

MINISTRY OF
THE ENVIRONMENT

SPATIAL PLANNING
DEPARTMENT

SPATIAL PLANNING *in Denmark*



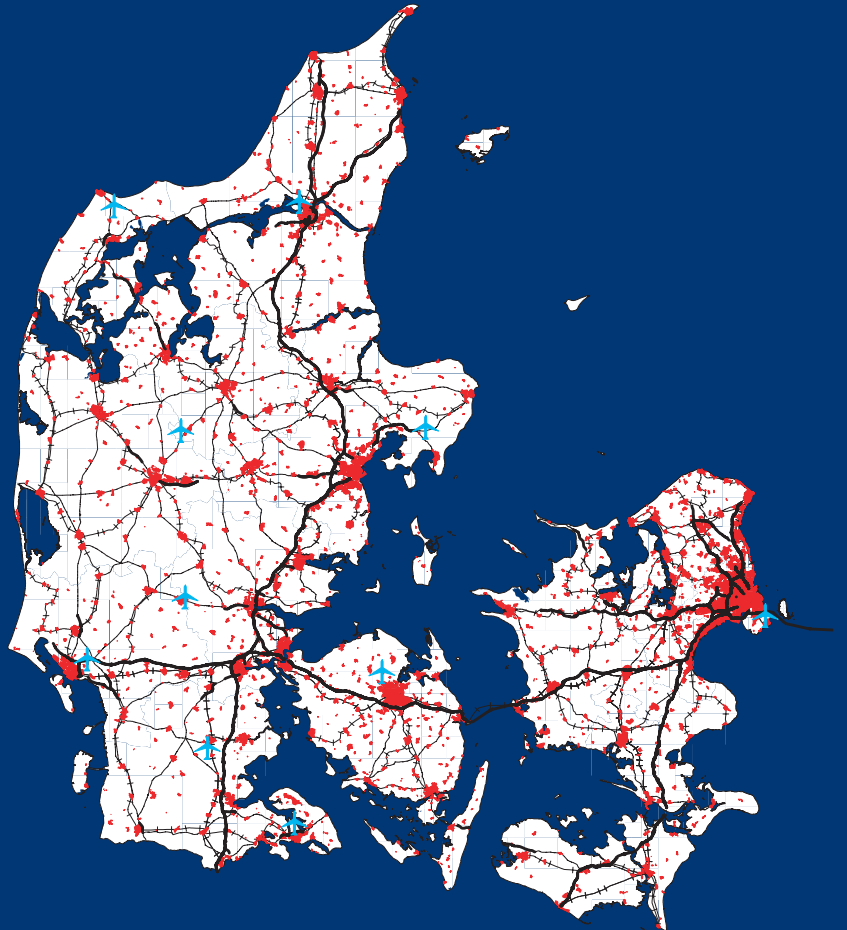
The Kingdom of Denmark

The land area of Denmark comprises 43,000 km² (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 78 are inhabited. The coast stretches 7300 km. The land is used for agriculture (67%), forest (12%), semi-natural areas (11%) and urban zones and transport installations (10%).

The population of Denmark is 5.4 million and the population density 125 per km². Eighty-five percent of the population lives in towns and settlements with more than 200 inhabitants and 15% in the countryside and in smaller villages. One third of the population (1.8 million people) lives in Greater Copenhagen. Denmark has six designated national centres: Aarhus (population 189,000), Odense (184,000), Aalborg (162,000), Esbjerg (82,000), the Triangle Region with 226,000 inhabitants in eight municipalities and the Midwest Region with 142,000 inhabitants in four municipalities.

The Storebælt Fixed Link joins the island of 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 251,000 (2001), equivalent to about EUR 34,000. Agriculture and other primary production account for 3% of the gross national product, industry and construction 26%, private services 49% and the public sector 22%.



The Planning Act

The Planning Act is available in English at the Web site of the Spatial Planning Department: www.spatialplanningdepartment.dk

Amendments to the Planning Act

The Planning Act entered into force on 1 January 1992. The Act is based on decades of planning experience and legislation. The Act has been amended several times. The most important amendments are related to the following.

- Planning in coastal areas (1994)
- Planning for retail trade (1997 and 2002)
- Creation of the Greater Copenhagen Authority (1999)
- Local Agenda 21 (2000)
- Environmental impact assessment (1999)
- Strategy for municipal planning and opportunities for revising plans (2000)
- Allotment gardens (2001)
- Special rules resulting from amalgamation of the five municipalities in Bornholm (2002)
- Regulation of rural zones (2002)
- Urban regeneration (bill, 2002)



Spatial planning in Denmark

3	Spatial planning in practice
4	The Planning Act
6	National planning – retail trade, coastal areas
10	Regional planning – Greater Copenhagen
14	Municipal planning
18	Local planning
20	Rural zone administration
22	Environmental impact assessment
24	Legal protection and appeals

national



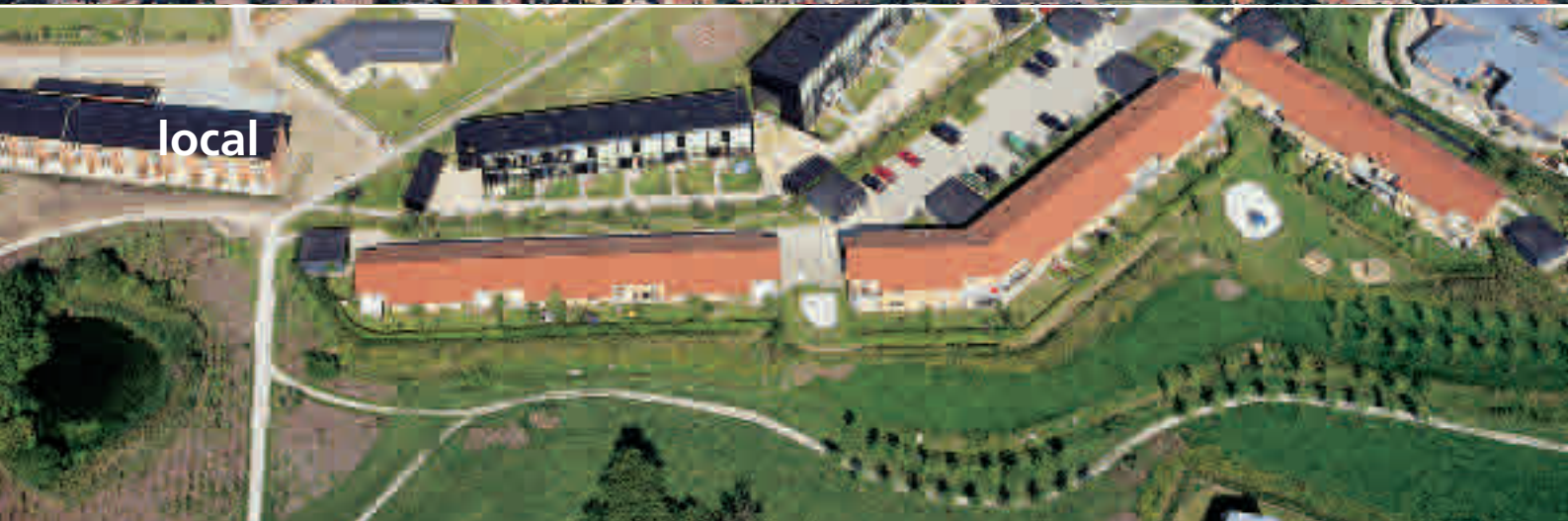
regional



municipal



local



SPATIAL PLANNING in practice

The challenges of spatial planning

Spatial planning aims to create and maintain the qualities of urban areas and the countryside. The challenges of spatial planning change as society develops.

From the early 1950s to the mid-1970s, Denmark's population grew, the standard of living increased and the population migrated from rural to urban areas. Large new suburban estates were created outside the historical town centres. The industrialization of construction and increasing affluence enabled unprecedented growth in the size of dwellings and in business construction. These new suburbs, which were planned to have spatially differentiated residential estates, business districts, urban centres and service functions, now encompass more than half the developed urban land in Denmark.

The pattern of transport changed radically during this same period. The number of private cars grew dramatically, and an increasing proportion of goods transport was carried out by lorry. This destroyed the traditional concept of a town as being linked to railway stations and in which one worked in the town in which one lived.

