

Issuer:	Riigikogu
Type:	act
In force from:	01.05.2019
In force until:	In force
Translation published:	05.04.2019

## Planning Act

Passed 28.01.2015  
RT I, 26.02.2015, 3  
Entry into force 01.07.2015

Amended by the following acts

Passed	Published	Entry into force
11.06.2015	RT I, 30.06.2015, 4	01.09.2015, partially 01.07.2015
29.10.2015	RT I, 10.11.2015, 2	01.12.2015
07.06.2016	RT I, 21.06.2016, 1	01.07.2016, partially in the year 2017 on the day on which the results of local elections are promulgated
27.10.2016	RT I, 10.11.2016, 1	01.01.2017
19.04.2017	RT I, 04.05.2017, 3	05.05.2017
14.06.2017	RT I, 04.07.2017, 1	01.01.2018
14.06.2017	RT I, 04.07.2017, 2	01.01.2018
06.06.2018	RT I, 29.06.2018, 1	01.07.2018
21.11.2018	RT I, 12.12.2018, 2	22.12.2018
20.02.2019	RT I, 19.03.2019, 13	01.05.2019

## Chapter 1 General provisions

### § 1. Aim and scope of regulation of the Act

(1) The aim of this Act is to create, through spatial planning (hereinafter, 'planning'), by promoting environmentally sound and economically, culturally and socially sustainable development, the preconditions that are necessary for democratic, long-term and balanced spatial development that takes into account the needs and interests of all members of the Estonian society to occur, for democratic, long-term and balanced land use pattern that takes into account the needs and interests of all members of the Estonian society to form and for high-quality living and built environment to develop.

(2) This Act establishes the principles of planning and the requirements for the planning procedure and for the implementation of spatial plans.

(3) Provisions of the Administrative Procedure Act apply to the administrative procedure provided in this Act without prejudice to the rules established by this Act.

### § 2. Scope of application of the Act

(1) Planning extends to land and water areas, airspace and the ground below surface. In the cases provided in law, this Act applies to areas extending to the external border of the exclusive economic zone.

(2) This Act applies to planning insofar as it is not contrary to State Secrets and Classified Information of Foreign States Act. This Act does not apply to the planning of construction works that serve national defence purposes the main purpose of which is to deal with communication, advance warning or storage matters, except where the construction work is located in an area where the preparation of a detailed plan is mandatory.

(3) The strategic environmental assessment that is conducted in the course of preparing a spatial plan is subject to the procedural requirements arising from this Act. The requirements to the content of the strategic

environmental assessment report and other conditions are established in the Environmental Impact Assessment and Environmental Management System Act.

(4) Acquisition of immovables in the public interest, including expropriation, on the basis of an adopted spatial plan is subject to the Acquisition of Immovables in Public Interest Act.  
[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

### **§ 3. Planning**

(1) A spatial plan is an inclusive spatial solution that is prepared in respect of a particular land area (hereinafter, the ‘planning area’) and that, in the cases provided in law, establishes the land use and building conditions for the area.

(2) A spatial plan consists of an explanatory text and technical drawings that are prepared as a result of the planning exercise and that complement each other and constitute a single whole.

(3) The explanatory text of the spatial plan states the conclusions drawn from analysing the planning area and its impact areas and the goals of spatial development, the description of the planning solution chosen and the reasons for choosing that solution.

(4) Spatial plans include annexes which contain information regarding the application to initiate the preparation of the spatial plan and regarding cooperation and procedural steps taken in the course of the planning process, information regarding the actions required in order to implement the spatial plan and, where necessary, regarding the sequence of such actions, and other information that is related to the spatial plan and requires preservation. Where a strategic environmental assessment is carried out as part of the planning proceedings, the strategic environmental assessment report constitutes an annex to the spatial plan.

(5) A decision to adopt a spatial plan that serves as the basis for the preparation of building design documentation may specify actions required in order to implement the spatial plan and, where necessary, the sequence of such actions. The actions required in order to implement the spatial plan and the sequence of such actions are included at the latest in the decision to accept the spatial plan.

(6) The minister responsible for the field may make regulations to establish the requirements concerning:

- 1) the implementation of the principles of planning;
- 2) the specification of the manner in which the functions of spatial plans are to be fulfilled;
- 3) the formalisation of spatial plans;
- 4) the structure of spatial plans;
- 5) the documents related to public disclosure and their preservation.

### **§ 4. Authorities that organize planning work**

(1) The authorities that organize planning work are, according to their competence, the Ministry of Finance, other relevant government agencies or local authorities.  
[RT I, 04.07.2017, 1 – entry into force 01.01.2018]

(2) The duties of the authority that organizes planning work include:

- 1) ensuring the existence of spatial plans corresponding to the land area;
- 2) arranging the preparation of spatial plans;
- 3) the preparation of spatial plans or commissioning the preparation of spatial plans;
- 4) the taking of the procedural steps required in the course of preparing spatial plans;
- 5) assessment of the relevant economic, social, cultural and environmental impacts resulting from the implementation of the spatial plan, including arranging the strategic environmental assessment;
- 6) following, reviewing and implementing adopted spatial plans to the extent of the duties imposed by legislation on the authority that organizes planning work.

(2<sup>1</sup>) The authority arranging the preparation of the plan may conclude, with the party interested in the preparation of the plan, a contract to assign to that party the obligation to bear the costs connected to the commissioning of the preparation of the plan that serves as the basis for the preparation of building design documentation and the assessment of the impacts specified in clause 5 of subsection 2 of this section.  
[RT I, 04.05.2017, 3 – entry into force 05.05.2017]

(3) The minister responsible for the field may convene an advisory body which consists of up to twenty members and which advises the authorities that organize planning work and prepares guidelines in order to achieve a spatial development that takes into account the long-term needs and interests of the members of the Estonian society.  
[RT I, 30.06.2015, 4 – entry into force 01.09.2015]

(4) The Government of the Republic makes regulations to establish the procedure for cooperation and the principles of approving spatial plans.

(5) The authority that organizes planning work ensures that the spatial plan is prepared by a person who possesses a higher education in the relevant field and has sufficient prior work experience or by a person who

holds a corresponding professional qualification (hereinafter, the 'planner'), taking into account the type and purpose of the particular spatial plan. Where a strategic environmental assessment is carried out as part of the planning proceedings, the environmental impact must be assessed or the assessment of the environmental impact must be supervised by a lead expert who meets the requirements set out in the Environmental Impact Assessment and Environmental Management System Act.

(6) The planners and any other persons who possess specialized knowledge and participate in the preparation of the spatial plan must:

- 1) possess knowledge and skills that correspond to the specific character of the work;
- 2) observe the duty of diligence in order to ensure the high quality of the spatial plan and its conformity to the requirements;
- 3) observe the duty to give explanations, which includes the giving of information, in relation to matters connected to the planner's or other person's actions, to the authority that organizes planning work or to any other party;

[RT I, 04.05.2017, 3 – entry into force 05.05.2017]

- 4) ensure the conformity of the spatial plan to the relevant legislation.

(7) The recognition of the professional qualifications of persons who have acquired their professional qualification in a Member State of the European Economic Area or European Union is subject to the Recognition of Professional Qualifications Act. The competent authority referred to in section 7(2) of the Recognition of Professional Qualifications Act is the Ministry of the Finance.

[RT I, 30.06.2015, 4 – entry into force 01.09.2015]

## **§ 5. Joint declaration**

(1) Where, during the planning proceedings, more than 20 persons present similar or substantially similar opinions regarding a solution of the spatial plan that is under preparation, and have not appointed a representative for the purposes of the proceedings, the authority arranging (below, also 'the authority that arranges' and 'the authority to arrange') the preparation of the plan may demand that the persons presenting the opinion appoint a representative. All signatories of the joint declaration must be identifiable and must have added their contact information to the joint declaration.

(2) If the persons presenting the opinion do not appoint a representative within 30 days from receiving the corresponding request from the authority arranging the preparation of the spatial plan, the authority may independently designate a representative from among the applicants. The designated representative may be, amongst others, the person who signed the joint opinion first, who presented or handed over the opinion to the authority or who communicated in any other manner with the authority in the name of other persons who subscribe to the opinion.

(3) Where a representative is designated, the representative notifies to the authority arranging the preparation of the spatial plan the method of communication that suits him or her.

(4) The representative designated by the authority arranging the preparation of the spatial plan may at any time resign his or her position, notifying this in writing to the authority. When the designated representative resigns, the authority arranging the preparation of the spatial plan may designate a new representative in accordance with subsection 1 of this section or demand that the persons presenting the opinion appoint their own representative.

(5) Any represented person may at any time withdraw from being represented by the representative designated by the authority arranging the preparation of the spatial plan, notifying this to the authority in writing. When a represented person withdraws from being represented, he or she informs the authority arranging the preparation of the spatial plan that he or she withdraws the opinion or wishes to participate in the proceedings as an invited party.

## **§ 6. Definitions**

The terms used in this Act are defined as follows:

- 1) 'pre-selection of the location' (or 'pre-selecting the location') means the selection, performed by considering different possible locations, of the most suitable location or land area for the planned construction work;
- 2) 'requirements concerning the architecture of the construction work' mean, first and foremost, the requirements concerning the overall spatial solution of the construction work;
- 3) within the overall solution of a construction work, 'requirements concerning the appearance of the construction work' deal with, for instance, the details of the construction work;
- 4) 'type of buildings characteristic of the area' means the set of features characteristic of the buildings in an area and may consist in the height and volume of the buildings, the size and layout of the plots, the location of buildings on the plot or in relation to each other;
- 5) 'buildable area of the plot' means the area on the plot designated in a spatial plan on which buildings and civil engineering works permitted by the building rights of the plot may be erected;

- 6) 'clearance' means the least permitted distance between construction works and is defined in accordance with legislation;
- 7) 'intended purpose of use of a plot' defines the purpose for which the plot may be used after adoption of the spatial plan;
- 8) 'plot' means a land area which is defined in a detailed spatial plan and in respect of which building rights are granted;
- 9) 'principal purpose of land use' means the dominant purpose that is determined by the comprehensive plan in respect of a land area and that sets the main directions of further land use in the entire region to which it applies;
- 10) 'planner' means a person who possesses a higher education corresponding to Master's level in the specialism of geography, architecture or landscape architecture or a person holding the professional certificate of the level of an authorized specialist or a person who has been granted the qualification of a spatial environment planner;
- 11) 'implementation of a spatial plan' means actions whose goal is to implement the content of the plan and to ensure that the requirements established in the plan are observed, which is, first and foremost, the duty of a public authority;
- 12) 'initial planning outline' means a document that is prepared as part of the planning proceedings at the time of initiation or after the initiation of the preparation of the spatial plan and in which the authority that arranges the preparation of the spatial plan describes the need for and the purpose of the preparation of the plan and the functions the plan aims to fulfil, proposes the preliminary timetable for the preparation of the plan and provides an overview of the surveys required for the preparation of the plan and of the persons to be invited to participate in the preparation of the plan;
- 13) 'significant spatial impact' means an impact which, in comparison with the previous conditions at the envisaged location of the construction work, causes a significant change in the volume of transport, concentration of pollutants, number of visitors, visual impact, smell, noise, demand for raw materials or labour and whose impact extends to a large territory;
- 14) 'principal solution of the spatial plan' means the significant part of a spatial plan that, on implementation of the plan, ensures the overall functioning of the planning solution;
- 15) 'planning solution' means the inclusive spatial solution which is prepared in respect of the planning area and which, on implementation, permits the land and construction works envisaged by the spatial plan to be used according to their intended purpose, provided the land use and building conditions specified in the spatial plan are observed;
- 16) 'green area' means an area covered with vegetation of either natural or anthropogenic origin;
- 17) 'green network' means a system which is comprised of natural and semi-natural biotic communities and which ensures the preservation of various types of ecosystems and landscapes and balances the impact of human settlement and economic activities and which consists of core areas and of green corridors that connect core areas.

## **§ 7. Issuing guidelines for planning**

(1) The Ministry of Finance may issue guidelines to define the principles and directions of spatial development in order to:

[RT I, 30.06.2015, 4 - entry into force 01.09.2015]

- 1) promote the creation and preservation of integral environments of high quality;
- 2) harmonize the practices of arranging the preparation of spatial plans;
- 3) ensure the balance between different interests and values;
- 4) provide other explanations in relation to the application of this Act.

(2) The guidelines are made public on the website of the Ministry of Finance.

[RT I, 30.06.2015, 4 – entry into force 01.09.2015]

# **Chapter 2**

## **Principles of planning**

### **§ 8. Principle of improving the living environment**

The spatial plan must, while preserving existing values, establish the preconditions for the existence and preservation of a user-friendly and safe living environment and of a spatial fabric that reflects the values of the community, and for the development of aesthetic surroundings.

### **§ 9. Principle of inviting the public to participate and of informing the public**

(1) The planning proceedings are public. The authority that organizes planning work must inform the public of the planning proceedings in understandable terms, provide sufficient invitation to the public to participate in the proceedings and, in the course of the preparation of the spatial plan, arrange public displays and public discussions of the plan in order to introduce the plan to the public.

(2) Everyone is entitled to participate in the planning proceedings and, during those proceedings, express his or her opinion regarding the spatial plan.

(3) Everyone is entitled, free of charge, to receive relevant information regarding the planning proceedings and the spatial plan.

#### **§ 10. Principle of balancing and integrating interests**

(1) The authority that organizes planning work must balance different interests, including public interests and values, consider them in the light of the principles of planning and the goals of the spatial plan, and integrate them in the planning solution.

(2) A spatial plan expressing national interests must be guided by the national interests, taking into account local needs and interests where this is possible.

(3) A spatial plan expressing local interests must be guided by the local interests and must be in conformity with spatial plans expressing national interests and, where necessary, with other strategic documents expressing spatial aspects.

#### **§ 11. Principle of the sufficiency of information**

(1) The authority that organizes planning work must, when making planning arrangements, take into account the relevant strategies, risk analyses, existing spatial plans that are in effect, development plans and other documents that have an impact on spatial development, as well as other relevant information.

(2) The authority that organizes planning work is entitled, free of charge, to receive information required for the preparation of spatial plans. The authority must ensure the preservation and availability of the information gathered during planning proceedings.

(3) Approvals are granted and opinions are provided free of charge, unless otherwise provided by law.

#### **§ 12. Principle of expedient, reasonable and economic land use**

(1) When preparing spatial plans, the appropriate use of previously used areas or of insufficiently used areas must be promoted where possible.

(2) When planning human settlements, the built environment and green areas must receive balanced consideration, taking into account the existing environment and local circumstances.

(3) When preparing spatial plans, preference must be given, where possible, to solutions that are environmentally sound and ensure good energy performance.

## **Chapter 3 National spatial plan**

#### **§ 13. National spatial plans and the authority that arranges the preparation of such plans**

(1) A national spatial plan is prepared in respect of the entire territory and exclusive economic zone of Estonia.

(2) A national spatial plan may be prepared as a thematic spatial plan that extends to sea areas, the adjacent coastal areas and also the exclusive economic zone.

(3) The aim of the national spatial plan is to define the principles and directions of the spatial development of Estonia.

(4) Strategic environmental assessment is mandatory when preparing a national spatial plan.

(5) The national spatial plan forms the basis for preparing county-wide spatial plans.

(6) The authority that arranges the preparation of national spatial plans is the Ministry of Finance.  
[RT I, 30.06.2015, 4 – entry into force 01.09.2015]

#### **§ 14. Functions of a national spatial plan**

(1) The functions of a national spatial plan are:

1) to determine the general principles and directions of the development of human settlement on the territory of Estonia;

2) to determine the principles and directions concerning the development of the national transport network, including at the international level;

- 3) to determine the principles and directions of other infrastructure, including energy, gas and communication networks;
- 4) to determine the general principles and directions of the exploitation of the ground below surface;
- 5) to determine measures to ensure the preservation and functioning of valuable landscapes, valuable arable land and the green network;
- 6) where necessary, to provide guidelines for the preparation of county-wide spatial plans;
- 7) to perform other functions related to the functions referred to in this section.

(2) The functions of the thematic spatial plans referred to in section 13(2) of this Act are:

- 1) to determine the principles and directions of the balanced spatial development of sea area;
- 2) to determine the measures required for the protection of marine environment;
- 3) to take into account, in a spatial plan, the location of waterways and, where necessary, to make recommendations for rerouting waterways or for planning new waterways;
- 4) to determine the location of harbours;
- 5) to determine measures to ensure the functioning of fisheries;
- 6) to take into account, in a spatial plan, the protected areas and the conditions for their use;
- 7) to determine the location and general building conditions of construction works that do not have a permanent connection to the shore;
- 8) to identify sea areas that serve national defence purposes and to define the conditions for the use;
- 9) to ensure measures required in order to commence the exploitation of mineral resources and to determine the land use conditions concerning areas influenced by the mining of mineral resources;  
[RT I, 10.11.2016, 1 – entry into force 01.01.2017]
- 10) to define recreation areas and to determine the conditions of their use;
- 11) to determine the measures required to ensure the preservation of heritage values;
- 12) to identify suitable areas for constructing energy, gas and communication networks;
- 13) to perform other functions related to the functions referred to in this subsection.

### **§ 15. Cooperation and invitation to participate in the preparation of the national spatial plan**

(1) A national spatial plan is prepared in cooperation with ministries and national associations of local authorities.

(2) The *Riigikogu*, local authorities as well as persons and bodies that may have a legitimate interest in the significant environmental impact that may be presumed to result from implementation of the national spatial plan or in the directions of spatial development in the planning area, including, through an organization that unites them, environmental non-governmental organizations, are invited to participate in the preparation of the national spatial plan.  
[RT I, 04.07.2017, 1 – entry into force 01.01.2018]

(3) Any person who has expressed an interest in being invited to participate in the preparation of the national spatial plan may be invited to participate in the preparation of the plan. If the authority that arranges the preparation of the national spatial invites a person referred to in this subsection to participate in the preparation of the national spatial plan, the provisions established in respect of persons and bodies referred to in subsection 2 of this section also apply to that person.

(4) The bodies and persons referred to in subsections 1–3 of this section notify to the authority that arranges the preparation of the national spatial plan the method of communicating to them the notices required under this Act, and the requisite contact information. If the person does not notify to the authority the method of communicating such notices, the authority transmits the notices required under this Act to the address recorded in the Population Register in the case of natural persons and to the address recorded in the relevant register in the case of legal persons.

(5) During the preparation of the national spatial plan, the plan is disseminated on the website of the authority that arranges the preparation of the plan together with its significant annexes, above all surveys, approvals, opinions and other relevant information.

### **§ 16. Initiation of the preparation of the national spatial plan and of the conduct of strategic environmental assessment**

(1) The preparation of the national spatial plan and the conduct of the strategic environmental assessment is initiated by the Government of the Republic

(2) The order to initiate the preparation of the national spatial plan and the conduct of the strategic environmental assessment states the purpose of the preparation of the plan and the time and place for perusing the initiation order.

(3) The initiation of the preparation of the national spatial plan and of the conduct of strategic environmental assessment is announced within 30 days of the initiation in at least one newspaper of nation-wide circulation and, within 14 days of the initiation, in the Official Announcements, and on the website of the authority that initiated the preparation of the plan as well as of the authority that arranges the preparation of the plan. The announcement states the information referred to in subsection 2 of this section.

(4) The persons and bodies referred to in subsections 1 and 2 of section 15 of this Act are notified in writing of the initiation of the preparation of the national spatial plan and of the conduct of strategic environmental assessment within 30 days of such initiation.

#### **§ 17. Memorandum of intention to conduct strategic environmental assessment of the national spatial plan**

(1) After initiating the preparation of the national spatial plan, the authority arranging the preparation of the plan draws up a memorandum of intention to conduct a strategic environmental assessment of the plan.

(2) The memorandum of intention to conduct a strategic environmental assessment of the national spatial plan states the extent and preliminary schedule of the assessment and the significant environmental impact that may presumably result from the implementation of the plan, including the impact on human health, the possibility that the implementation of the plan produces a cross-border impact, the possible impact on areas part of the Natura 2000 network and any other relevant information that the authority arranging the preparation of the plan is aware of.

(3) The memorandum of intention to conduct a strategic environmental assessment of the national spatial plan is the basis for the drawing up of the strategic environmental assessment report.

#### **§ 18. Invitation to present proposals regarding the initial planning outline of the national spatial plan and the memorandum of intention to conduct strategic environmental assessment of the national spatial plan**

(1) The authority arranging the preparation of the national spatial plan transmits the initial planning outline of the national spatial plan and the memorandum of intention to conduct strategic environmental assessment of the national spatial plan to the persons and bodies referred to in subsections 1 and 2 of section 15 of this Act, inviting those bodies and persons to present proposals in regard to these documents and sets a time-limit that may not be shorter than 30 days for the presentation of the proposals.

(2) Based on their sphere of competence, the persons and bodies referred to in subsections 1 and 2 of section 15 of this Act present their proposals regarding the initial planning outline of the national spatial plan and regarding the memorandum of intention to conduct strategic environmental assessment of the national spatial plan, as well as their opinion concerning the relevance and sufficiency of the memorandum of intention to conduct strategic environmental assessment of the national spatial plan.

(3) If a person or body referred to in subsections 1 and 2 of section 15 of this Act has not presented a proposal within the set time-limit, the person or body is deemed to have declined to present proposals regarding the initial planning outline of the national spatial plan and the memorandum of intention to conduct strategic environmental assessment of the national spatial plan.

(4) The authority arranging the preparation of the national spatial plan considers the proposals it has received and, on the basis of the proposals, makes the necessary modifications in the initial planning outline of the national spatial plan and in the memorandum of intention to conduct strategic environmental assessment of the national spatial plan.

(5) The initial planning outline of the national spatial plan and the memorandum of intention to conduct strategic environmental assessment of the national spatial plan, together with the proposals submitted by the persons and bodies referred to in subsections 1 and 2 of section 15 of this Act, are disseminated on the website of the authority that arranges the preparation of the plan.

#### **§ 19. Public display of the proposed national spatial plan and strategic environmental assessment report**

(1) The authority arranging the preparation of the national spatial plan arranges the public display of the proposed plan and strategic environmental assessment report.

(2) During the time of public display of the proposed national spatial plan and strategic environmental assessment report, everyone has the right to present opinions concerning the proposed plan and report.

(3) The duration of public display of the proposed national spatial plan and strategic environmental assessment report is at least 30 days.

(4) The persons and bodies referred to in subsections 1 and 2 of section 15 of this Act are notified of the public display of the proposed national spatial plan and strategic environmental assessment report at least 14 days before the commencement of the public display. The notification states the time and place of the public display and the information specified in subsection 6 of this section.

(5) The time and place of public display of the proposed national spatial plan and strategic environmental assessment report are announced in at least one newspaper of nation-wide circulation at the latest 14 days before

the commencement of the public display. The announcement of public display is disseminated on the website of the authority arranging the preparation of the national spatial plan.

(6) The notification referred to in subsection 4 of this section must briefly introduce the content of the national spatial plan and any significant impacts that may be presumed to result from implementation of the plan, as well as state the major changes envisaged in comparison with the existing situation.

(7) During the time the proposed national spatial plan and strategic environmental assessment report are on public display, everyone is to have access, during the office hours of the authority arranging the preparation of the national spatial plan, to any material and information that is related to the proposed plan and report and that the authority has at its disposal.

(8) Within 30 days after the end of the public display of the proposed national spatial plan and strategic environmental assessment report, the authority arranging the preparation of the national spatial plan communicates to the persons who submitted written opinions during the time the proposed plan and report were on public display its reasoned position concerning those opinions together with the time and place of the public discussion of the proposed plan and report.

(9) Any person who submitted a written opinion during the public display may withdraw that opinion by notifying the withdrawal to the authority arranging the preparation of the national spatial plan in a form that allows reproduction in writing.

#### **§ 20. Public discussion of the results of the public display of the proposed national spatial plan and strategic environmental assessment report**

(1) A public discussion of the results of the public display of the proposed national spatial plan and strategic environmental assessment report is held within 45 days from the end of the public display.

(2) The holding of the public discussion is not mandatory if no written opinions were submitted concerning the proposed national spatial plan and strategic environmental assessment report during the time these were on public display or if all written opinions have been followed.

(3) The persons and bodies referred to in subsections 1 and 2 of section 15 of this Act are notified of the public discussion of the proposed national spatial plan and strategic environmental assessment report at least 14 days before the commencement of the discussion. The notification states the time and place of the public discussion.

(4) At the public discussion, the authority arranging the preparation of the national spatial plan introduces to participants the written opinions received during the public display and states its views regarding those opinions, presents its reasons for the solutions selected during the preparation of the national spatial plan and responds to other questions regarding the proposed national spatial plan and strategic environmental assessment report.

(5) Any person who submitted a written opinion during the public discussion may withdraw that opinion by notifying the withdrawal to the authority arranging the preparation of the national spatial plan in a form that allows reproduction in writing.

#### **§ 21. Consideration of the results of the public display and public discussion of the proposed national spatial plan and strategic environmental assessment report**

(1) If written opinions are received during the public display of the proposed national spatial plan and strategic environmental assessment report, the information concerning the results of the public display are published in one newspaper of nation-wide circulation within 30 days from the date on which the public discussion was held.

(2) Based on the results of the public display and public discussion, the necessary modifications are made to the proposed national spatial plan and strategic environmental assessment report.

#### **§ 22. Submission for approval of the proposed national spatial plan and strategic environmental assessment report and invitation to present opinions regarding the proposed plan and report**

(1) The proposed national spatial plan and strategic environmental assessment report are submitted for approval to the bodies and persons referred to in subsection 1 of section 15 of this Act; the bodies and persons referred to in subsection 2 of section 15 of this Act are notified of the opportunity to present their opinion regarding the national spatial plan.

(2) If the body or person to whom the proposed national spatial plan and strategic environmental assessment report was submitted for approval or who was invited to present an opinion regarding the proposed plan and report has not, within 30 days of receiving these, refused to approve the proposed plan or report or presented an opinion or applied for extension of the time-limit, the proposed plan and report are deemed to have been tacitly approved by the body or person to whom they were submitted for approval, or the body or person who was invited to present an opinion regarding the proposed plan and report is deemed to have declined to do so, unless otherwise provided by law.

(3) If the person or body to whom the proposed national spatial plan and strategic environmental assessment report were submitted for approval does not indicate that the proposed plan or report is contrary to legislation, the proposed plan is deemed to have been approved. When deciding whether to approve the proposed strategic environmental assessment 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.

(4) Based on the approvals and opinions received, the necessary amendments are made to the proposed national spatial plan and strategic environmental assessment report.

### **§ 23. Dissemination of the national spatial plan to the public**

(1) When the results of the strategic environmental assessment report are incorporated in the national spatial plan, the national spatial plan is disseminated to the public on the website of the authority arranging the preparation of the plan. The duration of the dissemination period must be at least 30 days. During the dissemination period, everyone has the right to present written opinions concerning the plan.

