

SUPPLEMENTARY PROVISIONS AND GUIDELINES

Adopted by the Governor of Svalbard in accordance with Section 52 of the Svalbard Environmental Protection Act (date)

Consultation draft dated 16 June 2023

1 The plan's delimitation and purpose

1.1 Delimitation

Delimitation of the Ny-Ålesund land-use planning area is laid down in regulation FOR-2002-06-28-650.

1.2 Purpose

The purpose of the land-use plan is to provide an updated legal management tool for the development, use and protection of land and buildings in the Ny-Ålesund land-use planning area in accordance with the current framework conditions and the overarching goals of Norwegian policy for Svalbard. The plan has a time horizon of ten years, and the need for revision must be assessed every four years. Development and management of land, buildings and infrastructure must contribute to the maintenance of the Norwegian settlement and facilitate the development of Ny-Ålesund Research Station as a Norwegian platform for world-class international research collaboration.

2 Land-use objectives in accordance with Section 49 of the Svalbard Environmental Protection Act

Construction areas, Section 49, third paragraph, subsection no. 1 and fourth paragraph

BA1–12	Buildings and facilities, SOSI 1001 – areas for residential, research and service purposes
I/L1–7	Industry/warehousing, SOSI 1826 – area for operational, research and logistics purposes
BAA1–2	Combined building and cultural heritage area, SOSI 1900
RA	Environmental station, SOSI 1550
C	Campsite – leisure purposes, SOSI 1170
H	Kennels, SOSI 1180
SKB	Shooting range, SOSI 1470
G	Outdoor activity area, SOSI 1600

Cultural heritage areas, areas of natural habitat and outdoor areas, Section 49, third paragraph, subsection no. 3

K1–16	Cultural heritage area, SOSI 5600
N1–3	Area of natural habitat, SOSI 5120
KN1–4	Cultural heritage area and area of natural habitat, SOSI 5153
KNF	Cultural heritage area, area of natural habitat and outdoor area, SOSI 5150

Areas for raw material extraction, Section 49, third paragraph, subsection no. 4

SM	Raw material extraction, SOSI 1201
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Research areas, Section 49, third paragraph, subsection no. 5

F1–10	Research area, SOSI 1167
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Important elements of the communication system, Section 49, third paragraph, subsection no. 6

V	Roads, SOSI 2010
TB	Cableway, SOSI 2023

LHA	Airport, SOSI 2030
H	Harbour, SOSI 2040
GV	Footpath/path – boardwalk, SOSI 1132 Snowmobile track, SOSI 1163

Special areas, Section 49, third paragraph, subsection no. 7

Zones requiring special consideration/danger zones:

H110	Catchment area for drinking water, SOSI 110
H190_1–4	Traffic restriction, SOSI 190
H310	Risk of landslides and avalanches, SOSI 310
H350_1-2	Danger zone – tank installation, SOSI 350
H360	Danger zone – shooting range, SOSI 360
H390_1–2	Ground pollution, SOSI 390

Provision areas:

#1	Requirement for RVA radio navigation
#2	Protection zone for Brandal Geodetic Earth Observatory

Use and protection of the sea and waterways, with associated beach zone, Section 49, third paragraph, subsection 8

NO1–3	Area of natural habitat in sea/watercourse, SOSI 6600
FE	Traffic, SOSI 6100
SH	Marina, SOSI 6230
DV	Drinking water, SOSI 6500
VAA	Research pier – wharf facility for research purposes, SOSI 6900

Areas that are protected in accordance with the Svalbard Environmental Protection Act, conservation areas, Section 49, third paragraph, subsection 9

H770	Protection zone around cultural heritage sites, Chapter V of the Svalbard Environmental Protection Act
H771	Bird sanctuary, Chapter III of the Svalbard Environmental Protection Act

3 Common provisions for the entire land-use planning area

3.1 Climate and environmental considerations

When designing, developing and allocating land within the land-use planning area, emphasis must be placed on environmentally, energy- and resource-friendly solutions. Land use and operations must safeguard the natural/cultural environment and local characteristics, have the lightest possible carbon footprint and be adapted to climate change.

Within the entire land-use planning area, measures and relaying of foundations are permitted to secure existing buildings and facilities as a result of reduced permafrost/unstable building ground. This includes mitigating measures for handling/diverting stormwater from building structures and technical facilities/infrastructure.

Supplementary guideline

Measures to reduce energy consumption and greenhouse gas emissions must be continuously assessed and implemented for all activity and development in Ny-Ålesund. Environmental accounts must be prepared for major measures in order to document direct and indirect greenhouse gas emissions.

