

DECREE

of the Ministry of the Environment of the Czech Republic specifying some details of agricultural land resources protection

Dated December 29, 1993

Decree 13/1994

Pursuant to § 22 of Czech National Council Act No. 334/1992 S.B. on protection of agricultural land resources, in the wording of Czech National Council Act No. 10/1991 S.B. (hereinafter the "Act"), the Ministry of the Environment of the Czech Republic issues the following decree:

§ 1

Decision criteria for the imposition of changes in plant species on agricultural land (ad § 2 par. 2 of the Act)

The agricultural land resources protection authorities may impose a change in the cultivation of agricultural lands in cases where the land management with the present plant species leads to

- a) the danger of erosion of the land on the property in question and on surrounding properties,
- b) a detriment to the purity and quality of water in water courses and water reservoirs,
- c) a danger to surface or underground sources of drinking water, natural medicinal waters and sources of natural mineral table waters,¹
- d) failure to comply with rights and obligations with regard to the protection of nature and the landscape,²
- e) damage to surrounding properties or to the favourable physical, biological and chemical properties of the soil,
- f) danger to the food chain.

¹ § 30 of Decree No. 26/1976 S.B. on the protection and development of natural therapeutical spas and natural medicinal waters.

² Czech National Council Act No. 114/1992 S.B. on the protection of nature and the landscape, in the wording of later regulations.

Decree No. 395/1992 S.B. for the implementation of some of the provisions of Czech National Council Act No. 114/1992 S.B. on the protection of nature and the landscape.

**Delimitation of the highest permissible soil pollutant levels
(ad § 3 par. 1 and 3 of the Act)**

- (1) The maximum permissible values of the levels of hazardous elements in soils on the basis of the analytically determined contents are given in Annex No.1 which is an integral part of this Decree.
- (2) The levels of permissible soil contamination by some pollutants endangering the existence of living organisms are given in Annex No. 2, which is an integral part of this Decree.

**Procedures for ensuring the protection of the agricultural land
resources in the preparation and discussion of land use planning documentation
and basic land use planning documents
(ad § 5 of the Act)**

§ 3

- (1) To ensure the protection of agricultural land resources, the preparation of land use planning documentation and basic land use planning documents should be based on
- a) the organization of the agricultural land resources in the territory, the hydrological and run-off conditions and the network of special-purpose agricultural roads,
 - b) a plan for terrain modifications and delimitation of the currently built-up areas in the given municipality,
 - c) the plant culture (type of property) of the agricultural land on the basis of the cadastral real estate records³ and their quality on the basis of assignment to evaluated ecological land units,
 - d) the existence of non-agricultural land required to support agricultural production and fish ponds for breeding fish or water fowl,
 - e) the existence of agricultural land on which investments have been made into the soil for the purpose of increasing fertility, e.g. amelioration and irrigation facilities.
- (2) Basic documents pursuant to par. 1 are the data in the tabular and graphical parts of the basic technical land use documents for the protection of the agricultural land resources, data on the properties on the basis of the cadastral real estate records,³ depiction of the soil value in ecological units to which the agricultural property is assigned, and its special-purpose

³ Czech National Council Act No. 344/1992 S.B. on the real estate cadaster of the Czech Republic (The Cadaster Act).

evaluation into degrees of priority in protection and protection classes, approved proposals for terrain modifications,⁴ data on investments already made in the soil for the purpose of increasing its fertility and graphical depiction and information on hydrogeological regions.

(3) Data from the basic documents pursuant to par. 2 are to be evaluated by those preparing land use planning documentation in the stage of surveying and analysis and are to be depicted in a separate supplementary diagram or in the overall summary diagram.⁵ The basic graphical documents of the supplementary diagram consist of maps on the scale used for the principal diagrams, which permit the depiction of the evaluated data. The range and precision of this evaluation and its depiction are based on the stage and category of the land use planning documentation being prepared. The evaluation and depiction of this data forms a basis for the preparation of proposals for prediction work, land use and management principles and construction programs.

(4) Those preparing or ordering prediction work, land use and management principles and construction programs are to discuss⁶ these proposals with the agricultural land resources protection authorities with jurisdiction to issue approval for the prepared land use planning documentation⁷ on the basis of the text, tabular and graphical parts of the evaluation of the data in the basic documents pursuant to par. 3. In its report, the agricultural land resources protection authority is to designate that part of the territory (properties) that may come into consideration for further urban development from the standpoint of the smallest possible impact on the agricultural land resources. Simultaneously, it is to delimit the way in which future plans of appropriate land use planning documentation should be directed, to have the smallest possible impact on the agricultural land involved with the most favourable physical, biological and chemical properties of the soil, hydrological conditions, network of agricultural special-purpose roads, measures proposed in property modifications, significant landscape elements, regional systems of ecological stability, the organization of the agricultural land resources in the territory and the nonproductive function of agricultural land as a component of the environment.

