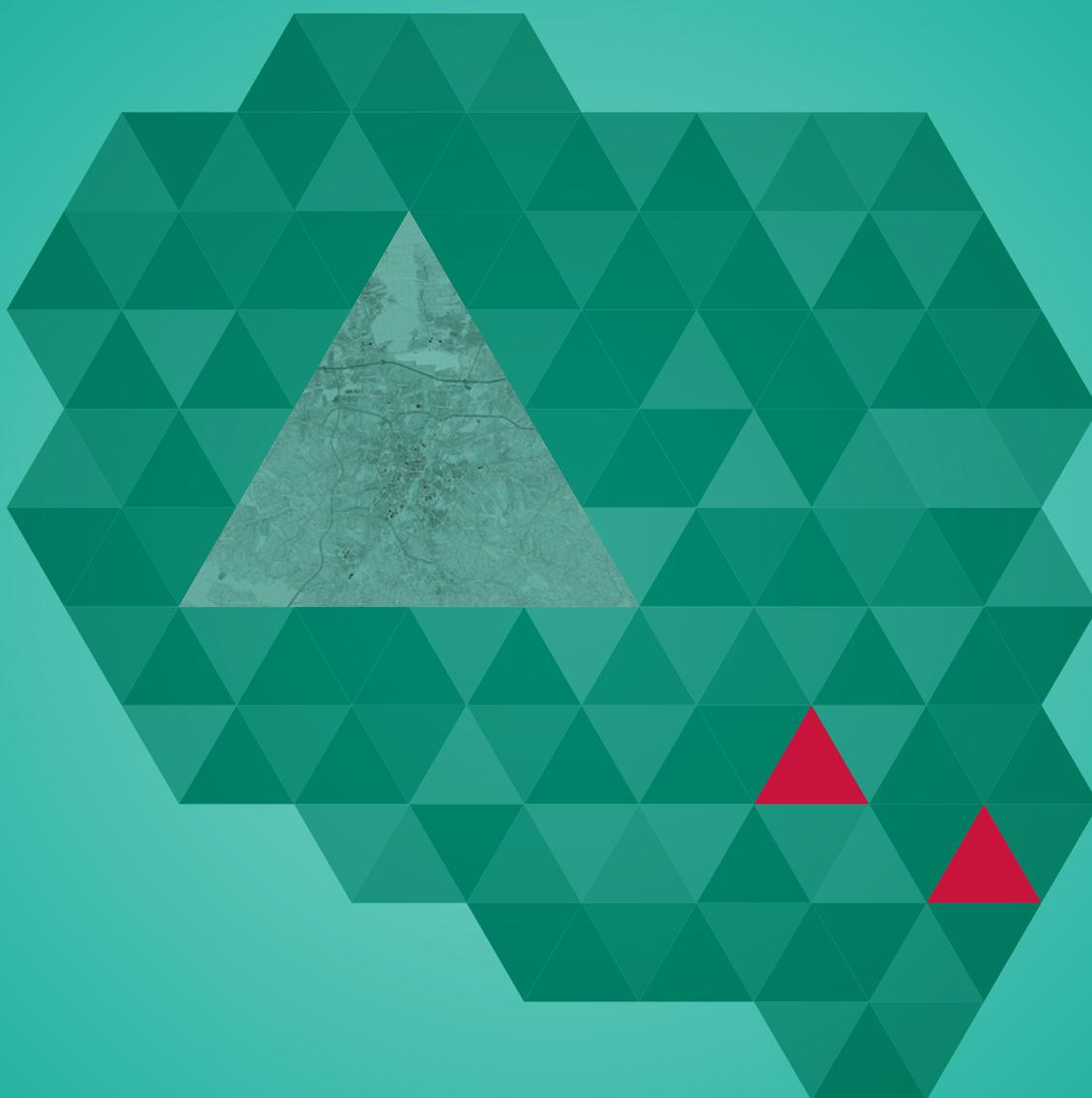


POLAND CATCHING-UP REGIONS

2

PODKARPACKIE AND ŚWIĘTOKRZYSKIE: TOWARDS MORE EFFICIENT SPATIAL PLANNING



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POLAND CATCHING-UP REGIONS



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EXECUTIVE SUMMARY

The report provides an overview of the challenges and recommendations to improve spatial planning in Poland. The project referenced in the report is part of the larger EU Catching-up Regions Program, financed and managed by the European Commission (EC). The scope of the Catching-up Regions Program is to work directly with less developed regions in the EU, and help them overcome development hurdles. In Poland, the EC implements the Catching-up Regions Program with the help of the World Bank, focused on topics including technology transfer centers, direct support to SMEs, and improved vocational education systems.

The “Improved Spatial Planning in Poland” project is part of the second phase of the Poland Catching-up Regions Program, and it aims to determine both how spatial planning can be expanded (currently, only 30% of the country’s territory is covered by spatial plans) and improved. The project focused on two regions in Poland (Podkarpackie and Swietokrzyskie), and on three types of issues related to spatial planning:

1. **Planning for a Functional Urban Area.** Large and dynamic urban areas are the places that most need and benefit from sound spatial planning tools. As the hub of new housing developments and investments, they also require new public infrastructure. Consequently, the project focused on the Rzeszow Functional Urban Area (Podkarpackie Region), with the hope that the outcomes of the project will be useful to other functional urban areas in Poland, and beyond.
2. **Planning for a small locality.** Though large majority of localities in Poland are relatively small, with modest planning challenges, spatial planning is useful and relevant to all of them. The work in the Staszow Gmina (Swietokrzyskie Region) shows how spatial planning can help to address distinct development challenges of smaller localities – such as converting a former mine into a new industrial park, as Staszow is trying to do.
3. **Easing the issuance of construction permits.** This work builds on the Poland Sub-national Doing Business report, and on the implementation of the Sub-national Doing Business recommendations in the City of Kielce, in the first phase of the Poland Catching-up Regions Program. The focus was on implementing proposed improvements to ease the issuance of “building conditions” and “construction permits”.

As was the case with the first phase of the Catching-up Regions Program, the focus of this activity was not on writing a report, but on addressing a particular development hurdle within the one-year project timeframe. Consequently, the team focused on four major issues over the course of the project:

1. **Data collection.** Spatial planning is 20% plan and 80% planning, but, only if you have the necessary data to prepare the plan. Without the data, the plan is more difficult to complete. Luckily, in the case of Poland, all the necessary data for preparing a spatial plan is available. The difficulty is the collation of the data from various sources for the area that is being planned.

2. **Coordination.** Spatial planning on its own requires the engagement of a large number of stakeholders, and it is even more difficult and complex when it is done for a functional urban area. The World Bank has the advantage of being an honest broker and created a venue that allowed the various stakeholders to collaborate.
3. **Knowledge exchange.** Poland has not implemented the most effective planning system in recent years, and could learn a lot from other countries with more advanced planning practices. The team mobilized various experts to provide concrete solutions to the challenges faced by the beneficiaries of the project.
4. **Planning and financing.** Once the data is collected and key stakeholders discuss improvements to spatial planning, it is important to develop a roadmap to shift from ideas to implementation. With this in mind, a set of Terms of Reference, for contracting spatial planning work, were prepared for the Rzeszow Functional Urban Area (FUA) and the Staszow Gmina (more details will be provided in the report), and a dialogue was facilitated between the Podkarpackie Marshal Office and the Managing Authority for the Operational Programme Knowledge Education Development 2014-2020, within the Ministry of Investment and Economic Development. The Podkarpackie Marshal Office applied for funding of 55 million zloty, to improve spatial planning in the Rzeszow Functional Urban Area, through 2022.

The outcomes of this work may be relevant to other sub-national authorities throughout Poland, and beyond, and it is hoped that the best practice developed within the project can be scaled-up.

INTRODUCTION

The mandate of the EU Cohesion's Policy is to narrow development gaps and reduce disparities between member countries and regions. Around €454 billion of European Structural and Investment (ESI) Funds have been allocated to help EU regions become more competitive in the 2014-2020 Programming Period, with a focus on less developed regions (with a GDP per capita (PPS) of less than 75% of the EU average) and transition regions (with a GDP per capita (PPS) between 75% and 90% of the EU average). However, not all EU regions have been able to fully take advantage of the benefits, due inter alia to the effects of the 2008 economic crisis and structural problems.

Consequently, Corina Cretu, the Commissioner for Regional Policy, with the Task Force for Better Implementation, initiated **the Lagging Regions Initiative** to identify growth constraints in less developed regions, and provide targeted assistance and programs to foster growth. Thus, lagging regions development support is offered to a broad range of stakeholders (regional and local administrations, educational institutions, business support institutions, SMEs, entrepreneurs, investors, NGOs, IFIs). It is meant to maximize the impact of regional investments. Two types of lagging regions were identified in the EU:

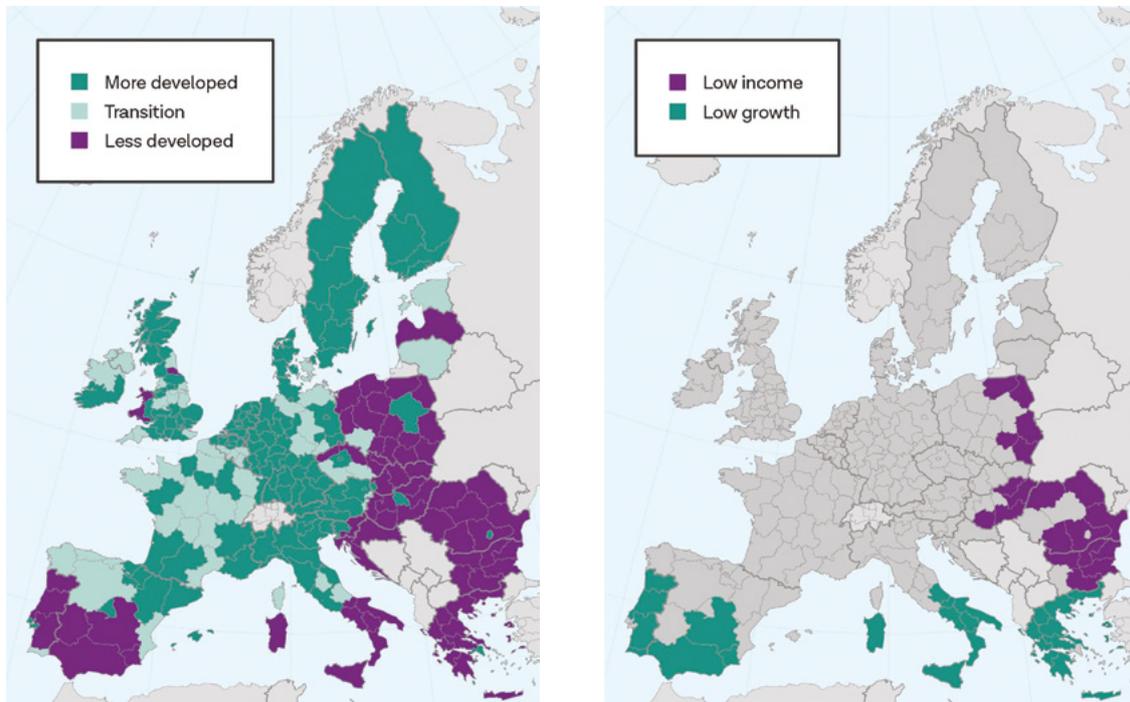
- **LOW GROWTH REGIONS**, cover less developed and transition regions that did not converge to the EU average between the years 2000 and 2013 in member states with a GDP per capita (PPS) below the EU average in 2013. These include almost all the less developed and transition regions of Greece, Italy, Spain, and Portugal.
- **LOW INCOME REGIONS**, cover all the regions with a GDP per capita (PPS) below 50% of the EU average in 2013. This group covers the less developed regions of Bulgaria, Hungary, Poland and Romania.

Poland and Romania were the first countries to pilot this initiative, with two regions each – Świętokrzyskie and Podkarpackie in Poland, and northwest and northeast in Romania. In Poland, the initiative (subsequently renamed the Poland Catching-up Regions Initiative) was undertaken with the World Bank as a partner. After the completion of the first phase of the Catching-up Regions Initiative, a second phase was started, with the continuation of some activities from the first phase, and the implementation of a number of new activities, including:

1. Enhance technology transfer in the Podkarpackie region: the Podkarpackie Center for Innovation.
2. Identify conditions required to improve spatial planning in the Podkarpackie and the Świętokrzyskie regions.
3. Expand energy efficiency programs to improve the air quality in the Małopolskie and Śląskie regions.
4. Improve inspection practices related to food safety and food quality in the Lubelskie and Podkarpackie regions.

FIGURE 1.

NUTS 2 regions classified by Cohesion Policy category (left) and Lagging Region category (right)



Source: Farole, Thomas et al. 2017. "Rethinking Lagging Regions in the EU: evidence-based principles for future Cohesion Policy". World Bank

This report provides an overview of the issues addressed and results obtained under the Spatial Planning component of the Poland Catching-up Regions 2 Program. The objective of the Spatial Planning Activity is to assist with preparing Terms of Reference for the elaboration of spatial plans for two territories: 1) the Staszow Gmina (in the Swietokrzyskie Region); b) the Rzeszow Functional Urban Area (FUA), which includes 13 gminas¹ in the Podkarpackie Region. In the case of Staszow, the spatial plan will be expanded upon by the local administration, while in the case of the Rzeszow FUA, the spatial plan will be informed by the 13 gminas, the Podkarpackie Marshal Office, and other regional stakeholders. In addition, Activity 3 from the first phase of the Poland Catching-up Regions Program, on the ease of starting a business in Podkarpackie and Swietokrzyskie, will continue, with a focus to systematize the recommendations to improve the process to obtain construction permits.

Annex 1 discusses in more detail why good spatial planning is important for Polish localities and which development issues it can address, but some hard numbers are worth discussing here too:

1. Around 56,000 people commute to Rzeszow every day, coming primarily from suburban and peri-urban areas in the Rzeszow Functional Urban area. These people commute on average 31 km every day (back and forth trip), using around 112,000 liters of gasoline, and generating around 248 tons of CO₂. If Rzeszow would have developed more like a compact urban area, many of these negative externalities could have been avoided.
2. In 2016, 907 building conditions were issued by Rzeszow City Hall, and the average time to issue such a building condition was 148 days. In the same year, 431 building conditions were issued in Kielce, and the average time for issuing them was 160 days. Combined, these are the equivalent of 203,198 days (or 556 years, and many more person-hours) spent on a bureaucratic step that could have been avoided if the two municipalities had a functioning spatial plan in place.
3. Suburban sprawl around Rzeszow, has led to uncontrolled development of individual housing estates along the existent road infrastructure. Overall, these new, and older housing developments stretch along

¹Boguchwała, Chmielnik, Czarna, Czudec, Glogow Malopolski, Krasne, Lubenia, Lancut, Miasto Lancut, Miasto Rzeszow, Swilcza, Trzebownisko, Tyczyn

approximately 500 kilometers of road. Servicing these individual homes with water and wastewater, street lighting, gas, electricity, and public transport, is much costlier compared to a more compact development pattern around the urban core of the City of Rzeszow.

Rzeszow FUA Spatial Planning. The main beneficiaries of the findings of this work include other functional urban areas in Poland. All of these FUAs have similar set-ups, strategic documents, and legal and regulatory environment. The results are also relevant for other urban areas around the world, including in developed countries. Proper metropolitan planning is an issue that is not yet properly mastered, and any lesson may be valuable in making headway in this field.

Staszow Gmina Spatial Planning. The main beneficiaries of the work in Staszow are many of the gminas in Poland – most of which are similar to Staszow. Though spatial planning challenges at this level are less prominent, they exist. It is one of the tools that smaller localities have at their disposal to become more dynamic areas, thereby improving citizens' quality of life, and stemming population outflow and aging.

Kielce Ease of Obtaining a Building Permit. Other localities in Poland will benefit from this work as they operate within a similar legal and regulatory framework. However, one of the key aspects of the Doing Business methodology is that it promotes international benchmarking, to show that some countries, and cities manage to do things much more efficiently than others. Thus, the results of the work may be relevant to a global audience.

KEY SPATIAL PLANNING CHALLENGES IN POLAND

There are few areas where Poland has not excelled in recent years. Spatial planning is unfortunately one. Spatial plans are only used in about 30% of Poland's municipal territory, with a large share of this activity represented by individual terms of development decisions (*warunki zabudowy*). These terms of development decisions are taken in an ad-hoc and discretionary manner by local administrations, often without a proper consultation of existing strategic documents, and without proper public consultation.

Of course, the efforts of local authorities to promote developments through planning decisions came with a host of other negative externalities. Thus, according to 2010 official governmental reports and estimations, the lands designated for development in local spatial plans have a total capacity for housing for around 77 million inhabitants. A total housing capacity of the land designated for housing in all existent "studiums" is estimated to have capacity for some 176 million inhabitants, although the whole population of Poland is around 38 million.

The negative spatial result of un-coordinated and unrealistic planning, beyond real needs and the financial possibilities, at the local level (accompanied by the constant substitution of spatial plans by administrative decisions for the sake of development) is creating sprawl throughout Poland. It is destructive for the spatial order and is generating unreasonable expenditures for transportation, infrastructure, and the other communal services.

The weak performance of the spatial planning sector in Poland has also been flagged by the European Commission. For example, the *Poland Country Report 2018*, notes that:

Deficiencies in the spatial planning framework and in the issuing of building permits affect the investment climate and regional development. The non-binding role of documents setting spatial development guidelines at the local level, the limited coverage of spatial development plans and the dominant role of ad hoc administrative decisions for building permits create distorted spatial development patterns. This makes investing in certain localities less attractive, leads to building in risk areas (e.g. flooding), and creates urban sprawl that puts pressure on existing infrastructure.

Similarly, the *Poland Country Specific Recommendations for 2017* note:

Weaknesses in spatial planning increase the administrative burden related to the need for construction permits. Land-use plans cover a limited part of Poland's territory and are often of low quality. In areas without them, construction permits are granted on the basis of one-off administrative decisions on land development, which create risk and uncertainty for investors.

Some of the key issues that need to be addressed to make the Polish Spatial Planning System more efficient and effective, include:

1. **Property rights do not automatically translate into development rights.** Even if a person owns a piece of land, it does not mean he/she has the right to develop whatever he/she wants on it. This is one of the key features of spatial planning.
2. **Spatial plans should be the normative embodiment of integrated development strategies.** All spatial interventions should be properly justified.
3. **Spatial plans come in “cascades”, with higher level “integrated” plans (e.g. national and regional) having pre-eminence over local level spatial policy and plan (e.g. regional and/or local).** Lower level spatial policies and plans should always adopt the specific provisions of higher-level spatial plans.
4. **Spatial plans should include growth boundaries (to prevent uncontrolled sprawl) and clear limitations for the development of certain lands (e.g. natural preserves, historic areas, flood zones).** A spatial plan is not only about where one can build, but also about where one cannot build. In spatial policies and plans (re)development priorities should be addressed regarding brownfields to “greenfields” only after a (re)development potential of the brownfields is used.
5. **Spatial plans should not hamper market dynamics, but rather address negative market externalities.** The fact that homes are built lengthwise along a road, instead of compact is due to a lack of plans rather than smart market outcomes. New developments will usually choose the easiest points of entry, and a spatial plan can ensure that these points are in the right places.
6. **Spatial plans should not imply compensation costs on the side of public authorities.** A spatial plan is a normative act and should be treated as such – it is not to be the subject of post-implementation litigation but pre-elaboration negotiation and consultation.
7. **Spatial plans should be realistic, time-bound, and balanced.** While a spatial plan should cover the entire territory of a locality, it should be careful to only open up to development areas and uses that can realistically be developed within the validity of the spatial plan (e.g. 10 years). Also, technological progress and development dynamics are difficult to anticipate, so spatial plans should include a certain level of flexibility.
8. **Spatial plans are 20% plan and 80% planning.** Applying zoning regulations and proposing infrastructure interventions can be done relatively swiftly, but the process of getting a wide spectrum of stakeholders to agree to these provisions, takes time.

Poland has shown it can excel in a variety of areas, from the absorption of EU funds to rapid improvements in the education sector, along with a phenomenal economic performance. Spatial planning can be a sector where Poland can excel too. Annex 2 provides a more detailed overview of the evolution of the spatial planning system in Poland, and some of the key challenges the system faces today.

And while Poland has a dysfunctional spatial planning system now, it does not mean that it cannot make significant strides in this field, the same way it has performed in other sectors. Two key ingredients that will allow Poland to overhaul its spatial planning system is the high capacity of its public administration and the excellent data and tools it can draw on to prepare spatial plans.

A case in point is the Municipality of Kielce, in the Swietokrzyskie Region, which excels both in terms of capacity of the administration to undertake spatial planning task, and the very good data it has to its disposal for spatial planning activities. The Municipality of Kielce has a GIS system that is not only state-of-the-art, but also a system that is continuously improved upon.

FIGURE 2.
Kielce Geoportal

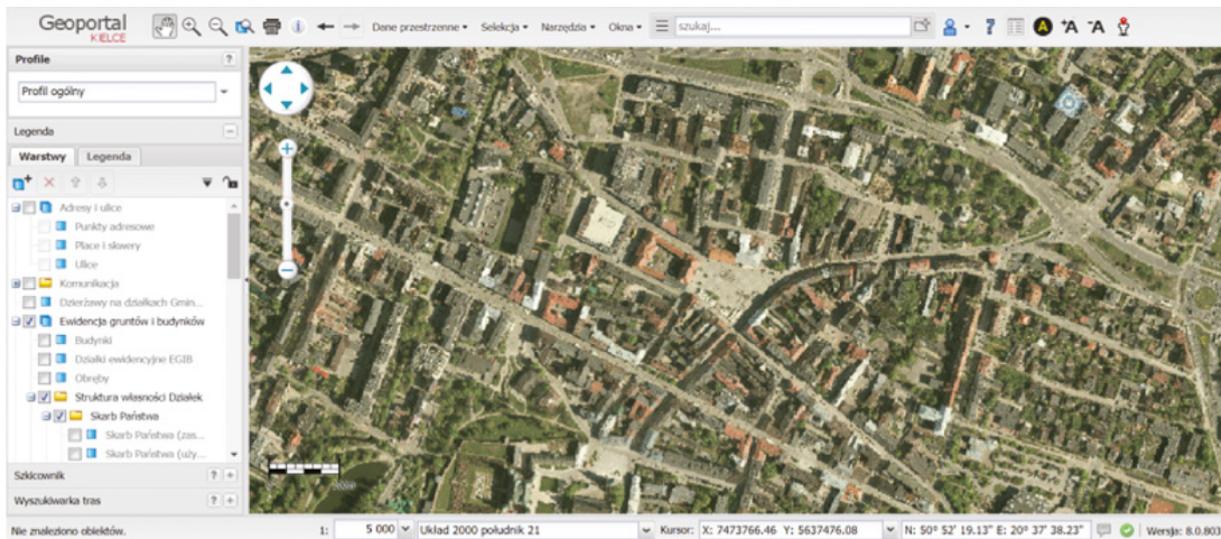
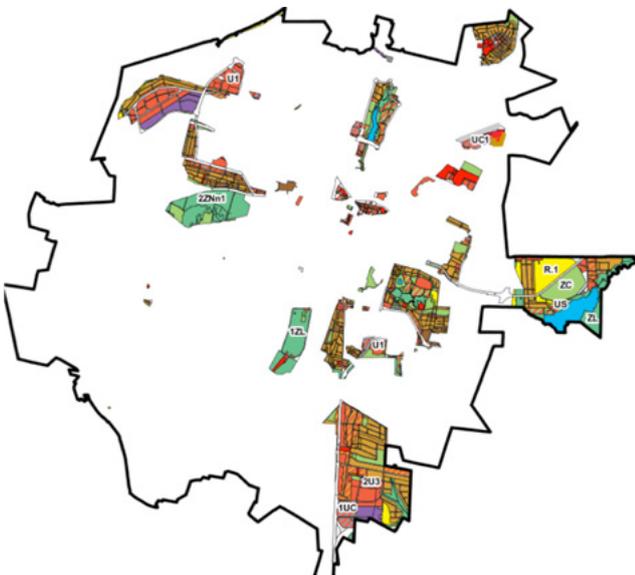


FIGURE 3.
Areas covered with spatial plans in the Municipality of Kielce



An analysis of the Kielce GIS system indicates that elaborating a spatial plan for the municipality may be easier to do than anticipated. Thus, although only 24% of the territory of Kielce is covered with spatial plans (see Figure 3), a significant share of the territory carries spatial planning implications, or is easy to plan.

For example, a significant share of the territory of Kielce is represented by locally protected landscape reserves (green), regionally or nationally protected areas (brown), or Natura 2000 sites (red) (see figure 4). The areas in pink are the areas with a spatial plan – i.e. the 24% formally planned right now.

Moreover, a significant share of the territory of Kielce is represented by local, regional, or national public land. These areas are much easier to plan, as they require interaction with a more limited number of stakeholders. Planning public land does not require compensation of private owners, although it may require a negotiation with the public entities owning the land.

FIGURE 4.
Protected areas in the Municipality of Kielce

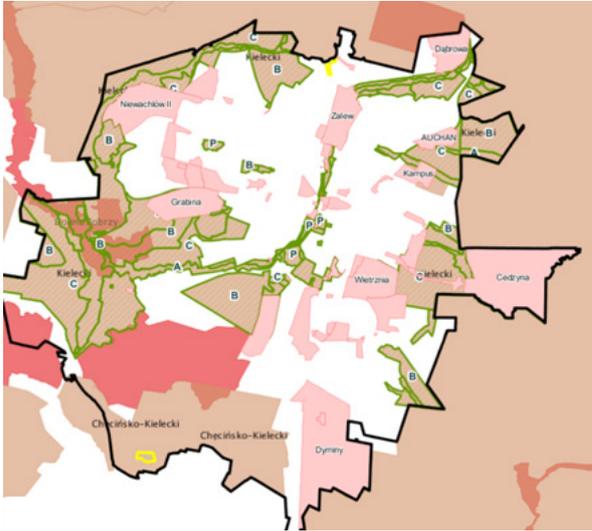
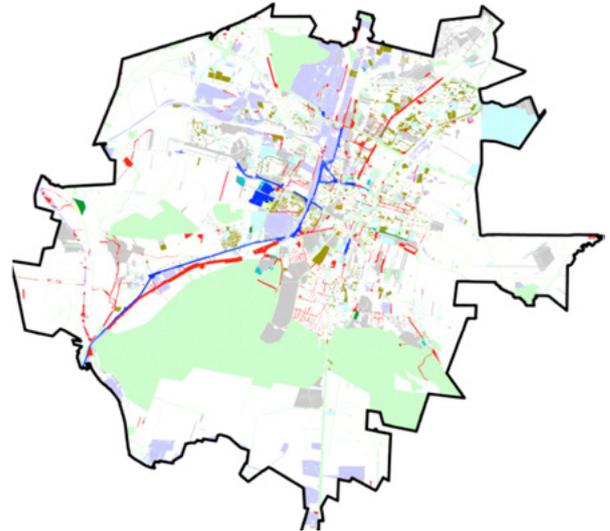


FIGURE 5.
Publicly owned lands in the Municipality of Kielce

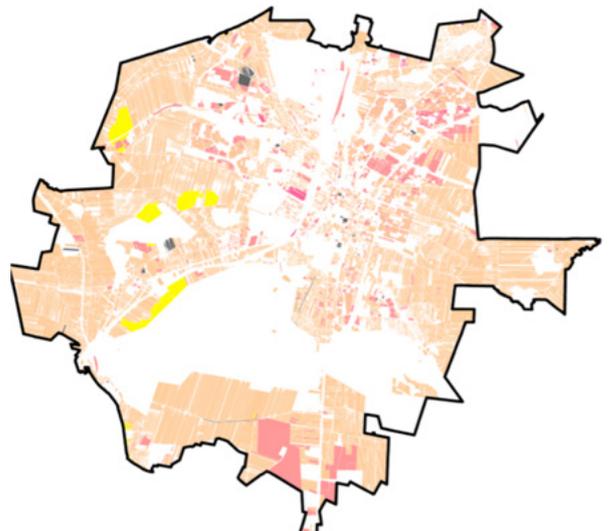


An overview of public utility networks gives an idea of the areas that are already urbanized, and the areas that are easiest to urbanize – e.g. areas close to existent large utilities. Areas that are already developed are much easier to plan, as land use is most often kept as is, or conditions are made more permissive and generous.

