An Taisce
*The National Trust for Ireland*

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Built Heritage & Architectural Protection,
Department of Arts, Heritage and the Gaeltacht,
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08.08.14

**Re: Submission to the Draft Landscape Strategy 2014**

Dear Sir/Madam,

An Taisce would like to make the following comments on the Draft Landscape Strategy which we request the Department take into consideration.

An Taisce participated in the National Landscape Strategy Steering Group and would appreciate notification of further meetings to discuss the conclusions of this consultation.

Yours sincerely,

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# Submission to the Draft Landscape Strategy 2014

## Join Us

An Taisce, the National Trust for Ireland, is a membership-based charitable organisation committed to enhancing our quality of life, heritage and environment.

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# 1.0 Introduction

An Taisce appreciates landscape is a complex phenomenon and agreeing on landscape values has become a contentious topic for the government, local authorities, stakeholders and public alike (Selman, 2009). It is now several years since the initial meeting of the National Landscape Strategy Steering Group, which should have allowed sufficient time for the government and others to reflect on the 'Celtic Tiger' era, including the changes it brought to the landscape and focus on how the country will face-up to protecting, managing and planning its landscape in the future. Although positives have emerged from the past decade they have been masked by the negatives, particularly the degradation of character in the countryside by aberrant development (McDonald et al, 2005).

To remove contentiousness from landscape and promote agreement on landscape character and value the Council of Europe (2000) shaped the European Landscape Convention. The European Landscape Convention was signed into force by thirty member states of the Council of Europe in Florence, Italy on 20 October 2000. As a result, every aspect of the European landscape was identified as having great importance in the cultural, ecological, environmental and social fields as well as holding resources which can contribute favourably to economic activity. Its '*protection, management and planning*' can aid in the creation of: better job opportunities; an identity; unity and cooperation between member states; human well-being; quality of life; and responsibility. The concept of landscape now represents natural, rural, urban, peri-urban, outstanding, everyday and blighted landscapes (Déjeant-Pons, 2009).

The draft strategy for Ireland represents an opportunity for the Department, who oversee the management of the landscape, to reform and consider what is important to their landscapes, environments and communities and be ready for the next transformation. It is, therefore, disappointing that all that all the draft has amounted to is rhetoric of commendable objectives which lacks robust, detailed and scheduled targets, actions and measures to achieve tangible implementation and a transition in how Ireland meaningfully promotes the protection, management and planning of the landscape in line with the convention. Implementation has been the Achilles heel of the achievement of sustainable landscape planning in Ireland and must now at this critical juncture be the focus of a Landscape Strategy.

**General Recommendation**

An Taisce requests that the Department revise the entire strategy to include more detailed and focused actions, particularly in relation to gaps in the legislation and policy for landscape, and attach detailed and scheduled targets and give assurances of financial resources to secure compliance with the European Landscape Convention.

# 2.0 Recognise Landscape in Law

The term 'landscape' has been defined in the Planning and Development Act 2000, as amended under Section 23. The definition was in accordance with the European Landscape Convention. It was a positive step in giving landscape increased recognition, however, in reality it has had no substantive effect on how Ireland protects, manages and plans its landscape.

To support this, Action 1 of the strategy suggests complementary legislation and codes '*are to be examined*' to see whether gaps need to be addressed. This is entirely vague and only represents a strategy for a strategy. The Department, at this stage, should be fully aware of the gaps and need to state these gaps clearly in the strategy. Under Action 1, An Taisce would have expected to see more detailed legal actions and measures.

Many gaps in the legislation are clear, for example under the Heritage Act 1995 landscape is given a legal definition. Under this legislation the definition includes '*areas, sites, vistas and features of significant scenic, archaeological, geological, historical, ecological or other scientific interest*'. This definition is not consistent with that given the Planning and Development Act, 2000 as amended. The definition in the Heritage Act runs more parallel to the justifications given for architectural conservation and protection and is now out-dated. It should be explicitly stated in the strategy that this be updated.

