

HOW TO APPLY FOR A BUILDING PERMIT

building permit, action permit, notification procedure, demolition permit, landscape work permit, deviations

This RT standards sheet gives a brief description of the permit practice under the Land Use and Building Act for structures that come under local building supervision authorities. Additionally, it contains guidelines on how to apply for a building permit and on what designs, reports and guidelines are required in the application and document processing.

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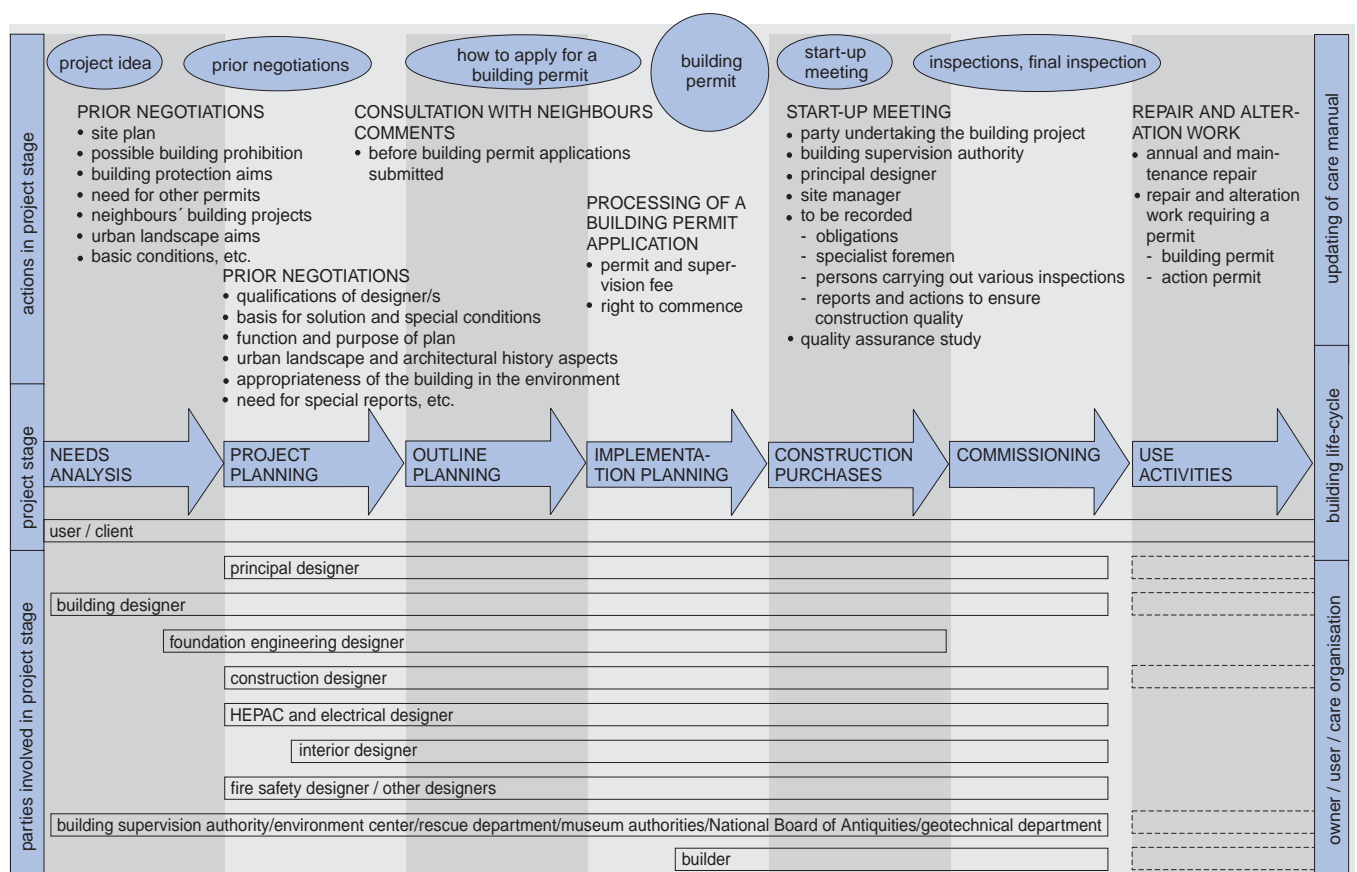


Fig. 1.
Diagram of different stages and persons involved in projects requiring a building permit.

1 INTRODUCTION

Building work subject to planning permission and the permit system is based on the *Land Use and Building Act (132/1999) Chapters 17, 18 and 19*, and on the *Land Use and Building Decree (895/1999) Chapter 11*. This RT sheet deals with the normal types of permits such as building permit, action permit, demolition permit, landscape work permit and notification and deviation procedures. Each heading refers to the section or sections in the Act or Decree, where the permit in question is shown in full.

Building designers and designs (National Building Code of Finland, A2) regulations and guidelines, which are part of the National Building Code of Finland, supplement the Land Use and Building Act and Decree in respect of design and design content and presentation, as well as the obligation to take care for persons undertaking a building project. Other provisions and regulations that should be complied with in building projects include

- local master and detailed plans
- other parts of the Finnish National Building Code and
- local building ordinances including regulations in respect of
- rescue services,
- electrical safety,
- health protection,
- labour protection,
- the construction of civil defence shelters and
- environmental protection

Additionally, building plans submitted to local building supervision authorities should show sufficiently accurately that the plan satisfies the building requirements and that the envisaged building project complies with the relevant provisions and good construction practice.

2 GENERAL CONDITIONS FOR BUILDING ACTIVITIES

2.1 Obligation to take care

- LUBA Section 119
- LUBD Sections 74 and 76

Persons undertaking a building project shall, in good time beforehand, have access to suitably qualified designers taking into account the demands of the project. It is recommended to discuss the basis for planning the building project and the choice of designers with the building supervision authorities when planning begins. Persons embarking on a building project shall ensure that the building is designed and constructed in compliance with building provisions and regulations and with the permit granted.

