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**LANDSCAPE BOUNDARIES: AN EXAMINATION OF THE INFLUENCE
OF ENVIRONMENT COURT DECISIONS ON THE PRACTICE OF
LANDSCAPE ASSESSMENT IN AOTEAROA/NEW ZEALAND**

A thesis presented in partial fulfilment of the requirements of the degree of
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Abstract

This project sought to answer the question, **what influence have Environment Court decisions had on the practice of landscape assessment?** A case study was undertaken of the practice of a number of leading landscape architects particularly relating to Section 6(b) of the RMA91. This case study used qualitative research methods involving both interviews and the interpretation of documentary evidence.

The study has shown that Environment Court decisions have had both a clear and extensive influence on the practice of landscape assessment. In a positive sense the level of critique to which assessments are subject to within the legal system has resulted in an increased level of thoroughness. Aspects of the legal system, particularly the adversarial nature of the Court system, were seen as having a negative influence resulting in heightened levels of disagreement. The concepts of 'outstandingness' and 'naturalness' in relation to landscape are contentious concepts within the profession and appear to have arisen from the Act, rather than from within landscape architectural theory or practice. Practitioners showed a strong reliance on previous Environment Court decisions to support their conclusions.

The dominant paradigm of landscape was found to be objectivist. This locates landscape qualities and values as inherent within the landscape. An alternative paradigm is the subjectivist or cultural paradigm. This locates landscape qualities and values within the human observer. It is considered that the application of the subjectivist paradigm would allow for truly objective analyses of landscape value.

The slippery nature of the concept of landscape contributes to the tensions identified within the study. The focus on outstanding natural landscapes within the RMA91 promotes a focus on landscape, landscape as space and scenery. The wider structure of the RMA91 and its requirements for consultation promote a focus on landscape, landscape as place and polity. In addition the dominance of the objectivist paradigm of landscape within the profession results in a focus on landscape. This results in the predominance of the expert approach to landscape assessment and in tensions between experts and communities in the management of landscapes.

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Chapter 1: The Brief

1.0 Introduction

The practise and discipline of planning has been described in the literature as that of a magpie profession (Thompson, 2000, p. 127), gathering ideas, processes, people and actions together and synthesising them. This is very true of contemporary planning practice in New Zealand in the twenty first century. In undertaking this process of synthesis planners must rely on a wide range of other professions to provide analysis upon which policy and practice can be based. These professions cover a disparate range and include engineers, economists, traffic engineers, noise experts, architects, urban designers and landscape architects. In relying on these professions planners must make certain assessments and assumptions about the validity of the information with which they are provided and of the processes used to develop it. To do otherwise would necessitate becoming expert in all the contributing fields as well as planning.

This study is of one such contributory profession, that of landscape architecture. While landscape architects have been involved in providing expert knowledge within the planning process for a long time, this involvement has increased in both scope and importance since the passing of the Resource Management Act 1991. Landscape architects are involved from the inception of development and planning projects in their scoping and design; in determining the quality and significance of landscapes; and in assessing the effects of development proposals on landscapes. They work in private practice; for developers and for Councils.

The aim of this thesis is to assist planners to develop a greater understanding of the field of expertise of landscape architecture. It will do this by examining the aspect of landscape architectural practice most relevant to planning, that of landscape assessment. In particular it is concerned to investigate the interface between landscape architecture and the Environment Court, a key institution within planning practice in New Zealand. Specifically it seeks to answer the question, **what influence have Environment Court decisions had on the practice of landscape assessment?** Answering this question will help elucidate the boundaries of the expertise of landscape architects and assist planners, and others, in assessing the validity of landscape assessments.

1.1 Landscape planning: a background

The landscape of Aotearoa / New Zealand is one of its most valued possessions and it has been subject to protection for much of the European history of the country. Arguably

landscape planning in Aotearoa / New Zealand can be traced to the advent of Tongariro National Park in 1887. The volcanic mountains of the North Island's central plateau were gifted to the Crown by Tuwharetoa in order to protect the sacred mountains from alienation, subdivision and development (Potton, Dennis, Hackwell, & Black, 1995). In 1903 the Scenery Preservation Act was passed allowing central Government to compulsorily purchase land for the establishment of reserves for 'aesthetic, scientific, historic and natural curiosity' (Nightingale & Dingwall, 2003, p. 5). An increasing concern for ecology through the twentieth century led to the passing of the Reserves Act in 1977 which extended the role of reserves and led to an increase in their number. The Town and Country Planning Act (TCPA77), also of 1977, provided some protection for the amenity of landscapes. It has been since the passing of the Resource Management Act (RMA91) in 1991, however, that landscape issues have been promoted to matters of national importance and the role of landscape architects within the planning field has expanded in both scope and importance.

The Resource Management Act of 1991 was a product of the neo-liberal turn in political and economic theory which prompted the radical restructuring of New Zealand society beginning in 1984. Supporters of neo-liberalism eschew the idea of land use planning (as it involves limiting the rights of the landowner) arguing instead that 'private co-ordinating mechanisms such as covenants will produce more efficient resource allocations than mandatory public regulations such as land use zoning' (Hayward 2000 p35). The Resource Management Act aimed at consolidating and simplifying resource management law, requiring regional and district councils to plan for the sustainable management of the natural and physical resources within their geographic and jurisdictional boundaries. One of its key aspects is the redistribution of responsibility for the environmental consequences of actions resulting, paradoxically, in increasing levels of public control over activities on private land. The other key aspect of the Act, the neo-liberal aspect, is the parallel increase in development rights. It has been the case that the increase in development rights has been exploited vigorously since the passing of the Act but the redistribution of responsibility remains an issue of contention, particularly in relation to landscape management and planning.

Landscape management features reasonably highly in the priorities of the Resource Management Act. The purpose and principles of the Act require all persons exercising functions and powers under it, as a matter of national importance, to recognise and provide for 'the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development' (S6(b)RMA91). In addition they are similarly required to recognise and provide for 'the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development' (S6(a)RMA91). The protection of 'historic heritage from inappropriate subdivision, use and development' is a further matter of national importance (S6(f)RMA91). Such persons must

also have regard to the 'maintenance and enhancement of amenity values' (S7(e)RMA91) which are defined as 'those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes' (S2(1)RMA91). It is the development and application of the district and regional plans required by this Act to implement these higher order matters that requires the involvement of specialist landscape architectural knowledge in the planning process.

The implementation of the RMA91 has not gone altogether smoothly. Proposed plans in a number of regions were subjected to concerted campaigns against their adoption. Appeals to the Environment Court mean that, almost twenty years after the passing of the Act, some District Plans only just becoming operative in the last few years. The Act itself has been significantly amended on a number of occasions, the most recent amendments intended to make the implementation of the Act faster, cheaper and quicker. One of the key issues which has complicated the implementation of the RMA has been the failure of Central Government to produce National Policy Statements and National Environmental Standards. These instruments were established by the Act and were intended to cement together the regional and district policy statements and plans in a pyramidal system of interrelated environmental management tools. The lack of such national instruments has meant that many disparities exist between the plans of neighbouring districts.

1.3 Landscape architecture and landscape planning in New Zealand

The discipline and profession of landscape architecture arrived in New Zealand in the late 1960s and the professional body, the New Zealand Institute of Landscape Architects (NZILA) was established in 1972. Prior to the restructuring of the public service in the late 1980s (as a consequence of the neo-liberal turn) most landscape architects in New Zealand were employed by Government Departments. The restructuring pushed most of these out into private practise. In 1991 the profession was still adjusting to this change. The elevation of landscape issues to matters of national importance within the RMA91 was a matter of great excitement to the newly developing profession. This, in concert with the perceived environmental focus of the Act, was seen as a great opportunity ripe for exploitation. It was stated in an editorial in the professional journal *The Landscape* that the RMA provided 'unprecedented scope for the ideals which are embodied in the [New Zealand Institute of Landscape Architects] philosophy statement to be made good in reality' (Findlay, 1991, p. 4). Stephen Dowling, in the same issue, said that the focus on effects within the Act 'is going to validate and reinforce the approach that landscape architects have already been advocating in their work' (Dowling, 1991, p. 9).

It is the case that the excitement has not been sustained. The profession of landscape architecture has, arguably, benefited dramatically from the opportunities presented to it by the RMA91. This has occurred by the profession gaining both design and planning work, as a result of the freeing up of development possibilities¹. These benefits, however, have not been made without pain. Several of the most dramatic rejections of proposed plans mentioned above hinged on the landscape protection which they attempted to incorporate. This prompted a period of self-reflection within the landscape architecture profession focussing on a series of continuing professional development workshops run by NZILA in 1998 and at a conference of that body held in March of 1999. Writing in the proceedings of that conference, published in the New Zealand based journal *Landscape Review*, Professor Simon Swaffield of Lincoln University said, 'There is undoubtedly an urgent need for the landscape architecture profession to review carefully its landscape assessment procedures and practice...if it is to regain credibility and policy relevance.' (1999, pp. 5-6)

Key outcomes of the 1999 conference were two-fold. The first was the publication of the proceedings which included a range of papers from commissioners and practitioners both discussing normative frameworks and exemplars for landscape assessment. These noted that 'Developing case law is increasing the degree to which landscape elements are considered in RMA91 decisions' (Tasker, 1999, p. 26) and that 'Since the introduction of the RMA91, the juridical determinations of the Environment Court have set precedents for clarifying the definitions and interpretations of the requirements of the Act' (Swaffield, 1999, p. 5). Swaffield also noted that 'several recent Environment Court decisions have helped to define better the scope of 'landscape' under the RMA' (1999, p. 9). These comments indicate a close relationship between the Environment Court and landscape planning practice. The second was the inclusion within that publication of a paper, again by Swaffield, entitled 'A framework for landscape assessment' which provided just that, a structure for undertaking and presenting landscape assessments.

While it is unclear whether or not there have been any concerns within the planning profession itself regarding the practice of landscape assessment, the 1999 framework did not assuage the criticisms of other performers within the planning process. In 2008 the Education Foundation of the NZILA called a national workshop for experienced practitioners to discuss the 'problem of landscape assessment'. The stimuli for this meeting were twofold. An internal workshop of practitioners within Boffa Miskell, New Zealand's largest landscape planning consultancy, had seen the concern raised that decisions from the Environment Court did not reflect best practice within Landscape Architecture (F Boffa pers com). The second came from within the Environment Court itself. A commissioner, previously a landscape architect, expressed concern to the NZILA about the quality of landscape

¹ This has occurred as a result of the approach of the RMA91 under which you can, arguably, do anything anywhere providing the effects of the activity on the environment can be adequately avoided, mitigated or remedied.

evidence being presented to the Court. Two judges and two commissioners from the Court (both the latter previously landscape architects) attended the workshop. Frustration was expressed at the poor standard of some of the landscape evidence being presented to the Court. Some effort was required to standardise best practice so that the Court could have more confidence in the evidence that it was presented. In addition frustration was expressed at the lack of consistency within the profession in terms of definitions and approaches, it not being uncommon for four or five landscape architects involved in one case to present four or five different approaches to, and definitions of, the issues at hand.

There has been disquiet voiced, at the time and since, at the Landscape Architecture profession's apparent readiness to take its direction from the juridical profession. The argument put by these critics is that the profession should look to its own discipline to provide the theoretical and methodological frameworks for its work. It is the case, however, that the development of landscape planning as a sub-discipline of Landscape Architecture and the application of the landscape aspects of the legislation have occurred together. Thus the interrelationship between the Environment Court and the profession becomes of interest. It is an examination of this interrelationship, specifically the influence of Environment Court decisions on the practice of landscape assessment, which this thesis aims to examine.

1.4 Research approach

In order to answer this research question a number of interrelated activities have been undertaken in order to complete what is essentially a case study of the landscape planning sub-discipline of the profession of landscape architecture. The study utilises qualitative research methods and focuses on arguably the most influential members of the profession who do the most landscape planning work within the profession, and who are regularly called to provide evidence in the Environment Court. These landscape planners were interviewed and selections of their work analysed along with decisions of the Environment Court in cases in which the respondents were involved.

1.5 Structure

Chapter One of this study has introduced the research question and provided some contextual material so as to locate the study within the planning realm. Chapter Two is a review of the planning and landscape assessment literature. This has been undertaken so as to develop a theoretical framework within which to site the study. Chapter Three presents the methodology used. Chapters Four, Five and Six present the empirical material and discuss some of the implications of the study's findings. Chapter Seven presents a general discussion and presents the conclusions of the investigation including recommendations for

the improvement of landscape planning practice, for planning practice and for future research.

Chapter 2: Initial Site Survey

2.0 Introduction

The planning and management of landscape change on private lands through the direct application of legislation and regulation is a relatively new practice internationally. Zube, Sell and Taylor (1982) trace its advent to legislative changes in the 1960's and 70's, in Britain to manage scenic beauty, and in the United States of America to manage wild and scenic rivers, scenic and recreational trails, scenic highways and development. These changes resulted in many studies of landscape value and aesthetics and the publication of guidelines for such studies. In New Zealand a similar impetus for the development of landscape planning occurred with the development of the scenery preservation movement in the 1960s, largely arising from the 'Save Manapouri' campaign. This Swaffield (1993) directly links with the impetus to formalise landscape architecture as a profession. The passing of the RMA91 elevated landscape issues to matters of national importance within the statutory planning frameworks and provided a further boost to the development and influence of the landscape architecture profession.

Landscape assessment is one of the central tools of landscape planning. It is through this process that the determination of the qualities and value of landscapes are determined. While landscape assessment and landscape planning certainly occurred at the local and central government levels in New Zealand prior to 1991 the involvement of the landscape architecture profession in planning burgeoned after the passing of that Act². Large numbers of landscape assessments date from the early 1990s, subsequent to the passing of the RMA, and some of these studies are now being revised and updated as a part of the Plan review process required to occur at ten year intervals by that Act. This chapter will review the literature concerning the implications of the change in planning practices generally under the RMA91 and the relationship between landscape planning and the broader field of planning.

Landscape assessment, in addition to being a central tool of the profession, is also a key focus of the academic landscape architecture and landscape planning literature. Debates about the most appropriate theoretical foundations and best manner for the execution of landscape assessments have run in the academic journals for many years. This chapter will examine the academic literature on landscape assessment with a focus on some of the key theoretical pieces, and the more recent general research. It also considers some examples from professional practice which illustrate the application of some of the theoretical issues

²See for example: Auckland Regional Authority, 1984: A technical manual on assessment of the Auckland region's landscape; Bennett, E H. (1985): A practical approach to visual assessment. *The Landscape*, 26:5-8; Petrie, A (1979) Waitaki Basin land-use study: notes on the landscape survey and assessment. Report to the Department of Lands and Survey, Wellington.

discussed. In this manner this current study will be located in a theoretical framework which will provide a structure for the examination of the data, assist in answering the research question, and identify the relationship between landscape assessment and the broader field of planning.

2.1 The RMA91 and planning practice

The RMA91 has been widely described as a radical document (Freeman, 2004; Furuseth, 1995; Gleeson & Grundy, 1997; Miller, 2011). There are a number of clear reasons for this. Over fifty pieces of environmental legislation were repealed by its passing. Additionally, it replaced a planning regime based on land-use planning with one based on the concept of 'sustainable management' derived from the concept of sustainable development that arose from the IUCN's Conservation Strategy of 1970 and the WCED's Brundtland Report of 1987 (Gleeson & Grundy, 1997). It also entailed a somewhat unholy alliance between neo-liberalism and environmentalism. This sea-change in the national approach to environmental management was undertaken in concert with the radical restructuring of local government entailing the consolidation of some 22 regions and 231 territorial bodies into 12 regional authorities and 72 district and urban councils (Miller, 2011).

The transformation of planning in its legislative and institutional forms clearly impacted on the profession and practice of planning. Miller refers to the idea of sustainable development being 'perhaps the greatest and most challenging change to planning since the concept of town planning was carried into existence...' (2011, pp. 5-6). It is to be noted that the Act actually refers to 'sustainable management' and that this is, at best, a subset of the wider concept and more narrowly focused on natural and physical resources (Freeman, 2004)³. The Act was to change the focus of the activity of planning onto the control of externalities arising from activities rather than the regulation of the activities themselves, and to extend the scope of planning to include land, air, water and geothermal resources (Gleeson & Grundy, 1997). Further, the Act involved the significant enhancement of public participation in the planning process. Under the TCPA77 only persons directly affected by a proposed development could be involved in the process. District schemes were developed in-house and then public feedback was invited. Under the RMA91 anyone can submit on a development application (Bauer, 2006) and public consultation in the development of plans is required. This movement to a more open planning system reflects movements in planning theory towards more communicative planning and public participation (Lane, 2005; Taylor, 1999). However, the neo-liberal drive for efficiency within the RMA91 simultaneously limits participation to plan development and to activity consents which are publically notified. This

³ The purpose of the RMA91 is found in S5 of the Act which both narrows the concept to 'the sustainable management of natural and physical resources' but also broadens it again to 'enable people and communities to provide for their social, economic, and cultural wellbeing' (Resource Management Act, 1991).

has resulted in the restriction of public involvement in this aspect of planning to approximately 5% of all applications (Bauer, 2006; Gleeson & Grundy, 1997).

The effect of these changes in focus and process has been to alter the practice of planning. Under the landuse management system of the TCPA77 the role of the planner was, arguably, focused on the management and resolution of conflict (Freeman, 2004). The new approach requires planners to promote creative technical, architectural and institutional solutions in addition to executing this traditional role (Campbell, 1999 cited in Freeman p. 309). In addition there is a further tension within planning for practitioners to negotiate between the requirement for sound environmental management and economic development (Freeman, 2004). The consequence of these changes has been that planners must frequently make decisions, for example in their determination of parties affected by a proposed development or the degree of its adverse effects, which entail consideration of technical information beyond the scope of their own knowledge and training. The conclusion of this process has been that, 'Planners instead became resource or environmental managers supported by an array of policy analysts drawn from an array of other disciplines from the biological sciences to economics' (Miller, 2011, p. 2). Landscape architecture is one of these disciplines.

2.2 Landscape architecture and planning

Landscape architecture intersects with planning in two major ways. The first is as one of the design professions. In this role landscape architects may be involved in the development of town and district plans (in terms of spatial planning, streetscapes, the design of public open spaces and so on), master plans and other similar practical activities. The second intersection is in the more abstract planning and management of landscapes. In this role the function of the landscape architect is as an expert advisor assessing the character and quality of vernacular landscapes and assisting planners in the development of, or determining the impact of, proposed plans and proposed developments on that landscape. It is on this role that this study focuses.

Landscape assessment is the central activity of landscape architects within the field of landscape planning. Landscape assessment entails the undertaking of research into the qualities and associated values, in social and aesthetic senses rather than economic, of an area of landscape. These assessments can be undertaken at a wide range of spatial scales and in New Zealand this has ranged from regional studies through district-wide assessments to locality based assessments. Generally landscape assessments can be said to fall into two types (Boffa & Swaffield, 2010, p. 3). These are policy oriented assessments which are undertaken as part of the process of developing regional plans and policy statements and district plans and may be seen as 'from scratch' assessments. The second type is the

project oriented assessment which entails the assessment of the effects of a proposed development on the landscape. Assessments of this latter type entail the application of existing policy documents which will usually, at least, determine policy priorities to guide assessment but may provide detailed assessment matters to be applied. This research aims to focus on the former, policy development, type of assessment as this is the location within planning that landscape architecture, arguably, has the greatest role and most influence.

2.3 Landscape assessment

Landscape assessment in practice is similar to the execution of a piece of research. This means that there is a degree of overlap between the academic literature on landscape assessment and the practise based professional literature. That is, some academic work may be done for a practical purposes and some professional landscape assessment work is published within the academic journals.

Within the academic literature the field of landscape assessment is broad and complex. The degree to which the approaches and underlying concepts are theoretically informed varies widely, and where theoretical frameworks are evident they too vary widely in form and basis. In 1982 Zube *et al* (1982) undertook a review of peer reviewed papers written between 1964 and 1980 with the aim of analysing the approaches and paradigms in use in assessing perceived landscape value and to identify their underlying conceptual or theoretical bases. While never actually defining 'landscape' they devised a typology of landscape assessment approaches. Essentially they defined four approaches: the 'expert' where the assessment is undertaken by a specialist, usually either a landscape architect or an ecologist, with reference only to their disciplinary resources; the psychophysical paradigm which involves the testing of a population's evaluations of landscape aesthetic or other qualities with a view to finding generalities which might be applied to new landscape contexts; cognitive which entails finding the human meanings associated with landscapes or landscape properties with a view to increasing our understanding of human perceptions of landscape; and experiential where landscape values are assumed to be based on the experience of the human-landscape interaction.

Zube *et al*'s typology was revised by Daniel and Vining (1983) who refined and expanded it dividing the expert approach into ecological and formal aesthetic approaches and altering the names of other categories. Most importantly they evaluated the approaches on the basis of criteria developed from schema for assessing qualitative research. These criteria were reliability, defined as the degree of 'agreement or consistency in measures obtained from one application of the method to another'; sensitivity 'to changes in the relevant properties of that which is being measured'; validity defined as confidence that 'the

measures must reflect changes in the property that the system purports to measure' (1983, p. 40). In addition to these variants of the traditional criteria for assessing research quality they included utility defined as 'measures that are useful' and that are efficient and of general application. They concluded that, on the basis of these criteria, the expert and experiential methods were least reliable and that the psychophysical and cognitive approaches held the most promise, in their opinion, preferably in some sort of combination. The authors note that the latter two methods are usually used in academic research only whereas the former two are also used in resource management. Landscape is considered, by these authors, to be a visual resource.