Denmark's population has grown modestly in the last two decades, and the amount of construction has declined. Residential construction, which has been increasingly dominated by high-density low-rise estates and high-rise blocks of flats, has been halved.

Today Denmark's urban policy focuses on improving older urban districts and the spatial and architectural quality of towns. Policies on rural districts and regional policy aim to create a balance between town and country and between individual regions. The growth in the service sector as a proportion of total employment provides new opportunities for urban regeneration and for integrating urban functions within the same city district. The expansion of technical infrastructure such as roads, railways, high-voltage transmission lines, wind turbines and wastewater treatment plants transforms the landscape and land use in the countryside. Changes in agricultural

production, including very large pig farms, have similar effects. A tremendous increase in transport requires that spatial planning promote the appropriate location of functions that generate demand for transport.

The principles of sustainable development, which are based on conserving and developing the qualities of the local environment, have superseded the previous planning oriented more towards growth.

Spatial planning is policy

The content of plans is decisive in every planning decision. This includes local political decisions on the best way to improve existing urban qualities and how to promote and protect the landscape and nature.

Denmark's Planning Act

The Planning Act delegates responsibility for spatial planning in Denmark to the Minister for the Environment, 12 regional planning authorities and 271 municipal councils. The Planning Act decentralizes decision-making authority and promotes public participation in the planning process based on the reformed planning legislation of the 1970s. Denmark's Planning Act is often considered a positive model of a harmonious instrument that establishes clear rules for the planning process.

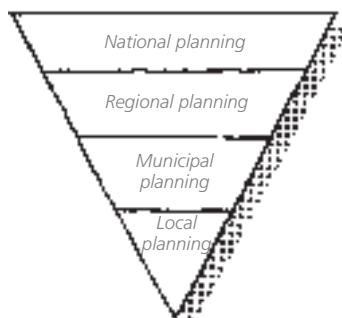
This publication

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.

The target group is planners, researchers and policy-makers who want a description of Denmark's Planning Act and spatial planning in practice. The text of the Planning Act is available in English at www.spatialplanningdepartment.dk.

Niels Østergård
Director General

THE PLANNING ACT



Denmark has a simple and clear spatial planning system that strongly decentralizes the delegation of responsibility. The municipal councils are responsible for comprehensive municipal planning, detailed local planning and permits for construction and changes in land use in rural zones. The 12 regional planning authorities are responsible for regional planning. The Minister for the Environment may influence decentralized planning through national planning initiatives. The state may veto the planning of municipalities and regional planning authorities to uphold national interests. Planning decisions may be appealed to the Nature Protection Board of Appeal. Only the legal issues in planning decisions may be appealed.

Purpose of the Act

The Planning 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 is especially intended to ensure that:

- the whole country and the individual counties and municipalities develop appropriately, based on overall planning and economic considerations;
- valuable buildings, settlements, urban environments and landscapes are created and conserved;
- the open coasts continue to comprise an important natural and landscape resource;
- air, water, soil and noise pollution are prevented; and
- the public is involved in the planning process as much as possible.

The Planning Act is based on the principle of framework management, in which plans must not contradict the planning decisions made at higher levels. If these higher-level decisions are changed, the planning at lower levels must be adapted accordingly.

National planning

The Minister for the Environment establishes the overall framework for regional and municipal planning through national planning initiatives, national planning directives and guidelines.



Regional plans

The 12 regional planning authorities – 10 county councils, the Greater Copenhagen Authority and the Bornholm Municipal Council – revise their regional plans every 4 years.

Municipal plans

The municipalities publish a strategy for municipal planning in the first half of the 4-year election period. The changes deemed necessary are then adopted.



Local plans

Municipalities prepare local plans when needed. About 1200 local plans are prepared each year.



Decentralization of responsibility

The municipal councils, county councils and the Greater Copenhagen Authority have substantial responsibility for spatial planning.

During each 4-year election period, the regional planning authorities revise the regional plan. During the first half of the election period, each municipal council publishes a political strategy for municipal planning and determines the extent to which the municipal plan should be changed.

Local plans are prepared when needed. Large development projects require a local plan before being initiated.

Public participation

One of the basic aspects of the Planning Act is that the citizens are encouraged to be involved in the planning process before the plan is adopted. A plan proposal and a report on the premises of the plan are therefore published before the proposal is adopted. The municipal council establishes a deadline of at least 8 weeks during which property owners, neighbours, nongovernmental organizations, public authorities and others may submit their proposals or objections.

Substantial changes in a regional or municipal plan require a period of public comment before the planning authority starts to prepare a specific plan proposal. Many counties and municipalities use the Internet to publish plan proposals and adopted plans.

Special rules for coastal zones and retail trade

The Planning Act contains special rules for planning in coastal zones and for planning for retail trade.

- The aim is to keep Denmark's coastal areas as free as possible of development and installations that do not need to be located near the coast.
- Planning for retail trade is intended to promote a diverse supply of retail shops in Denmark's numerous small and medium-sized towns.

Local Agenda 21

During the first half of the election period, Denmark's county and municipal councils publish a strategy for their contribution to sustainable development in the twenty-first century: a Local Agenda 21 strategy. The Minister for the Environment submits a report to the Folketing (parliament) every 4 years on the Local Agenda 21 work.

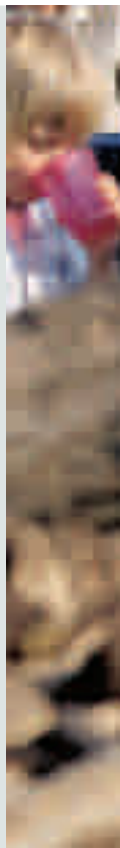
Environmental impact assessment

Large development projects that are likely to have significant effects on the environment are subject to environmental impact assessment and a public hearing before being initiated. The rules on environmental impact assessment in the Planning Act comprise Denmark's implementation of a European Union directive. The regional planning authority usually conducts the assessment and prepares a supplement to the regional plan with an accompanying environmental impact statement.

The Planning Act is brief. It is accompanied by a statutory order and guidelines from the Ministry of the Environment based on the preliminary work on the Act and administrative experience.

The planning process for regional and municipal plans

1. *Prior public participation every 4 years*
 - Information on previous planning disseminated
 - Regional planning: ideas and proposals solicited; municipal planning: a strategy for planning developed
 - Deadline of at least 8 weeks
2. *Proposed regional or municipal plan*
 - Prepared in cooperation with other public authorities, citizens, nongovernmental organizations etc.
3. *Proposal published*
 - Deadline for objections of at least 8 weeks
 - Proposal sent to other public authorities
 - A regional plan or municipal plan may be vetoed to uphold national interests
4. *Plan adopted*
 - Objections (including vetoes) and comments processed and proposed changes negotiated
5. *Final plan published*
6. *Administration of plan*
 - Relevant planning authorities strive to implement the plan



NATIONAL planning

The rules on national planning were introduced in 1974. National planning is expressed through reports, binding instructions, guidelines and intervention in local planning for themes and projects of national interest. National planning shapes a vision for the development of the whole country that reflects national political objectives. The regional planning authorities and municipalities are required to consider this framework in regional and municipal planning.

Instruments used in national planning

1. *National planning reports*
2. *Specific powers*
 - National planning directives
 - Orders
 - Vetoing plans
3. *Overview of national interests*
4. *Information and guidance*

National planning reports

After each election to the Folketing (parliament), the Minister for the Environment submits a report on national planning to the Folketing Environment and Regional Planning Committee. The report is submitted as a proposal with potential alternatives, and public debate is solicited. The latest reports include visions and perspectives for topical planning themes with an action plan including cooperation on projects with counties, municipalities and the private sector. The Folketing traditionally debates the national planning report.

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. The Minister also submits a report on Local Agenda 21 work to the Folketing Environment and Regional Planning

Committee. The starting-point is the national strategy for sustainable development of the Government of Denmark.

Reports on retail trade planning

The Minister submits a report on planning for retail trade every 2 years to the Folketing Environment and Regional Planning Committee.

National interests

Every 4 years the Minister gives prior notice of the framework the state will use in assessing regional plan proposals. This framework briefly describes the current national interests in regional planning.

