

THE PROTECTION OF THE LANDSCAPE IN ITS VARIOUS ASPECTS. PROPOSITION AND CHALLENGE!

Aliki Tzika Hatzopoulou

Emeritus Professor at the NTUA

aliki@central.ntua.gr

Abstract

The landscape is the conceptual image given by a site to its users through perception by their five senses, but also through the feelings it arouses in them. The perceptible structure of a landscape is a mixture of natural environment, but also of human works and action, in other words of cultural environment.

There are many elements which unequivocally demonstrate that the landscape can present numerous aspects which deserve to be protected and to be given prominence, like acoustic landscape, tactile landscape, olfactory landscape, gustatory landscape. The question is to know whether Greece have the regulation framework to protect it. Greece could make a start, because already has norms at its disposal, urban planning studies, studies on the protection of the environment, special environmental studies on the protection of traditional urban centres, as well as some other tools of town planning, such as the different zones, land uses, norms and studies in which it could possibly also include all the provisions related to their subject. In such an endeavour, Greece could find help in the jurisprudence of the Council of State which would once more play an avant-garde role in the evolution of the legislation on urban planning.

Key words: *Landscape, acoustic landscape, tactile landscape, olfactory landscape, gustatory landscape, Greek Regulation Framework*

1. Introduction

The elements to establish urban planning are space, site, landscape but also time.

Space: at the beginning of the 20th century and under the influence of the ideology of the modernist movement, space occupied a predominant place as a quantitative good, as did its planning as a producer of urban environment. Its figurehead and best representative was Le Corbusier, who had given a definition of "house" as "a machine for living". Actually, space is a concept of geometrical measure in the three basic dimensions: height, width, length. But in the heart of space the locus arises.

Site refers to a space with many more dimensions than the geometrical ones. We could speak of non measurable dimensions. Such as economic, constitutional, social, political, cultural, but also ideological, sentimental, religious and finally temporal. The place has its temporality, it has its own evolution in time, and its rooting in periods of time, when its Word and Myth were created. Besides, isn't it how all tales begin?

The site has its own **character**, formed by the overall effect conveyed by its characteristic features, by the shapes of every element related to it. As soon as it gets an entity, a uniqueness, an identity as those which are expressed and show through the characteristics of its landscape, it acquires its **physiognomy**.

The landscape is the conceptual image given by a site to its users through perception by their five senses, but also through the feelings it arouses in them. The perceptible structure of a

landscape is a mixture of natural environment, but also of human works and action, in other words of cultural environment. (Stefanou J., 1980)

2. The international institutional framework

2.1. Already in 1964, during the 2nd Congress of the Architects and Restorers of Historical Monuments held in Venice, the International Community has been concerned by the need to protect landscapes. It stipulated that the concept of historical monument does not refer only to architectural creation on its own, but also to agricultural or urban landscape, or all of them together, as a cultural testimony. Institutionally, the landscape has been upgraded to the statute of a good protected by international laws in the “**Convention on the protection of the Cultural and National Heritage**” (a UNESCO Convention) signed by the United Nations Organisation in 1972 and incorporated in our national legal rules under the no. 1126/1981 law.

This Convention makes the distinction between the objects of cultural heritage (art.1) and those of natural heritage (art.2). The landscape as an object of cultural heritage is defined as the work of man, or the combined work of man and nature. In this category can be included all the areas - such as archaeological sites – which are considered as valuable from a historical, aesthetical, ethnological or anthropological point of view.

Natural heritage can refer to natural sites, or to some other sites precisely defined as natural ones because of their universal value from a scientific point of view, because they need to be protected, or otherwise for their natural beauty.

2.2. At the European level, the **Granada Convention** for “the protection of the European architectural heritage” (law no. 2039/1992) does not refer to the landscape, but to the sites that it defines as combined works of man and nature, being areas which are partly built upon and sufficiently distinctive and homogeneous that they can be marked topographically, and whose importance comes from their historical, archaeological, artistic, scientific, social and technical interest.

