

## T2.2.3 HEAVY RAIN RISK REDUCTION BY REGIONAL PLANNING INSTRUMENT

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The Region of South Bohemia



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## HEAVY RAIN RISK REDUCTION BY REGIONAL PLANNING INSTRUMENT

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## 1. Introduction

The aim of this brief material is to introduce the system of spatial planning in the Czech Republic and the possibilities of implementation risk reduction measures into the spatial planning instruments. It therefore serves as a guide to the RAINMAN project website - spatial planning section - Czech Republic - SPATIAL PLANNING INSTRUMENT.

Spatial planning addresses the use of land and the principles of its organization. The main goal of spatial planning is to create preconditions for the construction and sustainable development of the territory, the essence of which is a balanced relationship between the environment, economic development and the cohesion of the community.

Spatial planning is a tool of state administration (spatial planning bodies and building authorities) for the rational development of a certain territory. Spatial planning in the Czech Republic is regulated by the Building Act No. 183/2006 Coll., Other acts and decrees.

## 2. Spatial planning instruments in Czech Republic

The following scheme briefly describes the structure of spatial planning in the Czech Republic, respectively, it indicates what the system component is dealing with. It is evident that each of the levels of land-use planning can address the area in different detail. This fact has been taken into account when deciding whether or not it is possible to incorporate the risk reduction measures into these documentations.

Scheme no.1

<b>SPATIAL PLANNING</b>				
DOCUMENTATION ACCORDING TO BINDING IN THE DECISION-MAKING PROCESS IN THE TERRITORY				
PLANNING DOCUMENTATION IN THE DECISION-MAKING PROCESS - <b>BINDING</b>			NON-STATUTORY PLANNING MATERIALS <b>SIGNIFICANT FOR DECISION MAKING PROCESS - NON-BINDING</b>	
<b>OBLIGATORY</b> (according to Building Act)		<b>OPTINIONAL</b> (according to Building Act)		<b>OPTINIONAL</b> (according to Building Act)
SPATIAL DEVELOPMENT POLICY of the Czech Republic "PÚR"	LAND-USE PLANNING DOCUMENTATION			NON-STATUTORY PLANNING MATERIALS
	THE SPATIAL DEVELOPMENT PRINCIPLES "ZÚR"	SPATIAL PLAN "ÚP"	REGULATORY PLAN "RP"	PLANNING STUDY "ÚS"

Source: The Region of South Bohemia, The section of Territorial Planning

The procurement and development of the Spatial Development Policy of the Czech Republic (PÚR), The Spatial Development Principles (ZÚR), The Spatial Plan (ÚP), The Regulatory Plan (RP) and the Planning Study (ÚS) are governed by:

**PROCUREMENT:** Building Act 183/2006 Sb., on Spatial Planning and Building Regulations, as amended a Act 500/2004 Sb., the Administrative Procedure Code, as amended

**CONTENT:** Decree No. 500/2006 Coll., on Spatial Analytical Documents, Spatial Planning Documentation and the Method of Records of Spatial Planning Activities as amended

Requirements for the definition of areas - Decree No. 501/2006 Coll., On General Requirements for Land Use, as amended

### Explanation of the term „Land-use planning documentation“

Land-use planning documentation is a documentation that, if acquired, represents binding conceptual requirements and conditions for decision-making in the territory. It consists of a textual and graphic part and according to the extent of the solved area we divide it into 3 types - the principles of spatial development, the land use plan and the regulatory plan. Each of these documentations has a different processing scale and hence the resulting detail.

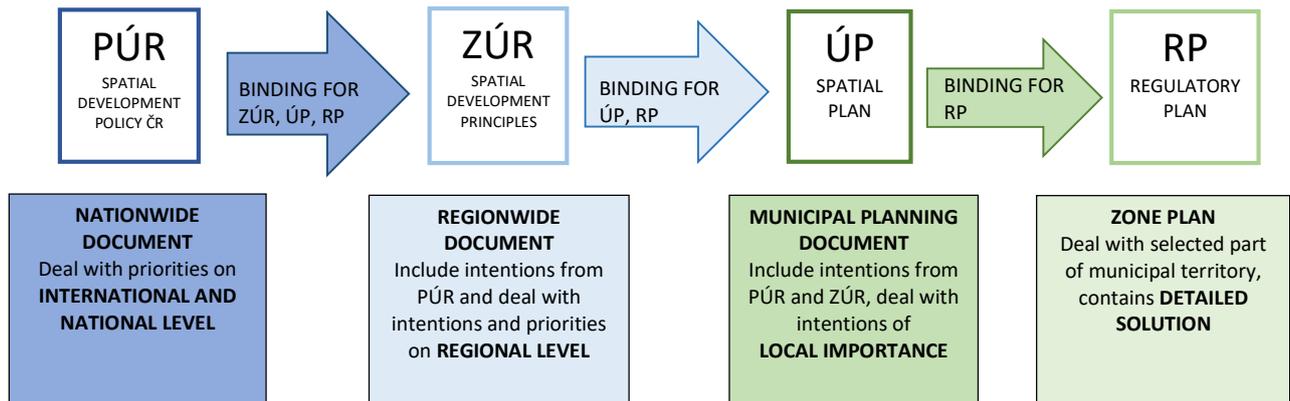
The principles of spatial development must be acquired, in the case of a spatial and regulatory plan their acquisition is voluntary (see Scheme no. 1).

HEAVY RAIN RISK REDUCTION BY REGIONAL PLANNING INSTRUMENT

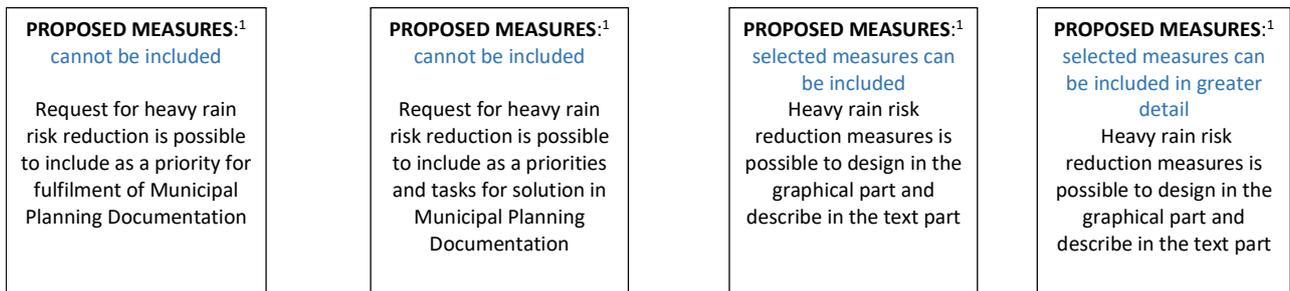
The second diagram presents an overview of the spatial planning instruments in the Czech Republic and their mutual relations. It is a hierarchy of spatial planning documentation given by the Building Act according to their binding force, scope or territory to which they apply. The lower part of the diagram shows the possibilities of anchoring flood protection measures into individual groups of documents.

