



Analysis, recommendations
and legislative proposals
for a Building Act reform
in the area of spatial planning
Third roundtable meeting report

European Commission – DG REFORM &
Ministry of Regional Development
of the Czech Republic



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Third roundtable meeting report

The third stakeholders' roundtable meeting was held online due to the prevailing Covid-19 measures on March 11 2021 from 13:00 to 17:00. The meeting was attended by 17 stakeholders representing most of the stakeholder types identified early in the project.

The meeting was initiated with presentation of the current stage of the project and two rounds of stakeholders' smaller discussion followed. After the meeting stakeholders had an opportunity to participate in a follow-up anonymous survey focused on attitudes towards friction areas of the proposed spatial planning reform. The evaluation of the survey is included in this report.

Disclaimer

The „Analysis, recommendations and legislative proposals for a Building Act reform in the area of spatial planning“ project („**Spatial Planning Analysis**“ in short) was carried out with funding by the European Union via the Structural Reform Support Programme and in cooperation with the European Commission's DG REFORM, contract number: SRSS/SC2019/150.

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1. Meeting summary

1.1. First discussion in smaller groups

For the first discussion stakeholders were divided into three groups of similar size. These groups were formed as mixed, meaning various types of stakeholders were assigned into each group. The main objective of the first discussion was to comment on positive part of the reform proposal as well as to comment on parts that require further attention. Below are captured key topics mentioned and discussed by participating stakeholders:

- The tradition of self-governance was interrupted by communist dictatorship and the feature of multi-levelled governance was not yet revived.
- Representatives of the large cities indeed seem supportive for the proposed reform, although they would prefer even more substantial transfer of competencies to municipal level. For the large cities costs of spatial planning documentation is not essential, more detailed documentation is not commissioned because it is possible to permit construction without it and investors who would be negatively affected by more detailed documentation would submit for permit before it comes into force so it would not solve the problem.
- Small municipalities might see the reform as problematic. One of the reasons is increase in competencies and responsibilities. Currently municipal financing is driven by national legislation that require lower active participation of municipalities.
- The requirement to commission 2-leveled documentation on municipal level is welcome, current system put too much weight on statements of public authorities that are inconsistent, unpredictable and not rule-based, relatively high discretion of public administration officers was mentioned; it was mentioned in many cases more detailed plans are more important than upper spatial plan. On top of that obligatory requirements on detailed development plans should be minimal to allow flexibility of the documentation and it should be up to municipality what form of regulation to choose. The flexibility seems to be important as planning studies became more prevalent than more restrictive regulation plans.
- Municipalities should have within their competencies to set detailed regulation principles generally binding on their area (either as a separate document or as a general part of the zoning plan).
- The agglomeration planning is seen as welcome, also in light of support of intermunicipal cooperation incentivized by the EU. Although municipal merger might be more efficient, it is highly politically sensitive and unlikely. The opinions whether to merge or cooperate vary. Currently missing planning between core cities and suburban areas is seen as a problem.
- The national development plan should not be dependent on the decision of government solely, the requirement to be passed thru chamber of deputies was discussed. Also the plan should regulate only listed features of international and national importance and nothing else beyond this scope. The unwanted land-uses might be less avoided by municipalities if fair compensations are offered.
- If economic planning tools are defined as municipal fees there is a threat they will be overregulated from the national level. It would need to be guaranteed the range of municipal fees set from the national level would not be binding for municipalities.
- The impact fees charged for new development should be invested in local public amenities to serve both homeowners and renters. The setting of the fee itself should be completely within municipal competencies.
- The state level could issue non-binding examples of typical spatial planning regulation and incentives that could be followed by municipalities and adjusted according to the local needs.
- The National Geoportal is in general welcome and it is expected it might help especially for larger scale planning. There are however worries its creation might be complicated as it is the case of other IT systems in the public administration. It was also emphasized it should be cautiously considered what data should be accessible there. Accessible user interface for general public was also stressed out.
- Cities lack professionals who would do integrated planning. This seems to be the case not only of small municipalities, but even the larger ones.



