Aleksander Böhm

Protection of Cultural Landscape in Poland Today

At the beginning, I would like to say that the notion of "cultural landscape" should be understood today as a term suitable for every kind of landscape. This is because at the beginning of the 21st century we have no places which we can call "natural landscape," as even the most impenetrable wilderness still exists only thanks to human ideas or established laws. In accordance with Art. 14 of The Nature Conservation Law in Poland, a national park protects an area "distinctive for its unique scientific, natural, cultural and educational values". A landscape park, whose status is lower than that of a national park, is defined similarly as "an area protected because of its natural, historic, cultural and scenic values."

In this way protection of cultural landscape in Poland is founded on two bases:

It is very important to underline the essential differences in the scope and the efficiency of the practical application of the two above-mentioned acts. Taking under consideration the spatial safeguarding of landscape, the nature protection law offers a wide set of tools. There are three main forms of protection:
- national park
- landscape park
Table 1. Protected areas of Poland (The Institute of Environment Protection)

<table>
<thead>
<tr>
<th>Types</th>
<th>Area (in sq. km)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. National parks (23)</td>
<td>3,150</td>
</tr>
<tr>
<td>2. Landscape parks (120)</td>
<td>25,000</td>
</tr>
<tr>
<td>3. Protected landscape areas (600)</td>
<td>73,461</td>
</tr>
<tr>
<td>5. Nature and landscape complexes</td>
<td></td>
</tr>
<tr>
<td>6. Nature reserves</td>
<td></td>
</tr>
<tr>
<td>7. Documentary sites</td>
<td></td>
</tr>
<tr>
<td>8. Ecological sites</td>
<td></td>
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<tr>
<td>9. Natural monuments</td>
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**Total: 30% of the country area is covered by legal protection**

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- protected landscape areas – covering distinctive landscape terrains.

However, to these three basic instruments we must also add the following additional types, coming from the same act, namely:
- Nature 2000 sites
- nature and landscape complexes
- nature reserves
- documentary sites
- ecological sites
- natural monuments.

In result, according to the official inventory, about 30% of the territory of Poland is covered by legal protection based on Nature Protection Act (→ Tab. 1).

The proportion between areas belonging to the main forms of landscape protection can be illustrated by the example of Małopolska Voivodship – one of the 16 voivodships in Poland.

The picture looks very promising, but in spite of this optimistic statistics, actual control is realised on a much smaller area. It inclu-
des 23 national parks and 120 landscape parks, which have their own professional administration and protection plans for each given area. Altogether this adds up to less than 1% of Poland's area.

To this small territory we should add the places protected on the basis of regulations coming from the second mentioned law – Law on the protection and care of historical monuments.

Taking advantage of this act, we have only three possibilities for landscape safeguarding:

- Registration of a given area as a listed monument.
- Protection zones, delimitated within the local spatial management plan.
- “Cultural park”, established by the local community.

The first way – registration as a listed monument – in the case of landscape it is very difficult in practice, because such a procedure needs an agreement of the owner of a given object. In the case of landscape it means usually the agreement of so many owners that the procedure becomes virtually impossible. Nevertheless, this instrument of protecting cultural landscape is sometimes used in governmental administration, which is responsible for its application.

The second tool – delimitation of protection zones – belongs to the competence of territorial self-governments. It needs some words of explanation. Since 1995 – as a result of the changes introduced to the Spatial Planning Act by the Polish parliament – Polish communes have not been obliged to prepare their local spatial management plans. In other words, for the last 15 years our territorial self-governments have not been obliged to have any act of local law establishing the use of land for the area covered, separated by dividing lines, defined functions and also, if necessary, defined areas of limited use because of landscape values. Consequently, since 1995 only about 20% of Polish territorial self-governments have had such a plan, which means that about 80% of our territory is being developed without any plan! This is hard to believe, but it is true. And this is the case even in Krakow, known as a very attractive area.
Within the mentioned 20% of Poland's area, where the plans have been prepared, an average size of protective zones does not exceed 3% of each planned area. This means that the safeguarding of landscape, based on legal acts predestinated for the care of local cultural values, covers not more than 0.6% of our country area. Let us sum this up: 1% + 0.6% gives us 1.6%. But what about the remaining 98.4%?

In the case of landscape, such a question is a fundamental one, because of the essence of landscape. Landscape is not a sculpture or a picture, which we can enjoy at an exhibition in a carefully designed interior. Furthermore, landscape is not a piece of architecture or
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Fig. 2. Territories with Local Spatial Management Plans in Poland. Polska przestrzeń. Raport o stanie zagospodarowania przestrzennego kraju, Warszawa 2007

Fig. 3. Territories with Local Spatial Management Plans in Krakow. Krakow Commune Office, 2010
Table 2. The spatial planning system in Poland

