

A Vision of Sustainability, or Spatial Chaos? Polish Spatial Planning and Arrangement Policy Dilemmas in Contemporary Theory, Legislation and Practice

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1 ABSTRACT

Since the unprecedented transformation of political system almost 20 years ago and the accession to the European Union in 2004, Poland has neither implemented the policy of urban sustainability nor a coherent system of spatial planning and decision making, especially in case of the most important areas: main cities and their surroundings. The former, relatively strict, spatial planning theory and practice has been deliberately regarded as a communist anachronism and rejected, but not replaced by any comprehensive system, which could guarantee a harmonious and sustainable development, especially of most dynamic polish cities in following years of rapid general economic growth and individual welfare rise to come.

2 SPATIAL PLANNING

The administrative range and means of implementation of spatial policy and procedures in polish spatial arrangement legislature are defined and expressed in Spatial Planning and Arrangement Act, (11.06 2003). The general structure of planning policy is divided into three levels of: state (government), region and commune (city) planning procedures and tools. The successive stages of the planning system are obligatory (except the local planning). However it does not guarantee the consistent spatial policy (see. Fig. 1). The main document of the state spatial policy, Conception of National Spatial Arrangement (konsepca przestrzennego zagospodarowania kraju), although not coordinated with the Spatial Planning and Arrangement Act and formally informative, designates the main national settlement pattern and directives. The Conception (as well as any other document) does not define and guarantee the government support for the local development policy. The next step - regional land use plans (plany zagospodarowania przestrzennego województwa) lack of implementing regulations, demanded by art. 40, of the Spatial Planning and Arrangement Act. The regional land use plans do not regulate metropolitan areas status and adequate metropolitan plans (formally demanded by art. 39. pt. 6 of Spatial Planning and Arrangement Act), significantly impeding the coordination of the process on urban and suburban development.

The actual spatial planning system resigned from former commune general plans (plany ogólne), introducing a new device of specifically defined studium (studium uwarunkowań i kierunków zagospodarowania przestrzennego), designed as a main, local tool of planning suggestion on the entire commune area and under the power of local government (collection of land use conditions and concepts, it does have implementing regulations). However, the studium does not function as an act of local law (see Fig. 1). As its name indicates, studium does not actually operate as a strict general master-plan, (as former general plans did) and as a real protection of spatial order within the entire commune. It rather functions as an informational and auxiliary tool. For instance, it does not demand balancing residential areas and preparing (or project) adequate technical infrastructure, costs and investment accomplish time and, especially, its desired or potential consequences [Izdebski et al 2007, p. 45, 46].

Even though a studium is obligatory in case of making local plans, it is disputable of its range in case of lacking plans – and procedure of planning permission (or permission of special public investments, see Fig. 2). The controversial cases might be considered by administrative courts. However, the polish law is not a precedential one.

