



Public spaces in the context of planning and statistical reporting (example of Warsaw suburbs)

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Public space as a legal category

- The definition of the "area of public space" appears in the *Spatial Planning and Management Act of 27 March 2003*.
- It suggests that...
 - Only spaces **OF A PARTICULAR IMPORTANCE** deserve to be called public spaces
 - WHAT DOES IT MEAN "SPACES OF A SPECIAL IMPORTANCE"?
 - Public spaces in a legal sense exist only if they are designated in **the Study of the conditions and directions of the spatial management of a municipality** (the Study) **in a separate section**



A problematic planning obligation

- ▶ "Areas of public space" designated in the Study **require drawing up Local Spatial Management Plans** (local plans). **ONLY LOCAL PLANS guarantee a legal protection for these areas.**
- ▶ The problem is that municipalities **avoid planning obligation for this type of areas**, because of ...:
 - ▶ **costs** (municipalities are obliged to prepare plans, buy land, develop the land and then bear the costs of managing and maintaining public spaces)
 - ▶ Instead of obeying local law it is easier for the municipality and for the investor to realize an investment on the basis of a **building license** (administrative decision).



Which municipalities do not designate "areas of public space"?

- ▶ According to the research of P. Fogel and K. Pawlak (2011) there is no relationship between the type of municipality and the practice of designating "areas of public space" in the Study.
- ▶ Examples:
 - ▶ Warsaw did not designate "areas of public space" in the Study, although the term public space appears many times in the document.
 - ▶ **WHY?**
 - ▶ Toszek: the prize for the Best Public Space in 2016...


Toszek



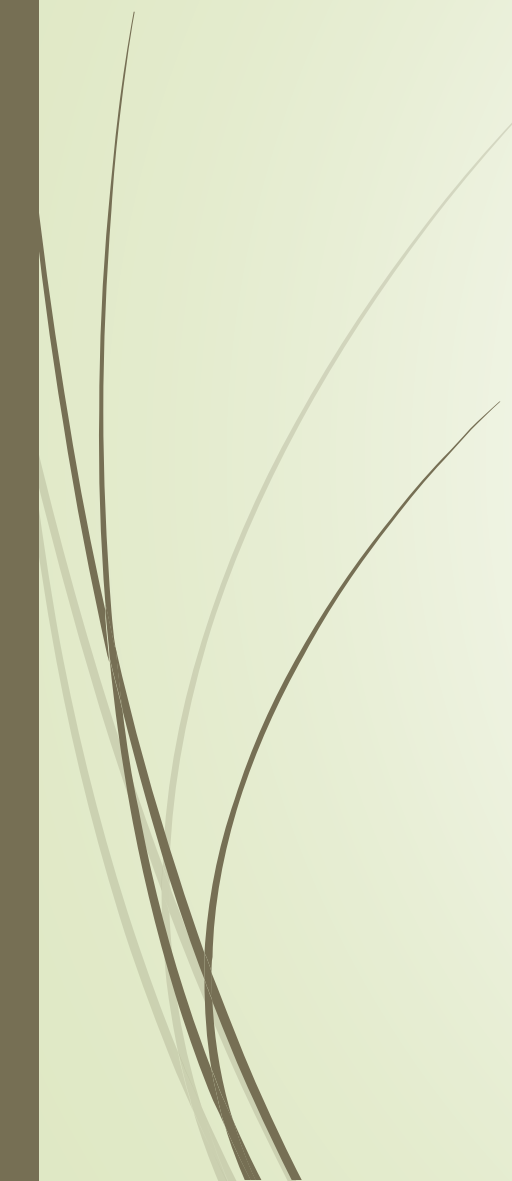


The research of Warsaw suburbs

- ▶ 11 municipalities belonging to the first and second ring of municipalities around Warsaw, in which the most intensive suburbanization processes take place.
 - ▶ urban-rural municipalities (Góra Kalwaria, Brwinów, Piaseczno, Łomianki)
 - ▶ rural municipalities (Lesznowola, Prażmów, Michałowice, Nadarzyn, Raszyn, Izabelin, and Stare Babice)



Results



- ▶ 7 out of 11 studied municipalities designated "areas of public space" in accordance with the statutory definition.
- ▶ 2 out of 7 municipalities that have designated "areas of public space" declare the necessity of drawing up local plans for these spaces, and 2 indicate that they are already covered by local plans.
- ▶ 3 out of 4 municipalities that have not designated such areas use the term public space in a non-statutory meaning.
- ▶ Only 1 municipality (Lesznawola) explained why it did not indicate "areas of public space" in the Study, claiming that public spaces in the statutory sense do not exist in its territory.