Scheme no. 2

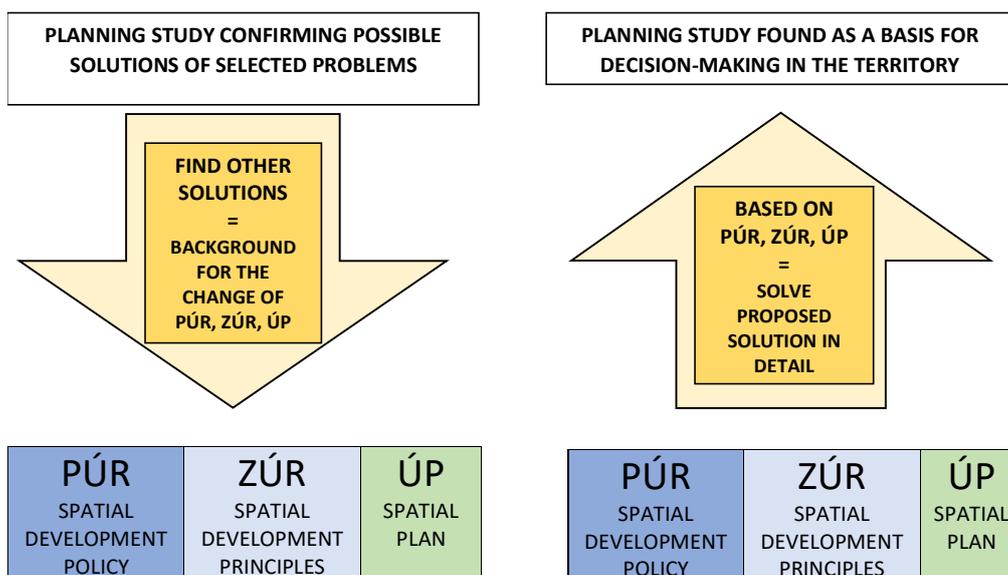
SPATIAL DEVELOPMENT POLICY AND PLANNING DOCUMENTATION IN THE CZECH REPUBLIC



RELATION TO THE HEAVY RAIN RISK REDUCTION MEASURES PROPOSED IN THE CATALOGUE (T2.1.2)



NON STATUTORY PLANNING MATERIALS – PLANNING STUDY „ÚS“



Source: The Region of South Bohemia, The section of Territorial Planning

## 2.1. Spatial Development Policy



**Spatial Development Policy** of the Czech Republic is a conceptual document containing priorities of spatial planning of nationwide importance. In terms of flood protection, the task is to create conditions for preventive protection of the area against potential risks and natural disasters in the area (floods, erosion, landslides, drought) in order to minimize damage.

### 2.1.1. Character of the document

- The basic planning tool
- A nationwide document ensuring the coordination of spatial planning at the national level

#### WHAT THE DOCUMENT SOLVES

- Does not address all issues of spatial planning; is a conceptual document:
  - containing priorities of spatial planning of national importance (Picture 1)
  - containing areas with requirements or specific interests of international and national significance (Picture 2)
  - defines schematically areas and corridors of transport and technical infrastructure of international and national significance (Picture 3)

#### A GRAPHICAL REPRESENTATION

- no scale
- contains schemes for defining areas and corridors

### 2.1.2. Procurement process

#### REASON FOR PROCUREMENT

- obligation to procure is given by the Building Act
- solves the entire territory of the state
- is always evaluated in terms of its effects on the sustainable development of the area
- evaluates and checks the need for updates at least every 4 years

#### PROCURER

- Ministry for Regional Development in cooperation with other ministries and central administrative bodies and regions

#### POSSIBILITY OF STATEMENT (objections and comments)

- ministries and other central administrative bodies and regions
- public and municipalities (only comments)
- neighbouring countries whose territory can be significantly influenced by the application of the Policy

#### PLANNING DOCUMENTATION ISSUANCE

- approves the Government of the Czech Republic = „**The State Document**“

#### THE VALIDITY OF THE DOCUMENT

- binding for lower levels of planning documents (ZÚR, ÚP, RP) and planning study (procure as non-statutory planning materials for decision-making process)
- obligatory for decision-making in the territory
- serves to coordinate other public administration tools that influence territorial development

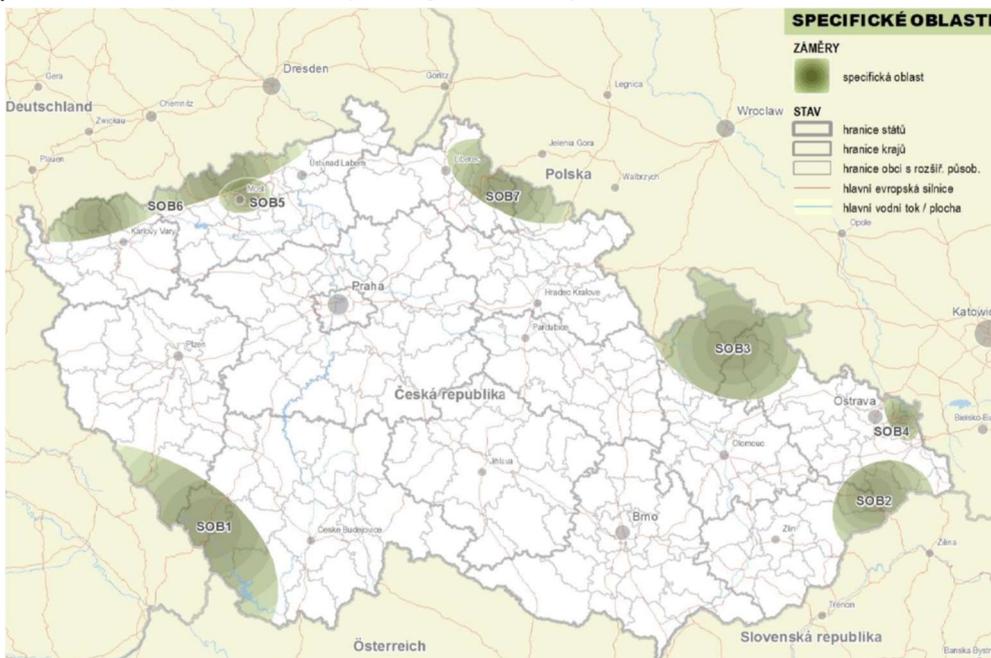
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Picture 1 National priorities (example)

**2.2. Republic's priorities**

(25) Create conditions for preventive protection of an area against potential risks and natural disasters within it (floods, landslides, erosion etc.) in order to minimize the damages. In particular to ensure protection of spaces that are necessary for new constructions and measures against floods, and for delimitation of spaces intended for controlled overflows. Create conditions for enhancement of natural retention of rain water in the area with regard to settlement structure and cultural landscape as an alternative to technical accumulation of water. Within developed areas and areas with development potential create conditions for retention, infiltration and utilization of rain water as a water resource, with the goal of flood impacts mitigation.

Picture 2 Specific areas; Source: Ministry of Regional Development CZ



Picture 3 Corridors and areas for technical infrastructure and related development intentions (Water management); Source: Ministry of Regional Development CZ



### 2.1.3. Implementation of heavy rain risk reduction measures

#### IMPLEMENTATION POSSIBILITIES

Implementation options were evaluated in relation to the risk reduction measures contained in the Catalogue of 100 risk reduction measures (project output T2.1.2). Proposed measures have local character - cannot be included in the document with intensions on national and International level. The need for preventive protection of the territory against natural disasters in the area (including floods) is reflected in the national's planning priorities (Article 25).

#### CONTENT OF POSSIBLE PROCESSING

##### 2.2. Republic's priorities

(25) Create conditions for preventive protection of an area against potential risks and natural disasters within it (floods, landslides, erosion etc.) in order to minimize the damages. In particular to ensure protection of spaces that are necessary for new constructions and measures against floods, and for delimitation of spaces intended for controlled overflows. Create conditions for enhancement of natural retention of rain water in the area with regard to settlement structure and cultural landscape as an alternative to technical accumulation of water. Within developed areas and areas with development potential create conditions for retention, infiltration and utilization of rain water as a water resource, with the goal of flood impacts mitigation.

