

The protection of the environment in land-use proceedings

Abstract

This master thesis deals with the issue of environmental protection in land-use proceedings. The topic of environmental protection is currently much discussed in the European Union and harmonisation tendencies also strongly influence the regulation of construction law. Environmental protection in land-use proceedings corresponds to the main principles governing environmental issues - the principles of prevention and precaution. Detailed assessment of projects before their execution eliminates possible negative impacts of these projects on the environment.

The main goal of this thesis is to analyse the fragmented legal regulation of environmental protection in the context of land-use decision-making in the Czech Republic and to make it clearer. The thesis is not only limited to the current legislation, but is also focused on the changes brought about by the adoption of the new Construction Act, which is due to come into definitive force on 1 January 2024. Although after this date the proceedings before the construction authorities will no longer be divided into land-use proceedings and construction proceedings, as these proceedings will be combined into a single proceeding, the need for environmental protection, as well as the methods of its protection, remains in a modified form.

The first part of the thesis deals with the definition of terms related to the land-use proceedings, the principles governing the protection of the environment and the identification of the subjects of the land-use proceedings and their position in it. The second part elaborates the instruments of environmental protection in land-use proceedings. Part three covers the protection of specially protected areas in land-use proceedings, focusing on national parks, protected landscape areas, Natura 2000 sites and soil protection. Part four sets out some decisions commenting on some long-standing issues related to environmental protection in administrative proceedings. The new legislation on construction law and related changes to environmental protection in proceedings under this legislation are dealt with in part five.

Key words: land-use proceedings, environment, protection