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**Serie for regionalpolitik og transport nr. 4
Reihe Regionalpolitik und Verkehr Nr. 4
Regional policy and transport Series No 4
Série politique régionale et transports n^o 4
Serie politica regionale e trasporti n. 4
Serie regionaal beleid en vervoer nr. 4**



Den nye danske lov vedrørende lands- og regionplanlægning
Das neue dänische Gesetz über Landes- und Regionalplanung
The new danish act on national and regional planning
La nouvelle loi danoise sur la planification nationale et régionale
La nuova legge danese sulla pianificazione nazionale e regionale
De nieuwe Deense wet inzake nationale en regionale planning

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DEN NYE DANSKE LOV VEDRØRENDE LANDS- OG REGIONPLANLÆGNING

Resumé:

I fremstillingens første afsnit redegøres der for den historiske baggrund for den danske regionplanlægningspolitik, strukturændringerne i økonomien og kommunalreformen i 1970.

Derefter følger en kort diskussion vedrørende 1975-lovens formål.

Som tredje punkt behandles de forskellige faser, hvori regionplanlægningen er opdelt. Desuden omtales de øvrige love på planlægnings- og miljøområdet, som sammen med nærværende lov udgør den nyskabte planlægningslovgivning i Danmark.

Som fjerde punkt gennemgås de vigtigste aspekter af landsplanlægningen.

I sidste afsnit diskuteres hovedproblemerne i forbindelse med gennemførelsen af en effektiv og rationel planlægningspolitik i Danmark.

DAS NEUE DÄNISCHE GESETZ ÜBER LANDES- UND REGIONALPLANUNG

Zusammenfassung

Im ersten Teil dieser Aufzeichnung werden die historische Entwicklung der dänischen Regionalpolitik, die Strukturänderungen der Wirtschaft und die Gemeinde-Reform von 1970 erläutert.

Zweitens folgt eine kurze Darstellung der Ziele des neuen Gesetzes von 1975.

Drittens werden die Phasen, in die der Regional-Planungsprozeß aufgliedert ist, erläutert. Es werden weitere Gesetze über Planungs- und Umweltfragen behandelt, die zusammen mit dem Gesetz von 1975 als die Reform der Planungsgesetzgebung in Dänemark bezeichnet werden können.

Viertens werden die Hauptaspekte der Landesplanung in Dänemark untersucht.

Im letzten Teil werden die wichtigsten Probleme für eine zweckmäßige und rationelle Regionalpolitik in Dänemark behandelt.

THE NEW DANISH ACT ON NATIONAL AND REGIONAL PLANNING

Summary:

In the first part of this paper the historical development of Danish regional planning policy, the structural changes within the economy, and the local government reform of 1970 are explained.

Secondly, a short discussion follows on the purposes of the new Act of 1975.

Thirdly, consideration is given to the phases into which the regional planning process is divided. Mention is made of other planning and environmental Acts which, together with this Act, constitute the reform of planning legislation in Denmark.

Fourthly, an interpretation of the main aspects of national planning is given.

In the last part the main problems of carrying out an efficient and rational planning policy in Denmark are discussed.

LA NOUVELLE LOI DANOISE SUR LA PLANIFICATION NATIONALE
ET REGIONALE

Résumé

Dans la première partie du document reprend l'historique de la planification régionale au Danemark, les changements de structure qui ont affecté l'économie du pays, ainsi que la réforme de l'administration locale en 1970.

Un court débat sur les motivations de la nouvelle loi de 1975 fait suite à cette partie.

Puis, il est question des différentes étapes du processus de planification régionale. On mentionne également les autres lois relatives à la planification et à l'environnement, qui, ensemble avec la présente loi, constituent la réforme de la planification au Danemark.

En quatrième lieu on trouvera une interprétation des principaux aspects de la planification nationale.

Dans la dernière partie on traite des principaux problèmes en vue de promouvoir une politique de planification efficace et rationnelle au Danemark.

LA NUOVA LEGGE DANESE SULLA PIANIFICAZIONE
E NAZIONALE

Riassunto

La prima parte di questo documento contiene l'esecuzione storica della politica danese di pianificazione regionale, nonché un'analisi delle modifiche delle strutture economiche e delle riforme delle autonomie locali nel 1970.