(5) If the work involves the preparation of an urban development study or general land use plan, the party preparing the work is to carry out the evaluation and depiction of data from the basic documents as stated in par. 3.⁸

§ 4

⁴ § 8 and 9 of Czech National Council Act No. 284/1991 S.B. on terrain modifications and property offices in the wording of later regulations.

⁵ § 19 of Decree No. 84/1976 S.B. on basic territorial planning documents and territorial planning documentation, in the wording of later regulations.

⁶ § 126 of Act No. 50/1976 S.B. on territorial planning and the Construction Code (The Construction Act) in the wording of later regulations.

⁷ § 13 par. 2, § 14 letter d), § 15 letter d), § 16, § 17 letter a) of the Act.

⁸ § 5 par. 1 of the Act.

(1) Those preparing land use planning documentation are to proceed in the preparation of basic concepts for the land use plan⁹ in accordance with the requirements imposed by the appropriate agricultural land resources protection authorities in discussing proposals for prediction work, land use and management principles and construction programs (§ 3 par. 4). Simultaneously, they are to evaluate the expected impact of the proposed land use plan for the development of settlements and the region on the agricultural land resources considering the individual alternatives. For this purpose, they are to utilize the results of data evaluation from the basic documents and the depiction thereof (§ 3 par. 3).

(2) Details of the contents of the evaluation pursuant to par. 1 are given in Annex No. 3, which is an integral part of this Decree.

(3) If the work involves the preparation of an urban development study or general land use plan, then the impact of the proposed plan for the agricultural land resources and the evaluation of these land use planning documents are to be evaluated pursuant to the provisions of the preceding paragraphs similarly taking into consideration the special regulations.¹⁰

§ 5

Procedure for ensuring the protection of the agricultural land resources in the preparation and discussion of proposals for the establishment of mining areas (ad § 6 of the Act)

(1) In the preparation of a proposal for the establishment of a mining area that is to affect agricultural land resources, a legal or natural person authorized to carry out mining of minerals (hereinafter "person authorized to mine minerals"), in whose interests preliminary approval has been issued for the establishment of a mining area pursuant to the special regulations,¹¹ is to assess¹² the expected impact of the proposed plan on the agricultural land resources. For this purpose, the basic documents for ensuring the protection of the agricultural land resources pursuant to § 3 par. 1 and 2 must be used and the nature of the mineral deposit and the means of its mining in the future must also be taken into account.

(2) Details of the contents of the assessment pursuant to par. 1 are given in Annex No. 4, which is an integral part of this Decree.

(3) The assessment pursuant to par. 1, the preliminary approval for the establishment of

⁹ § 5 par. 2 of the Act.

¹⁰ Act No. 50/1976 S.B. in the wording of later regulations.
Decree No. 84/1976 S.B. in the wording of later regulations.

¹¹ § 24 par. 2 to 4 of Act No. 44/1988 S.B. on the protection and utilization of mineral resources (The Mining Act) in the wording of later regulations.

¹² § 6 par 1 of the Act.

a mining area pursuant to the special regulations¹¹ and the graphical depiction of the boundaries of the block of mineral stocks based on the results of geological surveys constitute the basic documents for the submission of an application for the approval of the establishment of the mining area.¹³

§ 6

Procedures for ensuring protection of the agricultural land resources in the preparation of documentation for construction work requiring the issuance of a land use decision

- (1) In the preparation of documentation for construction work requiring the issuance of land use decisions,¹⁴ that are to affect the agricultural land resources, the investor is to assess the impact on these resources of the proposed location of the planned building. This assessment shall be an Annex to the application for the approval of the withdrawal of agricultural land resources pursuant to § 9 of the Act.
- (2) Details on the contents of the assessment pursuant to par. 1 are given in Annex No. 5 which is an integral part of this Decree.
- (3) If the prepared construction work is to be carried out outside of the currently built-up area of a community, the investor is to suggest technically feasible alternatives for the location in order to find a solution that will be most advantageous from the standpoint of the protection of the agricultural land resources and other legally protected general interests; in doing this, the investor is to assess the impact of the individual alternatives on the agricultural land resources.
- (4) The alternatives of location pursuant to par. 3 are not to be suggested if the location of the construction work is in accordance with
 - a) a plan approved in land use planning documentation or approved in basic land use planning documents, or
 - b) a proposal for the route of surface and underground mains, roadways, national railways and water routes and parts thereof, for which the agricultural land resources protection authorities have issued approval, or
 - c) conditions that have been defined by the appropriate agricultural land resources protection authorities in an approval of an application for the establishment of a mining space.
- (5) Territorial alternatives are not proposed if the work involves primary agricultural

¹³ § 6 par. 2 of the Act.

