

What Can We Learn from Western European Landscape Policies?

Comparitive Analysis of European Landscape Policies Focusing on Poland and Hungary

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Abstract

With the contribution of our international team we compared the main elements of landscape policy of France, Germany, Poland and Hungary. Germany and France, all have a strong landscape policy but of different types, tools and institutional systems. In our analysis we compare these systems with the landscape policy tools of East-Central European countries. The French state offers several possible tools for local authorities for landscape protection and development. Germany has an exceptional hierarchic and detailed system for landscape plans integrated into the spatial planning system.

In Poland and Hungary as former socialist countries landscape and spatial policy had to be changed, adjusted to market demands. In all countries landscape assets are important part of our heritage and the countries have chosen different methods to protect

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them. We compare the tools, the mechanism and draw consequences for the Hungarian and Polish landscape planning practice.

Keywords: landscape policy, planning, protection, Hungary, Poland

I. Introduction

There have been several researches on the varied spatial planning systems of European countries and with European Landscape Convention. There is a growing attention focusing on landscape planning and protection. Searching the international scientific literature, we can find several analyses and research projects on the landscape policy tools, but mostly focusing on Western European countries, while researches on East-Central European countries are scarce. With the contribution of our international team, we compared the main elements of landscape policy of France, Germany, Poland and Hungary. Germany and France, all have strong landscape policies, but of different types, tools and institutional systems.

In our analysis we compare these systems with the landscape policy tools of East-Central European countries. In Poland and Hungary as former socialist countries landscape and spatial

policy had to be changed, adjusted to market demands and to the growing importance of self-governance. In all countries landscape assets are important part of the cultural and natural heritage and the countries have chosen different methods to protect them.

Due to the complexity and integrated character of spatial planning and landscape policy we focused on certain questions and highlighting the most important characteristics and positive or negative examples. Our research questions were:

- ⊕ How landscape policy is integrated into the spatial planning system?
- ⊕ What are the tools of landscape policy?
- ⊕ Who are the main stakeholders? What is the role of the state and what are the possibilities of public participation?
- ⊕ How the European Landscape Convention influenced the landscape policy?

II. Materials and Methods

We explored the main differences and similarities in the spatial planning systems but especially how the landscape issues are integrated into the spatial planning system of the surveyed countries. We carried out comparative analysis exploring the main differences between the countries considering the main focus, stakeholders of landscape policy, the major tools, planning competency of the territorial levels, the role of the state and possibilities for bottom-up initiatives.

The literature review was supplemented by a comparative analysis of the Vital Landscape project co-financed by Interreg (SYNTHESIS REPORT 2011; FILEPNÉ KOVÁCS K. et al. 2013). We also used national reviews of landscape protection (country report on European Landscape Convention, recommendation on spatial planning by European Commission and national concepts – National Hungarian Landscape Strategy, Polish ‘The programme of conservation and sustainable use of biodiversity along with Action Plan for the period 2015–2020’–, reports – Polish Fifth National Report on the Implementation of the Convention On Biological Diversity (CBD 2014) –, acts in

sectors influencing spatial planning. As most of the countries ratified European Landscape Convention which opened up a broad forum on landscape protection and planning and we also scanned the country reports.

Spatial planning systems differ in all the examined countries due to their unique government structure. The states generally can be categorized as federal (Germany), unitary country with strong local and strong regional level (France, Poland) and unitary country with strong but non-integrated local authority level (Hungary) countries. In Hungary as a typical unitary country the self-governance of regional units (county) is limited. The regions of federal countries possess over significant regulation power, separateness and financial independence (TOSICS I. et al. 2010; ILLÉS I. 2011), in Germany the states (regions) are responsible for establishing the detailed legislative tools for spatial development, and the national level has the right just for elaborating the legislative framework. In the unitary or decentralized countries the state governments are responsible for shaping the legislation of spatial planning system and the preparation of spatial development plans/strategies. In France the regions have strong responsibilities related

to spatial planning and landscape protection.

