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SPATIAL PLANNING – EVOLUTION OF THE SYSTEM (1899-2017)

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Abstract: Spatial planning and management are aimed at ensuring proper development of individual regions of a country, taking into account their mutual relations and interests. The goal of spatial planning and management is to establish the purpose and the way of using land for individual regions and for the specific purpose. However, ensuring of the above may cause difficulties and, in some cases, trigger off conflicts.

A system of spatial planning and management was subject to many changes, in order to, for instance, reduce some spatial problems and conflicts. This article presents its evolution, starting in 1946, and referring to legal acts from the previous years.

Keywords: Land management, spatial management, spatial planning, system evolution, system reform.

JEL codes: R52

Introduction

Attempts of regulating spatial management processes have a long tradition in Poland. From the analysis of available materials has shown that already in 1899, a legal act (the so-called construction law) was introduced, regulating the matter of construction law, as well as spatial planning and management. This act referred to a document that had been created before the occupation (1786).

Construction laws, created at that time, were initially rather guidelines for the builder, *i.e.* rules of purely structural character. They later gained a more formal character, *i.e.* a law containing technical regulations regarding economic, aesthetic and spatial matters.

Some people believe that it is not the above-mentioned law that began spatial planning and management in Poland. In literature, it is possible to come across views according to which modern planning and spatial planning in Poland dates back to the period of regaining independence (1918), when the regulation *on building law and housing estate* appeared. In the assessment of the author, when discussing the history of spatial planning and management in Poland, it is necessary to take into account the earlier act, *i.e.* the building law of 1899.

During the period subject to analysis, not only laws were created but also decrees, norms, ordinances and regulations were issued. They standardized the technical, legal and organizational issues of spatial planning and management.

Is the system¹ of spatial planning and management in the analyzed period (historical and present) legible and understandable and gives the possibility to implement the principle of spatial order and sustainable development? This question can be answered after the analysis of legal texts discussed in this article, which were subject to many changes.

This article presents selected legal regulations relating to spatial planning and management prior to 1939 and following this year until modern times. When analyzing legal acts, their original wording was invoked (some words do not occur in the modern Polish language). Analysis of the historical aspect of the spatial and planning management system in Poland, presented in this manual may constitute a basis for further analyzes by competent authorities in the scope of attempts undertaken to change the current system.

1. History of spatial planning in Poland

1.1. Legal regulations before 1939

1.1.1. *Building act for rural areas and smaller towns and cities (1899)*

On October 13, 1899, in the Journal of Laws and National Regulations of the Kingdom of Galicia, Lodomeria together with the Grand Duchy of Krakow, the *building act for rural areas and smaller towns and cities*² was published.

The law was issued in accordance with the resolution of the Parliament of the Kingdom of Galicia and Lodomeria with the Grand Duchy of Cracow.

The act in question³ regulated construction work requiring permission and the building permit associated with it (then called a “consensus”), the content of the

¹ *The system is a set of mutually connected entities, sometimes it is added that the state of each unit is enforced, conditional or dependent on the state of the other units, or in a more operational manner it is determined that it is a system that meets the formal network conditions* (Miller 1969).

² [<http://jbc.bj.uj.edu.pl/dlibra/plain-content?id=193405>].

³ *Building law for villages and smaller towns and cities* from October 13, 1899: (Journal of Laws of 2002 and No. 1899 Part 14 N. 133). The amendment to this Act of 15 May 1907 N. 57: Journal of Laws and of June 22, 1909, Journal of Laws Issue 91.

construction plan and the distance between buildings. It can be said that it covered not only the subject of construction law, but also spatial planning, although the title of the act only points to building matters.

All localities of the country were subject to the provisions of this law⁴ with the exception of cities: Lviv and Cracow, and rural municipalities for which the *building law* of April 28, 1882⁵ was issued and major cities subject to the *building law* of April 4, 1889⁶.

The discussed act refers to a document that was created prior to the occupations, i.e. *fire act for cities and towns* from 1786.

This act was made up of VII chapters. The structure of the legal act is presented in Table 1.

Table 1. Structure of the Building Act for rural areas and smaller towns and cities

| Chapter number | Chapter title | Regulation scope |
|----------------|------------------------------------|--|
| Chapter I | On the building permit (consensus) | Buildings or works requiring consensus |
| | | Minor changes |
| | | Application for consensus and construction plan |
| | | Plan study |
| | | Getting an application for consensus |
| | | Private rights |
| | | Construction start |
| | | Expiry and renewal of consensus |
| | | Construction for industrial purposes |
| | | Railroads and constructions nearby railways |
| | | Public construction performed by state, country or district |
| | | Construction alongside roads and squares, on the mining field, on the border of the monarchy and in the fortification region |
| | | Rebuilding damaged parts of the village |

⁴ The first mention of spatial planning dates date back to the end of the nineteenth century, when a law for the construction of villages and smaller towns and cities was published in October 1899 in the *Journal of Laws and Regulations of the Kingdom of Galicia, Lodomeria and the Grand Duchy of Cracow* which defined among all other building work requiring permission, the content of the construction plan and the distance between buildings. However, most often historical sources state that the normalization of spatial management processes began in the 1920s. In 1928 a legal regulation was established, which was the *Regulation of the President of the Republic* of 16 February 1928 on building law and housing estates, where the spatial planning system was divided into a regional and local level and two building plans were distinguished, general and detailed plans (Szumska, *Space Management Issues...*).

⁵ Journal of Laws No. 77.

⁶ Journal of Laws No. 70.

| Chapter number | Chapter title | Regulation scope |
|----------------|-------------------------------|--|
| | | Regulation of resorts or climatic stations |
| | | Regulation of rapidly growing villages |
| | | Regulation line designation |
| | | Regulation plan |
| | | Expropriation |
| Chapter II | Detailed building regulations | Management |
| | | Material and building distance |
| | | Walls |
| | | Fire retardant walls |
| | | Roof bonding |
| | | Stairs and staircase |
| | | Dimensions of chambers or rooms, windows and doors |
| | | Floor and ceiling |
| | | Residence in basements and attics |
| | | Chimneys |
| | | Furnaces in chambers, relatively rooms |
| | | Kitchens |
| | | Basements |
| | | Outhouses and tanks for fertilizer |
| | | Discharge of impurities |
| | | Furnaces for industrial purposes, smokehouses |
| | | Placing steam boilers |
| | | Buildings with larger furnaces |
| | | Building next to churches and orthodox churches |
| | | Fencing etc. |
| | | Wells |
| | | Planting trees between buildings |
| Chapter III | Residence in new buildings | Permission for residence |
| | | Term of residence |

| Chapter number | Chapter title | Regulation scope |
|----------------|-----------------------------------|--|
| Chapter IV | Maintenance of existing buildings | Maintenance of buildings |
| | | Buildings threatened with collapsing |
| Chapter V | Executive authorities | Communal sovereignty |
| | | Municipal council |
| | | District department |
| | | National department |
| | | Political authorities |
| Chapter VI | Criminal provisions | Breaches covered by criminal law |
| | | Other exceedances |
| | | Appeals against criminal judgments |
| | | Buildings made without consensus or against consensus |
| | | Executing valid commands |
| Chapter VII | Provisions on court areas | Essential provisions |
| | | Building taverns, bibberies and buildings in the vicinity of the municipality development etc. |

Source: Own elaboration based on the building act for rural areas and smaller towns and cities.

By analyzing the structure of the discussed act, presented in the above table, a division of this act into detailed and criminal provisions is noted. The law explicitly defined the conditions and elements of the consensus (building permit), detailed building regulations, conditions for residence in new buildings, rules for the maintenance of the existing ones or the appropriate executive authorities in the scope of these matters. Besides, the law, in a separate chapter, determined the provisions regarding court areas. It can be concluded that these areas were for some reason distinguished.

According to reports submitted at that time in the High Parliament, before the act was passed, its project was sent to district councils for seeking consultation (opinion). In response, these councils expressed their interest in the project and sent valuable advice on the attitude of their surroundings, expressing the wish that the act would meet rural needs. The above shows that consultations were of great importance when formulating provisions of legal acts.

This law was intended to function in various conditions and regulate various relationships. When evaluating the draft of this law, it was taken into account *how difficult it is to always have an eye on all the considerations taking place here and to not to exceed this measure, which is advised to on the one hand not require impossible things, and on the other hand, to provide some progress in construction matters and highlight the pursuance*

to improve⁷. As it results from the above, the functioning of the act was related to various types of conditions and objectives.

1.1.2. Regulation on construction law and development of housing estates (1928)

On February 16, 1928, on the basis of the *Constitution* and the Act of 2 August 1926 on the authorization of the President of the Republic to issue regulations with the force of law, a regulation was issued by the President of the Republic on construction law and housing estates⁸.

The provisions of this regulation were applicable for:

- 1) construction, construction alterations and maintenance:
 - a) all ground and underground buildings both in estates and beyond them,
 - b) equipment related to buildings and equipment which is auxiliary in construction;
- 2) creating new building plots in estates;
- 3) plants, management and change by the municipality within estates, streets and roads, squares and areas meant for public use.

The regulation was divided into III parts. Its structure is shown in Table 2.

By analyzing the structure of the regulation in question, indicated in the above table, the division of this act into parts is noted relating to substantive, criminal and general matters (final):

- 1) planning, merge, transformation and expropriation issues (part I);
- 2) construction, sanitation, supervision and competence of the relevant authorities, including penal provisions (part II);
- 3) date of entry into force of the regulation and loss of power of other regulations (part III).

Title II of the regulation deserves special mention (POLICE-BUILDING REGULATIONS). This part of the Regulation refers to, among others police and construction supervision according to art. 378 of this regulation: *Authorities appointed to perform police and construction supervision should ensure that construction works are carried out in accordance with the regulations in force and with the generally recognized principles of the art of building, and that in carrying out these works there is no danger to life and human health.* As the above indicates, construction supervision was linked to police supervision. Currently, police surveillance is associated with police custody, that is the so-called preventive measure used against an accused or a suspect, and not with police supervision of matters related to construction law or with planning and spatial development.

Under this regulation, the requirement to approve a subdivision plan of private land should be introduced in the event that their owners intend to divide the land plot into building plots.

⁷ Report of the administrative commission on submitting of the National Department on Construction of the Act for Smaller Towns; L. S. 922/93; Aleg. 265.

⁸ [<http://isap.sejm.gov.pl>].

Table 2. Structure of the regulation on construction law and housing estates

| Section number | Section title | Section sub-title | Chapter number | Chapter title |
|----------------|--|-------------------|----------------|---|
| SECTION I | ESTATE HOUSING | Buildings plans | Chapter I | Essence of the housing plan and the rules of housing estates |
| | | | Chapter II | Proceedings when preparing building plans |
| | | | Chapter III | Construction of buildings at the time of preparing the building plans |
| | | | Chapter IV | Effects of building plans approval |
| | | | Chapter V | Changes to approved building plans |
| | Subdivision of construction sites | | Chapter I | Subdivision essence |
| | | | Chapter II | Approval of parcel plans |
| | | | Chapter III | Arrangement of streets and roads in areas covered by an approved subdivision plan |
| | Merge of building plots | | Chapter I | Merging essence |
| | | | Chapter II | Third party rights |
| | | | Chapter III | Proceedings |
| | Transformation of defectively built-up plots | | Chapter I | Transformation essence |
| | | | Chapter II | Proceedings |
| | | | | Property expropriation |

| Section number | Section title | Section sub-title | Chapter number | Chapter title |
|----------------|--|---|----------------|--|
| SECTION II | POLICE- CONSTRUCTION REGULATIONS | Regulations for municipalities and spas deemed to be of a public interest character | Chapter I | Streets |
| | | | Chapter II | Building-up plots |
| | | | Chapter III | Height of buildings |
| | | | Chapter IV | Refractory and non-refractory buildings |
| | | | Chapter V | Fire-resistant walls |
| | | | Chapter VI | Foundations and walls |
| | | | Chapter VII | Stairs |
| | | | Chapter VIII | Skylights |
| | | | Chapter IX | Stoves and chimneys |
| | | | Chapter X | Premises meant for accommodation of people |
| | | | Chapter XI | Wells |
| | | | Chapter XII | Passages |
| | | | Chapter XIII | Cowsheds, stables and pigpens |
| | | | Chapter XIV | Exterior appearance of buildings |
| | Regulations for rural municipalities | | Chapter I | Buildings near public roads |
| | | | Chapter II | Build-up of plots |
| | | | Chapter III | Refractory and non-refractory buildings |
| | | | Chapter IV | Distance of buildings from borders and other buildings |
| | | | Chapter V | Foundations |

| Section number | Section title | Section sub-title | Chapter number | Chapter title |
|----------------|--|-------------------|----------------|--|
| | | | Chapter VI | Stairs |
| | | | Chapter VII | Stoves and chimneys |
| | | | Chapter VIII | Premises meant for accommodation of people |
| | | | Chapter IX | Wells |
| | | | Chapter X | Passages, manure pits and discharge of impurities |
| | | | Chapter XI | Bigger buildings |
| | Buildings meant for specific purposes | | Chapter I | Buildings intended for public use |
| | | | Chapter II | Industrial buildings |
| | | | Chapter III | State and railway buildings |
| | | | | Sanitary regulations |
| | | | | Buildings subject to separate regulations |
| | Accession to construction and commissioning of buildings for use | | Chapter I | Building permit |
| | | | Chapter II | Change of permit conditions |
| | | | Chapter III | Approval of state building projects |
| | | | Chapter IV | Permission to use buildings |
| | Performing construction works and maintaining existing buildings | | Chapter I | Building plans and managing construction works |
| | | | Chapter II | Execution of construction and maintenance of safety conditions |
| | | | Chapter III | Maintenance of buildings |
| | | | | Supervision of the performance of works and maintenance of buildings |

| Section number | Section title | Section sub-title | Chapter number | Chapter title |
|----------------|------------------|-------------------|----------------|-------------------------|
| | Authorities | | Chapter I | Property of authorities |
| | | | Chapter II | Appeals |
| | | | | Criminal provisions |
| | | | | Local regulations |
| SECTION III | FINAL PROVISIONS | | | |

Source: Own elaboration on the basis of the regulation on construction law and housing estates.

The provisions of the regulation also provided for the possibility of performing a merge of undeveloped plots if their size, shape or location prevented development in accordance to the building plan. The merged plots were to be subjected to a new division, corresponding to the housing plans valid in the given spot.

In the light of the discussed provisions of the regulation, it was also possible to modify the boundaries of the defectively built-up plots (the regulation devotes as much as two chapters to this matter in part I).

By comparing the regulation with Prussian legislation on regulatory lines that have an essential reference to individual plots of land under development and even with slightly later German construction legislation, it should be stated that this regulation constituted a legal instrument that was quite innovative for these times. First of all, the authorization to cover even whole towns with the housing plans speaks for such an evaluation. In addition, apart from authorizing public administrative bodies to define forward-looking visions of spatial development of specific areas, the discussed regulation envisaged a number of instruments enabling the realization of these visions (Leoński *et al.* 2013).

In the papers devoted to the history of spatial planning in Poland, the innovativeness and maturity of this regulation are emphasized, pointing out that they were a reflection of the views and expectations of the urban planner environment emerging at that time. It should be emphasized that these were not just innovative ideas, but groundbreaking as well, as they significantly influenced the development of spatial planning in postwar Poland (Zawadzki 1990).

This regulation is considered as a basic legal act, covering in a comprehensive and uniform manner the matter of spatial development issues of the entire area of the state, except for the Silesian province, which was exempted. The regulation regulates in a uniform manner only those issues towards which uniform rules in reference to the entire territory of the country could be adopted (Gondorek 1949).

This regulation became the basis for the elaboration of general and detailed plans for the development of towns and estates (Leśniak 1985).

When coming into force, the provisions of this regulation repealed a number of provisions of the former partitioners, Polish regulations from the period of partitions and legal acts coming from the first years of the emerging Polish state. The scope of the regulation was extended in subsequent years, and it consequently governed two basic areas:

- 1) spatial development,
- 2) building law (Brzezicki *et al.* 2013).

As indicated above the issues of spatial planning and management and building law were combined, not separated after many legal acts.

1.1.3. Act amending the regulation on building law and housing estates (1936)

On July 22, 1936, the act of July 14, 1936 was announced *on the amendment of the Regulation of the President of the Republic of February 18, 1928 on building law and housing estates*.

This law is recognized as a major breakthrough in the scope of development of spatial planning regulations. The provisions of this law envisaged the adoption of housing plans not only for towns, but also for contemporary voivodships (*Regional housing plans and joint housing plans for two or more settlements will be prepared in the cases referred to in art. 8 sec. 4 – section 3 added to art. 7 of the regulation of the discussed law*). Regional building plans were prepared when, when at the discretion of the Minister of the Interior, economic conditions, housing development needs, or public interest required this.

In addition to starting so-called “regional planning”, this law has also created grounds for extending the subject matter of the building plans in question. These plans were supposed to take into account investment intentions of national importance, such as airports or ports (Leoński *et al.* 2012).

The law was in effect on the area of the whole state except for the Silesian province.

1.1.4. „The first” and “second” regulation on the way of elaboration of housing plans (1930, 1936)

The “first” ordinance of the Minister of Public Works dated April 23, 1930 *on the way of development of housing plans* was announced on 31 May 1930 and repealed on 7 November 1936⁹.

