

## SELECTED ISSUES CONCERNING MANAGEMENT OF HISTORICAL IMMOVABLE PROPERTIES IN POLAND AND OTHER EUROPEAN COUNTRIES

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### Abstract

According to the data contained in the Tabular Summary of Different Types of Historical Immovable Properties Entered into the Register of Monuments by Province (NID, 2016), published by the National Heritage Board of Poland, registries of immovable monuments in Poland, as at 28.09.2016, covered the total of 71,041 sites. The protection of national heritage is, in accordance with Article 5 of the Constitution of the Republic of Poland (CONSTITUTION, 1997), one of the duties of public authorities. Preservation of national heritage, including historical properties, is not possible without effective protection of monuments. It concerns, amongst others, the processes related to real properties, including their subdivision, trading, drawing up and updating the concept of spatial development of the country – the studies of the conditions and directions for spatial development of municipalities and local spatial development plans, etc. For the purpose of the following paper, selected principles of real estate management in Poland and other European countries were presented. What is more, investigation was made of the settlements included in chosen local spatial development plans concerning the conditions aiming at protection of historical immovable properties. Furthermore, the role of spatial information systems as well as modern surveying and photogrammetrical technologies of measurements in the management of historical monuments was outlined.

**Key words:** real estate management, historical properties, protection of national heritage, spatial information systems, local spatial development plan

### Introduction

The issue of proper land management of real properties holds a prominent place in the modern scientific discourse. Considering the aspects influencing the processes of real property management, it is possible to distinguish a number of factors having a significant impact on such processes. Due to its importance, the issue of the historical nature of a given property is one of the crucial features that determine the approach towards it. According to the data contained in Tabular Summary of Different Types of Historical Immovable Properties Entered into the Register of Monuments by Province, published by the National Heritage Institute, registries of immovable monuments in Poland, as at 28.09.2016, covered the total of 71,041 sites. The protection of national heritage is, in accordance with Article 5 of the Constitution (CONSTITUTION, 1997), one of the duties of public authorities in Poland. The necessity to protect historical properties is also repeatedly highlighted in the literature worldwide. As international public assets, historical and cultural facilities are the heritage left for today's human beings by the communities of the past. Protecting and transferring these facilities to the next generation is one of the main missions for both individuals and administrators (NISANCI, UZUN, ÇETE, 2003). Successful regeneration of heritage sites causes large-scale effects, going beyond the boundaries of a particular object, and has a positive influence on society and the city (KUTUT, 2017). The Author emphasises that cultural heritage can be used to strengthen the local economy, attract investment, and highlight the uniqueness of the local environment or create a specific added value for a given real property.

Protection of the national heritage is not possible without suitable rules regulating the issue. The subject, scope and form of protection and guardianship of monuments, the principles of creating a national programme for it and financing conservation, restoration and construction works on the historical monuments, as well as the organisation of the guardianship of monuments in Poland, are regulated by the Act of 23 July 2003 on the protection and guardianship of monuments (ACT, 2003). It stipulates that the basic form of guardianship of historical monuments in Poland is the registries of monuments maintained by provincial conservators of historical monuments. As a rule, a historical monument is entered into the register of monuments based on an administrative decision issued *ex officio*

by the provincial conservator, at the request of the owner of the historical immovable property or the perpetual usufructuary of the land on which it is located. Other forms of protecting historical monuments include: recognition of a given site as a monument of history, establishment of a cultural park thereon, settlements regarding protection in a local development plan or in other documents prepared where such a plan is non-existent.

### **The applicable rules for the management of historical monuments**

Preservation of national heritage, including historical immovable properties, affects real property management processes. Pursuant to the definition present in the literature, management involves conscious human activity of an individual or collective nature, consisting in the division of limited resources amongst competitive applications on the basis of rationale and use of these resources for achieving the best possible (optimal) benefit, i.e. the generation and division of the value (of goods and services) in a manner that satisfies the social needs with simultaneous economical utilisation thereof without any harm being done to the natural environment and the conditions of social life (ŻRÓBEK, ŻRÓBEK, KURYJ, 2012). An analysis of various aspects of the issue proves that it constitutes a very wide and dynamically changing field. The changes involve technical, procedural and legal aspects, and result from an attempt to solve the current problems in these fields both in Poland and worldwide (SOBOLEWSKA-MIKULSKA, 2014). The guardianship of historical immovable properties represents an interesting aspect of real property management. In the case at hand, priority should be given to establishing the framework for management (FEILDEN, JOKILEHTO, 1998). According to the Authors, all the proposed activities must be based on an interdisciplinary collaboration, using conservation theory to evaluate alternative proposals. The management of historical immovable properties is treated as one of the public objectives specified in the Real Property Management Act of 21 August 1997 (ACT, 1997), which governs the general principles of immovable property management in Poland. The above-mentioned Act also stipulates special rules that should be respected in the case of selected activities related to the trade and management of immovable properties with respect to the properties entered into the register of monuments. For example, a principle is that, in the event where a real property entered into the register of monuments or the right of perpetual usufruct in such a real property is sold, it is the commune that has the pre-emptive purchase rights (Article 109, Section 1 of the Real Property Management Act (ACT, 1997)). Moreover, if such an immovable property is owned by the State Treasury or a local/regional authority, its sale, exchange, donation or release for perpetual usufruct, as well as making a non-pecuniary contribution (contribution-in-kind) of such a property into a company may occur based on a permit granted by the provincial conservator of historical monuments (Article 13, Section 4 of the Real Property Management Act (ACT, 1997)). If such a property is the subject of a contract for letting the land property for perpetual usufruct or of a decision on establishing permanent administration, while determining the manner of using this property, the purchaser may – if necessary – be obligated to reconstruct or repair the historical construction entities located on this land, within the time limit specified in the contract/decision (Article 29, Section 2, Article 45, Section 2a of the Real Property Management Act (ACT, 1997)). This issue was also undertaken in Article 26, Sections 1 and 2 of the Act of 23 July 2003 on the protection and guardianship of monuments (ACT, 2003). The legislator indicated that the contract for sale, exchange, donation, lease or the decision to release for permanent administration a historical immovable property owned by the State Treasury or a local/regional authority and entered into the register, where the conservation status of the monument so requires, should impose an obligation on the purchaser or the leaseholder to carry out the necessary conservation works on this monument within a specific period of time. Moreover, in the event where the land property has been entered into the register of monuments, the fees for perpetual usufruct or permanent administration are reduced by 50%, and a competent authority may – with the consent of the province governor, or council or assembly, as appropriate – increase or reduce this rate (Article 68, Section 3, Article 73, Section 4 of the Real Property Management Act (ACT, 1997)).

