

TADEUSZ MARKOWSKI
DOMINIK DRZAZGA

University of Łódź

**THE CONCEPT OF AN INTEGRATED PLANNING
SYSTEM IN POLAND***
**(ASSUMPTIONS AND PRINCIPLES FOR
DEVELOPMENT OF A PLANNING SYSTEM)**

Abstract: This article aims to present the authors' concept of the integrated planning system. First, the axiological aspects of spatial planning as well as the public interest in land use are discussed. Also, some theoretical evidence for integrated planning in market economy is provided, and the specificity of integrated planning approach is described. Then, general assumptions for changes recommended for the spatial planning system are presented, followed by character-

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- *Land use management in towns and regions*, organisers: Department of Regional Economy of Cracow University of Economics and KPZK PAN, in co-operation with the Institute of Urban Development in Cracow, Cracow 16-17 October 2014.

- *XVII Ustroń Conference Urban development in the policy of regions*, organisers: University of Economics in Katowice, Committee of Studies on the Future of Upper Silesia, PAN Branch in Katowice, Upper Silesian Academy of Entrepreneurship in Chorzów, Ustroń, 18-19 November 2014.

The topic was also discussed at a plenary meeting of KPZK PAN on *The Concept of an integrated planning system in Poland*, 20 January 2015.

istics of proposed innovations in the sphere of strategic and spatial planning system and land use management at the local, regional and national level. Finally, comments on spatial plans hierarchy (public interest hierarchy) are made.

Keywords: Land use management, local planning, national planning, planning hierarchy, regional planning, spatial planning system, strategic planning.

1. Axiological and systemic premises for integrated public planning of development¹

The fundamental right of fair access to primary goods is effected in space. Since space is appropriated by private owners and other users, such goods are not equally available. Also numerous public and quasi-public goods resulting from human activity are conditioned by spatial organisation of places of their consumption and on distribution channels. Based on the Rawls's theory of justice [1971], it can be stated that ensuring fair access and fair consumption of shared goods that are important from the point of view of public interest and the principles of justice, depends to a great extent on spatial planning. Space should be described in relative rather than absolute (physical) categories. Space inhabited by man, therefore, is a natural primary good, which is transformed by human activity into a relativized space, inherently connected with consumption of other goods and with the costs incurred. Understood in this way, space is an economic category, integrally connected with the costs of its creation. Thus the **right of free use of space** should be a fundamental constitutional right, as it largely determines the implementation of constitutional rights of social justice [Markowski 2014a].

In contemporary economy, all the dimensions of space, with the time function as the fourth dimension, are subject to intervention (policy) due to the lack of appropriate market allocation mechanisms (market failures) of access to public and market goods integral to space. Through planning, we can fulfil the basic functions of our goal, being aware that by doing it, we each time also limit the fundamental right to use space freely but at the same time we are creating a framework for developing relativized space forms allowing for the politically defined standards of fair access to primary goods and public goods to be implemented.

The concept of fair access to goods and services is inextricably linked with the notion of public interest. The category of public interest gives conceptual grounds for regulatory and intervention systems, also in the spatial planning system. The proper understanding of this concept in legislative and planning practice, however, remains problematic. The practical difficulty results from the fact that public interest

¹ This chapter is based on the study published by Markowski [2014b] on the theory of justice in spatial planning and [Markowski 2014a] on integrated planning.

is a category difficult to define. According to *Random House Dictionary (on-line)*, *public interest* is defined as the welfare or well being of the general public or actions of relevance to the general populace [*Public Interest* 2015]. There is no one general explicit approach, however, to what is public interest and how it should be understood. Public interest may be understood as actions taken by public authorities to ensure equal treatment and/or equal opportunities for all members of the society. Public interest may be associated with both *ex ante* policy, that is policy creating equal opportunities for individuals but at the same time accepting inequalities *post factum*, and *ex post* policy. The most frequently used *ex post* kind of policy is regional policy, aimed at levelling social disadvantages by redistribution of wealth or by financing access to infrastructure in regions lacking own resources. In terms of public interest protection, it is practically impossible to make a clear distinction between *ex ante* and *ex post* policy.

Assuming that a condition for ensuring general welfare is, *i.a.*, production and fair distribution of goods, it may be stated that public interest in spatial planning in this perspective would consist in creating equal conditions for start in life, equal treatment of citizens, *etc.* In the planning process, the exclusion of groups or individuals from benefits and burdening them with social costs should be analysed in the light of principles of justice, understood as equal access to goods and services, which we as the society have recognised (by social and political decisions) as elements of general welfare (*e.g.*, contemporary society has recognised the right to clean and healthy environment an element of welfare as understood today, that is of public interest).

Space-related public interests are intrinsically connected with the category of public goods. For practical reasons, we define public goods as all the products of human activity that are of interest to each individual and the access to which is guaranteed by public authorities (at all levels), in accordance with their real competencies and with the potential of the economy.

Group interest is by nature *quasi* public, because it benefits those who belong to the group. Local governments play *de facto* a double role – on one hand of a guarantor protecting and serving **public interests** resulting from the recognition of the fact of belonging to national community and, on the other hand, of a representative of group interest (local community). In terms of **group interests**, local community (local self-government), as any other group or individual entity, is subject to generally applicable legislation. Local authorities, while creating local law, must not adversely affect the interests of other local self-governments or the catalogue of common public interests. When talking about group interest, we always have to consider the issue of competition and exclusion from the consumption of goods. If an offer of a collective (public) good (*per definicione*) intentionally excludes other users from consumption, such a good has features of a private good. If only a group of people is interested in consumption of a given good, we are talking about a public good of club nature (group good).

Public interest should be perceived in the framework of a complex stream of material and non-material goods, which can be characterised by various degrees of satisfying the properties of a public good. Thus, if we want to pursue an effective intervention policy in the allocation of public goods, we should define the levels of and the reasons for exclusion and competitiveness. Only then would it be possible to determine the adequate levels and ways of public intervention.

Thus, the protection of public interest is the responsibility of the state. It is the state that represents the interest of citizens in general – this way of reasoning can be extended to cover international systems. The local government level can be engaged in protecting such interest as a commissioned task. The law imposes an obligation on public authorities at all levels to ensure a socially accepted level of consumption of public goods. The task of legislative authorities is to provide legal guarantees for the creation and provision of such goods by public authorities at different levels of territorial organisation of the state.

A special need for interventions on the part of local authorities, aimed at protecting public interest, results from the fact that consumption of a significant portion of public goods involves costs of overcoming resistance of geographical space, or such space determines the creation of this kind of goods. Such determinants, internalising the costs of public goods, lie within the statutory competence of local authorities.

In spatial planning we *de facto* decide about the system of reglamentation of public goods (their cost and price internalisation). Defining the scope of territorial access to consumption of such goods may result, and does result, in regional and local differences in access to them.

If local constraints do not allow local authorities to ensure access to public goods at a level corresponding to national standard, then support from a higher level becomes necessary. This usually applies to the so-called merit goods, which are considered socially important. It is in this context that we can talk about decisions at all territorial levels determining that a given good (interest) is important for all or for a given social group (local government).

Public interest associated with spatial development should be pursued and protected based on the principle of equality of different forms of ownership (public, state, communal, private, individual, group). The principle of equal treatment of various forms of ownership by the law implies that each type of property (both private and public) is treated in the same way in the context of legally defined and protected public interest. Consequently, space-related public interests, which result from a current system of values (national interests), must find their legal expression, either in the form of an *Act on spatial development and planning*, other acts of higher and lower order, or **in the form of binding provisions in spatial development plans**. The grounds for equal treatment should consist, first of all, of a financial equivalent, not an in-kind equivalent.

Recognising a given form of spatial development as a local public interest does not exclude a possibility to recognise it as a public interest hierarchically higher, e.g. voivodeship, national or international interest. For example, inscribing the historic centre of Warsaw (the Old Town) on the UNESCO World Heritage List means that we submit ourselves to a certain extent to international law on the use and maintenance of this resource and ensuring its special availability as a part of a global offer of “public goods”. Recognising an investment or an area as public should imply a possibility of using specialised tools of land use management².

The need for making a proper distinction between group interest and public interest in spatial planning, and for defining the same, as well as for giving spatial planning a proper role and place is clearly visible in the malfunctioning of local self-government units (LSGUs) in response to the processes taking place in land use management. The *Act on spatial development* currently in force assigns optional character to local (regulatory) planning, thus plainly encouraging a faulty interpretation of public interest. The populist practices promoting private interests, as well as the poorly regulated local planning, with the neighbourhood principle formulated in a pathological manner, and a legal category of “town planning and environmental consents” allowing for unplanned development, led local governments into a social trap – stimulating excessive urban sprawl and contributing to speculation in construction sites, at the expense of public interest.