These assessment typologies were revisited by Uzzell in 1991. Following a critique of each of Daniel and Vining's typologies, he concludes that:

One shortcoming common to nearly all the approaches is the focus on visual assessment thereby omitting tactile, olfactory and auditory experiences, let alone social experiences or cultural associations, or induced actions and responses. (Uzzell, 1991, p. 6)

He proposes four further approaches which could be described as sociocultural in nature. He concludes, regarding these proposed approaches, that:

They are borne out of a frustration with the mechanistic behaviourist orientation which dominates research in this area. It is an attempt to reinstate the person into the landscape – a human who is not just a bundle of personality traits nor a set of motor-neurone receptors ready to respond to environmental stimuli. Even when we do respond to the physical or aesthetic characteristics of the landscape such as water, pattern or colour, it has to be recognised that water, pattern and colour have a cultural history and meaning for the individual and the social group. (Uzzell, 1991, p. 9)

Swaffield and Foster (2000) discuss these assessment typologies at some length, and as an authoritative investigation of landscape related research and assessment within New Zealand, their work warrants close examination. They note that the expert typologies (aesthetic and ecological) assume a passive relationship between humans and the landscape and that they focus on only some aspects of the landscape. The experiential typology, on the other hand, assumes an active relationship between humans and the landscape and is focused upon the landscape in a holistic way. They also consider that Uzzell's four typologies can be combined and they refer to this as the sociocultural typology. Usefully they also provide a breakdown of the type of methods used in each method. Table 1 below is a composite of two tables from Swaffield and Foster's paper. This typology remains a useful framework for the analysis of landscape assessment projects.

| Expert | | Psychophysical | Cognitive | Sociocultural | Experiential |
|--|--|--|---|--|---|
| User independent methods | | User dependent methods | | | |
| Ecological | Aesthetic | Predominantly quantitative | | Primarily qualitative | |
| Passive | | | | Active | |
| Dimensional | | | | Holistic | |
| <ul style="list-style-type: none"> Field survey GIS analysis Systematic valuation of biophysical landscape attributes against defined quality criteria based on ecological or biodiversity principles | <ul style="list-style-type: none"> Field survey Systematic valuation of visual and physical attributes against defined criteria based on principles of fine art, or derived from cognitive research Expert critique from philosophical principles of aesthetics | <ul style="list-style-type: none"> Quasi-experimental surveys of landscape users (visitors, community, general population) using photographs which are rated and ranked according to perceived beauty, attractiveness etc. and analysed using multiple regression type techniques | <ul style="list-style-type: none"> Quasi-experimental photo preference surveys (as in psychophysical) used to test hypotheses derived from functional themes of perception etc. Quasi-experimental questionnaire surveys based on psychological techniques (e.g. semantic differentials) to determine meanings assigned to landscape settings or features | <ul style="list-style-type: none"> Qualitative type surveys (e.g. participant observation, depth interviews, focus groups, self-administered surveys) interpreted by reference to social and political interests, or cultural theory Iconographic or semiotic analysis of cultural products (e.g. advertisement) Action research (e.g. charettes) | <ul style="list-style-type: none"> Ethnographic surveys of key informants Qualitative analysis and interpretation Self-reflection upon key landscape phenomena |

Table 1: Approaches to landscape assessment incorporating the methods used. (Adapted from Swaffield and Foster (2000, p. 16 & 21)

It is the case that neither the profession nor the academy have come closer to a consensus as to the most appropriate or efficacious approach to landscape assessment. A brief survey of both the academic literature and publically accessible professional assessments since 2000 is informative⁴. No studies exemplifying the ecological model were found, but this is likely a function of the search and search area (landscape assessment) rather than a likely reflection of the state of research and such work is likely to be found within the ecological literature. Within the academic literature, Tviet *et al* (2006) advocate for the expert paradigm and propose nine visual concepts with which they aim to construct a framework for analysing visual landscape character. They argue that the determination of landscape character is the necessary first step of then assessing the landscape's quality. Han *et al* (2011) devised a method for assessing landscape quality using GIS and developed complex mathematical processes for determining the degree of visibility, harmony and disturbance of the landscape of a World Heritage Park in China. Within the New Zealand professional literature an example of an entirely expert assessment is that of the Golder Associates 'West Coast Landscape Assessment' undertaken for Environment Waikato in 2008. The assessment divided the study area into 275 landscape units based on their character and then assessed

⁴ Landscape assessments and landscape studies were located on the internet by Google searches. While this in no way is anticipated to be an exhaustive search, it is considered that it is likely to be a reasonably representative sample of work from the past ten years, and an adequately representative sample for current purposes.

their quality in terms of predetermined criteria. An example of a predominantly expert assessment is the 'Canterbury Regional Landscape Study Review' completed by Boffa Miskell in 2010. This report, a review of a previous report completed in 1993 by Boffa Miskell in association with Lucas Associates, is almost entirely expert in its approach but included the use of art and literature (the phenomenological method) in the determination of landscape value. This aspect of the assessment was simply adopted from the earlier report, however.

It should be noted that the primary difference between the psychophysical and cognitive approaches relates more to the intended outcome rather than the underlying concepts or research approaches. The distinction is, primarily, that the psychophysical approach aims to determine landscape preferences from which generalisations about those preferences can then be made. The cognitive approach aims to determine landscape preferences from which generalisations about human / environment interactions can be made. That is, the psychophysical approach is primarily interested in landscapes, the cognitive primarily in people. It is often the case that the two categories overlap, in that an increased understanding in one area may lead to speculation in the other. Consequently the classification of literature into these two types is likely to remain arguable.

Examples of the application of the psychophysical approach within the academic literature include Clay and Daniel (2000) who undertook a study examining the effect of variations in land management practices on perceived scenic quality in two national parks in the United States of America. Expert analysis of the scenes used was undertaken to determine the variables which determined the preferences of the subjects. Arriaza *et al* (2004) aimed to identify the components of landscapes of Andalusia which contributed to its quality as determined by a survey of public preferences. The study determined an array of factors which contributed to visual quality. Roth (2006) undertook a study in Germany to determine if landscape preference and perception studies undertaken by internet were as reliable as those undertaken by survey under more traditional means, and determined that this was the case. Kearney *et al* (2008) undertook a survey in order to determine if public preferences were in accordance with local landscape management regulations in the Lake Tahoe basin in the United States. Pfluger *et al* (2010) studied the perception of river flows in New Zealand and their relationship with the aesthetic value of the rivers. This example is interesting as the primary authors are landscape architectural professionals and as such it is an example of the crossover which sometimes occurs between professional and academic research. In each case these studies aimed at either developing tools for use in landscape planning and assessment (Roth, Pfluger *et al*) or at establishing landscape preferences for application to new locations (Clay, Arriaza *et al*, Kearney). Within the purely professional literature no specifically psychophysical studies were found. A number of the studies, however, which utilised the expert approach, for example the Far North District Landscape

Assessment, drew on a previous work, the 1984 Auckland Regional Landscape Study. This study was arguably psychophysical in its approach in that it aimed to determine the landscape preferences of the Auckland public and then use these preferences as a tool for future assessments.

Arguably an example of the cognitive typology, Brush *et al* (2000) undertook a study whereby six groups of participants experienced simulated journeys through parts of the local countryside and rated the enjoyability of each journey. Statistical analysis of the resulting data showed that the six groups experienced the journeys differently and that these differences were directly related to the participants' knowledge of land management practices. In a somewhat similar study Kaltenborn *et al* (2002) were concerned to explore the hypothesis that environmental values are related to landscape preferences: why do group differences in landscape assessment exist? Preferences for local landscapes and the correlations between them and environmental orientations were investigated. No examples of this approach were found in the professional landscape architecture literature, which is unsurprising given that its focus is on people rather than landscapes.

Within the academic literature the sociocultural approach predominates. Fairweather and Swaffield, together and in association with others, have undertaken a number of studies in New Zealand of landscape perceptions using the 'Q Sort' method (J R Fairweather, 2007, 2008; J R Fairweather & Swaffield, 1999; J R Fairweather & Swaffield, 2001; J R Fairweather, Swaffield, & Simmons, 2000) While they themselves categorise their study of visitor experiences of the landscape of Kaikoura as 'experiential' it is my opinion that it, and the other studies also, is more correctly categorised as sociocultural. It is certainly the case that the studies are aimed at investigating people's experiences of aspects of the landscape but their use of the 'Q sort' method means that they have a bias towards landscape as a visual experience. While these studies are ethnographic in the sense that they sought people's personal responses to representations of landscape, their reliance on visual stimuli mean that other aspects of experience were immediately less important. This study is a further example of the crossover between academic and professional research. Tryvianan *et al* (2007) undertook a postal survey to determine the community's attitudes to and benefits received from urban green areas and also gathered spatial data which was mapped using GIS to identify the most valued places and problem areas.

A discernible thread in the academic literature is one which is critical of the use of the expert approach to landscape assessment. Read (2005) undertook an ethnographic study of the landscape of the Otago Peninsula and focused on the application of the picturesque aesthetic in the local planning regime. This, she determined, privileged the expert over the local and the landscape as visual resource over the landscape as a lived experience. Stephenson (2008) undertook two case studies of landscape as lived experience, at

Bannockburn and Akaroa, and developed what she calls the 'cultural values model' for understanding landscape. She later expanded on this work (Stephenson, 2010) attempting to establish a model of landscape which could be used in landscape assessment and which would enable the incorporation of a variety of different cultures' values. Collier and Scott (2009) were concerned to examine the role of collaborative planning in the management of scarred rural landscapes in Ireland. It is notable that Read, Stephenson, and Collier all address issues arising from management approaches, specifically the privileging of the expert assessment of landscape as a visual resource, over more collaborative approaches which entail landscape as lived experience.

Following the critique of expert assessment methods in landscape planning, Dakin (2003) undertook an experiential landscape study of the Cariboo area of British Columbia in order to assess how such an approach might inform expert landscape assessment for the purposes of landscape planning. While concluding that such studies might very usefully inform expert landscape assessment processes she also determined that:

An experiential approach might best be seen as part of a philosophical reorientation for environmental and resource management, providing a contextual turn for landscape assessment, not merely a set of alternate or supplemental methods or another 'tool in the toolbox'. This more pivotal role for participant-directed landscape imaging—and for the experiential approach more generally—supports the paradigmatic reorientation emerging in environment and resource management. (Dakin, 2003, p. 197)

In a similar vein Scott *et al* (2009) undertook a study of the experiences of walkers, mountain bikers, planners, councillors and land managers on pre-planned trips through Aberdeenshire. Amongst their conclusions were that landscape experience is dynamic and complex altering through time and space and that experiences with landscape are multidimensional, and not purely visual. They conclude:

The perceptions of the landscape secured from this research revealed an inherent complexity and subjectivity which applies to all individuals whether experts or public(s). Crucially, the narratives...showed a considerable degree of sophistication and understanding of landscape form, function and value as well as indicating the integral role they play in shaping people's working and/or leisure lives. The idea that such views should be represented by professionals only is worrying and risks further distancing policymakers and planners from the public(s) that they allegedly serve. (Scott et al., 2009, p. 419)

These studies promote the option of combining professional assessments with sociocultural or experiential studies of public preferences. This combination is represented by a number of studies in the professional literature including the Boffa Miskell authored 'Banks Peninsula Landscape Study' referred to above. While predominantly expert in approach this report did incorporate stake holder consultation and public preference surveys.

Within the academic literature some researchers have taken the philosophical divide between the expert and public perceptions a step further actually comparing an expert

assessment with public preferences. Vouligny *et al* (2009) compared an expert study of a productive rural landscape in Quebec with the experiential assessment of that landscape by its residents. They found that the criteria by which the residents established the value of the landscape related to emotion, everyday experience, and their intimate knowledge of places. The visual criteria used by the expert were of less importance to the residents and more similar to those of a tourist passing through the landscape. They conclude that a combination of expert assessment and local experiential data are necessary to capture the value of ordinary landscapes for planning purposes. In another study Wolsink (2010) examined the public perception of a proposed wind farm development in the Netherlands and compared the public view with that of the Landscape Architect upon whose recommendations the design had been established. He determined that the top down manner in which the proposal had been established did not take the preferences into account and that this resulted in the project being scuppered. These studies effectively reiterate Daniel and Vining's (1983) conclusion discussed above that the expert approach to landscape assessment was not reliable.

In 2001 Daniel, while advocating for the continued use of the psychophysical approach, predicted that landscape assessment in the twenty first century would become the 'victim' of one or other radical turn of the late twentieth century. Either the bio-centric philosophies would advocate for ecological value to rein over expert or human perception based value in landscape management, or the socio-cultural turn would replace expert based and perception based methods with communal decision making leading to negotiation and consensus building (Daniel, 2001). It is interesting to note that within this survey of recent literature the socio-cultural turn is indeed showing its face but possibly not to the extent that Daniel feared. Given the moves within the planning profession and within the planning literature towards more consultative and 'bottom up' models of planning it is perhaps more surprising that it has not had a more extensive effect. It appears that this sociocultural turn is having some influence on landscape planning as illustrated above, but whether or not it has a significant impact on the practise of landscape assessment is yet to be seen.

2.4 The Environment Court and the expert witness

Swaffield and Foster not only categorised landscape research on the basis of the research methodology but also considered the criteria which must be met for landscape research to fulfil the requirements of usefulness to policy formation (Swaffield & Foster, 2000). The requirements they determined to be credibility, dependability and utility, another permutation of the criteria for assessing the quality of research generally. Credibility is related to the extent to which the research provides an authentic representation of the landscape's values. Dependability is the extent to which users can be confident that the values reported are not the researcher's own biases. Utility is the ease and economy with which the method can be

applied. In addition the information must provide insight useful to the development of policy and be sensitive to nuances of value. Finally, they consider that all such research should fulfil the requirement for 'best practice'. They conclude that there are two primary means of determining adherence to 'best practice'. These are peer review, which they note is more common in the academic field but is occurring more often in professional practice; and acceptance by the Environment Court. After applying these lenses to the body of landscape research focused on the South Island's high country landscapes, they concluded that:

...no single approach or method is clearly more effective or rigorous than the others. Each has particular strengths and weaknesses. The most defensible approach, where possible, is to combine two or more approaches (Swaffield & Foster, 2000, p. 43).

That Swaffield and Foster considered the Environment Court to be an effective arbiter of best practice is a very interesting observation. It is unclear from their discussion why they consider this to be the case. Two alternative explanations seem possible. It is possible that they consider that the Court has some sort of intellectual or professional capability which enables them to analyse specialist material in a matter similar to specialist referees. As an expert witness is, by definition, a person who has made a study of and gained experience in a particular field of learning and knowledge (Skelton, 2000, p. 21) this would seem unlikely. The other is simply that, as the Court has the power to select the argument that it finds most compelling and to enforce decisions on that basis within the existing statutory frameworks that, effectively, pleasing the Court must *ipso facto* mean that a compelling argument is best practice. The fact that practitioners have considered Court decisions to fail to reflect best practice suggests that, while the Court does undoubtedly have the power to choose, it does not always choose as would those who know most, the profession. Consequently I do not find either of these possibilities convincing. The issue is compounded further by an examination of the law around the use of expert evidence within the legal system.

Evidence in the sense that it is used in the Court system is '...the means by which a decision-maker is provided with material on which findings of fact necessary to the decision can be made' (Skelton, 2000, p. 19). There are two classes of evidence, that about factual matters and that which is opinion based upon factual matters. Generally lay witnesses are restricted to the provision of purely factual evidence. Expert witnesses may provide both factual and opinion evidence. An 'expert' is defined by Section 4 of the Evidence Act 2006 as 'a person who has specialised knowledge or skill based on training, study or experience' and 'expert evidence' is the evidence of an expert based on the specialised knowledge or skill of that expert and includes evidence given in the form of an opinion.

Collins and Evans (2007) have undertaken an extensive study of expertise from both theoretical and empirical perspectives. They note that credentials are not a good criterion

for establishing expertise as it is possible to have credentials and be incompetent, or to have a high level of expertise but no credentials. They consider a track record of success in making sound judgements to be a better criterion but warn that this excludes new practitioners and new fields of knowledge. Experience is considered by them to be the best criterion as it potentially includes those with expertise but no credentials and excludes those with credentials but no experience. They do point out, however, that experience does not guarantee competence. The requirement for expert witnesses to qualify themselves in their evidence (Skelton, 2000) does ensure that the Court is provided with evidence of credentials and experience although evidence of a track record can generally only be inferred.

It is the case that 'The Environment Court is not bound by the rules of law about evidence that apply to judicial proceedings' (RMA91, S276(2)). Cooper argues, however, that:

Notwithstanding the apparently liberalising tendency of ss 265(1)(a) and 276(2), the role and function of the Court [as it differs from the general courts] should serve to emphasise and not to relax the rules which have long been applied in the general courts to govern the obligations and conduct of expert witnesses.(Cooper & Gould, 2003, p. 100)

Thus an examination of the relevant portions of the Evidence Act 2006 is useful.

'Opinion' is defined by Section 4 of the Evidence Act as a 'statement of opinion that tends to prove or disprove a fact'. Ignoring the tautologous nature of this definition it nonetheless provides a descriptive expBaileytion of the basis of opinion evidence. An opinion by an expert is admissible if the fact-finder (the Judge and Commissioners in the Environment Court) is likely to obtain substantial help from the opinion in understanding other evidence or in ascertaining any fact that is of consequence to the proceeding. Previous common law rules excluded expert evidence which was about the ultimate issue to be determined in the proceeding or if it were a matter of common knowledge. The Evidence Act states that such evidence should not be inadmissible simply because of these reasons. Most importantly for the purposes of this work S25(3) states that:

If an opinion by an expert is based on a fact that is outside the general body of knowledge that makes up the expertise of the expert, the opinion may be relied on by the fact-finder only if that fact is or will be proved or judicially noticed in the proceeding.(Evidence Act, 2006S25)

This section is intended to allow for the introduction of expert opinion evidence which is based on novel procedures or which do not have general acceptance within the expert's field. While this clearly leaves the final decision as to the veracity and usefulness of expert evidence to the Court it still implies that general acceptance within the expert's field is the assumed basis of expert evidence. That is, when a landscape witness provides evidence to the Court as to their qualifications and experience and then produces their substantive evidence, unless it is clearly different to that which the Court has heard previously there will be an assumption that it is from within the general body of knowledge of the field. That is, that it has general acceptance within the field of expertise.

Collins and Evans (2007, p. 63) distinguish between 'contributory expertise', which is the body of knowledge which forms a specialism such as landscape architecture or law, and 'interactional expertise', which is the ability to understand the language of the specialism without the ability to practise it. In this sense Environment Court Judges may have interactional expertise of landscape architecture but not contributory expertise⁵. It is Collins and Evans argument that while we all believe we can make judgements of others expertise and that public legitimacy may be assigned to such judgements the only epistemologically sound direction in which assessments of expertise can be made is downward. That is, one must possess contributory expertise in order to assess the level of expertise of another. This supports the idea that general acceptance within the expert's field should remain the basis for determining the admissibility of expert evidence.

2.5 Landscape architecture and professional boundaries

The possession of a generalised and systematic body of knowledge is one of the generally accepted defining features of a profession. In addition a profession is expected to demonstrate a sense of social responsibility and a high level of self-regulation particularly in regard to training, licensing and quality of work (Dzur, 2008; Freidson, 2001). Landscape architecture clearly demonstrates the latter two characteristics. The NZILA's statement of philosophy reads:

The landscape reflects the cumulative effects of physical and cultural processes. The New Zealand Institute of Landscape Architects aims to foster and develop an understanding of these processes and to ensure that this knowledge is applied in such a manner as to conserve or enhance the quality of all natural resources and human values.
(<http://www.nzila.co.nz/> downloaded Feb 18th 2012)

Landscape architecture degree courses are accredited and monitored by the Institute. Full membership of the professional organisation is restricted to those passing an internal examination. Continuing professional development is required and workshops and conferences, as discussed earlier, focus on the quality of work. As it is in regard to the quality of work that landscape architects have found themselves criticised this brings into question how generalised and systematic the body of knowledge upon which it is based actually is.

Of course, this description of professions implies neat boundaries and a sense of separation from social and economic vagaries of their contexts. This has led one commentator to refer to it as the 'apolitical picture' of professions and professionals (Dzur, 2008). Dzur interprets 'political' in its narrow and traditional sense, referring to political institutions and processes. I find this interpretation to be excessively narrow. In my view 'political' actually refers to the networks of power and resistance which form a dynamic network throughout all layers of

⁵ It is the case, however, that currently two of the Environment Court Commissioners who sit with the Judges are landscape architects and thus do have contributory expertise.

society, not just through institutions of government. As described by Foucault (1978, p. 93): '...power is not an institution and not a structure; it is the name one attributes to a complex strategical position in a particular society'. In this sense the traditional description of professions is apolitical because it fails to acknowledge that these activities and qualities are subject to both internal and external challenges and resistances. Far from being static the boundaries of a profession and its 'generalised and systematic body of knowledge' are under constant challenge and flux.

In this case study we appear to have challenges from both within the profession as demonstrated by the failure to agree on even central concepts, and externally, demonstrated by the complaints from the Environment Court. Gieryn (1999, p. 1) describes such credibility contests as occurring when, '...bearers of discrepant truths push their wares wrapped in assertions of objectivity, efficacy, precision, reliability, authenticity, predictability, sincerity, desirability, tradition'. Using a cartographic metaphor Gieryn identifies three social roles created out of these contests. These are those of the contestants who draw maps attempting to delineate epistemic authority; those who rely on these maps in the course of making practical decisions; and those affected by the allocations of epistemic authority. It is tempting to see these roles having clear equivalences to the protagonists in this study: landscape architectural professionals mapping the territory; the Environment Court basing its decisions upon those maps, and the appellants as those affected. However, at a deeper level these roles move, and change and the ebb and flow of these positions form the basis of this study.

Thus while on the one hand we have Swaffield and Foster claiming that acceptance of landscape evidence by the Environment Court is an indication that it is an example of 'best practice', on the other the Court is relying on general acceptance within the field to support the veracity of landscape evidence. This contest and confusion about the mapping and maintenance of the epistemic boundaries of landscape architecture would seem to be a critical and unanalysed issue is the key aspect of the empirical parts of this study. Heather Campbell (2002, p. 272) argues that 'planning is about making choices, with and for others, about what makes good places'. If landscape architecture is to effectively fulfil its role as a support discipline to planning, helping to determine what makes good places, then it needs to be clear as to what the boundaries of the discipline are and who, then, is competent to determine 'best practice'.

2.6 Conclusion

Changes in the focus and practice of planning over the past few decades, particularly resulting from the passing of the Resource Management Act 1991, have led to planners being required to promote creative technical, architectural and institutional solutions in order

to promote sustainable development. This requires planners to avail themselves of technical information from a wide range of experts including landscape architects. Landscape architects undertake landscape assessments in order to provide planners with such technical information, which provides a basis for both policy and practical decisions.

The practice of landscape assessment has been the subject of much academic analysis over the past twenty or thirty years. An analysis of academic writings on the subject over the past ten years or so shows a wide range of approaches in use but with a leaning towards sociocultural models of landscape evaluation. That is, there is an increasing tendency in the literature towards locating the value of landscape within the community of inhabitants and observers. A parallel analysis of some professional landscape assessments over the same period and from New Zealand indicates that an expert paradigm is strongly dominant outside of academe.

The veracity and usefulness of landscape architectural evidence in the Environment Court has been questioned. The literature fails to provide a clear indication of where the determination of best practice should occur. The nature of an expert witness is such that the Court assumes the profession to be the arbiter of best practice. However acceptance by the Court has been presented in the literature as one of the tests of best practice. This suggests weak professional boundaries and it is the examination of these boundaries on which this research project focuses.

Chapter 3: Unpacking the Tool Box

3.0 Introduction

Chapter one introduced something of the background to this study and raised the research question for examination. Chapter two examined the academic literature regarding landscape assessment practice, and some contemporary examples from within the professional literature as well. The relationship between the Environment Court and the landscape architectural profession was examined and the conclusion made that the matter at issue is determining the boundaries of a disputed epistemic field concerning aspects of landscape architectural practice. The focus of this chapter is on choosing the tools used to gather and interpret the data with which I hope to answer the research question.

There are probably an infinite number of ways to find answers to the question, **what influence have Environment Court decisions had on the practice of landscape assessment?** The final choice hinges on issues of practicality (time and cost constraints for example) as much as on the theoretical validity of any particular tool. Even personal leanings (and knowledge) play a role, in this case eliminating the possibility of using quantitative research methods! This chapter will examine the methods chosen and explain their efficacy and theoretical strengths and weaknesses.

