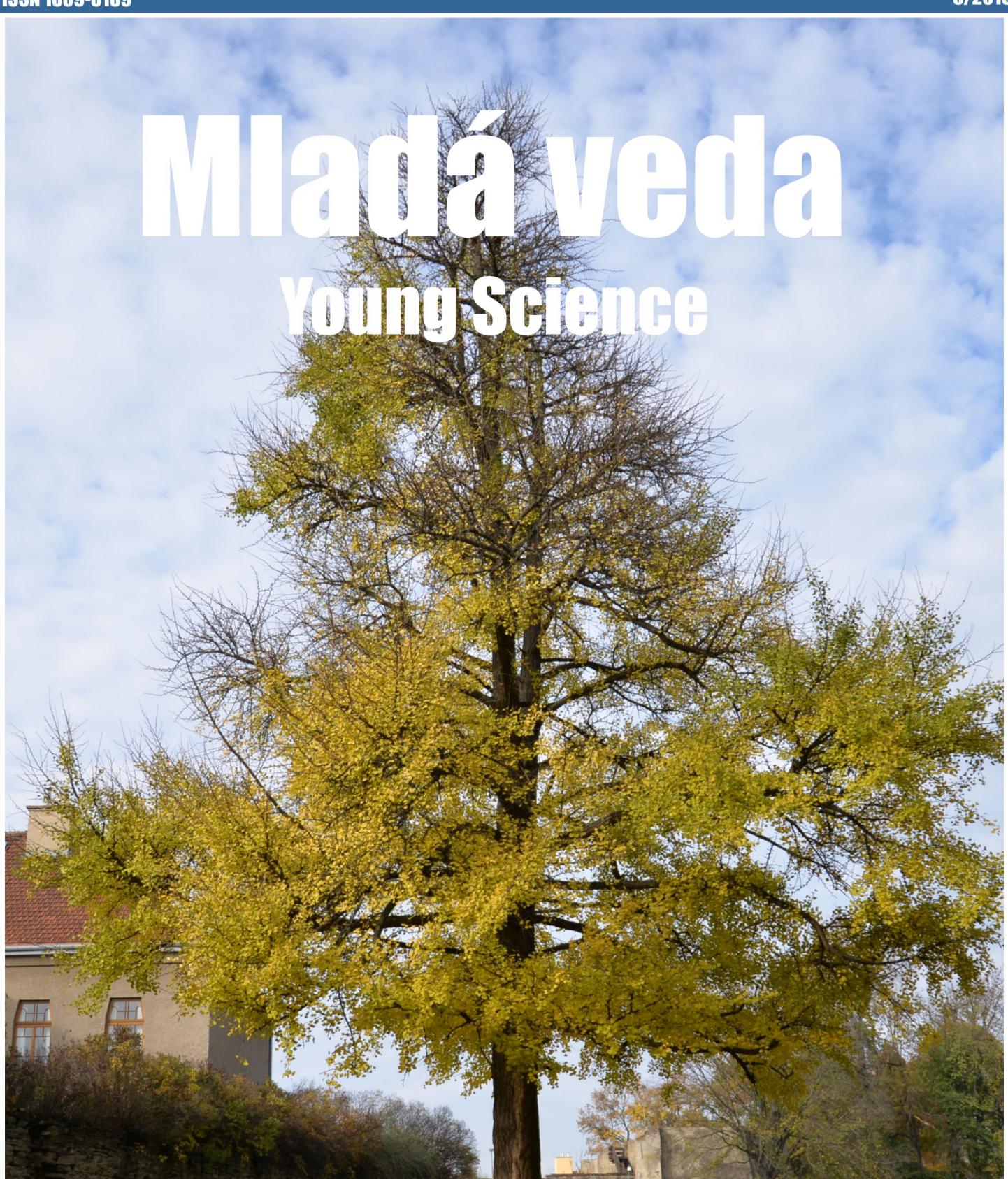


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Young Science

MEDZINÁRODNÝ VEDECKÝ ČASOPIS MLADÁ VEDA / YOUNG SCIENCE

Číslo 5, ročník 6., vydané v decembri 2018

ISSN 1339-3189

Kontakt: info@mladaveda.sk, tel.: +421 908 546 716, www.mladaveda.sk

Fotografia na obálke: Ginko dvojlaločné, Prešov. © Branislav A. Švorc, foto.branisko.at

