

NEW LANDSCAPE LAWS THAT WILL RESHAPE JAPANESE CITIES

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Abstract: A new law on entitled the Landscape Law, revisions of the Law on Outdoor Advertising Materials and the Law on Urban Green Space Protection were established in 2004 as the national level legislations. Former systems to preserve landscape were mainly based on the local by-laws and a part of national systems such as building codes and park related regulations. The new law is a comprehensive system that has a power to change not only the landscape of cities but also the relations between communities and governments, i.e. governance of cities. The main objective of this system is to empower the local government to decide the landscape criteria and level of control depending on the local conditions. The cities with cultural heritages such as Himeji and Kyoto, can utilize the system to strongly control its views that are designated as world cultural heritages. In fact, the new system was mainly prepared by the Ministry of Land, Infrastructure, Transport and Tourism (MLIT) of the Government of Japan by studying the landscape control system of Kyoto city government.

Several innovative systems are established in the new Landscape Law. For instance, a community can propose landscape planning areas to the municipality. This system has been introduced in the City Planning Law in the former years and community people become accustomed to propose their own city planning to the government. In addition, local infrastructure including roads and rivers must follow the design codes set under common understanding beforehand. The agricultural lands, forests and natural parks are also the target of this law. In addition, the Law on Outdoor Advertising Materials and the Law on Urban Green Space Protection were revised in order to promote reshaping the landscape especially in the urban area in 2004, as a set of laws called “Three Laws on Landscape and Greenery”.

Keywords: landscape, greenery, Landscape Law, Law on Outdoor Advertising Materials, Law on Urban Green Space Protection, city planning

1. Introduction

The Japanese government established a strategy to penetrate direction of making the nation prosperous based on tourism in 2003. And the Ministry of Land, Infrastructure, Transport and Tourism (MLIT) formulated a set of policies to create a beautiful nation in July 2003. Both national policies include 1) Establishment of a landscape assessment system in each stage of a project, such as before implementation and after completion of a related regional public project; 2) Establishment of a landscape formation guideline to promote favorable landscape formation in public projects; 3) Promotion of the “green corridor plan” to promote the creation of large-scale forests in the suburbs of cities, the formation of structural axes of greenery, etc., together with enrichment of the greenery-related legal system; 4) Short-term intensive disposal of illegal outdoor advertising materials, etc., in certain districts, such as tourist spots, together with enrichment of the outdoor advertising materials system; 5) Burying electric wires underground, within five years, on main roads in selected districts requiring urgent promotion, through collaboration by related parties, while paying attention to promoting tourism; and the most importantly 6) Establishment of a basic legal system to comprehensively and systematically promote protection and formation of favorable landscape.

Slightly less than 500 local public bodies have established landscape ordinances as independent ordinances. As such, local public bodies are aggressively forming and protecting landscape. However, there were several problems such as;

- Limitation of soft methods, such as notification and admonition regarding actions based on independent ordinances;
- A basic idea common among national citizens to form and protect landscape has not been established; and
- Financial and tax-related support for independent efforts by local public bodies is inadequate.

Therefore, the national government of Japan needed to establish a basic law and its systems from the perspective of landscape; to clearly position the significance of landscape and the need to form and protect landscape, as well as to give certain binding power to local public bodies to prepare for crucial circumstances, through the following:

- Clarification of the basic idea to form and protect landscape of both urban and agricultural areas;
- Clarification of responsibilities of national citizens, businesses, and administration;
- Establishment of a system to regulate actions for landscape formation; and
- Establishment of support measures for landscape formation, etc.

