

PROTECTION OF AGRICULTURAL AND FOREST LAND IN THE NEW PLANNING SITUATION

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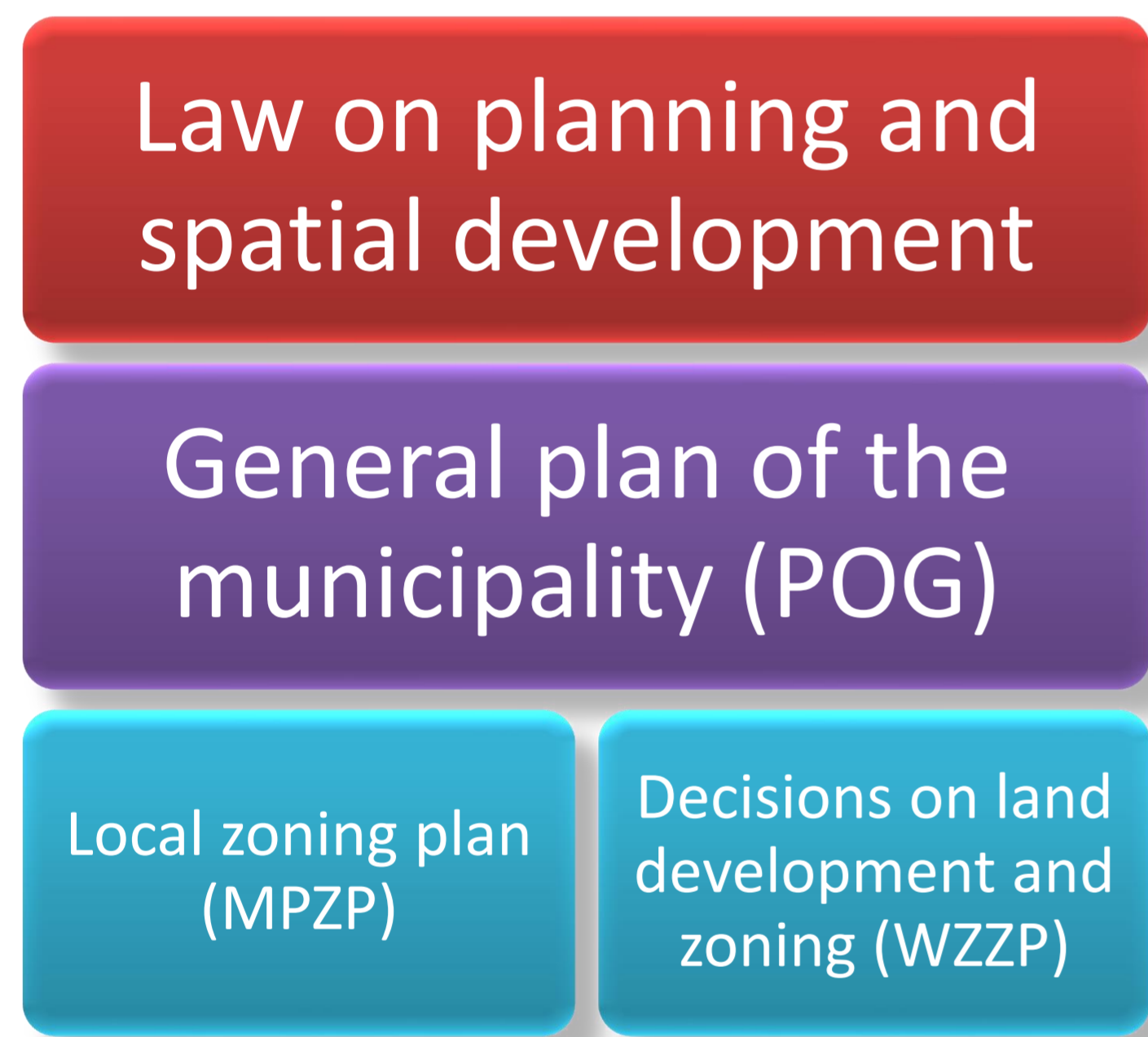
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ABSTRACT: In the face of increasing urbanization pressures and changes in spatial policy, the protection of agricultural and forest land becoming a key challenge for municipalities and public administration. The amended legislation introduces the obligation preparing general plans and designate areas of replenishment, which significantly affects the spatial planning process and land management. The article analyses the impact of the new regulations on the protection of land of high agricultural and natural value. The introduction of general plans as obligatory element of the spatial policy of municipalities is supposed to organize urbanization processes and reduce chaotic development. One of the key tools in this regard is the designation of replenishment areas, which allows the rational development of already urbanized areas reduces pressure on new agricultural and forest land. The conclusion notes the need to strengthen control mechanisms and financial support for municipalities to effectively implement new planning tools. Protection of agricultural and forest land in the new planning reality requires a balanced approach that will enable harmonious development of rural and urban areas without excessive interference with valuable natural resources.

