



SARA Law Research Center

International Journal of Legal and Social Order, <https://www.ccdsara.ro/ijlso>

ISSN 2821 – 4161 (Online), ISSN 2810-4188 (Print), ISSN-L 2810-4188

N^o. 1 (2023), pp. 441-463

THE SUSTAINABLE DEVELOPMENT AND LOCAL SPATIAL PLANING - CASE STUDY OF POLAND

K. SZLACHETKO

Received 15.10.2023; accepted 12.11.2023

<https://doi.org/10.55516/ijlso.v3i1.118>

Katarzyna SZLACHETKO

Dr. Asst. Prof., attorney-at-law

Faculty of Law and Administration, University of Gdańsk

E-mail: katarzyna.szlachetko@ug.edu.pl

ORCID ID: <https://orcid.org/0000-0003-4667-3756>

Abstract

The paper outlines sustainable development in the context of local spatial planning. The purpose of the considerations is to present the importance of sustainable development in the creation of spatial policy, given that it is a legal principle. The normative nature of the principle derives not only from the Constitution of the Republic of Poland, but also from substantive laws. What is more the Law on Spatial Planning and Development stipulates sustainable development as the basis of spatial policy at every level (state and local government). For these reasons, the normative analysis covered the legal anchoring of sustainable development in the Constitution, the Environmental Law and the Law on Planning and Spatial Development. The paper focuses on the effectiveness of implementing sustainable development in local spatial planning policy, since according to the principle of decentralization of public power and subsidiarity, the commune as the basic unit of local government is responsible for managing public space. The legal tools for implementing this spatial policy are presented, taking into account the changes introduced by the major reform of the spatial planning system in 2023. It also assessed whether administrative bodies that make and apply laws refer to sustainable development in their actions. In this regard, reference was also made to the case law of the Supreme Administrative Court and the direction it has recently presented for interpreting norms.

Key words: *sustainable development, local spatial plannig, spatial policy,*

INTRODUCTION

The sustainable development is a concept that has grown and evolved under the auspices of the United Nations¹. Its role has been systematically strengthened at periodic international conferences, making its mark on international regulations, European Union law and national legislations. This idea has become firmly rooted in the general public consciousness. It has also become a permanent element of public life, both in scientific discourse (in which it is a transdisciplinary concept) and in political debates. Unfortunately, over the years, like few other ideas sustainability has become subject to manipulation. This originally noble and valuable concept has been disavowed, often becoming an empty political slogan. It is aptly pointed out that sustainable development can unite both friends and foes².

The failure of the sustainable development is evidenced by numerous expert reports on the progressive degradation of the environment³. Scientists are sounding the alarm, basically differing in their assessments only on whether humanity has already passed the limits of planetary endurance or whether we still have time. It has been rumored for some time that we are living in a new geological epoch still unofficially called the Anthropocene⁴. What went wrong? Why does this universal idea not withstand confrontation with dynamic technological progress and globalization processes? From the very beginning, sustainable development was based on three pillars (or 'capitals'): 1) society, 2) environment and 3) economy. The indicated pillars are to remain in 'balance', what should be provided by appropriate legal regulations and public policies. Today, however, one fundamental point is being forgotten. This 'balance' or 'sustainability' does not mean in every case the equality of the above mentioned values. Meanwhile, it is not a matter of unconditional equivalence, on the contrary. Sometimes under the given circumstances 'priority' should be given to social or economic development, but there are situations in which it is environmental protection that takes priority and is the superior value. The key challenge is to correctly interpret (or actually re-interpret, nowadays) the principle of sustainability to identify needs and values and make them relevant⁵.

¹ See more: N. Schrijver, *The Evolution of Sustainable Development in International Law: Inception, Meaning and Status*, Brill 2009; J.A. du Pisani, *Sustainable Development – historical roots of the concept*, *Environmental Sciences*, 3:2, p. 83-96, DOI: 10.1080/15693430600688831; M.C. Cordonier Segger, A. Khalafan, *Origins of the Sustainable Development Concept, Sustainable Development Law: Principles, Practices, and Prospects*, Oxford 2004, <https://doi.org/10.1093/acprof:oso/9780199276707.003.0002>.

² G.S. Barbosa, P.R. Drach, O.D. Corbella, *A Conceptual Review of the Terms Sustainable Development and Sustainability*, *International Journal of Social Sciences* 2014, nr 3(2), p. 8.

³ See more: <https://www.ipcc.ch/ar6-syr/>.

⁴ S. Benner, G. Lax, P.J. Crutzen, U. Pöschl et.al. (ed.) *Paul J. Crutzen and the Anthropocene: A New Epoch in Earth's History*, Springer International Publishing 2022.

⁵ B. Rakoczy, *Elastyczność zrównoważonego rozwoju w kontekście adaptacji do zmian klimatu*, *Gdańskie Studia Prawnicze* 2021, vol. 3, p. 23.

THE SUSTAINABLE DEVELOPMENT AND LOCAL SPATIAL PLANING (CASE STUDY OF POLAND)

The space generates specific yet diverse social, economic and environmental needs. Undoubtedly, land use issues are extremely conflictogenic, therefore they require the balancing of varied and inconsistent interests. The remedy for this should be sustainable development, which is not only an idea, but also a binding legal principle and an action directive for local spatial planning authorities. Detailed considerations are given to the legal conditions for sustainable development in local spatial planning in Poland, taking into account the latest spatial planning reform, which came into force on September 24, 2023⁶. The aim of the paper is to critically assess the current legislation in the context of the realization of the sustainable development and to present practical problems with the application of this principle. The responsibility for the implementation of sustainable development rests with representatives of public authorities at every level. The policy of sustainable development directly relates to the management of space, which in the Polish legal order is mainly managed by the communes. Therefore, following the idea of 'think globally, act locally', this paper deals with the problem of incorporating sustainable development in local spatial planning in Poland.

I. BASIC DETERMINANTS OF LOCAL SPATIAL PLANNING IN POLAND

I.1 Principles of decentralization of public power and subsidiarity

The allocation of public tasks is determined by two principles in the Polish legal system: decentralization of public power and subsidiarity. According to Article 15(1) of the Constitution⁷, the territorial system of the Republic of Poland ensures the decentralization of public power. The basic subject of decentralized administration in the state is the local government, which, according to Article 16(2) of the Constitution: 'shall participate in the exercise of public power. The substantial part of public duties which local government is empowered to discharge by statute shall be done in its own name and under its own responsibility'. In turn, the principle of subsidiarity is expressed in a very specific part of the Basic Law, since the preamble states: 'Hereby establish this Constitution of the Republic of Poland as the basic law for the State, based on respect for freedom and justice, cooperation between the public powers, social dialogue as well as on the principle of subsidiarity in the strengthening the powers of citizens and their communities'. The principle of subsidiarity statutes local government units as the primary performers of public tasks, as long as they are carried out effectively. Among local government entities, however, the commune is of primary importance, being the only unit mentioned by name in the Constitution: 'The commune (*gmina*) shall be

⁶ Law of July 7, 2023 on amending the Law on Spatial Planning and Development and some other laws (Journal of Laws, No. 1688).

