

# The European Landscape Convention

## Challenges of Participation



*Edited by*  
Michael Jones and Marie Stenseke

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# The European Landscape Convention

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# The European Landscape Convention

Challenges of Participation

 Springer

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# Preface

The present book provides the first extensive presentation of the challenges of public participation in relation to the European Landscape Convention. The idea for the book arose out of a series of special sessions, organized by the editors, on ‘The European Landscape Convention and Participatory Development Planning’, held during the 23rd Session of the Permanent European Conference for the Study of the Rural Landscape (PECSRL) at Lisbon and Óbidos, Portugal, 1–5 September 2008. A total of 21 papers were presented in five sessions. Twelve chapters of this book have developed out of 14 of the papers presented in Portugal. The studies include cases from 11 countries in northern, southern, western, and Eastern Europe. While the planned chapters on Italy, Germany and Russia unfortunately did not materialize, an additional invited chapter provides a case study from Britain. Examples from both signatories and non-signatories of the European Landscape Convention are included.

The chapters are arranged in two main sections. Part I deals with implementation of public participation in relation to the European Landscape Convention, both theoretically and through case studies. Part II is concerned with participatory methods in practice, again through selected cases. The case studies presented here provide illustrations of both successful and less successful applications of participatory approaches to landscape protection, management, and planning. Some lessons that may be drawn from these studies are presented in the concluding chapter.

Each of the main chapters in this book has been subject to peer review by two reviewers, one external and one within the group of contributors. We would like to thank these 26 anonymous reviewers for their constructive suggestions, as well as the seven anonymous reviewers of the original book proposal. We also thank Radmil Popovic of the Department of Geography, Norwegian University of Science and Technology, for technical assistance with a number of the maps and diagrams in this volume, and Linda Clark for compiling the index.

Trondheim, Norway  
Gothenburg, Sweden  
10 June 2010

Michael Jones  
Marie Stenseke

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# Chapter 1

## The Issue of Public Participation in the European Landscape Convention

Michael Jones and Marie Stenseke

**Abstract** The chapter introduces the European Landscape Convention (ELC) and its innovative features compared to earlier approaches to landscape. The Convention provides a new definition of landscape. It applies to all landscapes, not just selected ones, and underlines the diversity of landscapes as a value. It emphasizes that landscape is not an exclusive field for scientific and technical specialists but the concern of everybody, and advocates an enhanced role for public participation in landscape issues. Further, it highlights the principle of subsidiarity, requiring that



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landscape matters should be dealt with as closely to the affected population as possible. Next, the chapter provides a brief discussion of landscape concepts. Three prevailing notions of landscape are presented – landscape as morphology, landscape as scenery, and landscape as polity – and then the ELC’s definition of landscape as an ‘area as perceived by people’. Following this, the chapter discusses the diversity of landscapes as an important common value. Respect for and promotion of cultural diversity is part of the Council of Europe’s objective of promoting a democratic culture based on respect for law while actively involving civil society and citizens. Participation as provided for by the Aarhus Convention and followed up by the European Landscape Convention is then presented, followed by a discussion of the provisions in the ELC for implementation. The chapter concludes with a section on the ELC and participation in practice, briefly introducing the individual chapters of the book.

**Keywords** Landscape definition · Landscape concepts · Diversity of landscapes · Public participation · Implementation of European Landscape Convention (ELC)

## 1.1 The European Landscape Convention

The European Landscape Convention (ELC) is a step in the project of the Council of Europe to protect human rights, pluralistic democracy, and the rule of law. Founded by the Treaty of London in 1949, the Council of Europe aims to achieve greater unity among the nations of Europe in order to safeguard their common heritage of values and ideals that form ‘the source of individual freedom, political liberty and the rule of law’ (Council of Europe, 1949: Preamble and Article 1). The political agenda of the Council of Europe (since 2007 with 47 member countries) is expressed in its Action Plan adopted in 2005. This includes the commitment to ‘promoting common fundamental values: human rights, rule of law and democracy’, under which the goal is specified of strengthening democracy and good governance nationally, regionally and locally through, among other things, citizens’ participation (Council of Europe, 2005: I).

The European Landscape Convention (ELC) celebrates its tenth anniversary in 2010. The Convention was opened for signature at Florence on 20 October 2000 and hence is often referred to as the Florence Convention (Council of Europe, 2000a). It entered into force on 1 March 2004 after the required first ten ratifications had been obtained. By September 2010, 32 Parties had signed and ratified it while a further seven had signed but not yet ratified it. Of the 27 member countries of the European Union (EU), all but three (Austria, Estonia and Germany) have signed the Convention, although two of the signatories (Malta and Sweden) have not yet ratified it. However, the Swedish government announced in November 2010 its decision to ratify the Convention. The EU as such has not so far acceded to the ELC.

The Convention notes that landscape is ‘an important public interest’ and ‘an important part of the quality of life for people everywhere’. Landscape ‘contributes to the formation of local cultures’ and ‘is a basic component of the European natural and cultural heritage, contributing to human well-being and consolidation of the European identity’. Noting that ‘changes in the world economy are in many cases accelerating the transformation of landscapes’, the ELC expresses a response ‘to the public’s wish to enjoy high quality landscapes and to play an active part in the development of landscapes’. Landscape is seen as ‘a key element of individual and social well-being’ and ‘its protection, management and planning entail rights and responsibilities for everyone’ (Council of Europe, 2000a: Preamble).

The stated aims of the ELC ‘are to promote landscape protection, management and planning, and to organise European cooperation on landscape issues’ (Council of Europe, 2000a: Article 3). Parties to the ELC undertake to implement four General Measures (Council of Europe, 2000a: Article 5):

- a. 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;
- b. to establish and implement landscape policies aimed at landscape protection, management and planning. . .
- c. 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. . .
- d. to integrate landscape into its regional and town planning policies and in its cultural, environmental, agricultural, social and economic policies, as well as any other policies with possible direct or indirect impact on the landscape.

Specific Measures that Parties undertake to follow up are: raising awareness among civil society, private organizations, and public authorities of the value of landscapes; training and education related to landscape matters; identification and assessment of landscapes; definition of Landscape Quality Objectives; and implementation of landscape policies (Council of Europe, 2000a: Article 6).