¹⁴ § 32 letter a), § 39 of Act No. 50/1976 S.B. in the wording of later regulations.
§ 7 par. 4 of Decree No. 85/1976 S.B. on details of territorial processes and the Construction Code in the wording of later regulations.

production construction work, the location of which is delimited by property ownership relations, the construction of agricultural special-purpose roadways, or investment in the soil to improve its fertility,¹⁵ where the location is unambiguously determined by the technical character and purpose of the work.

§ 7

**Procedure for ensuring the protection of the agricultural
land resources in the preparation of proposals for
the routes of surface and underground mains,
surface roadways, national railways and water routes and parts thereof
(ad § 7 of the Act)**

- (1) An investor concerned with the construction of surface and underground mains, surface roadways, national railways and water routes is to assess the expected impact of the proposed solution on the agricultural land resources in preparing proposals for the routes of this work.¹⁶
- (2) If the construction work pursuant to par. 1 is to affect the agricultural land resources outside of the area of the currently built-up parts of communities, proposals are to be prepared for the routes of this work in technically feasible alternatives in order to find a solution that will be most suitable from the stand point of the protection of the agricultural land resources and other legally protected common interests.
- (3) The procedure under par. 1 and 2 is not to be followed in cases where construction work is being prepared
 - a) for surface and underground mains, surface roadways, national railways and water routes and parts thereof that is to be carried out along routes approved in the land use planning documentation or approved in the basic land use planning documents or if the proposal for their implementation is contained in the documents for other construction work, required for the issuance of a land use decision, or
 - b) that includes the modification of profile grades, and the widths and parameters of curves in already constructed surface roadways and national railways.

¹⁵ § 11 par. 3 letter a) of the Act.

¹⁶ § 7 par. 3 of the Act.

**Procedures for ensuring the protection of the agricultural
land resources in construction, mining and industrial
operations and in geological and hydrogeological surveys
(ad § 8 of the Act)**

§ 8

**Procedures for ensuring the protection of the agricultural
land resources in geological and hydrogeological surveys**

If preparations are to be made for work to be carried out in connection with geological or hydrogeological surveys (hereinafter "geological work") that will affect agricultural land resources for a period longer than one year, the legal or natural person authorized to carry out this work pursuant to the special regulations¹⁷ is to assess, in preparing this work, the impact of such work on agricultural land resources.¹⁸ This assessment shall be an Annex to the application for approval of the withdrawal of land from the agricultural land resources pursuant to § 9 of the Act.

§ 9

**Procedures for ensuring the protection of agricultural
land resources in preparing a plan for construction of new mines, preparations and
mining**

(1) In the preparation of a plan for construction of new mines, preparation and mining that is to affect the agricultural land resources, the person authorized to mine the minerals is to assess the impact of the proposed mining of minerals¹⁹ on the agricultural land resources.²⁰ This assessment shall be an Annex to the application for the withdrawal of land from the agricultural land resources pursuant to § 9 of the Act.

(2) Details of the content of the assessment pursuant to par. 1 are given in Annex No. 6, which constitutes an integral part of this Decree.

(3) The procedure pursuant to par. 1 and 2 is also to be followed by legal and natural persons that have been issued by the local Mines Office with a permit to mine minerals, if the mining of the minerals is to occur in areas (localities) for which a proposal for the establishment of a mining area need not be prepared and the mining is carried out on the basis of a decision issued under the special regulations.²¹

¹⁷ Czech National Council Act No. 62/1988 S.B. on geological work and the Czech Geological Office in the wording of later regulations.

¹⁸ § 18 of the Act.

¹⁹ § 9 of the Act.

²⁰ § 6 par. 1 of the Act.

²¹ Decree No/ 175/1992 S.B. on conditions for the utilization of deposits of nonreserve minerals.