2.2 Supervision by the authorities

- LUBA Section 124
- LUBD Sections 4 and 76

It is the responsibility of local building supervision authorities, taking into account the public interest, to supervise building activities and to ensure that building work complies with the provisions and regulations of the Land Use and Building Act.

The extent and type of supervision shall depend on the difficulty of the building project, the expertise and professional skills of the permit applicant and the persons in charge of project design and construction, and other conditions affecting the necessity of supervision.

2.3 Qualifications of designers

- LUBA Section 123
- LUBD Section 48

The competence of a designer is based on training and experience. The qualifications required depend on the adequate competence of a designer in proportion to the difficulty of the project concerned. To assess designer qualifications, A2 of the *National Building Code of Finland*, provides a classification of design projects according to degree of difficulty and the qualifications required by a designer for each class of difficulty.

It is up to the local building supervision authorities to assess the qualifications of designers for each building permit taking into account the nature and difficulty of each building project and environmental requirements in respect of

- the building designer's qualifications, i.e. training and experience,
- special designer's qualifications, i.e. training and experience.

Assessment of repair and alteration work shall additionally take into account the starting points imposed by the existing building.

The qualifications of a principal project designer shall be at least on a par with those required for the most difficult part of the project.

2.4 Building design

- LUBA Sections 116, 117, 118 and 120
- LUBD Section 49

Building designers are responsible for the content in their design and for ensuring that it complies with the requirements of the law, regulations and good building practice. The principal designer shall be responsible for and ensure that the project design and special designs form an entirety that satisfies the requirements imposed on it. Furthermore, the principal designer and the person undertaking the building project shall, taking into consideration the nature and difficulty of the project, ensure that

- the basic information used is consistent, updated and that the other designers are informed of it,
- all designers in the project have been informed of the division of responsibilities within the project,
- collaboration between the various designers has been arranged,
- enough time has been allowed for the planning work,
- the necessary designs are made and that they are compatible and consistent. *National Building Code of Finland A2.*

Designers shall size their resources for the building project in question, taking into account other projects underway. The principal designer shall be responsible for ensuring that the schedule drawn up allows adequate time for planning.

Special designs are not examined as such when the permit application is processed, but the designer is responsible for ensuring that the designs satisfy the criteria imposed on them.

2.5 Prior negotiations

Before commencing a building project, it is necessary to have prior negotiations with the building supervision authorities to ascertain permit obligations, which permits are required and under which authority the project comes. There are also similar reasons to discuss the basis of the project beforehand, as well as the choice of designers before planning gets underway and the building permit application is submitted.

In large, extensive projects, prior negotiations shall take place on several different occasions so that all the designers are present and the authorities concerned, such as the environment centre, rescue department, city museum, geotechnical department, are represented. The negotiations also provide a forum to consider whether the project is of the type that can be processed based on drawings other than the main drawings.

The negotiations can also consider the following questions concerning the project:

- the degree of difficulty of the project
- the design basis and the qualifications of the designers
- the site plan, building prohibitions and restrictions
- appropriateness for the environment
- any other permits that may be required, including environmental permits
- property formation and cadastral register issues
- special questions
 - deviations and decision-making, encumbrances
 - geotechnical aspects, groundwater, contaminated land
 - fire technical, structural and audio engineering solutions
 - HEPAC, water supply and drainage issues, need for civil defence shelters, accessibility, etc.
- necessary preliminary statements, for example on architectural history, urban landscaping or technical matters, safety and hygiene requirements.

Requirements concerning the building site

LUBA 116 §

LUBD 57 §

Building site requirements are:

- in a local detailed plan area
 - a healthy, safe and pleasant living environment
 - availability of amenities
 - traffic arrangements
- outside areas covered by a local detailed plan
 - appropriate for the purpose
 - suitable for building
 - sufficiently large, at least 2000 m²
- the building site shall not be liable to risk of flooding, rock fall or landslide. Buildings presenting a fire hazard shall be sited
- at least 15 m from the boundary of somebody else's land and at least 20 m from the nearest building
- in areas not covered by a local detailed plan at least 5 m from the boundary and 10 m from the nearest building without consent

Requirements concerning construction

LUBA 117 §

LUBD 50 §, 53 §

- A building shall
 - be appropriate for the build environment and landscape
 - fulfil the requirements of beauty and harmony
 - satisfy essential technical requirements
 - conform to its purpose, be capable of being repaired, maintained and altered
 - in so much as its use requires, be also suitable for disabled people.
- Repair and alteration work shall take into account the building's
 - character and special features
 - suitability for its intended use.
- Construction shall comply with good building practice.
- The building shall be ecologically sustainable.

Requirements concerning architecture, the urban landscape and building care

LUBA 118 §, 166 §

LUBD 66 §

Construction, demolition, alterations and repairs shall not spoil

- the urban landscape
 - historical and architecturally valuable building
- A building and its surroundings shall be kept in such condition that it
- satisfies health, safety and usability
 - not cause adverse environmental impacts or spoil the surroundings

Obligation to take care in building activities

LUBA Section 119

LUBD Sections 74 and 76

Subparagraph 2.1

Supervision by the authorities

LUBA Section 124

LUBD Sections 4 and 76

Subparagraph 2.2

Qualifications of persons working on a building project

LUBA Section 123

LUBD Section 48

Subparagraph 2.3

Building design

LUBA Section 120

LUBD Section 49

Subparagraph 2.4

Start-up meeting

LUBA Section 121

LUBD Section 74

A start-up meeting is held before building work commences to

- specify the obligation to take care to the person undertaking building project
- to examine the need to report an actions taken to ensure the quality of construction.

