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**From Landscape Atlas to Flemish Heritage Landscapes. Using landscape inventories to formulate landscape quality objectives in a participative process.**

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**Abstract**

The European Landscape Convention recommends the realisation of landscape policy, meaning “an expression by the competent public authorities of general principles, strategies and guidelines that permit the taking of specific measures aimed at the protection, management and planning of landscapes”. Landscape quality objectives should be formulated by the competent public authorities, including the aspirations of the public with regard to the landscape features of their surroundings. The responsible authorities in Flanders faced many questions to achieve these tasks. Landscape entities to be management had to be defined, landscape qualities and values formulated, but according to what time horizon, who are the different stakeholders and who is the public to be involved? Only small adjustments were made to the existing legislation on the protection of monuments, sites and landscapes to meet the recommendations of the ELC. Two of the new approaches used today are analysed in this paper. First, there is the designation of heritage landscapes through a long process of spatial planning. Second, there is a faster thematic approach of protecting particular landscape elements as monuments. Two different legal procedures are used with different aspects of public’s participation. Examples of their application so far were analysed as case studies. The Landscape Atlas in Flanders (2000) forms a basic inventory for the current landscape policy, which aims to be more integrated an cover most policy domains. A process was set up to designate selected anchor places from the Atlas, defining specific landscape quality objectives which should be used in the procedure of spatial planning to become managed as heritage landscapes. About 29 anchor places have been subject to the first phase of this procedure, which engages mainly policy makers and administrations to realise the objectives. In this phase participation consists mainly of external expert judgment and the input by different administrations that take care of sector interests. The analysis shows that the landscape quality objectives are defined by the responsible administration and aim at conservation of the existing landscape values and character. The input of the public remains mainly indirect and has little influence on the final formulation of the landscape quality objectives and the decision of designating. The direct influence of landscape policy ends when

procedures of spatial planning take over in a second phase. Thus monitoring of the real developments in these heritage landscapes will be essential to evaluate if the landscape quality objectives are realized. The second case consists in the protection of special vegetation forms which are representative for particular cultural practices such as pollarding. Here objects are proposed as protected monuments which engage landowners to maintain them and the participation procedure is more direct. The analysis shows a large indifference by the authorities concerned and some negative responses by the landowners which are mainly based on misinformation.

**Keywords:** European Landscape Convention, participation, heritage landscapes, spatial planning, Flanders

## 1 Introduction

The European Landscape Convention stresses the importance of public participation in landscape policy in all domains. Three definitions in article 1 in particular set the context we will address in this article (Council of Europe 2000):

“b ‘Landscape policy’ means an expression by the competent public authorities of general principles, strategies and guidelines that permit the taking of specific measures aimed at the protection, management and planning of landscapes;”

“c ‘Landscape quality objective’ means, for a specific landscape, the formulation by the competent public authorities of the aspirations of the public with regard to the landscape features of their surroundings;”

“d ‘Landscape protection’ means actions to conserve and maintain the significant or characteristic features of a landscape, justified by its heritage value derived from its natural configuration and/or from human activity;”

Many questions arise when it comes to the implementation. Who are the ‘competent public authorities’ and what are their principles, strategies and guidelines? Who is ‘the public’, what are their ‘aspirations’ and how are these ‘formulated’ by the competent public authorities in ‘landscape quality objectives’? How are the ‘characteristic features’ selected and evaluated, in particular concerning their heritage value?

Belgium signed the ELC already on 20/10/2000, ratified the convention on 28/10/2004, and it entered into force on 1/2/2005. Since then, several initiatives were taken to improve landscape management in Flanders Region in a more integrated way and involving more participation, in particular of the different involved sectors. The paper will first give an overview of landscape policy in Flanders, including the organisation of the Flemish administration and the legal procedures for landscape protection and management. Second, we will analyse two different examples to describe the procedure of participation and the outcome of it. The first case relates to the preservation of heritage landscapes, the second to the protection of ‘characteristic landscape features’ as monument. The analyses are based on the legal documents in which all responses of different actors and stakeholders are summarized. The first case deals with 29 designated anchor places that are now in procedure to become heritage landscapes. The second case deals with a thematic protection of characteristic vegetation forms, such as types of hedges (bocage), monumental trees, castle parks, and rare species or special practices in pollarding and

coppicing, all witnessing of the human impact during history. In the first phase (2009-2010), a selection of different types in each of the five Flemish provinces was made and is now proposed for protection as monument.