METHODS: The article undertakes an analysis of the impact of the new planning regulations on the protection of land characterised by high agricultural and natural value. The introduction of general plans as an obligatory instrument of municipalities' spatial policy is an important step towards ordering urbanisation processes and preventing uncontrolled expansion of development. A key tool in this respect is the designation of areas for the replenishment of development, which enable the efficient use of existing infrastructure and already urbanised areas. This measure contributes to reducing investment pressure on agricultural and forest areas, thus supporting sustainable development and the protection of environmental resources. The reform of the spatial planning system in Poland, implemented in 2023, has significantly changed the approach to the shaping of the development structure, introducing new planning instruments, including the development supplement area (OUZ), as a tool to rationalise urban planning processes. Translated with DeepL.com (free version)

In the context of sustainable development policy, IOUs are a tool to clean up space and improve land use, especially in municipalities facing investment pressures. The planning reform has introduced significant changes with regard to the conversion of agricultural land into construction land. The situation that will come into force According to Article 7(2a) of the Act on the Protection of Agricultural and Forestry Land, the change of use of agricultural land of class I-III located outside cities does not require the consent of the minister responsible for rural development to change their use, provided that they are located in OUZs. However, these areas will be designated only in the general plans of the municipalities, by which time it will not be possible to obtain a decision on development conditions for these lands and thus the investment will be halted.



„MKTHE CONDITIONS AND DET33AILED RULES FOR THE DEVELOPMENT OF LAND AND THE DEVELOPMENT OF ITS LAND, AS DETERMINED BY THE LOCATION DETERMINATION DECISION FOR A PUBLIC PURPOSE OR THE ZONING DECISION must be in accordance with the GENERAL PLAN.

If the municipality does not adopt the master plan by 30.06.2026 will lose the ability to issue DWZs and DULICPs

