

Regulations on impact assessments

Established by Royal Decree of 21 June 2017 pursuant to Act of 27 June 2008 no. 71 relating to the Planning and the Processing of Building Applications (the Planning and Building Act) sections 1-2, 4-2, 14-6 and 32-8a. The EEA Agreement Annex XX no. 1 letter a (directive 2014/52/EU) and no. 1 letter g (directive 2001/42/EC) Presented by the Ministry of Local Government and Modernisation and the Ministry of Climate and Environment.

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Chapter 1 Introductory provisions

Section 1 Purpose of the regulations

The purpose of the regulations is to ensure that consideration for the environment and society is taken into account during the preparation of plans and initiatives, and when considering and on what conditions plans or initiatives may be implemented.

Section 2 Scope of the regulations

The plans and initiatives covered by the regulations are set out in sections 6, 7 and 8. For plans under the Planning and Building Act, the geographic scope of the regulations follows from section 1-2 of the Planning and Building Act. For initiatives and

plans under other laws, the geographic scope of the regulations follows from the relevant law.

Section 3 Relationship to other regulations

The processing under the regulations shall meet the assessment requirements and evaluations which under other laws are necessary for the decision on which the impact assessment shall be made.

Decisions under the regulations are not individual decisions under the Public Administration Act, with the exemption of infringement penalty decisions pursuant to section 36.

Section 4 Proposer

The person who proposes a plan or an initiative is the proposer in accordance with the regulations.

The proposer shall assess whether the plan or initiative is covered by sections 6, 7 or 8.

The proposer shall bear the costs of preparing an impact assessment and a planning programme or a notification with a proposed assessment programme, when this is required.

The proposer is responsible for ensuring that the information provided to the authorities is correct and verifiable and that it meets the requirements in the regulations.

§ 5 Competent authority

The competent authority under the regulations is the planning authority for the relevant plan under the Planning and Building Act, and the decision-making authority for initiatives under other legislation. The competent authority is set out in sections 6, 7 and 8.

The competent authority shall act objectively and have sufficient technical knowledge when processing applications in accordance with the regulations. If the competent authority is also the proposer, the two roles shall as far as possible be kept administratively separate.

Chapter 2 Plans and initiatives covered by the regulations

Section 6 Plans and initiatives that shall always have an impact assessment and a planning programme or notification

The following plans and initiatives shall always have an impact assessment and planning programme or notification.

- a) The land-use element of the municipal master plan pursuant to section 11-5 and regional plans pursuant to the Planning and Building Act section 8-1, municipal sub-plans pursuant to section 11-1 and area zoning plans pursuant to section 12-2 when the plans set out frameworks for initiatives in Annexes I and II.
- b) zoning plans pursuant to the Planning and Building Act for initiatives in Annex I. Exempt from this are zoning plans where the specific initiative has had an impact assessment in a previous plan and where the zoning plan is in accordance with this previous plan.
- c) initiatives in Annex I which are dealt with in accordance with legislation other than the Planning and Building Act

The county municipality is the competent authority for regional plans. The municipality is the competent authority for municipal plans. The competent authority for plans and initiatives pursuant to letter b and c is set out in Annex I. For initiatives pursuant to letter b, where implementation of the initiative does not require a new plan, the pollution control authority is the competent authority if the initiative requires consent under the Pollution Act.

If a plan in accordance with the Planning and Building Act is changed between notification of commencement of the planning work and the submission of planning proposals for public scrutiny, and the change means that the plan is covered by subsection 1 letter a or b, the plan shall be dealt with in accordance with the provisions in Chapters 5 and 6.

Section 7 Plans and initiatives in accordance with other legislation that shall always have an impact assessment, but not a notification

The following initiatives and plans in accordance with other legislation shall always have an impact assessment, but not a notification:

- a) initiatives in Annex II, which are dealt with in accordance with the Energy, Water Resources or Watercourse Regulation Act
- b) plans and programmes in accordance with other legislation that set out frameworks for initiatives in Annexes I and II and which are adopted by a Ministry

The competent authority for initiatives pursuant to letter b is set out in Annex II. The specialist ministries are the competent authority for plans or programmes in accordance with letter b.

Section 8 Plans and initiatives shall have an impact assessment if they can have significant impact on the environment or society

The following plans and initiatives shall have an impact assessment if they can have significant impact in accordance with section 10, but not have a planning programme or notification:

- a) zoning plans for initiatives in Annex II. Exempt from this are zoning plans where the specific initiative has had an impact assessment in a previous plan and where the zoning plan is in accordance with this previous plan.
- b) initiatives in Annex II which are dealt with in accordance with legislation other than the Planning and Building Act

The competent authority for letter a and b is set out in Annex II. For initiatives pursuant to letter a, where implementation of the initiative does not require a new plan, the pollution control authority is the competent authority if the initiative requires consent under the Pollution Act.

If, between the notification of commencement of the planning work under the Planning and Building Act and the presentation of proposed plans for public scrutiny, new information emerges or there are changes in the actual circumstances which mean that the plan may still have significant impact on the environment or society, a separate account of the impact of the plan shall be provided in the proposed plan.

Chapter 3 Assessment of whether plans or initiatives in accordance with section 8 require an impact assessment

Section 9 Information to be submitted by the proposer as a basis for the competent authority's assessment in accordance with sections 11 or 12

For plans pursuant to the Planning and Building Act, information in accordance with this section shall be available prior to the kick-off meeting, cf. section 12-8 of the Planning and Building Act. For initiatives pursuant to other legislation, the information shall be available at the latest on application for a permit. The proposer shall also make a preliminary assessment of whether the plan or initiative may have significant impact on the environment

or society pursuant to section 10. Based on known knowledge, a brief description shall be provided of:

- a) the plan or initiative, the physical characteristics and location of the initiative, and any demolition work
- b) environmental values that are believed to be significantly affected and that require special consideration
- c) the expected significant impact of the plan or initiative as a result of residues, emissions and waste generation
- d) the expected significant impact that may follow from the use of natural resources

Section 10 Criteria for the assessment of whether a plan or initiative may have significant impact on the environment or society

In the assessment of whether a plan or initiative may have significant impact on the environment or society, the characteristics of the plan or initiative, cf. subsection 2 the location and environmental impact of the plan or initiative, cf. subsection 3 and the intensity and complexity etc, cf. subsection 4, should also be taken into consideration.