In Flanders, the values and qualities of immovable heritage are legally defined. For landscapes, four groups of values are recognised: natural, historical, socio-cultural and aesthetical values. The 'quality objectives' are formulated accordingly, i.e. mainly aiming for preserving these values. In most cases some financial support by the authorities is possible to achieve this. The formulation of the quality objectives is entirely done by the Flemish administration competent for monuments, sites, landscape and archaeology, in particular by the civil servants working at the provincial agencies (*Ruimte en Erfgoed Vlaanderen*, Table 1). Their task is not only to describe, assess and define the quality objectives for the protection and management of the heritage, but also to check if these objectives comply with other legislation and policy goals. The scientific quality control of their proposals is done by an independent committee of experts, the Royal Committee for Monuments and Landscapes (KCML). When a proposal is approved the assessment procedure by sector administrations and the public can start. The public is defined as the residents in the municipalities concerned and the landowners that are directly confronted with the decision.

## **2 Landscape policy in Flanders**

### **2.1 Momentum 2001: towards an integral landscape policy**

Since the gradual federalisation of Belgium, started in 1970, landscape protection and management became the authority of the regions in 1976. The rapid and devastating changes of the landscapes since the general urbanization and industrialization since the 1960s transformed the Flemish countryside profoundly. Spatial planning was mainly steered by economical drivers and resulted in a severe fragmentation of nature and landscape.

In 1995, the Flemish government started a project for inventorying the cultural heritage of the landscapes in the Flemish region. The inventory of valuable natural areas was already achieved in 1978-1996 (De Blust et al 1985) and the one for the monuments and the architectural heritage was still going on since 1976. This resulted in the 'Atlas of the relicts of the traditional landscapes of Flanders' (in short the Flemish Landscape Atlas). The Atlas was presented in 2001 (Hofkens & Roossens 2001) and simultaneously a new policy was announced for a more integrated landscape management.

In the mean time, the law on the protection of landscapes, dating from 1931, was changed and adapted to the new situation in 1996. This decree contains the first legal definition of 'landscape' ('a confined area of with low density of buildings and possessing an internal coherence which has an appearance and coherence that is the result of natural processes and social developments' (literal translation)) and mainly described the procedure to protect landscapes. The decree on landscape policy was adapted several times since the introduction in 1996: in 1999, 2000, 2001, 2002, 2004, 2006, 2009, showing the gradual adaptation and implementation of the new integrated approach, changing concepts and new needs. In 2001, the approach introduced with the landscape atlas was legally formalised in the new Flemish decree on landscapes of December 21, 2001. As a consequence, the Flemish Landscape Atlas became a legal instrument, widely used in landscape conservation, spatial planning, and environmental impact assessment. In 2004,

the decree was adapted to implement partially the ELC, and the definition of landscape was changed. In these adaptations, the Landscape Atlas was recognized as a policy instrument and its category of anchor places was legally defined and promoted as the most valuable landscapes to become newly defined heritage landscapes. In 2008 the Flemish government decided on new procedure for the designation of anchor places and their implementation in spatial planning to become heritage landscapes. Doing so, landscape policy became integrated into spatial policy like suggested in the ELC.

## **2.2 The Landscape Atlas and anchor places as basis for heritage landscapes**

As stated before, there was a need for an inventory giving a state of the art of the landscape heritage and cultural landscape values in Flanders in the 1990's. Existing older inventories, like the first National Survey of the landscapes (Delaunois, 1960), were found insufficient, because they did not focus on cultural values, were outdated, did not have a scientific methodology and were not applicable in the environmental impact assessment and spatial planning (Schoenmaeker 2001). As a result, the Flemish government decided in 1995 to start with an inventory of the relics of the traditional landscapes, aiming a more effective landscape conservation policy and applications in environmental impact assessment (Van Eetvelde et al. 2010).

The objective of the Landscape Atlas of Flanders was to indicate zones with well-conserved relics of the traditional landscapes. Four types of relics were recognized, mapped and described. Relic zones are vast areas containing ancient landscape structures such as settlement and field patterns and land zonings. Anchor places are complexes made by related elements sharing a common history. Linear elements consist of ancient roads, fortifications, water works etc. Punctual elements mainly consist of monuments and architectural important buildings (Antrop and Van Eetvelde 2008).