2.3. It could be said that this legal void was filled by the “**European Landscape Convention**” signed in Florence on October 22, 2002, and by the no.3827/2010 law “Ratification of the European Convention on landscape” (Official Gazette ΦΕΚ Α 30/25-2-2010).

According to art.1 of the aforementioned convention, **landscape** means an area as it is perceived by people, and whose character is the result of the action and interaction of natural and/or human factors. In other words, the collective perception that a landscape offers to its users is created by the perception and synergy of man and nature. The European Convention simultaneously refers to the natural landscape as well as to that which has been shaped by man, and it aims at protecting both.

The goals of this European Convention were to protect them, but also to ensure their maintenance and planning, by means of the organisation of a European Cooperation on landscapes.

It is therefore necessary to promote a **policy** for landscapes, which means, according to the aforementioned convention, a definition by the competent authorities, of the general, strategic, and leading principles allowing the implementation of concrete measures aiming at protecting, maintaining and planning landscapes (art.1, par. § β).

The goal of this policy must be for every specific landscape to get the competent authorities to assess the population's expectations as regards the characteristics of the landscapes and of their environment. This policy aims at protecting the landscape, which means "actions to protect and maintain its significant or specific characteristics, and which are justified by its value as a heritage providing from its natural structure and/or from human activity" (art.1, § γ).

That is the reason why there must exist **a planning for landscapes, which implies dynamic action in the long-term view of strengthening, restoring or creating them**, as well as of ensuring their **management** within the scope of sustainable development, so as to ensure their maintenance on a regular basis and to bring into line their transformations due to social, economic and environmental conditions (art.1, § στ.).

The European Convention is enforced in all the member-States of the European Council as well as in all their territories; it covers natural, agricultural, urban and suburban zones, inland water but also maritime zones. It concerns exceptional landscapes as well as unspecific or degraded ones (art.2).

This convention constitutes the legal framework in conformity with which national legislations must be elaborated according to the distribution of their powers, their constitutional principles and their administrative rules, always within the frame of the principle of subsidiarity. It provides definitions and general directions, and it describes its object, that is to say the landscape, determining its fundamental features.

However, the landscape expresses itself under various forms, since man perceives the external world through his five senses: **sight, hearing, feeling, smell and taste**. Therefore we must also single out the corresponding aspects of the landscape: the visual, acoustic, tactile, olfactory and gustatory landscapes. Our concern will be to go into their qualities and emphasize their worth. The specific features of each landscape convey the perceptible structure of the place, the town, and compose its physiognomy. These specific features are derived from all the aspects of the landscape, as mentioned above. The question which arises now is to know whether we can preserve these aspects of the landscape as well, by implementing, when they exist, regulating measures, or by interpreting those which already exist in this view.

3. The national institutional framework

3.1. For the place, as well as for the impression it conveys, that is to say for the landscape, the distinction should be made between the natural environment, and the cultural and built environment created by man, a concept protected by the Constitution of 1975-2001.

In Greek legislation, we can find the expression "place of exceptional natural beauty" in the no.1969/50 law concerning the protection of "a category of buildings and works of art dating from 1830 onwards", which are protected like archeological sites and historical places.

3.2. In the General Building Regulation (ΓΟΚ) of 1985/2000 and the New Building Regulation (ΝΟΚ) of 2012, what is protected and called "areas of specific beauty" are the spaces, sites, landscapes or also natural structures which accompany or surround elements of the architectural heritage, but also independent structures whose character is either natural or shaped by man, inside or outside urban zones, in order to maintain and show off their specific, historical, urban, architectural, ethnographic, social and aesthetic physiognomy. In these areas, some restrictions on construction morphology and land use can be implemented by presidential decree.

