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## Zoning Policy in Terms of the Sustainability of Municipalities in Poland

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**Abstract:**

**Purpose:** Assessment of how effective municipalities in Poland are in performing their zoning activities. Zoning activities of cities constitute a crucial issue discussed herein and considered in terms of sustainability.

**Design/Methodology/Approach:** The research carried out involved reviewing the literature on sustainability and analyzing the approach of local authorities to the issues concerned, with particular reference to the zoning activities carried out by municipalities as part of their duties imposed by law. The empirical study was based primarily on secondary data. The qualitative analyses were carried out using data from audits performed by the Supreme Audit Office to examine the zoning activities carried out by municipalities.

**Findings:** The analyses demonstrated that the zoning system adopted by municipalities was not practical. The zoning system currently in place in Poland does not allow the development potential of cities to be utilized in full. The absence of local zoning plans makes it challenging to implement investment projects and complete other public administration tasks.

**Practical implication:** The measures taken hitherto about the zoning policy, the local zoning fragmentation, the issuance of planning permissions at the discretion of local authorities, the zoning chaos resulting from too many planning permissions being issued, as well as the slow process of mastering modern information and zoning technologies by public administration employees and their conservative “attachment” to the technological solutions from the past do not contribute to ensuring zoning governance.

**Originality/Value:** Perception and awareness of the necessity to ensure sustainability and achieve integrated governance have become essential elements of international, national, and local development policies.

**Keywords:** Sustainability, CSR, ESG, zoning governance, zoning policy, zoning, general land use plan, local zoning plans, local development plans, municipalities, Poland.

**JEL Classification:** H7, Q56, R53.

**Research type:** Research article.

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## **1. Introduction**

Perception and awareness of the necessity to ensure sustainability have become essential elements of various decision-making processes and development policies adopted at an international, national, and local level and many legislation establishments and day-to-day management processes to achieve integrated governance. Sustainability conditions must also be ensured about local development, including self-government units such as municipalities. Zoning activities of municipalities constitute a crucial issue considered in terms of sustainability. This paper aims to assess the movement of cities in Poland in performing their zoning activities.

The research study is based on reviewing Polish and foreign literature on sustainability and analyzing the approach of local authorities to the issues concerned, with reference to the zoning activities carried out by municipalities in Poland as part of their duties imposed by law. The empirical study was based primarily on secondary data. The qualitative analyses were carried out using data from audits performed by the Supreme Audit Office (Najwyższa Izba Kontroli) to examine the zoning activities carried out by municipalities.

The article consists of 4 sections. The first part is a short introduction, covering the issues under study and the research goal. In the second part, a systematic review of the literature was carried out, paying attention to the fundamentals of sustainability and the ESG issues. The third part of the attention is paid to sustainability problems in public sector units, especially local authorities in Poland. The fourth part consists of empirical results modelled in qualitative research of Polish municipalities' activities in zoning areas and their discussion. The article ends with short conclusions and further research directions.

## **2. Literature Review**

The origins of the concept of sustainability date back to the early 1980s, when an attempt was made to bridge a gap between the issues concerning environmental changes caused by human activities and the problems of social and political changes occurring in humanity's development. Sustainability as such is defined in many ways; nevertheless, it is often regarded as a demarcation between the imperative of economic growth and development, on the one hand, and the need to ensure environmental balance, on the other hand (Robinson, 2004).

In literature and practice, there are many discrepancies and simplifications in defining sustainability. Sustainability considers the principles of environmental protection and balance, as well as the rules of economic calculation and accounting, and also social regulations and the laws of social coexistence, which allows for sustainability to be considered in terms of environmental considerations or terms of economic and social relations (Glavic and Lukman, 2007).

Under current circumstances, the issue of providing for sustainability conditions has become a top priority worldwide. It is considered more and more seriously by political, economic, and social institutions and leaders. The rising importance of sustainability is reflected in debates sparked off at global summits dedicated to these issues. The Second Sustainability Summit held in New York in September 2015 had a plan comprised of 17 international goals and 169 specific targets to eradicate global poverty by 2030 and build a sustainable future. In addition, the adopted recommendations highlighted historic and effective methods of global mobilization for achieving a set of critical social priorities focused on promoting global awareness, political accountability, documentation improvement, social support, and public pressure (Sachs, 2012).

