



# The European Landscape Convention and its application in the Netherlands

In 2000, the Council of Europe opened the European Landscape Convention (ELC) for signing and ratification in Florence. The ELC is the only European treaty that deals specifically with landscape. It was considered urgent by the Council because many national and European level policies have major consequences for the quality of the landscape, also at the regional and local levels. Nowadays, climate change, the energy transition and water management, changing agricultural production methods and the rapid increase in the construction of buildings and infrastructure have a huge impact on the landscape. By ratifying the ELC, Member States agree to take the quality of landscape into account in their policies.

The European Landscape Convention (ELC) has four pillars:

1. to recognise landscapes in law as essential for people's surroundings;
2. to establish and implement landscape policies aimed at landscape protection;
3. to establish procedures for the participation of the general public, local and regional authorities and
4. to integrate landscape into its regional and town planning policies.

Article 7 in the convention is devoted to international cooperation (Council of Europe, 2000). In short, the ELC obliges signatories to create conditions that allow for the protection, management and layout of landscapes and the organisation of European cooperation in this area. This implies that the signatories carry a considerable responsibility for the implementation. However, it does not imply that they have to carry out all the necessary actions themselves. Michael Dower, from the working group responsible for the draft of the convention, distinguishes 12 actions that will make a reality of the European Landscape Convention (Dower, 2008). These include monitoring, identification and assessment of landscapes, as well as setting landscape objectives needed for the protection, management and planning

of landscapes. Some of the actions lay exclusively with governments, like the recognition of landscape in laws and the integration of landscape in policies. Others can be done by all stakeholders, including scientists and local people (figure 1).

In 2005, the Netherlands signed and ratified the ELC. At the time, all formal conditions of the convention were met, and ratification offered the opportunity to further promote the Dutch integrated landscape policy, which was internationally seen as a source of inspiration (Pedroli & Hazendonk, 2004). There was a generic landscape policy formulated in the Agenda Landschap, a policy which focused on careful handling, participation and financing of sustainable landscapes. Furthermore, the landscape policy was reflected in the establishment of National Landscapes: large areas representing distinguished landscape types to which quality objectives (core qualities) were linked. Municipalities were encouraged to draw up and implement landscape policy by subsidising landscape development plans. These plans included the elaboration of a landscape design, based on a landscape analysis as well as a chapter describing implementation. These landscape development plans, especially in combination with research guided by the "landscape biography" concept had proven to

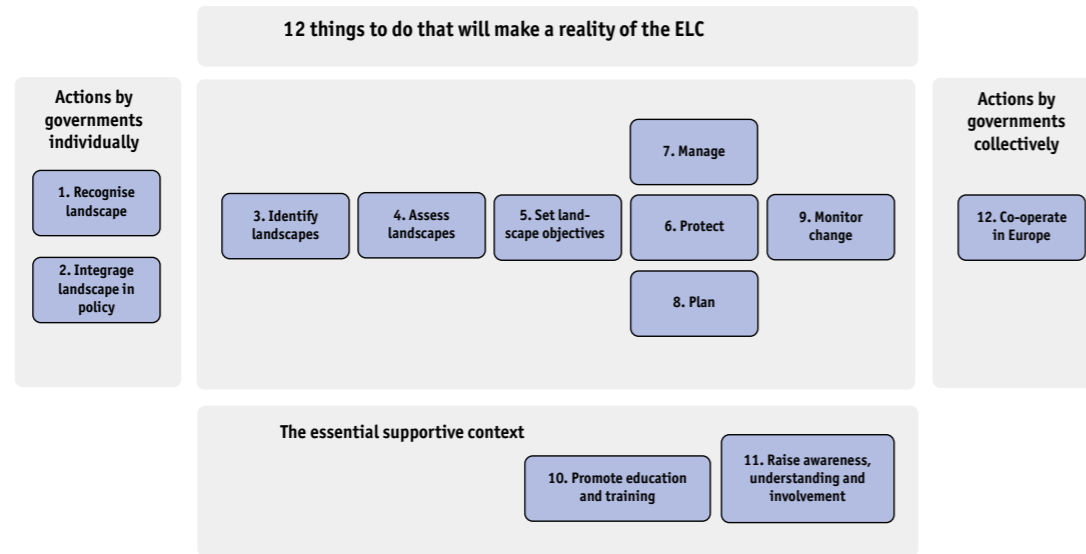
The Netherlands  
National Strategy Landscape  
Monitor Landscape  
Environment & Planning Act  
EU Green Deal

