SPATIAL PLANNING IN DENMARK
Denmark’s land area is 43,000 km² (not including the self-governing regions of Greenland and the Faroe Islands). Denmark consists of the peninsula of Jutland and an archipelago of 406 islands, 73 of which are inhabited.

The total coast line is 7,300 km. The land use is 66% agriculture, 16% forest, 8% other natural areas, and 10% urban areas and transport facilities.

Denmark’s population is 5.6 m (2012). The population density is 129 inhabitants per km². Some 87% live in towns and urban areas with more than 200 inhabitants while 13% live in the countryside and small villages.

Almost one third of the population (1.9 m people) live in the Greater Copenhagen area. The next four largest cities are Aarhus with 252,000 inhabitants, Odense with 167,000 inhabitants, Aalborg with 127,000 inhabitants, and Esbjerg with 72,000 inhabitants.

The Great Belt Bridge links Zealand with Fyn and Jutland. About half of Denmark’s population lives to the west of the bridge and half to the east of it.

**Spatial Planning in Denmark**

This report and relevant guidelines can be found at the Danish Nature Agency’s website: www.nat.dk.
COAST LINE
7,300 km

THE LAND USE
- Urban areas and transport facilities: 10%
- Natural area: 8%
- Forest: 16%
- Agriculture: 66%

LIVE IN TOWNS AND URBAN AREAS
87%

DENMARK’S POPULATION
5.6 million

LIVE IN THE COUNTRYSIDE AND SMALL VILLAGES
13%

THE POPULATION DENSITY
129 inhabitants per km²
Spatial planning in Denmark

Spatial planning and development in society
Changes in society create new requirements to develop and transform towns and cities, extend the technical and social infrastructure, and protect and use the countryside. This has led to constant change in spatial planning legislation and spatial planning instruments.

In recent years, the modernization of the Planning Act has focused on promoting strategic planning, reinforcing public participation in planning, improving the opportunities for converting disused industrial sites for other urban uses, promoting development in country districts, protecting urban areas against climate change and making them resource effective, protecting attractive and vibrant town centres, and keeping coastal areas open.

At the same time, a number of systems have been developed to enable efficient digital planning. The new Danish Environmental Portal contains a lot of public data on planning and the natural environment. A new digital planning system – PlansystemDK – contains all local authority planning proposals.

The Planning Act now delegates responsibility for spatial planning to the Minister for the Environment, five regional councils and 98 local councils. The Act is based on the principles of the planning legislation reform of the 1970s, which decentralized decision-making authority and promoted public participation in the planning process.

The local councils are responsible for planning in both town and country. This means that local authority planning is the main type of planning for development and land use at the local level.

The Government is responsible for ensuring national planning interests in this more decentralized planning process. It is also responsible for complex spatial planning cases related to the natural environment.

The regional councils develop regional spatial development plans, which are general strategic plans for each of the countries five regions.

Important changes in the Planning Act since 2007
The Planning Act came into force on 1st January 1992, but it was based on several decades of planning experience and planning law. The Act has been amended several times.

- Local planning to deal with climate change and simplification of the Act (2012)
- Protection of nature (2011)
- Protection of the environment (2011)
- Country district development, the retail trade and protection of coastal areas (2011)
- Management of the risk of flooding from water courses and lakes (2009)
- Construction of small buildings in country zones (2009)
- Urban policy(2007)
- Local authority reform(2005-2007)
THE PLANNING ACT

Denmark has a simple and clear spatial planning system with a strongly decentralized division of responsibility. The municipality councils are responsible for overall land-use regulation at the local authority level with legally binding guidelines for property owners. The regional councils prepare strategic plans for development in each region. The Minister for the Environment is responsible for protecting national interests through national planning.

Purpose of the Act
The Act is intended to ensure that the overall planning unites the interests of society with respect to land use and helps protect the country’s natural environment, so that the development of society is sustainable in respect of people’s living conditions and the conservation of wildlife and vegetation.

In particular, spatial planning must ensure:
— a desirable development of the country as a whole and of the individual regions and local authorities, based on overall planning and socio-economic considerations
— the creation and conservation of valuable buildings, urban environments and landscapes
— the preservation of open coastal areas as an continued important nature and landscape resource
— the prevention of air, water and soil pollution and noise nuisance, and
— the involvement of the public in the planning process as much as possible.

Decentralized responsibility
The local councils have a great deal of responsibility for planning in both town and country. The local councils have to review their planning on a regular basis. In the first half of each 4-year election period, each local council has to present a political strategy for local authority planning and decide how the current plan needs amending. The plan then adopted forms the framework for preparing local plans and handling cases based on other legislation.

