

COUNCIL OF EUROPE

COMMITTEE OF MINISTERS

RECOMMENDATION No. R (95) 9

OF THE COMMITTEE OF MINISTERS TO MEMBER STATES

ON THE INTEGRATED CONSERVATION OF CULTURAL LANDSCAPE AREAS AS PART OF LANDSCAPE POLICIES

*(Adopted by the Committee of Ministers on 11 September 1995
at the 543rd meeting of the Ministers' Deputies)*

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

Considering that the aim of the Organisation is to achieve a greater unity between its members for the purpose of facilitating in particular their economic and social progress;

Having regard to the Convention concerning the Protection of the World Cultural and Natural Heritage, adopted in Paris on 16 November 1972;

Having regard to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities, opened for signature in Madrid on 21 May 1980;

Having regard to Recommendation No. R (80) 16 on the specialised training of architects, town planners, civil engineers and landscape designers;

Having regard to the European Regional/Spatial Planning Charter, adopted in Torremolinos on 20 May 1983 by the European Conference of Ministers responsible for Regional Planning;

Having regard to the Convention for the Protection of the Architectural Heritage in Europe, opened for signature in Granada on 3 October 1985;

Recalling the campaign for the countryside conducted by the Council of Europe in 1987 and 1988;

Bearing in mind Directive No. 337 of the European Communities, on the assessment of the effects of certain public and private projects on the environment, adopted on 27 June 1985;

Having regard to the European Convention for the Protection of the Archaeological Heritage, opened for signature in Malta on 16 January 1992;

Bearing in mind Directive No. 43 of the European Communities, on the conservation of natural and semi-natural habitats, adopted on 21 May 1992;

Having regard to the conclusions of the United Nations Conference on Environment and Development, held in Rio de Janeiro from 3 to 14 June 1992;

Bearing in mind Regulation No. 2078 of the European Communities, on agricultural production methods compatible with the requirements of the protection of the environment and the maintenance of the countryside, adopted on 30 June 1992;

Recalling the need to achieve a harmonious balance in relations between society and its environment with a view to promoting sustainable economic development;

Noting that agricultural, forestry and industrial production techniques and practices with regard to housing, redevelopment, tourism and leisure as well as socio-economic changes have the effect of modifying the landscape and threatening the existence of European cultural landscape areas;

Observing that the protection and enhancement of cultural landscape areas and the landscape helps to preserve the folk memory and cultural identities of human communities and is a factor in the improvement of their environment;

Recognising that the environment is a dynamic system comprising natural and cultural elements interacting at a given time and place which is liable to have a direct or indirect, immediate or long-term effect on living beings, human communities and heritage in general;

Considering the need to develop strategies for integrating the managed evolution of the landscape and the preservation of cultural landscape areas as part of a comprehensive policy for the whole landscape, by providing for the unified protection of the cultural, aesthetic, ecological, economic and social interests of the territory concerned;

Considering the need to step up research and co-operation between the various European institutions concerned and to co-ordinate local, national and cross-border policy on the landscape more closely with regional planning, agricultural and forestry policy and the conservation of the cultural and natural heritage, in the broader context of environmental policy,

Recommends that the governments of member states shape their policies for cultural landscape area conservation and managed evolution within the context of general landscape policy, in accordance with the principles set out in the appendix to this recommendation.

Appendix to Recommendation No. R (95) 9

Definitions

Article 1

For the purpose of this recommendation, the terms below are taken to mean:

Landscape: formal expression of the numerous relationships existing in a given period between the individual or a society and a topographically defined territory, the appearance of which is the result of the action, over time, of natural and human factors and of a combination of both.

Landscape is taken to have a threefold cultural dimension, considering that:

- it is defined and characterised by the way in which a given territory is perceived by an individual or community;
- it testifies to the past and present relationships between individuals and their environment;
- it helps to mould local cultures, sensitivities, practices, beliefs and traditions.

Cultural landscape areas: specific topographically delimited parts of the landscape, formed by various combinations of human and natural agencies, which illustrate the evolution of human society, its settlement and character in time and space and which have acquired socially and culturally recognised values at various territorial levels, because of the presence of physical remains reflecting past land use and activities, skills or distinctive traditions, or depiction in literary and artistic works, or the fact that historic events took place there.

