

Legislative Framework for Landscape Planning in Latvia

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Abstract. With the adoption and the ratification of the European Landscape Convention a legally justified need for a clear landscape policy was grounded in the European countries. It includes the elaboration of the new and the improvement of the existing legislative documents on landscape planning, protection and management. The aim of the particular study is to analyse the existing legislative documents in Latvia influencing landscape planning on different scales / and the implementation of the European Landscape Convention. The study emphasizes the complex structure of the Latvian legislative framework affected by the distribution of the normative documents under the various ministries. Therefore, the main problem is unclear responsibility levels and organizational system for solving the issues regarding landscape planning, protection and management. Thus the various discussions between the involved disciplines and responsible institutions are arising. Two groups of the legislative documents influencing the implementation of the landscape policy in Latvia are detected within the study. The first group is strategic documents determining main landscape planning principles and directions at European, national, regional and professional or sectoral level. The second group is operational documents providing a set of actions for the landscape planning, protection and management at the local or the municipality level. The study concludes that operational documents developed by the municipalities are in high importance because of their direct influence on the landscape planning in Latvia. This often leads to the different landscape planning requirements included in the normative documents of the neighbouring municipalities, although the spatial and ecological borders of the visual landscape do not fit with the formal borders of the municipalities. Thus, it is essential to develop the common principles and actions that would be incumbent on all municipalities to provide the landscape integrity and to protect its values according to the main principles defined in the European Landscape Convention.

1. Introduction

With the adoption of the European Landscape Convention (ELC) [1] in 2000 the issue of European landscape protection became actual, as well as the implementation of the Convention in the national planning documents. The European Landscape Convention is the first international documents which covers all aspects of the European landscape and applies to the different scales and types of landscapes –from urban to rural and from nature to degraded. Many European states, including Latvia in 2007, have already ratified the ELC. However, describing the national landscape planning normative documents introduced in European countries, it can be concluded that not all countries, that have ratified the ELC, have also successfully established the base of regulatory documents appropriate to it, and vice versa, in a number of countries in which the ELC has still not been ratified, the guidelines of landscape policies are developed in a good level [2]. In recent years a number of researchers have studied the impact of the



ELC on the development and the implementation of the national documents, pointing out the main features of this process. They are mainly related to the ELC interpretation according the national specific geographical features and landscape planning traditions. As a limiting factor, it is noted that such an approach restricts the protection of the landscapes of European significance, which are situated in the territories of different states. Wherewith, these areas are not perceived as a single entity, but rather as a union of separate territories, where each of territories is managed in accordance with the state specific regulatory documents [2, 3, 4].

The article describes the Latvian experience in the implementation of ELC in the Latvian landscape policy [5] and the development of the normative documents related to the landscape planning.

The influence of legislative rules on landscape is related to two aspects. On the one hand it is the use of the term 'landscape' itself in legal documents. On the other hand there are legislative rules affecting the economic activity of people that facilitate or minimize one or another activity on the landscape thus directly or indirectly affecting the overall visual image and function of the landscape [6]. According to the suggestion of the Latvian scientist Aija Melluma [7] sustainable development of the Latvian landscape directly depends on planning where it is important to adhere to the requirements of the Latvian legislative rules in nature protection and territory planning context. It is also important to consider the sustainable development principles and landscape protection guidelines that have been recognized in European countries and have been included in several international documents [4].

The influence of normative documents on the changes of the Latvian landscape was previously analyzed within the different types of landscape or planning areas, for example, forest policy [6], the influence of normative documents of Soviet period on the planning of the rural areas [7,13], historical documents in the context of the changes of the Baltic Sea coastal landscape [8], as well as the impact of laws and regulations can be viewed as a social, cultural and ecological phenomenon [9]. However, the analysis of the current situation in relation to the normative documents of Latvian landscape planning is currently not widely analyzed. Therefore, the objective of the study is to analyze the base of Latvian regulatory documents and the impact of it to the different levels of landscape planning.

