

# Landscape Institute Northern Ireland

## **White Paper on proposed enabling legislation for National Parks. March 2011**

Public Consultation by Department of the Environment (DOE).

Response of the **Landscape Institute Northern Ireland branch (LINI)**.

November 2011

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The Landscape Institute is the chartered institute in the United Kingdom for landscape architects, incorporating designers, managers, and scientists, concerned with conserving and enhancing the environment. The Landscape Institute promotes the highest standards in the practice of landscape planning, design, management and research, and represents members in private practice, at all levels of government and government agencies, in academic institutions and in commercial organisations.

The Landscape Institute is an educational charity and chartered body whose purpose is to protect, conserve and enhance the natural and built environment for the benefit of the public. It champions well-designed and well-managed urban and rural landscape. The Landscape Institute's accreditation and professional procedures ensure that the designers, managers and scientists who make up the landscape architecture profession work to the highest standards. Its advocacy and education programmes promote the landscape architecture profession as one which focuses on design, environment and community in order to inspire great places where people want to live, work and visit. The Landscape Institute is committed to the principles of sustainable development by improving the quality of design of urban and rural environments and to the protection and enhancement of our physical and natural environments.

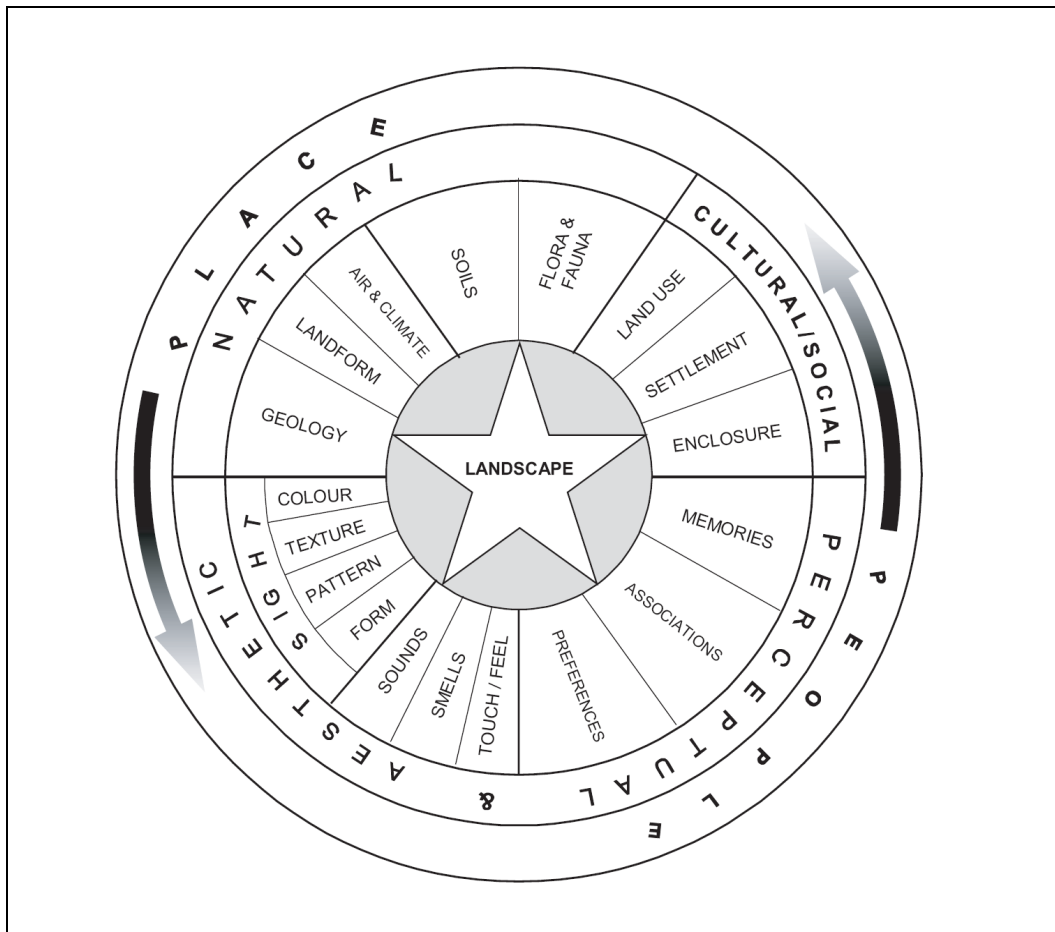
The Landscape Institute Northern Ireland branch (LINI) represents the professional membership within Northern Ireland and is particularly concerned with design, management and planning for the protection, conservation and enhancement of the natural and built environment of Northern Ireland.

