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EVALUATION OF PUBLIC CONSULTATION IN AN ENVIRONMENTAL IMPACT ASSESSMENT PROCEDURE. A CASE STUDY

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ABSTRACT

The objective of the paper is to evaluate a public consultation under a procedure for environmental impact assessment of an extension and alteration project of a palace in Kijany, municipality of Spiczyn, Lubelskie Voivodeship, eastern Poland. An evaluation questionnaire survey was developed to acquire reliable information about consultation meetings under the procedure that mainly involved residents of the municipality of Spiczyn and environmental organisations. The questionnaire survey was conducted in March and April 2019 and involved 45 respondents. Most of them evaluated positively the public consultation. What they found most important was the clear presentation of legal, financial, economic, and environmental aspects of the project. The respondents believed the equal treatment of participants of the meetings regardless of their position to be a great advantage.

Key words: social consultation, restoration, infrastructure projects, local development, infrastructure investments

INTRODUCTION

The business activity may cause various changes in the natural environment the intensity of which is difficult to predict. It is, therefore, necessary to forecast these changes, especially when deciding to start a project. Assessment of planned actions should provide the basis for selecting solutions that are the best for the environment and do not hinder economic growth. A duly performed environmental impact assessment procedure (EIA) can contribute to the prevention of environmental degradation, protect

human health, create better conditions for economic and social growth, and protect cultural assets (Prus et al. 2018).

The essence of the environmental impact assessment is to determine the effects of the project. It should take into account measurable and non-measurable environmental consequences that vary not only in terms of type but also duration, geographical extent, and interactions. Essential parts of the EIA are the environmental risk assessment (assessment of the impact on human health and life), and wildlife risk assessment. Note that 'impact' means an event



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or action that changes the environment and has a specific direct effect. The same impact can have different effects under different conditions. These can, in turn, have further consequences, which means the impact has indirect effects. Effects can be permanent or temporary, positive or negative; they can differ in range and be cumulative or synergistic (Jendrośka and Bar 2005, Król et al. 2017).

The EIA evaluates the impact on the environment, both natural and anthropogenic, material environment, cultural asses, the landscape, health and living conditions of people, and social behaviour. Inclusion of the public in the process is a vital aspect of the environmental impact assessment procedure. On the one hand, it is necessary to take into account the effects of the impact of planned projects or actions under plans and strategies, on the other, the public has the right to access information about the condition of the environment and anthropogenic changes and participate in administrative decisions regarding the environment (Act of 3 October 2008... Polish Journal of Laws of 2019 No. 199, item 630).

The environmental impact assessment should include all possibilities of eliminating, minimising, or offsetting any negative impact on the environment. It is the obligation of the entrepreneur or project owner to conduct and fund the environmental impact assessment for their project. The assessment should be comprehensive, offer alternative solutions to avoid threats, irreversible changes, and short- and long-term impact (Morrison-Saunders and Retief 2012).

The objective of the paper is to evaluate a public consultation under a procedure for environmental impact assessment of an extension and alteration project of a palace in Kijany, municipality of Spiczyn, Lubelskie Voivodeship, eastern Poland.

MATERIALS AND METHODS

The tool used for the evaluation of the consultation organised by the Head of the Municipality of Spiczyn was a questionnaire survey drafted for the consultation process. The online and paper questionnaire survey was conducted in March and April 2019.

The survey was blind, which allowed the respondents to express their opinions about the quality of the public consultation freely. The questionnaire contained close-ended (single-choice) questions. Some questions offered the option 'other' and a field for a response not provided among the proposed options.

The survey yielded 45 completed questionnaires. The data were input into a spreadsheet and analysed in depth. Charts accompany the analysis. Data are presented mainly as percentage values. They were analysed statistically and factually.

The survey was used to assess the quality of the social consultation under the environmental impact assessment. It also revealed the preferences and expectations of the local community towards the effects of the planned project.