The axiomatic provision of the *Act on spatial planning and development* stating that everybody has the right to develop the land that they own, plays its part in the process, the costs of which are hard to estimate. The assumption beyond such solution is that the ownership of land is sacred and as such is given a dogmatic character. This implies that in order to harness the construction processes and avert the spatial chaos, it would be necessary to cover the entire country with some protection plans (which we know would not be possible) and/or create regulations that would anticipate all possible adverse situations (which also is impossible and does not make sense). In practice, we have numerous (often contradictory) legal regulations, including a range of special acts, which cover *de facto* all areas, thus “regulating” the use of land from the point of view of narrowly understood sectoral interests. The planning system regulating the sphere of spatial development is just a small part of the entire legal sphere, which has a decisive role in defining how the land use management should function.

² For example, sets of instruments and regulations allowing for the use of effective ways of meeting public interest objectives, e.g., in the *Act on land management* these will include relevant procedural hierarchical instruments aimed at compliance with local development plan. Such instruments should give priority to non-market solutions, such as pre-emptive right to buy property, expropriation, immediately enforceable expropriation, obligatory reparcelling + instruments of legal enforcement, if the owners are unwilling to undergo consolidation and reparcelling procedure; reparcelling may be treated as public interest since it allows for increasing the build-up density and slowing down the urban sprawl.

2. Theoretical premises for integrated planning in market economy

Integrated and holistic way of thinking, even though it is very important and doubtlessly impacts the quality of plans as well as the decision making process, is hampered in practice by numerous obstacles in public administration³.

Taking as a starting point the assumption that public planning of development is based on the paradigm of sustainable development, namely mutual sustainable links between economic and social sub-systems and the environment, there arises a strategic question: what should a contemporary system of integrated public development planning look like in practice?

According to the literature on the subject, spatial planning is the most integrated among the decision-making processes [*Towards a New Role...* 2001; Morphet 2009; Vigar 2009; Vogelij 2010 *et al.*]. On the other hand, considering the weakness of economic instruments and the unclear competencies of spatial policy entities, which should implement spatial development plans, spatial planning is considered as having low effectiveness and as frequently obstructive from the point of view of private sector's interests. For this reason, contemporary regional policy, oriented towards enhancing the development of regional (currently territorial) structures, while accounting for structural and systemic problems of optimising development and sector planning, highlights the need to introduce integrated planning, both to the policy stimulating development, and to the methods of planning such development. Both planning and spatial policy are predestined, so to speak, to introduce on their basis an integrated approach to development planning, as spatial planning policy implemented at the level of gmina is strongly connected with the public interest, with infringing upon the rights of third persons as well as with the art of urban, composition and architectural design. Spatial planning policy is, *de facto*, the most adequate and theoretically justified indirect method of affecting (by regulatory intervention) economic, social and environmental processes in market economy. Historically, due to a highly complicated and complex nature of the spatial-management related sphere, a highly petrified formal and legal basis was created for isolating (and *de facto* alienating) spatial planning. In consequence, we have in place a dichotomic system of public planning, divided into spatial planning and other planning (including social and economic planning). Spatial planning takes the form of regulations at the level of gmina and of administrative decisions, regulating construction processes. Thus, spatial planning requires a thor-

³ Such obstacles most frequently result from hierarchical and sector-based organisational structures, strongly established in public administration. In practice, the implementation of sector-based and specialised plans is connected with a bureaucratic system of values and interests rather than with results of *ex-ante* evaluation analysis, based on a holistic and integrated approach. A conservative administration and management system, with a tenacity worthy of a better cause, maintains the paradigm of spatial planning.

ough professional training and separate procedures, regulated by law⁴. The process of integration in development planning is evidently complicated by the fact that changes in human productive activity and social needs take place at a faster pace than changes in spatial planning, which are delayed in time [Markowski 2013].

A system of public planning of economic development, functioning in isolation, naturally leads to contradictions, in terms of procedure and implementation, between the sphere of spatial planning and the sphere of economic planning. Due to inconsistent methods and complexity of the analysed processes, such divergencies become even wider. Socio-economic planning, developing in its own way, treats the spatial issues marginally, frequently as cumbersome circumstances, requirements or even barriers. Spatial factors are regarded as variables making the models of forecasting development processes more complex, and thus are willingly omitted in such forecasts. The critics of public planning often see it as an administrative barrier for economic development. They usually complain about a lengthy process of making draft plans, their conflictuality and excessive restrictiveness towards the users of space, as well as about the fact that such plans restrict the allocative role of the markets, *etc.* As a consequence of short-term contradictions between spatial and economic spheres, the sphere of spatial management is deregulated politically and the scale of real estate market weaknesses increases.

3. Characteristics of integrated planning

The essence of integrated planning does not lie in achieving integrated development (as some people claim), but rather in an integrated planning and decision-making process which – if applied properly – should lead to a high level of integration of social, economic and spatial sub-systems, thus ensuring that the objectives of development are achieved, including the objectives of *sustainable* development.

Thus introducing integrated planning as a commonly applicable practice in public planning should imply:

1. Firstly, that each kind of specialised public planning must at the same time be, in terms of methodology, integrated planning. Applying this kind of reasoning alone and evaluating in this way its multidimensional effects while creating the ways towards integrated planning will make us closer to the optimum allocation of resources from the point of view of sustainable development.
2. Secondly, the change in stakeholder structures (organisational and institutional structures) in decision making processes as well as of the subject of plans are necessary so that integrated development strategies (plans) (understood as key

⁴ In a holistically perceived social, economic and environmental system, there is a separate formal and legal sub-system (enclosed by legal and institutional structures), defined as spatial management. This subsystem is associated with specific professional, economic, political and social interests of people.

instruments of active development policy) can be created at various levels of territorial organisation of the country, contributing to the integration of sub-systems, namely: the national integrated development strategy, regional integrated development, and (integrated) development strategy for a given town or for a functional area⁵.

What then is integrated planning and what should it be? Doubtlessly, integrated planning is holistic, which means that it accounts for a full perspective. It is multi-disciplinary, and it requires knowledge of several disciplines. When necessary, it is detailed and specialised; each time, however, a specialised plan and decision-making system accounts for complex interdependencies and links, and is based on comprehensive cost and benefits analysis. As a rule, it is preventing planning, counteracting the negative externalities of human activity.

It can thus be assumed that **integrated planning is a holistic process aimed at setting objectives and building paths to achieve the objectives set out in the process, accounting for major interdependencies (relations) between key elements of the system.**

Integrated planning understood in this way, in reference to the processes of socio-economic development, must, in the creative process of setting and achieving objectives, account for qualitative and quantitative market and non-market relations between the elements of social, and economic sub-systems, as well as broadly understood life environment. Thus strategic planning is based on anticipated results of comprehensive cost and benefits analysis (including externalities) at individual stages of the design and decision-making process. Planning understood in terms of universally applied methodology may perform the functions of objectives of each kind of planning, separated for the purpose by substantive criteria, and consequently it may become a tool of horizontal or sectoral policy corresponding to relevant criteria, *e.g.*, sustainable development, smart development, economic growth, housing policy, industrial policy or agricultural policy, *etc.*

Public planning, therefore, has two distinct dimensions. Firstly, it is a **process of praxeological action of public authorities**, and secondly, **it is an instrument of public intervention into the processes of market allocation.** These two dimensions of planning, though tightly connected, are not identical. The first type of planning should be optional, while the second one should be obligatory, imposed by the law. In result of praxeological planning, we can make better use of competencies and more effec-

⁵ Surely, the term *strategy of integrated development of a country, a region or a town* cannot be used, because integration must not be an independent function of the objective of development. Natomiast integrowanie może być celem operacyjnym, czyli sposobem działania służącym osiągnięciu celów strategicznych i temu ma służyć praktyka planowania zintegrowanego. Integration, nevertheless, can be an operational goal, namely the way of action towards strategic objectives – and in practice integrated planning should serve this goal.

tively allocate the budgetary resources available to public authorities. In the second case, a plan should ensure that certain public objectives resulting from the scope of interventions and actions imposed by the law and included in the plan, are pursued; the plan may represent an internal commitment to carry it out, as an act of leadership or an expression of policy (information to other stakeholders on public obligation to take action) or an act of local law; in such case, after it has been adopted, it regulates, *e.g.*, the building processes of the users operating in the territory covered by its binding provisions.

