

Citizen Participation in Local Planning Józefosław Case Study

Małgorzata Mirecka¹, Tomasz Majda²

¹ Warsaw University of Technology, Faculty of Architecture
55 Koszykowa Street, 00-659 Warsaw, Poland
SPAT Urban Design and Spatial Planning Bureau

² Warsaw University of Life Sciences – SGGW, Faculty of Horticulture, Biotechnology and Landscape Architecture
166 Nowoursynowska Street, 02-787 Warsaw, Poland
SPAT Urban Design and Spatial Planning Bureau

Citizen participation in the city development planning process is guaranteed by law in every civil society. In Poland, the participation of local communities in spatial planning has been evolving since the political transformation of the years 1989/1990. Changes that occur in the participation process are a result of the formation of civil society and a resulting increase in social awareness on possibilities of expressing one's needs and influencing planning decisions of local governments, as well as modifications in laws and regulations.

The article presents the experience gathered in the field of extended social participation in the procedure of drawing up local spatial development plans, on the example of ongoing work on plans for the village of Józefosław in Piaseczno, nearby Warsaw. The problems identified in the area covered by the plans and their origins have been characterized, the assumptions of the plans, whose main purpose is to alleviate diagnosed problems and respond to the needs of the inhabitants, articulated at various stages of the planning process. Then the scope and results of the various phases of social participation – preplanning and based on formal planning procedures – have been described.

The experience gained from the phase of public consultation during the preparation of local plans for the village of Józefosław allowed us to draw more general conclusions about participatory procedures specified in the binding regulations, which were included in the summary.

Key words: citizen participation, local planning, Józefosław

Introduction

The beginnings of modern urbanism have been characterized by a technocratic approach, a derivative of the eighteenth-century scientific revolution, or even earlier, which treats the city as a work of art, and the urbanist posing as a demiurge. Neither in one nor in the other case there was room for dialogue with the users of the work. Experts were expected to give the correct answer. Confirmation of this approach was the first, commonly known, joint manifesto of the international urban environment. The Athens charter [1], adopted by the CIAM in 1933, and for several decades shaping the urban environment, was a manifestation of the power of technocrats, an expression of faith, not only that the experts know better, but that they simply know.

It was only in the second half of the twentieth century that the need for the participation of residents in determining the conditions of their future life was reflected in the official documents. In 1976, the United Nations General Assembly convened a conference called Habitat I. The Vancouver Declaration on Human Settlements adopted at that Conference described 19 general principles, among them one concerning public participation: “All persons have the right and the duty to participate, individually and collectively in the elaboration and implementation of policies

and programmes of their human settlements” [2]. Following Declarations of UN Habitat (1996 in Istanbul [3], and 2016 in Quito [4]) were developing the topic of public participation and similar evolution we can see in UE documents. While 1999 European Spatial Development Perspective: Towards Balanced and Sustainable Development of the Territory of the European Union [5], Potsdam was clearly technocratic, 2007 Leipzig Charter on Sustainable European Cities [6] up to 2016 Urban Agenda for the UE, Pact of Amsterdam [7] were continuously evolving towards public share in planning processes. Professional organizations were also following that direction. European Council of Spatial Planners ECTP-CEU following Charter of European Planning (ECTP-CEU Barcelona 2013 [8]) adopted European Charter on Participatory Democracy in Spatial Planning Processes [9] where we can read that “culture should be considered as fourth pillar of sustainability” and that “information, training and participation are strong culture-related factors”.

In Poland, the participation of local communities in spatial planning has been evolving since the political transformation of the years 1989/1990. Changes that occur in the participation process are a result of the formation of civil society and a resulting increase in social awareness on possibilities of expressing one's needs and influencing plan-

ning decisions of local governments, as well as modifications in laws and regulations.

This article shows how participatory procedures are being implemented in Poland, and by the way it shows the image of the culture that comes from the participatory experience of the contemporary suburban zone of a large city.

The aims of this paper are:

- illustrating the effects that spatial planning, when it complies with the expectations of landowners aiming to maximize their profits, has on the future inhabitants of the land – its target users;
- investigating the connection between extended social consultations with the possibility to introduce spatial solutions which are optimal and beneficial for all, and duration of the planning procedure;
- valuation of the relation between concern about public benefit, declared at early stages of the planning procedure, and final expectations of the inhabitants expressed at its final stages.