It must be underlined that the entry of real property into the register of monuments has a significant impact on the division of the property. Pursuant to the Act (Article 96, Section 1) with reference to the said immovable properties in the administrative proceedings, the decision approving the division is issued by a rural commune head, a mayor or a city mayor upon obtaining a permit from the provincial conservator of historical monuments for the division of the immovable property in question. Such a permit constitutes one of the appendices that the party interested attaches to the application for the issue of a decision confirming the division. Where the division of an immovable property is decided upon by a court, it is also the opinion of the provincial conservator of historical monuments that is taken into consideration in the case where the immovable property is entered into the register of monuments. Moreover, the data contained in the registries of monuments are used for property evaluation (Article 155, Section 1 of the Real Property Management Act (ACT, 1997)). While evaluating historical immovable

properties, evaluators need to undertake additional, sometimes non-standard, steps compared to those used in the assessment of modern properties. Assessing the cost of a historical immovable property has certain particularities that distinguish it from the assessment of a modern building (BURADA, DEMETRESCU, 2018). The costs of restoration and maintenance are not only long-term in nature, but can also be astronomical and they will obviously affect the value of the properties in question (FORBES, GOODHEAD, MOOBELA, 2014).

At the request of the provincial conservator of historical monuments, the entry of a historical immovable property into the register is revealed in the land and mortgage register maintained for a given real property, as well as in the real property cadastre. The number of the register of monuments maintained on the basis of the provisions on protection of cultural goods represents – within the meaning of the regulation of 29 March 2001 on the register of land and buildings (REGULATION, 2001) – records that concern the registered parcel. Similarly to the number in the registry of monuments, if a building is entered into this register, it is classified as records concerning the building.

Pursuant to the Act of 23 July 2003 on the protection and guardianship of monuments (ACT, 2003), the owner or holder is obliged to ensure guardianship of a historical immovable property by securing conditions for scientific research and documentation of the monument, performance of conservation, restoration and construction works on the monument, protection and maintenance of the monument and its surrounding in the best possible condition, use of the monument in a manner that ensures permanent maintenance of its value, etc. On the other hand, public authorities are obliged to undertake measures to secure legal, organisational and financial conditions for permanent preservation of historical monuments and their development and maintenance, to prevent threats that may cause prejudice to the value of the historical monuments, to prevent the destruction and improper use of the historical monuments, to control the conservation status and intended purpose of the historical monuments, as well as to take into account conservation tasks in spatial planning and development as well as in shaping the environment.

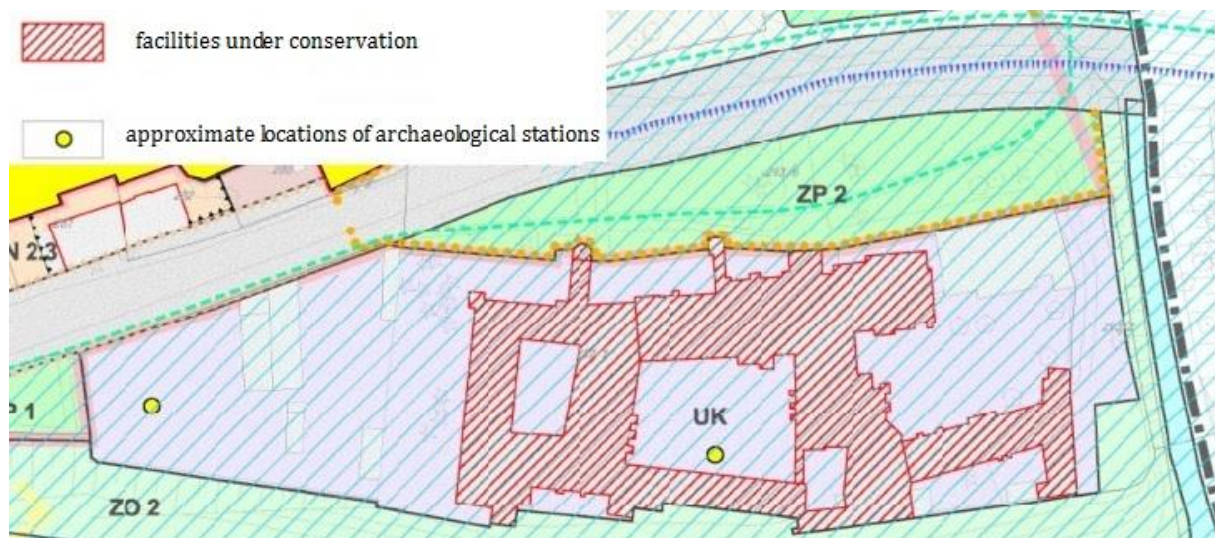
### **Preventive measures in spatial planning and development**

