

Agata Korzeniowska\*

orcid.org/0000-0002-5738-651X

## Impact of Legal Protection on the Preservation of a Historical Rural Structure on the Example of Frydman

### Wpływ prawnej ochrony na zachowanie historycznej struktury wsi na przykładzie Frydmana

**Keywords:** heritage conservation, rural development, historical structure

**Słowa kluczowe:** ochrona dziedzictwa, rozwój wsi, historyczna struktura

#### Introduction

The objective of this paper is to demonstrate the impact of conservation regulations on the preservation of the historical structure of rural areas. The case analyzed was Frydman, located in Zamagurie, Poland,<sup>1</sup> and was selected due to its tourist-related development and significant degree of preservation of its settlement system, which includes numerous heritage sites.

The analyses conducted as a part of this study mostly covered reports and documents that govern heritage conservation and management, and stem primarily from heritage conservation and spatial planning law. They are preceded by studies of the transformation of Frydman's structure, based on analyses of the literature, including works by Marian Kornecki<sup>2</sup> and Tadeusz Trajdos,<sup>3</sup> current and historical cartographic materials and surveys of the village's current state.<sup>4</sup> The analyses end with an indication of preserved elements of the structure and the conditions that determine them, including legal regulations. Conclusions, set against studies by Andrzej Tomaszewski,<sup>5</sup> Alexandra Bitušikova,<sup>6</sup> Jolanta Sroczyńska,<sup>7</sup> Żaneta Gwardzińska,<sup>8</sup> and Adam Kozień,<sup>9</sup> point to a range of topical heritage conservation problems in development policy, defining optimal measures that combine active conservation with sustainable rural development.

The history of Zamagurie was investigated in Polish studies after the end of the Second World War, when this region once again became a permanent part of Poland. It then entered the Polish–Slovakian touring zone, which had concentrated in nearby Podhale since the nineteenth century. Research development intensified due to plans to build the Czorsztyn Reservoir in the 1960s. Studies and planning documentation produced since that time, which included those by Witold Cęckiewicz<sup>10</sup> and the teams of Bogusław Krasnowolski<sup>11</sup> and Tadeusz Rutkowski,<sup>12</sup> documented the history of the origins and transformations of rural areas and the region in general, providing conservation guidelines for their development, which were legally supported in terms of heritage site and landscape preservation. The first post-war regulations on cultural heritage conservation of 1928<sup>13</sup> were amended in 1962<sup>14</sup> by introducing conservation records for singular sites and a register for urban complexes. Post-1989 amendments were to restructure the country after its political transformation and to prepare it for accession into European Union structures. The decision-making powers of local governments were increased in the new administrative division into voivodeships, powiats and municipalities.<sup>15</sup> The year 2003 saw the introduction of the currently applicable novelizations of the Spatial Planning and Development Act,<sup>16</sup> the Historical Mon-

\* Ph.D. Eng. Arch., Faculty of Architecture, Cracow University of Technology

\* dr inż. arch., Wydział Architektury Politechniki Krakowskiej

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Fig. 1. Development of Frydman in 1846 and 2020, based on a cadastral map from 1846 and a field survey from 2020; by A. Korzeniowska. Ryc. 1. Zabudowa Frydmana w latach 1846 i 2020; opracowanie autorki na podstawie mapy katastralnej z 1846 oraz inwentaryzacji terenowej z 2020.

uments Protection and Preservation Act,<sup>17</sup> and the Act on the Precepts of Conducting Development Policy.<sup>18</sup>

### History of the transformation of Frydman's rural structure

Frydman is located in the eastern part of the Łapsze Niżne municipality, in the Nowy Targ powiat. The local economy's primary branch is tourism, which is based on attractive landscape and cultural conditions, and which has replaced historically predominant agriculture and cattle breeding.

