



KOMMUNAL- OG REGIONALDEPARTEMENTET

# Regulations relating to building applications

(Building Application  
Regulations)

To Lovdata 26.03.10

**MINISTRY OF LOCAL GOVERNMENT AND REGIONAL DEVELOPMENT HOUSING AND  
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Laid down by the Ministry of Local Government and Regional Development on 26 March 2010 pursuant to the Act of 27 June 2008 No. 71 relating to planning and the processing of building applications (Planning and Building Act) sections 17-6, 18-8, 20-1, 20-2, 20-3, 20-4, 21-1, 21-2, 21-3, 21-4, 21-5, 21-8, 21-10, 22-5, 23-8, 24-1, 24-2, 25-1, 25-2, 28-8, 29-4, 29-7, 29-8, 29-10 and 32-8.

## **PART ONE GENERAL PROVISIONS**

### **Chapter 1 General Provisions**

#### **Section 1-1 Purpose**

The regulations shall ensure:

- a) well prepared applications and an appropriate division of tasks and responsibilities
- b) the proper and efficient processing of building applications that safeguards social considerations, including good quality structures
- c) that enterprises that act as responsible applicants, designers, contractors or controllers possess adequate qualifications to comply with requirements stipulated in or pursuant to the Planning and Building Act
- d) that independent verification is planned, executed and documented to ensure compliance with the requirements projects are subject to pursuant to permissions or provisions stipulated in or pursuant to the Planning and Building Act
- e) that projects are effectively and systematically supervised pursuant to provisions stipulated in or pursuant to the Planning and Building Act
- f) that violations of provisions stipulated in or pursuant to the Planning and Building Act are reacted to and that the regulations concerning the imposition of violation charges are practised properly and uniformly

#### **Section 1-2 Definitions**

The following definitions apply in these regulations:

- a) function: The role of responsible applicant, responsible designer, responsible contractor or responsible controller.
- b) project class: The division of tasks in the project based on the degree of difficulty, complexity and consequences of deficiencies and errors.
- c) approval area: The content of an approval granted to a responsible enterprise, and which is determined by the field, function and project class.
- d) area of responsibility: The tasks the enterprise is assigned the right to accept responsibility for in the relevant project.

- e) organisation chart: A chart that shows the enterprise's organisational structure, including the overall division of responsibilities and authority, resources and qualifications with regard to training and practical experience in the enterprise.
- f) execution plan: An overall plan for the execution of the project showing the areas of responsibility, project classes, responsible enterprises, execution of verification and completion of the project.
- g) production documentation: Blueprints, descriptive texts, specifications and other documentation materials intended to provide a basis for execution.
- h) declaration of conformity for
  - 1. design: Written confirmation that the responsible designers have produced the design within their area of responsibility in compliance with requirements and permissions stipulated in or pursuant to the Planning and Building Act
  - 2. execution: Written confirmation that the responsible contractors have executed the project within their area of responsibility in compliance with the production documentation, execution requirements and permissions stipulated in or pursuant to the Planning and Building Act.
- i) verification declaration for
  - 1. design: Written confirmation that the responsible controllers have verified the design within their area of responsibility and declare that it complies with requirements and permissions stipulated in or pursuant to the Planning and Building Act.
  - 2. execution: Written confirmation that the responsible controllers have verified the execution within their area of responsibility and declare that it complies with the production documentation, execution requirements and permissions stipulated in or pursuant to the Planning and Building Act.
- j) non-conformity: Deficient or incorrect compliance with requirements stipulated in or pursuant to the Planning and Building Act.

### **Section 1-3** *Duty to disclose material facts*

Municipalities can demand the information necessary for supervision.

Developers and enterprises with the right to accept responsibility have a duty, until the building matter is concluded, to report to the municipality via the applicant changes of significance for permissions and approvals of the right to accept responsibility.

Enterprises that have received central approval of the right to accept responsibility have a duty to report changes of significance for approvals of the right to accept responsibility to the National Office of Building Technology and Administration.

Changes shall be reported without undue delay and include, inter alia:

- a) permanent changes in the enterprise's overall competence
- b) material reorganisations of the enterprise
- c) involuntary liquidation or liquidation proceedings



#### **Section 1-4** *Scope of provisions dealing with selected habitats*

The provisions in these regulations that deal with selected habitats only apply if regulations have been laid down pursuant to section 52 or section 53, fifth paragraph, of the Act of 19 June 2009 No. 100 relating to the management of biological, geological and landscape diversity (Nature Diversity Act), and occurrences of this habitat can be found in the municipality.

## **PART TWO DUTY OF APPLICATION, CONTENT AND PROCESSING OF APPLICATIONS**

### **Chapter 2 Projects that require an application and permission**

#### **Section 2-1** *Change of use*

Changes of use require an application if:

- a) structures or parts of structures are used or adapted for purposes other than those pursuant to the permission or legally established use
- b) the changed use of structures or parts of structures may affect the considerations that shall be safeguarded by or pursuant to the Planning and Building Act with regard to the structure, adjoining outside areas or surroundings, or
- c) additional parts are used as the main part or vice versa.

#### **Section 2-2** *Duty of application and right to accept responsibility for wet rooms*

Wet rooms require the submission of an application pursuant to the section 20-1 of the Planning and Building Act and require the use of responsible enterprises for applications, design, execution and verification. This also applies to wet rooms in projects that are otherwise processed pursuant to section 20-2 of the Planning and Building Act, with the exception of wet rooms in ordinary agricultural buildings.

### **Chapter 3 Projects that require an application and permission and that may be managed by the developer**

#### **Section 3-1** *Minor projects on developed property*

The construction, alteration, removal, demolition, etc of the following projects that complies with section 1-6 of the Planning and Building Act shall be deemed minor projects as defined in section 20-2, first paragraph, of the Planning and Building Act:

- a) An single addition in which neither the total usable floor space nor the developed area exceeds 50 m<sup>2</sup>. The addition can also have a basement built underneath it.
- b) A single detached building that shall not be used as a dwelling and in which neither the total usable floor space nor the developed area exceeds 70 m<sup>2</sup>. The constructed building can have up to one storey and can also have a basement built underneath it.
- c) Changes of use from an additional part to a main part within a dwelling unit.
- d) Signage and advertising devices of up to 6.5 m<sup>2</sup> mounted on a wall, or with a height of up to 3.5 m and a width of up to 1.5 m mounted as freestanding in terrain. The provision does not cover the siting of signage and advertising devices that could pose a risk to personal safety and not when more than one shall be mounted in the same location or on the same façade.
- e) Antenna systems with a height of up to 5.0 m. The provision does not cover the siting of antenna systems that could pose a risk to personal safety and not when more than one antenna system shall be sited in the same location or on the same façade.

### **Section 3-2** *General agricultural buildings*

Buildings that are a necessary part of operations or which are production equipment in connection with agricultural operations shall be regarded as agricultural buildings.

Projects covered by section 20-2, first paragraph, point (b), of the Planning and Building Act concerning general agricultural buildings are:

- a) The construction, siting, material alteration, material repair or demolition of agricultural buildings of up to 1,000 m<sup>2</sup> of usable floor space.
- b) Additions to agricultural buildings if the buildings total floor space including the extension does not exceed 1,000 m<sup>2</sup> of usable floor space.

## **Chapter 4** Projects that are exempt from building application processing

### **Section 4-1** *Projects that do not require an application and permission*

The construction, alteration, removal, demolition and development of the following projects that comply with section 1-6, second paragraph, of the Planning and Building Act are exempt from the requirement concerning building application processing:

- a) Small detached buildings on developed property that shall not be used as a dwelling. The roof ridge may be up to 3.0 m and the cornice height up to 2.5 m. Neither the total usable floor space or developed area may exceed 15 m<sup>2</sup>. The minimum distance between another building on the property shall be 1.0 m.
- b) The following minor projects in existing structures:

1. Non-load bearing walls within a fire cell or sound field.
2. The installation, alteration and repair of simple installations in existing structures within a dwelling unit or fire cell.
3. The installation and repair of fireplaces.

c) The following minor outdoor projects:

1. Panel fencing (screening) with a height of up to 1.8 m and length of up to 10.0 m. The fencing can be freestanding or attached to a building.
2. Fencing against a wall with a height of up to 1.5 m. The fencing must not obstruct visibility in free sight zones towards roads.
3. Signage and advertising devices of up to 3.0 m<sup>2</sup> mounted flat on walls. The exemption does not include the mounting of more than one signage and advertising device on the same façade.
4. Smaller antenna systems. Antenna masts can be up to 2.0 m in height. Parabolic antennas can have a diameter of up to 1.2 m.
5. Smaller supporting walls of up to 1.0 m in height that are a minimum distance from the boundary of the adjoining property of 2.0 m or supporting walls of up to 1.5 m in height that are a minimum distance from the boundary of the adjoining property of 4.0 m. The wall must not obstruct visibility in free sight zones towards roads.
6. Minor filling in or levelling of the terrain. Projects must nonetheless not result in a difference of more than 3.0 m from the original level of the terrain in sparsely developed districts or a difference of 1.5 m from the original level of the terrain in developed areas. The difference on property intended for rows of terraced houses, linked houses, etc shall not be more than 0.5 m from the original level of the terrain. The distance from the foot of the filling in to the boundary of the adjoining property must be at least 2.0 m. Alterations to the terrain must not obstruct visibility in free sight zones towards roads.
7. Excavation for cables.
8. Local drainage as well as repairs of pipe and line breaks.
9. Internal roads on land and vehicle parking spaces for the land's use that do not require substantial encroachments on the terrain. The exemption also covers installations of parking spaces for agricultural machinery for use on agricultural land.

**Section 4-2** *Exemptions relating to siting of special buildings, structures or installations*

The following projects can be sited without applications or permission:

- a) Buildings, structures or installations on or directly connected to building or installation sites on which work is taking place.
- b) Caravans and the winter storage of leisure boats on developed residential and leisure properties.

- c) Caravans on camping sites.

Section 30-5 of the Planning and Building Act applies correspondingly to these projects.

