

# Detailed plan procedure if the detailed plan is in accordance with the comprehensive plan and a strategic environmental assessment is conducted

The purpose of the detailed plan is, above all, to implement the comprehensive plan and to create an comprehensive spatial solution for the planning area of the territory of the local authority. The detailed plan forms the basis for the building work conducted in the near future, including the building design documentation.

## Please note

- The procedures related to SEA are subject to the procedural requirements arising from the PlaA and the content requirements arising from the EIAEMSA (PlaA § 4).
- If the DP is in accordance with the CP and a SEA is conducted, the procedure is carried out as a CP proceeding, but cooperation and participation are organised based on the requirements for the preparation of the DP (PlaA § (7), (9)). Therefore, each time the requirements established for the announcement and notification are applied, § 127 must be followed instead of § 76.
- The local authority as the authority arranging the preparation of the plan is obligated to ensure that the DP is prepared by a planner with the required competence (PlaA § 4 (5)–(6), § 6 (11)) and the conduct of the SEA is supervised by a lead expert who meets the requirements (PlaA § 4 (5); EIAEMSA § 34). If a local authority employee is competent enough, the employee is allowed to perform one or both roles.
- Throughout the DP preparation process, any information related to the plan is published on the local authority's website on an ongoing basis (PlaA § 127 (5)).
- The term for proceedings may be extended if there is a justifiable need (APA § 41).
- If modifications are made when preparing the DP, it must be assessed whether the modifications constitute a modification of the principal solution. If so, a decision must be made on how far to go back in the proceedings (e.g. whether it is necessary to seek new approval or an opinion on the modification from the person or body concerned, whether a new public display and public discussion are required).
- In preparing the DP, the relevant social, economic, cultural and natural environment impacts must be assessed, in addition to the SEA (impact assessments may be combined, more information in the guidelines "Nõuandeid üldplaneeringu koostamiseks", in Chapter 6).

## Abbreviations

DP – detailed plan; CP – comprehensive plan; SEA – strategic environmental assessment; PlaA – Planning Act; EIAEMSA – Environmental Impact Assessment and Environmental Management System Act; APA – Administrative Procedure Act; LGOA – Local Government Organisation Act; MOI – memorandum of intention.

This diagram is informative only and has no legal significance

The diagram is based on the PlaA and the EIAEMA as of 1 May 2019.

The diagram has been prepared by the Spatial Planning Department of the Ministry of Finance as of 1 December 2020.

## Need for preparation of the DP and conduct of the SEA

An application seeking initiation of the preparation of the DP is submitted to the local authority, or the local authority itself decides to prepare the DP

Before initiation of the preparation of the DP, the need for preparation of the DP is identified, as well as the possibility of financing and implementation, and the need for the SEA and possibility of the financing thereof

The application submitted for the initiation of the DP must contain comprehensive information, in particular: planning area, purpose, data of the applicant (APA § 14, PlaA § 128 (5))

If the local authority itself decides to start preparing the DP, no application is submitted. The procedure is initiated by the local authority (APA § 35 (1) 2)

Before initiation of the preparation of the DSP, the local authority must make sure it is able to guarantee the performance of its obligations in the development of the DP (PlaA § 128 (2) 2), § 131)

A contract may be concluded with a party interested, to bear the costs connected to the commissioning of the preparation of the plan and assessment of the relevant impacts (PlaA § 4 (2-1))

Where warranted by the circumstances, it may be refused to initiate the preparation of the DP (PlaA § 77 (2))

The local authority is required to ascertain the need for the SEA (PlaA § 124 (5) 6)

## Initiation of the preparation of the CP and conduct of the SEA

The preparation of the DP and the conduct of the SEA are initiated by a resolution of the local council within 30 days from receiving the application PlaA § 124 (7), (9), § 77 (1)

Content of resolution: PlaA § 77 (4)

The initiation is announced:  
- in newspapers within 30 days  
- in Official Announcements and on the website of the local authority within 14 days  
- by letter to the persons concerned and the parties invited to cooperate and participate, within 30 days  
- if necessary, to the owner of the immovable which is presumably to be expropriated or which is the object of the establishment of compulsory possession, within 7 days PlaA § 77 (5)–(8)

Content of announcement: PlaA § 77 (6), EIAEMSA § 35 (7)

If the initiation of the conduct of the SEA is mandatory, the need for the initiation is not required to be justified.

