

Chapter 4

Mariusz Antolak

Landscape Management and Protection in the Rural Commune of Ostróda as Regulated in Land Use Plans

1. The commune's landscape

New developments in agriculture, forestry, industrial and mining production technologies as well as in the regional and urban planning, transport, infrastructure, tourism and leisure time industries often accelerate the transformation of landscapes. In general, people wish to enjoy high quality landscapes and take active part in their formation. The landscape is a key element defining the wealth of a whole community. Landscape protection as well as related economic and planning solutions assure certain rights but also impose some obligations (Europejska Konwencja Krajobrazowa 2006). Spatial planning and management are concerned with such issues as spatial order requirements, including town planning and architecture, architectural and landscape-related assets, contemporary cultural assets and economic values of space (Ustawa 2003a).

The area of a single commune is usually vast enough to contain a mosaic of landscapes within its administrative borders, thus being an excellent testing ground for landscape architects. Decisions which may influence the landscape structure in a given locality – but consequently in the whole country - are taken on the level of a commune. Among the commune's own tasks are the ones concerning such common needs of a community as spatial order, protection of the environment and nature, conservation and protection of historical buildings, communal green areas or assemblages of trees and shrubs (Ustawa 1990). Therefore, the landscape aspect should be discussed on the level of a commune, the lowest local government unit in Poland.

The purpose of this paper is to analyze the currently binding planning documents in terms of how they help to manage shape and protect the landscape in the rural commune of Ostróda.

2. Methods

This paper analyzes the stipulations contained in the *Master Land Use Plan of the Commune*, *Land Zoning Plans* alongside the *Eco-physiographic Analyses* and the *Environmental Impact Assessments* as well as *Decisions on Land Zoning* (since 2007). The forms of cultural landscape protection proposed in the Act on Nature Protection, Act on Spatial Planning and Land Use, and the Act on Conservation and Protection of Historical Buildings have been analyzed in terms of their effectiveness. Transformations which the cultural landscape in the analyzed area has been undergoing due to the lack of certain provisions in the relevant planning documents have been described and some actions have been recommended to improve the current situation. The material for the analysis has been obtained from the Council of the Commune of Ostróda and used for drawing topographic maps for the analyzed area. Owing to the application of GIS (Geographic Information Systems) techniques, it was possible to attain a comprehensive image of changing spatial relations.

3. The rural commune of Ostróda

The area chosen for the study is the rural commune of Ostróda, one of the largest communes in the Province of Warmia and Mazury (Fig. 1). It covers 401 km² and has a population of 15,000. There are 32 villages lying within the administrative borders of the commune. This area is endowed with highly diverse landscape (Phot. 1). To the north-east, there is a plain covered by vast forests and post-glacial lakes interconnected by rivers and canals. The central part is a terminal moraine plateau with typical rolling hills. The southern ends of the commune are very hilly, with the highest peak in the whole region of the Masurian Lakes, i.e. Mount Dylewska. The natural, cultural, historical and landscape values of the commune have encouraged implementation of various forms of cultural landscape protection.

4. Analysis of the provisions in land use planning documents in the context of landscape management

The basic documents submitted to the analysis were: the *Master Land Use Plan of the Commune*, 33 *Land Zoning Plans* and 750 *Decisions on Land Zoning*. Each of these documents contains provisions which have a very strong impact on shaping the cultural landscape.

The Master Land Use Plan of the Commune

At present, the commune is drafting a new Master Plan of Land Use (Uchwała..., 2009). The previous one was drawn up in 1998. Any Plan of Land Use, as regulated by the Polish Law, should include the conditions and directions of changes in the spatial structure of each commune such as necessitated for example by spatial order, spatial order protection, current status and required

protection of the natural environment, wildlife and cultural landscape, status of the cultural heritage and historical buildings, contemporary culture assets, as well as presence of objects or areas either protected or proposed to be protected – including landscape protection. The currently binding Master Plan of Land Use for the Commune presents areas under legal protection granted by the Protection Plan for the Dylewskie Hills Landscape Park, a document which is no longer valid. Among these areas are the ones with uniquely attractive land relief and zones of complete protection of landscape values. The major threats to the commune's landscape values are correctly identified, for example excessive concentration of poultry farms, crop species uniformisation as a result of large-scale commercial farming, and fragmentation of landscape caused by construction of barriers (existing and planned expressways) which severe natural ecological corridors. Besides, the above document comprises a provision pertaining to designing new human settlement structures associated with the growth of the tourism industry, which should rely on the regional tradition in developed architectural solutions and respect laws on protection of the natural environment, including landscape conservation. The Master Land Use Plan also prohibits locating scattered development in a protected landscape zone. However, the plan lacks any landscape analysis, no matter how basic, which would specify the composition associations, interiors, outstanding elements or landscape's exposition. The need for a new Master Land Use Plan has arisen mainly because the previous document has become invalid but also due to strong pressure to develop residential estates in places with attractive landscape or to dedicate much of the area covered by the above plan to developing wind farms.

