



THE CONSERVATION AREA AND THE REGISTERED LANDSCAPE

Lecture 8. Protection aspects and registred landscapes in Poland

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A brief history of landscape protection

Evidence of the oldest protected landscape is found in China for the Nine Bend River, Mount Wuyi (Wuyishan) where in 748 AD the Tang Emperor, Xuan Zong, issued a decree forbidding fishing and the felling of trees on this very beautiful stretch of the river and limiting construction to religious buildings. This prohibition has survived continuously to the present day.

In the 19th and 20th century, landscape not only became a major field of study but at the same time protection schemes were developed within nature protection movements. By the midnineteenth century, pioneer environmentalists had discovered the topic: thus the English landscape movement was the catalyst for the formation of the National Trust in 1895, initially to protect landscapes while making them available to an increasingly urbanized society.

After the Second World War, protection schemes were integrated into national legislation and first international conservation efforts took shape. In 1962, a UNESCO Recommendation on the Beauty and Character of Landscapes and Sites was adopted by the Member States.

In 1992, the World Heritage Convention became the first international legal instrument to recognize and protect cultural landscapes at a global scale.

The protected landscape approach

The protected landscape approach links conservation of nature and culture, and fosters stewardship by people living in the landscape. While grounded in experience with Category V Protected Landscapes/ Seascapes, this approach is broader than a single protected area category or designation. Rather, it relies on different tools and designations to achieve protection, and on an array of processes and traditional systems to sustain people's relationship to the land.

Landscapes, the places where people and nature meet, are shaped by the inter-relationships between humans and their environment. In turn, the natural setting has shaped how people live, their settlement patterns, livelihoods, cultural practices and beliefs – indeed their very way of life. Landscapes encompass history and the present, the physical as well as the intangible. Landscape can be seen as a meeting ground, between nature and people, between the past and the present, and between tangible and intangible values.

Protected landscapes are cultural landscapes that have co-evolved with the human societies inhabiting them. They are protected areas based on the interactions of people and nature over time. Living examples of cultural heritage, these landscapes are rich in biological diversity and other natural values not in spite of but rather because of the presence of people. It follows that their future relies on sustaining people's relationship to the land and its resources.

The protected landscape approach recognises that the cultural and natural values of landscapes are inextricably linked, and that the communities living in or near these landscapes are central to sustaining them.

The protected landscape approach can provide valuable models of how to integrate cultural heritage protection, biodiversity conservation, and sustainable use of resources. It is an approach that brings conservation “home” to the places where people live and work.

While Protected Landscapes have come relatively late to the protected area scene, they play a growing role in national systems of protected areas, and in regional and global conservation strategies. Significant progress has been made over the last 25 years, running parallel to broader trends in conservation and in new approaches to protected areas generally. (Brown 2005)

Characteristics of landscape

Characteristics of landscape are particularly relevant to the search for more sustainable ways of protection.

Landscape is:

- **universal.** It is found everywhere that people and nature have interacted, in remote places, in farmed countryside, even in villages, towns and cities. It needs to be stressed that a concern for landscape should not be confined to what is conventionally considered as the most beautiful.
- **dynamic.** Landscapes inevitably change and evolve over time, in response to natural processes and to the changing needs and activities of people. Landscape cannot be 'frozen'.
- **hierarchical.** A large landscape area contains smaller landscape units within it; they in turn contain still smaller ones; and so on.
- **Holistic.** Any attempt to understand it as a wholly natural, wholly historic or entirely physical phenomenon is doomed. It cannot be understood or managed except through an integrated, multi-disciplinary approach, which embraces all its ecological, economic, cultural and social components.

These qualities are all very relevant to sustainable development, which can only be achieved by connecting people and nature, and which demands multi-disciplinary approaches. In this sense, landscape is not only an environmental resource in its own right but also a medium of sustainable development. (Brown 2005)

Porto, Portugal, photo © K.Palubski

Cultural-historical value

/ aesthetics value /

natural value

LANDSCAPE PROTECTION IN POLAND

Forms of protection of monuments are:

1. entry in the register of monuments;
2. recognition of a historical monument;
3. creating a cultural park;
4. establish protection in the local development plan – protection zones

Ministry of Culture

Protection of spatial order, aesthetics and view:

1. Local spatial development plans
2. The decision on building and land development

Ministry of Infrastructure and Development

Forms of nature protection are:

1. National parks;
2. natural reserves;
3. Landscaped parks;
4. protected landscape areas;
5. Natura 2000 sites;
6. monuments of nature;
7. documentation sites;
8. ecological areas;
9. natural and landscape complexes;

Ministry of environmental protection

History of Polish protection

The Polish system of monument protection can be started from the time of regaining independence in 1918. The first act regarding the protection of monuments was the Decree of the Regency Council of October 30, 1918. The decree introduced the legal definition of the monument, which he did: all immovable and movable works, testifying to the art and culture of past eras, existing no less than 50 years, "together with their **surrounding environment** (garden, square)". It was an important indication to see the landscape context of the monument and to understand the need to expand the field of conservation protection.