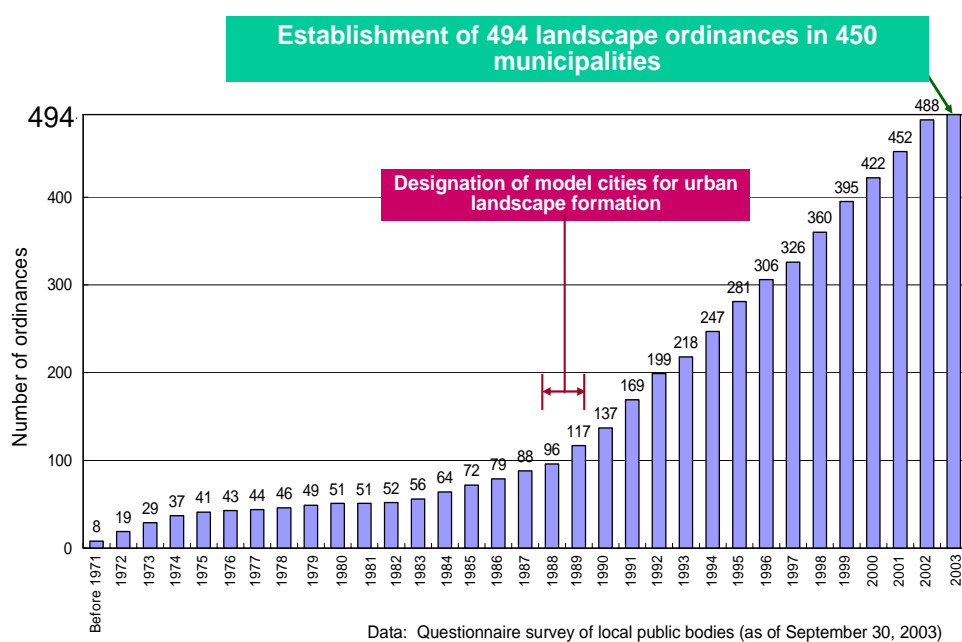


Fig. 1 Change in Number of Municipal Landscape Ordinances (By-laws)

The contents of the by-laws that have been established by the local governments include a landscape formation policy, a basic plan on landscape formation, landscape formation districts / emphasized districts, landscape formation standards, landscaping guidelines, a landscape council, a system of notification related to buildings (large-scale), etc., designation of buildings important for landscape, authorization of civic organizations, such as a landscape council, aid / subsidy (hard type, such as buildings), aid / subsidy (soft type, such as civic activities), a system to dispatch landscape advisers / experts, and a landscape-related commendation system. Those components are almost covered by the new Landscape Law that was established in 2004 based on the discussion with local governments and experts.

The effects of the local ordinances are significant in terms of the number of tourists. In case of Ise city of Mie prefecture, the number of tourists in 2002 became 3 million visitors while the number in 1992 was 350 thousand visitors per year. Ise municipal government has established and improved landscape control such as outdoor advertising materials, electric wires and posts, and introduced a landscape council and design guideline for buildings. Both hardware and software including promoting events succeeded the drastic increase of tourists, 9 times larger during a decade. The Figure 2 shows how the town landscape was improved during 1992 and 2002. The effect of improvement of the landscape resulted in the nine times of increase of the visitors during a decade.