2. Materials and Methods

2.1. The study object

Latvia is located in the North-Eastern part of Europe, on the Eastern coast of the Baltic Sea, the length of the coast – 494 km. The current territory of Latvia is 64 589 km², including land area – 62 046 km², inland-waters – 2 543 km². The territory of Latvia consists of the regions of Vidzeme, Latgale, Kurzeme, Zemgale, which are characterized by different landscapes. Latvia borders Estonia, Russia, Belarus and Lithuania. The number of population is 2 236 910 million (2011), the population density is 37 person/km²; 70.8% live in cities, 29,2% – in rural areas. The total forest area is 45 % of the state territory, marshes cover 4.9% of the state territory. There are more than 12 400 rivers and 2256 lakes in the state, which together with water reservoirs cover 3.7% of the territory. The status of the specially protected area is granted to 8.8 % of the territory of Latvia [10].

Initially, the influence of the normative documents on the Latvian landscape changes is related to land reforms, which are mainly related to changes in land use type, property size and, therefore, the changes of the landscape-scale. For example, as a result of the land reform of 1920 vast estate lands which occupied several hundreds of hectares were divided into smaller plots, whose sizes were only several tens of hectares [7,11,13], therefore, the landscape obtained a new pattern that was characterized by clusters of single farmsteads in the rural landscape. From the 1940, corresponding to the regulations of the land reform, the forests owned by farmers as well as the small plots of land on these areas with fields, meadows and pastures were handed over to forestry enterprises, as a result of which they soon became overgrown, since no cultivation was carried out. As a result of collectivization, for the first time non-characteristic elements in the Latvian rural landscape appeared– rural settlements with urban type buildings and infrastructure, symbolizing the equality between the countryside and cities. The people

were moved from farmsteads to villages, and their lands were transformed into huge agricultural lands, which were adapted to agricultural production [11-13]. The laws and restrictions of the Soviet period had a significant impact on the development of the coastal area landscape. There was a military area in the coast of the Baltic Sea during these times, where the restrictions of economic activities were set. Therefore the population density greatly reduced and biological diversity developed in the Soviet period in these areas. The next period of changes in the Latvian landscape was associated with its regaining of independence in 1990. It promoted different economic activities, regaining of denationalized property, and the single farmsteads came back to the rural areas again. However, during the Soviet period the people's traditions had changed, due to changes in their life style from the rural to the urban style. After the restoration of independence the regulations for the settlements and rural planning existing in the Soviet period were no longer valid, but the new normative documents had not yet been prepared and approved. Therefore it created a favorable environment for the uncontrolled creation of different territories, including for the development of private houses areas on the agricultural, forest lands, as well as on the landscape valuable areas. Thus, the aesthetic, social, economic and ecological landscape environmental quality in those areas decreased. Nowadays the work at the sectoral normative documents in Latvia has started. In 2014 The Construction Law [14], which is also binding to the planning of individual areas (parks, squares, courtyards, etc.), was significantly improved. Along with the recovery of the independence of Latvia and later with the accession to the European Union in 2004, European strategic documents have increasingly greater impact on landscape planning documents. The European Landscape Convention ratified in 2007 and landscape policy plan developed in 2014 indicating the main courses of activities for the implementation of the European Landscape Convention guidelines in Latvia.

2.2. The methods of the research

To define the influence of normative documents to the Latvian landscape planning, protection and management, documents available in the base of Latvian normative documents were analyzed, as well as documents available in the data bases of Latvian ministries.

The documents were analyzed on the following criteria [2]: the planning level and the scale of influence (European, national, regional, local, thematic / sectoral) [15]; type of influence (strategic documents, action documents); area of influence in relation with the landscape planning (environment, architecture, infrastructure, specific landscape type) and appropriate institution competent for the implementation of the requirements of the normative document.

In addition the development plans of the local municipality areas were analyzed in order to identify common and different approaches in landscape planning, protection and management within the certain municipal competencies.