Segue poi una breve discussione sugli scopi della nuova legge del 1975.

In terzo luogo vengono considerate le diverse fasi del processo di pianificazione regionale. Si fa altresì menzione di altre leggi in materia di pianificazione e di ambiente. Insieme a questa legge esse formano il "corpus" riformato della legislazione danese in materia di pianificazione.

Una quarta parte è dedicata all'interpretazione dei più importanti aspetti della pianificazione nazionale.

Nell'ultima parte vengono discussi i più importanti problemi relativi alla realizzazione di una politica di pianificazione razionale ed efficace.

DE NIEUWE DEENSE WET INZAKE NATIONALE EN REGIONALE PLANNING

Samenvatting:

In het eerste gedeelte van deze nota wordt de historische ontwikkeling van het Deense regionale beleid, de structurele veranderingen van de economie en de hervorming in 1970 van het plaatselijk bestuur uiteengezet.

In de tweede plaats volgt er een korte uiteenzetting over de doelstellingen van de nieuwe wet van 1975.

In de derde plaats wordt er aandacht geschonken aan de fasen van de uitwerking van het regionale beleid. Er wordt ingegaan op andere planning- en milieuwetten, die samen met deze wet de hervorming van de wetgeving op het gebied van de planeconomie uitmaken.

In de vierde plaats volgt er een beschouwing over de belangrijkste aspecten van het nationale economische plan.

In het laatste gedeelte worden de belangrijkste vraagstukken met betrekking tot de uitvoering van een doelmatige en rationele planeconomie in Denemarken besproken.

THE DANISH ACT ON NATIONAL AND REGIONAL PLANNING

1. Impetus for reform

The first main Danish town planning act was enacted in 1938 making planning compulsory for every urban district with a population over 1,000. Each municipality, under law, had to provide a detailed account of any such development projects. However, this act did not grant authority to lay down the exact dimension of urban growth. It was for this reason that an Act regulating larger urban districts was passed in 1949. Subsequently, new legislation became necessary and led to the 1969 Act of Urban and Rural Zones. The objectives of this act were manifold and encompassed a broad area of interest and activities. They were:

- a) to secure a regulated development scheme for urban districts,
- b) to ensure that adequately serviced development land is available,
- c) to provide recreational areas.

In accordance with this act, the country was to be divided into rural, urban and summer-cottage zones, each based on previous planning experience.

In the last ten years non-statutory regional planning has begun on the local level. This was a response to the difficulty of controlling urban expansion. This rather unsystematic regional planning was often carried out by cooperation between several municipalities. Simultaneously the first acts implying more comprehensive planning were passed, which together with the non-statutory planning activities of local authorities made it necessary to enact general legislation in the field of regional and national planning.

Social developments also pointed to a comprehensive planning act and policy. The three main factors were firstly the change in occupation structure in the post-war period that led to a precipitous drop among those employed in agriculture from 25% of the total in 1950 to 7% in 1975. Secondly, this development was accompanied by massive migration to the urban districts with the consequent effects on urban growth. Thirdly, rising welfare has caused an increasing demand for housing land area. Thus, the housing area has increased by approximately 60-70 per cent since 1950.

In addition, the local government reform of 1970 stimulated the preparatory work on the act. By this reform the number of municipalities was reduced from approximately 1100 to 277 and the number of counties correspondingly reduced from 25 to 14. This reform was the necessary framework for an act which involved close cooperation between authorities at different administrative levels.

In conclusion it should be emphasised that planning reform was the inevitable consequence of three circumstances, firstly the lack of coherent planning acts, secondly the change of the social conditions in Denmark in the post-war period, and thirdly the provision of a new administrative structure in 1970 enabling teamwork between different administrative levels.

2. Purposes of the Reform

Before turning to the very process of regional planning, the purposes as they are laid down in Section 1 of the Act, should be presented and commentated. The first purpose, calling for coordination of the utilization of land for different purposes is rather abstract. To illustrate, a decision of starting a public installation requiring land, must be coordinated with the decision and planning of other sectors. Consequently the key concept is coordination; coordination of the decisions requiring land. Equally, another consideration is the promotion of uniform development in various parts of the country. This is an objective especially aimed at national planning policy, supposing that every county will in any case strive for its own economic development.