Requirements concerning construction management

LUBA Section 122

LUBD Section 73

In any construction work requiring a permit or some other form of approval by the authorities, there shall be

- a site manager
- specialist foremen in accordance with the difficulty of the work (HEPAC and water supply and drainage foremen) and
- foremen responsible for other specialist areas during construction work in accordance with the requirements of the building permit who are approved by the local building supervision authority.

Fig. 2.
Subparagraphs in the Land Use and Building Act (LUBA) and Land Use and Building Decree (LUBD) applying to general building conditions.

3 PERMIT PROCEDURE

3.1 Consultation with neighbours

- LUBA Section 133
- LUBD Section 65

How neighbours are consulted depends on the size and type of building project. The procedure for consulting neighbours is that

- neighbours are notified that a building permit application has been submitted
- notification that a building permit application has been submitted is given on the building site
- a review is conducted on the building site if required.

Permit applicants can notify the neighbours in advance of their building permit application. In such cases, the authorities shall be notified in writing that the neighbours are aware of the project and that they can study the documents and drawings.

Alternatively, the building supervision authority can, at the applicant's expense, send a letter to the occupiers and owners of adjacent properties to notify them that an application for a building or other permit has been submitted. Recipients of the letter must be allowed at least two weeks from the date of the postmark to make any comments in respect of the application. The matter can also be effected *ex officio* by the publication, at the applicants expense, of a notice in a daily newspaper or, if there are, for example, many neighbours, an adjacent property is owned by a large number of beneficiaries or if a neighbour is resident abroad.

3.2 Application for a building permit

- LUBA Section 131

Building permits are applied for in writing. Applicants shall be titleholders of the building site, either the owner, a person authorised by the owner or a person occupying the site either by leasehold or by some other agreement. In condominiums, the permit applicant is either the board or a shareholder authorised by the board. The documents for a building permit application comprise the permit application itself, the master drawings and any necessary additional information. Fig. 4. The need for additional information varies from one municipality and project to another. Fig. 5 and 6.

Building designs are presented in accordance with the provisions and instructions in the *National Building Code of Finland* part A2.

3.3 Processing of a building permit application

- LUBA Sections 60 and 134
- LUBD Sections 6 and 68

Processing an application involves assessing the existence of conditions to grant a building permit. If required, an on-site review shall be carried out to ascertain the appropriateness of the building for the environment, to assess the impacts of construction and to consult neighbours. Other local or national authorities may be asked for their comments on the building permit application. When a building permit is granted, the permit decision

- approves the master drawing in accordance with which construction is to take place
- can, during processing, require special designs and additional reports to ensure quality
- orders guidelines for care and use to be drawn up in respect of a building intended for permanent occupation or working.

If processing the permit is based on documents other than the master drawings, the appropriate drawings for each stage of construction shall be submitted for approval before work is commenced.

Principles of the permit procedure

LUBA Section 130

LUBD Section 74

The permit procedure considers

- the need for a start-up meeting
- the need for special designs and reports
- the need for any specialist foremen
- the need to draw up instructions for maintenance
- the need to carry out a review to ascertain the appropriateness of the building for the environment
- an assessment of the impacts of construction
- the consultation of neighbours
- the promotion of accessible construction also at workplaces
- the taking into account of ecological aspects
- the processing of building waste and the conditions for recycling.

Building permit application

LUBA Section 131

Subparagraph 3.2

Environmental impact assessment

LUBA Section 132

LUBD Section 60

- When an environmental impact assessment is required by law, it shall be appended to the building permit application or notification.
- A report from the regional environmental centre is required if a building is sought for an area covered by LUBD Section 60.

Consultation of neighbours

LUBA Section 133

LUBD Section 60

Subparagraph 3.1

Processing of a building permit application

LUBA Sections 60 and 134

LUBD Sections 66 and 68

Subparagraph 3.3

Permit regulations

LUBA Section 141

LUBD Section 83

Regulations on the following can be appended to a permit decision

- LUBA Sections 121 and 74 applying to a start-up meeting
- LUBA Sections 153 and 66 applying to guidelines for care and use
- LUBD Section 54 applying to places of assembly
- LUBD Section 77 applying to construction inspection document
- the provision of special designs LUBA Section 120
- the request for reviews LUBD Section 76
- site managers and specialist foremen LUBD Sections 70 and 71.

Notification of a permit decision

LUBA Sections 142 and 198

LUBD Section 97

Permit decision

- issued after the permit decision has been made public, whereupon the time allowed for appeal commences immediately
- delivered to the applicant, authorities or persons who have requested them in a comment or separately.
- information about demolition permits, landscape work permits and deviation decisions is available from regional environment centres.

Validity and extension of a permit

LUBA Section 143

The permit lapses if

- construction work has not commenced within three years
 - construction work has not been completed within five years.
- The validity of a permit can be extended for a maximum of
- two years to commence the work
 - three years at a time to complete the work.

Right to commence

LUBA Section 144

Subparagraph 3.5

Permit and supervision fee

LUBA Section 145

Subparagraph 3.4

Construction statistics

LUBA Section 147

- A building identity code comprises a cadastral code which identifies the building and a building number.
- An apartment identity code is given for a dwelling that is located in a building number.
- A statistics data form is appended to the permit application.

Fig. 3.
Subparagraphs in LUBA and LUBD that apply to the processing of a building permit and permit consideration.

3.4 Permit and supervision fee

• LUBA Section 145

The permit applicant or party taking action pays the local authority a fee for inspection and supervision and for other official work. This fee is determined by a tariff approved by the local authority concerned. Other fees charged include a basic building-specific fee, fees for the approval of site managers, specialist foremen and demolition notices. The fee for a permit decision is charged once and also includes official supervision during construction work.

3.5 Right to commence

• LUBA Section 144

The permit authority may grant a permit to carry out construction work or take other action in whole or in part before the permit decision has become legally valid. The permits and actions covered by the right to commence can apply to

- building permits
- action permits
- landscape work permits
- decisions governing the location and alteration of municipal engineering equipment
- a decision on the location of minor equipment.