The village, believed to be the oldest in the Polish territory of Zamagurie, was issued a charter based on the Magdeburg laws in 1308. Located in a multi-cultural borderland area, it often found itself in different states. Initially Polish, it became a part of Hungary towards the end of the fourteenth century, and later, in the eighteenth and nineteenth centuries, it became a part of Austria and Austria-Hungary. After the end of the Second World War, it was permanently given back to Poland by Czechoslovakia.

One of the first watershed moments in the village's history was the construction of a grange in the sixteenth century. The grange included a residential castle and outbuildings. Its extension was curtailed by a socio-economic crisis that ended along with the abolishment of serfdom in the second half of the nineteenth century. The castle and its nearby buildings were purchased by Józef Nowobilski, while the remaining post-manorial areas and hamlets became

sites of intensive construction. In 1967, a decision was made to build the Czorsztyń Reservoir. The result of work carried out in the years 1969–1995, apart from the reservoir itself, included the erection of a tall levee and a new road, which replaced the historical link with Dębno Podhalańskie. The regional project strengthened the local tourist infrastructure, which had successively been replacing agriculture since the 1960s. After 1989, the capitalist turn towards private property and a free-market economy, combined with accession into the European Union, resulted in a neoliberal management policy.

The charter-period layout of Frydman was based on niwa-type planning principles, with the niwas aligned with the Dunajec River Valley and the course of a trade route to Hungary. This route served as a basis for an elongated, central square, the so-called *nawsie*, confined by a domestic niwa divided into regular plots and surrounded by field niwas, cultivated using collective crop rotation. The development of farmstead plots consisted of functional strip zones. Behind the houses that formed the *nawsie*'s frontage, there was an outbuilding zone and orchards, meadows and barns. The form of the farmstead, similarly to the entire layout, was based on German models. The buildings, initially having only a single space, were placed with their gables facing the road and were adapted to local climate conditions. Over time, they evolved in the direction of elaborate complexes, adapting to needs and means. The compact wooden development was consumed by fires numerous times, forcing the locals to rebuild fol-