This regulation was issued on the basis of the regulation of the President of the Republic *on building law and housing estates*.

The structure of this regulation was as follows:

- 1) project basis,
- 2) initial program,
- 3) way of carrying out projects of housing plans,
- 4) general housing plan,
- 5) detailed plan,
- 6) changes in the project of the housing plan,
- 7) annotations on plans.

When analyzing the discussed regulation, it can be stated that it constituted a special act against the principal act, *i.e.* the regulation *on building law and housing estates*. This regulation closely standardized the technique (method) in which construction plans should be drawn up.

„The “second” regulation of the Minister of the Interior of October 13, 1936 on the way of elaboration of housing plans came into effect on November 7, 1936.

This regulation was also issued on the basis of the President of the Republic *on building law and housing estates*, amended by the Act of 14 July 1936 and pursuant to the Regulation of the President of the Republic of Poland of 21 May 1932 *on the abolition of the office of the Minister of Public Works*¹⁰.

Its structure was built of points, related to:

⁹ [<http://isap.sejm.gov.pl>].

¹⁰ Journal of Laws of the Republic of Poland No. 51, item 479.

- initial explanations,
- general regulations,
- general building plan (components of the program, components of the housing plan),
- detailed housing plan prepared for the entire estate or a substantial part of it without the prior general plan being prepared (components of the housing plan program, components of the housing plan),
- detailed plan of the housing plan prepared without prior general draw up of a general plan and covering a small part of the estate (components of the housing plan program, components of the housing plan),
- detailed plan of the housing plan prepared on the basis of a legally valid general plan (components of the housing plan program, components of housing plan),
- technical description of the housing plan,
- marking and forms of plans,
- annotations on plans,
- final provisions.

As of the date of entry into force of the “second” regulation, the “first” regulation has been repealed. As far as in urban literature, the ordinance of the President of the Republic *on building law and housing estates* is often referred to, the two above mentioned regulations *on the way the development of housing plans* are less frequently mentioned and commented on. In the meantime, these executive acts are even more evident than the abovementioned main act, about the maturity of the methodical concepts of the time. It is important to pay attention first to the assumption that is adopted and exposed in the content, according to which the building plan is to be based on the program, which constitutes the initial planning stage of the planning process (Kolipiński 2015).

1.2. Legal regulations in the period of 1939-2002

1.2.1. Decree on the amendment of the regulation on building law and housing estates (1939)

The decree of the President of the Republic of Poland dated August 25, 1939. *about the change of the President of the Republic of Poland's legislation on building law and housing estates* was issued on the basis of a constitutional law and the Act of 13 May 1939 *on the authorization of the President of the Republic to issue decrees*¹¹.

One of the changes introduced by the discussed decree to the regulation was the provisions concerning the fulfillment of the requirements of state defense by building plans, particularly in the area of anti-aircraft and gas protection (building plans should provide for gaps between estates and building concentrations, as well as such a way of development and shaping of streets, squares and free spaces which would meet the needs of this defense). The above note deserves attention. This is a very important record from the point of view of spatial planning and management.

¹¹ [<http://isap.sejm.gov.pl>].

An important provision of the decree was also the provision in the scope of inadmissibility of derogations from provisions concerning the performance of construction works. This decree also did not apply in the Silesian voivodeship.

1.2.2. Decree on the planned spatial development of the country (1946)

Decree on the planned spatial development of the country was issued on April 2, 1946. It entered into force on 21 May 1946 and was repealed on 13 August 1961. This decree was issued on the basis of the Act of 3 January 1945 on the mode of issuing statutory decrees.

General provision of the discussed decree¹² indicated that all public and private activities in the scope of land use and population distribution should be aligned with the provisions of land use plans.

The planned land use was performed on the basis of:

a national plan,

- regional plans,

- local plans,

- developed in line with the economic policy guidelines of the State.

The decree¹³ was divided into 9 chapters. The structure of the decree is shown in Table 3.

Table 3. Structure of the decree¹⁴ about the planned spatial development of the country

| Section number | Section title/chapter number/chapter title | | |
|----------------|--|-------------|---------------------|
| SECTION I | General provisions | | |
| SECTION II | About spatial development plans | | |
| SECTION III | Authorities | | |
| SECTION IV | Proceedings when drawing up land development plans | Chapter I | General regulations |
| | | Chapter II | National plan |
| | | Chapter III | Regional plans |

¹² The decree was partially implemented. Formally, it was repealed by the Act of 31 January 1961 on spatial planning. Actually, however, it ceased to be used when the Council Presidium passed Resolution no. 817 of 1 December 1951 on approval of urban and architectural projects (M.P.A No. 102, item 1481) (Zalasińska 2010).

¹³ The decree played an important role in spatial planning after the Second World War [Leoński et al. 2012].

¹⁴ After the Second World War, Poland's spatial planning system underwent another reform and in April 1946 a decree on spatial development in the country was issued, which abolished the provisions of the 1928 regulation and introduced a three-degree division of spatial planning through the creation of a national plan, regional and local plans. The decree functioned until 1984 when a law on spatial planning was created in July this year (Szumska, Space Management Issues...).

| Section number | Section title/chapter number/chapter title | | |
|----------------|--|------------|----------------------|
| | | Chapter IV | Local plans |
| | | Chapter V | Costs. Storing plans |
| SECTION V | Abeance of processing applications in the period of drawing up plans | | |
| SECTION VI | Effects of spatial development plans coming into force | | |
| SECTION VII | Criminal provisions | | |
| SECTION VIII | Transitional provisions | | |
| SECTION IX | Final provisions | | |

Source: Own study based on the decree on the spatial development of the country.

The analysis of the structure of this decree shows that it was divided into a general, detailed and final section (criminal, transition and final provisions). The general part of the decree contained general provisions on the merits/substance of the decree. On the other hand, the detailed part of the decree concerned not only spatial development plans and their drafting, but also the effects of obtaining the binding force of these plans. These effects constitute a very important aspect.

This decree introduced the concept of spatial development plans. These plans were drafted instead of the existing building plans.

The various elements that contained the national, regional and local plans were presented in Figs. 1-3.

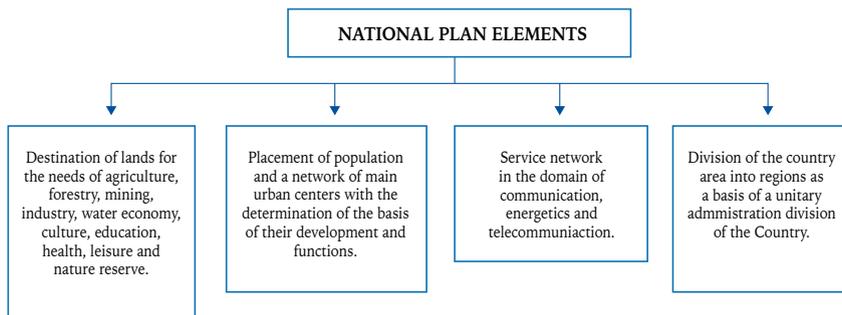


Fig. 1. National plan element

Source: Own study based on the decree¹⁵ about the planned spatial development of the country.

¹⁵ This decree, together with the subsequent decrees, i.e. “the state investment plan” of 1946 and the “planned national economy” of 1947, laid down the general principles introduced after World War II, the so-called “system of socialist planned economy”. The types of plans, the scope of their contents, the hierarchy and the reciprocal relation of plans, the procedural forms of their preparation, and the planning organization were defined. The fundamental importance of the Polish People’s Republic (PRL) was that country taking over the means of production and, consequently – adopting the principle of central control of development (Tölle et al. 2012), [www.arl-net.de].

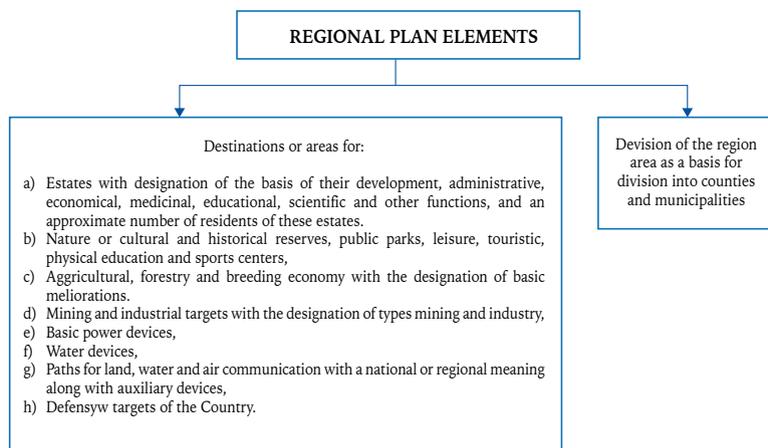


Fig. 2. Regional plan elements

Source: Own study based on the decree on the spatial development of the country.

The national plan could also be prepared for a part of the State area. As is clear from the above, there was no obligation to draw up a national plan for the whole country, which may now arise surprise. It is obvious that this part could not have been any small part of the State, since then the difference between the national and regional plans would have blurred. In any case, part of the area of the State in question should be so large that several regions may be within its borders (Szymkiewicz, Krakiewicz 1947).

Regional plans were drawn up on the basis of the national plan. National plans were therefore binding in drawing up regional plans.

The regional plan could also be drawn up for a part of the region. As in the case of the national plan, there was no obligation to draw up a regional plan for the whole region.

Based on the regional plan, local plans were drawn up. In the case of absence of a valid regional plan, the local plan was drawn up on the basis of the guidelines of the regional spatial planning directorate guidelines and also covered the issues of the regional plan – to the extent necessary to draw up a local plan.

Due to the fact that the drawing up of regional plans may have been delayed, and the needs of life, especially the need for reconstruction, may require the fastest possible preparation of the local plan, it was allowed to draw up such a plan without first drawing up a regional plan. In this case, the regional plan was replaced with the above-mentioned guidelines, and the drawn up local plan solved (and in principle it should have) the issues belonging to the regional plan, but only to the extent necessary for a rational drafting of the local plan (*ibidem*).

Local plans were prepared for individual housing estates existing or planned either for part of the estates or for several housing estates altogether.

All types of spatial plans, *i.e.* national plans, regional plans and local plans, were prepared in line with multiannual business and investment plans, determined in a mode provided by the applicable law.

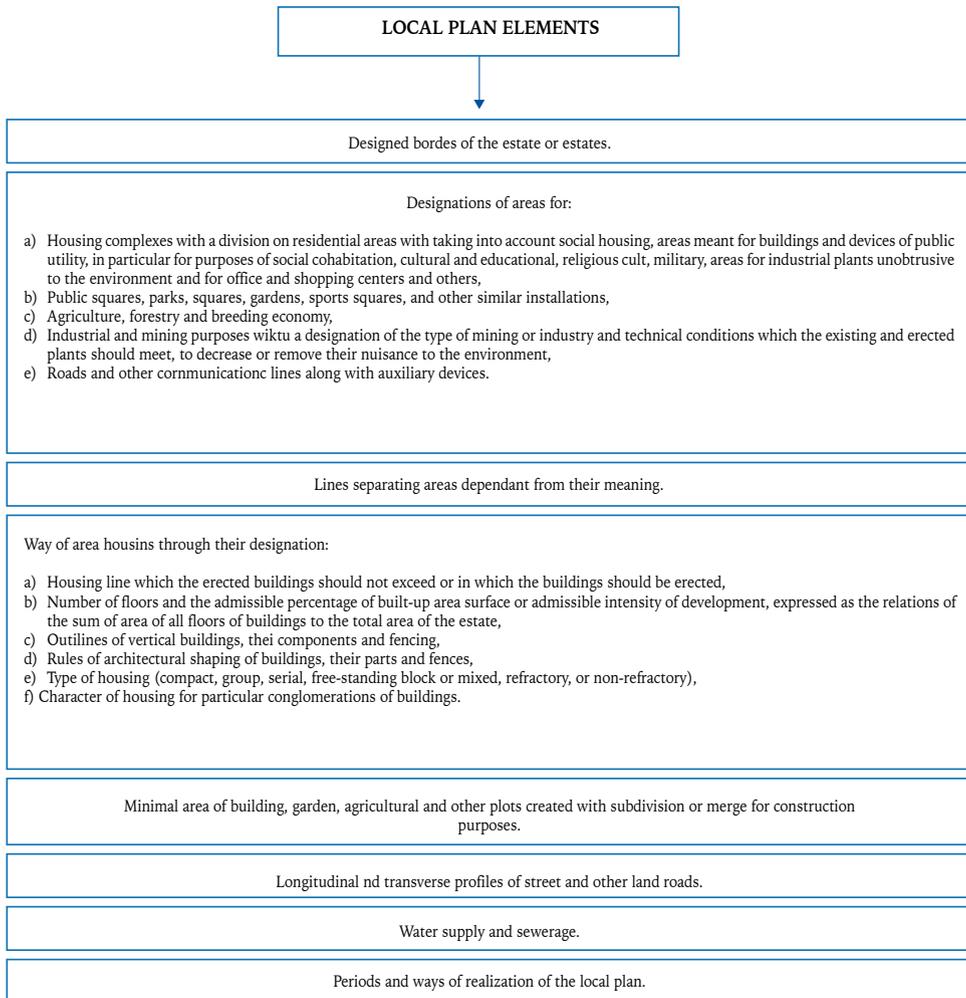


Fig. 3. Local plan elements

Source: Own study based on the decree on the spatial development of the country.

The conditions to which the above-mentioned spatial development plans (all types) and regulations on how to prepare them were determined by the Minister for Reconstruction by regulation.

The decree¹⁶ also stated that housing plans that had become valid prior to its entry into force could be amended within two years without compensation for those concerned.

¹⁶ *In the conceptual phase, the planned economy was created with considerable support from some planners and urban planners. These groups, just before World War II, proclaimed the thesis that only a planned economy could create a framework for action that would enable rational development of the country, its regions and individual settle-*

The competent authorities, which were then appointed to work on the spatial planning of the country, are presented in Fig. 4.

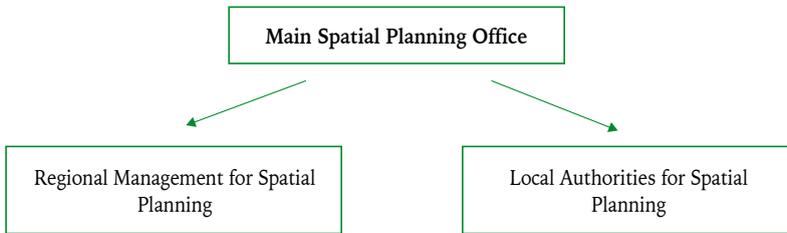


Fig. 4. Authorities appointed to work in the scope of spatial planning of the country.
Source: Own study based on the decree on the planned spatial development of the country.

By analyzing this decree, it should be noted that it has established a hierarchical system of three-dimensional spatial planning, at the same time establishing its connections with economic planning.

This decree, with respect to local planning, largely referred to the solutions from the interwar period. However, the announcement of issuing executive regulations on the way of drawing up plans was not implemented. In general, its role, it may be said, was essentially episodic. As a result of the currency movement made in 1948, it has ceased to be practically effective. Spatial planning has undergone extreme centralization and etatisation. A period of so-called ZOR urbanism came¹⁷, which in methodological terms was closer to urban planning than to complex development planning (in this period the creation of local plans for general urban development was abandoned) (Kolipiński 2015).

1.2.3. Regulation on the cooperation of the authorities in the planned country development (1947)

Based on the decree *about the planned spatial development of the country* a regulation of the Council of Ministers of 20 March 1947 was issued *About the cooperation of the authorities in the planned development of the country*¹⁸.

The regulation strictly referred to the aforementioned decree.

ments. In practice, it soon became apparent that statutory norms were too rigid to regulate, with planning ahead, the stormy and often forcefully introduced socialist economy. The model that came with it had to be the guidelines coming from the Soviet Union. The issued decrees have become inconvenient tools for the execution of the tasks of the ruling political party. Consequently, they were either revoked or disregarded. This was a consequence of the directive management system, with little to do with planned planning. Economic planning in this situation was short-term. The system of five-year plans was established on the Soviet models, but it was the annual stage plans that had an instrumental rank, built on the basis of state budgets adopted by the Parliament (Tölle et al. 2012), [www.arl-net.de].

¹⁷ The Workers' Settlement Plant was subordinated to the Ministry of Construction by a state-owned entity with a monopoly in the scope of multi-family residential housing.

¹⁸ Journal of Laws of the Republic of Poland, No. 34, item 152.

This legislative act envisaged, *i.a.*, the obligation to agree on, by offices of spatial planning, plans and guidelines with authorities and public authorities. This obligation consisted in:

- 1) agreeing on the planned principles of the plans before drawing up the plans,
- 2) agreeing on projects during their development,
- 3) agreeing on guidelines at the design stage.

The interaction of the authorities consisted mainly in:

- agreeing on the above-mentioned principles,
- agreeing on the views of the authorities,
- constant communication between the authorities.

Here, the *Temporary Organizational Statute of the Main Office for Spatial Planning* should be mentioned of December 5, 1946¹⁹. This statute shows how important it was to separate responsibilities in the scope of planning and spatial planning (Table 4).

