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Debate article

Poland as an Arena of Tensions Between the Implementation of Spatial Planning Objectives and the Influence of Market Forces

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Abstract

The article refers to the existing literature on the classification of European spatial governance and planning (henceforth spatial planning) systems, with particular emphasis on the role of the state in shaping spatial development. Drawing on earlier comparative contributions, the authors aim to provide a more in-depth analysis of the Polish system as a case study. In this system, the state theoretically possesses legal instruments enabling it to influence spatial development; however, in practice, market forces exert a significantly stronger impact. The article offers a broader characterization of this case, also referring to the most recent amendments to planning legislation. On the basis of this analysis, wider conclusions may be drawn for comparative debates on planning systems. In this context, diverse factors shaping the interpretation of planning law play an important role, including political traditions, societal attitudes towards property rights and the prevailing planning culture.

Keywords
Spatial planning; market forces; state

Introduction

One of the key challenges observable in most national spatial planning systems is the persistent tension between the pursuit of planning objectives by public authorities and the operation of market forces. Legal regulations play a significant—though not exclusive—role in shaping these dynamics. Depending on the context, they may support the protection of the social, environmental, and cultural values of space, for example by introducing restrictions on land development. Such restrictions, however, are often viewed unfavourably by investors and private landowners who wish to develop their properties according to their own visions and investment ambitions. These conflicts vary across countries, shaped by specific cultural, social, and political contexts (Janin Rivolin, 2012). Nevertheless, despite these differences, the tensions

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are widely observable and share numerous common features. They therefore stimulate a broader and more universal debate on the optimal balance between state-supported planning objectives and market-driven needs. How should these relations be calibrated? What are the consequences of the dominance of either side? And what legal mechanisms could effectively support the achievement of planning goals?

These questions can be addressed in multiple ways. One of the most productive approaches is the analysis of country-specific case studies, the findings of which may contribute to a wider, cross-national discussion. Particularly compelling are cases in which the "struggle" between planning objectives and market influence becomes especially pronounced. Comparative research on spatial planning systems provides a useful framework for identifying and examining such cases.

Classification of European planning systems from the perspective of their impact on spatial development

In their in-depth reflections on *public control of spatial development*, Berisha et al. (2021) identified, in relation to European countries, five types of planning systems that reflect varying degrees of *capacity for public control of spatial development*:

- state-led systems;
- market-led neo-performative systems;
- conformative systems;
- proto-conformative systems;
- misled (or „misunderstood", as in Berisha et al., 2024) neo-performative systems.

This classification builds upon the earlier and widely recognised distinction between conformative and performative systems (Janin Rivolin, 2008), which reflects differences in decision-making approaches, the nature of planning instruments (legally binding versus indicative plans), and the timing of planning decisions (Faludi, 1985). Within this framework, the 2021 classification provides a more nuanced perspective, linking the typology to the specific characteristics of planning tools, their legal effects, and the degree to which public authorities are able to safeguard the public interest in spatial development.

Three countries—Cyprus, Malta, and Poland—were classified as misled (or "misunderstood") neo-performative systems. In these systems, "the public authority tends to assign land use and development rights on a case-by-case basis or through the use of detailed negotiated plans, but the overall result is that spatial development is driven primarily by market interest" (Berisha et al., 2021, p. 194–195). Two characteristics thus emerge simultaneously: on the one hand, public authorities hold discretionary powers to determine the development

potential of specific sites; on the other, these powers remain underutilised, with market forces exerting a dominant influence over land-use outcomes.

The Polish planning system

From this perspective, the Polish spatial planning system stands out in the European context. It occupies an atypical category shared only with two countries that differ significantly in both geographical and demographic terms. Moreover, since 2023, Poland has been undergoing a major reform of its planning legislation, a process marked by considerable difficulties and limitations. The Polish academic literature remains highly critical of both the pre-reform framework and the ongoing reform efforts (Nowak et al., 2024). The specific and problematic nature of the Polish system therefore invites broader reflection on the capacity of public authorities to exercise effective control over spatial development.