**Section 4-3** *Exemptions from statutory planning and building requirements relating to certain projects that are considered pursuant to other acts*

The rules in the following chapters of the Planning and Building Act do not apply to the projects listed below in points (a) to (f) that comply with section 1-6, second paragraph: 20 (Duty of application), 21 (Requirements relating to the content and processing of applications), 22 (Approval of enterprises' right to accept responsibility), 23 (Responsibilities in building matters), 24 (Quality assurance and verification of the design and execution of projects), 25 (Supervision), 27 (Connection to infrastructure), 28 (Requirements relating to building sites and undeveloped areas), 29 (Requirements relating to projects), 30 (Requirements relating to special projects) and 31 (Requirements relating to existing buildings). The provisions in section 29-5 (Technical requirements) and section 29-7 (Requirements relating to construction products) of the Planning and Building Act and appurtenant parts of the Technical Regulations apply insofar as they are appropriate to the projects below:

- a) Public roads that are built pursuant to provisions stipulated in or pursuant to the Roads Act of 21 June 1963 No. 23 insofar as the project has been clarified in detail in the applicable zoning plan pursuant to the Planning and Building Act. Even if the project is not covered by the exemption in the first point, public roads in which the Public Roads Administration or county municipality is the developer can be executed without the following chapters in the Planning and Building Act applying: chapters 22 (Approval of enterprises' right to accept responsibility), 24 (Quality assurance and verification of the design and execution of projects) and 25 (Supervision). The provisions in section 29-2 (Visual characteristics) and section 29-3 (Requirements relating to design for universal accessibility and reliability) of the Planning and Building Act shall nonetheless apply.
- b) Hydroelectric power plants or other projects in watercourses granted a licence pursuant to provisions stipulated in or pursuant to the Act of 14 December 1917 No. 16 relating to acquisition of waterfalls, mines and other real estate (Industrial Licensing Act), Act of 14 December 1917 No. 17 relating to regulation of watercourses (Watercourse Regulation Act), and Act of 24 November 2000 No. 82 relating to river systems and groundwater (Water Resources Act).
- c) Installations for the production of electrical energy that have been granted an installation licence, installations for the distribution of electrical energy built pursuant to an area licence, as well as district heating plants that have been granted a distribution heating licence pursuant to provisions stipulated in or pursuant to the Act of 29 June 1990 No. 50 relating to the generation, conversion, transmission, trading, distribution and use of energy, etc (Energy Act).
- d) Agricultural roads approved pursuant to provisions stipulated in or pursuant to the Act of 27 May 2005 No. 31 relating to forestry (Forestry Act) or Act of 12 May 1995 No. 23 relating to land (Land Act).

- e) Floating aquaculture installations in the sea that have been granted permission pursuant to the Act of 17 June 2005 No. 79 relating to aquaculture (Aquaculture Act).
- f) Stone quarries, mines and soil extraction sites with their associated crushing mills and sorting plants that comply with the applicable zoning plan and that have been granted a licence pursuant to provisions stipulated in or pursuant to the Act of 19 June No. 101 relating to the acquisition and extraction of mineral resources (Minerals Act).

The rules in the following chapters of the Planning and Building Act do not apply to the projects listed below under points (a) to (d): 20 (Duty of application), 21 (Requirements relating to the content and processing of applications), 22 (Approval of enterprises' right to accept responsibility), 23 (Responsibilities in building matters), 24 (Quality assurance and verification of the design and execution of projects) and 25 (Supervision). Other rules shall apply insofar as they are appropriate.

- a) Buildings or technical installations connected to installations such as those mentioned in the first paragraph, points (b) and (c).
- b) Railway installations, including tramways, underground railways, and suburban railways constructed pursuant to provisions stipulated in or pursuant to the Act of 11 June 1993 No. 100 on the establishment and operation of railways, including tramways, underground railways and suburban railways, etc (Railways Act), insofar as the project has been clarified in detailed in the applicable zoning plan. Even if the project is not covered by the exemption in the first point, the rules in the following chapters of the Planning and Building Act shall not apply to railway installations approved by the Norwegian Railway Authority pursuant to the Railways Act: 22 (Approval of enterprises' right to accept responsibility), 23 (Responsibilities in building matters), 24 (Quality assurance and verification of the design and execution of projects) and 25 (Supervision).
- c) The construction, rebuilding and repair of navigation devices, including projects in the ground and seabed for such devices, pursuant to provisions stipulated in or pursuant to the Act of 17 April 2009 No. 19 relating to harbours and fairways (Harbour Act 2009) and the rebuilding and repair of navigation devices pursuant to provisions stipulated in or pursuant to the Act of 11 June 1993 No. 101 relating to Aviation (Aviation Act).
- d) The rebuilding and repair of breakwaters and other shelter works in the sea where the Norwegian Coastal Administration or a municipality is the developer.

Installations and structures constructed pursuant to provisions stipulated in or pursuant to the Act of 14 June 2002 No. 20 relating to the prevention of fire, explosion and accidents involving hazardous substances and the fire service (Fire and Explosion Prevention Act) shall not be subject to the rules in the following chapters of the Planning and Building Act: 22 (Approval of enterprises' right to accept responsibility), 23 (Responsibilities in building matters), 24 (Quality assurance and verification of the design and execution of projects) and 25 (Supervision). The exemptions also cover improvements, replacements and repairs of such installations and structures, but not ground and terrain work, including laying foundations. Other rules shall apply insofar as they are appropriate.

Developers shall inform the municipality when a project pursuant to this provision is approved pursuant to other acts and state the start-up date. All the information about the project's siting necessary to update public maps, including the municipalities' and state's joint

map databases, shall be sent to the municipality together with the information, cf. chapter 2 (Requirements relating to sets of basic map data, geodata, etc) of the Planning and Building Act. Such information is not necessary when the municipality is the approval authority for the project pursuant to other legislation. Developers shall, no later than within four weeks after completion of a project, submit information to the municipality about the project's siting as it has been built.

## Chapter 5 Applications and documentation

### **Section 5-1** *General requirements relating to applications and documentation*

Applications and documentation shall be presented in an understandable form. One copy of applications and enclosures shall be submitted to the municipality.

In the case of electronic applications the responsible applicant shall be able to document the developer's signature if his is required by the municipality.

The National Office of Building Technology and Administration can decide that information and documentation that shall be submitted to the municipality must be presented in a defined form or electronic format.

When an application provides information in conformity with standardised forms or electronic building applications, a municipality cannot require that the information be presented in another form.

Applications and enclosures that are not prepared in Norwegian, Swedish or Danish shall be accompanied by a translation in one of these languages.

### **Section 5-2** *Notification to adjoining and opposite neighbours*

When the property of adjoining or opposite neighbours is a leasehold plot (registered leasehold plot), both the owners and lessees shall be notified.

The notification shall contain the information that pursuant to section 5-4 shall be disclosed in applications insofar as it affects the adjoining and opposite neighbours' interests. Site plans with dimensions, sectional drawings and elevations shall be enclosed with such notification unless these are not relevant. If a project entails a change of use, the notice to neighbours shall also contain information about previous use. The reasons for applications for dispensations shall be enclosed with the notification insofar as dispensations affect the adjoining and opposite neighbours' interests.

If an application is submitted to a municipality later than one year after the notification to neighbours is sent out, new notification shall be sent out to all adjoining and opposite neighbours.

### **Section 5-3** *Execution plan*

Applicants shall draw up an execution plan for projects subject to a duty of application in those cases where a responsible enterprise is required. Insofar as it is relevant for the project, the execution plan shall contain an overview of areas of responsibility divided into

approval areas and by project classes, control areas, responsible enterprises and the execution of tasks.

An overview of the division of areas of responsibility shall be accompanied by an execution plan in addition to the individual applications for the right to accept responsibility. In those cases where there is a lack of conformity between the division of responsibilities in the execution plan and the individual applications for the right to accept responsibility, the applications for the right to accept responsibility shall take priority.

Responsible enterprises shall assist applicants with the documentation necessary for the preparation, updating and completion of execution plans. Execution plans shall be updated on the basis of declarations of conformity from the responsible designers and contractors, and verification declarations and final reports from controllers.

Execution plans shall be signed by the applicant and submitted to the municipality when applications are submitted for general permission, project start-up permission, modification permission, a special right to accept responsibility, provisional permission to use and certificates of completion. Municipalities can, as part of their supervision, require insight into the materials an execution plan is based on, including planning for verification, verification declarations, declarations of conformity and non-conformity management.

Execution plans enclosed with applications for a certificate of completion shall document that the project has been completed and that verification has been carried out. Completed and signed execution plans provide the basis for certificates of completion. Execution plans enclosed with applications for provisional permission to use shall document the remaining work and verification, as well as the timetable for completion.

#### **Section 5-4** *Information that shall be disclosed in applications for permission for projects*

Applications for permission for projects as defined in section 20-1 and 20-2 of the Planning and Building Act shall contain the information stipulated below in the third paragraph, points (a) to (q), insofar as they are relevant with regard to the project and necessary for the municipality's processing.

In addition to this, information about the duration of the siting shall be disclosed for temporary projects as defined in section 20-2, point (c), of the Planning and Building Act and applications shall, to the extent necessary, contain information about how the requirements in section 30-5 of the Planning and Building Act are addressed.

