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Defining concepts in local plans of spatial development

Summary

The subject of this paper is local spatial development plans, and in particular, the glossaries that accompany those plans. The glossaries contain definitions which, when expanded to cover wider scopes, constitute an essential element of the legislative activity of a local authority, as they consequently directly influence the surrounding spatial order. Many of the defined concepts that have been subject to our analysis are very interesting, but the one which has inspired the research the results of which are presented in this paper is a term “architectonical dominant”. Already the fact that its meaning must be arbitrarily interpreted due to the fact that the words used to create it are themselves under-defined, means that in consequence every attempt to give the term a concrete meaning (concept) may bring about different results. And yet, clearly, a possibility to introduce certain definitions means that spatial planning authorities have been granted such discretionary powers to do so.

First, the significance and the idea of local spatial plans and the scope of independence of local authorities in the shaping of those plans are discussed. Next, the general principles of defining concepts contained in local spatial development plans are presented, followed by an analysis of the relationship between statutory definitions used in legislative acts and those contained in respective local spatial development plans. Apart from the definitions contained in the latter, which refer to statutory acts, also those of a *stricte* law-making character are analysed as the most interesting. The conclusion of the deliberations is a recommendation that definitions in local spatial development plans should neither be arbitrarily introduced, nor should unnecessarily modify the generally binding provisions of applicable laws. The practice of using different terms to denote the same concept, common among local law-making bodies, is also criticised, especially since these other terms frequently lack clear definitions.

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