If the conduct of the SEA is initiated on the basis of a preliminary assessment, a relevant justification is added to the resolution to initiate the conduct of the SEA. The local authority decides whether the reasons for the initiation of the conduct of the SEA are to be stated in the justification of the resolution (significant aspects of the preliminary assessment of the need for the SEA) or annex thereto (preliminary assessment of the need for the SEA). It is important to have all of the information and reasons and that they meet the requirements specified in EIAEMSA § 33 (4)–(6)

## Initial detailed plan outline and memorandum of intention to conduct the SEA

Invitation to present proposals regarding the initial detailed plan outline and the memorandum of intention to conduct the SEA is sent to the parties invited to cooperate and participate PlaA § 81 (2).

The minister may determine additional persons and bodies who must be invited to cooperate or participate PlaA § 81 (3).

The deadline for the presentation of the proposals will be no less than 30 days PlaA § 81 (1)

The initial detailed plan outline and memorandum of intention to conduct the SEA supplemented on the basis of the proposals are published on the website of the local authority together with the proposals presented concerning them PlaA § 81 (6)

For this stage, the parties to be invited to participate or cooperate in the plan and the impact assessment must be well considered (PlaA § 127).

It is recommended to prepare a memorandum of participation for the plan, which defines, among other things, the parties involved in preparing the plan and the impact assessment.

The bodies and persons to be notified of the initiation must be checked from PlaA § 127 (1), (2) instead of the referred PlaA § 76 (1), (2)

The bodies and persons concerned in the invitation to present proposals must be checked from PlaA § 127 (1), (2) instead of PlaA § 76 (1), (2)

The local authority prepares the memorandum of intention (MI) to conduct the SEA in cooperation with an SEA lead expert and involves other persons with the required competence, if necessary

## Acceptance of the DP

The local council adopts a resolution on the acceptance of the DP PlaA § 86

The results of the SEA are added to the DSP before acceptance PlaA § 86 (1)

The conformity to legislation and the spatial development objectives of the local authority is verified. PlaA § 86 (2)

If an implementation plan is prepared for the DP, it must be added to the resolution on acceptance (PlaA § 3 (5))

## Approval of the proposed (draft) DP and SEA report and invitation to present opinions

Based on the approvals and opinions received, adjustments are made to the DP and the SEA report if needed

The proposed DP and SEA report are presented to the persons and bodies concerned for approval and to persons to be invited to present opinions PlaA § 85 (1)

The positions received must be considered and responded to with reasons; if necessary, the planning solution must be modified or supplemented

The bodies and persons concerned in the invitation to approve and present proposals must be checked from PlaA § 127 (1), (2) instead of PlaA § 76 (1), (2)

If it is not indicated that the proposed plan or report is contrary to legislation or a county-wide spatial plan, the DP is deemed to have been approved. When deciding whether to approve the proposed SEA report, appraisal is made of the conformity of the proposed report to legislation and of the sufficiency and objectivity of the assessments contained in the report (PlaA § 85 (3))

If approval is not given or opinion presented within 30 days or the extension of the time limit applied for in 30 days, the proposed DP and SEA report are deemed to have been approved or the person invited to present an opinion is deemed to have declined to do so (PlaA § 85 (2))

Based on the results of the public display and public discussion, the necessary modifications are made to the proposed DP and SEA report PlaA § 84 (2)

If written opinions are received during the public display, the information concerning the results of the public display and public discussion are published in a newspaper within 30 days from the end of the public display PlaA § 84 (1)

The public discussion is announced:  
- to the persons and bodies concerned at least 14 days before the commencement of the public discussion PlaA § 83 (2)

Content of announcement: time and place of the public discussion

The bodies and persons to be notified of the initiation of the public discussion must be checked from PlaA § 127 (1), (2) instead of PlaA § 76 (1), (2)

## Dissemination of the proposed (draft) DP and SEA report

The public discussion is held at least in the population centre of the local authority, in the main centre of each major settlement, in cities with city districts' centres. The public discussion is held within 45 days from the end of the public display PlaA § 83 (1)

An opinion submitted in writing is responded to in writing within 30 days from the end of the public display by communicating a reasoned position of the local authority concerning the opinion together with the time and place of the public discussion PlaA § 82 (8)

The public display is announced:  
- in newspapers at least 14 days before the commencement of the public display  
- by letter within 14 days at the latest before the commencement of the public display, to the parties to be invited to cooperate or participate  
- on the website of the local authority PlaA § 82 (4), (5).

