

The Landscape Act and the Landscape Observatory of Catalonia

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Catalonia enjoys a great wealth and diversity of landscapes but, unfortunately, they are subject to a whole series of threats and risks, varying from dispersed built-up areas to the installation of heavy infrastructures, passing through the abandonment of agriculture and forestry. In addition, the Spanish and Catalan legal contexts have traditionally been very poor in legislative treatment of landscape matters, with the result that there is little margin for manoeuvre in the face of the threats. However, the panorama in Catalonia is changing positively as a result of recent approval of the Act 8/2005 for the protection, management and planning of the landscape, passed by the Catalan Parliament on 8 June 2005. We shall be talking about this Act and the Landscape Observatory of Catalonia which arises from it in the following pages, written precisely at the time when the Government of Catalonia, through the Ministry of Town and Country Planning and Public Works, has made public information on the project for the Decree to implement this Act.



Figure 1. Olive grove at Cap de Creus (Girona)

1. The Act 8/2005 for the protection, management and planning of the landscape of Catalonia

The Act for the protection, management and planning of the landscape is the basic regulation and reference upon which the landscape policies of the Government of Catalonia are founded. Its purpose is to give positive content to the Catalan Parliament's adherence to the European Landscape Convention and, in this way, it gives the Catalan landscapes legal protection and establishes the corresponding instruments to confront the challenges and guarantee the quality of the landscape.

The purpose of the Act is the recognition, protection, management and planning of the landscape in order to preserve its natural, heritage, cultural, social and economic values in a framework of sustainable development. It also seeks to make economic and town planning development compatible with quality in the environment, taking into account the heritage, cultural and economic values of the whole of the Catalan territory.

The Act is adapted to international terminology in matters of landscape as defined by the European Convention, and therefore sets as out its definitions:

- Landscape: an area as perceived by a group, the character of which is the result of the interaction of natural and human factors;
- Landscape quality objective: the formulation by the public authorities of the group aspirations in matters concerning the landscape characteristics of their surroundings;
- Landscape protection: actions designed to preserve and maintain the distinctive features or characteristics of a landscape, justified by its heritage, environmental and economic values, the result of natural configuration and human intervention;
- Landscape management: actions directed to guiding and harmonising the transformations caused by social, economic and environmental processes;
- Landscape planning: actions of a particularly accentuated prospective nature, intended to maintain, improve, restore, modify or regenerate landscapes.

Starting from the integrated conception of landscape which arises from these definitions, the Act establishes that its provisions are of application to all the territory of Catalonia: both to the natural, rural, forest, urban and peripheral areas and to singular landscapes such as every-day and degraded landscapes, whether inland or on the coast.

The preamble establishes that the Act is not intended to regulate in a totally comprehensive way all the elements which have an influence on the creation and transformation of the landscape. In this sense, sector legislation will have to regulate the landscape impact of town planning actions and of production and extraction infrastructures, among others. What the Act seeks to do is to serve as a reference for

this type of legislation and for specific actions in the ambit of landscape management, without prejudice to the conditions imposed by standards, plans and programmes in environmental and agricultural matters and the rest of the sector legislation of application to determined areas or categories of protection.



Figure 2. Warehouses in a peripheral area

a. Structure of the Act

The Act is structured in five chapters. The first, entitled “General Provisions”, establishes the purpose of the Act, its principal sources of inspiration, the definition of landscape, the ambit of application, the landscape policies, the types of actions on it and their purposes. The purpose of the Act is established as the integration of landscape into territorial and urban planning policies and in the other sector policies which impact on it. In accordance with this objective, the ambit of application of the Act is the whole of the territory of Catalonia, both areas where natural elements predominate and those which have suffered transformation by human action. This application of the Act does not exclude, however, the application of other sector legislation in determined areas or categories of protection.

With regard to chapter II, relating to the landscape in town and country planning, the instruments which must serve for the protection, management and planning of the landscape are established in the framework of the Act. Thus the landscape catalogues are created as documents to determine the types of landscapes of Catalonia and their current and potential values and to propose the quality objectives. It also establishes the landscape directives, through which the proposals of landscape quality objectives are incorporated into town and country planning.

Chapter III, devoted to organisation, refers to the Landscape Observatory as an entity of support and collaboration with the Government on questions related with the preparation, application and management of landscape policies. Chapter IV promotes the creation and use of new instruments for the harmonisation of strategies on landscape, such as the landscape maps. Also, the Government is committed through the Act to encourage the sensitisation of society to landscape, and to the teaching and training of specialists in these matters.