3. Results and discussions

On analysing the documents relevant to the landscape planning they can be divided in two groups according to the type of influence – strategic and action documents. The study concluded that in all levels of planning – (European, national, regional, local and thematic/sectoral) both the strategic and action documents are included conditional upon the long-term, medium-term and short-term plans (figure 1).

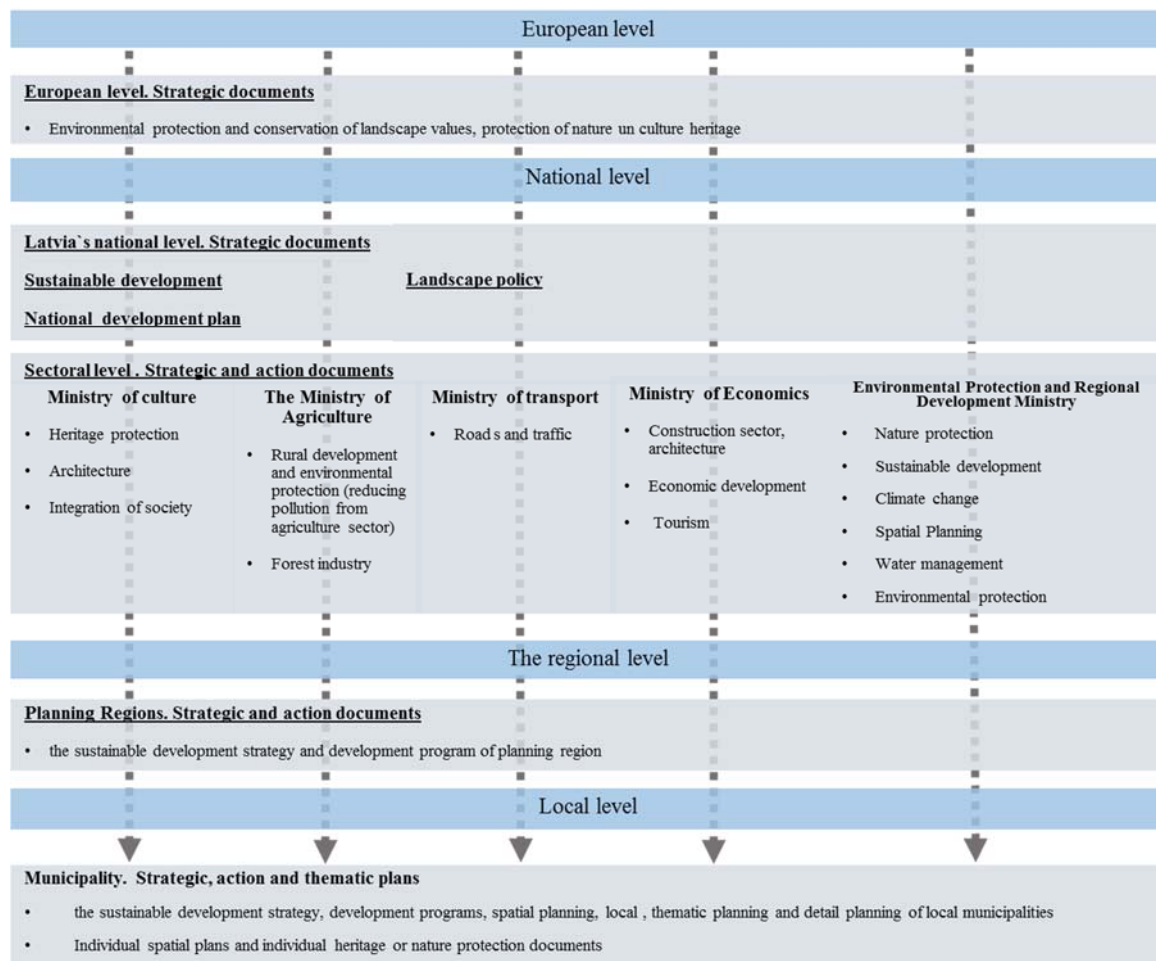


Figure 1. Division of the normative documents on the type of influence and planning levels

