

## **PLANNING, SPATIAL AND INVESTMENT ASPECTS IN THE PROTECTION OF CULTURAL LANDSCAPES AND OBJECTS OF HISTORICAL VALUE IN POLAND**

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**В работе представлена характеристика инвестиционного процесса в Польше в системе местной пространственной планировки в аспекте охраны формирования культурного ландшафта. Также представлена проблематика охраны памятников, реализованная в процессе пространственной планировки и инвестирования. Приведены примеры исторических объектов, вписанных в реестр памятников малопольской области.**

**The paper presents the system of local spatial planning and investment processes in Poland. That is also considered of determinants and directions of spatial development and in the local master plan that the zones of conservatory are established, which are supposed to protect monuments situated in these areas. The paper also presents Polish institutions engaged in monument preservation as well as examples of historic urban patterns from the małopolskie voivodeship/**

### **1. Introduction**

Specialist literature provides a variety of definitions for the term landscape. *Siownik pojęć geograficznych* (Dictionary of geographical terms) defines landscape as “a sum of typical features characteristic for a given fragment of the Earth’s surface, whose individual elements, such as relief, soil, climate, waters, vegetation and animals, man and his economic activity come together to create an interrelated whole, which makes this landscape distinctive from surrounding areas”. A definition of cultural landscape appears in the Polish Act of 23<sup>rd</sup> July 2003 on the Guardianship of Monuments [Ustawa...2003a]. As the Act stipulates, cultural landscape is space historically shaped by human activity, embodying both products of the civilization and natural elements. Taking into consideration numerous definitions of cultural landscape, the essence of the term can be set down in the following way:

- It is an observable expression of human culture on the Earth’s surface;
- it comes as a result of natural landscape transformation by cultural factors and an overlap of such factors coming from different periods;
- it preserves the testimony of activities carried out by its former inhabitants;
- it determines the region’s identity.

This paper aims at describing the system of local spatial planning and investment processes in Poland from the point of view of landscape shaping, taking into consideration the protection of objects of historical value. Spatial planning and the widely understood investment processes shape cultural landscapes in a very significant way. They also help to protect cultural landscapes, both at this point in time and in the long run. The paper also presents Polish institutions engaged in monument preservation as well as examples of historic urban patterns from the Małopolskie voivodeship.

### **2. Cultural landscape protection and shaping as part of local landscape planning and investment processes**

The role of spatial planning is to distribute the sum of human activities, which aim at satisfying social needs, throughout geographical space in coordination with the natural environment [Dubel 1996].

The basic legal act regulating the question of spatial development in Poland is the Act of 23 March 2003 on Spatial Planning and Development [Ustawa...2003]. Besides determining the principles of spatial policy formulation, carried out by territorial self-government units and government administrative bodies, the Act also defines the notion of spatial planning as methods of distributing land for various purposes and determining the principles of its management; assuming that spatial order and sustainable development lie at the basis of these activities.

The system of legal acts on spatial management in Poland consists of the national spatial

development scheme, programs including government tasks of implementing public objectives of national importance and other planning documents (reports on the condition of spatial development in Poland and various analyses and planning studies).

The basic planning act at the level of voivodeship self-government is the voivodeship master plan. It is linked with the voivodeship development framework, which defines directions of economic development. Apart from the voivodeship master plan and the voivodeship development framework, other legal documents of a specialized character can function in the area, such as the road network development plan, technical infrastructure development plan or others.

Basic instruments for land management in Polish communes are local master plans. Spatial planning at the level of the commune has a double role. On the one hand, it is supposed to formulate the commune's spatial policy, that is objectives and directions concerning spatial development. On the other hand, the role of local spatial planning is to establish the purpose and the principles of land development and management [Piech 1993].

Two fundamental kinds of spatial planning documents are compiled for communes: master plans, which are legal acts universally binding, and planning acts defining local spatial policy, called studies of determinants and directions of spatial development [Niewiadomski 2005].

The issues of cultural landscape shaping appear at all levels of spatial planning in Poland [Gawroński K. 2007]. A detailed analysis of these will be presented for local spatial planning.

A communal study of determinants and directions of spatial development treats the issues of landscape development in a very detailed way. They are present both in the part dealing with development determinants as well as when directions of spatial development are being defined. Among the elements appearing in the context of development determinants, we can mention building use alteration concerning spatial order and the state of the environment as well as requirements with regards to environment, nature, and landscape protection. On the other hand, the part dealing with directions of spatial development includes regulations, which are binding in the process of local planning, such as defining environment protection areas and the principles of environment protection, resources protection, nature, cultural landscape, and health resorts protection.

