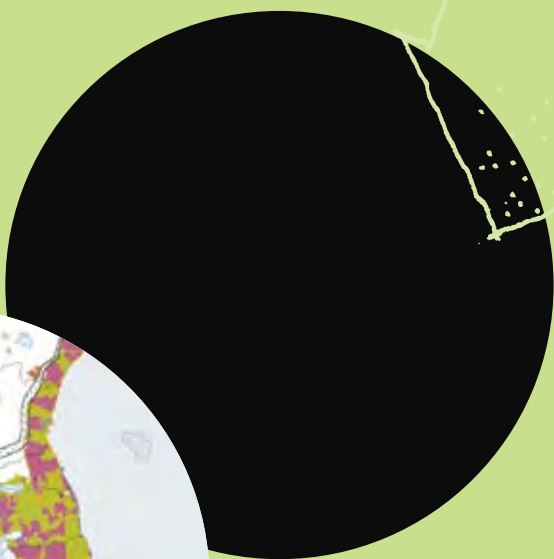


Spatial

# PLANNING

in Denmark



.....  
DANISH MINISTRY  
OF THE ENVIRONMENT

## SPATIAL PLANNING IN DENMARK

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# SPATIAL PLANNING IN DENMARK

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# The Kingdom of Denmark

Denmark's land area comprises 43,000 km<sup>2</sup> (not including the self-governing regions of Greenland and the Faroe Islands). Denmark consists of Jylland (a peninsula) and an archipelago of 406 islands, of which 75 are inhabited.

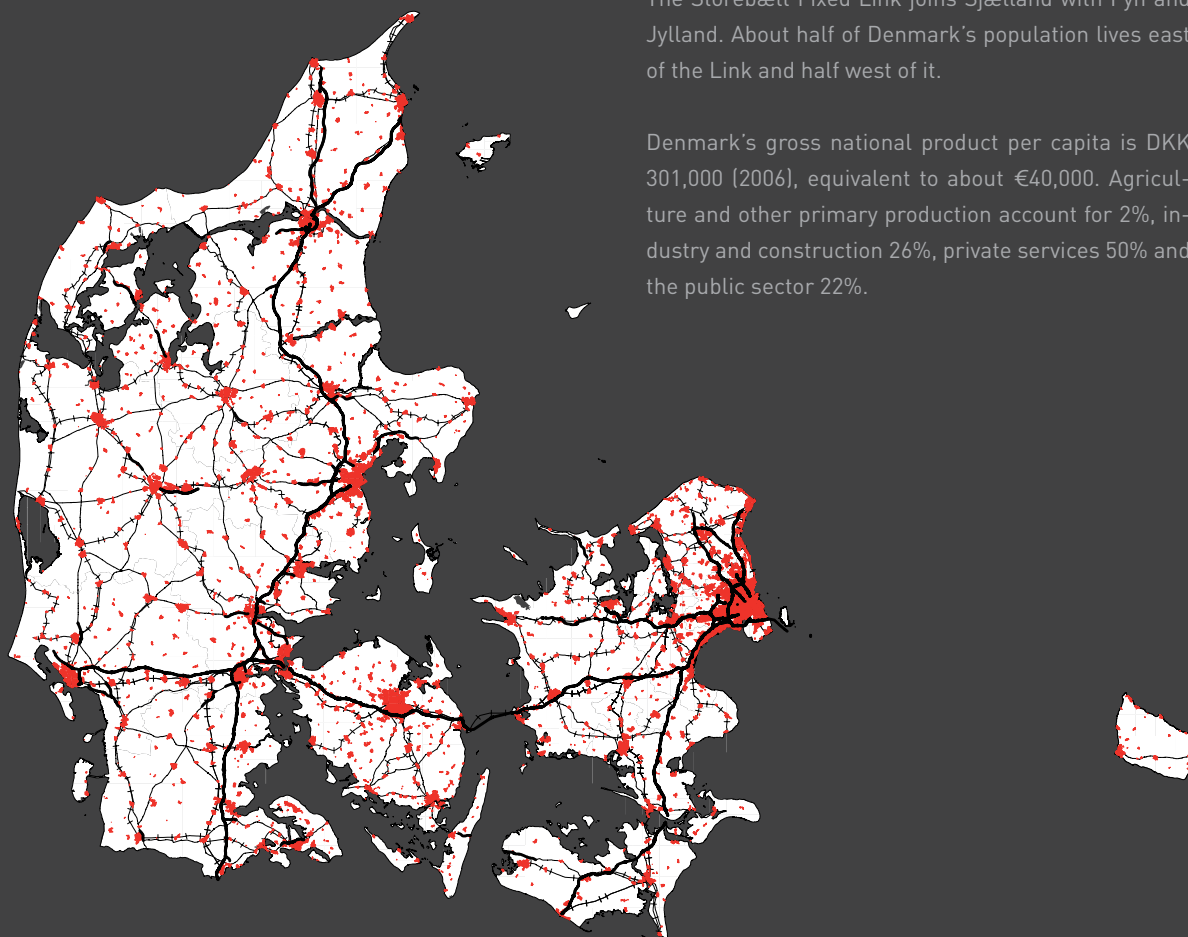
The coast stretches 7300 km. The land is used for agriculture (67%), forests (12%), semi-natural areas (11%) and urban zones and transport installations (10%).

Denmark's population is 5.5 million (2007) and the population density 127 per km<sup>2</sup>. Eighty-six percent of the population lives in settlements with more than 200 inhabitants and 14% in the countryside and in smaller villages.

One third of the population (1.85 million people) lives in Greater Copenhagen. The next four largest cities are Aarhus (population 296,000), Odense (187,000), Aalborg (164,000) and Esbjerg (82,000).

The Storebælt Fixed Link joins Sjælland with Fyn and Jylland. About half of Denmark's population lives east of the Link and half west of it.

Denmark's gross national product per capita is DKK 301,000 (2006), equivalent to about €40,000. Agriculture and other primary production account for 2%, industry and construction 26%, private services 50% and the public sector 22%.



# SPATIAL PLANNING IN DENMARK

Denmark will not become beautiful and well-planned spontaneously. Visions are required about what type of country, landscapes and municipalities are desirable. This requires strategies and planning to create and maintain high-quality surroundings – in nature, in the environment, in landscapes and in cities and towns.

Spatial planning creates the surroundings in which people will be living their lives. Political decision-making processes with public participation and balancing of various interests are therefore an important and exciting part of democracy. This also places great demands on the quality and professional execution of planning documents and processes.

Spatial planning is policy. Denmark's new structure means that local policy decisions are key: what may be built where, the transport system and services in each town and city district, and protecting and improving the quality of landscapes, nature and the environment.

Good planning requires appropriate rules and legislative instruments. Denmark's reform of local government structure in 2007 delegated responsibility for comprehensive spatial planning for both town and country to the municipalities. National planning was also strengthened, and the new regional councils have been charged with preparing regional spatial development plans. Thus, the reform of local government also reformed spatial planning.

This publication aims to provide an illustrated overview of the Planning Act and how it is implemented in practice. The rules, requirements and opportunities for regulation are presented without citing sections of the Act.

I hope that the publication thereby provides this overview to planners, researchers and policy-makers who want a description of Denmark's Planning Act and spatial planning in practice.

*Connie Hedegaard*  
Minister for the Environment  
Denmark

# CHALLENGES IN SPATIAL PLANNING

**Spatial planning aims to create and maintain quality in urban areas and in the countryside.**

**The challenges of planning change as society develops. Legislation and the instruments used in planning are regularly revised and renewed. The reform of local government structure in Denmark in 2007 has resulted in substantial changes in Denmark's spatial planning system.**

## **Spatial planning and development in society**

Changes in society pose new requirements for developing and transforming cities, creating new technical and social infrastructure and protecting and using the countryside. This has led to continual changes in spatial planning legislation and instruments.

The recent modernization of the Planning Act has focused on promoting strategic planning, reinforcing public participation in planning, improving the opportunities for regenerating disused industrial sites into mixed-use urban districts, promoting environmentally sound location policies, protecting attractive and vibrant town centres and protecting the open stretches of coast.

### **KEY AMENDMENTS TO THE PLANNING ACT**

The Planning Act entered into force on 1 January 1992 and is based on decades of planning experience and legislation.

- Urban policy (2007)
- Reform of local government structure (2005–2007)
- 8000 summer cottages in the coastal zone (2004)
- Urban regeneration (2002)
- Regulation of rural zones (2002)
- Special rules resulting from amalgamation of the five municipalities in Bornholm (2002)
- Allotment gardens (2001)
- Strategy for municipal planning and opportunities for revising plans (2000)
- Local Agenda 21 (2000)
- Environmental impact assessment (1999)
- Planning for retail trade (1997, 2002 and 2007)
- Planning in coastal areas (1994)

Denmark has developed systems to enable efficient digital planning. The Danish Environmental Portal contains numerous public data on planning, nature and the environment. PlansystemDK is Denmark's central digital portal for publishing and compiling plan proposals and adopted plans.

The 2006 national planning report focused on the role of spatial planning in maintaining Denmark's advantages: well-functioning towns that are attractive for working and living, open landscapes and coherent natural areas for activity at the human scale. The report's five goals for spatial planning restore the classical principle of clearly demarcating between town and country.

