

CONSIDERATION AND PROCESSING OF AGRICULTURAL LANDSCAPES IN THE INSTRUMENTS OF ENVIRONMENTAL PROTECTION, LAND MANAGEMENT AND URBAN PLANNING. CANTABRIA (SPAIN) AS A CASE OF STUDY

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I. INTRODUCTION

The aim of the research reported here was to analyse how agricultural landscapes are addressed in land use planning and management instruments directly or indirectly concerned with their protection and regulation. To this end, we studied the regional and municipal institutions responsible for land use planning in the Autonomous Region of Cantabria, conducting an analysis at regional and local level.

Our goal was to perform an in-depth study of different approaches to agricultural landscapes evidenced in the land use and urban planning documents of the Autonomous Region of Cantabria, considering this a case study with generalisable results as regards both its peri-urban rural areas, usually located on the coast, and its profoundly rural areas, almost always located in inland mountain regions.

The research methodology primarily consisted of consulting documents, complemented by a study of the literature in the field. We also conducted a comparative study of aerial photographs taken on different dates, land use maps, the national and regional press and data on population trends and property dynamics, as indicators of territorial change in recent decades.

As regards basic paradigms, our point of departure was the undisputed need for protection and management of rural spaces and landscapes for socio-cultural and economic reasons, since they constitute essential resources for local sustainable development, as has been repeatedly argued by experts and in official documents (Mata Olmo, 2006, Chapter V of the Menorca Biosphere Reserve Declaration Programme). Among the latter, the European

Landscape Convention (Council of Europe, 2000) is fundamental. Although not strictly land use planning legislation, it has often served as a benchmark for subsequent documents on rural areas in the 21st century, in line with the recommendation to “include the landscape in land use and urban planning policies”. The convention recognises the specificity of landscape, beyond other environmental or cultural considerations, as a useful tool for regional planning and governance.

II. RURAL LANDSCAPES IN THE LEGISLATIVE FRAMEWORK APPLICABLE TO CANTABRIA

At State level, the rural landscape is referred to —albeit indirectly— in Law 42/2007 on Natural Heritage and Biodiversity, Law 45/2007 on Sustainable Rural Development, Land Law 8/2007 of 28 May, and Royal Decree 2/2008 approving the consolidated text of the Land Law.

Unlike some countries (e.g. France, which enacted a law in 1993 to protect and conserve landscapes), landscape regulations in Spain have made little progress, even though the Spanish Government signed the European Landscape Convention the same year it was approved and ratified it in November 2007 (Official State Gazette No. 31, 5 February 2008). Nevertheless, no State law on landscapes has been enacted and very few Autonomous Regions have approved legislation on this matter, despite the existence of political and administrative organs with responsibility for land use planning (articles 24.3 and 25.7 in the case of the Statute of Autonomy of Cantabria).

In Cantabria, a Landscape Act was recently approved in December 2014. In its preamble, the act states that “The landscape has steadily acquired greater social and environmental importance” and draws attention to the need for “public administrations to include landscape criteria in their actions [...] It is thus necessary not only to protect the landscape, but above all to manage it properly”. The objectives include “Fully integrating the landscape into land use and urban planning policies, as well as other sectoral policies which directly or indirectly affect it” (article 5.d.).

In general terms, the act is imprecise and lacks policy instruments, although it did oblige the Government of Cantabria to establish a timetable for drawing up and approving planning instruments and produce a catalogue of relevant landscapes within six months of publication of the act.

Until approval of the Landscape Act, which obviously has not yet been fully implemented, the only references to rural landscapes were scattered throughout the rest of the legislation and regulations concerning land use. Thus, Cantabrian Act 11/1998 of 13 October, on the Cultural Heritage of Cantabria, gives preferential consideration to cultural landscapes due to their ethnographic importance as examples of the relationship established over time between the human community and the natural environment, and particularly to agricultural landscapes with a mosaic structure of fields bounded by walls and hedges.

As regards land use regulations, Cantabrian Act 9/1994 of 29 September, on Land Uses in Rural Areas, identified rural land as “non-development land” because of its outstanding agricultural, forestry or livestock value, natural resources and landscape value. Non-development land categories include “non-development land of agricultural or landscape interest”, consisting of land that requires special protection due to these unique qualities, and rural communities that “support traditional residential occupation” (article 2.f.).

