

Research Article

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Urban Regeneration as a Specific Type of Public Policy Response to Urban Decline. The Case of Poland

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Abstract: The paper examines the issue of whether the process of policy formulation and implementation on urban regeneration in Poland is done pursuant to the rules of a cycle of public policy-making. This is carried out through the use of the functioning cycle of public policy in Poland proposed by Zybała (2015) that stresses the specificities of Polish conditions in the public policy-making. Hence, the aim of the study is to provide an overview of public policy-making on urban regeneration in the context of legislative and institutional-administrative practices. In the light of increasingly complex challenges faced by cities, there is a need for the necessary counter-balancing regeneration measures taking a form of state sponsored public policy. Therefore, the Act on Regeneration was adopted in 2015. The paper concludes that the adoption of this Act was dominated by the legislator which, with relatively little contribution from other stakeholders, resulted in a rather unambitious set of legal provisions on regeneration that have not substantially changed the instrumental approach of local authorities to urban regeneration.

Keywords: urban regeneration; public policy; functioning cycle of public policy; Act on Regeneration; Poland.

1 Introduction

Urban regeneration is a comprehensive set of integrated actions aimed at solving the problems of degraded urban areas by bringing about a lasting improvement in the economic, physical, social and environmental conditions of the specific area that supports socio-economic transformation (Kaczmarek, 2001, p. 16; Roberts, 2008, p. 17). This should be a continuous and well-coordinated process conducted jointly by local authorities, local communities and other stakeholders, which is an integral and indispensable part of the development policy focused on achieving such goals as, for instance, preventing the degradation of urban spaces and crisis phenomena, stimulating development and qualitative changes by increasing social and economic activity, improvement of living conditions and protection of the national heritage, etc. (Lang, 2005; Lorens, 2010; Wojnarowska & Kozłowski, 2011). With such an approach it is stressed first of all the necessity for interconnected and targeted actions executed by both public and private bodies, which should be carried out in accordance with the terms of the sustainable urban development. Hence, urban regeneration is seen through the lens of the overall activities aimed at the “recycling” of land and buildings, environmental quality and lifestyles (Couch, Fraser, & Percy, 2003; Evans & Jones, 2008; Turcu, 2012). The multidimensionality and complexity of the urban regeneration, on the one hand, call for the willingness and ability of all the stakeholders to cooperate and to take joint actions, whilst on the other hand, it requires extensive legal solutions and systemic regulations being conducive to guaranteeing the protection of the interests of all the parties involved.

The implementation of the urban regeneration in Poland, understood in this way, is still not satisfactory and leaves a lot of room for improvement (Kołsut, 2017; Parysek, 2015). The essential problem with the execution of the regenerative measures in cities lies within the large-scale accumulation of the adverse phenomena in the urban spaces. This is for

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a variety of reasons, of which the most relevant are the consequences of the modernist urban doctrine imposed by socialism until the end of the 1980s and the dynamic socio-economic development started in 1990s under which urban transformation has not kept pace with changes implied by the market-oriented system. The former stresses the so called “managed urbanisation” that is generally understood to mean the subordination of the city’s development to the industrialisation and ideological priorities imposed by the central government, which went often hand in hand with disrespect to spatial, environmental and architectural issues (Węclawowicz, Łotocka, & Baucz, 2010). The latter, in turn, refers to the profound changes in urban areas which, along with limited effectiveness of development policy (especially spatial policy) actions, led to the accumulation of socio-spatial diversity. Cities have been shaped by demographic changes as e.g. aging population particularly in urban centres and progressive suburbanization and rapid sprawl (OECD, 2011). It is also essential to complement this with housing problems such as housing deficit and the loss of usable value of the older housing resources.

The implementation of the urban regeneration measures was assigned in an unwritten way to the local self-governments (municipalities) as the actual administrators of the territories taking responsibilities for a comparatively large share of public tasks. Nonetheless, a large scale of urban needs, insufficient own budgetary resources in connection with the lack of a common legal framework on urban regeneration yielded limited effects as well as highlighted a fragmented and uncoordinated approach to this kind of urban policy. A bit more systemic and formalised approach to urban regeneration in Poland was launched together with the appearance of the European funds. The detailed guidelines for urban regeneration clarified the eligibility, procedures and definitions necessary for the funding of the urban regeneration projects in order to ensure the greater effectiveness, coherence and coordination of the activities undertaken in urban areas. However, only the adoption of the Act on Regeneration in 2015 (MforCSPH, 2015) set out the legal and regulatory frameworks which establishes for the first time a comprehensive and multilateral set of rules applicable to urban regeneration understood as the recovery process of the degraded urban areas from the socio-economic crisis.

The elaboration and adoption of the Act on Regeneration was aimed at considerable improving the urban regeneration process carried out by the local self-governments. The reason behind this was to provide some model solutions and procedure schemes, hence avoiding the previously taken actions that, as aforementioned, have not always produced the desired results. Bearing this in mind, one could reasonably expect that the new legislative framework in the regeneration domain will play a crucial role in enhancing municipalities’ competences and broadly defined capabilities to design and implement the urban regeneration programmes and projects. However, upon entry into force of the Act, there were the first reviews on it which proved that the Act deals with urban regeneration only superficially and selectively, and its usefulness for the purpose of the comprehensive, public urban regeneration programmes is relatively limited (Billert, 2015; Skalski, 2015). More recent studies also highlight that the Act does not refer essentially to urban regeneration as a complex process of overcoming the structural problems of certain deteriorated neighbourhoods detected in some urban areas, but mainly to the specific procedures for drawing up the public programmes necessary for the use of the European funds (Mikuła, 2017; Parysek, 2016). In summary, the recent academic and policy literature shows that urban regeneration whose implementation should be of a great public interest does not function properly and may thus lead to the inefficiency of public measures and funding.