(2) Within 30 days after the end of the dissemination period referred to in subsection 1 of this section, the authority arranging the preparation of the national spatial plan communicates to the persons who submitted written opinions concerning the plan during the time of its dissemination the authority's reasons for taking their opinions into account or for declining to do so.

### **§ 24. Adoption of the national spatial plan**

(1) The national spatial plan is adopted by order of the Government of the Republic.

(2) The persons and bodies referred to in subsections 1 and 2 of section 15 of this Act are notified of the adoption of the national spatial plan within 14 days of the adoption.

(3) A notice concerning the adoption of the national spatial plan is published within 30 days of the adoption in at least one newspaper of nation-wide circulation and, within 14 days of the adoption, in the Official Announcements, as well as on the website of the Government of the Republic and of the authority that arranged the preparation of the plan.

(4) When giving notification of the adoption of the national spatial plan, a brief overview must be provided of the content of the plan, including an overview of the government's spatial development objectives and of the likely economic, social and cultural impacts, and the impact on the natural environment, that may be presumed to result from the implementation of the plan.

### **§ 25. Obligation to review the national spatial plan**

(1) The Ministry of Finance reviews the national spatial plan together with county-wide spatial plans at least once every five years and submits an overview of the findings of the review to the Government of the Republic within six months following its completion.

[RT I, 04.07.2017, 1 – entry into force 01.01.2018]

(2) A review of the national spatial plan must ascertain:

- 1) the results of developments based on the plan and the possibilities for further implementation of the plan;
- 2) the conformity of the plan to the aims of this Act;
- 3) the significant economic, social, cultural and environmental impacts brought about by implementation of the plan and the conditions for reducing significant negative impacts;
- 4) the need to prepare a new spatial plan;
- 5) other significant issues related to the implementation of the plan.

### **§ 26. Repeal of the national spatial plan**

In order to repeal the national spatial plan, a new national spatial plan must be prepared in accordance with the requirements established in this Act for the preparation of national spatial plans.

## **Chapter 4 National designated spatial plan**

### **§ 27. National designated spatial plans and the authority that arranges the preparation of such plans**

(1) The aim of a national designated spatial plan is to erect a construction work which has a significant spatial impact and whose chosen location or whose functioning elicits significant national or international interest. A national designated spatial plan is prepared, above all, to express interests which transcend the boundaries

of individual counties in the fields of national defence and security, energy supply, the transport of gas, waste management or for the expression of such interests in public water bodies and in the exclusive economic zone.

(2) A national designated spatial plan must be prepared in respect of the territory of Estonia or a part thereof in order to construct any national road, public railway, pipeline whose working pressure exceeds 16 bar, including gas pipelines, as well as any international airport, international port, construction work serving national defence purposes or construction work of security authorities, power station whose nominal electricity generation capacity exceeds 150 megawatts, overhead electrical power line whose voltage equals or exceeds 110 kilovolts, hazardous waste disposal site and any construction works required for the functioning of such installations, provided the construction works meet the criteria set out in subsection 1 of this section.

(3) A national designated spatial plan is prepared in order to construct a construction work that is not mentioned in subsection 2 of this section but meets the criteria set out in subsection 1 of this section if the Government of the Republic makes the corresponding reasoned decision.

(4) The preparation of a national designated spatial plan concerning a sea area is mandatory in order to erect a construction work mentioned in subsections 2 and 3 of this section provided that no thematic spatial plan has been adopted concerning the location of such construction work in respect of the sea area under the national spatial plan and provided that no such thematic plan is currently under preparation.

(5) On the basis of the national designated spatial plan, restrictions may be imposed on immovable property.

(6) Strategic environmental assessment is mandatory when preparing a national designated spatial plan.

(7) The authority that arranges the preparation of national designated spatial plans is the Ministry of Finance. The Government of the Republic may decide, where necessary, that the authority to arrange the preparation of a national designated spatial plan which relates to matters of national defence and security is the government agency responsible for these matters.

[RT I, 30.06.2015, 4 – entry into force 01.09.2015]

(8) Designation of the national competent authority referred to in Article 8 of Regulation (EU) No 347/2013 of the European Parliament and of the Council on guidelines for trans-European energy infrastructure and repealing Decision No 1364/2006/EC and amending Regulations (EC) No 713/2009, (EC) No 714/2009 and (EC) No 715/2009 (OJ L 115, 25.04.2013, pp. 3975) is made by order of the Government of the Republic.

(9) The procedure for the preparation of a national designated spatial plan consists of pre-selecting a location for the construction work, with the purpose of finding the most suitable location for that construction work, and of the proceedings to prepare the corresponding detailed solution.

(10) The national designated spatial plan forms the basis for preparing the corresponding building design documentation.

(11) During the preparation of the national designated spatial plan, the plan is disseminated on the website of the authority that arranges the preparation of the plan together with its significant annexes, above all surveys, approvals, opinions and other relevant information.

## **§ 28. Initiation of the preparation of national designated spatial plans and of the conduct of strategic environmental assessment**

(1) The preparation of a national designated spatial plan and the conduct of the strategic environmental assessment is initiated by the Government of the Republic at the proposal of the authority arranging the preparation of the national designated spatial plan or of the government agency referred to in section 27(7) of this Act.

(2) Initiation of the preparation of a national designated spatial plan and of the conduct of strategic environmental assessment is foregone above all where:

- 1) it is evident that future implementation of the envisaged plan is impossible;
- 2) this is dictated by other reasons based on imperative public interest or
- 3) no funds are available in the budget of the authority arranging the preparation of the plan to bear the costs attaching to the preparation of the plan, to commissioning the preparation of the plan and to the assessment of impacts, and the party interested in the preparation of the plan does not bear such costs.

[RT I, 04.05.2017, 3 – entry into force 05.05.2017]

(3) The decision on initiating or refusing to initiate the preparation of the national designated spatial plan and the conduct of the strategic environmental assessment is taken within 90 days from receiving the application seeking initiation of the preparation of the plan.

(4) Upon receiving the application seeking initiation of the preparation of the national designated spatial plan, the authority arranging the preparation of the plan informs the public of the content of the application and, where several persons may be presumed to hold an interest in the opening of proceedings concerning the application, of the opportunity to submit an equivalent application. The announcement is published in one newspaper of nation-wide circulation and, in the Official Announcements, as well as on the website of the

Government of the Republic and of the authority arranging the preparation of the national designated spatial plan. Additional applications may be submitted within 30 days from the publication of the announcement.

(5) The decision to initiate the preparation of the national designated spatial plan and the conduct of the strategic environmental assessment states:

- 1) the location and size of the planning area, including its boundaries, as envisaged at the initiation;
- 2) the purpose of the preparation of the plan;
- 3) the purpose of use of the envisaged construction work and the description of the related activity;
- 4) the time and place for perusing the decision on initiation.

(6) The initiation of the preparation of the national designated spatial plan and of the conduct of strategic environmental assessment is announced within 30 days of the initiation in a newspaper of nation-wide circulation and, within 14 days of the initiation, in the Official Announcements as well as on the website of the Government of the Republic and of the authority arranging the preparation of the national designated spatial plan. The announcement states the information referred to in subsection 5 of this section.

(7) The persons and bodies referred to in subsections 1 and 2 of section 31 of this Act are notified in writing of the initiation of the preparation of the national designated spatial plan and of the conduct of the strategic environmental assessment within 30 days of such initiation.

### **§ 29. Termination of the preparation of the national designated spatial plan and of the conduct of strategic environmental assessment**

(1) The authority arranging the preparation of the national designated spatial plan may terminate the preparation of the plan and the conduct of the strategic environmental assessment above all in cases where,

- 1) in the course of the preparation, circumstances are revealed that render future implementation of the plan impossible, or
- 2) the purpose of the preparation of the plan is substantially modified in the course of the preparation or
- 3) no funds are available in the budget of the authority arranging the preparation of the plan to bear the costs attaching to the preparation of the plan, to commissioning the preparation of the plan and to the assessment of impacts, and the party interested in the preparation of the plan does not bear such costs.

[RT I, 04.05.2017, 3 – entry into force 05.05.2017]

(2) Announcement and notification of the termination of the preparation of the national designated spatial plan and of the conduct of the strategic environmental assessment and of the reasons for the termination is made following the requirements established in subsections 6 and 7 of section 28 of this Act concerning announcement and notification of the initiation of the preparation of national designated spatial plans and of the conduct of strategic environmental assessment. The announcement of the termination of the preparation of the national designated spatial plan and of the conduct of the strategic environmental assessment and of the reasons for the termination is also disseminated on the website of the authority that arranged the preparation of the plan within 14 days from the termination.

### **§ 30. Pre-selecting the location in the preparation of national designated spatial plans**

(1) After the initiation of the preparation of the national designated spatial plan and of the conduct of strategic environmental assessment, to find the most suitable location for the envisaged construction work, the location of the construction work is pre-selected. The pre-selection forms the basis for preparing the detailed solution of the national designated spatial plan.

(2) When pre-selecting the location in the context of a national designated spatial plan, several alternative options must be considered. If several equivalent applications have been received that seek the preparation of the national designated spatial plan, the possible locations set out in the applications must also be considered when performing the pre-selection.

### **§ 31. Cooperation and invitation to participate in pre-selecting the location in the context of national designated spatial plans**

(1) The pre-selection of the location in the context of a national designated spatial plan is carried out in cooperation with the ministries and other government agencies in whose area of government the issues addressed by the designated plan fall.

(2) The *Riigikogu*, local authorities within the planning area and persons whose rights the plan may affect, as well as persons who have expressed an interest in being invited to participate in pre-selecting the location, and persons and bodies that may have a legitimate interest in the implementation of the national designated spatial plan or in the significant environmental impact that may be presumed to result from implementation of the plan, including, through an organization that unites them, environmental non-governmental organizations, are invited to participate in pre-selecting the location in the context of the national designated spatial plan.

[RT I, 04.07.2017, 1 – entry into force 01.01.2018]

(3) Any person whose interests the plan may affect may be invited to participate in pre-selecting the location in the context of the national designated spatial plan. If the authority arranging the preparation of the plan invites a person referred to in this subsection to participate in the pre-selection, the provisions established in respect of persons and bodies referred to in subsection 2 of this section also apply to that person.

(4) The bodies and persons referred to in subsections 1–3 of this section notify to the authority that arranges the preparation of the national designated spatial plan the method of communicating to them the notices required under this Act, and the requisite contact information. If the person does not notify to the authority the method of communicating such notices, the authority transmits the notices required under this Act to the address recorded in the Population Register in the case of natural persons and to the address recorded in the relevant register in the case of legal persons.

### **§ 32. Public display of the initial outline of the pre-selection of the location in the context of the national designated spatial plan and of the memorandum of intention to conduct strategic environmental assessment of the national designated spatial plan**

(1) The authority arranging the preparation of the national designated spatial plan arranges the public display of the initial outline of the pre-selection of the location in the context of the national designated spatial plan and of the memorandum of intention to conduct strategic environmental assessment of the national designated spatial plan. The public display is held at least in the main population centre of each local authority situated in the planning area and, in the case of rural municipalities, in the main business centre of each major settlement. Where the planning concerns public water bodies and the exclusive economic zone, the public display is held at least at the government agency arranging the preparation of the national designated spatial plan.

(2) During the time of public display of the initial outline of the pre-selection of the location in the context of the national designated spatial plan and of the memorandum of intention to conduct strategic environmental assessment of the national designated spatial plan, everyone has the right to present opinions concerning the initial outline and the memorandum of intention.

(3) The duration of the public display of the initial outline of the pre-selection of the location in the context of the national designated spatial plan and of the memorandum of intention to conduct strategic environmental assessment of the national designated spatial plan is at least 60 days.

(4) The persons and bodies referred to in subsections 1 and 2 of section 31 of this Act are notified of the public display of the initial outline of the pre-selection of the location in the context of the national designated spatial plan and of the memorandum of intention to conduct strategic environmental assessment of the national designated spatial plan at least 14 days before the commencement of the public display. The notification states the time and place of the public display and the information required under subsection 6 of this section.

(5) The time and place of the public display of the initial outline of the pre-selection of the location in the context of the national designated spatial plan and of the memorandum of intention to conduct strategic environmental assessment of the national designated spatial plan are announced in one newspaper of nationwide circulation, in the local newspaper of the city or rural municipality in whose territory the planning area is situated or, in the case of cities with city districts, in the local newspaper of the city district 14 days before the commencement of the public display. Where there is no local newspaper published in the territory of the local authority or where announcement at least 14 days before the public display is not possible because of the publication schedule of the newspaper, the announcement is published in the newspaper of the county in whose territory the planning area is situated at the latest 14 days before the public display. The announcement of the public display and public discussion is disseminated on the website of the authority arranging the preparation of the national designated spatial plan.

(6) The announcement referred to in subsection 5 of this section must:

- 1) disclose the location of the planning area;
- 2) state the purpose of the preparation of the national designated spatial plan;
- 3) state the purpose of use of the envisaged construction work and describe the related activity.

(7) During the time the initial outline of the pre-selection of the location in the context of the national designated spatial plan and the memorandum of intention to conduct strategic environmental assessment of the national designated spatial plan are on public display, everyone is to have access, during the office hours of the authority arranging the preparation of the national designated spatial plan, to any material and information that is related to the initial outline of the pre-selection and to the memorandum of intention.

(8) Within 30 days after the end of the public display of the initial outline of the pre-selection of the location in the context of the national designated spatial plan and of the memorandum of intention to conduct strategic environmental assessment of the national designated spatial plan, the authority arranging the preparation of the national designated spatial plan communicates to the persons who submitted written opinions during the time of the public display its reasoned position concerning those opinions together with the time and place of the public discussion.

**§ 33. Public discussion of the results of the public display of the initial outline of the pre-selection of the location in the context of the national designated spatial plan and of the memorandum of intention to conduct strategic environmental assessment of the national designated spatial plan**

(1) A public discussion of the results of the public display of the initial outline of the pre-selection of the location in the context of the national designated spatial plan and of the memorandum of intention to conduct strategic environmental assessment of the national designated spatial plan is held within 45 days from the end of the public display. The public discussion is held at least in the main population centre of each local authority situated in the planning area and, in the case of rural municipalities, in the main venue of each major settlement. Where the planning concerns public water bodies and the exclusive economic zone, the public discussion is held at least at the government agency arranging the preparation of the national designated spatial plan.

(2) The persons and bodies referred to in subsections 1 and 2 of section 31 of this Act are notified of the public discussion of the initial outline of the pre-selection of the location in the context of the national designated spatial plan and of the memorandum of intention to conduct strategic environmental assessment of the national designated spatial plan at least 14 days before the commencement of the discussion. The notification states the time and place of the public discussion.

(3) At the public discussion, the authority arranging the preparation of the national designated spatial plan introduces to participants the initial outline of the pre-selection of the location in the context of the national designated spatial plan and the memorandum of intention to conduct strategic environmental assessment of the national designated spatial plan. The authority also introduces to participants the written opinions received during the public display and states its views regarding those opinions, presents its reasons for the solutions selected in the initial outline of the pre-selection and for the aims and activities related to the envisaged construction work, and responds to other questions regarding the initial outline and the memorandum.

(4) Any person who submitted a written opinion during the public discussion may withdraw that opinion by notifying the withdrawal to the authority arranging the preparation of the national designated spatial plan in a form that allows reproduction in writing.

**§ 34. Consideration of the results of the public display and public discussion of the initial outline of the pre-selection of the location in the context of the national designated spatial plan and of the memorandum of intention to conduct strategic environmental assessment of the national designated spatial plan**

(1) If written opinions are submitted during the public display of the initial outline of the pre-selection of the location in the context of the national designated spatial plan and of the memorandum of intention to conduct strategic environmental assessment of the national designated spatial plan, the information concerning the results of the public display and public discussion is published in one newspaper of nation-wide circulation, in the local newspaper of the city or rural municipality in whose territory the planning area is situated or, in the case of cities with city districts, in the local newspaper of the city district and in the Official Announcements within 30 days from the date on which the public discussion was held. Where there is no local newspaper published in the territory of the local authority or where the publishing of information at least 30 days before the public display is not possible because of the publication schedule of the newspaper, the information is published in the newspaper of the county in whose territory the planning area is situated within the time-limit defined above.

(2) Based on the results of the public display and public discussion, the necessary modifications are made to the initial outline of the pre-selection of the location in the context of the national designated spatial plan and to the memorandum of intention to conduct strategic environmental assessment of the national designated spatial plan.

**§ 35. Invitation to present proposals regarding the initial outline of the pre-selection of the location in the context of the national designated spatial plan and the memorandum of intention to conduct strategic environmental assessment**

(1) The authority arranging the preparation of the national designated spatial plan transmits the initial planning outline of the national spatial plan and the memorandum of intention to conduct strategic environmental assessment of the national designated spatial plan to the persons and bodies referred to in subsections 1 and 2 of section 31 of this Act, inviting those bodies and persons to present proposals in regard to these documents and sets a time-limit that may not be shorter than 30 days for the presentation of the proposals.

(2) Based on their sphere of competence, the persons and bodies referred to in subsections 1 and 2 of section 31 of this Act present their proposals regarding the initial planning outline of the national designated spatial plan and regarding the memorandum of intention to conduct strategic environmental assessment of the national designated spatial plan, as well as their opinion concerning the relevance and sufficiency of the memorandum of intention to conduct strategic environmental assessment of the national designated spatial plan, and indicate what they consider, among the alternative locations proposed in the initial planning outline of the national designated spatial plan, the most suitable for the erection of the envisaged construction work, or propose an alternative location for the erection of the construction work.

(3) If a person or body referred to in subsections 1 and 2 of section 31 of this Act has not presented any proposals within the set time-limit, the person or body is deemed to have declined to present proposals regarding the initial planning outline of the national designated spatial plan and the memorandum of intention to conduct strategic environmental assessment of the national designated spatial plan.

(4) The authority arranging the preparation of the national designated spatial plan considers the proposals it has received and, on the basis of the proposals, makes the necessary modifications in the initial planning outline of the national designated spatial plan and in the memorandum of intention to conduct strategic environmental assessment of the national designated spatial plan.

(5) The initial planning outline of the national designated spatial plan and the memorandum of intention to conduct strategic environmental assessment of the national designated spatial plan, together with the proposals submitted by the persons and bodies referred to in subsections 1 and 2 of section 31 of this Act, are disseminated on the website of the authority that arranges the preparation of the plan.

### **§ 36. Report concerning the first stage of the strategic environmental assessment of the national designated spatial plan**

(1) In the course of the pre-selection of the location in the context of the national designated spatial plan, the authority arranging the preparation of the national designated spatial plan prepares a report concerning the first stage of the strategic environmental assessment of the plan.

(2) The report concerning the first stage of the strategic environmental assessment must state the information referred to in clauses 1–14 and 16–17 of subsection 4 of section 40 of the Environmental Impact Assessment and Environmental Management System Act.

(3) The report concerning the first stage of the strategic environmental assessment forms the basis for the preparation of the strategic environmental assessment report.

### **§ 37. Submission for approval of the proposed decision on the pre-selection of the location in the context of the national designated spatial plan and of the report concerning the first stage of the strategic environmental assessment and invitation to present opinions regarding the proposed decision and the report**

(1) The proposed decision on the pre-selection of the location in the context of the national designated spatial plan together with the report concerning the first stage of the strategic environmental assessment is submitted for approval to the bodies and persons referred to in subsection 1 of section 31 of this Act; the bodies and persons referred to in subsection 2 of section 31 of this Act are notified of the opportunity to present their opinion regarding the proposed decision and the report.

(2) If the body or person to whom the proposed decision on the pre-selection of the location in the context of the national designated spatial plan and the report concerning the first stage of the strategic environmental assessment was submitted for approval, or who was invited to present an opinion regarding the proposed decision and report, has not, within 30 days of receiving the proposed decision and report, refused to approve these or presented an opinion or applied for extension of the time-limit, the proposed decision and report are deemed to have been tacitly approved by the body or person to whom they were submitted for approval, or the body or person who was invited to present an opinion is deemed to have declined to do so, unless otherwise provided by law.

(3) Based on the approvals and opinions received, the necessary amendments are made to decision on the pre-selection of the location in the context of the national designated spatial plan and the report concerning the first stage of the strategic environmental assessment.

### **§ 38. Public display of the proposed decision on the pre-selection of the location in the context of the national designated spatial plan and of the report concerning the first stage of the strategic environmental assessment**

(1) The authority arranging the preparation of the national designated spatial plan arranges the public display of the proposed decision on the pre-selection of the location in the context of the national designated spatial plan and of the report concerning the first stage of the strategic environmental assessment. The public display is held at least in the main population centre of each local authority situated in the planning area and, in the case of rural municipalities, in the main venue of each major settlement. Where the planning concerns public water bodies and the exclusive economic zone, the public display is held at least at the government agency arranging the preparation of the national designated spatial plan.

(2) During the time of public display of the proposed decision on the pre-selection of the location in the context of the national designated spatial plan and of the report concerning the first stage of the strategic environmental assessment, everyone has the right to present opinions concerning the proposed decision and report.

(3) The duration of the public display of the proposed decision on the pre-selection of the location in the context of the national designated spatial plan and of the report concerning the first stage of the strategic environmental assessment is at least 30 days.

(4) The persons and bodies referred to in subsections 1 and 2 of section 31 of this Act are notified of the public display of the proposed decision on the pre-selection of the location in the context of the national designated spatial plan and of the report concerning the first stage of the strategic environmental assessment at least 14 days before the commencement of the public display. The notification states the time and place of the public display and the information required under subsection 6 of this section.

(5) The time and place of public display of the proposed decision on the pre-selection of the location in the context of the national designated spatial plan and of the report concerning the first stage of the strategic environmental assessment are announced in a newspaper of nation-wide circulation, in the local newspaper of the city or rural municipality situated in the planning area or, in the case of cities with city districts, in the local newspaper of the city district 14 days before the commencement of the public display. Where there is no local newspaper published in the territory of the local authority or where announcement at least 14 days before the public display is not possible because of the publication schedule of the newspaper, the announcement is published in the newspaper of the county in whose territory the planning area is situated at the latest 14 days before the public display. The announcement of public display is disseminated on the website of the authority arranging the preparation of the national designated spatial plan.

(6) The announcement referred to in subsection 5 of this section must:

- 1) state the purpose of the preparation of the national designated spatial plan;
- 2) disclose the location of the planning area, including the boundaries and size of any alternative planning areas, and the size of the planning area;
- 3) state the purpose of use of the envisaged construction work and describe the related activity and the significant environmental impact likely to be produced.

(7) During the time the proposed decision on the pre-selection of the location in the context of the national designated spatial plan and the report concerning the first stage of the strategic environmental assessment are on public display, everyone is to have access, during the office hours of the authority arranging the preparation of the national designated spatial plan, to any material and information that is related to the proposed decision and report.

(8) Within 30 days after the end of the public display of the proposed decision on the pre-selection of the location in the context of the national designated spatial plan and of the report concerning the first stage of the strategic environmental assessment, the authority arranging the preparation of the national designated spatial plan communicates to the persons who submitted written opinions during the time of the public display its reasoned position concerning those opinions together with the time and place of the public discussion.

### **§ 39. Public discussion of the results of public display of the proposed decision on the pre-selection of the location in the context of the national designated spatial plan and of the report concerning the first stage of the strategic environmental assessment**

(1) A public discussion of the proposed decision on the pre-selection of the location in the context of the national designated spatial plan and of the report concerning the first stage of the strategic environmental assessment is held within 45 days from the end of the public display. The public discussion is held at least in the main population centre of each local authority situated in the planning area and, in the case of rural municipalities, in the main venue of each major settlement. When planning concerns public water bodies and the exclusive economic zone, the public discussion is held at least at the government agency arranging the preparation of the national designated spatial plan.

(2) The persons and bodies referred to in subsections 1 and 2 of section 31 of this Act are notified of the public discussion of the proposed decision on the pre-selection of the location in the context of the national designated spatial plan and of the report concerning the first stage of the strategic environmental assessment at least 14 days before the commencement of the discussion. The notification states the time and place of the public discussion.

(3) At the public discussion, the authority arranging the preparation of the national designated spatial plan introduces to participants the written opinions received during the public display and states its views regarding those opinions, presents its reasons for the solutions selected in the preparation of the proposed decision on the pre-selection of the location in the context of the national designated spatial plan, for the activities and objectives related to the envisaged construction work, and responds to other questions regarding the proposed decision and report.

(4) Any person who submitted a written opinion during the public discussion may withdraw that opinion by notifying the withdrawal to the authority arranging the preparation of the national designated spatial plan in a form that allows reproduction in writing.

**§ 40. Consideration of the results of public display and public discussion of the proposed decision on the pre-selection of the location in the context of the national designated spatial plan and of the report concerning the first stage of the strategic environmental assessment**

(1) The information concerning the results of the public display and public discussion of the proposed decision on the pre-selection of the location in the context of the national designated spatial plan and of the report concerning the first stage of the strategic environmental assessment is published in one newspaper of nationwide circulation, in the local newspaper of the city or rural municipality in whose territory the planning area is situated or, in the case of cities with city districts, in the local newspaper of the city district and in the Official Announcements within 30 days from the date on which the public discussion was held. Where there is no local newspaper published in the territory of the local authority or where the publishing of information at least 30 days before the public discussion is not possible because of the publication schedule of the newspaper, the information is published in the newspaper of the county in whose territory the planning area is situated within the time-limit defined above.

(2) Based on the results of the public display and public discussion, the necessary modifications are made to the proposed decision on the pre-selection of the location in the context of the national designated spatial plan and the report concerning the first stage of the strategic environmental assessment.

(3) If the modifications made on the basis of the results of the public display and public discussions alter the principal solution of the pre-selection of the location in the context of the national designated spatial plan or necessitate significant changes in the report concerning the first stage of the strategic environmental assessment, the proposed decision and report is submitted for approval again to those government agencies in whose area of government the issues addressed by the modifications fall, and the public display and public discussion are held again, following the requirements established in this Act in respect of arranging the public display and public discussion of the proposed decision and report.

**§ 41. Acceptance of the decision on the pre-selection of the location in the context of the national designated spatial plan and of the report concerning the first stage of strategic environmental assessment**

(1) Once the modifications specified in section 40(2) of this Act are made to the proposed decision on the pre-selection of the location in the context of the national designated spatial plan and to the report concerning the first stage of the strategic environmental assessment, the Government of the Republic decides on accepting the pre-selection of the location and the report concerning the first stage of the strategic environmental assessment. [RT I, 04.07.2017, 1 – entry into force 01.01.2018]

(2) By accepting the decision concerning the pre-selection of the location, the authority arranging the preparation of the national designated spatial plan confirms that the selected location is the most suitable for the erection of the construction work envisaged in the national designated spatial plan and that the location of the construction work, the general conditions of its erection, pre-selection of the location, the decision on the pre-selection of the location and the report concerning the first stage of the strategic environmental assessment are in conformity with the relevant legislation and that the information contained in the report concerning the first stage of the strategic environmental assessment is sufficient for making the choice between the different locations under consideration.