Study area profile

The investigated area is situated in a heritage palace and park complex in Kijany, municipality of Spiczyn. Kijany is a village in the Łęczna District, Lubelskie Voivodeship (Fig. 1). It borders on such villages as Ludwików, Stawek, Spiczyn, Stoczek, and Ziółków.

The palace complex in Kijany occupies 10 ha. The park was there already in the 17th century as a regular garden. In the second half of the 19th century, it was given a more landscape-oriented character (Dudkiewicz et al. 2015). The palace is currently used by Foundation Think Tank. The palace stands amid a manor park and an avenue with 27 limes. The palace and park complex consists of a palace outhouse, two houses for four families of labour each, stables (converted into a school), a barn, drying building (now a warehouse), a former baker's, mill, school of agriculture with a park, and former sugar factory (1853) partially burnt in 1901 with two buildings left standing: factory administration (so-called building F) and the sugar warehouse where a health care centre is located today.

According to the local zoning plan of the municipality of Spiczyn, the real estate is located in zones UP – public services and ZP – park greenery.

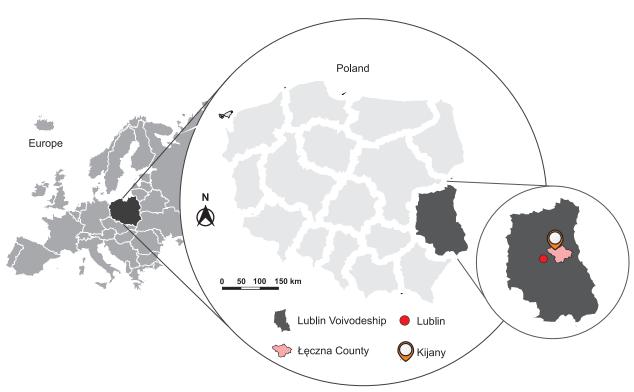


Fig. 1. Administrative location of Kijany, Lubelskie Voivodeship, Łęczna District *Source*: own work

The whole park and palace complex has been listed, which imposes several limitations regarding its use. Any investment or construction projects require a permit from the Voivodeship Heritage Conservation Officer.

The historical park is a public space accessible to all. After the school of agriculture was closed down, the palace remained vacant. Its condition deteriorated by year, which is evident from a leaky roof, shattered windows, or rotten floors. In 2015, the declining palace was rented to the foundation for 30 years. There are former manor buildings in the northern part that are used as a housing estate. It is a four-family house (today No. 18), the outhouse, and the baker's. The manor complex further includes the drying building, the barn, and the stables, today owned by a school of agriculture complex.

The palace and garden lost their splendour as a result of wartime operations and destructive management of owners who followed the Lublin Agricultural Association (Gawrońska et al. 2019a). The fact that the Kijany council had no concept for the utilisation of the palace and park complex contributed to its further demise. Apart from a few relics, the interior of the palace has been bereft of its original equipment and ornaments. The park has been growing wilder, losing its original spatial arrangement. It calls for restoration (Dudkiewicz et al. 2015). Most of the circulation routes in the park have been lost. Only the main park avenue from the reception part deeper into the park remains.

The planned project

There are two critical aspects to the design and implementation of the restoration and land use concept for the area. The first one is the heritage conservator's requirements as the palace and park complex is a listed monument. This fact predetermines the form and type of land use concept for the area and its parts. According to the local zoning plan of the municipality of Spiczyn (2004):

- any projects, including construction projects, require prior heritage conservation conditions and requirements to be specified and a permit by the Lubelskie Voivodeship Heritage Conservation Officer in Lublin;
- any works in functional areas with listed objects have to be consulted with the Lubelskie Voivodeship Heritage Conservation Officer in Lublin;
- if any cultural assets listed in cultural asset records are to be demolished, a permit of the Lubelskie Voivodeship Heritage Conservation Officer in Lublin has to be obtained pursuant to concise image and architectural documentation.