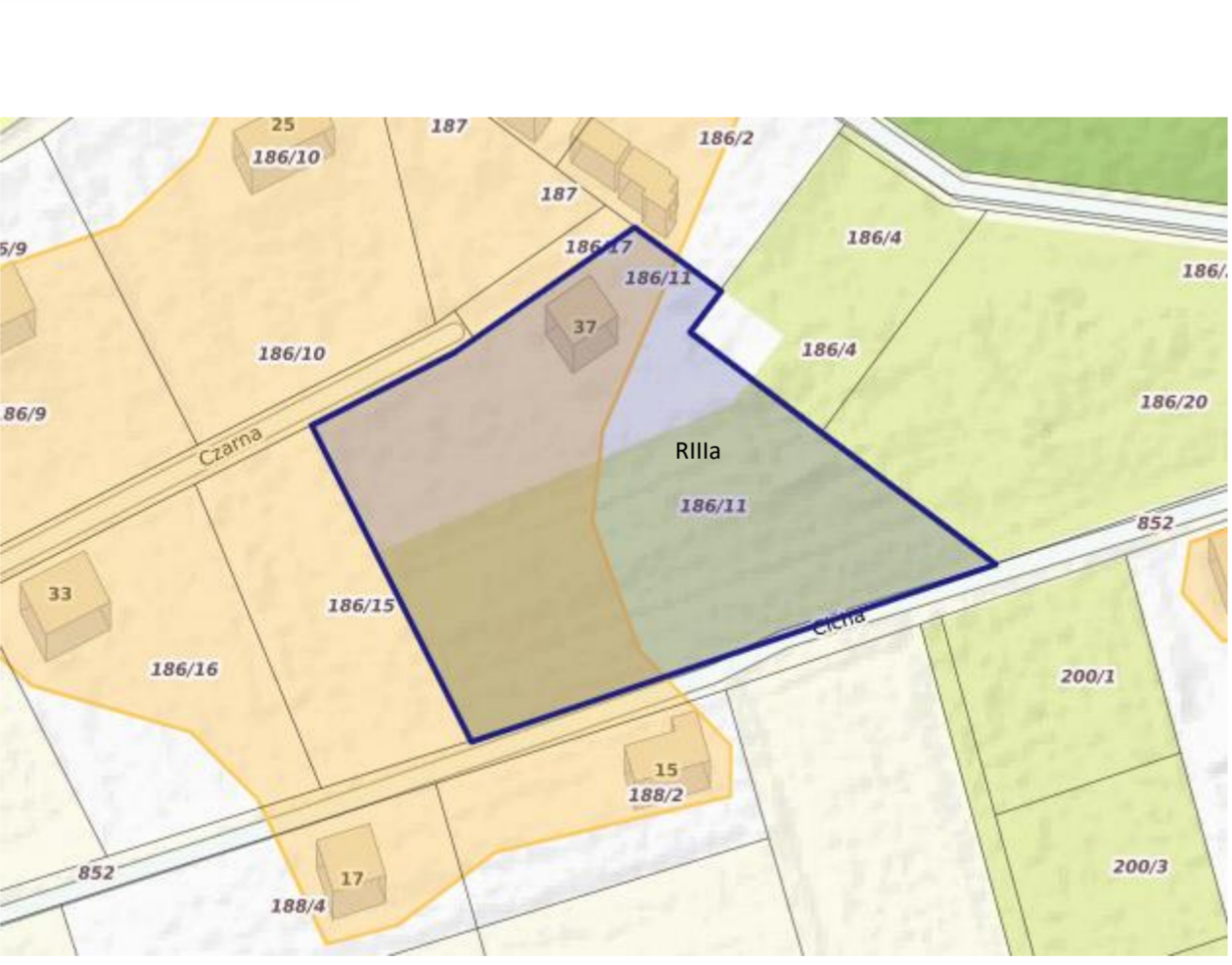
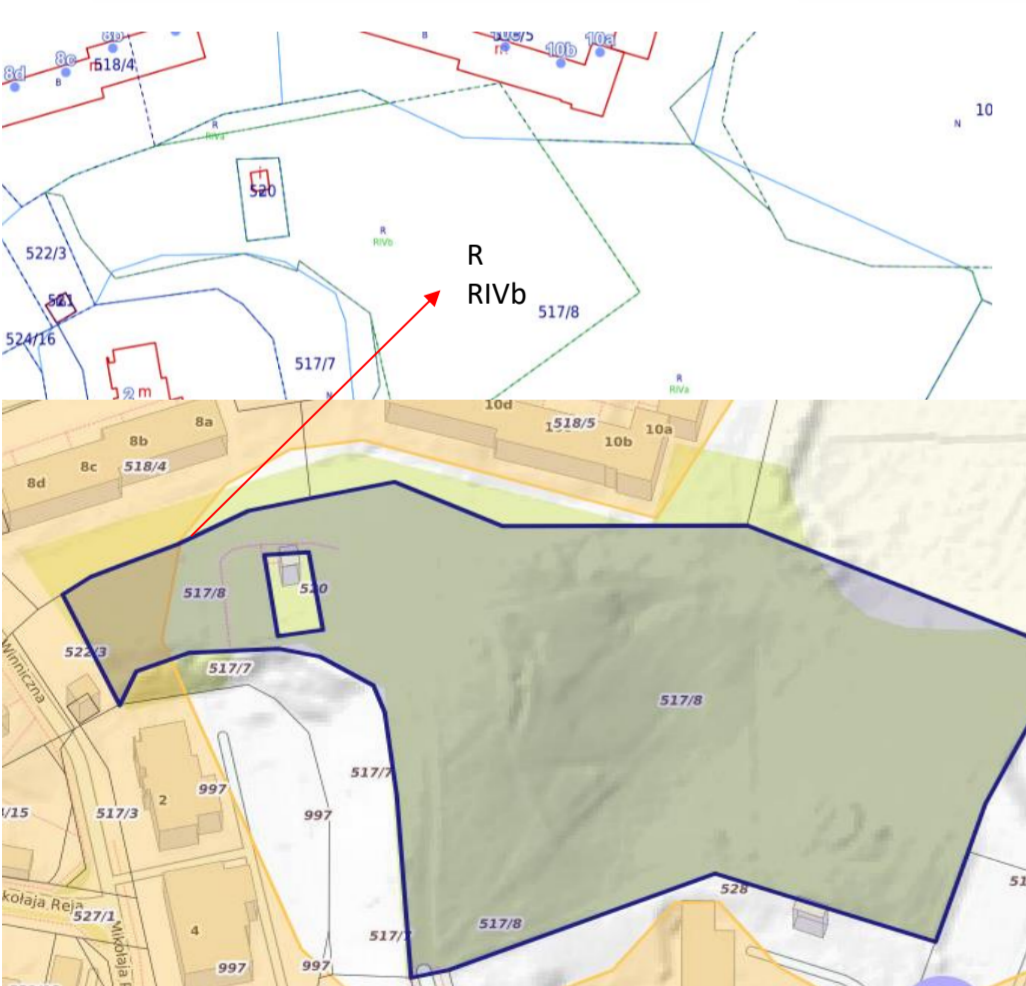
