

ASSESSMENT OF HBA GOVERNANCE SYSTEM IN CZECH REPUBLIC

A - POLICY APPROACH TO HBA

BASIC INFORMATION

A.1. Cultural Heritage vision and policy approach

The Preamble to the Constitutions of the Czech Republic states that citizens of the Czech Republic are determined to jointly guard and develop the inherited natural, cultural, material and spiritual wealth. The Ministry of Culture of the Czech Republic (hereinafter referred to as the MK ČR) is responsible for the care of cultural monuments in the Czech Republic. The Ministry of Culture set up a professional organization of heritage care - the National Heritage Institute (NPÚ). In addition to the above, there are a number of independent associations and associations active in the protection of monuments, such as the Old Prague Club, Castles of the České středohoří, etc. The Czech Republic is a part of UNESCO.

A basic document for the care and protection of the cultural heritage is the Act of the Czech National Council on Monument Care No. 20/1997 Coll., (Hereinafter the Monument Act).

A.2. Relevant terms provided by legal/strategic framework

Cultural monuments are recorded in the Central List of Cultural Monuments of the Czech Republic (ÚSKP, Heritage Catalogue), which is maintained by the National Heritage Institute (NPÚ). In the Czech Republic, **real estate heritage records are recorded in the following categories:**

- **National Cultural Monuments (NKP)** - are cultural monuments that are the most important part of the nation's cultural heritage. 272 of these monuments were registered in 2013, most of them located in Prague (47), Brno (9) and Olomouc (5). NKP declares its regulation the Czech government.



NKP Valtice Chateau and Villa Tugendhat (UNESCO World Heritage Site), South Moravian Region (JMK)

- **Cultural monuments** - are a significant proof of the historical development, life style and the environment of the society from the earliest times to the present, as a manifestation of the creative abilities and the work of man from various fields of human activity, for its revolutionary, historical, artistic, scientific and technical values, or have a direct relationship to important personalities and historical events. The Ministry of Culture announces its cultural monument.

Historic Built Areas (HBAs) that are under conservation status are classified according to their size and size into the following categories:

- **Monument reservation**, such as the Municipal Heritage Reservations (MPR), the Village Heritage Reservations (VPR), and the Archaeological Heritage Reservation (AR) - are listed in the Czech Republic as listed by Government Order. Monumental reservations are usually characterized by a compact historical building without significant modern building disturbances with a large proportion of architecturally valuable buildings, many of which are declared immovable cultural monuments. The homogeneous area of reservations is usually characterized by a preserved historical ground plan, built in original volumes and shapes, including roof shapes and vegetation component proportions. The subject of protection is not only individual cultural monuments on the territory of the reservation, but also other objects and areas and the historical layout of the site (parcellation and street network), space and mass composition, urban structure, street interiors, historical underground spaces (cellars, stoles) the main features of nearby and long-distance views, historical gardens and parks, elements of small architecture, materials, etc. In the Czech Republic there are 111 monument reserves in total in the year 2017, namely 40 municipal heritage reservations, 61 village heritage reservations, 8 archaeological heritage sites and 2 other heritage sites.



MPR Český Krumlov, and state castle and chateau in Český Krumlov (NKP, UNESCO)

- **Monument zones**, such as Municipal Heritage Zones (MPZ), Village Heritage Zones (VPZ), and Landscape Heritage Zone (KPZ) - a type of monumental area, or a landscape unit, which is granted a special status with increased monument protection by a Decree of the Ministry of Culture. It is a lesser degree of protection than a monument reserve. This status on the content of protection is stipulated in the Act of the Czech National Council No. 20/1987 Coll. (as amended by Act No. 425/1990 Coll.), on state monument care. Section 6 of this Act states: "The Ministry of Culture may declare the monument zone as a conservation area and determine the conditions of its protection after the discussion by the regional authority, the territory of the settlement or its part with a minority of cultural monuments, the historical environment or a part of the landscape. Compared to the monument reservation, the monument zone differs by the fact that it is not declared by the government of the Czech Republic, but by the Ministry of Culture.

Monuments and protected areas usually have a designated protection zone declared by the relevant decision.

The Monument Act in Section 6a defines the possibility of issuing measures of a general nature, a Plan for the Protection of a Monument Reserve or a Monument Zone. This document is issued by the relevant regional authority after discussion with the Ministry of Culture, the town planning authority and the relevant municipality.

The Monuments Reservation (MPR/VPR) and Monuments Zone (MPZ/VPZ) regeneration program is a tool for restoring cultural monuments found in the most valuable parts of historic towns declared as monuments reservations and monument zones. Financial contributions from it can be provided only if the city has its own regeneration program and if it also finances with the owner for the restoration of the cultural monument. The regeneration program is the program of the Ministry of Culture of the Czech Republic. Administration of this program is divided between municipalities with extended competence (ORP) and the Ministry of Culture of the Czech Republic.

QUALITATIVE INFORMATION AND COMMENTS

A.3. Policy "Character"

In the period from the end of the Second World War until 1989, due to large changes in the ownership structure on immovable cultural heritage, almost irreversible losses have occurred. Many immovable monuments were often inappropriately used, or quite useless, and there was a lack of continuous maintenance and care (especially religious monuments) in many monuments. As a result of this situation, in the period after 1989 there was a need for an extreme amount of funds for the reconstruction and maintenance of the real estate fund. In addition, a number of monuments have not been able to find a new way of utilization, so that today (especially in less accessible locations) remains some immobile monuments without use and in a very poor technical condition. Numerous monuments have failed to resolve property-law relations, which also leads to their unhappy state.

