

University of Constantine 3 Salah Boubnider

Faculty of Architecture and Urban Planning

Department of Urban Planning

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## **URBAN LAW 1**

IDENTIFICATION OF THE TEACHING MATERIAL

LICENSE IN URBAN PLANNING: 3<sup>RD</sup> YEAR / SEMESTER 5

Title : Urban Law and Environmental Law 01

Teaching Unit : Transversal - Number of Credits: 02 - Coefficient: 01

Total weekly teaching hours: 3 h 00

- Courses (number of hours per week): 1 h 30 mn\*\*
- Directed Studies (number of hours per week): 1 h 30 mn\*\*

### **DESCRIPTION OF THE TEACHING MATERIAL :**

The definition of Urban Law does not truly reveal the importance or interest for the study of urban planning of this legal discipline. It is only by realizing that most of the rules of this law are not the result of legislators but of urban planners that the importance of this knowledge is revealed. A knowledge that then becomes central in a discipline that is so technical and often aesthetic, but also authoritarian and binding.

In fact, as soon as urban planning becomes the organization of space, it becomes de facto law. The urban plan is the very expression of this law that is imposed on everyone in space, by imposing its use.

As a result, the purely technical mechanisms and conceptual procedures of urban planning are confused with the legal procedures. The graphical expression of the Plan must be accompanied by the literary and lexical expression of the Code. Plan and code are united and brought together in the same gesture and the same reflection: Organize, order, oblige.

Urban planning draws its binding force from law and law imposes on urban planning the procedure and the rule. Urban planning must therefore necessarily obey the model defined by the Law and strictly and rigorously comply with its procedures. Urban planning is freely designed but within the framework of the law. This is the essence of Urban Law as it should be perceived by any student of urban planning.

The main objective of the teaching of the subject is to provide the student with essential knowledge in the field of Urban Law, to accustom them to the manipulation and processing of legal data for both theoretical and practical use.

The subject is developed in 3 chapters:

- **The first chapter**, which is an introductory chapter, contains the basic concepts related to the teaching of legal sciences.
- **The second chapter** is devoted to the development of the rules of urban law, especially national rules. The so-called rights of use of land and buildings. Commonly called urban planning instruments.
- **The third chapter** is devoted to the application of urban planning rules. Commonly called urban planning acts.

## **CONTENT OF THE TEACHING MATERIAL**

### **Course 1 : GENERAL INTRODUCTION TO THE STUDY OF LAW:**

- Definition of Law and characteristics of the rule of Law.
- Sources of Law and institutions.
- Legal texts and the theory of the hierarchy of norms.
- Some legal concepts.
- Different branches and objects of Law.

### **Course 2 : Law and Urban Planning**

- The relationship between law and urban planning
- Definitions of urban law and "rights of use of land".
- Scope of urban law
- Characteristics of Urban Law
- National rules and local rules
- Evolution of Urban Law in Algeria

### **Course 3: Principles and Foundations of Algerian Urban Law**

- Organize the production of urbanizable land,
- The formation and transformation of the built environment.
- The efficient management of land,
- The balance between housing, agriculture and industry

- The preservation of the environment,
- The preservation of natural environments,
- The preservation of landscapes,
- The preservation of cultural and historical heritage,
- Respect for the principles and objectives of national spatial planning policy.

#### **Course 4 : Urban planning instruments:**

- Generalities
  - General rules of urban planning.
  - Urban planning and urban development
  - General and special provisions
- Course 5: PDAU, urban planning instrument
- Generalities, Object, Procedure, Effects

#### **Course 6 : POS, urban development instruments**

- Generalities, Object, Procedure, Effects
- Course 7: Specific provisions
- Protection of agricultural land.
  - Protection of the coast
  - Protection of cultural property.
  - Protection of the environment.
  - Prevention of major risks.

#### **Course 8 : Application of construction rights or urban planning acts**

- The principle of control.
- Preliminary control - authorizations
- Subsequent control - conformity control

#### **Course 9 : Preliminary control and permits**

- The land development permit
- The building permit
- The demolition