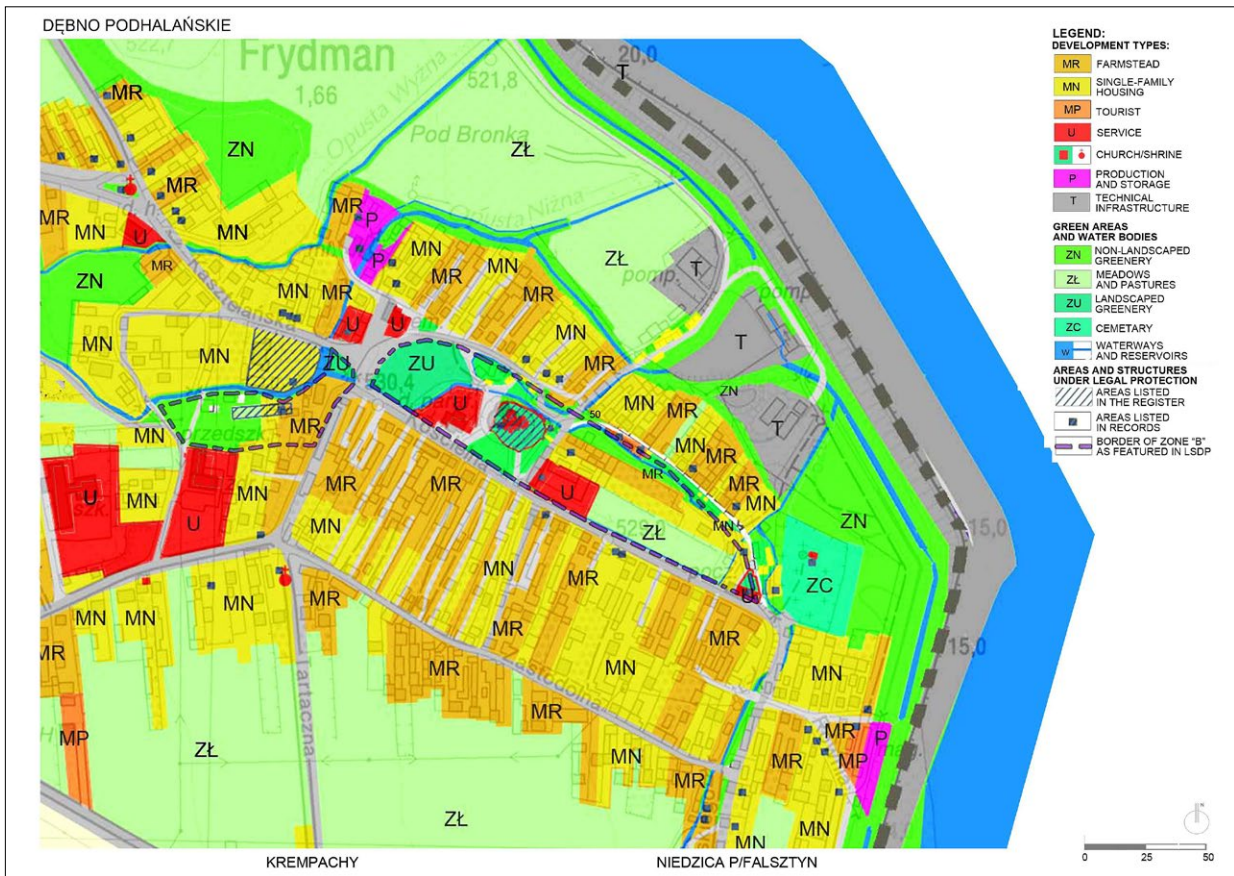


Fig. 2. Scheme of the present-day development of Frydman, based on sources listed in the text; by A. Korzeniowska.  
 Ryc. 2. Schemat współczesnej zabudowy Frydmana; opracowanie autorki na podstawie źródła wymienionego w tekście.

lowing contemporaneous regulations, which mandated the use of more durable and safer masonry structures. These mandates, unsupported by material availability, were not universally respected. Significant changes in form began in the 1960s. A departure from agriculture towards non-agricultural economic ventures resulted in the densification of farmstead plots, the development of fields and the remodeling of existing buildings based on modern materials and designs supplied by the authorities, which resulted in unified forms that were alien to local tradition.<sup>19</sup>

The parish church was one of the most significant buildings in the village. Along with the cemetery, it occupied a central place near the nawsie. Its greatest extension in the mid-eighteenth century covered a new set of chapels and a bell tower. Initially, the church was accompanied only by a wooden parish house and out-buildings, to which a school and a hospital for the destitute were added. A tavern also operated near the nawsie. The tavern building later acted as a school and a local government building. Based on the charter, a grain mill and a sawmill also operated near the course of the Białka millrace and Przykopa Creek within the borders of the hamlet (the so-called “upper mill”) and in the meadows near the Dunajec River (the so-called “lower mill”). Economic and technological transformation that negatively affected the feasibility of their operation resulted in their closure near the end of the twentieth century.

The scheme of the village’s historical layout from the mid-nineteenth century, documented based on a cadastral map from 1846, continued its charter-period layout. Its comparison with the current state (Fig. 1) demonstrates the retention of the original mode in which the structure functioned. The plan of settlement plots remained legible, as did the course of main public and service roads, with local changes induced by Austrian and Austro-Hungarian reforms. The greatest changes in the hamlet’s development occurred in farmstead development, wherein houses retained historical frontages but were modernized in terms of form and accompanying site development.

A continuation of these processes was observed. They are oriented towards the redevelopment of each property following individual needs and means, and highly varied stylistic preferences. The invariably centrally placed massing of the church, surrounded by greenery, acts as the layout’s height-based landmark. The historical field layout is still legible, albeit made smaller by areas transformed by housing development and the Czorsztyn Reservoir and cut off by the road to Nowy Targ (Fig. 2).