⁷ Constitution of the Republic of Poland of April 2, 1997 (Journal of Laws, No. 78, item 483).

the basic unit of local government' [art. 164 (1)] and 'The commune shall perform all tasks of local government not reserved to other units of local government' [art. 164 (3)].

There is no exception in the case of spatial planning tasks, as the primary disposer of public space is actually the commune. According to Article 3 (1) of the Spatial Planning and Development Law: 'Shaping and conducting spatial policy on the territory of a commune, including the enactment of communal spatial planning acts, with the exception of internal marine waters, the territorial sea and the exclusive economic zone, as well as closed areas established by an authority other than the minister responsible for transportation, are among the commune's own tasks'.

I. 2 The commune's planning authority

The commune, as the primary disposer of public space, is endowed by the legislator with so-called planning authority. As the most important manifestation of this power should be considered the ability to enact the general plan and local spatial development plans. Both acts have universally binding force, but differ in the degree of detail and functions. The general plan was 'restored' to the Polish spatial planning system by the reform already mentioned in this paper, in force since September 24, 2023. It is a mandatory local legal act drawn up for the entire area within the administrative boundaries of the commune. The general plan compulsorily defines planning zones and commune urban planning standards. In addition, supplementary development areas and inner city built-up areas may be defined therein. What is important, the terms of the general plan are binding in drafting detailed local spatial development plans and form the legal basis for administrative investment decisions issued in the lack of a local spatial development plan.

The basic tool of commune's planning authority is the competence to adopt local spatial development plans. From the essence of this authority follows that, in general, the adoption of these plans is optional⁸. In these acts, the communal legislature carries out the determination of site zoning, the location of public-interest investments and the conditions of land development. The provisions of the local spatial development plan shape, along with other regulations, the way in which property rights are exercised. A commune may adopt a local spatial planning act for all or part of its area (several such plans may be in effect in a commune, as well as certain municipalities may only be partially covered by plans). It is worth noting that the Law on Planning and Spatial Development distinguishes two categories of specific local zoning plans: 1) Local Revitalization

⁸ According to Article 14 (7) of the Law on Planning and Development: 'A local spatial development plan shall be compulsorily prepared if required by separate regulations'.

THE SUSTAINABLE DEVELOPMENT AND LOCAL SPATIAL PLANING (CASE STUDY OF POLAND)

Plan – this is a tool for the process of bringing degraded areas out of the crisis⁹; 2) Integrated Investment Plan, which the local council may provide at the request of an investor who undertakes to carry out, in addition to the main investment, so-called complementary investments¹⁰.

I. 3 Supervision and judicial control of commune's planning authority

The commune has no autonomy in creating spatial policy. Local government units have constitutionally guaranteed independence while performing public tasks, what results in supervision of their activities. The constitutional standard for this supervision determines its following elements: 1) this is state supervision (exercised by governmental administrative bodies, i.e., the Prime Minister and provincial governor [voivode]; in financial matters exercised by regional chambers of audit); 2) the only allowed criterion for evaluating communes is legality (compliance with generally applicable law); 3) safeguarding communes against abuse of supervisory powers is judicial protection of their independence (implemented mainly in a complaint against a supervisory act to an administrative court). Remarkably, in matters of local spatial policy, the legislature provides for special rules of supervision when it comes to the annulment of the general plan and the local spatial development plan. According to Article 91(1) of the Act on Commune Self-government, the provincial governor shall claim to annul any resolution of the local council that is 'contrary to the law'¹¹. In order to issue a supervisory act, it is sufficient to establish an 'ordinary' legal defect (in the case of an insignificant violation of the law, the supervisory authority is limited to pointing out that the resolution was issued in violation of the law). Meanwhile, with regard to the two most important local planning acts, Article 28(1) of the Law on Planning and Spatial Development provides for separate – more rigorous – prerequisites for issuing a supervisory act. The voivode may declare the general plan and local spatial development plans invalid only in the case of: 1) significant violation of the principles of drawing up a general plan or a local spatial development plan; 2) significant violation of the procedure for their preparation; 3) as well as violation of the competence of the authorities in this regard. In accordance with the principle of proportionality, the supervisory authority shall declare invalidity in whole or, if possible, just in part of a given spatial planning act.

⁹ Article 37f of the Law of March 27, 2003 on Planning and Spatial Development (Consolidated Text Journal of Laws of 2023, item 977).

¹⁰ Article 37ea of the Law of March 27, 2003 on Planning and Spatial Development (Consolidated Text Journal of Laws of 2023, item 977).

¹¹ Article 91 (1) of the Law of March 8, 1990 on commune government (consolidated text of the Journal of Laws of 2023, item 40).

The use of planning authority is also subject to review by administrative courts. According to Article 3 (2)(5) of the Administrative Court Procedure Law¹², administrative courts rule on complaints against acts of local government bodies. Judicial review is not initiated *ex officio*, but requires a complaint from an entitled party. This is the provincial governor, who can declare the invalidity of a general plan or local spatial development plan only within 30 days from the date of delivery of the resolution to him by the commune executive body. After this period, his competence expires. The provincial governor can only initiate a review of the act before an administrative court. Another possibility to initiate judicial review is the complaint of an entity external to the public administration (usually the owner of the property). This type of complaint is filed indefinitely (at any time). Legitimacy to file a complaint is regulated by Article 101(1) of the Act on Commune Self-government: 'Anyone whose legal interest or right has been violated by a resolution or order, adopted by a commune body in a matter of public administration, may appeal the resolution or order to an administrative court'. The administrative court, when evaluating a local council resolution, is bound by the same considerations as the provincial governor. In the same way, it shall also declare the act invalid in whole or in part.

Supervision or judicial review of local spatial policy in terms of the accuracy or rationality of the adopted solutions is excluded in the Polish legal system. This does not mean, however, that the lack of consideration of sustainable development in the acts of this policy cannot constitute grounds for their invalidity. Unfortunately, the practice of the supervisory and judicial review authorities is still quite restrained in this regard, as will be discussed later in the paper.

II. THE PRINCIPLE OF THE SUSTAINABLE DEVELOPMENT IN POLISH LAW

II.1 *The Constitution of the Republic of Poland of the 2nd April 1997*

The Constitution, known as the Basic Law, is the most important piece of legislation on the national level. It is both a template and a point of reference for the ordinary legislator, providing a source of axiology. Some of the legal principles are expressed in the Constitution explicitly (it means *expressis verbis*), while others require 'discovery', i.e. decoding through the interpretation of legal norms.

The constitutional regulation directly uses the term 'sustainable development' in the Article 5: 'The Republic of Poland shall safeguard the independence and integrity of its territory and ensure the freedoms and rights of persons and citizens, the security of the citizens, safeguard the national heritage and shall ensure the protection of the natural environment pursuant to the

¹² Law on Proceedings before Administrative Courts of August 30, 2002 (consolidated text of the Journal of Laws of 2023, item 977).

