

URBAN CULTURAL LANDSCAPES, BETWEEN PROTECTION AND DESTRUCTION

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I. A LEGACY WHICH IS NOT ALWAYS VALUED AND PROTECTED

In a world dominated by globalization and the loss of memory in space, urban cultural landscapes are irreplaceable in that they give society an element of emotional assurance. For this reason, we need to stop the destructive processes inherent to the dynamics of capitalism, which threaten these landscapes and implement mechanisms which will ensure that they are conserved for future generations.

Within the definition given for the term «landscape» in the European Landscape Convention (ratified in Florence on October 20th 2000): «*an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors*», «*urban cultural landscapes*» are the most emblematic and most difficult to preserve due to the complexity of interests surrounding them, all of which tend to constantly modify them. In general, they can be identified with the profile of our cities as they were until around the 1950s, with certain hubs, squares and neighbourhoods which represent the collective soul of our cities and reinforce feelings of regional identity (Zárate, M.A., 2001).

In turn, Article I of the Operational Guidelines for the Implementation of the World Heritage Convention of 1992 defines cultural landscapes «*as the works of man or the combined works of nature and man: it can be a garden or a park, remains of a landscape or a live landscape marked by its history or a landscape which combines natural elements with religious, artistic or cultural acts*». The accumulation of monuments, literary references, plastic images and the beauty of the places on which certain cultural landscapes are created, are determining factors, making them worthy of being described as cultural. In this way, all urban cultural landscapes stand out due to their location, their framework and their structure, in short, for elements of heritage which reflect societies and means of production which have succeeded one another throughout history.

However, the importance of speculative interests within the urban environment, the general lack of sensitivity regarding this problem and the fact that society does not attach much importance to the landscape and the value it represents, explain the disappearance of many

of these landscapes or the fact that they have been transformed in such a way that they are no longer recognizable. Despite its enormous heritage of monuments and cultural tourism attracted to the country by advertising highlighting the magnificence of its landscapes, the urban cultural landscapes in Spain often come under attack. At present, the archeological site at Numancia and the plains of Toledo are especially under threat.

II. URBAN DEVELOPMENT, HERITAGE AND LANDSCAPE, A DIFFICULT RELATIONSHIP

When it comes to conserving cultural landscapes, the first problem we face is that of certain urban development practices which are not concerned with this particular issue or that of heritage protection.

Spanish urban development laws of the 19th Century, which responded to the need to expand our major cities, by developing residential areas and adapting new infrastructures and use of land, were more concerned with increasing mobility and creating urban developments in compliance with reasonable and effective standards of hygiene and did not touch on the issue of conserving landscapes of great historical value (Bonet Correa, A., Miranda, F. and Lorenzo, S., 1985).

In the 1960s and 1970s, coinciding with the huge growth of our cities, any attention given to heritage and landscape conservation in laws regarding the use of land was inadequate. It is true that the «Land and Urban Planning Law of May 12th 1956» did take into consideration the issue of landscape in that it included the possibility of developing «Special Landscape Protection Plans» (Article I, regarding Urban Planning, Chapter I, Section 2), however, the most important issue was the creation of new land in response to growth which, for decades, had almost always taken precedence over urban planning.

In Madrid, the General Urban Development Plan of 1963 was unable to guarantee the creation of the green belt stipulated in the previous General Urban Development Plan of 1946 which, among other things, would have led to the conservation of the monuments in the historic part of the city and the area around the Pradera de San Isidro (literal translation – Meadow of San Isidro, the patron saint of the City of Madrid), the most important cultural landscapes of Madrid, which have appeared in literary descriptions, prints and paintings since the 16th Century. On the contrary, urban planning in Madrid in the 1960s and 1970s enabled building to reach the banks of the Manzanares River, leading to an excessive density of housing, the construction of a football stadium and the first ring road, the M-30. The Granada plains have suffered the same fate (Bosque, J., 2003).

Royal Decree 1346/1976 of April 9th, by means of which the «Revised Text of Law 19/1975 of May 2nd, regarding Land and Urban Planning» was endorsed, included, among the objectives of the General Municipal Plans the obligation, on land designated as not suitable for building, to «*preserve such land from the process of urban development and establish measures to protect land and landscapes*» (Art. 11, 3). This Royal Decree established the obligation to establish «*measures for protection of the environment, conservation of nature, landscapes, natural elements and urban and historical-artistic monuments, in accordance with the specific legislation on this subject*» (Art. 12, 1, d). Article 17 of the 1975 Land Law went further by calling for «*Special Plans for the management of cultural sites and the protection of landscapes and means of communication...*» to be drawn up. Article 19 of the same Law added that the

«*Special Plans for Protection of the Landscape*» would also be applied «*to places of natural beauty, rural buildings of particular significance, isolated buildings of outstanding value or built perimeters (walls) of traditional and aesthetic value*».

