



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

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



Prague, September, 2020

## Second roundtable meeting 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

The second roundtable meeting, which is a part of the project “Analysis, recommendations and legislative proposals for a Building Act reform in the area of spatial planning” has been planned to be held on 8<sup>th</sup> September 2020 from 1 p.m. in Deloitte’s premises in Prague. Due to extremely bad situation regarding COVID-19 in Czech republic at the beginning of September it has been decided that meeting will be held on-line via Microsoft Teams platform at the exactly the same date and time. Invited stakeholders who confirmed their attendance have been notified of this changes upfront and with health & safety in mind they have commended our steps.

Aim of this second meeting/workshop was to continue to discuss opinions of key stakeholders on proposed reform of spatial planning system in Czech Republic.

Similarly to the first workshop, the meeting has been divided to presentation of key reform areas based on Planning proposal followed by 2 roundtable discussions where stakeholders have been given a chance to discuss approach stated in the Planning proposal in greater detail.

For the purposes of the feedback on “Planning proposal”, stakeholders received links for on-line questionnaire which is supposed to serve as a substitute for voting on printed schemes known from the first meeting.

In total, there were 75 stakeholders invited during August out of which 17 actually attended the workshop. Stakeholders were represented by participants from wide range of professional background – NGOs, state powers, investors and developers, municipalities and regions, academia, planners and spatial planning interest groups.

### 1.1. Materials provided

Stakeholders, which indicated their attendance during invitations in August has been provided by following materials:

- Project Deliverable 1.2 - Analytical report in version 0.991, August 2020
- Project Deliverable 2.1 – Spatial planning reform proposal in version 0.81, July 2020
- Form in order to submit comments regarding Deliverable 2.1



## 2. Discussion notes

### 2.1. First discussion regarding proposed reform areas

The first discussion tables of the workshop has been mixed so that stakeholders with differing interests within spatial planning could discuss proposed reform approach together. First round of discussions therefore consisted of the following tables, some of which were later merged together:

- **RED group**, facilitated by Zdenek Horacek
- **PURPLE group**, facilitated by Jan Fiser and Jakub Lesko
- **YELLOW group**, facilitated by Krystof Dosoudil
- **BLUE group**, facilitated by Ondrej Zabloudil
- **AZURE group**, facilitated by Lukas Makovsky

#### Key points:

- **Economical solutions of current spatial planning problems**

Participants welcome the introduction of economical tools in spatial planning, however, the use of such tools should be mandatory and within certain legal limits. This would help to achieve a predictability for all parties (investors, municipalities, citizens, state powers, NGOs) as well as minimize the possibility of out-of-the-law deals between the parties. Some participants noted that economic tools are only partially possible in the Czech legal environment and that introduction of such tools may reach other legislation. Other participants pointed out that economic tools already exist in some form – planning agreements and land readjustment but also concluded that conditions for their utilization is very limited due to exhausting processing requirements.

- **Strategic plans**

Might be welcome but it is important to maintain continuity. Also, we are looking at the strategic plans from today's point of view and with respect to current hierarchy in spatial planning. The problem with introducing the new spatial planning document is the uneven level of expertise in respective administrative offices (caused by the lack of/not so good education of officers), which might result in further complications. Spatial planning offices are considered to be understaffed and underfunded, their decision-making takes too long. Strategic plans are in theory very useful but their benefits should be judged on the process of the adoption and mainly on the degree to which general public participation and experts' participation is allowed. Some participants noted that organisations in Czech Republic in general have problems when working with strategic documents. Cure to this could be financial motivation or penalties when not acting within boundaries of a strategic plan.

- **Spatial planning at the appropriate level**

This is an important aspect – it has to be transparent and predictable who decides about what. Some stakeholders believe that it might be helpful to adapt new binding act/methodologies for permitting the bigger (trans-regional) infrastructure projects and that such projects should be assessed and administered by only one authority. Some other participants disagree and prefer negotiations and agreements between various affected parties rather than central solutions, which might be more effective and protect rights of municipalities better.