1.2. Second discussion in smaller groups

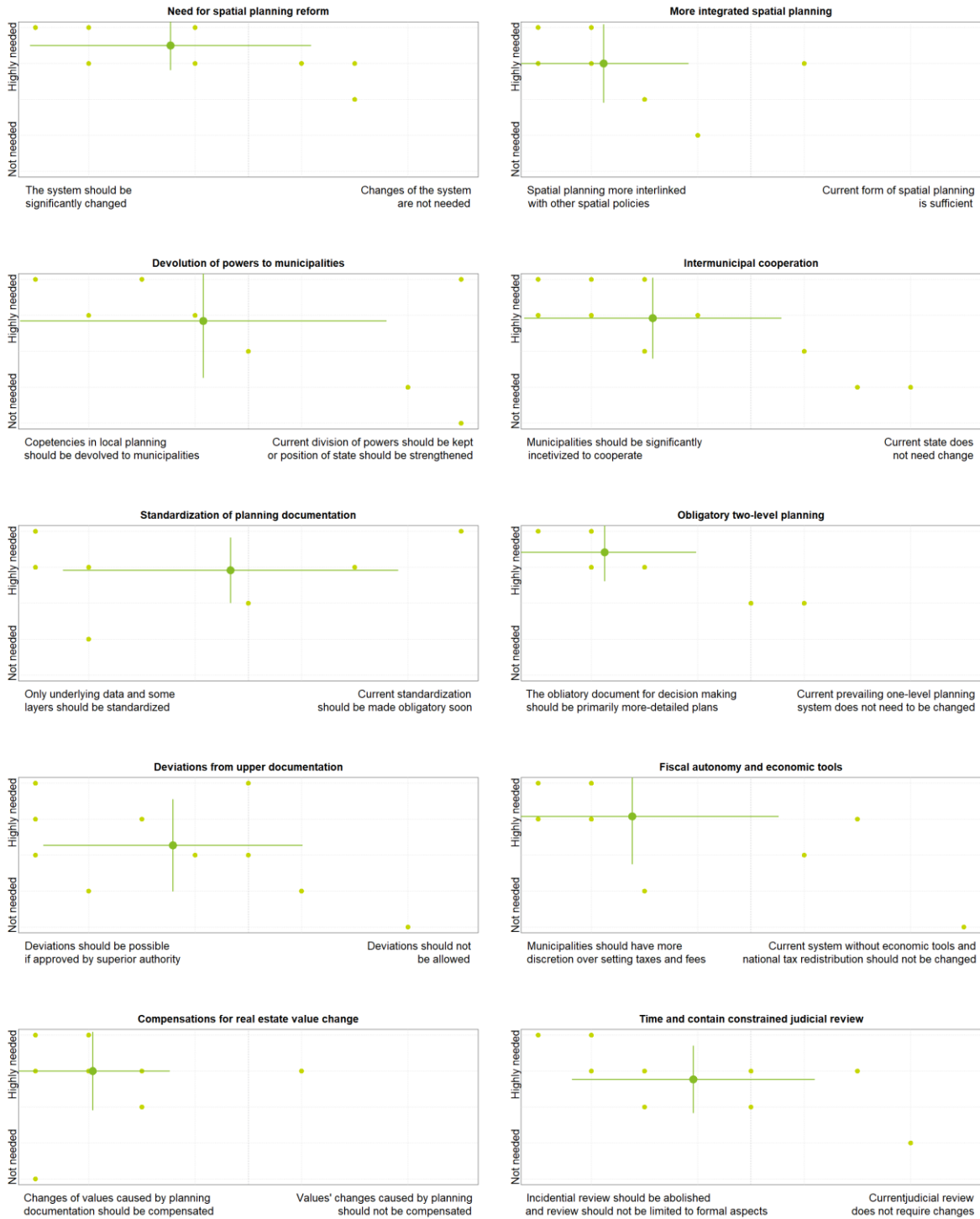
In the second part only two groups were formed. One group concentrated predominantly professional experts in the spatial planning while in the other group were mainly other stakeholders in the spatial planning. The objective of the second discussion was to discuss identified friction areas and involved stakeholders as well as potentials how to mitigate arising problems to make the reform acceptable for majority of stakeholders. The areas discussed are summarized below.

