

Publisher: Parliament
Type of act: the law
Type of text: full text
Entry into force of the revision: 01.07.2023
Expiry of revision: Currently valid
Disclosure notice: RT I, 30.06.2023, 57

Planning Act

Adopted 28.01.2015
RT I, 26.02.2015, 3
entry into force 01.07.2015

Chapter 1 General settings

§ 1. Purpose and scope of the Act

(1) The purpose of this Act is to create, through spatial planning (hereafter planning), the prerequisites for a democratic, long-term, balanced spatial development, land use, high-quality living and built environment that takes into account the needs and interests of society members, promoting environmentally friendly and economically, culturally and socially sustainable *development*.

(2) This Act stipulates the principles of planning and the requirements for the planning procedure and implementation of the plan.

(3) The Administrative Procedure Act applies to the administrative procedure prescribed in this Act, taking into account the specifics of this Act.

§ 2. Scope of the Act

(1) Planning includes both land and water areas, air space and the earth's crust. This law applies to the outer border of the economic zone in the cases provided for in the law.

(2) This Act applies to planning to the extent that it does not conflict with the State Secrets and Classified Foreign Information Act. This Act does not apply to the planning of a national defense building related to communication and early warning, or to the planning of such a building, the sole purpose of which, according to the decision of the Government of the Republic issued on the proposal of the minister responsible for the field and on the basis of an appropriate threat assessment, is to ensure national security or resolve an emergency. This Act does not apply to the planning of a national defense building related to storage, unless the building is located in the land area with the obligation to prepare a detailed plan specified in subsection 125 (1) of this Act.

[RT I, 29.06.2022, 1 - enters into force. 07/09/2022]

(3) The procedural requirements arising from this Act apply to the strategic assessment of the environmental impact carried out during the preparation of the plan. In the area of the Natura 2000 network and in the cross-border strategic environmental impact assessment, the procedure prescribed in the Environmental Impact Assessment and Environmental Management System Act is based. The requirements for the content of the program and report of the strategic environmental impact assessment and other conditions derive from the Act on Environmental Impact Assessment and Environmental Management System.

[RT I, 03.01.2022, 1 - enters into force. 13.01.2022]

(4) Acquisition of immovable property in the public interest, including expropriation, carried out on the basis of an established plan shall be subject to the Act on Acquisition of Immovable Property in the Public Interest.

[RT I, 29.06.2018, 1 - enters into force. 01.07.2018]

§ 3. Planning

(1) A plan is a comprehensive spatial solution drawn up for a specific land area (hereinafter *the planning area*), which determines land use and construction conditions in the cases provided for by law.

(2) The plan consists of an explanatory letter and drawings completed as a result of planning, which complement each other and form a single whole.

(3) The planning explanatory letter shall present the conclusions and spatial development goals based on the analysis of the planning area and its influence area, the description of the planning solution chosen to achieve them, and the reasons for the choice.

(4) The plan includes appendices, which contain information about the request for the initiation of the plan and the procedural actions and cooperation performed during the planning procedure, the activities necessary for the implementation of the plan and, if necessary, their order, and other information related to the plan that needs to be preserved. If a strategic assessment of the environmental impact is carried out in the planning procedure, the report of the strategic assessment of the environmental impact is an annex to the plan. If an

1 is concluded in the planning procedure on the basis of § 130 or administrative agreement or an agreement in accordance with § 4 (2)

131 of this Act, the said agreements are considered appendices to the plan.

[RT I, 03.01.2022, 1 - enters into force. 13.01.2022]

(5) The decision to establish the plan that is the basis for the preparation of the construction project may stipulate the activities necessary for the implementation of the plan and, if necessary, their order. The activities necessary for the implementation of the plan and their order shall be added to the decision to accept the plan at the latest.

(6) The minister responsible for the field may establish requirements by regulation:

1) for the implementation of planning principles;

2) to specify the solution of planning tasks;

1

2) to the request for initiation of planning;

[RT I, 07.03.2023, 21 - enters into force. 17.03.2023]

3) formalizing the plan ; 4) the structure of the plan ; 5) documents related to disclosure and their preservation.

§ 4. Organizer of planning activities

(1) The organizer of planning activities is the Ministry of Regional Affairs and Agriculture, another government institution or a local government unit, according to competence.

[RT I, 30.06.2023, 1 - enters into force. 01.07.2023]

(2) The tasks of the organizer of planning activities are:

1) ensuring the existence of plans corresponding to the land area;

2) organizing the preparation of the plan;

3) drawing up a plan or ordering the drawing up of a plan;

4) performing the necessary procedural actions during the preparation of the plan;

5) assessment of the relevant economic, cultural, social and natural environmental impacts accompanying the implementation of the plan, including the organization of a strategic environmental impact assessment;

6) compliance with the established plan, review and its implementation in the part that concerns the performance of tasks assigned to the organizer of planning activities by legislation.

1

(2) The organizer of the preparation of the plan may enter into an agreement with a person interested in the preparation of the plan in order to bear the costs of ordering the plan that is the basis for the preparation of the construction project and the assessment of the effects specified in point 5 of subsection 2 of this section.

[RT I, 04.05.2017, 3 - enters into force. 05.05.2017]

(3) The minister responsible for the field may form an advisory council consisting of up to twenty members, which advises organizers of planning activities and develops guidelines for achieving balanced spatial development that takes into account the long-term needs and interests of society members.

[RT I, 30.06.2015, 4 - enters into force. 01.09.2015]

(4) The Government of the Republic establishes the procedure for cooperation and the basis for coordination of plans by regulation.

(5) The organizer of planning activities ensures that the plan is prepared by a person with a higher education in the relevant specialty and sufficient work experience or a corresponding profession (hereinafter *the planner*), taking into account the type and purpose of the plan. If a strategic assessment of the environmental impact is carried out in the planning procedure, then the environmental impact assessment or the environmental impact assessment must be managed by a leading expert who meets the requirements set forth in the Environmental Impact Assessment and Environmental Management System Act.

(6) The planner and other person with special knowledge participating in the preparation of the plan must:

1) have knowledge and skills corresponding to the specific nature of the work;

2) be guided by the duty of care to ensure the good quality of the plan and the consideration of the requirements for it;

3) be guided by the obligation to explain, which includes providing information on issues related to one's activities to the organizer of the planning activity or to another person;

[RT I, 04.05.2017, 3 - enters into force. 05.05.2017]

4) ensure compliance of the plan with legislation.

(7) In the case of the recognition of professional qualifications of the European Union and the European Economic Area, the Act on the Recognition of Professional Qualifications of Foreign Countries shall apply. The Ministry of Regional Affairs and Agriculture is the institution provided for in § 7 subsection 2 of the Act on the Recognition of Foreign Professional Qualifications.

[RT I, 30.06.2023, 1 - enters into force. 01.07.2023]

1

§ 4 . Database of plans

(1) The database of plans (hereinafter in this section *the database*) is a database belonging to the state information system kept for the preservation and disclosure of the established plans, their appendices and the decisions made during the planning procedure.

(2) The database stores and discloses information about thematic plans specified in § 13 subsection 2 of this Act, state special plans, county plans, general plans, local government special plans and detailed plans.

(3) The data collection is established and its statutes are established by the minister responsible for the field by regulation.

(4) The responsible processor of the database is the Ministry of Regional Affairs and Agriculture.

[RT I, 30.06.2023, 1 - enters into force. 01.07.2023]

(5) The authorized processor of the database is determined in the statute of the database.

(6) The following data and documents are collected in the database:

1) explanatory letter of the plan;

2) representations of the plan drawing;

3) digital layers of the plan;

4) annexes to the plan;

5) decisions made during the planning procedure.

[RT I, 03.01.2022, 1 - enters into force. 01.11.2022]

§ 5. Joint appeal

(1) If, in the planning procedure, more than 20 persons present the same or similar opinions regarding the solution of the pending plan, and they have not appointed their representative in the procedure, the organizer of the preparation of the plan may demand that the opinion submitters appoint their representative. All joint application submitters must be identifiable and have added their contact information to the joint application.

(2) If the submitters of the opinion do not appoint their representative within 30 days from the submission of the relevant application by the planning organizer, the administrative body may independently appoint a representative from among the applicants. The representative can be, among other things, the person who first signed the opinion, submitted or handed it over to the administrative body, or otherwise communicated with the administrative body on behalf of other opinion submitters.

(3) When appointing a representative, the representative shall inform the planning organizer of the method of communication suitable for him.

(4) The representative appointed by the planning organizer may at any time withdraw from the representation by notifying the planning organizer in writing. If the designated representative withdraws from representation, the organizer of the planning may appoint a new representative on the basis of paragraph 1 of this section or require the opinion submitters to appoint their own representative.

(5) The person to be represented may at any time waive the representative appointed by the planning organizer by notifying the planning organizer in writing. If the person to be represented renounces the appointed representative, he/she informs the organizer of the planning of the withdrawal of his/her opinion or his/her wish to participate in the proceedings as a participant.

§ 6. Terms

In this law, the terms are used in the following sense:

1) *pre-selection of the location* is the selection of the most suitable location or land area for the planned building by weighing various possible locations; 2) *the architectural conditions of the building* are primarily conditions for the overall spatial solution of the building; 3) *the design conditions of the building* concern, for example, the details of the building within the overall solution of the building; 4) *building style* is a set of features characteristic of the area's buildings, which may consist of the building's height, volume, plot distribution, location of buildings relative to each other or on the plot; 5) *building area of the plot*

is a delimited part of the plot specified in the plan, where buildings and facilities permitted by construction law can be erected;

6) *kuja* is the smallest permitted distance between buildings, which is determined on the basis of legislation; 7) *the intended use of the plot* determines the purpose for which the plot can be used after the establishment of the plan; 8) *a plot of land* is a land area designated by a detailed plan, which has been granted construction rights; 9) *the leading purpose of land use* is the predominant purpose of land use determined by the general plan, which provides the main directions of future land use for the entire designated area; 10) *planner*

is a person with a higher education corresponding to the master's degree in geography, architecture or landscape architecture, or a professional certificate of the responsible specialist level, or a person who has been given the invitation of a spatial environment planner;

11) *implementation of the plan* is an activity whose purpose is the realization of the provisions of the plan and ensuring compliance with the planning requirements, which is primarily the task of the public authority; 12) *starting positions of the plan*

is a document drawn up at the initiation of the planning procedure or after the initiation, in which the organizer of the preparation of the plan describes the need for the preparation of the plan, the purpose and the tasks that the plan is intended to solve, presents the expected schedule for the preparation of the plan and provides an overview of the research necessary for the preparation of the plan and the persons involved in the preparation of the plan;

13) *a significant spatial impact* is an impact that inevitably changes transport flows, the amount of pollutants, the number of visitors, visual impact, smell, noise, the need for raw materials or labor in the planned location of the building compared to the previous one, and the impact of which extends over a large territory; 14) *basic plan solution*

is an important part of the plan, which ensures the complete operation of the solution when implementing what is planned in the plan;

15) *a planning solution* is a comprehensive spatial solution drawn up for a planning area, which, when implemented, enables the intended use of the land and buildings planned in the plan in compliance with the land use and construction conditions specified in the plan; 16) *green area* is an area covered with vegetation of natural or man-made origin in a city as a settlement unit, a town and a small town and in a densely populated area of a village; [RT I, 03.01.2022, 1 - enters into force. 13.01.2022] 17) *green network*

is a system consisting of natural and semi-natural communities that ensures the preservation of different types of ecosystems and landscapes and balances the effects of settlement and economic activity, consisting of a support area and green corridors connecting the support areas.

[RT I, 03.01.2022, 1 - enters into force. 13.01.2022]

§ 7. Issuance of planning instructions

(1) The Ministry of Regional Affairs and Agriculture may issue instructions for shaping the principles and trends of spatial development, that:

[RT I, 30.06.2023, 1 - entry into force. 01.07.2023]

- 1) promote the creation and preservation of a complete and high-quality environment;
- 2) to harmonize the practice of organizing the preparation of the plan;
- 3) ensure balancing of different interests and values;
- 4) provide other explanations for the implementation of this Act.

(2) The instructions are published on the website of the Ministry of Regional Affairs and Agriculture.
[RT I, 30.06.2023, 1 - enters into force. 01.07.2023]

Chapter 2

Planning principles

§ 8. The principle of improving the living environment

The planning must create prerequisites for the existence and preservation of a user-friendly and safe living environment and a spatial structure bearing community values, as well as for the development of an aesthetic milieu, preserving the existing values.

§ 9. Principle of involving and informing the public

(1) The planning procedure is public. The organizer of planning activities must inform the public about the planning procedure in a comprehensible manner, involve them sufficiently in the procedure and organize public exhibitions and public discussions to introduce the plan during the preparation of the plan.

(2) Everyone has the right to participate in the planning procedure and during it to express an opinion about the plan.

1

(2) When conducting public hearings in the places provided for in this Act, the organizer of the preparation of the plan may also enable participation in the public hearings by means of electronic means, by means of real-time two-way communication, or by other similar electronic means that enable the participant of the public hearing to observe the hearing and express an opinion.

[RT I, 03.01.2022, 1 - enters into force. 13.01.2022]

2

(2) If, as a result of the current restrictions on the organization of public meetings and public events, it is not possible to organize public discussions in the places designated for this purpose, public discussions may be organized only by means of electronic means, by means of real-time two-way communication or by other similar electronic means that allow the participant of the public discussion to discuss observe and express an opinion. Organizing a public hearing in the aforementioned manner is only permitted if all those who wish to participate in the public hearing have agreed to it.

[RT I, 03.01.2022, 1 - enters into force. 13.01.2022]

(3) Everyone has the right to receive relevant information about the planning procedure and the plan free of charge.

§ 10. The principle of balancing and integrating interests

(1) The organizer of planning activities must balance various interests, including public interests and values, weigh them according to planning principles and planning goals, and integrate them into the planning solution.

(2) A plan expressing national interest must be based on national interests, taking into account local interests and needs if possible.

(3) The plan expressing local interest must be based on local interests and be consistent with the plan expressing national interests and, if necessary, with other strategic documents expressing the spatial aspect.

§ 11. Principle of sufficiency of information

(1) When planning, the organizer of planning activities must take into account relevant strategies affecting spatial development, risk analyses, valid plans, development plans and other documents affecting spatial development and other relevant information.

(2) The organizer of planning activities has the right to receive free information for planning. The organizer of planning activities must ensure the storage and availability of information collected in the planning procedure.

(3) Coordination and giving an opinion are free of charge, unless otherwise provided by law.

§ 12. The principle of efficient, reasonable and economical land use

(1) When planning, the more expedient use of previously used or insufficiently used areas must be encouraged, if possible.

(2) When planning a settlement, the built environment and the natural environment must be considered in a balanced way, taking into account the circumstances arising from the existing environment and the location.

[RT I, 03.01.2022, 1 - enters into force. 13.01.2022]

(3) Environmentally friendly and energy-efficient solutions should be preferred when possible in planning and the use of renewable energy should be encouraged.

[RT I, 03.01.2022, 1 - enters into force. 13.01.2022]

Chapter 3

Nationwide planning

§ 13. Nationwide planning and the organizer of its preparation

(1) A national plan is drawn up for the entire country's territory and economic zone.

(2) The national plan may be prepared as a theme plan for the planning of sea areas and the coastal area bordering them, as well as the economic zone.

(3) The purpose of national planning is to define the principles and trends of the country's spatial development.

(4) A strategic assessment of the environmental impact is mandatory when preparing a national plan.

(5) The national plan is the basis for the preparation of the county plan.

(6) The organizer of the preparation of the national plan is the Ministry of Regional Affairs and Agriculture.

[RT I, 30.06.2023, 1 - enters into force. 01.07.2023]

§ 14. Tasks of national planning

(1) The tasks of the national plan are:

- 1) defining the general principles and trends of settlement development;
- 2) defining the principles and trends of the development of the nationwide transport network, including at the international level;
- 3) defining the principles and trends of other infrastructure, including energy, gas and communication networks;
- 4) defining the general principles and trends of the use of the earth's crust;
- 5) defining measures to ensure the preservation and functioning of valuable landscapes, valuable agricultural lands and the green network;
- 6) providing guidelines for the preparation of county plans, if necessary;
- 7) solving other tasks related to the tasks specified in this section.

(2) The tasks of the thematic plan specified in subsection 13 (2) of this Act are:

- 1) defining the general principles and trends of the balanced spatial development of the sea area;
- 2) defining the measures necessary for the protection of the marine environment;
- 3) considering the layout of waterways in the plan and, if necessary, making proposals for changing waterways or planning new waterways;
- 4) determining the layout of ports;
- 5) determination of measures to ensure the functioning of fisheries;
- 6) consideration of protected areas and their conditions of use;
- 7) determining the location and general construction conditions of buildings not permanently connected to the shore;
- 8) defining sea areas with national defense purposes and setting conditions for their use;
- 9) ensuring the necessary measures for the exploitation of mineral resources and determining the conditions of use of the areas affected by the mining of mineral resources;

[RT I, 10.11.2016, 1 - enters into force. 01.01.2017]

- 10) defining recreation areas and determining their conditions of use;
- 11) definition of measures necessary to ensure heritage values;
- 12) definition of suitable areas for the establishment of energy, gas and communication networks;
- 13) other tasks related to the tasks specified in this subsection.

(3) When deciding the tasks to be solved in the national plan, the spatial needs of the country and the purpose of the plan are taken into account.

[RT I, 03.01.2022, 1 - enters into force. 13.01.2022]

§ 15. Cooperation and involvement in the preparation of national planning

(1) The national plan is prepared in cooperation with ministries and national associations of municipalities.

(2) Riigikogu and local self-government units, as well as persons and institutions who may have a justified interest in the expected significant environmental impact or spatial development trends of the planning area, including non-governmental environmental organizations through the organization connecting them, are involved in the preparation of the national plan.

[RT I, 04.07.2017, 1 - enters into force. 01.01.2018]

(3) A person who has expressed a desire to do so may be included in the preparation of the nationwide plan. If the organizer of the preparation of the nationwide plan includes the person specified in this subsection, the provisions for the person and institution specified in subsection 2 of this section shall apply to him.

(4) The persons and institutions specified in subsections 1–3 of this section shall inform the organizer of the preparation of the nationwide plan of the method of transmission of the notifications provided for in this Act and the necessary contact information. If the persons or institutions do not announce the method of transmission of the notices, the organizer of the preparation of the nationwide plan shall transmit the notices specified in this Act by mail or electronically. If notices are sent by post, they may be delivered by registered letter, registered letter or registered letter with delivery notice.

[RT I, 03.01.2022, 1 - enters into force. 13.01.2022]

(5) During the preparation of the national plan, it will be made public together with the most important appendices, especially studies, approvals, opinions and other up-to-date information on the website of the organizer of the preparation of the plan.

§ 16. Initiation of nationwide planning and strategic assessment of environmental impact

(1) The Government of the Republic initiates the national planning and strategic environmental impact assessment.

(2) In the order for initiation of nationwide planning and strategic assessment of environmental impact, the purpose of the preparation of the plan and the time and place of reviewing the decision to initiate the plan shall be stated.

(3) The initiation of the nationwide planning and strategic assessment of the environmental impact shall be notified within 30 days from the initiation in at least one newspaper with nationwide circulation and within 14 days from the initiation in Official Notices and on the website of the initiator of the preparation of the plan and the organizer of the preparation of the plan. The information specified in subsection 2 of this section shall be stated in the notification.

(4) The persons and institutions specified in subsections 1 and 2 of § 15 of this Act shall be notified in writing of the initiation of the nationwide planning and strategic assessment of the environmental impact within 30 days from the initiation.

§ 17. Intention to develop a strategic assessment of the environmental impact of the national plan

[Repealed - RT I, 03.01.2022, 1 - entered into force. 13.01.2022]

§ 18. Requesting proposals for the baselines of the national plan and the strategic environmental impact assessment program

[RT I, 03.01.2022, 1 - entered into force. 13.01.2022]

(1) The organizer of the preparation of the national plan submits the starting points of the national plan and the strategic environmental impact assessment program to the persons and institutions specified in subsections 1 and 2 of § 15 of this Act and sets a deadline for the submission of proposals, which must not be shorter than 30 days.

(2) The persons and institutions specified in subsections 1 and 2 of § 15 of this Act shall submit proposals regarding the starting points of the national plan and the strategic environmental impact assessment program based on their area of competence, as well as an assessment of the relevance and adequacy of the strategic environmental impact assessment program.

(3) If the person or institution specified in subsection 1 or 2 of § 15 of this Act has not submitted proposals within the specified deadline, it is considered that he does not wish to submit proposals regarding the starting points of the nationwide plan and the strategic environmental impact assessment program.

(4) The organizer of the preparation of the national plan shall review the submitted proposals and, on the basis of them, make the necessary changes in the starting points of the national plan and in the strategic environmental impact assessment program.

(5) The starting points of the nationwide plan and the strategic environmental impact assessment program together with the proposals submitted by the persons and institutions specified in § 15 subsections 1 and 2 of this Act shall be made public on the website of the organizer of the preparation of the nationwide plan.

§ 19. Public exhibition of the draft report of the national planning and strategic assessment of the environmental impact

(1) The organizer of the preparation of the plan organizes a public display of the draft of the national plan and the strategic environmental impact assessment report.

(2) During the public exhibition, every person has the right to express an opinion on the draft of the national plan and the strategic environmental impact assessment report.

(3) The public exhibition of the draft of the national plan and strategic environmental impact assessment report lasts at least 30 days.

(4) The public display of the draft of the national planning and strategic environmental impact assessment report shall be notified to the persons and institutions specified in subsections 1 and 2 of § 15 of this Act no later than 14 days before the start of the public display. The notice shall state the time and place of the public display and the information specified in subsection 6 of this section.

(5) The time and place of the public display of the draft national planning and strategic environmental impact assessment report shall be announced in one of the nationally distributed newspapers no later than 14 days before the start of the public display. The announcement of the public exhibition will be published on the website of the organizer of the preparation of the national plan.

(6) The notice specified in subsection 4 of this section must briefly introduce the content of the nationwide plan and the significant effects that may be expected to accompany the implementation of the plan, including indicating the most important planned changes compared to the existing situation.

(7) During the public display of the draft national planning and strategic environmental impact assessment report, access to all materials and information related to the draft national planning and strategic environmental impact assessment report at the disposal of the national planning organizer is ensured during the working hours of the organizer of the preparation of the national plan.

(8) The organizer of the preparation of the national plan shall inform the persons who submitted written opinions during the public display of the draft national plan and strategic environmental impact assessment report of their reasoned position on the opinions and the time and place of the public hearing within 30 days after the end of the public display.

(9) A person who submitted opinions in writing during the public exhibition may withdraw his opinion by notifying the organizer of the preparation of the nationwide plan in a form that allows for written reproduction.

§ 20. Public discussion of the results of the public display of the draft report of the national planning and strategic assessment of the environmental impact

(1) The public discussion of the results of the public display of the draft national plan and strategic environmental impact assessment report shall be organized within 45 days after the end of the public display.

(2) Organizing a public discussion is not required if no written opinions were submitted during the public exhibition on the draft national plan and strategic environmental impact assessment report, or if all written opinions have been taken into account.

(3) The persons and institutions specified in § 15 subsections 1 and 2 of this Act shall be notified of the public discussion of the draft national planning and strategic environmental impact assessment report no later than 14 days before the start of the public discussion. The notice shall indicate the time and place of the public hearing of the draft national plan and strategic environmental impact assessment report.

(4) At the public hearing, the organizer of the preparation of the nationwide plan presents the written opinions submitted during the public exhibition and his views on them, justifies the solutions chosen in the preparation of the nationwide plan and answers other questions regarding the draft report of the nationwide plan and the strategic assessment of the environmental impact.

(5) A person who has expressed an opinion in writing during the public exhibition may withdraw his opinion by notifying the organizer of the preparation of the nationwide plan in a form that allows for written reproduction.

§ 21. Consideration of the results of the public display and public discussion of the draft national plan and strategic environmental impact assessment report

(1) If written opinions on the draft national planning and strategic environmental impact assessment report were presented at the public display of the draft national planning and strategic environmental impact assessment report, information about the results of the public display will be published in a nationally distributed newspaper within 30 days from the day of the public hearing.