France is a special case because of its local governmental system which is extremely fragmented but next to it 2600 supra-municipal cooperation exist, (public establishment for inter-communal cooperation = EPCI) which are really important in the field of spatial and landscape planning (KOROM, A. 2014). The tasks and responsibilities of the EPCIs are defined by legal rules.

The ‘landscape units’ (‘pays’) are more informal formations.

Poland can be considered as a decentralized unitary country with strong regional level (*Table 1*), where the regions (voivodeship) have authority in the field of culture and conservation of cultural assets, rural development, physical planning, water management, public roads and transport. In Hungary there is a strong centralization process going on since 2010.

| | Germany | France | Poland | Hungary |
|---|--------------------------------------|---|---|---|
| territorial government structure | federal | decentralized unitary with strong local and strong regional level | decentralized unitary with strong local and strong regional level | centralized unitary with non-integrated local level |
| regional level | 16 federate states | 18 regions | 16 voivodeships | 19 counties |
| local level Nr. of municipalities | 14 000 | 36 778 | 2 500 | 3 152 |
| main levels of spatial planning | federal regional (state) local | state regional intercommunal local | state regional (voivodeship) local | state regional (county – very weak) local |
| tradition of spatial planning according to PLUREL | comprehensive integrated | regional economic | comprehensive integrated | mixture of CI and RE |

Table 1: Administrative structure and main characteristics of spatial planning systems

Source: compilation of the authors

III. Results

III.1. What are the main landscape planning and protection tools?

In all countries nature conservation is of great importance and several economic sectors have also great effect on landscape protection, so in our study we focus mostly on alternative tools.

Germany is the only country where to all spatial plans landscape plans are elaborated. In Germany landscape planning is the basis for nature and landscape protection on regional level. Germany has the most integrated, systematic planning framework. In these landscape plans there is a strong compensation approach which ensures quick mitigation and environmental compensation measures (BUNDESAMT FÜR NATURSCHUTZ 2007).

The *French* ‘trame verte et bleue’ (Green and Blue Network, GBN) is a spatial planning tool to conserve and restore ecological continuities. Green and blue corridors are officially created by the 2010 Grenelle II law which requires the linking of sites previously identified for their importance for biodiversity conservation in order to overcome the current fragmentation of the

French territory (MAZZA, L. et al. 2011; SALA, P. 2014).

Above spatial planning there are special tools in France which strengthen landscape protection, management. The Landscape Plans, the Landscape Atlas (atlas du paysage) and the Landscape Charters (chartes paysagères) were introduced in France as a result of the impulse of the 1993 Landscape Act (Loi Paysage), the European Landscape Convention and later the Grenelle I Agreement (2009) and II (2010) gave them a new impulse. The Landscape Plans are voluntary tools elaborated for a supra-municipal area by the cooperating municipalities. Landscape Charter is an agreement between private and public stakeholders to define objectives and actions with the aim of protection and management of the landscape in a specific area. A special landscape protection and rural development institution is in France the regional nature parks, initiated by the regional government with co-operation with local municipalities (MINISTÈRE DES AFFAIRES ÉTRANGÈRES 2006; MAZZA, L. et al. 2011; SALA, P. 2014).

In *Hungary*, there are no special landscape planning or protection tools above the traditional nature and landscape protection tools (national parks,

areas of great natural and scenery value (CHMIELEWSKI, T. J. 2012). Contrary to elements of geodiversity and biodiversity, landscape in Poland has the poorest instruments of conservation and sustainable usage (KISTOWSKI, M. 2008; 2010). The significantly

lower importance and effectiveness of these instruments is also of great importance as compared to the protection tools of species and natural habitats, both in structural and functional terms (KISTOWSKI, M. 2012).

