



Legislative proposal of changes within the field of spatial planning

Deliverable 2.2.

European Commission – DG REFORM &
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of the Czech Republic



This document was drafted jointly by Deloitte Real Estate Advisory and Deloitte Legal Czech Republic within the project entitled *Analysis, proposals and legislative proposal for the reform of the Building Act in the field of spatial planning* ("**Project**"). Elaboration of this document was managed by Ondřej Zabloužil and contributions to the document were done by Lukáš Makovský, Jakub Leško and Vojtěch Kania (spatial planning stream) and Zdeněk Horáček, Kryštof Dosoudil and Jan Fišer (legal stream). The document was supervised by Miroslav Linhart (Real Estate Leader) and Martin Bohuslav (Managing Partner in Deloitte Legal). Coordination of the project was supported by Jan Sedliačik (Deloitte CZ) and Benoît Vandresse (Deloitte BE). Spatial planning expert consultations were provided by Michal Kohout and Filip Tittl (UNIT architekti).

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This document arises from and is strictly determined by the previous documents released within this Project – the analytical report and the planning proposal for the reform of spatial planning ("**Documents**"). In both of these Documents, the problems of spatial planning in the Czech Republic were identified using relevant literature and data, a comparison was made with spatial planning systems in selected countries and subsequently the main material aspects of the system were selected to be reformed in the Czech Republic. The identification of these aspects also arose from the two workshops with the participation of important stakeholders within the spatial planning in the Czech Republic that were held within the Project. The Documents and workshops showed that selected problems of the current spatial planning system require a deeper reform that goes beyond the scope of this Project, and we anticipate its gradual long-term implementation. The whole reform proposal is contained in „Spatial planning reform proposal". Finally, this document introduces the possible implementation of these aspects into the legal context in the Czech Republic.

There were two options considered for the implementation of the draft reforms, namely a draft amendment to the existing Act No. 183/2006 Coll., On Spatial Planning and Building Regulations (Building Act) and a draft amendment to the draft of the new Building Act. With regard to the initiated legislative process, the proposed reform was incorporated in the wording of the new Building Act in the version of Parliamentary Press No. 1008 ("**Proposal**"), which was approved in the first reading in the Chamber of Deputies of the Parliament of the Czech Republic on 5 November 2020.

The proposed changes were divided into two categories. The changes that can be implemented within the draft of the new Building Act without interfering with the concept of the proposal, or which can already be incorporated into existing legislation have been marked as immediate ("okamžitě"). The changes that require more extensive intervention in the text of the proposal, or into several other pieces of legislation have been marked as conceptual ("koncepční"). The other pieces of legislation that were mentioned where it is necessary to amend or re-adopt them so that the proposed change is functionally reflected in the legal order. An integral part of this delivery is the text of the draft of the new Building Act with projected changes.



Purpose of change	Immediate / conceptual change	Section of the Building Act, related regulations	Implementation and the wording of the change
Coordinating strategic plans defining the public interest:			
1. Determination of development priorities	Conceptual	<ul style="list-style-type: none"> • Section 38, Section 12 of the Proposal • Act No. 248/2000 Coll.: In addition to the existing regional development strategy, it is necessary to define the strategic plan of the municipality, including continuity in other provisions of the law 	<p>Section 38 par. 2: <i>“Spatial planning ensures the preconditions for the sustainable development of the area and for this purpose evaluates the potential for the development of the area and the forecasts of its further development. In carrying out their activities, administrative authorities rely mainly on the regional development strategy at the national level and on strategic plans at the level of regions and municipalities.”</i></p> <p>(Note: the proposed amendment is incorporated into the text of the provisions of Section 38, Paragraph 2 of the Proposal in case that a comprehensive proposal to amend the provisions of Section 38 below is not accepted.)</p> <p>Section 12 letter. v): „the strategic plan for</p> <p>1. the territory of the region means the strategy of the territorial district of the region,</p>

			<p>2. the territory of the municipality means the strategic plan of the municipality. ¹</p> <hr/> <p>¹ Act No. 248/2000 Coll., On the support of regional development, as amended.</p>
<p>2. Defining the public interest in the objectives and tasks of spatial planning</p>	<p>Conceptual</p>	<p>Section 38, Section 39 letter. r) of the Proposal</p>	<p>Section 38:</p> <p>„(1) The aim of spatial planning is to systematically and comprehensively address the functional use of the territory, establish the principles of its area and spatial arrangement and create preconditions for sustainable development of the territory based on a balanced relationship for favorable environment, economic development and cohesion of the community without compromising the living conditions of future generations.</p> <p>The aim of spatial planning is to find agreement between all the subjects concerned for the use of the territory of the state and territorial self-governing units so that the development goals set out in their strategic documents are met.</p> <p>(2) Spatial planning provides preconditions for the sustainable development of the territory and for this purpose evaluates the potential for the development of the territory and forecasts of its further development. In spatial planning, the authorities are mainly based on the strategy of regional development at the</p>