Within the thematic areas covered by the local master plan, we can find obligatory regulations concerning: the principles of spatial order protection and development and the principles of environment, nature and cultural landscape protection. A detailed description of issues covered in the local master plan can be found in the Regulation issued by the Ministry of Infrastructure on 26 August 2003 on the Required Scope of the Project of the Local Master Plan [Rozporządzenie...2003]. Separate provisions concerning areas covered by the local master plan and referring to landscape can be also found in the Act of 23 July 2003 on the Protection and Guardianship of Historical Monuments [Ustawa...2003], the Act on Nature Protection [Ustawa...2004], the Law on Environmental Protection [Ustawa...2001] and others. Fig. 1 illustrates the scope of landscape issues taken into consideration in the process of local spatial planning.

An outline of the investment process in Poland has been presented in Fig. 2. This process begins with the choice of location, for which data from land and building register are considered. The second stage constitutes the analysis which should specify whether the investment would influence the environment in a significant way.

If the analysis qualifies the investment as significantly influencing the environment, it is necessary to obtain a decision on environmental conditions of investment realization. In the next stage, information about land qualification needs to be acquired, which can be found in local master plans. At this stage, the investor needs to find out whether the local master plan has been created for the land in question since Polish law does not require obligatory master plans for communes or towns within their administrative borders. In the case a local master plan has been developed for the area in question and the investor obtained the right to dispose the property, he or she can apply to the head of the county (*starosta*) for a building permit.

Otherwise (if there is no local master plan for the given area), the investor must obtain a decision on development conditions. It is a promise issued by local administration which defines conditions the investor must fulfill to apply for a building permit. The process of issuing a decision on development conditions also requires a number of authorizations, including an authorization from the voivodeship monument conservator in the case of properties entered on the monument record. The last stage of the investment process is notification about investment completion (e.g. for single family residential quarters) or obtaining permit for object use. It is issued by a construction supervision unit, that is by a local

constriction site inspector.

### **3. Planning and spatial issues in the case of objects of historical value**

Since cultural landscape is primarily an area historically shaped by human activity, therefore it is also important to analyze legal regulations referring to monument protection. These issues are regulated in the above-quoted Act of 23 July 2003 on the Protection and Guardianship of Historical Monuments [Ustawa...2003]. It defines such notions connected with cultural landscape as: a historic urban settlement pattern or a rural and historic development complex. As defined by this Act, a historic urban or a historic rural settlement pattern are spatial patterns, urban or rural, which are composed of building complexes, individual buildings, and green areas laid out according to the historic ownership and functional divisions, including road and street network. This regulation refers in its essence to the question of cultural landscape as well as urban and rural areas both regarding spatial building patterns and historic land and functional divisions.

Entering an object on the monuments record is connected with numerous restrictions concerning its use. It is necessary to obtain permission from the voivodeship monument conservator in order to conduct conservation, restoration, or construction work. Moreover, a planning permission to demolish a building which is listed on the monuments record can be given only after obtaining a positive decision of the general monument conservator. It is also worth mentioning that in the case of unused buildings, or buildings beyond repair or reconstruction, an order of demolition issued by the building inspection does not refer to buildings which are listed on the monuments record. Only after removing the building from the monuments record can the demolition be carried out [Ustawa...1994].

The Act on the Protection and Guardianship of Historical Monuments defines activities aiming at monument protection. One of these fundamental activities is ensuring that monument protection is taken into account in planning, spatial management, and in landscape shaping [Ustawa...2003b]. According to this Act, cultural landscapes, urban and rural patterns, and building complexes are subject to protection and guardianship. We can distinguish the following forms of monument protection: entering it on the monuments record, recognizing it as an object of historical value, creating a cultural park, and ensuring protection in the local spatial development plan.

The Act on the Protection and Guardianship of Historical Monuments deals with the issues of spatial planning and development at all administrative levels. It states that monument protection and the guardianship of monuments have to be taken into consideration when preparing or updating the national spatial development scheme, voivodeship development strategies, voivodeship master plans, municipal development strategies, and studies of determinants and directions of spatial development of communes. Therefore, the issues of monument protection are especially important in all spatial planning and strategic documents at a national, voivodeship and communal level.

Moreover, projects and changes of the voivodeship and local spatial development plans need to be consulted with the voivodeship monuments conservator.