The second purpose mentioning the separation between air, water and soil pollution areas on the one hand and housing development areas on the other is based on the assumption that comprehensive physical planning will be a perfect tool for taking ecological factors into consideration in development decisions. Environmental protection is a task that cannot be rationally solved without a thorough planning of future land use.

The third purpose, coordination of the individual measures taken within the framework of economic planning, is probably the most difficult to attain because long-term economic planning in Denmark is insufficiently concrete to be used as a base for physical planning. The question arises whether it is possible to produce long-term economic plans at all with the unforeseeable economic fluctuations that have occurred in Denmark at irregular intervals in this century.

These were the main purposes guiding both national and regional planning.

3. Regional Planning

Regional planning is, as stated before, divided into 5 or 6 phases. The process is an interplay between three administrative levels, that is the central level represented by the Minister for the Environment, the regional level, that is the county councils outside the Metropolitan area and the local level represented by the municipalities within each county (from 5 to 32). The fourth part of the planning process is public opinion which we shall turn to later on.

First phase of the regional planning: In this phase the county council assembles information on relevant planning on both levels, that is municipal town planning (the local level), and the central administration's sector planning as far as it concerns the county.

After this information has been obtained by the county council it is placed at the disposition of all the municipalities affected, together with information on the county council's own planning.

The information serves as a basis for working out the memorandum on the guidelines for land use, that each municipality is submitting to the county council. This memorandum is the view-point of the municipalities on what they consider the regional plan should contain. This phase started on the 1st October 1974 and ended on the 1st October last year, 1975, although some municipalities were a little late implementing.

In order to give a helping hand to the planning departments in the municipalities the Ministry of the Environment has issued a guide dealing with the problems concerning phase one. This guide has been distributed among the municipalities and the counties but has also been demanded by libraries, schools, universities and individuals who are interested in physical planning.

Second phase of regional planning: In this phase the main part is played by the county council. First the council negotiates with the municipalities involved to draw up alternative proposals for the regional plan. These proposals must contain specifications of all the necessary conditions and approach the problems in different ways so they appear as a number of different possibilities for the future of the region. When the alternative proposals have been finalized, it is the county council's duty to publish and submit them to the municipalities, to the holders of relevant public concessions and to the Minister of the Environment.

This phase, of course, is crucial to the planning process because it ends with drawing up proposals from which a choice is made later on.

In the same way as in the first phase the Ministry provides a guide on the special problems at this second phase. The phase started on the 1st October 1975 and will last for two years.

Third phase of the regional planning: In this phase a fourth element is introduced to the planning process, that is the public. This concept is rather difficult to define. The act says, that the county council and the municipalities shall conduct information campaigns to arouse public debate on the objectives and future content of planning for the region. The starting point of this debate is the alternative proposals. The outcome of the public debate, of course, depends on the level of knowledge and information provided to the citizens of the county council area, during the information campaigns. Consequently, the main objective of this campaign is to make the citizens feel an involvement in planning, in other words to emphasise that the regional plan

is of great importance to their future. Although this phase has not started yet (it begins on the 1st October 1977) it can already be stated that this part is going to be the most difficult for planners in the counties and municipalities. As this public involvement is a unique phenomenon in Danish legislation, the phase will be characterised by lack of experience.

The guide to the third phase will be published soon and will contain a tremendous amount of information and advice. This public-phase will last six months.

The fourth phase of the regional planning: After the six months are up the county council again enters into negotiations with the municipalities of the area. The subject of discussion is now the preparation of the final proposal for a regional plan. This proposal is drawn up by the county council and based on the recommendations of the municipalities and the results of the public debate. The council shall publish the full proposals. In addition, the council shall work out a summary of the comments received on the previous public drafts. This summary will later on, in the next phase, enable the minister to include public opinion and comments from the municipalities in his evaluation of the final proposal.

In connection with the fourth phase, we might take a look at what a regional plan shall contain:

Firstly, it shall provide guidelines for future urban development. This is very important considering the tremendous urban growth we have seen in the past years.

Secondly, the extent and location of major centres, public institutions, highway constructions and other technical installations shall be stated in the plan.

Thirdly, the siting of establishments which require a special location on account of the pollution involved must be stated in the plan. This is a consequence of the second point of the act, which calls for a separation of activities detrimental to the environment from housing development.