Characteristics of the plan or initiative include:

- a) size, area and design
- b) the use of natural resources, special areas, soil, mineral resources, water and biological resources
- c) waste generation and emissions
- d) risk of serious accidents and / or disasters

The location and impact on the environment including an assessment of whether the plan or initiative may lead to or come in conflict with:

- a) vulnerable natural environments, especially areas with wetlands, along the shores of rivers and lakes, coastal zones, sea, mountains, forests, cities and densely populated areas
- b) protected areas in accordance with the Nature Diversity Act Chapter V or the Land Use Act section 11, selected natural habitats (the Nature Diversity Act Chapter VI), priority species, protected river courses, national salmon fjord and river courses, objects, areas and cultural environments protected by the Cultural Heritage Act
- c) endangered species or natural habitats, valuable landscape, valuable cultural monuments and environments, nationally or regionally important mineral resources, areas of great importance to Sami outfield industries or reindeer husbandry and areas of particular importance for outdoor life.
- d) central government planning guidelines, central government or regional planning provisions issued pursuant to the Planning and Building Act of 27 June 2008 or national policy provisions or guidelines issued pursuant to the Planning and Building Act of 14 June 1985
- e) major redistribution of agricultural, natural, outdoor areas as well as reindeer husbandry, or areas regulated for agriculture and that are of great importance to agricultural activities
- f) increased pressure on areas where established environmental quality standards have been exceeded
- g) consequences for the health of the population, for example, due to water or air pollution
- h) significant contamination or greenhouse gas emissions
- i) risk of serious accidents due to natural hazards such as avalanche, landslide or flood

In the assessment of whether the plan or initiative may have significant impact and consequently shall be subject to an impact assessment, the intensity and complexity of the impact, the likelihood of impact occurring and when this occurs, the duration, frequency and the possibility to reverse or limit this if the impact extends across national borders, as well as the effects of the proposed plan or initiative and other existing, approved or planned plans or initiatives shall also be considered.

Section 11 The competent authority's assessment of plans pursuant to section 8, subsection 1 letter a

Before the planning work begins, cf. the Planning and Building Act section 12-8 and at the latest six weeks after the proposer has submitted the information in accordance with section 9, based on all the available information, the competent authority shall decide on whether the plan may have significant impact on the environment or society.

If the competent authority finds that the plan may have a significant impact on the environment or society, the plan shall be dealt with in accordance with the provisions in chapters 5 and 6.

The competent authority's decision as to whether the plan may have significant impact on the environment or society shall be justified. The grounds shall be evident from the notification and announcement of commencement of the planning work and when presenting the proposed plan for public scrutiny.

Section 12 The competent authority's assessment of initiatives pursuant to section 8, subsection 1 letter b

Based on the documentation provided in accordance with section 9, the proposer may request the competent authority to clarify whether an initiative shall have an impact assessment before the application is submitted or, based on the criteria in section 10, carry out their own impact assessment, which is then attached to the application.

If an initiative is expected to have significant impact on the environment or society, and the impact has not been adequately illustrated in the application, the competent authority shall require additional assessments in accordance with section 27. The requirement for an additional assessment shall be submitted to the proposer within four weeks of the application consultation process.

The additional assessment and the application must together meet the requirements of an impact assessment in chapter 5.

If the competent authority concludes that the initiative cannot have a significant impact and / or is adequately illustrated in the application, the decision shall be justified. The grounds shall be stated in the recommendation for the decision on the initiative.

Chapter 4 Preparation and consultation of the planning programme or notification with proposed assessment programme as well as establishment of the planning or assessment programme

Section 13 Preparation of the planning programme or notification with a proposed assessment programme

For plans in accordance with the Planning and Building Act, the proposer shall prepare a proposed planning programme for plans pursuant to section 6, subsection 1, letter a and b.

For initiatives in accordance with other legislation, the proposer shall prepare a notification with a proposed assessment programme, if the matter concerns an initiative pursuant to section 6, subsection 1, letter c.

For the land-use element of the municipal master plan, the proposed planning programme shall differentiate between the requirement for assessment of individual areas and the requirement for assessment of the plan as a whole. The planning authority shall clarify which documentation shall accompany the proposed new development areas. If the land-use element of the municipal master plan or a municipal sub-plan aims at assessing the consequences of a specific initiative, cf. section 6, letter b or section 8, letter a, this must be set out in the planning programme.

Section 14 Requirements for the contents of the planning programme and notification with a proposed assessment programme

A planning programme and a notification with proposed assessment programme shall contain a description of

- a) the plan or initiative, the affected area and the issues which in this particular matter are considered important for the environment and society
- b) the circumstances which pursuant to chapter 5 shall be assessed, and which methods are planned to be used to gain the necessary knowledge
- c) relevant and realistic alternatives and how these shall be assessed in the impact assessment
- d) the planning or application process, with the time limits in the process, participants and plan for participation by specially affected groups and others

The planning programme or notification shall also include a map of the affected area.

Section 15 Consultation of proposed planning programme or notification with proposed assessment programme

The proposed planning programme or notification with the proposed assessment programme shall be circulated to the affected authorities and interest groups for comments. For plans pursuant to the Planning and Building Act, the proposed planning programme shall also be presented for public scrutiny. This shall usually take place at the same time as notification of the commencement of planning. For initiatives pursuant to other legislation, the notification with proposed assessment programme shall be circulated for comments as early as possible during planning of the initiative. A reasonable time limit for comments shall be set. The time limit shall be at least six weeks.

If, on the basis of a proposed planning programme or a notification with a proposed assessment programme, the affected regional or government authorities believe that the plan or initiative may conflict with national or important regional interests within their area of responsibility, this shall be evident from the comments received.

In connection with the request for comments on the proposed planning programme or notification with an assessment programme, the competent authority shall assess the need for, and hold a public meeting on the matter, if this is necessary.

