

The risky business of planning reform

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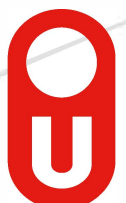
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The risky business of planning reform

The evolution of local spatial planning in Poland

Krzysztof Niedziałkowski^a & Raoul Beunen^b

^a Institute of Philosophy and Sociology, Polish Academy of Sciences, Warsaw, Poland

^bThe Open University, Heerlen, the Netherlands



Abstract In many countries throughout the EU recent planning reforms have reduced the possibilities for comprehensive and long-term planning. This paper explores the factors that explain why one of these countries, Poland, lost many of its tools for coordinating the policies and practices affecting spatial organization at the local level. The study, based on the discourses of spatial planners, traces the institutionalisation of local spatial planning in Poland since the 1920s identifying dominant policy paradigms and internal and external determinants leading to the reform in the early 1990s. It shows that the planning reform was driven by attempts to adapt planning institutions to changing political and legal environments after 1989. The new institutional framework that emerged from the reform failed to introduce alternative and effective forms of local spatial planning. Once options for planning were reduced, it became difficult to revive them. The case of Poland shows that a revision of long-term planning institutions might have unexpected outcomes and that it might be difficult to restore particular instruments and planning approaches once they have been removed from the toolbox of the planning system.

Keywords Land use planning, Spatial policy, Institutions, Institutional change, Policy paradigms, Planning reform, Path dependence, Planners

1. Introduction

The possibilities spatial planning¹, broadly defined as the coordination of policies and practices affecting land use, differ between countries and change over time. Spatial planning exists in many variations, ranging from forms of planning strongly associated with governments to forms that are informal and often take place without the official label of planning (Roy, 2009; Van Assche et al., 2013; Gunder et al., 2017). Certain countries, e.g. the UK and the Netherlands, have a long history of spatial planning, with governments empowered to develop and implement plans (Hajer & Zonneveld, 2000), while in other countries these powers have been much more restricted (Rakodi, 2001). Also the instruments available to spatial planners are very diverse, although property rights, zoning plans, and environmental regulations are often part of the toolbox. In most places the planning system has co-evolved with changing societal and political demands (Van Assche et al., 2014b). For example, in many western European countries recent planning reforms addressed the need for stakeholder inclusion and more flexibility to find tailor-made solutions on a local level (Booth, 2009; Allmendinger & Haughton, 2013; Oleson & Carter, 2017), while simultaneously following a neoliberal agenda based on economic development, deregulation and decentralisation of planning responsibilities (Olesen, 2014; Baeten, 2017). In former socialist countries reforming land use planning institutions was perceived as a necessary adjustment to new political and economic conditions, including liberalism and globalization (Altrock, 2006). One of the countries in which the planning act has been significantly modified is Poland. Following the reform in the early 1990s, the possibilities for local land use planning have been seriously reduced. This outcome was rather unexpected for planning professionals involved in the reform process.

The experiences from Poland fit in a broader picture that shows that recent planning reforms have in various countries delimited the possibilities for planning to sustain public goods (Gurran & Phibbs, 2013; Gunn & Hillier, 2014; Lord et al., 2017; Olesen & Carter, 2017). Although the outcomes of these reforms have been discussed widely, less attention has been given to the processes through which they came about, or to the role of planners and their ideas in the processes of change. A better understanding of the role of planners and their ideas can help to explain the discrepancies between the ideals underlying planning reforms and the practical realities that emerge from the reforms. This paper aims to address this gap by reconstructing reform of local planning in Poland, paying attention to the different ideas that drove the process (Zittoun, 2009; Hogan & Howlett, 2015). The regional and national levels of spatial planning are described only fragmentary to provide the context for

¹ In the paper, the terms “land use planning” and “spatial planning” are used interchangeably, although the authors are aware of the different meanings of those terms that co-exist in scientific and policy discourses (Metternicht, 2018). In Poland the distinction has been blurred (Jędraszko, 2005). With regard to the local level of planning, that we focus on in the paper, the dominant Polish use is arguably the closest to the physical land use planning oriented at a technical activity of developing local land use plans (Tölle, 2013). The Spatial Planning Act of 1984, for example, defined spatial planning as “a continuous process covering (1) analysis and assessment of the state of land use; (2) development of land use plans; (3) siting of investments; (4) control of the way the land use plans are realised”. The main professional group involved in land use planning is referred to interchangeably as “land use planners” (or shortly “planners”), “spatial planners”, and sometimes, “urban planners” (in Poland the term “*urbanista*” often refers to land use planners in general). This term includes mainly people preparing and operating land use plans at different levels, professionals engaged in siting investments, members of the administrative bodies responsible for land use planning, architects-urban designers identifying themselves as urbanists, and academics analysing land use planning and developing its theoretical background and methodologies.

policy addressing the local level. The specific research questions are as follows: (1) How was the process of policy change and its outcomes constructed by the main professional group in the policy domain – land use planners? (2) What were the key factors influencing policy change? (3) Which discourses drove planning reforms in Poland and how were they institutionalized? We focused on discourses of land use planners in Poland, because they constituted the main professional group involved in the policy domain and have formed a professional community united by the shared “culture” and institutions (e.g. Society of Polish Urban Planners), as recognised by its members (e.g. Malisz, 1991; Kolipiński, 2014). Moreover, they were the most vocal group that established various visions of the process of policy development.

The study contributes to the growing attention for the influence of ideas in the processes of institutional change and can furthermore inform comparative studies of planning systems (Getimis, 2012; Beunen & Patterson, 2017; Larsson, 2019), representing experiences of a former communist country facing major socio-political and economic transformations. The following sections of the paper present the analytical framework and the methodology. It then describes and analyses the history of land use planning policy in Poland with a focus on the local level of planning. The final sections discuss key findings and present the main conclusions.