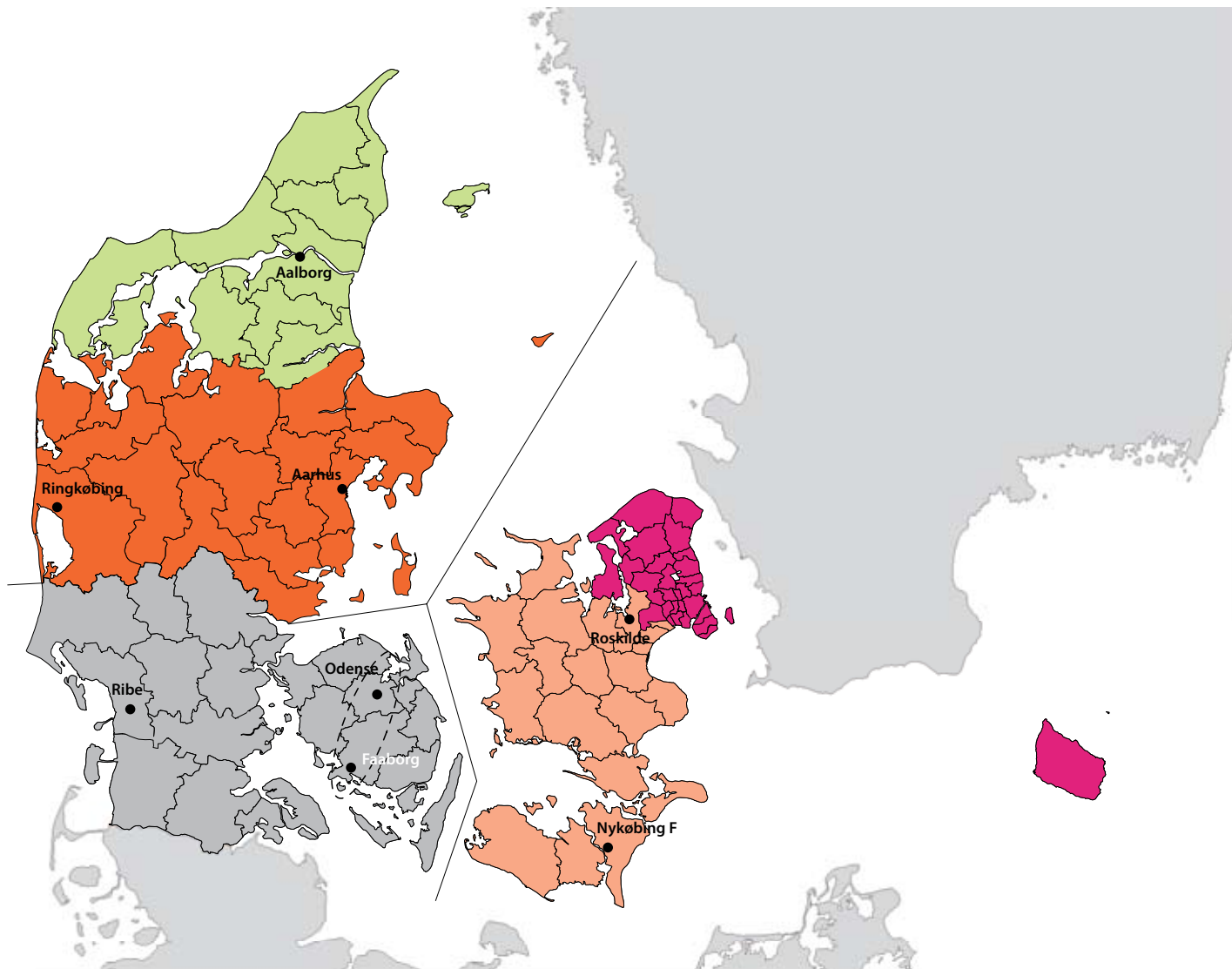
## **Reforming local government structure**

Denmark has thoroughly reformed the public sector in recent years. A local government reform enacted in 2005 entered into force on 1 January 2007.

The reform abolished the counties and created five popularly elected regional councils. The former 271 municipalities have amalgamated into 98 municipalities responsible for nearly all social welfare tasks as the main gateway to the public sector for citizens and companies.

This reform thoroughly changed Denmark's spatial planning system. The Planning Act now delegates responsibility for spatial planning to the Minister for the Environment, five regional councils and 98 municipal councils. The Act is based on the principles of the reformed planning legislation of the 1970s of decentralizing decision-making authority and promoting public participation in the planning process.

The municipalities are now responsible for planning both town and country. The municipal plans thus have a new role as the key plan for development and land use. Further, national planning has been strengthened. The



The Ministry's seven new environment centres. The environment centres in Aarhus, Odense and Roskilde take responsibility for spatial planning tasks.

state is now responsible for ensuring national planning interests in decentralized planning and for complex cases related to the environment, nature and spatial planning. The regional councils are developing regional spatial development plans, a new type of plan.

The Ministry of the Environment has created seven decentralized environment centres to administer many of the Ministry's new tasks. This improves the Ministry's opportunities to monitor how the legislation is working in practice in local areas.

#### Renewing the culture of spatial planning

The Ministry of the Environment and the Realdania Foundation are focusing on renewing spatial planning in Denmark to ensure quality in the surroundings and to continue to develop instruments for this. This project is continuing as Plan09, a partnership to develop the planning culture in the municipalities given the great challenges posed by the local government reform.



#### ENVIRONMENT CENTRES

The Ministry created seven decentralized environment centres in connection with the 2007 local government reform with tasks related to spatial planning, environment and nature.

# THE PLANNING ACT

Denmark has a simple and clear spatial planning system with a strongly decentralized division of tasks. The municipal councils are responsible for comprehensive land-use regulation at the municipal and local levels with legally binding guidelines for property owners. The regional councils prepare a strategic plan for spatial development in each region. The Minister for the Environment is responsible for upholding national interests through national planning.

## Purpose

The Act ensures that the overall planning synthesizes the interests of society with respect to land use and contributes to protecting the country's nature and environment, so that sustainable development of society with respect for people's living conditions and for the conservation of wildlife and vegetation is secured.

Spatial planning especially aims towards:

- appropriate development in the whole country and in the individual administrative regions and municipalities, based on overall planning and economic considerations;
- creating and conserving valuable buildings, settlements, urban environments and landscapes;
- the open coasts continuing to comprise an important natural and landscape resource;
- preventing pollution of air, water and soil and noise nuisance; and
- involving the public in the planning process as much as possible.

## Decentralized responsibility

Denmark's 98 municipal councils have great responsibility for planning in towns and in the countryside. In the first half of the 4-year local election period, each council adopts a political strategy for municipal planning and decides how it will revise the municipal plan. The municipal plan adopted then comprises the framework for preparing local plans and processing cases, including those based on other legislation.

Local plans are prepared regularly when needed. The municipal council has to adopt a local plan before initiating major development projects.

## Public participation

The Planning Act involves the public in the planning

process at the municipal, regional and national levels. Before a municipal plan, a regional spatial development plan, a national planning directive or a national planning report may be adopted, a proposal and a report on the premises of the proposal must be published. Property owners, neighbours, nongovernmental organizations, public authorities and others then have at least 8 weeks to submit their objections, comments, proposals or protests.

The Planning Act stipulates minimum rules on public participation. The planning authority decides whether it should distribute more material for discussion, arrange citizens' meetings, establish working groups, create electronic citizens' panels or the like. The municipalities experiment with various ways of involving the public, nongovernmental organizations and other organizations in the planning process. For example, several municipalities have prepared a policy on community democracy. Other municipalities are experimenting with discussing strategy and development potential more informally before the formal planning procedure begins.

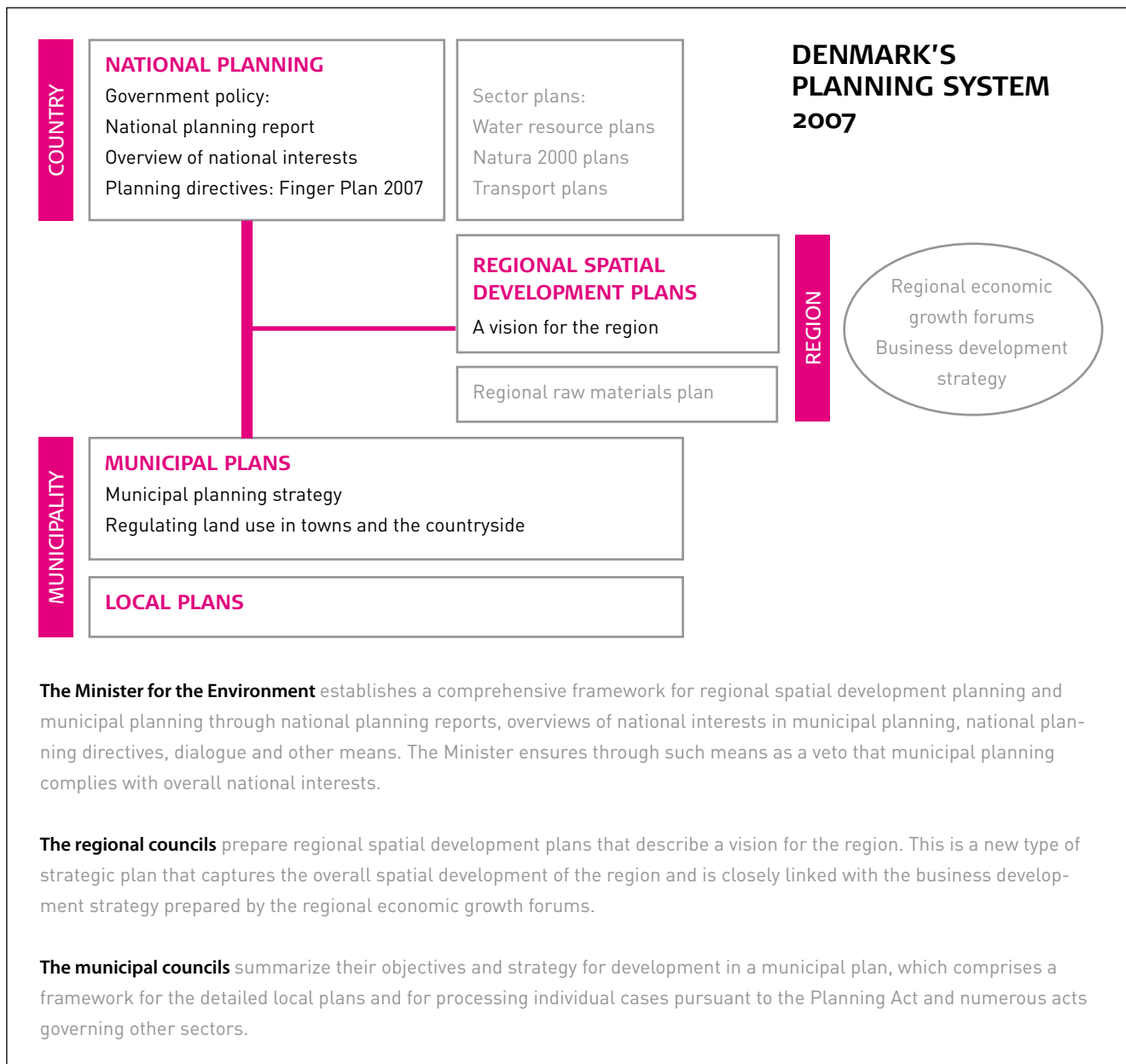
## Universal public access to plans and data

The Danish National Portal on the Environment provides access to numerous data on land use, nature and the environment. All plan proposals and plans are uploaded onto a planning portal ([www.PlansystemDK.dk](http://www.PlansystemDK.dk)) so that anyone can investigate which plans govern a specific property or district.

## Veto, dialogue and cooperation

The Minister for the Environment, on behalf of the government, is required to veto municipal plan proposals that contradict national interests. Regional councils may veto municipal plan proposals that contradict the regional spatial development plan. The municipalities





may object to the plan proposal of a neighbouring municipality if the proposal is important for the objecting municipality's development. Municipalities in Greater Copenhagen may object to municipal plan proposals from any other municipality. The aim is to coordinate local, regional and national interests through dialogue and partnership.

#### Greater Copenhagen, coastal areas and retail trade

The Planning Act includes special rules on planning in Greater Copenhagen, coastal areas and retail trade:

- Planning in Greater Copenhagen is intended to maintain the main principles of the finger city structure (see pp. 14–15).
- Coastal areas are to remain free of development that can be located elsewhere.
- Planning for retail trade is intended to promote a varied supply of retail shops in town centres.

