

## LEGISLATION IN POLAND

Legal regulations concerning protection of the architectural heritage and cultural landscape in Poland are based on the legislation adopted by Polish Parliament. The most significant of them are:

1. Act on protection and maintenance of historical monuments of 23 July 2003,
2. Act on spatial planning and space management of 27 March 2003,
3. Act on protection of natural resources of 16 April 2004,
4. Law on protection of the environment Of 27 April 2001.

**Act on protection and maintenance of historical monuments** of 23 July 2003 describes the subject, range and forms of protection and maintenance of historical monuments, the outlines of protection and maintenance, of financing conservation and restoration works, and of organizations of the institutions responsible for protection.

According to the Act protection of the historical monuments is meant as an instrument safeguarding legal, organizational and financial conditions enabling permanent maintenance of the monuments, their use and management.

The protection is performed through legal owner of the monument, obliged to:

1. accomplishing the research and documentation of the monument;
2. carrying conservation and restoration construction works;
3. safeguarding and maintaining the monument and its surrounding in the proper state;
4. using the monument in the way securing constant protection of its values;
5. disseminating knowledge on the monument and on its historical and cultural importance

The subject of protection are amongst others:

- cultural landscapes,
- rural settlements,
- architectural and building heritage,
- cemeteries and technical heritage,
- parks and gardens,
- places of commemorating historical events and persons,
- works of art and artisanry,
- products of technique,
- products of folk art and handicraft and other ethnographic works,
- also non-material values are subject of protection, for instance geographic, historical or local tradition names of places or objects.

The tools of protection are:

- listing in register of monuments made by the conservator's office,
- establishing park of culture,
- decision of the local plan of spatial management.

The park of culture can be established by the local municipality council through its resolution. The aim is to protect cultural landscape and to maintain selected areas with monuments characteristic for local building and settlement tradition.

The protection of the monuments has to be taken into account when elaborating documentation of different types of plans, i.e. concepts, strategies, plans and projects on national, regional and local scale. All spatial plans have to be approved by the regional conservator's office.

The Act provides for the rules of financing maintenance of monuments. Financing is secured by the legal owner of the monument. The monuments owned by the State are financed from the State budget. Other owners, private and municipalities can apply for financial support from the State budget. The Act creates the institution of the social curator of the monuments, empowered to act in order to protect and maintain monuments' values and to disseminate knowledge and information. The social curator cooperates with the regional conservator.

The negative aspects of this Act are:

- low effectiveness of the spatial plan as protection instrument;
- weak position of the conservator's office, challenged by the individuals and groups of citizens;
- difficult situation of the large complexes of cultural and historical values; the concept of the park of culture is not fully operational due to the lack of executive rules;
- the statement on the financial and legal responsibility of the legal owner of the monument for its protection is unrealistic (many owners have no ability to finance it and only new buyers are likely to meet this demand).

**Act on spatial planning and space management of 27 March 2003**, states the principles of creating spatial policy by local governments and state administration. In particular it describes the range and methods of proceeding in deciding on the land use for different purposes and on the principles of the space management and the build-over regulation.

The Act takes into account the following aspects related to the protection of the building, architectural and landscape cultural values:

- requirements of the spatial order, particularly related to architecture and urban planning;
- architectural and landscape values;
- requirements of the protection of the environment; particularly water resources, agricultural land and forests;
- requirements concerning protection of cultural heritage, historical monuments and values of contemporary culture.

The negative aspects of this Act are:

- the plans are usually elaborated for relatively small areas without considering wider context and can not therefore fulfill their regulatory role;
- the investors policy of the short-term economical effects, substantially hindering long-term sustainable planning.

**Act on protection of natural resources of 16 April 2004** describes goals, principles and forms of protection of the natural resources. It also settles the forms of protection and management of the values of building, architectural heritage and rural landscape, describing the goals of protection of the landscape values, greenery and trees. It enables legal protection of these values through establishing protected areas.

One of these protection forms is landscape park, which can be created to protect natural, historical, cultural and landscape values. The park can be established by the head's of the provincial administration (voivodship) decree with approval of the local municipality council. It requires elaborating the plan of the protection of the landscape park, in which the state of the natural resources, cultural values and of the landscape has to be identified, followed by concept of their protection and by adequate operational decisions.

**Law on protection of the environment Of 27 April 2001** describes the principles of protection of the environment and the conditions of its use in accordance with the principles of the sustainable development. Its important settlement secures public access to the information on the environment and on its protection as well as public participation in proceeding concerning its protection. This creates an opportunity for the citizens to exert control over the environment and to counteract in the case of its unwanted changes.



# NORMS