Content of announcement: PlaA § 82 (6), EIAEMSA § 41, i.e. see § 37 (2)

The bodies and persons to be notified of the public display must be checked from PlaA § 127 (1), (2) instead of PlaA § 76 (1), (2)

If an implementation plan is prepared for the DP, it is recommended to pay attention to it in the public display stage already

The three-dimensional illustration of the DP should be paid attention to in the public display stage already

## Dissemination of the DP to the public

The public display is held at least in the major population centre of the local authority, in the main centre of each major settlement, in cities with city districts' centres. Minimum duration of public display - 30 days PlaA § 87 (1), (4)

The public display is announced:  
- in newspapers at least 14 days before the commencement of the public display  
- by letter within 14 days at the latest before the commencement of the public display, to the parties to be invited to cooperate or participate  
- on the website of the local authority PlaA § 87 (5), (6)

Content of announcement: PlaA § 87 (7), plus time and place of the public display

An opinion submitted in writing is responded to in writing within 30 days from the end of the public display by communicating a reasoned position of the local authority concerning the opinion together with the time and place of the public discussion PlaA § 87 (9)

The public discussion is held at least in the population centre of the local authority, in the main centre of each major settlement, in cities with city districts' centres. The public discussion is held within 45 days from the end of the public display PlaA § 88 (1)

The public discussion is announced:  
- in newspapers 14 days before the commencement of the public display  
- to the persons and bodies concerned at least 14 days before the commencement of the public discussion  
- on the website of the local authority PlaA § 87 (6), § 88 (3)

Content of announcement: time and place of the public discussion

If written opinions are received during the public display, the information concerning the results of the public display is published in a newspaper within 30 days from the end of the public discussion PlaA § 89 (1)

Based on the results of the public display and public discussion, the necessary modifications are made to the DP PlaA § 89 (2)

The DP is submitted for ratification to the minister PlaA § 90 (1)

The minister ratifies the DP or refuses to ratify it within 60 days PlaA § 90 (2)

The minister may propose a partial adoption of the DP PlaA § 90 (5)

The DP ratified by the minister is adopted by resolution of the local authority PlaA § 91, LGOA § 22 (1) 31)

The SEA report is an annex to the DP to be adopted PlaA § 91 (3) 4)

The adoption of the DSP is announced:  
- in newspaper within 30 days from the adoption at the latest  
- on the website of the local authority and in Official Announcements within 14 days  
- by letter to persons concerned and the parties to be invited to cooperate and participate, within 14 days from the adoption PlaA § 91 (2), (5).

Content of announcement: PlaA § 91 (4), EIAEMSA § 44 (2) documents

A notice concerning the adoption of the DP is sent to the minister and the Land Board. The adopted DP is sent to the Land Board (including land use and building conditions and restrictions) PlaA § 91 (3)

At least one three-dimensional illustration of the planning solution is presented as an annex to the DP (PlaA § 135 (4))

Together with the DP, the approvals given and the opinions presented in the approval stage are disclosed (PlaA § 87 (3))

The DP must clearly state the changes emanating from the plan, the reasons of the solution presented, the conditions of implementation of the DP and other facts explaining the DSP (PlaA § 87 (3))

The bodies and persons to be notified of the public display must be checked from PlaA § 127 (1), (2) instead of PlaA § 76 (1), (2)

The holding of the public discussion is not mandatory if no written opinions were submitted concerning the DP during the time it was on public display or if all written opinions have been followed (PlaA § 88 (2))

The bodies and persons to be notified of the initiation of the public discussion must be checked from PlaA § 127 (1), (2) instead of PlaA § 76 (1), (2)

If the modifications made on the basis of the results of the public display alter the principal solutions of the plan or necessitate significant changes in the SEA report, the approval stage is partially repeated and an additional dissemination to the public is organised (PlaA § 89 (3))

If necessary, the minister hears out the local authority and the persons whose opinions were not taken into account when preparing the DP (PlaA § 90 (3) 2))

If any modifications are made to the DP which change the principal solution of the DP, the proceedings of the DP and, if necessary, the SEA, are partially repeated. The need to repeat the proceedings must be assessed when adopting the DSP partially as well

SEA monitoring measures are established or a reason is given as to why the SEA monitoring measures are not established (EIAEMSA § 42 (11))

It is advised to think about the kinds of information that need to be collected to make a substantial monitoring of the spatial plans, and about how the information is collected

The bodies and persons to be notified of the adoption must be checked from PlaA § 127 (1), (2) instead of the referred PlaA § 76 (1), (2)