Consequently, there is a rapidly emerging need to know the reasons for the weakness of the legislation in the field of the urban regeneration in Poland. Most studies on urban regeneration usually apply a normative approach to analyse and examine its legal and operational feasibility, searching for a set of means-ends (restraints, goals) relationships within which certain prescriptive solutions are provided. In contradiction with other research, we undertook this study to explore the legislative and institutional-administrative practices related to the creation, implementation and enforcement of the regeneration legal order. More precisely, the objective of this study is to look at the course of the process of formulating the urban regeneration as a particular type of public policy that enables and restricts the local margins for urban development policy. By relaying primarily on insights from the functioning cycle of public policy in Poland (proposed by Zybala (2015)) that emphasises the specific features of rationality in the public policy-making in Poland, this study examines the arguments that explain what factors related to urban regeneration may impact on the cause-and-effect relationship between public policy measures (expressed in legislation) and their outcomes. This in turn means that the analysis is conducted from the actors of this policy point of view, seen in term of institutions that relate the structure and the entire “machinery” through which society organises, directs and implements multifarious activities required to satisfy their needs. In this sense, it may be assumed that the adopted research design refers to

some extent to the institutional (structural) approach. It is because this approach puts in the spotlight the policy as such and structural choices made by the institutions that are created to meet human requirements. It should also be noted that, as a matter of fact, the institutions are here of prime importance, yet they do not just include the institutions of representative democracy but individuals and all types of organisations which operate within the states are seen as institutions as well.

The paper is organised as follow. The next section provides a literature review on urban regeneration as a policy undertaken within the public domain. We then discuss the research design. The fourth section is subsequently devoted to assess the urban regeneration policy, while the fifth section provides the latest evidence from Poland on the implementation of the Act on Regeneration in practice. The final section provides a summary, conclusions and suggestions for further research.

2 Theoretical framework

Cities undergo constant changes over time which is reflected in the continuous modifications of their visual appearance as well as in the relatively quick customisation of various urban functions to inhabitants' needs (Mikrut-Majeranek, 2015). Cities are the place of the permanent transformation in which the dominant discourse is about the growth understood both in term of wealth and urban expansion (Thorns, 2002). The dynamic impact of agglomeration economies implies that consumers, workers and businesses tend to be in a place or area, since they can benefit, together with various institutions, from positive externalities and increasing returns to scale. However, this concentration of resources in a location with a high density of different activities may also lead to negative externalities such as e.g. traffic congestion, pollution, price increases and a lack of affordable housing, urban sprawl, rising costs of urban infrastructure, social tensions and higher crime rates, a degraded environment, health problems and as a consequence a reduced quality of life (Capello & Faggian, 2002; Duranton & Kerr, 2018; Glaeser, 2010; Hołuj, 2018; Krugman & Wells, 2012; Paradowska, 2006; Regnier & Legras, 2018; Stiglitz, 2013; van den Bergh, 2010; Verhoef & Nijkamp, 2008). In what follows, it is argued that the same market forces that makes a city 'thick', cohesive and well performing may also result in the occurrence of inequalities among urban settlements. This view is substantiated, among other things, by the findings in the literature on segregation in European cities. Musterd, Marcińczak, van Ham & Tammaru (2017) and Fainstein & Fainstein (2018) found that in some places situated in the inner city areas local populations suffer from a concentration of inequalities: poor housing, unemployment, low-quality education, difficulties or even inabilities to access some public services. Their findings also strongly suggest that the concentration of inequalities result in a social and spatial polarisation. The unequal distribution of wealth in the urban space leads to a territorial division of residential areas into those inhabited by richer or poorer groups of society. Thus, what clearly emerges are the two separate and contradictive zones existed alongside one another, namely on the one hand the areas of stability and affluence and on the other the deprived areas experiencing a poor quality of life. A typical pattern of urban deprivation demonstrates that the most deprived areas are generally located in the older districts of the cities, i.e. zones with declining industry, riddled with poor housing, blighted by unemployment and socially excluded from more prosperous districts. Interestingly, the examination of the geography of urban deprivation by Norman (2016) showed that patterns of deprivation, that is, its physical locations, change only very slowly even despite intensive interventions. The evidence from this study would seem to suggests that although the deprived residential areas are situated very close to large numbers of jobs and other opportunities their residents may not be able to overcome the breadth and depth of concerns associated with a gap existing between disadvantaged areas and prosperous districts. Batty and co-workers (2011) in their research found that inhabitants of deprived areas often demonstrate a very strong emotional and social attachment to their locality seen as a place where they are deeply rooted and which provides them an ontological security. Nevertheless, feelings of impotence or indifference demonstrated by them towards the present-day social, economic and environmental challenges affecting urban areas reinforce passive attitudes and even reluctance towards any changes. On the other side, a lack of commercial interest by market players in deprived areas which are economically less attractive makes it happen that the development gap between disadvantaged places in cities and those of prosperity still remains.

A similar picture of intra-urban disparities also emerges when looking at the situation of Polish towns and cities. Generally speaking, a remarkable feature of the development trends of Polish cities is that despite an significant

increase in average living standards over time, there is evidence not only of growing social disparities but also of the poor getting poorer. The existing inequalities, arising from the progressive degradation of the material substance, such as buildings and urban infrastructure, as well as adverse demographic changes, have a negative impact on the local labour market and discourage businesses from investing (Jarczewski & Ziobrowski, 2010; OECD, 2011; Węclawowicz et al., 2010). Moreover, cities are characterised in particular by a decline of their population coupled with an intense process of suburbanisation (Heffner, 2016; Strykiewicz, Ciesiółka, & Jaroszevska, 2012). Some districts of cities including the city centres and even the entire cities have lost their original economic functions which, as a consequence of fewer labour market opportunities, has affected the polarisation between urban inhabitants. An observable sign of urban transition is also a relatively large share of post-industrial, post-railway and post-military areas in urban space.

