on foot transhumance have been carried out by public administrations coordinated by the Ministry of Agriculture, Food and Environment and its predecessor during the past 5 years, including measures for landscape enhancement and territorial reconnection.

- Forest Act 43/2003, November the 21st (Art. 4, 24, 31, 65...). Modified by Act 10/2006, April 28th (Art. 24 bis).

#### 5.8.6. Social and economic policies?

The introduction of Strategic Impact Assessment (SIA) implies that social and economic policies have to be assessed in terms of global environmental impact: it is compulsory to include landscape in SIA procedures.

#### 5.8.7. Into such other policies as may have a direct or indirect effect on landscape?

Royal Decree (legislative) 3/2011, Novembre the 14<sup>th</sup>

Which approved the revised text of the Law on Public Sector Contracts.

Royal Decree 1893/2004, September 10<sup>th</sup>

Which established the Interministerial Commission for Coordination of the “cultural one percent”.

Water Act 29/1985 (Art. 103.4). Shore Act 2/1988 (Art. 2c)

In 2006, the position of National Attorney for territorial matters was established. The inherent duties include the prosecution of offences concerning land planning, historical heritage, environment and forest fires (Modificación de la Ley 50/1981, de 30 de diciembre, reguladora del Estatuto Orgánico del Ministerio Fiscal). Every autonomous community and every province shall have an environmental prosecutor.

## 6. Specific measures

*“Awareness-raising: Each Party undertakes to increase awareness among the civil society, private organisations, and public authorities of the value of landscapes, their role and changes to them.” (article 6, A)*

### 6.1. Which measures have been taken to increase awareness?

#### 6.1.1. in civil society (landscape-related events, celebrations, festivals, etc.)

Different events have taken place in the recent past run by organizations and institutions.

#### 6.1.1.1. at national level?

Landscape awareness rising has adopted several routes in Spain; among them environmental capacity building and information courses (CENEAM - National Centre for Environmental Education, Fundación Biodiversidad...). On the other hand, landscape is increasingly considered as a subject-matter in University courses, both undergraduate and graduate (Barcelona, Sevilla, Valencia, Menéndez Pelayo; the *Duques de Soria* Foundation), and in many scientific and technical conferences,

workshops and seminars. Also many courses offered by the Institute of Cultural Heritage of Spain on Cultural Landscape.

Other specific examples of awareness rising include two especially relevant initiatives that were completed by the Ministry of the Environment and Rural and Marine Affairs (today M. of Agriculture, Food and the Environment) in 2010-11

a) A two volume, elegantly illustrated book was published under the (translated) title “The Value of Landscape. A repertoire of experiences for the enhancement of Spanish Rural Landscapes”, in which 200 successful cases of landscape-based sustainable educational, tourism, art, and other development projects are shown. One volume synthesizes the technical data of the projects, including their contribution to sustainable development. The other volume is of a more transversal, philosophical and literary nature. Constant mutual references between both volumes allow for more complete consultation.

b) A scientific dissemination field activity concerning river and forest landscapes was carried out in the framework of the International Year of Forests. A multidisciplinary dozen of landscape experts participated in a fluvial descent along the Spanish-Portuguese border of the lower Miño River, focusing on the evolution of forests and consequent landscape changes in the area. Their visual evaluations, conceptual considerations, technical remarks and photographs were gathered, organized, and shared with the local population at an outdoor show at the end of the day.

#### 6.1.1.2. at regional level?

An example of such events is the itinerant exhibition Catalunya, País de Paisatges (2006) or the exhibit (2007) The Andalusian Landscapes. Landmarks and Visions in the XIX and XX centuries (*Los paisajes andaluces. Hitos y miradas en los siglos XIX y XX*). The town of Aranjuez created in 2006 a City Alliance for Cultural Landscape (Alianza de Ciudades Paisaje Cultural), aiming at promoting a net for the conservation of urban landscape.

Specific regional initiatives concerning landscape have an impact in terms of awareness. Some examples can be provided: the Landscape Observatory of Catalonia, an advisory body of the Government of Catalonia and Catalan society in general in matters of landscape; the Centre of Study for Landscape and Territory, in Andalusia, aiming at increasing the visibility of landscape in the Andalusian society and the Cultural Landscape Laboratory run by the Andalusian Institute of Heritage.

#### 6.1.2. among private organisations?

Private companies are gradually becoming involved in landscape issues. Many land stewardship initiatives are being launched, mostly in key environmental areas, but also in landscape protection. In Catalonia, the Territory and Landscape Foundation (Fundació Territori i Paisatge) was created in 1997 by a private bank. In the current crisis situation, this foundation and two others dedicated to other social and cultural realms have been integrated into one single body. The Fundación Duques de Soria, a private initiative dealing with cultural matters, created in 1999 an Institute of Landscape, and has promoted a number of activities in the field. The European Landscape Biennial, held in Barcelona since 1999, incorporates the Rosa Barba Landscape Prize and is supported by numerous private sponsors. Other initiatives are also incorporating landscape among their concerns: Fundación Biodiversidad, Fundación Ingeniería y Sostenibilidad, Fundación Endesa, Fundación Aranjuez Paisaje Cultural, Asociación Española de Paisajistas, Beulas Foundation, Arte y Naturaleza (Huesca), Fundación Marcelino Botín. Rural Development, Heritage and Patrimony Program, Observatorio de la Sostenibilidad de España.

#### 6.1.3. on the part of the public authorities?

- The Mediterranean Landscape Prize, established through international cooperation by the project PAYS.DOC (INTERREG IIIB/ MEDOCC), is aimed at local authorities.
- Call for the Landscape Award to select the Spanish candidature for the Landscape Award of the Council of Europe.
- Organization of the cultural landscape nominations for the World Heritage List of UNESCO, through the Spanish Historical Heritage Council.

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“Training and education: Each Party undertakes to promote training for specialists in landscape appraisal and operations” (article 6, B, a)

6.2. Which measures have been taken to promote training for specialists in landscape appraisal and operations (setting up specialist courses, recognition of landscape engineering diplomas, etc.)? Some public institutions are providing scholarships for researchers in landscape and heritage. In addition, the universities are providing different master programmes in the field of landscape:

- CFP: Gardening and Landscape Permanent Educational Centre, Polytechnical University of Valencia.
- Master in Landscaping, Polytechnical University of Catalonia.
- Master in Landscaping, Gardening and Public Spaces, University of Granada.
- Master Degree in Landscape Architecture. San Pablo CEU University.
- Master Degree in Management and Landscape Intervention. Autonomous University of Barcelona.
- Master in Biodiversity, Landscape and Sustainable Management. University of Navarra.
- Master Degree in Landscape and Territory. University of Murcia.
- Master Degree in Art, Territory and Landscape. University of Laguna.

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*“Each Party undertakes to promote multidisciplinary training programmes in landscape policy, protection, management and planning, for professionals in the private and public sectors and for associations concerned; (article 6, B, b)*

6.3. Which measures have been taken to promote the introduction of multidisciplinary training programmes?

6.3.1. for professionals in the private sector?

6.3.2. for professionals in the public sector?

6.3.3. for associations concerned?

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*“Each Party undertakes to promote: school and university courses which, in the relevant subject areas, address the values attaching to landscapes and the issues raised by their protection, management and planning.” (article 6, B, c)*

6.4. Which measures have been taken to promote landscape-related training and education as part of the curriculum in?

6.4.1. Primary education?

Royal Decree 1513/2006, December the 7th, laying down the core curriculum of primary education:

- *Knowledge of the natural, social and cultural environment:* The student’s main goal is to acquire basic knowledge about the environment and its conservation. Contents included range from perception and spatial representation, through the universe, climate and its influence, water and its use, and the ability of people to act upon nature. The relationship between the ecosystem’s elements, deterioration and regeneration factors. Observation and description of the different types of landscape: Interaction between nature and human beings. Respect, defence and improvement of the environment.
- *The diversity of the living beings* is oriented to knowledge, respect and appreciation of living beings.