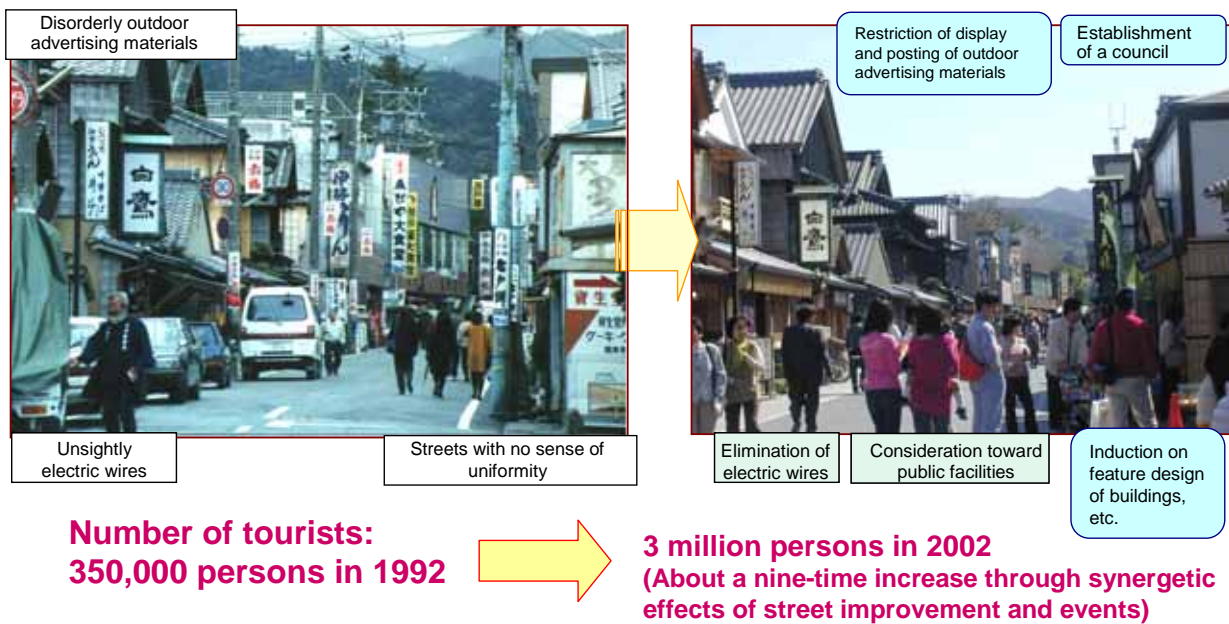


Fig. 2 Efficacies of Favorable Landscape Formation (Example of Ise City 1992-2002)

2. Outline of the Landscape Law

2 - 1 Basic Ideas and Responsibilities

The basic ideas of the Landscape Law that was established in 2004 are;

- Favorable landscape is a common asset for present and future national citizens;
- Landscape formation requires harmony with nature, history, culture, etc., in the region, people's lifestyles, economic activities, etc.;
- Landscape should be formed in diversified ways to promote each region's individuality;
- Landscape should be formed with consideration to activation of tourism and the region; and
- Landscape formation should be promoted through collaboration among residents, businesses, and administration.

The responsibility of each stakeholder is as follows;

- a) Residents - They play an active role in the formation of favorable landscape. They cooperate in national government and local public body measures.
- b) Businesses - They work to form favorable landscape related to business activities. They cooperate in national government and local public body measures.
- c) Local Public Bodies - They establish and implement measures according to various natural and social conditions of the area, regarding formation of favorable landscape.
- d) National Government - It establishes and implements comprehensive measures regarding the formation of favorable landscape and deepens citizens' understanding through diffusion and enlightenment activities.

2 - 2 Systems of the Landscape Law

1) Landscape Administrative Organizations

Government-designated cities and core cities automatically become landscape administrative organizations. Other municipalities become landscape administrative organizations based on discussion and agreement with respective prefecture. In other regions, prefectures become landscape administrative organizations. This system encourages highly motivated municipalities to be leaders in landscape administration.

2) Landscape Planning Areas

A landscape administrative organization makes a plan, and sets up areas and standards, etc., for notification / admonition regarding certain actions. Actions applicable to notification and admonition can be added or eliminated by an ordinance. Tools should be prepared to promote formation of favorable landscape of rural villages, including measures to protect terrace paddy fields and against giving up cultivation. It is possible to tackle protection of terrace paddy fields and mountains in the suburbs of cities, in addition to induction regarding buildings and structures.

By positioning roads and rivers as public facilities important for landscape, it is possible to make improvements considering landscape, and permit exclusive use with a viewpoint of landscape. Positioning as public facilities important for landscape based on discussion and agreement with public facility administrators. Public facility administrators can request positioning as public facilities important for landscape. Promotion of elimination of electric poles from streets, according to a special case in the Special Measures Law concerning Construction of Multipurpose Underground Conduits is also included.

3) Landscape Districts

Aiming to induce formation of favorable Landscape rather aggressively, landscaped districts system was introduced in the new law also based on the City Planning Law for a) introduction of a landscape authorization system regarding items requiring discretion, such as forms, colors, and designs of buildings, etc. b) securing of numerical items (height of buildings, position of wall surface, lowest limit of lot area) by building construction authorization, and c) it is possible to stipulate regulation on other necessary items, such as changing land character, by an ordinance, and implement it. This system is applied to procedures according to city planning in city planning areas and semi-city-planning areas, and corresponding procedures in other areas (semi-landscape districts).

