

**NATIONAL REPORT  
ON CURRENT POLICY, PROCEDURES, LEGAL BASIS,  
PRACTICE OF MARITIME SPATIAL PLANNING**

The first chapter of the Report describes problems of spatial planning and the management of coastal areas in Poland. It contains short historic outline where the influence of bad and good traditions of the spatial planning so as its present condition has been underlined. Central and regional institutions determining the land use development policy and also their hierarchy, the influence on the local level and interrelationships were enumerated in details. Tools of the spatial planning and kinds of the documents of spatial planning policy so as their range and the general content were described. A lot places for legal bases was destined. Authors indicate the lack of the balance between participants of the spatial planning process and consider that the legislation and its implementation are ineffective.

The rough economy that includes maximum benefits and minimum costs of spatial planning process brings wretched effects: Instead of good cooperation of participants of the spatial planning process and benefits for them and to the land development as well the unbalanced system produces the spatial chaos.

The influences penetrating from the European legislation brings the hope: environmental assessments and the growing (slowly) process of the public participation.

The following chapter describes the legal bases and the practical achieving of the public participation in the spatial planning process so as following steps of his formation as well. The Polish system of the supervision and the inspection over the building activity with particular reference to his weakness causing the bad efficiency are described.

The following chapters describe the spatial planning policies formulated with reference to all the elements of the land: the cities, the rural areas, communication lines and the coastal zone. The text contains elements of the critical analysis and also the conclusion: there are not clear and coherent rules of sectoral policies so far. It causes the lack of the differentiation of the cities and villages growing and the wasting of the possibilities of areas with special resources with distinctiveness against the background of others: In Poland one did not work out the coherent and codified urban policy rules till now, although in cities live near 62% populations of the country. The Spatial Planning Act uses exclusively the qualification: "the community" not "municipal" or "parish". The national and regional policies so to communication growth as to transport are not formulated as well. Legislators and politicians lump coastal areas so as Wielkopolska plains and The High Tatra Mountains as well.

The following chapter describes legal rules of preservation of the environment, the wildlife and the cultural heritage and also tools for their achieving. With reference to the environment and the wildlife more and more important is the sustainable development principle. Authors describe the system of the nature preservation - it found an important place not only in the legislation, but also in the consciousness of decision-makers and the considerable part of the public. The reports of the environment condition including the set of environmental assessments and prognosis, from several years is the inseparable part of the investments designing and development programming as well. In the field of the cultural heritage protection the helplessness dominates, with decaying of many ancient monuments thereby.

Two last chapters are the introduction to spatial planning in coastal areas. Describing the complexity of economic functions in the area and enumerating of most important branches of the economics which have here good development conditions, simultaneously calling the attention to the sensibility of ecosystems and the need of the creation of special

mechanisms of their preservation. The first part of the Report finishes the SWOT analysis of spatial planning system in Poland.

The second part of the report describes specific problems of spatial planning and managing in the coastal area zone. First chapter follows the subject matter of the complexity of environmental and economic processes, characterizing in detail the sources of land use conflicts so as their types and participants. Authors are attempting to create the methodology of the differentiation and describing of conflicts. In this part of the text first proposals of correction of the binding legal solutions are placed.

Then characteristics of different kinds of the land use in the area follows: the urbanization policy in the aspect of the housing and of the tourist infrastructure, afterwards rural areas, agriculture and forestry, the landscape preservation and the growing of the recreation, at last the exploitation of mineral resources.

Not much can be said about the conscious urbanization policy: only the Regional Spatial Development Plan attempts to formulate coherent rules. But the regional self-government is the most weak link in the system of spatial planning and the RSDP is the weak document without efficient tools of the achieving of development policy.

The characteristics of others economic activities concentrates on the description of most important resources and legal mechanisms of their protection and using. Then the state of specific elements of the space (the legal protection areas, the recreational base) is described. The chapter finishes the SWOT analysis.

In the third chapter the participants of spatial planning process and their competences are described in details. This part begins by indication on the complexity of the problems of spatial planning and the management in coastal areas. The source is the great number of stakeholders. The report completes the thesis of lack of perpendicular and horizontal coordination of the planning and managing process in the coastal area. Authors assert that the need of introduction ICZM principles in the Polish coastal area is urgent.

## **A. THE GENERAL CHARACTERISTICS OF THE SPATIAL PLANNING SYSTEM IN POLAND**

### **1) EVOLUTION OF THE SPATIAL PLANNING SYSTEM IN THE COUNTRY;**

- In the year 1928 came into being the first Building Activity Act in anew independent Poland This quite good and very modern law was obligatory only 10 years preceding the German occupation;
- 1946: a communist decree expropriates majority of property and landowners; all decision are subordinates to so-called “interest of the state”;
- For over a dozen or so years after the war there were not any legal regulations of the spatial planning at all. In 1961 the Spatial Planning Act introduced the centralization of the spatial planning which becomes the component part of the national planned economy.
- 1984: The completely new Spatial Planning Act uses European experiences, developing some of them on the creative way. The coherent planning system comes into being. The decentralization of the spatial planning follows - however the planning is still the task of the state government. Spatial plans covers the whole territories of communities are being prepared at the expense of the state government.

- 1994 - After the fall of the communism the new law about the Spatial Planning restores the principle that spatial planning is the task of the community. All general spatial plans are no longer valid (in fact this followed in the year 2004 while many communities protested) as being infringed property rights. There is no longer the duty of covering the whole community territory with the plan. The spatial planning system in macro-regions is being destroyed, in provinces is being disintegrated.
- 2003 - The Spatial planning and The Land Development Act which is obligatory up to today, should have been adjusting Polish legislations to the EU requirements, and to the ratified international conventions as well. The system of individual decisions of officials is introduced for working out investments without preparing spatial plans;
- 2005 - 2006 several ideas of improving the spatial planning regulations were proposed to change the spatial planning into an efficient tool of gaining new grounds for housing and the infrastructure. The reaction was the idea of the subordination of spatial planning system to the Department of the Environment (nowadays it is in the Building Activity Department). It was for the restoration of the coherent system of the cooperation of the economics, environmental protection and the restraint of the degradation of the spatial harmony. Since two years each several month small corrections are introduced.

**The recapitulation:** the minus of pretty well working system of the spatial planning in years 1970-1990 was the high servitude of planners to the state-investor so as the lack of the independence. In the result great blocks settlements about the low standard came into being and the disfigurement of the country-scenery took place as well. There were also the positive elements: the network of institutions about brightly definite competences and the well working mechanism of the professional education. Thanks to modern trends from Europe the system was in course of the positive evolution. After 1994 destabilisation of the system took place and the subjection to rules of the early phase of the capitalism came into being. Nowadays about the manner of spatial planning the rough economy resolves - maximum surplus at the minimum-cost of the concoction of the plan. With the growing efficiency the new mechanisms are influencing: the environmental assessments and the developing process of public participation.

## **2) THE INSTITUTIONS OF THE SPATIAL PLANNING SYSTEM (NATIONAL, REGIONAL, LOCAL);**

In Poland the three levels system of spatial planning exists, but it's unbalanced.

On the national level **the Cabinet** is the competent authority that legislates the **National Spatial Development Policy Concept (KPZK)** and some of executory orders as well.

**The Minister of Building Activity** prepares annual reports of the state of spatial planning in the country and coordinates the **Regional Spatial Development Plans (PZPW)** with the **KPZK**, enacts executory orders and along with the **Minister of Regional Development** fulfills plans of frontier cooperation concerning spatial development and spatial planning.

**The Minister of Environment** is also the competent authority in spatial planning. It gets out of the primary importance of the environment in spatial planning.

**The Minister of Maritime State Administration** is authorised to prepare and approve maritime plans and to managing coastal zone too.

The achieving of the state policy in regions is a task **of voivodes**.

Up to March of the year 2006 the Governmental Strategic Studies Centre (RCSS) has been coordinating the tasks of the government within the range of spatial planning. This institution have been authorised to prepare the **National Land Development Policy Concept (KPZK)** - the document creating of the frame for spatial planning in regions. After RCSS has been disestablished its tasks the chancellery of the President of Cabinet has assumed at first and the Department of the Regional Development later. Simultaneously the interdepartmental team for elaborating the coherent system of spatial planning in Poland has become established. **The Minister of Environment** presides over this team. The independent spatial planning institution on the government level does not exist nowadays.

The disintegration of spatial planning system on national level is a fact. The affirmative proof is the lack of the up-to-date **KPZK**, what delays the adaptation of **Regional Spatial Development Plans (PZPW)** to the EU regulations. Legal regulations concerning spatial planning are incoherent and universally criticized, the projects of changes do not include the really improvement.

The development policy in the regional self-government the Regional Board and the Regional Council achieve. The regional board prepares the draft of a **Regional Spatial Development Plan (PZPW)** for resolving by the regional council. Relying on the plan the regional board formulates requirements to drafts of local spatial plans or studies prepared by the communities and approbates the projects (if suitable) in respect of the adjustment to the regional plan in the scope of the tasks of the regional self-government (exclusively!).

The regional self-government is also licensed to preparing studies and analysis in the scope of spatial planning of the region. Marshal's offices are helped in this by Regional Spatial Planning Offices which are the remainder of the system functioning in years 70-these. They work in each region in the different organizational form, with employment from 6 to over 80 employees.

The local planning is a task of the community. Projects of plans and studies prepare the executive body of the community (the mayor, the president of the city). The resolution of the community council begins the spatial planning process. After the end of the procedure an another resolution finishes it. The objectives formulated on the national level are introduced into the local plans and studies by the duty. The Voivode checks the accordance of spatial plans or studies with legal regulations and with national plans and ideas. The tasks of the regional self-government are introduced to local plans and studies on the negotiation way.

Governmental organs and institutions have the significant participation in the system of spatial planning. Therefore the co-ordination of projects of spatial planning documents has been admitted for them. These are: organs of the safety of the state, organs of environmental protection, organs of the preservation of the nature and of ancient monuments protection, the health-inspection, the maritime state administration and the management of inland waters.

**The recapitulation:** The existing system of institutions of the spatial planning is not balanced - very strong competences the communities have and also institutions of the government: the voivode and organs of co-ordination. The position of the regional self-

government is poor first of all in consideration of the lack of tools of the achieving of land development tasks. All these organs mentioned above do not achieve fully authorizations admitted: the new National Land Development Policy Concept is still prepared yet, small percentage of the area of the communities is covered with local spatial plans and also the regional self-government is not using fully the possibilities of preparing studies and of analyses.

