



# PLANNING IN POLAND AND SLOVENIA – INTRODUCTION TO COMPARATIVE ANALYSIS OF SPATIAL PLANNING SYSTEMS AT THE LOCAL LEVEL

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**Abstract:** The paper aims to compare the existing spatial planning system in both countries, their spatial planning laws, documents and planning approaches. It focuses on the level of land use and urban planning instruments at the local level. It addresses the administrative and procedural characteristics of the two countries as well as experiences and examples of best practices that can be shared in the future. The results presented show that the countries are quite similar in terms of both the planning system and the typology of spatial planning acts. There are clearer differences in the planning approaches at the local level and in the current challenges regarding the stakeholders' participation in the planning processes.

**Keywords:** spatial planning system, planning instruments, land use, Poland, Slovenia.

## Introduction

Slovenia and Poland, as post-transition countries, have had similar experiences of integration into the institutions of the European Union, the introduction of market economy principles and the creation of a new socio-administrative system. This includes the reform of the spatial planning system, which at the beginning of the transition was focused on the implementation of the principles of sustainable spatial development and today – on the implementation of current goals, as addressed in particular by the European Green Deal and the concept of Society 5.0. Over the past decades, these two countries have developed similar approaches and methods in the field of spatial planning, while at the same time, they have created also different spatial

planning instruments, spatial acts and project practices. The differences are of course the result of individual circumstances in spatial planning tradition, as well as in administrative and political practice and concerning the national and local characteristics of the two countries. In both cases, however, the context of transition and post-transition is very similar. Both countries are confronted with development interests in physical space that, in contrast to the former socialist development plans, now address the idea of selective investment of private capital, the redefinition of public and private interests, and the relativisation of social consensus in the use of space as a limited resource.

The article provides a comparative analysis of the spatial planning contexts in Poland and Slovenia, including its administrative and legal implications, and then goes on to illustrate topics such as urban policy and master planning. The main goal is to highlight the fundamental similarities and differences between the spatial planning in two countries that are after transition but have developed very different forms of planning in terms of their structure, practical application and underlying philosophies. The conducted analysis concludes with the following research questions:

- what spatial planning acts and instruments exist in both countries and what are the mutual differences?
- what are the main differences at the local level?
- what other specific instruments, approaches or practices are considered effective?

The first part of the article is devoted to a comparison of the instruments and objectives of spatial planning, the organizational structure of the countries and the definition of the hierarchy of planning documents in the spatial planning systems of Poland and Slovenia. The second, more detailed part of the article deals with comparisons at the level of local planning.

What distinguishes this publication is the reference to detailed solutions found in local planning that determine the spatial form of individual countries. This can be an important part of the discussion as Poland faces the challenges of a major change in spatial planning legislation. On the other hand, Slovenia has also updated its spatial legislation several times in recent decades.

Due to their particular importance for 'spatial planning' and the limited scope of the article, the publication focuses on spatial planning systems at the local level. In local spatial plans common practice is distinguishing general plans and detailed plans. In such approaches, both plans carry legal weight and must be followed by developers, local authorities, and other stakeholders involved in land use and development. General plans provide a broad framework for future development, outline long-term goals and land use designations for different areas also land use guidelines. These plans serve as a guide for more detailed decision-making and development. From the perspective of comparing spatial planning systems, it seems important to mention the administrative structure.

The study was carried out in three phases. In the first one, a descriptive research method was used to review the reference literature, spatial legislation and spatial planning acts in both countries. We used publicly available data and information. In the second phase, the mutual similarities and differences were identified using the comparative method. We focused on the municipal level of spatial plans, their spatial jurisdiction, detailed provisions and planning instruments. In the third phase, we summarized the findings and formulated the conclusions.

## Literature Review

J. Chmielewski (2016, p. 179) defines planning as ‘deliberate and conscious action directed towards the future’. The objectives of planning, however, refer to ‘three often related areas: creating structures, organising functions and determining the direction of development’. From an organizational point of view, the spatial planning system should be understood as a certain set of legal provisions regulating planning procedures and practical experiences describing planning processes. Such a system therefore combines issues of both theory and planning practice. The idea of spatial planning is understood as the process of organising territory and land use, as well as managing competing interests to guide development ensuring environmental protection, land conservation and the involvement of local communities (Nadin et al., 2018). The issue of the dysfunction of the Polish spatial planning system has been the subject of many discussions (Markowski, 2010; Zachariasz 2015; Szlenk-Dziubek & Wisłocka, 2021), also in the context of comparisons of national systems (Nowak, 2023). The issues of spatial chaos (Kowalewski et al., 2018) and its costs (Śleszyński et al., 2020), as well as law as a factor generating the weakness of the planning system (Nowak et al., 2023b), were discussed. Extensive research on the comparison of planning systems in Central and Eastern Europe was undertaken by Nowak et al. (2022, 2023a). The role of local development plans of Central and Eastern European countries was raised (Nowak et al., 2022). However, there are also many focus studies that highlight the differences between spatial planning approaches and systems (Faludi, 2004; Reimer et al., 2014). The ESPON study (Nadin et al., 2018) also deals with the challenges in the field of the spatial planning system in the EU. It very analytically compares the individual countries, their similarities, differences and practices. In the section ‘Relationships between Cohesion Policy, spatial planning and territorial governance’ for the Republic of Poland, for example, the problem of the controlled phenomenon of suburbanization, the influence of capital on spatial development and the imbalance of urban centres on a broader regional scale are highlighted. At the same time, some examples of good practice are also given (e.g. The Regional Territorial Investment – RTI – as a new instrument of territorial approach to regional development). The Republic of Slovenia is mentioned in this study, but unfortunately its spatial planning system is not analysed in detail. Comparative research between Poland and Slovenia on the role of spatial planning in the investment process is provided in the article (Krajewska et al., 2014), which constitutes a contribution to this publication. However, the legal conditions mentioned regarding Poland refer to the Spatial Planning Act before the 2023 amendment.