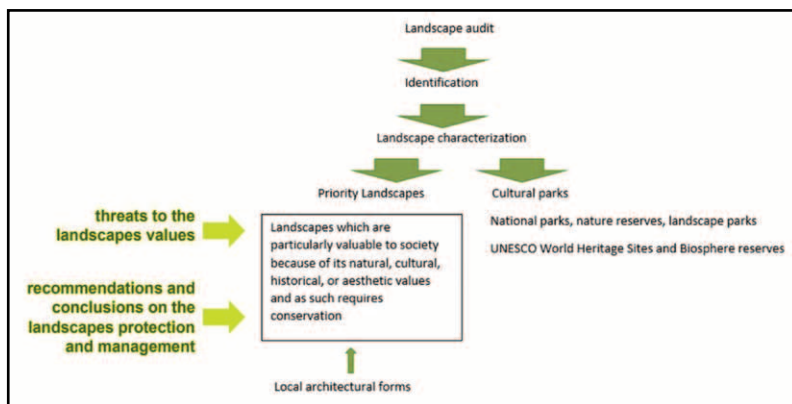


Figure 2: Process and goals of landscape audit in Poland

Source: OPECHOWSKA, M. 2016

The most recent landscape protection tools are landscape audits (Figure 2) and urban planning principles of landscape protection. The aim of the audit is to identify types of landscapes occurring in the area of the region, and then, their valorisation. The document is made to identify the distribution of so-called priority

landscapes, determine their threats and methods of protection. The act of local law is to be a new tool, called urban planning principles of landscape protection. This instrument is to regulate the protection of selected priority landscapes (KLIMCZAK, L. 2014, KARPUS, K. 2016).

| tool | Germany | France | Poland | Hungary |
|---|--|--|---|--|
| major tools of landscape policy | traditional nature protection and hierarchical system of landscape plans | traditional nature protection and varied plan types, initiatives | nature and landscape protection areas, growing importance of landscape in spatial plans landscape priority areas | traditional nature protection and land use framework plans |
| institutional bottom-up tool for complex landscape protection and development | nature parks federal state defines but strong local co-operation | regional nature parks regional initiative strong vertical and horizontal cooperation | no such initiative | nature parks bottom-up initiative, no central financing |
| independent landscape plan | landscape planning analysis on all territorial levels | landscape plan, Plan de Paysage | no independent landscape plan | no independent landscape plan, zones of the regulation plan serve landscape protection |
| bottom-up up plan for landscape protection and development | no such initiative | Landscape Charter bottom-up initiative | no such initiative | no such initiative |
| green infrastructure | landscape planning analysis on all territorial levels | Trame Verte et Bleue in spatial plans | landscape protection areas in spatial plans | National Ecologic Network |

Table 2: Landscape policy tools
Source: compilation of the authors

III.2. Who are the main stakeholders of landscape policy? What is the role of the state and what are the possibilities of public participation?

In all countries the state and its organizations and furthermore the municipalities are the main stakeholders in landscape protection, a top-down approach is very strong in all countries (*Table 3*). Depending on the territorial structure of the country the regions have different responsibilities in landscape policy. In Germany and even in France the state decentralized the responsibilities to the regions (France), 16 Länder (Germany).

One of the most important objectives of planning in Germany is reaching consensus between stakeholders, economic sectors on how to deal with conflicting uses and functions in a given space, not just to create as a final output a legally binding document. Unfortunately in Poland and Hungary the planning process has not such integration.

In France the state offers several possibilities for bottom-up cooperation. The regional government has several tasks related to spatial planning and rural development. Even the EPCIs have planning competency and possibilities such as the above

mentioned Landscape Charter and Landscape Plan.

In Poland the constant changes in legislation introduced a competence chaos in the management of the landscape policy system. Competences in this area are divided between provincial governor, province's self-governments (landscape parks, protected landscape areas) and municipal's self-governments (including landscape and nature complexes and monuments). The services supervising the effectiveness of carried protection are missing. Limiting the pressure on the landscape within them is possible only basically thanks to Regional Directors of Environmental Protection (KISTOWSKI, M. 2012).