To facilitate the application of the ELC, an *Explanatory Report* was published together with the Convention, discussing in more detail its provisions (Council of Europe, 2000b). It was drawn up by experts under the authorization of the Council of Europe’s Committee of Ministers, although it is not meant as an authoritative interpretation of the treaty’s provisions (Olwig, 2007: 588).

In 2008, *Guidelines for the Implementation of the European Landscape Convention* were recommended by the Council of Europe’s Committee of Ministers (Council of Europe, 2008). They contain ‘a series of theoretical, methodological and practical guidelines’ for the implementation of the ELC and set out a number of general principles. It is stated that: ‘The identification, description and assessment of landscapes constitute the preliminary phase of any landscape policy’. Landscape strategies are to be drawn up at each administrative level. The landscape dimension is to be integrated into territorial policies (spatial management plans) and

sectorial policies. Every planning action or project should comply with Landscape Quality Objectives, aiming to improve landscape quality or at least prevent a decline (Council of Europe, 2008: §I.1). Landscape policies are not to be considered as additional to other policy themes but as an integral part of them. Operationally, a transition is presupposed from policy based only on protecting outstanding landscape features to policy based on the ‘quality of all living surroundings, whether outstanding, everyday or degraded’. New forms of collaboration between various bodies and levels of administration are advocated. Territories should be viewed as a whole rather than places to be protected simply being identified. Several approaches should be combined, linking ecological, archaeological, historical, cultural, perceptual, and economic perspectives, and both social and economic aspects should be considered (Council of Europe, 2008: §I.4).

The ELC is the first international treaty specifically devoted to landscape as a unity. The history of the ELC’s origins is summarized in the Convention’s *Explanatory Report* (Council of Europe, 2000b: I). The Convention was drawn up on the initiative of the Congress of Local and Regional Authorities of the Council of Europe (CLRAE), a political assembly representing c.200,000 local and regional authorities. Hence it has administratively a bottom-up rather than a top-down impetus. Inspiration was provided by the Mediterranean Landscape Charter, adopted in Seville in 1993, and aimed at developing landscape conservation and management policy to meet the threats that uncontrolled development posed for ecological and historical landscape values (Sarlöv Herlin, 2007). The predecessor of the CLRAE, the Standing Conference of Local and Regional Authorities of Europe, called in 1994 for a framework European convention on the management and protection of cultural landscapes based on the Mediterranean Landscape Charter. The following year, the European Environment Agency of the EU published *Europe’s Environment: The Dobriš Assessment* (Stanners and Bourdeau, 1995), in which the Council of Europe was encouraged to take the lead in drawing up a European convention on rural landscapes. The same year the World Conservation Union (IUCN) advocated an international convention on protection of rural landscape in Europe in its report *Parks for Life* (IUCN, 1995). The work of drafting the European Landscape Convention, beginning in 1994, involved extensive consultation with interested international organizations, national governments, and regional authorities, as well as scientific bodies and non-governmental organizations.

Maguelonne Dejeant-Pons, Head of the Spatial Planning and Landscape Division of the Council of Europe, in describing the scope and originality of the Convention (Dejeant-Pons, 2006: 365–367), states that it ‘represents an important contribution to the implementation of the Council of Europe’s objectives’. She points out that the ELC is ‘the first international treaty to be exclusively concerned with all dimensions of European landscape’. Unlike UNESCO’s Convention Concerning the Protection of the World Cultural and Natural Heritage of 1972, the ELC covers all landscapes, not just those of ‘outstanding universal value’. Its objective is not to list landscape assets of exceptional value, but to promote rules and principles for landscape protection, management, and planning relevant for all types of landscape. In the wording of the ELC’s *Explanatory Report* (Council of Europe, 2000b: §45):

The Convention's original feature is that it applies to ordinary landscapes no less than outstanding ones, since all decisively influence the quality of Europeans' surroundings. Thus everyday, outstanding and damaged landscapes all come within its scope. This comprehensive coverage is justified for the following reasons: every landscape forms the setting for the lives of the population concerned; urban and rural landscapes interlock in complex ways; most Europeans live in towns and cities (large or small), the quality of whose landscapes greatly affects their lives; and rural landscapes occupy an important place in the European consciousness. It is also justified by the profound changes which European landscapes, particularly peri-urban ones are now undergoing.

All in all, the ELC contains a number of innovative features compared to earlier approaches to landscape. It provides a new definition of landscape. It applies to all landscapes, not just selected ones, and underlines the diversity of landscapes as a value. It emphasizes that landscape is not an exclusive field for scientific and technical specialists but the concern of everybody, and advocates an enhanced role for public participation in landscape issues. It highlights the principle of subsidiarity, requiring that landscape matters should be dealt with as closely to the affected population as possible.

## 1.2 The Landscape Concept

The advent of the ELC has led to discussion of how understandings of landscape in legislation, policy, planning, and management may be affected (e.g. Ermischer, 2004; Howard, 2004; Sarlöv Herlin, 2004; Scazzosi, 2004; Groening, 2007; Jones, 2007; Jones et al., 2007; Olwig, 2007). Not least, the enhanced role for public participation is likely to influence the conceptualization and use of the term.

In the Convention's approach, the landscape is not simply 'a given assemblage of physical objects, which can be objectively analysed by the natural or social scientist', but a product of 'changeable cultural perceptions and identities' (Olwig, 2007: 581). The meaning of the term 'landscape' is broader than that of a view or scenic panorama, which characterized many environmental and historical heritage policies earlier, and broader than 'nature' or 'environment' (Scazzosi, 2004: 337). The Convention challenges perceptions by some scientists, technicians, and planners of landscape as a form of scenery (Olwig, 2007: 582). Nor is the landscape an objective scenic location but 'a place constituted through the tangible and intangible social and cultural practices that shape the land'; further, 'it is not primarily the experts who are to plan and develop this landscape, but rather, the people whose daily practices and perceptions shape the social and physical landscape' (Olwig, 2007: 581). Olwig (2007: 584–585) points out that through the role of the CLRAE the genesis of the European Landscape Convention lies in a convening of local and regional authorities. In Olwig's words (2007: 579–580):

...the 'conventional' meaning of landscape does not lie in the establishment of a fixed, theoretically founded, definition from which planning is to proceed (as in classic top down planning). Rather this meaning must be found in the process that sets in motion a plethora of gatherings involving members of various interest groups, politics and communities, in



which the common perception of landscape that emerges provides a basis for subsequent practice. This perception of landscape is therefore largely the outcome of public discursive practice rather than scientific reasoning.