Sustainability has become a marker for economic changes, opposing the exclusive focus on unconditional economic growth (Dembińska, 2018). In the mid-twentieth century, environmental degradation due to increasing human interference started being perceived as an economic and social problem that required urgent solutions to maintain an appropriate relationship between humanity and nature (Baran and Grzebyk, 2011). The term “sustainability” itself was introduced during the UN conference in Stockholm in 1972. Still, it was not until 1983 that the Commission on Environment and Development developed a concept of coexistence of and co-operation between three spheres, namely the environmental sphere, the social sphere, and the economic one, to achieve the final goal of satisfying the needs of the next generations (i.e., Brundtland Report) (Rogatka *et al.*, 2015).

Sustainability is an attempt to formulate a program that integrates various spheres of human activity (moral, environmental, technical, economic, legal, social, and political), previously considered separately, and based on human responsibility for nature and the living conditions of future generations (Pawłowski, 2006). Sustainability is a process of transformations aimed at ensuring that the needs of the present generation are satisfied without diminishing the opportunities for the development of future generations, thanks to the activities integrated in terms of economic, social, and environmental action (Naścieżce, 2021). It is becoming necessary to provide for sustainability, understood as economic growth achieved in a healthy environment. Neither ecological objectives can be achieved without development, nor can development objectives be achieved and maintained without effective environmental management. In the opinion of the Eco-system, investments in and management of environmental assets are crucial to a cost-effective and capital strategy for achieving national goals to reduce the effects of poverty, hunger, and disease (Sachs and Reid, 2006).

In general, sustainability should be considered a comprehensive system in which the established interdependencies exist between economic, environmental, and social subsystems. Decisions taken in one of the subsystems affect both the remaining subsystems and the whole system at present and in the future. Decisions should be made, primarily considering the financial accountability and the compatibility with

natural and environmental processes (Lozano, 2008). Along with the development of the theoretical aspects of sustainability and their implementation in practice, two concepts have emerged whose regular application in practice should translate into the creation of appropriate considerations that impact sustainability, namely the CSR and ESG considerations.

CSR stands for Corporate Social Responsibility and indirectly includes governance issues related to environmental and social concerns (Gillan, Koch, and Starks, 2021). ESG is a broader concept than CSR, and it stands for ecological (E), social (S), and governance (G). ESG is based on a specific analysis scheme applicable to the company analyzed, which allows for comparison of its activity with that of its competitors based on the selected measures concerning three main areas, namely environment (E), society (S), and governance (G) (Kocmanová and Dočekalová, 2012). Another approach to ESG treats these areas as risk factors. It is included increasingly in strategies and analyses of companies and financial institutions, and the number of companies and financial institutions subject to the ESG monitoring and assessment is increasing.

Progressive degradation of the natural environment and a labyrinth of interdependencies occurring in the world, which are unprecedented in humanity's history, have caused an environmental crisis worldwide at the end of the 20th century and continue to cause system dysfunctions (both joint and individual) in terms of economic, social, and ecological dimensions, without an opportunity to apply simple solutions. To overcome environmental challenges, new concepts based on the idea of sustainability are being developed. Table 1 shows theoretical approaches adopted by the economic, ecological, and social sciences to the issues of environmental and economic sustainability.

**Table 1.** Comparative analysis of theoretical approaches to environmental, economic, and social sustainability

Scientific discipline	Carriers	Source of environmental crisis	Problem solution method	Instruments (solution mechanisms)
Environmental economics	Economic reductionism	Underestimation of environmental goods	Internationalisation of external effects	Market instruments
Green ecology	Environmental reductionism	Humanity's domination over nature	Protection of and respect for nature	Biocentric egalitarianism
Social ecology	Reductionist and comprehensive approach	Domination of people and nature	Co-evolution of nature and humanity	Rethinking of social hierarchy

*Source:* Mebratu, 1998.

