

Detailed plan procedure if the detailed plan alters the comprehensive plan and no strategic environmental assessment is conducted

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.

- 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 alters the CP and no 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. Therefore, each time the requirements established for the announcement and notification are applied, PlaA § 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)). 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 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.

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 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))

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

The preparation of the DP is initiated and the conduct of the initiation of the SEA is refused by a resolution of the local council within 30 days from receiving the application
 PlaA § 142 (2), § 77 (1)
 Content of resolution:
 PlaA § 77 (4)

Before initiation of the preparation of the DP, 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 circumstances, the DP may be refused to initiate (PlaA § 128 (2), (3))
 A preliminary assessment of the need for the SEA must be made (PlaA § 124 (6), EIAEMSA § 6 (2))

The initiation of the preparation of the DP and refusal to initiate the preparation of the SEA 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: the same as the content of resolution to initiate PlaA § 77 (6), EIAEMSA § 35 (7)

The reasons for not initiating the conduct of the SEA are specified in the motivation of the resolution or an annex thereto. 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

Invitation to present proposals regarding the initial detailed plan outline is sent to parties to be 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)

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

The initial detailed plan outline supplemented on the basis of the proposals is published on the website of the local authority together with the proposals presented concerning them
 PlaA § 81 (6)

The stages of initiation and initial detailed plan outline may be implemented at the same time (e.g. initiate the preparation of the DP together with the initial detailed plan outline). The procedural and content requirements of both stages must be followed

Acceptance of the DP

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

The conformity of the DP 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))

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

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

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

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

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 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))

Public display of the proposed (draft) DP

Based on the results of the public display and public discussion, the necessary modifications are made to the DP
 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)

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))

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 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)

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)

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)

A public display of the DP 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)
 Content of announcement: PlaA § 82 (6), plus time and place of the public display

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 must be paid attention to in the public display stage already

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 § 82 (1), (3)

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)

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 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

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 DP (PlaA § 87 (3))

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 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 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 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 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

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 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)

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 organised (PlaA § 89 (3))

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

The minister hears out the local authority and the persons whose opinions were not taken into account when preparing the DP. If no agreement is reached, the minister presents a written opinion within 30 days after hearing the parties out (PlaA § 90 (3), 2), 4))

Ratification of the DP

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)

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

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 adoption of the DP 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)

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)

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)