The atlas was finalised in 2000 and was considered as a first step in the implementation of the Convention and considered as an important instrument to launch a new, more integrated policy on landscape management. This was legally formalised by extending the decree on landscape protection with a new approach of integrated landscape management through spatial planning. This resulted in a new decree on landscape management of 2001, successively adapted to its final version of 2004. In this legislation anchor places became 'the most important landscapes' and consequentially got all priority. A procedure was set up to designate anchor places to become integrated as heritage landscapes in spatial executive plans. The Flemish administrations responsible for landscape protection and management made a selection of anchor places from the Landscape Atlas to be treated in priority. A method was designed with rules for merging some adjacent anchor places to larger spatial units as well to adapt their boundaries to tangible visible features in the landscape and to create compact forms easier to manage.

The overview of the Landscape Atlas surprisingly showed that 39% of the Flemish region still possessed valuable relicts of traditional landscapes (Antrop and Van Eetvelde 2008). Anchor places, considered as unique ensembles, cover 16% of the territory of Flanders, an important improvement compared to the 2% covered by protected landscapes. In October 2010, 29 anchor places have already been designated, six are temporary designated and one has been transformed into a heritage landscape.

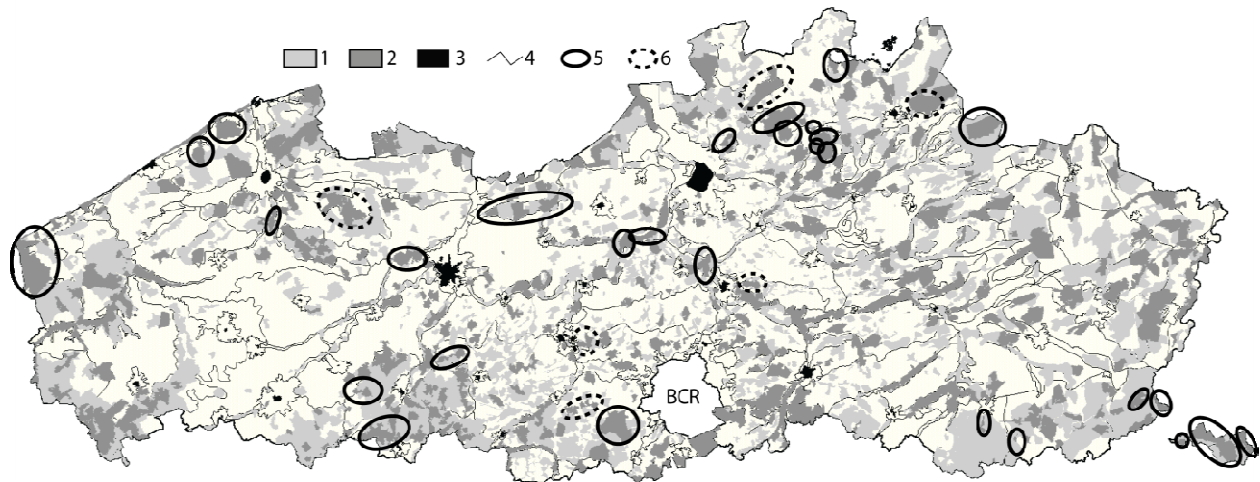


Figure 1: Landscape Atlas of Flanders: (1) relict zones, (2) anchor places, (3) cities 19<sup>th</sup> century, (4) borders of traditional landscapes, (5) designated anchor places and (6) temporary designated ones in 2010.

### 2.3 The procedures: what say the legal texts?

The original legislation concerning the protection of monuments, sites and landscapes dates from 1931. After the first state reform on 1970, the Communities (Flemish, French, German) became responsible for cultural matters, part of which was heritage. In 1980 the Regions (Flanders, Wallonia and Brussels-Capital Region) became autonomous for all territorial matters as well. The Flemish decree on the protection of monuments and sites was proclaimed in 1976 and the one on landscape protection and management in 1996 (and later adaptations for example to implement the European Landscape Convention). These decrees define the procedures and the participation.

For monuments and sites, a draft list with objects to be protected is submitted to the department and agencies of the policy domain of spatial planning and to the provinces and municipalities concerned. Municipalities are responsible for organising a public inquiry and for collecting remarks and objections within 14 days and for a period of 30 days. After this period, the municipality has 15 days to report the results. If no public inquiry is organised by the municipality, the governor of the province can organise this. Also landowners and users who are concerned are informed of the decision and can respond individually within 30 days. The agency for heritage management collects all the responses and submits the whole dossier to the Royal Commission for Monuments and Landscapes (KCML), an independent technical expert commission, responsible to formulate a motivated evaluation of the dossiers and to advise the minister. The whole procedure cannot take more than 12 months.