A further gap is the requirement to carry out a landscape character assessment under Section 10 (2) (p) of the Planning and Development Act 2000, as amended. The Planning and Development Act 2000, as amended, is not specific in what objectives should be included for the identification, assessment, protection, management and planning of landscapes. Most local authorities have interpreted Section 10 (2) (p) to mean the carrying out of a Landscape Character Assessment only and, in reality, what has transpired through the legal mechanisms is the promotion of the concept of outstanding landscapes only. This is flawed and inconsistent with the European Landscape Convention which also requires everyday landscapes to be protected, managed and planned for. It is argued local authorities have not taken on-board Landscape Characterisation to the extent which the European Landscape Convention intended with little effort devoted to improving all landscapes.

**Recommendation**

- The strategy should identify the gaps in legislation and codes and explicitly state this within the current strategy, not in a further undefined strategy in the future.

# 3.0 Develop a National Landscape Character Assessment

An aspect of particular importance to this strategy is the concept of Landscape Character Assessment, which emerged from Article Six of the convention which states that signatories are required to identify their landscapes and analyse their characteristics and values including the forces and pressures transforming them. With this article Landscape Character has emerged as a planning tool.

Landscape Character Assessment is concerned with the character of all landscapes not just high quality or valued landscapes, although quality and value are important when making judgements on factors changing the landscape. A rounded perspective on landscape character is the 'distinct, recognisable and consistent pattern of elements in the landscape that makes one landscape different from another, rather than better or worse' (Martin, 2006). The process of producing and representing Landscape Character Assessment at local authority level has been well analysed in Ireland with Martin (2006) carrying out a baseline audit which was then updated by Minogue (2009).

Most local authorities in Ireland have carried out some form of Landscape Character Assessment, despite concern from academics in Britain who feel, in most cases; Landscape Character Assessments are not used to their full potential or not fully understood by those who need to use it. For these reasons Martin (2004) considers Landscape Character Assessments a planning tool, that often 'sits on the shelf'. However, other academics would go further; for example, Antrop (2005) would argue the European Landscape Convention is not very certain on how to proceed with in characterising landscape and questions whether Landscape Character Assessment is the appropriate tool.

From the examination of the Department of Environment, Community and Local Government (2000) draft guidelines and the Countryside Agency (2004) guidelines there are imaginative and innovative functions provided for Landscape Character Assessments. The application of the document, however, requires interested and dedicated champions on the issue of landscape. The critical output of National Landscape Character Assessment is to inform local authorities, stakeholders and other interested parties on the importance of landscape but it should also suggest how it can be being applied.

Martin (2006) verifies that Landscape Character Assessments have been used in Europe since the early 1990s but only since the convention have they been implemented in Ireland in an official capacity. National schemes of landscape characterisation are gaining momentum across Europe, according to Priede (2009), despite a difference in implementation between countries. Priede (2009), Swanwick (2004) and Martin (2006) suggest that this growth is testament to the importance of landscape, particularly the

everyday landscape and the realisation that landscape is 'the everyday as well as the extraordinary'.

Landscape Character Assessments in Ireland have been found to be inconsistent and miss vital elements when produced (Martin, 2006; Minogue, 2008). This question is worth investigating as the public perceptions of landscape are completely different to that of trained professionals, leaving landscape planners unsure, as to how they use it - the overall use of Landscape Character Assessment may be outweighed by the cost of producing it.

What surfaces from this discussion is the uncertainty of approach. There is disparity and discord among academics as to whether Landscape Character Assessment is the correct approach, as it appears to be the only viable planning tool to date for landscape planners to use. However, it is difficult to dispute Landscape Character Assessment with no comparable option available. Although seen as the best option now, there is little research available which attempts to improve the process of Landscape Character Assessment. As seen throughout this section there are several criticisms but no academic research asserts itself to devise better strategies for landscape planning.

If a national scheme of characterisation is to be executed before 2024, the strategy needs to identify in detail how this will be achieved in a timely manner. Many would argue Ireland cannot wait until 2024 for a National Landscape Character Assessment given the major infrastructural programmes currently being proposed, e.g. Gridlink 25. Of further concern are the financial resources available to the Department to carry out a National Landscape Character Assessment.

**Recommendation**

- The strategy should set a deadline stating when the process of making a National Landscape Character Assessment will start and finish.
- The strategy should clearly state what the intention and purpose of making a National Landscape Character Assessment is and how it will be meaningfully used and applied in the future planning of our landscapes. Otherwise, the document is destined to 'sit on the shelf' from the outset.
- The strategy needs to state clearly what happens after the National Landscape Character Assessment and how they will be reviewed or ensued by capacity studies.
- The strategy needs to give sufficient detail on how the process of objectively characterising landscape will be carried out.
- The strategy needs to address what resources, particularly financial, they can allocate to Actions 2-4.