In Slovenia, the field of spatial planning is also the subject of many discussions and experts, who mainly deal with the changes in the post-independence period (Dekleva, 1999; Marot, 2010; Klemenčič, 2013). This period also saw the emergence of a new typology of spatial planning acts, a range of decision-makers and planning approaches. According to several authors, the current Slovenian system is similar in individual segments to that of the German-speaking countries, the Mediterranean countries, and the Baltic and Eastern European countries (Marot, 2021). It can be characterized as a ‘marked-led neo-performative system’ (Berisha et al., 2021), which adapts to the needs of the market and at the same time defines individual elements of regulation. Additional evident work that has been reviewed presents the Study on the Europeanization of the national planning system (Peterlin & McKenzie, 2007), which addresses the extent and manner of implementation of European institutional elements in the transition phase. At the same time, it points out that individual adaptation processes had already been carried out before EU accession. Europeanization as a result of joining the EU’s common policy of social, economic and territorial cohesion involved changes in the field of strategic spatial development objectives (environmental

protection, transport corridors, rural development, etc.) and planning approaches. All this has encouraged the development of a new typology of spatial planning acts, a specialised terminology and a planning methodology. At the same time, the state played a key role in its planning instruments. Gajšek (2018) takes a critical look at the radical changes in the institutionality of the planning system in the first decade after independence. The former socialist, clearly planning approach has ruthlessly transformed into a clearly sectoral approach without adequately assessing the possible consequences. The rapid adaptation to modern sectoral interests has in many cases subordinated the public interest in the name of economic progress. The author emphasizes the need for an inventory of the existing situation and at the same time proposes a redefinition of the public-private partnership, which is nevertheless a realistic and effective tool of spatial development.

More recent works include the study by Marot (2021) takes a comprehensive look at the chronological development of the system in the post-independence period. At the same time, Marot (2021, p. 64) critically notes that Slovenia has made lasting changes to spatial planning legislation and thus also to the spatial planning system in recent decades: 'Altogether, in the 30 years from Slovenia's independence, the framework of country's spatial planning system changed four times. From socially oriented spatial planning to strategic planning; from strategic to zoning, and in the latest change to hybrid model'. The current situation, both in terms of jurisdiction and typology of spatial acts, is the result of temporally different objectives of spatial development, changing approaches and practices in the implementation of local self-government and the needs of the free market. This raises an intermediate question: have we learned anything from this and have all the changes been constructive and effective?

## Results

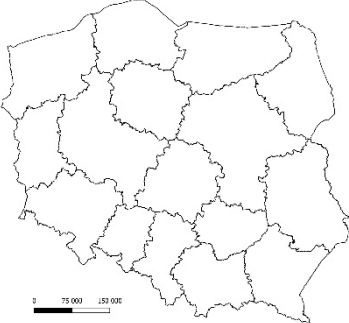
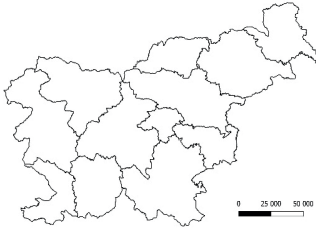
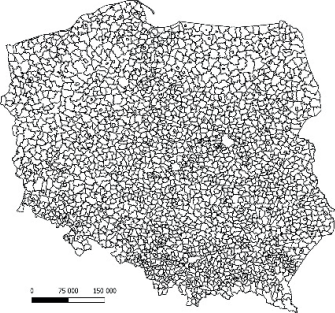

The spatial planning system in the Republic of Poland and the Republic of Slovenia consists of legal bases and spatial planning acts. The legal bases include: The Constitution, sectoral legislation and regulations and according to their provisions spatial planning acts are prepared at different levels. Even though the countries have different historical backgrounds, as modern countries of the EU they are quite similar in the state-administrative sense.

### Administrative division

At the same time, it must be emphasized that, in addition to the basic constitutional provisions and sectoral legislation, the administrative division of each country represents the fundamental starting point for the development of its spatial planning system (Table 1).

In this sense, Poland is divided into 16 voivodeships, 314 powiats (districts) and 66 cities with district rights, as well as 2477 municipalities. At the local level, space is governed by the local council, which passes strategic and local spatial policy acts. Poland has an area of 322,575 square kilometres and a population of 37.75 million (2021). At the same time, Slovenia is divided into 12 statistical regions, 212 municipalities (of which 12 have the status of a city municipality) and 58 administrative units (state authorities at the local level). At the local level, space is regulated by municipal strategic and implementing spatial planning acts. The country has an area of 20,237 square kilometres and a population of 2.108 million (2021).

**Table 1.** Administrative division of the Republic of Poland and the Republic of Slovenia

Poland	Slovenia
Administrative division into 16 voivodeships:	Administrative division into 12 statistical regions:
	
Administrative division into 2477 communes (including 302 urban communes, 677 urban-rural communes and 1498 rural communes) (as of 01.23).	Administrative subdivision into 212 municipalities:
	

Source: authors.

The Polish spatial planning system is related to the hierarchy of authorities. Decisions made at individual levels of planning must not contradict the ones at a higher level. The coherence of the entire planning system is supposed to ensure the effective implementation of spatial policy objectives. This vertical system is supported by horizontal cooperation between units at the same level of authority and planning competence. The lack of such cooperation makes it virtually impossible to implement the principles of spatial policy, which include spatial order and sustainable development as the basis for all activities. Planning decisions should be also taken in consultation with the competent authorities of neighbouring municipalities and voivodeships. Their agreements and opinions also involve co-operating units, most of which are part of state administrative structures. The scope of the opinions or agreements is specified in the appropriate regulations. The competencies and tasks regarding spatial planning and development between the central government administration, local government (voivodeship, poviats and commune governments) and the metropolitan association (if established). The concept of national development is one of the responsibilities of the Council of Ministers and should include particular development scenarios and development challenges for the country in the social, economic and spatial dimensions. The regional level is held by the voivodeship self-governments and regards shaping and conducting regional spatial policy, including adopting the voivodeship spatial development plan and landscape audit. Poviats self-government has the competencies in the spatial planning area which are limit-

ed to analyses and studies relating to the poviats area and issues of its development. The most significant influence on the way the land is developed comes from the local planning level, which is the responsibility of the municipal, rural or municipal-rural municipalities and their authorities. The scope of this task includes the formulation and implementation of spatial policy within the municipal territory, as well as the preparation and adoption of spatial planning legislation. Within the scope of its competencies, the municipality may also determine the rules and conditions for the location of small architectural objects, advertising signs and devices and fences, their dimensions, quality standards and the types of building materials from which they can be made (so-called landscape resolution) and adopt a local plan revitalisation, which is a special form of the local plan.

The highest legal act in Poland is the Constitution of the Republic of Poland, adopted on April 2, 1997. This act does not directly refer to the issues of spatial planning. The sources of generally applicable law in the field of spatial planning are acts, regulations, and local legal acts. Public tasks that serve to meet the needs of the local community are performed by the local government unit as its tasks. From the point of view of the functioning of local government, the Act of 8 March 1990 on Municipal Self-Government is the most important, as it defines the competencies of the municipality as the basic organisational unit of local government. The scope of the municipality's activities includes all public matters of local importance that are not transferred to separate entities by other laws, for example, groups of tasks related to the following:

1. technical infrastructure (including roads, water supply, sewage system, sewage treatment, cleaning, waste disposal, local public transport, markets, green areas and cemeteries),
2. social infrastructure (including kindergartens and schools, health care, social care and assistance, culture, recreational areas, sports facilities and facilities),
3. public order and safety (road traffic organization, public order and fire protection).
4. spatial order (spatial development, land management, environmental protection).