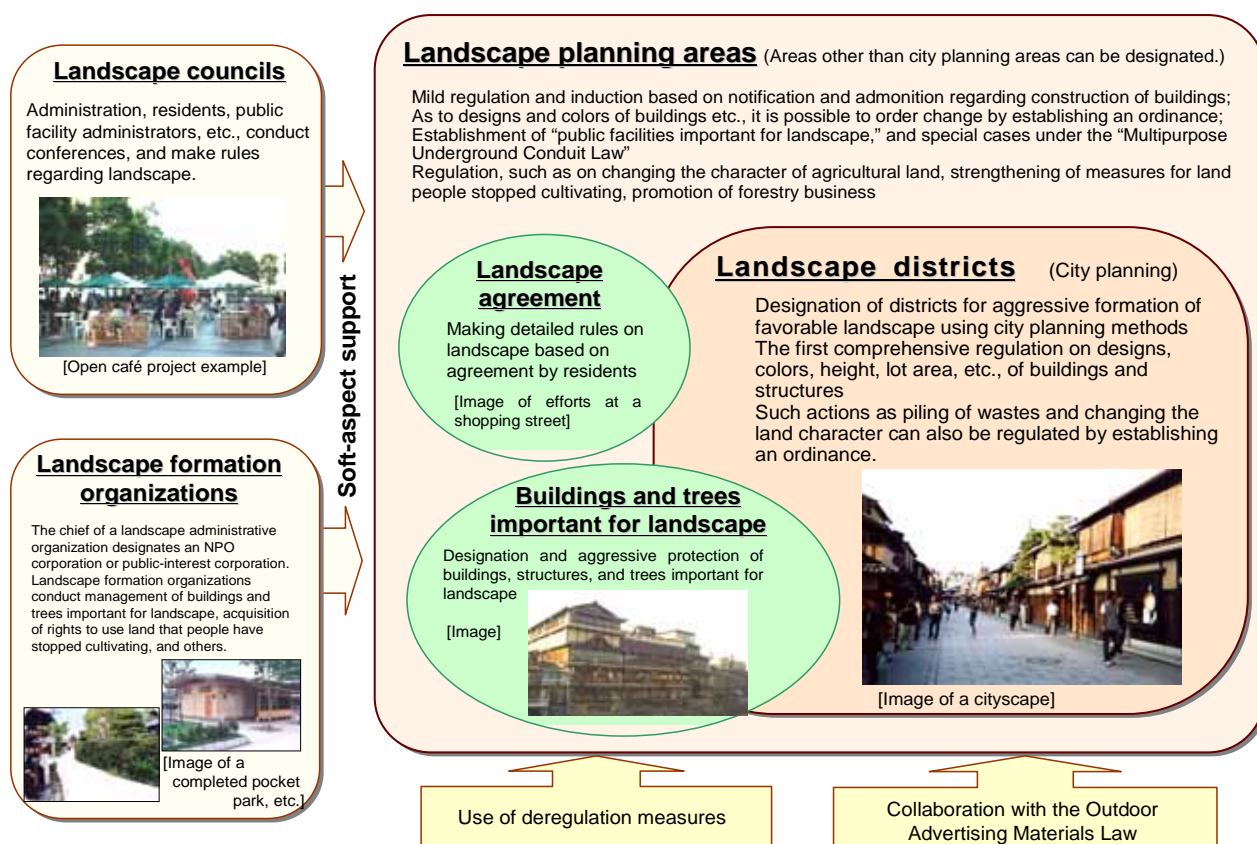


Fig. 3 Outline of the Landscape Law

Fig. 4: Image of a Region applicable to the Landscape Law (2004)

2 - 3 Support through the Tax System

(1) The system set an appraisal value at an appropriate level for buildings important for landscape and their sites (inheritance tax). With regard to buildings important for landscape, restriction on changing the present appearance results in limitation of use benefits, such as use application and floor area. As such, the inheritance tax shall be appraised appropriately according to the degree of limitation in usage.

(2) The system set special deduction of 15 million yen for transfer of land, etc., in a landscape planning area to a landscape formation organization, etc. (income tax, corporate tax). When land, etc., effectively usable for a project related to public facilities important for landscape stipulated in a landscape plan established by a local public body, is transferred to the local public body or a landscape formation organization, a special deduction of 15 million yen is applied to the income from transfer of the assets concerned.

2 - 4 Support by Deregulations

(1) Deregulation regarding buildings important for landscape was established. It is possible to partially ease restriction under the Building Standard Law, by establishing an ordinance, aiming to preserve the present appearance.