# 4.0 Develop Landscape Policies

The European Landscape Convention considered the practice of landscape planning as 'strong forward looking action to enhance, restore or create landscape'. This definition, although broadly supported, is debated. This is due to most landscape planning being concerned only with landscape protection. However, Selman (2010) is by and large supportive of the convention's definitions particularly its emphasis on creativity and restoration.

The European Landscape Convention does not stick to the traditional methods of protectionism, rather, it is accepted that landscape needs to adapt and adjust to human need. The European Landscape Convention had the aim of: making landscape a mainstream political concern; creating an opportunity for public participation in landscape planning; encouraging the introduction of a range of policies and measures for landscape protection, management and planning; and providing a framework for the protection of landscape values (Antrop, 2005). All these aims should be implemented at local authority level through the Landscape Character Assessment and concomitant policies in the County Development Plan.

However, in reality our local authorities have wholly failed to put in place the implementation measures set out in Article 5B and 5D of the Convention. This is partly due to disinterested and unimaginative local authorities who do not use to current legislative provisions available to them, predominantly due to the current legal mechanisms and landscape policies in Ireland which promote the concept of outstanding landscapes only.

This is flawed and inconsistent with the European Landscape Convention. Selman (2010) suggests that this approach only offers a 'token set' of ring-fenced beautiful places only. Swanwick (2004) and Bell (1999) agree, suggesting it simply makes one landscape 'better' than another. This approach assumes for the most part scenery should be protected as opposed to the protection, management and planning of all landscapes.

Looking into Section 202 of the Planning and Development Act 2000, as amended, there are provisions for areas of special amenity. These areas need to be of outstanding natural beauty, of special recreational value or hold any benefits for nature conservation. In Section 204 a Landscape Conservation Area can be created which promotes the preservation of a landscape. Ring-fencing and preservation is evident in Section 202 and 204, despite the European Landscape Convention definition of landscape planning which is more flexible by aiming to 'enhance, restore or create landscapes' rather than provide a single strategy for its protection.

It is also significant that all these provisions are entirely discretionary, and '*of the opinion*' of the local authority. There is no mandatory requirement on planning authorities to put

landscape designations on place. Furthermore there is no national landscape designation standard defined.

Action 5 of the strategy suggests that '*where policy conflicts or gaps are identified, measures should be outlined to resolve them*'. This is entirely vague and only represents a strategy for a strategy. The Department, at this stage, should be fully aware of the conflicts and gaps and need to state these gaps clearly in the strategy. Under Action 5, An Taisce would have expected to see more detailed actions and measures.

## Recommendation

- The strategy should identify the policy conflicts or gaps, explicitly state them within the current strategy and outline measures to resolve them in the current strategy, not in a further undefined strategy in the future.
- The strategy should indentify policies and plans to specifically enhance, restore or create landscapes*, not simply enforce current mechanisms which mainly promote the concept of outstanding landscapes only.
- The strategy should outline measures which would compel local authorities to apply the provisions in the legislation. This could be achieved through a defined national landscape designation standard.
- The strategy should set out the creation of a single holistic landscape guidance document at national level, with guidance on how to apply:
    - Landscape Character Assessments,
    - the provisions for landscape in the Planning and Development 2000, as amended, and
    - other relevant policies for the landscape.
- The strategy needs to identify suitable indicators to monitor landscape change.
- The strategy needs to seek more recognition for landscape issues in the other initiatives such as the Rural Development Programme.

## * Example: Integrated Landscape Management with Carbon Sequestration

The Landscape Strategy should include provisions to enhance, restore or create landscapes, not simply enforce current mechanisms which mainly promote the concept of outstanding landscapes only.

The primary objective of the many actions in this strategy must be to prepare Ireland's landscape with the resilience to thrive in a time of energy and climate uncertainty. The landscape can play an important role in mitigating our cumulative emissions through their rich stores of carbon.

Carbon sequestration needs to be made an integral part of any landscape strategy.