Results and discussion

Józefosław – location, planning, social conditions of transformation

Józefosław is an administrative village located in the Warsaw agglomeration, in Piaseczno municipality, between Warsaw and the city of Piaseczno. It is a seemingly advantageous location, with the vicinity of the Las Kabacki nature reserve, close to Warsaw and connected with it by a dual carriageway Puławska street. These advantages are often highlighted in advertisements for development companies, which have for several years been transforming the quiet rural area of Józefosław into high density single- and multifamily housing estates. However, this image from advertising folders is far from real: the town is separated from the Kabacki forest by the area of Konstancin-Jeziorna municipality, and the long-planned connection with Puławska street has still not been built – its construction would require cooperation with Lesznowola municipality, as the planned road is supposed to lead through its area. Two existing streets – Geodetów and Działkowa – connecting Józefosław with Puławska street are ineffective, due to their insufficient parameters. Commuting time to Warsaw is increasing with the number of Jozefoslaw inhabitants, most of whom commute to work.

Currently there are ca. 12 000 people living in Jozefoslaw, [10] and many of them feel deceived by the development companies. A peaceful rural neighborhood where they have bought their houses or, later, apartments – with an influx of multi-family housing – has become an area of intensive development of residential housing, lacking the advantages of both rural (peace, quiet, greenery, clean air) and urban environment (easy access to various services, efficient transport, attractive public spaces).

This situation is likely a result of planning processes that have been proceeding since the beginning of the 1990s.

First planning documents, in the preparation of which the authors of this article had participated, aimed to open the area of Józefosław to new housing investments and were proceeded in a so-called “simplified mode”, based on the act from November 28th 1991 concerning change of some conditions of housing investment preparation in the years 1991-1995 and change of some acts [11]. This act guaranteed some, but very limited, participation of citizens in the planning process. A proposal of a local spatial management



Fig. 1. Location of Józefosław in relation to southern part of the Warsaw agglomeration



Fig. 2. Józefosław – state of development in 1997 plan was supposed to be publicly displayed in a town hall



Fig. 3. Local spatial management plan from 1994

for 14 days, and during this time interested parties could put forward their remarks and proposals. The final decision on whether to accept these proposals laid in the hands of the municipality administration, which also had to issue written notifications to the authors of the notes and proposals that were rejected, explaining the reasons for doing so. Short time spans for both the display of the plan and consultations with local bodies of government administration (also 14 days), as well as a narrow scope of the plan's compulsory regulations, were clearly aimed towards preparing and passing the plan as quickly as possible, making new areas available for housing investments. Spatial management plans which passed in 1994 [12] and 1998 [13], de-

spite their limited, "simplified" provisions, had taken into account such factors as the vicinity of Las Kabacki and Warsaw Protected Landscape Area, the need to create parallel connections between existing streets as well as public green areas which would reinforce the area of the Jeziorka river trench; some areas were reserved for basic services, including public services. Recognizing the need to protect natural values as well as limited possibilities of external transportation system, the plan proposed dividing the area into large plots for single-family housing, with high percentage of green area. Limited participation of landowners

