

Legal Alert

Changes in planning and zoning of land

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Following press reports and information provided by the Ministry of Investment and Development, work is underway to reform the real estate development and construction process in Poland. The aim of the reform is to eliminate the infamous “zoning permits.”

Legislative advancement

In February this year, the team appointed by the Minister of Investment and Development finalized its works on the assumptions for the planned reform of the real estate development and construction process. The fruits of this work were presented at the general assembly of the Association of Polish Cities. In the near future a draft of laws amending the existing regulations should also become available.

Scope of changes

Details of the proposed changes are not yet available, but based on official information from the ministry, most of the changes should involve planning and zoning of land.

The assumptions presented by the ministry provide for the appearance of three new legal documents regulating spatial planning:

- General plan
- Development plan
- Urban standards.

The **general plan**, broadly speaking, is to replace the existing study of conditions and directions of spatial development. The general plan would be prepared for the entire area of the commune (*gmina*) and refer to the general directions for the designated use of the land resources of the commune. According to the ministry, along with the general plan, an environmental impact forecast, a forecast of the financial consequences of adoption of the general plan, and a justification of the determinations made in the general plan would also be prepared.

On what basis would building permits be issued?

For this purpose, a **development plan** would be prepared. To put it simply, the development plan would be similar to the local zoning plan as it now functions.

Another act aimed at regulating the spatial order is to be so-called **urban standards**. According to the explanations provided by the ministry, urban standards would define minimum requirements for providing transit services and technical and social infrastructure, and would be created for areas designated in the general plan to supplement development.



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In addition to these documents, the possibility of introducing so-called **integrated development designs** and **siting decisions** is also being considered.

Integrated development designs would concern larger-scale developments, requiring cooperation in many areas and with many entities, including those involving cooperation with the commune.

Siting decisions would be used to supplement development in areas designated for development in the general plan.

The ultimate scope of the proposal will be known when the draft of the act amending the current Spatial Planning and Zoning Act, and other affected acts, is released.

The draft was supposed to be released at the end of March this year, so soon we can expect more detailed information.