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# Planning and Building Act (2008)

## **Act of 27 June 2008 No. 71 relating to Planning and the Processing of Building Applications (the Planning and Building Act) (the Planning part)**

Law | Date: 27/06/2008 | [Ministry of Local Government and Regional Development](#)  
(<http://www.regjeringen.no/en/dep/kdd/id504/>)

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## Part I: General provisions

### Chapter 1. Common provisions

#### Section 1-1. Purpose of the Act

The Act shall promote sustainable development in the best interests of individuals, society and future generations.

Planning pursuant to this Act shall facilitate the coordination of central government, regional and municipal functions and provide a basis for administrative decisions regarding the use and conservation of resources.

The processing of building applications pursuant to this Act shall ensure that projects are carried out in compliance with statutes, regulations and planning decisions. Individual projects shall be carried out in a proper manner.

Planning and administrative decisions shall ensure transparency, predictability and public participation for all affected interests and authorities. There shall be emphasis on long-term solutions, and environmental and social impacts shall be described.

The principle of design for universal accessibility shall be taken into account in planning and in requirements relating to individual building projects. The same applies to due regard for the environment in which children and youth grow up and the aesthetic design of project surroundings.

## **Section 1-2. Scope of the Act**

Unless otherwise provided, the Act applies to the entire country, including river systems.

In marine areas, the Act applies to a zone extending one nautical mile beyond the baselines of the territorial sea.

The King may decide that Chapter 14 shall apply to specific projects outside one nautical mile beyond the baselines.

The King may decide that the Act shall apply in whole or in part to Svalbard.

## **Section 1-3. Projects that are exempted from the Act**

The Act does not apply to marine pipelines for the transport of petroleum.

Only chapters 2 and 14 apply to installations for the transmission or conversion of electric power as mentioned in section 3-1, third paragraph, of the Energy Act.

## **Section 1-4. The functions of the planning and building authorities and the duties of other authorities in respect of the planning and building authorities**

The planning and building authorities shall discharge the functions assigned to them pursuant to this Act and appurtenant regulations, including ensuring that planning and building legislation is complied with in municipalities.

The planning and building authorities shall collaborate with other public authorities with interests in matters pursuant to the Planning and Building Act, and shall solicit opinions on issues pertaining to the sphere of responsibility of the authorities concerned.

If any person carrying out a public inspection finds circumstances that are contrary to provisions made in or pursuant to this Act, the person concerned shall report such circumstances as soon as possible to the planning and building authorities.

### **Section 1-5. Effects of plans**

The effect of plans adopted pursuant to this Act on further planning, management and administrative decisions regarding activities, physical development and conservation is evident from the provisions for the various types of plan, see sections 6-3, 8-2, 8-5, 11-3, 11-6 and 12-4.

In the event of conflict, a new plan or central government or regional planning provision prevails over an older plan or planning provision for the same land unless otherwise determined in the new plan or central government or regional planning provision.

### **Section 1-6. Projects**

For the purposes of this Act, 'project' means the erection, demolition, alteration, including alteration of the exterior of a building, alterations in use and other projects related to buildings, structures and installations, as well as physical alteration of the land and the establishment and alteration of property, see section 20-1, first paragraph (a) to (m). Other activities and alterations in land use that will be contrary to land-use objectives, planning provisions and zones requiring special consideration are also considered to be projects.

Projects falling within the scope of this Act may only be implemented if they are not contrary to the provisions of the Act and appurtenant regulations, the land-use element of the municipal master plan and the zoning plan, see chapter 20 regarding the duty of application and permits. This also applies to projects which:

- (a) may be carried out by the developer himself pursuant to section 20-2
- (b) do not require an application and permission pursuant to section 20-3
- (c) are exempt from the obligation to apply pursuant to section 20-4.

## **Section 1-7. Joint processing of planning and building applications**

An application for general permission may be submitted along with the zoning plan proposal and be processed with the planning proposal, see sections 12-15 and 21-4.

## **Section 1-8. Prohibition on projects, etc. along the seashore and river systems**

In the 100-meter belt along the seashore and river systems, special consideration shall be given to the natural and cultural environment, outdoor recreation, landscape and other elements of public interest.

Projects pursuant to section 1-6, first paragraph, other than alterations to the exterior of a building may not be implemented closer to the sea than 100 metres from the shoreline measured in a horizontal plane at ordinary high tide.

However, this does not preclude the sectioning off of land in connection with the redemption of a developed leasehold site pursuant to the Site Leasehold Act.

The prohibition pursuant to the second paragraph applies insofar as no other building limit has been determined in the land-use element of the municipal master plan or the zoning plan, see section 11-9, no. 5 and section 12-7, no. 2.

The prohibition pursuant to the second paragraph does not apply where the municipality, in the land-use element of the municipal master plan, has permitted the erection of necessary buildings, small installations and storage facilities for use in agriculture, reindeer husbandry, fishing, aquaculture or sea traffic, see section 11-11, no. 4.

In the case of areas along river systems that are significant for nature, cultural environment and outdoor recreation interests, the municipality shall in the land-use element of the municipal master plan pursuant to section 11-11, no. 5, fix a limit of up to 100 metres within which specifically defined projects, etc. shall not be permitted.

## **Section 1-9. Relationship to the Public Administration Act and appeals**

The Public Administration Act applies with the special provisions laid down in this Act.

In connection with the building application no appeal may be lodged regarding matters that have been decided in a binding zoning plan or by dispensation, and where the time limit for appealing these decisions has expired. If it is deemed to be expedient, the merits of the appeal may be considered instead of summarily dismissing the appeal.

Any central government body, including the Sami Parliament, regional body or municipality that is affected may appeal against individual decisions pursuant to this Act if the decision directly affects the sphere of responsibility of the authority concerned. However, this does not apply in planning matters where the authority concerned has been given the opportunity to make an objection.

Anyone is entitled to access to documents pursuant to the Freedom of Information Act and the Environmental Information Act and has a right to familiarise himself or herself with alternative drafts of plans pursuant to this Act at the office of the authority concerned, including documents on which the draft plans are based with the exceptions that follow from chapter 3 of the Freedom of Information Act.

The Ministry is the administrative appeals body for individual decisions pursuant to this Act.

## **Chapter 2. Requirements relating to basic map data, geodata, etc.**

### **Section 2-1. Maps and geodata**

The municipality shall ensure that there is an up-to-date, public set of basic map data for the objectives specified in the Act. The central government authorities shall make national map data available to all municipalities. Central government, regional and municipal bodies shall organise geodata in such a way as to ensure that the information is readily available for use in processing planning and building applications. The basic map data must also be available for use for other public and private purposes.