

CE Vital Landscapes, Output 3.1.3 : Overview of spatial planning systems in PP countries with focus on landscape development support and public participation

Summary report

INTRODUCTION

Within Vital Landscapes project the Slovenian project partner (hereinafter PP) LUZ d.d. created a questionnaire with focus on overview of spatial planning systems and landscape development support in project partner countries. As a result we got an overview on planning systems in all PP countries such as Austria, Czech Republic, Germany, Hungary, Poland, Slovakia and Slovenia. Furthermore we defined conclusions on landscape planning as part of spatial planning. Regarding their spatial planning systems there are numerous differences among PP countries. This holds true especially in the domain of landscape development, protection and management. Some countries have got obligatory rules and measures for landscape planning implementation while the others do not. Nevertheless landscape development is an open issue in all countries.

The idea of this questionnaire and summary report is to harmonize the level of gathered information and thereby to support the general overview with best possible comparison of planning systems with focus on how they support landscape development. Regarding the goals of Vital Landscapes project this overview enables to better understand each others basic conditions. The focus is on the formal structure supporting the landscape development in each partner country. Additionally there are questions on structures efficiency and their working. We looked for good practices being interesting and inspiring for the others and further on we found out which role civil engagement is playing in this context. Besides better understanding the formal driving forces behind landscape practice and policy in Central European countries this research contributes to the development of common project language as well.

SUMMARY REPORT - gathered data by question

1. **Brief presentation of spatial planning system (levels, competences, types and hierarchy of spatial documents, environmental impact assessments)? Provide schemes, if possible.**

Spatial planning systems in all PPs countries work on different levels (Figure 1). However there are many differences among them. For example in Austria (Figure 2) and Germany do not have spatial planning on national level but just some regulations about certain sector e.g. infrastructure, forestry, agriculture, settlement development. In these two countries the regions (Bundesländer) are responsible for establishing the legislative framework for spatial development. In other observed countries the state government is responsible for shaping the legislative framework of spatial planning system and the preparation of spatial development plans/ strategies. In Slovenia and Czech Republic the regional level is missing for now (Figure 3). No matter of that at least in Slovenia regional level of administration is supposed to be established.

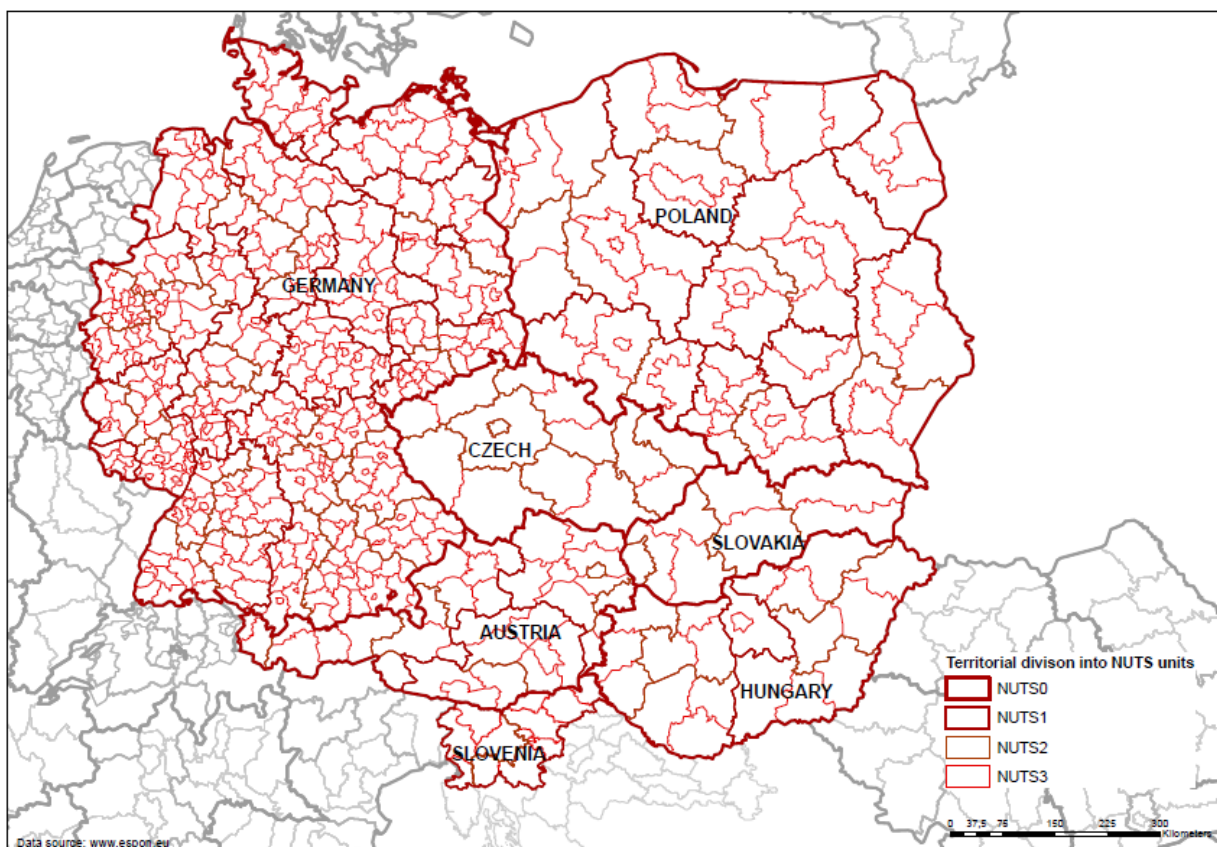


Figure 1: Administrative and territorial division of PP Countries. Source: Statistical Office of Republic of Slovenia; Geodetic Office of Republic of Slovenia, Eurostat, ESPON

