

Summary of the doctoral dissertation
"Landscape protection model in the context of right to construction"

This dissertation addresses the current and significant subject of landscape protection in administrative law, in particular due to changes introduced by so-called Landscape Act. At the same time, an attempt was made to analyze the impact of this issue on the right to construction.

In the dissertation, it was noticed that the landscape plays an important role in people's lives. It is not only a reflection of the culture of society and testifies to the quality of life, but it is also one of the factors determining the development of economic activity, primarily in the field of tourism. Due to the economic progress and uncontrolled development of real estate, there is a growing loss of specific features, both in the form of unique elements of nature and traditional buildings, which is characterized by a specific landscape.

Thus, the dissertation indicated the necessity of its proper protection and shaping also on the grounds of law. The presented studies also emphasized the role of landscape protection at the international level.

It should also be emphasized that the landscape in Polish law is one of the natural elements that create the environment. Protection of the landscape as a part of the environment, therefore, has a constitutional rank and it will be necessary for the state bodies to implement solutions ensuring the implementation of this objective. Therefore, there are conflicts of interest, especially between the public interest in the form of landscape protection and individual interest, which is the right to construction.

In the further part of the dissertation was explained the concept of the right to construction as a public subjective right of a libertarian nature. The possibility of construction is the right of a citizen and is subject to restrictions of administrative law limitation.

Regulations in the field of landscape protection do not have a uniform, consistent character. The legislator has dispersed instruments for its protection in many legal acts. In connection with the above, the landscape was first presented in the dissertation as a value in spatial planning. There were also analyzed in terms of the impact on right to construction: the landscape audit, study of conditions and directions of spatial development of the commune, local spatial development plan and a resolution of the commune council defining the principles and conditions for locating small architecture objects, billboards and advertising devices – as an instruments for landscape protection.

Landscape protection is also implemented through forms appropriate for nature

conservation. The dissertation discusses types of restrictions introduced in areas covered by a special legal regime of nature conservation. It was also noticed that the establishment of a system of prohibitions in protected areas and landscape protection zones leads to a significant limitation of the development rights in such areas.

A special type of landscape - the cultural landscape belongs to the category of immovable monuments. So an analysis of ways to protect it has been made through: a register of monuments, a monument of history and a cultural park, and protection arrangements in decisions, concepts, strategies and plans, including their impact on right to construction.

In the dissertation, as an innovative element were presented the types of interference with right to construction for reasons of landscape protection and the conditions to be met for this purpose. Thus, were formulated the directives, which should be followed by the public administration authority by introducing landscape protection instruments interfering with the right to construction.