2. Planning reform as ideationally driven policy change

A growing body of literature is exploring the influence of ideas on policy change (Baumgartner, 2013; Béland, 2009; Hogan & Howlett, 2015; Schmidt, 2010). Some of this literature builds on Peter Hall’s (1993) seminal work on policy paradigms. The concept of a policy paradigm is relevant for analysing planning reforms as it links ideas to processes of institutional change (Zitoun, 2009; Capano, 2009; Baumgartner, 2013). Hall (1993) defines a policy paradigm as “a framework of ideas and standards that specifies not only the goals of policy and the kind of instruments that can be used to attain them, but also the very nature of the problems they are meant to be addressing” (Hall, 1993, p. 279). Policy paradigms are to a certain extent similar to other concepts that link changing understandings of the world to institutional change, such as belief systems (cf. North, 2005) or discourses (Zitoun, 2009; Larsson, 2015). Hall distinguishes three degrees of policy change. First order change refers to a minor adjustments in the settings of the existing instruments. Examples include a revision of particular planning norms or minor shifts in the roles of relevant actors. Second order change implies a revision of policy instruments. In case of planning this can include the adoption of new instruments to ensure more effective or legitimate forms of planning. Third order change, unlike ‘*normal policymaking*’, entails revising general policy goals. While changes of first and second order do not challenge an existing policy paradigm and reduce the external pressure to do so, third order change ‘*is likely to reflect a very different process, marked by radical changes in the overall terms of policy discourse associated with a “paradigm shift”*’ (Hall 1993: 279). Hall observes that this process is more political, with its outcome depending largely on positions and resources of actors within the policy field. Furthermore, it is likely to be preceded by the change in the groups of actors deemed authoritative by politicians. Finally, the movement from one policy paradigm to another is probably going to be connected with increasing anomalies and policy failure undermining the existing paradigm.

Despite its popularity, the concept of a policy paradigm has also been subject to critiques, which concern the conceptualisation of a paradigm (Daigneault, 2014a), the question to what extent

paradigm shifts can indeed be measured (Daignealut, 2014b; Princen & 't Hart, 2014), and the structural impact paradigms have on the ideational agency of actors (Carstensen, 2011). All these issues might be difficult to assess because certain ideas can be part of multiple paradigms and because new policies are likely to reflect a negotiated balance between different paradigms. More fundamental critiques concerning paradigm-based analyses of public policies come from constructivist researchers, who point to the dialectic relation between discourses - coherent sets of concepts, ideas, and categories through which a social understanding of reality is constructed - and institutions (Van Assche et al., 2014a). Although certain policy paradigms can get stabilized in institutional structures, such as policies and laws (Hajer, 1995), the meaning and relevance of these institutional structures is likely to evolve over time, complicating the analysis of paradigm changes. At some point a policy can be interpreted and applied in ways that fundamentally differ from the ideas that informed its formulation. Furthermore, actors draw on various discourses to conceptualize problems and challenges at hand, to create and change the meaning of policies, and to legitimize or de-legitimize particular institutional logics (Hajer & Versteeg, 2005; Richardson & Jensen, 2003). Zittoun (2009), therefore argues for more attention for the way in which actors themselves construct the discourse of policy change and use it to grapple with other actors and to transform public policies. In his view, one should investigate “policy statements”, which are pragmatically produced and experienced by actors to associate problems, solutions, devices, arguments, publics and participants, and the stability of which depends on the number of its adherents and users, as well as on the number of actors producing different policy statements (Zittoun, 2009, p. 77).

Despite different critiques on the concept of a policy paradigm, many authors still acknowledge the heuristic value of the concept and the value it has for bringing attention to the different degrees of change (Hogan & Howlett, 2015). Recognising the pitfalls connected with the objectification of policy, we reconstruct the planning reforms in Poland paying particular attention to the actors' perspectives regarding the changes in formal rules regulating planning, the organisational and political aspects of the policy domain (including instruments used, professional practices and methods), and the motivations of key actors in the reform process. Considering the pivotal role of land use planners and their dominance with regard to the critical assessment of the Polish land use planning, the analysis is mainly informed by their perspectives and interpretations, sometimes in relation to views of other groups (e.g. legal specialists, academics, architects).

3. Methods

The history of planning policy in Poland from the 1920s and the discourses accompanying major institutional changes were reconstructed by means of desk research. This included the analysis of books, scientific papers, reports and articles in the spatial planning periodicals, in the popular press and in the Internet. This helped us to identify key legal and organisational changes and their discursive background (Fig 1.). To supplement this material with more personal accounts, clarify some issues and fill in gaps, we carried out six anonymized semi-structured interviews. We followed Robinson (2014) for the procedure of qualitative sampling and defined our sample universe as people who either took part in spatial planning policy-making or were involved in the discussion around it. Considering the interviews as an auxiliary source of data we decided on a small sample size determined roughly by the number of key professional groups involved. We used a purposive sampling strategy – we created a list of potential interviewees from the key groups and contacted those we assessed as the most vocal and experienced, based on information from our desk research.

All of the interviewees approached agreed to be interviewed. The final sample included: spatial planner, architect, lawyer, urban sociologist, academic specializing in spatial planning, and NGO representative. The interviews were carried out in August-December 2016 and took 1-2 hours. The conversation was assisted by an interview guide including open-ended questions regarding key groups involved, their positions and interests, impact of socio-political transformations and other determinants of the policy reform. We used NVivo software to code and analyse the gathered material employing directed content analysis (Hsieh & Shannon, 2005) oriented at the policy paradigms.