Overall in all countries, besides Hungary, the local authorities are responsible for detailed spatial planning and the preparation of land use plans. In Hungary (Table 1) because of the EU regional policy 7 new regions were elaborated but these have tasks and responsibilities just in the field of regional development, between the national and county level just for the so called priority areas (which were designated by the act No. XXI. of 1996 on regional development and land use planning) are land use framework plans elaborated.

Territorial Level	Spatial Development Concept	Land Use Framework Plan
Country (NUTS0)	National Development Concept New Hungary Development Plan 2007-2013 (related to EU-programming)	National land use framework plan
Region (NUTS2)	Regional development concept/strategy Regional operation programs (related to EU-programming)	—
Priority areas	—	Land use framework plan of Balaton Recreational Area, Land use framework plan of Budapest Agglomeration
Spatial Development Councils (the act No. XXI. of 1996 compulsorily created the Balaton Development Council and Budapest Agglomeration)	Spatial Development Concept	—
County (NUTS3)	County development concept	County land use framework plan
Micro-region (NUTS4/LAU 1)	Micro-regional development concept	—
Local level (municipalities)	Development concept of settlements	Master plan

Table 1: Spatial planning levels in Hungary

In all countries spatial plans are arranged in hierarchical structure and each plan has to be in accordance with the plans on a higher level (reciprocal principle).

