



## **PUBLISHING DOCUMENTS IN THE SCOPE OF SPATIAL PLANNING ON THE WEBSITES OF RURAL COMMUNES IN LODZ VOIVODESHIP**

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### ***Summary***

The article presents the issue of the accomplishment of records of law in the scope of spatial planning by local authorities. Communes that draw up land-use plans are obliged to publish these documents on the offices' websites. In the era of the development of information society, it is a crucial element that allows for an increase in the availability of local law for local actors who more than once use the Internet to get acquainted with the spatial policy of a commune. Rural communes are characterized by lower possibilities in the scope of the use of new technologies both as for the availability and the personnel and limited budget. Opportunities in this scope are based on the use of promotional-informational sites, Public Information Bulletin and geoportals to share local documents with the society.

The outcomes of the presented research are promising since communes often resign from the obligation to publish land-use plans on websites. Among the units that decide to place plans on the web portals it is not always connected with posting all the documents that are existed in a commune. These observations were the basis for an in-depth analysis of the phenomenon in rural communes.

**Key words:** land-use plan, spatial planning, rural commune, geoportal, commune websites.

## INTRODUCTION

Spatial planning in Poland is regulated by the records of the planning and spatial development act of 2003. Regulations concerning spatial planning that refer to the area of a commune have identical application both in rural, urban and rural-urban communes. They have to be acknowledged as universal regulations regardless of the legal-administration status of a commune. Not always, however, regulations included in the act suit the conditions that are present in individual types of territorial units.

The basis to carry out spatial policy in a commune is the study of land-use conditions and directions of a commune, which constitutes a guideline for the spatial policy of a commune. Regulations included in this document have to have correlation to land-use plans, which are non-compulsory compilations. A supplement to the entire spatial planning system at a commune level are building permissions that as administrative decisions can substitute land-use plans.

The references indicate that with the present form of law in the scope of spatial planning, the index of the 50% of the commune's area covered with land-use plans should be considered real (Śleszyński et al. 2007). A significant element supplementing information about the real condition of land management is the median value which is 10.5% of the coverage by land-use plans for all the communes in the country. However, when taking into account the type of a commune, this measure for rural units is only 6.7%. This shows land-use plans coverage in rural communes diverges from the values noted in the entire country. The diversity is also present with reference to the arithmetic mean of land-use plans coverage, which in case of Poland was on average 28.6% in 2003. In case of rural communes the index was 29.3%, taking into consideration land-use plans coverage of rural communes in Lodz voivodeship, they were characterized by an average of 30.2%.

Regardless of the coverage of communes with land-use plans, an element that is crucial for the completion of a planning process is the necessity to publish them on websites of communes which prepared the local law. On one hand this responsibility results from Article 29, Act of planning and spatial development. On the other hand, it has to be emphasized that in a following Article of the same Act, it has been indicated that everyone has a right to have an insight into the study of land-use conditions and directions and land-use plans. Such a record should lead to unambiguous conclusions that publishing planning documents facilitates the accessibility to local law and enables to make oneself acquainted with spatial policy carried out within the area of a basic territorial unit without the necessity to visit the office. Interestingly, this leads to a state in which documents determining the rules connected with spatial planning within a commune will not only serve local authorities but will be also used by the local society.

While the act concerning planning and spatial development does not directly mention the necessity to publish the study of conditions on websites of a commune, it has to be acknowledged that it is legitimate, since in many cases it is the only document that refers to spatial planning issues comprehensively. A confirmation of this fact is Central Statistical Office of Poland (CSO) data which indicates that only 13.4% of communes in Poland have land-use plans for the entire administrative surface. In case of rural communes it is 13.9%.

It has to be assumed that the statutory statement that the act concerning land-use plans should be published on a website of a commune gives a very wide spectrum of possibilities in this scope. The development of information-communication technologies (ICT) enables to broaden the scope of sharing public information. It has to be emphasized that local authorities have websites that can be considered to be a resource that is supposed to promote a given unit. The content of this resource is very diversified, which is the reason why the information that appear there are not always connected with all the sector policies carried out in a commune. Apart from this kind of websites, every commune is supposed to have its own website that is a part of an official ICT publishing site – Public Information Bulletin (BIP). It was assumed that these websites were to be standardized which would enable to share public information. However, with time the uniformity of the communes' geoportals BIP has been disrupted. Yet it has to be stated that they still constitute a basic base of public information. One of the elements of the subject menu of these websites is spatial planning which does not always include content corresponding to its scope. In references, it is indicated that many times land-use plans are placed in other links connected with law, construction or act of commune's council which often makes it difficult to find this resource (Fogel, Ciupa, Pawlak 2007).