6.4.2. Secondary education?

Royal Decree 1631/2006, December 29th .

To lay down the core curriculum for compulsory secondary education.

The goal for the student is: The competence to interact with physical space implies being aware of the influence that the presence of people has upon it, especially via settlement activity; the changes introduced and the resulting landscapes, and the importance of all human beings benefiting from development, done in a way that seeks the conservation of resources and natural diversity, and maintains the global and intergenerational heritage.

Content:

- The importance of water in climate, landscape configuration, and human lives.

- To identify the different sources of influence present in landscape, be them geological, biological, and/or resulting from human activity.

- Analysis of the territory in its different facets and spatial areas: Based on the study of economic activities and the configuration of spaces and landscapes it generates, the political and geographical space of the major geopolitical and economic areas of the world is analyzed, with emphasis in the European Union and Spain.

Royal Decree 1467/2007, November the 2th.

On establishing the structure of the high school and fix his minimum educations.

Geography: Spain's spatial reality, its common characteristics and its diversity, its natural media, the elements that explain the differentiation between landscapes, the imprint of human activity in the space and the resulting system of territorial organization, also attending the European dimension of Spain and its position in the world.

#### 6.4.3. Tertiary education?

Landscape is included in the curriculum of a variety of university degrees, as defined by the Ministry of Education, Culture and Sports: Architecture, Civil Engineering, Agronomy Engineering, Forestal Engineering, Biological Engineering, Geography...Some private universities have incorporated as a "Titulo Propio" the Superior Degree in Landscape.

*"Identification and assessment:*

*1. With the active participation of the interested parties, as stipulated in Article 5.c, and with a view to improving knowledge of its landscapes, each Party undertakes:*

*a. i) to identify its own landscapes throughout its territory;*

*ii) to analyse their characteristics and the forces and pressures transforming them;*

*iii) to take note of changes;*

*b. to assess the landscapes thus identified, taking into account the particular values assigned to them by the interested parties and the population concerned.*

*2. These identification and assessment procedures shall be guided by the exchanges of experience and methodology, organised between the Parties at European level pursuant to Article 8". (article 6, C)*

6.5. Which measures have been taken to carry out the identification of landscapes and the analysis of their characteristics (catalogues, atlases, registers of landscapes?)

#### 6.5.1. at national level?

Spain has completed a global landscape description by means of its *Atlas of the Spanish Landscape* (2003), sponsored by the Ministry of the Environment. It contains a general cartography, and an analysis and valuation of Spanish landscapes. Thus it supplies a framework for landscape studies, both at the local and regional scale. The Atlas displays the diversity of the Spanish landscapes, the trends leading to changes in traditional landscape, and the onset of modern landscape; moreover, it argues for the need to mediate through specific management tools allowing the joint preservation of the landscape heritage and the use of its resources. This Atlas has been elaborated in cooperation with Portugal (Interreg IIC initiative, EU) and conceived as a joint production aimed to portray the landscapes of the Iberian Peninsula and both countries' archipelagos.

#### 6.5.2. at regional level?

- In Catalonia, the entire territory is being described with the help of Landscape Catalogues.

- Andalusia created her own Landscape Atlas.

- The Basque Country has published a Catalogue of Prominent Landscapes.

- Valencia and Catalonia have also established a procedure for cataloguing the whole territory.

- Murcia has published the Region of Murcia Landscape Atlas.

- Castilla La Mancha has published the Castilla La Mancha Landscape Atlas.

- The Rioja has published The Inventory of Landscape of the Rioja.

*“Landscape quality objectives: Each Party undertakes to define landscape quality objectives for the landscapes identified and assessed, after public consultation in accordance with Article 5.c.” (article 6, D) [“‘Landscape quality objective’ means, for a specific landscape, the formulation by the competent public authorities of the aspirations of the public with regard to the landscape features of their surroundings” (article 1, c)]*

6.6. Please give two or more examples of experiences conducive to the definition of landscape quality objectives. - The Landscape Catalogues in Catalonia include landscape quality objectives.

- The Aranjuez Cultural Landscape Foundation (Fundación Aranjuez Paisaje Cultural) is implementing different initiatives dealing with landscape qualification in the area surrounding Aranjuez (Madrid), and is engaged in national and international cooperation, as well as education and dissemination of landscape awareness.

*“Implementation: To put landscape policies into effect, each Party undertakes to introduce instruments aimed at protecting, managing and/or planning the landscape.” (article 6, E)*

6.7. Which types of instruments have been adopted for protecting, managing and/or planning landscapes (management agreements, contracts, charters, seals of quality ...)?

Several instances can be pointed out, most of them indicated in the above. An outstanding example is that of the Landscape Charts of Catalonia.

## **7. Mutual assistance and exchange of information**

*“The Parties undertake to co-operate in order to enhance the effectiveness of measures taken under other articles of this Convention, and in particular:*

- a. to render each other technical and scientific assistance in landscape matters through the pooling and exchange of experience, and the results of research projects;*
- b. to promote the exchange of landscape specialists in particular for training and information purposes;*
- c. to exchange information on all matters covered by the provisions of the Convention”.* (article 8)

7.1. Has technical and scientific assistance been conducted with other states and/or regions (pooling and exchange of experience, research work on landscape ...)?

A common methodology was adopted to draft the Landscape Atlases of Spain and Portugal.

7.2. Have there been exchanges of landscape specialists?

## **8. Transfrontier landscapes**

*“The Parties shall encourage transfrontier co-operation on local and regional level and, wherever necessary, prepare and implement joint landscape programmes.” (article 9)*

8.1. Have actions to encourage transfrontier co-operation been conducted:

8.1.1. between states:

8.1.1.1. at national level?

- The web PAYSMED.net is an instrument for the integration and dissemination of landscape knowledge around the Mediterranean.
- Territorial Cooperation Programme of the European Southwest Area.
- INTERREG IVB SUDOE.
- The Program of the Advisory Committee on Man and the Biosphere (Currently Person and the Biosphere) (MAB-UNESCO) has decided to create an Intercontinental Biosphere Reserve in the Mediterranean (Spain, Andalusia and Morocco), an initiative of the Department of Environment of Andalusia and Morocco.

## 8.1.1.2. at regional level?

A joint initiative was formulated between the Regions of Andalusia, Languedoc-Roussillon and Tuscany to draw up a *Mediterranean Landscape Charter*, which was agreed on in Sevilla on 4 June 1992 and was adopted by the Congress of Local and Regional Authorities of Europe on the 3<sup>rd</sup> Conference of Mediterranean Regions (Taormina, Italy, 5-7 April 1993).

## 8.1.2. between regions of the state?

## 8.2. Have programmes of transfrontier co-operation with other states and/or regions been set up?

Spain has participated with France in several landscape identification and qualification landscapes, organized after article 6c-2 of the ELC. The first one, in 2006, dealt with landscape units, structures and elements. The second one, in 2007, studied landscape indicators.

The first Transfrontier Observatory of the Sustainability in the Spanish-Portuguese border was established in 2006. It is located in Punta Umbría (Huelva).

In cooperation with other countries, some research projects have been done, like:

- LANDMARKS (Action COST A27, Understanding pre-industrial structures in rural and mining landscapes.
- International Investigation Project “Cultura 2000”, in collaboration with the Ministry of Environment, EUCALAND “Agricultural European landscapes”.