(3) Having regard to section 42 of this Act, the decision to accept the pre-selection of the location may include a temporary ban on planning and building work in the planning area or a part thereof.

(4) The persons and bodies referred to in subsections 1 and 2 of section 31 of this Act are notified of the decision concerning the pre-selection of the location within 30 days from accepting the decision. Within 14 days from the acceptance of the decision, the announcement of its acceptance is published in the Official Announcements and disseminated on the website of the authority that arranges the preparation of the national designated spatial plan.

**§ 42. Imposition of temporary ban on planning and building work when preparing the detailed solution of the national designated spatial plan**

(1) The authority arranging the preparation of the national designated spatial plan may impose, for the duration of the preparation of the detailed solution of the national designated spatial plan, a ban on planning and building work in the planning area or a part thereof if the detailed solution envisages alterations in the building rights originally granted in the planning area.

(2) During the temporary ban on planning and building work, the following may be prohibited in the planning area or a part thereof:

- 1) the adoption of comprehensive plans or detailed spatial plans;
- 2) the issuing of building permits for the erection of construction works;
- 3) the issuing of design specifications;
- 4) changing the existing intended purpose of the cadastral unit.

(3) The temporary ban on planning and building work may be imposed for up to two years. Where warranted by the circumstances, the temporary ban may be extended up to four years.

(4) The temporary ban on planning and building work does not apply to building work for which a building permit has been issued or of which the authorities have been notified before the imposition of the ban, and to building work for which the submission of a building notice or the existence of a building permit is not required.

(5) The authority arranging the preparation of the national designated spatial plan notifies, by way of registered letter, the owner of any registered immovable in respect of which the temporary ban on planning and building work is to be imposed and, where necessary, the persons who may be affected by the ban, of its intention to impose the ban and of the reasons for the imposition at least 14 days before imposing the ban.

(6) The authority arranging the preparation of the national designated spatial plan imposes the temporary ban on planning and building work by directive and, within seven days from the imposition of the ban, notifies this by way of registered letter to the owner of any registered immovable subject to the ban, in machine-readable format to the registrar of the national land cadastre, and, where necessary, to any other persons who may be affected by the ban.

#### **§ 43. Functions of the detailed solution of the national designated spatial plan**

(1) After the adoption of the decision to approve the pre-selection of the location, a detailed solution of the national designated spatial plan is prepared, which determines the building rights of the envisaged construction work and fulfils the relevant functions listed in section 126(1) of this Act. In assessing the relevance of the functions, the purpose of the plan and the specific character of the envisaged construction work are taken into account.

(2) If, during the preparation of the detailed solution of the national designated spatial plan, it becomes known that the plan may entail the need to subject an immovable or part thereof to acquisition in the public interest, including expropriation, or to compulsory possession, the authority arranging the preparation of the plan notifies this, by way of registered letter, to the owner of the immovable within seven days from the date on which the need to subject the immovable to acquisition in the public interest, including expropriation, or to compulsory possession became known.

[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

#### **§ 44. Cooperation and invitation to participate in the preparation of the detailed solution of the national designated spatial plan**

(1) The preparation of the detailed solution of the national designated spatial plan is carried out in cooperation with government agencies in whose area of government the issues addressed by the detailed solution of the designated plan fall.

(2) Local authorities in whose territory the envisaged construction work is to be erected, persons whose rights the national designated spatial plan may affect, as well as persons who have expressed an interest in being invited to participate in the preparation of the detailed solution, and persons and bodies that may have a legitimate interest in the implementation of the plan or in the significant environmental impact that may be presumed to result from implementation of the plan, including, through an organization that unites them, environmental non-governmental organizations, as well as any foundations and non-profit organizations representing the residents of the planning area, are invited to participate in the preparation of the detailed solution of the national designated spatial plan.

[RT I, 04.07.2017, 1 – entry into force 01.01.2018]

(3) Any person whose interests the national designated spatial plan may affect may be invited to participate in the preparation of the detailed solution of the plan. If the authority arranging the preparation of the plan invites a person referred to in this subsection to participate in the preparation of the detailed solution, the provisions established in respect of the persons and bodies referred to in subsection 2 of this section also apply to that person.

(4) The bodies and persons referred to in subsections 1–3 of this section notify to the authority that arranges the preparation of the national designated spatial plan the method of communicating to them the notices required under this Act, and the requisite contact information. If the person does not notify to the authority the method of communicating such notices, the authority transmits the notices required under this Act to the address recorded in the Population Register in the case of natural persons and to the address recorded in the relevant register in the case of legal persons.

(5) During the preparation of the detailed solution of the national spatial plan, the detailed solution is disseminated on the website of the authority that arranges the preparation of the plan together with its significant annexes, above all surveys, approvals, opinions and other relevant information.

#### **§ 45. Public display of the proposed detailed solution of the national designated spatial plan and of the strategic environmental assessment report**

(1) The authority arranging the preparation of the national designated spatial plan arranges the public display of the proposed detailed solution that is prepared on the basis of the decision approving the pre-selection of the location and of the strategic environmental assessment report. The public display is held at least in the main population centre of the rural municipality in whose territory the planning area is situated, or in the main venue of the settlement situated in the planning area and in the main business centre of the city or city district. Where the planning concerns public water bodies and the exclusive economic zone, the public display is held at least at the government agency arranging the preparation of the national designated spatial plan.

(2) During the time of public display of the proposed detailed solution of the national designated spatial plan and of the strategic environmental assessment report, everyone has the right to present opinions concerning the proposed detailed solution and report.

(3) The duration of public display of the proposed detailed solution of the national designated spatial plan and of the strategic environmental assessment report is at least 30 days.

(4) The persons and bodies referred to in subsections 1 and 2 of section 44 of this Act are notified of the public display of the proposed detailed solution of the national designated spatial plan and of the strategic environmental assessment report at least 14 days before the commencement of the public display. The notification states the time and place of the public display and the information required under subsection 6 of this section.

(5) The time and place of the public display of the proposed detailed solution of the national designated spatial plan and of the strategic environmental assessment report are announced in a newspaper of nation-wide circulation, in the local newspaper of the city or rural municipality in whose territory the planning area is situated or, in the case of cities with city districts, in the local newspaper of the city district at the latest 14 days before the commencement of the public display. Where there is no local newspaper published in the territory of the local authority or where announcement at least 14 days before the public display is not possible because of the publication schedule of the newspaper, the announcement is published in the newspaper of the county in whose territory the planning area is situated at the latest 14 days before the public display. The announcement of the public display is disseminated on the website of the authority arranging the preparation of the national designated spatial plan.

(6) The announcement referred to in subsection 5 of this section must:

- 1) disclose the location, including the boundaries, and size of the planning area;
- 2) briefly introduce the content of the detailed solution of the national designated spatial plan and any significant impacts that may be presumed to result from implementation of the plan, as well as the major changes envisaged in comparison with the existing situation;
- 3) state the purpose of use of the envisaged construction work and describe the related activity and the significant environmental impact likely to be produced.

(7) During the time the proposed detailed solution of the national designated spatial plan and the strategic environmental assessment report are on public display, everyone is to have access, during the office hours of the authority arranging the preparation of the national designated spatial plan, to any material and information that is related to the proposed detailed solution and report.

(8) Within 30 days after the end of the public display of the proposed detailed solution of the national designated spatial plan and of the strategic environmental assessment report, the authority arranging the preparation of the national designated spatial plan communicates to the persons who submitted written opinions during the time of the public display its reasoned position concerning those opinions together with the time and place of the public discussion.

#### **§ 46. Public discussion of the results of public display of the proposed detailed solution of the national designated spatial plan and of strategic environmental assessment report**

(1) A public discussion of the proposed detailed solution of the national designated spatial plan and of the strategic environmental assessment report is held within 45 days from the end of the public display. The public discussion is held at least in the main population centre of the rural municipality in whose territory the planning area is situated, or in the main venue of the settlement situated in the planning area and in the main business centre of the city or city district. When planning concerns public water bodies and the exclusive economic zone, the public discussion is held at least at the government agency arranging the preparation of the national designated spatial plan.

(2) The persons and bodies referred to in subsections 1 and 2 of section 44 of this Act are notified of the public discussion of the proposed detailed solution of the national designated spatial plan and of the strategic environmental assessment report at least 14 days before the commencement of the discussion. The notification states the time and place of the public discussion.

(3) At the public discussion, the authority arranging the preparation of the national designated spatial plan introduces to participants the written opinions received during the public display and states its views regarding

those opinions, presents its reasons for the solutions selected in the preparation of the proposed detailed solution of the national designated spatial plan, for the activities and objectives related to the envisaged construction work, and responds to other questions regarding the proposed detailed solution and report.

(4) Any person who submitted a written opinion during the public discussion may withdraw that opinion by notifying the withdrawal to the authority arranging the preparation of the national designated spatial plan in a form that allows reproduction in writing.

#### **§ 47. Consideration of the results of public display and public discussion of the proposed detailed solution of the national designated spatial plan and strategic environmental assessment report**

(1) If written opinions were submitted during the public display of the proposed detailed solution of the national designated spatial plan and of the strategic environmental assessment report, the information concerning the results of the public display and public discussion is published in one newspaper of nation-wide circulation, in the local newspaper of the city or rural municipality in whose territory the planning area is situated or, in the case of cities with city districts, in the local newspaper of the city district and in the Official Announcements within 30 days from the date on which the public discussion was held. Where there is no local newspaper published in the territory of the local authority or where the publishing of information at least 30 days before the public display is not possible because of the publication schedule of the newspaper, the information is published in the newspaper of the county in whose territory the planning area is situated within the time-limit defined above.

(2) Based on the results of the public display and public discussion, the necessary modifications are made to the proposed detailed solution of the national designated spatial plan and to the strategic environmental assessment report.

#### **§ 48. Submission for approval of the proposed detailed solution of the national designated spatial plan and strategic environmental assessment report and invitation to present opinions regarding the proposed detailed solution and report**

(1) The proposed detailed solution of the national designated spatial plan and the strategic environmental assessment report is submitted for approval to the bodies and persons referred to in subsection 1 of section 44 of this Act; the bodies and persons referred to in subsection 2 of section 44 of this Act are notified of the opportunity to present their opinion regarding the proposed detailed solution and report.

(2) If the body or person to whom the proposed detailed solution of the national designated spatial plan and the strategic environmental assessment report was submitted for approval, or who was invited to present an opinion regarding the proposed detailed solution and report, has not, within 30 days of receiving the proposed detailed solution and report, refused to approve these or presented an opinion or applied for extension of the time-limit, the proposed detailed solution and report are deemed to have been tacitly approved by the body or person to whom they were submitted for approval, or the body or person who was invited to present an opinion is deemed to have declined to do so, unless otherwise provided by law.

(3) If the person or body to whom the proposed detailed solution of the national designated spatial plan and the strategic environmental assessment report were submitted for approval does not indicate that the proposed detailed solution or report is contrary to legislation or to a national spatial plan, the proposed detailed solution of the national designated spatial plan is deemed to have been approved. When deciding whether to approve the proposed strategic environmental assessment 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.

#### **§ 49. Acceptance of the national designated spatial plan**

(1) When the results of the strategic environmental assessment report are incorporated in the national designated spatial plan, the Government of the Republic decides on accepting the national designated spatial plan.

[RT I, 04.07.2017, 1 – entry into force 01.01.2018]

(2) By making the decision to accept the national designated spatial plan, the authority arranging the preparation of the plan confirms that the plan is in conformity with the relevant legislation and that the results of the strategic environmental assessment have been taken into account in the preparation of the plan.

#### **§ 50. Public display of the national designated spatial plan**

(1) After it has accepted the national designated spatial plan, the authority arranging the preparation of the plan arranges the public display of the plan. The public display is held at least in the main population centre of the rural municipality in whose territory the planning area is situated, or in the main business centre of the settlement situated in the planning area and in the main business centre of the city or city district. Where the

planning concerns public water bodies and the exclusive economic zone, the public display is held at least at the government agency arranging the preparation of the national designated spatial plan.

(2) During the time of public display of the national designated spatial plan, everyone has the right to present opinions concerning the plan.

(3) The national designated spatial plan that is to be displayed to the public must clearly state the changes emanating from the plan, the weighed reasons of the solution presented, the conditions of implementation of the plan and other facts explaining the plan. Together with the national designated spatial plan, the approvals and opinions received in accordance with section 48(1) of this Act regarding the plan are also made public.

(4) The duration of public display of the national designated spatial plan is at least 30 days.

(5) The persons and bodies referred to in subsections 1 and 2 of section 44 of this Act are notified of the public display of the national designated spatial plan at least 14 days before the commencement of the public display. The notification states the time and place of the public display and the information required under subsection 7 of this section.

(6) The time and place of public display of the national designated spatial plan are announced in one newspaper of nation-wide circulation, in the local newspaper of the city or rural municipality in whose territory the planning area is situated or, in the case of cities with city districts, in the local newspaper of the city district and in Official Announcements at the latest 14 days before the commencement of the public display. Where there is no local newspaper published in the territory of the local authority or where announcement at least 14 days before the public display is not possible because of the publication schedule of the newspaper, the announcement is published in the newspaper of the county in whose territory the planning area is situated at the latest 14 days before the public display. The announcement of the public display is disseminated on the website of the authority arranging the preparation of the national designated spatial plan.

(7) The announcement referred to in subsection 5 of this section must:

- 1) disclose the location, including the boundaries, and size of the planning area;
- 2) briefly introduce the content of the national designated spatial plan and any significant impacts that may be presumed to result from implementation of the plan, as well as the consideration that the results of the strategic environmental assessment report received in the preparation of the plan;
- 3) state the major changes envisaged in comparison with the existing situation.

(8) During the time the national designated spatial plan is on public display, everyone is to have access, during the office hours of the authority arranging the preparation of the national designated spatial plan, to any material and information that is related to the plan and that the authority has at its disposal.

(9) In the case of a repeat public display referred to in section 52(3) of this Act, opinions may be presented only with regard to the modifications that have been made in the national designated spatial plan to alter its principal solution after the previous public display.

(10) Within 30 days after the end of the public display of the national designated spatial plan, the authority arranging the preparation of the plan communicates to the persons who submitted written opinions during the time of the public display its reasoned position concerning those opinions together with the time and place of the public discussion.

#### **§ 51. Public discussion of the results of public display of the national designated spatial plan**

(1) The authority arranging the preparation of the national designated spatial plan arranges a public discussion of the national designated spatial plan within 45 days from the end of the public display. The public display is held at least in the main population centre of the rural municipality in whose territory the planning area is situated, or in the main business centre of the settlement situated in the planning area and in the main business centre of the city or city district. Where the planning concerns public water bodies and the exclusive economic zone, the public discussion is held at least at the government agency arranging the preparation of the national designated spatial plan.

(2) The holding of the public discussion is not mandatory if no written opinions were submitted concerning the national designated spatial plan during the time it was on public display or if all written opinions have been followed.

(3) The persons and bodies referred to in subsections 1 and 2 of section 44 of this Act are notified of the public discussion of the national designated spatial plan at least 14 days before the commencement of the discussion. The notification states the time and place of the public discussion.

(4) At the public discussion, the authority arranging the preparation of the national designated spatial plan introduces to participants the written opinions received during the public display and states its views regarding those opinions, presents its reasons for the solutions selected in the preparation of the national designated spatial plan, and responds to other questions regarding the plan.

(5) Any person who submitted a written opinion during the public discussion may withdraw that opinion by notifying the withdrawal to the authority arranging the preparation of the national designated spatial plan in a form that allows reproduction in writing.

#### **§ 52. Consideration of the results of public display and public discussion of the national designated spatial plan**

(1) If written opinions were submitted during the public display of the national designated spatial plan, the information concerning the results of the public display and public discussion is published in one newspaper of nation-wide circulation, in the local newspaper of the city or rural municipality in whose territory the planning area is situated or, in the case of cities with city districts, in the local newspaper of the city district and in the Official Announcements within 30 days from the date on which the public discussion was held. Where there is no local newspaper published in the territory of the local authority or where the publishing of the information at least 30 days before the public display is not possible because of the publication schedule of the newspaper, the information is published in the newspaper of the county in whose territory the planning area is situated within the time-limit defined above.

(2) Based on the results of the public display and public discussion, the necessary modifications are made to the national designated spatial plan.

(3) If the modifications made on the basis of the results of the public display and public discussions alter the principal solution of the national designated spatial plan or necessitate significant changes in the strategic environmental assessment report, the national designated spatial plan and strategic environmental assessment report are submitted for approval again to those government agencies in whose area of government the issues addressed by the modifications fall, and the public display and public discussion are held again, following the requirements established in this Act in respect of arranging the public display and public discussion of the national designated spatial plan and strategic environmental assessment report.

#### **§ 53. Adoption of the national designated spatial plan**

(1) The national designated spatial plan is adopted by order of the Government of the Republic.

(2) The adoption of the national designated spatial plan suspends the validity of any previously adopted spatial plan or part thereof in respect of the planning area. In the area covered by the spatial plan whose validity has been suspended, the national designated spatial plan replaces that plan and the corresponding modifications are to be made in the relevant spatial plans within 60 days of the adoption of the national designated spatial plan. When making the modifications, a statement to the effect that the corresponding land area is subject to a designated spatial plan must be included in the previously adopted spatial plan or, where this is technically possible, the changes envisaged in the designated spatial plan are to be recorded on the map of the previously adopted spatial plan and in its explanatory text.

(3) The national designated spatial plan expires if its implementation has not commenced within five years from the adoption of the plan.

(4) In order to bring a national designated spatial plan into conformity with legislation that has been amended or adopted after the adoption of the plan or with a court judgment that has become final after the adoption of the plan, the authority that arranged the preparation of the plan makes the corresponding modifications in the plan by means of an administrative operation, without conducting public proceedings. Announcement and notification of the making of the modifications is made following the requirements established for the announcement and notification of the adoption of national designated spatial plans.

(5) The persons and bodies referred to in subsections 1 and 2 of section 31 and in subsections 1 and 2 of 44 of this Act are notified of the adoption of the national designated spatial plan within 14 days of the adoption. Notification is also made to the owners of any immovables that, in order for the national designated spatial plan to be implemented, need to be subjected to acquisition in the public interest, including expropriation, or to compulsory possession.

[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

(6) A notice concerning the adoption of the national designated spatial plan is published within 30 days of the adoption in at least one newspaper of nation-wide circulation and in the local newspaper of the city or rural municipality in whose territory the planning area is situated or, in the case of cities with city districts, in the local newspaper of the city district and, within 14 days of the adoption, in the Official Announcements, as well as on the website of the authority that arranged the preparation of the plan. Where announcement within 30 days is not possible because of the publication schedule of the local newspaper, the notice of the adoption of the national designated spatial plan is published in the local newspaper at the earliest opportunity, and is also published within 30 days in the county newspaper. Where there is no local newspaper published in the territory of the local authority, the notice of the adoption of the national designated spatial plan is published in the newspaper of the county in whose territory the planning area is situated within 30 days.

#### **§ 54. Contestation of national designated spatial plans**

Anyone who finds that the decision by which the national designated spatial plan is adopted is contrary to public interest or infringes his or her rights or impinges on his or her freedoms has the right to contest the decision in court within 30 days from the day on which he or she became or should have become aware of the adoption of the plan.

## **Chapter 5 County-wide spatial plan**

#### **§ 55. County-wide spatial plans and the authority that arranges the preparation of such plans**

(1) The aim of a county-wide spatial plan is to define the principles and directions of spatial development of the entire county or a part thereof, or of another region. A county-wide spatial plan is prepared primarily in order to express interests that transcend the boundaries of individual local authorities, and in order to balance national and local needs and interests regarding spatial development.

[RT I, 04.07.2017, 1 – entry into force 01.01.2018]

(1<sup>1</sup>) A county-wide spatial plan may be prepared concerning a tract of land as well as concerning public water bodies with the exception of internal waters and the territorial sea.

[RT I, 04.07.2017, 1 – entry into force 01.01.2018]

(2) County-wide spatial plans are the basis for the preparation of comprehensive plans.

(3) Strategic environmental assessment is mandatory when preparing a county-wide spatial plan. When preparing a thematic county-wide spatial plan, a preliminary assessment must be made and the conducting of strategic environmental assessment must be considered following the criteria established in subsections 4 and 5 of section 33 of the Environmental Impact Assessment and Environmental Management System Act and the positions of the authorities relevant under subsection 6 of that section.

(4) The preparation of county-wide spatial plans is arranged by the Ministry of Finance.

[RT I, 04.07.2017, 1 – entry into force 01.01.2018]

#### **§ 56. Functions of county-wide spatial plans**

(1) The functions of county-wide spatial plans are:

- 1) to define balanced and sustainable settlement with respect to the planning area, including the statement of conditions significant for the functioning of the network of centres and for influencing the distribution of communities, and to determine the principles for the planning of centres;
- 2) to determine the potential locations of transport networks and other infrastructure, including national roads, public railways, waterways, aerodromes and harbours;
- 3) to determine the potential locations of waste treatment sites of regional importance, including landfills;
- 4) to define general principles for the use of public water bodies;
- 5) to state the conditions of use of mineral deposits and of areas affected by mining;
- 6) to state the general conditions of use for the preservation of cultural heritage;
- 7) to state the general conditions of use for the preservation of valuable agricultural land, landscapes and natural biotic communities;
- 8) to define important leisure and recreation areas and to state the general conditions of use for such areas;
- 9) to state the general conditions of use for ensuring the functioning of the green network;
- 10) to define the location of areas serving national defence purposes and of areas impacted by such areas and to state the general conditions of use for such areas;
- 11) to formulate directions for the preparation of comprehensive plans;
- 12) to fulfil other functions that emanate from a national spatial plan or that are related to the themes mentioned in this subsection.

(2) The functions to be fulfilled by a county-wide spatial plan are decided on in accordance with the county's spatial needs and the purpose of the spatial plan.

#### **§ 57. Cooperation and invitation to participate in the preparation of county-wide spatial plans**

[RT I, 04.07.2017, 1 – entry into force 01.01.2018]

(1) A county-wide spatial plan is prepared in cooperation with the ministries, the local authorities within the planning area and the government agencies in whose area of government the questions dealt with in the plan fall.

(2) Persons who have expressed an interest to be invited to participate in the preparation of the county-wide spatial plan, as well as persons and bodies that may have a legitimate interest in the significant environmental impact that may be presumed to result from implementation of the plan, or in the directions of spatial

development in the planning area, including, through an organization that unites them, environmental non-governmental organizations, are invited to participate in the preparation of the county-wide spatial plan.

(3) Any person whose interests may be affected by the county-wide spatial plan may be invited to participate in the preparation of the plan. Should the authority arranging the preparation of the plan extend an invitation to participate to such a person, the provisions applicable to that person are those that apply to the persons and bodies referred to in subsection 2 of this section.

(4) The bodies and persons referred to in subsections 1–3 of this section notify to the authority that arranges the preparation of the county-wide spatial plan the method of communicating to them the notices required under this Act, and the requisite contact information. If the person does not notify to the authority the method of communicating such notices, the authority transmits the notices required under this Act to the address recorded in the Population Register in the case of natural persons and to the address recorded in the relevant register in the case of legal persons.

(5) During the preparation of the county-wide spatial plan, the plan is disseminated through the website of the authority arranging the preparation of the plan together with its significant annexes, above all surveys, approvals, opinions and other relevant information.  
[RT I, 04.07.2017, 1 – entry into force 01.01.2018]

### **§ 58. Initiation of county-wide spatial plans and of strategic environmental assessment**

(1) The preparation of a county-wide spatial plan and the conduct of the strategic environmental assessment is initiated by the Government of the Republic.  
[RT I, 04.07.2017, 1 – entry into force 01.01.2018]

(2) Initiation of the preparation of a county-wide spatial plan and of the conduct of the strategic environmental assessment is foregone above all where:

- 1) it is evident that future implementation of the envisaged plan is impossible;
- 2) this is dictated by other reasons based on imperative public interest.

(3) The decision on initiating or refusing to initiate the preparation of the county-wide spatial plan and the conduct of the strategic environmental assessment is taken within 30 days from receiving the application seeking initiation of the preparation of the plan.

(4) The decision to initiate the preparation of the county-wide spatial plan and the conduct of the strategic environmental assessment states:

- 1) the purpose of the preparation of the plan;
- 2) the location and size of the planning area, including its boundaries;

[RT I, 04.07.2017, 1 – entry into force 01.01.2018]

- 3) the time and place for perusing the decision on initiation.

(5) The initiation of the preparation of the county-wide spatial plan and of the conduct of strategic environmental assessment is announced within 30 days of the initiation in the county newspaper or in a newspaper of nation-wide circulation, and in the local newspaper of the city or rural municipality located in the planning area. Where announcement within 30 days is not possible because of the publication schedule of the newspaper, the announcement is published in the newspaper at the earliest opportunity, and is also published in the county newspaper within 30 days of the initiation. If there is no local newspaper published in territory of the local authority, the announcement is published in the county newspaper of the county in whose territory the planning area is situated within 30 days of the initiation.

(6) The notice concerning initiation of the preparation of the county-wide spatial plan and of the conduct of the strategic environmental assessment is published in the Official Announcements and on the website of the authority arranging the preparation of the plan within 14 days following the initiation. The notice must include the information referred to in subsection 4 of this section.  
[RT I, 04.07.2017, 1 – entry into force 01.01.2018]

(7) The persons and bodies referred to in subsections 1 and 2 of section 57 of this Act are notified of the initiation of the preparation of the county-wide spatial plan and of the conduct of the strategic environmental assessment within 30 days of such initiation.

### **§ 59. Termination of the preparation of the county-wide spatial plan and of the conduct of strategic environmental assessment**

(1) The authority arranging the preparation of the county-wide spatial plan may terminate the preparation of the plan and the conduct of the strategic environmental assessment above all in cases where, in the course of the preparation, circumstances are revealed that render future implementation of the plan impossible, or where the purpose of the preparation of the plan is substantially modified in the course of the preparation.

(2) Announcement and notification of termination of the preparation of the county-wide spatial plan and of the conduct of the strategic environmental assessment, and of the reasons of termination, is made following the requirements established in subsections 5 and 7 of section 58 of this Act concerning announcement and notification of the initiation of the preparation of county-wide spatial plans and of the conduct of strategic environmental assessment. The announcement of the termination of the preparation of the county-wide spatial plan and of the conduct of the strategic environmental assessment and of the reasons for the termination is also disseminated on the website of the authority arranging the preparation of the plan within 14 days following the termination.

[RT I, 04.07.2017, 1 – entry into force 01.01.2018]

#### **§ 60. Memorandum of intention to conduct strategic environmental assessment of the county-wide spatial plan**

(1) After initiating the preparation of the county-wide spatial plan, the authority arranging the preparation of the plan draws up a memorandum of intention to conduct a strategic environmental assessment of the plan.