#### SECTOR PLANS

The Ministry of the Environment is preparing *water resource plans* and *Natura 2000 plans* in accordance with EU directives that comprise a binding framework for municipal planning. The municipalities will follow up these plans with action plans.

The regional councils are preparing *regional raw materials plans* on the extraction of and the supply of raw materials. This new type of plan is binding for municipal planning.

The National Rail Authority is preparing the first *national plan for public railway transport* in 2007 to describe the national projects and decisions related to the railway network. This will ensure integration between national, regional and local public transport. The municipalities must comply with these plans in municipal planning.



The Storebælt Fixed Link is an important part of the national infrastructure, which includes two north–south motorway and railway axes and one from east to west shaped like a large H.

## NATIONAL PLANNING

**The rules on national planning were introduced in 1974 and strengthened substantially by the 2007 local government reform. National planning is expressed through reports, binding instructions, guidelines and intervention in municipal planning for themes and projects of international, national or regional interest.**

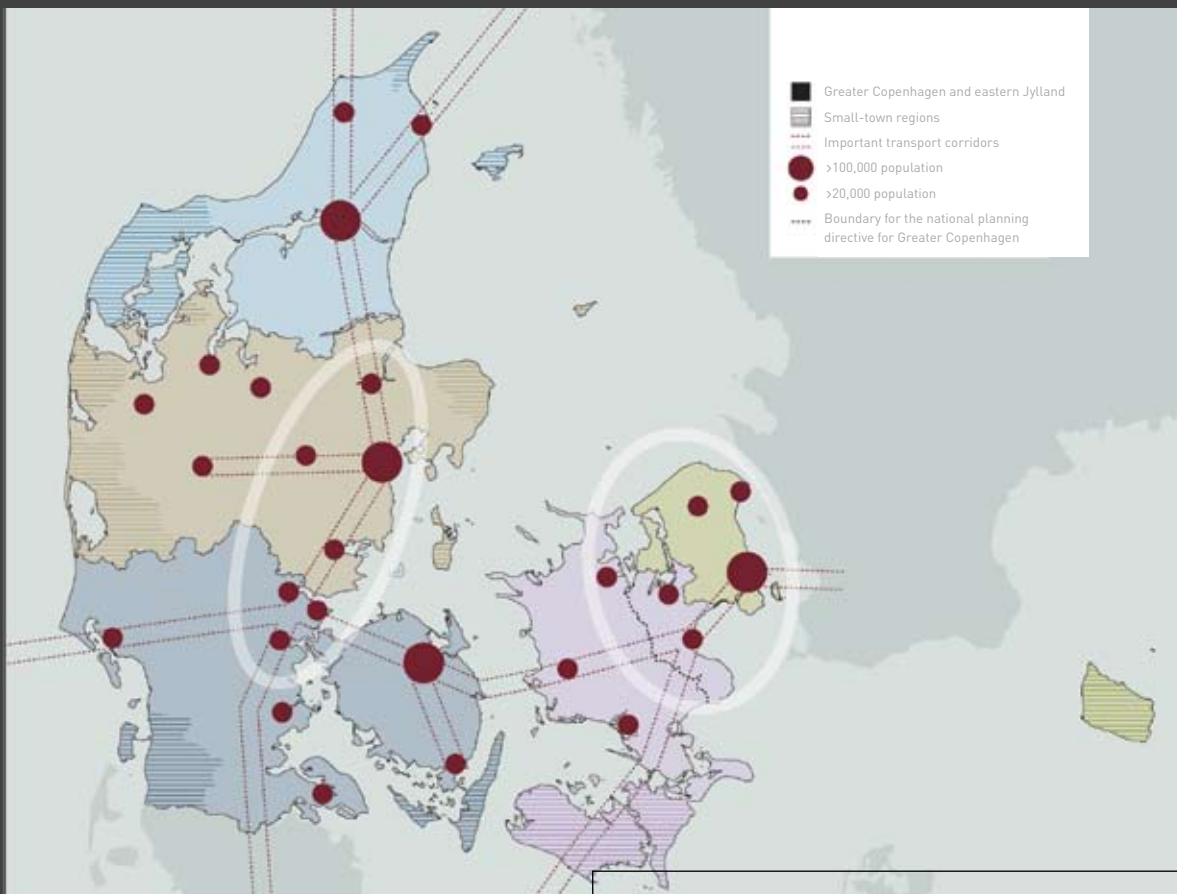
### **National planning reports**

After each election to the Folketing (parliament), the Minister for the Environment submits a national planning report to be used in regional spatial development planning and municipal planning. The report further covers the special planning considerations for Greater Copenhagen.

The report is submitted as a proposal with potential alternatives, and public debate is solicited before the Minister publishes the report on behalf of the Government. The Folketing traditionally debates the national planning report. The latest reports include visions and perspectives for topical planning themes followed up by an action plan, including projects with municipalities and the private sector.

### **Overview of national interests**

Every 4 years the Minister publishes an overview of national interests in municipal planning. This includes the interests and considerations arising from politically adopted decisions in the form of legislation, action plans, sector plans, national planning decisions and agreements between public authorities. The Minister published the first overview in November 2006.



#### Reports on nature and environment policy

The Minister for the Environment publishes one or more reports at least every 4 years that describe the state of the environment in Denmark and Denmark's policy on nature and the environment. Nationwide environment, business, labour market and consumer organizations are involved in this process. The Minister also submits a report on Local Agenda 21 work to the Folketing.

#### Reports on retail trade planning

The Minister submits a report on planning for retail trade every 4 years to the Folketing.

#### National planning directives

The Minister may establish binding rules on the content of planning. In this way, the Government may promote both specific projects and a certain direction of development. National planning directives may be used to locate a specific activity crucial to society and thereby supersede municipal and local planning. Examples of national planning directives include designating new summer cottage areas in the coastal zone, determining the path for natural gas pipelines and electrical transmission lines and locating national testing stations for

#### THE 2006 NATIONAL PLANNING REPORT

The 2006 national planning report categorizes Denmark into five types of settlement region: Greater Copenhagen and the Øresund Region; the rest of Sjælland; eastern Jylland; town regions; and small-town regions. The categories summarize the geographically differentiated main challenges facing spatial planning in various parts of Denmark.

Denmark has two metropolitan regions and numerous small cities and towns with their hinterlands. Eastern Jylland is developing into a single urban corridor. Sjælland is already a cohesive labour market with Copenhagen as the centre.

The Ministry of the Environment publishes an overview of national interests in municipal planning every 4 years.





## THE 2006 NATIONAL PLANNING REPORT Debate on the urban corridor in eastern Jylland

In the 2006 national planning report, the Ministry of the Environment invited the municipalities to participate in dialogue projects on future development. In eastern Jylland, the invitation is for dialogue on the future development of the urban corridor. The dialogue will focus on how to ensure coordinated and appropriate regulation of land use in this urban corridor given the need to create a new framework for development.

This dialogue will ensure the quality of the landscape and appropriate infrastructure. National interests include ensuring that the open, coherent landscapes between towns are maintained.

Bottom: business construction along a motorway near Horsens.

### GOALS FOR SPATIAL PLANNING

The 2006 national planning report contains the Government's five goals for spatial planning in Denmark.

1. Rural and urban areas should be distinct.
2. Development should benefit all of Denmark.
3. Spatial planning should be based on respect for the identity of cities and towns, nature, the environment and the landscape and townscape.
4. Spatial planning and investment in infrastructure should be closely integrated.
5. Spatial planning should be comprehensive.

### Instruments used in national planning

- Special rules in the Planning Act
- National planning reports
- National planning directives for Greater Copenhagen
- Other national planning directives
- Vetoes and orders
- Overview of national interests in municipal planning
- Information and guidance

wind turbines. Similarly, the Minister may establish rules for the planning of specific activities by issuing a circular. An example is planning for the erection of new wind turbines.

The Planning Act requires the Minister to establish specific rules for planning in Greater Copenhagen. This is being done through a national planning directive on the Finger Plan 2007 (see pp. 14–15).

### Veto and orders

The Minister must veto a municipal plan proposal on behalf of all government ministers if the proposal contradicts national interests. This veto must be declared during the period of public comment, and the municipal council is prohibited from adopting the proposal until the Minister agrees to the content of the proposal.

A committee of state civil servants assesses each municipal plan proposal during the period of public comment to coordinate the state's viewpoints. The Ministry's regional environmental centres in Aarhus, Odense and Roskilde coordinate and declare any veto.

Any state authority may veto a local plan proposal based on the special responsibilities of this authority. The authority and the municipality must then reach agreement or let the Ministry's regional environmental centre decide.



## WIND ENERGY

### Location of large wind turbines

The Government of Denmark would like Denmark to use a greater proportion of renewable energy sources. The Government Planning Committee for Land-based Wind Turbines published a report in 2007 with recommendations and principles for future planning.

The report explored the effects on the landscape of constructing wind turbines 100–150 metres tall. The top visualization shows six 1.75-MW turbines with a total height of 100 metres. The bottom visualization shows six 3.6-MW turbines with a total height of 150 metres.

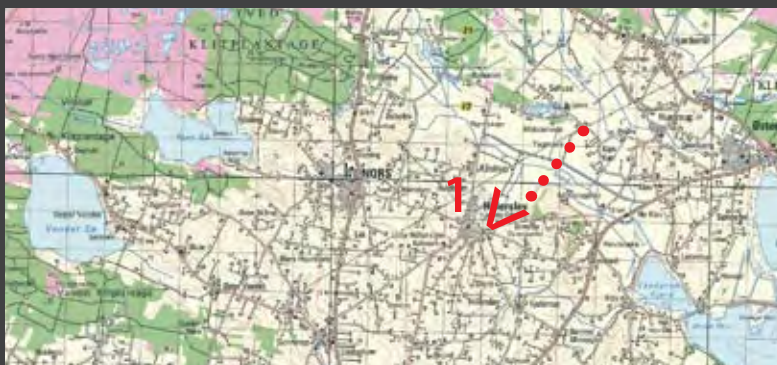


Illustration: Birk Nielsen, landscape architects, planners

The Minister may order a municipal council to prepare a plan with a specified content. In special cases, the Minister may assume the authority granted to municipal planning authorities and decide a specific planning dispute. These options are used very rarely: when special national interests necessitate intervening in municipal autonomy.

### International cooperation

Developments and spatial planning in nearby countries and the rest of the EU increasingly influence Denmark. Public authorities cooperate internationally through: EU collaboration between ministers responsible for spatial planning with working groups on regional policy, urban development and environment; cooperation in the Baltic and North Sea regions on various EU-financed projects; and cooperation between Nordic ministers.