The term ‘landscape’ has a diversity of contemporary meanings as well as historical layers of meaning. Discussions of the landscape concept have produced a vast literature (recent examples include Cosgrove, 2000; Ingold, 2000; Mitchell, 2000: 89–144; Mitchell, 2002; Olwig, 2002; Rose, 2002; Jones, 2003; Winchester et al., 2003; Widgren, 2004; Wylie, 2007; Jones and Olwig, 2008; Gray, 2009; Morin, 2009; Wylie, 2009). In the following (based on Jones 2010), three prevailing notions of ‘landscape’ are presented – landscape as morphology, landscape as scenery, and landscape as polity – and then the definition of ‘landscape’ in the European Landscape Convention.

### ***1.2.1 Landscape as Morphology***

The conception of landscape as morphology focuses on the material forms of our physical surroundings. Landscape in this sense is studied by scientists, ostensibly in an objective manner, as an areal unit of distinctive physical character, associated forms or interrelated features. A distinction is often made between natural forms of the landscape, studied from a natural science perspective, and cultural forms, studied from a humanities or social science perspective, although what is natural and what is cultural is subject to discussion. The landscape is variously depicted in maps, photographs, or perspective drawings, as well as being presented in descriptive texts and, for quantified information, in tables and graphs.

These presentations appear objective but nonetheless express a particular view. When addressing landscape change, this approach focuses on changing material forms such as land cover (especially vegetation), buildings, settlements, and other artefacts. The choice of what landscape elements and landscape changes are specifically examined is bound up with ideas of what is important or significant. Although dealing with objectively perceivable phenomena, these ideas of significance often paradoxically contain implicit or explicit judgements of what is ‘beautiful’ or ‘ugly’, ‘good’ or ‘bad’, ‘right’ or ‘wrong’, and ‘desirable’ or ‘undesirable’. Such value judgements may be hidden in the terminology that is used. When we speak of the ‘impacts’ of humans on nature, they are frequently seen as harmful and therefore regarded in a negative light (e.g. carbon emissions, pollution, habitat fragmentation, or technical installations), and similarly in the case of impacts of nature on humans (e.g. volcanic eruptions, earthquakes, or tsunamis). Globalization is frequently presented as having negative impacts on the landscape. When a distinction is made between ‘deliberate’ and ‘unintended’ landscape changes, the latter are regarded as more problematical than the former because their consequences are less easy to foresee. Landscapes that show visible signs of social deprivation and poverty are frequently judged negatively. Physical planning, nature conservation, and cultural heritage management are activities that typically involve description, registration,



and inventory of the landscape's morphology (among other things) before making recommendations concerning which landscape forms are 'good' or 'desirable' and hence worthy of preservation.

### ***1.2.2 Landscape as Scenery***

The conception of landscape as scenery relates to the visual content of an area observed from a particular viewpoint. This frequently refers to the aesthetic experience of the landscape. Landscape is here studied as an expression of subjective human experiences, feelings, and emotions. The human experience of the physical surroundings varies not only according to the season, weather or time of day, but can also be affected by the mood or fantasy of the observer. This meaning of landscape developed from the Renaissance onwards, and was constituted through theatre, art, and literature. Landscape as 'a way of seeing' (Cosgrove, 1984) initially expressed the view of property owners, which was made to seem natural through the use of perspective drawing. Gillian Rose (1992) has argued that, as the landowner was generally a man, this was also the landscape of the male gaze. However, although it was an elite view, it resonated among a wider population, especially in the period of national romanticism in nineteenth century, when landscape paintings were a means of evoking strong feelings of national sentiment. Such representations of landscape expressed the experiences of artists and writers, but when they were reproduced and disseminated they contributed to expectations concerning the landscape among a wider public. In this way, ideals of landscape were 'socially constructed'.

When the landscape changes, these ideals provide a measure against which the changes can be assessed (frequently negatively). Such ideals have a strong influence on physical planners and conservationists regarding acceptable change and visions of future landscapes, which when implemented can in turn lead to changes in the physical landscape. Representations of landscape, too, vary over time as a result of changing interpretations and ideologies, changing artistic ideals, and changing media (e.g. photography and film). A significant feature in our times is the tourist industry, and its effects on perceptions of landscape beauty as well as on the shaping of physical landscapes (Urry, 2002).

### ***1.2.3 Landscape as Polity***

The conception of landscape as polity is the earliest use of the term 'landscape' and is closely related to law. It referred to historical administrative-territorial units in which the land was literally shaped according to the customs and laws of the people, including specific systems of land rights. Kenneth R. Olwig (2002) has demonstrated that the medieval notion of 'landscape' incorporated the characteristics and conditions of a land, including its customs, institutions, and law-making

bodies. Historically, the territorial *landskap* or *landskab* of Scandinavia was a politically organized unit or polity within which the shaping of the land expressed the practices of the area's legal system and culture. In the German-speaking areas of Schleswig-Holstein, once under the Danish crown, the last political *Landschaften*, as they were called, disappeared in the mid-nineteenth century. In Sweden, although no longer existing as formal administrative areas, *landskap* are remembered and remain important for people's feelings of regional identity. The internally autonomous *Landskap* of Åland in Finland is an example of a modern self-governing landscape polity.

The role of custom in the landscape polity has helped inspire newer ideas of landscape as a reflection of habitus, practice, and performance. Custom changes according to need and circumstance, yet in a manner that is seen to be in accordance with precedence. Changing customary usages and practices lead to changes in the landscape in ways that are considered acceptable and which do not represent a radical break with the past (Olwig, 2001).

#### ***1.2.4 Landscape as 'An Area as Perceived by People'***

All of the previously mentioned prevailing notions of landscape – as morphology, scenery, and polity – are subsumed in the European Landscape Convention's concept of landscape, and at the same time given the widest possible interpretation (Jones 2010). As morphology, the landscape includes all types of physical landscape as well as waterscape. As scenery, landscape is perceived not primarily by an elite but by people in general. As polity, landscape is the responsibility of elected authorities together with a participating population.

