

HOW TO SAVE SITES CONTAINING PROTECTED PLANTS IN NATIONAL PARKS IN AREAS THAT BELONG TO PRIVATE OWNERS

PAVEL KINDLMANN^{1,2,*}, ZUZANA ŠTÍPKOVÁ¹ AND JAROMÍR KYZOUR³

¹ Global Change Research Institute AS CR, Bělidla 986/4a, 603 00 Brno, Czech Republic

² Institute for Environmental Studies, Faculty of Science, Charles University, Benátská 2, 128 01 Prague, Czech Republic

³ Czech attorney at law, Lublaňská 398/18, 120 00 Prague, Czech Republic

* Corresponding author: pavel.kindlmann@centrum.cz

ABSTRACT

Biodiversity loss in national parks is increasingly due to private ownership of ecologically valuable land. This paper explores a critical yet under-discussed challenge: how to safeguard habitats hosting protected species of plants when these sites are privately owned. Focusing on Czech national parks, the legal frameworks, practical obstacles and real-world cases of land swapping, which is a promising but complex strategy that exchanges high-conservation plots for less sensitive areas, are analysed. While successful cases, such as that in Šumava, demonstrate that negotiated exchanges can prevent habitat destruction, other cases, including the long-running conflict at Jelení louky in Krkonoše National Park illustrates systemic weaknesses, from administrative loopholes to misleading narratives undermining plant protection. It is emphasized that proactive policies, rigorous enforcement and international knowledge-sharing are essential for preventing irreversible biodiversity loss. Based on lessons learned and proposing paths for dialogue, this study calls for collaborative solutions and opens a forum for a global dialogue on balancing development and nature conservation.

Keywords: developers; national parks; private ownership; protected plants; site swapping

Introduction

Species are disappearing worldwide, and the expectation is that this will increase in the future (Román-Palacios and Wiens 2020). The literature indicates that the most important factors responsible for this are changes in climate and land use (WWF 2020; Antonelli et al. 2023). As changes in land use result in the destruction of natural habitats they are likely to be the prime driver in the future. A particular emphasis should be placed not only on conserving specific species, but also the environment and communities they live in. There are, however, many other contributing factors and this paper concentrates on only one of them: the effect of private people, so called property developers, who buy land in National Parks (NPs) or close to their most important parts, the natural zones.

Loss of biodiversity in national parks caused by property developers

These people aim to convert acquired land into building areas, where they wish to build commercially used buildings for profit. It may be for example apartment houses containing dozens of flats for rent, restaurants etc. In other words, the property developers convert the most precious parts in the National Park into commercial property. This was very popular in the Czech Republic, maybe more than in other countries, because after the Velvet Revolution in 1989 the government nationalised a lot of undeveloped land that then became the property of the state (land vacated by the Germans after the

war, or land converted into military areas). State then made money by selling this land to private people. Consequently, the problem was that if there were important habitats in these lands, the associated plants and animals were endangered, or even lost, because the private owners are rarely interested in them. The expectation was that nature protection organizations would buy the land, but they had very little money for this.

In theory, the solution of this problem could have been simple: just introduce laws forbidding private people from buying land where there are habitats that need to be conserved. There are such rules: in the National parks, most of them are likely to be in undeveloped land. Therefore, the legal position is: (1) if the undeveloped land belongs to the state, it cannot be privatized. (2) Any person who owns and wants to sell undeveloped land must first offer it to the state, who has to inform the vendor within 60 days whether it wants to buy it or not. This means that the state is interested in increasing the area of undeveloped areas in national parks.

However, as stated above, a substantial part of the state-owned undeveloped areas was sold to private people soon after WWII, i.e., long before the government realized that selling this land adversely affects local biodiversity. The simplest way to re-obtain this land is to buy it from the present owners, the developers. However, this is very costly, because developers want to make money and they are not legally bound to sell their land. In addition, in most cases the NP administration (hereinafter referred to as the Administration), has little money and it is very rarely used except to purchase small cheap sites, where botanically important plants grow.



Fig. 1 General view of meadows on Zhůří (Šumava NP) saved by successful swapping (photo made by Z. Štípková).

