

Spatial Planning as a Tool for Sustainable Development. Polish Realities

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Abstract

Sustainable development is currently the basic philosophy of shaping socio-economic development. It seeks to ensure that the improvement of living conditions and development of the economy are reconciled and the proper conditions for the functioning of the natural environment are maintained. The achievement of such objectives requires the use of numerous and varied instruments that include spatial planning whose goals are to protect and harmonize various ways of using geographic spatial resources. The role of spatial planning as an instrument for sustainable development is appreciated in international and Polish theoretical literature. Polish legislation also states, to an increasing extent, that the need for sustainable development should be regarded as the basis of spatial development. However, the reality is that the consecutive Polish spatial planning systems have created mechanisms that have aggravated spatial conflicts, including the excessive and extensive use of space. It has resulted from the privileged position given by consecutive legal solutions to a certain category of space users at the expense of other stakeholders and the natural environment. Therefore, the effective use of spatial planning to ensure sustainable development requires the creation of a new system of planning that balances the interests of various users of space.

Keywords: sustainable development, spatial planning, Polish legislation

JEL: O21, Q01

Introduction

Socio-economic development has reached a level that requires the creation of mechanisms for protecting the resources of geographical space against excessive appropriation. The idea of sustainable development that emerged in the last decades of the twentieth century is an attempt to respond to this challenge. Shaping sustainable development as a policy treating all economic and social phenomena along with their relationships with the natural environment holistically requires numerous and varied instruments. Spatial planning, which seeks to harmonize socio-economic development in its spatial dimension, can become one of such instruments. Spatial planning is commonly recognized and stipulated in legislation as a tool for shaping sustainable development in Poland as well. However, a number of mechanisms of spatial transformations can be observed which seem to contradict the principles of sustainable development. An important question thus appears: do the recitals in legislation reflect the real character of the impact of spatial planning on the possibilities of sustainable development? If there is a hiatus between the assumptions and reality, it is necessary to identify its sources and the mechanisms of its formation.

1 International documents and theory

The idea of sustainable development is the leitmotiv of numerous documents adopted and implemented in recent decades by public authorities at all levels, international institutions and civil society organizations. This term acquires an increasingly broad range of connotations, from the ones linked with nature preservation *sensu stricto* to economic, socio-cultural and philosophical

connotations (Pawłowski 2009). It is undoubtedly a response to the level of development achieved by humanity, associated with the increasing rate of appropriation of natural environment resources, including those which are non-renewable. The concept of sustainable development (originally ecodesvelopment) entered the public discourse after it was coined in the Brundtland Report released by the United Nations World Commission on Environment and Development in 1987. The report indicated that the existing model of economic development, based on the supremacy of the narrow economic interest, is a threat not only to the natural environment but also to the future development opportunities of humanity. Therefore, the Commission proposed an economic model that would also take into account the properly and consciously shaped relations between economic growth and the environment and human health (World Commission on Environment and Development 1987).

The idea of sustainable development gained in importance and was elaborated as a result of the United Nations Earth Summit in Rio de Janeiro in 1992. The documents adopted during this conference straightforwardly indicated the necessity of taking actions related to various aspects of relations between human beings and the environment. Already then, these aspects included spatial management. The desirable aspects of human activity in the future include:

- promoting the sustainable development of human settlements, and
- comprehensive planning and management of Earth surface resources (Robinson 1993).

In recent decades, other international institutions have also shown a serious approach to sustainable development as a significant aspect of spatial development and planning. The New Charter of Athens adopted by the European Council of Spatial Planners (ECTP-CEU) in 2003 proposed a “vision” of the future of European cities. According to this vision, cities should contribute to the welfare of the inhabitants by harmoniously combining an urbanized environment with the natural environment. The New Charter of Athens unequivocally regards space as a natural resource—a limited and basic resource the demand for which continually grows.¹ The Leipzig Charter from 2007, a kind of summary and elaboration of the New Athens Charter, assumes that the development of European cities should take into account all aspects of sustainable development identified as economic prosperity, social balance and a healthy environment. The Charter indicates strategies for action in order to achieve these objectives; these strategies include creating high-quality public spaces, modernizing infrastructure networks and creating compact settlement structure facilitating transport and stimulating communal integration. The Leipzig Charter also emphasizes the need to improve the air and sanitary conditions in cities through the reduction of harmful volatile compound emissions.²