Table 4. Organizational Structure of the Main Office for Spatial Planning

| | | | |
|----------|---------------|---|-------------------------|
| | | Organizational and Administrative Office (B.A.) | |
| | | Study Office (B.S.) | |
| | | National Plan Office (B.P1 ₁) | |
| | | Regional Plan Office (B.P1 ₂) | DIRECTORS ²⁰ |
| CHAIRMAN | VICE-CHAIRMEN | Urban Settlement Planning Office (B.P1 ₃) | |
| | | Rural Planning Office (B.W.) | |
| | | Scientific Secretariat (S.N.) | |
| | | Independent Legal Office ²¹ (L.) | |
| | | Independent Department for Work Programming (Pr) | MANAGERS |

Source: Own study based on the Temporary Organizational Statute of the Main Office for Spatial Planning.

What is also worth mentioning is the circular of the Minister of Reconstruction No. 7 of 18 January 1947 *on the setting of remuneration standards for the development of local spatial development plans*²², amended by the circular of 19 September 1947²³.

¹⁹ Journal of Laws of the Ministry of Reconstruction No. 7, item 106.

²⁰ The President, when necessary, appointed associate directors who *ex officio* served as deputy office directors.

²¹ Independent papers were not part of the office. Heads of papers directly reported to the President.

²² Journal of Laws of the Ministry of Reconstruction No. 1, item 13.

²³ Journal of Laws of the Ministry of Reconstruction No. 8, item 122.

Table 5. Fees for the types of planning work

| No. | TYPES OF WORK | PERMANENT FEE | ADDITION FOR 1 HA |
|-----|---|---------------|-------------------|
| 1. | Establishing a work program, management when gathering data according to paragraph 9 and 10 of the Regulation of the Minister of Internal Affairs from 1 October 1936**) and a descriptive elaboration of this data in the initial program of the general housing plan along with charts in the text. | 1.500 PLN | 2 PLN |
| 2. | Elaboration of a general housing plan program (along with sketches) in a scale of 1:10 000. | 1.500 PLN | 8 PLN |
| 3. | Elaboration on the basis of the adopted program project of a general housing plan in a scale of 1:10 000. | 1.500 PLN | 8 PLN |

Source: Annex No. 1 – Price-list of wage standards for the development of local spatial development plans.

The basic norms referred to a reference pricelist, containing the remuneration standards for the development of housing plans prepared by the Association of Polish Cities and accepted by the Society of Polish Town Planners (No. 1, 1937).

1.2.4. Regulation on local spatial development plans for areas subject to redevelopment of the agricultural system (1947)

On the basis of the decree *on the planned spatial development of the country* a Regulation of the Minister of Agriculture and Rural Reform and Reconstruction was issued on July 16, 1947 *on local spatial planning of areas covered by the redevelopment of the agricultural system*²⁴.

This regulation stipulated that, until the date on which the local spatial development plans became effective, the issues falling within the scope of those plans, in the areas affected by the redevelopment of the agricultural system, were resolved by drawing up local spatial development plans for the area of conversion of the agricultural system.

This discussed regulation defined what is meant by “redevelopment of the agricultural system”. It was an action based on:

- merging land,
- carrying out an agricultural reform,
- agricultural settlement,
- arrangement of ground communities,
- abolition of land easements,
- water meliorations,
- any other activities that have the character of redevelopment of the agricultural system, in accordance with the then applicable laws.

²⁴ Journal of Laws of the Republic of Poland, No. 52, item 284.

The plans were prepared for the areas indicated in the Fig. 5.

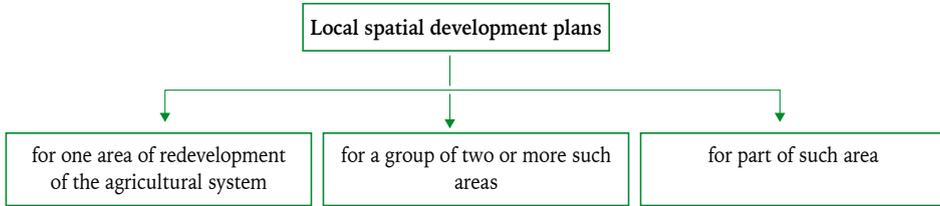


Fig. 5. Areas for which-cal spatial development plans were prepared

Source: Own study based on the regulation on local spatial development plans of areas covered by the redevelopment of the agricultural system.

1.2.5. Urban norm for low housing development (1957)

On 28 August 1957, pursuant to the Regulation of the Council of Ministers of January 5, 1957 *on the detailed scope of activities of the Committee on Urban Planning and Architecture*²⁵ and Resolution No. 81 of the Council of Ministers dated March 15, 1957 *on State aid for housing development from the own resources of the population*²⁶, the following was issued – in the form of an order of the President of the Committee on Urban Planning and Architecture – *an urban normative norm for low housing development*^{27/28}.

The aforementioned resolution was adopted in order to intensify the initiative of the public and use of local resources of materials and building raw materials for the comprehensive development of housing development of various forms²⁹.

This standard was to be used when developing spatial development plans in cities, settlements and other towns with urban development in areas designated for low housing development implemented as individual, workplace, cooperative and state-owned construction.

The provisions of the normative norm were governed by new housing developments, both benefiting and not benefiting from State aid.

The structure of the discussed normative is presented in the table below.

Table 6. Structure of the urban normative for low housing development

| Section number/point | Title |
|----------------------|-----------------|
| Introduction | |
| A. | Normative range |
| B. | Basic concepts |

²⁵ Journal of Laws, No. 4, item 16.

²⁶ M.P., No. 22, item. 157.

²⁷ M.P. 1957 No. 74, item 453.

²⁸ [<http://isap.sejm.gov.pl>].

²⁹ [<http://www.monitorpolski.gov.pl/MP/1957/s/22/157>].

| Section number/point | Title |
|---|--|
| I. The principles of spatial housing and development designated for low housing development | |
| A. | Spatial development rules for an area meant for single family homes development |
| B. | Spatial development rules for an area meant for development of multi-family dwellings) |
| II. Communication | |
| A. | Street network |
| B. | Garages |
| III. Services | |

Source: Own study based on the order of the President of the Committee on Urban Planning and Architecture.

When analyzing the structure of the discussed normative, it should be noted that it is divided into:

- 1) a general section containing the introduction, scope of normative and definition of basic terms to which the urban normative refers;
- 2) a detailed section containing rules for the development and management of particular areas and rules concerning communication or services.

Garages for communication are worth noting (Part II, point B).

It should be noted that the normative in question detailed the rules of development and management of particular areas. It constituted the so-called technical manual for urbanists. It was a valuable act in the scope of spatial planning and management.

1.2.6. „The “first” law on spatial planning (1961)

The „first” law on spatial planning³⁰ was issued on January 31, 1961. It entered into force on August 13, 1961 and was abolished on January 1, 1985³¹.

The discussed act³² in general regulations pointed out that the purpose of spatial planning was:

- 1) ensuring proper development of individual areas of the country taking into account their mutual relationships and national interests,

³⁰ [<http://isap.sejm.gov.pl>].

³¹ *The 1984 Law has survived the decade and was replaced by the Spatial Development Act on July 7, 1994, which increased the role of local government and social participation in spatial planning and created new planning documents to date, such as the concept of spatial development of the country, spatial development plan of the voivodeship, study of conditions and directions of spatial development and local spatial development plan (Szumska, Space Management Issues...).*

³² *„This law treats spatial planning consistently as a tool for rational distribution of investments, laid down in socioeconomic plans (Ways of obtaining cohesion in the planning of spatial and socio-economic development of the Lower Silesia; seminar of EUROREG, Cathedral of UNESCO and the Polish RSA Section, Warsaw 22 March 2012).*

- 2) establishing proper spatial interdependencies between production and service facilities in these areas,
- 3) creating conditions for the development of production, comprehensive satisfaction of the needs of the population and protection of natural resources and natural values of the country.

The task of spatial planning, according to this law, was to determine for each destination area and spatial development patterns for specific purposes, taking into account the current and future needs arising from the economic and social development program.

Spatial planning arrangements were developed on the basis of prospective plans for the development of the national economy, multiannual national economic plans and results of studies on the natural, demographic, economic and social conditions of the given area and necessary technical developments.

The structure of the discussed law is presented in Table 7.

Table 7. The structure of the “first” spatial planning law

| Chapter number | Chapter title |
|----------------|---|
| Chapter I | General provisions |
| Chapter II | Regional plans |
| Chapter III | Local spatial development plans |
| Chapter IV | Property of spatial planning authorities on the matters of land use |
| Chapter V | Implementation plans |
| Chapter VI | Transitional and final provisions |

Source: Own study based on the “first” spatial planning law.

The analysis of this law indicates the division of its structure into a general, detailed and final part (transitional and final provisions). The general part is the general provisions, that is the provisions concerning the substance/matter of the act. The detailed part is primarily the provisions concerning the different types of plans (regional, local and implementation) and the properties of the spatial planning authorities.

The spatial planning and land use system under the Act is presented in Fig. 6.

Between spatial planning and management and economic planning, there exist certain links. It was then assumed that the spatial development plan developed in the early 1970s would become an integral part of the prospective development plan of the national economy. A rule was also agreed on that regional plans and spatial development plans for urban agglomerations should be developed in parallel with the national plan. The above allowed the use of feedback between the different levels of spatial planning. This is evident in passing guidelines from a higher-level plan to a lower level plan and in submitting proposals and postulates resulting from analyzes conducted at the lower planning levels to a higher-level plan (Leśniak 1985).

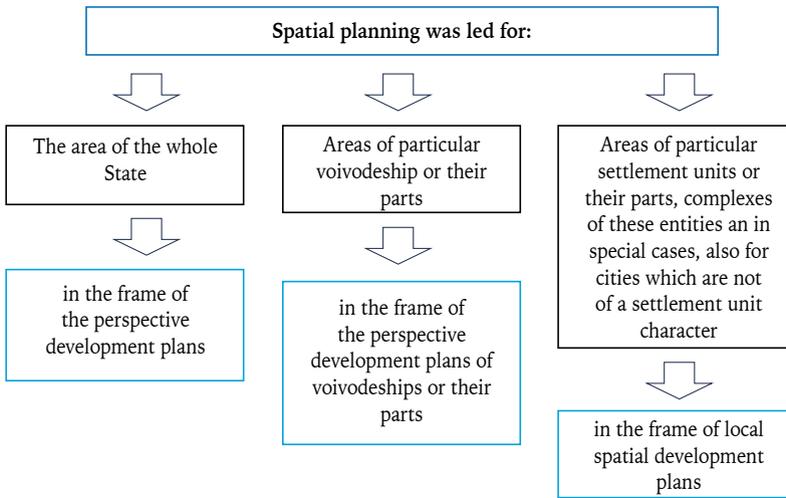


Fig. 6. Spatial planning and management system valid on the basis of the “first” spatial planning law

Source: Own study based on the “first” spatial planning law.

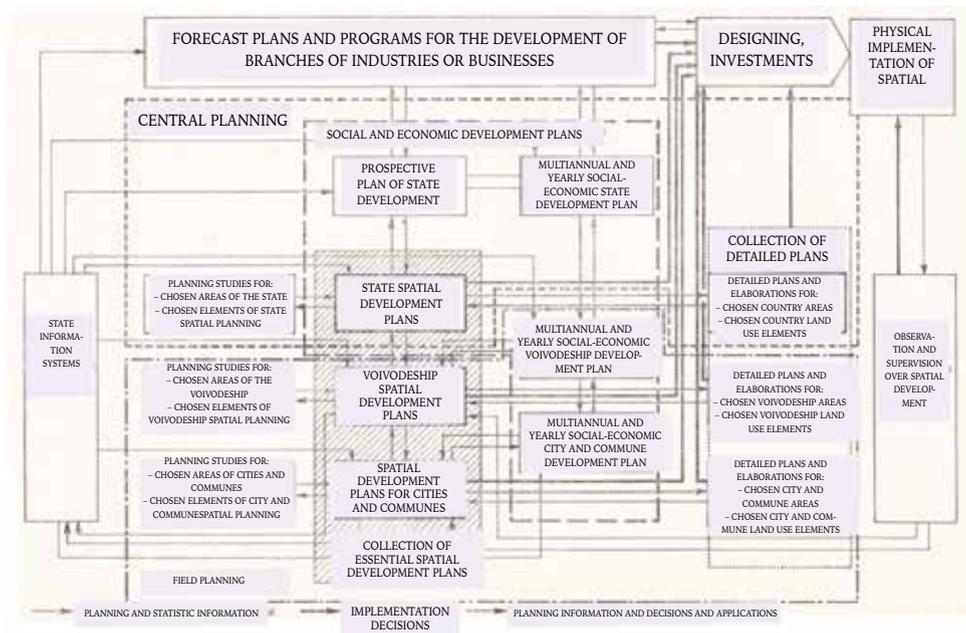


Fig. 7. Spatial planning system (according to J. Suligi) showing the role of spatial plans of different levels against the whole process of planning and implementation of the investment

Source: (Leśniak 1985).

The degree of integration of spatial planning and management and economic development is presented in Fig. 7.

Spatial development plans, based on the discussed law, could be drawn up (Fig. 8):

- for a period exceeding the plan of the prospective development of the national economy, with particular regard to the period of this plan and with the separation of the multiannual national economic plan,
- for a period corresponding to the period of the prospective development plans of the national economy, with particular regard to the period of the multiannual national economic plan,
- for a period corresponding to the period of the current and nearest multiannual national economic plan.

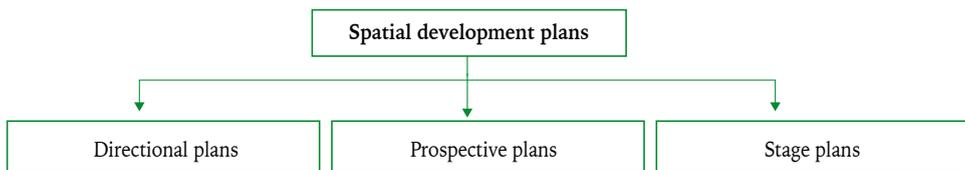


Fig. 8. Types of spatial development plans.

Source: Own study based on the “first” spatial planning law.

As indicated above, these plans were so-called horizontal plans. In addition to the above-mentioned plans, plans – including construction investment projects – were prepared for the development of building plots or areas where the execution of building investments was intended (the so-called implementation plans).

Regional plans defined the direction of the comprehensive economic and social development of a particular area, the road and the stages of their implementation, the principles of the deployment of production forces and service facilities, the formation of the settlement network and the distribution of the population, and the allocation of land to designated purposes. These plans were made as:

- general plans,
- detailed plans.

It is worth noting that the regional plan identified the allocation of land to designated purposes (now land allocation is defined in the local spatial development plan).

The general regional plan was prepared for each voivodship and covered in principle areas corresponding to the administrative boundaries of the voivodeship. With the consent of the Chairman of the Planning Commission at the Council of Ministers and the interested Presidencies of voivodeship councils, the general plan could be drawn up for a specific area not corresponding to the voivodship borders.

For the area of the city excluded from the voivodeship and the area adjacent to the voivodship, a general regional plan was prepared.

Detailed regional plans were drawn up for areas constituting part of the voivodship or parts of adjacent voivodships, where major investments or other economic activity was expected, affecting the economic development of the area.

The local spatial development plans were:

- general spatial development plans of settlement units (the so-called general plans) and spatial development plans of areas constituting groups of settlement units;
- detailed plans for the spatial development of parts of the settlement units and, in justified cases, the entire units (the so called detailed plans).

The general plan defined in a comprehensive manner the basic directions and scale of development and spatial development of the land throughout the whole period of the plan as well as the program and method of spatial development of the settlement unit during the next multi-annual national economic plan.

The general plan constituted the basis for managing the land and establishing investment needs in the area of the settlement unit. It included basic guidelines for the development of detailed plans in this area, defined areas requiring such studies in the right order.

The detailed plan defined the specific purpose of lands for specific purposes, defined the lines delimiting the land, set the rules of zoning and land management, defined the lines of housing and the permissible height of housing, and if necessary also other conditions and guidelines for shaping the housing.

The detailed plan was based on the findings of the general plan.

As indicated above, both the regional plan and the local plan determined the purpose of lands for particular purposes.

The implementation plans were developed for:

- individual building plots land development plans or plans for the location of construction facilities,
- areas meant for development by a single investor or a team of cooperating investors – as part of a construction investment project.

The basis for the elaboration of the draft implementation plan was the approved detailed spatial development plan of the settlement unit and the determination of the location decision.

The Chairman of the Planning Commission at the Council of Ministers, in consultation with the Chairman of the Committee on Construction, Urban Planning and Architecture, set out the detailed mode and methods of developing and agreeing on general and detailed regional plans, as well as the rules and more of establishing the general location.

The Chairman of the Committee on Construction, Urban Planning and Architecture, in consultation with the Chairman of the Planning Commission at the Council of Ministers and interested ministers, issued detailed provisions on the drawing up of local spatial development plans determining:

- a detailed scope of local spatial development plans,
- the method, mode and form of elaboration of plans,
- indications, guidelines and norms for developing plans.

