

99012057006000

Heruntergeladen am 06.06.2025

<https://fimportal.de/xzufi-services/77625/L100042>

Modul	Sachverhalt
Leistungsschlüssel	99012057006000
Leistungsbezeichnung I	
Leistungsbezeichnung II	Excavation; submission of documents for excavation without a permit
Typisierung	4 - Land: Regelung
Quellredaktion	Bayern
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher Ansprechpartner	
Fachlich freigegeben am	03.04.2025

Modul	Sachverhalt
Fachlich freigegeben durch	Bayerisches Staatsministerium für Wohnen, Bau und Verkehr (Bavarian State Ministry of Housing, Building and Transport)
Handlungsgrundlage	https://www.gesetze-bayern.de/Content/Document/BayAbgrG-6 https://www.gesetze-bayern.de/Content/Document/BayAbgrG-6 https://www.gesetze-bayern.de/Content/Document/BayBauVorlV2008 https://www.gesetze-bayern.de/Content/Document/BayBauVorlV2008 https://www.gesetze-bayern.de/Content/Document/BayDBauV https://www.gesetze-bayern.de/Content/Document/BayDBauV
Teaser	If your excavation project is within the scope of a development plan that contains regulations on the permissibility, location and size of the excavation, it may not require a permit.
Volltext	<p>If your excavation project is within the scope of a development plan that contains regulations on the permissibility, location and size of the excavation, it may be exempt from approval under certain conditions (see "Conditions").</p> <p>Nevertheless, the documents required for an excavation application must be submitted. However, the municipality can apply for a provisional prohibition within one month of submission.</p> <p>Even if the project does not require a permit, it must comply with all applicable regulations.</p>
Erforderliche Unterlagen	<ul style="list-style-type: none"> • current cadastral map extract • Site plan <p>(M 1 : 1,000 or 1 : 5,000)</p> <ul style="list-style-type: none"> • Construction drawings • Building description (form see under "Forms") • any supporting documentation

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	<p>Depending on the excavation applied for, further documents may be required. This is particularly the case if an environmental impact assessment is to be carried out.</p>
Voraussetzungen	<p>Under the following conditions, the submission of the documents required for an excavation application is sufficient for an excavation procedure without the need for an excavation permit:</p> <ul style="list-style-type: none"> • The project lies within the scope of a development plan that contains regulations on the permissibility, location and size of the excavation, • an environmental impact assessment was carried out for an excavation requiring an environmental impact assessment as part of the procedure for drawing up the development plan, • the excavation does not contradict the provisions of the development plan and local building regulations and • the development is secured. <p>However, the municipality can apply to the lower excavation authority for a provisional prohibition in accordance with Section 15 (1) sentence 2 of the German Building Code (BauGB).</p>
Kosten	none
Verfahrensablauf	<p>#### Written submission</p> <ul style="list-style-type: none"> • Submit the required documents **to the municipality** in whose area the excavation site is located. • The documents correspond to those of an excavation application together with an excavation plan and must be submitted in triplicate using the forms provided. • Notify the neighbors of the excavation site of the excavation project at the latest when submitting the documents to the municipality. It is better if you involve the neighbors in advance by submitting the excavation plan for their approval.

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- The municipality can request that an approval procedure be carried out within one month of submitting the documents. This means that the documents are automatically processed as a building application, provided you have noted this accordingly on the building application form. The lower building supervisory authority is responsible for examining and deciding on the building application.
- The local authority can only oppose your project by applying for a temporary ban on the excavation work within one month of submitting the documents. The lower excavation authority must then decide on such an application.
- However, if the municipality does not apply for a temporary ban on excavation within one month or declares that it will not apply for a temporary ban, your project is not subject to approval.

Digital submission

****Digital submission of documents for excavation without a permit is not yet possible throughout Bavaria. When selecting a location, the link to the online procedure is displayed, if it is already offered.****

- The documents can be submitted digitally using the online assistant. The predefined forms are replaced by the queries in the online assistant.
- The excavation plan is uploaded to the online assistant in electronic form (files in PDF format). Signatures are replaced by authentication using the "BayernID" user account or "My company account".
- The documents are first sent ****to the lower excavation authority****, which forwards them immediately ****to the responsible municipality****. The one-month period, after which the project is exempt from approval, begins with the submission of the digital documents.

Bearbeitungsdauer

If the municipality does not apply for a provisional prohibition within one month of submission of the required documents, you may commence execution.

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Frist	In principle, there are no deadlines. However, if you do not want to start work until more than four years after the excavation has been permitted, you must resubmit the required documents.
weiterführende Informationen	https://www.bauen.bayern.de/buw/bauherreninfo/bauaufsichtliches_verfahren/genuehmigungsfreistellung/index.php https://www.bauen.bayern.de/buw/bauherreninfo/bauaufsichtliches_verfahren/genuehmigungsfreistellung/index.php https://www.stmb.bayern.de/assets/stmi/buw/baurechtundtechnik/24_bautechnischenachweise_20241125.pdf https://www.stmb.bayern.de/assets/stmi/buw/baurechtundtechnik/24_bautechnischenachweise_20241125.pdf
Hinweise	<p>If your excavation project does not require a permit, you are responsible for ensuring that the requirements for exemption from approval are met and that public law regulations are complied with.</p> <p>Please note that you must notify the lower excavation authority of the start of excavation at least one week in advance.</p>
Rechtsbehelf	If the municipality applies for provisional prohibition, you cannot appeal against this, as it is purely an internal administrative matter. You can appeal to the administrative court against the decision of the lower excavation authority regarding the provisional prohibition.
Kurztext	
Ansprechpunkt	
Zuständige Stelle	
Formulare	
Ursprungsportal	BayernPortal, BayernPortal