

ESTONIAN
Spatial Planning System
and
the Role of Different Plans
on Directing of Settlement Pattern

JÜRI LASS

Head of Spatial Planning Department
Estonian Ministry of Interior

Building Act

1939

Planning and Building Act

22.07.1995

Planning Act

Building Act

01.01.2003

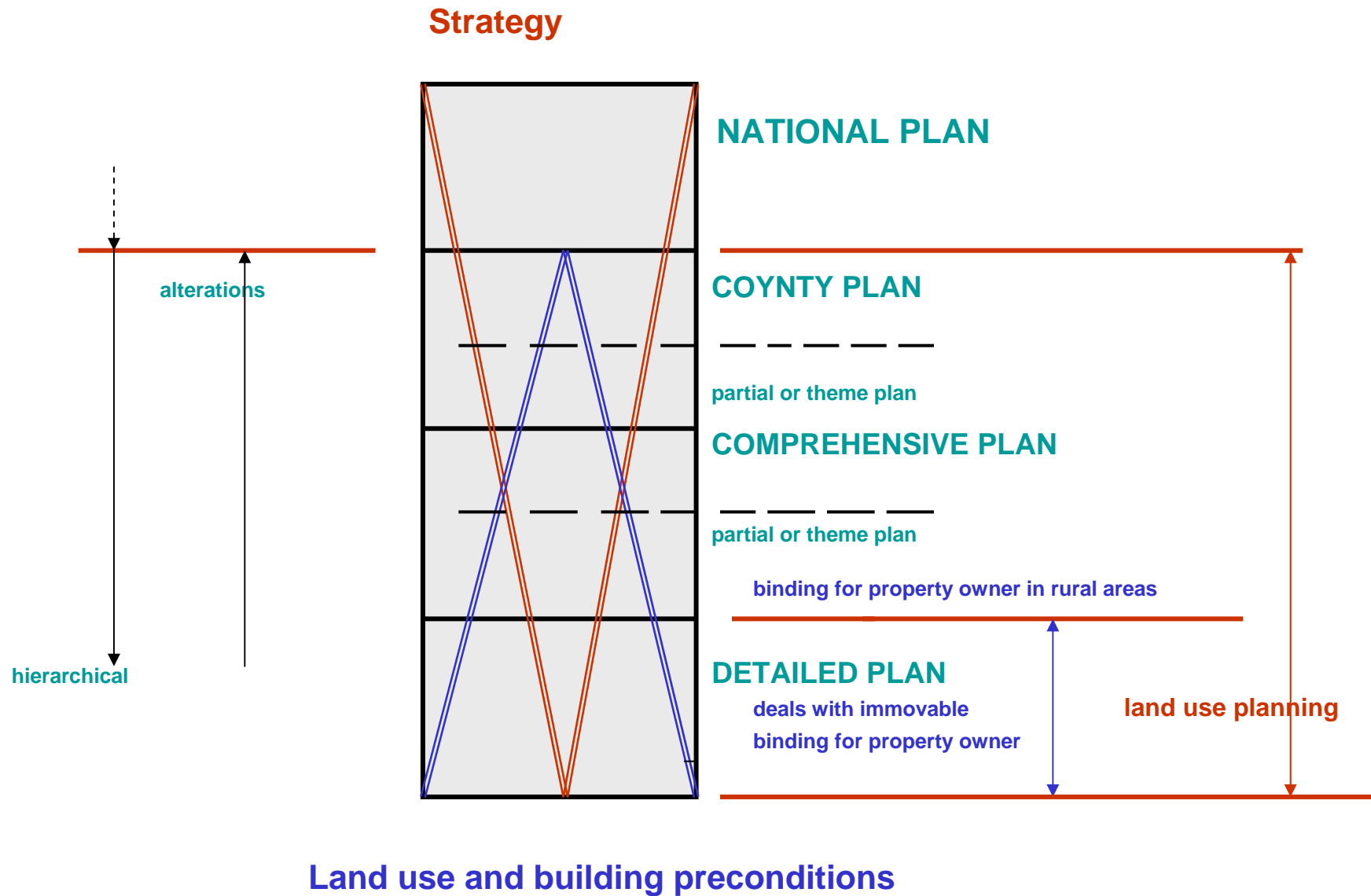
The purpose of Planning Act (PLA) is

to ensure conditions which take into account the needs and interests of the widest possible range of members of society for balanced and sustainable spatial development, spatial planning, land use and building.

