

# INTRODUCTION TO THE POLISH SPATIAL PLANNING SYSTEM

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## 1. Introduction

The Spatial Planning and Development Act of March 27, 2003 (as amended) regulates the spatial planning system in Poland, including the development of spatial policies and spatial plans (concepts, plans, studies) and divides various powers among the administrative tiers of government.

Table 1: Creation of spatial policy (own study based on Spatial Planning and Development Act of March 27, 2003 [Journal of Laws 2003 No. 80 item 717])

LEVEL	SPATIAL POLICY MAKER	FUNDAMENTAL PLANNING DOCUMENT
CENTRAL LEVEL	NATIONAL GOVERNMENT	THE NATIONAL SPATIAL DEVELOPMENT CONCEPT ANALYSES & STUDIES
REGIONAL LEVEL	VOIVODSHIP (PROVINCE) SELF-GOVERNMENT  VOIVOD (REPRESENTATIVE OF GOVERNMENT ADMINISTRATION)	SPATIAL DEVELOPMENT PLAN OF THE VOIVODSHIP AND SPATIAL DEVELOPMENT PLAN OF THE METROPOLITAN AREA  LANDSCAPE AUDIT ANALYSES & STUDIES  DECISIONS FOR DETERMINATION OF LOCATIONS FOR NATIONAL ROADS AND PUBLIC PURPOSE INVESTMENTS IN RESTRICTED AREAS
LOCAL LEVEL	POVIAT (COUNTY) SELF-GOVERNMENT  GMINA (COMMUNE) SELF-GOVERNMENT	ANALYSES & STUDIES  STUDY OF CONDITIONS AND SPATIAL DEVELOPMENT DIRECTIONS OF A GMINA SPATIAL DEVELOPMENT PLANS LOCAL REVITALIZATION PLAN  <b>If there are no such plans:</b>  DECISIONS FOR DETERMINATION OF PUBLIC PURPOSE INVESTMENT LOCATIONS FOR INVESTMENTS OF PUBLIC PURPOSE AND DECISIONS FOR DETERMINATION OF BUILDING CONDITIONS FOR THE OTHER

## 2. National spatial planning

The spatial plan prepared and adopted at the national level is the *National Spatial Development Concept 2030 (NSDC)*.

It presents an assessment and analysis on the state of spatial planning in the country and puts forward a vision for the country's spatial development to the year 2030. The NSDC is a basic co-ordination measure of spatial policy at the national level in Poland that involves checking the compliance of a regional spatial development plan for each *voivodeship* with the NSDC.

However, it is not an internally binding document. It is the Council of Ministers to decide the extent to which the NSDC will inform government programmes (and be binding upon them). At present, the planning

documents of lower level governments should be compliant with higher level plans but the criteria of such compliance are ambivalent and there is no legal basis for harmonisation between thematic plans. The NSDC offers a signal to local governments of best practices that should be adopted, with no regulatory ability to shape land-use practices.

Poland has adopted a number of so-called “*special infrastructural acts*”. Investments made under special acts do not need to conform to the Spatial Planning and Development Act, thus making it possible to develop pertaining to different types of infrastructure development - e.g. railroads, public roads, airports - projects that are contrary to local plans. A new law recently has being drafted (named the “Strategic Public Investments Act”) that would revoke six of the special infrastructural acts, establish expropriation and administrative decision rules, and create an end date of 2023 for the acts. There are a number of other acts and regulations, which also affect the local planning and regulatory environment, such as the *Building Law (1994)*, the *Real Estate Management Act (1997)* and the *Environmental Protection and Management Act (2001)*.

### 3. Regional spatial planning

The regional level (*voivodeship*) has a somewhat limited role to play in spatial planning. The regional spatial development plan is, in form, much like the National Spatial Development Concept 2030. There are no legal tools at the regional level to establish land-use planning regulations. The regional plan outlines investments of national and regional importance and general development conditions. It also demarcates the regional settlement system, protected areas and functional areas important for the whole region and defines closed (e.g. military) areas, areas with the potential to flood, and grounds with mining resources, all of which require special treatment. In addition, regional governments are also responsible for developing a landscape audit, which is an act of spatial planning at the voivodship level and its arrangements are binding for municipalities. His task is to identify landscapes occurring throughout the province, determine their characteristics and assess their value.

The regional level also acts as a consultative and consultative body. Local planning documents - studies of conditions and directions of development are agreed in terms of compliance with the provisions of the voivodship spatial development plan and local spatial development plans only in terms of the voivodship self-government's tasks.

Regional spatial planning has developed through a formal process. Thanks to the consultations that are required as part of the formal and legal procedure, opinions are agreed and agreed with many authorities, while as part of the strategic environmental impact assessment procedure, public consultations are also carried out. Thus, the final content of the plan is influenced by various bodies, in particular those agreeing on the draft plan, and society. The *voivode* - the legal representative of the central government in the region - is responsible for controls and audits and for some policy functions.

### 4. The planning system at the local level

Local governments are the main actors in Polish land-use planning. Currently, spatial planning at the local level is shaped by the following tools: study on the conditions and directions of spatial development, local spatial development plans, planning (or development) decisions, local revitalization plans and for metropolitan areas - framework studies of conditions and directions of spatial development of a metropolitan association.

