

Pavlina Misikova
Ladislav Ambros

PREPARATION OF THE SLOVAK ACT ON LANDSCAPE PLANNING

"Always design a thing by considering it in its next larger context - a chair in a room, a room in a house, a house in an environment, an environment in a city plan."
Eliel Saarinen, Time Magazine, July 2nd, 1956

Introduction - why is a new legal instrument needed?

Changes in the world economy, development in production technologies and practices in regional development are significant factors accelerative landscape changes. Their influence could be as positive ones, but probably in regard to the landscape often more negative. The consequences are visible in clearance of characteristic features and landscape specifics by which we could certainly recognise different types of the landscape and their location in Europe. Beside the basic characteristic, the landscape possesses a few other important characteristics as a space of public interest, place for formation local cultures, medium for European natural and cultural heritage, co-creates European identity and last but not least it is a component of the quality of humankind's life. As a legal instrument the new act on landscape planning is urgent to the establishment of the landscape optimal spatial organisation especially in a period of increased pressure from the investors.

A new phase in the Slovak landscape planning

According to the Act no. 575/2001 on organisation of the government proceeding and organisation of the central state administration, Ministry of the Environment (MoE) beside other responsibilities is in charge with the ecological aspects of spatial planning. Considering the measure of competencies and also a fact that Slovakia becomes a Party of the European Landscape Convention, the treaty of the CoE, it is necessary to undertake the act on landscape planning (http://www.coe.int/t/e/Cultural_Co-operation/Environment/Landscape).

Designing the act has started in 2003 and a group of experts, scientists and officers from different sectors were involved in the preparation process (Kozova, Misikova, Krsakova, 2005). The proposal of the act regularizes content, practices and conditions of the landscape planning as an instrument of ecological use and protection of properties and investments in the landscape based on principles of sustainable development as well as on the international treaties to which Slovakia is a Party. The act defines the system of the instruments for landscape

planning; relationship between spatial planning and landscape planning, projects of land reforms, forest's administration plans, plans for management of catchment's basins, programmes of waste management, documents of support to regional planning, strategic plans and conceptual framework of the other sectors in regard to the landscape. The act also defines a sphere of authority of the state administration bodies and authorities of territorial self-government bodies. The part of the proposed act is an idea to elaborate Conservation Conceptual Framework and Ecological Use of the Landscape of the Slovak Republic like a source document for elaboration of the regional and local landscape plans.

One of the aims of the act is to generate integrated professional basic documents for integrated opinion of the state administration responsible for the environmental protection.

An ambitious part of the act is integrated opinion of the state administration responsible for the environmental protection that will replace the partial opinion of the specialized state administration in a comment and approval procedure of the landscape documents. Despite of more than 20 years of experience in the landscape planning research, the situation in Slovakia seems to be not quite ready yet to conceive an idea of a new administration within spatial planning and accentuate on landscape planning importance as a societal agreement.

From the proposal of the act

The content of the act includes introductory provisions, landscape planning, basic documents, landscape planning instruments, acquisition and processing of the landscape planning documentation, responsibilities of state administration bodies and territorial self-government bodies, joint provisions, transitional and final provisions.

For purposes of this act, landscape is a comprehensive system of space, location, embossment, and environmental elements, which consists of natural, transformed and man-made elements interconnected and functional together, and they create the environment for humans and other living beings.

The landscape plan is an expert planning documentation, which provides principles, potentials,

resources and regulations of the conservation and the ecological use of the landscape and proposes resolution of the conflict of interest and by those ecological aspects of territorial planning redefined.

Ecological aspects of spatial planning represent potential of natural resources and ecological landscape function, which is expressed by landscape planning limits and they must be accepted in a plan of proposed activities in the landscape.

According to this act, landscape planning is known as a planning activity as a part of the integrated landscape management; is based on landscape-ecological and human-ecological assessment of the landscape; orientated towards ecological optimisation of landscape use from an aspect of co-ordination of present and proposed activities; with landscape specification, guaranty of sustainable development and landscape ecological stability; sparing use of natural resources; and preservation of cultural and natural heritage included with the landscape character.

