

Territorial proceedings (de lege lata, de lege ferenda)

Abstract

The topic of this thesis is an analysis of problematic areas of procedural regulation in territorial proceedings according to the Building Act No. 183/2006 Coll., and the submission of proposals for their streamlining. The introduction refers to the regulation of spatial planning in the area where Czech Republic is currently located, including the introduction of spatial planning in foregoing Legislation of spatial planning. Subsequently, spatial planning tools and spatial planning bodies are introduced. The third chapter discusses in detail the process of territorial management. The issue of participation of participants in territorial proceedings is discussed in detail. Furthermore, the issue regarding the methods of service of documents via data-boxes and the so-called hybrid mail post, and the possibilities of reviewing the issued binding opinions is analyzed. In the end of the third chapter, the simplified forms of territorial proceedings, which are contained in the Building Act, are thoroughly introduced.

In the final chapter, due to the author's opinion, the problematic areas of territorial proceedings were analyzed in detail, including proposals for their correction. Within the framework of this chapter, the author proposes the creation of a registration system of unprocessed applications for the issuance of a binding opinion. In the event of a congestion of the subordinate authority concerned, as determined on the basis of information from the database, the superior administrative authority would ensure a distribution of the applications submitted among the pre-designated competent authorities specialized in the same area. The author further deals with the suitability of unification and access to the database of owners of transport and technical infrastructure specified in the provisions of § 86 of the Building Act. This would significantly speed up and simplify the whole process compared to the current guessing of all potential infrastructure owners. According to the author, with regard to Act No. 12/2020 Coll. on the right to digital services, more than appropriate to digitize the whole process of territorial proceedings in the future, from the submission of the application to the final delivery of the territorial decision. Within this future digitization, according to the author of the thesis, it is appropriate to use the potential of digital technical maps and ensure material publicity of data contained in this new tool, which would certainly speed up the whole process of territorial proceedings, ensure greater legal certainty of participants and was an expression of good administration.