Based on the above it can be concluded that urban areas are the places where most social and economic challenges play out. Existing inequalities calls for multidimensional measures to combat those development difficulties. However, only such remedial measures should be taken that, in response to the prior identified overriding reasons, ensure a proper handling of conflicts of interests expressed by the concerned stakeholders. Following this line of reasoning, Skalski (2016) points out two key tendencies that influence the territorial development of cities in recent time. The first tendency explicitly represents the phenomenon of urban sprawl seen as a natural process of expansion of large urban areas, under market conditions, mainly into the surrounding undeveloped areas. The old housing stock due to a technical obsolescence or physical exhaustion does not meet basic standards and are not subject of interest or are even abandoned. The increasing worker mobility result in the geographical dispersal of work places which, in turn, leads to the creation of the new linkages between home, work, trade and leisure facilities. Consequently, the old urban structures and buildings no longer complies with the new functional plans, and it may even be argued that the some urban areas ‘fall out of a play’ for a city. These areas lose their competitiveness because the old urban tissue due to its morphology (e.g. difficult roadway access, lack of green areas etc.) is not able to adapt to new functions (new services or forms of production). Furthermore, it should also be noted that the old urban areas and their residential properties rarely evolve in line with a rhythm of city’s development. In fact, they are eroded by the profound structural economic shifts which leads to the creations of the “set-aside urban zones” – in these areas the historically rooted industrial sectors disappear and the new ones do not emerge because no one is interested in.

The second tendency, in turn, refers to an inherent bias to permanently striving for a compact city (Skalski, 2016). This can be justified in several ways, especially since geographic proximity certainly plays a major role in boosting economic growth and urban development. In the literature there is a consensus on that urban location in principle provides compensating benefits either in terms of cost reduction or else utility gains, to make dense location and the payment of location rent sensible choices for households and firms (Quigley, 2008). The existence of agglomeration economies motivates people and firms to locate in the close proximity that offers concentrated demand, density of economic activity and diversity (Camagni, Capello, & Caragliu, 2016; Pylak & Majerek, 2014). Firms located close to or in larger cities are prepared to pay for higher rents and higher wages because of higher factor productivity, and people, in turn, accept to live in larger cities or in areas surrounding them because they are compensated for the negative external costs of a large city and for the higher rents by higher wages and practically unlimited access to goods, services and many opportunities.

However, a closer look at urbanisation and its features shows that it does not always lead to a desired effect, as already mentioned. Undoubtedly, the concentration of business activities and individuals is important, and short distances between actors enable a smoother and less complicated interactions. Nonetheless, there are many factors that may affect urbanisation and consequently the efficiency of cities (Musiałkowska & Idczak, 2020). As Moretti (2014) argued, market failures in urban areas are rife, both in terms of the positive externalities (increasing returns on agglomeration economies) and the negative externalities (e.g. congestion arising from living close one to another). Therefore, the nature of urban processes allows to claim that urbanisation is “policy intensive” and as such requires public interventions and regulations to be successful in reinforcing cities. A sound urban policy can not only heavily influence the structure of city growth and thereby direct the trends in urbanisation but also shape the form of urbanisation enabling a sustained socio-economic transformation (Miller, 2014; Roberts, 2008). Hereby, such a policy is also regarded as a response to structural and functional deficiencies that hamper the cities’ capacities to address the needs of their residents. Of particular importance in this context is urban regeneration that comes from a particular understanding of the causes of the socio-economic decline in cities and of the appropriate policy responses to the diagnosed problems (de Magalhães, 2015). In this respect it should also be underlined that, following de Magalhães’s view (2015), the core understanding of

what it means to be a socio-economic decline in cities must be seen as social, economic and environmental problems *of a city (locality)* rather than as social, economic and environmental problems that happened to take place in that locality. Hence, urban regeneration constitutes a major field of public policy that deals with the regrowth of economic activity, the restoration of social function or social inclusion and the re-establishment of environmental quality in cities that have experienced those elements. Such a policy should be applied at a very localised level and by local authorities, however, within the agreed wider national policy framework. All in all, the main thrust of urban regeneration is to tackle market failures arising in cities through, on the one hand, safeguarding the interests of inhabitants, whilst – on the other hand - providing strong incentives affecting the possible gains from urbanization (Musiałkowska & Idczak, 2016, pp. 117–120). This means that degraded or deteriorating urban areas cannot be left to market forces (Idczak & Mrozik, 2021). Therefore urban regeneration needs relevant regulations and redistributive policies to mitigate the undesirable effects and to reconcile market forces with social and economic goals.

In essence, it has to be noted that at the heart of the urban regeneration is the public intervention aimed at improving the quality of life in deprived urban neighbourhoods. Urban regeneration represents a challenge for public authorities because in the context of the governance of the development it focuses territorially the public intervention on specific urban areas where the most relevant negative phenomena build up (Noworól & Noworól, 2017, p. 134). Along the same line of thought, Ciesiółka (2018), employing the functional approach, argues that urban regeneration should be an inherent element of the development policy of the state, and as he claims, it really is in Poland. He also famously emphasizes that urban regeneration has a prominent place in the strategic management of the country's development which means that it constitutes with other relevant public policies a complementary and consistent programming system entailing the need for the implementation of the appropriate amendments in the legal regulations. This, then, became the basis for adopting the Act on Regeneration and thereby providing apparently the stakeholders of the regeneration with the tools and incentives necessary for the performance. More details on this will be given in the next sections.