The Planning Act defines spatial planning as

democratic and functional long-term planning for spatial development which co-ordinates and integrates the development plans of various fields and which, in a balanced manner, takes into account the long-term directions in and needs for the development of the economic, social, cultural and natural environment

Planning system (flight altitude)



Main Principles

- The planning system is hierarchical and interactive at the same time
- The choices for the type of plan and the size of planned territories are flexible
- There are two clearly distinguishable boundaries in the planning system
- For an owner of property only one plan is legally binding

For an owner of immovable, **the most detailed plan that is mandatory to be prepared for a particular area is legally binding,**

Main Principles

- Public disclosure of planning

The main task of planning is to reach an agreement regarding the principles and conditions for development of the planning area. In order to ensure as wide and as balanced social agreement as possible, planning activities have to be public according to the Planning Act. *Public disclosure is mandatory in order to ensure the involvement of all interested persons and the timely provision of information to such persons and to enable such persons to defend their interests in the process of planning*

- The allocation of roles in the preparation of plans

The preparation of plan is initiated and organised and plans are adopted by the administration of the respective administrative unit, i.e. for the territory of the whole country it is done by the Government of the Republic, for a county – the county governor, and for the territory of a local government – the local government. Supervision of county plans, comprehensive plans and on certain conditions also of the preparation of detailed plans is mandatory before their adoption. The supervision of the legality of preparation of county plans is carried out by the Ministry of Interior, while the county governor supervises the legality of preparation of comprehensive plans and detailed plans.

*

Here it should be reminded that **in Estonia there is no regional local government and that the county governor is the representative of state in the county.**

Main Principles

- Local government may not delegate carrying out of proceedings

According to the Planning Act, **all proceedings during the preparation of a plan have to be carried out by the local government, county governor or the ministry**; they cannot be carried out by a consultant who may assist them in the preparation of a plan. **The aforementioned statement expresses one of the most important principles of the Planning Act – a local government that organises the planning is fully responsible for the content of the plan, the proceedings and planning decisions.**

- The requirements for the proceedings of detailed plans are more strict in certain cases

- In case the detailed plan is prepared for areas **which are of significant public/general interest and value** (areas under conservation or areas concerning which a corresponding proposal has been made, regions of significant urban development potential);
- In case the detailed plan is prepared for such area **where the general development principles and interests are not defined with a comprehensive plan** (in cities with official city districts, with a comprehensive plan of the city district);
- In case the detailed plan **is intended to amend the basic content of the comprehensive plan**;
- In case **there are unsolved objections**.

The requirements are more stringent in order to ensure a better balance of different interests especially public/general and private interests and values – in the development of a certain area.