The detailed rules for drafting the implementation plans and the procedure for their reconciliation and approval were determined by the Chairman of the Committee on Construction, Urban Planning and Architecture in consultation with the ministers concerned.

The main bodies of state administration set up for the implementation of spatial planning issues are presented in Fig. 9.

The competent bodies of the presidiums of national councils have drafted regional plans and local plans on the basis of their own studies, as well as prime elaborations and field offices of state administration, relevant co-operative organizations and scientific institutions and research and scientific facilities.

The discussed law also provided that spatial development plans for towns, estates and villages approved before its entry into force became local spatial development plans within the meaning of this law.

Some say that this law, after years of collapse, reactivated spatial planning in a systematic approach. Work on it lasted several years and was conducted in the spirit of the post-October thaw.

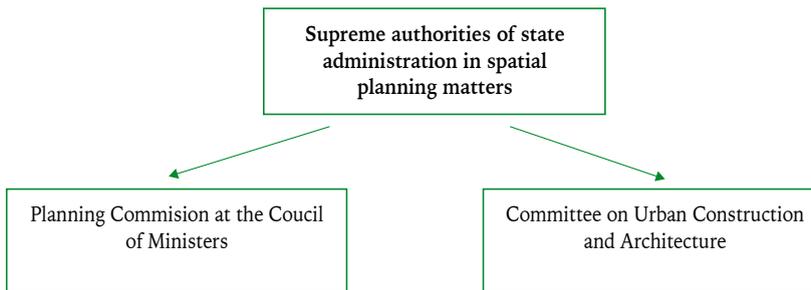


Fig. 9. Supreme authorities of state administration in spatial planning matters

Source: Own study based on the “first” spatial planning law.

It is possible to find both traces of pre-war concepts as well as new solutions in it, including the division of local plans according to the time horizon: directional, perspective and stage. It was an attempt to create a so-called model of spatial planning appropriate to the perspective system and multi-annual economic plans (Kolipiński 2015).

By analyzing the system of spatial planning and management discussed in this point, functioning from the period of entry into force of the “first” law *on spatial planning* until the entry into force of the “second” act *on spatial planning*, one should pay attention to the current forms of urbanization. Speaking of the city, new elements of the situation cannot be overlooked, which, though in principle, did not change the essence of the city, they have rather generally embraced in its spatial structure. This is primarily a matter of enormous territorial growth, which has become possible with the development of modern (for those times) communication techniques, including transport as well as technical infrastructure and information transfer systems. In place of the former, for a few millennia of the dominant image of the city as a very concentrated settlement with clear boundaries, settlement clusters intertwining into distant environments appeared in a way that was often difficult to identify unequivocally, with blurred boundaries, transitional forms on the periphery, in addition, not overlapping with more rigid and usually obsolete administrative divisions.

The spreading territorial urbanized areas absorbed and transformed other settlement units or stimulated their transformation by their own proximity. Neighboring cities, growing more or less uniformly, came together in close spatial contact, sometimes even intertwined in the area of their expansion. In this way, new forms of urbanization emerged, such as:

- agglomerations³³,
- conurbations³⁴,
- tracts of semi-urbanized settlements (often shapeless) (Zipser 1983).

Pointing to postulates in relation to new (at that time) solutions of spatial structure, it can be indicated, among others that the above-mentioned structure should:

- 1) allow the spatial development of the system as much as possible without overloading existing elements (among all providing polycentric development),
- 2) dispose of considerable flexibility in the sense of differentiation and changes in population density and in the sense of preserving the basic features of the structure with certain variations in the behavior patterns of users,
- 3) make it possible to adjust the new spatial layout to the average conditions of existing investment, especially to the existing settlement units and transport network,
- 4) allow for phased implementation and modernization,
- 5) in the least possible interference with the natural environment,
- 6) be cost effective in terms of investment and exploitation costs,
- 7) enable the realization of specific postulates of an aesthetic nature,
- 8) meet State defense requirements,
- 9) allow for the implementation of an investment between a village and town (the so-called mixed system).

At this point, other provisions related to spatial planning at that time should also be mentioned. They can be divided into rules regarding:

- **civil law** (**Act of 23 April 1964, Civil Code**³⁵);
- **construction** (act of 31 January 1961, *Building law*³⁶; ordinance of the Minister of Construction and Building Materials Industry of June 29, 1966 *on the technical conditions to be met by building facilities of general construction*³⁷; regulation of the Chairman of the Committee on Construction, Urbanism and Architecture of 27 July 1961 *on the state building supervision over the construction, demolition and maintenance of building facilities of universal construction*³⁸; regulation of the Council

³³ *Around one central center, there is a concentration of particular urban centers strongly linked to the center, sometimes standing out as satellite towns, sometimes rather constituting culminations in a uniform mass of urbanization* (Zipser 1983).

³⁴ *Similar creations, in which, however, greater autonomy of components is observed, and which are rather cooperative and complementary groups of the centers, basing their independence on the existence of factors such as their own sources of raw materials, separate comfortable communication conditions or specialization of functions* (Zipser 1983).

³⁵ Journal of Laws No. 16, item 93.

³⁶ Journal of Laws No. 7, item 46 and from 1965 No. 13, item 91.

³⁷ Journal of Construction No. 10, item 41 and No. 10, item 69.

³⁸ Journal of Laws No. 38, item 197, z 1963 No. 38, item 218 and from 1964 No. 21, item 143.

- of Ministers of July 13, 1961 *on special construction*³⁹; order of the President of the Central Office of Water Management and Chairman of the Committee on Construction, Urban Planning and Architecture of 31 December 1962. *On the construction, demolition and maintenance of buildings of special construction in the field of water management and on the construction of state constructional surveillance over these facilities*⁴⁰; act of July 1, 1958 *on professional design permits in the scope of design in construction*⁴¹; regulation of the Minister of Construction and Building Materials Industry of October 10, 1958 *on the specification of professional qualifications for the preparation of projects in construction in the scope of specialties not covered by the law of construction and way of their determination*⁴²; decree No. 98 of the Prime Minister dated May 17, 1958 *on the organization of design in state construction*⁴³; resolution No. 320 of the Council of Ministers of October 7, 1964 *on the matter of formation of design services teams at the construction, urban planning and architecture departments of national councils presidiums*⁴⁴);
- **geodesy and cartography** (act of 13 June 1956 *on the state geodetic and cartographic service*⁴⁵; order No. 36 of the President of the Central Office of Geodesy and Cartography of 18 October 1958 *on the rules of keeping records and use maps not intended for public use*⁴⁶; order of the Minister of the Interior dated 8 December 1959 *on the reporting of geodetic and cartographic works and the transmission of materials resulting from these works to the authorities of the state geodetic and cartographic services*⁴⁷);
 - **geology** (act of 16 November 1960 *about geological law*⁴⁸; order of the President of the Central Office of Geology of February 15, 1958 *on the principles of preparation of geological-engineering documentation for construction investments*⁴⁹; order No. 107 of the Prime Minister of September 10, 1963 *on the rules of preparation and procedure for approval of geological research projects*⁵⁰);
 - **mining** (decree of 6 May 1953 *Mining law*⁵¹; resolution No. 91 of the Council of Ministers of March 16, 1962 *on the determination of mineral resources for undertaking investment activities related to the exploitation of the mineral deposit or its processing*⁵²; order of the President of the Central Council of Geology of 12 June 1963 *on keeping records of mineral deposits*⁵³; act of 22 May 1958 *about the management of peat*

³⁹ Journal of Laws No. 35, item 176.

⁴⁰ Journal of Construction 1963 No. 5, item 17.

⁴¹ Journal of Laws No. 44, item 217.

⁴² Journal of Laws No. 66, item 328, 1960 No. 46, item 280.

⁴³ M.P. No. 41, item 233.

⁴⁴ M.P. No. 72, item 336.

⁴⁵ Journal of Laws No. 25, item 115.

⁴⁶ Journal of laws of GUGiK No. 8, item 45.

⁴⁷ M.P. No. 102, item 545.

⁴⁸ Journal of Laws No. 52, item 303.

⁴⁹ M.P. No. 15, item 97.

⁵⁰ M.P. No. 71, item 349.

⁵¹ Journal of Laws 1961 No. 23, item 113.

⁵² M.P. No. 28, item 116.

⁵³ M.P. No. 51, item 262.

areas⁵⁴; resolution No. 301 of the Council of Ministers Of September 6, 1966 on the reclamation and management of transformed land in connection with the search for and exploitation of minerals⁵⁵);

- **municipal investment** (regulation of the Ministers of Construction and Municipal Economy of 9 October 1956 on water supply and plumbing and sewage equipment⁵⁶; act of April 22, 1959 on maintaining cleanliness and order in cities and municipalities⁵⁷; ordinance of the Ministers of the Municipal Economy and Agriculture of July 14, 1966 on the agricultural use of urban waste water⁵⁸);
- **protection of monuments and nature conservation** (act of February 15, 1962 about the protection of cultural goods and museums; ordinance of the Council of Ministers of April 23, 1963 on keeping a register of monuments and central register of monuments⁵⁹; act of 7 April 1949 on nature protection⁶⁰; ordinance of the Minister of Forestry of January 4, 1952 on keeping records of work of nature subject to protection⁶¹);
- **spas** (act of 17 June 1966 on spa and spa treatments⁶²);
- **forests and trees** (act of December 20, 1949 on the state forest holding⁶³; act of 14 June 1960 on the management of forests and uncultivated wastes not owned by the State and some forests and state wastes⁶⁴; order of the Minister of Forestry and Wood Industry of August 7, 1961 on cases where non-forest land intended for afforestation and forest land may be forested at the expense of the State⁶⁵);
- **communication** (act of 2 December 1960 about the railway⁶⁶; act of 29 March 1962 about public roads⁶⁷; order No. 168 of the Minister of Communications dated August 16, 1965 on the technical conditions to be met by construction facilities of communal special purpose buildings, classified as road construction⁶⁸; order No. 363 of the Minister of Construction and Building Materials Industry of 31 December 1965 on guidelines for determining the width of roads (streets) in rural settlement units⁶⁹; law of 31 May 1962 Aviation law⁷⁰; order No. 68 of the Minister of Construction and Building Materials Industry of March 23, 1966 on the detailed location of certain buildings which may obstruct air traffic⁷¹);

⁵⁴ Journal of Laws No. 31, item 137.

⁵⁵ M.P. No. 50, item 247.

⁵⁶ Journal of Laws No. 48, item 216 and from 1961 No. 38, item 196.

⁵⁷ Journal of Laws No. 27, item 167 and from 1962 No. 62, item 158.

⁵⁸ Journal of Laws of MGK from 1966 No. 9, item 44.

⁵⁹ Journal of Laws No. 19, item 101.

⁶⁰ Journal of Laws No. 25, item 180.

⁶¹ M.P. No. A-27, item 376.

⁶² Journal of Laws No. 23, item 150.

⁶³ Journal of Laws No. 63, item 494, 1950 No. 49, item 449.

⁶⁴ Journal of Laws No. 29, item 166.

⁶⁵ M.P. No. 66, item 288.

⁶⁶ Journal of Laws No. 54, item 311.

⁶⁷ Journal of Laws No. 20, item 90.

⁶⁸ Journal of Construction No. 14, item 60.

⁶⁹ Journal of Construction Z 1966 No. 2, item 5.

⁷⁰ Journal of Laws No. 32, item 153.

⁷¹ Journal of Construction No. 5, item 21.

- **water management and atmospheric air protection** (act of 30 May 1962 *Water Law*⁷²; ordinance of the Council of Ministers of March 24, 1965 *on the establishment of protection zones for water intakes and sources*⁷³; act of 17 February 1960 *about supplying the population with water*⁷⁴; order of the President of the Central Office of Water Management of 17 March 1964 *on works and activities that are prohibited in the vicinity of water management buildings*⁷⁵; act of April 21, 1966 *about the protection of atmospheric air from pollution*⁷⁶);
- **boundaries of the State and fortified areas** (decree of 23 March 1956 *about the protection of state borders*⁷⁷; decree of 6 September 1951 *on areas of particular importance for the protection of the country*⁷⁸);
- **state and business secret** (decree of 26 October 1949 *about the protection of state and business secrets*⁷⁹);
- **other** (resolution No. 357 of the Council of Ministers of 13 October 1960 *on organizing the reception and handling of complaints and requests*⁸⁰; resolution no. 307 of the Council of Ministers of September 13, 1966 *on social activities and State aid in their organization and implementation*⁸¹).

The Act of July 14, 1961 *about the economy of the land in towns and estates*⁸² can also be mentioned, it regulated the economy with areas within the administrative boundaries of cities and estates, and located outside the administrative boundaries of towns and estates with state-owned areas that – being included in the city’s spatial development plan (estates) were transferred to implement the tasks of its economy. This law defined, inter alia, such a concept as an “urban area”. According to its regulations, the area of cities, urban districts or parts thereof, in which the concentrated investment activity is to be carried out in accordance with the approved spatial development plan, may be recognized by the Council of Ministers decision at the request of the voivodship council (national council of the city excluded from the voivodship) – as an urban area.

For example, the regulation of the Council of Ministers of May 26, 1967 *on recognizing part of the North Praga area in Warsaw as an urban area*⁸³ can be indicated here. Below is a situational map of the urbanization area recognized with the above-mentioned regulation (in the Journal of Laws, the plan is given on a scale of 1:10000).

Based on the above-mentioned bill, among others a regulation of the Minister of Municipal Economy of 26 January 1962 was issued *on the change of certain rights to*

⁷² Journal of Laws No. 34, item 158.

⁷³ Journal of Laws No. 13, item 93.

⁷⁴ Journal of Laws No. 11, item 72, from 1962 No. 34, item 158 and 1965 No. 51, item 314.

⁷⁵ M.P. No. 20, item 90.

⁷⁶ Journal of Laws No. 14, item 87.

⁷⁷ Journal of Laws No. 9, item 51, 1959 No. 27, item 168.

⁷⁸ Journal of Laws No. 46, item 341.

⁷⁹ Journal of Laws No. 55, item 437.

⁸⁰ M.P. No. 80, item 367.

⁸¹ M.P. No. 56, item 272.

⁸² Journal of Laws No. 32, item 159 from 1964, No. 16, item 94 and No. 43, item 297.

⁸³ Journal of Laws No. 22, item 100.

land for the right of perpetual usufruct or use⁸⁴. This regulation included an important provision according to which building rights established before the entry into force of the decree of 26 October 1945 on the right of development were ex officio changed to perpetual usufruct or use rights by the decision of the housing economy authority of the county's (municipal) national council presidium, if no spatial development plans stood in the way.

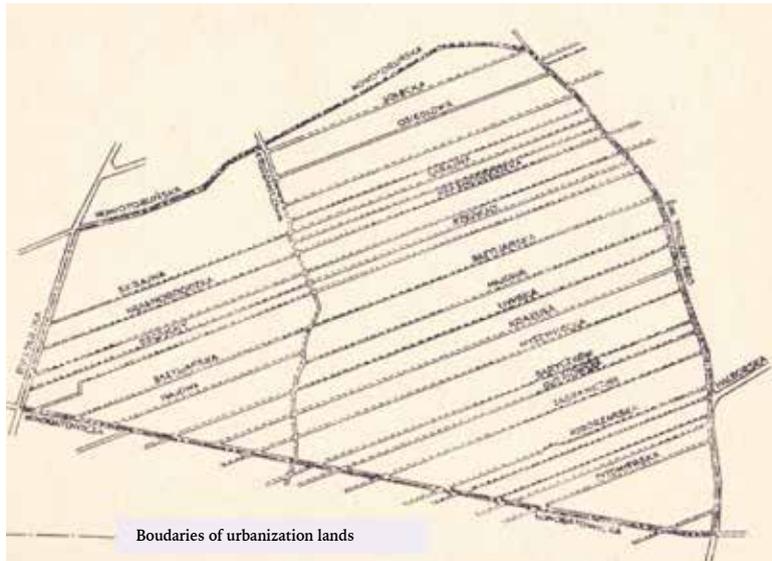


Fig. 10. Situational plan of the urbanization area

Source: Law regulations concerning local spatial planning, Edition II, Institute of Urban Planning and Architecture, Publishing House of Catalogs and Price Lists, Warsaw, 1968.

In another regulation, also issued on the basis of the abovementioned Act, *i.e.* the Regulation of the Council of Ministers of 31 May 1962 *on the transfer of land in towns and estates*⁸⁵ the definition of land use change is important. The regulation stipulated that the change in land use was to be understood as a change of area use as defined in the spatial development plan and in the absence of it, in the pre-established assumptions of the plan, which prevents further use of the area for its existing purposes.

Another law related to spatial planning and management was the Act of 22 May 1958 *on areas for the construction of detached houses in cities and settlements*⁸⁶. This law stipulated, among other things, that following the designation of single family houses, the competent authority of the administration of the presidium of the

⁸⁴ Journal of Laws No. 15, item 67.

⁸⁵ Journal of Laws No. 35, item 159 and from 1966 No. 2, item 7.