The study of determinants and directions of spatial development and the local master plan particularly refer to the protection of:

- monuments listed in the monuments record and their surroundings;
- other immovable monuments listed in the municipal monuments register;
- cultural parks.

If a municipality has developed a municipal program of monument protection, the decisions undertaken within this program are taken into consideration in the study of determinants and directions of spatial development. The study and the local plan also take into consideration, depending on the need, the zones of conservatory protection covering areas where various restrictions and regulations are in effect (defined by the local plan) which are aimed to protect monuments situated in a given area.

The district council can create a cultural park after asking the voivodeship monuments conservator for opinion. Such a park is created in order to protect the cultural landscape and preserve exceptional areas in terms of landscape assets together with immovable monuments characteristic for the local building tradition and the settlement pattern. Various regulations and restrictions can be introduced on the area of the cultural park. These can concern:

- conducting construction work and activities connected with industry, agriculture, animal breeding, commerce, and services;
- changes in the way immovable monuments are used;

- placing notice boards, notices, advertisements and other signs which are not related to the protection of the cultural park;
- waste disposal and storage.

As already mentioned it is not obligatory to create a local master plan for the entire area of the commune. However, there are areas where it is obligatory, such as above-mentioned cultural parks.

#### **4. Examples of historical urban and rural settlements patterns from the Malopolskie voivodeship**

The highest body of monument protection in Poland is General Monument Conservator (*Generalny Konserwator Zabytkow*), who supervises conservation offices throughout the country. He acts on the basis of provisions set out in the Act on the Protection and Guardianship of Monuments [Ustawa...2003a], on behalf of the Ministry of Culture and National Heritage. Among many responsibilities performed by the General Monument Conservator we could name the following:

- preparation of the national program of protection and guardianship of monuments;
- implementation of activities within the national program of protection and guardianship of monuments and national spatial development scheme;
- keeping the national monument record and national register of stolen monuments or those driven out of Poland;
- supervision of voivodeship monument conservators.

At the voivodeship level, the relevant administration unit is voivodeship office for the protection of monuments (*wojewódzki urząd ochrony zabytkow*), led by a voivodeship monument conservator (*wojewódzki konserwator zabytkow*), who is responsible for monument protection on behalf of the voivodeship governor (*wojewoda*). His activities and responsibilities involve:

- keeping the register of monuments situated within a given voivodeship;
- issuing decisions on the entry into the monument register;
- keeping a voivodeship monument record;
- authorizing programs of immovable monument management and their surroundings
- issuing permits for conservatory, restoration or development activities for monuments entered in the monument record.

The Maiopolskie voivodeship, which is particularly rich in cultural heritage, houses about 50,000 monument complexes. 3,080 of these have been entered into the voivodeship monument record. They involve urban and rural settlement patterns, churches and monasteries, fortifications and defense complexes, palaces and manors. The UNESCO World Heritage List holds 8 objects and complexes located in the Maiopolskie voivodeship.

The photographs presented below illustrate several objects of historical value, such as urban or rural settlement patterns, sacral or manorial objects situated in the Maiopolskie voivodeship. They have been all entered into the monuments record of the Maiopolskie voivodeship.

Photograph 1 shows an example of a historic urban pattern from the period of Josephine colonisation. This building pattern was founded under the co-called German law and is typical with its compact arrangement of buildings along the main road. This particular example comes from a town of Goikowice, near Nowy Sącz [Pawowski and Gawroński 1975].

Photograph 2 illustrates a Romanesque church of St Zoeradius and Benedict in the village of Tropie near Nowy Sącz (the Maiopolskie voivodeship). The church comes from the 11<sup>th</sup> century and was raised on a rock at the height of 15 meters above the Dunajec River.

Photograph 3 presents a baroque mansion, characteristic for the Polish landscape, built in 1752 in the village of Hwidnik near Limanowa (the Maiopolskie voivodeship). The mansion is situated in an old landscape park, which clearly distinguishes itself from the surrounding agricultural areas.