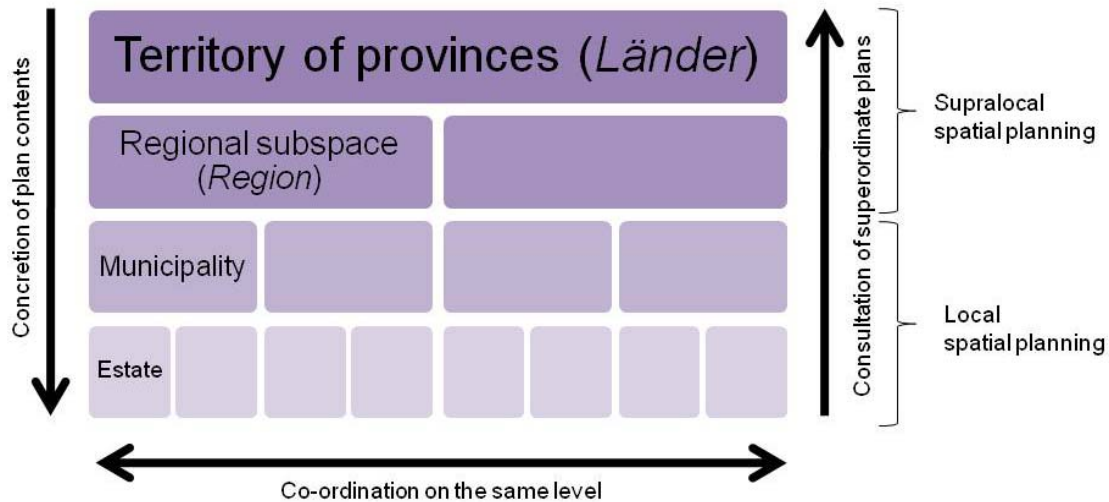


Figure 2: Hierarchy of planning in Austria

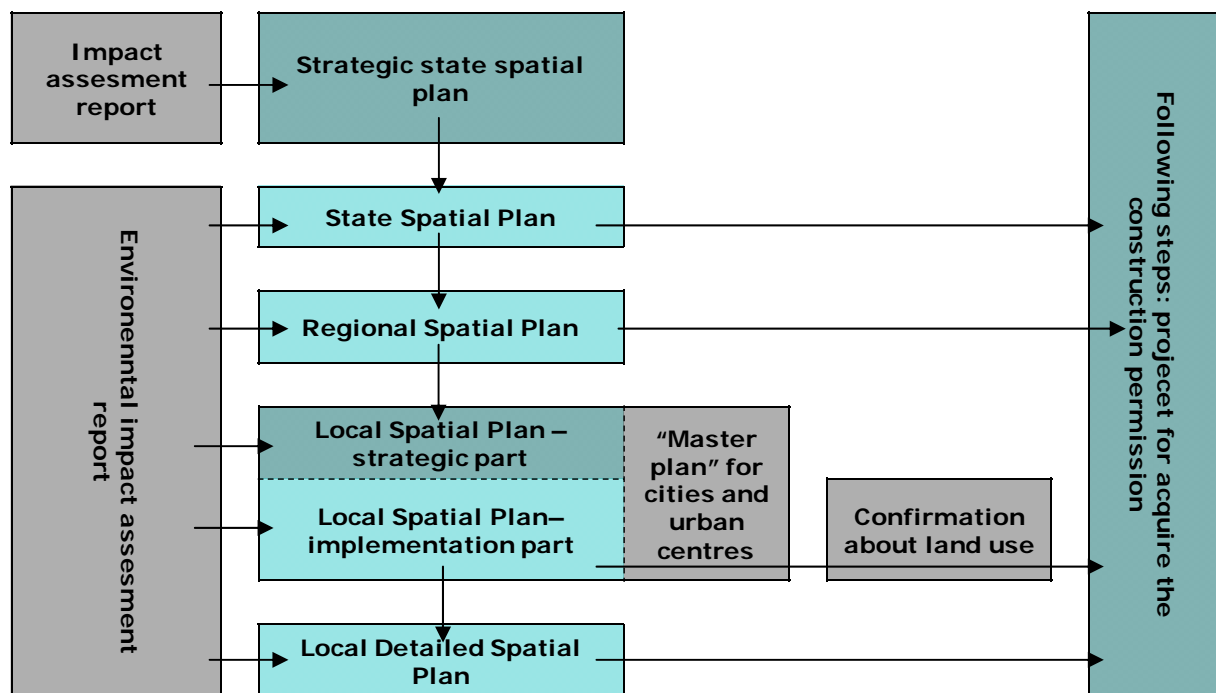


Figure 3: Hierarchy of planning in Slovenia

2. How are the landscape issues included into spatial planning system (e.g. compulsory professional bases, landscape documents and plans on different levels – from strategic plans to project documentation)?

Each PP country has an own approach to integrate landscape issues into spatial planning system. However the landscape issues are included more as professional bases for or survey of existing situations (Slovenia, Germany) or as a step at the beginning of the processes of territorial planning (Slovakia) but also as landscape plans for protected areas (Germany, Czech, Hungary). In Austria landscape planning is left to the regional level. Nevertheless in

all PP countries landscape issues are integrated as very important part of planning systems. In all countries also the environmental impact assessments are taken into consideration.

In *Germany* (Figure 4) landscape planning is the central instrument of nature and landscape conservation on county and regional level, aspect of "cultural landscapes" is being seen as a potential to open new patterns of use, but how it should be handled is not yet clarified.