The interrelationship between the protection of cultural values, usability and sustainability in the Czech Republic is monitored by both property owners and cultural heritage authorities. However, the perception of some aspects may be different for the caregiver. Local conditions are crucial. Sustainability is generally perceived as being more economic, as it is often linked to financing repairs by means of loans. Sustainability in terms of efficient energy management in the operation of immovable monuments is rather rare. In general, the access of conservation authorities to this issue can be described as very conservative, not allowing major interventions in constructions.

A.4. Policy trends and evolutions

The legal framework, in particular the Monument Act and the Building Act, is amended at different time intervals. In particular, the professional public, eg the Czech Chamber of Architects (ČKA), is trying to participate in the creation of new legislation or the process of commemorating. However, it is not always heard in its entirety. Characteristic for the Czech Republic is a relatively frequent change in the legislative framework, which is causing legal uncertainty. The Monument Act was amended from 1989 onwards 23 times, the Building Act from 2007 even 22 times. From 1.1.2018, the amendment to the Building Act will apply as Act No. 225/2000 Coll.

Experts and property owners are particularly concerned about:

- an unbalanced range of mutual rights and obligations between the State and the owners of immovable cultural heritage,
- compensatory measures (financial) in connection with the ownership of a cultural monument without a period and mostly insufficient,
- objects in monumental reservations and zones that are not immovable monuments are subject to the same regime as monuments, but without the possibility of state financial contributions, which gives rise to considerable dissatisfaction with the owners of these buildings,
- inter alia, restrictions on HBA protection zones are required to the minimum necessary,
- the system is in principle well designed but not always used and maintained,
- a Regulatory plan of the Monument Reservation or Zone (as one of the important instruments of regulation of the HBA activity) does not have a number of towns and municipalities with the HBA.

B - GOVERNANCE ANALYSIS - LEGAL FRAMEWORK, SUBJECTS AND PROCEDURES IN 3 AREAS

B.1. Built heritage protection (and/or preservation/ conservation)

B.1.1. Governance level or Institution that has the main responsibility of heritage protection

The **National Heritage Institute (NPÚ)** is a professional and research organization of state care of monuments in the Czech Republic with national competence. It is a state contributory organization established on 1 January 2003 under the Act of the Czech National Council on State Heritage Care (Act No. 20/1987 Coll., As amended) by the Ministry of Culture of the Czech Republic.

Professional organization of the state monument care pursuant to Section 32 (2) of the Monument Act:

- elaborates analyses of state and development of state monument care, background for forecasts, concepts and long-term perspectives of development of state monument care;
- organizes, coordinates and fulfills the scientific research tasks of the state monument care, elaborates the theory and methodology of the state monument care and methodology of social application of cultural monuments;
- fulfills the tasks of a specialized methodological, documentation and information workplace for the department of state monument care and provides surveys, researches and documentation of cultural monuments, monuments and monument zones and is simultaneously the provider of data according to a special legal regulation;
- maintains a central list of cultural monuments;
- prepares expert documentation for the Ministry of Culture, especially for declaring objects as cultural monuments;
- elaborates the necessary expert documentation for the other institutions of the state monument care, methodically guides the work of conservators and reporters and provides free professional assistance to the owners of cultural monuments in the care of cultural monuments;
- provides professional supervision of the implementation of comprehensive care for cultural monuments and their continuous use;
- monitors cultural and educational use of cultural monuments and their promotion and ensures the cultural and educational use and accessibility of cultural monuments with which they manage;
- provides further training of staff in the field of state monument care;
- fulfills other tasks in the field of state monument care, which will be entrusted to it by the Ministry of Culture.

The National Heritage Institute provides and performs basic and applied scientific research in the field of heritage care. It also performs other professional, pedagogical, educational, publications and popularization activities to ensure the quality and expertise of care for cultural monuments and heritage sites. Professionally and methodically guides and promotes the care of monuments and heritage protected areas owned and managed by other entities.

NPÚ also has a direct management of a collection of cultural monuments, especially state castles and chateaux. There are about 100 state-owned monuments, mostly national cultural monuments (NKP), namely castles, chateaux, monasteries, churches, folk architecture, gardens, parks and technical monuments. Most of them are accessible and offer visitors the possibility of touring one or more visitor circuits. The regional centers of state monument care briefly administered the state-owned castles and chateaux after 1960, then transferred them to the National District Committees and eventually, after 1968, they were gradually taken back to their administration, the last before 1989.

If the cultural monument is a state property, the rights and obligations stipulated by the law of the owner of the monument have, pursuant to Section 43 of the Act on the state monument care, the state organization that has a memorial in administration or a non-governmental organization that has been entrusted to a permanent monument or, the right of use in cooperative or substitute uses to ensure production.

From January 1, 2013, the NPU is organized by the General Directorate in Prague (GnŘ), the 14 Territorial Professional Offices in individual regions (ÚOP) and 4 Territorial Monuments Administration (ÚPS). The Directorate-General manages the overall activity of the NPÚ and, to the extent defined by the internal regulations, directly assures the tasks of the state monument care. The Territorial Offices provide the tasks of the state monument care within the scope of its territorial scope. Territorial heritage administrations manage accessible cultural monuments in the direct administration of the NPU (castles, chateaux, monasteries, churches, museums, industrial monuments).