Another group of conditions affecting the form of the restoration and land use are design requirements based on the needs of modern users and location, physiographic, environmental, and climate conditions. The design specifications are assumed to meet the expectations for a modern green area perceived not only as a walking space but a local public culture, education, pastime, recreation, and amusement hub. As the historic palace is planned to be adapted to conform to cultural, educational, and tourist functions, so should its surroundings. The whole area of the park will be a public space open for residents and visitors. It will draw the local cultural life, provide educational functions, be a meeting spot, and a place of active leisure. The historic park is located near the Wieprz River Landscape Park and improves the tourist attractiveness of the Wieprz River Valley. It can host school trips, local events, and outdoors cultural events.

The central element of the park composition is the palace building (Fig. 2). It is the starting point



Fig. 2. The palace in Kijany (September 2014) *Source*: photo by Proch (2014), commons.wikimedia.org, licence: CC BY-SA 3.0 PL

of main view corridors and compositional axes. The relationship with the external fluvial and agrarian landscape is important for the composition of the park. The park space is disturbed and spoiled by such elements as fences, defunct wells, or foul water drainage structures that were not there originally. The restored park in Kijany will be mainly a site of leisure, both active and passive. The park has been divided into three functional parts:

- the palace building providing the educational function,
- the park section providing walking and rest space,
- the park section with reception and leisure functions.

The primary assumption is to restore and convert the palace driveway and past circulation routes. The reception function will be enhanced by plant compositions of a significant ornamental qualities. Not only the garden will be revitalised. The palace will host a John III Sobieski educational centre. The basement of the left wing will offer a video arcade and two horror rooms. They will be equipped with scenery and multimedia. Below the ballroom, there will be a puzzle room.

The bathrooms on the ground floor will be upgraded. The right wing will have a coffee bar and a café with kitchen facilities. The project includes a waiting room and a cloakroom. The left wing will have two video arcades and a panoramic view room. There will be a wellness centre named after John III Sobieski's wife, Marie Marysieńka Casimire in the palace. The left wing will also feature a 17th-century mores room with displays, a multimedia timeline room (with the key events of the 17th century John III Sobieski was involved in), a room with a scale model of the Battle of Chocim and a remembrance hall. All the rooms will have an educational and museum function. The attic will have two conference rooms. The remaining premises will be for the personnel.

Circulation will involve park paths and avenues with two flights of outdoor wooden stair. The proposed park layout draws on past circulation. The planned paths run on past paths except for short sections of new paths providing access to park furniture. The geometric flower bed was replaced with

an oval planter. The avenues were designed in conformity with the topography with a two-per-cent downgrade. An avenue encompassing the building was introduced behind the palace to facilitate circulation and natural access from the driveway to the outhouse. The circulation in the park appreciates the needs of children, the elderly, and people with disabilities. There is a car park with 27 parking bays, two disabled parking bays, and two bus parking bays right to the entrance (east side).

The park design offers several areas of active and passive leisure. Passive leisure focuses on the square with a gazebo. The open wooden gazebo will be surrounded by spots of low, ornamental flowers to provide as much sunlight as possible for pedestrians resting after a walk along shady avenues leading to the structure. The framework structure grants easy access from all sides. The youngest users of the park will enjoy active leisure. Playground equipment style should be uniform and focused on natural materials. At least one device should dominate the space. It should have several towers linked with various access elements requiring physical fitness and slides.

ENVIRONMENTAL IMPACT ASSESSMENT

The environmental impact assessment is a complex task both in terms of administrative procedure and forecasting the environmental effects of the project. As a decision-aiding tool, a duly performed environmental impact assessment can provide information about the actual meaning of conflicts and contribute to rational and transparent decision-making both for authorities and the public. In the case of a conflict and subjective approach to the project, interested parties must participate in the decision-making process both for the decision-makers to gather information and to provide democratic control over the decision to these parties.