3.2 Aesthetics, colour, signage and lighting

Outdoor signage is not permitted unless there are special needs relating to safety, public services and infrastructure, and environmental protection.

Light pollution and unnecessary outdoor lighting must be avoided. Necessary lighting relating to the airport, public services and infrastructure and safety is permitted within the entire land-use planning area. In

principle, outdoor lighting must be limited to entrance areas, be directed downwards and have hidden light sources with the lowest possible brightness in relation to the purpose. Façade lighting and effect lighting are not permitted.

Supplementary guideline

Signs designed and located in accordance with the prevailing signage plan for Ny-Ålesund are permitted.

All outdoor lighting must be in accordance with the prevailing lighting plan for Ny-Ålesund.

All new buildings must have exterior colours in accordance with local tradition and the prevailing colour plan for Ny-Ålesund.

3.3 Cultural environment

3.3.1 Reporting requirement

If, during work in areas, objects or other remains that indicate older activity in the area of cultural and historical value (on land and at sea) should come to light, the work must be stopped and the Governor must be immediately notified, cf. Section 44 of the Svalbard Environmental Protection Act.

3.3.2 Automatically protected cultural heritage sites

Automatically protected buildings and facilities in accordance with Chapter V of the Svalbard Environmental Protection Act are marked in the plan map with a solid line. All internal and external works on protected buildings must be approved by the Norwegian Directorate for Cultural Heritage, cf. Section 44 of the Svalbard Environmental Protection Act.

Protection zones (H770) have been established around automatically protected cultural heritage sites where no interventions are permitted without special permission from the Norwegian Directorate for Cultural Heritage, cf. section 11.1.

Supplementary guideline

It is an overarching goal that the protected buildings are well maintained/looked after, secured against climate change/reduced permafrost and kept in active use – either linked to current community needs or as a museum building and part of the dissemination of history.

The Management Plan for Protected Buildings in Ny-Ålesund (2008) or later versions of this shall provide guidance on the type of maintenance/repair works and measures that can be carried out under the owner's supervision without special permission under the Svalbard Environmental Protection Act.

3.3.3 Buildings worthy of conservation

Buildings that have been assessed as worthy of conservation are marked on the plan map with a dashed black line. This applies within the following fields: K5 (four buildings in the cabin area), K8 (doll's house), H (dog yard), I/L3 (Wastewater treatment plant), I/L5 (old power station), I/L6 (the Barn), BAA1 (Saga), BAA2 (Boathouse in Thiisbukta) and F4 (Mining workshop).

The buildings' shape, roof angle and façade design are to be maintained. Minor façade changes and extensions may be permitted if this is essential for further use and is otherwise compatible with the purpose of conservation. Internal changes may be made to the buildings. When restoring and refurbishing, the building's façades must be preserved, or restored to their documented previous condition. Old building elements such as windows, doors, exterior panelling etc. must as far as possible be preserved in their original setting. New buildings of a similar size and design may be constructed, if a building worthy of conservation has to be demolished because of fire or other irreparable damage.

3.3.4 Pipe boxes and boardwalks

Plank paths within the construction zone and the pipe boxes within fields K5 and N2 have cultural heritage value and must be preserved. Necessary repair and maintenance work is permitted.

3.4 Planning and documentation requirements

3.4.1 Situation plan

Together with the application for a permit for activities/measures, a situation plan must be prepared that, to the extent necessary, documents and explains the following:

- the location's coordinates
- size and design/execution – height, volume and land-use impacts
- material consumption
- foundations adapted to future temperature rises/climate change
- landscaping and materials management, including protection of vegetation cover, cf. section 3.4.3
- capacity and connection to technical infrastructure, including handling and diversion/retention of stormwater
- consequences for landscape experience, natural/cultural environment and society, including during the construction period

The situation plan must be approved by Kings Bay and the landowner's permission must be obtained.

3.4.2 New building documentation

When applying for permission to construct new buildings, in addition to the requirements in section 3.4.1 the chosen architecture must be documented and explained, and it must be documented that account has been taken of the surroundings and natural/cultural environment by providing:

- aesthetic statement – descriptive text
- section/façade/front elevation/3D model showing planned new building viewed in context with existing nearby buildings
- access, including accessibility and navigability for fire and rescue vehicles/crew
- outdoor lighting
- colour use in accordance with the prevailing colour plan for Ny-Ålesund
- snow removal and disposal
- stormwater solution

The minimum distance between buildings must be 8 m. Shorter distances between buildings may be permitted if satisfactory fire safety and other considerations for surrounding land use, buildings and facilities have been addressed and documented.