The Act of 15 February 1962 on the protection of cultural property did not cause a breakthrough. The understanding of the undefined "surroundings" of the monument and the issues of **protection of views** of the monument are repeated. Only the amendment to the Act of 1962 made in 1990 enabled legal protection, among other historic buildings, as well as **historic landscapes**.

Actions to document the values of the cultural landscape and their protection began in the mid-1990s in the Government Program "**Protection and Conservation of the Historic Cultural Landscape**". According to preliminary projections, it appeared that in Poland, at least 800 areas deserve a quick recognition as cultural parks (a new formula of cultural landscape protection introduced only in 2003). Pioneer works in Europe aimed to extend the formula of protection of individual monuments or architectural complexes. In the final report, areas with high values of the cultural landscape have been designated, deserving of legal protection. (Palubska, 2016. Myczkowski, 2017)

History of Polish protection

In legal protection, the 2003 Act on the protection of monuments and the protection of monuments, which took into account scientific considerations in the field of cultural landscape protection, was of crucial importance.

Complementing the above statutory definitions of the object of protection was a new form of protection in the form of a cultural park.

In 2004, Poland also ratified the European Landscape Convention (2000), defining the concepts:

- landscape - means the area perceived by people, the nature of which is the result of the action and interaction of natural and / or human factors; and
- landscape protection - means actions to preserve and maintain important or characteristic features of the landscape, so as to direct and harmonize changes that result from social, economic and environmental processes;

And in 2015, it updated the law on the concept of cultural landscape and priority landscape, imposing the obligation of provincial landscape audits. (Palubska 2016)

Registered landscapes?

Most of the entries in the register of monuments for the described categories of monuments, especially those made in the 1950s, 60s, 70s, 80s, are parks and gardens as well as urban and rural layouts. The concept of cultural landscape protection does not appear in the registers.

In addition, the existing entries do not explicitly define the subject and scope of protection, and the justification is the laconic statement that the area / assumption has "historic, artistic and historical values".

There are no graphic attachments with parcel numbers, no surroundings are protected, entries do not always cover the whole assumption. These deficiencies prevent effective legal protection and preservation of historical assumptions. At the same time, the current legal situation precludes the completion and refinement of entries in the register, which significantly impedes the repair of errors of predecessors, which after the Second World War was accompanied by a huge haste in protection.

Since 2008-2015, National Heritage Board of Poland worked on "**the National Programme for the Protection of Cultural Landscape**" to implement of the ELC's regulations - picks 50% of the Polish landscape as a valuable requiring protection, in raport 2009 1,6% areas of ,cultural landsape' is protected. (Palubska, 2016)

Registered landscapes?

The condition of the historic garden depends largely on the quality of the entry in the register of monuments, and in particular on:

- a properly defined subject of protection, with an unambiguous indication of protection limits,
- correctly defined scope of protection, taking into account the specificity of a given historic garden,
- justification of the entry, specifying the values for which the given garden is protected,
- presence of an entry in the register of park surroundings monuments (in justified cases).

(Sikora 2010)



Registered landscapes?

When determining the object of conservation protection for the cultural landscape / garden / historic park, the name of the park should be mentioned (if it has one), its type, location and territorial range.

The territorial scope should be defined by listing the parcels of the plots on which the designed area is located, specifying the total area and joining the decision on the entry of the graphical attachment in the register of monuments in the form of a land registry map with the boundary of the entry marked.

These borders should run along the boundaries of plots, and where it is not possible - along permanent elements of land development, eg roads, ditches. They should result from the historical substance preserved in the given assumption, and their determination should be preceded by the recognition of historical boundaries and their confrontation with the current range of landscape composition. (Sikora 2010)



The scope of resource protection

The scope of protection should result from individual features of a given facility, determining its identity and from the preserved historic substance.

According to the provisions of the Florence Charter, the authenticity of the garden should be protected, including both its drawing (spatial layout) and constituent elements (terrain, greenery, roads, water layout, architectural elements).

The need to protect the spatial arrangement results from the natural variability of the garden in time (as a result of natural succession or human activity) and the necessity of cyclical replenishment of the material that makes up the garden. When determining the scope of protection, it is necessary to list those elements and features of the historic park, which are the carriers of values that determine the entry of a given park in the register of monuments. Their character and number should depend on the specifics of a given facility. (Sikora 2010)

They can be, for example:

- historical spatial layout of the park (specify the type of layout),
- historical territorial scope of the park (if it survived),
- historical view links (specify what),
- historical planting system and its species composition,
- historical road system (replace the elements),
- historical water system (replace elements),
- historical elements of garden architecture (specify what).

