

The legal nature of spatial planning instruments

Abstract

This thesis analyzes the legal nature of spatial planning instruments in the context of the sustainable land development, both in the general level as a structured system of spatial planning instruments and in the specific level of individual types of spatial planning instruments.

The thesis provides a comprehensive picture of the system of spatial planning instruments, their interconnectedness and connections that are applied in this system. The thesis also analyzes the various spatial planning instruments, whose legal nature is defined by the purpose and conditions of their use, by the process of their formation and by the subject of their regulation. The emphasis in this work is mainly put on their legal form and the resulting aspects of the individual spatial planning instruments.

This thesis also analyzes the theoretical and legal basis of spatial planning, which is based primarily on the requirements of sustainable land development, from the concept of which the main goals of spatial planning are formed. This thesis defines the concept of spatial planning and its individual levels. This thesis also defines the subjects that participate in the spatial planning processes and the interests that these subjects represent in the spatial planning and what procedural rights they have in the creation of spatial planning instruments. This thesis categorizes the subjects that participate in the spatial planning process, in order to analyze the interests these subjects apply in the procedures of spatial planning and in the procedures of the creation of the spatial planning instruments. This thesis analyzes the system of public administration in the field of spatial planning, the bodies concerned, the entities concerned and the public, which also participates in the processes of spatial planning.

This thesis also analyzes the issue of spatial decision-making, which is a relatively separate category within the spatial planning. It also describes the connection of spatial decision-making and the strategic instruments of spatial planning and the legal nature of individual forms of decision-making and the conditions of their use.

Finally, the thesis comparatively evaluates the system of spatial planning instruments defined by the draft of the new Building Act and compares it with the system of spatial planning instruments under the current Building Act, with emphasis on the legal nature of spatial planning documentation.

Klíčová slova: spatial planning, spatial planning instruments, legal nature