The Land and Urban Planning Laws of 1992, 1998 and 2007 contain the same points regarding heritage and landscape, however the outcomes are the same, a general indifference towards protecting the urban cultural landscape, both in terms of the skyline as in the detail.

In the 1980s, as a result of the energy crisis, there was hope that inherited cultural landscapes would be conserved. The 1985 General Plan for Madrid, with its slogan «*Reclaim the built-up areas of the city*» and its strategies for regenerating the historic areas of that time, raised hopes for the protection of the existing heritage and the conservation of its landscapes. The «*Special Plans for Protection and Development*», established in the Land and Urban Planning Laws of 1956 and 1975, the «*Integrated Restoration Areas*», created in Royal Decree 2329/1983 of July 28th, of «*Protection of the Restoration of the Residential and Urban Heritage*» and the Motion of November 3rd, 1983, were the main mechanisms which forged the connection between urban planning, heritage and landscape. However, certain urban planning practices ruined these hopes. In Madrid, the so-called «green corridor» project became a speculative operation which damaged even more the monumental profile of the banks of the Manzanares River.

On the other hand, the Spanish Constitution passed in 1978 devolved management of land use, urban planning and housing to the Autonomous Communities (Art. 148.1.3rd), so that the central government lost control over land use and, therefore, over the landscape. The «*Autonomous Laws on Land Use Planning and Urban Development*» set out the rules and standards for the creation of urban land use and the General Plans of Urban Development, now known as «*Municipal Development Plans*», were ratified provisionally by the City Councils involved and permanently by the Regional Governments, so that the creation of land use is devolved to powers which are too close to the citizens and are therefore subject to all kinds of economic pressures.

At best, the creation of land use has worked as a mechanism for City Councils to receive funding faster than usual, as an electoral tool and as a means of persuasion. Within this framework, landscape and heritage have taken a back seat. Moreover, the «*Autonomous Laws on Land Use Planning and Urban Development*», with their «urban development officer», «urban action programmes» and «urban development agreements» as planning and action tools, have led to the chaotic spread of housing developments in all towns, particularly in the smaller ones with less than 5000 inhabitants, near the bigger cities and the most important transport hubs, as well as on the coast, with no concern for either heritage or landscape.

III. INADEQUACY OF THE REGULATIONS REGARDING HERITAGE FOR LANDSCAPE PROTECTION

The legislation regarding heritage has not been effective in protecting urban cultural landscapes, despite the fact that Spain passed one of the first laws regarding the protection of national treasures and heritage.

In 1803, a Royal Letters Patent established the manner in which monuments should be conserved and, in 1926, a Decree-Law dated August 9th, extended the definition of «*monument*» to «*sites of urban buildings*», at the same time as it voiced concern for protection of the

environment. With this aim, the concept of «*landscape protection areas*» was created. Shortly after, the «*Artistic Treasures*» Law of May 13th 1933 introduced the term «*historical-artistic sites*» for those places of particular beauty or with especially important monuments. Córdoba (1929), Granada (1929), Toledo (1940) and Santiago de Compostela (1940) were the first cities to be included as historical-artistic sites.

On the other hand, the Spanish Constitution establishes that the public authorities must guarantee the conservation of historical, cultural and artistic heritage, thereby echoing what was established in previous legislation and a growing international sensitivity towards the restoration of built-up areas. In Article 46, it specifically states «*The public authorities shall guarantee the preservation and promote the enrichment of the historical, cultural and artistic heritage of the peoples of Spain and of the property of which it consists, regardless of their legal status and their ownership. The criminal law shall punish any offences against this heritage*». Article 149 states that among the «*Exclusive Competences of the State*», Section 28, «*Protection of Spain's cultural and artistic heritage against exportation and spoliation...*». If we add to the afore mentioned the powers conferred by the «*Law on Spanish Historical Heritage*» of 1985 on the national government in this particular area, which were ratified by the Judgement of the Constitutional Court of January 31st 1991 (published in the Official State Bulletin – Boletín Oficial del Estado (BOE) on February 21st 1991), it is clear that the central government could carry out some level of control in the area of protection of heritage and landscape, although very little has in fact been done.

