

Procedure for creating a detailed solution for the municipal designated spatial plan

- The authority arranging creation of the MDSP may impose, for the duration of the process of creating the detailed solution for the plan, a ban on planning and building work in the planning area or a part thereof if the detailed solution envisages alterations in the building rights originally granted in the planning area. (APA § 110)
- If, during the process of creating the detailed solution for the MDSP, it becomes known that the plan may entail the need to subject an immovable property or part thereof to acquisition in the public interest – including expropriation – or to compulsory possession, the authority arranging creation of the plan notifies this, by way of registered letter, to the owner of the property within seven days following the date on which the need to subject that property to acquisition in the public interest or to compulsory possession became known. (PA § 111 (2))
- Creation of the detailed solution for the MDSP is carried out in cooperation with the authorities of the executive branch in whose area of government the issues addressed by the solution fall. (PA § 112 (1))
- Any persons whose rights an MDSP may affect, as well as any persons who have expressed an interest in being invited to participate in creating the detailed solution for such a plan, and persons and authorities who may have a legitimate interest in the implementation of the plan or in the significant environmental impact that may be presumed to result from its implementation, including, through an organisation that unites them, environmental non-governmental organisations, as well as any foundations and non-profit organisations representing the residents of the planning area, are invited to participate in creating the detailed solution. (PA § 112 (2))
- Any person whose interests an MDSP may affect may be invited to participate in creating the detailed solution for the plan. If the authority arranging creation of the plan invites a person mentioned in this subsection to participate in creating the detailed solution, the provisions established in respect of the persons and authorities mentioned in subsection 2 of this section also apply to that person. PA § 112 (3)
- If a notification must be published in a newspaper, the notification is to be published in a municipal newspaper, and in a county newspaper or a newspaper of nation-wide circulation (PA § 96 (3), 5; § 100 (5); § 102 (1); § 106 (5); § 108 (1); § 113 (5), § 115 (1); § 118 (6); § 120 (1); § 122 (6)).
- Extension of the term for proceedings is possible where warranted by the circumstances (APA § 41).

Acronyms

MDSP – municipal designated spatial plan; SEA – strategic environmental assessment; PA – Planning Act; EIAEMSA – Environmental Impact Assessment and Environmental Management System Act; APA – Administrative Procedure Act.

This scheme is for information purposes only and has no legal effect

The scheme is based on the PA and the EIAEMSA as of 1 November 2022

The scheme has been prepared by the Spatial Planning Department of the Ministry of Finance as of 10 December 2022

Creation of the detailed solution for the MDSP

When the resolution on pre-selecting a location has been approved, the detailed solution is created for the MDSP, which determines the building rights of the envisaged construction work and fulfils the relevant tasks listed in § 126 (1) of the Planning Act. In assessing the relevance of the tasks, the purpose of the plan and the specific character of the construction work envisaged in the plan are taken into account. PA § 111 (1)

During the process of creating the detailed solution for the MDSP, the solution is made public on the website of the municipality together with its significant annexes, above all surveys, endorsements, opinions and any other up-to-date information (PA § 112 (5))

During the time of public display of the proposed detailed solution for the MDSP and of its SEA report, everyone has a right to present opinions concerning the proposed detailed solution and report (PA § 113 (2))

The authority arranging creation of the MDSP arranges public display of the proposed detailed solution that is created on the basis of the resolution on pre-selecting a location for the plan and of the SEA report at least in the major population centre of the rural municipality – or in the main business centre of the settlement – situated in the planning area, and in the main business centre of the urban municipality or urban district situated in the planning area, for a duration of at least 30 days PA § 113 (1) and (3)

Notification is made of the public display at least 14 days before the commencement of the display: in a newspaper in the Official Announcements on the website of the authority arranging creation of the MDSP in a letter sent to the parties cooperating and the parties to be invited (PA § 113 (4) and (5)) Content of notification: (PA § 113 (6), EIAEMSA § 35 (7))

Within 30 days following the end of public display of the proposed detailed solution for the MDSP and of its SEA report, the authority arranging creation of the plan communicates to the persons who presented written opinions during the time of public display its reasoned position concerning those opinions together with the time and place of the public discussion PA § 113 (8)

A public discussion is arranged at least in the major population centre of the rural municipality – or in the main business centre of the settlement – situated in the planning area, and in the main business centre of the urban municipality or urban district situated in the planning area within 45 days following the end of the public display PA § 114 (1)

Authorities and persons are notified of the public discussion in writing at least 14 days before commencement of the discussion PA § 114 (2) Content of notification: time and place of public discussion

Public display of the proposed detailed solution for the MDSP and of the SEA report

Public display of the MDSP

Authorities and persons are notified of the public discussion in writing at least 14 days before the commencement of the discussion PA § 119 (3) Content of notification: time and place of public discussion

The public discussion is held at least in the main population centre or main business centre of the rural municipality or settlement – or in the main business centre of the urban municipality or urban district – situated in the planning area, within 45 days following the end of the public display PA § 119 (1)

Within 30 days following the end of the public display of the MDSP, the authority arranging creation of the plan communicates to any persons who presented written opinions during the time of the public display its reasoned position concerning those opinions together with the time and place of the public discussion PA § 118 (10)

Notification is made of the public display at least 14 days before the commencement of the display: in a newspaper in the Official Announcements on the website of the authority arranging creation of the MDSP in a letter sent to authorities and persons PA § 118 (5) and (6) Content of notification: PA § 118 (7)