Zoning Plans

A *Zoning Plan* must contain such items as, for example, spatial order protection and management rules, rules for the protection of the environment, wildlife and cultural landscape, rules for the protection of cultural heritage and contemporary culture values, rules for shaping land development and land development indicators, borders of areas or buildings and allowed development type, as established by separate regulations. The provisions which have had an immense effect on shaping the landscape are no longer obligatory. They include, for instance, position of buildings with respect to roads and other areas with public access or borders of adjacent land plots, colours of walls and roofs of buildings, types of roofs, principles and conditions of placing elements of street architecture, billboards and other advertising means or fences, their size, quality standards and types of building materials they can be made from.

Within the analyzed area, there are 33 currently binding zoning plans (Fig. 2). Most cover the suburbs of Ostróda, which are experiencing a rapid development phase, or land plots lying along the commune's major communication routes (Roads 7 and 16). They are small zoning plans, with an average area of 2.43 ha. In total, they cover 971 ha, which corresponds to *ca* 2.5% of the commune's area. Most of this land has been zoned to contain detached residential houses. In practice, none of these zoning plans has any provisions which pertain directly to

the landscape. They lack any analyses dealing with either the landscape or nearby areas. The provisions regulating planned development are laconic and therefore allow investors to take decisions rather freely. Each zoning plan is equipped with an *Ecophysiological Analysis* – a set of documents which characterize particular components of the natural environment and interconnections between these components. Such analyses should also comprise a description of the landscape in the territory they cover. However, in practice the landscape is not mentioned in these analyses, partly because it is not an obligatory constituent of such analyses. Each of the examined analyses is a document consisting of just a few pages, which does not exhaust properly the issues of shaping and protecting the landscape they deal with. In addition, a Zoning Plan must be accompanied by an *Environmental Impact Assessment*. The law (Ustawa 2008) states that an EIA should describe predicted significant effects, including direct, indirect, secondary, accumulated, short-term, medium-term and long-term, constant and instantaneous as well as positive and negative ones. In the EIAs prepared for the analyzed Zoning Plans, the landscape is mentioned only very briefly although in this type of documentation it is an obligatory element. A description of the landscape is typically reduced to listing all its elements (the physiographic location, land relief, etc.). The EIAs lack any information regarding the primary effects of newly introduced land use functions on the landscape.

Decisions on Land Zoning

If there is no valid Zoning Plan for a given area, a decision how it can be managed and developed is taken in line with a document named the *Decision on Land Zoning*. At present, it is a very popular solution in spatial management, and the rural commune of Ostróda can serve as an excellent example supporting the claim. From 2007 to May 2010, 750 Decisions were passed in this area.

The commune keeps an inventory of the valid *Decisions*, but it only contains their list – with no graphic presentation. While analyzing their distribution, 192 *Decisions* were found for which no location on a map was identifiable. The register also lacks such information as numbers of land parcels and cadastral districts. In total, 588 land parcels for which decisions had been passed were identified on a map (Fig. 3). They cover an area of 1,037.21 ha, which makes up 2.59% of the commune's area. It is approximately the same area as the one covered by the *Zoning Plans*. The average area for which a *Decision* is prepared equals 1.76 ha. Annually, about 170 *Decisions* are prepared in this commune. These documents are usually prepared for one or two land parcels. In that case, the procedure of strategic assessment of the impact on the environment is omitted. Moreover, a *Decision* does not need to be in line with the *Master Land Use Plan of the Commune*. The land parcels covered by the analyzed *Decisions* are largely scattered. Nonetheless, over 50% of these *Decisions* concern 7 out of 43 cadastral districts distinguished in the commune (Kajkowo, Samborowo, Kątno, Lubajny, Idzbark, Międzylesie and Tyrowo).