LINI welcomes the opportunity to consider the White Paper on proposed enabling legislation for National Parks, and submits the following response. Numbers refer to paragraph numbers of the DOE White Paper.

### LANDSCAPE DEFINITION

The term 'landscape' is frequently used throughout the document, however, no definition of 'landscape' is given. 'Landscape' is defined in the European Landscape Convention (ELC) (to which UK government is a signatory and the Northern Ireland government is obliged to adhere) as "an area as perceived by people, whose character is the result of action and interaction of natural and/ or human factors" (Council of Europe, 2000). The term 'landscape' is understood as the resultant interaction between people and the natural environment, and these components of landscape are illustrated in the 'landscape wheel' below (Carys Swanwick 2002).

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Landscape Wheel<sup>1</sup>

It is accepted that it is the integrated characteristics of this landscape which form a particular place, community lifestyle and identity. It is important to recognise that landscape is not an end-product, but a process of interaction between society and its environment. LINI understands that this is the premise from which the proposed DOE legislation derives – that ‘national parks’ must be more than purely about protection of scenery and wildlife, and accessibility for recreation (as per NCALO 1985, and English National Park legislation), as in fact they should demonstrate mutually beneficial resonance between environment and community (which itself infers social and economic) well-being (hence the need for revised legislation). All signatories to the ELC have undertaken to ‘recognise landscapes in law’, and LINI requests that a definition for ‘landscape’ is urgently included in Northern Ireland legislation. LINI suggests that it is appropriate for this definition to be inserted and used within this proposed legislation for ‘national parks’ which are firmly derived from landscape understanding.

The ELC definition of landscape includes rural countryside, urban townscape, and seascape. Throughout the paper (28, 30, 33, 39, 41), it is important that all three aspects of landscape are mentioned, not just landscape and seascape – but landscape as in rural countryside, townscape (urban or peri-urban), and seascape. ‘Land’ and ‘landscape’ are not interchangeable terms. Following the ELC definition of landscape, it is self-evident that ‘valued landscape’ areas and

<sup>1</sup> Swanick, C and Land Use Consultants (2002) *Landscape Character Assessment: Guidance for England and Scotland*, Countryside Agency and Scottish Natural Heritage

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benefits should also include seascape / marine areas (60).

LINI requests a definition of landscape be legislated thus: “an area (built townscape, rural countryside, and seascape), as perceived by people, whose character is the result of the action and interaction of natural and/or human factors, specifically including the components illustrated in the ‘landscape wheel’ (Swanwick 2002) which integrate to create the character of landscape and form a particular place, community lifestyle and identity.”

‘NATIONAL PARK’, or VALUED LANDSCAPE?

The White Paper describes the context and evolution of ‘national parks’, their enabling legislation in these islands and globally, and the specific ‘unique’ case of Northern Ireland in this regard. LINI encourages DOE to follow through its desire to further develop the case of ‘national parks’ in Northern Ireland. It is recognised in Northern Ireland that the title ‘national park’ is itself problematic (a combination of ‘national’ – with complicated meanings in Northern Ireland; and ‘park’ – alluding to pleasure grounds for city dwellers rather than the Irish / Northern Irish historic evolution of land ownership and eking out a living). The term ‘national park’ is not used in France. LINI encourages a more appropriate term be initiated in Northern Ireland, suggesting ‘Valued Landscape’ as a more adequate and acceptable alternative.

NORTHERN IRELAND LANDSCAPE STRATEGY

Landscape is a process of change. The ELC states that ‘all landscapes matter’. Not only is it important to maintain mutually beneficial interaction between society and environment where such is already in evidence, but places which have not benefited historically from mutually beneficial landscape interaction should be tasked to achieve it through a Northern Ireland Landscape Strategy, such that eventually all of Northern Ireland might achieve ‘Valued Landscape’ status. Such a Landscape Strategy is currently proposed by the Government of the Republic of Ireland, and it is essential that ‘Valued Landscapes’ are not arbitrarily restricted by administrative boundaries. LINI requests that consideration of ‘national parks / valued landscapes’ in Northern Ireland is made in the context of a Northern Ireland Landscape Strategy to exist integrally with the National Landscape Strategy of the Republic of Ireland.