From the interpretation of the above rules, it can be inferred that they mainly refer to the landscape shaped by man and to the natural landscape as an extension of the latter, with the protection of the architectural heritage or of some urban zone at their core.

3.3 The definition of the natural landscape is given in the no.1650/1986 law “for the protection of the environment” as it was modified, defining it as “any dynamic whole of factors and elements, vital or not, of the environment which, on their own or interacting in a given space, form a visual experience”. Furthermore, the same law mentions the protection against noise, as well as the protection of nature and landscape, also establishing three degrees of protection according to their physiognomy and their value, and prescribing the elaboration of a Special Environmental Study for their evaluation. This law qualifies as ‘element of a landscape’s existence’ the synthesis of a visual experience, but it ignores the other possible expressions that a natural site can have, such as specific sounds, for example a waterfall, as in Edessa or in the famous natural rock pools of Samothrace, where the water sounds, besides the extraordinary visual experience given, also constitute a unique acoustic experience that must be emphasized and protected. The Special Environmental Study was conceived to evaluate and protect nature, however keeping as its main goal only the visual experience, as required by the law. Of course, the two aforementioned places have been classified as “places of exceptional natural beauty” and can be considered as “protected”, but their protection is still focused on the effect produced by their image. However, the other aspects of the landscape are generally forgotten, the acoustic and olfactory landscapes, which can be equally beautiful or interesting, and which constitute elements of the physiognomy of the place and of the landscape as the visitor or the viewer perceives it, since the above elements are qualitative criteria playing an important role in conditioning the perception of the place’s physiognomy. Sometimes, an aspect of the landscape is so intense that it becomes the characteristic feature of the place, for example the odoriferous island of Chios with its mastic trees. (Stefanou and Collaborators, 2000)

4. The various aspects of the landscape.

4.1. The **visual** landscape is essentially a creation of man. Internationally, it is the most protected one, because it includes the architectural heritage of each place, which characterizes the evolution of its history, but also the historical evolution of human culture, and the different phases it went through. This is due to the fact that in the built environment, the constitutional, social, religious, economic conditions of art but also of the law are reflected, together with the specificities of each period of time and of each place. This is due to the work of man, mainly of the “master masons”, as they were called in medieval times, and today of the architects and town planners who are, in the first place, the creators of the visual landscape. (Ahtida, 1993)

Still, when we live in a place, or when we visit it, besides our sight, our other senses help us to get a global impression of the place, such as hearing, smell, feeling and taste. Together with our psychological and ideological impressions, as well as the events which happened in this place throughout the centuries, they contribute to the aspect of its aesthetic shape, its perceptible structure and its physiognomy. The visual landscape is essentially a creation of man. Internationally, it is the most protected one, because it includes the architectural heritage of each place, which characterizes the evolution of its history, but also the historical evolution of human culture, and the different phases it went through. This is due to the fact that in the structural environment, the constitutional, social, religious, economic conditions of art but also of the law are reflected, together with the specificities of each period of time and of each place. This is due to the work of man, mainly of the “master masons”, as they were called in medieval times, and today of the architects and town planners who are, in the first place, the creators of the visual landscape. (Papageorgiou - Venetas, 1970) (Cecile de Prado, 2000)

Still, when we live in a location, or when we visit it, besides our sight, our other senses help us to get an overall impression of the place, such as hearing, smell, feeling and taste. Together with our psychological and ideological impressions, as well as the events which happened in this place throughout the centuries, they contribute to the aspect of its aesthetic shape, its perceptible structure and its physiognomy

4.2. As regards the **acoustic** landscape more specifically, the legislator ignores the sound and is only concerned by the noise, at the European as well as at the national level.

