

## Article

# Spatial Planning at the National Level: Comparison of Legal and Strategic Instruments in a Case Study of Belarus, Ukraine, and Poland

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**Abstract:** Comparisons of spatial planning systems still require in-depth reflection, especially in Central and Eastern European countries. This article compares national (central) government approaches to spatial planning in Belarus, Ukraine and Poland, answering the following research questions: (1) How are spatial planning issues regulated nationally? Which topics do laws focus on? What values and objectives are laws particularly emphasizing? (2) Are there any central/national strategic documents dealing with spatial planning, and which spatial issues do they address mostly? The article covers two key issues: comparing national approaches to spatial planning systems and comparing spatial planning issues in the three countries. We focus on statutory approaches and those contained in central-level strategic acts. In each country, spatial planning issues are covered by numerous laws, generating confusion when interpreting individual provisions. Our study makes an important, innovative contribution to the academic discussion by proposing a way of comparing and analyzing approaches of national authorities to spatial planning.

**Keywords:** spatial plans; land use plans; spatial planning system



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## 1. Introduction

The assessment of spatial planning systems requires undertaking varied activities. One of them is the comparison of the solutions adopted in individual countries. This task is a difficult one, however. It requires taking into consideration numerous occurring differences concerning, among others, the legal tradition, the planning tradition, the country's system, the size of the country or the planning culture [1–3]. These premises can be further expanded. They constitute serious barriers for comparisons. Nevertheless, the simple fact that barriers exist cannot account for the complete ceasing of conducting comparisons. The following trends of comparisons can be designated:

- Cross-sectional comparisons of particular spatial planning instruments or individual issues in a larger number of countries [4];

- Synthetic descriptions of selected issues in a larger number of countries, without thorough mutual comparison of particular solutions [5];
- Thorough comparative analyses regarding two or three countries [6–8].

This article belongs to the third type of publication. The objective of this research is to compare national (central) approaches of public authorities to spatial planning in Belarus, Ukraine and Poland. By accomplishing this goal, our study attempts to make a contribution to the planning theory by addressing national planning systems and, in a broader sense, to provide further evidence on the relationship between planning and governance or centralization. The following research questions were formulated:

- How do national acts regulate spatial planning issues? What matters do they focus on? What values and objectives are particularly emphasized in the acts?
- Do strategic documents regarding spatial planning occur at the central/national level? If so, what spatial issues do they concern to the greatest extent?

A comparison of national approaches to spatial planning in neighboring, but at the same time different in some respects, countries is of significant value. In addition to comparing specific solutions and their possible translation into practice, the proposed research questions and objectives can also be linked to other issues. Conducting the analyses in question connects to the broader debate on determining the optimal relationship between central and local levels in spatial planning [9–12]. Against this background, Belarus is an example of a system in which the role of central government is also crucial in planning. The comparison is also related to discussing the optimal relationship between strategic and regulatory spatial planning [13–15]. Especially in the systems of Central and Eastern European countries, there are problems in combining the two levels. Such a merger seems necessary in view of the increasingly serious challenges faced by spatial planning. After all, spatial planning cannot be seen simply as defining development guidelines. It is also the spatial planning instruments that should contain an adequate response to climate challenges [16] or challenges of redefining post-pandemic urban policies [17–20]. However, in order to be able to adequately address the issues identified, it seems necessary to develop an appropriate approach at a national level. This process includes both the statutory and strategic levels. The indicated countries are good examples of systems with a great deal of barriers and neglect from this perspective.