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**Figure 1** Essential actions for the European Landscape Convention (based on Dower, 2008).



be an effective strategy (Baas *et al.*, 2011). Another important achievement during that time was the appointment of a government advisor for landscape.

### The Dutch Landscape Manifesto

The signing and ratification of the European Landscape Convention by the Netherlands coincided with the foundation of the Landscape Manifesto in 2005 by non-governmental organisations. The ELC was an important motivation for the establishment of this partnership. It was explicitly stated that the signatories of the Manifesto endorsed and supported the ELC. The Landscape Manifesto developed into a group of more than 40 civil society organisations, companies and public parties. They joined forces to pay special attention to the landscape by increasing awareness and involvement, increasing accessibility, improving quality landscapes, broadening funding

and influencing policy and international cooperation (Landschapsmanifest, 2005). In 2008, the Landscape Manifesto resulted in the “Apeldoorn Agreement”, in which governments, businesses and civil society endorsed the importance of landscape and the need for conservation as well as investments. The Landscape Manifesto was a textbook example in Europe of the involvement of the social field in the implementation of the ELC (Dessing & Pedroli, 2012). It was in this period that Dutch organisations supported the establishment of Civilscape and Uniscape, the two international networks for respectively landscape NGOs and research institutes closely connected to the ELC. LandschappenNL, the national representative of 19 provincial landscape organisations, was one of the founders of Civilscape.

### Change of landscape policy

In 2012, the situation in the Netherlands had changed drastically (Dessing & Pedroli, 2012). The energy of the Landscape Manifesto had faded away; it had become a partnership of inactive parties that finally fell apart. Moreover, the new government explicitly stated in a document for the parliament that landscape policy was not a national task anymore (I&M, 2012). Strongly motivated by budget cuts, the government’s policy for landscape was completely dismantled. The National Landscapes were abandoned, the support for landscape development plans was stopped and the Agenda Landschap, as a base for generic landscape policy, had lapsed.

Officially this transition took place under the flag of decentralisation: landscape was no longer a state responsibility but a task of provinces and municipalities. Decentralisation is in line with the European Landscape Convention but, of course, under the condition of a clear description of tasks and responsibilities. But here, no clear agreements had been made about responsibilities concerning landscape and no funds were transferred to provinces. Provinces and municipalities alike were given new tasks without additional resources. The government advisor for landscape wrote in a letter to the responsible ministry: ‘The recent reform is no reason to conclude that we are suddenly denying the goals of the ELC.’ (Luiten *et al.*, 2013). However, it did not change the decisions and it showed how vulnerable landscape policies are to budget cuts. The Dutch government responsible for this annihilation of landscape policy was only in power for two years, but the effects still persist. It proved that landscape had not been adequately assured in the government policies and could easily be set aside.



**Figure 2** Impression of the Monitor Landscape for the area around Rotterdam. The darkest colours indicate the biggest changes in the landscape. Source: monitor-landschap.nl.