At the beginning of the 21st century, Cantabrian Act 2/2001 of 25 June, on Land Use and Urban Planning in Cantabria, was enacted, which established a series of planning regulations and rules concerning landscape protection for direct application in municipal planning (article 34 of section 2), and took a strictly visual approach. This act paid particular attention to the protection of rural land, subdivided into two categories: “special protection” and “ordinary protection”, both safeguarding against “urban constructions and incorporation into urban development” (article 109.1). The regime governing rural land granted “special protection” forbade urban development “due to its landscape value”. Similarly, the act provided for the possibility that the Autonomous Region could formulate and adopt “special plans” in order to “protect the landscape, ethnographic wealth, natural resources and the rural environment” (article 59.1. g.).

The Cantabrian Land Act has recently been amended on several occasions. Very explicit references to the landscape are contained in the amendment introduced by Cantabrian Act 6/2010 of 30 July, on Urgent Land Use and Urban Planning Measures, which dilutes some of the most innovative and highly regarded aspects of the original Act 2/2001 through its relativistic consideration of landscape. The measures adopted include the ability of councils to introduce planning modifications in response to the “new physical reality” of an altered or degraded landscape and to halt demolition processes if owners of buildings that are not integrated into the landscape and environment can convincingly prove that the landscape in which these are located has been degraded by the presence “of other subsequent, legally constructed buildings and facilities” (article 5. Four).

III. RURAL LANDSCAPES IN ENVIRONMENTAL PROTECTION, PLANNING AND MANAGEMENT INSTRUMENTS

Cantabrian Act 4/2006 of May 19, on Nature Conservation in Cantabria, includes “Protected Landscapes” as a legal category, referring to “specific places in the natural environment that, due to their aesthetic and cultural value, merit special protection” (article 13). Although this is not the act’s specific function, the objectives of protecting natural spaces include “preserving a rural landscape of significant cultural, historic, archaeological or paleontological value” (article 6.d.).

One of the most representative protection categories is that of the “Natural Park”, which is designed to protect areas of human activity in which agriculture plays a prominent role; consequently, environmental management is aimed at safeguarding natural resources by maintaining viable farms as a strategy to combat land abandonment, environmental degradation and landscape deterioration (Mulero Mendigorri, 2013; Sánchez del Árbol, 2015).

IV. RURAL LANDSCAPES IN REGIONAL PLANNING INSTRUMENTS

The Cantabrian Land Act of 2/2001 gave rise to the first regional plan for Cantabria, contained in Cantabrian Act 2/2004 of 27 September, on the Coastal Land Use Plan (Spanish initials: POL), establishing the general criteria for protection of the coastal environment and landscape and regulating land uses and activities in this area (Delgado Viñas, 2010 and 2015).

Two years later, the Regional Urban Planning Regulations were enacted (Spanish initials: NUR, Decree 57/2006 of 25 May, definitively approved in Decree 65/2010 of 30 September 2010), which established land use and construction criteria and regulations aimed at “safeguarding land values, be they environmental, landscape, economic or cultural”, in the absence of municipal urban planning.

The NUR contain several references to the rural landscape, especially to peri-urban rural areas which are being “systematically stripped of constructed and natural features of the rural landscape on which urban development is taking place” (Report, p. 162), resulting in a marked deterioration in the landscape that requires urgent protective measures.

Conversely, the Special Plan for Coastal Paths and Tracks (Decree 51/2010 of 26 August) does not refer to either rural or agricultural landscapes, only to forested areas, and adopts a markedly scenic and visual approach to natural landscapes.

The Special Action Plan for Integrated Strategic Restructuring of the Bay of Santander (Spanish initials: PEB), approved through Decree 32/2015 of 14 May (Official Gazette of Cantabria of 11 June 2015, special no. 42), is intended to “reconcile urban development and environmental, heritage and landscape conservation [... and] enhance the regional identity of the Bay, using the most representative elements of the territory, the landscape and built heritage” (article 2.1.2. b).

To date, the document that pays greatest attention to rural landscapes is the Special Plan for Planning and Protection of the Pasiego Region (Spanish initials: PEPOTP), initially approved on 26 February 2010 and with no further amendments or advances as yet, the explicit objective of which is to protect the local heritage and landscape of the Pasiego region from the growing demand for second homes and property in towns closest to the urban area of the Bay of Santander, preserve landscape quality in the region and stimulate socio-economic development in the rural environment.