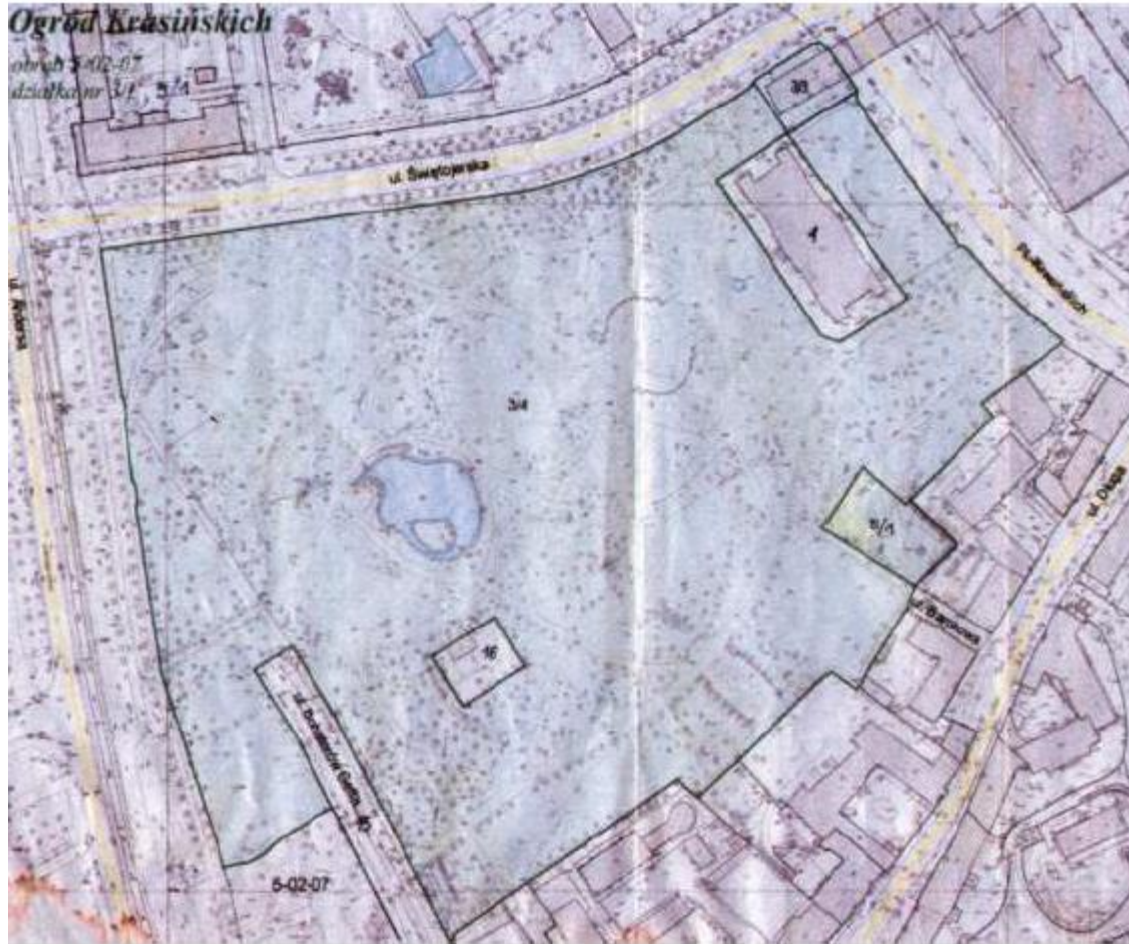
Historical stratification and the borders of protection

Cultural landscapes have legible layers of many subsequent periods, which are destroyed during restoration works. Entry in the register, in addition to the borders, should specify what protection is subject to in the context of protection.

