

THE ANALYSIS OF CONFLICTS CONCERNING URBAN AREA USE: A CASE OF OLSZTYN (POLAND)

Sabina ŻRÓBEK and Magdalena ZACHAŚ

Department of Real Estate Management and Regional Development, University of Warmia and Mazury in Olsztyn, Prawocheńskiego Street 15; 10-724 Olsztyn, Poland

Tel./fax. (0048) 89 523 38 32; E-mail: zrobek@uwm.edu.pl; zachaska@wp.pl

Received 17 March 2005; accepted 5 July 2005

ABSTRACT. The aim of this study was to analyze the conflicts that arise in Poland at the stage of working out (elaborating) local spatial management plans, issuing development orders concerning land development conditions and building permits, and the conflicts that are reported by the inhabitants to the municipal police. The analysis of the conflicts was conducted on the example of the city of Olsztyn. The research focuses on the quantitative and qualitative aspects of the conflicts, and examines the causes for their existence. The goal of the study was to emphasize the importance of conflict identification while making the decisions referring to land use.

KEYWORDS: Urban area; Conflicts; Spatial management; Poland

1. INTRODUCTION

Forms of land management as well as the way the area is used are important decision criteria for investors, and influence the quality of life of inhabitants. They become a part of the city or the region identity and may be a significant factor of their development [13].

Spatial management can be defined as this kind of man's activity that aims at seeking a certain space order in the surrounding reality. The reality creates a general frame of reference which enables harmonious actions throughout all life spheres (social, economic and ecological ones) [15].

According to Domański [7], spatial management includes the following:

- land development determinants obtained from the examination of demographic, social-economic, environmental and territorial processes;
- mechanism of land development understood as a set of relationships occurring

in the process of the development of systems;

- forecasting and specifying spatial management policy;
- regional preferences;
- generating options and choosing a plan;
- optimization of plans;
- control over the realization of plans and evaluation of results.

During planning processes, some conflicts, unpredictable as well as predictable, might arise. In both cases the conflicts may affect city development and the quality of life of its inhabitants.

As for a general definition of a conflict, the term means "all kinds of contacts based on opposing goals, discrepancy and contradictory interests". The following synonyms are also commonly used: competition, fight, collision, disagreement, discord, rivalry. They all differ in character and emotional overtones. A conflict occurs when two or more people (or groups) desire the same object, want to occupy

the same area or to maintain the same comfortable position, wish to act out mutually contradicting roles or support different aims [6, 23].

The essence of the conflicts occurring within a given space is the fight over the access to that space, to its attributes and resources. This is a battle of contradicting criteria of rationality conducted from different positions [18]. The area-based conflicts stem from many different motives. However, in most cases they result from contradictory goals: private interests versus a widely understood public interest. Such a situation is due to the fact that human activity takes place in a certain limited and heterogeneous space. According to Cialdini, citing Tversky and Kahneman [3, 32], also a threat of a potential loss plays a major part during the decision making process. Apparently, it seems that people are guided by the thought of losing something rather than by the thought of gaining something of the same value. Therefore, the harmonization of all sustainable development goals should include also the requirements of the so-called spatial order. For this order not only prevents the appearance of area conflicts while competing for a location site and environmental resources, but also puts a halt to the detrimental outcomes of such conflicts [24].

Conflicts connected with land use are significant for spatial economy and spatial planning under the condition that they meet the following criteria:

- they refer to the future utilization of environmental goods by the participants of spatial management;
- the appearance of conflicts and the course they take are generally determined by the future way of development of a given plot of land;
- contradictory interests and multifarious goals that are considered in spatial planning, imply different functions for the same areas;
- in the first place the conflicts appear at the planning stage; and unless

contradictory interests and multifarious goals are dealt with then, they are shifted to the real sphere [9, 10].

The decisions related to spatial management are undertaken at different stages of planning and architectural studies. On account of that, controversies occur at different times. This study deals with the analysis of conflicts that occurred in Poland, in the city of Olsztyn, in the years 1995 – 2003 and were noted by the Municipal Office of Olsztyn. The conflicts manifested themselves at the stage of:

- working out local spatial management plans, which mean to establish area use, siting investment of public goals, as well as specify ways of development and land development conditions;
- issuing development orders concerning land development conditions, which mean to specify the possibilities and limitations of investing into a given real estate;
- building permit decisions, which mean that investors, owners, perpetual usufructuaries or property managers can begin construction works only on the basis of these decisions.

Moreover, the claims reported by the inhabitants of Olsztyn to the municipal police were examined. However, it must be stressed that the issues discussed in the present paper are not to be treated as a complete set of conflicts occurring within the space.