Conservation: the dynamic application of appropriate legal, economic and operational measures to preserve specific assets from destruction or deterioration and to safeguard their future.

Landscape policies: all agreed frameworks defined by the competent authorities and applying to different actions by public authorities, landowners and others concerned with managing the evolution of a landscape and its enhancement, in accordance with the wishes of society as a whole.

Visual pollution: visually offensive degradation resulting either from the accumulation of installations or technical equipment (pylons, advertising boards, signs and other publicity material) or from the presence of inappropriate or badly sited tree planting, forestry or building projects.

Field of application of the recommendation

Article 2

1. The principles set out in this recommendation refer particularly to areas susceptible to damage, destruction and transformations harmful to the balance of the environment, and especially concern the conservation of cultural landscape areas.
2. Many phenomena, which have an impact on the complex links between individuals and their environment, give rise to physical degradation and visual pollution which is often irreversible. The causes may be:
 - i. unsustainable use of the natural resources of the soil, subsoil, water and air;
 - ii. uncontrolled developments in the industrial, energy, tourism and leisure sectors;
 - iii. highly specialised, over-intensive farming and forestry accompanied by a drift away from the land and rural depopulation;
 - iv. poorly managed urban development, particularly in suburban zones;
 - v. the installation of large constructions or transport infrastructure without enough account being taken of the character and quality of the areas where they are sited;
 - vi. negligence or low awareness of the value of cultural landscapes stemming from a lack of information and education.
3. Because of the multidisciplinary nature of approaches to the study of landscapes, the application of the measures for the conservation and managed evolution of cultural landscape areas suggested in this recommendation should be planned in connection with comprehensive landscape policies reflecting all the cultural, historical, archaeological, ethnological, ecological, aesthetic, economic and social interests of the territory concerned.
4. Measures to rectify damage to the landscape often prove to be inadequate on account of the seriousness of the harmful effects and the inadequacy of diagnosis, information, training and intervention strategies. For this reason, identification and appraisal procedures and means of intervention must permit flexible, wide-ranging action.
5. With this in mind, given the inseparable nature of the cultural and natural components of the European landscape, it is essential to provide means of identification, appraisal and intervention able to encompass all aspects of cultural landscape areas and the landscape as a whole.

Aims of the recommendation

Article 3

1. This recommendation proposes theoretical and operational means of conserving and managing the evolution of cultural landscape areas within the framework of land-use and landscape policies as a whole.

These policies express a number of principles derived from the cultural tradition of Council of Europe member states in the sphere of environmental protection:

 - i. the goal of sustainable economic development, implying a harmonious relationship between the needs of society, the use of natural resources and the organisation of human activities within a given area;
 - ii. the desire for an environment which reflects both the cultural and natural heritage while taking cognisance of the evolutionary nature of the landscapes as a whole;
 - iii. the requisite adaptation of economic development to the needs of a society which gives due consideration to the quality of human relationships and solidarity between sectors of the population.
2. Landscape policy takes into account and harmonises cultural, aesthetic, ecological, economic and social interests. Concerted action by the parties concerned should be guaranteed at the stage of identifying the landscape heritage and at that of devising and implementing landscape policies. Because of the multidisciplinary nature of landscape policies, responsibility for them cannot be entrusted solely to the officials in charge of regional and urban planning or agricultural and forestry policy, who are responsible for spatial management in most countries; other interests must also be included.

3. This recommendation has two aims:
 - i. to provide guidelines for landscape policies respecting and enhancing European cultural identities;
 - ii. to propose measures for the conservation and managed evolution of cultural landscape areas. Policy for their conservation and enhancement ought to form an integral part of regional/spatial planning and agricultural and forestry policies and dovetail with overall landscape policies in the general sense, of which they are a particular aspect.
4. Cultural landscape areas constitute not only cultural assets, but landscape assets which may necessitate particular legal protection. Other categories of landscape assets merit specific protection on account of their exceptional ecological or natural value.

The process of identifying and appraising cultural landscape areas

Article 4

1. A multidisciplinary approach should be adopted, both at the stage of identifying landscapes, cultural landscape areas and their components and at that of their appraisal, and it calls for the assembling of documentation geared to the aims of the measures to be taken.

With regard to the procedure for identifying a landscape:

- i. it is up to each state to determine the level (local, regional, national or transfrontier) at which the identification process should be carried out;
- ii. the operations should be conducted by competent/designated authorities with the assistance of appropriate experts by various different means according to each country's own arrangements.