For the right to commence, the applicant shall provide acceptable collateral for indemnification of any inconvenience, damage and costs that may arise by a cancellation of a decision or amendment to a permit. The type and amount of collateral is at the discretion of the local authority concerned. An appellate authority can, however, forbid the execution of a right to commence granted by a local authority.

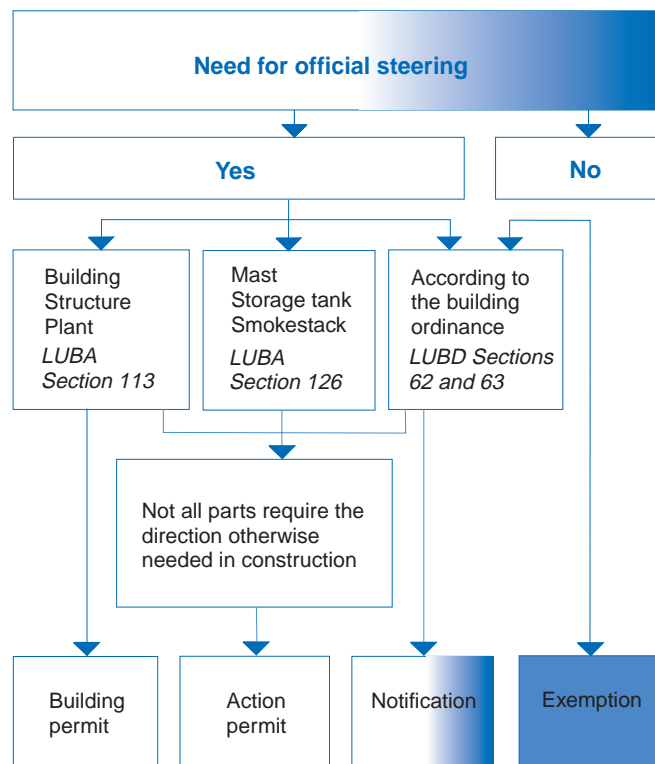


Fig. 4.
Need for building permit.

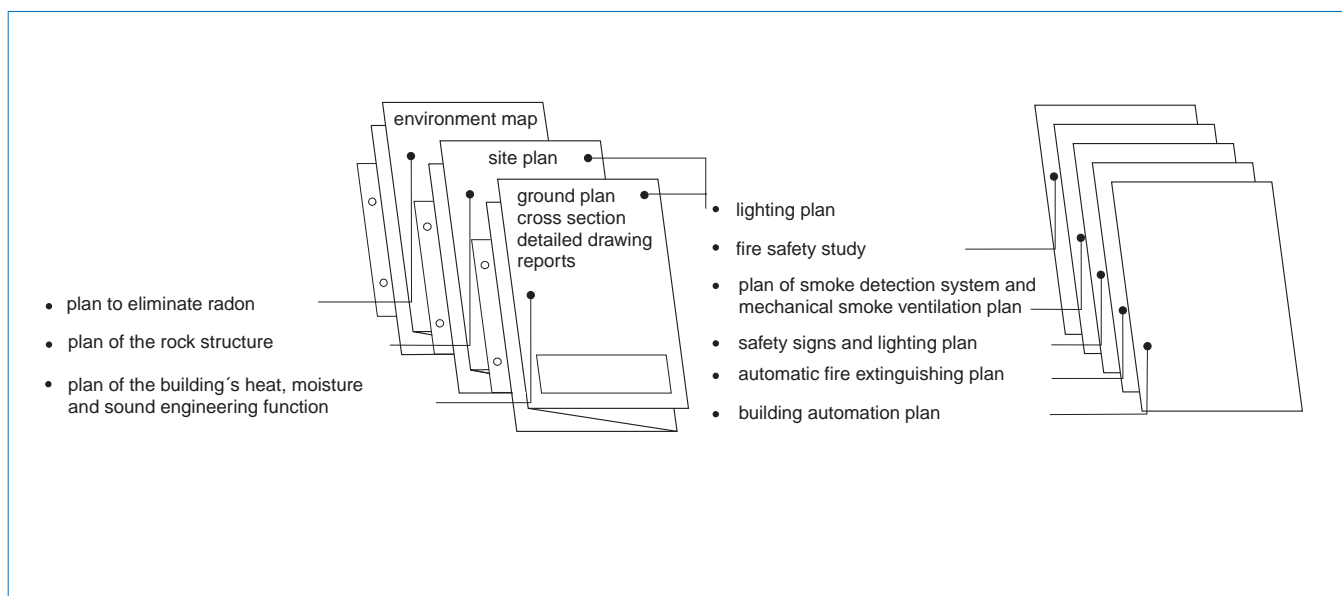


Fig. 5.
Any special designs and reports required depending on the nature and peculiar features of the building project.

4 BUILDING PERMIT

It is primarily the building supervision authority that decides on the boundary between an action requiring a building permit or one requiring an action permit. The need for construction steering and supervision and environmental impacts determines when a building project can be considered construction or when action permit provisions apply.

A building ordinance may provide that an action, which given the circumstances in the municipality or part thereof, can be deemed as minor and is thus exempt from any permit requirement, *LUBD Sections 62 and 63*. A building permit can also be granted for a fixed period for temporary construction.

Need for a building permit

- *LUBA Section 125*

A building permit is required for

- the construction of a building
- repairs and alterations that can be deemed comparable to the construction of a building
- an extension to a building
- repairs and alterations that can affect the health and safety conditions of persons using the building. Examples of such repairs and alterations requiring a permit include
 - the construction of bathrooms and similar sanitary premises
 - alterations to the heating, ventilation and water and sewerage system
 - structural alterations or those involving construction engineering.
- a major change in building use. When considering whether a permit is necessary, the impact of the change on execution of the plan, other land use or the properties required of the building shall be taken into account. Examples of major changes in use include
 - conversion of a shop into a restaurant
 - the change to a higher fire safety category of an industrial or storage building
 - changing a holiday home into a permanent residence.