Finally, chapter V creates the Fund for the protection, management and planning of the landscape, as a financial instrument of the Government to enable it to achieve the objectives of the Act. The purpose of the Fund is the financing of specific actions for the protection, management and planning of the landscape, to be executed in accordance with the criteria fixed in the Act and its implementing regulation.

b. Fundamental principles for public authority action on landscape

The Act establishes that the public authorities, in their respective ambits of competence, through the different plans and programmes and other actions, must integrate the consideration of landscape into policies of territorial and urban, agricultural, forest, livestock, infrastructures, cultural, social, economic, industrial and commercial planning and, in general, any other sector policy with a direct or indirect impact on the landscape. In this sense, the Act defines the principles which must inspire the action of the public authorities in landscape matters (article 2). These are:

- Promotion of the harmonious development of the landscape in accordance with concepts of the rational use of territory, sustainable urban development and the functions of ecosystems;
- Preservation of the people's right to live in a culturally meaningful environment, with adoption of measures to protect the landscape;
- Recognition that landscape is an element of individual and group wellbeing which, as well as having aesthetic and environmental values, has an economic, cultural, social, heritage and identity dimension;
- Considering the consequences for landscape of any action of planning and management of the territory and evaluating the effects of building on the landscape;
- Encouraging cooperation between the various authorities in the preparation and execution of planning and landscape policies;
- Promotion of collaboration between public and private initiatives in the march forward of actions, the adoption of instruments and the taking of decisions on the landscape;
- Pressing for participation in landscape policies by social, professional and economic agents, especially the professional colleges, universities, associations for the defence of nature and representatives of business organisations and trade unions;
- Promotion of training in landscape matters.



Figure 3. Urbanised landscape and infrastructures on the coast.

These public actions carried out in the landscape can have, according to the Act (article 8), among others, the following purposes:

- The preservation of those landscapes which, for their natural or cultural character, require specific integrated interventions;
- The landscape improvement of the peripheries and accesses to cities and towns, and the elimination, reduction and transfer of the elements, uses and activities which degrade them;
- The maintenance, improvement and restoration of agricultural and rural landscapes;
- The harmonious articulation of landscapes, with particular attention to areas of contact between the urban and rural ambits and between land and sea ambits;
- The preparation of landscape integration projects for areas of industrial and commercial activities and infrastructures;
- The encouragement of actions by the local authorities and private entities in the promotion and protection of landscape;
- The acquisition of land to increase the public ownership of land in areas considered of interest for landscape management;
- The attribution of value to the landscape as a tourist resource.

c. Instruments for the application of the Act

The preamble of the Act establishes that this regulation oversees the protection of the landscape and for this purpose gives the Government instruments for legal recognition

of its values and to promote actions for its preservation and improvement. These instruments are:

- Instruments of protection, management and planning: Landscape Catalogues (articles 9, 10 and 11) and Landscape Directives (article 12);
- Instruments of organisation: Landscape Observatory (article 13);
- Instruments for harmonising strategies: Landscape Maps (article 14);
- Instruments of sensitisation and education: educational programmes, research and dissemination projects, and activities for promotion and protection of the landscape (article 15);
- Instruments of finance: Fund for the protection, management and planning of the landscape (articles 16 to 20).

These instruments are described in the next sections.

Instruments of protection, management and planning

The Act provides two basic instruments for application: the *Landscape catalogues* and the *Landscape directives*. The first are of a descriptive nature, while the Directives have a regulation nature. The landscape catalogues, prepared by the Landscape Observatory of Catalonia, are documents of a descriptive and prospective nature which define the various types of landscapes in Catalonia, identify their values and state of preservation and propose the quality objectives which need to be met. The territorial reach of the landscape catalogues corresponds to each ambit of application of the town and country zoning plans. In the border areas between two zoning plans, the Act obliges the coherence and continuity of the landscape units to be guaranteed.

The Act provides that the landscape catalogues have at least the following content:

- An inventory of the landscape values present in the area;
- A list of the activities and processes which impact or have impacted in a well-known way on the current configuration of the landscape;
- Indications of the principal routes and places from which the landscape is perceived;
- Definition of the landscape units, understood as structural, functional or visually coherent ambits, on which may fall, partly or wholly, a specific regime of protection, management or planning in the terms established in article 6;
- Definition of the landscape quality objectives for each landscape unit. These objectives must express the aspirations of the group with regard to the landscape characteristics of their environment;
- Proposals for the measures and actions necessary to achieve the landscape quality objectives.

The Act also establishes that approval of the landscape catalogues corresponds to the Ministry of Town and Country Planning and Public Works, with the prior steps of public information and consulting local bodies and the financial and social organisations concerned.

With regard to the *landscape directives*, these are the determinations which, based on the landscape catalogues, set out precisely and incorporate into regulations the proposed landscape quality objectives of the above section e) in the town and country zoning plans or directing plans.

It corresponds to the Ministry of Town and Country Planning and Public Works to incorporate into the town and country zoning plans and, if appropriate, into the directing plans, where their ambit is concerned, the landscape directives which respond to the proposals of landscape quality objectives contained in the landscape catalogues.