The procedure for the protection of a landscape is similar, but the decision of the temporary protection and the dossier with the description and evaluation are submitted to a much larger group of the authorities, i.e. the departments and agencies responsible for spatial planning, land planning, economy, nature conservation, agriculture, water management and infrastructure, as well as to the municipalities and provinces which are concerned. The following of the procedure is similar to the one for monuments and sites.

For the designation of anchor places, the first phase towards the designation of a heritage landscape, the dossier with the description and evaluation is submitted for advice to the departments and agencies of the Flemish administration responsible for spatial planning, land planning, economy, nature conservation, agriculture, water management, tourism and recreation and infrastructure, as well as to the municipalities and provinces which are concerned. Note that the sector tourism and recreation is added. These have now 90 days to respond, if not their advice will be considered as being positive. Consecutive, the Royal Committee for Monuments and Landscapes is asked to formulate a motivated advice within 90 days. Then, the definitive designation of an anchor place is officially published and this engages the public authorities at all levels of governance, but not the citizens. Phase 2 of the procedure consist of embedding the designated anchor place in spatial execution plans following the rules and procedures of spatial planning. Here a second round of participation starts where in involvement of the local public is more important. Then the result engages also individual landowners and users.

#### **2.4 How the Flemish administration is organized and affects participation**

In 2000 the reform of the structure of the Flemish administration started; a process that is still not finalised ([www.vlaanderen.be/bbb](http://www.vlaanderen.be/bbb)). Thirteen policy domains were defined; each one has a ministry composed of departments and agencies and supported by external legally independent institutions and agencies designed for specific tasks (Table 1). Departments are in charge of preparation and support of the policy and agencies serve the execution of the policy. Landscape policy belongs to the policy domain of ‘Spatial planning, Housing and Heritage’ (RWO), in particular in the (immovable) heritage policy where also monuments and archaeological sites are situated. However, because of the integrative meaning of landscape, many other aspects of landscape management and planning are found in several other policy domains as well (Table 1). As a result, aspects related to landscape policy are found in seven of the thirteen ministries and are scattered over twenty-one departments, agencies and institutions. It should be noticed also that no landscape policy is found in the domains related to education, culture, and welfare and health.

Even after the implementation of the ELC, one cannot conclude there is an integrated landscape policy in Flanders, as it is fragmented over different domains each with their own mission and goals. The whole structure is complex and although the purpose of the reform was to create more transparency, this is certainly not the case for the public and the practitioners on the terrain. This complexity has its consequences of the procedures and on the participation as well.

Besides the Flemish government, two other governance levels are involved according to the subsidiary principle: the provinces and municipalities. The municipalities are also responsible for organising public inquiries and collecting remarks and objections by the population. The municipal council can accept or reject the responses they collected from individuals and formulate their own advice according to their own policy at the local level.

**Table 1: Structure of the Flemish policy domains and the total number of units in the ministries and administration. Only units involved in landscape policy are specified; agencies that are legally independent are indicated in italics. Scientific and technical support units are marked with an asterisk. Some acronyms are adapted for this paper. (after [http://www2.vlaanderen.be/bbb/nieuwe\\_structuur/index.htm](http://www2.vlaanderen.be/bbb/nieuwe_structuur/index.htm), assessed 25-10-2010)**