## 9. Landscape award of the Council of Europe

*“1. The Landscape award of the Council of Europe is a distinction which may be conferred on local and regional authorities and their groupings that have instituted, as part of the landscape policy of a Party to this Convention, a policy or measures to protect, manage and/or plan their landscape, which have proved lastingly effective and can thus serve as an example to other territorial authorities in Europe. The distinction may be also conferred on non-governmental organisations having made particularly remarkable contributions to landscape protection, management or planning.*

*2. Applications for the Landscape award of the Council of Europe shall be submitted to the Committees of Experts mentioned in Article 10 by the Parties. Transfrontier local and regional authorities and groupings of local and regional authorities concerned, may apply provided that they jointly manage the landscape in question.*

*3. On proposals from the Committees of Experts mentioned in Article 10 the Committee of Ministers shall define and publish the criteria for conferring the Landscape award of the Council of Europe, adopt the relevant rules and confer the Award.*

*4. The granting of the Landscape award of the Council of Europe is to encourage those receiving the award to ensure the sustainable protection, management and/or planning of the landscape areas concerned.” (article 11).*

9.1. Have one or more landscape awards been instituted at national and/or regional level? Do they refer to the European Landscape Convention?

## 9.1.1. at national level

The year before the announcement of the European Landscape Prize, the Spanish government does a nationwide call to select the Spanish candidature to be presented to the Council of Europe.

## 9.1.2. at regional level

## 10. Major changes since the previous report (CEP-CDPATEP (2012) 3)

- On March 1, 2008 came into force in Spain the European Landscape Convention
- The National Plan for Cultural Landscape was approved in October 2012.

**Acts:**

- Land Act (2007).
- Natural Heritage and Biodiversity Act (2007)
- Sustainable Rural Environment Development Act (2007)
- Royal Decree ((Legislative) 1/2008. By approving the revised text of the Act on Environmental Impact Assessment of Projects (2008)
- Protection of the landscape of Galicia Act. Autonomous Community of Galicia (2008)
- Cultural Heritage of Murcia Act (2007)
- Andalusian Historical Heritage Act (2008)

**Publications:**

- The Region of Murcia Landscape Atlas (2009)
- The Castilla- La Mancha Landscape Atlas (2011)



## NATIONAL REPORT / RAPPORT NATIONAL

### UNITED KINGDOM / ROYAUME UNI

**From:** Blake, Chris (ERG-LOR) [mailto:Chris.Blake@defra.gsi.gov.uk]  
**Sent:** vendredi 9 novembre 2012 11:27  
**To:** DEJEANT-PONS Maguelonne  
**Cc:** Chris.Freestone@fco.gsi.gov.uk; Surrey, Tom (FFG); HIGGINSON, Roger  
**Subject:** Re. Council of Europe - Conseil de l'Europe - European Landscape Convention - Convention européenne du paysage - National Report - Rapport national 2012

#### 1. State: UNITED KINGDOM

**2. Has the European Landscape Convention been signed or ratified?**  
 Yes. Signed 21<sup>st</sup> February 2006 and ratified 21<sup>st</sup> November 2006.

#### 3. Correspondent:

Name: Chris Blake  
 Ministry/Department: Department for Environment, Food and Rural Affairs  
 Mail: address: Zone 1/09 Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6EB  
 Phone: 0117 372 3565  
 Fax: 0117 372 8250  
 E-mail address: chris.blake@defra.gsi.gov.uk

#### 4. Division of responsibilities

*“Each Party shall implement this Convention, in particular Articles 5 and 6, 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.”(article 4)*

##### 4.1. Which ministry/administration is in charge of landscape?

The Department of Environment, Food and Rural Affairs (Defra) is responsible for an overall view of implementation for the whole of the UK in which the European Landscape Convention (ELC) is in force. It is also responsible for detailed implementation in England but in Wales, Scotland and Northern Ireland responsibility for landscape issues, including detailed implementation of the Convention, is devolved to the Welsh Assembly Government, the Scottish Government and the Department of Environment for Northern Ireland respectively.

The UK has a system of arm's length government agencies which advise on landscape policy development and implementation. In England the key agencies in this respect are Natural England (NE) and English Heritage.

In Scotland, lead landscape policy responsibility rests with the Scottish Government Directorate of Environment and Forestry which includes Forestry Commission Scotland. Other Government agencies with landscape interests and responsibilities include Historic Scotland and Scottish Natural Heritage, the Scottish Government's natural heritage advisers. A Scottish ELC Co-ordination Group comprising representatives of public bodies promotes implementation of the ELC in Scotland.

Initially, Defra established a small England project group comprising Defra, Natural England, English Heritage and the Department of Culture, Media and Sport (to whom English Heritage is directly responsible), along with a wider UK Monitoring group involving the devolved administrations of Scotland, Wales and Northern Ireland as well as their respective Agencies concerned with landscape

has also been established to consider the ELC.

4.2. Is this ministry/administration vested with other responsibilities? ...

Yes – Defra is also responsible for agriculture, food, the environment and rural affairs.

4.3. Is this ministry/administration provided with a specific landscape policy document?

Landscape protection and management is addressed in a wide range of UK legislation and policy documents but most comprehensively within the spheres of spatial planning, environmental protection and designated landscape. However, there is no single overarching Government strategy or national level policy statement for the protection, management or planning of landscape. Instead, landscape is mainly dealt with as a component in a range of policies, where the delivery of those policies is likely to affect landscape.

In England the key central government planning policy documents that guide local authorities and planning decision makers are the National Planning Policy Framework (2012) and various National Policy Statements covering specific major development policy areas. Planning decision makers are required to take these into account when drawing up their own policies and plans and when making planning decisions. The devolved administrations have similar policies.

Defra has asked NE to take the lead on the implementation of the ELC in England, working closely with English Heritage, the Forestry Commission, Non Governmental Organisations, local authorities, professions and the public. NE is well placed to undertake this role alongside its broader responsibilities as the Government's statutory landscape advisor. NE is currently working with Defra on an ELC review and there have been some notable successes in using the ELC to support wider landscape activity including:

The Forestry Commission is responsible for the regulation of forest and woodland activities. In 2011 the UK Forestry Standard was completely revised with an associated suite of Guidelines, including the Forests and Landscape Guideline. The starting point for this Guideline is the ELC.

A NE **ELC Fund** was established (2008 – 2010) which supported a number of local landscape and geodiversity partnerships and projects summarised in the report “Valuing our Landscapes – the ELC in action” which was launched at an ELC international conference held in Liverpool 2010. At that time the Fund was supported by NE's Landscape Position which adopted the ELC definition of landscape and which is currently informing the development of NE's Landscape Standard.

A key element of the ELC is the production of “landscape quality objectives” (Article 6/D) and it was this term that was initially used in the early **National Character Areas (NCAs) updating work stream** (now renamed Statements of Environmental Opportunity). ELC definitions of landscape planning, management and protection (Article 1) have also influenced the description of opportunities within the NCA Profiles.

The ELC calls for a greater understanding of the landscape baseline and this is helping to reinforce NE's lead in the revision of the **Landscape Character Assessment Guidance** and the development of Seascape Character Assessment Guidance.

ELC Guidance produced by NE helped inform part of the **NE/English National Parks Authority Association (ENPAA) Shared Outcomes Agreement** with all the National Park Authorities producing ELC Case Studies and proofing a number of National Park Authority policies, strategies and plans against the intent and language of the ELC. A number of external ELC Action Plans have also been produced using NE's ELC Guidance as appropriate.

The ELC has been cited as a key driver alongside the Convention of Biological Diversity (CBD) 2020 strategy in the **Nature Improvement Areas** Monitoring and Evaluation Framework, with Landscape Character Assessment highlighted as a key Monitoring & Evaluation requirement.

The ELC, alongside the CBD and UK Geodiversity Action Plan, is being used to help embed **integrated working** especially between landscape, ecosystems and biodiversity. The narrative behind NE's 4<sup>th</sup> ELC Action Plan (11/12) focused on the issue of integration making links to the National Environment White Paper, localism, CBD and England Biodiversity Strategy.

Specific **sector guidance** has helped raise the profile of the ELC within NE with information provided including – agriculture, spatial planning, economic development, housing and protected landscapes. ELC Guidance has been included with NEs broader Planning Toolkit.

In Northern Ireland, there is a document ‘Shared Horizons’ which is a Statement of Policy on Protected Landscapes. This has been developed by the Northern Ireland Environment Agency, an agency within the Department of Environment.