THE SUSTAINABLE DEVELOPMENT AND LOCAL SPATIAL PLANING (CASE STUDY OF POLAND)

principles of sustainable development'. It should be noted that the principle of sustainable development appears at the very beginning of the constitutional regulation, in the key chapter of the Basic Law entitled 'The Republic'. Just a preliminary systemic interpretation proves that this is a principle of great legal significance for the national legislator.

The Polish legal doctrine points out that: 'the principle of sustainable development is treated in this legal [here: *constitutional* – K.Sz.] norm not as an end in itself, but as a means to achieve constitutionally protected goals. Thus, the principle of sustainable development plays the role of a specific legal instrument through which the legislator wants to achieve constitutionally protected goals and values'¹³. In the cited article, the principle of sustainable development is explicitly linked to environmental protection. The way in which the principle of sustainable development is regulated in the Basic Law raises some questions of interpretation related to:

1) does the principle of sustainable development apply only to environmental protection?

2) is it a separate principle of a systemic nature?

3) does the principle of sustainable development constitute a binding directive of action addressed to public authorities in the state?

Answering these questions is important from the perspective of the issues presented in this paper.

Firstly, the concept of sustainable development should also include the protection of social and economic capitals (it is, after all, about completeness and comprehensiveness). Secondly, its effectiveness strictly depends on its legal nature (binding force) and the subjective scope of its compulsory implementation.

Without going into detailed considerations that go beyond the scope of the issues covered in the paper, the following theses concerning the principle of sustainable development should be approved:

1) this is a separate constitutional principle within the meaning of the Constitution of the Republic of Poland;

2) it is not exclusively related to environmental protection, since, according to the purposive interpretation of Article 5 of the Constitution, its scope of meaning includes balancing, integrating and harmonizing with each other the following goals: ecological (environmental), economic and social, taking into

¹³ B. Rakoczy, *Elastyczność zasady zrównoważonego rozwoju w kontekście adaptacji do zmian klimatu*, Gdańskie Studia Prawnicze 2021, vol. 3, p. 23; DOI: <https://doi.org/10.26881/gsp.2021.3.02>.

account their interdependence – both in the process of planning and implementation of activities aimed at further development of humanity¹⁴;

3) this is a mandatory basis in all public policy sectors at every level of public management (from central, state-wide to local government);

4) it is binding for public authorities in both lawmaking and application's processes.

The general considerations demonstrate that sustainable development is a binding legal principle for local administrative bodies in spatial planning matters already directly under Article 5 of the Polish Constitution. This is a mandatory directive in the law-making procedure of spatial planning acts, and in particular those of a local law nature that have universal binding force, namely the general plan and local spatial development plans. The local legislative bodies should take into account sustainable development while establishing planning zones and determining specific land uses, the location of public purpose investments, and the determination of development conditions. The provisions of local planning acts are binding on administrative bodies issuing administrative decisions as part of the so-called investment and construction process (building permit). Also those decisions resulting from the application of the law should be made with respect for the principle of sustainable development.

II.2 The European Union law

The sustainable development is one of the core values of the European Union, which permeates and determines the specific objectives of priority policies. The EU legislator juridizes this legal principle in treaty regulations. Although the law of the European Union does not constitute a separate legal order, but, in accordance with the Constitution, part of Polish domestic law, a separate discussion of sustainable development in regulations enacted by EU bodies is substantively justified.

Article 3(3) of the Treaty on European Union¹⁵ specifically stipulates: 'The Union shall establish an internal market. It shall work for the sustainable development of Europe based on balanced economic growth and price stability, a highly competitive social market economy, aiming at full employment and social progress, and a high level of protection and improvement of the quality of the environment. It shall promote scientific and technological advance. It shall combat social exclusion and discrimination, and shall promote social justice and protection, equality between women and men, solidarity between generations and protection of the rights of the child. It shall promote economic, social and territorial cohesion, and solidarity among Member States. It shall respect its rich

¹⁴ See more: K. Olzacki, J.H. Szlachetko, *Koncepcja funkcjonalności eko-osiedla - w stronę "zrównoważonej" dekoncentracji gminnych zadań, kompetencji i środków finansowych*, Samorząd Terytorialny 2022, nr 7-8, p. 163-164, together with the literature cited therein.

¹⁵ *Official Journal C 326*, 26/10/2012.

THE SUSTAINABLE DEVELOPMENT AND LOCAL SPATIAL PLANING (CASE STUDY OF POLAND)

cultural and linguistic diversity, and shall ensure that Europe's cultural heritage is safeguarded and enhanced'. As indicated in the jurisprudence: 'Legal standards of the provisions of Article 3 on sustainable development of Europe point on promotion of the European integration processes somehow limited to the Union's level, what seems to be proved by the particular concept of Union's values listed in Art. 2 of the EU Treaty and well-being of its citizen and *mutatis mutandis* political ideology of Union's integration based on balanced economic growth, social market economy and a high level of protection and improvement of the environment, further described in more detail in Article 3(3)¹⁶. While the cited regulation deals strictly with the internal policy of the European Union, Article 3(5) of the Treaty already refers to external policy, stating that: 'In its relations with the wider world, the Union shall uphold and promote its values and interests and contribute to the protection of its citizens. It shall contribute to peace, security, the sustainable development of the Earth, solidarity and mutual respect among peoples, free and fair trade, eradication of poverty and the protection of human rights, in particular the rights of the child, as well as to the strict observance and the development of international law, including respect for the principles of the United Nations Charter'. The international context and the European Union's contribution to the joint transnational effort for sustainable development, in turn, is detailed in Article 21(2)(d) of the Treaty on European Union, according to which: 'The Union shall define and pursue common policies and actions, and shall work for a high degree of cooperation in all fields of international relations, in order to foster the sustainable economic, social and environmental development of developing countries, with the primary aim of eradicating poverty'. This legislation is both a manifesto of solidarity with developing countries. In turn, according to Article 21(2)(f) EU public policies are supposed to 'help develop international measures to preserve and improve the quality of the environment and the sustainable management of global natural resources, in order to ensure sustainable development', which confirms the European Union's shared responsibility for global sustainability.

The principle of sustainable development is also reflected in the Treaty on the Functioning of the European Union¹⁷ in the context of environmental protection requirements: 'Environmental protection requirements must be integrated into the definition and implementation of the Union's policies and activities, in particular with a view to promoting sustainable development' (Article 11). It is worth noting that Article 37 of the Charter of Fundamental Rights of the European Union¹⁸ corresponds with the mentioned regulation, because: 'A high level of

¹⁶ M. Kenig-Witkowska, *The Concept of Sustainable Development in the European Union Policy and Law*, Journal of Comparative Urban Law and Policy 2017, vol. 1, p. 66.

¹⁷ *Official Journal C 326*, 26/10/2012.