- **The headquarters of the National Heritage Institute's** management team. The administrative staff coordinate the activity of the whole institute, while the specialist staff (heritage officers) are in charge of the care of the nation's heritage buildings and other monuments, and provide their regional branch colleagues with methodological help.
- The specialist **regional offices (14)** research and document the specialist care and conservation of historic buildings, groups of historic buildings and heritage areas (i.e. reservations and zones). They provide free advice on the conservation, maintenance and renovation of historic buildings, and provide expert supervision during their restoration and renovation. They also present historic buildings to the public in various ways, acquainting people with cultural heritage.
- **Regional historic sites management (4)**. Employees are responsible for the practical management of castles, mansions and other historic buildings owned by the state and looked after by the National Heritage Institute. The four regional branches, based in Prague, České Budějovice, Sychrov and Kroměříž, are responsible for over a hundred historic buildings in all 14 regions of the Czech Republic.

NPÚ maintains the Central List of Cultural Monuments of the Czech Republic (ÚSKP ČR, Heritage Catalogue). Between 2007 and 2015, on the basis of a government resolution, digitization and modernization of the list and related processes and

services took place. By 2015, a number of sub-systems were used to register the monuments, and a new Memorial Catalog was launched on December 1, 2015. The list of the heritage fund is defined as an information system of public administration, which is a purposeful and continuously updated set of data and other documents stipulated by this Act, which records data on cultural monuments, national cultural monuments and monuments and conservation monuments. For public data in the list the law provides completeness and truthfulness. Public data should be:

- name
- closer identification
- index number
- indication of protection: date of issue, number and date of enactment of a decision, legal act or legal act, for a cultural monument registered in the state list date of entry in this list
- indication of change in protection range,
- international protection,
- details of the delimitation of the conservation monument zone
- for the conservation area, the protection plan data



Regional organization of the Czech Republic, 14 regions (13 regions + Prague), NUTS 3

The public base of the list of the monument fund should also be a photo-documentation of a cultural monument, a national cultural monument or a monumental area taken from a public area and a plan of protection.

As non-public data, items and works not registered in the Land Registry have to record owner data and location details. The non-public background of the list of the monument fund includes photographic and other documentation beyond the scope of public documentation (for example, photographs from interiors), decisions or binding opinions of the monument conservation authority in the monumental area, which are not cultural monuments, building historical research, final restoration report, further reconnaissance documentation.

Numbers of monuments in the Czech Republic (as of 15 May 2008) and in the South Moravian Region (JMK).

Type of (real) monument	Total in the ČR	Of which number in JMK
Cultural Monuments (KP)	39.247	4.504
National Cultural Monuments (NKP)	235	21
Monument reservations	123	3 MPR (Brno, Mikulov, Znojmo), 3 VPR (Blatnice-Stará Hora, Pavlov, Petrov-Plže)
Monument zones	483	12 MPZ, 8 VPZ
World Heritage Sites - UNESCO	12	2 (Villa Tugendhat in Brno and Lednice-Valtice Cultural Landscape)

B.1.2. National/main governance level and local governance level

<p>LEGAL FRAMEWORK Main legislation, including adoption of international Conventions</p>	<ul style="list-style-type: none"> • Zákon č.20/1987 Sb., o státní památkové péči, ve znění pozdějších předpisů, - Monument Act • Vyhláška č.66/1988 Sb., kterou se provádějí některá ustanovení zákona č.20/1987 Sb., o státní památkové péči, ve znění pozdějších předpisů, • Vyhláška MK č.187/2007 Sb., kterou se stanoví obsah a náležitosti plánu území s archeologickými nálezy, • Vyhláška MK č.420/2008 Sb., kterou se stanoví náležitosti a obsah plánu ochrany památkových rezervací a památkových zón, - Decree of the Ministry of Culture No. 420/2008 Coll., Laying down the requirements and content of the plan for the protection of heritage sites (reservations) and heritage zones • prováděcí předpisy, jimiž se vyhláší památkové rezervace, památkové zóny, - implementing regulations that declare heritage reservations and heritage zones, • Úmluva o ochraně architektonického dědictví Evropy (sdělení Ministerstva zahraničních věcí č.73/2000 Sb.m.s.), přijaté dne 3.10.1985 v Granadě. Pro ČR vstoupila v platnost dne 1.8.2000, - Convention for the Protection of the Architectural Heritage of Europe (Statement of the Ministry of Foreign Affairs No. 73/2000 Coll.), Adopted on October 3, 1985 in Granada. For the Czech Republic it entered into force on 1.8.2000.
<p>SUBJECTS list main involved organisations and describe</p>	<ul style="list-style-type: none"> • Ministry of Culture CR (MK ČR), section of cultural heritage, • Ministry of regional development CR (MMR ČR) • National Heritage Institute (NPÚ),
<p>PROCESSES</p>	<p><u>Hierarchical and functional relations at national level</u></p> <p>The National Heritage Institute (NPÚ) is a professional and research organization of state care of monuments in the Czech Republic with national competence. It is a state contributory organization established on 1 January 2003 under the Act of the Czech National Council on the State Monument Care (Act No. 20/1987 Coll., As amended by the Ministry of Culture of the Czech Republic).</p> <p>The Ministry for Regional Development of the Czech Republic (MMR ČR) ensures the execution of state administration in the sphere of</p>