These identification procedures should be conducted:

- a. under the responsibility of the competent authorities at the appropriate territorial level;
- b. by independent experts appointed in the light of the aspects to be dealt with (for example in the sectors of architecture, landscape design, archaeology, geography, town planning, history, ethnology, anthropology, geology, agronomy, economics, sociology, ecology, natural sciences and law);
- c. with the participation of the local community:
 - elected members and representatives of the authorities involved;
 - representatives of the main professions concerned with social and economic activity in the relevant area, for example farmers, foresters, craftspeople, industrialists and tourist officers;
 - representatives of residents, associations competent in the protection of the cultural and natural heritage and other associations.

2. The use of co-ordinated methods of identification between the various regions of each country is desirable with a view to the exchange of information and to facilitate the implementation of consistent national landscape policies. Co-ordination and the provision of advice and assistance are the task of an appropriate national authority.

3. Procedures for identifying categories of landscape employed by several European countries may usefully be applied in the context of transfrontier co-operation.

4. The landscape appraisal procedure should:

- i. be based on a comprehensive and analytical approach taking account of the role of the various disciplines concerned. This appraisal could be carried out at local, regional, national or international level;
- ii. aim to reveal the cultural, historical, archaeological, aesthetic, symbolic, ethnological, ecological, economic and social values which societies attribute to landscapes at various territorial levels;
- iii. take account of the historical conditions in which the landscape was shaped and comprise a detailed study of the cultural and natural qualities of each unit of landscape examined according to a multidisciplinary working method, which uses the appropriate scientific and technical equipment;
- iv. be able to delimit zones warranting the implementation of legal conservation and/or management procedures on the grounds that they are "cultural landscape areas", or for the sake of natural and ecological values covered by specific laws;
- v. be easy to understand and apply, by a wide range of users;
- vi. constitute a flexible, easy-to-use tool in very varied cultural and geographical situations;

- vii. represent a common frame of reference for all the means of intervention which might be employed;
- viii. ensure the effective participation of the population in the processes of landscape appraisal and management.

Levels of competence and strategies for action

Article 5

1. The context of landscape policies

Strategies for action should reflect the same multidisciplinary approach as those for the identification and appraisal of landscapes, cultural landscape areas and their components.

They should apply in the same framework as that chosen for the process of landscape identification and appraisal, subject to the state's right to intervene under procedures defined by statute or administrative decisions.

2. Legal or regulatory framework

- i. It is for national governments, or the responsible authorities in states with a federal structure, to make the necessary institutional provision (for example, setting-up of a multidisciplinary co-ordinating council or board) for the introduction of the landscape identification and appraisal procedures, subsequent general landscape policies and specific measures relating to cultural landscape areas.
- ii. It is wise to avoid the proliferation of unco-ordinated and sometimes contradictory sectoral legislation which is not really conducive to the framing of comprehensive landscape conservation and management policies. Depending on the situation in each state:
 - a. states with insufficiently co-ordinated legislation should endeavour to simplify it and make it consistent;
 - b. a unified legislative system incorporating the various aspects of landscape policies should be the aim where legal gaps exist or when circumstances justify a review of relevant laws.

Implementation of landscape policies

Article 6

1. General principles

It is important that landscape policies should draw on the principles of sustainable development while striving, by taking appropriate measures, for compatibility between the managed evolution of the landscape and the economic and social changes which tend to alter the environment.

These policies should embody the data obtained through the identification and appraisal of landscapes in legal instruments or in official strategies. In this respect, policies, whether formulated at transfrontier, national, regional or local level, which relate to such matters as agriculture, industry, public amenities, tourism and leisure should be consonant with landscape policies formulated at the same levels.

2. Strategies for managing landscape evolution

- i. Such strategies should be devised at the administrative level, consistent with the landscape identification and appraisal procedures, and drawn up with the help of the same bodies under the supervision of the authorities responsible for the local/regional government area concerned. They must enable all proposed or foreseeable development, exploitation and intervention schemes to be reconciled with the interests of the landscape.
- ii. To this end, the aim of strategies for the managed evolution of the landscape is to identify, conserve and enhance landscape structures.

The categories of intervention procedures may vary widely depending on the different characteristics of the landscape in question.