The group of factors that affect the retention of original layout elements includes a visible and direct link of initial planning precepts with surviving natural determinants. The role of top-bottom legal regulations that are not backed by local resident needs is significant smaller.



Fig. 3. Parish Church of St. Stanisław in Frydman, located in the historical center of the village (the *nawsie*), set out by compact frontages, it is surrounded by the square's tall greenery; by A. Korzeniowska.

Ryc. 3. Kościół parafialny św. Stanisława we Frydmanie, zlokalizowany w historycznym centrum wsi (*nawsie*), wyznaczony przez zwarte pierzeje i otoczony zielenią wysoką placu; oprac. A. Korzeniowska.

### Conservation of Frydman's cultural heritage

The heritage conservation policy at the village level includes administrative decisions and strategic documents stemming from relevant legal acts and ordinances concerning, among others, monument conservation and spatial planning.

Activities that target monuments are directly governed by the Act of 2003, which regulates: acknowledgement as a monument to history, cultural park establishment, conservation provisions in local spatial development plans and entries in the historical monuments register and records. The register is a form of conservation intended to provide legal, organizational and financial conditions for a monument's preservation by the conservation service. Entering a site in a monument record is a form of preservation to be provided by said monument's owner and is based on: maintaining the site in the best possible condition, ensuring conditions for its study and documentation, and the popularization of its values for history and culture. The essential difference between conservation and care results in different scopes of necessary and possible action.

Frydman features structures and sites included in the Lesser Poland Voivodeship Immovable Monuments Register<sup>20</sup> and the municipal monument records.<sup>21</sup> The Register includes: the Parish Church of St. Stanisław and its surroundings (Fig. 3), the castle, and manorial wine cellars.<sup>22</sup> The church is the most well-preserved of these structures. It is in active use and is regularly renovated by conservation services. Both the inhabited castle and the cellars, which are partially made available to visitors on a private plot, require urgent renovation.

The municipal monument records for Frydman, as a part of the Łąpsze Niżne municipality, was approved in 2007 and has not been amended since that time.<sup>23</sup> It includes 70 buildings, mostly consisting of houses from the beginning of the twentieth century, 25 of which stand within the charter-period layout. The religious building group, which includes six chapels and shrines, of which the oldest is dated to 1706, is numerous in proportion to the total number of monuments. In the non-residential building group, there are structures that offered services, such as masonry taverns, the inactive wooden grain mill and the sawmill of the "upper complex." The technical condition of the monuments is varied, especially in the residential buildings group. Some of them are abandoned are falling into ruin (Fig. 4). Apart from those that have retained their shape and continuity of use, the group of buildings in which historical form, legible in the outline of the floor plan and the frontage line have been significantly remodeled, is the most numerous. They are mostly accompanied by outbuildings that were adapted into garages and storage buildings after agricultural activity had ceased. A number of well-preserved detached wooden houses was adapted into "summer" homes (Fig. 5). Examples of wooden farmsteads from the interwar period have survived in a looser structure near the main entry roads into the village, namely Kamienne Pole Street and Kasztelańska Street.

The Łąpsze Niżne municipality has had a Municipal Monument Conservation Program since 2014.<sup>24</sup> The SWOT analysis included in the Program indicated, among others: the surviving elements of the cultural landscape, a rich folklore, the existence of municipal monument records and the good state of



Fig. 4. Abandoned masonry house from 1900, located Jana III Sobieskiego Street, entered into the monuments records, record No. 237/1179; photo by A. Korzeniowska.

Ryc. 4. Opuszczony budynek murowany z roku 1900, zlokalizowany przy ul. Jana III Sobieskiego, wprowadzony do ewidencji zabytków (nr 237/1179); fot. A. Korzeniowska.