2. ISSUES CONCERNING THE CONFLICTS ANALYZED IN RESEARCHES

A draft of a local spatial management plan can be viewed as a proposal of change in spatial management of a given area stemming from the fact that new needs have arisen. The revision prepared by a planner is one of the elements of a long-term territory transformation process. The effectiveness of such a transformation depends not only on the planning abilities of the planner, but most of all on how

right the evaluation of the present condition is. From the perspective of the general social rationality criteria, the most serious consequence of the conflicts that had not been resolved or had been dealt with to an unsatisfactory extent, is the accumulation of conflict situations. Such situations make the realization of social goals difficult or slow it down, or simply limit it. Thus, for these reasons, the way the spatial management is approached may either stimulate or slow down social and economic development. In that sense the space becomes one of developmental factors, and its optimal shaping is an indispensable element of development optimization [18]. That is why spatial management should be evaluated from two different perspectives: on the one hand as a result of past processes, and on the other - as a factor either facilitating the progress in the future or making it difficult [27].

For the above reasons, the identification and analysis of conflicts appearing in the preparatory process connected with planning and plan development, and related to the background of the controversies, may turn out helpful when we want to minimize the conflicts. In some cases they can even be totally eliminated at the pre-planning stage. With the end of the 1960s, the theory of decision making concerning the economy of cities and regions offered only simplified optimization methods, such as planning including only one goal (maximizing profit, minimizing costs), analysis of costs and profits, optimization of a fixed goal. Accordingly, the analysis of conflicts rooted in the economic problems underlying the decisions, with many features and participants (entities), could not be conducted in a thorough way [8]. The realization of complex and correlative aims of a sustainable development requires an interdisciplinary approach to create the grounds for a new direction of research [24]. Leidig and Compare claim that in this day and age, where almost all problems are interwoven, it seems that inter/ multidisciplinary is not just a suggestion of theoretical reason, but a component of a survival strategy [5, 22]. According to

Poskrobko [28], we may already talk about heading towards the creation of such a new scientific discipline which, using its own terminology, methodology and theory, will integrate environmental sciences with economy, sociology, psychology, philosophy and other disciplines. A particular role is assigned to the organization and management studies since they create the foundations for the implementation of sustainable development conceptions into management practice on different levels.

The protection and the shaping of the space, effected by measures of spatial planning, can be better realized with an inter/ multidisciplinary rather than a monodisciplinary orientated research strategy. It should be able not only to record stipulating factors and networks of effects, but also to model them. It has to realize a permanent dialogue and transfer of information with certain scientific systems – in particular with ecology, economics and sociological – in order to be able to make use of the knowledge from latest research [22]. Also ESDP (European Spatial Development Perspective) [11] its goals centers simultaneously on a triangle of economic, and social cohesion, sustainable development and balanced competitiveness, placed in the final document as: It places emphasis on:

- development of a balanced and polycentric city system and a new urban-rural partnership;
- securing parity of access to infrastructure and knowledge;
- sustainable development, prudent management and protection of nature and cultural heritage

Although the importance of social cohesion and sustainable development is highlighted, the rationale of economic competitiveness is nevertheless dominant [17].

Many sciences deal with conflict situations. In spatial management as well as in other domains of human activity, the focus should be placed on understanding the phenomena, establishing the relations among them, and finally, on increasing the control over them wher-

ever it is possible [12]. Rich bibliography of social sciences (sociology and psychology) is a source of a vast knowledge in the field of the theory of conflicts (for example the theory of games), the causes for conflicts, and especially the methods for dealing with the conflicts. We still know too little about the types of conflicts that exist in spatial management, about their causes and about the methods of improving the present condition. Contemporary conflict theories point to the necessity of analysis of the basic needs of man, claiming that the lack of opportunities to realize own needs influences the way the other party is perceived and at the same time generates our negative feelings. As a consequence, such a situation is a source of conflicts [21]. A conflict often arises when there is a contradiction of interests, when the interests are mutually exclusive and there is no possibility of their simultaneous realization. When it comes to the dynamics of a conflict, it depends largely on the participants of the controversy and the cause and scope of the conflict.

Many authors have tried to systematize conflicts on the basis of different division criteria. Conflicts may be grouped into those related to land use and influence (neighborhood), classified as long standing, predictable fixed and periodical, local and regional [18, 19, 29, 34, 35]. An increasing competition for a possibility to use a limited plot of land makes a resolving of conflicts in spatial management a significant aim of physical planning. One of the methods dealing with conflict solving is a defensive approach which means that conflicts are treated as ordinary and negotiable. Following this approach, the actions connected with conflict solving are taken up only when a conflict occurs or when the intensity of conflicts is so high that they have to be considered. An opposite approach dealing with conflicts is characterized by an offensive preventive action. Here, foreseeing conflicts or an attempt to foresee them, as well as dealing with the causes and the conditions where a potential conflict may appear, are stressed. In or-

der to avoid controversies or to mitigate them, it is necessary to specify which decisions may generate new unfavorable phenomena or heighten the already existing ones [35]. According to Markowski and Stawasz [24], the consideration of social expectations related to local development manifests itself in the need to obtain a social acceptance for the actions of the authorities, in the necessity of a participatory course of management, or in other words, in a democratization of the decision making process, including the participation of many local entities. In the publications from the western countries, an equally strong stress is laid on economic and social aspects.

A variety of goals, all properly justified, creates a fundamental difficulty in making a decision as for the future land use [36]. Therefore there is a need to introduce some methods into spatial planning that would support a rational management of the already existing goods. The term "management" is understood as a managerial activity based on decision making and controlling the resources and processes in order to achieve the best possible results. This should be done in an efficient and economical way which, at the same time, would be in accordance with social rationality of economic activities [25].