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			<p><i>national level and on strategic plans at the level of regions and municipalities. Spatial planning aims to achieve sustainable development based on a balanced interest in environmental friendliness, economic and cultural development and community cohesion, which meets the needs of the current generation without compromising the living conditions of future generations.</i></p> <p><i>(3) The aim of spatial planning is also to increase the quality of the built environment of settlements, to develop their identity and to create a functional and harmonious environment for the daily life of their inhabitants. The aim of spatial planning is to organize the interests in the territory so that the interests of all levels of self-government are respected and the interests of lower territorial self-governing units do not unduly disrupt the interests of higher territorial self-governing unit and also that the interests of higher territorial self-governing units do not unduly disrupt the interests of lower units.</i></p> <p><i>(4) Spatial planning protects and develops the natural, cultural and civilizational values of the area, including urban, architectural and archaeological heritage, while protecting the landscape as an essential component of the living environment and the basis of their identity. With this in mind, it determines the conditions for the economical use of the built up area and ensures the protection of the non built up area. Buildable areas are defined with regard to the possibilities of land development and the utilization rate of</i></p>
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			<p>the built-up area. The aim of spatial planning is to find a form of territorial development that will bring the greatest benefit to the community of the municipality. No property owner in the territory concerned should suffer disproportionate damage to his rights without compensation because of the adoption of the spatial planning activity, just as no property owner in the territory concerned should be disproportionately evaluated without compensation because of the spatial planning activity.</p> <p>(5) In accordance with this Act, spatial planning authorities shall coordinate public interests in the territory and initiatives for changes in the territory, construction and other activities affecting the development of the territory and specify the protection of public interests arising from this Act and other legal regulations. The goals of spatial planning are fulfilled by finding such forms and combinations of planning documents, regulations, fees and incentives that will most effectively achieve the goals of territorial development set out in strategic documents."</p> <p>Section 39 letter. r):</p> <p>„to coordinate public interests in the territory and incentives for changes in the territory, construction and other activities affecting the development of the territory and to specify the protection of public interests arising from this Act and other legal regulations."</p>
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<p>3. Strategic and spatial planning documents are binding documents for subsequent public policies and plans</p>	<p>Conceptual</p>	<p>Section 74 par. 1, Section 77 par. 1, Section 80 par. 1</p> <p>Other regulations - it is assumed that the obligation to take strategic documents into account is explicitly stated in other policies and plans according to component regulations, e.g.:</p> <ul style="list-style-type: none"> • River basin management plans pursuant to Section 24 of Act No. 254/2001 Coll., On Water • Waste management plans pursuant to Section 41 of Act No. 185/2001 Coll., On Waste • and other <p>It is also assumed that strategic and spatial planning documents will be a binding basis for the performance of public administration within the application of relevant component regulations.</p>	<p>Section 74 par. 1: <i>"The Spatial Development Plan develops the goals and tasks of spatial planning in a national context and sets the strategic intentions of the state in the field of development and protection of its territory, takes into account the requirements of the regional development strategy and other strategic concepts of the Czech Republic and international commitments and contributes to their fulfillment."</i></p> <p>Section 77 par. 1: <i>"The principles of territorial development are the basic conceptual document of the region for guiding its territorial development and protection of the values of its territory and take into account the requirements arising from the strategic plan."</i></p> <p>Section 80 par. 1: <i>"The spatial plan is a basic conceptual document of the municipality to guide the territorial development and protection of the values of its territory and takes into account the requirements arising from the strategic plan."</i></p>
<p>4. According to the principle of subsidiarity, planning subjects in one's own competence and respecting plans of other levels of self-government</p>	<p>Immediate</p>	<p>Section 72 par. 2 of the Proposal</p> <p>Relevant decrees - can be incorporated into the current Decree No. 501/2006 Coll. Specific issues that belong to the level of planning will be assigned.</p>	<p>Section 72 par. 2: <i>"Spatial planning documentation may not contain details that belong in their content to the subsequent spatial planning documentation or decision."</i></p> <p>At the same time, spatial planning documentation ensures compliance with the principle of subsidiarity and regulates only those matters which</p>



			<i>significance exceeds the interests of the related spatial planning documentation."</i>
5. The strategic documents should include identification of the issues, setting goals, way of dealing with public policy, demands on finance and other resources, and the implementation schedule	Conceptual	Act No. 248/2000 Coll. - assumes a detailed specification of strategic plans.	
Economic tools in spatial planning:			
6. Introduction of new soft economic tools for directing construction to suitable areas	Non-legislative, Conceptual	See point 27.	
7. Real estate taxes with emphasis on land tax for effective use of land potential	Immediate	Act No. 338/1992 Coll., On Real Estate Tax - it is assumed in particular that the tax rate is differentiated within municipalities and efforts to tax land on the basis of their value	
8. Fees for public services by the cost of providing them (the	Conceptual	Act No. 565/1990 Coll., On local fees - the possibility of creating a new fee, which should be independent of residence and should be paid by the	



so-called. "Amenity Fees")		property owner (not as part of real estate tax).	
9. Fees for negative or positive impact on the project environment (so-called "impact fees")	Conceptual	See point 27.	
10. Fees for changing the spatial plan according to the change in the value of land	Conceptual	See point 27.	
11. Connection with subsidies in the field of regional development	Non-legislative, Conceptual	Informative tools	This issue is assumed to be covered at an informative level with a possible reference to agglomeration plans (see point 12 et seq.).
Tools to support construction in attractive locations:			
12. Economic instruments motivating attractive municipalities with a high degree of regulation for permitting new construction	Conceptual	New provision	<p>New provision (it is assumed to be included after the existing provision of Section 86 of the Proposal):</p> <p>(1) <i>The agglomeration plan is prepared for the functional territory by agglomerations of individual municipalities based on the definition in the principles of territorial development or the territorial development plan in the case of the capital city of Prague.</i></p>



			<p>(2) <i>The agglomeration plan shall be prepared and approved by the agglomeration board, which consists of representatives of municipalities in the given agglomeration.</i></p> <p>(3) <i>The aim of the agglomeration plan is in particular to coordinate development in the agglomeration territory together with public investments, especially in transport, technical and civic infrastructure of supra-local importance, including coordination of the possibility of financing these investments.</i></p> <p>(4) <i>The agglomeration plan serves to prioritize investments in the agglomeration territory from the agglomeration budget or other sources of financing and is the basis for spatial plans of municipalities in the agglomeration territory.</i></p> <p><i>The agglomeration plan will provide data for decision-making on the support of projects financed through national subsidy titles or financed or co-financed from the European Union budget.</i></p> <p>(note: a variant of the form of a public contract is also to be considered)</p>
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13. A tool for reducing the NIMBY phenomenon	Non-legislative, Conceptual	See point 12 (motivation for financing from subsidy titles), point 14 (motivation for a larger share of VAT revenues), and point 2 (embedding the guarantee of compensation in the objectives of spatial planning)	
14. The possibility of paying part of the VAT from new construction to local budgets	Conceptual	Act No. 235/2004 Coll., On value added tax - it is assumed that the budget determination of the tax on new construction will be adjusted	
Interconnection of planning documents at the regional and state level:			
15. Improving the coordination of national and regional public policy in the field of spatial planning and regional development	Conceptual	See later in this section	
16. Linking territorial development policy with regional development strategy	Conceptual	Section 74 par. 1 of the Proposal	Section 74 par. 1: <i>"The Spatial Development Plan develops the goals and tasks of spatial planning in a national context and sets the strategic intentions of the state in the field of development and protection of its territory, takes into account the requirements of the regional development strategy and other strategic concepts of the Czech Republic and international commitments and contributes to their fulfillment."</i>