(2) The memorandum of intention to conduct a strategic environmental assessment of the county-wide spatial plan states the extent and preliminary schedule of the assessment and the significant environmental impact that may presumably result from the implementation of the plan, including the impact on human health, the possibility that the implementation of the plan produces a cross-border impact, the possible impact on areas part of the Natura 2000 network and any other relevant information that the authority arranging the preparation of the plan is aware of.

(3) The memorandum of intention to conduct a strategic environmental assessment of the county-wide spatial plan forms the basis for the preparation of the strategic environmental assessment report.

#### **§ 61. Invitation to present proposals regarding the initial outline of the county-wide spatial plan and the memorandum of intention to conduct strategic environmental assessment**

(1) The authority arranging the preparation of county-wide spatial plan transmits the initial planning outline of the county-wide spatial plan and the memorandum of intention to conduct strategic environmental assessment of the plan to the persons and bodies referred to in subsections 1 and 2 of section 57 of this Act, inviting those bodies and persons to present proposals in regard to these documents and sets a time-limit that may not be shorter than 30 days for the presentation of the proposals.

(2) Based on their sphere of competence, the persons and bodies referred to in subsections 1 and 2 of section 57 of this Act present their proposals regarding the initial planning outline of the county-wide spatial plan and regarding the memorandum of intention to conduct strategic environmental assessment of the plan, as well as their opinion concerning the relevance and sufficiency of the memorandum of intention to conduct strategic environmental assessment of the plan.

(3) [Repealed – RT I, 04.07.2017, 1 – entry into force 01.01.2018]

(4) If a person or body referred to in subsections 1 and 2 of section 57 of this Act has not presented a proposal within the set time-limit, the person or body is deemed to have declined to present proposals regarding the initial planning outline of the county-wide spatial plan and the memorandum of intention to conduct strategic environmental assessment of the plan.

(5) The authority arranging the preparation of the county-wide spatial plan considers the proposals it has received and, on the basis of the proposals, makes the necessary modifications in the initial planning outline of the county-wide spatial plan and in the memorandum of intention to conduct strategic environmental assessment of the plan.

(6) The initial planning outline of the county-wide spatial plan and the memorandum of intention to conduct strategic environmental assessment of the plan, together with the proposals submitted by the persons and bodies referred to in subsections 1 and 2 of section 57 of this Act, are disseminated on the website of the authority arranging the preparation of the plan.

[RT I, 04.07.2017, 1 – entry into force 01.01.2018]

#### **§ 62. Public display of the proposed county-wide spatial plan and strategic environmental assessment report**

(1) The authority arranging the preparation of the county-wide spatial plan arranges the public display of the plan and of the strategic environmental assessment report. The public display is held at least in the major population centre of the county on whose territory the planning area is located.

(2) During the time of public display of the proposed county-wide spatial plan and proposed strategic environmental assessment report, everyone has the right to present opinions concerning the proposed plan and report.

(3) The duration of public display of the proposed county-wide spatial plan and proposed strategic environmental assessment report is at least 30 days.

(4) The persons and bodies referred to in subsections 1 and 2 of section 57 of this Act are notified of the public display of the proposed county-wide spatial plan and strategic environmental assessment report at least 14 days before the commencement of the public display. The notification states the time and place of the public display and the information required under subsection 6 of this section.

(5) The time and place of public display of the proposed county-wide spatial plan and strategic environmental assessment report are announced in the county newspaper or in one newspaper of nation-wide circulation and in the local newspaper of each local authority situated in the planning area or, in the case of cities with city districts, in the local newspaper of each city district 14 days before the commencement of the public display. Where there is no local newspaper published in the territory of the local authority or where announcement at least 14 days before the public display is not possible because of the publication schedule of the newspaper, the announcement is published in the county newspaper of the county in whose territory the planning area is situated at the latest 14 days before the public display. The announcement of the public display and public discussion of the proposed county-wide spatial plan and strategic environmental assessment report is disseminated on the website of the authority arranging the preparation of the plan.  
[RT I, 04.07.2017, 1 – entry into force 01.01.2018]

(6) The announcement referred to in subsection 5 of this section must:

- 1) disclose the location and size, including the boundaries, of the planning area of the thematic plan and of any plan prepared regarding a part of the county;
- 2) briefly introduce the content of the county-wide spatial plan, including stating any significant environmental impacts that may presumably result from the implementation of the plan as well as the major changes envisaged in comparison with the existing situation.

(7) During the time the proposed county-wide spatial plan and strategic environmental assessment report are on public display, everyone is to have access, at the major population centre of the planning area, during the office hours of the authority arranging the preparation of the plan, to any material and information which is related to the proposed plan and report and which the authority arranging the preparation of the plan has at its disposal.  
[RT I, 04.07.2017, 1 – entry into force 01.01.2018]

(8) Within 30 days after the end of the public display of the proposed county-wide spatial plan and strategic environmental assessment report, the authority arranging the preparation of the county-wide spatial plan communicates to the persons who submitted written opinions during the time the proposed plan and report were on public display its reasoned position concerning those opinions together with the time and place of the public discussion of the proposed plan and report.

### **§ 63. Public discussion of the results of the public display of the proposed county-wide spatial plan and strategic environmental assessment report**

(1) A public discussion of the results of the public display of the proposed county-wide spatial plan and strategic environmental assessment report is held within 45 days from the end of the public display. The public discussion is held at least in the major population centre of the county in whose territory the planning area is situated.

(2) The persons and bodies referred to in subsections 1 and 2 of section 57 of this Act are notified of the public discussion of the proposed county-wide spatial plan and strategic environmental assessment report at least 14 days before the commencement of the discussion. The notification states the time and place of the public discussion.

(3) At the public discussion, the authority arranging the preparation of the county-wide spatial plan introduces to participants the written opinions received during the public display and states its views regarding those opinions, presents its reasons for the solutions selected during the preparation of the county-wide spatial plan and responds to other questions regarding the proposed county-wide spatial plan and strategic environmental assessment report.

(4) Any person who submitted a written opinion during the public discussion may withdraw that opinion by notifying the withdrawal to the authority arranging the preparation of the county-wide spatial plan in a form that allows reproduction in writing.

### **§ 64. Consideration of the results of the public display and public discussion of the proposed county-wide spatial plan and strategic environmental assessment report**

(1) If written opinions are received during the public display of the proposed county-wide spatial plan and strategic environmental assessment report, the information concerning the results of the public display is published in the county newspaper or in one newspaper of nation-wide circulation and in the local newspaper of each local authority situated in the planning area within 30 days from the date on which the public discussion was held. Where there is no local newspaper published in the territory of the local authority or where announcement within 30 days is not possible because of the publication schedule of the newspaper,

the announcement is published in the county newspaper of the county in whose territory the planning area is situated within the time-limit defined above.

(2) Based on the results of the public display and public discussion, the necessary modifications are made to the proposed county-wide spatial plan and strategic environmental assessment report.

#### **§ 65. Submission for approval of the proposed county-wide spatial plan and strategic environmental assessment report and invitation to present opinions concerning the proposed plan and report**

(1) The proposed county-wide spatial plan and strategic environmental assessment report are submitted for approval to the persons and bodies referred to in subsection 1 of section 57 of this Act; the persons and bodies referred to in subsection 2 of section 57 of this Act are notified of the opportunity to present their opinion regarding the proposed plan and report.

(2) If the body or person to whom the proposed county-wide spatial plan and strategic environmental assessment report was submitted for approval or who was invited to present an opinion regarding the proposed plan and report has not, within 30 days of receiving these, refused to approve the proposed plan or report or presented an opinion or applied for extension of the time-limit, the proposed plan and report are deemed to have been tacitly approved by the body or person to whom they were submitted for approval, or the body or person who was invited to present an opinion regarding the proposed plan and report is deemed to have declined to do so, unless otherwise provided by law.

(3) If the person or body to whom the proposed county-wide spatial plan and proposed strategic environmental assessment report were submitted for approval does not indicate that the proposed plan or report is contrary to legislation, the proposed plan is deemed to have been approved. When deciding whether to approve the proposed strategic environmental assessment 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.

#### **§ 66. Acceptance of the county-wide spatial plan**

(1) When the results of the strategic environmental assessment report are incorporated in the county-wide spatial plan, the Government of the Republic makes the decision on accepting the county-wide spatial plan. [RT I, 04.07.2017, 1 – entry into force 01.01.2018]

(2) By making the decision to accept the county-wide spatial plan, the authority arranging the preparation of the plan confirms that the plan is in conformity with the relevant legislation and corresponds to the spatial development objectives of the county. The authority also confirms that the results of the strategic environmental assessment have been taken into account in the preparation of the plan.

#### **§ 67. Public display of the county-wide spatial plan**

(1) After it has accepted the county-wide spatial plan, the authority arranging the preparation of the plan arranges the public display of the plan. The public display is held at least in the major population centre of the county in whose territory the planning area is situated.

(2) During the time of public display of the county-wide spatial plan, everyone has the right to present opinions concerning the plan.

(3) The county-wide spatial plan that is to be displayed to the public must clearly state the changes emanating from the plan, the weighed reasons of the solution presented, the conditions of implementation of the plan and other facts explaining the plan. Together with the county-wide spatial plan, the approvals and opinions received in accordance with section 65(1) of this Act regarding the plan are also made public.

(4) The duration of public display of the county-wide spatial plan is at least 30 days.

(5) The persons and bodies referred to in subsections 1 and 2 of section 57 of this Act are notified of the public display of the county-wide spatial plan at least 14 days before the commencement of the public display. The notification states the time and place of the public display and the information required under subsection 7 of this section.

(6) The time and place of public display of the county-wide spatial plan are announced in the county newspaper or in one newspaper of nation-wide circulation and in the local newspaper of the city or rural municipality in whose territory the planning area is situated at the latest 14 days before the commencement of the public display. Where there is no local newspaper published in the territory of the local authority or where announcement at least 14 days before the public display is not possible because of the publication schedule of the newspaper, the announcement is published in the newspaper of the county in whose territory the planning area is situated at the latest 14 days before the public display. The announcement of the public display is disseminated on the website of the authority arranging the preparation of the plan.

[RT I, 04.07.2017, 1 – entry into force 01.01.2018]

(7) The announcement referred to in subsection 6 of this section must:

1) disclose the location, including the boundaries, and size of the planning area;

- 2) briefly introduce the content of the county-wide spatial plan and any significant impacts that may be presumed to result from implementation of the plan, as well as the consideration that the results of the strategic environmental assessment report received in the preparation of the plan;
- 3) state the major changes envisaged in comparison with the existing situation.

(8) During the time of public display of the county-wide spatial plan, everyone is to have access, during the office hours of the authority arranging the preparation of the plan, to any material and information which is related to the county-wide spatial plan and which the authority arranging the preparation of the plan has at its disposal.

[RT I, 04.07.2017, 1 – entry into force 01.01.2018]

(9) Within 30 days after the end of the public display of the county-wide spatial plan, the authority arranging the preparation of the plan communicates to the persons who submitted written opinions during the time of the public display its reasoned position concerning those opinions together with the time and place of the public discussion.

#### **§ 68. Public discussion of the results of public display of the county-wide spatial plan**

(1) A public discussion of the results of the public display of the county-wide spatial plan is held within 45 days from the end of the public display. The public display is held at least in the major population centre of the county in whose territory the planning area is situated.

(2) The holding of the public discussion is not mandatory if no written opinions were submitted concerning the county-wide spatial plan during the time the plan was on public display or if all written opinions have been followed.

(3) The persons and bodies referred to in subsections 1 and 2 of section 57 of this Act are notified of the public discussion of the county-wide spatial plan at least 14 days before the commencement of the discussion. The notification states the time and place of the public discussion.

(4) At the public discussion, the authority arranging the preparation of the county-wide spatial plan introduces to participants the written opinions received during the public display and states its views regarding those opinions, presents its reasons for the solutions selected in the preparation of the plan and responds to other questions regarding the plan.

(5) Any person who submitted a written opinion during the public discussion may withdraw that opinion by notifying the withdrawal to the authority arranging the preparation of the county-wide spatial plan in a form that allows reproduction in writing.

#### **§ 69. Consideration of the results of public display and public discussion of the county-wide spatial plan**

(1) If written opinions were submitted during the public display of the county-wide spatial plan, the information concerning the results of the public display and public discussion is published in the county newspaper of in one newspaper of nation-wide circulation and in the local newspaper of the city or rural municipality in whose territory the planning area is situated within 30 days from the date on which the public discussion was held. Where there is no local newspaper published in the territory of the local authority or where announcement at least 30 days before the public display is not possible because of the publication schedule of the newspaper, the announcement is published in the newspaper of the county in whose territory the planning area is situated within the time-limit defined above.

(2) Based on the results of the public display and public discussion, the necessary modifications are made to the county-wide spatial plan.

(3) If the modifications made on the basis of the results of the public display and public discussions alter the principal solutions of the county-wide spatial plan or necessitate significant changes in the strategic environmental assessment report, the county-wide spatial plan and the strategic environmental assessment report is submitted for approval again to those government agencies in whose area of government the issues addressed by the modifications fall. Also, the public display and public discussion are held again, following the requirements established in this Act in respect of submission for approval of the county-wide spatial plan and the strategic environmental assessment report and of arranging the public display and public discussion of the plan and report.

#### **§ 70. Ratification of the county-wide spatial plan**

[Repealed – RT I, 04.07.2017, 1 – entry into force 01.01.2018]

## **§ 71. Adoption of the county-wide spatial plan**

(1) The county-wide spatial plan is adopted by order of the Government of the Republic.  
[RT I, 04.07.2017, 1 – entry into force 01.01.2018]

(2) A notice concerning the adoption of the county-wide spatial plan is published within 30 days of the adoption in the county newspaper or in one newspaper of nation-wide circulation and in the local newspaper of the city or rural municipality in whose territory the planning area is situated and, within 14 days of adoption, in the Official Announcements, as well as on the website of the authority arranging the preparation of the plan. Where announcement within 30 days is not possible because of the publication schedule of the local newspaper, the notice is published in the local newspaper at the earliest opportunity, and the adoption of the plan is also announced within 30 days in the county newspaper. Where there is no local newspaper published in the territory of the local authority, the notice is published in the newspaper of the county in whose territory the planning area is situated within 30 days of the adoption of the plan.  
[RT I, 04.07.2017, 1 – entry into force 01.01.2018]

(3) When giving notification of the adoption of the county-wide spatial plan, a brief overview must be provided of the content of the plan, including an overview of the county's spatial development objectives and of the likely economic, social and cultural impacts, and the impact on the natural environment, that may be presumed to result from the implementation of the plan.

(4) The persons and bodies referred to in subsections 1 and 2 of section 57 of this Act are notified of the adoption of the county-wide spatial plan within 30 days of the adoption.

## **§ 72. Obligation to review the county-wide spatial plan**

(1) The Ministry of Finance reviews county-wide spatial plans at least once every five years and submits an overview of the findings of the review, including any adopted comprehensive plans, to the Government of the Republic within six months following completion of the review.  
[RT I, 04.07.2017, 1 – entry into force 01.01.2018]

(2) A review of the county-wide spatial plan must ascertain:

- 1) the results of developments based on the plan and the possibilities for further implementation of the plan;
- 2) the conformity of the plan to the aims of this Act;
- 3) the significant economic, social, cultural and environmental impacts brought about by implementation of the plan and the conditions for reducing significant negative impacts;
- 4) the need to incorporate in the plan modifications emanating from other spatial plans and from legislation;
- 5) the need to prepare a new spatial plan;
- 6) other significant issues related to the implementation of the plan.

## **§ 73. Repeal and amendment of the county-wide spatial plan**

(1) In order to repeal the county-wide spatial plan, a new county-wide spatial plan that deals with the same planning area or the same planning theme must be prepared, following the requirements established in this Act concerning the preparation of county-wide spatial plans.

(2) The county-wide spatial plan may be amended by preparing a spatial plan in respect of a part of the planning area or a thematic spatial plan, following the requirements established in this Act concerning the preparation of county-wide spatial plans. Any spatial plan to amend the county-wide spatial plan is prepared in cooperation with the government agencies in whose area of government the matters dealt with by the amendments fall and with the persons whose rights or interests the amendments may affect, inviting those agencies and persons to participate in the preparation of the plan.

(3) When the thematic spatial plan referred to in subsection 2 of this section is adopted, the amendments made by that plan are incorporated in the previously adopted county-wide spatial plan within 30 days following the adoption of the thematic spatial plan. When introducing the amendments into the previously adopted county-wide spatial plan, a note must be appended to the plan stating the extent to which the plan has been amended or, where this is technically possible, enter the amendments emanating from the thematic plan on the map and in the explanatory text of the county-wide spatial plan.

(3<sup>1</sup>) Where the county-wide spatial plan needs to be brought into conformity with legislation amended or passed after the adoption of the plan or with a judgment that has become final, the authority that arranged the preparation of the plan incorporates the necessary modifications into the plan as an administrative action, without conducting public proceedings. The modifications are announced in accordance with the requirements established for announcing the adoption of county-wide spatial plans.  
[RT I, 04.07.2017, 1 – entry into force 01.01.2018]

(4) When amending the county-wide spatial plan by means of a spatial plan dealing with a part of its planning area or by means of a thematic spatial plan, it must be ensured that the overall solution of the county-wide spatial plan as amended remains capable of implementation.

## **Chapter 6**

### **Comprehensive plan**

#### **§ 74. Comprehensive plans and the authority that arranges the preparation of such plans**

(1) The aim of a comprehensive plan is to define the principles of and directions in the spatial development of the entire territory of a rural municipality or city or a part of such territory.

(1<sup>1</sup>) By agreement between the corresponding local authorities, a comprehensive plan may be prepared in respect of the territory of several rural municipalities or cities, among other things for the purpose of implementing the development strategy of the county.

[RT I, 04.07.2017, 2 – entry into force 01.01.2018]

(2) In the case specified in section 75(1)(5), a comprehensive plan may be prepared for the planning of a public water body.

(3) On the basis of the comprehensive plan, restrictions may be imposed on immovable property.

(4) Strategic environmental assessment is mandatory when preparing a comprehensive plan. When preparing a thematic plan under a comprehensive plan, a preliminary assessment must be made and strategic environmental assessment must be considered following the criteria established in subsections 4 and 5 of section 33 of the Environmental Impact Assessment and Environmental Management System Act and the positions of the authorities relevant under subsection 6 of that section.

(5) Comprehensive plans are the basis for the preparation of local government designated spatial plans and detailed spatial plans and, in cases where the preparation of a detailed spatial plan is not mandatory, for the issuing of design specifications.

(6) If the planning area contains a heritage conservation area or its protection zone, the special conditions of heritage conservation for the comprehensive plan are taken into account in the preparation of that plan, having regard to the provisions of the Heritage Conservation Act.

[RT I, 19.03.2019, 13 - entry into force 01.05.2019]

(7) If an enterprise that constitutes a dangerous enterprise or an enterprise with major hazard under the Chemicals Act is located in the planning area, the requirements provided in the Chemicals Act must be taken into account in the preparation of the comprehensive plan.

[RT I, 10.11.2015, 2 – entry into force 01.12.2015]

(8) The preparation of the comprehensive plan is arranged by the local authority.

#### **§ 75. Functions of comprehensive plans**

(1) The functions of comprehensive plans are:

- 1) to determine the general location of transport networks and other infrastructure, including local roads, railways, harbours and small-craft harbours, and the restrictions resulting from such networks, infrastructure, roads and harbours;
- 2) to determine the location of waste treatment sites of local importance and the restrictions resulting from such sites;
- 3) to determine the general location of utility lines and of civil engineering works related to such lines, and the restrictions resulting from such utility lines and civil engineering works;
- 4) to select the location of construction works that have significant spatial impact;
- 5) to determine the general requirements concerning the building, in a public water body, of construction works that have a permanent connection to the shore or that are functionally connected to the shore, and their location;
- 6) to specify the conditions directing the development of human settlement;
- 7) to determine the area of a bathing beach;
- 8) to expand the protection zone of a street;
- 9) to define the boundaries of areas of repeated flooding on the coastline and to set the high water marks of internal bodies of water with an extensive flooding area;
- 10) to specify the conditions to ensure the functioning of the green network and to determine the restrictions resulting from such network;
- 11) to state the conditions of public access to shore paths;
- 12) to extend or reduce the building exclusion zone of the shore or bank;
- 13) to designate natural objects to be protected at the local authority level and to state the conditions for their protection and use;
- 14) to designate valuable agricultural land, green areas, landscapes, individual features of landscapes and natural biotic communities and to state the conditions for their protection and use;

- 15) to determine the restrictions resulting from areas that are subject to the impact of mineral deposits and mining;
  - 16) to designate built-up areas of cultural and environmental value and to assign the status 'valuable' to individual objects and to state the conditions for their protection and use;
  - 17) to determine the measures to preserve locally significant cultural heritage, and the general conditions for the use of such heritage;
  - 18) to determine the general use and building conditions of the planning area including the conditions for issuing design specifications, to determine the principal purpose of land use, the maximum built-up floor area, the height limit for buildings and the requirements for the planting of vegetation;
  - 19) to define land areas that serve national defence purposes and to specify the boundaries of the land areas defined in the county-wide spatial plan as serving national defence purposes;
  - 20) to determine the location of leisure and recreation areas and the restrictions resulting from such areas;
  - 21) to establish restrictions concerning the size of the cutting area and the rotation age in the event of forest clearcutting operations performed in order to protect settlements or construction works against air pollution, noise, strong wind or snowstorm or in order to reduce the risk of fire outbreak or to prevent the spread of a forest fire;
  - 22) to define the categories of standard noise levels;
  - 23) to define the general principles of traffic arrangements;
  - 24) to determine the minimum size of plots;
  - 25) to designate areas where, and to determine instances in which, when preparing a detailed spatial plan, the holding of an architecture competition has to be considered;
  - 26) to designate areas where the preparation of a detailed plan is mandatory or to determine instances when the preparation of a detailed plan is mandatory;
  - 27) to designate areas as 'densely populated' for the purposes of the Land Reform Act and Nature Conservation Act;
  - 28) to determine the location of land improvement systems and the restrictions resulting from such systems;
  - 29) to state the need to subject an immovable to acquisition in the public interest, including expropriation, or to compulsory possession in order to fulfil the functions listed in this subsection;
- [RT I, 29.06.2018, 1 – entry into force 01.07.2018]
- 30) to determine the location of water catchments with sanitary protection zones and the restrictions resulting from such catchments;
  - 31) to fulfil other functions in relation to the functions listed in this subsection.

(2) The functions to be fulfilled by a comprehensive plan are decided on in accordance with the spatial needs of the local authority and the purpose of the plan.

(2<sup>1</sup>) Decisions on the tasks to be resolved by the comprehensive plan prepared in respect of the territory of several rural municipalities or cities are based, among other things, on the spatial needs formulated in the development strategy of the county and on the purpose of the plan.

[RT I, 04.07.2017, 2 – entry into force 01.01.2018]

(3) The comprehensive plan may contain a proposal to modify the county-wide spatial plan.

(4) The principal purpose of land use means the dominant purpose that is determined by the comprehensive plan in respect of a land area and that sets the main directions of further land use in the entire region to which it applies.

## **§ 76. Cooperation and invitation to participate in the preparation of comprehensive plans**

(1) A comprehensive plan is prepared in cooperation with the government agencies in whose area of government the issues addressed by the plan fall, and with the local authorities whose territory borders on the planning area.

(2) The minister responsible for the area and any persons whose rights the comprehensive plan may affect, as well as persons who have expressed an interest in being invited to participate in the preparation of the comprehensive plan, and bodies that may have a legitimate interest in the significant environmental impact that may be presumed to result from implementation of the plan or in the directions of spatial development in the planning area, including, through an organization that unites them, environmental non-governmental organizations, as well as any foundations and non-profit organizations representing the residents of the planning area, are invited to participate in the preparation of the comprehensive plan.

[RT I, 04.07.2017, 1 – entry into force 01.01.2018]

(3) Any person whose interests the comprehensive plan may affect may be invited to participate in the preparation of the comprehensive plan. Should the authority arranging the preparation of the plan invites such a person to participate in the preparation of the plan, the provisions applicable to that person are those that apply to the persons and bodies referred to in subsection 2 of this section.

(4) The bodies and persons referred to in subsections 1–3 of this section notify to the authority that arranges the preparation of the comprehensive plan the method of communicating to them the notices required under this Act, and the requisite contact information. If the person does not notify to the authority the method of communicating such notices, the authority transmits the notices required under this Act to the address recorded

in the Population Register in the case of natural persons and to the address recorded in the relevant register in the case of legal persons.

(5) During the preparation of the comprehensive plan, the plan is disseminated on the website of the authority that arranges the preparation of the plan together with its significant annexes, above all surveys, approvals, opinions and other up-to-date information.

#### **§ 77. Initiation of the preparation of comprehensive plans and of the conduct of strategic environmental assessment**

(1) The preparation of a comprehensive plan and the conduct of the strategic environmental assessment is initiated by a resolution of the local council.

(2) Initiation of the preparation of a comprehensive plan and of the conduct of the strategic environmental assessment is foregone above all where:

- 1) it is obvious that the aim of the comprehensive plan to be initiated is contrary to the county-wide spatial plan;
- 2) it is evident that future implementation of the plan to be initiated is impossible;
- 3) this is dictated by other reasons based on imperative public interest.

(3) The decision on initiating or refusing to initiate the preparation of the comprehensive plan and the conduct of the strategic environmental assessment is taken within 30 days from receiving the application seeking initiation of the preparation of the plan. Where warranted by the circumstances, above all due to the size of the planning area, the need to conduct surveys or investigations or the large number of the parties to be invited to participate or cooperate, the above-mentioned time-limit may be extended to 90 days.

(4) The decision to initiate the preparation of the comprehensive plan and the conduct of the strategic environmental assessment states:

- 1) the purpose of the preparation of the plan;
- 2) in the case of a thematic plan and a plan concerning a part of the territory of the local authority, the location and size of the planning area, including its boundaries;
- 3) the time and place for perusing the decision on initiation.

(5) The initiation of the preparation of the comprehensive plan and of the conduct of strategic environmental assessment is announced within 30 days of the initiation in the local newspaper of the city or rural municipality, as well as in the county newspaper or in the newspaper of nation-wide circulation that the local authority has selected for the publication of the official announcements of the city or rural municipality. Where announcement within 30 days is not possible because of the publication schedule of the local newspaper, the announcement is published in the local newspaper at the earliest opportunity, and is also published in the county newspaper within 30 days of the initiation. If there is no local newspaper published in territory of the local authority, the announcement is published in the county newspaper of the county in whose territory the planning area is situated within 30 days of the initiation.

(6) A notice concerning the initiation of the preparation of the comprehensive plan and of the conduct of the strategic environmental assessment is published in the Official Announcements and on the website of the authority arranging the preparation of the plan within 14 days of the initiation. The notice must include the information referred to in subsection 4 of this section.