All roof shapes are permitted. The maximum permitted ridge height corresponds to the maximum permitted upper cornice height for lean-to roofs.

Supplementary guideline

As part of the planning and design of new measures, a view will be taken regarding accepted deformations during the life of the building/facility. Future ground temperature rises must be taken into account, and the construction/foundation method and level of operation/maintenance must be dimensioned/adapted to climate change. The foundations must be deeper than the active layer during the life of the building.

3.4.3 Works that affect terrain or vegetation-covered land

Work/measures that affect vegetation-covered land must be carried out on frozen and snow-covered ground whenever possible. Arrangements for securing/returning and if necessary relocating the vegetation cover must be documented in permit applications, cf. section 3.4.1.

Special requirements apply to works and measures/activities within areas with zones requiring special consideration/protection zones, cf. sections 9 and 11.

3.4.4 Construction phase – waste plan – clean-up

When constructing, demolishing or refurbishing a building, structure or facility, an overview of the waste and its planned handling must be prepared, cf. Regulations relating to Pollution and Waste in Svalbard, FOR-2020-07-03-1517.

The head of undertaking is obliged to implement the necessary measures to ensure that construction execution does not result in unacceptable risks to health and environment or unnecessary inconvenience/nuisance for those nearby.

When use ceases/the business is wound up, the head of undertaking is obliged to remove all installations, instruments and other effects. The area where measures have been implemented must as far as possible be returned to its original appearance, cf. Section 64 of the Svalbard Environmental Protection Act.

3.5 Public services and infrastructure

Facilities, works and measures required for the operation of the airport and harbour and the provision of public services and infrastructure are permitted within the entire land-use planning area.

Special requirements apply to works and measures/activities within areas with zones requiring special consideration/protection zones, cf. sections 9 and 11.

3.6 Research

Temporary and permanent measures/activities, sampling, facilities and instruments relating to research activity are permitted within the entire land-use planning area. The research instruments should preferably be installed in the research areas, fields F1–10 (cf. section 7), but may also be located in other areas if this is necessary based on the nature of the research, the need for a particular location or other factors. The research instruments must not come into conflict with day-to-day operation and maintenance of Ny-Ålesund, protected cultural heritage sites with protection zones or existing research instruments, adversely impact fauna or flora or the natural environment or come into conflict with other provisions of this plan. The head of undertaking is responsible for removing research instruments and associated facilities when use ceases, cf. section 3.4.4.

Special requirements apply to measures within areas with zones requiring special consideration/protection zones, cf. sections 9 and 11.

3.7 Sequencing requirements

Before new activities/measures can be permitted to connect to existing water, electricity, district heating or sewage networks, satisfactory capacity, technical standards/environmental quality and operational reliability of the pipeline network and other technical infrastructure (power generation, water supply and treatment plant) must be documented.

4 Construction areas, Section 49, third paragraph, subsection no. 1, and fourth paragraph

4.1 Common provisions for construction areas

In addition to the documentation requirements in section 3.4 of the common provisions, when applying for permission to construct new buildings, an illustration plan must be prepared showing existing and planned buildings, including associated access and outdoor facilities. The plan must be designed holistically for the individual sub-field or several sub-fields together, show existing and future development potential, and include naturally associated transport facilities.

The plan must document that the measure is adapted to the surroundings and existing cultural environment/local characteristics in terms of construction volume, roof shape, façade design and use of colour.

4.2 BA1–12, Buildings and facilities – areas for residential, research and service purposes

Within fields BA1–12 one or more of the following purposes are permitted: housing, offices, administration, warehousing, business, service provision and research buildings including associated infrastructure, parking and outdoor facilities.

Includes construction areas within the protection zone for surrounding protected cultural heritage sites, cf. sections 3.3.2 and 11.1.

Provided that adaptation to existing buildings is documented in accordance with section 4.1, permission may be granted for new buildings to be erected with a cornice height of up to 7.0 m and a ridge height of up to 9.0 m above the average level terrain around the building.

When establishing new buildings in field BA4, a special requirement for distinct building volumes with a maximum permitted BYA of 350 sqm applies to safeguard the east–west line of sight.