<p>17. Linking the Principles of Territorial Development with the Strategy of Development of the Territorial District of the Region</p>	<p>Conceptual</p>	<p>Section 77 par. 1 of the Proposal</p> <p>The long-term aim of the reform in the future is to combine strategic and spatial planning documentation into one document.</p>	<p>Section 77 par. 1: "The principles of territorial development are the basic conceptual document of the region for guiding its territorial development and protection of the values of its territory and take into account the requirements arising from the strategic plan."</p>
<p>18. Both documents supplemented by a territorial projection planning the infrastructure and other elements of national and regional importance, according to which it is possible to decide within the territory</p>	<p>Conceptual</p>	<p>Already incorporated in Section 74 par. 2 let. d) and e) of the Proposal</p> <p>Section 77 par. 2 let. d) and e) of the Proposal</p> <p>At the same time, projection into agglomeration plans according to point 12</p>	<p>Section 77 par. 2 let. d): "take over and, where appropriate, specify the substantive solutions contained in the territorial development plan, in particular buildable areas and corridors of public transport and technical infrastructure and the territorial system of ecological stability of supraregional importance."</p>
<p>Spatial plans:</p>			
<p>19. A more general document setting out the basic rules for development</p>	<p>Conceptual</p>	<p>Section 80, Section 81, Section 83 of the Proposal</p>	<p>Section 80:</p> <p>„(1) The spatial plan is a basic conceptual document of the municipality to guide the territorial development and protection of the values of its territory.</p> <p>(2) The spatial plan</p> <p style="padding-left: 40px;">a) delimits the built-up area,</p> <p style="padding-left: 40px;">b) sets out the basic concept of the development of the territory of the municipality, expressed in particular in the</p>



			<p>objectives of improving its current state and requirements for the development and protection of its values,</p> <p>c) determines the urban concept, which also includes the urban composition, delimitation of areas according to the existing or newly required use (hereinafter referred to as "area with different uses"), delimitation of buildable areas, transformation areas and the system of residential greenery,</p> <p>d) establishes the concept of public infrastructure, which includes the determination of conditions for its location, delimitation of areas and corridors for public infrastructure, including the determination of conditions for their use,</p> <p>e) establishes the concept of landscape layout, which includes the delimitation of areas with different uses, areas of changes in the landscape and setting conditions for their use, defining and setting conditions for the territorial system of ecological stability, landscape permeability, anti-erosion measures, flood and drought protection, recreation and mining of mineral deposits,</p> <p>f) stipulates the conditions for the use of areas with different uses with the determination of the main use, if it is possible to determine it, permissible use, impermissible use, or determination of conditionally permissible use of these areas and spatial conditions, including basic conditions of landscape protection,</p> <p>g) defines public benefit constructions, public benefit measures, constructions and measures to ensure the defense and</p>
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			<p>security of the state and areas for remediation for which the rights to land and buildings can be expropriated.</p> <p>(3) The spatial plan shall take over the material solutions to the principles of territorial development, in particular areas and corridors, and, if appropriate, shall specify them. If the principles of territorial development have not yet taken into account the substantive solutions contained in the territorial development plan, the territorial plan shall take over these solutions and, if appropriate, specify them.</p> <p>(1) A spatial plan is a basic conceptual document of a municipality for the regulation of territorial development and protection of the values of its territory and takes into account the requirements arising from the strategic plan.</p> <p>(2) The spatial plan proposes the use of the territory on the scale of the whole municipality, especially with regard to the whole. Apart from specific cases, the zoning plan is not intended for decision-making in the territory.</p> <p>(3) The spatial plan shall always define the built-up area, the stabilized area, development areas and transformation areas.</p>
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			<p><i>(4) The spatial plan shall take over the material solutions to the principles of territorial development, in particular areas and corridors, and, if appropriate, shall specify them. If the principles of territorial development have not yet taken into account the substantive solutions contained in the territorial development plan, the territorial plan shall take over these solutions and, if appropriate, specify them.</i></p> <p><i>(5) The spatial plan, if it is expedient, may stipulate differently the solution contained in the principles of territorial development, provided that this difference does not disturb the overall meaning of the solution contained in the principles of territorial development and if the different solution does not exceed the significance of the municipality. The condition for a different solution contained in the principles of spatial development is the issuance of a binding opinion of the spatial planning authority of the relevant region.</i></p> <p><i>(6) The elaboration of the spatial plan is coordinated with the elaboration of other spatial planning tools, in particular territorially differentiated fees and investment incentives so that the spatial development objectives set</i></p>
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			<p><i>out in the strategic plan are achieved at the best.</i></p> <p>Section 81</p> <p><i>(1) Spatial plan according to local conditions, expediency and with regard to the requirements of the superior spatial planning documentation usually</i></p> <p><i>a) sets out the basic concept of the development of the municipality, expressed in particular in the objectives of improving its current state and requirements for the development and protection of its values,</i></p> <p><i>b) stipulates the urban concept, which also includes the urban composition, the delimitation of areas according to the existing or newly required use (hereinafter referred to as the "area with different uses") and the system of residential greenery,c) sets out the concept of public infrastructure, including determination of conditions for its location, delimitation of areas and corridors for public infrastructure, including determination of conditions for their use,</i></p> <p><i>d) establishes the concept of landscape layout, which includes the delimitation of areas with different uses, areas of changes in the</i></p>
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			<p>landscape and setting conditions for their use, defining and setting conditions for the territorial system of ecological stability, landscape permeability, anti-erosion measures, flood and drought protection , recreation and mining of mineral deposits,</p> <p>e) stipulates the conditions for the use of areas with different uses with the determination of the main use, if it is possible to determine it, permissible use, impermissible use, or determination of conditionally permissible use of these areas and spatial conditions, including basic conditions of landscape protection,</p> <p>f) defines public benefit constructions, public benefit measures, constructions and measures to ensure the defense and security of the state and areas for remediation, for which the rights to land and buildings can be expropriated.</p> <p>g) defines the territory where the decision-making is conditioned by the procurement of more detailed spatial planning documentation. More detailed spatial planning documentation is always obtained for development and transformation areas.</p>
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			Section 81-Section 82
<p>20. Definition of buildable area, stabilized area and area for new construction, including basic parameters (capacity, participation in construction costs)</p>	<p>Conceptual</p>	<p>The buildable area has already been incorporated - see Section 12 letter i) of the Proposal</p> <p>It is expected to be incorporated into the current Decree No. 501/2006 Coll., Or a new by-law that:</p> <p>As a rule, more detailed spatial planning documentation does not have to be obtained for stabilized areas and the decision on the location of the building is governed primarily by general rules set by the relevant spatial planning documentation according to the local context with regard to preserving and developing the values of the place.</p>	<p>New provision (we assume the insertion of definitions after the provisions of Section 12 letter l)</p> <p>„SectionSection stabilized territory of built-up and unbuilt-up territory, for which a significant change of its character, built structure and functional use is not expected,</p>
<p>21. Division of the territory into parts where it is decided on the location of the building according to the context and parameters given by the zoning plan, and where it is decided according to more detailed spatial planning documentation</p>	<p>Conceptual</p>	<p>It is envisaged to insert a new provision between the existing between the existing Section 83 and Section 84 of the Proposal</p>	<p>New provision:</p> <p>“(1) A development plan shall be drawn up for development and transformation areas defined by the zoning plan, which shall be the basis for decision-making in the territory.</p> <p>(2) For territories without a requirement to procure a development plan or a part thereof, the spatial plan shall stipulate the conditions for decision-making in the territory, which should lead to the preservation and</p>