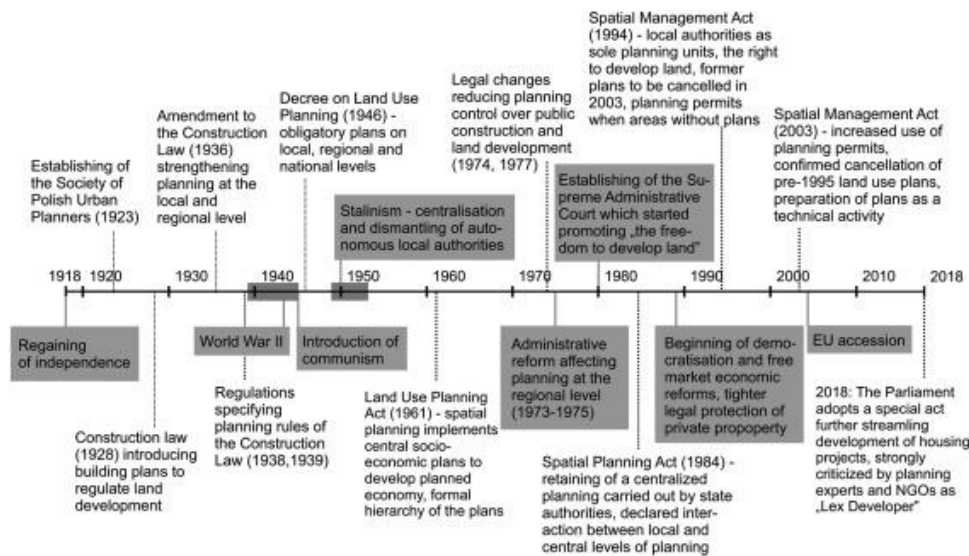


Fig. 1. The timeline of legal changes concerning spatial planning policy, including major socio-political events.

4. Planning reform in Poland

4.1 Advocating land use planning (1918-1939)

The first initiatives connected with spatial planning in Poland gained pace after the country regained its independence in 1918. They came from progressive intellectuals, criticizing conflicts and living conditions in capitalist industrial centres (Malisz, 1991; Skibniewski, 1991). In their view, the implementation of local land use plans by local authorities was extremely difficult because of insufficient areas of communal land, lack of money to acquire new plots, inadequate regulation of private investors, and pressures of “financial circles” and land owners on local authorities (Dziwoński, 1991; Skibniewski, 1991). They championed the idea that all land use decisions should be based on land use plans and they opposed land speculation indicating that while profits were distributed among private investors, public authorities had to finance public infrastructure of new developments. Furthermore, they highlighted inequalities pointing to urban working-class peripheries of low-quality housing. They also advocated regional and national levels of planning (Kowalewski, 1990; Zawadzki, 1978). With little political influence, these early planning advocates were getting involved in relatively few small scale social housing projects inspired by the modernist ideals of CIAM (Congrès international d'architecture modern) and its 1933 Athens Charter (Herbst, 1990), produced theoretical papers and exemplary projects.

In 1923 supporters of land use planning established a multidisciplinary Society of Polish Urban Planners (TUP – *Towarzystwo Urbanistów Polskich*), which laid foundations for the epistemic community (Haas, 1992) of land use planners. In the early 1930s, the Society established a joint committee with the Association of Polish Cities, which offered advice, supervised planning in cities without planning apparatus and set methodological standards. Planning supporters also established informal networks of people working at different organisations, but according to a joint plan to facilitate planning (Dziewoński, 1991). The urbanists were also seeking allies in the government circles supporting state interventionism and military defence as, since mid-1920s, the government started large investment programmes requiring regional land use planning (Zawadzki, 1978). TUP also lobbied the government for better legal rules. They proved successful in 1936, when the 1928 Construction Law was amended to provide a comprehensive legal basis for land use planning at local and regional levels, and in 1938/1939, when the government regulated the share of subdivided land to be left for public purposes. Within the central administration, there was a small but influential Urban Planning Department established (Malisz, 1991). However, a stronger central office, that would prepare a national land use plan, did not materialize before World War II.

4.2 Establishing land use planning (1945-1949)

The new socialist Polish People's Republic after World War II gave the community of land use planners hopes for an implementation of their ideas developed before 1939 (Malisz, 1991). They assumed that state socialism and planned economy would facilitate implementing their vision of rational land use planning (Jałowiecki, 1991). New authorities needed spatial planners to reconstruct the country after the war and to transform social structures. From the outset spatial planners and architects actively cooperated with the communist government. They obtained considerable competences, enjoyed social support and recognition, and, crucially, their reconstruction plans were practically implemented (Chmielewski, 1991; Kowalewski, 1990). The planning goals were treated as self-evident, informed by the professional priorities and indisputable (Nowicki, 1991).

Already in 1945 the government established a Central Office for Spatial Planning (GUPP – *Główny Urząd Planowania Przestrzennego*) with 14 regional branches (Skibniewski, 1991). GUPP prepared a Decree on Land Use Planning of March 1946, which prioritized the role of the state and fulfilled pre-war postulates, including three integrated levels of planning (local, regional and national). GUPP drew up a draft national land use plan and land use plans for major cities and towns destroyed during the War (Malisz, 1991). Members of the land use planning community perceived the period between 1945 and 1949 as a heyday of planning in Poland. In their view, the draft national plan helped to structure further economic development of the country and plans for major cities provided a rational backbone for their further growth (Malisz, 1982; Skibniewski, 1991).

However, this period witnessed first clashes between GUPP and the Central Planning Office, responsible for economic plans for the centrally planned economy. GUPP produced long-term land use studies to a large extent disconnected from economic reality. Economic planners, dealing with day-to-day challenges of a major reconstruction, often treated these plans as harmless fantasies (Malisz, 1991). That was one of the reasons why the draft national land use plan has never been officially accepted.

4.3 Land use planning in the socialist context (1949-1975)

1949 started a period of Stalinism - strong centralization of planning and obligatory doctrine of Socialist Realism. The government introduced an administrative reform - all local and regional authorities were abolished and new state-controlled and economically weak authorities introduced. GUPP was revoked and regional and national planning centralised in the State Committee for Economic Planning (*Państwowa Komisja Planowania Gospodarczego*). Consequently, almost all land use plans were prepared in centralised state planning offices rather than by planning departments in the local administration (Skibniewski, 1991). Social Realism broke with the modernist ideas followed by the planning community, and returned to 19th century urban design based on geometrical compositions, built-up streets and squares and rich architectural forms in historic styles (Kachniarz, 1991; Nowicki, 1991).

