

Supplementary provisions and guidelines to the Ny-Ålesund Land Use Plan

according to the Svalbard Environmental Protection Act § 49

If it is discrepancy between the Norwegian and English version of this document, the Norwegian version is the valid one.

Provisions and guidelines dated:	16.01.2009
Map of the whole planning area dated:	16.02.2009
Map of the settlement dated:	16.02.2009
Adoption of the Plan by the Governor of Svalbard:	16.02.2009

Legally binding provisions are marked by frames. Guidelines are put in italics and give information on how to interpret the land use plan and its provisions.

§1. Planning area

1.1. Delimitation

The delimitation of the planning area is determined in "The regulation on consequence reports and delimitation of the Planning Areas on Svalbard". The Planning Area with land use categories is shown on the maps marked "Hele planområdet" and "Kartutsnitt", dated 16.1.2009.

§2. Land use categories

Building areas (§49, 3rd section no.1)

Area for industry, warehouses and research buildings

Area for dwellings, offices, buildings of common use and research buildings

Green areas inside the settlement

Combined areas (§49, 4th section)

Cultural heritage area and area for industry, warehouses and research buildings

Cultural heritage area and area for dwellings, offices, buildings of common use and research buildings

Cultural heritage and green areas inside the settlement

Cultural heritage areas, areas of natural environment and outdoor recreation areas (§ 49, 3rd section no.3)

Cultural heritage area

Cultural heritage area and area of natural environment

Area of natural environment

Cultural heritage area, area of natural environment and outdoor recreation area

Research areas (§ 49, 3rd section no. 5)

Scientific instruments area

Important elements of the communication system (§ 49, 3rd section no. 6)

Roads
Airport
Harbour
Footpaths

Special areas (§ 49, 3rd section no. 7)

Shooting range
Camping site
Cable car
Drinking water catchment area
Area with ground pollution
Restriction area around research station
Restriction area around radio navigation instrument

Areas for specific use or protection of sea and watercourses (§ 49, 3rd section no. 8)

Area for natural environment
Harbour traffic area

Areas protected pursuant to Chapter III of Svalbard Environmental Protection Act (§49. 3rd section no. 9)

Bird sanctuary

Guideline:

The different land use plan categories are shown on the land use plan maps, solely or in combination. When categories are combined in an area, the area will have special provisions.

§3. General provisions

3.1. Scientific instruments

It is permitted to install scientific instruments, both permanently and temporarily, inside the planning area. Instruments are preferably placed in the research areas but can also be placed in other areas if this is necessary for the research performed. This can be done as long as the instruments do not come in conflict with operation and maintenance of Ny-Ålesund, cultural heritage structures, existing research, the natural environment or with other provisions of this plan. It can be necessary to make a new plan for a smaller part of the land-use plan when bigger research projects are planned in other areas than research areas. The institution responsible for the instruments is also responsible for the removal of such when the activity is

closed or discontinued, according to The Svalbard Environmental Protection Act(SEPA), §64.

Guideline:

Placing of scientific instruments can only take place upon agreement with Kings Bay AS. Ny-Ålesund Science Manager Committee (NySMAC) has the opportunity to comment if some planned scientific structures are in conflict with existing scientific programs. The scientific instruments are primarily to be placed inside the designated instrument areas.

3.2. General operation and maintenance

Work and other measures in connection with the everyday operation and maintenance of Ny-Ålesund are permitted inside the planning area. The Cultural Heritage Authorities have given a general exemption from §42 in the SEPA for measures inside the security zones inside the village.

Guideline:

Inside the security zones it is allowed to operate, expand and maintain the water and sewage system, the heating system, electricity and telecommunication systems, quay, paths and roads. It is also allowed to do minor facade changes on not protected buildings. Permission from the Cultural Heritage Authorities is needed to do other measures inside the security zone.

3.3. Necessary installations for operating the Airport

It is permitted to place imperative instruments/structures inside the Planning Area for operating the airport.

