



SPATIAL PLANNING IN POLAND IN YEARS 1928–2003. REVIEW AND RESEARCH OF ACTS RECORDS¹

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Summary

Spatial planning in Poland has got long history. The first significant Act regulating rules of spatial economy in Poland was the Decree of the Polish President from 16th February 1928 about constructional law and settlements buildings. The successive acts from the range of spatial planning such as the Decree from 2nd April 1946 about planned state spatial economy, the Act from 31st January 1961 about spatial planning, the Act from 12th July 1984 about spatial planning and also the Act from 7th July 1994 about spatial planning were introducing numerous changes forming *ipso facto* spatial planning system in Poland.

The paper is a revision of recording of the most important acts influencing directly spatial politics on the national, regional and also local levels.

Keywords

spatial planning in Poland • acts and laws • system changes

1. Socio-economic determinants of regional development in Poland

The period of Poland's partition is the time of regional diversity of economy, level of civilization and also life quality. As the author notices [Bański 2007], Polish lands were treated in a peripheral way. In the interwar period, spatial planning in Poland was conditioned by economic and civilizational polarization of the country. Also economic crisis from the turn of the twenties and thirties had significant influence. Building of the Central Industrial District was the greatest investment of that period. Its superior aim was to locate the main industrial branches in the central part of Poland as well as economic activation of poverty areas. The second important investment of that period was harbour building in Gdynia together with a coal main line. Activities in the first years after the II World War (WWII) were connected with rebuilding country from ruins, industry nationalization and also carrying out of land reform [Bański 2007]. As authors say [Dziewoński, Malisz 1978], after the WWII, it was possible to change radi-

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cally Poland's spatial structure in order to decentralize industry and equalize regional differences. According to the authors [Węclawowicz et al. 2006], deconcentration of industry from the region of the Upper Silesia proceeded in northern direction along the axis connecting coalfields with the Baltic Sea. Unfortunately, as opposed to assumptions and considering state's necessities, the process of rebuilding was performed where it was possible. That is why the previous spatial structure was copied which caused big disproportions in social and economic development in the range of industry location, technical infrastructure and agriculture development level. According to the author [Bański 2007], spatial structure after the WWII was based on communication connections network between the most important city centres, moreover, two main industry axes which crossed in the area of the Upper Silesia were distinguished. The level of areas investment decreased in eastern direction which resulted from disproportions of technical infrastructure arrangement, therein most of all railway and road network and also location of the main city centres which were concentrated in the western and central parts of the country [Węclawowicz et al. 2006]. At the same time, the author [Bański 2007] emphasises that in the years 1950–1955 six-year-plan that assumed heavy industry development was realized which as a result contributed to its more regular location. In that period, cities and settling system dynamic development also took place. In the years 1950–1970, participation of cities inhabitants increased from 39% to over 52% of population in general. New city centres of medium size came into existence (Białystok, Lublin, Rzeszów) and they were in turn connected by means of transport system with already existing ones. In that way, transport system had its greatest concentration in the central part of Poland. In the 1970s, economic development of the country was still continued and location of new factory units was scattered which favoured decreasing of developmental differences of various regions. As the author says [Bański 2007], in the 1980s, economic development slowdown was observed which did not significantly change country spatial structure depiction. In the period of socialist economy in Poland, activities aiming to soften spatial disproportions including industry location, technical infrastructure, living conditions and standards were observed. According to the author [Bański 2007], processes of balancing involved most of all areas of southern and central parts of the country. Consecutively, the year 1989 initiated radical transformation of all elements of socio-economic life including spatial planning. From that time, entitlement funds started to flow into Poland including in the subsequent time European Union means which were among others spent on regional country development. Economic transformation significantly influenced state spatial structure. Process of population concentration in city centres which caused development of the biggest city agglomerations and contributed to spatial polarization of the remaining areas was observed.