¹⁸ *Official Journal C 303*, 14/12/2007.

environmental protection and the improvement of the quality of the environment must be integrated into the policies of the Union and ensured in accordance with the principle of sustainable development'. However, as in the case of interpreting the system norms of the Polish Constitution, the principle of sustainable development cannot be limited to environmental issues, although the EU and national legislators emphasize these aspects. Sustainable development must be taken into account in light of Article 7 of the TFEU, which statutes the principle of coherence of the various policies and actions that 'the European Union shall ensure, taking into account all its objectives and in accordance with the principle of granting competences.

The European Commission provides that EU policies include the sustainable development goals expressed in *Transforming Our World: The 2030 Agenda for Global Action*, which was adopted at the United Nations Summit in New York (on September 25, 2015). According to its assumptions, the goals agreed upon at the global level will be transferred into national and regional actions, taking into account local conditions. Also under European Union law, sustainable development has a normatively binding meaning for EU bodies and institutions, as well as Member States, which is particularly embodied in the implementation obligations of the specific directives¹⁹. Of great importance in the context of urban development in the European Union are two strategic documents signed by the ministers responsible for spatial policy in the Member States: 1) The New Leipzig Charter – *The transformative power of cities for the common good* and 2) the *Territorial Agenda 2030*, both documents signed by the end of 2020 at the Informal Ministerial Meetings organized under German Presidency²⁰. According to the EU principle of subsidiarity, the primary responsibility for spatial policy lies with the Member States, but due to the transboundary nature of spatial problems (e.g., climate change, environmental pollution, economic and social development), joint strategies are the most appropriate approach²¹.

Of particular relevance to the matter of this paper is the Territorial Agenda 2030, which promotes an inclusive and sustainable future for all places and helps achieve the Sustainable Development Goals in Europe. The document remarkably accurately identifies current challenges for spatial policies, namely: progressive climate change, threat of biodiversity loss, predatory land use (especially uncontrolled suburbanization), deteriorating air, water and soil quality, sustainable energy and equitable transformation, closed loop economy, degradation of nature, landscape and cultural heritage. The Territorial Agenda underlines the importance of and provides orientation for strategic spatial planning and calls for strengthening the territorial dimension of sector policies at all governance levels. It seeks to

¹⁹ See: <https://sdgs.un.org/2030agenda>.

²⁰ See: <https://territorialagenda.eu/pl/>.

²¹ Cf.: M.J. Nowak, J. Szlachta, *Agenda Terytorialna Unii Europejskiej 2030 a lokalne polityki przestrzenne w Polsce*, Samorząd Terytorialny 2021, vol. 12, pp. 7-18.

THE SUSTAINABLE DEVELOPMENT AND LOCAL SPATIAL PLANING (CASE STUDY OF POLAND)

promote an inclusive and sustainable future for all places and to help achieve Sustainable Development Goals in Europe. The goals of the Territorial Agenda require – among other things – the individual commitment of Member States in the form of incorporating the principle of sustainable development into legislation at the national, regional, metropolitan and, as will be discussed further below, local spatial planning levels.

II.3 The Act of April 27, 2001 – Environmental Protection Law

In Polish legislation, the concept of sustainable development has its own legal definition, which is defined in Article 3(50) of the Environmental Protection Law²² as: ‘Such social and economic development, in which there is a process of integrating political, economic and social activities, with preservation of natural balance and sustainability of basic natural processes, in order to ensure the ability to meet the basic needs of individual communities or citizens of both the present generation and future generations’. The way sustainable development is defined in Polish law does not differ from the proposed meanings of this concept in the international legal documents and in the scientific doctrines. In general, there are doubts about the need for defining the term, which is dynamic. It changes in time and space due to new challenges. In addition, putting the definition in a law dedicated to environmental protection may systemically, unjustifiably, narrow its primary role, which is also to secure economic and social capitals. Indeed, as has been pointed out, certain values are not always in the balance, and depending on the concretized circumstances, the other two pillars may take priority. Nevertheless, a systemic interpretation cannot narrow the application of the principle of sustainable development in Polish law to environmental issues exclusively. After all, it is worth stressing already at this point that separate laws, including the Law on Planning and Spatial Development, refer directly to the way of understanding sustainable development expressed in the Environmental Protection Law²³.

In addition to the definition of sustainable development, the provisions of the Environmental Protection Law contain general norms that provide a reference point for strategic planning and programming. In accordance with Article 8 of this Law: ‘Policies, strategies, plans or programs relating in particular to industry, energy, transportation, telecommunications, water management, waste management, land use, forestry, agriculture, fisheries, tourism and land use should take into account the principles of environmental protection and sustainable development’. In light of this regulation, the impact of sustainable development

²² Environmental Protection Law of 27 April 2001 (Consolidated text Official Journal of Laws 2022, item 2556).

²³ Cf. K. Kostrzewa, R. Piasecki, *Approaches to Sustainable Development in Poland*, L'Europe en Formation, vol. 352, no. 2, 2009, pp. 181-196.

should be comprehensive: multi-level (at each level of public management) and multi-sectoral (an open catalog of detailed areas). Local spatial planning acts are used to create and implement the so-called environmental protection policy, understood as a set of related activities aimed at creating the conditions necessary for the implementation of environmental protection, in accordance with the principle of sustainable development (cf. Article 13 of the Law).

The commented law statues more detailed links between local spatial planning and sustainable development in the context of environmental protection:

- sustainable development and environmental protection are the basis for drafting and updating supra-local development strategies, municipal development strategies, general plans and local spatial development plans (Article 71 (1) of the Law);
- local planning acts should consider, in particular, the solutions necessary to prevent the formation of pollution, ensure protection against the resulting pollution, and restore the environment to its proper state, and, in addition, establish the conditions for the implementation of projects, enabling optimum results in terms of environmental protection (Article 71(2) of the Law);
- the use and development of the land should ensure, as far as possible, the preservation of landscape values (Article 71(3) of the Act).

III. THE SUSTAINABLE DEVELOPMENT IN LOCAL SPATIAL PLANNING

III.1. Sustainable development as a fundamental principle of local spatial planning

The basic act in the Polish legal system in the field of spatial planning is the Spatial Planning and Development Law, which regulates the principles of shaping spatial policy by local government units and government administration bodies, as well as the scope and methods of proceeding in matters of land use for specific purposes and determining the principles of its development and construction. The so-called state planning order is, unfortunately, being distorted by means special laws, which introduce numerous exceptions to the supreme principles of state spatial policy²⁴. And very often these special laws are enacted for the realization of some individual kind of investment or the implementation of particular political goals. As a result, we have in practice a departure from systemic solutions, which is often not sufficiently justified. Instead of ensuring spatial order, they exacerbate spatial chaos by way of 'law inflation'.

The mentioned Law regulates the substantive aspects of spatial planning in Poland, but importantly it also defines the axiology of spatial policies at every level, including local ones. It is already clear from Article 1 that the cardinal planning principles are: 'spatial order' and 'sustainable development'. It may even be said that these two principles are naturally linked and condition each other. The

²⁴ T. Bąkowski (red.), *Specustawy inwestycyjno-budowlane*, Gdańsk 2020, *passim*.