After Stalin's death in 1953, the political climate started changing, causing a strong reaction of the spatial planning community against the imposed rules and a comeback to modernism. In 1954 the government established the Committee for Urban Design and Architecture led by Zygmunt Skibniewski, a politically influential architect/urban planner. Following his suggestions to decentralize land use planning, the government established territorial offices for architecture and construction (1954) and for urban planning (1955). By 1964, owing to the Committee, 341 out of the total of 441 local and regional administration units had their own land use planning teams and all cities and towns in Poland had land use plans (Jałowiecki 1991; Skibniewski 1991). The Committee promoted new planning methods and theories and trained land use planners. One of the key contributions of the Committee was preparation of the new Spatial Planning Act, adopted in 1961, according to which hierarchically organised land use plans at local, and regional levels should constitute a particular form of economic planning and be based on the plans of economic development both in terms of their content and the timeframe. At the national level spatial planning was to be conducted within national economic development plans (Niewiadomski, 2002).

Meanwhile, the key problem for land use planning in the socialist context became increasingly apparent. Legal norms of planning proved too limiting for politicians who needed to follow directions from the USSR and preferred discretionary economic decisions rather than following land use plans, often detached from economic realities. Annual economic planning, separate from land use planning, and dependant on the actual finances of the state prevailed. The socialist state, creator of land use planning rules, was also the main and powerful investor, which compromised the effectiveness of planning rules (Kachniarz, 1991). It transpired that the government took many decisions following lobbying of influential ministries and state industries (e.g. mining, energy, metallurgy), which perceived planning as a cost-generating barrier. Consequently, formal spatial rules were increasingly revoked or ignored (Chmielewski, 2008; Malisz, 1982). Still, land use planning was a useful tool for the government to control space, which rarely enjoyed social support - particularly when land use plans entailed expropriation of land, sometimes without compensation, for broadly understood public purposes (Kruś et al., 2012).

The dominant paradigm of the spatial planning was informed by the socialist context of the field (Niedziałkowski, 2017). The main goal of land use planners was to locate and reserve space for socio-economic development, usually understood narrowly as increasing industrial production (Chmielewski, 2008). Planners recognized the need for an active role of the government in regulating

and steering the spatial planning, the dominance of public interests over negatively perceived private property rights, and egalitarianism. Following the communist doctrine, public participation was not important because – *“The party and its planners-scientists knew all too well what people need and what is good for them”* (Gawroński et al., 2010). Land use planning derived its legitimacy not from the society but from political authorities and planners themselves. Perception of planning outcomes among the public was negative and connected with the perception of the effects of socialist economy – poor development of social and technical infrastructure, low quality of housing, and pollution by industry located close to city centres (Walter, 2006).

In 1960, the Committee for Urban Design and Architecture was transformed into the Committee for Building, Urban Design and Infrastructure and four years later abolished (Adamczewska, 1991). For urban planners it signified the subordination of urban and architectural spheres to mass development focused on a strong reduction in costs of housing projects. In their view, technological and economic issues, entangled in departmental and industrial politics, were prioritized (Kotarbiński, 1991). Land use planners tried to make land use planning more economically informed and more effective, however, politicians were hardly interested in their agenda (Malisz, 1991). What is more, new regulations made the planning process and methods increasingly formalistic and abstract, which further reduced its effectiveness.

4.4 Dealing with the crisis (1975-1989)

With the new government in 1970, planners were hoping for a more favourable political context. However, it quickly occurred that the government located major investments ignoring land use plans and planning often boiled down to registering such investments. In 1975 the government carried out an administrative reform cancelling the regional and urban planning apparatus that had been developed over the past 20 years (Jałowicki, 1991; Skibniewski, 1991). The reform also introduced a new type of local authorities responsible for land use planning, which lacked planning specialists (Malisz, 1991). This, together with the increasing divergence between local planning and urban design projects based on the requirements of “housing factories”, strengthened the problems with land use planning and increased its subordination to the building lobby (Adamczewska, 1991; Jałowicki, 1991).

According to the planning community, in the 1980s the planning apparatus declined continuously (Adamczewska, 1991; Jałowicki 1991). Local authorities wanted to have a free hand in taking spatial decisions. Frustrated planning specialists were leaving their poorly paid and mostly unsatisfactory jobs (Malisz, 1991; Kachniarz, 1991). The general plans for the cities were bypassed or outright violated in the name of “higher purposes” (Kotarbiński, 1991). Planning departments were taking refuge in theoretical elaborations, model projects and methodologies, detailed elaboration on narrow sections of the plans making them increasingly incomprehensible for the users (Chmielewski, 1991). They were assuming unrealistically optimistic future economic scenarios, going far beyond 5-year economic plans subject to constant amendments and downsizing. Rigid guidelines from the central level left little room for flexibility, experience and intuition of spatial planners. The plans focused on standardized issues with little consideration of the actual needs (Adamczewska, 1991). The discrepancy between the plans and the actual development of the cities was growing. The new Spatial Planning Act of 1984 did little to improve the situation (Niewiadomski, 2002). It fulfilled the needs of highly centralized country, where hierarchically, top-down plans were obligatory for all

levels of administration (local, regional, and national), and adopted by the state without autonomous local and regional administration. New provisions concerning public consultations were mostly declaratory.

In 1980 the government established the Supreme Administrative Court (SAC) to control administrative decisions concerning citizens. This opened the field of land use planning to lawyers as SAC proceeded cases of landowners who were restricted in their use of land by the spatial planning legislation. According to an interviewed lawyer, SAC promoted *'the freedom to develop land'* - each landowner had supposedly a right to develop their land when it was not legally prohibited, e.g. by the formally sanctioned land use plans. According to Kolipiński (2014b), this new understanding of private property rights contradicted the traditional approach that the right to develop land belonged to public authorities, which transferred it to landowners by means of the land use plans. The concept of the freedom to develop land and associated rulings of the SAC influenced the community of land use planners. An interviewed spatial planner suggested that "establishing of the SAC induced us to rethink the institutions of spatial planning as limiting private property rights". This was one of the reasons why, in the late 1980s, a part of the community started postulating paradigmatic changes of the planning field (Kowalewski, 1991).