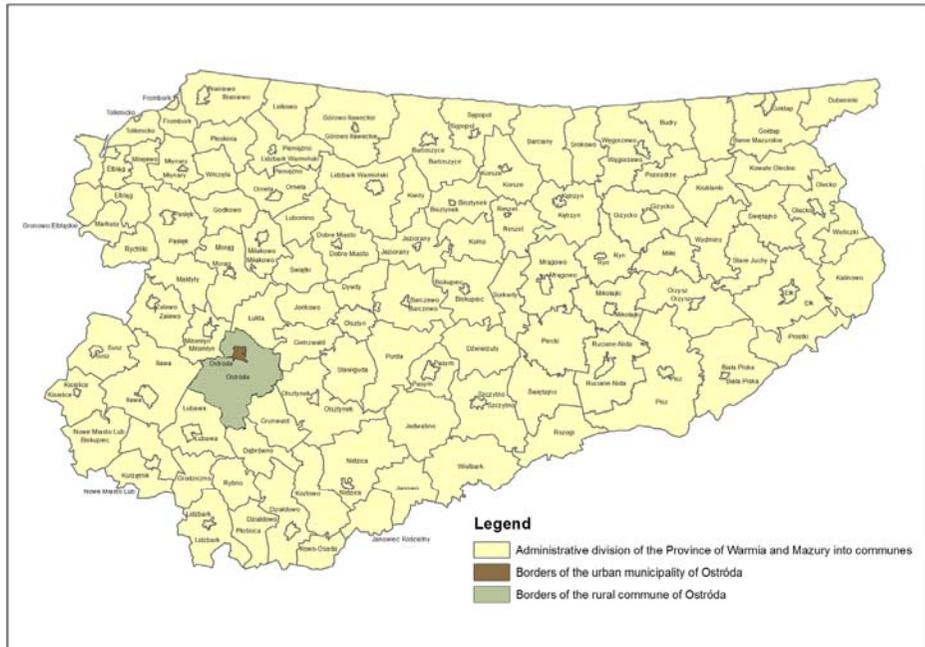


Fig. 1. Location of the commune of Ostróda in the Province of Warmia and Mazury
Source: the author



Phot. 1. The cultural landscape of the village called Zwierzewo
Source: photo by the author, May 2011