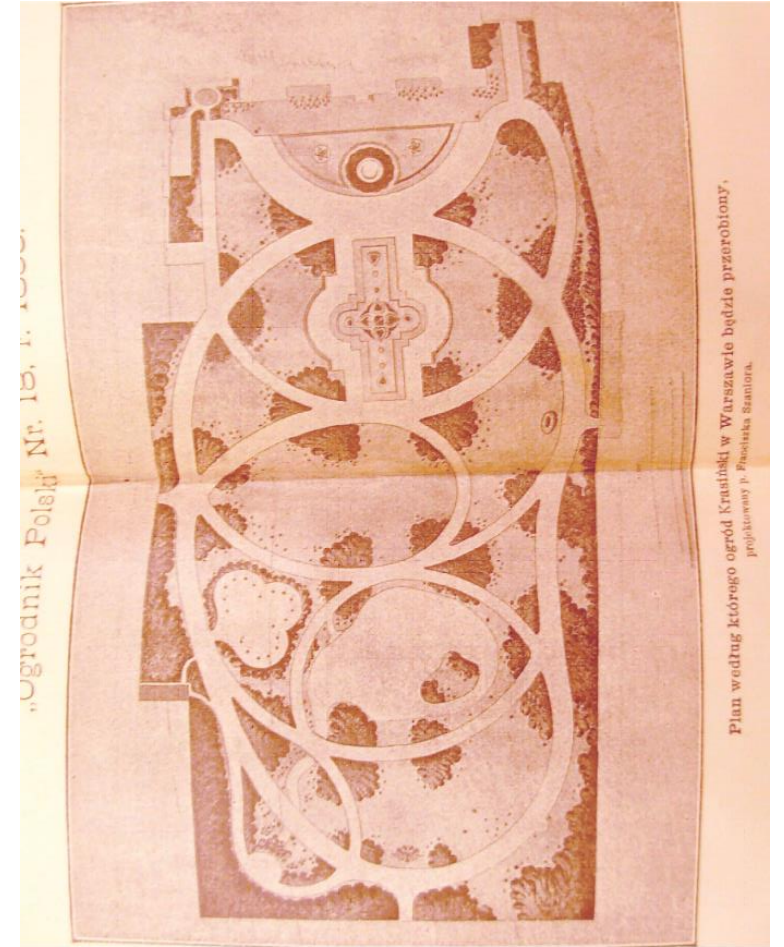
A good example of a historical park in which the need to respect layers is due to the entry in the register of monuments is a park in Charlottenburg in Berlin. Restoring the local garden salon with the ground floor, the spatial form and detail given to it by post-war designers from the 1950s were preserved, which resulted from the content of the entry in the register of monuments. The entry specifies that the Charlottenburg Residence grounds, designed in 1697, are later protected, later expanded and redesigned. The entry lists important stages of transformation to modern times and the preserved historical substance from these phases. From this entry, it is clear that not only XVIII-century relics are protected, dating from the times of full splendor of the garden, but also subsequent stratifications, including those resulting from the post-war conservation work.

The adoption of such an approach to the formulation of the scope of protection in entries in the register of monuments clearly defines the direction of possible conservation works and prevents the destruction of "later witnesses of history" of a given historic area. (Sikora 2010)

Historical stratification and the borders of protection



Drawing from the register of land and the distribution limits of protection by the register of monuments



Projekt Franciszka Szaniora przebudowy Ogrodu Krasińskich, 1893

Source: "Historical and conservation study with conservation guidelines for the re-development of the Krasiński Garden" National Center for Research and Documentation of Monuments, 2010, in: MWKZ Archive



POSTULATED BORDER OF MONUMENT (red) AND BUFFER ZONE (black) AS PROTECTION FORM OF MONUMENTS REGISTER

Source: "Historical and conservation study with conservation guidelines for the re-development of the Krasiński Garden" National Center for Research and Documentation of Monuments, 2010, in: MWKZ Archive

„Buffer zones” of protected landscapes

The links between the designed forms of the cultural and cultural landscape and the surroundings in different historical periods had a different rank, resulting from the size of the residence, its location, and the existing rules in shaping the space. For the seventeenth-century garden compositions, these were wide openings to the surrounding landscape; eighteenth-century connections were expressed in multi-kilometer aisle systems, channels and axes, 19th-century parks often "borrowed" views of the surrounding landscape in order to optically enlarge the composition and create an impression of unity with nature. Many parks, regardless of the era in which they were created, constituted an element of larger urban or rural planning compositions.

In 1987, the Florentine Charter defined that "a garden in itself or connected with a historic building, which constitutes an inseparable supplement, can not be separated from its surroundings, be it an urban or rural environment, artificial or natural."

The surroundings may be entered in the register of monuments by a single decision, including a historic park or an independent entry. The purpose of protection of the environment is usually the need to protect the value of a given park, resulting from its relationship with the landscape surrounding the axis and view openings, proper exposure of a given park in the landscape, maintaining the continuity of the traditional use of surrounding areas, if it affects the reception of a historic park. The boundaries of the surrounding landscape should be set analogically to the assumption itself: by mentioning the numbers of the parcels in the decision and marking the course of the boundaries of the surroundings on the graphical annex in the form of a land registry map. While the historically-shaped connections with the surrounding landscape concern large areas and include areas saturated with historical substance, which has its own value, their protection goes beyond the category of entry into the register of monuments surrounding the historic park. (Sikora 2010)