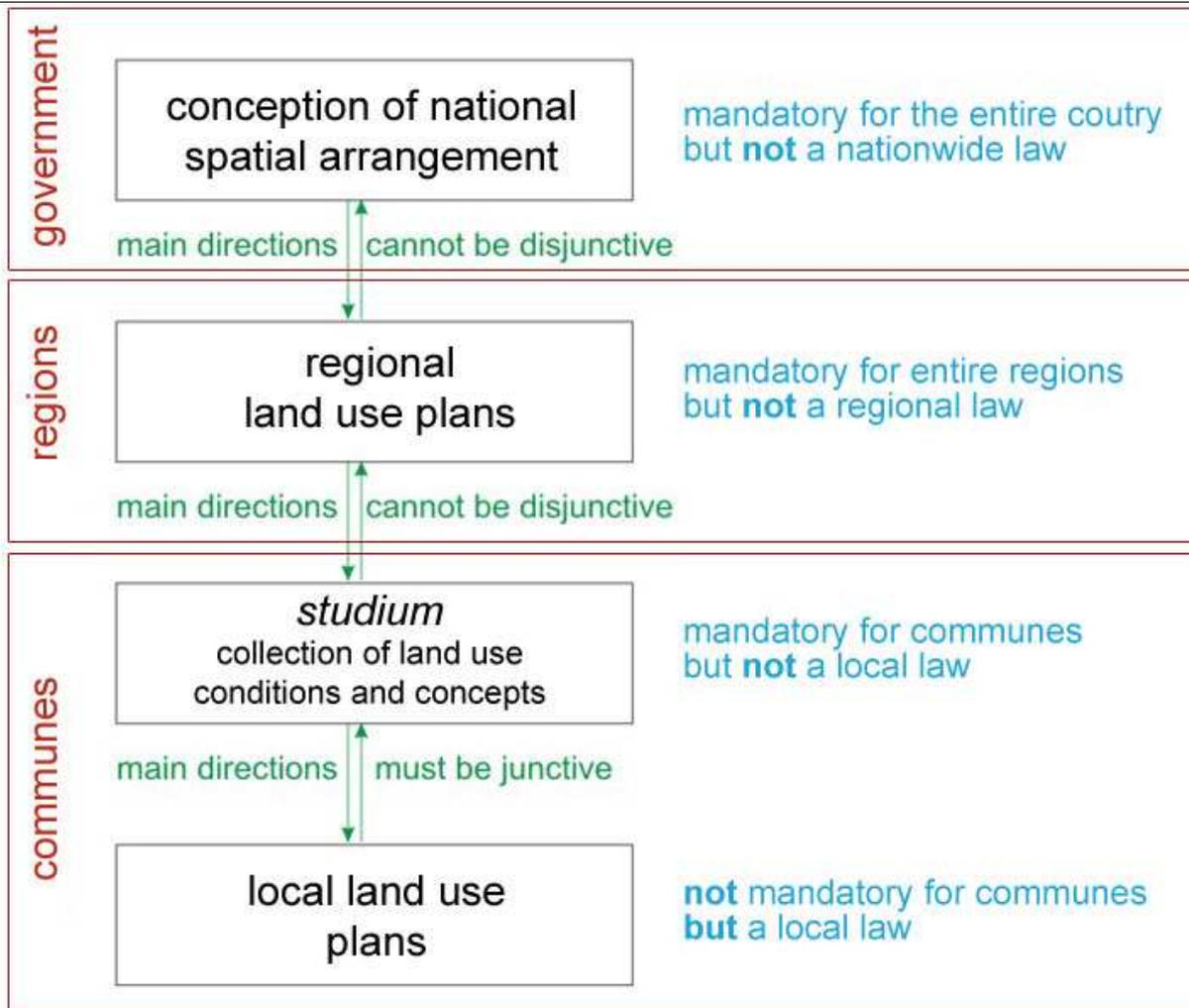


Fig. 1: Structure of the spatial planning in Poland. Source: Own compilation.

A role of valid planning tool has been shifted towards local plans (*miejscowe plany zagospodarowania przestrzennego*), as a basic tool of local spatial development – and local act of law. However, local plans are often designed as a universal overall planning tool for entire cities as well as (on contrary) for as small areas as urban quarter.

After an annulment, in 1st January 2004, of former local plans, valid before 1st of January 1995, new local plans did not manage to replace the planning gap in a reasonable time. According to Central Statistical Office and Ministry of Infrastructure research, an approximately a quarter of Polish communities area (app. 80 079 km²) is covered by valid local plans (end of 2008). In the same time, the valid local plan covering area of the most important cities in Poland were as follows: Warszawa – 19,2% , Kraków – 14,1%, Łódź – 4,5%, Wrocław – 38,1%, Poznań – 19,6%. The distinguish exception was city of Gdańsk – 90% [Śleszyński, 2010].

In Poland, there is no real, economic or legal compulsion for creating local plans as they are mostly prepared voluntarily. Hence, many municipalities treat it as a redundant or even problematic expense, although the overall costs of local planning in years 2004-2005 were on average less than 0,2% of the commune budget. If local plans do not match *studium*, then often a *studium* (but neither a plan nor particular investment), is altered. A common practice is to develop plans without (before or after planning phase) real underground and on ground infrastructure. Local plans of housing development do not imply that real development will be in fact an administrative plot distribution. This means, local plans (as a local law of little or none real realization consequences) do not guarantee the formal and functional quality of the built environment, and their anticipated role in many cases may be psychological (or political) rather, than ecological or economical. One of the most visible aspects of the Polish planning policy is lack of the integration with investment



planning, social and market demands [Izdebski et al, 2007, p. 74, 77], as plan are not supported by rational justification of causes, present situation and projected goals.