On the one hand, the institutional framework provides public authorities with extensive legal powers to intervene in planning and to impose restrictions on private interests (i.e. those of investors and property owners). On the other hand, despite these powers, market forces have proved far more effective in shaping spatial outcomes, leading to widespread uncontrolled development and spatial disorder (Nowak et al., 2022). The Polish case may thus offer a valuable lens through which to examine the broader competition between public and market forces in steering spatial development and to identify factors determining the dominance of either side.

To explore this issue, it is necessary to outline the key characteristics of the Polish spatial planning system across three temporal perspectives:

- 2003–2023 – the period during which the *Spatial Planning and Development Act* of 2003 was in force, forming the basis for Berisha et al.'s (2021) classification;
- the 2023 planning reform – introducing new planning instruments;
- the transitional period (2023–2026) – covering the ongoing implementation of the reform.

Across all these phases, the local (municipal) level has played a decisive role. Between 2003 and 2023, three key instruments governed spatial development at this level:

1) Studies of conditions and directions of spatial development – non-binding documents setting general guidelines for spatial policy, obligatory for the entire municipal territory.
2) Local spatial development plans (LSDPs) – legally binding plans defining land-use designations (e.g. residential, commercial, industrial) and development parameters. Municipalities were not obliged to adopt such plans; by 2023, they covered approximately 40% of Poland's territory.

3) Land development conditions (LDC) decisions ("*decyzja o warunkach zabudowy*") – administrative permits issued by the municipal mayor for areas not covered by LSDPs. Developers could submit applications presenting their proposed development concept. The mayor was required to assess, through an urban analysis, whether the proposed development was compatible with the existing spatial context. If compatibility was established, the permit had to be granted. While the rule appeared objective in legal terms, in practice it was subject to broad interpretation and frequent misuse.

In practice, LDCs substitute for spatial plans and lead to spatial decisions being based on individual investors' proposals rather than on a broader land-use concept expressed in planning documents. This tool is generally considered by local politicians and private investors to be the ideal mechanism for "flexible governance" of urban development. In reality, however, the simplified procedures on which it is based and the lack of control over the decisions taken pose a significant problem for the spatial and functional order of local development (Niedziałkowski & Beunen, 2019). This occurs because LDCs in no way take a broader spatial perspective into account (which in other countries is, for example, reflected in spatial plans covering the entire municipality or city) and, moreover, they allow development on lands where construction should not be envisaged at all (Izdebski et al., 2007).

This means that spatial transformation processes take place in most cases without regulation, with the administration itself seeming to prefer "direct" relation with private actors to the use of legally binding planning instruments. Under these conditions, it is the will of private investors that determines the shape of urban spaces, with the silent complicity of local governments guided by short-term interests such as raising funds for the implementation of measures that are often necessary to ensure their re-election (Kafka & Nawratek, 2004).

The legislative intent was therefore clear: municipalities were first to establish a spatial development vision, adopt legally binding plans, and only in exceptional cases—pending plan adoption—issue individual LDC decisions. In practice, however, municipalities were reluctant to adopt local plans, especially in areas subject to strong development pressure. Instead, they relied heavily on LDC decisions. This type of spatial development in the absence of rules has affected an impressive number of projects over time and, until 2010, accounted for 70 to 80% of the buildings constructed in Poland each year. Between 2003 and 2023, more than two million such decisions were issued—effectively endorsing over two million uncoordinated, bottom-up development initiatives. It is therefore unsurprising that this practice deepened the spatial chaos widely diagnosed in the literature (Kowalewski et al., 2018), particularly in suburban areas under the strongest urbanisation pressure. Spatial chaos has been discussed primarily within Polish

academic and professional discourse, while it has attracted considerably less attention from an international perspective.

In principle, municipalities were not permitted to negotiate the content of LDC decisions with investors; their discretion was limited to verifying compliance with surrounding land use. It may of course be added that in Poland there are other sector-specific procedures affecting spatial planning, such as environmental impact assessments. The problem, however, was that these sectoral procedures provided a certain level of verification of the environmental criteria for the implementation of new investments, but were not able, in principle, to curb spatial chaos. In practice, investors frequently challenged unfavourable decisions in court, often successfully (Nowak et al., 2023). The possibility of appealing against a decision constitutes a form of pressure that investors may exert on municipalities that are potentially reluctant to issue such decisions.