(2) On the basis of the results of the public exhibition and public discussion, the necessary changes are made to the national plan and the draft of the strategic environmental impact assessment report.

§ 22. Submission of the draft of the national plan and strategic environmental impact assessment report for coordination and giving an opinion

(1) The draft of the national plan and strategic environmental impact assessment report shall be submitted for approval to the persons and institutions specified in § 15 subsection 1 of this Act, and the persons and institutions specified in § 15 subsection 2 of this Act shall be informed of the possibility to submit an opinion on the national plan.

(2) If the coordinator or the person giving the opinion has not refused approval or expressed an opinion within 30 days of receiving the draft national plan and strategic environmental impact assessment report and has not requested an extension of the deadline, the draft national plan and strategic environmental impact assessment report is deemed to have been approved by default by the coordinator or it is assumed, that the person giving the opinion does not wish to express an opinion about them, unless the law stipulates otherwise.

(3) If there is no reference to a conflict with legislation during coordination, the national plan is deemed to be coordinated. When approving the draft of the strategic environmental impact assessment report, the compliance of the draft report with legislation and the adequacy and objectivity of the assessments contained in it are evaluated.

(4) On the basis of the submitted approvals and opinions, the necessary changes are made to the national plan and the draft of the strategic environmental impact assessment report.

§ 23. Disclosure of the nationwide plan

(1) After the results of the strategic environmental assessment report have been included in the national plan, the national plan will be made public on the website of the organizer of its preparation. The publication of the nationwide plan lasts at least 30 days. During the publication of the nationwide plan, every person has the right to submit a written opinion about the plan.

(2) The organizer of the preparation of the national plan shall inform the person who has expressed an opinion on the plan in writing during the publication of the national plan, within 30 days after the end of the publication specified in subsection 1 of this section.

§ 24. Establishing a national plan

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

(2) The persons and institutions specified in subsections 1 and 2 of § 15 of this Act shall be notified of the establishment of the nationwide plan within 14 days of the establishment of the plan.

(3) The announcement of the establishment of the national plan is published within 30 days from its establishment in at least one newspaper with nationwide circulation and within 14 days from the establishment of the national plan in Official Notices and on the website of the Government of the Republic and the organizer of the preparation of the national plan.

(4) When announcing the establishment of a national plan, a brief summary of the content of the national plan must be provided, including the goals of the country's spatial development and what the expected economic, social and cultural impact and the impact on the natural environment may be with the implementation of the national plan.

(5) Upon establishment of the thematic plan specified in § 13 subsection 2 of this Act, the organizer of the planning shall submit the data specified in § 4¹ subsection 6 of the established thematic plan to the database of plans within 14 days from the establishment of the thematic plan.

[RT I, 03.01.2022, 1 - enters into force. 01.11.2022]

§ 25. Obligation to review the national plan

(1) The Ministry of Regional Affairs and Agriculture reviews the national plan together with the county plans at least every five years and submits a summary of the results of the review to the Government of the Republic within six months of the review.

[RT I, 30.06.2023, 1 - enters into force. 01.07.2023]

(2) By reviewing the national plan, the following will be determined:

- 1) the results of development in accordance with the plan and the possibilities of further implementation of the plan;
- 2) compliance of the plan with the purpose of this Act;
- 3) the significant effects on the economic, social, cultural and natural environment that occurred during the implementation of the plan and the conditions for reducing significant negative effects;
- 4) the need to prepare a new plan;
- 5) other important issues related to the implementation of the plan.

§ 26. Revocation of the national plan

In order to invalidate a national plan, a new national plan must be drawn up based on the requirements for drawing up a national plan in this Act.

Chapter 4 Special plan of the country

§ 27. Special state planning and the organizer of its preparation

(1) The purpose of the state special plan is to erect such a building with a significant spatial impact, the choice of location or operation of which is of great national or international interest. The state special plan is drawn up primarily to express county-wide interests in the fields of national defense and security, energy, gas transport, waste management and mineral extraction, or to express the above-mentioned interests in public water bodies and economic zones.

(2) A special state plan must be drawn up for the territory of the state or its part for a state road, public railway, pipeline with an operating pressure of more than 16 bar, including a gas line, as well as an international airport, an international port, a building of a state defense or security institution, a power plant with a rated electrical capacity of 150 or more and a wind power plant with a nominal power of 400 megawatts or more, a high-voltage line with a voltage of 110 kilovolts or more, a final storage site for hazardous waste and for the construction of buildings necessary for their operation, if the building meets the conditions specified in subsection 1 of this section.

[RT I, 03.01.2022, 1 - enters into force. 13.01.2022]

(3) In case of a reasoned decision of the Government of the Republic, a special state plan shall be drawn up for the construction of another building not mentioned in subsection 2 of this section, which meets the conditions set forth in subsection 1 of this section.

(4) Preparation of a state special plan in the marine area is mandatory for the building specified in subsections 2 and 3 of this section, if there is no thematic plan of the established national plan concerning the location of the said building in the corresponding marine area, and its preparation has not been started.

(5) On the basis of the state's special planning, restrictions may be imposed on real estate.

(6) A strategic assessment of the environmental impact is mandatory when preparing the state special plan.

(7) The organizer of the preparation of the special national plan is the Ministry of Regional Affairs and Agriculture. The Government of the Republic may, if necessary, in matters concerning the field of national defense and security, decide that the organizer of the preparation of the special national plan is the government institution in this field.

[RT I, 30.06.2023, 1 - enters into force. 01.07.2023]

(8) [Repealed - RT I, 03.01.2022, 1 - entry into force. 13.01.2022]

(9) The state special planning procedure consists of pre-selection of the location of the building, the purpose of which is to find the most suitable location for the building, and the procedure of preparing a detailed solution.

(10) The state special plan is the basis for drawing up a construction project, unless the state special plan is established on the basis of a location pre-selection decision.

[RT I, 07.03.2023, 21 - enters into force. 17.03.2023]

(11) During the preparation of the state special plan, the state special plan together with the most important appendices, especially studies, approvals, opinions and other up-to-date information, will be made public on the website of the organizer of the preparation of the special plan.

1

§ 27 . Establishing a special national plan based on the location pre-selection decision

(1) The organizer of the preparation of the state special plan may, when preparing the state special plan, waive the preparation of a detailed solution and establish the plan on the basis of the location pre-selection decision, if there are no exclusionary factors for the further planning of the building planned with the state special plan with the design conditions, and the location pre-selection decision states the conditions on which the design conditions are based.

(2) The organizer of the preparation of the state special plan may, when preparing the special state plan covering the sea area, waive the preparation of a detailed solution and establish the plan on the basis of the pre-selection decision of the location, if a building is planned that is not permanently connected to the shore and there are no exclusionary factors for the further planning of the building with a building permit, and the location pre-selection decision states the granting of a building permit underlying conditions.

(3) In the cases provided for in subsections 1 and 2 of this section, the provisions of § 53 subsections 1–4 1 and 6–8 and § 54 of this Act apply to the establishment and contestation of the plan on the basis of the location preselection decision. The persons and institutions specified in subsections 1 and 2 of § 31 of this Act shall be notified of the establishment of the plan within 14 days. The owner of the immovable property whose immovable property or part of it needs to be acquired in the public interest for the implementation of the state's special plan, including expropriation, or forced possession of it, is also notified.

(4) The state special plan established on the basis of the pre-selection decision for the location of the state special plan is the basis for granting design conditions.

(5) The special state plan established on the basis of the pre-selection decision for the location of the special state plan covering the sea area, with which a building not permanently connected to the shore is planned, is the basis for granting a building permit.

[RT I, 07.03.2023, 21 - enters into force. 17.03.2023]

§ 28. Initiation of special state planning and strategic assessment of environmental impact

(1) The Government of the Republic initiates the strategic assessment of the state special plan and environmental impact at the proposal of the organizer of the preparation of the state special plan or other government authority in the field specified in § 27 subsection 7 of this Act.

(2) The state's special planning and strategic assessment of the environmental impact shall not be initiated in particular if:

1) it is obvious that the implementation of the plan to be initiated in the future will not be possible;

1

1) it may involve a threat to national security;

[RT I, 07.03.2023, 21 - enters into force. 17.03.2023]

2) there is another reason based on an overriding public interest, or

3) there are no funds in the budget of the plan preparation organizer to bear the costs associated with the preparation of the plan, ordering the preparation and impact assessment, and the person interested in the preparation of the plan does not bear such costs.

[RT I, 04.05.2017, 3 - enters into force. 05.05.2017]

(3) The state special plan and the strategic assessment of the environmental impact shall be initiated or not initiated within 90 days from the receipt of a proper request for the initiation of the state special plan.

[RT I, 07.03.2023, 21 - enters into force. 17.03.2023]

1

(3) If an additional request for the initiation of a state special plan is submitted to the planning organizer for the same area on the basis of paragraph 4 of this section, then the state special plan and the strategic assessment of the environmental impact shall be initiated or left uninitiated within 90 days from the receipt of the last additional proper request.

[RT I, 07.03.2023, 21 - enters into force. 17.03.2023]

2) If a competition in accordance with § 28 1

(3 of this Act is carried out in the case of a request for the initiation of a special state plan submitted for the construction of a wind power plant in a marine area , then the state special plan and the strategic assessment of the environmental impact shall be initiated or left uninitiated within 90 days from the submission of the results of the competition to the organizer of the preparation of the state special plan.

[RT I, 07.03.2023, 21 - enters into force. 17.03.2023]

(4) Upon receiving a request for the initiation of a state special plan, the planning organizer shall inform the public of the content of the submitted request and the possibility of submitting a request of the same content, if the interest of several persons in the processing of the request can be assumed. The notice will be published in one of the newspapers with nationwide circulation, Official Notices and on the website of the Government of the Republic and the organizer of the preparation of the special state plan. An additional request may be submitted within 30 days from the publication of the notice.

1

(4) The requirement to publish the notice provided in subsection 4 of this section and the right to submit an additional request do not apply in the case of a request to initiate a special state plan submitted by the state.

[RT I, 07.03.2023, 21 - enters into force. 17.03.2023]

(5) The decision to initiate the state special planning and strategic assessment of the environmental impact states:

- 1) the location and size of the planning area known at the time of initiation, including the border of the planning area;
- 2) the purpose of preparing the state special plan;
- 3) description of the purpose of the planned building and related activities;
- 4) time and place of reviewing the initiation decision.

(6) The initiation of the state special planning and strategic assessment of the environmental impact shall be notified within 30 days from the initiation in one newspaper with nationwide circulation and within 14 days from the initiation in Official Notices and on the website of the Government of the Republic and the organizer of the preparation of the state special plan. The information specified in subsection 5 of this section shall be stated in the notification.

(7) The persons and institutions specified in subsections 1 and 2 of § 31 of this Act shall be notified in writing of the initiation of the state special planning and strategic assessment of the environmental impact within 30 days from the initiation.

1

§ 28 . Organizing a competition on the basis of a request to initiate a state special plan for a wind power plant in the marine area

(1) If several requests for the initiation of a state special plan for the construction of a wind power plant have been submitted for the same sea area, the organizer of the preparation of the state special plan shall, within 60 days from the receipt of the last submitted proper request for the initiation of a proper state special plan, submit to the Consumer Protection and Technical Supervision Agency (hereinafter the competent authority) applications to conduct a competition on the basis of an auction (hereinafter *competition*).

(2) The competent authority organizes a competition between the applicants within 60 days from the receipt of the applications specified in subsection 1 of this section from the organizer of the preparation of the state special plan.

(3) When announcing the competition, the competent authority determines:

- 1) the starting price of the auction is 7,500 euros per square kilometer;
- 2) the amount of the deposit, which is two percent of the initial auction price.

(4) The competent authority submits the results of the competition in writing to the organizer of the preparation of the state special plan within 14 days from the confirmation of the results of the competition.

(5) The procedure and conditions for initiating and conducting a competition based on applications for the initiation of a state special plan for a wind power plant in the marine area shall be established by a regulation of the minister responsible for the field .

[RT I, 07.03.2023, 21 - enters into force. 17.03.2023]

§ 29. Completion of the preparation of the special state plan

(1) The initiator of the preparation of the state special plan may terminate the preparation of the state special plan and the strategic assessment of the environmental impact, especially if:

- 1) during the preparation, circumstances appear that preclude the implementation of the plan in the future;

1

1) it may involve a threat to national security;

[RT I, 07.03.2023, 21 - enters into force. 17.03.2023]

2) the purpose of the preparation of the plan changes significantly during the preparation or

3) the budget of the organizer of the preparation of the plan does not have the means to bear the costs associated with the preparation of the plan, the ordering of the preparation and the impact assessment, and the person interested in the preparation of the plan does not bear such costs.

[RT I, 04.05.2017, 3 - enters into force. 05.05.2017]

(2) The termination of the state special plan and the strategic assessment of the environmental impact and the reasons thereof shall be notified based on the requirements for notification of the initiation of the state special plan and the strategic assessment of the environmental impact in subsections 6 and 7 of § 28 of this Act. The completion of the strategic assessment of the state special plan and environmental impact and its reasons will also be notified on the website of the organizer of the planning within 14 days from the completion of the preparation.

§ 30. Pre-selection of the location in the preparation of the special state plan

(1) After the initiation of the strategic assessment of the state special plan and environmental impact, a pre-selection of the location is made in order to find the most suitable location for the proposed building, which is the basis for developing a detailed solution of the state special plan.

(2) Several possible locations must be considered when pre-selection of the location of the state special plan. If several applications of the same content have been submitted for the preparation of a special state plan, the possible locations specified in the submitted applications are also considered when making a preliminary selection.

§ 31. Cooperation and involvement in pre-selection of the location of the special state plan

(1) The pre-selection of the state special plan is made in cooperation with the ministries and other government agencies whose areas of governance are covered by the special plan.

(2) The Riigikogu, the local government units of the planning area, persons whose rights may be affected by the plan, persons who have expressed a wish to be included in the pre-selection, as well as persons and institutions who may have a justified interest in the expected significant environmental or state impact are included in the pre-selection of the state special plan. against the implementation of the special plan, including non-governmental environmental organizations through the organization connecting them.

[RT I, 04.07.2017, 1 - enters into force. 01.01.2018]

(3) A person whose interests may be affected by the plan may be included in the pre-selection of the state special plan. If the organizer of the preparation of the state special plan includes the person specified in this subsection, the provisions for the person and institution specified in subsection 2 of this section shall apply to him.

(4) The persons and institutions specified in subsections 1–3 of this section shall inform the organizer of the preparation of the state special plan of the method of transmission of the notifications provided for in this Act and the necessary contact information. If the persons or institutions do not notify the way of transmission of the notices, the organizer of the preparation of the state special plan shall transmit the notices specified in this Act by post or electronically. If notices are sent by post, they may be delivered by registered letter, registered letter or registered letter with delivery notice.

[RT I, 03.01.2022, 1 - enters into force. 13.01.2022]

(5) In the case of real estate divided into apartment properties, the notices specified in this Act are deemed to have been delivered to the owner of the real estate even if the notice has been delivered to the apartment association. The board of the apartment association is obliged to forward the received notice to all apartment owners.

[RT I, 03.01.2022, 1 - enters into force. 13.01.2022]

(6) During the pre-selection of the location of the state special plan, the plan is made public with the most important appendices, especially studies, approvals, opinions and other up-to-date information on the website of the organizer of the preparation of the state special plan.

[RT I, 03.01.2022, 1 - enters into force. 13.01.2022]

§ 32. Public display of the pre-selection starting points for the location of the state special plan and the strategic environmental impact assessment program

(1) The organizer of the preparation of the state special plan organizes a public exhibition of the starting points for the pre-selection of the location of the state special plan and the strategic environmental impact assessment program. The public display is organized at least in the center of the local government unit of the planning area and in the centers of larger settlements in the municipality. When planning public water bodies and economic zones, a public exhibition is organized at least in the government agency organizing the preparation of the special national plan.

(2) During the public exhibition, every person has the right to express an opinion on the pre-selection starting points of the location of the state special plan and the strategic environmental impact assessment program.

(3) The public exhibition of the pre-selection starting points of the location of the state special plan and the strategic environmental impact assessment program lasts at least 30 days.

[RT I, 03.01.2022, 1 - enters into force. 13.01.2022]

(4) The persons and institutions specified in subsections 1 and 2 of § 31 of this Act shall be notified of the public display of the pre-selection starting points of the location of the special state plan and the strategic environmental impact assessment program no later than 14 days before the start of the public display. The time and place of the public display of the pre-selection starting points of the location of the state special plan and the strategic environmental impact assessment program and the information specified in subsection 6 of this section shall be indicated in the notification.

(5) The time and place of the public display of the pre-selection of the pre-selection of the location of the state special planning and the strategic environmental impact assessment program shall be announced in a nationally distributed newspaper, in the municipality or city newspaper of the local government unit of the planning area, or in the case of cities with districts, in the district newspaper 14 days before the start of the public display. If the local government unit does not have a municipality or city newspaper, or due to the frequency of publication of the municipality or city newspaper, notification is not possible no later than 14 days before the start of public display, the notice is published in the county newspaper of the planning area no later than 14 days before the start of public display.

(6) The notification specified in subsection 5 of this section must:

1) disclose the location of the planning area;

- 2) state the purpose of preparing the state special plan;
- 3) state the purpose of the planned building and describe the activities related to it.

(7) During the public display of the pre-selection starting points of the location of the state special planning and the strategic environmental impact assessment program, access to all materials and information related to the pre-selection starting points of the state special planning location and the strategic environmental impact assessment program is ensured during the working hours of the planning organizer.

(8) The organizer of the preparation of the special plan shall inform the persons who submitted their opinions in writing during the public display of the pre-selection of the location of the state special plan and the time and place of the public hearing within 30 days after the end of the public display.

33 _

(1) The public discussion of the pre-selection of the pre-selection of the location of the state special plan and the program of strategic assessment of the environmental impact shall be held within 45 days after the end of the public display. The public discussion is organized at least in the center of the local government unit of the planning area and in the centers of larger settlements in the municipality. When planning public water bodies and economic zones, a public discussion is organized at least in the government agency organizing the preparation of the special national plan.

(2) The persons and institutions specified in subsections 1 and 2 of § 31 of this Act shall be notified of the public discussion of the pre-selection starting points and environmental impact strategic assessment program of the state special planning no later than 14 days before the start of the public discussion. The notice shall indicate the time and place of the public hearing of the pre-selection of the location of the state special plan and the strategic environmental assessment program.

(3) At the public discussion, the organizer of the preparation of the special plan of the strategic environmental impact assessment program presents the starting points of the pre-selection of the location of the state special plan. He presents the written opinions presented during the public exhibition and his views on them, justifies the activities and goals related to the planned building in the pre-selection starting points of the state special planning location and answers other questions regarding the starting points of the pre-selection of the state special planning location and the strategic environmental impact assessment program.

(4) A person who has expressed an opinion in writing during a public exhibition may withdraw his opinion by notifying the organizer of the preparation of the state special plan in a form that enables written reproduction.

34 _

(1) If, at the public display of the pre-selection starting points of the location of the state special plan and the strategic environmental impact assessment program, written opinions were submitted about the pre-selection starting points of the location and the strategic environmental impact assessment program, information about the results of the public display and public discussion will be published in one newspaper with nationwide distribution, the municipality or local government unit of the planning area in the city newspaper or, in the case of cities with districts, in the district newspaper and Official Notices within 30 days from the day of the public hearing. If the local government unit does not have a municipality or city newspaper or the publication of information is not possible within 30 days due to the frequency of publication of the municipality or city newspaper, the information will be published in the county newspaper of the planning area within the specified deadline.

(2) On the basis of the results of the public display and public discussion, the necessary changes are made to the starting points for the pre-selection of the location of the state special plan and to the strategic environmental impact assessment program.

§ 35. Requesting proposals regarding the pre-selection of the location of the state special plan and the intention to develop a strategic assessment of the environmental impact

[Repealed - RT I, 03.01.2022, 1 - entered into force. 13.01.2022]

§ 36. Report of the first stage of the strategic assessment of the environmental impact of the state special plan

(1) During the pre-selection of the location of the state special plan, the organizer of the preparation of the state special plan prepares a report of the first stage of the strategic assessment of the environmental impact.

(2) The report of the first stage of the strategic environmental impact assessment must contain the information specified in § 40

2

subsections 4 and 4 of the Environmental Impact Assessment and Environmental Management System Act .

[RT I, 03.01.2022, 1 - enters into force. 13.01.2022]

(3) [Repealed - RT I, 03.01.2022, 1 - entry into force. 13.01.2022]

§ 37. Submission of the draft decision on the pre-selection of the location of the state special plan and the report of the first stage of the strategic assessment of the environmental impact for coordination and expression of opinion

(1) The draft decision on the pre-selection of the location of the state special plan together with the report of the first stage of the strategic environmental impact assessment shall be submitted for approval to the authorities specified in subsection 31 (1) of this Act, and the persons and institutions specified in subsection 2 of § 31 shall be informed of the possibility to submit the draft decision on the pre-selection of the location of the state special plan and the first stage of the strategic assessment of the environmental impact opinion on the report.

(2) If within 30 days of receiving the draft decision on the pre-selection of the location of the state special plan and the report of the first stage of the strategic environmental impact assessment, the coordinator or the person giving the opinion has not refused approval or expressed an opinion and has not requested an extension of the deadline, the draft decision on the pre-selection of the location of the special state plan and the first stage of the strategic environmental impact assessment shall be considered stage report as approved by the coordinator by default or it is assumed that the person giving the opinion does not wish to express an opinion on them, unless the law stipulates otherwise.

(3) On the basis of the submitted approvals and opinions, the necessary changes are made to the draft decision on the pre-selection of the location of the state special plan and the report of the first stage of the strategic assessment of the environmental impact.

§ 38. Public display of the draft decision on the pre-selection of the location of the state special plan and the report of the first stage of the strategic assessment of the environmental impact

(1) The organizer of the preparation of the state special plan organizes the public exhibition of the draft decision on the pre-selection of the location of the state special plan and the report of the first stage of the strategic assessment of the environmental impact. The public display is organized at least in the center of the local government unit of the planning area and in the centers of larger settlements in the municipality. When planning public water bodies and economic zones, a public exhibition is organized at least in the government agency organizing the preparation of the special national plan.

(2) During the public display, every person has the right to submit an opinion on the draft decision on the pre-selection of the location of the state special plan and the report of the first stage of the strategic assessment of the environmental impact.

(3) The public exhibition of the draft decision on the pre-selection of the location of the state special plan and the report of the first stage of the strategic assessment of the environmental impact lasts at least 30 days.

(4) The public exhibition of the draft decision on the pre-selection of the location of the state special plan and the report of the first stage of the strategic environmental impact assessment shall be notified to the persons and institutions specified in subsections 1 and 2 of § 31 of this Act no later than 14 days before the start of the public exhibition. The time and place of the public display of the draft decision on the pre-selection of the location of the state special plan and the report of the first stage of the strategic assessment of the environmental impact, as well as the information specified in subsection 6 of this section, shall be indicated in the notice.

(5) The time and place of the public display of the draft decision on the pre-selection of the location of the state special plan and the report of the first stage of the strategic environmental impact assessment shall be announced in a newspaper with nationwide distribution, in the municipality or city newspaper of the local government unit of the planning area or, in the case of cities with districts, in the district newspaper 14 days before the start of the public display. If the local government unit does not have a municipality or city newspaper, or due to the frequency of publication of the municipality or city newspaper, notification is not possible no later than 14 days before the start of public display, the notice is published in the county newspaper of the planning area no later than 14 days before the start of public display.

(6) In the notice specified in subsection 5 of this section, the following must be stated:

- 1) the purpose of preparing the state special plan;
- 2) publish the location of the planning area, including the border of alternative planning areas, and its size;
- 3) indicate the purpose of the planned building and describe the activities related to it and the significant environmental impact that may result.

(7) During the public exhibition of the draft decision on the pre-selection of the location of the state special plan and the report of the first stage of the strategic assessment of the environmental impact, access to all materials and information related to the draft decision of the pre-selection of the location of the state special plan and the report of the first stage of the strategic assessment of the environmental impact is ensured during the working hours of the planning organizer.