### **3) THE PLANNING FRAMEWORK IN POLAND (THE LEGAL BASES, TOOLS, THE TYPES OF PLANS ON ALL LEVELS AND THEIR CONTENTS);**

The development policy of the state is achieving by laws and executory orders. They determine procedures of preparation of the local law regulations and other documents determining the practice of the ground property law, the rules of the land use and land development and the rules of maintenance of the spatial harmony so as the content of them as well. They regulate financing of investments by the state, by the regional self-government and by communities. They regulate the responsibility of organs and the rules of indemnities for householders as well. The Cabinet and voivodes introduce special documents of spatial planning: the plans of the protection of areas of the preservation of nature. The organs of the Polish State indirectly work out spatial planning and bear on the Polish spatial harmony by the decisions about the achieving of the public investments without spatial plans.

In the current legal system does not exist the document regulative complexly spatial planning and the regional development. These problems are diffuse in different laws and executive regulations.

Legal acts enumerated below have an essential influence on spatial planning (acts from the range of the environmental protection not included, talked over in other part of the text):

- **Polish Constitution (Organic Act) from April 02 1997;**
- **The Civil Code from April 20 1964 (many times updated);**
- **The Spatial planning and land development Act from March 27 2003 (many times updated);**
- **The Building Activity Act from July 07 1994 (many times updated)**
- **The Act about managing with immobilities from August 21 1997 (many times updated);**
- **The Act about maritime areas and about the Maritime State Administration from March 21 1991 (updated);**

Many (almost one hundred) executory orders were given by the Cabinet and by Ministers to these laws. Important part of them concerns to the spatial planning and the land development.

The most important legal implements of spatial planning and land development are:

- **The National Land Development Policy Concept (KPZK);**
- **Regional Plan of Land Development (PZPW);**
- **Studies of conditions and of directions of land development of communities (SUiKZPG);**
- **Local spatial plans (MPZP);**
- **Decision about conditions of public interest investment;**
- **Planless decision about conditions of investment;**
- **Decision given by authorised organ of the state administration for project of local spatial plan about concordance with legal regulations of selected branch;**
- **Decision given by Voivode for project of local spatial plan about general concordance with legal regulations.**

The **National Land Development Policy Concept (KPZK)** is a document determining long-term objectives of the Polish state politics in the scope of the spatial development. The Minister of the Regional Development prepares the idea of the document and afterwards the Cabinet accepts it. The existing document has been prepared according to the previous Spatial Planning Act (not valid nowadays) in 1995-2000 years for long before joining the EU. The conditionings when the **KPZK** has been worked out were not up-to-date and in the different institutional system of the spatial planning with using the different methodology from used nowadays.

Apart from **KPZK** the guidelines of the Polish state policy are included in strategic documents among which most important are: **National Strategic Frames of the Reference (NSRO)**, the **National Strategy of the Regional Growth (NSRR)** and the **National Growth Strategy (SRK)** and numerous sectoral strategies. These documents bear on spatial planning not the direct way but by the duty of taking them into account in the preparing strategies and documents of the regional and local planning.

The basic document of the spatial planning and of the land development in the region is the **Regional Spatial Development Plan (PZPW)**. The plan includes guidelines of the formation of the spatial structure and serves to the maintenance of the spatial harmony in the region. The plan determines the basic elements of the settlement network so as of the communication and of the public utilities. The plan determines the distribution of the centers of culture or social activity. Also the administrative centers, university centers and the centers of industry and of the economy are indicated there. The requirements within areas of environmental preservation and of cultural heritage are fixed. The Spatial Planning Act has imposed an obligation to agree the Plan with the Minister responsible for the building activity and spatial planning in respect of the concordance with **KPZK** before voting by the Regional Council.

The **Regional Spatial Development Plans (PZPW)** is not the regulation of local law and for that reason is not the base of giving of administrative orders or decisions and cannot formulate the direct guidelines for the documents of spatial planning prepared by communities. In the present legal shape the **PZPW** is a tool of low efficiency, also in consideration of the lack of financial means for the achieving the tasks of the regional self-government.

The organs of the regional self-government prepare analyses and studies and also work out ideas and programs, bearing upon of areas and problems of spatial planning in the region according to needs and objectives. These analyses should concern the essential problems which the **PZPW** indicates determining indispensable particularization of the Plan but also to precede some solutions for the guarantee of the optimization of them. Analyses and studies should be prepared also in situations, where the existing law does not make possible (or makes impossible) the problem solving. A result of analyses will be so the proposal of their solution as the recommendations for the legislator or creators of the local law.

For the formulating of the complex spatial policy of the community, her organs prepare the **Studies of the Conditions and of the Directions of the Land Development of the Communities (SUiKZPG)**. The Studies (...) should be prepared for the area in administrative borders of communities. SUiKZPG should take into account so **KPZK** as **PZPW** and also the **Regional Growth Strategy**. Solvings of the studies are binding organs of the community at preparing local spatial plans.

The SUIKZPG is an only one obligatory prepared tool of spatial planning which covers the whole territory of the community. The meaning of SUIKZPG grows down by not being the local legal rule. As a matter of fact the SUIKZPG is the great resource of the knowledge about directions of intentional changes in spatial planning and the land development of the community, however - when the preparing of local spatial plans is not obligatory on the whole territory of the community - is under the sod with the rule on the significant part of the territory. The SUIKZPG has become weakened by the introduction of **planless decisions about conditions of investment** for which the conclusions of the SUIKZPG are not valid. The SUIKZPG in spite of the perspective for many years and of complicated preparation is the impermanent document - the practice of the usage of the Spatial Planning Act lets to change it often and easy in small scale, adapting to current expectations and needs of investors and householders.

The definition of the way of land use and of land development conditions takes place in the **Local Spatial Plan**. This document so-called a **local plan** is a local legal rule. The Spatial planning Act does not define minimum nor maximum area which the plan should cover with. The law does not allow preparing plans for the functional areas across the administrative borders. Plans come into being depending on current conditionings and needs of the communities, whereat this are the needs of private investors most. The exceptions are the areas indicated in legal rules for which the community has to prepare the plans obligatorily (eg. areas of integration and of partition of rural grounds, the areas of mining, health resorts). Until the Spatial Planning Act introduced the possibility of **the planless decision about conditions of investment** the local plan was the only tool - and relatively efficient - of the land development and of the spatial harmony. Nowadays its meaning grows smaller in the interest of single clerical decisions of different levels.

The Spatial Planning Act foresees the possibility of giving planless decisions about conditions of investment or decisions about conditions of public interest investment. The intention of the legislator had been to permit of the acceleration of the investment in exceptional situations. In fact these decisions are applied in masses, because it overpasses most of protections of the spatial harmony and the logic of investment. There is possible to ascertain that the introduction of "decisions" significantly accelerated the erosion of the system of spatial planning in Poland.

Universally used tool of spatial planning is the competence of **co-ordinating within the range her own material jurisdiction** of projects of documents of spatial planning on regional and local level which was admitted for chosen organs of the public administration. Is is the administrative decision basing on the legal regulations which is given for the adjustment of proposed solutions to the legal order **in the legal sense** by **the clerk**. The refusal of the agreement is actionable to the organ of the second instance.

#### **4) INVOLVEMENT OF PUBLIC IN LAND DEVELOPMENT PROCESS (ACCESS TO THE INFORMATION AND PUBLIC HEARINGS, APPEALING)**

The constitution of Republic of Poland warrants for all the public the possibility of participation in all activities of the public administration about the local meaning. The article of 63 Constitutions proclaims: *"Every has the right of lodging applications, of submitting motions and complaints in the public interest or in his own or in another person behind her agreement to the authorities of public and to organizations and social institutions in connection with their material jurisdiction and the range"*.

Constitutional guarantees for the public in the spatial planning and the land development are worked out first of all by suitable regulations in laws: about spatial planning and land development and in the Environmental Act.

About the beginning of preparation of the basic documents of spatial planning decides the community council by the resolution. About the resolution the public is notified through the mediation of the local press, on the official Internet site of the community and on the customarily accepted way - by the announcement on the publicly accessible board so in the community office as in villages and also on the Sunday at church. The information is accompanied with the invitation to submitting motions which is addressed to all the inhabitants.

When the project of the document is ready then the public has a possibility to get the feel of him during the public exposition which lasts from 21 to 30 days. The exposition of the document precedes the notification in the local press on 7 to 14 days before the beginning. The notification includes the information on the time-limit of the public discussion the project solutions, and also gives the time-limit of the lodging the complaints to the project. Every interested may complain and contest the solutions of the project. The organ preparing plan submits issues to the community council during the session when the project should be voted. If considered issues would be considered as reasonable then the process of planning returns back to the intermediate stage when contested solutions have been raised.

Every citizen may see into voted and obligatory documents of spatial planning and obtain the extracts of it. The resolution concerning the local spatial plan is published on the official Internet site of the community and promulgated in The Gazette of the Province.

Even voted and legally valid document can be taken under legal proceedings by the voivode and by the court of administration, however only citizens or persons whose the legal business became infringed in consequence of the process of planning can lodge complaints.

The public participation is an important element of procedures of the preparation of documents of the spatial planning and also of other plans and of programs of growth. The title V of the Environmental Act decides about this regulations. The duty of throwing open of documents, the possibility of submitting motions, the mode of informing and suitable time-limits are described there. The organ preparing project of the document is obliged to investigate lodged motions and complaints. The content of his predicate is published on his official Internet site. In the public participation also ecological organizations which can prove its own relationship with the ground to which the document refers can participate.

An important element of making easier the interpreting of the undertakings of plan or of program to the public is the prognosis of his influence the environment. The Prognosis is prepared obligatorily for all the plans and programs of growth and it is thrown open inclusive with the plan.

**The recapitulation:** Pretty well already formed mechanisms of the public participation in the process of planning and in the process of making decisions are used in the not large scale. A basic reason is the low ecological consciousness of the greater part of the society and the conviction about the domination of the administration over the citizen that follows 50 years of authoritarian regime. In the society which the history formed to be the

orchestra of soloists, is difficult to play together the symphony so as the good organization of common activities.

##### **5) THE INSPECTION OVER THE BUILDING ACTIVITY: THE PROCESS OF PLANNING AND THE GIVING OF BUILDING PERMITS. THE OBSERVANCE OF THE BUILDING ACTIVITY ACT, THE SORTS OF SUPERVISORY ACTIVITIES.**

The whole of problems concerning the designing and the building of constructions, devices and networks of the infrastructure and the details of land development are regulated by the Building Activity Act from 07 July 1994 and executory provisions given to it. The determining of executive regulations gives back to the competence of Cabinet and appropriate ministers to matters: buildings activity, internal matters and state administration, health and social welfares, the economy, the maritime state administration, transportation, the agriculture and the minister of the national defence. The supplement of legal regulations in the building activity the association standards are.

Regulations determine detailed competences of organs in the building activity so as the rights and duties of participants, genera of buildings and also technical specifications to which should answer and also the manner of the concoction of projects. The genera of required documents in the administrative proceedings and instances of appeal are determined so as detailed requirements concerning employees and persons realizing the building activity and the supervision over him.