Fourthly, the plan shall contain guidelines for land use for involving stone quarries, gravel works and other natural resources. If one takes the very sparse natural resources of Denmark into consideration, rational planning in this field is very important. Appropriate development of natural resources is also, of course, a task for overall national planning to which I will turn later on.

Fifthly, the extent and location of land for agriculture shall be stipulated in the plans, and the last obligatory item in the regional plans is the location of land for summer cottages and other recreational purposes.

Of course, other matters of importance for the county must also be stated in the plans especially the promotion of suitable urban development, larger buildings, etc.

The fifth phase of the regional planning: In this phase the county council circulates the final proposal among the municipalities and other authorities and holders of public concessions involved. Within a time limit of four months they may object or comment on the proposal or parts of it. These protests or comments will be discussed by the county council. The proposal is then, together with an assessment of the public objections to it, forwarded to the Minister for the Environment. Subsequently, the proposal is made the subject of negotiations in a government sub-committee where all the Ministers, whose fields are generally affected by the planning work, participate.

The Minister can now approve the plan or part of it. Furthermore, if he has amendments to it he shall discuss such modifications with the Ministers mentioned before and, in addition, he shall give the county council and municipalities affected an opportunity to express their views. The approved plan is published by the county council and the main part of the planning process has ended.

Sixth phase of the regional planning: This phase represents current planning in the county. Every second year after the approval of the regional plan the county council shall submit a report to the Minister on planning of the area. The Minister can then keep an eye on the implementation of the regional plan. If the Minister considers planning in the county inadequate, he can enjoin the county council to prepare additions to the plan. The county council may also itself prepare additions to the approved plan.

4. National Planning

National planning is closely related to regional planning. The responsibility of national planning is placed on the Minister for the Environment and Chapter 2 of the Act provides him with several implements.

Firstly, public authorities, holders of public concessions and others shall provide information on larger projects which might have significance to national planning.

Secondly, the Minister can order regional and local authorities to provide information for use in implementing national planning.

Thirdly, the Minister can lay down specific conditions governing regional planning in various counties. Every year the Minister is obliged to submit a report on national planning activities to the Folketing Committee on Physical Planning. The Folketing is the Danish Parliament. Furthermore, this annual report is the subject of a debate in the Folketing.

It must be emphasised that the Minister for the Environment has to answer to the Folketing for all operations carried out by him.

Before returning to the actual initiatives taken by the Minister in the field of national planning it is necessary to make clear the connection between the Act of National and Regional Planning, and a number of other acts on the scope of physical planning.

Taking another look at the six items for which the regional plan shall contain guidelines one might consider that the regional plans will end up as structure plans, as frameworks to be filled out. The Act on Municipal Planning of 1975 is closely related to the Act on National and Regional Planning, because it introduces two new kinds of plans, that is master plans and local plans. Regional, master and local plans are complementary. The regional plan is the structure plan, the framework for the utilisation of the county council area, the master plans fix the main structure within the municipalities and in the local plans the imperative judicial aspects concerning specific property are laid down. Also in working out the further two plans, local authorities shall attempt to involve the public as much as possible.

The planning acts should also be seen in relation to other acts. For instance, the Act on Protection of the Environment has a special importance with regard to the location of establishments for which pollution prevention must be taken into consideration.

5. Danish Planning Policy - problems and solutions

Danish physical planning policy is influenced by the heterogeneous economic development of the various parts of Denmark. Inequality is characterised by an uneven distribution of industry and, in times of crises, of unemployment. The western part of Denmark especially, which is less industrialised, has a high rate of unemployment. In addition, the underdeveloped regions are often dominated by one main branch of industry, hence the crucial importance of cyclical economic fluctuations in these branches to the community in question. The consequences of inequality are different standards of living which are clearly shown by comparing the average level of income in the under-developed regions with the rest of the country. Simultaneously, the fact that these districts are often sparsely populated means that they are under-supplied with public and other services.

The problems of the under-developed regions are tackled in different ways:

Firstly, regional development aid administered by the Ministry of Commerce has been granted since 1958. It is a purely economic help which is considered to have created a considerable number of jobs since its inception. Furthermore, a small part of the quota allocated to Denmark by the Common Market Regional Fund is given to the North Western part of Jutland. The rest of the quota is allocated to Greenland which is not covered by the Act on National and Regional Planning.