3 Research design

With the regard to already mentioned features and results of urban development followed by necessity to apply public intervention in order to prevent its negative externalities the approach embedded in public policy cycle is applied. Milio (2007) and Molle (2007) identify several phases of public policy, which can interplay with the phases of public management (Hausner, 2008; Musiałkowska, 2016; Tkaczyński & Świstak, 2015). In general the linear phases of public policy cycle include: 1) problem identification by which we understand problem definition and identification that public intervention is required in order to solve it; 2) formulation of solutions / policy design of solutions and alternative scenarios followed by legitimization of actions to be undertaken and support by public authorities; 3) decision on financing and providing necessary institutional, financial and human resources; 4) policy implementation; 5) evaluation of the results, their assessment and policy corrections implemented in the future policy cycle. The approach reflects the idea of governance where many actors are involved. Following the logic of more universal linear public policy cycle Zybała (2015) proposes adaptation of the cycle that embrace legislation process of a given public policy taking into account Polish legal and administrative system (Figure 1). It is underlined that the Polish approach is more traditional and less driven by multiple private actors and stakeholders of the policy processes, thus governance is still not at the core of public policy-making. Public policy has been still seen as main domain of action of public authorities. The presented policy cycle is based on seven phases of which 1) the first include debate with experts in a given area and local authorities, 2) the second is based on political actions, including consolidation of political supporters in the parliament 3) the third phase is related to drafting of legal act and followed by the government actions with regards to proposed solution to a problem, 4) the fourth phase is based on public consultation at the small scale/ or with non-numerous stakeholders, 5) the fifth phase consists of adoption of proper legal act and regulations, 6) the sixth phase includes enforcing compliance and behaviour of autonomous policy actors with regulations, 7) the seventh phase includes reporting on the implementation of a legal act.

In our research the Zybała's model was further developed by referring to the adoption of the Act on Regeneration of 2015 (section 4) which allowed us for own assessment of the prospective impact of regeneration as such on the processes of urban development.

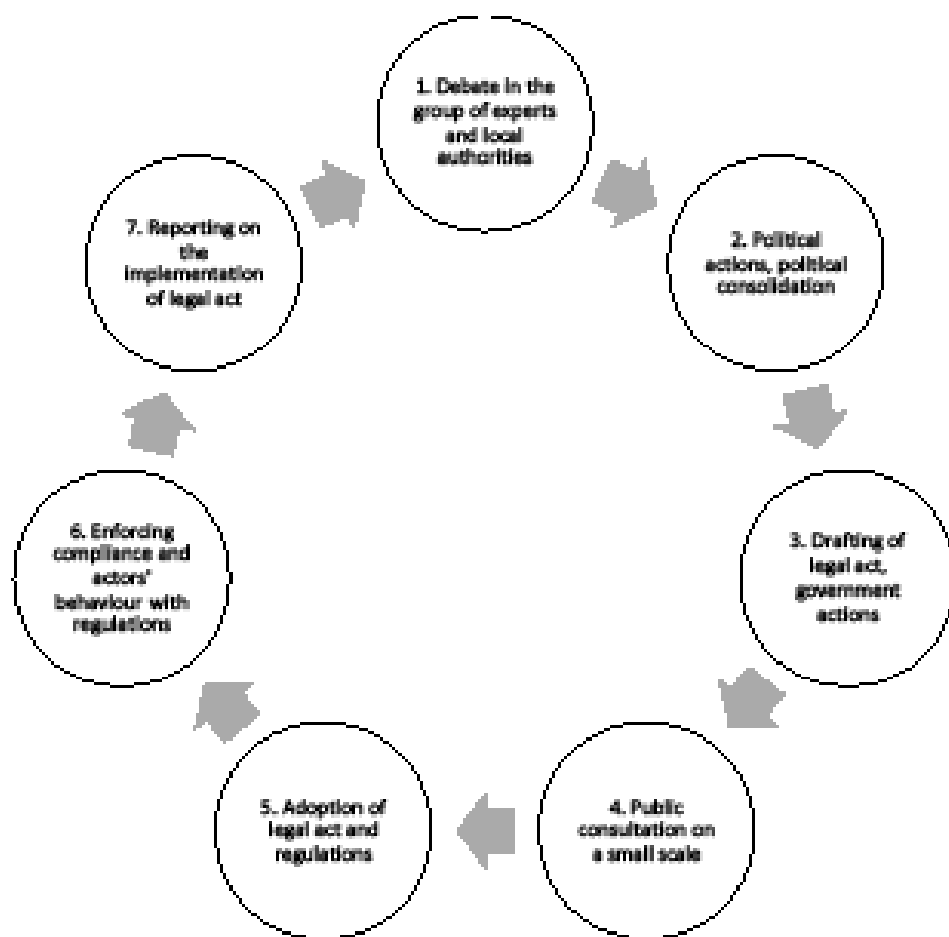


Figure 1: Public policy cycle in Poland. Source: (Zybała, 2015, p. 33).

4 Analysis and findings

Urbanisation is commonly seen as an essential condition for social and economic development, and the potentials of cities are recognised as engines of national growth. However, as outlined in the literature review, this dynamic process must be managed effectively by policy making bodies, otherwise it may bring about structural and functional deficiencies that make it unable to meet the needs of cities' residents. Therefore, urban regeneration provides purposive measures by the state through policy and interventions, as market forces are not sufficient to trigger and ensure adaptation or transformation (de Magalhães, 2015). As this policy constitutes a response to a decline being result of structural processes taking place locally, which is not likely to be reversed spontaneously, it is legitimate that it be graduated according to the particular problems of individual cities. Thus, the national legislation should provide cities with conditions and instruments necessary to address, in an integrated way, the specific problems of the degraded urban areas. Such legislation is expected to embrace a wide range of key stakeholders at all levels at a stage of its preparation and to lay down provisions on urban regeneration underpinning the complexity of the objectives to be achieved by the public policy.

In light of the aforementioned discussion, we derived the basis for examining the process of law-making in regard to urban regeneration which legislatively took a form of the Act of Regeneration¹. As stated in the previous section,

¹ It should be stressed here that the theoretical considerations carried out so far have focused on urbanisation and the development of cities. This and the next sections, however, discuss the creation and implementation of the legal regulations on urban regeneration which in Poland do not only cover all municipalities but also the rural ones.