§ 10

**Procedure for ensuring the protection of the agricultural
land resources in safeguarding the top soil layers,
its implementation and the use of top soil layers**

(1) A person in whose interest approval is sought for the withdrawal of land from the agricultural land resources, pursuant to § 9 par. 5 letter f) of the Act for nonagricultural use, is to prepare a preliminary calculation of the amount of the top-soil layers¹⁷ on the properties in question and a proposal for the means of utilization of this soil. The prepared documents are to be submitted together with the application for the approval of the agricultural land resources protection authorities, for examination, and for further utilization in establishing the essential conditions to ensure the protection of the agricultural land resources.

(2) Prior to the implementation of nonagricultural operations that have been permitted in a decision issued pursuant to the special regulations,²² the person in whose interests the approval for the withdrawal of the land from the agricultural land resources was issued is to provide for the safeguarding of the top-soil layers²³, their relocation, and spreading or deposition, in accordance with the conditions established by the agricultural land resources protection authority in the approval issued. If the top-soil layers are deposited in a deposit area until they can be used for the purpose of land reclamation or preparation of areas for planting, this person is also to provide for their safeguarding against detriment and losses, and for proper care thereof and, where necessary, is to provide for useful utilization of the surface of this deposit area for agricultural production. This person is to keep a protocol (daybook) on work connected with this top-soil layer, the relocation, spreading or other use, deposition, protection and care of the top-soil layers; this daybook is to contain all the facts that are necessary for assessing the correctness, completeness and usefulness of the utilization of this soil.

(3) If land is to be withdrawn from the agricultural land resources under conditions for which approval is not required from the agricultural land resources protection authorities²⁴, then stripping of the top-soil layers on these properties and their relocation²³ are to be established by territorial and construction proceedings.²⁵

(4) The procedure in par. 1 to 3 is not to be followed if the agricultural land resources protection authorities grant an exception pursuant to § 8 par. 1 letter a) of the Act, for land in the agricultural land resources which has been withdrawn

a) for the purpose of reforestation,

²² E.g. § 66 and 71 of Act No.50/1976 S.B. in the wording of later regulations.

²³ § 8 of the Act.

²⁴ § 9 par. 2 of the Act.

²⁵ § 4 par. 5 of Decree No. 83/1976 S.B. on general technical requirements on construction work, in the wording of later regulations.

- b) for reasons of inclusion among other areas, provided that the properties constituting this land cannot be cultivated,
- c) for the protection of archeological finds,
- e) in the establishment of zones to provide hygienic protection of sources of drinking water in Class I and narrower protective zones for natural medicinal sources and sources of natural mineral table waters,
- f) in the establishment of territorial systems of ecological stability.

§ 11

Procedure for ensuring the protection of agricultural land resources in providing for land reclamation

- (1) Details on the contents of the reclamation plan and the means of its preparation are given in Annex No. 7, which is an integral part of this Decree.
- (2) A person who is obliged to carry out reclamation work pursuant to an approved plan on the basis of conditions established in the approval of the agricultural land resources protection authorities for the withdrawal of land from the agricultural land resources issued pursuant to § 9 of the Act is to ensure immediately after termination of the purpose for nonagricultural utilization of the withdrawn land²⁶ that
 - a) all temporary structures, equipment and other materials left from the completed nonagricultural operations that would prevent reclamation work will be removed from the properties in question,
 - b) on properties to which letter a) applies, the individual operations and measures of the technical and biological parts of the reclamation work will be commenced and implemented in the order and to the extent established in the approved reclamation plan,
 - c) over the entire reclamation period under letter b), a protocol (working daybook) will be kept with records of the progress of the reclamation work, the procedures used in this work, the adherence to the conditions established in the reclamation plan and other details decisive for assessment of the quality, extent and completeness of the reclamation work carried out,
 - d) after completion of the last stage of biological reclamation work, a report is to be made to the agricultural land resources protection authorities who issued the decision on the withdrawal of the land from the agricultural land resources pursuant to § 12 par. 2 of the Act, that reclamation work has been completed, so that the reclaimed land can be transferred to the owner or leaseholder and so that the obligation to pay fees for the withdrawal of this land may be terminated.

²⁶ § 8 par. 1 letter c) and d) of the Act.

(3) In the interests of the usefulness of the reclamation work and the future use of the reclaimed properties, the reclamation plan will be extended in justified cases to include neighbouring properties that are part of the agricultural land resources that are not affected by the planned nonagricultural activities.