- **Judicial review of spatial planning documents**

Participants believe that the problem preceding the judicial reviews is the lack of cooperation – inter-municipal, municipality x state powers, municipality x inhabitants, authorities concerned. There should be a platform or methodologies to achieve better cooperation and negotiation which would prevent some of the disputes and judicial reviews, therefore achieve better stability and predictability. Some stakeholders also criticised the difference in decision-



making throughout the country – various opinions, various conditions, and different length of procedures resulting in lack of predictability. Incidental reviews are reaction of the courts to the shortening of the period for the review, however, it was agreed that one year is a sufficient period.

- **Transfer of spatial planning competencies to self-governing bodies**

According to some stakeholders, it may prolong the preparation of zoning plans as the municipalities will not be able to reason their attitude to the affected public interests. The highest building office will not be entitled to review conflict of affected public interest as it is a conflict of self-governing bodies and state power and the highest building office shall represent state power.



## 2.2. Second discussion regarding proposed reform details

In the second round of discussions, participants were grouped based on similar anticipated interests in the area of spatial planning. Second round of discussions therefore consisted of the following tables, some of which were later merged together:

- **Investors and developers**, facilitated by Ondrej Zabloudil
- **Academia and law**, facilitated by Zdenek Horacek
- **Planning experts**, facilitated by Lukas Makovsky
- **State powers and NGOs**, facilitated by Krystof Dosoudil
- **Municipalities**, facilitated by Jan Fiser and Jakub Lesko

### Key points:

- **Economic tools**

Participants concluded that current spatial planning systems and some partial changes at the municipal level only deal with investment costs of the public infrastructure and amenities. Therefore the operational phase is constantly being omitted. This maintenance plays however an important role in municipal budgets and so decisions of municipalities are also affected by this aspect. Each economic tool has a link to tax-redistribution and so it should be factored in.

- **Spatial planning of strategic projects**

The strategic projects (motorways) are difficult to proceed, the national policy is insufficient, and as well as spatial development policy is often difficult to amend in order to ensure the planning of strategic projects. There is also an issue with the opposition by the municipalities concerning various projects of "sub municipal" importance, e.g. the motorways rest zones. The possibility of effective economic compensation might help, even though in some cases municipalities are not open to any compromise. One way of compensating could be an establishment of a fund for compensations where the developers of the infrastructure would contribute.

- **Public interests clash**

The overrepresentation of the environmental pillar is somewhere clear, although somewhere might be insufficient. The current system omits the social pillar of sustainable development. The public interest should be defined by the state –local definition might be influenced by the local decision-makers. It might be defined in strategic documents, the current instruments (e.g. spatial development policy) is insufficient. The question is the involvement of the public to the process of strategic planning for the document legitimatization. Some participants also noted that environmental public interest should often prevail in the process of weighing of public interests where the environmental protection is meaningful in the location, while the projects might be placed in different locations.

- **Recodification process**

Some participants noted, that current recodification has had a good start but in the process many aspects had to be re-evaluated and proposed ideas reduced. It is visible mainly in the area of spatial planning where changes are insignificant. This is however quite common when reforming spatial planning systems. Example could be Poland, where spatial planning reform anticipated transitional period and even though it is not positively praised by everyone, it gradually helps country to plan projects by a modern standard.



## 3. Presence sheet

- Kamil Kubiš
- Josef Klement
- Eliška Vejchodská
- Petra Kolínská
- Ing. Jana Beranová
- Josef Morkus
- Ivona Mottlová
- Ing. Martin Benovič
- Václav Jetel
- Vlastimil Diviš
- Martin Červinka
- Jan Brož
- Karel Maier
- Martin Kloda
- Petr Durdík
- František Korbel
- Daniel Vondrouš





## 4. Attachments

- On-line questionnaire (CZ)
- Meeting presentation v 0.5 (CZ)
- Spatial planning system reform diagram poster v 0.8 (CZ)





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