This catalogue of examples of the commune's responsibilities also includes spatial development, land management and environmental protection. This means that the municipal authorities are responsible for conducting spatial policy, which is reflected in local plans.

The regulations of the Constitution of the Republic of Poland are also indirectly reflected in the planning procedure due to the regulations regarding the protection of property and the right of inheritance (Article 21 of the KRP). As mentioned above, the sources of generally applicable law include the following Laws and regulations. The entry into force of acts, ordinances and local acts is subject to their promulgation. Acts are adopted by the Sejm. Regulations are issued based on an authorisation contained in the act. The authorisation specifies the authority competent to issue the regulation and the scope of the matters submitted for regulation. In the field of spatial planning, in addition to the Act on Spatial Planning and Development, about 30 other acts and several regulations are of great importance. Compliance with the requirements of the separate regulations is checked in the planning procedure at the stage of issuing opinions and agreeing draft plans with the authorities responsible for the subject or local area, and at the end of the procedure by the supervisory authority. If the legal provisions are exceeded, misinterpreted or misapplied, the supervisory authority may declare the provisions of the local plan invalid (in whole or in part). Implementing regulations are also drawn up concerning the provisions of the Spatial Development Act. These are documents that specify, among other things, the form and scope of individual planning documents and other issues relating to the implementation of the provisions of the Act.

The spatial planning system in Slovenia is also divided into levels and comprises an administrative hierarchy. A special feature is still at the regional level, where no regional spatial planning acts have yet been implemented. This is mainly due to the indecisiveness of national policy, which has repeatedly changed the basic spatial planning law over the last three decades, while sometimes addressing and sometimes rejecting the need to implement spatial planning acts at the regional level. Otherwise, the system ensures that both a) state development projects (e.g. basic infrastructure and other strategically important projects at the national level), where the state has primacy, and b) the implementation of spatial development strategy at the local level, which is practically entirely left to the municipalities (of course, the synchronisation of superior and inferior acts must be ensured), are adopted and implemented. All this is guaranteed by the Constitution of the Republic of Slovenia and sectoral legislation. The way in which spatial planning acts are drawn up and adopted is precisely defined in the regulations. Acts at the national level are prepared by the ministries and adopted by the government by Decree or Resolution. Acts at the local level are prepared by the municipalities and adopted by the municipal councils in the form of a municipal Decree. The mayor naturally plays an important role in this process.

The constitution (adopted on December 23, 1991) is the highest legal act by which the state establishes the general principles and forms of its political and social organization. Spatial planning also belongs to this framework, as organized (planned) space is a matter of public interest. Based on the constitution, sectoral legislation is created that precisely defines the planning system. The constitution also guarantees the right of citizens to be informed about general public affairs (i.e. including spatial planning) and to be able to participate in them. There is also a right to petition, even if they do not agree with the planning procedure or its results (right to a referendum). The following articles (no.) of the constitution are particularly important for the spatial planning process: 39. citizens' right to freedom of expression, freedom of information, right to access to public information; 44. the right to participate in the management of public affairs (general or professional public participation); 45. the right to petition; 138. implementation of local self-government management; and 140. the competence of the municipality includes local matters that the municipality can regulate independently and which concern only affect the residents of the municipality (spatial planning acts at local level). In addition to the guaranteed rights, we must of course also be aware of the duties that shareholders have and the duties that citizens have in spatial planning procedures. In other words, the right to be informed and the duty to inform someone, or the duty to actively participate in these procedures. This legislation covers practically all sectors that directly or indirectly concern spatial planning. The legislation determines both the development and protection aspects of the individual sectors, the planning procedures, stakeholders involved, and their rights and obligations: spatial planning; nature conservation; agriculture and forestry; protection of cultural heritage; water management and environmental protection; communal infrastructure; defence, protection and rescue; etc.

Each law has its regulations that define individual parameters in detail (e.g. Rules for the preparation of the MDSP). The provisions of these regulations are also mandatory. In addition, there is a wide range of materials in the form of recommendations, guidelines, instructions, etc., which are optional but meaningfully considered in the sectoral planning procedures of sectoral development

### Spatial Planning Acts

The Spatial Planning and Development Act of 27 March 2003 is a basic spatial planning act that defines three levels of the spatial planning system in Poland: national, regional and municipal (Table 2). Each of these levels is associated with different planning documents, but currently, in Poland, there is no legislation at the national level related to spatial planning issues, as the Spatial Concept for the Development of the Country (KPZK 2030) was repealed in 2020. On 7 July 2023, an amendment to the 2003 Act came into force (effective from 24 September 2023), which significantly changed the organisation of the spatial planning system. The Act defines the types of planning documents, their scope and the procedure for their preparation. The provisions apply to planning documents prepared by both municipalities and higher authorities. The details of the procedures set out in the Act are the subject of implementing legislation, which includes the detailed scope and form of planning documents. The provisions of the Spatial Planning and Development Act are linked to many other sectoral acts that regulate land use, such as the Building Act, the Nature Conservation Act, the Environmental Protection Act, the Water Act, the Agricultural and Forestry Protection Act, the Public Roads Act, the Real Estate Management Act, etc.

Table 2. Spatial planning acts – general preview

Poland	Slovenia
<p><b>Strategic spatial planning acts:</b></p> <ul style="list-style-type: none"> <li>• Currently in Poland there are no acts at the national level related to spatial planning matters. The Spatial concept of country development (KPZPK 2030) was repealed.</li> <li>• The Voivodeship Spatial Development Plan</li> <li>• The Voivodeship Development Strategy</li> </ul> <p><b>Implementing spatial planning acts:</b></p> <ul style="list-style-type: none"> <li>• Local development strategies</li> <li>• General plan (former studies of spatial development conditions and directions)               <ul style="list-style-type: none"> <li>• Spatial local plans</li> </ul> </li> </ul>	<p><b>Strategic spatial planning acts:</b></p> <ul style="list-style-type: none"> <li>• Spatial Development Strategy of RS (SDSS, 2023)</li> <li>• Action Program (AP)</li> <li>• National Spatial Order (NSO, 2004)</li> <li>• Regional Spatial Plan (RSP)</li> <li>• Municipal Spatial Plan (MSP)</li> </ul> <p><b>Implementing spatial planning acts:</b></p> <ul style="list-style-type: none"> <li>• National Spatial Plan (NSP)</li> <li>• Regulation on the most appropriate variant</li> <li>• Regulation on the protected area</li> <li>• Municipal Spatial Plan (MSP) – land use plan</li> <li>• Municipal Detailed Spatial Plan (MSDP)</li> <li>• Decree of the regulation of the image of settlements and landscapes</li> </ul>
<p><b>Hierarchy:</b></p> <pre> graph TD     A[DEVELOPMENT STRATEGY THE SPATIAL DEVELOPMENT PLAN higher order (national, regional, supra-local)] --&gt; B[COMMUNE DEVELOPMENT STRATEGY]     B --&gt; C[GENERAL PLAN (BEFORE 7.7.2023: STUDY OF CONDITIONS AND DIRECTIONS OF SPATIAL DEVELOPMENT) (land use)]     C --&gt; D[INTEGRATED INVESTMENT PLAN]     C --&gt; E[LOCAL DEVELOPMENT PLAN (land use)]     C --&gt; F[DECISION ON DEVELOPMENT CONDITIONS]   </pre>	<p><b>Hierarchy:</b></p> <pre> graph TD     A[SPATIAL DEVELOPMENT STRATEGY of RS and NATIONAL SPATIAL ORDER] --&gt; B[REGIONAL SPATIAL PLAN]     A --&gt; C[NATIONAL SPATIAL PLAN]     B --&gt; D[MUNICIPAL SPATIAL PLAN]     B --&gt; C     C --&gt; E[MUNICIPAL SPATIAL PLAN (land use)]     E --&gt; F[MUNICIPAL DETAILED SPATIAL PLAN DECREE of the regulation of the image of settlements and landscapes]   </pre>