			<i>development of the values of the territory. These conditions will include compensation between individual actors in the territory, including requirements for co-financing of public facilities and services. "</i>
22. The zoning plan does not give the right to build, but defines the territory where construction is not permitted	Conceptual	See paragraph 26.	
More detailed development plans:			
23. Plans procured for development and transformation areas	Immediate	Section 85, Section 86 of the Proposal It is assumed to replace the term regulatory plan with the term development plan in the text of the entire Proposal. This is mainly due to its low current procurement rate and some differences in the instrument. Since, according to the proposed regulation, the development plan is to play a more significant role in the practice of spatial planning, a conceptual discontinuity is proposed.	Section 85: <i>"(1) The development plan is prepared as a document intended for decision-making in the territory in which it is expedient to coordinate new construction for the degree of change in the territory, or in territories where more detailed spatial planning documentation is required for specific values. The Regulatory Development Plan in the solved area sets out detailed conditions for</i> <i>a) delimitation and use of land,</i> <i>b) location and spatial arrangement of buildings, including their connection to public transport and technical</i>



			<p><i>infrastructure, and urban and architectural conditions,</i></p> <p><i>c) location and spatial arrangement of public infrastructure constructions,</i></p> <p><i>d) protection of values, character of the territory and landscape character,</i></p> <p><i>e) creating a favorable environment.</i></p> <p><i>f) compensation between individual actors in the territory, including requirements for co-financing of public facilities and services.</i></p> <p><i>(2) The Regulatory Development Plan also usually stipulates</i></p> <p><i>a) street and construction lines,</i></p> <p><i>b) mutual distances of buildings and distances of buildings from the land border,</i></p> <p><i>c) floor plan size of the building, height, volume and shape of the building,</i></p> <p><i>d) basic data on construction capacity,</i></p> <p><i>e) determination of the parts of the land that can be built up or the buildability of the land by other constructions,</i></p>
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			<p>f) <i>basic conditions for fire protection,</i></p> <p>g) <i>conditions for the delimitation and use of land of the territorial system of ecological stability.</i></p> <p>Section 86:</p> <p>(1) <i>The regulatory development Plan is prepared and issued for the solved area, if so decided by the municipal council.</i></p> <p>(2) <i>The regulatory development Plan may define public benefit constructions or public benefit measures, constructions and measures to ensure the defense and security of the state and land for remediation, for which the rights to land and constructions may be expropriated.</i></p> <p>(3) <i>The regulatory development plan may define the plan for which the conclusion of a planning contract is a condition for decision-making in the territory. In such a case, it contains the basic conditions for concluding a planning contract and a deadline for concluding a planning contract, which may not be longer than 4 years. Upon the expiration of the set period in vain, the said condition shall cease to be valid.</i></p> <p>(4) <i>The regulatory development plan may determine the order of implementation of changes in the territory."</i></p>
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<p>24. Detailed spatial regulation and specification of the participation of investors in the area in the investment of public facilities</p>	<p>Immediate</p>	<p>Section 86 paragraph 3, respectively Section 81 paragraph 3 of the Proposal.</p>	<p>Already incorporated as a possibility of concluding a planning contract in Section 86 par. 3 and Section 81 par. 3 of the Proposal</p>
<p>25. Determining the binding nature of individual parts of the plan according to the needs of a specific territory</p>	<p>Immediate</p>	<p>Section 86 paragraph 1 of the Proposal</p>	<p>Already incorporated in Section 86 par. 1 of the Proposal, which allows the procurement of a regulation plan only for a certain area.</p>
<p>Flexibility of planning documents:</p>			
<p>26. Freer regulation of the content of planning documentation with the possibility of using a wider range of tools</p>	<p>Conceptual</p>	<p>Section 61 letter g), Section 67, Section 68, Section 69, Section 72 par. 1 and 4, Section 73 par. 5 of the Proposal</p>	<p>Section 61: <i>"Spatial planning tools are</i> <i>a) spatial planning documents, which are spatial analytical documents and spatial studies,</i> <i>b) Policy of architecture and building culture of the Czech Republic,</i> <i>c) spatial planning documentation, which are the spatial development plan, the principles of spatial development, the spatial plan and the regulatory plan,</i> <i>d) delimitation of the built-up area,</i></p>