Public involvement
It is a fundamental part of the Planning Act that citizens should be involved in the planning process at all levels, local, regional and national. Before a local authority plan, a regional development plan, a national planning directive or a national planning report can be adopted, a proposal must be published together with its premises. Property owners, neighbours, non-governmental organizations, public authorities and others have at least 8 weeks to submit their objections, comments, proposals or protests.

The Planning Act sets minimum rules for public participation. The planning authority can decide whether it should distribute more material for discussion, arrange citizens’ meetings, establish working groups, create electronic panels, etc. Local authorities have experimented with various ways of involving the public. NGOs and other organizations in the planning process. For example, several have adopted a policy of community democracy. Others have experimented with discussing strategy and development potential more informally before the formal planning procedure begins.

Everyone can see plans and data
A lot of data on land use and the natural environment can be found on the Danish Natural Environment Portal. All planning proposals and adopted plans are on the planning portal (wwwPlansystemDK.dk) so that everyone can see the plans that apply to a particular property.

Water planning and the Natura 2000 plan
The Ministry of the Environment prepares plans for water resources and the Natura 2000 areas in compliance with EU directives. These national sector plans are complied with in local action plans. Water plans, Natura 200 plans and action plans are legally binding for local council planning.

Raw material planning
Regional councils have to prepare regional raw material plans for the extraction and supply of raw materials. This is a new kind of sector planning which is legally binding for local council planning.

Traffic planning
The Danish Transport Authority prepares a national plan for public railway traffic. The first plan was drawn up in 2007. The plan has to contain a description of the national projects and decisions in relation to the railway network. This is to ensure coordination between national, regional and local public transport. The local councils have to base their local plans on this plan.
Objections, dialogue and collaboration
The Minister for the Environment is obliged to object on behalf of the Government to local planning proposals that conflict with overall national interests. Regional councils may object to local planning proposals that conflict with the regional development plan. Local councils can object to a neighbouring local council’s planning proposal, if it has important significance for its own development. In the Greater Copenhagen area, local councils can object to proposals from other local councils in the Area.

The aim is to coordinate local, regional and national interests through dialogue and collaboration.

Greater Copenhagen, coastal areas and retail trade
The Planning Act includes special rules for planning in the Greater Copenhagen area, coastal areas and the retail trade:
— Planning in Greater Copenhagen must ensure the main principles of the finger city structure.
— Coastal areas are to remain free of development that can be located elsewhere.
— Planning for retail trade must promote a variety of retail shops in town centres.

The Minister for the Environment
The Minister for the Environment establishes an overall framework for the spatial planning of the regions and the local councils through national planning reports, summaries of national interests, national planning directives, dialogue, and so on. The Minister ensures that the local councils’ planning complies with overall national interests through such means as objection.

The Regions
The Regions prepare regional development plans that describe the visions for the region. This is a new type of strategic plan that describes a general picture of the region’s overall development. The plan is closely linked with the business development strategy prepared by the regional economic growth forums.

The local councils
The local councils summarize their objectives and strategy for development in a local authority plan, which becomes the framework for the detailed local plans and for the handling of cases pursuant to the Planning Act and a number of sector acts.

National and regional sector plans
National and regional sector plans are legally binding for local authority planning.
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 local planning of subjects and projects of international, national or regional interest.

National planning reports
After every general election, the Minister for the Environment has to submit a national planning report for use in regional development planning and local authority planning. The report also covers the special considerations of significance for planning in the Greater Copenhagen area. The report is submitted as a proposal, and public debate is invited before the Minister publishes the report on behalf of the Government. National planning reports contain visions and perspectives for current planning themes supplemented by an action plan to be followed.

Summary of national interests
Every four years the Minister publishes a summary of national interests in local planning. The summary represents a snapshot of the planning situation when it is published, which means it is not comprehensive. The summary reflects the requirements that local authority plans must meet on behalf of national interests. These are requirements warranted by the Planning Act, other statutory law, parliamentary decision or that stem from political agreement between the Government and Local Government Denmark.

Reports on natural environment policy
At least once every four years, the Minister publishes one or more reports on the state of the environment in Denmark and the policy on the natural environment. National 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 Parliamentary Sub-committee on the Environment.

Report on retail trade planning
Every four years the Minister submits a report on retail trade planning to the Parliamentary Sub-committee on the Environment.

National planning directives
The Minister for the Environment can establish legally 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 can be used to locate a specific socially necessary activity and can override local planning. Examples of national planning directives include designating new holiday home areas in the coastal zone, determining the path for natural gas pipelines and electrical transmission lines and locating a national testing centre 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.

The Planning Act requires the Minister to establish specific rules for planning in the Greater Copenhagen area, through a national planning directive on the Finger Plan 2007 (see pp. 14-15).

