

MAGYARORSZÁGI TERÜLETI TERVEK ÉS A KAPCSOLÓDÓ JOGSZABÁLYI KÖRNYEZET TÁJTERHELHETŐSÉGI MEGKÖZELÍTÉSÉNEK ÉRTÉKELÉSE ASSESSMENT OF LANDSCAPE CARRYING CAPACITY APPROACH IN HUNGARIAN SPATIAL PLANS AND RELATED LEGISLATIVE ENVIRONMENT

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ABSZTRAKT

A tájterhelhetőségi megközelítésnek a jövőben integráltabbnak kell lennie az ember által kezelt rendszerekben az emberi tevékenység negatív hatásainak és a globális/lokális folyamatok kiterjedése miatt. A területi tervezés az egyik olyan terület, ahol potenciálisan fejleszthető/fejlesztendő a tájterhelhetőségi megközelítés alkalmazása. Kutatásunk célja, hogy feltárja a nagyléptékű területrendezési tervek és a kapcsolódó jogszabályi környezet esetében a tájterhelhetőségi megközelítés mértékét. A jogszabályi környezetben a tájterhelhetőségi megközelítés kevésbé definiált, az előírások pedig részlegeseek, nem terjednek ki az összes szükséges részterületre. A területi tervekhez kapcsolódó elemzések pedig főleg statisztikai, leíró vagy mennyiségi jellegűek. Számos ponton fejleszthető azonban a tájterhelhetőségi megközelítés a tervekben és a jogszabályokban egyaránt. A jogszabályi

környezet fejleszthető a tájterhelhetőség fogalmi rendszerének beillesztésével, mennyiségiek mellett sztenderdeken alapuló minőségi követelményekkel a területi tervezéshez kapcsolódó dokumentációt illetően, a tájalkalmasság szempontú előírások nagyobb fokú kidolgozottságával. A területi tervek esetében javasolt egy átfogóbb tájterhelhetőségi alapszabvány alkalmazása, amely a környezeti (természetes-épített) elemeket társadalom-gazdasági mutatókkal egy integrált rendszerben értékeli, több minőségi mutató alkalmazásával és a folyamat alapú értékelés nagyobb arányú kiterjesztésével. Jelenleg a jogszabályi környezet változása, ami a leginkább befolyásolja a tájterhelhetőségi megközelítés jövőbeli megjelenését.

Kulcsszavak: tájterhelhetőség, területi tervezés, jogszabály, Magyarország ©

ABSTRACT

It is vital to better integrate the landscape carrying capacity approach into human managed systems because of the growing negative impacts of human activities and global/local processes. One potential integration area is the spatial planning system. The aim of this paper is to explore the prevalence of landscape carrying capacity approach in the selected legislative environment of spatial planning, and larger scale spatial plans. The evaluation was based on a system of targeted questions. The landscape carrying capacity approach appears in partly defined and partly focused regulations in the legislative environment. In the case of large scale spatial plans, the evaluations of the landscape carrying capacity approach are mainly based on statistic, descriptive and quantitative assessments. However, several development points of landscape carrying capacity were identified in the case of large scale spatial plans and the related legislative environment. The legal environment can be improved by integrating a conceptual framework for landscape capacity, application of standards-based quality requirements for spatial planning documents, in addition to quantitative ones, and more elaborate specification of guidelines related to landscape potential. For spatial plans, it is proposed to apply a more comprehensive general methodology for landscape capacity assessment, which integrates natural and built elements of the environment with socio-economic indicators, using more qualitative indicators and extending process-based assessment further. Currently, the changing of the legislative environment is likely to have the largest impact on the manifestation of landscape carrying capacity approach in the near future.

Keywords: landscape carrying capacity, spatial planning, legislation, Hungary

INTRODUCTION

Spatial planning is a high level planning type, and its process is a multi-step, well-structured, conscious activity [1]. The “products” of spatial planning are spatial plans which are comprehensive or thematic plans on different scales (settlement, county, region, country). The Hungarian spatial plans’ content, quality, planning process, and responsibilities are regulated by the legislative environment.