(2) Rationalization of form regulation (exclusion of application of slant line restriction) when wall surface position and height are determined. It is possible to exclude application of slant line restriction by establishing wall surface position and the highest limit of height.

Images of efficacy by the Landscape Law

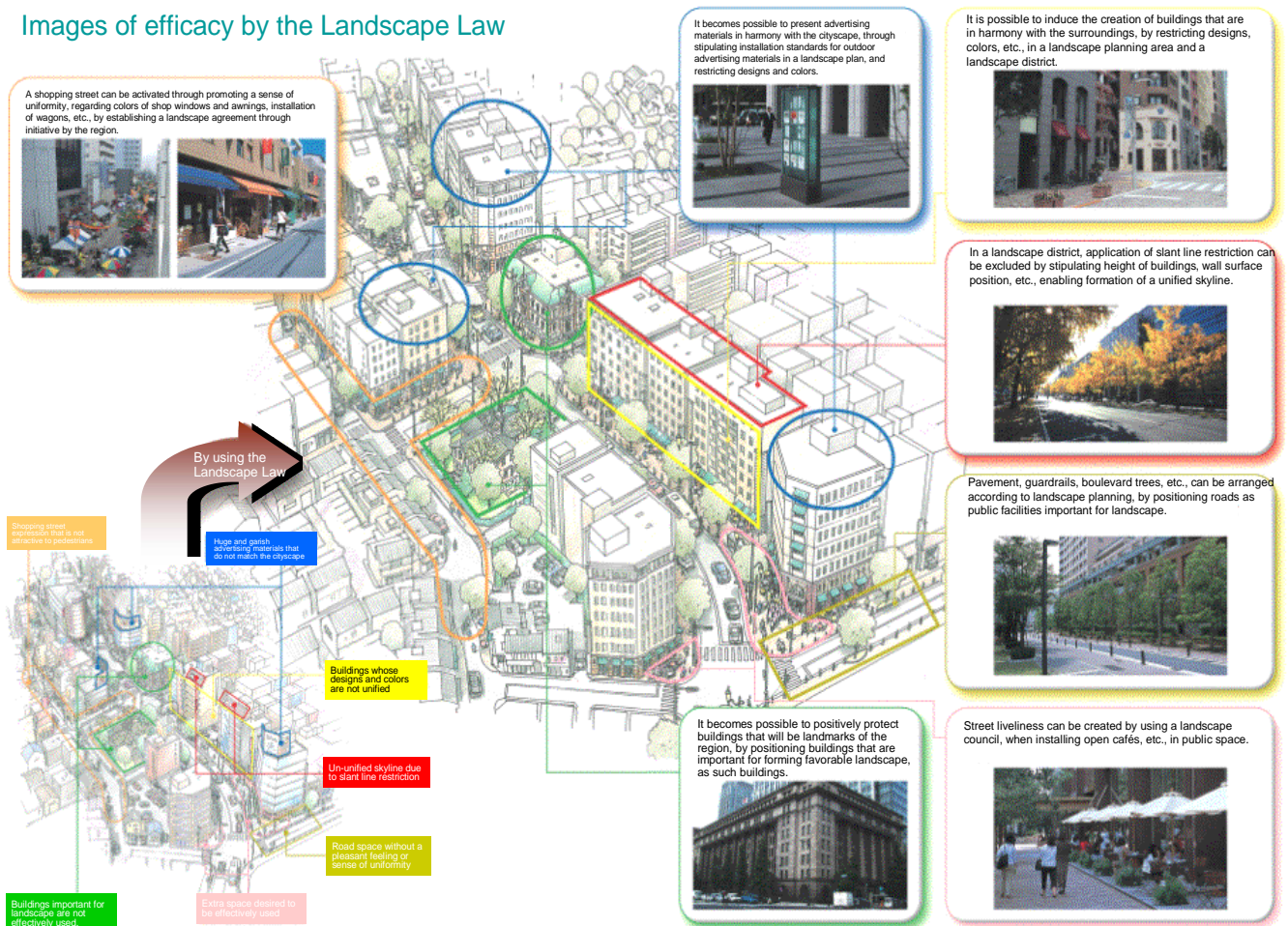


Fig. 5 Images of Efficacy by the Landscape Law

3. Outline of the revised Laws

3 - 1. Outline of the revised Law on Urban Green Space Protection etc.