The theoretical literature on the subject, published in recent decades, presents spatial planning as a significant mechanism driving sustainable development. Myerson and Rydin (1996) claim that “while it is difficult to clearly define “sustainability” as an attribute of spatial planning, the key aspects of local spatial policy and its implementation are undoubtedly linked with shaping sustainable development. Naess (2001) indicates several key aspects of the sustainable development of cities and the spatial planning that fosters this development. With regard to spatial planning *sensu stricto*, they include, in particular, minimizing the expansion of the built environment into natural areas and areas of high agricultural value, reducing energy consumption and limiting noise emission.

Cullingworth and Nadin (2006) suggest broader criteria for including sustainable development in spatial planning:

- preserving the functioning of natural systems
- minimizing the consumption of resources
- preserving the quality of the environment, including minimizing pollutant emissions, protecting the quality of the air and water, noise reduction, protecting landscape and cultural heritage
- health protection and safety
- maintaining transparent decision-making mechanisms and ensuring the participation of the public

1. See: The New Charter of Athens 2003. The European Council of Town Planners Vision for Cities in the 21st century. Final version, June 2003, [@:] http://www.unige.ch/cuepe/virtual_campus/module_landscape/_31_ville_debat_actuel/pdf/New_Athen_charter_2003_english.pdf.

2. See: Leipzig Charter on Sustainable European Cities. Final Draft (02 May 2007). [@:] http://ec.europa.eu/regional_policy/archive/themes/urban/leipzig_charter.pdf.

Polish literature on the subject does not lag with regard to defining the essence of sustainable development and identifying the relationship between this type of development and spatial planning. Andrzejewski (1997), an ecologist and spatial planning expert, defines ecodevelopment (sustainable development) as a balance between the creation of the technical environment and the creation of the adequately efficient natural environment (ecological system). Following a similar line of thinking, Mierzejewska (2009) indicates that the proper planning of the development of cities must seek objectives that conform with sustainable development or, at least, are acceptable from the perspective of sustainable development. Referring to the mechanisms of urban development, Kołodziejski (2001) asserts that the shaping of sustainable development is inherently linked with shaping spatial order. The term “spatial order” is of fundamental importance in the theory of Polish spatial planning. Zawadzki (2001) defines spatial order as the spatial location of people and objects in a such a way that their existence and functioning can take place in accordance with their nature and functions they are expected to perform. Spatial order has a cultural (aesthetic) dimension, technical, natural (ecological), social and economic dimension.

2 The recitals to legislation

The clear references to sustainable development in both official international documents and spatial planning theory seem to be self-evident. In its essence, spatial planning deals with the comprehensive shaping of space. Thus, it has to consider all objective economic, social and natural processes as well as their mutual correlations and interactions. It is particularly significant in the era of the “crisis of space”—i.e., the escalation of multilateral structural conflicts between the specific users of space (Jałowicki 2010). This is also why legal regulations on spatial planning in Poland contain numerous, though not always explicitly articulated, references to the idea of sustainable development. There are various ways in which the protection of values forming sustainable development is embedded in legislation. Above all, they are indicated in the preambles or recitals to laws—among the objectives and values that spatial planning and development should serve. The scope of regulation of the specific planning studies, determined by specific laws, also contain provisions intended to contribute to balancing various aspects of spatial development and protection of special values of space. Finally, the statutory procedures accompanying the drawing up of draft plans enable the provisions of these documents to take into account the positions of entities (particularly public institutions) safeguarding the values of the natural and cultural environment, people’s health, etc.