*Phot. M. Klag*

*Phot.1 A historic urban settlement complex from the period of Josephine colonization in Goikowice Dolne, the Maiopolskie voivodeship*



*Phot. M. Hoida*

*Phot. 2 A Romanesque church of St. Zoeradus and Benedict in Tropie (the Maiopolskie voivodeship)*



*Phot. Author*

*Phot. 3 A historic mansion from 1752 in Hwidnik near Limanowa (the Maiopolskie voivodeship)*

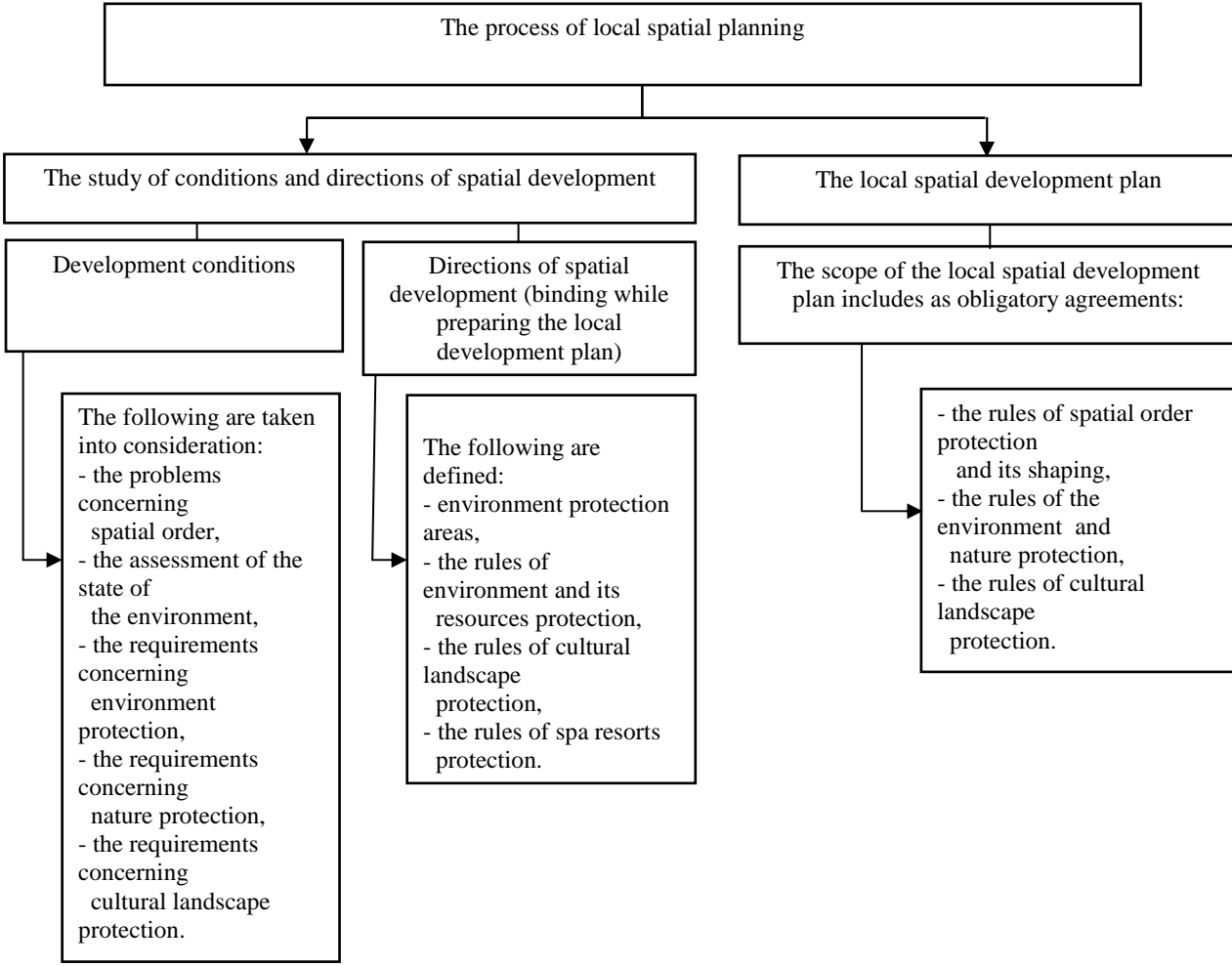
## **5. Conclusions**

Concluding the above considerations, we can state that the issues of landscape shaping and protection have a very important place both in theoretical and practical aspects of spatial planning. At all administrative levels, spatial planning takes into consideration landscape issues. In the study of determinants and directions of spatial development the issues connected with landscape are discussed in the context of development conditions. They are also considered while formulating the directions of spatial development and are binding for the local spatial plan.

Since cultural landscape is, above all, an area historically shaped by human activity, monument protection and the guardianship of monuments are important issues here as there are many urban and rural patterns which reflect changes in building patterns and rural land patterns shaped by subsequent generations. Today, they give evidence of the historical development of cities, towns, and rural areas. That is why the issues of monument protection are closely analysed in the process of spatial planning. It is in the study of determinants and directions of spatial development and in the local master plan that the zones of conservatory protection are established as well as regulations, which are supposed to protect monuments situated in these areas.

