Land-use planning as a tool for environmental protection (abstract)

The purpose of my thesis is to describe and to analyze an effective legislation of land–use planning as one of the most important tools for environmental protection. The reason why I chose the afore mentioned topic is that, in my opinion, the questions related to land–use planning, as well as environmental protection itself, are very topical. Furthermore, the related legislation, included mainly the Act No. 183/2006 Coll., on town and country planning and building code (further only referred to as „Building Act“), is quite new, as far as the Building Act came into effect on 1.1.2007. But the reason for my research was also quite personal, because I live in an extremely high developing area of the capital of the Czech Republic, where land–use planning is like an everyday topic and a lot of non–governmental organizations dealing with environmental protection is involved with the land–use planning process, so a lot of questions related to land–use planning, and environmental protection as well, is publicly discussed and I wanted to learn more about the legal regulation of land–use planning, mainly about the ways how public can join the process and about the possibilities of judicial protection.

The thesis is composed of five chapters, each of them dealing with different aspects of land–use planning. The first two chapters are introductory and mainly define the basic terminology used in the thesis, like the term land–use planning itself, and the tools used in land- use planning. The crux of the matter is in the second part of the thesis, which is contained in Chapter Three to Chapter Five.

Chapter One is subdivided into four parts. The first part defines the term land-use planning and describe its purpose, tasks and goals. The following part of Chapter One generally explains how environment is protected in the land – use planning process, the relationship between land- use planning and environmental protection in general, and which public institutions are involved in the land- use planning process. The third part of Chapter One summarizes the effective Czech legislation related to land – use planning. Eventually, the last section of Chapter One focus on the basic principles of land – use
planning, mainly the principle of sustainable development, which is the leading principle of the whole Building Act.

Chapter Two examines the main tools of land-use planning - each tool in its individual subchapter - in the following order: the non-statutory planning materials, which are formed by the planning analytical materials and the planning studies; the spatial development policy; the planning documentation, which consists of the development principles, the plan and the regulatory plan; and eventually, the planning permission and the planning measure.

Chapter Three deals with assessments and binding assessments which are issued by respective authorities in a process of land-use planning and their role in environmental protection. The chapter consists of four parts: respective authorities, binding assessments, assessments and finally the common principles for assessments and for binding assessments.

The following chapter, Chapter Four, is, in my opinion, the most important part of the whole thesis. The chapter focuses on how public participate in the land-use planning process. The chapter is subdivided into four sections. The first section is introductory and general, whereas the following sections concentrate on how public is involved in the process of issuing a spatial development policy and a planning documentation (section two), how the public is involved in planning permission proceedings (section three), and environmental impact assessment proceedings (section four). The chapter also provides an outline of the relevant Czech case law.

The final chapter, Chapter Five, looks at the problem of environmental impact assessment and its connections with land-use planning. The chapter has three main parts, divided into several subparts. Part One is introductory again and explains the problem of environmental impact assessment in general. Part Two illustrates the relationship between land-use planning and strategic environmental assessment (SEA proceeding), whereas Part Three describe the relationship between land-use planning and environmental impact assessment (EIA proceeding).
Conclusions are drawn in the final part of the thesis. I try to assess the effective land – use planning legislation, also in its relationship with the current Czech case law. As I think that the main controversy is about the public participation in land – use planning, therefore my suggestions focus on this area.