The new legislation threatened communes by perspective of massive property value compensations (1994 and 2003 Spatial Planning Act), justified by changing the functional usage of the plots. Thus, the planning practice, and subsequently urban design itself, become directly rearranged into unrestricted legal procedure of arbitral “planning permission” (*warunki zabudowy*, WZ). Planning permission does not need to be approved by the municipal council and/or higher instance, and as such are not subject of higher governor verification (unlike a *studium*, or local plans).

The planning permission characteristic lays in the fact of possibility of building outside the urbanied areas and paralelly on the areas lacking the valid local plans, which creates the unusual situation of specific local development competition between communes. Although the public administration has the power to determine the developing conditions of the particular site, it is a rarity to deny the right to development and practically independently from local transportation infrastructure (especially railways). The commune strategy lay in gaining as much individual “development” as possible (as personal income tax is one of the most important local budget component), although it does not imply and demand the previous or further technical and social infrastructure commitments or costs. Technical requirements and cost sources may be suggested, but this does not determine the further consequences in terms of omission (i.e. receivership).

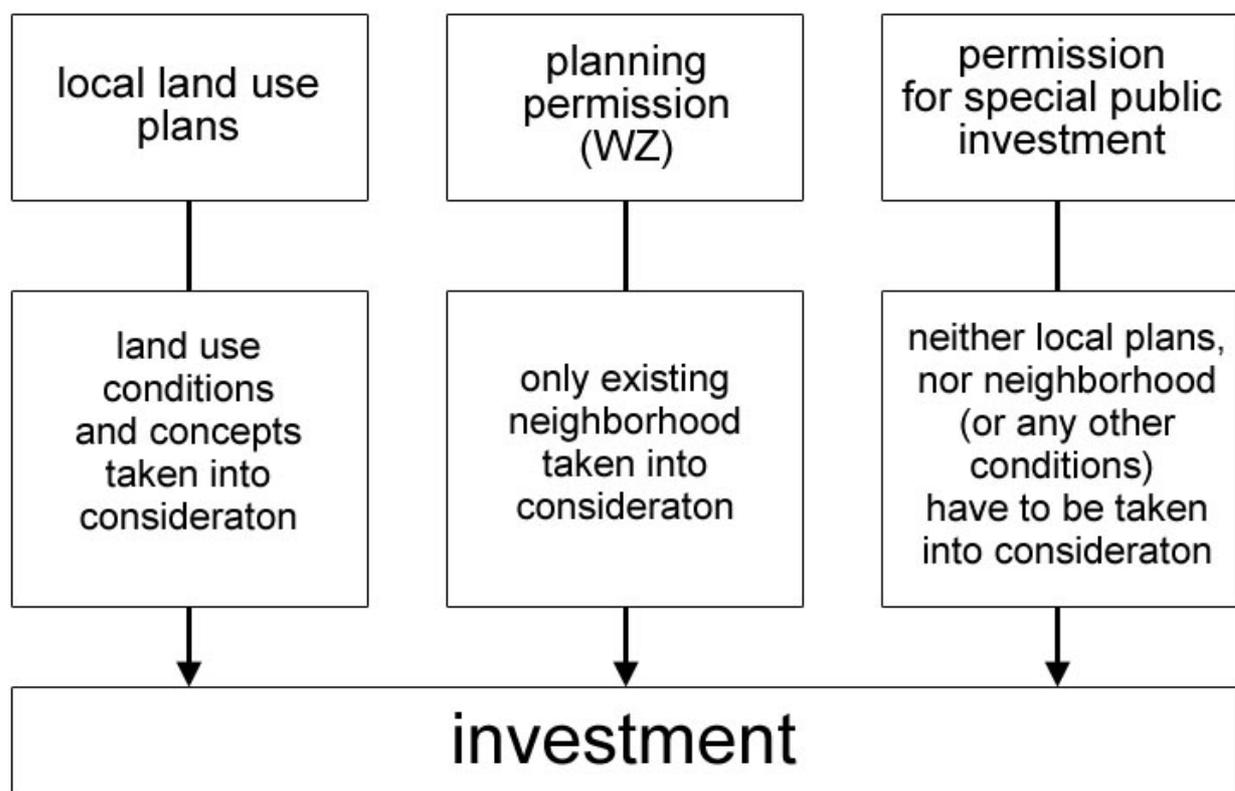


Fig. 2: Investment procedures in Poland. Source: Own compilation.