			<p>e) territorial measures, which are territorial measures on building closures and territorial measures on land remediation.</p> <p>g) agglomeration plan</p> <p style="text-align: center;">Section 2</p> <p style="text-align: center;">Territory Studies</p> <p>Section 67</p> <p><i>Purpose</i></p> <p>(1) The territorial study proposes, examines and assesses possible solutions to selected problems in the territory that could significantly affect or condition its use and arrangement.</p> <p>(2) The territorial study serves as a professional basis for</p> <p>a) decision-making in the territory, and only in those parts in which it is in accordance with the spatial planning documentation,</p> <p>b) procurement of spatial planning documentation, and only in those parts in which it does not conflict with the superior spatial planning documentation.</p> <p>Section 68</p>
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			<p><i>Procurement</i></p> <p><i>(1) The procurer procures a territorial study</i></p> <p><i>a) in cases where it is required by the spatial planning documentation,</i></p> <p><i>(b) on its own initiative, or</i></p> <p><i>c) on another initiative.</i></p> <p><i>(2) The costs of elaborating the spatial study required by the spatial planning documentation shall be borne by the body which issued the spatial planning documentation. The procurement of a territorial study from another initiative may be conditioned by the procurer by the payment of the costs of elaboration of the territorial study from the person who submitted this initiative.</i></p> <p><i>(3) In the assignment of the territorial study, the procurer shall determine its content, scope, objectives and purpose.</i></p> <p><i>(4) If necessary, the procurer shall ensure the adjustment of the territorial study and then insert the territorial study into the national geoportal of spatial planning; this insertion is a condition for the use of the territorial study.</i></p> <p><i>Section 69</i></p>
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			<p>Verification of the territorial study</p> <p>(1) The procurer shall check its topicality no later than 8 years after the insertion of the spatial study into the national geoportal of spatial planning and subsequently always within 8 years and in case of a positive result of the verification spatial planning.</p> <p>(2) If the inspection is not carried out within the period pursuant to paragraph 1, the Supreme Building Authority, or an organizational unit of the state authorized by it, shall delete the spatial study from the national spatial planning geoportal.</p> <p>Section72:</p> <p>(1) Spatial planning documentation is binding for the procured more detailed spatial planning documentation. The specified parts of the spatial planning documentation are binding for decision-making in the territory and other changes in the territory.</p> <p>Section73:</p> <p>"(5) Spatial planning documentation shall clearly define in its graphic and textual part the parts which are binding for decision-making in the territory and the parts which are binding for the subsequent spatial planning documentation."</p>
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<p>27. Emphasis on negotiating an agreement in the territory with the involvement of mutual compensation</p>	<p>Conceptual</p>	<p>Section 87 paragraph 2 of the Proposal</p> <p>Section 88 paragraph 1 of the Proposal</p> <p>Section 12 letter w) Proposal</p> <p>Section 330 of the Proposal</p> <p>It is expected that a new adoption of the implementing decree regulating the compensation will be adopted, possibly also as an annex to the Building Act</p>	<p>Section 87 par. 2: "The procurer, in cooperation with the designated representative, shall prepare a draft assignment of the spatial planning documentation (hereinafter referred to as the" draft assignment ") together with a participation plan and a compensation plan [...]"</p> <p>Section 88 par. 1: "The procurer shall immediately publish the draft assignment in the national spatial planning geoportal together with the participation plan and the compensation plan and shall announce this publication by a public decree. The procurer shall notify the publication to the authorities concerned and</p> <p>Section 12 letter w): "compensation plan a document with a proposal for financial compensation for impairment of real estate, which is annexed to the spatial planning documentation Details shall be provided by implementing legislation."</p> <p>Section 330: "The Supreme Building Authority shall issue decrees for the implementation of Section 12 letter w), Section 29 par. 3 let. b) and Section 29 par. 4, Section 59 par. 4, Section 62 par. 3, Section 64 par. 1, Section 66 par. 3, Section 87 par. 4, Section 109 par. 4, Section 152, Section 154 par. 2, Section 158 par. 4, Section 161 par. 4, Section 166 par. 4, Section 169 par. 2, Section 172 par.</p>
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			2, Section 266 par. 4, Section 267 par. 3, Section 268 par. 6, Section 269 par. 3, Section 270 par. 4, Section 272 par. 3, Section 277, Section 284 par. 4 and Section 291 par. 5."
28. The possibility of deviating more detailed documentation from the superior without the need to change it, if it fulfills its intention	Conceptual	Section 78 paragraph 2 of the Proposal Section 80 paragraph 1 of the Proposal	<p>Section 78 par. 2: <i>"If appropriate, the principles of territorial development provide for a more detailed solution contained in the territorial development plan and address other issues that exceed the significance or scope of the municipality; they may contain solutions of a selected area, corridor or area on a more detailed scale. At the same time, if it is expedient, the principles of territorial development may stipulate differently the solution contained in the territorial development plan, provided that this regulation does not disturb the overall meaning of the solution contained in the territorial development plan and if the different solution does not exceed the significance of the region. The condition for a different solution contained in the spatial development plan is the issuance of a favorable opinion of the Supreme Building Authority on the draft principles of spatial development."</i></p> <p>Section 80 par. 4: <i>"The zoning plan, if it is expedient, may stipulate differently the solution contained in the principles of territorial development, provided that this difference does not disturb the overall meaning of the solution contained in the principles of territorial development and if the different</i></p>