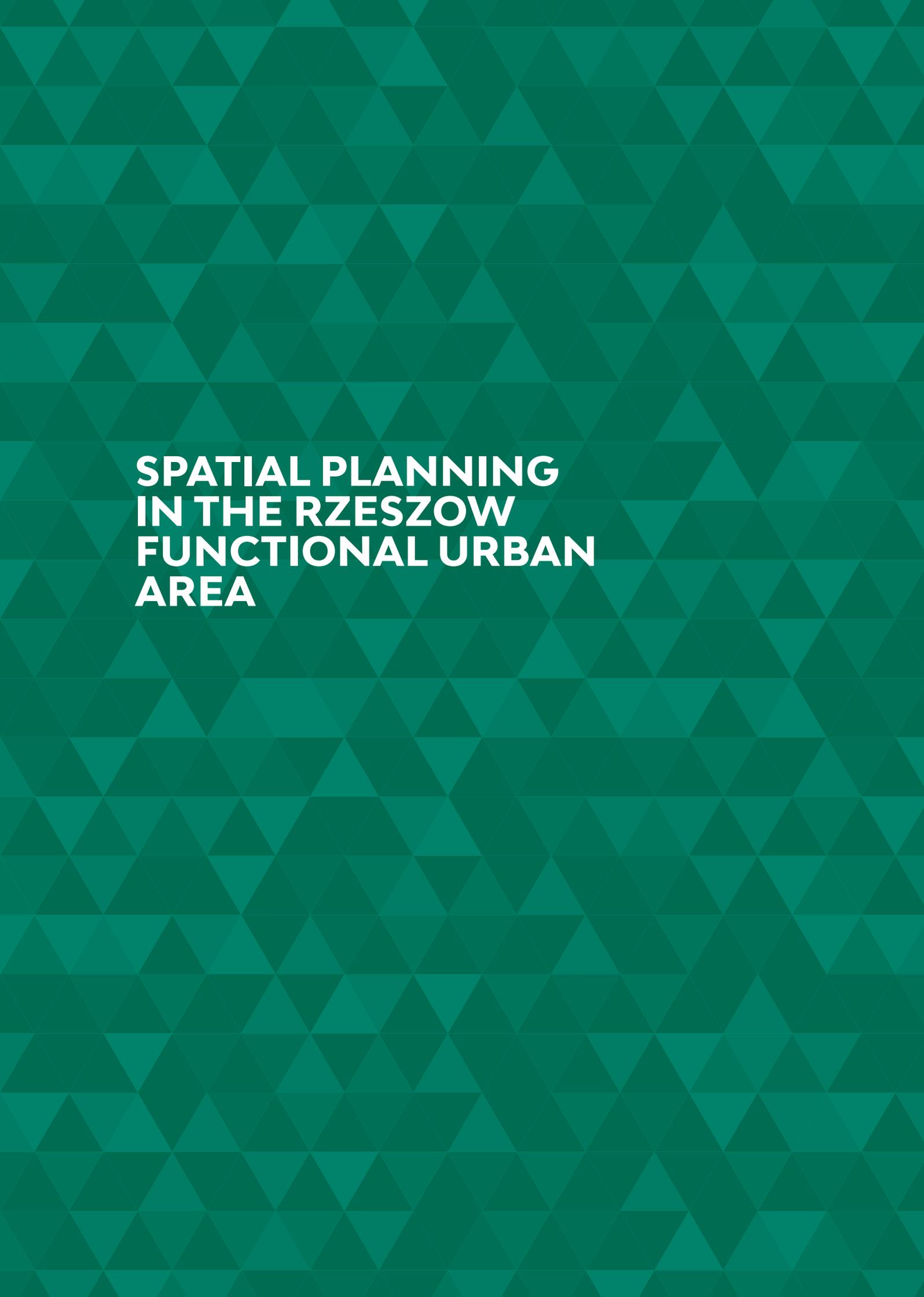
FIGURE 6.
Public utility networks in the Municipality of Kielce



FIGURE 7.
Privately owned land plots in the Municipality of Kielce



Of course, the most difficult task when elaborating a spatial plan is to plan privately owned lands, as this requires the proper engagement of private stakeholders and on-going and efficient communication. When the existing GIS data for Kielce is scrutinized however, it becomes clear that of the existent private land parcels, only 25% are currently undeveloped. Of the 25% undeveloped privately-owned areas, a significant share are part of protected local, regional, or national parks, and some are part of areas that should not necessarily be urbanized in the near future, for various reasons (e.g. far away from existing utility grids, poor access to connective infrastructure, low real estate value). This indicates that preparing a spatial plan for Kielce may be easier than anticipated, and, also, that Kielce may be running out of viable parcels to develop. Thus, it will be important to start thinking and planning at the metropolitan scale.

The background of the entire page is a repeating pattern of teal-colored triangles. The triangles are arranged in a grid-like fashion, with some pointing upwards and some pointing downwards, creating a complex, tessellated geometric design. The color is a consistent shade of teal or seafoam green.

**SPATIAL PLANNING
IN THE RZESZOW
FUNCTIONAL URBAN
AREA**

The Rzeszow Functional Urban Area (FUA), like most urban areas in Poland, developed in a dysfunctional way in the post-1989 transition years. Much of the problem relates to new market dynamics and people's appetite for single-family detached homes, but also to an inefficient spatial planning system. As was detailed in the previous chapter, Poland has a two-tier spatial planning system. For one, every locality is obliged by law to prepare a "studium" (a spatial development strategy), but they are not obligated to follow it. Conversely, spatial plans, which have the force of the law, can be prepared by a local administration, but they are not obligated to prepare such plans. When spatial plans are prepared, they are usually done for a very small territory, with detailed spatial interventions that often ignore the larger urban dynamic. Most new developments are undertaken through ad-hoc development decisions, which often ignore the provisions of the "studiums" and are not part of a coherent spatial plan. This combination of un-checked market dynamics and a dysfunctional spatial planning system, have engendered urban development patterns in the Rzeszow FUA, like the ones you see in Figure 8.

The logic of this spatial development pattern is relatively simple. Wanting to build a single-family home, in the hope of a better quality of life, people in the Rzeszow FUA have looked for available, affordable, and well-placed land parcels, where they could build a house of their own. Inevitably, most people have chosen land parcels next to existent infrastructure, to avoid the cost of branching themselves to the road network and basic utilities. The development of these individual homes was rarely guided by a spatial plan, but rather by individual development decisions.

The negative consequences of such a development pattern are already pre-ordained. It is almost impossible to fix the spatial development patterns, including the loss of all good land plots, in Figure 8. However, due to such planning issues, the Rzeszow FUA will need adequate spatial planning tools for future development. The table below shows that the land plots that can be developed the easiest today (e.g. they are not protected areas, or areas with restrictions on land-use conversions). Some of these plots are so small, or narrow, that they cannot even fit a house. Enabling those plots of land to become buildable areas requires efficient spatial planning tools that encourage land assembly, re-parcellation, and the development of large enough, urban-style infrastructure.

TABLE 1.
Average plot sizes for different types of plots in the Rzeszow FUA

AVERAGE SIZE of PLOTS for:				
	The entire FUA (including protected areas)	Built-up area	Buildable plots (including land plots with agricultural land, quality I-III)	Buildable plots without any restrictions
Rzeszow	0.17	0.17	0.1598	0.151
Lancut	0.31	0.26	0.312	0.198
Krasne	0.29	0.27	0.2873	0.2078
Boguchwala	0.36	0.32	0.3141	0.1791
Chmielnik	0.41	0.53	0.3204	0.2498
Glogow Malopolski	0.47	0.52	0.2422	0.2141
Lubenia	0.40	0.48	0.2243	0.2111
Tyczyn	0.36	0.39	0.2372	0.1763
Swilcza	0.38	0.30	0.2938	0.2192
Czudec	0.55	0.57	0.2767	0.261
Czarna	0.41	0.30	0.2652	0.1942
Trzebownisko	0.29	0.25	0.2245	0.1932
Total	0.366	0.363	0.263	0.205

Improved spatial planning for the Rzeszow Functional Urban Area can, among other things:

- Foster inter-municipal cooperation in the Rzeszow FUA and develop effective inter-municipal coordination tools to ensure coherent planning and delivery of public services at a reasonable cost. The project will support institutional capacity building (e.g. strategic coordination platforms for local administrations to ensure joint planning and implementation) and social engineering (e.g. making the Rzeszow FUA an inclusive place for everyone).
- Improve socio-economic dynamics within the FUA territory, by devising spatial instruments that properly address demographic and migration trends, employment dynamics, living conditions, etc. The developed territorial instruments can pioneer a new and innovative way of addressing social and economic dynamics in large urban areas.
- Create opportunities for the people in the Rzeszow FUA. One of the key proposed features of the project is better asset management (particularly land reserves), and opening up these assets to new investment. New investments means more jobs and opportunities for the people in the region, and more public revenues for future public interventions. As the Rzeszow FUA has developed, most new investment sites are outside the administrative boundary of the Rzeszow Gmina, and some of them span the administrative territory of three gminas. Without proper coordination, it will be difficult to turn these investment sites into active production zones.
- Create connection to opportunities. Detailed data at the EU level indicates that around a third of jobs in a FUA are situated in suburban and peri-urban areas, and getting to these jobs in a cost-effective and efficient way will be critical. This means that public transport networks need to be planned and managed well at the FUA level.
- Coordinate development of needed public infrastructure at the FUA level. The suburbs of Rzeszow lack critical infrastructure, such as nurseries, kindergartens, schools, facilities for retired people, etc. Such infrastructure has to be developed, in a coordinated way (a new school may benefit children in several gminas), and with a view to metropolitan socio-economic dynamics.
- Use spatial development tools to address growing social concerns such poverty, an ageing society, childcare, education.

The following section addresses the requirements for better spatial planning in the Rzeszow FUA, and a review of what was undertaken in the Poland Catching-up Regions Initiative 2, to improve the area's spatial planning.

DATA

Good spatial data is key to prepare an effective spatial plan. Without such spatial data, it is difficult and sometimes impossible to prepare a spatial plan. Fortunately, Poland has excellent data, which permits a stronger focus on the “planning” part of the process, rather than on the “plan”.

At a minimum, the completion of a spatial plan requires the availability of topographical maps, cadastre database and a layer with existent buildings. With the assistance of the Podkarpackie Marshal Office, the World Bank team managed to obtain all of these three data layers for the Rzeszow FUA, easily and free of charge.

Additionally, it is important to identify data on the areas closed for development and the areas with building restrictions as it helps to focus spatial planning efforts in the areas that are actually developable. Moreover, even for the areas that are developable, the territories that can be realistically be developed within a medium timeframe are usually modest. In the previous chapter we indicated that 2010 data showed that the “studiums” at that time, had allocated land for housing, where around 176 million inhabitants could be housed. Obviously, such an allocation is not realistic, and this illuminates another key feature of good spatial planning – a focus on clear and realistic medium-term needs, and an even sharper focus on long-term needs. A spatial plan should aim to guide development, not hamper it.

FIGURE 8.
Rzeszow FUA: Already developed land plots

Legend

-  Functional Urban Area limit
-  Territorial Administrative Units
-  Land plots without buildings
-  Land plots with buildings
-  Airport
-  Buildings
-  Flood Area
-  Landslides Area
-  Industrial Area
-  Service Area
-  Mining Area
-  Forests
-  Natural protected areas
-  Agricultural land quality I-III

Roads and railways

- Road category**
-  Motorway
 -  Trunk
 -  Primary
 -  Secondary
 -  Tertiary
 -  Railways

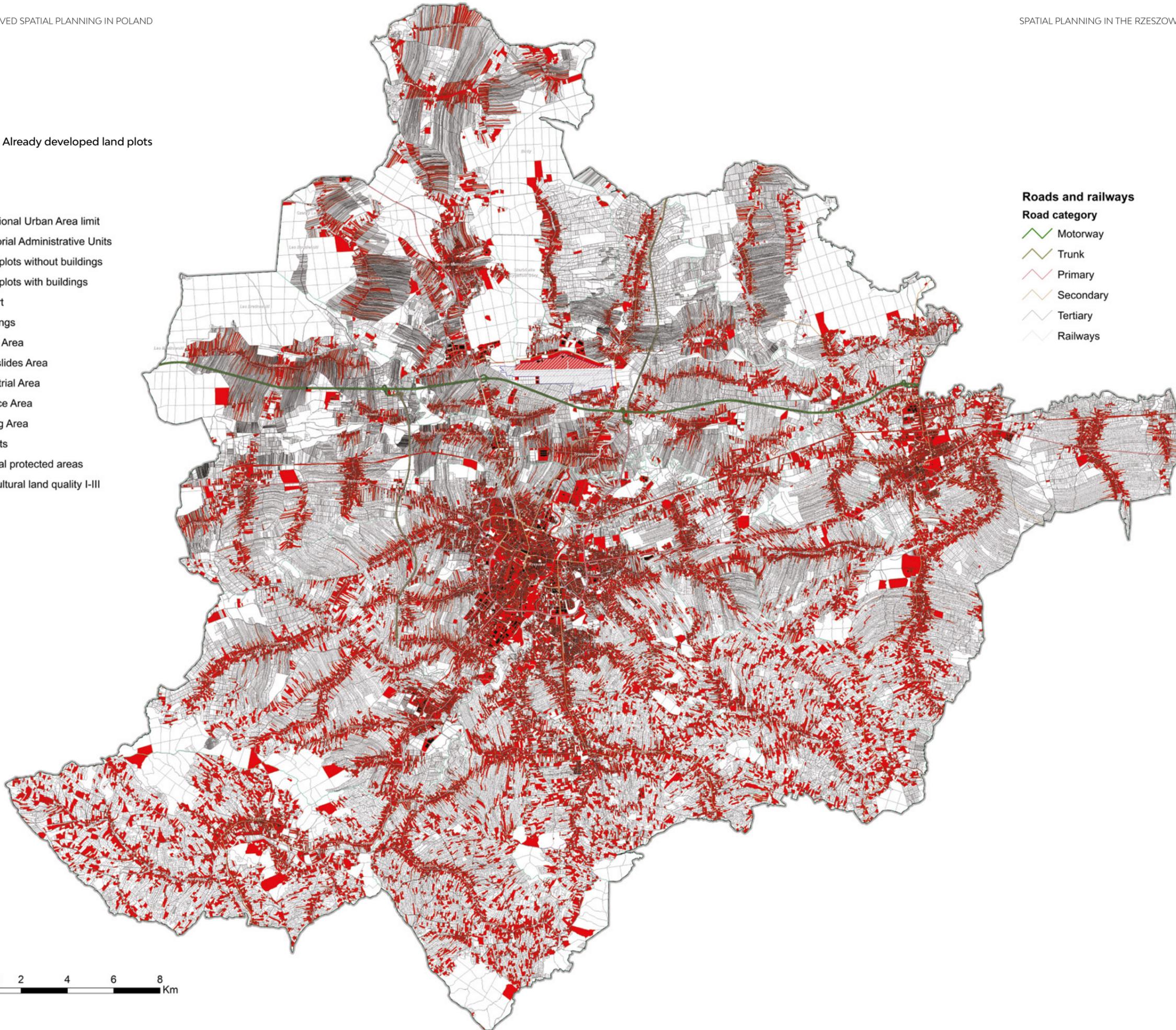


FIGURE 9.
Rzeszow FUA: Areas closed to development or with development restrictions

Legend

-  Functional Urban Area limit
-  Territorial Administrative Units
-  Land plots without buildings
-  Land plots with buildings
-  Airport
-  Buildings
-  Flood Area
-  Landslides Area
-  Industrial Area
-  Service Area
-  Mining Area
-  Forests
-  Natural protected areas
-  Agricultural land quality I-III

Roads and railways

- Road category**
-  Motorway
 -  Trunk
 -  Primary
 -  Secondary
 -  Tertiary
 -  Railways

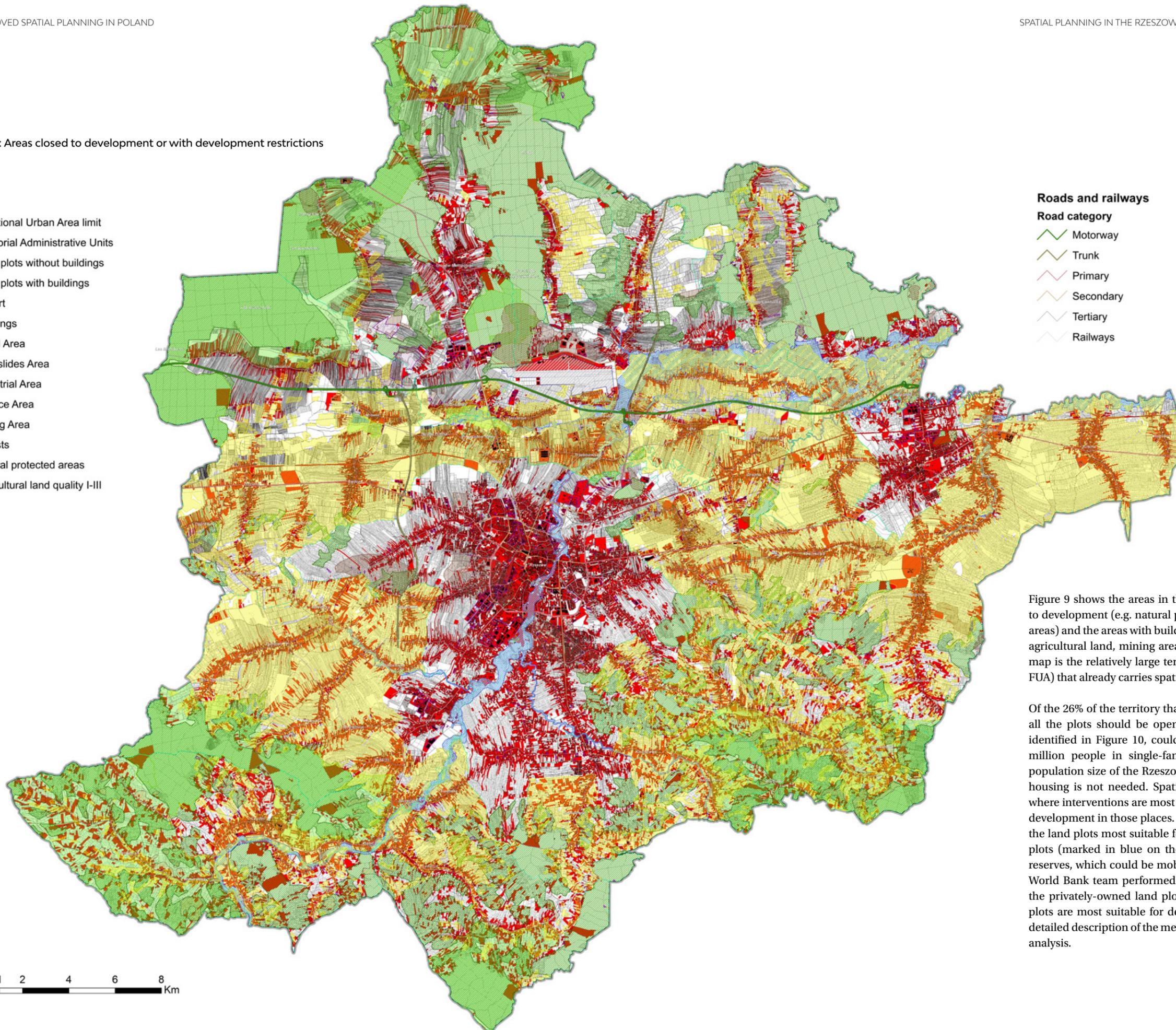


Figure 9 shows the areas in the Rzeszow FUA that are closed to development (e.g. natural preserves, flood areas, land-slide areas) and the areas with building restrictions (e.g. high quality agricultural land, mining areas). The striking thing about this map is the relatively large territory (around 74% of the entire FUA) that already carries spatial planning implications .

Of the 26% of the territory that could be easily developed, not all the plots should be opened for development. The areas identified in Figure 10, could easily house an additional 1.8 million people in single-family homes. Given the current population size of the Rzeszow FUA, it is clear that this much housing is not needed. Spatial planning can pinpoint areas where interventions are most likely, and provide directions for development in those places. Figure 10 includes an analysis of the land plots most suitable for development. Publicly owned plots (marked in blue on the map) represent strategic land reserves, which could be mobilized for key interventions. The World Bank team performed a simple suitability analysis for the privately-owned land plots, to determine which of these plots are most suitable for development. Annex 3 includes a detailed description of the methodology used for the suitability analysis.

FIGURE 10.
The areas in the Rzeszow FUA most suitable for development

Legend

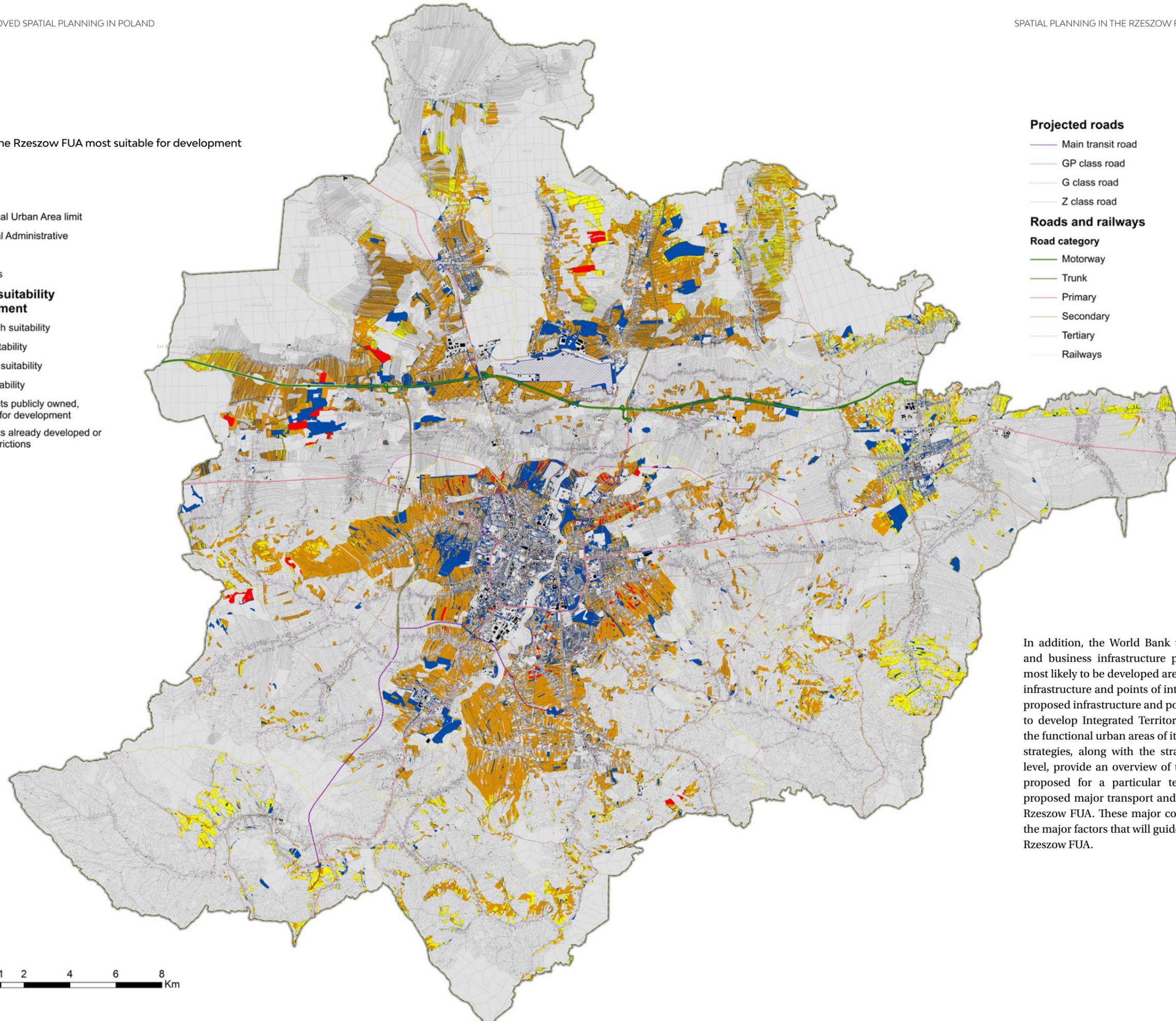
-  Functional Urban Area limit
-  Territorial Administrative
-  Airport
-  Buildings
- Land plots suitability for development**
-  Very High suitability
-  High suitability
-  Medium suitability
-  Low suitability
-  Land plots publicly owned, suitable for development
-  Landplots already developed or with restrictions

Projected roads

-  Main transit road
-  GP class road
-  G class road
-  Z class road

Roads and railways

- Road category**
-  Motorway
 -  Trunk
 -  Primary
 -  Secondary
 -  Tertiary
 -  Railways



In addition, the World Bank team mapped major transport and business infrastructure planned projects, as the areas most likely to be developed are those situated close to existent infrastructure and points of interest, or those situated close to proposed infrastructure and points of interest. Poland decided to develop Integrated Territorial Interventions Strategies for the functional urban areas of its regional capitals. These major strategies, along with the strategies elaborated at the local level, provide an overview of the major spatial interventions proposed for a particular territory. Figure 11 shows the proposed major transport and business infrastructure for the Rzeszow FUA. These major corridors and nodes are some of the major factors that will guide the future development of the Rzeszow FUA.

FIGURE 11. The transport and business infrastructure proposed for the Rzeszow FUA

Legend

- Functional Urban Area
- Territorial Administrative
- Proposed Business Infrastructure
- Airport
- Buildings

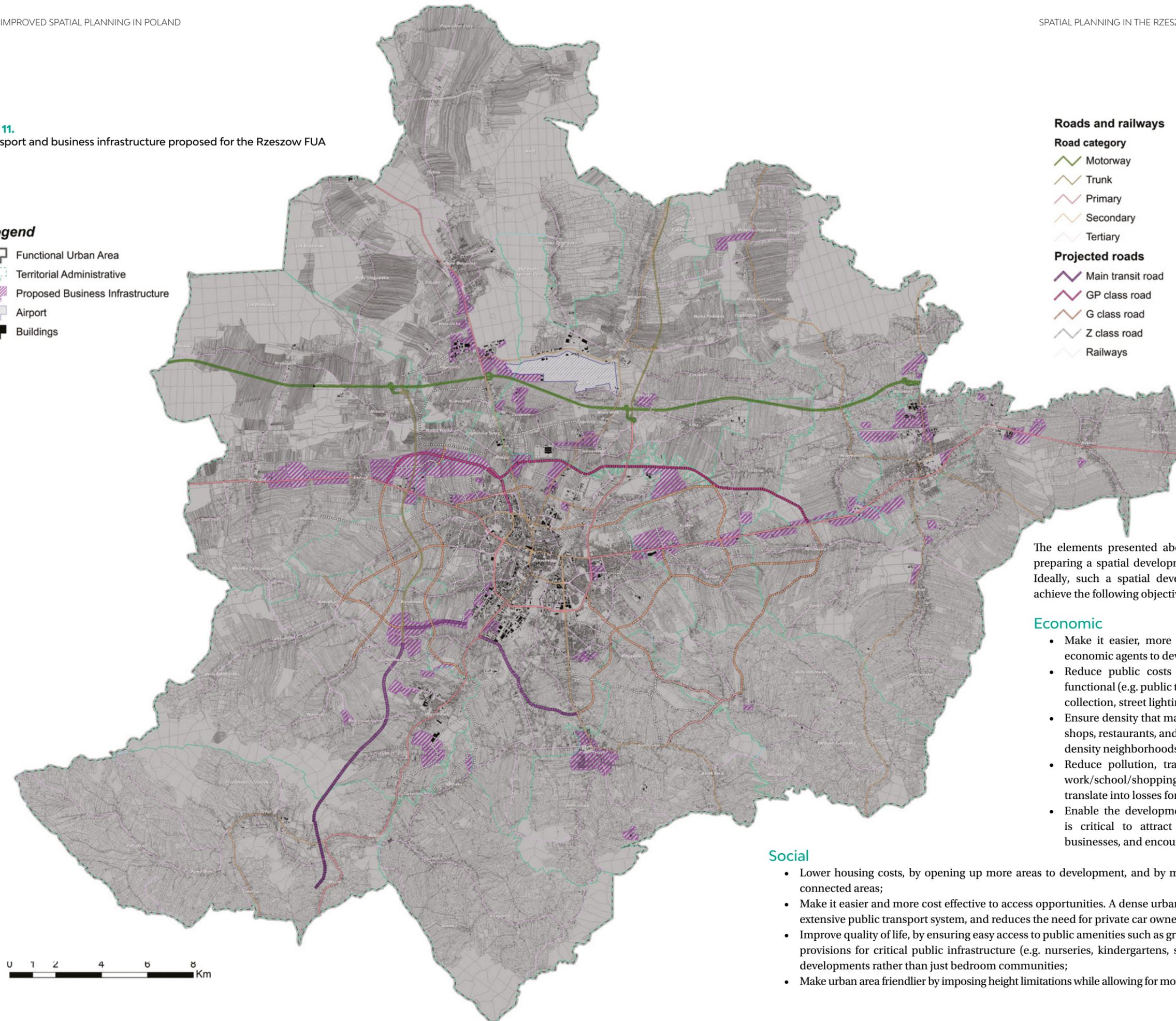
Roads and railways

Road category

- Motorway
- Trunk
- Primary
- Secondary
- Tertiary

Projected roads

- Main transit road
- GP class road
- G class road
- Z class road
- Railways



The elements presented above provide a solid foundation for preparing a spatial development strategy for the Rzeszow FUA. Ideally, such a spatial development strategy should strive to achieve the following objectives:

Economic

- Make it easier, more predictable, and more efficient for economic agents to develop and expand a business;
- Reduce public costs required to keep the urban area functional (e.g. public transport, water and sewage, garbage collection, street lighting, energy delivery);
- Ensure density that makes businesses more profitable (e.g. shops, restaurants, and bars do better when they are in high density neighborhoods);
- Reduce pollution, traffic jams, and commute times to work/school/shopping/service areas. Poorly planned cities translate into losses for businesses and their employees;
- Enable the development of quality infrastructure, which is critical to attract new businesses, expand existing businesses, and encourage entrepreneurship.

Social

- Lower housing costs, by opening up more areas to development, and by making it easier to develop in poorly connected areas;
- Make it easier and more cost effective to access opportunities. A dense urban area enables a more profitable and extensive public transport system, and reduces the need for private car ownership;
- Improve quality of life, by ensuring easy access to public amenities such as green spaces and public parks, making provisions for critical public infrastructure (e.g. nurseries, kindergartens, schools), and enabling a mixed-use developments rather than just bedroom communities;
- Make urban area friendlier by imposing height limitations while allowing for more generous plot usage shares.

Environmental

- Lower the cost and environmental burden of the public services provision, by encouraging dense development patterns;
- Address uncontrolled sprawl and chaotic urban development patterns, by enforcing a growth boundary and clearly specifying the areas that are open to development;
- Lower commuting times by encouraging the clustering of activity centers in a few places, rather than allow an uncontrolled diffusion across the urban area. Higher densities should be encouraged and facilitated in the center city and around major public transport hubs (transit-oriented development);
- Reduce commute times, pollution, and traffic jams by making neighborhoods more permeable, with a well-planned street grid;
- Ensure the sustainable expansion of the urban area by carefully laying out its future transport network. “Streets are forever” and a poorly planned transport network is almost impossible to rectify.