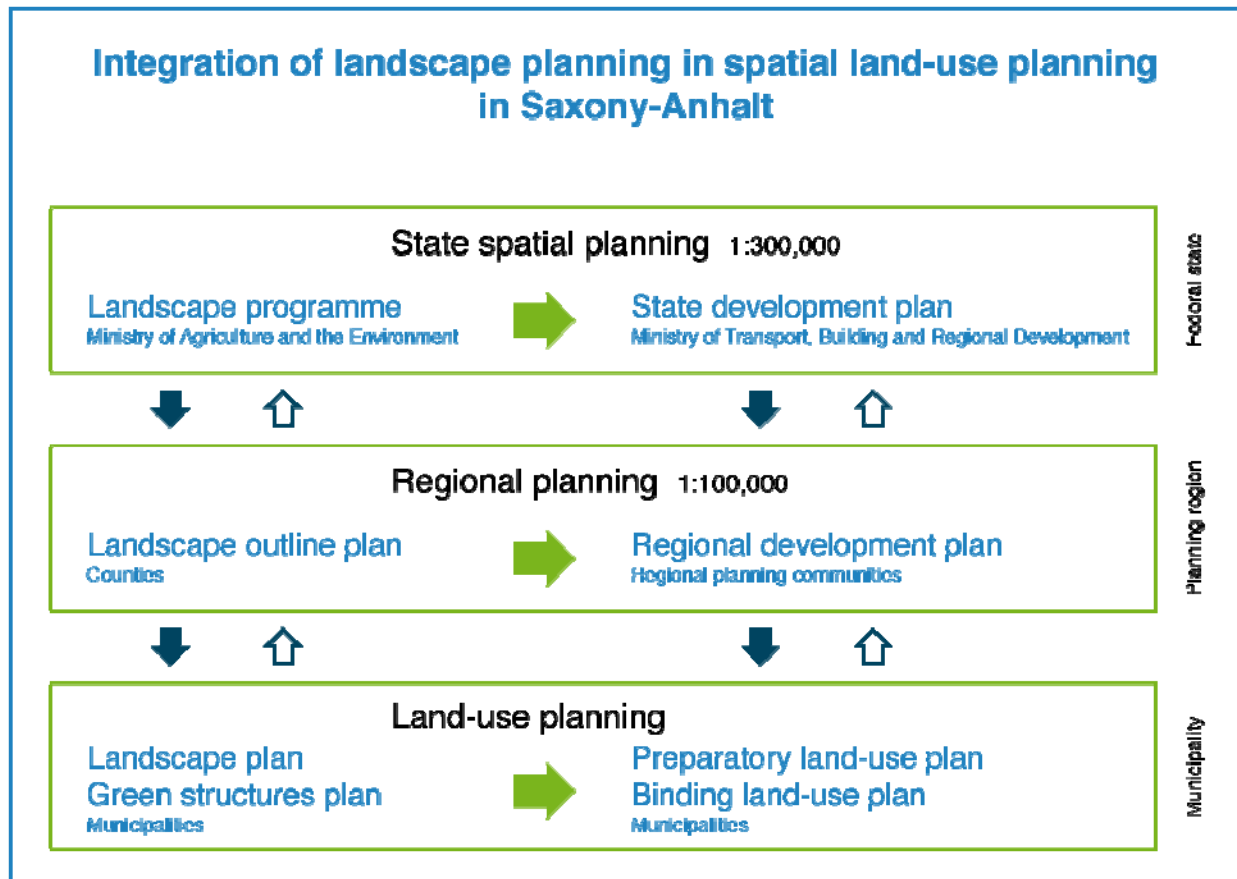


Figure 4: Integration of landscape planning in spatial land use planning in Saxony Anhalt

In *Austria* there are no landscape plans on national level, different federal provinces have evolved different approaches of dealing with landscape due to different needs and political background.

In *Hungary* (Figure 5) landscape issues are dealt through land use framework; land use is made on national, county and micro regional level (on micro-regional level just development planning is binding), as well as for so called prioritised regions.

According to the *Slovak* model landscape planning is a step at the beginning of the process of territorial planning, but has no obligatory character and power in terms

of regulations of the territory land use.

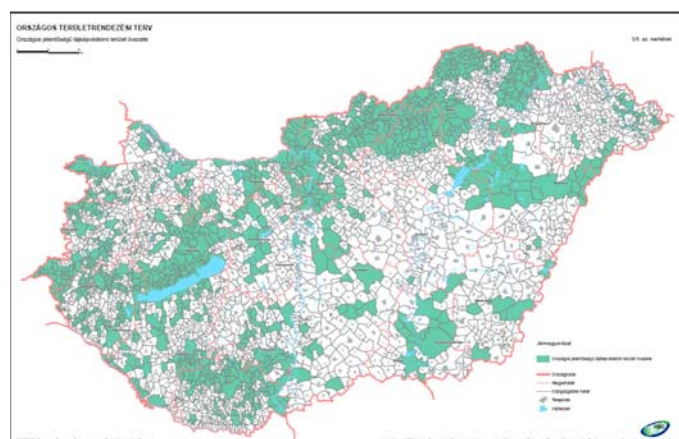


Figure 5: Landscape scenery protection zones of national importance

Strategic plans in *Czech Republic* are usually conceived in a rather general manner when specific landscape issues are either left aside or tackled as a part of broader solutions. Transfer of incentives downward from strategic plans as low as to project documentation does not work properly, with regard to landscape components.

Poland (Figure 6): The national spatial development scheme indirectly touches upon the question of landscape in the regulation concerning the spatial planning system. The regulation states that the national spatial development scheme defines requirements concerning environment and landscape protection, taking into consideration areas under protection. Therefore this regulation indirectly applies also to landscape shaping.

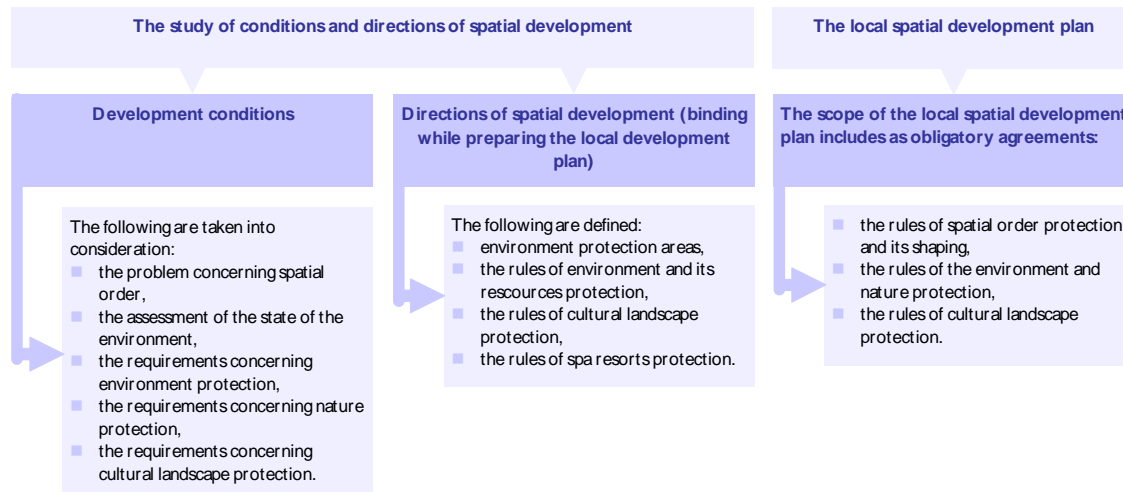


Figure 6: Landscape shaping issues which are taken into consideration in the local spatial planning process

Slovenia: Landscape development is an integral part of spatial plans, evaluation of impacts on the landscape have been a compulsory element of SEIA (Strategic Environmental Impact Assessment). Slovenia's spatial legislation doesn't anticipate the preparation of any kind of special planning act or document for landscape development.