Social awareness related to the necessity to provide for sustainability conditions has been increasing steadily. The number of countries in which companies, financial institutions, and investors are obliged to comply with the CSR and ESG standards has

also been growing. Activities of the entities above will translate into the implementation of and compliance with the sustainability principles in the social and public spheres. For example, Poland attaches great importance to the provision for sustainability conditions, which is reflected in Article 5 of the Constitution, according to which “The Republic of Poland shall safeguard the independence and sovereignty of its territory, ensure freedom, human and civil rights, and also security of its citizens, as well as shall protect the national heritage and provide for environmental protection in keeping with the principle of sustainability” and the Environmental Protection Law which refers to “social and economic development, in which the process of integrating political, economic and social activities takes place, maintaining balance and sustainability of basic processes in the environment, to ensure the possibility of satisfying the basic needs of particular communities or citizens of both the present generation and the future generations.”<sup>2</sup>.

*Sustainability principles in the activities of local authorities in Poland:* Public authorities are responsible for making sure that social needs are met, and in particular that adverse impacts on people and the environment are eliminated, in line with Agenda 21 and the division of principles into the spheres of local and regional development in economic, environmental, social, zoning, institutional and political aspects (Borys, 2011). For the principles of sustainability to be complied with and implemented, it is necessary to consider specific characteristics of a given region, its physical features and development conditions, and its social and economic potential, especially if the region's area is highly diversified.

As a result of the intensification of the research on sustainability, a doctrine of sustainable development has been developed about a zoning dimension and to narrow down the development gaps within or between regions (Strzelecki, 2011). Sustainable environmental protection and zoning activities are manifested through adherence to the standards of zoning governance in urbanized areas (Table 2) and ecological values, and through the restoration of environmental resources, reduction in pollution emissions, and application of green technologies, as well as through performance of works on developing an aesthetic and functional human environment, and through the elimination of conflicts arising in the process of land development (Pasiczny, 2008). Consideration should be given to the maintenance of zoning governance and equilibrium, which plays an essential role in determining the zoning, urban, and landscape compositions (Strzelecki, 2008).

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<sup>2</sup> *Environmental Protection Law, Journal of Laws of 2016, item 1427.*

**Table 2.** Key terms related to zoning policies of municipalities

Term	Designation/ Definition	Legislation
Sustainable development of municipalities	Social and economic development, in which the process of integrating political, economic, and social activities takes place, maintaining balance and sustainability of basic processes in the environment, to ensure the possibility of satisfying the basic needs of communities or citizens of both the present generation and the future generations.	Act of 27 April 2001 – The Environmental Protection Law ( <i>Journal of Laws</i> of 2016, item 1427).
Zoning governance	Zoning governance means spatial planning which creates a harmonious entirety and includes in the organised relations any conditions and requirements of a functional, social, and economic, environmental, cultural and compositional and aesthetic nature	Article 2 of the Zoning Act of 27 March 2003 ( <i>Journal of Laws</i> of 2015, item 199, as amended).
Zoning policy	Zoning policy is carried out by local authorities and national administration bodies in the scope of protecting and safeguarding zoning governance and sustainable development. The policy is formulated and followed by: a municipality for the area of the municipality concerned by way of adopting general land use plans for the municipality and approving local development plans; or a metropolitan association for the area of the association concerned by way of adopting frameworks for general land use plans for the metropolitan association; or a province authority for the area of the province concerned by way of adopting spatial development plans for the province; or the Council of Ministers for the entire area of Poland by way of adopting a spatial development concept for the country.	Zoning Act of 27 March 2003 ( <i>Journal of Laws</i> of 2015, item 199, as amended).
General land use plan (Hereinafter referred to as GLUP)	A mandatory act of a local law, internally binding for a municipality, defining the zoning structure of the municipality concerned, specifying the classification and purpose of its individual areas of and designating the preliminary location of public areas and public infrastructure in accordance with the specification of zoning conditions provided for in the Zoning Act.	Article 9 to 10 of the Zoning Act of 27 March 2003 ( <i>Journal of Laws</i> of 2015, item 199, as amended).
Local zoning plans / local development plans (Hereinafter referred to as the local zoning plans)	A key zoning tool: it contains generally applicable provisions concerning the purpose of the area concerned, as well as the principles of safeguarding the zoning governance, and of protection of the environment, landscape, and cultural heritage, as well as zoning and development conditions and principles of construction and modernisation of transport infrastructure, which constitute a direct basis for issuing construction permits or expropriation of land for public purposes. Local zoning is optional.	Zoning Act of 27 March 2003 ( <i>Journal of Laws</i> of 2015, item 199, as amended).
Planning permissions / developmental approvals	These are issued in the areas that are not covered by any local zoning plan and they determine methods and conditions for land development in the areas concerned. They include decisions on the location of public purpose investment projects and zoning decisions for other investment projects.	Article 50 57 of the Zoning Act of 27 March 2003 ( <i>Journal of Laws</i> of 2015, item 199, as amended).