Nowadays noise is a strong source of nuisance, in public space because of the size of traffic lanes, of the number of cars, planes, trains, of the amplifiers which cast very loud music, and of many more other causes, but also in the private, domestic space where very often it becomes a real nuisance, because of the numerous sources of noise, such as television, electrical appliances, air conditioning, etc. (Stefanou D., 2004)

That's why within the scope of the protection of the environment, the European Community (EC) has published a series of directions to oblige its member States to take measures, defining the maximum allowable limits according to the source of noise, in other words according to its origin: air traffic, road traffic, etc. Moreover it prescribes the elaboration of noise charts, and the implementation of different measures to reduce the most disturbing nuisances, for example building anti-noise walls when highways run through inhabited areas, and taking measures to inflict police sanctions in order to fight against the noise in public spaces. (Xatzopoulou – Tzika, 2000)

Furthermore, we can fight against noise by urban legal rules, and more specifically by those concerning land uses. By arranging them vertically, but also by mixing them (professional-residential use), energy savings and environmental protection can be achieved, while it can simultaneously contribute to enhancing the acoustic landscape. (Chaikali, 2006) For instance, part of the acoustic landscape in Ermoupolis is made of the permanent buzz of its naval yards, because, as explained by its inhabitants, it means that the naval yards are at work, and consequently that there are jobs. In Ano Syros, part of the acoustic landscape comes from the ecclesiastical music heard from the catholic monasteries, whereas in Piatsa, it is the 'bouzouki', the popular music, of Vamavakaris which has always predominated for many years. These sound landscapes are thus elements of the history and physiognomy of these towns, which must be protected.

Moreover, using the appropriate materials and constructing buildings in conformity with the state-of-the-art rules but also of scientific rules can contribute to the resonance or sound-proofing of these buildings. (Stefanou, 2002), (Murray S., 1977) (Stefanou D., 2004)

4.3. This line of reasoning leads us to the tactile landscape, that is to say the one which expresses the need of man to enter in contact with the space that surrounds him and the objects with or inside which he lives. As a matter of fact the interior architect's work is founded on this human sensation. Man wishes to feel, through his body contact, that his home offers him a guarantee of safety, sunlight, ventilation and lighting, as well as a pleasant aesthetic aspect. . (Moles A, 1972) This result can be reached by a rational planning of the space and by using the appropriate elements of the materials indispensable to a healthy life. What's more, for the tactile landscape, the feeling conveyed to man by the public space surrounding him, contributes to his feelings of safety and satisfaction, for instance as when he walks on a smoothly-asphalted road, or on an authentic traditional path, or else on the Champs-Élysées in Paris. (Stefanou J., Stefanou I., 1989) The tactile landscape is as important as the visual landscape, and it also contributes to the creation of the aesthetic landscape. Both are influenced by regulated and well-defined provisions,

and both of them are the result of town planning but mainly of the architectural planning and the materials used. Architectural planning and using the appropriate techniques and materials additionally participate in saving energy and protecting the environment. (Stefanou, 1996)

4.4. The **olfactory** landscape is a significant element in the conditioning of the physiognomy and the ability to recognize a place. When we get close to a port or we are in a port, aren't its specific smells what characterize it? Smells, perfumes are intricately bound within the fabric of human life and history. In the *Iliad*, Homer describes how, before each fight, the warriors, and mainly the Achaeans, used to wash themselves and anoint their bodies with aromas before leaving for their death, in order to be clean and perfumed. By the way, all religions, from the remotest times, had made provisions to embalm the corpse of the deceased in perfumes. (Stefanou, 1989)

The olfactory landscape sets rhythm to the time of the location as well as to its conceptual image, in other words to its landscape. When the lilacs blossom and spread their fragrance, it means that Easter time has come; in the same way, when the orange trees are in bloom, we understand that spring is approaching. Of course, smells are not always pleasant, they can also be stinking, in which case it is necessary to elaborate a plan to protect the landscape from their stench. (Vasilara, 2011)

4.5. We have not evaluated or commented on the **gustatory** landscape, which is the work of man and nature and emphasizes as much the products as the cuisine of each place and the gustative specific features it offers. How often do we say "Let's go there to eat well". Besides today cooking has become a fashion all over the world and it is a way to attract tourists. Let us not forget that the Greek traditional salad has been awarded an international distinction by the UNESCO. (Terkenli, 1996)

The gustatory landscape also has as a corollary the olfactory landscape. Who has not associated the smell of the *vassilopita* (i.e. the kings' cake) with the New Year's festivities?