Source: authors.

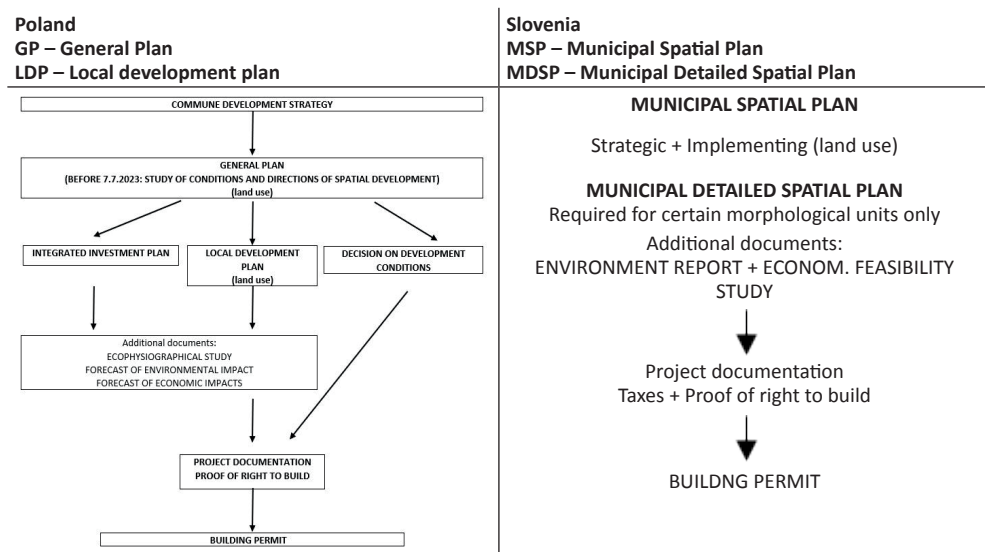


In Slovenia, the typology and hierarchy of spatial planning acts (jurisdiction, spatial extent and provisions) are determined by the current Spatial Planning Law (2021). It consists of strategic and implementation spatial planning acts at the national, regional and local levels. Their content and the way they are prepared are determined by sectoral laws and regulations. Table 2 provides a list of all legal acts. The most important of them is the Spatial Development Strategy of Slovenia (SDSS), which defines the basic direction of development of individual sectors at the national level. This strategy forms the basis for all subordinate acts. In addition, the National Spatial Plan (NSP) is an implementation act as an instrument for realizing the desired projects. As already mentioned, the regional level is still under development. At the local level, the Municipal Spatial Plan (MSP) (strategic and implementation part) and the subordinate Municipal Detailed Spatial Plan (MDSP) are of key importance. The MDSP is a very detailed implementation act that is only prepared in certain cases.

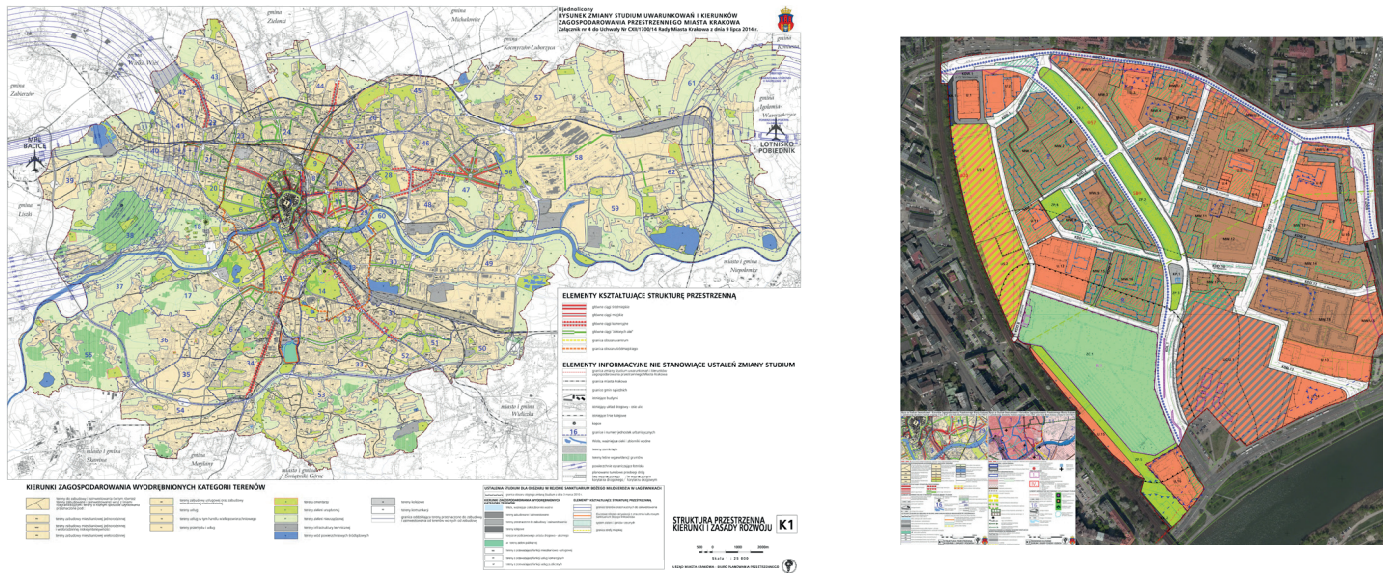
### Spatial planning at the local level

Spatial planning at the local level in Poland is determined by three acts. **The Commune Development Strategy** sets out the strategic spatial goals, model of functional structure and spatial structure, also findings and recommendations for shaping and implementing spatial policy (binding for the general plan) (Nowak, 2023). The second is the general plan, which is comprehensive, but shapes the spatial development of the entire commune by defining planning zones and urban planning standards of the commune. The last stage is creating the most important Local development plan. There could be also the Integrated Investment Plan which is the new one after the amendment of the spatial planning law (refers to cooperation between municipal authorities and investors) and the tool of Decision on Development Conditions (works in case of lack of local development plan).