THE SUSTAINABLE DEVELOPMENT AND LOCAL SPATIAL PLANING (CASE STUDY OF POLAND)

legislator defines 'spatial order' as: 'such shaping of space that creates a harmonious whole and takes into account in orderly relations all functional, socio-economic, environmental, cultural and compositional and aesthetic conditions and requirements' [Article 2(1) of the Act], while with regard to 'sustainable development' it refers to its meaning described in Article 3(50) of the Environmental Protection Law [Article 2(2) of this Act].

Among detailed values to be taken into account in spatial planning, Article 1(2) of the Law indicates *ex ante* 'the requirements of spatial order, including urban planning and architecture'. In second place, the legislator mentions 'the needs of sustainable development' (Article 1(2)(1a) of the Law), which was added to the catalog of spatial planning values just on September 24, 2023 as a result of the so-called spatial planning system reform. And although the justification for the amendment bill did not refer to the newly added value at all, there is little doubt that the *ratio* of new provision was intended to strengthen sustainable development in spatial policies. In formulating a catalog of spatial planning values, state legislator most often refers to specific 'requirements' or just 'needs'. Literally, 'requirement' means a condition or set of conditions to which someone or something must conform, while by 'need' is meant, among other things, that which is needed for normal existence or for proper functioning and that which 'is essential, necessary'. Relating semantic considerations to the needs of sustainable development, it is necessary to refer to the core of this principle, namely the harmonization (balancing) of three pillars: social, economic and environmental. Each of these pillars generates differentiated needs related to people's quality of life, economic growth or preservation of natural balance and environmental protection. Specific needs are often in conflict with each other – including (perhaps especially) in the sphere of spatial planning.

Normatively, spatial policy is directly related to development policy, hence the reference to yet another Act on Principles for Carrying Out the Development Policy²⁵. Article 2 of this Law states that: 'Development policy is understood as a set of interrelated activities undertaken and implemented to ensure the sustainable and balanced development of the state, socio-economic, regional and spatial cohesion, increase the competitiveness of the economy and create new jobs on a national, regional or local scale'. Spatial policy is concerned with 'management of the unique resource of each territory', which is at the same time an extremely conflictive area, and not only in the relationship between public interest and private interest, but also in the relationship between different private interests and

²⁵ Consolidated text of Journal of Laws 2023, item 1259. Cf. also J.M. Nowak, *Integrated development planning and local spatial policy tools*, Journal of Economics and Management 2020, vol. 41, pp. 69-86; DOI: <https://orcid.org/0000-0001-6437-3226>.

different public interests²⁶. Undoubtedly: ‘Spatial planning has become an important measure for countries and regions to promote sustainable development’²⁷.

III.2 The problems with the implementation of sustainable development in local spatial planning

The local spatial development plans is considered to be the most important (basic) act of realization the principles of spatial order and sustainable development and the values considered in Article 2(1) Law on Planning and Development²⁸. However, the effectiveness of this planning tool appears to be undermined by the legislator itself. A certain dissonance could be seen in the regulation of the commented Law. On the one hand, the legislator explicitly sets out the basic nature of the local spatial development plans in terms of determining the use of land, the location of public purpose investments and specifying the ways and conditions of site development, while on the other hand, with few exceptions indicated in the law, the enactment of this act is left to the sole discretion of local decision-makers.

The granting of planning authority to the commune, and consequently planning self-management, does not raise systemic questions. Such a solution is in the line with the constitutional principles of decentralization of public power and subsidiarity. The commune, as the basic unit of local government, should be the most important decision-maker on public spaces. However, the provisions of the Law on Planning and Development do not specify any premises that should guide the commune authorities in deciding whether to draw up (or ‘not to draw up’) a local spatial development plan. If there is no such act in the commune, then the manner and conditions for development of the land are determined ‘individually’ by an administrative act called ‘a decision on development and land use conditions’. In light of Article 4(2) of the Law, the mentioned term includes two categories: 1) a decision on location of a public investment²⁹, and 2) ‘a decision on

²⁶ See also: W.A. Gorzym-Wilkowski, *Spatial Planning as a Tool for Sustainable Development. Polish Realities*, Barometr Regionalny. Analizy i prognozy 2017, vol. 2(48), pp. 78-85; DOI: <https://doi.org/10.56583/br.439>.

²⁷ See more: J. Zhang, Q. Wang, Y. Xia, K. Furuya, *Knowledge Map of Spatial Planning and Sustainable Development: A Visual Analysis Using CiteSpace*, Land 2022, DOI: <https://doi.org/10.3390/land11030331>.

²⁸ See e.g.: G. Borys, *Rough assessment of the consideration of spatial planning tools in the municipal plans for adaptation to climate change. An example of selected Polish cities*, Economics and Environment 2020, vol. 80(1), DOI: <https://doi.org/10.34659/eis.2022.80.1.427>; J. Rotmans, M. van Asselt, P. Vellinga, *An integrated planning tool for sustainable cities*, Environmental Impact Assessment Review 2000, vol. 20(3), pp. 265-279; DOI: [https://doi.org/10.1016/S0195-9255\(00\)00039-1](https://doi.org/10.1016/S0195-9255(00)00039-1).

²⁹ By 'public investment' is meant, according to Article 2(5) of the Law on Planning and Development: ‘it should be understood as activities of local (‘commune’) and supra-local (district, provincial and national), as well as national (including international and supra-regional

THE SUSTAINABLE DEVELOPMENT AND LOCAL SPATIAL PLANING (CASE STUDY OF POLAND)

the development conditions' for other investments, that is, in practice, pursuing private purposes. In an expert report prepared by the Polish Economic Institute in December 2021 titled: 'Socio-economic consequences of spatial chaos', insufficient coverage of the entire state by local spatial development plans has been identified as one of the biggest causes for spatial problems in Poland. The 2020 statistics show that 94.4% of communes in Poland had at least one local spatial development plan in force, but in total only 31.4% of the country's area was covered by valid local plans³⁰. Of course, the mere coverage of space with local plans does not yet guarantee anything. The most important are the quality and effectiveness of planning acts. Experts rightly point out that it is difficult to prejudge in advance what percentage of coverage by plans is optimal³¹.

The 'dissonance' mentioned at the outset is illusory, because the problem is not the *ratio legis* of regulating the administrative acts in the Law on Planning and Development. The problem is not in issuing these decisions in the lack of a local spatial development plan, but rather the way in which commune authorities make use of it. In particular, the decision on the development conditions has 'supplanted' in many communes the role of the local spatial development plan in the widely understood investment and construction process. Unconsidered and irrational in the long term, locating individual investments on the basis of administrative decisions generates negative spatial phenomena in the form of the suburbanization³². While the expert literature treats this concept as a 'natural stage of development and the city' and a 'development trend' of most cities, the effects of carrying out a fragmented spatial policy (either by decision or on the basis of so-called intervention plans adopted for a small area) are urban sprawl and the creation of discontinuous development (leapfrog development)³³.

investments), and metropolitan (including the metropolitan area) importance, regardless of the status of the entity undertaking these activities and the sources of their financing, constituting the implementation of the objectives referred to in Article 6 of the Act of August 21, 1997 on Real Estate Management (Consolidated Text Journal of Laws of 2023, item 344).