3.1 'Starting where you are'

Lofland and Lofland in their guide to qualitative research methods state that:

...much of the best work in sociology and other social sciences – within the naturalistic tradition and within other research traditions as well – is probably grounded in the remote and/or current biographies of its creators. (Lofland & Lofland, 1995, p. 8)

While not wishing to make claims as to the quality of this research it is certainly the case that it is grounded in my current biography.

I am a landscape architect working in the field of landscape planning. As such my bread and butter work is landscape assessment. In my role as a landscape planner I provide advice to planners on a daily basis which is (usually but not always) adopted by them. My reports regularly become part of the advice provided to Commissioners making decisions at the District, and sometimes Regional, level. From time to time I provide evidence in the Environment Court on appeals regarding both resource consent matters and plan changes.

Further, I have a PhD in Landscape Architecture and in that study was highly critical of landscape assessment practice from a number of perspectives. As is often the case, it is much easier to be critical in theory than to resist mainstream practice in actuality. I nonetheless consider that there are flaws within landscape planning practice which require addressing. It is my hope that this study will assist me and my profession to do just that.

3.2 A case study

Lofland and Lofland (1995, p. 21) define a 'case study' as 'a holistic investigation of some space-and time-rooted phenomenon'. This is a case study of a portion of landscape planning practise. It is rooted in space in that it refers specifically to the practice of landscape assessment within the portion of planning involved with proposed plan changes (an intellectual and legal space) within Aotearoa/New Zealand (a geographic space). It is also rooted in time in the sense that it refers to practice predominantly within the last ten or so years, but dating from the passing of the RMA in 1991. It is holistic in the sense that a number of different sources of information, interviews, statements of evidence and court decisions, have been used to investigate this aspect of landscape planning.

Yin (1989, p. 28) considers that there are five components which are important for the design of case studies. These are: the research question; the study's propositions, if any; the unit(s) of analysis; the logic linking the data to the propositions; and the criteria for interpreting the findings. In this instance the research question is, how have environment court decisions affected the practice of landscape assessment? The central proposition involved is that landscape architecture as a profession has lost control of its body of professional knowledge in regard to landscape planning and landscape assessment and that this is now being overly influenced by the Environment Court. The unit of analysis is the body of work within the profession relating to landscape planning. The logic linking the data to the propositions is that the Court has the power to effectively reward some approaches (by preferring the evidence so produced) and to vitiate others (by a range of means from direct criticism to simply ignoring it). Consequently landscape architects are likely to use the means which the Court supports in order to ensure that their views are validated. Privately and professionally they may prefer other methods and whether or not this is the case should become clear from the interview corpus.

3.3 Qualitative methods

The methodology underlying this project is that of qualitative research. Denzin and Lincoln (1998, p. 3) define qualitative research as:

...multimethod in focus, involving an interpretive, naturalistic approach to its subject matter. This means that qualitative researchers study things in their natural settings, attempting to make sense of, or interpret, phenomena in terms of the meanings people bring to them. Qualitative research involves the studied use and collection of a variety of empirical materials – case study, personal experience, introspective, life story, interview, observational, historical, interactional, and visual texts – that describe routine and problematic moments and meanings in individuals' lives. Accordingly, qualitative researchers deploy a wide range of interconnected methods, hoping always to get a better fix on the subject matter at hand.

By their very nature qualitative research projects are temporally and spatially specific. On this basis qualitative research is often criticised for lacking objectivity and for being 'soft'. As qualitative research projects cannot be replicated other criteria are necessary to assess the quality of the research. How this should be done has been a topic of wide debate within the theoretical literature which can be characterised as a divide between those with a positivist epistemology and those with a relativist epistemology. The positivists have adopted and adapted the approach of quantitative research which requires that research should be assessed in terms of validity, generalisability, reliability and objectivity (see for example Baxter & Eyles, 1997). The relativists have developed a more reflexive approach which acknowledges the impossibility of true objectivity and requires transparency and reflexivity of process (see for example Popay et al, 1998). What is notable about both of these approaches however is that they require similar activities to be undertaken by the researcher with similar levels of rigour. This has led one theoretician to conclude that a 'practical turn' in the legitimisation of qualitative research is the answer (Gobo, 2008). This is demonstrated in Table 2 below which combines the criteria for evaluating qualitative research as developed by Baxter and Eyles (1997) with those produced by Popay *et al* (1998) so as to demonstrate their equivalences. The most notable difference perhaps, apart from their epistemological bases, is that Baxter and Eyles provide a series of acts which can be undertaken in the design of a research project to satisfy their criteria whereas Popay *et al* provide a list of qualities to be sought in the final work. The practices to be undertaken are remarkably similar. I have highlighted the practices and / or criteria which I consider have been met in the execution of this research in red. These practices and criteria are discussed in detail below in sections 3.4 Data Collection and 3.5 Analysis.

| Criteria for evaluating qualitative research – positivist vs relativist epistemologies arranged to illustrate practical equivalencies | | | | | |
|---|---|---|---|--|--|
| Criterion | Baxter and Eyles | | Principle | Popay et al | |
| | Definition | Strategies / practices to satisfy criteria | | Question | Criteria |
| Credibility | Authentic representation of experience | <ul style="list-style-type: none"> • Purposeful sampling • Disciplined subjectivity / bracketing • Prolonged engagement • Persistent observation • Triangulation • Peer debriefing • Negative case analysis • Referential adequacy • Member checking | Aims to illuminate the subjective meanings shaping action and | Does the sample produce the type of knowledge necessary to understand the structures and processes within which the individuals or situations are located? | <ul style="list-style-type: none"> • Process by which individuals or cases were sampled is adequately described • Shows that respondents were selected on the basis of their appropriate knowledge |
| | | | Privileges subjective meaning or lay knowledge | Does the research, as reported, illuminate the subjective meaning, actions, and context of those being researched? | <ul style="list-style-type: none"> • Shows how behaviour is viewed from within a culture, society or group • Accords lay knowledge equal worth to other forms of knowledge |
| Transferability | Fit within contexts outside the study situation | <ul style="list-style-type: none"> • Purposeful sampling • Thick description | Provides in depth description | Is the description provided detailed enough to allow the researcher or reader to interpret the meaning and context of what is being researched? | <ul style="list-style-type: none"> • Thick description is evidenced |
| | | | May enable some logical generalisations to a | What claims are being made for the generalizability of the findings to either other bodies of knowledge or to other populations or groups? | <ul style="list-style-type: none"> • If claims to generalizability are being made, sufficient background information is provided to support the claim • External sources of information are used to support judgements of typicality |
| Dependability | Minimisation of idiosyncrasies in interpretation Variability tracked to identifiable sources | <ul style="list-style-type: none"> • Low inference descriptors, mechanically recorded data • Multiple researchers • Participant researchers • Peer examination • Triangulation, enquiry audit | Maximises use of context as a means of locating | Is there evidence of the adaptation and responsiveness of the research design to the circumstances and issues of real-life social settings met during the course of the study? | <ul style="list-style-type: none"> • Shows some evidence of adaptation and redesign in the writing up of the research |
| | | | Demonstrates theoretical and conceptual | How does the researcher move from a description of the data, through quotation or examples, to an analysis and interpretation of the meaning and significance of it? | <ul style="list-style-type: none"> • The views and analysis undertaken by the researcher can be separated from the description of the setting and the interactions and accounts given by those studied |
| Confirmability | Extent to which biases, motivations, interests or perspectives of the inquirer influence interpretations. | <ul style="list-style-type: none"> • Audit trail products • Thick description of audit process • Autobiography • Journal | Acknowledges there is no such thing as pure or objective | How are the different sources of knowledge about the same issues compared and contrasted? Are the subjective perceptions and experiences treated as knowledge in their own right? | <ul style="list-style-type: none"> • The processes of data collection, analysis and presentation are transparent |

Table 2: Comparison of positivist vs relativist epistemological positions on the evaluation of qualitative research showing practical equivalencies.

3.5 Ethnography

The ethnographic method examines behavior that takes place within specific social situations, including behavior that is shaped and constrained by these situations, and people's understanding and interpretation of their experiences (Wilson & Chaddha, 2009, p. 449).

This study is arguably an example of ethnographic research. It is concerned to understand how landscape architects undertake their work, and how that is shaped and constrained by outside forces, in particular by the Environment Court. Specifically it could be described as 'embedded ethnography' which is characterised by two features. The first of these is that the ethnographer is 'some kind of team member' (Lewis & Russel, 2011, p. 400). In this instance I am a member of the landscape architectural 'team' and even more specifically, the landscape planning 'team'. The second feature, as identified by Lewis and Russel, is essentially a feedback loop between the researcher and researched. In this instance this is assured by the agreement that the full thesis, when finished and marked, will be provided to all of the respondents. In addition it is my intention to provide copies of it to the NZILA; and the three schools of landscape architecture in New Zealand.

Ethnography is traditionally associated with Anthropology and with participant observation. While some commentators argue that this is still the case (Crang & Cook, 2007) others argue that interviewing generally, and 'engaged listening' specifically, are central methods of ethnography (Forsey, 2010; Gomm, 2009). Specifically Forsey (2010, p. 568) discusses the idea of conducting interviews with 'ethnographic imaginary' which he explains is to ask questions:

...beyond the immediate concerns of the research question. They probe biography, seeking to locate the cultural influences on a person's life, looking later to link this to the pursued question, or, in the inductive spirit of ethnography, to even change the question.

I approached the interviews which I undertook in this spirit, in part because of my embeddedness within the research problem. While this clearly raises issues regarding the potential for my preconceptions and personal opinions on the issues to have coloured the process of interview, the use of statements of evidence and Court decisions as a part of the corpus should ensure that, what could be called biases 'come out in the wash' so to speak. That is, that the process of triangulation between the different data sets should ensure that researcher biases are at least identified if not removed.

3.5 Data collection

3.5.1 Selecting respondents

Fundamental requirements of qualitative research are the need for 'thick description' (Baxter & Eyles, 1997; Popay *et al.*, 1998) and for the use of multiple sources of evidence (Yin, 1989). As this research involves the interface between landscape architects and the Environment Court it was necessary to find material involved in the interactions between the two fields. Thus the first step to developing the corpus of data for the study was to identify landscape architects who were influential in landscape planning at the Environment Court level. I also wanted to ensure that these were people who were influential within the profession. Consequently I determined to identify possible respondents through the use of Brookers Database. This is a legal database which provides access to all Environment Court Decisions and which is searchable using relatively straight forward search engines.

I conducted a search looking for cases that included the term 'outstanding natural landscape'. I chose this term for two main reasons. The first was the practical reason that 'landscape' alone threw up far too many cases to deal with (over 1200). Also because the term 'landscape' is widely used as a metaphor (legal landscape, literary landscape etc) had I simply used 'landscape' as my search criteria I would have had to spend considerable time identifying which ones actually dealt with the sort of 'landscape' I was interested in. It is also the case the 'outstanding natural landscapes' are the focus of Section 6(b) of the RMA91 and I considered it was likely that if not all then the vast majority of these cases would entail involvement from landscape architects. The use of the search term 'outstanding natural landscape' threw up 108 cases.

As noted earlier, one of the key roles of landscape architects in landscape planning is in the development of plans at both the Regional and District levels. In order to keep a focus on this key role I selected from this list only the cases which related to appeals against plan decisions or references. This reduced the number of cases to 36.

Each case was skimmed to determine who the landscape architects were who had appeared as expert witnesses in these cases. Five of the 36 cases did not involve landscape architects as witnesses. I ran a tally of the landscape architects who were involved in the remaining 31 cases. A total of 29 landscape architects appeared as witnesses in these cases. Fourteen of the 29 landscape architects appeared in only one case each. These were eliminated from the possible list of respondents as I knew from experience that people can, after one appearance in the Environment Court, resolve to ensure they never appear there again! Of the fifteen left one appeared eleven times, two appeared twice and the rest were arrayed in between in terms of the number of their

appearances. Of these fifteen one had retired from practice and was not approached for interview but all of the others were approached. Of these three declined, but one volunteered a staff member (who had been one of the original twenty-nine) in his place. Of these twelve, one interview that was agreed to never happened due to logistical reasons and a further interview was undertaken but lost due to a technical glitch. This resulted in ten completed interviews available to become a part of the research corpus. This selection process is an example of what has been called criterion sampling (Bradshaw & Stratford, 2010).

Two further landscape architects were approached in addition to those selected from the Environment Court decisions. These were selected on the basis of their involvement in the landscape planning initiative run by the NZILA in 2008 - 2009. The first was selected because he had been a vociferous critic of landscape assessment methodology in New Zealand and had made his dissent against common practice and the NZILA initiative very publically known. He was interviewed on the same basis as the other respondents. The second of these had been a prime mover in organising the workshops and, in the final instance, co-authored the final guideline which was adopted by the NZILA in 2011. The latter of these interviews was used as a means of checking factual information about the processes relating to the landscape planning initiative and does not form a part of the main corpus of data. In conclusion a total of eleven respondents were included in the study.

With regard to the original criterion, all of the respondents bar one featured in the original list of thirty one landscape architects. Out of the eleven respondents interviewed seven are Fellows of the NZILA. A Fellow is an Associate Member who has significantly contributed to the status or advancement of the profession in NZ (http://www.nzila.co.nz/awards_life.asp downloaded Feb 4th 2012). Further, three of the respondents have been elected President of the NZILA and two are certificated Resource Management Commissioners qualified to sit on hearing panels. In my opinion this qualifies them as influential in landscape planning within the broader field and within the landscape architecture profession. Consequently I consider that the selection process used to identify the respondents for the study was very effective.

| Pseudonym | Place of Training | Decade of Graduation | Qualifications |
|-----------|-------------------|----------------------|------------------------------|
| Pat | Lincoln | 1971 - 1980 | BA, Dip. LA |
| Quinn | Lincoln | 1971 - 1980 | BV, Dip. LA |
| Lee | Lincoln | 1971 - 1980 | BSc, Dip. LA, MLA |
| Taylor | Manchester | 1971 - 1980 | BLA, PG Dip LA |
| Cameron | Lincoln | 1971 - 1980 | Dip, Hort, Dip. LA, MLA, PhD |
| Jessie | Lincoln | 1971 - 1980 | Dip. Hort, Dip. LA |
| Drew | Lincoln | 1981 - 1990 | BA, Dip. LA |
| Rowan | Lincoln | 1981 - 1990 | BTP, Dip. LA |
| Lesley | Hanover | 1991 - 2000 | MLA |
| Bailey | BOKU, Lincoln | 2001 - 2010 | MLP, MNRM |
| Jamie | Lincoln | 2001 - 2010 | BA, BLA |

Table 3: Respondents identified by pseudonym, location of training and decade of graduation

3.5.2 Interviews

The interviews were undertaken in such a manner as to comply with the description of 'depth interviews'. This is:

*In order to understand **why** persons act as they do we need to understand the meaning and significance they give to their actions. The depth interview is one way...of doing so. For to understand other persons' constructions of reality we would do well to ask them (rather than assume we can know merely by observing their overt behaviour) and to ask them in such a way that they can tell us in their terms (rather than those imposed rigidly and a priori by ourselves) and in a depth which addresses the rich context that is the substance of their meanings (rather than through isolated fragments squeezed onto a few lines of paper).*(Jones, 1985, p. 46) (Emphasis in original.)

They were semi-structured in that I had a template of questions or areas I wished to discuss, but this was not followed in any sequential manner, rather a conversation was maintained and interesting side routes taken when they were presented. The template is located in Appendix 1. The interviews were recorded using a digital recorder.

Respondents were asked to sign consent forms prior to undertaking the interview. An example of this document is located in Appendix 2. These explained their rights and my intentions regarding the use of the statements of evidence and Court decisions. All respondents have been provided anonymity. While from an ethical point of view this possibly is not necessary given that each interview was undertaken from within their professional persona, I decided that it was most fair. New Zealand is a small country. Landscape architecture is a small profession, and the practitioners within that profession who appear in Court are few. While it is quite likely many who read this work will be able to identify those they know from the context, providing anonymity provides some protection and of course the confidence to provide frank answers. This is particularly of relevance where discussions of Court decisions and judges are concerned. I have consequently referred to the respondents in the text using pseudonyms.

The proposed research was assessed as being 'low risk' and consequently was not evaluated by the Massey University Human Ethics Committee.

3.5.3 Statements of evidence

At the time of interview each respondent was asked to provide statements of evidence which they had presented in the Environment Court. Where possible these statements were to be those prepared for some of the particular cases which had formed the basis of the respondent's selection in the first place. Not all respondents provided statements of evidence, some provided several. Only those statements pertaining to plan establishment or plan changes were used, resulting in a total of twelve statements of evidence from eight respondents.

One statement of evidence written by a landscape architect who was not interviewed was included. This statement related to an important plan establishment case. The author of the statement was the employer of the landscape architect who provided the statement. Together they had been a part of a team which had undertaken a large scale landscape assessment which was then used as the basis for a significant plan change. The interviewee had also given evidence in the same case but her evidence was very technical and related to the Geographic Information Systems (GIS) which had been used as a part of the study. The author of the statement provided a broad overview in his evidence and as this was much more of interest to me I considered its inclusion to be justified. Further, the person was the landscape architect who was not approached for interview owing to their retirement from the field.

3.5.5 Environment Court Decisions

In addition to the interview transcripts and statements of evidence, Environment Court decisions were included in the corpus of data. Several respondents had provided evidence in the hearings relating to two cases and these decisions were included. Where respondents had provided statements of evidence relating to other cases these decisions were included also. In addition a number of other key decisions were included.

3.5.6 Judges, lawyers, planners

As the intention of the research was to examine the influence exerted on the practice of landscape assessment by the Environment Court it is arguable that it was necessary, or at least would have been advantageous, to seek the perspectives of other participants in the process. Specifically it might be have been highly informative to interview Environment Court Judges, and lawyers and planners involved in resource management cases in the

Environment Court. While I agree that expanding the focus from landscape architects alone would increase the depth of information able to be brought to bear on the question, and consequently on the richness of the analysis, the ultimate decision not to do so was one of practicality. This is a relatively small project and expanding the number of the professions investigated would necessarily require reducing the number of landscape architects. As my major concern is to investigate the influences on that profession I consider that this would be counterproductive and could better be undertaken as a larger project at some later stage.

3.6 Analysis

Interviews were transcribed but not in an entirely verbatim fashion. There can be no doubt about the importance of language within this investigation. I am, after all, examining who it is that has the power to define key terminology, a central act in defining epistemic boundaries. I am not focusing intently on nuances, however, or seeking to find subtle differences in the construction of the world between respondents. I am essentially accepting the language of the corpus at face value. In this sense I am accepting the point that:

To research meaning-making, one needs to look at interpretation of texts as well as texts themselves, and more generally at how texts practically figure in particular areas of social life, which suggests that textual analysis is best formed within ethnography.(Fairclough, 2003, p. 15)

Consequently some abbreviation seemed permissible and practical in the sense that it reduced the time required to undertake the transcription.

Once transcribed the interviews along with the statements of evidence and Court decisions were uploaded into NVivo-9, a type of qualitative research software. While the software has extensive capabilities it was simply used, in this instance, as an electronic form of what was once done as a physical cut-and-paste by qualitative researchers. That is, nodes are created within the programme into which slices of the data are placed, effectively equivalent to piles of pieces of paper. Nodes can be created either to reflect questions which have been asked, that is, the structure of nodes can be predetermined, or they can be created as themes arise. In this case I did both. As I had stuck fairly firmly to my interview template I created nodes which were more or less equivalent to the areas of interest I had broached or questions I had asked. Within these nodes I then coded the data according to themes.

Coding the Court decisions was a bit more problematic as some of them were very large documents with only a small proportion being of relevance or interest. Similarly the statements of evidence were large documents and coding was not particularly helpful. In both these cases, however, a feature of the program which enables the connection of memos to imported documents was used to make notes which could be easily referred to rather than referring to the original document.

3.7 Conclusion

The purposes of this chapter are two-fold. The first purpose is to outline the methodological approach selected in order to answer the research question and to discuss its efficacy and theoretical strengths and weaknesses. The second is to detail the actual processes and practices used to execute the research.

The research project is a case study of one aspect of the broader area of landscape assessment. Qualitative research methods were selected to undertake this case study, which is arguably ethnographic in nature. Criterion sampling was used to select a group of respondents from within the landscape architectural profession. These respondents were interviewed and provided statements of evidence which had been presented in the Environment Court in various hearings. In addition Environment Court Decisions were included within the corpus of data.

NVivo qualitative research software was used to assist with the analysis of the corpus of data. This analysis was thematic in nature. The following three chapters present the results of this analysis structured according to the themes evident in the material.

Chapter 4: Analysis – Key Concepts

4.0 Introduction

Up until this point this thesis has focused upon setting the scene, determining the research question, and explaining how that question is to be answered. This chapter is the first of three which will present the empirical results of the study. The focus of this first results chapter is on key concepts used by the respondents in their work. It is to be expected that the key concepts used by landscape architects should arise from their professional milieu. Consequently any evidence of influence from the Environment Court on the nature of these key concepts would be of significant interest.

As noted above, the term ‘outstanding natural landscape’ was used as the search criterion for electing respondents for this study. Landscape planning covers much wider territory than simply the identification of outstanding natural landscapes in terms of S6(b) of the RMA19. Inherent in this term, however, are the concepts of ‘landscape’, ‘naturalness’, and ‘outstandingness’. The first of these, landscape, would seem to be the foundation concept which justifies the involvement of landscape architecture in planning, if not the very existence of the profession itself. Naturalness and outstandingness are both concepts which imply evaluation. Thus understanding these concepts should assist in explicating the intellectual, if not also the practical, processes of evaluation undertaken within landscape assessment. Consequently respondents were asked in interview to define these terms and this section will examine each of these concepts in turn.

4.1 Landscape

The term ‘landscape’ is one which is both open to varied interpretations and is so widely and commonly used as to be commonly adopted into metaphor - the ‘political landscape’, the ‘emotional landscape’ and so on. Within the field of landscape architecture and landscape studies Swaffield and Foster have noted:

The understanding of ‘landscape’ ranges from scenery, or the visual appearance of land, to a comprehensive description of the biophysical environment (for example, soil-landscape systems, or ‘cultural’ landscapes), and on to the human experience of particular environments; integrated land-human systems; and the conceptualisation of environments as culturally meaningful ideals. (2000, p. 8)

How ‘landscape’ is defined is important because it determines what we can actually know about it and thus how we can investigate and assess it. If it has biophysical and cultural features then knowledge of ecology and geomorphology, agriculture and forestry may all be relevant to understanding landscape. If landscape is about the appreciation of scenery then

a knowledge of aesthetics may be needed. If it is about the interrelationship between human perception and the land then we need to study people.