Policy domain (abbreviation) (number of administrative units)	Internal and external agencies and institutes involved in landscape policy
Services for General Policy (DAR) (5)	* <i>Agency Geographical Information Flanders (AGIV)</i>
Management (BZ) (5)	
Finance (FB) (3)	
Flanders International (iV) (4)	Department Flanders International (DiV) <i>Tourism Flanders (TV)</i>
Economy, Science and Innovation (EWI) (9)	Department Economy, Science and Innovation (DEWI)
Education and Training (OV) (5)	
Welfare, Health and Family (WVG) (10)	
Culture, Youth, Sport and Media (CJSM) (5)	
Employment and Social Economy (WSE) (5)	
Agriculture and Fishery (LV) (4)	Department of Agriculture and Fishery (DLV) Agency for Agriculture and Fishery (ALV) * <i>Institute for Research in Agriculture and Fishery (ILVO)</i>
Environment, Nature and Energy (LNE) (8)	Department Environment, Nature and Energy (DLNE) Agency for Nature and Forest (ANB) * <i>Institute for Nature and Forest (INBO)</i> <i>Flemish Environmental Agency (VMM)</i> <i>Flemish Land Agency (VLM)</i>
Mobility and Public Works (MOW) (6)	Department Mobility and Public Works (DMOW) Agency Roads and Traffic (AWV) Agency Waterways and Sea (AWZ) Agency Maritime Services and Coast (AMDK) <i>Waterways and Sea canal (W&amp;Znv)</i> <i>Scheepvaart (Snv)</i>
Spatial Planning, Housing and Immovable Heritage (RWO) (6)	Department Spatial Planning, Housing and Heritage (DRWO) Agency Space and Heritage (R-O) – including 5 provincial sections Agency for Inspection RWO * <i>Flemish Institute for Heritage (VIOE)</i>

### 3 Analysis: evaluation of the participative process in two cases

#### 3.1 Two Cases as example of integrated landscape policy in Flanders

The first case study looks at the designation of anchor places where only public authorities are engaged by the decision. Twenty-five dossiers out of twenty-nine were available for analysis. The second case analyses the protection of individual landscape features as monuments which legally engage individual landowners as well. 97 objects are included in the analysis.

#### 3.2 Case 1: Designating anchor places for heritage landscapes

The first case study concerns the designation of anchor places as the first phase in defining heritage landscapes. The procedure for designating anchor places (phase 1 in the designation of heritage landscapes) can be summarised as follows (*participatory input in italics*):

1. Proposal submitted by individuals, associations or any public authority;

2. Administration (Agency Space and Heritage) makes motivated dossier, including a vision for landscape management and the formulation of landscape quality objectives – *informal consultation of stakeholders in sectors and municipalities and non-compulsory of landowners*;
3. Royal Committee of Monuments and Landscapes gives ‘pre-advice’ (recommendations) and if no corrections are needed approval – *expert’s control on scientific quality and validity*;
4. The Flemish government decides a temporary designation (duration maximal 12 months);
5. Informing and asking *public authorities and administrations for advice* (90 days);
6. Administration collects and handles all remarks, objections and advices;
7. Motivated advice by the Royal Committee (*expert judgment*) (90 days);
8. The Flemish government decides the definitive designation;
9. Publication of decision, *informing* public authorities and landowners;
10. Start of phase 2.

In this first phase only authorities are engaged in setting the appropriate planning and management objectives and is not legally binding for individual landowners. Participation mainly consists of approval, comments, suggestions or objections by public authorities from different sectors and governance levels. Nevertheless, in some cases and although not compulsory, administrators and municipal authorities did also inform individual landowners and accepted their reactions on the proposal as well and often slight modifications to the proposal were adopted. Practice showed that it was beneficial for the implementation to inform the stakeholders soon in the process. The first time this can happen during the preparation of the proposal, when consultants of the administration (Agency Space and Heritage) take the initiative to discuss the proposal already with stakeholders in different sectors, in the municipalities and with landowners before they intend to submit it officially. The second external input is the evaluation to the Royal Committee of the preliminary proposal which acts as a scientific quality control and, if necessary, alters the proposal. Only after approval by the Royal Committee, the proposal is sent to the Flemish government and the legal procedure for participation starts. Doing so, many problems are anticipated. This is consistent with Jones (2007) that the major challenge is to get the public involved early, before implementation, to be really effective.

Twenty-five dossiers which completed the procedure of the first phase were analysed. These dossiers report on the procedure so far, summarising the advices, objections and suggestions collected and give responses by the responsible administration on these, which can be acceptance and correction, or rejection when not justified or valid. The final conclusions give the final designation and formulate the final quality objectives. Not all dossiers have the same consistent format and the responses by the local authorities are not always clear. The analysis demands careful interpretation. The responses were grouped in different categories as defined in table 2. Tables 3 and 4 summarise the outcome.