4.5 The new paradigm (1989-1994)

The socio-political transformations of the late 1980s and early 1990s involved decentralization, recognition of political pluralism and private sector's role in the economy. The 1989 amendments to the Constitution introduced democratic elections and the rule of law. They also equalled protection for private and public property. Expropriation could be carried out only for public purposes and duly compensated. The amendments distinguished between state authorities and locally and regionally elected authorities, paving the way for autonomous local and regional administration. Since 1990 the government started implementing a series of rapid neoliberal reforms of the economy - shock therapy - which involved i.a. fiscal and monetary austerity, a wide implementation of market mechanisms, removal of barriers for international trade, strengthening of private property rights, reduction of the state's role in the economy, and privatization (Hardy, 2009; Shields, 2008). Existing political, social, and economic structures were perceived as a barrier to the introduction of the preferred economic model. These changes dramatically altered the context of land use planning, associated by many with lack of freedom, poor economic government and false promises of authorities (Gawroński, 2010), and undermined its sources of legitimacy (Niedziałkowski, 2017).

This turbulent period witnessed a heated discussion concerning the responsibility for the dire state of land use planning. Usually, the planning community blamed the political and economic conditions under communism. However, there were differences along generational and professional lines (spatial planners and architects), as well as between planners responsible for planning and those implementing plans (Chmielewski, 1991). Younger land use planners, architects, urban sociologists, and those realizing plans tended to criticize the planning community. They argued that planners perceived themselves as the most important agents in the planning process and saw social participation as threatening the planning process. Land use planners supposedly avoided responsibility for the way Polish space had been shaped under communism, despite being in charge of the process (Kowalewski, 1990). Instead, they were allegedly pleased with their projects, tools and methods, while blaming the state for not realizing them (Adamczewska, 1991; Chmielewski 1991).

Critics also pointed to the “radically” left-wing roots of the planning in pre-war Poland, its naively utopian postulates (Kowalewski, 1990) and its belief in “physical and spatial determinism” – implying that spatial environment determines the society and culture and can, based on planning formulas, ensure “good life” (Chmielewski, 1991, p. 175). Planners were accused of supporting communist ideology and becoming a devoted part of the communist apparatus – treating society as an undivided whole, promoting far-reaching egalitarianism, prioritizing public interests over individual ones and negatively perceiving private property (Chmielewski, 1991; Kowalewski, 1990). Planners supposedly saw themselves as the sole group to define and represent both public and individual interests, ignoring local idiosyncrasies and promoting uniformity of spatial structures (Chmielewski, 2008; Kowalewski, 1990). Their plans were portrayed as top-down directives, acts of citizen repression, and bureaucratic burdens, which provoked citizen resistance (Chmielewski, 1991). Critics argued that local land use plans rather than guiding and stimulating development, blocked investments and offered propaganda of a glorious future of communism. At the same time, they acknowledged the crisis of the field was to some extent caused by the changing attitudes of society, which increasingly doubted in experts, in the effectiveness of spatial planning, and in the promise that future can be foreseen and managed (Kowalewski, 1990). Land use planners and their plans were depicted as lacking social legitimacy, and the former identified as one of the key obstacles in reforming the field.

Both sides - supporters of traditional, modernist approach and its critics, recognized the need for adjusting land use planning and land use plans to the new socio-economic and legal reality (Kolipiński, 2014). They differed in ideas about the hierarchy of plans, the content of plans, and financial consequences. The traditionalists viewed the local planning system as similar to the Western European ones and adaptive to the new context, while the critics pressed for paradigmatic reforms of the “communist relic”. The latter advocated an autonomy for local authorities regarding land use planning and a strong protection of private property rights, including financial responsibility of public authorities for their decisions (Kowalewski, 1991, p. 3). To balance public, communal and individual interests in space they demanded an active government policy and strengthening of public administration, e.g. a strong central office to guarantee proper implementation of new laws, strong local planning units, and think tanks providing scientific support (Kotarbiński, 1991; Kowalewski, 1990). Furthermore, the advocates of a new model of planning wanted to change basic tenets and methods of designing local land use plans to make them more flexible, economically viable and effective in stimulating development, based on economic instruments and negotiations rather than prohibitions and prescriptions. They promoted the freedom to develop land, arguing that what was not prohibited by plans was permitted and suggested drawing land use plans only in areas to be developed. They highlighted the importance of local and regional planning, but discarded national-level planning (Kowalewski, 1990). Finally, they underlined the need for local participation, intensive trainings of public administration, amending academic curricula, and educating the public.

The Spatial Management Act of 1994 in many respects responded to these critical voices. The responsibility for local land use planning was transferred to municipalities (*gmina*) which could autonomously adopt land use plans. The Act equalled public and private property and, informed by neoliberal doctrine, hardly mentioned “public interest” (Gzell, 2010). Land ownership was understood broadly as a right to develop land unless restricted by formal rules (Kolipiński & Szulczewska, 2010). While supporters hailed it as “an act of historical justice compensating non-respecting property rights in the former regime” (Kolipiński, 2014), traditionalists criticized this regulation as “the absolute version of the property rights” (Jędraszko, 2005), alien to the most of the

“old” EU members (Izdebski et al., 2007). The Act made local authorities financially responsible for plans reducing the value of private land. It also provided landowners with strong legal tools to control and challenge preparation of the plans.

The 1994 Act foresaw cancelling all regional and local land use plans adopted before 1995 to take effect in 1999 (later prolonged to 2003), because they allegedly did not comply with the new social and economic reality (Kolipiński, 2014). These plans covered all regions and almost all municipalities. The Act intended to force local authorities to prepare new plans (when deemed necessary), obligatorily preceded by legally non-binding strategic documents called “studies of conditions and directions of spatial management”. Furthermore, the Act introduced a planning permit (*decyzja o warunkach zabudowy i zagospodarowania terenu*) – a new type of administrative decision, which specified the use of a particular piece of land and conditions of its development, and preceded a building permit. This permit was to be issued by local authorities on individual investor’s request even when the land use plan was lacking. Local authorities had very limited options to challenge the land use change proposed by an investor. Some municipalities perceived the permit as a more convenient and flexible tool than formal plans. However, the procedure lacked social control exercised during the development of land use plans (ibid.).