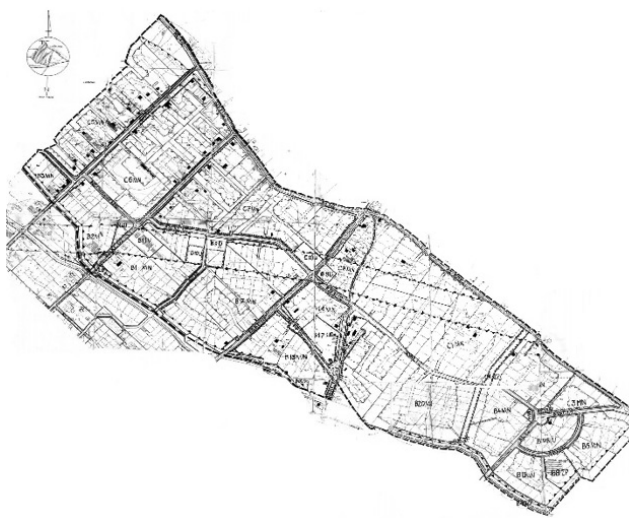


Fig. 4. Local spatial management plan from 1998

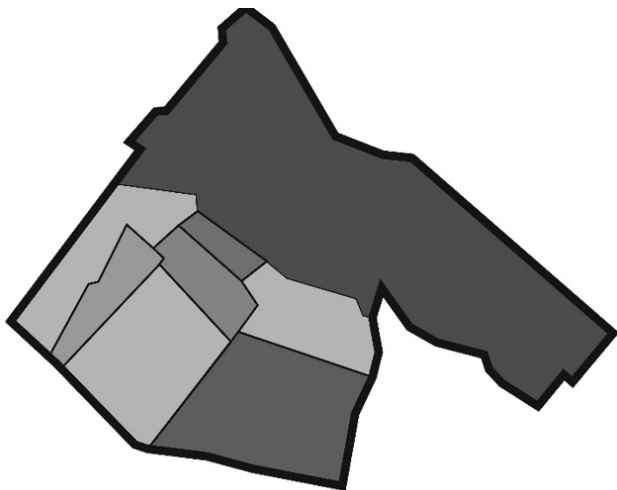


Fig. 5. Local spatial management plans in force in Józefosław in June 2017. All spatial plans currently in force are available at the website <http://piaseczno.e-mapa.net/?userview=78>, which is regularly updated whenever new plans are passed. Previous plans, which are no longer in force, are archived in Piaseczno Municipality and City Office Source: SPAT Urban Design and Spatial Planning Bureau, based on [19]



Fig. 6 A, B, C. Józefosław – current state of development, July 2017 Source: SPAT Urban Design and Spatial Planning Bureau

in the making of the plan resulted in planning a space adjusted to natural conditions, contemporary state of transportation as well as the needs of future inhabitants.

Unfortunately, during the years of Poland's political, economic and social transformation, significant changes occurred in planned functional and spatial structure of rural areas. The Polish system transformation which started at the beginning of the 1980s, included almost every sphere of social life. Changes that proceeded in the 1980s and 90s were aimed at building capitalist market economy, democratization and creating civil society. The Round Table Talks and the parliamentary elections of 1989 are acknowledged as the beginning of the political transformation. A year later, after the presidential election won by Lech Walesa, the so-called Balcerowicz Plan was introduced – a packet of reforms with a purpose of introducing free market economy, decreasing the inflation rate and budget deficit, and increasing the economic growth. The first fully democratic parliamentary elections were held in 1991 and resulted in forming the first democratic government with Jan Olszewski as the Prime Minister, thus making Poland the first of the Eastern Block countries to become a fully democratic state. Legislative reforms of the first few years of the Third Polish Republic involved changing the Constitution and most rules of common law, including spatial planning regulations [14].

The cause for an investment boom that began in Józefosław at the end of the 20th century and has lasted, with varying intensity, ever since, had undoubtedly been a great appeal of Józefosław as a place to live, determined then by excellent natural environment and exceptional landscape values, together with the vicinity of Warsaw and new, formerly agricultural, areas for housing investments, made available by the first plan. Pressure exerted by the development companies and landowners led to further changes of the spatial management plans [15], aiming to maximize their financial benefits rather than provide a high-quality living environment.

Changes introduced by consecutive spatial plans were proceeded according to new acts, which had established a much wider range of citizen participation. Especially the act from July the 7th 1994 on spatial development [16] brought difficulties for the organs responsible for the plans, regarding local community participation in the planning process: it was supposed to ensure that public authorities take into account the market character of economy, the crucial role of local governments in catering for the needs of their communities, and guarantee the protection of civic rights and property rights [17], putting particular weight on the latter. The act introduced a procedure of “allegation” to the plan project, available for parties “whose legal interest or rights have been violated by provisions of a local spatial management plan”, which had a devastating effect on planning. In order to dismiss such a charge, a municipality or city council had to pass a resolution, which the displeased

landowners could, and frequently did, bring an action against in an administrative court. This often resulted in postponing the whole planning procedure for several months, as passing a plan required a decision from the administrative court. In order to avoid such course of action, authors of plans often decided to accept the charges, thus promoting private interests of landowners, which often contradicted the future inhabitants' good. Changes to Józefosław spatial management plans are a remarkable example of this process: they complied with proposals of current landowners, aiming to sell their land as quickly and profitably as possible. This led to opening the area to multi-family housing, increasing its urban density and reducing sizes of single-family plots, diminishing green and public areas and services, and withdrawing planned improvements to local transportation system.

These changes have already been largely implemented, and on yet undeveloped areas they act as binding local law. Many current inhabitants, mostly young families, who have moved to the area lured by an image of a place which supposedly combines advantages of urban and rural lifestyle, found instead high-density housing estates lacking services and public green areas, and are now growing bitter and disappointed. This caused a need for new planning activities, which aim to mitigate growing transportation issues, prevent further increase in urban density and building over remaining open areas, introduce more services and organize public spaces, including parks and squares.