<table>
<thead>
<tr>
<th>Level</th>
<th>Planning instruments</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. National</td>
<td>National Spatial Management Concept</td>
<td>Planning document prepared in the process of devising the national economic development strategy, defining especially the natural, cultural, social and economic conditions, aims and directions of the state spatial policy.</td>
</tr>
<tr>
<td>2. Regional</td>
<td>Voivodship Spatial Management Plan</td>
<td>Planning document defining the rules of spatial structure organization in a voivodship, especially: basic elements of a settlement network, location of infrastructure, requirements of environmental protection and cultural values protection.</td>
</tr>
<tr>
<td>3. Local</td>
<td>Study of the Conditions and Directions of the Spatial Management of a Commune</td>
<td>Planning study includes conditions resulting especially from: original land use, existence of service infrastructure, state of the natural and cultural environment, and supra-local public purposes. The study defines: built-up areas, areas excluded from building-up, protective forms.</td>
</tr>
<tr>
<td></td>
<td>Local Spatial Management Plan</td>
<td>Planning document – act of local law establishing for the area of different land use standards of building development and other specific conditions.</td>
</tr>
</tbody>
</table>

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Urban composition perceived within visible borders. Landscape is an continuum spread out as far as the eye can see! Therefore, the aesthetic quality of the space surrounding the 1.6% protected area becomes a very important thing.

The spatial planning system in Poland – as in many other countries – is composed of several hierarchic levels: national, regional and local. Every level is equipped with statuary planning instruments (→ Tab. 2).
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Table 3. The spatial planning system in Poland at the level of local planning.

<table>
<thead>
<tr>
<th>Study of the Conditions and Directions of the Spatial Management of a Commune</th>
</tr>
</thead>
<tbody>
<tr>
<td>The study is obligatory but is not an act of local law and does not constitute the basis for issuing decisions about the conditions of building-up and managing an area. The study should be prepared for the whole territory of a given commune.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Local Spatial Management Plan</th>
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</thead>
<tbody>
<tr>
<td>The plan is not obligatory, but as an act of local law - constitutes the basis for issuing decisions about the conditions of building-up and managing an area. The plan can be prepared for a chosen part of a territory belonging to a given commune.</td>
</tr>
</tbody>
</table>

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The most important feature of the system described above is the irrational construction at the level of local planning, but it would be more accurate to call it hypocritical (➔ Tab. 3).

Such a relationship between the two elements at the level of local planning results in a poor quality of the whole planning system in Poland, which has lost its attribute as a system.

As it has been presented, about 80% of Poland's area has no plan. In these circumstances, i.e. the situation where a plan is lacking, our parliament prepared a special planning procedure for developers applying for building permission. It is the decision about Condition of Development and Spatial Management. The most incredible feature of this decision is, however, that its content could stand in contrast to the planning ordinance which is established within the Study of the Conditions and Directions of the Spatial Management of a Commune! According to the created regulations such a contradiction is not illegal but legal.

It is easy to see that the most beautiful landscape, left without any legal "umbrella," is the most attractive area for developers. The situation where a plan is lacking opens up for them an easy way for developing almost every piece of land - all in accordance with the law. It should be underlined that such pieces of land are almost always
defined in the document of the “Study” as agricultural areas, and as such, their price is approximately 10 times lower than the price of a building area. In such circumstances, the deed of conveyance of a plot, from a farmer to a developer makes both of them happy. However, at this point nobody wants to realize that the next day somebody, i.e. the local commune, will have to built the road and the necessary technical infrastructure for the raw land. Nobody also wants to assess the cost of landscape impact because of sprawl extension. In this way, the fatal formula of the lowest level of our planning system makes establishing spatial order completely ineffective. In other words, spatial order, where, according to definition, “harmoniously composed landscape is achieved by preserving its local
As we remember, there is yet another tool for the protection of cultural landscape in Poland. This third option is the status of a cultural park, which can be established on a chosen area. Seemingly, the status of a cultural park is very similar to the status of a landscape park as a conservation area thanks to the cultural value of a given environment. But the basic difference producing the pure efficiency of a cultural park as a tool for landscape protection results from the procedure of its establishing.

Only a commune council is in the position to decide where such parks - if any - can be delimitated. For the area of a newly established
cultural park, the commune is obliged to prepare a Local Spatial Management Plan. This means an additional expense in a commune budget and so the undertaking is unwillingly accepted.

Moreover, inhabitants are generally against the establishment of any regulations which can limit the use of their own land – anywhere. In consequence, whenever a plan for a future creation of a cultural park is announced, the area in question immediately sees rapid development before the expected plan comes into force. In this situation, the number of cultural parks existing in Poland does not represent the potential of
existing landscape value. As an example of this situation we can use
the Voivodship Spatial Management Plan in Małopolska. Within this
document, prepared in 2004, more than 50 places were indicated as
suitable for establishing cultural parks there. The document was sub­
mitted to the local governments as a recommendation, because only
local communes have a say in this matter. Until this day, not a single
cultural park has been established in this voivodship.

In conclusion, I can say that protection of cultural landscape in
Poland today looks like a race. On the one hand we have the Polish
people – eager for their freedom after a long-lasting period of an
authoritarian form of government, freedom, in the sense of unre­
strained management of their own private space. On the other hand,
however, and consequently, we have the melting stock of landscape
values, of our public space.

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