Zybała's phases of public policy-making are important points for studying the process of policy-making in Poland. Therefore, whilst acknowledging the limitations, as a pragmatic point the institutional assessment in this study draws on Zybała's model on the functioning cycle of public policy in Poland which, through providing phases of public policy programming and implementation specific to this country, allows an evaluation of policy making on urban regeneration at each stage. With this in mind, the analytical framework configured here consists of seven phases (see section 3, Figure 1): (1) problem solution; (2) political actions; (3) draft of legal act; (4) public consultations; (5) adoption of a legal act and regulations; (6) enforcing compliance with regulations; (7) report. The examination of the urban regeneration policy making in relation to these phases is presented below.

- *Problem solution* relies on the public response to the potential or existing threats and risks in urban areas. As noted earlier, public authorities are requested to undertake the appropriate measures in order to tackle those threats and risks with a view to improving or boosting development of degraded and deteriorated urban areas. A considerable amount of literature has been published on justifying the need of urban regeneration measures and the necessity to safeguard of their by the statutory regulations, e.g. (Boryczka, 2016; Ciesiółka & Kudlak, 2015; Herbst & Jadach-Sepiolo, 2010; Masierek, 2013; Mliczyńska-Hajda, 2011; Topczewska, 2007). These studies have explored not only the history of the works on the act of regeneration in Poland but also submitted concrete proposals for political solutions and legal solutions, as well as highlighted successful good practice examples from different countries, mostly Germany, UK and France. Furthermore, Institute of Urban and Regional Development made a significant contribution towards the creation of the debate on this topic by carrying out a large-scale research project diagnosing the situation of Polish cities. As a result of this project, a series of twelve books were published which provided an exhaustive analysis of the existing state as well as specific conclusions and practical recommendations for policy-makers in the fields of (Ziobrowski & Domański, 2010). Here, it is essential to mention that OECD also prepared a comprehensive review of Polish urban policy and provided policy recommendations for adapting effective urban policy solutions (OECD, 2011). With all this in mind, it is argued that all of these actions can be seen as a real debate on urban regeneration and starting point for the legislative preparatory works.
- *Political action* means consolidation of actions at the political and administrative level. In this context it has to be noted that urban regeneration was incorporated into the national strategic frameworks. In fact, after 2010 urban regeneration has been strongly anchored in the country strategy papers addressing the spatial and socio-economic policy (Ciesiółka, 2018). In October 2015, the Council of Ministers adopted the National Urban Policy (NUP) that set out the planned activities of the government administration on urban policy. The aim of this policy with respect to urban regeneration has been the development and consequently implementation of effective mechanisms to coordinate and integrate the actions of all interested stakeholders in preparing and conducting regeneration undertakings. The adoption of this document had been proceeded with the presentation of the National Regeneration Plan (NRP) a year earlier. NRP described as a government document laid down a plan and certain procedures for the introduction of amendments in existing regulations and the adoption of new legal regulations which aimed at creating favourable conditions and appropriate incentives for urban regenerations measures (Ciesiółka, 2018). It can then be concluded that urban regeneration received a prominent position in the country's development policy management. In this sense, it became an area of particular interest for policy-makers.
- *Project of act* – it follows the practical and legal arrangements reached at the political and administrative level. The draft of the act of urban regeneration was presented in 2014, coinciding with the preparation of other acts applicable to the disbursement of EU funds within the programming period 2014 – 2020. Initially, this draft compared to other drafts on urban regeneration proposed before, did not cause so many unfavourable opinions delivered by experts, local authorities etc. (Boryczka, 2016).
- *Public consultations*. The government launched a public consultation by publishing the draft of the act on 23.04.2015 which lasted two weeks. An invitation for consultations was sent to more than 80 institutions, foundations, associations and local and regional authorities. In the course of the consultation process, there were raised over six hundred comments and concerns regarding concrete areas of regulation (Government Legislation Centre, 2015). They related mostly to substantive issues including among others sources of financing, financial and fiscal incentives, and more specifically the lack thereof, stakeholders and cooperation among them, as well as technical provisions, organisational and editing issues etc. It is worth nothing that comments concerning substantive matters most were not taken into account and did not amend the act with respect to the initial assumptions presented by the government.

- *Adoption of act and regulations* – the draft of the act of regeneration was submitted to the Parliament on 2.07.2015 and adopted on 9.10.2015². One regulation has been adopted to date.
- *Enforcing compliance with regulations* – it is clear that each act shall be applied and all actors concerned of course have to comply with existing law and policy. In other words, it enforces the need for them to adjust their administrative structures and operational capacities to ensure the functioning of the policy. Perhaps surprisingly, however, the application of the Act on Regeneration is not obligatory but optional. According to the provisions of Art. 52 sec. 1 of this Act, municipalities are allowed until December 2023 to execute the regeneration measures on the basis of the Act on Commune Self-Government (ACS-G) (The Council of Ministers, 1990), without the need to apply the Act of Regeneration³. Therefore, regional managing authorities through specific regeneration guidelines made the option available to all beneficiaries seeking the co-funding from EU funds for regeneration projects to have a regeneration programme adopted either pursuant to the provision of this Act or under the frame of ACS-G⁴. The adoption of the regeneration programme was required when applying for funding as it delineated the regeneration areas and specified the projects predisposed to support from EU funds.
- Finally, *Report* being a tool that delivers information on the implementation of the Act provisions for review of the use of the solutions and instruments made available to municipalities under this Act. With the entry into force of this Act there has appeared a lot of criticism on various grounds. Particular attention was paid to the understanding of urban regeneration that was limited to the objectives pursued so far by the local regeneration programmes which, as noted by Billert (2015), does not require the detailed statutory regulations. Procedures regarding the programming of measures within the framework of MRP have proved to be overregulated and highly bureaucratic (Skalski, 2015). This Act does not seem to be in fact a regeneration act, but at its best, an act on programming regeneration measures that in practice were narrowed down to the problems of housing. Its provisions do not refer to the urban regeneration viewed as a process of rejuvenating a degraded urban area but they apply merely to the procedure of drawing up MRP that, as stated before, in itself it does not have to and has no legal force (Parysek, 2016). Moreover, there are many ambiguous notions and vague open to interpretation terms, as well as provisions that need rapid clarification or revisions (Bąkowski, 2017). Overall, all of these authors point out that the Act does not provide for appropriate sources of funding of regenerative measures addressed to deprived urban areas, and does not guarantee protection of the inhabitants against an excessive increase of rental fees (Mikuła, 2017). These two elements constitute an elementary and obligatory standard of legal regulations focused on publicly-led initiatives aimed at urban regeneration. On the plus side, however, there are among others emphasis on social aspects and empowerment, and the fact that the Act finally came into force because it can be amended. More detailed aspects of this phase will not be described here, as they are discussed in the next section.