Guidelines

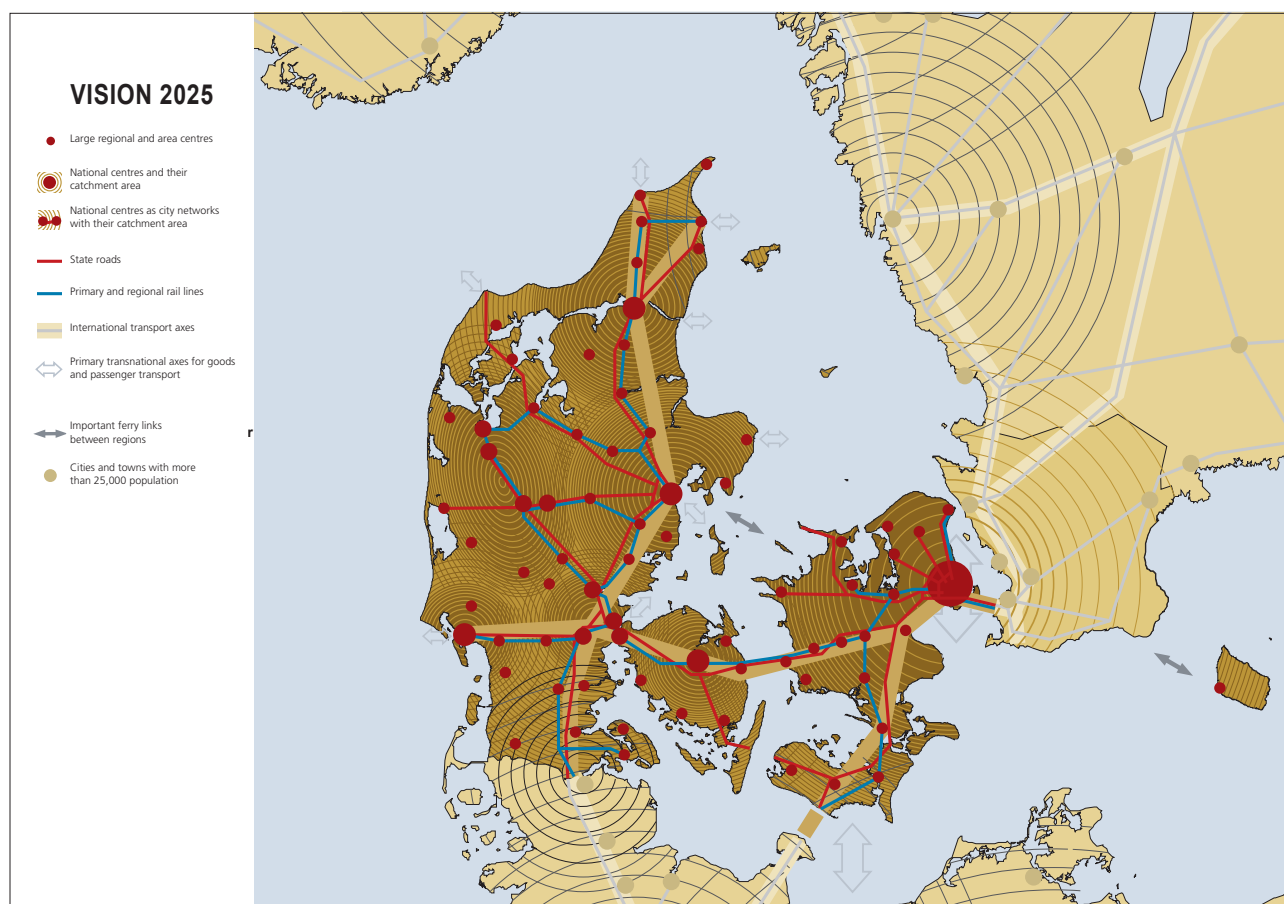
Guidelines are an important part of national planning. Guidelines are issued regularly that interpret legislation and that inspire planning. In addition, the Spatial Planning Department disseminates ideas and experience through its Web site.

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 societal activity and thereby supersede regional, municipal and local planning. Examples of national planning directives include determining the path for natural gas pipelines and electrical transmission lines and the location of a national testing station for 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.

Veto and orders

The Minister for the Environment may veto a regional 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 veto means that the regional planning authority may not adopt the proposal until the Minister agrees to the content of the proposal.



Any state authority may veto a local plan proposal based on the special responsibilities carried out by this authority. The authority and the municipality must reach agreement before adoption or allow the Minister for the Environment to decide.

The Planning Act requires that the regional planning authorities veto municipal and local plan proposals if they contradict regional planning or national planning guidelines.

The Minister may order a regional planning authority or municipal council to prepare a plan with a specified content. In special cases, the Minister may assume the authority granted to regional planning authorities or municipalities and decide a specific planning dispute. This authority is used very rarely, because this interferes with municipal autonomy.

A vision for 2025

In the 2000 national planning report, the Government of Denmark designated two new national centres. Greater Copenhagen and the cities of Copenhagen, Aarhus, Odense, Aalborg and Esbjerg and the new city networks the Midwest Region and the Triangle Region will be the growth centres of the future and the basis of regional initiative and development.

A vision for 2025 focuses on the opportunities to create development in the individual regions of Denmark. The key aspects of the report are as follows.

- *Land designated for business purposes should be adapted to the business development of the future.*
- *The countries and municipalities should use spatial planning as part of their local strategy to promote business development.*
- *The transport infrastructure should be used appropriately to make transport more efficient and environmentally sound.*

Cooperation and partnership within the public sector and with the private sector comprise an important prerequisite for continuing the constructive development of regional policy. Cooperation is also a key focus of the two new national centres.

NATIONAL PLANNING

International cooperation

Denmark is increasingly influenced by developments and spatial planning in nearby countries and in the rest of the EU. International cooperation takes place through: EU working groups on regional policy, urban development and environment; cooperation in the Baltic and North Sea region on various EU-financed projects; and Nordic cooperation.

Copenhagen Charter 2002

Under the Danish EU Presidency in 2002, the Ministry of the Environment has published a Copenhagen Charter 2002 that summarizes numerous recommendations on the development of European cities and regions. Globalization and the development of the new knowledge-based economy are changing cities dramatically. The Charter should be seen as a stepping-stone for efforts to promote more balanced and coherent regional development in Europe.

European Spatial Development Perspective

International cooperation has inspired efforts to develop perspectives and strategies in spatial planning. In 1999, the EU Council of Ministers responsible for Spatial Planning adopted the European Spatial Development Perspective (ESDP) and a related action programme. Later the EU adopted an action plan for sustainable urban development. Ideas and experience from this cooperation have been integrated into Denmark's national planning report and other national initiatives.

The ESDP principles of promoting a balanced and polycentric urban system, securing parity of access to infrastructure and knowledge and protecting nature and cultural heritage are key in developing cities and regions in Europe.

EU Interreg programmes

An Interreg programme supports the development of international networks to exchange experience and discuss visions for trans-border structures. Several of Denmark's counties and research institutes have participated in Interreg projects.

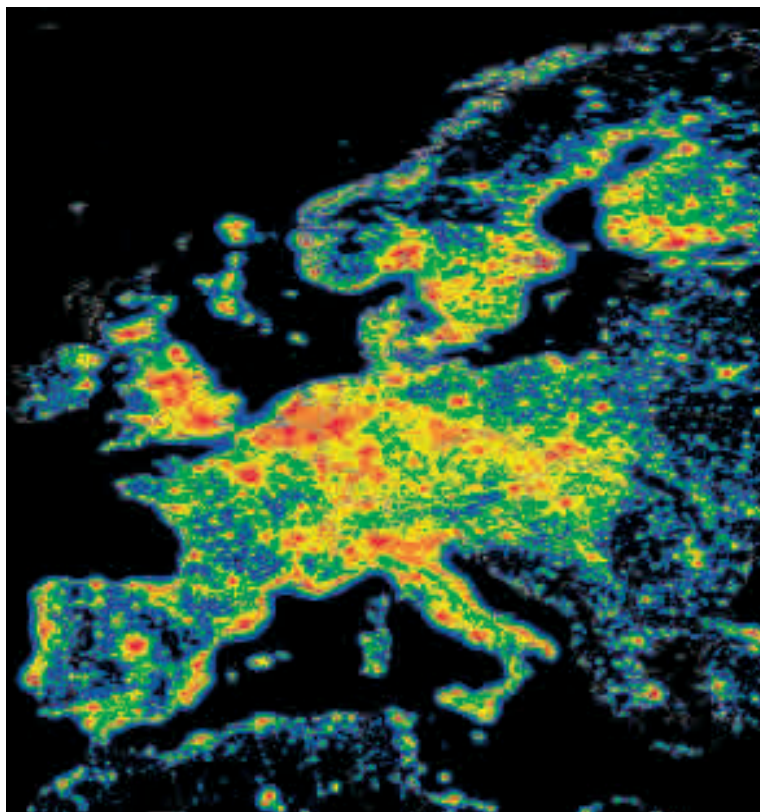
Interreg supports the European Spatial Planning Observatory Network, in which numerous research institutes, including the Danish Forest and Landscape Research Institute, are cooperating on developing a common information base on development in cities and in the countryside.

