

The new Building Act from an environmental protection perspective

Abstract

Construction activities are associated with significant and often almost irreversible environmental impacts, making their regulation an important and much debated issue. The adoption of the new Building Act was no different and has generated much debate among experts and the general public.

The aim of this thesis is to introduce the reader to the legal regulation of the new Building Act from an environmental protection perspective, to introduce its subjects, new instruments that may affect the protection of individual environmental components and, above all, to compare the changes in the regulation with the existing legislation.

The thesis is systematically divided into five substantive chapters. The introductory chapter focuses on the legal basis of environmental protection. The second chapter examines the position of the subjects in the new Building Act, in particular the authorities concerned, whose importance and resulting activities were to change significantly according to the original drafts of the new Building Act. Furthermore, the author focuses on selected instruments that these subjects can use under the new Building Act. Environmental binding opinions, the EIA and SEA processes, spatial planning objectives and construction requirements were analysed. The fourth chapter focuses on the first of the two comprehensive areas regulated by the new Building Act, namely the spatial planning. The individual conceptual instruments of spatial planning, such as spatial planning data, the Spatial Development Policy of the Czech Republic and spatial planning documentation, are described. The fifth and final chapter deals with construction permitting and discusses the roles of the various bodies involved in the project permitting process. Special attention is also given to the participation of environmental organisations. It also analyses the accelerated procedure and the procedure for issuing a framework permit, which represent a certain speciality of the project permit procedure.

Key words: environmental protection, new building act, building authority, spatial planning authority, project permit