PROPOSAL OF POSSIBLE IMPLEMENTATION OF MEASURES INTO THE SPATIAL DEVELOPMENT POLICY "PÚR"	SAMPLE OF POSSIBLE IMPLEMENTATION INTO THE CURRENT INTERPRETATION OF THE SPATIAL DEVELOPMENT POLICY
<p>If the Czech Republic's areas affected by pluvial floods with impacts of a significant national scale would be evaluated in the future, they could be defined in the Spatial development Policy in a manner consistent with the nature if this document (including the justification of their definition and the spatial planning tasks.</p> <p>Picture 1: Schema</p> 	<p><b>SOB3 Specific area Jeseníky – Králický Sněžník (167a) VNNH</b>  <u>Specification:</u> Territories of municipalities from MEPs of Bruntál, Jeseník, Králický, Krnov (north-west part), Rýmařov, Šumperk.  <u>Specification reasons:</u></p> <ul style="list-style-type: none"> <li>a) Need to strengthen falling behind social and economic development, ...</li> <li>b) Need to develop and utilise, while respecting area sustainable development, the high leisure time landscape potential of Jeseníky area</li> <li>c) Need to improve inconvenient transport accessibility of the major part of the area.</li> </ul> <p><u>Criteria and conditions for decision making on changes to an area:</u></p> <ul style="list-style-type: none"> <li>a) development of leisure time activities and spa resort,</li> <li>b) a better and sustainable use of natural environment for development of a territory (e.g. development of ecological farms and timber industry,</li> <li>c) improvement of area transport accessibility.</li> <li>d) <b>decreasing floods risks.</b></li> </ul> <p><u>Planning tasks:</u>            Within the frame of spatial planning activities and coordination of municipalities' planning activities (point a-g):            g) to create area conditions <b>for the placement of buildings, technical and nature-friendly measures to reduce flood risks, including measures for the upper Opava with the reservoir of Nové Heřminové.</b></p>

## 2.2. Spatial Development Principles



The **Spatial Development Principles** set out the basic requirements for the organization of the region and its effective use, defining areas and corridors for projects of over-local importance, i.e. important for the entire region.

### 2.2.1. Character of the document

- The regional planning tool
- A region-wide document contents basic requirement for organizing the territory of the region, ensuring the coordination of spatial planning at the regional level

#### WHAT THE DOCUMENT SOLVES

Issued for the whole territory of the region and solving over local contexts:

- specify the intentions and develop the priorities set by the PÚR - they must respect it and be in line with it - including setting priorities for the development of the region (Pic. 1)
- set out basic requirements for the organization of the region and its effective use (Pic. 2)
- define areas and corridors for intentions of overriding importance, ie. significant for the whole region
- selected intentions can be defined as public works or measures
- define the requirements for coordination of municipal planning activities

It must not contain details of the content of the spatial plan, the regulatory plan and the follow-up decision.

#### GRAPHICAL REPRESENTATION

- Plans in a scale of 1: 100 000 ((in justified cases 1: 50 000 or 1: 200 000)
- Displays the entire territory of the region
- Includes a representation of defined territories, axes, areas and corridors

### 2.2.2. Procurement process

#### REASON FOR PROCUREMENT

- obligation to procure is given by the Building Act
- procure on the processed assignment
- solves the territory of the whole region
- is always evaluated in terms of its effects on the sustainable development of the territory
- evaluates and checks the need at least every 4 years

#### PROCURER

- The Regional Authority

#### POSIBILITY OF STATEMENT (objections and comments)

First step negotiation is held with participation of:

- Ministries and other central administrative bodies (apply the binding statement)
- public and municipalities (comments)
- neighbouring regions (comments)

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- neighbouring countries whose territory can be significantly influenced by the application of the Principles

Second step negotiation (public) is held with participation of:

- Ministries and other central administrative bodies and regions (apply the binding statement)
- The affected municipalities, the eligible investor, the public representative - shall apply the objections to the proposal
- everyone (including neighbouring regions and offices) apply comments to the proposal

**PLANNING DOCUMENTATION ISSUANCE**

1. ASSIGNMENT - approved by the regional council
2. RESOLUTION ON PROPOSAL VARIANTS - approved by the regional council
3. RESOLUTION ON OBJECTIONS AND SETTLEMENT OF RECOMMENDATIONS - approved by the regional council

Issued by regional council = "The Regional Authority document"

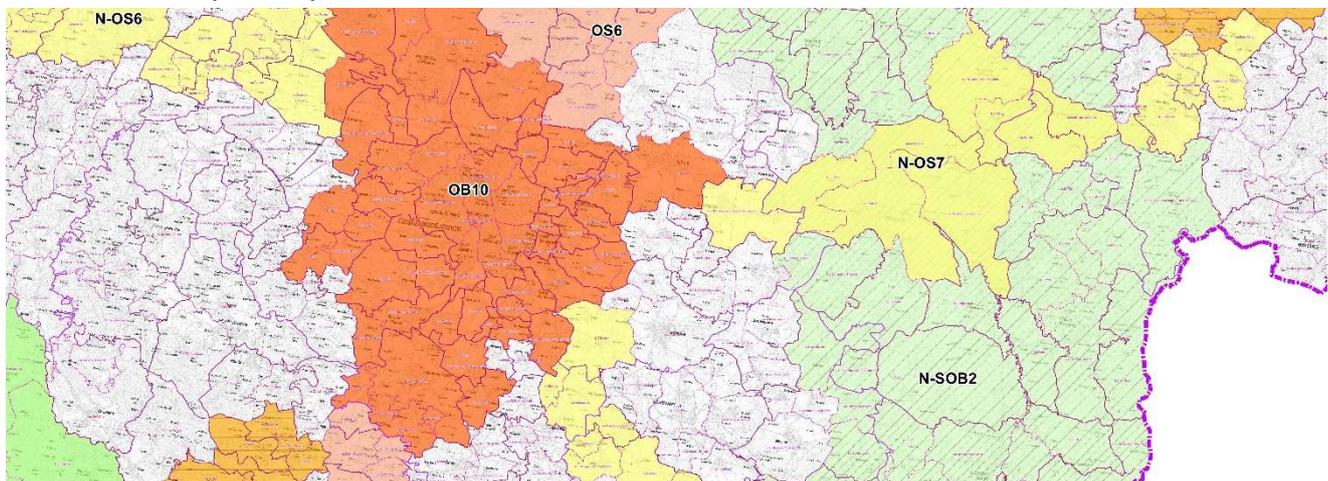
**THE VALIDITY OF THE DOCUMENT**

- binding for lower levels of planning documents (Spatial plan, Regulatory plan and Planning study (procure as planning materials for decision-making process))
- obligatory for decision-making in the territory
- serves to coordinate other public administration tools that influence territorial development

Picture 1 Content of priorities for the development of the region - TEXT PART

<p><b>a) STANOVENÍ PRIORITY ÚZEMNÍHO PLÁNOVÁNÍ KRAJE PRO ZAJIŠTĚNÍ UDRŽITELNÉHO ROZVOJE ÚZEMÍ VČETNĚ ZOHLEDNĚNÍ PRIORITY STANOVĚNÝCH V POLITICE ÚZEMNÍHO ROZVOJE</b></p>
<p>(4) Zásady územního rozvoje Jihočeského kraje stanovují tyto priority pro zajištění hospodářského rozvoje kraje:</p> <p>a. situovat rozvojové záměry, včetně záměrů vědeckovýzkumného a inovačního charakteru, zejména v rozvojových oblastech a rozvojových osách vymezených v souladu s Politikou územního rozvoje ČR 2008 a v rozvojových oblastech a rozvojových osách nadmístního významu vymezených v této dokumentaci,</p>