			<p><i>solution does not exceed The condition for a different solution contained in the principles of territorial development is the issuance of a favorable opinion of the spatial planning authority of the relevant region. "</i></p> <p>(Note: the proposed amendment is incorporated into the text of the provisions of Section Section 80, paragraph 4 of the Proposal in the event that a comprehensive proposal to amend the provisions of Section Section 80 above is not accepted).</p>
<p>Definition of sustainable development goals by local governments:</p>			
<p>29. Decision-making on sustainable development at the lowest appropriate level of self-government</p>			<p>Section 72 par. 2: "<i>Spatial planning documentation may not contain details that belong in their content to the subsequent spatial planning documentation or decision. At the same time, spatial planning documentation ensures compliance with subsidiarity and addresses only those issues whose significance exceeds the interests of the related spatial planning documentation. Detailed conditions shall be laid down in implementing legislation.</i>"</p> <p>Section 330: "<i>The Supreme Building Authority shall issue decrees for the implementation of Section 12 letter w), Section 29 par. 3 let. b) and Section 29 par. 4, Section 59 par. 4, Section 62 par. 3, Section 64 par. 1, Section 66 par. 3, Section 72 par. 2, Section 87 par. 4,</i></p>
<p>30. Transfer of a greater degree of responsibility for local development to elected political representation</p>			
<p>31. Increasing the importance of political responsibility in the field of local development</p>			



			<i>Section 109 par. 4, Section 152, Section 154 par. 2, Section 158 par. 4, Section 161 par. 4, Section 166 par. 4, Section 169 par. 2, Section 172 par. 2, Section 266 par. 4, Section 267 par. 3, Section 268 par. 6, Section 269 par. 3, Section 270 par. 4, Section 272 par. 3, Section 277, Section 284 par. 4) and Section 291 par. 5."</i>
Greater planning and fiscal autonomy:			



<p>32. All levels of government should cooperate on projects of regional or national importance (examples are the transformation of large brownfields or transport construction)</p> <p>33. Based on the experience from abroad, municipalities usually ensure the progress of a project, while regional or national government ensures its continuity and stability, which increases the interest of private sector investment.</p>	<p>Immediate</p>	<p>Section 39 letter b) of the Proposal</p>	<p>Section 39 letter b): "to determine, with regard to the conditions and values of the territory, the concept of land use and development, including the long-term urban concept of settlements, development of public infrastructure and protection of the open landscape and its permeability, with the cooperation of state administration bodies and local governments,"</p>
<p>Accessing data from one place:</p>			



<p>34. The national geoportal should be a signpost for displaying and obtaining data for spatial planning needs</p>	<p>Immediate</p>	<p>Already included, see Section 21 par. 2 letter e) and following of the Proposal and Section 268 par. 6 of the Proposal referring to the implementing regulation</p>	
<p>35. Spatial data should contain an administrative breakdown to which statistical office data can be added</p>	<p>Immediate</p>	<p>Section 268 par. 6 of the Proposal referring to the implementing legal regulation and other regulations (e.g. the Act on the Statistical Office, etc.)</p>	
<p>Access to the planning documentation:</p>			
<p>36. The national geoportal should display spatial planning documentation of all self-governing units for the entire territory of the Czech Republic - nationally harmonized layers or documents in their original form</p>	<p>Immediate</p>	<p>Technical functionality or Section 268 par. 6 of the Proposal referring to the implementing legal regulation</p>	
<p>37. For each municipality, it should be possible to switch from the national geoportal to its own pages of spatial planning documentation</p>			



Comments on documents in preparation:

<p>38. The interface of the national geoportal should be used to discuss planning documentation</p>	<p>Immediate</p>	<p>Section 89 par. 2 of the Proposal</p> <p>Section 89 par. 3 of the Proposal</p> <p>Section 94 par. 3 of the Proposal</p> <p>Section 97 par. 1 of the Proposal</p> <p>Section 98 par. 5 of the Proposal</p> <p>Section 100 par. 1 of the Proposal</p> <p>Section 100 par. 2 of the Proposal</p> <p>Section 101 par. 1 of the Proposal</p> <p>Section 101 par. 2 of the Proposal</p> <p>Section 103 par. 5 of the Proposal</p> <p>The second option of the solution of the national geoportal - a new provision that all communication takes place in the national geoportal.</p> <p>Act No. 128/2000 Coll., on Municipalities - with regard to the proposed digitization process, it is necessary for municipalities to ensure (usually at municipal authorities) access to the national geoportal for persons who do not have access themselves.</p>	<p>Section 89 par. 2: "nature conservation authority delivers the makerapplies for the procurer through the National Geoportal and the competent authority within 23 days of receiving the proposal to enter an opinion in accordance with Section 45i of the Act on nature and landscape protection, stating that it is possible to eliminate a significant impact on site of European importance or bird area. "</p> <p>Section 89 par. 3: " The competent authority shall apply to the procurer through the national geoportal within 30 days from the receipt of the draft assignment an opinion, in which, taking into account the opinion of the nature protection authority pursuant to paragraph 2, it shall state in the case of"</p> <p>Section 94 par. 3: " The authorities concerned shall, through the national geoportal, submit their opinions on the draft spatial planning documentation and the statement on the impact assessment within 15 days from the date of the joint meeting. Within the same period, the authorities and persons referred to in paragraph 1 (a) may: a) to d) to submit comments through the national geoportal . Opinions and observations submitted after that deadline or in matters decided in the parent spatial</p>
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			<p>planning documentation shall not be taken into account. "</p> <p>Section 97 par. 1: <i>Within 15 days from the day of the public hearing, everyone may submit in writing through the national geoportal their comments on the draft spatial planning documentation and impact assessment, if it is being processed. Comments made after the deadline or made in cases decided in the parent spatial planning documentation shall not be taken into account.</i></p> <p>Section 98 par. 5: <i>"The procurer sends placed in the National Geoportal draft evaluation of the comments and draft selection of the best solution to the authorities concerned and invite the concerned authorities to respond to them within 30 days of receipt of the opinion applied. If the authority concerned does not deliver an opinion within that period, it shall be deemed to agree with the procurer's proposals. If necessary, the procurer will ensure the resolution of any conflicts.</i></p> <p>Section 100 par. 1: <i>"Handles If the impact assessment, the procurer sends placed in the National Geoportal draft evaluation of the comments, the results of the consultation and proposal evaluation relied on opinions or results conflict resolution and the draft selection of the best solution to the competent authority as a basis for an opinion on the draft concept pursuant to Section 10g of the Environmental Impact</i></p>
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			<p>Assessment Act and shall invite the competent authority to apply an opinion on them within 30 days of receipt . "</p> <p>Section 100 par. 2: "The competent authority shall apply through the national geoportal an opinion on the draft spatial development plan, spatial development principles or spatial plan, if subject to assessment, within 30 days of receiving the submission of documents to the national geoportal pursuant to paragraph 1. the first is not an opinion pursuant to Section 54 par. 1. If it is not a change in spatial planning documentation, the deadline for applying the opinion for serious reasons, which the competent authority communicates to the procurer no later than 30 days after receiving the submission of documents in the national geoportal , 30 days."</p> <p>Section 101 par. 1: "The procurer of the principles of spatial development and spatial plan shall send to the national geoportal a proposal for evaluation of comments, results of consultations and proposal for evaluation of opinions, or results of resolving conflicts and proposal for selection of the most suitable variant.</p> <p>Section 101 (2): "The superior body shall send the procurer through the national geoportal an opinion on the draft principles of spatial development or spatial plan in terms of ensuring coordination of land use with regard to broader territorial relations and compliance with the superior spatial planning documentation. If he does not issue an opinion within 30 days of</p>
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			<p>receipt of the documents referred to in paragraph 1, the spatial development principles or spatial plan may be issued without his opinion. "</p> <p>Section 103 par. 5: "The opinion of the superior body on the substantial modification of the draft principles of territorial development and the spatial plan shall be applied by the superior body through the national geoportal within 15 days from the date of the repeated discussion; for the content of the opinion, the procedure in case of its non-issuance within the set time limit and in the case of notification of deficiencies shall proceed in a similar manner according to Section 101 par. 2 and 3. "</p>
<p>39. The negotiated documentation should be published in the national geoportal, its data should be available for download for the purpose of evaluation, and everyone should be able to submit their comments through the national geoportal.</p>	<p>Immediate</p>	<p>Section 97 par. 1 of the Proposal</p>	<p>Section 97 par. 1: "Within 15 days from the day of the public hearing, everyone may submit in writing through the national geoportal their comments on the draft spatial planning documentation and impact assessment, if it is being processed. Comments made after the deadline or made in cases decided in the parent spatial planning documentation shall not be taken into account.</p>
<p>Connection with monitoring of project permits:</p>			
<p>40. The national geoportal should be connected</p>	<p>Conceptual</p>	<p>Section 268 par. 6 of the Proposal referring to the relevant decrees - it is</p>	