Objections and orders
The Minister for the Environment has the job of coordinating and protecting the national interests in local authority planning. The Minister is therefore obliged to object to local authority planning proposals that conflict with overall national interests. It is the Minister of the Environment who makes the objection – even when it is on behalf of one of the other ministries. The powers of the Minister of the Environment are delegated to the Danish Nature Agency.

Guidelines
Guidelines are an important part of national planning. Guidelines are issued regularly that interpret legislation, such as guidelines on local authority planning, rural zone administration, local planning and environmental impact assessment. Other guidelines offer inspiration for local planning, taking the environment and the landscape into account, and strategy for local authority planning. The Ministry communicates ideas and experience through its website, courses and lectures.

Instruments used in national planning
1. National planning reports
2. National planning directives for Greater Copenhagen
3. Specific powers
   – National planning directives
   – Orders
   – Summons
   – Objections
4. Summary of national interests in local authority planning
5. Information, guidelines and collaboration projects
The Danish Nature Agency sends local authority planning proposals to the other national authorities for examination. They send any points of objection they have to the Danish Nature Agency, which gathers them into one national objection and sends it to the local council within the period of public hearing. An objection from the national authorities means that the local council cannot finally adopt the planning proposal until agreement is reached on its content and the Danish Nature Agency rescinds the objection.

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

**International planning collaboration**

Developments and spatial planning in neighbouring countries and the rest of the EU have increasing influence in Denmark. National authorities cooperate internationally through EU collaboration between ministers responsible for spatial planning with working groups on regional policy, urban development and the environment; through collaboration in the Baltic and North Sea regions on various Interreg projects; and through cooperation between the Scandinavian ministers.

**National parks**

The National Parks Act allows the Minister for the Environment to create national parks. A statutory order stipulates the rules, including potentially limiting the planning powers of local authorities in the national park area. A national park plan has to be prepared in order to avoid conflict with regional development plan, local council and local plans.
PLANNING FOR COASTAL AREAS

The Planning Act contains special rules for planning in coastal areas to protect Denmark’s long open stretches of coastline.

Planning for coastal areas

Denmark has had rules on the conservation of open coasts since 1981. This was due to developments in the coastal areas and experience in other countries of comprehensive construction along the coastline.

Coastal areas must remain free of building and constructions that do not have to be located close to the coast. Within a coastal zone of 3 km wide, there must be a special planning or functional reason for new areas to be added to urban zones or new development planning in rural zones. Nor may new holiday home areas be designed, and existing areas must only be used for holiday purposes. Local planning proposals that give options for building or construction must be visually illustrated to give the population and politicians a better basis for decision.

PLANNING FOR RETAIL TRADE

The Planning Act contains special rules for planning purposes retail trade so that investment in new shops promotes the aim of renewing and regenerating the existing commercial areas in town centers.

Planning for retail trade

The Planning Act contains special rules for planning for the retail trade. Surveys showed that the growth of retail trade outlets was taking place on the outskirts of the largest towns in the form of large shops and shopping centers. This trend weakens retail trade in the smaller towns, which affects local industry and reduces the potential to maintain and modernize the town centres.

The rules on retail trade in the Planning Act were changed in 1997 to reverse these trends. The aim of these rules has been maintained since then, but there have been changes, e.g. in 2007 and 2011 to simplify the rules and make them more specific, and this is expected to happen again in 2013.

There is a clear aim that spatial planning should promote development in the centres of Denmark’s many 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 m² for general shops and – usually – 2000 m² for specialty shops, in town centres, centres of city districts and secondary centres. In small local centres, the maximum shop size is 1000 m².

The Minister for the Environment will specify rules for the location of town centres, centres of city districts and secondary centres in the Greater Copenhagen area and for the location of secondary centres in which specialty shops of more than 2000 m² can be located in Aarhus.

The general rule is that new land for retail trade purposes will be located in the centre of a town or in the centre of an urban district in larger towns. The Planning Act includes a few exceptions from this rule, for example small, local shops and shops with goods that require unusually large quantities of floor space.

Local authority planning is aimed at strengthening the retail trade in the centre of Denmark’s many small and medium-sized towns. The goal is to create attractive urban public space with a broad and diverse commercial environment in the many towns. Investment in new shops should promote the aim of renewing and regenerating the existing commercial districts in the town centre.
The Finger Plan
Since the first Finger Plan was adopted in 1948, the aim has been to concentrate urban development in Copenhagen in the fingers created by the railway network and the radial road network and to leave the green wedges between the fingers undeveloped. Copenhagen’s profile as a green capital will be further strengthened in the future. This happened with the national planning directive, Finger Plan 2007, and is continued in proposals for a Finger Plan 2013. The aim is to ensure a clear demarcation between town and country, and to combine urban development with public transport.