In the context of sustainability and landscape scale, the landscape carrying capacity (hereinafter LCC) should be mentioned. LCC is the degree of landscape change

that can be undergone by the landscape without irreversible degradation of its quality [2, 3]. Landscape sensitivity, landscape load and landscape suitability are the main topics of LCC. Landscape loads are the anthropogenic and natural impacts [4] while sensitivity refers to the robustness of the landscape [3]. Land use suitability analysis can identify areas in the landscape that correspond to future/planned land uses [5]. We argue that landscape suitability analysis (based on resource limitation and land properties) provides a wider base for spatial planning process. In the framework of LCC, landscape sensitivity/load/suitability evaluation-based planning methods have high relevance in the spatial planning process.

Among other things, climate change, other global impacts, local environmental pollution, highly concentrated pollution and unequal land use structures have profound influences on socio-economic and environmental systems. The international trends and legislation should be mentioned here from the Hungarian perspective. In the EU, several strategies are in force (e.g. the European Landscape Convention, the European Green Deal and the EU Biodiversity Strategy for 2030), all of which aim to achieve sustainability with regard to various fields such as the economy, legislation, landscape protection and society [6-8].

For these reasons, the landscape carrying capacity approach (hereinafter LCCap) must be more integrated in the high-level legislative environment and spatial plans, as well as at lower levels (settlements, districts, buildings and their surroundings). However, the first step is to become acquainted with the present state of LCCap. In this context, this paper aims to explore the prevalence of LCCap in the selected legislative environments of spatial planning and higher level spatial plans. If all topics of landscape sensitivity/load/suitability/carrying capacity and all landscape elements (topography, water, soil, plants and animals, built up elements, air) are simultaneously present in the documents/legislation, it will suggest that LCCap is widely represented.

MATERIAL AND METHODS

In this study we have had to focus the examination by criteria, because of the breadth of the topic. Figure 1 shows the Flowchart of the evaluation process.

Firstly, the study focused on legislation in force at the time of writing (October 2024) related to high level spatial planning, meaning regulations that are compulsory for stakeholders (planners, municipalities, economic



organisations, etc.), as well as content requirements for spatial planning process and spatial plans. To select the relevant laws and decrees, we used the Electronic Spatial and Urban Planning Support System (hereinafter called E-TÉR – the Hungarian acronym) legislation database [9]. E-TÉR is a central platform for spatial planning processes in Hungary. Five laws and decrees were selected. These laws and decrees are publicly accessible on the National Legislation Database (hereinafter NJt – the Hungarian acronym) online platform [10]:

- Act CXXXIX of 2018 on the Hungarian National Spatial Plan and its priority regions [11]
- Government Decree 218/2009 (6 October) on content requirements for spatial development concepts, spatial development programmes and spatial plan, as well as the detailed rules for their integration, elaboration, consultation, adoption and publication [12]
- Decree 9/2019 (14 June) MvM of the Minister of the Prime Minister’s Office on supplementary rules on the preparation and application of spatial plans [13]
- Government Decree 2/2005 (11 January) on the environmental assessment of certain plans and programmes [14]
- Act CII of 2023 on Spatial Development [15]

The evaluation of this legislation is based on targeted questions with a focus on LCCap:

- Is the LCC directly named/defined in the law/decree?
- Are landscape sensitivity/load/suitability named (as parts of LCC) in the law/decree?
- Are definitions/concepts/topics named linked to the LCC in the law/decree?
- Are regulations for landscape elements (water, nature and wildlife, built elements, air, soil, topography) in the law/decree?
- How detailed the regulations of the LCC?
- What are the requirements for stakeholders in the LCCap in the law/decree?
- What are the requirements for the planning process in the LCCap?
- What are the requirements for the contents of spatial plans in the LCCap?
- Is any standard/method linked to LCC named/detailed in the law/decree?