Organizations may plan its future in such a way that it is not influenced by accidental events – we call a group of such operations as strategic planning [14]. Positive and long-lasting experiences stemming from the usage of strategic planning in economic units resulted in adapting the method in the management of territorial systems. Such a step was stimulated by the successes of the companies that made use of this strategic planning method, as well as by quite a few similarities spotted between an economic unit and a commune, a city, a region or a country. Thus the ability of an efficient management of a given space is clearly visible mostly in the way a decision is made. Problem solving and decision making become, however, more and more difficult and more complex. Such a situation is due to the fact

that the complexity and importance of problems, decision inducing situations and the number of problem solving methods are constantly rising. This results in the need for constant improvement of the decision making process [26]. Yet, sometimes conflicts are unavoidable.

As phrased by Kołodziejcki [18], the task of the entities managing a given space is to undertake a decision as for the realization of the functions that can be viewed as conflicting in relation to the already existing values of the area. Such a decision must be made while being fully aware of the disturbances and losses that will appear, and under the condition that it is justified by a thoroughly irreplaceable social need. This means choosing the lesser evil.

3. ANALYSIS OF CONFLICTS PRESENT ON THE TERRITORY OF THE CITY OF OLSZTYN

Table 1 shows the total number of conflicts connected with working out local spatial management plans, issuance of development orders concerning land development conditions, and building permits.

3.1. Conflicts related to working out local spatial management plans

While working out a local spatial management plan, some specified functions are accompanied by the existence of conflicts that can be foreseen. Apart from this type of controversies, unpredictable conflicts should also be considered, including those of emotional and unreal nature, dependent upon personal features of the parties.

From 1st January 1995 to July 2003, the preparatory procedure of a local spatial management plan was regulated by the Spatial Management Act of 7th July 1994 [1]. In July 2003 the Spatial Planning and Management Act of 27th March 2003 was implemented [31].

Comparing the procedures connected with the working out of a local spatial management plan, it becomes visible that according to the Spatial Management Act that is no longer in force, a conflict would occur or would be disclosed in two different forms: protests and objections to the plan. Pursuant to the Act in question (Articles 23 & 24), a protest could be lodged by anyone who questioned the already accepted provisions of a local spatial manage-

Table 1. Number and form of conflicts in the years 1995 – 2003

Form in which conflict was disclosed	1995	1996	1997	1998	1999	2000	2001	2002	2003	TOTAL
Local spatial management plans										
Protests	-	-	-	-	4	1	3	-	12	20
<i>In it: Protests accepted</i>	-	-	-	-	3	0	1	-	4	8
<i>Protests rejected</i>	-	-	-	-	1	1	2	-	8	12
Objections	-	1	1	9	6	11	8	2	6	44
<i>In it: Objections accepted</i>	-	-	1	8	6	8	5	-	3	31
<i>Objections rejected</i>	-	1	-	1	-	3	3	2	3	13
<i>Appeals to administrative court</i>	-	1	-	-	-	-	1	-	-	2
Total	-	1	1	9	10	12	11	2	18	64
Development orders concerning land development conditions										
Appeals	24	22	31	47	70	59	88	76	38	455
Building permits										
Appeals	17	10	2	1	-	60	65	66	52	273
Complaints	2	8	10	4	12	7	12	4	8	67
Total number of conflicts	43	41	44	61	92	138	176	148	116	859

ment plan. And as for an objection, it could be made by anyone whose legal interest or rights had been violated due to the approved provisions of a local spatial management plan available for a public inspection. The Commune Council, by way of resolution, would decide whether to accept or reject the lodged protests and objections. In case the protests were rejected, a resolution of the Commune Council was a final decision. As for the rejection of an objection, the concerned person had the right to lodge a complaint with an administrative court which would then consider the case and render a final judgment.

The Spatial Planning and Management Act of 2003 introduced a new form of objection lodging against the provisions of a local plan. The so-called “plan comments” replaced earlier protests and objections. The comments to a draft plan may be made by anyone who questions the provisions accepted in the draft available for a public inspection. In addition, the subparagraph concerning the possibility of appeal to an administrative court was also eliminated.

Before the implementation of the new Act, the resolution of conflicts usually took place at the moment when the protests and objections introduced to the plan were considered. The statutory right to raise an objection or lodge a protest is granted to anyone whose interest may be violated due to the introduction of plan provisions. As a result, the parties resolve the conflict as late as at this stage. At that time, however, little space is left for a joint problem solving, especially when the solution is to satisfy both parties concerned [20].

In order to identify the conflicts appearing during the outlining of a local spatial management plan and also to examine their essence, quantity and causes, an analysis of protests and objections against the draft plan as well as the verdicts of the Supreme Administrative Court was carried out. The data concerning the above were obtained from the documentation available at the Urban Design Office of the Department of Strategy and City Development at the Municipal Office in Olsztyn. The re-

search encompasses the years 1995 – 2003 and focuses on 22 local plans worked out within that period. It is important to stress that in the case of 10 draft plans no objections and protests were lodged. Such a situation was due to the fact that the plans were made upon a motion of the interested persons (owners of the properties situated in the area included in the plan revision) and a new planning function was not objected by the neighbors. Sometimes it also happened that the area to be developed was very small (for example 2, 3 plots of land) or the alteration in the plan was so minimal that it did not raise any objections. As for the other 12 drafts, there were both protests and objections lodged against them.