⁸⁶ Journal of Laws No. 31, item 136, amended in 1961 No. 7, item 47 and No. 32, item 159.

district national council had, by its own motion, commissioned a detailed spatial development plan (all or part of these areas). These plans established in particular:

- 1) division of single-family houses into building blocks or other spatial units, designed for single-family houses;
- 2) area and location of land for public purposes;
- 3) communication network and rules of technical and sanitary land development;
- 4) rules of division of land into building plots;
- 5) types of housing (standalone, twin, terraced, small houses);
- 6) terms in which there should be built-in plots located in individual blocks or other spatial units.

A detailed spatial management plan could be prepared, upon the agreement of the proper administration body of the county national council presidium, prepared at the request of interested landlords, of course at their expense.

This law also regulated the issue of drawing up, publicly displaying a detailed spatial development plan and announcing the plan in the official journal [Laws Concerning... 1968].

Interesting from the point of view of analysis, was the order of the Chairman of the Planning Commission at the Council of Ministers and the Minister of Construction and Building Materials Industry of 30 July 1965 *on the design of the investment*⁸⁷. The ordinance set the general principles of drafting, reconciling and approving:

- 1) investment projects related to construction, extension, reconstruction and modernization undertaken by entities of the socialized economy,
- 2) spatial development plans, excluding spatial development plans for agricultural investments.

The ordinance distinguishes and defines the following three concepts:

- 1) investment objectives,
- 2) investment undertaking,
- 3) investment task.

Also, worth noting is order no. 5 of the Chief Executive Officer of the State Forests of February 7, 1962 *on the participation of state forest administrations in drawing up local spatial development plans*⁸⁸. The order was issued in accordance with the provisions of the Regulation of the Council of Ministers of October 27, 1961 *on the cooperation of state administration bodies and the population in drawing up local spatial development plans*⁸⁹. These ordinances confirm that at the time, the authorities – in terms of planning and spatial planning and construction law – co-operated closely with each other.

Interesting from the point of view of the analysis is also the Order No. 33 of the Minister of Construction and Building Materials Industry of 31 March 1967 *on the inclusion in detailed spatial development planning and in the implementation, plans of the requirements of universal self-defense*⁹⁰, issued under two laws:

⁸⁷ M.P. No. 45, item 253.

⁸⁸ Journal of Laws of the Ministry of Forestry and Wood Industry No. 5, item 43.

⁸⁹ Journal of Laws No. 57, item 314.

⁹⁰ Journal of Construction No. 6, item 35.

- 1) the Act of 31 January 1961 on spatial planning,
- 2) the Act of 31 January 1961 – *building law*.

The ordinance stipulated that in areas of newly developed housing construction the opportunities to organize in a proper way the undertakings of universal self-defense for the city people should be provided.

1.2.7. Ordinance on detailed provisions (guidelines) on drawing up local spatial development plans (1961, 1963, 1968, 1969)

Detailed regulations on the drawing up of local spatial development plans were initially regulated by the Order No. 47 of the Chairman of the Committee on Construction, Urban Planning and Architecture of 31 January 1961, and subsequently Order No. 47 of the Minister of Construction and Building Materials Industry of 3 September 1968⁹¹.

The issue of such provisions, in the form of the aforementioned regulations were of particular importance in the history of Polish spatial planning, as these regulations explicitly covered the method of drawing up spatial development plans.

These ordinances were in the form of instructions (directives), which set out not only the methods of drawing up the above-mentioned plans but also their scope and form. These instructions divided the planning process into 5 phases:

- 1) preparatory,
- 2) analysis and study,
- 3) plan conception,
- 4) plan design,
- 5) plan approval⁹².

Attachment to the aforementioned minister's ordinance presented a set of unified signs in the plan drawing (team plan, general plan, detailed plan). The different types of signs were divided according to their scale (1:25 000, 1:10 000, 1:5000, 1:2000, 1:1000).

By Order no. 15 of the Chairman of the Committee on Construction, Urban Planning and Architecture of 21 February 1961, the main indicators for the design of housing estates were established in 1961-1965⁹³, which should have been used in the elaboration of detailed plans of spatial development plans as well as design assumptions and implementation projects and as postulates for the revision of these elaborations.

The purpose of implementing this ordinance was:

- creation of a basis for the elaboration and evaluation of projects of detailed plans, design assumptions and drafts of housing plans in the years 1961-1965,

⁹¹ Journal of Construction No. 12, item 62.

⁹² *Ibidem*.

⁹³ Committee of Construction, Urban Planning and Architecture; Department of City Planning and Housing; Center for Technical and Economic Information in Construction, Warsaw 1961.

- creation of a basis for establishing the relationship between local spatial development plans (general and specific) and implementation plans⁹⁴.

| | | GROUP PLANS GENERAL PLANS DETAILED PLANS | | | | |
|-----|---|---|---|---|---|---|
| No. | Designation Type | Elaboration Scale | | | | |
| | | 1:25 000 | 1:10 000 | 1:5000 | 1:2000 | 1:1000 |
| | GENERAL DESIGNATION regarding all types of land destination | | | | | |
| | Postulated area orders: | | | | | |
| 1. | Voivodeships (cities separated from voivodeships) |  |  |  |  |  |
| 2. | Districts (cities constituting urban districts) |  |  |  |  |  |
| 3. | Clusters (of cities) |  |  |  |  |  |
| 4. | in the reach of secondary settlement units (designation with a color for using on maps of close areas of the district) |  |  |  |  |  |

Fig. 11. Summary of unified designations in plan drawing

Source: (Summary of Uniform Markings... 1969).

On the date of entry into force, the aforementioned orders lost the ordinance power:

- 1) No. 68 of the Minister of Urban and Housing Construction of June 20, 1951 on the introduction of "Temporary urban norms for the design of towns and settlements",
- 2) No. 76 of the President of the Committee on Urban Planning and Architecture of March 25, 1956 on guidelines for the elaboration of detailed urban planning of blocks of flats.

This regulation in relation to the "Temporary urban norms", which rightly attempted to cover the whole area of urban investment, constituted a significant recession within the influence of norms. Irrespective of this, the ordinance in question has become increasingly subject to more stringent objections, in particular by factors responsible for directing the entire investment process (Malisz 1964).

⁹⁴ In the very essence of the local plan, in its form and content, the goal is the ability to provide guidelines for implementation plans. It may well be hypothesized that good urban planning guidelines and their appropriate application in the implementation project are essential conditions for the implementation of the local plan, and thus the proper spatial coordination of all elements of the city's development (Karbownik 1967).

The guidelines for elaboration of spatial development plans and spatial development rules for sedentary units of a tourist and leisure nature were regulated by the Chairman of the Committee on Construction, Urbanism and Architecture of 5 October 1963⁹⁵. This order was issued on the basis of the Act of 31 January 1961 *on spatial planning*.

The guidelines and principles were annexed to the above-mentioned ordinance. These guidelines and principles covered:

- 1) principles of classification of settlements of tourist and leisure nature,
- 2) indications concerning the method of elaboration of spatial development plans of settlement units and cities of tourist and leisure nature,
- 3) rules of spatial development of settlements units and places of tourist and leisure nature,
- 4) an indication on the spatial arrangement of tourist and recreational settlements (service centers, green area system, industrial and storage areas, communication).

Among the regulations, the Ordinance of Agriculture, Construction and Building Materials Industry of 19 April 1968 can also be mentioned *on coordination of work in the scope of preparation of local spatial development plans in urban areas, settlements and villages and projects for designation of construction sites in rural areas with work on consolidation and exchange of land*⁹⁶.

It should be noted that this order was not issued under the provisions of the Act of 31 January 1961 *on spatial planning* but based on art. 18. par. 3 of the Act of 24 January 1968 *on the consolidation and exchange of land*⁹⁷.

The provisions of this ordinance stipulate that multiannual and annual programs for local spatial planning should be coordinated with the program of the merger work plan and agreed upon with the organs of the national council presidiums.

Also, worth noting is the order of the Minister of Construction and Building Materials Industry of 28 October 1969 *on the implementation plans*⁹⁸. The discussed ordinance was issued on the basis of the Act of 31 January 1961 *on spatial planning*.

The regulation standardized:

- 1) general provisions,
- 2) preparation of implementation plans (site information, maps for implementation plans, contents of the implementation plan),
- 3) agreeing and approving implementation plans,
- 4) transitional and final provisions.

The ordinance laid down the rules for drawing up, agreeing and approving implementation plans for investments undertaken by entities of the socialized economy, by legal entities which are not entities of the socialized economy and by natural persons. The provisions of the ordinance did not apply to defense-related investments in closed areas.

⁹⁵ M.P. No. 80, item 392 and 393.

⁹⁶ M.P., 1968, No. 19, item 122.

⁹⁷ Journal of Laws No. 3, item 13.

⁹⁸ M.P. No. 48, item 373.

1.2.8. Indicators and urban planning guidelines for residential areas in cities – Urban Normative (1974)

Indicators and urban planning guidelines for residential areas in cities were introduced by the ordinance No. 9 of the Minister of Land Management and Environmental Protection of 29 January 1974. These indicators, called *Urban Norms*, were the first stage of work on the implementation of the resolutions of the V Plenum of the Central Committee of the PZPR in 1972 and an expression of the tendency and constant policy of the Party and Government to improve the living conditions and living conditions of the urban and rural population.

The introduction of these indicators constituted a significant step in Polish urban planning, despite the fact that this norm did not cover all the regulated issues. The scope of the discussed *Urban Norm*⁹⁹ was deliberately limited to housing areas in cities, because this problem required immediate resolution, because in a situation of seriously increasing and successively accumulating investment tasks, the rational setting of housing was recognized as the most urgent.

An earlier introduction of the new *Urban Norm* made it possible for earlier developments of better housing estates, in terms of utility and spatial development, its armaments and equipment, as well as better, bigger and more functional flats. Programming at a higher standard of housing was made possible by the simultaneous implementation of the new *Housing Standard (Technical norm for the design of dwellings and residential buildings for the non-agricultural population)*¹⁰⁰.

This norm¹⁰¹ has taken into account most of the changes proposed in the previous period, and by introducing more favorable indicators and principles of shaping residential areas, has provided the population of cities with general improvement of living conditions and equipment in service postulated by the highest political authorities and administrators as well as professionals.

⁹⁹ The urban norm of 1974 provided a very good basis for securing a suitable area of green areas. In multi-family housing net areas, there should be a green leisure area provided with playgrounds for children of at least 8 sqm per 1 residents, with a total area reserved for leisure and green grounds should be no less than 50% of the net area. In addition, in the frame of a gross area within a radius of no more than 300 m, a children's garden with an area of 0.75-1.2 ha should be provided (in justified cases in the immediate vicinity of the school) and within a radius of reach of no more than 500 m – publicly available leisure grounds with an area of 5.5 m² per capita in the form of: a leisure garden (4 sqm/ per capita) and groups of sports fields (1.5 sqm per capita). In addition, the norm determined that in the frame of structural groups, housing units should be designed for secondary resting facilities of 5 sqm per capita, of which 1.2 m should be intended for universal sports equipment. The complex, accessible within 800 m, should include: a 2 ha park, a sports field of at least 2.5 hectares, a sports hall (0.3-0.5 ha) and an indoor swimming pool (0.2-0.4 ha). These indicators did not cover areas for qualified sports equipment and spectacle equipment, which were the subject of general arrangements. In total it gave a minimum of 25-30 sqm (depending on the type of housing) of green areas and recreation per capita in the isochrone of reach of no more than 800 m (Dąbrowska-Milewska, *Urban Standards...*).

¹⁰⁰ Journal of Construction No. 2, item 3 from 1974.

¹⁰¹ This norm referred to a structural unit, defined as: "... a spatially and functionally separate housing arrangement for multi-family and single family housing together with its corresponding program of basic services, leisure and communication facilities (...) placed within reach of up to 500 m. (...). The norm focused on extensive land use, which was due to the prevailing socio-economic situation and low land prices in the city (Górczyńska 2014).

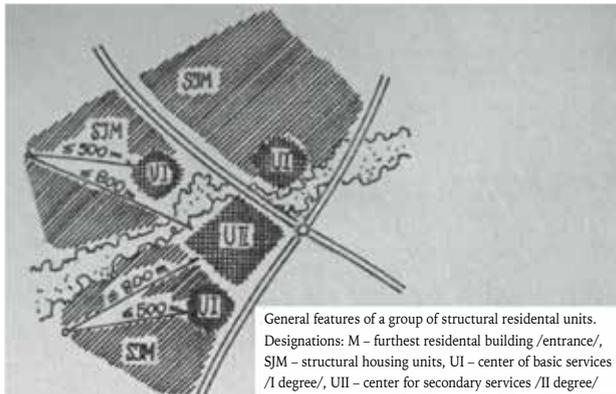


Fig. 12. General features of the structural group of housing units – Urban Norm
 Source: (Korzeniewski 1980).

The discussed norm, before its implementation, was used as a test in several execution plans of variously sized housing estates located in different size cities in the country. Analyzes of the trial implementation carried out by the Institute of Environmental Education in 1973 confirmed the validity of its findings, then still a normative project and the purpose of its general implementation.

Fig. 12 shows the general characteristics of a single housing unit developed on the basis of this normative. The figure confirms that the normative refers, inter alia, to a structural housing unit (SJM).

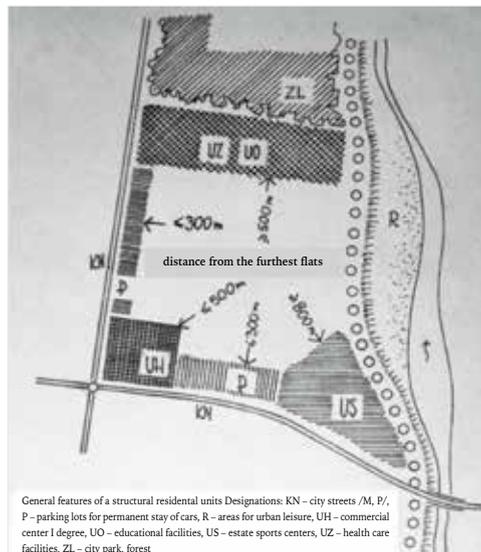


Fig. 13. General features of a residential housing unit – Urban Norm
 Source: (Korzeniewski 1980).

Fig. 13 shows the general features of a residential housing unit, including the distances from the furthest dwellings, which ranged from 300 to 800 m.

The above two drawings show that terrains of different uses were – according to the norm- marked not only by different letter symbols, but also by another graphic sign (hatching).

The next stage of work in this field was the work related to the project of the urban normative procedure administered by the Ministry of Administration, Land Management and Environmental Protection (Department of Urban Planning, Architecture and Building Supervision) – ordinance draft *on indicators and urban planning guidelines* from December 1975.

The structure of the abovementioned urban norms is presented in Table 8.

Table 8. Structure of the urban norm project – indicators and urban planning guidelines

| Section number | Section title | Point number | Point title |
|----------------|-------------------------------|---|-------------------------------------|
| General part | | A. | Scope and principles of application |
| | | B. | Basic concepts |
| I. | Residential housing areas | 1. | General concepts |
| | | 2. | Multi-family housing areas |
| | | 3. | Single family housing areas |
| | | 4. | Smallholding development areas |
| | | 5. | Collective housing areas |
| II. | Service equipment areas | Areas of elementary service facilities | |
| | | Areas of basic service facilities | |
| | | Secondary service facilities areas | |
| | | General / supra-local/ service facilities areas | |
| III. | Green areas | A. | Scope and principles of application |
| | | B. | Functional-spatial guidelines |
| | | C. | Program guidelines |
| | | D. | Indicators |
| IV. | Sports equipment areas | | |
| V. | Leisure-tourism and spa areas | 1. | Leisure and tourism |
| | | 2. | Summer houses |
| | | 3. | Spas |

| Section number | Section title | Point number | Point title |
|----------------|---|--------------|-------------------------------------|
| VI. | Industrial and storage areas | | |
| VII. | Areas of farming facilities and agricultural production centers | 1. | Agricultural services facilities |
| | | 2. | Agricultural production centers |
| VIII. | Communication areas | | Road network layout |
| | | | Communication facilities |
| | | | Parking and garages |
| | | | Depots |
| | | 0 | Bus stations |
| | | | Fuel stations and car service |
| IX. | Water supply and waste water treatment areas | 1. | Areas of water supply facilities |
| | | 2. | Areas of sewage disposal equipment |
| | | 3. | Areas of waste disposal equipment |
| X. | Power equipment areas | 1. | Areas of heat supply equipment |
| | | 2. | Areas of gas supply equipment |
| | | 3. | Areas of electrical power equipment |

Source: Own elaboration based on an urban norm project.

When analyzing the structure of the project, it is important to note that it refers broadly to particular types of land (not just residential but also green, recreational, leisure, service, industrial or infrastructure). It can be stated that in a comprehensive way it defined indicators and guidelines for a wide range of uses (functions) of land.

The second stage of work covered the issues so far regulated in:

- Order no. 9 of the Minister of Land Management and Environmental Protection of 28 January 1974 *on urban indicators for urban areas*¹⁰²;
- Order no. 2 of the Minister of Construction and Building Materials Industry of January 20, 1968 *on indicators of demand for construction sites in rural areas*¹⁰³;
- Order no. 363 of the Minister of Construction and Building Materials Industry dated 31 December 1965 *on guidelines for determining the widths of roads / streets / in rural settlement units*¹⁰⁴;
- Order no. 43 of the Chairman of the Committee on Construction, Urban Planning and Architecture of June 29, 1963 *on the maximum size of plots of residential and guest buildings and the conditions of their location*¹⁰⁵.