This may, however, prove difficult or even impossible to implement, due to both lack of suitable space reserves, and financial consequences for the municipality budget, as specified in provisions of the currently in-force act from March 27th 2003 on planning and spatial development [18].

I stage of citizen consultations – pre-planning

In order to recognize the inhabitants' actual needs and including them in the process of planning their own living environment, municipal authorities had begun consultations with the inhabitants even before making the final decision on proceeding with a new local spatial management plan. These consultations took place as a part of an analysis of changes in spatial development of the municipality, conducted in 2013 on the basis of the Act on Spatial Planning and Management [18]. A document was created at the time, containing a diagnosis of the most important problems and conclusions for further spatial policy for Józefosław [19]. The inhabitants pointed the following problems as most troublesome:

- lack of efficient connection with Puławska street,
- inefficient local transportation system - lack of east-west route connections, gated communities inaccessible even for pedestrians,
- wasted potential of Jeziorka river channel, limited accessibility and neglected state of its surroundings, floodings caused by inefficient water drainage system,

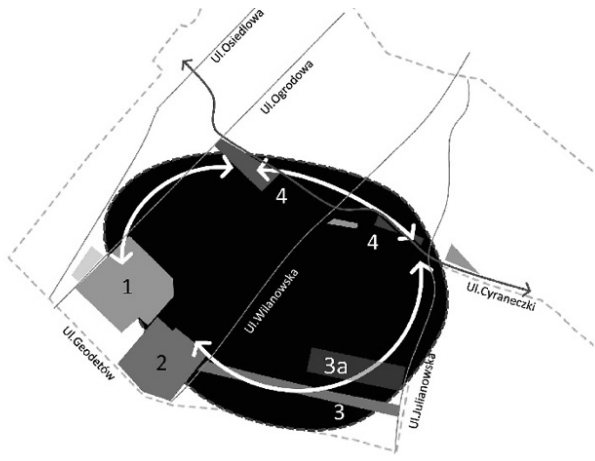


Fig. 7. Directions of changes
 Source: RDH Architekci Urbaniści „Józefosław, prace studialne obejmujące: analizę zmian w zagospodarowaniu przestrzennym wraz z wnioskami dotyczącymi kierunków polityki przestrzennej dla wsi Józefosław”, Gmina Piaseczno 2013

lack of properly developed public spaces and a local center.

Directions worked out during workshop meetings with the inhabitants concerned mainly introduction of new public spaces, technical solutions preventing floodings, and opening routes through gated communities, especially in east-west direction. Possible locations for public parks as well as new services and public spaces were proposed: grounds belonging to the Warsaw University of Technology, the area along Jeziorka river channel, and the production and warehouse site of the Altmaster company, and the premises of the Arcona Gardening Centre (the latter for a community activity center for the elderly).

Source: RDH Architekci Urbaniści „Józefosław, prace studialne obejmujące: analizę zmian w zagospodarowaniu przestrzennym wraz z wnioskami dotyczącymi kierunków polityki przestrzennej dla wsi Józefosław”, Gmina Piaseczno 2013

Citizen consultations as a part of the procedure of preparing a local spatial management plan: Józefosław and Józefosław III

The scope of participation of local communities in planning procedures is regulated by the Act on Spatial Planning and Management [18], which provides the possibility to submit proposals to a plan during the preliminary stage of its preparation, a public display of the plan project and a public discussion on its provisions, and finally the possibility for persons and organizations to submit remarks to the plan.

This is the stage the inhabitants show the most interest in the planning process. The possibility to introduce remarks regarding the plan proposal for all concerned is guaranteed during the 21-day public display and for at least 14 days after it ends. Remarks submitted within this time limit are examined and considered by the mayor or president,

and those rejected are then considered again by the municipality council, by way of a resolution. Decisions regarding the remarks cannot be appealed against to the administrative court, and do not hold up the planning procedure – the plan can be passed, unless changes resulting from the remarks require repeating the planning procedure. If this is the case, the procedure is repeated, either from the opinions and proposals stage or the public display stage (this depends on the scope of introduced changes), and finally the plan is passed as a binding act of law.