For initiatives pursuant to other legislation, the competent authority may omit to send a notification with a proposed assessment programme for consultation if further processing of the matter is stopped in accordance with the provisions in the Act pursuant to which the matter is being dealt with.

Section 16 *Determination of the planning or assessment programme*

The competent authority establishes the planning or assessment programme based on the proposal prepared by the proposer and the impact assessment requirements in chapter 5. In the presentation of the planning or assessment programme, the submitted comments and how these have been assessed and taken into account in the programme shall be explained.

The planning and assessment programme shall usually be established within ten weeks of the time limit for submitting comments. Those who have submitted comments in the consultation process shall be made familiar with the established programme. The competent authority shall provide the necessary guidelines for the planning and assessment work. For plans pursuant to the Planning and Building Act, the Ministry of Local Government and Modernisation may decide on the planning programme if the competent authority has not established the planning programme within the time limit. The competent authority shall be given the opportunity to comment before such determination.

Following the consultation process, the competent authority may stop further processing of the matter by omitting to determine the planning or assessment programme. The decision shall be justified.

Chapter 5 The contents of the impact assessment

Section 17 *The content requirements in general*

The proposer shall prepare an impact assessment based on the documentation requirements that follow from this chapter. The content and scope of the impact assessment shall be adjusted to the relevant plan or initiative, and shall be relevant to the decisions to be made.

The impact assessment shall be based on relevant and available information. If information about important matters is missing, such information shall be obtained.

Studies and field surveys shall follow recognised methodology and be carried out by persons with relevant professional expertise.

For plans and initiatives pursuant to section 6, the impact assessment shall be prepared in accordance with the established planning or assessment programme, cf. section 16.

The impact assessment shall normally be included in the plan description or application in accordance with other legislation. A non-technical summary of the impact assessment shall be prepared.

Section 18 *Overall plans in particular*

For regional plans, municipal plans and sub-plans and plans in accordance with legislation other than the Planning and Building Act, the impact assessment may be limited to giving an account of the impact the plan or the programme may have at a overall level. Exceptions are where the plan assesses the impact of specific measures.

The impact assessment of the municipal master plan shall only include the parts of the plan that set limits for future development and that also involve changes to the current plan.

The impact assessment of the land use element of the municipal master plan shall describe the impact development of new areas or significantly changed land use in developed areas may have on the environment and society. An assessment shall also be made of the impact of the total land use changes in the plan. If the plan only contains future land use strategies, it shall be assessed how these will impact the environment and society.

The impact assessment of the land use element of the municipal master plan shall also give an account of conditions that shall be clarified and further assessed in subsequent zoning

of the areas, cf. the Planning and Building Act section 11-9 no. 8.

Section 19 *Description of the plan or initiative*

The description of the plan or initiative shall include:

- a) the physical characteristics of the initiative, the location, necessary demolition work and area requirements in both the construction and operation phase
- b) the main features of the initiative's operational phase, the initiative's energy requirements, energy consumption, energy solutions, transport requirements and the nature and amount of natural resources that will be used
- c) an estimate of the type and volume of waste, residues, emissions and pollution that will be produced in the construction and operation phase
- d) How vulnerable the plan or initiative is to climate changes and natural hazards such as floods, landslides, storm surges and rising sea level

The impact assessment shall also explain the options for design, technology, location, scope and scale the proposer has considered and a study of the relevant and realistic alternatives. The choice shall be based on the different options, and comparisons of the impact these have on the environment and society shall be provided.

Section 20 *Description of the environmental status*

The impact assessment shall include a description of the current environmental status and an overview of how the environment is assumed to evolve if the plan or initiative is not implemented (the zero option).

The description shall be based on available information.

Section 21 *Description of factors that may be affected and an assessment of significant impact on the environment and society*

The impact assessment shall identify and describe the factors that may be affected and assess significant impact on the environment and society, including:

- nature diversity, cf. the Nature Diversity Act
- ecosystem services
- nationally and internationally agreed environmental targets
- cultural heritage and environments
- outdoor life
- landscape
- pollution (emissions to air, including greenhouse gas emissions, contamination of water and soils, as well as noise)
- water environment, cf. the Water Regulations
- soil resources (protection of farmland) and important mineral resources
- Sami nature and cultural foundation
- transport needs, energy consumption and solutions
- emergency planning and accident risk
- impact as a result of climate changes, including the risk of rising sea level, storm surges, floods and landslides
- the health of the population and the distribution of health in the population
- access for the general public to outdoor areas and cycle and footpaths

- growing up conditions for children and young people
- crime prevention
- architectural and aesthetic design, expression and quality

The description shall include positive, negative, direct and indirect, temporary, permanent, short and long-term impact.

The cumulative impact of the plan or initiative shall also be considered in light of the plans or initiatives that have already been implemented, adopted or approved in the influence area. Where reindeer interests are affected, the overall impact of the plans and initiatives within the relevant reindeer grazing district shall be considered.

The impact across national boundaries shall also be described, cf. Chapter 8.

Section 22 Method, sources and uncertainty

The impact assessment shall contain a description of the methods used to identify the impact on the environment and society. The description shall include challenges, technical shortcomings and lack of knowledge that have affected compilation of the information and the most important elements of uncertainty in the assessment.

The assessment shall also include a list of information about the sources used in descriptions and assessments in the report.

Section 23 Prevention of impact

The impact assessment shall describe the initiatives that have been planned in order to avoid, limit, remedy and if possible compensate for significant adverse effects on the environment and society both in the construction and operation phase. The description shall include planned monitoring schemes.

The description shall include information on emergency planning for major accidents and disasters.

Section 24 Entering data in databases

Data collected during the work on the impact assessment shall be systematised in accordance with standards when available. The systematised data shall be made available to the public authorities, so that the data may be entered in public databases. Where this has been arranged, the proposer shall enter the collected data in public databases.

Chapter 6 Processing the impact assessment

Section 25 Consultation on the planning proposal or application with impact assessment

The competent authority or proposer shall circulate the planning proposal or application for an initiative with the impact assessment for comments to the affected authorities, parties and interest groups and present the documents for public scrutiny. A reasonable time limit for comments shall be set. The time limit shall be at least six weeks.