The group, the entities, local bodies, other Government ministries and other authorities all take part in processing the landscape directives in the framework and with the means established by the regulation, referring to the processes of territorial planning and the regulation on the legal regime of the public authorities and the common administrative procedure, especially with regard to compliance with the steps of public information, consulting and reporting.

The town and country zoning plans and directing plans determine the circumstances in which the directives are of direct application, the circumstances in which they are of obligatory incorporation when there is a modification or revision of urban planning and the circumstances in which the actions essentially require a report by the competent organ in landscape matters. The town and country zoning plans and directing plans can also determine when the landscape directives are recommendations for urban planning, for landscape maps and for other plans or programmes arising from the sector policies affecting the landscape. In this last circumstance, the plans or programmes which are approved must be congruent with the recommendations of the landscape directives.

Both instruments are explained in detail by Joan Nogué in Workshop 2 of this same Meeting.

Instruments of organisation

The Act creates the *Landscape Observatory* as an organisation instrument. Article 13 defines that Landscape Observatory is an entity of support and collaboration with the Government Administration in all questions related with the preparation, application and management of landscape policies. The Act does not give it a specific legal persona and, in this sense, leaves the door open. The form that the Landscape Observatory has finally adopted is that of the consortium, complying in this way with what is indicated in the same article in the sense of adopting a composition which will comprise a broad

representation of the diverse agents acting on the territory and the landscape or are related with it (where the Government ministries concerned must be represented, as well as local bodies and the social, professional and economic sectors).



Figure 4. Contrasting historical and modern elements in the urban landscape

The Landscape Observatory's Constitution¹³ unfolds, in fact, its composition and functions, which are only mentioned in the Act in a generic way. These are explained in the section on the Observatory later in this paper. One of the principal functions attributed directly to the Observatory by the Act is the duty of preparing a report every four years on the state of the landscape in Catalonia, which the Government must present to the Catalan Parliament.

Instruments for the harmonisation of strategies

The Landscape Act promotes voluntary action in favour of landscape through the harmonisation of the authorities and agents of territory by means of *landscape maps*. The landscape maps are, then, voluntary instruments for the harmonisation of strategies between the public and private agents of territory, directed to promoting the improvement of the landscape and the shared life of communities through the establishment of objectives, agreements and management strategies for the purpose of maintaining its values. The creation of the landscape map is inspired in the experience of other countries of a context similar to that of Catalonia, where this instrument has been found to be useful.

13. The Landscape Observatory Constitution was published in the OJGC through Resolution PTO/3386/2004 of 16 December 2004.

The act establishes that landscape maps can be promoted by the Government, the district councils and town halls, and that other local authorities can also promote the preparation of landscape maps.

The content of the landscape maps must take into account what is established by the landscape catalogues which have an impact on their ambit (as well as catalogues of the cultural, artistic and natural heritage in the municipal ambit, in those cases where they have been approved). In the same way, the content of landscape maps which may have been formalised in the absence of landscape catalogues must be taken into account when the landscape catalogues are prepared subsequently.

It is important to note that the signing of a landscape map does not represent a mere declaration of objectives and principles, but the acceptance of a commitment in favour of the landscape by the authorities and other agents involved, through which the entities make themselves jointly responsible and undertake to work to achieve the acknowledged objectives.

Instruments of sensitisation and education

With the approval of the Act, the Government of Catalonia makes these commitments in matters of sensitisation and education on landscape:

- Sensitisation of society, private organisations and public authorities with respect to the landscape and its values, with respect to its cultural, social and economic importance, with respect to its evolution and with respect to the need to promote and strengthen its protection, management and planning.
- Promoting the consideration of landscape in the programmes of the various educational levels and, in particular, in those directed to the training of specialists.
- Encouragement for the exchange of experiences and support for projects of investigation and dissemination of knowledge of the landscape.
- Strengthening, in the ambit of its competences and according to the available resources, the activities of the local authorities and the various public and private organisations which carry out actions of promotion and protection of the landscape, especially those whose purpose is the custody of territory for the preservation of its landscape values, and support for these activities.

Financial instruments

The Landscape Act 8/2005 creates the *Fund for the protection, management and planning of the landscape*, as a financial instrument of the Government, with the purpose of being destined to actions of improvement to the landscape carried out in accordance with the criteria established by the Act itself and by its implementing regulation.

The Fund is fed by contributions from the Government through the government budget and also by contributions from other authorities, entities and companies. The Government's contribution to the Fund comes from items in the Government budget allocated annually to the Ministry of Town and Country Planning and Public Works.