Within the period under research 64 cases of conflicts were reported at the stage of working out local spatial management plans. The possibility to lodge protests or objections appeared only with the implementation of the Spatial Management Act of 7th July 1994. Due to this, only a small number of conflicts was recorded during the first three years under analysis. Therefore, we should not exclude the existence of other disagreements that were noticeable but never reported. We can presume that such a situation was caused by the lack of awareness of the inhabitants as for the possibility of a legal vindication of their claims. Turning to the year 2002, there were only two conflicts recorded. They were in the form of objections – the reason behind such a small number of conflicts could be the fact that in that very year there were not many plans drawn and the ones that existed either referred to small areas of land or the work over new drafts had already started and thus at that time they were not available for a public inspection.

A significant percentage of the conflicts in the period under analysis that occurred during the initial stage of local plan compilation was voiced in the form of objections against draft plans (69%). This means that the persons whose interest could be violated due to the provisions of the plan expressed their dis-

satisfaction more often than the persons whose properties were outside the area under development (31%) – and this seems quite justified.

The protests that were lodged, depending on their legitimacy, were either accepted or rejected by the Commune Council during the works upon a local spatial management plan. The majority of protests in the area under examination (60%) were declared unjustified and therefore rejected. However, 40% of protests were classified as justified and thus considered during the works over the draft of the plan. Especially the collective protests had an important influence over the decisions made by planners. The protests were lodged by the inhabitants of the areas adjacent to the land under transformation since they did not agree with the contents of the plan.

By analogy, the objections had been also thoroughly considered before they were either accepted or rejected. In the majority of cases the complaints occurred when the owners (holders) of properties realized that the provisions of the plan significantly infringe their right to property that in their understanding was inviolable. Most objections (70%) were accepted. Only two rejected claims were the subject of appeal. They were considered by the Supreme Administrative Court. In one case the complaint was settled positively whereas in the other the Court decided that it was unjustified. In some cases the acceptance of objections resulted either in the withdrawal of the change of the function of the given area, in rectification or shift of land boundaries – even if the objection was lodged by only one of the per-

sons interested. The analysis of the conflicts occurring at the initial stage of working out local plans in the area examined shows that the protests and objections as well as the procedure related to the appeals to the Supreme Administrative Court may significantly slow down the works over the plan and thus restrict the development of a given area. Works over a local spatial management plan lasted only a few months if the circumstances were favorable. Yet, when there were conflicts that required a court settlement, the time of works was extended even up to a few years. For this reason in case working out local plan in the city center time of study prolonged to 2 years.

Looking at the causes of the conflicts, in the majority of cases the disagreements stemmed from the unsatisfactory location of particular functions (Figure 1).

The fact that the conflicts occurred was also influenced by personal features and psychological mechanisms of behavior of the inhabitants. Even in the cases that were unjustified, as it turned out later, the objections were lodged.

The results of the analysis show clearly that the locations of the following utility functions are the most frequent causes of the conflicts appearing during the works over a draft of a local spatial management plan:

- **roads** – both in protests and objections concerning that question the persons interested complain, above all, about the restriction of the right to property and about the troubles connected with the location of the function, for example noise. In the cases referring to the location of roads there were efforts made to

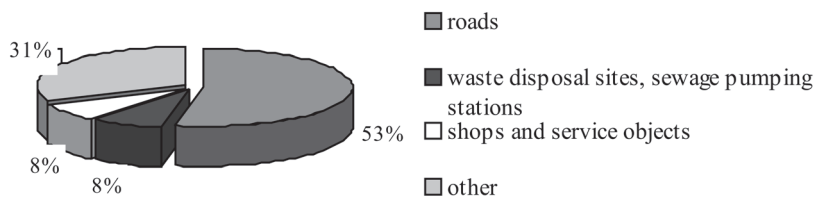


Figure 1. Subject of conflicts occurring at the stage of working out a local spatial management plan of Olsztyn, shown in percentage

avoid conflicts and respect the objections of the inhabitants. For example, while making the plan for the location of the city beltway, a change of its route was introduced because of the objection of one owner whose property was situated on the territory of the planned road lane. The owner did not give his consent to locate the road on his land invoking the sanctity of the right to property. There were more such cases in which the boundaries proposed in the plan were changed.

- **waste disposal sites or sewage pumping stations** – even if there is no danger connected with the locations of these objects (and this is confirmed by suitable expertise), the inhabitants do not want to be too close to them because they are afraid of the possible, though quite unspecified, outcomes of such arrangements. In one case the inhabitants from the territories that were not included in the plan lodged three collective protests. One of the protests was signed by more than a dozen persons and the other two were signed by a few dozen people. Therefore, further works over the plan for that very area were abandoned.

