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## **Account of the Fourth Legal Forum on Spatial Management and Construction “Decision on Development Conditions on Trial”**

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The Fourth Legal Forum on Spatial Management and Construction, whose theme was “Decision on Development Conditions on Trial” took place on 8 October 2021 at the University of Gdańsk (UG) and simultaneously online. The forum was organised by the Chair of Administrative Law of the Faculty of Law and Administration of the UG. The chair of the Scientific Committee<sup>2</sup> of the conference and also the mastermind behind this series of meetings devoted to legal aspects of spatial management and construction was prof. dr hab. Tomasz Bąkowski, and the Organisational Committee<sup>3</sup> was headed by dr hab. Tomasz Fijałkowski. The Forum was held under the honorary patronage of the Marshal of the Pomorskie region, Mieczysław Struk. Partners who contributed financially to the event included Grupa Inwestycyjna HOSSA S.A., the City of Gdańsk and the Cooperative Research Institute in Sopot. The conference was co-organised by the University of Gdańsk Development Foundation. The event, which took place both within the walls of the University of Gdańsk and online, was attended by more than forty academics representing the largest Polish university centres, practitioners affiliated with architectural and construction administration authorities, and judges of administrative courts.

The Fourth Legal Forum on Spatial Management and Construction “Decision on Development Conditions on Trial” was opened by the Deputy Dean for Science of the Faculty of Law and Administration of the University of Gdańsk, dr hab. Piotr Uziębło, professor of the UG. An address introducing the theme was delivered by

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<sup>2</sup>Pełen skład: przewodniczący prof. dr hab. Tomasz Bąkowski, członek dr Katarzyna Szlachetko.

<sup>3</sup> Pełen skład: przewodniczący dr hab. Tomasz Bojar-Fijałkowski prof. UKW, członek mgr Izabela Oleksy-Piesik, członek mgr Karol Ważny, członek mgr Mariusz Szatkowski.

prof. dr hab. Tomasz Bąkowski.<sup>4</sup> He also chaired the first part of the discussions.

The session of speeches was opened by prof. dr hab. Zygmunt Niewiadomski<sup>5</sup> who presented a paper entitled *Decision on Development Conditions – Myths versus Reality*. It was followed by an address entitled *Decision on Development Conditions and Spatial Order*, delivered by dr hab. Katarzyna Małysa-Sulińska, a professor of the JU.<sup>6</sup> This part of the session was closed by dr hab. Marek Szewczyk,<sup>7</sup> who gave a speech on *Clear and Hidden Features of Decision on Development Conditions*.

Following a break, dr hab. Tomasz Bojar-Fijałkowski, a professor of the CGU, took over the chair role, and dr hab. Marta Woźniak, a professor of the UO,<sup>8</sup> presented a paper entitled *Attempt to Decode Public Interest in Decision on Development Conditions*. The next speaker to take the floor was dr hab. Piotr Suwaj, a professor of the WUT,<sup>9</sup> who dealt with the issue of *Mediation between Developer and Authority in Proceedings to Determine Development Conditions*. Then the speech on *Decision on Development Conditions – Theory and Practice* was given by Igor Zachariasz, a professor of the CEU.<sup>10</sup> Dr hab. Robert Sawuła, a professor of the WSPiA RSW,<sup>11</sup> expounded on *Decision on Development Conditions in Light of Administrative Court Jurisprudence*. The last address, *Decision on Development Conditions in Urban Spatial Policy*, was the work of dr hab. inż arch. Piotr Lorens.<sup>12</sup>

The agenda also included delivering communiques. Dr hab. Ewa Szewczyk, a professor of the ZGU<sup>13</sup> presented a communique *Notion of Party in Cases to Determine Development Conditions. Informal Geographical Criteria*, dr hab. Sławomir Pawłowski, a professor of the AMU<sup>14</sup> dealt with *Decision on Development Conditions and “Interventionist” Local Zoning Plans*, and dr Lucyna Staniszevska<sup>15</sup> spoke about *Problems of Cooperation in the Procedure of Issuing Decisions on Development Conditions*.

During the discussion, the floor was taken by dr hab. Eugeniusz Bojanowski,<sup>16</sup> mgr inż. arch. Wiesław Bielawski,<sup>17</sup> dr hab. Katarzyna Małysa-Sulińska, a professor

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<sup>13</sup> Uniwersytet Zielonogórski.

<sup>14</sup> Uniwersytet Adama Mickiewicza w Poznaniu.

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<sup>16</sup> Emerytowany profesor Wydziału Prawa i Administracji Uniwersytetu Gdańskiego.

<sup>17</sup> Były Zastępca Prezydenta Miasta Gdańska ds. rozwoju przestrzennego.

of the UJ, prof dr hab. Marek Szewczyk, mgr Robert Orłowski,<sup>18</sup> dr hab. Robert Sawuła, a professor of the WSPiA RSW, dr Krzysztof Kaszubowski,<sup>19</sup> dr Maciej Kruś,<sup>20</sup> and prof. dr hab. inż arch. Piotr Lorens.

Both the conference addresses and the subsequent discussion highlighted numerous doubts with respect to the decision on development conditions as a legal instrument. Speakers mentioned the frequent declarations to abandon this “temporary” instrument which, however, were not made into law. Their addresses also demonstrated quite numerous examples of inconsistency and discretion of authorities issuing decisions on development conditions. Paraphrasing the title of the Fourth Legal Forum on Spatial Management and Construction, it may be concluded that the trial on the decision on development conditions has been closed, with the announcement of the verdict postponed indefinitely.

The session was summarised and closed by prof dr hab. Tomasz Bąkowski. The organisers announced that the University of Gdańsk Press was going to publish a reviewed monograph containing the papers delivered during the Fourth Legal Forum on Spatial Management and Construction, “Decision on Development Conditions on Trial,” together with texts submitted by participants.

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