3.4. Pipelines and boardwalks

Remains of pipelines and boardwalks inside the Planning Area are to be preserved whenever possible.

Guideline:

It is in the interest of Kings Bay AS to preserve the remains of pipelines and boardwalks as modern technical monuments. These structures can be repaired or pulled down if they endanger the natural environment, are dangerous to people or animals or are of hindrance to the operation and maintenance of Ny-Ålesund.

3.5. Aesthetical design

Projects inside the Planning Area must be designed according to function and the surrounding natural and built environment

Guideline:

Look up the designing of buildings in provision 4.5.

3.6. Work affecting the terrain and vegetation covered ground.

Work affecting the terrain and vegetation covered ground are to be carried out on frozen and snow covered ground whenever possible. Areas affected by some kind of work must be restored, at the latest, one year after the work has ended.

Guideline:

Vegetated ground is to be preserved as much as possible when doing work in the terrain. When digging ditches etc. the vegetation cover is to be taken care of and restored when possible. When doing bigger operations the terrain must be levelled after the work has ended. Look up provision 3.2 and 6.5, for work inside the security zone around automatically protected structures.

3.7. Waste plan

When constructing a new building, renovate or take down an old one, a waste plan must be prepared previous to the work. A final report on type, amount and handling of the waste must be made after the work has ended.

Guideline:

A form prepared by the Governor of Svalbard is to be used for the waste plan and final report.

§4. Building areas

4.1. General

Building areas are to be used for buildings and constructions with belonging infrastructure, like parking, roads etc.

Guideline:

An evaluation of the already existing buildings has to be made before planning new building projects. New buildings can be built, only when existing buildings can't be adjusted to the required use. NySMAC has the opportunity to comment upon planned measures whenever it is possible they are in conflict with scientific interests.

4.2. Requirement to make an illustration plan of the whole building area

It is necessary to plan the whole building area before a building area can be developed.

Guideline:

It is necessary to make an illustration plan to make sure that the placing of buildings inside a building area is optimal. The illustration plan must show the placing of planned buildings, the possible placing of other buildings, roads, parking etc.

4.3. Placing of buildings

New buildings are to be placed at least four meters from the land use category boundary and at least twelve meters from the closest building.

4.4. Consolidation of building areas

Building areas can be consolidated. More than one building can be built inside a building area.

Guideline:

The placing of buildings at least four meters from the land use category boundary can be disregarded between building areas that are consolidated. The provision of twelve meters between buildings will still apply. Look up provision 4.3.

4.5. The design of new buildings and annexes

New buildings and annexes are to be designed in consideration of already existing buildings and adjusted to the terrain.

Guideline:

All new buildings are to be built in the established design of the settlement when it comes to shape, roof and facade. When planning new buildings, the local climate must be considered in regards to wind direction and snowdrifts. The local Colour Plan for the settlement will give good directions on what colours to use on new buildings.

4.6. Area for industry, warehouses and research buildings, I

The areas I1 – I6 are to be used for industry and warehouse purposes. Research buildings without dwellings can be put up inside the areas I3 – I6. New buildings can be constructed with up to two floors. A third floor can be accepted in special cases.

Guideline:

Research buildings cannot be put up inside area I1 and I2. Dwellings cannot be put up inside areas for industry, warehouses and research buildings. For the areas I1 and I5, look up provision 4.8 and 4.9.

4.7. Areas for dwellings, offices, buildings for common use and research buildings, B

The areas are to be used for dwellings, offices, common buildings and research buildings with belonging infrastructure. New buildings can be constructed with up to one and a half floor. In special cases a second floor can be accepted.

Guideline:

Industry related buildings are not permitted if they can disturb other functions in the area, like dwellings.

4.8. Area I1

Parts of area I1 is a covered waste dump. The soil mechanics and ground pollution must be evaluated before building in this area.

Guideline:

When building on polluted ground, the pollution control authorities must be contacted.

4.9. Area I5

New buildings inside area I5 are to be placed some distance from the Clock Tower. The shoreline is not to be altered.