The Act establishes that the following may receive financing from the Fund:

- Public bodies, in order to carry out actions destined to any of the ends established in article 8 and any other action undertaken for the purpose of protection, management and planning of the landscape;
- Private non-profit-making entities, legally formed, which have among their objects the carrying out of landscape actions;
- Individuals or legal persons of a private nature, to carry out actions which are for the purpose of any of the ends of the Act itself;
- The implementing regulation of the Act, yet to be formalised, will establish the procedure for participation in the Fund for the protection, management and planning of the landscape, the programmes which have to be financed and the percentages to be applied, the content of the projects and other requirements which must be met in order to have access to the subventions.



Figure 5. Urban graffiti

2. The Landscape Observatory

The Landscape Observatory, formed on 30 November 2004 and referred to in article 13 of the Landscape Act, has been conceived as an advisory body of the Government of Catalonia and society in general in landscape matters and as the centre par excellence for the study and follow-up of the development of landscapes in Catalonia and the

agents which condition is dynamism. Since its creation, Joan Nogué, professor of Human Geography at Girona University, has been its director. The basic and generic objective of the Landscape Observatory is observation of the landscape of Catalonia, that is to say, the study, identification, follow-up, documentation and dissemination of Catalan landscapes and their transformations, without this meaning any neglect of other landscapes or, simply, reflecting on landscape in a generic way.

One of the principal objectives of the Landscape Observatory is to increase the knowledge that Catalan society has of its landscapes, to collaborate with the Government of Catalonia in implementing landscape policies and, in general, to support the application of the European Landscape Convention in Catalonia. In this sense, it is seen as a meeting point between the authorities (at all levels), the universities, professional groups and the whole society in relation with everything concerned with landscape. Its creation answers to the need to study the landscape, prepare proposals and make Catalan society aware of the need for greater protection, management and planning of the landscape in the framework of sustainable development. The Landscape Observatory is, therefore, a centre for consideration and action on landscape which tends, in general, to become a great umbrella under which anyone interested in landscape can take shelter.



Figure 6. Cloister of the Hospici building in Olot, Girona, the technical headquarters of the Landscape Observatory of Catalonia

a. Functions and objectives of the Landscape Observatory

Its functions, which are set out in its Constitution, are the following:

- Establishing criteria for the adoption of measures of protection, management and planning of the landscape;
- Fixing criteria to establish the landscape quality objectives and the necessary measures and actions destined to achieving these objectives;
- Establishing mechanisms of observation of the evolution and transformation of the landscape;
- Proposing actions directed to the improvement, restoration or creation of landscape;

- Preparing the Landscape Catalogues of Catalonia, to identify, classify and qualify the various existing landscapes;
- Promoting campaigns of social sensitisation with respect to landscape, its evolution, functions and transformation;
- Dissemination of studies and reports and establishing working methodologies in landscape matters;
- Stimulating scientific and academic collaboration in landscape matters, and exchanges of work and experiences between specialists and experts from universities and other academic and cultural institutions;
- A follow-up of European initiatives in landscape matter;
- Organising seminars, courses, exhibitions and conferences, as well as publications and specific programmes of information and training on landscape policies;
- Creating a documentation centre open to all the general public of Catalonia.

The Observatory has another function established by the Landscape Act. Every four years it must prepare a report on the state of the landscape in Catalonia, for presentation to the Catalan Parliament by the Catalan Government.

b. The Observatory's activity

The Landscape Observatory's activity is broad and very diverse, in accordance with the functions attributed to it by its constitution and the Landscape Act itself. Its activity, in September 2006, is the following:

Preparation of the Landscape Catalogues of Catalonia

The main work of the Observatory since its creation has been the preparation of the Landscape Catalogues of Catalonia, which Joan Nogué, director of the Landscape Observatory, will be talking about in Workshop 2. We recall now, simply, that the landscape catalogues are technical documents intended by the Act for the protection, management and planning of the landscape for use as tools for the planning and management of the landscape from the perspective of territorial planning.

Concerned about its novelty and importance in the territorial planning of Catalonia, in May 2005 the Landscape Observatory prepared a *prototype landscape catalogue* which established a conceptual, methodological and procedural basic outline for the preparation of the seven catalogues, coherently and in a coordinated way. This document, entitled *Prototipus de catàleg de paisatge. Bases conceptuals, metodològiques i procedimentals per a l'elaboració dels catàlegs de paisatge de Catalunya*, designed in a similar way to the guidelines of British origin, was sent out for the consideration of over seventy institutions, research groups and experts on landscape in order to obtain the maximum possible consensus before putting it into application. The catalogues are not intended as a mere exercise of methodological

trial, but are conceived to obtain an applicable and very specific type of results. The procedure for the preparation of the landscape catalogues has five phases: identification and characterisation of the landscape, landscape evaluation, definition of the landscape quality objectives, establishment of directives, measures and proposals for action and, finally, the establishment of follow-up indicators.