Concerning initiatives pursuant to Section 7, first paragraph, letter a, the competent authority can decide on shorter time limits, or omit public consultation and public scrutiny if not found necessary. Plan proposals or applications with impact assessments and any background documents and technical reports shall be made available at the offices of the competent authority and the proposer and on the competent authority's website.

Section 26 *Changes in plans or initiatives following consultation*

When changing plans or initiatives following consultation on the planning proposal or applications with impact assessments, the competent authority shall ensure that the consequences of the changes are explained before a decision is made on the matter. The same applies to changes to plans that trigger new processing under the Planning and Building Act.

When changing or reconsidering concessions, a public consultation shall be conducted if the initiative will have significant impact on the environment or society. The consultation shall include an account of the initiative and its impact on the environment and society.

Section 27 *The assessment of the impact assessment and the need for additional assessments*

Based on the consultation and own assessments, the competent authority shall decide whether the impact assessment satisfies the requirements in chapter 5 or whether additional assessments or further documentation is required. If additional assessments are required, these shall be circulated for comments to those who have submitted comments on the planning proposal or application, as well as any other authorities that will be affected. The time limit for submitting consultation statements on the additional assessment shall not be less than two weeks.

Section 28 *Updated knowledge*

If there is a long time from completion of the consultation on the impact assessment until the time of the final decision, the competent authority shall ensure that updated knowledge is used as a basis for finalisation of the case, cf. section 29.

Section 29 *Finalisation of the case*

The competent authority shall take due account of the impact assessment and the comments received when considering the plan or initiative.

In the case presentation or decision recommendation, the characteristics of the plan or initiative and the significant impact the plan or initiative will have on the environment and society shall be described. It shall be stated how the comments received have been assessed and what significance they have been assigned.

Conditions shall be set in order to avoid, limit, remedy and if possible compensate for significant impact on the environment and society. The competent authority shall ensure that the proposer meets the conditions.

Where necessary, the competent authority shall set requirements for monitoring significant negative impact of the plan or initiative on the environment and society. When monitoring is required, the competent authority shall determine the procedure, as well as the duration and scope of the monitoring.

Section 30 *Publication of the decision*

When the competent authority has made a decision on the matter, this shall be made known to the public and the authorities concerned. The documents shall be available through electronic media, as long as it is in compliance with the law. Planning decisions shall be announced in accordance with the Planning and Building Act sections 8-4, 11-15 and 12-12.

Chapter 7 Special provisions for plans in accordance with the Planning and Building Act

Section 31 Change of the role as competent authority

In case of uncertainty or disagreement about who is the competent authority for plans under the Planning and Building Act, the Ministry of Local Government and Modernisation decides the question.

The Ministry of Local Government and Modernisation may, in consultation with the authorities concerned, decide that an authority other than the one that follows from the regulations shall be the competent authority for plans under the Planning and Building Act if consideration for national or important regional considerations indicates this, or the plan includes several municipalities or counties.

Section 32 Special provisions regarding planning programmes

A planning programme may be used to clarify and determine the overall framework of the work with subsequent zoning plans for an area and for several ongoing zoning plan processes within a larger area. A planning programme, and any impact assessment, may also be used to decide on in which alternative locations planning work shall be carried out under the Planning and Building Act.

For government initiatives, the responsible Ministry may decide that a planning programme or notification shall be circulated for comments together with a choice of concept study as a basis for a decision on choice of concept. For government initiatives where there is disagreement on which alternatives to study, the proposer may request that the responsible ministry clarifies the question with the Ministry of Local Government and Modernisation.

Chapter 8 Plans and initiatives with transboundary effects

Section 33 National point of contact

The Norwegian Environment Agency is a national point of contact for cases that have transboundary effects on the environment or society.

Section 34 Plans and initiatives that may have significant impact in other countries

If a plan or initiative may have significant impact on the environment or society in another country, the proposer or competent authority shall notify the Norwegian Environment Agency of the matter.

The Norwegian Environment Agency shall inform the contact authority in the affected country and inquire whether they want to participate in the planning or application process.

At the same time as the planning programme or notification and planning proposal or application with impact assessment are circulated for comments in Norway, the competent authority shall submit the matter to the affected local or regional authorities in the other country.

If requested by the recipient country, the proposer shall participate in a public meeting on the matter in the affected country.

The Norwegian Environment Agency may order the proposer to prepare the whole or parts of the planning programme or notification with proposed assessment programme and planning proposal or application with impact assessment in the languages that are required.

Section 35 *Plans and initiatives that may have significant impact in Norway*

If the Norwegian authorities are notified or otherwise become acquainted with plans or initiatives in another country, which may have significant impact on the environment or society in Norway, the Norwegian Environment Agency shall be informed about this. If Norwegian local or regional authorities issue a statement directly to the sender authority in the affected neighbouring country, a copy of the statement shall be sent to the Norwegian Environment Agency.

In cases where the Norwegian Environment Agency is notified by the contact authority of another country, the Agency shall announce information about the plan or initiative on its own website for cases with transboundary environmental impact (link to the website) and, to the extent necessary, make the case known through other means to the affected Norwegian authorities and interest groups. Based on statements received, the Norwegian Environment Agency sends a reply to the contact authority in the country of origin.

Chapter 9 Sanctions, entry into force and transitional provisions

Section 36 *Penalty for contravention*

A penalty for contravention in accordance with the Planning and Building Act section 32-8a may be imposed on the person who presents proposed zoning plans or initiatives and plans under other legislation and that wilfully or negligently:

- a) fails to follow the procedural rules for impact assessments where a plan or initiative obviously falls under the regulations
- b) fails to comply with orders by the competent authority when the competent authority has informed that a penalty for contravention may be imposed if the matter is not remedied within a set time limit, and this time limit is exceeded or
- c) gives incorrect or misleading information of importance to the assessment of the case, including information relevant to the applicability of the regulation or not.