The documents on European level define the strategic approach of the awareness and the role of the landscape. Their impact on the landscape planning is observed in several directions. As the one of the initial direction it is the environmental protection and conservation of landscape values in tune with the principles of sustainability, which are already marked out in Rio de Janeiro Convention on Biological Diversity of 1992 [16], and determining the ecologically, economically and socially balanced interaction. It also relates to the Convention of the United Nations Educational, Scientific and Cultural Organization of 1972 concerning the Protection of World Cultural and Natural Heritage [17]. According to the Convention, member states shall take all the possible means, in particular on implementing the educational and information programs, to strengthen public respect for the cultural heritage, as well as widely inform people about all kinds of threats to its preservation [18]. Cultural heritage as a strategic resource for a sustainable Europe is also noted in cultural policy of the European Union. The architecture in the European Union is recognized as a significant cultural and environmental component. The architecture makes contribution to the economic development, the improvement of the quality of European citizens' life, employment, social and territorial unity, as well as promoting cultural diversity and the strengthening of the European identity. In 2001, a resolution was adopted on "Architectural quality in urban and rural environment" with a purpose to coordinate and create a common architectural policy, promote an exchange of experiences between the European Union member states, as well as to follow a supervision of architectural quality. There are a number of regulations in the field of agriculture and rural development in Europe that concern the issues of the landscape development either: Council Regulation (EC) No 1290/2005 of 21 June 2005 on financing the common agricultural policy; Council Regulation (EC) No 1698/2005 of 20 September 2005 on supporting the rural development by the

European Agricultural Fund for Rural Development; Commission Regulation No 1975/2006 of December 7 2006 laying down detailed rules for the implementation of Council Regulation No 1698/2005 regarding the control procedures, as well as cross-compliance in respect of rural development support measures [19].

However, as the most important document related on landscape planning it is the European Landscape Convention (2000) [1], which provides the preservation of the landscape as well the strategy for the development of the landscape as a diverse resource and emphasises the specific importance and role of the landscape for the creation of a qualitative space of life. Consequently, the European Landscape Convention refers to the existing problems related to the transformation of landscapes in urban expansion, the process of globalization, as results of manufacturing and other processes, and the need to develop appropriate tools and strategies to solve these problems in protecting the common heritage. Based on the European Landscape Convention ratified in Latvia in 2007, the guidelines of Latvian Landscape policy were elaborated only in 2013 [5], which define a major problematic aspects related to landscape planning and management and possible solutions in both the regulatory framework and legislation, in both education and practical action.

One of the general laws that define the ownership rights and rights to use the land, forests, waters, as well as construction-related restrictions are Civil Law [20]. It was adopted in 1937 and in pre-soviet period it was one of the most important laws. Civil law was renewed in 1992, and restrictions defined in it serve functions of nature conservation and protection the same time.

The division of normative documents related to the landscape planning by planning levels and impact scale in Latvia is determined by Development Planning System Law (2009) [15]. It is a strategic document and it is aimed at determining the development planning system and long-term (up to 25 years), medium-term (up to 7 years) and short-term (up to 3 years) planning documents, to promote the sustainable and stable development of the state, as well as an improvement of the quality of citizens' life [21]. This law is closely related to the Spatial Development Planning Law, the aim of which is to promote the sustainable and stable development in the state on using effective system of spatial planning [22]. The planning levels and impact scale are pointed out in both laws that influence spatial planning and for concrete actions:

- National level includes – Latvian Sustainable Development Strategy [23], which is a long-term (up to 25 years) development planning document which determines the long-term national development priorities and spatial development perspective. Thus, the guidelines included in the strategy correspond with the things determined in the European Landscape Convention and are focused on the improvement of the quality of habitat environment, public education and participation in spatial development planning, landscape management and other processes related to the improvement of the quality of life; and the National Development Plan [24], which is the medium-term (up to 7 years) development planning document, which determines mutually coordinated national development priorities appropriate to the national strategic objectives.
- Regional level includes the Sustainable development strategy and development program of planning region [26]. The Regional Development Law [25] defines the existing planning regions in Latvia – planning regions of Kurzeme, Latgale, Riga, Vidzeme and Zemgale. The development possibilities, directions and restrictions of planning regions areas are determined in the regulations of the Cabinet of Ministers – Regulations on the development planning documents of planning regions areas [26].
- The local level includes the sustainable development strategy, development programs, spatial planning, local planning and detail planning of local municipalities, included in the regulations of the Cabinet of Ministers – Regulations on development planning documents of local municipalities [27]. These documents determines the development possibilities, directions and restrictions of the areas of local municipalities, graphically depicted the present and planned use of the territory, as well as requirements determined in detailed spatial plans, territories and objects. Local planning and detailed planning determine the conditions of use of area of insufficiently detailed land units and building in the spatial plan of local municipalities.

The guiding principles to be followed in the development of the spatial plan are also reflected in the Spatial Planning Development Law. As one of the most important the principle of sustainability is described, which ensures the qualitative environment, balanced economic development, rational use of natural, human and material resources, development of the natural and cultural heritage for the present and next generations [15]. On observing the results of the planning process, which are reflected in the real landscape, this principle is not always observed. This probably could be explained by a vague and generalized formulation of the concept of sustainability within the law, because, for example, the concept of qualitative environment is ambiguous. Used in spatial planning the interest coordination principle is described in the law, which could be described as non-conforming to the real situation. It provides to carry out the planning development in accordance with other spatial plans, and include state, planning regions, local government and private interests [15]. The disregard of this principle severely affected the development of several major cities suburban area or common development of border area of neighbouring municipalities. One of the problems is the fact that the central city of the region is treated separately from the planning region. Each city has its own development vision, probably that the urban development processes will also affect the suburban areas in the future. In turn, within each planning region there are a number of municipalities within the competence of which are the local spatial plans. Thereby these neighbouring municipalities have to decide collectively the development of border areas in order to ensure uniform development.

Latvian landscape planning is also affected by thematic planning and various normative documents that are binding to one of the thematic / sectoral areas of the landscape. Thematic planning is possible in all planning levels – European, national, regional and local level and are linked to the development of individual sectors or specific themes [15].

Certain thematic areas are governed by specific laws and regulations, such as:

- Protection Zone Law, which prescribes restrictions on the area spatial planning near water resources, valuable natural and cultural historical elements, as well as other specific objects [28];
- Fishery Law, regulating the activities near the water [29];
- Law on Forests, the purpose of which is to regulate sustainable management of all the forests of Latvia [30];
- Law on Specially Protected Nature Territories, which defines the types of these territories and restrictions for the activities there. Additional constraints for managing specially protected nature territories, micro-reserves, protection zones and specially protected forest compartments are determined by other laws and the regulations of the Cabinet of Ministers [31].
- Law on Agriculture and Rural Development, several regulations of the Cabinet of Ministers in connection with the transformation of agricultural land [32], for example the regulations of the Cabinet of Ministers – Regulations on agricultural areas of national importance, which sets restrictions on management and transformation of agricultural areas as a valuable landscape resource [33];
- Law On Protection of Cultural Monuments [34];
- Regulations on management plans of river basins areas and programs of measures [35], aimed to improve the quality of surface water and groundwater, as well as to inform the public and interest groups about involvement possibilities into solving the water environmental issues.
- Guidelines for the Land Policy for 2008 - 2014 [36], aimed at ensuring sustainable use of the land as a unique natural resource.
- Guidelines for power industry development for 2007 – 2016 [37], where a number of questions are related to the use of renewable energy resources, which could contribute to environmental protection;

- Environmental Protection Law [38] and Guidelines for the environmental policy for 2010 - 2020 [39], which focuses on the objective to provide citizens with the opportunity to live in a clean and orderly environment, maintaining the quality of the environment and biodiversity, ensuring sustainable use of natural resources, as well as public participation in decision-making and awareness of the condition of the environment.