The above-mentioned project was characterized in particular by:

¹⁰² Journal of Construction No. 2, item 2.

¹⁰³ Journal of Construction No. 3, item 12.

¹⁰⁴ Journal of Construction No. 2, item 5.

¹⁰⁵ Journal of Construction No. 13, item 49.

- 1) incorporation, without changes, of the 1974 urban norms for residential areas in urban areas,
- 2) adaptation of the indicators set in the 1960s to meet needs to current requirements,
- 3) extension of the substantive scope of the normative framework by elements not yet normalized,
- 4) collection and codification of several different provisions in a single, generally applicable legal act.

The urban norm for low residential housing from 28 August 1957 discussed here and the *urban norm – indicators and urban planning guidelines* designed at that time, deserve attention, among others due to their substantive scope. At present, there is no legal act (norm) applying in the spatial planning system which would among all identify indicators and urban planning guidelines. The issuance, in the currently applicable spatial development and management system, of a normative legal act that would provide an indicator of the standard by which all planning work would be carried out, is recommended and even necessary.

1.2.9. „Second” spatial planning law (1984)

„The “second” law on *spatial planning* (the same law as its predecessor) was issued on July 12, 1984. It entered into force on January 1, 1985, and was revoked on January 1, 1995.

This act¹⁰⁶ – compared to the Act of 31 January 1961, on *spatial planning* – also defined what was the purpose of spatial planning, however in other words. According to this law, the purpose of spatial planning was to comprehensively shape spatial development of the country, regions, towns and villages in such a way as to provide conditions for improving the quality of life of the society, preserving the natural balance, protecting cultural property, and raising the defense capabilities of the state.

This law additionally pointed out what spatial planning should include and take into account. According to this law, spatial planning – as a continuous process – should cover:

- assessing the state of spatial development, conducting research and studies and developing forecasts in this field,
- development of spatial development plans,
- establishing the location of the investment,
- control of the implementation of spatial development plans.
- In addition, the law provided that spatial planning should take into account:
- exploration of needs related to the development of regions, towns and villages and reconciling general interests with local interests,

¹⁰⁶ *The Act did not only have a similar name to the 1961 Act, but also gave similar designation to planning documents. However, the spatial planning system has been simplified, and the plans received a slightly different character (Gorzym-Wilkowski 2011).*

- results of comprehensive research on natural, social, economic, cultural, demographic, technical and defense conditions as well as socio-economic development forecasts in areas covered by spatial development plans,
- requirements for the protection of human health, the protection of the environment, and in particular the protection of water and energy resources, mineral deposits, land as well as defense and security requirements of the country,
- requirements for the order of development, ensuring appropriate usable and aesthetic conditions in the spatial development of areas,
- assessment of spatial developmental effects that may occur outside the borders of the state.

This law pointed out directly that spatial planning and socio-economic planning should be interdependent. The possibilities and limitations of socio-economic development, resulting from land use planning, should be the basis for determining the socio-economic plans, and proportions and measures to meet social needs. The conditions resulting from socio-economic development plans should be the basis for defining in the spatial development plans the ways, proportions and places of implementation of undertakings serving the satisfaction of social needs.

The structure of the legal act is presented in Table 9.

Table 9. Structure of the “second” spatial planning law

| Chapter number | Chapter title |
|----------------|---|
| Chapter 1 | General provisions |
| Chapter 2 | Developing and passing plans |
| Chapter 3 | National plan |
| Chapter 4 | Regional plan |
| Chapter 5 | Local plan |
| Chapter 6 | Investment location |
| Chapter 7 | Changes to existing regulations and transitional and final provisions |

Source: Own study based on the “second” spatial planning law.

Compared to the “first” law on *spatial planning*, this “second” – discussed here – distinguishes the chapter regarding the national plan.

Levels and areas for which land development plans were prepared on the basis of the abovementioned act are presented by Fig. 14.

Spatial development plans were drawn up as long-term plans, with the tasks being distinguished in them for a perspective period.

Local spatial development plans could be drawn up as a prospective plan, with distinguishing a set of tasks for the next five-year socio-economic plan.

The national plan defined the natural, social, economic and cultural conditions of the spatial development of the country and the objectives and principles of spatial policy, taking into account its regional differentiation. The national plan identified measures ensuring that:

- 1) protection of the environment, including areas of special protection and areas of particular risk,
- 2) proper functioning and development of the settlement network, with particular focus on agglomerations and cities of national importance,
- 3) rational distribution of productive forces,
- 4) protection of deposits and correct use of mineral resources,
- 5) protection and use of water resources,
- 6) development of agriculture and forestry,
- 7) proper distribution of social and technical infrastructure of national and international importance,
- 8) protection of cultural values, including historical assumptions and urban resources,
- 9) maintaining the defense and security requirements of the country.

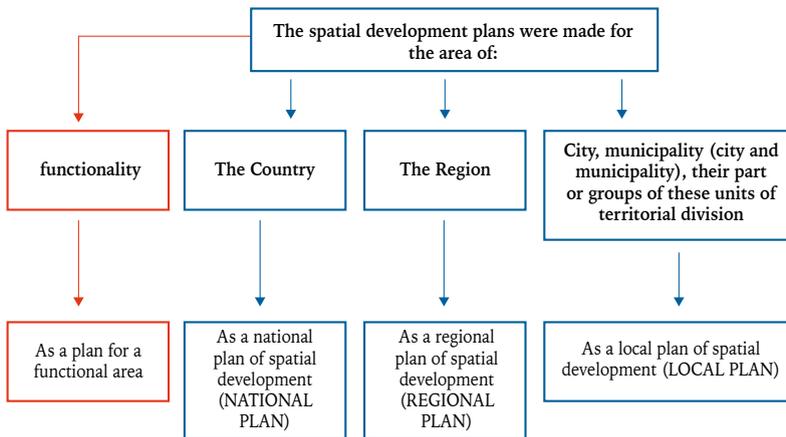


Fig. 14. Spatial development plans – levels and areas of their preparation

Source: Own study based on the “second” spatial planning law.

The regional plan defined the natural, social, economic and cultural conditions of the spatial development of the region and the objectives and principles of regional spatial policy, and it particularly established:

- 1) possibilities and limitations of socio-economic development,
- 2) distribution of basic socio-economic functions as well as principles and ways of shaping spatial structures,
- 3) development and structure of the settlement network,
- 4) requirements and conditions for the protection of cultural property,
- 5) environmental requirements and conditions, including areas subject to special protection and areas of particular risk,
- 6) deployment of technical and social infrastructure of regional reach and importance.

The regional plan took into account the findings of the national plan.

Local spatial development plans were prepared as:

- general plans,
- detailed plans.

The local spatial development plan defined the natural, social, economic, cultural and landscape conditions of the spatial development of the city, municipalities (cities and municipalities) or their parts and targets and rules of the spatial policy of these units and in particular it established the conditions and ways for:

- 1) spatial development and management,
- 2) health care,
- 3) environmental protection,
- 4) protection of cultural assets and landscape values,
- 5) development of technical and social infrastructure,
- 6) shaping spatial structures,
- 7) architectural and construction solutions.

The local master plan included the findings of the national plan and the regional plan, and the conclusions of these plans were identified. The local master plan defined the areas for which detailed plans were drawn up. If the local master plan did not specify the above-mentioned areas, local detailed plans were made as needed.

The local master plan defined the purpose of the land, defined the lines that separates these lands, set the rules of land development and the principles of shaping housing, and, if necessary, other conditions and guidelines.

The local spatial development plan provided the basis for land management, decision making on land use for investment purposes and decisions on land use change and exclusion of land from agricultural or forestry production of lands destined for non-agricultural and non-forest purposes.

This law provided that spatial development plans drawn up in accordance with the provisions of the “first” act on *spatial planning*, became plans of spatial development in the meaning of the “second” law on *spatial planning*.

Act of 13 July 1988 on the amendment of the law on *spatial planning*, as an advisory body of the Minister of Spatial Planning and Construction in *spatial planning, urbanism and architectural matters*, the Main Urban-Architectural Commission was created¹⁰⁷, also functioning today.

The main bodies of state administration competent in the matters of spatial development plans are shown in Fig. 15.

The location of the investment of the socialized economy and of the industrial, service and commercial investment performed by another organizational unit or natural person as well as sacred and ecclesial investments implemented by churches or other religious organizations and their legal entities required:

- giving location indications at the request of the investor,

¹⁰⁷ At present, the Urban Planning and Architecture Commission advises the Minister of Infrastructure and Construction on spatial planning and management. The Commission shall examine the matter at the initiative of the Minister or, upon agreement with the Minister – at an own request, by stating the views in the form of written resolutions annexed to the minutes of the committee meeting. The chairman of the commission and its members are appointed and dismissed by the minister. The Commission operates on the basis of Art. 8 sec. 1 and 2 of the Act of 27 March 2003 on *spatial planning and management* – [http://mib.gov.pl/2-planowanie_przestrzenne.htm].

- specifying the conditions for the selected location variant,
- issuing a decision to establish the location of the investment.

The decision to establish the location of the investment was issued by a local state administration body with general characteristics of the voivodship level, appropriate for the location of the investment. This body made decisions:

- of national and regional importance,
- for a company, not being a field enterprise and for an investment in an undertaking that is part of such a company, and devices not being an investment of local significance.

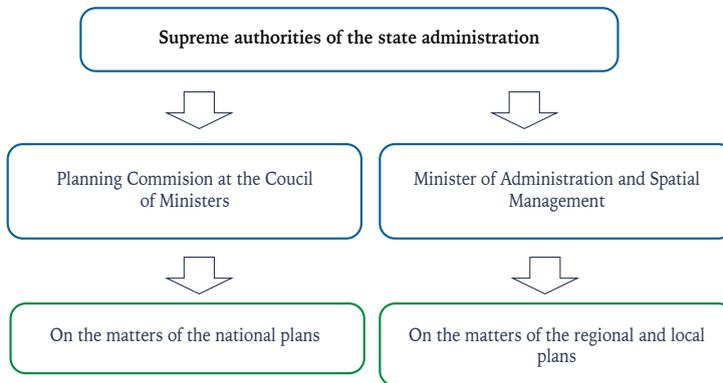


Fig. 15. The supreme authorities of state administration competent in matters of land use planning

Source: Own study based on the “second” spatial planning law.

Issuing the aforementioned decision was made after previously obtaining the consent of the voivodship national council, expressed after obtaining the opinion of the locally appropriate national council of primary level.

Decisions, other than those mentioned above, were issued by the local governmental body of the basic-level state administration.

The decision to establish the location of the investment determined:

- 1) lines delimiting the investment area and conditions and guidelines for development of the housing,
- 2) technical conditions of investment implementation,
- 3) conditions arising from the need to protect the environment and cultural goods,
- 4) requirements for protecting the interests of third parties.

The decision could have been issued after previously obtaining the state of other administration bodies required by special regulations.

A higher-level public administration body in relation to the decision-making body determining decision on establishing the location of the investment carried out – in periods of no more than every 5 years – analyzes and assessments of conformity of issued decisions with the findings of the spatial development plan.

Issuing a decision to establish the location of enterprises and investments of cooperative organizations, except for investments of municipal residential housing and enterprises of public use, was preceded by an agreement specifying the conditions for its implementation. The agreement defined in particular the mutual obligations and services of the investor and the local state administration, connected with the realization of the investment and the future functioning of the facility being constructed.

A record of this law is worth mentioning, which explicitly states that the decisions to locate the investment or the decision to change the way of using land, containing a decision incompatible with the local spatial development plan were not valid.

The assumption of the “second” *spatial planning* law was formed on the heels of a critical discussion on the state of spatial order in Poland led under the general political revival triggered by the events of August 1980. It may be considered that it was an act announcing the beginning of the end of centralized and subordinated economic plans of the spatial planning system. This can be illustrated by the record constituting on the interdependence of spatial planning with socio-economic planning (Kolipiński 2015).

- tracts of semi-urbanized settlements (often shapeless) (*ibidem*).

1.2.10. Regulation on the principles of drafting assumptions for local spatial development plans, projects these plans and control of their implementation (1988)

The rules of drafting assumptions for local development plans, their projects and their control were regulated by the Order of the Minister of Spatial Economy and Construction of 17 October 1988¹⁰⁸.

This order was issued on the basis of the “second law” *on spatial planning*.

The ordinance regulated:

- 1) general provisions,
- 2) principles of preparing assumptions for local plans,
- 3) rules for drafting local plans,
- 4) rules for controlling the implementation of local plans,
- 5) final provisions.

Particular attention should be paid to defining, in the ordinance, the rules for monitoring the implementation of local plans. Control of the implementation of local plans consisted in examining the changes taking place in the development and functioning of spatial systems from the point of view of the implementation of the main resolutions included in the plan, as well as the examination of the latest findings of local plans as the basis for administrative decisions.

This regulation has abolished, among others the previously mentioned ordinance No. 47 of the Minister of Construction and Building Materials Industry dated 3 September 1968 *on detailed provisions on drawing up local spatial development plans*.

¹⁰⁸ Ministry of labor , 1988, No. 30, item 269.

1.2.11. Act on spatial development (1994)

The act on *spatial development* was issued on 7 July 1994. It entered into force on 1 January 1995 and was repealed on 11 July 2003.

The act¹⁰⁹ defined the scope and methods of dealing with land allocation for specific purposes and establishing the principles of their development, adopting sustainable development as the basis of these activities, and defined the rules and procedures for resolving conflicts between the interests of citizens, local communities and the state in these matters¹¹⁰.

This law indicated that spatial development should have taken into account in particular:

- 1) requirements for spatial order, urban planning and architecture,
- 2) architectural and landscape values,
- 3) requirements for the protection of the natural environment, health and safety of people and property, as well as the needs of persons with disabilities,
- 4) the requirements of protection of cultural heritage and cultural property,
- 5) economic value of space and property rights,
- 6) defense and security needs of the state.

The structure of the presented law is presented in Table 10.

Table 10. Structure of the act on spatial development

| Chapter number | Chapter title |
|----------------|---|
| Chapter 1 | General provisions |
| Chapter 2 | Local spatial development plan |
| Chapter 3 | Legal consequences of adopting a local spatial development plan |
| Chapter 4 | Determining the conditions of housing and land development |
| Chapter 5 | Urban entitlements |
| Chapter 6 | Formation and implementation of the state spatial policy |
| Chapter 7 | Transitional and final provisions |

Source: Own study based on the spatial development act.

¹⁰⁹ Systemic changes that took place in Poland after 1989 have forced the revision of the existing spatial planning system. After numerous discussions and presentations of the draft of the new law amending this system, the Parliament adopted the Spatial Development Act 1994, which replaced the 1984 Law on Spatial Development. Changing the name of the bill was not irrelevant. It was a decisive departure from the principle of the previous regime, that is, planned economy (Tölle et al. 2012), [www.arl-net.de].

¹¹⁰ Systemic transformation began in 1990 – brought a number of changes. Firstly, the task of meeting the housing needs at the local level was delegated to the local self-government established in 1990. In this way, municipalities became responsible for new municipal construction and maintenance and modernization of existing resources (decapitalised as a result of long-term negligence). The use of building plots has been maximized as a result of rising land pension (Gzell 2002).

When analyzing the structure of the law discussed here, it should be noted what particular role the local spatial development plan played. The Act devotes as much as 2 chapters of the Act to this type of plan: chapters 2 and 3, dividing the provisions strictly into the local spatial development plan and provisions on the consequences of its entry into force.

Table 11 shows what planning documents and decisions were drawn up and issued under the Act – broken down by national, regional and local (municipal).

When analyzing the spatial development act, attention should be paid to the decision on spatial development and management. This decision preceded each investment process, regardless of the existence or absence of a local spatial development plan (unlike today: on the basis of the law *on spatial planning and management* this decision is issued for areas where there is no local plan and for which there is no obligation to prepare it. In the absence of the aforementioned, this decision was issued on the basis of the so-called special provisions to protect certain goods in the area. These goods stood higher in the hierarchy of importance than the municipality's planning freedom, or the realization of ownership rights (Bąkowski 2001).

1.2.12. Implementing regulations of the act on spatial development (2001)

The types and patterns of documents used in the planning work and the scope and types of documents required in the procedure for determining the conditions of housing and development of the area were determined by the minister competent for spatial and housing management by means of a regulation, in particular taking into account:

- documents related to undertaking planning work,
- documents prepared during the development of the local spatial development plan,
- documents required for submitting applications for determining the conditions of housing and development of the site¹¹¹.

Regulation of the Minister of Infrastructure *on the documents used in planning work and required when determining the conditions of housing and land development* explicitly specified what should be included in the documents related to undertaking planning work. The regulation for such documents included, among others:

- a list of decisions in spatial development use issues,
- register of spatial development and management decisions,
- an agreement on the conditions of introducing a governmental task or the task of the voivodeship self-government to the local spatial development plan,
- a list of resolutions adopted by the council of the municipality for accession to the drawing up of local spatial development plans,
- a list of areas for which a local plan is required,

¹¹¹ Ordinance of the Minister of Infrastructure of 13 December 2001 *on the documents used in the planning work and required when determining the conditions of spatial planning and management* (Journal of Laws z 2002 No. 1, item 12).