(7) The persons and bodies referred to in subsections 1 and 2 of section 76 of this Act are notified of the initiation of the preparation of the comprehensive plan and of the conduct of the strategic environmental assessment within 30 days of such initiation.

(8) If it is known at the initiation of the preparation of the comprehensive plan or it becomes known during the preparation of the plan that the plan may entail the need to subject an immovable or part thereof to acquisition in the public interest, including expropriation, or to compulsory possession, the authority arranging the preparation of the plan notifies the owner of the registered immovable of the initiation of the preparation of the comprehensive plan within seven days from the date on which the decision to initiate the preparation of the comprehensive plan was made or from the date on which the need to subject the immovable to compulsory acquisition or compulsory possession became known.

[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

#### **§ 78. Termination of the preparation of comprehensive plan and of the conduct of strategic environmental assessment**

(1) The authority arranging the preparation of the comprehensive plan may terminate the preparation of the plan and the conduct of the strategic environmental assessment above all in cases where:

- 1) in the course of the preparation, circumstances are revealed that render future implementation of the plan impossible, or

2) the purpose of the preparation of the plan is substantially modified in the course of the preparation.

(2) Announcement and notification of the termination of the preparation of the comprehensive plan and of the conduct of the strategic environmental assessment and of the reasons for the termination is made following the requirements established in subsections 5 and 7 of section 77 of this Act concerning announcement and notification of the initiation of the preparation of comprehensive plans and of the conduct of strategic environmental assessment. The announcement of the termination of the preparation of the comprehensive plan and of the conduct of the strategic environmental assessment and of the reasons for the termination is also disseminated on the website of the authority that arranged the preparation of the plan within 14 days from the termination.

#### **§ 79. Imposition of temporary ban on planning and building work when preparing comprehensive plans**

(1) The authority arranging the preparation of the comprehensive plan may impose, for the duration of the preparation of the comprehensive plan, a ban on planning and building work in the planning area or a part thereof if the comprehensive plan envisages alterations in the building and use conditions originally established for the planning area.

(2) During the temporary ban on planning and building work, the following may be prohibited in the planning area or a part thereof:

- 1) the adoption of comprehensive plans or detailed spatial plans;
- 2) the issuing of building permits for the erection of construction works;
- 3) the issuing of design specifications;
- 4) changing the hitherto intended purpose of the cadastral unit.

(3) The temporary ban on planning and building work may be imposed for up to two years. Where warranted by the circumstances, the temporary ban may be extended up to four years.

(4) The temporary ban on planning and building work does not apply to building work for which a building permit has been issued or of which the authorities have been notified before the imposition of the ban, and to building work for which the submission of a building notice or the existence of a building permit is not required.

(5) The authority arranging the preparation of the comprehensive plan notifies, by way of registered letter, the owner of any registered immovable in respect of which the temporary ban on planning and building work is to be imposed and, where necessary, the persons who may be affected by the ban, of its intention to impose the ban and of the reasons for the imposition at least 14 days before imposing the ban.

(6) The authority arranging the preparation of the comprehensive plan imposes the temporary ban on planning and building work by the corresponding order and, within seven days from the imposition of the ban, notifies this by way of registered letter to the owner of any registered immovable subject to the ban, in machine-readable format to the registrar of the national land cadastre, and, where necessary, to any other persons who may be affected by the ban.

#### **§ 80. Memorandum of intention to conduct strategic environmental assessment of the comprehensive plan**

(1) After initiating the preparation of the comprehensive plan, the authority arranging the preparation of the plan draws up a memorandum of intention to conduct a strategic environmental assessment of the plan.

(2) The memorandum of intention to conduct a strategic environmental assessment of the comprehensive plan states the extent and preliminary schedule of the assessment and the significant environmental impact that may presumably result from the implementation of the plan, including the impact on human health, the possibility that the implementation of the plan produces a cross-border impact, the possible impact on areas part of the Natura 2000 network and any other relevant information that the authority arranging the preparation of the plan is aware of.

(3) The memorandum of intention to conduct a strategic environmental assessment of the comprehensive plan forms the basis for the preparation of the strategic environmental assessment report.

#### **§ 81. Invitation to present proposals regarding the initial outline of the comprehensive plan and the memorandum of intention to conduct strategic environmental assessment**

(1) The authority arranging the preparation of the comprehensive plan transmits the initial planning outline of the comprehensive plan and the memorandum of intention to conduct strategic environmental assessment of the plan to the persons and bodies referred to in subsections 1 and 2 of section 76 of this Act, inviting those bodies and persons to present proposals in regard to these documents and sets a time-limit that may not be shorter than 30 days for the making of the proposals.

(2) Based on their sphere of competence, the persons and bodies referred to in subsections 1 and 2 of section 76 of this Act present their proposals regarding the initial planning outline of the comprehensive plan and regarding the memorandum of intention to conduct strategic environmental assessment of the plan, as well as their opinion concerning the relevance and sufficiency of the memorandum of intention to conduct strategic environmental assessment of the plan.

(3) The minister responsible for the area or the official authorized by the minister has the right to designate, in addition to those named in the initial outline, other bodies and persons in cooperation with whom the comprehensive plan is to be prepared or who are to be invited to participate in the preparation of the plan. [RT I, 12.12.2018, 2 – entry into force 22.12.2018]

(4) If a person or body referred to in subsections 1 and 2 of section 76 of this Act has not presented a proposal within the set time-limit, the person or body is deemed to have declined to present proposals regarding the initial planning outline of the comprehensive plan and the memorandum of intention to conduct strategic environmental assessment of the plan.

(5) The authority arranging the preparation of the comprehensive plan considers the proposals it has received and, on the basis of the proposals, makes the necessary modifications in the initial planning outline of the comprehensive plan and in the memorandum of intention to conduct strategic environmental assessment of the plan.

(6) The initial planning outline of the comprehensive plan and the memorandum of intention to conduct strategic environmental assessment of the plan, together with the proposals submitted by the persons and bodies referred to in subsections 1 and 2 of section 76 of this Act, are disseminated on the website of the authority that arranges the preparation of the plan.

## **§ 82. Public display of the proposed comprehensive plan and strategic environmental assessment report**

(1) The authority arranging the preparation of the comprehensive plan arranges the public display of the proposed comprehensive plan and of the strategic environmental assessment report. The public display is held at least in the major population centre of each local authority situated in the planning area and, in the case of rural municipalities, in the main business centre of each major settlement. In cities with city districts, the public display is held in the main business centre of the city district.

(2) During the time of public display of the proposed comprehensive plan and proposed strategic environmental assessment report, everyone has the right to present opinions concerning the proposed plan and report.

(3) The duration of public display of the proposed comprehensive plan and strategic environmental assessment report is at least 30 days.

(4) The persons and bodies referred to in subsections 1 and 2 of section 76 of this Act are notified of the public display of the proposed comprehensive plan and strategic environmental assessment report at least 14 days before the commencement of the public display. The notification states the time and place of the public display and the information required under subsection 6 of this section.

(5) The time and place of public display of the proposed comprehensive plan and strategic environmental assessment report are announced in the local newspaper of each local authority situated in the planning area, as well as in the county newspaper or in a newspaper of nation-wide circulation which the local authority has selected for the publication of the official announcements of the city or rural municipality at least 14 days before the commencement of the public display. Where there is no local newspaper published in the territory of the local authority or where announcement at least 14 days before the public display is not possible because of the publication schedule of the newspaper, the announcement is published in the county newspaper of the county in whose territory the planning area is situated at the latest 14 days before the public display. The announcement of the public display and public discussion of the proposed comprehensive plan and strategic environmental assessment report is disseminated on the website of the authority administering the preparation of the comprehensive plan.

(6) The announcement referred to in subsection 5 of this section must:

- 1) disclose the location, including the boundaries, and size of the planning area;
- 2) briefly introduce the content of the comprehensive plan, including stating any significant impacts that may presumably result from the implementation of the plan as well as the major changes envisaged in comparison with the existing situation.

(7) During the time the proposed comprehensive plan and strategic environmental assessment report are on public display, everyone is to have access, during the office hours of the administration of the city or rural municipality, to any material and information that is related to the proposed plan and report and that the administration has at its disposal.

(8) Within 30 days after the end of the public display of the proposed comprehensive plan and strategic environmental assessment report, the authority arranging the preparation of the comprehensive plan communicates to the persons who submitted written opinions during the time the proposed plan and report were on public display its reasoned position concerning those opinions together with the time and place of the public discussion of the proposed plan and report.

### **§ 83. Public discussion of the results of the public display of the proposed comprehensive plan and strategic environmental assessment report**

(1) A public discussion of the results of the public display of the proposed comprehensive plan and strategic environmental assessment report is held within 45 days from the end of the public display. The public discussion is held in the major population centre of each local authority situated in the planning area and, in the case of rural municipalities, in the main business centre of each major settlement. In cities with city districts, the public display is held in the main business centre of the city district.

(2) The persons and bodies referred to in subsections 1 and 2 of section 76 of this Act are notified of the public discussion of the proposed comprehensive plan and strategic environmental assessment report at least 14 days before the commencement of the discussion. The notification states the time and place of the public discussion.

(3) At the public discussion, the authority arranging the preparation of the comprehensive plan introduces to participants the written opinions received during the public display and states its views regarding those opinions, presents its reasons for the solutions selected during the preparation of the comprehensive plan and responds to other questions regarding the proposed comprehensive plan and strategic environmental assessment report.

(4) Any person who submitted a written opinion during the public discussion may withdraw that opinion by notifying the withdrawal to the authority arranging the preparation of the comprehensive plan in a form that allows reproduction in writing.

### **§ 84. Consideration of the results of the public display and public discussion of the proposed comprehensive plan and strategic environmental assessment report**

(1) If written opinions are received during the public display of the proposed comprehensive plan and strategic environmental assessment report, the information concerning the results of the public display and public discussion is published, within 30 days from the date on which the public discussion was held, in the local newspaper of each local authority situated in the planning area, as well as in the county newspaper or in the newspaper of nation-wide circulation that the local authority has selected for the publication of the official announcements of the city or rural municipality. Where there is no local newspaper published in the territory of the local authority or where the publishing of the information within 30 days is not possible because of the publication schedule of the local newspaper, the information is published in the county newspaper of the county in whose territory the planning area is situated within the time-limit defined above.

(2) Based on the results of the public display and public discussion, the necessary modifications are made to the proposed comprehensive plan and strategic environmental assessment report.

### **§ 85. Submission for approval of the proposed comprehensive plan and strategic environmental assessment report and invitation to present opinions concerning the proposed plan and report**

(1) The proposed comprehensive plan and strategic environmental assessment report are submitted for approval to the persons and bodies referred to in subsection 1 of section 76 of this Act; the persons and bodies referred to in subsection 2 of section 76 of this Act are notified of the opportunity to present their opinion regarding the proposed plan and report.

(2) If the body or person to whom the proposed comprehensive plan and strategic environmental assessment report was submitted for approval or who was invited to present an opinion regarding the proposed plan and report has not, within 30 days of receiving these, refused to approve the proposed plan or report or presented an opinion or applied for extension of the time-limit, the proposed plan and report are deemed to have been tacitly approved by the body or person to whom they were submitted for approval, or the body or person who was invited to present an opinion regarding the proposed plan and report is deemed to have declined to do so, unless otherwise provided by law.

(3) If the person or body to whom the proposed comprehensive plan and proposed strategic environmental assessment report were submitted for approval does not indicate that the proposed plan or report is contrary to legislation, the proposed plan is deemed to have been approved. When deciding whether to approve the proposed strategic environmental assessment 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.

### **§ 86. Acceptance of the comprehensive plan and of the strategic environmental assessment report**

(1) When the results of the strategic environmental assessment report are incorporated in the comprehensive plan, the local council makes the decision on accepting the comprehensive plan.

(2) By making the decision to accept the comprehensive plan, the local council confirms that the comprehensive plan is in conformity with the relevant legislation and has been prepared in conformity to the spatial development objectives of the city or rural municipality. The local council also confirms that the results of the strategic environmental assessment have been taken into account in the preparation of the comprehensive plan.

## **§ 87. Public display of the comprehensive plan**

(1) After it has accepted the comprehensive plan and the strategic environmental assessment report, the authority arranging the preparation of the plan arranges the public display of the plan. The public display is held at least in the major population centre of each local authority situated in the planning area and, in the case of rural municipalities, in the main business centre of each major settlement. In cities with city districts, the public display is held in the main business centre of the city district.

(2) During the time of public display of the comprehensive plan, everyone has the right to present opinions concerning the plan.

(3) The comprehensive plan that is to be displayed to the public must clearly state the changes emanating from the plan, the weighed reasons of the solution presented, the conditions of implementation of the plan and other facts explaining the plan. Together with the comprehensive plan, the approvals and opinions received in accordance with section 85(1) of this Act regarding the plan are also made public.

(4) The duration of public display of the comprehensive plan is at least 30 days.

(5) The persons and bodies referred to in subsections 1 and 2 of section 76 of this Act are notified of the public display of the comprehensive plan at least 14 days before the commencement of the public display. The notification states the time and place of the public display and the information required under subsection 7 of this section.

(6) The time and place of public display of the comprehensive plan are announced, at the latest 14 days before the commencement of the public display, in the local newspaper of each local authority situated in the planning area, as well as in the county newspaper or in the newspaper of nation-wide circulation that the local authority has selected for the publication of the official announcements of the city or rural municipality. Where there is no local newspaper published in the territory of the local authority or where announcement at least 14 days before the public display is not possible because of the publication schedule of the local newspaper, the announcement is published in the newspaper of the county in whose territory the planning area is situated at the latest 14 days before the public display. The announcement of the public display and public discussion is disseminated on the website of the authority arranging the preparation of the comprehensive plan.

(7) The announcement referred to in subsection 6 of this section must:

- 1) disclose the location, including the boundaries, and size of the planning area;
- 2) briefly introduce the content of the comprehensive plan and any significant impacts that may be presumed to result from implementation of the plan, as well as the consideration that the results of the strategic environmental assessment report received in the preparation of the plan;
- 3) state the major changes emanating from the plan in comparison with the existing situation

(8) During the time the comprehensive plan is on public display, everyone is to have access, during the office hours of the administration of the city or rural municipality, to any material and information that is related to the comprehensive plan and that the administration has at its disposal.

(9) Within 30 days after the end of the public display of the comprehensive plan, the authority arranging the preparation of the plan communicates to the persons who submitted written opinions during the time of the public display its reasoned position concerning those opinions together with the time and place of the public discussion.

## **§ 88. Public discussion of the results of public display of the comprehensive plan**

(1) A public discussion of the results of the public display of the comprehensive plan is held within 45 days from the end of the public display. The public discussion is held at least in the major population centre of each local authority situated in the planning area and, in the case of rural municipalities, in the main business centre of each major settlement. In cities with city districts, the public discussion is held in the main business centre of the city district.

(2) The holding of the public discussion is not mandatory if no written opinions were submitted concerning the comprehensive plan during the time the plan was on public display or if all written opinions have been followed.

(3) The persons and bodies referred to in subsections 1 and 2 of section 76 of this Act are notified of the public discussion of the comprehensive plan at least 14 days before the commencement of the discussion. The notification states the time and place of the public discussion.

(4) At the public discussion, the authority arranging the preparation of the comprehensive plan introduces to participants the written opinions received during the public display and states its views regarding those opinions, presents its reasons for the solutions selected in the preparation of the plan and responds to other questions regarding the plan.

(5) Any person who submitted a written opinion during the public discussion may withdraw that opinion by notifying the withdrawal to the authority arranging the preparation of the comprehensive plan in a form that allows reproduction in writing.

#### **§ 89. Consideration of the results of public display and public discussion of the comprehensive plan**

(1) If written opinions are received during the public display of the comprehensive plan, the information concerning the results of the public display and public discussion is published in the local newspaper of each local authority situated in the planning area, as well as in the county newspaper or in a newspaper of nation-wide circulation which the local authority has selected for the publication of the official announcements of the city or rural municipality within 30 days from the date on which the public discussion was held. Where there is no local newspaper published in the territory of the local authority or where the publishing of the information within 30 days is not possible because of the publication schedule of the local newspaper, the information is published in the county newspaper of the county in whose territory the planning area is situated within the time-limit defined above.

(2) Based on the results of the public display and public discussion, the necessary modifications are made to the comprehensive plan.

(3) If the modifications made on the basis of the results of the public display and public discussions alter the principal solutions of the comprehensive plan or necessitate significant changes in the strategic environmental assessment report, the comprehensive plan and the strategic environmental assessment report is submitted for approval again to those government agencies in whose area of government the issues addressed by the modifications fall. Also, the public display and public discussion are held again, following the requirements established in this Act in respect of arranging the public display and public discussion of comprehensive plans and strategic environmental assessment reports.

#### **§ 90. Ratification of the comprehensive plan**

(1) The comprehensive plan is submitted for ratification to the minister responsible for the area. The opinions that were submitted in writing during the public display and that were not taken into account in the preparation of the plan are submitted together with the plan and with the reasoned position concerning refusal to take those opinions into account of the authority that arranged the preparation of the plan.

[RT I, 12.12.2018, 2 – entry into force 22.12.2018]

(2) Within 60 days of the submission of the comprehensive plan, the minister responsible for the area or the official authorized by the minister ratifies the plan or refuses to ratify it. Where this is warranted by the circumstances, the time-limit may be extended to 90 days.

[RT I, 12.12.2018, 2 – entry into force 22.12.2018]

(3) When deciding on the ratification of the comprehensive plan, the minister responsible for the area or the official authorized by the minister:

[RT I, 12.12.2018, 2 – entry into force 22.12.2018]

1) verifies the conformity of the strategic environmental assessment proceedings and of the comprehensive plan to the relevant legislation, to the relevant county-wide spatial plan and to relevant national designated spatial plans;

2) hears the views of the persons who submitted written opinions when the plan was displayed to the public and whose opinions were not taken into account in the preparation of the plan, and the views of the authority that arranged the preparation of the plan;

3) in the case of a comprehensive plan including a proposal to modify the county-wide spatial plan, grants or refuses his or her consent for the modification of the county-wide spatial plan.

[RT I, 04.07.2017, 1 – entry into force 01.01.2018]

(4) If the persons referred to in clause 2 of subsection 3 of this section do not reach an agreement, the minister responsible for the area or the official authorized by the minister transmits to them, within 30 days from hearing their views, his or her written opinion concerning the opinions that were not taken into account.

[RT I, 12.12.2018, 2 – entry into force 22.12.2018]

(5) If the minister responsible for the area or the official authorized by the minister refuses to ratify the comprehensive plan, he or she presents to the authority that arranged the preparation of the plan his or her reasoned position concerning the reasons why ratification was refused, pointing out the requirements or circumstances referred to in subsection 3 of this section that constitute the grounds for refusing to ratify the plan. Where warranted by the circumstances, the minister, or the official, may propose a partial adoption of the comprehensive plan.

[RT I, 12.12.2018, 2 – entry into force 22.12.2018]

(6) [Repealed – RT I, 04.07.2017, 1 – entry into force 01.01.2018]

(7) [Repealed – RT I, 04.07.2017, 1 – entry into force 01.01.2018]

## **§ 91. Adoption of the comprehensive plan**

(1) The comprehensive plan that has been ratified by the minister responsible for the area or by the official authorized by the minister is adopted by resolution of the local council.  
[RT I, 12.12.2018, 2 – entry into force 22.12.2018]

(2) A notice concerning the adoption of the comprehensive plan is published within 30 days of the adoption in the local newspaper of each local authority situated in the planning area, as well as in the county newspaper or in the newspaper of nation-wide circulation that the local authority has selected for the publication of the official announcements of the city or rural municipality. Where announcement within 30 days is not possible because of the publication schedule of the local newspaper, the notice is published in the local newspaper at the earliest opportunity, and the adoption of the plan is also announced within 30 days in the county newspaper. Where there is no local newspaper published in the territory of the local authority, the notice is published in the newspaper of the county in whose territory the planning area is situated within 30 days of the adoption of the plan. The notice of the adoption of the comprehensive plan is published in the Official Announcements and is disseminated on the website of the authority arranging the preparation of the comprehensive plan within 14 days from the adoption of the plan.

(3) The authority arranging the preparation of the comprehensive plan notifies the adoption of the comprehensive plan, and transmits the adopted plan, to the Ministry of Finance and to the registrar of the land cadastre within 30 days following the adoption of the plan. Together with the plan, the authority transmits to the registrar, in a machine-readable format, the data concerning the land use and building conditions and restrictions that have become effective as a result of the adoption of the plan.  
[RT I, 12.12.2018, 2 – entry into force 22.12.2018]

(4) When giving notification of the adoption of the comprehensive plan, a brief overview must be provided of the content of the plan, including an overview of the spatial development objectives of the city or rural municipality and of the likely economic, social and cultural impacts, and the impact on the natural environment, that may be presumed to result from the implementation of the plan.

(5) Within 14 days from the day on which the decision to adopt the comprehensive plan was taken, the authority that arranged the preparation of the plan notifies of the adoption of the plan to:

- 1) the persons who submitted written opinions during the public display of the plan and whose opinions were not taken into account when adopting the plan;
- 2) the owners of immovables whose immovables or parts of whose immovables need to be subjected to acquisition in the public interest, including expropriation, or to compulsory possession, in order to implement the plan;

[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

- 3) the owners of immovables on whose immovables a temporary building or planning ban was imposed in the course of the preparation of the plan;
- 4) the persons and bodies referred to in subsections 1 and 2 of section 76 of this Act.

(6) If the comprehensive plan contains a proposal to modify the county-wide spatial plan, and the minister responsible for the area or the official authorized by the minister has agreed to the proposal, the modification is made in the county-wide spatial plan within 30 days following the adoption of the comprehensive plan. When the modifications are made, a note must be appended to the county-wide spatial plan stating the extent to which the plan has been modified or, where this is technically possible, enter the modifications emanating from the comprehensive plan on the map and in the explanatory text of the county-wide spatial plan.  
[RT I, 12.12.2018, 2 – entry into force 22.12.2018]

## **§ 92. Obligation to review the comprehensive plan**

(1) The local council reviews the comprehensive plan once every five years. The council submits an overview of the findings of the review to the minister responsible for the area within six months following completion of the review.  
[RT I, 04.07.2017, 1 – entry into force 01.01.2018]

(2) A review of the comprehensive plan must ascertain and review:

- 1) the results of developments based on the plan and the possibilities for further implementation of the plan;
- 2) the conformity of the plan to the aims of this Act;
- 3) the significant economic, social and cultural impacts, and impact on the natural environment, brought about by implementation of the plan and the conditions for reducing significant negative impacts;
- 4) the need to incorporate in the plan modifications emanating from other spatial plans and from legislation;
- 5) the detailed spatial plans in effect, in order to ensure their conformity to the comprehensive plan and, where necessary, to open proceedings to amend or repeal them;
- 6) other significant issues related to the implementation of the plan.

### **§ 93. Repeal and amendment of the comprehensive plan**

(1) In order to repeal the comprehensive plan, a new comprehensive plan that deals with the same planning area or the same planning theme must be prepared, following the requirements established in this Act concerning the preparation of comprehensive plans.

(2) The comprehensive plan may be amended by preparing a spatial plan in respect of a part of the planning area or a thematic spatial plan, following the requirements established in this Act concerning the preparation of comprehensive plans. Any spatial plan to amend the comprehensive plan is prepared in cooperation with the government agencies in whose area of government the matters dealt with by the amendments fall and with the persons whose rights or interests the amendments may affect, as well as the non-profit associations and foundations that represent the residents of the planning area, inviting those agencies, persons, associations and foundations to participate in the preparation of the plan.

(2<sup>1</sup>) By agreement between several local authorities, a comprehensive plan envisaged in respect of the territory or several rural municipalities or cities may be prepared as a thematic spatial plan in order to implement the development strategy of the county.

[RT I, 04.07.2017, 2 – entry into force 01.01.2018]

(3) When the thematic spatial plan referred to in subsections 2 and 2<sup>1</sup> of this section is adopted, the amendments made by that plan are incorporated in the previously adopted comprehensive plan within 30 days following the adoption of the thematic spatial plan. When incorporating the amendments into the previously adopted comprehensive plan, a note must be appended to the plan stating the extent to which the plan has been amended or, where this is technically possible, enter the amendments emanating from the thematic plan on the map and in the explanatory text of the comprehensive plan.

[RT I, 04.07.2017, 2 – entry into force 01.01.2018]

(4) In order to bring a comprehensive plan into conformity with legislation that has been amended or adopted after the adoption of the plan or with a court judgment that has become final after the adoption of the plan, the authority that arranged the preparation of the plan makes the corresponding modifications in the plan by means of an administrative operation, without conducting public proceedings. Announcement and notification of the making of the modifications is made following the requirements established for the announcement and notification of the adoption of comprehensive plans.

(5) When amending the comprehensive plan by means of a spatial plan dealing with a part of its planning area or by means of a thematic spatial plan referred to in subsections 2 and 2<sup>1</sup> of this section, it must be ensured that the overall solution of the comprehensive plan as amended remains capable of implementation.

[RT I, 04.07.2017, 2 – entry into force 01.01.2018]

### **§ 94. Contestation of comprehensive plans**

Anyone who finds that the decision by which the comprehensive plan is adopted is contrary to public interest or infringes his or her rights or impinges on his or her freedoms has the right to contest the decision in court within 30 days from the day on which he or she became or should have become aware of the adoption of the plan.

## **Chapter 7 Local government designated spatial plan**

### **§ 95. Local government designated spatial plans and the authority that arranges the preparation of such plans**

(1) A local government designated spatial plan is prepared in order to erect a construction work that has a significant spatial impact and whose location has not been determined in the comprehensive plan.

(2) The list of construction works that have a significant spatial impact is adopted by regulation of the Government of the Republic.

(3) The local government designated spatial plan is prepared in respect of the territory of the local authority or a part of such territory.

(4) On the basis of the local government designated spatial plan, restrictions may be imposed on immovable property.

(5) Strategic environmental assessment is mandatory when preparing the local government designated spatial plan.

(6) The authority that arranges the preparation of local government designated spatial plans is the local authority.

(7) The procedure for the preparation of a local government designated spatial plan consists of pre-selecting a location for the construction work, with the purpose of finding the most suitable location for that construction work, and of the proceedings to prepare the corresponding detailed solution.

(8) The local government designated spatial plan forms the basis for preparing the corresponding building design documentation.

(9) During the preparation of the local government designated spatial plan, the plan is disseminated on the website of the authority that arranges the preparation of the plan together with its significant annexes, above all surveys, approvals, opinions and other relevant information.

#### **§ 96. Initiation of the preparation of local government designated spatial plans and of the conduct of strategic environmental assessment**

(1) The preparation of a local government designated spatial plan and the conduct of the strategic environmental assessment is initiated by a resolution of the local council.