Thematic / sectoral areas related to the landscape planning, the binding normative documents are coordinated and managed by the Ministry of the relevant areas (Table 1). On the one hand it allows solving the problems of the industry thoroughly, to develop an action plan and include in normative documents. On the other hand, it complicates co-operation between involved sectoral institutions and the vision of the problematic of the landscape development in common.

Table 1. Thematic / sectoral areas related to the landscape planning, the binding normative documents are coordinated and managed by the Ministry of the relevant areas.

Ministry	Topics and Legislative documents	The impact on the landscape
Ministry of Culture	Historical and cultural monuments [34]	Conservation of heritage landscape
	Architecture [40]	Creation of a high-quality architecture-based high-quality living space and sustainability
	Social integration [41]	Preservation of landscape identity and unique cultural heritage landscapes
The Ministry of Agriculture	The agricultural sector, rural development [42-45]	Improving quality of life in rural areas, the attraction of population, enhancing quality of agricultural sector
	Environmental protection, use of natural resources, as well as reducing pollution from the agricultural sector [28,30,31,47,48]	Protection of nature resources and enhancing ecological quality
Ministry of Transport	Transport [28,49]	Construction of transport corridors in landscape
Ministry of Economics	Construction, ownership [14,15,2025,28,50]	Landscape planning and construction process that has direct influence in the landscape change
	Sustainable development in all sectors [23,24]	Guidelines and conceptual directions of landscape development
Environment and Regional Development Ministry	Climate change, nature and environmental protection [28,31,35,38,39]	Protection and management of landscape nature resources
	Regions and municipalities sustainable development and spatial planning [15,23,24,26,27,38,39]	Landscape planning guidelines, regulation of activities on municipalities and regional levels

However, it appears that documents of certain landscapes thematic area often have a general impact and they must be specified in a certain landscape context. It is mostly implemented by the special regulations of the Cabinet of Ministers of Latvia or municipal binding regulations. For example, in the context of cultural monuments in addition to the Law On Protection of Cultural Monuments, which defines the general principles and classification of cultural monuments, in order to develop and protect the landscape of the historic centre of Riga a number of specific action plans have been issued related to regulating both building development and spatial planning in general [51].

4. Conclusions

The direct document for the implementation of the European Landscape Convention in Latvia is the Guidelines of the Landscape policy, which are more in line with the strategic document. Therefore, other normative documents that affect the landscape planning, protection and management in Latvia in different planning levels – European, national, regional, local and thematic – are also analyzed in the study.

The study concluded that the current legislative documents include both strategic and action documents, which is positive. However, they are fragmented and influence landscape planning in Latvia mainly within the certain thematic / sectoral areas. It is also contributed by the distribution of these fields and related regulatory documents under the particular line ministries. Therefore, analogical issues related with the landscape planning can be viewed in the context of several ministries and overlap in a number of normative documents. For example, environmental issues held by the Ministry of Environmental Protection and Regional Development and the Ministry of Agriculture or architectural issues held by the Ministry of Economy and the Ministry of Culture. In turn, some issues are considered only one-sidedly.

Therefore, a set of normative documents would be required for the implementation of the European Landscape Convention, which examines the aspects of landscape planning in common and interdisciplinary.

The operational documents of local or municipal planning level often have a vital importance in landscape planning. Often there is a situation where normative documents of neighbouring municipalities define the different requirements for landscape planning, although the landscape visually spatial and ecological boundaries do not comply with the administrative boundaries of municipalities. Therefore, it is important to develop common guidelines and directives of the local action documents, in order to within various municipalities, in particularly neighbouring municipalities; they would be mutually coordinated and geared to development of the Latvian landscape as a whole and preservation of the values according to the European Landscape Convention.

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