In 2009, the management of landscape parks changed from the competence of provincial governors to the competence of provincial marshals, and the protected landscape areas, as a matter of fact, remained without special supervision from the nature protection services (KISTOWSKI, M. – KOWALCZYK J. 2011). Since then, the management boards of landscape parks – devoid of any decision-making or even consultative powers – deal mainly with tourist promotion of the region's most valuable landscape.

Thus, they indirectly generate more pressure for its development, without actual impact on the quality of this development and spatial order.

In Poland and Hungary we can state that local initiatives are not too strong. In justified cases, environmental organizations

may appear in proceedings on the parties' rights. As a result, the role of the state is much stronger (top-down approach). There are a lot of problems related to the means and effectiveness of public participation, it is considered mostly an obligatory process focusing on publicity without real interactivity.

| | Germany | France | Poland | Hungary |
|---|---|---|---|---|
| stakeholders | multi-level of administration, strong local level, initiatives for public-private partnership | multi-level of administration, strong supra-municipal co-operations, local level, public-private cooperations | strong state, weak regional level, and strong local level | strong centralization, strong state and local level |
| regional level competencies in landscape policy | strong | strong | weak | no competencies just related to spatial plans |
| focus | complex, spatial approach | complex, spatial approach | nature and landscape protection | nature protection |

Table 3: Main stakeholders of landscape policy

Source: compilation of the authors

III.3. Integration of landscape protection into spatial planning

In *France*, a series of measures aimed a better integration of landscape planning and protection in planning measures. The Act on the protection and valorisation of landscape (1993) and the Urban planning code (1995) had strong effect. But

most of all the 2010 Grenelle II (Act on environment) was very important from the environmental and landscape point of view. Such objectives as harmonizing planning in a metropolitan area or reinforcing the national strategy for biodiversity, integration of the green and blue network into in urban planning are of great importance (MINISTÈRE DES AFFAIRES ÉTRANGÈRES 2006).

In *Germany*, due to its federal structure the legislative competences are shared between the federal level and the 16 Länder. The federal level elaborated regulations on landscape planning, compensation for nature and landscape impacts, ecosystem

defragmentation and connectivity, recreation in nature but these can be further supplemented by national regulations of the 16 states. Landscape planning is integrated into spatial planning (*Figure 3*).

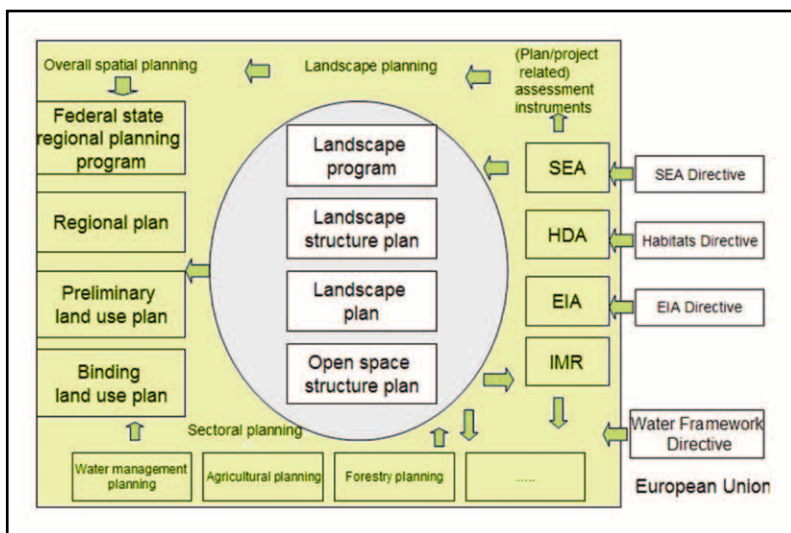


Figure 3: System of landscape planning in Germany

Source: BAN 2007

In *Hungary* the Act XXVI of 2003 on National Spatial Planning lays down the national regulations for spatial planning. The aim of landscape protection is realized through rules of zones for the area of the country. The zones of national ecological networks (ecologic core area, ecological corridor, buffer area), zones of excellent-quality and good-quality arable land, zones of excellent-quality forest area, zones of areas