(8) The organizer of the preparation of the special plan shall inform the persons who submitted written opinions during the public display of the draft decision on the pre-selection of the location of the state special plan and the report of the first stage of the strategic environmental impact assessment, within 30 days after the end of the public display.

39 _

(1) The public discussion of the draft decision on the pre-selection of the location of the state special plan and the report of the first stage of the strategic assessment of the environmental impact shall be held within 45 days after the end of the public exhibition. The public discussion is organized at least in the center of the local government unit of the planning area and in the centers of larger settlements in the municipality. When planning public water bodies and economic zones, a public discussion is organized at least in the government agency organizing the preparation of the special national plan.

(2) The persons and institutions specified in § 31 subsections 1 and 2 of this Act shall be notified of the draft decision on the pre-selection of the location of the state special plan and the report of the first stage of the strategic environmental impact assessment no later than 14 days before the start of the public hearing. The time and place of the public hearing of the draft decision on the pre-selection of the location of the state special plan and the report of the first stage of the strategic assessment of the environmental impact are indicated in the notification.

(3) At the public hearing, the organizer of the preparation of the state special plan presents the written opinions submitted during the public exhibition and his views on them, justifies the solutions chosen in the preparation of the draft decision on the pre-selection of the location of the state special plan, the activities and objectives related to the planned building, and meets the other draft decisions on the pre-selection of the location of the state special plan and the environmental impact to questions concerning the report of the first stage of the strategic assessment.

(4) A person who has expressed an opinion in writing during a public exhibition may withdraw his opinion by notifying the organizer of the preparation of the state special plan in a form that enables written reproduction.

§ 40. Taking into account the results of the public display and public discussion of the draft decision on the pre-selection of the location of the state special plan and the report of the first stage of the strategic assessment of the environmental impact

(1) Information about the draft decision on pre-selection of the location of the state special plan and the public display of the report of the first stage of the strategic assessment of the environmental impact and the results of the public discussion will be published in one newspaper with nationwide circulation, in the municipality or city newspaper of the local government unit of the planning area, or in the case of cities with districts, in the district newspaper and Official Notices within 30 days of public from the date of the discussion. If the local government unit does not have a municipality or city newspaper or the publication of information is not possible within 30 days due to the frequency of publication of the municipality or city newspaper, the information will be published in the county newspaper of the planning area within the specified deadline.

(2) On the basis of the results of the public display and public discussion, the necessary changes are made in the draft decision on the pre-selection of the location of the state special plan and in the report of the first stage of the strategic assessment of the environmental impact.

(3) If the changes made on the basis of the results of the public display and public discussion change the basic solutions for the pre-selection of the location of the state special plan or lead to the need for significant changes to the report of the first stage of the strategic assessment of the environmental impact, the coordination of the draft decision of the pre-selection of the location of the special state plan and the first stage report of the strategic assessment of the environmental impact shall be repeated with the government authorities whose the issues in the area of governance are affected by the change, and a new public exhibition and public discussion will be organized based on the requirements established in this Act for the public exhibition and public discussion of the draft decision on the pre-selection of the location of the state special plan and the first stage report of the strategic assessment of the environmental impact.

§ 41. Adoption of the decision on pre-selection of the location of the state special plan and the report of the first stage of the strategic assessment of the environmental impact

(1) After making changes in accordance with § 40 (2) of this Act in the draft decision on the pre-selection of the location of the state special plan and in the report of the first stage of the strategic assessment of the environmental impact, the Government of the Republic shall make a decision to accept the pre-selection of the location of the state special plan and the report of the first stage of the strategic assessment of the environmental impact.

[RT I, 04.07.2017, 1 - enters into force. 01.01.2018]

(2) By adopting the location pre-selection decision, the Government of the Republic confirms that the chosen location is the most suitable for the construction of the building planned with the state special plan and that the building location, the general conditions for construction, the location pre-selection, the location pre-selection decision and the report of the first stage of the strategic assessment of the environmental impact comply with the legislation and the strategic environmental impact. The information contained in the first stage assessment report is sufficient to make a choice between the various considered locations.

[RT I, 03.01.2022, 1 - enters into force. 13.01.2022]

(3) A temporary planning and construction ban may be established in the planning area or part of it with the decision to accept the pre-selection of the location, based on the provisions of § 42 of this Act.

(4) The persons and institutions specified in subsections 1 and 2 of § 31 of this Act shall be notified of the adoption of the pre-selection decision within 30 days from the adoption of the pre-selection decision. The announcement of the adoption of the decision on preselection of the location will be published on the website of the organizer of the preparation of the state special plan and in Official Notices within 14 days of its adoption.

§ 42. Establishing a temporary planning and construction ban when preparing a detailed solution for the state special plan

(1) The organizer of the preparation of the state special plan may establish a temporary ban on planning and construction in the planning area or a part of it during the preparation of the detailed solution of the state special plan, if the detailed solution intends to change the previously established building right for the planning area.

(2) While the temporary planning and construction ban is in effect, the following may be prohibited in the planning area or its part:

- 1) establishment of general and detailed planning;
- 2) issuing a building permit for the construction of a building;
- 3) provision of design conditions;
- 4) changing the current purpose of the cadastral unit.

(3) A temporary planning and construction ban may be imposed for up to two years. In justified cases, the construction ban can be extended for up to four years.

(4) The temporary planning and construction ban does not extend to construction for which a building permit has been granted or which has been notified before the planning and construction ban is introduced, and to the construction of buildings for which the submission of a construction notification or a building permit is not required.

(5) The organizer of the preparation of the state special plan shall notify the owner of the immovable property, whose immovable property is subject to a temporary planning and construction ban, the local government unit in whose territory the immovable property covered by the construction ban is located, and, if necessary, the persons who may be affected by the temporary planning and construction ban, of the intention to impose the ban, and of the reasons by registered letter at least 14 days before the temporary planning and construction ban is imposed.

[RT I, 03.01.2022, 1 - enters into force. 13.01.2022]

(6) The organizer of the preparation of the state special plan establishes a temporary planning and construction ban by directive and notifies the owner of the immovable subject to the temporary planning and construction ban, the keeper of the land cadastre in machine-readable form, and, if necessary, the persons who may be affected by the ban, within seven days from the day of the ban.

§ 43. Tasks to be solved by the detailed solution of the state special plan

(1) After the adoption of the location pre-selection decision, a detailed solution of the state special plan is drawn up, which determines the construction right of the planned building and resolves other relevant tasks specified in § 126 subsection 1 of this Act. The relevance assessment is based on the purpose of the plan and the character of the building planned with the plan.

[RT I, 03.01.2022, 1 - enters into force. 13.01.2022]

(2) If, during the preparation of a detailed solution of the state special plan, it becomes clear that the plan may lead to the acquisition of real estate or part of it in the public interest, including forced expropriation, or the need to establish compulsory possession in relation to it, the organizer of the preparation of the state special plan shall notify the owner of the real estate by registered letter within seven days of the acquisition in the public interest, including forced expropriation, or from the day the need for forced possession appears.

[RT I, 29.06.2018, 1 - enters into force. 01.07.2018]

§ 44. Cooperation and involvement in the preparation of a detailed solution of the state special plan

(1) The preparation of a detailed solution of the state special plan is carried out in cooperation with the government agencies whose issues are covered by the detailed solution.

(2) In the preparation of a detailed solution of the state special plan, the local government units in whose territory the construction of the planned building is being considered, persons whose rights may be affected by the plan, persons who have expressed a desire to be involved, as well as persons and institutions who may have a justified interest in the expectedly related significant against the environmental impact or the implementation of the state's special plan, including non-governmental environmental organizations through the organization connecting them, and non-profit organizations and foundations representing the residents of the planned land area.

[RT I, 04.07.2017, 1 - enters into force. 01.01.2018]

(3) A person whose interests may be affected by the plan may be included in the preparation of a detailed solution of the state special plan. If the organizer of the preparation of the state special plan includes the person specified in this subsection, the provisions for the person and institution specified in subsection 2 of this section shall apply to him.

(4) The persons and institutions specified in subsections 1–3 of this section shall inform the organizer of the preparation of the state special plan of the method of transmission of the notifications provided for in this Act and the necessary contact information. If the persons or institutions do not notify the way of transmission of the notices, the organizer of the preparation of the state special plan shall transmit the notices specified in this Act by post or electronically. If notices are sent by post, they may be delivered by registered letter, registered letter or registered letter with delivery notice.

[RT I, 03.01.2022, 1 - enters into force. 13.01.2022]

1

(4)) In the case of real estate divided into apartment properties, the notices specified in this Act are deemed to have been delivered to the owner of the real estate even if the notice has been delivered to the apartment association. The board of the apartment association is obliged to forward the received notice to all apartment owners.

[RT I, 03.01.2022, 1 - enters into force. 13.01.2022]

(5) During the preparation of the detailed solution of the state special plan, this solution together with the most important appendices, especially studies, approvals, opinions and other up-to-date information, will be published on the website of the organizer of the preparation of the state special plan.

§ 45. Public exhibition of the detailed solution of the state special plan and the draft of the strategic environmental impact assessment report

[Repealed - RT I, 03.01.2022, 1 - entered into force. 13.01.2022]

§ 46. Public discussion of the results of the public display of the detailed solution of the state special plan and the draft strategic environmental impact assessment report

[Repealed - RT I, 03.01.2022, 1 - entered into force. 13.01.2022]

§ 47. Taking into account the results of the public display and public discussion of the detailed solution of the state special plan and the draft environmental impact strategic assessment report

[Repealed - RT I, 03.01.2022, 1 - entered into force. 13.01.2022]

§ 48. Submission of the detailed solution of the state special plan and the draft report of the strategic assessment of the environmental impact for coordination and giving an opinion

(1) The draft report on the detailed solution of the state special plan and the strategic assessment of the environmental impact shall be submitted for approval to the authorities specified in subsection 44 (1) of this Act, and the persons and institutions specified in subsection 2 of § 44 shall be informed of the possibility to submit an opinion on the draft report on the detailed solution of the state special plan and the strategic assessment of the environmental impact.

(2) If the coordinator or the person giving the opinion has not refused approval or expressed an opinion within 30 days of receiving the detailed solution of the state special plan and the draft of the strategic environmental impact assessment report and has not requested an extension of the deadline, the draft of the detailed solution of the state special plan and the draft of the strategic environmental impact assessment report shall be considered by the coordinator as default approved or it is assumed that the person giving the opinion does not wish to express an opinion on them, unless the law provides otherwise.

(3) If the coordination does not refer to a conflict with legislation or national planning, the detailed solution of the national special planning is deemed to have been approved. When coordinating the draft of the strategic environmental impact assessment report, the compliance of the draft report with legislation and the adequacy and objectivity of the assessments contained in it are evaluated.

§ 49. Adoption of special state planning

(1) After including the results of the strategic environmental impact assessment report in the state special plan, the Government of the Republic makes a decision to adopt the state special plan.

[RT I, 04.07.2017, 1 - enters into force. 01.01.2018]

(2) With the acceptance decision, the organizer of the preparation of the state special plan confirms that the state special plan complies with legislation and that the results of the strategic assessment of the environmental impact have been taken into account when preparing the state special plan.

§ 50. Public exhibition of the state special plan

(1) After the adoption of the state special plan, the organizer of the preparation of the state special plan organizes its public exhibition. The public display is organized at least in the center of the municipality or settlement of the planning area and in the center of the city or district. When planning public water bodies and economic zones, a public exhibition is organized at least in the government agency organizing the preparation of the special national plan.

- (2) During the public exhibition of the state special plan, every person has the right to submit an opinion on it.
- (3) The proposed changes, considered reasons for the proposed solution, the conditions for the implementation of the state special plan and other circumstances explaining the state special plan must be clear from the state special plan submitted for public exhibition. Approvals and opinions given on the basis of § 48 (1) of this Act shall be made public together with the state special plan.
- (4) The public display of the state special plan lasts at least 30 days.
- (5) The persons and institutions specified in subsections 1 and 2 of § 44 of this Act shall be notified of the public display of the state special plan no later than 14 days before the start of the public display. The time and place of the public display of the state special plan and the information specified in subsection 7 of this section shall be indicated in the notification.
- (6) The time and place of the public display of the state special plan shall be announced in one newspaper with nationwide circulation, in the municipality or city newspaper of the local government unit of the planning area or, in the case of cities with districts, in the district newspaper, and in Official Notices no later than 14 days before the start of the public display. If the local government unit does not have a municipality or city newspaper, or due to the frequency of publication of the municipality or city newspaper, notification is not possible no later than 14 days before the start of public display, the notice is published in the county newspaper of the planning area no later than 14 days before the start of public display. The announcement of the public display of the state special plan is published on the website of the organizer of the preparation of the state special plan.
- (7) The notification specified in subsection 6 of this section must:
- 1) disclose the location of the planning area, including the border of the planning area, and its size;
 - 2) briefly introduce the content of the state special plan and the significant effects that may be expected to accompany the implementation of the state special plan, as well as the consideration of the results of the strategic environmental impact assessment report in the state special plan;
 - 3) indicate the most important changes planned compared to the existing situation.
- (8) During the public display of the state special plan, access to all materials and information related to the state special plan at the disposal of the organizer of the state special plan is ensured during the working hours of the organizer of the preparation of the state special plan.
- (9) When organizing a new public exhibition in the case specified in subsection 52 (3) of this Act, opinions may only be presented at the public exhibition about changes to the state special plan that have been made to the plan to change the basic solution after the organization of the previous public exhibition of the plan.
- (10) The organizer of the preparation of the state special plan shall inform the persons who submitted written opinions during the public display of the state special plan of their reasoned position on the opinions and the time and place of the public hearing within 30 days after the end of the public display.

§ 51. Public discussion of the results of the public display of the state special plan

- (1) The public discussion of the results of the public display of the state special plan shall be organized by the organizer of the preparation of the state special plan within 45 days after the end of the public display. The public discussion is organized at least in the center of the municipality or settlement of the planning area and in the center of the city or district. When planning public water bodies and economic zones, a public discussion is organized at least in the government agency organizing the preparation of the special national plan.
- (2) Organizing a public discussion is not required if no written opinions were submitted during the public exhibition about the state special plan or if all written opinions have been taken into account.
- (3) The persons and institutions specified in subsections 1 and 2 of § 44 of this Act shall be notified of the public discussion of the state special plan no later than 14 days before the start of the public discussion. The notice shall state the time and place of the public discussion of the state special plan.
- (4) At the public hearing, the organizer of the preparation of the state special plan presents the written opinions submitted during the public exhibition and his views on them, justifies the solutions chosen in the preparation of the state special plan and answers other questions regarding the state special plan.
- (5) A person who has expressed opinions in writing during a public exhibition may withdraw his opinions by notifying the organizer of the preparation of the state special plan in a form that allows for written reproduction.

§ 52. Taking into account the results of the public display and public discussion of the special state plan

- (1) If written opinions about the state special plan were submitted during the public display of the state special plan, information about the results of the public display and public discussion will be published in one newspaper with nationwide distribution, in the municipal or city newspaper of the local government unit of the planning area, or in the case of cities with districts, in the district newspaper and in Official Notices within 30 days of the public hearing, from the date of occurrence. If the local government unit does not have a municipality or city newspaper or the publication of information is not possible within 30 days due to the frequency of publication of the municipality or city newspaper, the information will be published in the county newspaper of the planning area within the specified deadline.
- (2) On the basis of the results of the public display and public discussion, the necessary changes are made to the state special plan.
- (3) If the changes made on the basis of the results of the public display and public discussion change the basic solutions of the state special plan or lead to the need for significant changes to the strategic environmental impact assessment report, the coordination of the state special plan and the strategic environmental impact assessment report with the government agencies whose jurisdiction is affected by the change will be repeated, and a new public hearing will be organized display and public discussion based on the requirements established in this Act for the organization of public display and public discussion of the state special plan and strategic environmental impact assessment report.

§ 53. Establishment of special state planning

(1) The Government of the Republic shall establish the special national plan by order.

(2) With the establishment of the state special plan, the validity of the previously established plan or its part of the planning area covered by it shall cease. In the area covered by the plan with suspended validity, the state special plan replaces the plan with suspended validity, and the corresponding changes are entered into the plans within 60 days of the establishment of the state special plan. When making changes to the previously established plan, it must be indicated that a special plan applies to the corresponding land area or, if technically possible, the changes proposed by the special plan must be entered on the map of the previously established plan and an explanatory letter.

(3) The state special plan becomes invalid if the plan has not been implemented after five years have passed since the state special plan was established.

(4) In order to bring the state special plan into line with the amended or established legislation or with a judgment that has entered into force after the state special plan has been established, the organizer of the preparation of the state special plan shall enter the changes into the plan as an action, without conducting a public procedure. The introduction of changes will be notified based on the requirements for notification of the establishment of the state special plan.

1) On the basis of subsection 4 of this section, the organizer of the preparation of the plan submits the changed data specified in subsection 6 of § 4 1

of this Act regarding the amended state special plan to the planning database within 14 days from the entry of the changes.

[RT I, 03.01.2022, 1 - enters into force. 01.11.2022]

(5) The persons and institutions specified in subsections 1 and 2 of § 31 and subsections 1 and 2 of § 44 of this Act shall be notified of the establishment of the state special plan within 14 days of its establishment. The owner of the immovable property whose immovable property or its part needs to be acquired in the public interest for the implementation of the state's special plan, including forced expropriation, or forced possession of it, is also notified.

[RT I, 29.06.2018, 1 - enters into force. 01.07.2018]

(6) The announcement of the establishment of the state special plan is published within 30 days from the establishment of the state special plan in one newspaper with nationwide circulation and in the municipal or city newspaper of the local government unit of the planning area or, in the case of cities with districts, in the district newspaper, and within 14 days from the establishment in Official Notices and on the website of the organizer of the preparation of the state special plan. If notification is not possible within 30 days due to the frequency of publication in the municipal or city newspaper, the notice will be published in the municipal or city newspaper as soon as possible, and also notified in the county newspaper within 30 days from the establishment of the plan. If the local government unit does not have a municipal or city newspaper, the notice is published in the county newspaper of the planning area within 30 days from the establishment of the plan.

(7) When announcing the establishment of a state special plan, a brief summary of the content of the state special plan must be given, including what the economic, social and cultural effects and the impact on the natural environment that may be expected to be associated with the implementation of the state special plan may turn out to be.

[RT I, 03.01.2022, 1 - enters into force. 13.01.2022]

1

(8) The organizer of the preparation of the plan submits the data specified in subsection 6 of § 4 of this Act regarding the established state special plan to the planning database within 14 days from the date of establishment of the state special plan.

[RT I, 03.01.2022, 1 - enters into force. 01.11.2022]

§ 54. Challenging the state's special planning

Every person has the right to challenge the decision to establish a special state plan to appeal to the court within 30 days from the day on which the person found out or should have found out about the establishment of the plan, if he considers that the decision is against the public interest or if the decision has violated his rights or restricted his freedoms.

Chapter 5 County planning

§ 55. County planning and the organizer of its preparation

(1) The purpose of the county plan is to define the principles and trends of the spatial development of the county, its part or other region. The county plan is prepared primarily to express the interests of local governments and to balance the needs and interests of national and local spatial development.

[RT I, 04.07.2017, 1 - enters into force. 01.01.2018]

1

(1) The county plan can be drawn up for both land and public bodies of water, except for inland and territorial seas.

[RT I, 04.07.2017, 1 - enters into force. 01.01.2018]

(2) The county plan is the basis for the preparation of the general plan.

(3) When preparing a county plan, a strategic assessment of the environmental impact is mandatory. When preparing the thematic plan of the county plan, a preliminary assessment must be given and a strategic assessment of the environmental impact must be considered, based on the criteria set forth in § 33 subsections 4 and 5 of the Environmental Impact Assessment and Environmental Management System Act and the positions of the relevant authorities in accordance with § 33 subsection 6.

(4) The organizer of the preparation of the county plan is the Ministry of Regional Affairs and Agriculture.

[RT I, 30.06.2023, 1 - enters into force. 01.07.2023]

§ 56. Tasks of county planning

(1) The tasks of county planning are:

- 1) determining the important conditions for balanced and sustainable settlement, including the functioning of the network of centers and the location of the population, and defining the principles of center planning;
- 2) determining the possible location of the transport network and other infrastructure, including state highways, public railways, waterways, airports and ports;
- 3) determining the possible location of regionally important waste treatment sites, including landfills;
- 4) determination of general principles for the use of public water bodies;
- 5) determining the conditions of use of deposits and areas affected by mining;
- 6) determination of general conditions of use for the preservation of cultural heritage;
- 7) determination of general conditions of use for the preservation of valuable agricultural lands, landscapes and natural communities;
- 8) determination of important recreation and recreation areas and their general conditions of use;
- 9) determination of general conditions of use to ensure the functioning of the green network;
- 10) determining the location of nationally protected areas and their areas of influence and their general conditions of use;
- 11) providing guidelines for preparing a general plan;
- 12) solving other tasks arising from national planning or related to the topics specified in this paragraph.

(2) The tasks to be solved in the county plan are decided upon based on the county's spatial needs and the purpose of the plan.

§ 57. Cooperation and involvement in the preparation of the county plan

[RT I, 04.07.2017, 1 - entered into force. 01.01.2018]

(1) The county plan is prepared in cooperation with the ministries, local government units of the planning area and government institutions whose issues are covered by the county plan.

(2) Persons who have expressed a desire to do so, as well as persons and institutions who may have a justified interest in the expected significant environmental impact or spatial development trends of the planning area, including non-governmental environmental organizations through the organization connecting them, shall be included in the preparation of the county plan.

(3) A person whose interests may be affected by the plan may be included in the preparation of the county plan. If the organizer of the preparation of the county plan includes the named person, the provisions for the person and institution specified in subsection 2 of this section shall apply to him.

(4) The persons and institutions specified in subsections 1–3 of this section shall inform the organizer of the preparation of the county plan of the method of transmission of the notifications provided for in this Act and the necessary contact information. If the persons or institutions do not notify the way of transmission of the notices, the organizer of the preparation of the county plan shall transmit the notices specified in this Act by mail or electronically. If notices are sent by post, they may be delivered by registered letter, registered letter or registered letter with delivery notice.

[RT I, 03.01.2022, 1 - enters into force. 13.01.2022]

(5) During the preparation of the county plan, it will be published together with the most important appendices, especially studies, approvals, opinions and other up-to-date information on the website of the organizer of the preparation of the county plan.

[RT I, 04.07.2017, 1 - enters into force. 01.01.2018]

§ 58. Initiation of strategic assessment of county planning and environmental impact

(1) The strategic assessment of county planning and environmental impact is initiated by the Government of the Republic.

[RT I, 04.07.2017, 1 - enters into force. 01.01.2018]

(2) County planning and strategic assessment of environmental impact shall not be initiated, especially if:

- 1) it is obvious that the implementation of the initiated plan will not be possible in the future, or
- 2) there is another reason based on an overriding public interest.

(3) The county plan and the strategic assessment of the environmental impact shall be initiated or not initiated within 30 days from the date of receipt of the request for the initiation of the county plan.

(4) The decision to initiate the strategic assessment of the county plan and environmental impact states:

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

[RT I, 04.07.2017, 1 - enters into force. 01.01.2018]

- 3) time and place of perusal of the initiation decision.

(5) The initiation of the strategic assessment of the county planning and environmental impact shall be notified within 30 days from the initiation in the county newspaper or one of the nationally distributed newspapers and in the municipal or city newspaper of the local government unit of the planning area. If notification is not possible within 30 days due to the frequency of publication in the municipality or city newspaper, the notification will be published in the municipality or city newspaper as soon as possible, as well as in the county newspaper within 30 days from the initiation. If the local government unit does not have a municipal or city newspaper, the notice is published in the county newspaper of the planning area within 30 days from the initiation of the plan.

(6) The notice of the initiation of the strategic assessment of the county plan and the environmental impact is published in Official Notices and on the website of the organizer of the preparation of the county plan within 14 days from the initiation. The notice of initiation of the county planning and strategic assessment of the environmental impact must contain the information specified in subsection 4 of this section.

[RT I, 04.07.2017, 1 - enters into force. 01.01.2018]

(7) The persons and institutions specified in subsections 1 and 2 of § 57 of this Act shall be notified of the initiation of the strategic assessment of the county plan and environmental impact within 30 days from the initiation of the strategic assessment of the county plan and environmental impact.