When the MDSP has been approved, the authority arranging creation of the plan arranges its public display with a duration of at least 30 days PA § 118 (1) and (4)

Approving the MDSP

When the results of the SEA report have been incorporated in the MDSP, the municipal council passes a resolution by which it approves the plan PA § 117 (1)

Presenting the proposed detailed solution for the MDSP and the plan's SEA report for endorsement and for opinions

Incorporation of the results of the SEA report in the MDSP PA § 117 (1)

The proposed detailed solution for the MDSP and the plan's SEA report is presented for endorsement to the parties cooperating and persons and authorities are notified of the opportunity to present their opinion regarding the proposed detailed solution and report PA § 116 (1)

Based on the results of public display and public discussion, the necessary modifications are made to the proposed detailed solution for the MDSP and to the plan's SEA report PA § 115 (2)

If written opinions were presented during public display, information concerning the results of public display and public discussion is published in a newspaper and in the Official Announcements within 30 days following the end of the public display PA § 115 (1)

During the time of public display of the proposed MDSP and of the report concerning the first stage of SEA, everyone has a right to present opinions concerning the proposed resolution and report (PA § 106 (2))

The holding of a public discussion is not mandatory if no written opinions were presented concerning the MDSP during the time it was on public display or if all written opinions have been followed (PA § 119 (2))

The MDSP that is to be displayed to the public must clearly state the changes emanating from the plan, the weighed reasons for the solution presented, the conditions of implementation of the plan and other facts explaining the plan. Together with the MDSP, any endorsements and opinions received regarding the plan are also made public (PA § 118 (3))

During the time of public display of the MDSP, everyone has a right to present opinions concerning the plan (PA § 118 (2))

By resolving to approve an MDSP, the authority arranging creation of the plan certifies that the plan is in conformity with the relevant legislation and that the results of the SEA have been taken into account in creating the plan (PA § 117 (2))

If the authority or person to whom the proposed detailed solution for the MDSP and the plan's SEA report was presented for endorsement, or who was invited to present an opinion regarding the proposed detailed solution and report, has not, within 30 days of receiving the proposed detailed solution and report, refused to endorse these or presented an opinion or applied for extension of the time limit, the proposed detailed solution and report are deemed to have been tacitly endorsed by the authority or person to whom they were presented for endorsement, or the authority or person who was invited to present an opinion is deemed to have declined to do so, unless otherwise provided by law (PA § 116 (2))

Ratifying the MDSP

If written opinions were presented during the public display of the MDSP, information concerning the results of public display and public discussion is published in a newspaper and in the Official Announcements within 30 days following the date on which the public discussion was held PA § 120 (1)

Based on the results of public display and public discussion, the necessary modifications are made to the MDSP PA § 120 (2)

The MDSP is presented for ratification to the Ministry of Finance PA § 121 (1)

The Minister ratifies the MDSP or refuses to ratify it within 60 days. Where this is warranted by the circumstances, that time limit may be extended to 90 days PA § 121 (2) The Minister may propose that the MDSP be brought into effect in part PA § 121 (5)

The MDSP that has been ratified by the Minister is brought into effect by a resolution of the municipal council PA § 122 (1)

The location of the construction work that is envisaged in the MDSP is incorporated into the previous comprehensive spatial plan that had been brought into effect within 30 days following the bringing into effect of the MDSP. When making modifications to the previous spatial plan, a reference to the fact that a construction work that was envisaged in the designated spatial plan is located in the corresponding land area must be included in the comprehensive spatial plan or, where this is technically possible, the changes emanating from the designated special plan must be shown on the map of the comprehensive spatial plan and in its explanatory memorandum PA § 122 (3)

Bringing the MDSP into effect

Bringing the MDSP into effect is announced:
1. within 30 days following the bringing into effect of the MDSP:
- in a newspaper
- in the Official Announcements
- on the website of the authority arranging creation of the MDSP PA § 122 (6)
2. within 14 days to authorities and persons. Notification is also made to owners whose immovable property or parts of whose immovable property need to be subjected to acquisition in the public interest – including expropriation – or to compulsory possession, in order to implement the plan. PA § 122 (9)
3. within 14 days to the Minister in charge of the policy sector and to the Registrar of the National Land Cadastre. PA § 122 (7) Content of notification: PA § 122 (8)

The authority that arranged creation of the MDSP files the particulars mentioned in § 41 (6) of the PA in respect of the plan with the database of spatial plans within 14 days following the bringing into effect of the MDSP APA § 122 (7¹)

If the modifications made based on the results of public display and public discussion alter the principal solution of the MDSP or necessitate significant changes in the SEA report, the plan and the report are presented for endorsement anew to the authorities of the executive branch in whose area of government the issues addressed by the modification fall, and the public display and public discussion are held anew, following the requirements established in the Planning Act in respect of arranging the public display and public discussion of the plan and the report (§ 120 (3) of the PA)

When a repeat public display is arranged, opinions may be presented only with regard to modifications to a MDSP that seek to alter the plan's principal solution and that have been made after the previous public display (PA § 118 (9))

If necessary, the Minister hears the views of the persons whose opinions were not taken into account in creation of the MDSP (PA § 121 (3) 2)) If no agreement is reached, the Minister communicates the Minister's written opinion within 30 days following hearing the parties (PA § 121 (4))

The MDSP expires if its implementation has not commenced within five years following the bringing of the plan into effect (PA § 122 (4))