**Table 3.** Spatial planning acts at the local level – from land use to building permit



Source: authors.



**Figure 1.** Former Study of conditions and directions of spatial development which was replaced by the General Plan. As an example document of study adopted for Krakow in 2014 (left).  
The local development plan (here example of LDP titled: *Rejon Alei Ignacego Daszyńskiego*, adopted in 2018 for a part of Krakow area (right)  
Source: Department. of City Planning, <https://www.bip.krakow.pl/> (accessed 10.12.2023).

Spatial planning is the responsibility of municipalities, which by law play a key role in spatial planning in Poland, mainly because they are the place where spatial management is implemented. The spatial policy conducted at that level is based on several interrelated documents (Tab. 2). Spatial planning at the local level in Poland is determined by three acts: the commune development strategy, the general plan and the local development plans. The first one, the commune development strategy includes a social, economic and spatial diagnosis, a model of the functional and spatial structure, as well as regulations and recommendations in the field of spatial policy formation and implementation in the commune. The strategy discusses the key areas of strategic intervention defined in the voivodeship strategy, as well as strategic goals, expected results of actions in the spatial dimension and guidelines for the preparation of spatial planning acts. The second is **the General Plan**, which is a new document introduced by the amendment of the Spatial Planning and Development Act adopted on 7 July 2023. The general plan replaced the previous document which was called The Study of Conditions and Directions of Spatial Development of the municipality which was also the comprehensive land use plan for the entire commune territory. The general plan defines planning zones and municipal urban planning standards, and may also designate supplementary development areas and inner-city (downtown) or inner-villages development areas (Article 13a). The provisions of the general plan are taken into account in the preparation of the local spatial development plan and constitute the legal basis for decisions on the conditions of development and land use. The general plan should adapt to the provisions of the voivodship spatial development plan (Art. UZP), the objectives of the municipality's spatial policy, which are specified in the municipality's development strategy or in the supra-local development strategy. Urban planning standards are adopted by the local council as part of the general plan. This document obligatorily establishes a catalogue of planning zones, indicating the functional profile of the planning zones, the values of the maximum intensity of above-ground development, the maximum height of buildings and the maximum proportion of development area in the planning zones, and the values of the minimum proportion of biologically active area in the planning zones. Non-obligatory standards may also include provisions relating to access to the social infrastructure, in particular to access to public schools and to public green spaces.

The last document is called the **Local Development Plan** (LDP local plans). The provisions of the local plans determine the possibilities for implementing a construction investment, including: whether a given plot of land in a given area can be developed, and if so, what the function and parameters of the planned development may be. The plan may be prepared for the entire municipality or only for a selected part of it, depending on the assumptions of the municipality's spatial policy. According to Art. 14 of the Act in the version valid before 7 July 2023, the determination of the intended use of the territory, the location of public purpose investments and the determination of the methods and conditions of development of the territory shall be made in the local plan. The scope of the elements that can be regulated in a local plan has been strictly defined in the provisions of the Act on local development plans - the regulations of a local plan cannot exceed the obligatory and optional elements listed, inter alia, in Art. 15 section 2-4 of the Act.

**Table 4.** Local level – the way of planning and design, detailed spatial implementation conditions

Poland	Slovenia
<p style="text-align: center;"><b>GP</b> ↓ Morphological unit - the way of planning and design. ↓ <b>Local Development Plan</b> General / Detail Spatial Implementation</p>	<p style="text-align: center;"><b>MSP</b> ↓ Morphological unit - the way of planning and design ↓ <b>A: MSP</b>                      <b>B: MDSP Required</b> General / Detail                      very Detailed Spatial Implementation                      Spatial Implementation Conditions (SIC)                      Conditions (DSIC)</p>
<p><b>A: General Plan</b></p> <p>The area covered by the general plan is divided separately into planning zones: multi-functional zone with multi-family residential buildings; multi-functional zone with single-family residential buildings; multifunctional zone with farm buildings; service zone; large-scale trade zone; economic zone; agricultural production zone; infrastructure zone; greenery and recreation zone; cemetery zone; mining zone; open zone; communication zone (Art. 13c. 1.)</p> <p>In the planning zone catalogue specifying:</p> <ul style="list-style-type: none"> <li>- functional profile of planning zones</li> <li>- above-ground development intensity (max)</li> <li>- building height (max)</li> <li>- share of build-up area in planning zones (max)</li> <li>- indicator of biologically active area (min)</li> </ul> <ul style="list-style-type: none"> <li>• In planning zones, the absorption capacity of undeveloped areas is calculated, based on which the demand value for new development is determined.</li> <li>• The General Plan, can set standards of accessibility of social infrastructure, providing access to primary schools and public green areas.</li> </ul>	<p><b>A: MSP basic general/detailed conditions:</b></p> <ul style="list-style-type: none"> <li>• Detailed land use category</li> <li>• Land division and regulation lines</li> <li>• Permissible use of space <ul style="list-style-type: none"> <li>FSI – Floor space index (max)</li> <li>BF – Built-up areas factor (max %)</li> <li>GAF – Green area factor (min %)</li> <li>FBP – Open paved areas factor (min %)</li> </ul> </li> <li>• Building height (m)</li> <li>• Building type</li> <li>• Urban / Architectural design conditions <ul style="list-style-type: none"> <li>- buildings design (volume shape, façade, colours etc.)</li> <li>- build-up and open areas, paved and green areas design</li> </ul> </li> <li>• Infrastructure connection and design conditions: <ul style="list-style-type: none"> <li>- transport</li> <li>- environmental, energy and electronic</li> <li>- green wedge</li> </ul> </li> <li>• Environmental conditions</li> <li>• Conditions regarding: <ul style="list-style-type: none"> <li>- nature preservation, cultural heritage preservation,</li> <li>- defence and protection against natural and other</li> <li>- disasters, including fire protection etc.</li> </ul> </li> </ul>
<p><b>B: LDP Local Development Plan</b></p> <ul style="list-style-type: none"> <li>• Detailed land use category</li> <li>• Land division and regulation lines</li> <li>• Rules for shaping local development plans:</li> </ul> <p>Land use indicators:</p> <ul style="list-style-type: none"> <li>- above-ground development intensity (max and min),</li> <li>- proportion of biologically active area (min),</li> <li>- proportion of building area (max),</li> <li>- building height (max),</li> <li>- minimum number and type of parking spaces (including spaces for parking vehicles with a parking card), building alignment and dimensions of buildings (Art. 15.1)</li> </ul> <ul style="list-style-type: none"> <li>• Urban / Architectural design conditions <ul style="list-style-type: none"> <li>- buildings design (roof shape, colours etc.)</li> </ul> </li> <li>• Infrastructure connection and design conditions: <ul style="list-style-type: none"> <li>- transport</li> <li>- environmental, energy and electronic</li> </ul> </li> <li>• Environmental conditions</li> <li>• Conditions regarding nature preservation, cultural heritage preservation</li> </ul>	<p><b>B: MDSP required - detailed design solutions:</b></p> <p><b>Textual and graphic provisions</b></p> <ul style="list-style-type: none"> <li>• Description of the project (spatial development)</li> <li>• Placement of the planned development in a space: <ul style="list-style-type: none"> <li>- impacts and connections of spatial development,</li> <li>- solutions for planned buildings and open areas,</li> <li>- conditions and guidelines for design and construction.</li> </ul> </li> <li>• Design of project solutions and conditions regarding the connection of facilities to communal infrastructure and built public property.</li> <li>• Solutions and measures for the integrated preservation of cultural heritage.</li> <li>• Solutions and measures for the protection of the environment, natural resources and nature conservation.</li> <li>• The method, type and purpose of the renovation of the settlement or its part (if necessary).</li> <li>• Solutions and measures for defence and protection against natural and other disasters, including fire protection.</li> <li>• Solutions and measures for defence and protection against natural and other disasters, including fire protection.</li> </ul>