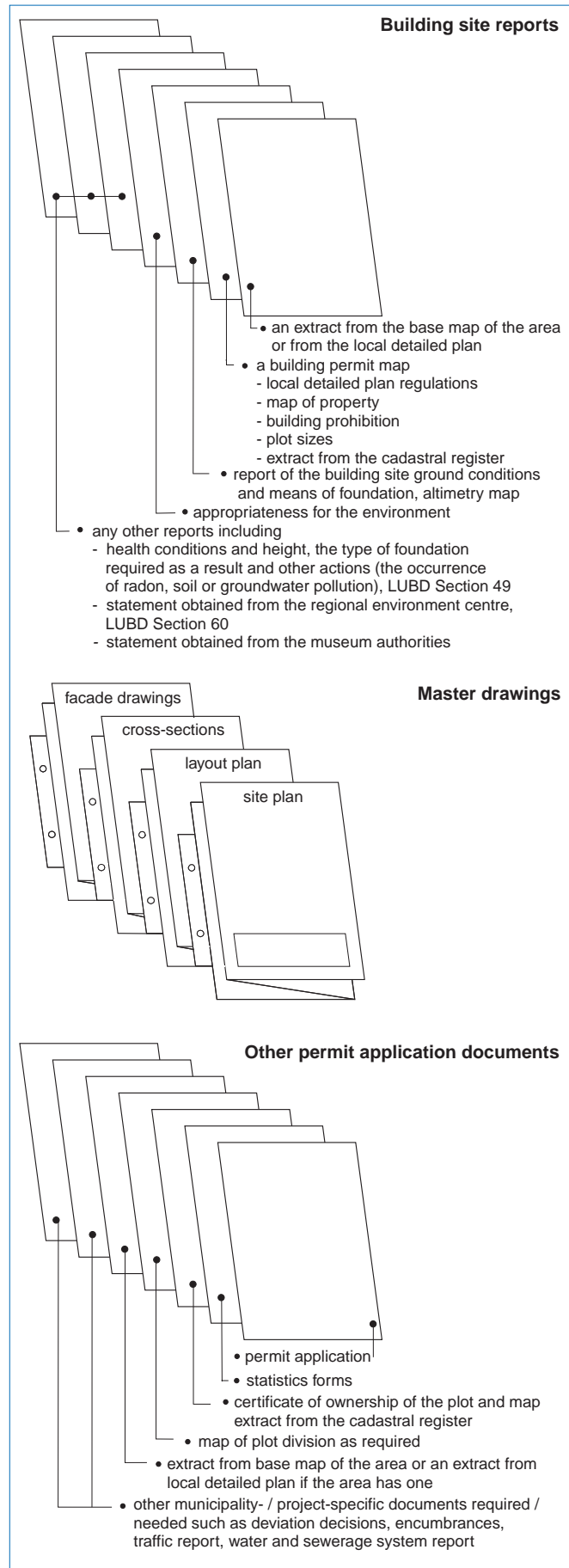


Fig. 6.
Documents to be appended to the building permit application by a person commencing a building project.

Conditions for a building permit in local detailed plan areas

• LUBA Section 135

In a local detailed plan area, the local building supervision authority considers whether the following conditions are met to grant a building permit

- the building project complies with the valid local detailed plan or has been granted deviation
 - an assessment of whether the local detailed plan is up-to-date (*LUBA Section 60*)
 - postponement of the processing of a building permit to assess whether the plan is up-to-date (*LUBD Section 68*)
- general conditions of the building site
 - no building prohibition is in force
 - the plot is registered or commissioning of the building is subject to plot registration
 - there is a deviation decision if the plot is not registered
 - historical or architectural values affecting the building project are taken into account
 - noise problems and municipal engineering at the building site are taken into account
 - the removal of contaminated soil is taken into account
 - there is usable access to the building site or such access can be arranged
 - satisfactory arrangements can be made for water supply and wastewater without adverse impacts on the environment
- construction complies with the general requirements as provided in *LUBA Section 117*
- the building is appropriate for the site
- the building is not located or constructed so that it causes a neighbour unnecessary inconvenience or hampers appropriate construction of an adjacent property.

Conditions for building permits outside areas covered by a local detailed plan

• LUBA Section 136

Outside areas covered by a local detailed plan, the local building supervision authority considers whether the following conditions are met to grant a building permit

- the site satisfies the conditions provided in *LUBA Section 116*
- construction satisfies the general conditions provided in *LUBA Section 117*
- the building is appropriate for the site
- there is usable access to the building site or such access can be arranged
- satisfactory arrangements can be made for wastewater and access to water without adverse impacts on the environment
- the building is not located or constructed so that it causes a neighbour unnecessary inconvenience or hampers construction of an adjacent property
- the building or roads or access to the water or sewage system do not result in the municipality having to pay special costs
- any building restrictions arising from the regional plan or master plan (*LUBA 33*) or building or action restrictions (*LUBA 43*) are taken into account.

Depending on the area, the building prohibition situation is studied. In other words whether construction requires

- a planning need decision (*LUBA Section 137*) or
- deviation decision (*LUBA Section 172*).

In certain cases, construction in a waterfront area and in a waterline zone calls for a deviation decision from the environment centre.