The Convention defines 'landscape' as 'an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors' (Council of Europe, 2000a: Article 1a). Hence landscape is not something objective; it is more than just an area, as 'it also expresses the perceptions of an area that people share, value and use' (Olwig, 2007: 581).

'As perceived by people' implies that the views of all groups should be included, not just the views of a scientific or political elite. The *Explanatory Report* states that: 'Official landscape activities can no longer be allowed to be an exclusive field of study of action monopolised by specialist scientific and technical bodies' (Council of Europe, 2000b: §22). It further specifies that landscape defined in accordance with the Convention may be perceived by 'local inhabitants or visitors' (Council of Europe, 2000b: §38). Landscape protection, management, and planning hence concern the characteristics of the landscape that the involved population wishes to give recognition to in their surroundings (Jones, 2007: 615). The Specific Measures required of the Parties to the Convention include identification of landscapes and analysis of 'their characteristics and the forces and pressures transforming them', and assessment of landscapes 'taking into account the particular values assigned to them by the interested parties and the population concerned' (Council of

Europe, 2000a: Article 6.C.2). According to the *Explanatory Report*, the quality of landscapes should be assessed taking into account the particular values of different kinds assigned to them by the general public and interested parties such as landowners and land users or land managers. The point of this evaluation is to provide a basis for judging what landscape features of an area are so valuable that they should be protected; what features need management in order to maintain the quality of the landscape; and what features or areas should be considered for enhancement (Council of Europe, 2000b: §57).

The *Explanatory Report* specifies that the definition of landscape reflects the idea that landscapes evolve through time, acted upon by both natural forces and human beings, and that the landscape's natural and cultural components form a whole and should not be taken separately (Council of Europe, 2000b: §38). The Convention applies to all types of landscape: natural, rural, urban and peri-urban areas; inland waters and marine waters; and landscapes considered to be 'outstanding', as well as 'everyday' and 'degraded' landscapes. It applies to the entire territory specified by the Parties (Council of Europe, 2000a: Article 2).

In the *Guidelines*, it is stated that the identification, description, and assessment of landscapes involve 'an analysis of morphological, archaeological, historical, cultural and natural characteristics and their interrelations, as well as an analysis of change. The perception of landscape by the public should also be analysed from the viewpoint of both its historical development and its recent significance' (Council of Europe, 2008: §I.1.B). However, going on to discuss the Convention's concept of landscape, the *Guidelines* make the point that it differs from concepts that regard landscape as an 'asset' (heritage concept of landscape) and that assess it as 'cultural' or 'natural' landscape considered as part of physical space. The 'new concept' of the Convention focuses on 'the theme of the quality of the surroundings where people live; this is recognised as a precondition for individual and social well-being (understood in the physical, physiological, psychological and intellectual sense) and for sustainable development, as well as a resource conducive to economic activity' (Council of Europe, 2008: §1.2).

The *Explanatory Report* observes that the quality of the surroundings of the European population 'to some extent has to do with the feelings aroused in them by contemplating the landscape. They have come to realise that the quality and diversity of many landscapes are deteriorating as a result of a wide variety of factors and that this is having an adverse effect on the quality of their everyday lives' (Council of Europe, 2000b: §21). The *Guidelines* similarly refer to subjective experience when they discuss the landscape concept (Council of Europe, 2008: §1.2):

Sensory (visual, auditory, olfactory, tactile, taste) and emotional perception which a population has of its environment and recognition of the latter's diversity and special historical and cultural features are essential for the respect and safeguarding of the identity of the population itself and for individual enrichment and that of society as a whole.

Taking into account the 'social perception of landscape and popular aspirations in choices regarding landscape protection, management and planning' is an important part of the 'concept of participation'. The *Guidelines* explicitly relate

this approach to landscape to a particular democratic agenda: In this sense, the concept of landscape proposed by the Convention implies an exercise in democracy whereby differences are accepted, common characteristics found and operational compromises eventually reached; these represent an alternative to the drawing up by experts of hierarchical classifications of landscape qualities (Council of Europe, 2008: §II.2.3.A).

Alongside public involvement is the role of local and regional authorities, in which the principle of subsidiarity is upheld. Protection, management, and planning of landscapes are considered to be most effective if responsibility is entrusted to the competent authorities closest to the communities concerned (Council of Europe, 2000b: §§48–49). The Convention (Council of Europe, 2000a: Article 4) refers to the principle of subsidiarity in relation to the Council of Europe’s European Charter of Local Self-Government (signed in Strasbourg 1985) (Council of Europe, 1985a). This Charter was also an initiative in its time of the Standing Committee of Local and Regional Authorities of Europe, asserting the principles of representative democracy and local autonomy (Council of Europe, 1985b).

### *1.2.5 Diversity of Landscapes*

The emphasis on public participation in the European Landscape Convention is closely related to maintenance of the diversity of European landscapes as an important common value and to recognition of the usefulness of diverse approaches to landscape protection, management, and planning rather than a single universal approach. This is in line with the Council of Europe’s Action Plan of 2005, in which protecting and promoting cultural diversity is one of the means of building a more humane and inclusive Europe. Respect for and promotion of cultural diversity is part of the Council of Europe’s objective of promoting a model of democratic culture based on respect for law while actively involving civil society and citizens (Council of Europe, 2005: III). UNESCO’s Convention on the Protection of Cultural Diversity the same year, affirming that cultural diversity is a defining characteristic of humanity, similarly encourages the active participation of civil society to achieve the convention’s objectives of promoting and protecting the diversity of cultural expressions (UNESCO, 2005).

While taking account of the particular values assigned to landscapes by interested parties and the population concerned, the ELC also expresses some general landscape values. First, it is specified that landscape constitutes a resource for economic activity, and its protection, management, and planning can contribute to job creation. Second, landscape contributes to local cultures as well as to European natural and cultural heritage. Third, landscape is part of people’s quality of life. Fourth, ‘the quality and diversity of European landscapes constitute a common resource’ (Council of Europe, 2000a: Preamble). The *Explanatory Report* states that, besides having local significance, Europe’s landscapes are of value to all Europeans, and are cherished outside the locality and beyond national borders. ‘In their diversity

and quality, the cultural and natural values linked to European landscapes are part of Europe's common heritage'; hence landscape is a collective European concern (Council of Europe, 2000b: §§29–30).