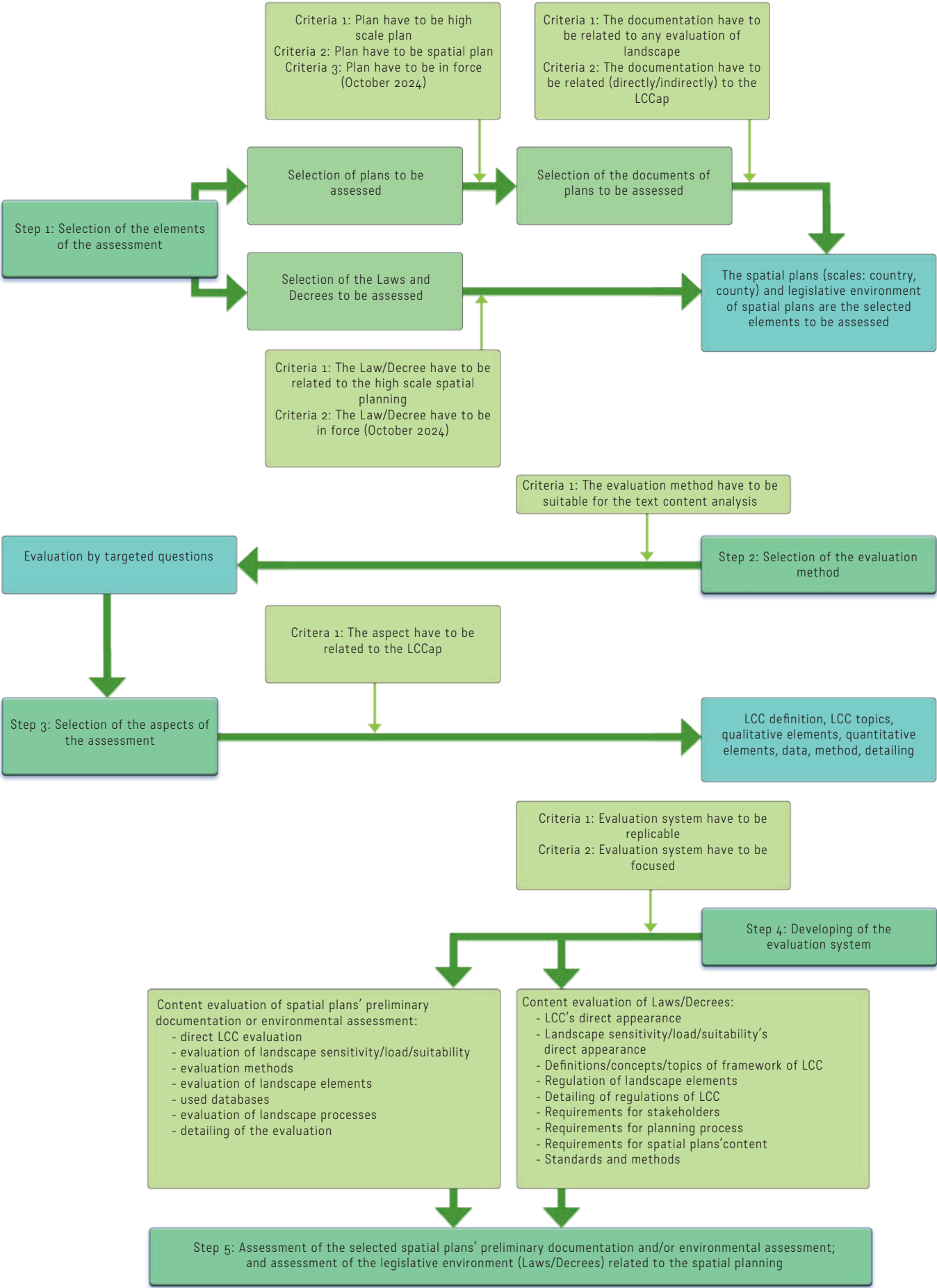
Secondly, the Government Decree 218/2009 (6 October) has regulations governing the publishing of spatial plans,

but does not have regulations governing the publishing of preliminary documentation. This research focused – as a key criteria – on completely publicly available (on free-of-charge webpages that are universally open access) preliminary documentation and/or environmental assessment of spatial plans in force (October 2024) at the national and county levels. This documentation has to contain those evaluations which are the basis for the final spatial plan. Therefore, the examination of these documentations was the focus with regard to LCCap. The two highest levels have been examined because this documentation covers the highest areas in a multi-approached system and partly defines the main directions of urban planning. The multi-approached substantiated assessments, documentation and legal acceptance of these plans are crucial to Hungary’s future processes. It should be noted that there are several types of spatial plans and spatial development plans [14, 15]. However, this study focuses only on the aforementioned spatial plans. Therefore, the preliminary documentation and/or environmental assessment of National Spatial Plan and 19 County Spatial Plans were examined. The town/city level was not examined in this study. In the case of the National Spatial Plan we had to take under assessment the preliminary documentation and environmental assessment and Natura2000 impact assessment of the National Spatial Plan in force between 2013 and 2018. The preliminary documentation and environmental assessment of the National Spatial Plan in force from 2018 was not publicly available. The laws and decrees governing spatial planning defined several regulations for the contents of spatial planning. Therefore, we also examined the preliminary documentation and/or environmental assessment of spatial plans with regard to LCCap. The evaluation method was also based on targeted questions:

- Is there direct LCC evaluation?
- Is there any evaluation of landscape sensitivity/load/suitability?
- Is there any evaluation type linked to the LCC?
- Is there any evaluation of landscape elements (water, nature and wildlife, built elements, air, soil, topography)?
- What type of evaluation methods were used?
- What databases were used for evaluation?
- Is there a landscape-process-based evaluation method?
- How detailed are the used evaluations and how detailed are their conclusions?