The information that is relevant for applications is:

- a) developer
- b) property and existing buildings that will be affected by the project
- c) description of the nature of the project
- d) the project's magnitude and degree of utilisation
- e) relationship to the basis for planning and section 1-8 of the Planning and Building Act
- f) how the requirements relating to design for universal accessibility and architectural design are addressed, including visual characteristics

- g) the project's safeguards against risks or material nuisances due to natural or environmental factors and need for any safety measures
- h) an environmental impact analysis pursuant to section 9-4 of the Technical Regulations
- i) minimum distances to other buildings, power lines, midpoints of roads, water and sewage pipes
- j) access ways, water supply, drainage and district heating connections
- k) any need for and the basis for dispensations
- l) whether or not preliminary conferences have been held
- m) drawings and site plans with dimensions
- n) account of notifications to neighbours and neighbours' comments
- o) relationship to other authorities
- p) execution plan
- q) applications for local approval of the right to accept responsibility with relevant documentation

Applications for general permission, cf. section 6-4, must be accompanied by all the information listed in the third paragraph insofar as it is relevant with regard to the project, with the following exceptions:

- a) design for universal accessibility and architectural design, cf. third paragraph, point (f), shall only be documented insofar as the situation is clarified in the general permission
- b) for factors such as situations concerning safeguards against risks or material nuisances due to natural or environmental factors and need for any safety measures, cf. third paragraph, point (g), it is sufficient that the risk is identified and the possible safety measures explained
- c) for factors such as access ways, water supply, drainage and district heating connections, cf. third paragraph, point (j), documentation that the necessary rights have been secured is sufficient
- d) it is sufficient to document which authorities the project has been clarified in relation to, cf. third paragraph, point (o)
- e) applications and documentation, cf. third paragraph, point (q), are required for responsible applicants and responsible designers in relation to factors that are clarified in the general permission.

### **Section 5-5** *Documentation that shall be available in the project*

Documentation verifying compliance with requirements stipulated in or pursuant to the Planning and Building Act shall be available in the project and be familiar to those responsible insofar as they are relevant for an enterprise's tasks. The documentation shall be available during inspections. The documentation shall be written in Norwegian or another Scandinavian language. This includes:

- a) the permission



- b) drawing materials and other production documentation
- c) declarations of conformity and verification declarations
- d) documentation for the operating phase, cf. chapter 4 of the Technical Regulations
- e) documentation of compliance with chapter 2 and section 3-1, third paragraph, of the Technical Regulations
- f) documentation of compliance with the system requirements as mentioned in section 10-2
- g) a copy of the application with the developer's signature when electronic applications are submitted, cf. section 5-1, second paragraph
- h) waste management plans, documentation of the actual disposal of the waste, and environmental restoration plan, cf. sections 9-6, 9-7 and 9-9 of the Technical Regulations.

## Chapter 6 Municipality's processing

### Section 6-1 *Preliminary conference*

A preliminary conference as defined in section 21-1 of the Planning and Building Act shall clarify the project's assumptions and the framework for further processing.

A preliminary conference can be used in all types of projects pursuant to the Planning and Building Act, regardless of their size and degree of difficulty. A preliminary conference can also be used for projects exempt from application processing pursuant to sections 20-3 and 20-4 of the Planning and Building Act.

Preliminary conferences are held prior to the submission of applications. Municipalities can invite affected authorities for different fields and other affected parties to the conferences, possibly at the request of the developer. Municipalities and developers or responsible applicants shall inform each other who shall participate prior to the conference.

Developers shall, to the extent it has been clarified, provide an account of the project's content, scope, siting, progress, relevant responsible contractors and assumptions for the project. Developers shall in advance provide municipalities with the information necessary for the preparation of conferences. Municipalities can demand that such information be disclosed in a specific form.

Municipalities shall provide the necessary information about general assumptions and requirements concerning plans for land use, infrastructure, relevant acts, regulations and guidelines, documentation requirements, requirements concerning the siting of the project, need for coordination with relevant authorities, cf. section 6-2, the municipality's practices, processing routines, ability to split application processing, independent verification, supervision, responsibility rules, requirements relating to responsible enterprises and other information of importance. Municipalities shall provide information about the subsequent processing and estimated processing time.

Municipalities are responsible for keeping minutes of preliminary conferences. The minutes shall be signed by the developer and the municipality's representatives in the preliminary conference. The minutes shall record the assumptions on which the project is

based and form the basis for further action. The minutes shall accompany the matter's documentation in the subsequent processing.

### **Section 6-2** *Municipal building authorities' duty to coordinate*

A municipality's duty to coordinate pursuant to section 21-4 of the Planning and Building Act encompasses the following authorities:

- a) health authorities
- b) fire protection authorities
- c) working environment authorities
- d) road authorities
- e) port authorities
- f) pollution control authorities
- g) Norwegian Civil Defence
- h) land law authorities
- i) outdoor recreation authorities
- j) cultural monument authorities
- k) reindeer husbandry authorities
- l) religious authorities
- m) aviation authorities
- n) mining authorities

Applicants shall themselves lay the matter before the affected authorities.

### **Section 6-3** *Siting of projects*

Municipalities shall approve the siting of projects, cf. section 29-4 of the Planning and Building Act, and, to the extent it is necessary:

- a) obtain updated site plans for properties affected by planned projects
- b) state the relevant tolerances in the siting of projects in site plans and on the land (laying out)

### **Section 6-4** *General permission*

Insofar as it is relevant for the project, the general permission shall include:

- a) the nature and purpose of the project
- b) the size, number of dwelling units and degree of utilisation
- c) clarification in relation to the basis for planning
- d) design, siting, parking solutions, outdoor recreation areas, visual design

- e) protection against risks
- f) relationship to selected habitats
- g) safety for approved road, water and drainage solutions
- h) the need, and any applications, for dispensations
- i) clarification of relationship to neighbours

The general permission may also include other factors.

### **Section 6-5** *Selected habitats - notification to the Ministry of the Environment*

Municipalities shall notify the Ministry of the Environment if permission is granted for a project that affects occurrences of one or more selected habitats.

### **Section 6-6** *Reporting to other authorities*

Municipalities shall carry out the necessary reporting to other authorities where this is stipulated by other regulations, cf. Regulations of 14 April No. 514 relating to the reporting and registration of aviation obstructions (BSL E 2-1) and the Regulations of 26 June 2009 No. 864 relating to land registration (Land Registration Regulations).

### **Section 6-7** *Ability to use responsible enterprises in projects pursuant to the Planning and Building Act*

Developers can demand that a project that falls under the scope of section 20-2 of the Planning and Building Act shall be undertaken by an enterprise with the right to accept responsibility pursuant to chapters 22 and 23 of the Planning and Building Act.

### **Section 6-8** *Right to assume personal responsibility for self-builders*

Municipalities can approve people's right to accept responsibility as a self-builder of their own home or leisure home without taking into consideration the requirements for responsible entities in chapters 9, 10, and 11 if the person can document that it is likely that the work the approval relates to will be executed pursuant to provisions stipulated in or pursuant to the Planning and Building Act.

A right to accept responsibility can be granted for the following functions: applicant, designer and contractor for fields in project class 1.

### **Section 6-9** *Withdrawal of local approval of the right to accept responsibility*

Local approval of the right to accept responsibility can be withdrawn when the responsible enterprise:

- a) has significantly failed to comply with requirements stipulated in or pursuant to the Planning and Building Act relating to the following functions: responsible applicant, responsible designer and responsible contractor,
- b) has failed to comply with administrative orders issued by the municipality, or
- c) is no longer qualified for the task.

Notification concerning withdrawal of local approval of the right to accept responsibility shall be sent to the enterprise in writing. The enterprise shall be given a deadline by which to comment, which shall not be shorter than two weeks from when the notification was sent. Copies of the withdrawal notifications and decisions shall be sent to developers and responsible applicants.

Municipalities can suspend approvals with immediate effect and without notification pursuant to the second paragraph being required, cf. section 22-4, first paragraph, third point, of the Planning and Building Act, if circumstances are discovered with regard to the responsible enterprise's execution that could pose a significant risk to health, safety or the environment.

A withdrawal of local approval of the right to accept responsibility shall remain in effect until the enterprise can document via a new application that the circumstances that caused the withdrawal have been remedied and the remaining terms and conditions for approval are met.

Consideration shall be given to whether or not the enterprise has remedied the non-conformities that provided the basis for the withdrawal when considering a withdrawal of local approval of the right to accept responsibility and the granting of renewed approval.

The provision applies correspondingly to the withdrawal of the right to assume personal responsibility for a self-builder.

## Chapter 7 Deadlines for processing

### **Section 7-1** *Deadlines for processing by municipalities and appeal bodies*

In addition to the processing deadlines pursuant to section 21-7 of the Planning and Building Act, the following deadlines apply for processing by municipalities and appeals bodies:

- a) A preliminary conference shall be held by the municipality within two weeks.
- b) Applications for project start-up permission shall be processed by the municipality within three weeks.
- c) Applications for provisional permission to use shall be processed by the municipality within three weeks.
- d) Appeals shall be prepared by the municipality and submitted to the appeals body as soon as the matter is prepared, and no later than within eight weeks. The same deadline applies in those cases where the municipality allows an appeal and a new decision is going to be taken. The deadline applies for all building applications, including appeals in building applications where the project requires a

dispensation from provisions stipulated in or pursuant to the Planning and Building Act.

- e) In appeals where deferred implementation has been granted pursuant to section 42 of the Public Administration Act, the appeals shall be processed by the appeals body within six weeks. This applies regardless of whether it is the municipality or the appeals body that has made a decision concerning deferred implementation.
- f) The municipality's approval of plans and preliminary calculations of refunds pursuant to section 18-8 of the Planning and Building Act shall take place within six weeks. The same deadlines apply to the determining of refunds pursuant to section 18-9 of the Planning and Building Act.

If the application is spilt up, cf. section 21-2, fifth paragraph, of the Planning and Building Act, the twelve week deadline in section 21-7 of the Planning and Building Act, first paragraph, only applies to applications for general permission and applications for changes to general permission.

### **Section 7-2** *Calculation of time limits*

The time limits pursuant to section 7-1 above and section 21-7 of the Planning and Building Act can be extended by the time spent correcting errors or obtaining necessary supplementary information.

The time limit for holding a preliminary conference is counted from when a request containing sufficient information is received and until a preliminary conference is held.

In the case of applications, including applications for provisional permission to use, the time limit is counted from when the application is received and until the decision is sent. In those cases where the municipality, pursuant to section 21-4, sixth paragraph, first point, has stipulated as a condition for granting permission that a charge has been paid, the time limit is interrupted by the municipality demanding payment of the charge.

In the case of the municipality's processing of an appeal concerning a building application, the time limit is counted from the expiry of the deadline for appeals and until the matter has been sent to the appeals body or a new decision has been sent.