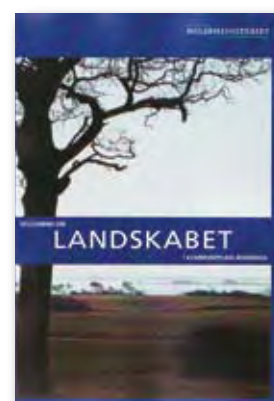
### National parks

The National Parks Act allows the Minister to create national parks. A statutory order stipulates the rules, including potentially limiting the authority of municipalities to plan within the national park. A national park plan must be prepared that does not contradict regional spatial development plans, municipal plans or local plans.

### Guidelines

Guidelines are an important part of national planning. Guidelines are issued regularly that interpret legislation, such as guidelines on municipal planning, rural zone administration, local planning and environmental impact assessment. Other guidelines inspire local planning, incorporating environmental considerations, managing landscape protection or strategies for municipal planning. The Ministry disseminates ideas and experience through its Web sites, courses and lectures.

The Ministry of the Environment has published guidelines on accounting for landscape considerations in municipal planning. The guidelines include a method of assessing the landscape.





## TOWN CENTRE PLAN

Municipal planning aims to strengthen retail trade in the centre of Denmark's numerous small and medium-sized towns. The goal is to create attractive urban public space and a broad and diverse commercial environment in the numerous towns. Investment in new shops should support the aim of renewing and regenerating the existing commercial districts in the town centre. Photos: town centres in Fjerritslev and Ikast.



## PLANNING FOR RETAIL TRADE

**The Planning Act has special rules for planning for retail trade so that investment in new shops supports the aim of renewing and regenerating the existing commercial areas in town centres.**

The Planning Act has special rules for planning for retail trade. Surveys showed that many retail trade outlets were being built on the periphery of the largest cities as large shops and shopping centres. This trend weakens retail trade in many smaller towns, impairing the local business situation and reducing the potential to conserve and modernize town centres.

The rules on retail trade in the Planning Act were changed in 1997 to reverse these trends. In 2002 and 2007, these rules were simplified and made more specific, but the aim has been maintained.

Spatial planning is intended to promote development in the centres of Denmark's numerous small and medium-sized towns and ensure that shops are easily accessible by all means of transport, especially walking, cycling and public transport.

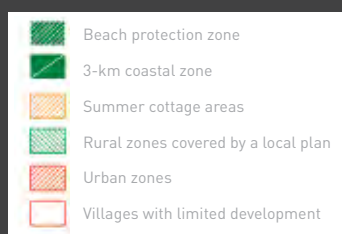
The Planning Act generally limits the size of shops for each type of centre: 3500 m<sup>2</sup> for general shops and 2000 m<sup>2</sup> for specialty shops in town centres, centres of city districts and secondary centres.

The Minister for the Environment will specify the location of town centres, centres of city districts and secondary centres in Greater Copenhagen and for the location of secondary centres in Aarhus.

The general rule is that new land designated for retail trade purposes will be designated in the centre of a town – in the city centre or the centre of a city district in cities. The Planning Act includes a few exceptions from this rule, including small, local shops and shops with goods requiring unusually large quantities of floor space.

## PROTECTING DENMARK'S OPEN COASTS

The open coasts need to be protected. In addition to the 3-km coastal zone stipulated by the Planning Act, the dune conservation line and beach protection line of up to 300 metres mandated by the Protection of Nature Act promote coastal protection.



## PLANNING IN COASTAL AREAS

**The Planning Act has special rules for planning in coastal areas to protect Denmark's long open stretches of coast.**

Denmark has had rules on protecting the open coasts since 1981 based on the trends in Denmark's coastal areas and experience in other countries with extensive coastal construction.

Denmark's coastal areas are to be kept as free as possible of development and installations that do not need to be located near the coast. Within a designated coastal zone that is theoretically 3 km wide, land may only be transferred to an urban zone or planning conducted for development in a rural zone if there is a specific planning-related or functional justification for location near the coast.

In addition, new summer cottage areas may not be designated, and existing summer cottage areas are to be maintained for holiday and leisure purposes. Local plan proposals that permit development in the

coastal zone are required to illustrate visually how this development would affect the local environment. This gives the public and politicians a better basis for making decisions.

The Planning Act was amended in 2004 to allow up to 8000 new summer cottage lots to be designated in coastal areas as a one-time measure to strengthen the local economic development in small-town regions. The Minister for the Environment has since prepared national planning directives selecting the location of the new summer cottage areas and specifying the rules for the local planning of the municipal councils.

Constructing buildings within 100 metres of the shoreline has been prohibited in Denmark since 1937 under legislation on nature protection. This was extended in 1994 to a zone of 300 metres from the shoreline.





Metro tracks through the Ørestad in Copenhagen.

## PLANNING IN GREATER COPENHAGEN

Greater Copenhagen comprises one cohesive housing and labour market with common regional semi-natural areas and green spaces that overlap between municipal borders. Denmark therefore has special rules for planning in Greater Copenhagen. The Planning Act contains overall principles for urban development, recreational considerations and other matters, and the Minister for the Environment has prepared a national planning directive that will be continually updated to implement these principles.

### The Finger Plan 2007

Since the first finger plan was adopted in 1947, the aim has been to concentrate urban development in the fingers created by the suburban railway network and the radial road network and to keep the green wedges between the fingers undeveloped.

Copenhagen's profile as a green capital will be further strengthened in the future through a national planning directive on Finger Plan 2007, which will ensure clear demarcation between urban and rural zones, provide the best conditions for public transport and help the 34 municipalities in Greater Copenhagen in creating the urban planning of the future.

### Regional responsibility

The Planning Act mandates that the municipalities take regional responsibility and determine their regional role. Municipal planning in Greater Copenhagen is implemented based on an assessment of development in the region as a whole and must maintain the main principles of the overall finger city structure. Urban development of regional significance must be coordinated with the extension of Greater Copenhagen's overall infrastructure, especially public transport services.

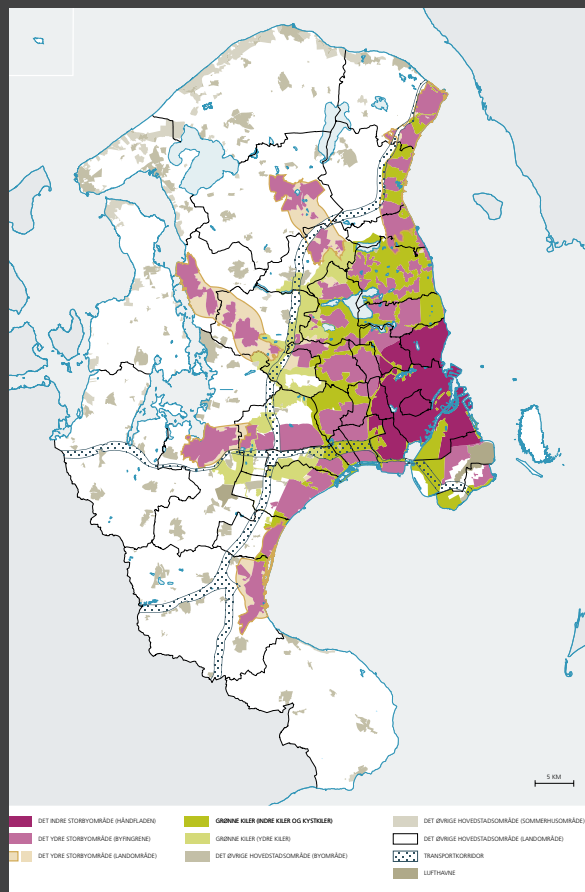


## GREATER COPENHAGEN

### Finger Plan

Greater Copenhagen functions as one city. Municipal planning builds on the finger city structure created through the first finger plan in 1947. Settlement is concentrated along transport corridors leading to the towns outside the City of Copenhagen with special consideration for providing public transport services.

The first Finger Plan 2007, a national planning directive for Greater Copenhagen, entered into force in August 2007. Finger Plan 2007 establishes a framework for development in Greater Copenhagen and promotes appropriate urban development in close connection with the development of transport infrastructure and transport services.



### Four zones

The Planning Act divides Greater Copenhagen into four geographical zones with different planning opportunities.

*In the core urban region* (the palm of the hand), urban development and regeneration will take place within existing urban zones and consider the opportunities to strengthen public transport services.

*In the peripheral urban region* (the finger city), urban development and new urban functions will be located with consideration for the existing and decided infrastructure and for strengthening public transport services.

*The green wedges* between the urban fingers and across them may not be converted to urban zones or used for urban recreational facilities.

*In the rest of Greater Copenhagen*, urban development will be local and take place in connection with municipal centres or as the completion of other urban communities.

The Minister for the Environment has prepared a national planning directive that will be continually updated to implement these principles. It will also ensure overall designation of land for future transport infrastructure, technical installations, noise impact areas and the like to ensure the development of the region as a whole.

### Comprehensive planning database

The Minister for the Environment is making information on development and planning available for municipal planning in Greater Copenhagen. This new comprehensive database contributes to ensuring a uniform basis for decisions in municipal planning. The information includes trends within business, settlement and transport, land use, land designated for development and the expected demand for land for various urban purposes.

### Environmentally sound location near stations

A new feature of the Finger Plan 2007 is promoting environmentally sound location by requiring location near stations. Large office workplaces exceeding 1500 m<sup>2</sup> of floor space will generally have to be located within 600 metres by foot from the closest station. Surveys show that location near stations induces many more people to choose public transport instead of car transport. The principle of requiring location near stations is expected to reduce car transport and reduce the environmental burden by considerably reducing carbon dioxide emissions.



Birk Centerpark, Herning.

## REGIONAL SPATIAL DEVELOPMENT PLANNING

The 2007 reform of local government structure created a new type of plan. The new regional councils are preparing regional spatial development plans that will present strategic visions of the development of each region. Regional spatial development plans are a collective project between the municipal councils, businesses, the regional council and the other actors in each region.

### Regional plan for spatial development

A regional spatial development plan comprehensively describes a desired future spatial development for each administrative region's cities and towns, rural districts and small-town (peripheral) regions and for:

- nature and the environment, including recreation;
- business, including tourism;
- employment;
- education and training; and
- culture.

A map will illustrate the general content of the plan. The regional council may make proposals for municipal and local planning in the administrative region. Municipal plans must be in accordance with the regional spatial development plan.

Regional councils publish a plan proposal during the first half of the 4-year regional and local election period while the municipalities prepare their strategies for municipal planning. These two processes are related, and close dialogue can produce synergy.

The regional spatial development plan describes:

- the relationships between future spatial development and the state and municipal spatial planning for infrastructure;

## MODEL FOR REGIONAL SPATIAL DEVELOPMENT

Denmark's Sjælland Region has developed a model for regional spatial development in partnership with Oxford Research. The design incorporates such focus areas as culture, nature and safety with about 50 indicators. The model comprises the basis for the political dialogue on the spatial development of the region.

