# Detailed plan procedure if the detailed plan alters the comprehensive plan and a strategic environmental assessment is conducted

possibility of the

financing thereof

If the local authority

itself decides to star

preparing the DP, no

application is

submitted. The

procedure is initiated

by the local authority

(APA § 35 (1) 2))

prepare the DP

The application

submitted for the

initiation of the DF

must contain

comprehensive

information, in

particular: planning

area, purpose, data

of the applicant

(APA § 14.

PlaA § 128 (5)

Where this is warranted by the circumstances, the detailed plan may include a proposal to alter the principal solutions of the adopted comprehensive plan (PlaA § 142 (1)). The detailed plan forms the basis for the building work conducted in the near future, including the building design documentation.

- 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 alters the CP and an SEA is conducted, the proceedings of the DP and the SEA are subject to the requirements established in respect of the proceedings concerning CP (PlaA § 142 (3)), i.e. both the proceedings prescribed for the CP must be followed and the invitation to cooperate and participate is organised according to the procedure prescribed for the preparation of the CP.
- 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 § 76 (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, and the SEA conducted (impact assessments may be combined, more information in the guidelines "Nõuandeid üldplaneeringu koostamiseks", in Chapter 6).

EIAEMSA - Environmental Impact Assessment and Environmental Management System Act: APA - Administrative

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

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

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

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

Before initiation of the An application preparation of the DP. seeking initiation the need for preparation of the preparation of the DP is identified. of the DP is as well as the possibility submitted to the of financing and local authority, or application implementation, and the the local authority PlaA § 142 (2), § 77 (1) need for the SFA and itself decides to Content of resolution

The initiation is notified The preparation of the DP - in newspapers within 30 days and the conduct of the SEA - in Official Announcements and on the website of the local authority within 14 are initiated by a resolution of the local council within 30 days from receiving the

davs - to 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)

### 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 MI 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), § 76 (5)

DP - detailed plan; CP - comprehensive plan; SEA - strategic environmental assessment; PlaA - Planning Act; Procedure Act; LGOA – Local Government Organisation Act; MI – memorandum of intention

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

PlaA § 77 (4)

A contract may be concluded with a party interested, to bea 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 local authority is required to ascertain the need for the SEA (PlaA § 124 (5) 6))

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 preliminar 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)

Dissemination of the proposed DP and SEA

report to the public

Ratification of the DP

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)

For this stage, the parties to be invited to participate or cooperate in the plan and the impact assessment must be well considered (PlaA § 76). 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 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 DP before acceptance The conformity to legislation and the spatial development objectives of the local authority is verified.

PlaA § 86 (2)

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

Based on the approvals and oninions 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)

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 newspapers within 30 days from the end of the public display

PlaA § 84 (1)

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

discussion

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 in city districts' centres. The public discussion is held within 45 days from the end of the place and time of the public public display

PlaA § 83 (1)

The DP is submitted

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 efore the commencement of the public

display, to the parties to be invited to cooperate or participate on the website of the local authority Content of announcement: PlaA § 82 (6),

EIAEMSA § 41. i.e. see § 37 (2)

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 - 30 days PlaA § 82 (1), (3)

The public display is held at

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

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

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 ssessments 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))

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 is recommended to pay attention to it 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 in city disctricts' centres. Minimum duration of public display - 30 days

The public display is announced: in newspapers at least 14 days before mencement of the public

- 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)

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 in 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 newspapers 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)

for ratification to the minister PlaA § 90 (1)

If necessary, the minister hears If any modifications are made out the local authority and the DP partially as well hearing the parties out

### Adoption of the DP

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

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

- in newspapers 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

The adoption is announced:

and participate, within 14 days from the adoption PlaA § 91 (2), (5) Content of announcement PlaA § 91 (4), EIAEMSA § 44 (2) documents

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)

A notice concerning

the adoption of the

At least one threemensional 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

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

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 holding of the

the basis of the results of the public display alter the principal solutions of the DP 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 the modifications made on

persons whose opinions were not taken into account when preparing the DP (PlaA § 90 (3) 2)) If no agreement is reached, the minister presents a written opinion within 30 days after

(PlaA § 90 (3) 4))

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

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