In the case of the municipality's approval of plans and preliminary calculation of refunds pursuant to section 18-8 of the Planning and Building Act, the time limit is counted from the moment the necessary material has been received and until the decision is sent.

The time limit for making decisions, pursuant to section 18-9 of the Planning and Building Act, on the determining of refunds is counted from the moment the entity liable to pay a refund's deadline for commenting has expired and until a decision is sent.

### **Section 7-3** *Municipalities' access to unilaterally extend deadlines*

Municipalities can when processing applications subject to a deadline in section 21-7, first paragraph, of the Planning and Building Act extend the deadline if the matter is particularly complicated, requires additional political clarification or requires permission or consent from other authorities pursuant to section 21-5 of the Planning and Building Act. The developer and responsible applicant shall be informed of the new deadline as soon as it is clear a deadline will be exceeded.

Municipalities can in special circumstances extend the deadline for an application subject to the deadlines in section 21-7, second or third paragraph, of the Planning and Building Act. Information about the new deadline must be sent to the applicant before the expiry of the three weeks' deadlines.

**Section 7-4** *Waiver of charges when municipalities exceed deadlines*

When the deadlines in section 21-7, first paragraph, of the Planning and Building Act are exceeded the municipality shall refund to the developer 25 per cent of the total building application charges for each week or part thereof the deadline is exceeded. This provision does not apply if special deadlines have been agreed or the municipality has extended a deadline pursuant to section 7-3 above. In such circumstances the effects of exceeding a deadline come into effect from the moment the agreed or extended deadline is exceeded.

## Chapter 8 Completion

### **Section 8-1** *Completion of projects*

Municipalities shall upon receiving applications issue a certificate of completion to all projects subject to a duty of application when the conditions in section 21-10 of the Planning and Building Act are satisfied. The following projects subject to a duty of application shall not be concluded with a certificate of completion:

- a) The establishment of new property, landed property or the transfer of areas pursuant to section 20-1, first paragraph, point (m), of the Planning and Building Act.
- b) Temporary buildings, structures or installations as mentioned in section 20-2, first paragraph, point (c), of the Planning and Building Act that shall not be used for constant occupancy.
- c) Signage and advertising devices where permission has been granted for a specified period.

Applicants shall when applying for a certificate of completion confirm that sufficient documentation to provide a basis for the operating phase has been handed over to the structure's owner.

In those cases where provisional permission to use is being applied for the applicant shall identify the remaining work, confirm the structure is sufficiently safe, and state the date of completion. Municipalities can issue provisional permission to use when the conditions in section 21-10 of the Planning and Building Act are satisfied.

In those cases where an execution plan is required, cf. section 5-3 above, this shall be enclosed with any application for a certificate of completion and provisional permission to use. In those cases where a waste management plan or description of environmental restoration is required, cf. sections 9-6 and 9-7 of the Technical Regulations, the final report documenting the actual disposal of the waste shall be enclosed with any application for a certificate of completion.

If adjustments have been made in relation to the permission that do not require the submission of an application to make changes, the applicant shall, no later than when the applicant applies for a certificate of completion or provisional permission to use, submit an updated site plan, drawings and documentation about the project's siting as it has been built. Documentation about the project's siting shall either be provided using surveyed coordinate values or by drawing it in on a previously approved site plan.

### **Section 8-2** *Handing over of management, operation and maintenance documentation*

Applicants shall, no later than when the applicant applies for a certificate of completion, ensure that the documentation necessary for the operating phase specified in section 4-1 of the Technical Regulations is presented to the responsible enterprise within its

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areas of responsibility. The applicant shall handover the documentation to the structure's owner in return for a receipt.



## **PART THREE APPROVALS AND RESPONSIBILITIES**

### **Chapter 9 Approvals of enterprises**

#### **Section 9-1 Approvals**

Enterprises that want approval to assume responsibility for the functions of responsible applicant, designer, contractor or controller in projects that require the right to accept responsibility, shall fulfil the requirements in the third part (Approvals and responsibilities) of the regulations.

The assessment of qualifications shall be based on a total assessment of the enterprise's organisation, management system and the professional competence in the enterprise.

Central approval of the right to accept responsibility is voluntary for responsible applicants, designers and contractors.

Central approval of the right to accept responsibility is compulsory for responsible controllers, cf. section 23-7, first paragraph, of the Planning and Building Act.

Local approval of the right to accept responsibility is compulsory for all functions for projects pursuant to section 20-1 of the Planning and Building Act.

#### **Section 9-2 Enterprises and others who can be granted approval**

Approval can only be granted to enterprises that shall be approved with regard to the right to accept responsibility, including agencies and other public organs.

Enterprises shall be registered in the Register of Business Enterprises. Enterprises from another EEA member state that are not registered in the Register of Business Enterprises must document they are registered in equivalent registers of business enterprises or industry registers in an EEA member state.

Enterprises from states covered by WTO agreements can be approved with regard to the right to accept responsibility by documenting they satisfy the requirements stipulated in or pursuant to the Planning and Building Act.

Local approval can be granted with regard to the right to accept responsibility as a self-builder pursuant to section 6-8.

#### **Section 9-3 Stipulation of project classes**

Tasks associated with a project shall be divided into project classes 1, 2 or 3 within one or more fields based on their complexity, degree of difficulty and possible consequences deficiencies and errors may have for health, safety and the environment.

Tasks associated with a project can be placed in different project classes for the individual function and field. Municipalities' approve project classes pursuant to proposals from responsible applicants.

#### **Section 9-4** *Division into project classes*

Project class 1 covers, regardless of function and field, projects or tasks that are not very complicated or have a low degree of difficulty, and in which deficiencies or errors in the project will have minor consequences for health, safety and the environment.

Project class 2 covers, regardless of function and field, projects or tasks that are:

- a) not very complicated or have a low degree of difficulty, but in which deficiencies or errors will have moderate consequences for health, safety and the environment.
- b) moderately complicated or have a moderate degree of difficulty, but in which deficiencies or errors will have minor to moderate consequences for health, safety and the environment.

Project class 3 covers, regardless of function and field, projects or tasks that are:

- a) moderately complicated or have a moderate degree of difficulty, but in which deficiencies or errors will have major consequences for health, safety and the environment, or
- b) very complicated or have a high degree of difficulty.

## **Chapter 10** Requirements relating to enterprises' systems

### **Section 10-1** *System for compliance with the Planning and Building Act - requirements relating to routines*

Enterprises applying for approval of the right to accept responsibility shall have a system that ensures compliance with requirements stipulated in or pursuant to the Planning and Building Act. The system shall be suitable in content and scope for the enterprise and pertinent approval areas. In the case of local approval of the right to accept responsibility the system shall be suitable for the area of responsibility. The following shall be evident from the system:

- a) Organisation chart, cf. section 1-2, first paragraph, point (e).
- b) How the other enterprises the enterprise associates itself with are managed.
- c) How the enterprise addresses the obligations and tasks that follow from the enterprise's responsibilities and function, cf. chapter 12.
- d) How the enterprise identifies, addresses, including verification, and documents compliance with relevant requirements stipulated in or pursuant to the Planning and Building Act that apply to the enterprise's approval area, cf. section 1-2, point (c), and in the event of local approval of areas of responsibility in order to ensure that all relevant requirements and conditions are complied with in the project.
- e) Routines for ensuring the enterprise possesses the necessary and up-to-date knowledge about requirements stipulated in or pursuant to the Planning and Building Act that are relevant for the enterprise's approval areas.

- f) Routines for identifying, managing and closing non-conformities, including preventing repetitions of non-conformities with regard to requirements stipulated in or pursuant to the Planning and Building Act.
- g) Routines for how the enterprise addresses the registration, version management, forwarding and storage of documentation that demonstrate compliance with the requirements stipulated in or pursuant to the Planning and Building Act

Enterprises shall have routines that ensure regular reviews and updating of the system.

### **Section 10-2** *Documentation of compliance with the requirements relating to systems*

Enterprises or others who apply for approval of the right to accept responsibility shall in writing, and in an understandable manner, illustrate how they comply with the requirements relating to systems and routines stipulated in section 10-1. The documentation can be demanded in a defined format that shows how the requirements are addressed, cf. section 5-1, third paragraph.

In those cases where an enterprise has central approval of the right to accept responsibility, the municipality shall normally use this as documentation pursuant to the first paragraph when processing applications for local approval of the right to accept responsibility.

Enterprises shall clarify that they have sufficient competence to execute the tasks they are assuming in the project when applying for local approval of the right to accept responsibility. Enterprises must also clarify how their quality assurance has been tailored to the relevant project.

## **Chapter 11** Training and practical experience requirements

### **Section 11-1** *Qualification requirements*

Enterprises shall in applications for central approval of the right to accept responsibility document that they possess overall competence suitable for the approval area for which they are applying as stipulated in the organisation chart pursuant to section 10-1, first paragraph, point (a), cf. section 1-2, first paragraph, point (e), including that the necessary and relevant professional competence is being used to ensure that work within the approval area for which they are applying is executed pursuant to requirements stipulated in or pursuant to the Planning and Building Act.

Enterprises shall in applications for local approval of the right to accept responsibility document that the necessary and relevant professional competence is being used in the project to execute the relevant project properly to ensure compliance with requirements stipulated in or pursuant to the Planning and Building Act, cf. section 10-2, third paragraph.

Verification enterprises must possess relevant competence within design or execution.

### **Section 11-2** *Practical experience requirements relating to the individual functions*

Enterprises that assume the responsibilities of a responsible applicant must be able to document that they have personnel with relevant practical experience in the execution or design, coordination and preparation of applications and supporting documents, of projects in the same or a higher project class.

Enterprises that assume the responsibilities of a responsible designer must be able to document that they have personnel with relevant practical experience in design within their own field.

Enterprises that assume the responsibilities of a responsible contractor must be able to document that they have personnel with relevant practical experience in execution within their own field.

Enterprises that assume the responsibilities of a responsible controller must be able to document that they have personnel with relevant practical experience in design and execution.