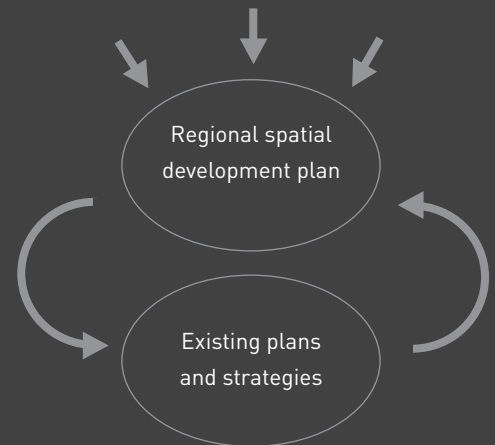
### SJÆLLAND REGION Framework for a good life

<b>GROWTH</b> Human resources, innovation, entrepreneurship and new technology	<b>WORK</b>	<b>SETTLE</b>	<b>SETTLEMENT</b> Housing quality, security, nature and infrastructure
<b>PUBLIC SECTOR</b> Key figures, employment, health care and public services	<b>SERVICES</b>	<b>LIVE</b>	<b>LEISURE AND LEARNING</b> Education, training, activities in associations, and experiences

## A NEW VISIONARY TYPE OF PLAN

"The focus is not what already exists; the focus is the arrows coming in from the outside that represent new impulses. The regional spatial development plan is a completely new type of plan – a visionary plan and a common platform for both the administrative region and the municipalities in the administrative region. It is also a springboard for the efforts of municipalities and local communities to develop strategies for and between municipalities."

Uffe Steiner Jensen, Chair, Municipal Liaison Council for the Southern Denmark Region and Mayor, Municipality of Fredericia.



- the context for any cooperation between the administrative region and public authorities in adjacent countries on spatial planning and spatial development; and
- the action the regional council will take to follow up the plan.

### Cohesion with other plans

The regional spatial development plan should ensure cohesion with:

- the business development strategy of the regional economic growth forum;
- the employment strategy of the regional employment council;
- the development strategies of local action groups within the Rural Development Programme for 2007–2013;
- the Local Agenda 21 strategies of the administrative region and the municipalities; and
- other regional strategies and plans, such as for education, training and culture.

### Funding

The regional councils may promote the implementation of the regional spatial development plan by funding specific projects. The regional budgets have earmarked

funds for regional development related to business development, education, training and culture. Further, EU funding under Objective 2 of regional policy (revitalizing areas facing structural difficulties) is available if co-financed by public or private sources. Each regional economic growth forum makes recommendations to the regional council on support for business development projects and to the state on the use of EU funds.

### REGIONAL ECONOMIC GROWTH FORUMS

The regional economic growth forums prepare a regional business development strategy that comprises part of the basis for the regional spatial development plan.

The strategy is based on the strengths of the businesses in the administrative region, including the Government's four drivers of economic growth: innovation, entrepreneurs, education and training and new technology. The forums prepare action plans with numerous specific activities and priority actions.





Regeneration of a harbour district in Middelfart.

## MUNICIPAL PLANNING

**A municipal plan summarizes and concretizes the overall political objectives for the development of a municipality. The municipal council establishes a policy for the development of towns and cities and for the countryside. The municipal plan links national planning and the provisions of local plans on the use and development of each district and between national planning and the specific administration of rural zones. The rules on strategy for planning have strengthened the strategic aspect of municipal planning and the political interest of local communities in municipal planning.**

### **Strategy for planning**

The municipal council publishes a strategy for municipal planning within the first 2 years of the municipal election period. This includes the municipal council's political strategy for development and information on the planning occurring since the last time the municipal plan was revised.

The strategy for planning also concludes with a decision on revising the municipal plan. The municipal council may choose to revise the entire municipal plan or to revise parts of the plan, such as for a theme or a district, and adopting the rest of the plan as it is.

The requirement for preparing a strategy for planning and the flexible approach to revision were adopted in 2000. Focusing on planning strategy has contributed to revitalizing municipal planning. It allows municipal councillors to organize planning that both looks forward and is based on the current problems and opportunities in the municipality.

Many municipalities link the process of preparing the strategy with other policy areas, such as business development, culture and health. This provides cohesion and places more political impetus behind the strategy. The strategy for planning is subject to public comment for at least 8 weeks.

## PLANNING STRATEGY FOR THE MUNICIPALITY OF AARHUS

With its proposal for the 2008 strategy for municipal planning and Local Agenda 21 report, the Aarhus Municipal Council has outlined its vision for the development of Aarhus in the next 20–30 years. The most important challenges for the largest city in western Denmark is to find space for many new work-places and dwellings while maintaining Aarhus as a well-functioning city and an attractive place to live. The Municipal Council decided to propose specific strategies for urban development and for the countryside as part of the planning strategy.

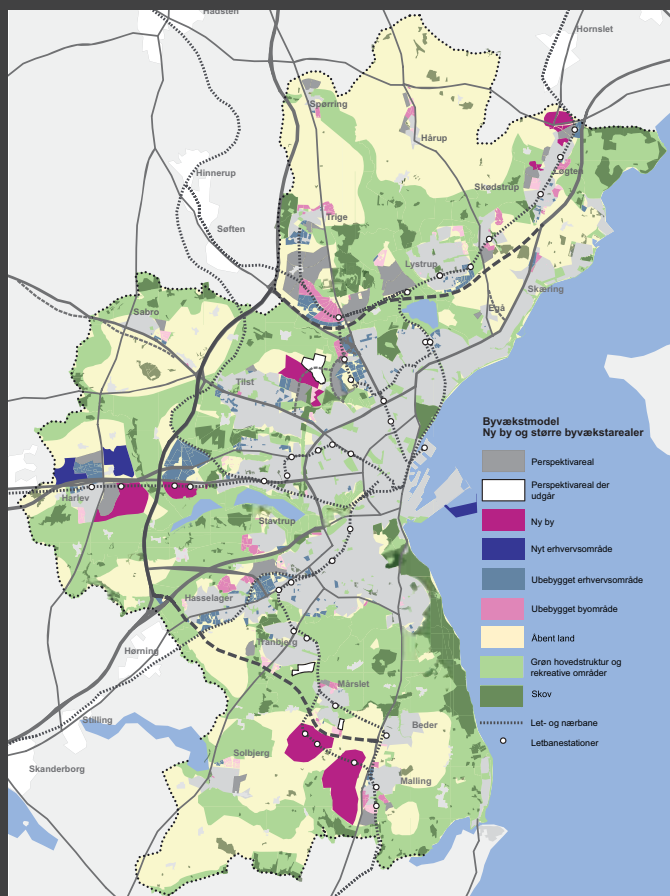


Illustration: Municipality of Aarhus

### Municipal plan

A municipal plan includes:

- a general structure with overall objectives for development and land use in the municipality;
- guidelines for land use; and
- a framework for the content of local plans for the specific parts of the municipality.

The plan includes a report describing the premises of the plan. The municipalities vary widely in their planning practice. Some municipalities closely link the municipal budget and targets for providing services; others adopt a plan solely covering land use.

### General structure

The general structure uses maps and text to show the municipal council's objectives for development and land use. The general structure summarizes the content of the municipal plan and can be a gateway to the detailed content of the plan.

### Guidelines for land use

The guidelines of the municipal plan concretize the objectives of the general structure. The guidelines cover all the themes stipulated by the Planning Act. The guidelines may differ substantially. For example, they may

### THE CONTENT OF MUNICIPAL PLANS

1. Urban growth and summer cottage areas
2. Location of various urban functions
3. The structure of retail trade
4. Transport installations
5. Technical installations
6. Polluting enterprises requiring special siting
7. Projects requiring environmental impact assessment
8. Noise protection
9. Recreational facilities and allotment gardens
10. Especially valuable agricultural areas
11. Afforestation areas
12. Wetlands
13. Nature protection areas
14. Valuable cultural environments
15. Valuable landscapes
16. Valuable geological assets
17. Use of watercourses, lakes and coastal waters
18. Coastal zone
19. Implementation of national planning directives

## URBAN REGENERATION

A plan for Odense's districts demonstrates a future image of development opportunities in the city centre and the harbour district. This is an informal plan that is then incorporated into the municipal plan and in local plans.



designate types of land to be protected, such as special habitats, or they may determine location principles or criteria, such as principles for urban service delivery.

### Framework for local planning

The framework for the content of local plans is the link to local planning and is decisive for the municipal council's competence in preparing local plans. The framework describes what a local plan can and should decide for individual areas to promote a cohesive urban structure and the overall municipal objectives. The framework often illustrates future opportunities.

The municipal plan determines which areas in rural zones may be transferred to urban zones or summer cottage areas. The framework may determine the chronological order for converting land to urban functions and to summer cottage areas.

### Municipal plan proposal

After publishing the strategy for planning, the municipal council may prepare a proposal for revising the municipal plan in accordance with the strategy. The proposal may cover: the municipal plan for the entire municipality; a special theme such as retail trade, urban regeneration, business, transport or housing; or part of the municipality, such as one or more urban districts or

villages, old harbour districts or the town centre.

### Public participation

Proposals are published and debated for at least 8 weeks before being adopted. Both proposals and adopted plans are published on the municipality's web site and on PlansystemDK.

### National and regional sector plans

The municipal plan may not contradict: the description of the desired future spatial development in the regional spatial development plan; national planning directives; a water resource plan, a Natura 2000 plan or action plans for implementing these plans; or a raw materials plan.

### National interests

The Minister for the Environment is obligated to veto municipal plan proposals that contradict national interests.

### Municipal planning report

A plan proposal includes a report describing the premises of the plan, covering the anticipated chronological order for implementation and how the municipal plan complies with the municipal strategy for planning, the



## THE COUNTRYSIDE

The municipalities assumed numerous new planning tasks in the countryside in the 2007 local government reform. This applies especially to protecting the landscape, nature and the environment in the countryside. The municipalities will also plan large technical installations and numerous large recreational facilities such as golf courses, pleasure-boat harbours, camping grounds and holiday hotels. This requires close dialogue across municipal boundaries.



Top: golf course in Hornbæk.

Bottom: campground in Sandvig, Bornholm.

regional spatial development plan, the water resource plan, the Natura 2000 plans and the raw materials plan. The report should also describe, using maps and text, protected areas based on other legislation, such as the building and protection lines stipulated by the Protection of Nature Act and land designated in accordance with other acts, such as the Raw Materials Act and acts enabling major transport projects.

The report also describes the relationship to the planning of adjacent municipalities and the national transport plan.

### Legal obligations

The municipal council must strive to implement the municipal plan. The municipal council may also administer other acts, such as ones governing nature, the environment and roads, based on considerations in the municipal plan. The municipal council may oppose desires to build buildings or change land use within urban zones and summer cottage areas that contradict the framework of the municipal plan. It may also prohibit parcelling out and development that contradict the provisions of the municipal plan on the chronological order of development.