**Table 2: Response categories of participation used in the analysis. Combinations of codes are possible (for example: pp means two separate positive responses are given; ?ps means no explicit advice but it can be interpreted as ps).**

<b>Code</b>	<b>Description</b>
p	positive advice or comment accepting the proposal
ps	positive advice with comments or suggestions for the implementation
pc	conditional positive advice in the style 'We agree only when X conditions are met'. It often results in a correction or adaptation of the proposal
n	negative advice or objection to proposal
nc	conditional negative advice
NA	no advice because the authority is not concerned, or is not able to formulate one
NR	no reply within the legal term, meaning a positive advice automatically is supposed
?	response with a lot of comments but no explicit positive or negative advice; only the general tone allows to interpret it. These are often standard replies by the administration
-a	response submitted too late according to the legal term; these are sometimes attempts to influence the final decision.
-o	municipalities reports on the public inquiry it had organised
X	not in dossier

**Table 3: Summary of responses for the designation of anchor places by the sector administrations grouped by policy domain (see table 1 for abbreviations, departments start with the letter D, agencies with A). Key: p= positive, pc = conditional positive, ps = positive with suggestions, n = negative, nc = conditional negative, NA= no advice, NR = no reply; 2 codes in the same cell means that several independent advices were given. In the final assessment p, ps, NA and NR are considered positive. ? means that no explicit advice is given, but the comments suggest a positive response. Blanks mean that the administration was not concerned in the case.**

Province	RWO		LNE				LV		iV		EWI		MOW						
	DRWO	ARO-prov	DLNE	ANB	VMM	VLM	DLV	ALV	DiV	TV	I	AE	DMOW	AI	AWV	AWZ	AMDK	Snv	W&Znv
A	ps	NR	ps	NR	NR	ps	p	NA	NA	ps	NR	NR	NA	NR		NR	NA	NR	NR
A	NR	NR	NR	NR	NR	p	pc	NA	NA	ps	NR	NR	NA	NR			NR	pc	NA
A	ps	ps	NR	NR	NR	NR-a	NR-a	NA	NR	ps	NR	NR	p		NR		NR	NR	NR
A	ps	ps	NR	NR-a	NR	NR	p	p	NR	ps	NR	NR	NA		NR		NR	NR	NR
A	ps	NR	p	NR	NR	p	NR	NR		ps	NR	NR	pc	NR			NA		
A	ps	?ps	?ps	p	NR	ps	NR	NA	NA	ps	NR	NR	p	NR			NA	NR	NR
A	ps	?ps	?ps	NR	p	NR	NR	NA	NA	NR	NR	NR	NR	NR			NA	pc	NR
A	?ps			pc		p	n		NA	ps			NA				NA	pc	
A	?ps	?ps	NR	NR-a	NR	NR-a	NR-a	NA	NR	ps	NR	NR	p		NR		NR	NR	NR
A	ps	ps	NR	pc	NR	p	NR-a	NA	NR	ps	NR	NR	p		NR		NR	NR	NR
A	?ps	NR	?ps	NR	NR	p	NA			ps	NR	NR	NR	NR			NA	NR	pc
A	?ps	NR	?ps	NR	NR	ps	NA		NA	ps	NR	NR	NR	NR			NA	NR	?pc
O	?ps	ps	NR	pc	NR	p	NR	NR		NR-a/ps		NR	pc		pc		NA	NR	?pc
O	ps	ps	NR	NR-a	NR	p	NR	NR	NR	ps	NR	NR	pc					p	pc
O	?ps	NR	?ps	NR	NR	ps	?NA-n	NR	NA	ps	NR	NR	NA				NA	NR	NA
O	?ps	NR	?ps	NR	NR	ps	?pc	NR	NA	ps	NR	NR	NR		NR		NA	NA	p
V	?ps	NR	ps	ps	NR	p	ps	NR	NA	ps	NR	NR	NR		NR	NR	NA	NR	p
W	ps	ps					pc		NA	ps			pc						
W	?ps	?ps	?ps	?ps						ps			?p		?pc				
W	?ps									ps			?pc		?pc	?pc			
W			?ps	pc		ps	nc		NA	ps			p/p		?pc			NA	NA
L	ps	p	?ps			ps	pc		NA	ps							NA	ps	
L	ps				pc	ps	pc		NA	ps					ps		NA		
L	ps	p	?ps				pc		NA	ps			NA					NA	
L	?ps		NA	ps		p	NA	NA					p		pc			NA	



Clearly the Flemish governance level dominates the participation procedure (Table 3), and then comes the provincial level, which is mainly in favour of the proposals (Table 4). It should be noticed that the municipal level is not always consulted.