The diversity of European landscapes is a value that runs throughout the Convention. Landscape as an expression of shared cultural and natural heritage and as a foundation of identity is the justification for the ELC's first General Measure, the recognition of landscapes in law (Council of Europe, 2000a: Article 5a). The deteriorating quality and diversity of many landscapes is considered to have an adverse effect on people's everyday lives (Council of Europe, 2000b: §21). The Convention is not confined to either cultural or natural components of landscapes but is concerned with all forms of landscape (Council of Europe, 2000b: §26). Recognition of the landscape's diversity is regarded as essential for people's collective and individual identity and enrichment (Council of Europe, 2008: §I.2).

The value of maintaining diversity is reflected in the approach to landscape measures and policies. The *Explanatory Report* states that extending landscape action to the whole of national territories 'does not imply that the same measures and policies must be applied to all landscapes' but they 'should be adaptable to particular types of landscape, which, depending on their specific characteristics, will need various forms of treatment at local level, ranging from the strictest conservation via protection, management and planning to actual creation' (Council of Europe, 2000b: §27). Parties to the Convention are left with 'the choice of means to be used within their internal legal arrangements to fulfil their obligations. The legal, administrative, fiscal and financial arrangements made in each country should fit in as comfortably as possible within that country's traditions' (Council of Europe, 2000b: §34). The *Guidelines* take 'account of advances and developments in the concept of landscape in Europe and of the diverse existing and practical experience in applying the convention' and pay 'due regard to the freedom, and particularly the creativity, of the authorities of each state to draw up legal, operational, administrative and technical landscape-related instruments' (Council of Europe 2008: Introduction). Further, each state decides on its own institutional organization in landscape matters according to its administrative and cultural traditions and existing structures, whether centralized, decentralized or federal (Council of Europe, 2008: §II.1).

The various experimental practices being developed or already in operation in different European countries 'show a diversity of approach to knowledge production that also reflects the diversity of cultural concepts'. Approaches should, however, be cross-disciplinary to avoid disciplinary compartmentalization of knowledge. Nonetheless, measures 'should not be too interventionist' regarding methods and stakeholders involved in the process of knowledge production (Council of Europe, 2008: §II.2.1).

Finally, the definition of Landscape Quality Objectives should 'link the social requirements and values attached to the landscape by the public to the choice of policy decisions' and 'particular importance should be devoted to the range of social perceptions, which reflect the population's diversity' (Council of Europe 2008: §II.2.2).

### 1.3 Participation

The European Landscape Convention recognizes that landscape is political and advocates principles of landscape governance that actively involve the broad population. The ELC refers in its Preamble to the United Nation's Economic Commission for Europe's Aarhus Convention of 1998 (in force 2001) on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (UNECE, 1998).

The term 'public' can be taken to mean civil society in the broad sense, according to Michel Prieur and Sylvie Durosseau (2006: 165), experts to the Council of Europe. Public participation complements official decision-making by involving individuals and groups who are otherwise outside the formal decision-making process. It can be compared with co-management in resource utilization, defined as 'the sharing of power and responsibility between government and local resource users' (Zachrisson, 2004: 12). The ELC states that participation is to include the general public, local and regional authorities, and other parties with an interest in the implementation of landscape policies (Council of Europe, 2000a: Article 5c). According to Prieur and Durosseau (2006: 205), 'the interpretation of "public" ought to be extended to its meaning in the broadest sense, including individuals regardless of their place of residence'. In other words, participation is intended to be non-discriminatory, which is in accordance with the provision of the Aarhus Convention that it applies 'without discrimination as to citizenship, nationality or domicile' (UNECE, 1998: Article 3.9). This implies that everyone is entitled to a say: administrators, professionals and ordinary people; women, men and children; residents and visitors; citizens and immigrants; and different ethnic groups (see Jones, 2007: 620–622 on the challenges that this provides).

Public participation is implicit in the ELC's definition of landscape as an area 'as perceived by people', and in the definition of Landscape Quality Objectives, meaning 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' (Council of Europe, 2000a: Article 1 a and c). Under Specific Measures, each Party is explicitly to undertake identification and assessment of landscapes 'with the active participation of the interested parties . . . and with a view to improving knowledge of its landscapes'. Once landscapes have been identified, their characteristics, and the forces and pressures transforming them, are to be analysed, the changes are to be taken note of, and the landscapes thus identified are to be assessed 'taking into account the particular values assigned to them by the interested parties and the population concerned' (Council of Europe, 2000a: Article 6.C.1). Further, each Party undertakes to define Landscape Quality Objectives for the landscapes identified and assessed 'after public consultation' (Council of Europe, 2000a: Article 6.D).

The *Explanatory Report* provides the following justifications for participation (Council of Europe, 2000b: §§23, 24 and 36):

23. Landscape must become a mainstream political concern, since it plays an important role in the well-being of Europeans who are no longer prepared to tolerate the alteration of their surroundings by technical and economic developments in which they have had no say. Landscape is the concern of all and lends itself to democratic treatment, particularly at local and regional level.

24. If people are given an active role in decision-making on landscape, they are more likely to identify with the areas and towns where they spend their working and leisure time. If they have more influence on their surroundings, they will be able to reinforce local and regional identity and distinctiveness and this will bring rewards in terms of individual, social and cultural fulfilment. This in turn may help to promote the sustainable development of the area concerned, as the quality of landscape has an important bearing on the success of economic and social initiatives, whether public or private.

36. . . . The landscape is important as a component of the environment and of people's surroundings in both town and country and whether it is ordinary landscape or outstanding landscape. The public is accordingly encouraged to take an active part in landscape management and planning, and to feel it has responsibility for what happens in the landscape.

...

Regarding identification and assessment of landscapes, the *Explanatory Report* states that it is vital that professional fieldwork 'involves the local community, the general public and the various other stakeholders by means of surveys and information meetings' (Council of Europe, 2000b: §56). However, the *Explanatory Report* then addresses the problems that assessment raises in a revealing manner (Council of Europe, 2000b: §57):

... This process must take account of the concerned people's opinion and the interests linked to sectoral policies, and here views may well be highly subjective and differ considerably. It may well be worth performing the evaluation according to objective criteria first, then comparing the findings with the various assessments of the landscape by people concerned and other interest groups. If necessary, this comparison could be carried out by public enquiry, with the interested parties having the right to express their opinion. Public participation in this type of procedure could be fostered by providing the public with information, consulting all representative bodies, using the media and conducting awareness-raising campaigns at all levels.