Virtually any business activity generates conflicts of interests, investment projects in particular. It is most often a conflict between the maximum profit for the business and clean and calm surroundings for local communities. Any planned investment

project has the potential for conflicts between the local government and local community (Gawrońska et al. 2019b). It is particularly true for infrastructure projects. This is why decisions made under conflict conditions require appropriate procedures. According to Micińska (2011), broad involvement of the public is a significant component of effective environmental impact assessment, design, evaluation, and development. Public participation in procedures has both advantages and drawbacks (Glucker et al. 2013). The benefits of public participation in the environmental impact assessment include:

- a) building of a civil society;
- b) facilitated access to information about the environment and planned investment projects;
- c) contribution to the environmental awareness of the public and shared responsibility for decisions made;
- d) participation in the formation of the social and economic order as well as spatial management of the area;
- e) mitigation of social conflicts.

The key weak points of public participation in the environmental impact assessment are:

- a) forcing the project owner to conduct additional analyses, which increases project costs;
- b) no liability of protesters for legal and economic consequences of the conflict;
- a failure to comprehend the nature of the environmental impact assessment as the public is not always knowledgeable about the topic and able to interpret documents submitted under the procedure;
- d) and even abandonment of the project.

One of the key components of the environmental impact assessment is the environmental impact report, which should be submitted together with the request for an environmental impact assessment consent decision. The goal of the report is to analyse whether the project can be completed in an environmentally safe manner. The environmental impact assessment should include project implementation, operation, and decommissioning. A duly conducted analysis will enable the project owner to conduct the investment taking into account environmental protection issues (Glasson et al. 2012).

The environmental impact assessment is often conducted in an incogitant manner where certain activities are performed routinely without an appreciation of their meaning. Virtually all projects are approached the same way regardless of whether it is a relatively small service point or a massive endeavour with potential substantial environmental ramifications. This fact affects the quality of environmental impact reports. Bar et al. (2011) identified several weakest points of such reports:

- a) lack of fully developed alternatives or clear preference for one solution, most favourable for the applicant;
- b) usually very short list of mitigation measures and very general recommendations and suggestions rather than specific steps towards prevention or setoff as actions aimed at controlling negative consequences of the project;
- c) scarce and very selective description of environmental components;
- d) unreliable measurement and observation data;
- e) maps, plans, and diagrams with faulty content and formal defects;
- f) incorrect nomenclature and factual errors in documents.

The efficiency of investment processes hinges to a large extent of the provision of appropriate environmental documentation. When administrative procedures are based on unreliable evidence or decisions founded on such material, the number of official challenges grows, and the project can be postponed up to several years.

PUBLIC PARTICIPATION IN PROJECTS

Involvement of the public in matters of public importance should improve the efficiency of the decision-making process and the quality of public services (Ran 2012). What is important is the mutual understanding between the authorities and society to reduce the risk of potential conflicts. Commitment to public issues often takes the form of public consultation. The process is aimed at optimising future decisions by giving the participants the opportunity to voice their demands and proposed solutions (Saab 2018).

An idea to revive any space while ignoring the people who live there, without their approval of the proposed changes and an action plan for various disadvantaged groups, may lead to failure. The participants of the process are stakeholders (in other words, users of the area) from local businesses, real estate owners, potential project owners, to local government units and public administration (Król and Muchová 2018). The core of social participation is the direct or indirect involvement of citizens in public matters that affect them (Hartley and Wood 2005). Literature provides various definitions of the notion of public participation. Arnstein (1969) provided a classic understanding of public participation. She focused on the aspect of decision-making, possibility of suggestion and control as the principle for comprehending the nature of stakeholder involvement. According to Kahila-Tani et al. (2016), public participation is a process whereby representatives of the public can influence, and indirectly control the decision of authorities when such decisions affect their private interests. Public participation is the involvement of individuals and groups in public decision-making regarding matters important for the community (Dembicka-Niemiec and Szafranek 2016). Additionally, the Act of 3 October 2008 on disclosure of information on the environment and its protection, public participation in environmental protection, and environmental impact assessment (Act of 3 October 2008... Polish Journal of Laws of 2019 No. 199, item 630), hereinafter the EIA Act), guarantees public participation in matters related to the environmental protection and obliges authorities to document the active participation of the public in the procedures. The EIA Act provides an essential means for announcing public information and an active and effective pursuit of citizens' rights through the involvement of individuals and communities in procedures affecting decisions regarding environmental protection.