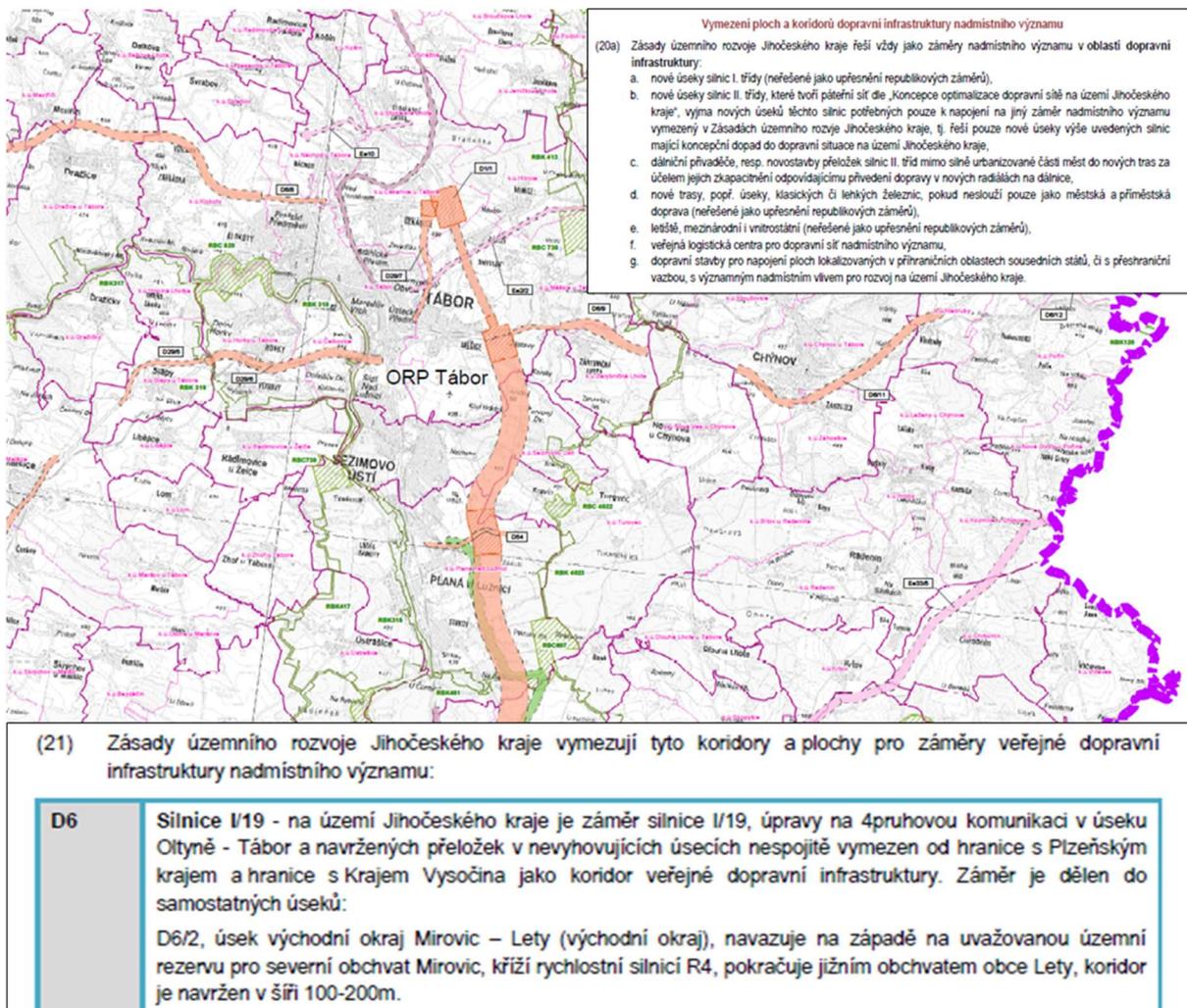
Picture 2 Example of specification of areas and axes - GRAPHICAL AND TEXT PART



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Picture 3 Example of specification of intentions of overriding importance - GRAPHICAL AND TEXT PART (The South Bohemia Region)



Picture 1,2,3: Spatial development principles of South Bohemia; Source: The Region of South Bohemia, The section of Territorial Planning

### 2.2.3. Implementation of heavy rain risk reduction measures

#### IMPLEMENTATION POSSIBILITIES

Implementation options were evaluated in relation to the risk reduction measures contained in the Catalogue of 100 risk reduction measures (project output T2.1.2). The proposed measures are individual measures of a local nature - it is not possible to reflect this in the ZÚR showing intentions of over-limit significance, i.e. significant for the whole region. The need for preventive protection of the area from natural disasters (including floods) is reflected in the several priorities to ensure a favourable environment.

**EXAMPLE OF POSSIBLE PROCESSING** to the text part (The South Bohemia Region)

a) DETERMINATION OF THE REGIONAL PLANNING PRIORITY FOR PROVIDING SUSTAINABLE DEVELOPMENT IN THE TERRITORIES, INCLUDING CONSIDERATION OF THE PRIORITIES SET OUT IN THE DEVELOPMENT POLICY

(3) d. to create conditions for the protection of the territory from potential risks and natural disasters (eg floods, floods, soil erosion, failure of the technological system) to address measures to mitigate or eliminate them in order to minimize the extent of possible damage, with a view to the potential impact on the wider area; in particular, to favour passive flood protection measures consisting in increasing landscape retention capacity in flood and flood protection.

PROPOSAL OF POSSIBLE IMPLEMENTATION OF MEASURES INTO THE SPATIAL DEVELOPMENT PRINCIPLES (The South Bohemia Region)

If the Czech Republic's areas at risk of pluvial floods with significant regional scale impacts would be evaluated in the future, these could be defined in the chapter with the establishment of principles for spatial planning and decision-making in the area.

#### SAMPLE OF POSSIBLE IMPLEMENTATION INTO THE CURRENT INTERPRETATION OF THE SPATIAL DEVELOPMENT PRINCIPLES

##### Specific area Třeboňsko - Novohradsko

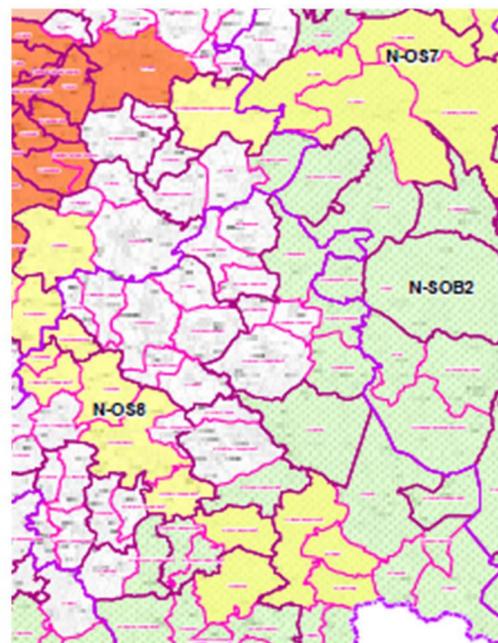
##### Affected municipalities (cadastral territory)

Benešov nad Černou (Benešov nad Černou, Dluhošně, Hartunkov, Kuřít, Ličov, Valtěřov, Velký Jindřichov), Cep (Cep), atd.

##### Principles of planning and decision-making in the area

- to promote solutions to a balanced and bearable burden on nature and landscape, coordinating the protection of natural values with a view to developing socio-economic activities
- exploiting natural resources and developing tourism, tourism, spa and recreational use of this specific area, further load of shorelines of recreational ponds,
- Establish conditions for the sensible use of the recreational potential of the area with respect to the bearable landscape load and to find a balance between the productive and recreational use of the potential of the pond system
- support solutions that create conditions for improving the quality of tourism services, especially in the field of water tourism on the Lužnice River and cycling, to support solutions that sensitively use and protect the natural resources in the area

##### Graphical schema



## 2.3. Spatial Plan



The **Spatial plan** addresses the whole territory of the municipality and defines the basic concept of its development. It divides the whole territory of the municipality into areas with different use and sets the conditions of use for them. The land use plan contains, among others, the concept of flood protection, it can propose concrete plans in the area of water management, erosion control. It may define selected projects as public works or public benefit measures.

### 2.3.1. Character of the document

- The spatial planning tool on the local level
- Document dealing with the objectives and tasks of spatial planning in the context and details of the territory of the municipality
- It defines the basic concept of development and coordinates the use of the territory of the municipality

### WHAT THE DOCUMENT SOLVES

Issued for the whole territory of the municipality:

- specifies the intentions and develop the priorities set by the PÚR and ZÚR - they must respect it and be in line with it - including setting priorities for the development of the region
- sets out basic requirements (concept) of the municipality development, protection and development of its values, urban concept, public infrastructure concept, landscape design (**Picture 1**)
- divides the entire territory of the municipality into areas with different use and sets conditions for use (**Picture 2**)
- defines the corridors of transport and technical infrastructure of local importance, i.e. in contexts and details of the territory of the municipality
- selected intentions can be defined as public works or public benefit measure (**Picture 3**)
- The proposal is coordinated with planning documentation of the neighbouring municipalities

It must not contain details of the content of the regulatory plan, the follow-up decision, unless the municipal council has decided to acquire a spatial plan with elements of the regulatory plan.