Table 11. Shaping of spatial policy

| NATIONAL LEVEL | |
|---|---|
| Formation and implementation of state spatial policy | <p>Analyzes, studies, concepts and programs relating to areas and issues according to the needs and objectives of the work undertaken.</p> <p>The concept of spatial development policy of the country, specifying in particular the natural, cultural, social and economic determinants and the goals and directions of this policy.</p> <p>Programs containing governmental tasks for the implementation of supra-local public purposes.</p> |
| VOIVODESHIP LEVEL | |
| Formation and implementation of spatial policy of the voivodeship | <p>Analyzes, studies, concepts and programs referring to areas and issues according to the needs and objectives of the work undertaken</p> <p>Development strategy of the voivodeship defining conditions, objectives and development directions of the voivodeship.</p> <p>Spatial development plan of the voivodeship, specifying the principles of organization of spatial structure, including:</p> <ul style="list-style-type: none"> • basic elements of the settlement network, • distribution of social, technical and other infrastructure, • requirements for the protection of the natural environment and the protection of cultural property – taking into account areas of special protection. |
| DISTRICT LEVEL | |
| Analyzes and studies in spatial planning related to the area of the district and issues of its development. | |
| LOCAL LEVEL (MUNICIPALITY) | |
| Formation and implementation of the spatial policy of the municipality | <p>Study of the conditions and directions of spatial development of the municipality</p> <p>Local spatial development plan</p> <p>Determining the conditions of spatial development and management (location decisions)</p> |

Source: Own study based on the Act of 7 July 1994 on spatial development.

- a copy of the study of the conditions and directions of the spatial development of the municipality,
- an assessment of changes in spatial development,
- an analysis of applications for drawing up or changing a local plan.

2. The current spatial planning system in Poland

The current spatial planning system in Poland is based on the law of 27 March 2003 on *planning and spatial development*¹¹². The law entered into force on July 11, 2003.

This law specified:

- 1) the principles of spatial planning by local government units and government administration bodies¹¹³,
- 2) the scope and manner of dealing with issues related to the purpose of the land for specific purposes and establishing the principles of their development and housing.

This law adopts two principles for the basis of the above-mentioned actions:

- the principle of shaping spatial order,
- the principle of sustainable development¹¹⁴.

The law indicates that in spatial planning and management, particular consideration is given to:

- 1) requirements for spatial order, including urban planning and architecture;
- 2) architectural and landscape values;
- 3) environmental protection requirements, including water management and protection of agricultural and forest land (Piotrowska 2017);
- 4) the requirements of protection of cultural heritage and monuments as well as of contemporary cultural goods;
- 5) health and safety requirements for people and property, as well as the needs of people with disabilities;
- 6) economic value of space (Piotrowska, Wilkowski 2017; Piotrowska 2017 b);
- 7) ownership;
- 8) defense and security needs of the state (Piotrowska 2017a);
- 9) public interest needs;

¹¹² Journal of Laws z 2017, item 1073.

¹¹³ *Determining in Art. 1 sec. 1 point 1 of the Act on spatial planning and management as the subject of the law of spatial policy formulation by territorial self-government units and government administration bodies constitutes a novum clearly accentuated in comparison with the regulation of the previously applicable spatial development law. This law could only find the counterpart of the current art. 1 sec. 1 point 2 of the Spatial Development Planning and Management Act. In the previous regulation art. 1 sec. 1 as the subject of the Act it determined only the scope and manner of dealing with the purpose of allocating land to specific purposes which was interpreted in such a way that the provisions of the Act are have a nature of procedural norms (Hauser et al. 1995).*

¹¹⁴ *Two fundamental values, and using the formulation of the legislator – the basis of shaping spatial policy by the competent authorities, are the principle of shaping spatial order and the principle of sustainable development. In the commented law, the legislator first decided to introduce the definition of legal spatial order. This definition was included in Art. 2 point 1 (Niewiadomski 2016).*

- 10) needs for the development of technical infrastructure, especially of broadband networks;
- 11) ensuring public participation in the work on the study of the conditions and directions of the spatial development of the municipality, the local spatial development plan and the spatial development plan of the voivodship, including by means of electronic communication;
- 12) preservation of clarity and transparency of planning procedures;
- 13) the need to provide adequate quantity and quality of water for the purpose of supplying the population.

The act on *spatial development and planning* states that:

- shaping and conducting a spatial policy in the municipality, including the adoption of a study of the conditionality and directions of municipality spatial development and local spatial planning, with the exception of maritime internal waters, territorial seas and exclusive economic zones and enclosed areas, belongs to own assignments of the municipality;
- leading, within the scope of its material properties, spatial planning analyses and studies in the scope of spatial planning, referring to the district area and its development, is the responsibility of the district self-government;
- the formation and conduct of spatial policy in the area of the metropolitan union (metropolitan area) belongs to the tasks of the metropolitan union if it was created;
- shaping and conducting spatial policy in the voivodeship, including the approval of voivodship spatial development plans, belongs to voivodship self-government assignments;
- shaping and operating the spatial policy of the state expressed in the concept of spatial development of the country belongs to the tasks of the Council of Ministers.

The structure of the current law *about spatial planning and management* is presented in the Table 12.

Table 12. Structure of the act on spatial development and management

| Chapter number | Chapter title |
|----------------|---|
| Chapter 1 | General provisions |
| Chapter 2 | Spatial planning in the municipality |
| Chapter 2a | Spatial planning in the metropolitan area |
| Chapter 3 | Spatial planning in the voivodship |
| Chapter 4 | Spatial planning at a national level |

¹¹⁵ Among the elements of the decision, there is no term of validity, which was a required element of the decision on the conditions of spatial planning and management issued in accordance with the law of 7 July 1994 on spatial development". Anita Kwartnik-Pruc, Barbara Ruchlewicz, „The role of the decision on the condition of spatial development and management in the process of division of real estate (Geodesy, Vol. 12, Notebook 2, 2006).

| Chapter number | Chapter title |
|----------------|---|
| Chapter 4a | Functional areas |
| Chapter 5 | Localization of public purpose investment and setting development conditions for other investments ¹¹⁵ |
| Chapter 6 | Changes to existing regulations |
| Chapter 7 | Transitional and final provisions |

Source: Own study based on the act on spatial development and management.

Comparing the structure of the current law with the structure of historic spatial development and management legislation, it should be noted that the law discussed in this section in particular chapter refers to levels (ranks) of spatial planning (municipality-local, voivodship and national) and not to individual planning documents. Only the location of the public purpose investment and the setting of development conditions for other investments are regulated in a separate chapter (since these investments can be carried out at different levels).

The currently valid system of spatial ¹¹⁶ planning in Poland is shown in Fig. 16.

In accordance with the provisions of the current law on *spatial planning and management* the minister proper for construction, spatial planning and management and housing determines, by regulation:

- 1) the required scope of the study project in the text and graphic part, taking into account in particular the requirements for planning materials, the scale of cartographic studies, the indications used, the names, the standards and the documentation of the planning work¹¹⁷;
- 2) the required scope of the local plan design in the text and graphic section, taking into account in particular the requirements for planning materials, the scale of cartographic studies, the indications used,
- 3) naming, standards and way of documenting the planning work¹¹⁸;
- 4) required:
 - a) scope of the project of the local revitalization plan in the textual section within the scope of the arrangements referred to in Art. 37g sec. 2 of the Act, taking into account in particular the need to ensure legibility and uniform understanding of the concepts used,
 - b) the scope and form of visualization of the findings of the local revitalization plan referred to in Art. 37g sec. 4 of the Act, taking into account in particular the need to ensure the completeness, readability and universality of visualization;

¹¹⁶ *Planning is a created activity with a space-time dimension. It is based on accurate prediction, that is, forecasting phenomena that can be subjected to conscious control. It is then possible to define a program of activities and establish conditions for its implementation. Therefore, the planning includes programming and detailing of planning activities in the form of a planning act* (Chmielewski 2016).

¹¹⁷ Ordinance of the Minister of Infrastructure of 28 April 2004 on the project scope of the study of the conditions and directions of the municipality spatial development (Journal of Laws No. 118, item 1233).

¹¹⁸ Ordinance of the Minister of Infrastructure of 26 August 2003 on the required scope of the local spatial development plan (Journal of Laws No. 164, item 1587).

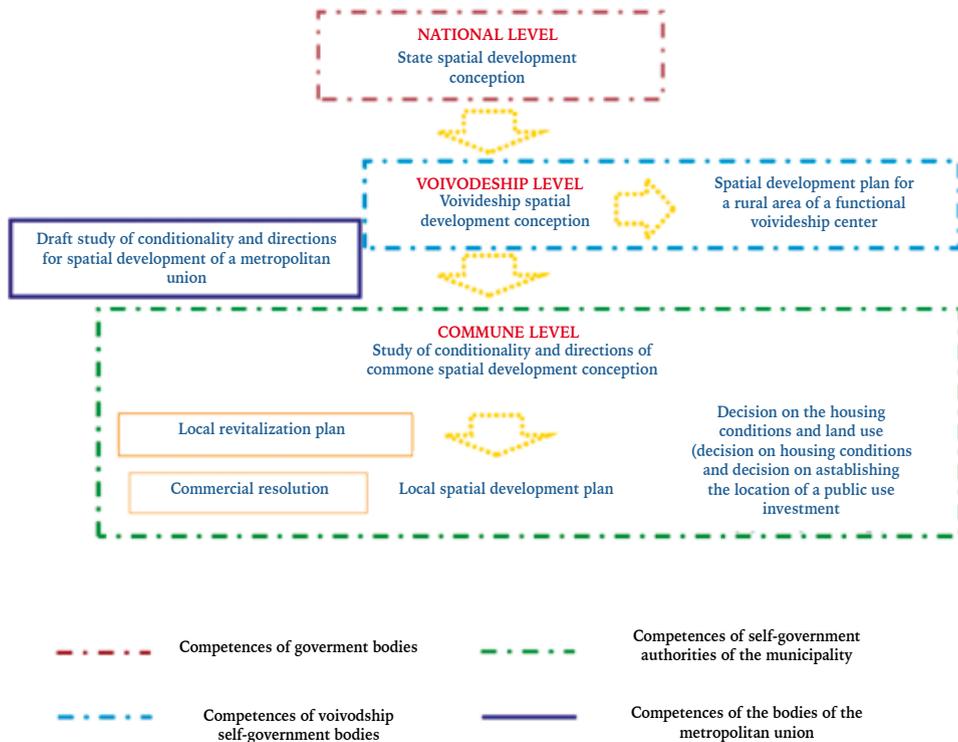


Fig. 16. The currently valid spatial planning system in Poland

Source: Own elaboration.

- 5) the required scope of the voivodeship spatial development plan in the text and graphic part, taking into account in particular the requirements for planning materials, the scale of cartographic studies, the used indications, nomenclature, standards and documentation of planning work¹¹⁹;
- 6) the way of setting requirements for new housing and land development in the absence of a local plan, *i.e.*:
 - a) building lines;
 - b) the size of the development area in relation to the area of plot or land;
 - c) width of the front elevation;
 - d) height of the top edge of the front elevation, its cornice or attic;
 - e) roof geometry (inclination angle, ridge heights and roof pitch pattern)¹²⁰;
- 7) used in the decision determining the location of the public investment project and in the housing development decision, the sign and the nomenclature,

¹¹⁹ The Regulation on the required scope of the voivodeship spatial development plan has not been issued.

¹²⁰ Ordinance of the Minister of Infrastructure of 26 August 2003 *on the manner of setting requirements for new spatial development and management in the case of absence of a local spatial development plan* (Journal of Laws No. 164, item 1588).

bearing in mind in particular the requirements referred to in art. 54 and Art. 61 sec. 1 point 1 of the Act¹²¹.

The Ordinance of the Minister of Infrastructure of 26 August 2003 *on the required scope of the local spatial development plan* entered into force on September 27, 2003 and is still valid today. Having regard to the provisions concerning the infrastructure for spatial information, it should be noted that the regulation in question is rather poor in its content (not only in terms of individual signs or functions) but also in the form of local plans (electronic form).

The Regulation of the Minister of Infrastructure of 28 April 2004 *on the scope of the project of the study of the conditions and directions of the spatial development of the municipality* entered into force on June 10, 2004 and is valid today. Given that the regulation of the study indicated in the title of the ordinance should also be considered as a document in the catalog of documents contained in the spatial data theme “spatial development” referred to in the Act of 4 March 2010 *on the infrastructure of spatial information*, this regulation should be considered poor as well.

The above-mentioned regulations, as well as the law *on planning and spatial development*, require changes – one can ask for the statement of “comprehensive changes”.

To date no regulation has been issued on the required scope of the voivodeship development plan. Some argue that such a turn of events is positive. However, while observing the variety of “standards” of the voivodeship spatial development plans (method, form, content) it should be stated that the definition of the required scope (whether in the form of a regulation or in the form of other guidelines) seems to be necessary.

A relatively new tool in spatial planning is the local revitalization plan, as a special form of a local spatial development plan. The scope of this plan as well as the form of visualization of its findings were determined in the ordinance of the Minister of Infrastructure and Construction of 1 July 2016¹²². In this case, some “technology” progress can be observed. The regulation, referring to the visualization of the findings of the plan, mentions the above-mentioned conceptual image incorporated into an aerial photograph, or a three-dimensional model of spatial structure.

In practice of the application of the provisions of the *act on spatial planning and development* does not spare it words of criticism. Is this criticism justified? Partially undoubtedly yes. The hastily prepared solution of the bill, followed by numerous amendments, does not seem to be the culmination of the legislative technique. The lack of transparency of key solutions for the law, undefined new institutions (e.g. public discussion as part of the planning procedure), or the language of the act sometimes departing from that applicable in law are the basic allegations made towards this act. As for the subject matter of this act, it does not diverge from the existing philosophy of spatial management (Niewiadomski 2016).

¹²¹ Ordinance of the Minister of Infrastructure of 26 August 2003 *on the indications and nomenclature used in the decision to establish the location of the public purpose investment and in the decision on development conditions* (Journal of Laws No. 164, item 1589).

¹²² Journal of Laws item 1032.

By analyzing the current spatial planning and management system one cannot fail to mention the criticism that arises in relation to the housing decision and land development. One of the disadvantages of the present system is, unfortunately, a greater influence on the shaping of the decision on housing conditions than local spatial development plans (Ziobrowski 2010). It is particularly criticized that there is no clear requirement of consistency between the content of the decision and the content of the study of the conditions and directions of the spatial development of the municipality. There are thus discrepancies arising between the directions of spatial policy defined in the aforementioned study. Housing is created in places not suited for this. Moreover, as a result of the above, the role of local spatial development plans is diminished. The postulate of directly introducing in the act *on spatial planning and development* a regulation, according to which all issued decisions on land housing and development conditions (or at least the decisions on development conditions) should be consistent with the content of the study of conditions and directions of spatial development of the municipality was among all reported by Maciej J. Nowak (Zachariasz 2012). The inconsistency of the draft decision with the contents of the study would render it incapable of being issued.

At this point, three problems of modern Polish spatial planning legislation issues defined by W. Korbel should be referred to in the context of the potential for investment in areas lacking in local spatial development plans. These include as follows:

- 1) the quality of the new law being created ¹²³,
- 2) the practice of applying the law and the quality of court decisions, appeals colleges and various opinions of other state administration bodies,
- 3) the need to seek evolutionary ways to improve the quality of existing legislation.

In the author's opinion, the institution of spatial planning and management decisions should be eliminated from the spatial development and management planning system. It should be replaced by another act (document) that would be in line with the spatial policies directions.

3. An attempt to reform the spatial planning and development system in Poland

After the entry into force of the Act of 27 March 2003, *about spatial development and management* numerous changes (amendments) concerning the spatial development and management system were undertaken. Some can be described as minor and some as significant. One significant amendment is *the project of the Urban construction code*.

¹²³ As regards the quality of contemporary legislation in Poland, the issue seems to be an attempt to answer the question of why legal acts created at the time of their adoption and publication are burdened with many errors and ambiguities which give rise to further, different interpretations already at the stage of enforcing these laws (Korbel 2012).

The commencement of work on the drafting of a statutory legislative package covering a comprehensive regulation of the investment and construction process took place in October 2012, when the Committee on Construction Law Codification commenced its work¹²⁴.

Initially, the Committee on Construction Law Codification assumed a coherent settlement of all regulations covering the planning process and the investment process. To achieve these goals, two main goals were adopted:

- 1) creating legal conditions for the effective implementation of spatial order, including suppressing the process of suburbanization;
- 2) rationalizing the investment process.

The first effect of the actions of the above-mentioned Commission was the adoption, on 18 September 2013, of *theses together with the justification for the project of the Urban construction code*. The aim of the *Code project* was a complete settlement of the investment and construction process respecting spatial order, sustainable development, the constitutional guarantee of the protection of property rights, the planning autonomy of the municipality and the principles of smooth balancing of interests: public and individual (Gabriel 2017).

The structure of the aforementioned these is presented in Table 13.