3. Do spatial planning documents include any orientation on landscape issues to be implemented (tools and phasing for implementations, management methods with main authority level, supervising, monitoring)?

The *German* Federal Nature Conservation Act formulates a series of impact mitigation and compensation requirements that parties responsible must abide by (Ökologisches Verbundsystem Sachsen-Anhalt (Saxony-Anhalt habitat network system), the provision for impact mitigation given in §14 and §15 of the Bundesnaturschutzgesetz (Federal Nature Conservation Act))

Spatial planning documents in *Austria* have to follow the regulatory frameworks. The quality of planning contents differs from document to document with variations between Provinces and, especially at the local level, weighing of planning contents.

In *Hungarian* planning practice, there are many plans though the realization of them in practice as the most important part is weak. The problem is the monitoring and implementation of the guidelines for land use plans. For example all the national and county land use framework plans designate the areas for landscape rehabilitation but there are neither financial resources nor detailed plans for the implementation. So the realization mostly depends on the financial resources of the owner of the area. Mostly the guidelines and

restrictions of the county and national land use framework plan come through and will be implemented through the land use plans and environmental programs of the settlements. But the monitoring is not efficient.

So called “landscape-ecological plan” by the *Slovak* legislation is the analytical background for a spatial/territorial plan. The gap in Slovak legislation allows skipping this phase in the case, if the municipality has not enough financial resources. The landscape-ecological plan is often replaced by the older type of the document called “territorial system of the ecological stability” which is sort of reduced document dealing only with the ecological stability of the territory, not with the complex knowledge of potentials, characteristic features and limits of the landscape.

In *Czech Republic* the most essential instrument in this domain is the Act 183/2006 Coll., on town and country planning and building code (Building Act). Three substantial amendments and five changes have been made since its introduction in 2006. These changes have not basically involved alternations of approach to the major landscape issues.

The *Polish* legal interpretation of the notion “landscape asset” can be found in the regulations of the Act on Nature Protection, which introduces the definition of the term “landscape protection”, and also define legal forms of landscape protection, such as a natural reserve, a national park, a natural landscape park, and a protected landscape area (Ustawa 2004). In the light of the above—mentioned act, landscape protection is the preservation of features characteristic for a given landscape. This act also introduces solutions regulating planning activities in these areas. For example, according to these regulations, it is necessary to consult projects of the local spatial development plans with nature protection authorities and take into consideration the regulations of protection plans for ecologically protected areas.

The implementation measures in *Slovenia* are defined in the detailed spatial plans (decrees): detailed project conditions for all the planned and designed objects, phasing of realization, environmental monitoring, obligations of the investors (regarding the building phases), maintenance of the planned arrangements, etc.

4. Have there been any fundamental changes in the system of spatial planning in your country in last 20 years? Has the role of the landscape been essentially changed? If so, what were the reasons?

Almost in all PPs countries comprehensive revisions of spatial planning acts were made in 1990s or later (in *Slovenia* in 2003 and 2007, in *Czech* in 1992 with more than 30 times amended and changed till 2001) to adopt spatial planning laws to recent spatial development as well as to the EU requirements and to implement several EU directives with spatial relevance.

The European Landscape Convention (ELC) that is aimed to promote the protection, management and planning of European landscapes and organising European cooperation on landscape issues came into force on 1st of March 2004. Some of the PPs countries signed and / or ratified it (e.g. *Slovenia*, *Hungary*) and some of them not (e.g. *Austria*). At this point of research it is difficult to comment what difference the signing of this document brings into one’s country practice but it could be estimated that the ELC affected the development discourse and practice without difference to the formal fact of signing it in a separate country.

Concerning the changes in spatial planning laws in PPs countries the role of landscape has changed, too. Like in *Germany* where in the past landscape issues were only indirectly affected by measures given in spatial development plans, for example in the form of

(relatively small-scale) priority areas for nature conservation or landscape conservation, while now landscape, and the cultural landscape in particular, plays an increasingly important role.

The opposite happened in Slovenia where the role of landscape planning is decreasing through recent time while in 90-ties there were many activities going on in research and practice. The real background of this deterioration is diverse and complex but the fact is that the role of landscape as developmental issue and potential has been strongly neglected in last ten years. The attitude towards landscape has essentially changed for the worse also in Hungary. For the national parks and landscape protection areas regional landscape plans were elaborated (official statement 9007/1983). Nowadays such general landscape plans are not made any more. The land use framework plans mostly contains just restrictions.

In other PP countries the role of landscape planning as well as landscape by itself has not been essentially changed (e.g. Slovakia).

5. Which sectors/institutions are responsible for landscape protection and/or development; do they have bases in national strategic documents and sector strategies and legislation? Are they involved into planning procedures considering the landscape issues on different levels? Is there any (compulsory) cooperation and harmonisation among different sectors?