2. History of spatial planning in Poland on the basis of chosen laws

The first important law regulating rules of spatial economy in Poland was the Decree of the Polish President from 16th February 1928 about constructional law and settle-

ments buildings [Rozporządzenie... 1928]. From that time, process of spatial planning in Poland was changed several times by enacting the following laws including:

1. The Decree from 2nd February 1946 about planned spatial development [Dekret... 1946].
2. The Act from 31st January 1961 about spatial planning [Ustawa... 1961].
3. The Act from 12th July 1984 about spatial planning [Ustawa... 1984].
4. The Act from 7th July 1994 about spatial planning [Ustawa... 1994].
5. The Act from 27th March 2003 about spatial planning and development [Ustawa... 2003].

Trials to regulate the process of spatial economy were already performed in the first years after recapturing independence [Niewiadomski 2001]. The Decree of the Polish President from 16th February 1928 about constructional law and settlements buildings [Rozporządzenie... 1928] was the first so extensive act regulating simultaneously matters of building plans, parceling out areas, parcels of land merging as well as transforming of parcels imperfectly built up. According to Art. 1 (Dz. U. 1928 Nr 23, poz. 202), rules of the Decree applied in construction, building changes and maintenance of any over- and underground buildings both in housing estates and outside them and also appliances connected with buildings or these helpful in construction process. Moreover, they had application in creating new plots in housing estates understood according to the Act as cities and towns, health resorts of public usefulness character, country and factory settlements, worker's colonies and also concentrations in one group of at least 10 dwelling houses (Art. 6, Dz. U. 1928 Nr 23, poz. 202). In Art. 7 (Dz. U. 1928 Nr 23, poz. 202) for the first time, concept of building plan the aim of which was to regulate principles of developing cities and towns was introduced and then in Art. 8 (Dz. U. 1928 Nr 23, poz. 202), general plans enclosing whole estate area, its substantial part or a couple of estates and also particular plans made with reference to the general plan and containing only parts of separate estates were distinguished. Plans of general premises regulated the way of areas development and management by determining control lines that separate areas with various purpose, introducing division of localities to zones according to the way of building and also indication of longitudinal and transversal profiles existing and projected in a plan of main roads (Art. 10, Dz. U. 1928 Nr 23, poz. 202).

Detailed premises plans precisely determined possibility of shaping of new building by defining impassable building lines, division of streets and plans for elaboration area as well as the way of building upon plots, therein determination of mutual distance between building lines (Art. 14, Dz. U. 1928 Nr 23, poz. 202), proper isolation of living houses, buildings density (Art. 15, Dz. U. 1928 Nr 23, poz. 202), buildings height and also the size of undeveloped area on the plot (Art. 16, Dz. U. 1928 Nr 23, poz. 202). For the area of urban communes and resorts accredited as these having public usefulness character, the way of development was regulated by police-building rules. With reference to the following Acts from the range of spatial planning, the Decree of the Polish President from 16th February 1928 about constructional law and settlements buildings

[Rozporządzenie... 1928] as the only one pays attention to the necessity of building aesthetics conservation (Art. 20, Art. 262, Dz. U. 1928 Nr 23, poz. 202).

As observes [Niewiadomski 2001], as a result of constitutional transformations after the WWII, law regulations in force stopped to respond to changing political conditions. Despite possibility to create new spatial order, considering the State needs, rebuilding process was performed in such a way that – as a result – previous spatial structure was copied and the Decree enacted on 2nd April 1946 about planned spatial development, (Dz. U. 1946, No. 16, poz. 109) was introducing conditions of spatial planning centralization simultaneously preferring country interest to citizens one. According to Art. 8 [Dekret... 1946], works in the range of spatial planning were performed by the Main Department of Spatial Planning and also by subordinate to it Regional Directorates of Spatial Planning and Local Offices of Spatial Planning. Art. 1 (Dz. U. 1946 Nr 16, poz. 109) introduces concept of Spatial Management Plan as the document to which every public and private actions in the range of area using and population arrangement should be subordinated. Moreover, in Art. 2 (Dz. U. 1946 Nr 16, poz. 109), there is division to national, regional and local plans elaborated according to directives of the State economic politics the main assumption of which was to determine lands purpose for various aims. National plans described arrangement of main city centres together with giving out the bases of their development and functions, rules of service in the field of transport, energy industry and telecommunications and they also defined country division into regions as the basis of uniform state administrative partition (Art. 3, Dz. U. 1946, Nr 16, poz. 109). Regional plans beyond definition of land purpose were introducing division of regions areas into districts and communes (Art. 4, pkt 2, Dz. U. 1946, Nr 16, poz. 109). Local plans were prepared for areas of housing estates and apart from pointing at the lines which delimited areas with various purpose they determined the way of buildings, minimal area of plots, streets and the other land roads profiles, water-pipe and sewerage networks as well as periods and ways of a local plan realization (Art. 5, pkt 2, Dz. U. 1946 Nr 16, poz. 109). As the author states [Niewiadomski 2001], the Decree from 2nd April 1946 about planned spatial development (Dz. U. 1946 Nr 16, poz. 109), had from the assumption epizodic character and was replaced by the Act from 31st January 1961 about spatial planning [Ustawa... 1961].

