

1 Obstacles to granting of an ore prospecting permit

An ore prospecting permit cannot be granted (Mining Act, section 46):

1) for an area referred to in section 7, subsection 2

areas referred to in the Mining Act, section 7, subsection 2:

- 1) in a cemetery referred to in the funerary services act (hautaustoimilaki 457/2003), nor in an area belonging to a private grave, or within 50 metres of these;
- 2) in an area used by the defence forces, or any area controlled by the Border Guard where movement is restricted or prohibited, or within 100 metres of such an area;
- 3) in an area where movement is restricted or access denied to outsiders;
- 4) on a traffic route or passage in public use;
- 5) within 150 metres of a building intended for residential or work use, or comparable space, and any adjoining private yard, or the site for such a building, if a permit required for building referred to in the Land Use and Building Act has been granted for it and construction has begun;
- 6) in an area in horticultural use;
- 7) within 50 metres of a public building or utility, or either a power line with a voltage of over 35,000 volts or a transformer station;
- 8) in any other area, corresponding to those in items 1–7, designated for special use.

2) for an area as referred to in section 9, subsection 4

areas referred to in the Mining Act, section 9, subsection 4:

- a) a street area or market place referred to in the Land Use and Building Act,
- b) a road area of a highway referred to in the Highways Act (503/2005),
- c) an airport or another area in aviation use referred to in the Aviation Act (1194/2009),
- d) a railway area referred to in the railways act (ratalaki 110/2007),
- e) a canal used for public traffic or another such traffic area,
- f) or an area within 30 metres of any of the above-mentioned traffic areas, unless provisions concerning a larger exclusion area are laid down in, or pursuant to, the relevant Act.

- 3) an area that has previously been an ore prospecting area unless three years have elapsed since the expiry or cancellation of the ore prospecting permit;**
- 4) an area that has previously been a mining area unless three years have elapsed since the decision concerning termination of mining activities became legally valid;**
- 5) an area belonging to an ore prospecting area, mining area, or gold panning area, or for which reservation notification has been made in accordance with the provisions laid down in section 44 of the Mining Act**

- 6) an area where activities in accordance with the application would impede the implementation of a legally binding plan;
- 7) an area concerning which the local authority opposes the granting of a permit, for a reason concerning land planning or other good cause related to land use, unless there is a specific reason for granting the permit;
- 8) a situation in which there is good cause to doubt that, because of the extent of the area applied for, or for other reasons that have emerged in connection with the handling of the application, the applicant does not meet the prerequisites or has any apparent intention to engage in activities in accordance with the permit, or in which the applicant has previously fundamentally neglected obligations based on this Act; in assessment of the fundamental nature of said negligence, the systematic nature of said negligence, its duration and recurrence, and the quantity of damage caused by the negligence shall be given particular consideration.

However, an ore prospecting permit may be granted for an area referred to in subsection 1(1–4) by the consent of the authority or institution competent in the matter, or with that of the holder of appropriate rights – however, not for an area referred to in section 7(2)(1). A building or other facility intended for residential purposes or work use, existing for mining activity or gold panning, located in the mining area or gold panning area shall not preclude granting of a permit.

2 Additional information

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