Guideline:

The Clock Tower is to be kept as a freestanding structure. All new structures have to be at least 12 metres from the tower. An exception to this is the area to the north where a cliff makes it possible to build closer than 12 meters and still keep the tower as a freestanding structure. It is allowed to make the beach wider by removing parts of the cliff. It is allowed to build bathouses on the beach. The shoreline is not to be altered. Look up provision 3.6, about terrain altering work.

4.10. Green areas G

Green areas inside the settlement, G, are to be kept as areas without buildings.

§5. Combined areas, cultural heritage and building areas

5.1. General for combined areas, cultural heritage and building area B, I and G inside the security zone

The combined areas KI1, KI5, KI7, KB1 – KB10 and KG1 – KG3 are inside the security zone around automatically protected structures and sites. Measures not mentioned in the general permission the Directorate of Cultural Heritage (Riksantikvaren) demands a special exemption from the SEPA §42. The areas have great cultural historic value and must be primarily kept as it is today. Building areas are to be used

for buildings and constructions with belonging infrastructure, like parking, roads etc.

Guideline:

The combination of the land-use categories is meant to show the use of the areas and the buildings in addition to the fact that the areas contains automatically protected buildings in a cultural environment worthy of preservation.

5.2. **General for combined areas, cultural heritage and building area I, outside the security zones and with buildings worthy of preservation**

The combined areas KI1 - KI6, KB 4 and KB 9 contain buildings worthy of preservation. It is not allowed to tear down or move these buildings. The buildings appearances in shape, roof angle and facade are to be maintained. Minor changes to the facade can be permitted if they are of importance for the ongoing use of the building and in accordance with the purpose of preservation. Old building elements like windows, doors, exterior panelling etc, are to be preserved in their original connection. It is permitted to construct new buildings in accordance with the provision 4.1 – 4.10 if a building worthy of preservation has to be pulled down because of fire or other damage. The areas have great cultural historic value and must be primarily kept as it is today. Building areas are to be used for buildings and constructions with belonging infrastructure, like parking, roads etc.

Guideline:

It is the exterior of the building that is worthy of preservation. It is possible to change the building's interior. The Old Power station and "Renseverket" are robust buildings and can endure larger changes than some of the other buildings worthy of preservation. Exterior changes to buildings worthy of preservation have to be put before The Governor of Svalbard for evaluation. The exterior colour of buildings worthy of preservation is recommended in The Colour Plan for Ny-Ålesund.

5.3. **Area KB6**

When designing new buildings inside this area it is of high importance to do it in consideration with the nearby automatically protected buildings. The building material has to be wood.

Guideline:

The area is inside the security zone around automatically protected structures. A new building inside KB6 are to be designed in relation to Yellow House and/or "Nordpolhotellet" when it comes to size, shape, roof, facade and colour. The Governor and the Directorate for Cultural Heritage must be involved in the planning of this area.

§6. Cultural heritage areas, areas of natural environment and outdoor recreation areas

6.1. Common for cultural heritage areas, areas of natural environment and outdoor recreation areas, KNF

Inside cultural heritage areas, areas of natural environment and outdoor recreation areas, work and structures can be permitted in connection with the operation and maintenance of Ny-Ålesund, scientific programs, the airport and existing structures. Small constructions/measures that do not require mechanical assistance, digging of ditches for electricity/telecommunication etc and can be removed without traces can be put up without permission from the Governor. Kings Bay AS decides where to place these. All bigger projects must apply to the Governor for permission.

Guideline:

Work and structures are permitted if they are not in conflict with automatically protected structures, the natural environment or other provisions in this document.

6.2. Partial land-use plan

It can be necessary to make a new land-use plan for a smaller area for bigger measures in the cultural heritage areas, areas of natural environment and outdoor recreation areas.

Guideline:

Bigger measures include for instance permanent research instruments/constructions that need foundation or ditch digging.