### GRAPHICAL REPRESENTATION

- Plans in a scale of 1: 5 000 (in justified cases 1: 10 000 or 1: 1 000 with elements of the regulatory plan)
- Displays the entire territory of the municipality
- Shows the division of the territory of the municipality into areas with different utilization and delimitation of transport and technical infrastructure corridors

Picture 1 Spatial plan LIPÍ - TEXT PART

**Chapter I.c. Urban planning concept including definition of built-up areas, redevelopment areas, and a system of settlement greenery**

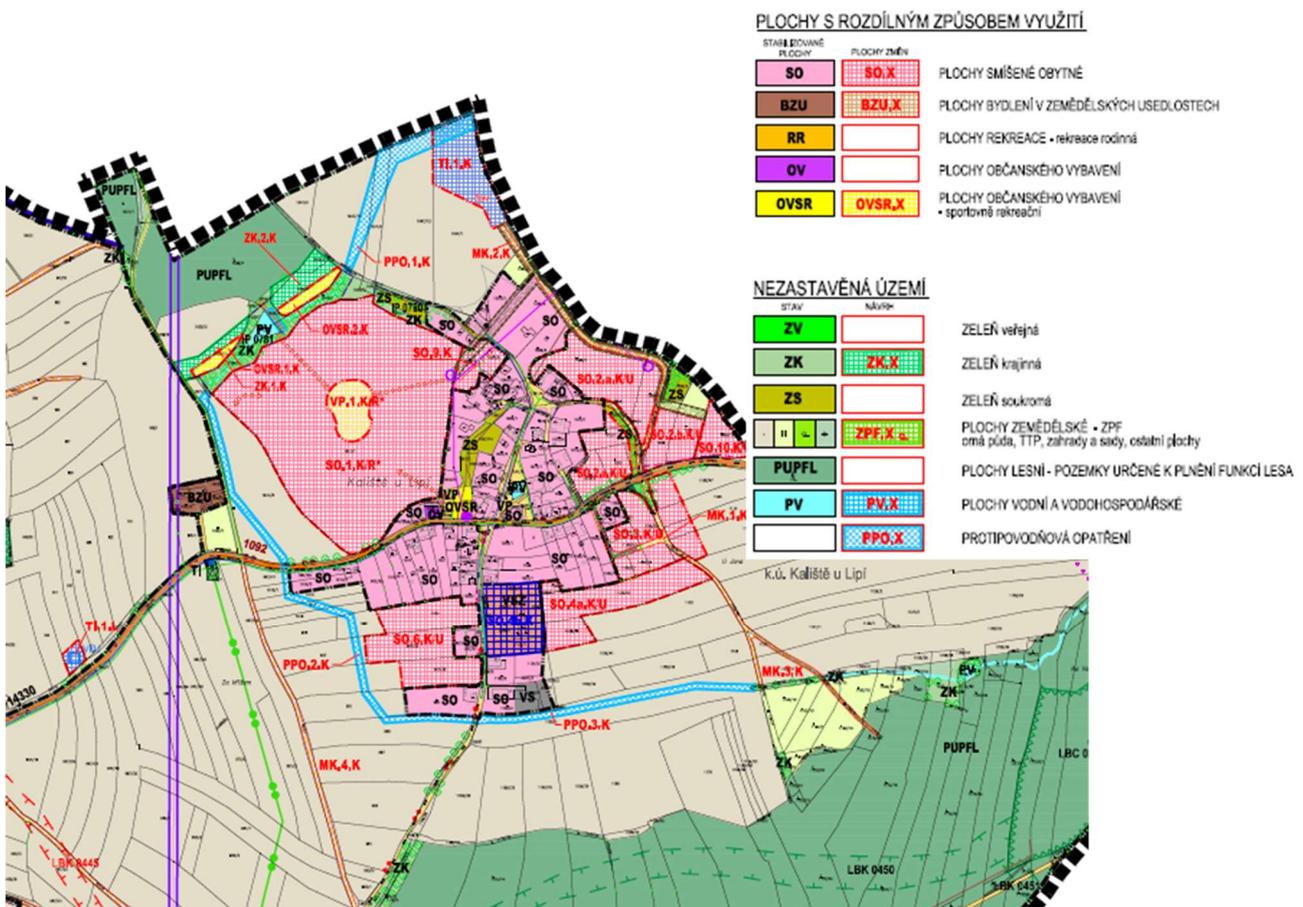
**I.c.1. Urban planning concept**

The design of the urbanistic concept is based on the urban structure of the settlements of Kaliště near Lipí and Lipí, but also on the fact that the area is situated in the development area of the national importance OB10 and presently on the border of Blanský les. Due to the good transport accessibility of the town of České Budějovice and the expected acceleration impulse in the OB10 development area, the quality of the environment in the attractive landscape of the foothills of the Blanský Forest implies the dynamic development of Kaliště u Lipí and Lipí settlements, especially in the area of housing development. This also corresponds to the range of proposed floor plans for housing. The new residential areas are designed especially in the built-up areas of the built-up area and around the settlements of Kaliště near Lipí and Lipí so that they are within reach of the technical infrastructure networks and that they are well accessible by road. Traffic handling of dormant areas of mixed housing and housing in family estates is designed by connecting to a network of designed local roads...

**I.c.2. Definition of areas with development potential**

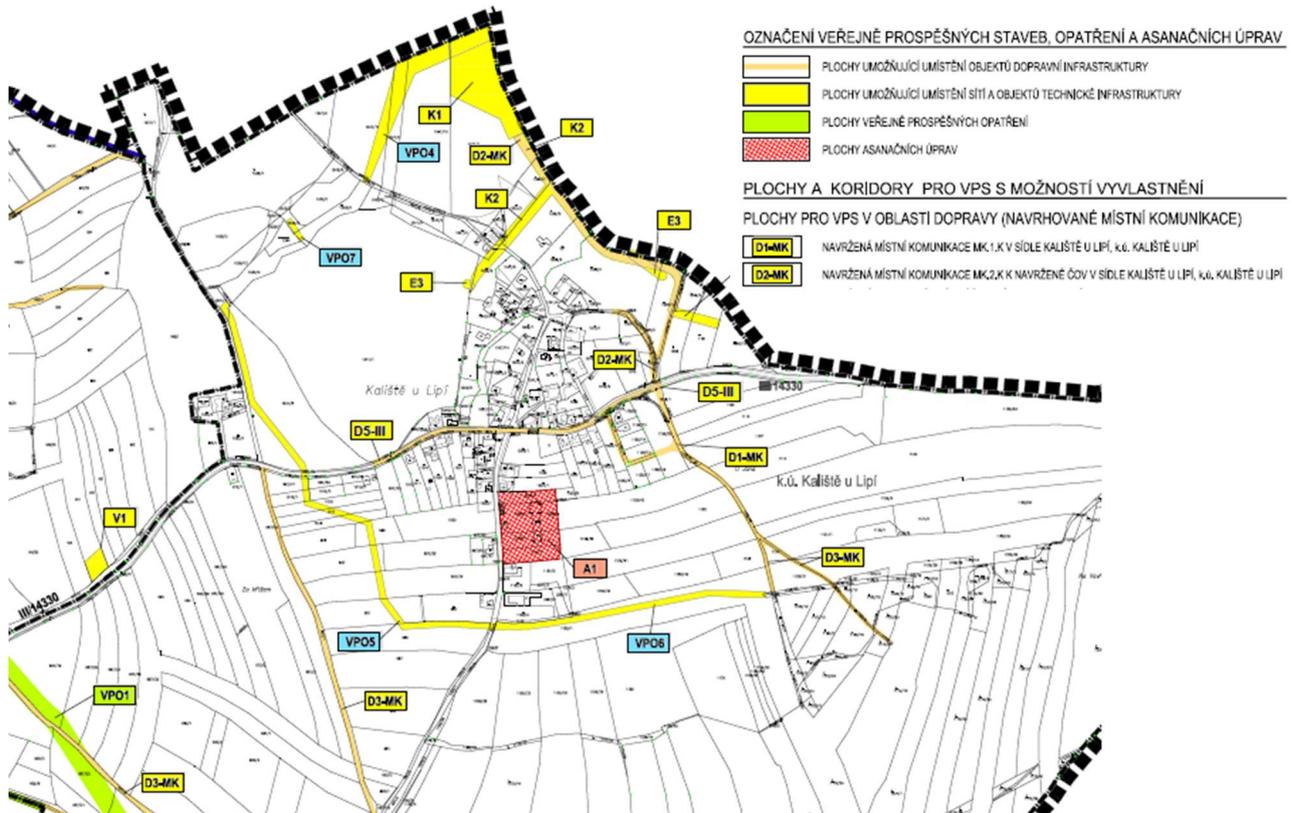
Proposed residential areas are divided into areas of different use, which are color coded and marked with a code expressing the abbreviation of the function name, the serial number of the area, the designation of the cadastral area (eg SO.1.L, SO.1.K). The use of newly designed areas is permissible only after they have been equipped with all the technical and transport infrastructure, in particular each new building must be connected, if technically possible, to the public water supply and sewerage system.