with the data of permitting new construction for the possibility of easy control of compliance of projects with spatial planning documentation		assumed that data are interconnected for the purposes of permitting processes according to the building regulations (spatial data of cadastral records, statistical data of the Czech Statistical Office, data on changes in the territory)	
41. The interconnection of these data will also enable the evaluation of public policies in the field of territorial development	Conceptual	Section 268 par. 6 of the Proposal referring to the relevant decrees- interconnection is also assumed for the purpose of evaluating the fulfilment of the objectives of the regional development strategy and strategic plans Act No. 365/2000 Coll.	
Creation of the open encyclopedia of spatial data:			
42. Use of national geoportal space as an open encyclopedia of spatial data	Conceptual	Section 268 par. 6 of the Proposal referring to the relevant decrees Act No. 111/2009 Coll.,	
43. Public involvement in planning through a digital participation tool	Immediate	Section 97 par. 1 of the Proposal	Section 97 par. 1: "Within 15 days from the day of the public hearing, everyone may submit in writing through the national geoportal their comments on the draft spatial planning documentation and impact assessment, if it is being processed. Comments made after the deadline or made in cases decided



			<i>in the parent spatial planning documentation shall not be taken into account.</i>
Improvement of the methodological assistance in decision-making:			
44. Higher levels of government should assist in the interpretation of their plans	Immediate	Section 23 par. 2 letter b) of the Proposal Section 25 par. 2 letter b) of the Proposal	Section 23 par. 2 letter b): " establishes the principles of territorial development and provides methodological support for the purpose of their interpretation and application , "
45. For territorial decision-making, there should be uniform methodologies for harmonizing territorial decision-making		Act No. 248/2000 Coll. - the implementation of the practice of methodological assistance into strategic plans is also assumed	Section 25 par. 2 letter b): " <i>prepares the zoning plan and the regulatory plan at the request of the municipality and provides methodological support for the purpose of their interpretation and application,</i> "
Early solution of disputes between the procurer and the authorities concerned, as well as between the authorities concerned themselves:			
46. Resolving discrepancies between before and during the review of already approved and issued documentation	Immediate	Section 55 par. 1 and par. 2 of the Proposal Act No. 150/2002 Coll., Judicial Administrative Procedure Code - a decision of the Spatial Planning Office is issued as an existing decision on objections in the procurement process. Therefore, the possibility of judicial review and enshrining	Section 55: " (1) Spatial planning authorities shall discuss conflicting opinions of the authorities concerned. In the event of a disagreement between the procurer and the authorities concerned, as well as between the authorities concerned, the parties to the dispute shall proceed in accordance with the Administrative Procedure Code to discuss their views . within 60 days in justified cases. In resolving the dispute, the

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		the related active legitimacy of the relevant state administration bodies.	<p><i>parties are obliged to submit their reasoned comments on the opinion of the other party and to submit a proposal for resolving the dispute.</i></p> <p><i>(2) If the parties to the conflict do not agree in the manner referred to in paragraph 1, they shall send their opinions, including a reasoned opinion on the other party's opinion and proposals for resolving the conflict to the superior spatial planning authority within 15 days of expiry . The spatial planning authority issues a decision on the resolution of the conflict, which replaces the opinions of the parties to the conflict. An appeal is not admissible against the decision."</i></p>
47. Binding legal opinion of the court on the procedure of self - government in the case	Immediate	Judicial matter, an auxiliary interpretive role of the above-mentioned methodologies is assumed	
Review of documentation in the given time frame:			
48. Fixed deadline for documentation review (including incidental reviews)	Immediate	Section 101a par. 1 of Act No. 150/2002 Coll.	Section 101a par. 1 of Act No. 150/2002 Coll.,: "A motion to repeal a measure of a general nature or parts thereof may be submitted by a person who claims that he has been shortened of his rights by a measure of a general nature issued by an administrative body. If, under the law, he is at the same time entitled to bring an action or other motion in an administrative



