

Territorial Decision-Making Processes

Abstract

The thesis deals with the territorial decision-making from the perspective of the Act No. 183/2006 Coll., on Town and Country Planning and Building Code (Building Act), and provides the reader with the comprehensive, logical and structured overview of the different territorial decision-making processes. Chapter 1.1 defines terms Area, Developed Area, Area with Development Potential, Ground without Development Potential and Non-developed Area. In chapter 1.2 the territorial decision-making is placed into the structure of construction law, administrative law and public law. Attention is being given to spatial planning, its objectives, tasks and legal sources. In the rest of the chapter the planing materials, spatial development policy, planning documentation and planning measure on building ban and on redevelopment are briefly introduced. Chapters 2.1 to 2.7 are subsequently devoted to the territorial decision-making itself as the executive instrument of the spatial planning. After the initial acquaintance with the Territorial Decision-making term in chapter 2.1 the thesis identifies five relatively self-standing aspects in chapter 2.2 through which the territorial decision-making is further assessed. In this context chapter 2.3 deals with the territorial decision-making in the perspective of its different forms and their subsumption under the general forms of the administrative activities in the sense of the Code of Administrative Procedure. Chapter 2.4 discusses the legal bindingness of each of the territorial decision-making forms. Chapter 2.5 contains the introduction of different subjects of the territorial decision-making processes - location of structures, facilities and their changes, changes in use of the area, alteration of the impact of the structures on the use of the area, division and consolidation of the plots and establishment of the protective zones in particular. Chapter 2.6 deals with the planning permit, as a basic form of the territorial decision-making, and planning consent, regulatory plan, public law contract, notification and planning measur, as alternative forms. This chapter describes also the situations in which the territorial decision-making is excluded. The final chapter 2.7 discusses the possibility of conjunction of the territorial decision-making and building decision-making into joint procedures. The thesis presents also author's thoughts on Changes in The Area in sense of the Section 2 (1) (a) of Building Act, insufficient legislation on location of changes of the facilities, as well as some case-law conclusions regarding the landscaping problematics. Furthermore, the thesis tries to analyze the legislation on planning measures on building ban and the planning measures on redevelopment, which is presently not exactly ideal.

Key words

territorial decision-making, spatial planning, change in the area