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Slovenská republika

OBSTACLES AND PROBLEMS IN LAND-USE PLANNING FOR MUNICIPALITIES IN RURAL AREAS OF THE CZECH REPUBLIC

BARIÉRY A PROBLÉMY ÚZEMNÍHO PLÁNOVÁNÍ V OBCÍCH VE VENKOVSKÉM
PROSTORU ČESKÉ REPUBLIKY

Miroslav Kopáček¹

Autor působí od roku 2015 jako odborný asistent na Katedře regionálního rozvoje a veřejné správy Fakulty sociálně ekonomické Univerzity Jana Evangelisty Purkyně v Ústí nad Labem, zároveň od roku 2017 uskutečňuje kombinovanou formou doktorské studium v oboru Ekonomická geografie a regionální rozvoj na Přírodovědecké fakultě Ostravské univerzity. Odborným zaměřením autora je regionální rozvoj s důrazem na prostorové plánování, přičemž v této oblasti se nejvíce zaměřuje na aplikaci principů a prvků udržitelné rozvoje do praxe a na problematiku populačně malých obcí.

The author is an assistant professor at the Department of Regional Development and Public Administration at the Faculty of Social and Economic Studies of Jan Evangelista Purkyně University in Ústí nad Labem from 2015; he is also studying a part-time postgraduate course in Economic Geography and Regional Development at the Faculty of Science of Ostrava University from 2017. The author focuses on regional development with an emphasis on spatial planning and, more specifically, the practical implementation of principles and elements of sustainable development and the question of low-population municipalities.

Abstract

Municipalities in rural areas with a small population operate under specific conditions, such as limited financial means and understaffing. These aspects also affect land-use planning, which can make the process very complicated and difficult for small rural-area municipalities. The aim of this article is to identify the basic obstacles and then analyse the problems that small municipalities commonly deal with in connection to land-use planning. From a territorial perspective, the research focuses on one of the Higher Territorial Administrative Units in the Czech Republic, namely, the Ústí Region, with an emphasis on municipalities with a population in the 350–449 range. The research was conducted via personal interviews

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with the mayors of individual municipalities. The identified obstacles can slow down the process of land-use planning to a certain extent, but in the long-term perspective they are mostly beneficial to ensuring effective and sustainable territorial development. The research also confirmed that the land-use plan is generally regarded as a technical instrument for managing territorial development.

Key words: land-use planning, land-use plan, small municipalities, rural areas, obstacles, problems

Abstrakt

Obce ve venkovském prostoru s nízkým počtem obyvatel mají pro své fungování specifické podmínky jako omezené finanční prostředky a nedostatečná personální kapacita. Tyto aspekty se projevují i v oblasti územního plánování, přičemž tento proces může být pro malé obce venkovského typu velmi komplikovaný a náročný. Cílem článku je identifikovat základní bariéry a následně provést rozbor problémů, které malé obce v oblasti územního plánování běžně řeší. Z teritoriálního hlediska je výzkum zaměřen na jeden z vyšší územně samosprávných celků České republiky, a to Ústecký kraj, přičemž důraz je kladen na obce s počtem obyvatel od 350 do 449. Výzkum byl proveden terénním šetřením prostřednictvím rozhovorů s jednotlivými starosty obcí. Identifikované bariéry do určité míry mohou zpomalovat proces územního plánování, ale v dlouhodobé perspektivě jsou většinou prospěšné pro zajištěné efektivního a udržitelného rozvoje území. Výzkum navíc potvrdil, že územní plán je většinově vnímám jako nástroj technického charakteru pro management rozvoje území.

Klíčová slova: územní plánování, územní plán, malé obce, venkov, bariéry, problémy

Introduction

One of the core attributes of a municipality is its territory, which it can operate with within the limits imposed by legislation and in accordance with other superordinate planning documentation (Wokoun et al., 2011). As the basic units of local government in the Czech Republic, municipalities have the self-governing authority to create a land-use plan and to publish this land-use plan as a general measure, in accordance with the Czech Building Act (Act No. 183/2006 Sb.). The land-use plan is a communal-level instrument of land-use planning, and it is a part of planning documentation. Municipalities with a small population may face specific obstacles and difficulties with regard to land-use planning, which delay and impede the whole process.

The aim of this article is to use the personal experience of mayors of small municipalities, acquired through structured interviews, to identify the most frequent and common obstacles and to define the basic problems faced by low-population municipalities within the process of land-use planning or the actual process of creating and approving a land-use plan.

