



Regulations relating to environmental impact assessment and delimitation of the land-use planning areas in Svalbard

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(<http://www.regjeringen.no/en/dep/kld/id668/>)

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The translation is not official; it is provided for information purposes only. In the event of any inconsistency, the Norwegian version shall prevail.

This translation is based on the norwegian version of 28. june 2002. Later amendments are not translated.

Chapter I. Delimitation of the land-use planning areas

§ 1. (land-use planning areas)

The provisions relating to land-use planning set out in Chapter VI of the Svalbard Environmental Protection Act apply within the following delimited land-use planning areas in Svalbard: Longyearbyen, Svea, Ny-Ålesund, Barentsburg, Pyramiden and Colesbukta.

The land-use planning areas are shown on maps which constitute an appendix to these regulations. Copies of the maps are kept by the Ministry of the Environment, the Governor of Svalbard and the instances responsible for land-use planning.

The Ministry of the Environment may make amendments to the delimitation of the land-use planning areas.

Chapter II. Environmental impact assessment

§ 2. (purpose)

The purpose of environmental impact assessment is to elucidate the effects activities may have on continuous areas of wilderness, landscape elements, the flora, fauna and cultural heritage. The regulations shall ensure that such effects are taken into account during the planning of activities and when a decision is taken as to whether and if so subject to what conditions activities may be carried out.

§ 3. (activities for which an environmental impact assessment is mandatory)

In the case of activities for which a permit is required pursuant to section 57 or section 58, third paragraph, of the Svalbard Environmental Protection Act and that

- a. may have more than an insignificant effect on the natural environment outside landuse planning areas, or
 - b. may have a significant and long-term effect on the environment inside a land-use planning area
- an environmental impact assessment shall be carried out by the head of undertaking.

The Governor will decide whether the provisions of the first paragraph apply to an activity and may decide that it is not necessary to carry out an environmental impact assessment for a particular activity.

If there are proposals to locate two or more activities within the same area, each of which separately does not require an environmental impact assessment pursuant to the first paragraph, the Governor may lay down a duty to carry out an environmental impact assessment for these activities if they meet the conditions set out in the first paragraph when considered together.

Decisions made by the Governor pursuant to this provision relating to the duty to carry out an environmental impact assessment, cf. section 59, fourth paragraph, second sentence, of the Svalbard Environmental Protection Act, may be appealed to the Ministry of the Environment.

§ 4. (administrative procedures)

As early as possible in the process, the head of undertaking shall send prior notification, including a proposal for a study plan, to the Governor. The Governor will circulate the prior notification for comment. The Governor shall set a reasonable time limit for comments to the prior notification. The time limit should not be shorter than six weeks.

On the basis of the comments to the prior notification, the Governor will draw up and approve a prescribed study programme. The study programme shall lay down which studies are to be carried out to elucidate any consequences of the activity. The Governor may also decide that the study programme shall include the effects of the activity on local settlements and other lawful activities. The Governor shall prescribe the study programme within a reasonable time period, as a general rule not more than ten weeks after the expiry of the time limit for comments on the prior notification.

The Governor should take the necessary steps to ensure the participation of the authorities involved and other interested parties before the study programme is determined.

The prescribed study programme shall be sent to the head of enterprise, with copies to all parties that submitted comments to the prior notification, together with a summary of how the comments have been evaluated in relation to the prescribed study programme.

The head of undertaking shall draw up an environmental impact statement in accordance with the study programme.