This is the mandatory scope of citizen participation necessary to recognize the planning procedure as conducted in accordance with law. A growing number of local governments decide to take additional actions, hoping that better knowledge of the provisions of a plan and explanation of some planning decisions that could have otherwise been misunderstood will improve social acceptance for the planned changes and facilitate the procedure. As described above, citizen consultations in the case of Józefosław had begun even before the Piaseczno City and Municipality Council passed the resolution officially beginning the procedure of the local spatial management plans Józefosław and Józefosław III. Conclusions from these consultations proved very useful during preparation of the plan by the authors of this paper. These conclusions were especially important due to the scarce number of formal proposals submitted by the inhabitants: plans received only 67 postulates (60 for the “bigger” and 7 for the “smaller” one) from landowners, local inhabitants and social organizations, of which over 40 requested abandoning the plans to open local gated communities and keeping the private status of the roads crossing them. The only proposals consistent with results of the pre-planning consultations were submitted by a local organization “Nasz Józefosław i Julianów” (“Our Józefosław and Julianów”), the village council of Józefosław and a few individual inhabitants. Owners of plots which had not yet been built over demanded a plan which would allow them to develop high-density multi-family housing on their land. Thus, there appeared a clear discrepancy between declarations voiced during non-legally binding consultation meetings and formal postulates submitted as a part of the plan preparation procedure, as well as a conflict of interest between inhabitants of new housing estates and owners of not-yet-developed land.

Nevertheless, during the first phase of preparation of the spatial management plans, the designers attempted to take into consideration as many of the inhabitant’s proposals as possible, besides conclusions from their own analyses, existing plans and spatial policy of the municipality. The main ideas of the plan’s concept design were as follows:

- rehabilitation of Jeziorka river channel in order to make it the main public space of Józefosław, with developed green areas, connected with public and commercial services,

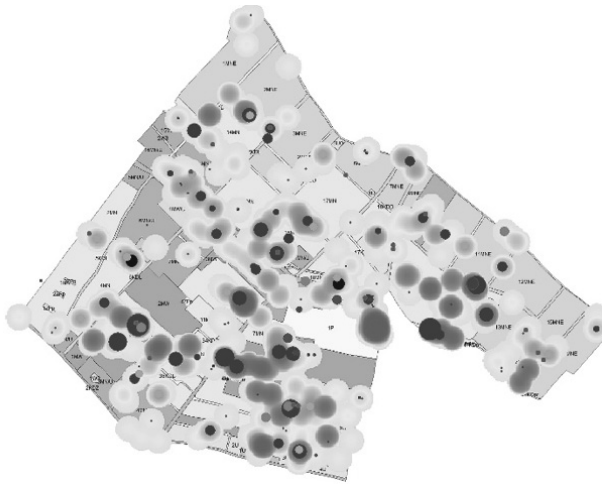


Fig. 8. Distribution of the remarks submitted to the Józefosław local spatial management plans. The remarks are concentrated on the following areas: gated communities, whose inhabitants protest against opening the area even for pedestrian and bicycle traffic; and undeveloped areas, whose owners aim to retain the regulations from the older plans, or introduce even denser forms of development, while the inhabitants of neighboring areas would rather assign the land for public greenery or leave it as it is. Some protests were also triggered by proposals of complementing the existing road system with new local streets and pedestrian-cycling paths.

Source: *Urząd Miasta i Gminy Piaseczno*

- improvement of the internal transportation system and reinforcing its connections to the external system,
- reduction of urban density,
- proposal to open the gated communities for pedestrian and bicycle traffic.

Drafts of the plan prepared on the basis of these ideas had been presented to members of Piaseczno City and Municipality Council even before they were publicly displayed, and the city hall initiated informal consultations with owners of the land chosen for public investments (a park, a community center, new roads).

The ideas from the concept design phase were kept in the plan during its public display, and additionally the route of Cyraneczki street was adjusted, enabling the connection with its planned extension in Lesznowola municipality; moreover, the area of greenery and public services was increased. Some limitation of urban density was proposed, mainly for land within the Warsaw Protected Landscape Area.