Nordic cooperation

The Nordic Ministers responsible for Spatial Planning produced a joint action programme for spatial planning and sustainable development in the Nordic countries and cooperate on the trends in retail trade in border regions.

Cities in Europe

The densest urban areas in Europe extend from England through Belgium and western Germany to northern Italy. The European Spatial Development Perspective aims to promote balanced and sustainable development. This vision has been integrated into Denmark's 2000 national planning report. The Copenhagen Charter 2002 is taking this further with numerous recommendations on developing European cities and regions.





RETAIL TRADE

The Planning Act has special rules for planning for retail trade. 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 these rules were simplified, but the aim has been maintained.

The clear aim is that spatial planning will promote development in the numerous small and medium-sized towns and reduce the construction of large shops and shopping centres on green fields outside the largest cities. Three planning instruments are used:

- delimitation of town centres and the centre of a city district;
- imposing a maximum total floor space for each given area; and
- imposing a maximum size on shops.



Ringe town centre
Municipal planning aims to strengthen retail trade in the centres of Denmark's many small and medium-sized towns.

The general rule is that new land designated for retail trade purposes must be located in the town centre. 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.

The main rule of the Act is that general shops may not exceed 3000 m² of floor space and specialty shops 1500 m² unless there are "special reasons based on planning considerations".

COASTAL AREAS

Denmark has had rules on protecting the open coasts since 1981. These rules were based on the trends in Denmark's coastal areas and on the 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 solely holiday and leisure purposes.



The coast at Havnsø
In addition to the 3-km coastal zone stipulated by the Planning Act, the dune conservation line and beach protection line mandated by the Protection of Nature Act promote coastal protection.

Local plan proposals that permit development in the coastal zone are required to illustrate how this development would affect the local environment. This gives the public and politicians a better basis for making decisions.

REGIONAL planning

Regional planning concretizes the national objectives for regional development and rural development. The regional plan establishes the overall objectives for development in a regional planning unit, mostly counties, for a period of 12 years. In Greater Copenhagen, regional planning is conducted for the entire region. The key themes are urban development and the location of regional functions, the overall transport structure and infrastructure, protection of nature and the environment and leisure facilities and tourism. The regional planning guidelines establish a framework for municipal planning and a basis for the regulation of land use in the countryside.

Denmark's 12 regional planning authorities



The content of regional plans

- Urban growth and summer cottage areas
- Large public institutions and transport and technical facilities
- Polluting enterprises requiring special siting
- Projects requiring environmental impact assessment
- The regional structure of retail trade
- Especially valuable agricultural areas
- Afforestation areas
- Conservation-worthy assets and the protection of nature
- Wetlands
- Recreational areas
- Extraction of raw materials
- Drinking-water resources
- Use of watercourses, lakes and coastal waters
- Implementation of national planning guidelines

In Greater Copenhagen, regional plans also include the following.

- Distribution and chronological order of future urban construction
- Water supply and wastewater removal
- Number and location of allotment gardens

The guidelines of the regional plan

A regional plan is a comprehensive, outline plan for land use. The Greater Copenhagen Authority is the regional planning authority for the three counties and two metropolitan cities in Greater Copenhagen. The Bornholm Municipal Council is the regional planning authority for the island of Bornholm. The county councils are the regional planning authorities in the rest of Denmark.

The regional plan contains guidelines on land use in the region and a report on the premises of the plan. The regional plan results from comprehensive balancing and priority-setting among various considerations and interests. The regional plan is the starting-point for the administration of several sectoral laws and the provisions of the Planning Act for rural zones.

The Planning Act stipulates mandatory themes for the regional planning guidelines. These guidelines are a binding framework for municipal planning. The regional planning authority may decide to adopt guidelines for other matters, but the municipalities may choose whether to follow them.

The regional plan is revised every 4 years. There are two periods of public comment: one on the major issues of the planning to be conducted and one on the regional plan proposal.

Report on the premises of the plan

A report is published that describes the premises on which the plan is based. This can be done by describing the existing conditions, presenting forecasts on the expected trends and describing the objectives for development.

Regional plan supplements

The regional planning authority may prepare supplements that add to or amend a regional plan. The supplements may cover a specific theme, such as wind turbine construction, or be linked to a specific project, such as a shopping centre or an intensive animal-rearing installation that is subject to environmental impact assessment.



Environmental impact assessment

Since 1989, regional planning has included environmental impact assessment of large projects that are likely to have significant effects on the environment. These projects may not be initiated until regional planning guidelines on the location and form of the project with an accompanying environmental impact statement have been adopted. The projects subject to environmental impact assessment are normally assessed in a regional plan supplement (see p. 22).

Ensuring national interests

The 12 regional plans comprise a nationwide framework for planning land use.

The Minister for the Environment has the opportunity to ensure that the regional plans are in accordance with national interests. This can be

carried out through national planning directives or by vetoing the guidelines of a regional plan proposal, also on behalf of other government ministers.

The Minister traditionally informs the regional planning authorities every 4 years of the framework the state will use in assessing the regional plan proposals.

Practice

In recent years, several regional planning authorities have incorporated broad strategic considerations on overall regional development in the revision of the regional plan every 4 years. This has served as a framework for the regular bolstering of the regional plan with regional plan supplements on various themes. This provides flexibility while ensuring a comprehensive viewpoint.

The 2001 regional plan for Nordjylland County

The 2001 regional plan focuses on:

- urban development;
- development of rural districts;
- planning of the coastal zone;
- groundwater;
- cultural heritage; and
- ecological links.

The plan introduced a new innovation: each chapter underwent strategic environmental assessment.

The objectives of the Nordjylland County Council are:

- to ensure good living conditions for the population of Nordjylland County and to strengthen business development in the county;
- to ensure development in balance with nature and the environment to avoid impairing future business opportunities and life conditions;
- to promote and develop further the competitive strengths of each part of the county;
- to facilitate the population's access to services, leisure and cultural amenities, educational opportunities and employment;
- to ensure good infrastructural installations such as telecommunication and data networks, roads, harbours, public transport, energy-supply installations and other technical installations; and
- to protect and improve the natural and cultural assets in Nordjylland County.





Ringkøbing County

The regional planning authority surveys and registers the various interests and designations as the basis for planning. Most regional planning authorities place this information on the Web so that users can open and close the relevant layers. This map shows urban zones and nature protection areas from the regional plan.

Links with other legislation

Regional plans are an important framework for coordinating the numerous and often contradictory considerations legislation needs to balance in the countryside. The administration of permits in rural zones is based on regional planning and its coordination with sectoral legislation, such as the following.

Protection of Nature Act. Protection lines for beaches, lakes, watercourses, forests and ancient monuments and protection of natural areas and international protection areas

Forest Act. Provisions requiring that designated forests remain forests

Raw Materials Act. Permits for the extraction of raw materials

Environmental Protection Act. Noise zones surrounding noise-producing installations and enterprises, water quality in watercourses and other provisions

Agricultural Holdings Act. Obligation to carry out agricultural activities on agricultural land, subsidy schemes for agriculture, rules on the ownership, use and size of agricultural properties and other provisions

Water Supply Act. Surveying and planning related to water resources and permits for abstraction

Regional Planning Committee

A Regional Planning Committee was created in spring 2002 to investigate the potential to simplify and develop the content, form and production of regional plans. This work includes the following.