(8) The non-initiation of the strategic assessment of the environmental impact of the thematic plan of the county plan and the reasons thereof shall be notified based on the requirements set forth in subsections 5–7 of this section.

[RT I, 03.01.2022, 1 - enters into force. 13.01.2022]

§ 59. Completion of the preparation of the county plan and the strategic assessment of the environmental impact

(1) The organizer of the preparation of the county plan may terminate the preparation of the county plan and the strategic assessment of the environmental impact, in particular, if during the preparation circumstances arise which preclude the implementation of the plan in the future, or if the purpose of the preparation of the plan changes significantly during the preparation.

(2) The termination of the strategic assessment of the county plan and the environmental impact and the reasons thereof shall be notified based on the requirements for notification of the initiation of the strategic assessment of the county plan and the environmental impact in subsections 5 and 7 of § 58 of this Act. The completion of the strategic assessment of the county plan and environmental impact and its reasons will also be notified on the website of the organizer of the preparation of the county plan within 14 days from the completion of the preparation.

[RT I, 04.07.2017, 1 - enters into force. 01.01.2018]

§ 60. Intention to develop a strategic assessment of the environmental impact of the county plan

[Repealed - RT I, 03.01.2022, 1 - entered into force. 13.01.2022]

§ 61. Requesting proposals regarding the starting points of the county plan and the strategic environmental impact assessment program

(1) The organizer of the preparation of the county plan submits the starting points of the county plan and the strategic environmental impact assessment program to the persons and institutions specified in subsections 1 and 2 of § 57 of this Act and sets a deadline for the submission of proposals, which must not be shorter than 30 days.

(2) The persons and institutions specified in subsections 1 and 2 of § 57 of this Act shall submit proposals regarding the starting points of the county plan and the strategic environmental impact assessment program based on their area of competence, as well as an assessment of the relevance and adequacy of the strategic environmental impact assessment program.

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

(4) If the person or institution specified in subsection 1 or 2 of § 57 of this Act has not submitted proposals within the specified deadline, it is considered that he does not wish to submit proposals regarding the baselines of the county plan and the strategic environmental impact assessment program.

(5) The organizer of the preparation of the county plan shall review the submitted proposals and, on the basis of them, make the necessary changes in the starting points of the county plan and in the strategic environmental impact assessment program.

(6) The starting points of the county plan and the strategic environmental impact assessment program together with the proposals submitted by the persons and institutions specified in § 57 subsections 1 and 2 of this Act shall be made public on the website of the organizer of the preparation of the county plan.

[RT I, 04.07.2017, 1 - enters into force. 01.01.2018]

§ 62. Public exhibition of the draft report of the strategic assessment of the county plan and environmental impact

(1) The organizer of the preparation of the county plan organizes a public exhibition of the draft report of the strategic assessment of the county plan and environmental impact. The public display is organized at least in the county center of the planning area.

(2) During the public exhibition, every person has the right to submit an opinion on the draft report of the county plan and the strategic assessment of the environmental impact.

(3) The public display of the draft of the county planning and strategic environmental impact assessment report lasts at least 30 days.

(4) The public display of the draft report of the county planning and strategic assessment of the environmental impact shall be notified to the persons and institutions specified in subsections 1 and 2 of § 57 of this Act no later than 14 days before the start of the public display. The notice shall state the time and place of the public display and the information specified in subsection 6 of this section.

(5) The time and place of the public exhibition of the draft report of the county planning and strategic assessment of the environmental impact shall be announced in the county newspaper or one of the newspapers with nationwide distribution and in the municipality or city newspaper of the local government unit of the planning area no later than 14 days before the public exhibition begins. If the local government unit does not have a municipality or city newspaper, or due to the frequency of publication of the municipality or city newspaper, notification is not possible no later than 14 days before the start of public display, the notice is published in the county newspaper of the planning area no later than 14 days before the start of public display. Notice of the public display and public discussion of the draft of the county plan and strategic environmental impact assessment report will be published on the website of the organizer of the preparation of the county plan.

[RT I, 04.07.2017, 1- by force. 01.01.2018]

(6) In the notice specified in subsection 5 of this section, the following must be published:

1) the location and size of the planning area of the thematic plan and the plan drawn up for the part of the county, including the border of the planning area;

2) to briefly introduce the content of the county plan, including to note the significant effects that may be expected to accompany the implementation of the county plan and the planned major changes compared to the existing situation.

(7) During the public exhibition of the draft of the county planning and strategic environmental impact assessment report, during the working hours of the organizer of the preparation of the county plan, access of persons to the materials and information related to the said draft at the disposal of the organizer of the preparation is ensured in the county center of the planning area.

[RT I, 04.07.2017, 1 - enters into force. 01.01.2018]

(8) The organizer of the preparation of the county plan shall inform the persons who submitted written opinions during the public exhibition of the draft of the draft county plan and strategic environmental impact assessment report of their reasoned position on the opinions and the time and place of the public hearing within 30 days after the end of the public exhibition.

§ 63. Public discussion of the results of the public display of the draft report of the strategic assessment of the county plan and environmental impact

(1) The public discussion of the results of the public display of the draft of the county planning and strategic environmental assessment report shall be organized within 45 days after the end of the public display. The public discussion is organized at least in the county center of the planning area.

(2) The persons and institutions specified in § 57 subsections 1 and 2 of this Act shall be notified of the public discussion of the draft of the county planning and strategic environmental impact assessment report no later than 14 days before the start of the public discussion. The notification shall indicate the time and place of the public hearing of the draft report of the strategic assessment of the county plan and environmental impact.

(3) At the public hearing, the organizer of the preparation of the county plan presents the written opinions submitted during the public exhibition and his views on them, justifies the solutions chosen in the preparation of the county plan, and answers other questions regarding the county plan and the draft of the strategic environmental impact assessment report.

(4) A person who has expressed an opinion in writing during the public exhibition may withdraw his opinion by notifying the organizer of the preparation of the county plan in a form that allows for written reproduction.

§ 64. Consideration of the results of the public display and public discussion of the draft report of the strategic assessment of the county plan and environmental impact

(1) If written opinions on the draft county planning and strategic environmental impact assessment report were presented at the public display of the draft county planning and strategic environmental impact assessment report, information about the results of the public display will be published in the county newspaper or one of the nationally distributed newspapers and in the municipality or city newspaper of the planning area within 30 days from the day of the public display. thinking. If the local government unit does not have a municipality or city newspaper or the publication of information is not possible within 30 days due to the frequency of publication of the municipality or city newspaper, the information will be published in the county newspaper of the planning area within the specified deadline.

(2) On the basis of the results of the public display and public discussion, the necessary changes are made to the county plan and the draft environmental impact strategic assessment report.

§ 65. Submission of the draft of the county planning and strategic environmental impact assessment report for coordination and giving an opinion

(1) The draft county plan and strategic environmental impact assessment report shall be submitted for approval to the persons and institutions specified in § 57 subsection 1 of this Act, and the persons and institutions specified in § 57 subsection 2 shall be informed of the possibility to express an opinion on the draft county plan and strategic environmental impact assessment report.

(2) If the coordinator or the person giving the opinion has not refused approval or expressed an opinion within 30 days after receiving the draft of the county plan and strategic environmental assessment report and has not requested an extension of the deadline, the county plan and the draft strategic environmental assessment report are deemed to have been approved by default by the coordinator or it is assumed that the person giving the opinion do not wish to express an opinion about them, unless the law provides otherwise.

(3) If there is no reference to a conflict with legislation, a national plan or a special national plan during approval, the county plan is deemed to be approved. When coordinating the draft of the strategic environmental impact assessment report, the compliance of the draft report with legislation and the adequacy and objectivity of the assessments contained in it are evaluated.

§ 66. Adoption of the county plan

(1) After adding the results of the strategic environmental assessment report to the county plan, the Government of the Republic makes a decision to adopt the county plan.

[RT I, 04.07.2017, 1 - enters into force. 01.01.2018]

(2) With the acceptance decision, the organizer of the preparation of the county plan confirms that the county plan complies with legislation and that the county plan has been prepared in accordance with the spatial development goals of the county. The organizer of the preparation of the county plan also confirms that the results of the strategic assessment of the environmental impact have been taken into account in the preparation of the county plan.

§ 67. Public exhibition of the county plan

(1) After the adoption of the county plan, the organizer of the preparation of the county plan organizes its public display. The public display is organized at least in the county center of the planning area.

(2) During the public display, every person has the right to express an opinion about the county plan.

(3) The planned changes, considered reasons for the presented solution, the conditions for the implementation of the county plan and other circumstances explaining the county plan must be clear from the county plan presented at the public exhibition. Together with the county plan, the approvals and opinions given on the basis of § 65 (1) of this Act shall be made public.

(4) The public exhibition of the county plan lasts at least 30 days.

(5) The persons and institutions specified in subsections 1 and 2 of § 57 of this Act shall be notified of the public display of the county plan no later than 14 days before the public display begins. The notice shall state the time and place of public display of the county plan and the information specified in subsection 7 of this section.

(6) The time and place of the public display of the county plan shall be announced in the county newspaper or in one of the national newspapers and in the municipal or city newspaper of the local government unit of the planning area no later than 14 days before the public display begins. If the local government unit does not have a municipality or city newspaper, or due to the frequency of publication of the municipality or city newspaper, notification is not possible no later than 14 days before the start of public display, the notice is published in the county newspaper of the planning area no later than 14 days before the start of public display. The announcement of

the public exhibition of the county plan is published on the website of the organizer of the preparation of the county plan.

[RT I, 04.07.2017, 1 - enters into force. 01.01.2018]

(7) The notification specified in subsection 6 of this section must:

- 1) disclose the location of the planning area, including the border of the planning area, and its size;
- 2) to briefly introduce the content of the county plan and the significant impacts that may be expected to be associated with the implementation of the county plan, as well as the consideration of the results of the strategic environmental impact assessment report in the preparation of the county plan;
- 3) indicate the most important changes planned compared to the existing situation.

(8) During the public exhibition of the county plan, during the working hours of the organizer of the preparation of the county plan, access of persons to the materials and information related to the county plan at the disposal of the organizer of the preparation is ensured in the county center of the planning area.

[RT I, 04.07.2017, 1 - enters into force. 01.01.2018]

(9) The organizer of the preparation of the county plan shall inform the persons who submitted written opinions during the public display of the county plan of their reasoned position on the opinions and the time and place of the public hearing within 30 days after the end of the public display.

§ 68. Public discussion of the results of the public exhibition of the county plan

(1) The public discussion of the results of the public display of the county plan shall be organized within 45 days after the end of the public display. The public discussion is organized at least in the county center of the planning area.

(2) Organizing a public hearing is not required if no written opinions were submitted regarding the county plan during the public exhibition or if all written opinions have been taken into account.

(3) The persons and institutions specified in subsections 1 and 2 of § 57 of this Act shall be notified of the public discussion of the county plan no later than 14 days before the start of the public discussion. The notice shall indicate the time and place of the public hearing of the county plan.

(4) At the public hearing, the organizer of the preparation of the county plan presents the written opinions submitted during the public exhibition and his views on them, justifies the solutions chosen in the preparation of the county plan and answers other questions regarding the county plan.

(5) A person who has expressed an opinion in writing during the public presentation may withdraw his opinion by notifying the organizer of the preparation of the county plan in a form that enables written reproduction.

§ 69. Taking into account the results of the public display of the county plan and the public discussion

(1) If written opinions about the county plan were presented at the public display of the county plan, information about the results of the public display and public hearing will be published within 30 days from the day of the public hearing in the county newspaper or in one of the national newspapers and in the municipal or city newspaper of the local government unit of the planning area. If the local government unit does not have a municipality or city newspaper or the publication of information is not possible within 30 days due to the frequency of publication of the municipality or city newspaper, the information will be published in the county newspaper of the planning area within the specified deadline.

(2) On the basis of the results of the public exhibition and public discussion, necessary changes are made to the county plan.

(3) If the changes made on the basis of the results of the public display and public discussion change the basic solutions of the county plan or lead to the need for significant changes to the strategic environmental impact assessment report, the coordination of the county plan and the strategic environmental impact assessment report with the government agency whose jurisdiction is affected by the change shall be repeated. A new public exhibition and public discussion will also be organized based on the requirements established in this Act for the coordination of the county planning and strategic environmental impact assessment report and for the organization of public exhibition and public discussion.

§ 70. Approval of the county plan

[Repealed - RT I, 04.07.2017, 1 - entered into force. 01.01.2018]

§ 71. Establishment of county planning

(1) County planning is established by the Government of the Republic by order.

[RT I, 04.07.2017, 1 - enters into force. 01.01.2018]

(2) The announcement of the establishment of the county plan is published within 30 days from the date of establishment in the county newspaper or one of the nationally distributed newspapers and in the municipality or city newspaper of the local government unit of the planning area, and within 14 days from the establishment in the Official Notices and on the website of the organizer of the preparation of the county plan. If notification is not possible within 30 days due to the publication frequency of the municipal or city newspaper, the notice will be published as soon as possible in the municipal or city newspaper, as well as in the county newspaper within 30 days from the date of establishment. If the local government unit does not have a municipal or city newspaper, the notice is published in the county newspaper of the planning area within 30 days of its establishment.

[RT I, 04.07.2017, 1 - enters into force. 01.01.2018]

(3) When announcing the establishment of a county plan, a brief summary of the content of the county plan must be provided, including what the county's spatial development goals are and what the economic, social, and cultural effects and the impact on the natural environment can be expected to be with the implementation of the county plan.

(4) The persons and institutions specified in subsections 1 and 2 of § 57 of this Act shall be notified of the establishment of the county plan within 30 days of its establishment.

(5) The organizer of the preparation of the plan submits the data specified in subsection 6 of § 4 1 of this Act regarding the established county plan to the planning database within 14 days of the establishment of the county plan.
[RT I, 03.01.2022, 1 - enters into force. 01.11.2022]

§ 72. Obligation to review the county plan

(1) The Ministry of Regional Affairs and Agriculture reviews the county plans together with the national plan at least every five years and submits to the Government of the Republic a summary of the results of the review of the county plans, including the established general plans, within six months of the review.

[RT I, 30.06.2023, 1 - enters into force. 01.07.2023]

(2) By reviewing the county plan, the following will be clarified:

- 1) the results of development in accordance with the plan and the possibilities of further implementation of the plan;
- 2) compliance of the plan with the purpose of this Act;
- 3) the significant effects on the economic, social, cultural and natural environment that occurred during the implementation of the plan and the conditions for reducing significant negative effects;
- 4) the need to make changes to the plan resulting from plans and legislation;
- 5) the need to prepare a new plan;
- 6) other important issues related to the implementation of the plan.

§ 73. Revocation and amendment of the county plan

(1) In order to invalidate a county plan, a new county plan covering the same planning area or solving the same topic must be drawn up, based on the requirements for drawing up a county plan in this Act.

(2) The county plan may be amended by preparing a plan covering part of the planning area or a theme plan based on the requirements for the preparation of a county plan in this Act. When drawing up a plan that changes the county plan, government agencies whose issues are under the jurisdiction of the change and persons whose rights or interests may be affected by the change are cooperated and involved.

(3) Upon establishment of the thematic plan specified in subsection 2 of this section, the changes made with the thematic plan shall be transferred to the previously established county plan within 30 days from the date of establishment of the thematic plan. When entering changes, the extent to which the plan has been changed must be indicated in the county plan or, if technically possible, the changes proposed in the thematic plan must be entered on the map of the county plan and an explanatory letter.

1

(3) After the establishment of the county plan, in order to bring the county plan into line with the amended or established legislation or with the judgment that has entered into force, the organizer of the preparation of the county plan shall transfer the changes to the plan as an action, without conducting a public procedure. The changes will be notified in accordance with the requirements for notification of the establishment of the county plan.

[RT I, 04.07.2017, 1 - enters into force. 01.01.2018]

2) On the basis of subsections 2–3 1

(3 of this section , when changes are entered into the county plan, the organizer of the planning

1

shall submit the changed data specified in subsection 4 (6) of this Act regarding the amended county plan to the planning database within 14 days from the entry of the changes.

[RT I, 03.01.2022, 1 - enters into force. 01.11.2022]

(4) When the county plan is amended with a plan covering a part of the planning area specified in subsection 2 of this section or with a theme plan, the feasibility of the overall solution of the county plan after the amendment of the county plan must be ensured.

Chapter 6 General plan

§ 74. General plan and organizer of its preparation

(1) The purpose of the general plan is to define the principles and trends of the spatial development of the territory of the entire municipality or city or its part.

1

(1) A general plan may be drawn up by mutual agreement of local government units for the territory of several municipalities or cities, among other things, for the implementation of the county's development strategy.

[RT I, 04.07.2017, 2 - enters into force. 01.01.2018]

(2) A general plan may be drawn up for the planning of a public water body in the case specified in Clause 5 of § 75 (1) of this Act.

(3) On the basis of the general plan, restrictions may be imposed on real estate.

(4) A strategic assessment of the environmental impact is mandatory when preparing the general plan. When drawing up the thematic plan of the general plan, a preliminary assessment must be given and a strategic assessment of the environmental impact must be considered, based on the criteria set forth in § 33 subsections 4 and 5 of the Environmental Impact Assessment and Environmental Management System Act and the positions of the relevant authorities in accordance with § 33 subsection 6.

(5) The general plan is the basis for the preparation of the local government's special plan and detailed plan and, in the absence of the obligation to prepare a detailed plan, for the provision of design conditions.

(6) If a heritage protection area or its protection zone is located on the planned land area, the special conditions of heritage protection of the general plan are taken into account when preparing the general plan, based on the provisions of the Heritage Protection Act.

[RT I, 19.03.2019, 13 - enters into force. 01.05.2019]

(7) If, according to the Chemicals Act, a hazardous company or a company with a risk of a major accident is located in the planning area, the requirements stipulated in the Chemicals Act must be taken into account when preparing the general plan.

[RT I, 10.11.2015, 2 - enters into force. 01.12.2015]

(8) The organizer of the preparation of the general plan is the local government unit.

§ 75. Tasks of general planning

(1) The general plan solves the following tasks:

- 1) determination of the general location of the transport network and other infrastructure, including local roads, railways, ports and small ports, and the restrictions arising from them;
- 2) determining the location of waste treatment sites of local importance and the restrictions arising from them;
- 3) determining the general location of utility networks and facilities and the restrictions arising from them;
- 4) choosing the location of a building with a significant spatial impact;
- 5) determining the general construction conditions and location of a building permanently connected to the shore or functionally connected to the shore in a public body of water;
- 6) specifying the conditions guiding the development of the settlement;
- 7) determining the area of the bathing beach;
- 8) expansion of the street protection zone;
- 9) determining the border of the area with repeated flooding on the seashore and marking the high water limit on the inland water body with large flood areas;
- 10) specifying the location of the green network and the conditions ensuring its operation, and determining the restrictions arising from them;

[RT I, 03.01.2022, 1 - enters into force. 13.01.2022]

11) determining the conditions of public access to the coastal path and, in case of overwhelming interest, deciding to close the coastal path and enabling bypassing thereof in accordance with the provisions of the law on the general part of the Environmental Code;

[RT I, 03.01.2022, 1 - enters into force. 13.01.2022]

- 12) increasing and decreasing the construction ban zone on the beach and shore;
- 13) setting protected natural objects and their protection and use conditions at the local government unit level;
- 14) determination of valuable agricultural lands, green areas, landscapes, individual elements of the landscape and natural communities and setting conditions for their protection and use;
- 15) determination of restrictions arising from deposits and areas affected by mining;
- 16) designation of environmentally valuable areas and valuable individual objects and setting conditions for their protection and use;
- 17) determination of measures to preserve cultural heritage of local importance, including its general conditions of use;
- 18) determination of the general use and construction conditions of the planning area, including the conditions underlying the granting of design conditions, the management purpose of land use, the maximum construction volume, the height limit of buildings and landscaping requirements;
- 19) designation of land areas with national defense purposes and specifying the boundaries of land areas with national defense purposes specified in the county plan;
- 20) determination of the location of recreation and recreation areas and the restrictions arising from them;
- 21) setting restrictions on the size and age of felling during clear-cutting in order to protect the settlement or buildings from air pollution, noise, strong wind or blizzard, or to reduce the risk of fire or to prevent the spread of forest fire;
- 22) determining categories of standard noise levels;
- 23) determination of general principles of traffic management;
- 24) determination of conditions that reduce the risk of crime;

[RT I, 03.01.2022, 1 - enters into force. 13.01.2022]

- 25) determination of the minimum plot size;
- 26) determination of areas and cases, in the event of which the organization of an architectural competition must be considered when preparing a detailed plan;
- 27) designation of areas or cases with the obligation to prepare a detailed plan;
- 28) designation of densely populated areas within the meaning of the Land Reform Act and the Nature Conservation Act;
- 29) determining the location of land improvement systems and the restrictions arising from them;
- 30) indicating the need for acquisition, including forced expropriation, or the establishment of forced possession in the public interest in order to perform the tasks specified in this paragraph;

[RT I, 29.06.2018, 1 - enters into force. 01.07.2018]

- 31) determination of the location of water intakes with a sanitary protection area and the restrictions arising from them;
- 32) other tasks related to the tasks specified in this subsection.

(2) When deciding on the tasks to be solved by the general plan, the spatial needs of the local government unit and the purpose of the plan are taken into account.

1

(2) When deciding on the tasks to be solved by the general plan drawn up for the territory of several municipalities or cities by mutual agreement of local self-government units, the spatial needs of the county's development strategy and the purpose of the plan are based, among other things.

[RT I, 04.07.2017, 2 - enters into force. 01.01.2018]

(3) The general plan may be used to propose changes to the county plan.

(4) The leading purpose of land use is the predominant purpose of land use determined by the general plan, which provides the main directions of future land use for the entire designated area.

§ 76. Cooperation and involvement in the preparation of the general plan

(1) The general plan is drawn up in cooperation with the government agencies whose areas of governance the general plan deals with, and local government units bordering the planning area.

(2) The minister responsible for the area, persons whose rights may be affected by the plan, persons who have expressed a wish to be involved, as well as persons and institutions who may have a justified interest in the expected significant environmental impact or the implementation of the general plan or the spatial development trends of the planning area shall be included in the preparation of the master plan. , including non-governmental environmental organizations through the organization connecting them, and non-profit organizations and foundations representing the residents of the planned land area.

[RT I, 04.07.2017, 1 - enters into force. 01.01.2018]

(3) A person whose interests may be affected by the plan may be included in the preparation of the general plan. If the organizer of the preparation of the general plan includes the named person, the provisions for the person and institution specified in subsection 2 of this section shall apply to him.

(4) The persons and institutions specified in subsections 1–3 of this section shall inform the organizer of the preparation of the general plan of the method of transmission of the notifications prescribed in this Act and the necessary contact information. If the persons or institutions do not announce the method of transmission of the notices, the organizer of the preparation of the general plan shall transmit the notices specified in this Act by mail or electronically. If notices are sent by post, they may be delivered by registered letter, registered letter or registered letter with delivery notice.

[RT I, 03.01.2022, 1 - enters into force. 13.01.2022]

1

(4) In the case of real estate divided into apartment properties, the notices specified in this Act are deemed to have been delivered to the owner of the real estate even if the notice has been delivered to the apartment association. The board of the apartment association is obliged to forward the received notice to all apartment owners.

[RT I, 03.01.2022, 1 - enters into force. 13.01.2022]

(5) During the preparation of the general plan, it will be made public with the most important annexes, especially studies, approvals, opinions and other up-to-date information on the website of the organizer of the preparation of the general plan.

§ 77. Initiation of general planning and strategic assessment of environmental impact

(1) The strategic assessment of the general plan and environmental impact is initiated by a decision of the local government council.

(2) The general plan and the strategic assessment of the environmental impact shall not be initiated, especially if:

- 1) the purpose of the plan to be initiated is clearly in conflict with the county plan;
- 2) it is obvious that the planned implementation will not be possible in the future, or
- 3) there is another reason based on an overriding public interest.

(3) The strategic assessment of the master plan and the environmental impact shall be initiated or not initiated within 30 days from the date of receipt of the request to initiate the master plan. For a valid reason, in particular due to the size of the planning area, the need to carry out studies or the large number of involved and cooperating parties, the deadline mentioned in the previous sentence can be extended to 90 days.