Scotland has no single overarching landscape policy statement/document. The National Planning Framework 2 currently provides the spatial expression of the Government’s policies, Scottish Planning Policy is contained in a single document that address landscape directly or indirectly at the national level, supported by a suite of local policies. A review of Scottish Planning Policy was commenced in 2012, as was work on a third National Planning Framework. Sectoral policies give consideration to landscape matters and these increasingly recognise landscape’s contribution to a number of objectives including biodiversity, health and physical activity, quality of life, and economic and social regeneration. The positive management of landscape change is recognised as one of the guiding principles of the Scottish Land Use Strategy. Consideration of Scotland’s coastal landscape and seascapes will also be included in the future Scottish Marine Plan which will be consulted on formally in 2013. Forestry and woodland activities in Scotland are directed by the Scottish Government Scottish Forestry Strategy (2006). The Strategy directs that all activities should help meet the undertakings of the ELC.

The Scottish Landscape Forum, which is no longer in existence, produced a statement of principles and priorities for landscape that are reiterated in ‘*Scotland’s Landscape Charter*’. This calls on key stakeholders, including Government and its Agencies, to support and take forward a number of actions that will ensure that landscapes passed on to future generations are safeguarded. These activities encapsulate the ELC’s approach and principles.

Proposals to establish a Wales Landscape Forum to promote the ELC in Wales have been postponed indefinitely owing to resource constraints.

#### 4.4. Are regional and local authorities empowered in respect of landscape?

Yes. The devolved arrangements of the UK place responsibility for landscape on each of the devolved administrations. The devolved administrations in Wales and Scotland apply these arrangements in similar but distinct ways. Local Authorities take planning and some environmental decisions, and have social and community responsibilities. However, this must be in the context of national laws and policies and often after having received comment/advice/assistance from statutory agencies when environmental/landscape issues need consideration.

In Northern Ireland, local authorities have very limited powers in respect of landscape; they provide comment to the central Planning Authority in relation to Area Plans and Development Control and can declare local nature reserves.

#### 4.5. Is there a framework for consultation between ministries on territorial and/or landscape matters (territorial conference, landscape council, other structure)?

Cross-Departmental arrangements are in place for the development and agreement of Government policy.

#### 4.6. Is there a consultation procedure for decision-making on territorial policy between the national and the regional levels?

Proposed changes in policy and legislation are subject to consultation which will include all relevant local authorities, statutory agencies and other stakeholders. A wide range of formal and informal stakeholder groups exist depending on the subject matter and working groups are often established to explore new ideas. These are both formal working groups and ad hoc meetings held as required. Statutory Agencies provide independent advice to Government.

#### 4.7. What are the human and financial resources devoted to putting landscape policies in place:

#### 4.7.1. At national level?

Each UK government body/agency has a lead project officer who works on implementation of the ELC as part of their broader role.

In Scotland the Government's statutory adviser includes a core group of 14 landscape specialists whose advice, guidance and policy development work implements the ELC's intent. Forestry Commission Scotland has five full-time landscape architects promoting landscape to forest and woodland managers through a combination of guidance, education and practical advice.

#### 4.7.2. At regional level?

Changes to the structure of UK Government Departments has largely disbanded the regional tier of Government organisations. Statutory Agencies may have retained regional or local area representation but do not have dedicated officers focusing on landscape.

### 5. General measures

*"Each Party undertakes to recognise landscapes in law as an essential component of people's surroundings, an expression of the diversity of their shared cultural and natural heritage, and a foundation of their identity;" (article 5. a)*

#### 5.1. How is the term "landscape" defined in your language?

Dictionary definitions originally and traditionally focussed on the visual aspect of landscape. For example, landscape as scenery, depicted in art or designed. Definitions have widened considerably during the 20<sup>th</sup> century, particularly in terms of recognising landscape as a cognitive, perceived thing, in terms of 'historic landscape' and in terms of scale and functionality.

Landscape has been described in the publication 'Landscape Character Assessment: Guidance for England and Scotland' as being 'about the relationship between people and place'. It provides the setting for our day-to-day lives. The term does not relate only to special or designated landscapes, nor does it only apply to the countryside. Landscape can mean a small patch of urban wasteland or a mountain range, an urban park or an expanse of lowland plain. It results from the way that different components of our environment – both natural (the influences of geology, soils, climate, flora and fauna) and cultural (the historic and current impact of land use, settlement, enclosure and other human interventions) – interact together and are perceived by us.

Most specialist and professional usage of the term now reflects the ELC definition, and Natural England have carried out research assessing how this is articulated and defined in government legislation, policy and technical advice. The Environmental Impact Assessment process applies the accepted discipline of landscape and visual impact assessment. This assessment process has established the distinction between the character of a landscape and its visual experience by people.

The ELC defines the landscape as marine as well as terrestrial and in the last few years both Seascape Characterisation and Historic Seascape Characterisation have developed rapidly to recognise this.

#### 5.2. Is there a legal definition of the term "landscape"?

No

#### 5.3. Is landscape the subject of one or more articles of the constitution or the basic law?

The UK does not have a written constitution. The UK's "basic law" is common law, which is also unwritten and depends on precedent.

#### 5.4. Is landscape the subject of a specific law or is it embodied in other laws?

There is no specific law solely concerned with landscape. In England it is the subject of several provisions embodied in laws of a general environmental nature, principally, the National Parks and Access to the Countryside Act 1949; the Environment Act 1995, the Countryside and Rights of Way Act 2000 and the Natural Environment and Rural Communities Act 2006. The built and historic elements of landscape are

given specific protection under the Ancient Monuments and Archaeological Areas Act 1979 and the Planning (Listed Buildings and Conservation Areas) Act 1990.

In Scotland, the Countryside (Scotland) Act 1967 places a general duty on government and public bodies to have regard to the desirability of conserving the natural beauty and amenity of the countryside. Other legislation provides for the protection and/or management of particular parts of the landscape for example, the National Parks (Scotland) Act 2000. The Planning etc (Scotland) Act 2006 gives a statutory basis to National Scenic Areas; in 2010 they were 're-designated' by Direction as areas of "*outstanding scenic value in a national context* [requiring]...*special protection measures*. The built and historic elements of the landscape are considered under the Historic Buildings and Ancient Monuments Act 1953, the Ancient Monuments and Archaeological Areas Act 1979, and the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997..

5.5. Is there a code that consolidates the applicable texts relating to landscape?

No

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*"Each Party undertakes to establish and implement landscape policies aimed at landscape protection, management and planning" (article 5. b) ["Landscape policy" means an expression by the competent public authorities of general principles, strategies and guidelines that permit the taking of specific measures aimed at the protection, management and planning of landscapes (article 1. b)]*

5.6. What are the landscape policies (general principles, strategies, guidelines)?

In England, the Government has published a National Planning Policy Statement (NPPF) (which sits alongside a series of National Planning Statements relevant to Nationally Significant Infrastructure) which set out national planning policies on a wide range of issues that have a relevance to landscape. There are specific statements and policies relating to areas such as the countryside, the green belt and protected landscapes.

The NPPF makes reference to amenity, landscape, SEA/EIA, protection of historic/designed landscapes, and the enhancement of local distinctiveness.

In Scotland the National Planning Framework 2 provides the spatial expression of the Government's policies. Scottish Planning Policy (2010) sets out policy on forward planning, control of development, community engagement, sustainable development and a range of subject policies. A review of Scottish Planning Policy is underway, as is work on a third National Planning Framework. The Scottish Historic Environment Policy (2011) sets out the Government's policy on the historic environment. The Government's statutory adviser has published a Landscape Policy Framework (2005), and champions Scotland's Landscape Charter.

The Forestry Commission is responsible for the regulation of forest and woodland activities. In 2011 the UK Forestry Standard was completely revised with an associated suite of Guidelines, including the Forests and Landscape Guideline. The starting point for this Guideline is the ELC. From this UK Forestry Standard and Guidelines countries have and are developing further guidance on relevant landscape issues. Forestry Commission Scotland, for example, has developed Practice Guides on designed landscapes and landscape diversity.