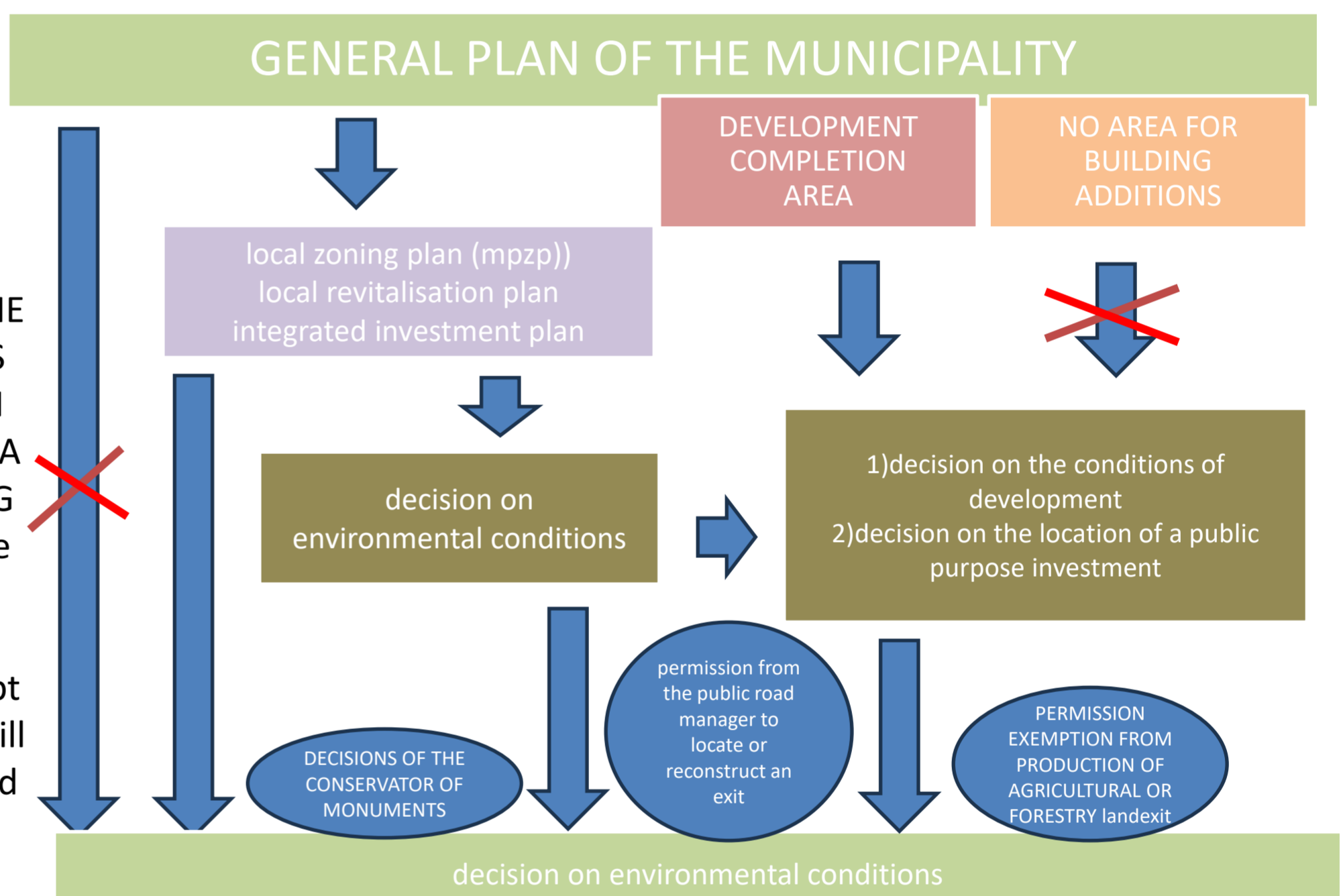