(2) Initiation of the preparation of the local government designated spatial plan and of the conduct of the strategic environmental assessment is foregone above all where:

- 1) it is obvious that the aim of the comprehensive plan to be initiated is contrary to the comprehensive plan;
- 2) it is evident that future implementation of the plan to be initiated is impossible;
- 3) this is dictated by other reasons based on imperative public interest or
- 4) no funds are available in the budget of the authority arranging the preparation of the plan to bear the costs attaching to the preparation of the plan, to commissioning the preparation of the plan and to the assessment of impacts, and the party interested in the preparation of the plan does not bear such costs.

[RT I, 04.05.2017, 3 – entry into force 05.05.2017]

(3) The resolution on initiating or refusing to initiate the preparation of the local government designated spatial plan and the conduct of the strategic environmental assessment is taken within 30 days from receiving the application seeking initiation of the preparation of the plan. Where valid reasons are present, above all those emanating from the size of the planning area, from the need to conduct surveys or investigations, from ascertainment of the facts prerequisite to the conclusion of a contract to assign the obligation to bear the costs connected to the commissioning of the preparation of the plan, or from the large number of the parties to be invited to participate or cooperate, the above-mentioned time-limit may be extended to 90 days.

[RT I, 04.05.2017, 3 – entry into force 05.05.2017]

(4) The resolution to initiate the preparation of the local government designated spatial plan and the conduct of the strategic environmental assessment states:

- 1) the location and size of the planning area, including its boundaries, as envisaged at the initiation;
- 2) the purpose of the preparation of the plan;
- 3) the purpose of use of the envisaged construction work and the description of the related activity;
- 4) the time and place for perusing the resolution on initiation.

(5) The initiation of the preparation of the local government designated spatial plan and of the conduct of strategic environmental assessment is announced within 30 days of the initiation in the local newspaper of the city or rural municipality, as well as in the county newspaper or in the newspaper of nation-wide circulation that the local authority has selected for the publication of the official announcements of the city or rural municipality. Where announcement within 30 days is not possible because of the publication schedule of the local newspaper, the announcement is published in the local newspaper at the earliest opportunity, and is also published in the county newspaper within 30 days of the initiation. If there is no local newspaper published in territory of the local authority, the announcement is published in the county newspaper of the county in whose territory the planning area is situated within 30 days of the initiation.

(6) A notice concerning the initiation of the preparation of the local government designated spatial plan and of the conduct of the strategic environmental assessment is published in the Official Announcements and on the website of the authority arranging the preparation of the plan within 14 days of the initiation. The notice must include the information referred to in subsection 4 of this section.

(7) The persons and bodies referred to in subsections 1 and 2 of section 99 of this Act are notified of the initiation of the preparation of the local government designated spatial plan and of the conduct of the strategic environmental assessment within 30 days of the initiation.

#### **§ 97. Termination of the preparation of local government designated spatial plan and of the conduct of strategic environmental assessment**

(1) The authority arranging the preparation of the local government designated spatial plan may terminate the preparation of the plan and the conduct of the strategic environmental assessment above all in cases where:

- 1) in the course of the preparation, circumstances are revealed that render future implementation of the plan impossible,
  - 2) the purpose of the preparation of the plan is modified in the course of the preparation, or
  - 3) no funds are available in the budget of the authority arranging the preparation of the plan to bear the costs attaching to the preparation of the plan, to commissioning the preparation of the plan and to the assessment of impacts, and the party interested in the preparation of the plan does not bear such costs.
- [RT I, 04.05.2017, 3 – entry into force 05.05.2017]

(2) Announcement and notification of the termination of the preparation of the local government designated spatial plan and of the conduct of the strategic environmental assessment and of the reasons for the termination is made following the requirements established in subsections 5 and 7 of section 96 of this Act concerning announcement and notification of the initiation of the preparation of local government designated spatial plans and of the conduct of strategic environmental assessment. The announcement of the termination of the preparation of the local government designated spatial plan and of the conduct of the strategic environmental assessment and of the reasons for the termination is also disseminated on the website of the authority that arranged the preparation of the plan within 14 days from the termination.

#### **§ 98. Pre-selection of the location in preparing local government designated spatial plans**

(1) After the initiation of the preparation of the local government designated spatial plan and of the conduct of strategic environmental assessment, in order to find the most suitable location for the envisaged construction work, the location of the construction work is pre-selected. The pre-selection forms the basis for preparing the detailed solution of the local government designated spatial plan.

(2) When pre-selecting the location in the context of a local government designated spatial plan, several alternative options must be considered.

#### **§ 99. Cooperation and invitation to participate in pre-selecting the location in the context of local government designated spatial plans**

(1) The pre-selection of the location in the context of a local government designated spatial plan is carried out in cooperation with the government agencies in whose area of government the issues addressed by the plan fall.

(2) The minister responsible for the area and any persons whose rights the plan may affect, as well as the persons who have expressed an interest in being invited to participate in pre-selecting the location, and persons and bodies that may have a legitimate interest in the resulting significant environmental impact that may be presumed, or in the implementation of the local government designated spatial plan, including, through an organization that unites them, environmental non-governmental organizations, are invited to participate in pre-selecting the location in the context of the plan.

[RT I, 04.07.2017, 1 – entry into force 01.01.2018]

(3) Any person whose interests the local government designated spatial plan may affect may be invited to participate in pre-selecting the location in the context of the plan. If the authority arranging the preparation of the plan invites a person referred to in this subsection to participate in the pre-selection, the provisions established in respect of persons and bodies referred to in subsection 2 of this section also apply to that person.

(4) The bodies and persons referred to in subsections 1–3 of this section notify to the authority that arranges the preparation of the local government designated spatial plan the method of communicating to them the notices required under this Act, and the requisite contact information. If the person does not notify to the authority the method of communicating such notices, the authority transmits the notices required under this Act to the address recorded in the Population Register in the case of natural persons and to the address recorded in the relevant register in the case of legal persons.

#### **§ 100. Public display of the initial outline of the pre-selection of the location in the context of the local government designated spatial plan and of the memorandum of intention to conduct strategic environmental assessment of the local government designated spatial plan**

(1) The authority arranging the preparation of the local government designated spatial plan arranges the public display of the initial outline of the pre-selection of the location in the context of the local government designated spatial plan and of the memorandum of intention to conduct strategic environmental assessment of the local government designated spatial plan. The public display is held at least in the major population centre of each local authority situated in the planning area and, in the case of rural municipalities, in the main business centre of each major settlement.

(2) During the time of public display of the initial outline of the pre-selection of the location in the context of the local government designated spatial plan and of the memorandum of intention to conduct strategic environmental assessment of the local government designated spatial plan, everyone has the right to present opinions concerning the initial outline and the memorandum of intention.

(3) The duration of the public display of the initial outline of the pre-selection of the location in the context of the local government designated spatial plan and of the memorandum of intention to conduct strategic environmental assessment of the local government designated spatial plan is at least 60 days.

(4) The persons and bodies referred to in subsections 1 and 2 of section 99 of this Act are notified of the public display of the initial outline of the pre-selection of the location in the context of the local government designated spatial plan and of the memorandum of intention to conduct strategic environmental assessment of the local government designated spatial plan at least 14 days before the commencement of the public display. The notification states the time and place of the public display and the information required under subsection 6 of this section.

(5) The time and place of the public display of the initial outline of the pre-selection of the location in the context of the local government designated spatial plan and of the memorandum of intention to conduct strategic environmental assessment of the local government designated spatial plan are announced in one newspaper of nation-wide circulation, in the local newspaper of the city or rural municipality in whose territory the planning area is situated or, in the case of cities with city districts, in the local newspaper of the city district 14 days before the commencement of the public display. Where there is no local newspaper published in the territory of the local authority or where announcement at least 14 days before the public display is not possible because of the publication schedule of the newspaper, the announcement is published in the newspaper of the county in whose territory the planning area is situated at the latest 14 days before the public display. The announcement of the public display and public discussion is disseminated on the website of the authority arranging the preparation of the local government designated spatial plan.

(6) The announcement referred to in subsection 5 of this section must:

- 1) disclose the location of the planning area;
- 2) state the purpose of the preparation of the local government designated spatial plan;
- 3) state the purpose of use of the envisaged construction work and describe the related activity.

(7) During the time the initial outline of the pre-selection of the location in the context of the national designated spatial plan and the memorandum of intention to conduct strategic environmental assessment of the local government designated spatial plan are on public display, everyone is to have access, during the office hours of the authority arranging the preparation of the local government designated spatial plan, to any material and information that is related to the initial outline of the pre-selection and to the memorandum of intention.

(8) Within 30 days after the end of the public display of the initial outline of the pre-selection of the location in the context of the local government designated spatial plan and of the memorandum of intention to conduct strategic environmental assessment of the local government designated spatial plan, the authority arranging the preparation of the local government designated spatial plan communicates to the persons who submitted written opinions during the time of the public display its reasoned position concerning those opinions together with the time and place of the public discussion.

**§ 101. Public discussion of the results of the public display of the initial outline of the pre-selection of the location in the context of the local government designated spatial plan and of the memorandum of intention to conduct strategic environmental assessment of the local government designated spatial plan**

(1) A public discussion of the results of the public display of the initial outline of the pre-selection of the location in the context of the local government designated spatial plan and of the memorandum of intention to conduct strategic environmental assessment of the local government designated spatial plan is held within 45 days from the end of the public display. The public discussion is held at least in the major population centre of each local authority situated in the planning area and, in the case of rural municipalities, in the main business centre of each major settlement.

(2) The persons and bodies referred to in subsections 1 and 2 of section 99 of this Act are notified of the public discussion of the initial outline of the pre-selection of the location in the context of the local government designated spatial plan and of the memorandum of intention to conduct strategic environmental assessment of the local government designated spatial plan at least 14 days before the commencement of the discussion. The notification states the time and place of the public discussion.

(3) At the public discussion, the authority arranging the preparation of the local government designated spatial plan introduces to participants the initial outline of the pre-selection of the location in the context of the local government designated spatial plan and the memorandum of intention to conduct strategic environmental assessment of the local government designated spatial plan. The authority also introduces to participants the written opinions received during the public display and states its views regarding those opinions, presents its reasons for the solutions selected in the initial outline of the pre-selection and for the aims and activities related to the envisaged construction work, and responds to other questions regarding the initial outline of the pre-selection and the memorandum of intention to conduct strategic environmental assessment.

(4) Any person who submitted a written opinion during the public discussion may withdraw that opinion by notifying the withdrawal to the authority arranging the preparation of the local government designated spatial plan in a form that allows reproduction in writing.

**§ 102. Consideration of the results of the public display and public discussion of the initial outline of the pre-selection of the location in the context of the local government designated spatial plan and of the memorandum of intention to conduct strategic environmental assessment of the local government designated spatial plan**

(1) If written opinions are submitted during the public display of the initial outline of the pre-selection of the location in the context of the local government designated spatial plan and of the memorandum of intention to conduct strategic environmental assessment of the local government designated spatial plan, the information concerning the results of the public display and public discussion is published in one newspaper of nationwide circulation, in the local newspaper of the city or rural municipality in whose territory the planning area is situated or, in the case of cities with city districts, in the local newspaper of the city district and in the Official Announcements within 30 days from the date on which the public discussion was held. Where there is no local newspaper published in the territory of the local authority or where the publishing of information at least 30 days before the public display is not possible because of the publication schedule of the newspaper, the information is published in the newspaper of the county in whose territory the planning area is situated within the time-limit defined above.

(2) Based on the results of the public display and public discussion, the necessary modifications are made to the initial outline of the pre-selection of the location in the context of the local government designated spatial plan and to the memorandum of intention to conduct strategic environmental assessment of the local government designated spatial plan.

**§ 103. Invitation to present proposals regarding the initial outline of the pre-selection of the location in the context of the local government designated spatial plan and the memorandum of intention to conduct strategic environmental assessment**

(1) The authority arranging the preparation of the local government designated spatial plan transmits the initial planning outline of the local spatial plan and the memorandum of intention to conduct strategic environmental assessment of the local government designated spatial plan to the persons and bodies referred to in subsections 1 and 2 of section 99 of this Act, inviting those bodies and persons to present proposals in regard to these documents and sets a time-limit that may not be shorter than 30 days for the presentation of the proposals.

(2) Based on their sphere of competence, the persons and bodies referred to in subsections 1 and 2 of section 99 of this Act submit their proposals regarding the initial planning outline of the local government designated spatial plan and regarding the memorandum of intention to conduct strategic environmental assessment of the local government designated spatial plan, as well as their opinion concerning the relevance and sufficiency of the memorandum of intention to conduct strategic environmental assessment of the local government designated spatial plan, and indicate what they consider, among the alternative locations proposed in the initial planning outline of the local government designated spatial plan, the most suitable for the erection of the envisaged construction work, or propose an alternative location for the erection of the construction work.

(3) The minister responsible for the area or the official authorized by the minister has the right to designate, in addition to those named in the initial outline, other bodies and persons in cooperation with whom the local government designated spatial plan is to be prepared or who are to be invited to participate in the preparation of the plan.

[RT I, 12.12.2018, 2 – entry into force 22.12.2018]

(4) If a person or body referred to in subsections 1 and 2 of section 99 of this Act has not presented any proposals within the set time-limit, the person or body is deemed to have declined to present proposals regarding the initial planning outline of the local government designated spatial plan and the memorandum of intention to conduct strategic environmental assessment of the local government designated spatial plan.

(5) The authority arranging the preparation of the local government designated spatial plan considers the proposals it has received and, on the basis of the proposals, makes the necessary modifications in the initial planning outline of the local government designated spatial plan and in the memorandum of intention to conduct strategic environmental assessment of the local government designated spatial plan.

(6) The initial planning outline of the local government designated spatial plan and the memorandum of intention to conduct strategic environmental assessment of the local government designated spatial plan, together with the proposals submitted by the persons and bodies referred to in subsections 1 and 2 of section 99 of this Act, are disseminated on the website of the authority arranging the preparation of the plan.

**§ 104. Report concerning the first stage of the strategic environmental assessment of the local government designated spatial plan**

(1) In the course of the pre-selection of the location in the context of the local government designated spatial plan, the authority arranging the preparation of the local government designated spatial plan prepares a report concerning the first stage of the strategic environmental assessment of the plan.

(2) The report concerning the first stage of the strategic environmental assessment must state the information referred to in clauses 1–14 and 16–17 of subsection 4 of section 40 of the Environmental Impact Assessment and Environmental Management System Act.

(3) The report concerning the first stage of the strategic environmental assessment forms the basis for the preparation of the strategic environmental assessment report.

**§ 105. Submission for approval of the proposed resolution on the pre-selection of the location in the context of the local government designated spatial plan and of the report concerning the first stage of the strategic environmental assessment and invitation to present opinions regarding the proposed resolution and the report**

(1) The proposed resolution on the pre-selection of the location in the context of the local government designated spatial plan together with the report concerning the first stage of the strategic environmental assessment is submitted for approval to the bodies and persons referred to in subsection 1 of section 99 of this Act; the bodies and persons referred to in subsection 2 of section 99 of this Act are notified of the opportunity to present their opinion regarding the proposed resolution and the report.

(2) If the body or person to whom the proposed resolution on the pre-selection of the location in the context of the local government designated spatial plan and the report concerning the first stage of the strategic environmental assessment was submitted for approval, or who was invited to present an opinion regarding the proposed resolution and report, has not, within 30 days of receiving the proposed resolution and report, refused to approve these or presented an opinion or applied for extension of the time-limit, the proposed resolution and report are deemed to have been tacitly approved by the body or person to whom they were submitted for approval, or the body or person who was invited to present an opinion is deemed to have declined to do so, unless otherwise provided by law.

(3) Based on the approvals and opinions received, the necessary amendments are made to the proposed resolution on the pre-selection of the location in the context of the local government designated spatial plan and the report concerning the first stage of the strategic environmental assessment.

**§ 106. Public display of the proposed resolution on the pre-selection of the location in the context of the local government designated spatial plan and of the report concerning the first stage of the strategic environmental assessment**

(1) The authority arranging the preparation of the local government designated spatial plan arranges the public display of the proposed resolution on the pre-selection of the location in the context of the local government designated spatial plan and of the report concerning the first stage of the strategic environmental assessment. The public display is held at least in the major population centre of each local authority situated in the planning area and, in the case of rural municipalities, in the main business centre of each major settlement.

(2) During the time of public display of the proposed resolution on the pre-selection of the location in the context of the local government designated spatial plan and of the report concerning the first stage of the strategic environmental assessment, everyone has the right to present opinions concerning the proposed resolution and report.

(3) The duration of the public display of the proposed resolution on the pre-selection of the location in the context of the local government designated spatial plan and of the report concerning the first stage of the strategic environmental assessment is at least 30 days.

(4) The persons and bodies referred to in subsections 1 and 2 of section 99 of this Act are notified of the public display of the proposed resolution on the pre-selection of the location in the context of the local government designated spatial plan and of the report concerning the first stage of the strategic environmental assessment at least 14 days before the commencement of the public display. The notification states the time and place of the public display and the information required under subsection 6 of this section.

(5) The time and place of the public display of the proposed resolution on the pre-selection of the location in the context of the local government designated spatial plan and of the report concerning the first stage of the strategic environmental assessment are announced in a newspaper of nation-wide circulation, in the local newspaper of the city or rural municipality situated in the planning area or, in the case of cities with city districts, in the local newspaper of the city district 14 days before the commencement of the public display. Where there is no local newspaper published in the territory of the local authority or where announcement at least 14 days before the public display is not possible because of the publication schedule of the local newspaper, the announcement is published in the newspaper of the county in whose territory the planning area is situated at the latest 14 days before the public display. The announcement of the public display and public discussion is disseminated on the website of the authority arranging the preparation of the local government designated spatial plan.

(6) The announcement referred to in subsection 5 of this section must:

- 1) state the purpose of the preparation of the local government designated spatial plan;
- 2) disclose the location of the planning area, including the boundaries of any alternative planning areas, and the size of the planning area;

3) state the purpose of use of the envisaged construction work and describe the related activity and the significant environmental impact likely to be produced.

(7) During the time the proposed resolution on the pre-selection of the location in the context of the local government designated spatial plan and the report concerning the first stage of the strategic environmental assessment are on public display, everyone is to have access, during the office hours of the authority arranging the preparation of the local government designated spatial plan, to any material and information that is related to the proposed resolution and report.

(8) Within 30 days after the end of the public display of the proposed resolution on the pre-selection of the location in the context of the local government designated spatial plan and of the report concerning the first stage of the strategic environmental assessment, the authority arranging the preparation of the local government designated spatial plan communicates to the persons who submitted written opinions during the time of the public display its reasoned position concerning those opinions together with the time and place of the public discussion.

#### **§ 107. Public discussion of the results of public display of the proposed resolution on the pre-selection of the location in the context of the local government designated spatial plan and of the report concerning the first stage of the strategic environmental assessment**

(1) A public discussion of the proposed resolution on the pre-selection of the location in the context of the local government designated spatial plan and of the report concerning the first stage of the strategic environmental assessment is held within 45 days from the end of the public display. The public discussion is held at least in the major population centre of the local authority situated in the planning area and, in the case of rural municipalities, in the main business centre of each major settlement.

(2) The persons and bodies referred to in subsections 1 and 2 of section 99 of this Act are notified of the public discussion of the proposed resolution on the pre-selection of the location in the context of the local government designated spatial plan and of the report concerning the first stage of the strategic environmental assessment at least 14 days before the commencement of the discussion. The notification states the time and place of the public discussion.

(3) At the public discussion, the authority arranging the preparation of the local government designated spatial plan introduces to participants the written opinions received during the public display and states its views regarding those opinions, presents its reasons for the solutions selected in the preparation of the proposed resolutions on the pre-selection of the location in the context of the local government designated spatial plan, for the activities and objectives related to the envisaged construction work, and responds to other questions regarding the proposed resolution and report.

(4) Any person who submitted a written opinion during the public discussion may withdraw that opinion by notifying the withdrawal to the authority arranging the preparation of the local government designated spatial plan in a form that allows reproduction in writing.

#### **§ 108. Consideration of the results of public display and public discussion of the proposed resolution on the pre-selection of the location in the context of the local government designated spatial plan and of the report concerning the first stage of the strategic environmental assessment**

(1) The information concerning the results of the public display and public discussion of the proposed resolution on the pre-selection of the location in the context of the local government designated spatial plan and of the report concerning the first stage of the strategic environmental assessment is published in one newspaper of nation-wide circulation, in the local newspaper of the city or rural municipality in whose territory the planning area is situated or, in the case of cities with city districts, in the local newspaper of the city district and in the Official Announcements within 30 days from the date on which the public discussion was held. Where there is no local newspaper published in the territory of the local authority or where the publishing of information within 30 days is not possible because of the publication schedule of the local newspaper, the information is published in the newspaper of the county in whose territory the planning area is situated within the time-limit defined above.

(2) Based on the results of the public display and public discussion, the necessary modifications are made to the proposed resolution on the pre-selection of the location in the context of the local government designated spatial plan and the report concerning the first stage of the strategic environmental assessment.

(3) If the modifications made on the basis of the results of the public display and public discussion alter the principal solution of the pre-selection of the location in the context of the local government designated spatial plan or necessitate significant changes in the report concerning the first stage of the strategic environmental assessment, the proposed resolution and report are submitted for approval again to those government agencies in whose area of government the issues addressed by the modifications fall, and the public display and public discussion are held again, following the requirements established in this Act in respect of arranging the public display and public discussion of the proposed resolution and report.

**§ 109. Acceptance of the resolution on the pre-selection of the location in the context of the local government designated spatial plan and on the report concerning the first stage of strategic environmental assessment**

(1) After the modifications referred to in section 108(2) of this Act are made to the proposed resolution on the pre-selection of the location in the context of the local government designated spatial plan and to the report concerning the first stage of the strategic environmental assessment, the authority arranging the preparation of the local designated spatial resolves the acceptance or rejection of the resolution on the pre-selection of the location and of the report concerning the first stage of the strategic environmental assessment.

(2) By resolving to accept the pre-selection of the location, the authority arranging the preparation of the local government designated spatial plan confirms that the selected location is the most suitable for the erection of the construction work envisaged in the local government designated spatial plan and that the location of the construction work, the general conditions of its erection, the pre-selection of its location, the resolution on the pre-selection of the location and the report concerning the first stage of the strategic environmental assessment are in conformity with the relevant legislation and that the information contained in the report concerning the first stage of the strategic environmental assessment is sufficient for making the choice between the different locations under consideration.

(3) Having regard to section 110 of this Act, the resolution to adopt the pre-selection of the location may include a temporary ban on planning and building work in the planning area or part thereof.

(4) The persons and bodies referred to in subsections 1 and 2 of section 99 of this Act are notified of the acceptance of the resolution concerning the pre-selection of the location within 30 days from the acceptance of that resolution. Within 14 days from the acceptance of the resolution, the announcement of its acceptance is published in the Official Announcements and disseminated on the website of the local authority.

**§ 110. Imposition of temporary ban on planning and building work when preparing the detailed solution of the local government designated spatial plan**

(1) The authority arranging the preparation of the local government designated spatial plan may impose, for the duration of the preparation of the detailed solution of the local government designated spatial plan, a ban on planning and building work in the planning area or a part thereof if the detailed solution envisages alterations in the building rights originally granted in the planning area.

(2) During the temporary ban on planning and building work, the following may be prohibited in the planning area or a part thereof:

- 1) the adoption of comprehensive plans or detailed spatial plans;
- 2) the issuing of building permits for the erection of construction works;
- 3) the issuing of design specifications;
- 4) changing the existing intended purpose of the cadastral unit.

(3) The temporary ban on planning and building work may be imposed for up to two years. Where warranted by the circumstances, the temporary ban may be extended up to four years.

(4) The temporary ban on planning and building work does not apply to building work for which a building permit has been issued or of which the authorities have been notified before the imposition of the ban, and to building work for which the submission of a building notice or the existence of a building permit is not required.

(5) The authority arranging the preparation of the local government designated spatial plan notifies, by way of registered letter, the owner of any registered immovable in respect of which the temporary ban on planning and building work is to be imposed and, where necessary, the persons who may be affected by the ban, of its intention to impose the ban and of the reasons for the imposition at least 14 days before imposing the ban.

(6) The authority arranging the preparation of the local government designated spatial plan imposes the temporary ban on planning and building work by directive and, within seven days from the imposition of the ban, notifies this by way of registered letter to the owner of any registered immovable subject to the ban, in machine-readable format to the registrar of the national land cadastre, and, where necessary, to any other persons who may be affected by the ban.

**§ 111. Functions of detailed solution of the local government designated spatial plan**

(1) After the adoption of the resolution on pre-selection of the location, a detailed solution of the local government designated spatial plan is prepared, which determines the building rights of the envisaged construction work and fulfils the relevant functions listed in section 126(1) of this Act. In assessing the relevance of the functions, the purpose of the plan and the specific character of the envisaged construction work are taken into account.

(2) If, during the preparation of the detailed solution of the local government designated spatial plan, it becomes known that the plan may entail the need to subject an immovable or part thereof to acquisition in the public interest, including expropriation, or to compulsory possession, the authority arranging the preparation of the plan notifies this, by way of registered letter, to the owner of the immovable within seven days from the date on which the need to subject that immovable to acquisition in the public interest, including expropriation, or to compulsory possession became known.

[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

### **§ 112. Cooperation and invitation to participate in the preparation of the detailed solution of the local government designated spatial plan**

(1) The preparation of the detailed solution of the local government designated spatial plan is carried out in cooperation with the government agencies in whose area of government the issues addressed by the detailed solution of the designated plan fall.

(2) Any persons whose rights the local government designated spatial plan may affect, as well as the persons who have expressed an interest in being invited to participate in the preparation of the detailed solution of the plan, and persons and bodies that may have a legitimate interest in the implementation of the plan or in the significant environmental impact that may be presumed to result from implementation of the plan, including, through an organization that unites them, environmental non-governmental organizations, as well as any foundations and non-profit organizations representing the residents of the planning area, are invited to participate in the preparation of the detailed solution of the local government designated spatial plan.

[RT I, 04.07.2017, 1 – entry into force 01.01.2018]

(3) Any person whose interests the local government designated spatial plan may affect may be invited to participate in the preparation of the detailed solution of the plan. If the authority arranging the preparation of the plan invites a person referred to in this subsection to participate in the preparation of the detailed solution, the provisions established in respect of the persons and bodies referred to in subsection 2 of this section also apply to that person.

(4) The bodies and persons referred to in subsections 1–3 of this section notify to the authority that arranges the preparation of the local government designated spatial plan the method of communicating to them the notices required under this Act, and the requisite contact information. If the person does not notify to the authority the method of communicating such notices, the authority transmits the notices required under this Act to the address recorded in the Population Register in the case of natural persons and to the address recorded in the relevant register in the case of legal persons.

(5) During the preparation of the detailed solution of the local spatial plan, the detailed solution is disseminated on the website of the local authority together with its significant annexes, above all surveys, approvals, opinions and other relevant information.