			<i>court in a case in which a measure of a general nature has been used, he may propose the annulment of the measure of a general nature within 1 year of its entry into force only together with such a motion. "</i>
49. Emphasis on the assumption of active participation in the process of preparing documentation	Immediate	Section 306 par. 2 of the Proposal Act No. 150/2002 Coll. - it is envisaged to adjust the standing to bring proceedings in the part of the application for annulment of measures of a general nature	Already included in Section 306 par. 2 of the Proposal
Assessment according to the framework given by the strategic documents:			
50. Emphasis on the materiality of the review and the sustainability of strategic planning in the territory	Conceptual	The emphasis on the materiality of the review remains a matter of case law. For the assessment of spatial planning documentation within the framework set by the strategic plans, we refer to the point 1. Define specific reasons for the judicial review of spatial planning documentation.	
Review, including consideration of appropriate compensation:			
51. Initial review of appropriate compensation as part	Conceptual	Relevant decree according to Section 12 (w) of the Proposal (comprehensive regulation compensations	



<p>of judicial review without the need to divide the case into administrative and civil review (as is the case, for example, in the expropriation review)</p>		<p>in spatial planning, assessment of compensations by authorized persons is assumed, eg for the EIA process)</p>	
<p>52. Review of appropriate compensation only as a review of compliance with the procedure for its calculation (review of the adequacy of the amount of compensation itself, still pursuant to Part Five of the Civil Procedure Code)</p>		<p>Act No. 99/1963 Coll., Civil Procedure Code - the possibility of an action under Part Five of the Civil Procedure Code is assumed, where the plaintiff would challenge the adopted measure of a general nature exclusively for reasons related to compensation related to his real estate.</p>	
<p>Public participation at the appropriate time according to one's own plan:</p>			
<p>53. Public participation should be ensured at the beginning of the creation of spatial planning documentation</p>	<p>Immediate</p>	<p>Section 87 par. 2 of the Proposal</p>	<p>Section 87 par. 2 : <i>"The procurer may, in agreement with the designated representative, convene a public meeting on proposals for the content of spatial planning documentation."</i></p>
<p>54. The assignment of the zoning plan should include a participation plan, which would</p>	<p>Immediate</p>	<p>Section 87 par. 3, Section 88 par. 1 of the Proposal</p>	<p>Section 87 par. 3: <i>"The procurer, in cooperation with the designated representative, shall prepare a draft assignment of spatial planning"</i></p>



<p>further specify the goals and means of stakeholder and public participation,</p>		<p>Section 12 letter z) of the Proposal</p> <p>Relevant decree - can be incorporated into the current Decree No. 501/2006 Coll., or by new decree.</p>	<p>documentation (hereinafter referred to as the "draft assignment ") together with a participation plan and a compensation plan [...]"</p> <p>Section 88 par. 1: "The procurer shall immediately publish the draft assignment in the national spatial planning geoportal together with the participation plan and the compensation plan and shall announce this publication by a public decree. The procurer shall notify the publication to the authorities concerned and</p> <p>Section 12 letter z) "participation plan is a document with a proposal of the circle of participants in the process of obtaining spatial planning documentation and a schedule of public participation in the given process."⁴</p> <hr/> <p>⁴ Implementing regulation for spatial planning documentation.</p>
<p>Selection of stakeholders for participation corresponding to the type and scale of the plan:</p>			
<p>55. The participation plan should define the circle of stakeholders with whom the plan</p>	<p>Immediate</p>	<p>Section 12 letter z) of the Proposal</p>	<p>Section 12 letter z) "participation plan is a document with a proposal of the circle of participants in the process of obtaining spatial planning documentation and a schedule of</p>



<p>should be consulted in particular</p>			<p><i>public participation in the given process.</i>⁴</p> <hr/> <p>⁴ Relevant decree for spatial planning documentation.</p>
<p>56. The circle of key stakeholders should correspond to the scale and focus of the plan</p>	<p>Immediate</p>	<p>Section 12 letter z) of the Proposal</p>	<p>Section 12 letter z) "<i>participation plan is a document with a proposal of the circle of participants in the process of obtaining spatial planning documentation and a schedule of public participation in the given process.</i>⁴"</p> <hr/> <p>⁴ Relevant decree for spatial planning documentation.</p>
<p>Promoting education and training on planning:</p>			
<p>57. The principles of municipal planning as one of the rights of local governments should be included in the curriculums</p>	<p>Conceptual</p>	<p>Non-legislative, it is expected to be incorporated into the Policy of Architecture and Building Culture of the Czech Republic</p>	
<p>58. Maximum openness of planning activities, accessibility of materials, as well as education in the form</p>	<p>Conceptual</p>	<p>Non-legislative, it is expected to be incorporated into the Policy of Architecture and Building Culture of the Czech Republic</p>	

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<p>of exhibitions and public lectures should be encouraged</p>			
<p>Training of experts in the area of spatial planning:</p>			
<p>59. The development of urban planning curriculum, combining elements of existing spatial planning with humanities education, public policy-making, law and economics, should be encouraged.</p>	<p>Conceptual</p>	<p>Non-legislative, it is expected to be incorporated into the Policy of Architecture and Building Culture of the Czech Republic</p>	
<p>60. Research and cooperation with academia should be used more, for example, in the field of evaluation of public policies in the field of territorial development</p>	<p>Conceptual</p>	<p>Non-legislative, it is expected to be incorporated into the Policy of Architecture and Building Culture of the Czech Republic</p>	