When assessing the size of the penalty for contravention, emphasis may be placed on the severity of the infringement, the degree of guilt, the potential of the offence and whether the offender has previously been imposed a penalty for contravention.

The penalty for contravention cannot exceed NOK 400,000 for a plan or an initiative.

Section 37 *Penalty*

A person, who has acted wilfully and with gross negligence as stated in section 36, subsection 1, shall be fined or given a term of imprisonment of up to 1 year if the violation is material. In case of gross violations, the penalty is a term of imprisonment of up to 2 years.

Section 38 *Entry into force*

These regulations enter into force from 1 July 2017. From the same date, the Regulations of 19 December 2014 no. 1726 relating to impact assessments for plans under the Planning and Building Act and the Regulations of 19 December 2014 no. 1758 on impact assessments for initiatives under sectoral law are repealed.

Section 39 *Transitional provisions*

Plans and initiatives that were not covered by the Regulations of 19 December 2014 no. 1726 relating to impact assessments for plans under the Planning and Building Act and the Regulations of 19 December 2014 no. 1758 on impact assessments for initiatives under sectoral law are not covered by these regulations if the processing of the plan was

commenced, cf. the Planning and Building Act sections 11-12 and 12-8, the protection proposal announced under the Nature Diversity Act section 47, or an application in accordance with other legislation was circulated for comments before 1 July 2017.

Plans that xx.2017 are processed under the two previous regulations, shall be processed under this regulation in the further processing of the matter.

ANNEX I Plans under the Planning and Building Act and initiatives under other legislation that shall always have a planning programme or notification and an impact assessment

A. Plans and initiatives	B. Competent authority and law(s) to which the processing is linked
1. Crude oil refineries (with the exception of enterprises that exclusively produce crude oil lubricants) and plants for conversion to gas and liquid of 500 tonnes of coal or oil shale or more per day.	The planning authorities. The Planning and Building Act
2. a) Thermal power plants and other fossil-fuelled power plants, including mobile and temporary gas power plants, with an energy production of at least 150 MW (smaller plants are covered by Annex II no. 3a). b) Nuclear power plants and other core reactors, including phasing out or closing down such plants (with the exception of research plants for production and conversion of fissionable and fertile substances where the maximum power does not exceed 1 kW sustained power).	The Norwegian Water Resources and Energy Administration for thermal power plants. The Energy Act. The Ministry of Oil and Energy for nuclear power plants. The Energy Act. The Norwegian Radiation Protection Authority, the Ministry of Climate and Environment, and the Ministry of Health and Care Services The Nuclear Energy Act. The Pollution Act.
3. a) Installations for storage of spent nuclear fuel b) Installations designed: i) for production or enrichment of nuclear fuel, ii) for processing spent nuclear fuel or waste with high radioactivity, iii) for disposal of spent nuclear fuel, iv) exclusively for disposal of radioactive waste, v) Exclusively for storage (planned to last more than 10 years) of spent nuclear fuel or radioactive waste elsewhere than the production site.	The Norwegian Radiation Protection Authority, the Ministry of Climate and Environment, and the Ministry of Health and Care Services The Pollution Act. The Nuclear Energy Act. The Radiation Protection Act.
4. a) Integrated plants for first-hand melting of cast iron and steel. b) Plants for production of non-ferrous crude metals from ore, concentrates or secondary	The planning authorities. The Planning and Building Act

	raw materials using metallurgical, chemical or electrolytic processes.	
5.	Plants for asbestos extraction and for treatment and processing of asbestos and products containing asbestos: when it comes to asbestos cement products, with an annual production of more than 20,000 tonnes finished products, when it comes to friction material, with an annual production of more than 50 tonnes finished products; and when it comes to other uses of asbestos, with an annual consumption of more than 200 tonnes.	The planning authorities. The Planning and Building Act
6.	Integrated chemical installations, i.e., industrial-scale facilities for the manufacturing of substances using chemical conversion processes, where several units are adjacent to each other and functionally speaking belong together, and which have been designed for: <ul style="list-style-type: none"> a) Manufacture of organic basic chemicals, b) Manufacture of inorganic basic chemicals, c) Manufacture of phosphorus, nitrogen or potassium fertiliser (pure or compound fertiliser), d) Manufacture of basic products for pesticides and biocides, e) Manufacture of pharmaceutical basic products using chemical or biological methods, f) Manufacture of explosives. 	The planning authorities. The Planning and Building Act
7.	<ul style="list-style-type: none"> a) Railways for long distance traffic. Airports with a runway of 1,600 metres or longer (minor initiatives are covered by Annex II no. 10d). b) Motorways and other limited access roads reserved for motorised traffic. c) Construction of new roads with at least four lanes or resurfacing and / or expansion of an existing road that has two lanes so that it has at least four lanes, if such a road is at least 10 km long. d) Suburban railways and the underground of more than NOK 750 million. e) Other road and railway initiatives with investment costs of more than NOK 750 million. (minor railway installations are covered by Annex II no. 10c, minor roads are covered by Annex II no. 10e). 	The planning authorities. The Planning and Building Act. The Ministry of Defence is the competent authority for military airports.