5. Proposals

I believe that we have brought out many elements which unequivocally demonstrate that the landscape can present numerous aspects which deserve to be protected and to be given prominence. The question is to know whether we have the regulation framework to do so. In my opinion, we could make a start. We already have norms at our disposal, urban planning studies, studies on the protection of the environment, special environmental studies on the protection of traditional urban centres, as well as some other tools of town planning, such as the different zones, land uses, norms and studies in which we could possibly also include all the provisions related to our subject. In such an endeavour, we could find help in the jurisprudence of the Council of State which would once more play an avant-garde role in the evolution of the legislation on urban planning.

Let me establish a few working assumptions. The classic definition of urban planning also refers to the town as a work of art, raising its aesthetic aspect to the level of a good that must be legally protected. Nevertheless, the aesthetic aspect cannot be restricted to urban environment, that is to say to the vertical level of the town, its facades, or to the lower horizontal level in its public spaces, but also to the upper horizontal level, in other words to the terraces of its buildings and beyond them to the skyline offered to its viewers, either from very high in the sky, or from the ground upwards or in the opposite direction. As the lower horizontal level of the town is

concerned, it would be advisable to control the equipment of the terraces and reduce it to what is strictly indispensable and aesthetically acceptable. What has already been implemented in some traditional urban centres, where for instance solar water-heaters or other mechanical appliances have been forbidden on terraces, should be also expanded to other towns or town sectors presenting a relative interest architecturally or historically, independently from whether they may – or not – have been classified into the category of areas to be protected.

The roofs of the buildings, the monuments, the free spaces and volumes, urban or peripheral, form the skyline of the place, of the town, and make its visual landmarks stand out against it. Who can possibly fail to notice the figure of the rock of the Acropolis in the Athenian skyline, or the massive figure of St George's catholic church in Ano Syros together with the orthodox cathedral opposite to it, as their view from the port upwards as well as the view they offer downwards on the port? These open views over the town or from the town, which are an element of the physiognomy as much of Ermoupolis as of Ano Syros, must be protected so that the vista cannot be obstructed by buildings. Already in the study of the National Technical University of Athens entitled "The urban planning of Ermoupolis.", the research scholars recommended to leave these vistas open. Concerned by the protection of the urban fabric of traditional town centres, in paragraph γ of article 6 regarding the protection, restoration, maintenance and promotion of the traditional urban fabric in traditional urban centres - which forms a constitutive element of their specific physiognomy - the NOK (New Building Regulation) offers the possibility, for the town planning in force, to be adapted and altered, even if that means reducing the surfaces of public spaces. It goes even further when it stipulates that in these sectors, after a careful study of the town planning or the land planning, specific construction terms and limitations can be determined and specific uses imposed.

As already said before, the town physiognomy, apart from the visual landscape also include its other aspects. As for the acoustic but also olfactory landscapes, we can question ourselves on how they can be protected and shown off. These are incorporeal goods, and they could be protected as monuments are protected through the legislation on antiquities, after having first checked them off to evaluate their degree of interest and compatibility with the place: their most valuable expressions can be protected by the town planning study, the land uses, and the construction terms that this study has prescribed, and of course, by the jurisprudence of law courts and mainly of the Council of the State, as was the case for example with the bells in Athens, which have been considered as intrinsic elements of the city's physiognomy, not causing any harm on the inhabitants' health. The planning could be of help, and most of all the land uses, in order for some characteristic areas to be protected.

As for the tactile landscape, it is above all the one which depends on the architectural town planning and on the rules of building construction.