Based on the analysis of Polish laws regulating the rules of spatial planning, it can also be observed that the recitals or preambles to each consecutive law have been stating the intention to take sustainable development requirements into consideration with growing emphasis and increasing scope. The first Polish law, its status corresponding to an act of parliament—i.e., the Ordinance of the President on Construction Law and Settlement Development,³ referred to these problems only marginally. It only indicated that development plans should meet requirements concerning health, fire safety, accessibility and rational rainwater and waste drainage as well as aesthetic considerations. Mention was also made about the necessity of ensuring sufficient sun exposure of residential buildings and enabling their functional, hygienic and economic development. The only clear mention related to eliminating spatial conflicts is the regulation ordering the creation of separate zones for industry causing nuisance. The 1936 Act amending the 1928 Ordinance introduced spatial planning to the regional level but generally did not change its substance.⁴

The situation changed significantly after World War II when Poland found itself under the dominance of communism. Based on a centrally planned economy, this system assumed the planned determination of many aspects of reality, including space. The 1946 Decree on the Spatial Development of the Country provided for the coverage of the entire territory of Poland by spatial

3. See: Rozporządzenie Prezydenta Rzeczypospolitej z dnia 16 lutego 1928 r. o prawie budowlanem i zabudowaniu osiedli. DzU z 1928 r. nr 23 poz. 202.

4. See: Ustawa z dnia 14 lipca 1936 r. o zmianie rozporządzenia Prezydenta Rzeczypospolitej z dnia 18 lutego 1928 r. o prawie budowlanem i zabudowaniu osiedli. DzU z 1936 r. nr 56 poz. 405.

development plans at various levels (national, regional and local).⁵ The structure of spatial planning was to be hierarchical. The provisions of the Decree did not explicitly specify the objectives and values that spatial planning was supposed to serve. However, plans created under that Decree included provisions that can be regarded as instruments for balancing spatial development. The national plan and regional plans were to indicate areas designated as nature reserves. Local plans, on the other hand, were to specify ways of reducing the level of nuisance caused to the environment by industrial and facilities. At the same time, however, this Decree does not mention any concrete mechanisms for meeting these requirements during the preparation of draft plans. Only the 1947 Order, executing the Decree above, on the Cooperation of Authorities for the Planned Spatial Development of the Country makes a general mention of the necessity to consult draft plans with the “authorities concerned.”⁶ The absence of citizen participation in the process of drafting plans is also a significant aspect of the system established in 1946.

The first truly comprehensive spatial planning system in Poland was developed in the Spatial Planning Act of 1961.⁷ This legislation created an elaborate system of spatial development plans prepared at the national, regional and local level. Spatial planning was clearly identified in this act as an instrument for balancing various aspects of development. The goal of spatial planning was defined as creating conditions for the development of production, comprehensive satisfaction of the needs of the population and protection of the country’s natural resources and natural assets. The determination of the function and manner of land development required the consideration of existing and future needs. The act did not explicitly place an obligation on entities preparing the plans to take into account issues related to nature conservation. However, the procedure of drafting plans provided for consulting them with competent administrative bodies, i.e. probably with entities responsible for the protection of the specific components of space as well. It is also characteristic that the system established in 1961, while maintaining the hierarchical structure of plans, increased the influence of the local communities on them only to a small extent.

The Act on Spatial Planning passed in 1984 established a spatial planning system that was a simplified version of the previously existing structure.⁸ The hierarchy of spatial planning remained, whereby conclusions of plans of supra-local status were of key importance. Social involvement in the drafting of plans remained at a low level. However, this act of legislation regarded spatial planning, to a considerably greater degree than the previous legislation, in terms of actions making up the sustainable development of various phenomena in space. Pursuant to this Act, the objective of spatial planning is to shape spatial development so as to ensure the right conditions for improving the quality of communal life, to maintain natural balance, preserve cultural assets and increase the effectiveness of economic processes. Planning was to be conducted based on comprehensive surveys of natural, social, economic, cultural, demographic, technical and defense conditions. Requirements concerning human health protection and environmental protection (particularly water, agricultural, forest and energy resources) were to be taken into account.

Furthermore, the 1984 Act indicated concrete solutions to achieve sustainable development and to be included in the specific planning documents. The provisions of the national plan were to ensure, among other things, environmental protection as well as the protection and use of water resources. A regional plan was to stipulate the principles of the protection of environmental and cultural assets. The provisions of a local plan were to include the conditions and ways of protecting health, the environment, cultural assets and landscape assets. The procedures for drafting plans, particularly local plans, provided for a whole range of consultations, also with institutions responsible for the protection of natural environment resources and shaping the living conditions of the society.