Picture 2 Spatial plan LIPÍ - GRAPHICAL PART - division of areas with different use



Source: The Region of South Bohemia, The section of Territorial Planning

Picture 3 Spatial plan LIPÍ - GRAPHICAL PART - intentions defined as public works or measures



Source: The Region of South Bohemia, The section of Territorial Planning

### 2.3.2. Procurement process

#### REASON FOR PROCUREMENT

- procurement results from the Building Act, but it is not mandatory
- procure on the processed assignment
- solves the entire territory of the municipality
- the assessment of the impact on the sustainable development of the area (“SEA”) is determined by the competent Respective Authority
- evaluates and checks the need at least every 4 years

#### PROCURER

- The Municipal Authority (office)

#### POSIBILITY OF STATEMENT (objections and comments)

First step negotiation - the proposal of spatial plan (or SEA) is expressed:

- Respective Authorities - apply the binding statement after the joint meeting
- Neighbouring municipalities - apply comments
- Everyone - applies written comments on the published proposal
- when the SEA identifies a significant negative impact - a neighbouring state whose territory can be significantly influenced by the application of the spatial plan - the consultation proposal in cooperation with the competent Ministry
- Regional Authority - makes the statement on the proposal after sending the above comments

Second step negotiation (public) - only the amendments to the spatial plan proposal are expressed:

- Respective Authorities and Regional Authority apply the binding statement
- Owners of land and buildings affected by the proposal, the eligible investor, the public representative - shall apply the objections to the proposal
- everyone (including neighbouring municipalities) apply comments to the proposal

#### **PLANNING DOCUMENTATION ISSUANCE**

1. PROCUREMENT - the municipal council decides if the spatial plan will be produced
2. ASSIGNMENT - approved by the municipal council
3. RESOLUTION ON PROPOSAL VARIANTS - approved by the municipal council
4. RESOLUTION ON OBJECTIONS AND SETTLEMENT OF RECOMMENDATIONS - approved by the municipal council

Issued by municipal council = "The Municipal Authority document"

#### **THE VALIDITY OF THE DOCUMENT**

- binding for lower levels of planning documents (Regulatory plan and Planning study (procure as planning materials for decision-making process))
- obligatory for decision-making in the territory
- serves to coordinate other public administration tools that influence territorial development

### **2.3.3. Implementation of heavy rain risk reduction measures**

#### **IMPLEMENTATION POSSIBILITIES**

Implementation options were evaluated in relation to the risk reduction measures contained in the Catalogue of 100 risk reduction measures (project output T2.1.2). The proposed measures are individual measures of a local nature. Measures that can be projected into the spatial plan are evaluated and are listed in the Output T3.2.5 Selected measures implemented into spatial plan.

The proposed measures are individual measures of a local character:

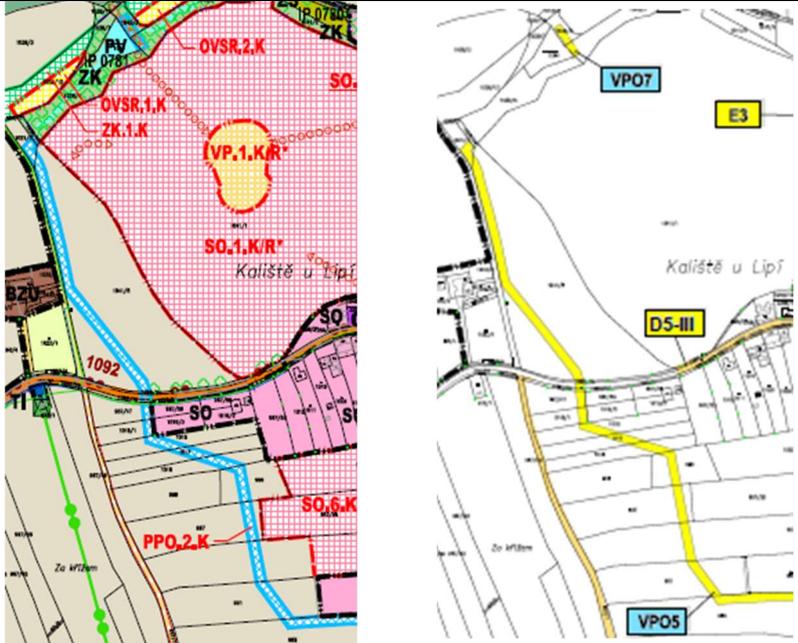
- STRUCTURAL - specially designed technical measures (polders, water tanks, ...)
- NON - STRUCTURAL - measures in the form of furrow, infiltration belt, afforestation

Possibility to project into:

- The text part
- The text and the graphical part

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The need for preventive protection of the area against natural disasters (including pluvial floods) can be reflected in the text part, chapters on concepts and determination of conditions of use

EXAMPLE OF POSSIBLE IMPLEMENTATION - SPATIAL PLAN LIPÍ	
IN THE TEXT PART - CONCEPTION and CONDITIONS OF USE FOR SPECIFIC AREAS	
<p>Water management solution: "It is necessary to ensure the regulation of the Dehtarský brook in the section between the football field and the proposed capacity of the passage at Dehtářský brook on the road III/14319 on the western edge of the municipality Lipí." "As a further flood prevention measure is proposed the enlargement of the water channel on the western edge of the built-up area."</p>	
TEXT AND GRAPHICAL PART - define as public benefit measure	
<p>Concept description</p> <p>Water management solution: "To capture heavy rain water from non-developed area south and southwest of Kaliště u Lipí is designed an open grassed ditch (furrow) along the perimeter of built-up area and area with development potential on the southern, southwest and western edge of municipality Kaliště u Lipí. The furrow will pass through..."</p>	 <p>PPO.2.K Open grass ditch (furrow) - western edge of municipality Kaliště u Lipí.</p> <p>VPO5 Open grass ditch (furrow)</p> <p>VPO7 Repair of the dam of the pond including the safety spillway</p>

Source: The Region of South Bohemia, The section of Territorial Planning

## 2.4. Regulatory Plan



The **Regulatory plan** addresses only a part of the territory of a region or municipality in which it sets detailed conditions. It delimits the individual plots and sets detailed conditions for their use (unlike the spatial plan, which solves the areas and not the detail of the plots). The regulatory plan may propose the specific location of flood control measures and the fundamental design of buildings and conditions in the endangered area.