4.3 I/L1–7, buildings and facilities – area for operational, research and logistics purposes

Within fields I/L1–7, one or more of the following purposes are permitted: warehousing, workshops, energy facilities, tank installations, service provision, building/facility for municipal technical operations, harbour warehousing, research building and garage – including associated infrastructure, operational/parking area and outdoor storage/container arrangements.

Permitted building heights:

<i>Field</i>	<i>Maximum upper cornice/ridge</i>	<i>Maximum lower cornice</i>	<i>Buildings worthy of conservation, cf. section 3.3.3</i>
I/L1	11.0 m	9.0 m	
I/L2	7.0 m	5.0 m	
I/L3	7.0 m	5.0 m	Wastewater treatment plant
I/L4	7.0 m	5.0 m	
I/L5	11.0 m	9.0 m	Old power station
I/L6	13.0 m	11.0 m	The Barn
I/L7	13.0 m	11.0 m	

The maximum building height must be measured from the levelled terrain on the building’s highest façade.

4.3.1 Special requirements for field I/L6: The Barn – Kongsfjordhallen

For extensions to Kongsfjordhallen, the following requirements apply regarding scope and execution:

- the extension is permitted up to 6.0 m from the Barn, provided that satisfactory fire safety is documented
- gable roof with the same height, angle and material use as the main volume
- window design harmonised with the main volume
- all façades coloured red with a colour code corresponding to the main building mass
- entrance to the extension (goods delivery and escape route) on the ground floor must be at ground level to the west, and on the first floor to the north, where the external staircase must be located on the long wall/north façade
- no new structures above ground level/outside the existing façade that could disturb the line of sight between the Barn and Kongsfjordhallen with extensions are permitted. Necessary safety measures/fences are permitted

4.4 BAA1–2, combined building and cultural heritage area

Includes construction areas within the protection zone for surrounding protected cultural heritage sites, cf. sections 3.3.2 and 11.1. Special requirements apply to buildings worthy of conservation in fields BAA1 (Saga) and BAA2 (Boathouse in Thiisbukta) to safeguard cultural heritage values, cf. section 3.3.3.

4.5 Environmental station, RA

Permanent and temporary buildings and facilities for receiving and sorting waste for onward transport are permitted within the area. Outdoor storage of material/waste fractions, setting up of containers, the Rubb hall and the establishment of fences/screening measures around the facility are permitted.

Maximum permitted cornice height of 7.0 m and maximum ridge height of 9.0 m above average level terrain.

4.6 Campsite, C

The area may be used for camping activities. Bonfires are not permitted. Parts of the area lie within the protection zone around protected cultural heritage sites, where camping is only permitted on frozen, snow-covered ground.

All camping activities may only take place by agreement with Kings Bay AS. Camping must not cause damage or wear and tear on vegetation-covered ground. All equipment and waste must be removed on leaving the campsite. Waste must be taken to the approved waste reception facility. Necessary measures must be taken to avoid and if applicable prevent attacks from polar bears in accordance with Section 11 of the Regulations relating to Camping Activities in Svalbard (FOR-2002-06-27-731).

4.7 Kennels, H

Within this purpose, kennels and associated cages/fenced running yards, doghouses, heat shelters and buildings for storing feed and equipment are permitted. Buildings and facilities must not exceed a height of 4.0 m.

The field is located within the protection zone for surrounding protected cultural heritage sites, cf. sections 3.3.2 and 11.1.

The existing building is worthy of conservation, cf. section 3.3.3.

4.8 Shooting range, SKB

Field SKB is part of the danger zone for the shooting range with requirements for safety and use, cf. section 9.5.

Within this area, buildings and facilities required for use and operation of the area as a shooting range are permitted. This applies to the shooting lodge/stand, generator shelters, setting up of targets, bullet traps, shooting ramparts, security facilities and access/parking.

New buildings are permitted with a cornice height of up to 3.0 m and a ridge height of up to 5.0 m above the average level terrain. The maximum total permitted built-up area (BYA) within the field is 200 sqm. The area is situated within the danger zone for landslides/avalanches/rockfalls where special requirements apply to new measures, cf. section 9.3.

4.9 Outdoor activity area, G

Facilitation of outdoor activities is permitted within the area. Landscaping, permanent cover, boundary demarcation, screening measures for wind/snow and outdoor furniture are permitted. The area may be used for snowmobile parking.

5 Cultural heritage area, area of natural habitat and outdoor area, Section 49, third paragraph, subsection no. 3

5.1 Cultural heritage area with existing protected buildings, K1–10

Includes areas with protected buildings and associated protection zones, cf. sections 3.3.2 and 11.1. The areas have great cultural and historical value and must mainly be preserved as they appear, where the aim is to achieve active use linked to the Ny-Ålesund Research Station and public services and infrastructure.