### New opportunities

The new Dutch Environment and Planning Act (Omgevingswet), which will come into force in January 2023, offers opportunities for effective landscape policies. This act introduces a National Strategy on Spatial Planning and the Environment (Nationale Omgevingvisie, NOVI). This strategy entrusts provinces and municipalities to make a description of the core values of their landscapes and to incorporate those into their spatial policy. Although it is not legally binding, it does raise awareness about the values of the landscape people dwell in. At this moment, a programme has been launched for the further elaboration of the NOVI. Some years ago, public debate about the state of the Dutch landscape led to the term “landscape agony”, meaning ‘a wistful or melancholy feeling, caused when one sees landscapes or areas that have been irrevocably changed’ (De Boer, 2019). Societal discussions such as these and the spreading of distri-

bution centres in the landscape, climate change etc. have contributed significantly to the start of the programme Developing National Strategy Landscape (Ontwikkelen Nationale Strategie (ONS) Landschap) of the Ministry of the Interior and Kingdom Relations in 2018. One of the core aims of ONS Landschap is to advocate a landscape-inclusive planning policy, in which landscape is an inseparable part of planning and environmental policy.

With the start of the programme ONS Landschap, landscape was back on the national agenda in the Netherlands. The programme is working on a national strategy to stop the spreading of distribution centres in the landscape, together with partners. Besides this, the team of ONS Landschap works in some areas such as the Green Heart, the Dutch coastal line and the IJsselmeer area to enhance spatial qualities. Furthermore, a joint group of governmental organisations and NGOs are working with the Ministry on a plan to enhance landscape elements. The core aim of this plan is to strengthen the landscape identity of areas through the realisation of landscape elements and a “green-blue veining” of 10% in all cultural landscapes, in line with the ambitions of the European biodiversity strategy 2030 (see also box, p. 75).

The new Dutch government recently made spatial planning one of their focus points by introducing a special minister for Housing and Spatial Planning. One of the main tasks of the new minister is to enhance spatial quality by introducing a special programme called Mooi Nederland (Beautiful Netherlands). The outline of both this programme and the elaboration of the NOVI will be presented in July 2022.

### Renewed interest in landscape and ELC

Debates in the Dutch parliament are proof that the attention for landscape is definitely growing, leading to questions about landscape and the ELC. As a result of these discussions, LandschappenNL took the initiative to establish a landscape observatory and launched the website [www.landschapsobservatorium.nl](http://www.landschapsobservatorium.nl) in 2015 (Van Herwaarden, 2017). Important reasons to do so were the need to provide and explain up-to-date and coherent information about the creeping changes in the landscape and to raise awareness among the public and policymakers. However, mainly because of insufficient means and support, the landscape observatory remained in the state of a national website and needs to be further elaborated to meet the guidelines of the European Landscape Convention (Council of Europe, 2008).

Supported by the former government advisor for landscape, Berno Strootman, the Landschapsmonitor (Monitor Landscape) was launched in 2021. It shows the changes in the landscape on the basis of six indicators: buildings, land use, openness, trees and shrubs, historical landscape elements and relief (figure 2). This allows decision-makers and those involved to have substantive conversations about developments in the landscape and the choices to be made. It is also possible to evaluate the impact of measures on the landscape. The new Monitor Landscape offers new perspectives to elaborate the landscape observatory.

### European Union policies and the ELC

The European Union defines the majority of European legislation and policy related to land use. Farming and forestry is the dominant land use in all European countries, and as a result of intensified farm

management, plantation forestry, large capital inputs, knowledge-intensive farming, and scale enlargement outputs have increased tremendously. As a result, the landscape has shown large changes over the past century, either towards intensification of land use or extensification with consequent land abandonment (Van der Sluis, 2017). Perhaps the most distinct visual change has been the removal and degradation of (semi-) natural landscape elements (Brussaard *et al.*, 2010). In particular, European agricultural policies and regulations like the Common Agricultural Policy (CAP) and European Forest Policies are of major importance for European landscapes. Unlike the Council of Europe, the European Union has no explicit policy on landscape, as mentioned in the introduction to this issue by Van Zelm van Eldik. Since in the Netherlands more than half of the land is owned by farmers, including landscape goals in the CAP would have a huge positive impact. But also, EU policies on biodiversity and nature conservation can be used to strengthen the quality of the landscape. The European Green Deal and the Biodiversity Strategy (European Commission, 2020) do, however, offer opportunities and pay attention to aspects of landscape (see box, p. 75). In particular, the aim of at least 10% of non-productive landscape elements or features and the planting of three billion trees in the EU can significantly benefit European landscapes, provided that these measures are carefully planned and are conditional for CAP funding. The Green Deal inspired a broad coalition to set up a plan for the establishment of a network consisting of green and blue (water-associated) landscape elements that should consist of 10% of the Dutch rural landscape.

