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THE STAKEHOLDERS AND THE MUNICIPAL AUTHORITIES IN THE *SPATIAL COMPETITION*

Abstract: The aim of the study is to determine the role of each stakeholder in the *spatial competition* as expressed in the application of specific tools of the spatial policy. The possible impact of different groups of stakeholders on the indicated tools as well as the possible reactions of the municipal authorities both have been verified. Simultaneously, the optimal role of the municipal authorities in the *spatial competition* has been presented along with the necessary connection associated with the directions of changes in the land management system. The study contains a research part.

Keywords: Local zoning plans, *spatial competition*, the municipal spatial policy.

JEL codes: H11

Introduction

The term *spatial competition* is understood and presented in the literature in diverse ways. The following chapter focuses on the issues associated with the participants of the *spatial competition*, defined as the *stakeholders* along with the role of municipal authorities (similarly considered to be the

stakeholders) throughout the process analysis. In addition, it focused primarily on the relationship between the stakeholders of the *spatial competition* in terms of the application of direct tools of spatial policy: the local zoning plans as well as zoning decisions and land use.

The aim of the study is to determine the role of each stakeholder in the *spatial competition* expressed in the application of the specific tools of spatial policy. Therefore, the possible impact of different groups of stakeholders on the indicated tools as well as the potential reactions of the municipal authorities both have been verified. Incidentally, the optimal role of the municipal authorities within the *spatial competition* has been specified, together with the necessary directions of changes related to the aforementioned in the spatial management system. Moreover, the thesis comprises a research part.

1. The stakeholders and their impact on the spatial management system

The stakeholders in the *spatial competition* are entities directly interested in maintaining or changing the particular zoning or conditions of the land use. As a part of the proposed definition, the following should be noted:

- The direct interest of stakeholders is tantamount to taking specific actions in achieving a particular objective.
- Depending on the situation, individual stakeholders may aim at preserving the actual state of affairs (e.g. The residents of neighboring properties are reluctant to have a commercial real estate nearby), or radically change it (e.g. The investor seeking to change the status of farm land from agricultural to residential and land development).
- A reference point in such a situation can be both the land use, as well as – in a much wider perspective, zoning (that is, not only to determine what in a given time may or may not be completed on a certain property, but also designate an overall “spatial” objective for the specific land).
- A subject of interest for the stakeholders can be either a specific property, as well as – in a broader sense – the area, for instance, of an entire municipality, as well as the functional area.

At this stage one can distinguish specific groups of *spatial competition* stakeholders. It is obvious that their classifications can be made in different ways. The decisive criterion can be equally the form of relationship with the individual real estate (through ownership, a commitment agreement, an obliging agreement, social connection, etc.), the objectives pursued in relation

to the real estate (commercial, residential, public), as well as the power of impact on the land use. Considering the facts above, the following groups can be distinguished:

- Individual investors
- Developers
- Owners (respectively – users) of neighboring properties
- Social organizations
- Public investors
- Representatives of the public authorities from the supra-local level
- Representatives of municipal authorities
- Representatives of professions (architects, lawyers) related to the implementation of the objectives of other stakeholders¹.

The subject catalog can be expanded or clarified; nonetheless, in its key elements the range of the differentiation of these entities is represented. Already at this point one can confront these groups with the concepts of:

- Space users
- Business bodies operating in the real estate market.

The space users are entities using a particular space. These may be equally the owners of certain properties, their lessors, or lessees, as well as the residents of a specific housing estate (using common space). Consequently, this is a group fairly similar to the stakeholders in the *spatial competition*, subject to the fact that social organizations would be more difficult to be included into the space users (especially when it comes to the space equipped with certain qualities, *e.g.* natural, which the organization is fighting for), as well as the future potential investors. However, in the context of entities operating in the real estate market one can suggest a classification made by Kucharska-Stasiak. The aforementioned distinguishes the investors, lenders, developers, lessors, lessees, brokers and the technical service of the market [Kucharska-Stasiak 2006: 54]. Moreover, this group is extracted from a little different perspective – directly affecting the real estate market (possibly a direct impact of the real estate market on these entities). In a significant scope, the relations connected with the real estate market will be associated with a desire for a particular zoning/land use, though, it will not happen in all the cases. Hence, both groups under the examination possess a mutually common part, nevertheless both at the same time hold a large number of separate representatives.