PROCESS

Spatial planning is 20% plan and 80% planning. The process of developing a spatial plan is critical. A good spatial plan should find a healthy equilibrium between centralized planning (done by a few experts, without the input of other stakeholders) and market driven development (i.e. find a balance between planning of the type done before 1989 and planning done in the transition years). At the same time, public consultations throughout the entire process are paramount for a sound outcome.

A successful planning process is informed by local stakeholders. As such, the World Bank team has tried to play more of a supportive rather than lead role. Support was provided along the following lines:

1. **Data collection.** There is no common database for the Rzeszow FUA, and the World Bank team attempted to create such a database. GIS data on cadastre plots, buildings, land use, existent and proposed infrastructure, topography, property type, was put together in a unified database, and shared with the relevant stakeholders in Rzeszow.
2. **Brokering.** The World Bank team engaged various stakeholders to gauge: 1) their willingness to get involved in such a project; 2) the likelihood of expanding spatial planning works in the Rzeszow FUA; 3) their spatial planning priorities. All the 13 gminas in the Rzeszow FUA were engaged during seven field missions to Rzeszow, along with the Podkarpackie Marshal Office, the Rzeszow Integrated Territorial Investment (ITI) Authority, as well as a number of urban and spatial planning specialists.
3. **Knowledge exchange.** Three knowledge exchange activities were organized for stakeholders in the Rzeszow FUA – one in Japan (Tokyo, Yokohama, and Kobe), one in Spain (Barcelona), and one in Rzeszow (with specialists from Poznan, one of the few cities in Poland with a metropolitan masterplan). The knowledge exchange activity in Tokyo dealt in particular with various land readjustment schemes, the importance of visioning, and the importance of outlining bold territorial interventions. The knowledge exchange in Barcelona focused on how good spatial planning can bring long-term benefits, and on various approaches for metropolitan planning. The Poznan example showed how planning at the FUA level could be achieved within the constraints of the Polish legal and regulatory system.

The process was aided by the early buy-in of regional and local stakeholders. The Podkarpackie Marshal Office took a lead position on this project early on, and has assembled a team to push the agenda forward. All 13 gminas in the Rzeszow FUA have recognized the value of better spatial planning and have been engaged in the process from the beginning.

Following a number of field visits and several steering committee meetings, it was decided that the Podkarpackie Marshall Office would be the entity in charge of carrying the agenda forward, particularly with respect to planning at the FUA level.

SOLUTIONS AND TOOLS

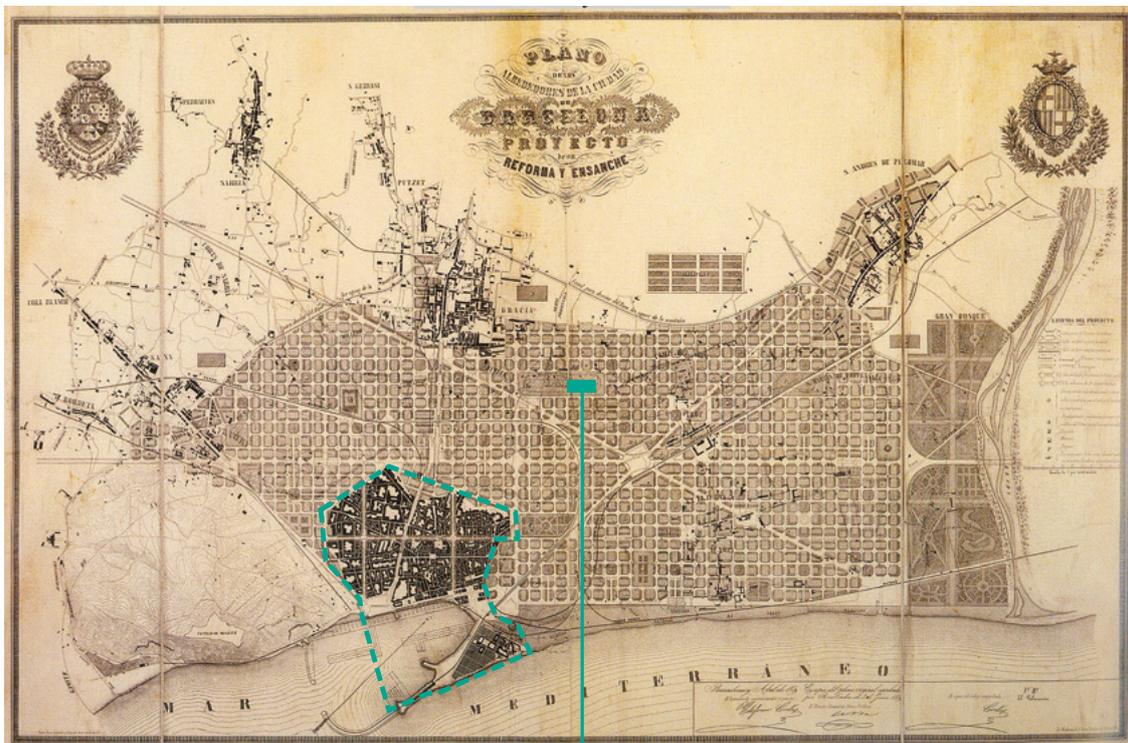
A number of key solutions and tools for better spatial planning were discussed over the course of the project. Some of these are outlined below.

1. A Framework for Sustainable Development

Good spatial planning can provide the skeleton on which to build a healthy, dynamic, and sustainable city. There are examples around the world, but Barcelona stands out. In 1860, Ildefons Cerda developed the masterplan for the greater Barcelona Metropolitan area – a plan that covered a much wider territory than the boundaries of the existent city. Up to that point, the city had developed in an organic fashion, and was plagued by the era's common urban issues– overcrowding, disease, and pollution. Cerda created a plan with the intention to eradicate those problems.

FIGURE 12.

Ildefons Cerda's masterplan of 1859



Source: <https://upload.wikimedia.org/wikipedia/commons/8/89/PlaCerde1859b.jpg>

FIGURE 13.

The area of the Sagrada Familia, during an early phase of construction



Source: <https://ro.pinterest.com/explore/sagrada-familia-history-915626176895/?lp=true>

FIGURE 14.

How Barcelona looks today



Source: Google Earth

When work on the Sagrada Família started, there was merely a blueprint for the development of the surrounding open land, including streets and utilities. That blueprint however, indicated the exact street boundaries for the cathedral, along with the configuration of the surrounding city blocks. Cerda's vision was fulfilled and Barcelona is one of the most dynamic and well recognized metropolises in the world.

FIGURE 15.

How the area around Sagrada Família looks today



Source : <http://www.archdaily.com/639498/12-stunning-aerial-photos-taken-with-a-drone/556f0fdae58ecec91000273-12-stunning-aerial-photos-taken-with-a-drone-photo>

Based on the inspiring design of Barcelona, one of the first solutions proposed to the stakeholders in Rzeszow was the elaboration of a FUA-wide spatial development strategy, building on the existing Rzeszow Integrated Territorial Investment Strategy and on the Rzeszow FUA spatial development plan prepared by the Voivodship Board.

There are two options to develop such a spatial development strategy:

Option 1. Focus on a number of large interventions that would guide future city development – e.g. the major transport network and the proposed business infrastructure sites.

Option 2. Develop a comprehensive metropolitan spatial development strategy, similar to the one developed for the Poznan Metropolitan Area. If the

stakeholders in the Rzeszow FUA decided to go this route, the team will prepare a draft Terms of Reference that could be used to contract a private company to develop such a spatial development strategy. The works could be tendered by the Podkaprackie Marshall Office. Annex 4 includes a proposed draft terms of reference for the elaboration of the spatial development strategy for the Rzeszow Functional Urban Area.

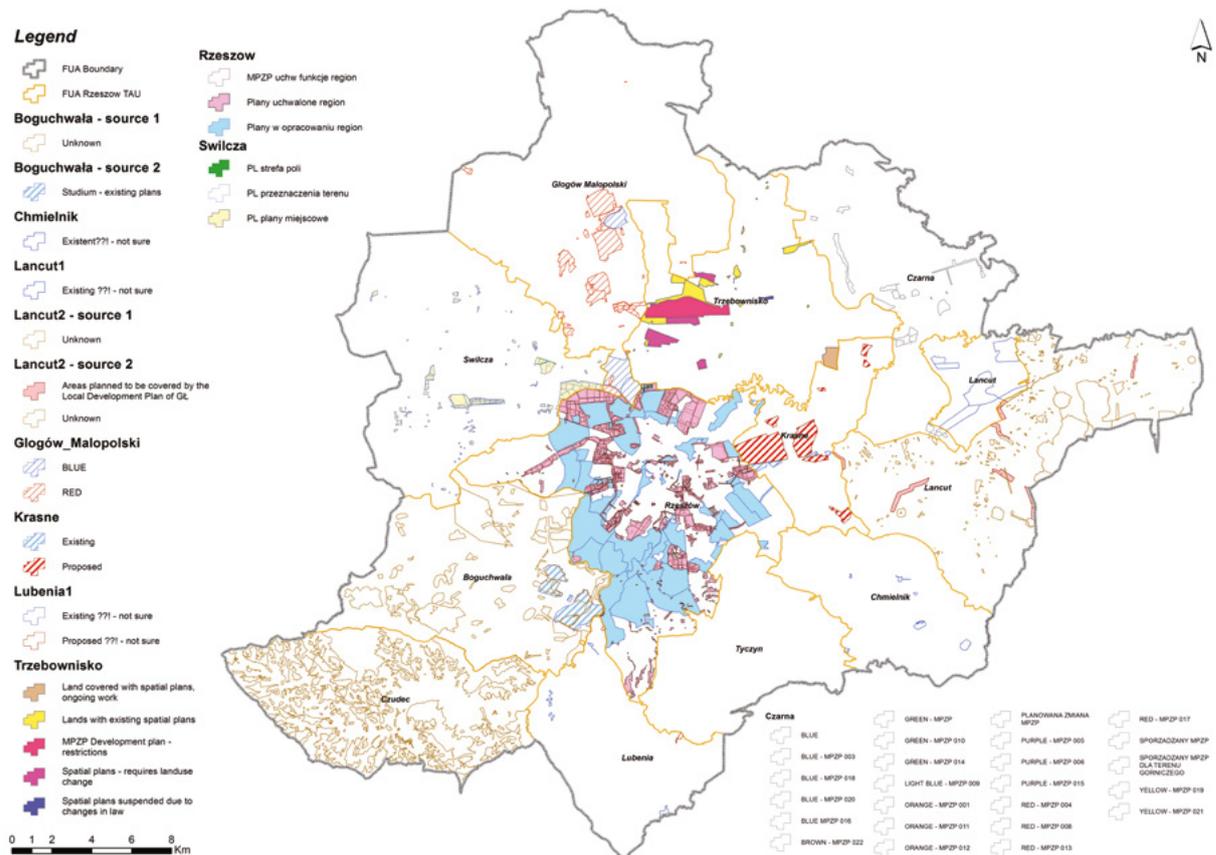
2. Pillars for Metropolitan Growth

The November 2017 knowledge exchange event in Yokohama (Japan), with the participation of representatives of the Podkarpackie Marshall Office, showed how important key strategic projects are for the future development of a city/region. In the 1960s, the then mayor of Yokohama chose six major projects that would define the development of the city. This idea was discussed with the stakeholders in the Rzeszow FUA, and a process is now underway to define key strategic projects that will determine the future development of the Rzeszow FUA.

3. Better spatial plans

As indicated in the report, the spatial planning system in Poland, as it is designed now, does not function. The map below shows this dysfunction – it includes existent and proposed spatial plans that seem to have been developed in isolation from each other. Such piecemeal spatial planning ignores the big picture of appropriate, livable developments. Even though these tiny spatial plans have to take into consideration the provisions of the gmina “studium”, this doesn’t always happen. Moreover, “studiums” tend to be outdated general documents.

FIGURE 16.
Existent and proposed spatial plans in the Rzeszow FUA



To improve the quality of spatial plans in the Rzeszow FUA, the World Bank team proposed two options::

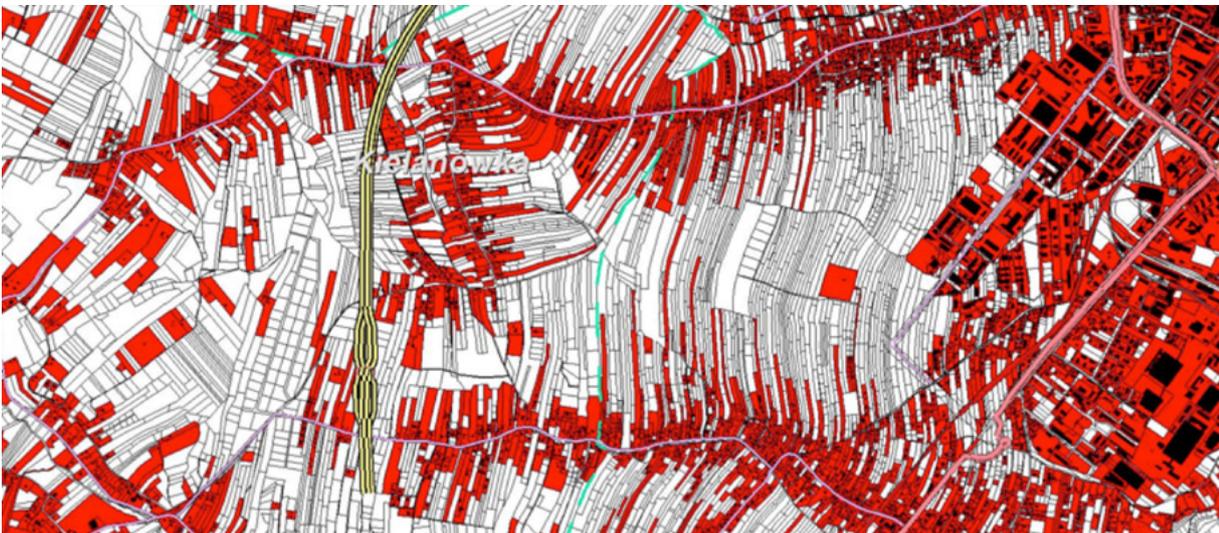
Option 1. Develop a full spatial plan for the entirety of the gmina, after a proper update of the “studium” for the gmina. Annex 5 includes a proposed draft Terms of Reference that could be used to contract services of a private company to elaborate such a spatial plan. In practice, this option seems unlikely, because of a provision of the Spatial Planning Law, which indicates that all territorial claims made in a spatial plan (e.g. where a road would pass), would require the local administration to pay a compensation to the person whose land is affected by the spatial plan.

Option 2. Update the existent “studiums” (which are well regulated by the existent legislation) and prepare better spatial plans. The World Bank team proposed a simple draft Terms of Reference for the update of those studiums (see Annex 6), and has proposed some simple tools for the urbanization of undeveloped lands.

The urbanization of undeveloped lands should not be done in a piecemeal fashion, as has happened so far. If comprehensive spatial plans are hard to develop, than, at least, the urbanization of un-developed plots should be done in a cogent and coherent way. Below is a step-by-step approach of how this could be achieved. Annex 7 includes a concrete proposal made for the City of Oradea (Romania). The goal is to use such tools to convert undeveloped land, like in the map below, into a vibrant, well-functioning urban area.

FIGURE 17.

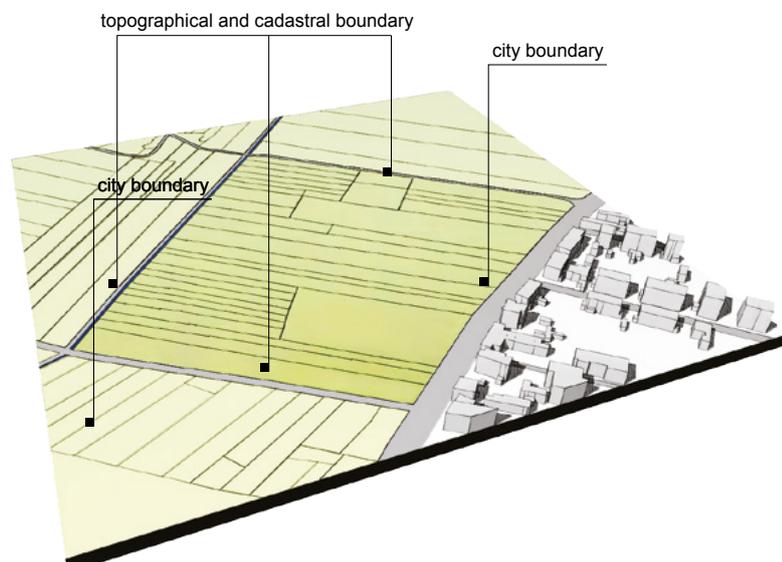
Spatial planning tools are needed to urbanize areas like this, in the Rzeszow FUA



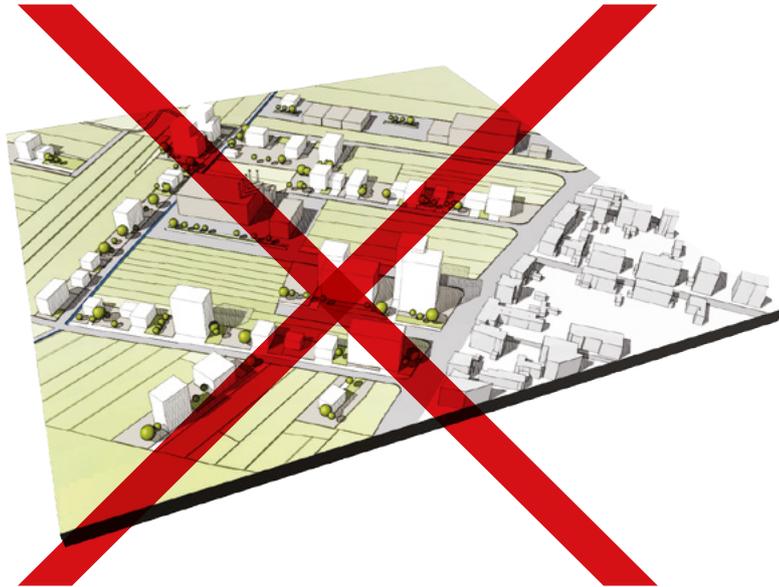
STEP 1. Identify the area to be urbanized, and ensuring that the existent plot types (e.g. agricultural plots) are re-arranged to fit the urban structure. It is critical to eliminate land-parcel urbanism, which currently dominates spatial planning in the Rzeszow FUA.

IDENTIFY URBANIZATION AREA

The boundaries of the urbanization area are provided by topographical and cadastral elements (roads, water bodies, sewage networks, relief forms, woods, etc.). All parcels included in the determined perimeter, will be subject to re-parcellation. The owners can establish a temporary association, with the scope of initiating the re-parcellation procedures. This association could benefit from tax exemption, to incentivize re-parcellation works.



AVOID LAND PARCEL URBANISM

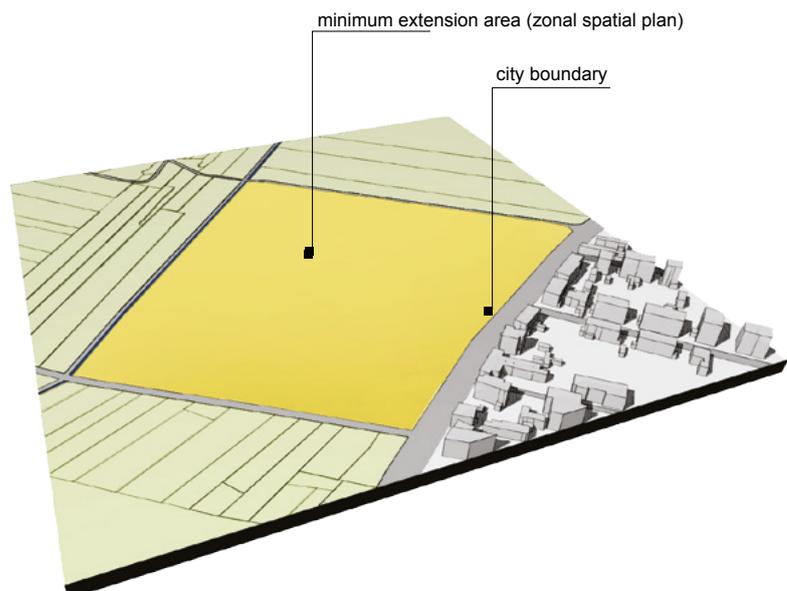


STEP 2. Virtually consolidate plots and treat the large area as a cogent piece.

“VIRTUALLY” CONSOLIDATE PLOTS

|| The temporary associations has the following legal competences:

- initiates a temporary and virtual consolidation of land parcels;
- has the attributions of a parceller.



STEP 3. Re-parcellate the area to fit an urban morphology with infrastructure and public amenities.

REPARCELLATE

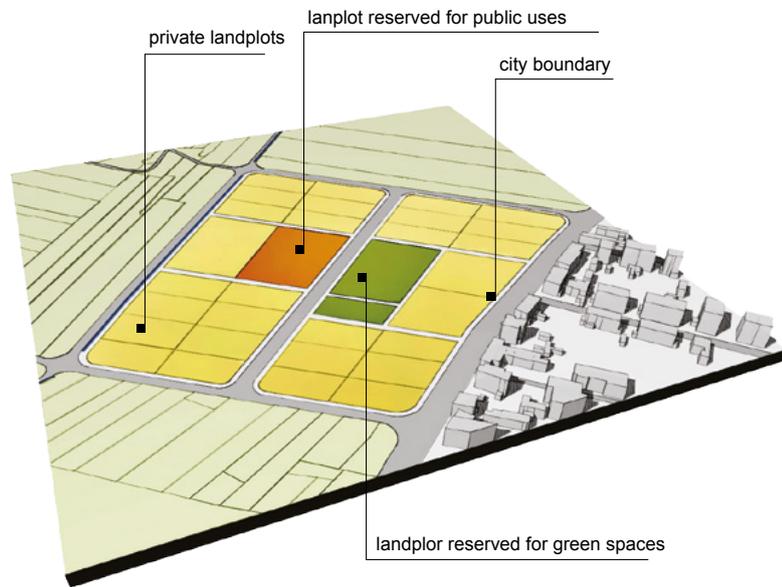


The zonal spatial plan ensures:

- the spatial and functional organization of the area (roads, utility networks, urbanism regulations)
- re-modelling of the original landplots, to allow urban-type interventions, with the same number of private landplots kept
- reserving necessary areas for public utility uses (kindergartens, schools, healthcare facilities) and green spaces

The areas necessary for public use development will be ceded by private owners, as a share of their property. This property transfer is compensated, from a socio-economic point of view, through the raise in property values attained once the urbanization process is finalized.

Reparcellation is a pre-condition for issuing the construction permit.



STEP 4. Urbanize the area, by opening it up to development and building infrastructure and amenities.

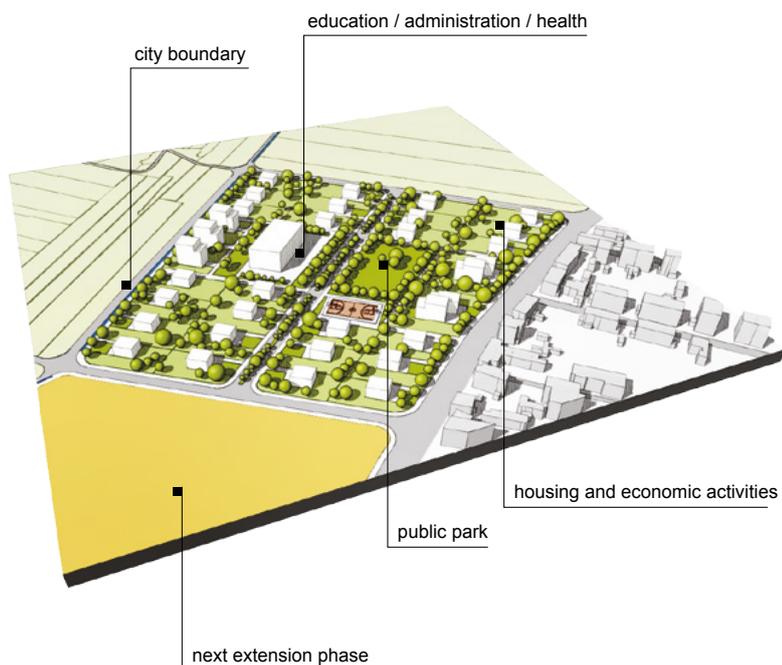
URBANIZE



The city extension will be done in phases. A condition for the development of an area is the viabilization of the preceding area.

The scope of this phase are:

- a proper management of existent land reserves, ensuring the proper reserves for future generations and for a sustainable development pattern;
- a rational policy of investments in public infrastructure;
- protecting urban green and natural spaces;
- ensuring a sustainable and coherent extension of the urban area.



FINANCING

The stakeholders in the Rzeszow FUA already prepared a cost analysis to set up a spatial planning system at the FUA level and the amount of funds needed to update existent “studiums”. The Ministry of Investment and Economic Development tentatively indicated that financing for the activity will be provided.

TABLE 2.

Proposed costing for improved spatial planning in the Rzeszow FUA

PROPOSED COST ESTIMATES TO IMPROVE SPATIAL PLANNING IN THE RZESZOW FUA					
The estimated amount of expenditure in the project by year and total (PLN)					
in 2018	in 2019	in 2020	in 2021	in 2022	altogether
4 174 887.77	8 029 153.06	7 598 653.06	17 598 653.06	17 598 653.06	55 000 000.00
Estimated beneficiary's own contribution (PLN)					
YES	3%		NO		x
Estimated EU contribution (PLN)					
53 350 000.00					

The background of the entire page is a repeating pattern of teal-colored triangles. The triangles are arranged in a grid-like fashion, with some pointing upwards and some pointing downwards, creating a tessellated effect. The color is a consistent shade of teal or seafoam green.

SPATIAL PLANNING IN THE STASZOW GMINA

The Staszow Gmina, in the Swietokrzyskie Region, is representative of the majority of gminas in Poland. It has a relatively small population (around 25,000 people), modest development dynamics (only a few new developments every year), and a more modest need for spatial development tools.

The local administration understood, however, that spatial planning can be a tool to raise the competitiveness and quality of life of smaller localities, and stem the outflow of people to big cities. Consequently, the administration of the Staszow Gmina is now in the process of updating its “studium” and is interested in expanding spatial planning activities within the locality. The mayor of Staszow requested World Bank assistance with this process.

STUDIUM UPDATE

The private company hired to update the “studium” of the gmina prepared a well-rounded proposal. The comments offered on it focused primarily on small technicalities. One area where the World Bank team suggested some bigger improvements could be made was the final zoning map. Because of a lack of clear direction given by existent regulations, zoning maps in Poland often tend to be “static” in nature – they simply provide proposed land uses. Ordinance 1587 of the Ministry of Infrastructure of August 26, 2003, provides a basic Zoning Code with proposed colors and letter markings for the various land uses covered. This proposal covers however only a few land-uses and is static in nature. Additionally, the Zoning Code Standard does not include two critical types of spatial interventions: 1) land conversion areas (e.g. from industrial to service area); 2) urbanization areas (e.g. areas for new development).

To understand what areas are proposed for urbanization versus conversion in a “studium”, one needs to look at the map with current land uses compared with the map with proposed zoning. Ideally though, a good zoning map should provide all the relevant information in one picture. More specifically, it should identify: 1) areas protected from development (e.g. natural preserves); 2) areas with building restrictions (e.g. high quality agricultural land); 3) areas proposed for urbanization/development; 4) areas proposed for conversion (e.g. brownfields).

Below is a simple proposal for how a static zoning map could be turned into a dynamic zoning map.