A basic tool of the regulation of the building activity is the administrative decision „**the building permit**”. A giving of it is possible basing on the binding land development plan or - planless - basing on the planless decision about conditions of investment (see above) which is prepared by the organ the community or by the voivode.

The issuing the decision of **the buildings permit** belongs to the competence of the organ of architecture and of building activity. The organ is the Chief of the County (Starosta) or the voivode is, depending on the genus of the investment and the localisation. A chief {principal} organ of architecture and of building activity in Poland is The Chief Inspector of the Builder's Supervision. The community is not an organ of architecture and of building activity.

The supervision over the building activity is two-of instance: the first instance is the county the second is the region. Main tasks of the building activity supervision are the inspection of the complying with the regulations of the Building Activity Act and also the inspection of the correct functioning of organs of architecture and of building activity.

Practical achieving of supervision over the building activity meets serious problems in Poland. First the employment is too small caused by low salaries and by insufficient number of job positions. In connection with low salaries most of employees are not of great knowledge and professional skills. Second is the incoherentness of legal regulations which causes that the greater part of the decisions about the retention or demolitions of buildings which have been erected against the law are appealed against to courts of administration. It causes protracted duration of procedures and also the low effectivity of all processing.

A root cause of low efficiency of the building activity supervision and of all the system of the spatial planning in Poland is however the priority of the private interest over the public

one. It is stipulated so in Polish legal regulations as in effect of the activity of organs of the state administration and the judicature.

## **6) LAND POLICIES TO COASTAL AREAS**

On the national level the special policy to development with reference to coastal areas is not declared. Rules of spatial planning and of land development in coastal zone general documents of the national strategic planning, the law and regional documents define. Documents significant for the spatial policy to coastal areas on-shore and off-shore is the Law about maritime territories and the maritime state administration of Republic of Poland (issued of 21 March 1991) and also the Law about the many years' program of the protection of coastal line (issued of 28 March 2003).

1. the construction the extension and the maintenance of the system of the flood-protection of costal zone including the repairing of damages in the system of the protection of coastline;
2. assurance of the stabilization of coastline according to the state with 2000 and preventions to the disappearance of beaches;
3. monitoring of coastline, and also research of the current state of coastline targeting the indication of necessary and requisite activities for saving of coastline.

Expressions of the particular policy to the spatial planning of coastal areas are regulations of the Water Act (from 18 July 2001) which consider all the area of the waterside-belt as the area of the direct flood danger. Thereby all the investment-activity not getting out of the flood control, even the planting of trees and shrubs and also the changing the shape of the ground is forbidden within. The Director of The Maritime Office may renounce from these prohibition in the way of the giving of individual decisions.

The rule above is exceptionally restrictive and contradictory with the economic and social rationales. The cities and villages, so as economic undertakings, are situated on areas covered with. The exact working out the rule would paralyze their functioning. Therefore the directors are giving several decisions daily in which leave from the prohibition.

The Pomeranian regional self-government attaches the large meaning to the growth of the coastal area therefore the Regional Plan of Spatial Development:

1. suggests tasks for converting the coastal zone into the area of the intensive economic growth at the maintenance of the rule of the sustainability development including the resource protection and values of the environment and the preserving of the harmony of the natural and cultural landscape and also the restoration of the spatial order on areas, where lost;
2. considers as indispensable counteracting the threat of the existence of the Baltic Sea fishery consequential from the preference for the protection of its biological resources;
3. recommends the adaptation of fishing harbours to needs of the coastwise traffic and to the tourism growth;
4. suggests using of values of The Słowiński National Park and his surroundings also of the Hel Peninsula and the Vistula's Sandbar in the longer period than the only the summer season;
5. recommends the growth of the spa-tourism.

Following the recommendations of the Regional Plan of Spatial Development, the Regional Board voted starting the elaboration of the Regional ICZM strategy.

## 7) URBAN, COUNTRYSIDE AND TRANSPORT PLANNING;

Although 61,45% populations of the country live in cities coherent rules of the municipal policy have been not achieved in Poland so far. The problems of an urban growth are mentioned in national strategies and ideas of development, however the cities are not regarded in legal solutions as subjectively areas. In this scope in Polish legal regulations the backwardness with relation to of Middle Ages is remarked, when is the city was established with special legal regulations so-called privileges and land development within has been regulated by special charters voted by aldermen. Nowadays the legal regulations use exclusively the notions „community” or „the unit of the territorial autonomy” which distinguish it with relation to „the state”. The Spatial Planning Act uses the notion „the city” only in the definition of the metropolitan area, where „the area of the great city” is mentioned (however without the definition, what means: „the great city”) and in the nomenclature of the executive body „the president of the city”. It is the result of the lack of the categorization of communities in the act determining the territorial self-government in Poland.

A future vision of rural areas and agricultures **the Strategy of the development of rural areas and agricultures on years 2007-2013** describes. She marks main directions of the development of villages and prognoses changes on rural areas in the perspective to 2020. The Strategy agrees with reformed the EU Common Agricultural Policy and with the policy to growth of rural areas. Apart from main directions of the development the document defines problems and threats, and also chances of the development of rural areas in Poland.

A superior objective of the **"Strategy ... "** is the improvement of living and of working conditions of peasants by the economic growth taking into account requirements of the environmental protection. Special distinguished elements are: the supporting of the sustainable development of rural areas through the growth of the infrastructure network and the working out the model of the diversified development of rural areas also growth of the agricultural production compatible with the environmental protection and also the preservation of the country landscape and of the cultural heritage.

However Regulations about the spatial planning and the land development do not differentiate the separate manner of the planning to rural areas. Regulations denominative the content of the local plan of the land development for rural, municipal and urbanized areas are common. The standards, parameters, indicators of land development planning are defined in regulations identically. The practice shows however that on rural areas are just given most of **planless decisions about conditions of investment**. It is caused by a growing urbanization pressure on rural areas.

A good example of the lack of the differentiation of the city from rural areas in Poland is the duty of getting the agreement on the changing agricultural grounds into terrains of building activity. The duty concerns so grounds situated on rural areas as these within of cities.

Among most important legal provisions denominative of the rule of the **communication network growth policy** there are regulations of spatial planning and land development on the national and regional level and also transportation policy regulations e.g.:

- **The Law about the National Growth Plan (from April 20 2004) and its executory provisions;**
- **The National Spatial Development Policy Concept;**

- **The National Strategy of Regional Growth 2007-13;**
- **The Strategy of national Growth 2007-15;**

The national communication network growth policy the following documents create:

- **The National Policy to Transportation;**
- **The National Strategy of Transportation Growth;**

or rather their projects, because after the year 2005 the proceedings over them became stood. Some tasks within the range of the communication network growth the operational programs which have been prepared for utilizations of **UE** structural funds achieve, including:

- **The Sectoral Operational Program: Transportation for years 2007-13**
- **The Operational Program: Infrastructure and Environment for years 2007-13**

Detailed issues connected with the planning, the designing, with the achieving and the management with the communication network the branch laws regulate:

- **The Law about Public Roads (March, 21 1985)**
- **The Law about a Railroad Transportation (March, 28 2003).**

and their executory provisions.

The only one officially obligatory strategic document treating about the growth of communication network is the Strategy of the National Growth accepted by Cabinet in November the year 2006. It is the general document using expressions universally recognized as indisputable. Priorities appointed are: the growth of the road transportation and also of railway and of air transport, of sea and of the transport on inland waters as well. The important part is the improvement of the efficiency of the transport in international corridors so as connections between regional centres and also the municipal communication they are underlined equally. The need of the removal of the traffic from densely populated areas and also the need of rural areas communication network growth. the need of the removal of the traffic from areas densely populated but also The need of rural areas communication network growth and also of the improvement of the safety of traffic participants so as the quality of the railway service and the accomodation to the handicapped last – everything is most important!

From the point of view of the growth of coastal areas the indication of the sea-highways and connections of harbours with the national and European communication network is important. All activities indispensable to working out indicated directions and priorities have to be achieved taking care for environment values and to the decrease of the noise arduousness and the emission of impurities to the air as well.

The document indicates all problems of the communication and the transport in Poland as identically important, while the period when everything should be worked out, does not give any chance to working out all of them. Then the argument that on national level any priorities of the development have not been traced on coming years could be put up. It is confirmed by the disintegration of modernizations activities and extensions of the highway network, the lack of really preferences for the train service and also the dispersion of investment measures.

Instead of system-solutions extraordinary tools are used. These are regulations permissive on working out the highways without land development plans voted. In assumption extraordinary procedures should to accelerate a construction of the important infrastructure with using of expropriations and through elimination of a public participation. It threatens accelerated undertakings will be not enough prepared, and the working out

them will result conflicts instead of dissolving problems. An example is the present conflict against the background of the construction the "Via Baltica" highway across the Rospuda river valley protected by "Nature 2000" system.

## **8) ENVIRONMENTAL PROTECTION AND PLANNING (POLLUTION, WASTE, EIA, SEA)**

The Spatial Planning Act introduced sustainable development as the superior rule of the spatial planning. In compliance with this rule in the spatial planning everybody should take into account requirements of the environmental protection, including the water protection, the protection of soil and forests, requirements of the health protection and the safety of people and property. In the local spatial plan one takes into account obligatorily following particular matters in the range of an environmental protection:

- rules of protection of environment, of wildlife and of cultural heritage;
- limits of areas and objects under the protection and also manners of development within;
- rules of modernization, of extending and construction of infrastructure network.

Rules of environmental and wildlife protection should be taken into account also in procedures of giving planless decisions: about condition of investment and about conditions of investment of public interest.

Detailed issues of the environmental protection being in connection with the spatial planning The Environmental Act (April, 27 2001) regulates. The others important legal regulations of the problem are:

- **The law about soil and forests protection (February, 03 1995);**
- **The law about nature and wildlife protection (April, 16 2004);**
- **The Water Act (July, 18 2001);**
- **The Forests Act (September, 28 1991);**
- **The Geologic and Mining Act (February, 04 1994);**
- **The State Health Inspection Act (July, 20 1991).**

and many executory provisions given with.