	<p>spatial planning, territorial decision-making and building regulations for the whole territory of the Czech Republic, incl.HBA.</p> <p>Construction authorization and all activities in the HBA at the local level are coordinated and ensured by the local building authority. In the context of land-use planning and building regulations, a statement of the monument care body is required for any building activity on a real estate monument or any object in a conservation area, reservation or zone.</p>
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B.2. Urban planning and HBA

B.2.1. Territorial and Urban planning main framework and principles and levels

The policy of architecture and building culture issued by the **Ministry of Regional Development of the Czech Republic** in 2015 sets out in general the basic principles for improving quality in architecture and building culture in the Czech Republic, is a strategic document of national scope.

Act No. 183/2006 Coll., On Spatial Planning and the Building Code (Building Act) is the legislative framework for spatial planning issues, building regulations and project activities.

The Building Act defines spatial planning tools, such as:

- non-statutory planning materials and
- planning documentation.

On January 1, 2018, the so-called "big amendment" of the Building Act will become effective under No. 225/2017 Coll. The aim of the amendment is to simplify land-use planning and building regulations.

The **spatial development policy (PÚR)** coordinates the development and updating of the development principles, the development of concepts approved by the ministry and other central administrative authorities, and plans for changes in the territory of national importance. The Ministry of Regional Development policy is procured for the entire territory of the Republic and approved by the government. Spatial development policy is binding for the acquisition and issuance of spatial development principles, land use plans, regulatory plans, and land-use decision-making.

SPATIAL PLANNING TOOLS IN THE CZECH REPUBLIC:

Non-statutory planning materials are:

1. Planning analytical materials - ÚAP

The ÚAP includes the identification and evaluation of the state and development of the territory, its values, the limitation of changes in the territory for reasons of protection of public interests, intentions and identification of problems to solve. From the point of view of the protection of historical monuments, the ÚAP (in particular the graphic part) includes conservation reserves with the protected zone, conservation zones with the protected zone, landscape monument zones, important cultural monuments

or file sets including the protection zone, protected areas, UNESCO monuments including protection zones, urban values, folk architecture, historically important buildings or sets, architecturally valuable buildings or sets, significant building blocks and areas with archaeological finds (see Figures 5-16) . UAPs are the basis for a land-use plan

2. Planning Study (ÚS)

The ÚP proposes, examines and assesses the possible solutions to selected problems, or the development or development of some functional systems in the area, such as Memorial Reservations or Zones (HBAs). Outputs of the planning study are the basis for updating or changing land-use planning documentation.

Planning documentation is composed by:

1. Development Principles - ZÚR

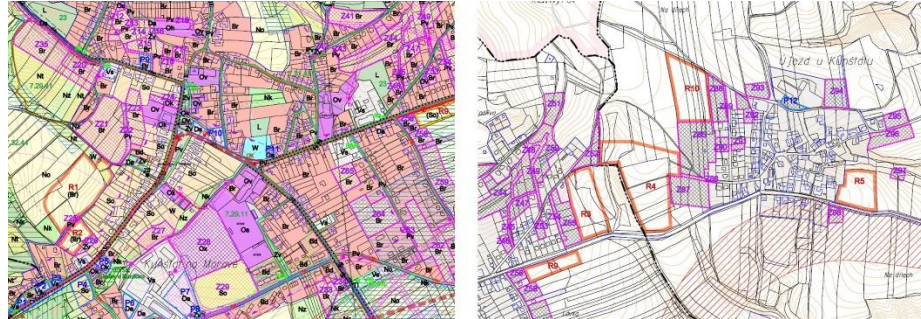
ZÚR are processed in the whole region (region). In particular, the ZÚR stipulates the basic requirements for the efficient and economical organization of the territory of the region, defines areas or corridors of overriding importance and sets out requirements for their use, especially areas or corridors for publicly beneficial structures, publicly beneficial measures, determines the criteria for deciding on possible variants or alternatives to changes in their use. The principles of territorial development are procured for the entire territory of the region and are issued in the form of measures of a general nature. The principles of spatial development are binding for the acquisition and issuance of land use plans, regulatory plans and for decision-making in the area.



2. Land use plans - ÚP or Local plans

Land use plans are always processed in the Czech Republic in the whole cadastral area of the municipality, ie both the built-up area and the landscape. ÚPs are an essential document for the development of cities and municipalities. ÚP must be in accordance with the principles of spatial development and spatial development policy. The ÚP is binding for the acquisition and issuance of a regulatory plan by the municipal council and for decision-making in the territory. The provision of funds from public budgets for the implementation of changes in the territory must not contradict the issued land use plan. Legislation (the relevant Decree) clearly defines the content of the land use plan, the text part and the graphic part. The text has an operative part and a justification. The scale of drawings of the graphical part is usually 1: 5.000.

The amendment to the Building Act, effective as of 1 January 2018, will allow smaller municipalities to acquire a land use plan with details of a regulatory plan for selected areas of the built-up area (eg HBA)



A cut-out from the land use plan, a coordinating drawing (a summary of all the phenomena) and a drawing of the basic classification.