(4) The decision to initiate the strategic assessment of the general plan and environmental impact states:

- 1) the purpose of the preparation of the general plan;
- 2) in the case of a thematic plan and a plan drawn up for a part of a local government unit, the location of the planned planning area and its size, including the border of the planning area;
- 3) time and place of viewing the initiation decision.

(5) Within 30 days from the initiation of the general plan and the strategic assessment of the environmental impact, notification shall be made in the municipality or city newspaper, as well as in the county newspaper or in a newspaper with nationwide circulation, which has been designated by the local government unit as the place of publication of official notices of the municipality or city. If notification is not possible within 30 days due to the frequency of publication in the municipality or city newspaper, the notification will be published in the municipality or city newspaper as soon as possible, as well as in the county newspaper within 30 days from the initiation. If the local government unit does not have a municipal or city newspaper, the notice is published in the county newspaper of the planning area within 30 days from the initiation of the plan.

(6) The announcement of the initiation of the general plan and the strategic assessment of the environmental impact is published in Official Notices and on the website of the organizer of the planning within 14 days from the initiation. The notification of the initiation of the general plan and the strategic assessment of the environmental impact must contain the information specified in subsection 4 of this section.

(7) The persons and institutions specified in subsections 1 and 2 of § 76 of this Act shall be notified of the initiation of the general plan and strategic environmental impact assessment within 30 days from the initiation of the general plan and strategic environmental impact assessment.

1

(7) The non-initiation of the strategic assessment of the environmental impact of the thematic plan of the general plan and the reasons thereof shall be notified based on the requirements set forth in subsections 5-7 of this section.

[RT I, 03.01.2022, 1 - enters into force. 13.01.2022]

(8) If it is known during the initiation of the master plan, or in the course of the preparation of the plan, it becomes clear that the master plan may lead to the acquisition, including forced expropriation, of the immovable property or its part in the public interest, or the need to establish compulsory possession in relation to it, the organizer of the preparation of the plan shall notify the owner of the immovable property of the initiation of the master plan within seven days of the initiation of the plan. from the day of making a decision or acquisition in the public interest, including forced expropriation, or the need to establish forced possession.

[RT I, 29.06.2018, 1 - enters into force. 01.07.2018]

§ 78. Completion of the preparation of the general plan and the strategic assessment of the environmental impact

(1) The organizer of the preparation of the master plan may terminate the preparation of the master plan and the strategic assessment of the environmental impact, especially if:

- 1) during the preparation, circumstances appear that preclude the implementation of the plan in the future, or
- 2) the purpose of the preparation of the plan changes significantly during the preparation.

(2) The termination of the master plan and the strategic assessment of the environmental impact and the reasons thereof shall be notified based on the requirements for notification of the initiation of the master plan and the strategic assessment of the environmental impact in subsections 5 and 7 of § 77 of this Act. The completion of the strategic assessment of the general plan and the environmental impact and its reasons will also be notified on the website of the organizer of the planning within 14 days from the completion of the preparation.

§ 79. Establishing a temporary planning and construction ban when preparing a general plan

(1) The organizer of the preparation of the master plan may impose a temporary ban on planning and construction in the planning area or a part of it during the preparation of the master plan, if the plan being prepared intends to change the conditions of use and construction previously established for the planning area.

(2) While the temporary planning and construction ban is in effect, the following may be prohibited in the planning area or its part:

- 1) establishment of general and detailed planning;
- 2) issuing a building permit for the construction of a building;
- 3) provision of design conditions;
- 4) changing the current purpose of the cadastral unit.

(3) A temporary planning and construction ban may be imposed for up to two years. In justified cases, the validity of the planning and construction ban can be extended up to four years.

(4) The temporary planning and construction ban does not extend to construction for which a building permit has been granted or which has been notified before the planning and construction ban is introduced, and to the construction of buildings for which the submission of a construction notification or a building permit is not required.

(5) The organizer of the preparation of the general plan shall notify the owner of the immovable property, whose immovable property is subject to a temporary planning and construction ban, and, if necessary, the persons who may be affected by the planning and temporary construction ban, of the intention and reasons for imposing the ban by registered letter no later than 14 days before the ban is imposed.

(6) The organizer of the preparation of the general plan establishes a temporary planning and construction ban by order and notifies the owner of the immovable subject to the temporary planning and construction ban, the keeper of the land cadastre in machine-readable form, and, if necessary, the persons who may be affected by the ban, within seven days from the day of the ban.

§ 80. Intention to develop a strategic assessment of the environmental impact of the general plan

[Repealed - RT I, 03.01.2022, 1 - entered into force. 13.01.2022]

§ 81. Requesting proposals regarding the starting points of the general plan and the strategic environmental impact assessment program

(1) The organizer of the preparation of the master plan submits the starting points of the master plan and the strategic environmental impact assessment program to the persons and institutions specified in subsections 1 and 2 of § 76 of this Act and sets a deadline for the submission of proposals, which must not be shorter than 30 days.

(2) The persons and institutions specified in subsections 1 and 2 of § 76 of this Act shall submit proposals regarding the starting points of the general plan and the strategic environmental impact assessment program based on their area of competence, as well as an assessment of the relevance and adequacy of the strategic environmental impact assessment program.

(3) The minister responsible for the field or an official authorized by him has the right to designate, in addition to the collaborators and those to be included in the starting points, persons and institutions with whom to cooperate in the preparation of the general plan or who must be involved in the preparation of the general plan.

[RT I, 12.12.2018, 2 - enters into force. 22.12.2018]

(4) If the person or institution specified in subsections 1 and 2 of § 76 of this Act has not submitted its proposals within the set deadline, it is considered that he does not wish to submit proposals regarding the starting points of the general plan and the strategic environmental impact assessment program.

(5) The organizer of the preparation of the master plan shall review the submitted proposals and, on the basis of them, make the necessary changes to the starting points of the master plan and the strategic environmental impact assessment program.

(6) The starting points of the master plan and the strategic environmental impact assessment program, together with the proposals submitted by the persons and institutions specified in subsections 1 and 2 of § 76 of this Act, will be made public on the website of the organizer of the preparation of the master plan.

§ 82. Public exhibition of the draft report of the general plan and the strategic assessment of the environmental impact

(1) The organizer of the preparation of the plan organizes a public display of the draft of the general plan and the strategic environmental impact assessment report. The public display is organized at least in the center of the local government unit of the planning area and in the centers of larger settlements in the municipality. In cities with districts, a public display is organized in the center of the district.

(2) During the public exhibition, every person has the right to express an opinion on the draft of the general plan and the strategic environmental impact assessment report.

(3) The public display of the draft report of the general plan and the strategic assessment of the environmental impact lasts at least 30 days.

(4) The persons and institutions specified in subsections 1 and 2 of § 76 of this Act shall be notified of the public display of the draft report of the general plan and strategic assessment of the environmental impact no later than 14 days before the start of the public display. The notice shall state the time and place of the public display and the information specified in subsection 6 of this section.

(5) The time and place of the public display of the draft report of the general plan and the strategic assessment of the environmental impact shall be announced in the municipal or city newspaper of the local government unit of the planning area, as well as in the county newspaper or in a newspaper with national distribution, which the local government unit has designated as the place for publishing official notices of the municipality or city, no later than 14 days before the start of public display. If the local government unit does not have a municipality or city newspaper, or due to the frequency of publication of the municipality or city newspaper, notification is not possible no later than 14 days before the start of public display, the notice is published in the county newspaper of the planning area no later than 14 days before the start of public display.

(6) The notification specified in subsection 5 of this section must:

- 1) disclose the location of the planning area, including the border of the planning area, and its size;
- 2) to briefly introduce the content of the general plan and the significant effects that may be expected to accompany the implementation of the general plan, including indicating the most important planned changes compared to the existing situation.

(7) During the public display of the draft general plan and strategic environmental impact assessment report, access to all materials and information related to the draft general plan and strategic environmental impact assessment report at the disposal of the municipality or city government is ensured during the working hours of the municipality or city government.

(8) The organizer of the preparation of the general plan shall inform the persons who submitted their opinions in writing during the public display of the draft report of the general plan and the strategic assessment of the environmental impact, the organizer of the preparation of the general plan shall inform them of their justified position on the opinions and the time and place of the public hearing within 30 days after the end of the public display.

§ 83. Public discussion of the results of the public display of the draft general plan and strategic environmental impact assessment report

(1) The public discussion of the results of the public display of the draft general plan and strategic environmental impact assessment report shall be organized within 45 days after the end of the public display. The public discussion is organized at least in the center of the local government unit of the planning area and in the centers of larger settlements in the municipality. In cities with districts, a public hearing is organized in the center of the district.

(2) The persons and institutions specified in subsections 1 and 2 of § 76 of this Act shall be notified of the public discussion of the draft of the general plan and strategic environmental impact assessment report no later than 14 days before the start of the public discussion. The notice shall indicate the time and place of the public hearing of the general plan.

(3) At the public hearing, the organizer of the preparation of the general plan presents the written opinions submitted during the public exhibition and his views on them, justifies the solutions chosen in the preparation of the general plan and answers other questions regarding the general plan and the draft of the strategic environmental impact assessment report.

(4) A person who has expressed an opinion in writing during the public exhibition may withdraw his opinion by notifying the organizer of the preparation of the general plan in a form that enables written reproduction.

§ 84. Taking into account the results of the public display and public discussion of the draft general plan and strategic environmental impact assessment report

(1) If written opinions on the draft general plan and strategic environmental impact assessment report were presented at the public display of the draft general plan and strategic environmental impact assessment report, information on the results of the public display and public discussion will be published within 30 days from the day of the public discussion in the municipality or city newspaper of the local government unit of the planning area, as well as in the county newspaper or a newspaper with nationwide distribution, which has been designated by the local government unit as the place for publishing official announcements of the municipality or city. If the local government unit does not have a municipality or city newspaper or the publication of information is not possible within 30 days due to the frequency of publication of the municipality or city newspaper, the information will be published in the county newspaper of the planning area within the specified deadline.

(2) On the basis of the results of the public display and public discussion, the necessary changes are made to the general plan and the draft of the strategic environmental impact assessment report.

§ 85. Submission of the draft report of the general plan and the strategic assessment of the environmental impact for coordination and giving an opinion

(1) The general plan and the draft of the strategic environmental assessment report shall be submitted for approval to the authorities specified in subsection 76 (1) of this Act, and the persons and institutions specified in subsection 2 of § 76 shall be notified of the possibility to submit an opinion on the draft of the general plan and the strategic environmental assessment report.

(2) If the coordinator or the person giving the opinion has not refused approval or expressed an opinion within 30 days of receiving the draft general plan and strategic environmental impact assessment report and has not requested an extension of the deadline, the general plan and the draft strategic environmental impact assessment report are deemed to have been approved by default by the coordinator, or it is assumed that the opinion the provider does not wish to express an opinion about them, unless the law stipulates otherwise.

(3) If there is no reference to a conflict with legislation or the county plan during approval, the general plan is considered approved. When coordinating the draft of the strategic environmental impact assessment report, the compliance of the draft report with legislation and the adequacy and objectivity of the assessments contained in it are evaluated.

§ 86. Acceptance of the general plan and strategic environmental impact assessment report

(1) After adding the results of the strategic environmental assessment report to the general plan, the local government council makes a decision to adopt the general plan.

(2) By adopting the general plan, the local government council confirms that the general plan complies with legislation and that the general plan has been drawn up in accordance with the spatial development goals of the municipality or city. The local government council also confirms that the results of the strategic assessment of the environmental impact have been taken into account when preparing the general plan.

§ 87. Public exhibition of the master plan

(1) After the adoption of the master plan and the strategic environmental impact assessment report, the organizer of the preparation of the plan organizes a public display of the master plan. The public display is organized at least in the center of the local government unit of the planning area and in the centers of larger settlements in the municipality. In cities with districts, a public display is organized in the center of the district.

(2) During the public display, every person has the right to express an opinion about the general plan.

(3) The general plan submitted for public exhibition must reveal the proposed changes, considered justifications for the presented solutions, the conditions for the implementation of the general plan and other circumstances explaining the general plan. Together with the master plan, the approvals and opinions given on the basis of § 85 (1) of this Act on the master plan are made public.

(4) The public display of the general plan lasts at least 30 days.

(5) The public display of the general plan shall be notified to the persons and institutions specified in § 76 subsections 1 and 2 of this Act no later than 14 days before the start of the public display. The time and place of the public display of the general plan and the information specified in subsection 7 of this section shall be indicated in the notification.

(6) The time and place of the public display of the master plan and the public discussion shall be announced in the municipality or city newspaper, as well as in the county newspaper or in a newspaper with nationwide circulation, which has been designated by the local government unit as the place of publication of the official notices of the municipality or city, no later than 14 days before the start of the public display. If the local government unit does not have a municipality or city newspaper, or due to the frequency of publication of the municipality or city newspaper, notification is not possible no later than 14 days before the start of public display, the notice is published in the county newspaper of the planning area no later than 14 days before the start of public display. The announcement of the public display and public discussion of the general plan is published on the website of the organizer of the preparation of the general plan.

(7) The notification specified in subsection 6 of this section must:

- 1) disclose the location of the planning area, including the border of the planning area, and its size;
- 2) to briefly introduce the content of the master plan and the significant effects that may be expected to accompany the implementation of the master plan, as well as the consideration of the results of the strategic environmental impact assessment report when preparing the master plan;
- 3) indicate the most important planned changes compared to the existing situation.

(8) During the public display of the general plan, access to all materials and information related to the general plan at the disposal of the municipal or municipal government is ensured for persons during the working hours of the municipal or municipal government.

(9) The organizer of the preparation of the general plan shall inform the persons who submitted written opinions during the public display of the general plan of their reasoned position on the opinions and the time and place of the public hearing within 30 days after the end of the public display.

§ 88. Public discussion of the results of the public display of the general plan

(1) The public discussion of the results of the public display of the general plan shall be organized within 45 days after the end of the public display. The public discussion is organized at least in the center of the local government unit of the planning area and in the centers of larger settlements in the municipality. In cities with districts, a public hearing is organized in the center of the district.

(2) Organizing a public hearing is not required if no written opinions were submitted regarding the general plan during the public display or if all written opinions have been taken into account.

(3) The persons and institutions specified in subsections 1 and 2 of § 76 of this Act shall be notified of the public discussion of the general plan no later than 14 days before the start of the public discussion. The notice shall indicate the time and place of the public hearing of the general plan.

(4) At the public hearing, the organizer of the preparation of the plan presents the written opinions submitted during the public exhibition and his views on them, justifies the solutions chosen in the preparation of the general plan and answers other questions regarding the general plan.

(5) A person who submitted an opinion in writing during the public exhibition may withdraw his opinion by notifying the organizer of the preparation of the general plan in a form that enables written reproduction.

§ 89. Taking into account the results of public display and public discussion of the general plan

(1) If written opinions about the general plan were submitted during the public exhibition of the master plan, information about the results of the public exhibition and the discussion will be published within 30 days from the day of the public discussion in the municipal or city newspaper, as well as in the county newspaper or in a newspaper with nationwide distribution, which the local government has designated as official newspapers of the municipality or city. for the publication of notices. If the local government unit does not have a municipality or city newspaper or the publication of information is not possible within 30 days due to the frequency of publication of the municipality or city newspaper, the information will be published in the county newspaper of the planning area within the specified deadline.

(2) On the basis of the results of the public display and public discussion, the necessary changes are made to the general plan.

(3) If the changes made on the basis of the results of the public display and public discussion change the basic solutions of the general plan or lead to the need for significant changes to the strategic environmental impact assessment report, the coordination of the general plan and the strategic environmental impact assessment report with the government agencies whose areas of governance are affected by the change shall be repeated. A new public display and public discussion will also be organized based on the requirements established in this Act for the public display and public discussion of the general plan and strategic environmental impact assessment report.

§ 90. Approval of the general plan

(1) The general plan is submitted to the Ministry of Regional Affairs and Agriculture for approval. Together with the general plan, written opinions that were not taken into account during the preparation of the plan and the organizer of the preparation of the general plan are presented at the public exhibition.

[RT I, 30.06.2023, 1 - enters into force. 01.07.2023]

(2) The minister responsible for the field or his authorized official approves or refuses to approve the general plan within 60 days from its submission. In justified cases, the deadline can be extended to 90 days.

[RT I, 12.12.2018, 2 - enters into force. 22.12.2018]

(3) When deciding to approve the general plan, the minister responsible for the field or his authorized official:

[RT I, 12.12.2018, 2 - entry into force. 22.12.2018]

1) checks the compliance of the strategic environmental impact assessment procedure and plan with legislation and the county plan and the state special plan;

2) hears the persons who submitted written opinions at the public exhibition, whose opinions were not taken into account in the preparation of the general plan, and the organizer of the preparation of the general plan;

3) in the case of a general plan containing a proposal to change the county plan, gives consent to change the county plan or refuses to give consent.

[RT I, 04.07.2017, 1 - enters into force. 01.01.2018]

(4) If the persons specified in point 2 of subsection 3 of this section do not reach an agreement, the minister responsible for the field or his authorized official shall submit to them his written opinion on the opinions that were not taken into account within 30 days after the hearing of the parties.

[RT I, 12.12.2018, 2 - enters into force. 22.12.2018]

(5) If the minister responsible for the field or an official authorized by him fails to approve the general plan, he shall submit to the organizer of the preparation of the general plan his reasoned opinion on the reasons for non-approval, stating the requirements or circumstances specified in subsection 3 of this section, which are the basis for the non-approval of the general plan. The minister responsible for the field or an official authorized by him may, in case of justified need, propose to establish a general plan in part.

[RT I, 12.12.2018, 2 - enters 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. Establishing the general plan

(1) The general plan approved by the minister responsible for the field or an official authorized by him shall be established by a decision of the local government council.

[RT I, 12.12.2018, 2 - enters into force. 22.12.2018]

(2) The notice of establishment of the general plan is published within 30 days from the establishment of the general plan in the municipal or city newspaper of the local government unit of the planning area, as well as in the county newspaper or in a newspaper with nationwide distribution, which the local government unit has designated as the place of publication of official notices of the municipality or city. If notification is not possible within 30 days due to the frequency of publication in the municipal or city newspaper, the notice will be published in the municipal or city newspaper as soon as possible, and also notified in the county newspaper within 30 days from the establishment of the plan. If the local government unit does not have a municipal or city newspaper, the notice is published in the county newspaper of the planning area within 30 days from the establishment of the plan.

(3) The organizer of the preparation of the plan sends a notification about the establishment of the master plan to the minister responsible for the field and the keeper of the land cadastre within 14 days from the day of the establishment of the master plan.

[RT I, 03.01.2022, 1 - enters into force. 01.11.2022]

1

1

(3) The organizer of the preparation of the plan submits the data specified in subsection 6 of § 4 of this Act regarding the established general plan to the planning database within 14 days from the establishment of the general plan.

[RT I, 03.01.2022, 1 - enters into force. 01.11.2022]

(4) When announcing the establishment of a master plan, a brief summary of the content of the master plan must be given, including what the goals of the spatial development of the city or municipality are and what the economic, social and cultural effects and the impact on the natural environment can be expected to be with the implementation of the master plan.

(5) The organizer of the preparation of the plan shall notify the establishment of the general plan within 14 days from the day of making the decision to establish the general plan:

1) to the person whose written opinions made during the public display were not taken into account when the plan was established;

2) to the owner of the immovable property, whose immovable property or its part needs to be acquired in the public interest for the implementation of the plan, including forced expropriation, or compulsory possession is established in relation to it;

[RT I, 29.06.2018, 1 - enters into force. 01.07.2018]

3) to the owner of an immovable property whose immovable property was subject to a temporary planning and construction ban during the preparation of the plan;

4) to the persons and institutions specified in subsections 1 and 2 of § 76 of this Act.

(6) If the general plan contains a proposal to change the county plan and the minister responsible for the field or his authorized official has agreed to the proposal, the change shall be entered into the county plan within 30 days from the date of establishment of the general plan. When entering changes, the extent to which the plan has been changed must be indicated in the county plan or, if technically possible, the changes planned in the general plan must be entered on the map of the county plan and an explanatory letter.
[RT I, 12.12.2018, 2 - enters into force. 22.12.2018]

(7) On the basis of subsection 6 of this section, when changes are entered into the county plan, the organizer of the preparation of the county plan shall submit the changed data specified in § 4¹ subsection 6 of this Act to the plans database within 14 days of the changes being entered.
[RT I, 03.01.2022, 1 - enters into force. 01.11.2022]

§ 92. Obligation to review the general plan

(1) The general plan is reviewed by the local government council every five years. The local government council shall submit a summary of the result of the review of the general plan to the minister responsible for the area within six months of the review.
[RT I, 04.07.2017, 1 - enters into force. 01.01.2018]

(2) By reviewing the general plan, the following are identified and reviewed:

- 1) the results of development in accordance with the plan and the possibilities of further implementation of the plan;
- 2) compliance of the plan with the purpose of this Act;
- 3) the significant effects on the economic, social, cultural and natural environment that occurred during the implementation of the plan and the conditions for reducing significant negative effects;
- 4) the need to make changes to the plan resulting from plans and legislation;
- 5) detailed plans are valid to ensure their compliance with the general plan, and if necessary, the procedure for their amendment or annulment is initiated;
- 6) other important issues related to the implementation of the plan.

§ 93. Revocation and modification of the general plan

(1) In order to invalidate a general plan, a new general plan covering the same planning area or solving the same topic must be prepared based on the requirements for the preparation of a general plan in this Act.

(2) The general plan may be amended by preparing a plan covering part of the planning area or a theme plan based on the requirements for the preparation of a general plan in this Act. When drawing up a plan that changes the general plan, cooperation and involvement is carried out with the government agencies whose governance issues are dealt with by the change, as well as persons whose rights or interests may be affected by the change, as well as non-profit organizations and foundations representing the residents of the planned land area.

¹
(2¹) By mutual agreement of the local self-government units, the general plan prepared for the territory of several municipalities or cities may be prepared as a thematic plan for the implementation of the county's development strategy.
[RT I, 04.07.2017, 2 - enters into force. 01.01.2018]

¹ of this section, the changes made with the thematic
(3) Upon establishment of the thematic plan specified in subsections 2 and 2¹ plan shall be transferred to the previously established general plan within 30 days from the date of establishment of the thematic plan. When entering changes, the extent to which the plan has been changed must be indicated in the general plan or, if technically possible, the changes planned in the thematic plan must be entered on the map of the general plan and an explanatory letter.
[RT I, 04.07.2017, 2 - enters into force. 01.01.2018]

(4) In order to bring the general plan into line with the amended or established legislation or with the judgment that has entered into force after the establishment of the general plan, the organizer of the preparation of the general plan shall enter the changes into the plan as an action, without conducting a public procedure. The introduction of changes will be notified based on the requirements for notification of the establishment of the general plan.

1) On the basis of subsections 2-4 of this section, when changes are entered into the general plan, the organizer of the preparation (4 of the plan submits the changed data specified in subsection 6 of § 4¹ of this Act regarding the amended general plan to the planning database within 14 days from the entry of the changes.
[RT I, 03.01.2022, 1 - enters into force. 01.11.2022]

(5) When the general plan is amended with a plan covering part of the planning area specified in subsection 2 of this section or with a thematic plan specified in subsections 2 and 2¹, the implementation of the overall solution of the general plan must be ensured after the amendment of the general plan.
[RT I, 04.07.2017, 2 - enters into force. 01.01.2018]

§ 94. Challenging the general plan

Every person has the right to appeal the decision to establish a general plan to the court within 30 days from the day on which the person found out or should have found out about the establishment of the plan, if he considers that the decision is against the public interest or if the decision has violated his rights or limited his freedoms.