There is an overriding imperative that all policy in all government departments must be judged on the basis of radically reducing the cumulative sum total of future emissions. Only acting urgently and radically to cut emissions quickly can limit climate change to below 2ºC at least-cost to prevent much greater adaptation costs. The landscape can play a significant role in achieving this imperative.

## Peatlands

Peatlands for example are one of the world's most important landscapes. Covering a mere 3% of the world's terrestrial surface, peatlands contain 550 Gigatonnes (Gt) of carbon making them the most important long term carbon sink in the terrestrial biosphere. This ability of peatlands to store $CO_2$ and other greenhouse gas means they have a net cooling effect on the global climate. It has been estimated that in the last 10,000 years since the last Ice Age the atmospheric carbon sequestered in peats has served to reduce global temperatures by about 1.5 – 2 °C.

In terms of encouraging the fostering of terrestrial carbon sequestration, Ireland's landscape is uniquely placed. The Republic of Ireland is third only to Finland and Canada in proportional area of peatland cover. According the EPA's Bogland report (2011) peat soils cover 20.6% of Irelands national land area and contain more than 75% of the national soil organic carbon. Near-intact peatlands may actively sequester c. 57,402 t C/year over the whole country.

Neither our past nor our current management of peatlands in Ireland has been sustainable. Disturbances in the form of industrial and domestic peat extraction, private afforestation, overgrazing, wind farms and recreational activities have had and are having major negative impacts on the hydrology and ecology of these landscapes. There are no more intact raised bog landscapes in Ireland. The current area of active raised bog stands at a mere 2,000 ha, less than 6% of the protected raised bog area. It is estimated that between 2% and 4% (40–80 ha) of this active area is being lost every year mainly as a result of turf cutting. Even if turf cutting were to cease, peat oxidation would continue (due to drainage) unless measures were employed to stop and revert the deterioration. Damaged peatlands are a persistent source of carbon dioxide ($CO_2$) and, at the national level, Irish peatlands are a large net source of carbon, estimated currently at around 2.64 Mt C/year.

Carbon dynamics should be a key driver of Landscape Strategy. The rewetting and restoration of peatlands has the capacity to secure existing carbon stocks and reinitiate the carbon sequestration capacity of degraded peatlands. International climate change talks have agreed that carbon savings from rewetting drained peatlands, and other forms of peatland restoration, may be used to meet emissions reduction targets, alongside those from other land use activities such as new forest planting.

Peatland restoration projects have been recognised by the Kyoto Protocol and should be incorporated into Landscape Strategy. Active and remedial management options, such as avoiding drainage (conserving) and re-wetting may be effective ways to maintain the carbon storage of peatlands and to recreate conditions whereby the

peatland may actively sequester carbon in the future.

## Forests

Ireland's forests have also been identified by the Irish authorities as a potential area where we can increase carbon sequestration. Outside of commercial forestry and native woodland establishment the enhancement of hedges/trees/field margins have been identified as a way to improve carbon storage across the Irish landscape. While Ireland was once largely covered in broadleaf woodland we now have the second lowest level of forest cover in the EU. Globally Ireland is one of the countries with the greatest potential for afforestation. One of the aims of Ireland's national forestry policy is to encourage planting by private landholders in order to achieve a forest cover of 18% by the year 2046. This is a conservative goal given the fact that the EU average is above 30%. At the end of 2012, forests covered 10.5% of the Ireland's land area.

Forestry is one of the tools which must be fully utilised nationally to deal with the threat posed by climate change. By increasing Irelands forest cover a significant carbon sink will be established. Increased native forest cover would also provide other ecosystem services such as flood mitigation and it could provide a sustainable source of biofuel to offset future reductions in fossil fuel use. Biofuels produced through coppicing native species of willow (Salix), alder (Alnus glutinosa) and birch (Betula pendula and Betula pubescens) could be used as an alternative to turf thereby facilitating the conservation of our peatlands.

However, new national afforestation standards are required to cover site selection and site suitability, species range, woodland management to ensure that future afforestation enhances biodiversity, peatland conservation and maintainance of landscape character.

The Department must be become informed of the current situation globally in relation to carbon credits. There may be the possibility that a scheme could be developed within Europe that that also focuses on the role of conservation, sustainable management of forests, and the enhancement of forest carbon stocks.