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*"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 mentioned in paragraph b above;" (article 5, c)*

5.7. What are the procedures for arranging participation?

5.7.1. by the public?

Public participation is provided for at a number of levels, often through recognised good practice as well as formal administrative procedures. It is encouraged through formal consultation on a wide range of subjects/issues at both national and local level (i.e. Local Plans). There is a statutory requirement to consult the public in relation to Strategic Environmental Assessment and Environmental Impact

Assessment of relevant plans, programmes and projects. The public also has an opportunity to comment on individual planning applications and at appeal (for example, at public inquiries). Involvement with community groups and parish or community councils; and via partnerships involving stakeholders, usually drawn from among the private and public sectors including NGOs is also encouraged.

Forestry Commission promotes to forest and woodland managers the development of a Forest Plan to inform the management of the trees at the landscape scale. Part of the process of developing such Plans is local community consultation on both plans and perspectives of the current and future forest and woodland in the landscape from agreed viewpoints.

In Wales, LANDMAP information is available at [www.ccw.gov/landmap](http://www.ccw.gov/landmap)

The National Forest Company has a very active community and environmental education involvement programme in the National Forest. Over 20,000 adults and 33,000 schoolchildren are involved in activities each year, related to the Forest creation and its process of landscape change across 200 square miles of the Midlands.

In Wales the current consultation on the Heritage Bill, led by CADW for Welsh Government and which has significance for the general and historic landscape character of the country, has embedded a comprehensive process for active participation by organisations and members of the public.

The emergence of the Natural Environment Framework green paper and establishment of a new single environment body in Wales has provided opportunity for participation and input into policy making and planning of delivery over the last 2 years. As a contribution to these processes, and to facilitate engagement on landscape issues, the Council for the Protection of Rural Wales organised a landscape conference in the summer of 2011.

5.7.2. by local and regional authorities?

As for 5.7.1.

5.7.3. by other players with an interest in the framing and implementation of landscape policies?

As per 5.7.1. as appropriate.

*“Each Party undertakes to integrate landscape into its regional and town planning policies and in its cultural, environmental, agricultural, social and economic policies, as well as in any other policies with possible direct or indirect impact on landscape” (article 5, d)*

5.8. Which instruments allow the integration of landscape into?

5.8.1. Regional planning policies?

Changes to the structure of Government Departments has largely disbanded the English regional tier of Government organisations. As such regional planning policies no longer apply.

5.8.2. Town planning policies?

In England, the Government has published a National Planning Policy Statement (NPPF) (which sits alongside a series of National Planning Statements relevant to Nationally Significant Infrastructure) which set out national planning policies on a wide range of issues that have a relevance to landscape. Local Planning Authorities are required under planning law to have regard to the NPPF when preparing Local Plans, and they may also be material considerations when Local Planning Authorities take decisions on whether planning permission should be granted for individual developments. There are specific statements and policies relating to areas such as the countryside, the green belt and protected landscapes.

The NPPF makes reference to amenity, landscape, SEA/EIA, protection of historic/designed landscapes, and the enhancement of local distinctiveness.

In Northern Ireland, land use planning powers are devolved to the Department of the Environment which issues planning policy in the form of Planning Policy Statements and also prepares local development plans for different parts of the Region. These consider and, as appropriate, integrate landscape issues into their policies and proposals. There are specific statements and guidance relating to areas such as the countryside (Draft PPS 21), natural heritage (PPS 2) and built heritage (PPS 6).

The Scottish Government has published Scottish Planning policy (2010) which sets out national policy on a wide range of issues including landscape. Guidance is contained in a series of Planning Advice Notes. Local authorities have regard to this guidance in preparation of their development plans. A National Planning Framework provides a cross-cutting overview for spatial planning purposes and there is also the Planning (Scotland) Act 2006, which includes provisions in relation to National Scenic Areas, which are Scotland's national level landscape designation. A review of Scottish Planning policy is underway, as is work on a third National Planning Framework.

The Welsh Government is currently (as of October 2012) consulting on a Planning Bill and is leading on developing an ecosystem approach to the management of the Welsh natural environment.

#### 5.8.3. Cultural policies?

English Heritage, Cadw (in Wales), Historic Scotland, and the Northern Ireland Environment Agency all implement the Convention as an aspect of cultural heritage policy.

As a further development of Scotland's *National Cultural Strategy*, Historic Scotland published a revised Scottish Historic Environment Policy in 2011. This sets out Scottish Ministers' policies, providing direction for Historic Scotland and a policy framework that informs the work of a wide range of public sector organisations.

Cadw has prepared a Strategic Statement for the Historic Environment in Wales: <http://cadw.wales.gov.uk/historicenvironment/>

Welsh Government is developing policy on developing an ecosystem approach to the management of the natural environment which will have implications for the management of cultural landscape and heritage and which will be embedded in the plans and operations of the new natural resources body for Wales (which brings together the functions of the Countryside Council for Wales, Forestry Commission Wales and Environment Agency Wales).

#### 5.8.4. Environmental policies?

In England, landscape is incorporated in specific protected areas legislation establishing National Parks and Areas of Outstanding Natural Beauty. For example, the National Parks & Access to the Countryside Act 1949; the Environment Act 1995; the Countryside and Rights of Way Act 2000; the Natural Environment and Rural Communities Act 2006; and in the legislation establishing the various statutory agencies as government advisors on landscape.

Green Belt land remains strongly protected and includes some references to landscape – both in terms of visual quality and the wider setting of settlements.

In Northern Ireland, there is a 'Shared Horizons' policy for promoting and managing those areas designated under the Nature Conservation and Amenity Lands Order (NCALO). There are also policies developed from the Environment (NI) Order 2002 for specific areas of nature conservation interest (including landscape features).

In Scotland, there are Acts such as the National Parks (Scotland) Act 2000, the Land Reform (Scotland) Act 2003 and the Planning etc (Scotland) Act 2006, all of which encompass legislation relating to protected areas, and access to the outdoors.

Landscape aspects are included in the Welsh Government's Environment Strategy and policy documents.

See also the reference to Wales under 5.8.3.

#### 5.8.5. Agricultural policies?

In England, there are codes of good practice; cross-compliance requirements and agri-environment schemes. One of the aims of the Environmental Stewardship Higher Level Scheme in England is to 'maintain and enhance landscape quality and character'. Higher Level Stewardship applications are assessed against specific local targets, including 'visual' and 'ecological' aspects of the landscape within National Character Areas.

The Strategy for Sustainable Farming and Food: Facing the Future (Defra 2002) placed particular emphasis on ‘whole food chain’ management. Its specific recommendations in terms of landscape and countryside have largely been taken forward in the Rural Development Programme for England which includes the Single Payment Scheme and Stewardship Schemes.

In England, the Rural White Paper ‘The Natural Choice – Securing the Value of Nature’ (Defra 2011) was seen to entail a commitment to look after, restore and conserve the landscape, wildlife, architecture and traditions that make the countryside special. It makes specific commitments to support local engagement in landscape planning, and to provide local communities and planners with the information they need to make informed decisions about land-use.

In Northern Ireland, agri-environment management policies have been developed by the Department of Agriculture and Rural Development (DARD).

In Scotland, the Land Use Strategy provides the framework, and sets out a number of principles for achieving sustainable land use. One of the principles is ensuring landscape change is managed positively and sympathetically, considering its implications at a scale appropriate to the landscape in question, given that all Scotland’s landscapes are important to our sense of identity and to our individual and social wellbeing. The Scottish Rural Development Programme (SRDP) includes specific measures designed to benefit landscape management, including cross compliance for improved landscape management.

Welsh agri-environment schemes encourage management of historic landscape features. Tir Gofal, the Welsh Assembly Government’s agri-environment scheme, makes specific provision for landscape and permissive access to farmland entering the scheme.

