

## Summary

The subject of this dissertation is the application by the municipality authorities of the principle of proportionality in local spatial planning and the assessment of this application by the administrative court as part of the judicial review of public administration activities. The basic purpose of the dissertation is to reconstruct the model of applying the principle of proportionality by public administration bodies in local spatial planning and the model of judicial inspection of municipality planning acts within the scope of applying the principle of proportionality in local spatial planning. This is crucial for the legal situation of the individual, because in local spatial planning, the right to property is limited by planning acts adopted by the municipality. Due to one of its basic functions, which is the protection of an individual against abuse of rights by public authorities, the principle of proportionality allows protection of an individual against the unlawful activity of a municipality. The issue of judicial control of public administration allows us to confirm whether the principle of proportionality has been correctly applied by the municipal council in a specific case, which allows us to assume that the planning act is consistent with the law and also implements the protective function of the principle of proportionality. The administrative court in fact has the ability to eliminate the act of planning, the content of which infringes the principle of proportionality.

The dissertation consists of four chapters, their order is determined by the application of the principle of proportionality by the municipality, and then the evaluation of this application. The subject of the first chapter is to determine the content and the essence of the principle of proportionality. In this chapter were presented the genesis and legal basis of the principle of proportionality. For the subject of this dissertation, the analysis of its application was of key importance. In addition, the content of the proportionality principle has been characterized, detailing its content criteria, i.e. relevance, necessity and proportionality *sensu stricto*. The second chapter presents the conditions of local spatial planning. In addition to the planning acts issued by the municipality's self-government as part of this planning - a study and a local plan, the political position of the municipality was presented. It have also been analyzed the principles characteristic of local spatial planning.

The third chapter presents issues related to property rights in local spatial planning. It was presented the issue of limiting the right of ownership through the activity of the municipality and the matter of the violation of the essence of this right and the economic consequences associated with the adoption of a planning act. It also the issue of balance of interests occurring in local spatial planning has been characterized. Separate considerations concerned additional criteria comprising of the model of application of the proportionality principle, ie, planning rationality, the requirement to substantiation and balance of interests. These criteria should be considered along with the content

criteria of the principle of proportionality, which means that the application of the this principle in local spatial planning consists of: relevance, necessity and proportionality sensu stricto, as well as planning rationality, substantiation requirement and balancing of interests.

The fourth chapter deals with the issue of a model of administrative court control of municipality planning acts, in the scope of applying the principle of proportionality. This subject requires starting from a judicial issue to control the activities of public administration. The following part presents the judicial control of municipality planning acts in the scope of applying the principle of proportionality by the municipality. It is also separated a model of judicial control, which can be reduced to assessing the provisions of a planning act by an administrative court in terms of their suitability, necessity and proportionality sensu stricto for the implementation of objectives set by the municipality council. It is important that this assessment falls within the criterion of legality as the basis for the judicial control of public administration activities.