There is another way of acquiring important sites: swapping land owned by private developers for land of little conservation importance. The NP Administration owns a large amount of land in the open countryside and in developed and built-up areas. If some of this land is not needed by the Administration, it may be offered to property developers in exchange for their land.

There is a lot of land that is not needed for conservation. For example, there are isolated plots of land belonging to private individuals who intend to use it in a way that is contrary to the objective of the national park. If the landowner knows that the land is not of great value but does not want to sell it there is the possibility of exchanging it for land of less conservation value. This is not always successful. Below one positive and one negative example of an outcome is presented.

Positive example of the way to save important sites

A good example is the director of the Šumava National Park, who was able to persuade property developers to exchange their land with important habitats for land of little conservation value. Thus, it is important to have somebody in the NP administration who is prepared to argue the case for swapping land for conservation purposes.

Swapping usually takes a long time and does not always end successfully. Currently there are at least 3 cases pending in Šumava. An exchange was successfully completed in Zhůří by Rejštejn (Figs. 1–3), but it took 8 years.

Negative example

In other regions, it has not been possible to prevent the loss of biodiversity caused by property developers. A good example of this is the Krkonoše National Park (KRNAP) and its valuable enclave Jelení louky (“Deer meadows”).

There has been a decades long debate about the presence of commercial buildings at Jelení louky in a mountain meadow in an alpine landscape above Zelený důl in the Krkonoše National Park. The story begins with the buildings depicted in Figs. 4 and 5, and culminates in the current plan for the building of a new apartment-style resort called ‘Bouda Jelení potok’ (Figs. 6–9).

The biggest changes at this location occurred between 1989 and 2025:

- ***Beginning: an extension that was never built (1989–1994)***

In 1989, documents were submitted for an extension to the existing recreational facility operated by ČSAD Praha 9. The building permit was issued in April 1990,



Fig. 2 Parts of meadows on Zhůří, ruins of old settlement in the right part (photos made by Z. Štípková).

but due to political changes only the basement was built. In 1992, the permit was extended with the condition that the building be the same size as the previous building, but the permit expired and work ceased in 1994. In 1998, this building ceased to be used.

- ***New planning: zoning regulation and sensitive locations (2011)***

The 2011 land-use plan Pec pod Sněžkou classified Jelení louky as a green zone with isolated homesteads. In such areas, further construction was rarely allowed

at sites where there were buildings in the past, and must respect the landscape character, scale, and limits of the infrastructure. The two small buildings at this site set the scale of any future buildings.

- ***Turning point: demolition of the historic buildings and the first large-scale project (2013–2014)***

In 2013, the property was acquired by Salert a.s. who wanted to build a large building 'Nad Jelením potokem'. In the summer of 2014, the original building was demolished without permission. In the same



Fig. 3 Orchid species saved by successful swapping on the meadows in Zhůří – from left to right: *Pseudorchis albida*, *Dactylorhiza viridis*, *Dactylorhiza majalis* (photos made by Z. Štípková).



Fig. 4 Archive photograph of the meadow enclave Jelení louky.

year, a building permit was issued for a large apartment building (approx. 15,000 m³), but after appeals from the town and National Park Administration (KRNAP), the regional building office cancelled it before it became effective. Subsequent attempts by the investor to overturn the decision were unsuccessful.

- ***Stricter nature protection (2020)***

From July 1, 2020, the Ministry of the Environment designated ‘quiet zones’ within KRNAP. The boundary of one such protected area is just a few metres from the proposed construction site, and the most valuable natural zone (formerly Zone I) is within 100 metres.



Fig. 5 Company building in Jelení louky belonging to the ČSAD Prague company, photograph taken in the 1980s.

- ***New investor and a new design (2021–2023)***

In 2021, Jakub Lovecký joined the company, and in December 2022 the company was renamed Bergalm a.s. In the spring of 2023, a new architectural plan 'Bouda Jelení potok' was presented that was four floors high and had a volume of 9,572 m³. The town's Regulatory Commission rejected the new proposal in January 2023. The KRNAP Care Principles, effective from July 17, 2023, emphasized the need to conserve the mountain landscape and the scale of typical local buildings.