Monument protection offices in Poland keep a monument record. They also issue permits for conservatory and construction activities with regards to objects listed in this record.

To conclude, we can state that decisions on the localisation of investments should not result in urban and landscape disharmony, but they should help to protect and preserve the cultural landscape.



*Fig. 1 The problems concerning landscape shaping which are taken into consideration in the local spatial planning process*

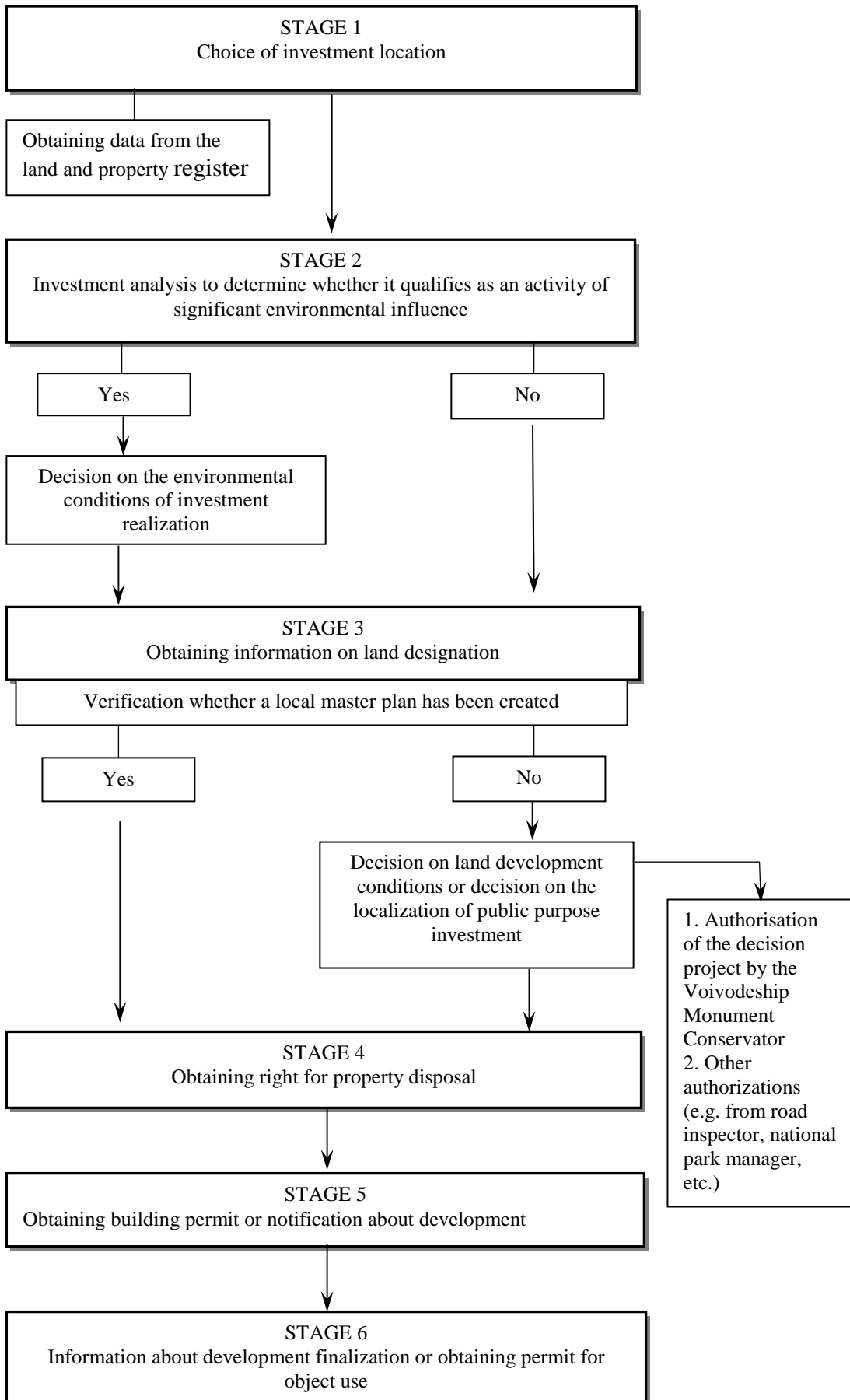


Fig. 2 Outline of investment process in Poland

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