



SPATIAL AND REGIONAL PLANNING

Lecture 5. Conservation studies for regional and spatial planning. The case of Poland

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The basic planning tool for protection of cultural landscape in any Study of Spatial Planning and Conditions and Directions (Studium Uwarunkowań i Kierunków Zagospodarowania Przestrzennego) (“Studium”) are so called conservator protection zones, and the provisions regulating their use and scope of that protection .

A Study may impose detailed analyses and procedures to be used when local spatial development plans are prepared .

Protection of cultural landscape through Study provisions should (depending on the resources found in the landscape) mainly be based on such principles as:

- maintaining the historical landscape composition, limited scope of allowed modifications to the existing landscape, and limitations concerning introduction of any new elements into the existing or historically known composition,
- maintaining the existing, traditional and characteristic development and land development features of cultural importance,
- maintaining the existing and reconstruction of the nature of the distorted landscape and urban interiors,
- maintaining the composition axis and visual connections between the components of the landscape in question,

Protection of cultural landscape through Study provisions should (depending on the resources found in the landscape) mainly be based on such principles as:

- maintaining or clarifying the historical arrangement of communication routes, preserving their course, cross-section, street paving, original delineation, casing/housing solutions and accompanying planted greenery,
- maintaining the historical arrangement of greenery and imposing the obligation to replenish any losses and control newly planted greenery,
- maintaining or clarifying the historical hydrological arrangement with the hydrotechnical facilities, maintaining the route of watercourses, the cross-sections, casing/housing solutions and control newly planted greenery
- maintaining and reconstructing the historical land division and cadastre land division or at least clarifying and making them visible as part of the landscape (fences, features such as roadside shrines, tree lanes, solitaire trees, etc.),
- references in new buildings to historical principles of designing urban and landscape interiors.
- maintaining the key height proportions shaping the silhouette of an assembly, with particular protection of the existing, historical dominant features

LANDSCAPE PROTECTION MEASURES IN PLANNING DOCUMENTS

Moreover, there is a statutory requirement for authors of spatial plans and local governments to cooperate with conservation bodies throughout the entire process of design works.

Local plans should include detailed and unambiguous provisions, so that they can serve as a basis for issuing permits allowing investors to carry out their projects without involvement of the voivodeship historical monuments conservator pursuant to Art. 39 of the Building Law.

Act on Protection and Preservation of Historical Monuments (Ustawa o ochronie zabytków i Opiece nad zabytkami of 23 July 2003 (Journal of Laws 2003 No 162 item 1568) as amended

LOCAL LAW

Art. 19.

1. The Study of conditions and directions of spatial development for the commune and local spatial development plan both take into consideration the protection of:
 - 1) immovable historical monuments entered in the register and their surrounding;
 - 2) other immovable historical monuments in the commune list of historical sites;
 - 3) cultural parks.
2. If a commune has its own historical monuments protection programme, the conclusions of such programme must be included in the study and plan;
3. The study and plan must establish, depending on the requirements, conservator's protection areas where certain limitations, requirements or prohibitions are imposed as set forth in the plan provisions, aiming to protect any historical monuments located in such area.

Act on Protection and Preservation of Historical Monuments (Ustawa o ochronie zabytków i Opiece nad zabytkami of 23 July 2003 (Journal of Laws 2003 No 162 item 1568) as amended

Art. 20.

Amendments and drafts ...of a local spatial development plan are subject to consultation with the relevant voivodeship conservator of historical monuments **as regards shaping the development and land management (amendment from 2010).**

*It is not considered correct to extend protection over immovable historical monuments, assemblies and areas of those or their surrounding if these are already listed in the register of historical monuments. This would mean that areas and object that are already protected become subject to yet another protection measure. **Historical monuments and areas listed in the register of historical monuments, borders of cultural parks must be illustrated in local spatial development plans for informative purposes.***

Local spatial development plans **may not** include any provisions

that go beyond the scope defined in Art. 15 of the Act on spatial planning and development, and in particular any provisions that:

- 1) oblige conservator's services to consult building works, including earth works;
- 2) oblige the investor or any other entity to prepare any documentation, this including a historical and conservation study, concerning buildings that are not listed in the historical monuments register, as there is no grounds to demand that a building permit application or a demolition permit application is attached with any other documents than those defined in Art. 33. 2, 3 and 4 of the Act of 7 July 1994 Building Law;
- 3) enforce any conservation works, including restoration, without defining the scope of investment activities that require such works;
- 4) enforce removal of any objects, as this would be incompliant with Art. 35 of the Act on spatial planning and development of 23 March 2003;
- 5) enforce any preference or spatial solutions, as such provisions do not have any legal power, and there are no procedures to pursue them;
- 6) enforce any preventive, rescue archeological works, as this could be deemed as infringement against Art. 217 of the Polish Constitution, which says that imposing taxation and public donations may only take place by way of statutory acts of law.

A local spatial development plan may not impose any financial obligations upon any entities, as such entitlement is not granted in Art. 15 of the Act on spatial planning and development.

Local spatial development plans should take into consideration the guidelines

proposed by conservation documents or studies which are not acts of generally enforceable law, this including the commune list of historical monuments, commune council resolution on establishment of cultural park and historical monuments protection programme.

The above cannot however be referred to by quoting their titles or content. Any content of a list of historical monuments are of informative nature only and as such may not be subject to local law provisions.

Protection programmes aim to define historical monuments protection effort and do not concern the contents of a local spatial development plan.

Local spatial development plans should take into consideration the guidelines

Local spatial development plans CANNOT define any principles or intentions or justifications for the adopted provisions, such as:

- 1) giving conservation activities priority over other activities;**
- 2) intention to remove objects that are in disharmony;**
- 3) intention to preserve the main elements of historical space arrangement;**
- 4) new development should make contemporary references to the local building tradition.**

Local plans **cannot** include provisions pertaining to conservation notions that have not been legally defined, this including conservation protection areas “A”, “B”, “W”, “E”, “OW”.

About 20 years ago, a general overview of establishing conservator’s protection areas methodology was defined. The main assumptions were published by Michał Witwicki, who represented the Experts of the Interministerial Committee for Revalorisation of Cities and Old Towns (Zespół Ekspertów Międzyresortowej Komisji ds. Rewaloryzacji Miast i Zespołów Staromiejskich) in the periodical “Ochrona Zabytków”, No. 3-4 of 1985.

The above methodology proposed that conservation protection zones should be categorised as “A” (reconstruction of historical urban arrangement), “B” (protection of the preserved historical elements), “K” (landscape protection), “E” (exposure of historical urban assembly), “W” (protection of archeological relics) and “OW” (protection of archeological observation sites) - these areas were ascribed some model conservation guidelines.

Local plans **cannot** include provisions pertaining to conservation notions that have not been legally defined, this including conservation protection areas “A”, “B”, “W”, “E”, “OW”.

For a number of years, both historical monuments protection services and designers were getting used to this terminology and adopted it as a given thing. However, what proves useful in scientific research (uniform methodology), fails to reflect the currently valid legal regulations. So, using these notions in local spatial development plans exceeds the authorised scope of responsibilities.

The above-mentioned conservation zones system can be used but only after the resolution first explicitly defines them, otherwise they would be referring to terminology and regulations (limitations, prohibitions and requirements) that do not exist in the legal circulation, but are merely found in cultural environment papers.

Moreover, the principles set forth for the protection areas are not directly transferable to local spatial development plan.

Conservation zones for protection of heritage

- a recommendation

1. conservation zone for protection of historical area, where the following should be defined in consideration of the area's specific character:

- the scope of protection for all elements of cultural heritage that make up the spatial structure of the zone,
- the principles for introducing contemporary elements of development into the structural structure,
- any limitations or permissions in the zone