³⁰ P. Śleszyński, P. Kukołowicz, *Społeczno-gospodarcze skutki chaosu przestrzennego*, Polski Instytut Ekonomiczny, Warszawa 2021, *passim*.

³¹ P. Swianiewicz, J. Łukomska, *Pokrycie gmin miejscowymi planami zagospodarowania przestrzennego*, Wspólnota 2022, online access: <https://wspolnota.org.pl/news-rankingi/pokrycie-gmin-miejscowymi-planami-zagospodarowania-przestrzennego>.

³² See also: J. Hadynski, N. Genstwa, K. Józefowicz, *Migration processes to rural areas in Polish metropolises*, Annals of the Polish Association of Agricultural and Agribusiness Economists 2021, vol. XXIII(3), pp. 20-31; DOI: 10.5604/01.3001.0015.2895. Cf: R.M. Coheci, A-I. Petrisor, *Assessing the Negative Effects of Suburbanization: The Urban Sprawl Restrictiveness Index in Romania's Metropolitan Areas*, Land 2023, vol. 12(5), DOI: <https://doi.org/10.3390/land12050966>.

³³ A. Jadach-Sepiolo, P. Legutko-Kobus, *Definiowanie suburbanizacji [w:] Suburbanizacja w Polsce jako wyzwanie dla polityki rozwoju [w:] Studia. Cykl monografii 2021*, vol. 11(203), PAN KPZK, pp. 13-16.

The 2023 spatial planning reform did not eliminate the administrative decisions from the spatial policy, but significantly reduced the possibilities of issuing them. Until the reform, the spatial planning system was missing a direct link between decisions and local spatial policy. Location and conditions for the implementation of individual investments were possible even against the spatial policy in the commune: 'One of the best identified shortcomings of the existing system is the insufficient role of the study of spatial development conditions and directions³⁴, particularly in terms of influencing the issuance of decisions on development conditions'³⁵. As it has been already mentioned, among the most important changes introduced by the 2023 reform, is the linking decision on development conditions with the wide commune spatial policy. To this aim, the legislator replaces the study with the general plan. As a source of local law, the general plan will bind commune authorities both when adopting local spatial development plans and when issuing administrative decision on development and land use conditions.

Despite the fact that sustainable development is a principle of spatial policy, and the needs of sustainable development are the values considered in the two basic acts of spatial planning, problems with their implementation are seen in the practice of the local authorities. The limited character of space requires authoritative regulations for its optimal use, consistent with the requirements of the sustainable development³⁶. Space integrates the social, economic and environmental pillars of sustainable development, so spatial planning acts (as well as administrative decisions in this regard) must ensure socio-economic development while limiting the usage of environmental resources. Sustainable development in spatial planning is a value and at the same time a binding directive to shape 'optimal conditions for living, spatial order and preservation of the environment, taking into account the principle of intergenerational justice'³⁷. The following conditions for the formation and implementation of sustainable spatial policy at the local level should be distinguished:

1) adequate and comprehensive planning assessment, taking into account geographic, demographic, environmental, development, economic conditions (determining 'what is' and what 'can be achieved' in the given constraints and opportunities);

³⁴ The study was a framework for commune spatial policy. It did not have the character of universally binding law, so it could not provide a legal basis for administrative decisions in the investment process.

³⁵ See the Explanatory Memorandum to the Amendment Bill, Parliamentary Draft No. 3097.

³⁶ J. Parchomiuk, *Uzasadnione oczekiwania a zaniechanie prawodawcze organów gminy w sferze planowania i zagospodarowania przestrzennego*, *Zeszyty Naukowe Sądów Administracyjnych* 2023, vol. 1, p. 57.

³⁷ M. Woźniak, *Czy istnieje remedium na konflikt interesów w zagospodarowaniu przestrzennym? – uwagi na tle zrównoważonego rozwoju* [in:] B. Rakoczy, K. Karpus, M. Szalewska, M. Walas (ed.), *Zasada zrównoważonego rozwoju w wymiarze gospodarczym i ekonomicznym*, Toruń 2015, p. 94.

THE SUSTAINABLE DEVELOPMENT AND LOCAL SPATIAL PLANING (CASE STUDY OF POLAND)

- 2) recognizing the needs of residents and users of public space with particular emphasis on accessibility to social infrastructure;
- 3) evaluation of the need for the development of technical infrastructure;
- 4) identification of opportunities to exploit production and industrial potential;
- 5) inventory of natural and environmental assets, cultural and landscape heritage, together with the recognition of necessary conservation measures for their preservation (especially in the context of possible pollutants);
- 6) to usage of the potential of spatial planning acts to combat contemporary challenges such as climate change (particularly in the scope of nature-based solutions) or countering light pollution.

One should definitely share the argument that the principle of sustainable development is a determinant of local spatial planning decisions, providing an 'axiological basis for deciding land use' and a 'signpost' in situations of conflicting interests and collision of values. As a fundamental principle of local spatial policy, it should be taken into account in the land use decision-making process in the context of environmental security and integrated approaches to social, economic and environmental problems³⁸. Unfortunately, the principle of sustainability is not sufficiently implemented in the legal proceedings of investment and construction. The application of sustainable development in the local planning acts requires balancing the values subject to constitutional protection and choosing such solutions that will take into account, on the one hand, the need to protect the natural environment and the interest of the general public, and on the other hand, important individual private interests. To be honest, the latter is particularly problematic. While determining the land use or potential development of the land, the local authority shall weigh up the public interest and private interests, including those submitted in the form of applications and remarks, aiming to protect the existing condition of land use, as well as changes in the land use, plus economic, environmental and social analyses³⁹. The above-mentioned regulation is of particular importance with regard to local spatial development plans, since according to Article 6 (1) of the Law: "The provisions of the local spatial development plan shape, together with other regulations, the manner of exercising the right to property ownership. What is important, the right to property is subject to special (constitutional) protection, so any interference in such right must be well justified and proportional. The Polish Supreme Administrative Court emphasizes in its case law that the formation of local spatial policy should respect the rights of property owners, as well as realize the common

³⁸ D. Trzcińska, *Zasada zrównoważonego rozwoju w planowaniu i zagospodarowaniu przestrzennym* [in:] B. Jaworska-Dębska, P. Kledzik, J. Sługocki, (ed.), *Wzorce i zasady działania współczesnej administracji publicznej*, Warszawa 2020, pp. 441-442.

³⁹ See: Article 1(3) of the Law on Planning and Development.

welfare of the local community in accordance with sustainable development⁴⁰. Despite its normative importance, sustainable development is not fully appreciated in local spatial planning policy. The reason is to be found in mental barriers and concerns about confronting this principle with protection of private property rights. Both commune bodies, as well as the supervisory bodies of local spatial planning acts and administrative courts still too rarely refer explicitly to sustainable development. The jurisprudence and public administration bodies rather focus on the issue of proportionality in the local spatial development plans, without reference to the axiology of the planning system⁴¹.