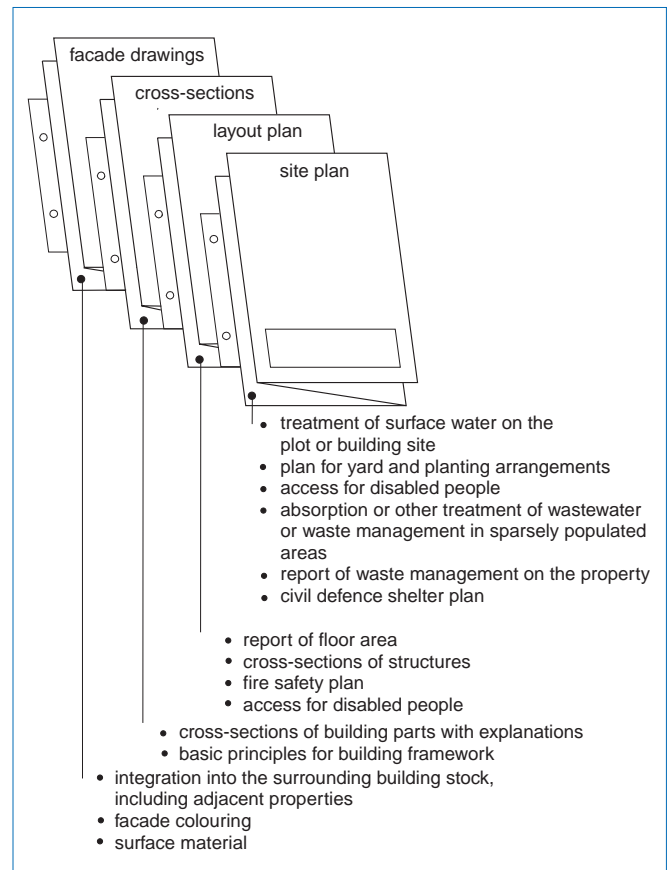


Fig. 7.
Reports supplementing the master drawings and which if necessary are drawn up as separate documents.

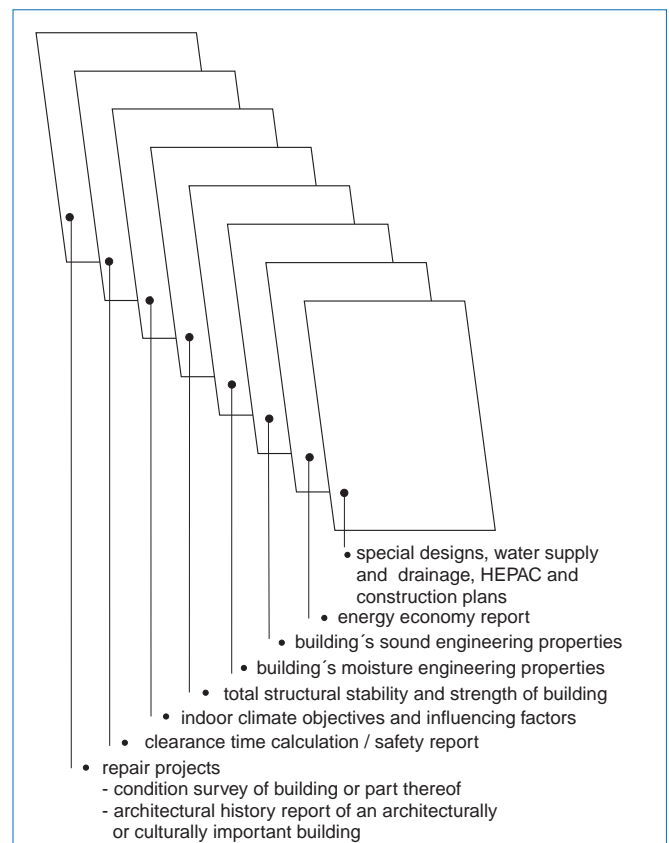


Fig. 8.
Reports which, if required, are appended to an application or are required in a permit decision.

5 ACTION PERMIT

A minor, light structure or a smallish facility is not considered a building if it has no particular impact on land use or on the environment. If the erection of a structure or facility requires the supervision of the authorities, it is deemed to be a building and subject to a building permit. *Fig. 9.*

Action permits can be replaced entirely or in part through the notification procedure in the building ordinance of a local authority. Based on a building ordinance, minor actions can be entirely exempt from the requirement for prior supervision by the local authority.

Need for an action permit

- *LUBA Sections 126 and 168*
- *LUBD Section 62*

Local building supervision authorities provide information and advice on the need for action permits under the Land Use and Building Act and on the local building ordinance, which provides for the need for an action permit or exemption therefrom. An action permit is sought instead of a building permit for

- the erection of such structures and equipment such as masts, storage tanks and smokestacks, for which a building permit is not required to decide the permit issue
- the erection and location of a structure or plant that is not deemed to be a building
- actions for which a building permit is not required but which change a building's appearance
- joining or dividing a residential apartment.

LUBD, Section 62 contains a detailed list with eleven points of actions requiring a permit. *Fig. 9.*

The location of structures and equipment included on the list may require a building permit for reasons of safety, health, the landscape, comfort or some other environmental aspect.

If an action has no impact on natural conditions, land use in the surrounding area or on the urban or rural landscape, not even an action permit is required. Such actions include the construction of a conventional playhouse or a greenhouse at the back of a small dwelling plot.

Whilst light structures or minor equipment such as cable boxes, recycling containers, mail boxes, concrete road barrier, boxes for newspaper delivery normally do not require a permit or any notification, they should nevertheless be appropriate for the environment and not hamper traffic. If required, the local building supervision authority can rectify the situation through subsequent surveillance.

Conditions for an action permit

- *LUBA Section 138*

The conditions for an action permit are assessed on the basis of aesthetic quality, appropriateness for the environment and site and the impacts on land use and adjacent properties so that

- the conditions for a building permit are complied with only to the extent necessary to assess the impacts on land use and the environment in questions on, for example,
 - impacts on natural conditions
 - impacts on land use in the surrounding area
 - appropriateness for the urban or rural landscape
- projects based on an action permit do not unnecessarily hamper the purpose for carrying out an expropriation permit for a traffic lane or power line for example.