- Stages of implementation of spatial development.
- The size of permissible deviations from functional, design and technical solutions.
- Guidelines for determining criteria and conditions after the expiry of the detailed plan.

Source: authors.

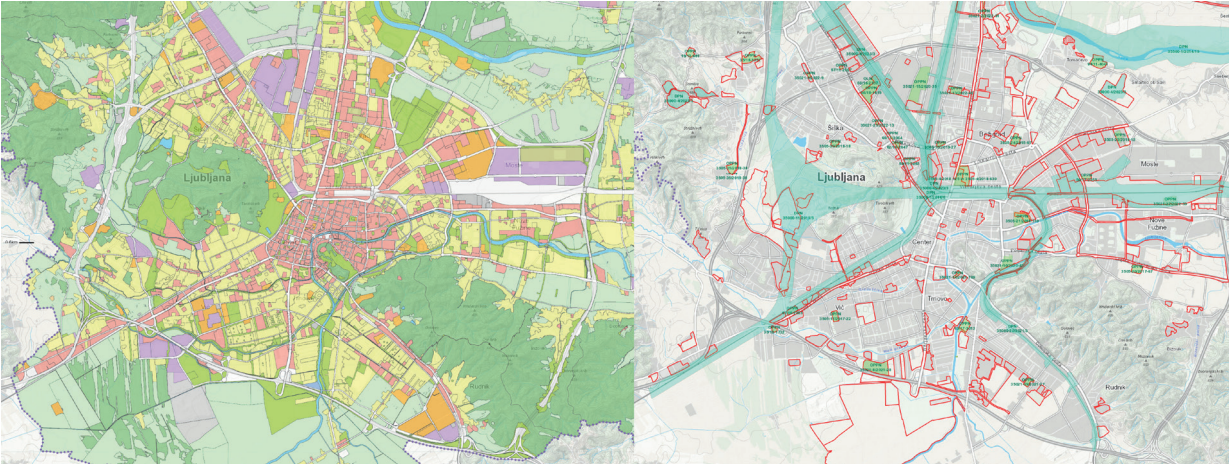
The scope of mandatory and optional provisions to be included in the local plan has not been significantly changed by the amendment to the Act. The most important ones are the specification/clarification of the regulations on the location of renewable energy sources, the method of presenting and sharing spatial data and public participation.

An important change is the possibility of allowing so-called simplified procedures, which are only possible in the cases specified in the Act, including:

- the siting of renewable energy installations other than wind farms,
- introduction of regulations resulting from, inter alia, hydrological, geological, geomorphological and natural conditions, removal/inclusion of an object or area from the register of monuments or records of monuments,
- introduction of regulations resulting from decisions on the location or implementation of public purpose investments
- introduction of regulations resulting from prohibitions or restrictions on building and land development, as specified in the provisions of legal acts or legal regulations, including local legal acts, issued on the basis of such legal acts,
- changing the colour of buildings or roof coverings
- changing the course of lines separating areas with different purposes or different development principles or building alignment by no more than 1 m.

The special form of a local plan is called an **Integrated Investment Plan (IIP)**, which can be prepared and adopted based on the investor's application. This type of local plan is connected with a so-called urban planning agreement, in which the investor may be obliged to make additional investments for the municipality, transfer real estate to the municipality, or bear the costs of implementing the additional investments. The Integrated Investment Plan can cover the area of the main investment (e.g. multi-family housing) and additional investments defined by law (e.g. land infrastructure networks, public roads, day-care facilities for children up to three years of age, kindergartens, schools, sports and recreational facilities, public green areas, construction facilities for commercial or service activities - provided that they serve the main investment). The municipality and the investor will be able to determine the scope of implementation and financing of additional investments, including technical infrastructure, communications and social services.

In Slovenia, municipalities have the constitutionally guaranteed right and duty to regulate their territory independently and sovereignly. Of course, they are controlled by the state through the relevant ministries. However, it is necessary to mention so-called 'projects of national importance' (according to the national spatial plan), certain elements of which the municipalities must include in their municipal plans by order of the state (e.g. infrastructure corridors, airports, ports, etc.). Otherwise, the 'Law on Local Self-Government' is of key importance for the municipalities. Article no. 21 states: 'The municipality shall independently deal with local matters of public interest (original tasks) determined by the General Municipal Development Act or by law. Thus, it plans its spatial development, performs tasks in the field of spatial intervention and the construction of buildings in accordance with the law and provides the public service of building land management.'



**Figure 2.** Municipal Spatial Plan. As an example document of MSD adopted for Ljubljana (left). Map of Ljubljana which presents the areas which are designated as areas which have to be covered with Municipal Detailed Special Plans (right)  
Source: Urbinfo (2023).

At the municipal level, there are two key spatial planning acts in Slovenia, namely: **MSP – Municipal Spatial Plan** (Land use level – general spatial planning conditions, also certain detailed conditions only textually specified), and **MDSP – Municipal Detailed Spatial Plan** (Urban design level – very detailed conditions: graphically and textually specified).