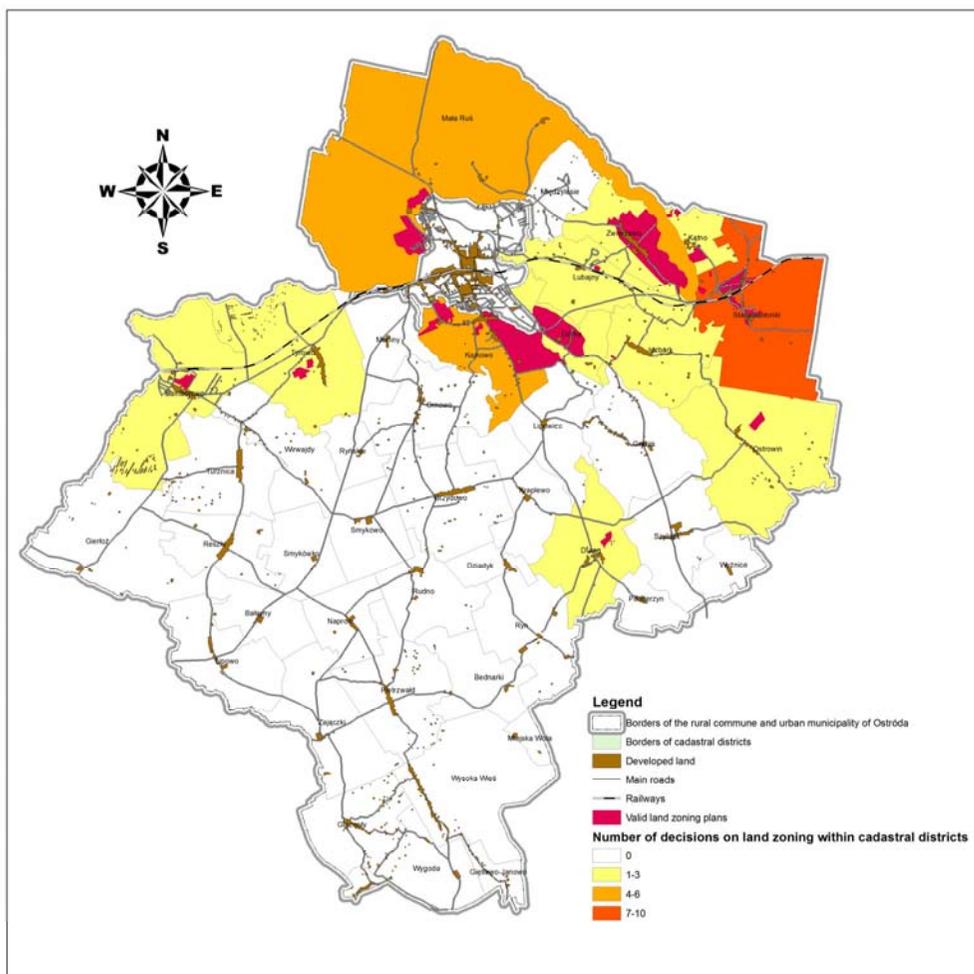


Fig. 2. Location of valid Zoning Plans in the rural commune of Ostróda
Source: the author

5. Protection of the cultural landscape

In the analyzed commune, there are numerous examples of the forms of protection of selected cultural landscape elements proposed in the Act on Nature Protection (Ustawa..., 2004). These include: nature reserves, a landscape park, protected landscape zones, Nature 2000 network areas, monuments of nature and area of ecological utility. In total they cover 283 km², which – when the areas where different forms of nature protection overlap are subtracted – corresponds to 65% of the commune's area. The regulations which established these area of wildlife protection contain lists of restrictions which are binding in these areas. However, most of these limitations pertain to elimination and damage of field,

roadside or water bank tree assemblages, earth work permanently distorting the land relief, raising new constructions, draining, filling in with earth or re-shaping water reservoirs. However, there are many ways of circumventing these restrictions. What is lacking is an efficient system of monitoring changes in the landscape. Landscape protection regulations are expressed in greater details in protection plans and protection tasks plans drawn up for some of these areas. These are the documents where one should look for proper guidelines for landscape shaping.