of special landscape protection, zones of areas for afforestation, zone of world heritage sites and candidates provide protection for natural and cultural elements. The act sets up a strict but quite general regulation framework for spatial plans of the counties and priority areas (Balaton Recreational Area, Budapest Agglomeration Area), which doesn't really ensure the consideration of special conditions. The guidelines of national and

spatial plans are realized through the local plans.

In *Poland*, regional and local authorities are responsible for spatial and land use planning (*Table 4*). The three-tier spatial planning system in Poland is governed by the Land Use Planning and Development Act (DZ.U.2016.778). The law requires that environmental and landscape requirements are taken into account as a basis for sustainable development. The voivodeship plan determines:

- ⊕ basic elements of the voivodeship settlement pattern;
- ⊕ system of protected areas;

- ⊕ distribution of public purpose investments of translocal importance on the voivodeship territory;
- ⊕ problem, metropolitan, and support areas;
- ⊕ flood hazard areas.

Unfortunately the guidelines set up by the regional plan are not enforceable. The most important problem at local level is that only 30 percent of entities developed land use plans so decisions depend on mostly the current situation and not on the desired one.

| aspect | Germany | France | Poland | Hungary |
|---------------------------------|--|---|---|---|
| tools | hierarchical system of landscape plans | varied plan types, initiatives | nature and landscape protection areas | traditional nature protection and land use framework plans |
| integration in spatial planning | strong integration into spatial planning | strong integration into spatial planning | protected areas in spatial plans, guidelines in local plans | regulation zones in land use framework plans |
| regional planning competency | planning competency and financial independency of the regions (Länder) | planning competency and financial independency of the regions | weaker independency of ,voivodeship'-s Elaboration of Landscape audit | extremely limited planning competencies of the counties, no financial resources |

| aspect | Germany | France | Poland | Hungary |
|------------------------------|---|---|---|---|
| planning units | planning mostly related to administrative units | planning competency of supra-municipal cooperations | planning mostly related to administrative units | planning mostly related to administrative units, NLUFP in 2008 failed initiative for agglomeration planning, possibility for municipal co-operation |
| landscape character analysis | landscape planning analysis on all territorial levels | landscape character atlas regional level | landscape audit regional level | no national level landscape character analysis (recently started national project) NLUFP 2015 give legal basis for landscape characterization on regional level |

Table 4: Landscape issues in the spatial planning system
 Source: compilation of the authors

III.4. How the European Landscape Convention influenced the landscape policy?

All countries with the exception of Germany signed the Landscape Convention, but among the analysed countries Germany has the strongest

nature and landscape protection tools (Table 5). France has also a strong landscape protection tradition but the ratification of the convention gave a boost to the integration of landscape protection and sustainable development objectives into the spatial planning system.

| country | Signature | Ratification | Entry into Force |
|---------|---------------------------------|---------------------------------|-------------------------------|
| Germany | – | – | – |
| France | 20 th October 2000 | 17 th March 2006 | 1 st July 2006 |
| Poland | 21 st December 2001 | 27 th September 2004 | 1 st January 2005 |
| Hungary | 28 th September 2005 | 26 th October 2007 | 1 st February 2008 |

Table 5: Signatures and ratifications of European Landscape Convention
Source: Council of Europe, https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/176/signatures?p_auth=QSGftxc1 – 2018. 09. 14.

Since the transformation and accession of *Poland* to the EU and especially since the ratification of Landscape Convention environmental and landscape-related issues have gained greater significance in Poland. The attitude of the society to the landscape has also changed significantly. The awareness of people and their willingness to protect landscape has increased. The most important milestone was the so called ‘Landscape Act’, which is not a single act but it covers the modification of several acts related to landscape protection.

