

# **Spatial and Regulatory Plans with a Focus on Environmental Quality**

## **Abstract**

This thesis examines town and country planning instruments at a local level which allow municipalities to regulate built environments within their territory. These tools refer to binding spatial planning documentation – spatial plans, or spatial plans with regulatory elements, and regulatory plans. The use of planning studies, a non-binding town and country planning instrument, is also discussed due to its common application and excessive use.

One of the objectives of spatial planning is to improve the quality of built environments of settlements (Article 38 (3) of Act No. 283/2021 Coll., the Building Act). This thesis focuses on the different methods used to ensure the quality of the built environment (i.e., man-made or altered environment including buildings and open spaces, both public and private, Section 12 (t) of Act No. 283/2021 Coll., the Building Act). This can be achieved, for example, via the use of spatial regulations for built environments.

The point of departure here is Act No. 283/2021 Coll., the Building Act, where the author highlights the relevant changes made compared to the existing Act No. 183/2006 Coll., on Spatial Planning and Building Regulations (the Building Act).

Chapter 1 defines the terminology used herein – environment, spatial planning, spatial regulation of the built environment and environmental quality, followed by a brief introduction of town and country planning instruments.

Starting with Chapter 2, there is a honed focus on the tools of spatial planning within the jurisdiction of the municipality that are used to regulate the built environment – spatial plans, spatial plans with regulatory elements, and regulatory plans. The use of planning studies, a non-binding tool used in spatial planning, is also included due to its common application and excessive use. Chapter 2 defines the legal framework that governs the use of these town and country planning instruments. Chapter 3 focuses on the substantive regulation of the spatial regulations of built environments which are commonly and sometimes unconventionally applied at the level of spatial plans, spatial plans with regulatory elements, and regulatory plans.

Chapter 4 engages with the application of the legal framework. It analyses the appropriateness of different instruments in the context of the spatial regulation of built environments. This chapter discusses the potential risks and benefits associated with different types of spatial planning documentation. Chapter 4.10 is dedicated to the common application and excessive use of planning studies. Each of the tools are illustrated using real-world examples.

The author of this thesis presents her own reflections on the need to consolidate definitions of spatial regulations as well as the need to ascertain at which level of spatial planning documentation they can be applied in order to achieve equity, legal certainty, and reliability during their application in practice.

**Keywords**

construction law, spatial planning, spatial regulation