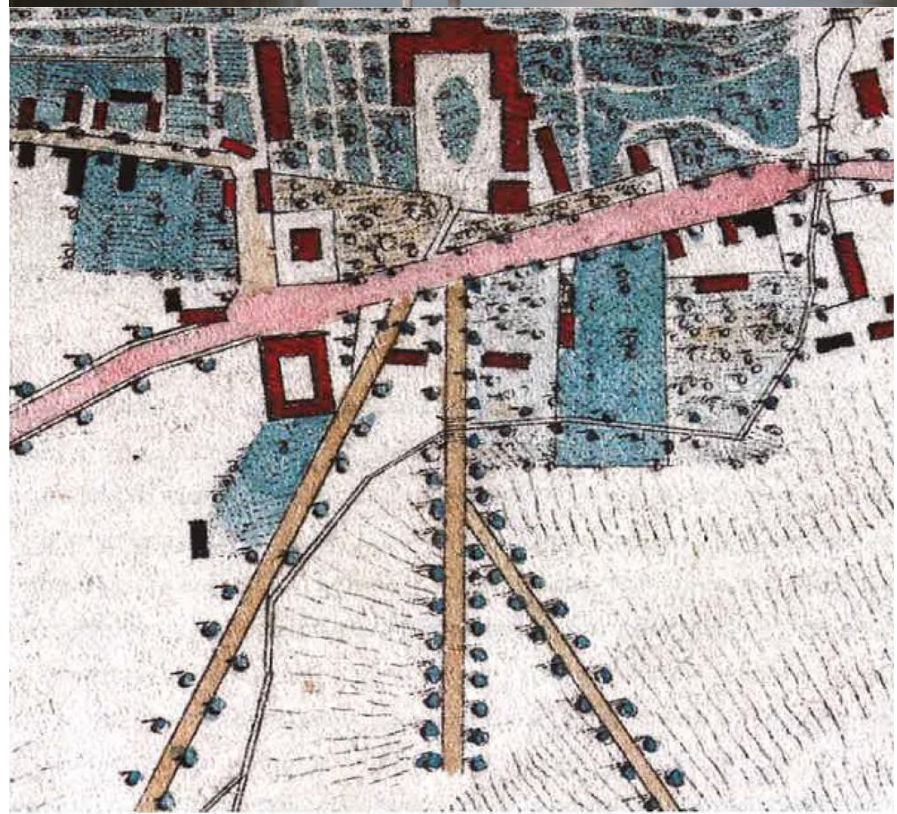
Lack of protection of the surroundings and landscape connections of historic gardens resulted even at the location of the Siekierki heat and power plant at the close of the scenic connection of one of the most important Baroque assumptions of Warsaw - Wilanów.



Map 1. Wilanowskie Establishment 2017, MWKZ Archive

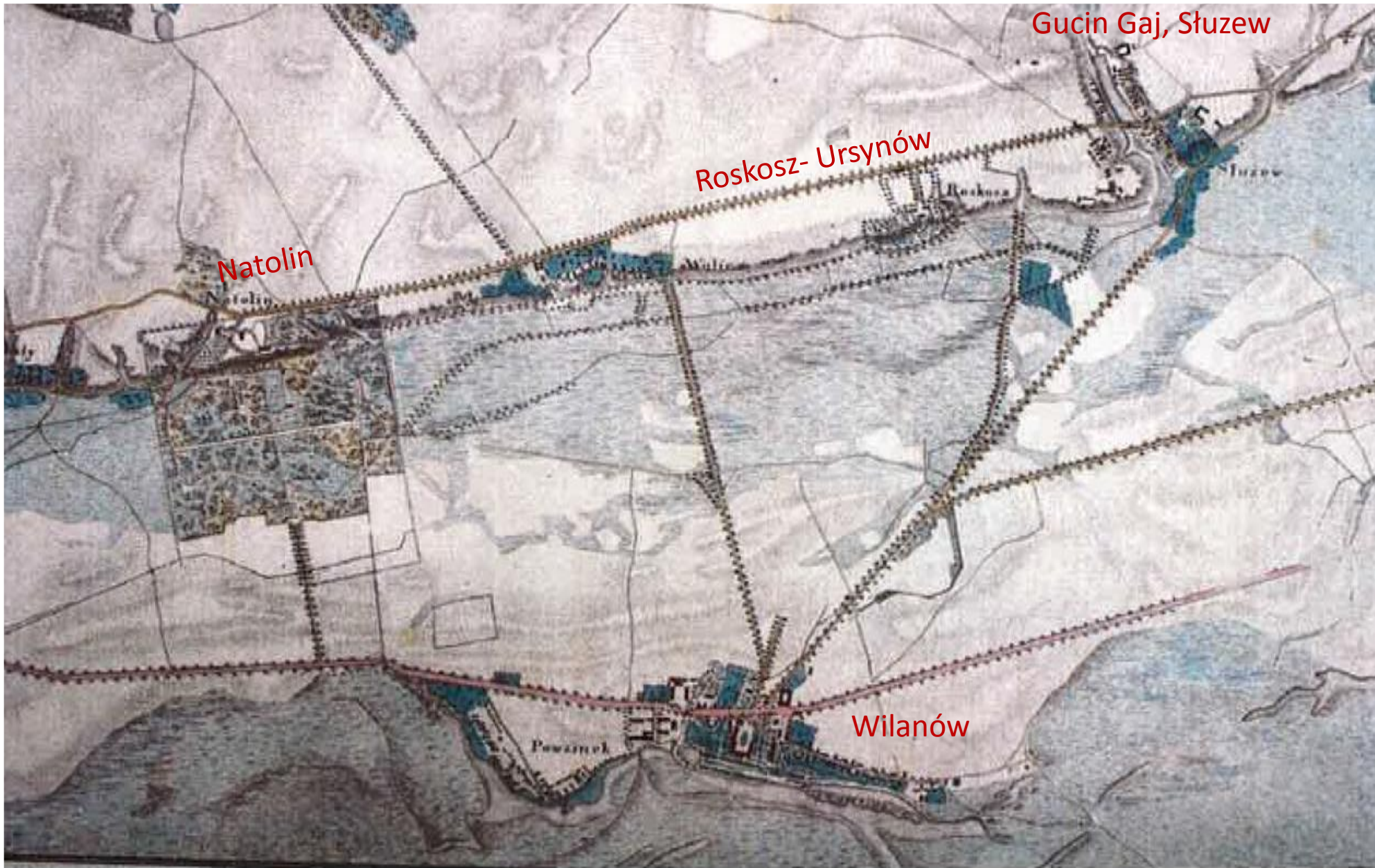
Map 2. Plan of the Warsaw area, 1819, Central Archives of Historical Records