- **shops and service points** – certain concerns connected with the location of such functions stemmed from the fear of their burdensome character like noise or vibration. In some cases the complaints were considered justified and in some other - unjustified.

The conflicts under analysis, especially those stimulated by the plans concerned with roads (constructing new ones or widening the existing ones), waste disposal sites and sewage pumping stations, were related to a widely understood realization of public goals. The local government units are legally bound to conduct such actions that lead to the realization of public goals. However, these aims are very often in contrast to the right to property of an individual.

Apart from the above classification of conflicts, they can also be categorized, due to their causes, as neighborhood conflicts, considering the criterion of a burdensome influence of the area included in the draft plan on the neighboring areas. Another classification that

emerges from the objections and protests analyzed in the study deals with the conflicts stemming from the violation of the right to property. The violation meant the necessity to take over some of the land – this type of conflicts occurred mostly when a public goal function was established on the part of private property and the owner or the user of the property did not consent to have a part of his land taken over.

It is obvious that public goals must be realized to secure a rational property management and spatial order. However, it becomes less obvious when compared with the understanding of these needs by individuals and their expectations. When a property owner opposes giving away a particular area for a public goal and the very goal cannot be realized in any other way or in any other area, there is a possibility to expropriate this real estate. As a consequence of such a step another conflict may be expected to occur: a disagreement over the amount of a rightful compensation for the expropriated property. To avoid such a situation, in case the clash of interests appears, we must try to come to an agreement with the owner of the property. And so far this has been a standard practice: the exchange of a property for a different one or a compensation in the form of cash indemnity has been proposed. On the area included in the research there were no cases of expropriation recorded.

3.2. Conflicts connected with issuing development orders concerning land development conditions and building permits

The analysis was based on the data from the years 1995 – 2003, obtained from the Department of Architecture and Civil Engineering of the Municipal Office in Olsztyn. As already mentioned, during that period the issuing of the development orders concerning land development conditions was regulated by, still in force, the Spatial Management Act of 7th July 1994. At present such decisions are

granted on the grounds of the Spatial Planning and Management Act of 27th March 2003.

Development orders are to specify the possibilities and limitations of investing into a given real estate. Anyone can lodge a motion for issuance of such a decision. It may happen, though, that what is written in the decision is contrary to the expectations of the owner. And this may result in a conflict. In such a case a dissatisfaction with the decision can take on a form of an appeal. According to the Code of Administrative Proceedings [2], an appeal is filed to a public administrative body of a higher instance through the agency of the body which had issued the decision. Next, an administrator of a group of villages, a mayor or the president of the city passes the case on to the Local Government Appeal Board.

The data referring to the development orders come from the register of issued decisions. As for the information concerning the appeals, it can be found in the registers of appeals and complaints.

A total of about 900 development orders were issued in Olsztyn every year. The appeals against the orders were lodged quite rarely and made on average 6% of the total number of decisions issued (about 50 appeals a year). Unfortunately, in this case the documents of the Department of Architecture and Civil Engineering included only quantity data, without pointing to the causes of appeals and to how they were settled.

Turning to building permits, they are still granted on the grounds of the Building Regulations Act of 7th July 1994 [1] and on the basis of a motion submitted by a person interested, which is previously examined according to the Act of 14th June 1960, the Code of Administrative Proceedings [2]. Investors, owners, perpetual usufructuaries or property managers are participants of the procedure that results in getting a building permit. Construction works can begin only on the basis of the final building permit decision.

Similarly as in the case of development orders concerning land development conditions,

it is possible to appeal against the building permit decision to a public administration body of a higher instance through the agency of the body that issued the decision. Next, an administrator of a group of villages, a mayor or the president of the city passes the case on to the governor of a province.

The data referring to the decisions from the years 1995 – 2003 were obtained from the register of building permits. As for the information concerning conflicts, they come from the registers of complaints and appeals against building permit decisions. The above registers are kept at the Department of Architecture and Civil Engineering of the Municipal Office of Olsztyn.

About 1300 building permits were issued in Olsztyn every year. The number of appeals against the decisions was quite low – slightly over 2% of the total number of decisions issued (that is about 30 appeals a year). It may be thus concluded that this field of administrative activity is not characterized by a strong intensity of conflict occurrence.

Apart from appeal there is also a possibility to lodge a complaint in the following cases: negligence or inappropriate fulfillment of tasks either by the responsible body or by its employees, violation of legality or of the interests of appellants, excessive lengthiness or bureaucracy of case settlement. The data concerning the complaints recorded in special complaint registers may be divided by subject and examined as for the type of settlement. The number of complaints in the years 1995 – 2003 was 67. The most frequent reasons for their lodging were: investment location, the way it was implemented, office work and negative decisions.