Current landscape ‘designation’ in Northern Ireland exists in the form of Areas of Outstanding Natural Beauty (AONB) and Conservation Areas (CA), both of which designations have through the years commendably begun to develop into ‘management’ systems rather than requirements for ‘protection’. However, coverage of Northern Ireland by AONB and CA is sporadic.

The ELC requires that landscape recognition covers entire regions, a process which has already been enacted in Northern Ireland with the NI Landscape Character Assessment (NILCA) carried out in 2000. This process as required by the ELC should provide landscape management for the whole landscape of Northern Ireland, derived according to landscape character recognition and landscape quality objectives for landscape units of all scales. LINI is glad that this process is broadly reflected in the aims, management, and processes of the proposed ‘national parks / valued landscapes’. LINI requests that a similarly clear approach must be applied to all levels of landscape in Northern Ireland, at the scale of the landscape character areas of the NILCA, and also more local landscape character areas such as Conservation Areas, Village Design Statements, and Local Landscape Policy Areas. Consideration of Northern Ireland’s landscape should be holistic rather than sporadic, and LINI calls for a Northern Ireland Landscape Strategy.

LANDSCAPE POLICY

It is similarly important that ‘Valued Landscapes’ are inclusive of all aspects of landscape. The NILCA should encompass townscape and seascape. AONB policy has recently been proposed in

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draft PPS2, to which consultation LINI provided a response. However, LINI does not see that AONB policy, which refers to landscape management rather than environmental protection, sits happily within PPS2. Instead, AONB policy is closely related to the landscape management content of PPS6, currently named 'Built Heritage'. According with the ELC, LINI proposes that PPS6 should be renamed 'Landscape', and should encompass all aspects of landscape: countryside, townscape and seascape.

The ELC establishes the following principles: 'landscape policy' (the principles, strategies and guidelines that permit the taking of specific measures aimed at the protection, management and planning of landscapes); and 'landscape quality objectives' (the managed aspirations for a specific landscape). 'Landscape protection' (the actions to conserve and maintain the significant or characteristic features of a landscape derived from its heritage value, natural configuration, and/or from human activity); 'landscape management' (the action, from a perspective of sustainable development, to ensure the regular upkeep of a landscape, so as to guide and harmonise changes which are brought about by a social, economic and environmental processes); and 'landscape planning' or landscape design (the strong forward-looking action to enhance, restore or create landscapes) are defined in the ELC as the mechanisms by which landscape quality objectives are achieved (i.e. the design of good quality place).

LINI recognises that these principles are already largely met in the NILCA, although the process could be more evident for better application in practice. The NILCA has not been updated since its creation in 2000. To more holistically address 'landscape planning', best practice accepts that the LCA process should cover all aspects of landscape (townscape, rural countryside and seascape), and clearly encompass matters of geophysical foundation (land, water, climate); living surface elements (vegetation, fauna, human); habitat (the place-qualities of life); visual presence; sensual matters (including legend); change (eg. Historic Landscape Characterisation). Not all of these are demonstrated within the NILCA, and LINI requests that a thorough review of the NILCA is carried out as part of a Northern Ireland Landscape Strategy and consideration of 'national parks / valued landscapes' for Northern Ireland.

## AIMS FOR VALUED LANDSCAPES

Four equal aims for a Northern Ireland 'national park / valued landscape' are set out in the White Paper as sustainable communities (and lifestyles); conservation and enhancement of heritage (natural / environmental, and cultural, including built); public understanding and enjoyment; and sustainable resource management. LINI understands these aims to align appropriately with mutually beneficial interaction between society and environment, and therefore supports these four equal aims.

## LANDSCAPE CRITERIA

The requirements for a landscape to be designated as a 'national park / valued landscape' are set as (39) landscape quality, (40) coherent character, (42) pressure, (43) recreation and tourism potential.

The Paper states (38) that not all 'special landscapes' need become 'national parks'. However, if recognition of places as 'national park' (or 'valued landscape') is proven to be so successful in terms of landscape management processes, LINI considers that all places should have the opportunity to achieve 'valued landscape' status. Designation should both encourage and reflect thriving place-communities and community places. It is stated (42) that landscapes which are not experiencing 'pressures' on their character and quality do not need to be designated as 'national parks / valued landscapes'. LINI applauds DOE on its ambitions with regard to degraded landscapes which are not achieving mutually beneficial interaction between community and

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environment, but also feels that it is important to recognise those which might already engender this process.