The municipality and land-use planning

The tasks, aims, and extent of authority in the separate areas of land-use planning differ greatly in the various parts and countries of the world (OECD, 2001). In the Czech Republic,

the Municipality Act stipulates that “the municipality is tasked with the comprehensive development of its territory and cares for the needs of its citizens; in the fulfilment of its duties it also protects public interest” (Act No. 128/2000 Sb., §2, own translation), which is further specified with regard to land-use planning by the Building Act, which stipulates that “the aim of land-use planning is to create conditions for construction and the sustainable development of the territory, consisting of balanced conditions for a favourable environment, for economic growth, and for social cohesion of the inhabitants of the territory, which fulfils the needs of the present generation without endangering the living conditions of future generations” (Act No. 183/2006 Sb., §18, own translation). Land-use planning is a sophisticated mechanism that allows for compromises to be found for individual intentions, which may have conflicting interests (Metternicht, 2018; Wokoun et al., 2011).

The various tools of land-use planning are mainly used to react to the necessity of coordinating private and public interests within the given territory in the sense of planned construction and the setting of limits to the utilisation of individual areas (Kadeřábková, Peková, 2012). The definition of the possible uses of individual areas in the territory supports changes in the territory while also providing a certain response to changes that have already been implemented (Metternicht, 2018). Changes to the use of land can have various effects on the development of the municipality, from negative and neutral to positive (Solecka, Raszka, Krajewski, 2018). Land-use planning should fulfil the parameters of sustainable development (Persson, 2013); in the case of human habitation, it is important to strive for balance between a natural system, which is based on the sustainability of natural resources and the environment, and human prosperity with an emphasis on high-quality habitation (Yan et al., 2018).

The municipality has the self-governing authority to decide to create a land-use plan (Act No. 183/2006 Sb.), though it is not obliged to have one. However, if the municipality chooses to commission a land-use plan, the given document must always be created in accordance with the planning hierarchy of superordinate documents, which is an expression of the principle of superiority (Wokoun, 2008). Despite this mandatory compliance with superordinate documents, the municipality can independently decide about numerous factors in the development of its territory, which have an impact on the further development of the given municipality and, in extension, to the whole locality because the municipality is not an independent entity in the area but an inseparable and irreplaceable component of it (Hlaváček, 2012), and it is also the foundation for sustainable development at the local level (Mapar et al., 2017).

In the planning process, the local administration must have sufficient authorisation to conduct the planning, and the whole process must also include the land owners and citizens of the given municipality (Bjärstig et al., 2018), but an excessive level of autonomy in the planning may also give rise to decisions and implementations of intentions that, while positively affecting the municipality itself, could negatively impact the wider area (Wagner, 2016). For example, it has been proven that compared to large cities, municipalities with smaller populations assign larger plots for new households (Guastella, Pareglio, Sckokai, 2017). Concurrently, it must be noted that

local representatives do not necessarily issue fully independent measures, as they can be strongly influenced in their decision-making by neighbouring municipalities (Gómez Antonio, Hortas-Rico, Li, 2016). In each step of the planning process, it is crucial to maintain close communication and interaction between local politicians with a political mandate, the creators of individual plans, and other experts, to comprehensively verify the actual implementability of the intentions (Dassen, Kunseler, van Kessenich, 2012; van Zeijl-Rozema, Martens, 2011).

As a public entity, the municipality coordinates and plans out the spatial development of its territory with the help of the land-use plan, while land-use planning in itself can be understood in a broader sense as spatial management, or in a narrower sense, as the regulation and intervention into changes that formulate the environs and into the use of these environs (Wokoun, 2008). In the Czech Republic, the term is generally interpreted in the narrower sense, as land-use planning is regarded and utilised more as a technical instrument of territorial development than as an instrument for partly co-determining individual areas according to their attractiveness (Kadeřábková, Peková, 2012). This majority interpretation, which has both directive and restrictive elements, may stem in part from Czech history, namely, from the previously applied (Socialist-era) strict temporal delineation of planning and predictable typology (Jehlík, 2013). All in all, it is undesirable for planning to focus merely on the definition of regulations; rather, there should be an effort to implement local solutions that stem from the local communities (Morphet, 2011). Looking forward, it is useful to also compile a framework for assessment, which can evaluate the effectiveness of land-use planning and its various intentions (Grădinaru et al., 2017).