A new way of publishing information connected with spatial planning filed are geoportals which are being developed on communes' websites. The portals are a result of the implementation of the Directive of the European Parliament and Council dated on 14 March 2007, which establishing an Infrastructure for Spatial Information in the European Community (INSPIRE). The document obliges the member states of the European Union to prepare a resource of spatial data from many thematic areas, among them spatial development. The responsibility concerns also Polish communes because of the implementation of Directive INSPIRE in the form of an Act concerning spatial information infrastructure. Communes are obliged to work out metadata concerning land-use plans and sharing the sets of spatial data, which can be solved by geoportals.

The use of the Internet and websites to transfer content concerning local governments is broadly discussed and evaluated in the references (broader in: Bański 2007; Marjak 2008; Feltynowski 2009; Ślusarski 2012; Siejka, Ślusarski 2014). It has to be emphasized that this research focuses on all the policies carried out by communes, and thus the assessment refers entirely to the content of

communes' geoportals. There is no attempt to assess the web portals in the scope of definite self-government policies.

An additional element in the scope of the use of the Internet for publishing land-use plans is the development of rapport with local society. This becomes a part of the implemented concepts of good governance, which despite the lack of formal definitions is determined by the rules describing the idea of the concept. One has to bear in mind the fact that good governance refers to democratic states that have to reach higher levels of social participation through: transparency, accountability, participation, social inclusion, efficiency and effectiveness (broader: Ministry of Regional Development 2008; Wilkin 2013; Miłaszewicz 2014). Publication of local law enables to partly fulfill the premises of the concept, for instance in the scope of transparency and accountability. Moreover, it influences the efficiency and effectiveness of the spatial policy carried out by local authorities through the possibility of an easier access and understanding the records of local law.

It has to be highlighted that to make the accessibility to spatial policy documents possible all the conditions have to exist simultaneously. Commune's authorities have to have a possibility to publish that is to have an Internet website, which in case of every territorial unit is fulfilled officially due to having a BIP site. The second element is the will of local authorities to share data on portals. Despite the official duty (the Act dated on 6 September 2001 about public information) not every self-government controls appropriately the regularity of publishing public information, including the one concerning spatial planning.

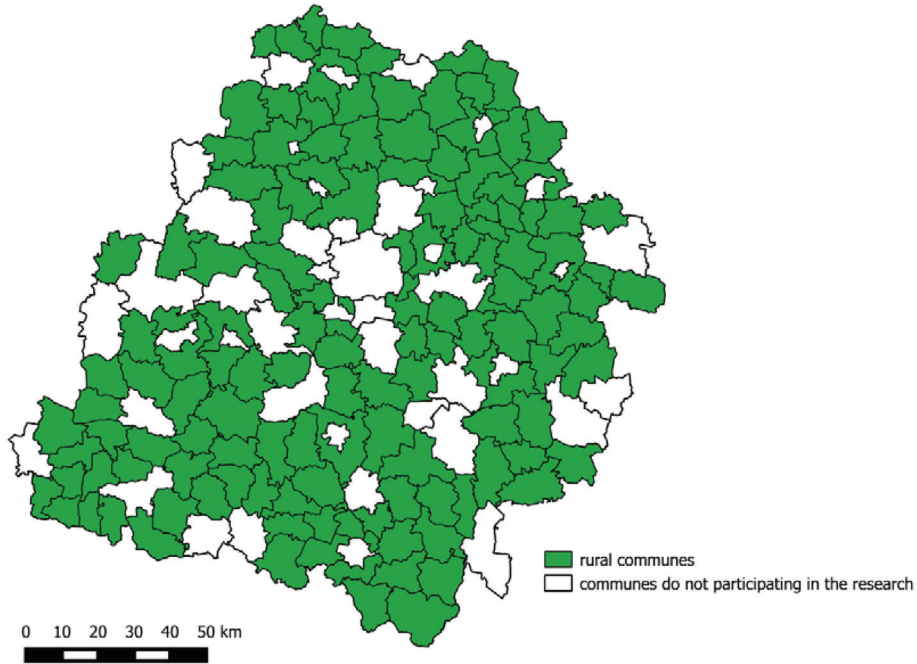
The necessity of publishing acts together with the attachments, which are an integral part of the local law, is connected with this field, due to this fact local actors have an insight into the full content of the commune's documents. The last condition, with a weaker impact in the era of information society, is an appropriate format of documents both in the graphic and text part, which enables fast implementation of their content into the websites.