The areas may be used for buildings and facilities and associated infrastructure, including access, parking etc. Measures or activities that appear unsightly and come into conflict with existing cultural heritage sites/the cultural environment are not permitted.

New buildings must be adapted to the existing cultural environment/local characteristics and protected buildings with regard to location, volume build-up, roof shape, façade design and material/colour use.

5.1.1 Field K1 – construction above drainage basin at the Ironworks

Within field K1, new buildings above existing drainage basins are permitted in order to ensure satisfactory operating conditions and public safety. New buildings must be planned and designed in close collaboration with the protection authority. The buildings' height and façade design must be adapted to the surrounding protected buildings, and new buildings must be adapted to facilitate the relocation of the existing container-based sewage treatment plant from the Ironworks.

Planned new buildings in K1 lie within protection zones for several particularly valuable cultural heritage sites and may not be permitted without a special dispensation from the Norwegian Directorate for Cultural Heritage.

5.2 Cultural heritage area, K11–16

Includes areas with protected cultural heritage sites and associated protection zones, cf. sections 3.3.2 and 11.1.

Does not include field K12 – the clock tower.

The areas have great cultural and historical value and must essentially be preserved as they appear.

5.3 Area of natural habitat, N1–3

Includes areas with special value for biodiversity where interventions or measures/activities are not generally permitted. Facilities, works and measures required for the operation and provision of public services and infrastructure are permitted. Parking or other temporary storage of snowmobiles is not permitted.

Within area N2, the necessary trenching is permitted for the safe drainage of stormwater from field BA6 Service building.

Supplementary guideline

Within areas N1 and N2 public traffic is not permitted between 15 May and 15 August.

Traffic associated with approved research activities, public service/infrastructure and on the existing hiking trail to the Amundsen mast is permitted.

5.4 Cultural heritage areas and areas of natural habitat, KN 1–4

Includes areas of natural habitat in the settlement with protected cultural heritage sites and associated protection zones, cf. sections 3.2.2 and 11.1.

The open areas in the construction zone are of great natural and cultural heritage value and must essentially be preserved as they appear. | Parking or other temporary storage of snowmobiles is not permitted .

5.5 Cultural heritage area, area of natural habitat and outdoor area, KNF

Includes open field/areas of natural habitat around the construction zone with protected cultural heritage sites and associated protection zones, cf. sections 3.2.2 and 11.1.

6 Areas for raw material extraction, Section 49, third paragraph, subsection no. 4

6.1 Raw material extraction, SM

The area is permitted to be used for extraction and disposal of local uncompacted materials. Equipment not directly linked to operations may not be stored. The area is located within the danger zone for landslides/avalanches/rockfalls, where special requirements apply, cf. section 9.3.

The area is located within the danger zone for landslides/rockfalls where special requirements apply, cf. section 9.3.

7 Research areas, Section 49, third paragraph, subsection no. 5

7.1 Common provisions for research areas

Within fields F1–10, measures/activities, sampling, facilities and instruments relating to research activity are permitted.

The following minor measures/activities are permitted within all F fields:

- sampling with intervention in the ground cover of up to 20 x 20 cm
- instruments/antennae with a maximum height of 4.0 m and a total intervention area of up to 10 sqm
- buildings linked to instrument facilities with a maximum BYA of 15 sqm and a maximum height of 3.0 m
- cable routes for connection to existing infrastructure

7.2 Fields F4 and F6

Within each field, one new building may be erected for research, with the following requirements for scope and execution:

- maximum permitted built-up area (BYA) = 300 sqm
- cornice height of up to 4.0 m and ridge height of up to 5.0 m
- external wood cladding that is stained in natural colours, or untreated wood that has been exposed to weathering
- non-reflective roof surfaces
- permitted intervention/preparation for connection to the necessary technical infrastructure – roads, water, sewage, electricity and other networks

The Mining workshop in field F4 is worthy of conservation, cf. section 3.3.3.

7.3 Field F5

The existing Zeppelin Observatory building may be upgraded and/or replaced with a new building of similar function and size.

7.4 Field F9

Within field F9, buildings, installations and facilities for research and/or relating to the operation of the Ny-Ålesund Geodetic Earth Observatory and Light Sensitive Cabin are permitted. Measures/activities with a negative impact on operation of the Geodetic Earth Observatory are not permitted. Applications for measures/activities within the field must be submitted to the Norwegian Mapping Authority for a decision.

