

Regional land use plan and its review

Abstract

The subject of this thesis is the regional land use plan, its legal aspects and its administrative and judicial review. Regional land use plan is issued by the regional council under its own authority (competence) and defines intended land usage of regional importance. The regional land use plan and its amendments take the legal form of a measure of general nature. Because of this form as a measure of general nature the process of issuing and the content of the regional land use plan and its amendments are subject to review both by the public administration and by the courts.

The main objective of this thesis is to analyse the regional land use plan (which is covered by numerous regulations and statutes) in a comprehensive manner, to analyse its material and procedural aspects and to summarise its administrative and, especially, its judicial review. With regard to the upcoming recodification of construction law, the aim of this thesis is also to analyse the changes the new legislation will bring to these areas.

The thesis consists of six main parts. The first part looks at measures of general nature and defines how they are different from other legal acts. I also look at relevant sections of the Administrative Procedure Code and summarize how it differs from the special regulation in the Construction Act. In the second part, I outline what the regional land use plan contains, I deal with the level of its detail and with the specific place of the regional land use plan in the hierarchical system of land use planning documentation (i.e. where it stands between the state and the municipal documentation). I also analyse the most important related documentation – the sustainable development assessment. The third part is devoted to the procedural regulation, i.e. the issuance of the regional land use plan and its amendments. I also summarize the most important administrative bodies and lay out how they are involved in the process. The fourth part deals with the review procedure of the regional land use plan under the Administrative Procedure Code. Due to the fact that the Administrative Procedure Code provides only minimal legal framework I mainly summarise the most important conclusions of the case law. The fifth part is devoted to the judicial review. In this part I deal in a comprehensive manner with all important aspects of the judicial proceedings under the Code of Administrative Court Procedure; this part focuses in particular on procedural conditions and active legitimacy (both procedural and substantive). In part six, I analyse the future legal regulation, i.e. the new Construction Act and related legislation and describe the most significant changes in comparison with the existing regulation.

Key words: regional land use plan, judicial and administrative review, new Construction act