In the case of local approval of the right to accept responsibility in project class 1, the requirements relating to the practical experience of responsible applicants and responsible designers may be waived if they have relevant training of longer duration or higher degrees.

### **Section 11-3** *Information that shall be disclosed in applications for approval of the right to accept responsibility*

An account shall be provided in the organisation chart of the enterprise's qualifications with regard to training and practical experience when applying for central approval of the right to accept responsibility, cf. section 11-1, first paragraph.

Enterprises shall demonstrate that adequate competence will be used in the project when applying for local approval of the right to accept responsibility. In those cases where no central approval of the right to accept responsibility exists, enterprises shall provide an account of their training and practical experience when applying for local approval of the right to accept responsibility.

Enterprises shall document their practical experience by providing an overview of reference projects or in some other manner when applying for central approval of the right to accept responsibility, and when applying for local approval of the right to accept responsibility when no central approval of the right to accept responsibility exists.

### **Section 11-4** *Assessments of training and practical experience*

Weight shall be given to an assessment of whether or not an enterprise's qualifications with regard to training and practical experience appear relevant to the approval area being applied for when applying for central approval of the right to accept responsibility. Weight shall be given to an assessment of whether or not an enterprise's qualifications with regard to training and practical experience appear relevant to the area of responsibility area being applied for when applying for local approval of the right to accept responsibility.

Assessments of relevant practical experience shall emphasise whether or not an enterprise's practical experience is up-to-date, the duration of the practical experience, its

relevance to the approval area, and whether or not the practical experience has been gained pursuant to permissions and provisions stipulated in or pursuant to the Planning and Building Act when applying for national and local approval of the right to accept responsibility.

Training and practical experience from another EEA member state shall be accepted on equal terms to Norwegian training and practical experience.

## Chapter 12 Responsibilities

### **Section 12-1** *Developer's responsibilities*

Developers are responsible for procuring new responsible enterprises in the event of the termination of or other changes to rights to accept responsibility. Developers are responsible for the payment of building application charges to municipalities. Municipalities can in all matters pursuant to the Planning and Building Act issue administrative orders to developers.

In those cases where developers' responsibilities are not delegated to responsible enterprises, cf. section 23-1, second paragraph, they are responsible for ensuring that applications, designs and execution comply with requirements stipulated in or pursuant to the Planning and Building Act. These responsibilities include:

- a) responsibility for notifying neighbours, receiving and clarifying neighbours' comments, and for an application's content otherwise
- b) responsibility for siting, and the preparation and updating of execution plans, cf. section 5-3 and for applications for certificates of completion.

In those cases where developers have received approval with regard to a personal right to assume personal responsibility as a self-builder pursuant to section 6-8, they are responsible for those parts of the project where an enterprise with an independent right to accept responsibility is not used.

Developers are responsible for ensuring that verification is carried out where this is required pursuant to sections 14-2, 14-3 or 14-4.

### **Section 12-2** *Responsible applicant's responsibilities*

In addition to the responsibilities pursuant to section 23-4 of the Planning and Building Act, responsible applicants have a responsibility to:

- a) participate in preliminary conferences when requested to do so by the developer
- b) notify adjoining and opposite neighbours of planned projects, act as the recipient of comments and prepare an account of how the comments were addressed, cf. sections 21-2 and 21-3 of the Planning and Building Act
- c) ensure that applications for permission, or general permission and project start-up permission, contain all the information necessary to demonstrate that the project complies with requirements stipulated in or pursuant to the Planning and Building Act, cf. section 5-4, including the project's siting, clarification of the need for dispensations, preparation and updating of the execution plan, and facilitation of

verification and proposals concerning project classes for the fields, cf. section 9-4 about project classes and section 5-3 about execution plans

- d) identify and clarify areas of responsibility for the responsible enterprises, both for general permission and project start-up permission, and submit the necessary applications for local approval of the right to accept responsibility. Responsible applicants shall ensure the necessary signatures of the developer and responsible enterprises are available. Responsible applicants shall notify municipalities in the event of deficiencies, changes to and the termination of rights to accept responsibility.
- e) ensure the preparation of a waste management plan, description of environmental restoration, final report for waste management, and obtain documentation of the actual disposal of the waste
- f) ensure that any planned safety measures are executed, cf. section 28-2 of the Planning and Building Act
- g) ensure that the responsible enterprises are coordinated in those cases when there is more than one enterprise and the responsibility for such coordination is not specifically stated in the execution plan or right to accept responsibility applications
- h) receive and forward permissions, conditions and administrative orders to the responsible enterprises, and submit applications in the event of changes in projects that are subject to a duty of application
- i) ensure that the necessary final inspection is conducted and obtain declarations of conformity from responsible designers and responsible contractors, and verification declarations from controllers relating to design and execution
- j) apply for certificates of completion, cf. section 8-1.
- k) identify remaining work, confirm that the structure has an adequate level of safety, and state a completion date if provisional permission to use is being applied for
- l) facilitate municipal supervision
- m) ensure that documentation for management, operation and maintenance pursuant to section 8-2 exists, and handover this to the owner in return for a receipt.

### **Section 12-3 *Responsible designer's responsibilities***

In addition to the responsibilities pursuant to section 23-5 of the Planning and Building Act, responsible designers have a responsibility to:

- a) ensure that the design is quality assured and documented pursuant to chapter 2 of the Technical Regulations and provides an adequate basis for the execution, and that product documentation exists pursuant to chapter 3 of the Technical Regulations if the designer is responsible for the choice of products
- b) prepare a site plan and check that the site map provides an adequate basis for ensuring the project is correctly located on the site plan
- c) ensure the drawing up of the necessary design as a basis for a waste management plan and description of environmental restoration

- d) ensure the developer and responsible applicant are notified if the design triggers a need for special safety measures, cf. section 28-2 of the Planning and Building Act, and carry out such planning
- e) coordinate the interface with other responsible designers
- f) deliver a basis for execution plans for its parts of the project, and facilitate any inspections within their areas of responsibility, including preparing declarations of conformity upon conclusion of the planning
- g) bear responsibility for sub-suppliers, (contracted consultants (planning), subcontractors (execution) or contracted inspectors) without their own right to accept responsibility
- h) notify responsible applicants of changes that could entail a duty of application and changes in the allocation of responsibilities
- i) prepare documentation, or ensure its procurement, that provides a basis for management, operation and maintenance pursuant to chapter 4 of the Technical Regulations within their areas of responsibility, and ensure this is handed over to responsible applicants

#### **Section 12-4 *Responsible contractor's responsibilities***

In addition to the responsibilities pursuant to section 23-6 of the Planning and Building Act, responsible contractors have a responsibility to:

- a) ensure execution is quality assured and complies with the production documentation, and ensure compliance with any conditions that follow from permissions or special requirements relating to the execution stipulated in or pursuant to the Planning and Building Act
- b) that the project is correctly sited pursuant to the site plan
- c) ensure that product documentation exists where contractors are responsible for the choice of products and ensure that instructions for building in, assembly, etc for products exist and are abided by
- d) contribute to and follow-up waste management plans, carry out environmental restoration, and take care of the documentation of the actual disposal of waste, and prepare the final report for waste management
- e) execute the planned safety measures, cf. section 28-2 of the Planning and Building Act, and notify responsible applicants if necessary about the need for safety measures that have not been planned
- f) coordinate the interface with other responsible contractors
- g) notify responsible applicants when contractors discover that a design is deficient, contradictory or incorrect pursuant to requirements stipulated in or pursuant to the Planning and Building Act
- h) deliver a basis for execution plans for its parts of the project, and facilitate any inspections within their areas of responsibility, including preparing declarations of conformity upon conclusion of the execution

- i) bear responsibility for sub-suppliers without their own right to accept responsibility
- j) notify responsible applicants of changes that could entail a duty of application and changes in the allocation of responsibilities
- k) prepare documentation, or ensure its procurement, that provides a basis for management, operation and maintenance pursuant to chapter 4 of the Technical Regulations within their areas of responsibility, and ensure this is handed over to responsible applicants

### **Section 12-5 *Responsible controller's responsibilities***

In addition to the responsibilities pursuant to section 23-7 of the Planning and Building Act, responsible controllers have a responsibility to:

- a) plan and execute verification, as well as carry out final verification
- b) deliver a basis for execution plans within its areas of responsibility, including preparing final reports and verification declarations upon concluded verification that document what has been verified, any non-conformities that were discovered and how the non-conformities were addressed
- c) verify that the project complies with requirements stipulated in or pursuant to the Planning and Building Act and notify the relevant responsible enterprises of uncovered non-conformities
- d) ensure that non-conformities are closed, notify responsible applicants about non-conformities that are not closed by the responsible enterprises, and notify the municipality if non-conformities are not closed in the project
- e) coordinate the interface with other responsible controllers and help to coordinate inspections where there is more than one responsible controller

### **Section 12-6 *Special provisions relating to responsibilities***

When a responsible enterprise's responsibilities end, it shall notify responsible applicants, which shall notify the municipality. The enterprise shall ensure documentation is drawn up for the work that has been executed up to the end within its area of responsibility, including declarations of conformity and verification declarations, and address the interface with new responsible enterprises. A new responsible enterprise shall in the application for approval of the right to accept responsibility clarify the responsibilities the enterprise is accepting. Upon the cessation of responsibilities the municipality shall issue administrative orders to the responsible enterprise about remedies or improvements within its area of responsibility.

Responsible enterprises shall retain documentation of the fulfilment of its right to accept responsibility for 5 years after the certificate of completion has been issued.

A responsible enterprise can assume responsibility for sub-suppliers, i.e. contracted consultants (planning), subcontractors (execution) or contracted controllers. The responsible enterprise bears full responsibility for the sub-supplier, and the right to accept responsibility can be withdrawn due to errors made by the sub-supplier. These responsibilities also include compliance with administrative orders. Responsible enterprises shall ensure that the



enterprise's quality assurance and competence in the project provides an adequate basis for executing the relevant project.

Unlawful situations pursuant to rules stipulated in or pursuant to the Planning and Building Act shall be reported to the municipality. Responsible designers, responsible contractors and responsible controllers shall notify responsible applicants and/or developers, and the municipality, if the situation is not remedied.