Requirements for the scope and execution of buildings and facilities:

- maximum permitted BYA 950 sqm for the field as a whole
- top of VLBI antennae maximum 26 m
- top of GPS masts maximum 12 m
- ridge height maximum 16 m on technical building associated with Ny-Ålesund Geodetic Earth Observatory
- cornice height of up to 4.0 m and ridge height of up to 5.0 m on new research buildings
- materials used in façades must be wooden cladding stained in natural colours, or untreated and have been exposed to long-term weathering
- roofs must have a non-reflective surface
- all roof shapes are permitted – ridge height corresponding to the upper cornice height in the case of lean-to roofs
- permitted intervention/preparation for connection to the necessary technical infrastructure – roads, water, sewerage, electricity and other networks

7.5 Field F10

Buildings, installations and facilities for the establishment of a magnetic observatory are permitted within the field, with the following requirements for scope and execution:

- maximum permitted built-up area 70 sqm divided into up to three separate buildings separated by a distance of up to approximately 50 m
- cornice height of up to 2.5 m and a ridge height of up to 3.5 m
- natural materials (wood/stone) must be used in façades and roofs in order to ensure optimal adaptation to the terrain/nature and minimise visual consequences for the landscape experience
- interventions permitted to connect to electricity supply and internet
- no arrangements may be made for driving to the observatory once construction has been completed
- vegetation cover must be safeguarded and driving tracks must be repaired once construction activities have been completed, cf. section 3.4.3

8 Roads, airports, harbours, cableways, high-voltage power lines and other important elements of the communication system, Section 49, third paragraph, subsection no. 6

8.1 Roads, V

The purpose includes roads and associated side areas/trenches where cable routes for technical infrastructure and exits to buildings and facilities are permitted.

The new road to field SKB (the shooting range) must be constructed with a minimum carriageway width of 3.0 m.

8.2 Route for cableway, TB

Includes masts, overhead cables and other facilities/installations for cableway to field F5 (Zeppelin Observatory).

Within this area, measures/activities that could come into conflict with the cableway are not permitted. The area lies within the danger zone for landslides/avalanches/rockfalls, where special requirements apply to new measures, cf. section 9.3.

Supplementary guideline

Extra care must be taken when the mountainside below the cableway is covered in snow. The probability of an avalanche being triggered by a small additional load (for example a person) depends on the existing snow cover, and is generally much higher than for naturally triggered avalanches as indicated for danger zones.

8.3 Airport, LHA

Includes buildings, facilities and a traffic area for the operation and maintenance of Ny-Ålesund Airport. Works/measures in connection with existing activities within the area can be carried out if these do not hinder the airport's current or future operations, or any other existing or planned activities.

Measures/activities within the airport area must be approved in advance by the Norwegian Civil Aviation Authority.

Within this purpose, firing ranges for research rockets and associated launch pads, buildings and driving areas are permitted.

Supplementary guideline

All traffic on the airstrip/runway, including within 50 m of the edge of the runway, is prohibited at all times, unless otherwise specifically clarified with the head of operations at Ny-Ålesund Airport.

A permanent building for a rocket launch pad may be permitted in accordance with the guidelines issued in the Governor of Svalbard's decision dated 25 May 2018, ref. 17/00291-30.

8.4 Harbour, H

Within this area, works and new measures/activities associated with the harbour, marina and Kings Bay Marine Laboratory are permitted. This includes heavy landscaping, building, traffic areas, technical infrastructure, fences, security measures etc.

At the harbour front and adjacent to the marina in field SH, a small service building of up to 30 sqm BYA with a maximum building height (ridge/cornice) of 3.5 m is permitted.

Supplementary guideline

All measures within the harbour area must be in accordance with the prevailing safety plan for Ny-Ålesund harbour SJNYA-0001 and approved by the harbour master in Ny-Ålesund.

8.5 Footpath/path

Footpaths and paths that are indicated on the land map with a line symbol may be upgraded and maintained.

8.6 Snowmobile track

Measures/activities that could hinder snowmobile traffic are not permitted on routes marked with a line symbol on the plan map.

9 Special areas, Section 49, third paragraph, subsection no. 7

9.1 H110, catchment area for drinking water

Only measures to safeguard the safety and function of the drinking water supply are permitted within the drinking water catchment area, cf. section 10.6. Research instruments may be permitted if for considerations of research it is important to place them inside the catchment area and it can be documented that the instruments do not come into conflict with the safety and function of the water supply.