Action permits are required for the construction, erection or location of the following structures and equipment

- 1 structure
shelters, sheds, kiosks, privies, stages
- 2 structure for the public
sports grounds or places of public assembly, stands, public tents
- 3 movable equipment
stationary location of caravans, houseboats or similar for use that is considered normal recreational activity
- 4 separate equipment
masts, smokestacks, storage tanks, ski lifts, monuments
- 5 waterline equipment
larger quays or other structures altering the waterline or having a material impact on it, canals, breakwaters or similar
- 6 storage area
a large area separated from the surroundings for storage or parking or a similar area
- 7 façade action
alteration to a building's façade, roof shape, roofing material or colour, material or colour of exterior cladding, the erection of an awning that affects the streetscape or alteration of fenestration
- 8 advertising action
the erection of other structures, texts and images outdoors for advertising or other commercial purpose than that given in the Nature Conservation Act or to cover a window with an advertisement either permanently or for a log period
- 9 fencing
the construction of a separating fixed fence or wall edging the street as part of the built environment
- 10 urban landscaping
other arrangements and alterations that have a significant and long-term impact on the urban landscape or surroundings
- 11 arrangement of an apartment
the joining or division of residential apartments

Fig. 9.

Examples of the need for an action permit under LUBD Section 62.

ALTERATIONS TO A RESIDENTIAL APARTMENT

- responsibility rests with the person undertaking the project
 - the person carrying out the alteration
 - the condominium
- qualified designer with suitable training and experience required by the nature and difficulty of the project alteration plans
 - building designs
 - construction designs
 - special designs HEPAC
- comply with the provisions of
 - *LUBA* and *LUBD*
 - *National Building Code of Finland*

ALTERATIONS REQUIRING A BUILDING PERMIT

- a material change of use including
 - changing a holiday home into a permanent residence
 - conversion of an office into a dwelling
 - conversion of an attic into a dwelling
- repairs and alterations affecting the health and safety conditions of persons using the building including
 - alterations to load-bearing structures
 - compartmentation changes
 - changes to exits
- an alteration that increases the buildings floor area
- bathroom extension and similar
 - building a sauna or large bathroom in a dwelling
 - the removal of an established health drawback
- significant alterations to the facade

ALTERATIONS REQUIRING AN ACTION PERMIT

- joining two residential apartments together
- dividing a residential apartment
- general alterations to facades

6 NOTIFICATION PROCEDURE

- *LUBA* Section 129
- *LUBD* Section 63

Use of the notification procedure

A local authority may stipulate in the building ordinance that construction or other activities of minor importance and impact may be commenced without a building or action permit once the party concerned has notified the local building supervision authority of the matter.

When required in the public interest or protection of neighbours' rights, the local building supervision authority shall require the party to apply for a building or action permit instead of making a notification. Construction or other action may commence if the local building supervision authority does not, within 14 days of receiving the notification, require an application for a permit to be made in respect of the project concerned.

The building ordinance may stipulate application of the notification procedure in respect of an action that can be considered of minor significance given the circumstances.

The person submitting the notification can be required to append the neighbours' consent to the application.

Fig. 10.
Permits required to alter a residential apartment.

7 DEMOLITION PERMIT AND NOTIFICATION

- LUBA Sections 127 and 139
- LUBD Sections 67 and 69

Need for demolition permit

A demolition permit is required in

- an area with a valid building prohibition and in an area covered by a local detailed plan
- an area covered by a master plan, if the plan so stipulates.

A demolition permit is not required if

- implementation of a valid building permit requires the building to be demolished
- an approved street or road plan requires the building to be demolished
- the building is an outbuilding or similar building of minor importance that is not considered to be of historical or architectural value or is part of such an entity.

Demolition notification

Even though a demolition permit is not required, the local building supervision authority shall be notified of demolition 30 days before demolition work commences. Within this period, the building supervision authority may, if there is justified cause to do so, require a demolition permit to be applied for.

Conditions for a demolition permit

For a demolition permit to be granted, the following conditions must be met

- demolition must not involve the destruction of traditional, aesthetic or other value in the built environment nor hamper the implementation of urban planning
- a detailed report of how demolition is to take place, including safety risks and how these are eliminated
- the application for a demolition permit includes an account of how building waste is to be treated and how recyclable parts of the building are to be used
- the local building supervision authority notifies the municipal board and regional environment centre of the demolition plans if an historically or architecturally important building, urban landscape or built environment is at risk of being destroyed.

The local building supervision authority notifies the regional environment centre with the right of appeal that a demolition permit has been granted.

If a demolition permit is required, work may not commence until the permit has gained legal force.

8 LANDSCAPE WORK PERMIT

- LUBA Sections 128 and 140
- LUBD Sections 69 and 72

Landscape work permits apply to earth works that alter the landscape, i.e., excavation, quarrying, levelling, infilling and tree-felling or other similar work.

Excavation, quarrying, tree-felling and similar preparation work can be carried out before commencing construction work taking into account the provisions of the landscape work permit.

Need for landscape work permit

A landscape work permit is required in an area

- covered by a local detail plan
- covered by a local master plan, if the plan so stipulates
- where a building prohibition is in force.

A landscape work permit

- is not required to carry out work in connection with a building or action permit or for work of minor significance
- does not apply to the extraction of land resources requiring a permit under the Extractable Land Resources Act.

Conditions for a landscape work permit

For a permit to be granted the following conditions must be met:

- an action in an area covered by a local detailed or master plan shall not hamper the use of the area for the purpose provided in the plan or spoil the urban or rural landscape
- an action in an area where there is a building prohibition or restriction on action shall not result in significant inconvenience taking into account the drawing up of a plan or spoil the urban or rural landscape

The local building supervision authority shall, without delay, notify the regional environment centre of permits granted. The regional environment centre also has the right of appeal in the matter.