5. See: Dekret z dnia 2 kwietnia 1946 r. o planowym zagospodarowaniu przestrzennym kraju. DzU z 1946 r. nr 16 poz. 109.

6. See: Rozporządzenie Rady Ministrów z dnia 20 marca 1947 r. o współdziałaniu władz w akcji planowego zagospodarowania przestrzennego kraju. DzU z 1947 r. nr 34 poz. 152.

7. See: Ustawa z dnia 31 stycznia 1961 r. o planowaniu przestrzennym. DzU z 1961 r. nr 7 poz. 47.

8. See: Ustawa z dnia 12 lipca 1984 r. o planowaniu przestrzennym. DzU z 1984 r. nr 35 poz. 185.

A radical change in the spatial planning system occurred in 1994 with the adoption of the Spatial Development Act.⁹ This Act was to take account of Poland's new political and economic system based on freedom, respect of property and autonomy of local government. The gmina (commune, municipality, district), the only level of local government at the time, became the key actor in spatial planning while the role of property owners in spatial planning was strengthened. The 1994 Act was the first legislative act on spatial planning to use the term "ecodevelopment" verbatim. What is more, ecodevelopment was recognized as the basis for designating the purpose of specific areas and determining the principles of their development. The key factors considered in spatial planning included spatial order requirements, landscape value, requirements concerning the protection of the environment, cultural heritage, human health and safety as well as the economic value of space.

The balanced approach to spatial development is also very clear in the provisions concerning the specific documents. The national spatial development concept prepared by the government was laconically described as a document stipulating the natural, cultural, social and economic determinants, objectives and strategies of this policy. The subject scope of the province spatial development study prepared by the provincial governor was not defined in any way. On the other hand, the municipality spatial development conditions and directions study acquired a number of provisions associated with sustainable development. Among other objectives, it was to indicate the local natural environment assets and environmental threats as well as areas of natural and cultural environment protection. Furthermore, it could stipulate with considerable precision the ways of spatial development expansion, including areas designated for building purposes and excluded from building as well as directions of technical infrastructure development. Such a broad scope of provisions of the studies undoubtedly stemmed from the fact that they were to be prepared based on a comprehensive analysis of spatial development determinants resulting from the conditions of local geographical space.

The local spatial development plan was equipped with even more elaborate competencies that could influence spatial order and sustainable development. The plan was to specify the key principles of shaping the built environment as well as the special conditions of land development (including prohibition of building development) based on the requirements concerning natural and cultural environment protection and appropriate natural resource management. Furthermore, the forecast of the impact of its provisions on the natural environment became an obligatory supplement to the local plan. The system of consultations with administrative bodies and citizen consultations stipulated in the Spatial Development Act was to ensure that the interests of all parties concerned were balanced.

In 1999, the previously existing province study prepared by the provincial governor was replaced by the province spatial development plan and the newly established provincial government was tasked with preparing it. Pursuant to the 1998 Act Amending the Spatial Development Act, the province plan was tasked with determining the organizing principles of spatial structure.¹⁰ These principles included requirements with regard to the protection of the natural environment and cultural assets.

The last adjustment of the spatial planning system in Poland took place in 2003 when the Spatial Planning and Development Act came into force and is still effective today.¹¹ This Act recognizes spatial order and sustainable development as the basis of all actions of public authorities with regard to spatial planning and development. The act defines the term "spatial order" as the shaping of space that forms a harmonious whole and takes into account the ordered relations of all functional, socio-economic, environmental, cultural, aesthetic and compositional determinants and requirements. The definition of the term "sustainable development" used in this Act was taken from the 2001 Act on Environmental Protection.¹² As defined in the latter Act, the term denotes

9. See: Ustawa z dnia 7 lipca 1994 r. o zagospodarowaniu przestrzennym. DzU z 1994 r. nr 89 poz. 415.

10. See: Ustawa z dnia 24 lipca 1998 r. o zmianie niektórych ustaw określających kompetencje organów administracji publicznej — w związku z reformą ustrojową państwa. DzU z 1998 r. nr 106 poz. 668.