9.2 Traffic restriction, H190_1–4

Within the restricted areas, traffic is not permitted unless it is linked to operation and maintenance of the facilities.

H190_1:	100 m around the radio navigation mast
H190_2:	200 m around the magnetic observatory
H190_3:	100 m around the CCT tower
H190_4:	100 m around the Zeppelin Observatory

9.3 H310_1–2, danger zone, landslides/avalanches/rockfalls

The danger zone demarcates areas where the annual nominal probability of landslides/avalanches/rockfalls is calculated to be higher than 1:1,000 (H310_1) and higher than 1:5,000 (H310_2).

No new measures/activities are permitted within the danger zone unless the risk of landslides/avalanches/rockfalls has been investigated more thoroughly and relevant security measures have been implemented. Extraction of raw materials in field SM is permitted in the summer season.

Supplementary guideline

The Regulations on Technical Requirements for Construction Works (TEK) do not apply in Svalbard, but the safety requirements established in Section 7.3 of TEK17 should be met for new buildings or conversion of existing buildings. This is achieved by locating the building outside areas that have a higher risk of landslides/avalanches/rockfalls than TEK allows, or by implementing safety measures or dimensioning and constructing the building to withstand the loads that could result from such an event.

Extra care must be exercised during all traffic and intervention/activity within the danger zones.

This applies in particular to the Zeppelin Observatory (F5), the cableway (TB), the shooting range (SKB), raw material extraction (SM), the Mining Workshop (F4) and a number of research/measuring instruments that are situated within the danger zone, as well as the Gruvebadet Atmosphere Laboratory (F4), which is situated on the boundary of the danger zone.

9.4 H350_1–2, danger zone, tank installation

H350_1 is the danger zone around the tank facility in field I/L7. H350_2 is the danger zone around the unloading/landing facility at the harbor in fields H, SH and F. Within the danger zones, buildings and measures/activities associated with tank facilities and unloading/landing facilities are permitted. Permanent workplaces within underlying land use purposes are permitted. Housing/accommodation and particularly vulnerable objects are not permitted.

The tank facility must be secured with fences or the like in a proper manner.

9.5 H360_1, danger zone, shooting range

Includes the shooting range, where all activity, use and traffic must comply with the prevailing safety instructions for the facility. All shooting must take place under the direction of the responsible shooting supervisor and be notified by the raising of a flag at the stand before starting. Before shooting starts, the shooting supervisor must make sure that no other people are in the danger area.

9.6 H390_1–2, areas with ground pollution

9.6.1 H390_1

Includes areas with ground pollution. Before permission can be granted for measures that involve interventions in the terrain, the necessary investigations must be carried out to clarify the extent and significance of any contamination in the ground, cf. Section 2.2 of the Regulations relating to Pollution and Waste in Svalbard, FOR-2020-07-03-1517. The investigations must be assessed against standard values in Appendix 1 of the Pollution Regulations (FOR-2004-06-01-931) and documented background values for the area. If the investigations show that there is ground pollution, an action plan must be drawn up for handling contaminated materials, cf. Section 2 of the Pollution Regulations, FOR-2004-06-01-931. The requirement applies to measures such as excavation, levelling, raw material extraction/filling in, foundations/piling for buildings/facilities, and all other interventions that may cause damage or harm by spreading existing pollution or making it more difficult to implement clean-up measures.

An application for a permit for terrain interventions within the zone must be formulated in accordance with Section 2.3 of the Regulations on Pollution and Waste in Svalbard, FOR-2020-07-03-1517.

9.6.2 H390_2

Includes areas with a lower probability of ground pollution where ground works relating to the establishment and maintenance of technical infrastructure are permitted without further investigations/reviews, provided that the measure does not generate excavation residues.

For new buildings and major terrain/construction works, section 9.6.1 applies.

9.7 #1–2, provision area

9.7.1 Sub-plan for Ny-Ålesund Geodetic Earth Observatory, #1

All activities and traffic in the area must take into account the activities of the Ny-Ålesund Geodetic Earth Observatory and light-sensitive research relating to the Light Sensitive Cabin.

Only necessary driving is permitted on the existing road, and radio communication is only permitted in emergency situations.

When using radio communication in emergency situations, personnel associated with the Ny-Ålesund Geodetic Earth Observatory must be contacted. New measures/activities may not be permitted if this would adversely impact the operation of the Ny-Ålesund Geodetic Earth Observatory, cf. section 7.4.