Fig.1. Shows the OUZ in plot 517/8, municipality of the city of Szczecinek

g.2. Depicts the OUZ in plot 186/11, commune of Rzeczenica, district of Człuchów, Pomorskie Voivodeship.

The development complement area, is a new planning tool. It can be introduced as part of the municipalities' general plans, which must be introduced by 30.06.2025. OUZ, is an area where the municipality has not adopted an MPZP but which it nevertheless intends to designate for residential development. These areas will be designated on an optional basis. That is to say, the issuing of zoning decisions will be limited to the areas of housing completions only. It will be impossible to issue planning conditions outside these areas. The purpose of designating such areas is to stop development in the area in question for reasons of highly valued values - environmental protection, public safety, and rational use of space.

Summary: The planning reform changed the rules for converting an agricultural plot into a building plot. Municipalities stopped issuing development conditions for agricultural plots of class I-III, which meant that investors, overnight, lost the chance to carry out investments. The amendment to the Law on Planning and Spatial Development introduced changes to other laws, including the Law on the Protection of Agricultural and Forestry Land, specifically Article 7(2a). The provision now states that no consent of the Minister of Agriculture and Rural Development is required for the designation for non-agricultural and non-forest purposes of agricultural land constituting agricultural land of classes I-III located in the area of development supplementation. This means that the OUZ must be defined in the municipality's general plan. Currently, municipalities are starting to draw up these plans and there is still a long way to go before they are adopted. Prior to the planning reform, the provision allowing a plot of land to be excluded from agricultural production was more extensive, with “de-landing” of plots of land that met the following conditions: - at least half of the area of each compact piece of land was contained within a compact development area; - they were located no more than 50 metres from the boundary of the nearest building plot; - they were located no more than 50 metres from a public road; - their area did not exceed 0.5 hectares regardless of whether they constituted one whole or several separate parts. This regulation made it possible to develop plots of land located in the midst of existing, dense development and therefore not important for agricultural production, without having to carry out a costly and time-consuming planning procedure. The amendment has taken away this privilege; now the municipality will decide. In view of the above from the planning reform is the lack of obtaining development conditions for agricultural land of classes I-III. There is also a problem when investors have obtained development conditions and have not excluded land from agricultural production, the authority will also have to refuse to issue an exclusion decision, as the exclusion of land from agricultural production on the basis of a decision concerns land designated for non-agricultural purposes.

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