1) Present states

Decreasing of greenery in cities (decreasing of, in particular, privately owned green space) becomes severe such as in the Tokyo metropolitan district (Saitama, Chiba, Tokyo, and Kanagawa prefectures), agricultural land and forest land decreased by about 25% in the 40 years from 1960 to 2000.

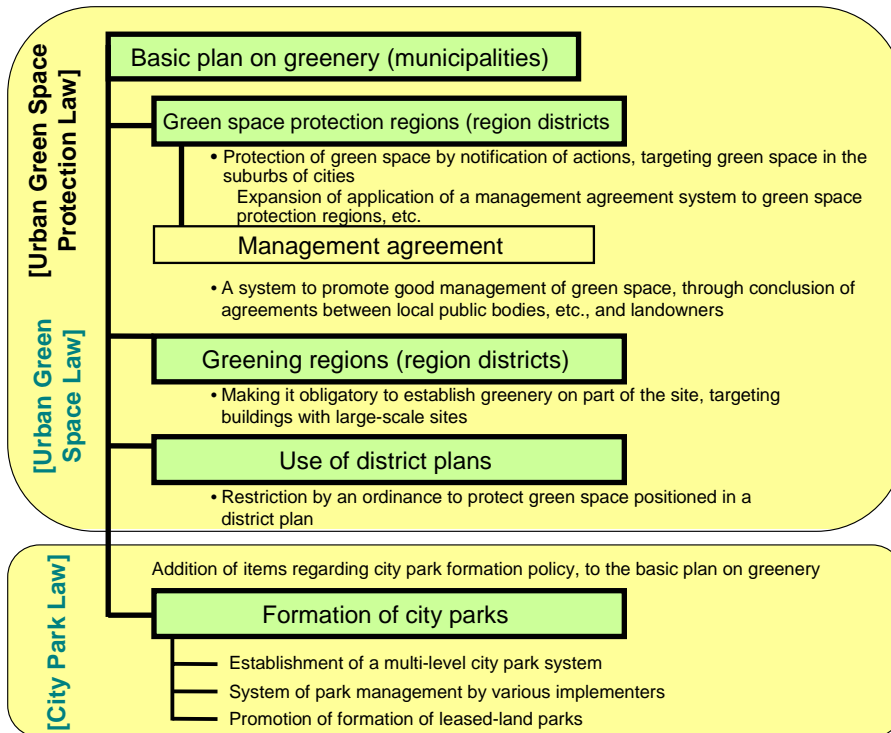


Fig. 6: Outline of the revision of the Urban Green Space Protection Law and others

2) Points of the revision

- Comprehensive promotion of protecting green space, greening, and formation of city parks, through expansion / enrichment of the items mentioned in the basic plan on greenery
- Establishment of a green space protection region system
- Use of district plans
- Establishment of a greening region system
- Establishment of a multi-level park system
- Establishment of a system of park management by various implementers

3) Establishment of a green space protection region system

- Realizes protection of green space in harmony with land use by landowners, etc., based on a “ notification / order system, ” which is a milder action regulation than the “ authorization system. ”
- Prefectures establish a green space protection plan and stipulate standards on action regulation, etc., according to the actual state of each green space.
- Compensates for loss, that usually occurs accompanying action regulation; does not allow offering to purchase land.
- A management agreement system can be used, as with the green space protection districts.

4) Establishment of a greening region system

Applicable areas: An area designated, in city planning, as a region district in a “ region that is short of green space

necessary for formation of a good urban environment, ” “ in an area with designated zoning ”

Application of regulation: New construction / enlargement (assuming enlargement of floor area by about 20% or more) of buildings with respective lot areas of a scale stipulated by government ordinance (assuming about 1,000 m², with study proceeding to lower the applicable scale in a certain range) or larger.