The most common approach to defining landscape amongst the respondents is to separate the landscape into biophysical and, what was generally referred to as, perceptual aspects. By this I mean that the landscape is seen to have a biophysical form which is then perceived by people. There were a wide range of specific positions within this grouping, however. For Bailey the physical aspect of the landscape was slightly more important than the perceptual aspect. She commented that this 'might partially be the background that I'm coming from' and noted that 'here [New Zealand] there is quite a strong focus on perception'.

Lesley defined landscape as:

...a cohesive area that has similar physical attributes, which is the biophysical definition of a landscape. Perceptual and visual – everything I can see. It is actually made up of elements that belong together.

Jessie was the only respondent who defined landscape in purely visual terms as 'everything you can see'.

These definitions reflect an underlying objectivist paradigm of landscape. The objectivist paradigm assumes that landscape qualities and values reside in an independently observable landscape and thus are largely objective in nature and amenable to expert analysis. Swaffield noted in 1999 that many landscape architects in New Zealand worked under this paradigm resulting in a preponderance of purely expert assessments (Swaffield, 1999).

Cameron took a different approach to this. For him landscape is purely perceptual and comprises the aesthetic and other values which are attributed to an area of land by individuals and communities. The biophysical world is, in his view, the environment and the preserve of natural scientists. He did say, however, that landscape architects should be able to collate and synthesise such biophysical information. In a similar vein Jamie defined landscape by saying:

...to put it really simply it's the human perception of an area of land. It sounds pretty airy fairy but I think we come back to the fact that a landscape is a perceived thing. One of those buggers, I can't remember which one, said all landscapes are imaginary. And they are. Landscapes are just a thing that exists in your mind. If there were no humans there's be no landscapes. There'd be land.

Taylor eschewed offering a definition. She noted that the 'classic definition talks about patterns, processes and perceptions' but went on to say:

...I think that they are all wrapped up in it and trying to tease them all apart, you'd end up tying yourself in knots. So I think my experience has been that my energy is better spent trying to find a solution to whatever the problem is that brought me into it rather than the

intellectual exercise of defining it. I'm a practitioner rather than an intellectual, if you know what I mean.

Interestingly she was the only respondent who sought to define 'landscape' within any of the statements of evidence examined, and did so quoting an Environment Court decision (A18/2009)⁶:

As Judge Smith recently recorded, '...although the RMA does not specifically define landscape, it leads us to include both specific features of land and water, as physical objects which are to be qualitatively considered, and people's values and perceptions of landscape. This in turn indicates a strong cultural basis to the definition of landscape.' He went on to state: 'the landscape is not simply what is out there, the open space, reclamation, the coastline and harbour or townscape. It is not simply what people see (although it includes this) but is what people perceive it to be and how they value landscape. This in turn is influenced by people's relationship with the landscape: be it owner, leaseholder, resident, recreational user, or visitor.'

Landscape was seen by almost all respondents as having particular spatial qualities. Quinn described a landscape as an area with a definable set of characteristics and Lesley, similarly described it as being a cohesive area that has similar physical attributes, made up of elements which belong together. Most respondents considered landscapes to be areas of some size but this was contested by two who had quite different views. Jessie took the view that landscape is continuous and should only be broken down into landscape character areas which are the units which should be used in assessment. He described himself as 'vexed' that a particular Environment Court Judge consistently required landscape architects to define what the landscape is in any particular situation. Jessie discussed a decision of the Court in which it defined the minimum parameters of a landscape (C73/2003) and described its conclusion as 'absolutely ridiculous'. He also complained that if he complied with this Judge's requirement to define the boundaries of the landscape he was dealing with, '...then you get into an argument, well, you've incorrectly defined it because it's too small or the unit you've used is too big and it could be broken into smaller units'. Jessie considered that '...you can describe the landscape at almost any level that you like as long as you're clear what it is'. Lee considered that there can be huge differences in scale between one landscape and another and that landscapes and landscape features can both be addressed at all different scales. She noted, for example, that the Environment Court has determined the entire Marlborough Sounds to be a landscape feature, and that Banks Peninsula has been considered an outstanding natural feature within Canterbury.

An examination of the Long Bay – Okura Plan Change decision (A78/2008) indicates that the Environment Court supports a similar approach to landscape as is promoted by the

⁶ There are two systems of identifying Court decisions. The first is the correct legal form which is used for identifying cases which are reported in the law reports. The second is the form used here which is used for Environment Court Cases, many of which are not reported in the law reports. I will consistently use the latter system for Environment Court Cases whether or not they have been reported as it is simpler and consequently is the system most widely used within the landscape architecture and planning professions.

respondents⁷. This case related to a proposed plan change to enable the urbanisation of a tract of rural land north of Auckland. In Part 1 of the decision where the Court elucidates the facts of the case they discuss separately the geology, geomorphology and groundwater; ecosystems and terrestrial ecology; fresh water ecology; storm water and erosion; marine ecosystems; and the coastal environment; Once the biophysical aspects of the site were determined they then examined the history of Long Bay divided into historic heritage and 'Tangata Whenua values', and then the landscape, concluding with an examination of traffic and transportation.

The evidence heard by the Court relating to the 'environment' (as opposed to the landscape) was presented by a wide range of experts including geomorphologists, hydrologists, ecologists, and even a herpetologist. Landscape architects were heard with regard to the coastal environment and 'landscape' issues. An archaeologist, heritage experts and a representative of local iwi were heard with regard to heritage and 'Tangata Whenua' values and five landscape architects in regard to landscape issues, clearly identifying, if not the area of recognised expertise of these witnesses, then the areas which the Court, and others considered to be part of the expertise of other professions.

The Court begins their discussion of the facts of the case with the note that:

*'...some of the most contentious facts relate to the description of the environment **and** landscape of the LBSP area. For example, we may need to resolve disputes between witnesses over where any outstanding natural landscape begins or ends...'* (Emphasis mine) (A78/2008, Para 48, P 37)

Five landscape architects gave evidence and three are respondents in this study. A fourth gave extensive evidence which has not been examined for this study and a fifth provided a review of one of the other's evidence. In the ensuing discussion of these witnesses' evidence the Court made two particularly interesting comments. The landscape experts had agreed jointly that the features identified in a document, the North Shore City Significant Landscape Features Study, were indeed significant. The Court responded to this with the statement that:

While we agree with the descriptions in the North Shore City Significant Landscape Features Study, we draw attention to the fact that the study is about units - which are much too small to be landscapes so they are properly classified in the language of the RMA as features. (ibid, Para 131 P 76)

Further, of one landscape witness the Court said that he '...has not looked at the full picture and in particular, where the landscapes begin and end.' (Para 142 P 81) Both of these comments reinforce the observation discussed above that the Court has a view that a landscape entails boundaries and is larger than a feature and supports Jessie's experience of pressure to conform to this view.

⁷ This approach is widespread within the divisions of the Court and many decisions could have been used to illustrate this point. This one has been selected because three of the landscape architects who gave evidence to the Court are respondents in this study.

4.2 Outstandingness

As noted previously, the RMA91 requires as a matter of national importance that 'outstanding natural features and landscapes be protected from inappropriate subdivision, use and development' (Resource Management Act, 1991). Landscape architects are relied upon within landscape planning to determine which landscapes are outstanding and which are not. This concept of 'outstandingness' in relation to landscape is an artefact of the RMA91 having its origin in the legislation relating to water conservation orders (Dossier, Milne, Palmer, & Barton, 2005). The TCPA77 had allowed for 'The preservation or conservation of trees, bush, plants landscape, and areas of special amenity value' only (TCPA77 S36(5)(a)). It was this elevation of landscape to a matter of national importance that so excited the Landscape Architecture profession in the late 1980s and early 1990s in New Zealand. Thus the concept of 'outstanding natural landscape' has largely developed as a result of interactions between landscape architects, planners and the Environment Court. Therefore, it seems important to understand what landscape architects mean by 'outstanding' and how they determine it.

The majority of respondents (eight of the eleven) considered 'outstanding' to mean preeminent, extraordinary, top quality and several commented that it should be able to speak for itself. Several respondents referred to a quotation from a decision of the Court relating to the landscape categorisation of the Queenstown Lakes District where it stated that:

...ascertaining an area of outstanding natural landscape should not (normally) require experts. Usually an outstanding natural landscape should be so obvious (in general terms) that there is no need for expert analysis. (C180/99 Para 99, Pp 56-57)

This has been interpreted as meaning that they must entail a 'wow' factor and this has been commonly cited in statements of evidence to support the landscape architect's particular approach, showing the influence of the Court upon current practice.

A further issue is raised by the Court's argument that outstanding landscapes should be so obvious as to not require expert analysis. If Joe and Josephine Public are able to determine which are the outstanding landscapes of their district then this requires that people and communities are asked which of their landscapes are outstanding, acknowledging that the values which they may express in regard to their landscape are likely to be both aspects of aesthetic appreciation and aspects of habitation or attachment to place. Lesley and Taylor both considered that, at the local level at least, public preferences should be a part of determining outstandingness. Both justified this in terms of 'attachment to place', that is, that local knowledge, associations and relationships may make places special to those communities. There was, however, little evidence of the adoption of this approach within the research data, although stake-holder consultation and public surveys were used in the Banks Peninsula Landscape Study.

Cameron raised an objection to the idea of basing assessments of outstandingness on public survey (or similar). While it may be important to take public preferences into account he considers that it is still necessary to know not only what is preferred but also what is preferable and that the latter is the role of the expert. This he likened to the role of an art critic as opposed to someone who 'doesn't know anything about art but knows what they like' and referred directly to landscape aesthetics as being the core competency of the Landscape Architect.

Another perspective on the idea that what is preferred might not be preferable was presented by Quinn. Quinn raised this issue when considering that the current landscape management regime of the RMA was unhelpful in the restoration of degraded landscapes. We know that ecologically healthy systems, for example, are often messy and not considered desirable by those who are not cognisant of their environmental value (Egoz, 2002; Nassauer, 1995b). Similarly, we know that what is preferred from an aesthetic point of view, is often not ecologically desirable (Nassauer, 1995a). It seems that there is a need to co-ordinate the various types of value and that this should be, as suggested by Cameron, the role of the landscape architect. That is, to be able to pull together the threads of understanding about the processes which are occurring within a landscape which includes land management practices; natural processes; and social values.

Pat and Quinn expressed difficulty with the very concept of 'outstandingness' as well as with its application. Quinn complained that in most instances the assessment of outstandingness was done on the basis of visual aesthetics only and paid scant regard to the ecological health or integrity of the landscape. He said:

A lot of those landscapes are so degraded they're simply not functioning anymore. Poor water quality. Lack of biodiversity. Eroding slopes. Loss of topsoil. You name it, I could go on and on...We can't just be scenic.

Pat complained that he found the term 'outstanding' difficult and talked about the pre RMA days:

In days gone by, often someone had done a broad study of an area, Ministry of Works often, and they would determine landscapes in terms of rarity, sensitivity, vulnerability, harmony, coherency, those sort of factors, and then it would come up with an analysis of what each landscape unit was like and I think that was quite a good way...it was something to work from.

He continued:

It also depends on the judge, whether he's green or pro-green or pro-development and it's still left to a person's decision making even though he's got case history.

This issue was raised by Jessie with regard to classifications in Regional and District Plans being always open for challenge. The case of Project Hayes was raised, where four landscape architects determined the receiving environment was not an Outstanding Natural Landscape (a conclusion incorporated into the relevant District Plan) but a fifth determined

that it was⁸. It was with the fifth landscape architect with whom the Court agreed. As Pat noted, 'Where does that leave the developer? There's just nothing definitive'.

An issue of concern raised by Taylor, Cameron and Jessie was that they see that there is a tendency to argue that a landscape is outstanding in order to gain some legal protection for it or to stymie a development project considered inappropriate. As Cameron said, quoting Abraham Maslow, 'It is tempting, if the only tool you have is a hammer, to treat everything as if it were a nail.'

4.3 Naturalness

The concept of 'naturalness', as with 'landscape' is one of those concepts that on closer examination proves to be extremely fuzzy in meaning. Sorvig (2002), a landscape architecture academic, has found there to be some sixteen different definitions of 'nature' in common usage and some seven different definitions of 'natural'. These, particularly when in used in conjunction with eleven different meanings of 'culture', cause much confusion within writings on landscape, he argues.

Naturalness is widely seen by the respondents as something which occurs at some point along a continuum from pristine to urban. As noted by Sorvig (2002, p. 1), 'Splitting Nature from Culture is an ancient habit of the 'Western' or 'European' mind.'. That it is portrayed as a continuum is simply down to the relative combinations of these two, discrete, ingredients. While Quinn and Taylor commented that humans were a part of nature, neither resolved the question of what this meant in terms of a 'natural' landscape, although Quinn did state that it was possible, through development, to increase the naturalness of a landscape by enhancing ecosystem functioning, for example. In its most simple form the continuum concept simply relates to the degree of modification which a landscape has been subjected to. At a more complex level it refers to the extent to which natural patterns and processes predominate and while this ties strongly into ideas of indigeneity, it is not exclusively interpreted in this manner as the wilding spread of trees and shrubs may contribute to 'naturalness' as they evince natural processes.

The Harrison case (W43/1993) was commonly referred to in discussions about naturalness in the statements of evidence. In that case the Court stated:

The word "natural" does not necessarily equate with the word "pristine" except in so far as landscape in a pristine state is probably rarer and of more value than landscape in a natural state. The word "natural" is a word indicating a product of nature and can include such things as pasture, exotic tree species (pine), wildlife ... and many other things of that ilk as opposed to manmade structures, roads, machinery. (W43/1993. P5)

⁸ Project Hayes was a proposal to establish a wind farm comprising 176 turbines each 160m high covering an area of 92 square kilometres within the Central Otago District.

This definition fits within the continuum concept of 'natural'. The determination of the degree of 'naturalness' of a landscape is a matter of objective assessment by the landscape architect, the counting and tallying of types of features. The inclusion in the Harrison definition of 'pasture, exotic tree species (pine), wildlife both wild and domestic, and many other things of that ilk', however, includes too much of the cultural for most of the respondents to feel comfortable with. Most required evidence of some sort of natural processes as well as natural objects in order to determine that the landscape is 'natural'.

Cameron has the most structured approach to this idea of a continuum of naturalness which he presented in the following Table 3. In his opinion this offers an objective means of assessing the degree of naturalness of landscapes and he considers that any of those shaded would be of sufficient naturalness to also be assessed as outstanding, or in his words, 'natural enough for section 6(b)'. It is also the case, however, that both 'outstanding' and 'natural' are adjectives modifying the noun 'landscape' in the Act and so it is arguable that the degree of naturalness of a landscape may be quite low but its degree of outstandingness very high. As Lee noted, the Environment court had determined the Long Bay Regional Park to be an outstanding natural landscape 'but it's entirely pasture'.

| Very High | High | High-Mod | Mod | Mod-Low | Low | Very Low |
|--|--|--|---|---|--|---|
| Habitats approaching pristine state – little or no human modifications to ecosystems; old growth forest; unburnt, ungrazed tussock grassland, rivers, water bodies and wetlands in unmodified state. | Forest or vegetation communities with species & structure typical of the site but with obvious modification; limited harvesting or grazing; extensive pastoral farming on natural tussock grasslands; Second growth indigenous forest. | Pastoral farmland with mix of exotic and indigenous grasses; remnant or regrowth indigenous plants (manuka) or extensive colonising exotics, eg gorse on abandoned grazing land; mature exotic forests showing indigenous understorey. | Extensively grazed, improved pasture, predominantly exotic; some degradation may be evident; farmland colonised by wilding species & woody weeds; grazed woodlots, agro-forestry. | Intensive grazing, exotic pasture, subject to irrigation, fertilizer, lime, pesticides, drainage, shelterbelts; selection of species in terms of grazing potential (ie clover/ ryegrass); extensive arable land; heavily degraded extensive pasture | Peri-urban landscapes; intensive horticultural production Regular cultivation, intensively cropped for annual/ perennial agricultural or horticultural crops e.g. orchards, vineyards, market gardening; drainage, irrigation, heavy use of fertiliser & pesticides, shelterbelts. | Urban-suburban landscapes, e.g., urban parkland, public gardens; greenways, green open space; street trees; domestic gardens. |

Table 4: Cameron's natural – cultural continuum.

A number of respondents (Rowan, Quinn, Cameron, Bailey) considered that there were two aspects to 'naturalness', the objective and the perceived. Objective naturalness is the sphere of science, the biophysical environment, the value of which needs to be assessed by appropriate experts. These would include geologists, geomorphologists, ecologists and so on, although Cameron did consider that landscape architects should be able to collate and

synthesise this type of data to inform their assessments. Bailey noted that a house in bush is probably more 'natural' in a biophysical sense than an agricultural landscape without a house. In the first instance natural processes are able to function and the dwelling is the only intrusion. In the second instance the agricultural landscape requires constant human intervention to manage it, but without a dwelling it would, she said, often be considered more natural. As Pfluger *et al* (2010) found in their study of perceptions of river flow, the public is not very adept at distinguishing exotic from indigenous vegetation and so might ascribe high natural character to a river infested with gorse for example, the latter being, arguably, perceptual naturalness. However, this distinction between objective and perceptual naturalness can become blurred. Quinn also noted that human intervention can actually 'increase and enhance naturalness' by processes such as revegetation. He noted:

Some of the very early work that we did in the Works around some of the dams, you wouldn't know we'd actually been there because the vegetation that we planted has probably long since disappeared and a whole lot of regenerative cycles actually happened...now it's quite different to what we designed and implemented.

This split into objective and perceived nature is interesting given Sorvig's (2002, p. 3) observation that landscape architecture '...gets half its nature / culture definitions from the arts and half from the sciences'. It also strongly indicates that the objectivist paradigm of landscape underlies these respondents' views.

The Court entered into something of a discussion of the meaning of 'naturalness' in the Long Bay decision (A78/2008), in part in response to differing conceptions of 'naturalness' presented by the landscape witnesses. They referred to the research of Professor Simon Swaffield and Doctor John Fairweather at Lincoln University which had been raised in the evidence. The Court noted that two types of 'nature' were consistently identified in this research, that of 'wild nature' and that of 'cultured nature' (Fairweather *et al* 2000, pp. 55-56). The Court noted that the concept of cultured nature accorded closely with the description given by the Court in *Harrison vs Tasman District Council* quoted above (W43/1993). The Court went on to note that 'wild nature'...is strongly correlated with the native endemic character of landscape scenes and the predominance of natural elements and patterns within them (*ibid*, Para 134, P 77). They concluded that, 'We consider that research is consistent with the discussion of naturalness in landscapes in the cases'. They continued to then refer to another landscape case (C180/99) and note that the Court set out a list of the criteria of 'naturalness' in that decision. These were:

- *the physical landform and relief*
- *the landscape being uncluttered by structures and/or obvious human influence*
- *the presence of water (lakes, rivers, sea)*
- *the vegetation (especially native vegetation) and other ecological patterns.* (C180/99, Para 89, P 51)

They note that they consider these should be modified and provide the following list:

- *relatively unmodified and legible physical landform and relief;*

- *the landscape being uncluttered by structures and/or obvious human influence;*
 - *the presence of water (lake, river, sea);*
 - *the presence of vegetation (especially native vegetation) and other ecological patterns.*
- (A78/2008, Para 135, P78)

This is what most of the respondents would identify as perceptual naturalness and would consider should not be given precedence over 'objective' naturalness.

It is the case that the conception of naturalness as being indicated by relief, water, tall and apparently unmanaged vegetation, organic patterns and an absence of man-made structures is interesting in that it is a clear expression of the picturesque aesthetic. The picturesque aesthetic developed in England in the eighteenth century and arose from an appreciation of the landscape paintings of Claude Lorraine and Nicolas Poussin, in particular. It is based on the idea that the landscape (originally the designed landscape but more latterly the natural landscape as well) is best appreciated as a series of scenes, and that there are compositional rules which determine the quality of those scenes. This aesthetic has been the focus of many scholarly works and its influence on the landscape architecture profession (Bowring, 1997) and on the practice of landscape planning in New Zealand (Read, 2005) have been identified previously. The work of Fairweather and Swaffield shows clearly that this aesthetic also underlies the landscape appreciation of members of the general public. What this indicates is that the elision between the concept of nature and the assessment of its quality, as discussed in the previous section, is central within this conception of nature. The picturesque aesthetic is notable in the landscape protection rules in a number of district plans in this country (for example, Queenstown Lakes District Council and Dunedin City Council) with the consequence that human habitation of the landscape is considered best hidden from view. While this provides evidence that these plans reflect community (aesthetic) values it is important to note that while this remains the dominant aesthetic it is not the only aesthetic. Further, it is the case that the picturesque aesthetic and growing concern for environmental sustainability (arguably enshrined within the RMA91) are beginning to result in conflict. On a broad scale this is evidenced by arguments over wind farm developments and on the management of wilding conifers, the former seen to harm the picturesque landscape, the latter, by some, to enhance it. On a more localised scale it arises regarding the (perceived adverse) visual effects of solar water heaters and photovoltaic cells⁹.

The emphasis placed on objective naturalness by the respondents and on determining an adequate level of it for a landscape to be determined an 'outstanding natural landscape' is interesting. There is a clear leaning in the data to seeing 'pristine nature' at the end of the spectrum most deserving of protection, that is, most likely to be found to be also

⁹ In the Queenstown Lakes District the installation of solar water heaters and photovoltaic cells on existing dwellings in the rural areas is considered to be altering the external appearance of the dwelling and requires a resource consent.

outstanding. Given that our most 'pristine' landscapes are already within the protection of our National Parks system, I have to question if protecting more such landscape outside of these parks was actually the intention of the drafters of the Act¹⁰. The fact that the Act also provides for 'the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna' (RMA91, S6) as a matter of national importance', supports this argument. It is my opinion that the emphasis placed on the naturalness or otherwise of landscapes by the respondents is largely a reflection of their training in natural sciences and of the leaning within the profession towards an objectivist paradigm of landscape. I will discuss this further below.

4.4 Outstanding natural landscapes – a discussion

It is clear that despite there being no singular or agreed definition of 'landscape' in use within the landscape architecture profession there was remarkably little conflict evident within the profession in regard to this concept in the research data. I say 'remarkably little' given that my own experience suggests the actual level of agreement is not high. It is interesting to speculate how much this is due to the slippery nature of the concept and I shall discuss this further. At this point, however, it is salient to note that the point of conflict between the respondents and the Court in regard to the concept of landscape was limited to the requirement by the Court to determine the size and boundaries of a landscape. These concepts are clearly interlinked: if something has no boundaries, size becomes indeterminate. It would seem that the Act necessitates the imposition of boundaries. If one category of landscape attracts different legislative requirements than another, there must be a way of determining one from the other and therefore a boundary between the two is necessary. A closer theoretical examination of the concept of 'landscape' helps to explain the tension surrounding this requirement for boundaries.