Fig. 5. Diverse housing development along Kościelna Street, to the right is a house adapted to a guesthouse, originally from 1925, entered into monument records, record No. 220/1179; photo by A. Korzeniowska.

Ryc. 5. Różnicowana zabudowa mieszkaniowa wzdłuż ul. Kościelnej, na prawo widoczny obiekt zaadaptowany na pensjonat, pierwotnie z roku 1925, wpisany do ewidencji zabytków (wpis nr 220/1179); fot. A. Korzeniowska.

preservation of religious buildings. Numerous cultural trails and local government organization activity were also mentioned. The weaknesses listed included the poor technical condition of buildings from the municipal records, associated with a lack of public understanding of conservation, illegal construction and poorly conducted renovation and a lack of knowledge about the values of the structures under conservation. Opportunities, understood as external development determinants, were listed as potential for financial support, including that from the European Union, for conservation and promotion, and an increase in the number of tourists and including conservation in the municipality's pro-development programs. Threats included the decay of the cultural landscape via the introduction of disharmonious development, ineffective law enforcement, and a promotion policy focused on commercialization. Based on analyses, goals for reparatory efforts were set. The first goal, concerning the prioritization of culturally valuable areas in municipal spatial policy, should be achieved by introducing unified conservation policy and spatial order retention in strategic documents and local spatial development plans.

The second objective was the use of tourism development resources by, among others, visual information systems and participation in supraregional programs. The third strategic goal was heritage conservation and the increase of its assets by, among others, updating the municipal records, ongoing monitoring and reparatory programs, as well as increased accessibility. The fourth goal included direct action for conservation and threat elimination by legal and promotional support offered to building owners and interventions whenever threats are identified. The final goal, in support of the previous ones, was public education to popularize the idea of a public monument caretaker and to propagate knowledge about local assets.<sup>25</sup> The tasks listed in the Program are concord-

ant with agreements made at the Nowy Targ powiat<sup>26</sup> and voivodeship levels,<sup>27</sup> in which the purposefulness of conservation measures was confirmed via joint action by local government and conservation authorities, building owners and managers, and by existing and planned legal, financial, social and control instruments.

The Spatial Planning and Development Act stipulates the necessity that precepts governing measures concerning monuments and contemporary cultural treasures in local spatial development plans are consulted with conservation services.<sup>28</sup> Frydman's administrative limits have been fully covered by plan provisions since 2006.<sup>29</sup> The plan assumes the functioning of farmstead development and services in the historical center of the village, as based on the current road system. Further development was supplemented by single-family residential development to the southeast from the Nowy Targ road, beyond which a protected zone of the historical field system was established. Apart from listing buildings featured in monument records, the document introduced conservation zone "A," for buildings listed in the monuments register, and conservation zone "B" (buffer zone) for the historical nawsie area as confined to its charter-period scope. All activities concerning the buildings and areas in question must be approved by the Voivodeship Monuments Conservator and must comply with applicable construction and fire safety codes. In adherence to the provisions of the ordinance on the required scope of local spatial development plans,<sup>30</sup> the precepts of erecting new development were codified in terms of its location and form, height, roof pitch and materials allowed, assumed to reference regional traditions. The plan's text also included a provision that mentioned the establishment of the Spisz Landscape Park, to be established in the future.

In accordance with the Act's provisions, the local spatial development plan implemented the Lesser Poland Voivodeship Plan, which was approved in 2018.<sup>31</sup> This

plan had Zamagurie featured as a part of the “Mountain Park”—a wildlife and landscape complex of nationally recognized value. Its primary development goal is to maintain tourism attractiveness in a balance with economic transformation and landscape conservation via, among others, a transition from passive conservation to effective and rational heritage asset management by simultaneously exposing authenticity and adaptive reuse that would combine conservation with accessibility. Due to the necessity to protect historical complexes against ongoing deterioration, it was proposed to establish a cultural park in Frydman<sup>32</sup> so as to limit negative phenomena and “spontaneous construction.”<sup>33</sup>