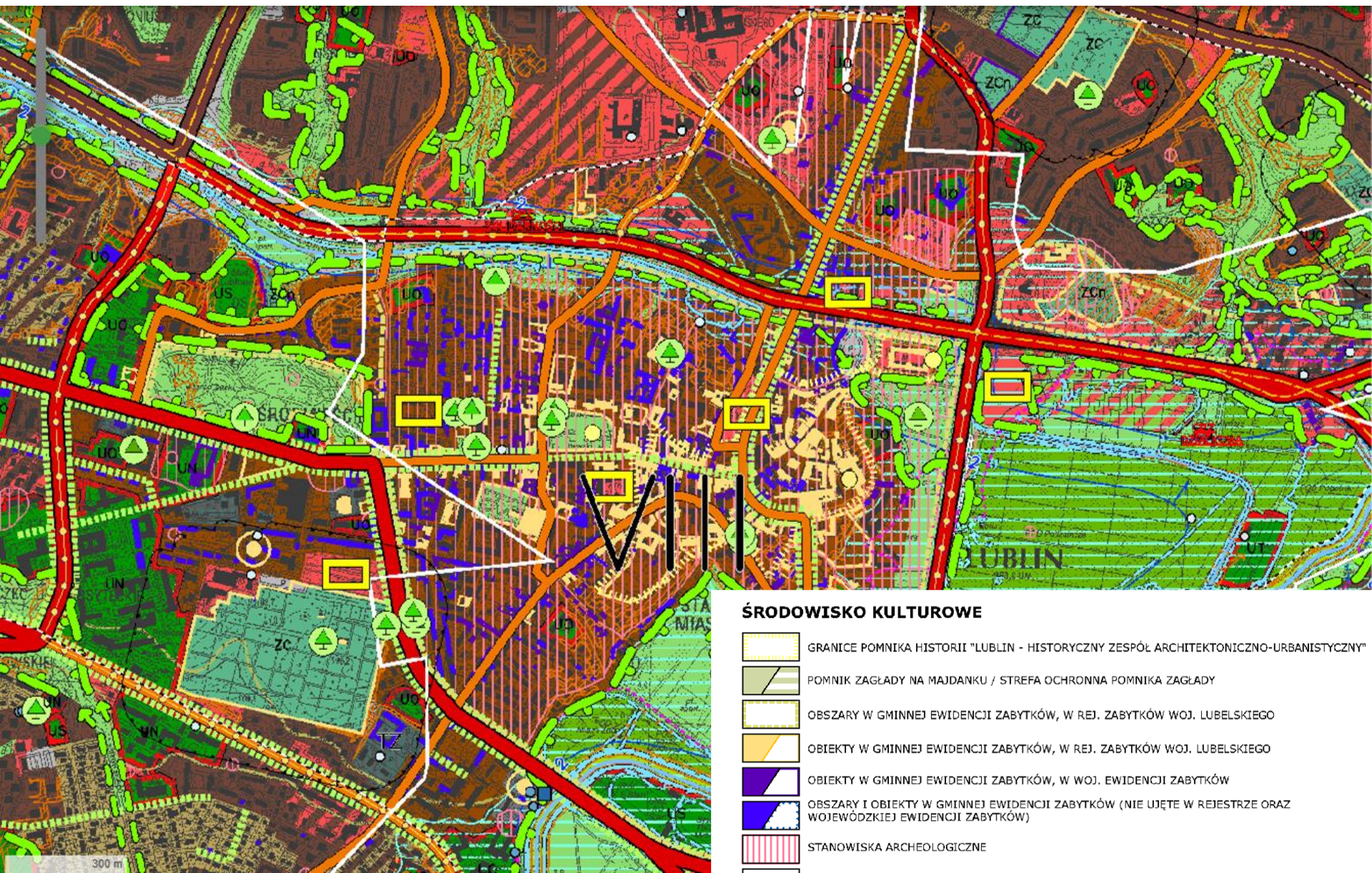
2. conservation zone for protection of neighbouring areas/visibility of a historical monument, established when:

- the monument was included in the register but without its surrounding, despite the fact that the surrounding also requires protection,
- the specific nature of the area around the the monument or the historical area designated for protection in a plan (configuration, development, use) suggests that such measures are necessary.











It is pivotal that principles and manner for development of such zones are defined along the allowed forms of development, in particular this concerns prohibitions limiting the development or/and limitations to the height of buildings.