Regional responsibility
The Planning Act stipulates that the local authorities must take regional responsibility and find their regional role. Local authority planning in Greater Copenhagen is to be implemented on the basis of an assessment of development in the area as a whole and continue to apply the main principles of the overall finger urban structure. Urban development of regional significance must be coordinated with the extension of Greater Copenhagen’s overall infrastructure, especially the public transport services.

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

The core urban region – the palm of the hand
Urban development and regeneration will take place in existing urban zones and consider the opportunities for improving public transport services.

The peripheral urban region – the fingers
Urban development and new urban functions will be located taking account of the existing and planned infrastructure and opportunities for improving public transport services.

The green wedges – between the urban fingers and across them
These must not be added to the urban zones or used for urban recreational facilities.

The rest of Greater Copenhagen – between the urban fingers
Urban development will be local and take place in connection with local centres or as the completion of other urban communities.

The Minister for the Environment has prepared a national planning directive that implements these principles. It also ensures overall reservation of land for future transport infrastructure, technical installations, noise impact areas, etc. of significance for the development of the area as a whole.

One of the main aims of Finger Plan 2007 and in the future Finger Plan 2013 is to promote a contiguous green structure in Greater Copenhagen. In Finger Plan 2013 in particular, there will be new green wedges. These will be green areas in the dense urban centre, which in combination with a network of paths will make it possible to cycle from the inner city to the large recreational areas in the wedges through a green strip.

Environmentally friendly location near stations
One of the new features of the Finger Plan 2007 which is continued in the proposal for Finger Plan 2013 is a rule on the environmentally friendly location near stations. Large office workplaces (with more than 1500 m² of floor space) will generally have to be located within 600 metres walking distance of the closest station. Surveys show that location near stations induces many more people to choose public transport instead of the car. The principle of requiring location near stations is expected to reduce road traffic and environmental pollution in the form of CO₂ emissions.
Greater Copenhagen functions as one city. Local authority planning is based on the finger urban structure created with the first finger plan in 1948. Settlement is concentrated along transport corridors leading to the towns outside Copenhagen with special consideration for providing public transport services.
The regional development plan
A regional development plan based on a comprehensive evaluation describes a desirable future development for the region’s cities and towns, rural districts and peripheral areas, as well as for:
— The natural environment, including recreation
— Business, including tourism
— Employment
— Education
— Culture

The regional development plan must include a map showing the general content of the plan. The regional council can make proposals for local authority and local planning in the region. Local authority plans must be in accordance with the regional spatial development plan.

Regional councils publish a plan proposal during the first half of the fourth-year regional and local election period, at the same time as the local authorities prepare their strategies for planning. These two processes are obviously related even if it is not possible to coordinate them entirely, but close dialogue can produce synergy.
**Description**

The regional development plan must describe:
- The relationship between future development and the national and local authority planning for infrastructure
- The context for any collaboration between the 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 planning**

The regional development plan must ensure cohesion between:
- 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
- The local and regional Agenda 21 strategies; and
- Other regional strategies and plans, such as for education, training and culture.

**Funding**

Insofar as other legislation allows it, the regional councils can promote the implementation of the regional development plan by funding specific projects. The regional budgets have earmarked funds for regional development related to business development, education, training and culture. Furthermore, EU funding under Objective 2 of regional policy (revitalizing areas facing structural difficulties) is available if co-financed by public or private sources. The regional economic growth forum makes recommendations to the regional council on support for business development projects and to the Government on the use of EU funds.
A local authority plan summarizes and concretizes the overall political objectives for the development of the local authority. The local council establishes a policy for the development of both towns and countryside. The local authority plan links national planning and the provisions of local plans on the use and development of each local district and between national planning and the specific administration of rural zones. The rules on strategy for planning have strengthened the strategic aspect of local authority planning and the political interest of local communities in local authority planning.

**Strategy for planning**
The local council publishes a strategy for planning within the first 2 years of the local election period. This includes the local council’s political strategy for development and information on the planning that has occurred since the local authority plan was last revised.

The strategy for planning concludes with a decision on revising the current plan. The local council can:
- Revise the entire plan
- Revise parts of the plan, such as for a topic or a district, and adopt the rest of the plan as it is
- Leave the plan unchanged

The requirement to prepare a strategy for planning and the flexible approach to revision were adopted in 1999. Having a strategy for planning has helped revitalize local authority planning. It enables local councillors to organize planning that both looks forward into the future and is based on current problems and opportunities in the local authority.