11. See: Ustawa z dnia 27 marca 2003 r. o planowaniu i zagospodarowaniu przestrzennym. DzU z 2003 r. nr 80 poz. 717.

12. See: Ustawa z dnia 27 kwietnia 2001 r. — Prawo ochrony środowiska. DzU z 2001 r. nr 62 poz. 627.

socio-economic development where the process of integrating political, economic and communal actions occurs while maintaining the natural environment balance and durability of the basic natural processes in order to ensure the possibility to satisfy the basic needs of the particular communities or citizens belonging both to the current and the future generations. At the same time, the Spatial Planning and Development act generally copied the structure of spatial planning established by the 1994 Act. Thus, the scope of provisions of the specific documents has been generally maintained, including the provisions that can impact the balancing of spatial and socio-economic development.

3 Mechanisms of spatial development

It is self-evident that both Polish theoretical literature and Polish legislation understand and appreciate the role of spatial planning in shaping sustainable development. What is more, the recitals of legislation regulating the principles and values that spatial development is to serve place increasing emphasis on aspects conducive to strengthening this specific character of development. The key question, however, is whether spatial planning actually fosters the balancing of various aspects of socio-economic development and its interaction with environmental resources. It seems that the real impact of this sphere of planning is noticeably different from what the purpose declared in the legislation. At the same time, of course, this impact is a function of the shape of the legal regulations.

In this context, it is difficult to unequivocally assess the actual impact of pre-World War II spatial planning on balancing the economic, social and environmental aspects of development and functioning of geographical space. Pre-war development plans were relatively few and encompassed relatively small areas. Hence, their effects were insignificant and diluted. Nonetheless, it is possible to formulate certain observations. Procedures concerning the drafting of development plans enabled the articulation of expectations of both public and private entities. It also seems that needs of a public character (e.g., related to the military), had a certain advantage. However, the parties concerned, mainly owners of properties affected by the plan, had a guaranteed right to submit their objections. One can conclude that in the reality of the period these mechanisms worked relatively well from the perspective of harmonizing local development. Development plans prepared for large, fast-growing cities, though relatively few, usually took into account the environmental aspects as a significant element of the structure of urban space. It can be observed, for example, in the development plan prepared in 1930 for the new and dynamically developing Gdynia. According to the plan, the town's spatial structure was to be densely filled with public green areas (Sołtysik 2003). Similarly, the general development plan for Warsaw, adopted in 1931, provided for the segregation of functions in the city, gradual dilution of the built environment in the peripheral areas as well as green corridors providing fresh air to the city center (Jankiewicz and Porębska-Srebrna 2005). It is difficult to assess the effects of the pre-war system of spatial planning as an instrument for sustainable development because its functioning was interrupted after a little more than 10 years by the outbreak of World War II. It can be assumed, however, that spatial development in a relatively small part of Polish territory encompassed by development plans was more harmonious than in other areas.

After World War II ended, Poland found itself under the dominance of communism. One of the consequences was the adoption of planning as the basic mechanism of shaping socio-economic reality. Spatial planning was intended to encompass the entire territory of Poland, to be implemented by nearly all levels of public administration. Therefore, the impact of this branch of planning on the interactions between the social, economic and environmental aspects of development had to increase as well. In post-war Poland, similarly to other countries where real socialism prevailed, spatial planning was based on the general assumption that communal life could be totally changed according to ideological requirements. This concept was actually close to the ideas of modernist urban planning, including the proposal of Le Corbusier (Węclawowicz 2003). Such an assumption led to the establishment, pursuant to the 1946 decree on planned spatial development of the country, of a hierarchical system of spatial planning based on the national plan, regional and local plans. The hierarchy of spatial planning was maintained by the subsequent legislation on spatial development passed in 1961 and 1984. The subordination of spatial development plans at a lower territorial level to the plans at a higher level was consistent with the centralized system, state ownership of

nearly the whole economy and marginalization of the private sector. It was also linked with the low level of respect for private property and the ease and relatively small costs of expropriation of land earmarked for public purposes (in the broad meaning of the term). The value of compensation was a little higher than the price of arable land but the actual market value was many times higher, particularly in suburban areas (see for example: Act on Land Management and Property Expropriation)¹³.