A mental change is urgently needed in the approach to sustainable spatial planning policy at the local level in Poland. More recent rulings of the Supreme Administrative Court may inspire commune authorities to attach even greater importance to sustainable development in local spatial planning acts, especially in local spatial development acts. Although judicial decisions are not formally a source of universally binding law in the Polish legal system, they have a very strong influence on the practice of public administration bodies due to their 'power of authority'. Below are the main theses from the selected judgments of the Supreme Administrative Court, which can positively strengthen the role of sustainable development in local spatial planning.

The Supreme Administrative Court analyzed the legality of establishing in local spatial development plans a ban on the use of solid fuels in buildings as the primary source of heat. In conclusion, the Court held that such a ban is part of the mandatory provisions of the spatial planning act, i.e. the 'principles of environmental, nature and landscape protection. In its justification, the Court also referred to § 4(3) of the Decree of the Minister of Infrastructure of August 26, 2003 on the required scope of the draft local spatial development plan⁴². According to the cited regulation, the draft plan should contain arrangements related to the protection of the environment, nature and cultural landscape. The draft local spatial development plan should contain orders, prohibitions, permissions and restrictions on land use resulting, among others, from the needs of environmental protection, referred to in particular in the provisions of the Environmental Protection Law. Subsequently, the Court explicitly pointed out that these provisions, in conjunction with the need to apply the principle of sustainable development in the planning procedure, even impose an obligation on planning authorities to guarantee the possibility of satisfying the basic community's needs,

⁴⁰ Cf. judgment of the Supreme Administrative Court of September 18, 2021, II OSK 1575/12, Central Database of Administrative Court Jurisprudence, accessed online: <https://orzeczenia.nsa.gov.pl/cbo/query>.

⁴¹ D. Trzcińska, *Zasada zrównoważonego rozwoju w planowaniu i zagospodarowaniu przestrzennym* [in:] B. Jaworska-Dębska, P. Kledzik, J. Sługocki, (ed.), *Wzorce i zasady działania współczesnej administracji publicznej*, Warszawa 2020, p. 446.

⁴² Journal of Laws of 2003. No. 164, item 1587.

THE SUSTAINABLE DEVELOPMENT AND LOCAL SPATIAL PLANING (CASE STUDY OF POLAND)

present and future generations. Such needs include also air protection. Conditions for maintaining natural balance and related air protection is one of the elements that must be obligatorily reflected in the content of the local spatial development plan. The referred judgment is exemplary in terms of how to 'make real' the principle of sustainable development in local spatial policy⁴³. In another judgment, the Supreme Administrative Court explicitly pointed out that the establishment of land use for transportations in the local plan is 'a necessary complementary element of planned service and residential development in the context of the implementation of the principle of sustainable development.'

In another judgement, the Supreme Administrative Court explicitly stated that the inclusion of isolation greenery in the local space development plan to protect against emissions from the planned road is justified because it 'significantly contributes to the principle of sustainable development'. In the Court's opinion, also the contested provisions of the plan, which introduced non-intrusive services (such as commerce or crafts) in the proximity of residential and recreational development, as well as the introduction in this plan of isolating greenery to protect against emissions from the planned collector road, respects sustainable development to a significant extent⁴⁴. This is another judicial decision confirming that certain solutions even limiting the way property rights are exercised can be justified by the requirements of sustainable development. Similarly, the Supreme Administrative Court ruled in the context of another investment: 'The Supreme Administrative Court made a similar statement in the context of another investment: 'the principle of sustainable development is explicitly expressed in the Polish Constitution (Article 5), as is the obligation of public authorities to protect the environment (Article 74(2) of the Polish Constitution). For the implementation of these basic constitutional principles, in the context of spatial planning, increasing the area of landscaped green areas plays a key role'⁴⁵. As the last of the exemplary verdicts of the Supreme Administrative Court is the one in which it noted that the operation of non-obtrusive services in the vicinity of residential developments is an important element that improves the quality of life of nearby residents. This applies, for example, to such services as health centers, stores, restaurants or cafes. It is worth adding that the actual improvement of the quality of life of residents is one of the primary objectives of

⁴³ The judgment of the Supreme Administrative Court of January 26, 2023, II OSK 160/20; Central Database of Administrative Court Jurisprudence, accessed online: <https://orzeczenia.nsa.gov.pl/cbo/query>.

⁴⁴ The judgment of the Supreme Administrative Court of December 20, 2022, II OSK 2189/21; Central Database of Administrative Court Jurisprudence, accessed online: <https://orzeczenia.nsa.gov.pl/cbo/query>.

⁴⁵ The judgment of the Supreme Administrative Court of December 20, 2022, II OSK 2150/21; Central Database of Administrative Court Jurisprudence, accessed online: <https://orzeczenia.nsa.gov.pl/cbo/query>.

the principle of sustainable development' and 'does not violate the mentioned principles [of spatial order and sustainable development - note K.Sz.] the possibility of allocating part of the development (...) for residential development, including multi-family development (...) Thirdly, the drawing of the local plan shows that the service development has been located directly on the public collector road (...). Thus, the service development here performs an isolation function, important from the point of view of the principles of sustainable development, against the residential development located away from the busy road'⁴⁶.

The direction of the judicature of the highest instance is extremely important for making sustainable development a reality in practice. What is more the enrichment of the catalog of spatial policy's values with 'the needs of sustainable development' strengthens its normative significance. Hopefully, this can (and should) contribute to more frequent reference to this principle by local bodies responsible for developing and implementing spatial planning acts. Indeed, the commune's planning authority is not unlimited, but space is becoming a scarce good. The obligation to weigh the public interest and private interests may imply, in some cases, the primacy of the former, and it is sustainable development, set in a given context, that will constitute a sufficient limitation on the owner's rights. The future will show whether planning reform and the pro-sustainability line of jurisprudence will influence the practice of drafting spatial policy acts, including the local development plan. Equally important is the practice of applying the provisions of this plan through interpretation of norms in the course of issuing decisions in the investment and construction process.

CONCLUSION

Sustainable development is a constitutional principle in the Polish system, as well as a binding directive of action for the administrative bodies that make and apply laws. It permeates all cross-sectoral policies, including spatial planning policy, which is part of the broader development policy. Space is the sphere where the all pillars of sustainable development are intertwined: society, economy and environment. Not only is the principle of sustainable development explicitly expressed in the Polish Constitution, but it is additionally referred to in substantive laws. Of particular importance is the Environmental Protection Law, which defines 'sustainable development' mainly for the purposes of environmental regulations, which are also an immanent part of spatial planning policy. Importantly, sustainable development is, along with spatial order, a fundamental principle of spatial planning (at every level of policymaking). Through the prism of

⁴⁶ The judgment of the Supreme Administrative Court of March 8, 2022, II OSK 777/19; Central Database of Administrative Court Jurisprudence, accessed online: <https://orzeczenia.nsa.gov.pl/cbo/query>.