Photo© K.Palubska

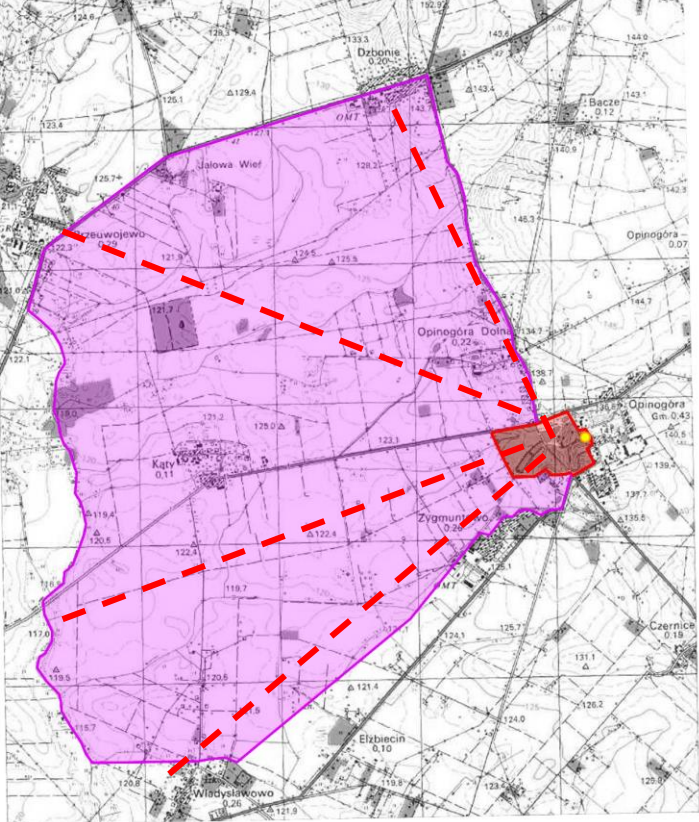


They can, however, including the park, be protected by entering into the register of monuments as urban, rural and cultural landscapes. Individual elements of the landscape surrounding the historic park can also be protected by separate entries - for example, historic alleys.

Spatial connections of the Wilanów Estate,
In: Plan of Warsaw, 1819, Central Archives of Historical Records