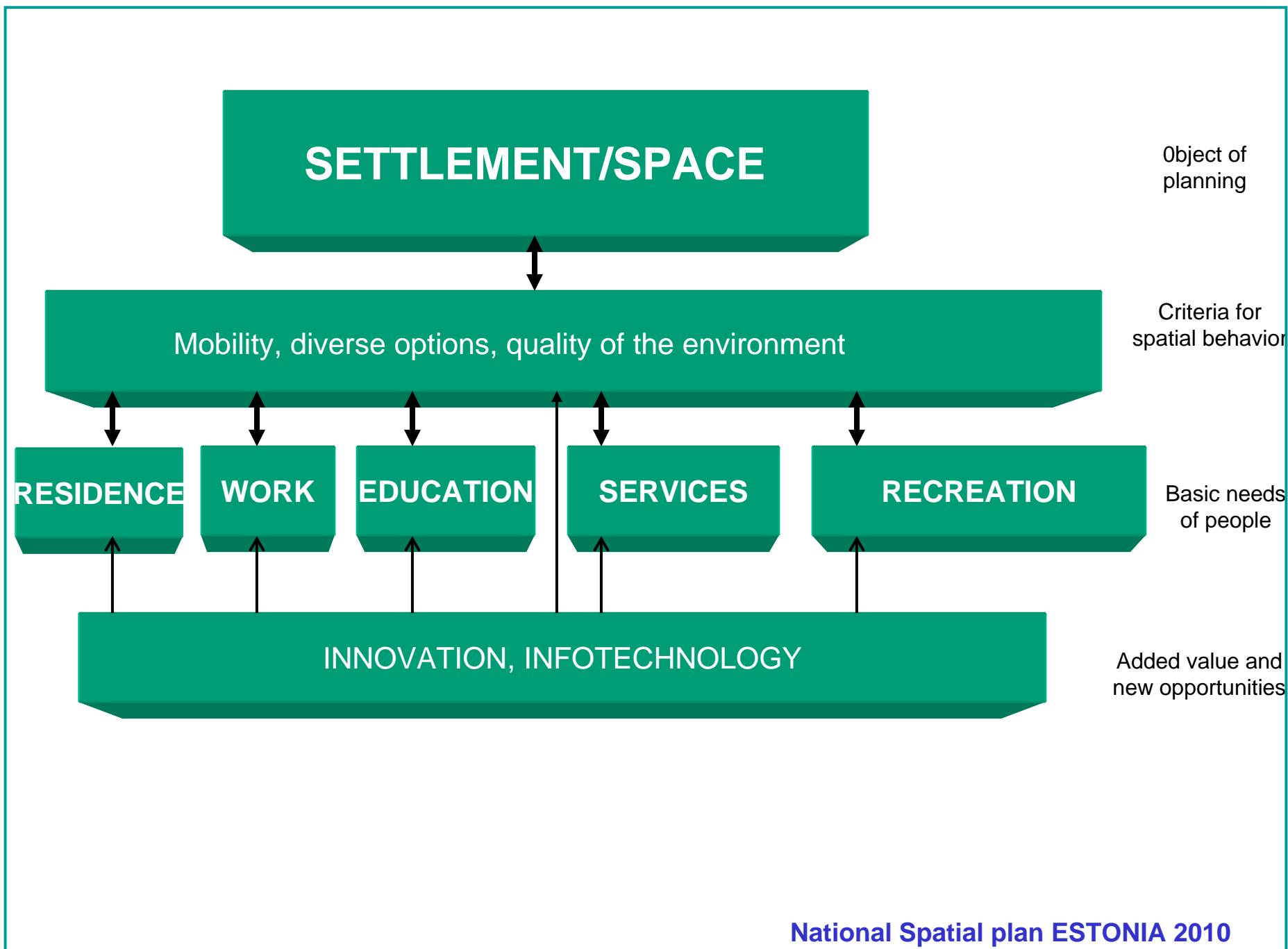
Main Principles

- The obligation of discretion during the preparation of a plan

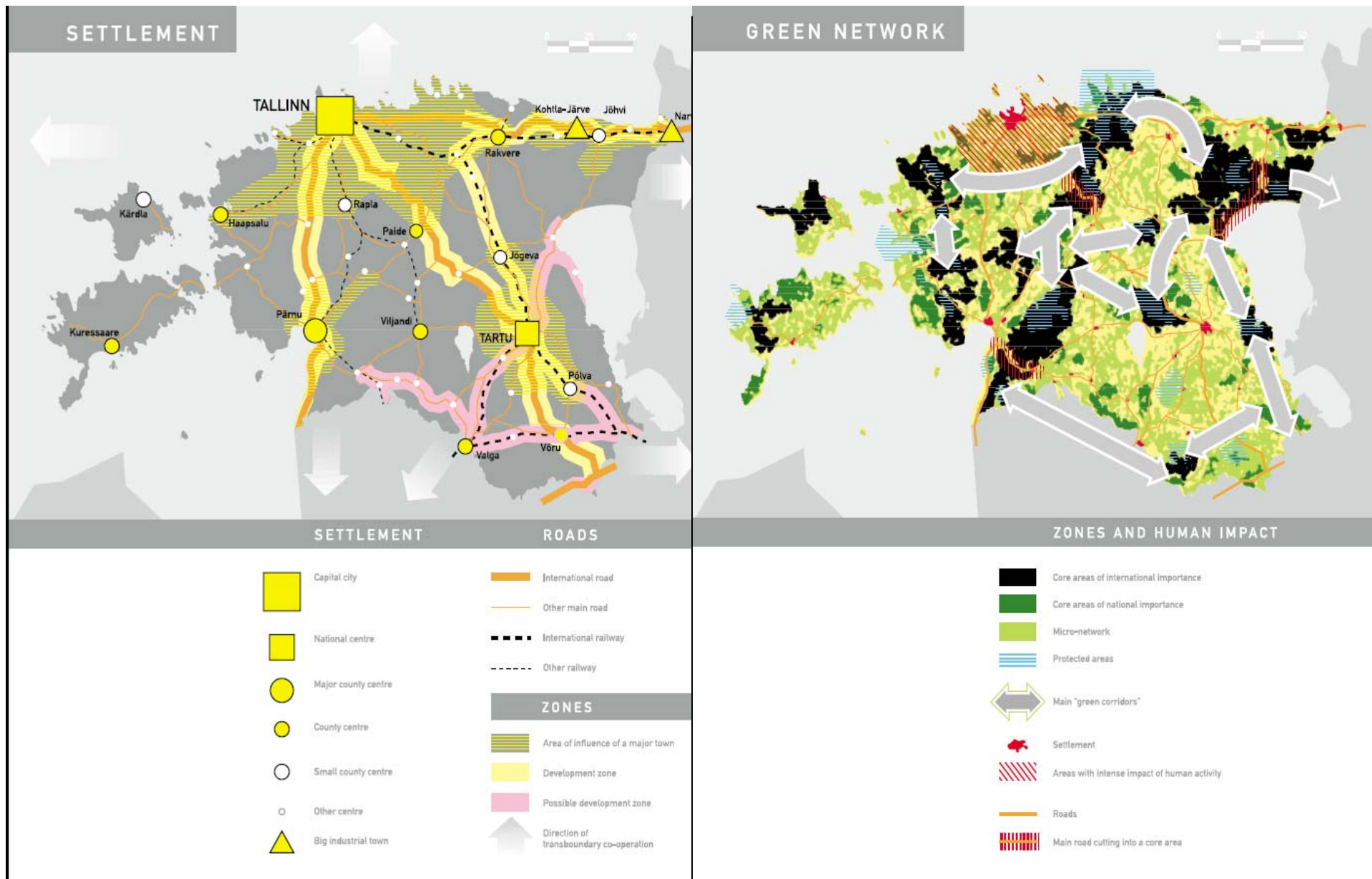
Because of the **discretionary nature** of planning in various provisions the expression '*in the event of justified need*' is used in the PLA to communicate the requirement of clarifying the reasons why certain decisions have been made in or about a plan and what is intended to be achieved by such decisions. Sufficient and reasoned **discretion of the content of the plan ensures also the assessment of the likely effects of the implementation of the plan**, which is required by the respective Act and the Euro-directive.

- The obligation to inform personally is rather limited

There is the obligation in the PLA to give personal written notification only in those cases where the plan decisions affect personal property rights or if a person has expressed her/his views about the plan during the public display of the plan.



National Spatial Plan



Settlement development founded on empowering of county centres allows an increase in the mobility of people to be coupled with the traditional Estonian loyalty to birth place. The survival of vital population throughout the country and a competitive position of Estonia internationally are ensured by:

- **development of county centres and centre networking**
- **emergence of co-operation areas and development zones**
- **transboundary co-operation**
- **good local transport**
- **expanding possibilities of distance and home work**