Apart from the provisions of the EIA Act, aspects of public participation can be found in the Zoning Act of 27 March 2003 (Polish Journal of Laws of 2019 No 80, item 730). It provides for the submission

of applications, representations, opinions by citizens and grassroots organisations (including environmental ones) regarding draft zoning conditions and directions, local zoning plans, or voivodeship zoning plans. The Zoning Act provides for the obligation to inform about public-space projects and consult them through public notices about the instigation of such procedures in public announcements. Note that spatial management is inherently relevant to environmental protection. Therefore, the Zoning Act can be a tool for introducing the public to environmental protection issues on the territorial and even administrative plane (Izdebski and Zachariasz 2013).

RESULTS

To determine the opinion of local communities regarding the subject matter of a project is an important part of administrative procedures that involve public participation. Consultation helps verify the perception of the project and its public acceptance by reaching many people affected by it. It further guarantees the determination of the best possible, the most useful, and socially acceptable solutions.

The questionnaire survey involved 45 respondents, most of whom were 36 to 55 years old (22 people). The next most numerous group of 13 included people aged 70 and above. The least represented groups were 18 to 35 years (5 questionnaires) and 56 to 70 years (5 questionnaires).

The first consultation meeting was convened by the Head of the Municipality of Spiczyn on 12 September 2014 in the primary school in Kijany. Due to a sparse turnout, the Head requested another meeting, which took place on 28 September 2014 in the school of agriculture complex in Kijany. It was attended by residents, representatives of the local government, environmental organisations, and councillors.

The first meeting (on 12.09.2014) gathered only 16 people. The other was much more successful with 29 participants. Half of the respondents were residents of the municipality (24 people). The group of councillors (9) and environmentalists (7) were numerous as well. The local government was represented by only five respondents (Fig. 3).

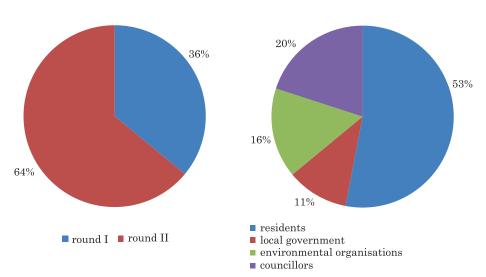


Fig. 3. The percentage distribution of the presence of the respondents in individual rounds of meetings and social groups participating in the meeting *Source*: own work

One of the key questions in the questionnaire was to indicate the preferred form of contact. It is important to reach each group participating in meetings when planning the forms and methods for announcing public consultation. The temporal framework of the process is crucial, as well. In optimal conditions, the public is informed about a meeting two weeks in advance to be able to learn about relevant issues.

The largest group of respondents (49%) indicated the municipality's website as the most effective way of communication. About 22% of the respondents learnt about the meeting from local media. Only slightly less, 16% found out about it when using social media. The respondents believed posters and leaflets to be the least effective methods of notifying about a meeting. Hence, the electronic media was the primary means of advertising.

The largest group learnt about the meeting four to six days ahead (16 people) or two weeks in advance (11 people). Only three respondents declared having learned about the meeting date one day before it took place. Most respondents indicated the interest in local affairs, the possibility to join the decision-making process, and the possibility to shape the public space as the main reasons for taking part in the consultation. Only 4% of the respondents believed that it was their civic duty to participate (Fig. 4).