6.3. Automatically protected structures

Automatically protected buildings and structures, according to the Svalbard Environmental Protection Act, chapter V, are marked in the Land Use Plan map. All internal and external changes must be approved by the Directorate of Cultural Heritage (Riksantikvaren).

Guideline:

According to the Svalbard Environmental Protection Act, § 42, no person can damage, dig up, move, remove, alter, cover up, conceal or disfigure protected structures and sites or movable historical object including any security zone, or initiate measures that may entail a risk of this happening. In the security zone it is not permitted to erect tents, light fires or undertake similar activities. See chapter V in the Svalbard Environmental Protection Act and guideline under provision 3.2 to learn what the Cultural Heritage Authorities have given a general exemption from §42 in the SEPA for measures inside the protection zones inside the village.

6.4. Cultural heritage area, K and area of natural environment, N2

It is permitted to improve the path from the Service building to “Amundsenmasta” inside cultural heritage area, K, and the area of natural environment, N2. Work and measures in the grave yard is not permitted.

Guideline:

The cultural heritage area, K, contains the remains from the mining periods, Zeppelin hangar, “Amundsenmasta” and the grave yard. Around automatically protected structures a security zone extends 100 meters in all directions, see provision 6.5. About the improvement of the path, look up provision 8.4.

6.5. Cultural heritage areas – security zones around automatically protected structures

Security zones around automatically protected structures are indicated on the map. In accordance to the Svalbard Environmental Protection Act § 42 no person can damage, dig up, move, remove, alter, cover up, conceal or disfigure protected structures and sites or movable historical object including any security zone, or initiate measures that may entail a risk of this happening. In the security zones it is not permitted to erect tents, light fires or undertake similar activities.

Guideline:

The delimitation of security zones are set by the Governor of Svalbard parallel with the adoption of the land-use plan. See Chapter V in the Svalbard Environmental Protection Act, The cultural heritage.

6.6. Areas of natural environment N

It is permitted to place scientific instruments in connection with research on the actual area and at the same time not endanger the local wild life inside areas of natural environment. Inside area N1 and N2 traffic is not permitted between May 15th and August 15th.

Guideline:

Areas of natural environment are important areas to sea birds and geese. Special vulnerable areas of natural environment and the restrictions of traffic inside them are defined in “Environmental Impact Assessment” from 1998. The placing of scientific instruments, look up provision 3.1. Traffic restrictions etc. on Prins Heinrichøya, Dietrichholmen og Mietholmen, look up provision 11.1.

§7. Research areas

7.1. Instrument park

The areas are reserved for structures and instruments connected to research. Small buildings up to 30 m² can be placed inside the areas if there is no conflict with

existing instruments. The owner of research instruments is responsible for the removal of instruments and the belonging infrastructure when it is not longer in use, according to the Svalbard Environmental Protection Act § 64.

Guideline:

The placement of instruments inside the instrument park can only take place upon agreement with Kings Bay AS. NySMAC has the opportunity to comment if some scientific structures are in conflict with other scientific interests. Look up provision 3.1.

§8. Roads, airports, harbours, cable cars, high voltage power lines and other important elements of the communication system

8.1. Roads

The areas are to be used as roads. Approach roads to buildings and installations are permitted.

Guideline:

The roads are differentiated in main roads and feeder roads. Main roads have a width of 8 meters and feeder roads have a width of 6 meters, this includes the road shoulder. About roads inside the security zone around automatically protected buildings, look up provision 6.5.

8.2. Airport

Work and measures in connection with already existing activity inside the area can be permitted if this is not obstructing the present or future operation of the airport or other existing or planned activities. Work and measures inside the airport area have to be accepted by the Civil Aviation Authority.

Guideline:

About work and measures inside the restricted area around the radio navigation instrument look up provisions 9.8.

8.3. Harbour

Inside the harbour area work and measures in connection with the harbour, marina and the Kings Bay Marinlaboratorium are permitted.

8.4. Footpaths

Existing footpaths and tracks, indicated on the map, are permitted to be upgraded and maintained. It is permitted to upgrade the track between the settlement and "Amundsenmasta".