Strategic documents drafted by an interdisciplinary panel that also included local residents express a view on the local development policy. At the municipal level, there is no duty to possess a development strategy, yet the provisions of such a strategy form a basis for executive documents and the funding of the tasks that such a strategy could specify, in the social, economic and spatial dimensions.<sup>34</sup> The strategy of the Łąpsze Nizne municipality, in alignment with the guidelines of the Lesser Poland Voivodeship, points to tourism-oriented development. In the document, approved in 2014,<sup>35</sup> the municipality’s mission statement lists the development of the cultural and sports infrastructure and the conservation of cultural heritage with the intent to improve local living standards and increase tourist traffic.

Cultural heritage, tradition and monuments were mentioned as the municipality’s strengths. They also included, among others, wildlife and landscape attractiveness and the possession of a sports, leisure and road infrastructure, as well as well-developed accommodations and gastronomic infrastructure.<sup>36</sup> Local and regional place-based traditions were not acknowledged as development opportunities. Such opportunities included the municipality’s placement within the landscape, which enables a joint tourism offer with Slovakia and surrounding municipalities. Cultural heritage conservation was listed seventh on a list of major strategic goals. Measures specifically planned for Frydman included the renovation of wine cellars, whilst general provisions for the municipality featured the establishment of a Spisz Rural Open-Air Museum, the promotion of the municipality, the activation of folk bands, the reconstruction of places of worship, and the renovation of historical buildings. All tasks financed from aid funds and the municipality’s budget were to be completed by 2020. Officially, none of these tasks were concluded as of the writing of this paper.

At the Lesser Poland Voivodeship level, there is the “Małopolska 2030” Voivodeship Development Strategy adopted in December 2020,<sup>37</sup> whose culture and heritage section features tradition and heritage which require conservation and preservation via dialog with residents, recognizing their needs and support for joint action with residents aware of said heritage’s value.

## Conclusions

This study demonstrated that the fourteenth-century structure of the village of Frydman is a preserved case of a regular layout typical of Spisz, located in a region that focuses on tourism development. The continuity of the historical layout is visible in the planned road network, plots, essential services and farmstead development. At the same time, significant transformation of the form of houses lead to the erasure of historical value, depreciating the value of the cultural landscape. Findings indicate that the continued existence of the layout’s form was supported by the universality of naturally continued planning precepts that were aligned with the terrain. Rigid administrative regulations played a much lesser role.

Architectural mandates introduced in the 1960s were commonly adopted as, contrary to previous ones, they were supported by an extensive funding policy that was aligned with a desired vision of prosperity. Unconstrained individual opportunity was facilitated by a liberal capitalist economy that came afterwards, bringing with it attractive forms and technologies that compounded unavoidable architectural chaos. The idea of conservation, which primarily assumed following praiseworthy values, was thus misunderstood from the very beginning. The Act of 1962 that stipulated keeping records of valuable structures in municipalities could not stop the transformation, supported by state guidelines. The Act of 2003 that came afterwards increased the responsibility of property owners, placing a restrictive emphasis on preserving buildings in their original forms and materials. The guidelines, unsupported by a wider policy of action, often led to the decay of monuments instead of preserving a living tradition. Studies of Frydman’s heritage that began in the second half of the twentieth century, which affected conservation postulates, were an essential documentation of the pre-existing state and a voice in the academic discussion yet did not influence real action. Research on the contemporary transformation in the light of continued landscape and social determinants and applicable law, unfortunately indicate that previous, unfavorable tendencies, are continuing.

