

The Purpose Categorization of Land and the Spatial Planning

Abstract

The aim of this thesis is to analyze the legal regulation of the purpose categorization of land in the Czech Republic and its links to Spatial Planning. The agricultural land resources are one of the most significant parts of the environment.

I have chosen this topic because environmental protection is my great interest and for the reason that this issue has not yet been widely elaborated. During my research, I met a number of experts with practical experience in order to gain more information.

The thesis consists of five parts – an introduction, three chapters and a conclusion, each of them dealing with different aspects of categorization of land in the context of the Spatial Planning.

The Introduction explains some basic ideas and classifies the most important acts. The purpose categorization of land is governed by the Act. No. 344/1992 Coll. on the Land Register and the Decree No. 26/2007 Coll. The Act. No. 344/1992 Coll. specifies ten categories of land: arable land, hop-gardens, vineyards, gardens, orchards, permanent grass stands (farmlands), forestlands, water areas, built-up areas and forecourts and other areas (e.g. roads, highways, cemeteries, waste dumps etc.).

Chapter One is subdivided into three sections and provides an outline of the relevant Czech case law. It presents a brief history of the categorization of land, followed by the specification of the main legal enactments governing this institution.

Chapter Two is also divided into three parts. It describes Spatial Planning and its instruments. Spatial Planning and rules for the use of land are important and traditional legal instruments. The third part analyzes territorial decision as a prerequisite for the change of land category.

Chapter Three elaborates on the legal rules regulating a possible change of the land category and its mechanisms, and gives several concrete examples of changes. Change of the land category in the Land Register can be done on the basis of the owner's declaration, a ruling, consent of declaration of public authority and on the basis of revision of the Land Register.

The Conclusion summarizes my findings. The existing legal regulation of the purpose categorization of land may be very difficult to understand for the general public. In my opinion, it is extremely complex and ambiguous. The regulation of changes of land category and its mechanisms are included in several separate legal enactments. Thus I would suggest that the amendment that is currently being discussed in the House of Parliament should be adopted in the form in which it has been originally drafted.

Keywords: purpose categorization of land, Spatial Planning, agricultural land resources

Klíčová slova: účelová kategorizace pozemků, územní plánování, zemědělský půdní fond