Methodology

In the first step, it was necessary to set the criteria for defining the group of municipalities in which the fieldwork would be conducted. The area of research was limited to the Ústí Region in the Czech Republic.

The first parameter for determining whether a municipality would be included in the research was its population size. The number of inhabitants was set to the range of 350–449, valid as of 31 December 2016. The lower limit of the range was chosen to allow for a higher probability that the given municipality would have its own land-use plan and that its mayor would have a full-time position. Municipalities with a small population usually only have a mayor with a part-time salary and a demarcation of developed land instead of a land-use plan, which must be provided (as in the case of the land-use plan) by the appropriate planning office – the locally designated municipal authority of a municipality with extended powers. The upper limit of the population range was set to prioritise municipalities without a municipal board, thus providing a clearer perspective on the mayor's role in the whole process of land-use planning, which is one of the aims of this paper.

The second parameter for including a municipality in the analysis was the requirement of the mayor's actual experience with the process of land-use planning. This was to be guaranteed by conducting the fieldwork only in those municipalities in which either a new

land-use plan was prepared or an older land-use plan was at least updated during the local council's term of office, that is, from 2014 to 2018. Of the 354 municipalities of the Ústí Region (as of 31 December 2016), a total of 16 municipalities met the given parameters (Table 1).

LAU2 code	Municipality	District	Population as of 31 Dec. 2016	Area (ha) as of 31 Dec. 2016	Year when the current land-use plan was created	Year when the land-use plan was last updated
562343	Arnoltice	Děčín	402	553.5	2017	-
565997	Bitozeves	Louny	431	2 096.2	2015	-
567469	Bořislav	Teplice	391	751.4	2008	2016
564729	Děčany	Litoměřice	364	1 236.7	2008	2016
564753	Doksany	Litoměřice	381	312.2	2015	-
564818	Dušníky	Litoměřice	422	428.1	2008	2018
566195	Hříškov	Louny	395	1 025.9	2015	-
565237	Lukavec	Litoměřice	358	335.3	2016	-
566501	Nepomyšl	Louny	389	2 822.6	2016	-
542580	Obora	Louny	424	529.0	2016	-
567345	Patokryje	Most	446	262.9	2015	-
565393	Ploskovice	Litoměřice	435	842.1	2015	-
530620	Přestanov	Ústí n. L.	403	204.1	2017	-
542407	Trnovany	Litoměřice	384	304.1	2015	-
565954	Židovice	Litoměřice	380	1 475.9	2015	-
567019	Žiželice	Louny	400	356.5	2016	-

Table 1 – Municipalities that met the analysis criteria

Sources: CZSO 2018, land-use plans of the municipalities

The nature of the actual fieldwork in individual municipalities was also defined in detail. The fieldwork was conducted in the form of personal interviews with the mayors of the municipalities. The interviews were semi-structured and lasted variously from 20 to 40 minutes. All the interviews took place in the period from 7 February 2018 to 5 March 2018 and followed up on previous communication with the mayors, or the appropriate municipal authorities if no direct contact was provided to the mayor, in early 2018 for the purpose of requesting the interview, first via email and subsequently via phone if necessary. The fieldwork was performed by the same person in all of the municipalities to ensure that the interviews were conducted in the same manner and used a unified structure. The respondents were informed in advance that all

the information gleaned from the interviews would be anonymised for the analysis. Anonymity was guaranteed by code-numbering the interviews before the actual analysis.