The landscape plan predominantly includes harmonisation of the ecological functions in landscape structure on a qualified area in an existing level of the landscape plan; determination of elements of the territorial system of ecological stability; determination of the integrated network of the protected areas, significant landscape elements, historical landscape structures, the component parts of monuments and other environmental interests in the landscape; determination of priorities on maintenance of the landscape and the principle of conservation and ecological use of natural resources of the landscape; regulations of preservation and the ecological use of the landscape; proposal of solution of the conflict of interest on conservation and ecological use of the landscape in terms of integrated landscape and management; proposal of areas and localities with a specific maintenance of the landscape, essential in terms of preservation of the value of landscape structures or in regards to their revitalisation requirements; proposal of proceeding for preservation and reinforcement of the landscape ecological stability include erosion control measures, revitalisation measures and creating of the landscape structures.

Difficulties on the way to pass the act

The creation of the act has brought several issues, which are under a big discussion. What need to be solved are present current problems relate to following domains as:

Problem 1:

Dual system to spatial planning. According to the Act no. 575/2001, MoE is in charge with the ecological aspects of spatial planning. Current situation with the landscape plan now is, that it is in a survey and analysis part of the

master plan at its very first stage. The problem is, that in case the landscape plan is not elaborated, still the master plan could come into force anyway. According to this evidence, the new act on landscape planning cannot be dual to the Act no. 50/1976 on spatial planning and construction regulation, but it will help improved situation describe above. The new situation will also lead towards budget exchanging of the master plan, which is obviously also not a very desirable situation by the architect authorities.

Problem 2:

An approved obligatory part and a directive part of the landscape plan. The proposed act has an ambition to change the situation - so far an architect takes the environmental proposals into consideration while making the master plan but and he also might select just particular information. This is why the act presents two parts of the landscape plan, one of them obligatory and compulsory and the other one directive and recommended. However the obligatory part of the landscape plan is objectionable for the common agreement.

Problem 3:

Limits for the development. As an output, the landscape plan will set out the limits, regulations that will be proposed according to the particular situation, potential and natural conditions of the areas. The problem at this stage is that in the act cannot punctually be prescribed which kind of the limits will be assigned.

Problem 4:

Enhancement of the area or locality with a special maintenance of the landscape. The landscapes with the needs of a special attention are areas and localities demand particular maintenance. They could be for instance landscape types with the typical features of the landscape character, with historic landscape structure, threatened and environmentally damaged landscape types, landscape types from areas threatened by natural factors, and by protected by the enhancement as one of the results of the landscape plan. Opposition to this proposal is based on a fact, that the act on Nature and Landscape Protection does not protect mentioned areas and the new proposed act will protect a bigger amount of the landscape.

Problem 5:

Acquisition of the landscape planning documentation (factotum). The question of financing the landscape planning documentation is crucial but open yet - what is the best solution in ordering the landscape planning documentation? Whether it should be the responsibility of the state or the costs should bear the municipalities?

Final remarks - what is expected in the practice?

After such a complicated negotiation period over finding the agreement on the new act, there is a trust, that the act on landscape planning will significantly change the



attitude towards landscape use. The act as the strong legal instrument, will improve protection, management and planning of the landscape. In the practice, the new situation on one side will help with preparedness to attract the right investments, on the other side to refuse the damaging activities to the landscape. The act will prevent conflict of interests and bring the optimalization of the land use.

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Literature:

http://www.coe.int/t/e/Cultural_Co-operation/Environment/Landscape: **The European Landscape Convention**

Act no. 50/1976 on spatial planning and construction regulation

Act no. 575/2001 on organisation of the government proceeding and organisation of the central state administration

Kozova, M., Misikova, P., Krsakova, A., 2005: **Landscape Ecological Research, Practice and Education as a base for programme of European Landscape Convention implementation in Slovakia**. Alfa Spectra, a special issue, Spectra Centre of Excellence, Bratislava.