Many local authorities link the process of preparing the strategy with other policy areas, such as culture and health. This provides cohesion and puts more political weight behind the strategy.

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

**Local authority planning**

- A general structure with overall objectives for development and land use in the local authority;
- Guidelines for land use, and
- A framework for the content of local plans for individual parts of the local authority

The plan includes an explanation of the premises on which it is based. At the beginning of every election period, the local council prepares a strategy for its planning.

Local authorities vary widely in their planning practice. Some local authorities closely link their 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 local council’s objectives for development and land use. The general structure summarizes the content of the plan and can be a gateway to the detailed content of the plan.

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**The planning strategy contains:**
- Assessment of development in the local authority
- Information on planning since last revised
- The strategy for development with vision and focus points
- Decision on revision of the local authority plan

**The planning strategy is adopted:**
- In the first half of the local election period
- Followed up with changes as needed
- Followed up with initiatives and projects

**The local authority plan is revised:**
- As a whole
- For one or more topics
- For one or more geographical areas
Guidelines for land use
The guidelines of the local authority plan concretize the objectives of the general structure. The guidelines cover all the subjects stipulated by the Planning Act. The guidelines can differ substantially. For example, they can designate types of land to be protected, such as special habitats, or they can establish location principles or criteria, e.g. for urban service delivery.

Framework for local planning
The local authority’s framework for the content of local plans is the link to local planning and is vital for the local council’s success in preparing local plans. The framework describes what a local plan can and should decide for the local area to ensure a cohesive urban structure and the local authorities overall objectives. The framework often contains illustrations of future options.

The local authority plan determines the areas in rural zones that can be transferred to urban zones or holiday home areas. The framework can determine the sequence in which land is converted to urban use or holiday home use.

Local authority planning proposals
After publishing the strategy for planning, the local council can prepare a proposal for revising the local authority plan in accordance with the strategy. A planning proposal can be for: the entire local authority; a special subject, such as the retail trade, urban regeneration, business, transport or housing; or part of the local authority, such as one or more parts of a town or villages, old harbour districts or a town centre.

Publication
Local authority planning proposals are published and debated for at least 8 weeks before being adopted. Both proposals and adopted plans are published on the local authority’s website and on PlansystemDK.

National and regional sector plans
The local authority plan may not conflict with the description of the desired future development in the regional 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 of the Environment is obliged to object to a local authority planning proposal that is in conflict with overall national interests.

Report
A planning proposal must be accompanied by a report describing the premises on which it is based, the anticipated sequence in which it will be implemented, and how the plan fits in with the planning strategy, the regional development plan, the water resource plan, the Natura 2000 plan, and the raw materials plan. The report should also describe, using maps and text, areas protected under other legislation, such as the building and protection lines stipulated by the Protection of Nature Act, and land reserved under other legislation, such as the Raw Materials Act and acts enabling major transport projects.

The report also describes the planning proposal’s relationship to the planning of adjacent local authorities and to the national transport plan.

THE LOCAL AUTHORITY PLANNING PROCESS

1. Preliminary debate every fourth year
   - Information on previous planning
   - Strategy for planning
   - Period of public comment of at least 8 weeks

2. Planning proposal
   - Prepared in collaboration with other public authorities, citizens, NGOs and others

3. Publication of planning proposal
   - Period of public comment and for objections at least 8 weeks
   - Sent to public authorities
   - The Minister for the Environment is obliged to object on behalf of the Government to local planning proposals that conflict with overall national interests

4. Adoption of plan
   - Consideration of objections, negotiation of amendment proposals

5. Publication

6. Administration of the plan
   - The local authority must strive to implement the plan
The goods yard area in Aalborg

In both urban and park spaces, a system of pools will be created connected with canals, in which rainwater will be collected. The pools will fill in a set order, so some reservoirs will fill before others, and the more it rains the more pools will fill.

1. The pools in the urban spaces and the permanent lakes in the park areas will fill first. This will happen every time it rains.
2. Then the pools in the park areas will fill up. This can be expected to happen 2-3 times a year.
3. With heavy rain, all the low-lying parts of the park areas will be filled. This can happen 2-3 times every 5 years.
4. In extreme weather, all the park areas will function as storage areas. This situation can happen 1-2 times every 10 years.

Aalborg
Legal obligations
The local council must strive to implement the local authority plan. The council may also administer other acts, such as those concerning nature, the environment and roads, based on considerations in the local authority plan.
In urban zones and holiday home areas, the local council may oppose plans to build buildings or change land-use that conflict with the framework of the local authority plan. It can also prohibit parceling out of land and development that conflict with the provisions of the local authority plan on the sequence of implementation.