Main features of the MSP (Fig. 2 left):

- covers the entire territory of the municipality (in a strategic and implementation sense),
- determines the distribution of activities in space (land use) and even more detailed conditions for the spatial planning of individual settlements, including all sectoral conditions (legal regulations: cultural heritage, nature protection, environment, protection of waters catchment areas, etc.),
- determines the spatial implementation conditions for all morphological units (MU) and also determines the MUs for which the MDSP (detailed plan) is required.

Main features of the MDSP (Fig. 3):

- it is drawn and written as a detailed urban plan, it defines all the necessary urban planning conditions and also guidelines for the detailed architectural and landscape design,
- at the same time, it has the status of a legal act (law), (as such it enables, for example, the expropriation of land for the construction of communal infrastructure).

In this sense, we are confronted with different conditions when planning, but it is clear that planning is entirely the responsibility of the municipality.

The decision on the list of those MUs for which an MDSP is required is made during the preparation of the MSP (it is based on the professional basis and the vision of the city development) (see Fig. 2 right). However, it can also be decided subsequently that in specific cases an MDSP will be requested for MUs for which no MDSP is planned currently. According to the ZUreP (Law on Spatial Planning), the municipality is responsible for such decisions. On the other hand, it is not possible the opposite process, mean to develop a spatial solution in the area where the MDSP is planned without first preparing it.



Figure 3. An example of Municipal Detailed Spatial Plan (MDSP) Vzhodni Pacug  
Source: Lex localis (2023).

Criteria used for determining the MU for which an MDSP must be prepared for:

1. Undeveloped areas bigger than 5.000m<sup>2</sup> (ensuring rational land use and rational Communal Infrastructure (CI)),
2. Degraded urban areas (recycling of space, ensuring rational land use and rational CI),
3. Under-developed areas (concentration of development and regulation of CI),
4. Areas intended for renovation (redesigning or changing the intended land use).

Although in the MSP general spatial implementation conditions (SIC) are different for each type of land use (zones), the city area is further divided into smaller morphological units MU, where some MUs can have specific conditions implemented, named detailed spatial implementation conditions (DSIC). These conditions can be based on land use or building use (e.g. MU or sites for office buildings have a mandatory index for minimum size of the outside green areas as well as open public areas). Detailed spatial implementation conditions (indexes) can vary according of location within the city or the proximity to the city centre.

## Specific practices and instruments in spatial planning practice

In addition to the spatial planning system, the spatial planning laws and their provisions described above, it is worth mentioning some other interesting instruments and procedures that have been put into practice in recent years.

In Slovenia, there are several interesting aspects of planning practice. One of them is the practice or instrument of **'public competitions' for architectural and urban planning solutions**. Public competitions to obtain the most suitable architectural and urban planning solutions for specific projects are primarily an instrument for ensuring professional quality solutions. At the same time, however, they are also an instrument for transparent planning and design, for informing the public and for democratic decision-making on space. Anyone can participate (with the appropriate professional competence, of course). According to national spatial legislation, it is mandatory in certain cases (e.g. for projects financed from public funds or for projects that significantly change the situation in a certain area). In general, this instrument has proven to be very successful, but of course, it represents an additional financial burden for investors. The second aspect regards the **mobilization of the general public and the establishment of Citizens' Initiatives**. In Slovenia, the general public awareness of the importance of spatial planning has increased significantly over the last twenty years. This movement was mainly stimulated by certain procedures in which municipalities made too many concessions to investors or presented citizens with a *fait accompli* (e.g. construction of dangerous technical infrastructure). In this direction, various citizens' initiatives (groups) have been (and are being) set up to bring together citizens with common interests. These initiatives were (or are) generally very popular with the population and in most cases achieved their demands. Mayors have realized that it is necessary to listen to them, as they can significantly influence the voter base with their actions. Concerning the mobilization, there is another worth mentioning instrument which is **referendum decision-making**. Decision-making by referendum is essentially a continuation of social responsibility. Citizens can use a referendum to reject a particular spatial planning act if they do not agree with it or if they have not been successful in the formal process of its preparation. We are aware of several cases in the last decade in Slovenia where citizens have literally annulled spatial plans that have already been drawn up by a referendum (MSP and MSDP). In a way, this is also a sign of a responsible society, as it reflects citizens' concern for their living environment. To hold a referendum at the local level in Slovenia, at least 5% of the signatures



of all eligible voters must be collected (to initiate the procedure). A referendum is legally successful if the majority of those voting ‘against something’ make up at least 20% of the electorate. In planning practice, ‘**Site verification” (SV)**’ is also worth mentioning as an instrument of individual deviation from the provisions of the Spatial Planning Act. This instrument is also specific, but it is more technical. It is intended to solve minor problems so that citizens can avoid lengthy procedures for amending spatial planning legislation. Site verification has been implemented in Slovenia since 2017. It is used to review possible deviations from the provisions of the Spatial Planning Act for individual interventions in the area. The SV can be carried out in the area of dispersed development to change the area of the building plot (increase of up to 600m<sup>2</sup>). It is also possible to apply for a derogation from the SIC (Spatial Implementation Conditions) and the possibility to introduce temporary land use in areas where this is not foreseen.

Although there were many concerns when the SV was introduced into legislation in 2017 that the provisions of spatial planning legislation could be circumvented, experience has shown that this is not the case. SV is used with caution and only in exceptional cases.

It is clear from the above that it is becoming increasingly difficult to avoid formal spatial planning procedures. Of course, there are and always will be certain exceptions, but thirty years after Slovenia’s independence, spatial planning is somehow moving within a desirable framework.

There are no procedures analogous to the above in the Polish legal system. mentioned Slovenian procedures. Competitions, various civic initiatives and referenda are organized, but these are procedures aimed at identifying the position or needs of the commune/neighbourhood community. The results of such procedures may constitute supporting material in the preparation of planning documents, but they do not have binding force and do not constitute local law. However, it should be added, that in Poland there is also a significant increase in awareness and social involvement in the planning process, but this tendency usually applies only to large urban centres. Although public consultations are carried out as a mandatory element of the planning process, greater public interest influences the introduction of extended forms of these consultations. It should also be added that the amendment to the Spatial Planning Act of 2023 introduced a wider range of forms of public participation in the process of developing planning documents. Also, considering the existing planning instruments in Poland, a slightly similar instrument to Slovenian Site Verification is a **Decision on Development Conditions** which (as mentioned before) is issued only in respect of areas not covered by the local development plan. To determine the requirements for new construction and land development, the competent authority shall define an analysed area around the land plot to which the application relates and shall analyse the functions and characteristics of the construction and land development in this area concerning the conditions referred to in Article 61(1) to (5) of the Act. 61 paras 1-5 of the Law. The requirements specified therein concern the determination of building alignment, the size of the development area concerning the area of the plot or area, the width of the front facade, the height of the building and the roof geometry (angle of inclination, height of the main ridge and arrangement of the roof slope). At the same time, what creates a kind of novelty in terms of planning instruments are **Urban planning standards** that have been introduced into the Polish spatial planning system. As a part of provisions regarding the general plan, non-obligatory standards may be defined concerning appropriate travel distance to the social infrastructure, in particular, to ensure appropriate access to public schools and public green spaces (Art. 13 f). The standards allow but do not require, the establishment of rules for providing the optimal distance to a kindergarten, nursery school, primary health care centre, library, community centre, social centre, sports ground, public transport stop, post office, pharmacy and police station or unit. fire protection. Municipal urban planning standards should be specified