See also the reference to Wales under 5.8.3.

5.8.6. Social and economic policies?

Not directly incorporated.

See also the reference to Wales under 5.8.3.

5.8.7. Into such other policies as may have a direct or indirect effect on landscape?

In England, the Highways Agency has incorporated the ELC principles into its guidance and practice on assessing the effects of road building.

## 6. Specific measures

*“Awareness-raising: Each Party undertakes to increase awareness among the civil society, private organisations, and public authorities of the value of landscapes, their role and changes to them.” (article 6, A)*

6.1. Which measures have been taken to increase awareness?

6.1.1. in civil society (landscape-related events, celebrations, festivals, etc.)

6.1.1.1. at national level?

Mainly through publications, other promotional material, through the media and through the programmes of various resource and information centres. For rural landscape issues, government statutory agencies and NGOs run various events and awareness raising campaigns to promote landscape as a core part of their work in all constituent countries of the UK.

The inclusion of the ELC and/or its principles in provision of advice through the normal course of work has been a mechanism for promoting the ELC by Defra, Natural England and English Heritage. Natural England and English Heritage has also had involvement in specific measures relating to implementation in the UK through development and monitoring activities for the Framework of Implementation in England, and their own Action Plans.

Partners such as IUCN, ICOMOS and the Landscape Institute, as well as other nature and culture conservation bodies are also key to awareness raising and sharing of best practice.



In Scotland the work of Scottish Natural Heritage includes raising awareness of Scotland's landscape, through events, publications and promotional activities. The PlaceBook Scotland website ([www.placebookscotland.co.uk](http://www.placebookscotland.co.uk)) promote interest in people's immediate landscape.

In Wales, the Countryside Council for Wales is a partner in all major landscape partnership schemes (c.5 at present) that are being delivered with the support of the Heritage Lottery Fund.

6.1.1.2. at regional level?

Changes to the structure of Government Departments has largely disbanded the English regional tier of Government organisations.

The Registers of Historic Landscape of Outstanding or Special Historic Interest in Wales is intended to foster awareness of the historic landscape as well as to inform national, regional and local agencies involved in its management. It is made available via the web, together with more detailed landscape assessment work (historic landscape characterisation) which supports a range of outreach media and programmes. See note above (4.6) on Wales Landscape Forum. CCW has translated the ELC into Welsh.

In Northern Ireland, besides publications such as 'Valuing Our Environment' (a joint initiative of regional government and non-governmental organisations (NGOs), festivals organised by NGOs such as the Sperrins Walking Festival that specifically celebrates the landscape of a region, opportunity for public participation in forums for the management of Areas of Outstanding Natural Beauty (led by NGOs with support from government), use of published landscape character area information in development control, and grant programmes such as the Natural Heritage Grant Programme. There is also tacit recognition by the Northern Ireland Tourist Board of the importance of the landscape to the tourist industry.

6.1.2. among private organisations?

Unknown

6.1.3. on the part of the public authorities?

A variety of publications, promotional material, visitor centres and guided walks programmes.

For example, The National Forest Company have undertaken Community Perceptions research in 2008. One of the things that this has involved has been a survey which involved 200 people (school children, parents, old age pensioners, special interest groups) and focussed on three communities in the National Forest. The public feedback that the National Forest Company has received has shown that there is strong support for the changes that have been made to the landscape. 84% of the people surveyed recognised that new woodlands created in the landscape of the National Forest is either of good or very good quality.

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*"Training and education: Each Party undertakes to promote training for specialists in landscape appraisal and operations" (article 6, B, a)*

6.2. Which measures have been taken to promote training for specialists in landscape appraisal and operations (setting up specialist courses, recognition of landscape engineering diplomas, etc.)?

In England, there are undergraduate and post graduate courses in landscape planning, design and management.

Natural England provides an opportunity to deliver Landscape Training for internal staff and external organisations.

A specialist course in Landscape Character Assessment for practitioners in Northern Ireland and the Republic of Ireland is in preparation by Queens University, Belfast.

In Scotland there are undergraduate and post-graduate courses in landscape architecture that include landscape character assessment and landscape and visual impact assessment techniques. Statutory

agencies support various networks, events and training opportunities (for example, Scottish Natural Heritage's programme of Sharing Good Practice events).

In Wales, landscape studies are promoted in a number of institutions including the International Centre for Protected Landscapes, the Landscape Institute for Wales and the University of Wales in Bangor. The Countryside Council for Wales provides training periodically for internal and external organisations.

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*"Each Party undertakes to promote multidisciplinary training programmes in landscape policy, protection, management and planning, for professionals in the private and public sectors and for associations concerned; (article 6, B, b)*

6.3. Which measures have been taken to promote the introduction of multidisciplinary training programmes?

6.3.1. for professionals in the private sector?

Professional members of the Landscape Institute are required to undertake continual professional development, which promotes best practice and multidisciplinary training.

Northern Ireland: see 6.2.

The Study Centre, Plas Tan y Bwlch, in Wales provides multidisciplinary courses relating to landscape and the environmental countryside training for professional staff and volunteers in the public and private sector in the UK.

Forestry Commission has developed a two-day forest landscape design course based on the UKFS Forests and Landscape Guideline, to promote best landscape practice to landscape professional, forest and woodland managers and interested consultees. The course has been tailored for appropriate delivery in each of the devolved countries.

The Scottish Government's work on Placemaking has promoted a multi-disciplinary approach to better places (for example see the work of Architecture and Design Scotland [www.ads.org.uk](http://www.ads.org.uk)).

6.3.2. for professionals in the public sector?

As for 6.3.1 – professional have access to similar opportunities regardless of employment sector.

English Heritage run the HELM (Historic Environment Local Management) initiative providing training courses and publishing material (available on the web) on the various techniques for understanding place, such as HLC and Historic Area Assessment. In addition English Heritage delivers professional courses on historic landscape characterisation through the Oxford University Department for Continuing Education.

6.3.3. for associations concerned?

Most professional associations require their members to undertake continued professional development training and some professions organise such training.

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*"Each Party undertakes to promote: school and university courses which, in the relevant subject areas, address the values attaching to landscapes and the issues raised by their protection, management and planning." (article 6, B, c)*

6.4. Which measures have been taken to promote landscape-related training and education as part of the curriculum in?

6.4.1. Primary education?

Through the National Curriculum for England, there are many opportunities for pupils to learn about landscapes and to experience the many possibilities they offer for learning and development. Government is clear that schools may use the outdoors as a resource for all pupils regardless of age, circumstances or ability. This includes visits to farms, and to the wider countryside, for science and

geography field study visits, adventurous activities, and for study in, for example, history and citizenship.

In Scotland, there is an extensive social subject curriculum for 5-14s including using maps, the physical environment, the human environment and human-physical interactions, under the topic heading People and Place. This includes for example identifying and describing the main features of Scottish landscapes by P4-P6, and describing and explaining some ways of conserving landscapes, such as eroded coasts and mountain areas by S2.

The Welsh concept of ‘bro’ (= place or area with a specific, perceived identity and to which people feel they belong) envelopes and infuses the teaching of Welsh history and geography, and has been the principal rationale behind the Wales Landscape Character Map. The Countryside Council for Wales is working with one local authority to develop an exemplary approach to the design of primary school grounds and buildings that reflect landscape character and distinctiveness, encourage greater awareness of this heritage amongst members of the school community and promote more outdoor learning and recreational activity.

#### 6.4.2. Secondary education?

England: see 6.4.1

In Scotland, for older pupils, there are geography courses on physical environments and environmental interactions, available at all ability levels including Standard Grade and from Access 3 to Higher. In Advanced Higher geography, courses allow the study and analysis of landscapes of interest to individual candidates. There are also courses at all levels up to Higher level in Managing Environmental Resources.

#### 6.4.3. Tertiary education?

The first landscape architecture course in Northern Ireland (at the University of Ulster, Belfast) was offered from 2008/09.