¹ Similarly [Fogel 2012: 90–91].

Specifying a bit more, the aims of particular stakeholders in the *spatial competition* may come down to:

- Preserving fully the existing zoning and land development.
 - Preserving fully the existing use of the land.
 - Preserving certain assets (*e.g.* environmental) of the area.
 - Changes in land use as intended in the zoning (if the latter is specified in the particular case).
 - Changes in both the development and land use.
- These objectives can be achieved through the following actions:
- Addressing to the public administration formal bodies the applications for an administrative decision, and on the other hand – obstruction of issuing such a decision or its undermining.
 - Addressing to the public administration formal bodies non-binding proposals to enact or amend local zoning plans (which on the one hand can *e.g.* ensure specific land use, but on the other hand – block certain development).
 - Undermining the existing local spatial development plans.
 - Specific interpretation of the legally binding local zoning plans.
 - In the case of public entities – forcing specific solutions in the municipality through the acts at a regional or national level (especially spatial development plan of a voivodeship).
 - Non-legislative actions, to achieve any of the above-mentioned effects (an encouragement of a financial nature, dependence of the consequences of certain actions in the form of *e.g.* workplaces, as well as the pressure of a social nature).

The above-described actions can occur both individually as well as on a wider scale – mutually overlap. The more of internally contradictory actions of such a type, the greater the spatial conflict taking place.

Taking into consideration both the actual implementation of the aims expected by the stakeholders in the *spatial competition*, as well as the resolution of the spatial conflicts, the role of municipal authorities seems essential. These authorities, on the one hand, at a basic level must resolve these conflicts and determine the merits of specific solutions. On the other hand, however – as indicated above – often they are themselves the stakeholders in the *spatial competition*. Then, their goals can be reduced to:

- Preserving spatial order.
- Implementation of laws.
- Satisfying the needs and expectations of local residents.

- The execution of public investments (e.g. a municipal road).
- The execution of increasing investments – according to municipal authorities – the investment attractiveness of the municipality.

Certainly, these actions are in several cases internally contradictory. Individual municipal authorities conduct mutually extremely diverse spatial policy. It is determined by the financial possibilities of the municipality, social problems occurring in the municipality, but also the concept associated with the protection of spatial order expressed by the municipal authorities.

2. The role of the municipal authorities in the *spatial competition*

The above presented actions of stakeholders in the *spatial competition* meet with diverse reactions of the municipal authorities. It is worth considering, however, what response of the municipal authorities in this regard would be optimal. This is all exceedingly crucial as in the literature one can frequently come across the concept of disability of public authorities in the spatial policy. In the dimension related to the local level this disability is manifested among others by:

- inattentiveness in the spatial order,
- the lack of ability to use the tools of spatial Policy,
- an excessive vulnerability to external pressure,
- a low level of social capital.

Whereas from the perspective of *spatial competition*, the municipal authorities have a wide-ranging and demanding role to play. Due to the fact that on the one hand they are stakeholders in the *spatial competition* aiming at:

- The optimal use of municipal real estate.
- Acting in the best interest of the local community (which various local authorities should understand in diverse ways).