Public display of the local spatial management plan project was preceded by a seminar organized for the inhabitants by the city council, entitled “the local spatial management plan as a chance for sustainable development of Józefosław”. The public display itself also had an extended form and lasted longer than the compulsory 21 days: from November 21st 2016 to January 13th 2017 the plan was available online, not only on the official Piaseczno City and

Municipality page, but also on a specially established website serving as a means of communication with the inhabitants during the display of the plan. Scope of citizen participation in the new plans was explained in a brochure for the inhabitants, issued by the local government. During the mandatory public discussion on the plan, the designers together with the inhabitants had formulated topics, which later became subjects of workshop meetings for the inhabitants, led by the Society of Polish Town Planners in a school complex in Józefosław. The workshop addressed, successively, such issues as transportation problems, public spaces, housing estates and services, environmental protection. Each meeting was opened with a presentation of the chosen issue, prepared by the plan’s designers and representatives of the City and Municipality authorities, in which provisions of the plan, their causes and potential effects were meticulously explained. Every time these presentations provoked lively discussions, after which the inhabitants divided into groups and worked out their own solutions, sometimes mutually exclusive, presented in the form of schematic drawings.

The meetings took place for nearly two months, and resulted in nearly 12 700 remarks to the plan, submitted in over 1260 writs. These remarks were combined into a sheet, allowing sorting them by area or by problem, and preliminarily considered by the authors of the plan. Then, during multiple meetings with representatives of the Municipality and City Office, the City Council and the Mayor, the most beneficial (socially, spatially and financially) way of approaching the remarks was discussed. At the same time, negotiations were started with owners of the land marked or proposed for public purposes, regarding purchase of this land by the municipality. Each decision to reject a remark was explained and justified. A table sheet with a schedule of all the remarks and information on decision of the Mayor regarding each of them, was published in the Bulletin of Public Information.

Such great citizen involvement in the process of preparing a spatial management plan may probably be seen as a success; however, an analysis of submitted remarks shows that the inhabitants, despite their declarations of willingness to create a strong local community and attractive public spaces for social interactions, are in fact interested mostly in narrow-mindedly securing their own private interest: maintaining the gated communities which provide isolation and apparent safety, blocking new housing investments; instead of working on solutions that would protect the public interest and improve quality of life in the whole area. One can also observe a common willingness to have ability to decide of other people’s land: usually the not-yet-developed areas are pointed to as sites for new roads, services, public greenery etc., regardless of their state of ownership and will of their owners, the “original” inhabitants. Their owners, on the other hand, aim to maximize their profits from selling or building over their land, and

thus they demand that the provisions of the plan allow high-density, ideally multi-family housing. The plans prepared for Józefosław, after answering the submitted remarks and applying changes arising from the accepted ones, will be once more put on public display, and it is currently impossible to say whether the second display will be the last. Passing the new plans is being delayed, and meanwhile building permits are issued for the last plots of not-yet-developed land based on old plans which are still in force. The winners of this “race” are most likely going to be the development companies, and the chance to reduce density of new investments will be irretrievably gone.

Conclusion

The experience gained from the citizen consultations conducted during the preparation of local spatial management plans for Józefosław allow to formulate general conclusions concerning participation procedures as defined by binding law. These conclusions agree with the observations of Markus Miessen, described in “The Nightmare of Participation” [20] – omnipresent democracy is not a universal formula for the right decisions, and sometimes should even be avoided.

Firstly, there is a clear conflict of interest between current landowners, interested in maximizing their profits, and future inhabitants, who have no influence whatsoever on the provisions of spatial plans prepared before they decide to settle in the selected area. With no regulations regarding e.g. quantity of services and public greenery, or road density of an area, the authors of plans often yield to the pressure of landowners and development companies, as the future users of area are not included in the procedure. Such process could be observed in Józefosław since the end of the 1990s. Thus, perhaps the scope of participation should be different for plans prepared in already developed and inhabited areas, and for those concerning areas assigned for new investments, especially for housing [21].

Secondly, the long process of consultation, without earlier, long-term education of the society in aspects of proper management of space as a common good, does not guarantee that the plan will contain optimum solutions, satisfying for all interested parties; nor does it rationalize or hasten the plan preparation procedure.

Thirdly, there is a lack of instruments allowing for protection of the public interest, which, in spatial planning, should have superior significance over private benefit. Unfortunately, public space is not a renewable good, and effects of its wrong management are long-term and affect the whole society. Property rights cannot be identified with lack of any restrictions when dealing with one’s land, nor with the right to build on it, yet such understanding seems to be common among Polish people. The role of an expert architect / urban planner with professional knowledge and experience is distinctly underestimated, and rational arguments for verified, proven solutions seem to lose out with

the stubbornness of inhabitants protecting their individual benefits - this can be observed exceptionally clearly in areas with dynamically changing population structure, where the social bonds are not yet developed.

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