It seems that such a context of the political and economic system constituted a basic factor determining the real mechanisms of planning and, consequently, spatial development. The hierarchical character of planning, alongside the superiority of public interest and easy acquisition of land for public purposes, made it easy to designate land reserves for the future needs of administrative or economic entities. Property owners had a very limited right to protest against the solutions adopted in draft plans.

Above all, it resulted in the strong expansion of cities into rural areas, previously developed to a small extent. The planning of the spatial structure of large poorly developed areas was undoubtedly simpler than designing how to fill the usually small gaps in the existing buildings in a way that would be consistent with the character and requirements of the surroundings. It primarily concerned the newly developing huge multifamily housing projects. The idea was for them to be urban structural units with the optimum spatial form, ensuring suitable living conditions in harmony with environmental requirements. The reality, however, brought numerous and rather unequivocally negative results. Above all, the expansion of cities into open countryside was tantamount to the extensive use of space. In the final period of real socialism in Poland, the population density of the largest Polish cities was several times lower than in the large cities in Western Europe. Owing to the focus on the development of new areas, combined with the possibility to ignore the price of land, undeveloped areas remained in the structure of cities despite being equipped with technical infrastructure. Areas of substandard housing, often of pre-war origin, also remained. Furthermore, the large-scale expansion of urban developments into open countryside required the extension of communal infrastructure. In the 1990s, the length of communal infrastructure networks per resident in Warsaw was still about four times greater than in Paris (Brzeski 2000). It had to mean an increase in the costs of building and maintaining municipal infrastructure.

At the same time, the actual capital expenditure possibilities did not match up to the scale of spatial planning. First and foremost, residential buildings were built in the newly developing districts. It resulted from the strong public pressure to build flats, which influenced the centrally controlled streams of capital expenditure (Kowalewski 1991). Service facilities were established much later. In consequence, in the central parts of new districts, in areas where service facilities were planned, some spaces remained empty and unused for many years. Some facilities (particularly churches) were deliberately eliminated from urban space already at the stage of spatial planning (Szczepański 1991). The under-development of services in the new districts resulted in a lower standard of living and forced people to satisfy their basic needs in city centers. This, in turn, was more time-consuming for the residents and increased the volume of intra-city traffic, thus increasing transport pollution emissions.

Spatial planning was also used as an instrument in the forced industrialization of the country. In the plans, industrial areas were designated along with considerable land reserves for development needs in an indefinite future. In consequence, industrial areas were often too vast in relation to the needs as they deformed the spatial structure of cities at the expense of residents' living conditions and local environmental assets (Węclawowicz 2002). Superfluous land reserves, unused for many years, created for the needs of public facilities concerned other functions as well (e.g., communal infrastructure, roads, etc.). Those reserves resulted from the hierarchical structure of planning as they were earmarked for facilities of supra-local status, included in regional plans (province level). The obligation to take them into account in local plans was often linked with ignoring local location determinants: not only the value of land but also the neighboring functions and qualities of the natural environment.

13. See: Ustawa z dnia 29 kwietnia 1985 r. o gospodarce gruntami i wywłaszczeniu nieruchomości. DzU z 1985 r. nr 22 poz. 99.

A major overhaul of the planning system occurred in 1994 as a result of the changes in the political and economic systems taking place from the early 1990s. Those changes brought back market mechanisms, including the ground rent, as well as changes in the ownership structure towards a greater importance of private ownership. The directions of changes in the political and economic system can also be seen in the new Act on Spatial Development adopted then. This Act replaces the spatial planning hierarchy enforcing the supremacy of public interest, with a system stressing the dominant role of the municipal government and protection of private ownership (Wojtasiewicz 1990). Local plans, prepared by the municipality, remained the only kind of spatial development plan. The public administration at other levels (still subordinate to the central government at that time) could introduce its goals into local plans after prior negotiations with municipalities which had a right to set conditions, primarily financial ones. The establishment of local government at county and province level in 1999 did not lead to significant changes in these mechanisms.