Secondly, it has been proposed to draw up a guide to location. This guide is meant to provide private establishments with information on the present and future areas zoned for industrial development. It shall also provide information on the future supply of public services. This guide, however, is only in the preparatory stage.

Thirdly, moving out state institutions from the Metropolitan area to the under-developed regions has been discussed, but so far none of the larger institutions have been moved out.

Beside inequalities within the country, another great issue in the Danish planning policy is the general aim of controlling urban growth. Concerning this problem, the Minister has stated that the four largest cities in Denmark must reduce their rate of growth in favour of the smaller cities. This will also contribute to fulfil the main purpose of the Act on National and Regional Planning which calls for uniform urban development in the country. The different solutions to some of the Danish problems just mentioned are all discussed in the first annual report on national planning submitted by the Minister. In this report the Minister further stated that he would present proposals to change the legislation concerning land use in order to expropriate land for housing and industrial purposes. It is probable that the bill will not pass the Folketing.

The initiative arousing the largest public interest is the Minister's attempt to reduce the amount of land zoned for private summer cottages especially in coastal districts. This can be ordered as a directive by section four of the Act. At the same time the Minister is promoting other kinds of holiday activities requiring less area, for instance public summer cottage camps and youth hostels. An initiative will be implemented ordering planners in the counties to stop zoning land for summer cottages in coastal districts.

The last problem in national planning mentioned by the Minister in the report of 1975 is the endeavour to coordinate the different efforts within national planning. A precondition for a rational planning is firstly to collect necessary information, for instance, economic analysis and consequence analysis and secondly, to coordinate this work and the decisions relevant to land use. The efforts to get an efficient coordination within the Ministry for the Environment recently resulted in a new organisational structure. By this reorganisation several national agencies were established within the Ministry of the Environment, for instance, the National Agency for the Protection of Nature, Monuments and Sites, the National Agency for Environmental Protection and the Danish Agency for National Planning. In addition the National Forest Service, the Geological Investigation Service and the State Institute of Food were established. This organisational structure is, of course, a useful instrument for coordination if correctly used. Concerning the coordination with other Ministries and agencies the situation is more complicated. Of course, exchanges with other parts of the central administration have increased, but lack of experience is obviously an obstacle.