In view of all that has been mentioned so far, one may suppose that the policy making process on urban regeneration in Poland falls within the theoretical framework of Zybała's model. It does not say how the whole cycle of policy making looks like (as Zybała points out, there is a lot of coincidence in this process) but how the policy is designed and implemented. Admittedly, it is observable an extensive involvement of academic and expert communities at the initial stage of policy creation. The same can also be said regarding the second phase when one succeeded in consolidating the political and administrative base around a need to give legal standing to the urban regeneration measures. Interestingly,

² It is noteworthy that legislative works on the Act were underway during the parliamentary election campaign as well as during the presidential election, which certainly influenced the adoption process.

³ The optionality means here that when a municipality has already implemented some regeneration activities based on ACS-G, it does not have to use the new legal provisions. This regulation allowed not to interrupt the ongoing regeneration activities. For more see (Leszczyński & Kadłubowski, 2016). What is more, at the end of 2020, an amendment regarding the option of not applying this Act was introduced on a proposal from Polish Senate. The rationale behind this amendment was to remove the legal obstacles that would prevent the application of statutory rules when implementing regeneration activities based on regeneration programmes adopted in accordance with ACS-G. Most of those programmes have envisaged the implementation of regeneration activities till the end of 2023, i.e. until the end of the transitional period laid down in the Act of Regeneration. This means that, by failing to make this amendment to the Act, municipalities having the ACS-G-based regeneration programme would not be allowed under national law to take any regeneration measures from 2024 onwards. More details on this matter can be found in (Jadach-Sepiolo, 2021).

⁴ The only exception is the Board of the Małopolskie region which as the managing authority of the regional operational programme established the obligation of the adoption of MRP on the basis of the Act on Regeneration.

after many years of works and drafts on the Act on Regeneration, this consolidation coincided with the adoption of the National Urban Policy being a part of the national strategic frameworks. This makes an irresistible impression that one of the decisive reasons on the coming into force of this Act was the new financial perspective of the UE (2014 – 2020), which provided for the financial resources, among others, for funding urban regeneration programmes. Indeed, there was a need to ensure the specific conditions for an appropriate urban regeneration including integrated, comprehensive and building upon social participation approach which had to be guaranteed by a legal framework. In turn, when comparing provisions of this Act with notes and concerns expressed by experts before its adoption (see e.g. Rogatka, Ciesiółka, Jurkowska, & Kułaczowska, 2015), one may realise that public consultations aimed at meeting certain formal requirements, and not delivering opinions and proposal to re-think and make reasonable amendments. All of this seems to confirm the assumptions of Zybała's model. The public policy-making on urban regeneration was dominated by the government and legislator (using other words, by the entities of representative democracy). The effective participation of academics and experts as an indispensable source of knowledge and expertise, and also other actors, in support of this process turned out to be relatively low. As a result, urban regeneration policy has been limited to the adoption of some new legal tools which introduced certain control instruments relevant from the government point of view. More importantly, what has been omitted are catalytic instruments that could provide real incentives to engage all interested stakeholders and thereby make this policy more efficient.

5 Implementation of the Act on Regeneration in practise

Having shown that the Act on Regeneration, being already in force, is distinguished by a voluntary nature in relation to the applicability of its provisions, the research question to be addressed in this section concerns whether the municipalities have implemented this Act as the sole legal basis for regeneration measures or not. Some help in answering this question comes from the interesting studies conducted by the Statistics Poland⁵ (GUS, 2018, 2020). These studies provide a rich statistical database on communes in Poland and their involvement in the field of urban regeneration measures. Of particular importance in the context of our discussion is one of the directions of these studies' subject scope that refers to the basis on which the regeneration process is executed, that is, whether a commune applies the Act on regeneration or implements regeneration activities based on other legal or strategic documents.

Results reported in Table 1 suggest that nearly two-third (64.88%) of Polish communes carried out activities in the field of urban regeneration. To be more precise, those communes adopted own regeneration programmes on the basis of different legal regulations. The most remarkable finding to emerge from the data is that only 335 communes have adopted regeneration programmes on the basis of the new Act on Regeneration – it is just one fifth of all communes carrying out regeneration. Nearly three-quarters of them (1182) made use of the option offered by the Art. 52 sec. 1 of the Act on Regeneration not to apply its provisions and they implement regeneration measures on the basis of the Act on Commune Self-Government. Approximately 3.6% of communes which took part in the survey indicated that they undertake regeneration tasks based on another strategic document. It is also noteworthy that 870 communes (35%) reported that they have no formal planning documents so as to execute regeneration undertakings. However, as the study notes, 10 communes out of those not carrying out regeneration informed about drawing up the regeneration programme in 2019 (GUS, 2020).

Overall, it can be said that the new Act on Regeneration is not commonly applied by Polish communes. In fact, the findings point to a certain state of play on the actions conducted by local authorities in the field of urban regeneration which do not address the specific solutions provided for in this Act. This is even more surprising in light of the fact that the Act contains some recommended instruments designed to support local interventions improving run-down urban areas. This, in turn, raises the next question of why the communes have not decided to establish their regeneration programmes on the basis of the Act on Regeneration offering many purposive instruments but instead they have adopted the regeneration programmes under other legal bases, thereby forgoing the opportunity of applying the supportive

⁵ There are two reports that were based on statistical surveys carried out in 2017-2018 and in 2018-2019 on the full population of communes regarding their regeneration activity. As the authors mentioned in the background section, the adoption of the Act on regeneration “has become a direct inspiration to undertake” this research (GUS, 2018).