According to current legislation, the land use plan is implemented in 4 stages:

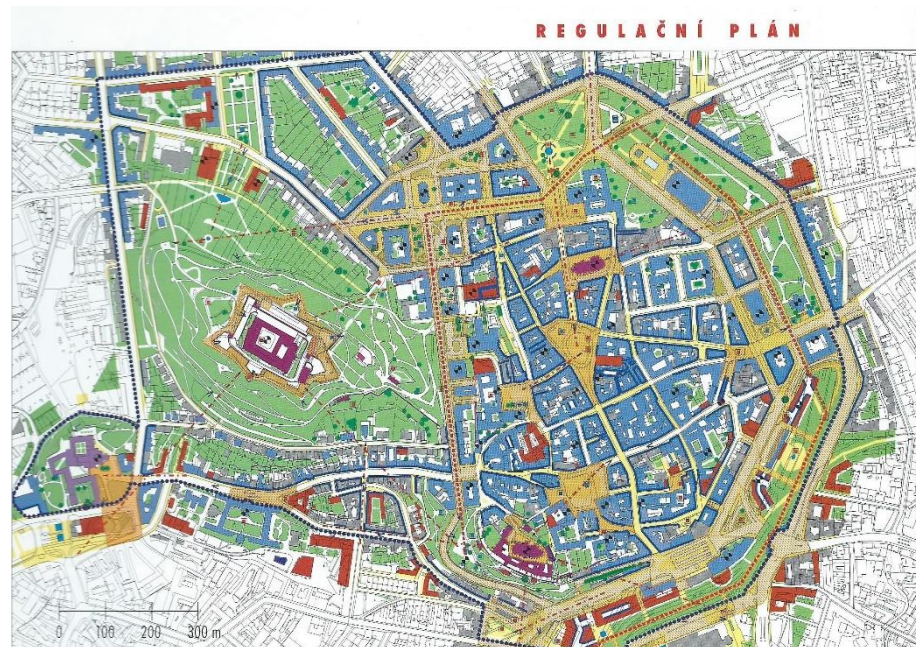
- a. the assignment of the land use plan is usually processed by the acquirer, ie the local public administration. The assignment defines practically the tasks for the developer of the spatial plan. The award takes into account the incentives received by the purchaser from the public and the public administration;
- b. a draft land use plan for joint action (SJ) is processed on the basis of an approved assignment and subsequently processed after consultation with the authorities and organizations concerned to submit their comments. Negotiation with the public is not mandatory at this stage, but it can be implemented;
- c. the design of the Land use plan for Public Consultation (VP) is elaborated on the basis of the guidelines issued after the evaluation of the comments after the SJ. Discussions are again taking place with the authorities and organizations concerned, and with the public who can object;
- d. approval and issuance of the land use plan, subsequently the land use plan is usually published in pdf format on the website of the affected city / municipality.

The same procedure is also applicable to changes to land use plans.

3. Regulatory Plan - RP

The next level of land-use planning documentation is the Regulatory Plan (RP). The RP on the site provides detailed conditions for land use, placement and spatial arrangement of buildings, protection of values and character of the area and for the creation of a favorable environment and defines publicly beneficial structures or public benefit measures. The RP must be in line with spatial development policy, land-use planning principles and land-use planning. The regulatory plan is binding for decision-making in the territory. At present, only a few monuments reservations and zones have been prepared by a regulatory plan.

This documentation is handled for a predefined territory, such as an urban conservation reservation or a zone. From the point of view of impact on HBA, the RPs have a major impact, because they set out in more detail the conditions of land use, and are thus relatively closely related to the requirements resulting from monument protection.



Urban concept, graphic part of the MPR regulation plan in Brno (1999, still valid)

Non-statutory planning materials and planning documentation can be processed only by persons with appropriate authorization, registered on the list of authorized persons at the Czech Chamber of Architects (ČKA). In total, 2,025 architects with general competence, 145 persons authorized in the sphere of spatial planning and 184 persons authorized in landscape architecture (2016) are authorized in the Czech Republic.

The Institute for Spatial Development (ÚÚR) is an organizational component of the state, established by the MMR CR. They are active in the fields of spatial planning, regional policy, housing and housing policy, territorial development programs of regions and municipalities in the Czech Republic and tourism. According to the constitution, the Institute's activities are defined as follows:

- Processing of evidence for operational activities of MMR
- Methodological, consulting and research activities.
- Study, information, documentation and publishing activities.
- Preparation of documents for legislation.
- Creation of information systems.
- Organization of international professional contacts and participation in international organizations.