There appears to be a mismatch here between the Convention and the *Explanatory Report* regarding the relationship between experts and the public. Public perceptions of landscape are inevitably subjective and variable, but recommending an objective evaluation – as if any criteria can be objective – is questionable. Although public participation in the form of a public enquiry is referred to, the procedure described is very top-down (Jones, 2007: 619–620). This has been pointed out by Olwig (2007: 591) in a critical analysis of the 'discursive tension' between the Convention and its *Explanatory Report*, when he states:

The kind of 'public enquiry' envisioned in the explanatory report treats landscape as something that is known to experts and inculcated into the populace through information campaigns before that population is then allowed to exercise the right bestowed upon them to express an opinion.



Olwig (2007: 588–591) observes that where the Convention takes a broad cultural approach to landscape, some parts of the *Explanatory Report*, especially relating to the Specific Measures, are often quite technical and instrumental. It can be added that its approach here very much views the landscape as morphology. For example, regarding awareness-raising, the *Explanatory Report* states that, in the ‘crucial question’ of public awareness, ‘every citizen has a share in the landscape and in the duty of looking after it, and the well-being of landscapes is closely linked to the level of public awareness’; however, the means proposed for awareness-raising are ‘campaigns for informing and educating the public, elected representatives and associations about the value of present and future landscapes’ (Council of Europe, 2000b: §52). Regarding training and education in landscape matters, these are supposed to be multidisciplinary, yet the *Explanatory Report* seems satisfied with specialist training, improvement of technical expertise, and development of school and university courses related to landscape ‘so that young people become aware of the issues concerning the environment in which they live’ (Council of Europe, 2000b: §53). Regarding identification and assessment of landscapes, the *Explanatory Report* advocates the use of geographical information systems and computerized mapping to study physical features of the landscape (Council of Europe, 2000b: §55). Surveys, information meetings, awareness-raising campaigns, and use of the media are a very one-sided approach to public involvement.

Olwig (2007: 591) concludes that, although technical expertise is useful and should play a role, what may be more needed is ‘the cultural expertise necessary to interpret and make conscious the daily landscape practices that are often taken for granted, and which can only be sustained if their value is recognized and their continuation encouraged.’

The *Guidelines*, issued 5 years after the *Explanatory Report*, are considerably less one-sided regarding involvement of the public. With regard to public participation, the *Guidelines* state (Council of Europe, 2008: §I.1.G):

All action taken to define, implement and monitor landscape policies should be preceded and accompanied by procedures for participation by members of the public and other relevant stakeholders, with the aim of enabling them to play an active role in formulating, implementing and monitoring landscape quality objectives.

Under the definition of landscape, the *Guidelines* emphasize ‘the rights and responsibilities of populations to play an active role in the processes of acquiring knowledge, taking decisions and managing the quality of the places where they live. Public involvement in decisions . . . is regarded not as a formal act but as an integral part of management, protection and planning procedures’ (Council of Europe, 2008: §I.2). Further: ‘Participation, consultation, pooling of ideas and approval (between institutions and the population, horizontal and vertical) should be organised at all stages in this process’ (Council of Europe, 2008: §II:2). The development of landscape knowledge should, among other things, include ‘recognition of characteristics and value systems based on analysis by experts or knowledge of the social perceptions of landscape . . . gained through various forms of public involvement in



the process of landscape policy definition. . .’ (Council of Europe, 2008: §II.2.1). Regarded as a means of strengthening the identities of populations through recognizing themselves in their surroundings, participation is presented in the following words (Council of Europe, 2008: §II.2.3.A):

Public participation, which may entail contradictions resulting from the diversity of the value systems espoused by the various social groups, should be regarded as enriching and as an opportunity to validate knowledge and the definition of objectives and action.

Participation implies two-way communication from experts and scientists to the population and vice versa. The population possesses empirical knowledge (local and naturalistic knowledge) that may be useful in completing and contextualising specialist knowledge.

This also has an influence on ‘assessment’ activity, understood as a dialectical comparison between analyses by experts and the values attached by the population to landscape, in the knowledge that different systems of ‘value’ and ‘non-value’ exist that may be well-entrenched or still in the process of definition; these value systems (universal, specific to national cultures, to local cultures, to each individual’s culture) belong to both scholarly culture and to popular culture: they are qualitative and not quantifiable and some of them are sometimes mutually opposed.

Further, the *Guidelines* propose a wide range of awareness-raising methods, where the emphasis is on exchanges between local people affected by planning on the one hand, and scientists and experts possessing technical knowledge on the other (Council of Europe, 2008: §II.2.3.B).

Two levels of participation in relation to landscape have been identified by Prieur and Duousseau (2006). The first is in the definition of landscape policy. The second is in the implementation of landscape policy. They note that ‘the public, as a rule, is more sensitive to visible operations than to plans’ and that the public takes most notice ‘during the actual implementation of projects in the field’ when ‘decisions are made to build or carry out works, the often irreversible character of which will have an impact on the environment, whether on landscape, soil or biological diversity’ (Prieur and Duousseau 2006: 203–204). A major challenge is to get the public involved early, before implementation has gone so far that public participation is too late to be effective (Jones, 2007: 619).

The Convention is concerned with problems caused by globalization (‘changes in the world economy’) and the need to achieve sustainable development, but is little concrete on the challenges for landscape protection, management, and planning resulting from other issues of major importance in the early twenty-first century, such as climate warming, loss of biodiversity, economic recession, increasingly multicultural societies, and terrorism. These are issues in which the instincts of governments are often to act in a rather authoritarian, top-down manner rather than to approach them through broad public participation at an early stage. The solutions adopted for many of these problems will in themselves affect landscapes in multiple ways. The ways in which participation is practised in relation to the ELC, and the importance given to it by governments and other administrative authorities, will indicate how far the ideals of the Council of Europe will be followed in tackling the major issues facing European society in the near future.