Table 1: Urban regeneration in Polish communes by legal basis.

No.	Specification	MRP	RP	ASD	Lack of regeneration documents	Total
1	Number of communes	335	1182	90	870	2477
2	Share of communes in total number of communes	13.52%	47.72%	3.63%	35.12%	100.00%
3	Total number of communes carrying out regeneration					1607
4	Share of communes in total number of communes carrying out regeneration	20.85%	73.55%	5.60%		64.88%

Note: MRP - Municipal Regeneration Programmes adopted on the basis of the Act on Regeneration; RP - Regeneration Programmes (RP) adopted on the basis of the Act on Commune Self-Government; ASD - Another strategic document (ASD) being the basis for the implementation of regeneration tasks.

Source: own work based on (GUS, 2020, Annex 6 – Tablice_2019_REWITALIZACJA.zip)

instruments. A possible explanation for this might be that the majority of the existing regeneration programmes (80%) are new programmes adopted in 2015-2017. Not surprisingly, this period coincides with the time when the system for allocating EU funds was created, including especially funds from EU budget for regeneration purposes (GUS, 2020). It seems that communes chose simpler solutions that allow a large degree of flexibility in regeneration programming and implementing.

Since EU funds for regeneration purposes are distributed at regional level by the regional managing authorities, we also include the spatial dimension in the study. Through the use of spatial visualisation techniques, Figure 2 shows the communes by legal bases applied for implementing regeneration. It presents rather a mixed picture of variety of legal forms used by the communes. However, Małopolskie region stands out clearly due to relatively high number of communes that adopted regeneration programmes based on the Act on Regeneration – 136 (40%) out of 335 communes that adopted MRP are communes in the, Małopolskie region. This case may be explained by the fact that the managing authority of the Małopolskie region as the only one in Poland that introduced a requirement to draw up MRP for every commune in which there was, at the date of entry into force of the Act on Regeneration, no current regeneration programme. By implication, all the communes wishing to avail themselves for the UE co-funding allocated for urban regeneration within the framework of the Regional Operational Programme for the Małopolska Region for 2014-2020 were not allowed to benefit from the derogation laid down in the Art. 52 sec. 1 of this Act. Generally speaking, this aspect of the research may be interpreted to mean that the application of the Act by local authorities was dictated by the eligibility requirements set out for the EU funds beneficiaries. Communes often made their regeneration decisions conditional on the amount of financial resources allocated to regeneration projects under the regional operating programmes.

Some evidence underpinning these findings has been provided in the report prepared by the Supreme Audit Office (in Polish: NIK) on urban regeneration in Poland (NIK, 2016). Basically, the report points out that communes have not perceived the regeneration programmes as the necessary tools for integrated management of activities carried out by different entities that can be involved in the regeneration process, and thereby contribute to goals. They have considered those programmes rather as documents constituting the basis for applying for EU funding. Moreover, most of the projects covered by those programmes were implemented on a one-off basis and limited often only to the ordering of space in their immediate surroundings. The communes insufficiently monitored the project implementation as well as resulting from them changes taking place in degraded areas. In fact, the regeneration programmes have not had the expected impacts in term of coherent spatial effects in areas designated for regeneration (NIK, 2016).

Admittedly, the results of NIK's report refer to the period before the implementation in practice of the Act and one may say that they reveal the actual approach of the communes to the Act-led regeneration. Nonetheless, a more recent study on urban regeneration provides similar conclusions (Jarczewski & Kułaczowska, 2019). It clearly suggests that communes have been reluctant to apply the Act solutions, that is, MRP due to its formalised preparation procedure.