1. The regional plan as a strategic plan for the development of a region
2. The regional plan as the planning basis for regional business development, including agriculture
3. The regional plan as the basis for comprehensive planning for agriculture, nature and the environment, including setting priorities
4. Planning in the coastal zone and the coastal waters

5. The regional plan and the digital administration
6. The production of regional plans, including assessing the need to simplify the process and to ensure political ownership of the process
7. The content of the regional plan in relation to urban development and urban regeneration, including special factors in Greater Copenhagen

The Regional Planning Committee will also assess the links between the regional plans and other state, county and municipal planning and the relationship between the regional planning guidelines and the instruments used to implement the guidelines.



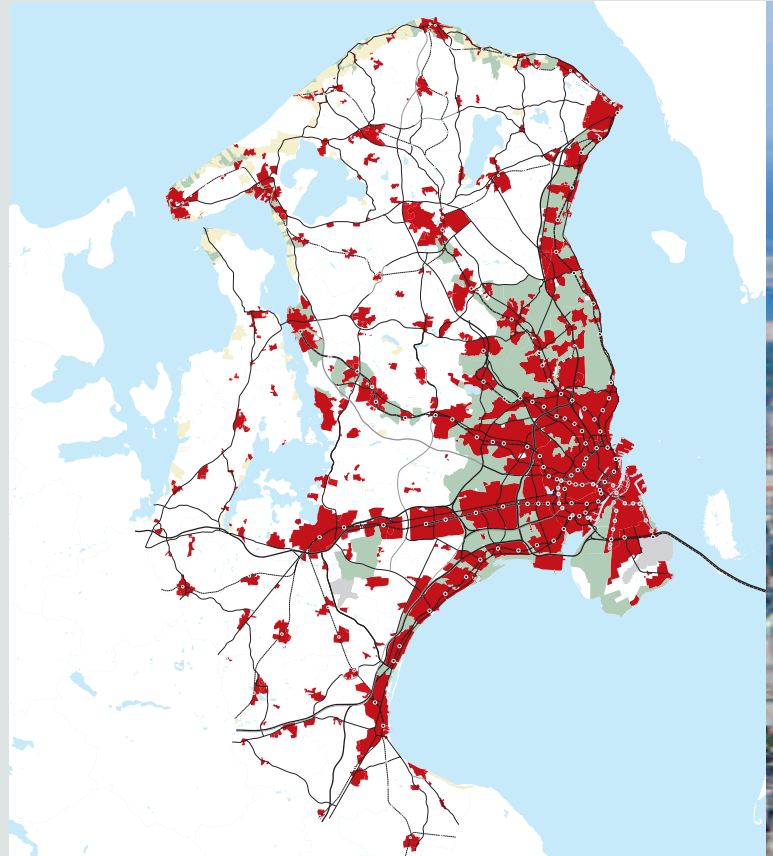
GREATER COPENHAGEN

Greater Copenhagen covers 7% of Denmark's land area but includes one third of its population. Greater Copenhagen comprises three counties with 48 municipalities plus the City of Copenhagen and the City of Frederiksberg. The region has 800,000 households within an area 50 km by 50 km and a large coherent urban expanse and thus comprises one conurbation with a coherent housing market and labour market. The finger plan for Greater Copenhagen adopted in 1947 introduced a principle that has been maintained since: that urban development should be concentrated in the fingers created by the railway network and that the green wedges between the fingers should remain undeveloped.

The regional plans for Greater Copenhagen have been based on a coherent general structure with a consolidated urban pattern, common infrastructure and common urban centre structure.

The Øresund Region

The Øresund Region is the largest coherent urban region in the Nordic countries with 3 million inhabitants, of which 2 million live in Denmark. The region is centrally located in the Baltic region and links the Nordic countries and continental Europe. The region has many strengths related to business as well as research and education within biotechnology, information and communication technology, environment and energy. A special advantage in relation to many other urban regions is the excellent accessibility and ease of mobility.



The Governments of Denmark and Sweden have a joint aim of developing the Øresund Region into one of the cleanest urban regions in Europe. The partners in the Øresund cooperation have developed an environmental programme; one focus is comprehensive spatial planning. The programme describes the basic principles of how the comprehensive spatial planning in the Øresund Region can contribute to developing the special qualities of the region as a metropolis that continues to have a functioning structure with excellent mobility and a green structure. Spatial planning in this region is intended:

- to counteract urban sprawl and the depopulation of cities, to protect open stretches of landscape and undeveloped areas in coastal areas and to develop the green structure between and around cities and towns;
- to attempt to transform urban areas and increase density by reusing derelict urban land instead of building on green fields; and
- to give priority to urban development in locations with good access to public transport.

Land use in Greater Copenhagen

The 2001 regional plan still incorporates the principles of the finger plan from 1947 of urban fingers and green wedges.

MUNICIPAL planning

The strength of the municipal plan is that it summarizes and concretizes the overall political objectives for the development of a municipality. The key themes are: the design of urban areas; the location of housing, workplaces, shops and public institutions such as schools, child-care centres and homes for elderly people; transport; and green spaces. The municipal council uses the municipal plan to establish policies for the development of towns and cities and for development of individual districts. The municipal plan comprises the necessary link between the regional plan and the provisions of local plans on land use and settlement in individual districts.

Municipal plan

A municipal plan includes 1) a general structure with overall objectives for planning and land use in the municipality and 2) a framework for local planning. The plan includes a report describing the premises of the plan. The municipal council prepares a strategy for municipal planning in the first half of each election period.

General structure and the framework for local planning

The general structure uses maps and text to show the municipal council's objectives for development and land use in the municipality.

The framework for the content of local plans concretizes the objectives of the general structure. The framework describes what a local plan should decide for individual areas to promote a coherent urban structure and the overall municipal objectives. This includes provisions on use, construction, the supply of public and private services, institutions, technical installations, transport services and recreational areas.

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

The municipal council must strive to implement the municipal plan. The municipal council may oppose desires to build buildings or change land use 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.



Denmark's 271
municipalities

The strategy for municipal planning includes:

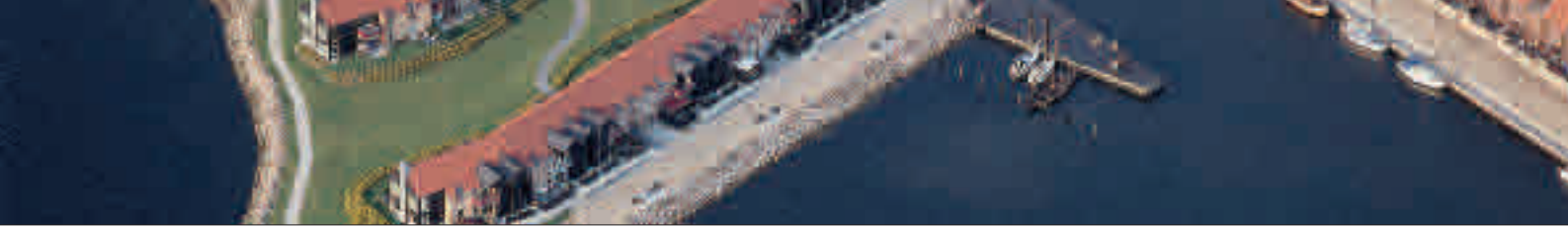
- an assessment of development in the municipality;
- an assessment of the planning carried out recently;
- a strategy for development with a vision and priority tasks; and
- a decision on the extent to which the municipal plan will be revised.

The strategy for planning:

- is adopted in the first half of the election period;
- is revised as needed; and
- is followed up with initiatives and projects.

The municipal plan may be:

- revised completely;
- revised for one or more themes;
- revised for one or more geographical areas; or
- adopted as it is.



Strategy for planning

The municipal council is required to publish a strategy for municipal planning within the first 2 years of the municipal election period. The strategy 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 the extent to which the municipal plan will be revised. The municipal council may choose:

- to revise the entire municipal plan;
- to revise parts of the plan, such as for a theme or a district, while adopting the rest of the plan as it is; or
- to adopt the current plan for a new 4-year period.

The requirement for the preparation of a strategy for planning and the flexible approach to revision is a new feature adopted in 2000. The purpose is to allow municipal councillors to organize planning that both looks forward and is based on the current problems and opportunities in the municipality.