1. LAND CONVERSION, from agricultural to service area

R Tereny użytkowane rolniczo



U Obszar zabudowy usługowej

Proposed Service Area where now you have agricultural land

R -> U Obszar zabudowy usługowej

2. URBANIZATION, from green area to industrial and service area

ZL Tereny zieleni leśnej



PU Obszar produkcyjno-usługowy

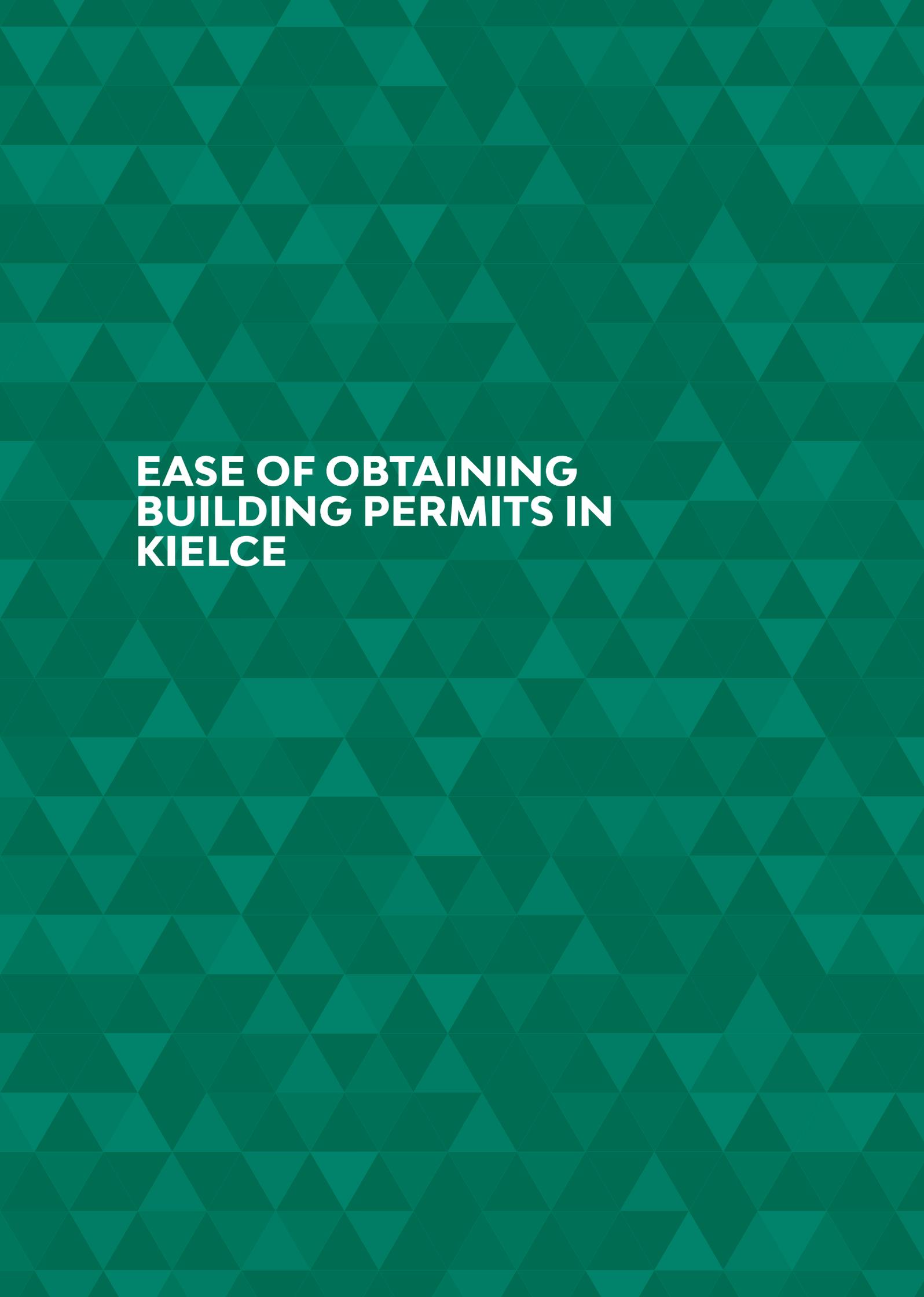
Proposed Industrial-Service Area where now you have green land

ZL -> PU Obszar produkcyjno-usługowy

BETTER SPATIAL PLANNING

Ideally, every locality in Poland should have a comprehensive spatial plan, covering its entire territory, as supported by the Polish government and the European Commission. But it is difficult to prepare full spatial plans because of the limitations of the existent legislation. During this project, the spatial planning legislation in Poland came under revision. Depending on the legislation revisions, spatial planning may become easier to undertake.

Assuming that a full spatial plan could be elaborated, the team prepared a draft Terms of Reference (ToR) for the elaboration of a spatial plan, with a number of key provisions for obtaining a good end result. The draft ToR is included in Annex 8.

The background of the entire page is a repeating geometric pattern of teal-colored triangles. The triangles are arranged in a grid-like fashion, with some pointing upwards and some pointing downwards, creating a textured, crystalline effect. The color is a consistent shade of teal or seafoam green.

EASE OF OBTAINING BUILDING PERMITS IN KIELCE

This activity builds on two strands of work developed by the World Bank in Poland. The 2015 Sub-national Doing Business Report identifies the key interventions required to make the Polish regional capitals more attractive to investors and entrepreneurs. Annex 9 identifies each procedure required for obtaining a building permit, and the average length of time to complete the procedure. This provides a clear idea of the areas where improvements can be achieved.

During the first phase of the Catching-up Regions Program, the World Bank focused specifically on the areas of improvement in Kielce, and identified a set of measures that could reduce the time for obtaining a building permit. Thus, it was determined that approximately 33 days of 'delay' were recorded on average by the Municipality of Kielce for the procedures pertaining to the 431 building conditions issued in 2016. Delays were registered for a variety of reasons, such as:

- Waiting for the return of a letter of delivery (Polish Post);
- Waiting for the local zoning plan to be adopted in the case of an investment which was not compliant with the assumptions for the local zoning plan;
- Waiting for the draft decision to be consulted by the road authority (the President of Kielce) in the form of an internal opinion, which is not governed by the regime of the 14 or 21 day deadline for the issuance of opinion by the consulted authority (when the opinion is to be issued by one and the same authority, there is no legally binding deadline to be observed);
- Waiting for the investor to take action after a telephone consultation with the authority;
- Accumulation of cases as a consequence of staffing shortages.

In parallel with the assessment carried out with the staff of Kielce City Hall, questionnaires were sent to representatives of the community of architects in the region. The findings of the questionnaire are summarized in the table below. Overall, administrative proceedings seemed to be carried out in compliance with applicable administrative provisions, but they were extremely time-consuming: they report that the processing time of a building conditions application varies from 30 days to several years.

TABLE 3.
Summary of architect survey findings from Kielce, on the ease of obtaining building conditions

1	Difficulties encountered:	
	Inconsistent interpretations of the definition of an affected area; conflicting interpretations by the authorities consulting the building conditions; overinterpretation of provisions applicable to the 'good neighbor' principle; spatial indicators taken solely as an arithmetic mean; unfounded prolongation of procedures; inconsistent legislation; contradictory interpretations of legal provisions; lack of stability and consistency in the stance taken by the authorities; legislative nonsense (e.g., since the environmental decision is required already at this stage, it is practically necessary to develop an advanced design); calls for additional data for the application, detailed parameters for the investment, etc.; public officials who act as if they were designers; approvals and studies required that are beyond the scope of the construction law; investors are often misled/misinformed by public officials about the (im)possibility of plot development before the application has even been lodged; building conditions are frequently non-compliant with the regulations (with the content not provided for in the regulation); undue (excessive) attention to the best interest of the neighbors; underestimated parameters of the investment; prolongation of the procedure	
2	Is a building concept required?	85% yes
3	Is land registry extract required?	60% yes
4	Is National Court Register extract required?	60% yes
5	Is the call for providing additional information applied?	85% yes

6	Is the notice with information about an initiated proceeding sent out?	100% yes
7	Are comments from the parties received?	70% yes
8	The time it takes for the authority to do the analysis (number of days)	48 days, on average
9	Is the content of the application modified as a consequence of analytical findings?	85% yes
10	Is the proceeding ever suspended?	85% yes
	If so, under what circumstances?	
	Zoning plan development is initiated; since there is no statutory deadline for the decision, there is no need – formally – to put the proceeding on hold (when new studies, analyses etc. are required, the authority prolongs the proceeding); utility approvals must be presented; it is difficult to identify the parties to the proceeding or to notify them effectively	
11	Is notification sent to communicate that the evidence has been gathered?	40% yes
12	What is the total processing time of a building conditions application?	30 days to several years

An overview of the 633 construction permits issued in 2016, indicated that approximately 23 days of ‘delay were registered on average. Some of the causes of the delay include:

- Waiting for letter delivery notice (Polish Post);
- Trying to identify the current mailing addresses of the parties;
- Accumulation of cases as a consequence of staffing shortages.

A separate questionnaire was organized with architects in the region, to get the point of view of the practitioners on the ease of obtaining construction permits in Kielce. The difficulties indicated by the architects were largely related to the step involving the preparation of the construction permit application, lack of consistency between interpretations offered by different counties in Świętokrzyskie, and input from other authorities (e.g. exemptions approved by the minister competent in the field of construction, sanitary authorities or fire safety authorities). A summary of architect survey findings is included in the table below:

TABLE 4.

Summary of architect survey findings from Kielce, on the ease of obtaining construction permits

1	Difficulties encountered:	
	Inconsistent interpretations of legal provisions; neighbors protesting; incompetent authorities; additional requirements (unnecessary or not mandated by the law) regarding opinions, approvals, studies; inconsistent requirements concerning the content and scope of documentation to be filed; public officials who confuse different steps of the procedure; additional requirements going above and beyond what is prescribed in the regulations; checking architectural and construction designs for correctness; provisions interpreted not in the investor’s favor; ignorance of provisions; procrastinating over the procedure; aversion to a firm, decisive attitude; excess formality – demanding and sending documents for every matter in dispute; asking for documents which are in the possession of the authority (e.g. ‘old’ building permits, KRS); over interpretation of the Construction Law Act; excessive use of the official ruling as a tool provided for the Code of Administrative Procedure; jumping to conclusions and identifying flaws without a proper review of the submitted documentation	
2	Is a land registry extract required?	25% yes
3	Is a National Court Register extract required?	100% yes
4	Is the call for providing additional information applied?	100% yes
5	Is the notice with information about initiated proceeding sent out?	100% yes
6	Official ruling to request design rectification/additional information	100% yes

7	Comments from other parties	70% yes
8	Is the proceeding ever suspended?	57% yes
	If so, in what circumstances? Summons to rectify the flaws, e.g. lack of approvals, opinions, etc., local zoning plan is a work in progress, parties cannot be identified, time needed to address the issues indicated in the official ruling, typically the authority expects that the application will be withdrawn and filed again instead of putting the case on hold	
9	Notification to communicate that the evidence has been gathered	28% yes
10	What is the total processing time of a building permit application? (number of days)	on average 86 days

Some potential for a reduced decision time was, to a degree, confirmed during the interviews with the staff of Kielce City Hall Department of Urban Development and Revitalization and the Department of Architecture, and in the survey conducted as a follow-up. Interviews and the survey were dedicated to planning and building permit cases. The survey contained a number of questions on pragmatic daily routines, including the use of tools that can substantially reduce the time required to handle building and planning permit applications. Answers were provided by 23 out of a total of 29 respondents, resulting in a response rate of about 80%. Kielce City Hall staff make good use of geospatial information systems and other electronic systems, which substantially reduces investor waiting time. Nevertheless, the work could be stepped up if investors were commonly contacted in a direct way (telephone contact, for example.) Survey findings are summarized in the table below:

1	Which of the available registers, data, lists, services, search engines do you use:	
a	National Court Register (KRS)	91%
b	Central Business Activity Records and Information (CEIDG)	61%
c	Electronic Land Registry (KW)	96%
d	Geoportal 2	65%
e	Map service, which one? GEO-INFO, GDWS, Google Maps	-
f	Postal Code Finder (Postal Address Numbers) – https://kody.poczta-polska.pl/	96%
g	Tracking – http://emonitoring.poczta-polska.pl/	83%
h	Other, please specify OTAGO, ISAP, Central Database of Rulings, Google, SOWA, GIS, population records, orthophoto images, GDOŚ (General Directorate for Environment Conservation) geoservice, <i>Retromapy</i> , <i>Zdjęcia ukosne Kielce</i> (oblique imagery)	-
2	Do you have direct access to data from land and buildings records?	
a	Yes	91%
b	No	9%
	If the answer is 'No', how do you obtain data from the abovementioned records and how many days does it take to obtain it?	-
	Indirectly via GDWS (Geospatial Data Web Server)	-
3	What is the waiting time for archived property files?	
a	1 day	52%
b	2 – 3 days	35%
c	More than 3 days	13%

4	What deadline do you apply for the notification that the evidence has been collected in a simple case?	
a	3 days	22%
b	5 days	4%
c	7 days	70%
d	Other, please specify	4%
-	No answer	-
5	What deadline do you apply for the notification that the evidence has been collected in a complex case?	
a	3 days	-
b	5 days	-
c	7 days	83%
d	Other, please specify: Max. 14 days	17%
6	When there are no parties to the proceeding other than the investor, do you apply the notification about commencement of proceeding?	
a	Yes	32%
b	No	65%
c	It depends, please specify	-
-	No answer	-
7	When a married couple is an investor, do you inform one of the spouses that they may grant the power of attorney/authorization for the other spouse to be able to collect documents/ letters on behalf of their spouse?	
a	Yes	61%
b	No	39%
c	It depends, please specify	-
-	No answer	-
8	Prior to sending a letter, do you ever phone the investor/plenipotentiary to let them know that the letter is pending dispatch and that they may collect it in person?	
a	Yes	65%
b	No	35%
c	It depends, please specify	-
-	In simple cases, information about positive building permit, provided that telephone contact details are provided on the application	-
9	In the event of minor deficiencies (e.g. missing signature or unchecked attachments on the application) do you ever call the investor/plenipotentiary so that they may make amendments without an official reminder letter?	
a	Yes	91%
b	No	9%
c	It depends, please specify	-
-	In simple cases, information about positive building permit, provided that telephone contact details are provided on the application	-
10	On average, how many days do you wait for letter delivery notice?	20 days

11	What is the gap between the date on which a letter is signed and the date on which it is actually sent?	
a	The same day or the next business day	74%
b	2 – 3 days after signing	22%
c	More than 3 days	4%
d	It depends, please specify	-
	Workload, days off, when there are numerous parties involved then printing services must be used	-
12	Where do you look for the valid address when a letter is returned with a note reading: 'Recipient has moved out', and how long does it take (how many days)?	
	OTAGO, PESEL country-wide database, population records, Tax Department, information obtained from family members and co-owners of the property	14 days
13	Who prepares the urban planning analysis in planning permit cases and public interest project location cases?	
a	The task is implemented in-house	100%
b	The task is outsourced	-
c	Not applicable, I do not deal with such decisions	-
14	What are your views on how to improve the building/building conditions procedure and public interest project location decision procedure?	
	Increasing the headcount in the Departments, make legislative changes: instead of a building permit – registration of planned development, parties notified by way of notice when there are many parties, zoning plan adopted for the entire city area	-

The in-depth interviews and detailed questionnaires with professionals, helped elaborate a list of recommendations. The list is included in the table below.

TABLE 5.
Recommendations for improving the ease of obtaining a building permit in Kielce

No.	Recommendations	Significant	Not crucial	Implementable	Unrealistic
1	Development of flow charts to assist the staff with procedures and deadlines, attached to every case.				
2	Application verified within 7 days of receipt.				
3	Telephone contact to urge the applicant to deal with 'minor' information deficiencies instead of a written summons sent by mail – with an official note attached to the file.				
4	Indication of the legal basis for each piece of missing information on the application in the formal summons concerning formal deficiencies and the removal of irregularities.				
5	Regarding building conditions cases: urban planning analysis initiated by no means later than within seven days from the receipt of a duly submitted application.				

No.	Recommendations	Significant	Not crucial	Implementable	Unrealistic
6	Regarding building conditions cases: area (land) analysis and a draft decision completed within 14 days from the date of dispatch of the notice about the initiated proceeding.				
7	Immediate dispatch and/or information about the option to receive the letters in person after signing.				
8	Requests for draft decision consultations sent to other authorities simultaneously (in the case of a building conditions, dispatch along with urban planning analysis).				
9	Letter delivery date tracked by means of: sledzenie.poczta-polska.pl/				
10	Designating a 3-day deadline for analysis of evidence and records in the case of a 'straightforward' investment project with few stakeholders, and a 7-day deadline in all other cases.				
11	If necessary, discuss the application and attachments with the applicant at a meeting at the offices of the public administration.				
12	All administrative activities undertaken as soon as possible.				
13	Ensure that the location of the person responsible for the case is provided in every letter (name and surname, position, room and telephone numbers).				

For the second phase of the Poland Catching-up Regions Program, this list of recommendations was discussed in detail with the local administration in Kielce to identify what would be most appropriate, with the biggest impact and easiest to implement.

Over the course of three months, these recommendations were discussed with various stakeholders in the Kielce administration, and a list of best practices was selected. These best practices were integrated in two checklists, along with the steps that have to be legally followed to obtain a building permit. Two checklists were created – one to obtain building conditions and the other for building permits. If a spatial plan were in place, there would be no need to obtain the building conditions. Annex 10 and Annex 11 include the final checklists prepared for the “building conditions” phase and for the “construction permit” phase, respectively.

ANNEXES

ANNEX 1.

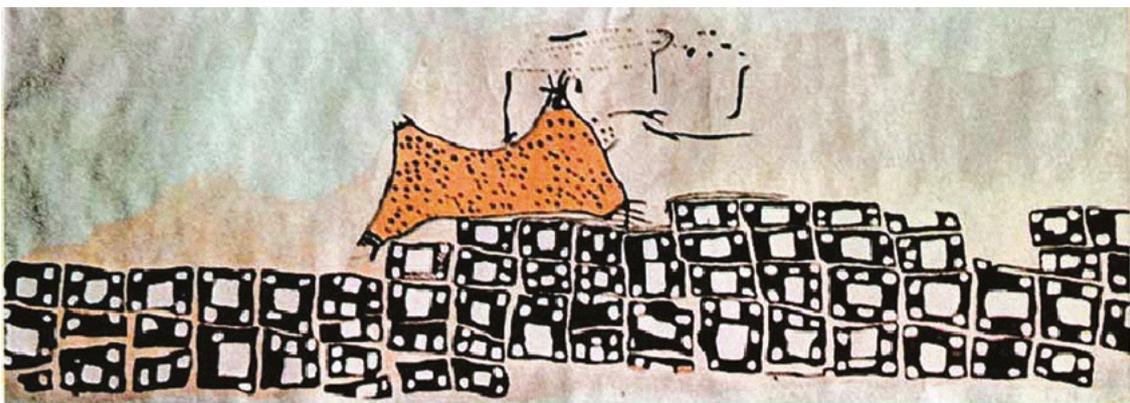
WHY SPATIAL PLANNING IS IMPORTANT

The necessity of spatial planning tools is evident even with the earliest urban dwellings. From where people placed their homes (e.g. close to a water source, away from the village fire place), the way homes communicated with each other, and to how they protected people, required spatial planning – even if unintentionally.

Deliberate planning has however been a mainstay, ever since the first human settlements took shape. The map below is the first known spatial plan, representing the outlay of the ancient Catal Huyuk settlement, in present-day Turkey.

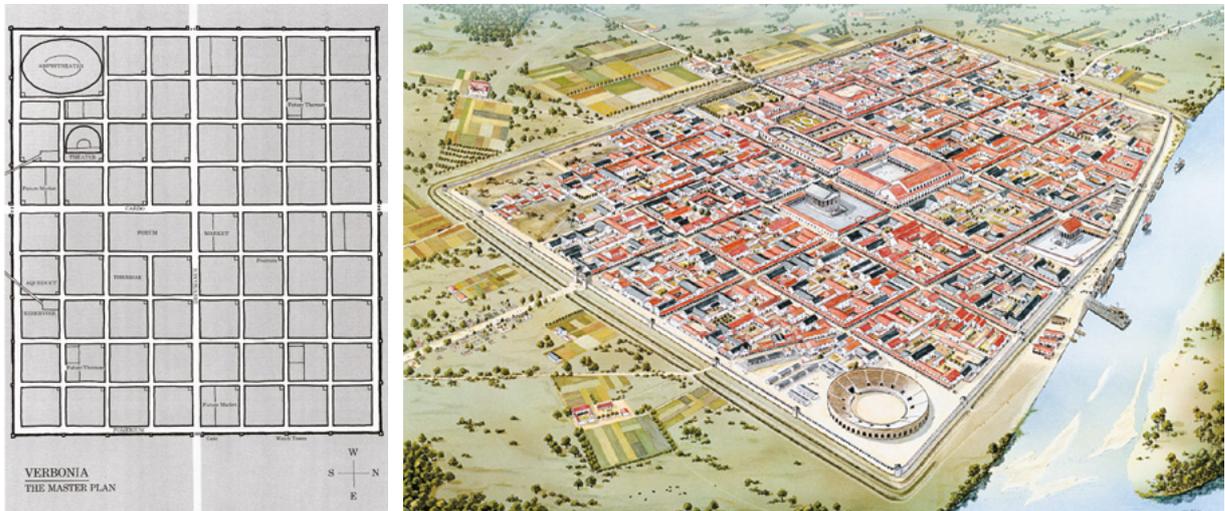
FIGURE 18.

Catal Hüyük (cca 7,000 BC) – the first known spatial plan (reconstruction of a wall painting)



In Ancient Rome, spatial planning reached a high level of sophistication, only to disappear with the onset of the Dark Ages. Several of the spatial planning tools used by Roman urban planners are still in use today. Concepts, such as the street grid, central plaza, utilities network, market, amphitheater, height limit, orientation towards the sun, zoning, growth boundary, are concepts that we continue to use for spatial planning. For example, the Roman street grid has been used all over the world, from New York, to Mexico City, Buenos Aires, Madrid, Cape Town, and Kyoto. The sidewalk, street-front development, street set-backs, and central plazas are spatial planning features that define most cities today.

FIGURE 19.
Elements of Roman Spatial Planning



But, is spatial planning useful for more than just a nice aerial picture and some functional urban features? The answer is YES. While good spatial planning cannot ensure that a city will also be competitive and dynamic, few cities manage to remain so without good spatial planning. Spatial planning brings economic, social, and environmental benefits that are critical for sound urban development. Imagine how Tokyo, a megalopolis of 40 million people, could function without the proper spatial planning tools. Its brilliantly designed public transport system enables one to travel across the city in less than an hour.

In what follows, we will discuss seven distinct ways that spatial planning can help cities and regions become more competitive and dynamic.

DENSITY

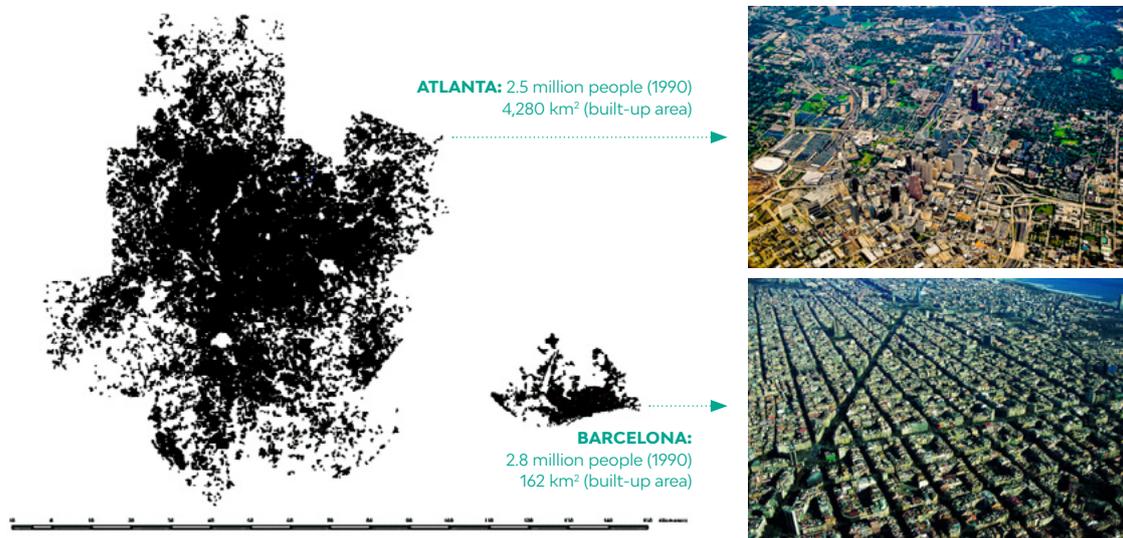
One of the main outcomes of good spatial planning is the encouragement of dense development patterns. You don't have to be an urban planner to understand why a dense city is better than a sprawled city. As most local administrations know, in a dense city, it is easier and more efficient to provide most public services. Public transport networks will have a higher ridership and be more profitable; water and wastewater networks will be smaller and easier to maintain; solid waste management collection routes will be shorter; the city can be lighted with fewer lighting poles, and each lighting pole will provide light for more people.

Alain Bertaud, one of the most acclaimed urban planners in the world, provides one of the best arguments for why a dense city is better than a sprawled-out city. In one of his landmark papers³, Bertaud compares two cities that are at opposite ends of the density spectrum - Barcelona (one of the densest and best planned cities in the world) and Atlanta (one of the most sprawled cities in the world). Atlanta and Barcelona have roughly the same population, but Atlanta has a built-up area that is 26 times larger than that of Barcelona. Barcelona has a metro system of 99 km and 60% of people live within 600 meters (less than a 10 minute walk from a metro station). Atlanta has a metro system of 74 km and only 4% of people live within 800 meters of a metro system. If local officials in Atlanta would aim to have 60% of residents within 600 meters of a metro station (as in Barcelona), they would have to build an additional 3,400 km of metro tracks and around 2,800 new metro stations. The differences are staggering. Think only of the loss in revenue and personal time, because of commutes, congestion, and traffic jams in Atlanta. Developing a sensible public transport system would be a costly and inefficient. Think also how much cement, bitumen, and man-power are required to pave and maintain the streets of Atlanta as opposed to the streets of Barcelona; or how many street lights and energy are required to light the streets; or how many trucks and kilometers on the road are needed to collect the trash. Better yet, if all things being equal, which city would you prefer living in?

³ http://alain-bertaud.com/images/AB_The_spatial_organization_of_cities_Version_3.pdf

FIGURE 20.

Two cities that are at opposite ends of the density spectrum



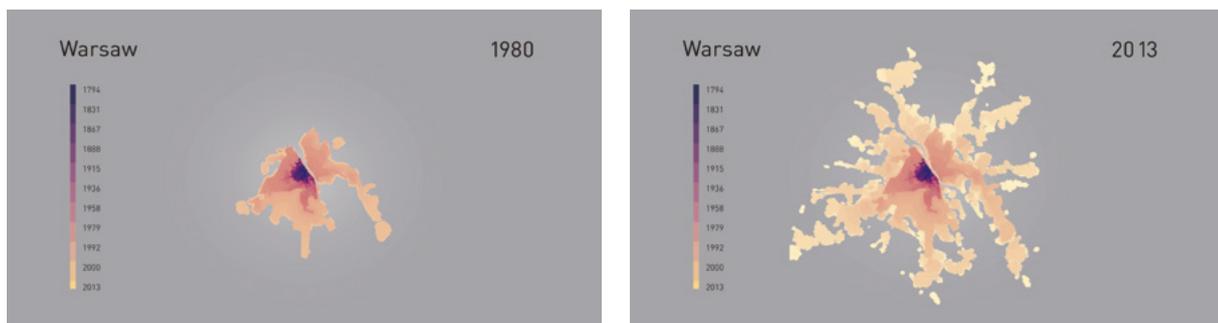
STRUCTURE

In the absence of spatial plans, cities develop like rivers – they follow the path of least resistance. When strong spatial plans are absent, new developments tend to take place along existent thoroughfares. The reason for this is straight-forward. Building an access road, and needed utilities, to a new development can be costly, so developers often prefer to build on plots already serviced by the public infrastructure. This causes functional urban areas to develop in an “octopus” type fashion, with new developments stretching out along the main thoroughfares in and outside the city. The example of Warsaw (see maps below) illustrates this issue. What is interesting to see is not just an “octopus” type development, but also a rapid and voracious consumption of land.

To developers, this type of investment may make a lot of sense and be cost-effective in the short term. In practice however, these developments are quite costly in the long term – to the developers, local administrations, and the environment. People often build a house where land is cheap and access to infrastructure easy. But, by doing so, they neglect other costs they may incur when moving to these far-away locations, such as long commutes, poor access to public amenities such as parks, shopping and services; and less opportunities for recreational activities.

FIGURE 21.

Warsaw has sprawled in an un-controlled fashion in recent years



Source: <http://www.atlasofurbanexpansion.org/historical-data>

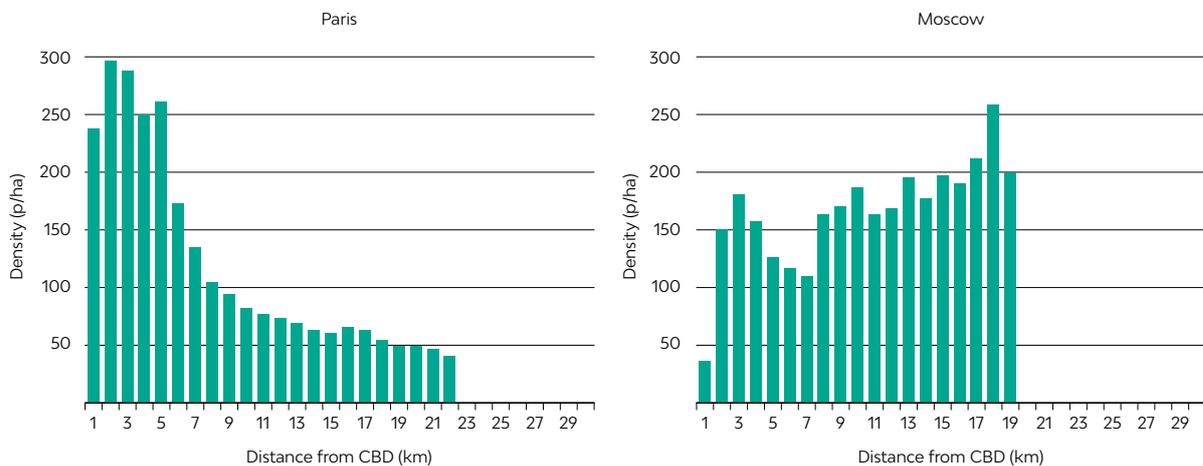
DISTRIBUTION OF DENSITY

Spatial planning tools have to be properly balanced. If overly prescriptive, they can hamper development. If overly lax, they lose the role they were supposed to play. Spatial planning is 80% planning and 20% plans. A spatial plan has to take land and housing markets into consideration (e.g. allow higher density developments in high-demand areas and ensure the land is not protected for natural, cultural, historical, or environmental risk reasons), the demands of stakeholders (citizens, private companies, civil society groups), and it has to be forward thinking, incorporating future realities (e.g. population growth).

Former centrally planned cities in Eastern Europe have many good features of sound spatial planning (they are compact, with well-developed public transport networks, and efficiently organized utilities). However, in the absence of functioning land and housing markets, development patterns in centrally-planned cities followed the whims of the central planners. Thus, with improved building technologies larger buildings were constructed in outlying areas. In market driven cities, the locations with the highest demand, usually accommodated more generous densities.