## **Chapter 13      Central approval of the right to accept responsibility**

### **Section 13-1** *Body for central approval of the right to accept responsibility*

The National Office of Building Technology and Administration administers the national scheme for approving enterprises with a right to accept responsibility, including registering enterprises with central approval, cf. section 13-7, and also performs a secretariat function for the appeals board for central approval of the right to accept responsibility. The National Office of Building Technology and Administration considers matters relating to central approval, renewals and withdrawals of central approval pursuant to sections 22-1 and 22-2 of the Planning and Building Act and these regulations.

The National Office of Building Technology and Administration supervises nationally approved enterprises and can in connection with this require the presentation of the documentation mentioned in chapter 9, 10 and 11. The presentation of documentation can also be required by the appeals board for central approval.

### **Section 13-2** *Applications for central approval of the right to accept responsibility*

Applications for central approval of the right to accept responsibility shall be submitted in writing to the National Office of Building Technology and Administration. Applications shall be accompanied by documentation demonstrating compliance with the requirements in these regulations, cf. chapter 9, 10 and 11. Applications and enclosures that are not prepared in Norwegian, Swedish or Danish shall be accompanied by a translation in one of these languages.

### **Section 13-3** *Processing deadline for applications for central approval of the right to accept responsibility*

The processing deadline defined in section 11, first paragraph, first point, of the Services Act shall be four weeks for applications for central approval of the right to accept responsibility pursuant to the Planning and Building Act.

Section 11, second paragraph, of the Services Act concerning the fact that permission is deemed to have been granted when the processing deadline has expired does not apply to the central approval body.

#### **Section 13-4** *Approval's duration – renewal*

Central approval of the right to accept responsibility is granted for three years at a time.

Renewal applications shall be sent to the National Office of Building Technology and Administration no later than two months before the expiry of the approval period. If this deadline is exceeded, submission of an application can be demanded pursuant to section 13-2.

Central approval of the right to accept responsibility will be renewed if the enterprise documents that it satisfies requirements stipulated in or pursuant to the Planning and Building Act at the time of renewal. The National Office of Building Technology and Administration can carry out a new assessment that gives weight to previously received documentation when applications for renewal are submitted.

#### **Section 13-5** *Approval areas for the central approval of enterprises*

Central approval of the right to accept responsibility can be granted for the applicant function in project classes 1, 2 and 3.

Central approval of the right to accept responsibility can be granted for the designer function in project classes 1, 2 and 3 for the following areas:

- a) Overall responsibility for design (buildings, installations or structures, and technical installations)
- b) Architecture
- c) Outside areas and landscaping
- d) Technical surveys project work
- e) Fire concepts
- f) Geotechnology
- g) Structural safety
- h) Building physics
- i) Sanitation, heating and fire extinguishing installations
- j) Ventilation and indoor climate installations
- k) Water supply, drainage and district heating installations
- l) Lifting equipment
- m) Acoustic conditions and vibrations
- n) Environmental restoration

Central approval of the right to accept responsibility can be granted for the contractor function in project classes 1, 2 and 3 for the following areas:

- a) Overall responsibility for execution (buildings, installations or structures, and technical installations)
- b) Surveying and laying out of projects
- c) Ground work and landscaping

- d) Cast in situ concrete structures
- e) Carpentry and assembly of wood structures
- f) Brickwork
- g) Assembly of load bearing metal or concrete structures
- h) Assembly of glazed structures and façade cladding
- i) Roofing work
- j) Work on structures worth preserving
- k) Installation of fire alarm systems, emergency lighting and guide systems
- l) Sanitation, heating and fire extinguishing installations
- m) Ventilation and indoor climate installations
- n) Lifting equipment
- o) Demolition and environmental restoration

Central approval of the right to accept responsibility can be granted for the independent controller function in project classes 1, 2 and 3 for the following areas:

- a) Overall responsibility for independent verification
- b) Independent verification of one or more approval areas as listed in the second and third paragraph

### **Section 13-6** *Withdrawal of central approval of the right to accept responsibility*

Central approval of the right to accept responsibility shall be withdrawn when the conditions in section 22-2 of the Planning and Building Act exist or the actions of the enterprise demonstrate that it does not satisfy the requirements concerning reliability and competence necessary to be deemed qualified for approval.

Serious violations pursuant to section 22-2 of the Planning and Building Act can include situations that could result in violation fines pursuant to section 32-8, first paragraph, points (a) to (g) and point (j), failure to comply with special administrative orders or prohibitions stipulated in or pursuant to the Planning and Building Act, and failure to follow-up enquiries concerning supervision.

Weight shall be given to whether or not the error or deficiency in the project has been remedied when assessing withdrawals based on violations of requirements stipulated in or pursuant to the Planning and Building Act and whether a new approval shall be granted.

Notification of the withdrawal of central approval of the right to accept responsibility shall be sent in writing to the enterprise. The enterprise shall be given a deadline by which to comment, which shall not be shorter than two weeks from when the notification was sent.

In addition to the provisions stipulated in section 22-2, second paragraph, it must be documented that the management system has been reviewed, the measures necessary to prevent repetitions of non-conformities with requirements stipulated in or pursuant to the Planning and Building Act implemented, and that the management system is in use, before applicants, designers, and executing enterprises can regain their central approval of the right to accept responsibility.

In addition to the provisions stipulated in section 22-2, second paragraph, it must be documented that changes have been made to the management system to prevent repetitions, before the supervising enterprise can regain its central approval of the right to accept responsibility. Enterprises shall for the first 12 months after regaining central approval report to the National Office of Building Technology and Administration concerning the granted right to accept responsibility and document that the system is in use.

### **Section 13-7** *Register of enterprises with central approval*

The register of enterprises with central approval of the right to accept responsibility shall contain information about the enterprise's identification, approval areas and duration of approvals.

The register shall in addition to the information listed in the first paragraph contain an overview of changes that have been made in the register, including new and formerly registered enterprises, warnings and withdrawn central approvals. Warnings and withdrawals of central approval of the right to accept responsibility shall not be publicly announced before any appeals have been decided or the deadline for appeals has expired.

The register shall be available to users and the general public in an appropriate manner.

### **Section 13-8** *Charges for central approval*

A charge shall be paid for central approval of the right to accept responsibility that shall cover the costs associated with the central approval body. The following charges can be set:

- a) Processing charge for applications for central approval of the right to accept responsibility.
- b) Annual charge for central approval of the right to accept responsibility.
- c) Charge for processing applications for renewal of central approval of the right to accept responsibility.

Charges pursuant to the first paragraph shall be set by the Ministry. The charges can be differentiated in relation to function and number of approval areas.

### **Section 13-9** *Appeals - appeals board*

Decisions about central approval of the right to accept responsibility, including decisions about withdrawal, can be appealed by parties or others with a legal appeal interest.

The appeals board for central approval of the right to accept responsibility shall be the appeals body for individual decisions about central approval of the right to accept responsibility taken by the National Office of Building Technology and Administration.

The appeals board shall consist of a total of seven members. The chairman of the board shall be a lawyer. There shall be a further six members consisting of one representative of each of the following groups:

- a) applicants and designers

- b) controllers
- c) contractor, building and construction
- d) contractor, building and construction, employee representative
- e) user interests, developer's representative
- f) user interests, government's representative

Personal substitute members shall be appointed. Members and personal substitute members shall be appointed by the Ministry based on proposals from affected industrial and user interests.

The appeals board has a quorum when five members are present. Cases shall be decided by a simple majority. In the event of a tied vote the chairman shall have the casting vote. The appeals board's decisions may not be appealed.

Members and substitute members of the appeals board shall serve for a term of three years. Members and substitute members may be reappointed for a further one term.

The appeals board may procure expert assistant in consultation with the secretariat.

## **PART 4 VERIFICATION, SUPERVISION AND VIOLATION FINES**

### **Chapter 14 Project control**

#### **Section 14-1** *Requirements relating to the independence of verification enterprises*

Verification enterprises shall be a separate legal entity to the enterprise that executes the work being verified.

Verification enterprises shall have no personal or financial ties that may influence the verification. This shall be confirmed in the application for the right to accept responsibility and applies to both the developer and the enterprise that executes the work being verified.


In those cases where doubts exist about ties that could influence the verification, these shall be described in the application for the right to accept responsibility and the municipality shall decide whether or not the right to accept responsibility can be granted. The municipality shall reject applications for the right to accept responsibility if it finds the ties are sufficiently strong and that they could influence the verification, or that there is insufficient independence in some other manner.

#### **Section 14-2** *Compulsory requirements relating to independent verification*

Independent verification pursuant to section 14-6 must be carried out of damp proofing in new buildings and remodelling of wet rooms in all dwellings and of airtightness in new dwellings. The same applies to leisure homes with more than one dwelling unit. Responsible controllers shall check that the design of damp proofing is adequate, including the design of important solutions, and that the necessary production documentation exists within the area being verified.

In addition to independent verification pursuant to the first paragraph, independent verification pursuant to section 14-7 shall also be carried out for tasks in project classes 2 and 3:

- a) Building physics: where the verification requirements for design are limited to energy efficiency and detailed planning of airtightness and damp proofing in outer walls, roofs and terraces, and the verification requirements relating to execution are limited to building moisture, airtightness and ventilation, and that these have been executed and documented as planned
- b) Structure safety: where the verification requirements for design are limited to the risk of main load bearing systems collapsing, including design basis, load assumptions, stability and material characteristics, and the verification requirements for execution are limited to ensuring main load bearing have been executed and documented as designed, including that the chosen materials have the characteristics specified in the design
- c) Geotechnology: where the verification requirements are limited to verifying whether or not qualified surveys have been carried out to determine geotechnical category and establish the reliability class, and the verification requirements for execution are limited to ensuring that geotechnical tasks have been carried out and documented as planned, included ensuring that they are followed up and reported as instructed by designers
- d) Fire safety: where the verification requirements are limited to the design of the fire safety strategy/concept.