Figure 1: Flowchart of the evaluation process



The assessed documentation of the National Spatial Plan and County Spatial Plan was publicly downloadable from the official County homepages [17-28].

RESULTS

In the case of the legislative environment related to spatial planning, it was concluded that LCCap appears in different levels in the laws and decrees. Table 1 summarises the results of the evaluation of the selected laws and decrees. Firstly, in the laws and decrees there are no definitions of LCC or landscape sensitivity/load/suitability. LCC and landscape load are directly referenced in Government Decree 218/2009 (6 October) as a mandatory assessment element of the spatial plans. Moreover, LCC is named as environmental carrying capacity and load in the Government Decree 2/2005 (11 January) (as mandatory assessment element of environmental assessment) and Act CII of 2023 (as an aim and task of spatial planning). The largest number of LCCap-related rules and regulations are set out in Government Decree 2/2005 (11 January) and Act CXXXIX of 2018. However, in the case of Government Decree 2/2005 (11 January) these rules are about only particular content elements in the environmental assessment of spatial plans. In the case of Act CXXXIX of 2018, these regulations chiefly take the form of bans of some types of activities or qualitative limits on given human activities related to a given land use type. Moreover, it is also true in the case of Decree 9/2019 (14 June) MvM of the Minister of the Prime Minister's Office. Landscape suitability is absolutely not directly mentioned in the laws and decrees, except in one case. The 'zone of suitable areas for afforestation' is the only direct regulation area/point which is related to the topic of landscape suitability.

In the case of preliminary documentation and/or environmental assessment for county spatial plans, we established that not all of these are publicly available. We found preliminary documentation and/or environmental assessment of the county spatial plan for eight counties, while those for eleven counties were not publicly available. Table 2 summarises the results of the evaluation of the listed spatial plans. Five environmental assessments of county spatial plans were publicly available. These documents may have particular relevance to LCCap. However, in case of four counties (Csongrád-Csanád, Bács-Kiskun, Békés, Zala) dedicated LCC assessment was found in the preliminary documentation. Preliminary documentation for the Bács-Kiskun county spatial plan contains the most

detailed LCC assessment. The assessment method was based on landscape sensitivity and load evaluation, and was conducted by assessing the zonal area covered by the spatial plan, as well as infrastructure elements and land use types. Moreover, weighting was used for certain area assessment elements. The other three LCC assessments were less detailed or only referred in passing to the environmental assessment. Generally, the six publicly available environmental assessments were detailed and evaluated the human activities, land uses, landscape elements, socio-economic factors and consistency with higher-level strategies. However, the environmental assessments differed to a significant degree in terms of how they qualify certain elements. The assessments were highly based on descriptive data analysis or area extension (quantitative) analysis. Moreover, the assessment of change was also based on a simpler scoring and descriptive method.

Finally, the National Spatial Plan in force between 2013–2018 stipulated that not also dedicated LCC assessment but also environmental assessment were to be made. The LCC assessment based on an area-based evaluation of zones' extent, land use extension and infrastructure. Moreover, the environmental assessment also evaluated several landscape sensitivity and load factors by means of a simpler or more comprehensive system (change analysis, scenario based analysis, trend analysis etc). The evaluations were based on several data types and data sources.

DISCUSSION AND CONCLUSIONS

Firstly, the LCCap appears to differing degrees, in terms of both quantity and quality, in different laws and decrees concerning spatial planning. The topic/content and objectives of the particular law or decree also exert significant influence. However, several points can be identified as potential development opportunities for LCCap in the legislative environment. These include the introduction of definition of LCC, landscape sensitivity/load/suitability, and the regulatory integration of minimum obligatory standards or methodological processes, as well as the integration of the applicable database range, data providers, and qualitative regulations within the framework of LCCap linked to given human activities. Eventually, regulations related to landscape suitability must also become increasingly integrated.