### 2.4.1. Character of the document

The spatial planning tool on the local level including detailed solution of concrete (defined) territory = territories, in which the need for a more detailed solution than the ZÚR/ÚP is assessed

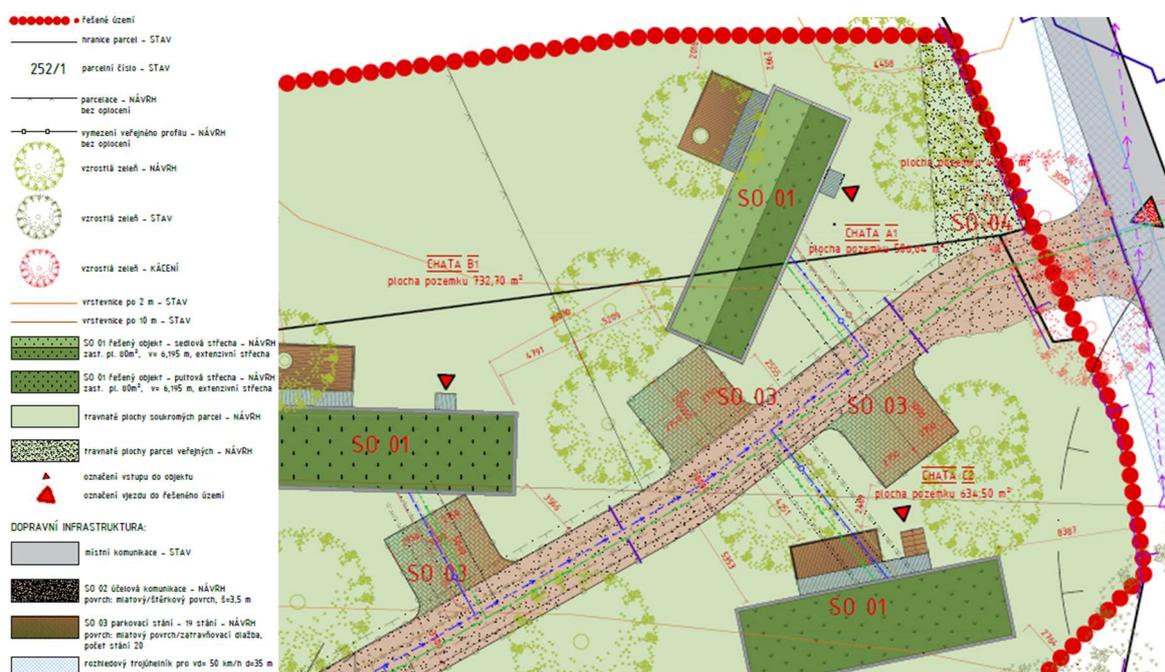
#### WHAT THE DOCUMENT SOLVES

Issued only part of the territory of the municipality, in which the detailed conditions of use are determined:

- Defines individual plots and sets out detailed conditions for their use (as opposed to spatial plan, which solves the area and not land detail).
- It sets out detailed conditions for the location and spatial arrangement of buildings, the protection of values and the character of the area
- It defines land and sets detailed conditions for the location and spatial arrangement of public buildings, especially transport and technical infrastructure
- Selected public infrastructure projects can be defined as public works or public benefit measures

#### GRAPHICAL REPRESENTATION

- Plans in a scale of 1: 1000 (or 1: 500)
- Drawing of Public Works and Public Benefit Measures on Cadastral Map Scale (1: 1000)
- Contains graphically displayable effects of the regulatory plan



Source: The Region of South Bohemia, The section of Territorial Planning

## 2.4.2. Procurement process

### REASON FOR PROCUREMENT

- Procurement results from the Building Act, but it is not mandatory
- Procured (acquired): 1) based on the processed assignment, 2) on the basis of the obligation established by the ZÚR/ ÚP
- It is acquired for selected part of the region / municipality / military area

### PROCURER

- The Regional Authority or The Municipal Authority (office)

### TYPES OF REGULATORY PLANS

#### A. REGULATORY PLAN FROM OWN INITIATIVE ( i.e. regions/ municipalities)

Whenever the assignment is not part of the higher level planning documentation (ZÚR/ ÚP), the assignment has to be prepared separately

**Procurement process = First step negotiation => Second step negotiation (public) => Edition**

First step negotiation - the proposal of regulatory plan is expressed:

- Respective Authorities - apply the binding statement after the meeting
- Everyone - applies written comments on the published proposal

Second step negotiation (public) - only the amendments to the regulatory plan proposal are expressed:

- Respective Authorities apply the binding statement
- The applicant, the municipality, the owner of the land or the construction on which the intention is to be implemented + the neighbours' intentions directly affected - object to the proposal
- everyone apply comments to the proposal

#### B. REGULATORY PLAN ON REQUEST

- natural or legal persons - ONLY when the higher level planning documentation (ZÚR/ ÚP) contain an assignment

**Procurement process = Request for edition (included in the proposal + documents - mainly statements, documents proving the right of ownership or contractually treated to the affected land) => Control by the procurer => Edition**

- No negotiations or public proceedings

### PLANNING DOCUMENTATION ISSUANCE

1. **PROCUREMENT** - the regional/municipal council decides if the regulatory plan (from own initiative) will be produced
2. **ASSIGNMENT** - add A) approved by the municipal/ regional council; add B) included in the Spatial Plan or Spatial Development Principles
3. **RESOLUTION ON PROPOSAL VARIANTS** - approved by the municipal/ regional council
4. **RESOLUTION ON OBJECTIONS AND SETTLEMENT OF RECOMMENDATIONS** - approved by the municipal/ regional council
5. issued by municipal/ regional council

## THE VALIDITY OF THE DOCUMENT

- binding for lower levels of planning documents (Regulatory plan and Planning study (procure as planning materials for decision-making process))
- obligatory for decision-making in the territory
- serves to coordinate other public administration tools that influence territorial development

### 2.4.3. Implementation of heavy rain risk reduction measures

#### IMPLEMENTATION POSSIBILITIES

Implementation options were evaluated in relation to the risk reduction measures contained in the Catalogue of 100 risk reduction measures (project output T2.1.2). The proposed measures are individual measures of a local nature. Measures that can be projected into the regulatory plan are evaluated and are listed in the Output T3.2.5 Selected measures implemented into spatial plan.

- STRUCTURAL / NON - STRUCTURAL - on the difference of spatial plan define more precisely and in more detail, only within the scope of the solution

#### EXAMPLE OF POSSIBLE IMPLEMENTATION

- In the text part - in the relevant chapters, to describe solutions that cannot or need not be reflected in the graphics, such as the capacity of a particular pass, the removal of shores of a particular stream,
- In the text and the graphical part (determine as public benefit measure)
  - In the relevant chapters describe the solution that is shown in the graphical part
  - Identify specific plots for the proposed measures
  - Describe the detailed conditions of the proposed solution such as ditch depth, cross profile, longitudinal slope, profile of the passage, pipes ensuring water drainage, etc.

## 2.5. Planning Study



The **Planning study** solves only part of the territory of a region or municipality, where it lays down detailed conditions. The scale is similar to a zone plan, but rather a substantial factual solution is in the drawings. It is not a spatial planning documentation, but only the background that can be used for decision-making in the territory.

