

## Half a loaf is better than no bread – unusual celebration in municipalities

In 2023, an amendment to the Planning and Spatial Development Act came into force, which revolutionised the day-to-day work of all authorities in Poland for the next few years. Indeed, the amendment stipulates that, by the end of 2025, municipalities should have adopted general plans to replace land spatial development plans, which means that new master plans ('MP') and decisions on development conditions ('DC') will have to be in line with the general plans.

By virtue of the amendment, public participation in this major planning endeavour has been guaranteed, namely, within the time limit provided for in the resolution on accession to the preparation of the general plan, it is possible to submit applications to its draft. The deadline cannot be shorter than 21 days. Please note that in the area of Warsaw, the deadline is 30 September 2024. The form of the applications is determined by the ordinance and it is an official form. In order to meet the deadline, it is the date of receipt of the application to the municipality that counts, not the date of posting (however, applications can also be submitted electronically). More information can be found [here](#).

What if the municipality does not grant our application? Nothing. It is good that the legislator thought about the public's entitlement, but it is unfortunate that, due to the lack of an appeal, public participation appears to be a sham.

What if the municipality had a local plan in place before the general plan came into force? At this stage - also nothing. And here we see two real dangers:

Firstly, there is no provision that, where a master plan is introduced in an area where a local plan is in force, such a master plan should be consistent with the local plan or that the existing local plan should automatically be adjusted accordingly. The result could be that two planning acts that are incompatible with each other are in force simultaneously in one municipality.

Secondly, in a situation where it becomes necessary to amend the local plan even to a small extent, this may result in the need to amend the entire local plan to ensure its compliance with the general plan. This, in turn, may in our opinion result in municipalities being reluctant to amend the MPs, which is already a serious risk for investors.

And thirdly, let us add that in municipalities which will not manage to adopt a general plan by the end of 2025 - the issuance of DCs or adoption of an MP will be suspended - until the general plan is adopted. We do not want to be doomsayers, but we see here a serious risk of investment paralysis in many Polish municipalities.

Thus, on the one hand, we see that public participation in the preparation of MPs seems to be an apparent protection, while on the other hand, the amendment itself creates many risks for investors. In this stalemate, the possibility of submitting proposals appears to be a half a loaf which is better than no bread. And since haymaking has passed, please let us not begrudge ourselves bread, let us celebrate!

**Do you want to know more? Contact us!**

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