## 1.4 Implementation

With regard to participation, the *Explanatory Report* confirms that: ‘Landscape is an issue which affects the whole population and care for the landscape requires collaboration between a wide range of individuals and organisations’ (Council of Europe, 2000b: §50.c). Implementation is to take place at all levels from the European level to the local level. The *Explanatory Report* states (Council of Europe, 2000b: §25):

The general purpose of the Convention is to encourage public authorities to adopt policies and measures at local, regional, national and international level for protecting, managing and planning landscapes throughout Europe so as to maintain and improve landscape quality and bring the public, institutions and local and regional authorities to recognize the value and importance of landscape and to take part in related public decisions.

At the European level, Parties undertake to cooperate regarding the landscape dimension of international policies and programmes, to render each other mutual assistance and exchange information, to encourage cooperation on transfrontier landscapes, and to monitor the implementation of the Convention (Council of Europe, 2000a: Articles 7–10). The Convention has established the Landscape Award of the Council of Europe as a distinction for lastingly effective landscape policies or measures that can serve as an example (Council of Europe, 2000a: Article 11). The Council of Europe organizes at intervals Conferences of Member States of the European Landscape Convention as well as regular Workshops for the Implementation of the European Landscape Convention (Council of Europe n.d.). The work of implementing the ELC is supported by a number of networks: the European Network of Local and Regional Authorities for the Implementation of the European Landscape Convention (RECEP-ENELC, 2009) was founded in 2006; the European Network of Universities for the Implementation of the ELC (UNISCAPE, 2009) and Non-Governmental Organisations for the ELC (CIVILSCAPE, 2010) were established in 2008. Another, more recent, network is LANDSCAPE EUROPE (2010), an interdisciplinary network of national research institutions with expertise in landscape assessment, planning, and management. These networks arrange their own conferences on European landscapes. Other conferences with European participation are organized by national bodies.

Each Party to the Convention is to implement it according to its own division of powers (Council of Europe, 2000a: Article 4). In accordance with the principle of subsidiarity, Parties should implement the Convention at the ‘most appropriate level’. Each country should set out the tasks and measures for which each level is responsible – national, regional, or local – and lay down rules for inter-level co-ordination (Council of Europe, 2000b: §§48–49). Application should be adaptable, allowing a choice of means, accepting that there is no universally acknowledged method for studying, identifying, and evaluating landscapes (Council of Europe, 2000b: §§27, 34 and 58).

In order to put landscape policies into effect, Parties to the ELC undertake ‘to introduce instruments aimed at protecting, managing and/or planning the landscape’ (Council of Europe, 2000a: Article 6.E). Protection, management, and planning are

three terms frequently used in the Convention and are clearly defined (Council of Europe, 2000a: Article 1):

- *Landscape protection* means ‘actions to conserve and maintain the significant or characteristic features of a landscape, justified by its heritage value’. It consists according to the *Explanatory Report* of ‘measures to preserve the present character and quality of a landscape which is greatly valued on account of its distinctive natural or cultural configuration’ and involves ‘upkeep measures to preserve significant features of a landscape’.
- *Landscape management* means actions in accordance with the principle of sustainable development ‘to ensure the regular upkeep of a landscape, so as to guide and harmonise changes which are brought about by social, economic and environmental processes’. The explanation underlines that the management approach must be dynamic and ‘seek to improve landscape quality on the basis of the population’s expectations’.
- *Landscape planning* means ‘strong forward-looking action to enhance, restore or create landscapes’. The *Explanatory Report* elaborates this as ‘the formal process of study, design and construction by which new landscapes are created to meet the aspirations of the people concerned’, including in particular the areas most affected by change and badly damaged areas which need to be radically reshaped (Council of Europe, 2000b: §40).

The *Guidelines* elaborate on the concepts of landscape protection, management, and planning, emphasizing their dynamic character as landscape actions. Protection ‘includes the idea that landscape is subject to changes which, within certain limits, have to be accepted’. Protective measures ‘should not be designed to stop time or to restore natural or human-influenced characteristics that no longer exist’ but ‘guide changes in sites in order to pass on their specific, material and immaterial features to future generations’. Management is ‘a continuing action aimed at influencing activities liable to modify landscape’ and ‘can be seen as a form of adaptive planning, which itself evolves as societies transform their way of life, their development and surroundings’. Landscape planning ‘can anticipate new social needs by taking account of ongoing developments.’ It also covers ‘the rehabilitation of degraded land (mines, quarries, landfills, wasteland, etc.) so that they meet the stipulated landscape quality objectives’ (Council of Europe, 2008: §I.5).

The *Guidelines* include a long discussion of criteria and instruments for landscape policies (Council of Europe, 2008: §§II.2 and II.3.3, and Appendix 1). On methods of implementation, a distinction is drawn between regulatory and voluntary implementation. The former is contained in legislation or policy documents, while the latter is based on agreements between the authorities and stakeholders, such as landscape management agreements (Council of Europe, 2008: §II.3).

Periodically, reports on the status of implementation of the ELC have been sent in by European states to the Council of Europe. The first time this was done was in 2003, before the Convention had entered into force (Council of Europe, 2003). Information was received from 27 states and 2 autonomous regions (in Belgium) –

including not only signatories – and provided answers to a series of questions. The questions concerned definitions of the term ‘landscape’ in each language, legal organization, and administrative organization. The information was presented in summary and tabular form. In 2007 and 2009, the questionnaires returned by each state were presented (Council of Europe, 2007, 2009). In addition to the questions answered in 2003, there were answers to questions on implementation of the ELC’s General and Specific Measures, European cooperation, and landscape awards. In 2007, there were 13 reports (including two from Belgium); all but one were from countries that had answered in 2003. In 2009, there were 10 reports (including two non-signatories); two countries had also answered in both 2003 and 2007, six had previously answered only in 2003, and two were new. It is difficult to say whether the declining number of reports indicates declining interest in the ELC or whether it reflects a judgement that it is not necessary to send in reports every time. The amount of information and thoroughness of the answers varies considerably from country to country. This may reflect varying enthusiasm for the ELC, or it may reflect varying administrative capacity. The United Kingdom and Wallonia in Belgium have reported on all three occasions and are among the countries providing the most detailed reports.