Paris and Moscow demonstrate this conundrum. In Paris, the highest densities are in the high-demand central areas, whereas in Moscow, the highest densities are in peripheral areas (see figures below). A negative consequence of this inefficient territorial development pattern is commuting times. While Paris covers twice the territory as Moscow, average commuting times to the city center are about the same in both cases. We see this effect all over Eastern Europe, with density clustered in areas that markets don't deem as very attractive (i.e. where land and rental prices are relatively low).

FIGURE 22.
Paris has a more efficient distribution of density than Moscow



PERMEABILITY

A poorly designed neighborhood can increase average commuting times, pollution, and traffic jams. When a city has poorly planned neighborhoods, transport becomes more cumbersome, cost-intensive, and polluting. In addition, it can create negative social externalities, making it harder for low-income people to access jobs and opportunities in a cost-effective and efficient manner. Public transport is hard to introduce in poorly planned neighborhoods. As shown in the figures below, due to the lack of spatial planning tools, a neighborhood in Bangkok has become a culmination of market failures that is nearly impossible to fix.

FIGURE 23.

Comparison of an impermeable and a permeable neighborhood

New neighborhood in Bangkok (Thailand)

New neighborhood in Lima (Peru)



Source: http://marroninstitute.nyu.edu/uploads/content/Monitoring_the_Quantity_and_Quality_of_Urban_Expansion,_22_September_2015_WP24.pdf

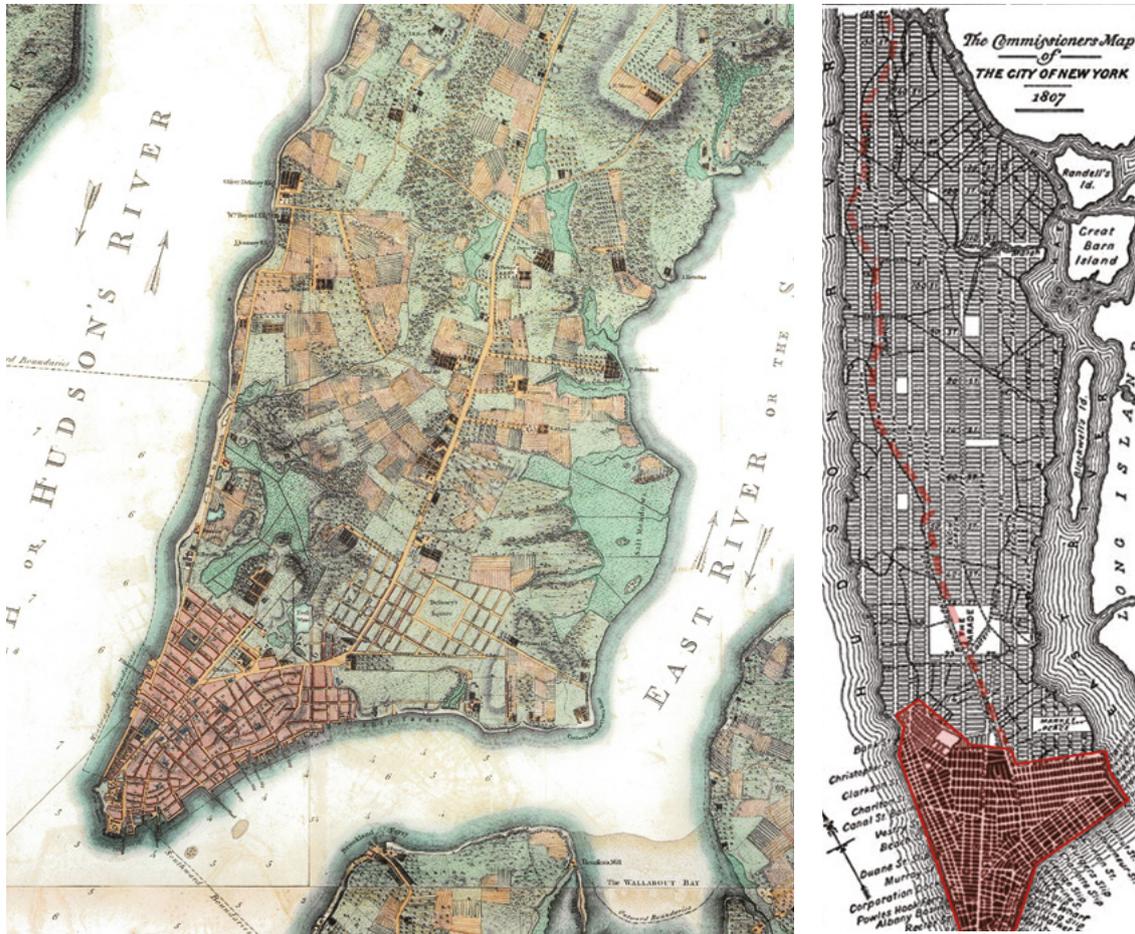
INFRASTRUCTURE

The saying goes that “streets are forever”, and once you have laid them down, they define the form and shape of the city, making changes to them difficult. The way you plan a city’s streets, as well as other public infrastructure networks (electricity, gas, water, wastewater, etc.), will define the way the city will look in the future. A city that plans its infrastructure well, will likely reap the benefits of sustainable urban development. Similarly, cities that fail to properly plan their infrastructure networks, will often have to deal in perpetuity with the negative externalities of bad planning.

The famous Broadway, was the main thoroughfare for the Native Americans that inhabited the island of Manhattan, before it was colonized by Europeans. This thoroughfare continued to be used by the settlers after colonization, and it became a mainstay that was difficult to alter. Thus, when the New York masterplan was elaborated in 1807, Broadway had to be included. Of course, today, it is one of the defining features of New York, and one of the most famous streets in the world.

FIGURE 24.

New York includes both well-planned and un-planned infrastructure



In balance to the organically developed Broadway, the 1807 masterplan follows the Roman street grid, With only a few exceptions (e.g. the introduction of Central Park), this masterplan was followed closely to this day. And, of course, New York remains one of the most dynamic and competitive cities in the world.

HEIGHT

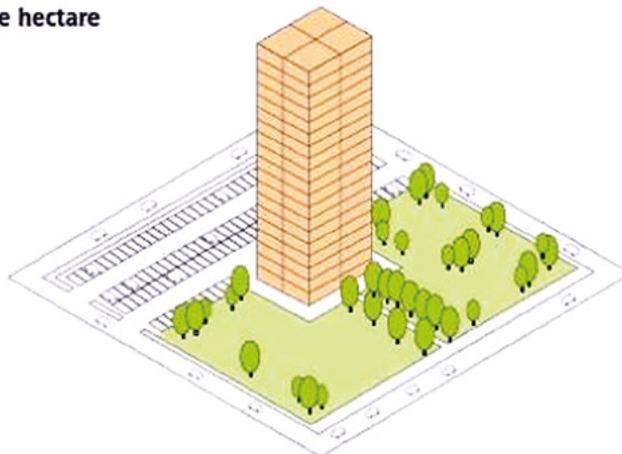
A city develops not only horizontally, but also vertically. However, we humans perceive space horizontally. In a landmark book⁴, Jan Gehl talks about how important “human scale” is in the development of cities and in achieving a high quality of life for the people living there. Unfortunately, little evidence is collected on how the built environment influences our well-being, but first forays in this area are already being done⁵.

FIGURE 25.

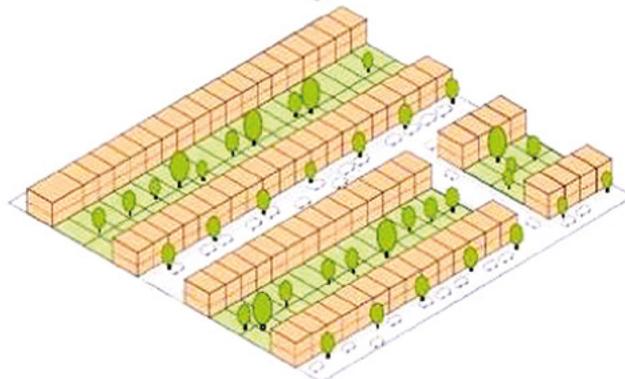
The same density can be obtained with different plot developments

Density configurations on one hectare

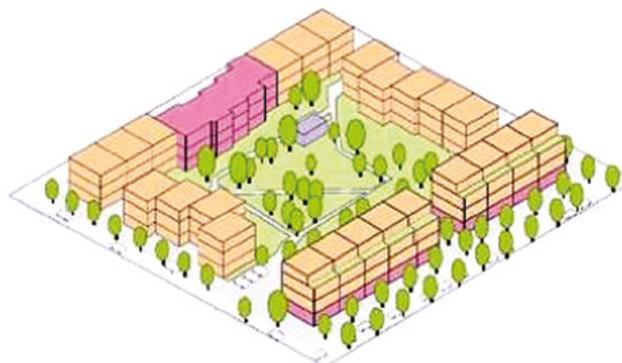
Density: 75 dwellings / ha
High buildings
Low plot coverage



Density: 75 dwellings / ha
Low buildings height
High plot coverage



Density: 75 dwellings / ha
Medium building height
Medium plot coverage



- Residential
- Office and commercial
- Public facilities

Source: Mozas, Javier, and Aurora Fernandez Per. 2006. Density: New Collective Housing

⁴ Gehl, Jan. 2010. Cities for People. Island Press

⁵ Montgomery, Charles. 2013. Happy City: Transforming our Lives through Urban Design. Farrar, Straus and Giroux

Height limitations are an important spatial planning tool that affects quality of life in urban areas and were first introduced by the Romans to ensure that people on streets and in buildings had access to sunlight throughout the day. Height limitations are used for similar and more advanced purposes (e.g. protecting flight paths for airports) today. These height limitations are often considered to constrain development, but the same densities on a plot of land can be achieved at lower heights. Of course, if you have a natural growth barrier, like the Manhattan, the only to build is up. But, public spaces flanked by high buildings, tend to be less attractive than spaces that are built at human scale.

QUALITY OF LIFE

Cities are increasingly in competition for people, and the best experts, have the luxury of moving wherever they chose, with quality of life playing an important role in the decision to move. People love well-designed places (a testimony is the number of tourists beautiful cities receive), and spatial planning is one of the best instruments to improve the quality of life in a city (e.g. through urbanism regulations). As indicated earlier, good spatial planning does not ensure that a city will also be dynamic and competitive, but few cities can remain dynamic and competitive without good spatial planning.

FIGURE 26.

Quality of life matters to all of us



ANNEX 2.

HOW SPATIAL PLANNING IN POLAND FUNCTIONED IN DIFFERENT TIME PERIODS

Spatial planning systems in different countries are deeply rooted in the traditions of public administrations' structures and competencies, governance models, and development management mechanisms. Changes in the functioning of spatial planning in Poland should therefore be analyzed and interpreted within the context of changes to the political and socio-economic conditions for development. Current systematic spatial planning problems are extensive, and require more than the introduction of new legal regulations. It is necessary to also change the paradigm of spatial planning and restore its ascribed roles. Government agencies planning should be proactively implemented in cooperation with partners from the private and social sectors. Planning practices, based on extensive experience and understanding of contemporary development processes, are needed to address today's challenges.

BEFORE 1945

The modern urban planning system in Poland was well established between the two World Wars, as evidenced by the many examples of well-drafted and effective projects that continue to be highly valued. Over 500 Polish cities adopted as early as the 12 century AD the Magdeburg Municipal Law⁶, which includes spatial organization principles for a town (e.g. the historic centers of Polish cities which generally are organized around a central square and surrounded by a street grid).

National and regional spatial planning were developed and implemented in Poland up to the Second World War and regulated by law. Preparation of these plans corresponded with spatial planning trends in Europe. In 1930 a regional plan for Warsaw was prepared and it was the first planning document developed in Poland for an area that would now be considered a functional urban area. In 1931, the Regional Plan of Łódź and the Regional Coastal Plan were prepared. In 1936, regulations on construction and development of housing were amended. The new law introduced the idea of a regional development plan and subsequently, regional planning commissions and offices were established. Before the World War II, there were thirteen planning offices, which enabled the easy adoption of new trends in spatial planning. .

⁶ According to: <http://magdeburg-law.com>

Many pre-war Polish town planners transitioned smoothly into post-war Poland, leading planning efforts to rebuild areas that had been heavily destroyed in the war. Warsaw was the most spectacular example of such planning and re-development efforts, as nearly 85 percent of the city was destroyed during World War II. The communalization of all lands within the pre-war city limits was considered the most important tool to facilitate the urban planning and the reconstruction of Warsaw.

1945-1980/89: CENTRALIZED PLANNING

In the post-war period, especially just after the war until the beginning of the transition in 1990, spatial planning was subordinated to economic planning. In 1945, the Central Planning Office (Centralny Urząd Planowania – CUP) was established. The main tasks of CUP were post-war reconstruction, and the development and implementation of economic development plans. After several transformations the office was abolished in 1997, as a result of administrative reform.

Simultaneously, the Main Spatial Planning Office was established in 1946. It determined the use of land for agriculture, forestry, mining, industry, water management, culture, education, health, leisure, nature reserves, population distribution, communications, energy and telecommunications. The national plan also established countrywide regions that became the basis for the administrative division of the state. The Main Spatial Planning Office operated until 1949. Its abolishment, within the context of the continued operation of the Central Planning Office, was due to an underestimation of the role of spatial planning in guiding and managing development processes. A lack of coherent programming and planning development resulted in a phenomenon known as the “pathology of urbanization”. Development of housing, technical infrastructure, and social services did not keep pace with industrial development. Cities and urban areas, especially big industrial ones, became dysfunctional and served primarily as hubs for laborers.

The paradox is that during the communist period, a clear institutional framework for spatial planning was introduced. As mentioned earlier, the Central Planning Office divided spatial planning into three levels: national, regional, and local. The institutions responsible for spatial planning were:

- Main Spatial Planning Office (tasks: preparation of the spatial development plan for the country, and supervision and support of planning activities at the sub-national level);
- Regional Directorate of Spatial Planning at the voivodship (regional) level (tasks: preparation of regional plans and supervision of planning activities at the local level);
- Local Spatial Planning Offices with headquarters at county (powiat) level (tasks: preparation of plans for local settlements and cities).

After the abolishment of the Central Planning Office, the planning system underwent many changes. The most important changes were introduced by the Act of 1961, which envisaged three levels of carrying out spatial planning:

- for the area of the whole country, in the long-term perspective of 40-50 years (national level);
- for the areas of voivodships or their parts, within so-called regional long-perspective plans (regional level);
- for the areas of settlement units or their parts, as well as groups of these units, within local plans (local level).

Plans prepared at the local level had to incorporate the provisions of higher-level plans.

The year 1984 was one of the post- Solidarity Movement and Communist-regime martial law (the martial law lasted from 1981 until 1983). The economic political and social crises, spurred the central government to decentralize its powers. A new approach to spatial planning highlighted the importance of it as a tool to guide development processes and improve social and economics in the regions and municipalities. With the adoption of

the successive Act on Spatial Planning in 1984, the three-level system of planning was maintained, with the national, voivodship and local levels. Moreover, for areas distinguished for their fulfillment of various functions, the preparation of plans of functional areas was envisaged.

The economy of Communist Poland was described by the Hungarian economist Janos Kornai as an “economy of shortages”. A lack of realistic development planning and limited resources thwarted the proper implementation of prepared plans. However, because they were adopted, land was reserved for designated uses and planned investments, which helped to avoid spatial chaos. The lack of implementation of spatial development plans was regarded as evidence of the weakness of the system of spatial planning (later, in the early 1990s, it led to the conclusion that spatial planning is not necessary).

Central government spatial planning was obligatory and applied to all local governments (they were not democratically elected “self-governments”). Additionally, urban planners and the state-owned contractors (the word “developer” was then not known) had to follow national political policies. Local populations’ participation in the planning process was non-existent, as the politically steered local “national councils” were considered the representatives of a population.

The development of towns followed a clear process. All major towns were given “general plans” for the areas within their administrative limits (often the proposals included territorial expansion; they were large and elaborated in a “general” scale 1:25,000 – 1:10,000/1:5,000). It was easy to manage territorial growth, since private lands (mainly dedicated to agricultural use) that were repurposed for official use by a masterplan were bought at low prices or expropriated (though a lot of the land was already state-owned as it had been expropriated after the war). These plans established development parameters (i.e. development density) to repurpose land for housing and industry.

Since 1974, designating land for new developments was determined by the central government and coordinated regionally, using specific tools (i.e. the ministerial instruction) that provided the parameters and guidelines for urban lands designated for housing. Such tools defined “urban standards”, listed required community functions (education, recreation, health, culture, retail etc.), and established land designation standards. There were not any significant problems with implementing the building plans because nearly everything was state built and land had no true cost or calculated economic value (i.e. there were no real land or housing markets), eliminating any possibility of real estate development.

Since land could be purchased or expropriated by the state administration cheaply, land use did not always correlate with its potential economic value. Only high-quality farmlands were protected from imminent domain purchases or repurposing, thus creating barriers for urban expansion. The general plans were “two-dimensional”, sometimes setting up building density for the specific zones / uses, focusing on function rather than form.

Starting in the 1970s, environmental protection became a growing concern. Masterplans were designed to last 10 to 20 years, but many of them were updated in less time, to reflect the latest preferences of politicians. Often, the plans were not even implemented by the time of their first updates. Some spatial plans were created using urban planning competitions. These competitions focused on the concepts of local detailed spatial plans (drafted at scales of 1:2,000 – 1:1,000 / 1:500). These competitions focused on form and urban composition, and outlined the parameters for urban and architectural designs, rather than land use that were already designated in the national government’s general plans. Academia’s ideas of urban composition were used as evaluation tools for the competitions and spatial plan drafts; discussions and final decisions included academics, planners, public administration, and politicians.

Housing at this time was the most sensitive political issue, due to a significant shortage. Housing “co-operatives”, which were similar to their pre-war democratic predecessors, were given high priority in spatial planning and land distribution. Approval of privately built houses and farms and other private developments (which were quite rare and small) faced many bureaucratic problems due to the socialist economy. The system did not impose a property tax, directly linking a value of a plot to its use, and as such there was no “planning gain”. This was nevertheless of minor importance, as most new developments were financed by the government.

STRENGTHS AND WEAKNESSES OF THE CENTRALIZED PLANNING SYSTEM

STRENGTHS

THE SPATIAL PLANNING SYSTEM WAS COMPLEX, FROM THE CENTRAL GOVERNMENT TO THE LOCAL LEVEL.

Throughout the different regions (i.e. voivodships, the plans were obligatory and land for development could be easily acquired, with few limitations at little or no cost). The spatial plans were frequently drafted based on theoretically optimal models, structures, urban standards, and parameters. This enabled the development of compact and dense cities, with an efficient allocation of infrastructure investment and utility provision. Neighborhoods were designed around public transport networks, reducing the need for personal car transport, and ample spaces allocated for parks and green areas.

WEAKNESSES

SINCE THE SPATIAL PLANS WERE CREATED AT A NATIONAL LEVEL, THEY WERE OFTEN ARBITRARY AND UNREALISTIC.

Land location was not taken into consideration, and thus it was often not designated for its potential best use, as evidenced by the continued location of factories in the center of cities. Also, without land valuation, there were few incentives for land use changes (e.g. the re-location of factories to peripheral areas and for land to be reused for more appropriate commercial or other uses). Private land ownership was not fully respected by the state, there was no formal relationship between a spatial plan, land value, and taxation, and, there was no need to consider market demands in planning, as the economy was not market-driven.

In summary, the most important characteristics of the centralized planning period were:

- Hierarchy of spatial plans;
- Obligatory urban standards;
- A dominant position of the central government in the formal structure of the planning system;
- A strong position of the public administration vis-à-vis other stakeholders;
- A lack of democratic procedures in governance and planning;
- A lack of economic rationale for decisions on land development.

1980/89-1994: TRANSITION PLANNING

During the so-called “Solidarity Carnival” (September 1980 – December 1981), tense discussions about necessary reforms arose. Since the mid-1970s, the consequences of an unavoidable breakdown of the government, including the planning system, had become apparent. The post-war planning system was not working. The ideas to reform the country’s spatial planning system were mainly derived from detailed observations of effective spatial planning in West Germany and France. The ineffective spatial planning forced the annulment of the previously described ministerial instruction of 1974. The collapsing economy was not able to fulfill its own ambitious requirements for urban standards, even though the land reserved by the masterplans could be acquired at nearly no cost.

The imposition of martial law on December 13, 1981 quieted the ongoing discussions about policy reforms. In 1984, a new Act on Spatial Planning was adopted (replacing the previous one of 1961), and it surprisingly included some of the reformation ideas proposed in 1981. It improved the position of the local National Councils in spatial planning (although at the time local governments were not democratically elected) because the administrative location decisions were eliminated.

Due to the deep crisis of the collapsing central economy, the spatial masterplans adopted during the 1980s were more modest than the previous ones. At the same time, the shortage of housing and related infrastructure was a growing and unsolved problem, despite few demographic changes and high emigration. The years of crisis fueled a growing awareness of much-needed reforms, including the modification of the spatial planning systems into a more democratic, local approach, with public participation.

Discussions about such reforms focused on two kinds of systems: a French/West German system that had many regulations, detailed planning tools, and a strong role by the state administration; or a British/US system, with less government regulations, more flexible plans of the spatial structures / zoning, and a stronger relationship with the commercial and real estate market. In addition to examining external systems, some encouraged the country to return to the planning systems of pre-war Poland (1918-1939) and other planning tools, such as the urban standards. Some even called for the total abandonment of planning, explaining that spatial planning was just “an oppressive tool” of a collapsing regime, and unnecessary in a democratic state and a free market economy.

By the beginning of the 1990s, legal protections of individual/private land rights were restored. Introduced by 1989-1990, the most important reforms to the planning system were the reintroduction of the democratic local self-government for all ca. 2,500 municipalities. The Act on Local (Communal/Municipal) Self-Government of 1990 set up the local self-government units, *gminas* (for communities / municipalities) that commanded “the matters of a spatial order, land management, environmental protection, water management”, as well as roads and other communal infrastructure. The locally elected communal/municipal councils were also granted full rights to manage the communal lands (granted from the state-owned stock) and all local spatial development plans.

Since the law protected the newly established local governments, they had significant powers against regional and national administrations. However, the reform of the planning system was delayed for unknown reasons, and thus the local governments were not equipped with the necessary new spatial planning regulations, nor fully knowledgeable of the new social, political and economic situation. Thus, local authorities were bound by the old inherited spatial plans (regional, general, and detailed ones) from their Communist predecessors. They could draft, adopt and implement new plans in compliance with the rules of the above-mentioned Act on Spatial Planning of 1984, which maintained the obligations for local general planning, but without the legal and financial benefits of the planning decisions applied to the private lands, since ownership rights had been reinstated, just like they were in pre-war Poland.

The delay in spatial planning reform created a paradox: a local planning committee should be managed by the local democratically elected government that understands the challenges and operates within a free market economy, but these committees lacked the necessary planning regulations and tools (especially those of economic and legal nature). However, one positive outcome of this challenging period was that the spatial plans were still inexpensive, since they required no formal or financial obligations of development of the private lands.

Thus, many new local authorities drafted and adopted new master and detailed spatial plans, taking into consideration the older, but still binding regulations, aware that they did not fully respond to some new rules of the reform period. They tried to make the provisions of these plans less arbitrary and more flexible, while observing the needs and wishes of the new stakeholders in a real estate market where private domestic and foreign developers had started to appear in the early 1990s.

The case of Warsaw, a union of boroughs, illustrates this situation the best. The first democratically elected local self-government adopted the general plan for the city in October 1992. It was a general plan, with a “rationalist” approach, focused on establishing single land uses (there was almost no land designated for mixed uses). The plan was drafted at a 1:20,000 scale, with a large amount of land reserved for new roads, housing, and industry. In March 1993, the self-government of the Downtown Borough adopted its local detailed spatial plan, (at a 1:2,000 scale), focusing on form and protection of its historic heritage. The only new aspect of the planning process was a common belief during these years that the democratically elected local councils (both of the city and of its boroughs) secure a satisfactory level of public participation in the process. However, there was a growing sentiment against any type of spatial planning.

The Act on Spatial Development of 1994 introduced more substantial changes, reflective of the significant changes to the country’s political and economic structures. The most important changes were:

- The adoption of the local spatial plans was no longer necessary (with a few exceptions);
- General local plans for communities/municipalities were formally “deleted” from the planning system, and replaced by a binding local spatial policy document (a study on the conditions and directions for a

spatial development of a community/municipality), that was required to be used by each Polish community/municipality for its territory. They were general, focusing much more on functions/zoning than on form and at scales of 1:25,000/20,000 to 1:10,000. The main difference between such studies and a general spatial plan was that a study was not a set of local spatial by-laws, but rather principles and rules;

- All spatial plans, which were prepared and adopted under the regulations of the Act on Spatial Planning of 1984, (before the re-introduction of the local self-government by the old “national councils” and by the new local self-government in years 1990-1994) were declared void by the end of 1994 (this deadline was later changed to the end of 2003). The legislators had expected that the new local self-governments would perform accordingly and would replace the old general plans with the new local spatial policy documents (i.e. the studies mentioned above) and that the old detailed plans - with the new local plans - would be the tools for the implementation of new policies. The new local spatial plans were similar to the “old” detailed plans (drafted in scales 1:2,000/1:1,000 – 1:500, focusing both on function and form, setting up the local by-laws for the architectural designs).

It did not set any deadlines for the communal/municipal studies, nor for the new local plans, but it was expected that the local governments should update their spatial policies and plans according to their needs and before all the “old” plans will be deleted. Such expectations were justified because local individuals and private developers were allowed to participate in the planning process (filing proposals to local authorities and submitting remarks).

As opposed to their previous position, new local plans created legal and financial obligations to the local authorities for the planning decisions concerning private land. As a result, **by the end of 1999, only five to ten percent of the territories of the communities /municipalities had new local plans.** The municipal/communal councils were the only subjects granted a duty to define the local spatial policy, to adopt the aforementioned studies, binding the new local spatial plans; but the majority of them maintained the old general plans, for as long as it was permitted, since it was the only spatial planning document within their municipality/community.

The reason for this unexpected approach of local self-governments was that the property rights of the individuals became protected by law, and land now had specific value related to its uses, so local development plans became more expensive. Along with the changes in planning, local authorities thought that the property tax would also be adjusted to reflect the real value of land, but such a taxation code change was not implemented. The expected introduction of a property tax, together with the reform of the spatial planning system, would have given the local governments leverage to create new plans. Instead, a “planning gain” fee (a sales tax implemented on land transactions which had been designated by the local plans for the new uses) introduced by the Act on Spatial Development of 1994 did not (and does not) work as the legislators expected

STRENGTHS AND WEAKNESSES OF THE TRANSITION PLANNING SYSTEM

STRENGTHS

THE REFORM OF THE SPATIAL PLANNING SYSTEM WAS AN IMPORTANT PART OF THE NEW ACTS AND REGULATIONS INTRODUCED TO TRANSFORM POLAND FROM A NON-DEMOCRATIC, COLLAPSING COMMUNIST STRUCTURE, INTO A MODERN DEMOCRATIC STATE WITH A FREE MARKET ECONOMY. These reforms were strongly linked with the re-introduction of democratically elected local governments, which transformed spatial planning from central authorities into a tool of local governments. These reforms broke down the false notion of freely available land and encouraged some forms of public participation in the planning process.

WEAKNESSES

THE REFORM OF THE SPATIAL PLANNING SYSTEM WAS NOT INTRODUCED TOGETHER WITH THE OTHER MAIN REFORMS. The four-year delay in the introduction of spatial planning reforms for local governments left them with old spatial regulations and the planning tools, which were not adequate to the challenges of the new governing bodies. Additionally, this reform did not include the (awaited) introduction of a property tax. The decision to abandon the old spatial plans of the Communist-era and replace them within five to nine years with the new planning tools was too radical and naive; the scope of an obligatory spatial planning was set up on too low of a level.

1990/95-2003/PRESENT: MARKET ECONOMY PLANNING

The new act introduced in 1994 was not a comprehensive change to the spatial planning system and did not bring forth the expected results. By the end of 1990s, due to the small number of new local spatial plans produced, it became necessary to place an interim period until 2003, during which the old general and detailed plans were still used. The new Act on Spatial Planning and Development of 2003 finally terminated the validity of the previous plans, despite an unsatisfactory number of adoptions of new local plans. One of the reasons for the adoption of the 2003 act was the creation of two levels of self-governments: county (powiat) and regional / voivodship (województwo), although only the voivodships were granted spatial planning duties, limited to specific regional spatial issues. A gmina (community/municipality) retained the strongest position among the self-governments and was not limited by the planning tasks and duties of the regional self-governments.

The gmina remained, and continues to be the most important spatial planning entity, with the same tasks as defined by the Act on Local (Communal) Self-Government of 1990, including "the matters of a spatial order, land management". Since the end of 2003, Polish communities/municipalities do not have and do not adopt "general" spatial plans, which used to be prepared for their whole territory within the administrative limits, but were annulled completely after the nine-year interim period. They are obliged to create a study ("studium") that defines the local spatial policies and set conditions and directions of spatial development of their municipality/community, a characteristic that is important and specific to the Polish spatial planning system.

The requirement for a study of conditions ("studium") – introduced by the Act of 1994 - was improved by the regulations of the Act of 2003, so (while formally the local self-governments should verify a state of actuality of their planning documents once within a four-year term of office) all the Polish municipalities/communities should have the actual spatial policy documents "of the second generation" (i.e. based on the detailed regulations and requirements of the Act of 2003). Each study should include the following:

- An objective analysis of the actual state of all the conditions and limitations of the current spatial development. These include actual land uses, infrastructure and services, natural and historic/cultural heritage, ownership of the lands etc., as well as the development and spatial decisions undertaken by the central and regional self-governments (in their specific planning documents, but only within precisely defined scope of their planning authority, without abusing an authority of a local self-government);
- A planned part, the directions of a communal/municipal spatial development that observes the results and conclusions of the analytical part of a study. It should also include the proposals of the local (socio-economic) development strategy, if the authorities have adopted one. The chartered urban planners, commissioned by the directly elected executives of the municipalities/communities should consider during a planning process the proposals for a future study and the remarks expressed to a draft of a study displayed for a public discussion, which could be submitted by "anybody interested".