Moreover, the planning phase must be clearly separated from the act of policy and the act of local (regulatory) legislation. These are the so-called results of the planning process. Such regulations are bindings until a subsequent decision is taken, in result of a planning process, to implement a new political act or an act regulating investment activity. Plans and planning refer to the future, and thus the regulatory (local) spatial development plan also refers to future situations, as it anticipates negative external effects and limits such effects or indicates, through appropriate regulations, the possibilities of optimizing the positive, external effects.

Integrated planning, accounting for land management at the gmina level, needs to be more flexible in terms of planning processes and it must evolve towards regulations on the use of space tailored to economic and social processes in a long-term perspective. Therefore integrated plans must not be excessively detailed, as they may become out-dated fast. They must focus on protection and enhancement of values and assets that are important in a long-term perspective. At the same time, accounting for the flexibility of contemporary economy, we must introduce flexible methods in the planning processes as well as specific forms of wording of the planning arrangements. It should be pointed out that it is essential for the planning process, not the plan, to be flexible. We should strive to have a plan for flexible economy, a plan that is formulated in a way protecting things that are most important in a long-term perspective, that clearly defines public interest and allows for continuity of economic, social and construction processes in a dynamically changing situation. This implies a need for changing our approach to spatial planning understood traditionally: from deterministic, long-term planning which ages fast in view of the needs of flexible and changing economy, we have to shift to reactive planning, highly responsive to the market processes. We should look at space through the lens of the decision-making process, *i.e.* policy and development management, not through the lens of rigid legislation. In result of a flexible planning process we should introduce such provisions in our plans that would allow us to respond better to the needs of investors, and that would guarantee better adjustment of building developments to new functions, or would ensure that the plan does not get out-dated in new conditions. Evidently, such quick, reactive planning poses a considerable threat of susceptibility of a local system to corruption, as well as hazard of speculation at a global scale, of strong asymmetry in access to information (knowl-

edge) between local authorities and investors and negotiation advantages of the latter resulting from high mobility of capital, putting public authorities under pressure that investors would flee, *etc.* Integrated planning requires considerable efficiency of the planning services. The flexibility of the planning process requires special competencies of the planner who represents the interests of the municipality as well as support for negotiation procedures.

Thus a fundamental question arises: will integrating planning procedurally be a sufficient solution or is it necessary to integrate plans? How could greater efficiency of both approaches be guaranteed formally and legally? Changing the form, content and scope of planning by evolution is too risky and too expensive. The scale of changes that have taken place in contemporary globalised economy is so considerable that it is necessary to fundamentally change the public planning system in all democratic market economies. What is needed is not just holistic and integrated way of thinking in specialised and spatial planning. It would be important to establish an integrated **planning** system and create **plans** tailored to contemporary economy. We would like to emphasise that **introducing integrated plans to policy** is a must. It is not enough just to promote the procedures of integrated planning.

Given that the implementation of development policy will be based on the concept of territorial cohesion, and that supporting endogenic values (territorial capital in functional areas) is an integral part of this policy, we should start to consequently implement such developmental policy in functional areas. The existence of integrated development plan for such area, not just an integrated planning approach, must be the condition for granting support. Maintaining the dichotomic approach to plans of socio-economic and spatial development will be contradictory to the idea of development of territorial capital, involving the need to coordinate projects and to network functions in spatial development satisfying the new requirements.

Even though it is theoretically appropriate to shift from sectoral policies towards horizontal and problem-based ones, in the case of spatial policy one should account for its specific character resulting from the regulatory function of local planning and from the binding nature of more general provisions of spatial development plans. Irrespective of the fact if we formally maintain the distinctness of spatial policy or not, the spatial effects of central and voivodeship policy and the conditions resulting from the properties of space will be reflected in the provisions of local development plan (provisions at the gmina level), the objective of which is to adjust the market allocation mechanisms in the scope of land management and use.

Each integrated plan must include the so-called binding provisions, resulting from the need to protect public interest, including public interest of specific functional and problem-based areas as well as areas of self-governing gminas, in line with the principle of subsidiarity.

An objective tendency of local government units that compete in democracy-based market economy to fall into social traps implies a **necessity to plan urbanisation areas at the voivodeship and national levels, in a regulatory manner (reglamentation)**. It is necessary to limit subversive behaviour aimed at maximising the individual, private use of space. **Systemic reglamentation of areas intended for urbanisation as well as urban functional areas is necessary, to be balanced in the system of national and voivodeship planning** (such reglamentation is connected with the ultimate goal of maintaining development without increasing the amount of urbanised areas in the country), along with the obligation, imposed legally, to verify local studies and development plans in terms of rationalised urban needs.

Due to the fact that in integrated planning the spatial development processes will still require maintaining their regulatory provisions, the practical introduction of integrated development planning of territorial units must also follow the legislative path.

A coherent concept of introducing integrated development plans and placing properly the regulatory spatial development plans in the system is a necessary but not an adequate condition for systemic changes. The contemporary rules of functioning of globalised, open economy also have to be accounted for. Lack of knowledge of such rules or ignoring them will prevent the establishment of a good model of integrated planning.

Integrating socio-economic planning with spatial planning calls for focusing on key issues, namely those that are of real significance for the on-going changes. A key element of such planning should be an approach focused on project implementation.

4. General assumptions for changes recommended to be introduced in the system of development planning and spatial planning

Considering the generally known deficiencies of the Polish system of **development planning and spatial planning**, regulated by systemic and procedural acts as well as by acts of substantive law, new institutional, formal (introduced legally) and informal, as well as organisational solutions are proposed. Such solution would include, first of all:

- **integrating socio-economic planning** with spatial planning and creating a **coherent system of local and supra-local** (regional and national) **development planning**;
- introducing binding provisions for entities in charge of public planning – such provisions should be elaborated in a subsidiary planning process at supra-local (voivodeship and national) level – as well as condition for enforcing such arrangements;

- accounting in the planning system for functional and spatial links in economic and social activity, variable in time and going beyond the administrative divisions by introducing instruments implementing the objectives resulting from a supra-gmina **functional approach (to be thoroughly reflected upon)**;
- introducing on the territories of gminas **generally applicable urban planning regulations** (regulations in local legislation) (subject to changes in development planning procedure), which would result from current ways of land management and use and from adopted local development plans, regulating land development and management.

Study of land use conditions and directions of gminas, local spatial development plan, voivodeship spatial development plan (and metropolitan spatial development plan), and also the concept of national spatial development plan, along with formal and legal strategies (respectively at the level of: gmina, voivodeship and the country) developed based on other premises would be replaced by new types of mutually connected strategic and operational documents. In the proposal put forward in this paper, special focus is placed on improving the system of land use management with a view of ensuring coherence of development in territorial dimension through establishing regulations of local legislation, as a final result of the process of spatial planning, which is one of the basic ways of intervention in defective real estate markets.

Spatial planning becomes an integral part of integrated planning. The (strategic) integrated plan for gmina, in a subsidiary process of interdependent national and voivodeship planning, will outline potential directions of changes in the use of land, and it will specify where and for which areas local plans will be made, where local urban planning regulations (for specific areas) will be required, and where more detailed urban development projects will necessary. No matter whether we call them local plans or local urban planning regulations, they will be developed in a statutorily defined procedure (and in a praxeological planning process)⁶.

The integrated planning process, apart from operational documents supporting projects in economic and social domain and public projects that are being implemented, should also set directions for systemic changes in regulatory sphere and in economic parameters that affect the processes of market allocation of resources, including location decisions. Such a system will comprise documents that summarise binding decisions for individual levels of local government as well as basic requisites for local regulations (standards) governing the field of economic activity in terms of location of devices and facilities aimed at providing services of general interest and at protecting valuable assets, including the environment. It should be highlighted that

⁶ Local regulations will either be based on a thorough and profound analysis or they will be adopted in a simplified procedure, depending on the integrated development strategy (plan) for a given gmina.

broadly understood land management and use is *de facto* the most effective indirect way to steer development of market-oriented economy.

5. Characteristics of proposed planning documents for land use management and spatial development at the local (gmina) level

A system of local (at the level of **gmina**) integrated development planning would comprise 3 types (groups) of planning documents, as described below.