**Procedure to be followed in withdrawal
of land from the agricultural land resources
(ad § 9 and 10 of the Act)**

§ 12

(1) Currently built-up community areas (§ 4, § 9 par. 2 letter a, point 4 of the Act) are understood to be the cadastral territory of communities that, on the date of determination, are permanently built up or, on the basis of a construction permit or other decisions and measures with equal weight, are designated for permanent buildings. In addition, this includes areas that are unambiguously connected with the built-up areas or areas designated for building and that are utilized as residences, or for production, services, recreation, transportation and other nonagricultural purposes. Properties lying within the boundaries of the built-up territory of the community on September 1, 1966 according to the diagrams in the real estate records, are considered to be the built-up areas of communities in all cases, even if all the above criteria are not fulfilled, except for properties of agricultural land designated for ensuring special agricultural production (garden centres, vegetable production).

(2) Properties of agricultural land that, because of their large size or suitable shape were not included in the built-up areas of communities on September 1, 1966 are not considered a part of the current built-up areas of communities, even if they do not form a continuous unit with the surrounding agricultural land, except for those properties that are, on the day of determination permanently built-up or, on the basis of a construction permit or other decisions and measures with equal weight, are designated for permanent buildings. The boundaries of the currently built-up areas of communities on the date of determination are not entered into cadastral maps.

§ 13

In the determination of the authority of the agricultural land resources protection authority, the total area of the land for which approval for withdrawal pursuant to § 9 par. 1 of the Act is requested, is decisive.

§ 14

(1) A person in whose interest approval has been issued for withdrawal of land from the agricultural land resources for purposes the realization of which does not require the issuance of a decision pursuant to the special regulations (e.g. for the purpose of transfer of the property into other categories, provided that it cannot be cultivated agriculturally), is to employ this approval to declare a change in the kind of property (plant species) and means

of utilization pursuant to the special regulations²⁷ to the locally appropriate cadastral office.

(2) If approval pursuant to § 9 par. 1 of the Act is issued by some other agricultural land resources protection authority than the authorized municipal office, this authority is to send a copy of the issued approval to the authorized municipal office on whose territory the land affected by this approval is located, or where the greatest part thereof is located. Simultaneously it is also to send all the documentation that was attached to the application for the issuance of this approval.

§ 15

(1) In the withdrawal of land from the agricultural land resources for mining purposes on properties in approved mining areas or in protected deposit areas, the calculation of the fees does not include the ecological weight of the effect on the protected deposit area.²⁸

(2) In an approval pursuant to § 9 par. 1 of the Act, the agricultural land resources protection authority is to delimit criteria only for the determination of this fee.

(3) The basic rate for fees for the withdrawal of land from the agricultural land resources may be decreased pursuant to Part C of the fee rates in cases in which

- a) it is demonstrated by determination or special-purpose measurements carried out by an authorized professional organization of the Ministry of the Environment or Ministry of Agriculture or the reports of the Hygiene Service, that the degree of damage to the soil caused by fall-out from industrial emissions or by the escape of solid or liquid toxic substances or oil substances prevents its use for the production of agricultural products entering the food chain for a period of at least ten years from the date of determination of this unfavourable state of affairs,
- b) it is determined by a professional organization of the Ministry of the Environment or Ministry of Agriculture that this land cannot be rationally utilized for agricultural production or expected to fulfill its function as a component of the environment as a consequence of irreversible damage caused by wind or water erosion.

(4) If it is not possible to determine the principal land unit in land that is to be withdrawn from the agricultural land resources because the land has not been assigned to evaluated land in ecological units (e.g. in the currently built-up areas of communities), the calculation of the fee for withdrawal of this land is based on the principal land unit that is delimited on some other agricultural land property located at the shortest distance from the land that is to be affected by the proposed withdrawal from the agricultural land resources.

(5) If doubts arise as to the usefulness of the method for determining the principal land unit pursuant to par. 3 (e.g. in extensive residential areas or approved mining areas), the

²⁷ § 10 par. 1 letters d) and e) of Czech National Council Act No. 344/1992 S.B.

²⁸ Annex to the Act, Part B, factor group D.

agricultural land resources protection authority may require that the principal land unit on the property affected by the proposed withdrawal and/or the given climatic region be determined at a later date by an authorized professional organization of the Ministry of Agriculture.²⁹

Common and concluding provisions

§ 16

Decree 36/1987 S.B., specifying some details of the protection of the agricultural land resources, in the wording of Decree No. 528/1991 S.B., is annulled.

§ 17

This Decree comes into legal force on the date of its promulgation.

Signed by the Minister: František Benda M. Eng. Ph.D.

²⁹ The Research Institute for Land Amelioration and Protection.