8.	<p>a) Establishment of inland waterways and ports for traffic on inland waterways where vessels over 1,350 tonnes may sail (minor initiatives are covered by Annex II no. 10f).</p> <p>b) Restoration of fairways, ports and port facilities, where vessels over 1,350 tonnes may sail and call at Ferry quays are included in section 7b, 7c or 7e.</p>	The planning authorities. The Planning and Building Act
9.	Plants for the handling hazardous waste by combustion, chemical treatment as defined in Annex I to the European Parliament and the Council's Directive 2008/98/EC of 19 November 2008 on waste, section D9 or disposal of hazardous waste in the ground.	The planning authorities. The Planning and Building Act
10.	Waste plants for handling household and industrial waste by combustion or chemical treatment with a capacity of more than 100 tonnes per day (minor plants are covered by Annex II no. 11b).	The planning authorities. The Planning and Building Act
11.	Groundwater installations where the volume of water taken out or infiltrated is at least 10 million m ³ per year.	The Norwegian Water Resources and Energy Administration. The Water Resources Act.
12.	<p>a) Installations for transport of water between catchment areas where the aim of this transport is to counteract any water shortage, and where the volume of water transported exceeds 100 million m³ per year.</p> <p>b) In all other cases; installations subject to licensing that transport water between catchment areas where the average water volume in the catchment area from where water is transported exceeds 2,000 million m³ per year over several years, and where the transported water volume exceeds 5% of this volume (minor initiatives are covered by Annex II no. 10m).</p> <p>In both cases, transport of drinking water through pipelines is the exception.</p>	<p>The planning authorities. The Planning and Building Act</p> <p>The Norwegian Water Resources and Energy Administration. The Water Resources Act.</p>
13.	Waste water treatment plants with a capacity of more than 150,000 population equivalents (minor initiatives are covered by Annex II no. 11c).	The planning authorities. The Planning and Building Act
14.	Production of oil and natural gas for commercial purposes where the produced volume exceeds 500 tonnes per day for oil and 500,000 m ³ per day for	Dealt with according to separate provisions on impact assessments under the

	gas (minor initiatives are covered by Annex II no. 2e).	Petroleum Act. The Ministry of Oil and Energy
15.	<p>a) Dams and other installations for the retention or permanent storage of water if the volume of retained or stored water exceeds 10 million m³ (minor initiatives are covered by Annex II no. 10g).</p> <p>b) Hydroelectric power plants with an annual production of 40 GWh (minor initiatives are covered by Annex II no. 3h)</p>	<p>The Norwegian Water Resources and Energy Administration. The Act relating to regulation of watercourses or the Water Resources Act.</p> <p>The Norwegian Water Resources and Energy Administration. The Water Resources Act. The Act relating to regulation of watercourses</p>
16.	<p>Pipelines with a diameter of more than 800 mm and a length of more than 40 km:</p> <p>a) For transport of gas, oil and chemicals</p> <p>b) For transport of CO₂ for geological storage, with associated pumping stations (minor initiatives are covered by Annex II no. 10i).</p>	<p>The planning authorities. The Planning and Building Act The Norwegian Water Resources and Energy Administration for initiatives under the National Gas Act.</p> <p>Initiatives covered by the Petroleum Act are dealt with under separate provisions relating to impact assessments. The Ministry of Oil and Energy</p> <p>Are dealt with according to separate provisions on impact assessments under the Continental Shelf Act. The Ministry of Oil and Energy</p>
17.	<p>Facilities for intensive poultry and pig farming with room for more than (minor initiatives are covered by Annex II no. 1e):</p> <p>a) 85,000 broilers, 60,000 hens</p> <p>b) 3,000 finishing pigs (over 30 kg) or</p> <p>c) 900 pigs</p>	<p>The planning authorities. The Planning and Building Act. The County Governor. Act relating to the regulation of pig and poultry production.</p>
18.	<p>Industrial plants for:</p> <p>a) Production of wood pulp or similar fibre material,</p> <p>b) Production of paper and cardboard with a production capacity of more than 200 tonnes per day.</p>	<p>The planning authorities. The Planning and Building Act</p>

19.	Extraction of ores, minerals, stone, gravel, sand, clay or other mass if at least 200 decares of the total surface is affected or the total extraction involves more than 2 million m ³ mass, or extraction of peat in an area greater than 200 decares. Minor initiatives are covered by Annex II no. 2a.	The planning authorities. The Planning and Building Act. The Directorate for Mineral Management is the competent authority for major extractions of mineral resources if the planning authority wants this.
20.	Power lines and ground and sea cables with a voltage of 132 kV or higher and a length of more than 15 km.	The Norwegian Water Resources and Energy Administration. The Energy Act.
21.	Storage facilities for oil or petrochemical or chemical products with a capacity of 200,000 tonnes or more.	The planning authorities. The Planning and Building Act
22.	Installations for CO ₂ -capture with a view to geological storage from plants covered by this Annex or by the Petroleum Act.	The Pollution Control Authority. The Pollution Act. Installations covered by the Petroleum Act are dealt with under separate provisions relating to impact assessments. The Ministry of Oil and Energy
23.	Storage facilities for geological storage of CO ₂ , i.e., a specific area within a geological formation that is used for geological storage of CO ₂ and associated surface and injection installations (with the exception of facilities used for research, development and testing of new products and processes with a total planned storage capacity of less than 100,000 tonnes).	Are dealt with according to separate provisions on impact assessments under the Continental Shelf Act. The Ministry of Oil and Energy
24.	Commercial buildings, buildings for public or private services and buildings for general purpose with an available area of more than 15,000 m ² (minor initiatives are covered by Annex II no. 11j).	The planning authorities. The Planning and Building Act
25.	New residential and holiday home areas, which are not in accordance with the overall plan.	The planning authorities. The Planning and Building Act
26.	Large military artillery ranges and training grounds.	The planning authorities. The Planning and Building Act

27.	Transshipment of oil and gas from ship-to-ship of a certain extent or frequency.	The planning authorities. The Planning and Building Act
28.	Wind power plants with an installed output of more than 10 MW (minor initiatives are covered by Annex II no. 3h).	The Norwegian Water Resources and Energy Administration. The Energy Act.
29.	Protected areas greater than 250 km ² .	The Nature Diversity Act. The Norwegian Environment Agency
Extensions or changes		
30.	<p>Extensions or changes to initiatives stated in Annex I where the extension or change in itself exceeds the size criteria in the Annex.</p> <p>For extensions and changes to initiatives under other legislation than the Planning and Building Act, the notification and processing requirements under Chapter 4 do not apply.</p> <p>Where no energy capture criteria have been given, the extension or change shall be assessed in accordance with the Regulations Chapter 3. The same applies to initiatives in Annex I, which exclusively or mainly serve to develop and test new methods or products, and which do not last for more than two years.</p>	cf. above

ANNEX II Plans under the Planning and Building Act and initiatives under other legislation that shall be assessed further