1. Integrated strategy of local community development. This would be an **obligatory** strategic document, outlining the objectives and directions of socio-economic development of a given local government unit, in line with the paradigm of **sustainable development**. Such a document would account for social and economic interdependencies as well as spatial and environmental conditions and directions of development. The strategy should provide for territorial dimension of development processes (*i.e.* differentiating the scope and impact of functional processes), and it should account for the conditions of spatial development and for the characteristics of natural environment. Such an integrated development plan (strategy) for gmina replaces the current, optionally drafted local development strategy as well as the study of land use conditions and directions, that have thus far been obligatory, imposed by the law. The integrated development strategy has no financial consequences until changes are adopted in the use of land and in local regulations (plans – maps – regulatory provisions) governing investment. Such a document, therefore, should outline (generally) the desired **framework of land use management in the gmina**⁷ indicating the conditions for and the directions of land management and use in the gmina, with reference to expected objectives and directions of socio-economic development as well as to the identified needs to protect/maintain specific natural, cultural, landscape and spatial assets on the gmina territory. The **development directions** and the adequate **rules of land use management and planning** in a given LSGU, as defined in gmina integrated strategy, should link the objectives resulting from mutually dependent socio-economic and spatial relations. This document, having **the nature of an internal commitment of the management** (adopted by **resolution of the gmina council**) would include a strategic part, specifying the ways of achieving objectives, and it would serve as a basis for elaboration

⁷ The spatial approach of the integrated development strategy of gmina would mean that this document covers the issues which used to be included in the development strategy of gmina and in the study of land use conditions and directions of gmina. Local government, before starting its work on the integrated development strategy for the gmina, would perform the required studies and analysis of the problems in local land use management in a given LSGU.

of plans (operational programmes). Operational programmes would contribute to solving certain development problems, would stimulate socio-economic measures (e.g., programmes aimed at developing technical and social infrastructure, etc.), and would be used for preparation of local plans, new urban planning legislation, and detailed spatial development plans where the existing way of land management and use does not ensure that the directions of development, as specified in the strategy, are followed and the objectives specified therein are achieved.

In developing gmina integrated development strategy, including as its integral part a general framework for land use plan, one should account for the objectives and directions of development, as defined in development plans/strategies prepared at regional and national levels – as far as such documents are binding for local planning (the scope in which regional/national strategic/planning documents are binding at a local level needs to be considered separately).

Spatial extent of the strategy: **the entire gmina.**

2. **Local land use regulations (LLUR).** Should be obligatory, in the form of descriptions and drawings (map of land use), set of regulations – local legislation binding all the entities (public, private and social). The principle must be observed that the ways of land use as well as investment processes are decided based on a general system of land registers where the current use of land should be indicated. In result, **the cadastral register – together with the map of land use** that should be based on the **inventory of the current land use** – would become a **mandatory regulation, generally applicable to management of land use**. Each plot of land should be covered by generally applicable regulations on investment that does not significantly harm any interests of third parties. Any activities that may harm the interest of neighbours or forms of land use other than the existing ones can only take place by changing the function of a given plot of land, i.e. by specifying new planning standards, if such change is provided for in gmina integrated development plan. General cadastre as well as INSPIRE Directive play an essential role in this concept and the latter constitutes the basis for organising the set of rules on land management and use. Recognising land register and the cadastre, along with the right to continue the existing use of land, will render the debate on the freedom of construction futile. This situation would be interpreted as giving everybody the right to use the owned land in compliance with the registered use. The intention behind introducing such provisions to the planning system at a local level is to adopt a generally applicable rule – a regulation that space may be continued to be managed and used in the existing manner.

Thus, the basic idea behind developing local regulations on the use of land is a rule of continuation, of keeping the existing manner of land use. Nevertheless, local regulations on land use may be **changed**, but exclusively by **resolution of the gmina council** (local legislation). Three ways of changing the existing land use in the gmina (**changing the local land use regulations (LLUR) procedures**) are foreseen: by a detailed local land use management plan, by urban planning design (a relevant plan is then required) or by proceedings to adopt local legislation (local planning regulations, planning regulations applicable to a given area (a proposal on drafting urban planning legislation based on the urban planning and construction code to be considered).

Spatial scope of the document: **the entire gmina.**

- 3. Acts implementing the integrated development strategy of the gmina.** In this category, there are four kinds of planning documents: **a)** operational programmes and projects, **b)** local plans changing land use management, **c)** urban development projects, and **d)** urban planning regulations applicable in a given area. In the proposed system of local planning, these documents would play the role of direct or indirect instruments implementing the integrated development strategy. They would be drafted as **implementing acts** aimed at defining a detailed manner (path) of carrying out the development undertakings important for the gmina and specified in the strategy as well as solving the development problems identified in the strategy. They would have **the nature of internal commitments of the gmina to implement projects (activities) based on a multi-annual investment plan** and would serve as analysis of the sources of funding. Individual types of implementing acts are characterised below.
- a. Operational programmes.** A basic formal prerequisite for drafting operational programmes would be relevant provisions of gmina integrated development strategy. A typical example of putting operational programmes into use, on the other hand, would be the need to carry out undertakings (projects) connected with investments that enhance development processes, such as: construction and upgrading of roads, construction and upgrading of technical infrastructure (energy, water supply, sewerage, telecommunications, *etc.*) as well as construction and upgrading of social infrastructure (such as public utility buildings – education, culture, health *etc.*). Another potential use of operational programmes could be broadly understood enhancement of human capital development by carrying activities in such areas as: education, culture, improvement of professional skills, counteracting exclusion, health protection, protection of cultural heritage.

Spatial scope of the document: **depending on the needs** – selected areas or the entire gmina.

A special kind of operational programmes will be: local land use and physical plans, zoning regulations applicable to a given area and urban/rural development projects, concerning for example public purpose investments implemented by a gmina independently or in partnership, such as complex investments in infrastructure, construction, conversion/transformation, and revitalisation/rehabilitation of urban areas. They will constitute the basis for changing, by resolution, the manner of land use management on the gmina territory (**procedures of changing LLUR**).

Detailed procedures of changing LLUR are characterised below (in points b, c and d).

- b. Changing LLUR through enactment of urban/rural zoning regulations applicable to a given area.** This procedure would be used if it was necessary to regulate the manner of development and land management in specific areas, indicated in gmina integrated development strategy, and it would be achieved by defining detailed, technical **parameters** of the structures that will be erected (such as the height of buildings, built-up density, width of front elevations, the manner of fencing the plot) would be specified, with no need however to introduce any changes in the existing functional, spatial and ownership structure of the land (without the need, however, of reparcelling plots of land, without changing the network of roads, streets, *etc.*). The goal of such procedure of changing LLUR would be, first of all, to regulate the architectonic parameters of buildings to make them more aesthetic, and to improve technical and safety standards of buildings, *etc.*

The main aim of intervention would be to structure/organise the existing ways of land use and forms of development. The (formal) basis for drafting urban planning regulations applicable to a given area would be the direct recommendations included in the gmina integrated development strategy.

Spatial scope of the document: **the entire gmina or its parts** – in compliance with the needs specified in the development strategy or in operational programmes.

- c. Changing LLUR by administrative decision**, based on a detailed **urban/rural development project**, adopted by resolution of local authorities – this procedure would be used only for those investment areas specified in the

integrated development strategy for which general rules of land management would be set out (in the strategy) (changes in functional and spatial structure of the area would be admissible in a specific scope), whereas the detailed ways of spatial development – changing LLUR – would be negotiated between local authorities and the investor; the essence of this procedure would be presentation of an **urban development project** by the investor and agreeing upon mutual obligations. This would ensure a flexible approach of local authorities to defining the manner of land use and spatial development – an approach that is necessary today. At the end of the procedure the investor – in the case of successful negotiations – would obtain the so-called a building permission promise.

Urban development projects may also take form of detailed land use/spatial development plans for **public purpose projects, implemented** by local government independently or in partnership with private or/and social entities. The (formal) basis for drafting urban development projects would be the direct recommendations included in the gmina integrated development strategy.

Spatial scope of the document: **the entire gmina or its parts**, in compliance with the needs specified in the development strategy or in operational programmes.

- d. **Change of LLUR by adopting a local land use and physical plan** – this procedure would be used if in the gmina integrated development strategy a need was indicated to change the functional and spatial structure of a given area, **resulting in the necessity of reparcelling plots of land (consolidation, divisions, change of ownership, changes in the network of roads, streets, squares, etc.)** – this would be a plan of creative character; another situation where the gmina integrated development strategy could provide for a need to adopt a local plan would be the need to protect the existing spatial values: natural, landscape, cultural, *etc.* or to recreate such values – this would be a plan of restorative character.