in advance in the general plan for planning zones and are later included in the local development plan. Another worth mentioning instrument in the planning practice in Poland is the **Local Revitalization Plan (LRP)**. This is a special form of a local spatial development plan that can be adopted for the regeneration area (after prior adoption of the Municipal Regeneration Programme). The LRP is also an act of local law and it can be adopted in the same way as the LDP, but not necessarily for the entire regeneration area. The local regeneration plan is an interesting instrument because of its extended authority. One of them is a prohibition of the carrying out of commercial or service activities on a particular property. Such a ban should be justified by the earlier conclusion that such activity is detrimental to the revitalisation project, and even that it aggravates the basic revitalisation problems (e.g. diversified function of the area, i.e. spatial problems). The entity carrying out such activity may then be given a period of 6 to 12 months to cease such activity on a specific property. Such an entity will receive compensation from the competent local government authority in the form of a decision.

## Conclusions

The current spatial planning systems in both countries are based on different historical starting points, in particular on the chronology of the development of the administrative system, which has changed significantly under new socio-political conditions.

After 1989, in Poland, the political transformations regarding the system of authorities and the territorial division of the state were carried out in two stages. The first one, carried out in 1990, consisted in restoring local government at the municipal level, while the second stage took place in 1999 when the number of voivodeships changed, 16 were created from the previous 49, 308 poviats and 65 cities with poviat rights were separated, and 2,489 communes (for current division see Table 1). Likewise, after 1991, Slovenia introduced a local self-government system and distributed the territory of the former 60 municipalities to the new 212 municipalities. Each of them has the constitutional right to regulate the municipal territory through its spatial planning acts. At the same time, a rational system of local administrative units was maintained (58 units in total), which performs state tasks at the local level for one or more municipalities.

The typology of spatial planning acts in both countries is based on the system of administrative division, in which Slovenia has amended its spatial planning regulations four times over the last thirty years. In Poland however, there have been three significant changes in spatial planning since 1989, including the last one, which has been in force since September 24, 2023, hence Poland is currently one step away from implementing the new legislation. In the field of planning at the local level, there are differences in the coverage of the territory with spatial planning acts of different generations, planning approaches and the typology of spatial planning acts.

In Poland since 2003, the commune was obliged to prepare only one planning document, i.e. a study of the conditions and directions of spatial development, which defined the spatial policy of the commune and the principles of development of its territory. However, it was not a local legal act that served as a basis for issuing administrative decisions. That was the role of the Local Plan which wasn't mandatory to adopt by commune. Because of this fact, only a part of the territory of Poland is covered by spatial planning legal acts. As a result, all investment activities in 2/3 of the country's territory were carried out based on individual decisions specifying the conditions of development. However, since they did not take into account a wider range of urban analyses, were not subject to the process of social participation and did not have to take

into account the phasing (i.e. they did not have to take into account the directions of the spatial policy of the municipality), they became the cause of chaotic and uncontrolled development. (from 24 September 2023, the study is replaced by the general plan; however, the current study is valid until 31 December 2025, but this period can be extended).

The fact that the entire territory of Slovenia is already covered by spatial planning acts is primarily a consequence of the manageable spatial extent and the characteristic dispersed urbanization. The latter led to the planned development of spatial planning acts in the period after the Second World War when the then-socialist government embarked on the systematic industrialization and associated urbanization of the country. The current system and hierarchy of spatial planning laws are simple and comparable with both Poland and other EU countries. The only shortcoming is the regional plans, which are still in the preparation phase. Until now, spatial planning policy has taken the view that planning is only adequately regulated by state and local plans, but the profession and a large proportion of spatial planning authorities do not agree with this.

In Slovenia, there is a so-called MSP and a very detailed MDSP for specific cases. On the one hand, this practice is very effective, as detailed plans make it possible to understand all the details of project implementation, which simplifies further planning steps at the architectural design level. On the other hand, it represents a major time and financial challenge for both investors and administrations. In Poland, the local plan, as the basic planning document specifying the purpose of the area and its development and development conditions, is, similarly to the MDSP in Slovenia, prepared optionally in selected areas of the city. However, the range of basic urban planning indicators and parameters specified therein (including building height, and development intensity index) allows relatively large freedom in shaping the spatial form of future development. In Poland, there is no equivalent of a planning document with such a level of detail as a detailed plan (MDSP) in Slovenia. However, it sometimes happens that some urban planning studios prepare more detailed analyzes of the possibilities of shaping the form of development or develop variant design solutions (e.g. for strategic areas of a given commune).

In the last decade, we have noticed certain changes in Poland and Slovenia, especially in the field of mobilization of professionals and the general public, which is becoming increasingly aware of the importance of the spatial planning process. In both countries, this trend can be understood, on the one hand, as a reaction to certain undesirable planning approaches of the past, which excluded the public and the public interest, and, on the other hand, as an awareness of the limited spatial potential of the national territory, which should be carefully planned and protected. Specific features include the recent increase in interest in public spatial planning design competitions, the establishment of citizens' initiatives and the use of referendums to enforce citizens' rights. As a difference, it should be noted that in Poland social mobilization and activism are usually limited to the big cities whereas, in Slovenia, that is present first of all in the smaller towns and villages where certain types of land development may cause undesirable spatial and social transformations.

In both countries, we are still faced with the challenge of defining private property and private interest in the field of spatial planning. At the same time, its social and environmental significance must also be seriously addressed. Both are related to the public interest definition and the principles of sustainable planning, which is becoming particularly important because of the upcoming challenges in the field of environmental change and global social challenges. The preservation, enhancement and permanent protection of the public interest is and must remain the goal of future social responsibility.

Each country has its own history and spatial and functional specificities that shape different, even unique, conditions for its development. These, in turn, are translated in spatial policy-mak-

ing into regulations or planning instruments aimed at providing an optimal framework for spatial development. However, despite these obvious differences, there are many similarities - challenges faced by units at different levels of public administration. The study of these interdependencies and relationships makes it possible to exchange experiences and join forces in the search for the best solutions in the field of spatial planning and management.

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