# 5.0 Strengthen Public Participation

It is absolutely essential for all actions under this strategy to be effective they are carried out in a transparent manner in partnership with the local community and stakeholders and is aimed at building consensus. Far too often in the past such consultations have had no meaningful engagement with local communities. The consequences have generally been deleterious to community integration and social capital.

Actions in relation to Landscape Character Assessment must be informed by a high level of transparency, democratic participation, community empowerment, and local decision-making and ownership. Furthermore, the objective for those preparing a policy and legislation should be conciseness, clarity and simplicity in use of language. Any excessive flexibility inherent in the policy and legislation will result in inaction by the department and a document incapable of being applied. This flexibility is evidenced both by vagueness and 'let-out' clauses which causes problems of interpretation.

An absence of a transparently decided policy on landscape causes significant conflict. This was clearly illustrated in a drive to increase wind energy production for export to the United Kingdom in the Irish midlands. The manner in which competing energy companies proceeded to negotiate turbine site options in the Irish midlands without a national landscape policy and other legislative measures being in place was deleterious to community participation. These developer-led initiatives divided local communities, turning renewable energy into a focus of opposition and potentially resulting in the selection of unsuitable sites for wind energy.

Bridging the gap between economics, environmental requirements and the wider interests of the common good with local interests can be a process fraught with difficulty and conflict. While appreciating that many actions of this strategy are technical in nature and that it will aggrieve some section of society, the government need to ensure an open and transparent process whereby everyone is having their submission heard on an even playing field and not being offered a tokenistic consultation whereby submissions in reality will not bring about any change.

**Recommendation**

- The objective for those carrying out any actions under this strategy should be conciseness, clarity and simplicity in use of language.
- Any legislation and policy should remove excessive flexibility inherent in many government policies and legislation in relation to the landscape.

# 6.0 Implementation

Ireland is now bounded by the several provisions set out in the convention. Although landscape was given stature in Ireland through this treaty it is submitted the treaty does not go far enough, with no repercussion for those who do not withstand the treaty. The Council of Europe itself lacks the stature rather than the treaty, stature which institutions such as the European Union does hold through implementation of directives and a heavy courts system (The Heritage Council, 2010b). It is clear given the time it has taken to reach this strategy the government is lacking the pressure to implement the convention and are aware there will no repercussion for not doing so.

Over the past fifteen years there has been no shortage of very well intentioned strategies published in Ireland by Government, Quasi-Government and Non-Governmental Organisations. However, the reality has been (and remains) a widespread absence of implementation and an almost complete divergence between policy and practice. Policy guidance documents have been heretofore habitually ignored in favour of pressing short-term economic requirements, the requirement to promote commercial rate revenue and lobbying from special interest groups. As a result and it must be recognised, the direct legacy of the recent 'Celtic Tiger' era and associated expansion in construction activity is that Ireland now has one of the most unsustainable, economically inefficient, structurally weak and spatially dispersed settlement patterns anywhere in Europe. In the current economic circumstances within which Ireland finds itself, there is a very real danger that we will revert to the failed and near-sighted *'all development is good development'* mantra of the past without paying adequate attention to the long-term consequences and costs.

It is therefore submitted that it is now, more than ever, of paramount importance that the Department moves beyond the mere rhetoric of commendable policy objectives within the text of the forthcoming Energy Policy and towards **robust targets, actions and measures** to achieve the tangible implementation and a transition to a low-carbon, low-energy and sustainable society. Implementation of policy has been the Achilles heel of development in Ireland and must therefore now at this critical juncture be the focus of the Energy Policy.

**Recommendation**

- The strategy must include a detailed implementation and monitoring schedule which outlines the manner in which the strategy will be achieved.
- A designated implementation group must be appointed to oversee the implementation of the strategy and ensure joined up thinking between all government departments.

# 7.0 Conclusion

Landscape has received less attention than other issues concerning the environment in the past. However, the issue of landscape is growing in importance with top-down leadership from Europe. Although hesitant, the Department has slowly been making progress in implementing the European Landscape Convention and helping to create a better understanding of landscape.

The difficulty of trying to manage a multifunctional and emotive landscape is admitted. However, the Department need to accept this challenge and work to achieve a more robust and holistic landscape strategy which holds sufficient detail for it to be achievable of implementation before 2024. The Department should revise this document including more detail with timetabled targets and budgetary considerations.

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