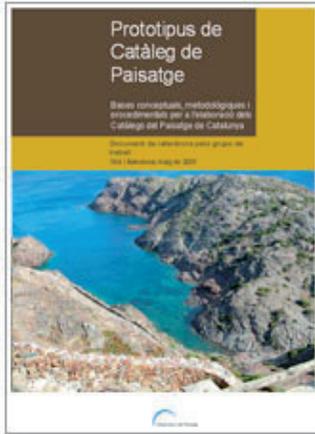


Figure 7. Prototype of the Landscape Catalogue of Catalonia

Designing landscape indicators for Catalonia

The *landscape indicators* are key factors in following up the state of the landscape in Catalonia and in the application of landscape policies at all levels. The Landscape Observatory is preparing a list of landscape indicators, based on environmental, cultural and social viewpoints, which will enable the state of the Catalan landscapes and their evolution to be measured, as well as landscape policies in Catalonia, following the principles of sustainable development. The indicators will be useful in the preparation of the landscape catalogues and, naturally, in preparing the four-yearly report on the state of landscape in Catalonia referred to in the Landscape Act.

Following up landscape policies on an international scale

The follow-up of landscape policies at a European level is a fundamental activity of the Observatory. For this purpose formal contacts have been established on a national and international scale with institutions whose central purpose is concerned with landscape activities, in order to exchange experiences and develop common projects. In this sense the Observatory takes an active part in the *European network of local and regional authorities for the implementation of the European Landscape Convention (RECEP, non governmental organisation)*. The principal objectives of the network are to promote knowledge and the application of the European Landscape

Convention on a local and regional scale and to encourage an exchange of experiences and methodologies in landscape matters.

The Landscape Observatory, representing the Government of Catalonia, took part in December 2005 in two papers at the “Conference of the Local and Regional Authorities of the Council of Europe’s Member States for the Implementation of the European Landscape Convention”, held in Naples on 2 and 3 December 2005, the starting point of setting up the RECEP network. The Landscape Observatory continues fulfilling the commitments made in 2005 and actively participates in the RECEP network, representing the Government of Catalonia.

Landscape Observatory Web

To facilitate dissemination, training and sensitisation in relation to landscape, the Observatory has created a web (www.catpaisatge.net) available in four languages (Catalan, Spanish, English and French). This site, formed with the intention of being a source of reference for anyone interested in landscape in Catalonia, supplies information on the Observatory’s activities, landscape policies, conferences and activities related with landscape, and information on Spanish, European and international institutions which deal with landscape from different perspectives, reference publications and university studies linked with this theme. The Landscape Observatory web is now itself the principal shop window of the Observatory’s activity and the principal tool of information and sensitisation for the population available to the Observatory.



Figure 8. Landscape Observatory of Catalonia Web

Dissemination of information on landscape in two electronic newsletters

In the same line as the web, the Observatory has two *electronic newsletters*. First was the *Dietari de Paisatge* (Landscape Diary), a weekly newsletter which since May 2005 has contained news items on landscape published in the principal communication media of the world, addressed to people specialised in landscape and with responsibilities in management. The second, *Paisatge-e (Paisaj-e) (Landscape-e)*, set up in September 2006, is of broader dissemination and includes expert opinions on landscape at international level, news related with the Observatory, important novelties on landscape around the world, regulations, articles of interest appearing in the press, a schedule of activities, seminars and conferences.

Documentation Centre

The Observatory has a Documentation Centre which seeks to become the information centre par excellence in Catalonia on landscape themes in a broad sense and particularly with everything referring to its planning and management in Catalonia, in the rest of the State, in Europe and on an international scale, in that order. For its better dissemination, part of the documentary stock of the Centre will be prepared in digital format and will be able to be consulted through the Landscape Observatory web (www.catpaisatge.net).

Activities in training and social sensitisation

One of the principal objectives of the Landscape Observatory is the promotion of training and social sensitisation campaigns in relation to landscape. In this sense the Observatory works in coordination with and on the initiative of the Government of Catalonia in the preparation of *teaching material for use in compulsory secondary education* under the title “City, territory and landscape”. The idea is that pupils in the second stage of ESO, through this innovative material, will come to understand not only the diversity of Catalan landscapes, but also will become aware of its associated risks and threats. As well as printed classroom material, the Landscape Observatory web will be a fundamental method of dissemination of these and other teaching materials still in the process of preparation.

Other initiatives in the same line of training and sensitisation are the holding of *courses and seminars* on landscape (such as “Landscape and Health”, which dealt with the positive effects of a planned and quality landscape on physical and mental health, as well as individual and social well-being), and the preparation of *exhibitions* on the landscape of Catalonia (in collaboration with the General Directorate of Dissemination of the Presidential Department and Ministry of Town and Country Planning and Public Works of the Government of Catalonia).

