

THE COVID-19 PANDEMIC AND THE DIRECTIONS OF CHANGES IN THE POLISH SPATIAL MANAGEMENT SYSTEM

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Introduction/background: The COVID-19 pandemic has significantly changed many conditions for the functioning of local government units. This also applies to the sphere related to the spatial management system. Both formal and informal institutions play an important role in this system. The circumstances related to the pandemic give rise to the question of the scope of necessary modifications. Of course, the point is not to forcibly change most of the provisions (which, moreover, already required at least a fragmentary amendment) or impose new practices from above (the more so as such actions would only be effective to a limited extent).

Aim of the paper: The aim of the article is to determine – on the basis of theses and conclusions made in literature on the subject covering various countries – the key directions of changes in the Polish spatial management system in connection with the COVID-19 pandemic (and its consequences).

Materials and methods: The optimal scope of changes in the Polish spatial management system in relation to the pandemic was determined (treating statutory changes separately and changes related to planning practice separately), as well as their connection with the previously presented concepts of integrated development policy and flexibility in planning. In the face of the diagnosed challenges, the optimal directions for further discussion and possible directions of changes in regulations concerning the spatial management system were indicated.

Results and conclusions: The issues associated with the pandemic further expose a number of previously diagnosed spatial planning problems. At the same time, they allow for a more precise orientation of both the optimal directions of legal (and informal) changes, as well as further scientific discussion. It should be noted that at this stage, we rely, to a large extent, on more general diagnoses.

Keywords: Spatial management system, COVID-19 pandemic, governance failure, environmental protection.

1. Introduction

The COVID-19 pandemic has significantly changed many conditions for the functioning of local government units. This also applies to the sphere related to the spatial management system. Both formal and informal institutions play an important role in this system. The circumstances related to the pandemic give rise to the question of the scope of the necessary modifications. Of course, the point is not to forcibly change most of the provisions (which, moreover, already required at least a fragmentary amendment) or impose new practices from above (the more so as such actions would only be effective to a limited extent). Nevertheless, the social, environmental and health changes caused by the pandemic are so important that they require some consideration in the formula of spatial policy tools.

There is a wider discussion on these changes in literature (one of the first participants was Richard Florida), which covers various scopes (with varying degrees of detail) and is based on diverse data. Nevertheless, despite the reservations indicated, its key directions can be distinguished. Most of them apply to the case of Poland. However, this constitutes a basis for wider considerations.

The article aims to determine — based on theses and conclusions made in literature on the subject covering various countries — the key directions of changes in the Polish spatial management system with the COVID-19 pandemic (and its consequences). The optimal scope of these changes was determined (treating statutory changes separately and changes related to planning practice separately), as well as their connection with the previously presented concepts of integrated development policy and flexibility in planning. The views presented should constitute a basis for further discussions — both of a theoretical and practical nature.

2. Changes in Spatial Policy Caused by the COVID-19 Pandemic

The directions of considerations regarding directions of spatial policy (in this case, urban policy) were presented in March and April 2020 by Richard Florida and Steven Pedigo (Florida, Pedigo, 2020; Florida, 2020). They focused primarily on new problems and changes caused by the pandemic (including social distancing and stationary work limitations). It requires a modification of both the transport infrastructure and a significant part of public spaces. In line with the above concept, both the layout of city centers (including main streets) and the functioning of key public institutions (hospitals, universities, etc.) need to be modified. All these activities should be undertaken with care for the most vulnerable communities. These diagnoses played an important role, but they were *ad hoc* — partially related to the state after the pandemic. Still, it was difficult to define this state (anyway, the problem with the

precise description of the post-pandemic state still remains). From the current perspective, they seem very fragmented.

Nevertheless, they constitute a certain basis for further considerations, deepened in various thematic sectors. The question of the role of public spaces in the present and in future circumstances seems to be of particular importance. Even before the pandemic, a discussion on the form and tasks of the indicated spaces had been widely conducted.