On the other hand, the municipal authorities on countless stages will play the role of a “judge” in the *spatial competition*. In the context of direct actions related to the spatial policy this is expressed in the need for forejudging (if such an application is submitted) against issuing a decision on planning permission and the possibility of passing local zoning plans (as well as the determination of individual guidance in the context of determinants along with directions of zoning). Reconciling these two mentioned roles in the *spatial competition* can cause some problems and concerns. As an open issue one can recognize the fact of accusing the municipal authorities of the subjectivism in the verification of the

validity in the implementation of specific investments. Therefore, among other things, it would seem highly advisable for the municipal authorities to execute the rules related to the system of spatial planning, primarily caring about the spatial order and the interests of the whole local community. Undoubtedly, this objective can be defined in a rather wide manner. In numerous cases, it can be understood quite arbitrarily (which is a sign of a wider problem – inefficiency of the national authorities in the spatial management system²). Thus, the mere fact that a large number of decisions on planning permissions has been issued is a major threat [Nowak 2015a: 136–137]. Still, taking into deliberation the above facts, the central role of the municipal authorities in this context should be initially noted. It will come down to:

- The lack of an excessively broad interpretation of the evidence to establish the conditions for development.
- A real attention for the implementation of the principles of spatial order protection of to the local plans.

Under the current spatial management system it can be a solution in many cases difficult to be fully implemented. Moreover, it is confirmed by the judicial decisions preferring the perspective of the investors [Zechariah 2015: 40]. A conceivable new legal framework – in the conjunction with the development of the social capital – will be able to improve the position of the municipal authorities in this regard. In this context, one should pay special attention to the desire to broaden the scope and scale of the involvement of private entities and non-public organizations for the implementation of public duties [Mazur 2015: 41]. One can stipulate that in the system of spatial planning this type of change could contribute to spatial conflict limitation and a more transparent approach to the rules of *spatial competition* under certain conditions. The basic idea of this type of changes should be to protect the spatial order (an element of which will be to reduce the existing freedom in terms of building). A wider integration of different entities to public actions related to spatial planning would simultaneously mean:

- A broader responsibility of those entities.
- Striving for strengthening the social capital and especially the awareness of the local community in terms of the need to maintain and protect the common spatial values.

² The proposal to substantiate some of the issues associated with it has been concluded in: [Śleszyński 2013: 176–232].

Therefore, it seems that the postulated change will clarify certain rules of the *spatial competition* through a broader targeting the municipal authorities at the tasks associated with the spatial order as well as a wider public participation. Both of these elements must necessarily be mutually present and combined.

3. Space competition in the selected municipalities – research results

Carrying out the study, the research questionnaires have been sent to all municipalities from Pomorskie, Kujawsko-Pomorskie and Lubelskie Voivodships. The responses were obtained from 107 municipalities³. The above mentioned voivodships bring together municipalities with different characteristics – either attractive to tourists, developed urban municipalities, as well as municipalities with problems in development.

Certain information has been obtained both about the surface of the municipalities covered by the local zoning plan, as well as the number of planning permissions and the land use. This information was used to a broader analysis of the results. The information connected with the determinants of conducting the *spatial competition* was dealt with separately. This includes the applications submitted to the municipalities on the local zoning plans [Izpz], the content of these applications, as well as ways of taking them into account.

³ These are the following municipalities: Unisław, Wejherowo, Cewice, Raciążek, Koneck, Tuczma, Chełmża, Sopot, Somonino, Ryjewo, Jeziora Wielkie, Cedry Wielkie, Krynica Morska, Papowo Biskupie, Kęsowo, Mikołajki, Potęgowo, Jabłoń, Czemierniki, Siemień, Czerniki, Nowa Wieś Wielka, Pruszcz Gdański, Pelplin, Morzeszczyn, Rzeszesznica, Starogard Gdański, Bartniczka, Leśniowice, Karsin, Świekatowo, Gdynia, Radzyń Chełmiński, Smętowo Graniczne, Łomazy, Rogowo, Bytów, Stare Pole, Lubiewo, Wysokie, Wytrwał, Żyrzyn, Kępice, Księżpol, Choczewo, Nowa Wieś Lęborska, Izbica, Ustka, Sulęczyo, Borzechów, Przywidz, Niedźwiada, Brzuże, Dobre, Darmnica, Wola Uhruska, Lubycza, Końskowola, Biszcza, Dębica Kaszubska, Grudziądz, Kamień, Radomin, Czernikowo, Czarna Woda, Zbiczno, Janowiec, Komarów, Gorzków, Koczala, Potok Wielki, Niemce, Melgiew, Dąbrowa Chełmińska, Trzebielino, Bełzec, Zakrzówek, Skórcz, Lipnica, Ciechocin, Sicienko, Hrubieszów, Subkowy, Pakość, Tczew, Dąbrowa Biskupia, Dorohusk, Werbkowice, Wilków, Osie, Włodawa, Linia, Wąwolnica, Stary Zamość, Świece nad Osą, Kartuzy, Reda, Kąkolewnica, Kościerzyna, Lniana, Krasiczyn, Czarne, Kijewo Królewskie, Sztum, Kamionka.