One of the tasks in front of the public administration is to undertake preventive measures in spatial planning and development. It is spatial (land) management that represents a branch of knowledge and practice shaping the spatial order, involving decisions on the allocation of land for various social and economic functions as well as decisions on the manner of development and build-up of these lands (ŻRÓBEK, ŻRÓBEK, KURYJ, 2012). The role of the spatial planning in the context of protecting cultural heritage and historical monuments has been repeatedly emphasised in the literature. Restricted possibilities of extending the existing structures, the introduction of specific orders and prohibitions, or the obligation to obtain the consent of conservation authorities, all contribute to the reduction in investment processes carried out in the centre of historical towns (MUCZYŃSKI, ŻRÓBEK, FORYŚ et al., 2015). Clear regulations coordinating and ordering the existing spatial development introduced in local development plans are aimed at avoiding the chaos that lowers the value of historical cities (BIEDA, PARZYCH, 2013). Spatial planning procedures shall comprise actions associated with the conscious shaping of cultural landscapes and protection of historical objects (BIEDA, PUKANSKA, SALA, 2018). The drawing up and updating the concept of spatial development in Poland is affected, amongst others, by the rules stipulated in the Act of 23 July 2003 on the protection and guardianship of monuments. According to Article 18, Section 1, the protection and guardianship of historical monuments is taken into consideration, amongst others, while drafting and updating the concept of the national spatial planning, the strategies of province development, the provincial spatial development plans, the spatial development plan for internal waters, territorial sea and exclusive economic zone, the analyses and studies of the district spatial development, the strategies of commune development, the studies of conditions and directions for the spatial development of communes and local spatial development plans. It is also of crucial importance for the preparation of decisions on the location of public projects, decisions on zoning approval, decisions on the permit for implementation of a road project, decisions on the location of a railroad and decisions on the permit for implementation of a project concerning aerodromes open to public use. The above-mentioned concept, strategies, analyses, plans and studies take into account the national programme for the protection and guardianship of monuments, specify solutions necessary for preventing threats to monuments, providing protection for them while executing projects as well as restoring them to the best condition possible. The study of conditions and directions for the spatial development of the commune as well as the local spatial development plan stipulates, as appropriate, the zones of conservation protection, full or partial, encompassing areas with limitations, prohibitions and orders specified by the plan and aimed at protecting the monuments located therein. The designs and amendments to the provincial and local

spatial development plans concerning the building development and land use are always subject to settlement with the relevant provincial conservator of historical monuments.

### Research methodology and findings

The analyses were carried out within the area of Poland. A more in-depth investigation was made of the settlements included in selected local spatial development plans from the areas of selected towns and cities where historical objects are located. The analyses encompassed twenty resolutions in force in this regard. Attention was paid to the arrangements concerning the conditions for the development of historical immovable properties, including the possibility to divide such properties in order to indicate the impact of the historical real estates on the property management within the area. The results of the analysis show that it is possible to find common essential patterns and, simultaneously, draw comparisons between the attitudes towards the historical immovable properties. The resolutions contain information on which facilities subject to conservation are located (Fig. 1) within the area covered by a given spatial plan as well as indications concerning their protection.



**Fig. 1.** Fragment of the local spatial development plan of the "Salwator" housing estate in Kraków, with indicated facilities under conservation and approximate locations of archaeological stations.

*Source: The local spatial development plan of the "Salwator" housing estate in Kraków (Resolution No. LV/531/04 of 08.09.2004).*

Generally, all the future intentions related to projects or design and construction works within the area of facilities entered into the register of monuments must be subject to the settlements and guidelines of the provincial conservator of historical monuments (examples of local spatial development plans: Kostomłoty I, Miedziana Góra, Suków II part 1, Raków, the "Salwator" housing estate in Kraków, for part of Łódź area located in the region of ul. Zachodnia, ul. Krótka, ul. Berka Joselewicza, ul. Franciszkańska, ul. Ogrodowa and ul. Północna, within protection zones A and Ao of the city of Zamość, in Tomaszów Lubelski, etc.). This necessitates making relevant arrangements at the stage of planning, designing and construction. In the majority of cases, they must not be transformed to avoid reducing their historical, aesthetic or architectural values (examples of local spatial development plans: Kostomłoty I, Samsonów, Raków, etc.). In general, the management of real properties should take into consideration the maintenance of the historical, existing, authentic building fabric, including the historical form of the buildings and façade decorations, architectural details, and sometimes even the roof and window joinery, traditional materials and authentic interior furnishings, etc. The plans provide for requirements concerning, amongst others, the colours used on façade walls, door and window joinery, roofs, architectural feature lighting, etc. as well as the materials they can be made of. It is often permitted to reconstruct, add a superstructure and extend, as well as change the function of historical objects while maintaining the stylistic features, the dimensions of the building form, the shape of the roof and the architectural detail (for instance: Kostomłoty I, Samsonów, etc.). A common element protected by law in accordance with the requirements of separate provisions is the entire urban layout – e.g. of the city of Kraków within the area of Planty, the historical area – the Cultural Park of ul. Piotrkowska in Łódź, a fragment of the urban and architectural complex of the chartered town covered by the entry into the register of monuments under number A 225 in Poznań, or the urban layout entered into the register of

monuments of Silesian Province under number A/39/76 (in Częstochowa – the protection in the zone encompasses the urban layout along with the underground cultural stratifications and archaeological objects), the urban layout of the Old Town and the Former Fortress Areas of the city of Gdańsk, the urban layout of the city of Tomaszów Lubelski, etc. Then, local plans often indicate the rules for shaping the spatial structure, including an order to retain the historical spatial layout of, for example, squares. There are frequent indications of passive archaeological protection zones encompassing archaeological stations under legal protection (examples of local spatial development plans: Miedziana Góra, Suków IA part 1, Suków II part 1, "Salwator" in Kraków, "The Old Town" in Kraków, the city of Zamość, Lubartów – stage I). It is emphasised that historical objects discovered during archaeological works and representing significant values for the cultural heritage should be protected and exhibited. Local plans sometimes introduce a prohibition of locating buildings and mobile telephone equipment (an example of a local spatial development plan: Miedziana Góra, Resolution No. XLII/630/VI/2012 – Poznań), or advertising structures (examples of local spatial development plans: Miedziana Góra, Raków, Resolution No. XLII/630/VI/2012 – Poznań, Resolution No. 274.XXIII.2016 – Częstochowa). Interestingly, the conservation also encompasses intangible assets, such as: historical names of streets and squares within the zone under full conservation protection A and Ao in Zamość. The order to protect historical monuments may necessitate the preparation of utility programmes for the development of historical monuments and their surroundings, or the preparation of programmes for conservation works (e.g. in the city of Zamość). Below, there are sample arrangements of the local spatial development plans with regard to selected research areas.