RISK FACTORS
in lands that are part of the agricultural land resources

Table No. 1
Contents of hazardous elements in soils ($\text{mg}\cdot\text{kg}^{-1}$)
2 M HNO_3 extract (extraction with a solution of HNO_3 at a ratio of soil to extractant of 1:10)

Element	Maximum permissible concentrations	
	Light soils	Other soils
As	4.5	4.5
Be	2.0	2.0
Cd	0.4	1.0
Co	10.0	25.0
Cr	40.0	40.0
Cu	30.0	50.0
Hg	-	-
Mo	5.0	5.0
Ni	15.0	25.0
Pb	50.0	70.0
V	20.0	50.0
Zn	50.0	100.0

Table No. 2
Contents of hazardous elements in soils ($\text{mg}\cdot\text{kg}^{-1}$)
Total content (decomposition by aqua regia)

Element	Maximum permissible concentrations	
	Light soils	Other soils
As	30.0	30.0
Be	7.0	7.0
Cd	0.4	1.0
Co	25.0	50.0
Cr	100.0	200.0
Cu	60.0	100.0
Hg	0.6	0.8
Mo	5.0	5.0
Ni	60.0	80.0
Pb	100.0	140.0
V	150.0	220.0
Zn	130.0	200.0

Explanations to Tables 1 and 2

1. The values for the contents of hazardous elements are not valid for organic soils.
2. Light soils are understood to be sandy and loamy-sandy soils based on the method of Prof. Novak (Complex Methods of Plant Nutrition No. 1/1990, published by the Institute of Scientific and Technical Information in Agriculture, Prague (in Czech)).
3. On the contents of hazardous elements in soils ($\text{mg}\cdot\text{kg}^{-1}$): The data given are valid for mixed samples obtained from the upper layer of tested mineral soils with a thickness of 0.25 m, dried in the air to constant weight.

Pollution indices for land of the agricultural land resources

Soil pollution index	Permissible pollution value	Soil pollution index	Permissible pollution value
I. Inorganic substances	mg/kg of dry material	c) Chlorinated hydrocarbons	
B	40	aliphatic (ind.)	0.1
Br	20	aliphatic (total)	0.1
F	500	chlorobenzenes (ind.)	0.01
CN _{total}	5	chlorophenols (ind.)	0.01
CN _{toxic}	1	PCB	0.01
S (sulfatic)	2	EOCl (extractable organically bonded chlorine)	0.1
II. Organic substances		d) Pesticides	
a) Aromatic hydrocarbons and their derivatives		organic chlorinated (indiv.)	0.01
benzene	0.05	organic chlorinated (total)	0.1
ethyl benzene	0.05	other (indiv.)	0.01
phenol	0.05	other (total)	0.1
xylene	0.05	e) Other	
total aromatics	0.3	cyclohexanol	0.1
b) Polycyclic aromatic hydrocarbons		pyridine	0.1
anthracene	0.01	styrene	0.1
benzo(a)anthracene	1.0	nonpolar hydrocarbons (total)	50
benzo(a)pyrene	0.1		
phenanthrene	0.1		
fluoroanthene	0.1		
chrysene	0.01		
naphthalene	0.1		
total polycyclic aromatic hydrocarbons	1.0		

**Contents of the impact assessment
of the proposed land use planning documentation
on the agricultural land resources**

1. The assessment of the expected impact of the proposed land use planning documentation on the agricultural land resources is to consist of textual, tabular and graphical parts. The graphical part is to be prepared in a separate supplementary diagram based on the maps on a scale identical to that employed for the principal diagrams. The extent and precision of this assessment and depiction are determined according to the degree and category of the prepared land use planning documentation.
2. The assessment pursuant to point 1. is to be further divided according to the proposed functional utilization of the land into individual areas (localities) in which consideration is being given to the location of further development plans, and it is to contain
 - 2.1. data on the total extent of the areas required and the portion of the land that is part of the agricultural land resources, data on the kind of property (plant species) of the land involved, data on the assignment of the agricultural land to evaluated ecological land units and to degrees of priority protection,
 - 2.2. data on investments already made in the land for the purpose of improving its fertility (amelioration and irrigation facilities, etc.) and on expected disturbance thereof,
 - 2.3. data on the premises and buildings of primary agricultural production and agricultural settlements and the expected disturbance thereof,
 - 2.4. data on the organization of the agricultural land resources in the region obtained to determine the ecological stability of the landscape and important facts following from the approved proposals for land modifications and on the expected disturbance thereof,
 - 2.5. depiction of the boundaries of the territorial districts of communities and the boundaries of cadastral territories,
 - 2.6. reasons why the proposed plan is preferable compared to other possible courses of action from the point of view of the protection of the agricultural land resources and other legally protected common interests,
 - 2.7. for settlements and zones corresponding to the boundaries of currently built-up communities on the date of preparation of the concept for the land use planning documentation, the boundaries of properties held by individual legal and natural persons, the routes of basic agricultural special-purpose roads and land use and ecological plans following from the approved proposals for property modifications, and designation of any expected disturbance thereof.