3. conservation zone for protection of cultural landscape, which requires:

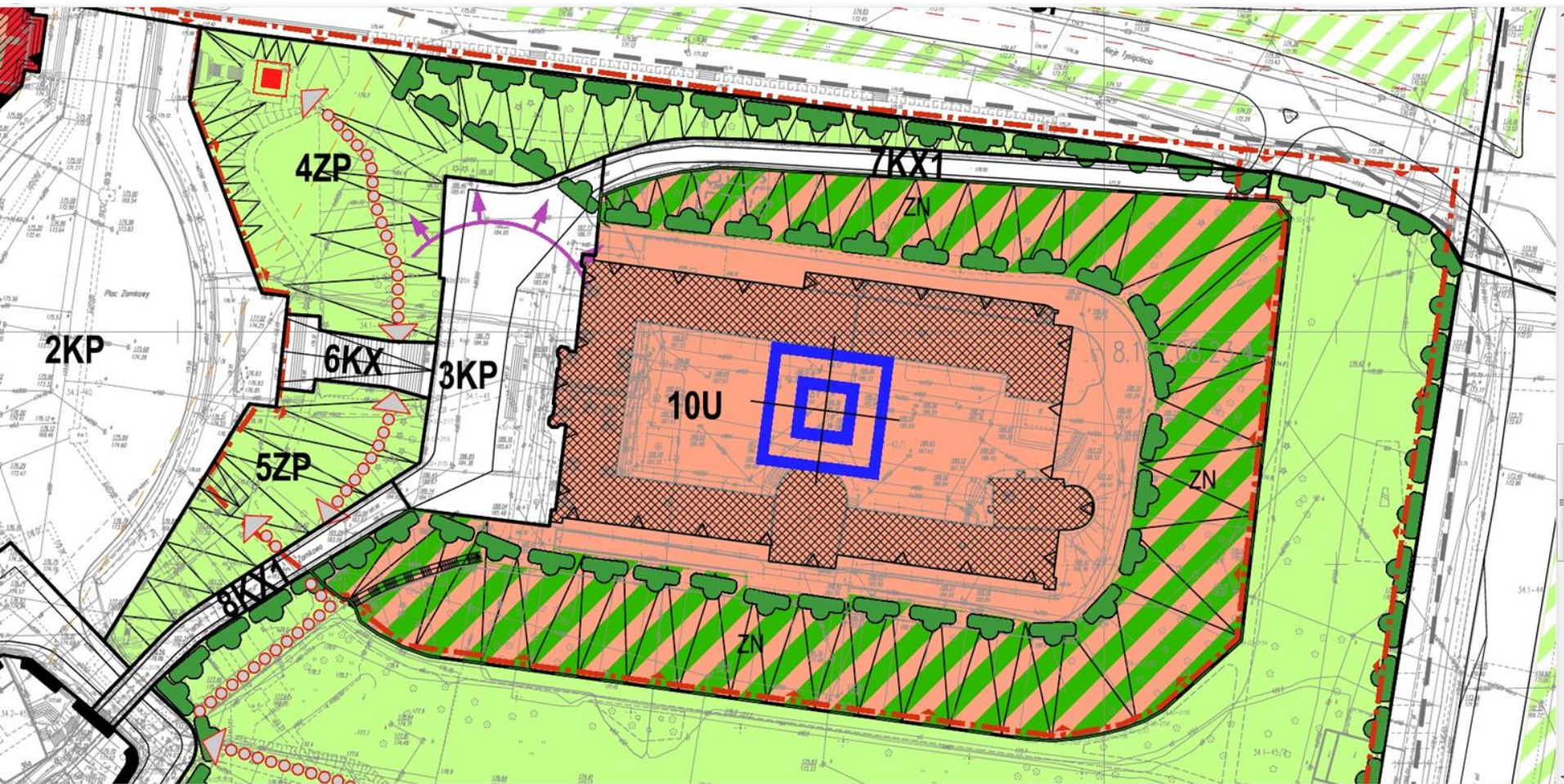
- definition of cultural landscape elements designated for protection in the local spatial development plan,
- delineation of the zone (its borders),
- definition of the principles for protection of the aforementioned elements,
- definition of principles for introduction of contemporary development in the zone.