4.6 Deinstitutionalisation of land use planning (1994-2017)

The implementation of the new rules proved difficult. Newly established local authorities lacked human and financial resources. They were reluctant to prepare new, non-obligatory land use plans, which could entail high compensations for landowners and high costs of building public infrastructure. Cancelling of old plans was negatively assessed by all organizations representing local authorities (Kolipiński & Szulczewska, 2010), who challenged the Act in the Constitutional Tribunal, however without success (Jędraszko, 2005).

The 1994 Spatial Management Act was criticized by spatial planners, local authorities and investors, although for different reasons. Most agreed that the legislation required amendments. The 2003 Spatial Management Act, however, did not introduce major changes regarding local spatial planning. It sealed abolition of all land use plans prepared before 1995 and increased the possibilities of using individual planning permits. Already in 2007 60% of development permissions were issued based on planning permits and only around 33% based on plans; rejection rate of applications for planning permits in big cities amounted to 6.8% and in other areas to 3.5% (Beim & Modrzewski, 2011). Additionally, the 2003 Act did not provide an effective way of introducing regional and national investments into the local land use plans. Consequently, the governments started using singular pieces of legislation - “special Acts”, to site almost all strategic investments in infrastructure based on administrative decisions, bypassing spatial planning rules (Kolipiński, 2014). The Act was amended 17 times between 2003 and 2014 acquiring “a fluid character” (Koch, 2010; Szelińska, 2014). At some point, there were four different versions of the new planning act, none of which was adopted (Jędraszko, 2007). Frequent changes of the ministries responsible for spatial planning further complicated the process.

The reaction of the planning community to the 1994 legislation was assessed as belated, too weak and too ambiguous (Jędraszko, 2005; TUP, 2006). Spatial planners warned that cancelling local plans would repeal restrictions protecting land for environmental and aesthetic qualities, agricultural use or “reserved” in plans for certain local and supra-local public investments. They also criticized

cancelling plans against the will of local authorities and without due assessment of potential consequences (TUP, 2006). They argued that “old” land use plans should have been simply updated - abolition helped developers who had bought cheap non-development land in the 1990s to increase its value and then expect compensation from local authorities establishing new plans (Jędraszko, 2005). Planners also highlighted a corruptive character of planning permits and suggested that wealthy investors, supported by their legal teams, could practically build everything wherever they wanted (ibid.).

Jędraszko (2005) implied that the abolition of planning documents was more ideological than rational and that it opened unrestricted use of space without negotiating conflicting interest and protection of public goods. Kolipiński (2014, p. 115) concurred, claiming that the reformers, strongly believing in the “progressiveness” of new rules and their “historical necessity”, annulled old plans with “a revolutionary zeal” and dismantled the Polish system of local land use planning. In his view, the problems with the reform were caused by fundamental differences concerning the role of spatial planning in the market economy - since 1989 business interests had questioned regulatory functions of land use planning and advocated reduction of “red tape”, allegedly blocking housing development. These business actors overpowered voices of local authorities and other supporters of the public interest.

In consequence, as suggested by Billert (2016) and Gzell (2010), the main beneficiaries were private and public land owners, banks, speculators and housing developers, corporations building shopping malls and petrol stations, as well as the public sector, profiting from the sale of communal land and freed from the obligation to keep this sale in line with integrated land use plans. Billert (2016) and Chmielewski (2008) implied that there were informal practices of steering local land development undermining official urban development policy. Carried out by a closed circle of political, administrative and business actors, without civil society actors and planning specialists, these practices reflected pre-1989 urban policy dominated by economic sections of the government and powerful state-owned economic actors, who largely ignored land use planners and planning documents. Other authors (e.g. Jędraszko, 2005; Parysek, 2016) implied that Polish municipalities took a passive stance towards land development – the initiative was taken over by private investors buying cheap land, applying for development rights, while municipalities charged investors for their “services”. In practice, bigger developers dictated municipalities their own preferences, which municipalities, lacking appropriate legal support, land use plans and qualified staff, did not challenge.

Informal practices were also supposedly taking place during the preparation of legal acts regulating planning - politicians, collaborating only with business lobbyists, were not responding to the suggestions of planning experts and civil society actors; the role of ministries responsible for planning was reduced to the secretariat of lobbying organisations, and the resulting formal rules protected interests of investors only (Billert, 2016; Jędraszko, 2007). Consequently, Polish local spatial planning, as seen by planning experts, allowed for an extensive and arbitrary land development. It also remained practically immune both to the experiences of the “old” EU members and to the policy documents and initiatives promoting sustainable urban development coming from the EU level (e.g. Leipzig Charter on Sustainable European Cities and documents leading to the Urban Agenda for the EU) (Jędraszko, 2007).

Planning specialists were increasingly competing with each other - local authorities organized public tenders for planning documents resolved usually solely based on the lowest price criterion. Some planners did well on such market and were not interested in changing ineffective planning rules. Competition also translated into the “commercialising of the planning techniques” - simplification of methods used during planning, narrowing of issues considered and decreasing quality of plans. As perceived by planning specialists, these changes disintegrated the community of land use planners and discontinued “planning culture” (Jędraszko, 2005; Kolipiński, 2014a). The capacity of land use planning actors to create common definitions, theorize and generate a coherent vision of reality was critically compromised. Internal struggles also played a role – architects perceived planning as producing an original, individual urban design project, while spatial planners were interested in integrated, interdisciplinary spatial development plans at local and regional levels. The domination of the former was, according to Jędraszko (2005), particularly visible during the preparation of the 2003 Spatial Management Act, which focused on urban design viewed as a technical activity, and ignored integrated development of settlements and its tools, environmental protection, energy use, noise control, sustainable transport, etc. This went further in 2014 when the Parliament adopted an act deregulating the profession of urban planners, cancelling the professional chamber of urbanists, and removing the term “urbanist” from legal acts, while leaving the chambers of architects and construction engineers (Banduła, 2014).