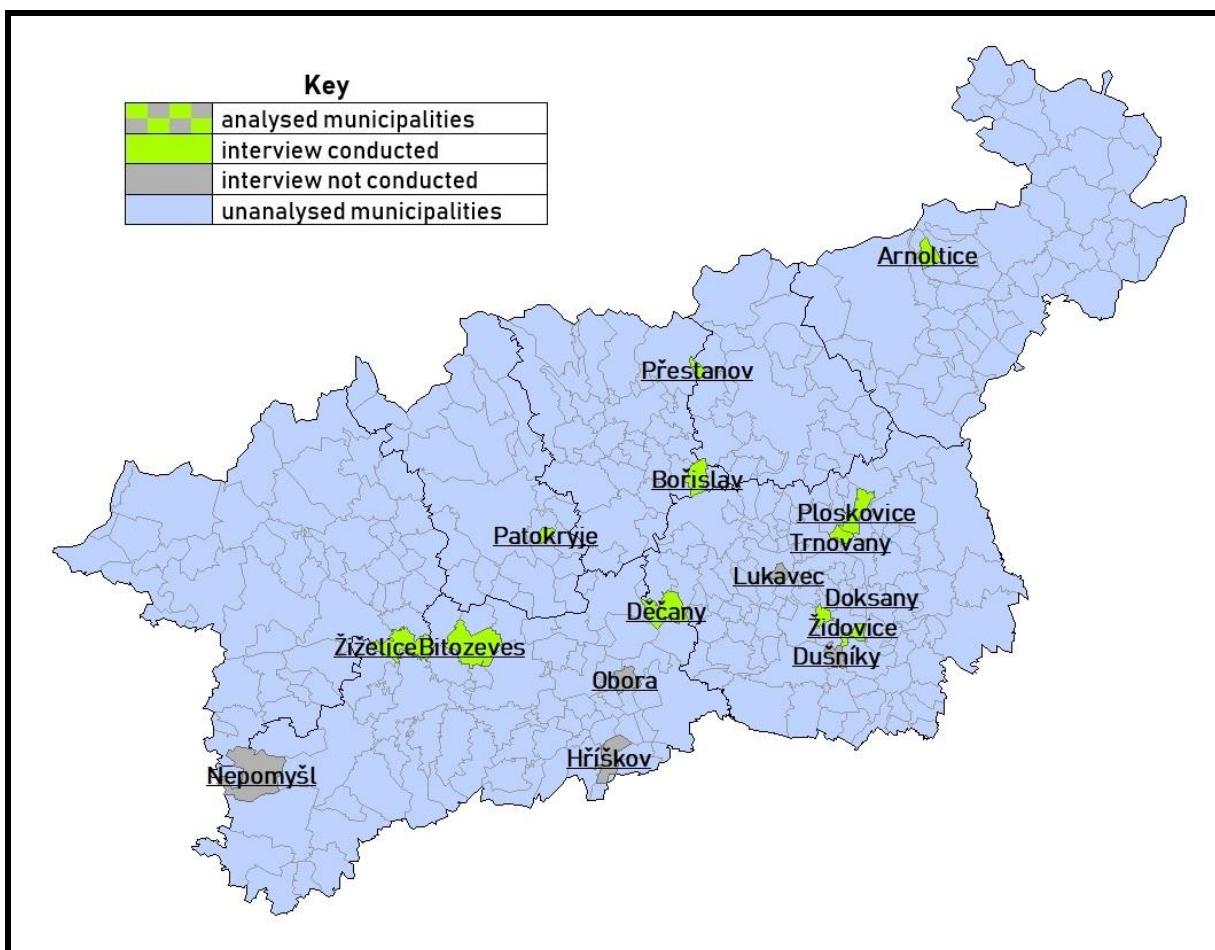


Figure 1 – Analysed municipalities in the Ústí Region

Source: created by the author

A total of 16 municipalities in the Ústí Region fulfilled the methodologically determined criteria; interviews were successfully conducted in 11 of them (Figure 1). In three municipalities, the interviews could not be carried out because it was not possible to contact the mayor or the relevant municipal authority – attempts at contact failed both by email and by phone. In one municipality, the interview was refused due to lack of time and the busy schedule of the mayor, while in another municipality, the mayor refused the interview as he did not feel competent to address the subject because he had not held the office for the whole term (from 2014) but only for about 12 months (from 2017). With regard to location, the individual municipalities in the analysis were interspersed in 6 of the 7 districts of the region. The most municipalities (5) were in the district of Litoměřice, and the only district with no analysed municipalities was Chomutov.

Results

The research identified four main obstacles and specific problems related to them, which a rural-area municipality must usually overcome in the process of land-use planning (Figure 2).