County planning

is one **key element** of the planning system

Two adopted county plans in all counties

1. General/comprehensive, dealing with all issues

1995- 2000

2. Theme plan *Environmental preconditions for settlement and land use*

Two sub-themes: green network

valuable landscapes

2000-2005

Under preparation

Theme plan *Social infrastructure of the county*

2004-2007

County theme plan

Environmental preconditions, directing settlement system and land use

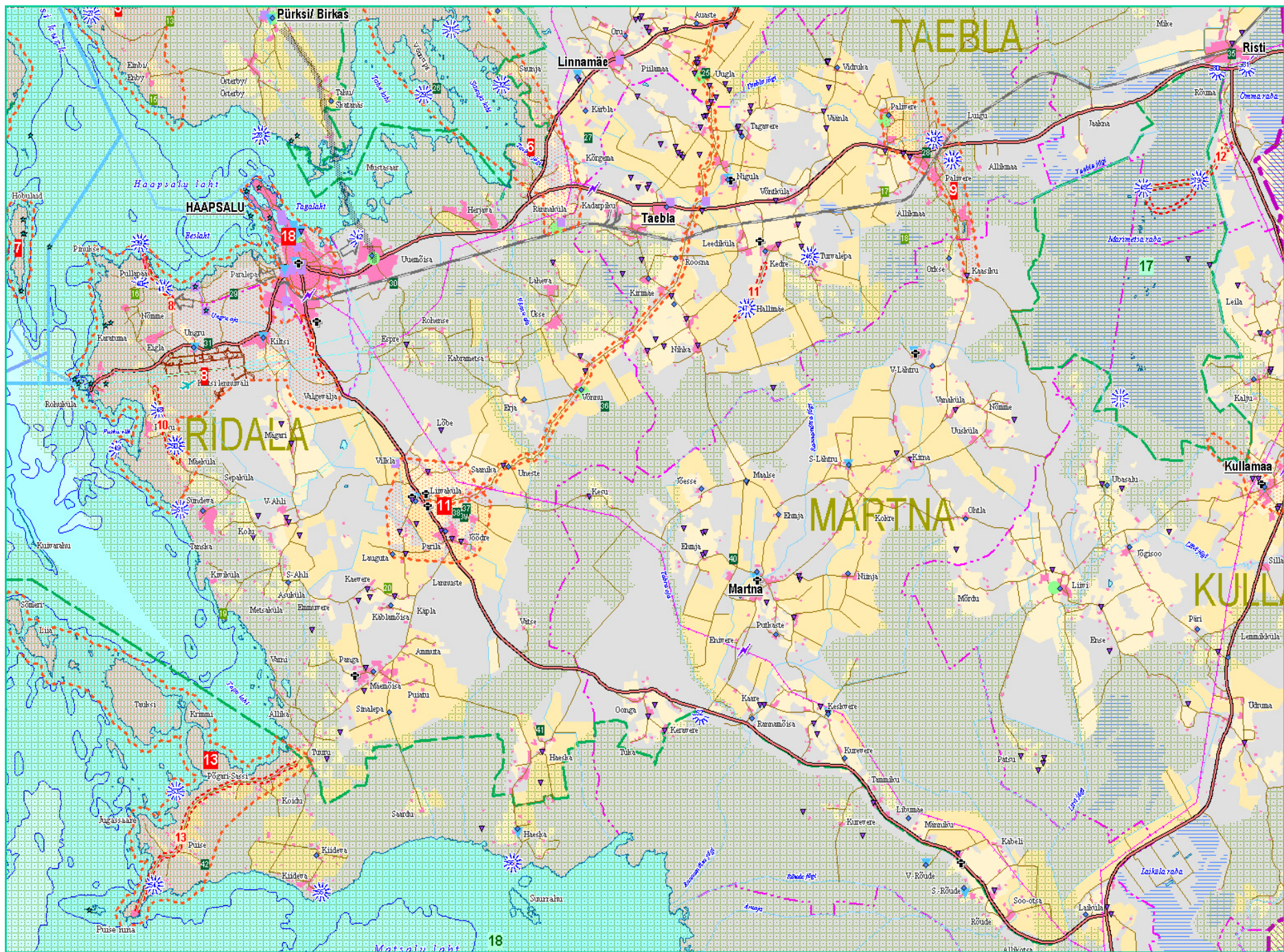
•valuable landscapes

- recognition of values in the local community
- involvement of local people in the work and by that binding them to the results of the work
- suggestions for identification of landscapes of national value
- defining and preservation of valuable agricultural land
- landscape maintenance program

* green network

- preconditions for development of new areas for housing, recreation, etc
- conflict areas/points of green networks and infrastructure networks, measures for avoiding or mitigation of conflicts
- cooperation on preparation of NATURA 2000
- suggestions for afforestation

Next slide – fragment from the theme plan of Läänemaa county



Links

Planning Act and other Estonian legislation in English – www.legaltext.ee

Article about Estonian planning legislation – <http://www.COMMIN.org>

Ministry of Interior – www.siseministerium.ee

Contact

Jüri Lass

Spatial Planning Department

Ministry of Interior

Pikk tn 61 15065 Tallinn ESTONIA

jyri.lass@siseministeerium.ee

+372 612 5175