In consequence, the planning permission enables the fast and relatively unobstructed approval of the development. NIK (Supreme Audit Office) 2007 April Report of Spatial Planning Condition in Poland indicates that less than 1/3 of the development permissions were issued according to local plans, whereas 60% according to planning permission (over 10% as permission for special public investments, see Fig. 2) Especially, around 2008, the number of planning permissions raised over 117 thousand (comparing to over 83 thousand in 2006). On contrary, the percentage of rejected proposals is not higher than several percent (3.5% outside the biggest cities, and 6,8 within the biggest cities in 2008). The significant rise of planning permissions is also strongly connected to the “renaissance” of single housing [Śleszyński et al 2010, p. 18].

The administrative procedure of Polish local planning is commonly perceived, as a threat and obstacle on a way of individual investments. (see Fig. 2). The fact that Polish Constitution does not refers to the spatial

planning as an important part of national policy creates the general conviction of no connection between strict spatial planning and economic development of the country. Whereas the Art. 64 of Constitution (Constitution of the Republic of Poland, adopted on April 1997) guarantees the inalienable right to private property (its disposal can be limited only by a government act), is interpreted as the right to not only owning, but (in practice) to build almost freely, on almost any lot, what is guaranteed by building regulations (art 4. of Polish Building Code), under condition of proving ownership, and compatibility with building standards.

Although the definition of spatial order is expressed in Spatial Planning and Arrangement Act, this record does not refer to the local-general goals of spatial order, the rural-urban context and direction of accomplishing the status of i.e. public interest, defence or health protection not defined as substantive provision or provisions of reference [Izdebski et al 2007 p. 40]. In consequence, the general spatial politics is based on interpretations and (especially) arrangements between regional and local levels of planning hierarchy, but not strict regulations. In general, the planning system has been rearranged to be focused on small and local rather, than complex and spatial solution. As Andreas Billert mentioned, it resembles a kind of “police urban law” [Billert 2006, p. 240] rather, than a coherent system, oriented on coordinating on a large scale the process of acquiring social goals of development [Borsa 2008, p. 35].

3 HOUSING

Although, the total polish housing stock equals about 13,3 mln dwellings [*Housing Management in 2009*, Central Statistical Office Report p.18], most of it is significantly old (built before 1988). Thus 7,5 mln of them (60%) demands a significant renovation works. Over 1 mln demands immediate renovation [Olech 2010, p. 15].

The statistical saturation of dwellings in Poland is 337,6 for 1000 inhabitants being the lowest in UE/27 [Gołębiowska 2009, p. 173]. The average European indicator is about 400 dwellings for 1000 inhabitants (for example: Germany – 452, France 491, Switzerland 510, but also: Bulgaria - 418 or Latvia – 391, for instance) [Olech 2008, p. 258].

Simultaneously, considering the alarming condition of existing housing stock, the housing budget spends has been consequently downloaded to a margin percent of the total housing built number per year. The government planned budget spending on housing in 2009 was 0.09 PKB (914,3 mln zł), whereas in 2010: 0,08 PKB (822,8 mln zł), comparing to average 2% in Europe . In 2011 it would be probably 1,37 bln zł within projected budget, even though the 40 billion worth annual building market brings average about 8 billion worth tax receipts [According to the Building Congress after GUS report website].

A statistic polish commune builds itself a 1 (one) public dwelling per year. Thus, a number of “public housing” per year usually does not exceed 10% of total dwelling number built annually . Only 17,9 % of total housing stock are communal flats (¼ of them are substandard). As 2009 statistical data indicates, all polish communes designated 1365 ha of land to single family houses (84% of total building land). It is mostly private (77,7%) form of development that dominates, comparing to public housing on average 3,4% [Central Statistical Office Report, p.33]. In 2009 building dynamics growth in cities and country become quite comparable. In cities it was a 1.3% increase of total number of dwellings (112,5 thousand units) whereas in country 0,9% - 39,7 thousand units [CSO, p.18].

The main percentage of polish dwelling stock (67%) remains still in cities. Although, the city population remains at the same level: 23,3m (1988-2007), city housing deficit has exceeded 1 mln dwellings and increase. Simultaneously, 0,56m in country (according to 2002 census) raised until 2006 to 1.8m counted together [Olech 2008, p. 258].