Thus, while the formal framework endowed public authorities with tools to shape spatial development, these tools were rarely used effectively. Several factors contributed to this situation:

- the strong constitutional protection of private property, creating financial risks for municipalities adopting restrictive plans (property owners could claim compensation for reduced land values);
- a widespread societal belief that landowners should have broad freedom to develop their property, with planning restrictions seen as bureaucratic and not understandable;
- the strong legal and economic position of investors, enabling them to challenge planning decisions in court;
- the reluctance of public authorities, at all levels, to actively engage in spatial management and in the pursuit of spatial planning objectives.

Consequently, despite the existence of formal mechanisms allowing public authorities to guide spatial development, the broader legal and cultural context in Poland has effectively ensured the dominance of market forces in shaping the built environment.

In 2023, the national government adopted a comprehensive planning reform, largely driven by the objective of accessing EU Recovery and Resilience Facility funds earmarked for spatial planning reform. The reform sought to strengthen the role of public authorities in spatial management by introducing a new instrument – the general plan – which every municipality must prepare for its entire territory. These plans are intended to designate legally binding planning zones (e.g. multi-family residential, single-family residential, agricultural, open space) and to restrict development inconsistent with these designations.

The reform also significantly limits the role of LDC decisions, which are now to be issued only in exceptional circumstances explicitly permitted by the general plan. Local spatial development plans are retained but redefined as instruments supplementary to the general plans. Conceptually, the reform thus moves the Polish system toward a more *conformative* model, reinforcing public control. However, the implementation has proved highly problematic. The legislator imposed broad substantive requirements for general plans but granted municipalities very limited time to prepare them. Most municipalities lack the financial and technical capacity to deliver high-quality plans swiftly. As a result, the reform has generated widespread legal uncertainty: municipalities are hastily adopting flawed plans, many of which are subsequently annulled by regional / governmental authorities for legal deficiencies[1]. In this context, effective and responsible spatial governance becomes nearly impossible.

The transitional period (2023–2026) has exacerbated these issues. Until a municipality adopts its general plan, development may proceed under the old, liberal LDC regime. This has triggered a surge of new LDC applications, as landowners rush to secure development rights before the new restrictions take effect. Ironically, the immediate outcome of the reform has been a further intensification of uncoordinated development and spatial disorder. While the long-term outcomes of the reform remain uncertain, current observations suggest that the attempt to strengthen public control over spatial development may paradoxically reinforce the dominance of market forces. This paradox stems partly from Poland's entrenched planning culture—centred on strong private property rights—but also from the chaotic and poorly managed implementation of the reform itself. The conducted research indicates that the identified trends occur to a similar extent in the countries of Central and Eastern Europe.

Overall, a certain divide between state and regional planning activities and local spatial transformation practices persists to this day. Despite the introduction of new legal principles, local planning seems to lack real control, favouring flexibility and discretion, which leads to distinguishing, on a case-by-case basis, between areas to be regulated and areas to be allocated to free negotiation with potential investors.

Conclusion

The Polish case thus offers valuable insights into the ongoing struggle between public authority and market dynamics in spatial planning. It underscores the importance of institutional

[1] In the Polish system, at the regional level there are two types of administration: self-government administration (which adopts a legally non-binding spatial plan for the voivodeship) and government administration. The latter is entrusted with the competence and obligation to verify the legal correctness of legally binding acts adopted at the local level. For this reason, the so-called *voivodeship supervision* reviews every spatial plan adopted at the local level.

capacity, legal coherence, and cultural context in determining the effectiveness of public control over spatial development. It is highly notable that, at the time of preparing this manuscript, it is very difficult to predict the further developments regarding general spatial plans. One may speculate that even if most municipalities succeed in adopting these plans, they will subsequently be challenged en masse in courts by property owners (a legally permissible course of action). Courts are likely to examine the plans and related procedures solely from a formal-legal perspective, often focusing on issues that are tertiary with respect to the actual goals and challenges of spatial planning. Experience from the Polish system demonstrates that the general intent of the legislature to improve the spatial planning system is not always sufficient.