Table 13. The structure of theses together with the justification for the draft of the Urban construction code

| Section number | | Section title/chapter number/chapter title | |
|----------------|---|--|--|
| Preamble | | | |
| SECTION I | General provisions | Chapter 1 | Purpose and subject matter of regulation |
| | | Chapter 2 | Definitions of concepts |
| | | Chapter 3 | Arrangements and general principles |
| | | Chapter 4 | Protecting highly valued values |
| | | Chapter 5 | Economic requirements of the investment and construction process |
| | | Chapter 6 | Social control of the investment and construction process |
| SECTION II | Entities of the investment and construction process | Chapter 1 | Investor |
| | | Chapter 2 | Municipality |
| | | Chapter 3 | Bodies of architectural and construction administration |

¹²⁴ The Commission was created by a decree of the Council of Ministers of 10 July 2012 (Journal of Laws item 856).

| Section number | | Section title/chapter number/chapter title | |
|----------------|--|--|--|
| | | Chapter 4 | Building supervision authorities |
| | | Chapter 5 | Other participants in the investment and construction process |
| SECTION III | Planned spatial development | Chapter 1 | General provisions |
| | | Chapter 2 | Study of the conditions and directions of spatial development of the municipality |
| | | Chapter 3 | Local spatial development plan |
| | | Chapter 4 | Procedure for the adoption and amendment of the acts of spatial planning |
| | | Chapter 5 | Effects of the entry into force of the local spatial development plan |
| | | Chapter 6 | Supervision over the municipality's planning activity and its judicial control |
| SECTION IV | Investing in areas where a local spatial development plan does not apply | Chapter 1 | General arrangements |
| | | Chapter 2 | Investing in built-up areas |
| | | Chapter 3 | Investing in areas with limited housing |
| | | Chapter 4 | Investment promise |
| SECTION V | Preparation of areas for investment | Chapter 1 | General provisions |
| | | Chapter 2 | Merge and division of real estate |
| | | Chapter 3 | Realization of technical and social infrastructure |
| | | Chapter 4 | Conditions for the connection of buildings to the technical infrastructure network |
| SECTION VI | Realization of investments | Chapter 1 | General arrangements |
| | | Chapter 2 | Building permit |
| | | Chapter 3 | Proceedings concerning the granting of building consent |
| | | Chapter 4 | Construction |
| | | Chapter 5 | Investments other than building construction |

| Section number | Section title/chapter number/chapter title | | |
|----------------|---|-----------|--|
| SECTION VII | Special rules for the implementation of public purpose investment | Chapter 1 | Terms and conditions of public investment |
| | | Chapter 2 | Location of investment and environmental impact assessment of investment |
| | | Chapter 3 | Property expropriation |
| | | Chapter 4 | Integrated decision |
| | | Chapter 5 | Realization of public purpose investment in the field of linear technical infrastructure |
| SECTION VIII | Special rules for investing in degraded areas | Chapter 1 | Revitalization of technically degraded areas |
| | | Chapter 2 | Spatial management in communities affected by natural disasters |
| SECTION IX | Investor's interaction with the public partner in the investment and construction process | Chapter 1 | Urban construction project |
| | | Chapter 2 | Concession for construction works |
| SECTION X | Maintenance of construction facilities | Chapter 1 | Principles of maintenance construction facilities |
| | | Chapter 2 | Construction disaster |
| SECTION XI | Legal consequences of illegal investment activities | | |
| SECTION XII | Building register | | |
| | Justification | | |
| | The status quo | | |
| | Targets and systematics of adjustment | | |
| | Suggested changes | | |
| | Detailed solutions of the designed adjustment | | |
| | Effects of the intended adjustment | | |
| | Entry into force of the Code. Transitional provisions | | |

Source: Own elaboration on the basis of theses and justification for the draft of the Urban construction code.

At the next stage of the work of the above-mentioned Commission, there were changes to the comprehensive regulation of the whole issue and the division into two parts:

- construction,

- urban¹²⁵.

The Construction Law Codification Commission on 27 October 2015 accepted and adopted as the basis for further work *the draft of the Urban construction code* (urban book) (Gabriel 2017).

However, on March 23, 2016, the aforementioned Commission was abolished¹²⁶.

The material developed by the Codification Commission on Construction Law was the basis for further work on *the project of the Urban and construction code* currently developed by the Ministry of Infrastructure and Construction, which on September 30, 2016, addressed the draft Code to consultation¹²⁷.

The structure of the *draft Urban and Construction Code* is presented in Table 14.

The goals of the present draft of the *Urban and Construction Code* are:

- improving predictability and streamlining of the investment and construction process,
- restoring and ensuring effective spatial management and strengthening of social participation in decision making at all levels,
- effective location and implementation of public investment¹²⁸.

The Code designed by the Ministry of Infrastructure and Construction is to replace the law *on spatial planning and management* in its entirety, as well as the act of Building law and all “special acts”. It also is to include a part of the regulations that are currently regulated by the law *on real estate management*, the law of *Geodetic and cartographic law* and the law *on the provision of information on the environment and its protection, public participation in environmental protection and environmental impact assessment*.

This Code is intended to regulate matters related to shaping and implementing spatial policy at the level of the municipality, functional area, region and country. It is to include both the enactment and the implementation of the acts of spatial planning. The Code will include regulations concerning the acquisition of real estate in connection with the realization of public purposes and the elements of proceedings concerning the environmental impact assessment. As promised by the project providers, *the Code* – in a comprehensive way – is to regulate the execution of construction investments, including obtaining investment consent, consent to use and the rule of maintenance of building facilities and disaster proceedings.

The planned change of the spatial planning system in Poland is presented in Fig. 17.

¹²⁵ Regulation of the Council of Ministers of 3 November 2015 *amending the ordinance on the creation, organization and mode of operation of the Codification Commission for Building Law* (Journal of Laws item 1896).

¹²⁶ Regulation of the Council of Ministers of 10 March 2016 *on the abolition of the Commission on Building Law Codification* (Journal of Laws item 377).

¹²⁷ [<https://legislacja.rcl.gov.pl/projekt/12290463>].

¹²⁸ [<http://mib.gov.pl/files/0/1797355/KUB.pdf>].

Table 14. Structure of the project of the Urban and Construction Code

| Book number | Book title/Section number | Section number/chapter number/department number | Section title/chapter title/department title |
|-------------|-------------------------------------|--|---|
| BOOK I. | GENERAL PROVISIONS | Chapter 1. | Subject scope |
| | | Chapter 2. | Explanation of the terms and abbreviations used |
| | | Chapter 3. | General provisions |
| BOOK II. | PLANOWANIE PRZESTRZENNE | Section I. | Social participation in spatial planning |
| | | Section II. | Shaping of spatial policy |
| | Chapter 1. | Spatial planning monitoring | |
| | Chapter 2. | Forecast of spatial development needs | |
| | Chapter 3. | Identifying urban areas and setting a limit for new urbanization areas | |
| | Chapter 4. | Spatial development program of the municipality | |
| | Chapter 5. | Extra-local analytical elaboration | |
| | Section III. | Provisions common to spatial development planning acts | |
| | Chapter 1. | Considerations | |
| | Chapter 2. | Provisions on the proceedings | |
| Chapter 3. | Financing | | |
| Chapter 4. | Technical requirements | | |
| Chapter 5. | Persons preparing | | |
| Chapter 6. | Change of administrative boundaries | | |

| Book number | Book title/Section number | Section number/chapter number/department number | Section title/chapter title/department title |
|-------------|---------------------------|---|---|
| | Section IV: | | |
| | | Chapter 1. | Implementation of spatial policy in the municipality |
| | | Chapter 2. | Study of spatial development of the municipality |
| | | | Local spatial development plan |
| | | Department 1. | Adjustment of the soil structure |
| | | Department 2. | Local plan at the request of the investor |
| | | Department 3. | Local plan with integrated environmental assessment |
| | | Department 4. | Simplified local plan |
| | | Department 5. | Local plan locating the investment of the National Housing Authority |
| | | Department 6. | Abolition of the local plan |
| | | Chapter 3. | Local urban regulations |
| | | Chapter 4. | Proceedings in the local spatial planning act |
| | | | Ordinary proceedings |
| | | | Simplified proceedings |
| | | Chapter 5. | Entry into force of the local spatial development act |
| | | Chapter 6. | Introducing extra-local public investment to local spatial development acts |
| | Section V. | | |
| | | | Implementation of spatial policy at a national level |
| | | Chapter 1. | National spatial development strategy |
| | | Chapter 2. | National deployment plan |

| Book number | Book title/Section number | Section number/chapter number/department number | Section title/chapter title/department title |
|---------------|---------------------------|---|---|
| | | Chapter 3. | Committee of the Council of Ministers for Spatial Development |
| | | Chapter 4. | National Council for Spatial Policy |
| Section VI. | | | Implementation of spatial policy at the voivodship level |
| Section VII. | | | Implementation of spatial policy in functional areas |
| | | Chapter 1. | Functional area of the metropolitan union |
| Section VIII. | | | Local government cooperation in spatial planning |
| | | Chapter 1. | Inter-municipal union |
| | | Chapter 2. | Agreement |
| | | Chapter 3. | Spatial planning of border areas of municipalities |
| Section IX. | | | Planning mediation |
| Section X. | | | Supervision over the activities of local government units |
| Section XI. | | | Urban committees |
| | | | Special areas |
| Section XII. | | Chapter 1. | Reserved areas |
| | | Chapter 2. | Revitalization areas |
| BOOK III. | INVESTMENT PROCESS | Section I. | Implementation of the local plan by the municipality |
| | | Section II. | Investing in areas not covered by the local plan |

| Book number | Book title/Section number | Section number/chapter number/department number | Section title/chapter title/department title |
|-------------|---------------------------|---|--|
| | Section III. | | Investment requirements |
| | | Chapter 1. | Basic requirements of building facilities |
| | | Chapter 2. | Principles of placing objects and construction equipment |
| | | Department 1. | General regulations |
| | | Department 2. | Location of buildings |
| | | Department 3. | Location of other facilities |
| | | Department 4. | Security zones |
| | | Department 5. | Wind power plants |
| | | Chapter 3. | Access to a public road |
| | | Chapter 4. | Technical conditions of the building facilities |
| | Section IV. | | Investment categories |
| | Section V. | | Preparation of the investment |
| | | Chapter 1. | Investment design |
| | | Chapter 2. | Division of real estate |
| | | Chapter 3. | Determining the course of the infrastructure |
| | | Chapter 4. | Linking property to the network and the public road |
| | Section VI. | | Investment implementation |
| | | Chapter 1. | Participants in the investment process |
| | | Chapter 2. | Geodetic studies and activities |

| Book number | Book title/Section number | Section number/chapter number/department number | Section title/chapter title/department title |
|-------------|---------------------------|---|--|
| | | Chapter 3. | Investment consent |
| | | Department 1. | Tacit consent |
| | | Department 2. | Proceeding in the absence of a local plan |
| | | Department 3. | Change of investment consent |
| | | Chapter 4. | Performance of construction works |
| | | Chapter 5. | Accession to use |
| | | Chapter 6. | Proceedings in the investment process |
| | Section VII. | | Public purpose investments |
| | | Chapter 1. | General provisions |
| | | Chapter 2. | Environmental-location decision |
| | | Chapter 3. | Integrated decision |
| | | Department 1. | An integrated decision locating the investment |
| | | Department 2. | An integrated decision for non-investment public purposes |
| | | Department 3. | Implementation of the integrated decision |
| | | Chapter 4. | Acquiring property rights |
| | | Department 1. | Contractual acquisition of rights, Negotiations |
| | | Department 2. | Expropriation |
| | | Department 3. | Establishment of public restrictions on the use of real estate |

| Book number | Book title/Section number | Section number/chapter number/department number | Section title/chapter title/department title |
|-------------|---|---|---|
| | | Chapter 5. | Compensation |
| | | Department 1. | Compensation for expropriation |
| | | Department 2. | Compensation for the establishment of public restrictions on the use of real estate |
| | | Chapter 6. | Administrative proceedings on public purpose investment matters |
| | | Chapter 7. | Return of expropriated real estate |
| | | Chapter 8. | Special provisions for investment in terms of public housing stock |
| BOOK IV. | MAINTENANCE OF BUILDINGS AND CONSTRUCTION CATASTROPHE | Chapter 1. | Maintenance of building facilities |
| | | Chapter 2. | Construction disaster |
| BOOK V. | BREACH OF THE CODE PROVISIONS | Chapter 1. | Legalization proceedings |
| | | Chapter 2. | Minor infringement |
| | | Chapter 3. | Corrective action |
| | | Chapter 4. | Violation of safety rules in the implementation of the investment |
| | | Chapter 5. | Violation of local urban regulations |
| BOOK VI. | URBAN-BUILDING REGISTER | | |
| BOOK VII. | FINAL PROVISION | | |

Source: Own study based on the draft of the Urban and Construction Code of 30.09.2016.

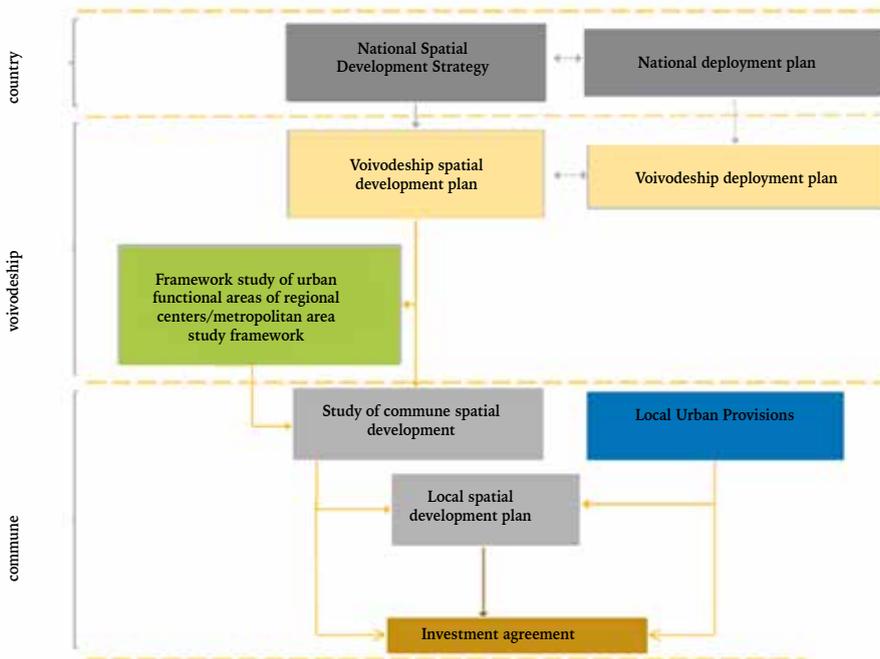


Fig. 17. The planned change of the spatial planning system in Poland
Source: [www.mib.gov.pl].

As the project providers of *the draft of the Urban construction code* claim, it contains records postulated for years by the construction environment. It represents a common success of the environment, the effect of discussions and meetings with industry representatives¹²⁹.

Evaluating the *draft of the Urban construction code*, with regard to the initiative to change the current spatial development and management system, it should be assessed positively. Changes to the current system are necessary. However, its records do not fully reflect (and in some respects at all) the changes that appear necessary. In addition, some of the entries in this project seem questionable in terms of their compliance with the Basic Law – *Constitution of the Republic of Poland*.

The concept of consolidation of one of the branches of wide-ranging administrative law, particularly in the context of a growing tendency, dangerous to the entire national legal system, to decentralize the norms of fundamental laws in a given field of affairs¹³⁰.

¹²⁹ Statement of Andrzej Adamczyk – Minister of Infrastructure and Construction on the Construction Fair (30.09.2016).

¹³⁰ Opinion of the Legislative Council at the Prime Minister of 5 December 2006 *about the law draft – Urban construction code*, RL-0303-34/16.

However, the project requires ongoing in-depth analysis and debate, for instance due to introducing a number of new legal institutions into the spatial development and management system.

As stated in the opinion of the Society of Polish Town Planners, matters relating to spatial planning and development and location processes cannot be separated from the binding decisions of the voivodeship and national level planning entities in the regulation sphere and integration with the sphere of public social planning and economy¹³¹. In this regard, it may be helpful to analyze historical regulations concerning this subject.

Summary

The essence of a systemic approach is that it examines not the individual elements of reality, but a whole that is possible to be externalized by analyzing the relationships between the elements of the whole and the relationships with the environment. In this way, a systemic approach is a protest against a mere statement, and is sensitive to the existence of such qualitative and quantitative qualities that arise only at the moment of the particular linkage of the joined elements (Zipser 1983). Has the essence of such an approach been fulfilled both in historical and present acts? You may have doubts here. Despite numerous legislative changes, the objectives set by individual legislation for spatial development and planning have not been achieved. Will *the Urban construction code* provide a remedy for this? The goals of its implementation are justified, but their refinement is not enough to repair the system. Rules should be introduced based on a thorough and comprehensive analysis of the existing condition, taking into account the experience and practice of applying current solutions and the problems and errors identified so far. Such an analysis, however, is absent (this is a basic objection, which can be put forward to date attempts to amend the spatial development law).

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¹³¹ Opinion of the Society of Polish Town Planners of *the Urban construction code draft* – [www.tup.org.pl].

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