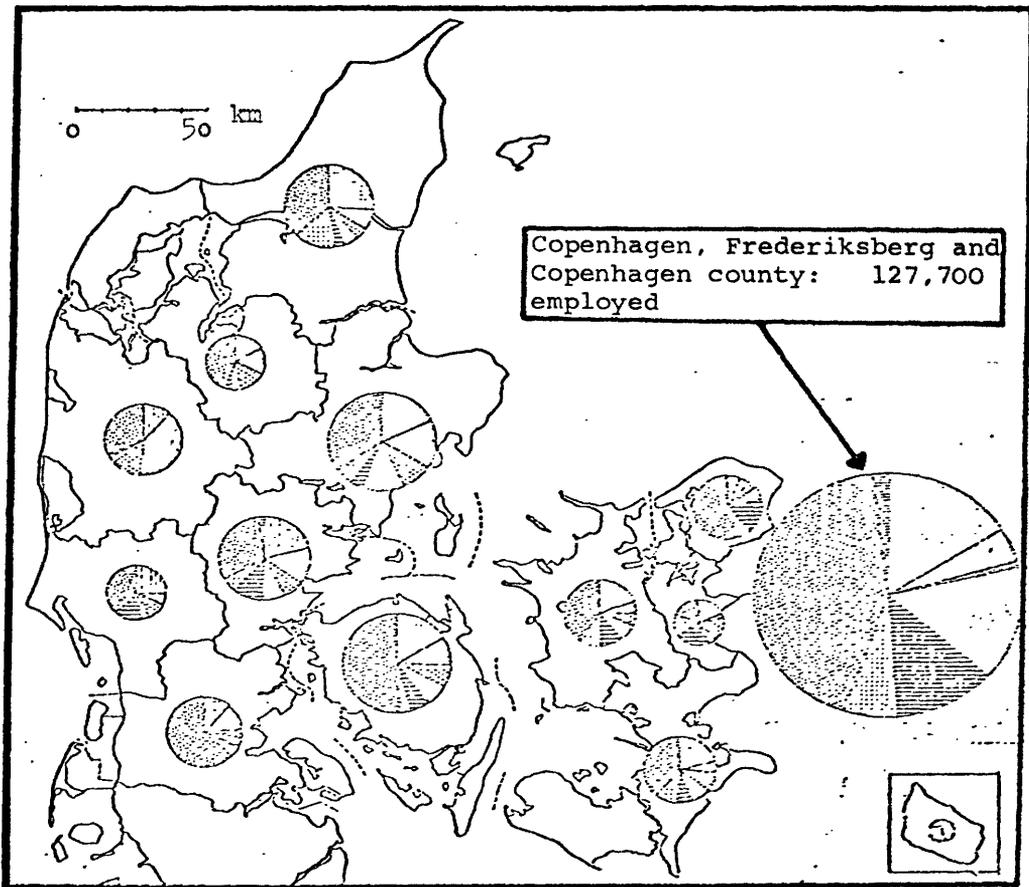
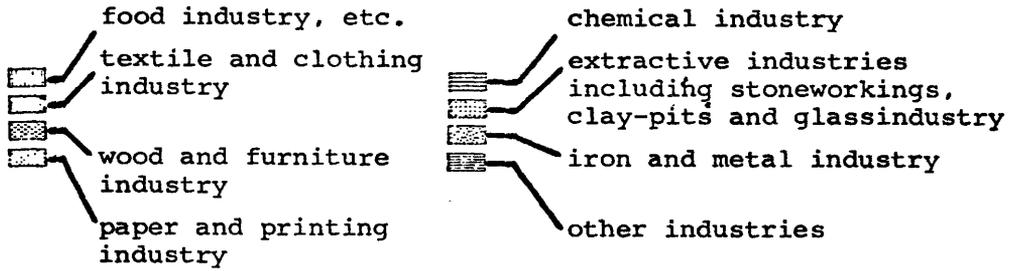
In conclusion it should be observed that the recent planning reform in Denmark is a rather new phenomenon which will take time to get used to. But if it is used correctly by the policy-makers, the planners on the central, regional and local level and by the public, the act is an effective tool for implementing efficient and rational planning.

THE PHASES IN THE REGIONAL PLANNING PROCESS

THE PUBLIC	MUNICIPALITY AUTHORITIES	COUNTIES	MINISTRY FOR ENVIRONMENT	OTHER PUBLIC AUTHORITIES	NUMBER	PARTICIPATING UNITS	TASKS	ACT ON NATIONAL AND REGIONAL PLAN
PHASE I								
	○	●			1		The County Councils give information on their own planning to the municipalities	10.2
	●	○			2		The municipalities submit a memorandum on the guidelines for the regional plan	10.1
	●	○	●	●	3		The County Councils assembly information on the relevant planning activities on the local and central level	11.1
	○	●			4		The information is placed at the disposal of the municipalities	11.3
PHASE II								
	●	●			5		The County Councils negotiate with the municipalities in order to draw up alternative proposals	12.1
○	○	●	○	○	6		The County Councils draw up alternative proposals and publish them	12.2
PHASE III								
●	●	●	●	●	7		The County Councils and the municipalities arrange for and sustain a public debate	12.3
PHASE IV								
	●	●			8		6 months from the publishing of the proposals the County Councils begin negotiations with the municipalities	13.1
○	○	●	○	○	9		The County Councils elaborate the final proposal and publish it	13.2
PHASE V								
	○	●	○	○	10		The County Councils submit the proposal to the municipalities, state and other authorities	13.3
		●			11		The County Councils discuss possible objections before submitting to the Ministry for Environment	13.4
			●	○	12		The Ministry for Environment goes through the proposal with other Ministers	14.1
	○	○	●		13		The Ministry for Environment consults with the County Councils and the municipalities before making possible changes in national planning	14.3
			●		14		The Ministry for Environment approves the plan or part of it	14.2
○	○	●	○	○	15		The County Councils publish the approved plan	14.4
Current planning								
		●			16		Every second year the County Councils submit a progress report to the Ministry for Environment and suggest any changes that might be necessary	16

N.B.: The Ministry for Environment is empowered by § 4 of the law to make regulations concerning national planning at each phase of the planning process.

Industrial structure by county 1973



The area of the circles are proportional to the total number of employed in the industry