Historically, changes in the cultural landscape were greatly affected by natural determinants, including fires that periodically destroyed entire villages and forced reconstruction efforts following contemporaneous precepts and tendencies, filling the compact structure in places with residential masonry buildings. Due to the plot widths, they invariable remained under threat. The effect of this situation was a fire in the Zamagurie village of Nowa Biała, similar in layout to Frydman, that took place on June 19, 2021, and consumed around fifty buildings of the compact northern frontage of Św. Katarzyny Street. It is difficult to enforce protective inter-building distances in the historical structure of narrow plots. It appears necessary to locally re-evaluate fire safety regulations in terms of fire-resistant con-

struction materials, constant building monitoring and resident training to ensure both human safety and heritage preservation.

The applicable Monument Protection and Preservation Act fails to provide an environment for the suitable protection of monuments, especially those featured in monument records. The scope of optimal action largely depends on their owners' needs and financial capabilities, as the owners are burdened with performing complicated and costly development. The end result is often the illegal remodeling or abandonment of a building, which is not constricted by conservation services, which operate following flawed legislation. As demonstrated in studies by Żaneta Gwardzińska,<sup>38</sup> in many instances the lack of the legal execution of conservatorial supervision over decaying monuments stems from financial and staff shortages that plague conservation services which do not have the knowledge and funds to conduct legal administrative proceedings.

Gwardzińska also noted the problem of inconsistencies in legal regulations, including between conservation, real estate management, bankruptcy and construction regulations. The complicatedness of administrative procedures means that they are often foregone in favor of simpler penal proceedings, which typically end in an unpaid fine instead of the active renovation of a monument. A comprehensive amendment of the law should thus cover changes in funding at the level of the National Monument Preservation Fund, supported by exemptions for owners, to be included in, among others, the national tax or real estate management policies.

The legal problems diagnosed also concern the function of local spatial development plans as acts of local law that regulate the spatial development of rural areas. Authors of such plans, despite possessing knowledge and experience in heritage conservation and management, have limited room to enact them, as they operate in a system that ties mutually exclusive interests of spatial development, monument conservation, and construction and property law. The provisions of the plan for Frydman, by continuing historical solutions that are aligned with the terrain, provide conditions to retain the layout, yet their vagueness does not sufficiently protect the tradition of architecture in the local landscape.

The provisions of strategic documents such as the Monument Protection Plan or the Strategy point to the functioning of heritage in the development of a tourist-friendly rural area that faces spatial problems and a lack of cultural awareness among residents.

The problem of the active conservation of cultural heritage was identified by Andrzej Tomaszewski as a postulate of the proposed campaign entitled "Europe – a common heritage."<sup>39</sup> In his opinion, the cultural identity of an area is defined by the cultural landscape as a whole that is universal to a community, a whole whose active conservation should lead to harmonious development. Tomaszewski highlighted the necessity to engage joint political and social forces aware of

cultural values, protecting against a path towards cosmopolitanism and "contemporary" architecture. Studies by Alexandra Bitušíkova are aligned with this strategy. Based on the Slovakia region of Banská Bystrica, Bitušíkova identified an optimal heritage development strategy based on people as carriers of tradition, combined with people-focused economic action to be taken by the regional government as a condition for the continued existence and resilience of heritage as cultural, economic, social and political assets.<sup>40</sup>

Strategic guidelines, correct at a statement level, do not define priorities in a cohesive and active policy and serve primarily implementing current development needs. There is a lack of visions with financial and substantive support, and a lack of action targeting historical tissue that would result in benefits to owners that would materialize in time and space. Document provisions are drafted by groups of authors that include both academics and representatives of local governments and residents. The missions and strategic goals included in those documents thus display an erroneous image of the functioning of heritage in the sustainable development of rural areas. Adam Kozień's study on Polish legal acts, from the level of the Constitution of the Republic of Poland downwards, clearly point to the management of local heritage as an equally important resource in shaping the sustainable development of areas in an economic, social and ecological sense, confirming the role of local government bodies in the popularization of cultural treasures with state-level support. The main problem with realizing these goals was identified by Kozień as a lack of heritage management regulations in Polish law, which covers, among others, monument conservation, local government and administrative law, and spatial planning. The limiting of conservatorial structures to the voivode level was also identified as a major problem, as it is the voivode who makes decisions concerning the staffing of necessary institutions at the municipal level.<sup>41</sup>