The article covers two key issues: the comparison of national-level approaches to the spatial planning system and comparisons of spatial planning in three countries of Central-East Europe. The authors focus on the institutional perspective. This means that (apart from the mere identification of countries and consideration of their key characteristics), there is much less consideration of other determinants in the article. Instead, the analysis from an institutional perspective and related approach of national authorities to spatial planning issues is crucial. Regarding the former issue, it should be emphasized that the national level of planning determines the scope and quality of planning at the regional and local level [21–23]. Although (in most countries) the local level is technically the most important from the perspective of spatial planning, the framework of the functioning of the public authorities and (largely) strategic documents are shaped at the national level [24]. This description also reflects the relations between central and local authorities (in many cases, territorial self-government units). Two tasks of the national authorities can be designated. The first one is to provide a relevant legal basis [25]. This task is a difficult one. Spatial planning law should offer solutions to a number of varied interdisciplinary problems [26–28]. This law should address both the developed vision of the functioning of the entire spatial planning system, as well as its key objectives and values, as well as the method of implementation of such values [29,30]. This remark entails both the relevant selection of the content of acts and the number of acts regarding spatial planning. There is a clear lack of such coverage in the literature, especially from a comparative perspective. It is possible to identify publications in which authors focus on legal solutions or, for example, individual local spatial planning instruments. However, a more universal analysis of national legislators' approaches to spatial planning issues is lacking. For this reason,

it seems important and necessary to try to make comparisons between the legislators' approaches to spatial planning in different countries. The comparison of this approach (and not only of the content of the legislation itself) should be considered very important from the perspective of further scientific discussion.

The second task related to spatial planning at the national level is equally important. A strategic document at the national level should determine key directions of spatial planning [15,31]. This task may cover varied activities: the designation of areas requiring special protection, the designation of key investments (particularly public investments), the determination of key challenges and problems perceived from the national perspective, as well as the introduction of certain guidelines regarding the rules of conducting spatial policy [32–34]. Individual objectives can be obviously implemented in particular national orders in varying scopes [35,36]. Nonetheless, the role of spatial planning at the national level undoubtedly is and should be important. This role requires a national-level spatial planning act adequate to meet the aforementioned needs. Such an act is usually a manifestation of strategic spatial planning. The act provides the basis for regional and local spatial planning instruments, as well as the regulatory ones [37]. The designated objectives should also be coherent with the objectives and values stipulated in the act on spatial planning. The literature also lacks a compilation and comparison of indicated documents. This gap needs to be filled; it is not only related to the ocean of practical solutions, but it also includes a broad assessment of how public authorities respond to spatial planning challenges. This will clarify the role (and strength) of the institutional sphere in spatial planning. The literature clearly indicates the need for an analysis of these issues [38]. A comparative analysis of national strategic spatial planning documents is also an important research task.

As mentioned above, individual countries face serious divergences and problems [39–41]. Acts regarding spatial planning frequently determine the legal order incorrectly or inadequately to the needs. Strategic documents also show varied levels and are often largely irrelevant for lower levels of planning. This situation aggravates numerous problems regarding spatial planning systems existing in individual countries. Countries similar to one another in certain terms and differing in others constitute particularly interesting material for comparisons. These criteria are met by Belarus, Ukraine, and Poland.

In Belarus, as a post-Soviet country, the change in the approach to spatial planning at the national level reflects changes in strategic social and economic priorities. In the second half of the twentieth century, the main focus was on the distribution of industrial enterprises and productive forces, paying particular attention to decentralization and regional development [42]. The Belarusian literature postulates the adaptation of current spatial planning documentation to the challenges of integrated development planning [43,44]. It is also necessary to align the contents of selected documents linked to the sphere of development policy [44,45]. Another important challenge is the complementarity of long-range territorial planning and socio-economic forecasts of the municipality [43,44]. By contrast, the Belarusian literature lacks in-depth reflections on other topics, including those concerning the national level of spatial planning.

There is a slightly more developed academic discussion on spatial planning in Ukraine. Interest in the topic increased in 2010, with Ukraine's strategic course towards Euro-integration. Another factor activating this type of research in Ukraine is the administrative-territorial reform in the country in 2020. Among the studies of recent years, it is necessary to highlight the scientific article dedicated to the resumption of the general scheme of spatial planning of Ukraine [46] and the analysis of the results of the introduction of regional development programs in Ukraine [47]. From 2022 onwards, various spatial planning issues in the context of Russia's armed aggression in Ukraine and the post-war reconstruction of the country have become the main focus of research [48]. According to researchers from Ukraine, the biggest problem of spatial planning in the country over the past decades is the disorganization and lack of conformity of spatial planning legislation. Diverse concepts are emerging to describe the optimal direction for changing the legislation [49,50]. Another

problem is the lack of a sufficient linkage between spatial and strategic development planning [50,51]. A significant improvement in the strategic spatial planning act at the national level is also called for [50].

