# Detailed plan procedure if the detailed plan is in accordance with the comprehensive plan and no strategic environmental assessment is conducted

preparing the DP, no

application is

submitted. The local

authority initiates

proceedings

(APA § 35 (1) 2))

Approval of the proposed (draft) DP and

invitation to present opinions

The purpose of the detailed plan is, above all, to implement the comprehensive plan and to create an comprel 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 documentatio

- 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)). If an employee of the local authority is competent enough, he or she can perform this role.
- Throughout the planning 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 even if the SEA is not needed (more information in the guidelines "Nõuandeid üldplaneeringu koostamiseks", in Chapter

### Abbreviations

DP - detailed 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

### This diagram is informative only and has no legal significance.

This diagram is based on the Planning Act 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

The application

submitted for the

initiation of the DP

must contain

comprehensive

information, in

particular: planning

area, purpose, data o

the applicant (relevant

information in

APA § 14, PlaA § 128)

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 mplementation, and the need for the SEA and possibility of the financing thereof

The preparation of the DP is days from receiving the application PlaA § 128

nitiated or refused by a resolution of the local authority within 30 Content of announcement: PlaA § 128 (5)

Initiation of the preparation of DP, refusal to initiate the conduct of the SEA if necessary

The initiation of the preparation of the DP and refusal to initiate the preparation of the SEA, if necessary is announced - in a newspaper 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 PlaA § 128 (6)-(9)

Content of announcement: the same as the content of resolution to initiate PlaA § 128 (7)

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 If the local authority (PlaA § 128 (2) 2), § 131) itself decides to start

The proposed DP is presented to the

persons and bodies concerned for

present opinions

approval and to persons to be invited to

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 circumstances, the DP may be refused to be initiated (PlaA § 128 (2), (3))

The conduct of a preliminary SEA must be considered (PlaA § 124 (6), EIAEMSA § 6 (2))

f, according to PlaA § 124 (6) or EIAEMS § 6 (2), the initiation of the conduct of If a DP in accordance with the SEA is considered (preliminary the CP is prepared and assessment of the SEA is made) and the there is no need to prepare local authority decides to not initiate the a preliminary assessment conduct of the SEA, the reasons for of the need for an SEA, the refusal to initiate are given in the resolution to initiate the DP justification of the resolution or annex or in the annex thereto that thereto. It is important to have all of the the conduct of the SEA is information and reasons and that they not initiated meet the requirements specified in

For this stage, the parties to be invited to participate or cooperate in the plan 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

# Acceptance of the DP

The local authority adopts a resolution on acceptance

The conformity of the DP to legislation and the spatial development objectives of the local authority is

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

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 § 133 (2))

# Public display of the proposed (draft) DP if necessary

EIAEMSA § 33 (4)-(6)

If necessary, a public display of the proposed (draft) DP is arranged; the provisions of PlaA § 82-83 may be proceeded from if desired

## Initial detailed plan outline, if necessary

If necessary, the initial spatial plan outline is prepared; the provisions of PlaA § 81 may be proceeded from if desired

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

Based on the approvals and opinions

received, adjustments are made to

the DP if needed.

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 § 133 (3))

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

If an implementation plan is prepared for the DP it must be paid attention to it in the public display stage already

The DP is

adopted by

resolution

PlaA § 139 (1)

The stages of initiation and nitial detailed plan outline ma be implemented at the same time (e.g. initiate the preparation of the DP togethe with the initial detailed plan

### 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 in city disctricts' centres. Minimum duration of public display is 14 days

The public display is announced: in a newspaper 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 § 135 (6), (7)

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 PlaA § 135 (11)

The public discussion is announced: The public discussion is held - in newspapers 14 days before the commencement of the public at least in the population centre of the local authority, in the main centre of each - to the persons and bodies major settlement, in cities concerned at least 14 days before with city districts in city the commencement of the public

districts' centres. discussion on the website of the local The public discussion is held within 45 days from the end authority. Content of announcement: time of the public display and place of the public discussion

display

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 § 137 (2)

If an opinion was Based on the received about the results of the DP during the public public display display, which was and public not taken into discussion, the account, the DP is

presented to the odifications ar minister for made to the DF approval PlaA § 138 (1), (2) The minister ratifies the DP or refuses to ratify it within 60 PlaA § 138 (3) The minister may

Ratification of the DP if necessary

propose a partia adoption of the DP

## Adoption of the DP

The adoption of the DP is announced: - in a 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 § 139 (3), (5)

Content of announcement: PlaA § 139 (5)

The local authority sends the adopted DP to the minister and the Land Board (including land use and building conditions and restrictions) PlaA § 139 (4)

At least one three illustration of the planning solution is presented as an annex to the DP

Together with the DP, the approvals given and the oninions presented in the approval stage are disclosed (PlaA § 135 (4)) (PlaA § 135 (3))

The DP must clearly state the changes emanating from the plan, the reasons of the solution presented, the onditions of implementation of the DP and other facts (PlaA § 135 (3))

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 § 136 (2))

If the modifications made on the basis of the results of the public display alter the principal solutions of the plan, the approval stage is partially repeated and an additional dissemination to the public is

If necessary, the minister hears out the local authority and the persons whose opinions were not taken into account when preparing the DP (PlaA § 138 (4) 2))

If no agreement is reached, the minister presents a written opinion within 30 days after hearing the parties out (PlaA § 138 (5))

If any modifications are made to the DP which change the principal solution of the plan, the DP proceedings are partially repeated. The need to repeat the proceedings must be assessed when adopting the

DP partially as well

As a rule, the DP may be adopted by the administration of the city or rural municipality. If there is no comprehensive plan or modifications that are significant from the point of view of the general conditions concerning construction works in the corresponding urban area, the decision to adopt is made by the local council (PlaA § 139 (1), taking account § 130 (2))