**Source:** Own study based on *The Environmental Protection Law and the Zoning Act*.

Spatial planning can be national, regional, or local. A basic local self-government unit is a municipality that performs both its tasks and the commissioned ones (by law and by agreement) in zoning, investing in economic and social infrastructure, maintaining facilities, buildings, and structures, and providing security supporting social and civil initiatives. Municipalities are granted zoning authority and are authorized to manage the areas concerned, which is one of the most critical factors accelerating social and economic development (Chądryński, Nowakowska, and Przygodzki, 2012). Municipalities' tasks in the zoning scope (Table 1) include zoning governance, real estate management, environmental and nature protection, water management, and municipal greenery and afforestation.

Public authorities have been equipped with tools aimed at counteracting degradation and appropriation of local resources. The use of zoning policy instruments allows for sustainability elements to be introduced at the decision-making level (Feltynowski, 2010), and for:

- economic and social development to be prevented from being dispersed, by way of defining limits for the property use and growth and the development of infrastructure networks in zoning plans (Myna, 2012),
- potential construction sites to be equipped with the necessary infrastructure resulting in the attractiveness of investments in these sites being boosted,
- funds acquired from the conversion of agricultural land to be allocated to construction and infrastructure investment projects,
- the land-use policy is being implemented through, among other things, the acquisition, consolidation, subdivision of land, and the development of its infrastructure (Jędraszko, 1996).

The zoning principles are regulated by the Zoning Act of 27 March 2003, which defines the zoning legal framework and tools. However, zoning issues are held in many other legal acts (over 70), making it significantly challenging to carry out zoning activities in practice. It should also be noted that a draft GLUP must be agreed with the provincial authorities as regards its compliance with the local spatial development plan; and the provincial governor as believes its compliance with the national spatial development programs; and additionally with the regional heritage conservator, road administration authorities and military authorities within the scope of their jurisdiction (Izdebski, Nelicki, and Zachariasz, 2007).

One may conclude that legal measures introduced in Poland provide for optimal sustainability conditions. The empirical objective hereof is to examine whether the legal regulations introduced to provide for such sustainability.

### **3. Results and Discussion**

Qualitative analyses were carried out using data from audits performed by the Supreme Audit Office between 2010 and 2016 to examine the zoning activities carried

out by municipalities. The audits covered more than 360 municipal offices in Poland (Najwyższa Izba Kontroli, 2017). The municipalities audited constituted 14.5% of cities in Poland and covered one-third of the country. The research sample fulfilled the requirement of representativeness at the significance level of 95%.

The objective of the audits performed was to find answers to the following three questions:

1. Does the general land use plan (GLUP) serve as a zoning tool for municipalities?
2. Do local zoning plans have an impact on the provision for zoning governance and sustainability of municipalities?
3. Do planning permissions / developmental approvals guarantee that zoning governance and sustainability of municipalities are maintained?