In a meantime, still 21% of the city dwellers (about 4.6 mln people) lives under bad or very bad conditions, mostly due to overcrowding. Nevertheless, in 2007 (comparing to 1991) the decrease of city dwellings build for about 18% (and multi house dwellings for about 36%) was observed [Korniłowicz 2009, p. 7] . It the same time the country housing rose for about 56%. As the 2007 collected data indicates, within cities, the public none commercial buildings constructed were only about 9% (only 3% of them as designated for low income families) of total build, and 30% of individually build (private) housing [Korniłowicz 2009 p. 8] . The 52% of build dwellings (in fact 61%, as former housing co-operatives became commercial) were private commercial developments which means, that this form of development practically dominated the housing market.



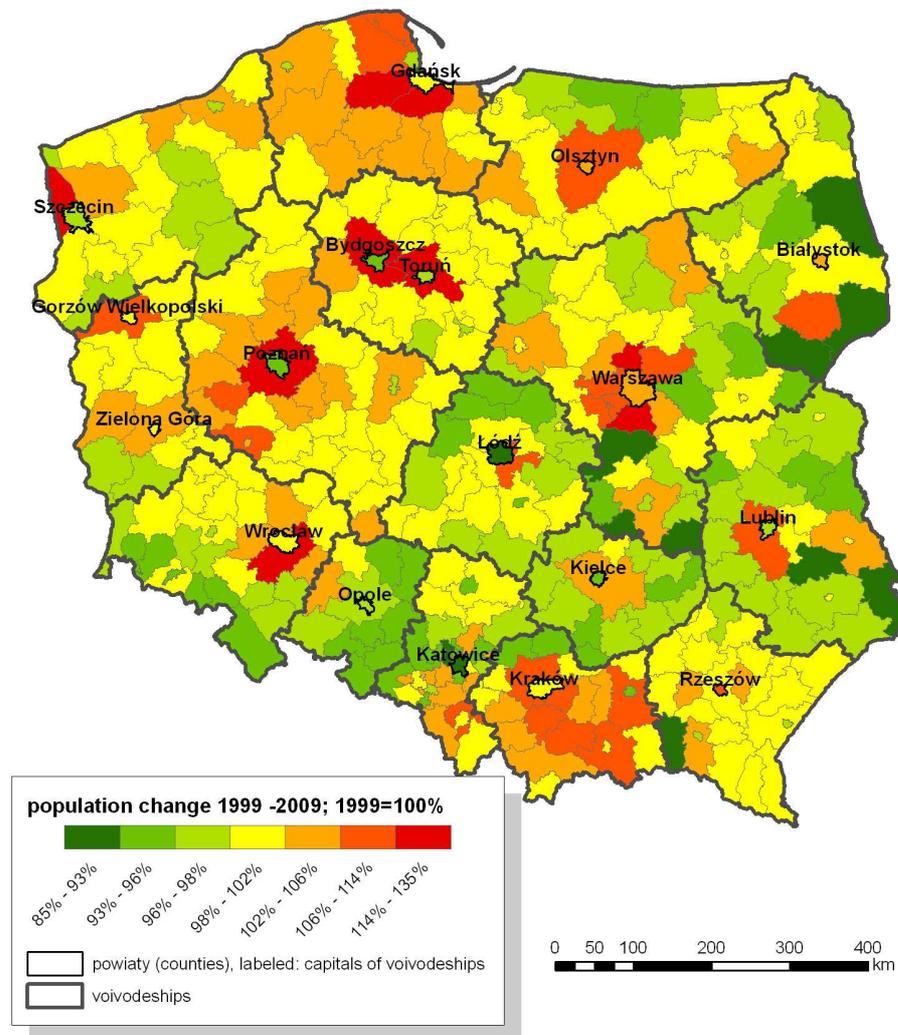


Fig. 3: Population changes in the years 1999 – 2009. Source: own compilation based on GUS.

4 URBAN CHAOS

In consequence of legal and economic conditionings, the main aspect of creating spatial arrangement was shifted towards private, individual or commercial architecture and development rather, than urban design and spatial planning [Billert 2006, p. 242]. Thus, roles of public sector in controlling and moderating spatial development and arrangement and especially the domain of intelligent and urban design are practically marginal and mostly declarative. The most visible and functional outcome of this situation are symptoms of emerging gradual spatial chaos, consisted of suburban uncontrolled dispersion of development (mostly due to deficiencies of metropolitan area politics and its coordination) and rising transportation and infrastructure costs. The spreading wave of former citizens is considered by adjacent communes as economic appreciable advantage, especially around the biggest cities, but not its (technical and social) infrastructure costs, which are not supported by state government either.