Records of the above mentioned Act preserved centralized character of spatial planning assuming that it is a part of spatial economy system and settlements should be based on prospective plans of national economy development as well as long-term national economy plans (Art. 1 pkt 3, Dz. U. 1961 Nr 7, poz. 47). According to the Act (Art. 1 point 3, Dz. U. 1961 Nr 7, poz. 47), results of research of natural, demographic, economic and social conditions and also technical elaborations were considered on the second place. Just as in case of the Decree from 2nd April 1946 about planned spatial development [Dekret... 1946], the Act from 31st January 1961 about spatial planning [Ustawa... 1961], assumed preparing plans on the three levels: for the country area, for areas of particular voivodeships or their parts as well as areas of particular settling units, their parts or complexes with the assumption that the plan of the highest grade is the basis for elaboration of a lower grade plan [Niewiadomski,

2001]. Legislator paid attention to necessity of building spatial correlations between various areas serving for proper country development simultaneously emphasizing that determining of use and way of area management should take place according to needs resulting from economic and social development programme (Art. 1 pkt 2, Dz. U. 1961 Nr 7, poz. 47). As the author states [Niewiadomski 2001], relation between spatial and economic planning meant in practise that every investment enclosed in the national plan needed spatial correction with reference to existent state of area management and in particular to different planned investments. In that period, general plans were marked out for the whole voivodeship area and particular plans – for the part of voivodeship area in case of realization of serious investments or the other economic activity of great significance for taking shape of the given area (Art. 4, Dz. U. 1961 Nr 7, poz. 47). The same division was also in force for local plans of spatial economy which were performed for settling units areas, their parts or complexes. The aim of the local general plan was to determine basic development directions and scale and also rules of area economy for the whole time of the plan. Moreover, the general plan was determining spatial planning programme and means in the period of long-term economic plan (Art. 14, point 1, Dz. U. 1961 Nr 7, poz. 47). The local particular plan was completion to the general plan and it specified decisions concerning locations of lines that demarcate areas of various purpose as well as lines of buildings, rules of area infrastructure and arrangement and also permissible buildings height (Art. 17, pkt 3, Dz. U. 1961 Nr 7, poz. 47).

The successive changes in the range of spatial planning in Poland fell on the turn of the 1970s and 1980s. At the end of the seventies, a new Acts appeared in the Polish law which took over the part of cognizances of the Act from 31st January 1961 [Ustawa... 1961]. One of them was the Constructional Law enacted on 24th October 1974 (Dz. U. 1974 Nr 38, poz. 229) and also the Act No. 196 of the Council of Ministers from 29th December 1977 about investments location which determined the rules of gaining decisions about investments location regardless of the Act in force decisions. Appearing of the new independent Acts influenced unfavourably Polish situation of spatial planning. The response for these problems was enacting on 12th July 1984 the Act about spatial planning [Ustawa... 1984] according to which spatial planning was correlative with socio-economic planning. Considering the lack of correlation between the range of territorial spatial plans and socio-economic ones, in practise socio-economic issues dominated these connected with spatial planning. In relation to the previous Acts, apart from national, local and regional plans, the Act introduced a new kind of spatial plan – plans of functional areas which were prepared for areas distinctive in relation to special economic, social, cultural and also natural and environmental functions fulfilling. Evaluating regulations of the Act from 12th July 1984 [Ustawa... 1984], attention can be paid to the fact that the most activities from the range of spatial planning were oriented to adaptation to the needs of the state's centralized system. Despite the necessity of preparing and enacting plans on every level of administrative division, because of the lack of territorial government, they were in practise prepared and approved by national authorities [Niewiadomski 2001].