§ 95. Special plan of the local government and the organizer of its preparation

- (1) The special plan of the local government is drawn up for the construction of a building with a significant spatial impact, if the location of the building with a significant spatial impact is not specified in the general plan.
 - (2) The list of buildings with significant spatial impact shall be established by the Government of the Republic by regulation.
 - (3) The special plan of the local government is drawn up for the territory of the local government or its part.
 - (4) On the basis of the special planning of the local government, restrictions may be imposed on real estate.
 - (5) A strategic assessment of the environmental impact is mandatory when drawing up a special plan of the local government.
 - (6) The organizer of the preparation of the special plan of the local government is the local government unit.
 - (7) The special planning procedure of the local government consists of pre-selection of the location of the building, the purpose of which is to find the most suitable location for the building, and the procedure of preparing a detailed solution.
 - (8) The special plan of the local government is the basis for the preparation of the construction project, unless the special plan of the local government is established on the basis of the pre-selection decision of the location.
- [RT I, 07.03.2023, 21 - enters into force. 17.03.2023]

1

- (8)) A proposal to change the county plan can be made with the special plan of the local government.
- [RT I, 03.01.2022, 1 - enters into force. 13.01.2022]

2

- (8)) The special plan of the local government planning the wind farm may, in justified cases, contain a proposal to change the established general plan. Changing the basic solution of the established master plan is justified if legislation has changed or been established after the master plan was established, as well as if new factual circumstances have emerged that, at the time the master plan was established, precluded the possibility of building wind farms in the territory of the local government unit or part of it.
- [RT I, 07.03.2023, 21 - enters into force. 17.03.2023]

- (9) During the preparation of the special plan of the local government, it is published together with the most important annexes, especially studies, approvals, opinions and other up-to-date information on the website of the organizer of the preparation of the special plan of the local government.

1

§ 95 . Establishing the local government's special plan based on the location pre-selection decision

- (1) When preparing a special plan for a local government planning a wind farm, a local government unit may waive the preparation of a detailed solution and establish the plan on the basis of a location pre-selection decision, if there are no exclusionary factors for the further planning of the wind farm with design conditions, and the location pre-selection decision states the conditions underlying the granting of design conditions.
 - (2) In the case of abandoning the preparation of a detailed solution, the provisions of § 122 subsections 1–8 and 10–11 and § 123 of this Act apply to the establishment and contestation of the plan based on the pre-selection decision. The persons and institutions specified in subsections 1 and 2 of § 99 of this Act shall be notified of the establishment of the plan within 14 days. The owner of the immovable property whose immovable property or its part needs to be acquired in the public interest for the implementation of the special plan of the local government, including forced expropriation, or forced possession of it, is also notified.
 - (3) The special plan of the local government established on the basis of the pre-selection decision for the location of the special plan for the wind farm of the local government is the basis for granting design conditions.
- [RT I, 07.03.2023, 21 - enters into force. 17.03.2023]

§ 96. Initiation of special planning of local government and strategic assessment of environmental impact

- (1) The local government's special planning and strategic assessment of the environmental impact shall be initiated by a decision of the local government council.
 - (2) The special planning of the local government and the strategic assessment of the environmental impact shall not be initiated, especially if:
 - 1) the initiation is obviously in conflict with the general plan;
 - 2) it is obvious that the implementation of the initiated plan in the future will not be possible;
 - 3) there is another reason based on an overriding public interest, or
 - 4) there are no funds in the budget of the plan preparation organizer to bear the costs associated with the preparation of the plan, ordering the preparation and impact assessment, and the person interested in the preparation of the plan does not bear such costs.
- [RT I, 04.05.2017, 3 - enters into force. 05.05.2017]

- (3) The special plan of the local government and the strategic assessment of the environmental impact shall be initiated or not initiated within 30 days from the date of receipt of the request for the initiation of the special plan of the local government. For valid reasons, primarily due to the size of the planning area, the need to carry out studies, the clarification of the circumstances that are the prerequisites for the contract to bear the costs of commissioning the planning, or the large number of involved and cooperating parties, the said term may be extended to 90 days.
- [RT I, 04.05.2017, 3 - enters into force. 05.05.2017]

1

- (3)) Upon receiving a request for initiation of a local government special plan for the construction of a wind farm in accordance with the list of buildings with a significant spatial impact, the organizer of the planning shall inform the public of the content of the submitted request and the possibility of submitting a request of the same content, if the interest of several persons in the processing of the request can be assumed. The announcement is published in the municipal or city newspaper, as well as in the county newspaper or in a newspaper with nationwide distribution, which the local government unit has designated as the place for publishing official

announcements of the municipality or city, and on the website of the organizer of the planning. An additional request may be submitted within 30 days from the publication of the notice.

[RT I, 03.01.2022, 1 - enters into force. 13.01.2022]

(4) In the decision to initiate the special planning of the local government and the strategic assessment of the environmental impact, the following shall be stated:

- 1) the location and size of the planning area known at the time of initiation, including the border of the planning area;
- 2) the purpose of preparing the special plan of the local government;
- 3) description of the purpose of the planned building and related activities;
- 4) time and place of reviewing the initiation decision.

(5) Within 30 days from the initiation of the local government's special planning and strategic assessment of the environmental impact, notification shall be made in the municipality or city newspaper, as well as in the county newspaper or in a newspaper with nationwide distribution, which the local government unit has designated as the place of publication of official notices of the municipality or city. If notification is not possible within 30 days due to the frequency of publication in the municipality or city newspaper, the notification will be published in the municipality or city newspaper as soon as possible, as well as in the county newspaper within 30 days from the initiation. If the local government unit does not have a municipal or city newspaper, the notice is published in the county newspaper of the planning area within 30 days from the initiation of the plan.

(6) The announcement of the initiation of the local government's special plan and strategic assessment of the environmental impact is published in Official Notices and on the website of the organizer of the preparation of the plan within 14 days from the initiation. The notification of the initiation of the local government's special planning and strategic assessment of the environmental impact must contain the information specified in subsection 4 of this section.

(7) The persons and institutions specified in subsections 1 and 2 of § 99 of this Act shall be notified of the initiation of the local government's special planning and strategic assessment of the environmental impact within 30 days from the initiation.

§ 97. Completion of the preparation of the local self-government special plan

(1) The organizer of the preparation of the special plan of the local government may terminate the preparation of the special plan of the local government and the strategic assessment of the environmental impact, especially if:

- 1) during the preparation, circumstances appear that preclude the implementation of the plan in the future;
- 2) the purpose of preparing the plan changes during the preparation or
- 3) there are no funds in the budget of the organizer of the preparation of the plan to bear the costs associated with the preparation of the plan, ordering the preparation and impact assessment, and the person interested in the preparation of the plan does not bear such costs.

[RT I, 04.05.2017, 3 - enters into force. 05.05.2017]

(2) The termination of the local government's special plan and strategic assessment of the environmental impact and the reasons thereof shall be notified based on the requirements for notification of the initiation of the local government's special plan and strategic assessment of the environmental impact in subsections 5 and 7 of § 96 of this Act. The completion of the local government's special plan and strategic assessment of the environmental impact and its reasons will also be notified on the website of the plan preparation organizer within 14 days from the completion of the preparation.

§ 98. Pre-selection of the location when preparing a local government special plan

(1) After the initiation of the special plan of the local government, a pre-selection of the location is made to find the most suitable location for the planned building, which is the basis for developing a detailed solution of the special plan of the local government.

(2) Several possible locations must be considered when making a preliminary selection of the location of the local government's special plan.

§ 99. Cooperation and involvement in pre-selection of the local government special planning location

(1) The pre-selection of the local government special plan is made in cooperation with the government institutions whose issues are covered by the local government special plan.

(2) The minister responsible for the area, persons whose rights may be affected by the plan, persons who have expressed a wish to be included in the pre-selection, as well as persons and institutions who may have a justified interest in the expected significant environmental impact or the local government's against the implementation of the special plan, including non-governmental environmental organizations through the organization connecting them.

[RT I, 04.07.2017, 1 - enters into force. 01.01.2018]

(3) A person whose interests may be affected by the plan may be included in the pre-selection of the local government's special plan. If the organizer of the preparation of the local government's special plan includes the person specified in this subsection, the provisions regarding the person and institution specified in subsection 2 of this section shall apply to him.

(4) The persons and institutions specified in subsections 1–3 of this section shall notify the organizer of the preparation of the special plan of the local government of the method of transmission of the notices provided for in this Act and the necessary contact information. If the persons or institutions do not announce the method of transmission of the notices, the organizer of the preparation of the local government's special plan shall transmit the notices specified in this Act by post or electronically. If notices are sent by post, they may be delivered by registered letter, registered letter or registered letter with delivery notice.

[RT I, 03.01.2022, 1 - enters into force. 13.01.2022]

(5) In the case of real estate divided into apartment properties, the notices specified in this Act are deemed to have been delivered to the owner of the real estate even if the notice has been delivered to the apartment association. The board of the apartment association is obliged to forward the received notice to all apartment owners.

[RT I, 03.01.2022, 1 - enters into force. 13.01.2022]

(6) During the pre-selection of the location of the local government special plan, the plan together with the most important appendices, in particular studies, approvals, opinions and other up-to-date information, will be published on the website of the organizer of the preparation of the local government special plan.

[RT I, 03.01.2022, 1 - enters into force. 13.01.2022]

100 _

(1) The organizer of the preparation of the special plan of the local government organizes a public display of the starting points for the pre-selection of the location of the special plan of the local government and the program of the strategic assessment of the environmental impact. The public display is organized at least in the center of the local government unit of the planning area and in the centers of larger settlements in the municipality.

(2) During the public exhibition, every person has the right to express an opinion about the pre-selection starting points of the local government special planning location and the strategic environmental impact assessment program.

(3) The public exhibition of the pre-selection starting points of the location of the special planning of the local government and the strategic environmental impact assessment program lasts at least 30 days.

[RT I, 07.03.2023, 21 - enters into force. 17.03.2023]

(4) The persons and institutions specified in subsections 1 and 2 of § 99 of this Act shall be notified of the public display of the pre-selection starting points of the location of the local government special plan and the strategic environmental impact assessment program no later than 14 days before the start of the public display. The notice shall state the time and place of the public display of the pre-selection starting points of the location of the local government's special plan and the strategic environmental impact assessment program, and shall state the information specified in subsection 6 of this section.

(5) The time and place of the public exhibition of the pre-selection starting points of the location of the local government special planning and the strategic environmental impact assessment program shall be announced in a newspaper with nationwide distribution, in the municipality or city newspaper of the local government unit of the planning area or, in the case of cities with districts, in the district newspaper 14 days before the start of the public exhibition. If the local government unit does not have a municipality or city newspaper, or notification is not possible due to the frequency of publication of the municipality or city newspaper no later than 14 days before the start of the public display, the notice is published in the county newspaper of the planning area no later than 14 days before the start of the public display.

(6) The notification specified in subsection 5 of this section must:

- 1) disclose the location of the planning area;
- 2) state the purpose of preparing the special plan of the local government;
- 3) state the purpose of the planned building and describe the activities related to it.

(7) During the public exhibition of the local government special planning location pre-selection starting points and environmental impact strategic assessment program, access to all materials and information related to the local government special planning location pre-selection starting points and environmental impact strategic assessment program is ensured during the working hours of the planning organizer.

(8) The organizer of the preparation of the special plan shall inform the persons who submitted their opinions in writing during the public exhibition of the pre-selection of the location of the local government special plan and the time and place of the public hearing within 30 days after the end of the public exhibition.

101 _

(1) The public discussion of the pre-selection of the location of the local government's special plan and the strategic environmental impact assessment program shall be held within 45 days after the end of the public exhibition. The public discussion is organized at least in the center of the local government unit of the planning area and in the centers of larger settlements in the municipality.

(2) The persons and institutions specified in subsections 1 and 2 of § 99 of this Act shall be notified of the public discussion of the pre-selection starting points of the location of the local government special plan and the strategic environmental impact assessment program no later than 14 days before the start of the public discussion. The notice shall indicate the time and place of the public discussion of the pre-selection of the local government's special planning location and the strategic environmental impact assessment program.

(3) At the public hearing, the organizer of the pre-selection of the location of the local government special plan and the organizer of the preparation of the strategic environmental impact assessment program shall present the written opinions submitted during the public exhibition and his views on them, justify the activities and objectives related to the planned building, as stated in the pre-selection of the location of the local government special plan, and meet other local to questions concerning the pre-selection of the location of the municipality's special planning and the environmental impact strategic assessment program.

(4) A person who has expressed an opinion in writing during the public exhibition may withdraw his opinion by notifying the organizer of the preparation of the special plan of the local government in a form that enables written reproduction.

[RT I, 03.01.2022, 1 - enters into force. 13.01.2022]

102 _

(1) If, at the public display of the location pre-selection baselines and environmental impact strategic assessment program of the local government special plan, written opinions were submitted regarding the location pre-selection baselines and the environmental impact strategic assessment program, information about the results of the public display and public discussion will be published in one newspaper with nationwide distribution, the municipality of the local government unit of the planning area or in the city newspaper or, in the case of cities with districts, in the district newspaper and official announcements within 30 days from the day of the public hearing. If the local government unit does not have a municipality or city newspaper or the publication of information is not possible within 30 days due to the frequency of publication of the municipality or city newspaper, the information will be published in the county newspaper of the planning area within the specified deadline.

(2) On the basis of the results of the public display and public discussion, the necessary changes are made to the pre-selection of the location of the local government's special plan and the strategic environmental impact assessment program.

§ 103. Asking for proposals regarding the pre-selection of the location of the local government special planning and the environmental impact strategic assessment program

[Repealed - RT I, 07.03.2023, 21 - entry into force. 17.03.2023]

§ 104. Report of the first stage of the strategic assessment of the environmental impact of the local government's special plan

(1) During the pre-selection of the location of the local government special plan, the organizer of the preparation of the local government special plan prepares a report of the first stage of the strategic assessment of the environmental impact.

(2) The report of the first stage of the strategic environmental impact assessment must contain the information specified in § 40

2

subsections 4 and 4 of the Environmental Impact Assessment and Environmental Management System Act .

[RT I, 03.01.2022, 1 - enters into force. 13.01.2022]

(3) [Repealed - RT I, 03.01.2022, 1 - entry into force. 13.01.2022]

§ 105. Submission of the draft decision on the pre-selection of the location of the special planning of the local government and the report of the first stage of the strategic assessment of the environmental impact for coordination and expression of opinion

(1) The draft local government special planning location pre-selection decision together with the report of the first stage of the strategic environmental impact assessment shall be submitted for approval to the authorities specified in § 99 subsection 1 of this Act, and the persons and institutions specified in § 99 subsection 2 shall be informed of the possibility of publishing the local government special planning location pre-selection draft decision and the strategic environmental impact assessment opinion on the first stage report.

(2) If, within 30 days of receiving the draft local government special planning location pre-selection decision and the report of the first stage of the strategic assessment of the environmental impact, the coordinator or opinion giver has not refused approval or expressed an opinion and has not requested an extension of the deadline, the local government special planning location pre-selection decision draft and the environmental impact shall be considered the report of the first stage of the strategic assessment is approved by default by the coordinator, or it is assumed that the opinion giver does not wish to express an opinion on them, unless the law stipulates otherwise.

(3) On the basis of the submitted approvals and opinions, the necessary changes are made to the draft decision on the pre-selection of the location of the local government's special plan and the report of the first stage of the strategic assessment of the environmental impact.

§ 106. Public display of the draft decision on the pre-selection of the local government special planning location and the report of the first stage of the strategic assessment of the environmental impact

(1) The organizer of the preparation of the special plan of the local government organizes the public display of the draft decision on the pre-selection of the location of the special plan of the local government and the report of the first stage of the strategic assessment of the environmental impact. The public display is organized at least in the center of the local government unit of the planning area and in the centers of larger settlements in the municipality.

(2) During the public exhibition, every person has the right to express an opinion on the draft decision on the pre-selection of the location of the local government's special plan and on the report of the first stage of the strategic assessment of the environmental impact.

(3) The public exhibition of the draft decision on the pre-selection of the location of the special planning of the local government and the report of the first stage of the strategic assessment of the environmental impact shall last at least 30 days.

(4) The public display of the draft local government special planning site pre-selection decision and the report of the first stage of the strategic environmental impact assessment shall be notified to the persons and institutions specified in subsections 1 and 2 of § 99 of this Act no later than 14 days before the start of the public display. The time and place of the public display of the draft decision on the pre-selection of the location of the local government's special plan and the report of the first stage of the strategic assessment of the environmental impact, as well as the information specified in subsection 6 of this section, shall be indicated in the notice.

(5) The time and place of the public display of the draft decision on the pre-selection of the location of the local government special plan and the report of the first stage of the strategic assessment of the environmental impact shall be announced in a newspaper with nationwide distribution, in the municipality or city newspaper of the local government unit of the planning area or, in the case of cities with districts, in the district newspaper 14 days before the start of the public display. If the local government unit does not have a municipality or city newspaper, or notification is not possible due to the frequency of publication of the municipality or city newspaper no later than 14 days before the start of the public display, the notice is published in the county newspaper of the planning area no later than 14 days before the start of the public display.

(6) In the notice specified in subsection 5 of this section, the following must be stated:

1) the purpose of preparing the local government's special plan;

2) publish the location of the planning area, including the border of alternative planning areas, and its size;

3) indicate the purpose of the planned building and describe the activities related to it and the significant environmental impact that may result.

(7) During the public exhibition of the draft local government special planning location pre-selection decision and the report of the first stage of the strategic environmental impact assessment, access to all materials and information related to the draft local government special planning location pre-selection decision and the first stage report of the strategic environmental impact assessment is ensured during the working hours of the planning organizer.

(8) During the public exhibition of the draft local government special planning location pre-selection decision and the report of the first stage of the strategic environmental impact assessment, the organizer of the preparation of the local government special plan shall inform the persons who submitted written opinions of their reasoned position on the opinions and the time and place of the public hearing within 30 days after the end of the public exhibition.

§ 107. Public discussion of the results of the public exhibition of the draft decision on the pre-selection of the location of the local government special planning and the first stage report of the strategic environmental impact assessment

(1) The public discussion of the draft decision on the pre-selection of the location of the local government special plan and the report of the first stage of the strategic assessment of the environmental impact shall be held within 45 days after the end of the public display. The public discussion is organized at least in the center of the local government unit of the planning area and in the centers of larger settlements in the municipality.

(2) The public discussion of the draft local government special planning location pre-selection decision and the report of the first stage of the strategic assessment of the environmental impact shall be notified to the persons and institutions specified in subsections 1 and 2 of § 99 of this Act no later than 14 days before the start of the public discussion. The time and place of the public discussion of the draft decision on the pre-selection of the location of the local government's special plan and the report of the first stage of the strategic assessment of the environmental impact are indicated in the notice.

(3) At the public hearing, the organizer of the preparation of the draft local government special planning location pre-selection decision and the report of the first stage of the strategic environmental assessment presents the written opinions submitted during the public exhibition and his views on them, justifies the solutions chosen in the preparation of the local government special planning location pre-selection draft decision, the activities related to the planned building and goals and answers other questions regarding the draft decision on the pre-selection of the local government special planning location and the report of the first stage of the strategic assessment of the environmental impact.

(4) A person who has expressed an opinion in writing during the public exhibition may withdraw his opinion by notifying the organizer of the preparation of the special plan of the local government in a form that enables written reproduction.

§ 108. Taking into account the results of the public display and public discussion of the draft decision on the pre-selection of the local government special planning location and the first stage report of the strategic assessment of the environmental impact

(1) Information about the draft decision on the pre-selection of the location of the local government special plan and the results of the public display and public discussion of the report of the first stage of the strategic assessment of the environmental impact shall be published in one newspaper with nationwide circulation, in the parish or city newspaper of the local government unit of the planning area or, in the case of cities with districts, in the district newspaper and Official Notices within 30 days from the day of the public hearing. If the local government unit does not have a municipality or city newspaper or the publication of information is not possible within 30 days due to the frequency of publication of the municipality or city newspaper, the information will be published in the county newspaper of the planning area within the specified deadline.

(2) On the basis of the results of the public display and public discussion, the necessary changes are made in the draft decision on the pre-selection of the location of the local government's special plan and in the report of the first stage of the strategic assessment of the environmental impact.

(3) If the changes made on the basis of the results of the public exhibition and public discussion change the basic solutions for the pre-selection of the location of the local government's special plan or lead to the need for significant changes to the report of the first stage of the strategic assessment of the environmental impact, the coordination of the draft decision of the pre-selection of the location of the special plan of the local government and the first stage report of the strategic assessment of the environmental impact with government authorities will be repeated, whose issues in the area of government are affected by the change. Also, a new public display and public discussion will be organized based on the requirements established in this law for the public display and public discussion of the draft decision on the pre-selection of the location of the local government's special plan and the first stage report of the strategic assessment of the environmental impact.

§ 109. Adoption of the pre-selection decision for the location of the special planning of the local government and the report of the first stage of the strategic assessment of the environmental impact

(1) After making the changes in accordance with § 108 (2) of this Act in the draft decision on pre-selection of the local government special plan and in the report of the first stage of the strategic assessment of environmental impact, the local government council shall make a decision to accept or reject the report of the pre-selection of the site and the first stage of the strategic assessment of environmental impact.

(2) By adopting the location pre-selection decision, the local government council confirms that the selected location is the most suitable for the construction of the building planned by the local government's special plan and that the building's location, the general conditions for construction, the location pre-selection, the location pre-selection decision and the report of the first stage of the strategic environmental impact assessment comply with legislation, and the information contained in the intention to develop the report of the first stage of the strategic environmental impact assessment is sufficient to make a choice between the various considered locations.

(3) A temporary construction ban may be established in the planning area or a part of it by means of a location pre-selection decision, based on the provisions of § 110 of this Act.

(4) The persons and institutions specified in subsections 1 and 2 of § 99 of this Act shall be notified of the adoption of the decision on pre-selection of the location within 14 days from the adoption of the decision. The announcement of the adoption of the decision on the pre-selection of the location is published in Ametlikes Teadaannet and on the website of the local government unit within 14 days from the adoption of the decision.

§ 110. Establishment of a temporary planning and construction ban when preparing a local government special plan

(1) The organizer of the preparation of the special plan of the local government may impose a temporary ban on planning and construction in the planning area or a part of it during the preparation of the detailed solution of the special plan of the local government, if the plan to be prepared is intended to change the previously established building rights for the planning area.

(2) While the temporary planning and construction ban is in effect, the following may be prohibited in the planning area or its part:

- 1) establishment of general and detailed planning;
- 2) issuing a building permit for the construction of a building;
- 3) provision of design conditions;
- 4) changing the current purpose of the cadastral unit.

(3) A temporary planning and construction ban may be imposed for up to two years. In justified cases, the validity of the planning and construction ban can be extended up to four years.

(4) The temporary planning and construction ban does not extend to construction for which a building permit has been granted or which has been notified before the planning and construction ban is introduced, and to the construction of buildings for which the submission of a construction notification or a building permit is not required.

(5) The organizer of the preparation of the local government's special plan shall notify the owner of the immovable property, whose immovable property is subject to a temporary planning and construction ban, and, if necessary, the persons who may be affected by the temporary planning and construction ban, of the intention and reasons for imposing the ban by registered letter no later than 14 days before the ban is imposed.

(6) The organizer of the preparation of the special plan of the local government establishes a temporary planning and construction ban by order and notifies the owner of the immovable subject to the temporary planning and construction ban, the keeper of the land cadastre in machine-readable form and, if necessary, the persons who may be affected by the ban, within seven days from the day of the ban.

§ 111. Tasks to be solved by the detailed solution of the special planning of the local government

(1) After the adoption of the location pre-selection decision, a detailed solution of the local government's special plan is drawn up, which determines the construction right of the planned building and resolves other relevant tasks specified in § 126 subsection 1 of this Act. The relevance assessment is based on the purpose of the plan and the character of the building planned with the plan.

[RT I, 03.01.2022, 1 - enters into force. 13.01.2022]

(2) If, during the preparation of the detailed solution of the local government special plan, it becomes clear that the plan may lead to the acquisition of real estate or part of it in the public interest, including forced expropriation, or the need to establish forced possession in relation to it, the organizer of the preparation of the plan shall notify the owner of the real estate by registered letter within seven days of the acquisition in the public interest, including forced expropriation, or from the day the need for forced possession appears.

[RT I, 29.06.2018, 1 - enters into force. 01.07.2018]

§ 112. Cooperation and involvement in the preparation of a detailed solution of the local government's special plan

(1) The preparation of the detailed solution of the special plan of the local government is carried out in cooperation with the government institutions whose issues are covered by the detailed solution.