The reports reveal a diversity of administrative and legal arrangements concerning landscape, which is in accordance with the terms of the Convention. For example, ministerial responsibility may be concentrated in a single ministry (most often environment, or environment combined with planning, agriculture or cultural heritage), or split among several ministries. In federal states or states with regional devolution, landscape may be primarily the responsibility of the regions. This is made clear in the reports from Austria, and may be a contributory reason why (like Germany) it has not signed the Convention. Belgium has ratified the Convention both nationally and in each of its regions. In Spain landscape is primarily the responsibility of the regional autonomous communities, while in the United Kingdom it is both a national responsibility and a devolved responsibility in Scotland, Wales, and Northern Ireland. As far as resources earmarked for landscape in the different countries are concerned, the answers are fairly evenly divided between those countries that have specifically allocated funding or personnel to landscape matters, and those that deal with landscape within existing budgets.

As many respondents have legal definitions of landscape as do not, some have several definitions, but only three (Croatia, Cyprus and Wallonia in Belgium) have formally adopted the definition of the ELC. Some states refer to landscape in their constitution or basic law, a few have a specific law dealing with landscape, while in most cases landscape is included in a variety of laws concerning environment, cultural heritage, planning and/or agriculture.

With regard to public participation, the reports vary considerably in the amount of detail provided. Most detail is provided by the United Kingdom, which lists consultation, public inquiries, stakeholder partnerships, and involvement of community groups. A number of countries refer to legal provisions for public participation, most commonly in planning legislation. Where the type of participation is specified, meetings, hearings, and inquiries are the most common forms. A few countries

report that participatory procedures in accordance with the Convention have yet to be implemented. Taken as a whole, the reports give only a very small glimpse into the reality of public participation in landscape issues in Europe, and the status and significance given to it.

## **1.5 The European Landscape Convention and Participation in Practice**

The present book illustrates through a number of case studies the workings and experiences of public participation in relation to landscape in selected European countries. The objective is to contribute towards an understanding of the state of public participation in European landscapes. One aim is to explore the manner in which the European Landscape Convention has been implemented regarding the obligations to recognize landscape in law and to establish and implement procedures for public participation in landscape matters. A second aim is to provide a basis for comparing experiences in different countries. The benefits, difficulties, and limits of the participatory approach are examined through examples from countries that have both ratified and not ratified the Convention. The case studies include a country that ratified the ELC at an early stage (Norway in 2001), countries that ratified it more recently (Belgium and Poland in 2004, the Netherlands and Portugal in 2005, France and the United Kingdom in 2006, and Spain in 2007) or have only just ratified it (Greece in 2010), a country that has signed but not yet ratified it (Sweden signed in 2001, while it announced its decision to ratify it in November 2010), and a country that has not signed it (Estonia).

The approaches in the different chapters to the theme of participation are in part theoretical, in part methodological, and in part empirical. The first part of the book deals with the implementation of participation theoretically and through case studies. Michael Jones provides initially a theoretical analysis of participatory procedures in which lessons are drawn from the literature on participation, including a critique of prevailing orthodoxy regarding participatory approaches in Third World development projects. The extent to which participation has been implemented varies in Europe from country to country. Henk Baas, Bert Groenewoudt, and Edwin Raap examine how implementation of the ELC has gained a fair degree of success in the Netherlands through well-considered efforts to involve the general public, scientists, and local authorities in a process of working together. Karoline Daugstad discusses how ideology and practice affect the implementation of participatory approaches in nature conservation in Norway. Anna Majchrowska examines how lack of strong commitment at ministerial level has hindered the drawing up of a national landscape policy in Poland and provided an obstacle to the introduction of effective public participation. The chapter by Berezi Elorrieta and Dolores Sánchez-Aguilera shows that delegation of landscape regulatory powers to Spain's regional autonomous communities respects regional differences but results in varying fulfilment of the objectives of the ELC. Theano S. Terkenli explores the absence of a

well-developed landscape conscience in Greece, resulting in a lacking concern for landscape issues in both public and private life.

The second part of the book presents examples of participatory methods in practice. The chapter by Yves Michelin, Thierry Joliveau, and Claire Planchat-Héry discusses the advantages and limitations of different tools in participatory processes concerning landscape projects in France and presents a typology of techniques for landscape mediation. Claire Planchat-Héry also presents the Prospective Vision as a participatory method applied in two communities in respectively France and Belgium. Isabel Loupa Ramos addresses experts' and stakeholders' perspectives regarding the future of the landscape in a remote part of Portugal through the use of landscape scenarios in relation to the formulation of Landscape Quality Objectives. The chapter by Morten Clemetsen, Erling Krogh, and Kine Halvorsen Thorén examines a methodology involving 'sense of place' as a means of bringing in local people's perceptions of landscape in Norway. Neil Spencer provides a case study of participatory management of a river catchment landscape in England. The example from Sweden, by Anders Larsson, Anna Peterson, Elinor Bjärnberg, Christine Haaland, and Mats Gyllin, is a pilot study for a Regional Landscape Strategy, focusing on methods of public participation involving equestrians and landowners. The case study from Estonia, by Monika Suškevičs and Mart Külvik, provides lessons from landowner participation in Natura 2000 designations. The case studies illustrate both successful and less successful applications of participatory approaches to landscape protection, management, and planning. Some lessons that may be drawn from these studies are presented in the concluding chapter.

The presentation of case studies from a range of different countries reveals the way in which Europe's social and cultural diversity is reflected in varying approaches to landscape, law, and public participation. The European Landscape Convention allows a large degree of freedom regarding how the Convention and the requirement of public participation are implemented. This is necessary in order to take into consideration the large variety of administrative arrangements in different European countries as well as to take into account the aspirations of the many different types of stakeholders and the large number of regional and local authorities involved. Effective public participation faces the challenges of meeting the costs involved, arguing for the benefits, creating the trust necessary for a successful process, combating apathy or passive and even active opposition, and overcoming powerful vested interests. Participatory approaches are not limited to local participation but include participation at all levels. It is vital to combine expert scientific and technical knowledge with the empirical knowledge and experiences of the general public.

The present book does not provide a recipe for successful public participation, but presents examples of participation in practice. Different methods of participation may be suitable in different situations. Participation is a process as much as a method or set of methods. The main purpose of the methods is to provide tools for communication in order to make conflicting interests specific and to create the conditions for dialogue.