**Table1.** Selected arrangements of local spatial development plans concerning historical objects.

<b>A local spatial development plan</b>	<b>Selected interesting arrangements concerning the conditions for the development of the facilities entered into the register and record of historical objects:</b>
The local spatial development plan of the Samsonów village in the Zagnańsk commune (Resolution No. 15/2007 of 26.04.2007)	<ul style="list-style-type: none"> <li>- permitting the demolition of facilities upon obtaining a positive opinion from the provincial conservator of historical monuments and drawing up measurement and photographic inventory records,</li> <li>- permitting the location of new buildings on the same parcels and adjacent parcels, as long as the scale of historical and contemporary buildings is harmonised and the contemporary elements are blended seamlessly without undermining the nature of the place and the dimensions of the historical buildings, etc.</li> </ul>
The local spatial development plan of part of the Miedziana Góra village in Miedziana Góra commune (Resolution No. XXIII/165/2012 of 28.12.2012)	<ul style="list-style-type: none"> <li>- provision of free access to the monument,</li> <li>- preservation and protection of the vantage point of the monument from the side of the national road no. 74, etc.</li> </ul>
The local spatial development plan of the "Salwator" housing estate in Kraków (Resolution No. LV/531/04 of 08.09.2004)	<ul style="list-style-type: none"> <li>- protection of the road network, the size and shape of parcels with historical monuments as well as protection of green areas,</li> <li>- protection of the views of historical monuments and shaping of their surroundings in a harmonious manner,</li> <li>- prohibition of erecting competitive or disharmonious buildings in close proximity of historical monuments;</li> <li>- protection of the historical urban and architectural layout of St. Bronisława Hill, where the following apply: a/ protection and conservation of historical facilities entered both into the register and record of monuments, b/ maintenance of the shape and size of parcels, c/ maintenance and protection of the existing tall greenery, d/ prohibition of erecting new buildings and construction entities, etc.</li> </ul>
The local spatial development plan of the "Old Town" area in Kraków (Resolution No. XII/131/11 of 13.04.2011)	<ul style="list-style-type: none"> <li>- prohibition of vertical extension of front building under conservation and partial conservation, except for the loft conversion permitted by the plan, with the possibility of installing roof dormers, mansards and skylights (with account being taken of the rules indicated),</li> <li>- for kiosk-type facilities, there are the following settlements: a) an order to use architectural forms that refer to local traditions in harmony with the historical buildings of the Old Town, etc.</li> </ul>
The local spatial development plan for part of the area in the city of Łódź located in the region of ul. Zachodnia, ul. Krótka, ul. Berka Joselewicza, ul. Franciszkańska, ul. Ogrodowa and ul. Północna (Resolution No. LXVI/1683/18 of 15.02.2018)	<ul style="list-style-type: none"> <li>- prohibition of conducting construction works in the area of a historical monument which has been dismantled, other than construction of a building with restoration of the monument's historical features, allowing for changes in the historical features as mentioned in point 6,</li> <li>- an order to include and restore historical features of the monument during construction works, allowing for changes in the historical features as mentioned in point 6 (for example: executing the external elements of an entrance to the building, covering yards with transparent roofs, replacing a window opening into a door opening or a display window, or a door opening into a window opening or a display window, etc.), etc.</li> </ul>

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The local spatial development plan for the quarter of buildings in the area of ul. Wroniecka, ul. Mokra, ul. Żydowska and ul. Kramarska in Poznań (Resolution No. XLII/630/VI/2012 of 11.12.2012)	<ul style="list-style-type: none"><li>- preserving the arrangement/composition of the front façades of the buildings, including the architectural details and the height of cornices,</li><li>- preserving the division of buildable parcels in the area of the existing development forming the frontages of the quarter, etc.</li></ul>
The local spatial development plan of the area located in Częstochowa in the district of Zawodzie-Dąbie and Stare Miasto (Old Town), between: ul. Targowa, ul. Strażacka, ul. Krakowska, ul. Warszawska, Al. Jana Pawła II, Al. Wojska Polskiego and the premises of Galeria Jurajska (Resolution No. 274.XXIII.2016 of 31.03.2016)	<ul style="list-style-type: none"><li>- it is ordered that: 1) buildings be shaped in quarters while maintaining the divisions into historical parcels and retaining the building line, including its irregular course; 2) yards be shaped in a traditional layout with outbuildings; 3) the historical layout of roads be retained; 4) new buildings be shaped in the form and dimensions that blend into the historical spatial structure ..., 5) the historical divisions in the arrangement/composition of the front façades be marked and that each of them be composed individually from the segments thus separated, for investment projects encompassing more than one parcel of historical property divisions,</li><li>- it is permitted to: shape an internal patio by covering the yard with a transparent roof; supplement the existing stock of trees by new plantings to ensure continuation of the principles of species selection and composition, etc.</li></ul>
The local spatial development plan of the city of Zamość (Resolution No. XLV/499/06 of 26.06.2006)	<ul style="list-style-type: none"><li>- an order to implement service functions in the ground floors of tenement houses forming the particular Blocks of buildings of the Old Town, as well as residential functions on higher storeys, with the exception of facilities where it is permitted to implement service functions above the ground floor; on the basis of the functional/spatial concept agreed by the Provincial Conservator of Historical Monuments, as long as the floor area of the rooms intended for these functions does not exceed 50% of the total useful floor area of the storey located above the ground floor,</li><li>- an order to maintain both service and residential functions within a single tenement building – a facility entered into the register of monuments, besides buildings designated in the plan for service purposes, etc.</li></ul>
The local spatial development and restoration plan of the "Śródmieście" area of Tomaszów Lubelski (Resolution No. XL/363/2018 of 26.01.2018)	<ul style="list-style-type: none"><li>- it is prohibited to divide real properties into separate buildable parcels,</li><li>- in the territory covered by the change in the plan, it is permitted to divide real properties only with a view to separating areas for utilities, etc.</li></ul>
The local spatial development plan of the central part of the Old Town area in the region of the MARKET SQUARE AND SOLNY SQUARE – part "A" – Wrocław (Resolution No. XLVI/3011/06 of 12.06.2003)	<ul style="list-style-type: none"><li>- emphasising the divisions on frontage façades that correspond to the historical features of divisions into premises,</li><li>- preserving the medieval geometry of the network of streets and squares,</li><li>- preserving the width of streets and shape of the squares delineated according to the historical building alignment, etc.</li></ul>