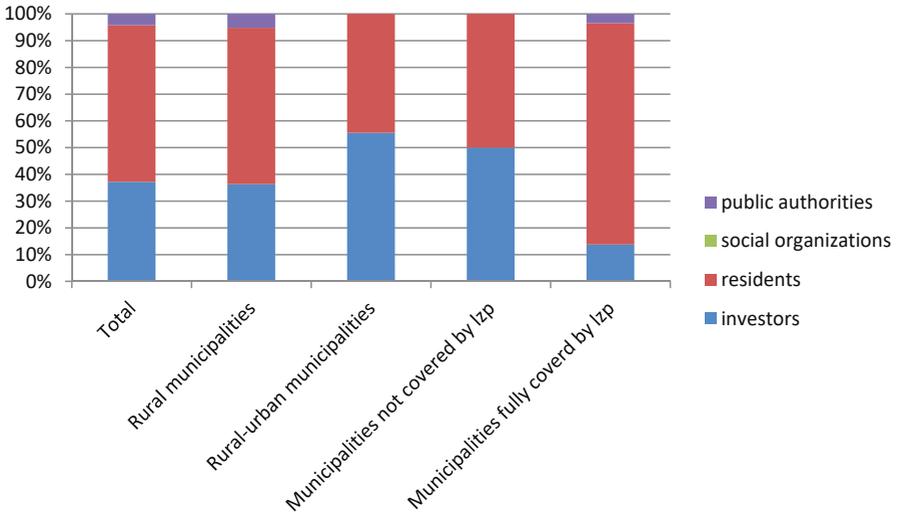


Fig. 1. An identification of stakeholders who exert the sturdiest influence on the adoption of local plans within a given municipality

Source: Own elaboration (Figs. 1–4).

The representatives of Municipal Offices responsible for activities associated with the conducting of the spatial policy, have been asked about the entities (stakeholders) who employ the strongest influence on the implementation of local zoning plans (Fig. 1). These plans – as the acts of local law – should be a key point of reference during the implementation of the spatial policy. It must be remembered, however, that throughout the whole country the municipalities are covered with local plans in a highly diverse way. According to respondents, the key role in this respect is played primarily by the investors along with the residents of the municipality. The role of the investors to force the local plans increases when within a given municipality there is a town. This is not a rule verifiable in any case, nonetheless, undoubtedly the location of a city escalates the interest in individual investment areas and, therefore, an attempt to convince the municipal authorities to enact plans.

It may be added that in a group of municipalities completely not covered by local plans the proportions associated with the activity of investors and local residents are comparable. However, in the municipalities fully covered by local plans, the initiatives in the range (in this case) of changes in the plans more often originate from the local residents. This is due to the fact

that the applicable local plans refer to specific residents to a much greater extent. Consequently, the residents more intensely feel the real effects of planning and their comments in this regard are more closely related to the individual act of planning. Reading between the lines, one can see therefore, that a greater activity of the municipal authorities in conducting the spatial policy can activate the local residents. If one of the weaknesses in the system of spatial planning is the low level of social capital (which is confirmed by Fig. 1 inactivity of social organizations in the field of spatial planning), it is the municipal authority to improve such a state of affairs.