The complex structure of the Flemish public administration makes that different departments and agencies from the same policy domain are asked to formulate advices. However this does not happen systematically and concerted recommendation are not always made. Consequently, contradictory recommendations and advices are possible within one policy domain. Policy domains with many departments and agencies have a larger weight as they give more recommendations. This is the case for the policy domains Environment, Nature and Energy (LNE) and Mobility and Public Works (MOW).

The rule is that no reply (NR) within the legal response time of 90 days is considered as a positive recommendation. Consequently, most administrations do not reply within this time. The policy domain Economy and Innovation (EWI) even never replies. Some departments and agencies do consider themselves not involved in the matter and reply as such (NA) or send the demand to others. For example the Department International Flanders (DiV) always replies that the external agency Tourism Flanders (TV) will handle the case. Many give recommendations with a lot of comments and suggestions but no clear yes or no. However the comments suggest they are positive towards the proposal (?ps). In most cases, these are standard responses with recommendations. Many give conditional positive advice (pc) in the style of “we accept, but only when...”. This is mostly the case in the sectors agriculture (DLV) and infrastructure (DMOW, AWV, W&Z) and nature (ANB).

Tables 2 and 3 show that important differences exist between provinces and municipalities. Only one anchor place extends over two provinces, but up to seven municipalities can be concerned. Of course landscapes can be very different as well as local contexts, but also the way the procedure is followed and in particular the effort that is made can be very different. Most striking is the way municipalities handle public participation. The municipal level is free to organise public inquiries to collect criticism and comments from the population. At this level of the procedure this is not compulsory. It happened only for 5/25 cases and 8/61 municipalities reported on the Often the municipal council follows the negative advice of its people. Most negative advices come from the local municipal level (often as response on criticism by individuals or local organisations). Some municipalities give negative advice for principal reasons that have nothing to do with the case. They express an general opinion at the municipal level that the Flemish governance level ‘dictates’ to much top-down and uses the subsidiary principle to give more and more tasks and obligations to the local level without however supplying extra financial means. Sometimes they also complain of lack of participation which however is not justified. Finally, it should be noticed also that the reply of the locals is not always negative: some ask more explanation, give suggestions or even congratulate the initiative.

### **3.3 Case 2: Special Vegetation Heritage to be protected as monuments**

The second cases deals with the protection of remarkable vegetation forms such as trees and hedgerows reflecting particular cultural practices such as pollarding, or have a special meaning as gene pool. The provincial sections of the Agency Space and Heritage made an inventory by field surveying and using uniform typology. In the first phase, for each type a representative

example was selected to be proposed for protection as monument. In some cases the personnel of the Flemish administration contacted already the landowners while preparing the proposition. For each case a buffer zone was defined and quality objective for its maintenance were defined. According to the procedure for protection as monument, only the provincial spatial planning section of the Flemish governance level, the provinces and municipalities and the landowners have to be informed and consulted. Landowners who are concerned will have to provide the maintenance of the monument according to the rules set by the protection dossier. Eventually they can benefit from financial support by the Flemish government. In the procedure, the municipality is responsible for organising a public inquiry and reporting the result to the administration for heritage protection. This type of protection is new and thematic. In the first phase, each province had to select representative elements which are put on one list that goes for the procedure of participation. In total, 97 special vegetation objects in the whole of Flanders were proposed for protection in this phase. This set was analysed and the results are summarised in table 4.

Again striking differences can be noticed between the different provinces, in particular concerning the involvement of the local level, like the municipalities and the general public. Flemish and provincial levels of governance are clearly less involved and many give general positive advice on the whole of the proposed list or answer they are not concerned. In general, the individual landowners have negative responses or are conditionally positive, while their municipalities are (implicitly) more positive in their appreciation. These findings comply with the second level of participation as defined by Prieur and Durousseau (2006): they note that 'the public, as a rule, is more sensitive to visible operations than to plans' (Jones and Stenseke 2010). Many conditionally positive responses by the locals have to do with demand for more clarification what the decision means precisely for them, with errors in detailed mapping and with unjustified fears of loss in value due to the protection status. When this explanation is provided, in many cases the landowners agree with the proposition. Overall for Flanders, the positive response per case is twice as large as the negative, but varies a lot between the provinces. These differences can only be explained by the efforts in communication made by the personnel of the Flemish authority to inform the locals. Also in this case, involving the stakeholders early in the procedure improves the effectiveness of the participation (Jones 2007).