We should also add that there is little connection between the legislations regarding urban and land use planning and protection of heritage. Article 20.1., of the «*Law on Spanish Historical Heritage*» makes an attempt in this sense by requiring that the Councils of those towns which are part of the historical artistic collection draw up «*Special Plans*» for protecting these treasures. In that way, it links in with the mandate of the Constitution itself, according to *which the public authorities shall guarantee the preservation of the historical, cultural and artistic heritage*. Moreover, Article 17 of the Heritage Law expresses concern for the landscape when it states «*In proceeding for declaring a historical unit as property of cultural interest, its links with the territorial area which it belongs to shall be considered as shall protection of any geographical accident and natural landscapes forming its surroundings*». In the same way, the subsequent «*Autonomous Laws of Historical and Artistic Heritage*» do provide for the conservation of historical sites and archaeological areas and collections.

IV. RESTORATION OF URBAN CULTURAL LANDSCAPES, AN ALMOST IMPOSSIBLE TASK

On the other hand, there is an increased sensitivity regarding issues of landscape protection and international legislation increasingly values the concepts of «*landscape*», «*environment*» and «*surroundings*» (Luginbuhl, 2001). In this sense, the Charter for the Conservation of Historic Towns and Urban Areas (the Toledo-Washington Charter of 1987) is important. This document highlights the importance and value of historical urban areas and their relation with both their natural and man-made environments. In this way, the text highlights the need to conserve «*the historic character of the town or urban area and all those material and spiritual elements that express this character, especially (...) the relationships between buildings and green and open spaces (...)* The relationship between

the town or urban area and its surrounding setting, both natural and man-made (...). It also states that *«Any threat to these qualities would compromise the authenticity of the historic town or urban area or other areas which are of a similar historical nature with their natural or man-made surroundings»*.

However the most important point of reference for the conservation and management of the landscape is the «European Landscape Convention of 2000» ratified by Spain on November 6th 2007. In this document, landscape is defined as *«an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors»*. Its influence can be seen in *Law 4/2004 of June 30th of the Valencia Regional Government regarding Land Use Planning and Landscape Protection* and in *Law 8/2005 of June 8th of the Catalan Parliament regarding the Protection, Management and Organization of the Landscape*. Both laws take into account for the first time that the landscape can be used as a tool for land use planning and management and recognise its economic, symbolic and educational values.

In the same context, the «City of Madrid Urban Landscape Quality Plan» was presented on July 21st 2008. It is the City Council's response to the particular problems of the urban landscape and is a result of the political commitment to establish specific measures to protect, conserve and manage the landscape.

V. CONCLUSION: THE NEED FOR SPECIFIC PROTECTION FOR URBAN CULTURAL LANDSCAPES

The entry into force in Spain of the European Landscape Convention on March 1st 2008, the adoption of landscape laws in various autonomous communities and the «City of Madrid Urban Quality Plan» have created expectation that there will be improvements in landscape management in general and, more specifically, in the area of urban landscape. However, these laws have come into effect when a large part of the damage has already been done. Practically the whole of the Mediterranean coast and a large part of that in the various Spanish islands (Balearics and Canaries) are built up and few towns have been able to conserve their most emblematic landscapes.

The complexity of interests regarding the use of the city, urban development, the mechanisms included in the various Autonomous Laws on Land Use Planning and Urban Development, the difficulty of reconciling town planning with heritage and the fact that the central government has failed to intervene in conflicts within the regions, have hindered the conservation of natural and cultural landscapes. For this reason, should we not start by counteracting the harmful effects of the various laws regarding land-use planning and heritage? When a new «Law on Spanish Historical Heritage» is drawn up, it is essential that it should include specific reference to landscape and, especially, to urban cultural landscapes. It is also necessary to reconcile heritage and land-use planning, an issue which has already been raised in other countries (Marcel, O., 2008).

On the other hand, given the deplorable experience in local and regional management of landscape protection, it would not be advisable or indeed desirable for the central government to take over responsibility for land-use planning and, consequently, landscape. The fact that many regional politicians and governments as well as city councils have an excessively

close relationship with local and regional economic interests has frequently worked against the protection of the landscape and other cultural values rather than in their favour. In any case, the question of whether cultural landscapes should be considered as worthy of special protection should also be taken into account. Recognition of this fact would facilitate the link between heritage and town planning and would mean that places such as the surroundings of Soria, the neighbourhood of Valencia known as «El Cabañal» and the city of Toledo would no longer be threatened.