Local land use and physical plan serves to change the existing way of land use. The decision to develop such a plan is taken in local strategy, as a result of integrated analysis of developmental needs and conditions. As such, it is a **regulatory plan** (which is its basic function), **detailed** in nature, and aimed at changing the use of land or assigning a location for a specific public purpose investment. This means that the provisions of such plan are commonly binding for the entire area covered by the plan. Such plan should include standards for land use and development as well as technical parameters of constructions

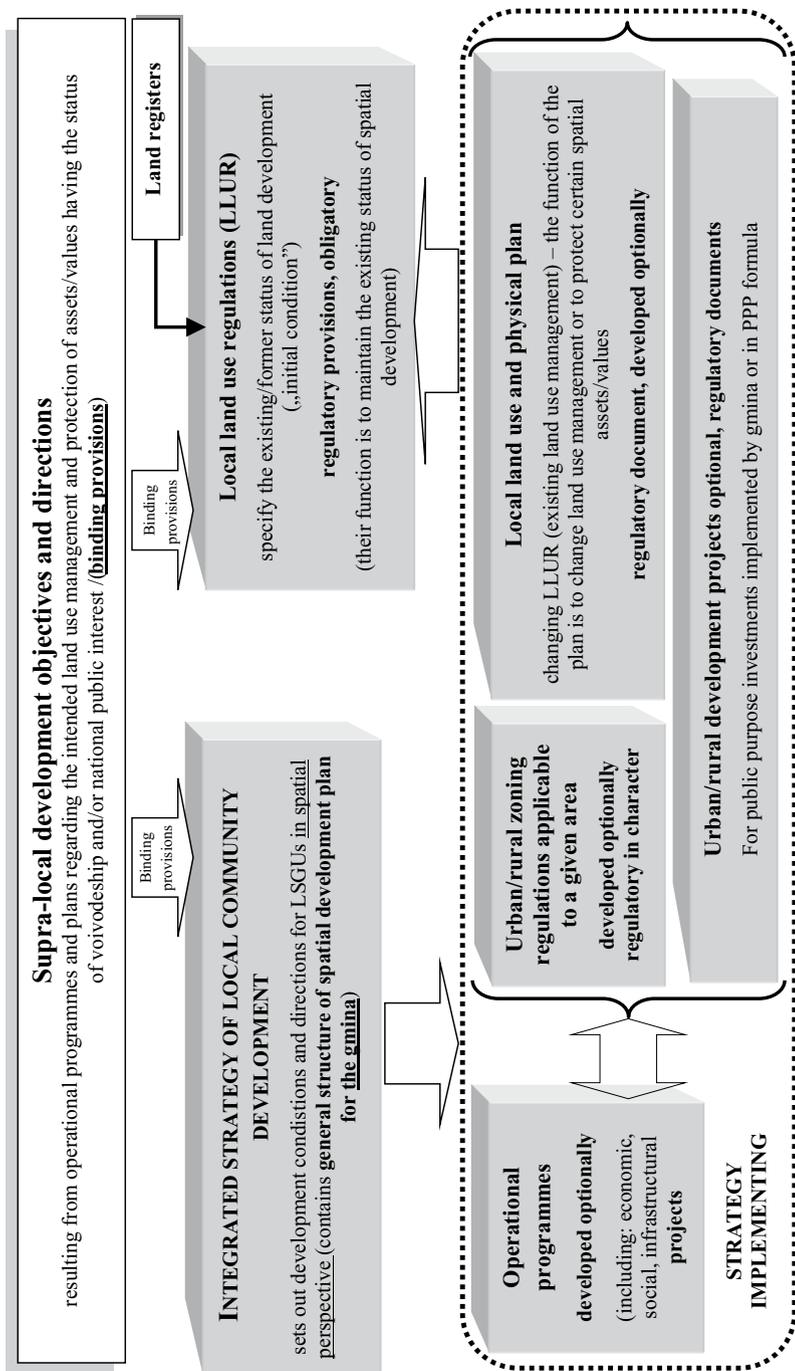


Figure 1. Scheme of organisational links in the framework of the model of integrated planning and management of development at the level of gmina

Source: Own study (Figs. 1-4).

that are erected, such as: the size of plots of land, built-up density, the height of buildings, the manner of fencing individual plots, the way of supplying technical infrastructure, the manner of communication services provision, the share of developed green areas and environmental requirements as well as architectural requirements for new buildings.

Local plans changing land use management would have the following functions, depending on the premises used for their development:

- **creative** – in a situation where a plan would be prepared for un-built areas (for example areas used for agricultural or forestry purposes, or fallow land) and would provide for residential housing development; **building development plan according to the authors of the urban planning and construction code**);
- **re-urbanisation/revitalisation**, for areas where significant changes of functional-spatial structure are foreseen, *e.g.*, revitalisation of degraded areas (post-industrial, de-capitalised city centre, *etc.*);
- **restorative** – if in a given area there are objects or other elements that have natural, landscape or cultural values and which should be protected against uncontrolled development, transformation, *etc.*

Thus drafting a detailed local land use management plan for such areas will be optional and would result from: the guidelines included in the gmina integrated development strategy, more precisely in a general spatial development plan which (as indicated above) would be an integral part of the strategy; the directions of spatial development contained in the general spatial development plan should indicate areas of gmina for which local land use plans should be prepared, changing the existing use of land; thus such plan would be an **implementing act** for the development strategy. **This procedure would involve parcelling and re-parcelling of building plots).**

Spatial scope of the document: **the entire gmina or its parts** in compliance with the needs specified in the development strategy or in operational programmes.

Note: areas for which the procedure of changing LLUR is foreseen should be indicated in the integrated strategy of local community development.

Operational programmes and projects concerning socio-economic sphere would be developed in line with the existing practice of strategic and operational planning of development.

The documents described above would play the following **functions**:

- integrated development strategy for the gmina – **conceptual, co-ordination, marketing and informative** functions,
- local regulations on the use of land – **regulatory** function,
- operational programmes – **creative** function, function of **steering** development,
- urban planning legislation – **regulatory** function,
- local plan changing land use management – **regulatory** and **creative** function,
- urban development projects – **regulatory** and **creative** function.

6. Defining building and land development conditions at the level of local (gmina) planning. Obtaining a building permit

Defining building and spatial development conditions (BaSDC) will take place at the local (gmina) level, just like currently. In accordance with the local planning rules presented above, it is assumed that following the proposed change of the system (and after the transition period is over), each gmina will have in place: an integrated strategy of local development and local land use regulations that would be changed using the procedure of: local land use plans, zoning regulations applicable to a given area and urban/rural development projects (as presented above). Covering an area with regulatory acts changing LLUR (zoning regulations, local land use plans, urban development projects) will be optional, and thus it will differ between gminas. Keeping that in mind, the following solutions are suggested.

In a situation where there is not a local land use and physical plan nor urban zoning regulations or urban/rural development project, then the basis for undertaking investment in a given area will be the **local land use regulations (LLUR)**. The procedure of granting as well as the way of formulating BaSDC will mostly depend on the level of detail of regulations in LLUR. Below, three potential variants are presented of BaSDC/obtaining planning and environmental consent procedure and of obtaining the building permit by entities using land, based on LLUR.

Variant I:

In this variant, it is assumed that LLUR will not be detailed enough to allow for issuing a building permit solely on its basis. Therefore, based on LLUR, planning and environmental consents (specifying technical and architectural parameters) will be issued upon request of interested entities, by administrative decision. BaSDC specified by administrative decision will not equate to obtaining a building permit. Issuing a building permit by administrative decision will be conditioned upon compliance of the building design of planned structure, as prepared by the investor, with BaSDC specified in the relevant administrative decision. This is called a “building permit promise” – if the investor agrees (with compliance assessment), he can apply for a building permit.

Variant II (recommended):

It is assumed that local regulations on the use of land will be so detailed that building and development conditions (BaSDC) for obtaining planning and environmental consent for individual parcels/plots/land/areas will be directly specified therein. This would mean that based on BaSDC **building permit** would be issued by **administrative decision**.

Variant III:

It is assumed that local regulations on the use of land will be so detailed that the conditions for granting planning and environmental consent will be directly specified in them. Assuming that the regulations of LLUR will be widely accessible, obtaining a building permit by administrative decision will not be required from investors. The entities implementing investments on the areas covered by LLUR will be obliged to comply with BaSDC while developing a building design, and to notify the competent administrative units (supervision) about commencing the implementation of their investment based on such a building design. The enforcement of such obligation will be entrusted to competent planning/architectural and building supervision authorities, under relevant administrative procedure, while the investment is in progress and/or after it is completed.

If there exist **a binding local plan changing land use management adopted for a given area or urban planning regulations applicable in a given area or urban development project**, they will constitute grounds for investment within the territory covered by relevant regulation – local legislation. It is assumed that such legislative acts will be detailed enough for BaSDC to be defined therein. It is assumed that the procedure of granting building permits will be the same for all the above mentioned types of regulations: urban planning regulations, local plans and urban development projects, and that such procedure would involve an analysis/assessment of compliance of the planned investment with the applicable regulation, and the building permit would only be issued afterwards.