B.2.2. National/main governance level and local governance level

<p>LEGAL FRAMEWORK Main legislation, including adoption of international Conventions</p>	<p><u>Cultural Built Heritage reference within the territorial/urban and local/regional planning legal framework</u></p> <ul style="list-style-type: none"> • Zákon č. 183/2006 Sb., o územním plánování a stavebním řádu (stavební zákon), resp. Zákon č. 225/2017 Sb. jako novela stavebního zákona platná od 1.1.2018, - Building Act • Zákon č. 360/1992 Sb., o výkonu povolání autorizovaných architektů a o výkonu povolání autorizovaných inženýrů a techniků činných ve výstavbě. - on the pursuit of the profession of authorized architects and on the pursuit of the profession of authorized engineers and engineers in construction. • Zákon č. 121/2000 Sb., o právu autorském, o právech souvisejících s právem autorským a o změně některých zákonů (autorský zákon). - on Copyright, on Rights Related to Copyright and on Amendments to Certain Acts (Copyright Act) • Zákon č. 89/2012 Sb., občanský zákoník. - Civil Code • Zákon č. 500/2004 Sb., správní řád. - Administrative Procedure • Zákon č. 134/2016 Sb., o zadávání veřejných zakázek - účinný od 1. 10. 2016 - the Public Procurement Act • Zákon 254/2001 Sb., o vodách a o změně některých zákonů (vodní zákon). - on Water and on the Amendment to Certain Acts (Water Act) • Zákon č. 114/1992 Sb., o ochraně přírody a krajiny. - on Nature and Landscape Protection • Vyhláška č. 499/2006 Sb., o dokumentaci staveb. Znění účinné k 14. 2. 2014 - Decree No. 499/2006 Coll., On building documentation. Text valid from February 14, 2014 • Vyhláška č. 500/2006 Sb., o územně analytických podkladech, územně plánovací dokumentaci a způsobu evidence územně plánovací činnosti. Znění účinné k 14. 2. 2014 • Vyhláška č. 501/2006 Sb., o obecných požadavcích na využívání území, ve znění pozdějších předpisů. Znění účinné k 14. 2. 2014 - Decree No. 501/2006 Coll., On General Requirements for Land Use, as amended. Text valid from February 14, 2014, • Vyhláška č. 503/2006 Sb., o podrobnější úpravě územního řízení, veřejnoprávní smlouvy a územního opatření. Znění účinné k 14. 2. 2014 • Vyhláška č. 268/2009 Sb., o technických požadavcích na stavby. Znění účinné k 14. 2. 2014 - Decree No. 268/2009 Coll., On Technical Requirements for Buildings. Text valid from February 14, 2014, • Vyhláška č. 398/2009 Sb., o obecných technických požadavcích zabezpečujících bezbariérové užívání staveb. Znění účinné k 14. 2. 2014 - Decree No. 398/2009 Coll., On general technical requirements ensuring the barrier-free use of buildings. Text valid from February 14, 2014
<p>SUBJECTS list main involved organisations and describe</p>	<p><u>Competences, functions and activities relate to Cultural Built Heritage among the organisations involved in for territorial/urban planning and among the organisations/departments/stakeholders involved in urban planning processes</u></p> <ul style="list-style-type: none"> • Ministry of regional development ČR (MMR ČR) - The Department of Spatial Planning, Department of Building Regulations and the Department of Territorial and Construction Administration. The MMR CR ensures the performance of state administration in the

	<p>sphere of spatial planning, territorial decision-making and building regulations for the whole territory of the Czech Republic, incl. HBA,</p> <ul style="list-style-type: none"> • Institute for spatial development (ÚÚR), It is a government department established by the Ministry for Regional Development of the Czech Republic (MMR ČR). • The regional authority, which is the local authority, acquires the principles of spatial development and land-use planning documents, at the same time being the concerned authority. • The municipal authority, or municipality with extended authority, develops territorial plans and regulatory plans for the territory of the municipality, territorial planning documents and others provides for further spatial planning activities and building regulations in place.
<p>PROCESSES</p>	<p><u>Hierarchical and functional relations; main mechanisms for decision making/ implementation of territorial planning with relevance for HBA</u></p> <p>The development of the HBA is basically the same as for all other cities. All towns / municipalities in the Czech Republic have a compiled land-use plan which is binding for all development and building activities in the area. Land use plans (ÚP) are processed for the whole cadastral area on the basis of the current map of the real estate cadastre. ÚP establishes a binding method and conditions of use for individual plots. All plans planned in the area must be in accordance with the approved land-use plan. Plans that do not comply with the applicable land-use plan can only be approved and implemented after the development and approval of the land-use plan change. The process of acquiring the ÚP takes about 2 years for smaller municipalities, or about 4 years for larger cities. The process of acquiring and approving a change in the land use plan is shorter, but not significant. A wide range of authorities concerned are regularly represented by the ÚP, including, among others, the cultural and historical heritage departments of local authorities. During the elaboration of the ÚP they apply objections and statements, which are usually incorporated into the ÚP.</p> <p>The developer of the ÚP (or any spatial planning documentation, ie the regulatory plan) may only be an authorized architect of general application or a permit for the sphere of spatial planning. The selection processor of the ÚP is usually governed by the relevant public procurement law on the basis of a selection procedure. At present, the main criterion, which is the subject of considerable criticism, is the price of the work offered.</p>
<p>PROCESSES/ INTEGRATION</p>	<p><u>Hierarchical and functional relations at national level between the territorial planning process/the heritage protection process/other relevant policies and practices</u></p> <p>Land use plan is generally a basic tool for city and municipal planning. Because it is binding for all other phases, it must be flexible enough and at the same time it must sufficiently protect the values of the territory. More detailed documentation, which is no longer mandatory, however, if it is already done, it is already binding, is the regulatory plan. The regulatory plan can significantly influence and regulate the development of the HBA. In practice, a number of cities and municipalities are avoiding a regulatory plan, as they perceive it as too binding.</p>

	<p>The authorities of conservation and protection of the monument enter into the process to a much greater extent within the framework of project preparation to the phases of territorial management and construction proceedings. Subsequently, it carries out supervision of the execution of the construction until the final approval.</p>
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B.3. Environmental policies and HBA

B.3.1. Integrated approach or integration policies

National level/local level approach on:

Sustainability-Conservation-Use of HBA integrated approach, strategies and action planning;

- Environmental issues connected and included in cultural heritage preservation, valorisation, management policies;
- The dimension of HBA in environmental and sustainability policies (Agenda 21, SEAP, energy plans, mobility plans...).