Figure 1 confirms that both the investors and the property owners belong to the groups of greatest importance in the *spatial competition*. It should be noted that the exact fact of submitting an application does not mean that the municipal authorities must take it into account. Nevertheless, it should be evaluated positively, as a manifestation of a broader activity, which, however, must be confronted with the realities and needs of other stakeholders in the *spatial competition*. In this respect, the role of other public authorities is much less noticeable. This will probably only become apparent during the development of specific acts, e.g. at the stage of consultation and opinion. In all probability, the current state of affairs should be corrected in accordance with the guidelines related to the network management and public co-management. The supra-local authorities, in an informal manner, could settle the spatial policy with the local authorities in a broader way than at present. Currently, a major problem is the reluctance and reserve between the representatives of particular authorities.

After determining the dominant stakeholders, the attention has focused on the frequency of their impact on the municipal authorities. For this purpose, the frequency of submitting applications in the individual municipalities associated with the acts of spatial policy has been verified. Fig. 2 indicates three options concerning:

- the adoption of new local zoning plans,
- the changes to the existing local zoning plans,
- the changes to the existing studies of conditions and directions of spatial development.

In the broadest range, the submitted applications relate to the changes to the existing local plans. This confirms the previously expressed thesis, according to which the municipal authorities' wider activity of planning provokes a wider social activity (this activity may be the grounds for increasing the level of social capital). In the cases of the municipalities

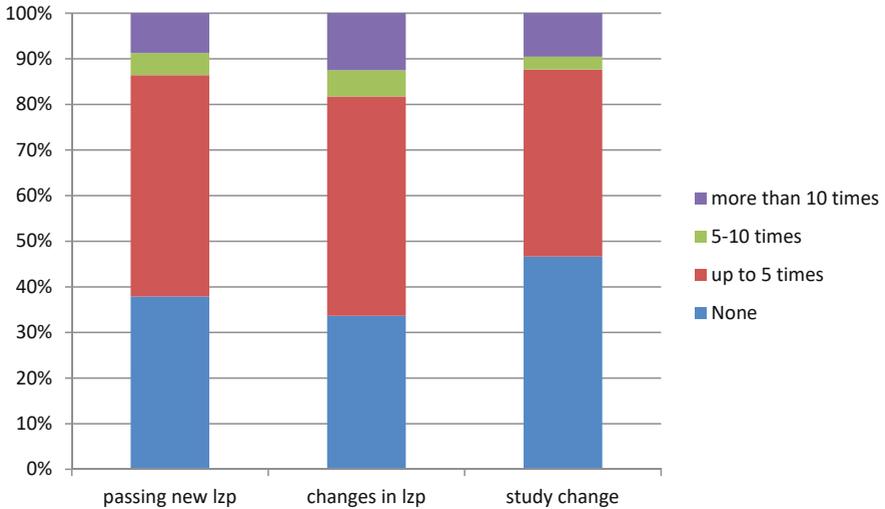


Fig. 2. The annual frequency of the applications submitted by the stakeholders on the adoption or amendment of acts of the spatial policy in a given municipality

declaring a wider stakeholders' activity in the submission of applications (more than 5 applications per year) are dominated by the local residents. The investors occur in a small degree. It also draws attention to the fact that in a large part of municipalities, the stakeholders pay attention to the records of the studies of conditions and directions of spatial development. It is noteworthy that also in this case, the municipalities with the greatest activity in this respect have the local residents dominating as the applicants, not the investors.