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*Source: Own study based on the arrangements of local spatial development plans.*

Unfortunately, not all areas – including those with historical objects – are currently governed by local spatial development plans. In a number of cases, there are thus no detailed provisions ensuring, amongst others, adaptation of newly-erected buildings to the historical architecture and enforcement of conservation requirements. For instance, according to the information by the Capital City of Warsaw, the capital city currently has 267 local spatial development plans in force, covering the area of 19.079 ha (36.89% of the city's area), with as many as 214 pending procedures for the preparation of new plans (for 34.79% of the city's area). According to the data provided by the City of Kraków, there are 169 local plans in force in this city (covering 52.3% of Kraków area). Meanwhile, there has been one local plan pending enforcement since April 11, 2018, as well as 59 new plans being drafted since April 25, 2018. Within the area of the city of Poznań, the applicable plans cover the area of 11,804.2 ha (223 pieces – 45% of the city's area), and there are currently 173 plans pending that cover the area of 7,218.8 ha (this concerns 28% of the city's area). Low coverage of the country's area by local spatial development plans that act as a legal tool for implementing the spatial planning (land use) policy of a commune leads to a spatial chaos and lack of permanent rules for the management of space in communes (NIK, 2017).

### **Execution of statutory tasks in terms of protection of the historic monuments in Poland**

The activities related to real property management aimed at the protection of national heritage are being fulfilled to a varying degree. Amongst all the historical sites in Poland, the best preserved ones are those owned by churches and religious associations. Analysing the ownership structure of historical immovable properties in Poland, it must be emphasised that churches and religious associations own 26% of historical monuments, private owners - 20%, the State Treasury – 11%, while historical objects in municipal ownership represent 17% of all historical immovable properties (NID, 2017). Historical immovable properties owned by churches and religious associations constitute the largest group of

heritage objects that require no renovation works (14%) or require merely minor repairs (48%), as well as the smallest group of heritage objects that require complete refurbishment (13%) (GUS, 2014). Ecclesiastical entities undertake works related to the maintenance and restoration of sacred heritage objects, often obtaining subsidies both in Poland and from the European funds. The National Heritage Institute, along with the Ministry of Culture and National Heritage, published 16 provincial "Reports on the conservation status of immovable historical monuments (register books A and C)", which complements the "Report on the conservation status of immovable historical monuments (books A and C)", published in December 2017, indicating detailed information on the conservation of historical objects province by province.

Only about 1% of historical objects have unregulated ownership rights, which is primarily related to claims of former owners or their legal heirs, while 7% of historical monuments have no data concerning their legal status. In such cases there can be observed difficulties in proper management of historical immovable properties. The report prepared by the National Heritage Institute (NID, 2004) indicates that the issue of ownership is particularly complex in the case of large suites where the buildings have various owners and are located in an area consisting of multiple parcels owned by several entities. In recent years, the ownership structure of historical monuments has been undergoing significant changes, which is related to the ongoing privatisation of the national property. Moreover, especially since the System Transformation of 1989 in Poland, there has been a visible interest in the recovery of real properties or in the compensation for the previously nationalised properties. For example, there was a marked increase in the number of claims submitted for the taken-over land estates, under the implementation of the decree of 6 September 1944 on Agrarian Reform (PRZEWIĘŻLIKOWSKA, 2016). The vindication of restitution claims is prolonged and complicated under the current legal system. With the exception of regulations concerning the property of religious communities, legal acts allowing the return of property or the payment of damages and equitable compensation have not been adopted up until the present (CIENCIAŁA, FLOREK, 2016). The Authors emphasise that restitution claims are now inquired on the basis of various prerequisites mainly in judicial proceedings, allowing, in some cases, for the recovery of properties expropriated in violation of law or without getting fair compensation. In such proceedings, a vital role is played by the maps for legal purposes, prepared by surveyors having territorial knowledge and qualified in rightful identification of the properties. Surveyors determine the property boundaries, verify proper documents concerning the real property designation and property deeds (CIENCIAŁA, FLOREK, 2016).

In Poland, there have been numerous audits of the fulfilment of the statutory obligations by provincial conservators of historical monuments and local/regional authorities. For example, the Supreme Audit Office (NIK) assessed the cooperation between the provincial conservators of historical monuments and local/regional authorities for the protection and guardianship of monuments (covering the period from 01.01.2013 do 31.03.2015, within four communes from six provinces and five Heritage Monuments Protection Offices). The audit conclusions indicate that the tasks related to the protection and guardianship of monuments were not adequately fulfilled. Even though the provincial conservators correctly fulfilled their tasks to provide communes with lists of immovable historical monuments, to issue opinions on the programmes of guardianship of the monuments, or to agree local spatial development plans, they undertook very few measures beyond the obligations stipulated by law and aiming to support communes in the fulfilment of tasks concerning the protection and care of historical monuments. Attention was paid, amongst others, to the inconsistency in the number of historical monuments between the provincial and communal records (approximately 71% of communes controlled) and the inconsistent maintenance of communal records of historical monuments, which undoubtedly hinders the management of the said real properties.