9.7.2 Restriction area around radio navigation instruments, #2

Within the area, all activities and traffic are prohibited while the facility is in use.

Temporary or permanent structures that could cause unacceptable disturbances to radio navigation instruments are not permitted. For all new permanent and temporary measures/activities, including research instruments, requirements apply for risk analysis and permission from the Longyearbyen Air Traffic Control and the head of operations at Ny-Ålesund Airport.

10 Use and protection of the sea and watercourses, with associated beach zone, Section 49, third paragraph, subsection no. 8

10.1 Common provisions

Measures/activities relating to the Norwegian Coastal Administration's navigation devices and the laying of submarine cables ashore may be permitted within the purpose.

Supplementary guideline

Measures/activities in the sea must be in accordance with the prevailing safety plan for Ny-Ålesund harbour SJNYA-0001 and approved by the harbour master in Ny-Ålesund.

All measures in the sea must be assessed in terms of the duty to obtain permission in accordance with Section 14 of the Act relating to Ports and Navigable Waters with the Norwegian Coastal Administration as the decision-making authority.

If, during work in the sea and watercourses, objects or other remains that indicate older activity in the area (marine cultural heritage) should come to light, the work must be stopped and the Governor must be immediately notified, cf. Section 44 of the Svalbard Environmental Protection Act.

10.2 Area of natural habitat in sea and water, NO1–3

Includes water/sea areas with natural environmental value where measures/activities may not be permitted without special justification.

10.3 Traffic area in the sea, FE

Within the area, measures/activities relating to harbour, research and outdoor activities are permitted, including the wharf/research pier in field VAA and Kings Bay Marine Laboratory in field I/L7.

10.4 Marina, SH

Within the purpose, deployed facilities such as gangways, floating wharfs etc. are permitted for the use as a marina.

10.5 Research pier, VAA

Within the purpose, the establishment of a new pier/wharf adapted to the needs of the research environment is permitted. The existing condemnable wharf may be demolished.

10.6 Drinking water, DV

Includes Tvillingvann as the settlement's only source of drinking water, cf. section 9.1. Measures/activities relating to the operation and maintenance of facilities and infrastructure for water supply are permitted.

11 Areas that are protected under Chapters III and V, Section 49, third paragraph and subsection no. 9 of the Svalbard Environmental Protection Act

11.1 H770, reserved area – protected cultural heritage sites with protection zones

Within the protection zone around protected cultural heritage sites, intervention, construction or activities that could damage or disturb the cultural heritage sites or the perception of these is not permitted, cf. Section 42 of the Svalbard Environmental Protection Act. The Norwegian Directorate for Cultural Heritage is the authority empowered to grant dispensations, cf. Section 44 of the Svalbard Environmental Protection Act.

Supplementary guideline:

Any application for dispensation from the conservation regulations is to be sent to the Governor, who will prepare the case for the Norwegian Directorate for Cultural Heritage.

By the resolution of 11 March 2008, the Norwegian Directorate for Cultural Heritage has granted general permission to Kings Bay to implement measures in the heritage protection zone with relevant measures listed as:

- *maintenance, expansion and narrowing of existing roads*
- *maintenance and establishment of new paths marked on land-use plan maps approved by the Governor*
- *maintenance of existing trenches with water and sewage pipes, district heating and cables*
- *excavation of new trenches for the necessary expansion of water and sewage, district heating and electricity networks, where this does not directly affect protected buildings*
- *maintenance and minor façade changes on non-protected buildings and facilities within the protection zones*

The permission applies within the prevailing protection zones in the settlement. The mining area is not covered by this permission.

11.2 H771, reserved area – bird sanctuary

Kongsfjorden bird sanctuary was established by Royal Decree on 1 June 1973. The protection zone within the land-use planning area includes the land-use area of Miethelholmen, Dietrichholmen and Prins Heinrichøya including surrounding territorial waters within a distance of 300 m. Within the protection zone no interventions are permitted and all access and passage including traffic on the sea and landing of aircraft is prohibited between 15 May and 15 August.

Supplementary guideline:

The area is part of Kongsfjorden bird sanctuary, which is protected in accordance with Chapter III of the Svalbard Environmental Protection Act as laid down in Regulations on the Establishment of National Parks, Nature and Bird Sanctuaries in Svalbard (FOR-1973-06-01-1). Please refer to the Regulations for more information on traffic, exemptions etc.

Scientific investigations may be permitted upon application to the Governor if they are not contrary to the purpose of the bird sanctuary.