Below two potential variants of procedure to obtain building permit by entities using land are presented in a situation where **urban planning regulations, a local plan changing land use management, or an approved (adopted by resolution) urban development project are in place for a given area**.

Variant I (recommended):

Building permit, issued by administrative decision, will be given based on the provisions contained in a relevant regulatory act (*i.e.*: urban planning regulation/local plan/urban development project).

Variant II:

Assuming universal access to regulations contained in, respectively: urban planning regulation/local plan/urban development project, the investors would not be required to obtain a building permit by administrative decision. The entities imple-

menting investments on areas covered by a relevant regulation (listed above) will be obliged in drafting the building design to account for BaSDC specified in such regulations and to notify competent administration units (supervision) about commencing investment based on such design. The enforcement of such obligation will be entrusted to competent planning/architectural and building supervision authorities, under relevant administrative procedure, while the investment is in progress and/or after it is completed.

7. Characteristics of proposed planning documents for land use and spatial development at the local (powiat) level

It is assumed that planning development at **county/district (powiat)** level will be optional, conditioned upon the needs of local community and the decision of relevant local government. Planning at this level will not involve any regulatory elements.

In the system of integrated development planning, a district/powiat should play the function of linking – in the process of negotiations – planning at the level of voivodeship with that at the level of gminas, which make up a given district/powiat. Thus powiats would impact the binding provisions at the level of gmina and of the voivodeship.

The system of operational planning at the level of powiat (in individual powiats) would comprise 3 kinds of planning documents/studies, characterised below.

1. Integrated strategy of county/powiat/development. This optional strategic document would specify the objectives and direction of socio-economic development of a given territorial self-government unit (LSGU), in line with the paradigm of sustainable development. It would account for social, economic, spatial and environmental development conditions and directions. Such a strategy should be drafted in a way that takes into account the territorial dimension of development processes (*i.e.*, varying scope and impact of functional processes) as well as spatial development conditions and environmental features, in compliance with the rules of *sustainable* development. The integrated development strategy has no financial consequences until the potential local regulations resulting from it are adopted (*e.g.*, resolutions of the powiat council) which are applicable to investment/financial activities of local government (*i.e.*, financing certain investments/undertakings from the powiat budget).

In terms of territorial issues, such document should define (generally) the desired **framework of spatial development of a given powiat**⁸ highlighting the condi-

⁸ Spatial approach of integrated development strategy would imply that local government, prior to developing an integrated development strategy, would carry out the studies and analysis in spatial planning of a given LSGU, depending on the needs.

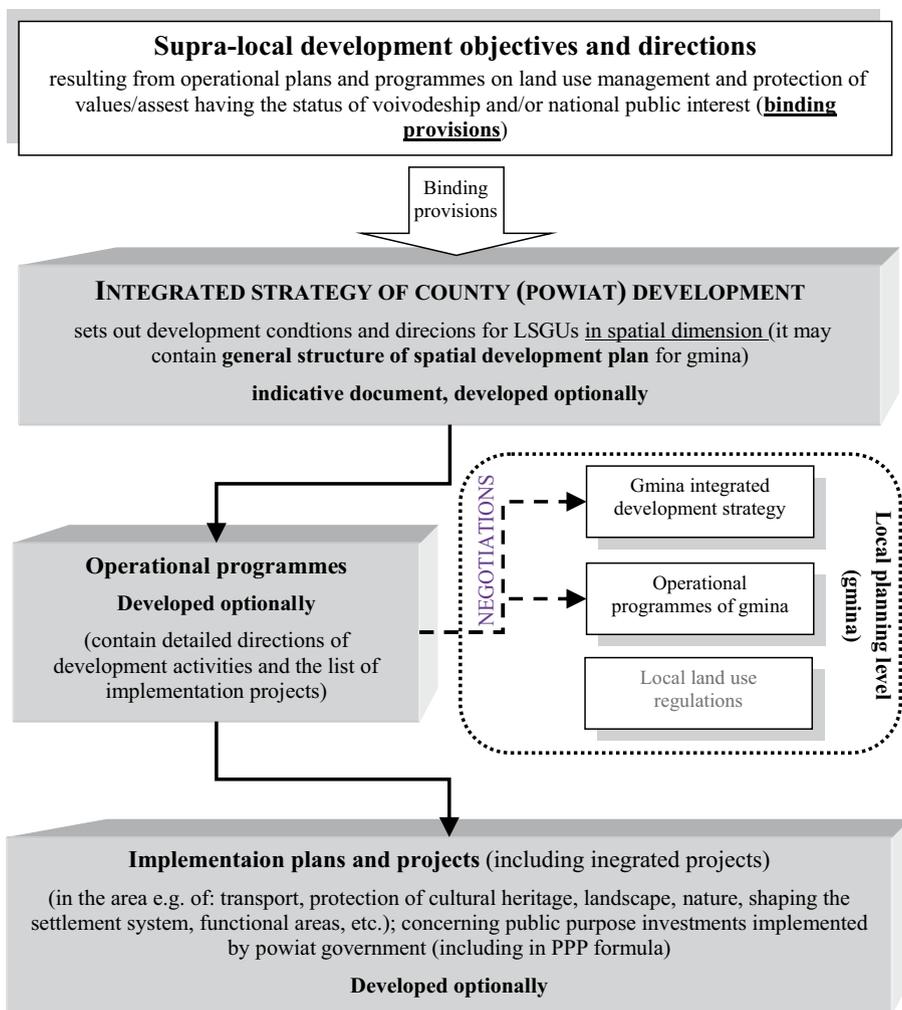


Figure 2. Scheme of organisational links in the framework of the model of integrated planning and management of development at the level of powiat

tions and directions for spatial development of the powiat, with reference to the expected goals and directions of socio-economic development and to the identified needs to protect/maintain certain natural, cultural, landscape and spatial assets/values on the gmina territory. Such a strategy, defining **development directions** and appropriate **spatial management rules** for LGU of the powiat level, should combine the objectives resulting from socio-economic and spatial relations. This document, having **the nature of an internal commitment of the management (resolution of the powiat council)** would include a strategic part, specifying

the ways of achieving the objectives, and it would serve as a basis for plans (operational programmes). Operational programmes, on the other hand, would contribute to solving certain development problems, or would stimulate socio-economic measures (*e.g.*, programmes aimed at building technical and social infrastructure, *etc.*).

In developing the integrated development strategy of a powiat, taking account of territorial/spatial development objectives and directions, account should be taken for the development objectives and directions defined in development plans/strategies prepared at regional and national levels – as far as such documents are binding for local planning (the scope in which regional/national strategic/planning documents are binding at a local level needs to be considered separately). The strategy may also contain postulated changes to be introduced to strategic and planning documents at the gmina and voivodeship levels.

Spatial scope of the strategy: **the entire powiat.**

2. **Acts implementing the integrated development strategy of the powiat.** In the proposed system of local (powiat) planning, these documents would play the role of instruments implementing the integrated development strategy. They would be drafted as **implementing acts** aimed at defining a detailed manner (path) of carrying out the development undertakings important for the gmina and specified in the strategy as well as of solving the development problems identified in the strategy. They would have **the nature of internal commitments of the powiat to implement projects (activities) based on a multi-annual investment plan** and an analysis of the sources of funding.

This category should include operational programmes and the resulting implementation (development) projects. Individual types of implementing acts are characterised below (points a, b).

- a. **Operational programmes.** A basic formal prerequisite for drafting operational programmes would be relevant provisions of the integrated development strategy of the powiat. A typical example of putting operational programmes into use would be the need to implement undertakings (projects) connected with investments that enhance development processes, such as: construction and upgrading of roads, construction and upgrading of technical infrastructure (energy, water supply, sewerage, telecommunications, *etc.*) as well as construction and upgrading of social infrastructure (such as public utility buildings – education, culture, health *etc.*). Another potential use of operational programmes could be broadly understood enhancement of human capital development by carrying activities in such areas as: education, culture,

improvement of professional skills, counteracting exclusion, health protection, protection of cultural heritage.

Spatial scope of the document: in line with the needs – selected areas or the entire powiat.

- b. Implementation plans and projects** – detailed studies of planning and design character, aimed at fulfilment of individual tasks resulting from operational programmes.

Spatial scope of the document: in line with the needs – selected areas or the entire powiat.