No standards

The following places have been considered "areas of public space" in the statutory sense:

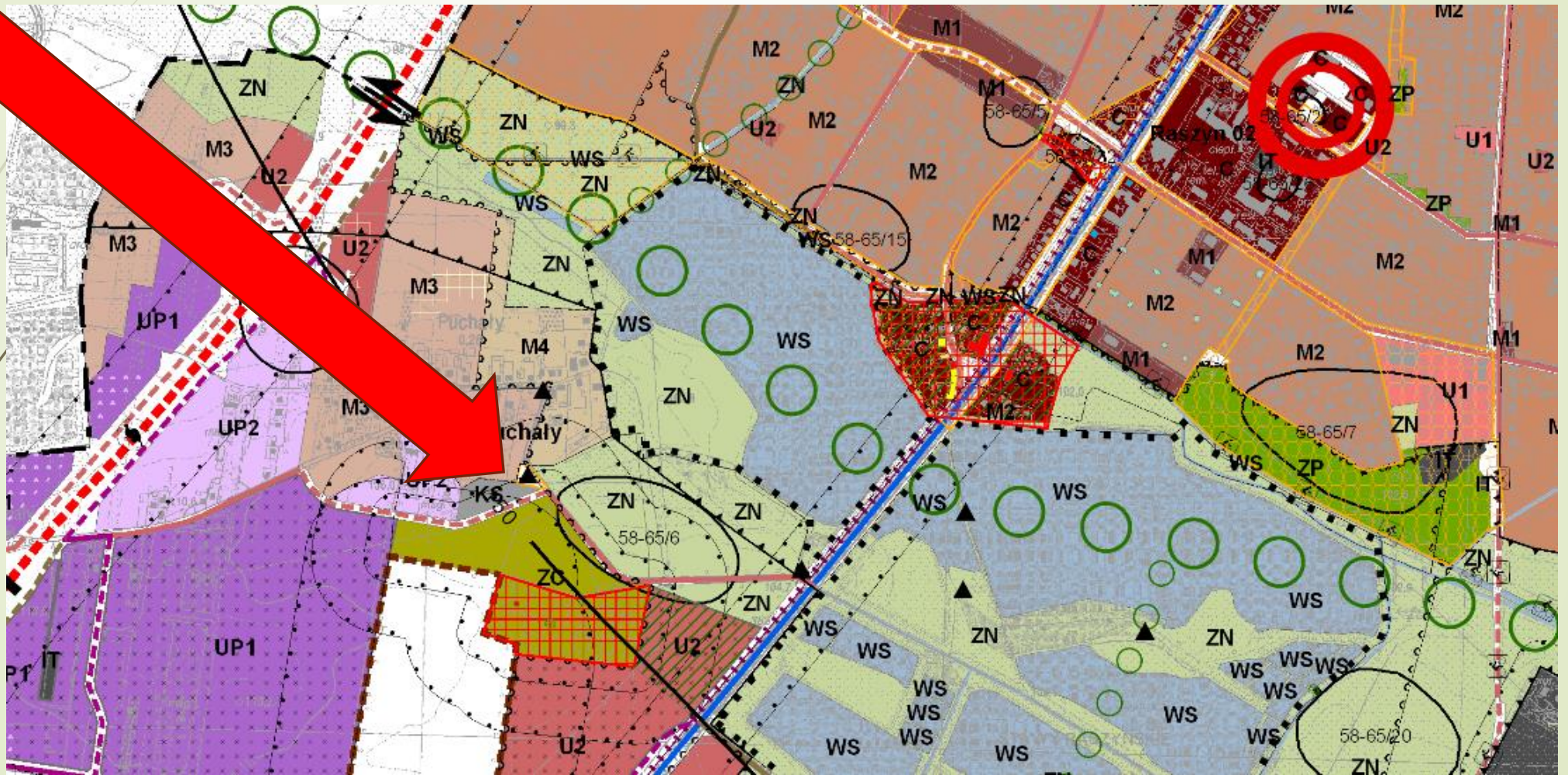
- central squares and markets, central part of the city / town,
- public roads, bicycle paths, tourist routes,
- parks, public greenery,
- sports and recreation areas, playgrounds,
- concentration of services, main routes of communication with retail and service points located alongside,
- monumental or sacral objects and areas around them,
- schools, health centres, municipal offices, churches, libraries, train stations, cemeteries, recreation centres, school grounds