### MUNICIPAL PLANNING PROCESS

1. *Preliminary debate every 4 years*
  - Information on the previous planning
  - Strategy for municipal planning
  - Period of public comment of at least 8 weeks
2. *Municipal plan proposal*
  - Prepared in cooperation with other public authorities, citizens, nongovernmental organizations and others
3. *Publication of municipal plan proposal*
  - Period of public comment of at least 8 weeks
  - Sent to public authorities
  - Minister for the Environment is obligated on behalf of the government to veto proposals contradicting national interests
4. *Municipal plan adopted*
  - Consideration of comments, vetoes, negotiations and proposals
5. *Publication*
6. *Administration of the municipal plan*
  - The municipal council must strive to implement the plan



## COOPERATION BETWEEN MUNICIPALITIES

Municipalities benefit by cooperating in numerous spatial planning tasks. The municipalities in Denmark's Triangle Region have traditions for both competition and cooperation. In 2005 they agreed on a common general structure (shown at left) for several of the themes that are part of municipal planning, such as the landscape.



Recreational landscape near the Lillebælt between Fyn and Jylland

### Local Agenda 21

Agenda 21 is an international framework for broad efforts to promote sustainable development arising from the United Nations Conference on Environment and Development in Rio de Janeiro in 1992.

Before the end of the first half of the regional and local election period, regional and municipal councils must publish a report on their strategy for contributing to sustainable development. The strategy for Local Agenda 21 must include political objectives for contributing to:

- reducing negative effects on the environment;
- promoting sustainable regional and urban development and regeneration;
- involving the general public and business in Local Agenda 21 work; and
- promoting interaction between decisions in numerous sectors.

The municipal strategy must also include political objectives for promoting biological diversity.

Many municipalities closely link the strategy for Local Agenda 21 with the strategy for municipal planning.

### REFORM OF LOCAL GOVERNMENT IN 2007

Denmark's reform of local government structure in 2007 has elevated the municipal plan to be the most important type of plan. A municipal plan contains objectives and guidelines for development in towns and the countryside. The protection considerations and land designation that were previously part of regional planning are being incorporated into the new municipal plans, which are being prepared by 2009.

The guidelines in the 2005 revision of the former regional plans have legal status as a national planning directive until the Minister for the Environment repeals the guidelines for each municipality. Municipalities may decide to change land status and designate other land, but the plan may not be adopted before the Minister has repealed the guidelines from the former regional plans.

The Minister is obligated to ensure that municipal plan proposals respect national interests.





# LOCAL PLANNING

**Local plans are the foundation of Denmark's spatial planning system. Local plans concretize the political strategy and objectives of the municipal plan.**

**A municipal plan provides a comprehensive overview of the development of a municipality and the plans for housing, workplaces, transport, nature and environmental protection and other matters, whereas local plans stipulate how a district may be developed and used. Local plans are legally binding for property owners.**

## **The content of local plans**

A local plan establishes rules on how land may be developed and used. A local plan can ensure that the many diverse interests in a local plan area are weighed and discussed.

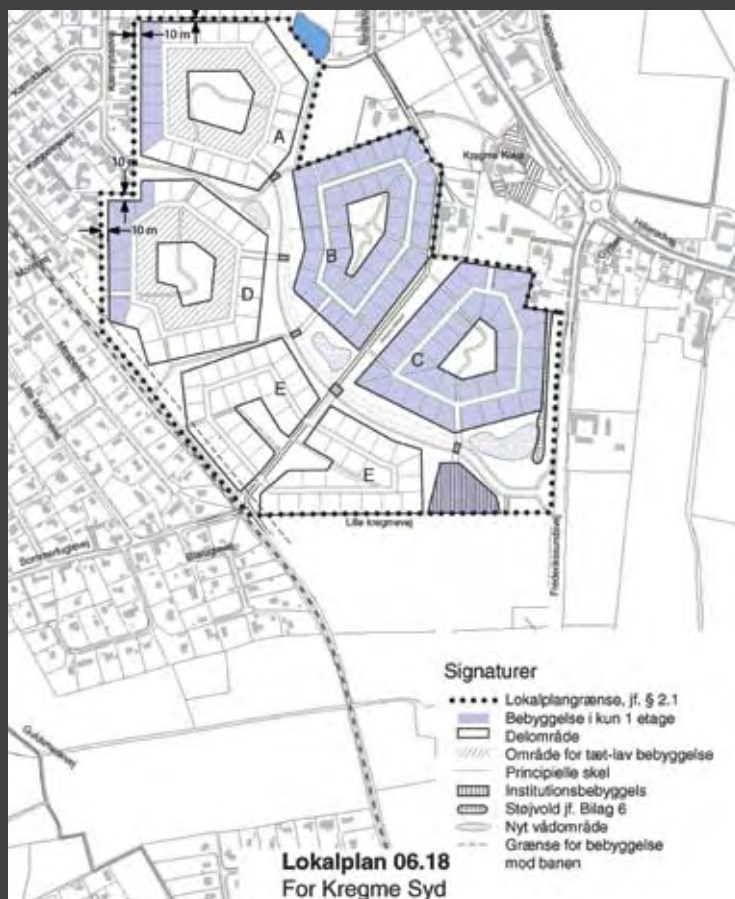
A local plan is flexible. It may regulate numerous factors related to use, the size and location of buildings, roads and paths and the architectural features of an area. A local plan gives property owners the right to develop and use property in accordance with the local plan. Property owners are not generally entitled to compensation for any perceived loss of property rights.

A local plan solely regulates future conditions and does not require that the property owner act. In special cases, the municipal council may expropriate private property to implement a local plan.

Property owners may not act in contradiction to a local plan. After a public hearing including neighbours, a municipal council may grant exemptions from a local plan if this does not contradict the principles of the plan as expressed in provisions related to purpose and use.

The matters a local plan regulates often involve many contradictory interests. The interests of property owners may differ from those of their neighbours, and local and national interests may clash. Local planning ensures that the various interests can be expressed

Photo: housing in Herning



## LOCAL PLAN

A local plan for a new residential district near Kregme in the Municipality of Frederiksværk-Hundested. The local plan contains maps and drawings proposing how the new district will be developed. The Ministry of the Environment has prepared guidelines on local plans to help and to inspire municipalities in preparing local plans.



before the final local plan determines how an area is to be regulated.

The strength of local plans is that they state what is permitted and what is not. The property owner and others know how much latitude they have to act, and neighbours know what to expect.

### Mandatory local plans

Implementing major development projects requires a local plan. The concept of "major" is relative. A minor project in Copenhagen may be major in another town. A local plan is required if substantial changes are proposed to the existing environment.

Examples of major development projects include:

- new residential districts;
- a by-pass road in an urban zone;
- construction of high-rise buildings or large blocks of flats;
- a hotel in a summer cottage area;
- major business construction; and
- buildings for public purposes.

The municipal council may adopt a local plan at any time if it complies with the municipal planning framework for local plans.

### Types of local plans

Local plans differ considerably in content and extent. Some local plans regulate land use or parcelling out and development in a new urban district and others regulate land use on a specific property. A local plan may also regulate a single theme, such as signs and façades.

Local plans include a report, provisions and maps. The report describes how the plan is related to the municipal plan and other planning for the area. The legally binding provisions govern use, location and appearance of buildings, transport conditions, undeveloped land and other matters. Local plans may be adopted for any set of properties. A local plan is required when a municipality wants to transfer rural land designated for urban growth to an urban zone or a summer cottage area.

### Involving the public and public authorities

A local plan may not contradict the municipal plan or national planning directives. The municipal council provides at least 8 weeks for public comment on local plan proposals before adopting them. State authorities may veto a local plan proposal during the period of public comment if the proposal contradicts national interests.

The council is required to publish the final plan when adopted, including on PlansystemDK. All municipalities publish their local plans on their web site.



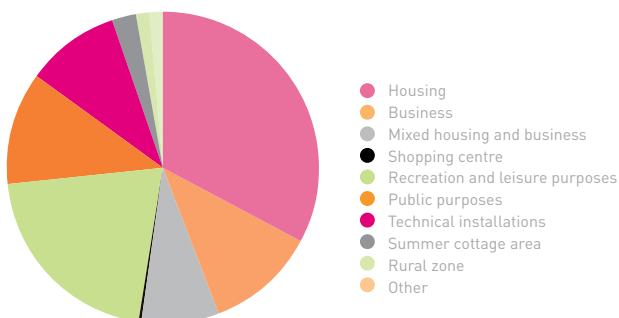
## URBAN REGENERATION POLICY

Urban regeneration is an important aspect of the municipalities' urban policy. The Planning Act allows the regeneration of previous harbour and industrial districts into districts with mixed urban functions such as housing and businesses with low environmental impact. Municipal plans designate urban regeneration districts. Local plans may designate areas for such noise-sensitive purposes as housing and offices and set aside the rules otherwise applying to noise impact zones for about 8 years. This enables such projects to be started even though existing industry emits noise if the remaining industry will be relocating or reducing noise emissions. Property owners may also enter into voluntary development agreements with the municipality on contributing to the physical infrastructure, such as squares, streets and paths through planning for urban development or urban regeneration.

Bottom: regeneration of a harbour district in Aalborg



Illustration: Municipality of Aalborg



Local plan proposals in 2001,  
according to use category (%)

The municipalities prepare about 1300 local plans per year. Local plans are used for two purposes on average. All municipalities publish local plan proposals and local plans on their web site.

### MATTERS LOCAL PLANS MAY REGULATE

- Zoning status
- Use of land and buildings
- Size and extent of properties
- Roads and paths
- Tracks, pipes and transmission lines
- Location and size of buildings
- Building density and design
- Design and use of undeveloped areas
- Landscape features
- Connection with common facilities
- Noise-abatement measures
- Creating landowners' and allotment associations
- Conservation of buildings
- Bans on construction
- Cancellation of easements
- Combining existing flats
- Insulating against noise
- Banning major projects
- Requirements that new buildings be low-energy buildings
- Installations on water in harbours

# RURAL ZONE ADMINISTRATION

The Planning Act divides Denmark into urban zones, summer cottage areas and rural zones, with special rules for development in rural zones. This is a cornerstone of protecting the countryside by avoiding sprawling and unplanned development. Agriculture and forestry comprise the priority economic activity in rural zones. Zoning creates a clear boundary between urban areas and the countryside. This protects recreational and valuable landscapes and ensures that agriculture retains good production opportunities.



## RURAL ZONE ADMINISTRATION CONTRIBUTES TO:

- maintaining strict delimitation between town and country;
- protecting landscape and recreational assets;
- ensuring development opportunities for agriculture and forestry;
- ensuring the extraction of raw materials;
- ensuring the access of residents to public and private services;
- ensuring safe conditions of access and reasonable traffic;
- protecting the undeveloped parts of the coastal zone;
- ensuring public access to nature;
- ensuring a picturesque view from roads to such sights as churches and ancient monuments;
- giving special consideration to the development of small islands;
- protecting historical elements and entities in the landscape; and
- protecting the environment, such as in locating polluting enterprises and large fur farms.