Part of the 'slipperiness' of the concept of landscape has been shown by Olwig (2002) to be the result of its origins. The English concept of landscape arises from two separate but related concepts, that of landskip and landschaft. Landskip is landscape as space and scenery. Landschaft is landscape as place and polity. Boundaries are an essential part of landschaft. You are either in this place or that place. You cannot be in no place. While boundaries may be identified within landskip, they tend to be fluid and to change with perspective. They are not a necessary part of landskip. The resistance shown to the determination of landscape boundaries indicates a leaning towards an emphasis on landskip. The requirement of the Act to determine boundaries, on the other hand, indicates a leaning towards an emphasis on landschaft. That the subsequent tension was identified most vigorously by Jessie who was the only respondent to define 'landscape' in purely visual terms supports this argument.

¹⁰ I am using inverted commas to indicate that I consider the concept of 'pristineness' to be highly contentious. However, I do not consider that this is an appropriate place to enter into discussions about this.

It was with regard to 'outstandingness' and 'naturalness' that the most tension and conflict, both within the profession and between the profession and the Court were evident. In terms of defining the concept of 'outstandingness' the profession had, in the main, taken its lead from the Court with most practitioners considering that it should mean preeminent or extraordinary. Tension arose regarding the methods by which 'outstanding' should be assessed and determined and also by some who questioned if the protection of outstandingness was actually an appropriate landscape management outcome. I shall examine each of these issues in turn.

The tensions internal to the profession regarding the assessment of outstanding natural landscapes related primarily to the degree to which such an assessment should be the realm of the professional or should be shared, or possibly overruled, by the voice of the community. This again reflects the distinction in emphasis between landskip and landschaft discussed above. Landskip, landscape as scenery, is amenable to expert analysis and assessment. Landschaft, landscape as place, is imbued with qualities only accessible to those with a relationship to that place and can only be assessed by reference to those communities.

Varying conceptions of what 'naturalness' means in relation to S6(b) of the RMA91 mean that there is tension both within the profession and within the Court in this regard. Another conceptual distinction is also helpful in analysing this tension. I have identified the objectivist paradigm of landscape. It can be seen in references to the objective nature of the natural science factors of landscape. It is probably most strongly demonstrated by the use of the idea of there being perceptual aspects of landscape in contrast to 'objective' aspects. That is, the idea that there is an objective landscape which is then perceived by people (the perceptual landscape) not only means that the objective landscape is amenable to expert analysis but also means that other perceptions of landscape may be wrong or mistaken.

The concept of the perceptual landscape arises from the work of environmental psychologists, principle amongst them Rachel and Stephen Kaplan, and British geographer, Jay Appleton¹¹. These theorists basically posit that there are certain landscape preferences hardwired into all humans as a result of our evolutionary development. While I am not cognisant of studies which explicitly refute these theories there is much general evidence which does do so. Seilin (2003, p. xix) for example, states:

Ideas about land and nature are central to every culture. There are no universals regarding what it means to live in your environment. Environmental knowledge and accompanying practices in all societies are closely associated with other widely held values about how people understand the world and their place in it. Even though these values change with new

¹¹ See, for example, 'With people in mind : design and management of everyday nature' (Kaplan, Kaplan, & Ryan, 1998) and 'The Experience of Landscape' (Appleton, 1996).

knowledge and new technologies, we can still speak with confidence about culturally specific systems.

Stoffel *et al* (2003, p. 99) discuss this in terms of 'cultural landscapes' saying:

The concept of cultural landscape derives from the notion that the land exists in the mind of a people and that their imagery or knowledge of the land is both shared among them and transferred over generations. All human groups develop and come to share cultural landscapes. The concept implies that many cultural groups (ethnic groups) can hold different, even conflicting, images of the same land.

A more prosaic example is to be found in Barton's dissertation on the law to do with outstanding landscapes in New Zealand. He relates having a student from Ghana tell him that while he understood the RMA law on amenity, he struggled with it because the concept was completely unknown to him. '...back home people had no such notion; homeowners did not value views, quiet streets or the like; the only thing they might be concerned about, he said, was living near a graveyard' (Dosser *et al.*, 2005, p. 69).

This discussion should make clear that there is an alternative to the objectivist paradigm of landscape, that of a subjectivist or cultural paradigm. The idea that the qualities and values of landscape are located within the human groups inhabiting them the defining feature of this paradigm. Even the supposedly objective features of landscape: the geomorphology, ecology and so on, are recognised as cultural frameworks no less than mythology or aesthetic preference.

The Court has provided decisions about 'naturalness' which reflect both the objectivist paradigm of landscape and the subjectivist or cultural paradigm. The Harrison decision (W43/1993) regarding the definition of the word 'natural' and discussed in Chapter 4 was based on an objectivist paradigm, naturalness being determined by a tally of the natural and cultural elements in a landscape. The Long Bay decision on the other hand, also discussed in Chapter 4, determined naturalness in terms of the results of empirical research into community perceptions and is based on a cultural paradigm. At the same time the predominance of the objectivist paradigm of landscape within the profession means that there is conflict between those few practitioners who do work from a cultural paradigm and the majority, as well as between landscape architects and the Court.

4.5 Conclusion

The dominant understanding of 'landscape' among the landscape architects interviewed is that it has a biophysical aspect with a cultural overlay. This cultural overlay is largely seen in terms of physical modifications to what would otherwise be a 'natural' landscape. This combination of factors is then 'perceived' by individuals resulting in a 'perceptual' landscape. A 'cultural landscape' is either one that is significantly modified or refers narrowly to the landscape values of the Tangata Whenua. These factors reflect an objectivist paradigm of

landscape. That landscapes are of particular scale and the requirement that they should have boundaries, were clear directions from the Environment Court which were met with varying degrees of acceptance or resistance from the respondents.

Outstandingness is considered by most to be a matter of pre-eminence, a definition taken from an Environment Court decision. While several respondents felt that outstandingness should be something obvious to anyone, others thought that biophysical factors and other less accessible criteria should be considered. Outstandingness was seen by most to be a matter to be determined on a District wide basis but the implications of this were not examined. This was also a direction taken from an Environment Court decision.

Naturalness is seen by most respondents to be an absence of human intervention, but more subtly by some to be the dominance of natural processes. An alternative thread, however, is that which has been identified in research and adopted by the Court but which is described by respondents as 'perceptual' naturalness. The process of this adoption by the Court is clearly an iterative process where an idea has been presented to the Court and adopted and adapted by it. It is clear from this discussion that the Environment Court has had an influence on even these central concepts. The next chapter will focus on the processes of landscape assessment and determine whether or not this influence has extended into the profession's practices.

Chapter 5: Analysis – Landscape Assessment Practice

5.0 Introduction

The previous chapter examined some of the key concepts that the respondents use in their work and illustrated that the Environment Court has had a degree of influence even at this level. This chapter examines how these concepts are applied and investigated within the professional realm through the process of landscape assessment from the perspective of the respondents. Landscape assessment is a key activity in which the professional knowledge and skills are brought to bear on real world locations and issues, and is the central focus of this study. Methods and analytical frameworks used in assessments are examined and influences on their use elucidated, in particular the influence of the Environment Court.

5.1 Training in landscape assessment

Training in landscape assessment, at least at Lincoln University where most of the respondents qualified, appears to have increased in scope and focus over the years. Pat, Quinn, Lee, Cameron and Jessie all qualified as landscape architects from Lincoln College (as it then was) in the early 1970s. Four of the five remembered specific training in landscape assessment and three specifically mentioned that McHarg's 'Design With Nature' formed the foundation of this training with Quinn commenting that the approach:

...wasn't so visually oriented in those days. It was much more about land and we were trying to get an understanding of the interaction between biophysical elements of the landscape and how human culture and what we do as an activity actually interacts with those elements in a comprehensive way so it was quite ecologically driven.

'Design With Nature', first published in 1969, was a seminal text in Landscape Architecture for many years and has been described as a 'classic environmental planning book' (LaGro, 1996). McHarg was concerned to promote an ecological basis for both landscape design and landscape planning. He considered that 'ecology provides the single indispensable basis for landscape architecture and regional planning.' (McHarg, 1967, p. 105) ¹²

The early Lincoln cohort all went on to start their careers within the public service. They assessed the usefulness of their academic study of landscape architecture variously. While the Ministry of Works developed its own landscape assessment method called 'VamPlan' none of the respondents who went to the Ministry were involved in either its development or its use. Both of them commented that the VamPlan system emphasised the visual whereas both of them considered that the scientific or biophysical aspects of landscape were more

¹² It is interesting to note that the Banks Peninsula Landscape Study completed in May 2007 by Boffa Miskell Limited applied a strongly McHargian approach to the analysis of the landscape using GIS as a contemporary method to generate layers of information.

important and continue to do so to this day, perhaps reflecting their McHargian training. Cameron, who went to work for the Lands and Survey Department (part of which was to become the Department of Conservation in the later 1980s), described his Lincoln training as 'very rudimentary'. This he realised when his first task in his new job was to do the landscape element of a multidisciplinary study of South Westland. He said of this experience:

I really had to start again from scratch just to find out how to do it. I really didn't have anything from Lincoln that I could rely on as a basis'

The other respondent, Jessie, who did not recall having received any training in landscape assessment at Lincoln had a similar experience, basing his work on his reading of British books on landuse planning, however, he conceded that he must have got some of his ideas from Lincoln as well.

When Rowan studied at Lincoln in the early 1980s he received a grounding in landscape assessment based upon studies of landscape perception. He wrote his dissertation for his diploma on environmental impact assessment. This formed what he described as a 'good foundation for his own research'. Drew studied in the later 1980s and recalled that the training was 'quite brief – one paper I think'. He considered that his landscape assessment skills were really 'just something you pick up along the way'. By the time Jamie was studying at Lincoln in the late 1990s the course had expanded to a paper in landscape perception and another in landscape assessment. He considered it to be a 'pretty good broad overview' and considered it 'quite relevant' to his actual work in landscape assessment.

Of the three overseas graduates, one received no training in landscape assessment and the other two received extensive training. The respondent who claimed no training ('they hadn't invented it then' Taylor said) did recall having training in landscape character assessment. This she noted was part of a very design oriented course and that the training was to ensure that a design was appropriate for its context. Lesley, the Hanover graduate who completed his training in 1992, had extensive training in a range of supporting subjects including: ecology; geomorphology; landscape aesthetics and their evaluation; heritage; and the relevant statutory requirements. He noted that his training gave him a strong focus on both inherent landscape qualities (from which I understand him to mean biophysical aspects) and cultural values. Consequently, while he considered that the underlying principles of landscape assessment in New Zealand were similar he was struck by the emphasis on visual assessment which he found in this country. Bailey, who completed her first degree at BOKU¹³ in 2001 and her second at Lincoln in 2006, also had extensive training in a range of natural science and planning subjects in addition to landscape design. She considered that while the assessment you might do in Austria would be similar to that in New Zealand it

¹³ Universität für Bodenkultur Wien

would be less structured by specific criteria. She considered that landscape assessment in New Zealand was more of a 'tick box' exercise.

5.2 Current practice

Landscape architects undertaking landscape planning roles may work as sole practitioners, in small and large companies, and for district and city councils. All but one of the respondents in this study works either as a sole practitioner or as the principal of their own, small to medium, landscape architecture or landscape planning firm¹⁴. The other respondent works for a large multidisciplinary firm which has a number of offices nationwide. Within the type of landscape assessment projects which are the focus of this study, relating to district plan changes or establishment, this makes but a small difference. Specialist input (such as ecological surveys) will be undertaken in-house in the case of a large firm, or by a consultant either employed by the landscape architect or, more likely, by the client. This may mean that there is a greater level of integration possible in a large firm but in my opinion the effect of this would be mainly related to economic efficiency.

A further difference exists between the sole practitioners and those with staff. Sole practitioners will generally do all of the assessment work themselves but may subcontract for specialist input such as the development of photo-simulations. On the other hand, it is common practice for medium and large firms to employ a landscape architect to undertake landscape assessment work specifically, or to include it as part of the work of some of their staff. It is usual, however, for this work to be done in the name of the principal and it would be the principal who would provide any evidence presented to the Environment Court in these cases. In either case the methods of assessment and the frameworks for their presentation will generally be under the control of the principal.

For most respondents developing a method of landscape assessment has been the result of practical experience. Most had fairly similar ideas as to what 'good practice' now constitutes, however. Drew considered there were two crucial aspects to a robust and reliable landscape assessment. These he talked about in relation to providing evidence to the Environment Court. These were, firstly, that one must know the site, the landscape and the proposal thoroughly. He related that he had seen some landscape witnesses 'get caught' because their background research had been done by assistants and they were insufficiently familiar with the site themselves. Secondly he considered that it was important to be balanced and to consider all aspects including those not favourable to the client and not to be an advocate for a particular position. He noted that it was necessary in this regard to bear in mind 'your first duty is to the Court'.

¹⁴ Here I am considering 'small to medium' to refer to businesses with two or more landscape architects but with no more than one office.

Taylor discussed the changes in her approach over time. She had in the past undertaken a commonly used strategy of attributing numerical values to various aspects of landscape. As she explained it:

One of the things we did with our scoring was to score a whole series of things and then take an average and then score more things and take an average and another series, three different sets of things, each of which got an average score and then we found the average for the averages which gave you your score at the end.

A problem arose during an Environment Court hearing of a case where an aspect scored a 0 which, once averaged out, would have led to a 0 for an entire category. She further related that she had determined from discussions with a mathematician that averaging averages has the effect of dramatically reducing the chances of having an extreme score, meaning in terms of landscape, that they would skew scores against identifying outstanding landscapes. She concluded that:

...what we're really dealing with is the identification and appropriate protection of landscapes and we don't want to get hung up on numbers and argue about numbers.

The approach of attributing numerical scores to aspects of landscape in order to determine levels of outstandingness remains a common practice¹⁵. This use of numbers is interesting. It is quite clear from the discussion above that any arithmetic manipulation of such numbers is untenable. Effectively these numerical scores are no different to using a hierarchy of verbal descriptors giving support to Porter's assertion that 'Quantification is a way of making decisions without seeming to decide.' He goes on to say:

In public...expertise has more and more become inseparable from objectivity...In public affairs, reliance on nothing more than seasoned judgement seems undemocratic, unless that judgement comes from a distinguished commission that can be interpreted as giving representation to the various interests. Ideally, expertise should be mechanized and objectified. It should be grounded in specific techniques sanctioned by a body of specialists. Then mere judgement, with all its gaps and idiosyncrasies, seems almost to disappear.

It appears to me that the practice of attributing numerical scores is driven by a desire to appear 'objective' and reflects a desire to depersonalise the act of judgement.

The issue of involving the public in the assessment of landscape value was raised by several respondents (Lesley, Rowan, Jamie, Quinn, Lee and Taylor) and some of the theoretical aspects of this were discussed in the previous chapter. The actual form this involvement might take varied. Rowan saw public participation providing a foundation for assessing landscape. That is, public preference surveys and other research were seen by him, and indeed used by him, as a basis upon which he undertook his assessment work. He was clear, however, that this formed 'background' research and that the act of interpreting which landscapes were outstanding, for example, was the sphere of the expert and 'has to be undertaken on the ground'. Jamie considered that the naturalness of landscapes should

¹⁵ See for example the Central Otago District Rural Review Landscape Assessment undertaken by the landscape architecture firm LA4 in 2007.

be assessed in terms of their 'objective' biophysical characteristics. Outstandingness and significance, on the other hand, are human values which, in his view, means that:

...to find out what is outstanding you have to talk to people. You can't look at a landscape and find that out. You can sort of guess, because you are a person after all. You know what you think is outstanding. I really think you have to survey communities.

This view was echoed by Taylor who considered that public input into the process of landscape assessment was desirable but that it was 'difficult, time consuming and expensive' and 'a heck of a challenge' for small councils. As a result little has been done in this country. The large regional landscape study which Bailey was involved in was multidisciplinary and included stakeholder consultation and did include public preference surveys. This type of research is probably beyond the resources and competency of most landscape architects. I note that a number of regional councils have, in recent years, commissioned such studies alongside the landscape assessment and this seems to provide a possible model for this type of approach.

While not specifically referring to 'asking people' Lesley considered that the assessment of outstandingness should be a measure of the value of a landscape to those who identify closely with it. Quinn had a slightly different take again, considering that landscape architects should be working with communities to determine landscape value using a community development approach. He also said that he resisted the requirement to evaluate landscapes preferring, instead, that landscapes be characterised and then opportunities to improve their health and function to be explored. He said:

I think what we're actually doing is we're making interpretive and evaluative decisions about landscapes too early in the piece before we really understand the fundamental and factual interactions of what's going on.

Lee also considered working with communities was an important aspect of assessment but also referred to using art and literature as evidence of community values.

Pat and Quinn both discussed the role of design in landscape assessment. Pat saw himself as a designer whose involvement in landscape planning arose from this role. He considered his goal was to integrate development into the landscape, 'Trying to make it as sensitive as possible. Trying to bring back native vegetation where possible.' His work was...

...a design exercise basically, whether they're a subdivision or tourist resort or whatever. Unless you're in a special zone where you can do anything you like, and there's few of those, therefore I've got into that position.

Quinn saw the role of the landscape architect in landscape planning as, ideally, designing broad scale landscapes. He qualified this by saying:

It doesn't matter what scale we're dealing with, we're actually involved in the act of design. We're actually trying to put those elements back together in some functional way, so that's looking after soils and water and bush, integrated areas...

Drew commented that he believed that the fact that landscape architecture was a design profession was at the heart of disagreements between members of the profession. He noted that designers think their own design is the best and that ‘...in preparing evidence in a way you’re promoting a preferred landscape design’. Quinn echoed this saying, ‘Crazy bloody designers. Always think we’re right!’

Differing opinions were expressed as to changes in the standard of landscape assessment through time. Quinn considered that many of the assessments done in the past, particularly regional studies, were still ‘not a long way off the mark’. This he put down to ‘some sort of consistency which has traced through the methodology and the interpretation over time’. Others considered that the standard of assessment had improved. Lesley and Jamie both considered that this improvement was a result of the involvement of landscape architects in the Environment Court process. Lesley considered that evidence had got more thorough over time, and he also considered that the Code of Conduct for Expert Witnesses, which is a part of the Consolidated Practice Note issued by the Court, had increased the importance of the contribution of landscape architects. Jamie considered this improvement was in part because what landscape architects do has been tested through the legal system over the last ten years, but not just within the Court. He said:

I’ve had ten years longer of lawyers saying to me, well what the hell do you mean by that sentence? Ten years of that and you learn to do it better.’

When asked how much of this was to do with communication he said that a lot of it was, and to do with terminology. ‘If we could just work towards a defined list of terms I think it would take us miles ahead,’ he said. This has been addressed by the NZILA’s Best Practice Note on Landscape Assessment and Sustainable Management which includes a glossary of terms.

The respondents discussed a number of external influences, resources, opportunities and constraints on their assessment practice. The primary one of these was, unsurprisingly, the Resource Management Act and the Regional and District Plans prepared under its auspices. Lee enthused that the RMA91 had forced a level of analysis into the landscape planning process which had previously been absent. Pat grumbled about being ‘stuck with the concept of outstandingness’ in Section 6(b) of the RMA, considering that the approach of the Ministry of Works under the Town and Country Planning Act was preferable. He did also say, however:

The RMA’s opened up a whole new realm for landscape architects. It’s been great for the profession and as a result we’ve gone more into the planning realm than to the design. It has opened up avenues for us to have greater input into developments so I think that’s a plus so it’s not all bad.

Quinn complained that too much emphasis gets placed on Section 6 of the Act. ‘Always in my evidence I put the priority and the primacy on Section 5. It’s got to be the sustainability model,’ he said.

5.3 Pigeon Bay factors and assessing outstanding natural landscapes

Eight of the eleven respondents specifically mentioned the 'Pigeon Bay' factors in interviews in relation to their practice of the assessment of outstandingness. These factors were initially proposed as perspectives for assessing 'outstandingness' by landscape architects. They have since become modified and institutionalised through the interactions between the profession and the Environment Court and a genealogical analysis of this process is informative.

The original factors were proposed within the original Canterbury Regional Landscape Study of 1993. They were proposed in that document as follows:

1. *Natural Science. Natural science features and landscapes of at least regional importance for reasons of the rarity or representativeness of their particular landform and landcover. A natural feature may be a landscape feature or an element/component of the landscape. Under S6(b) geology and soils are elements of particular focus as flora and fauna values are considered elsewhere in the Act.*
2. *Legibility. The landscape (or natural feature) of regional significance should clearly express past natural or cultural processes. Some may have strong historical connotations with a distinctive sense of place.*
3. *Transient. The natural feature or landscape of regional significance providing predictable or regular experience of dimensions of nature other than landform or landcover, e.g., concentrations of wildlife.*
4. *Aesthetic. Landscapes (and natural features, where applicable) that are of high aesthetic value determined on how memorable they are, on their naturalness, on their composition (coherence) and on other important aesthetic factors.*
5. *Shared and Recognised. There should be a substantial measure of agreement between professional and public opinion as to the value of natural features and landscapes, for example as reflected through writings and paintings or through favourite locations to visit. The presence of existing protected sites is also likely to reflect shared and recognised values.*
6. *Tangata Whenua. The natural feature of landscape identified as having particular regional importance to Tangata Whenua. (Boffa Miskell Ltd and Lucas Associates, 1993, p. 28)*

The name 'Pigeon Bay' comes from the use and adoption of these factors by the Court in a case relating to an application to establish a marine farm within Pigeon Bay on Banks Peninsula. In that case the Court enumerated aspects relevant to the assessment of the significance of a landscape:

- (a) *the natural science factors - the geological, topographical and dynamic aspects of the landscape;*
- (b) *its aesthetic values including memorability and naturalness;*

- (c) *its expressiveness - how obviously the landscape demonstrates the formative processes leading to it;*
- (d) *transient values - occasional presence of wildlife; or its values at certain times of the day or of the year;*
- (e) *whether the values are shared and recognised;*
- (f) *its value to tangata whenua;*
- (g) *its historical associations.* (C32/99, Para 56, P 30.)

The Court discussed these noting that (a) to (d) inclusive were from the Canterbury Regional Policy Statement; that (e) and (f) were from evidence provided to it in this case; and that the Court had added (g) following from *NZ Marine Hatcheries Ltd v Marlborough District Council* W129/97 and W46/98. They stressed the subjectivity of these aspects and that there tended to be overlap between them. It is interesting to note the discussion under point 1 in the original document included soils as an element of particular focus under natural science factors. As the Pigeon Bay case was about an aquaculture application, soils were not relevant and were dropped. They have never been reincorporated. It is also interesting to note that in abbreviating these factors much of both the expBaileytory detail and the evaluative language has been removed.

In its C180/99 decision the Environment Court revisited these issues. Following a discussion of evidence relating to them the Court stated:

*...we have no reason to change the criteria stated in **Pigeon Bay** in any major way. We list them here for three reasons: first, in (a) to add 'ecological' components and to delete 'aspects' and substitute 'components', and secondly to correct the grammar in (c) and (d); and thirdly in (c) to give an alternative for 'expressiveness'. The corrected list of aspects or criteria for assessing a landscape includes:*

- (a) *the natural science factors - the geological, topographical, ecological and dynamic components of the landscape;*
- (b) *its aesthetic values including memorability and naturalness;*
- (c) *its expressiveness (legibility): how obviously the landscape demonstrates the formative processes leading to it;*
- (d) *transient values: occasional presence of wildlife; or its values at certain times of the day or of the year;*
- (e) *whether the values are shared and recognised;*
- (f) *its value to tangata whenua;*
- (g) *its historical associations.* (C180/99, Para 80 P86)

This list has come to be known as 'the modified Pigeon Bay criteria'. It is also interesting to note that in their original form they specifically excluded flora and fauna (ecology), as they are covered elsewhere in the Act, but here they are specifically reintroduced.