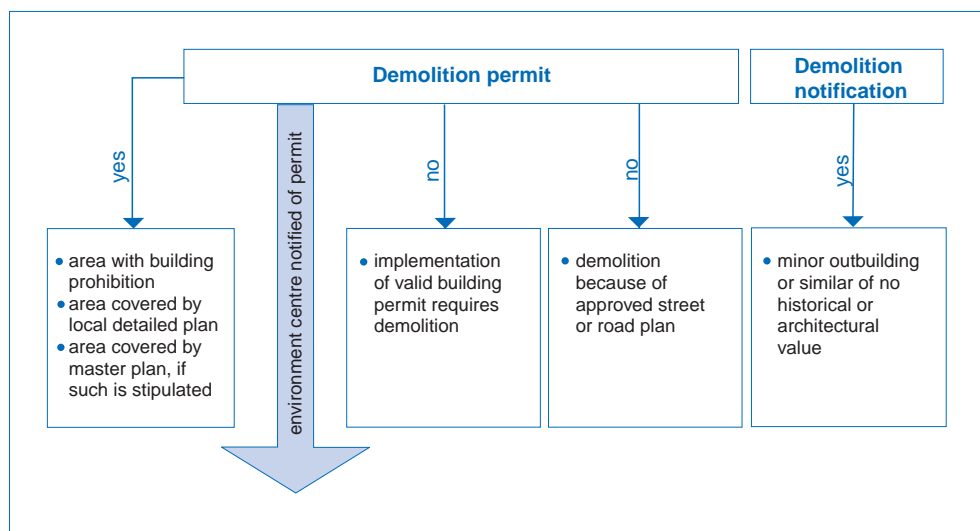


Fig. 11.
Need for demolition permit.

9 DECISIONS CONCERNING A NEED FOR PLANNING AND DEVIATIONS

- LUBA Sections 16, 72, 137, 172, 173 and 175
- LUBD Sections 85, 86, 87, 88, 89 and 90

Before a building permit is granted, a decision concerning a need for planning or deviation may be required.

A municipality may, in a legally binding local master plan or a building ordinance, designate an area as an area where planning is required if, because of its location, municipal development requiring planning can be expected in the area or it is necessary to plan land use in the area owing to adverse environmental impacts. Regulations in a master plan or building ordinance designating an area as an area where planning is required are valid for a maximum of ten years at a time.

A municipality usually treats all decisions concerning a need for planning as separate applications. Decisions concerning a need for planning can, if necessary, be made at the same time as those for a building permit. Nevertheless, construction work may not commence before the decision concerning the need for planning or deviation has gained legal force.

Special conditions for granting a building permit in areas where planning is required

In an area where planning is required and which does not have an approved local detailed plan, a building permit can be granted provided that construction work

- does not hamper planning or other arrangement of land use
- does not lead to harmful municipal development and
- is appropriate taking into account the landscape and does not hamper the conservation of the values in the natural or cultural environment nor the provision to meet recreational needs.

The existence of conditions is resolved by an authority decided by the municipality, usually the local building supervision authority together with the authority responsible for planning, in association with the building permit process or in a separate process. The municipality shall notify the regional environment centre of the permit decision.

Conditions for deviation

Deviation shall not

- hamper planning, the implementation of plans or other arrangement of land use
- hamper the aims of nature conservation or
- hamper achievement of the aims concerning conservation of the built environment.

Deviation procedure

Before a matter concerning deviation can be resolved, neighbours and others whose circumstances can be considerably affected by the project shall be afforded an opportunity to lodge a written objection.

Deviation decisions are usually made by the local planning authority and, in exceptional cases, by the regional environment centre. If necessary, a statement from the regional environment centre shall be obtained.

Deviation decisions are made either by the local authority (board, planning supervision or building supervision authority or, if provided by law, the regional environment centre.

A statement from the regional environment authority shall always be obtained when deviation concerns

- building along shorelines
- areas covered by national land use objectives
- areas important to nature conservation
- sites or areas important to the conservation of buildings
- areas earmarked for recreation or conservation purposes or
- increases in building rights.

Minor deviations

Decision-making checks to ensure that deviation does not conflict with the conditions for planning land use or hamper the authorities from achieving the prescribed objectives. Neither must deviation entail a disregard for the principle requirements for building.

Decisions on minor deviations can be made in each case in association with decisions on building permits. In this connection, it is possible to make a minor deviation from all provisions, regulations, prohibitions and other restrictions, but not from need for planning decisions or landscape work permits.

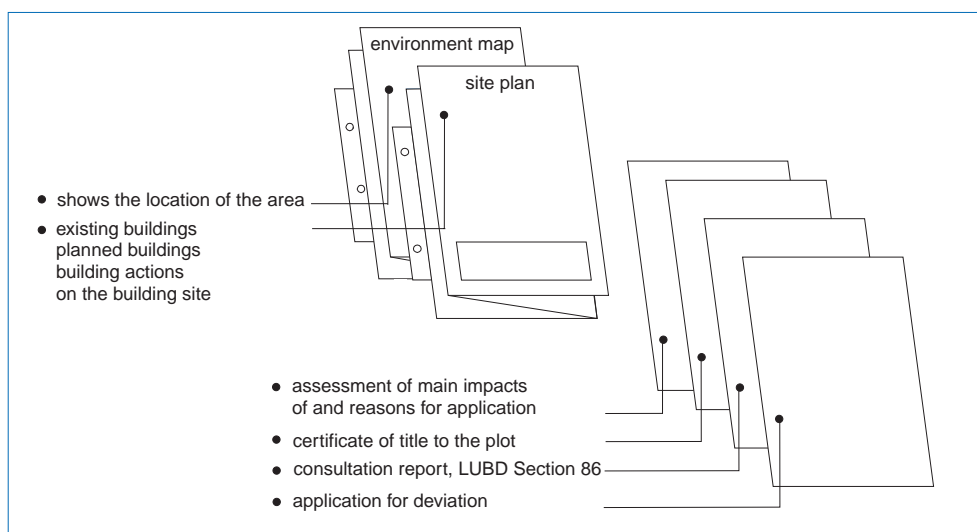


Fig. 12.
Application process for deviation.

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TK 226 Building permit*

Building permit

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