3. If the land use planning documentation includes territories on which are located previously established mining areas or a protected deposit area³⁰ where a mining area has not yet been established, then, in assessing the impact of the planned course of action on the agricultural land resources, the person preparing this documentation need only
 - 3.1. designate its boundaries in the graphical part of this assessment,
 - 3.2. include in the tabular part of this assessment, the summary area of the land that is part of the agricultural land resources that is located on this land,
 - 3.3. include in the textual part of this assessment the necessary details and data about such parts.
4. The procedure pursuant to point 3 is not to be followed if an area (locality) for the mining of minerals, for which a mining space is not established,³⁰ is involved.

³⁰ Act No. 44/1988 S.B. in the wording of later regulations.

**The content of the impact assessment
for a proposal for the establishment
of a mining area within the agricultural land resources**

1. The assessment of the expected impact of a proposal for the establishment of a mining space within the agricultural land resources is to consist of textual, tabular and graphical parts. Its extent and precision are determined by the means of mining the minerals (surface, open-pit, deep mining, etc.) and the size of the mining area, which is to be established on the basis of geological surveys.
2. The assessment pursuant to point 1 is to be prepared for the entire area of land that is part of the agricultural land resources, on which the mining area or its individual parts are to be established, as well as for the areas (properties) of this land that would be affected by the impact of mining the minerals (e.g. location of spoils, tips, dumps, construction and transportation plans). This assessment is to contain the details listed in Annex No. 3 point 2 taking into consideration any differences following from the course of action of the proposal for the establishment of the mining area and also the study of expected means, goals and procedures for carrying out reclamation of the properties affected by the mining and, where applicable, a preliminary proposal for the actual procedure for carrying out this reclamation work.

**Contents of the impact assessment of the proposed
location of construction work on the agricultural land resources**

1. The assessment of the impact of the proposed location of construction work on the agricultural land resources is to be prepared for the whole area of land that is part of to the agricultural land resources that is to be affected by the proposed construction work and any work connected with this work pursuant to the course of action contained in the appropriate construction documentation required for the issuance of a land use decision, and is to consist of textual, tabular and graphical parts. The graphical part of this assessment is to be based on copies of cadastral maps on a scale corresponding to the areal extent of the construction work, at the largest on a scale of 1:5000.
2. The assessment pursuant to point 1 is to contain
 - 2.1. in the text part
 - 2.1.1. basic information on the planned construction work, reasoning behind the requirement, function and importance thereof,
 - 2.1.2. information on whether the proposed courses of action are based on approved land use planning documentation or approved land use planning documents, the proposed routes of surface and underground mains, surface roads, national railways and water routes and parts thereof, which shall be affixed with the approval of the appropriate agricultural land resources protection authority or the approved proposal for the establishment of mining areas affixed with the approval of the appropriate agricultural land resources protection authority,
 - 2.1.3. overall assessment of the impact of the proposed construction work on the agricultural land resources,
 - 2.2. in the tabular part, a list of the properties that are part of the agricultural land resources or the parts thereof classified according to whether these properties are located in the currently built-up territory of communities or outside of this territory and as to whether the land is to be permanently or temporarily withdrawn, which is also to contain
 - 2.2.1. information on the properties pursuant to the real estate cadaster (community, cadastral territory, lot number, kind of property, and ownership or leasehold relations),
 - 2.2.2. the areas of the properties or parts thereof,
 - 2.2.3. information on the classification of the agricultural land property into evaluated ecological land units and, where applicable, to degrees of priority in protection,