THE SUSTAINABLE DEVELOPMENT AND LOCAL SPATIAL PLANING (CASE STUDY OF POLAND)

this principle, spatial planning acts, especially those with the nature of local laws, namely the general plan and local spatial development plans, should be legislated. Despite such a strong axiological foundation, the practice of law-making and law-applying bodies has so far inadequately implemented the sustainable development. This involves both justifying planning solutions and interpreting the norms of spatial planning acts when issuing administrative decisions. In certain situations, after a comprehensive analysis of the conditions for given areas, sustainable development may justify a restriction of ownership rights due to the public interest related to the economy, the environment or social development. Local bodies primarily responsible for spatial policy should derive from sustainable development the basis of their planning authority, always respecting the principle of proportionality, of course. This is also the intention of the Polish legislator, who confirmed this with the spatial planning reform in 2023 by enriching the catalog of values taken into account in spatial planning additionally with 'the needs of sustainable development'. The line of rulings of the Supreme Administrative Court, which increasingly refers to sustainable development when assessing the legality of controlled communal spatial planning acts, is also moving in this direction. Time will show whether this will affect a change in attitude by local decision-makers, which requires not only legal changes, but also the removal of certain mental barriers.

BIBLIOGRAFIE

1. Barbosa, G.S., Drach, P.R., Corbella O.D., *A Conceptual Review of the Terms Sustainable Development and Sustainability*, International Journal of Social Sciences 2014, nr 3(2);
2. Bąkowski, B., (ed.), *Specustawy inwestycyjno-budowlane*, Gdańsk, 2020;
3. Benner, S., Lax, G., Crutzen, P.J., Pöschl, U., et.al. (ed.) *Paul J. Crutzen and the Anthropocene: A New Epoch in Earth's History*, Springer International Publishing 2022;
4. Borys G., *Rough assessment of the consideration of spatial planning tools in the municipal plans for adaptation to climate change. An example of selected Polish cities*, Economics and Environment 2020, vol. 80(1), DOI: <https://doi.org/10.34659/eis.2022.80.1.427>;
5. Coheci, R.M., Petrisor, A-I., *Assessing the Negative Effects of Suburbanization: The Urban Sprawl Restrictiveness Index in Romania's Metropolitan Areas*, Land 2023, vol. 12(5), DOI: <https://doi.org/10.3390/land12050966>;
6. Cordonier Segger, M.C., Khalfan A., *Origins of the Sustainable Development Concept*, *Sustainable Development Law: Principles, Practices, and Prospects*, Oxford, 2004, DOI: <https://doi.org/10.1093/acprof:oso/9780199276707.003.0002>;

7. Gorzym-Wilkowski, W.A., *Spatial Planning as a Tool for Sustainable Development. Polish Realities*, Barometr Regionalny. Analizy i prognozy 2017, vol. 2(48), DOI: <https://doi.org/10.56583/br.439>;
8. Hadynski, J., Genstwa, N., Józefowicz, K., *Migration processes to rural areas in Polish metropolises*, Annals of the Polish Association of Agricultural and Agribusiness Economists 2021, vol. XXIII(3), DOI: 10.5604/01.3001.0015.2895;
9. Jadach-Sepioło, A., Legutko-Kobus, P., *Definiowanie suburbanizacji [w:] Suburbanizacja w Polsce jako wyzwanie dla polityki rozwoju [in:] „Studia. Cykl monografii” 2021*, Polska Akademia Nauk Komitet Zagospodarowania Przestrzennego, t. 11/203;
10. Kenig-Witkowska, M., *The Concept of Sustainable Development in the European Union Policy and Law*, Journal of Comparative Urban Law and Policy 2017, vol. 1;
11. Kostrzewa, K., Piasecki, R., *Approaches to Sustainable Development in Poland*, L'Europe en Formation 2009, vol. 352, no. 2;
12. Nowak, M.J., *Integrated development planning and local spatial policy tools*, Journal of Economics and Management 2020, vol. 41, DOI: <https://orcid.org/0000-0001-6437-3226>;
13. Nowak M.J., Szlachta J., *Agenda Terytorialna Unii Europejskiej 2030 a lokalne polityki przestrzenne w Polsce*, Samorząd Terytorialny 2021, vol. 12;
14. Parchomiuk, J., *Uzasadnione oczekiwania a zaniechanie prawodawcze organów gminy w sferze planowania i zagospodarowania przestrzennego*, Zeszyty Naukowe Sądownictwa Administracyjnego 2023, vol. 1;
15. du Pisani, J.A., *Sustainable Development – historical roots of the concept*, Environmental Sciences, 3:2., DOI: <https://doi.org/10.1080/15693430600688831>;
16. Rakoczy, B., *Elastyczność zasady zrównoważonego rozwoju w kontekście adaptacji do zmian klimatu*, Gdańskie Studia Prawnicze 2021, nr 3, DOI: <https://doi.org/10.26881/gsp.2021.3.02>;
17. Rotmans, J., van Asselt, M., Vellinga, P. *An integrated planning tool for sustainable cities*, Environmental Impact Assessment Review 2000, vol. 20(3), DOI: [https://doi.org/10.1016/S0195-9255\(00\)00039-1](https://doi.org/10.1016/S0195-9255(00)00039-1);
18. Schrijver, N., *The Evolution of Sustainable Development in International Law: Inception, Meaning and Status*, Brill 2009;
19. Swianiewicz, P., Łukomska, J., *Pokrycie gmin miejscowymi planami zagospodarowania przestrzennego*, Wspólnota 2022, online access: <https://wspolnota.org.pl/news-rankingi/pokrycie-gmin-miejscowymi-planami-zagospodarowania-przestrzennego>;
20. Śleszyński, P., Kukołowicz, P., *Spoleczno-gospodarcze skutki chaosu przestrzennego*, Polski Instytut Ekonomiczny, Warszawa 2021;
21. Trzcńska, D., *Zasada zrównoważonego rozwoju w planowaniu i zagospodarowaniu przestrzennym [in:] Jaworska-Dębska, B., Kledzik, P.,*

THE SUSTAINABLE DEVELOPMENT AND LOCAL SPATIAL PLANING
(CASE STUDY OF POLAND)

Sługocki, J. (ed.), *Wzorce i zasady działania współczesnej administracji publicznej*, Warszawa 2020;

22. Woźniak, M., *Czy istnieje remedium na konflikt interesów w zagospodarowaniu przestrzennym? – uwagi na tle zrównoważonego rozwoju* [in:] B. Rakoczy, K. Karpus, M. Szalewska, M. Walas (ed.), *Zasada zrównoważonego rozwoju w wymiarze gospodarczym i ekonomicznym*, Toruń 2015;

23. Zhang, J., Wang, Q., Xia, Y., Furuya K., *Knowledge Map of Spatial Planning and Sustainable Development: A Visual Analysis Using CiteSpace*, Land 2022, DOI: <https://doi.org/10.3390/land11030331>.



This work is licensed under the Creative Commons Attribution-NonCommercial 4.0 International License.