Subsequent to this C180/99 decision these 'aspects or criteria' have been included within a number of planning documents. Within the Queenstown Lakes District Plan they are included in S5.4.2.1 where the application of them is required as a part of the analysis of the site and surrounding landscape within any landscape assessment. They are slightly

modified in that the requirement that the values of the landscape be shared and recognised has been dropped:

An analysis of the surrounding landscape must include natural science factors (the geological, topographical, ecological and dynamic components of the landscape), aesthetic values (including memorability and naturalness), expressiveness and legibility (how obviously the landscape demonstrates the formative processes leading to it), transient values (such as the occasional presence of wildlife; or its values at certain times of the day or of the year), value of the landscape to Tangata Whenua and its historical associations. (Queenstown Lakes District Council District Plan, Section 5.4.2.1, P5-23)

The removal of 'shared and recognised values' is interesting as it removes the need for an assessor to check their conclusions against the preferences of the wider community. While, arguably, the Plan, once adopted, could be considered an expression of community values, as noted before, this is probably a long bow to draw and does not provide any assistance in dealing with specific assessment processes.

Most recently these factors have been further modified and included within the New Zealand Coastal Policy Statement where they are there listed as follows:

Policy 15: Natural features and natural landscapes

To protect the natural features and natural landscapes (including seascapes) of the coastal environment from inappropriate subdivision, use, and development:

- a. avoid adverse effects of activities on outstanding natural features and outstanding natural landscapes in the coastal environment; and*
- b. avoid significant adverse effects and avoid, remedy, or mitigate other adverse effects of activities on other natural features and natural landscapes in the coastal environment; including by:*
 - c. identifying and assessing the natural features and natural landscapes of the coastal environment of the region or district, at minimum by land typing, soil characterisation and landscape characterisation and having regard to:*
 - i. natural science factors, including geological, topographical, ecological and dynamic components;*
 - ii. the presence of water including in seas, lakes, rivers and streams;*
 - iii. legibility or expressiveness - how obviously the feature or landscape demonstrates its formative processes;*
 - iv. aesthetic values including memorability and naturalness;*
 - v. vegetation (native and exotic);*
 - vi. transient values, including presence of wildlife or other values at certain times of the day or year;*
 - vii. whether the values are shared and recognised;*
 - viii. cultural and spiritual values for tangata whenua, identified by working, as far as practicable, in accordance with tikanga Māori; including their expression as cultural landscapes and features;*
 - ix. historical and heritage associations; and*

- x. *wild or scenic values*; (<http://doc.org.nz/publications/conservation/marine-and-coastal/new-zealand-coastal-policy-statement/new-zealand-coastal-policy-statement-2010/policy-15-natural-features-and-natural-landscapes/>
downloaded Feb 18th 2012)

Point (ii) echoes the work of Fairweather and Swaffield (J R Fairweather et al., 2000) regarding natural character discussed above.

A further modification to these issues has been undertaken by one of the respondents to this study in the 'Clevedon Cares' case (C211/2010) in order to provide a framework for the assessment of heritage landscapes. The modified issues are recorded in the decision as follows:

- *Heritage fabric;*
- *Natural science value;*
- *Time depth;*
- *Tangata Whenua Value;*
- *Cultural Diversity;*
- *Legibility and Evidential Value;*
- *Shared and Recognised Value;*
- *Aesthetic Value; and*
- *Significance.* (C211/2010, Para 190, Pp 58-59)

This eighteen year trajectory of the Pigeon Bay factors within the legal and statutory systems illustrates the process by which an initiative from within the profession has been removed from its control and institutionalised. Taylor illustrated this with her statement that:

I have tended to be cautious in my use of the Pigeon Bay assessment criteria. I think my caution arose from the fact they had been, although derived from evidence presented at a hearing, they were nevertheless devised by a judge, and I felt, I suppose naturally, really, gosh that's something we should have done. We shouldn't have a judge telling us what should be in there...

She did continue to say that she thought they were '...pretty good at covering the sorts of things we should be thinking about'. It is the case that through the process of institutionalisation by the Court the factors have become abbreviated and as a result the subtleties which actually made them meaningful within the profession have been lost.

Respondents had widely mixed opinions of the worth of the Pigeon Bay factors. Bailey felt that the assessment of 'outstandingness' was reasonably strict in that the application of the Pigeon Bay Criteria was expected. She said:

...they do cover a lot of aspects of landscape and I do find they're quite helpful and I do find it quite helpful that people agree on something, at least the criteria you assess them against. Your opinion about the quality might still differ but at least you use the same criteria so you can see where you differ in your opinion.

However, she also found the inclusion of historic and Tangata Whenua values in the criteria problematic, given that they are supposedly criteria for the assessment of outstanding natural landscapes saying, 'It's difficult for a landscape to score high on natural science and high on cultural values. I think they're different...' This issue was raised by other respondents (Drew, Cameron, Jessie) also, who similarly did not consider that heritage or cultural value should be an aspect of the assessment of outstanding natural landscapes. This is further strong evidence of the predominance of the objectivist paradigm of landscape.

Cameron raised several other issues regarding the Pigeon Bay Criteria. In his opinion not only are they not criteria but they do not provide a method for assessment, and he described them as 'Landscape 101', a set of aspects of landscape which all landscape architects were taught about in their training. All that the 'criteria' provide are a range of aspects of landscape which should be examined in order to complete an assessment (and, as he pointed out, there could be many more) but they do not provide any means to determine where thresholds might exist, thresholds which are essential, in his opinion, if the assessment of landscapes are to be useful planning tools. Further, he also argues that while some of the factors have some theoretical basis in a broad sense, such as 'aesthetic value', many of the 'markers' such as 'memorability' have no specific theoretical basis for assessing value. As he points out, a degraded industrial landscape might be more memorable than one which has high aesthetic appeal. He also notes that the overlap and lack of precision in the formulation of the 'criteria' mean that some aspects of the landscape are counted more than once. He concludes:

In short, we have no clearly articulated theoretical or methodological basis for much of what we do in the name of landscape assessment. Many of the opinions of landscape experts in the Court (on such matters as naturalness, or natural character, and aesthetics) have no substantiating theoretical or methodological basis, and no more weight than the opinions of the person in the street.

I do not consider it to be the case that landscape assessments undertaken using the Pigeon Bay regime can simply be dismissed as not useful as planning tools, if only because so much of our landscape planning regime has been so based and appears to have at least a degree of community and professional acceptance. It is clear, however, that there are significant tensions around the application of the Pigeon Bay factors. In their original form these factors clearly embrace both landscape, through the emphasis on natural science factors and aesthetics, and landscape, through the inclusion of sense of place, shared and recognised value, and importance to Tangata Whenua. While the Court has found these factors useful it seems that a developing concern within the profession as to the meaning of 'natural' in regard to outstanding natural landscapes, following from the predominance of the objectivist paradigm of landscape, has resulted in a desire to withdraw from them as a framework for assessment. In addition to this the reformulation of the factors through repeated iterations from the Court has removed much of their subtlety and meaning further

alienating the profession from a framework which it developed. It is of note that the Court, and the legal profession, is resisting this withdrawal resulting in tension between it and the profession, and that this appears to be a key boundary dispute between the Court and the Profession.

Lee is familiar with Cameron's critiques of the practice of landscape assessment and could be said to be at the opposite end of the spectrum from him. In her opinion the application of a numerical scale to the Pigeon Bay factors and assessing the landscape in those terms is adequate. She considers that a low score in one or more areas would not disqualify a landscape from 'outstandingness' providing there were high scores also. However, Lee also considered that the assessment of landscapes was entirely context dependent noting that what was outstanding in Fiordland and what was outstanding in Auckland would be very different. She said:

Landscape's complex and all things are overlapping and interwoven and you can't just separate dimensions out and think that you're going to be able to apply them in every landscape.

This is antithetically opposed to Cameron's position that outstanding landscapes should be identified on a national basis.

The somewhat slavish adherence to the Pigeon Bay factors within the profession is interesting in itself, particularly given the criticism levelled at them by practitioners. Barton discusses the Pigeon Bay factors and other similar principles and concludes that they are tools for interpreting the Act and for applying the Act to a particular case. While the interpretation of an Act is usually legal in nature Barton argues that what is actually occurring when the Court makes these statements is the creation of policy. To quote Barton:

Policy is different from law and fact. And it seems that criteria such as the Pigeon Bay criteria are best understood as a non-binding form of policy making. They have served as guidance to everyone involved in handling a difficult form of evaluation...They indicate what the court finds to be a useful framework for making the factual and evaluative decisions about landscape. The court has warned that such criteria are not frozen, and will require adaptation as time goes on, and no doubt from place to place. They are tentative and iterative – learning by doing. (2005)

This clearly differs from an actual interpretation of the law which may impact on landscape assessment practice. I will discuss this further below.

Of course, that it is policy that these factors have been useful to the Court in their determinations of outstanding natural landscapes is not something which can be simply ignored by the profession. It was the profession that originally professed them after all! What it does mean, however, is that improved practice, or alternative approaches, may have equal or greater currency. It should be a matter of arguing the point and it is actually, in my opinion, the professional's obligation to do so.

Pigeon Bay factors aside, other aspects of the assessment of outstandingness presented problems to the respondents. The 'wow' approach to outstandingness, that outstanding landscapes should not require professional determination, was challenged by Cameron who pointed out that if biophysical aspects can contribute to outstandingness then how do you attribute this 'wow'? He considered that this approach was *ad hoc* and that what was needed to make assessments of 'outstandingness' robust was the determination of criteria with thresholds which would need to be met or exceeded for the description of outstanding to apply. Weak forms of both of these approaches are in evidence in the research data. For example, one approach was to apply numerical values to the Pigeon Bay factors (Lee), and another was to say, is this landscape an exceptional example within this district? (Drew). Neither of these approaches to evaluation has general currency, however, nor are the criteria necessarily clear or commonly accepted. The Act requires Districts to plan for the management of their resources so there is some statutory weight to Drew's position. Lee would, of course, agree to the extent that she considered that what is outstanding in one district would not necessarily be outstanding in another.

Jamie offered the most pragmatic approach to determining 'outstandingness'. He noted, as it is necessary in applying the Pigeon Bay factors to consider all of the landscape's qualities including aesthetics, geomorphological, ecological and so on, 'Whatever qualities get you over the bar, get you over the bar'.

A number of respondents mentioned the issue of scale in relation to the determination of 'outstandingness'. This relates to another quotation from the same Queenstown Lakes District case mentioned above where the Court stated that outstanding natural landscapes and features needed to be identified at the district level:

We agree: what is outstanding can in our view only be assessed – in relation to a district plan - on a district-wide basis because the sum of the district's landscapes are the only immediate comparison that the territorial authority has. (C180/99 Para 85 P 49)

Jessie stated that he had:

...firmly come to the conclusion that the determination of what's outstanding natural landscape or natural feature in a District should be done as the result of a District wide assessment, not just looking at an area of landscape or a feature and ticking the boxes...because you're not really comparing it with anything.

Pat considered that it was necessary to know about all of a District's landscapes before one could determine what was outstanding.

This comparative approach could be considered to be problematic in two regards. One is that, effectively, it may mean that only one of a type of landscape within a District could be considered outstanding. This issue was raised by Drew in reference to the Mokihinui River in Westland which is the location of a proposed hydroelectricity scheme. He said:

The Mokihinui River is in a pristine river gorge but there's debate over whether that's an outstanding feature or not given that close to 95% of the entire district's in bush. A lot of it comprises pristine river gorges. So the context is relative to other landscape types in the district. Something like the Mokihinui, if it were here in Christchurch there would be no debate over it but over on the West Coast.

In comparison, Justice Heath has stated, subsequent to the C180/99 decision, that:

Very tentatively, I am attracted to the notion that the term 'outstanding' in s6(b) is intended, simply, to reflect an evaluative judgement that a particular landscape reaches the status of national (as opposed to local or regional) importance. (2003, p. 103)

It is the case that the majority of the area of the Queenstown Lakes District has been assessed as outstanding natural landscape in the terms of the Act, and it would seem that its assessment as such more reflects Justice Heath's position than Drew's. The other problem with the comparative approach to outstandingness is that while it may be an appropriate part of local communities managing their own landscapes, it denies the idea that there may be a national community of concern.

Perhaps a part of the problem is that in its original conception the RMA91 was meant to be an overarching document, the consistent application of which was to be ensured by the implementation of a number of National Policy Statements and National Environmental Standards. Twenty years on there are five national standards in force and three in development (<http://www.mfe.govt.nz/laws/standards/> downloaded 8 January 2012). There are two national policy statements in force and six under development (<http://www.mfe.govt.nz/rma/central/nps/> downloaded 8 January 2012). Consequently regional and district councils have lacked any central government direction to ensure consistency in the development of their plans. One option for ensuring a more consistent approach to landscape, and which might enable the recognition of a national community of concern, could be addressed by the development of a national policy statement on landscape. I understand that this solution has been broached with the government gaining, however, an unsympathetic hearing (F Boffa pers comm).

5.4 Resource Management Act 1991

The Act itself was seen, unsurprisingly, as an influence on current landscape assessment practice. Schedule 4 of the Act was described by Drew as providing the framework by which he structured his evidence. Quinn stated that he focused on Section 5 of the Act saying, 'I put that the priority and the primacy is Section 5. It's got to be the sustainability model, the integrated sustainability model'. However, the Act was not without its flaws in the views of the respondents. As articulated by Drew the Act has 'an apologetic mind-set'. He continued:

Any human activity, particularly in a natural environment, there's a mind-set that that's automatically bad, and so it can be quite restraining. I often think, well under the RMA would

we have things like the pyramids in Egypt, or the Eiffel Tower or Venice? I mean, imagine trying to build a city on an estuary in New Zealand.

This was echoed by Pat who complained that the focus has become on mitigation. Others complained that the determination of effects was difficult, Bailey because it resulted in a lot of arguing about those effects and Taylor because it resulted in uncertainty. 'How do you know what your neighbour might do?' she asked.

For others problems arose with the application of the Act, rather than the detail of the Act. Quinn described the Act as 'brilliant' but complained about the lack of focus on Section 5 of that Act. Lee said she had no 'arguments with the RMA' but said:

I have big arguments with the way it's administered. By Council staff first. I think they've been remiss in assuming you can't plan. They've taken the extreme position that the RMA is effects based and you can't plan. Now I think that's rubbish.

She went on to say that, 'Planning used to be better. We've gone backwards and it's a misunderstanding of the capacity of the RMA'. Others were more specific in their criticism of the decisions made on issues under the Act. Pat described the process of applying for resource consent under the Act to be 'a lottery'. This was in the context of client's gaining consent from Council only to have that consent cancelled by the Environment Court. Rowan noted that he was aware of landscape architects tailoring their evidence for the division of the Environment Court which was to hear the case. Taylor commented that 'elected representatives [at the Council level] are not very good at exercising judgement under the RMA' but went on to say:

But any group of people who are asked to make a decision on something will always be just as good as that group of people are. We assume that judges are better when they've got legal counsel telling them what to think but they're human as well. So you will always have that. The human element is going to be in there somewhere.

5.5 The Environment Court

Unsurprisingly, perhaps, the Environment Court was considered by respondents to be a key agency informing the direction of their work. This was seen to have both positive and negative aspects. From a positive perspective it was considered that the examination (and cross-examination) of evidence in the Court, and by people in related roles, such as lawyers, had had a positive effect on the quality of landscape assessments over the past ten years (Drew, Jamie). This had resulted, in Jamie's opinion, to more consistency between landscape architects and Drew considered that it ensured thoroughness and methodological soundness. Pat thought that 'the complexity of things' had changed and that 'no longer can you just do this overview'. This was due, in his view, to lawyers 'hammering away at you to become more detailed'.

A number of respondents felt that the adversarial approach of the Court system was problematic. Landscape Architects have been criticised for a lack of consistency and yet, as was pointed out by Pat, Quinn and Lara, it is the nature of the adversarial system to find differences. Pat noted that over the ten years of so that he had been doing Environment Court work:

The position of the lawyer has changed. My first one the lawyer didn't have any input, didn't want to, he just left it to me, and over the years the lawyer has had more and more input as things have become more complicated.

This input was seen by respondents Bailey and Jessie as entailing pressure. Bailey commented that:

Because the lawyer's focused, they almost try to push you onto the extreme of your opinion and I don't think that's a good thing. I think it's good to have a balanced view on things and to be able to see your opponent's opinion as much as you can see yours.

Pat talked about being told that a significant client did not think they could use him on a particular case because what he had been saying:

...about natural character doesn't match with Court decisions. And so we had a chat and I said, well I'm not going to change my view to match a court decision that I don't agree with. So we parted company.

While this indicates a level of resistance the respondent continued to discuss another example of a lawyer pressuring him to use particular concepts rather than his own. This resulted in 'some fiery discussions over the phone' which ended when the lawyer, 'basically, he said just do it. So I acquiesced'. Pat went on to say that he had since had discussions with another landscape architect and they intend to try to introduce the concepts he dropped again at a later date.

Lesley noted that Environment Court decisions had very much influenced how he undertook landscape assessments. This was really a very simple and obvious matter to him. He said:

We respond to praise and criticism. That's what happens in the decisions. The Court prefers your evidence or dismisses it. Of course each case is different but you will see more global approaches to things and you will behave accordingly.

Rowan also found himself influenced by Court decisions. In his case this was with regard to the Pigeon Bay factors discussed above which he described himself being 'forced into using'. Quinn similarly found that if he did not address the Pigeon Bay factors 'I just get into trouble with the judge for being incomplete', and Jessie recounted being required by a client's lawyers to 'do an assessment going through the Pigeon Bay criteria' when he did not consider this appropriate. Bailey also considered that the Court has had a major impact on how landscape assessment is being done.

Your lawyers simply expect you to take that into account...I think the main reason is that they find it a bit difficult to write their bit around it if you don't have the words they need to have because they are not able to draw conclusions from a different sort of wording that they are not used to, and that's fine.

She noted that 'there are always cases contradicting each other' and that 'lawyers tend to find cases that suit their case'. Of the morass of contradictory cases she said, 'It would be good to look at all of it and say, well, that's really the way forward that we're going to believe in.'

5.6 'Case law'

Six respondents (Drew, Jamie, Quinn, Lee, Cameron and Bailey) discussed 'case law' as influencing landscape assessment practice and this represents, perhaps, the most important aspect of the relationship between the landscape architecture profession and the Environment Court. Bailey described the landscape assessment process in New Zealand as a tick box exercise because, 'These are the things you need to consider because that's what's in the case law'. She did consider this positive to a degree in that it provided a structure and enabled comparisons to be made. However she noted that 'case law is not always in a straight line and there are always cases almost contradicting each other'. Lee also considered that case law was 'darn useful' in gaining consistency. She conceded that one division of the Environment Court is not bound by a decision of another division but noted that a High Court decision which supports a particular approach (specifically in this case whether or not the Environment Court could override a landscape classification in a District Plan) 'gives the officials a kick'. Jamie said, with regard to the usefulness of his training in landscape assessment, that 'the easiest thing to do is just look at case law...and do what the case law tells you to do' but he did not consider this to be desirable. Quinn considered that 'all this emerging case law is actually starting to develop a style and an approach which people are using almost as a standard template'. Drew, however, noted that:

...the Court doesn't like people to place too much reliance on case law' preferring that 'people use it to confirm a stance or a particular viewpoint but not to build a case around it.

This perhaps highlights the variance between respondents with regard to the authority with which they appear to regard 'case law'. Indeed Cameron pointed out that court decisions are not, in fact, case law at all.

The term is used widely in the interview data; in online planning resources; and it is to be found within the NZILA's landscape assessment guide. Essentially what is usually meant when references are made to 'case law' is that there are decisions or aspects of decisions of the Court which must be followed and applied in future situations. This is a misunderstanding of both the term and the relationship between the landscape architecture profession and the legal system. 'Case law' has a narrow and particular meaning within the legal system. Case law is a part of the system of jurisprudence based on judicial precedents. It is made up of a body of reported cases and the interpretations of the law in those cases become binding on lower courts. It is certainly a fundamental part of the New

Zealand legal system ensuring consistency of approach between levels and divisions of the wider court system. The key point, however, is that it focuses on the correct interpretation and application of the law. The role of the landscape architect is to assist the Court in the determination of the facts. There are certainly examples of case law that have relevance to the process of landscape assessment, the Hawthorn decision, for example (CIV 2004-485-001445)¹⁶. This decision becomes case law because it was a determination of the High Court as to the correct interpretation of the law as it should be applied by the Environment Court, and other decision makers, below. The majority of decisions relating to landscape issues are not 'case law' in this sense.

It is my personal observation as a professional working in this field that what was, five or six years ago, a somewhat slavish adherence to 'case law' amongst landscape architects is breaking down somewhat. This is probably under the weight of the numbers of contradictory decisions which have been made. For example, in the C73/2003 decision parameters were established for the minimum size of a landscape, but in the C45/2008 decision areas as small as a few hectares in area were deemed to be outstanding natural landscapes. In my opinion this resistance is a positive thing which reflects, perhaps, the profession beginning to reassert control over its concepts and processes.

5.7 The Profession

The profession itself was a further source of direction for practitioners, but perhaps not as strong or definitive as might be expected. Jamie noted that conferences and workshops had been an important source of learning for him regarding landscape assessment, and Quinn also considered continuing professional development as having been important to him. Drew saw the development of landscape assessment practice as being more of an 'evolutionary process' within the profession.

Many respondents complained about the lack of agreement on basic principles between members of the profession and about landscape architects being 'in a very conflict ridden profession' (Rowan). Jamie considered that it would be desirable for agreement to be reached within the profession regarding terminology and definitions. He also considered that it would be desirable to agree to an assessment method. He said:

You make [landscape assessments] robust and reliable through consistency. If each practitioner is using methodologies and definitions that are consistent then we're going to get robust assessments. We get wild readings, wild findings when people are using inconsistent

¹⁶ The Hawthorn case relates to an application to subdivide an area of land within the Wakatipu Basin for residential development. The case was argued on the basis of the effects which the proposed development would have on the landscape of the vicinity. One of the key issues determined by the High Court which impacts on landscape assessment was to do with the need to include the effects of consented but not yet realised development in the consideration of the proposed development.

methods. Between landscape architects. The more the profession can work towards that the better I think.

This sentiment was echoed repeatedly throughout the interview data (Rowan, Jamie, Quinn, Bailey, Jessie). Jessie went so far as to say:

I've heard of some lawyers whose perception is that you get two or three landscape architects coming in on a case on different sides of the case. Their approaches to assessment and their decision are just so wildly different that the Court just says, 'Oh we'll ignore those and make our own decision'.