The subsequent months of the pandemic enabled the development and targeting of the indicated diagnoses (both in individual publications and in special issues of journals containing collections of such diagnoses). There is no doubt that the pandemic will have long-term consequences (Boschetto, 2020), requiring in-depth interdisciplinary research (Chigbu, Onyebueke, 2020), including a broader discourse within politics — science — society (Bishoy, Wayenberg, 2020). It is good that in literature on the subject, this dimension was emphasized more strongly during the pandemic. Even before that, the spatial management system required much broader interdisciplinary approaches. In this context, attention was drawn to the fact that the pandemic may change the principles of perception of property rights (and the role of this right), which may be particularly important from the perspective of the spatial management systems. During crises, public authorities have the possibility to enact both short-term and long-term changes to property rules. In the current formula, this boils down to imposing new obligations and bans on the owners (also of service facilities) and removing disproportions in such restrictions occurring on a country-wide scale between similar areas (Jacobs, Pellissery, 2020). A discussion on the scope of property rights in the context of the spatial development system has also been going on for a long time. Considerations are being made on what prevails and under what circumstances: protection of individual rights of property owners or protection of spatial order (and how to balance the proportions in this respect). From the perspective of the value of the spatial management system, special emphasis should be placed on the second of the indicated threads. Nevertheless, in practice, in many countries (from the United States, through Spain to Poland), the dominant perspective is that it emphasizes the need to protect the right to property (Ważny, 2016). On the one hand, the new directions of discussion cover the sphere of threats to the privatization of space, which is wider than at present. On the other hand, they constitute a certain basis for new arguments favoring a wider adjustment of the property owner's individual rights to the sphere related to the protection of public interest and spatial order.

A separate challenge is to redefine the understanding of public property and public tasks — in a situation where, for example, many public forms have become harmful from a health perspective. Moreover, literature on the subject much more broadly presents the changes important for spatial management systems caused by the pandemic. For example, Granger and Charlton indicate that the key issues at present are: speed of reaction (also of public authorities) to emerging challenges, as well as risk reduction and community reconstruction; and also — verification of the effectiveness of resource use (Granger, Charlton, 2020). Paradoxically,

the pandemic may contribute to the fact that the plans being developed have a much more strategic dimension in many countries than before (Goode, 2020). Such a perspective is noticeable both in Europe (e.g. Great Britain) and in Africa, where the pandemic gave grounds to develop theses about the lack of integrated planning in the urban and regional sphere (Cobbinah, Erdiaw-Kwasie, Adams, 2020). Undoubtedly, in such a strategic approach, analysis of the possibilities for the development of health care (Benton, 2020) should play a key role, which is increasing in the context of the overall spatial management system. The problems of spatial management systems will also be related to food supply problems and the development of economically marginalized places (Krzysztofik, Kantor-Pietraga, Spórna, 2020). Therefore, there is no doubt how much impact (also on the location of households) specific spatial decisions will have (Weinig, Thierstein, 2020).

In literature, one can find diagnoses of how the spatial management system should adapt to the new conditions (general and specific). In this context, the need to redefine the role of public spaces (to enable the use of solutions enabling social distance), to question the concept of dense cities (Bailey et al., 2020), to adjust the planning solutions to the changing demand for office buildings (Carson, et al., 2020), to modify the public transport and to promote specific forms of transport (Acuto, 2020), are indicated. The new conditions also promote a more in-depth approach to smaller areas (i.e. a smaller scale design) (Jabareen, Eizenberg, 2020) and the concept of a “city in 15 minutes”, i.e. a city where residents would have all key services for their functioning close to each other (Santoro et al., 2020).

A separate thematic scope related to spatial policy in the context of COVID-19 concerns environmental protection. Based on the analyses so far, it can be concluded that the pandemic has a much greater tendency to develop in areas with worse environmental values and a lesser degree of implementation of solutions such as sustainable energy, limiting water consumption, or the use of efficient materials and technologies (Cocci, 2020). From this perspective, it is postulated to strongly strengthen the implementation of green infrastructure (Ronchi et al., 2020), as well as green areas themselves (during the pandemic, the problem of uneven distribution of greenery in cities and excessive limitation of this greenery by commercial investments has been noticed) (Ahmadpoor, Shahab, 2020). Simultaneously, when defining the role of nature in the context of COVID-19, it is warned against making unambiguous conclusions in this regard, considering the specificity of the situation related to the pandemic (Venter et al., 2020). The performance of new functions by nature and green areas during the pandemic was related to the reduction of the role of other public spaces.

3. Key Problems of the Spatial Management System in Poland and the COVID-19 Pandemic

The discussion's indicated directions should be more broadly related to the Polish spatial management system (already partially indicated above). These problems can be classified as follows:

- lack of sufficient protection of spatial order (also in the environmental dimension), as well as in legal regulations, which results in spatial chaos and significant costs (Markowski, 2010; Izdebski, 2013; Fogel et al., 2014; Nowak, 2018; Parysek, 2017; Kowalewski, Nowak, 2018; Kowalewski, 2019);
- uncontrolled urban sprawl processes (Kowalewski et al., 2013; Drzazga, 2018; Koziński, 2011);
- problems with combining different perspectives when discussing the spatial management system, which translates into a limited implementation of environmental, cultural, and health perspectives (Nowak, 2020);
- no integration of spatial planning with the development policy (Markowski, 2011; Nowak, Blaszkę, 2020; Markowski, Drzazga, 2015).