Lastly, the final approval of the study (including the possibility of reconsideration of decisions based on filed remarks) belongs to the local council. It is a local municipal/communal council that has the exclusive right to set up a local spatial planning policy by the adoption of such a study. The studies drafted in scales 1:20,000 – 1:10,000 used to contain not just maps/drawings/plans but substantial descriptive and analytical parts. Their drawings are similar to the old master/general plans, but more focused on zoning/ functions/ land-uses and proposed roads and infrastructural systems rather than on forms. With respects to conditions for land development, the studies most often focus on development density and a minimum amount of the "biological activity of a land parcel". Studies may also include some local urban/development standards and also directives / assumptions for the local spatial plans, including conditions for the elaboration of spatial plans.

An environmental impact study always accompanies a spatial study, according to the regulations of the Act on Protection of Environment of 2008, but there is no obligation to analyze any economic, financial, or legal impacts of the spatial decisions. The spatial studies are frequently perceived as the promotion tools of the municipalities, competing with each other for investors and developers. Thus, studies are often considered to

be nothing more than a wish list of needed investments (similar to the old general plans), rather than realistic policies (linked with the sensible local strategies, because such ones are not obligatory and thus not adopted frequently) adjusted to the development potential of a municipality. Such an approach is particularly visible in the designations of a significant amount of undeveloped land for housing, regardless of actual market needs and the capacity of municipalities to provide such lands with necessary technical and social services.

The spatial study binds the local authority (which drafted and approved it), while adopting the local spatial plans – i.e. spatial plans normally have to take into consideration the provisions of the study, or should lead to an update of the study. Unfortunately, because the Act of 2003 is not clear on this issue, and because the decisions taken by administrative courts often nullify the provisions of the studies, the spatial studies are often rendered toothless and are frequently ignored.

A planning proceeding, established by the Act on Spatial Planning and Development of 2003 (similar to the one established by the Act of 1994) is elaborated following strict regulations. Its procurement is similar to the spatial study (described above), although the number of “external” subjects allowed by the Act of 2003 to express their opinions, and the approvals needed are much higher. “Anybody interested” may submit the proposals to a local plan and give comments to a draft. Developer participation, particularly those who own the land, is growing during such procurement. It is mainly because a majority of the developments for which the local plan is prepared is delivered by such subjects, not the state or local authorities.

The local spatial plans developed since 2003 should be accompanied not only by an environmental impact study but also by an economic one, estimating all the revenues and expenditures that would be incurred by the plan’s implementation, including the cost to purchase the land. Regardless of the high level of details of local plans, there is no clear-cut way to estimate the financial and fiscal impact of the plan provisions so they are commonly elaborated in a general way.

Ten years after the adoption of the Act on Spatial Planning and Development of 2003, only 50 percent of the communities/municipalities adopted their “second generation” studies on conditions and directions of spatial development, in accordance with the detailed requirements and the special ministerial instruction on the content of such study. The other communities utilize frequently amended, though less substantial, studies of the “first generation” (aligned with the regulations of the Act of 1994, in a manner similar to the old master/general spatial plans terminated in 2003).

Moreover, only 50 percent of the local spatial plans are elaborated in accordance with the detailed requirements of the Act of 2003 and the special ministerial instructions on the content of a local spatial plan. The rest of the plans do not include a financial impact study, are less detailed than the new ones, and are frequently incoherent regarding the provisions of an actual municipal/communal spatial study. The new local plans are statistically smaller than the ones elaborated under the rules of the Act of 1994, covering anywhere from a few to thousands of hectares (and sometimes only some building plots). A goal of the planners (along the instructions of the local authorities) is to reserve the smallest amount of land for the roads and other public developments. An obligatory application of the rules of the Public Procurement Law, which prioritizes bids following the lowest-price criteria, has led to a significant drop in the quality of the commissioned planning documents.

Even more surprising, only around 30 percent (statistical average) of the territories of the Polish municipalities/communities are regulated by local spatial plans (this ratio may differ considerably: some municipalities have plans for nearly a whole area, while other may not have any plans at all). Many local administrations consider planning proceedings to be “time-consuming”, “troublesome”, and inflexible. Even more burdensome, the effects of the new market economy created many immediate legal and financial challenges whose benefits appear significantly later.

Consequently, more than 50 percent of the planning permits are issued not on the basis of the local spatial plans. Rather, they are special administrative decisions based on the terms of a development, which are frequently issued by the municipal/communal executives without any relation to a local spatial study and without any planning control of a local municipal/communal council. Such decisions were introduced to the system by the 2003 law as a “supplementary tool”, because the legislators were afraid that the delayed planning processes and the low number of local spatial plans would create barriers for developments in places without new spatial

plans. Unfortunately, the presence of such supplementary tools considerably slowed down, in many cases nearly replacing, local spatial planning.

Regardless of the obviously low percentage of territories in the municipalities/communities covered by spatial plans, the efforts of local authorities to promote developments through planning decisions came with several negative externalities. Thus, according to 2010 official governmental reports and estimations, the lands designated for development in local spatial plans have a total capacity for housing for around 77 million inhabitants. **A total housing capacity of the land designated for housing in the municipal/communal studies is estimated to have capacity for some 176 million inhabitants, although the whole population of Poland is around 38 million.**

The negative spatial result of un-coordinated and unrealistic planning, beyond real needs and the financial possibilities, at the local level (accompanied by the constant substitution of spatial plans by administrative decisions for the sake of development) is creating sprawl throughout Poland. It is destructive for the spatial order and is generating unreasonable expenditures for transportation, infrastructure, and the other communal services.

The financial claims already raised by individual owners of the land designated in the local plans for the roads and other public utilities (mainly to serve the lands designated by the local plans for housing) are higher in some municipalities than their yearly budgets. It is estimated that the aggregate for the entire country may be higher than the whole official public debt. However, this also poses an interesting problem, as no compensation is offered to people who intend to develop their land, but cannot do so because their land is part of a natural preserve, classified as high grade agricultural land in a rural locality, or is within the path of a planned highway.

A few years after the second effort to reform the Polish planning system through the Act of 2003, it became clear that the system is in crisis, with the majority of municipalities/communities not performing their main tasks as set up in 1990 (i.e. ensuring spatial order in a satisfactory and effective way). **Despite the crisis, and against the opinions of many experts, the legislation and supervision of the spatial planning system was split in 2013 between two ministries: the Ministry of Economic Development and the Ministry of Infrastructure and Construction.**

STRENGTHS AND WEAKNESSES OF MARKET ECONOMY PLANNING SYSTEM

STRENGTHS

THE ACT OF 2003 WAS NOT A SUBSTANTIVE CHANGE TO THE SPATIAL PLANNING SYSTEM, BUT RATHER A COMPLEX EFFORT TO IMPROVE PLANNING REGULATIONS AND TOOLS, WHICH INTRODUCED CHANGES THROUGHOUT THE DIFFERENT REGIONS (creating a more market-oriented spatial planning system). The local spatial policy document became more defined and substantial, with a well-directed effort to link it with emerging local strategic planning, and with the planning decisions of the regional and national authorities. The spatial documents of the national authorities and the regional governments appeared in the spatial planning system, in an attempt to coordinate across administrative levels. Moreover, local spatial plans began to be linked with the economic mechanisms and rules of the real estate market.

WEAKNESSES

THE "SUPPLEMENTARY TOOLS" INTRODUCED TO THE SYSTEM OF SPATIAL PLANNING (I.E. THE DECISIONS ON THE TERMS OF DEVELOPMENT (WARUNKI ZABUDOWY), BECAME THE "TROJAN HORSE" OF THE WHOLE SYSTEM. In many cases, substituting the local plans for actual planning was used without consistency with the local spatial policies. The incidence of elaborated local spatial plans decreased everywhere. The links between local spatial planning and regional (and state-level) planning were overall weakened. The links between local spatial planning committees and strategic (socio-economic) planning groups and real estate mechanisms were too general and ineffective. Meanwhile, public participation was not strengthened but weakened, while developers often became the most powerful players, sometimes visibly harming spatial order and public interest. An intellectual role for urban planners in the drafting of the planning documents decreased and some unclear wordings of the law resulted in numerous administrative court proceedings that were directed against the main principles and goals of the Act of 2003.

In summary one may state that under the current legal regulations and practice of socio-economic development planning:

- the system of spatial planning is dysfunctional because programming of socio-economic development is not efficiently linked with spatial planning procedures (lack of integrated planning);
- the system of spatial planning does not address new phenomena like functional urban areas that developed around cities of different size because planning in practice is limited to administrative units and understood as just preparation of plans not reaching consensus on common problems and their solutions;
- powers and competencies of self-governments from local and regional levels impede addressing cross-border problems (“soft spaces” that are not under jurisdiction of one self-government);
- the culture of cooperation between self-governments is poorly developed;
- local self-governments have a weak position vis-à-vis developers and investors (“developer driven planning”);
- the previous “pathology of urban processes” related to forced industrialization has been replaced by new ones that lead to urban sprawl and not rational use of socio-economic and spatial assets and resources;
- a lack of spatial development plans and extensive use of administrative decisions lead to the situation that:
 - space is chaotic - shaped spontaneously, administrative decision do not take into account broader spatial context and plans for the future (which is the essence of spatial planning).
 - space is unpredictable - it is unclear what and when will happen, and with what effects; it discourages investors because the situation is unacceptably fuzzy.
 - space is inefficient - its numerous values (location, natural environment, natural resources, infrastructure, etc.) are not being utilized rationally; it may impede or even block possibilities for future development.
 - space is dangerous - with no proper diagnosis, knowledge of development conditions and plans, new development might be located on floodplains or other territories that should normally not be developed.
 - space generates conflicts - locations without a clear spatial framework lead to functional conflicts that might be translated into a lowering of living standards or worse conditions for economic activities.
 - space generates collusion - decisions might be taken in an arbitrary fashion, without clear guidelines in place, and may create an environment that is ripe for collusion and corruption.

ANNEX 3.

LAND PLOT SUITABILITY ANALYSIS METHODOLOGY

The following steps were taken to prepare the land plot suitability analysis:

STEP 1.

All land plots with a development interdiction were removed from the database to be analyzed

Eliminated land plots include:

- landslides and flood risk areas;
- already developed land plots (with buildings);
- forests and open space protected areas;
- industrial and service area (mining area excluded).

STEP 2.

Two scenarios for analysis were prepared:

Scenario 1. The land plots with building restrictions (i.e. high quality agricultural land) were excluded from the database.

Scenario 2. The land plots with building restrictions (i.e. high quality agricultural land) were kept in the database.

STEP 3.

Suitability analysis was undertaken.

Land plots were given a score based on their suitability for development, using the criteria below:

1. Distance to Rzeszow city center: < 5, 5-10, 10-15, > 20 km (weight 30%);
2. Proximity to an existent or planned road: < 0.5, 0.5-1, 1-1.5, 1.5-2, 2-3 km (weight 30%);
3. Size of plot: <50, 50-500, 500-1000, 1000-2000, >2000 ar (1 ar=100 sqm) (weight 30%);
4. Slope (mean value): <2, 2-5, 5-9, 9-15, >15 degree (weight 10%).

ANNEX 4.

TERMS OF REFERENCE FOR ELABORATION OF THE SPATIAL DEVELOPMENT STRATEGY OF THE RZESZÓW FUNCTIONAL AREA (RFUA)

[Draft – for internal use only]

May, 2018

	Gmina Boguchwała		Gmina Łańcut
	Gmina Chmielnik		Miasto Łańcut
	Gmina Czarna		Gmina Miasto Rzeszów
	Gmina Czudec		Gmina Świlcza
	Gmina Głogów Małopolski		Gmina Trzebownisko
	Gmina Krasne		Gmina Tyczyn
	Gmina Lubenia		

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NECESSITY OF PROJECT – SOCIAL INNOVATION

The scale and growth rate of urbanization in Poland over the last two decades determine the new challenges in territorial management, including programming spatial development. Through the harmonization of the development of the central city and its functional area, cooperative advantages and multiplier effects can be achieved. Optimal management of large urban centers as special functional areas is one of the most difficult problems of today's public administration in Poland that requires socially innovative organizational and planning measures.

The key elements of the concept of the RFA spatial development Strategy, which can fulfill the project's social innovation character, include:

1. basing spatial development planning on voluntary and bottom-up cooperation between local government units of various levels (voivodship self-government, the city of Rzeszów, the RFA gminas) and their formal associations (the RFA Association, serving also as an ITI association), instead of carrying out a legal obligation imposed from above in a hierarchic structure (**multi-level multi-actor governance**)
2. socialization extending beyond statutory obligations, resulting from the introduction of additional stages and forms of consultations and the incorporation of a wider range of social participants into programming and managing RFA spatial development through meetings, public communication means and the use of internet tools (PPGIS) for collecting data from residents and organizations as stakeholders (**participatory governance**)
3. the adoption of a perspective directly oriented on the needs and quality of life of the residents and local communities (**citizen-oriented perspective**)

Regarding the last perspective, the following social advantages are of key significance with the implementation of the RFA spatial development Strategy:

Residents – local community:

- making it easier to find an attractive job when new areas are apportioned for business investments,
- less time to commute to work/school, thanks to incentives to locate activity centers in the best-connected places in the city center and around major public transport hubs, without uncontrolled sprawl over the entire functional area,
- improved health due to better air quality and reduction of pollution from transport congestion, thanks to sustainable transport – a rationally built-up city makes possible a more cost effective and intensive public transport system and reduces the need to own a car,
- improved quality of life thanks to easy access to essential public infrastructure (e.g. nurseries, kindergartens, schools),
- better access for residents to open/green areas due to reduced construction pressure on valuable natural areas,
- lower costs of living and daily functioning, as well as lower transport costs, thanks to the creation of multi-purpose communities instead of bedroom communities,
- counteracting social and spatial polarization through the dissemination of suitable standards for development of grounds and for providing public services.

Entrepreneurs:

- easier, more predictable and effective investment possibilities for interested businesses in economic activity zones.
- improved cost effectiveness for businesses with construction density that benefits local entrepreneurship (e.g. shops, restaurants, bars do better when surrounded by more densely populated neighborhoods).
- possibility of relative reduction of public fees in the long term through rationalization of spending related to operation of the urban area (e.g. public transport, water mains and sewage system, waste management, street lighting, energy supply).
- easier access to high quality infrastructure, without which it is difficult to attract new businesses or develop existing ones and to promote entrepreneurship.

COMPLIANCE WITH EFFECTIVE STRATEGIC DOCUMENTS

European Context

The EU's Urban Development and Spatial Planning policy is grounded in a number of key documents, such as: The Lille Action Programme 2000, The Urban Acquis 2004, The Bristol Accord 2005, The Leipzig Charter on Sustainable European Cities 2007, and The Marseille Reference Framework on Sustainable Cities 2008.

In particular, The Leipzig Charter declares that European cities of all sizes are "valuable and irreplaceable economic, social and cultural assets," which should be protected, strengthened and further developed, by taking into consideration all dimensions of sustainable development - "economic prosperity, social balance and a healthy environment." The Leipzig Charter also acknowledges that we "increasingly need holistic strategies and coordinated action by all persons and institutions involved in the urban development process which reach beyond the boundaries of individual cities." In other words, this is an appeal for an integrated urban development policy.

The charter makes a number of recommendations. Several of them are difficult to implement without coherent spatial planning tools in place, including:

- I. Making greater use of integrated urban development policy approaches, with a focus on functional urban areas, rather than localities in isolation. Some of the sub-measures included here are:
 - a. Creating and ensuring high-quality public spaces;
 - b. Modernizing infrastructure networks and improving energy efficiency. The charter notes the importance of dense housing, which can be achieved by means of good spatial and urban planning, with a focus on preventing sprawl by "strong control of land supply and of speculative development." Moreover, it suggests that the "strategy of mixing housing, employment, education, supply and recreational use in urban neighborhoods has proven to be especially sustainable."
- II. Special attention is paid to under-served neighborhoods in cities. Some of the proposed sub-measures include:
 - a. Pursuing strategies to upgrade the physical environment;
 - b. Promoting efficient and affordable urban transport.

National Context

The government of Poland acknowledges the necessity of spatial planning to ensure sustainable development. In the Sustainable Development Strategy (2017, p. 228) it is stated: "Intensive transformations of space related to progressing suburbanization, particularly around big cities, have revealed a lack of proper management of development in functional areas – above the administrative boundaries of individual LGUs – significantly hampering efficient functioning of these areas. The lack of coordination between developmental measures and lack of direct reference of these to space is translated into ineffectiveness of public intervention and problems with protection of the public interest." *The National Urban Policy* places an emphasis on reducing the negative effects of suburbanization and improving the quality of spatial planning, while linking it with development planning, carbon efficiency and energy efficiency.

The Poland-EU Partnership Agreement 2014-2020 creates the pre-conditions for an efficient coupling of development planning and spatial planning, by allocating 2.4 billion Euro for integrated territorial interventions in 18 large functional urban areas in Poland (including Rzeszow). To access these funds, local authorities that are part of a functional urban area have to form a partnership (e.g. a gmina/powiat association; a gmina agreement; an association of local government units; a company established jointly by several local government units), prepare an Integrated Urban Development Strategy, and have a proper institutional framework for the implementation of the strategy. Moreover, the *Partnership Agreement* aims to follow the principles and objectives of the national spatial planning policy, and all investment priorities have to follow a number of key spatial planning principles:

- Stop urban sprawl, prevent dispersion of buildings and deeper spatial chaos.
- Shape resident-friendly and low-carbon public spaces to the maximum possible extent.
- Include climate change adaptation in spatial policy, to locate powerful traffic generators in the areas served by high-efficiency urban transport.
- Preference for land re-use and increase development density instead of an expansion to non-developed areas (priority of brownfields over greenfields).
- Care for the aesthetics of individual undertakings and adjusting them to the surroundings, with respect for the natural, cultural and social context.
- Ensure wide social participation in spatial planning and investment preparation processes.

Regional Context

The Voivodship Development Strategy, the Regional Operational Program, and the Voivodship Spatial Development Plan, all include references to the importance of thoughtful spatial planning to ensure positive economic, social, and environmental outcomes at the voivodship level. All of these strategies and plans make specific reference and clear recommendations for the Rzeszow FUA, and should be taken into consideration when preparing a spatial development Strategy for the area.

The main economic engines of a voivodship are its largest urban areas, and if these areas do not function properly, neither does the regional economy. Sound spatial planning tools also play an important role in making a particular area more attractive and accessible for investors. Given that the Rzeszow FUA is the main economic engine of the Podkarpackie Voivodship, it is imperative that it functions properly, and good spatial planning can help make the area more competitive and attractive.

DESCRIPTION OF WORK

2. The spatial development strategy for the Rzeszów Functional Urban Area will be drawn up as a strategy as referred to in art. 9 subpara. 3 of the Act of 6 December 2006 on the principles of development policy, i.e. a development strategy referring to spatial development with regard to a functional area, outlining the basic prerequisites, objectives and course of spatial development of the Rzeszów Functional Urban Area.
2. The spatial development Strategy of the Rzeszów Functional Urban Area will also serve as the basis for updating local planning documents adopted in accordance with the Act of 27 March 2003 on spatial planning and development (ASPD), including in particular gmina studies of conditions and directions of spatial development and local spatial development plans, within the successive stage of the project "Improving social and economic development possibilities of the RFUA with the inclusion of spatial planning by way of preparation of the Spatial Strategy of the Rzeszów Functional Urban Area – Stage 1"
3. Since the Act on the principles of development policy does not specify which entity is responsible for drawing up and adopting a development strategy as referred to in art. 9 subpara. 3 of the Act with reference to a functional area (lack of an equivalent of art. 14ba of the Act which refers to a metropolitan area), it should be assumed that the spatial development Strategy of the RFUA will be:
 - a. drawn up by the Board of the Podkarpackie Voivodship – Leader of the project "Improving social and economic development possibilities of the RFUA with the inclusion of spatial planning by way of preparation of the Spatial Strategy of the Rzeszów Functional Urban Area – Stage 1"
 - b. adopted by compliant and homonymous resolutions of the Assembly of the Podkarpackie Voivodship, the Meeting of Delegates of the RFUA Association as an ITI Association and councils of the towns and gminas comprising the RFUA, in accordance with the principles of multi-level governance

THE SUBSTANTIVE SCOPE

The spatial development Strategy of the RFUA, as a strategy in the meaning of art. 9 subpara. 3 of the Act on the principles of development policy, in accordance with art. 13 para. 1 of the Act will set out in particular:

1. a diagnosis of the situation with regard to the scope covered by strategic programming, with due regard for the state of the environment and spatial and territorial differentiation;
2. a forecast of the developmental trends during the time covered by the strategy;
3. specification of the development objectives, including the directions of interventions, within the scope covered by the strategy, together with the desirable execution indices, with due regard for the spatial or territorial differentiation;
4. the implementation systems and financial framework.

On taking into consideration the above statutory provisions, the draft Strategy should include at least the following:

1. an analysis of the planned use of land as stated in the studies of conditions and directions of spatial development, the appropriation and construction parameters in the local plans, the developmental potential of the land resulting from the decisions on land development and specification of the estimated usable area of individual building types and the population absorptivity of the land, resulting from the above documents;
2. a demographic forecast for the RFUA as a whole, taking into account the natural and migration-related movement of the population and, on the basis of this, an analysis of the real needs for residential housing within the time frame of 10, 20 and 30 years;

3. specification of the potential need for economic activity areas, on the basis of existing as well as predicted economic and spatial trends, on taking into consideration the different economic sectors (office buildings, industrial and warehouse facilities, commercial and service buildings) and the enterprise size classes (large-scale investment projects, SME);
4. designation of areas with a fully developed, compact functional and spatial structure in the meaning of art. 1 para. 4 subpara. 4a of the ASPD, applying uniform methodology for the RFUA;
5. designation of areas best prepared for development, apart from areas with a fully developed compact functional and spatial structure, on the basis of the criteria outlined in art. 1 para. 4 subpara. 4b of the ASPD;
6. designation of areas that constitute the RFUA green infrastructure skeleton and which are significant in terms of protection of the environment and cultural landscape, including in particular ecological corridors and aerating wedges, with an indication of the desirable scope of limitation of building construction in these areas;
7. basing on the predicted demand, presentation of at least 3 scenarios of development of the residential function in the RFUA, differing in the following:
 - a. the preferences for single-family or multi-family buildings,
 - b. the spread of buildings in Rzeszów and other RFUA gminas,
 - with an indication of the zones of suggested building concentration in each scenario and the estimated population absorptivity;
8. indication of the potential location of economic activity zones and valorization of these in terms of at least the following criteria:
 - a. the planning status (details of the study, the local plans, the decisions on land development),
 - b. the potential collisions with environmental requirements (e.g. territorial forms of protection of nature and individual environmental elements, soils of higher quality grades),
 - c. the legal status of property (ownership structure),
 - d. the available technical infrastructure,
 - e. the existing transport services;
9. a transport system development study, with particular focus on the connection of residential areas with economic activity zones (with an emphasis on zones with the highest valorization) and a preliminary estimation of the costs of individual infrastructure elements, as well as a proposal for the stages of implementing them;
10. specification of the demand of certain zones of concentrated development for other essential technical and social infrastructure.

The Strategy should contain a summary and a description of the methodology of planning work under way. The Contractor shall also work out a system of implementing the document, including the specific indicators of implementation of the provisions into the gmina studies of conditions and directions of spatial development and the local spatial development plans, with monitoring, evaluation and assessment of implementation. The indicators should be explicit, measurable, adequate, realistic and time-specific.

When preparing the system of implementation of the Strategy, the Contractor shall also present a Catalogue of good practice/recommendations concerning planning on the local scale, which will serve as a guide for the local authorities, gmina officials and architects of the studies and local plans as regards the practical application and implementation of the provisions of the Strategy.

The Strategy must be compatible with the relevant strategic and planning documents of higher rank (EU, national and regional) and should also be consistent with the draft Spatial Development Plan for the Podkarpackie Voivodship.

Within 60 days, the Podkarpackie Planning Office shall draw up a co-report to the forwarded draft document. The Contractor will be obliged to take into account the observations concerning the draft, or to explain in writing the rejection of these.

In the case of disclosure of significant irregularities in the local planning documents in the gminas' boundaries, the draft Strategy shall include proposals on how to adjust these.

Before taking up the commissioned assignment, the Ordering Party shall forward the proposals of RFUA gminas and other cooperating institutions to the draft Strategy, to be analyzed by the Contractor and accepted or rejected in writing.

In the course of work on the Strategy, the Contractor shall stay in touch with the RFUA Association Office and the Marszałek's Office of the Podkarpackie Voivodship for the purpose of cooperation and regular assessment of the progress of work. Direct cooperation with the Contractor on behalf of the Ordering Party will be carried out by an Expert Team, appointed by the RFUA Association Board in accordance with the provisions of the RFUA Association Statute. The Team shall be composed of representatives of the Marszałek's Office, the Podkarpackie Spatial Planning Office, the RFUA Association and the towns and gminas comprising the RFUA. In addition, the work of the Team may involve experts in spatial planning, urban planning, architecture, transport, art history and environmental protection. The Team shall constitute a platform for the exchange of information and coordination of work on the Strategy.

The RFUA Expert Team, appointed for an unlimited time, will continue its work also after the Strategy has been accepted, during its implementation, in accordance with the procedures envisaged by the Contractor. Of particular importance is the role of the Team in preparing opinions for draft studies and local plans of gminas within the RFUA in terms of compliance with the Strategy for spatial development of the RFUA.

The Contractor will hold public consultations concerning the draft Strategy, organized in the form of working meetings with gmina authorities and open meetings for the residents in all of the RFUA gminas. The costs of preparing the consultations in the form of meetings with the stakeholders, ensuring premises for this, notification of the date in the customary way, shall be borne by the Ordering Party, with the exception of the costs of travel and accommodations, if any, of participants of consultations on the part of the Contractor.

The Contractor shall plan and carry out public consultations on the draft Strategy for the entire RFUA also through e-participation with PPGIS (Public Participation Geographical Information System) tools, such as geo-questionnaire, geo-discussion. The costs of IT and consulting services associated with planning and servicing the consultations will be borne by the Contractor, whereas the costs of information and promotion - by the Ordering Party.

In accordance with art. 46 subpara. 2 of the Act of 3 October 2008 on making available information on the environment and its protection, social participation in environmental protection and on environmental impact assessments, the Contractor shall be obliged to carry out a Strategic Environmental Impact Assessment regarding the implementation of the provisions of the Strategy. The Contractor shall coordinate the scope and extent of detail of the environmental impact forecast with the competent bodies. In next order, the Contractor shall draw up a forecast of the environmental impact of the draft document, then forward it for public consultation and present it to the competent bodies for an opinion.

The issues elaborated in the Strategy should be presented in text form, with tables and graphic elements and in graphic annexes in the scale of 1:50 000 and 1:100 000. Background maps in electronic form shall be provided by the Ordering Party and these shall be forwarded to the Contractor within 30 days after the contract is signed.

The Contractor shall prepare a multimedia presentation in .ppt or other format allowing for the material to appear online, summing up the prepared document, as well as a report on consultations on the document in order to present the outcomes to a wider range of recipients. Apart from the written text, the presentation should contain graphic elements, tables, charts etc.

The Strategy shall be forwarded in the final version to the Marszałek's Office of the Podkarpackie Voivodship, the RFUA Association and the bodies of the 13 gminas comprising the RFUA.

The entire document shall be presented in electronic form on cd/dvd:

- for text files in .doc format,
- for graphic elements (maps, info-graphs etc.) in .shp, .jpg and .pdf format.

The spatial information collected in the course of preparation of the Strategy should be elaborated in a format that allows for it to be included in the Integrated GIS Database for the RFUA, *being the subject of a separate undertaking*. The GIS database for the RFUA shall meet the following criteria:

- Covering the entire RFUA territory.
- Integration of all existing spatial data, such as powiat cadastral databases, gmina study and development plans, protected areas, flood zones, areas exposed to landslides, high-quality agricultural land.
- Inclusion of the proposals expressed in the Strategy for spatial development of the RFUA.
- Public accessibility, with the option of addressing questions to the base and downloading information from it.
- Mechanisms allowing for efficient downloading of spatial data by the gmina authorities, as well as regular forwarding of data entered by gminas into the integrated GIS base.

IMPLEMENTATION SCHEDULE AND BUDGET BREAKDOWN

PHASE 1: Background documents – forecasts and balance statements (point 1-3 of the Substantive Scope of the Strategy)

- 20% of the contract value;
- within 4 months after the date of signing the contract;

PHASE 2: Draft Strategy in full substantive scope – for public consultations

- 55 % of contract value;
- within 12 months after the date of signing the contract;

PHASE 3: Public consultations and delivery of final version of Strategy

- 25 % of contract value;
- within 15 months after the date of signing the contract.

DOCUMENTS AND DATA MADE AVAILABLE TO ALL BIDDERS

- The Development Strategy of the Podkarpackie Voivodship.
- The Spatial Development Plan of the Podkarpackie Voivodship.
- The Integrated Territorial Investment Strategy for the RFUA.
- The RFUA Mobility Plan.
- Individual development strategies for each of the 13 RFUA gminas.
- Study of Conditions and Directions of Spatial Development for each of the 13 RFUA gminas.