Different responsible bodies and sectors on different administrative levels (from national to local) are responsible for landscape protections and development. In most PP countries different ministries are responsible bodies (e.g. ministries for transport, environment, agriculture, rural development, urban development) for the different issues related to landscape. In Austria responsibilities related to landscape are shared among federal and provincial governments.

Involvement of different levels in planning procedures takes place via horizontal and vertical planning coordination as well as including the public participation (e.g. Germany, Austria, Slovenia). Unfortunately at least in Slovenia this is complicated and time consuming procedures which makes the harmonisation very un-efficient. In Slovakia on the other hand, the biggest problem is that there is not any compulsory cooperation and harmonisation among different sectors in this field which leads to the conflicts of interest concerning the land use and the regime of landscape protection.

6. What kind of national/sector programmes are related to landscape issues? Is the landscape the main focus or only a side one? What kind of instruments do they include (financing, organizational schemes)

Numerous plans and programmes, concepts and other documents influence landscape issues directly or indirectly. Here the most important programmes among PP countries are exposed.

Programmes in *Germany* (here: Saxony Anhalt) concerned directly with cultural landscape, guidelines for urban development funding / urban redevelopment, vine growing on steep slopes, Directives for sustainable development and Directives on grant funding for the conservation, maintenance and access of cultural monuments concerned indirectly with the cultural landscape, Compensatory allowance, Directives for regional rural development / RELE and Directives for demographic change and regional development

Austria: management plans of NATURA 2000 sites (legal enforcement), Designation of conservation areas, Management plans of protected areas (legal enforcement), Forest Development Plan (forest spatial planning, legal enforcement), Austrian Agri-environmental

Programme (ÖPUL), subsidy programme, LEADER programme, subsidy programme, regional projects for touristic development of certain areas, National Strategy on Sustainable Development, concept, National Biodiversity Strategy, concept

Hungary: National Agri-environmental; in 2002 this program was launched that would like to approach the country to the integrated agri-culture starting from the principles of sustainable land use. The operational program of environment and energy (as part of the New Hungary Development Plan) contains programs contributing to landscape protection and development.

In *Czech Republic* beside the State Environmental Policy the process of land adjustment and re-arrangement is likely to achieve a desirable change in landscapes. This process has induced the discussion about possible concept of landscape plans.

Slovakia: Territorial Plans, Territorial Systems of Ecological Stability, Programmes of Economy and Social Development, all on different levels; but they are not harmonised; All the sectors relevant for the planning are to take part of planning procedures

In *Poland* there are or will be prepared a programs for the protection of cultural heritage on voivodship level. As cultural heritage programs take under consideration unique objects and collections, that are valuable for country's cultural heritage but also crafts, customs, traditions, folklore, cuisine and unique landscapes. Above mentioned programs recognized need of landscapes protection but it's not a main topic of them.

Slovenian Agriculture–Environmental Programme, Leader programme, Operation programme of management of areas Natura 2000, Irrigation programmes (for agricultural land), Designations of natural parks (national, regional and landscape parks), Management plans for protected areas (natural parks), Regional projects for touristic development of certain areas.

7. Are there any management plans for certain landscape areas? Is management of certain (protected) areas institutionalized? Are there any special landscape categories – areas, are they institutionalized, do they have management plans?

Also for this question the PPs gave very different answers. From the sent questionnaires we shaped a common overview about protected landscape areas in different countries (Table 2).

Germany	Austria	Hungary	Slovakia	Czech Republic	Slovenia
national parks	national parks (6)	national parks	national parks	national parks	national park
Natura 2000 sites	Natura 2000 sites	Natura 2000	Natura 2000 sites	Natura 2000	outstanding landscapes
nature conservation areas	nature conservation areas	nature conservation areas	Nature reserve and national nature reserve	Nature reserves	landscapes of national importance
landscape conservations areas	landscape conservations areas	landscape protection reserves		large scale protected areas	outstanding landscapes
	natur& land. conservation areas	nature protected areas of local importance	protected landscapes elements		regional nature parks, landscape parks
protected landscapes	protected landscapes		Protected landscape areas	protected landscape areas	cultural landscapes
nature parks	nature parks	nature parks			
			Protected sites		
	Ramsar sites	Ramsar sites			
biosphere reserves	biosphere parks				
national natural monuments	natural monuments	natural monuments, unique landscape feature	natural monuments and national natural monuments	national nature monuments	nature monuments

Table 2: Common overview about protected areas in PPs countries

In *Germany* management plans are obligatory for National parks, Biosphere reserves, Nature parks. Management plans are not mandatory for Landscape conservation area. National natural monuments status has not yet clarified need for a management plans.