V. RURAL LANDSCAPES IN MUNICIPAL URBAN PLANNING INSTRUMENTS

One of the major deficiencies of land use planning in Cantabria has been the slowness to draw up and update municipal urban plans. Lower level planning instruments (the Subsidiary Regulations (Spanish initials: NNSS), the Visual Demarcation of Urban Land (Spanish initials: DGSU) and the Demarcation of Urban Land (Spanish initials DSUS)) still predominate in rural municipalities, highlighting the fragility and insecurity of rural landscapes, and in particular of agricultural landscapes, since these pay scant attention to non-development land: the environmental, productive and landscape values of rural land are neither explicitly mentioned nor, therefore, protected or managed with the desired efficiency.

In light of the above, we based our study of how rural and agricultural landscapes are addressed in municipal planning solely on rural municipalities with a general urban plan adapted to the 2001 Land Act, which is still in force albeit heavily amended. Discounting the general urban plan for the capital, Santander, which moreover has just been annulled by the Supreme Court, we identified 22 such plans, yielding a wide and varied repertoire which was considered sufficiently representative to support the reliability of the conclusions drawn from our analysis. Furthermore, the 22 selected municipalities included numerous examples of

coastal areas along the eastern and western coastline alike, municipal districts located in valleys and mountain areas, both highly and scantily populated municipalities, and profoundly rural, peri-urban and semi-urban spaces.

VI. CONCLUSIONS

As has happened in other Spanish regions, rural areas in Cantabria have been strongly affected in recent decades by urban sprawl in coastal areas and depopulation in inland regions. Although these two processes are very different in terms of their causes and characteristics, they have both resulted in the deterioration and even disappearance of agricultural landscapes and spaces of high heritage value. In the first case, the uncontrolled transformation of rural areas into peri-urban spaces due to dispersed urban expansion has led to the loss of natural spaces and pre-existing agricultural landscapes in need of greater protection.

These new circumstances have prompted emerging concern about landscape conservation, especially in light of the European Landscape Convention, and this is reflected in a growing awareness of the environmental and economic significance of landscapes and constitutes a common denominator in many land use planning instruments drawn up after 2000.

The same cannot be said regarding awareness of the heritage value of the landscape, particularly with respect to rural and specifically agricultural landscapes, which, as in other regions, are rarely viewed as collective heritage or as having any cultural value, in other words as heritage landscapes (Castillo Ruiz and Martínez Yáñez, 2014). The main reason for this is probably a lack of knowledge about the historical origins and socio-economic processes that shaped agricultural spaces and engendered the resulting vernacular landscapes. This lack of awareness would explain, for example, why the agricultural spaces in Cantabria known as *mieses*, *llosas* and *erías*, even when they are taken into account, are almost always viewed solely in terms of their agricultural value, on a par with other types of farmland, as mere croplands without a heritage value similar to that given to the traditional built spaces with the same origins. Thus it would appear that agricultural landscapes and spaces are not generally regarded in society as part of regional heritage worthy of protection, even by the teams of experts responsible for drawing up the plans.

Nonetheless, landscape has unquestionably become a fashionable issue, and hence its importance as an essential component of regional policies seems fully consolidated (Delgado Bujalance, 2009). It can therefore be stated that the regulatory framework in Cantabria is beginning to incorporate new conceptual approaches to the landscape and its ecological, social and economic value. References to the landscape have multiplied in legislation, plans, reports, rulings, declarations and regulations, albeit generally in a rhetorical fashion and often focusing exclusively on its use as an economic resource. However, land use planning and management instruments often reflect a general conception of the landscape based on nature and architecture, whereby the landscape tends to be identified with natural areas and built cultural heritage, without regard to the other heritage values it might have (Agudo González, 2007).

In addition, the increasing presence of the landscape in land use planning sometimes appears to be incorporated from a more theoretical than practical approach. Most of the more recent Cantabrian planning documents contain references to the European Landscape Con-

vention, but in the majority of cases these constitute no more than a passing mention which neither registers nor acknowledges that the scope of said documents is the entire region, irrespective of whether the landscapes are classified as natural, cultural, rural, peri-urban or urban; rather, they are assessed as exceptional, remarkable or commonplace, and to a greater or lesser extent are considered as either preserved or degraded. Thus, an outdated and limited aesthetic notion of the landscape almost always prevails, whereby value is only ascribed to landscapes of substantial visual quality. This approach is far removed from the basic concept of the convention, in which landscape refers to the entire region as perceived by society, as an expression of the historical interaction between society and its environment. This region-wide conception of landscape implies that it is impossible to separate regional and landscape management in land use and urban planning policies, and that such policies should not be limited to protecting and conserving landscapes of exceptional beauty, but should also protect and conserve others, even those that are not aesthetically attractive.