Lee, on the other hand, particularly noted that while there was much discussion occurring within the profession about the inconsistency between landscape architects she felt there was much more agreement than was given credit for.

To this end all respondents but one indicated some degree of support for the NZILA's landscape planning initiative and for the best practice guidelines which were yet to be officially released at the time of the interviews. Cameron said of these guidelines (after their ratification and release):

It appears that all we have achieved as a profession is consensus on some of the most elementary and simple principles. The hard work of developing guidelines that are methodologically robust and theoretically sound still remains to be done.

It is, however, a beginning and further signals the reassertion of control by the profession over its concepts and processes.

5.8 Conclusion

It is clear that for the majority of the respondents their training in landscape assessment has been 'on the job' but retains evidence of the approaches and practices of their early training. The Environment Court has clearly influenced the contemporary practice of landscape assessment in a number of ways. The testing of processes has been one of these, but more formally the Court has adopted frameworks which, while first presented to the Court by the profession, have become co-opted by the Court and subsequently required of the profession. This has occurred in a similar manner to the adoption and adaptation of the central concepts discussed in the previous chapter. The profession's own view (at least that of some of its members) of its relationship with the Court has also contributed to the level of influence which it is allowed to exert over contemporary landscape assessment practice. In addition the nature of the profession, and perhaps the types of people drawn to join it, tend to result in widely differing opinions about issues and approaches.

Chapter 6: Analysis – The Final Product

6.0 Introduction

The first chapter in this results section focused on the concepts which the respondents used in their work undertaking landscape assessment. This examination was necessary to understand what it was that they were assessing. The second chapter focused on the approaches and methods which they used to undertake these assessments. In both of these areas the influence of the Environment Court was evident. These two chapters focused largely on the data gathered by interview and used this as the basis of the analysis. This chapter focuses on the final product, the landscape assessment.

The landscape assessment will often form an important part of the factual material upon which planning decisions are made. At various times planners may need to know about the quality or significance of a landscape or about the impacts of proposed developments on a landscape. The form of the assessment will vary according to its purpose and location within the planning process. This chapter will discuss some of the forms of assessment reports and will then focus on an examination of some of those presented to the Environment Court.

6.1 Landscape assessment reports and briefs of evidence

Landscape assessments can take a number of forms and these largely relate to their purpose within the broader resource management field. When regional or district plans are established, reviewed or altered landscape architects are often enlisted to provide landscape assessments. These may result in very large documents often formulated by multidisciplinary teams under the management of the landscape architect. These assessments are generally used to provide some of the background information on which objectives, policies and rules may be based. They may identify, for example, outstanding natural landscapes or features which are required by Section 6(b) of the RMA 91 to be 'protected from inappropriate subdivision, use and development'. Assessments undertaken for the review of plans may be much smaller projects often undertaken by a landscape architect working, more or less, alone (but possibly with the resources of the relevant Council or their own company to draw on).

A further type of landscape assessment product is that undertaken for a development project. It depends entirely on the district and on the project whether such projects would be approached as a resource consent application or a plan change proposal. The first type of product resulting from a landscape assessment in either case is likely to be a report for a client which becomes a part of a development strategy. This is likely to focus on the

opportunities or constraints which may exist on the chosen site (or prospective sites) for the intended project. If undertaken at a later stage of the project development, the landscape assessment will likely be a report which would become a part of the assessment of environmental effects which would accompany a resource consent application, or become a part of the supporting material for a plan change proposal. Once either type of application has been received by a Council, two further landscape assessments may be undertaken. The relevant council may require a landscape assessment be undertaken as a part of their assessment of the proposal and this may be undertaken in-house or by an external contractor. Alternatively, some Councils contract landscape architects to provide peer reviews of applicant's landscape assessments rather than duplicating the process. Finally, submitters on both resource consent or plan change applications may commission a landscape assessment as part of their submission in support or, more usually, in opposition to a proposal. These may be relatively small documents and are usually presented as briefs or statements of evidence rather than as reports. The relative complexity of each level of this planning process and the attendant complexity of the landscape assessment process is illustrated in the diagram below.

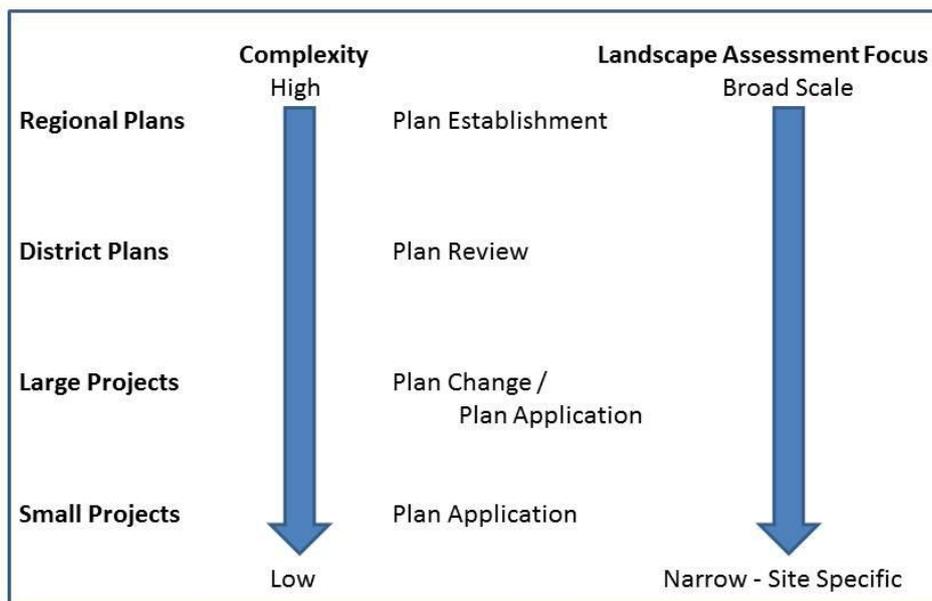


Diagram 1: The relative complexity of planning processes and the attendant landscape assessment

The distinctions between a statement of evidence and a landscape assessment report are reasonably subtle and not determinative. Statements of evidence may be more specific in focus to the point where they may only address issues in contention and not those which are generally accepted by the parties to a case or application. The veracity of a report tends to lie within the contractual arrangement between the reporter and their client, that is, a client will assess the standing of the landscape architect prior to engaging them. The veracity of a

statement of evidence relies on the acceptance of the expertise and experience of the writer by the authority charged with making the decision, either the Council or the Environment Court. A report may include recommendations so as to assist a client in determining options. A statement of evidence generally will not, its primary purpose being to establish the facts of an issue. (It is the case, however, that it is common practice to recommend changes to a proposal which might reduce the extent of any adverse effects to an acceptable level). Statements of evidence are generally tailored to a specific purpose, usually a hearing at Council level or a hearing in the Environment Court. A report will also be tailored to a specific purpose but may also be written so as to be accessible to the general public or other wider audience.

It is the case that decisions on plan establishment, plan changes and on resource consent applications can all be appealed to the Environment Court. When appeals occur it is likely, if there are landscape issues involved, that evidence will be commissioned by the Council involved and by other parties to the appeal. This evidence will require an assessment be undertaken. As this research is examining the relationship between the Environment Court and the practice of landscape assessment I am focusing on these statements of evidence as landscape assessments. Because these often focus on issues in contention rather than taking a broader perspective, it would perhaps be more accurate to describe the landscape assessment as the invisible work of which the statement of evidence is the visible and interpretable artefact (Star, 2010). However, they nonetheless function as landscape assessments within the Environment Court setting and thus are the appropriate document for analysis here.

Respondents in this study were asked to provide statements of evidence which they had written and presented in the Environment Court. All but one respondent provided at least one statement of evidence, some as many as four in order to illustrate changes in their work through time. So as to be consistent only statements of evidence which were written specifically for plan change applications or references regarding plan changes were analysed. It was the case that two or three statements of evidence relating to one case were supplied in some instances: initial evidence; rebuttal evidence; and, in two cases, further evidence as well. These were treated as one unit, which resulted in a total of eleven statements of evidence from seven respondents.

In addition, a further statement of evidence from a person who was not interviewed was included in the corpus. This statement related to a significant landscape assessment (a district wide assessment) which was undertaken by a multidisciplinary team. Bailey was a member of that team and had presented a statement of evidence in support of it in the Environment Court hearing. Her statement, however, related entirely to the GIS processes involved in the assessment. As such it was too narrow in its focus to be helpful to this

analysis. The statement which was included was presented by the leader of the team and provided an overview of the assessment. Its author had been selected by the original selection process as a prospective candidate for interview but was not approached because he had retired. Consequently it was considered appropriate to include this statement of evidence in this analysis. The author is referred to by the pseudonym Riley in the following text.

6.2 Analysis of the briefs of evidence

The theoretical distinction between plan change applications and project applications discussed above turned out to be a little artificial. While all of the statements of evidence analysed related to plan changes or plan establishment only two statements actually related to cases involving broad scale plan development, those being the Queenstown Lakes District Council plan and the Banks Peninsula plan. Two others related to references against the Queenstown Lakes District Plan regarding the landscape classification of parts of the Wakatipu Basin and one to a reference against the Waitakere City Plan. The others related to two plan changes proposed to facilitate development projects which are very similar in nature to applications for similar developments pursued as resource consent applications in other districts. While any relevant matters can be considered in the determination of a non-complying or discretionary resource consent application, it is my observation that the assessment of effects for such an activity would still be primarily located within the objectives of an existing plan. Utilising a plan change process to facilitate a similar development immediately implies that a broader view is required and this has implications for the type of landscape assessment which might be undertaken in each case.

6.2.1 The predominance of the expert method

In Chapter 2 I discussed the typology of landscape assessment first developed by Uzzell (1991) and more recently modified by Swaffield and Foster (2000). All but one of the statements of evidence presented assessments that were either exclusively or predominantly expert in approach in the terms of that typology. That is, they were based on the expert's evaluation of the visual and physical attributes of the site and proposal based, largely on aesthetic, but also ecological, principles. All included detailed descriptions of the area of concern and the proposal although in one instance this was an abbreviated version of that provided in the underlying landscape assessment report. In each case an evaluation of these visual and physical attributes was made leading to conclusions regarding the appropriate outcome of the proposal at hand. That several of these assessments were not entirely expert in their approach, however, is interesting.

Riley's statement of evidence referred to the development of a large, comprehensive, district landscape assessment. Essentially the landscapes of the area were characterised and identified (mapped) by expert analysis. He states that:

Evaluation is a complex phase requiring a significant component of judgement by the investigations team. To assist the team, both other experts and the community were consulted on landscape values.

This community consultation included public open days and public preference surveys, but he is clear that the final evaluations of landscape significance were based upon 'expert, specialist assessment (albeit informed by wider stakeholder involvement) and public preference testing to illuminate the values'. The difference between expert 'assessment' and public 'preference' is interesting, echoing Cameron and implying a divide between the objective expert and the subjective public.

Rowan's statements of evidence all related to the same appeal and indicated what I would call an 'informed' expert approach. This is not catered for in the Swaffield and Foster typology. Rowan uses the conclusions of sociocultural landscape perception studies undertaken by Fairweather and Swaffield (J R Fairweather, 2007; 1999; J R Fairweather & Swaffield, 2001; J R Fairweather et al., 2000; Swaffield & Fairweather, 2003) as a framework for undertaking his own expert analysis. In this way, rather than relying on classic aesthetic or ecological principles he effectively creates new principles based on community preferences (albeit aesthetic in nature) on which to base a part of his assessment.

These approaches are interesting in that they do not fit directly into the Swaffield and Foster typology. While Riley's approach involves public preference testing he is clear that the final interpretation should be that of the expert. Rowan's use of Fairweather and Swaffield's work is similar, using empirically derived public preference information to develop a framework for expert analysis. This has echoes of the psychophysical approach to landscape assessment but in this case the bulk of the research was not undertaken with a view to its results creating generalizable principles. In Rileys' case this indicates a consideration of community preference as having some importance in the overall assessment (and this is evinced quite strongly in the underlying assessment report). In Rowan's, however, despite his use of sociocultural information in his assessment the focus remains on landscape as scenery.

While Lee provided an entirely expert assessment in the statements of evidence provided which related to one case, she took a different approach in the other case for which she provided her evidence. In this case the while the client was a local body the focus of the evidence was 'to provide a landscape assessment of the proposed village and its appropriateness for the sustainability of heritage landscape values'. This was taken to mean that the focus of the evidence was to be on 'the cultural heritage landscape values of the subject site and surrounding landscape to tangata whenua'. This is not necessarily Lee's

personal interpretation but likely the interpretation of the employing agency. She goes on to say, in her evidence, 'I have not assessed the cultural heritage landscape values for non tangata whenua (e.g. Pakeha) and acknowledge that these are also relevant to a full assessment of cultural landscape'. She continues to discuss the Cultural Values Model developed by Stevenson (2008) (see Chapter 2 above for a discussion of this model), and admits that she is reliant on the evidence of the Tangata Whenua. She continues to develop a modified version of the Pigeon Bay factors to provide a framework for the assessment of heritage landscapes. This includes the following factors for consideration and evaluation (these are their headings only):

Natural Science Values

Time Depth

Tangata Whenua Value

Cultural Diversity

Legibility and Evidential Values

Shared and Recognised

Aesthetic Values

Significance.

Some aspects of this framework can only be answered by the Tangata Whenua and Lee eschews evaluating these aspects. What she does do in this regard is more akin to providing a platform for them to speak. For example, in regard to Tangata Whenua Values she writes:

D. Tangata Whenua Value

Cultural and spiritual heritage values for tangata whenua identified in accordance with tikanga Maori.

ExpBaileytion: The special status, importance and diversity of these peoples in Aotearoa New Zealand require specific assessment and recognition.

In accord with tikanga Maori I have obtained and sought to articulate something of the cultural and spiritual values of Te Wairoa o Muriwai, both from pre-Tainui times and subsequently. Appropriately, Nat Green has recorded these in greater detail and the very high value to tangata whenua of the lands and waters of Te Wairoa is evident from this documentation. Te Wairoa is recognised by Ngāi Tai as entirely Awa Tapu. The wāhi tapu are recorded to stretch from Te Ruatō to Whakakaiwhara, and is not confined to the waterway.

Once establishing in this manner that the landscape is a cultural heritage landscape for the Tangata Whenua she then assesses the effects of the proposed plan change on these aspects of the landscape. In this way she uses sociocultural information to map the territory, so to speak, that is, to determine its significant features and the degree of importance of these features to Tangata Whenua. She then makes her assessment using her own expertise in the main, but deferring to Tangata Whenua at times. This is a strongly sociocultural approach to assessment which focuses heavily on the landscape as lived

experience, albeit that its focus was on that of one cultural grouping only. It provides something of a possible view of how an assessment based on the cultural values of Pakeha New Zealanders might be formed.

6.2.2 The location of 'expertise'

In undertaking any assessment it seems necessary to be able to demonstrate that the principles against which the assessment is made have some external veracity. This relates to the idea that a landscape assessment is a piece of research, and should be even more important when an 'expert' approach to assessment is undertaken. That is, the genealogy of the principles and their location in the theoretical world should be made evident within the statement of evidence or the assessment in order to demonstrate that they are not simply the foibles of the assessor. References are used in academic writing in this way to identify the genealogy of concepts and to provide support for lines of argument. Together these aspects locate a work within a practical and theoretical domain. Consequently an analysis of the external references used in the statements of evidence should indicate where these experts look for support for the concepts and principles on which they base their assessments. This analysis has been undertaken and the results are summarised in the table below. The rest of this section will comprise an analysis of the various types of source of reference.

| Respondent | Case | Environment Court decision | Published guidelines | Previous studies (landscape) | Academic research | Reports | Conference papers | Books | Literature | Other | Total |
|---------------|-----------------------------|----------------------------|----------------------|------------------------------|-------------------|-----------|-------------------|----------|------------|----------|-------|
| Lesley | C180/99 (Wakatipu) | 1 | 1 | 1 | 1 | 2 | 1 | | 2 | | 9 |
| | C3/2002 (Wakatipu) | 3 | | | | 1 | | | | | 4 |
| Rowan | A78/2008 (Long Bay – Okura) | 2 | 1 | 1 | 2 | 1 | | | | | 7 |
| Jamie | C90/2005 (Wakatipu) | 4 | | 1 | | 1 | | | | | 6 |
| | C87/2002 (Wakatipu) | 1 | | | | 1 | | | | | 2 |
| Pat | C111/2000 (Terrace Towers) | | | 1 | | | | | | | 1 |
| Lee | C211/2010 (Clevedon Cares) | 3 | | 1 | 2 | 5 | 1 | 2 | | 3 | 17 |
| | A78/2008 (Long Bay – Okura) | 3 | | | | | | | | | 3 |
| Taylor | C211/2010 (Clevedon Cares) | 4 | | 1 | | 2 | | | | | 7 |
| | A3/2009 (Swanson) | | | 1 | | | | | | | 1 |
| Jessie | A78/2008 (Long Bay – Okura) | 1 | | 1 | | | | | | | 2 |
| Riley | C113/2008 (Banks Peninsula) | 3 | 1 | 1 | | | 1 | 1 | | | 7 |
| Totals | | 24 | 3 | 9 | 5 | 13 | 3 | 3 | 2 | 3 | |

Table 5: External references made in statements of evidence.

6.2.2.1 Environment Court decisions

As can be seen from the table the most common external source used to support the veracity of the assessments were previous Environment Court decisions. Fifteen decisions were referred to with a total of 25 references altogether. The most commonly referred to

case was C180/1999, known as the first Queenstown decision. This was referred to in order to support the definition of particular concepts, specifically of 'outstandingness', 'landscape' and 'naturalness'. It was also cited in support of the use of the 'Pigeon Bay factors' as a framework for the analysis of the outstandingness, or otherwise, of landscape. I have already discussed the development of this framework in the previous chapter. Suffice it to say that all the respondents who referred to the C180/99 decision used the Pigeon Bay factors as the framework for their assessments.

The case cited with the next greatest frequency was C32/99, the Pigeon Bay case itself. This was cited by four respondents. Two merely referred to it in describing the pedigree of the Pigeon Bay factors. A third respondent referred to it in this manner also, but also referred to the decision as a whole as supporting evidence for their assessment of the significance of the Banks Peninsula Landscape¹⁷. The final respondent who mentioned the Pigeon Bay case did so in a rather different manner to the others. While acknowledging the Pigeon Bay factors as having identified 'wide ranging conditions that can affect landscape values' Rowan distinguishes his approach from them, indicating that his approach is based on the work of Fairweather, in particular his study of Auckland landscapes (J R Fairweather, 2008). (Rowan's statement of evidence related to a case regarding the proposed rezoning of an area of rural land for urban development on the northern edge of Auckland).

In three instances cases were cited to provide definitions of concepts central to the landscape assessment. In one instance this referred to the minimum size an area must encompass before it can be described as a landscape. This definition is found in C73/2002. The second instance of a case being cited in order to provide a definition is that of Lee's use of W42/93 (Harrison v Tasman District Council) to define 'natural' in her evidence for the Long Bay – Okura Plan Change case. She went on to cite the 'criteria for naturalness under the RMA' from the C180/99 decision discussed above. The third instance of a case being used to provide a definition is particularly interesting, as it is a case of a landscape architect quoting an Environment Court judge's definition of landscape. While it seems interesting that a landscape architect should adopt a judge's definition of the core concept of their profession, a brief investigation determined that the respondent quoting the judge, Taylor, in fact gave evidence in this particular case. While judges certainly seek external references to assist them in their determinations it is usual for the bulk of their information to come from the witnesses involved. My strong suspicion is that this definition has come from the respondent herself to the Court in the Bayswater case and that she is in effect quoting herself back. Whether or not this is in fact the case it is notable that she appears to consider the Court's definition to have more weight than any which she might posit herself.

¹⁷ Pigeon Bay is an inlet on Banks Peninsula. The Pigeon Bay case is the Environment Court's decision on an application for a marine farm within it.

This use of Environment Court decisions to confirm concepts and methods is interesting and unsurprising given the emphasis in the interview data discussed previously. The ability of practitioners to control the most important aspects of the work they do has been described as 'the most salient aspect of a profession' (Volti, 2008, p. 103). To see practitioners surrender control of even its central concept, that of 'landscape', should be of concern. Swaffield noted some time ago that there were significant implications for the profession of landscape architecture in that the 'landscape' half of its name was so slippery in meaning. As part of his solution he emphasises, '...the need for explicit attention by all participants in public debate, first to *acknowledge* the possibility of different interpretations [of landscape]; second, to *clarify* their own meanings of words and concepts; and third, to make an effort to *understand* the meanings and intentions of others.' (Swaffield, 1993, p. 62) (Emphasis in original.) In my opinion this advice is still salient. Rather than look to external sources for the definition of central concepts we need to re-exert control within the profession. The Landscape Planning Best Practice Guide is a positive step in this direction.

A further thirteen cases were referred to in the statements of evidence. These references fell into three types. The most common use of these cases (seven instances) was to support the substantive position being put forward by the landscape architect. This took two forms. One was a reference to a particular finding of fact with which the respondent attempted to draw a parallel regarding the issues of the current case. For example, in his statement of evidence regarding the Long Bay – Okura proposed plan change Rowan referred to an earlier decision of the Court that a particular area could support development in order to support his position. Jamie, in evidence relating to a reference regarding the landscape classification of an area in the Wakatipu Basin referred to a previous case to support his contention that the valley floor of the area concerned could be a different landscape category to the sloping sides. The other form of this use of cases to support a substantive position entailed citing earlier cases in which the landscape architect's position regarding a particular issue had been accepted by the Court. For example, Taylor noted in her evidence for the Clevedon Cares case that:

As I have stated to the Environment Court in the past, and has been accepted, people's appreciation of an area's 'pleasantness'; will derive from a combination of all the sensorial stimuli, not just what we see.

In the case to which she referred the Court had concluded that a landscape architect was qualified to express an opinion about the subjective effects of noise (A3/2009, Para 83, Pp 45-46).

In two instances cases were cited to provide, effectively, a 'higher authority' for the approach taken by the landscape architect. In one instance the respondent referred to a decision of the Court rather than to the District Plan into which the decision was incorporated. In the other instance the respondent cites three cases, C32/99 (Pigeon Bay), C180/99

(Queenstown) and W42/2001 (Golden Bay Marine Farms) to support the use of the Pigeon Bay factors to structure his assessment.

The use of previous cases in the statement of evidence to support the position of the witness is probably, at best, of little point. The role of the expert witness is to provide evidence as to the facts of the case at hand. In Skelton's words, evidence, 'is the means by which a decision-maker is provided with material on which findings of fact necessary to the decision can be made.'(2000, p. 19) The facts of one case are not relevant to the facts of another. Further, while the Court may make decisions on matters of law as well as fact this is the ambit of lawyers who make submissions on such matters. Concepts and processes used in landscape assessment should be supported by reference to sources within the profession or wider discipline.

