



**A case initiated with regard to a part in the spatial plan for the territory of  
Jūrmala**

On 3 November 2016 the 4<sup>th</sup> Panel of the Constitutional Court initiated a case “On Compliance of Para 2361 “Use of Territory and Construction Rules” of Binding Regulation No.8 of 24 March 2016 by Jūrmala City Council “On Approving the Graphic Part, Regulation on the Use of Territory and Construction in the Spatial Plan of Jūrmala City” with Article 115 of the Satversme of the Republic of Latvia”.

**Contested Norm**

The contested norm of the binding regulation provides that construction of also such resort objects that are linked to the use of the local mineral water resources is permitted on the land plot with the Cadastre No. 1300 007 1607. The maximum density of construction comprising such objects – 10%, height of constructions and number of storeys– twelve metres, 2.5 storeys.

**Norm of Higher Legal Force**

Article 115 of the Satversme: “The State shall protect the right of everyone to live in a benevolent environment by providing information about environmental conditions and by promoting the preservation and improvement of the environment.”

**Facts of the Case**

The case has been initiated on the basis of a constitutional complaint submitted by twelve inhabitants of Jūrmala City. It follows from the complaint that the land plot, to which the contested norm applies, is located within the protected zone of the dunes of the seashore. Allegedly, it is covered by a growing forest and the land plot is of essential ecological significance. On the basis of the contested norm, the area, where construction is permitted, is approximately 696 square metres and the permitted height of the building – 12 metres (2.5 storeys).

The applicants hold that the Jūrmala City Council, in adopting the contested norm, has not conducted the required environmental impact assessment. Moreover, it had failed to provide to the applicant information about this assessment and arguments that would provide substantiate the adoption of the contested norm. It is stated in the application that the contested norm is incompatible with the principle of sustainable development and infringes upon the applicants' right to live in a benevolent environment.

## **Legal Proceedings**

The Constitutional Court has requested the institution, which issued the contested act – the Jūrmala City Council – to submit by 6 January 2017 to the Constitutional Court a written reply, presenting the facts of the case and legal substantiation.

The term for preparing the case is 6 April 2017. The Court shall decide on the type of procedure and the date for hearing the case after the case has been prepared.

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The press release was prepared with the aim to facilitate understanding of the actual facts of the case. It shall not be regarded as part of the judgement and is not binding to the Constitutional Court. The judgements, decisions and other information regarding the Constitutional Court are available at the home page of the Constitutional Court [www.satv.tiesa.gov.lv](http://www.satv.tiesa.gov.lv).

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