A. Plans and initiatives	B. Competent authority and law(s) to which the processing is linked
1. AGRICULTURE, FORESTRY AND AQUACULTURE	
a)	Projects for land ownership restructuring. The County Governor.
b)	Projects for use of uncultivated land areas or partially natural areas for intensive agriculture, including cultivation of more than 50 decares. Minor initiatives shall also be dealt with in accordance with Chapter 5 and 6 if it cannot be excluded that the initiative may have significant impact on nature diversity or other important environmental considerations. The municipality Regulations on cultivation pursuant to the Agriculture Act.
c)	Water management initiatives within agriculture, including irrigation and drainage projects. The planning authorities. The Planning and Building Act
d)	<p>i) Deforestation with a view to conversion to other land use. The planning authorities. The Planning and Building Act</p> <p>ii) Afforestation, which includes a total surface of more than 500 decares. Minor initiatives shall also be dealt with in accordance with Chapter 3 if it cannot be excluded that the initiative may have significant impact on nature diversity or other important environmental considerations. The municipality. Regulations on sustainable forestry pursuant to the Forestry Act.</p>
e)	Facilities for intensive husbandry The County Governor. Act relating to the regulation of pig and poultry production.
f)	Aquaculture The county municipality. The Aquaculture Act.
g)	Land reclamation from the sea. The planning authorities. The Planning and Building Act

h)	[Reindeer fences more than 30 km long ¹].	Reindeer management in Alta. The Reindeer Herding Act.
i)	[Establishment of agricultural roads if the new fence exceeds 5 km].	The municipality Regulations relating to planning and approval of roads for agricultural purposes pursuant to the Agriculture Act and the Forestry Act.
2. PRODUCTION INDUSTRY		
a)	Mineral extraction, including peat cutting.	The planning authorities. The Planning and Building Act
b)	Mining underground.	The planning authorities. The Planning and Building Act
c)	Dredging-related commercial production of minerals from the seabed	The county municipality. The Continental Shelf Act.
d)	Deep drilling, particularly: <ul style="list-style-type: none"> i. Geothermal drilling, ii. Drilling for nuclear waste. iii. Drilling with a view to water supply with the exception of drilling carried out to study the firmness of the soil. 	The planning authorities. The Planning and Building Act The Norwegian Water Resources and Energy Administration. The Water Resources Act.
e)	Facilities for production of coal, oil, natural gas, ore and oil shale.	The Ministry of Oil and Energy for initiatives pursuant to the Petroleum Act.
3. ENERGY INSTALLATIONS		
a)	Industrial installations for the production of electrical energy, steam and hot water that requires a licence under the Energy Act.	The Norwegian Water Resources and Energy Administration. The Energy Act.
b)	<ul style="list-style-type: none"> i. Industrial installations and pipelines for transport of oil and gas, steam and hot water. ii. Power lines that require a construction licence. 	The planning authorities. The Planning and Building Act The Norwegian Water Resources and Energy Administration. The Natural Gas Act. The Energy Act. The Ministry of Oil and Energy The Petroleum Act. The Norwegian Water Resources

¹ Refer to no. 1 letter h and the consultation paper

		and Energy Administration. The Energy Act.
c)	Storage of natural gas above ground.	The planning authorities. The Planning and Building Act The Norwegian Water Resources and Energy Administration for initiatives that require a licence under the Natural Gas Act.
d)	Storage of flammable gas underground.	The planning authorities. The Planning and Building Act The Norwegian Water Resources and Energy Administration for initiatives that require a licence under the Natural Gas Act.
e)	Storage of fossil fuel above ground	The planning authorities. The Planning and Building Act The Norwegian Water Resources and Energy Administration for initiatives that require a licence under the Natural Gas Act.
f)	Industrial briquetting of coal and lignite.	The planning authorities. The Planning and Building Act
g)	Installations for processing and storage of radioactive waste where permission from the Norwegian Radiation Protection Authority is required.	The Norwegian Radiation Protection Authority. The Nuclear Energy Act. The Pollution Act and the Radiation Protection Act
h)	Hydroelectric power plants	The Norwegian Water Resources and Energy Administration for initiatives that require a licence under the Water Resources Act or the Watercourse Regulation Act.
i)	Installations for utilising wind power for energy production, which are subject to licensing.	The Norwegian Water Resources and Energy Administration. The Energy Act.
j)	Installations for collecting CO ₂ from plants with a view to geological storage.	Such initiatives are covered by Annex I no. 22.
4. PRODUCTION AND PROCESSING OF METAL		

a)	Installations for the production of pig iron or steel (first or second-hand smelting) with associated equipment for continuous casting.	The planning authorities. The Planning and Building Act
b)	Installations for the processing of ferrous metals using: <ul style="list-style-type: none"> i. Hot rolling ii. Forging with hammers, iii. Applying a protective layer of molten metal. 	The planning authorities. The Planning and Building Act
c)	Ferrous metal foundries.	The planning authorities. The Planning and Building Act
d)	Installations for smelting, including alloying, of non-ferrous metals, excluding precious metals, including recycling products (refining, casting).	The planning authorities. The Planning and Building Act
e)	Installations for surface treatment of metals and plastic using an electrolytic or chemical process.	The planning authorities. The Planning and Building Act
f)	Installations for production and assembly of motor vehicles.	The planning authorities. The Planning and Building Act
g)	Shipyards.	The planning authorities. The Planning and Building Act
h)	Aircraft production and repair facilities.	The planning authorities. The Planning and Building Act
i)	Production of railway material.	The planning authorities. The Planning and Building Act
j)	Explosion forming.	The planning authorities. The Planning and Building Act
k)	Installations for roasting and sintering ore.	The planning authorities. The Planning and Building Act
5. MINERAL INDUSTRY		
a)	Coking plant (dry distillation of coal).	The planning authorities. The Planning and Building Act
b)	Cement production plants.	The planning authorities. The Planning and Building Act