6.2.2.2 Guidelines

Published guidelines were referred to in three statements of evidence. One of these was simply as an example of the type of guide to the development of rural land which was available. Rowan referred in detail to the New Zealand Urban Design Protocol. This he used as a way to structure a part of his assessment focusing on the 'seven c's of urban design' as set out in that document. Riley referred to the 'Landscape Planning Guide for Peri-urban Areas' which is a publication of the Environmental Defence Society, but his reference was oblique.

An examination of these two publications shows that both have been developed as 'how to' guides, drawing on the broad professional literature which is available in New Zealand. As such they provide useful sources of guidance and frameworks for the application of their ideas. They do not necessarily, however, provide any level of critical analysis.

6.2.2.3 Previous assessments

Previous landscape assessments, six in total, were referred to a total of nine times. Only two of these reports were referred to by people who had no connection with their production. Both of these reports related to the Queenstown area. A third report, jointly authored by two high profile companies, was referred to by the principals of both of those companies. One respondent referred to a report which she had produced and a second report produced by the company of which she had been a partner at the time. Finally, a further respondent referred to a previous report which he had authored himself. While there is nothing inherently wrong with using one's own work to support one's position it becomes of concern when such information is being produced by a limited number of people (or companies) and when it is almost solely referred to by its own authors.

6.2.2.4 Academic research

Only five items of academic research were referred to in the statements of evidence, although one was a general reference to a series of research projects, rather than to a specific item. Lesley used a quote from a journal article to support his definition of 'landscape ecology' in his evidence for the C180/99 case in Queenstown. Rowan made reference to the body of assessment work undertaken by John Fairweather and Simon Swaffield of Lincoln University but also made specific reference to one work focusing on the Auckland region. He said of the study that it:

...set out to both investigate current community attitudes to different types of landscape and identify criteria which would provide a verifiable foundation for the identification of outstanding natural features and landscape across the Region.

He then used their findings as the basis for his assessment of the landscape in question. He further refers to a 'think piece' to support his criticism of the urban design proposed by the proponent of the plan change with which the case was concerned. Lee, in another case on the margins of Auckland, provided a reference to an academic paper and a published report by the same author. In this case Lee notes that she has used these works '...as a guide to understand the 'heritage values' of the area...' and to develop '...a framework or checklist to locate information in time and space.' She later refers to a paper for which she was the co-author, and a published report by another author, to support the approach which she has taken to characterise the landscape.

Given the rich and reasonably extensive academic literature on landscape assessment it is of concern that so little use is made of this work to form and guide professional practice. In part this may be for practical reasons. The academic journals tend to be located only within University libraries and while most have electronic versions these are only accessible to staff and students of those institutions. They are also expensive, the online version of Landscape Research, for example, costing \$1019 USD for a one year subscription. A personal subscription to the print version is only slightly more affordable at \$387 USD. (<http://www.tandf.co.uk/journals/CLAR> downloaded Feb 5 2012)

It seems a great waste of resources to continue to fail to use the on-going academic research as the basis for the continuing improvement of professional practice. The adoption of approaches which are tested by research and referenced to their source would not only return control of the concepts and practices to the profession, but would also add a depth and level of reliability to landscape assessment work which is currently lacking.

6.2.2.5 Reports

The reports referred to in the statements of evidence to support the assessors' positions were of a more narrow scope. They fell into two loose categories, published reports which

might be found in a library, and unpublished reports which would once have been much less accessible but which are now, often, available from the internet. Published reports were referred to on a total of six occasions but three references were to the same report on the Geology of the Wakatipu Basin. Lesley also referred to a Manaaki Whenua report entitled 'Rediscovering and Restoring Natural Heritage in the Wakatipu Basin' to support his assessment of the work of the Queenstown Lakes District Council. The references made to the other two published reports were both made by Lee and were discussed above.

The reports which I have described as 'unpublished' are reports which have been undertaken within or commissioned by various agencies and organisations but which have been published by the author or authoring agency. Three of these reports were used to provide empirical information which was used as a part of the determination of the issues. One was referred to by Lesley along with another report as examples of what he saw as positive actions of the Queenstown Lakes District Council. Lee, who used two reports to provide empirical material, used a third to provide support for the assessment framework which she had developed for assessing heritage landscapes. Taylor used two reports examining the concept of 'natural character' to support her interpretation of this concept.

The use of these reports shows a determination to provide a reliable basis to assessments and to locate work within an external information matrix.

6.2.2.6 Conference papers

Three respondents each referred to conference papers. Lesley referred to a paper presented to the NZILA conference in 1999 which had its focus specifically on landscape assessment. His reference was to a discussion of the lack of consistency between districts of what was considered to be an 'outstanding natural landscape' and he noted that the conference concluded '...that a widely accepted "definition" or "expBaileytion" of this term is urgently required.' Lee referred to a discussion of alternative conceptualisations of 'natural character' in a paper presented at an international conference in 1999. This was done to provide a background to the approach which she then took to analysing the issues at hand. The third reference to conference papers was not to a specific paper but to the entire proceedings of the 1999 NZILA conference. This was provided as a supporting reference to the contention that the study which the evidence was written in support of 'reflects current best practice'.

Conference papers, like reports, while not having the same level of veracity associated with them as academic papers, do provide a tangible connection with a broader community of thought which may be both relevant and valuable.

6.2.2.7 Books, literature and other sources

The final categories of references, books, literature and other, were used by only three of the respondents. The books were all reference books providing historical background for the locations which were the subject of their evidence statements. Only one respondent, Lesley, quoted from literature and these quotations were from William Morris, a quotation taken from the Queenstown Lakes District Plan; and from Charles Brasch, describing the Wakatipu landscape. The 'other resources' were all cited by Lee and were the MfE Quality Planning website; the ICOMOS charter; and a paper which she had written while studying at Lincoln University. The ICOMOS Charter was mentioned in relation to the idea that natural and cultural factors combine to imbue a landscape with significance. The MfE website was similarly used to support this conception of landscape. The paper was used to support the position that place names '...are not merely labels. They are an evocation of what things are, and of how they are related to other things...', that is, an aspect of the respondent's conception of landscape.

6.3 Conclusion

The examination of the briefs of evidence showed strongly that landscape architects currently attempt to support the legitimacy and veracity of their landscape assessments by reference to Environment Court decisions above and beyond any other external source. The use of both published and unpublished reports showed a willingness to utilise other forms of expertise to support assessments. The use of previous landscape assessments, while appearing a reasonable approach, tends to be a process of self-reference, most of the earlier studies having been completed by those quoting them. The paucity of references to academic research is seen as a significant weakness and a missed opportunity for the profession to utilise the large body of literature which is available.

Chapter 7: Discussion and Conclusion

7.0 Introduction

The aim of this project was to assist planners to develop a greater understanding of the field of expertise of landscape architecture. It has attempted to do this by examining the aspect of landscape architectural practice most relevant to planning, that of landscape assessment. In particular it focused on the interface between landscape architecture and the Environment Court and sought to answer the question, **what influence have Environment Court decisions had on the practice of landscape assessment?** It is hoped that the answer will help elucidate the boundaries of the expertise of landscape architects and assist planners, and others, in assessing the validity of landscape assessments. It is also hoped that it will assist landscape architects to improve their practice.

This chapter will summarise the approach and findings of the study and will discuss some of their implications. It will discuss the significance of the findings and some of the limitations of the study. A number of recommendations to enable improvements in practice will be made, and suggestions for further research will also be made.

7.1 Summary

It is the case that the quality of landscape assessment practice has been a recurring matter of concern within the landscape architectural profession for nearly fifteen years. A number of actions have been taken by the profession to improve practice during this period. As the most recent initiatives have had a similar ring to them as the earlier ones, the effectiveness of these actions is in question. This study sought to examine the practice of landscape assessment as undertaken by leading members of the profession. It looked in specific detail at this practice in relation to the Environment Court which has also, recently, added its voice to the calls for improvement.

Key players within the landscape architecture profession were selected to be the subjects of the study. These tended to be practitioners with extensive experience (thirty years or more) in the field and who regularly provide evidence in plan change and plan development related hearings at the Environment Court level. Eleven practitioners were interviewed and seven provided statements of evidence relating to plan establishment or plan change hearings in the Environment Court. The interviews and statements of evidence were analysed to gain an understanding of the key concepts and practices undertaken by these practitioners. In

addition a number of Environment Court decisions were examined. All the analysis was undertaken within a qualitative research framework.

The study has shown that the Environment Court has had a significant influence on the practice of landscape assessment in New Zealand. The profession has retained some control over the central concept of 'landscape'. It appears, however, that this control is somewhat illusory and relies more on the slippery nature of the concept than on a clear definition to which all ascribe.

The concepts of 'outstandingness' and 'naturalness' are contentious within the profession and a source of tension between members of the profession and the Court. To a degree this appears to be a result of landscape architects being forced to work with concepts that have been imposed by the RMA91 rather than those which have arisen from landscape architectural theory or practice.

In practical terms the Court has had both positive and, arguably, negative effects on the practice of landscape assessment. The level of critique to which assessments are subject to by counsel prior to hearings, through the process of cross examination in Court, and by the Court itself has increased the level of thoroughness with which landscape architects undertake their work. This was seen as positive. The apparent requirement by the Court for landscape architects to use the Pigeon Bay factors as a means to assess whether or not a landscape is outstanding was considered negative. The adversarial system was seen as encouraging disagreement and lawyers were criticised for pushing landscape architects into extreme positions and into using concepts with which they did not agree.

Practitioners felt a strong need to follow the 'case law', that is, previous decisions of the Environment Court in landscape related decisions. This need is beginning to break down under the weight of the contradictions within this body of material. Previous Environment Court decisions remained the key reference to support the legitimacy of landscape evidence, however. There is something of a tendency for landscape architects to use their own work, or the work of their company, to support a new assessment. The rich vein of academic research on landscape assessment remains largely untapped.

Two analytical frameworks were applied to the conceptions of landscape which were presented by the respondents. The first was to explicate the underlying paradigms of landscape. This showed that an objectivist paradigm was dominant. This paradigm locates landscape qualities and values as inherent within the landscape and thus sees them as being amenable to objective assessment and analysis by an expert. The subjectivist or cultural paradigm locates landscape qualities and values entirely within the human observer and thus requires that all such qualities and values be considered. Paradoxically the

objectivist paradigm results in subjective analyses. It does so because in assuming landscape qualities and values inhere in the landscape the situated-ness of those qualities and values is overlooked. The adoption of the subjectivist paradigm would allow for truly objective analyses of landscape value. In recognising that landscape qualities and values, whether relating to physical factors or more esoteric values, are cultural constructions, ways of accessing, quantifying and balancing these values could be developed.

The second framework relates to the slippery nature of the concept of landscape. This stems from its roots in the elision of two earlier concepts: that of landskip which is landscape as space and scenery; and landschaft which is landscape as place and polity. It is the case that the focus on outstanding natural landscapes under S6(b) of the RMA91 promotes a focus on landskip. The wider structure of the RMA91 and its requirements for consultation promote a focus on landschaft, resulting in an internal tension. The profession in the main, as a result of the dominance of the objectivist paradigm of landscape, focuses on landskip.

In conclusion, it is clear that the epistemic map of landscape architecture, to return to Geiryn's cartographic metaphor introduced in Chapter 2, has largely been drawn by the Environment Court. This is probably unsurprising given that a relatively new profession was thrust into a new role within one of the oldest and most established institutions of our society, the judicial system. The boundaries of that institution are solid and clear. The boundaries of the landscape architecture profession have been vague and flexible. It is time that the profession drew its own map.

7.2 Implications

The weak epistemic boundaries of the landscape architecture profession have resulted in its dependence on the Environment Court as an arbiter of best practice. Landscape architects work with concepts with which they disagree and undertake processes which they do not consider valid. This is clearly an extreme statement of the actual position. It nonetheless appears that we are in a circular system where landscape architects gain credence from the acceptance of their evidence by the Court which thinks the evidence has credence through its acceptance by the profession. That this may be beginning to change is evident by the fact that the adoption by the Court of evidence that was not considered best practice within, at least a part of, the profession led, among other factors, to the undertaking of the Landscape Planning Initiative. The main and most serious implication of this, however, is that while landscape architects have been working hard to fit in with what they think the Court wants the profession has lost control of its own concepts and practices. While landscape architects are arguing about what 'outstandingness' means and what constitutes

a 'natural' landscape, both concepts imposed by the RMA91, they are not analysing and improving their own theoretical constructs nor keeping up with international research.

In terms of outstanding natural landscapes the RMA91 is entirely neutral as to the application of an objectivist or subjectivist paradigm of landscape. That an objectivist paradigm has gained ascendancy is, in my opinion, most likely the result of a combination of factors. Firstly, the background and training of the leading landscape architectural practitioners leans strongly towards the dominance of the objectivist paradigm of landscape in their practice. Secondly, the broader structure of the Act supports the application of the objectivist paradigm in that Section 6 of the Act separates ecology, heritage and Tangata Whenua values from landscape. Thus the portion of the Act into which landscape architectural expertise feeds is this 'landscape' which is divorced from social value and other value structures. If landscape architects are the expert interpreters of this thing called 'landscape' and they promote an objectivist paradigm of landscape in their work it will fit right in with these divisions in Section 6. Once established, as it now is, breaking away from this objectivist paradigm becomes ever more difficult. Further, the role of the expert witness strongly supports the objectivist paradigm as it is the witnesses opinions which count. Slipping into the role of one who knows and whose interpretation is the right one occurs very easily. It perhaps explains why there is such common disagreement between landscape architects.

Returning to the criteria espoused by Swaffield and Foster (2000) and discussed in Chapter 2, it is my position that the influence of the Environment Court in this manner has weakened the credibility of landscape assessment work. Credibility in this context is the degree to which the assessment provides an authentic representation of the landscape's value. If several landscape architects can espouse different values for the same landscape then at least all but one must logically lack credibility. Dependability is the degree to which users (the Court or the planner) can be confident that the values reported are not the researchers own biases. As with credibility, wide variation between 'expert' assessments must also bring dependability into question.

Planners wanting to use landscape assessments as the basis of policy development need to ensure that the assessments they rely on are credible and dependable as well as demonstrating utility and best practice. This necessitates remembering that the value attributed to landscapes or landscape qualities is a human phenomenon and does not inhere in the landscape. Consequently credibility will be demonstrated if the assessment of value is supported by other evidence (the shared and recognised value of what were to become the Pigeon Bay factors). This evidence could take a number of forms including surveys or stakeholder consultation but could also include literature, photographic records (calendars, postcards), and art. Dependability will be demonstrated by reference to theoretical

frameworks which have been tested and applied elsewhere and found to be effective. This could be by testing through academic research or by the application of concepts and processes developed and used elsewhere (for example, the British 'Guidelines for Landscape and Visual Impact Assessment' (2002).

7.3 Significance

The significance of this research mainly stems from the fact that there has been very little research in this country into the practice of landscape architecture generally or landscape assessment specifically. Bowring (1997) undertook an in depth study of the discourse of the profession and identified the naturalised picturesque aesthetic in its work. Swaffield (1999) undertook a survey of landscape assessment practice in New Zealand and with Foster (2000) a review of the landscape assessment research relating to the South Island High Country. This research has aimed to provide an arguably ethnographic view of part of the practice of landscape assessment and has done so by focusing on key players within the profession. In this way it has both demonstrated common practice and proposed ways that practice could be improved.

The examination of the relationship between landscape architects and the Environment Court has significance in that it clarifies the ways in which the profession and the Court are caught in boundary tussle. The nature of this process has been iterative with members of the profession presenting concepts and practices to the Court which have then been fed back to the profession in a modified form. It has been the case, however, that the players in this tussle have been of vastly different maturity and power and so the Court has gained a dominance it probably never wanted and would probably like to be rid of. A strong profession with clear concepts and robust practices is most likely to provide useful evidence to the Court and so it is in both parties' interests that this tussle be ended. As with any unhealthy relationship this is likely to be painful and difficult but it is possible and the Landscape Planning Initiative of the NZILA is a step in the right direction. It is hoped that this research will also contribute to enabling the profession to reassert its control over its own concepts and practices.

A further point of significance is that this research has clarified that one of the reasons debates over 'outstandingness' and 'naturalness' are so vigorous within the profession is a result of the external imposition of these concepts. Neither term occurs in the index of either the *Guidelines for Landscape and Visual Impact Assessment* (2002) or in *Landscape Character Assessment: Guidance for England and Scotland* (Swanwick, 2002). The European Landscape Convention mentions 'outstandingness' once, in relation to scenic beauty, and mentions 'natural' once in the context of requiring signatories to recognise in law

that landscape is 'an expression of cultural and natural heritage' (<http://conventions.coe.int/Treaty/en/Treaties/Html/176.htm> downloaded February 12 2012). These terms require a view of landscape which is not central to the landscape architectural approach.

7.4 Limitations

This project is a case study of one part of the landscape assessment practice of the profession of landscape architecture. As such its findings are, in a sense, limited in scope. The results of case studies undertaken within a qualitative methodology are not normally generalisable. This is the case with this study in that it is not possible to say that because the respondents said this about outstanding natural landscapes they would say similar things about some other sort of landscape. It is possible to generalise on the basis of theory. In this research the objectivist paradigm of landscape was dominant, for example. It is extremely unlikely that the respondents would move to a subjectivist paradigm when dealing with another type of landscape. Consequently while the results should be treated with confidence, extending them too far beyond their actual location should be treated with great caution.

Because the methodology used is that of qualitative research it is temporally and spatially specific. The results of this research are based on interviews which I undertook over a year ago and some of the statements of evidence were written as much as thirteen years ago. Practice may have changed since the data was produced or gathered. Practice may have changed as a result of the research. These results are a snapshot from within an evolving process and it will always be necessary to check their relevance against the situation which is current at the time of reading.

While being a member of 'the team' is considered to be an advantage in qualitative research generally and ethnographic research particularly it does have its down side. I am well immersed in the practice of landscape assessment myself and this may mean that I am not as sensitive to nuances as someone with more distance from the subject matter. There is always the danger of an involved researcher wanting to push a conclusion which suits them, or presenting a favourite solution. Here I have to acknowledge again, that I have been a long-time critic of the objectivist paradigm of landscape. However, I consider its presence is so strong within the research material that I am confident it is not simply my assumption that makes it apparent.

Finally, the limited number of respondents may be seen as a limitation to the value and reliability of this work. I can only reiterate that the persons I interviewed were key players in

the field who hold a high level of influence within the profession and a high level of experience within the Environment Court. Including planners, lawyers and possibly even judges in the research would have enriched the study considerably, but it would also have broadened its scope, potentially introducing a number of other epistemic boundary tussles to the mix. Further, time and other constraints meant that a limited approach was necessary.

7.5 Recommendations

I have already discussed the features of a landscape assessment which would demonstrate its credibility and dependability to planners and to the Environment Court. I will consequently focus here on recommendations to the landscape architecture profession on ways to improve practice and to wrest control of concepts and practices back where they belong, within the profession.

Firstly, I consider it the responsibility of all practitioners to investigate alternative ways of considering landscape management and of undertaking landscape assessment. This does not mean that any alternative needs to be adopted, simply that it would help keep an open mind to new ideas and processes.

Secondly, I consider that the NZILA should investigate undertaking or sponsoring advanced training or Continuing Professional Development in the area of landscape assessment. This could be workshops or conferences although my impression of these events is that they often result in people becoming more and not less intractable in their positions. The use of on-line training methods such as Webinars would be a simple way to reach a wide range of practitioners.

Thirdly, I consider that the NZILA should consider purchasing subscriptions to the major academic landscape journals. While this may sound an onerous expense there are few of them, probably fewer than five, and so it may be entirely affordable. Having access to these journals in electronic form would enable practicing landscape architects to take advantage of the reasonably large body of research in the field of landscape assessment and would lead to greater integration of the academic and professional wings of the discipline.

I also consider that there is a need for much research in the field of landscape appreciation and landscape assessment within New Zealand. This could include the following:

- A critical evaluation of the effectiveness of the current landscape management regime;
- Further research into the experience of landscape within New Zealand with a particular emphasis on examining variations between cultural groups;

- Projects examining the community's view of specific sorts of landscape features such as town boundaries; particular land management regimes such as high irrigation dairy farming; particular land uses, such as wind farms; and of particular geographic features.

Appendix 1

Interview template:

- I Qualifications?
- When graduated?
- What do you recall of your undergraduate training in landscape assessment?
- How relevant / useful has it been for your work in landscape assessment?
- Have you had any further training in landscape assessment since? If so, what? If no, what has informed your practice over the years?
- II What is a 'landscape'?
- What is 'natural' in relation to landscapes?
- What is 'outstandingness' in relation to landscapes?
- How should we assess things like 'natural character' and 'outstandingness'?
- How should we assess value in relation 'landscape'?
- Does the elevation of heritage to s6 of the RMA have any bearing on the work of LAs?
- What do we need to do to ensure our assessments are robust and reliable?
- III Cases which you have been involved in include...Only ones relating to plans or plan changes have been included, and all have something to do with ONLs.
- Can you tell me about the process you went through in the first case?
- Has the process changed?
- How has it changed?
- What, if any, influence has the Environment Court and its decisions made in these changes?
- IV Have you been involved in the NZILA Landscape Planning Initiative?
- What is your opinion of the role of LAs as expert witnesses? Randomly assigned experts eg.
- What do you think the relationship between the EC and landscape assessment practice should be?
- What is your opinion of the effectiveness of the RMA? The processes of the RMA?

Appendix 2

Consent Form

I

_ agree to participate in Marion Read's research project examining the practice of landscape assessment in relation to the development and change of District Plans, and the influence of the Environment Court on this practice provisionally entitled, "Law and landscape assessment: finding outstanding legal landscapes under the RMA91".

I understand that this will entail my participation in a semi-structured interview. All interviews will remain confidential with participants identified by a participant number only. I understand that I may:

- decline to answer any particular question;
- withdraw from the study at any time;
- ask any questions about the study at any time during participation;
- provide information on the understanding that my name will not be used.

I also understand that aspects of the public record, namely statements of evidence which I have provided to the Environment Court and Environment Court decisions in which my work is discussed will be a part of the body of information which will be drawn upon. Statements of evidence will not be quoted at length in the final thesis and will also be attributed by participant number only.

The thesis will be provided to all participants as a pdf document once it has been completed and graded.

For any further questions about this project please contact me directly on 021 1001 708 or at marionread@paradise.net.nz. Alternatively you may contact my Massey supervisor Dr Matthew Henry on 06 356 9099 ext 2025 or M.G.Henry@massey.ac.nz.

This project has been evaluated by peer review within the University and judged to be low risk. Consequently, it has not been reviewed by one of the University's Human Ethics Committees. The researcher named above is responsible for the ethical conduct of this research.

If you have any concerns about the conduct of this research that you wish to raise with someone other than the researcher, please contact Professor Sylvia Rumball, Assistant to the Vice-Chancellor (Research Ethics), telephone 06 350 5249, email humanethics@massey.ac.nz".

Signed: _____

Dated: _____

Copy provided interviewee: Y N

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