Content of regulation: Making it obligatory to set the greenery rate of building site at the lowest greenery rate stipulated in city planning or higher (considering regulation related to building standards = being a requirement for building construction authorization)

* The lowest limit of the greenery rate = a smaller rate of “ 25% of the site area ” or “ 1 (building coverage ratio + 10%) ”

3 - 2. Outline of the revised Law on Outdoor Advertising Materials

1) Present states

- Prefectures, government-designated cities, and core cities have established outdoor advertising materials ordinances, respectively, based on the Outdoor Advertising Materials Law (95 organizations). About 1,600 municipalities conduct administrative work, such as permission for installation, and elimination, of outdoor advertising materials, in response to delegation of authority from prefectures.
- It is necessary to secure effectiveness of the system regarding elimination of illegal advertising materials, considering the present state in which illegal advertising materials are overabundant. Reduction of illegal advertising materials requires measures to regulate malicious outdoor advertising agencies that repeat violation. Regulation of outdoor advertising materials is an important issue in landscape administration, and it is necessary to enable a landscape administrative organization to independently regulate outdoor advertising materials. Aiming to promote the formation of favorable landscape based on the characteristics of each region, it is necessary to set up authorized regions throughout Japan.

2) Points of the revision

- Establishment of an ordinance on outdoor advertising materials by a municipality that conducts landscape
- Expansion of areas requiring permission under the Outdoor Advertising Materials Law, to throughout Japan
- Securing of effectiveness of regulation
- Introduction of a registration system for outdoor advertising business

3) Establishment of an ordinance on outdoor advertising materials by a municipality

- To enable a municipality that is a landscape administrative organization to establish an outdoor advertising materials ordinance, such as the following issues;
- To enable a municipality to establish an outdoor advertising materials ordinance, through stipulation by a prefecture in a prefectural ordinance, based on discussion with the municipality.
- An ordinance established by a municipality can be an overall outdoor advertising materials ordinance (except for an ordinance regarding outdoor advertising business), or applicable areas or materials can be limited.
- When items regarding display, etc., of outdoor advertising materials are stipulated in landscape planning, an outdoor advertising materials ordinance shall be set up according to the landscape planning.

4) Expansion of areas requiring permission

- Nationwide expansion of the areas requiring permission under the Outdoor Advertising Materials Law, and expansion of prohibited materials
- Regions exclusively for residence, aesthetic districts, tasteful districts, traditional building group preservation districts, etc. and regions connecting to roads, railroads, etc., designated by a prefecture and parks, green space, ancient burial mounds, graveyards, conservation forests are prohibited to expand

5) Securing of effectiveness of regulation

- Securing of effectiveness of regulation by expansion, etc., of application of a simple removal system
- A governor can personally remove advertising materials that meet the requirements (no need for particular procedures, such as orders, etc.).
- A governor can personally remove advertising materials that meet the requirements (displayed objects like advising pillars require public notification).
- When a case meets requirements, a governor can personally remove advertising materials, etc., after such procedures as granting an opportunity for an apologetic explanation, and ordering removal.

6) Introduction of outdoor advertising business

- The law introduces measures that regulate malfeasant business-parties that display illegal advertising materials. Conventionally, a notification system is used for outdoor advertising business, and even malfeasant business parties that repeat violation and do not follow administrative advice are only given a fine or receive orders individually, and can continue business. A registration system for outdoor advertising business can be established by an ordinance. It is possible to cancel registration and stop business in the case of illegal outdoor advertising materials.