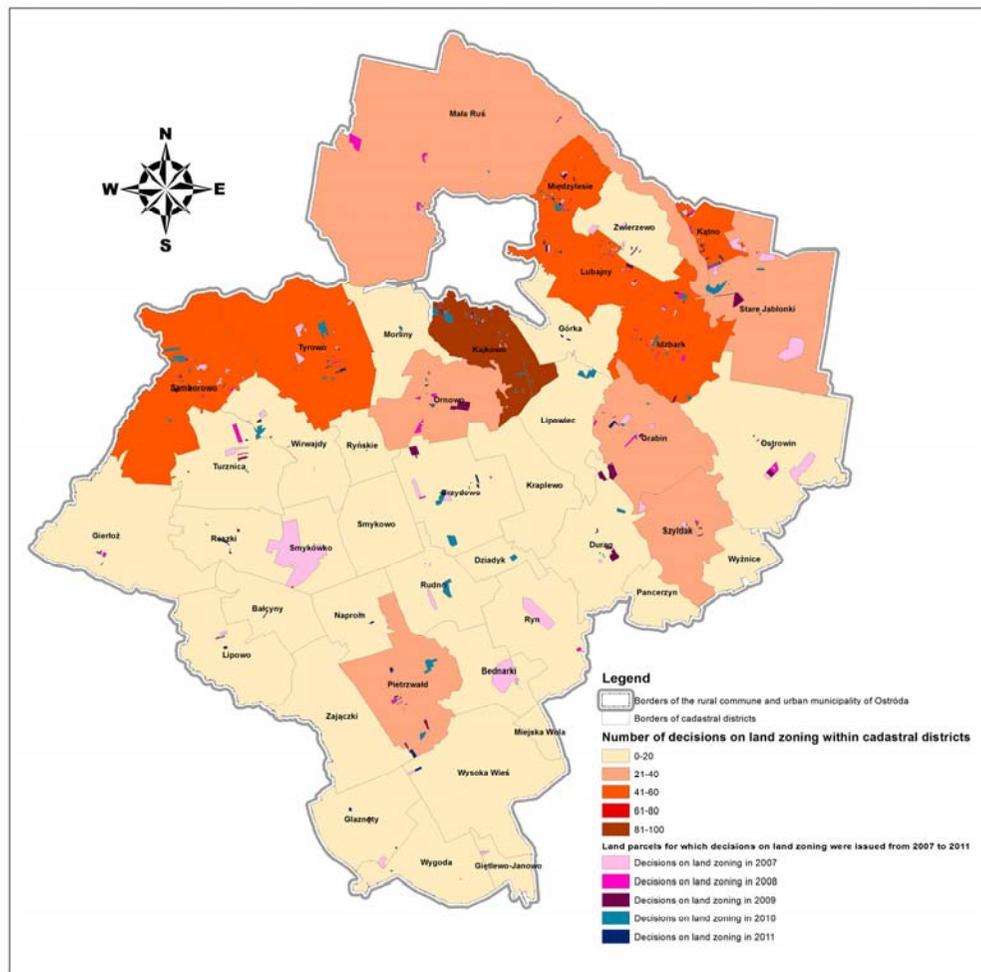


Fig. 3. A map of the rural commune of Ostróda showing locations for which Decisions on Zoning Plans were passed in 2007-2011
Source: the author

The forms of cultural landscape protection proposed in the Act on Conservation and Protection of Historical Buildings (Ustawa..., 2003b) are:

an entry in a register of historical buildings, a listed monument of historical heritage, a cultural park, specification of protection tasks in land use plans. Just one of these forms appears in the commune, namely a cultural park. This form of protection is only sporadically found in Poland, although it creates very good opportunities to protect the landscape. Noteworthy are parks, mansions and palaces listed in the register of historical monuments. The Elbląg Canal (from Ostróda to Elbląg with a branch canal to Iława) is a listed historical monument of hydroengineering that finds few counterparts in the world. Another element of the landscape which deserves protection either in the form of a monument of nature, a cultural park or by incorporating into the Natura 2000 network are the numerous tree alleys, which are one of the characteristics of the local landscape.

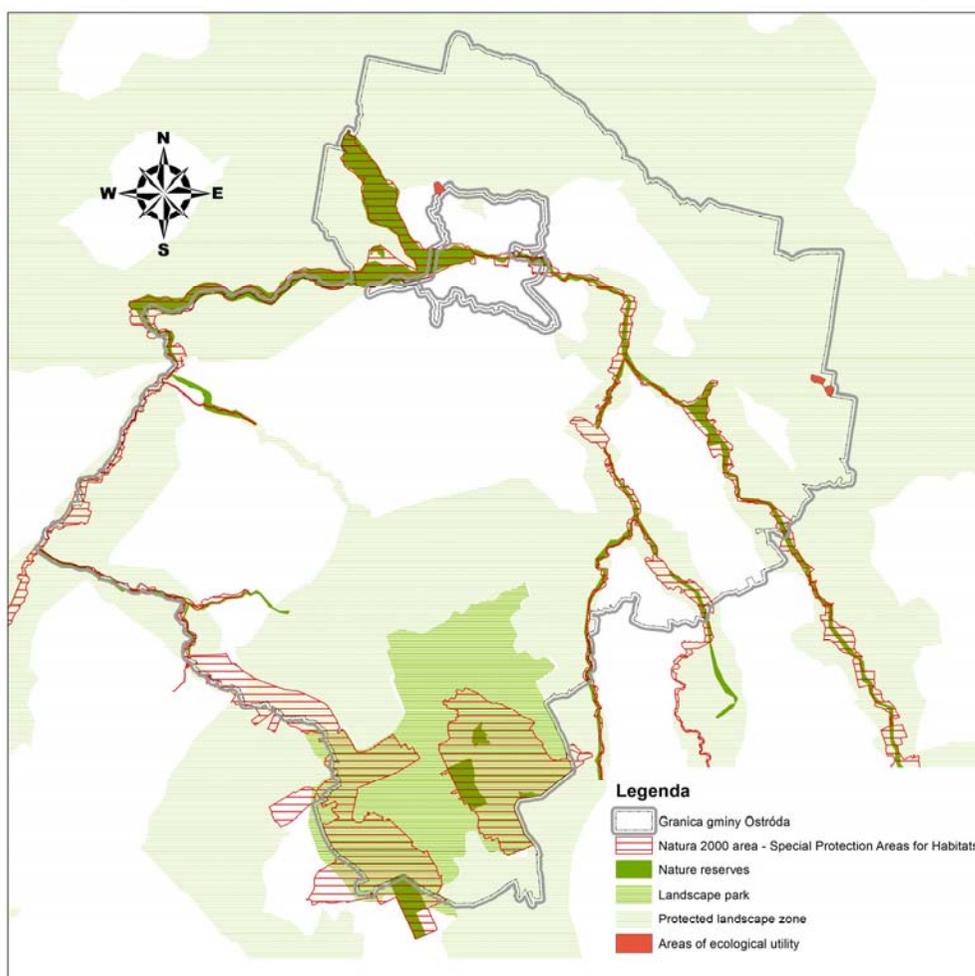


Fig. 4. Basic landscape protection forms in the rural commune of Ostróda
Source: the author