Local Agenda 21
Agenda 21 is an international framework for broad efforts to promote sustainable development that arose out of the UN Conference on the 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 local 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 urban regeneration
- Involving the public in local Agenda 21 work
- Promoting interaction with a number of sector activities.

The local authority Agenda 21 strategy must also include targets for promoting biological diversity.

Most local authorities see the local Agenda 21 strategy in close connection with their planning strategy.

The content of local authority plans
1. Urban growth and holiday home areas
2. Location of various urban functions
3. The structure of local retail trade
4. Transport facilities
5. Technical installations
6. Polluting companies requiring special siting
7. Projects that require environmental impact assessment
8. Noise nuisance
9. Recreational facilities and allotments
10. Particularly valuable agricultural areas
11. Guidelines for livestock
12. Taking care of agricultural interests
13. Afforestation areas
14. Wetlands
15. Nature protection areas
16. Valuable cultural environments
17. Valuable landscapes
18. Valuable geological assets
19. Risk of flooding
20. Use of water courses, lakes and coastal waters
21. Coastal zone
22. Implementation of national planning directives

The map of Denmark shows the borders between all 98 local authorities.
LOCAL PLANNING

Local plans are the foundation stones of Denmark’s spatial planning system. Local plans concretize the political strategy and objectives of the local authority plan. While the local authority plan provides a comprehensive overview of the development of a local authority and the plans for housing, workplaces, transport, etc. as well as for protection of the natural environment in the whole local authority, local plans determine how a smaller area can be developed and used. Local plans are legally binding for property owners.

The content of a local plan
A local plan can be said to be like a local law that establishes rules on how land in the local area can be used and developed. A local plan can ensure that the many diverse interests in a local plan area are weighed and discussed beforehand.

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

A local plan solely regulates future conditions and does not oblige the property owner to act. In special cases, the local council can expropriate private property in order to implement a local plan.

Property owners may not take action that is in conflict with a local plan. After a public hearing including neighbours, a local council may grant exemptions from a local plan if this is not in conflict with the principles of the plan as expressed in provisions related to its purpose and use.

Local plans will often involve matters with conflicting 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 planning
Implementing major development projects requires a local plan. The concept of “major” is relative. A minor project in Copenhagen may be major in a small town. A local plan is required if substantial changes are proposed to the existing environment.

The local council can make a new local plan at any time, if it complies with the local authority planning framework for local plans.

Types of local plan
Local plans differ considerably in content. Some local plans regulate land use or parcelling out and development in a new urban district, and others regulate land use on an individual property. A local plan can also regulate a single topic, such as signs and façades.

Local plans consist of a report, provisions and maps. The report describes how the plan is related to the local authority 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. Finally, there is at least one map.

Local plans can be made for properties in urban zones, holiday home areas, or in a rural zone. A local plan is always required when a local authority wants to transfer land designated for urban growth from a rural zone to an urban zone.

Mandatory local plans
A local plan is required before major building or construction work can begin. For example:
- New residential areas
- Bypass in an urban zone
- Building of a block of flats or similar
- Hotel in a holiday home area
- Major business buildings
- Buildings for public purposes
The citizens and the authorities must be heard

A local plan may not conflict with the local authority plan or national planning directives. The local council must allow at least 8 weeks for public comment on local plan proposals before adopting them.

National authorities can raise an objection to a local plan proposal during the period of public comment, if the proposal conflicts with national interests.

The council is required to publish the final plan when it is adopted, including on PlansystemDK. Most local authorities publish their local plans on their websites.

Local plans can regulate:

- Zone status
- The use of land and buildings
- The size and extent of properties
- Roads and paths
- Tracks, pipes and transmission lines
- Location, size and appearance of buildings
- Landscape features
- Connection with common facilities
- Measures against noise nuisance
- Setting up of landowners' and allotment associations
- Conservation of buildings
- Bans on construction
- Cancellation of easements
- Combining existing flats
- Banning major projects in existing settlements
- Requirements for new buildings to be low-energy buildings
- Installations on water in harbours

A new residential area of about 500 homes in Odense’s suburb of Bellinge.

The plan is based on sustainable principles: minimising infrastructure, no surface water running into the sewage system, increased biodiversity, minimising the built area, and retaining the current amount of earth in the area with a minimum of level adjustment.
RURAL ZONE ADMINISTRATION

The Planning Act divides Denmark into urban zones, holiday home areas and rural zones, with special rules for development in rural zones. This is a cornerstone for protecting the countryside and avoiding sprawling and unplanned development. Agriculture and forestry have priority in rural zones. Zoning creates a clear boundary between urban areas and the countryside. This protects recreational and valuable landscapes and ensures that agriculture and forestry retain good production opportunities.