### Bottom-up initiatives

The Dutch public is increasingly aware of the poor current status of the landscape. The ELC's principles are gaining a foothold in the Netherlands. Participation is an important aspect of the new Environment and Planning Act, which will take effect in 2023. Following on from this regulation, several NGOs have launched a website to inform and support citizens about the possibilities for participation in spatial policies, explicitly referring to the ELC (Vogelbescherming Nederland *et al.*, 2021). On this website, the ELC is referred to as a convention in which landscape is treated as a basic human right and a tool to enforce participation. Until then, the ELC was hardly ever used as an argument to raise awareness and to strengthen participation in landscape.

The legal weakness of the ELC is an issue. On the one hand, the strength of the convention is precisely the spontaneous, bottom-up approach, whereas on the other hand, it must be more than a suggestion without legal obligations. There are citizens' initiatives that refer to the agreements of the ELC. An interesting example is a case in the municipality De Bilt in the Netherlands (Puijenbroek *et al.*, 2013). Based on the ELC, the residents' association in De Bilt proposed to designate an area as a municipal landscape monument, to which the municipality of De Bilt agreed in 2007. Although the land owners' objection that the municipality, as a local authority, did not have the competence to do so, the decision was confirmed by the District Court of Utrecht in 2011, the Council of State reconfirmed on appeal on 9 January 2013 that the municipality was the competent authority (in accordance with the “ELC 2000”). With this ruling, landowners can now be called upon to manage their

**Figure 3** Local initiatives with volunteers are indispensable for landscape management. Photo: Floris Scheplitz, LandschappenNL.



area in accordance with the characteristic features of the area. The example shows that the ELC can be successfully used to promote and protect local landscapes.

### Points of concern

Implementation of the ELC involves different state actors in the Netherlands. The ELC is signed and ratified by the Ministry of Agriculture, Nature and Food Quality and the Ministry of Foreign Affairs. The Ministry of Education, Culture and Science usually operates as the contact for the Council of Europe. And finally, the Ministry of the Interior and Kingdom Relations is responsible for the new Environment and Planning Act and the programme ONS Landschap. This results in the landscape not being effectively protected in national policies. Other

points of attention concern the new Environmental and Planning Act. Kistenkas (2019) points out that within the Environment and Planning Act, no administrative layer is held responsible for the design quality at a higher scale level than the building. Landscape in the new environmental system is mainly included in visions, but none of these contain any of the necessary legal provisions (Kistenkas *et al.*, 2018). All governments have to incorporate the landscape in their environmental instruments, but the extent to which this must be done is not described anywhere. This applies particularly to the participatory approach, which is precisely the part that is seen as crucial in the ELC and inherent to the concept itself. The fear is that the municipalities, the most appropriate authorities for this purpose, cannot give sufficient effect to this due to a lack of resources. Finally, the assessment

of landscapes and setting landscape objectives, as pointed out by Dower (2005) - Actions 4 and 5 in figure 1 - are still not implemented in a consistent and systematic way. Kistenkas (2019) argues that the ELC essentially demands a landscape test, similar to Article 6 of the Habitats Directive, and points in this context to the landscape quality objectives of the ELC. Support of bottom-up initiatives is incidental. Experiences of the provincial landscape organisations united under LandschappenNL show everyday shortages of resources for sustainable landscape management to support local initiatives. Support is also needed for exchanges between

bottom-up initiatives, landscape observatories and landscape NGOs in general. These are considered to be particularly useful between groups from different European countries since relevant experiences can be shared and because of the stimulating effects. They help to find new ways of awareness raising, cooperation and influencing governments, seek new forms of financing the landscape and enable groups to step out of the everyday and sometimes stuffy inner circle of national landscape consultations. The use of Uniscap and Civilscape, the ELC networks par excellence suited for these exchanges, is not forthcoming due to a lack of official support.