Frequently it is manifested as uncontrolled linear development of single family houses along local roads (often the only existing technical infrastructure in the area), or as a linear development on long and narrow field plots (both according to the legislative warrant of planning permission, which constrains the “good neighborhood rule”, paradoxically, one of the very rare encoded substantial (not procedural) regulation. The ultimate genuine local phenomenon, supported widely by planning weakness is dynamic development of former floodplains, as the hazardous localization (hence – low price) is perceived as a financial bargain rather, than planning pathology.

The outflow of former city dwellers from the city inclined local municipalities to mimic the trend and designate the inner edges of the city to develop, as the far easier solution, than the costly and ineffective efforts of downtown revitalization (see fig. 4).



Fig. 4: An example of the “good neighborhood rule”. Warsaw, Politechniki square. The building is still under construction. Photo: Michał Beim

On the other side, the emerging problems of the downtown efficiency, functionality, urban arrangement and its commonly manifested social feedback. As the general average debt of Polish communes (especially cities) approximates to the maximum possible level, it is the private sector which is expected to take considerable control over downtown public investments in years to come. If not, the underinvested central areas and intensification of the technical, functional and social problems may faster the urge to shift the main development out of the inefficient and unattractive urban cores. However, the public space condition is not as near socially arduous, as transportation space functionality. The incoherency in urban spatial order seems to be not especially as widely debated, as near catastrophic transportation congestion, misunderstanding of the public transit policy and lack of intelligent downtown parking solutions.

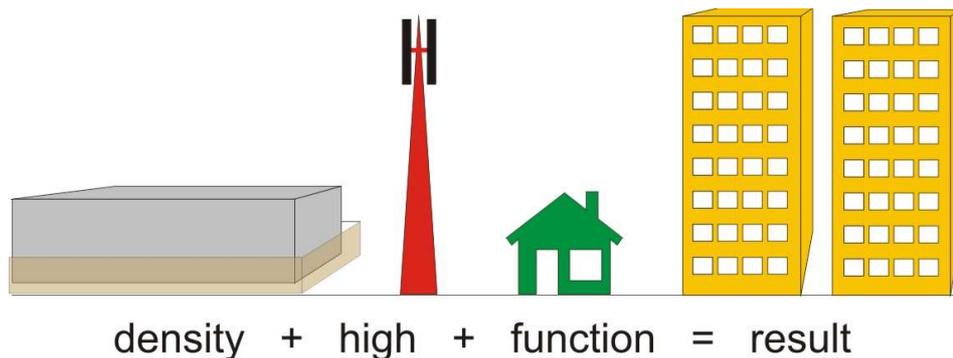


Fig. 5: An example of the misuse of “the good neighborhood rule”. Source: Own compilation.

Official project of Conception of National Spatial Arrangement 2030 states the real chaos within both the architectural and urban scale, technical, functional and social deficiencies of new development areas and suburban and rural sprawl [p. 125]. The document emphasizes the weakness of current spatial planning system, lack of proper hierarchy within planning system and lack of coordination between local plans and strategies (see Fig. 1). It depicts informational rather, than fully mandatory character of *studium*. The document proposes series of indicators among them the urban ones: The level of urban density (compactness) and the pace of inner city revitalization processes.

5 TRANSPORTATION

The last two decades have been a period of intense motorization. The number of cars per thousand inhabitants in Poland at the end of 2009 was 432, and continues to grow (see fig.6). Although the motorisation level is lower than in Italy (605), France (492) or Germany (504), the direction of the process is important. Statistics published by Eurostat show that the growth rate of motorisation in Poland by far exceeds the growth in the countries of the EU-15. For example, in Poland between 1999 and 2009 the motorisation level increased from 240 to 432 – by 80%. Simultaneously, in Italy the motorisation level grew from 563 to 602 (7%), in France – 487 to 488 (1%), and in Germany dropped from 516 to 504 (decrease about 3%). In many such countries the level of motorization reached historical peak in the middle of the last decade and in recent years a significant downward trend is visible.