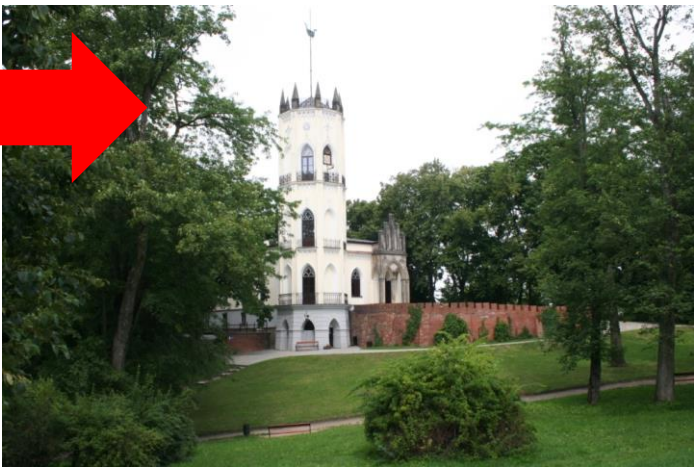
View protection problems

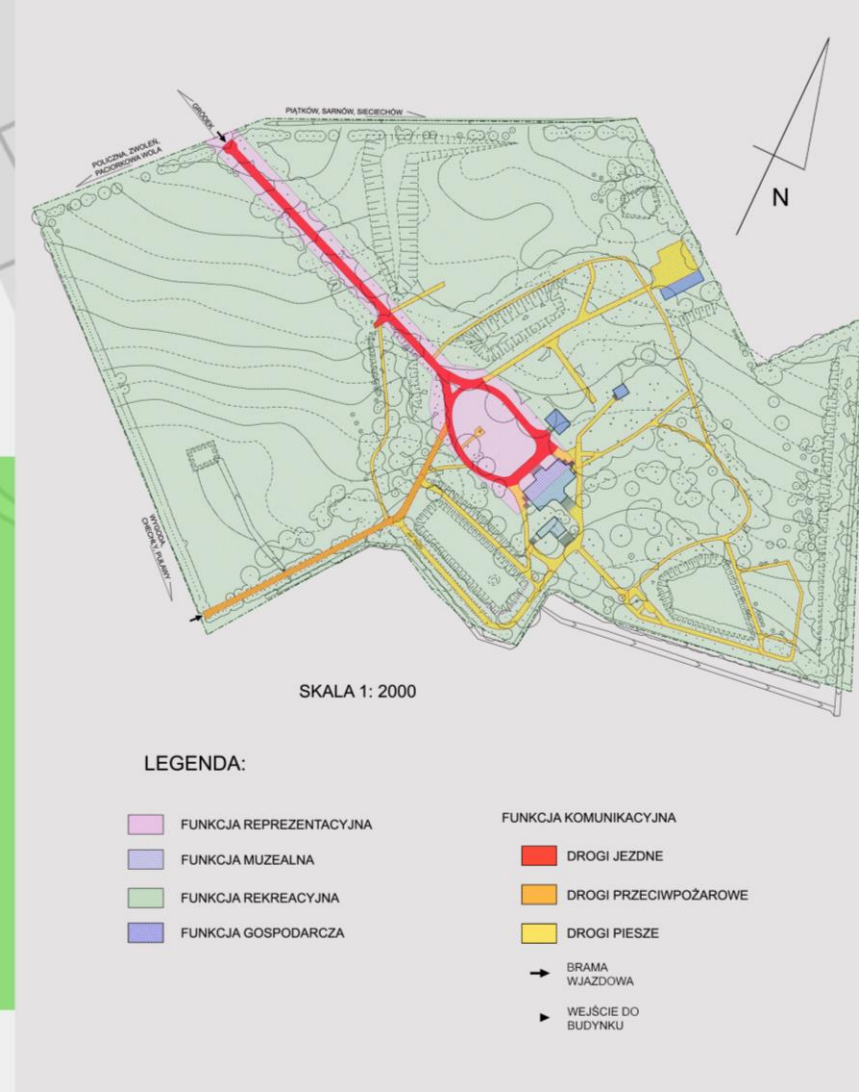
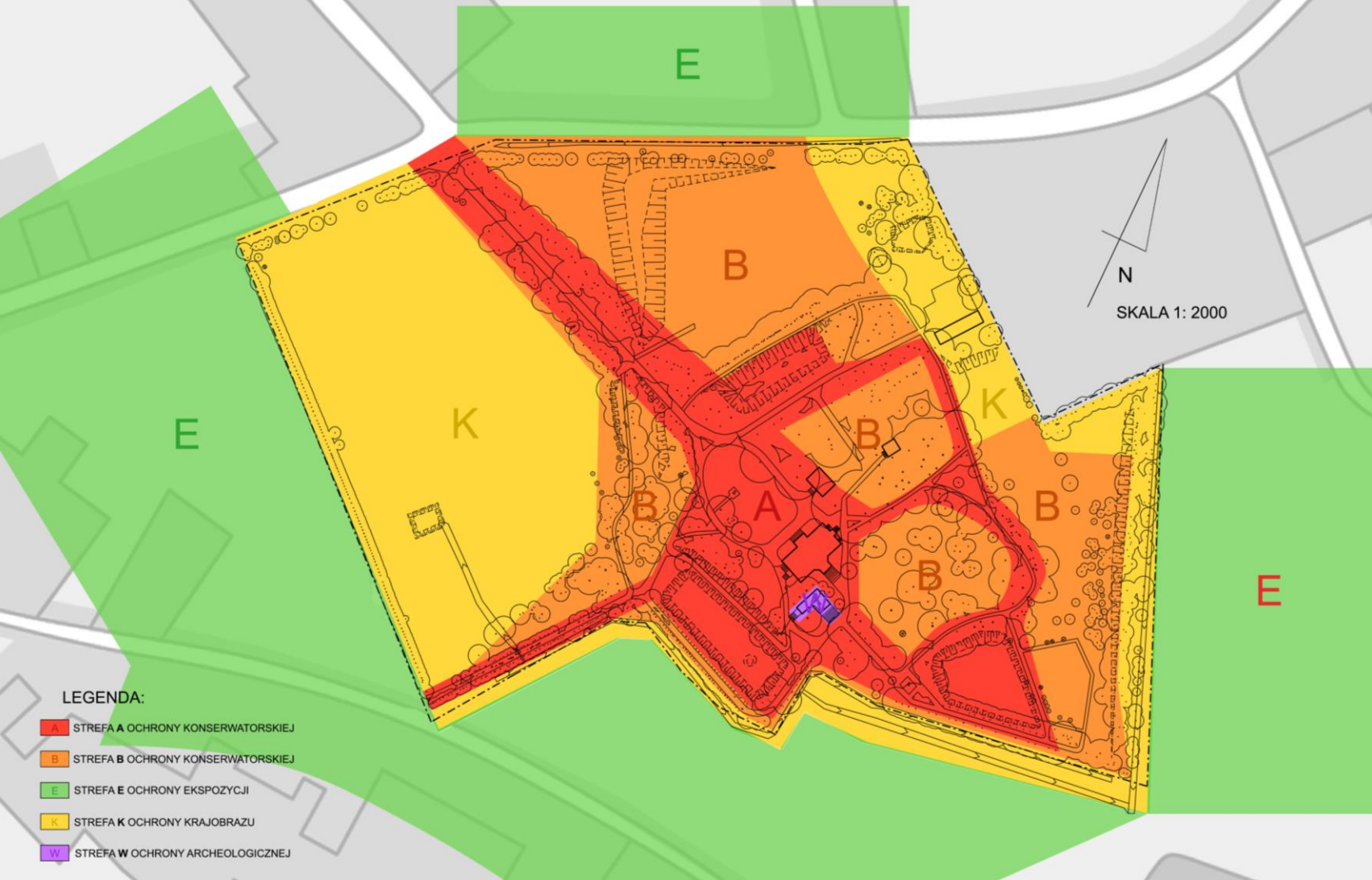