Turning point in spatial planning process falls on 1989 when the process of socio-economic changes as a result of political system in Poland was commenced. Tasks in the range of spatial planning were divided between particular levels of territorial government. According to the Act from 7th July 1994 [Ustawa... 1994], spatial planning in the range of determining purpose and rules of area management except inland sea waters and also territorial sea belonged to own tasks of the commune (Art. 4, pkt 1, Dz. U. 1994 Nr 89, poz. 415). Tasks of voivodeship self-government concentrated around shaping and pursuing spatial planning politics in the voivodeship including enacting development strategy and voivodeship spatial management plan and also coordinating over-local programmes of spatial planning (Art. 4, pkt 2, Dz. U. 1994 Nr 89, poz. 415). On the central level, tasks of the Council of Ministers as well as proper organs of government administration was to shape spatial politics of the country through pursuing governmental politics of regions and also coordinating with this politics development strategy and voivodeships spatial management. As author indicates [Kolipiński 2014], to keep continuity of spatial planning according to the new Act, properties of previous urban and communal National Councils were taken over communes independently realizing spatial politics in the range of enacting and changes of local plans of spatial management. In the range of regional planning, voivodes took over eligibility of former voivodeship National Councils and their tasks were to do duties of local representatives of government administration and their eligibilities were confined to conceptual and study works [Kolipiński 2014]. The Act from 7th July 1994 about spatial planning [Ustawa... 1994] determined the range and also the ways of proceedings in matters of areas purpose for definite aims as well as the rules of their development (Art. 1 Dz. U. 1994 Nr 89, poz. 415). These actions were to be based on the rule of balanced development with compliance of the demands of spatial order, urban planning and architecture, architectural and landscape values and also demands in the range of environment protection, health, security, cultural heritage protection, needs of state security as well as space economic values (Art. 1, Dz. U. 1994 Nr 89, poz. 415). Spatial planning in the commune was based on three basic planning documents. Definition of commune spatial politics was determined in the Study of Determinants and Spatial Development Directions (Studium Uwarunkowań i Kierunków Zagospodarowania Przestrzennego, SUIKZP), which among others took into account causations resulting from previous area purpose, development and infrastructure (Art. 6 pkt 4, Dz. U. 1994 Nr 89, poz. 415). Local plan of spatial development according to the Art. 7 Dz. U. 1994 Nr 89, poz. 415) was the communal regulation – the act of local law taking at the same time into consideration government and self-government tasks. Recordings of the local plan determined above all area purpose, lines delimiting areas with different purposes and also their development conditions. As the author notices [Kolipiński 2014], the local plan was the basis to give administrative decisions on the grounds of which it was possible to start investment and construction actions. In case of lack of a local plan, Art. 2 pkt 2 (Dz. U. 1994 Nr 89, poz. 415) admitted to decide about Conditions of Building and Area Development (Warunki Zabudowy i Zagospodarowania Terenu, WZiZT). Specification of accurate conditions which have to be fulfilled by a building plot to achieve decision occurred not until the Act from from 27th March 2003 about spatial planning and development [Ustawa... 2003]. On

voivodeship level, the basic planning document correlated with strategy of voivodeship development was the plan of voivodeship spatial development which determined rules of spatial structure organization such as basic elements of settling network, social and technical infrastructure arrangement as well as demands from the range of natural environment protection and culture properties protection (Art. 54b pkt 2, Dz.U. 1994 Nr 89, poz. 415). Shaping and accomplishing of state spatial politics was performed through ideas and based on them programmes defining government tasks and serving to accomplish supralocal public aims which influenced state spatial development (Art. 56 pkt 1, Dz. U. 1994 Nr 89, poz. 415). According to the author [Niewiadomski 2001], the Act from 7th July 1994 about spatial planning [Ustawa... 1994] enabled to separate strategic spatial planning function from operational spatial planning through introduction of spatial politics acts which fulfil function of instruments accomplishing both politics.

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