### **§ 113. Public display of the proposed detailed solution of the local government designated spatial plan and of strategic environmental assessment report**

(1) The authority arranging the preparation of the local government designated spatial plan arranges the public display of the proposed detailed solution that is prepared on the basis of the resolution on pre-selection of the location and the strategic environmental assessment report. The public display is held at least:

- 1) in the major population centre of the rural municipality in whose territory the planning area is situated or in the main business centre of the settlements located within the planning area;
- 2) in the main business centre of the city or city district in whose territory the planning area is situated.

(2) During the time of public display of the proposed detailed solution of the local government designated spatial plan and of the strategic environmental assessment report, everyone has the right to present opinions concerning the proposed detailed solution and report.

(3) The duration of public display of the proposed detailed solution of the local government designated spatial plan and of the strategic environmental assessment report is at least 30 days.

(4) The persons and bodies referred to in subsections 1 and 2 of section 112 of this Act are notified of the public display of the proposed detailed solution of the local government designated spatial plan and of the strategic environmental assessment report at least 14 days before the commencement of the public display. The notification states the time and place of the public display and the information required under subsection 5 of this section.

(5) The time and place of the public display of the proposed detailed solution of the local government designated spatial plan and of the strategic environmental assessment report are announced in one newspaper of nation-wide circulation, in the local newspaper of the city or rural municipality in whose territory the planning area is situated and in the Official Announcements at the latest 14 days before the commencement of the public display. Where there is no local newspaper published in the territory of the local authority or where announcement at least 14 days before the public display is not possible because of the publication schedule of the local newspaper, the announcement is published in the newspaper of the county in whose territory the planning area is situated at the latest 14 days before the public display. The announcement of the public display

and public discussion of the proposed detailed solution of the local government designated spatial plan and of the strategic environmental assessment report is disseminated on the website of the authority arranging the preparation of the local government designated spatial plan.

(6) The announcement referred to in subsection 4 of this section must:

- 1) disclose the location, including the boundaries, and size of the planning area;
- 2) briefly introduce the content of the detailed solution of the local government designated spatial plan and any significant impacts that may be presumed to result from implementation of the plan, including the major changes envisaged in comparison with the existing situation;
- 3) state the purpose of use of the envisaged construction work and describe the related activity.

(7) During the time the proposed detailed solution of the local government designated spatial plan and the strategic environmental assessment report are on public display, everyone is to have access, during the office hours of the authority arranging the preparation of the local government designated spatial plan, to any material and information that is related to the proposed detailed solution and report.

(8) Within 30 days after the end of the public display of the proposed detailed solution of the local government designated spatial plan and of the strategic environmental assessment report, the authority arranging the preparation of the local government designated spatial plan communicates to the persons who submitted written opinions during the time of the public display its reasoned position concerning those opinions together with the time and place of the public discussion.

#### **§ 114. Public discussion of the results of public display of the proposed detailed solution of the local government designated spatial plan and of strategic environmental assessment report**

(1) A public discussion of the proposed detailed solution of the local government designated spatial plan and of the strategic environmental assessment report is held within 45 days from the end of the public display. The public display is held at least:

- 1) in the main population centre of the rural municipality in whose territory the planning area is situated or in the main business centre of the settlements located within the planning area;
- 2) in the main business centre of the city or city district in whose territory the planning area is situated.

(2) The persons and bodies referred to in subsections 1 and 2 of section 112 of this Act are notified of the public discussion of the proposed detailed solution of the local government designated spatial plan and of the strategic environmental assessment report at least 14 days before the commencement of the discussion. The notification states the time and place of the public discussion.

(3) At the public discussion, the authority arranging the preparation of the local government designated spatial plan introduces to participants the written opinions received during the public display and states its views regarding those opinions, presents its reasons for the solutions selected in the preparation of the proposed detailed solution of the national designated spatial plan, for the activities and objectives related to the envisaged construction work, and responds to other questions regarding the proposed detailed solution and report.

(4) Any person who submitted a written opinion during the public discussion may withdraw that opinion by notifying the withdrawal to the authority arranging the preparation of the local government designated spatial plan in a form that allows reproduction in writing.

#### **§ 115. Consideration of the results of public display and public discussion of the proposed detailed solution of the local government designated spatial plan and strategic environmental assessment report**

(1) If written opinions were submitted during the public display of the proposed detailed solution of the local government designated spatial plan and of the strategic environmental assessment report, the information concerning the results of the public display and public discussion is published in one newspaper of nationwide circulation, in the local newspaper of the city or rural municipality in whose territory the planning area is situated and in the Official Announcements within 30 days from the date on which the public discussion was held. Where there is no local newspaper published in the territory of the local authority or where the publishing of information within 30 days is not possible because of the publication schedule of the local newspaper, the information is published in the newspaper of the county in whose territory the planning area is situated within the time-limit defined above.

(2) Based on the results of the public display and public discussion, the necessary modifications are made to the proposed detailed solution of the local government designated spatial plan and to the strategic environmental assessment report.

### **§ 116. Submission for approval of the proposed detailed solution of the local government designated spatial plan and strategic environmental assessment report and invitation to present opinions regarding the proposed detailed solution and report**

(1) The proposed detailed solution of the local government designated spatial plan and the strategic environmental assessment report is submitted for approval to the bodies and persons referred to in subsection 1 of section 112 of this Act; the bodies and persons referred to in subsection 2 of section 112 of this Act are notified of the opportunity to present their opinion regarding the proposed detailed solution and report.

(2) If the body or person to whom the proposed detailed solution of the local government designated spatial plan and the strategic environmental assessment report was submitted for approval, or who was invited to present an opinion regarding the proposed detailed solution and report, has not, within 30 days of receiving the proposed detailed solution and report, refused to approve these or presented an opinion or applied for extension of the time-limit, the proposed detailed solution and report are deemed to have been tacitly approved by the body or person to whom they were submitted for approval, or the body or person who was invited to present an opinion is deemed to have declined to do so, unless otherwise provided by law.

(3) If the person or body to whom the proposed detailed solution of the local government designated spatial plan and the strategic environmental assessment report were submitted for approval does not indicate that the proposed detailed solution or report is contrary to legislation or to the comprehensive plan, the proposed detailed solution of the local government designated spatial plan is deemed to have been approved. When deciding whether to approve the proposed strategic environmental assessment 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.

### **§ 117. Acceptance of the local government designated spatial plan**

(1) When the results of the strategic environmental assessment report are incorporated in the local government designated spatial plan, the local council resolves the acceptance of the local government designated spatial plan.

(2) By resolving to accept the local government designated spatial plan, the authority arranging the preparation of the plan confirms that the plan is in conformity with the relevant legislation and that the results of the strategic environmental assessment have been taken into account in the preparation of the plan.

### **§ 118. Public display of the local government designated spatial plan**

(1) After it has accepted the local government designated spatial plan, the authority arranging the preparation of the plan arranges the public display of the plan.

(2) During the time of public display of the local government designated spatial plan, everyone has the right to present opinions concerning the plan.

(3) The local government designated spatial plan that is to be displayed to the public must clearly state the changes emanating from the plan, the weighed reasons of the solution presented, the conditions of implementation of the plan and other facts explaining the plan. Together with the local government designated spatial plan, the approvals and opinions received in accordance with section 116(1) of this Act regarding the plan are also made public.

(4) The duration of public display of the local government designated spatial plan is at least 30 days.

(5) The persons and bodies referred to in subsections 1 and 2 of section 112 of this Act are notified of the public display of the national designated spatial plan at least 14 days before the commencement of the public display. The notification states the time and place of the public display and the information required under subsection 7 of this section.

(6) The time and place of public display of the local government designated spatial plan are announced in one newspaper of nation-wide circulation, in the local newspaper of the city or rural municipality in whose territory the planning area is situated and in Official Announcements at the latest 14 days before the commencement of the public display. Where there is no local newspaper published in the territory of the local authority or where announcement at least 14 days before the public display is not possible because of the publication schedule of the local newspaper, the announcement is published in the newspaper of the county in whose territory the planning area is situated at the latest 14 days before the public display. The announcement of the public display is disseminated on the website of the authority arranging the preparation of the local government designated spatial plan.

(7) The announcement referred to in subsection 5 of this section must:

- 1) disclose the location, including the boundaries, and size of the planning area;
- 2) briefly introduce the content of the local government designated spatial plan and any significant impacts that may be presumed to result from implementation of the plan, as well as the consideration that the results of the strategic environmental assessment report received in the preparation of the plan;
- 3) state the major changes emanating from the plan in comparison with the existing situation.

(8) During the time the local government designated spatial plan is on public display, everyone is to have access, during the office hours of the authority arranging the preparation of the local government designated spatial plan, to any material and information that is related to the plan and that the authority has at its disposal.

(9) In the case of a repeat public display referred to in section 120(3) of this Act, opinions may be presented only with regard to the modifications that have been made in the local government designated spatial plan to alter its principal solution after the previous public display.

(10) Within 30 days after the end of the public display of the local government designated spatial plan, the authority arranging the preparation of the plan communicates to the persons who submitted written opinions during the time of the public display its reasoned position concerning those opinions together with the time and place of the public discussion.

#### **§ 119. Public discussion of the results of public display of the local government designated spatial plan**

(1) The authority arranging the preparation of the local government designated spatial plan arranges a public discussion of the local government designated spatial plan within 45 days from the end of the public display. The public display is held at least:

- 1) in the main population centre of the rural municipality in whose territory the planning area is situated or in the main venue of the settlements located within the planning area;
- 2) in the main business centre of the city or city district in whose territory the planning area is situated.

(2) The holding of the public discussion is not mandatory if no written opinions were submitted concerning the local government designated spatial plan during the time it was on public display or if all written opinions have been followed.

(3) The persons and bodies referred to in subsections 1 and 2 of section 112 of this Act are notified of the public discussion of the local government designated spatial plan at least 14 days before the commencement of the discussion. The notification states the time and place of the public discussion.

(4) At the public discussion, the authority arranging the preparation of the local government designated spatial plan introduces to participants the written opinions received during the public display and states its views regarding those opinions, presents its reasons for the solutions selected in the preparation of the local government designated spatial plan, and responds to other questions regarding the plan.

(5) Any person who submitted a written opinion during the public discussion may withdraw that opinion by notifying the withdrawal to the authority arranging the preparation of the local government designated spatial plan in a form that allows reproduction in writing.

#### **§ 120. Consideration of the results of public display and public discussion of the local government designated spatial plan**

(1) If written opinions were submitted during the public display of the local government designated spatial plan, the information concerning the results of the public display and public discussion is published in one newspaper of nation-wide circulation, in the local newspaper of the city or rural municipality in whose territory the planning area is situated and in the Official Announcements within 30 days from the date on which the public discussion was held. Where there is no local newspaper published in the territory of the local authority or where the publishing of the information at least 30 days before the public display is not possible because of the publication schedule of the local newspaper, the information is published in the newspaper of the county in whose territory the planning area is situated within the time-limit defined above.

(2) Based on the results of the public display and public discussion, the necessary modifications are made to the local government designated spatial plan.

(3) If the modifications made on the basis of the results of the public display and public discussions alter the principal solution of the local government designated spatial plan or necessitate significant changes in the strategic environmental assessment report, the local government designated spatial plan and strategic environmental assessment report are submitted for approval again to those government agencies in whose area of government the issues addressed by the modifications fall, and the public display and public discussion are held again, following the requirements established in this Act in respect of arranging the public display and public discussion of the local government designated spatial plan and strategic environmental assessment report.

#### **§ 121. Ratification of the local government designated spatial plan**

(1) The local government designated spatial plan is submitted for ratification to the Ministry of Finance. The opinions that were submitted in writing during the public display and that were not taken into account in the preparation of the plan are submitted together with the plan and with the reasoned position concerning refusal to take those opinions into account of the authority that arranged the preparation of the plan.

[RT I, 12.12.2018, 2 – entry into force 22.12.2018]

(2) Within 60 days of the submission of the local government designated spatial plan, the minister responsible for the area or the official authorized by the minister ratifies the plan or refuses to ratify it. Where this is warranted by the circumstances, that time-limit may be extended to 90 days.

[RT I, 12.12.2018, 2 – entry into force 22.12.2018]

(3) When deciding on the ratification of the local government designated spatial plan, the minister responsible for the area or the official authorized by the minister:

[RT I, 12.12.2018, 2 – entry into force 22.12.2018]

1) verifies the conformity of the local government designated spatial plan and the environmental assessment proceedings to the relevant legislation and to the relevant county-wide spatial plan;

2) hears the views of the persons who submitted written opinions when the plan was displayed to the public and whose opinions were not taken into account in the preparation of the plan, and the views of the authority that arranged the preparation of the plan;

3) in the case of a spatial plan that contains a proposal to amend the county-wide spatial plan, grants or refuses his or her consent to amending the county-wide spatial plan.

[RT I, 04.07.2017, 1 – entry into force 01.01.2018]

(4) If the persons referred to in clause 2 of subsection 3 of this section do not reach an agreement, the minister responsible for the area or the official authorized by the minister transmits to them, within 30 days following the hearing of their views, his or her written opinion concerning the opinions that were not taken into account.

[RT I, 12.12.2018, 2 – entry into force 22.12.2018]

(5) If the minister responsible for the area or the official authorized by the minister refuses to ratify the local government designated spatial plan, he or she presents to the authority that arranged the preparation of the plan his or her reasoned position concerning the reasons why ratification was refused, pointing out the requirements or circumstances referred to in subsection 3 of this section that constitute the grounds for refusing to ratify the plan. Where warranted by the circumstances, the minister or the official may propose a partial adoption of the local government designated spatial plan.

[RT I, 12.12.2018, 2 – entry into force 22.12.2018]

(6) [Repealed – RT I, 04.07.2017, 1 – entry into force 01.01.2018]

## **§ 122. Adoption of the local government designated spatial plan**

(1) The local government designated spatial plan that has been ratified by the minister responsible for the area or by the official authorized by the minister is adopted by a resolution of the local council.

[RT I, 12.12.2018, 2 – entry into force 22.12.2018]

(2) The adoption of the local government designated spatial plan suspends the validity of any previously adopted local government designated spatial plan or detailed spatial plan or part thereof in respect of the planning area. In the area covered by the spatial plans whose validity has been suspended, the local government designated spatial plan replaces these plans.

(3) The location of the construction work that is envisaged in the local government designated spatial plan is entered in the comprehensive plan adopted earlier within 30 days from the adoption of the local government designated spatial plan. When making the modifications in the earlier spatial plan, a statement to the effect that the construction work that is envisaged in the designated spatial plan is located in the corresponding land area must be included in the previously adopted spatial plan or, where this is technically possible, the changes emanating from the designated spatial plan are to be recorded on the map of the spatial plan that was previously adopted in effect and in its explanatory text.

(4) The local government designated spatial plan expires if its implementation has not commenced within five years from the adoption of the plan.

(5) In order to bring a local government designated spatial plan into conformity with legislation that has been amended or that has entered into force after the adoption of the plan or with a court judgment that has become final after the adoption of the plan, the authority that arranged the preparation of the plan makes the corresponding modifications in the plan by means of an administrative operation, without conducting public proceedings. Announcement and notification of the making of the modifications is made following the requirements established for the announcement and notification of the adoption of local government designated spatial plans.

(6) A notice concerning the adoption of the local government designated spatial plan is published within 30 days of the adoption in at least one newspaper of nation-wide circulation and in the local newspaper of the city or rural municipality in whose territory the planning area is situated or, in the case of cities with city districts, in the local newspaper of the city district. Where announcement within 30 days is not possible because of the publication schedule of the local newspaper, the notice is published in the local newspaper at the earliest opportunity, and the announcement of the adoption of the local government designated spatial plan is also published within 30 days of the adoption in the county newspaper. Where there is no local newspaper published in the territory of the local authority, the notice of the adoption of the local government designated spatial plan is

published in the newspaper of the county in whose territory the planning area is situated within 30 days from the adoption. The notice of the adoption of the local government designated spatial plan is also published within 14 days from the adoption in the Official Announcements, as well as on the website of the authority that arranged the preparation of the plan.

(7) The authority arranging the preparation of the local government designated spatial plan notifies of the adoption of the local government designated spatial plan and transmits the plan that has been adopted to the minister responsible for the area and to the registrar of the national land cadastre within 30 days following the day of adoption of the plan. Together with the plan, the authority transmits to the registrar, in machine-readable format, the data concerning the land use and building conditions and restrictions that have become effective as a result of the adoption of the plan.

[RT I, 04.07.2017, 1 – entry into force 01.01.2018]

(8) When giving notification of the adoption of the local government designated spatial plan, a brief overview must be provided of the content of the plan, including an overview of likely economic, social and cultural impacts, and the impact on the natural environment, that may be presumed to result from the implementation of the plan.

(9) Within 14 days from the adoption of the local government designated spatial plan, the authority that arranged the preparation of the plan notifies the adoption of the plan to the persons and bodies referred to in subsections 1 and 2 of section 99 and subsections 1 and 2 of section 112 of this Act. Notification is also made to the owners of any immovables whose immovables or parts of whose immovables need to be subjected to acquisition in the public interest, including expropriation, or to compulsory possession, in order to implement the local government designated spatial plan.

[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

(10) If the local government designated spatial plan contains a proposal to amend the county-wide spatial plan and the minister responsible for the area or the official authorized by the minister has agreed to the proposal made, the amendments are incorporated in the county-wide spatial plan within 30 days following the adoption of the local government designated spatial plan. When incorporating the amendments into the county-wide spatial plan, a note must be appended to the plan stating the extent to which the plan has been amended or, where this is technically possible, enter the envisaged amendments on the map and in the explanatory text of the county-wide spatial plan.

[RT I, 12.12.2018, 2 – entry into force 22.12.2018]

### **§ 123. Contestation of local government designated spatial plans**

Anyone who finds that the decision by which the local government designated spatial plan is adopted is contrary to public interest or infringes his or her rights or impinges on his or her freedoms has the right to contest the decision in court within 30 days from the day on which he or she became or should have become aware of the adoption of the plan.

## **Chapter 8 Detailed spatial plan**

### **§ 124. Detailed spatial plans and the authority that arranges the preparation of such plans**

(1) A detailed spatial plan is prepared in respect of a part of the territory of a local authority and, where necessary, to plan construction works that have a permanent connection to the shore or that are functionally connected to the shore.

(2) The purpose of the detailed spatial plan is, above all, to implement the comprehensive plan and to create an inclusive spatial solution for the planning area. The detailed spatial plan forms the basis for the building work conducted in the near future.

(3) On the basis of the detailed spatial plan, restrictions may be imposed on immovable property.

(4) Where a detailed spatial plan exists or where the preparation of a detailed spatial plan is mandatory, the detailed spatial plan forms the basis for the preparation of building design documentation.

(5) Strategic environmental assessment is mandatory when preparing a detailed spatial plan if the plan forms the basis for any of the activities listed in section 6(1) of the Environmental Impact Assessment and Environmental Management System Act.

(6) When preparing a detailed spatial plan which is presumed to have an impact on areas part of the Natura 2000 network and when preparing the detailed spatial plan referred to in section 125(1)(4) and section 142 of

this Act, a preliminary assessment must be made and strategic environmental assessment must be considered following the criteria established in subsections 4 and 5 of section 33 of the Environmental Impact Assessment and Environmental Management System Act and the positions of the authorities relevant under subsection 6 of that section.

(7) In cases where the strategic environmental assessment is mandatory when preparing the detailed spatial plan, the proceedings of preparing the detailed spatial plan are conducted following the requirements established in respect of the conduct of proceedings to prepare comprehensive plans.

(8) If the planning area contains a heritage conservation area, an immovable monument or the protection zone of such an area or monument, the special conditions of heritage conservation for the detailed spatial plan are taken into account in the preparation of that plan, having regard to the provisions of the Heritage Conservation Act.

[RT I, 19.03.2019, 13 - entry into force 01.05.2019]

(9) When preparing a detailed plan referred to in subsection 7 of this section, cooperation and participation in the planning proceedings is subject to the provisions of section 127 of this Act.

(10) The authority that arranges the preparation of detailed spatial plans is the local authority.

### **§ 125. Obligation to prepare a detailed spatial plan**

(1) The preparation of detailed spatial plans is mandatory for areas located in cities, towns and small towns and in the public water bodies adjacent to such settlements in the following cases:

New wording of the introductory sentence of subsection 1:

(1) The preparation of detailed spatial plans is mandatory for areas located in cities in their capacity of settlements, in towns and small towns and in the public water bodies adjacent to such settlements in the following cases:

[RT I, 21.06.2016, 1 - the new wording of the introductory sentence of subsection 1 enters into force in the year 2017 on the day on which the results of local elections are promulgated]

- 1) in order to erect a building subject to the building permit requirement;
- 2) in order to expand an existing building that is subject to the building permit requirement by more than 33 percent of its originally planned volume;
- 3) in order to erect civil engineering works of significant public interest that are subject to the building permit requirement such as stadiums, golf courses, singing stages, motorsport circuits, etc.;
- 4) in order to construct construction works that have a significant spatial impact and that are subject to the building permit requirement, if the location of such construction work has been selected in the comprehensive plan.

(2) In addition to the cases listed in subsection 1 of this section, the preparation of a detailed plan is also mandatory for areas designated, and in instances identified, in the comprehensive plan as subject to that requirement.

(3) The local council may initiate the preparation of a detailed spatial plan for an area or in an instance that does not fall under subsections 1 and 2 of this section, provided the area or instance attracts significant public interest.

(4) The preparation of a detailed spatial plan is not required for the erection of a temporary construction work as provided in the Building Code.

(5) Where the preparation of a detailed spatial plan is mandatory, the local authority may authorise the erection or expansion, on a registered immovable in a built-up area, on the basis of design specifications and without the preparation of a detailed plan, of a single building and the civil engineering works necessary for servicing the building if:

- 1) the volume and purpose the construction work matches the environment that has become established in the area, taking into account of the type of other buildings in the area;
- 2) the comprehensive plan determines the general use and building conditions of the corresponding area, including the conditions for issuing design specifications, and the erection or extension of the building is not contrary to other conditions established in the comprehensive plan.

(6) In the instance set out in subsection 5 of this section, the local authority determines the conditions referred to in section 26(4) of the Building Code.

### **§ 126. Functions of detailed spatial plans**

(1) The functions of the detailed spatial plan are:

- 1) to divide the planning area into plots;
- 2) to define the buildable area of the plot;
- 3) to determine the building rights in respect of the plots;
- 4) to determine the possible location of any construction works necessary for the functioning of buildings and civil engineering works, including the location of utility lines and of any civil engineering works related to such lines and of any roads to provide access to roads designated as public roads;

- 5) to determine the requirements concerning the building of the envisaged construction works;
  - 6) to determine the requirements concerning the architectural solution and appearance of the envisaged construction works;
  - 7) to determine the principles of traffic arrangements;
  - 8) to determine the principles for planting vegetation and street-side maintenance;
  - 9) to determine the relevant clearances;
  - 10) to ensure public access to shore paths;
  - 11) to establish conditions to reduce the risk of crime;
  - 12) to establish the requirements to ensure observance of standard levels of noise, vibration, pollution risk and insolation, and other environmental parameters;
  - 13) to determine the location of land improvement systems and the restrictions resulting from such systems;
  - 14) to assign locally protected status to natural objects and determine the relevant protection zones;
  - 15) to define built-up areas of cultural and environmental value, to assign the status 'valuable' to individual objects and to areas of arable land, and to determine the conditions for the protection and use of such areas and objects, provided such areas or objects have not been defined or assigned as valuable in the comprehensive plan;
  - 16) to reduce the building exclusion zone of shores and banks;
  - 17) to state the need for the creation of servitudes and for the designation of existing or envisaged roads as public roads;
  - 18) to designate areas and to determine instances in relation to which the holding of an architecture competition is required;
  - 19) to state the need for the designation as 'public-use area' of existing or envisaged recreation areas situated on private property;
  - 20) to state the need for acquisition in the public interest, including expropriation, or for establishment of compulsory possession, in order to fulfil the above-mentioned functions;
- [RT I, 29.06.2018, 1 – entry into force 01.07.2018]
- 21) where this is warranted by the circumstances, to establish requirements concerning construction works whose building is not subject to the requirement of the preparation of a detailed spatial plan;
  - 22) fulfil other functions in relation to the functions listed in this subsection.

(2) The fulfilment of functions listed in clauses 1–5 of subsection 1 of this section is mandatory when preparing a detailed plan. When determining the location of construction works referred to in clause 4 of subsection 1 of this section, it is also mandatory to fulfil the functions set out in clauses 17 and 20 of subsection 1 of this section.

(3) The functions to be fulfilled by a detailed spatial plan are decided on in accordance with the spatial needs of the local authority and the purpose of the plan.

(4) The building rights of a plot determine:

- 1) the intended purpose, or purposes, of use of the plot;
- 2) the maximum authorized number of buildings, or of civil engineering works of significant public interest, on the plot, or the absence of such buildings or civil engineering works;
- 3) the maximum ground projection area of buildings or of civil engineering works of significant public interest;
- 4) the maximum authorized height of buildings or of civil engineering works of significant public interest;
- 5) where relevant, the maximum authorized depth of buildings or of civil engineering works of significant public interest.

(5) The intended purpose of use of the plot defines the purpose for which the plot may be used after the adoption of the detailed spatial plan. On the basis of the plot's intended purpose of use, the government of the city or of the rural municipality determines the intended purpose of the cadastral unit and the purpose of use of any construction works on the plot. One plot may be assigned several intended purposes of use.

[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

(6) Where a plot is defined by the detailed spatial plan, this serves as the basis for the formation of a cadastral unit.

(7) When intending to reduce the building exclusion zone referred to in clause 16 of subsection 1 of this section, the authority arranging the preparation of the detailed spatial plan must request the consent of the Environmental Board in respect of the reduction.

## **§ 127. Cooperation and invitation to participate in the preparation of detailed plans**

(1) The detailed spatial plan is prepared in cooperation with the government agencies in whose area of government the issues addressed by the plan fall.

(2) The persons whose rights the detailed spatial plan may affect, as well as persons who have expressed an interest in being invited to participate in the preparation of the detailed spatial plan are invited to participate in the preparation of the plan. In instances where the conduct of strategic environmental assessment is mandatory when preparing the plan, persons and bodies that are likely to be affected by the significant environmental

impact that may be presumed to result from implementation of the plan, or that may have a legitimate interest in such an impact, including, through an organization that unites them, environmental non-governmental organizations, as well as any foundations and non-profit organizations representing the residents of the planning area, are also invited to participate in the preparation of the detailed spatial plan.  
[RT I, 04.07.2017, 1 – entry into force 01.01.2018]

(3) Any person whose interests the detailed spatial plan may affect may be invited to participate in the preparation of the detailed spatial plan. If the authority arranging the preparation of the plan invites a person referred to in this subsection to participate in the preparation of the plan, the provisions established in respect of the persons and bodies referred to in subsection 2 of this section also apply to that person.