The problem of scale

- ▶ Drawing "areas of public space" on a map, which is an integral part of the Study, may be problematic, because the map is generally prepared **on a scale** from 1:5000 to 1:25000.
- ▶ It makes it difficult to draw on the map precise **LOCATIONS AND SHAPES OF OFTEN SMALL "AREAS OF PUBLIC SPACE"** (Solarek 2013).
- ▶ Besides, in some municipalities **single buildings** are statutory "areas of public space".
 - ▶ DOES IT MAKE SENSE TO PREPARE SEPARATE PLANS FOR INDIVIDUAL BUILDINGS?

Raszyn municipality (scale 1:10 000)





No standards

- ▶ The statutory category of the "area of public space" is **interpreted arbitrarily**.
- ▶ **The term public space in the Study is more often used in non-statutory sense.** The same objects and spaces some municipalities designate as "areas of public space", while others only call them public spaces without designating their boundaries in the Study and without preparing local plans for them.
- ▶ **THERE ARE NO SANCTIONS!**

Statistical reporting obligation

- Unfortunately, the planning obligation is not accompanied by precise reporting
- Detailed reporting should answer the question **what proportion of the municipality's area is allocated to the "areas of public space"**.
- In statistical forms filled in every year, municipalities enter only:
 - **THE SUM** of the areas indicated in the Study **for the OBLIGATORY preparation of local plans** (areas of public space, mining areas, cultural parks, commercial objects with a sales area above 2000 m², etc.)
 - **and the remaining (not obligatory) areas indicated in the Study to draw up local plans.**
- **WHAT IS THE TOTAL "AREA OF PUBLIC SPACE" IN POLAND AND HOW HAS IT CHANGED FOR THE LAST YEARS?**

Statistical reporting obligation

Dział 1. Studium uwarunkowań i kierunków zagospodarowania przestrzennego gminy

1. Czy gmina posiada obowiązujące studium uwarunkowań i kierunków zagospodarowania
(Wpisać X w odpowiednią kratkę)

- 1. posiada
- 2. posiada, ale jest w trakcie zmiany
- 3. nie posiada, ale studium jest w trakcie sporządzania
- 4. nie posiada i nie przystąpiła do sporządzania studium

2. Jeżeli zaznaczono „1. posiada”, proszę podać następujące informacje

Powierzchnia terenów wskazanych w studium do sporządzenia miejscowych planów zagospodarowania przestrzennego na podstawie obowiązku wynikającego z art. 13 ust. 1 pkt 1, 2, 3, 5 ustawy z 1994 r. o zagospodarowaniu przestrzennym i art. 10 ust. 2 pkt 8 ustawy z 2003r. o planowaniu i zagospodarowaniu przestrzennym oraz przepisów odrębnych	Powierzchnia pozostałych terenów wskazanych w studium do sporządzenia miejscowych planów zagospodarowania przestrzennego	Powierzchnia terenów wskazanych w studium wymagających zmiany przeznaczenia gruntów rolnych na cele nierolnicze	Powierzchnia terenów wskazanych w studium wymagających zmiany przeznaczenia gruntów leśnych na cele nieleśne	Powierzchnia terenów wskazanych w studium przeznaczonych do zalesienia	Powierzchnia terenów wskazanych w studium pod zabudowę mieszkaniową	[uchw... osi... zr... stu...]
[ha]						
1	2	3	4	5	6	



Conclusions and Recommendations

- PUBLIC SPACES ARE CRUCIAL FOR IMPROVING THE QUALITY OF RESIDENTIAL AREAS AND THE QUALITY OF LIFE.
- In Poland there is a primacy of local law and planning at the municipality level over the national standards, which *de facto* do not exist.
- One of the consequences of this situation is the lack of planned public spaces, especially in suburban zones, which are dominated by private land.

Conclusions and Recommendations

- It is necessary to introduce national, **OBLIGATORY URBAN PLANNING NORMS** in the form of two types of regulation:
 - **commonly recommended regulations:** a set of indicators and guidelines to obtain an optimal / desired quality of residential areas
 - **mandatory regulations:** minimum standards that every municipality should follow in order to prevent spatially undesirable solutions
- It is worth to change annual reporting, which should be more detailed in order to obtain information about the "areas of public space" at the municipal level. It could be a kind of a preparation for the implementation of urban standards in the future.