In reply to the first question, it has been concluded that the functioning zoning system does not guarantee that zoning activities are carried out in a justified manner. Poor zoning practices prevail, and in combination with the chaos and absence of zoning governance, they result in the quality of life deterioration. Irregularities are caused mainly by failure to treat the general land use plan as a local zoning document. A public land use plan does not have the rank of a local law act and does not form part of the legislation in force. As a result, the general land use plan components are supplementary.

They are only binding on municipalities at the stage of drawing up local zoning plans, which, according to the findings of the Supreme Audit Office, pertain to approximately one-third of the area of Poland. The general land use plan does not form a legal basis for issuing planning permissions / developmental approvals. As a result, there is a risk of investment projects that fail to comply with the local zoning policy being implemented in areas other than those covered by the local zoning plans (two-thirds of the size of Poland). Numerous irregularities have also been found in drawing up and updating general land use plans and financing such works; furthermore, the local zoning policy documents have been considered incomplete and invalid.

In reply to the second, but equally important, the question concerned the possibilities of ensuring zoning governance and sustainability, it has been concluded that local zoning plans hardly contribute to zoning governance and sustainability. Findings of the audits performed to demonstrate that the documentation gap is reduced at an alarmingly low rate and that zoning plans are increasingly made for ever-smaller areas, i.e., isolated zoning plans for individual investment projects. The absence of up-to-date local zoning plans results in the dispersion of development and extensive use of land, which leads to losing valuable areas of the natural environment and the creation of barriers for public and private investments (Brzozowska *et al.*, 2018).



Uncontrolled urbanization comes to the deterioration of living conditions, the quality of public spaces and an increased risk of investment projects being implemented in areas that should never be developed, such as flood-prone areas and locations with particular landscape values natural conservation zones. A situation in which an investor covers the costs of drawing up the zoning documentation may lead to such documents being prepared "on request" and including solutions convenient for investors but approved in violation of law and social order.

In reply to the third question, similar conclusions have been drawn from the audits concerning the correctness of the planning permissions / developmental approvals, which in the general area of the country were issued in the administrative mode without examining the compliance thereof with the municipality's zoning policy outlined in the available land-use plan. Such circumstances are counter-productive for zoning governance or justified use of land. They increase the risk of flood-prone areas being developed or losing valuable areas of the natural environment.

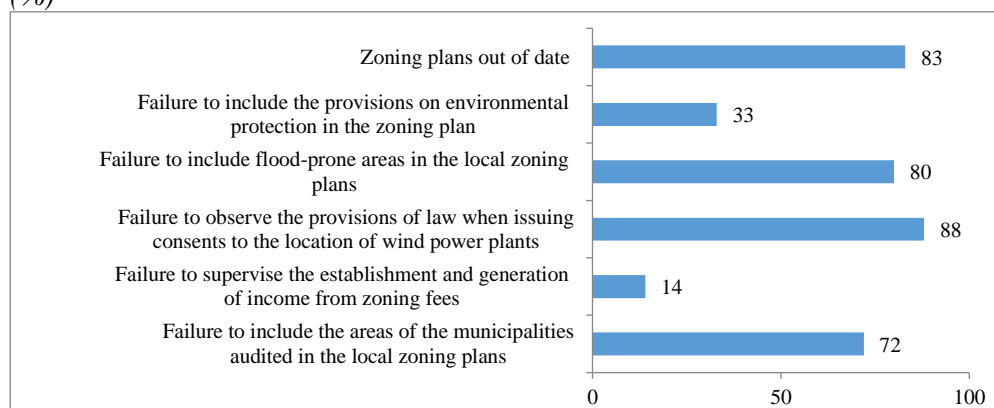
Consequently, a runaway process of urban expansion into undeveloped regions has been taking place, which increases the costs of land development. The whole process is carried out without the participation of local communities. This state of affairs is also affected by unclear interpretation of the law and excessive diversity of judicial decisions, which in turn results in the absence of the need for decisions issued to comply with the provisions of the general land use plan, as well as in the discretionary nature of the issuance thereof, which leads to zoning governance deterioration.