## Mandatory rural zone permits

Denmark has been divided into urban zones, summer cottage areas and rural zones since 1970. The rural zones include the countryside and many villages. The main purpose of the provisions on rural zones is to prevent uncontrolled development and installations in the countryside and to protect valuable landscapes.

A rural zone permit from the municipal council is generally required to parcel out land, construct buildings or change the use of existing buildings and undeveloped land. This does not mean prohibition. A permit may be granted when the municipality specifically assesses the local conditions and concludes that the development applied for is in accordance with the provisions on rural zones. Conditions may also be attached to a permit, such as requiring hedges or removing unused buildings.

## Municipal planning guidelines

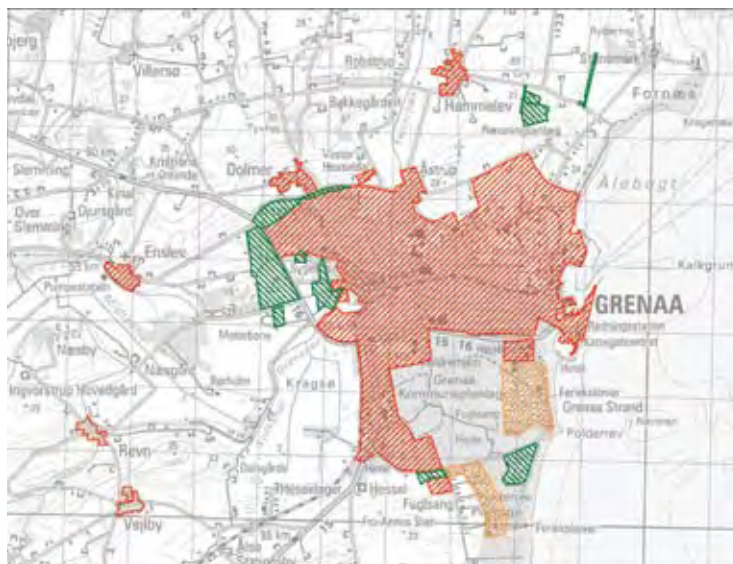
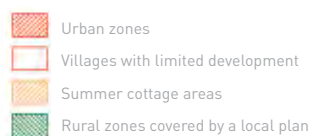
A municipality considers the general purpose of the Planning Act and the municipal planning guidelines for the countryside in assessing a permit application. The municipality assesses each application in relation to the objectives for the development of rural districts, ensuring development opportunities for agricultural production, road safety and transport conditions, effects on the environment, the landscape, the cultural heritage and nature, opportunities for public and private services and other parameters. In connection with municipal planning, the municipal council may delimit the villages in the rural zones in which a limited number of new dwellings may be permitted.

## Local plans in a rural zone

The municipality may prepare a local plan if, for example, it wants to protect a conservation-worthy village environment. Constructing major technical installations such as

## ZONING MAP

PlansystemDK contains information on all urban zones and summer cottage areas in Denmark. About 5.5% of Denmark is urban zones and 1.2% summer cottage areas, and the rest is rural zones.



a wind turbine cluster may also require a local plan. The local plan may replace the necessary permits.

### Construction without a rural zone permit

The Planning Act contains many exceptions from the requirement for a rural zone permit. Examples include construction required for agriculture, forestry and fishery operations in connection with previous buildings.

Houses used year-round may be renovated without a rural zone permit if the total floor space does not exceed 250 m<sup>2</sup>. In addition, a new dwelling may be built or arranged on farms larger than 30 ha in connection with existing buildings when the dwelling is to be used in connection with intergenerational succession or for an employee.

Outside villages and areas covered by a local plan, small businesses located in a previous farm building may be expanded by up to 500 m<sup>2</sup> without a rural zone permit.

### Former agricultural buildings

Farm buildings no longer required for agricultural operations may be used for craft and industrial enterprises, small shops and one dwelling as well as for storage and offices without a rural zone permit.

### Practice

Examples of applications normally approved include appropriate construction in villages and using superfluous farm buildings for holiday purposes. Examples of applications normally rejected include the construction of new dwellings, enterprises and summer cottages in the countryside.

### Publication and appeals

Rural zone permits must be published, typically in local

newspapers. Decisions on rural zone permits may be appealed within 4 weeks to the Nature and Environmental Protection Board of Appeal, which considers the municipality's specific assessment as well as legal issues.

## OTHER RELEVANT LEGISLATION

### *Protection of Nature Act*

The Protection of Nature Act governs building and protection lines along beaches, lakes, watercourses, forests and ancient monuments. The Act also protects habitats.

### *Land Registration Act*

Rights to real property, such as ownership, mortgages and easements are registered in a land registry at the local court registry. A local plan must be registered in the land registry for each individual property.

### *Valuation Act*

Real property is assessed and taxed based on the current and planned use.

### *Parcelling Out Act*

A property may be divided by being parcelled out. The Act ensures that all properties are clearly identified and registered. A property must be parcelled out if part of the property is to be sold or mortgaged or is to be leased for more than 30 years.

### *Building Act*

New buildings require a building permit. A permit may be granted after the municipality has ensured that the application is in accordance with applicable plans and the provisions of other legislation governing land use.

# ENVIRONMENTAL IMPACT ASSESSMENT

The rules on environmental impact assessment ensure that development projects that are likely to have significant effects on the environment are assessed before the projects are permitted. Denmark's rules on environmental impact assessment are based on an EU directive, and the other EU countries therefore have similar rules.

## Process of environmental impact assessment

- Solicitation of ideas and proposals
- Proposal for municipal plan supplement and environmental impact statement subject to public comment for at least 8 weeks
- Municipal plan supplement adopted
- Environmental assessment permit – may be replaced by environmental protection permit or raw materials permit

## Content of an environmental impact statement

- Description of the project
- Overview of the main alternatives to the project that have been studied
- Description of the likely effects of the project on people, fauna, flora, soil, air, water, climate, the landscape, material goods and the cultural heritage
- Description of the project's likely short-term and long-term effects on the environment
- Description of the measures envisaged to improve the environment
- A non-technical summary of the statement

## Environmental impact assessment is part of municipal planning

Environmental impact assessment of projects on land is implemented as a municipal plan supplement. Combined with the requirement for an environmental impact statement, the public has a good opportunity to influence proposed projects.

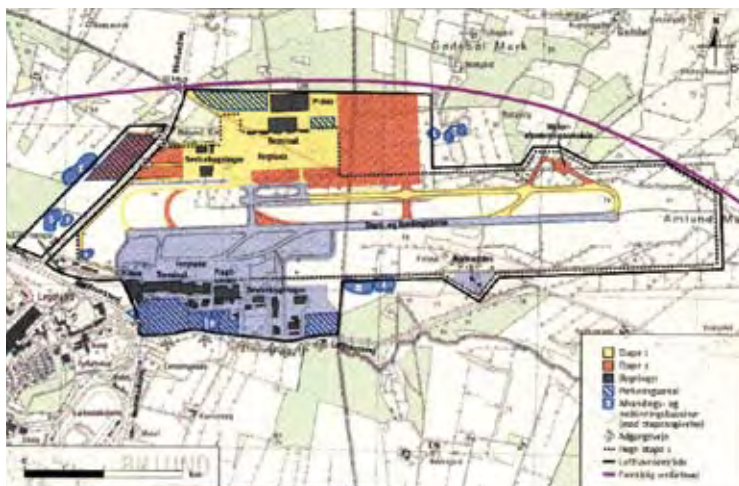
The municipal council generally carries out environmental impact assessment. The regional environmental centres of the Ministry for the Environment in Aarhus, Odense and Roskilde carry this out for certain projects, such as projects for which the state is the developer; enterprises likely to produce considerable pollution for which the regional environmental centres also approve permits in accordance with the Environmental Protection Act; infrastructure installations requiring a municipal plan supplement in more than two municipalities; and wind turbines taller than 150 metres.

A statutory order requires developers to submit certain proposed projects to the municipality for screening to determine whether environmental impact assessment is required. Projects subject to mandatory assessment include wind turbine clusters, waste-disposal installations, large shopping centres, large holiday villages and hotel complexes and major roads.

For projects requiring a local plan, the municipality may present a local plan proposal as part of the same consultative process. For the builder, this means that the process of assessing and approving the project is more manageable.

The overall environmental assessment and the results of the public debate give the municipal council a good basis to decide about the project and any conditions to associate with approval. During this process, many projects are changed in ways that benefit the applicants, the neighbours and the environment. The





### BILLUND AIRPORT

The environmental impact assessment for Billund Airport saved €40 million that was originally intended to be used for a new runway. The results of environmental impact assessment for Billund Airport include:

- fewer dwellings affected by noise;
- traffic capacity doubled;
- 350 ha of agricultural land saved;
- natural forest conserved;
- €40 million saved in construction costs;
- environmental impact of operations reduced; and
- environmental permit obtained without any complaints.

decision of the municipal council and information on appeal are publicized.

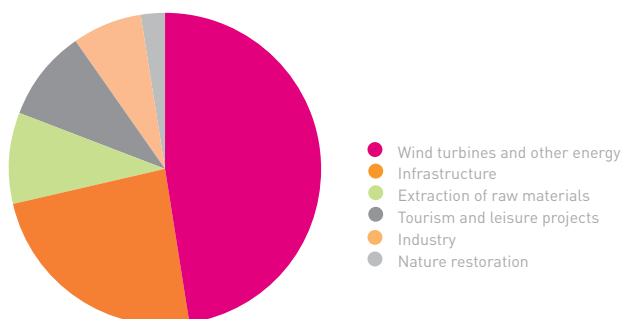
### Screening for environmental impact assessment

The statutory order includes a second list of projects that require assessment if the municipal council decides through a screening process that the project is likely to have significant effects on the environment. This applies to numerous types of production enterprises, infrastructure installations and wastewater-treatment plants.

Most projects considered are solely screened. The screening is conducted as an administrative process based on numerous criteria listed in the statutory order.

### Projects adopted through special legislation

Projects adopted through a special act, such as national roads, are exempt from environmental impact assessment. Information on the likely environmental effects and public participation are ensured while the responsible authority prepares the bill.



About 40 plan supplements with an environmental impact assessment report are prepared annually. About half of these are related to locating large wind turbines.

## ENVIRONMENTAL ASSESSMENT IN OTHER LEGISLATION

### Strategic environmental assessment

Strategic environmental assessment is the assessment of the likely environmental effects of plans, programs and policies.

Strategic environmental assessment is an overall framework for the provisions on environmental impact assessment. An EU directive requires that all plans, programmes and policies that establish a framework for future permits for specific development projects undergo strategic environmental assessment. These include local and municipal plans and national planning directives.