The Landscape Observatory has also taken part, with the Advisory Council for the Sustainable Development of Catalonia (CADS), of the Presidential Department of

the Government of Catalonia, in the co-publication in Catalan of the titles *Conveni europeu del paisatge* and *Documents de la Conferència sobre el Conveni europeu del paisatge en ocasió de su entrada en vigor*. Strasbourg, 17 June 2004, as part of the Collection entitled “Sustainability Papers” (nos. 8 and 9, respectively) of CADS.

c. Organisation of the Observatory

The Observatory is organised in the form of a public consortium¹⁴, with its own full legal personality independent of its members, and comprises more than thirty public and private institutions interested in preserving the diversity and richness of the Catalan landscape and halting its deterioration.

This structure in the form of a consortium gives room for all kinds of voices and sensitivities. In the same way, being a legal entity also gives the Observatory an open and flexible nature, great agility in its functioning and absolute permeability. These features are advisable in a body which has responsibility for deploying the functions referred to above.

The *Governing Board* is the Consortium’s highest organ. It deals with the government, executive management, administration, direction and definition of the broad lines of action of the Consortium. It is presided over by the Minister of Town and Country Planning and Public Works of the Government of Catalonia. Forming part of the consortium are the Government of Catalonia (with the Ministry of Town and Country Planning and Public Works at its front), the Catalan universities, the four provincial governments, the two Catalan municipal associations, the professional colleges most directly linked with the theme, the ‘Territori i Paisatge’ Foundation of the ‘Caixa de Catalunya’ and Olot City Hall, as home to the technical headquarters of the Observatory (the registered office is in Barcelona).

The *Executive Committee* is the permanent organ for administration, management and proposals, to which the Governing Board may delegate the attributions that it deems fit. The Constitution establishes that the Committee shall have a maximum of six members and be presided over by the director general of Architecture and Landscape.

Finally, the Landscape Observatory also has an *Advisory Council* comprising various social groups and, individually, scientists and professionals linked with landscape themes from the rest of Spain and from Europe, among them a senior member of the Council of Europe.

14. The Landscape Observatory’s Constitution was published in the OJGC in Resolution PTO/3386/2004 of 16 December 2004.

Members of the Governing Board of the Landscape Observatory

- Ministry of Town and Country Planning and Public Works
- Ministry of Economy and Finance
- Ministry of Agriculture, Livestock and Fisheries
- Ministry of Environment and Housing
- Ministry of Universities, Research and the Information Society
- Ministry of Trade, Tourism and Consumer Affairs
- Ministry of Culture
- Ministry of Governance and Public Administration
- Ministry of Employment and Industry
- Autonomous University of Barcelona
- Barcelona University
- Polytechnic University of Catalonia
- Girona University
- Lleida University
- Rovira i Virgili University
- Open University of Catalonia
- Olot City Hall
- Barcelona Provincial Government
- Girona Provincial Government
- Lleida Provincial Government
- Tarragona Provincial Government
- Federation of Municipalities of Catalonia
- Catalan Association of Municipalities
- Catalan College of Architects
- Catalan College of Biologists
- Catalan College of Geographers
- Catalan College of Mountain/Forest Engineers
- College of Engineers of Roads, Canals and Ports
- Catalan College of Agronomists
- Catalan College of Environmental Experts
- Catalan College of Geologists
- Official Catalan College of Agricultural Technical Engineers
- Territori i Paisatge Foundation.



Figure 9. Meeting of the Governing Board of the Landscape Observatory of Catalonia

Members of the Advisory Council of the Landscape Observatory

Scientific and research institutions and associations

- Catalan Society for Territorial Planning (subsidiary of the Institute of Catalan Studies)
- Catalan Geographic Society (subsidiary of the Institute of Catalan Studies)
- Catalan Natural History Institution (subsidiary of the Institute of Catalan Studies)
- Catalan Institution of Agrarian Studies (ICEA)

Ecologist, environmental and agricultural foundations and associations

- DEPANA
- Catalan Federation of Ecologists (EdC)
- Network of Territorial Custody
- Natura Foundation

Individuals

- Dr. Georges Bertrand, professor emeritus of Geography at Toulouse Le Mirail University
- Eduardo Martínez de Pisón, professor of Physical Geography at the Autonomous University of Madrid
- Florencio Zoido Naranjo, professor of Geography at Seville University
- Paolo Castellnovi, professor of the Polytechnic Faculty of Architecture of Turin
- Riccardo Priore, Council of Europe
- Ms. Maguelonne Déjeant-Pons, executive of the European Landscape Convention, Council of Europe
- Ms. Margarita Ortega, Minister of the Environment

Financial and business entities

- Catalan Business Association of Advertising
- General Council of Chambers of Commerce, Industry and Navigation of Catalonia
- National Campaign for Employment
- Catalan Promoters and Builders Association
- Catalan Sports Fishing and Casting Federation
- Catalan Shooting Federation
- Catalan Royal Automobile Club (RACC)