DOCUMENTS AND DATA MADE AVAILABLE TO THE WINNING BIDDER

- The Development Strategy of the Podkarpackie Voivodship.
- The Spatial Development Plan of the Podkarpackie Voivodship.
- The Spatial Development Plan of the Rzeszów Functional Urban Area (RFUA), drawn up by the Marszałek's Office of the Podkarpackie Voivodship.
- The Integrated Territorial Investment Strategy for the RFUA.
- The RFUA Mobility Plan.
- Individual development strategies for each of the 13 RFUA gminas.
- The Study of Conditions and Directions of Spatial Development for each of the 13 RFUA gminas.
- All Local Spatial Development Plans approved by each of the 13 RFUA gminas.
- Prepared feasibility studies for new infrastructure projects – approved or pending approval.
- Topographic map for the RFUA.
- Cadastral maps for the RFUA, with detailed information on land plots.
- Latest available layer with buildings in the RFUA.
- All available GIS data related to the subject matter.

SUBSTANTIVE REQUIREMENTS TOWARDS THE BIDDER

The condition of having knowledge and experience – will be met if the Contractor shows that in the last 5 years prior to the deadline for submitting bids, and if the period of conducting activity is shorter – within this period, the Contractor has duly performed, and in the case of periodical or continuous services also duly performs *at least 2 services* carried out for local government units or their unions or associations, consisting of preparing strategies or concepts for development, or diagnostic studies on social and economic or spatial development on a supra-gmina scale for an area *encompassing at least one town with a number of residents greater than 50 000 and the adjacent gminas*.

The condition of having the necessary technical potential and persons able to carry out the order – will be met if the Contractor shows the availability of at least 7 persons, including:

- at least 5 persons who meet one of the conditions described in art. 5 subpara. 1-5 of the Act on spatial planning and development, including at least 2 persons with at least 3 years of professional experience in drawing up draft spatial development plans of a voivodship, a study of conditions and directions of spatial development of a gmina and a local spatial development plan,
- at least one person skilled in the use of GIS (Geographical Information Systems) tools and applications allowing for spatial analyses of the social and economic processes taking place in local government units,
- at least one person with professional experience in the creation and implementation of development strategies for local government units, particularly in carrying out analyses and diagnoses, formulating development objectives, moderating public consultations and carrying out information campaigns;
- at least one person experienced in the preparation of strategies or concepts of development or diagnostic studies on social and economic or spatial development, or draft spatial development plans of a voivodship, a study of conditions and directions of spatial development of a gmina and a local spatial development plan within the Podkarpackie Voivodship.

A single person can meet more than one of the above requirements.

CRITERIA FOR SELECTING A BIDDER IN THE BIDDING PROCEDURE

Price – 50%

Bidder's experience – 50%; in this:

- 25% - number of services carried out for local government units or their unions or associations, consisting of preparing a strategy or concept of development, or diagnostic studies on social and economic development or spatial development, within the last 5 years
- 25% - number of performed services consisting of preparing a strategy or concept of development or diagnostic studies on social and economic development or spatial development on the scale of a functional urban area of a voivodship center within the last 5 years.

ANNEX 5.

TERMS OF REFERENCE FOR ELABORATION OF STUDIES OF CONDITIONS AND DIRECTIONS OF SPATIAL DEVELOPMENT FOR GMINAS OF THE RZESZÓW FUNCTIONAL URBAN AREA (RFUA)

May 2018

	Gmina Boguchwała		Gmina Łańcut
	Gmina Chmielnik		Miasto Łańcut
	Gmina Czarna		Gmina Miasto Rzeszów
	Gmina Czudec		Gmina Świlcza
	Gmina Głogów Małopolski		Gmina Trzebowniko
	Gmina Krasne		Gmina Tyczyn
	Gmina Lubenia		

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NECESSITY OF PROJECT

Basing on the earlier-prepared Strategy for Spatial Development of the Rzeszów Metropolitan Area, it will probably be necessary to introduce amendments to the studies of conditions and directions of spatial development for some or all of the 13 gminas that comprise the Rzeszów Functional Urban Area.

When drawing up studies of conditions and directions of spatial development, an important element should be social innovation, consisting of social participation in the preparation of these documents. Socialization, extending beyond the implementation of the statutory obligations, should consist of the introduction of additional stages and forms of consultations and the incorporation of a wider range of public participants in programming and managing spatial development of the RFUA, through meetings, public communication means and the application of internet tools (PPGIS) to collect data from residents and organizations – stakeholders (participatory governance), combined with the perspective directly oriented on the needs and benefits of the residents and local communities (citizen-oriented perspective). As seen from this perspective, the following social advantages are of key significance in the preparation of studies of conditions and directions of spatial development for the individual RFUA gminas:

Residents – local community:

- making it easier to find an attractive job when new areas are apportioned for business investments,
- less time to commute to work/school, thanks to incentives to locate activity centers in the best-connected places in the city center and around major public transport hubs, without uncontrolled sprawl over the entire functional area,
- improved health due to better air quality and reduction of pollution from transport congestion, thanks to sustainable transport – a rationally built-up city makes possible a more cost effective and intensive public transport system and reduces the need to own a car,
- improved quality of life thanks to easy access to essential public infrastructure (e.g. nurseries, kindergartens, schools),
- better access for residents to open/green areas due to reduced construction pressure on valuable natural areas,
- lower costs of living and daily functioning, as well as lower transport costs, thanks to the creation of multi-purpose communities instead of bedroom communities,
- counteracting social and spatial polarization through the dissemination of suitable standards for development of grounds and for providing public services.

Entrepreneurs:

- easier, more predictable and effective investment possibilities for interested businesses in economic activity zones.
- improved cost effectiveness for businesses with construction density that benefits local entrepreneurship (e.g. shops, restaurants, bars do better when surrounded by more densely populated neighborhoods).
- possibility of relative reduction of public fees in the long term through rationalization of spending related to operation of the urban area (e.g. public transport, water mains and sewage system, waste management, street lighting, energy supply).
- easier access to high quality infrastructure, without which it is difficult to attract new businesses or develop existing ones and to promote entrepreneurship.

European Context

The EU's Urban Development and Spatial Planning policy is grounded in a number of key documents, such as: *The Lille Action Programme 2000*, *The Urban Acquis 2004*, *The Bristol Accord 2005*, *The Leipzig Charter on Sustainable European Cities 2007*, and *The Marseille Reference Framework on Sustainable Cities 2008*.

In particular, *The Leipzig Charter* declares that European cities of all sizes are "valuable and irreplaceable economic, social and cultural assets," which should be protected, strengthened and further developed, by taking into consideration all dimensions of sustainable development – "economic prosperity, social balance and a healthy environment." The Leipzig Charter also acknowledges that we "increasingly need holistic strategies and coordinated action by all persons and institutions involved in the urban development process which reach beyond the boundaries of individual cities." In other words, this is an appeal for an integrated urban development policy.

The charter makes a number of recommendations. Several of them are difficult to implement without coherent spatial planning tools in place, including:

- I. Making greater use of integrated urban development policy approaches, with a focus on functional urban areas, rather than localities in isolation. Some of the sub-measures included here are:
 - a. Creating and ensuring high-quality public spaces;
 - b. Modernizing infrastructure networks and improving energy efficiency. The charter notes the importance of dense housing, which can be achieved by means of good spatial and urban planning, with a focus on preventing sprawl by "strong control of land supply and of speculative development." Moreover, it suggests that the "strategy of mixing housing, employment, education, supply and recreational use in urban neighborhoods has proven to be especially sustainable."

- II. Special attention is paid to under-served neighborhoods in cities. Some of the proposed sub-measures include:
 - a. Pursuing strategies to upgrade the physical environment;
 - b. Promoting efficient and affordable urban transport.

National Context

The government of Poland acknowledges the necessity of spatial planning to ensure sustainable development. In the Sustainable Development Strategy (2017, p. 228) it is stated: "Intensive transformations of space related to progressing suburbanization, particularly around big cities, have revealed a lack of proper management of development in functional areas – above the administrative borders of individual LGUs – significantly hampering efficient functioning of these areas. The lack of coordination between developmental measures and lack of direct reference of these to space is translated into ineffectiveness of public intervention and problems with protection of the public interest." The National Urban Policy places an emphasis on reducing the negative effects of suburbanization and improving the quality of spatial planning, while linking it with development planning, carbon efficiency and energy efficiency.

The Poland-EU Partnership Agreement 2014-2020 creates the pre-conditions for an efficient coupling of development planning and spatial planning, by allocating 2.4 billion Euro for integrated territorial interventions in 18 large functional urban areas in Poland (including Rzeszów). To access these funds, local authorities that are part of a functional urban area have to form a partnership (e.g. a gmina/powiat association; a gmina agreement; an association of local government units; a company established jointly by local government units), prepare an Integrated Urban Development Strategy, and have a proper institutional framework for the implementation of the strategy. Moreover, the *Partnership Agreement* aims to follow the principles and objectives of the national spatial planning policy, and all investment priorities have to follow a number of key spatial planning principles:

- Stop urban sprawl, prevent dispersion of buildings and deeper spatial chaos.
- Shape resident-friendly and low-carbon public spaces to the maximum possible extent.

- Include climate change adaptation in spatial policy, to locate powerful traffic generators in the areas serviced by high-efficiency urban transport.
- Preference for land re-use and increase development density instead of an expansion to non-developed areas (priority of brownfields over greenfields).
- Care for the aesthetics of individual undertakings and adjusting them to the surroundings, with respect for the natural, cultural and social context.
- Ensure wide social participation in spatial planning and investment preparation processes.

Regional Context

The Voivodship Development Strategy, the Regional Operational Program, and the Voivodship Spatial Development Plan all include references to the importance of thoughtful spatial planning to ensure positive economic, social, and environmental outcomes at the voivodship level. All of these strategies and plans make specific reference and clear recommendations for the Rzeszów FUA, and should be taken into consideration when preparing a spatial development Strategy for the area.

The main economic engines of a voivodship are its largest urban areas, and if these areas do not function properly, neither does the regional economy. Sound spatial planning tools also play an important role in making a particular area more attractive and accessible for investors. Given that the Rzeszów FUA is the main economic engine of the Podkarpackie Voivodship, it is imperative that it functions properly, and good spatial planning can help make the area more competitive and attractive.

DESCRIPTION OF WORK

The basis of decisions on the need to update local planning documents adopted pursuant to the Act of 27 March 2003 on spatial planning and development, including in particular gmina studies of conditions and directions of spatial development, will be the Strategy for Spatial Development of the RFUA. On determining it is necessary to amend a study of conditions and directions of spatial development, the updated study must comply with the Strategy for Spatial Development of the RFUA.

The rules and procedure of drawing up a study of conditions and directions of spatial development or amendment thereof are explicitly laid out in the Act of 27 March 2003 on spatial planning and development. The contents of a study must therefore comply with the legal regulations in effect, and particularly with art. 10 of the above-mentioned Act. At the same time, the following elements in particular should be taken into consideration in amendments to the studies:

1. the suggestions included in the Catalogue of good practice/recommendations concerning planning on the local scale, on the practical application and implementation of the guidelines resulting from the Strategy for Spatial Development of the RFUA, including indicators of the implementation of its provisions into the studies of conditions and directions of spatial development of the individual gminas;
2. the guidelines included in the Strategy for Spatial Development of the RFUA, and in particular those concerning:
 - a. the demographic forecast for the RFUA as a whole;
 - b. analysis of the real need for new buildings, particularly of the need for economic activity areas, on the basis of existing as well as predicted economic and spatial trends, taking into account the different sectors of the economy;
 - c. indicated potential locations of economic activity zones;
 - d. areas best prepared for development, aside from areas with a fully developed compact functional and spatial structure;

- e. designated areas that form the RFUA green infrastructure skeleton, significant in terms of protection of the environment and cultural landscape, particularly ecological corridors and aerating wedges, with an indication of the desirable scope of limitation of building construction in these areas;
 - f. the proposed transport system development for the RFUA as a whole;
3. decisions concerning spatial development of the individual gminas, resulting from the individual need of a given gmina for a given function, based on appropriate development objectives, human activity and the growth rate of the area - where for all 13 gminas new sites for must be designated for development in an integrated and coordinated way, on taking into account the growth rate of the entire RFUA.

The writing style of the studies should be explicit and concise, without redundant comments or descriptions and allowing for unequivocal interpretation. There should be terms found in law and concerning: construction, spatial planning, real estate management, environmental protection, historical monument protection etc. In the case of absence of a term in the above regulations, there should be a glossary with explanations. The text should be prepared in such a way that it is consistent with the graphic part.

A study should be balanced in that on the one hand it should not be overly restrictive or block swift correction to adjust to necessary circumstances, and on the other hand should be explicit enough to prevent arbitrary planning decisions.

In the course of work on studies of conditions and directions of spatial development for the individual gminas, the Contractor will stay in touch with the RFUA Association Office, composed of representatives of the Marszałek's Office, the Podkarpackie Spatial Planning Office, the RFUA Association and the towns and gminas comprising the RFUA, which will serve as a current platform for the exchange of information and coordination of work on amendments to the studies.

Within the procedure of drawing up a study, the Contractor shall be obliged to:

- 4. prepare the study in accordance with the law and with due diligence;
- 5. examine suggestions submitted to the study;
- 6. draw up draft studies together with an environmental impact forecast and obtain the acceptance of the executive bodies of the given gmina and the RFUA Planning Team;
- 7. obtain the decisions and opinions to the draft study as required by law, and take part in meetings of urban-planning and architectural committees;
- 8. present in writing standpoints concerning the obtained opinions and settlements;
- 9. introduce changes resulting from the obtained opinions and settlements;
- 10. take part in public discussion while the draft study is on display;
- 11. draw up a list of remarks entered in the draft study, together with a standpoint following their examination;
- 12. introduce amendments to the draft study resulting from the examined remarks;
- 13. prepare the draft study to be submitted to the gmina councils, with explanations on how remarks are to be examined;
- 14. take part in meetings of committees of gmina councils and sessions of gmina councils when the study is being approved;
- 15. adjust the subject of the contract to new legal regulations in the case of amendment of the Act on spatial planning and development in the course of contract execution.

In accordance with art. 46 subpara. 2 of the Act of 3 October 2008 on making available information on the environment and its protection, social participation in environmental protection and on environmental impact assessments, the Contractor shall be obliged to carry out a Strategic Environmental Impact Assessment regarding the effects of implementation of the provisions of the Strategy. The Contractor shall coordinate the scope and extent of detail of the environmental impact forecast with the competent bodies. In next order, the Contractor shall draw up a forecast of the environmental impact of the draft document, then forward it for public consultation and present it to the competent bodies for an opinion.

Moreover, at least once in the course of the planning procedure, the Contractor shall conduct public consultations on the draft study of conditions and directions of spatial development, organized in the form of an open meeting for the residents of the given gmina belonging to the RFUA. The public consultations will be held following the preparation of a full draft study, after the project is accepted by the gmina authorities and the RFUA Planning Team, before the statutory stage of drawing up opinions and settlements. Public consultations are also suggested during the preliminary stage of drawing up the study, i.e. after the gmina council adopts a resolution of intent, before comments to the study are gathered. The suggested consultations will serve to inform about the option of submitting comments.

The costs of preparing consultations in the form of meetings with the stakeholders, ensuring premises for this, notification of the date in the customary way, shall be borne by the Ordering Party, with the exception of the costs of travel and accommodations, if any, of participants in consultations on the part of the Contractor.

The Contractor shall plan and carry out public consultations on the draft Strategy for the entire RFUA also through e-participation with PPGIS (Public Participation Geographical Information System) tools, such as geo-questionnaire, geo-discussion. The costs of IT and consulting services associated with planning and servicing the consultations will be borne by the Contractor, whereas the costs of information and promotion – by the Ordering Party.

It would be best if the individual studies for the individual RFUA gminas essential for amendment were commissioned and prepared by the same firm, which would allow for better coordination of work and cohesion of the applied definitions, graphic elements and symbols.

The issues elaborated in the Strategy should be presented in text form, with tables and graphic elements, and in graphic annexes in the same scale (preferably 1: 20 000). Background maps in electronic form shall be provided by the Ordering Party and these shall be forwarded to the Contractor within 30 days after the date of signing the contract.

The Contractor shall prepare a multimedia presentation in .ppt or other format allowing for the material to appear online, summing up the prepared document, as well as a report on public consultations on the study in order to present the outcomes to a wider range of recipients. Apart from the written text, the presentation should contain graphic elements, tables, charts etc.

The Strategy shall be forwarded in the final version to the RFUA Association and the bodies of the RFUA gminas, for which the study has been prepared. The entire document shall be presented in electronic form on cd/dvd:

- for text files in .doc format,
- for graphic elements (maps, info-graphs etc.) in .shp, .jpg and .pdf format.

The spatial information collected in the course of preparation of the studies of conditions and directions of spatial development should be elaborated in a format that allows for it to be included in the Integrated GIS Database for the RFUA. The GIS database for the RFUA shall meet criteria that allow for their compatibility with the base created for the needs of the Strategy for Spatial Development of RFUA.

TIME FRAME

A fully completed study of conditions and directions of spatial development of a gmina shall be delivered by the Contractor to the Ordering Party, for the purpose of forwarding it to the gmina council for approval, within 16 months after the date of signing the contract.

IMPLEMENTATION SCHEDULE AND BUDGET BREAKDOWN

PHASE 1: Submission of draft study of conditions and directions of spatial development to bodies competent for settlements and opinions

- 40% of contractual remuneration;
- within 10 months after the date of signing the contract;

PHASE 2: Submission of draft study of conditions and directions of spatial development for public viewing

- 20 % of contractual remuneration;
- within 12 months after the date of signing the contract;

PHASE 3: Submission of draft study of conditions and directions of spatial development to the gmina council for adoption

- 20 % of contractual remuneration;
- within 16 months after the date of signing the contract.

PHASE 4: Submission of draft study of conditions and directions of spatial development and incorporation thereof into the GIS digital system

- 20% of contractual remuneration;
- within 18 months after the date of signing the contract.

DOCUMENTS AND DATA MADE AVAILABLE TO ALL BIDDERS

1. The Development Strategy of the Podkarpackie Voivodship.
2. The Spatial Development Plan of the Podkarpackie Voivodship.
3. The Spatial Development Strategy of the RFUA.

4. The Integrated Territorial Investment Strategy for the RFUA.
5. The RFUA Mobility Plan.
6. Individual development strategies for each of the 13 RFUA gminas.
7. Study of Conditions and Directions of Spatial Development for each of the 13 RFUA gminas.

DOCUMENTS AND DATA MADE AVAILABLE TO THE WINNING BIDDER

1. The Development Strategy of the Podkarpackie Voivodship.
2. The Spatial Development Plan of the Podkarpackie Voivodship.
3. The Spatial Development Plan of the RFUA;
4. The Integrated Territorial Investment Strategy for the RFUA.
5. The RFUA Mobility Plan.
6. Individual development strategies for the given RFUA gmina.
7. The Study of Conditions and Directions of Spatial Development for the given RFUA gmina.
8. All local spatial development plans of the given RFUA gmina.
9. Topographic map for the given RFUA gmina.
10. Cadastral maps of the given RFUA gmina.
11. Latest available layer with buildings in the given RFUA gmina.
12. All available GIS data related to the subject matter.

SUBSTANTIVE REQUIREMENTS TOWARDS THE BIDDER

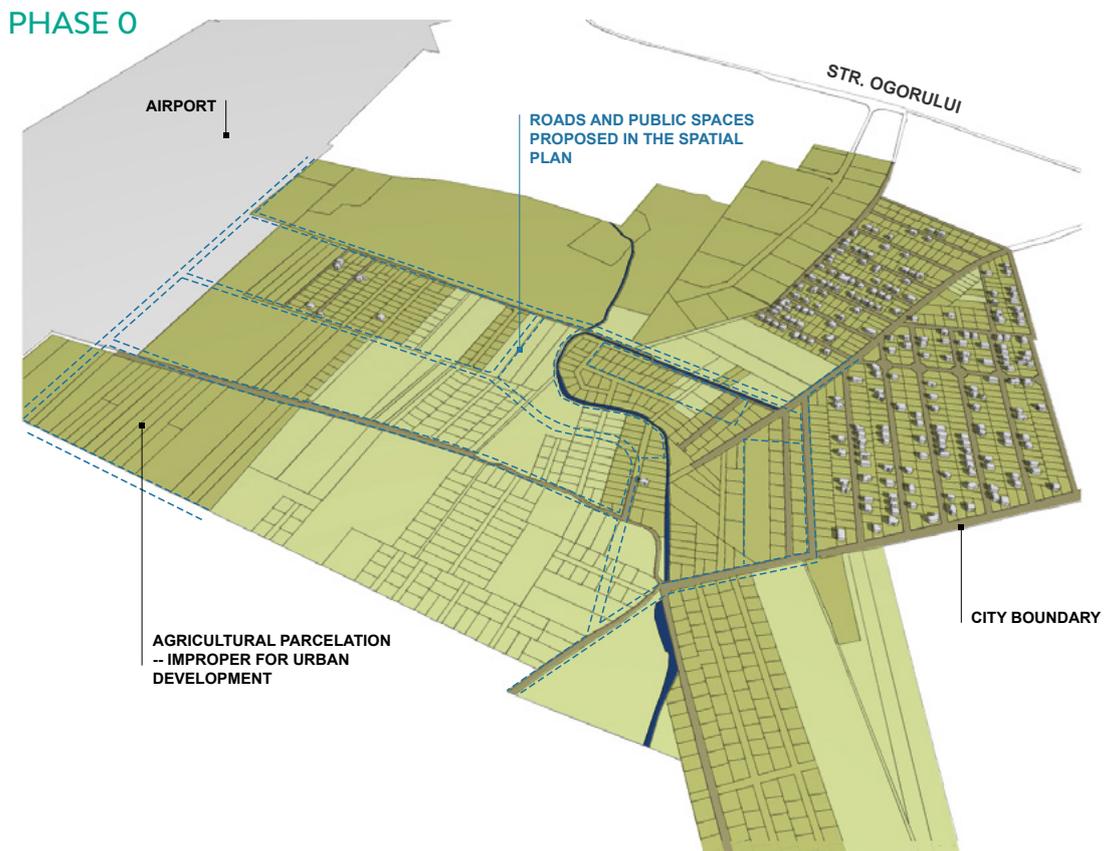
The condition of having knowledge and experience – will be met if the Contractor shows that in the last 5 years prior to the deadline for submitting bids, and if the period of conducting activity is shorter – within this period, the Contractor has duly performed, and in the case of periodical or continuous services also duly performs, at least 2 services, consisting of preparation of a study of conditions and directions of spatial development of a gmina covering at least one town with a number of residents greater than 50,000.

The condition of having the necessary technical potential and persons able to carry out the assignment – will be met if the Contractor has at least 4 persons available, where:

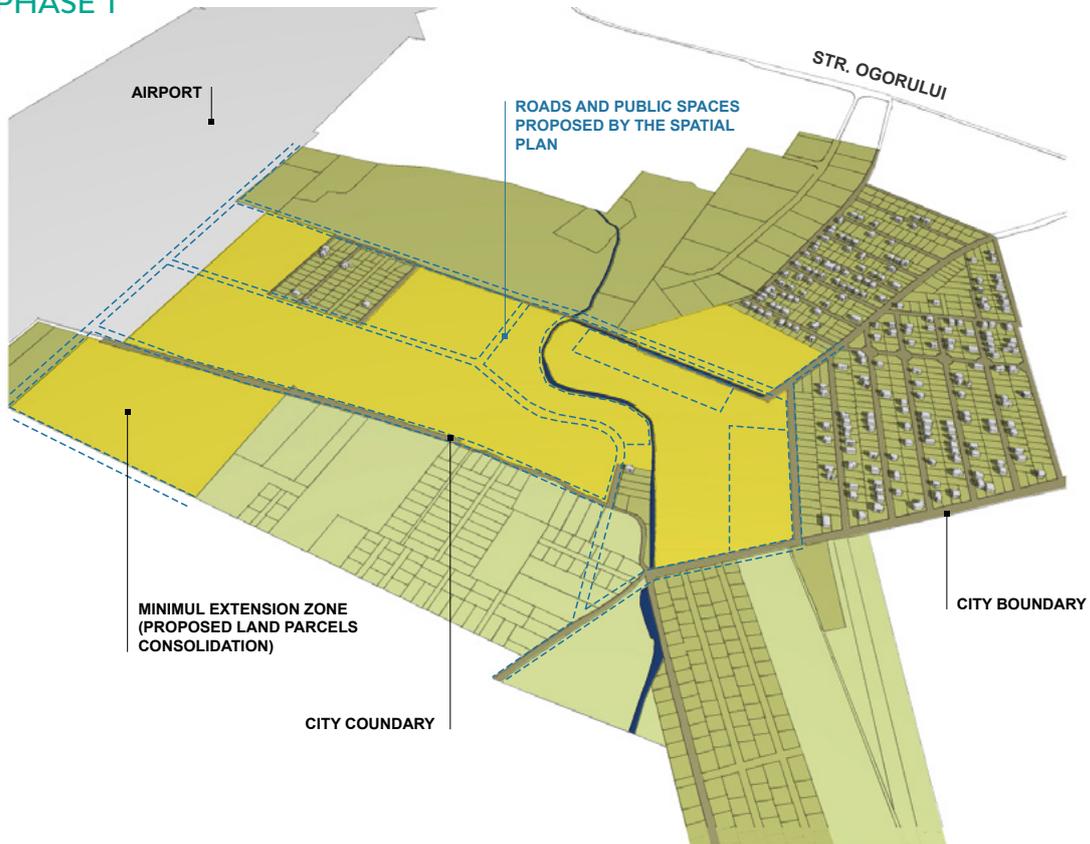
- at least 2 persons meet one of the requirements specified in art. 5 subpara. 1-5 of the Act on spatial planning and development,
- at least one person is skilled in the use of GIS (Geographical Information Systems) tools and applications to e.g. carry out spatial analyses of the social and economic processes taking place in local government units.

ANNEX 6.

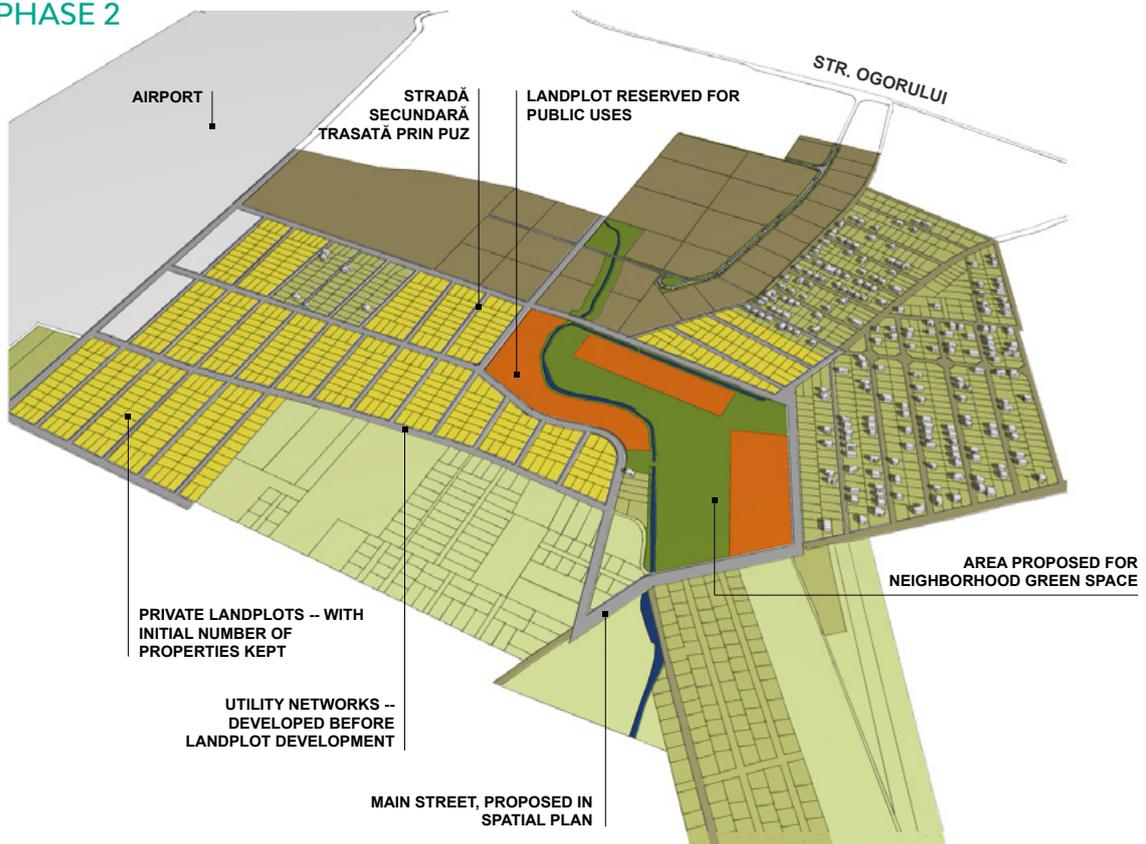
EXAMPLE OF URBANIZATION PROPOSAL FROM ORADEA, ROMANIA



PHASE 1



PHASE 2



PHASE 3



PHASE 4



ANNEX 7.