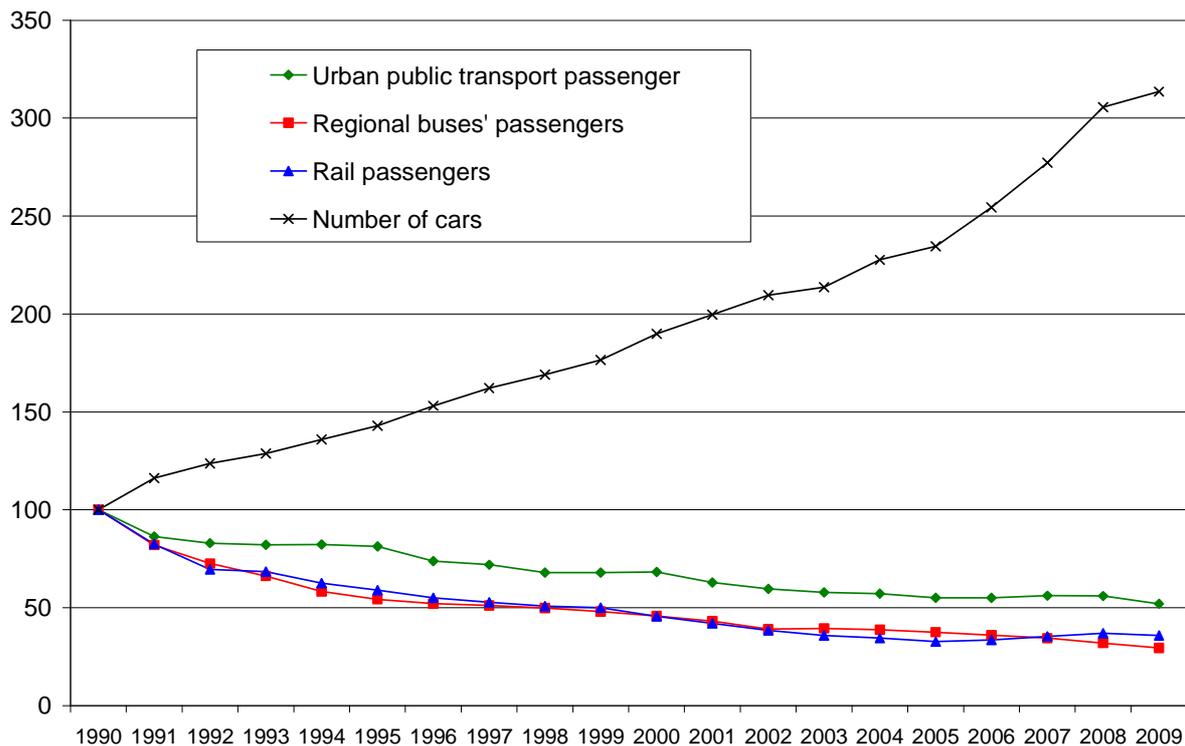


Fig. 6: Trends in Polish transport. Year 1990 = 100 (1990: 7264 Mio. urban public transport passengers; 2084,7 Mio. regional buses' passengers; 789,9 Mio. rail passengers; 5.260.600 passenger cars). Own compilation based on GUS

Very important is the fact that in Poland the car ownership increase happens primarily in the biggest cities. That contrasts with Western European countries where the highest motorisation level is observed mainly in rural areas, which is because providing proper public transport is very difficult and the car is the only efficient means of transportation. At the end of 2009, the rate of motorisation level in Warsaw was 536 passenger cars per 1000 inhabitants, 515 in Poznan, 464 in Krakow and 463 in Bydgoszcz. These values exceed the national average of 432. For comparison, the motorisation level in 2009 in Berlin was 318, in Bremen – 392, in Vienna – 392, in Hamburg - 402 and in the metropolitan area of Paris (Ile de France) – 417. Each of these cities ranked below the national average. In addition, in most of these cities, the decrease in the level of motorization was stronger than in the scale of individual countries (eg in 2002 it was for Berlin - 365, Bremen 446, Hamburg - 479), while in Polish cities is an increase in more dynamic than the country average (in 2002 it was: for Warsaw - 415, Poznań - 374, Krakow - 352 and Bydgoszcz - 345).