Public bodies, public and private consortiums

- Catalan Forestry Consortium
- Institute of Urban Landscape and Quality of Life
- *Trade unions*
- Workers Committee (CCOO)
- General Workers Union (UGT)
- Peasant Farmers Union
- Catalan San Isidre Agricultural Institute
- Catalan Young Farmers and Livestock Breeders (JARC)

Excursion entities

- Catalan Federation of Excursionists Entities de Catalonia
- Catalan Excursionist Centre
- Catalan Excursionist Union

Educational and cultural entities

- Catalan Council of Schools
- Unescocat

By way of conclusion: changes and challenges in landscape policy

In recent decades in Catalonia there has been a clear distancing, a rupture, between the people and their land, to the point that a significant part of the population has become insensitive to the values of landscape. During this time the rate of deterioration of our landscapes has been – and continues to be – intense and for this reason it is important to act with determination and speed. We still have time to straighten out the situation and the Act of protection, management and planning of the landscape, one of the first in Europe in such matters, must act as a basis for the development of modern and effective policies which produce a real turnaround in certain current dynamics and are effective in benefit to the Catalan landscapes.

Although there is a growing commitment to landscape by the authorities, it is well-known that they have still advanced little in relation to the objectives of the integration of landscape into all public policies. With the approval of the Act, landscape has for the first time in Catalonia its own legal entity and this reinforces the integration of

landscape into the processes of decision-making (on urban growth, the construction of infrastructures, etc.), including the more strategic. Thus, with a clear and comprehensible text, the Act has marked flexibility, which gives it extraordinary potential for development. However, a restrictive reading of the Act would bring a loss of its strategic nature and effectiveness. For this reason, the Act requires a strong political commitment to produce optimum compliance. It would not be desirable for its application to give more importance to simply developing all the instruments that the Act itself creates (landscape catalogues and directives, landscape maps, financial fund) than to the results of its application on the landscape itself.

The Act introduces significant changes in the landscape policy in Catalonia. A study of it enables us to point out the following, by way of conclusions:

1. The approval of the Act gives a positive content to the adherence of the Parliament of Catalonia in December 2000 to the European Landscape Convention (ELC). Adaptation in the form of an Act fully integrates its principles, terminology, definitions and the instruments that must be applied by the States that have ratified it (such as identification of landscapes and the definition of landscape quality objectives).
2. The Act has a clearly transverse character, as its provisions bring together the territory as a physical area, the uses of this territory, its historical and cultural heritage, economic activities (agriculture, forestry, tourism), aesthetic and social values, and the risks of erosion, flood and fire. With the Act, landscape is integrated into Catalan legal planning under its own name and becomes an element of interest from different viewpoints and objectives.
3. In contrast to the consideration of landscape which only recognises its special beauty or exceptional character, the public policies arising from the new Act cannot exclude any part of the territory and must deal with natural and rural areas as well as suburban and peripheral areas; including both particularly beautiful landscapes and the every-day or degraded landscapes.
4. The Act goes beyond strictly the protection of landscapes (article 6) – and again, surely this is an inevitable stage in the process of the landscape awareness of a society – and it also promotes landscape management and planning. In this sense, the Act does not rest on the immutability of landscape, but rather the defence of certain values which should not disappear with its evolution, managing the use of it and organising the changes taking place in it, creating new landscapes. This point and the one before constitute some of the main changes in the new conception of landscape emanating from the Act.
5. The Act promotes coordinated action by the Government with the Landscape Observatory of Catalonia (article 13), as an organisation of advice and collaboration with the Catalan authorities. With the creation of the Observatory, the Act seeks to integrate into the management of the Catalan landscape all the agents interested

which are represented in the structure of the Observatory. In the same way, the Landscape Observatory can encourage a culture of intergovernmental dialogue which bypasses the excessive fragmentation of the public authority structures, so prejudicial to the overall view of the landscape required by the Act.

6. The Act regulates the actions and planning of the public authorities in landscape matters, above all Government action. This falls mainly on the Ministry of Town and Country Planning and Public Works, which in this way accepts that the recognition of landscape values is essential to the planning and management of the territory for the benefit of the quality of life of the people in Catalonia. But this option must also be understood as fully integrated insofar as it deals with a sector authority (Ministry of Town and Country Planning and Public Works) which must tackle the improvement of landscape through the incorporation of landscape criteria into its planning instruments. This focus opens the door, also, to a progressive adaptation – from an intellectual viewpoint and at a methodological level – towards the full integration of landscape into all the fields and aspects of government action. Definitively, it promotes a process of institutional and social learning. This focus requires, for its greatest effect, close coordination with other Government Ministries whose actions can also have a direct or indirect impact on the landscape, such as those of Environment and Housing, Agriculture, Education and Tourism. On the other hand, the duties that the Act imposes on the Catalan authorities contrast with the timid role that it attributes to financial agents and civil society in the preservation and improvement of the landscape.
7. The Act establishes explicitly, for the first time, the integration of landscape objectives into the Government of Catalonia's town and country planning policies (and in the rest of the sector policies which have an impact on territory, such as the tourist, agricultural, forestry, industrial and nature preservation policies, etc.). It creates for this purpose the Landscape Catalogues (articles 10, 11), a pioneering figure in Spain, and the Landscape Directives (article 12), which will be integrated into the town and country zoning and directing plans.