This observation can be highlighted as a more universal lesson: it is relatively easy in any spatial planning system to propose legal changes that, from the perspective of certain experts or practitioners, appear necessary. However, it must be remembered that the detailed implementation of such proposals encounters numerous barriers. A significant portion of these barriers stems from the cultural, economic, and social particularities of a given country. Therefore, when implementing changes, it is essential to proceed with caution and carefully analyse their potential consequences from these perspectives. Hasty or imprudent action may lead to problems similar to those observed in Poland.

Conflict of interest

There are no conflicts of interest associated with this article.

References

Berisha, E., Cotella, G., Janin Rivolin, U., & Solly, A. (2021). Spatial governance and planning systems in the public control of spatial development: A European typology. *European Planning Studies*, 29(1), 181–200. https://doi.org/10.1080/09654313.2020.1726295

Berisha E., Cotella, G., Janin Rivolin, U.& Solly, A. (2024). Spatial governance and planning systems vis-à-vis land consumption in Europe, *European Planning Studies*, 32(3), 553-568. https://doi.org/10.1080/09654313.2023.2207605

Faludi, A. (1985). A decision-centred view of environmental planning. *Landscape Planning*, 12(3), 239–256. https://doi.org/10.1016/0304-3924(85)90027-5

Izdebski H., Nelicki A., & Zachariasz I. (2007). *Land use and development. Polish regulatory framework and democratic rule of law standards*, Warsaw: Program Ernst&Young.

Janin Rivolin, U. (2008). Conforming and performing planning systems in Europe: An unbearable cohabitation. *Planning Practice & Research*, 23(2), 167–186. https://doi.org/10.1080/02697450802327081

Janin Rivolin, U. (2012). Planning systems as institutional technologies: A proposed conceptualization and the implications for comparison. *Planning Practice & Research*, 27(1), 63–85. https://doi.org/10.1080/02697459.2012.661181

Kafka K., Nawratek K. (2004). Przegrana gra w miasto. *GazetaWyborcza*, 8 września, p. 15.

Kowalewski, A., Markowski, T., & Śleszyński, P. (2018). *Studia nad chaosem przestrzennym*. Warszawa: Polska Akademia Nauk, Komitet Przestrzennego Zagospodarowania Kraju.

Niedziałkowski, K., & Beunen, R. (2019). The risky business of planning reform – the evolution of local spatial planning in Poland. *Land Use Policy*, 85, 11-20. https://doi.org/10.1016/j.landusepol.2019.03.041

Nowak, M. J., Śleszyński, P., & Legutko-Kobus, P. (2021). *Spatial Planning in Poland: Law, Property Market and Planning Practice*. Cham: Springer. https://doi.org/10.1007/978-3-030-83842-7

Nowak, M.J., Mitrea, A., Lukstiņa, G., Petrişor, A.-I., Filepné Kovács, K., Simeonova, V., Yanchev, P., Jürgenson, E., Põdra, K., Řezáč, V., Mikalauskaite, K., Pranevičienė, B., Ladzianska, Z., & Baloga, M. (2023). *Spatial Planning Systems in Central and Eastern European Countries: Review and Comparison of Selected Issues*. Cham: SpringerBriefs in Geography. Springer Nature. https://doi.org/10.1007/978-3-031-42722-0

Nowak, M. J., Śleszyński, P., Ostrowska, A., Oleńczuk-Paszel, A., Śpiewak-Szyjka, M., & Mitrea, A. (2023). Planning disputes from the perspective of court rulings on building conditions: A case study of Poland. *Planning Practice & Research*, 38(3), 425–446. https://doi.org/10.1080/02697459.2023.2186358

Nowak, M. J., Śleszyński, P., & Legutko-Kobus, P. (2024). *Nowelizacja planowania przestrzennego: Czy ciąg dalszy „dróg i bezdroży regulacji ustawowych”?* Warszawa: Wydawnictwo Naukowe Scholar.