From Poland's perspective, on the other hand, the scientific discussion on the spatial planning system is (if only in quantitative terms) the most developed. In the sphere concerning the application of spatial planning instruments, serious dysfunctions are noted in the Polish literature. First of all, it should be pointed out that there is great spatial chaos, which contributes to generating enormous costs for the users of the country's space [52]. Another factor is the weakness of legal solutions, which do not translate into the protection of spatial order at the local level [53]. Instead, there is an overly broad role for individual property owners in the spatial planning system [54,55]. There are also serious limitations to integrated development planning, including a lack of compatibility between different types of spatial planning instruments [56].

From the perspective of the three countries studied, there is a significant research gap in the comparative analysis of spatial planning at the national level. Undertaking such analyses is also necessary because of the problems and barriers to spatial planning diagnosed in the literature (and, in some cases, because of the lack of broader coverage of the national spatial planning topic in the literature). It should be added, moreover, that some common constraints and barriers exist across the entire group of CEE countries. Newman and Thornley [3] observed a certain distinctiveness of the group of countries of Central-East Europe, but their diagnosis based on the state of these nations in the 1990s did not allow for specifying detailed features of the designated group. Barriers in performing such classification are also observed in contemporary times [57]. For part of the aforementioned countries, the common context is undoubtedly shaped by the accession to the European Union [58]. In an earlier publication [59], the authors designated three common features of countries of Central-East Europe, determined, on the one hand, by the communist tradition and, on the other hand, by certain institutional limitations. They are as follows:

- Specific approaches to the market and above-standard spatial planning conflicts result in the lack of a common response to planning challenges adequate to the needs;
- Special emphasis on the entitlements of property owners in the spatial planning system;
- Incoherent responses to intensive urbanization (including suburbanization).

Despite their neighboring locations, Belarus, Ukraine and Poland are also different in other aspects. The administrative system in Belarus determines the direction of spatial planning (with local spatial policy authorities having a limited role). Ukraine is in a state of war, which, on the one hand, complicates thorough work on improving the spatial planning system and, on the other hand, somewhat redirects the debate in the scope to the future rebuilding of the country. Poland is a member state of the European Union, although its current spatial planning system is among the most broadly criticized ones [60].

Also, from the perspective of the indicated countries, it seems very relevant and necessary to consider the role of individual spatial planning instruments. This need exists because it is the spatial planning instruments that can ensure the implementation of individual objectives identified in individual spatial planning systems [61–63]. Despite the systemic, legal or cultural differences between countries, it seems possible to identify important analogies. Of particular relevance are the analogies concerning individual instruments of spatial planning, including precisely the implementation of indicated objectives by these instruments [64]. In individual countries, despite their differences, there are very often similar problems and barriers [65–68]. However, in order to diagnose them correctly, it seems necessary to compare selected institutional conditions [69]. The patterns indicated do not only apply to spatial planning instruments at the local and regional level. They also apply to spatial planning instruments at the national level.

It appears that the comparison of national approaches to spatial planning in these countries are, on the one hand, similar, but in many aspects, different countries will constitute a very interesting and needed research task. The aforementioned comparisons

(regarding the national level of spatial planning) in the case of the analyzed countries have been addressed in a limited scope [70]. They can therefore be considered innovative. This issue requires in-depth analysis. A detailed review of the legislator's approach to spatial planning and a review of the content of strategic spatial planning acts at the national level represent an answer to serious and necessary research challenges. Other contributions of this paper are as follows:

- The designation of features of spatial planning systems at the national level eligible for thorough comparisons;
- The determination of the differences between countries with similar traditions and approximate geographic locations.

Both of the issues also have a broader, universal dimension. The article's contribution to the scientific discussion is to propose a way of comparing the institutional approaches of national-level public authorities to spatial planning issues.

The section presenting the applied methods describes the undertaken research activities in detail. Further tables included in results present key features extracted from the perspective of each of the analyzed countries regarding national spatial planning. The features are then analyzed in detail in the discussion.



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