c)	Installations for the production of asbestos and production of asbestos-based products.	The planning authorities. The Planning and Building Act
d)	Installations for production of glass, including glass fibres.	The planning authorities. The Planning and Building Act
e)	Installations for melting mineral substances, including production of mineral fibres.	The planning authorities. The Planning and Building Act
f)	Installations for production of ceramic products by baking, particularly roof tiles, bricks, fire bricks, tiles, stoneware or porcelain.	The planning authorities. The Planning and Building Act
6. CHEMICAL INDUSTRY (initiatives not covered by Annex I no. 6)		
a)	Processing of semi-finished products and production of chemicals.	The planning authorities. The Planning and Building Act
b)	Production of pesticides, pharmaceuticals, paints and varnishes, elastomers and peroxides.	The planning authorities. The Planning and Building Act
c)	Storage facilities for oil, as well as petrochemical and chemical products.	The planning authorities. The Planning and Building Act
7. THE FOOD INDUSTRY		
a)	Production of animal and vegetable fat.	The planning authorities. The Planning and Building Act
b)	Preservation of animal and vegetable products.	The planning authorities. The Planning and Building Act
c)	Production of dairy products.	The planning authorities. The Planning and Building Act
d)	Brewing and malting.	The planning authorities. The Planning and Building Act
e)	Confectionery.	The planning authorities. The Planning and Building Act
f)	Slaughterhouses.	The planning authorities. The Planning and Building Act
g)	Industrial production of starch.	The planning authorities. The Planning and Building Act

h)	Fish meal and fish oil plants.	The planning authorities. The Planning and Building Act
i)	Sugar factories.	The planning authorities. The Planning and Building Act
8. TEXTILES, LEATHER GOODS, WOOD AND PAPER INDUSTRY		
a)	Industrial plants for the production of paper and cardboard (initiatives not covered by Annex I no. 18).	The planning authorities. The Planning and Building Act
b)	Pre-treatment facilities (washing, bleaching, mercerisation) or dyeing of fibres or textiles.	The planning authorities. The Planning and Building Act
c)	Installations for tanning hides and skins.	The planning authorities. The Planning and Building Act
d)	Installations for production and processing of cellulose.	The planning authorities. The Planning and Building Act
9. THE RUBBER INDUSTRY		
	Production and processing of elastomer products.	The planning authorities. The Planning and Building Act
10. INFRASTRUCTURE PROJECTS		
a)	Development projects for industrial areas.	The planning authorities. The Planning and Building Act
b)	Development projects for urban areas, including shopping centres and parking areas.	The planning authorities. The Planning and Building Act
c)	Construction of railways and freight loading facilities, as well as terminals that serve several transport systems.	The planning authorities. The Planning and Building Act
d)	<ul style="list-style-type: none"> i. Construction of airports ii. Helipads 	The planning authorities. The Planning and Building Act
e)	<ul style="list-style-type: none"> i Road construction ii. Construction of ports and port facilities, including fishing ports and offshore-related ports, 	The planning authorities. The Planning and Building Act

	iii. Extension or significantly changed use of existing fairways.	
f)	Construction of inland waterways, which are not covered by Annex I, as well as channelling and flood protection.	The planning authorities. The Planning and Building Act
g)	Dams and facilities for retention or permanent storage of water.	The Norwegian Water Resources and Energy Administration. The Water Resources Act. The planning authorities. The Planning and Building Act
h)	Tramlines, elevated railways and underground railways, cable cars and certain types of similar railways that are exclusively or mainly used for passenger transport.	The planning authorities. The Planning and Building Act
i)	Pipelines for transport of CO ₂ with a view to geological storage.	The Norwegian Water Resources and Energy Administration. Initiatives covered by the Natural Gas Act. The Ministry of Oil and Energy Initiatives covered by the Petroleum Act are dealt with under separate provisions relating to impact assessments. The same applies to initiatives covered by the Continental Shelf Act.
j)	Water distribution systems over long distances	The planning authorities. The Planning and Building Act
k)	Construction of erosion-preventing coastal systems and hydraulic engineering at sea, which may result in changes to the coastline, e.g. dikes, piers, jetties and other structures for protection against the sea, except for maintenance and reconstruction of such facilities.	The planning authorities. The Planning and Building Act
l)	Installations for extraction or artificial infiltration for reconstruction of groundwater.	The planning authorities. The Planning and Building Act The Norwegian Water Resources and Energy Administration. The Water Resources Act.

m)	Installations for transport of water resources between catchment areas.	The Norwegian Water Resources and Energy Administration. The Water Resources Act. The planning authorities. The Planning and Building Act
11. OTHER PROJECTS		
a)	Permanent competition and test tracks for cars and motorcycles.	The planning authorities. The Planning and Building Act
b)	Waste disposal plants based on combustion.	The planning authorities. The Planning and Building Act
c)	Wastewater treatment plants.	The planning authorities. The Planning and Building Act
d)	Storage sites for slag disposal.	The planning authorities. The Planning and Building Act
e)	Storage of scrap iron, including scrap yards for motor vehicles.	The planning authorities. The Planning and Building Act
f)	Test benches for engines, turbines or reactors.	The planning authorities. The Planning and Building Act
g)	Plants for the production of synthetic mineral fibres.	The planning authorities. The Planning and Building Act
h)	Plants for recycling or destruction of explosive substances.	The planning authorities. The Planning and Building Act
i)	Destruction plants for animal carcasses.	The planning authorities. The Planning and Building Act
j)	Commercial buildings, including shopping centres which are not included in section 10 b, buildings for public or private services and buildings for general purposes.	The planning authorities. The Planning and Building Act
k)	Waste disposal sites on land and at sea larger than 50 decares or 50,000 m ³ mass.	The planning authorities. The Planning and Building Act
12. TOURISM AND LEISURE ACTIVITIES		
a)	Ski jumps, ski resorts and ski lifts, cable cars and associated development.	The planning authorities. The Planning and Building Act

b)	Marinas.	The planning authorities. The Planning and Building Act
c)	Holiday towns, hotel complexes outside urban areas and associated development.	The planning authorities. The Planning and Building Act
d)	Permanent camping sites.	The planning authorities. The Planning and Building Act
e)	Theme parks, including golf courses, etc.	The planning authorities. The Planning and Building Act
13. EXTENSIONS OR CHANGES		
	Extensions or changes of initiatives stated in Annex I or II that may have significant impact.	cf. above