*Study on the conditions and directions of spatial development* form a kind of master plan for development in a municipality or local government (*gmina*), but they are not an act of law. They are a legislated

(obligatory) framework study used to guide local planning policy in municipalities in the preparation of local spatial development plans. Local spatial development plans should be consistent with spatial studies, but the study itself is not a legally binding document on local spatial planning. Spatial studies provide an analysis and commentary on a range of social, economic and demographic issues that affect local planning and cover the entire municipal area.

*Local spatial development plans* are legally binding documents; they are an essential planning document for an area. They prescribe particular permissible assignment of land uses and detail the size and volume of permitted development, rules for property division, and the protection of cultural assets and heritage buildings for a given area in a municipality. The plans also estimate infrastructure costs (e.g. roads) and detail property expropriation that would result from their development. Since 2008, plans also require a strategic environmental assessment. The ordinances outlined in local spatial development plans are the only legal mechanism that local governments have to determine development boundaries and direct permitted uses. By law, all members of the public have the right to participate in the process of developing local plans; basic participatory procedures in the preparation of the plans are legally prescribed. There is no right to develop associated with landownership. Enforcement powers related to the local spatial development plan and compliance with building codes falls on the district or country level (*powiat*).

*Planning decisions* are a simplified administrative mechanism for building approvals, change of land use and for the location of a public investments used in areas for which there is no valid land area development plan. Planning decisions are not required to be consistent with a local government's planning study, which sets out the conditions and directions for development. Planning decisions area controversial measure. They can create an incentive for disjointed development and are a procedure that runs parallel to the planning system as a whole, and often with contrary aims. In many municipalities, planning decisions are credited with leading to poorly co-ordinated developments and sprawl.

*The local revitalization plan* is a special form of the local spatial development plan that can be adopted for the area of revitalization (after prior approval of the municipal revitalization program). It may have far more extensive effects than the local spatial development plan, it may directly interfere with the environment, prohibiting service or commercial activities in a given area. It can also create the basis for concluding urban contracts.

*The framework study of the conditions and directions of spatial development of a metropolitan association* is developed by the metropolitan association (association of local territorial self-government units located in a given metropolitan area) for the entire metropolitan area, taking into account the provisions of the voivodeship spatial development plan.

The metropolitan study defines:

- principles and areas of development of communication systems, technical infrastructure and the deployment of other public purpose investments of metropolitan importance;
- principles and areas of environmental protection, nature and landscape, supra-regional and regional ecological corridors, protection of spas and cultural heritage as well as monuments and contemporary cultural goods that are significant for the entire metropolitan area, in particular in relation to methods of technical infrastructure implementation and defines the resulting arrangements on development and protection principles;
- maximum areas intended for development, divided into types of development and municipalities.

Currently, there is one metropolitan association formally operating in Poland.

## 5. The influence of European Union policies

While the European Union gives member states a free hand in their spatial planning systems, it does forward strategic documents about infrastructure and nature preservation that can inform local planning. For example, the EU's *Natura 2000* has established a network of protected bird and habitat sites that are identified as special areas of conservation or special protection areas by member states.

This includes both lands that are considered nature reserves and thus limit human activities and those which allow them within a sustainable management regime. Natura 2000 designated lands are identified in local spatial development plans. The EU's classification for high nature value land also affects land use. The EU also influences land uses through environmental measures, such as land-use management practices to promote biodiversity which are part of *Common Agricultural Policy* and support for reforestation and through support for investments (e.g. community revitalisation).

An indirect influence of EU policies can be found due to the Union's role of financing via ERDF, which is especially important for countries in transition like Poland. A good example is the climate project "KLAPS - Climate Change, Air Pollution and Critical Load of Eco Systems in the Polish-Saxon Border Region" INTERREG IV A (SN-PL 2007-2013), which was carried out in the joint Polish-German borderland with Saxony and the voivodeship of Lower Silesia. Within KLAPS, selected cross-border issues in the context of climate change were analysed more in depth. These included questions in particular about transboundary concentration and deposition of air pollutants, supra-regional impacts on environmental load limits and the influence of changing climatic conditions on population, tourism and agriculture.

## 6. References

Journal of Laws 2003 No. 80 item 717

Tölle, H. (2018): Stadt- und Regionalentwicklung Polen. In: Akademie für Raumforschung und Landesplanung (Hrsg.): Handwörterbuch der Stadt- und Raumentwicklung, S. 2317-2324. Hannover 2018.



## RAINMAN Key Facts

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RAINMAN website &  
newsletter registration: [www.interreg-central.eu/rainman](http://www.interreg-central.eu/rainman)



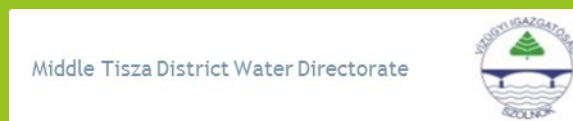
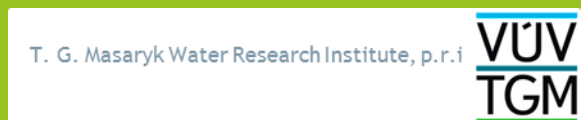
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