(2) Persons whose rights may be affected by the plan, persons who have expressed a desire to be involved, as well as persons and institutions that may have a justified interest in the anticipated significant environmental impact or the implementation of the local government's special plan, including non-governmental environmental organizations through the organization connecting them, and non-profit organizations and foundations representing the residents of the planned land area.

[RT I, 04.07.2017, 1 - enters into force. 01.01.2018]

(3) A person whose interests may be affected by the plan may be included in the preparation of the detailed solution of the local government's special plan. If the organizer of the preparation of the local government's special plan includes the person specified in this subsection, the provisions regarding the person and institution specified in subsection 2 of this section shall apply to him.

(4) The persons and institutions specified in subsections 1–3 of this section shall notify the organizer of the preparation of the special plan of the local government of the method of transmission of the notices provided for in this Act and the necessary contact information. If the persons or institutions do not announce the method of transmission of the notices, the organizer of the preparation of the local government's special plan shall transmit the notices specified in this Act by post or electronically. If notices are sent by post, they may be delivered by registered letter, registered letter or registered letter with delivery notice.

[RT I, 03.01.2022, 1 - enters into force. 13.01.2022]

(5) During the preparation of the detailed solution of the special plan of the local government, it will be published together with the most important annexes, especially studies, approvals, opinions and other up-to-date information, on the website of the local government unit.

§ 113. Public exhibition of the detailed solution of the special planning of the local government and the draft report of the strategic assessment of the environmental impact

[Repealed - RT I, 07.03.2023, 21 - entered into force. 17.03.2023]

§ 114. Public discussion of the results of the public display of the detailed solution of the local government special plan and the draft of the strategic environmental impact assessment report

[Repealed - RT I, 07.03.2023, 21 - entry into force. 17.03.2023]

§ 115. Taking into account the results of the public display and public discussion of the detailed solution of the local government special plan and the draft environmental impact strategic assessment report

[Repealed - RT I, 07.03.2023, 21 - entry into force. 17.03.2023]

§ 116. Submission of the detailed solution of the local government special plan and the draft report of the strategic assessment of the environmental impact for coordination and giving an opinion

(1) The draft of the detailed solution of the local government special plan and the draft report on the strategic assessment of the environmental impact shall be submitted for approval to the authorities specified in subsection 112 (1) of this Act, and the persons and institutions specified in subsection 2 of § 112 shall be informed of the possibility to submit an opinion on the draft of the detailed solution of the special plan of the local government and the draft report on the strategic assessment of the environmental impact.

(2) If within 30 days of receiving the draft detailed solution of the local government special plan and the draft strategic environmental impact assessment report, the coordinator or the opinion giver has not refused approval or expressed an opinion and has not requested an extension of the deadline, the detailed solution of the local government special plan and the draft strategic environmental impact assessment report shall be considered approved by default by the coordinator, or it is assumed that the person giving the opinion does not wish to express an opinion on them, unless the law provides otherwise.

(3) If there is no reference to a conflict with the legislation or the general plan during the coordination, the detailed solution of the special plan of the local government is deemed to have been approved. When coordinating the draft of the strategic environmental impact assessment report, the compliance of the draft report with legislation and the adequacy and objectivity of the assessments contained in it are evaluated.

§ 117. Adoption of the special plan of the local government

(1) After adding the results of the strategic environmental assessment report to the special plan of the local government, the council of the local government makes a decision to adopt the special plan of the local government.

(2) With the acceptance decision, the organizer of the preparation of the plan confirms that the special plan of the local government complies with the legislation and that the results of the strategic assessment of the environmental impact have been taken into account when preparing the special plan of the local government.

§ 118. Public exhibition of the local government's special plan

(1) After the adoption of the special plan of the local government, the organizer of the preparation of the special plan of the local government organizes a public display of the special plan of the local government.

(2) During the public display, every person has the right to express an opinion about the special plan of the local government.

(3) The proposed changes, considered reasons for the presented solution, the conditions for implementing the local government special plan and other circumstances explaining the local government special plan must be clear from the local government special plan presented at the public exhibition. Together with the local government's special plan, the approvals and opinions given on the basis of § 116 (1) of this Act regarding the local government's special plan are made public.

(4) The public exhibition of the local government's special plan lasts at least 30 days.

(5) The persons and institutions specified in subsections 1 and 2 of § 112 of this Act shall be notified of the public display of the special plan of the local government no later than 14 days before the start of the public display. The time and place of the public display of the local government's special plan and the information specified in subsection 7 of this section shall be indicated in the notification.

(6) The time and place of the public display of the local government's special plan shall be announced in one of the nationally distributed newspapers, in the municipality or city newspaper of the planning area, and in Official Notices no later than 14 days before the start of the public display. If the local government unit does not have a municipality or city newspaper, or due to the frequency of publication of the municipality or city newspaper, notification is not possible no later than 14 days before the start of public display, the notice is published in the county newspaper of the planning area no later than 14 days before the start of public display. The announcement of the public display of the local government's special plan is published on the website of the organizer of the preparation of the local government's special plan.

(7) The notice specified in subsection 5 of this section must:

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

2) briefly introduce the content of the local government's special plan and the significant impacts that may be expected to be associated with the implementation of the local government's special plan, as well as the consideration of the results of the strategic environmental impact assessment report in the local government's special plan;

3) indicate the most important planned changes compared to the existing situation.

(8) During the public exhibition of the special plan of the local government, access to all materials and information related to the special plan of the local government at the disposal of the organizer of the special plan of the local government is ensured during the working hours of the organizer of the preparation of the special plan of the local government.

(9) In the case specified in subsection 120 (3) of this Act, when organizing a new public exhibition, opinions may be presented at the public exhibition only about changes to the special plan of the local government, which have been made to the plan to change the basic solution after the organization of the previous public exhibition of the plan.

[RT I, 03.01.2022, 1 - enters into force. 13.01.2022]

(10) The organizer of the preparation of the local government special plan shall inform the persons who submitted written opinions during the public display of the local government special plan of their reasoned position on the opinions and the time and place of the public hearing within 30 days after the end of the public display.

§ 119. Public discussion of the results of the public exhibition of the local government's special plan

(1) The public discussion of the results of the public display of the special plan of the local government shall be organized by the organizer of the preparation of the special plan of the local government within 45 days after the end of the public display. The public discussion is organized at least in the planning area:

1) in the center of the municipality or settlement;

2) in the center of a city or district.

(2) Organizing a public discussion is not required if no written opinions were submitted during the public exhibition about the special plan of the local government or if all written opinions have been taken into account.

(3) The persons and institutions specified in subsections 1 and 2 of § 112 of this Act shall be notified of the public discussion of the local government's special plan no later than 14 days before the start of the public discussion. The notice shall state the time and place of the public discussion of the special plan of the local government.

(4) At the public hearing, the organizer of the preparation of the special plan of the local government presents the written opinions submitted during the public exhibition and his views on them, justifies the solutions chosen in the preparation of the special plan of the local government and answers other questions regarding the special plan of the local government.

(5) A person who has expressed an opinion in writing during the public display may withdraw his opinion by notifying the organizer of the special planning of the local government in a form that allows for written reproduction.

§ 120. Taking into account the results of the public display and public discussion of the local government's special plan

(1) If written opinions about the local government's special plan were presented at the public display of the local government's special plan, information about the results of the public display and the public discussion will be published in one newspaper with nationwide circulation, in the municipal or city newspaper of the planning area, and in Official Notices within 30 days from the day of the public discussion. If the local government unit does not have a municipality or city newspaper or the publication of information is not possible within 30 days due to the frequency of publication of the municipality or city newspaper, the information will be published in the county newspaper of the planning area within the specified deadline.

(2) On the basis of the results of the public display and public discussion, the necessary changes are made in the special plan of the local government.

(3) If the changes made on the basis of the results of the public display and public discussion change the basic solutions of the local government's special plan or lead to the need for significant changes to the strategic environmental impact assessment report, the coordination of the local government's special plan and the strategic environmental impact assessment report with the government institutions whose areas of governance are affected by the change shall be repeated. A new public display and public discussion will also be organized based on the requirements established in this Act for the public display and public discussion of the local government's special plan and strategic environmental impact assessment report.

§ 121. Approval of the special plan of the local government

(1) The special plan of the local government is submitted to the Ministry of Regional Affairs and Agriculture for approval. Together with the special plan of the local government, written opinions that were not taken into account during the preparation of the plan, and the reasoned position of the organizer of the preparation of the special plan of the local government, regarding the failure to take into account the opinions, are presented at the public exhibition.

[RT I, 30.06.2023, 1 - enters into force. 01.07.2023]

(2) The minister responsible for the field or his authorized official shall approve or refuse to approve the special plan of the local government within 60 days from the submission of the special plan of the local government. In justified cases, the deadline can be extended to 90 days.

[RT I, 12.12.2018, 2 - enters into force. 22.12.2018]

(3) When deciding to approve the special plan of the local government, the minister responsible for the area or his authorized official:

[RT I, 12.12.2018, 2 - entered into force. 22.12.2018]

- 1) checks the compliance of the plan and the environmental impact assessment procedure with legislation and the county plan;
- 2) listens to the persons who submitted written opinions at the public exhibition, whose opinions were not taken into account in the preparation of the special plan of the local government, and the organizer of the preparation of the special plan of the local government;
- 3) in the case of a plan containing a proposal to change the county plan, gives consent to change the county plan or refuses to give consent.

[RT I, 04.07.2017, 1- by force. 01.01.2018]

(4) If the persons specified in point 2 of subsection 3 of this section do not reach an agreement, the minister responsible for the field or his authorized official shall submit to them his written opinion on the opinions that were not taken into account within 30 days after the hearing of the parties.

[RT I, 12.12.2018, 2 - enters into force. 22.12.2018]

(5) If the minister responsible for the field or an official authorized by him fails to approve the local government's special plan, he submits to the organizer of the preparation of the local government's special plan his reasoned opinion on the reasons for non-approval, stating the requirements or circumstances specified in subsection 3 of this section, which are the local government's the basis for not approving the special plan. The minister responsible for the field or an official authorized by him may, in case of justified need, propose to establish a partial local government special plan.

[RT I, 12.12.2018, 2 - enters into force. 22.12.2018]

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

§ 122. Establishment of special planning of local self-government

(1) The local government special plan approved by the minister responsible for the field or an official authorized by him shall be established by a decision of the local government council.

[RT I, 12.12.2018, 2 - enters into force. 22.12.2018]

(2) With the establishment of the local government special plan, the previously established local government special plan and detailed plan or their part in the planning area covered by the local government special plan ceases. In the area covered by plans with suspended validity, the special plan of the local government replaces the plans with suspended validity.

(3) The location of the building planned by the special plan of the local government shall be entered in the previously established general plan within 30 days from the establishment of the special plan of the local government. When entering changes, it must be indicated in the general plan that a building planned with a special plan is located on the corresponding land area or, if technically possible, the changes planned with a special plan should be entered on the map of the general plan and an explanatory letter.

(4) The special plan of the local government shall cease to be valid if the plan has not been implemented after five years have passed since the establishment of the special plan of the local government.

(5) In order to bring the special plan of the local government into conformity after the special plan of the local government has been established with the amended or established legislation or with the judgment that has entered into force, the organizer of the preparation of the special plan of the local government shall enter the changes into the plan as an action, without conducting a public procedure. The introduction of changes will be notified based on the requirements for notification of the establishment of the local government's special plan.

(6) The notice of the establishment of the special plan of the local government is published within 30 days from the establishment of the special plan of the local government in one newspaper with nationwide distribution, in the municipality or city newspaper of the planning area, or in the case of cities with districts, in the district newspaper. If notification is not possible within 30 days due to the frequency of publication in the municipal or city newspaper, the notice will be published in the municipal or city newspaper as soon as possible, and also notified in the county newspaper within 30 days from the establishment of the plan. If the local government unit does not have a municipal or city newspaper, the notice is published in the county newspaper of the planning area within 30 days from the establishment of the plan.

(7) The organizer of the preparation of the plan sends the notification about the establishment of the special plan of the local government to the minister responsible for the area and the keeper of the land cadastre within 14 days from the day of establishment of the plan.

[RT I, 03.01.2022, 1 - enters into force. 01.11.2022]

¹ (7) The organizer of the preparation of the plan submits the data specified in subsection 6 of § 4¹ of this Act regarding the established special plan of the local government to the planning database within 14 days after the establishment of the special plan of the local government.

[RT I, 03.01.2022, 1 - enters into force. 01.11.2022]

(8) When announcing the establishment of a local government special plan, a brief summary of the content of the local government special plan must be given, including what the economic, social and cultural effects and the impact on the natural environment can be expected to be with the implementation of the local government special plan.

(9) The organizer of the preparation of the local government special plan shall notify the persons and institutions specified in § 99 subsections 1 and 2 and § 112 subsections 1 and 2 of this Act of the establishment of the local government special plan within 14 days. The owner of the immovable property whose immovable property or its part needs to be acquired in the public interest for the implementation of the special plan of the local government, including forced expropriation, or forced possession of it, is also notified.

[RT I, 29.06.2018, 1 - enters into force. 01.07.2018]

(10) If the local government's special plan contains a proposal to change the county plan and the minister responsible for the area or his authorized official has agreed to the proposal, the change will be entered into the county plan within 30 days from the date of establishment of the local government's special plan. When entering changes, the extent to which the plan has been changed must be indicated in the county plan, or if it is technically possible, the planned changes must be entered on the map of the county plan and an explanatory letter.

[RT I, 12.12.2018, 2 - enters into force. 22.12.2018]

(11) On the basis of subsection 10 of this section, when changes are entered into the county plan, the organizer of the preparation of the county plan shall submit the changed data specified in § 4¹ subsection 6 of this Act to the planning database within 14 days of the changes being entered.

[RT I, 03.01.2022, 1 - enters into force. 01.11.2022]

§ 123. Disputing the special plan of the local government

Every person has the right to appeal to the court in order to challenge the decision of the local government to establish a special plan within 30 days from the day on which the person found out or should have found out about the establishment of the plan, if he considers that the decision is against the public interest or if the decision has violated his rights or limited his freedoms .

Chapter 8 Detail planning

§ 124. Detailed planning and the organizer of its preparation

(1) Detailed planning is prepared for part of the territory of the local government unit and, if necessary, for the planning of buildings permanently connected to the shore or functionally connected to the shore in public bodies of water.

(2) The purpose of detailed planning is primarily the implementation of the general plan and the creation of a comprehensive spatial solution for the planning area. Detailed planning is the basis of construction activities in the coming years.

(3) On the basis of detailed planning, restrictions may be imposed on real estate.

(4) If there is a detailed plan or if there is an obligation to prepare a detailed plan, the detailed plan is the basis for preparing the construction project.

(5) When drawing up a detailed plan, if the plan is the basis for activities in accordance with § 6 (1) of the Environmental Impact Assessment and Environmental Management System Act, a strategic assessment of the environmental impact is mandatory.

(6) When preparing the detailed plan specified in § 125 (1) point 4 and § 142 of this Act and the detailed plan specified in § 33 (2) point 4 of the Environmental Impact Assessment and Environmental Management System Act, a preliminary assessment must be given and a strategic assessment of the environmental impact must be considered, based on § 33 subsections 4 and 5 of the criteria and the

positions of the relevant authorities according to § 33 (6).

[RT I, 03.01.2022, 1 - enters into force. 13.01.2022]

(7) If a strategic assessment of the environmental impact is required during the preparation of the detailed plan, the detailed planning process shall be based on the requirements prescribed for the general plan process.

(8) If a heritage conservation area, an immovable monument or their protection zone is located on the planned land area, the special conditions of heritage protection of the detailed plan are taken into account when preparing the detailed plan, based on the provisions of the Heritage Protection Act.

[RT I, 19.03.2019, 13 - enters into force. 01.05.2019]

(9) When preparing the detailed plan specified in subsection 7 of this section, cooperation and involvement shall be based on the provisions of § 127 of this Act.

(10) The organizer of the preparation of the detailed plan is the local government unit.

§ 125. Obligation to prepare a detailed plan

(1) Preparation of a detailed plan is required in cities as settlement units, townships and hamlets, and in public water bodies bordering them subject to a building permit:

[RT I, 21.06.2016, 1 - effective. in each local government unit on the day of the announcement of the results of the 2017 election of that council]

- 1) to erect a building;
- 2) to expand an existing building by more than 33 percent of its initially planned volume;
- 3) for the construction of an important public interest facility, such as a stadium, golf course, music stage, motorcycle track or other important public interest facility;
- 4) for the construction of a building with a significant spatial impact, if the location of the building with a significant spatial impact has been selected in the general plan.

1

(1) Expansion of the building up to 33 percent is allowed proportionally underground and above ground, based on the initially planned underground and above-ground volume of the building to be expanded. The building volume is calculated based on the data entered in the building register.

[RT I, 03.01.2022, 1 - enters into force. 01.11.2022, partially amended [RT I, 18.05.2022, 1]]

(2) In addition to what is stipulated in subsection 1 of this section, the preparation of a detailed plan is required in the area or in the case where the obligation to prepare a detailed plan is determined by the general plan.

(3) If there is a significant public interest, the local government council may initiate the preparation of a detailed plan in the area or in a case not provided for in subsections 1 or 2 of this section.

(4) The preparation of a detailed plan is not required for the construction of a temporary building provided for in the Construction Code.

(5) In the case of the obligation to prepare a detailed plan, a local government unit may permit the construction or expansion of one building and the facilities serving it on the immovable property located between the existing buildings without the preparation of a detailed plan, based on the design conditions, if: 1) the building fits in terms of size and purpose into the established environment of the area, including the type of buildings in the area ;

2) the general use and construction conditions of the relevant area are specified in the master plan, including the conditions underlying the granting of design conditions, and the construction or expansion of the building does not conflict with other conditions specified in the master plan.

(6) In the case provided for in subsection 5 of this section, the local government unit determines the conditions specified in § 26 subsection 4 of the Construction Code.

§ 126. Duties of detailed planning

(1) Detailed planning solves the following tasks:

- 1) division of the planning area into plots;
- 2) determining the built-up area of the plot;
- 3) determining the construction right of the plot;
- 4) determination of the possible location of buildings, including utility networks and facilities and access roads to public roads, necessary for the operation of mandatory buildings and facilities in the detailed plan;

- 5) determining the construction conditions of the building;
- 6) determining the architectural and design conditions of the building;
- 7) determining the principles of traffic management;
- 8) determining the principles of landscaping and good management;
- 9) determining the lane;
- 10) ensuring public access to the coastal path;

1

10) determination of the least necessary service area in the absence of a coastal path;

[RT I, 03.01.2022, 1 - enters into force. 13.01.2022]

- 11) determination of conditions that reduce the risk of crime;
- 12) setting requirements ensuring noise, vibration, pollution risk and insolation conditions and other environmental conditions;
- 13) determination of the location of land improvement systems and the restrictions arising from them;
- 14) placing a natural object under local protection and determining protection zones;
- 15) determining ecologically valuable areas, valuable individual objects and valuable agricultural lands and setting their protection and use conditions, if they are not determined by the general plan;
- 16) reduction of the construction prohibition zone of the beach and shore;

- 17) noting the need to establish easements and designate an existing or planned road as a public road;
- 18) determination of areas or cases with architectural competition requirements;
- 19) noting the need to designate an existing or planned recreational area located on the immovable property of a private person as a publicly usable area;
- 20) noting the need for acquisition in the public interest, including expropriation, or the establishment of forced possession in order to perform the tasks listed in points 1–19 of this paragraph;
[RT I, 29.06.2018, 1 - enters into force. 01.07.2018]
- 21) in justified cases, setting conditions for those buildings, the construction of which does not require the preparation of a detailed plan;
- 22) other tasks related to the tasks specified in this paragraph.

(2) Solving the tasks specified in points 1-5 of subsection 1 of this section is mandatory when preparing a detailed plan. When determining the location of the buildings specified in point 4 of subsection 1 of this section, it is also mandatory to solve the tasks specified in points 17 and 20 of subsection 1 of this section.

(3) When deciding on tasks to be solved by detailed planning, the spatial needs of the local government unit and the purpose of the plan are taken into account.

(4) The construction right of the plot determines:

- 1) the purpose or purposes of the use of the plot;
- 2) the maximum permitted number of buildings or facilities of significant public interest or their absence on the land area;
- 3) the largest permitted under-construction area of buildings or facilities of significant public interest;
- 4) maximum permitted height of buildings or facilities of significant public interest;
- 5) in appropriate cases, the maximum permitted depth of buildings or facilities of significant public interest.

(5) The intended use of the plot determines the purpose for which the plot can be used after the establishment of the plan. On the basis of the intended use of the plot, the city or municipality government determines the intended purpose of the cadastral unit and the purpose of using the building. Several intended uses can be assigned to the plot.

[RT I, 29.06.2018, 1 - enters into force. 01.07.2018]

(6) If a plot is specified in the detailed plan, it is the basis for the formation of a cadastral unit.

(7) When planning the reduction of the construction ban zone specified in clause 1, point 16 of this section, the organizer of the preparation of the detailed plan must ask for the consent of the Environmental Board regarding the reduction of the construction ban zone.

§ 127. Cooperation and involvement in the preparation of detailed planning

(1) The detailed plan is drawn up in cooperation with the government agencies whose areas of governance are covered by the detailed plan.

(2) Persons whose rights may be affected by the plan and persons who have expressed a wish to be included shall be included in the preparation of the detailed plan. If a strategic assessment of the environmental impact is mandatory in the preparation of the detailed plan, the preparation of the detailed plan shall also include persons and institutions who are likely to be affected by the environmental impact expected to accompany the implementation of the detailed plan or who may have a justified interest in the expected significant environmental impact, including non-governmental environmental organizations through the organization connecting them and residents of the planned land area represented by non-profit organizations and foundations.

[RT I, 04.07.2017, 1 - enters into force. 01.01.2018]

(3) A person whose interests may be affected by the plan may be included in the preparation of the detailed plan. If the organizer of the preparation of the detailed plan includes the person specified in this subsection, the provisions regarding the person and institution specified in subsection 2 of this section shall apply to him.

(4) The persons and institutions specified in subsections 1–3 of this section shall notify the organizer of the preparation of the detailed plan of the method of transmission of the notifications provided for in this Act and the necessary contact information. If the persons or institutions do not announce the method of transmission of the notices, the organizer of the preparation of the detailed plan shall transmit the notices specified in this Act by mail or electronically. If notices are sent by post, they may be delivered by registered letter, registered letter or registered letter with delivery notice.

[RT I, 03.01.2022, 1 - enters into force. 13.01.2022]

1

(4) In the case of real estate divided into apartment properties, the notices specified in this Act are deemed to have been delivered to the owner of the real estate even if the notice has been delivered to the apartment association. The board of the apartment association is obliged to forward the received notice to all apartment owners.

[RT I, 03.01.2022, 1 - enters into force. 13.01.2022]

(5) During the preparation of the detailed plan, it will be made public with the most important appendices, especially studies, approvals, opinions and other up-to-date information on the website of the organizer of the preparation of the detailed plan.

§ 128. Initiation of detailed planning

(1) Detailed planning is initiated by the local government unit.

(2) Detailed planning shall not be initiated in particular if:

- 1) the initiation is clearly in conflict with the general plan;
- 2) it is obvious that the implementation of the initiated plan in the future will not be possible, especially if the organizer of the planning does not have the opportunity to bear the costs necessary to fulfill the obligation to build the road intended for public use according to the detailed plan and related facilities, landscaping, outdoor lighting or technical facilities in the public interest, and the person interested in the detailed plan refuses to bear such costs;
- 3) there is another reason based on overriding public interest;

4) the implementation of the plan would be accompanied by a disproportionate infringement of third party rights;
5) in the case provided for in § 125 subsection 5 of this Act, or
6) there are no funds in the budget of the plan preparation organizer to bear the costs associated with the preparation of the plan, ordering the preparation and impact assessment, and the person interested in the preparation of the plan does not bear such costs.
[RT I, 04.05.2017, 3 - enters into force. 05.05.2017]

(3) The provisions of Clause 2, Clause 1 of this section shall not be applied if the detailed plan is initiated as a detailed plan amending the general plan on the basis provided in § 142 of this Act.
[RT I, 03.01.2022, 1 - enters into force. 13.01.2022]

(4) Detailed planning shall be initiated or not initiated within 30 days from the date of receipt of the request for its initiation. For a valid reason, in particular due to the size of the planning area, the need to carry out studies, the clarification of the circumstances that are the prerequisites for an administrative contract or an agreement to bear the costs of ordering the preparation of the plan, or due to the large number of involved and cooperating actors, the said deadline can be extended to 90 days.
[RT I, 04.05.2017, 3 - enters into force. 05.05.2017]

(5) The decision to initiate detailed planning shall state:
1) the location of the planning area, including the border of the planning area, and its size;
2) the need to prepare a detailed plan;
3) the need for possible research.