When the design, execution and quality assurance has been carried out pursuant to a relevant, applicable Norwegian Standard containing verification instructions, or an equal European standard, the verification requirements are limited to verifying compliance with the standard's verification instructions for expanded verification.

### **Section 14-3** *Requirements relating to independent verification after the municipality's assessment*

Following a specific assessment of a project a municipality can require independent verification of factors that do not fall under section 14-2 when, because of the plan provisions, preliminary conference, application processing or supervision, circumstances are deemed to exist that make verification necessary to ensure the quality of the completed structure.

### **Section 14-4** *Time limited requirements relating to independent verification (not given)*

### **Section 14-5** *Exemptions from requirements relating to compulsory verification*

In special circumstance a municipality can partly or completely waive the requirement for compulsory independent verification pursuant to section 14-2, when such verification is unnecessary to ensure the project complies with permissions and provisions stipulated in or pursuant to the Planning and Building Act. Exemptions from the requirement for independent verification shall be stated in permissions.

**Section 14-6** *Execution of independent verification pursuant to section 14-2, first paragraph, and other independent verification in project class 1*

Verification shall be conducted in the areas mentioned in sections 14-2, first paragraph, and 14-3, and in accordance with the responsibilities of responsible controllers pursuant to section 12-5. The verification area shall be stated in the execution plan and described in applications for the right to accept responsibility for verification.

Responsible controllers shall:

- a) verify that contractors' management systems contain routines for quality assuring the work that is going to be executed within the verification area in accordance with the relevant requirements in or pursuant to the Planning and Building Act, and that these are complied with and documented
- b) carry out a simple verification of whether or not the execution has been carried out pursuant to the production documentation, that the necessary product documentation for construction products exists, and that the products have been used as intended

**Section 14-7** *Execution of independent verification in project classes 2 and 3*

Verification shall be conducted in the areas mentioned in sections 14-2, second paragraph, and 14-3, and in accordance with the responsibilities of responsible controllers pursuant to section 12-5. The verification shall be stated in the execution plan and described in applications for the right to accept responsibility for verification.

In those cases where the verification touches on more than one field, it shall focus on the interface between the fields and areas of responsibility.

Responsible controllers for design shall verify:

- a) that the responsible designers' management systems contain routines for quality assuring the work that is going to be executed within the verification area in accordance with relevant requirements in or pursuant to the Planning and Building Act, and that these are complied with and documented
- b) that the quality assurance has been carried out and documented pursuant to the management system and relevant requirements stipulated in or pursuant to the Planning and Building Act
- c) that the concept drawn up provides an adequate basis for detailed design
- d) that the detailed design is sufficient as the production documentation for execution

Responsible controllers for execution shall verify:

- a) that the responsible contractors' management systems contain routines for quality assuring the work that is going to be executed within the verification area in accordance with relevant requirements in or pursuant to the Planning and Building Act, and that these are complied with and documented
- b) that the quality assurance has been carried out and documented pursuant to the management system and relevant requirements stipulated in or pursuant to the Planning and Building Act

- c) that the production documentation is available on the building site and that the project is being executed according to the production documentation
- d) that the necessary product documentation is available and that the products are being used as intended

Verification of design pursuant to the third paragraph, points (c) and (d), and execution pursuant to the fourth paragraph, point (c), shall be tailored to the documented quality assurance. When the quality assurance has been well executed and documented, the verification of the design and execution can be simplified.

#### **Section 14-8 *Final verification***

In final verifications responsible controllers shall demonstrate that areas being verified in the project satisfy requirements stipulated in or pursuant to the Planning and Building Act. Responsible controllers shall ensure that verification is documented, that all non-conformities have been confirmed closed, and that the responsible applicants have been notified of this as a basis for concluding the execution plan.

Responsible controllers shall document that the verification has been satisfactorily executed in a final report attached as an annex to verification declarations. Final verification reports shall contain a summary of the verification work with a brief description of what has been verified, which non-conformities were found and that these have been closed. The report shall be sent to responsible applicants. If the project does not have a responsible applicant, the report shall be sent to the developer.



## **Chapter 15      Municipality's supervision**

### **Section 15-1** *Supervision strategy - reporting*

Municipalities shall draw up a supervision strategy pursuant to section 25-1 of the Planning and Building Act, which, inter alia stipulates:

- a) goals and routines for municipal supervision
- b) the organisation, any cooperation with other municipalities or other bodies, competence requirements, resources expenditure and financing
- c) selection and prioritising of fields, case types, themes, etc, including local conditions and focus areas

Municipalities shall prepare annual reports of their supervision activities and how the activities have been executed in relation to the strategy.

### **Section 15-2** *Supervision reports*

Municipalities shall produce supervision reports on the supervision carried out in each individual case. The report shall, insofar as it is relevant, provide information about:

- a) the actual situation, time, place, who was present and other information about the project
- b) enterprises and responsibilities in building matters
- c) observations made during supervision
- d) provisions, permissions, etc that have been violated
- e) presented documentation
- f) the municipality's assessment of the situation
- g) sanctions and other reactions from the municipality
- h) deadline for closing non-conformities

These reports shall be sent to developers, responsible applicants and other affected enterprises in a building matter. If a supervision report affects the basis for central approval of the right to accept responsibility, a copy of the report shall be sent to the National Office of Building Technology and Administration.

Supervision reports are not necessary when obtaining supplementary information in connection with processing an application.

A collated report can be produced in the event of more than one individual supervision inspection.

### **Section 15-3** *Time limited requirements relating to supervision*

Municipalities shall, for a period of two years from 1 January 2011, let the following form part of the municipality's prioritised supervision areas, cf. section 15-1, first paragraph, point (c):

- a) That adequate final documentation exists for the project, including declarations of conformity, verification declarations, and an overview of non-conformities, and that documentation that provides a basis for the management, operation and maintenance has been handed over to the owner
- b) That waste management plans and descriptions of environmental restoration have been produced and complied with

Municipalities shall, upon the expiry of the two year period pursuant to the first paragraph, for a new period of two years from 1 January 2013, let the following form part of the municipality's prioritised supervision areas, cf. section 15-1, first paragraph, point (c):

- a) That design for universal accessibility requirements have been complied with in the project
- b) That energy use requirements have been complied with in the project

Upon the expiry of each two year period the municipality shall send an overview containing an assessment of the supervision pursuant to this provision to the Ministry.

## **Chapter 16**      **Violation fines**

### **Section 16-1** *Situations that can result in violations fines - size of fines*

Enterprises can be fined violation fines of up to the stipulated limits for wilful or negligent violations as mentioned in points (a) to (g). Private individual can be fined violations fines of up to half of the stipulated limits for wilful or negligent violations as mentioned in points (a) to (g).

- a) An entity that is executing or allowing to be executed the projects listed in sections 20-1 and 20-2 of the Planning and Building Act without the necessary permission existing, shall be fined:
  1. up to NOK 10,000 where projects otherwise substantially comply with requirements stipulated in or pursuant to the Planning and Building Act
  2. up to NOK 50,000 where project do not substantially comply with requirements stipulated in or pursuant to the Planning and Building Act
  3. up to NOK 200,000 where projects result in serious, irreparable harm or a risk of this.
- b) An entity that is using or allowing to be used projects without the necessary change of use permission, certificate of completion, or provisional permission to use existing pursuant to the Planning and Building Act, or is violating the conditions of such permissions, shall be fined:

1. up to NOK 10,000 where projects otherwise substantially comply with requirements stipulated in or pursuant to the Planning and Building Act
  2. up to NOK 50,000 where projects do not substantially comply with other requirements stipulated in or pursuant to the Planning and Building Act, or the use could result in personal injury, serious materiel damage, or damage to the environment
  3. up to NOK 200,000 where the use has resulted in or if there is a high probability that it could result in personal injury, serious materiel damage or damage to the environment.
- c) An entity responsible for design, execution, allowing the design of, or allowing the execution of the projects listed in section 20-1 to 20-4 of the Planning and Building Act in violation of provisions stipulated in or pursuant to the Planning and Building Act shall be fined:
1. up to NOK 10,000 for minor non-conformities in relation to the requirements of the Technical Regulations, rules for siting, etc, as well as plans, plan requirements and prohibitions in section 1-8 of the Planning and Building Act
  2. up to NOK 50,000 for non-conformities that are not minor in relation to the requirements of the Technical Regulations, plans and rules for siting, etc, as well as plans, plan requirements and prohibitions in section 1-8 of the Planning and Building Act
  3. up to NOK 200,000 where the violation has resulted in or if there is a risk of it could resulting in personal injury, serious materiel damage or damage to the environment, as well as material non-conformities in relation to plans, planning requirements and prohibitions in section 1-8 of the Planning and Building Act
- d) An entity responsible for applications, design, execution, allowing the design or allowing the execution of the projects listed in section 20-1 of the Planning and Building Act, without the work being carried out by the required approved responsible enterprise, shall be fined:
1. up to NOK 10,000 where projects or parts of projects are executed without an approved enterprise
  2. up to NOK 50,000 where projects or parts of projects are executed without an approved enterprise, and the design is inadequate or there are errors in the design or execution
- e) An entity that does not carry out independent verification of projects pursuant to provisions stipulated in or pursuant to the Planning and Building Act and granted permissions, shall be fined:
1. up to NOK 10,000 for inadequately carrying out or neglecting to carry out compulsory independent verification that could result in design or execution errors not being uncovered
  2. up to NOK 50,000 for inadequately carrying out or neglecting to carry out compulsory independent verification that resulted in or could result in design or serious execution errors not being uncovered
  3. up to NOK 200,000 for inadequately carrying out or neglecting to carry out verification and this omission resulted in a serious error in the design or execution

not being discovered and this caused personal injury, non-conformities in relation to the permission, materiel damage or damage to the environment.