Relating to the recreation and tourism requirement of the fourth criterion (43), it is important to recognise the accurate definition of 'recreation' as refreshment of the mind or body after toil – in essence a necessary element for all human well-being. In terms of mutually beneficial landscape interaction between society and environment, LINI attests that it should be an objective that all areas should afford the opportunity for such 'recreation' ('all landscapes matter' to the humans that form and interact with them). However, in the fourth criterion it appears that the White Paper may be seeking through 'national park' designation the pursuit of leisure activities for some (eg. visitors or tourists) over concern for the well-being of the local population. Returning to the ambition for landscape quality through mutually beneficial society and environmental interaction, LINI perceives however, that any 'valued landscape' designation should require potential for meaningful community interaction. LINI does not agree that tourism or visitor leisure activities have precedence over land stewardship, sustainable resource management, and local economy and community and requests that the fourth criterion is amended accordingly. Once landscape is defined as a process which integrates the well-being of both society and environment within it, the required commitment of community (both local and other non-local but still impacting population) to the wellbeing of that landscape and beneficial payback from that landscape is easily understood. 'National Parks' (or 'Valued Landscapes') designation should thus reflect the beneficial participation of the community within that landscape.

## OBJECTIVE LANDSCAPE EXPERTISE

LINI asks who in the Department is appropriately expert at appraising and selecting the area to be designated, and assessing the process of 'national park / valued landscape' designation. In Northern Ireland central government, chartered landscape architects with the appropriate expertise and training are only employed within Landscape Architects Branch (LAB) of the Department of the Environment. LAB is charged with the landscape matters of planning and policy operations relating only to Planning HQ. In NIEA there are no chartered members of the Landscape Institute, which is the professional body for Landscape Architects, accrediting their professional standards and competence. It is entirely deficient that no landscape architectural advice is provided to government in Northern Ireland outside of planning matters. LINI states that the number of landscape architects in LAB must be urgently increased in order to provide adequate government advice and expertise relating to the designation of 'national parks', but also to provide such advice and expertise into landscape matters throughout all governance. Signatories to the ELC have undertaken to ensure training is available for specialists in landscape appraisal and landscape operations. LINI is extremely concerned that in Northern Ireland the only landscape architectural programme has in October 2011 been discontinued by the University of Ulster, and asks the Department to urgently seek its reinstatement in order to fulfil Northern Ireland government's obligations under the ELC.

## DESIGNATION PROCESS

In terms of the process of designation (49), for any area which is 'proposed' for designation, it is essential that the commitment of the place-community towards sustainable lifestyle and landscape within that area is engendered. LINI suggests that place-communities themselves should be encouraged to bring forward areas for designation, demonstrating commitment to sustainable lifestyle and landscape. At the same, LINI concurs that responsibility for designation should not be a 'political' agenda and would rest with Executive (acting interdepartmentally and collectively) rather than Ministerial decision (53, 54). LINI is not in support of specific legislation defining the geographic boundary (51) of any designated 'national park / valued landscape', but advises that boundaries should be able to expand as the value of designation is realised

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throughout Northern Ireland.

## LANDSCAPE MANAGEMENT BODY

LINI promotes the structure of the Mourne Heritage Trust (MHT), operating independently from government, yet embodying both local and Executive representation (59, 61, 62), as an appropriate structure for management of the 'valued landscape / national park', rather than the English National Park Authorities, which replace the local authority within the designated area. A body such as MHT is not restricted by local authority administrative boundaries. LINI concurs that the management body should not have planning capacity, but is in agreement that it should be a statutory consultee (58).

## MARKETING

It is stated that the natural heritage of the designated area should be marketed internationally (65). LINI reminds the DOE of the landscape ambition of designated 'national parks / valued landscapes', and attests that it is both the natural and cultural aspects of the designated area (community place, and place-community) that are to be encouraged – locally and nationally, and only internationally where this brings additional benefits to the mutual well-being of environment and society within that place.

## STAKEHOLDER

As the professional body for landscape architects, who are professionally accredited with the skills, standards and expertise relating to landscape matters, we respectfully request that LINI, and the UK-wide Landscape Institute are integrally involved as core stakeholders to the Northern Ireland government in the process of legislative development relating to all landscape matters (66). LINI would appreciate the opportunity to meet with the Minister of the Environment, and the policy development team, to discuss this proposed legislation and other landscape matters.

The Landscape Institute Northern Ireland branch would like to thank the Department of the Environment for the opportunity to contribute to the White Paper on proposed enabling legislation for National Parks.

For any queries and further discussion relating to this response, and for future consultations, please contact:

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