ŚRODOWISKO KULTUROWE

-  GRANICE POMNIKA HISTORII "LUBLIN - HISTORYCZNY ZESPÓŁ ARCHITEKTONICZNO-URBANISTYCZNY"
-  POMNIK ZAGŁADY NA MAJDANKU / STREFA OCHRONNA POMNIKA ZAGŁADY
-  OBSZARY W GMINNEJ EWIDENCJI ZABYTKÓW, W REJ. ZABYTKÓW WOJ. LUBELSKIEGO
-  OBIEKTY W GMINNEJ EWIDENCJI ZABYTKÓW, W REJ. ZABYTKÓW WOJ. LUBELSKIEGO
-  OBIEKTY W GMINNEJ EWIDENCJI ZABYTKÓW, W WOJ. EWIDENCJI ZABYTKÓW
-  OBSZARY I OBIEKTY W GMINNEJ EWIDENCJI ZABYTKÓW (NIE UJĘTE W REJESTRZE ORAZ WOJEWÓDZKIEJ EWIDENCJI ZABYTKÓW)
-  STANOWISKA ARCHEOLOGICZNE
-  OBIEKTY WPISANE NA LISTĘ DZIEDZICTWA EUROPEJSKIEGO
-  PARK ETNOGRAFICZNY (SKANSEN)
-  STREFA OCHRONY WIDOKÓW (SOW) - OBSZAR BEZWZGLĘDNEJ OCHRONY EKSPOZYCJI

Graphic representation of the cultural landscape protection system in a draft Study of Spatial Development Conditions and Directions for Lublin



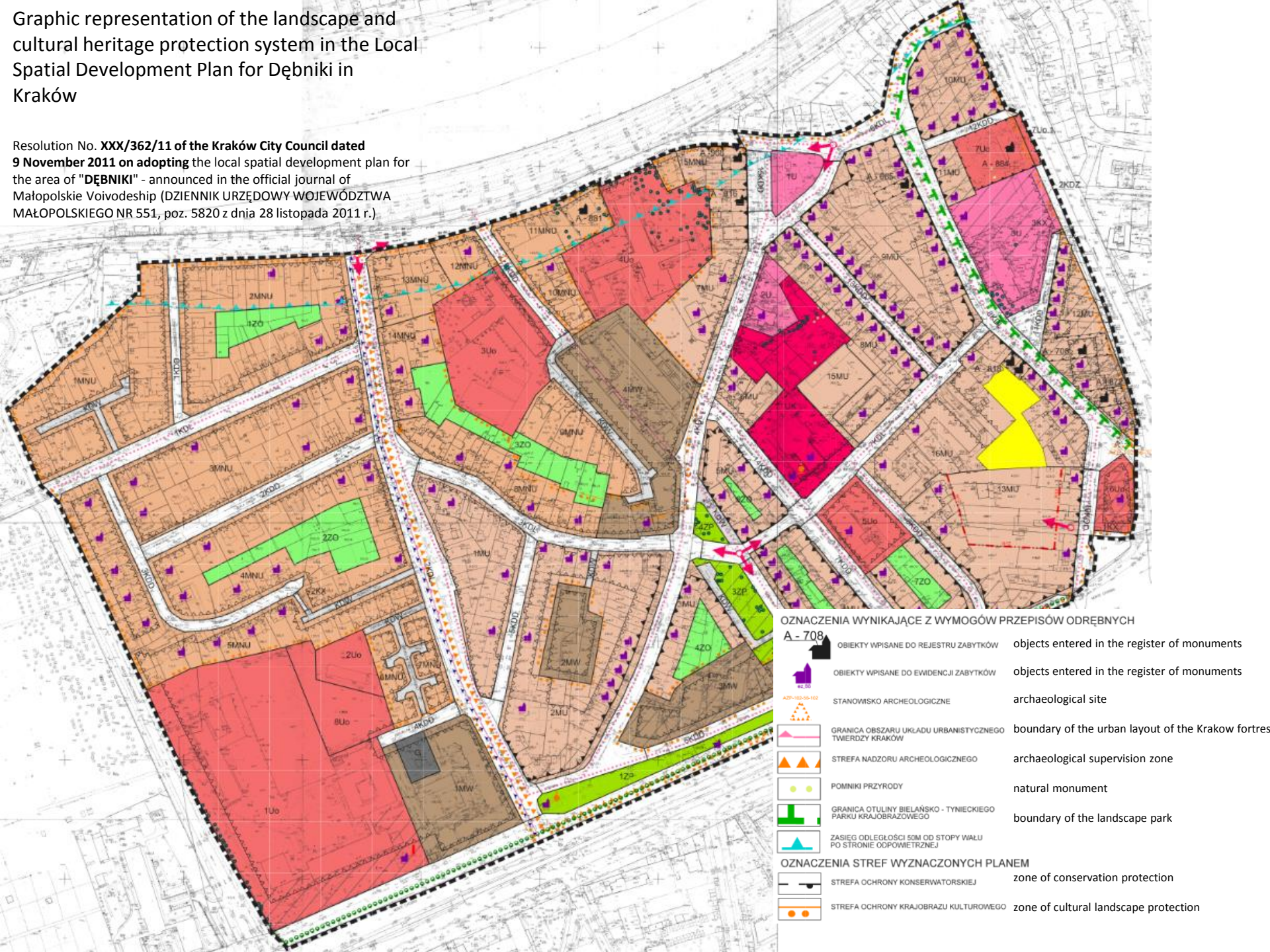
| | | |
|---|---|--|
|  | budynki i zespoły wpisane do rejestru zabytków | buildings and teams entered in the register of monuments |
|  | budynki i zespoły wpisane do ewidencji zabytków | buildings and teams entered into the monuments register |
|  | obszar wpisany do rejestru zabytków | area entered in the register of monuments |
|  | obszar - dobro kultury współczesnej | area - the good of contemporary culture |
|  | stanowisko archeologiczne | archaeological site |