In The Environmental Act detailed regulations concerning the spatiat planning are in the Chapter VII: "Environment protection in spatial planning and in the achieving of investments" where one has written, that in local spatial plans and land development studies:

- indispensable solutions to the prevention of impurities production and [of the protection](#) before nascent impurities and also restitutions of the environment to the proper condition have been established;
- conditions of achieving activities making possible the attaining to optimal effects in the scope of environmental protection.

and also circumstances {conditions} of the preservation of the natural equilibrium and the proper management of resources of the environment have been assured in the result of:

- preparing and working out programs of the rational using of the surface of the ground, including the exploitation of minerals and the rational managing of grounds;
- complex solutions of problems of the land development of cities and villages, with particular reference to the water supply, sewage treating, waste disposals, communication network and the public transport and also the arranging of public lawns and parks;
- taking into account the necessary protection of waters and of soil before the pollution in connection with the agricultural activity;
- taking into account landslides prevention and diminishing of their results;
- taking into account of other needs of the protection of the air, waters, soil, the protection against the noise, vibrations and electromagnetic fields;

- the determination of ways of using areas degraded as result of the activity of the man, natural disasters and landslides;
- the determination water intakes protection zones and also protected areas of reservoirs of underground waters.
- communication lines, overhead and underground transmission lines, cable lines and pipelines should be worked out in the way ensuring the reduction of their influence on the environment;
- within of cities and of intensively builded villages is forbidden the construction of enterprises creating dangers for the life or the health of people, and particularly the threat of grave accidents (...)

The Environmental Act introduces to the spatial planning the duty of working out the **ecophysiological elaboration** - the document describing and characterizing all the particular natural elements within the area of the plan and their interrelationships.

The Water Act requires taking into account in prepared plans of land development the areas of protection against the flood for the reason of their land development, values of economy or culture so as areas for the passing of flood waters and also areas of top level flood threat and of potential flood threat.

The Water Act forbids the introduction of wastewaters direct to underground waters and to chosen genera of surface waters.

Legal regulations put the duty of the maintenance of the cleanness within its own ground on communities and householders. A duty of community organs is the elaboration and the voting the regulations of the maintenance of the cleanness within the community as local legal provisions.

A basic legal provision regulating the waste disposal is **The Waste Material Act** (April, 27 2001). The executive provision to this law determines locations of landfills and places where it is forbidden.

The duty of preparing **EIA** to local land development plans results from Environmental Act and the Spatial Planning Act. The scope of this document which should be worked out simultaneously with the project of the local spatial plan an executive provision to the Environmental Act defines.

**EIA** is prepared for the area within a plan along with the surroundings within reach of the influence of the plan. **EIA** is an auxiliary material for procedure of agreement of the draft of a plan and is given to the public insight together with the project of the local plan.

To drafts of a Regional Spatial Development Plan and to different strategies and programs prepared on regional and national level **SEA** are prepared. The scope of **SEA** is determined by the Environmental Act.

**EIA** is also an element **of the report of the impact to the environment** which precedes giving of the Building Permit. Genera of undertakings subjected to the obligatory or optional procedure of **EIA** are mentioned in special executory provision. **EIA** is obligatorily for undertakings of strong significant influence on the environment. For undertakings of potential influence the **EIA** is optional and the organ of the environmental protection decides if so. The report is prepared by the investor applying for the building permit. The proceeding in a matter of **EIA** includes obligatory public participation.

The amendment to the Environmental Act introduced an additional category of undertakings for which **EIA** is required. This are planned undertakings significantly influent on the area of Nature 2000. Because regulations do not specify meaning of „the significant influence” the organs of the environmental protection while deciding about the degree of influence can require **EIA** even then, when the area of plan prepared is situated out of Natura 2000 area limits.

## 9) CONSERVATION OF NATURE AND CULTURAL HERITAGE (PROTECTED AREAS, ETC.)

Legal regulations require taking into account at planning the land development the environmental protection issues including: water supply, the protection of soil and forests and also the protection of cultural heritage and of ancient monuments, whereat:

- in **Study of conditions and of directions of land development of community** is required taking into account: environment conditions including dimensions and the quality of water resources, preservation of the nature and the cultural landscape, the condition of the cultural heritage and of ancient monuments, the existing of objects and of grounds protected, areas of landslide danger, the documented geological layers and minerals, resources of underground waters and also areas of the environmental protection and his resources: national parks, nature reserves, the areas of landscape preservation and of the cultural heritage protection, ancient monuments and also health resorts;
- **Local land development** plan should establish obligatory rules of the environmental protection, the nature and the cultural landscape, the cultural heritage and ancient monuments; limits and manners of the land use and land development of grounds being under protection including areas of mining and also areas of flood danger or of landslide danger. The organ with the draft of a plan prepares the EIA simultaneously.

Among established various forms of nature protection are:

- national parks
- nature reserves
- landscape parks
- areas of protected landscape
- Natura 2000 areas
- ecologically used ground
- conjunction of nature and of landscape.

For national parks, nature reserves and landscape parks **the protection plans** should be prepared and worked out. **Protection plan** contains obligatorily directions towards the elimination or reduction of external dangers for taking into account while preparing Studies of conditions and of directions of land development of community, local spatial plans, regional spatial development plans and also to maritime plans: coastal waters, the territorial sea and the exclusive economic zone.

Protection plans for the national park or for the landscape park their managers prepare, for nature reserves the minister or the voivode. The plan of the protection for the national park the minister responsible for the environment should agree.

For the Nature 2000 area the protection plan for the period of 20 years the minister of the environment should institute by the executory order. The plan is prepared by the voivode within the region and by the director of the State Maritime Office for the sea waters. The plan takes into account ecological proprieties of natural habitats and species of plants and animals for which the protection became appointed.

The Law about the protection and about the care of ancient monuments defines genera of **ancient monuments**: the immobile or moving ancient monuments, the archaeological ancient monuments, the historical urban or village area, the cultural landscape and also the surroundings of the ancient monument.

Categories of **ancient monuments** are: sacral buildings, public buildings, castles and fortified buildings, palaces, parks, cemeteries and the other green complexes, dwelling houses. Legal regulations the following forms of ancient monuments distinguish:

- registration into the register of ancient monuments;
- acknowledgement as a historical monument;
- establishing of a culture park;
- protection in local spatial plan;
- protection in the protection plan of a landscape park .

The protection and the care of ancient monuments should be taken into account at preparing:

- **The National Development Policy Concept (KPZK);**
- **Regional Spatial Development Plan (PZPW) and Strategy of Regional Development;**
- **Studies of conditions and of directions of land development of communities (SUiKZPG) and also Strategies of Community Development;**
- **Local spatial plans (MPZP);**

In local spatial plans and in studies should be demarcated zones of being in force prohibitions and orders, towards the protection of ancient monuments existing there.

Depending on the position, ancient monuments should be filed to the national, regional or municipal **records of ancient monuments**. Records of ancient monuments are the basis to preparing programs of the care over ancient monuments by regions, counties and communities.

Unfortunately, because of too low funds in the state budget and in community budgets earmarked for protection of ancient monuments for years, the most of reasonable directions inscribed so in the legal regulations as in spatial planning documents is not worked out.

**The recapitulation:** Although the legislation has been enhanced over the recent years by tendencies penetrating from the EU law is however not executed in the important part. Protection plans for many environmentally precious areas (including National Parks) did not come into being nor culture parks as well (an only exception is the Cultural Park of Municipal Fortifications „the Fortress Gdańsk”). Earmarked funds for the protection of ancient monuments and the cultural heritage are low and constantly grow smaller. For last years the coherent system of the protection of the Nature 2000 did not become drawn up and in legal way confirmed. Therefore the policy to the protection of the nature and of the cultural heritage is ineffective in an important part.

## **10) GENERAL INTRODUCTION ON COASTAL ZONE PLANNING**

In the coastal zone the sea habitat and land habitat meet. The sensitive natural system retires under pressure of the multidirectional influence of man, is subject to more and more strong changes in consequence of the growing intensity of the use of coastal areas. Transformation of the rural landscape into urban is watched on the great part of coastal areas. The urbanization of the coastal area is the effect of growing and of changing economical functions with **tourism** as main among them. The particular attributes of coastal zone tourism are:

- growing demand for grounds well situated, not only with the possibility of building;

- construction of the seasonal buildings, used for few months of summer season and being left empty for the great part of the year at occupying grounds ineffectively, therefore an accommodation base and service activities are often of provisional shape;
- spatial mess and exceeding of the natural absorptiveness of environment;
- accidents multiplying for recent years of the conscious devastation of the environment by householders and potential investors.

**The fishery on boats and on keelboats** which uses small ports and harbours is subjected to constraints growing. This branch of economy is essential for keeping a specificity of seaside-scenery and should be treated as an important element of cultural identity and high rank value so of tourist as of landscape.

Branches growing down in the economy of coastal areas are high productive forestry and the intensive agriculture. The forestry becomes an element of the rational resource protection of consumer waters and protection of poor seaside soils against erosion. Gradually diminishes unprofitable and causing large losses in the natural habitat of coastal meadows, the drainage of moist grounds. The agriculture becomes marginal because of poor soils, low profitability and pushing off by tourist.

The growth of the international economic exchange stimulates the development of ports, bases of raw materials and of reloading in the first instance. Subjected to changes is the character of industrial activity. The advantage belongs to branches connected with the economy of the sea and with the processing of imported raw materials. The growth of ports and of industry in centres of the rest and of the tourism, often near or even within of areas of legal preservation of nature demands preparation of new tools and structures.

Intensive growth characterizes energetics and exploitation of mineral raw materials which takes place mostly in areas of coastal waters, where the petroleum and the gas was being already exploited and projects of the location of large wind farms are advanced. Projects of wind farms have been located also on shore, but the growing public discontent pushes them out of shore. The construction of highways and of fast ways is connected with projects of the extraction of gravel aggregates from under the surface of the territorial sea. The intensification of different planned activities causes the planning on areas of coastal waters as requirement of the moment.

Because of frontier location considerable fragments of the coastline (over 10% his length) military grounds cover. During last years their area grows less towards changing of the defensive doctrine. Assuming them by civilian owners creates the precedent - in the scale of coastal areas this are so large acreages of grounds and forests that the new kind of using brings chances, but also serious threats.

The appropriate development and the harmonious coexistence of all functions mentioned above are relative to the growth of the infrastructure, especially communication networks. As far as in the scope of sewage networks and of the sewage treatment plant a dozen or so years before brought the considerable progress, insomuch in the scope of communication network gradual degradation becomes. Main routes do not reach cities situated in the coastal zone area (an exception is the Gdansk agglomeration). Routes of regional rank are not modernized and repaired for many years (the only modernization followed in the way leading to the Hel Peninsula). Forasmuch the traffic, including the heavy freight traffic, is more and more growing, the situation becomes dramatic.

The dynamic processes taking place the recent years in the environment and the rising needs of owners and users causes the growing wave of spatial conflicts. New legal and organizational solutions slowing down and considerably restrictive urbanization on the

Polish sea-coast are necessary. Most important expectations refer to legislative authorities and the government, however possible taking measures by them in the future does not absolve local authorities from the need of the elaboration of special rules of the spatial planning in coastal areas by creation of the appropriate local laws.