Secondly, in the case of the preliminary documentation for large-scale spatial planning, the basic method for



Table 1: Summarising the results of the assessment of the spatial planning legislative environment

	Act CXXXIX of 2018	Government Decree 218/2009 (6 October)	Decree 9/2019 (14 June) MvM of the Minister of Prime Minister's Office	Government Decree 2/ 2005. (11 January)	Act CII of 2023
Is LCC directly named/ defined in the law/decree?	no	no	no	no	no
Are landscape sensitivity/ load/suitability named (as parts of LCC) in the law/ decree?	no	once as mandatory element of some types of spatial plans' preliminary documentation	no	no	no
Are definitions/concepts/ topics named linked to the LCC in the law/decree?	yes	yes	yes	yes	yes
Are regualtions for landscape elements (water, nature and wildlife, built elements, air, soil, topography) in the law/ decree?	yes	yes	yes	yes	no
How detailed the regulations of LCC?	defining of zones of high scaled spatial plans and several regulations of banning or limiting of human activity	among other things listing and detailing of mandatory elements of preliminary documentation and documentation of several types os spatial plans	defining of additional zones of spatial plans and some regulations of banning or limiting of human activity	listing and detailing of mandatory elements of environmental assessment documentation of spatial plans; listing of organisations of environment protection	no regulations of LCC
What are the requirements for stakeholders in the LCCap in the law/decree?	generally compliance with the regulations by everyone	compliance with mandatory elements of documentation of spatial plans by planners	generally compliance with the regulations by everyone	compliance with mandatory elements of documentation of spatial plans' environmental assessment by planners and organisations of environment protection	general task and responsibility regulations for the organisations and stakeholders of spatial planning
What are the requirements for planning process in the LCCap?	aspects for the planning	mandatory regulations for the phases of spatial planning process (preliminary documentation and environmental assessment)	aspects for the planning	regulations for deciding the significance of the expected environmental impact	a pair of aims and tasks of spatial planning and spatial development
What are the requirements for spatial plans' contents in the LCCap?	mandatory and additonal zones and elements of high scaled spatial plans	mandatory and additional elements of whole documentation of spatial plans	additonal zones and elements of high scaled spatial plans	mandatory and additional elements of whole documentation of environmental assessment	there are no regulations for spatial plans
Is named/detailed any standard/method linked to LCC in the law/decree?	no	no	no	no	no

LCC assessment must be further developed. The basic assessment elements such as area extension of zones of spatial planning and land use should be supported by qualitative evaluation elements and weighting. In the case of environmental assessments, more weighting and qualitative evaluations should also be integrated. Furthermore, a potential development opportunity is process-based evaluation. A few remote-sensing-based evaluations were included in the environmental assessments. However, these assessments have only provided a “snapshot” of the landscape. A time-series, remote-sensing-based

evaluation can support not only the qualitative assessments but also process-based assessments. It should also be mentioned that planning guidance for the assessment of LCC in spatial plans was developed in 2003 by Hungarian experts [29]. However, it is overdue an update, because the databases, methods and possibilities of LCC have broadened significantly in the last 20 years.

Finally, the changing legislative environment should also be mentioned. The county spatial plans will be in force until 30 June 2027. After this date, the county spatial plans will be deleted from the Hungarian spatial plan

Table 2: Summarising of results of the assessment of high-level spatial plans of Hungary