- There should be higher involvement of municipalities into the process of spatial planning reform preparation (within current novelization process). Currently mostly state administration is involved. This is supported by the concept that spatial planning should be within municipalities' competencies.
- Currently argument against devolution of powers presented by state powers are usually based on problems in few municipalities that are expectable given the number of municipalities in the Czech Republic.
- The small municipalities might support reform if the reform is well prepared already with implementing regulation, guidelines and handbooks to ease municipalities' orientation in the new system.
- There is generally problem of setting common rules for highly heterogeneous municipalities and it is an open question whether small and large ones should have same competencies and tools in planning.
- Municipalities do not cooperate because there are no incentives strong enough to do so. There is not a sufficient room for negotiation in the spatial planning that should be actually a core of planning itself.
- Currently municipalities enjoy the opportunity to informally affect building authorities' decision making about individual projects and they are unable to imagine to set rules thru planning system and let then decide state authorities. It seems much more emphasis should be put on increasing awareness of spatial planning on municipal level.
- It was mentioned the quality of planning is correlated with local awareness of planning and willingness to plan well and it is simply a fact that some municipalities are doing better and some worse. However, it was said the more intervention from the state level does not help as there is experience with the same problem of high or low willingness to plan well among the state authorities of spatial planning. It was argued it should be a right to elect poor representation responsible for planning. Currently state authorities could be also poor in some cases, but they are not responsible to local citizens.
- The opinion whether building permitting authorities should be completely within state powers is ambiguous. While majority of stakeholders agreed it should be transferred to state powers, some stakeholders argued the decentralized building permitting offices might for instance support local employment in remote small municipalities.
- The conservatives might worry about the future system of planning as they are currently providers of planning services and the reform might weaken their position.
- Even supporters of the reform are skeptical that any deeper reform would be done. It seems state administration is generally satisfied with current condition and it does not have motivation to pursue for reform that would be welcome by lower-level governments.
- The detachment of interests of state and local governments might be explained by weak links of local and national politics as typically local political parties are involved in municipal politics, therefore they do not have internal procedures within political party to escalate problems to the national politics.
- There is a persistent problem of perception of the spatial planning as formalized expert discipline that is not appealing to general public and politicians. As a result planning is not seen as a priority.
- Public participation should correspond to the scale of the planning: While participation of public spaces redevelopment is highly successful with locals, participation of regional and national projects require rather different stakeholders. It is perceived the recent legislation rather discouraged from public participation.



2. Post-meeting survey

After the stakeholder meeting survey focused on identified friction areas in the spatial planning reform was sent to involved stakeholders. The survey asked to what extent stakeholders consider each friction area as important to deal with in the subsequent reform process and also what is their own perception or attitude to the friction area in question.



The above shown plot summarizes each one of 10 asked questions. On the vertical axis is plotted the urgency to deal with the identified friction area, the top of the plot means the most urgent to deal in the following process while the bottom of each plot means the friction area does not need much further attention. The horizontal axis refers to opinion of stakeholders on the friction area. The top left is mostly the opinion expressed in the reform proposal while the top right is mostly current condition.

As of writing this report, 13 participants filled-in the survey (some of them not all questions). The individual entries into the survey are shown as small dots. The aggregated mean answer is depicted by larger dot and the straight lines show one standard deviation from the mean to both sides. The standard deviations are plotted for both dimensions – vertical for perception of the urgency of the friction area and horizontal for attitude towards the friction area.

The results show all the identified friction areas are located in the upper part of plots meaning they are perceived as urgent by the stakeholders and they need to be discussed among stakeholders if the reform proceeds to build consensual proposal of the reform. Also the dispersion of answers to the urgency of these friction areas is somewhat similar.

The attitudes of stakeholders towards the friction areas themselves are however more diverse. On the one hand, in case of integration of the spatial planning, introduction of the two-level planning and compensation of real estate values' changes majority of stakeholders favor presented reform proposal and variation in their attitudes is rather small. On the other hand, in case of devolution of more powers to municipalities and postponing planning documentation standardization the average response is located much more to the middle between proposed reform and current state and the dispersion of responses is wide.

To conclude, it seems stakeholders on average rather agree or agree with proposed form of the reform and at the same time they admit the friction areas need to be further discussed among interested stakeholders. This survey however cannot provide definite evidence as the number of participants who were involved is very small, but it supports or findings from previous stages of the project. If the reform preparation continues we recommend to repeat this survey among wider and more numerous group of stakeholders to monitor their attitude towards the reform.



3. List of participants

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Jakub Hanák

Vlastimil Diviš

Jindra Tužilová

Kamil Kubiš

Dainel Vondrouš

Miroslava Seidelová

Martin Kloda

Stašek Žerava

Petr Hlaváček

Karel Maier



4. Attachments

- Meeting presentation v 0.7 (CZ)
- Online survey questions (CZ)





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