The purpose of the article is to investigate how legal articles are respected by local authorities of rural communes in Lodz voivodeship. Analyses that were carried out were to indicate which tools are used to publish the content and land-use drafts and studies of land-use conditions and directions. Additionally, it was verified if communes that have geoportals use them also to transfer to a broader circle of users records included in the document in the scope of spatial planning.

## **METHODOLOGY AND RESEARCH AREA**

The research was carried out at the beginning of 2015. The analysis included the area of Lodz voivodeship in order to retain territorial coherence and remain in the jurisdiction of the same voivodeship office. A particular attention

was paid to rural communes which apart from personnel problems meet the need of using a lower budget for the accomplishment of public activities, including Internet portals. Due to such criteria, 133 rural communes from Lodz voivodeship took part in the research.



Source: own worked based on CODGIK map

**Figure 1.** Rural communes participating in the research

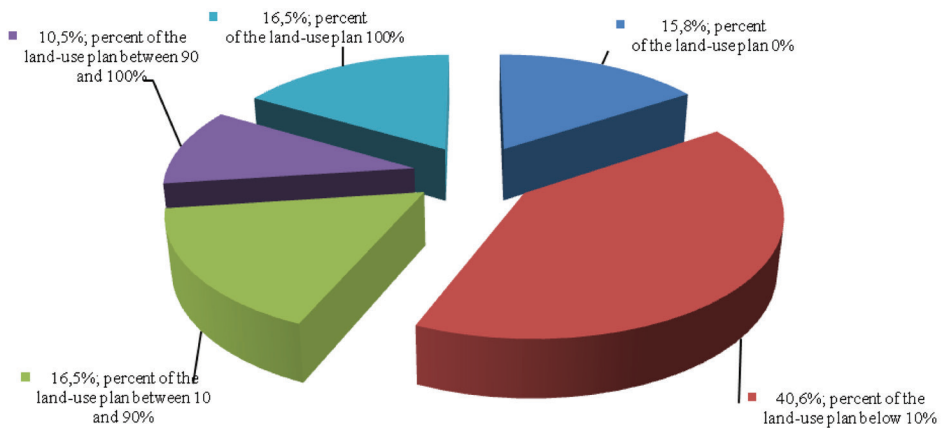
The research was carried out on the basis of a question sheet which enabled for a verification of every website or geoportal that was identified for a given office. An additional criterion in the research was time, since not more than ten minutes were spent for every official website. This results from the fact that transparency and interactivity of Internet portals should allow for an easy search and finding the content.

The question sheet included 21 elements which enabled to state if a commune has a promotional – informational portal and if it has contents concerning spatial planning. In case of BIP the situation was similar. An additional question was the assessment of the contents connected with spatial planning on geoportals. Due to appropriately formulated questions it was possible to indicate if a commune has a possibility to be familiar both with the text as well as graphics with reference to the land-use plan and study of conditions.

A simple research sheet enabled the assessment of Internet websites in quantitative and qualitative terms. The form of the sheet was inspired by a worldwide method WAES (Website Attribute Evaluation System), which is a system of evaluating internet services on the basis of chosen features. The method was worked out by an international team of Cyberspace Policy Research Group. The mechanism was based on indicating, by a zero/one method, which elements of a website function and which elements cannot be identified.

## OUTCOMES AND THEIR DESCRIPTION

A preliminary analysis of the situation connected with spatial planning area in rural communes of Lodz voivodeship allows to claim that all units had a worked-out study of land-use conditions and directions. Among 133 units, 112 decided to draw up a land-use plan according to the state at the end of 2013, which constitutes 84.2% of all rural communes. Among these communes, there were 22 self-governments which had land-use plans including the entire area of a commune. The biggest group of rural communes is characterized by the coverage with land-use plans at a level lower than 10%. In 16.5% of communes land-use plans took up 10 to 90% of the administrative area. In case of 10.5% of communes land-use plans were compiled for 90 to 100% areas of a commune. The remaining 16.5% of communes compiled land-use plans for the entire area of a commune (Figure 2.).