### **Selected issues of the management of historical immovable property at an international level**

As already mentioned, the necessity to protect historical properties is repeatedly highlighted in the literature worldwide. The conservation, renovation, and re-use of urban cultural heritage and forlorn areas are strategic actions of urban planning that are taken in order to make cities sustainable (European Sustainable Cities and Towns Conference, 1994). One of the most recognisable global initiatives in the area of, amongst others, the protection of valuable historical objects, is the UNESCO Convention concerning the protection of the World Cultural and Natural Heritage adopted in 1972. The Convention was ratified by as many as 191 countries (as at April 2016), and it provides a framework for the creation of the World Heritage List, encompassing both architectural and urban heritage sites, as well as natural monuments, geological formations and ecosystems, and cultural landscapes – the common works by humans and nature of particular natural qualities (15 places from the territory of Poland). Moreover, there are numerous other historical monuments in the territory of the particular countries. In Australia, for example, many existing buildings are heritage registered, with 14,148 historic-listed places at the state

and territory level, and more than 76,000 individual historic places and 1,770 historic heritage areas at the local level (JUDSON, IYER-RANIGA, WONG, HORNE, 2010). In Poland, as at 28.09.2016, there were 71,041 immovable properties (including, but not limited to 12,920 sacred buildings, 4,849 residential buildings, 405 castles, 4,824 cemeteries, etc.). Considering the complexity of the matter of management of historical properties in different countries, it is impossible to deal with a number of situations in the present article. In the USA alone, local historical preservation ordinances can differ considerably from one jurisdiction to another, so the interplay between federal and local laws is not uniform (ASABERE, HUFFMAN, 1995). According to the Authors, the practices accepted in some areas might be subject to question in other. It is common for local commissions or other authorities to reserve the right to review and/or approve all permits for the construction, repair, alteration, or demolition of designated properties. There are special incentives to reward owners who maintain or rehabilitate the real properties with historical standards. Such incentives include rehabilitation grants, low interest rate loans, or property tax abatement. In North Carolina, for example, a designated historical property can be taxed on the basis of half of its market value. On the other hand, Tennessee guarantees exemption from property taxes for 15 years in case of total rehabilitation of the historical structure under established guidelines. In Turkey, due to rapid urbanisation, historical assets are very often destroyed, so their protection is one of the main goals. One of the ways to fulfil this purpose is to transfer cultural real properties into public property in the process of land condemnation and urban land readjustment. However, in order to protect the cultural assets which are under the pressure of being structured and put under state administration, faster and more effective methods should be developed (NISANCI, UZUN, ÇETE, 2003). There are also tax exemptions to support maintenance and restoration of historical and artistic buildings. In Italy, where the tourism industry is a key economic sector and foreign visitors are mainly attracted by historical and artistic cities (44%) (GRANATA, SCAVONE, 2016), historical immovable properties are regarded as elements that enhance the tourist attractiveness of towns and cities. It is worth mentioning that 40% of the environmental, historical and existing monuments in the world are on the Italian territory. This is the reason why, with respect to cultural heritage and landscape assets, Italy can rightfully boast of a dedicated attention actually dating back to June 1939 with the issuance of Law no. 1497 regarding the regulations on "protection of natural beauty" (MASSARO, 2012). Currently, in the case of any projects (building new objects or modifications to the existing ones) in areas bound by restrictions, the owners of the real property or of areas of significant public interest subject to protection, must obtain the advance authorisation from the appropriate Body (Region or sub-delegated body) prior to starting any works.

### **Spatial information systems and modern measurement technologies in the management of historical monuments**

Spatial information systems as well as modern surveying and photogrammetrical technologies of measurements enjoy extensive popularity in various areas of life and the economy, including the management of historical immovable properties. To begin with, the intensification of creating the national spatial information infrastructures was caused by the adoption of the Directive of the European Parliament and of the Council in March 2007 that established the infrastructure of spatial information within the European Community (INSPIRE). The INSPIRE Directive requires each EU country to establish, within its territory, its own Spatial Information Infrastructure, based on common standards (ŻRÓBEK-SOKOLNIK, DYNOWSKI, STAŃCZUK-GAŁWIACZEK, 2014). The vision of the EU Geoportal is to allow users to discover, understand, view, access, and query geographic information of their choice from the local level to the global level, for a variety of uses, such as environmental policy development and impact assessment, land use planning, natural disasters preparedness, monitoring, and response (BERNARD, KANELLOPOULOS, ANNONI, SMITS, 2005). Nowadays there can be observed rapid development of public geoportals. The solutions that are coming into existence throughout the Community differ significantly in terms of the technologies applied as well as the functionalities and scope of the data provided. However, there is a visible progress in terms of the functional development of geoportals, and the development degree of the data searching and browsing services is satisfactory (DUKACZEWSKI, BIELECKA, 2009). The Authors emphasise that it is not everywhere that these services fully comply with the requirements included in the INSPIRE directive.

Thanks to the INSPIRE Directive, attention was drawn to the role of GIS software as an instrument for data handling/processing. The use of the GIS technology may help to more precisely determine the spatial structure of a city and make it possible to model it accordingly, depending on the needs arising out of the relevant management of lands in the city (BALAWEJDER, BUŚKO, CELLMER et al, 2015). Geoportals are widely used in management of real properties, amongst others, the historical immovable properties, as a tool for supporting decisions, presenting data, and providing information about the objects, etc. The example of such a geoportal in Poland is the Geoportal NID (Fig. 2) - map portal (<http://mapy.zabytek.gov.pl>), which is part of the national spatial information infrastructure and provides overview data on the location of



historical objects present in a given area. The information it contains are introduced on the basis of the decision on entry into the register, rulings or other official information provided to the National Heritage Institute (NID) by provincial conservators of historical monuments, as well as on the basis of the ordinances of the President of the Republic of Poland on recognition as a historical monument and the decision of the UNESCO World Heritage Committee concerning entry into the World Heritage List, etc. The current version is a trial version of the portal, which is intended to deliver extended data in the future, containing – amongst others – the name of the historical monument, the date of its construction, repairs and transformations, etc.