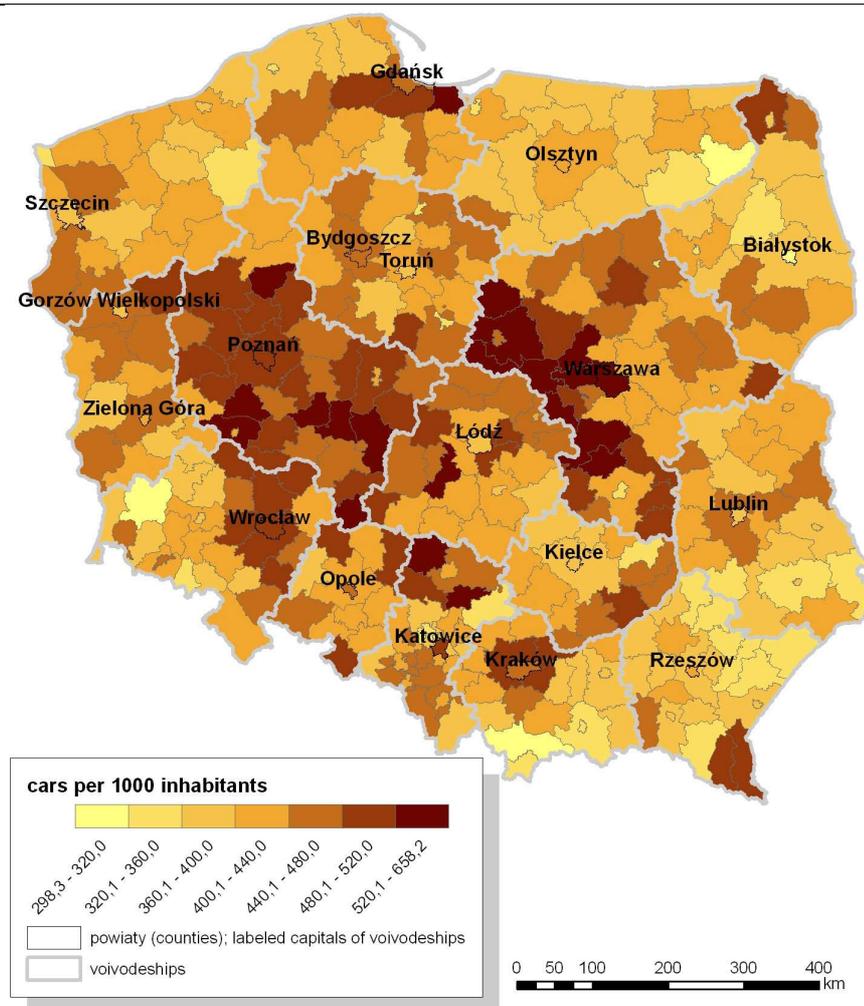


Fig. 7: Motorisation in 2009. Source: own compilation based on GUS.

The main reason for high motorisation level in biggest Polish cities is underdevelopment in the public transport infrastructure. Since the fall of communism until the end of 2010 in Poland only 10 new tram tracks have been constructed: Poznań Fast Tramway (1997), Kraków Fast Tram (three stages: 2000, 2008, 2010), connections to Chełm District in Gdańsk (2007) and three tracks in Elbląg (2002, 2006, 2008). The investments only made up for the last time in the 1970s and 1980s, since the tram tracks connected block of flats settlements build in 1970s or 1980s to the tram network. The construction works as well as feasible development plans do not response to present urban development, especially to suburbanization.

Additionally, the transport situation of Polish cities is complicated by the problems of railways. Poor management, political marginalisation (permanent reform of the rail market), neglect in fleet and track renewal, and legal conditions discourage passengers. Suburban and regional bus transport is not a competitor to car: low frequency, high prices, old vehicles. Better situation is in urban (usually within the city limits) bus services.

Worse still, cities and surrounding communes do not have any plans for coordination of transport and urban development based on the “transport oriented development” model. As the result, most commuters are pressed to use cars. Only in a few metropolitan areas exists common management and ticket system for whole area and only in two of them (Warsaw and Gdańsk Bay) in ticket system is integrated with railways. The situation of transport in Polish cities is especially important because the transport investments are in practice the only efficient tool allowing to change the land use. Decisions made in transport planning will have an influence for long time, determining land use, urban structure and transport behaviours. Usually car-oriented transport policy and practice favour urban chaos.



6 CONCLUSION

Having the choice between policy of strict urban development regulatory system and total “free market” ideology, the first one has been almost absolutely rejected by any subsequent government [Kowalewski 2009]. In a name of falsely interpreted economic freedom, spatial planning has evolved into a market of professional and individual developers. The European idea of common good has been subordinated to the idea of (new and suburban) private property rights turning the urban design into an unpredictable process with one predictable result – the physical, economic and cultural decline of city centers and resultant worsening of urban space, arrangement and functionality within traditional cities. They do not transform into sustainable urban patterns but disperse as an almost uncontrolled sprawl.

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