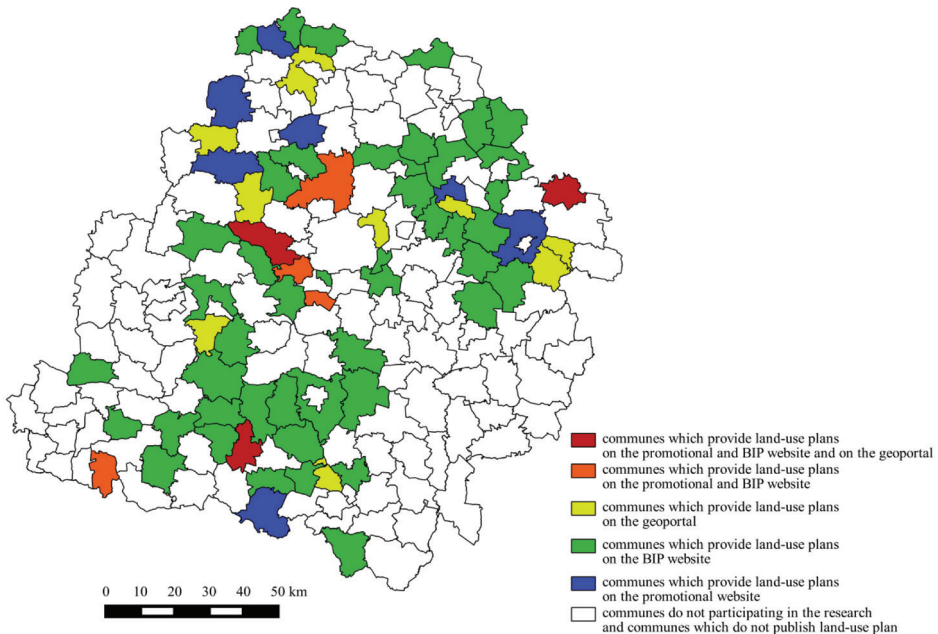


Source: own work based on CSO data.

Figure 2. Communes according to area with land-use plans

The research showed that among rural communes of Lodz voivodeship 9% of units did not decide to have a promotional Internet website. A consequence of such a policy of local authorities is the lack of possibility to make available information for local society. However, it has to be estimated that all the investigated units meet the requirements of the act concerning the access to public information and have a BIP portal. Having a portal that would promote a commune or a BIP website does not mean that they have a complete information concerning spatial planning that would be available on these websites.

The analysis of promotional sites of communes showed that only 11.6% of basic territorial units have information concerning land-use plans on these portals (Figure 3). It is a percentage of communes which compiled at least one land-use plan on their area. It has to be noted down that in case of these communes the resource concerning land-use plans was complete that is it referred to the content and draft of the plan. Only in eight out of thirteen comments that have access to land-use plans on promotional websites, the number of documents coincided with a real number of land-use plans recorded in CSO statistics. In other cases the published materials concerned only a part of land-use plans.



Source: own work based on research.

**Figure 3.** Communes which provide land-use plans on websites

With reference to publishing the content of the study of land-use conditions and directions in analyses all the communes participated because of the fact that this document is obligatory. Unfortunately, in case of information/promotion websites, only 13.5% of websites has reference to the study of conditions. A thorough analysis enables to state that in case of one website there was no content concerning the study of condition, in other cases both the content and graphics were present, which enables people using the portal to get familiar with the idea of spatial policy in a commune.

It has to be emphasized that there is no obligation to publish resources concerning spatial planning on promotional websites of communes, however, the websites can be a source of support for information space of the content placed on BIP websites. They can also be directly connected with resources gathered on a public information portal due to which the load of work connected with publishing information can decrease and a number of potential recipients can increase.