## 12) SWOT Analysis

<b>Strengths</b>	<b>Weaknesses</b>
<ul style="list-style-type: none"> <li>- strong planner competences of the local communal</li> <li>- the compact connection of the land use planning and the investment-activity with the problems of the environmental protection</li> <li>- good recordings of the voivodship spatial plan for coastal areas;</li> <li>- Large possibilities of the location of wind power stations in the littoral zone</li> </ul>	<ul style="list-style-type: none"> <li>- The lack of the coherent system of the institution of the land use planning;</li> <li>- The instability, the dispersion and the low grade of the law regulation;</li> <li>- The lack of the policy within the range the urban development and the transport network;</li> <li>- The lack of the well-thought-out spatial policy on coastal areas , some regulations unnecessarily restrictive and ineffective;</li> <li>- The disequilibrium among participants of the process of the land use planning;</li> <li>- The lack of efficient tools for the realization of the spatial policy of the voivodeship;</li> <li>- The lack of planner document laying down the local law on the area the all commune</li> <li>- <b>The priority of the private interest over public interest (in law and consciousnesses of the society)</b></li> <li>- <b>Subjecting of planner process to commercial rules</b></li> <li>- Low ecological knowledge of the society</li> <li>- Low interest with the social participation in planner process, limited to arrogative cases</li> <li>- Small potential of planner services in the most of the units</li> <li>- Low degree of the cover with spatial plans</li> <li>- Embracing with spatial plans only small areas of commercial investing</li> <li>- The lack of protecton plans for many precious areas</li> <li>- The possibility of the settlement only by civil servant decision without agreement with planner documents higher-order and the social participation;</li> <li>- The Builder's Inspection is ineffectually, and when violation of law is confirmd execution isn't efficient</li> <li>- Excessive and unchecked growth of the urbanization of coastal areas</li> <li>- The degradation of the cultural heritage;</li> </ul>
<b>Opportunities</b>	<b>Threats</b>
<ul style="list-style-type: none"> <li>- Rules from acts of the community law contribute to the arrangement of the legal system</li> <li>- Grows the influence of environmental conditionings and legal regulations concerning the environment in the land use planning</li> </ul>	<ul style="list-style-type: none"> <li>- <b>The growing expectation of the economic growth and social conditioned of stable resources of the space and the environment;</b></li> <li>- <b>Historically rooted in the society the individualism and the lack of the identification himself with the state and</b></li> </ul>

<ul style="list-style-type: none"> <li>- Increases the interest with the elaboration of spatial plans in the coastal zone</li> <li>- Guaranteed social participation in the treat of the spatial decision;</li> <li>- Announced for many years the reform of spatial law implements stands a chance to strengthen bases of the sedate development and the spatial order</li> <li>- The obligation of Poland to the development of renewable sources of energy;</li> </ul>	<p><b>law</b></p> <ul style="list-style-type: none"> <li>- Grow of the pressure of increasing profits, which brings the ransom and investing of attractive sea-sides (coastal areas)</li> <li>- Announced reform of spatial law can strengthen the superiority of the market over the spatial order</li> <li>- Some regulations intent from the right of community are not exacted. This causes the erosion of th law and the consciousness of his inefficacy</li> <li>- The underdevelopment of roads does not keep up with the height of the cars intensity growth</li> <li>- Growth the pressure of gaining over of new sources of energy and exploitation of deposits of raw materials (stocks);</li> </ul>
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## **C: SPECIFICITIES OF SPATIAL PLANNING IN COASTAL ZONES**

### **1) MAIN PROBLEMS AND ISSUES RELATED TO USES IN COASTAL AREAS, CONFLICTS**

The special character of spatial planning in coastal zone is the derivative of the putting himself many various, often interferences function. Characteristic for the area is also the occurrence of characteristic climatical occurrences - gales causing the deterioration of bank line and flooding and inundation of some grounds. Prognosed connected changes with the total warming up of the climate can be effective with significant changes in the spatial planning with the loss of the part of grounds invested.

The seaside-position always favoured the development of the transport and the colonization. In excurrent sections of rivers they came into being and were developed ports servants to the commercial exchange. Rich into the fauna of the water of the sea gave bases to the development of fishing settlements. Rich cities and seaside-sediments tempted pirates and plunderers - there were shaped functions military and defensive. Already in the modern epoch, thanks to the easy importation of raw materials followed the development of the specific industrial production, and the height of the mobility of people - first of all quantities of the spare time - there bore on the development of the tourism and accompanying of her services.

Conscious taking into account of environmental limitations in the economic development and to spatial has a short origin: - in fact it begins in the second half of XX century. Being developed systems of the environmental protection and the nature meet in the area of to coastal on the basic barrier: the farm implements heaps of times came into being on grounds which from the today's point of view merit the assumption with the protection. The underdevelopment of the infrastructure - first of all ways - it causes, that the economic activity and the colonization in the important part are still developed mostly on these areas.

Overconcentration of the farm implements is effective with the degradation of the sensitive environment, and activities pursuing constraints of the economic activity do not gain supports. The most commune does not lead the conscious spatial policy, allowing to the farm implements of the practically every ground. It is sometimes that the lack of resources on complex realizations of the infrastructure is effective with the realization of the building on unsewered grounds, served with unsurfaced roads.

The lack of the infrastructure has however own merit. On forest-areas and odd in the extensive agricultural (meadows, pastures) use the environment of coastal areas remained in near state to natural. There acts this image of the Polish sea-coast to different from intensely developed and urbanized strands multiof one kilometre, characteristic for tourist countries of Europe: Italy, Spain, France. Lasts nowadays the discussion over directions of the further development, where an alternative of the present state is the enlargement of the tourist farm implements on new areas - mostly in the agricultural use.

The dynamic development of the tourism favours to the formation of the chaos in the space, lowering the desirability of seaside-areas. In their farm implements the large participation have cheap seasonal objects about the low standard. In many attractive touristly fragments of the sea-coast it arrives at the lawlessness builder's. Because often authors of the lawlessness are persons from local whether even national high life, the execution of the law takes part in these cases to prolonged activities and very difficult.

The special pressure exerted is on areas of landscape parks: Of seaside and the Vistula's Spit, where a protection embraced remained areas of all communes. Are this simultaneously historic pass to the centre-forward of the mass-rest, where in the period of the season the economic activity literally explodes! In the seaside-Landscape Park, embracing the ground of the Hel Peninsula and waterside-grounds the populace Władysławowo and Krokowa one ascertained the progressive degradation of the natural environment and the scenery and the significant increase of areas urbanized.

Overcrowd of some localities, among other things Jastarnia, Jurata, Jastrzebia Gora or Karwia is in the peak-use period of summer comparable with centres of large cities (above 1000 person/km<sup>2</sup>). The protection of Nadmorski Landscape Park for his spatial shape and performed functions belongs to exceptionally difficult tasks. Protective regimes are not always efficiently exacted by the builder's administration, and in the absence of the decision about the possible ransom from hands of private most threatened grounds - about the manner of the farm implements immovables often efficiently decides wielding.

Conflicts other than tourist in the Polish coastal area are sporadic. A basic reason is industrial concentration on port-grounds. Drop of the Polish sea-economy touched mostly grounds outside the precincts of the Gdańsk agglomeration, where in small ports nowadays is abundance unemployed grounds and objects.

Another-gains conflicts characterize port-areas. The management with ports and sea-harbours, their organization and the kelter is qualified by the Law about ports and sea-harbours with 20 December 1996. Within of the Pomeranian province are situated two from four ports of Poland about the basic meaning for the national economy: Gdynia and Gdańsk, small ports of the seaway: Ustka, Łeba and Władysławowo, the Gdańsk Gulf: Hel, Jastarnia and Puck and on the Vistula's Lagoon: Kąty Rybackie and Krynica Morska. Besides in many seaside-localities work the different size fishing harbours, with greatest from them in Rowy.

Small ports can be intent into the management by gminas, however only in the situation, when grounds on which work, determine the communal property. However a main householder of port infrastructure is State property, or private owners whom purchased it in auctions from syndics of fallen state enterprises. The commune have not so nor legal possibilities of taking over of ports, yet of the factual business in their leadership. Lack of dynamic management of small ports is the decay of economic functions. Seaports cites, not having nor the influence on the development of the port, yet advantages from his existence, turn round - literally - with back to the port, not taking into account in the spatial plans implements of the need of his bringing into contact, yet of the manage od waterfront. On coastal shore the exploitation of raw materials from deposits one behaves nowadays is only locally. On the relatively greater scale refers this the mineral aggregate in the commune Puck and not large oil pools and the gas in Krokowa. Intensely enough one gains over the amber, what however takes place almost exclusively in contravention of of the right with primitive methods destructive to the environment. In the short perspective is the however probable collection of the exploitation of waters and medicamentosa therapeutic muds from absolute resources, and also intensive activities toward of the research and the exploitation of energy-raw materials: the petroleum and the gas which are already anyway an object of the being developed exploitation on territorial waters. A separate theme is the possible enlargement of the exploitation of deposits of the mineral aggregate, what in the face of the extension of the road-infrastructure in Poland becomes more and more probable. The extraction of raw materials from deposits, both on shore and on coastal and territorial waters can become the reason of new conflicts even about

the wide range, even if in consideration of the assumption of considerable maritime territories with the protection of NATURE 2000 program.

In coastal gminas the large area is occupied **by farming immovables of the State Property**, remaining after the liquidation of State-enterprises. The administration and right to this property is in hands of **Agricultural Property Agency (APA)**. In accordance with the regulations, the Agency realizes particularly of the assignment within the range: creations and improvements of the area structure of family-farms and advancements of the organization on these grounds of private holdings in the way of the restructuring and the privatization of having of the exchequer. Are not however isolated cases, when acquired grounds from the Agency are then broken up on lots summer-resor- and sold besides the commune. Commune can receive free of charge grounds from the property of Agency, however exclusively in the case, when the vetch his indispensability to the public duty (roads, technical and social infrastructure).

For the border position considerable fragments of the sea-coast (10% of his length) occupy **military grounds**. The defensive doctrine of Poland before the accession to NATO put on the strong defence of the sea frontier, from here on coastal areas one concentrated numerous units of the fleet and continental armies, and on grounds about the considerable area one marked army ranges. This were closed grounds , i.e. reserved for the defences and the safety of the state. Stayed en bloc outside spatial law of autonomies, planner documents and acts of the local law took into account only their borders.

At present, when the important part of military units goes into liquidation, grounds become superfluous for the defences, Ministry of Defence sells of the grounds with help of specially formed institution: **The Military Property Agency (MPA)**. There is a possibility of the delivery of superfluous immovables by the Minister of the National Defence to territorial autonomy units, even without the help of the Agency however this rule is not used, and surely not in the coastal area. In general the Agency sells the property in open tenders, what threatens with serious complications in the further course of their farm implements and the kelter. Regulations order at the sale agreement with the proper organ of the sea-administration, however in the practice this rule is ignored.