At the same time, property owners gained the decisive influence on the shape of local plans. They gained the right to make submissions to draft plans, receive notifications about the planned classification of their properties, file objections to the municipal council and file complaints with the administrative court. It was possible to file a complaint with the court already during the drafting of a local plan and, of course, after the plan was approved by the municipality. In the case of the former, municipalities had to delay the adoption of the plan until the court resolved the matter, which drastically prolonged the procedure of preparing the plan. This mechanism resulted in the municipalities' reluctance to prepare "difficult" local plans — i.e., ones encompassing larger areas, and sometimes even any plans at all since property owners could raise objections with the provisions of the plans. In those circumstances, small-scale studies (e.g., changes to the previously existing plans), encompassing small areas and responding to the previously submitted requests of land administrators, began to predominate. For example, the government of Rumia, a town of just under 50 000 inhabitants, adopted 27 amendments to the existing local plan during the six years from 1994 when the new Spatial Development Act came into force. Each amendment concerned an average area of just 6,2 hectares.¹⁴ In reality, this meant that spatial planning was relegated to being a formal element of the investment project site location procedure to the detriment of its role of an instrument for shaping spatial order.

The local governments' fears of protests from property owners also led to the situation where the authorities accepted nearly all submissions to draft plans. It is self-evident that most of these submissions were aimed at increasing the market value of properties. They often concerned residential housing in locations far removed from existing developed areas or in locations whose landscape deserved special protection. At the same time, numerous amendments to plans (also carried out at the request of property owners concerned) were based on eliminating land reserves for future public facilities (parks, hospitals, roads, etc.)

The main consequence of this system, visible primarily in suburban areas affected by suburbanization phenomena, is the excessive area and dispersal of areas designated for building development. This obviously leads to the dispersal of buildings and, consequently, excessive costs of building and maintenance of technical infrastructure as well as limited access to services. The accompanying impediments to planning land reserves for "linear" investment projects, such as roads, have hindered the construction of ring roads and development of metropolitan areas. In view of increasing motor traffic, the city centers suffered from the increasing burden of transit traffic and its disruption of intra-city communal and economic life (Węclawowicz 2006). The Toll Motorways Act, passed during the *vacatio legis* of the Spatial Development Act, did not prevent it to a sufficient extent.¹⁵ What is more, this Act, whose subsequent versions concerned an increasing range of public roads, largely contributed to the deterioration of the spatial order in many places because it enabled entities to locate roads regardless of the provisions of spatial development plans.

14. See: Informacja o wynikach kontroli realizacji zadań w zakresie zagospodarowania przestrzennego przez organy administracji rządowej i samorządowej. Najwyższa Izba Kontroli. Departament Środowiska, Rolnictwa i Zagospodarowania Przestrzennego. Warszawa, listopad 2001.

[In the journal European practice of number notation is followed — for example, 36 333,33 (European style) = 36 333.33 (Canadian style) = 36,333.33 (US and British style). — Ed.]

15. See: Ustawa z dnia 27 października 1994 r. o autostradach płatnych. DzU z 1994 r. nr 127 poz. 627.

An additional mechanism through which the 1994 Act influenced the character of spatial transformations was that it removed the obligation to prepare local plans. Since that Act came into force, it has been possible to implement spatial development in areas not encompassed by such plans. In such areas, new buildings are built only based on administrative decisions issued by mayors who, in practice, are not obliged to respect the standards of spatial order or landscape protection. Such decisions do not even have to take into account the provisions of the obligatory municipal spatial development conditions and directions studies that are supposed to comprehensively shape local spatial policy. Thus, this mechanism strengthens the tendencies towards the dispersal of building developments and their excessive expansion into open countryside (Ogłęcka and Słodczyk 2011).

The 2003 Spatial Planning and Development Act, still in force today, has generally retained the structure of the spatial planning system. Only the position of municipal authorities during the preparation of the local plan, in relation to property owners, was slightly strengthened. The lack of obligation to prepare the local plan and possibility of building development in areas without such a plan have been retained, however. At the same time, the scale of the local plan was changed and it usually has to be 1 : 1 000 as compared to the previous scale of 1 : 10 000. This means a 100-time increase of the size of drawings in plans encompassing a particular area. Of course, it translates into higher costs of preparing the plans, which, combined with the complicated procedure, results in the municipalities' reluctance to work on plans covering larger areas. This has to lead to a further, after 1994, weakening of the coordinating and harmonizing function of spatial planning.