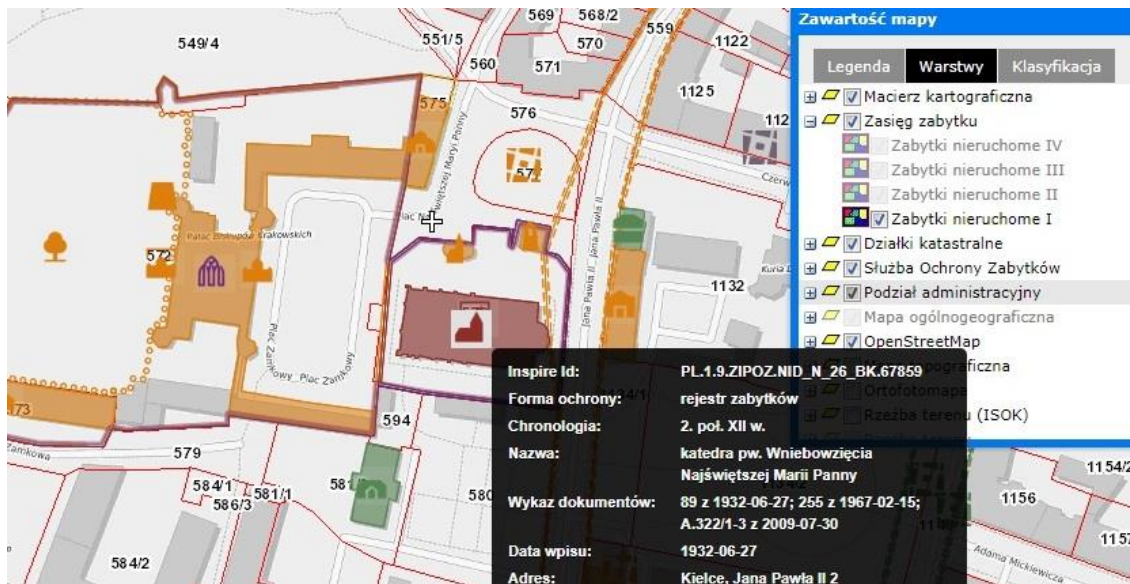


Fig. 2. View of the map portal of the National Heritage Institute (Geoportal NID) for the Castle Hill in Kielce.  
 Source: <https://mapy.zabytek.gov.pl/nid/>.

The data concerning the location of historical objects are also available in many other regional geoportals, as is the case with the geoportal of the city of Kielce. Below (Fig. 3), there is a fragment of the city's map illustrating the layout of buildings, on the basis of which an individual user is able to find information about the region, for example concerning the location of historic real estate, published on maps. Such information can help to find areas attractive for visitors or investors.

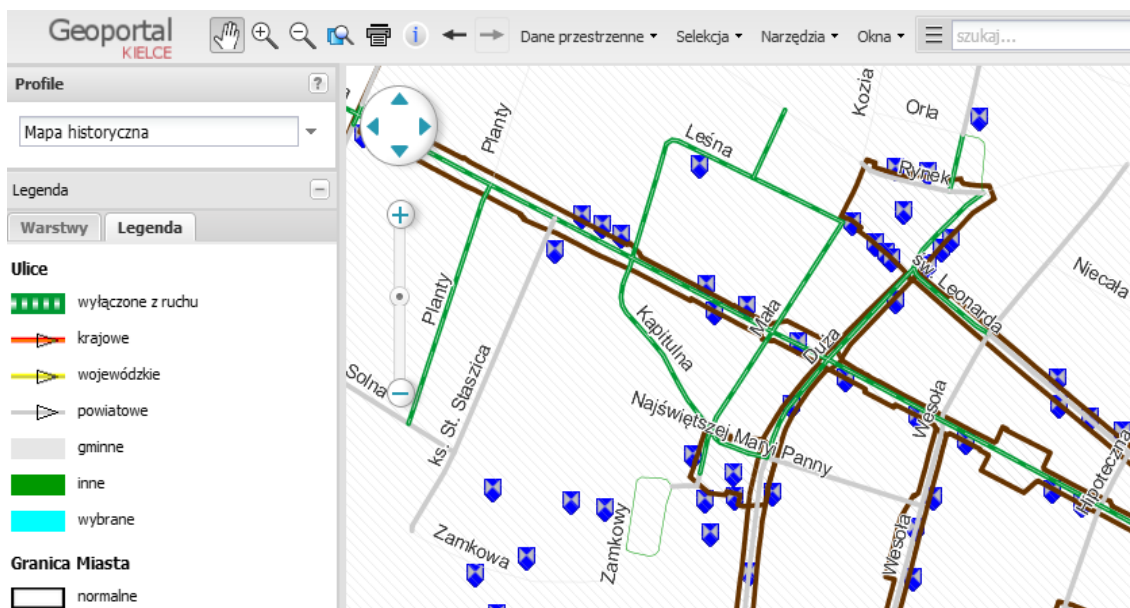


Fig. 3. Fragment of the map section of the city of Kielce with arrangement of the historical monuments.  
 Source: [www.gis.kielce.eu](http://www.gis.kielce.eu).