For the ground which became superfluous for safety of the state, should be in first, given directions of the farm implements in the communes Study of conditionings and directions of the spatial planning, and afterwards the destination in the local spatial plan. The ground which was a closed area (military) does not possess any information and maps. For closed areas no one prepare the natural stock-taking, there is so no knowledge about values of the environment and to the possible need of their protection. With proposal of destination settlement apply only the grantee, often thinkin about his business. He demands from the commune connection to the road infrastructure, which were not taken into account nor in planner documents nor in the budget. It is sometimes that using the ignorance of the builder's administration for formal-the legal status of the ground he carry on completely illegal investments.

It seems indispensable, so that proper territorially commune obtain compulsorily the buying preference of recognized immovables the are superfluous to defences of the state at the price settled in the schedule of the delivery her for the Agency, to worked out in compliance with with definite rules in the decision of the Minister of the National Defence.

Methodologically, conflicts in the coastal area one can be divide as following:

- time of emerge: historic, current, potential;
- duration: of short duration, prolonged and protracted;

- reason: economic, local-legal, neighbourly, functional, ecological;
- social range: individual, of group and of mass;
- outcome: negative, affirmative, insensible

Reasons of the formation of conflicts wasn't analyse in details, also activities toward of their complex troubleshooting and the resolution are missing. However on the ground of administration experiences, aggregated on last few years one can be generally ascertain that:

1. Conflicts in the coastal area have fundamentally individual character, sometimes refers to groups of business or small local communities;
2. At the basis of almost all conflicts lie economic reasons;
3. Most conflicts has historic conditioning consequential from existing situations by antagonists without their help or efforts for their solution;
4. The low grade of nascent planner documents and the instability of the law and ecological threats contribute to the growth of potential conflicts;
5. Once general neighbourly conflicts retire to at nowadays nascent conflicts on the basis of the legal status of immovables to more often ecological;
6. Conflicts most often grow more intense in the period of the summer-season they have the most sharper course. This are in general conflicts of short duration;
7. There dominate negative conflicts, where the public interest gives up to the aggressive pressure of the profit and to private interests.

## **2) PLANNING IN COASTAL ZONES (GENERAL OVERVIEW)**

In the coastal zone the sensibility of the natural environment limits possibilities of spatial development. Social and economic reasons cause however, that the intensification of the farm implements transcending ecologically rational level, it is inevitable. The liquidation of limitations in the free rotation with the ground and the height of the wealth of the part of the society, contribute to the intensification of the pressure on raising recreational building and agencies of commercial services in the situation, when reserves of new, not abrasive environmentally areas under the building are in the most centres on the exhaustion.

**Pomorskie Voivodeship Spatial Plan** puts on steering of the settlement pressure and tourist on chosen village situated in the zone of the first-hand subsidiaries of the coastal area, at the foundation of the improvement of their settlement desirability.

With reference to urbanized grounds the Plan evidences the need of the formation functional and spatial system colonization and the seaside-recreation, which it would assure attaining of high values useful and scenery answering to social criteria of the rest at the basic environment protection. Attaining of the improvement of the state existing will follow across:

- the restructuring of formed strand arrangement as result of of the differentiation of forms of the rest and the farm implements and the bond their into harmonized spatial structures;
- the creation of the open system, susceptible on the gradual intensification of the farm implements, not going beyond borders of his natural ecological capacity,
- complex modernization settle and recreational centres for the purpose of the conferment required present standards of the rest and criteria of the sedate development,
- the exposition of the value of the seaside-scenery with the simultaneous creation of conditions of their protection,
- the adaptation of small ports and harbours to needs of the sea-tourism.

**Studies of conditionings** which possess coastal communes have now 10 years, they do not contain very essential elements for the sustainable development eg. ecophysiological elaboration, whether prognoses of the influence on the environment. The large pressure was put in these documents on the problems of the economic development, forecast the height of investing in coastal areas. The commune only sporadically embrace complex actualizations of „the Study...”. If changes are made, their general purpose is adjustment to prepared spatial plan.

The commune comparatively often undertake preparing **spatial** plans, however first of all on communal grounds and there, where suggestions are made by householders, and an effect are attractive grounds for the building services or for summer-resort. Remaining areas most often overstay with borders of plans. Result is sometimes their spontaneous and chaotic development on the ground for individual decisions or in contravention of law. The most communes does not lead spatial policy in the sense of saving valuable resources, yet of their repurchase from private hands with the intention of the longtime rise in prices. Forced to quick gaining of new earnings, communal authorities surrender to potential investors - to future tax-payers - which transform private farming immovables on builder's aims.

## **COUNTRYSIDE PLANNING (AGRICULTURE AND FORESTRY, LANDSCAPE, PROTECTED AREAS, RECREATION, MINERALS, ETC)**

### **Agriculture and forestry**

Rules of **agriculture lands** legal protection, contain the Law from the 3 February 1995 about the protection of **agriculture and forestry lands**. The protection relies first of all on the stint of intending builder's targets, to the prevention of the degradation and the devastation and the proper reclamation. A fundamental is the transfer on nonagricultural aims first of all waste land, and in case of their lack - other grounds about the lowest productive usefulness. The destination on investment of especially precious cultivated lands is possible exclusively in the local spatial plan and demands obtainments of the agreement of the Marshal of the Voivodeship or the Minister of the Agriculture, the procedure finishes counting large charges.

For the purpose of the improvement of production capacities of soils, facilities of their tillage and the assurance of the protection of farming uses before floods drainage-endeavour. Problems concerning water drainages contain statutory law from the day 18 July 2001 the Water Law. Drainages are especially important on grounds of the waterside-belt, where the important part of low situated meadows is subject to periodic flooding. Over the recent years grounds of meadows are subject the intensive pressure of the summer-resort-colonization.

A factor of the ecological balance and scenery variety are on rural areas **forests**. They limit processes of the erosion of soils, protect the air and water resources from pollution, play the significant part in the process of the regulation of water intercourse. Are public good, formative quality of life.

Forests occupy 26,4% surfaces of the waterside-communes. Public forests administered are by State Forests, and also by Słowiński National Park and Maritime Offices. Communal forests occupy small areas. Forests are, according to the law, protected before the change of the manner of the farm implements. The agreement on the destination of forest-grounds on non forest is difficult to the obtainment. Opinion is prepared, after the opinion of the proper Regional Management of State-Forests, by the minister responsible

for the environment with reference to forests of the State, while the Marshal of the Voivodeship with reference to remaining forest-grounds.

Rules concerning maintenances, protections and aggrandisements of forest-resources and the forest-economy qualifies the law from the 28 September 1991 about forests. By many years a base of the forest-economy was gaining over of the wood, connected with entire falls of the stand. Present guidelines order the sustainable forest-economy development, adverting on the prosecution by forests of the function not only economic, but also ecological and social. The greater part of forests in the coastal area obtained the protective forests status what favours to this policy.

The forest-administration decides about the distribution on the ground of public forests tourist infrastructure: pedestrian tracks, bicycle tracks, mounted, places of bivouacing, forest-parking spaces, educational paths, scenic platforms etc.

**Inland waters** are a place of fishing economy. Rules and conditions of the protection breeding, farming and the fishing and other fresh-water organisms regulates the law from the 18 April 1985 about the inland fishing. Qualifies rules of the fishing proper management warranting the maintenance of resources of fish in the biological equilibrium and on level to make possible the economic use from them also in the future.

The law protects identically grounds on rural areas and situated within cities. These last attain considerably higher prices. Economic mechanisms „stuff” the urbanization out of city on country-side, where is also greater supply. Is is the significant reason of noncontrolled, urbanization. The lack of the commune spatial policy causes that the greater part of the building comes into being on private property, on the ground of administrative decisions. Often the building is raised on the typical , cheap project, where it leads in to disfigurement of the large values landscape. It happens so, in spite of complex planner procedures, and with the knowledge of organs which their own powerlessness bases on imperfect law. A reason is also the weakness of the public interest and his domineerings by immediate individual needs.

### **Landscape and protected areas**

Landscape protection regulate statutory laws from 16 April 2004 about the preservation of nature, the Law about spatial planning, and with reference to the cultural lanscape the Law from 23 July 2003 about the protection and care of monuments.

In the coastal gminas of the Pomeranian Voivodeship ther is many areas of the preservation of lanscape and nature: National Park and 3 landscape parks (with cleadings), 32 sanctuaries and 10 areas of the protected scenery. Natural protected areas, without cleadings, embrace 34,7% surfaces of coastal communes, from 1,8% in town Ustka to 100% in cities Hel and Jastarnia.

Ther is also 7 areas of the Nature 2000 network (bird's) and more are in projecting progress. Areas of the special birds protection (Special Protected Area) engaged in 2004 to the European network embrace first of all sea waters and bays, only partly entering ashore within Słowiński National Park, plages and valleys of Vistula.

On the ground of 15/5 HELCOM recommendations (Helsinki Convention) was marked Polish Baltic BSPA protected areas. Within of the Pomeranian Voivodeship this are: Słowiński National Park, Nadmorski Landscape Park, Vistula Lagoon Landscape Park, the Sanctuary „Kępa Redłowska”, outside borders Wolin National Park and the Słupsk Sandbank.

An environment about the very low resistance on the degradation are seaside-forests fixative dunes and cliffy banks on the subsidiaries of beaches. The growing tourist traffic is a threat for the part of seaside forest-ecosystems. Because of that this grounds are protected within technical protection belt of Maritime Office.

### **Cultural heritage**

The certificate of the historical process appears across remains in the scenery many elements decisive about the cultural identity. To material components of the cultural heritage embraced with the protection belong particularly: town-planning-parley, works of architecture, strongholds, objects of the technique, cemeteries, parks and gardens, places commemorating historical events, archaeological ancient monuments.

The greatest quantity of objects, registered by Pomeranian Conservator of Ancient Relicts, we find in large cities of the coastal zone: Gdańsk (546 relicts), Sopot (107), Gdynia (72). Nowy Dwór Gdański it possesses 53 relicts. In Gdańsk there are mediaeval foundations: The Main City, Old city, Osiek, Oliwa and Jelitkowo, from XVII: Lower City in Gdańsk, buildings from the turn XIX/XX age in Sopot and from XX age - Gdynia.

Among ancient relicts of this area two are about special value for the national culture, recognized with the president Republic of Poland decree for monuments of the history:

1. Gdańsk - the fragment of the city within of fortifications from XVII age,
2. Gdańsk - The Battlefield on Westerplatte.

The highest saturation with relic objects note the commune: Ustka, Choczewo, Hel, Puck, Gdańsk, Gdynia, Sopot. Cultural dominants about the overregional meaning are: Gdańsk, Sopot, Oliwa, the Fortress Wisłoujście. With special values of the cultural (historic) landscape: the region of the Puck Gulf, the village Karwieńskie Błota, seaside fishing colony, Żuławy Wiślane.