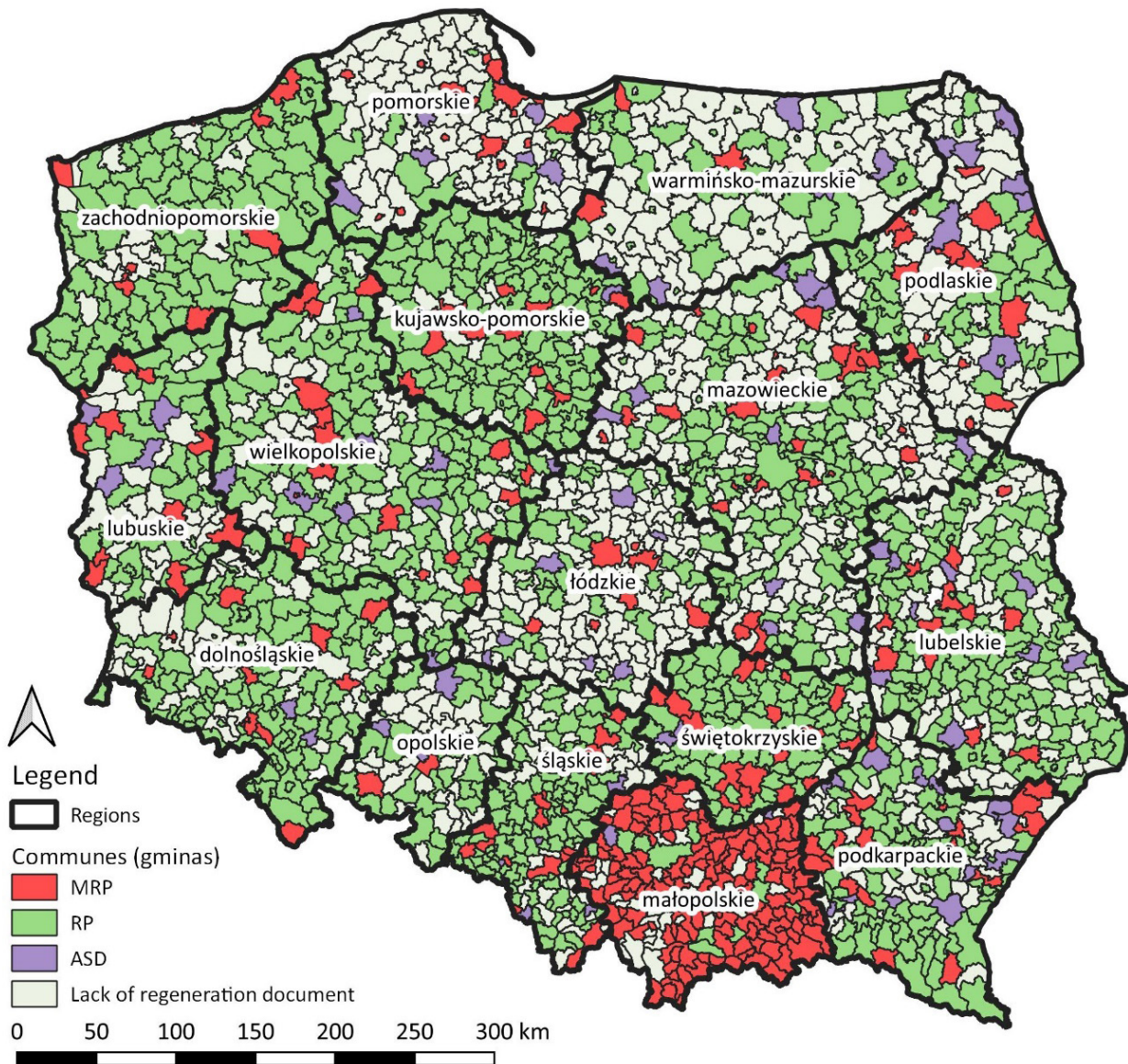


Figure 2: The map depicting the exact legal basis of the commune involvement in urban regeneration (situation on 31 December 2019). Note: abbreviations as in Table 1. Source: own work based on (GUS, 2020, Annex 6 – Tablice_2019_REWITALIZACJA.zip).

Their interests in regeneration are positively associated with the allocation of EU funds, therefore they do not see the need to run various instruments offered by the Act. In addition, the authors argue that regeneration is not usually considered as a special type of public intervention in deteriorated urban areas but has become an additional source of financing for urban investments, especially infrastructural ones (Jarczewski & Kułaczowska, 2019). Following this line of reasoning, it can be argued that communes view urban regeneration through the lens of the availability of external finance. Since the Act on regeneration was essentially designed along this line as well, that is, to ensure proper conditions in applying for EU funds, one cannot expect that the efforts made by communes will be considerably greater than the Act provides for. Hence, from the researchers' point of view, the current Act cannot be deemed as a sufficient policy response to many deficiencies diagnosed in urban areas.

6 Conclusions and discussions

A vast literature has studied the issue of urban regeneration in Poland. It has referred mostly to the impact assessment of activities or concrete projects implemented by communes. The attention has been also focused on providing and strengthening of expertise on creation of a variety of urban policy interventions, especially those concerned with regenerating city centres, former industrial and housing areas facing decline due to compounding pressures. As such a complex type of intervention had previously no full legal grounds, it was crucial to provide further evidence by analysing the current state of play. This study contributes to the current debate on regeneration in a twofold way. First, it provides some noteworthy theoretical reflections for one's understanding of urbanisation. On the one hand urbanisation promises a better life with efficient services and stronger economies, while on the other – it also carries the risk of unforeseeable consequences and socio-economic inequalities which remains a central challenge for urban regeneration. A particular attention was paid to reveal the existing deficiencies and development tendencies of Polish cities in recent time. It is argued that in the face of the large-scale accumulation of the adverse phenomena in deprived urban areas communes are not able to counteract them efficiently. The multi-dimensionality of these problems require appropriate regeneration interventions to be taken in the form of public policy governed at the country level.

Second, the paper examines the process of law-making in regard to urban regeneration. It seeks to verify whether the regulatory policy-making, whose result is the Act on Regeneration, corresponds to the fundamental assumptions of Zybała's model on the functioning cycle of public policy in Poland. We employed this model because it better allows the realities of Poland to be situated in a domestically-specific policy-making context. An important observation made during this analysis was that public policy-making on urban regeneration was dominated by the government and legislator. Proposals and concerns expressed and raised by experts and academics in the course of legislative works did not significantly alter the text of the act in relation to its draft version initially presented by the government. These findings suggest that in general there is no specific dispersion of power between all possible actors of policy-making. The legislature and executive power took the absolute primacy over policy-making in this area. Such a situation was at the expense of the limited impact of independent experts on policy formulation and thereby showed the reduced role of the objective knowledge justifying the legitimacy for the Act. Altogether, these results emphasise the compliance of a way used to adopt the Act with Zybała's model and also confirm Polish legislative specificity. The Act was relatively quickly adopted and came into force because of the urgent need for coherent legal foundations necessary to mobilise funds on regeneration in the multiannual financial framework for the years 2014–2020. More importantly, this rather unambitious set of legal provisions on regeneration has not substantially altered the approach of local authorities to urban regeneration. As result, the possibility of applying for the EU co-funding turned out to be the most decisive factor in drawing up and implementing regeneration programmes.

To sum up, as far as we aware this paper is the first institutional-approach-based analysis, from the point of view of all the stakeholders involved in policy formulation and the process of policy-making on urban regeneration in Poland. The findings add to a growing body of literature on urban regeneration by highlighting the potential weak links of policy-making in this area. Bearing in mind the specificity of policy formulation and implementation, that is, especially the absolute primacy of politicians over the tools used in policy-making, the evidence provided by this paper does not lead to optimistic conclusions, at least in so complex area as urban regeneration is.

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