8. Characteristics of proposed planning documents for land use and spatial development at regional (voivodeship) level

An unambiguous decision is needed that would require a formal and legal expression of the integrity of strategic planning at the gmina and voivodeship level, in the form of **consolidated, mandatory development document an integral part of which would be binding spatial development conditions which must be respected by competent local authorities (LSGUs).**

The existing system of spatial and development planning, consisting of: voivodeship development strategy, voivodeship spatial development plan and regional operational plan, would be modified. The basic planning document (act) would be the **integrated strategy of regional development** (voivodeship integrated development strategy).

The development objectives and directions included in the voivodeship strategy should be presented in spatial terms (territorial aspect of the strategy), *i.e.*, the strategy document should indicate the problem areas (territories) as well as areas where development actions will be taken, in the form of operational projects.

In the framework of voivodeship integrated development strategy, **functional areas** would be set out, and subsequently development strategies would be developed for such areas, as optional documents, as well as projects serving their implementation.

Making use of financial incentives and/or of formal and legal regulations, voivodeship government should establish mechanisms to stimulate local territorial units (gminas and powiats) to jointly design development strategies/plans/programmes and specific projects (including integrated projects) for functional areas (*e.g.*, urban

functional areas) in a way consistent with development objectives and directions, as set out in the integrated development strategy for the voivodeship and in regional operational programme.

The voivodeship integrated development strategy should (apart from the functional areas) set out areas for which binding provisions must be defined, to be complied with in local strategies and plans, and applicable to spatial development; such a strategy should comprise the conditions and model guidelines on how such provisions should be developed (in the framework of specialised plans for voivodeship spatial development).

The voivodeship integrated development strategy, emerging in an interactive planning process, would constitute programme basis for the preparation of three kinds of implementing acts, namely:

- a) **regional operational programmes and implementation plans** listing detailed projects and directions of development activities;
- b) **regional zoning acts/plans and sectoral development plans**, which are territorial-oriented and based on functional approach, also implementing the voivodeship strategy, containing also **the binding provisions for plans developed on a local level (specialised voivodeship/regional spatial development plans)** in the field of *e.g.* transport, protection of cultural heritage, landscape, nature conservation, developing the settlement system, managing of functional areas, *etc.*);
- c) **regional spatial development standards and regionally binding regulations** (*e.g.* protected landscape areas of regional significance, maximum indicators, standards and other rules for assigning new areas for development in settlement units; principles governing the protection and development of rural areas located in the urbanization impact zone, *etc.*).

Regional detailed plans and voivodeship spatial development plan related to the intended use of land and protection of values/assets having the status of voivodeship public interest would have the status of binding provisions for the planning process in gminas and for strategic and planning documents prepared for functional areas listed in the voivodeship strategy. The above would imply that the contents of such documents would have to be accounted for when drafting integrated development strategies for individual gminas as well as local regulations on the use of land, and the implementing acts for gmina strategies (*i.e.*, gmina operational programmes, local land use and spatial plans, urban/rural development projects, and urban/rural zoning regulations).

The binding provisions of voivodeship spatial development plan and of regional detailed plans would be introduced to relevant local (gmina and powiat) planning documents, following negotiations between regional government and competent local governments – **based on mechanisms of benefits and costs compensation, balancing public interest of local and regional scale.**

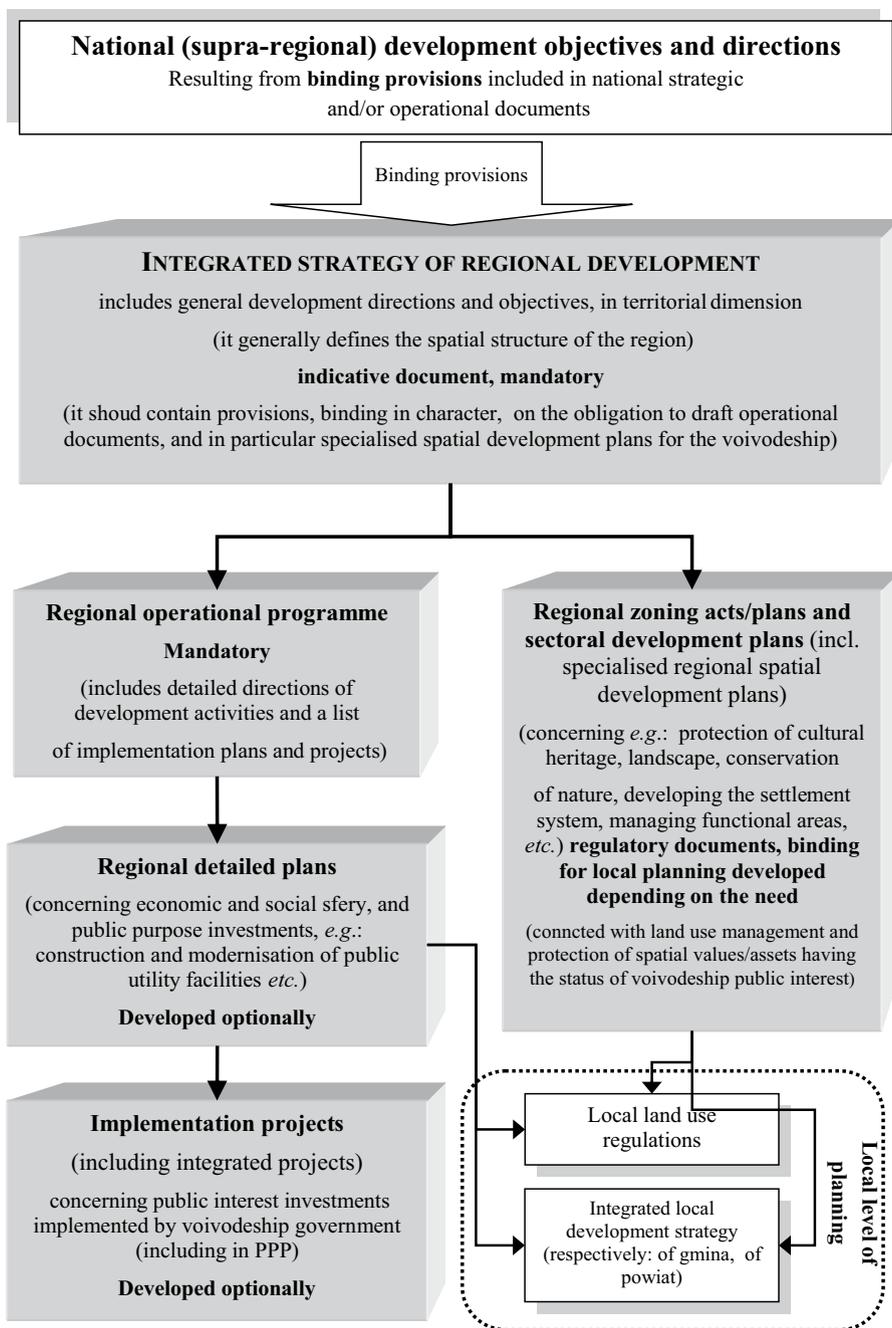


Figure 3. Scheme of organisational links in the framework of the model of integrated planning and management of development at the regional level

NOTE: If Sejmik of the Voivodeship adopts binding area arrangements applicable for gminas (namely, in the framework of voivodeship spatial development plan), and competent municipal (gmina) governments fail to introduce them to their integrated development strategy and do not introduce – through applicable procedure – appropriate changes in local land use regulations (LLUR), then the required changes in this scope will be introduced by the marshal of the voivodeship (developing, respectively: urban/rural zoning regulations applicable in a given area or local land use and spatial plan, or urban/rural development project) who will charge the government of gmina or of voivodeship with the costs, depending on what/whose interest such change concerns.

Moreover, it is assumed that the costs of spatial impact of binding planning arrangements of the authority of a higher level are borne by the entity specifying such binding provisions. **However, if the binding provisions result from generally applicable legislation, e.g., from the Water Framework Directive obliging the gmina to designate flood zones or landslide areas in its plans, failure of gmina to comply with this obligation gives rise to the obligation of voivodeship/voivode who will plan such zones and charge the gmina with relevant costs.**

9. Characteristics of the proposed planning documents for land use and spatial development at the national level

The system of national development planning will consist of two groups of strategic documents.