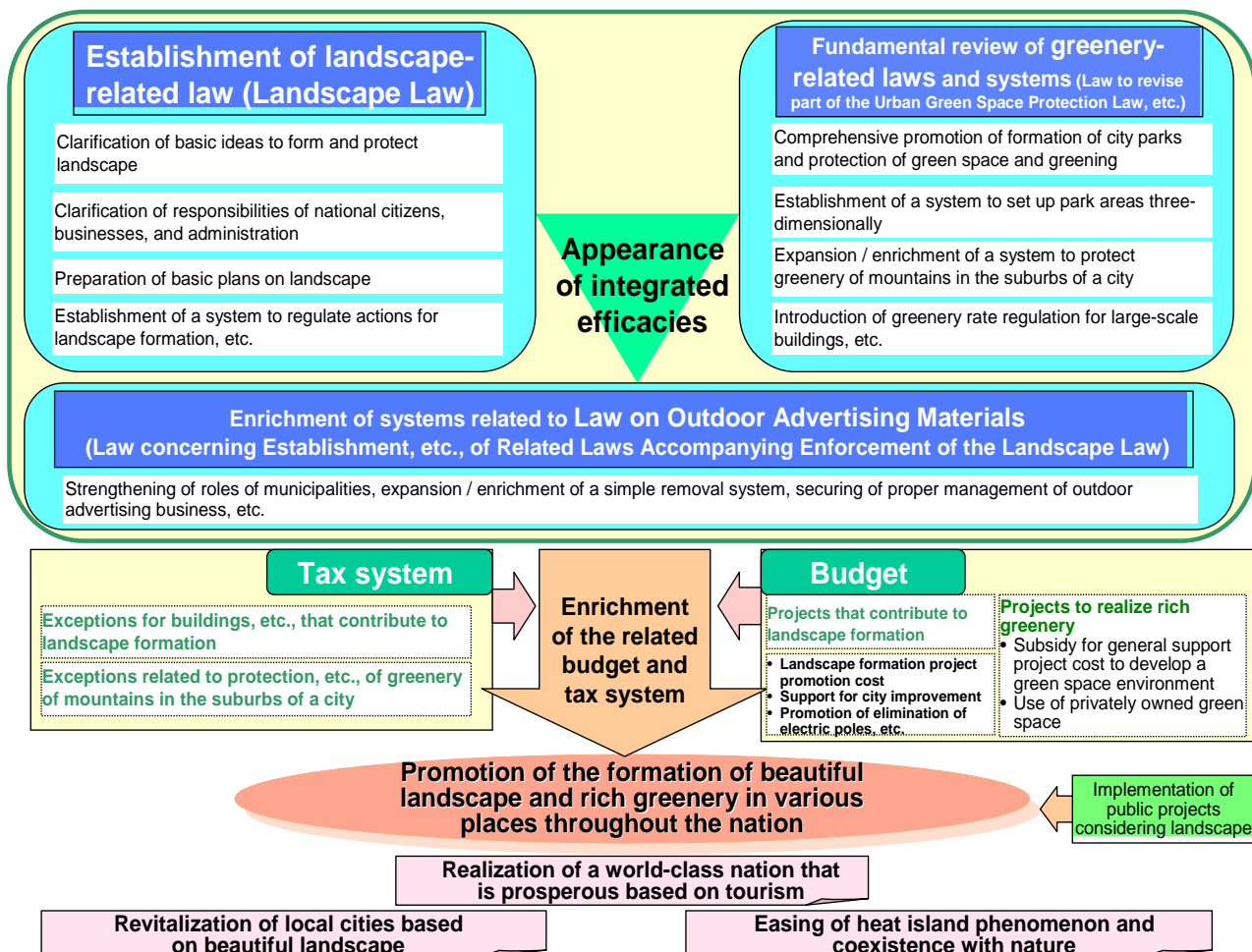


Fig. 7 Outline of the Three Laws on Landscape and Greenery (2004)

4. Conclusion

The most significant character of the new landscape law and revised greenery laws is its complexity and integration. The system includes compulsory regulations, financial supports including tax exemptions and subsidies, as well as deregulations for buildings important for landscape. The system also covers not only buildings but also public facilities such as roads, bridges, rivers and so on. The application areas are also wider if compared with other legal systems. It includes urban areas, agricultural lands, forestry, and natural parks. This system was established under the cooperation of all relevant ministries such as MLIT, Ministry of Agriculture, and Ministry of Environment etc.

A new Law on Landscape, Law on Outdoor Advertising Materials and Law on Urban Green Space Protection create a comprehensive system that has a power to change the landscape of cities. The main objective of these laws is to empower the local government to decide the landscape criteria and level of control depending on the local conditions. The cities with cultural heritages such as Himeji and Kyoto, can utilize the system to strongly control its views that are designated as world cultural heritage. In fact, the new law was prepared by the Ministry of Land, Infrastructure, Transport and Tourism (MLIT) of the Government of Japan by studying the control systems of Kyoto city government.

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Reference

- Landscape Law; Ministry of Land, Infrastructure, Transport and Tourism (MLIT), Government of Japan (GOJ)
- Establishment of “Three Laws on Landscape and Greenery”; MLIT, GOJ, June 2004

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