An important element of the cultural heritage are museums. Most important from them is Central Maritime Museum and National Museum in Gdańsk, the Museum of the Nazi Concentration Camp Stutthof in Sztutowo and the Museum in Kluki.

### **Recreation**

The seaside-position creates excellent conditions for the water recreation (lying on the beach, yachting, rowing, windsurfing, sea-angling, diving). Erected from clear fine-grained dry sands Pomeranian beaches create perfect conditions for the recreation. On spit sections of the sea-coast, beaches are wide with large tourist capacity. The important part of beaches within cliffy sea-coasts and also the Hel Peninsula is subject the strong erosion which additionally increased the realization of port-breakwaters. Yearly reconstruction of destroyed beaches with the material obtained from deepening of fairways is carry on.

In sea-coast of the Pomeranian province in the summer-period 58 bathses are open they are embraced with the health-supervision. For several years practically all are allowed to organize bathses and water sports. In consideration of of the coastal water pollution, connected with the drop of sewage and with port-functions only in 2-3 bathses over the Puck Gulf and Gdańsk are closed.

Though in Europe and in the world to most popular forms of the sea recreation and tourism belongs yachting, only some ports and harbours of the Polish sea assure sailors the possibility of the safe halt, the social subsidiaries and the terminal briefing (this last can be

organized after the co-ordination with units of Border Guard). The yachting subsidiaries is modest and demands extensions. The yachting infrastructure on sea waters create:

The reservoir of the Baltic Sea:

- yacht ports: Ustka, Łeba, Władysławowo;
- harbours: Rowy;

The reservoir of the Gdańsk Gulf:

- yacht ports: Gdańsk (2) Westerly Hills and Marina, Hel, Jastarnia, Puck, Gdynia,
- harbours: Gdańsk Wisłoujście, Osłonino (3), Jastarnia (2), Chałupy, Kuźnica
- places for mooring: Kuźnica, Osłonino, Orłowo, Sopot, Brzeźno, Hel.

The reservoir of the Vistula's Lagoon:

- yacht ports: Krynica Morska, Kąty Rybackie, Piaski.

The yachting infrastructure on inland waters determine:

- harbours: Stogi, Westerly (on Dead Vistula) Hills , Rybina (on Szkarpawie), the Lake Iębsko, the Lake Gardno;

places to the mooring: Westerly Hills , Sobieszewo, Przegalina

## **Minerals**

Resources of minerals in coastal area are relatively small. There are 4 small pools of oil and earth gas, 3 deposits of the rock-salt, 4 deposits potassic-magnesium salt, 3 deposits of medicamentosa (2 salted and 1 - therapeutic muds), 2 small deposits of amber, 19 deposits of the natural aggregate, 4 loamy raw materials for the builder's ceramics , 2 peats and one of glazier sands and building stones.

In the area of Poland sea is exploited deposit B-3 the oil and earth gas and - periodically - aggregates from the Słupsk Sandbank. Oil is provided by tankers to the port in Gdańsk, and the gas with the arranged pipeline on the gout of the sea to Władysławowo, where supplies the municipal boiler room. Works compositions to exploitation of following suboceanic deposits of the gas B-4 and B-6 and works evidencing new Baltic oil pool and the gas - B-8. The Enterprise of Research and Exploitations of Oil Pools and the Gas „Petrobaltic” S.A. asked for the investigation of the possibility, in Voivodeship Spatial Plan, of sending gas from deposits B-4 and B-6 into the region of the city Łeba.

In the coastal area lies two statutory health resorts - Ustka and Sopot, leading the activity basing on salt-baths, curative waters and endeavour therapeutic mud.

There is no plan for exploitation of the salt from deposits in commune Puck and the Puck Gulf, because these raw materials are in other parts of the country. Instead of exploitation there is examined the possibility of underground gasbags deposit in Mechelinki commune Kosakowo after previous rinse of caves in salt deposit.

The exploitation of raw materials on shore does not cause significant limitations for the farm implements, though supply areas with the opencast method should be protect before the change of the hitherto existing use. This are however mostly deposits about the local meaning.

In the castal zone of the Pomeranian Vocivodeship there are 6 main reservoirs of underground waters (in fragments), determining the strategic source of supply of the population into the water. There are projects of protection this precious resources.

Deposits of minerals and borders of underground waters reservoirs takes into account in local spatial plans.

## SWOT

Strengths	Weaknesses
<ul style="list-style-type: none"> <li>- good conditions for development of transport, colonizations, tourism and recreation;</li> <li>- values of environment and nature, attractive landscape and cultural heritage;</li> <li>- quite good shape of natural environment;</li> <li>- natural protected areas , embrace 34,7% surfaces of the coastal zone;</li> <li>- reserves of development grounds in small ports - the possibility of the concentration of industrial functions in ports;</li> <li>- good legal protection of precious cultivated lands and forests before not controlled change of the destination;</li> <li>- beautiful and attractive beaches, clean bathses;</li> <li>- absolute resources of medicamentosa raw materials underlie for the development of spa-functions.</li> </ul>	<ul style="list-style-type: none"> <li>- the farm implements historically came into being on grounds which from today's point of view should by protected;</li> <li>- the sensibility of the environment and settled on considerable areas regimes of the protection limits buildings possibilities;</li> <li>- most commune does not lead the conscious spatial policy;</li> <li>- lack of autonomies fund on complex realizations of the infrastructure;</li> <li>- tourist farm implements the large participation have cheap seasonal objects about the low functional and aesthetical standard;</li> <li>- the lack of basic planner documents for military grounds;</li> <li>- builder's lawlessnesses on postmilitary grounds and elsewhere, committed by privileged person;</li> <li>- the low quality of planner documents;</li> <li>- amber extraction with environment destructive methodst;</li> <li>- the commune do not wield port-grounds;</li> <li>- the decay of economic functions in small ports,</li> <li>- poor development of the yachting base.</li> </ul>
Opportunities	Threats
<ul style="list-style-type: none"> <li>- increasing quantity of spare time and the people mobility generates the development of the tourism and accompanying of her services;</li> <li>- growing consciousness of environmental limitations in the economic and spatial development;</li> <li>- possible exploitation evidence deposits of medicamentosa raw materials, chances of efficient research of the oil and the gas;</li> <li>- releasing closed grounds by military units;;</li> <li>- increasing social and environmental role of forests finds an image in the policy of the forest-administration;</li> </ul>	<ul style="list-style-type: none"> <li>□ - the occurrence of gales causing the deterioration of bank line and beaches and flooding of some grounds;</li> <li>- prognosed climate changes can be effective with the loss of the part of invested grounds;</li> <li>- the liquidation of limitations in the free land trade and the height of society wealth cause increase of builder's salary, also on unprofitable grounds for the building;</li> <li>- activities pursuing economic constraints activity on enviromental sensitive areas do not gain supporters;</li> <li>- the commune lose interest with the farm implements and the development of ports;</li> <li>- the extraction of raw materials from shore, coastal waters and territorial deposits can become the reason of a new conflicts even about wide range;</li> <li>- the sale by departments of the state precious grounds into private hands with the omission of planner, environmental and social procedures;</li> <li>- economic mechanisms engage suburbanization behaviours</li> </ul>

## D: INTEGRATED COASTAL ZONE MANAGEMENT (ICZM)

### 1) ANDRZEJ CIEŚLAK – MARITIME OFFICE IN GDYNIA

#### 2) SPECIFICITIES OF COASTAL ZONE PLANNING

*(legal framework, responsibilities, vertical and horizontal coordination, procedure, plans, ICZM instruments, ICZM strategy, levels, relation to spatial plans, sea and land-use integration, etc.)*

The complexity of problems in coastal area strengthens number of subjects possessory competences to rule in this area. Among them are territorial autonomies of all spokes, Maritime Offices, voivodeship administration, managers of natural protection and health resorts areas, managers of road infrastructure, organs of the safety of the state and a lot of householders.

To the spatial planning in Poland refers over 415 documents.

Close by law about spatial planning, beyond dispute most important specific legal act for the land use planning in coastal areas is the Law from 21 March 1991 **about maritime territories of Republic of Poland and the sea-administration**. It reference to national water reservoirs the Law qualifies and describes - internal waters, the territorial sea and the economic zone whose borders qualify international treaties: with Denmark, Sweden, Germany and Russia. In the Polish economic zone Poland possesses the right to raise, giving permissions on raising and using (...) all manner of constructions and devices intended to effecting of scientific research, diagnosticses or the exploitation of resources, as well as with reference to other undertakings of economic research and the exploitation, particularly in energy of the water, sea currents and the wind.

Competences within the range the land use planning on territorial, coastal and internal waters possesses the proper minister to matters of building and spatial planning. In agreement with with proper ministers of the sea-economy, agricultures, environment, internal matters and with the Minister of the National Defence he can accept spatial plan for these waters.

There are non spatial plans for maritime territories. Thereby builder's decisions in these matters gives the proper minister responsible for the sea-economy.

On coastal shore Law introduces the notion **of the waterside-belt**. He constitutes with technical belt, where takes place interaction of the sea and the land and the protective belt, wherein the activity of the man exerts the immediate influence on the state of the technical belt. The maximum and minimum-width of the waterside-belt qualifies Cabinet while his borders in the co-ordination with proper communes - the manager of the Maritime Office.

In the area of the waterside-belt the Law introduces the duty of co-ordinating planner documents with proper territorially Maritime Office. In technical belt the collection of the investment-activity not connected with needs of the protection of the bank demands agreements of the Maritime Office manager.

Polands legal order shapes the very strong position of Maritime Offices in the land use planning of coastal areas. Pomeranian Voivodeship is partite cognitively among Maritime Office in Gdynia and Słupsk. The third Maritime Office is in Szczecin.

The law **about ports and sea-harbours** with 20 December 1996 qualifies rules of the creation of subjects of manageresses with ports, their organization and the kelter. In ports having the basic meaning for the national economy (Gdańsk, Gdynia) wielding are companies of the commercial law with the participation of the city. With remaining ports

and harbours administer in the name of the exchequer are Maritime Offices. The law gives the possibility of the emotion of small ports into the management the proper commune, however on condition that it owns requisite grounds to his kelter. Borders of ports qualify orders of the proper Minister to matters of the sea-economy. About the spatial farm implements within the port decides his manager.

In accordance with the regulations of Environmental Law, **duties of environmental protection organs** fulfil - properly within of her own competences - the voivode, the marshal of the voivodeship, voivodeship council, foremen, monitors, mayors and presidents of cities.

**The manager of National Park Słowiński** co-ordinates projects of spatial studies of conditionings and directions of the farm implements of commune, local spatial plans, voivodeship spatial plan and spatial plans of internal seawaters, the territorial sea and the economic zone partly of concerning the national park and his cleadings within the range of these plans, liable to have negative impact on the preservation of national park nature.