3.3. The other problems connected with urban area use

Apart from the conflicts disclosed in the procedure referring to spatial planning and management, and to investment processes, there are also such conflicts that appear in everyday life and are the objects of interest to

the municipal police. According to the Communal Guard Act of 29 August 1997 [4], the duties of the municipal police include, among other, securing peace and order in public places, and controlling the traffic. Every inhabitant may report any problems connected with the functioning of the city. For the purpose of this research, an analysis of the entries made in the years 2000 – 2003 was performed. According to the records, the questions that were most frequently brought up by the inhabitants include, among other, homeless people, but also problems connected with the city development. The latter issue was the subject of more detailed analysis and conclusions. The number of reports filed to the municipal police amounted to about 6 thousand a year, where about 2 thousand reports were concerned with urban space use. Especially burdensome and most numerous conflicts were, first of all, those concerned with parking in wrong places (parking against the rules) (74%), negligence of order and illegal disposal of waste and rubble (26%). The greatest number of such conflicts was recorded in the central district of the city where there are many shops, service points and workplaces. Unquestionably, the majority of conflicts occurred in the central district of the city, Śródmieście (over 400 every year) and the Jaroty district which is the so-called “bedroom suburb” (almost 300 a year). Moreover, housing estates dominated by high rise buildings and blocks of flats are also characterized by a significant number of such conflicts. The smallest number of conflicts is recorded in the detached houses estates situated on the outskirts of the city – here the number of conflicts is not higher than 10 a year.

The analysis revealed that to prevent appearance of conflicts these issues should be taken into consideration during the decision making processes, which are concerned planning of urban area use already at the moment of working out local plans. Because of that a flow of information between town planners and various organizations (such as municipal police) is needed.

4. SUMMARY AND CONCLUSIONS

On the basis of the collected materials the most frequent causes for spatial conflicts were identified. Despite the fact that the participation of the society in making local plans causes conflicts, this share is indispensable and highly advisable for the creation of a rational spatial economy. It might be concluded that this participation is made difficult because of some articles of the Spatial Planning and Management Act. It says that an administrator of a group of villages, a mayor or the president of the city announces in the local press, makes a public announcement and gives a public notice in the way that is customary in a given place that the draft plan is available for a public inspection. This regulation restricts the notification merely to a general announcement. It does not specify which group of people will be directly concerned with the provisions of the plan and which one will be not. Therefore, it might happen that the person whose legal interest may be infringed due to the regulations of the plan and who is directly concerned with the said regulation, will learn about the case when it is too late and thus will be unable to influence the already made decisions. In this question it would be worth to consider sending a written notification to owners or those who controlled the real estate and whose legal interest could be violated because of the plan.

The Spatial Planning and Management Act introduced a new factor which is quite helpful while settling a conflict. Namely, it introduced negotiations in the form of a public discussion over the accepted solutions in the draft plan. During the negotiations the owners of properties and the inhabitants of the areas included in local spatial management plans have an opportunity to present their points of view, doubts and apprehensions related to the planned changes in the use of specified areas.

A public discussion is one of the elements of the procedure connected with the works over a local spatial management plan, and takes place when the draft plan is put out for a pub-

lic inspection. The introduction of such an element to the procedure connected with the works over the plan allows for considering possible suggestions of the local people. However, it might be profitable if similar discussions were conducted before the works over the plans begin. This would enable the planners to take into consideration the suggestions and proposals of the inhabitants, and as a result potential conflicts could be minimized or even eliminated at that early stage. Despite the additional time spent for the negotiations, such an approach would create a higher probability for a sooner accomplishment of the works over the plan. Furthermore, an effective development of the areas would be plausible.

As for the case of decisions referring to land development conditions and building permits, the information concerning the conflicts recorded in the documents is limited only to supplying their quantity, without pointing out the causes of the appeals lodged, and the settlements adopted. The number of conflicts caused by these decisions in the area under analysis was small. Yet, the introduction of more detailed breakdowns and registers regarding the issue under discussion would undoubtedly make more careful analysis and studies possible. The results of this analysis could be used in the work of the authorities responsible for the issuance of documents. As regards the complaints connected with granting building permits, up to now they were considered in two ways: in a form of a written response to the lodged complaint, or by forwarding the complaint to some other body authorized to consider the complaint. Such knowledge about complaints may turn out to be insufficient to prevent them in the future. Also here a record of a more detailed information concerning that very subject seems reasonable.

The conflicts rooted in the current problems of the everyday city life and recorded by the municipal police in their books of reports and interventions were classified separately. To eliminate or at least to minimize the conflicts connected with, for example, parking, this par-

ticular problem should be considered at the stage of approving a local spatial management plan. This could be done by increasing the areas meant for car parks.

One of the causes for such a state of affairs is the lack of sufficient analysis of social needs. Additionally, the flow of information between particular units concerned with urban area use and those that are responsible for spatial planning and land function determination is also insufficient.

Being aware of the specific character of spatial conflicts in real estate management, especially when it comes to an everlasting disagreement between private and public interests, we should aim towards the solutions that would satisfy both parties. Such a situation is possible when the core of the problems mentioned above is studied in more detail. It seems obvious that the moment the causes and character of the problems are known, the possibility to control and manage them increases.

