

99012057006000

Heruntergeladen am 07.06.2025

<https://fimportal.de/xzufi-services/77702/L100042>

Modul	Sachverhalt
Leistungsschlüssel	99012057006000
Leistungsbezeichnung I	
Leistungsbezeichnung II	Excavation; application for a preliminary decision
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-9 https://www.gesetze-bayern.de/Content/Document/BayAbgrG-9 https://www.gesetze-bayern.de/Content/Document/BayBauVorlV2008 https://www.gesetze-bayern.de/Content/Document/BayBauVorlV2008 https://www.gesetze-bayern.de/Content/Document/BayVwVfG-78a https://www.gesetze-bayern.de/Content/Document/BayVwVfG-78a http://bundesrecht.juris.de/uvpg/ http://bundesrecht.juris.de/uvpg/ https://www.gesetze-bayern.de/Content/Document/BayDBauV https://www.gesetze-bayern.de/Content/Document/BayDBauV
Teaser	You can have certain questions regarding the permissibility of your project clarified by a preliminary decision before applying for an excavation permit. This is binding for the subsequent excavation permit procedure.
Volltext	<p>You can apply for a preliminary decision on individual issues relating to your excavation project. You must submit this application before applying for the excavation permit. The subject of the preliminary decision can only be the subject of the subsequent excavation permit procedure.</p> <p>The preliminary decision is an anticipated part of the excavation permit itself. In the subsequent decision on the excavation permit, the lower excavation authority is bound by the preliminary decision insofar as it contains a regulation on the project.</p>
Erforderliche Unterlagen	<ul style="list-style-type: none"> • current cadastral map extract • Site plan

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	<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 <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>The requested preliminary decision will only be issued if the project requires approval. Furthermore, the excavation must not conflict with any public law regulations that are to be examined in the approval procedure.</p> <p>A preliminary decision may only be issued for individual issues relating to the excavation project. It cannot therefore be issued to the effect that compliance with all public law regulations is established.</p>
Kosten	<p>The fees for a preliminary decision are between EUR 40 and EUR 2,500, depending on the administrative costs incurred. Up to half of the fees can be offset against a later excavation permit.</p>
Verfahrensablauf	<p>#### Written submission</p> <ul style="list-style-type: none"> • Whether the neighbors have to be involved before submission depends on whether an environmental impact assessment has to be carried out. If the latter is the case, you do not have to involve the neighbors yourself, as they have the opportunity to comment as part of the environmental impact assessment. Otherwise, you must first submit the excavation plan to the neighbors of the excavation site for approval. Any consent must be given in writing. <ul style="list-style-type: none"> • Submit the application for a preliminary decision to **the responsible lower excavation authority** (district offices and independent cities), if necessary after involving the neighbors. • Submit the application in triplicate using the forms provided.

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- An oral application is not possible.
- The lower excavation authority will decide on the application, if necessary after carrying out an environmental impact assessment.
- If the lower excavation authority is not itself a municipality, it will involve the municipality.

****Digital submission****

****Digital submission of applications for preliminary decisions is not yet possible throughout Bavaria. When a location is selected, the link to the online procedure is displayed if it is already offered.****

- The application can be submitted digitally using the online assistant, if necessary after involving the neighbors.
- 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".

Bearbeitungsdauer

The processing time depends on the scope and complexity of the application, the current workload of the authority and whether an environmental impact assessment has to be carried out.

Frist

none

weiterführende Informationen
Hinweise

A preliminary decision is particularly useful for clarifying individual problematic aspects of an excavation.

Rechtsbehelf

If you do not receive the requested preliminary decision, you can file an administrative court action. This must be directed at the granting of the requested preliminary decision.

An objection is not possible.

Modul	Sachverhalt
Kurztext	
Ansprechpunkt	
Zuständige Stelle	
Formulare	
Ursprungsportal	BayernPortal, BayernPortal