In *Austria* (Figure 7) the Federal Environment Agency the landscapes with the highest and high need for protection cover half of the Austrian territory; management plans exists for NATURA 2000 sites and for of protected areas

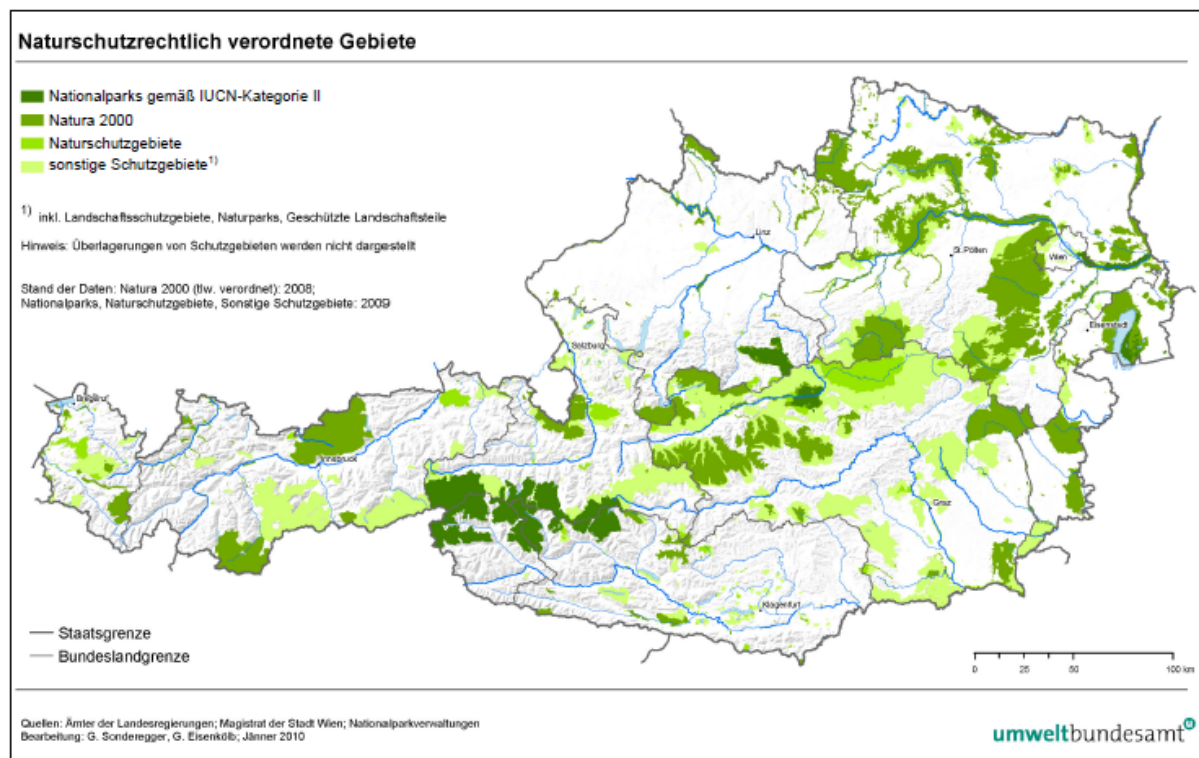


Figure 7: Location of the protected areas established by law: National Parks, Natura 2000, Nature Protection Sites and others in Austria

In *Czech Republic* management of large-scale protected areas has been institutionalized and the management (attendance) plans for protected landscape areas tools to ensure attainment of goals in terms of landscape formation.

Slovakia: no on national level, only in regional and local level; special categories concerning landscape protection: Landscape Protected (14) and protected Landscape Component (it is not applied fully, yet).

In *Slovenia* only the protected areas have their own management plans and their own administration.

In *Hungary* (Figure 8) the National Park Directorates draw up and implement management plans for the protected areas. In the management plans the most important goal is the preservation of existing natural values.