Apart from the negotiations described above, a strategic needs analysis may turn out to be an effective method for the identification and minimization of conflicts [16]. This method, which is used, among other, in United Kingdom and Australia, is treated as a supporting tool of decision processes, especially when the decisions concern construction projects, expansion, renovation, restoration, etc. and are made during the stage preceding the design works. In the first place the method identifies and analyzes the needs, expectations and demands of clients. Next, it presents some of the most profitable possibilities from which the customers may choose one option that suits them best. The possibilities should be designed in such a way that during the realization of goals they ensure effectiveness, efficiency and most profitable solutions. This kind of a procedure could be adapted in the works connected with the studies over spatial planning. And thanks to the fact that it is used at the pre-design stage, it can be helpful in preventing the conflicts (because the expectations and fears of the inhabitants are formulated at that

stage). Yet, it must be noted, that because there are a few options of the development made, such a procedure might be time- and money-consuming.

Due to the fact that the problems connected with spatial management are complex by nature, considering them only from a singular point of view is not enough to explain any phenomenon. Also, the examination of these issues as for many features, but each one considered separately, cannot contribute to a full explanation of what is actually happening. Only a simultaneous consideration of all the observed and measured aspects can create a ground for commensurate conclusions. For these reasons, an examination based on multi-criteria methods may be a justified procedure in analyzing the issues referring to the choice of the least conflictual designation of a given area. Undoubtedly, a complex evaluation of an area is an indispensable condition to form a credible opinion about the way the areas are to be used.

Markowski and Stawasz [24] suggest an introduction of an Environmental Management System – by analogy, an introduction of a spatial management system should change its typical attitude: wait – identify – react – correct the results; for: foresee – adapt – avoid. This is a gist of a preventive method which is the most effective and, at the same time, producing measurable effects. Pro-active strategies, that means those which predict things/situations that jeopardize the development and try to remove obstacles in advance, moderate and eliminate negative trends that may occur in the future, and create beforehand the conditions for using powers and opportunities based on the knowledge of laws of market economy. A proper direction to reach that aim is creating an Integrated Real Estate Information System [33]. For this system is an important element in supporting the realization of the economic development strategy in Poland, and the creation of an information society. This will allow, among other things, to attain certain goals crucial to national economy devel-

opment. These goals include, for example, the creation of conditions conducive to rational spatial management, such as the optimization of real estate management and improvement of investment processes, as well as strengthening of spatial order on the local level.

REFERENCES

- [1] Act of 7th July 1994 Building Regulations (Journal of Laws of 2003 no. 207, item 2016 with later amendments).
- [2] Act of 14th June 1960 Code of Administrative Procedure (Journal of Laws of 2000 no. 98, item 1071 with later amendments).
- [3] R. Cialdini, *Influence: Science and Practice*, Gdańsk Psychological Publishers, Gdańsk, 1998, p. 216.
- [4] Communal Guard Act of 29th August 1997 (Journal of Laws of 1997 no. 123, item 779).
- [5] H. Compare, *Mohr: Biologie und Philosophie – Biologie und Okonomik: Moglichkeiten und Grenzen interdisziplinärer Forschungsprogramme*, in: Akademie der Wissenschaften zu Berlin (Hrsg.), *Einheit der Wissenschaften*, Forschungsbericht 4, Berlin-New York, 1991, p. 162.
- [6] A. Dekker, H. Goverde, T. Markowski and M. Ptaszyńska-Wołoszkiwicz, *Conflict in Urban Development*, Ashgate 1992.
- [7] R. Domański, *Fundamentals of Spatial Planning*, PWN (Polish Scientific Publishers) Poznań-Warszawa, 1989 (in Polish).
- [8] R. Domański, *Spatial Economy*, PWN (Polish Scientific Publishers), Warszawa, 2002, p. 187–189 (in Polish).
- [9] M. Dutkowski, *Conflict in Environmental Goods Management*, Publishing House of the Gdańsk University, Gdańsk, 1995, p. 98–101 (in Polish).
- [10] M. Dutkowski, *Environmental Conflicts - a Multidisciplinary Approach*, In: *New Generation in Spatial Economy Studies*, *Bulletin of the Committee for Spatial Economy and Regional Planning*, Polish Academy of Sciences, Fascicle no. 174, Warszawa, 1996, p. 29–47 (in Polish).
- [11] *European Spatial Development Perspective: Towards balanced and sustainable development of the territory of the EU*, Luxembourg: Office for Official Publications of the European Communities, 1999.