- iii. Intervention strategies may be implemented through landscape plans providing for the conclusion of agreements associating economic operators and residents in looking after the interests of local landscapes, as well as for economic and fiscal measures.
- iv. Feedback from reviews of strategies for the managed evolution of the landscape and the measures they entail should be embodied in town planning and regional development regulations, in accordance with the methods of each state's municipal law and administrative system. The experience gained can also be drawn upon in the formulation of subsequent strategies or the revision of existing ones.

v. The indications derived from landscape appraisal should, in appropriate form, be taken into consideration in the implementation of legal measures concerning land-use and spatial planning (permission for building or demolition, authorisation of work changing the nature of the territory and altering the environment) and in the impact studies required under regional or national legislation or administrative provisions.

vi. Civil, administrative or criminal penalties may be introduced in each national legal system.

vii. When major construction or development projects are being planned, it is advisable to carry out an impact study to assess the effects on the landscapes concerned.

Legal protection and conservation of cultural landscape areas as part of landscape policies

Article 7

1. Specific protection procedures

In the same way as there may be justification for affording special legal protection to zones of particular ecological or natural value, cultural landscape areas as defined in Article 1 of this recommendation should be made the subject of specific preservation measures.

Cultural landscape areas which have been catalogued and selected during the identification and appraisal of a particular landscape should form the subject of specific protection and conservation measures laid down either in general land use and spatial planning procedures, or in sectoral regulations relating to the cultural heritage. These regulations could identify the sites to be protected, either by defining appropriate zones or by recording such sites in special lists. Any specifically protected zones which exist should be mentioned in town-planning documents.

2. Application of specific protection measures

i. Depending on the value of protected cultural landscape areas, the protection scheme should provide for supervision by an authority responsible in the territory concerned issuing permits to build, demolish or carry out works (including forestry, agricultural or infrastructure projects) entailing the transformation of the landscape. In some zones or parts of zones, protection may entail the prohibition of building.

ii. Zonal management may be an element of landscape policy implemented on a multidisciplinary basis at regional or local level. The central authority responsible for cultural landscape areas at national level may, however, reserve the right to alter local authority decisions on cultural landscape areas of national or international value to ensure that development is compatible with preserving the integrity of the cultural landscape area and its distinctive character.

3. Specific measures for conservation and managed evolution

i. Cultural landscape areas are socio-economic resources that can be used for local development. However, they constitute non-renewable assets and their use must be planned in such a way as to preserve their integrity and their character.

ii. The use of cultural landscape areas to stimulate local development is most effectively planned within the framework of a regional strategy, in order to avoid the repetition of identical kinds of development within a single area. Local authorities should work together under concerted programmes.

iii. Incentives can encourage proper uses of cultural landscape areas including, where appropriate, an increase in public investment to support local economies and job-creation, for example, through:

a. subsidies and low-interest loans for the upkeep, conservation and enhancement of the cultural landscape area in question;

b. subsidies to various enterprises in order to encourage the maintenance of existing activities, including those which help conserve the cultural landscape areas;

c. the design and creation of amenities and infrastructure, mainly in the sector of the new technologies, telecommunications and transport, compatible with the maintenance of the integrity of the features of the cultural landscape area;

d. the introduction of measures by member states to encourage the setting up of private associations to protect cultural landscape areas;

e. incentive schemes within cultural landscape areas which promote good conservation and management practices in agriculture and forestry.

iv. It is important to encourage public access to cultural landscape areas, while keeping the flow of visitors and tourists under control. The authorities should promote the clear and appropriate presentation of the history and significance of each site through:

- a. the promotion of research projects and study programmes centred on the investigation of various aspects of the site;
- b. the co-operation of the appropriate departments of local universities or research institutes and of conservation and management authorities;
- c. sustainable visitor management by encouraging access to local sites away from the major tourist routes and restricting the number of visitors in places already receiving too many;
- d. the availability of appropriate information and publications for visitors.

Information and awareness-raising

Article 8

Member states are advised to conduct information and awareness-raising campaigns directed at the relevant authorities and the various sectors of the public concerned.

1. With this in mind, campaigns may vary according to the social or professional categories concerned:
 - i. the general public;
 - ii. direct users of the territory's natural resources (for example, farmers, land owners, industrialists, tourists, sportspeople);
 - iii. elected representatives and public officials with local and national responsibility for land use and spatial planning or economic and social development;
 - iv. professionals and technicians involved in different technical fields which affect the appearance of the physical environment.