### 2.5.1. Character of the document

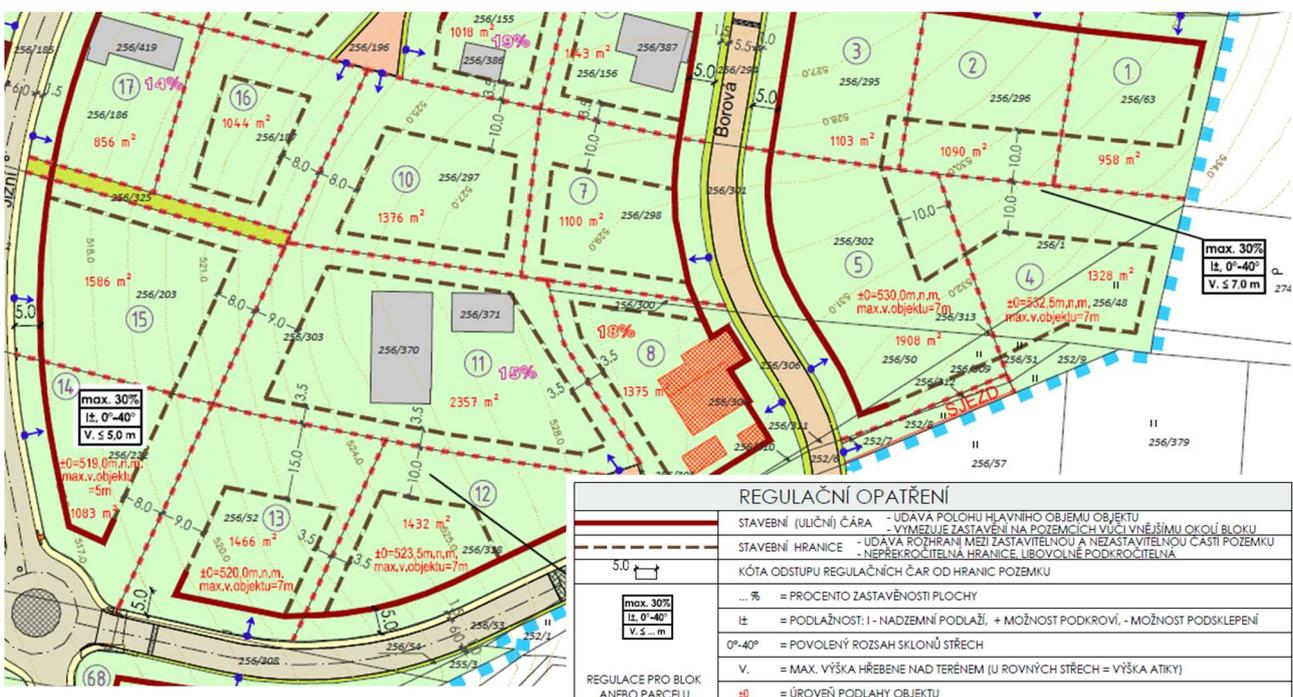
The spatial planning tool on the local level including detailed solution of concrete (defined) territory = territories, in which the need for a more detailed solution than the ZÚR/ÚP is assessed **WHAT THE DOCUMENT SOLVES**

Issued only part of the territory of the region/ municipality, in which the detailed conditions of use are determined:

- Defines individual plots and sets out detailed conditions for their use (as opposed to spatial plan, which solves the area and not land detail).
- It sets out detailed conditions for the location and spatial arrangement of buildings, the protection of values and the character of the area (Picture 1)
- It defines land and sets detailed conditions for the location and spatial arrangement of public buildings, especially transport and technical infrastructure (Picture 1)
- Selected public infrastructure projects can be defined as public works or public benefit measures

### GRAPHICAL REPRESENTATION

- Plans in a scale of 1: 1000 (or 1: 500)
- Drawing of Public Works and Public Benefit Measures on Cadastral Map Scale, i.e. usually 1: 1000
- Contains graphically displayable effects of the planning study



Source: The Region of South Bohemia, The section of Territorial Planning

## 2.5.2. Procurement process

### REASON FOR PROCUREMENT

- Procurement results from the Building Act, but it is not mandatory
- Procured (acquired): 1) based on the processed assignment, 2) on the basis of the obligation established by the ZÚR/ ÚP
- It is acquired for selected part of the region / municipality / military area

### PROCURER

- The Regional Authority or The Municipal Authority (office)

### PROCUREMENT PROCESS

- There is no obligation to make negotiations
- 1. ASSIGNMENT - the procurer set up the content, scope, objective and purpose (no approval)
- 2. APPROVAL OF USE as a basis for decision making in the territory
- 3. PURPOSE TO THE CENTRAL REGISTER OF TERRITORIAL PLANNING ACTIVITIES

### PLANNING DOCUMENTATION ISSUANCE

1. PROCUREMENT - the regional/municipal council decides if the planning study will be produced
2. APPROVAL OF USE as a basis for decision making in the territory
3. PURPOSE TO THE CENTRAL REGISTER OF TERRITORIAL PLANNING ACTIVITIES - ensured by the procurer

### THE VALIDITY OF THE DOCUMENT

- a significant basis for decision-making in the territory, non-binding
- necessary to take it into account when coordinating other public administration tools affecting territorial development

## 2.5.3. Implementation of heavy rain risk reduction measures

### IMPLEMENTATION POSSIBILITIES

Implementation options were evaluated in relation to the risk reduction measures contained in the Catalogue of 100 risk reduction measures (project output T2.1.2).

The proposed measures are individual measures of a local nature:

- STRUCTURAL / NON - STRUCTURAL - on the difference of spatial plan define more precisely and in more detail, only within the scope of the site being solved

### EXAMPLE OF POSSIBLE IMPLEMENTATION

#### In the text part

- in the relevant chapters, to describe solutions that cannot or need not be reflected in the graphics, such as the capacity of a particular culvert, the removal of shorelines of a particular stream,

#### In the text and the graphical part (determine as public benefit measure)

- In the relevant chapters describe the solution that is shown in the graphical part
- Identify specific plots for the proposed measures
- Describe the detailed conditions of the proposed solution such as ditch depth, cross profile, longitudinal slope, profile of the passage, pipes ensuring water drainage, etc.

### 3. Summary

In the environment of the Czech Republic, in order to ensure the future implementation of many flood control measures, it is not only necessary, but also advantageous, to project them into the spatial planning documentation corresponding details according to the importance and nature of these measures.

In order to ensure the incorporation of flood protection measures into spatial planning documentation, or another suitable document, it is therefore good to be aware of the spatial planning system. A basic overview of what spatial planning tools exist in the environment of the Czech Republic, what are the links between them, what are the possibilities to incorporate flood control measures into them and how they are discussed and whether they are binding is represented by this processed material.

In addition to a basic acquaintance with the spatial planning system, this material contains an assessment of whether flood protection measures to reduce the risks of torrential rainfall can be projected into individual types of documentation in general. These considerations were always made in connection with the RAINMAN project and related to the measures listed in **The Catalogue of 100 risk reduction measures** (project output T2.1.2). The specific assessment of individual measures in relation to their incorporation into spatial and regulatory plans is further elaborated in the related materials T3.2.4 Method of selecting measures for spatial planning documentation and T3.2.5 Selected measures implemented into spatial plan.

## 4. Definitions, abbreviations

<b>The Respective Authority</b>	- state administration bodies protecting the public interests under special legal regulations
<b>The affected municipalities</b>	- municipalities in the territory of the ZÚR/UP/RP and the adjacent area
<b>Eligible investor</b>	- owner, administrator or operator of public transport or public technical infrastructure (e.g. roads, railways, power lines, etc. according to § 2, paragraph 1, letter k), points 1. a 2, Building Act).
<b>The representative of the public</b>	- defined by §23 (2) of the Building Act; a natural or legal person fully qualified for legal acts. The public representative must be authorized by at least one tenth of the citizens of the municipality with less than 2000 inhabitants or at least 200 citizens of the relevant municipality, The representative of the public may also be authorized by at least 500 citizens of the region or at least one-tenth of citizens of any municipality in the region with less than 2000 inhabitants or at least 200 citizens of the municipality in the region, if they submitted a substantively identical comment on the proposal of the principles of territorial planning development.
<b>Building Act</b>	- Act No. 183/2006 Coll., on Spatial Planning and the Building Code, as amended
<b>MMR</b>	- Ministry for Regional Development
<b>MŽP</b>	- Ministry of the Environment
<b>MZV</b>	- Ministry of Foreign Affairs
<b>Public Works</b>	- a building for public infrastructure designed to develop or protect the territory of a municipality, region or state as defined in land-use planning documentation for which ownership rights may be restricted, including the institution of expropriation
<b>Public Benefit Measures</b>	- measures of a non-structural character serving to reduce the threat to the area and to develop or to protect the natural, cultural and archaeological heritage defined in the issued land-use planning documentation, for which it is possible to limit ownership, including the expropriation institute

## RAINMAN Key Facts

Project duration: 07.2017 – 06.2020  
Project budget: 3,045,287 €  
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RAINMAN website &  
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