STREFA OCHRONY EKSPOZYCJI ZESPOŁU PALACOWO-PARKOWEGO W OPINOGÓRZE

Opinogóra landscaped Park with view zone protection form on the left, and no protection zone of landscaped forms (19 c.) being a unique element of the preserved scenic links of Poland in Mazowia Region

Photos&maps © K.Palubska





Designated boundaries for the view protection (E) in relation to the historical boundaries of the designed manor's park in Czarnolas, Poland

Source: A.Szewczyk, 2012, Restoration of the manor park in Czarnolas, diploma thesis under the direction of K.Palubska

Justification of protection - detailing the value of the historic landscape

In the justification of the entry in the register of monuments, these individual values of a given park / landscape should be specified, due to which the entry was made.

The disadvantage of many old entries in the register of monuments is the fact that the park / historic landscape is treated as only the surroundings of a palace or mansion, and therefore there is no justification for the park entry in the decision.

The usual statement justifying many entries: "historic, artistic and historical values" should be developed to explain what these values mean in a given historical assumption, e.g.: authenticity of the preserved substance and spatial layout, integrity, work of a known designer, relationship with a historical figure or historical events, the uniqueness of design solutions, harmonious incorporation into the surrounding landscape, harmonious connection with architecture, solutions based on regional traditions, solutions drawing on the traditions of European art etc. (Sikora 2010)

References

- Brown J., Mitchell N., Beresford M., 2005. The Protected Landscape Approach - Linking Nature, Culture and Community, IUCN, PDF online, <https://portals.iucn.org/library/sites/library/files/documents/2005-006.pdf> (11.06 - 20.12.2018)
- Council of Europe. 2000. *European Landscape Convention*.
- ICOMOS. 1982. *Florence Charter: Historic Gardens*
- MITCHELL, Nora, ROSSLER, Mechtild, TRICAUD, Pierre-Marie (ed.), *World Heritage Cultural Landscapes. A Handbook for Conservation and Management*, World Heritage Papers 26 (2009): UNESCO World Heritage Center, Paris.
- Myczkowski Z., Marcinek R., Siwek A., 2017, *Cultural Park as a form of cultural landscape protection*, NID. PDF
- Palubska, K., 2016, Possibilities of value assessment and identification of cultural landscape in Poland', *Heritage value assessment systems – the problems and the current state of research*, Politechnika Lubelska, ICOMOS-Poland, Lublin-Warsaw, pp. 183-204.
- Sikora D., Historical parks in the register of monuments - definition of the scope and subject of protection, problems of verifying the register, boundaries of the protective guard, *Conservator's courier*, 7/2010, pp. 11-16



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