People from the land use planning community pointed to the role of law and lawyers in the deregulation of local land use planning. First of all, some lawyers questioned the legality of land use planning as such, pointing to the lack of planning stipulations in the Constitution (Jędraszko, 2005). Secondly, lawyers supported investors in making local authorities accept development projects. Thirdly, legal scholars supported “the freedom to develop land” (e.g. Kruś et al., 2012), although there were some who criticized it (Izdebski et al., 2007). In general, legal specialists took over the role of experts in the planning field as indicated by an interviewed urban sociologist: “currently this is a lawyer who is considered a professional in planning. Traditional land use planners were backed into a corner. They have strong inferiority complex regarding legal specialists and fear that at any given moment a well-spoken skilled lawyer would easily confuse them”. This was facilitated by the characteristics of the planning system after 1989: reduction of the planning process to a legal-technical procedure with limited public participation, and by the new understanding of land property rights and their strong legal protection (Billert, 2016). Legal expertise furthermore became important, because rules regulating planning were complex, ambiguous and required professional interpretation. In practice, this focus on legal aspects allowed developers to obtain development rights to any piece of land, especially in areas without plans (Parysek, 2016). This contributed to the rapid growth of legal advice connected with spatial development, additionally fuelled by numerous spatial conflicts resulting from a defunct planning system (ibid.).

Responding to critical voices regarding land use planning, the government published a draft version of the Planning and Construction Act in November 2017. According to this act space was a public good to be protected on par with private property. Development should only be possible on the basis of plans. The draft act set out to strengthen measures against urban sprawl and introduced a levy on investors to finance public infrastructure for the new developments. However, in March 2018 the same government proposed another legal act, accepted by the Parliament in July 2018, to streamline the construction of new housing projects. Urbanists, architects, NGOs, and some developers strongly criticised the legislation, dubbed as “Lex Developer”, and alarmed it would increase land speculation,

corruption and undermine existing planning documents. As assessed by the Spatial Management Committee of the Polish Academy of Sciences (2018), the new law “cancels the remnants of the spatial planning system” in Poland.

5. Discussion

5.1 Planning reform in Poland

Land use planning in Poland witnessed a number of changes that gradually added up to a more profound reform that can be labelled as a paradigm shift. In this paper we analyse key factors that influenced policy change and the discourses that drove the reform process. Following Zittoun (2009), we focused our analysis on the way land use planners constructed the reform process.

The character of the policy field, dominated by a closely-knit expert community engaged in activities requiring technical capacity, was favourable for forming internally consistent paradigms, including a vision of needed policy changes (Hall, 1993; Princen & 't Hart, 2014). According to our analysis, alternative discourses did not challenge the vision of critical moments of policy development, but rather differed in the construction of causes and consequences of changes, particularly referring to ideational and normative foundations. For instance, the planning community agreed that the 1994 Spatial Management Act signified a major departure from the earlier path. However, while the conservative part of the community perceived it negatively and tended to blame the stipulations and the philosophy of the Act itself, the reformist part viewed the paradigm change and new institutions as indispensable. For subsequent problems it blamed neoliberal socio-economic conditions in which the Act was implemented, which reflected the way the land use planners defended their position when discussing ineffectiveness of planning during communism.

The historical overview suggests that the first paradigm change of land use planning in Poland started before WWII, but was translated into policy only after the war in the new socio-economic context of the communist rule. The new paradigm was ideologically informed by modernism and socialism, which fitted well with the priorities and ideologies of the new centralized political system. Over time, some policy changes of first and second order were introduced to respond to changing political and especially economic situation of the Polish People's Republic, as well as to changes in complementary policy domains such as construction and housing, but these did not undermine the ideational backbone of the field. Although increasingly ineffective due to the priority of short-term economic planning, land use planning was considered an inherent part of the public responsibilities.

The late 1980s witnessed the advent of a new paradigm based on negative assessment of the previous methods, instruments and results of planning, foreshadowing a major policy change which took place after the state socialism collapsed. The socio-economic transformation, started in 1989 and based on neoliberal blueprints, additionally influenced the basic external parameters of the land use planning “subsystem” (Sabatier, 1988), such as fundamental socio-cultural values (e.g. the priority of the public vs. private good) and social structure, basic constitutional structure (socialist state vs democracy and market economy), and basic distribution of resources (privatization; fiscal austerity). These structural characteristics influenced the positions of different actors and their resources. They strengthened the coalition supporting reforms (neoliberal politicians, economic

technocrats, reformist land use planners) and weakened the conservative coalition representing “out-fashioned” views on state-society relations and on private property. The shifts in the wider context of policy-making therewith contributed to the perception of the policy change as inevitable.

The 1994 Act institutionalized the new paradigm that was based on a combination of decentralization and neo-liberalism. Still, reformers recognized the need for land use planning and assumed that they would retain the control of the field. It quickly transpired that new groups of influential actors – developers, investors, neo-liberal politicians, questioned the need for planning as such. It turned out that the discourse coalition (Hajer, 1995) of reformist planners and these new groups, while using some shared story lines deferred with regard to some core beliefs (Sabatier, 1988). This made some reformist planners critical of new rules in a later phase. Institutional changes were operated by a new authoritative group in the field – legal specialists. Thus, the third order of policy change occurred and replaced planning understood as activity focused on “rational” use of space by public actors to the planning oriented at enabling land owners to use their property rights to the fullest possible extent. This local spatial planning “in vacuum” of the longer term concerns of quality of space contrasts with the regional and national levels of spatial planning, which due to the EU pressure and the requirements connected with the transfer of structural funds witnessed the resurgence informed by European spatial planning discourses and procedures (Cotella, 2014; ESPON, 2007; COMPASS, 2018).