6. Conclusions

Landscape protection is a set of activities undertaken and pursued in order to preserve and maintain important or characteristic features of the landscape so as to impose some direction and order over the changes which are necessitated by social, economic or environmental processes. *Landscape planning*, in turn, is forward-looking action for the sake of enhancing, restoring or creating landscapes (Europejska Konwencja Krajobrazowa 2006). The rural commune of Ostróda is characterized by high diversity of landscapes and presence of areas of unique landscape values. Therefore, shaping the commune's landscapes should pertain to the whole area – and not just the parts which are covered by legal protection. It seems justifiable to try and prepare separate analyses regarding the management and protection of the commune's landscapes – analyses which would contain complex and detailed descriptions of the current state and include guidelines for creating the spatial order.



Phot. 2. The complex structure of the suburban zone around Ostróda – the village of Kajkowo
Source: photo by the author, August 2010

Moreover, Zoning Plans for the areas subject to most extensive transformations should be drawn up. This will reduce the number of passed Decisions on Land Zoning, which have negative influence on the landscape. Resolutions on initiating work on Zoning Plans should encompass an area of at least a whole village. The land use plan documents produced should contain detailed analyses of landscape capacities and possible landscape protection forms. All land use plan documents ought to include information regarding landscape management and protection. A landscape analysis of a given area should be an indispensable component of the above documentation. Any remarks about a Land Zoning Plan or the Master Land Use Plan of the Commune can be submitted by any person who has doubts about the provisions in either of the documents laid open. Enhancing the landscape awareness among the general public is the key to successful management and protection of the landscape. After all, we all decide in what kind of surroundings we are living.



Phot. 3. Suburban development in Ostróda as shaped by the provisions of the Zoning Plan (Uchwała 1996), Wałdowo

Source: photo by the author, September 2010

References

- Europejska Konwencja Krajobrazowa (Dziennik Ustaw z 2006 r. Nr 14, poz. 98).
- Uchwała Nr XXIII/128/96 Rady Gminy w Ostródzie z dnia 24 kwietnia 1996 r. w sprawie zmiany Miejscowego planu ogólnego zagospodarowania przestrzennego gminy Ostróda w obszarze UT- Wałdowo.
- Uchwała Nr XXXV/206/09 Rady Gminy Ostróda z dnia 26 czerwca 2009 r. w sprawie przystąpienia do opracowania zmiany Studium uwarunkowań i kierunków zagospodarowania przestrzennego gminy Ostróda.
- Ustawa z dnia 8 marca 1990 r. o samorządzie gminnym (Dziennik Ustaw z 2001 r. Nr 142, poz. 1591, z późn. zm.).
- Ustawa z dnia 27 marca 2003 r. (a) o planowaniu i zagospodarowaniu przestrzennym (Dziennik Ustaw z 2003r. Nr 80, poz. 717 z późn. zm.).
- Ustawa z dnia 23 lipca 2003 r. (b) o ochronie zabytków i opiece nad zabytkami (Dziennik Ustaw z 2004 r. Nr 162, poz. 1568 z późn. zm.).
- Ustawa z dnia 16 kwietnia 2004 r. o ochronie przyrody (Dziennik Ustaw z 2004 r. Nr 92, poz. 880, z późn. zm.).
- Ustawa z dnia 3 października 2008 r. o udostępnianiu informacji o środowisku i jego ochronie, udziale społeczeństwa w ochronie środowiska oraz o ocenach oddziaływania na środowisko (Dziennik Ustaw z 2008 r. Nr 199, poz. 1227 z późn. zm.).
- Studium uwarunkowań i kierunków zagospodarowania przestrzennego gminy Ostróda.

Mariusz Antolak

Department of Landscape Architecture and Agrotourism
University of Warmia and Mazury in Olsztyn
Prawocheńskiego Street, 17
10-727 Olsztyn, Poland
tel. +48/89/523-41-71, fax +48/89/523-45-49
mariusz.antolak@uwm.edu.pl