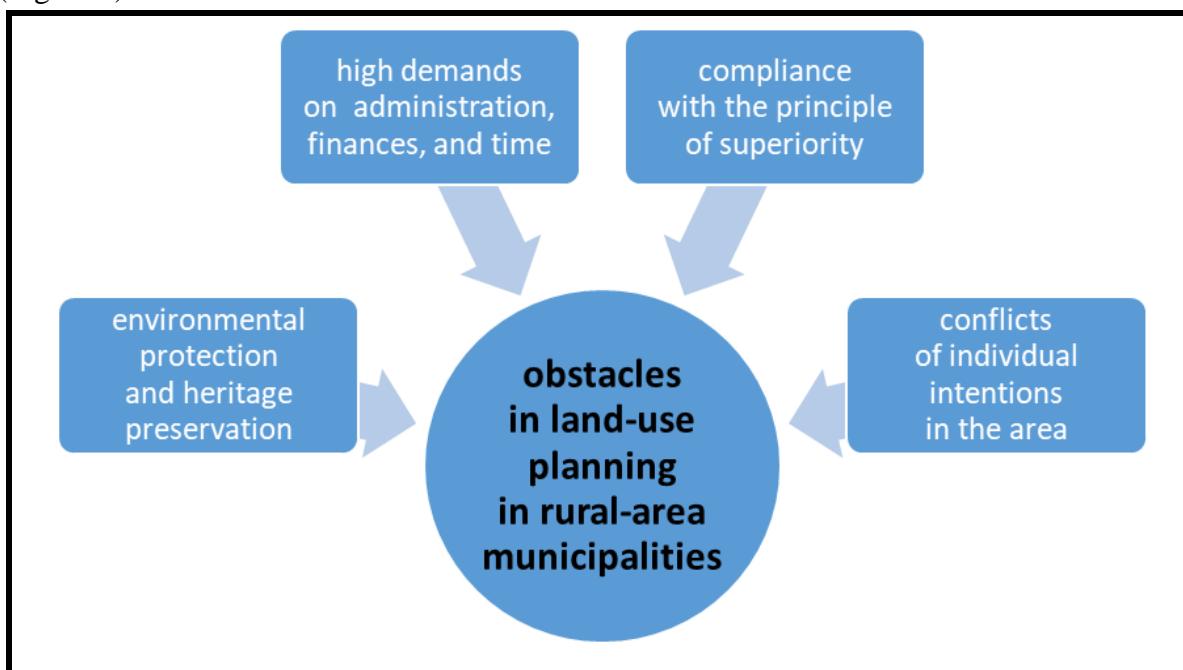


Figure 2 – Identified obstacles in land-use planning in rural-area municipalities

Source: created by the author

The first tier of obstacles in land-use planning consists of **environmental protection and heritage preservation** to protect and preserve rare and significant values in the area. Limitations to the use of certain sites in the municipality are often guided by the delineation of territorial systems of ecological stability and their individual components, namely, wildlife habitats and corridors. Analogous limitations also apply to plots directly adjacent to protected heritage sites. Consequently, environmental protection and heritage preservation can severely limit the possible uses of land that is either protected in its own right or adjacent to sites with such protection.

The second group of obstacles comprises **high demands of the process on administration, finances, and time**. The whole process is generally accompanied by tenders, which the municipality must oversee. However, as municipalities with a small population have very limited administrative resources – besides a full-time mayor (if the council has accorded a full-time position), they have a very small number of employees in the office, who are generally already heavily burdened with day-to-day tasks. If a municipality decides to create its land-use plan on its own, by directly commissioning the services of a specialist, it looks to hire an external contractor with drafting experience and close proximity (accessibility), who can reconnoitre the local circumstances in person. If a municipality avails itself of its legal right to request the designated planning office (the municipal authority of a municipality with extended powers) to create the land-use plan, experience is that this leads to extensive delays as the planning office usually makes use of the maximum time periods allowed by law to complete each individual step in the process. Municipalities in the administrative spheres

of large cities point to greater difficulties compared to municipalities designated to smaller cities in communication with the relevant Building Office due to its heavier workload, which can even cause the creation of the land-use plan to be postponed indefinitely. For this reason, despite the considerable expense to a limited budget, such municipalities generally prefer to hire their own land-use planner. This also has the advantage of direct communication with the contractor, allowing the municipality to oversee the whole process, with the expectation of faster progress and more efficient communication. Another significant obstacle is how time-consuming the whole process is. If the land-use plan is not completed within a certain time frame, it can happen that the initial data used to prepare the plan becomes obsolete, or the overall situation in the municipality changes, thus causing the newly approved land-use plan to be remiss of current developments and in immediate need of an update.