Graphic representation of the landscape and cultural heritage protection system in the Local Spatial Development Plan for Lublin









Resolution No. 180/VII/2015 of the Lublin City Council dated 21 May 2015 on adopting the local spatial development plan for the city of Lublin in the area of: Podzamcze, Aleja Tysiąclecia, Lubartowska, Rуска streets.

Graphic representation of the landscape and cultural heritage protection system in the Local Spatial Development Plan for Dębniki in Kraków

Resolution No. XXX/362/11 of the Kraków City Council dated 9 November 2011 on adopting the local spatial development plan for the area of "DĘBNIKI" - announced in the official journal of Małopolskie Voivodeship (DZIENNIK URZĘDOWY WOJEWÓDZTWA MAŁOPOLSKIEGO NR 551, poz. 5820 z dnia 28 listopada 2011 r.)



OZNACZENIA WYNIKAJĄCE Z WYMOGÓW PRZEPISÓW ODREBNYCH

- A-708**  OBIEKTY WPISANE DO REJESTRU ZABYTKÓW objects entered in the register of monuments
-  OBIEKTY WPISANE DO EWIDENCJI ZABYTKÓW objects entered in the register of monuments
-  STANOWISKO ARCHEOLOGICZNE archaeological site
-  GRANICA OBSZARU UKŁADU URBANISTYCZNEGO TWIERDZY KRAKÓW boundary of the urban layout of the Krakow fortress
-  STREFA NADZORU ARCHEOLOGICZNEGO archaeological supervision zone
-  POMNIKI PRZYRODY natural monument
-  GRANICA OTULINY BIELAŃSKO - TYNIECKIEGO PARKU KRAJOBRAZOWEGO boundary of the landscape park
-  ZASIĘG ODLEGŁOŚCI 50M OD STOPY WAŁU PO STRONIE ODPOWETRZNEJ

OZNACZENIA STREF WYZNACZONYCH PLANEM

-  STREFA OCHRONY KONSERWATORSKIEJ zone of conservation protection
-  STREFA OCHRONY KRAJOBRAZU KULTUROWEGO zone of cultural landscape protection

References:

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