## The EU Green Deal and the European Landscape

Even though the EU is not a contracting party to the Convention on European Landscapes there are a range of EU legal and policy instruments that support the attainment of its objectives. The European Green Deal, and in particular its EU Biodiversity and Farm to Fork Strategies, include targets and objectives for restoring the rich diversity and values of Europe's landscapes. Building on the Natura 2000 network under the EU Birds and Habitats Directives, EU biodiversity policy for 2030 aims to build a coherent Trans-European Nature network of effectively managed protected areas, covering 30% of EU land and sea. This provides opportunities to create larger, more robust and more connected protected areas as well as strengthening ecological connectivity.

Preparations are also underway for a new EU nature restoration plan, which should help strengthen action both within and beyond protected areas. The plan exemplifies a desire for more holistic approaches towards restoration, integrating nature objectives with climate

change mitigation and adaptation, and increasing the carbon storage and capture capacity of currently degraded ecosystems. In addition to non-binding targets for Member States, aimed to accelerate their implementation of existing EU nature legislation and improve the conservation status of protected habitats and species, the Commission also intends to present, by March 2022, a legislative proposal for legally binding restoration targets for Europe's main ecosystems.

Furthermore, the EU Farm to Fork Strategy sets concrete targets to transform the EU's food system, including a reduction by 50% of the use and risks of pesticides, a reduction by at least 20% of the use of fertilizers, and reaching 25% of agricultural land under organic farming. The Farm to Fork and biodiversity strategy targets include a quantified EU level target on high-diversity landscape features. EU countries should determine specific national values for these targets and align their CAP strategic plans to them. A concrete aim is that at least

10% of agricultural land shall consist of high-diversity landscape features (buffer strips, hedges, terraces, walls, non-productive trees, ponds). Also, the planting of three billion trees (European Commission 2020), reforestation and agroforestry may contribute to the restoration of landscapes.

All of these new targets will require significant investment over the coming decade. In this regard, Prioritised Action Frameworks (PAFs) are key planning tools for Member States to define their needs and priorities for Natura2000 and related Green Infrastructure. Seizing the new opportunities under the Common Agricultural Policy, including in relation to eco-schemes, will be critical to making progress in the protection, management and planning of European landscapes.

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## Summary

In 2005, the Netherlands ratified the European Landscape Convention (Florence Convention). The Dutch government at the time pursued a policy that broadly met the principles of the convention. Six years later, this situation had changed dramatically. A government took office that made drastic budget cuts with regard to environmental and landscape policies. Policy documents stipulated that landscape policy was no longer a task of the state. Although this decentralisation of landscape policy is not contrary to the Florence convention, it was carried out as a budget cut rather than a deliberate devolution. In recent years, landscape has again been incorporated into Dutch national environmental visions and laws, such as the new Environment and Planning Act, although still in a non-committal manner. Another trend is the modest development of landscape observatories and monitoring landscape changes. Local initiatives refer to the principles of the Florence convention. There is a growing awareness that an attractive landscape and living environment is a fundamental right.

The role of the new Dutch government in creating conditions for adequate protection, management and development remains crucial and seems to be recognised as such. In this sense, the Netherlands is once again operating on the terms of the Florence convention. However, there is still much to be desired. Elaboration of landscape quality objectives as mentioned in the ELC is crucial. The quality of landscape is increasingly part of spatial development programmes, but there are no legal guarantees that this will be incorporated to an acceptable degree. Furthermore, there is a shortfall of resources for local initiatives and landscape management. In particular, this applies to a European exchange of experiences by landscape organisations and volunteers.

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