In this context, the problems are both defective legal regulations and the low level of social capital, which is connected with public authorities' inefficiency (manifested in a lack of will and skills in the real protection and shaping of spatial order). The solution is a specific amendment to the regulations through a comprehensive, systemic change often worked out from the bottom up on various levels.

These issues were discussed in detail in literature on the subject. However, as outlined above, the COVID-19 pandemic is also influencing this discussion. Thus, regarding the previous literature review, the following issues should be indicated:

- the change in the perception of a property's role (especially relating to the relationship with public interest) should redefine its role in the spatial development system. This should mean prioritizing the right to a common space, much more important than individual property rights. Only the extension of such a law provides a broader guarantee of protection against pandemics in the future (and combating the effects of the current pandemic). It is worth emphasizing that the above direction was already justified before the pandemic (and was even reflected in the jurisprudence theses of some courts); its development is all the more reasonable;
- in literature, there is a need to extend the solutions related to strategic planning. The most appropriate step in the Polish reality will be to continue working on an integrated development planning system. Only such a system guarantees reacting to unexpected spatial changes (such as a pandemic): flexible on the one hand, and based on real foundations on the other. Meanwhile, flexibility cannot mean the opportunism

of public authorities and adaptation to all investors' expectations. On the contrary — the wider role of the strategic approach will enable a comprehensive diagnosis of planning needs (providing a broad justification for specific spatial changes simultaneously);

- the pandemic also provides a wider basis for activities related to the protection of the environment and nature. The manifestation of the above should be wider than in the current scope of implementation of a “green infrastructure”, as well as additional care for the natural values in cities;
- the above also implies the expansion of the discourse on the interdisciplinary approach to the spatial management system. This is because it is this type of definition of the environmental and cultural needs of the area, together with the guarantee of their widest possible translation into specific spatial development plans, that guarantees the implementation of the indicated goals;
- one of the areas of discussion should be related to health protection. Its connection with the spatial policy may take various forms: from clarifying the discussion about the optimal environment of hospitals and other health facilities to the implementation of specific solutions (also important from the perspective of environmental protection) in cities;
- on the other hand, the change in the accessibility of public utility facilities in cities, public spaces, as well as means of urban transport, is part of the discussion on the legitimacy of introducing urban standards, which (at least in general) would define the framework for such accessibility.

In this context, it is difficult to recommend comprehensive legal changes for the spatial management system (the more so as many such recommendations were already prepared before the pandemic). However, it is worth indicating the postulated detailed directions of these changes at the national level and planning practice directions at the local level. In the domestic sphere, the following should be recommended:

- discussion on modifying the current wording of Art. 6 of the Spatial Planning and Development Act, too broadly (in the context of the objectives indicated above) emphasizing the perspective of the individual rights of the property owner;
- further discussion on the scope (currently included in the act on commune self-government) of local development strategies; first of all, their translation into spatial policy. From November 2020, such a relationship has existed, but it still seems insufficient;
- broadening the role of analyses in spatial planning and a more extensive justification for individual spatial decisions. There are numerous proposed directions for such in-depth analyses in literature (Fogel, 2012; Izdebski et al., 2018);

- a broader emphasis in the act on spatial planning and development, mainly within the scope of studies of conditions and directions of spatial development and local spatial development plans, of the role of health protection;
- a return to the discussion on optimal urban planning standards in the present reality (also in terms of scope);
- creating a broader basis (especially in local spatial development plans) for wider protection of the environment and nature (which in some cases will require a standardization of the wording with those contained in the Environmental Protection Act and the Nature Conservation Act).

From the local perspective, however, the following should be recommended:

- analysis of the applicable strategic and directional acts (including studies of the conditions and directions of spatial development), especially the degree of their topicality in new realities;
- preferring (even in the present legal state) an interpretation based to a greater extent on the protection and shaping of spatial order;
- a much wider degree of conducting analyses of the state of spatial development in the commune.

4. Summary

The pandemic is, in many ways, a serious challenge to various spheres of life. One of these is the spatial management system in Poland. As indicated above, the pandemic further reveals many previously diagnosed spatial planning problems. Simultaneously, they allow for a more precise orientation of both the optimal directions of legal (and informal) changes and further scientific discussion. It should be noted that we rely largely on more general diagnoses at this stage. As the next months pass, we will have more and more data (to be used in research) and an ever-widening reference point in the international discussion on the problem. Therefore, each of these threads should be carefully followed up.

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