5.2 Understanding planning reform processes

In Hall’s (1993) framework, paradigms are almost always incommensurable in scientific or technical terms. Daignault (2014a), however, questions this assumption, suggesting that while key values and principles may clash, proponents of one paradigm can still adhere to some ideas from an alternative one. Furthermore, he argues that incommensurability would prevent gradual paradigm shifts. Our results indeed show that discursive coalitions are diverse and the reforms were driven by a coalition of actors that partly shared ideas and values of their opponents (Daignault 2014a). Land use planners were part of a discourse coalition that enabled policy changes that later on led to restrictions of the possibilities for local spatial planning. The new policy paradigm, although strongly promoted by reformist planners was coined by the interaction of various groups in the coalition and between coalitions. Consequently, the way in which the paradigm was institutionalised did not result from a more or less deliberate attempt for a purposive policy transformation from a group of policy entrepreneurs. Rather it was an emerging and impossible to predict outcome of a co-evolution between different discourses, institutions, and actors, including polyvocal debates between various proponents and opponents, adjusting to their socio-political and economic context. Because of that, key agents were confronted with far reaching unintended and unanticipated consequences of their actions (Boudon, 1982). Spatial planning experts, both traditional and critical, now recognize that the most recent legislative initiatives practically undermined the planning system as they knew it and can be interpreted as a ‘hard’ deinstitutionalisation of the policy sector, characterized by “continuing stagnation, erosion, decline or even disappearance of (...) institutions, without the emergence of new institutions that fulfil similar functions and have similar strengths” (Mol, 2009, p. 228). The paradigm shift took almost 35 years to fully materialize and its impact is illustrated by reformist planners in the early 1990s, who lost their position in the field after their reforms had been implemented. They were surprised by the shape of the paradigm that turned out dominant. Therefore, we imply that while in the early stages there might be some commensurability between the old paradigm and the forming

one, at some point, especially when taken over by new groups of powerful actors, the changes might become incommensurable.

What contributes to the incommensurability is also the institutionalization of a paradigm. Institutionalization is not a simple translation of values and goals to policies, but, as argued by institutionalists (Lowndes & Roberts, 2013; Steinmo et al., 1992), a process that has an independent effect on the phenomena it regulates. Policy paradigms are therefore both influencing and influenced by the process of institutionalization. It is this co-evolution between policy paradigms and institutional frameworks that makes it difficult to predict the outcomes of planning reform processes (Van Assche et al., 2013). For instance, while few argued that local plans were dispensable before 1994, the introduction of planning permits for development of areas without plans, cancellation of old plans and introduction of compensations for landowners made some groups (e.g. local authorities) reluctant to draw plans and implement any meaningful restrictions on land development. Consequently, the perception of those actors regarding goals of local land use planning and their own prerogatives and responsibilities changed too.

The analysis shows that institutional changes are strongly path-dependent (Mahoney, 2000; Pierson, 2000). Legacies of the past strongly influenced the sequence of planning reforms and the perceptions of agents concerning the likely outcome of their activities. In our case, there was a clear path, identified by planners themselves, based on the modernist and socialist ideas, imprinted in the organisation and techniques of land use planning during socialism, and reproduced despite problems with its effectiveness. The path was transformed after 1989, but key actors, despite declaring new values and promoting significant change, still seemed to be oriented by old scripts – e.g. policymakers authoritatively requiring unwilling local authorities to discard existing plans and draw new ones, or planning reformers believing that in the new neo-liberal conditions the government would create a strong central spatial planning organization. Additionally, competing groups constructed different images of the past that supported their ideas about reform. Planning methods and goals formulated under socialism and favourably assessed by the section of the planning community as a continuation of pre-war concepts, were redefined by their critics as the tools of the oppressive communist government requiring substantial reorganisation to continue pre-war planning traditions. These different perspectives on successes and failures were important drivers in the reform process (Van Assche et al., 2014a).

6. Conclusions

The analysis of planning reform in Poland shows how ideas about planning co-evolve with planning policies and practices in a continuous changing socio-political and economic context. Planning reform and paradigm shifts are emerging outcomes of this co-evolution. Planning reform materializes due to formal revisions of planning law, but also as a consequence of changes in the interpretation and applications of existing planning institutions, and changes to related institutions such as property rights. In Poland, the planning reform process was driven by shifting discourses on the relation between planning and economic development and on the role of government organizations in coordinating social and spatial developments. The new legislation implemented after 1989 reduced the significance of local spatial planning, but the most important restrictions for planning followed from a strong interpretation of property rights. Consequently, when compared to the land use

planning powers during socialist times, the capacities of municipal governments to actually make and implement local land use plans were significantly reduced. The discourse about the benefits of spatial planning was marginalized over time, partly because planning and planners were associated with communism and partly because other groups, such as architects, developers and legal advisors, managed to obtain a more prominent position in the field and therefore had more possibilities to put forward their discourses in which planning was portrayed as bureaucratic barrier to development. These discursive shifts also implied that private interests became more important than public ones. This further reduced possibilities to coordinate spatial developments and it created a form of local planning that focussed on administrative procedures rather than on spatial design and visions for the future. Planning reform thus became a self-fulfilling prophecy, in which institutional changes actually confirmed many of the critiques that triggered planning reform in the first place.

Planning institutions regularly need to be adapted to changing socio-political circumstances. Yet planning reform is a lengthy and unpredictable endeavour. The developments in Poland show that reform can also be risky since the process of change can easily be captured by actors that pursue an agenda of deregulation towards a planning system in which private interests largely prevail over public ones. Once options for spatial planning have been reduced, it might be difficult to restore them. Planners, both practitioners and scientists, should therefore not be too naïve about planning reform, with a single focus on possible benefits of reform, but also pay attention to the benefits of existing planning institutions, possible unintended outcomes of planning reform, and the (sometimes hidden) agendas of various actors that promote revision of the existing planning system.

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