Mandatory rural zone permits
Denmark has been divided into urban zones, holiday home areas and rural zones since 1970. The rural zone areas include the countryside and most of the small villages. The main purpose of the provisions on rural zones is to prevent uncontrolled development and construction in the countryside and to protect valuable landscapes.

A rural zone permit from the local 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 if the local authority 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.

Local authority planning guidelines
The considerations a local authority must take into account when assessing a rural zone permit application are to be found in the Planning Act’s general purposes and the local authority planning guidelines for the countryside. The local authority assesses each application in relation to the objectives for the development of the rural district, ensuring development opportunities for agricultural production, road safety and transport conditions, effects on the environment, the landscape, the cultural heritage and the natural world, opportunities for public and private services and other parameters.

In connection with local authority planning, the local council can delimit the villages in the rural zones where a limited number of new homes are considered desirable.

Rural zone administration helps:
- Maintain a strict delimitation between town and country;
- Protect landscape and recreational assets;
- Ensure development opportunities for agriculture and forestry;
- Ensure the extraction of raw materials;
- Ensure resident access to public and private services;
- Ensure safe access conditions and reasonable traffic;
- Protect the undeveloped parts of the coastal zone;
- Ensure public access to the natural environment;
- Ensure a view of the landscape from roads to such sights as churches and ancient monuments;
- Give special consideration to the development of small islands;
- Protect historical elements and entities in the landscape; and
- Protect the environment, such as in the location of polluting enterprises and large fur farms.
Local plans in a rural zone
The local authority can prepare a local plan if, for example, it wants to protect a conservation-worthy village environment. Constructing major technical installations such as a wind turbine park 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 a number of exceptions from the requirement for a rural zone permit. Examples include construction required for agriculture, forestry and fishery operations in connection with previous buildings which are necessary for business operations.

Houses used year-round can be renovated or extended without a rural zone permit if the total floor space does not exceed 250 m². New homes can be built or arranged on farms larger than 30 ha when the homes are to be used in connection with intergenerational successions or for employees.

Outside villages and areas covered by a local plan, small businesses (max. 5 employees) located in a previous farm building can be expanded by up to 500 m² (though only up to 250 m² for small shops) without a rural zone permit.

PlansystemDk contains information on all urban zones and holiday home areas in Denmark. Today, urban zones make up approx. 5.5% of the country and approx. 1.2% is allocated to holiday home areas. The remaining area is the rural zone.
Former agricultural buildings
Farm buildings no longer required for agricultural operations may be used for craft and industrial enterprises, small shops and one home, as well as for storage and offices without a rural zone permit.

Practice
Examples of applications normally approved include appropriate construction in villages and the use of superfluous farm buildings for holiday purposes. Examples of applications normally rejected include the construction of new homes, company buildings and holiday homes in the countryside.

Publication and appeals
Rural zone permits must be published, typically in local newspapers. Decisions on rural zone permits can be appealed within 4 weeks to the Nature and Environmental Protection Board of Appeal. In addition to legal aspects, the Board of Appeal considers the local authority’s specific assessment.

**Other Relevant Law**

<table>
<thead>
<tr>
<th>Plan</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td><strong>PlansystemDK</strong></td>
<td>A national digital register has been established which contains information on urban zones, holiday home areas and rural zones.</td>
</tr>
<tr>
<td><strong>Valuation Act</strong></td>
<td>Property in land is assessed and taxed on the basis of its current and planned use.</td>
</tr>
<tr>
<td><strong>Parcelling Out Act</strong></td>
<td>A property can be divided by being parcelled out. The Act ensures that all properties are uniquely 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.</td>
</tr>
<tr>
<td><strong>Building Act</strong></td>
<td>New buildings require a building permit. A permit can be granted after the local authority has ensured that the application is in accordance with current plans and the provisions of other legislation governing land use.</td>
</tr>
</tbody>
</table>
Environmental Impact Assessment is part of local authority planning

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

The local council generally carries out environmental impact assessment. The Ministry of the Environment carries out environmental impact assessment for certain types of construction. This could be where the state is the developer, or for enterprises likely to produce considerable pollution, or for infrastructure installations that require a local authority plan supplement from more than two authorities, or for wind turbines taller than 150 metres.

A statutory order requires developers to submit certain proposed projects to the local authority for screening to determine whether environmental impact assessment is required. The EIA statutory order contains a list of projects that always require EIA - Appendix I. Projects subject to mandatory assessment include wind turbine parks, waste disposal installations, large shopping centres, large holiday villages and hotel complexes and major roads.

For projects requiring a local plan, the local authority 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 local 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 decision of the local council and information on appeal are published.