Many municipalities choose to link the process of preparing the strategy with the budgeting process. This provides coherence and places more political impetus behind the strategy.

The strategy for planning is subject to public comment for at least 8 weeks.

Municipal plan proposal

After publishing the strategy for planning, the municipal council may prepare a proposal for revising the municipal plan. The proposal may cover: the municipal plan for the entire municipality; a special theme such as retail trade, business, transport or

housing; or an area of the municipality, such as one or more urban districts or villages, old harbour districts or the town centre. The council may also adopt the current municipal plan as it is if no changes are needed.

The municipal plan may not contradict regional planning or national planning directives. The regional planning authorities are required to veto municipal plan proposals that contradict regional planning or any national planning directives.

Proposals are published and debated for at least 8 weeks before being adopted in final form.

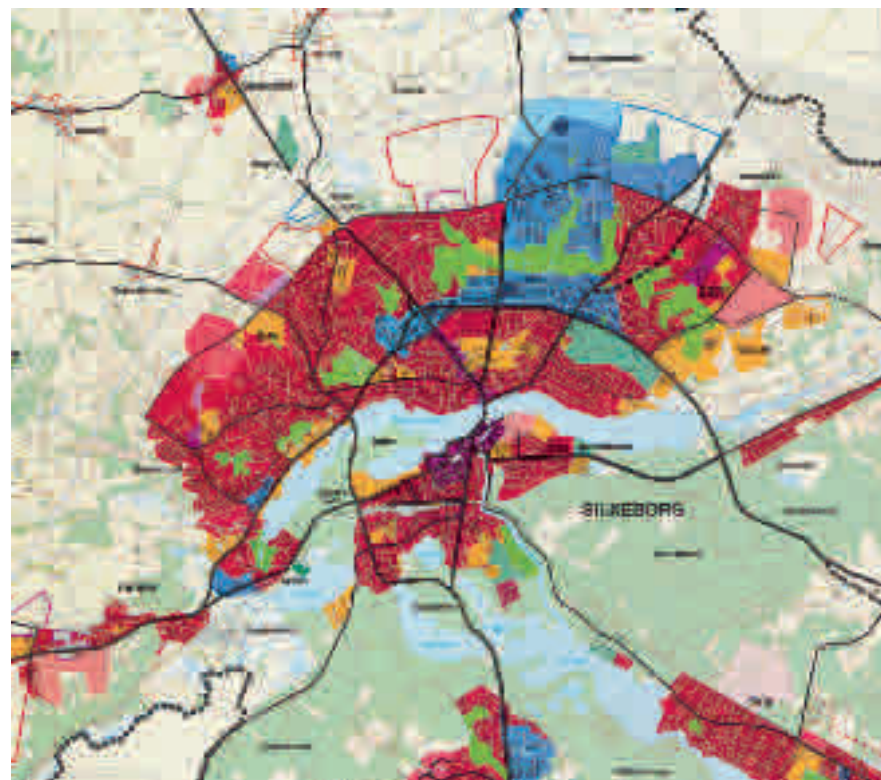
Municipal planning report

A plan proposal is accompanied by a report describing the premises of the plan, including the anticipated chronological order for implementation and the previously implemented planning and administration.



Guidelines

The Spatial Planning Department has published guidelines on strategy and municipal planning (in Danish).

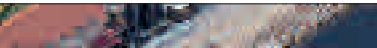


The general structure in Skive

The Skive municipal plan concretizes the visions of the Skive Municipal Council on development in the next 12 years and describes in detail how the various land areas of the municipality may be used.



MUNICIPAL PLANNING



The Vesterbro district of Copenhagen

Incorporating the principles of urban ecology into urban development is an important instrument in achieving Local Agenda 21 strategies.



National strategy for sustainable development

In June 2002, the Government of Denmark published *A shared future – balanced development*, Denmark's national strategy for sustainable development. The strategy establishes the government objectives across many priority fields and sectors. It would be appropriate for municipalities and counties to base their Local Agenda 21 strategies on this national strategy, especially the section on urban and housing development.

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.

In 2000, Denmark amended the Planning Act to require the counties and municipalities to report on their strategy for contributing to sustainable development. The strategy for Local Agenda 21 for each county and municipality must include objectives for contributing to:

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

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

Potential urban regeneration areas in Vejle

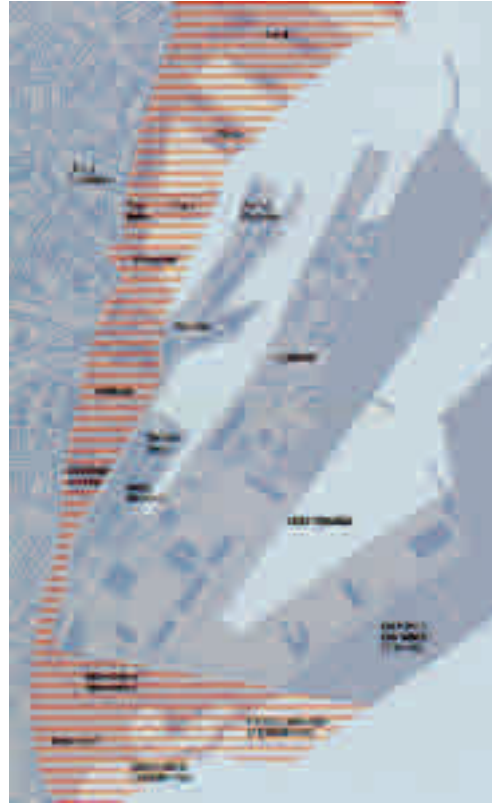
In autumn 2002, the Minister for the Environment is submitting a proposal to amend the Planning Act to increase flexibility in regenerating old industrial and harbour districts into new integrated urban districts with dwellings and service businesses.



Strategy for planning in Århus

A municipality's strategy for planning should be based on local needs. The Aarhus Municipal Council revised the entire municipal plan in 2001. In the 2002 strategy for planning, the municipality chose to work with seven themes.

- A plan to regenerate the harbour areas near the city
- A plan for regenerating the freight railway yard
- A plan for a new district near Lisbjerg
- Establishing principles for high-rise buildings
- Analysing options for locating new noise-generating recreational facilities
- A new transport plan for the city centre
- Comprehensive holistic planning for new areas with urban growth



Improving the Vollsmose district of Odense

The development plan for Vollsmose, a residential district, is typical for an era in which the ideal was to divide cities into separate residential and industrial districts. Vollsmose has numerous physical and social problems. In 2000, the Odense Municipal Council adopted a comprehensive plan for Vollsmose. The local plan allows small businesses, offices, shops and educational institutions in the existing complex. The municipality has also agreed to cooperate with the government on improving this distressed area, which ensures additional investment in building renovation and comprehensive urban renewal.

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. Whereas the municipal plan provides a comprehensive overview for the whole municipality on such matters as the development of housing and workplaces, transport, services and recreational areas, local plans stipulate how a smaller area may be developed and used. Local plans are legally binding for property owners.

The content of local plans

A local plan stipulates how land covered by the plan 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 provisions of the local plan. This regulation does not generally entitle property owners 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 build new buildings, change land use or otherwise 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. These principles are 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 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 large development projects requires a local plan. The concept of "large" is relative. A small project in Copenhagen may be large in another

A local plan for a new residential district

The local plan for Hvingst Vest in the Municipality of Glostrup (near Copenhagen). The local plan includes maps and drawings that show how the new residential district will be developed.





town. A local plan is required if the proposed changes to the existing environment are substantial.

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

Types of local plans

Local plans are used in many ways and therefore differ vastly in content and extent. For example, a local plan may regulate land use or parcelling out and development in the entire town centre or in a new residential district. 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. One or more maps are included.

Local plans may be adopted for any set of properties, whether in an urban zone, a summer cottage area or a rural zone. A local plan is required when a municipality wants to transfer land designated for urban growth from an urban zone to a summer cottage area.

Framework management

A local plan may not contradict the municipal plan, regional planning or national planning directives. Nevertheless, the municipality may amend the municipal plan by submitting a proposal for a municipal plan supplement for public comment together with a local plan proposal.

State authorities and regional planning authorities may veto a local plan proposal during the period of public comment if the proposal contradicts national interests or regional planning.