In general, the issue of environmental protection belongs under the Ministry of the Environment (MŽP ČR). Environmental protection and / or sustainable development of the territory incl. HBA is primarily addressed in the context of land-use planning. Practically, environmental protection concerns are focused on nature and landscape conservation. A key development document at the local level is the land use plan, which is always processed within the entire cadastral area, ie both the built-up part and the landscape. As a rule, but not always, the documentation of the Sustainable Development Impact Assessment (VVURÚ) documentation is taken together with the land-use plan. Part of this documentation is Part A, SEA - Environmental Impact Assessment, Impact Assessment on NATURA 2000 Locations and other parts defined by Annex No. 5 of Decree No. 500/2006 Coll. VVURÚ shall be processed only if the environmental protection authority at a local authority assesses intentions in the area that are so serious that they can have a significant impact on the environment. For example, the affected area is affected by the NATURA 2000 area or planned large-scale transport structures that are radically interfering with the country.

Extensive concrete projects for individual buildings may also be subject to the Environmental Impact Assessment (EIA). Legislatively, this process is dealt with by Act No. 100/2001 Coll. On Environmental Impact Assessment, amended by Act No. 39/2015 Coll. This law provides for cases where this document is required and processed. EIA is processed during the project preparation. The current amendment to the Building Act regulates the terms of EIA documentation processing.

Local Agenda 21 (MA21) is one of the ways to implement environmental issues in HBA issues. Participation in Agenda 21 is based on volunteering. The measures resulting from the activities of Agenda 21 are only of a recommending character. MA21 is a program that seeks to apply the principles of sustainable development at regional level. It is devoted to local development, encouraging the ecological activity of the population and interest in the cultural life of towns and

municipalities. These include, for example, the following activities: restoration of monuments, revival of traditional customs and crafts, sustainable tourism, landscape care, planting of trees, maintenance of parks, events for the public (festivals, fairs, pilgrimages) concepts, plans and daily agendas, ecological heating, municipal waste sorting, consumption-conscious shopping, and a host of other activities. Local Agenda 21 is a prerequisite for involving local citizens and public officials.

Healthy Cities of the Czech Republic (NSZM), The National Network of Healthy Cities brings together towns and municipalities with an interest in sustainable development. NSZM methodically guides its members to apply the principles of sustainable development in practice. NSZM is presently the only association of Czech municipalities that stipulates in its statutes to consistently work towards sustainable development, health, and the quality of life in cities, municipalities and regions of the Czech Republic. Since 1998, NSZM member cities, towns and regions have proceeded according to a WHO and NSZM Methodology, co-operating with a wide range of NSZM's expert partners, particularly Charles University, Prague. Methodology was awarded as a Worldwide Project EXPO 2000 in Hanover. In 2006 HCCZ has been pre-selected among the finalists of the United Nations Public Service Awards, in 2008 obtained from the Ministry of Interior the Innovation Award for its database system for strategic management in cities DataPlan.

B.3.2. Governance mechanism including institutional and stakeholders levels

Environmental protection is incorporated into land-use planning and building regulations.

B.3.3. Thematic policies and strategic plans

Not specifically specified. The requirements for individual measures are dealt with in the context of land-use planning and building regulations. HBAs in the Czech Republic are most at risk of flooding. The boundaries of the active zone (the 20-year flood) and the hundredth years water boundary (Q100) are indicated in the land use plans. These territories are subject to specific conditions subject to approval by the competent authorities. In addition, the HBA suffers from damage caused by atmospheric phenomena, thunderstorms or storms. Earthquakes are virtually absent in the Czech Republic.