The next stage of the analysis is to verify the content of the submitted applications. The crux of this involves determining the primary demands of the stakeholders in the *spatial competition*. Fig. 3 shows that the stakeholders predominantly crave to expand the existing possibilities of building. In this regard, one must emphasize the essential concern. As it has been indicated earlier – a wider social activity in the spatial planning, especially if it includes the residents of the municipality, it is something completely positive. But on the other hand, this may not be synonymous with the necessity of acceptance of all such applications. This illustrates the need for a wider guarantee – in different ways (both through legal solutions, as well as in other ways, by

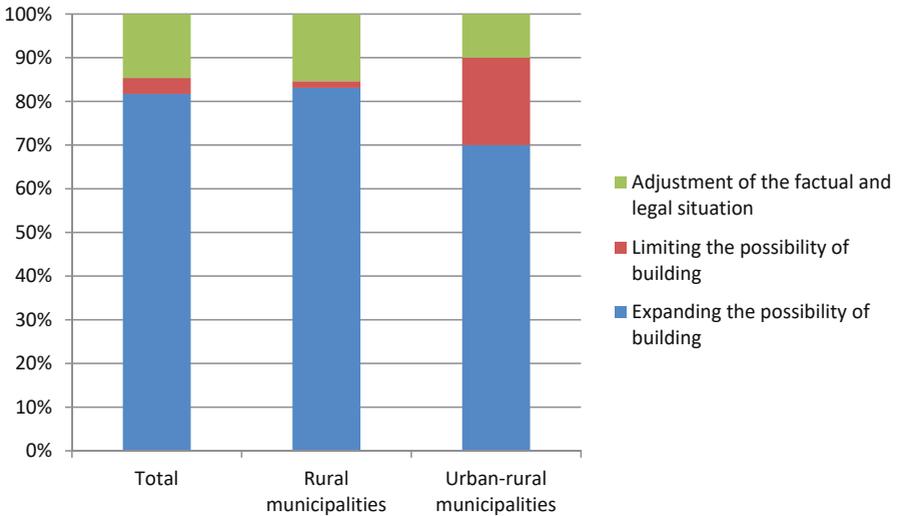


Fig. 3. The dominant content of the stakeholders' applications, submitted to the specific municipalities

other measures aimed at increasing the social capital) of the requirements relating to the protection of the spatial order. In this approach, the local zoning plan as a tool for the spatial policy is too frequently regarded as a basis for enhanced building development of specific areas. For the time being, the possibility of building under the existing legislative planning acts is excessively broad. Therefore, it can be assumed, in the context of the *spatial competition*, that the core values associated with the spatial planning system are not sufficiently protected or even promoted. This does not change the fact that the potential activity – including the residents of the municipalities, at the time of a more active spatial policy, should be used by the municipal authorities – especially from the perspective of the whole community and its common spatial interests. However, especially under the valid regulations, actually provoking the spatial conflicts, as well as the low efficiency of the municipal authorities in the conducting of spatial policy, it is sometimes rather hampered.

It is also worth noting that the demands on limiting the possibility of building in a much greater degree refer to the rural – urban municipalities rather than rural municipalities. In the latter, however, one can often come upon requests for an adjustment of the factual circumstances and planning