Involving the public

The public has at least 8 weeks to comment on local plan proposals before the municipal council may adopt them. The council is required to publicize the final plan when adopted, and the public must have access to the plan, such as at the municipal offices or a public library. Many municipalities publish their local plans on the Web.

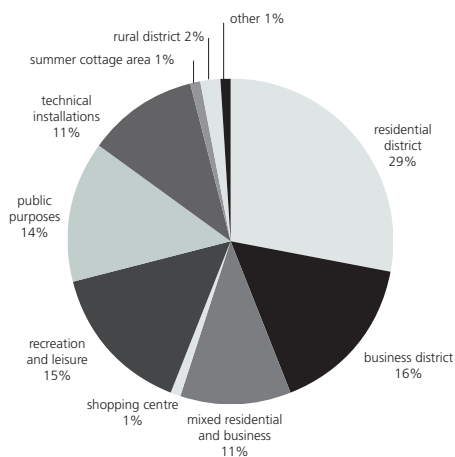
Mandatory local plans

Major development projects require a local plan before being carried out. Examples include the following.

- 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
- Buildings for public purposes
- A new building as part of urban renewal

Matters regulated by local plans

- Zoning status
- Design and use of land and buildings
- Size and extent of properties
- Roads and paths
- Tracks, pipes and transmission lines
- Location of buildings
- Building density
- Landscape factors
- Connection with common facilities
- Noise-abatement measures
- Creating landowners' associations
- Conservation of buildings
- Bans on construction
- Cancellation of easements
- Combining existing flats
- Insulating against noise
- Banning major projects



Local plan proposals in 2001

The municipalities prepare about 1200 local plans per year. Local plans are used for two purposes on average. Many municipalities publish local plan proposals and local plans on the Web.

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 one of the cornerstones of protecting the countryside by avoiding sprawling and unplanned development. Agriculture is the priority economic activity in rural zones. Buildings needed for agricultural purposes may be constructed. In contrast, new independent dwellings, urban businesses and institutions and the like require a rural zone permit. 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.

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. The permit may be granted when the local conditions have been specifically assessed and the municipality concludes that the development applied for is in accordance with the considerations of the provisions on rural zones. Conditions may also be attached to a permit.

Regional and municipal planning

In addition to the general purposes outlined in the Planning Act, regional and municipal planning determines the factors to be considered. 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 and nature, opportunities for public and private services and other parameters. In connection with municipal planning, the municipal council may choose to delimit the villages in the rural zones in which less development may be desired.

Local plans

The municipality may prepare a local plan if, for example, it wants to protect a conservation-worthy village environment. Constructing technical installations such as a wind turbine cluster may also require a local plan. The local plan may replace the necessary rural zone 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.

Rural zone administration contributes to:

- maintaining strict delimitation between town and country;
- protecting the 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.



Houses used year-round may be renovated without a rural zone permit if the total floor space does not exceed 250 m². In addition, a new dwelling may be built or arranged on agricultural properties larger than 30 ha 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 agricultural building may be expanded by up to 500 m² without a rural zone permit.

Former agricultural buildings

Agricultural 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 that would normally be approved include appropriate construction in villages, dog kennels and the use of superfluous agricultural buildings for holiday purposes. Examples of applications that are normally rejected include the construction of new buildings in the countryside and parcelling out for summer cottages.

Statements and informing neighbours

Outside the delimited villages and areas covered by a local plan, the municipal council must obtain an opinion from the regional planning authority and inform the neighbours before granting a permit.

Publication and appeals

Rural zone permits must be publicized, typically in local newspapers. Rural zone permits may be appealed to the Nature Protection Board of Appeal, which considers the municipality's decision.

Zoneing map of Ebeltøft

The Spatial Planning Department has cooperated with the counties in preparing a zone map of Denmark that includes such information as urban zones and summer cottage areas. About 6% of Denmark is urban zones and about 1% is summer cottage areas. The remaining land is rural zones.

Links with other legislation

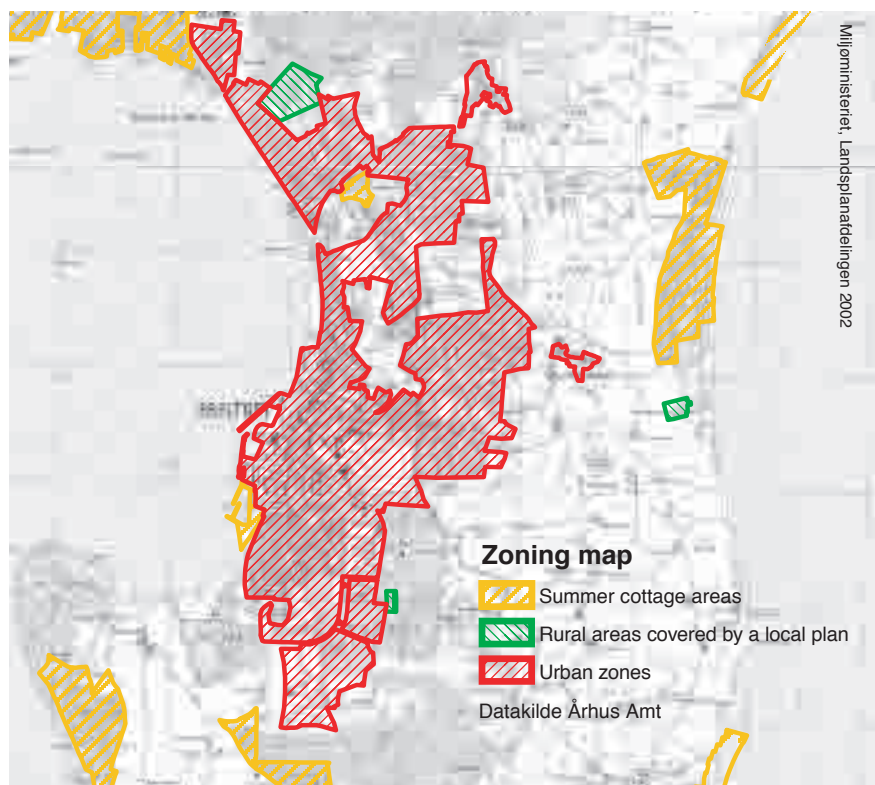
Betterment Charge Act. Land may only be transferred from a rural zone to an urban zone through a local plan. The owner of land that is transferred pays a betterment charge based on the increase in the value of the land.

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 adopted. Denmark's rules on environmental impact assessment are based on an EU directive, and the other EU countries therefore have similar rules.

Environmental impact assessment is part of regional planning

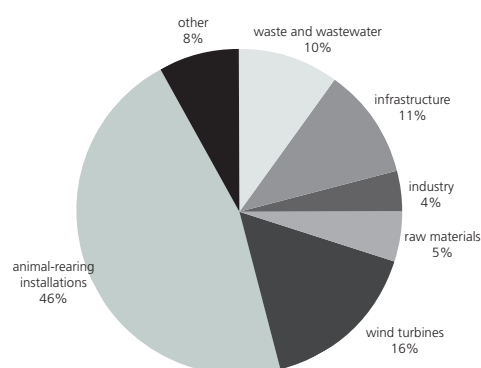
The Planning Act stipulates that environmental impact assessment is implemented as a supplement to the regional plan. Combined with the requirement for a special environmental impact statement, the public has a good opportunity to influence the project. A statutory order states which projects require environmental impact assessment. This statutory order includes a list of projects subject to mandatory assessment, including wind turbine clusters, waste-disposal installations, large retail shopping centres, large holiday villages and hotel complexes, major roads and large animal-rearing installations.

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 regional planning authority a good basis to decide about the project and any conditions that may be associated with approval. During this process, many projects are changed in ways that benefit the applicants, the neighbours and the environment. The decision of the regional planning authority is publicized.

An environmental impact statement contains:

- a description of the project;
- an overview of the main alternatives to the project that have been studied;
- a description of the likely effects of the project on population, biology, climatic factors, the landscape and the architectural and archaeological heritage;
- a description of the project's short-term and long-term effects on the environment;
- a description of the measures envisaged to improve the environment; and
- a non-technical summary of the statement.