This point places landscape in terms of regulation, for the first time, on the cusp of town and country planning in Catalonia. But it is still very necessary to have an even clearer definition of the instruments which will enable these landscape directives to be transferred from the general scale to the municipal, introducing landscape into town planning and building regulations and into the urban planning instruments, since it is at this level that they can involve the principal town planning dynamics and prevent the degradation and impoverishment of quality of the larger part of our every-day landscapes, especially in the urban and suburban periphery, the coasts, the mountains and agricultural areas.

Returning to the landscape directives, these would lose some of their sense if the authorities were not to accept some results which could call into question, among others, some of the policies regarding territorial planning, town, industrial,

tourist or transport planning. The Landscape Observatory, a body with its own full legal personality, independent of its members, as responsible for the preparation of the landscape catalogues, has an important function in guaranteeing technically adequate landscape directives and control over the results of the process for their integration.

8. As was already said in the point above, the Act makes explicit the suitability of integrating landscape into sector policies (article 5). The principal aim of this ambitious objective is the need for an interrelation between territorial policies and other policies impacting on the territory, which also create and alter the landscape (infrastructures, industrial, agricultural, tourism). The application of the Act in this point can be viewed as made more difficult on some occasions through barriers of an institutional and organisational nature, so that effective coordination between the various authorities is required, as well as mechanisms or instruments which allow the landscapes directives arising from the zoning territorial plans to converge with the sector policies.

It is fundamental, therefore, that the landscape policies are not independent of other policies impacting on the territory. Again, the Landscape Observatory, in the development of the functions given it by its Constitution, must on this point play a key role in guaranteeing policies which are more transverse and more coordination at all political levels and with the different ministries in order to reconcile the sector and territorial objectives.

9. With the Act, the Government must seek agreements (article 7) with the competent authorities of neighbouring territories (the Valencia Community, Aragon and France) in order to guarantee a coherent and quality management of the border landscapes. Efforts must be made to overcome the lack of knowledge that these territories have of the neighbouring territorial and sector policies which can affect the landscape and its perception, in order to establish mechanisms of information and, if necessary, participation in their design.
10. The Act promotes voluntary action in favour of the landscape through cooperation, coordination and harmonisation between public and private agents through the landscape maps (article 14). It is important to note that the signature of a landscape map does not represent a mere evidential declaration of objectives and principles, but the acceptance of a commitment by the authorities and other agents involved with landscape, through which the entities are made co-responsible and are committed to working towards achieving the avowed objectives.
11. Very conscious of the need to promote the awareness of landscape among the public authorities, private agents and Catalan society in general, the Act also provides that the Government of Catalonia should promote sensitisation on landscape and its values (article 15). Going further than support for public and private initiatives for the promotion and protection of the landscape and scientific

knowledge, education on landscape must be the basis for an advance to a higher level of landscape awareness.

12. The Act establishes a financial fund for the preservation and improvement of the landscape, destined to the development of landscape actions (in urban, suburban and rural areas), which, as mentioned above, is fed from the budget of the Ministry of Town and Country Planning and Public Works and by contributions from other authorities, entities and companies. These determinations require a high commitment for the financing of urgent improvements such as those required for some of our landscapes.
13. Although it is not explicitly set out in the articles, the Act guarantees public and social participation through the definition of the landscape quality objectives, since these “must express the aspirations of the group in relation to landscape”. In this sense, the authorities must opt to share the functions attributed to them by the Act with other bodies representing society in landscape matters (outside the role attributed to the Landscape Observatory on this question).

The Act 8/2005 goes beyond a view of landscape as a legal and indeterminate concept and places it as a priority for the authorities and Catalan society in general. The Act appears as a magnificent opportunity for reflection on the territorial model and the development of the country, progressively replacing a model based on financial returns from decisions rather than on the landscape, environment and social cost of their implementation, and recognising in this way the statement in the European Landscape Convention where it says: “Landscape is an important part of the quality of life for people everywhere: in urban areas and in the countryside, in degraded areas as well as in areas of high quality, in areas recognised as being of outstanding beauty as well as everyday areas”.