1. Basic strategic documents to be prepared include:
 - a. **A long-term national development strategy (LNDS)**, the integral part of which should be a national concept of spatial development of the country. This document should be drafted for the time horizon of *ca.* 25 years. The long-term integrated development strategy should include, *i.a.*, a vision of national development as well as strategic spatial, environmental and geopolitical conditions, and it should outline the directions for the future protection of resources.
 - b. DSRK will provide grounds for developing **a mid-term national development strategy (MNDS)** and **national spatial development plan (NSDP)**.
2. The documents implementing LNDS will include (apart from MNDS):
 - a. **A national spatial development plan (NSDP)** – setting out strategic objectives and directions for spatial development of the country, resulting from the long-term integrated development strategy (LNDS) and the interactive work on mid-term national development strategy (MNDS). The national spatial development plan (NSDP) should present a balance of various kinds of areas for the purposes of spatial development, in particular: agricultural areas, settlement

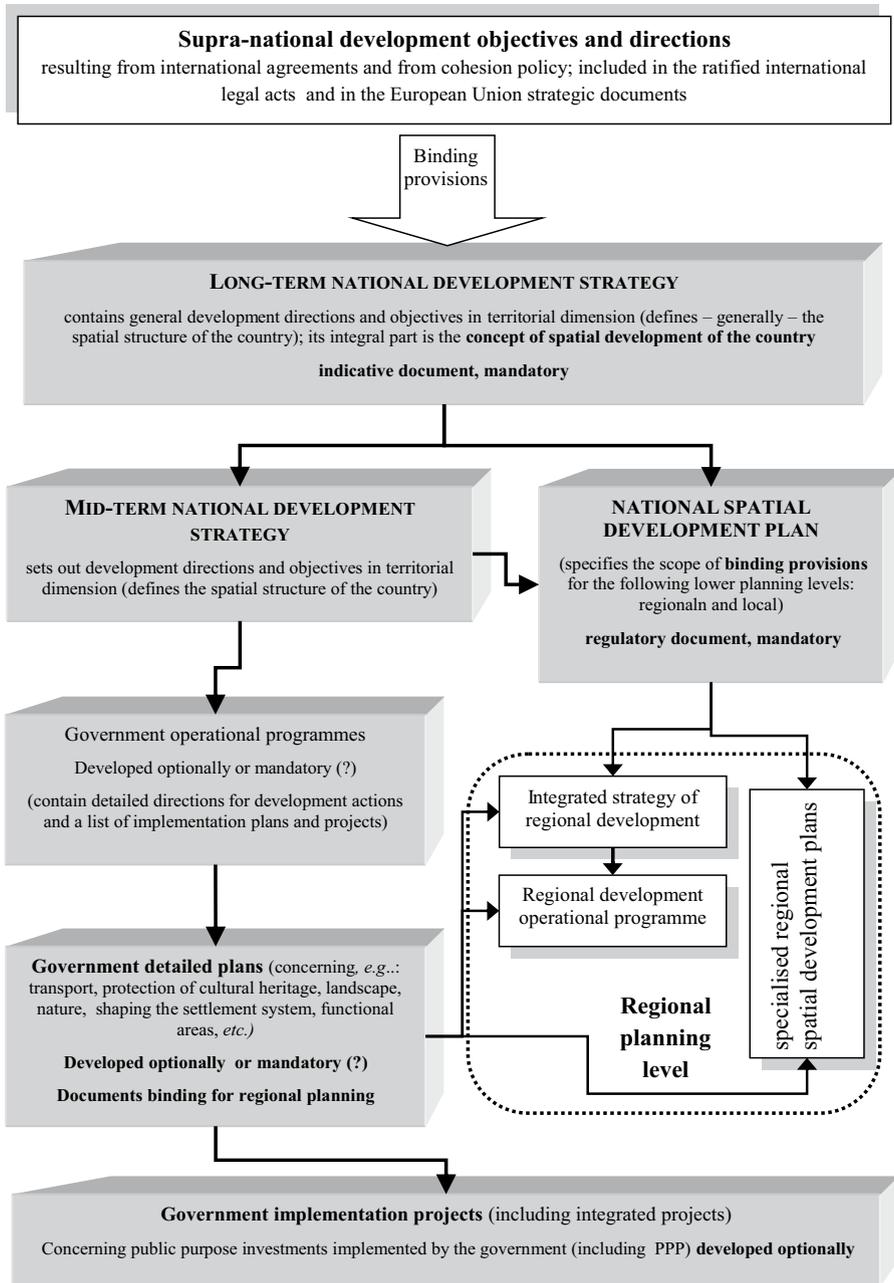


Figure 4. Scheme of organisational links in the framework of the model of integrated planning and management of development at the national level

network, areas of protected nature, landscape and culture, etc. The national spatial development plan (NSDP) should also determine the share of individual kinds of spatial development in individual regions and define the scope of and rules for developing the binding provisions for regional and local spatial planning; such provisions should be accounted for in relevant studies/documents (regional and local). The basic function of national spatial development plan (NSDP) would be to specify two types of provisions:

- **provisions that would be binding for spatial development** at the level of regional planning (and – depending on the needs – local planning); as regards binding provisions for regional and local planning, it is possible to define generally applicable zoning standards for specific kinds of areas which would be analysed in NSDP and which should be included in relevant regional/local plans;
 - **recommended solutions** to be introduced in relevant regional and local plans.
- b. Government operational programmes** – containing detailed directions of development activities and a list of plans and implementation projects.
 - c. Government detailed plans** – in the field of *e.g.* transport, protection of cultural heritage, landscape and nature, shaping the settlement system, functional areas, *etc.*,
 - d. Government implementation projects** – (including integrated projects) for public purpose investments implemented by the government (in particular in the private-public partnership formula – PPP).

10. Remarks on the planning hierarchy in spatial development (hierarchy of public interest)

If we assume basic subsidiarity principle in the functioning of central and local government, then the discussion on the hierarchy of plans seems to make no sense, as each entity acts within the framework of its own competence and the so called entrusted tasks. We should rather ensure compliance of the binding provisions with the possibilities to carry out public purpose investments which are important from the point of view of competence and specified scale of public interest (in social and territorial dimension), assigned to given government or territorial authority.

Changes in municipal (*gmina*) plans should be made if central or regional (*voivodeship*) entity has at its disposal adequate funds to compensate/cover the costs of effects of developing or changing a local plan, or if the provisions of such plans attain the rank of a regional (local) regulation when the plan is adopted under a relevant act (for example, an act on landslide zones). In such a case the costs of changes in

municipal (gmina) plan, if not incurred by the gmina, are incurred by the voivodeship and the voivodeship charges the gmina with such costs.

It should also be remembered that if a given area is intended for public purposes, set out in national or voivodeship plan, then there must be a possibility to use special instruments of land use management (such as expropriation, pre-emptive right to buy land, freezing land prices, *etc.*). It may be assumed that in the case of public purpose investment, important for national or voivodeship interest, changes in land use are made under a somewhat different planning procedure, since central or voivodeship government which participate as a party in such procedure, may – by consultations at a local level – decide to draft an operational programme in the field of economic or social development.

11. Initial conditions for changing the planning system

1. It is necessary that the decision on building and spatial development conditions (BaSDC)⁹ expires if the building permit is not issued within, for example, 2 years. After this period (also if the building permit expired), the legal status of land returns to its initial form of use.
2. It is necessary to significantly strengthen the integrated planning services, including in particular urban and architectural planning and design services. Since in this sphere we deal with the creation of public interest on a large scale and since such interest can be jeopardised, **the profession of planners must have a status of a public trust profession.** Their planning decisions (in particular draft local regulations) concern an economically and socially vulnerable sphere, and thus their profession must be publically protected. Therefore (somewhat against the current trends and measures taken to deregulate professions and abolish formal professional qualifications) it is recommended to formally define the competencies that persons performing the function of chief planner (manager/co-ordinator) responsible for drafting planning documents/studies provided for in the system described above should have. It is proposed to define professional competencies (in terms of education and professional experience) required to perform the following functions:
 - chief planner responsible for preparing a draft local plan and draft local regulations on the use of land;

⁹ Editor's NOTE – to be clarified – are we talking here about the procedure/way of expiring the currently used decisions on BaSDC in the 2 year transition period between the old and the new system or about a procedure of expiring (some?) administrative decisions on planning permission (let's call them BaSDC) which would be applicable in the new system (on which we are working), *e.g.* decisions issued based on the new local plan? There is basically no justification for such decisions to be issued – the proposed way of “shifting” from the planning process to the investment process has been described earlier.

- chief planner responsible for drafting the development strategy at the local level (gmina and powiat);
 - chief planner responsible for drafting the development strategy at a supra-local level (national and voivodeship).
3. The system of land use management, consisting of integrated planning, regulatory planning and the cadastral register, **must be linked with the system of value based property tax and various infrastructural fees and charges. This is a necessary condition for ensuring the public role of authorities in the provision of public services.** The current global income transfer processes lead to a situation where it is becoming increasingly difficult to tax revenues and profits which are easily transferred abroad and concealed in the accounting system. Thus it is necessary to link the budget income of gminas, and possibly also of voivodeships, to the value of land and buildings.

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