The respondents appreciated the technical aspect of the consultation such as the presence of a professional, unbiased moderator during meetings, neutral place of meetings, and a comfortable room. The consultation drew mostly people who lived near the project site and owners of neighbouring plots.

The respondents believed the project would affect the tourist value of the municipality and improve the economic growth of the local labour market, better land use, and environmental protection (Fig. 5).

An important component of the consultation process is a convenient date and place (easy access by various means of transport, a car park nearby). Another important factor is accessibility for people with disabilities so that all participants can arrive comfortably. The respondents reacted positively to the presence of visual aids such as models or colourful posters that presented the subject matter of the consultation in a clear way to people without expert knowledge.

The last question concerned the time of the meeting and transport accessibility. Most of the respondents, two-third, agreed that the time was convenient, and the place could be accessed with ease (Fig. 6). Over 75% of the respondents considered information about the subject matter of the consultation to be reliable.

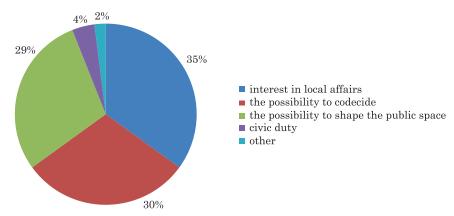


Fig. 4. The main reason for participating in the consultation Source: own work

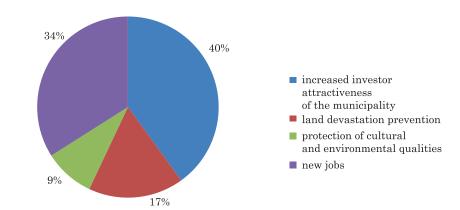


Fig. 5. Expectations for the project *Source*: own work

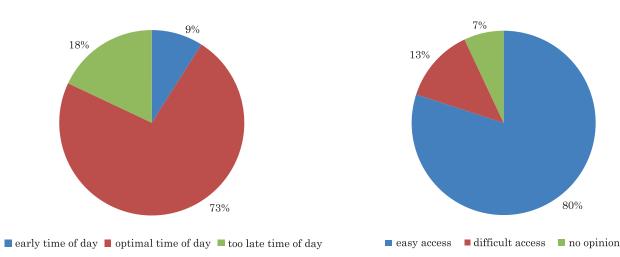


Fig. 6. Assessment of the time of day the consultation meetings were held and the transport accessibility of the meeting venue *Source*: own work

A similar share of them declared a will to participate in future consultations.

The key matter regarding consultations with residents is the improvement of communication both as regards the announcement of the planned meeting and its goals and notification about the results of the consultation and the way representations are handled. The trust between residents, administration, and project owner can be built by early start of consultation at the stage of defining project conditions.

The possibility of co-decision-making is one of the crucial components of public participation. It establishes a partnership of the local government and residents. Participants of the consultation were aware o their active role in the decision-making process regarding the project. The consultation meetings were evaluated as useful with some room for improvement in certain areas. Note that advertising is not co-decision-making. It is, therefore, important that consultation is scheduled before any binding decisions.

SUMMARY AND CONCLUSIONS

An evaluation questionnaire survey was developed to acquire reliable information about consultation meetings under the environmental impact procedure for an alteration project for the palace and park complex that mainly involved residents of the municipality of Spiczyn and environmental organisations. Most of them evaluated the public consultation positively. What they found most important was the clear presentation of legal, financial, economic, and environmental aspects of the project. The respondents believed the equal treatment of participants of the meetings regardless of their position to be a great advantage.

The history of Polish local government is full of examples of failed consultations, which exacerbated conflicts and difficulties instead of achieving a consensus. It is particularly true for consultations regarding matters much protested by particular social groups such as residents protesting a bothersome investment project in their area. In the case of the public consultation under the environmental impact

assessment procedure for the extension and alteration project of the palace in Kijany, the dates of consultation meetings were advertised well in advance and the invited participants included representatives of various social and professional groups interested in the project.

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