§9. Special areas

9.1. Shooting range

The area is to be used as a shooting range. It is allowed to do work and measures in connection with the maintenance and upgrading of the shooting range, the stand and the generator building.

9.2. Camping site

The area is to be used for camping.

Guideline:

the camping site are to be used for all overnight stays in tents inside the planning area. "Regulation about camping in Svalbard" does not apply to areas specially regulated for this purpose in a land use plan. All camping can take place upon agreement with Kings Bay AS. Camping is not to cause damage or wear and tear on the vegetation covered ground. All equipment and waste are to be removed when leaving the camping site. Waste must be brought to the Service building. It is not allowed to make camp fires because of the disturbance to air pollution measurements. Protection against polar bear attacks must be implemented by the campers on the camping site. Look up "Regulation about camping in Svalbard", § 11.

9.3. Cable car

Inside this area it is not permitted to do work or measures that can be in conflict with the operation of the cable car to the Zeppelin station.

9.4. Drinking water catchment area

It is permitted to do work and measures to secure the safety and function of the drinking water supply inside the drinking water catchment area. Scientific instruments can be permitted inside the area if no conflict with the safety and function of the water supply can be documented.

9.5. Areas with ground pollution

If planned work and measures can come in contact with areas with ground pollution, soil mechanics and the danger of pollution must be evaluated before any work can be done.

Guideline:

Known localities with ground pollution are indicated on the land use plan maps. The localities are examined and are cleared or secured. More information can be found in the reports "Kartlegging av deponier, forurenset grunn og etterlatenskaper på Svalbard" (SFT, 98:4 og 4B), "Svalbard. Undersøkelse av forurensete lokaliteter. Ny-

Ålesund” (Norges Geotekniske Institutt, 1999) og ”Miljøundersøkelse av forurensede lokalteter, Ny-Ålesund” (Norges Geotekniske Institutt, 2003). When building on polluted ground, the pollution control authorities must be contacted.

9.6. Restricted areas around research stations

It is not permitted for persons to move inside this area except for the operation and maintenance of the Zeppelin station.

Guideline:

The Zeppelin station is monitoring the air quality. Traffic inside the area can disturb the scientific measurements and is not permitted.

9.7. Restricted area around radio navigation instruments

Traffic by people, machines, vehicles etc. is not permitted inside this area as long as the radio navigation instruments are in use. Other installations inside this area can only be put up by permission from Flight navigation service (FNT) in Longyearbyen, the airport leader of Ny-Ålesund airport and after the preparation of a probabilistic risk assessment of the works or measures.

Guideline:

The restricted area are indicated on the land use plan maps and cover the 20 meter critical zone around the existing antenna and the 100 meter critical zone around a new antenna planned to be built in 2008. An evaluation area, 600 meters around the antennas, is indicated in the land use plan maps in addition to the critical zone. It is not allowed to place temporary or permanent constructions that can cause unacceptable disturbances to the emitted signal from the instruments. The airport leader of Ny-Ålesund airport has to be consulted about plans to do work or measures inside the evaluation area.

§10. Areas for specific use or protection of sea and watercourses

10.1. Area of natural environment in sea and watercourses

The areas are to be use as areas of natural environment in sea and watercourses.

10.2. Area for traffic in the sea

Work and traffic in connection with the harbour, marina and the ”Kings Bay Marinlaboratorium” are permitted inside this area.

§11. Areas that are protected pursuant to the Svalbard Environmental Protection Act, Chapter III, Protected areas

11.1. Bird sanctuary

The area is protected pursuant to the Svalbard Environmental Protection Act, Chapter III, Protected areas, and pursuant to the "Regulation about the establishment of bird sanctuaries and larger areas of preservation of the natural environments in Svalbard".

Guideline:

The area is included in the Kongsfjorden bird sanctuary. All traffic, included traffic on the sea and landing by aircrafts are prohibited from May 15th to August 15th. Look up the regulation for more information on traffic, exceptions etc.