As of the end of 2012, local plans cover only 27,9% of Poland's territory (Śleszyński et al. 2014). In the remaining territory, building permits are issued based on administrative decisions issued for the specific projects by mayors. Although such decisions can be issued only to locations adjoining the existing developed areas, in practice this requirement inhibits the dispersal of buildings only to a very small extent (Kopeć 2011). Thus, the expansion of building developments into open countryside has been continuing for two decades, resulting in the contamination of landscape and deterioration of the quality of life.

Conclusions and final remarks

Spatial planning in Poland undoubtedly has a significant impact on the degree of sustainability of the socio-economic development, not only in its spatial aspect. This fact is obvious to all authors dealing with the mechanisms of planning. Polish as well as international authors are aware of the correlations between sustainable development and spatial planning. They also understand the obligations imposed on spatial planning by the necessity to foster sustainable development. Similarly, Polish legislation matches up with international documents in recognizing the necessity to take into account the requirements of sustainable development in spatial planning. What is more, the recitals and preambles in successive regulations and pieces of legislation mention the sustainable development of various components of geographical space to an increasing extent. Originally, before World War II, planning regulations were only concerned with living conditions. After the war, legislation started to focus also on protecting the environment regarded as a value in itself and as a determinant of socio-economic development. Finally, in the recent decades, the philosophy of spatial planning legislation regards spatial development as a parallel, interdependent development of all, both natural and anthropogenic, components of space.

It turns out, however, that the intentions stated in legislation and even the scope of provisions in the particular planning documents, as stipulated by the relevant legislation, are not of key importance. The decisive role is played by formal and legal mechanisms awarding various rights to shape space to the specific categories of stakeholders. This stems from the fact that spatial development is invariably linked with competition for spatial resources. Therefore, each system of spatial planning in Poland has given a privileged position to a specific category of stakeholders operating in space. In the communist period, these were state entities, particularly those at a higher level, while since 1995, these have been property owners. In influencing the shape of plans, all these groups of stakeholders have been guided by their own economic interests. The degree of privilege has always been high enough to respond not only to fully rational needs (interests) but also to the

ones of questionable legitimacy. In consequence, the interests of the privileged entities overshadow not only the interests of other entities but also certain intangible values that spatial planning is supposed to protect, including spatial order that is to be one of the dimensions of sustainable development. The intention to protect these values stated in the recitals to legislation turned out to be ineffective. What is more, procedures of consulting draft planning documents with institutions which were supposed to care about the quality and protection of the specific components of space also turned out to be not very effective.

The character of negative transformations of spatial development depended, of course, on the category of the stakeholders privileged by a given system of spatial planning. Nonetheless, the inefficiency of spatial planning as an instrument to ensure sustainable development remains a fact. The basic drawback resulting from the functioning of the successive planning systems was the extensive appropriation of space, an autonomous natural asset after all, for the needs of communal and economic life. Excessive anthropogenic pressure invariably reduced the quality of the functioning of local ecosystems. This led to the aggravation of conflicts between various ways of using space and, consequently, to the deterioration of the living conditions.

It seems that the above problems, definitely having a systemic character, can only be solved through the creation of an entirely new, more rational legal system for spatial planning. This system should foster the creation of sustainable development mechanisms not only at the level of declarations but also through appropriate procedures. Thus, it has to strike the right balance between the expectations of several basic groups of actors operating in space, that is:

- the municipal government, acting as both a spatial planning authority that influences the awarding of building permits and an institution responsible for satisfying the public needs of the local community;
- local government at the supra-local level and central government responsible for public tasks related to the living conditions, economic development and protection of the natural and cultural environment components; and
- property owners expecting to gain the biggest possible economic advantage, also related to the housing requirements.

It seems that without finding the right balance between the interests of all stakeholders of spatial policy, spatial planning will not be an effective instrument for ensuring sustainable development.

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