### High-risk enterprises

A circular on planning within 500 metres of high-risk enterprises requires municipal planning authorities to consider the need for appropriate distance between high-risk enterprises and other functions to prevent adverse effects from major accidents at high-risk enterprises.

### Environmental permits for intensive livestock installations

The December 2006 Act on Environmental Permits etc. for Intensive Livestock Installations allows municipal councils to environmentally assess and prepare a comprehensive permit for intensive livestock installations in the same process. The Act implements the EU directive on environmental impact assessment for intensive livestock installations, the rules of the Planning Act on rural zone permits and the rules of the Environmental Protection Act on permits and reassessment of intensive livestock installations.

# DIGITAL PLANS

Spatial planning in Denmark has become digital and publication is based on Web solutions.

Most municipalities have digital municipal and local plans. A common public system has been developed called PlansystemDK that will gradually contain all plans produced in accordance with the Planning Act.

## Danish Nature & Environment Portal

The Danish Nature & Environment Portal is a gateway to comprehensive public data. Citizens and environmental professionals can download relevant and current data. The vision is to create an efficient, digital environmental administration.

## Denmark's Spatial Planning Database

Denmark's Spatial Planning Database is a public database under the Portal that compiles data from the former regional planning authorities and national data sets.

## PlansystemDK

PlansystemDK is part of the Portal and contains plans produced in accordance with the Planning Act. PlansystemDK ensures that planning data are standardized and universally accessible, including other systems such as electronic case-processing systems. PlansystemDK provides easy access to municipal and state spatial plans and a simple way for the municipalities to report their plan proposals and adopted plans to the national public authorities.

The municipalities upload and are responsible for the quality of:

- local plans (and other valid historical plans);
- municipal plans, strategies for planning and municipal plan supplements; and
- zoning maps for urban and rural zones and summer cottage areas.

The state is responsible for:

- the coastal zone (about 3 km wide outside urban zones);
- the beach protection line and dune protection line;
- national planning directives; and
- state-initiated municipal plan supplements resulting from environmental impact assessment.

All plans and plan proposals adopted since 15 September 2006 are being uploaded to PlansystemDK. All valid plans, including ones from before 2006, will be uploaded to PlansystemDK before the land registry is converted to an electronic system in about April 2008.

PlansystemDK allows each municipality to see its own plans in the context of other municipalities' planning so that plans can be compiled across municipal boundaries.

## Improving the data model for registration

PlansystemDK will initially contain municipalities' local plans (including other valid historical plans), municipal planning frameworks and zoning maps, including data on the features of the plans and the geographical extent.

A new data model is being developed and will include standardized data for the new themes in municipal planning that used to be part of the former regional planning. The results will be incorporated into PlansystemDK.

## Contributing to the digital administration of the future

PlansystemDK was developed to be compatible with other systems in the digital administration of the future and to supply planning data to the Danish Public Information Server, which has information on all real property in Denmark.





# LEGAL PROTECTION AND APPEALS

The independent Nature Protection Board of Appeals under the Ministry of the Environment hears appeal cases. In planning cases, only legal questions may be appealed. This means whether the municipal council has complied with the rules of the Planning Act and whether it has the legal authority to make the decision. The policy content of the plan may not be appealed. The municipal council is responsible for the content of plans. Nevertheless, the municipality's political balancing of various considerations related to rural zone administration may be appealed to the Board.

## Rules for appeal

The Board's authority to hear appeals of decisions made pursuant to the Planning Act depends on the type of decision. Decisions on rural zone permits or expropriation and permits to begin a project requiring environmental impact assessment may be appealed to the Board, regardless of the reason. The Board may decide all questions and may change such a decision if it contradicts applicable law or if the Board finds the decision unreasonable or inappropriate.

Other decisions made by municipal councils pursuant to the Planning Act may only be appealed for legal questions. If the council has complied with the legal rules and principles, the Board may not hear appeals related to other questions and may not decide whether the decision is appropriate or reasonable.

Legal questions include:

- whether the plan was produced in accordance with the required procedure for public participation;
- whether the local and municipal plans contradict;

- whether the Planning Act and the municipal and local plans have been interpreted correctly;
- whether a specific development project requires a local plan;
- whether a specific development project requires environmental impact assessment;
- whether an exemption from a local plan is legal; and
- whether general administrative law rules have been complied with such as those regarding competence to act, hearing both parties to a dispute and equal treatment under the law.

## Who has the right to appeal?

The Minister for the Environment and anyone else with a legal interest in the outcome of a case has the right to appeal. In addition, nationwide nongovernmental organizations whose main purpose is protecting nature and the environment or protecting important users' interests within land use have the right to appeal. The deadline for appeals is 4 weeks from the day the decision is publicized.

## Effect of an appeal

A timely appeal of a rural zone permit or an expropriation decision stays the effects of the decision. This means that the decision may not be acted upon until the appeal is decided, unless the Board decides otherwise. Other appeals do not normally stay the decision, but any action taken based on the authority of an appealed decision may have to be reversed if the Board overturns the decision.

## Court appeals

The decisions of the Board may be appealed to the courts. Such legal proceedings must be initiated within 6 months after the Board renders a decision.

## THE NATURE PROTECTION BOARD OF APPEAL

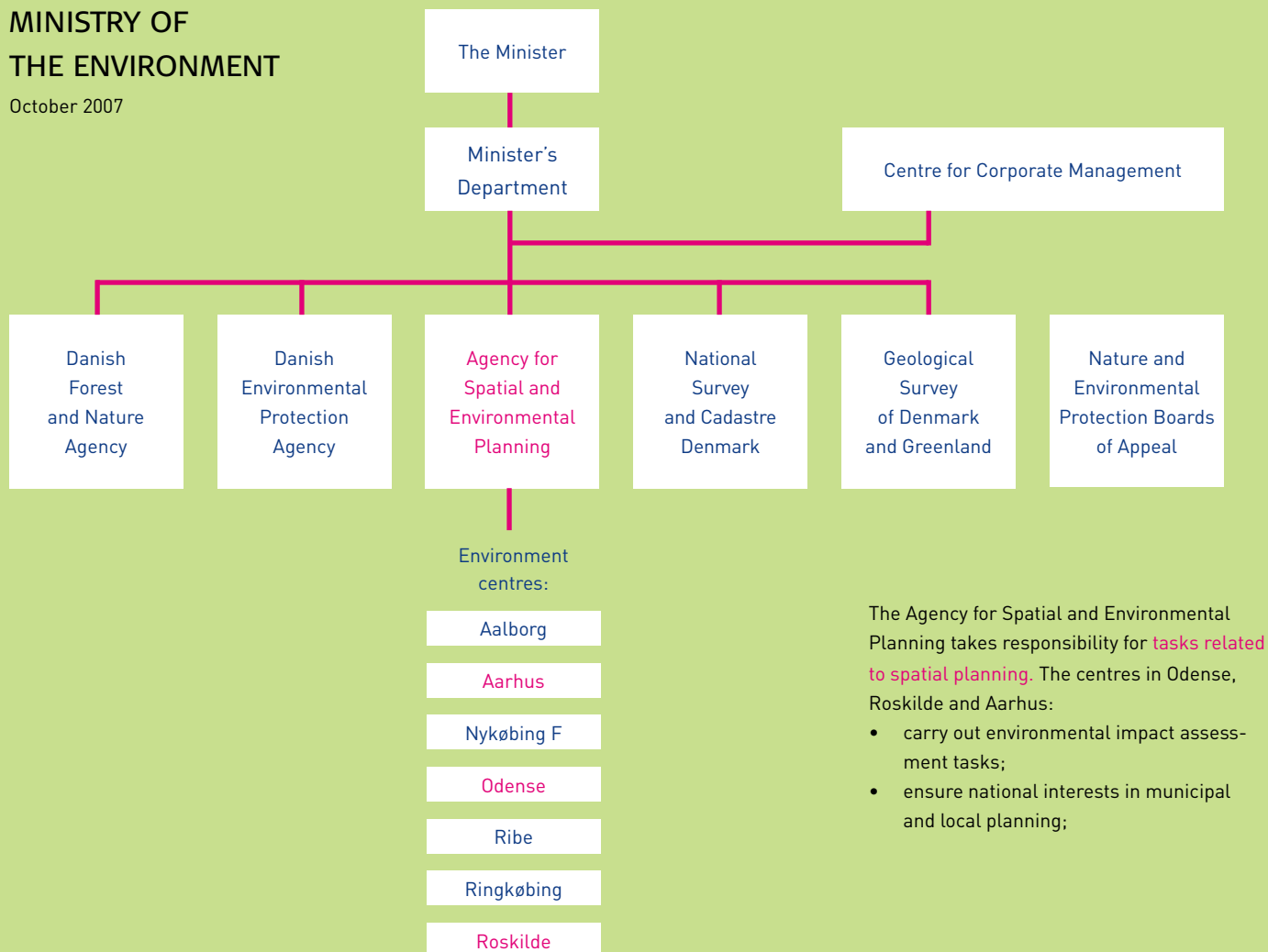
The Nature Protection Board of Appeal is an independent quasi-judicial organ. It has a chairperson, two Supreme Court justices and one member appointed by each of the political parties represented in the Finance Committee of the Folketing.

The Board's decisions may not be appealed to the Minister for the Environment or other administrative authorities and may only be appealed to the courts.



# MINISTRY OF THE ENVIRONMENT

October 2007



The Agency for Spatial and Environmental Planning takes responsibility for **tasks related to spatial planning**. The centres in Odense, Roskilde and Aarhus:

- carry out environmental impact assessment tasks;
- ensure national interests in municipal and local planning;

**PLAN09**  
Miljøministeriet | Realdania

Plan09 is a partnership project between the Realdania Foundation and the Ministry of the Environment on developing and renewing the planning culture in Denmark's municipalities. The purpose is to contribute to qualifying the future planning basis in Denmark's 98 municipalities. Plan09 is being implemented from 2006 to 2009. Plan09 supports demonstration projects in selected municipalities and is carrying out numerous activities to share knowledge and spark debate: presentations, reports, seminars, lectures, the web site [www.plan09.dk](http://www.plan09.dk) and an electronic network.



## SPATIAL PLANNING IN DENMARK

Spatial planning aims to create and maintain the qualities of urban areas and the countryside. Spatial planning in Denmark provides a rapid overview of the stipulations of and opportunities in Denmark's Planning Act and describes national planning, regional spatial development planning, municipal planning and local planning.

This publication describes the principles of the Planning Act related to decentralization of responsibility, framework management and public participation in the planning process. The planning rules for coastal areas, retail trade and large projects that may require environmental impact assessment are described succinctly. Finally, the publication explains the purpose of dividing Denmark's territory into urban zones, summer cottage areas and rural zones and the rules for development in rural zones.