Spatial plan's area	Hungary	Bács-Kiskun County	Békés County	Zala County	Csongrád-Csanád County	Spatial plan's area	Fejér County	Hajdú-Bihar County	Tolna County	Vas County
Found document types	preliminary documentation; environmental assessment; Natura2000 impact assessment	preliminary documentation; environmental assessment	preliminary documentation; environmental assessment	preliminary documentation; environmental assessment	preliminary documentation; environmental assessment	Found document types	preliminary documentation	preliminary documentation	environmental assessment	preliminary documentation
Is there direct LCC evaluation?	yes	yes	yes	yes	yes	Is there direct LCC evaluation?	no	no	no	no
Is there any evaluation of landscape sensitivity/load/suitability?	yes	yes	yes	yes	yes	Is there any evaluation of landscape sensitivity/load/suitability?	no	no	no	no
Is there any evaluation type linked to the LCC?	yes	yes	yes	yes	yes	Is there any evaluation type linked to the LCC?	yes	yes	yes	yes
Is there any evaluation of landscape elements (water, nature and wildlife, built elements, air, soil, topography)?	yes	yes	yes	yes	yes	Is there any evaluation of landscape elements (water, nature and wildlife, built elements, air, soil, topography)?	yes	yes	yes	yes
What type of evaluation methods were used?	LCC assessment by sensitivity and load assessment; environmental assessment by statistical, quantitative, less qualitative, descriptive methods	LCC assessment by sensitivity and load assessment; environmental assessment by statistical, quantitative, less qualitative, descriptive methods	LCC assessment by (less detailed) summarising method; environmental assessment by statistical, quantitative, less qualitative, descriptive methods	LCC assessment by (less detailed) summarising method	LCC assessment by (less detailed) descriptive method; environmental assessment by statistical, quantitative, less qualitative, descriptive methods	What type of evaluation methods were used?	environmental assessment by statistical, quantitative, less qualitative, descriptive methods	environmental assessment by statistical, quantitative, less qualitative, descriptive methods	environmental assessment by statistical, quantitative, less qualitative, descriptive methods	environmental assessment by statistical, quantitative, less qualitative, descriptive methods
What databases were used for evaluation?	statistical and other spatial plans/ strategies, central registers, country or county own databases	statistical and other spatial plans/ strategies, central registers, country or county own databases	statistical and other spatial plans/ strategies, central registers, country or county own databases	statistical and other spatial plans/ strategies, central registers, country or county own databases	statistical and other spatial plans/ strategies, central registers, country or county own databases	What databases were used for evaluation?	statistical and other spatial plans/ strategies, central registers, country or county own databases	statistical and other spatial plans/ strategies, central registers, country or county own databases	statistical and other spatial plans/ strategies, central registers, country or county own databases	statistical and other spatial plans/ strategies, central registers, country or county own databases
Is there a landscape-process based evaluation method?	yes	yes	yes	yes	yes	Is there a landscape-process based evaluation method?	yes	yes	yes	yes
How detailed are the evaluations used, and how detailed their conclusions?	more detailed evaluations / conclusions	more detailed evaluations / conclusions	more detailed evaluations / conclusions	more detailed evaluations / conclusions	more detailed evaluations / conclusions	How detailed are the evaluations used, and how detailed their conclusions?	less detailed evaluations / conclusions	less detailed evaluations / conclusions	more detailed evaluations / conclusions	less detailed evaluations / conclusions

system [16]. The justification formulated only technical reasons, and the county scale will integrated with the national scale [16]. Moreover, all of county spatial planning regulations will be progressively phased out from the related legislative environment [16]. Therefore, the National Spatial Plan will also perform the role currently played by counties [16]. However, several questions arise at this point. Will every spatial plan change request/proposal – higher than the municipal level – have a different spatial planning process? Will these processes require any LCCap evaluation? What will provide the spatial

planning transition between the National Spatial Plan and urban spatial plans? How will the counties’ special spatial properties be managed? Whose responsibility will it be to manage the whole planning process or particular planning needs that arise? It is also worth asking why not all such documents are publicly accessible to anyone (only the final spatial plan), including the entire documentation of the National Spatial Plan currently in force (2018-) and documents for several counties?

In summary, the LCCap does not appear uniformly in high-level Hungarian spatial plans and in the related

legislative environment. Several regulations focus only on bans on certain human activities, or on descriptive or quantitative elements of spatial plans. The preliminary LCCap evaluations of spatial plans is largely based on statistical, descriptive or quantitative assessments supported by simpler evaluation methods. However, LCCap can be strengthened by several development points in the spatial planning process, methods, evaluations and legislative environment. The manifestation of LCCap is plastic in the present, fluid legislative environment around spatial planning.

The strengthening of LCCap may have particular relevance not only in terms of local processes but also in terms of international trends [6-8]. Eventually, we suggest the expansion of the legislative environment with an LCC-centred definition system, and qualitative regulations – alongside quantitative and required content – based on samples/standards, more integration of landscape suitability, and consistent enforcement. Partly based on an earlier suggestion, in the case of spatial plans we suggest the development and application of a basic LCC method (based on international methods), an expansion of qualitative evaluations and process-based evaluations, while keeping spatial plans of all scale within the area scale pyramid. ☉



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