Figure 1 shows the assessment of the irregularities in the implementation of the zoning policy determined as a percentage of the sample of municipalities audit-ed. The highest percentage (over 80% of the municipalities audited) pertains to the failure to include flood-prone areas in the local zoning plans and to the failure to include the entire regions of the cities audited in the local zoning plans, as well as to the failure to observe the provisions of law when issuing decisions on the location of wind power plants. Another serious concern raised is that as many as 70% of the municipalities audited have had zoning plans that were out of date.

The conclusions performed by the Supreme Audit Office are consistent with the results of the analysis of the effectiveness of zoning policies carried out by the coastal municipalities of the Zachodniopomorskie Province between 2004 and 2012. As a result of the conclusions made, the essential instrument of the zoning policy available at the level of the municipalities analyzed was the zoning itself, while any other devices (e.g., investment policy, information policy, land management) were only of an auxiliary nature (Szaja, 2016). The analysis, which covered 14 municipalities, demonstrated that only three towns had local zoning plans for their entire area. In four cities, the area covered by their zoning plans was between 30% and 40%, and between 10% and 20% in another two. The zoning plans for the remaining five municipalities covered up to 5% of their area. A low or even shallow level of land coverage by local

zoning plans in the municipalities analyzed poses a severe risk of ad hoc and dispersed development and a threat to the areas of particular concern in terms of sustainability. In areas other than those covered by the local zoning plan, planning permissions and location decisions were issued to enable the implementation of investment projects. Such actions were characterized by a high degree of discretion over the issuance of location decisions and by the absence of compatibility between administrative decisions and GLUP, as well as by the wide range of judicial decisions and by the unclear interpretation of the law (Zimnicka, 2013).

**Figure 1.** Level of dysfunction in the implementation of the municipal zoning policy (%)



*Source:* Own study based on Najwyższa Izba Kontroli, 2017.

Zoning activities are static based on passive observance of the existing legal regulations, and they form, in terms of competence, part of the statutory planning. In contrast, development plans, including mainly public investment projects, are prepared independently of the zoning activities. In theory, a local zoning plan prevails over any other method, however, in practice, when a set of documents is prepared, its consistency with a local zoning plan is often not observed, and there is no awareness that the existing programs should be coordinated (Potoczek, 2003).

#### 4. Conclusions

Despite sustainable rules and CSR and ESG standards reflected in theory and legal acts, their implementation in local government units in practice is relatively poor. Further development according to sustainable rules and standards should necessitate an improvement of knowledge and comprehensive information about sustainability and thorough supervision of local government activities according to law and sustainability standards.

The research has been concerned only with quite a narrow scope of all local governments (municipalities) activities, what the zoning system is, despite its importance. Results of control carried out by Supreme Audit Office, reinforced by

other authors, pointed out that the zoning system currently in place in Poland does not allow the development potential of municipalities to be utilized in full. The absence of local zoning plans impedes the implementation of investment and construction processes and the completion of other public administration tasks. In areas deprived of local zoning plans, the possibility and manner of exercising ownership rights are determined by planning per-missions or decisions on the location of general-purpose investment projects.

It can almost certainly be concluded that the measures are taken hitherto about the zoning policy by local authorities, the regional zoning fragmentation, the discretion in the issuance of planning permissions, the absence of local zoning plans resulting in the chaos in investments in certain municipalities areas and uncertainty for potential investors, and the zoning chaos resulting from too many planning permissions being issued, as well as the slow process of mastering modern information and zoning technologies by public administration employees and their conservative “attachment” to the technological solutions from the past, do not contribute to ensuring zoning governance and, to a large extent, prevent municipalities from developing sustainably.

The problems of social and economic planning and zoning can only be solved by implementing transparent legislation and regulatory tools at the local level and by creating and strengthening the information society as an indispensable condition for an efficient partnership between officials and citizens. There is a vast area for further exploration and broadening knowledge for research and local governments in the frame of any form of cooperation. The improved approach in local government activities, together with the zoning system, will require sweeping mentality changes about the conviction of certainty to ensure sustainability.

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