Use of environmental impact statements

Environmental impact assessment cases initiated from June 1999 to June 2002. About 85 regional plan supplements with an environmental impact statement are prepared each year. Many assess the likely effects of large animal-rearing installations.

Screening for environmental impact assessment

The statutory order includes a second list of projects that require assessment if the regional planning authority decides that the project is likely to have significant effects on the environment. This applies to numerous types of production enterprises, wastewater-treatment plants and smaller animal-rearing installations. In these cases, environmental impact assessment is mandatory if the regional planning authority determines through a screening process that a project is likely to have significant effects on the environment.

The screening is conducted as an administrative process based on numerous criteria listed in the statutory order.



Strategic environmental assessment

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

Strategic environmental assessment is a overall framework for the provisions on environmental impact assessment. An EU directive requires that all plans and programmes that establish a framework for future permits for specific development projects undergo strategic environmental assessment. This directive will be implemented in Denmark by July 2004. Thus, rules will be introduced ensuring the strategic environmental assessment of regional, municipal and local plans.

Bills and government proposals presented to the Folketing currently undergo strategic environmental assessment.



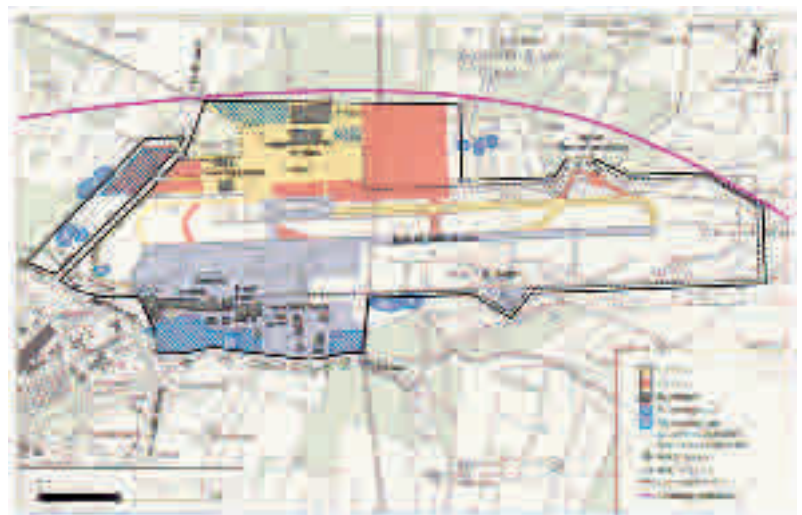
Wind turbines near Bale

An environmental impact statement describes the effects on the landscape. This illustrates the effects of replacing five old wind turbines near Bale with two larger turbines.

Billund Airport

The environmental impact assessment for Billund Airport saved EUR 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;
- EUR 40 million saved in construction costs;
- environmental impact of operations reduced; and
- environmental permit obtained without any complaints.



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 municipality or regional planning authority has complied with the rules of the Planning Act and whether it has the legal authority to make the decision. The content of the plan may not be appealed. This is a political responsibility delegated to popularly elected municipal and county councils or the Greater Copenhagen Authority (whose members are elected county and city councillors). Nevertheless, the municipality's balancing of various considerations related to rural zone administration may be appealed to the Board.

Rules for appeal

The extent of the Board's authority to hear appeals of decisions made pursuant to the Planning Act depends on the type of decision being appealed. Decisions on rural zone permits, decisions on expropriation and permits to begin a project for which environmental impact assessment is required may be appealed to the Board, regardless of the reason for and content of the appeal. 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 planning authorities pursuant to the Planning Act may only be appealed for legal questions. If the authority 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 such procedures as public participation;
- whether the local, municipal and regional plans are in contradiction;
- whether the Planning Act and regional, 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 non-governmental 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.

SPATIAL PLANNING IN DENMARK

© 2002 by the Ministry of the Environment,
Spatial Planning Department, Denmark.
All rights reserved. Published October 2002

Printed in Denmark

Quotations may be made from this publication
with appropriate attribution.

Text: Ministry of the Environment, Spatial Planning
Department, Helle Witt, editor

Translation:
David Breuer

Design and layout:
Tegnestuen Jens V. Nielsen

Illustrations:
Page 11: Nordjylland County
Page 12: Ringkøbing County,
Ortofoto (DDO 99 Kampsax A/S)
Page 13: Greater Copenhagen Authority
Page 15: Municipality of Silkeborg
Page 18: Byplantegnestuen/Peter J. Jeppesen
Page 23: Jens Petri Vindenergi Aps
Page 23: Ribe County
All other maps: Spatial Planning Department,
courtesy of National Survey and Cadastre -
Denmark, all rights reserved (G18/1997)

Photographs:
Pages 2, 9: Jan Kofod Winther
Page 8: Cinzano, F. Falchi – © Royal
Astronomical Society
All other photographs: Jens V. Nielsen

Printing: Schultz Grafisk A/S
ISBN: 87-601-9700-5



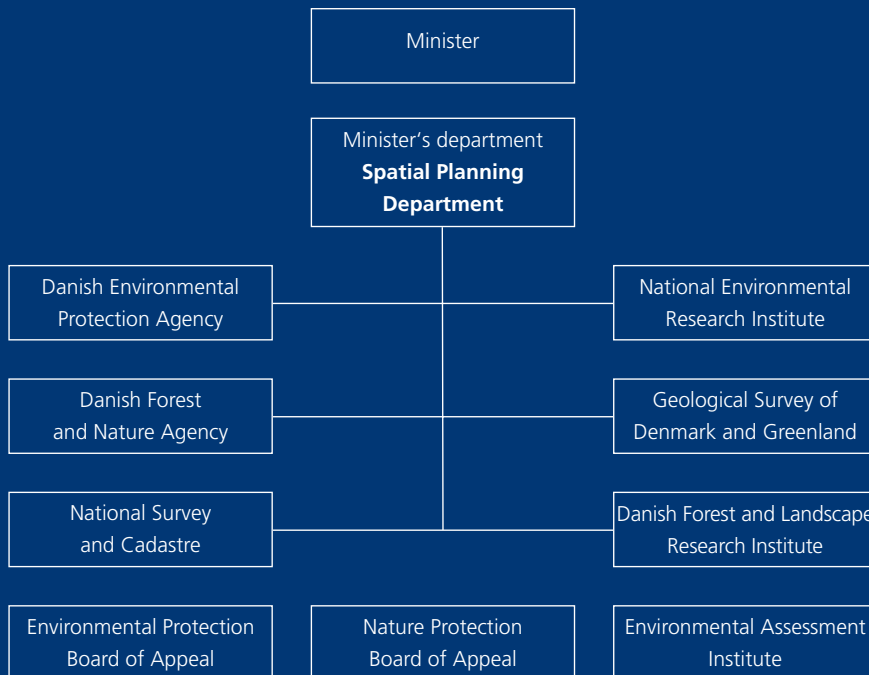
Fonden Realdania provided financial support for this
publication on the occasion of the Danish Presidency
of the European Union in autumn 2002.

This publication has been granted the Nordic Swan
ecolabel.

This publication can be obtained from:
www.spatialplanningdepartment.dk (electronic edition)
or Miljøbutikken – Information & Books
Læderstræde 1–3
DK-1201 Copenhagen K, Denmark
Telephone +45 33 95 40 00
Telefax +45 33 92 76 90
E-mail butik@mim.dk
Web www.mem.dk/butik/ukindex.htm

For further information, contact:

Ministry of the Environment
Spatial Planning Department
Højbro Plads 4
DK-1200 Copenhagen K
Denmark
Telephone +45 33 92 76 00
Telefax +45 33 32 22 27



Ministry of the Environment Spatial Planning Department

The Spatial Planning Department advises the
Minister for the Environment on planning issues,
administers the Planning Act and is Denmark's
national administrative authority for spatial
planning. The Department represents Denmark
in international cooperation on spatial planning.

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 and opportunities in Denmark's Planning Act and shows examples of national, regional, municipal and local planning.

This publication describes the principles of the Planning Act related to decentralization of responsibility, framework management and involving the public in the planning process. The planning rules for coastal areas, retail trade and large projects that are likely to have significant effects on the environment are described briefly. Finally, the purpose of dividing Denmark's territory into urban zones, summer cottage areas and rural zones and the rules for construction in rural zones are explained.