- f) An entity that does not comply with written administrative orders in the circumstances mentioned in section 32-8, point (g) to (l), of the Planning and Building Act, shall be fined:
  - 1. up to NOK 10,000 for failure to comply with administrative orders in situations that could result in fines of up to NOK 50,000 pursuant to point (c), and the municipality is not demanding a coercive fine pursuant to section 32-5 of the Planning and Building Act
  - 2. up to NOK 50,000 for failure to comply with administrative orders in situations that could result in fines of up to NOK 200,000 pursuant to point (c) (3).
- g) An entity that provides incorrect or misleading information to the planning and building authorities, shall be fined:
  - 1. up to NOK 10,000 for incorrect or misleading information and where the situation results in minor non-conformities or nuisance
  - 2. up to NOK 50,000 for incorrect or misleading information and where the situation results in greater non-conformities or nuisance
  - 3. up to NOK 100,000 for forging signatures or documentation.

Enterprises and private individual can be fined higher violation fines than those mentioned in the first paragraph in the case of especially serious violations. Particular weight shall be given in the assessment to the circumstances mentioned in section, 16-2, first, third, fourth and fifth paragraphs.

The violation fines imposed on a private individual or an enterprise can, regardless of the circumstances, not exceed NOK 400,000 for a single project, neither for one violation or in total for more than one violation.

### **Section 16-2** *Setting violation fines*

Weight can be given to the seriousness of the violation when considering the size of violation fines.

When considering the size of violation fines pursuant to section 16-1, first paragraph, points (a) to (e), weight can be given to whether or not any of the administrative orders mentioned in section 32-8, points (g) to (l), of the Planning and Building Act have been complied with.

When considering the size of violation fines pursuant to section 16-1, first paragraph, points (a) to (e) and (g), weight can be given to whether or not the offender clearly new that the action violated requirements stipulated in or pursuant to the Planning and Building Act.

When considering the size of a violation fine, weight can be given to whether or not the offender has repeatedly been responsible for situations that could result in a violation fine.

When considering the size of a violation fine, weight can be given to whether or not the violation contributes to a financial gain, including whether or not the violations results in the project or property gaining a markedly higher financial value.

When considering the size of a violation fine, weight can be given to whether or not the violation was committed with the intent to profit. The consideration shall also give weight to whether or not the violation was committed by professional actors.

Weight can be given to whether or not the violations fine will have an unreasonable effect given the offender's financial situation.

**Section 16-3** *Relationship to penal provisions in other acts*

In cases that involve personal injury or serious risk of personal injury, environmental criminality or damage that violates provisions in other acts, the municipality has a duty to notify the prosecuting authority about the matter before a violation fine is imposed.

## **PART 5 MISCELLANEOUS PROVISIONS**

### **Chapter 17 Refunds**

#### **Section 17-1 *Plans on maps and documentation***

Developers shall ensure an overview is drawn up of each individual property liable to pay a refund with a statement of the areas liable to pay a refund and estimated permitted utilisation, and state how the basis for calculation has been arrived at. It shall be stated why the individual properties are deemed liable to pay a refund.

The project entitled to a refund shall be drawn onto a map with a scale of 1:1,000. Municipalities can require a different scale.

The plan of the refund unit shall show the entire project entitled to a refund.

#### **Section 17-2 *Cost estimate over the refund unit***

Developers shall draw up a cost estimate for each refund unit. Separate cost estimates shall be drawn up for road, water supply and sewerage installations. If road, water supply and sewerage installations entitled to a refund serve the same properties, an overall cost estimate can be drawn up.

It shall be evident from the documentation that storm water drainage pipes that primarily serve roads are calculated together with the roads. Where storm water drainage pipes partly serve building areas and partly roads, the documentation shall show an approximate apportioning for the roads and drains.

If a road or water supply or sewerage installation is built with dimensions greater than stipulated in section 18-1 of the Planning and Building Act, the documentation shall show a proportionately reduced cost estimate.

The cost estimate shall be divided up in the following cases:

- a) If the refund unit is divided up pursuant to section 18-4 of the Planning and Building Act, first paragraph, second point, the developer shall draw up a separate estimate for each refund unit.
- b) If one or more stretches exceed the maximum width or maximum dimensions stipulated in section 18-1 of the Planning and Building Act, the developer shall draw up a separate estimate for these.

#### **Section 17-3 *Technical plans***

Developers shall draw up technical plans that support the cost estimate. The result of slopes with cutting and filling and any support walls shall be depicted.

Technical plans for roads shall depict the stretch of road's structure, curvature, gradient, drainage plan and storm water management, fire manholes, sub drains, pipes and lighting, etc.

Technical plans for road, water supply and sewerage installations shall depict the ditch's typical cross-section and how the water, drain and any storm water pipes are laid in relation to each other. Insulation against frost and any spaces for pump stations must be depicted.

In those cases where the project for which a refund is payable is related to the development of common areas pursuant to section 18-2 of the Planning and Building Act, technical plans shall show how the regulations' requirements have been complied with.

#### **Section 17-4 *Proposed allocation of costs***

Developers shall, based on the floor space and permitted utilization of the individually affected property, draw up a proposed allocation of the costs. In those cases where a municipal council has stipulated other cost allocation factors, these shall be used.

Cost allocation proposals pursuant to the first paragraph shall show the unit price per m<sup>2</sup> of ground space and per m<sup>2</sup> of usable floor space. If a cost estimate is reduced pursuant to section 17-2, second or third paragraph, the reduced unit price shall be stated. The amount that is not included in the allocation shall also be stated. Unit prices shall be stated for each cost estimate that shall be drawn up pursuant to section 17-2.

Cost allocation proposals shall state the estimated increase in value for each property liable to pay a refund.

#### **Section 17-5 *Affected landowners and lessees***

The affected landowners and lessees shall be sent the material mentioned in sections 17-1, 17-2 and 17-4 for their comments, together with a short orientation on the rules governing refunds. Notification shall be sent by registered mail or documented by a receipt from the recipient. The affected landowners and lessees can demand to see the technical plans pursuant to section 17-3.

Once the comments pursuant to the first paragraph have been received, the developer shall carry out those changes the comments provide a basis for before submitting the material to the municipality. Should the comments provide a basis for making changes to the group of those liable to pay a refund or other changes that have a significant effect for one or more of those liable to pay a refund, a new notification shall be sent.

If a new notification is sent, the parties shall receive the documents to which changes have been made.

Developers shall provide an account of their assessment of comments when making their submission to the municipality.

#### **Section 17-6 *Municipalities' approval of plans and cost estimates***

Municipalities shall ensure that plans for projects conform to the municipality's plan for land use and other provisions stipulated in or pursuant to the Planning and Building Act before approval is granted.

Should a municipality find an error in a developer's plans, including errors that may be of importance with regard to the credibility of the cost estimate, or which could result in a

project not complying with the requirements in section 18-1 of the Planning and Building Act, approval may not be granted. In the event of minor errors, approval may be granted on condition that the errors be remedied.

**Section 17-7 *Municipalities' decisions relating to preliminary calculations of refunds***

In its approval the municipality shall assess the developer's specification of the project and properties and areas deemed liable to pay a refund, including ensuring those liable to pay a refund fulfil their own obligations pursuant to section 18-1 of the Planning and Building Act and that a connection can lawfully be required to the installation via private installations. Municipalities shall correspondingly ensure that the project serves those liable to pay a refund in the case of installations mentioned in section 18-2 of the Planning and Building Act.

If a municipality finds a basis for making changes to plans before execution, the cost estimate or allocation proposal, the municipality shall remedy this.

If the municipality's assessment results in a new property liable to pay a refund being included in the matter or the allocation proposal increasing by more than 15 per cent for some properties, the matter shall be returned to the developer who will send the allocation proposal to the affected landowners and lessees for new comments.

**Section 17-8 *Opportunity to make a statement relating to a given quote - tender competition***

If a municipality demands a quote or tender competition instead of a cost estimate for the execution of the installation, the developer shall be given an opportunity to make a statement and possibly present revised calculations.

**Section 17-9 *Additional offsetting***

A demand from a developer for additional offsetting of costs that are uncovered due to curtailments pursuant to section 18-8, second paragraph, third point, of the Planning and Building Act shall be presented within three weeks of the municipality's approval of plans and preliminary calculations being submitted to the refund creditor.

## **Chapter 18      Development agreements**

**Section 18-1 *Prohibition against terms relating to social infrastructure in development agreements***

It may not be agreed that landowners or developers shall fully or partly pay for infrastructure such as schools, nursery schools, nursing homes or equivalent services that the government has a statutory duty to provide. Pay here also means expenses in connection with advance payments, loans or other credit payments.



**Section 18-2** *Exemptions from the requirements relating to processing applications and disclosure for development agreements pursuant to sections 17-2 and 17-4 of the Planning and Building Act*

In the case of development agreements in which the private party's obligations pursuant to section 17-3, second to fourth paragraph, are essentially covered by sections 18-1 and 18-2 of the Planning and Building Act, the municipality can grant an exemption from the requirements in sections 17-2 and 17-4 of the Planning and Building Act.

**Chapter 19**      **Commencement and transitional provisions**

**Section 19-1** *Commencement*

With the exception of sections 14-2, 14-4, 14-5, 14-6 and 14-7 these regulations will enter into force on 1 July 2010.

Paragraphs 14-2, 14-4, 14-5, 14-6 and 14-7 will enter into force on 1 July 2011.

From and including the same date as in the first paragraph the following regulations shall be repealed:

- a) Regulations relating to procedures and controls of 24 June 2003 No. 749.
- b) Regulations relating to approval of enterprises' right to accept responsibility of 22 January 1997 No. 35.

**Section 19-2** *Transitional provisions*

In those cases where central approval has been granted to responsible applicants, designers and contractors for three years pursuant to the earlier provisions in section 23 of the Regulations relating to approval of enterprises' right to accept responsibility, the approval shall be valid pursuant to section 13-4 until the approval expires. In those cases where central approval has been granted to responsible controllers pursuant to the earlier provisions in section 23 of the Regulations relating to approval of enterprises' right to accept responsibility, the approval shall be valid pursuant to section 13-4 for one year. If an enterprise wants its approval to be reconsidered before the expiry of the approval period, the new approval shall only be valid for the remainder of the original approval period.

When the regulations enter into force a member of the appeals board for central approval shall be appointed the representative for the controllers group. The first appointed representative of the controllers group shall serve for a term of three and half years.