Changes in legal determinants should provide conditions for bottom-up social initiatives. Demonstrating the primarily financial benefits derived from held values to residents and space users will facilitate their use in development, supported legally and substantively by heritage management specialists. Research of functioning social initiatives by Jolanta Sroczyńska confirmed the existence of the problem of the lack of social involvement in heritage conservation. Sroczyńska argued that accessible places tied with contemporaneity and current needs of people, as well as those that have features that a local community finds distinctive.<sup>42</sup> Sroczyńska's study described cases of initiatives by the Polish national Civic Education Center, which, by activating the younger generation, involves the local government and communities in action in historical sites such as a granary or palace. In the case of Frydman, such an idea could be implemented in targeting service and manufacturing buildings.

## Summary

Frydman is a regionally unique image of local history, culture and economy, as recorded in a living structure, and whose case can be used as a basis for guidelines applicable to a greater group of tourism-oriented villages. An analysis of the conditions of its existence demonstrates the advantage of historical precepts which were sufficiently tied to the site to be naturally continued by residents. The simultaneous transformation of development following present-day legal regulations in heritage conservation and man-

agement points to threats to the existence of the local cultural landscape.

Striving to improve the current state of the village's valuable rural fabric, one solution would be to use its surviving elements as a basis while limiting further architectural transformation. In the light of an obvious lack of reversal action, one should pursue an improvement of the quality of common spaces in by using local culture in an attractive manner. Protective measures would thus become a natural and desired path to improving place-based quality, appreciated as residents as a heritage with actual value.

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- <sup>23</sup> By currently applicable law, the document was approved via an internal decision of the Vogt, which did not require a formal vote by the Municipal Council.
- <sup>24</sup> Uchwała Nr XLIV-406/14 Rady Gminy Łapsze Niżne z dnia 29 sierpnia 2014 r.
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## Abstract

This paper discusses the functioning of the heritage of the village of Frydman, which is one of the most well-preserved cases of Spisz layouts and features numerous architectural monuments. The layout, which persists in local natural conditions, appears unthreatened despite the occurrence of significant change in the cultural landscape in historical architecture. The discussion begins with an identification of surviving elements of Frydman's structure and an investigation of the determinants of its origins, which were sequentially referenced to contemporary times and possible development trajectories. The research objective of the study was to answer the problem of the functioning of heritage in present-day legal conditions, specifically in terms of heritage conservation and spatial planning. This study clearly indicates the complexity of the problem, in which the synergy of legal provisions and the local community is a crucial area. To ensure it, both a systemic improvement of the regulation and the raising of public awareness on heritage conservation and management would be necessary.

## Streszczenie

Artykuł dotyczy funkcjonowania dziedzictwa wsi Frydman, będącej jednym z najlepiej zachowanych przykładów układów spiskich, reprezentowanych przez liczne zabytki architektury. Trwające w uwarunkowaniach naturalnych, dziedzictwo to wydaje się niezagrażone podczas zmian krajobrazu kulturowego zachodzących w zabytkowej architekturze. Rozważania rozpoczyna zdefiniowanie zachowanych elementów struktury oraz uwarunkowań ich powstania, które kolejno zostają odniesione do czasów współczesnych i możliwych dróg rozwoju. Celem badawczym było znalezienie formy funkcjonowania dziedzictwa w ramach prawnych, m.in. z zakresu ochrony dziedzictwa oraz planowania przestrzennego. Badania jednoznacznie dowodzą złożoności problemu, w którym kluczowy jest wpływ realizacji zapisów prawa na życie lokalnej społeczności. W celu poprawy sytuacji konieczne są zarówno systemowa poprawa regulacji, jak i podniesienie świadomości społecznej na temat ochrony i zarządzania dziedzictwem.