- 2.2.4. information on whether investments have been made in the agricultural land property involved for the purpose of improving the soil fertility (amelioration facilities, etc.),
- 2.3. in the graphical part diagrams
 - 2.3.1. of the positions of the boundaries of the proposed soil withdrawal from the agricultural land resources classified according to whether the land is to be withdrawn temporarily or permanently,
 - 2.3.2. of areas on which investments have been made in the land for the purpose of improving the soil fertility (amelioration facilities, etc.),
 - 2.3.3. of the boundary positions of the currently built-up territories of communities, where this is indicated by the nature of the matter,
 - 2.3.4. of the positions of the boundaries of evaluated ecological land units and, where the nature of the matter so requires, the degrees of priority for protection,
 - 2.3.5. depicting the individual kinds of properties (plant species) of land that is part of the agricultural land resources according to the real estate cadaster, where the nature of the matter so requires,
- 2.4. and, as a separate, independent part, also
 - 2.4.1. a calculation of the total amount of top-soil layers (e.g. top soil, grass layers) and more deeply deposited soil layers that could be rendered fertile and a plan for their relocation and economic utilization by spreading over other concretely delimited properties or deposition for other concretely delimited purposes including reclamation measures,
 - 2.4.2. a reclamation plan if the land is to be reclaimed after termination of the purpose of withdrawal of the land from the agricultural land resources,

where both of these parts are to be prepared with both a textual and tabular part and a graphical part depicting facts that are necessary to the assessment, approval and future implementation thereof.

**The content of the impact assessment for proposed
mining of minerals on the agricultural land resources**

1. The assessment of the impact of proposed mining of minerals is to be prepared for the whole area of the land in the agricultural land resources that is to be affected
 - 1.1. by the surface (quarry, open-pit) method of mining coal and lignite in regions of concentrated mining in the framework of an established mining area over a period of five years,
 - 1.2. by the surface method of mining minerals for the construction or industrial purposes over a period of ten years; here it is not decisive whether the mining is to be carried out in the framework of an established mining area or in deposits for which a mining area is not established,
 - 1.3. by the deep-mining method of mining minerals through the construction of mine buildings and operational facilities and also for the area of such land on properties that can be expected to be devastated in the framework of the established mining area as a result of slumping or collapse of the land as a consequence of mining-out of the deposit, or for other reasons,
2. The assessment pursuant to point 1 is to consist of textual, tabular and graphical parts. The graphical part of this assessment is to consist of a copy of the cadastral map on a scale corresponding to the areal extent of the proposed mining and connected work, at the greatest on a scale of 1:5000. The contents of the individual parts should be prepared analogously to Annex No. 5 with the following differences:
 - 2.1. the content of the textual part pursuant to point 2.1. of Annex No. 5 will be related to the proposed mineral mining,
 - 2.2. information is to be given in the textual part according to point 2.1.2. of Annex No. 5 on whether the proposed solutions are based on established mining areas that have received the approval of the agricultural land resources protection authorities or are based on approved land use planning documentation or approved basic land use planning documents, if the plans concern the location of work connected with the planned mining operations,
 - 2.3. the textual part pursuant to point 2.1.3. of Annex No. 5 is to contain an overall assessment of the impact of the planned mining and connected work on the agricultural land resources and, if the mining is to be carried out by deep mining methods, orientational information on the time period and extent of the probable incurring of devastating consequences of the mining to the landscape, the character that such devastation is expected to exhibit and the measures that could be used to remediate such devastation,

- 2.4. in addition to the information pursuant to points 2.3.1. to 2.3.5. of Annex No. 5, the graphical part is also to depict
 - 2.4.1. for the surface (quarry, open-pit) method of mining coal and lignite and surface method of mining other minerals, a diagram of the boundaries of the individual stages of progress of the mining over the proposed period with designation of the time order and, where applicable, of the individual stages of implementation of work connected with the actual mining work,
 - 2.4.2. for the deep-mining method of mining minerals, a diagram of the boundaries of the areas (localities) of expected devastation of the terrain as a result of the consequences of mining with an indication of the probable time of their occurrence,
- 2.5. the reclamation plan pursuant to point 2.4.2 of Annex No. 5 is also to include a proposal for the actual schedule of its implementation including the times of completion and termination of the work, whether there are special reasons for this timing in the surface (quarry, open-pit) method of mining coal and lignite and, exceptionally, in the surface method of mining ceramic clays and kaolin, if the implementation thereof will have similar character to the surface (quarry, open-pit) method of mining coal and lignite.

1. a technical part in which it is necessary to give the amount of top-soil layers and the means for their utilization, the goal and means of terrain modification for the properties, tips and dump piles, including the preparation of the properties for biological reclamation, adjustment of water conditions, amelioration measures and means of constructing approach and working roads,
2. a biological part which must include the amelioration seeding procedure, intensity of fertilization and the goal of the reclamation work,
3. the timetable for the technical and biological reclamation work,
4. a budget of costs for carrying out the reclaiming work,
5. map documents indicating the information given in points 1, 2 and 3, and land profiles prior to and after the reclamation work, including connection of the reclaimed land to the surrounding land.