- [12] S. Freud, *Introduction to Psychoanalysis*, PWN (Polish Scientific Publishers), Warszawa, 2002.
- [13] W. M. Gaczek, *Management in Spatial Economy*, Publishing House Branta, Bydgoszcz-Poznań, 2003 (in Polish).
- [14] G. L. Gordon, *Strategic Planning for Local Government*, Communal Development Agency, Warszawa, 1998.
- [15] S. Hajduk, Spatial Planning Versus Ecological Development, in: *Mechanisms and Conditions of Ecological Development*, Technical University in Białystok, Białystok, 1996, p. 314 (in Polish).
- [16] N. Jackson, and J. Smith, *Strategic Needs Analysis: Its Role in Brief Development*, MCB University Press, The University of Melbourne, Victoria, Australia, 2001.
- [17] O. B. Jensen, Imaging European Identity. Discourses Underlying the ESDP, In: *European Spatial Planning*, edited by Andreas Faludi, Lincoln Institute of Land Policy, Cambridge, Massachusetts printing: Webcom LTD., Toronto, Ontario, Canada, 2002, p. 105–120.
- [18] J. Kołodziejski, Realization of Developmental Goals Under Conditions of Increasing Conflicts in Spatial Management, in: *Spatial Conflicts in Poland*, Bulletin of the Committee for Spatial Economy and Regional Planning, Polish Academy of Sciences, Fascicle no. 120, Warszawa, 1982 (in Polish).
- [19] J. Kołodziejski, Genesis, Occurrence and Evaluation of Conflict Situations in Spatial Management in Poland, *Bulletin of the Committee for Spatial Economy and Regional Planning*, Polish Academy of Sciences, Fascicle no.123, Warszawa, 1983, p. 7 (in Polish).
- [20] H. Krajewska, Procedures of Conflict Solving in Real Estate Management, The 9th Scientific Conference of the Real Estate Scientific Society “Procedures and negotiations in real estate management”, Poznań, 2001, p. 169–186 (in Polish).
- [21] H. Krajewska, Economic and Social Conflicts in Spatial Management at a Local Level, Doctoral dissertation, Academy of Economics in Poznań, 2001, p. 4–14 (in Polish).
- [22] G. Leidig, Multidisciplinary research strategies. Using ecologically orientated spatial planning as an example, In: *Bodenprobleme am Stadtrand*, 21. Peter Lang, Frankfurt am Main, Berlin, Bern, New York, Paris, Wien, 1995, p. 147–161.
- [23] R.D. Luce and H. Raiffa, *Games and Decisions*, PWN (Polish Scientific Publishers), Warszawa, 1964.
- [24] T. Markowski and D. Stawasz, *Economic and Environmental Aspects of Management of Urban and Regional Development*, Publishing House of the University of Łódź, Łódź, 2001, 364 p. (in Polish).
- [25] J. Penc, Management Versus Environmental Protection, In: *Aura*, No. 2, 1994 (in Polish).
- [26] J. Penc, *Decisions in the Management Process*, Publishing House of the School of Business, Kraków, 1996 (in Polish).
- [27] W. Pietraszewski, Diagnosis of the Current State of Spatial Economy in Poland – Selected Problems, In: *Spatial Conflicts in Poland, Bulletin of the Committee for Spatial Economy and Regional Planning*, Polish Academy of Sciences, Fascicle no. 120, Warszawa, 1982 (in Polish).
- [28] B. Poskrobko, Theoretical bases of Ecological Development, *Economy and Natural Environment*, No. 1, 1997, p. 9, 18 (in Polish).
- [29] M. Przewoźniak, *Conflicts Between the City and the Natural Environment*, Prz. Geogr., T. LXI, 1989 (in Polish).
- [30] Spatial Management Act of 7th July 1994 (Journal of Laws of 1999 no 15, item 139 with later amendments).
- [31] Spatial Planning and Management Act of 27th March 2003 (Journal of Laws of 2003 no. 80, item 717 with later amendments).
- [32] A. Tversky and D. Kahneman, *The Framing of Decisions and the Psychology of Choice*, Science 211, 1981.
- [33] www.mi.gov.pl – Ministry of Infrastructure [accessed 2004 12 08].
- [34] S. Żróbek, Recognition and Description of Conflicts Related to Land Use – the Example of the Olsztyn-Barczewo Belt, In: *Proceedings of the Institute of Agricultural Economics, University of Agriculture and Technology in Olsztyn*, 1990, p. 18–27 (in Polish).
- [35] S. Żróbek, Methods for Choice of Land Use Functions in the Outskirts of Towns, *Acta Acad. Agricult. Tech. Ols. Geodaesia et Ruris Regulatio*, No. 24, Supplementum B, University of Agriculture and Technology in Olsztyn, 1994, p. 19–23 (in Polish).
- [36] S. Żróbek, Choice of Land Use Functions in the Outskirts of Towns, *Bulletin of the Committee for Spatial Economy and Regional Planning*, Polish Academy of Sciences, Fascicle no. 174, Warszawa, 1996, p. 385 (in Polish).

SANTRAUKA**KONFLIKTŲ DĖL NAUDOJIMOSI MIESTO TERITORIJA ANALIZĖ: OLŠTYNO ATVEJIS (LENKIJA)****Sabina ŻRÓBEK, Magdalena ZACHAŚ**

Šio tyrimo tikslas – išanalizuoti konfliktus, kylančius Lenkijoje kuriant (tobulinant) vietinius erdvės valdymo planus, išleidžiant įsakymus dėl sklypų plėtros sąlygų ir išduodant statybos leidimus, taip pat konfliktus, apie kuriuos miesto policijai praneša gyventojai. Konfliktų analizė buvo atlikta remiantis Olštyno miesto pavyzdžiu. Tyrime daugiausia dėmesio skirta kiekybiniais ir kokybiniais konfliktų aspektams, nagrinėjamos jų priežastys. Tyrimo tikslas – pabrėžti konfliktų identifikavimo svarbą priimant sprendimus dėl sklypų naudojimo.