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

Content of an environmental impact assessment:
- 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
Screening for environmental impact assessment

The statutory order includes a second list of projects that require assessment if the local council decides through a screening process that the project is likely to have significant effects on the environment – Appendix 2 projects. This applies to numerous types of production enterprises, infrastructure installations and wastewater-treatment plants. In these cases, an EIA must be carried out if the local council judges that a project can be expected to have significant impact on the environment. To enable this judgement, a screening is carried out.

For by far the majority of projects, screening is the only aspect of the EIA regulations that affects them. The screening is conducted as an administrative process based on a number of 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.

In the EIA report, Femern A/S gives details of all relevant environmental impacts and assesses how any negative effects on the environment can be avoided or limited as much as possible.
Digital Planning

Spatial planning in Denmark has become digital and publication is based on Web solutions. Most local authorities have digital local authority and local plans. A common public system has been developed called PlansystemDK, which contains all plans produced in accordance with the Planning Act.

Denmark’s Nature & Environment Portal

The Danish Nature & Environment Portal is a gateway to a lot of public data. Citizens and environment professionals can download relevant and up-to-date data on Denmark’s natural environment.

The vision with Denmark’s Nature & Environment Portal is to create an efficient, digital environmental administration system.

Denmark’s Spatial Planning Database

Denmark’s Spatial Planning Database is a public database that gives access to environmental data.

PlansystemDK

PlansystemDK contains all plans and planning proposals under the Planning Act, and like Denmark’s Nature & Environment Portal is a part of the shared public data system. This ensures that planning data are standardized and universally accessible, including other systems such as electronic case-processing systems.

PlansystemDK provides easy access to local authority and national spatial plans and a simple way for local authorities to report their plan proposals and adopted plans to the national public authorities. All planning proposals and plans pursuant to the Planning Act are published on PlansystemDK.

The local authorities upload and are responsible for the quality of:
- Local plans (and other valid historical plans);
- Local authority plans, strategies for planning and plan supplements; and
- Zoning maps for urban and rural zones and holiday home areas.

The Government 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 local authority plan supplements resulting from environmental impact assessment.

When all plans and plan proposals are in PlansystemDK, both citizens and local authorities will be able to see and compare plans across local authority borders.

PlansystemDK is designed so that it can interact with other systems in future digital management and supply planning information to the Public Information Server.
LEGAL PROTECTION AND APPEALS

The independent The Environmental Board of Appeals under the Ministry of the Environment deals with appeal cases. In planning cases, only legal questions may be appealed. In other words, whether the local 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 local council is responsible for the content of plans. In cases related to rural zone administration, however, the local authority’s weighing of the various considerations may be appealed to the Board.

Rules for appeal
The The Environmental Board of Appeal’s authority to hear appeals of decisions made pursuant to the Planning Act depends on the type of decision that is appealed. Decisions on rural zone permits or expropriation and permits to begin a project, that requires an environmental impact assessment, may be appealed to the Board regardless of the reason. The Board may decide all questions and can change such a decision if it is in conflict with current law or if the Board finds the decision unreasonable or inappropriate.

Other decisions made by local councils pursuant to the Planning Act can only be appealed for legal questions. If the council has complied with the legal rules and principles, the Board cannot hear appeals related to other questions and cannot decide whether the decision is appropriate or reasonable. This applies for example for decisions in the local authority plan or the purpose and content of local plans.

Legal questions include:
− Whether the plan was produced in accordance with the required procedure for public participation;
− Whether the local and local authority plans are in conflict;
− Whether the Planning Act and the local authority 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, national 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
An appeal of a rural zone permit or an expropriation decision that is made within the time allowed stays the effects of the decision. This means that the decision cannot 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 of the Board giving a decision.

The The Environmental 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 are final and cannot be appealed to the Minister for the Environment or other administrative authorities and may only be appealed to the courts.
Spatial planning is to create and preserve qualities in our urban areas and in the countryside. Spatial Planning in Denmark gives a brief overview of the Planning Act’s overall rules and gives examples of national, regional, local authority and local planning.

The publication describes the Act’s principles on the decentralization of responsibility, framework management, and involvement in the planning process. It also gives a short introduction to the Planning Act’s rules for planning in coastal areas, retail trade planning, and planning for major construction work that might have significant impact on the environment. Finally, publication sketches out the aim of dividing the country into urban zones, holiday home areas and rural zones, and the rules for building in rural zones.

**The Ministry of the Environment**

- The Minister
  - The Department
    - The Environmental Protection Agency
    - The Danish Nature Agency
    - The Danish Geodata Agency
    - The Environmental Board of Appeal

Under the Planning Act, the Danish Nature Agency has the following tasks:
- Assessment of environmental effects (EIA work).
- Safeguarding of overall national interests in local authority and local planning.