- ***Administrative exemptions and increasing controversy (2023–2024)***

In August and September 2023, the KRNAP Administration granted Bergalm a.s. exemptions: one for the effect on protected species of plants and another for permission for constructing buildings within a protected area. In March 2024, the town opposed the development, listing 23 reasons for rejection, which, however, was not included in the administrative file! In the summer of 2024, the case file was passed to the Trutnov building office, which on August 21 is-



Fig. 6 Visualization of the intended construction in Jelení louky – general view (according to OK Plan Architects).



Fig. 7 Visualization of the intended construction in Jelení louky – a common view of the adjacent shed (according to OK Plan Architects).



Fig. 8 Visualization of the intended construction in Jelení louky – side views (according to OK Plan Architects).



Fig. 9 Visualization of the proposed construction from across the access road in Jelení louky (according to OK Plan Architects).

sued a zoning decision for the location of a 9,572 m³ building. This resulted in reports in the media and criticisms of the misleading comparisons of the new building's volume with that of the original building, whose maximum size was around 3,200 m³.

- ***Civic response and administrative review (2024–2025)***

At the end of 2024, the petition 'Let's save Jelení louky!' included thousands of signatures by spring 2025. In February 2025, the Aichelburg Castle Society filled a complaint with the regional authority. A demonstration took place outside the KRNAP headquarters, where its leadership defended its actions. On June 2, 2025, the Ministry of the Environment annulled four binding opinions of the KRNAP Administration for inconsistency with legal regulations and questioned

six other documents. On June 16, 2025, the regional authority launched a review procedure of the zoning decision, which the developer appealed against. Nevertheless, on August 11, 2025, the Trutnov Municipal Office issued a building permit. The dispute thus entered a new phase where land-use and nature conservation regulations collide with the development plan and the public interest in protecting the mountain landscape.

A take home message from this historical overview

The story of Jelení louky illustrates how challenging it is to balance nature protection, the site's historical context and private investment plans. The key issues revolve

around the proposed scale of the building compared to the original building, compliance with the land-use plan and KRNAP care principles, effects on protected species, and the capacity of the narrow forest road at Zelený důl. Without access to documentation and a consistent respect of the rules, the situation may become a long-running conflict that weakens public trust in national institutions.

Examples of false defence by developers

Fooling the reader

Developers often attempt to fool the public in that protection of the site is not necessary because the plants growing there are either not rare or numerous enough to warrant their protection. Alternatively, they attempt to pretend that protected plants living at the site can be easily transplanted to another site, for example as reported by Říha (2025):

- In support of this, Říha (2025) claims that “In the case of orchids, it is a few individuals.” However, the official Nature conservation database (NDOP) indicates that there were 543 flowering individuals of *Dactylorhiza fuchsii* and an unknown number of flowering individuals of *Listera ovata* present at the site on the 19. 7. 2025 (Málková 2025), which is certainly not “a few” as claimed by Říha (2025). The argument often used by developers is that this data is for the whole site and not only for the land to be built on, but if this house is built, many of the protected plants at Jelení louky will be destroyed by the movement of heavy machinery and later by people and cars, or by transfer of plants elsewhere (to be discussed in the next paragraph). Thus, it is unlikely that any of them will survive.
- Říha (2025) also states: “the other protected species found here are not irreplaceable like other endemics”. This claim is based on a lack of knowledge on the rarity of the protected plants: NDOP indicates that the moonflower (*Botrychium lunaria*), Bohemian bellflower (*Campanula bohemica*, 169 clusters) and orange hairy plant (*Pilosella aurantiaca*) are present at Jelení louky (e.g., Grulich and Chobot 2017) and these plants are much rarer than the orchids at Jelení louky.
- The third misleading statement of Říha (2025) is the claim that “The KRNAP administration ordered the developer to ensure their professional transfer to another suitable location”. However, the survival of transferred plants is very low (Reiter et al. 2016; Popovich et al. 2024), therefore, transferring plants is not used when it is possible to protect the original locality in which they live. In this case, the correct procedure is to swap such land for that which is of little conservational interest as outlined above.

Rescue transfers are only used in exceptional cases, such as when an entire locality will be destroyed by, e.g.,

building a dam or highway and the destruction of all the protected plants cannot be avoided (Reiter et al. 2016).