In Scotland, there are undergraduate and post-graduate courses in Landscape Architecture, Environmental Science and Management, Geography, and in Landscape Management. A European post-graduate landscape course is currently being initiated, with Edinburgh University providing the UK base. Further information is available through the following weblink: <http://www.scotland.gov.uk/Topics/Education>

In Wales, see 6.2 above, including provision within adult, lifelong learning, of which there is a strong tradition in Wales. In the last 2 years a specific course has been instigated in North West Wales which aims to train local people in holistic landscape management with a view to promoting employment and sustainable management of the Welsh landscape by outdoor users and providers.

The Countryside Council for Wales supports, through its grant aid, numerous initiatives and projects by a wide range of organisations across Wales that connect people with their landscapes, including the intangible cultural heritage associated with landscapes (such as place names).

Several English universities provide post-graduate training in landscape archaeology and landscape history.

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#### *“Identification and assessment:*

*1. With the active participation of the interested parties, as stipulated in Article 5.c, and with a view to improving knowledge of its landscapes, each Party undertakes:*

- a. i) to identify its own landscapes throughout its territory;*
- ii) to analyse their characteristics and the forces and pressures transforming them;*
- iii) to take note of changes;*
- b. to assess the landscapes thus identified, taking into account the particular values assigned to them by the interested parties and the population concerned.*

*2. These identification and assessment procedures shall be guided by the exchanges of experience and methodology, organised between the Parties at European level pursuant to Article 8”. (article 6, C)*

6.5. Which measures have been taken to carry out the identification of landscapes and the analysis of their characteristics (catalogues, atlases, registers of landscapes?)

6.5.1. at national level?

The Countryside Quality Counts (CQC) project in England captured the changes taking place from 1990, reporting on a Joint Character Area scale, and their significance on the landscape. It reported for the periods 1990-1998 and 1999-2003. The revision and updating of the Joint Character Areas into National Character Areas focuses on the forward looking provision of “statements of environmental opportunity” backed up by key facts and data (see 4.3 above).

The Historic Landscape Characterisation (HLC) programme initiated by English Heritage in 1993 and now 93% complete records on GIS and an associated database the dominant historic character and processes that have created the present-day landscape; it covers all areas, urban as well as rural, and has recently been extended to much of the English sea as Historic Seascape Characterisation. HLC provides a context for records of individual heritage assets and enables the historic environment sector to better communicate with its landscape partners when considering strategic change and policy.

In Scotland, national coverage of landscape character assessment was completed by 2000. This national set of regional assessments is still relevant, but will be refreshed over the next 2-3 years. A broader-scale map that unites place and landscape, is planned for publication in 2013. Considerable coverage of landscape capacity studies for development such as wind farms and housing has been undertaken, based on the national LCA set.

The Royal Commission on the Ancient and Historical Monuments of Scotland, and Historic Scotland, are producing a Historic Land Use Assessment of Scotland, which currently covers around 80% of the country and will be completed in 2015.

The Registers of Historic Landscape of Outstanding or Special Historic Interest in Wales is intended to foster awareness of the historic landscape as well as to inform national, regional and local agencies involved in its management. This is available via the internet, together with more detailed landscape assessment work (Historic Landscape Characterisation) which supports a range of outreach media and programmes. Cadw is extending Historic Landscape Characterisation into towns and urban areas.

CCW’s LANDMAP will achieve full all-Wales cover and on line availability in 2009.

For example, Landscape Character Assessment has provided the foundation for understanding the National Forest’s landscape and has guided landscape change since the production of the first National Forest Strategy in 1994. The Forest’s character areas match those defined on the character map of England and landscape types provide the basis for forestry design guidance for landowners. In 2004, the Landscape Character Assessment was reviewed and updated in response to the landscape change achieved since 1994, through woodland and other habitat. The National Forest Company has developed a GIS based, landscape scale habitat connectivity system. This maps how habitats are connected across the Forests and will help to target habitat creation to achieve stronger landscape connectivity across the Forest area.

The National Forest Company has also supported the Historic Landscape Characterisation which was undertaken by Leicestershire County Council in the Leicestershire part of the Forest. Previous Historic Landscape Characterisation work has also been undertaken by Staffordshire and Derbyshire County Councils. This work helps to guide woodland creation activity, protect archaeological assets in the landscape and provide information to interpret the historic landscape to residents and visitors. The methodology will be used as the basis for the historic environment sector’s response to the work of the Forestry Commission in reviewing the capacity of landscapes to support woodland creation (following the recommendations of the Independent Panel for Forestry 2012).

The Department of the Environment for Northern Ireland published the Northern Ireland Landscape Character Assessment 2000 which identifies and describes 130 distinct landscape areas which comprise the land mass of Northern Ireland.

Work has taken place in Wales to develop seascape character mapping and assessment.

## 6.5.2. at regional level?

In Scotland the national set of landscape character assessments has been undertaken for individual regions at the scale of 1:50,000, presented as a report for individual local authority areas.

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*Landscape quality objectives: Each Party undertakes to define landscape quality objectives for the landscapes identified and assessed, after public consultation in accordance with Article 5.c.” (article 6, D) [“‘Landscape quality objective’ means, for a specific landscape, the formulation by the competent public authorities of the aspirations of the public with regard to the landscape features of their surroundings” (article 1, c)]*

6.6. Please give two or more examples of experiences conducive to the definition of landscape quality objectives.

In Northern Ireland, the Landscape Character Areas are used in the development of Area Plans as the basis for, and specific risks to, those landscapes.

The EU Strategic Guidelines for Rural Development state that the resources devoted to Axis 2 should contribute to the following priority areas; biodiversity, preservation and development of high nature value farming and forestry systems and traditional agricultural landscapes; water; and climate change.

In Scotland, for the first time, specific landscape objectives and outcomes are built into the rural development plan (Axis 2 Enhancing rural landscapes and the natural heritage). It recognises that the Scottish landscape provides an infrastructure for rural development that we must sustain. In particular, Scotland’s landscapes are the main drivers behind a successful and growing tourism industry.

Management plans are in place for the Welsh National Parks and Areas of Outstanding Natural Beauty. CCW is drawing up Conservation Management Plans for four of the most heavily pressured historic landscape areas that are on the Registers of Historic Landscape of Outstanding or Special Historic Interest in Wales. The development of a set of landscape indicators for Wales should allow CCW to monitor landscape change, using LANDMAP information, Wales-wide. When completed, the Wales Landscape Character Map will have the potential to be linked to broad-scale strategic (national and regional) landscape quality objectives. Landscape Partnership Schemes, funded by HLF and local partnerships, develop Landscape Conservation Action Plans for distinctive landscape areas that are defined through a rigorous process of evidence gathering and evaluation. This includes evidence about what local people value about their landscapes. The actions defined in the plans reflect risks, opportunities and aspirations of partner organisations and local communities.

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*“Implementation: To put landscape policies into effect, each Party undertakes to introduce instruments aimed at protecting, managing and/or planning the landscape.” (article 6, E)*

6.7. Which types of instruments have been adopted for protecting, managing and/or planning landscapes (management agreements, contracts, charters, seals of quality ...)?

Besides existing protected area legislation, there are various management plans, development control plans, planning conditions and planning arrangements, fiscal incentives, grant aid, and sectoral strategies.

Forestry Commission has developed the Forest Plan as an holistic method of considering all elements of forest and woodland management in the context of the local landscape. The process of forest design planning promotes the development of design concepts in perspective and in relation to local landscape character.

The National Forest Strategy 2004-2014 sets out how the National Forest Company will achieve landscape-scale change across 200 square miles of the Midlands. The Strategy includes a dedicated chapter on landscape and has the following objectives that are relevant to the ELC:

- respecting landscape, ecological and cultural character
- achieving a cohesive wooded landscape, by integrating urban, rural and former coalfield sites

- enriching a diversity of landscapes and wildlife habitats and achieving landscape-scale habitat connectivity
- creating a major new recreation and tourism resource with extensive new public access, opening up opportunities for local residents and visitors to see and experience the Forest's landscapes
- community and educational involvement in the Forest's creation and changing landscape, and
- monitoring the effects of, and community views on, landscape change.