The member states could take or step up action to introduce themes related to the cultural dimension of landscape at all levels of education. The cultural dimension is an important aspect of the environment and should, wherever possible, be integrated into the broader field of environmental education.

2. The methods selected for raising awareness and informing the parties concerned vary according to the characteristics of each social or professional target group. With this in mind, the member states may choose the most appropriate of the following means:
 - i. material for wide circulation (postcards and illustrated leaflets supplying general information about the basic concepts, responsible institutions, major phenomena currently affecting or threatening the landscape);
 - ii. videos and advertisements;
 - iii. general works designed for the layman;
 - iv. exhibitions, seminars and lectures;
 - v. new information and communication techniques;
 - vi. general technical handbooks (research into, and in-depth study of, all aspects of the landscape);
 - vii. special technical handbooks (monographs on specific landscape assets).

Training and research

Article 9

1. The introduction of training and research programmes is a fundamental objective of member states. It is necessary for graduates of universities or other specialised institutions, professionals and people working in the public and private sectors intending to work or already involved in land-use and spatial planning, physical planning and land-use management, to acquire the knowledge and skills needed to prepare land-use and spatial planning projects or carry out projects in response to changing economic, social and cultural requirements in a manner compatible with landscape policies.

Specific programmes should be provided for students intending to work, and for practitioners already engaged, in the conservation of cultural landscape areas and general landscape policies.

These training programmes should :

- i. refer specifically to the disciplines relating to land-use spatial planning;
- ii. introduce those disciplines necessary for the conservation of the cultural and natural heritage, and the control of developments affecting it;
- iii. bring together students and teachers from different geographical areas and disciplines, thus respecting the interdisciplinary principle vital to the framing of landscape conservation and management policies;
- iv. culminate in the creation in Europe of an interregional network of specialised centres enabling students and trainees to travel, and teachers and specialists working as instructors to make exchange visits.

Each training course may comprise a theoretical part consisting of lessons or lectures and a practical part in the form of workshops or case studies.

2. The programmes could follow the pattern below :

- i. Theory :
 - a. knowledge and understanding of basic concepts and recognition of diversity of approaches in different disciplines;
 - b. history of the formation of the landscape and factors causing change;
 - c. understanding of how landscape has been perceived in history and reflected in society;
 - d. history of European countries' policies and legal measures in respect of landscape;
 - e. information sources and data; data collection and processing systems; cartographic, photographic or iconographic information systems.
 - ii. Practice :
 - a. techniques for analysing landscapes and identifying causal factors;
 - b. systems for appraising a territory's landscape value: operational techniques;
 - c. identification of instruments for the protection, conservation and managed evolution of cultural landscape areas and for the implementation of landscape policies such as management or landscape plans;
 - d. design and implementation of projects for enhancement, maintenance, conservation and restoration of cultural landscape areas and for landscaping;
 - e. specific training schemes and seminars, in order to give students some real work experience in the sphere of land-use and spatial planning.
3. Research programmes should be set up or encouraged in universities and in public and private institutions to provide the knowledge necessary for basic and further training in the field of cultural and natural heritage.

International co-operation

Article 10

The Council of Europe member states should undertake to develop international co-operation with a view to making progress in their landscape policy through a greater exchange of information and experience.

This collaboration may be either :

- i. bilateral, by means of transfrontier pilot projects to identify and manage the evolution of the landscape, as well as to promote the conservation and managed evolution of cultural landscape areas and their components;
- ii. or multilateral, within the framework of the intergovernmental work programme of the international organisations of which they are members.

Multilateral co-operation in Europe,

- i. may have as its particular aims :
 - a. discussion of the objectives and methods of landscape policies and of strategies for the conservation and enhancement of cultural landscape areas and their components;
 - b. harmonisation of rules relating to the conservation of landscape assets as part of the task of framing a comprehensive landscape policy based on the principles of sustainable economic development;
- ii. may be manifested by :
 - a. the organisation of multilateral task forces to provide technical co-operation and assistance;
 - b. the organisation of common training, information and awareness campaigns relating to conservation and managed evolution of cultural landscape areas as part of general landscape policies.