**Table 5: Summary of responses on the participation procedure for the protection of special vegetation forms by province. Key: p= positive, pc = conditional positive, ps = positive with suggestions, p = negative, NA= no advice, NR = no reply. Answers between brackets ( ) indicate that the advice is given for the whole list and not for the individual cases. In the final assessment p, ps, NA and NR are considered positive. STOP means that the procedure was stopped as the monumental tree was destroyed during a storm.**

<b>Province</b>		<b>Antwerpen</b>	<b>Oost-Vlaanderen</b>	<b>West-Vlaanderen</b>	<b>Limburg</b>	<b>Vlaams-Brabant</b>	<b>OVERALL</b>
N° of objects		13	25	21	7	31	97
N° of municipalities		13	18	16	7	30	84
Responses on the public inquiry		0	2	7	3	18	30
Response by provincial authority	p	(13)	24	(21)	(7)	(31)	96
	NA		1				1
Response by Flemish authority:	p		(25)			2	27
Spatial Planning in of provincial	NA	(13)		(21)	(7)	28	69
Heritage section (RO)	n					1	1
Response by municipality	p	5	15	6	3	9	38
	pc	2	1	2	1	2	8
	ps	0	0	1	0	1	2
	N	0	1	5	0	4	10
	NA	6	6	8	3	18	41
	NR	0	2	0	0	0	2
Responses by individual landowners	n	2	10	8	2	9	31
	pc			1		2	3
Procedure was stopped	STOP					1	
Total positive responses		39	74	60	21	93	287
Total positive locals		13	24	18	7	32	94
Total negative locals		2	11	13	2	13	41
Ratio positive/negative		6.5	2.2	1.4	3.5	2.5	2.3
Total locals positive/object		1.00	1.00	0.86	1.00	1.03	0.98
Total negative/object		0.15	0.44	0.62	0.29	0.42	0.42

## 4 Discussion and conclusions

The two cases from the Flemish practice show that participation has multiple meanings in its implementation and can take several forms as described by Jones (2007). In Flanders, participation is mainly defined in the legal procedure for designating protective or special areas. However, on some occasions informal non-mandatory participation happens at the initiative of the responsible administrator for handling a proposal. In most cases this results in positive responses, in particular when it occurs at the beginning of the procedure. Concerning the involvement of experts and the public, our conclusions are consistent with the observations of Jones (2007) that experts (including the ‘competent authorities’) dominate in a top-down procedure.

In the case of designation of anchor places to be proposed as heritage landscapes, we can at this moment only analyse the first phase in this long procedure, i.e. the designation of anchor places and formulation of their landscape quality objectives. These are mainly defined by the ‘competent public authorities’ and successively submitted to other sector stakeholders at regional (Flemish) level and to the general public at local level. Their responses rarely alter these quality objectives. Most of the administrations act as mouthpiece for the sector they serve. For example, the Department Flanders International (DiV) agency always delegates the participation to Tourism Flanders (TV), which always reply positively but adding a lot of suggestions for the benefit of outsiders as tourists and visitors. We could call this indirect participation. In general, participation resumes in the case of designating anchor places mainly to participation by consultation according to the typology of Pretty (1995) and to informing and consultation according to the typology of Zachrisson (2004) (in Jones 2007) but on a broad spectrum of stakeholders through the administrative structure. In this first phase, the participation of locals remains limited as the decisions are only binding for the public authorities. It is expected that the involvement of the local public will be more important in the second phase when designated anchor places will be defined as heritage landscapes in local spatial plans with obligations for everyone.

In the case of protection of special vegetation forms as a monument, the public is almost completely reduced to the property owners that are concerned. Important is also that they formulate often objections to the proposal based on misinformation. This also indicates that their involvement comes too late in the whole process. It must be said also that at the local level a common agreement about a proposal is rare too, in particular by municipalities.

According to Prieur and Dourousseau (2006) the term ‘public’ should be taken to mean civil society in the broad sense, which means that public participation complements official decision-making by involving individuals and groups who are otherwise outside the formal decision-making process, including individuals regardless of their place of residence’. In the two Flemish cases participation of different sector groups mainly happens through the official administrations which act as ‘experts’ and ‘representatives’ of the interest of the sector. The commitment of the governance levels varies a lot also between different provinces. Although the direct participation by individuals remains limited, often to property owners only, it still has a great impact on the final decision.

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