(6) The initiation of detailed planning shall be notified within 30 days from the initiation in the municipality or city newspaper or, in the case of cities with districts, in the district newspaper, as well as in the county newspaper or in a newspaper with nationwide circulation, which the local government unit has designated as the place for publishing official notices of the municipality or city. If notification is not possible within 30 days due to the frequency of publication in the municipality or city newspaper, the notification will be published in the municipality or city newspaper as soon as possible, as well as in the county newspaper within 30 days from the initiation. If the local government unit does not have a municipal or city newspaper, the notice is published in the county newspaper of the planning area within 30 days from the initiation of the plan.

(7) The notice of the initiation of the detailed plan is published within 14 days from its initiation in Official Notices and on the website of the organizer of the preparation of the detailed plan. The notice of initiation of detailed planning must contain the information specified in subsection 5 of this section.

(8) The persons and institutions specified in subsections 1 and 2 of § 127 of this Act shall be notified of the initiation of detailed planning within 30 days from its initiation.

1

(8)) The non-initiation of the strategic assessment of the environmental impact of the detailed plan specified in subsection 6 of § 124 and subsection 6 of § 142 of this Act and the reasons thereof shall be notified based on the requirements set forth in subsections 6-8 of this section.
[RT I, 03.01.2022, 1 - enters into force. 13.01.2022]

(9) If it is known at the time of initiation of the detailed plan, or during the preparation of the plan, it becomes clear that the detailed plan may lead to the acquisition of the immovable property or its part in the public interest, including forced expropriation, or the need to establish compulsory possession in relation to it, the organizer of the preparation of the plan shall notify the owner of the immovable property of the initiation of the detailed plan within seven days of the initiation of the plan. from the day of making a decision or acquisition in the public interest, including forced expropriation, or the need to establish forced possession.
[RT I, 29.06.2018, 1 - enters into force. 01.07.2018]

§ 129. Completion of detailed planning

(1) The preparation of a detailed plan may be terminated if:
1) during the preparation, circumstances appear that preclude the implementation of the plan in the future, including if the person refuses to enter into an administrative contract for the transfer of the construction of buildings in accordance with the detailed plan;
2) the owner of the immovable property submits a request to complete the preparation of the detailed plan;
3) the purpose of the preparation of the plan changes significantly during the preparation or
4) there are no funds in the budget of the organizer of the preparation of the plan to bear the costs associated with the preparation of the plan, ordering the preparation and impact assessment, and the person interested in the preparation of the plan does not bear such costs.
[RT I, 04.05.2017, 3 - enters into force. 05.05.2017]

(2) The completion of the preparation of the detailed plan and the reasons thereof shall be notified based on the requirements for notification of the initiation of the detailed plan in subsections 6 and 8 of § 128 of this Act. The completion of the detailed plan and its reasons will also be notified on the website of the organizer of the planning within 14 days from the completion of the preparation.

§ 130. Management contract with an interested person

[RT I, 04.05.2017, 3 - entered into force. 05.05.2017]

(1) The organizer of planning activities may enter into an administrative agreement with a person interested in the preparation of a detailed plan for the transfer of the preparation of the plan or the ordering of the preparation of the plan. The organizer of planning activities may not transfer the organization of the preparation of the plan and the execution of procedural actions necessary for the preparation of the plan by means of an administrative contract.

(2) Subsection 1 of this section does not apply if:
1) no general plan has been established for the planning area;
2) the plan seeks to change the established general plan;
3) the plan envisages important changes in terms of urban planning;
4) the plan is drawn up for the planning of activities with a significant environmental impact.

(3) Change of the requested planning area is permitted with the agreement of the organizer of the planning activity and the interested party. If the planning organizer changes the subject of the application in the planning procedure, including expanding the originally requested planning area, then the interested person has the right to demand from the planning organizer that the additional expenses incurred for the preparation of the plan or ordering the preparation be proportionally shared between the planning organizer and the interested person.

[RT I, 03.01.2022, 1 - enters into force. 13.01.2022]

(4) If there is a circumstance that prevents a person interested in preparing the plan from performing the task prescribed in the administrative contract, the organizer of the planning activity has the right to unilaterally terminate the administrative contract on the grounds provided for in the Administrative Cooperation Act. In this case, a decision can be made to terminate the preparation of the detailed plan.

[RT I, 04.05.2017, 3 - enters into force. 05.05.2017]

(5) If the organizer of planning activities has entered into an administrative contract with an interested party for the preparation of a detailed plan or the transfer of ordering the preparation of a detailed plan, and during the preparation of the plan the cases specified in subsection 2 of this section or the need to change the general plan appear, the administrative contract must be terminated.

§ 131. Construction of facilities according to detailed planning

(1) The organizer of the preparation of the plan is obliged to build, at his own expense, the road intended for public use and related facilities, landscaping, outdoor lighting and technical facilities in accordance with the detailed plan, unless the organizer of the preparation of the plan and the person interested in the detailed plan have agreed otherwise.

(2) The organizer of the preparation of the plan may enter into an administrative agreement with the person interested in the detailed plan, by which the interested person undertakes to bear the full or partial costs for the construction of the detailed plan specified in subsection 1 of this section and the facilities directly necessary for the implementation of the planning solution and functionally related thereto. The management contract is published on the website of the local government.

[RT I, 03.01.2022, 1 - enters into force. 13.01.2022]

1

(2) In order to ensure the equal treatment of persons interested in the preparation of the detailed plan and the mutual proportionality of the costs incurred for the construction of the facilities and those planned with the plan, the local government unit shall establish a procedure for the construction of the facilities specified in subsection 2 of this section and for agreeing on the bearing of the costs related to the construction, which shall determine at least: 1) in which cases it may

be required construction of facilities;

2) in what cases can full and when partial bearing of costs related to the construction of facilities be required;

3) procedure and deadlines for payment of expenses related to the financing of construction of facilities;

4) the procedure for calculating the costs related to financing the construction of facilities.

[RT I, 03.01.2022, 1 - enters into force. 13.01.2022]

(3) The organizer of the preparation of the plan must ensure that there is access from the planning area to a publicly used road and that other technical facilities in the public interest can be used according to their purpose. Among them, a connection to the public water supply and sewerage system must be ensured, if the planning area is within the area of development of the public water supply system and sewerage system.

(4) The performance of procedural actions necessary for the construction of the facilities listed in subsection 1 of this section cannot be transferred with the management contract.

(5) In addition to the conditions provided for in § 10 of the Administrative Cooperation Act, the organizer of the planning preparation and the interested party shall agree on the distribution of costs related to the construction of the buildings listed in subsection 1 of this section:

1) between the organizer of the planning preparation and the interested person; 2) sufficient guarantees to ensure the fulfillment of the obligation to bear construction-related costs taken by the interested party; 3) deadline for completion of facilities; 4) the obligation to transfer the facilities plan to the organizer, the deadline for its fulfillment, and sufficient guarantees to ensure fulfillment.

(6) The organizer of the preparation of the plan may provide, as a secondary condition of the detailed plan, that the organizer of the preparation of the plan has the right to invalidate the detailed plan or refuse to grant a building permit in the planning area, if the interested party has not fulfilled his obligations under subsection (2) of this section by the specified deadline.

§ 132. Establishing a temporary planning and construction ban when preparing a detailed plan

(1) The organizer of the preparation of the detailed plan may impose a temporary planning and construction ban on the planning area or part of it for the duration of the preparation of the detailed plan, if the plan to be prepared intends to change the previously established building rights for the planning area.

(2) While the temporary planning and construction ban is in effect, the following may be prohibited in the planning area or its part:

1) establishment of general and detailed planning;

2) issuing a building permit for the construction of a building;

3) provision of design conditions;

4) changing the current purpose of the cadastral unit.

(3) A temporary planning and construction ban may be imposed for up to two years. In justified cases, the validity of the planning and construction ban can be extended up to four years.

(4) The temporary planning and construction ban does not extend to construction for which a building permit has been granted or which has been notified before the planning and construction ban is introduced, and to the construction of buildings for which the

submission of a construction notification or a building permit is not required.

(5) The organizer of the preparation of the detailed plan shall notify the owner of the immovable property, whose immovable property is subject to a temporary planning and construction ban, and, if necessary, the persons who may be affected by the temporary planning and construction ban, of the intention and reasons for imposing the ban by registered letter no later than 14 days before the ban is imposed.

(6) The organizer of the preparation of the detailed plan establishes a temporary planning and construction ban by order and notifies the owner of the immovable subject to the temporary planning and construction ban, the keeper of the land cadastre in machine-readable form and, if necessary, the persons who may be affected by the ban, within seven days from the day of the ban.

§ 133. Submission of a detailed plan for coordination and giving an opinion

(1) The detailed plan is submitted for approval to the authorities specified in § 127 subsection 1 of this Act, and the persons and institutions specified in § 127 subsection 2 are informed of the possibility to express an opinion on the detailed plan.

(2) If the coordinator or the person giving the opinion has not refused approval or expressed an opinion within 30 days of receiving the detailed plan and has not requested an extension of the deadline, the detailed plan is deemed to have been approved by default by the coordinator or it is assumed that the person giving the opinion does not wish to express an opinion on it, unless the law provides otherwise.

(3) If there is no reference to a conflict with the legal act or the general plan during the approval, the detailed plan shall be considered approved.

§ 134. Acceptance of detailed planning

After approval of the detailed plan, the organizer of the preparation of the plan makes a decision to accept the detailed plan, confirming that the detailed plan complies with legislation and the spatial development goals of the municipality or city.

§ 135. Public display of detailed planning

(1) After the adoption of the detailed plan, the organizer of the preparation of the detailed plan organizes at least one public display of the detailed plan. When deciding to organize an additional public exhibition, it must be based primarily on public interest, the size of the planning area and other important circumstances in the opinion of the planning organizer. The public display is organized at least in the planning area:

- 1) in the center of the municipality or settlement;
- 2) in the center of a city or district.

(2) During the public display, every person has the right to express an opinion about the detailed plan.

(3) The detailed plan submitted for public exhibition must show the planned changes, the considered reasons for the presented solutions, the conditions for the implementation of the detailed plan and other circumstances explaining the detailed plan. Together with the detailed plan, the approvals and opinions given on the basis of § 133 (1) of this Act on the detailed plan shall be made public.

(4) In order to get a spatial idea of the planned environment and buildings, at least one spatial illustration of the planning solution is presented as an appendix to the detailed plan at the public exhibition.

(5) The public exhibition of the detailed plan lasts at least 14 days. The public exhibition of the detailed plan that changes the general plan and the detailed plan, the basis of which is not an established general plan, lasts at least 30 days.

(6) The public display of the detailed plan shall be notified to the persons and institutions specified in subsections 1 and 2 of § 127 of this Act no later than 14 days before the start of the public display. The notification shall state the time and place of the display of the detailed plan and the information specified in subsection 8 of this section.

(7) The time and place of the public display of the detailed plan shall be announced no later than 14 days before the start of the public display in the municipality or city newspaper or, in the case of cities with districts, in the district newspaper, as well as in the county newspaper or in a newspaper with nationwide circulation, which the local government unit has designated as the place of publication of official notices of the municipality or city. If the local government unit does not have a municipality or city newspaper, or due to the frequency of publication of the municipality or city newspaper, notification is not possible no later than 14 days before the start of public display, the notice is published in the county newspaper of the planning area no later than 14 days before the start of public display. The announcement of the public exhibition of the detailed plan is published on the website of the organizer of the preparation of the detailed plan.

(8) The notice specified in subsection 7 of this section must:

- 1) disclose the location of the planning area, including the border of the planning area, and its size;
- 2) to briefly introduce the content of the detailed plan and the most important effects accompanying the implementation of the detailed plan;
- 3) indicate the most important planned changes compared to the existing situation;
- 4) provide information on the nature of the planned activity and planned buildings, the most important land use and construction conditions, and whether the detailed plan contains a proposal to change the basic solution of the general plan.

(9) During the public display of the detailed plan, access to all materials and information related to the plan at the disposal of the municipality or city government is ensured for persons during the working hours of the municipality or city government.

(10) In the event specified in subsection 137 (3) of this Act, when organizing a new public exhibition, opinions may be presented at the public exhibition only on changes to the detailed plan that have been made to the plan to change the basic solution after the organization of the previous public exhibition of the plan.

(11) The organizer of the preparation of the detailed plan shall inform the persons who submitted their opinions in writing during the public display of the detailed plan of their reasoned position on the opinions and the time and place of the public hearing within 30 days after the end of the public display.

§ 136. Public discussion of the results of the public display of the detailed plan

(1) The public discussion of the results of the public exhibition of the detailed plan shall be organized by the organizer of the preparation of the detailed plan within 45 days after the end of the public exhibition. The public discussion is organized at least in the planning area:

- 1) in the center of the municipality or settlement;
- 2) in the center of a city or district.

(2) Organizing a public hearing is not required if no written opinions were submitted regarding the detailed plan during the public exhibition or if all written opinions have been taken into account.

(3) The public discussion of the detailed plan shall be notified to the persons and institutions specified in subsections 1 and 2 of § 127 of this Act no later than 14 days before the start of the public discussion. The notice shall indicate the time and place of the public hearing of the detailed plan.

(4) At the public discussion, the organizer of the preparation of the detailed plan presents the written opinions submitted during the public exhibition and his views on them, justifies the solutions chosen during the preparation of the detailed plan and answers other questions regarding the detailed plan.

(5) A person who submitted an opinion in writing during the public display may withdraw his opinion by notifying the organizer of the preparation of the detailed plan in a form that enables written reproduction.

§ 137. Taking into account the results of the public display of the detailed plan and the public discussion

(1) On the basis of the results of the public display and public discussion, the necessary changes are made to the detailed plan.

(2) If written opinions about the detailed plan were presented during the public display of the detailed plan, information about the results of the public display and public hearing will be published within 30 days from the day of the public hearing in the municipal or city newspaper or, in the case of cities with districts, in the district newspaper, as well as in the county newspaper or in a nationally distributed newspaper, which local the municipality has designated the municipality or city as the place of publication of official notices. If the local government unit does not have a municipality or city newspaper or the publication of information is not possible within 30 days due to the frequency of publication of the municipality or city newspaper, the information will be published in the county newspaper of the planning area within the specified deadline.

(3) If the changes made on the basis of the results of the public display and public discussion change the basic solutions of the detailed plan, the coordination of the detailed plan with the government institutions whose issues are under the jurisdiction of the change will be repeated. A new public exhibition and public discussion will also be organized based on the requirements established in this Act for the coordination of detailed planning and the organization of public exhibition and public discussion.

§ 138. Approval of detailed planning

(1) The detailed plan is submitted to the Ministry of Regional Affairs and Agriculture for approval. Together with the detailed plan, written opinions that were not taken into account during the preparation of the plan and the reasoned position of the organizer of the preparation of the detailed plan regarding their non-consideration are presented at the public exhibition.

[RT I, 30.06.2023, 1 - enters into force. 01.07.2023]

(2) Subsection 1 of this section does not apply if the detailed plan has been drawn up in accordance with the general plan and no opinion on the detailed plan was submitted at the public exhibition or all written opinions submitted at the public exhibition have been taken into account.

[RT I, 04.07.2017, 1 - enters into force. 01.01.2018]

(3) The minister responsible for the field or his authorized official approves or refuses to approve the detailed plan within 60 days from the submission of the detailed plan.

[RT I, 12.12.2018, 2 - enters into force. 22.12.2018]

(4) When deciding to approve the detailed plan, the minister responsible for the field or his authorized official:

[RT I, 12.12.2018, 2 - entry into force. 22.12.2018]

1) checks the compliance of the detailed plan with legislation;

2) hears the persons who submitted a written opinion at the public exhibition, whose opinions were not taken into account in the preparation of the detailed plan, and the organizer of the preparation of the detailed plan.

[RT I, 04.07.2017, 1 - enters into force. 01.01.2018]

(5) If the persons specified in point 2 of subsection 4 of this section do not reach an agreement, the minister responsible for the field or his authorized official shall submit to them his written opinion on the opinions not taken into account within 30 days after the hearing of the parties.

[RT I, 12.12.2018, 2 - enters into force. 22.12.2018]

(6) If the minister responsible for the field or an official authorized by him fails to approve the detailed plan, he shall submit to the organizer of the preparation of the detailed plan his reasoned opinion on the reasons for the non-approval, stating the requirements or circumstances specified in subsection 4 of this section, which are the basis for the non-approval of the detailed plan. The minister responsible for the field or an official authorized by him may, in case of justified need, propose to establish a detailed plan in part.

[RT I, 12.12.2018, 2 - enters into force. 22.12.2018]

§ 139. Establishment of detailed planning

(1) Detailed planning is established by the local government unit. When preparing a detailed plan, in the case specified in subsection 2 of § 130 of this Act, it shall be established by the local government council.

[RT I, 03.01.2022, 1 - enters into force. 13.01.2022]

(2) The decision to establish or not establish a detailed plan shall be made no later than three years after the initiation of the detailed plan.

(3) The notice of the establishment of the detailed plan is published within 30 days from the establishment of the detailed plan in the municipality or city newspaper of the local government unit of the planning area or, in the case of cities with districts, in the district newspaper, as well as in the county newspaper or in a newspaper with nationwide circulation, which the local government unit has designated as the place for publishing official notices of the municipality or city. If notification is not possible within 30 days due to the frequency of publication in the municipal or city newspaper, the notice will be published in the municipal or city newspaper as soon as possible, and also notified in the county newspaper within 30 days from the establishment of the plan. If the local government unit does not have a municipal or city newspaper, the notice is published in the county newspaper of the planning area within 30 days from the establishment of the plan.

(4) The organizer of the preparation of the plan shall send a notification about the establishment of the detailed plan to the minister responsible for the field and the keeper of the land cadastre within 14 days from the date of establishment of the plan.

[RT I, 03.01.2022, 1 - enters into force. 01.11.2022]

1) The organizer of the preparation of the plan submits the data specified in subsection 6 of § 4 1 of this Act regarding the established detailed plan to the planning database within 14 days from the date of establishment of the detailed plan.

[RT I, 03.01.2022, 1 - enters into force. 01.11.2022]

(5) When announcing the establishment of a detailed plan, a brief summary of the content of the detailed plan must be given, including what the economic, social and cultural effects and the impact on the natural environment can be expected to be with the implementation of the detailed plan.

(6) The organizer of the preparation of the detailed plan shall notify the establishment of the detailed plan within 14 days from the day of the decision to establish the detailed plan:

1) to the person whose opinions made during the public exhibition were not taken into account when the plan was established;

2) to the owner of the immovable property whose immovable property or its part needs to be acquired in the public interest for the implementation of the detailed plan, including expropriation, or compulsory possession is established in relation to it;

[RT I, 29.06.2018, 1 - enters into force. 01.07.2018]

3) to the owner of an immovable property whose immovable property was subject to a temporary planning and construction ban during the preparation of the plan;

4) to the persons and institutions specified in subsections 1 and 2 of § 127 of this Act.

§ 140. Revocation of detailed planning

(1) The detailed plan or its part may be declared invalid if:

1) at least five years have passed since the detailed plan was established and the detailed plan has not been implemented;

2) the organizer of the preparation of the plan or the owner of the planned property wants to abandon the implementation of the plan.

(2) The detailed plan may be declared partially invalid if the implementation of the complete solution of the plan is ensured after the partial invalidation of the detailed plan.

(3) The draft of the decision to invalidate the detailed plan shall be submitted to the authorities specified in § 127 subsection 1 for approval and to the persons and institutions specified in § 127 subsection 2 for giving an opinion.

(4) If the coordinator or the person giving the opinion has not refused approval or expressed an opinion within 30 days of receiving the draft decision to invalidate the detailed plan and has not requested an extension of the deadline, the draft decision is deemed to have been approved by default by the coordinator or it is assumed that the person giving the opinion does not want to express an opinion about it , unless the law provides otherwise.

(5) The persons and institutions specified in subsections 1 and 2 of § 127 of this Act shall be notified of the invalidation of the detailed plan and shall be notified in the newspaper based on the requirements set forth in subsections 3 and 5 of § 139 of this Act.

[RT I, 03.01.2022, 1 - enters into force. 13.01.2022]

(6) The local government council shall invalidate the detailed plan.

(7) In order to change a detailed plan, a new detailed plan covering the same planning area must be drawn up, based on the requirements for drawing up a detailed plan in this Act.

(8) With the establishment of a new detailed plan, the previously established detailed plan for the same planning area becomes invalid.

(9) In order to bring the detailed plan into line with the amended or established legislation or with the judgment that has entered into force after the detailed plan has been established, the organizer of the detailed plan shall enter the changes into the plan as an action, without conducting a public procedure. The introduction of changes will be notified based on the requirements for notification of the establishment of the detailed plan.

(10) On the basis of subsection 9 of this section, when changes are entered into the detailed plan, the organizer of the planning shall submit the changed data specified in § 4 1 subsection 6 of this Act to the planning database within 14 days of the changes being entered.

[RT I, 03.01.2022, 1 - enters into force. 01.11.2022]

§ 141. Challenging detailed planning

Every person has the right to appeal to the court to contest the decision to establish a detailed plan within 30 days from the day on which the person found out or should have found out about the establishment of the plan, if he considers that the decision is against the public interest or if the decision has violated his rights or restricted his freedoms.

§ 142. Detailed plan amending the general plan

(1) The detailed plan may, if justified, contain a proposal to change the basic solutions of the established general plan. Changing the basic solution of the established master plan with a detailed plan is:

- 1) a large-scale change of the main purpose of land use determined by the master plan;
- 2) exceeding the building height limit determined by the general plan, reducing the minimum plot size, changing the mandatory areas and cases of the detailed plan;
- 3) in the opinion of another local government unit, an important or extensive change to the master plan.

(2) The procedure prescribed for the preparation of a general plan shall be applied to the preparation of a detailed plan containing a proposal to change the basic solution of the general plan. The requirements prescribed for the preparation of a detailed plan apply to cooperation and involvement.

(3) If the preparation of a detailed plan containing a proposal to change the basic solution of the general plan requires the organization of a strategic assessment of the environmental impact, the processing of the detailed plan shall be based on the requirements prescribed for the processing of the general plan.

(4) The minister responsible for the field or an official authorized by him has the right to additionally appoint persons and institutions with whom cooperation must be done in the preparation of a detailed plan containing a proposal to change the basic solution of the general plan, or who must be included in the preparation of the general plan.

[RT I, 12.12.2018, 2 - enters into force. 22.12.2018]

(5) In the case of a detailed plan containing a proposal to change the basic solution of the general plan, the requirements set forth in § 90 of this Act shall apply.

(6) When drawing up a detailed plan containing a proposal to change the basic solution of the general plan, a preliminary assessment must be given and a strategic assessment of the environmental impact must be considered, based on the criteria set forth in § 33 subsections 4 and 5 of the Environmental Impact Assessment and Environmental Management System Act and the positions of the relevant authorities in accordance with § 33 subsection 6.

(7) If the detailed plan contains a proposal to change the basic solution of the established general plan, the proposal for changes to the corresponding part of the text and drawings of the general plan is part of the composition of the detailed plan.

(8) If the detailed plan contains a proposal to change the basic solution of the established general plan, the local government unit shall make an amendment to the general plan within 30 days after the detailed plan is established.

(9) On the basis of subsection 8 of this section, when changes are entered into the general plan, the organizer of the preparation of

1

the plan shall submit the changed data specified in subsection 6 of § 4 of this Act to the plans database within 14 days of the changes being entered into the general plan.

[RT I, 03.01.2022, 1 - enters into force. 01.11.2022]

§ 143. Entry into force of the law

This Act enters into force at the time specified in the Act on the Implementation of the Building Code and the Planning Act.