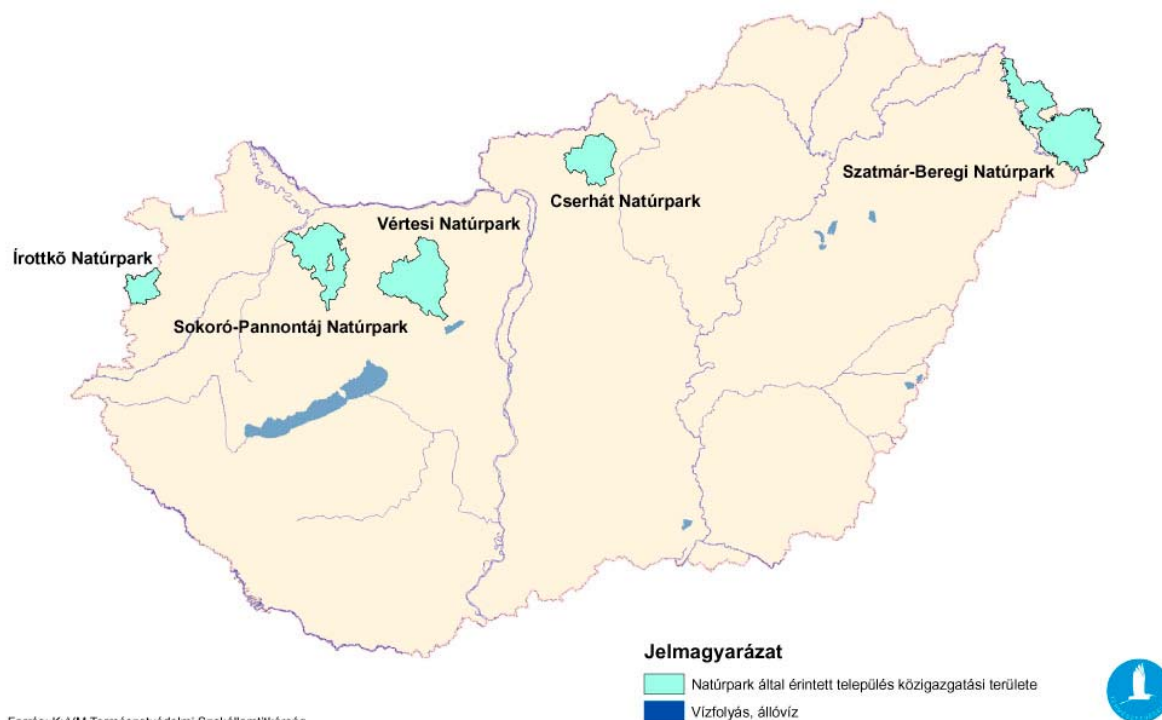


Figure 8: Nature parks in Hungary

8. What are the mechanisms for implementation of landscape plans and other landscape issues?

In *Germany* the implementation of measures for the protection and development of landscapes is required at different levels: Compulsory measures prescribed by law (Heeding the concerns of landscape planning in spatial development plans, Declaration of landscape and natural conservation areas and other areas of protection with respective requirements and prohibitions (restrictions), Impact mitigation regulation (compensation measures for interventions that impact on nature or the landscape), Imposition of nature protection requirements as a condition for the receipt of European agricultural funding, Directives and recommendations (Federal Nature Conservation Act, Conservation area ordinance and Directives) and Special funding programmes (A key problem with the majority of these, however, is their limited duration.)

There is no sector landscape planning established in *Austria*, so landscape planning takes place under the legal frameworks of nominal and sector spatial planning.

Also in *Hungary* there are no real “landscape plans” any more. Activities related to landscape plans do come up partly in the land use framework plans and mostly related to other projects of greater scale. In SEIA come up impacts on landscape structure, landscape management.

In *Czech Republic* the mechanisms depend on the position and qualities of a particular regional unit.

In *Slovakia* landscape issues are considered mostly via territorial plans and other development plans/programmes.

In *Slovenia* decrees of spatial plans, SEIA and EIA including impact on landscape, Project documentation, subsidies and tax reliefs (in agriculture etc.) for certain activities, specially on areas with a lot of limitations, European funds for certain projects.

9. In practice, are the landscape plans successfully implemented (are landscape areas being developed in an appropriate way, are the outstanding landscapes well maintained, are deteriorated landscape areas being restored effectively, is the local population satisfied with implemented plans etc.) or are there any specific difficulties with implementation of landscape plans? If so, what would be appropriate activities or measures to improve the situation? Who is responsible and who takes decision?

In *Germany* the interplay between landscape planning (as a specific planning field) and spatial planning (as overall planning policy) could be improved in areas (in Saxony-Anhalt): - lack of coincidence between landscape outline plans and regional plans, improvement of the instrumental prerequisites to achieve the best possible integration, elimination of institutional obstacles, improved effectiveness of existing legally grounded plans, better communicative and cooperative collaboration between the different actors in the region etc.

As there are no “landscape plans” available in *Austria* the question cannot be answered straight forward. It can be stated that the Austrian landscapes are a major factor to constitute Austrian and, therefore, the public is in principle interested in landscape development. For instance, management measures for National Parks are widely accepted.

There are many difficulties within this field in *Slovakia*. The appropriate solution is the real implementation of the ELC and other relevant documents. Responsible is the state and self-governments, but also private owners.

In *Hungary* there are really good examples mostly referring the habitat and landscape rehabilitation projects of the national parks; but there are also countless conflicts for example with the maintenance of the abandoned and not cultivated lands

Landscape protection in *Poland* concerns mainly conservation of huge landscape parks and cultural parks. On operation level it is implemented in the framework of landscape plans by municipalities.

There are some difficulties with the implementation of landscape plans and other guidelines regarding landscape in *Slovenia*. Urban trends and a lot of large scale infrastructure projects caused degradation of landscape and loss of many areas and elements of landscape identity. The main problem is that there is no evidence or relevant analysis of this transformations, degradations and destructions as well. The other problem is that investors and developers are taken as responsible for the problem caused which is far from productive or ture.

10. Are there any projects related to Leader implemented in landscape areas considering their protection, planning and management?

There are a number of LEADER projects that are directly or indirectly related to landscape issues in all PP countries. LEADER program based on the local development strategies in some PP countries (Austria, Czech Republic) or on rural development strategies or programs (Germany, Slovenia, Poland, and Slovakia with Village renewal program).

In Hungary, the elements of landscape protection come up quite often in the different Leader programs through the projects which help the maintenance the traditional land use. In several areas of Hungary in National Parks, Nature Parks (Vértes Nature Park, Írottő Nature park) were launched Leader programs which contributed to landscape protection and management.