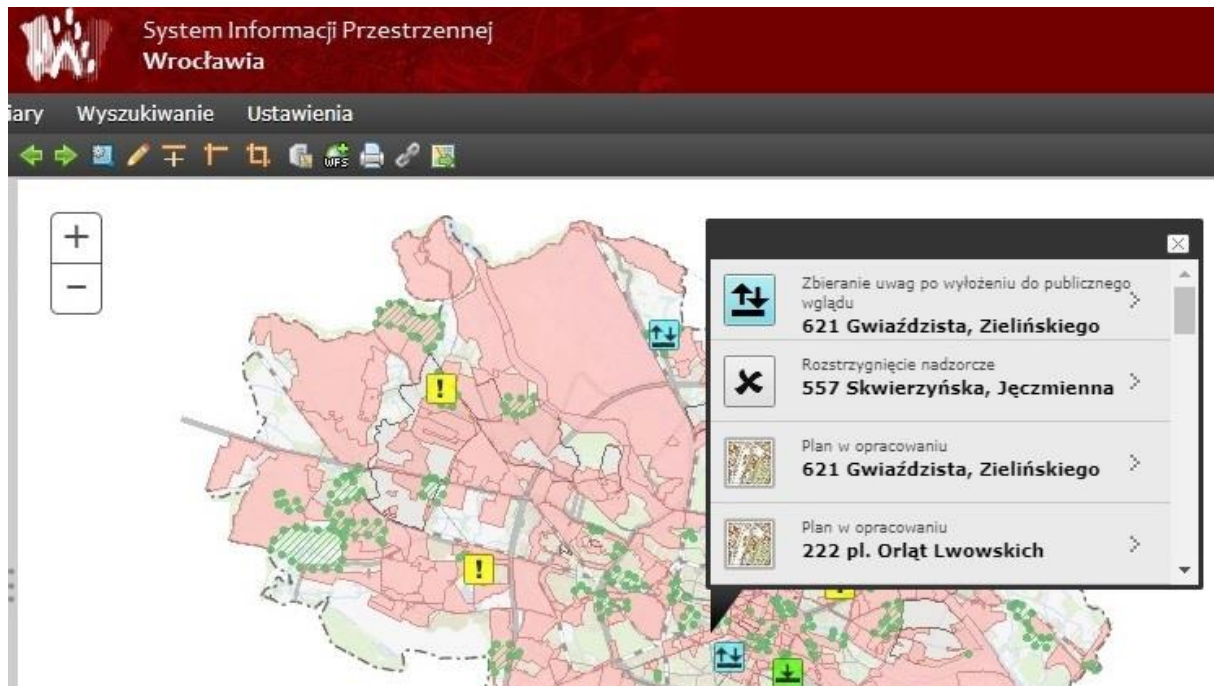
The GIS systems are also widely used in spatial planning for the preparation of planning documentation, data collection and their presentation. It must be emphasised that, in the case of large communes and cities in Poland, local spatial development plans are presented in a very accessible manner for the residents in local geoportals as well as on other platforms. Individual users are able to locate a given parcel within the space, often in relation to the whole structure of the parcel boundaries, which facilitates orientation and makes it possible to obtain information on its designation and destination. Below, there is an example of the platform presenting local plans of the city of Zamość (Fig. 4), where the user can – by running the mouse over selected area – obtain information about the local plan in force, along with a marking symbol of the given area and clarifications, as well as all the detailed information.



**Fig. 4.** View of a geoportal of the city of Zamość with the layer of the local plan displayed.  
*Source: <http://mapa.inspire-hub.pl/#/zamosc>.*

Another example is the spatial information system of the city of Wrocław, providing information not only on the local plans in force, the adopted plans, but also the ones which are not yet in force or no longer in force, or the plans under preparation. Moreover, the website provides information on the fact of gathering remarks upon submission of the plan design for public review (Fig. 5). The users of the portal, namely local public entities, private owners, but also potential investors, are redirected to the full text of the resolution, with an insight to the map appendix, can read the data concerning the issue date of the resolution, its effective date, etc.

In the literature, repeated references are made to the usefulness of modern surveying and photogrammetrical technologies of measurements. As has been emphasised, one of the principal actions that has to be taken in the management of historical immovable properties is to guarantee that the resource is properly and systematically recorded. It is necessary to document it before, during and after any intervention. Recording and documentation is an ongoing activity throughout the conservation process (FEILDEN, JOKILEHTO, 1998). This is where surveying and photogrammetrical methods of measurements are commonly applied. Satellite photos, aerial photography, as well as aerial and terrestrial photogrammetry, are invaluable aids to forming a quantitative inventory of both natural and man-made sites (FEILDEN, JOKILEHTO, 1998). However, basing on the type and character of the resource as well as on the objectives and the utilization of the records, several types of techniques may be considered. One of them is the laser scanning measurement giving the possibility to capture data on the spatial location, shape and dimensions of buildings and other elements of the development (KWARTNIK, 2015). The Author finds out that, on the basis of such measurements, it is possible to obtain information on the shape of the façade, the location and number of windows on each floor, as well as the height and pitch of the roof, etc. However, there are more other applications of surveying and photogrammetrical methods in the management of historical immovable properties.



**Fig. 5.** View of the spatial information system of Wrocław – local plans in force within the city, not applicable plans and information concerning the fact of gathering remarks upon submission of the plans for public review.

Source: <http://gis.um.wroc.pl>.

## Conclusions

As it is emphasised in the literature, national heritage, including historical immovable properties, has very positive influence on the local economy, investments and tourism and its preservation is one of the main missions for both individuals and authorities. The guardianship of monuments, undoubtedly, affects real property management processes in Poland and other countries in the world. Undertaking preventive measures, among others, in spatial planning and development, aiming at avoiding the chaos that lowers the value of historical cities constitutes one of the duties of the public administration. The analysis of the settlements of selected local spatial development plans from the areas of towns and cities where historical objects are located shows that their arrangements, defining the conditions for the development of historical immovable properties, may constitute a perfect way to protect them. Not only the monuments themselves may be guarded, but also very often the entire urban layout, layout of roads, historical names of streets and squares, the size and shape of parcels, etc. The management of historical properties is hampered by several factors, such as, for example, the unregulated legal status of properties, complexity of the issue of ownership, restitution claims, etc. In the management of historical immovable properties spatial information systems as well as modern surveying and photogrammetrical technologies are growing in popularity nowadays. They enable to quickly obtain information and present it in a very approachable way.

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