Furthermore, a dual vision of the landscape, perceived in terms of nature or culture, frequently persists, whereby “unchanged”, more “natural” landscapes are more highly valued than socially constructed, functional landscapes, which are pejoratively classified on occasions as “altered”, since they contain both natural and human aspects.

Many environmental protection approaches are exclusively limited to visually exceptional spaces and places that are largely unchanged. In sum, “landscape heritage” is taken into account, but no consideration is given to “heritage landscapes” (Gómez Mendoza, 2013). It is therefore not surprising that there is scant recognition of the need to preserve farming as the source and steward of landscapes, and thus little or no interest in including agricultural activities in land use planning documents.

The main results of this exhaustive study of recent municipal planning in Cantabria indicate the existence of widely disparate situations. First, although some of the most recent plans make brief reference to the Cantabrian Landscape Act, none of them applies this legislation. Irrespective of this latter circumstance, some general plans virtually disregard the existence and value of rural landscapes, especially those considered “altered” by society (and which could actually be conceptualised as residential and agricultural cultural landscapes), to the point that in many cases, such alteration is viewed as detrimental to the quality of the landscape. Conversely, in a smaller number of cases, considerable importance is given with greater or lesser success to the conservation and management of cultural landscapes, in particular through the classification of “Rural land meriting special protection” and the planning regulations for the associated sub-categories of the same.

In fact, municipal urban planning has become the main tool for rural landscape intervention, conservation, planning and management, despite having paid very little attention in the past to landscapes, and even less to commonplace, residential, productive, agricultural or forestry landscapes. However, direct and explicit proposals are rare; rather, indirect actions predominate, by classifying rural land as meriting special protection based on three complementary criteria (productive, environmental or visual value), in which increasingly greater importance is given to the potential of rural landscapes as tourist attractions.

Nevertheless, with some exceptions, a deficient approach persists to rural and in principle non-development land: the most recent legislative reforms are aimed at facilitating the re-classification of rural land meriting special protection to rural land requiring normal

protection, and then immediately permitting construction on this type of land. This approach is seen most frequently in municipal planning documents regulating peri-urban areas in Cantabria, where there is more pressure for urban development and marked growth in construction and population. However, it is also occasionally evident in small municipalities located in profoundly rural mountainous areas with a shrinking population, where the construction of more houses for use as secondary residences is seen as the only feasible possibility for economic growth. Although some municipal urban planning instruments (NNSS) apply to the entire municipal district, they generally continue to pay special attention to urban and building land, frequently marginalising rural land. Furthermore, until recently, the only planning instruments available to many rural municipalities were the urban limits.

For all the above reasons, and others mentioned throughout the text, the approach taken to agriculture landscapes in general urban plans in Cantabria is still deficient and often adopts a strictly agricultural focus, whereby the value of land is based on production, or at most, on ecological conservation, rather than on heritage and landscape as such, to the point that landscape protection is frequently included as a part of or as a tool for environmental protection. Although the important thing is not where landscape conservation and protection is included but that it is included at all, it remains significant that landscapes are not considered as separate entities but as elements of the environment.

Hence the need to complement specific landscape legislation with clear directives for the authorities responsible for decision-making in this area, explaining the significance of landscapes, indicating approaches to land use planning throughout the region, obliging uniform observance of some minimum common denominators —as does the POL in coastal areas— and helping prevent contradictory planning, protection and management actions between municipalities.

A fundamental point of departure should be scientific, historical and geographical knowledge about the social origin, construction and development of landscapes, as an essential element for their recognition and appreciation as socio-cultural heritage. Equally important is that planning instruments should be drawn up by multidisciplinary teams that include land experts such as geographers, as is clearly indicated by the level of sensitivity with which landscapes are currently treated and the visceral or exclusively visual conceptual approach taken towards them. Not without reason, the convention argues the need for multidisciplinary university programmes to train experts in the value, protection and management of landscapes.