TERMS OF REFERENCE FOR THE ELABORATION OF THE STASZOW SPATIAL PLAN

May 2018



Staszow Gmina

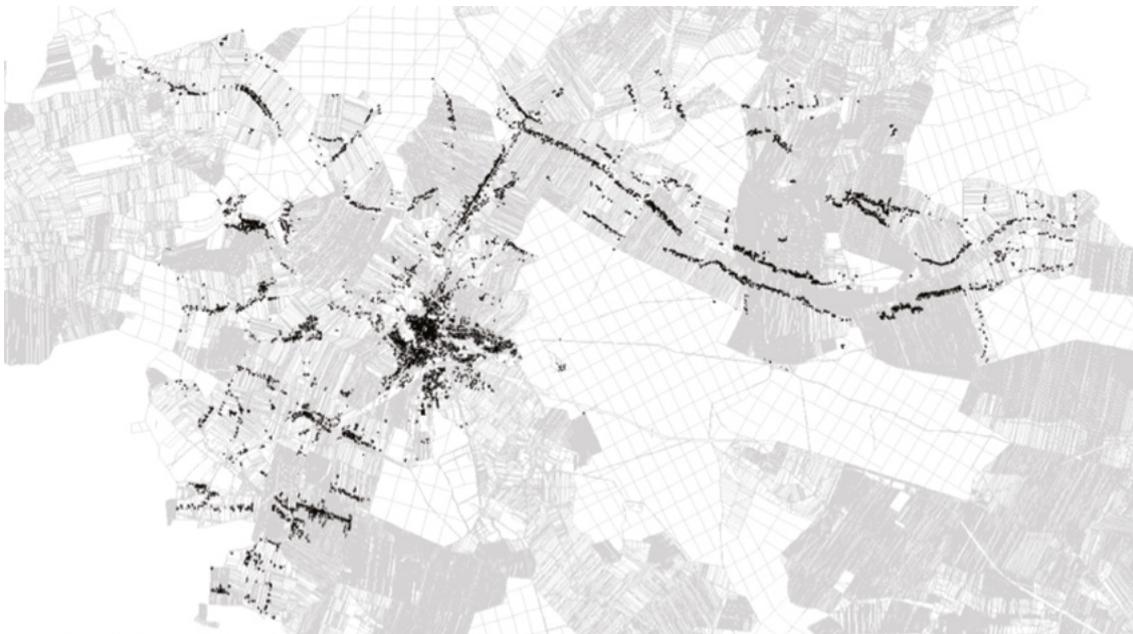
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NECESSITY OF PROJECT

For any locality, irrespective of its rate of development, spatial planning is a necessity. The transition years after 1989 have encouraged un-sustainable development patterns in Poland, and Staszow was no exception (see map below). These unsustainable development patterns should be addressed and the future development of the gmina should follow more efficient patterns. More specifically, a spatial plan protects that which needs protecting (e.g. a park or a historic landmark that everybody can enjoy), identifies what can be developed and where it can be developed (e.g. new housing areas), and gives direction for land conversion (e.g. from industrial to retail).

FIGURE
DEVELOPMENT PATTERNS IN THE STASZOW GMINA



A good spatial plan can also bring efficiency and speed in the issuance of construction permits, by providing clear guidelines on what can and cannot be done, and by removing the arbitrariness of the way development decisions are now taken. This is important both for individuals looking to build a home, and for the economic agents looking to make an investment in the area (e.g. a new manufacturing plant, a new office building, a new retail zone, a new real estate development).

European Context

The EU's Urban Development and Spatial Planning policy is grounded in a number of key documents, such as: *The Lille Action Programme 2000*, *The Urban Acquis 2004*, *The Bristol Accord 2005*, *The Leipzig Charter on Sustainable European Cities 2007*, and *The Marseille Reference Framework on Sustainable Cities 2008*.

In particular, *The Leipzig Charter* declares that European cities of all sizes are "valuable and irreplaceable economic, social and cultural assets", which should be protected, strengthened and further developed, by taking into consideration all dimensions of sustainable development – "economic prosperity, social balance and a healthy environment." The Leipzig Charter also acknowledges that we "increasingly need holistic strategies and coordinated action by all persons and institutions involved in the urban development process which reach beyond the boundaries of individual cities." In essence there is a need for integrated urban development policies.

The Charter goes on to make a number of recommendations. Several of these recommendations are difficult to implement without coherent spatial planning tools in place, and they include:

- I. Making greater use of integrated urban development policy approaches, with a focus of functional urban areas, rather than localities in isolation. Some of the sub-measures included here are:
 - a. Creating and ensuring high-quality public spaces.
 - b. Modernizing infrastructure networks and improving energy efficiency. Here the Charter notes the importance of compact settlement structures, which can be achieved by means of good spatial and urban planning, with a focus on preventing sprawl by “strong control of land supply and of speculative development.” Moreover, the Charter indicates that the “strategy of mixing housing, employment, education, supply and recreational use in urban neighborhoods has proven to be especially sustainable.”

- II. That special attention is paid to deprived neighborhoods within the context of the city as a whole. Some of the proposed sub-measures include:
 - a. Pursuing strategies for upgrading the physical environment.
 - b. Promotion of efficient and affordable urban transport.

National Context

The Government of Poland acknowledges that spatial planning is an issue where improvements are needed if the country is to develop in a sustainable way. For example, the country’s *Responsible Development Plan* notes that “the biggest development potential of Polish agglomerations is wasted because of the ineffective spatial planning and lack of cooperation.” *The National Urban Policy* places an emphasis on reducing the negative effects of suburbanization and improving the quality of spatial planning, while linking it with development planning, carbon efficiency and energy efficiency.

In fact, *The Poland-EU Partnership Agreement 2014-2020* creates the pre-conditions for an efficient coupling of development planning and spatial planning, by allocating 2.4 billion Euro for integrated territorial interventions in 18 large functional urban areas in Poland. To access these funds, local authorities that are part of a functional urban area have to form a partnership (e.g. a gmina/powiat association; an inter-gmina agreement; an association of local government units; a company established jointly by several local government units), prepare an Integrated Urban Development Strategy, and have a proper institutional framework for the implementation of the strategy. Moreover, the Partnership Agreement aims to follow the principles and objectives of the national spatial planning policy, with all investment priorities having to follow a number of key spatial planning principles:

- To stop urban sprawl, to prevent dispersion of buildings and deeper spatial chaos.
- To shape resident-friendly and low-carbon public spaces to the maximum possible extent.
- To include the issue of climate change adaptation in spatial policy, to locate powerful traffic generators in the areas serviced by high-efficiency urban transport.
- Preference for land re-use and increasing development density instead of an expansion to non-developed areas (priority of brown-field over green-field).
- Care for the aesthetics of undertakings and adjusting them to the surroundings, with respect for the natural, cultural and social context.
- To ensure wide social participation in spatial planning and investment preparation processes.

Regional Context

The Regional Development Strategy, the Regional Operational Programme, and the Regional Spatial Plan, all include reference to the importance good spatial planning plays in ensuring good economic, social, and environmental outcomes at the regional level. These strategies and plans include proposals for the Staszow Gmina, and these proposals should be taken into consideration when developing a spatial plan for the area.

SCOPE OF WORK

Topics such as economic development, social inclusion, and sustainable development are general objectives of any strategy. Given that a spatial plan is the territorial embodiment of existent strategies, plans, and studies, the spatial plan has to integrate the proposals made in these documents, and transpose them at the territorial level – including proposals made in higher-level spatial plans (e.g. national spatial plan, regional spatial plan). Of course, it is important to strike a balance between an overly restrictive approach (which may hamper growth and development) and an overly lax approach (which may dilute the effect and intent of the spatial plan). More concretely, a spatial plan should avoid the pitfalls of over-planning or under-planning.

A spatial plan must comply with the existent study of conditions and directions of spatial development. If the latter document requires updating, such should be carried out before any work is started on the spatial plan.

Key topics that lie at the base of a spatial plan include:

Urban planning guidelines

- Explicitly designating building land in a gmina, where building land only includes land plots that are already developed and those adjacent to already built-up areas, in strict correlation with the development dynamics expected to occur within the duration of the spatial plan;
- Identifying and regulating the urbanistic development for all types of interventions: single-family homes, apartment blocks, office, retail, industrial, sports and recreation, service, administrative, green spaces, public spaces, protected areas etc.;
- Densifying urban areas with suburban texture;
- Elaborating building regulations that promote quality architecture;
- Protecting historic areas and individual buildings of historic and cultural heritage;
- Elaborating building indexes differentiated per housing types and compatible functions;
- Elaborating building coefficients (e.g. height limits, distance from street, floor-area ratio, plot occupancy share);
- Identifying industrial/business area based on economic profile, functional grouping, logistics arrangements, and including proposals for connecting these areas to transport infrastructure (e.g. road, rail, airport);
- Elaborating specific regulations for all types of networks – utilities, energy, communication.

Transit and public transport

- Proposals for the rehabilitation, modernization, and extension of connective infrastructure throughout the area;
- Proposals for enabling commuting by rail within the area;
- Identifying potential locations for park-and-ride facilities;
- Identifying areas that could be used as pedestrian zones;
- Elaborating a traffic priority system, based on the large categories of traffic participants: pedestrians, bicyclists, public transport users, private car users.
- Elaborating a norm for the distribution of parking spaces, to satisfy current and future needs;
- Adjusting public transport routes to current priorities;
- Encouraging “green traffic” – foot traffic, bicycle use, public transport use.

Public spaces

- Rehabilitating and modernizing existent public spaces and making provisions for new public spaces;
- Rehabilitating, modernizing, and extending green spaces;
- Preparing a green space inventory;
- Including socio-cultural and economic functions as well as opportunities for spending free time (concerts, expositions, fairs, playgrounds, sport fields, etc.).

A significant element in drawing up a draft spatial plan should be social innovation, consisting of social participation in the process of preparation of local plans. Socialization, extending beyond the execution of statutory obligations, should consist of the introduction of additional consultation phases and forms and the involvement of a wider range of public environments in the process of programming and managing a gmina's spatial development, by way of meetings and public communication means, along with the possible use of internet tools for collecting data from residents and organizations as the stakeholders (participatory governance), and through the adoption of a perspective directly oriented on the needs and benefits of the residents and local communities (citizen-oriented perspective).

STRUCTURE, CONTENT AND PHASING

PHASE 1: Preparing the Spatial Plan

The spatial plan has a normative character (it is an act of law), determining the land use in the gmina, also for public-purpose investments, and defining the manner of land development and building construction. The spatial plan will be prepared in accordance with the provisions of the Act on Spatial Planning and Development of 2003. The spatial plan should take into account the proposals included in the Swietokrzyskie Voivodship Spatial Plan and in the gmina study of conditions and directions of spatial development.

The spatial plan will include:

- Identification and delineation of investment areas. The marked building land shall clearly indicate where building construction is allowed and where it is prohibited.
- Decisions of the spatial plan, based on suitability of development and based on human activity and dynamics in the area, with identification of the following types of areas:
 - a. **Conservation areas.** Areas that will be conserved as they are, with a full interdiction of new development.
 - b. **Protected areas.** Areas that will be protected, with restrictions on land use changes (e.g. historical/cultural heritage areas, high-quality agricultural areas).
 - c. **Development areas.** Areas where new developments are permitted, with a clear indication of what is permitted in the form of new development or re-development. Clear and detailed construction regulations will be elaborated for the developable areas. These construction regulations will form the basis for issuing construction permits.
 - d. **Conversion areas.** Areas that are to be converted to a new use, with a clear indication of their previous land use and newly proposed land use.
- Proposals for modernization and development of communication and transport infrastructure.
- Proposals for modernization and development of utility networks.

The Spatial Plan should be balanced, in the sense that it should not be overly restrictive and prohibit a quick adjustment to different development dynamics, but also clear enough to prohibit arbitrary spatial planning decisions. The spatial plan should also be realistic, taking into consideration the capacity of vested stakeholders to put its key provisions into practice.

In drawing up the spatial plan, the Contractor shall:

- Act with due diligence in preparing documents in compliance with applicable laws and regulations;
- Process the motions submitted in connection with the spatial plan;
- Prepare the draft spatial plan together with an environmental impact projection, and obtain approval from gmina executive bodies;
- Obtain decisions and opinions required by the law in connection with the draft spatial plan, while participating in the meetings of the gmina committee for urban development and architecture;
- Prepare, in written form, the standpoints concerning obtained decisions and opinions;
- Introduce the changes resulting from the obtained decisions and opinions;
- Actively participate in public debate concerning the presented draft spatial plan;
- Draw up a list of comments received in connection with the draft spatial plan, together with the standpoint regarding each of these comments;
- Revise the draft spatial plan in line with the comments received and accepted by the gmina executive body;
- Take appropriate steps to be ready to present the draft spatial plan before the Gmina Council, including the decisions on the comments received;
- Take part in the meetings of the Gmina Council in connection with the adoption of the spatial plan;

- In the event that the spatial plan should be updated during the term of contract, adapt the object of the contract accordingly, in line with the amended regulations.

In drawing up the spatial plan, the Contractor shall prepare and deliver to the Ordering Party:

1. The draft spatial plan in paper and digital form;
2. A schematic annex in the scale according to regulations in force, in a quantity not smaller than 3, of which one is laminated on both sides;
3. A forecast of the financial outcomes of adopting the spatial plan, in the form specified by legal regulations in force;
4. The projected environmental impact, in accordance with the specific regulations in force.

As part of the commissioned task of preparing the spatial plan, the Contractor shall also:

1. When there are grounds for this, prepare a motion to change the planned use of agricultural or forest land to non-agricultural and non-forest use;
2. Prepare model documents related to formal and legal procedures, including model communications with distribution lists;
3. Prepare files of formal and legal documentation following the adoption of the spatial plan – in 2 copies (original and copy);
4. Take part in activities essential in preparing opinions on planning documents, including participation in meetings of the Urban Planning and Architecture Committee, deliberations of committees and sessions of the gmina council as well as appear at the headquarters of the ordering party on dates mutually agreed upon.

Moreover, at least once in the course of the planning procedure, the Contractor shall hold public consultations on the draft spatial plan, organized in the form of an open meeting for the residents of at least the area within the boundaries of the spatial plan. The public consultations will be held following the preparation of the full draft spatial plan, after the draft document has been accepted by the gmina authorities, prior to the statutory phase of preparing opinions and decisions. There are also suggestions for public consultations at the preliminary phase of preparation of the spatial plan, i.e. after the gmina council has adopted a resolution of intent, before comments to the plan are collected. The suggested consultations will serve to inform about the possibility of submitting comments.

The costs of preparing consultations in the form of meetings with the stakeholders, providing premises for them, notifying of the date in the customarily accepted manner, shall be borne by the Ordering Party, with the exception of the costs of travel and accommodations, if any, of persons taking part in the consultations on the part of the Contractor.

PHASE 2: Approval of the Spatial Plan

The Contractor will work with the gmina administration to obtain all the necessary decisions and opinions from the relevant central and regional institutions. The Contractor will also have to present and defend the spatial plan in front of the Gmina Council.

The Contractor will introduce the essential changes in the draft spatial plan in tune with the obtained decisions and opinions, and in tune with the feed-back received during the consultations with citizens and vested stakeholders. Any additional costs incurred as a result of these changes will be covered by the Contractor.

PHASE 3: Delivery of the Spatial Plan and inclusion in digital GIS system

Once all changes are entered in the spatial plan, the Contractor will deliver the final spatial plan to the gmina administration and will upload all spatial data in the GIS system

TIMELINE

The full spatial plans, approved through a Gmina Council resolution, will be delivered by the Contractor within 14 months from the date of signing the contract. Following the delivery of the spatial plan, the Contractor will provide technical assistance for another 4 months, to ensure the integration of the spatial information in the digital GIS system.

DELIVERY SCHEDULE AND BUDGET BREAKDOWN

PHASE 1: Preparing draft Spatial Plan and delivery thereof to the competent bodies to obtain opinions and decisions

- 30% of the contract value;
- 6 months from contract signing;

PHASE 2: Placing draft Spatial Plan on public display

- 20% of the contract value;
- 9 months from contract signing;

PHASE 3: Submitting draft Spatial Plan for adoption by gmina council

- 30% of the contract value;
- 12 months from contract signing;

PHASE 4: Delivery of Spatial Plan and inclusion in digital GIS system

- 20% of the contract value;
- 14 months from contract signing.

DOCUMENTS AND DATA MADE AVAILABLE TO THE WINNING BIDDER

- Updated base maps
- Updated cadastral data for the area referred to
- The Swietokrzyskie Voivodship Development Strategy (document accessible at: http://www.eswietokrzyskie.pl/strategia_wojewodztwa/index.php/component/edocman/?task=document.download&id=216)

- The Swietokrzyskie Voivodship Spatial Plan (document accessible at: <http://bip.sejmik.kielce.pl/231-departament-nieruchomosci-geodezji-i-planowania-przestrzennego/1541-plan-zagospodarowania-przestrzennego-wojewodztwa-swietokrzyskiego.html>).
- The Gmina Development Strategy (document accessible at: <http://staszow.pl/strategia-rozwoju-miasta-i-gminy-staszow-2015-2025.html>).
- The latest version of the Study of Conditions and Directions of Spatial Development of the Gmina
- All spatial plans in effect in the given area and approved by the Gmina Council
- Decisions on building conditions and decisions on location of public-purpose investment projects, issued for the given area
- Preparation of feasibility study for new infrastructure projects
- Topographic map of the gmina.
- All available and relevant GIS data.

CONTENT OF BID OFFER

The bid offer will contain examples of spatial plans already completed, which will demonstrate the capacity of the bidder to prepare spatial plans. At the same time, the bid offer should propose a participatory approach for the entire duration of the elaboration of the spatial plan, ensuring the proper engagement of citizens and vested stakeholders in the process of elaboration and approval of the spatial plans.

The bid offer should (obligatorily) include, as text and schematic plans, the following:

- **Financial offer**, broken down in phases.
- **The proposed project team**, including a proposed organigram and work schedule. Details will be provided both on the general tasks of the Client and the Consultant, as well as the individual tasks of team members.
- **Public engagement and consultation.** A strategy for engaging/consulting citizens and vested stakeholders will be prepared. The strategy should, at a minimum, include:
 - Communication methodologies;
 - Groups targeted;
 - Description of the public engagement/consultation process;
 - Work schedule.
- **Schematic urban development proposals.**

ANNEX 8.

PROCEDURES AND TIMEFRAME TO OBTAIN A BUILDING PERMIT IN POLISH REGIONAL CAPITALS

⁶According to: <http://magdeburg-law.com>

Procedure number	PROCEDURE	WHO	KIELCE	Białystok	Bydgoszcz	Gdańsk	Gorzów Wielkopolski	Katowice	Kraków	Lódź	Lublin	Olsztyn	Opole	Poznań	RZESZÓW	Szczecin	Toruń	Warsaw	Wrocław	Zielona Góra
1	Request technical conditions for utility connections: waterworks	Water and Wastewater Company	21	14	21	14	21	30	28		14	14	14	30	14	21	28	21	14	30
2	Obtain current geodetic (cadastre) map	Geodetic Department	14	16	14	30	14	30	20	30	14	21	30	14	18	21	14	30	21	30
3	Request technical conditions for utility connections: electricity	Electricity Company	7	30	14	7	30	14	30	30	14	30	7	30	14	14	14	21	14	28
4	Request and obtain technical conditions for the location of the road exit from the Administrator of Public Roads	Administrator of Public Roads	14	30	14	30	21	21	28	30	21	21	14	30	30	14	28		30	21
5	Request technical conditions for utility connections: rainwater drainage	Administrator of Public Roads	7	14		14			14			7	7							
6	Receive an opinion from the coordination meeting about the lack of conflicts among utility connections	Starosta together with utility companies	10	7	14	30	30	30	21	14		14	14	30	14	14	14	30	14	14
7	Obtain a decision on the project for the water and sewage connections	Water and Wastewater Company	28	14		14	14	42	28		14	7	14	30		14	14		30	21
8	Request and obtain a decision on the project proposal for road connection from the Administrator of Public Roads	Administrator of Public Roads	14	21	21	30	30	30	28		21	14	14	21	14	21	14	14	14	30
9	Obtain a decision on the project proposal for the rainwater drainage	Administrator of Public Roads	14			14			21			7								
10	Request and obtain consent from fire safety expert	Fire safety expert	3	3	1	1	1	1	1	2	2	1	2	1	3	3	1	3	2	1
11	Request and obtain consent from sanitary expert	Sanitary expert	3		1	1	2	1			2	1	2	1	7		1	7		1
12	Request and obtain building permit	Municipality	60	60	35	54	35	49	65	45	44	35	44	60	54	65	40	65	35	42
13	Notify the Building Inspectorate about the beginning of construction	Building Inspectorate	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
14	Conclude agreement with utility provider: water and sewage	Water and Wastewater Company	5	7	4	5	7	7	3	7	7	7	7	7	7	7	7	5	7	4
15	Receive inspection and obtain water and sewage connections	Water and Wastewater Company	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
16	Inform the National Sanitary Inspectorate about the completion of the building	National Sanitary Inspectorate	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
17	Receive inspection from the National Sanitary Inspectorate and obtain approval	National Sanitary Inspectorate	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14
18	Inform the State Fire Service about completion of the building	State Fire Service	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
19	Receive inspection from the State Fire Service and obtain approval	State Fire Service	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14
20	Obtain final geodetic report	Geodetic Department	14	7	14	10	3	7	14	14	7	14	3	14	14	14	7	3	3	3
21	Request and receive occupancy permit	Building Inspectorate	14	30	30	30	30	21	30	30	30	14	10	30	30	35	21	75	21	30
22	Receive final inspections	Building Inspectorate	14	21	21	21	21	15	21	21	21	7	8	21	21	21	15	21	7	21
23	Receive an opinion about mining damage	Department of Mining						14												
24	Receive an environment impact analysis decision	Department of Environment Protection											7							14
25	Request and obtain consent from expert of work safety and hygiene	Sanitary Inspector																12		

ANNEX 9.

PROPOSED CHECKLIST TO OBTAIN THE "BUILDING CONDITIONS" IN KIELCE

Wykaz czynności koniecznych do wykonania przed wydaniem decyzji o warunkach zabudowy

Nr sprawy:	Data wpłynięcia wniosku:	Uwagi:
Osoba prowadząca:	Data wydania decyzji o WZ	
	Data wydania decyzji odmownej	

Termin: 7 dni	Od daty zarejestrowania wniosku w Wydziale Rozwoju i Rewitalizacji Miasta		<i>data</i>
1.	Sprawdzenie czy jest obowiązujący plan na terenie lokalizacji inwestycji	Data zakończenia czynności	
2.	Sprawdzenie spójności i kompletności wniosku	Data zakończenia czynności	
		Dołączono do wniosku	Wymaga uzupełnień
	Podpisy inwestorów, pełnomocnictwa		
	Oплата za pełnomocnictwo/ za decyzje – gdy jest wymagana		
	Nazwa zamierzenia budowlanego		
	Charakterystyka planowanej zabudowy i zagospodarowania terenu, zgodność części opisowej z częścią graficzną wniosku		
	Powierzchnia sprzedaży dla obiektów handlowych		
	Obsługa komunikacyjna (zjazd, dostęp do drogi publicznej, miejsca postojowe)		
	Kompletność i poprawność warunków do zarządców sieci		
	Mapa zasadnicza – poprawność oznaczenia granic terenu inwestycji, granic obszaru, na który inwestycja będzie oddziaływać, wielkość powierzchni podlegającej przekształceniu oraz wielkość mapy do analizy		
	Decyzja o środowiskowych uwarunkowaniach – gdy jest wymagana		
3.	Wydrukowanie mapy własnościowej	TAK	NIE
4.	Wyciąg z ewidencji gruntów	TAK	NIE
5.	Wezwanie do uzupełnienia wniosku (jeśli nie jest kompletny)	TAK	NIE

Termin:	7 dni	Od daty uzupełnienia wniosku jeśli wniosek jest kompletny	<i>data</i>
	14 dni		<i>data</i>
1.	Sprawdzenie w OTAGO (lub bazie PESEL) danych z wydruku z ewidencji gruntów	TAK	NIE
2.	Rejestr graficzny decyzji – sprawdzenie czy dla działki była wydana decyzja	TAK	NIE
3.	Ustalenie:	TAK	NIE
a	Kategoria drogi, do której przylega teren inwestycji		
b	Przeznaczenie terenu w nieobowiązującym planie: - tereny produkcyjne - cel publiczny o znaczeniu ponadlokalnym		
c	Studium		
d	Ustalenie planu będącego w opracowaniu		
e	Gminna Ewidencja Zabytków		
f	Kielecki Obszar Chronionego Krajobrazu		
g	Chęcińsko-Kielecki Park Krajobrazowy		
h	Chęcińsko-Kielecki Obszar Chronionego Krajobrazu		
i	Pomniki przyrody, rezerваты, obszar Natura 2000		
j	Występowanie gleb mineralnych/organicznych w przypadku gruntów rolnych		
k	Strefa ochrony ujęcia wody Białogon		
l	Obszar narażony na niebezpieczeństwo wystąpienia powodzi		
m	Teren górniczy		
n	Teren ochrony lotniska		

Termin: 7 dni	Od otrzymania zwrotnych potwierdzeń odbioru		<i>data</i>
1.	Analiza urbanistyczno-architektoniczna (w zależności od potrzeb analiza zabudowy w terenie)		
2.	Sporządzenie projektu decyzji		

Termin: 2 dni	Od zaakceptowania projektu decyzji przez uprawnioną osobę		<i>data</i>
1.	Wysłanie projektu decyzji do uzgodnienia z właściwymi organami		

Termin: 2 dni	Od dokonanych uzgodnień		<i>data</i>
1.	Zawiadomienie o wglądzie w akta		

Termin: 14 dni	Od otrzymania zwrotnych potwierdzeń odbioru		<i>data</i>
1.	Przygotowanie treści decyzji i załączników		
2.	Decyzja wraz z załącznikami podpisanymi w oryginale- wysłane do stron		
3.	Obwieszczenie o wydaniu decyzji o warunkach zabudowy – gdy inwestycja wymagała decyzji o środowiskowych uwarunkowaniach		

ANNEX 10.

PROPOSED CHECKLIST TO OBTAIN A "CONSTRUCTION PERMIT" IN KIELCE

Wykaz czynności koniecznych do wykonania przed wydaniem decyzji o pozwoleniu na budowę (przebudowę, rozbiórkę i rozbudowę) obiektu budowlanego

Nr sprawy:	Data wpłynięcia wniosku	Uwagi:
Osoba prowadząca:	Data wydania PnB	
	Data wydania decyzji odmownej	

I SPRAWDZENIE WNIOSKU POD WZGLĘDEM FORMALNYM	Data zakończenia czynności	
	Dołączono do wniosku	Wymaga uzupełnień
4 egz.projektu budowlanego		
Pełnomocnictwo		
Oświadczenie o posiadaniu prawa do dysponowania nieruchomością na cele budowlane – druk (B-3)		
Druk (B-4) informacja uzupełniająca		
Decyzja o warunkach zabudowy (gdy nie ma planu zagospodarowania przestrzennego)		

II OPŁATA SKARBOWA	TAK	NIE
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III SPRAWDZENIE KOMPLETNOŚCI WNIOSKU POD WZGLĘDEM MERYTORYCZNYM	Data zakończenia czynności	
	Dołączono do wniosku	Wymaga uzupełnień
Oświadczenie projektanta, zaświadczenie o przynależności do izby samorządu zawodowego, uprawnienia budowlane		
Decyzja o środowiskowych uwarunkowaniach (w razie potrzeby)		
Decyzja o wyłączenie gruntów z prod.rolnej		
Pozwolenie wodnoprawne		
Decyzja konserwatora zabytków		

1. Sprawdzenie projektu zagospodarowania terenu	Data zakończenia czynności	
	TAK	NIE
Bilans terenu: zabudowa, tereny zielone, tereny utwardzone		
Bilans mas ziemnych		
Podstawowe wymiary budynku, oznaczenie ilości kondygnacji		
Dowymiarowanie do granic działki		
Odległość od budynków na działkach sąsiednich		
- opisanie tych budynków z uwagi na przepisy ppoz.		
Linia zabudowy – odległość zgodnie z decyzją o warunkach zabudowy lub ustaleniami mpzp i odległości projektowanego budynku w stosunku do linii zabudowy		
Charakterystyczne rzędne: rzędna zera budynku, rzędne w narożach budynku		
Przylączy z zaznaczeniem czy wg odrębnego zgłoszenia, lub		
- projekty przylączy wraz z protokołem narady koordynacyjnej z uzgodnieniami dok. Projekt.		
Wejścia i wjazdy do budynku		
Zjazd z drogi na działkę z zaznaczeniem:		
- istniejący		
- projektowany wg odrębnego postępowania		
Miejsca postojowe – odległość od granic działki i od budynków, zgodnie z warunkami technicznymi		
Zbiornik na ścieki z zaznaczeniem czy wg odrębnego postępowania na zgłoszenie lub projekt zbiornika		
Miejsca na odpadki (śmieci) – odległość zgodnie z rozdziałem 4 warunków technicznych		
Zaznaczenie i opisanie ściany oddzielenia przeciwpożarowego		

2. Sprawdzenie projektu budowlanego. Zgodność z ustaleniami mpzp lub decyzja o warunkach zabudowy:	Data zakończenia czynności	
	TAK	NIE
Wskaźnik zabudowy lub wskaźnik intensywności zabudowy		
Powierzchnia biologicznie czynna		
Szerokość elewacji frontowej		
Wysokość do okapu przy głównym wejściu do budynku, wysokość do kalenicy		
Geometria dachu, lukarny		
Odpowiednia ilość miejsc postojowych		
Inne wynikające z ustaleń mpzp		

3. Sprawdzenie projektu z warunkami określonymi w decyzji środowiskowej	Data zakończenia czynności	
	TAK	NIE
Odniesienie się projektami do tych warunków na rys. projektu i w opisie tech.		
4. Charakterystyka energ. i analiza możliwości racjonalnego wykorzystania wysokoelektrywnych syst. alternatywnych zaopatrzenia w energię i ciepło	TAK	NIE
5. Informacja w obszarze oddziaływania obiektu	TAK	NIE
6. Informacja BIOZ	TAK	NIE
7. Opinia geotechniczna	TAK	NIE
8. Dostęp dla osób niepełnosprawnych	TAK	NIE
9. Sprawdzenie Gminnej Ewidencji Zabytków	TAK	NIE