B.3.4. National/main governance level and

B.3.5. Local governance level

<p>LEGAL FRAMEWORK Main legislation, including adoption of international Conventions</p>	<p><u>Reference to Cultural Built Heritage within the legal framework for environmental protection, efficient use of resources or sustainability</u></p> <ul style="list-style-type: none"> • Zákon č. 100/2001 Sb. (EIA), - Act No. 100/2001 Coll. (EIA), • Zákon č.114/1992 Sb., o ochraně přírody a krajiny, - Act No. 114/1992 Coll., On the Protection of Nature and the Landscape
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	<ul style="list-style-type: none"> • Zákon č.406/2000 Sb., o hospodaření s energií, - Act No. 406/2000 Coll., On energy management, • Vyhláška č.78/2013 Sb., o energetické náročnosti budov, - Decree No. 78/2013 Coll., On the energy performance of buildings,
<p>SUBJECTS list main involved organisations and describe</p>	<p><u>Competences, functions and activities relate to Cultural Built Heritage among the organisations involved in environmental protection, efficient use of resources or sustainability</u></p> <ul style="list-style-type: none"> • Ministry of the Environment of the Czech Republic (MŽP ČR). Ministry was established as of 1 January 1990 by Act no. 173/1989 Coll., dated 19 December 1989, to function as the central state administrative authority and supreme inspection authority in environmental affairs. To guarantee and inspection activity of the Government of the Czech Republic, the Ministry of the Environment co-ordinates the activities of all Ministries and other central state administrative authorities of the Czech Republic in environmental matters. • CENIA, the Czech Environmental Information Agency is a contributing organization of the Ministry of the Environment of the Czech Republic, CENIA is the central point to which all information on the environment in the Czech Republic is directed to be processed, evaluated and made available in a clear and comprehensible form to the public. It deals with a number of activities commissioned by the Ministry of the Environment of the Czech Republic and the implementation of projects. CENIA is the contact point of the European Environment Agency (EEA) and is involved in the Eionet European Environment Information and Observation Network. • The Czech Environmental Inspectorate (ČIŽP) is the authority of the state administration of the Czech Republic, subordinated to the Ministry of the Environment of the Czech Republic, which is responsible for the supervision of the laws and binding decisions of the environmental authorities. • The local regional authority, • Town / municipality with extended authority.
<p>PROCESSES / INTEGRATION</p>	<p><u>Hierarchical and functional relations; main mechanisms for decision making, risk evaluation, environmental assessment, implementation of environmental policies with relevance for HBA</u></p> <p>Environmental protection is applied in the framework of land-use planning and building regulations continuously in principle in all phases. Statements of environmental authorities are an integral part of the process.</p>

C - STAKEHOLDERS

BASIC INFORMATION

C.1. Horizontal governance mechanisms at national level

In principle, planning processes in the territory (including HBA) are distinguished, to:

- **spatial planning**, ie identification of the functional use of the territory with the establishment of the main regulations, principles of territorial development, practically binding;
- **construction order**, deals with the processes and authorization of construction activity in general, without distinction, including immovable monuments and buildings in the HBA.

Participants in both these processes, the authorities concerned, are basically the same. The public is also involved in these processes. The way in which all participants are involved is governed by current legislation.

C.2 Horizontal governance mechanisms and practices at local level.

At the local level, the HBA processes are attended by the public and the relevant authorities and organizations in the framework of land-use planning documentation and building management.

The main participants in HBA processes at the level of spatial planning and building regulations:

- owners of the property concerned, in the case of building code processes,
- representatives of the municipality for which the ÚPD is being processed, where the building is located,
- regional authority, environmental protection departments including the protection of the agricultural land fund (ZPF) departments, departments of culture, departments of transport, etc.
- health authorities, hygiene,
- authorities for the protection and care of monuments,
- transport infrastructure managers,
- technical infrastructure managers,
- state security authority, fire brigade, police, army.

Spatial planning processes and the Building Code may also be attended by the public. The way of involvement is determined by the legislation in force.

C.3 Specific procedures involving public and private sectors on HBA

The processes of cooperation between the private and the public sector are solved individually according to a specific project.

QUALITATIVE INFORMATION AND COMMENTS

C.4. The PP approach and relations: partnership or conflict?

It is not possible to explicitly specify, in general, PPP-based projects do not have a rich tradition in the Czech Republic. While PPP is possible in principle, implementation is rarely in isolated cases. A fundamental problem is the setting of balanced, mutually beneficial rules and conditions for implementation and subsequent operation.

SOURCES

- www.mmr.cz
 - www.uur.cz
 - www.mkcr.cz
 - www.npu.cz
 - www.pamatkovykatalog.cz
 - www.cka.cz
 - www.cs.wikipedia.org
 - www.cenia.cz
 - www.zdravamesta.cz
 - www.mzp.cz
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D - SWOT ANALYSIS

Strengths	Weakness
<ul style="list-style-type: none"> • Relatively well-developed legislative system of heritage care; • cultural monuments including HBA very well centrally registered, most information available to the public; • clearly defined structure and categorization of immovable monuments incl. HBA; • relative enough information and background material for individual monuments and the HBA; • in general, experts working in monument care institutions mostly at an adequate professional level, • public interest in the cultural heritage; • the existence of support programs and funding instruments, although the amount of support is often insufficient. 	<ul style="list-style-type: none"> • Very conservative approach to the issue, such as the inadmissibility of interventions to improve the energy efficiency of heritage protected buildings; • frequent changes to the legislative framework; • (very) long administrative processes of spatial planning and building regulations, • limited possibilities of state financial support; • if necessary, a change in the land use plan, a very lengthy process, especially for larger cities; • in the case of owners of immovable monuments the imbalance of duties and rights, the legislation addresses in principle only the obligations; • continuing support for fossil fuels and nuclear power in ČR.
Opportunities	Threats
<ul style="list-style-type: none"> • Support programs from EU, the Ministry of Culture, the Ministry of Regional Development and the Ministry of the Environment of the Czech Republic for the restoration of monuments; • increasing pressure to increase the energy efficiency of buildings, energy savings, listed support programs, especially the Ministry of the Environment; • increasing public interest in sustainability; • Smart City activities can support new approaches to HBA; • cultural heritage is significantly involved in domestic tourism, in principle it is supported; • more effective involvement of societies, foundations, and community-based companies in the development of the HBA. 	<ul style="list-style-type: none"> • Limitation of financial support in general; • the uncertainty resulting from a constantly changing legislative framework; • legislation will not respond to HBA needs; • failure to solve the deficiencies of the monument care system; • unambitious state policy on access to renewable energy sources.