(4) The bodies and persons referred to in subsections 1–3 of this section notify to the authority that arranges the preparation of the detailed spatial plan the method of communicating to them the notices required under this Act, and the requisite contact information. If the person does not notify to the authority the method of communicating such notices, the authority transmits the notices required under this Act to the address recorded in the Population Register in the case of natural persons and to the address recorded in the relevant register in the case of legal persons.

(5) During the preparation of the detailed spatial plan, the plan is disseminated on the website of the authority that arranges the preparation of the plan together with its significant annexes, above all surveys, approvals, opinions and other up-to-date information.

### **§ 128. Initiation of the preparation of detailed spatial plans**

(1) The preparation of the detailed spatial plan is initiated by the local authority.

(2) Initiation of the preparation of the detailed spatial plan is foregone above all where:

- 1) it is obvious that the initiation of the preparation of the detailed spatial plan is contrary to the comprehensive plan;
- 2) it is evident that future implementation of the plan to be initiated is impossible, above all where the authority arranging the preparation of the plan lacks the means to bear the costs of constructing, according to the plan, the roads designated as public roads, together with the related civil engineering works, vegetation and street lighting, or the costs of constructing, according to the plan, the technical infrastructure that serves public interests, and the party interested in the preparation of the detailed plan refuses to bear such costs;
- 3) this is dictated by other reasons based on imperative public interest;
- 4) the implementation of the plan would result in a disproportionate encroachment on the rights of a third party;
- 5) in the instances set out in section 125(5) of this Act or
- 6) no funds are available in the budget of the authority arranging the preparation of the plan to bear the costs attaching to the preparation of the plan, to commissioning the preparation of the plan and to the assessment of impacts, and the party interested in the preparation of the plan does not bear such costs.

[RT I, 04.05.2017, 3 – entry into force 05.05.2017]

(3) Clause 1 of subsection 2 of this section does not apply to detailed spatial plans that modify the comprehensive plan in accordance with section 142 of this Act.

(4) The decision on initiating or refusing to initiate the preparation of the detailed spatial plan is taken within 30 days from receiving the application seeking initiation of the preparation of the plan. Where valid reasons are present, above all those emanating from the size of the planning area, the need to conduct surveys or investigations, from ascertainment of the facts prerequisite to the conclusion of the relevant administrative contract or a contract to assign the obligation to bear the costs connected to the commissioning of the preparation of the plan, or from the large number of the parties to be invited to participate or cooperate, the above-mentioned time-limit may be extended to 90 days.  
[RT I, 04.05.2017, 3 – entry into force 05.05.2017]

(5) The decision to initiate the preparation of the detailed spatial plan states:

- 1) the location, including the boundaries, and size of the planning area;
- 2) the need for the preparation of the plan;
- 3) the need for possible surveys and investigations.

(6) The initiation of the preparation of the detailed spatial plan is announced within 30 days of the initiation in the local newspaper of the city or rural municipality or, in the case of cities with city districts, in the local newspaper of the city district, as well as in the county newspaper or in the newspaper of nation-wide circulation that the local authority has selected for the publication of the official announcements of the city or rural municipality. Where announcement within 30 days is not possible because of the publication schedule of the local newspaper, the announcement is published in the local newspaper at the earliest opportunity, and is also published in the county newspaper within 30 days of the initiation. If there is no local newspaper published in territory of the local authority, the announcement is published in the county newspaper of the county in whose territory the planning area is situated within 30 days of the initiation.

(7) A notice concerning the initiation of the preparation of the detailed spatial plan is published in the Official Announcements and on the website of the authority arranging the preparation of the plan within 14 days of the initiation. The notice must include the information referred to in subsection 5 of this section.

(8) The persons and bodies referred to in subsections 1 and 2 of section 127 of this Act are notified of the initiation of the preparation of the detailed spatial plan within 30 days of the initiation.

(9) If it is known at the time of the initiation of the preparation of the detailed spatial plan, or if it becomes known during the preparation of such plan, that the plan may entail the need to subject an immovable or part thereof to acquisition in the public interest, including expropriation, or to compulsory possession, the authority arranging the preparation of the plan notifies the owner of the registered immovable of the initiation of the preparation of the detailed spatial plan within seven days from the date on which the decision to initiate the preparation of the detailed spatial plan was made or from the date on which the need to subject the immovable to acquisition in the public interest, including expropriation, or to compulsory possession became known.  
[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

### **§ 129. Termination of the preparation of detailed spatial plan**

(1) The preparation of the detailed spatial plan may be terminated if:

- 1) in the course of the preparation, circumstances are revealed that render future implementation of the plan impossible, including where the relevant party refuses to conclude the administrative contract to assign the building of the construction works required under the plan;
- 2) the owner of the registered immovable submits an application seeking termination of the preparation of the plan;
- 3) the purpose of the preparation of the plan is substantially modified in the course of the preparation or
- 4) no funds are available in the budget of the authority arranging the preparation of the plan to bear the costs attaching to the preparation of the plan, to commissioning the preparation of the plan and to the assessment of impacts, and the party interested in the preparation of the plan does not bear such costs.

[RT I, 04.05.2017, 3 – entry into force 05.05.2017]

(2) Announcement and notification of the termination of the preparation of the detailed spatial plan and of the reasons for the termination is made following the requirements established in subsections 6 and 8 of section 128 of this Act concerning announcement and notification of the initiation of the preparation of detailed spatial plans. The announcement of the termination of the preparation of the detailed spatial plan and of the reasons for the termination is also disseminated on the website of the authority that arranged the preparation of the plan within 14 days from the termination.

### **§ 130. Administrative contracts with interested parties**

[RT I, 04.05.2017, 3 – entry into force 05.05.2017]

(1) The authority that organizes planning work may conclude, with the party interested in the preparation of the detailed plan, an administrative contract to assign to that party the preparation, or the commissioning of the preparation, of the plan. The authority may not, by administrative contract, assign the arranging of the preparation of the plan and the conducting of the proceedings necessary for the preparation of the plan.

(2) Subsection 1 of this section does not apply where:

- 1) no comprehensive plan has been adopted in respect of the planning area;
- 2) the plan envisages an amendment in the adopted comprehensive plan;
- 3) the plan envisages modifications that are significant from the point of view of the general conditions concerning construction works in the corresponding urban area;
- 4) the plan is prepared to map out an activity that has a significant environmental impact.

(3) When initiating the preparation of the detailed spatial plan, modification of the planning area indicated in the application is allowed provided the authority that organizes planning work and the interested party agree on the modification. Where the authority that arranges planning work modifies the subject matter of the application during the planning proceedings, including, among other things, extending the planning area indicated in the original application, the interested party is entitled to demand that the additional costs connected to the preparation or the commissioning of the preparation of the plan be shared proportionally between the authority arranging the preparation of the plan and the interested party.

(4) Where circumstances arise that prevent the interested party from performing the tasks stipulated in the administrative contract, the authority that organizes planning work is authorized to terminate the contract unilaterally on the grounds provided in the Administrative Cooperation Act. In such a case, the decision may be made to terminate the preparation of the detailed spatial plan.

[RT I, 04.05.2017, 3 – entry into force 05.05.2017]

(5) Where the authority that organizes planning work has concluded, with the party interested in the preparation of the detailed plan, the administrative contract to assign to that party the preparation, or the commissioning of the preparation, of the detailed spatial plan, and where, in the course of the preparation of the plan, facts become known that bring the matter within the scope of subsection 2 of this section, or indicate the need to amend the comprehensive plan, the administrative contract must be terminated.

### **§ 131. Completing the construction of the civil engineering works described in the detailed spatial plan**

(1) The authority that arranges the preparation of the detailed spatial plan is obligated, at its own expense, to complete the construction, according to the plan, of any public roads together with the related civil engineering works, vegetation, street lighting and technical infrastructure, unless the authority and the party interested in the preparation of the plan have agreed otherwise.

(2) The authority that arranges the preparation of the detailed spatial plan may conclude, with the party interested in the preparation of the plan, an administrative contract by which the interested party assumes the obligation to complete the construction, according to the plan, of the civil engineering works referred to in subsection 1 of this section, or assumes the obligation to bear a part or the entirety of the costs connected to the completion of the corresponding building work.

(3) The authority that arranges the preparation of the detailed spatial plan must ensure that there is access from the planning area to a public road and that it is possible to use, in accordance with its intended purpose, other technical infrastructure that serves public interests. Where the planning area is situated in a district in which a public water supply and sewerage system is being developed, this includes ensuring a connection to that system.

(4) The conduct of the proceedings necessary for the construction of the civil engineering works listed in subsection 1 of this section may not be assigned by administrative contract.

(5) In addition to the conditions referred to in section 10 of the Administrative Cooperation Act, the authority that arranges the preparation of the detailed spatial plan and the interested party agree, in respect of the construction works listed in subsection 1 of this section:

- 1) the partitioning, between the authority and the interested party, of the costs connected to the corresponding building work;
- 2) sufficient guarantees to ensure the performance of the obligation that the interested party assumed in regard to the bearing of the costs;
- 3) the time-limit for the completion of the civil engineering works;
- 4) the obligation to deliver the civil engineering works to the authority, the time-limit for the performance of that obligation, and sufficient guarantees to ensure the performance of the obligation.

(6) By way of ancillary condition to the detailed spatial plan, the authority that arranges the preparation of the plan may reserve to itself the right to repeal the plan or refuse to issue any building permits in the planning area if the interested party has not, within the defined time-limits, performed the obligations that it assumed in accordance with subsection 2 of this section.

### **§ 132. Imposition of temporary ban on planning and building work when preparing detailed spatial plans**

(1) The authority arranging the preparation of the detailed spatial plan may impose, for the duration of the preparation of the plan, a ban on planning and building work in the planning area or a part thereof if the detailed spatial plan envisages alterations in the building rights originally granted in that area.

(2) During the temporary ban on planning and building work, the following may be prohibited in the planning area or a part thereof:

- 1) the adoption of comprehensive plans or detailed spatial plans;
- 2) the issuing of building permits for the erection of construction works;
- 3) the issuing of design specifications;
- 4) changing the existing intended purpose of the cadastral unit.

(3) The temporary ban on planning and building work may be imposed for up to two years. Where warranted by the circumstances, the temporary ban may be extended up to four years.

(4) The temporary ban on planning and building work does not apply to building work for which a building permit has been issued or of which the authorities have been notified before the imposition of the ban, and to building work for which the submission of a building notice or the existence of a building permit is not required.

(5) The authority arranging the preparation of the detailed spatial plan notifies, by way of registered letter, the owner of any registered immovable in respect of which the temporary ban on planning and building work is to be imposed and, where necessary, the persons who may be affected by the ban, of its intention to impose the ban and of the reasons for the imposition at least 14 days before imposing the ban.

(6) The authority arranging the preparation of the detailed spatial plan imposes the temporary ban on planning and building work by directive and, within seven days from the imposition of the ban, notifies this by way of registered letter to the owner of any registered immovable subject to the ban, in machine-readable format to the

registrar of the national land cadastre, and, where necessary, to any other persons who may be affected by the ban.

### **§ 133. Submission for approval of the detailed spatial plan and invitation to present opinions concerning the plan**

(1) The detailed spatial plan is submitted for approval to the persons and bodies referred to in subsection 1 of section 127 of this Act; the persons and bodies referred to in subsection 2 of section 127 of this Act are notified of the opportunity to present their opinion regarding the plan.

(2) If the body or person to whom the detailed spatial plan was submitted for approval or who was invited to present an opinion regarding the plan has not, within 30 days of receiving the plan, refused to approve the plan or presented an opinion or applied for extension of the time-limit, the plan is deemed to have been tacitly approved by the body or person to whom it was submitted for approval, or the body or person who was invited to present an opinion regarding the plan is deemed to have declined to do so, unless otherwise provided by law.

(3) If the person or body to whom the detailed spatial plan was submitted for approval does not indicate that the plan is contrary to legislation or to the comprehensive plan, the plan is deemed to have been approved.

### **§ 134. Acceptance of the detailed spatial plan**

When the detailed spatial plan has received the requisite approvals, the authority that arranged the preparation of the plan resolves the acceptance of the detailed spatial plan. By resolving to accept the detailed spatial plan, the authority confirms that the plan is in conformity with the relevant legislation and with the spatial development objectives of the city or rural municipality.

### **§ 135. Public display of the detailed spatial plan**

(1) After it has accepted the detailed spatial plan, the authority that arranged the preparation of the plan arranges at least one public display of the detailed spatial plan. The holding of an additional public display must be decided considering, above all, public interest, the size of the planning area and other circumstances that are important in the assessment of the authority arranging the preparation of the plan. The public display is held at least:

- 1) in the main population centre of the rural municipality or in the main venue of the settlement;
- 2) in the main business centre of the city or city district.

(2) During the time of public display of the detailed spatial plan, everyone has the right to present opinions concerning the plan.

(3) The detailed spatial plan that is to be displayed to the public must clearly state the changes emanating from the plan, the weighed reasons of the solutions presented, the conditions of implementation of the plan and other facts explaining the plan. Together with the detailed spatial plan, the approvals and opinions received in accordance with section 133(1) of this Act regarding the plan are also made public.

(4) In order to provide a visual image of the envisaged environment and buildings, at least one three-dimensional illustration of the planning solution is presented at the public display as an annex to the detailed spatial plan.

(5) The duration of the public display of a detailed spatial plan is at least 14 days. The duration of the public display of a detailed spatial plan that modifies the comprehensive plan and of a detailed spatial plan that is not based on the adopted comprehensive plan is at least 30 days.

(6) The persons and bodies referred to in subsections 1 and 2 of section 127 of this Act are notified of the public display of the detailed spatial plan at least 14 days before the commencement of the public display. The notification states the time and place of the public display and the information required under subsection 8 of this section.

(7) The time and place of public display of the detailed spatial plan is announced at least 14 days before the commencement of the public display in the local newspaper of the city or rural municipality or, in the case of cities with city districts, in the local newspaper of the city district, as well as in the county newspaper or in the newspaper of nation-wide circulation that the local authority has selected for the publication of the official announcements of the city or rural municipality. Where there is no local newspaper published in territory of the local authority or where announcement at the latest 14 days before the commencement of the public display is not possible because of the publication schedule of the local newspaper, the announcement is published in the county newspaper at the latest 14 days before the commencement. The announcement concerning the public display of the plan is disseminated on the website of the authority arranging the preparation of the plan.

(8) The announcement referred to in subsection 7 of this section must:

- 1) disclose the location, including the boundaries, and size of the planning area;
- 2) briefly introduce the content of the detailed spatial plan and the significant impacts to result from implementation of the plan;
- 3) state the major changes emanating from the plan in comparison with the existing situation;
- 4) provide information concerning the nature of the activities and construction works envisaged by the plan, and concerning the significant land use and building conditions, and state whether the plan contains a proposal to amend the principal solution of the comprehensive plan.

(9) During the time the detailed spatial plan is on public display, everyone is to have access, during the office hours of the administration of the city or rural municipality, to any material and information that is related to the detailed spatial plan and that the administration has at its disposal.

(10) In the case of holding a repeat public display in the case referred to in section 137(3) of this Act, opinions may be presented only with regard to the modifications that have been made in the detailed spatial plan to alter its principal solution after the previous public display of the plan.

(11) Within 30 days after the end of the public display of the detailed spatial plan, the authority arranging the preparation of the plan communicates to the persons who submitted written opinions during the time of the public display its reasoned position concerning those opinions together with the time and place of the public discussion.

### **§ 136. Public discussion of the results of public display of the detailed spatial plan**

(1) The authority arranging the preparation of the detailed spatial plan arranges a public discussion of the plan within 45 days from the end of the public display. The public display is held at least:

- 1) in the main population centre of the rural municipality in whose territory the planning area is situated or in the main venue of the settlements located within the planning area;
- 2) in the main business centre of the city or city district in whose territory the planning area is situated.

(2) The holding of the public discussion is not mandatory if no written opinions were submitted concerning the detailed spatial plan during the time it was on public display or if all written opinions have been followed.

(3) The persons and bodies referred to in subsections 1 and 2 of section 127 of this Act are notified of the public discussion of the detailed spatial plan at least 14 days before the commencement of the discussion. The notification states the time and place of the public discussion.

(4) At the public discussion, the authority arranging the preparation of the detailed spatial plan introduces to participants the written opinions received during the public display and states its views regarding those opinions, presents its reasons for the solutions selected in the preparation of the plan, and responds to other questions regarding the plan.

(5) Any person who submitted a written opinion during the public discussion may withdraw that opinion by notifying the withdrawal to the authority arranging the preparation of the detailed spatial plan in a form that allows reproduction in writing.

### **§ 137. Consideration of the results of public display and public discussion of the detailed spatial plan**

(1) Based on the results of the public display and public discussion, the necessary modifications are made to the detailed spatial plan.

(2) If written opinions were submitted during the public display of the detailed spatial plan, the information concerning the results of the public display and public discussion is published within 30 days of the holding of the public discussion in the local newspaper of the city or rural municipality or, in the case of a city with city districts, in the newspaper of the city district, and in the county newspaper or the newspaper of nation-wide circulation that the local authority has selected for the publication of the official announcements of the city or rural municipality. Where there is no local newspaper published in the territory of the local authority or where the publishing of the information within 30 days is not possible because of the publication schedule of the local newspaper, the information is published in the newspaper of the county in whose territory the planning area is situated within the time-limit defined above.

(3) If the modifications made on the basis of the results of the public display and public discussions alter the principal solutions of the detailed spatial plan, the detailed spatial plan is submitted for approval again to those government agencies in whose area of government the issues addressed by the modifications fall. The public display and public discussion are also held again, following the requirements established in this Act in respect of submitting the plan for approval and of arranging the public display and public discussion of the plan.

### **§ 138. Ratification of the detailed spatial plan**

(1) The detailed spatial plan is submitted for ratification to the Ministry of Finance. The opinions that were submitted in writing during the public display and that were not taken into account in the preparation of the plan are submitted together with the plan and with the reasoned position of the authority that arranged the preparation of the plan concerning its refusal to take those opinions into account.

[RT I, 12.12.2018, 2 – entry into force 22.12.2018]

(2) Subsection 1 of this section does not apply if the detailed plan has been prepared in conformity with the comprehensive plan and no opinions were submitted concerning the plan during the public display, or if all written opinions submitted during the public display have been taken into account.

(3) Within 60 days of the submission of the detailed spatial plan, the minister responsible for the area or the official authorized by the minister ratifies the plan or refuses to ratify it.

[RT I, 12.12.2018, 2 – entry into force 22.12.2018]

(4) When deciding on the ratification of the detailed spatial plan, the minister responsible for the area or the official authorized by the minister:

[RT I, 12.12.2018, 2 – entry into force 22.12.2018]

- 1) verifies the conformity of the detailed spatial plan to the relevant legislation;
- 2) hears the views of the persons who submitted written opinions when the plan was displayed to the public and whose opinions were not taken into account in the preparation of the plan, and the views of the authority that arranged the preparation of the plan.

(5) If the persons referred to in clause 2 of subsection 4 of this section do not reach an agreement, the minister responsible for the area or the official authorized by the minister transmits to them, within 30 days from hearing their views, his or her written opinion concerning the opinions that were not taken into account.

[RT I, 12.12.2018, 2 – entry into force 22.12.2018]

(6) If the minister responsible for the area or the official authorized by the minister refuses to ratify the detailed spatial plan, he or she presents to the authority that arranged the preparation of the plan his or her reasoned position concerning the reasons why ratification was refused, pointing out the requirements or circumstances referred to in subsection 4 of this section that constitute the grounds for refusing to ratify the plan. Where warranted by the circumstances, the minister or the official may propose a partial adoption of the detailed spatial plan.

[RT I, 12.12.2018, 2 – entry into force 22.12.2018]

### **§ 139. Adoption of the detailed spatial plan**

(1) The detailed spatial plan is adopted by the administration of the city or rural municipality. When the detailed spatial plan is prepared under section 130(2) of this Act, the plan is adopted by the local council.

(2) The decision to adopt the detailed spatial plan or to refuse to do so is made at the latest when three years have elapsed since the initiation of the plan.

(3) A notice concerning the adoption of the detailed spatial plan is published within 30 days of the adoption of the plan in the local newspaper of the city or rural municipality in whose territory the planning area is situated or, in the case of cities with city districts, in the local newspaper of the city district, and in the county newspaper or the newspaper of nation-wide circulation that the local authority has selected for the publication of the official announcements of the city or municipality. Where announcement within 30 days is not possible because of the publication schedule of the local newspaper, the notice is published in the local newspaper at the earliest opportunity, and within 30 days of the adoption of the plan in the county newspaper. Where there is no local newspaper published in the territory of the local authority, the notice of the adoption of the detailed spatial plan is published in the newspaper of the county in whose territory the planning area is situated within 30 days from the adoption of the plan. The notice of the adoption of the plan is also published within 14 days of the adoption in the Official Announcements, as well as on the website of the authority that arranged the preparation of the plan.

(4) The authority arranging the preparation of the detailed spatial plan notifies of the adoption of the plan and transmits the plan that has been adopted to the minister responsible for the area and to the registrar of the national land cadastre within 30 days from the day the plan was adopted. Together with the plan, the authority transmits to the registrar, in machine-readable format, the data concerning the land use and building conditions and restrictions that have become effective as a result of the adoption of the plan.

[RT I, 04.07.2017, 1 – entry into force 01.01.2018]

(5) When giving notification of the adoption of the detailed spatial plan, a brief overview must be provided of the content of the plan, including an overview of likely economic, social and cultural impacts, and the impact on the natural environment, that may be presumed to result from the implementation of the plan.

(6) Within 14 days from the adoption of the detailed spatial plan, the authority that arranged the preparation of the plan notifies of the adoption of the plan to:

- 1) the persons who submitted opinions during the public display of the plan and whose opinions were not taken into account when the plan was adopted;

2) the owner of the immovable whose immovable, or part of whose immovable, needs to be subjected to acquisition in the public interest, including expropriation, or to compulsory possession, in order to implement the plan;

[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

3) the owner of the registered immovable on which the temporary ban on planning and building work was imposed during the preparation of the plan;

4) the persons and bodies referred to in subsections 1 and 2 of section 127 of this Act.

#### **§ 140. Repeal of the detailed spatial plan**

(1) The detailed spatial plan or a part of such plan may be repealed if:

1) at least five years have elapsed since the adoption of the plan, and implementation of the plan has not commenced;

2) the authority that arranged the preparation of the plan, or the owner of the registered immovable that was dealt with in the plan wishes to forego its implementation.

(2) The detailed spatial plan may be repealed partially provided implementation of the overall solution of the plan is ensured after the plan is partially repealed.

(3) The proposed decision to repeal the detailed spatial plan is submitted for approval to the bodies referred to in subsection 1 of section 127 of this Act and the persons and bodies referred to in subsection 2 of section 127 of this Act are notified of the opportunity to present opinions concerning the proposed decision.

(4) If the body to whom the proposed decision to repeal the detailed spatial plan was submitted for approval or the person or body who was invited to present an opinion regarding the proposed decision has not, within 30 days of receiving the proposed decision, refused to approve that decision or presented an opinion or applied for extension of the time-limit, the proposed decision is deemed to have been tacitly approved by the body to whom it was submitted for approval, or the body or person who was invited to present an opinion regarding the proposed decision is deemed to have declined to do so, unless otherwise provided by law.

(5) The partial repeal of the detailed spatial plan is notified to the persons and bodies referred to in subsections 1 and 2 of section 127 of this Act, and newspaper announcements of such repeal are published, following the requirements established in subsections 3 and 5 of section 139 of this Act.

(6) The detailed spatial plan is repealed by the local council.

(7) In order to amend the detailed spatial plan, a new detailed spatial plan must be prepared in respect of the same planning area, following the requirements established in this Act concerning the preparation of detailed spatial plans.

(8) The adoption of the new detailed spatial plan suspends the validity of the previously adopted detailed plan in respect of that planning area.

(9) In order to bring the detailed spatial plan into conformity with legislation that has been amended or that has entered into force after the adoption of the plan or with a court judgment that has become final after the adoption of the plan, the authority that arranged the preparation of the plan makes the corresponding modifications in the plan by means of an administrative operation, without conducting public proceedings. Announcement and notification of the making of the modifications is made following the requirements established for the announcement and notification of the adoption of detailed spatial plans.

#### **§ 141. Contestation of detailed spatial plans**

Anyone who finds that the decision by which the detailed spatial plan is adopted is contrary to public interest or infringes his or her rights or impinges on his or her freedoms has the right to contest the decision in court within 30 days from the day on which he or she became or should have become aware of the adoption of the plan.

#### **§ 142. Detailed spatial plans that alter the comprehensive plan**

(1) Where this is warranted by the circumstances, the detailed plan may include a proposal to alter the principal solutions of the adopted comprehensive plan. Alteration by the detailed plan of the principal solutions of the adopted comprehensive plan occurs when:

1) the principal purpose of land use determined by the comprehensive plan is extensively modified;

2) the height limit of buildings as determined in the comprehensive plan is exceeded, the minimum size of the plot reduced, the areas and instances in which the preparation of the detailed spatial plan is mandatory are modified;

3) other modifications of the comprehensive plan are made that the local authority considers significant or extensive.

(2) The preparation of the detailed spatial plan that includes a proposal to alter the principal solutions of the comprehensive plan is subject to the procedure for the preparation of comprehensive plans. Cooperation and invitation to participate in the preparation of the plan are subject to the requirements established for the preparation of detailed spatial plans.

(3) If the conduct of strategic environmental assessment is mandatory when preparing the detailed plan that includes a proposal to alter the principal solutions of the comprehensive plan, the proceedings of preparing the detailed spatial plan are subject to the requirements established in respect of the proceedings concerning comprehensive plans.

(4) The ministrer responsible for the area or the official authorized by the minister has the right to designate, in addition to those named in the initial outline, other bodies and persons in cooperation with whom the detailed spatial plan that includes a proposal to alter the principal solutions of the comprehensive plan is to be prepared or who are to be invited to participate in the preparation of the comprehensive plan.  
[RT I, 12.12.2018, 2 – entry into force 22.12.2018]

(5) In the case of detailed spatial plans that include a proposal to alter the comprehensive plan, the requirements set out in section 90 of this Act apply.

(6) When preparing detailed spatial plans that include a proposal to alter the principal solutions of the comprehensive plan, a preliminary assessment must be made and strategic environmental assessment must be considered following the criteria established in subsections 4 and 5 of section 33 of the Environmental Impact Assessment and Environmental Management System Act and the positions of the authorities relevant under subsection 6 of that section.

(7) If the detailed spatial plan includes a proposal to alter the principal solutions of the adopted comprehensive plan, the documents that make up the detailed spatial plan must include a proposal to amend the relevant part of the text and the drawings of the comprehensive plan.

(8) If the detailed spatial plan includes a proposal to alter the principal solutions of the adopted comprehensive plan, the local authority enters the corresponding amendments in the comprehensive plan within 30 days after the adoption of the detailed spatial plan.

#### **§ 143. Entry into force of this Act**

This Act enters into force at the time provided in the Act to Implement the Building Code and the Planning Act.