The authorization to co-ordinating projects of spatial studies of conditionings and directions of the farm implements of commune, local spatial plans, voivodeship spatial plan and spatial plans of internal seawaters, the territorial sea and the economic zone of concerning **the sanctuary and landscape parks and the cleading of these protected areas** is vested to the proper voivode. Would be however unsuitable, about the manner of the farm implements of the situated ground within of the landscape park decide without - at least - gettings of the opinion of the manager of the park.

Competences admitted with the Law from 23 July 2003 about the protection **of ancient monuments and care over ancient monuments** executes the Voivodeship Conservator of Ancient Monuments which co-ordinates projects and changes of the voivodeship spatial plan and the local spatial plans.

The draft of a voivodeship spatial, spatial studies of conditionings and directions of the farm implements of commune and local spatial plans is subject to the co-ordination with the organ of the geologic administration **of within the range mass-movements of earth** to which is proper locally foreman.

In compliance with with the Law from 04 February 1994 (the geologic and of mining law) **licence on the research, the diagnostics or extraction of minerals** on maritime territories and on the extraction of medicamentosa raw materials gives the minister of the environment. In case of remaining minerals basic and common licences gives the marshal of the voivodeship, and common minerals about the local meaning the proper foreman. The impartment of the licence precedes the co-ordination with the proper monitor, the mayor or with the president of the city which follows in the local spatial plan or the decision about conditions of the building and the farm implements of the ground. The research and the extraction of minerals within of sea demands co-ordinations with the minister of the sea-economy.

Competences of giving some opinion „the Study of conditionings and directions...” and co-ordinatings of the local spatial plan in the zone **of the spa** protection possesses the proper minister of the health.

Spatial studies of conditionings and directions of the farm implements of commune, local spatial plans, voivodeship spatial plan **in respect of hygienic and wholesome requirements** should e co-ordinate with the proper State-Medical Officer.

The manager of the proper Regional Management Of The Water Economics gives some opinion „the Study of conditionings...” with reference to farm implementses of subject grounds with danger of flood. Co-ordinates the draft of a voivodeship and local spatial

plan **within the range of water intakes zones, protected areas of inland water reservoirs and areas with danger of floods.**

An important players in the coastal zone are **managers of railway lines and roads of all spokes** (Polish Railway Lines, the General Management of National Roads and Highways, managements of voivodeship, district and communal roads), which co-ordinate spatial plan process. Their part is special - often, although prepared by them ideas of the development of the highways network have not references in national and regional planner documents, they demand blocking grounds in spatial plans under the rigour of co-ordination refusal.

Competences to coordinate spatial plans possess also **military organs, protections of borders and safeties of the state.** Assignments among other needs of the defences and the safety of the state perform:

- Chiefs of voivodeship military staffs whose regulations authorize to give conclusions to the "Study of conditionings...", local spatial plans and voivodeship spatial plan;
- the Main Commander Of The Border Guard, possessory the authorization in the identical range:
- Country branches of the Agency of the Internal Safety

In the Polish spatial planning legal system prevailing part are playing owners of immovables. In coastal area, except private owners, considerable areas continually stay a property of the State. In his name the management over grounds perform:

Grounds occupied for **defences of the state** administer each military units. Outside wielding is represented by the commander of the unit which executes also acts consequential from the usual management. Polish Navy and Border Guards are the most important in coastal zone. With relation to of grounds which became superfluous for defences, the right of the owner performs **Military Property Agency.** The kelter of the Agency regulates the Law from 30 May 1996r.

**Polish State Railways** obtained for their own immovables the status of closed areas. This clause embraced not only route of lines and rail stations, but also flat buildings and... numerous on coastal area holiday camps.

**State Agriculture Immovables** rules of management regulates Law from 19 October 1991r. about the farming with agriculture property of the State. The Pomeranian **Agricultural Property Agency** executes owner acts, while acts consequential from the usual management - managers of state farms.

Organizational units of the administration **of State-forests** are Regional Managements of State-Forests (RMSF) and forest inspectorates. With reference to the coastal area this are following Forest inspectorates: Ustka and Damnica dependent RMST in Szczecinek and Lębork, Choczewo, Wejherowo, Gdańsk, Elbląg and Kolbudy (the not large segment) dependent RMSF in Gdańsk.

The procedure spatial plan finishes the obtainment of the agreement of **change the manner of use agriculture and forest lands.** Competences in this range qualifies the Law from 3 February 1995 about the protection of agricultural and forest lands. The agreement of **change the manner of use agriculture lands** of IV class and grounds in private forests gives, on the ground of prepared local spatial plan, marshal of the voivodeship. For agriculture lands in classes I-III and forest-grounds of the state - the minister of the agriculture. The accedence precedes refers to the opinion of proper Agricultural Room.

At last, all resolved by the organ of the autonomy planner documents are checked in the mode of the legal supervision by **proper territorially voivode.** In this mode voivode

verifies concordance with obligatory regulations of the law, with documents marking directions of the state policy, and also with accepted by commune “study of conditionings...”. From the negative decision of the voivode is vested the appeal to the court of administration.

For many years of our democratic system were not formed permeable channels of the hierarchical transfer of the information, and an only base of undertaken activities are rules of law, which are permanently changed and often in a different manner interpreted by lawyers employed in different institutions. Rules of the distribution of the competence are not bright and often internally contradictory. The centralization of the public administration causes that often an organ of the first instance in the administrative proceedings is the minister. From his decision (undertaken general in contravention of time-limits), the possible appeal is only to court of administration (very long procedure). In the face of regulations quantity and their dispersion in different legal acts, the state policy cohesion with reference to coastal areas is impossible.

There is no horizontal co-ordination too, because the composition of conclusions to the content of planner documents, entitled organs execute **themselves alone**. Sometimes formulated conclusions are contradictory mutually, and one organ refuses co-ordinations of settlements introduced on other application. The chance of the mutual transfer of the information, which is obligatorily public discussion is used sporadically, because organs of the administration do not participate in this meetings.

In this situation, the introduction of efficiently and clear procedures of the ICZM is absolutely necessary.

Recommendations of European Parliament evidenced the need of creation by member states „National ICZM Strategies”. „The strategy...” has to qualify long-term state policy in relation of continental and sea-part use of coastal areas. Before that we need to define socially - economic chances and connected threats with coastal areas and we need to explain their wide spatial country and regions development influence.

Result of the Strategy will be the elaboration of the schedule and projects of legislative changes and action of national, regional, local and sectoral plans.

Works over the Polish strategy have to be finished not earlier, than in 2007. As yet Department of the Infrastructure prepared draft paper under the name: „Toward of the national ICZM strategy”. Qualifies rules of coastal areas delimitation, formulates the general diagnosis of problems and points targets development direction in area of:

1. **improvement of the people welfare**,
2. maintenance, and there where is indispensable, **rise of the safety** of the continental (taking into account among other things the sea-level height) subsidiaries ,
3. maintenance, and there where is indispensable, **improvement of the environment**.

## SWOT

Strengths	Weaknesses
	- A lot of subjects with competences to rule in coastal areas;
Opportunities	Threats

## **F: LINKAGES TO INTERNATIONAL POLICY**

Sea-ecosystems, in this Baltic Sea play the significant part in climate changes. In consideration of its own economic potential the sea-environment is subjected considerable pressures, causing numerous threats. Most visible are the tempo of the biodiversity degradation, the level of pollution and lately coming in to the light consequences of climatical changes.

This demands on the part of EU of the collection of many activities, because the protection of basic resources is a precondition to the success of the permanent welfare and the creation of new workplaces on European seas and oceans, and also to the success of the distinct improvement of the quality of life. In consideration of the growing worry with the state of European seas and oceans, within the framework of community 6-this Program (6 EAP program) worked out the thematic strategy concerning the protection and the maintenance of the sea-environment. That enrolls into the wider context of the new EU sea policy development. The development of such policy gets out of the economic, social and environmental meaning of the sea-dimension of Europe.

Many member states in this Poland, undertook attempt of the creation of the sea-policy, accepting for the base rule that high level of sea environmental protections is a requisite condition to the full seas and oceans economic potential use. The lack of suitable solutions, would cause, that sea economy on the EU ground, would insufficient contribute to the realization of Lisbon Agenda targets. Especially threatened would be sections of economy directly dependent from the quality of the sea-environment. High losses would carry key economy section - tourism.

Present institutional barriers make impossible the improvement of the European, in this also of Baltic sea-environment protection:

- both on national and community level exists the row of tools favourable to the sea environmental protection, however the most from them refers each sections;
- many from Europe internal seas are an object of international conventions from among lot of have significant contribution into the sea environmental protection. Often they have not at their disposal suitable executive authorizations, what diminishes measure their efficiency in the realization of accepted targets. It refers also to Helsinki Convention ratified by Poland.

Existing sea environmental protection tools and initiatives appear inadequate for the success of the desirable level of sea maintenance and protection. To prevent the worsening of the sea-environment and further loss of biodiversity, and to strengthen efforts in the interest of their restorations, it is necessary to create integrated policy which will make allowance for all factors exerting on it influence and preper operating targets and activities. Because of that, one of targets of thematic 6 EAP Strategy is the protection and the renovation of European seas and oceans and the assurance, that the activity of the man will consideret sustainable development, so that present and coming generations will be able to make use from the wealth seas and oceans which will be clean, healthy and effective.

For realization of Strategy targets legal obligation is necessary. So Comission proposes the Sea-Strategy. An aim is the goo shape of European sea-environment to 2021. Directive will qualify common targets and rules on EU level. For aims of initiating the directive will by formed European sea-regions and on the ground of hydrological,

oceanographic and biogeographic criteria will be qualified possible subregions as a management units.

For their own maritime territories Member States, so also Poland, will have to work out together **sea-strategies** taking into account the estimation sea-environment influence and threats. They will contain regional aims from the range of the environmental protection and indicators and manners to rate progresses in their realization. In consideration of complicated connections among the littoral zone and the sea-environment, Strategy will create additional frames for national strategies, provided in the ICZM recommendation and for spatial planning programs.

Submitted ICZM Report contains, among other things, the estimation of influence and threats to which are subject coastal areas in the Pomeranian region.

ICZM report is compatible also with following EU recommendations and other documents, ie:

- 30.05.2002, 413/2002/EG. „ICZM”
- 79/409/EWG (85/411/EWG, 86/122/EWG, 91/244/EWG, 94/24/WE – Directive and Resolution of the Council of European Community on the Conservation of Wild Birds)
- Directive on the Conservation of Natural Habitats of Wild Fauna and Flora,
- Helsinki Convention 9.04.1992,
- 15/5 HELCOM (System of Coastal Baltic Sea Protected Areas – BSPA)
- 15/1 HELCOM 10.03.1994