In case of BIP a basic document for publication was also a land-use plan. Surprising, however, is the fact that among 112 rural communes that had valid land-use plans only 50.9% decided to publish them on a website (Figure 3). Such an attitude to making public the local law is not pursuant to the records of the Article 29 paragraph related to planning and spatial development. Worth highlighting is the fact that all self-governments that published land-use plans in BIP, placed a text of the local law, yet, in three cases there was no graphic attachment which is an integral part of the Act. This results in a decrease of the transparency of published documents since it does not allow to refer to the graphic records. In case of communes that provided published land-use plans without the graphic part, the incoherence only in case of Łęczyca commune was supplemented by the information comprised in the commune's geoportal. In other cases it has to be assumed that there was no complete publication of the content of the land-use plan. The attitude of local authorities to the publication of all land-use plans should be examined accordingly. The research showed that among 57 communes that published information connected with land-use plans, only 54.4% of self-governments placed all land-use plans, according to data from the end of 2013. It allows to claim that land-use plans are published uncontrollably both as for the published elements and the comprehensive approach in the scope of publishing local law.

In the part of research concerning BIP websites as in case of promotional websites, the accessibility of the study of land-use conditions and directions has been evaluated. According to the analysis of the websites, 60.2% of communes decided to publish spatial policy on BIP websites. It has to be emphasized that 97.5% of these self-governments had a complete content of the study together with the graphic part. A conclusion to the research is the fact that local authorities while publishing the content concerning spatial planning sphere pay greater



attention to the study which is a document of internal management than to land use plans that create local law.

A supplement to the research in the scope of publication of the local law concerning the spatial development field was a verification of which communes have geoportals with this kind of content. Among the examined communes, 49 self-governments had links to geoportals of communes which constituted 36.8% of the participants of the research. Among these units there are only 39 communes that have compiled land-use plans. It has to be emphasized that only in case of 12 communes (10.7% self-governments that have land-use plans) on the websites with spatial information system one was able to familiarize with the content of a land-use plan and obviously with the graphic attachment. Taking into consideration communes that have only the graphic part of a land-use plan in geoportal resources, the number increases to 19, which is 17% of self-governments that have land-use plans within their boundaries. An additional asset of geoportals is the possibility to present the records of the study of land-use conditions and directions. 18 self-governments decided for such an activity, which constitutes 36.7% of communes that have geoportals. Taking into account the fact of posting on a map portal the graphic part and the content of the act, it has to be indicated that only 10.4% of self-governments having geoportals took up this activity. Among these units there were two communes that do not have land-use plans within their area.

## CONCLUSIONS

The research that was carried out allows to claim that rural communes in Lodz voivodeship do not fully fulfill the records of the act of planning and spatial development. A significant conclusion resulting from the carried out analyses is the fact that the accomplishment of the obligation to publish land-use plans on official websites of communes is not always diligent, since 40% of communes do not have on their websites information concerning land-use plans. The percentage rises when taking into consideration the fact that on a website there is only information about a part of land-use plans in a commune. Referring to all these places of publication of land-use plans, it has to be stated that 58.9% of communes have partly published land-use plans.

An important conclusion resulting from the research is the fact that local authorities do not act rationally since the lack of publishing of the local law decrease the efficiency and effectiveness of its enforcement. It can negatively influence the respect of local law since the inhabitants do not have a possibility to be acquainted with the documents that regulate spatial planning issues. With reference to the concept of good governance it has to be emphasized that the lack of publication of the local law on websites can lead to a decrease in the trans-

parency of a policy carried out by the local authorities. Thus, local actors do not have an opportunity to refer to the progress in the scope of carrying out spatial policy, which also prevents the control in case of the violation of local law regulations. Such a situation makes impossible the assessment of local authorities connected with spatial development.

A significant conclusion in the scope of publication of acts concerning spatial planning is the fact that only three rural communes in Lodz voivodeship treated the publication of land-use plans comprehensively. Due to this fact it is possible to be acquainted with the graphics and content of these documents both on promotional-informational websites and BIP portal and geoportals of communes. Such a situation proves the fact that not many self-governments treat the presentation of the local law consistently.

It has to be emphasized that this type of research should be carried out cyclically in order to monitor the activities of local authorities. Necessary is also a conscious approach of self-governments and supplementing the shortages on websites which result in the violation of law by the local units. A consequence of this can be also the fact of not abiding the local law by local society, which can have negative results for the spatial order and sustainable development in rural areas.

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