The third aspect, which can be deemed an obstacle to land-use planning in municipalities with a small population, is **compliance with the principle of superiority**, as the intentions of the regional principles of territorial development do not necessarily match the considered and planned intentions of the municipality, and yet the municipality must reflect and implement them into the land-use plan. Furthermore, the whole process of land-use planning can also be delayed by the fact that the legislation enables a vast array of entities to comment on or object to the prepared plan. These can be the appropriate state authorities, entrepreneurs – who suggest changes and specifications of the land-use plan to allow them to realise their business interests – or individual citizens, who perhaps strive to designate building plots in places where it is not possible for various reasons. The municipality must respond to all of this input, possibly integrating it into the plan, and this prolongs the time needed to complete the whole process.

The fourth and final obstacle is various **conflicts of individual intentions in the area**, which are brought about by the property and ownership interests of the individual entities in the area. This is a natural phenomenon that is part of what land-use planning resolves and that lies at the core of what land-use planning actually is. Nonetheless, as every intention must be considered and individual entities may repeatedly enter the planning process, this can cause considerable delays. If some intentions are promoted without general support from the inhabitants of the given municipality, such activity can be perceived as a significant obstacle.

Discussion

Land-use planning is a complex process, which is participated in by numerous entities with individual interests (Metternicht, 2018; Wokoun et al., 2011); if suitable compromises are achieved, for example, between the protection of natural habitats and human prosperity, this can contribute to sustainable development (Yan et al., 2018), the principles of which should be implemented into the planning system as a matter of course (Persson, 2013). It is also important to have tools with which to assess the effectiveness of changes, such as evaluation frameworks (Grădinaru et al., 2017). Phenomena associated with the process of land-use planning, which were described as obstacles in the research, may delay the whole process in the short term and thus be perceived in a negative light, but in the long term

perspective, they contribute to the thorough discussion and negotiation of all aspects, increasing the effectiveness of land-use planning to the greatest extent possible.

The obstacles in land-use planning for municipalities with a small population are of various nature. Regardless of whether the municipality commissioned the land-use plan by directly hiring a contractor or if it requested the document from the appropriate planning office, close communication is always required between local politicians, who have the political mandate, the creators of individual plans, and other experts, to comprehensively confirm the actual implementability of the individual intentions (Dassen, Kunseler, van Kessenich, 2012; van Zeijl-Rozema, Martens, 2011). Conflicts of opinions regarding the use of individual sections of land for various intentions, for example, between representatives of the municipality, citizens, and entrepreneurs, can be seen as an obstacle of sorts, yet on the other hand every input allows the issue to be weighed and considered, which can lead to an increased rationality in the use of individual sections of land in the municipality, as comments and objections facilitate discussion of the issue (Bjärstig et al., 2018; Morphet, 2011). Compliance with the principle of superiority is sometimes described as an obstacle in land-use planning, but this has more to do with conflicts of certain divergent intentions on the communal scale. Rather, it is confirmed that superordinate documents (regional, national) perform a coordinating role, streamlining the development of a given locality in a unified and coordinated manner and preventing the implementation of intentions that could have a negative impact on the wider area of the municipality (Wagner, 2016), also because the municipality is a basic element of sustainable development at the local level (Mapar et al., 2017). It is thus important to look for ways in which intentions coming from higher levels were internalised at the lower levels (De Wit, Verheyen, 2009).

Summary

The research confirmed that, in practice, the process of land-use planning is delayed and impeded by obstacles and problems that are almost always faced by small municipalities. However, with regard to forward-looking and sustainable development, these can have a very positive impact. If the result is to be of high quality and effective for the further development of the municipality, it is not suitable for the whole planning process to be rushed. The results of the research also confirm the majority utilisation of the land-use plan as a technical instrument (Kadeřábková, Peková, 2012), which uses mostly directive and restrictive elements (Jehlík, 2013). Due to their limited resources in terms of finances, personnel, and administrative workforce, small municipalities often struggle to procure a land-use plan. However, both the planning process and the plan itself are a very valuable and useful instrument for managing territorial development. Although most of the identified obstacles can be seen as negative in the short term, from a long-term perspective they are beneficial to the effective and correct creation of a land-use plan. At the same time, it is important to the development of a municipality for the inputs into the planning process to come primarily from the communal level.

This article was recommended for publication in the scientific journal Young Science by:

Ing. Petr Hlaváček, Ph.D.

Project supported by grant within student grant competition at UJEP - Jan Evangelista Purkyně University in Ústí nad Labem (UJEP-SGS-2018-45-003-2).

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