As well as having their own ELC Action Plan, the Forestry Commission has published a UK Forestry Standard for woods, trees and forests which emphasises responsibilities and public benefit from forestry. It refers explicitly to the ELC, and contributes to the delivery of the requirements of the European Landscape Convention. The document includes a policy to seek a landscape-scale approach to tree planting, woodland creation and management, which takes account of the interaction between trees, woodlands and land uses, and delivers the benefits of the wider ecosystem services which strategically placed woodland can provide.

Similarly, Forestry Commission Scotland developed the Scottish Forestry Strategy as the Scottish Government's policy on how forests and woodlands can contribute to sustainable land management and delivery of sustainable objectives. The Strategy promotes forest and woodlands that contribute to landscape quality and specifically the undertakings of the ELC.

The Heritage Lottery Fund's Landscape Partnerships are also a good example of ELC implementation, in that communities collaborate to choose which elements of their local landscapes they value and wish to see conserved and enhanced with a view to providing long term social, economic and environmental benefits.

In Wales the emerging ecosystem approach should provide a mechanism for managing landscape in a holistic way.

## **7. Mutual assistance and exchange of information**

*"The Parties undertake to co-operate in order to enhance the effectiveness of measures taken under other articles of this Convention, and in particular:*

- a. to render each other technical and scientific assistance in landscape matters through the pooling and exchange of experience, and the results of research projects;*
- b. to promote the exchange of landscape specialists in particular for training and information purposes;*
- c. to exchange information on all matters covered by the provisions of the Convention". (article 8)*

7.1. Has technical and scientific assistance been conducted with other states and/or regions (pooling and exchange of experience, research work on landscape ...)?

There is a strong working relationship between the agencies of the UK nations, and the Landscape Institute is the professional body for the whole of the UK. Joint guidance on landscape character assessment (2002) has been produced by Natural England and Scottish Natural Heritage, and these organisations with the Countryside Council for Wales are currently working with the Landscape Institute on the revision of the Guidelines for Landscape and Visual Impact Assessment (the industry standard).

There has been an HLC seminar in Toulouse and workshops in Hungary in 2008, EU projects such as COST A27 ('Landmarks' and 'Eucaland'), and attendance at the CoE's ELC workshops.

There are examples of co-operation between Scotland and Northern Ireland on projects such as SNIFFER – Impact of Biofuels Production on Landscapes in Scotland and Northern Ireland.

7.2. Have there been exchanges of landscape specialists?

CCW's initial work to establish a seascapes methodology was undertaken in partnership, with Ireland, using INTEREG III funding.

**8. Transfrontier landscapes**

*“The Parties shall encourage transfrontier co-operation on local and regional level and, wherever necessary, prepare and implement joint landscape programmes.” (article 9)*

8.1. Have actions to encourage transfrontier co-operation been conducted:

8.1.1. between states:

England took part in an Anglo-French transfrontier workshop in May 2008.

Occasional informal discussions and meetings have been held between officers and professionals in Northern Ireland and the Republic of Ireland.

Interest has been shown by the Republic of Ireland in information exchange/participation in the Northern Ireland Protected Areas Network (NIPAN) and in developing landscape projects that straddle the North/South border.

8.1.1.1. at national level?

The government agencies with statutory responsibility for landscape liaison and share experiences, working on joint initiatives where appropriate. There is a UK ELC Monitoring Group which meets periodically to oversee UK progress against ELC objectives.

Networking occurs through co-operation in bodies such as the UK Association of National Park Authorities, National Association of Areas of Outstanding Natural Beauty, and professional bodies such as the Landscape Institute.

The National Forest Company is keen to continue to share its experience by hosting visits to the National Forest from interested organisations. This will build upon a growing number of visits over recent years from international, national and local organisations.

8.1.1.2. at regional level?

Not applicable

8.1.2. between regions of the state?

Wales shares many landscape types across its borders with England, including the Wye Valley Area of Outstanding Natural Beauty, which is jointly managed by the agencies and local authorities on either side of the national border.

The Wales Landscape Character Map areas merge with the Character of England Map areas across the Wales-England border.

## 9. Landscape award of the Council of Europe

*“1. The Landscape award of the Council of Europe is a distinction which may be conferred on local and regional authorities and their groupings that have instituted, as part of the landscape policy of a Party to this Convention, a policy or measures to protect, manage and/or plan their landscape, which have proved lastingly effective and can thus serve as an example to other territorial authorities in Europe. The distinction may be also conferred on non-governmental organisations having made particularly remarkable contributions to landscape protection, management or planning.*

*2. Applications for the Landscape award of the Council of Europe shall be submitted to the Committees of Experts mentioned in Article 10 by the Parties. Transfrontier local and regional authorities and groupings of local and regional authorities concerned, may apply provided that they jointly manage the landscape in question.*

*3. On proposals from the Committees of Experts mentioned in Article 10 the Committee of Ministers shall define and publish the criteria for conferring the Landscape award of the Council of Europe, adopt the relevant rules and confer the Award.*

*4. The granting of the Landscape award of the Council of Europe is to encourage those receiving the award to ensure the sustainable protection, management and/or planning of the landscape areas concerned.” (article 11).*

9.1. Have one or more landscape awards been instituted at national and/or regional level? Do they refer to the European Landscape Convention?

9.1.1. at national level

A UK Landscape Award competition was conducted in 2010 that identified the UK entry to the CoE Landscape Awards in 2011 in which the UK entry, Durham Heritage Coast, received a special mention.

This has operated across the constituent administrations of the UK (England, Northern Ireland, Scotland and Wales).

The competition has been operated again during 2012 to identify a UK entry to the 2013 CoE Awards.

9.1.2. at regional level

Not applicable

## 10. Major changes since the previous report (CEP-CDPATEP (2012) 3)

Detailed developments noted above.



## APPENDIX

**From:** DEJEANT-PONS Maguelonne  
**Sent:** vendredi 16 mars 2012 17:36  
**Subject:** Council of Europe - Conseil de l'Europe - European Landscape Convention - Convention européenne du paysage - National Report - Rapport national 2012



Let. ELC CEP Nat.  
 Report Rappo...

**Subject: Document ELC (2012) Report 2012**

Dear Madam, Dear Sir,

We have pleasure in informing you that the 7<sup>th</sup> Conference of the Council of Europe on the European Landscape Convention will take place in the Palais de l'Europe, in Strasbourg, in March 2013.

As Article 8 of the Convention entitled “*Mutual assistance and exchange of information*”, states that “*the Parties undertake to co-operate in order to enhance the effectiveness of measures taken under other articles of th(e) Convention, and in particular: ... c. to exchange information on all matters covered by the provisions of the Convention*”, we would like to ask you, in view of the preparation of this Conference, if you could complete the attached ‘Document ELC (2012) Report 2012’ and send it by e-mail to [maguelonne.dejeant-pons@coe.int](mailto:maguelonne.dejeant-pons@coe.int), by 15 November 2012.

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



ELC (2012) E  
 National Report 2...

We are sending you for information the previous document CEP-CDPATEP (2009) 3, which was prepared in 2009:

[http://www.coe.int/t/dg4/cultureheritage/heritage/Landscape/ReunionConf/5eConference/CEP-CDPATEP-2009-3-PresentationPolitiques\\_bil.pdf](http://www.coe.int/t/dg4/cultureheritage/heritage/Landscape/ReunionConf/5eConference/CEP-CDPATEP-2009-3-PresentationPolitiques_bil.pdf).

Many thanks for your cooperation.

Yours faithfully,

*Letter sent to the governmental delegates responsible for the European Landscape Convention and copy to the members of the CSO-CEMAT*

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