As a conclusion, given that the concept of landscape has now been raised to the status of a good protected by international but also national law, there exists a legal basis which gives to the administrative Courts of Appeal that are competent in the control of permits, and mainly to the Council of the State during the elaboration of the decrees of implementation, the possibility to interpret *lato senso* the concepts of the aesthetic aspect and the physiognomy of a place and of its landscape, as well as the possibility, through their jurisprudence in the legislative and executive procedures of the State, to introduce new concepts related to the protection of the different aspects of the landscape in their actions of implementation concerning the protection of the environment and the architectural and urban planning. Already in the *ZOE* of Mykonos, but also in the presidential decree 7/17=4 of 2003 in which some buildings in Mytilini have been qualified as

traditional, the fact that the location and volume of the building in the site should guarantee the preservation of the vista from the public spaces of the urban centre is formulated as “a recommended form of construction”, and the Council of the State has accepted it as legitimate. Of course, this is not the first time. Isn't it jurisprudence which has created the concepts of ‘space capacity’, of ‘urban and environmental acquis’? Each new start requires courage, daring, strength and of course imagination.

References

- Axtida M. (1993) “The sound in the architecture and in the urban planning”, Academic Lecture NTUA, Athens 1993
- Basilara Arch. (2011) “The osmitiko landscape” Doctoral thesis, National Technical University of Athens
- Papageorgiou - Venetians A. (1970) “The aesthetic perception of city”, Practically Seminar Laboratory of urban Designation, National Technical University of Athens
- Stefanou J. (1980), “Etudes de paysages vers une Iconologie de l image,, (Doctorat d Etat) Un. Re Strasbourg
- Stefanou Joseph. and Stefanou Julie (1989) “The urban landscape” ed. NTUA, Tomeas Urban planning of - Land planning, Athens
- Stefanou Joseph. and Stefanou Julie (1999) “The description of picture of city” ed. NTUA, Athens
- Stefanou J. and Collaborators (2000), Laboratory of urban Composition, “The physiognomy Greek city” ed. NTUA - Ministry of Environment and Public Works, Athens
- Stefanou J. Stefanou D. (2002) International congress of Acoustics, University of Patras, Greece
- Stefanou D, (2004) “Musical Environment/Environmental music, from the composition in Ecology, work and ideas” Proceeding of the first Congress of Science and Art., University Aegean. Syros 1-3 Oct 2004.
- Stefanou D. (2004) “Placing the musical Landscape Spatiality, Performance and the primacy of experience”, PHD Thesis Univ. of London
- Terkenli Th. (1996) “The cultural landscape. Geographic approaches”, ed. Papazisi, Athens
- Lynch K. (1962), «The image of the city”, M.I.T. press Boston, Mass.
- Moles A. (1972) «Theoried information et perception esthetique», Ed.DENOEL/GONTHIER, Paris
- Cecile de Prado (2000), “Les paysages sonores”, Conte rendu du colloque Inter. La sensibilisation du paysage de la perception a la protection, Segovia, Mai
- Marray S. (1977), “Five villages Soundscapes -The music of the environment”, series 3,4,
- Chaikali Wisdom (2006) “Fighting of noise and protection of acoustic landscape in Greek urban centres”, Institutional frame for the noise, Doctoral thesis, NTUA, Athens
- Chatzopoulou-Tzika A. (2000) “The sound as element of physiognomy of place and the noise as parameter of pollution”, Article at “The physiognomy Greek city” ed. NTUA – Ministry of Environment and Public Works, Athens
- L. 1126/1981 (Greece)
- L. 2039/1992(Greece)
- L. 3827/2010 (ΦΕΚ Α 30/25-2-2010) (Greece)
- L. 1469/50 (Greece)
- L. ΓΟΚ/1985 (Greece)
- L. ΓΟΚ/2000 (Greece)
- L. ΝΟΚ/2012 (Greece)
- L. 1650/1986 (Greece)