Needless to say, the desire of a developer to build a large house in order to make money is not an action of great public interest and must therefore be avoided, especially if it is in a National Park.

Failure of the KRNAP administration to defend public interest in nature conservation

In June 2025, the Ministry of the Environment issued a decision to a review the procedure for revoking four binding statements of the KRNAP Administration relevant to the Nature Conservation Act (Act No. 114/1992 Coll. on Nature and Landscape Protection), which were used as the basis for further project approval. The Ministry criticised, for example, the insufficient assessment of the effect on the character of the landscape (the KRNAP Administration essentially limited itself to stating that the building was to be built on the site of the former building and that its architecture was appropriate), the lack of detailed and comprehensive considerations of the possible effects on natural values in the given locality and the related national park area, the failure to take into account the requirements arising from the KRNAP Care Principles, and the fact that the transport solution and related effects needed to be assessed and evaluated in the binding statement, not sometime in the future.

Two decisions on exemptions from the Nature Conservation Act issued by the KRNAP Administration could not be revoked by the Ministry due to the expiry of the deadlines. Nevertheless, it at least criticised the fact that, for example, they did not justify the overriding public interest in favour of nature protection, which was a necessary prerequisite for granting an exemption from the protection of specially protected species under Section 56 of the Nature Conservation Act, or, in the case of an exemption under Section 43 of the Nature Conservation Act, there were insufficient arguments to support the claim that the authorised activity would not significantly affect the conservation status of the protected species.

Thus, even the Ministry disagreed with the procedures of the KRNAP Administration in its decision.

Similar flaws, which the Ministry criticised in previous actions of the KRNAP Administration, can also be found in the joint decision of the KRNAP Administration of 22 May 2025. It is noteworthy that ten days later, the Administration issued a corrective decision replacing the words “apartment building” with “mountain hut with accommodation units”. Is there an effort here to mask the “apartment building”, the construction of which is criticised based on the principles of care (for the KRNAP Administration, this should be a basic conceptual document), by using a different designation?

The KRNAP Administration can defend and promote the interests of nature and landscape conservation not only in its capacity as an administrative body that makes decisions, but also, for example, in its capacity as

an entity that manages state-owned land and represents the state as the owner. The KRNAP Administration was a participant in both the territorial proceedings and the subsequent proceedings for the approval of the project conducted by the building authority, with all the rights arising therefrom. The status of participant arises from the fact that the Bouda Jelení potok project is to be carried out in the vicinity of state-owned land and some parts of the entire project directly on it. Without the consent of the KRNAP Administration (as the owner), the building authority could not issue a decision in these proceedings, or the KRNAP Administration could have defended itself against such a decision. However, it did not appear to take advantage of the opportunity to influence the outcome of the proceedings conducted by the building authority in its capacity as a participant.

A number of ongoing administrative proceedings have apparently not yet been definitively concluded. In June 2025, for example, the regional authority initiated a review of the zoning decision issued by the building authority for the project. It will therefore be interesting to see how this case develops.

How to react to false defences and/or lack of defence of public interest by NP authorities?

It is very important to publicise the misleading statements of authors like Říha and present scientific rebuttals of these claims, if the objective is to avoid destroying local populations of protected plants. This could be done via public media.

Also lack of defence of public interest by NP authorities should be publicised and discussed and public media are a good tool for doing it.

The way forward: A discussion forum or maybe even a conference?

From the above it is clear that discussion between groups dealing with different sites based on scientific evidence is missing and/or not effective and therefore many precious sites are lost because of a wrong approach and/or wrong management. Also, inclusion of the experience of other countries should be considered and people from other countries invited to contribute.

Therefore, there is a need to establish a forum for discussion. The proposition is it will be published in the June issue of EJES with the deadline for submissions

March 15th. It will be open access, and no APC will be required. This is based on the belief that this will facilitate the protection of habitats owned privately and improve the likelihood of survival of protected species of plants living there.

Please submit your manuscripts in the usual way. It can be anything from a paper or a short note, like a letter to the editor. It may be the experience of what has or is occurring at your locality or a comment on what is presented here or an attempt to present the specific features of a site that illustrates that sites are not all the same. Later (in 2027?) the intention is to organise a conference on this topic.

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