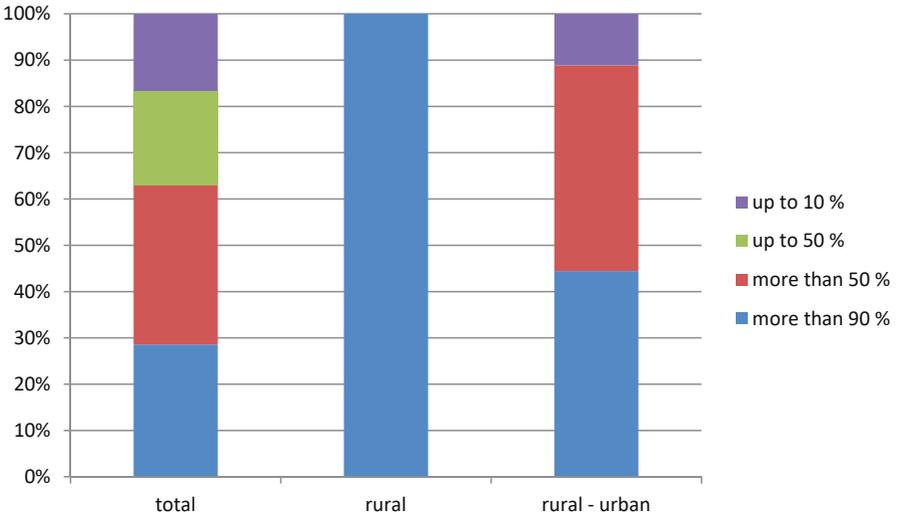


Fig. 4. The number of applications taken into account by the municipal authorities in the total number of the submitted applications (expressed in %)

(legal) state of the land. Nevertheless, they need to be treated as exceptions to the rule. At this point one can also note that the applications to adjust the factual circumstances are submitted primarily by the investors and not residents of the municipality.

The last element of the study was to verify the extent to which the applications submitted to the municipalities are considered and taken into account (Fig. 4). The surveyed municipalities are in total dominated by the cases in which the applications are considered in more than 50%. One can pay attention to the rural municipalities in which the applications are taken into account in the more than 90%. These types of cases can leave some doubt. As have been indicated previously, the vast majority of the applications concerns the expansion of the building possibilities. The public participation in the spatial planning cannot denote an easy adjustment of the vision of the municipal spatial policy (assuming there is one at all) to the specific individual needs of the property owners and investors.

Furthermore, these observations are confirmed by other findings obtained in the conducted research. In the group of municipalities, which included over 90% of the applications on the local plans, the municipalities issuing annually over 10 zoning decisions principally dominate. Most of these municipalities

expresses none or minimal criticism of applications to establish zoning, rarely questioning them (more on this subject in Nowak 2015b, pp. 46–60). This points to a wide-ranging impact of the selected groups of stakeholders in the *spatial competition*.

Conclusions

The stakeholders in the *spatial competition* significantly influence the formation of the specific spatial policy tools. The article included their diverse groups and their different ways of interaction. The conducted study shows that the largest role belongs to the local residents and investors. The proportions in terms of the impact of these groups on the adoption of local plans depend, among others, on the characteristics of the municipality (and the degree of development of its urban features), and the degree of coverage with the binding plans. The stakeholders' applications are usually submitted in cases involving the amendment of the valid local plans. As far as the number of applications submitted is concerned, the first position is held by the residents of the municipality – especially in the municipalities where the largest activity in this respect will be perceivable. Unquestionably, the dominant direction of the applications submitted is connected with the demands to expand the possibilities of building development. Thus, the effect of the stakeholders in this arena should be related to the specific interests of the property owners and investors, beyond the requirements of the spatial order. In the current realities within the *spatial competition* there are no mechanisms to protect the spatial order permanently. This problem should be emphasized even more pointedly, as in the prevailing scope the municipal authorities include the vast majority of the submitted applications.

At this point it should be noted that the *spatial competition* cannot be understood only in terms of the provision of immediate needs of the individual stakeholders. Currently, this is frequently the case, or the procedures related to the spatial planning are treated this way by the vast majority of the stakeholders. Disproportionate widespread occurrence of this type of perspective results in the appropriate positioning of the spatial conflicts and other negative elements associated with the *spatial competition*.

Therefore, one can assume that for the clarification of the *spatial competition* rules it would be advisable to not only shed light on the unclear legal provisions (both those related to zoning, as well as the regulations of the local plans). But then again draw attention to the necessity to:

- Integrate the development planning system.

- Enhance the role of the spatial order in the spatial management system (for instance through the introduction of the elements of public co-management with a properly oriented discourse).
- Increase the level of social capital.
- Boost the role of public participation in the municipality, which must be associated with its appropriate orientation, connected with the prospect of the needs of the whole community and the greater responsibility for specific solutions.

These demands, already reported and analyzed, should be linked with the concept of the *spatial competition*. Since only when they are included, the *spatial competition* will be equipped with the appropriate rules and the measures taken.

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