In *Hungary*, the Landscape Convention brought the integration of the term of landscape character and the obligation of defining the landscape character on regional level in spatial plans. The National Landscape Strategy 2017–2026 was adopted by the Governmental Decision 1128/2017. (III.20.). It fosters the integration of landscape aspects in different economic sectors, economic incentives. An

important milestone was that in agricultural incentives small scale landscape elements are taken into account. It has brought the attention of the need of research and analysis of landscape character, ongoing trends of the landscape. Nationwide projects have been started in the field of landscape characterization, assessment and mapping of green infrastructure. The National Land Use Framework Plan is under revision, it tries to enhance the development of compact cities and controlling urban sprawl. Unfortunately, these actions haven’t really changed the situation of landscape planning and protection.

IV. Conclusions

The only country among the observed countries is Germany who hasn’t signed the European Landscape Convention. But it is clear that differences of the spatial planning system and landscape

planning do not originate from ratification of any international conventions but rather the different traditions of administration, government and importance of nature and landscape protection (SYNTHESIS REPORT 2011). So Germany has long traditions in nature conservation and strong legal instruments related to landscape protection and planning. Mostly we can see considerable changes in case of Poland and Hungary where mostly in the field of mapping, analysing of landscapes have been launched nationwide projects.

In Germany and France we can witness a stronger integration of landscape issues into the spatial planning system. Germany's system is highly hierarchical and rigid and that is why the effectivity is reduced in some cases by the fact that it cannot really integrate special, uncommon tools (SALA, P. 2015). For example in spite of the strong ecologic compensation approach Germany couldn't really control urban sprawl (EC DG ENVIRONMENT 2013). We can witness a stronger integration of landscape issues in spatial plans and landscape policy mean a more complex approach focusing not mostly on natural and landscape protection but also development as well.

France formerly was a strong centralized country but for now there was a remarkable decentralization process going on, delegating responsibilities and financial resources to all territorial levels, meanwhile the state maintained its control. The state offers plenty of opportunities, incentives, and tools for local stakeholders supporting regional, supra-municipal and local initiatives. Because of this complexity, fragmented system of local governments and redundant number and structure of EPCIs the system is quite complicated, reducing effectiveness. But for mobilizing local stakeholders, strengthening local identity France has wide range of tools, the French Landscape charter is a unique initiative in Europe.

Certain level of decentralization is realized in Poland as at regional level the management tasks related to protected landscapes are divided between provincial governor (tasks carried out by Regional Directors of Environmental Protection related to nature reserves and Natura 2000 areas), province's self-governments (landscape parks, protected landscape areas) and municipal's self-governments (including landscape and nature complexes and monuments) which at this level still results in

a competence chaos. Therefore, in the future more precise definition of responsibilities would be necessary. Decentralization in landscape policy would be useful also for Hungary as in a decentralized system the specific conditions can be considered, managed more effectively. Our researches show that still in Poland and Hungary the landscape issue is still not integrated properly in the spatial planning system but we can witness promising initiatives in this field.

The other important difference between the Western and East-Central European countries are the level and means of public participation and the consensus seeking aspect of planning. The partnership between public and private sector is more developed. Especially from this point of view Hungary and Poland have to improve their system and attitude. Based on the comparative analysis of the landscape policy of the

surveyed countries we formulated the following recommendations:

- ⊕ Poland and Hungary should launch more incentives, supporting tools for landscape protection and development for local stakeholders;
- ⊕ better integration of landscape issues into spatial planning would be necessary;
- ⊕ enhancing, strengthening social awareness in the field of space management would make spatial policy more effective from the point of view of landscape management;
- ⊕ introduction of integrated spatial planning system at agglomeration level.

More or less the observed countries face similar problems and conflicts related to spatial and landscape policy. Landscape is such a complex system that it is extremely difficult to optimally manage it from all aspects.

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