



Regional development studies

The EU compendium of spatial planning systems and policies Denmark

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The EU compendium of spatial planning systems and policies Denmark

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Cataloguing data can be found at the end of this publication.

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Preface

Each year, the Regional Policy Directorate-General of the European Commission launches a number of studies in the field of regional policy and regional planning. These studies mainly aim at providing a basis for policy formulation internally, as well as the preparation of programmes and initiatives and a basis for analysing the impact of current or planned activities. The most interesting or innovative of these are published in a series entitled 'Regional development studies'.

With this series, the Directorate-General hopes to stimulate discussion and action in a wider sphere on the research results received. The publication of the studies is addressed to politicians and decision-makers at European, regional and local level, as well as to academics and experts in the broad fields of issues covered.

It is hoped that by publicising research results the Commission will enrich and stimulate public debate and promote a further exchange of knowledge and opinions on the issues which are considered important for the economic and social cohesion of the Union and therefore for the future of Europe.

Readers should bear in mind that the study reports do not necessarily reflect the official position of the Commission but first and foremost express the opinion of those responsible for carrying out the study.

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Compendium's objectives

The Compendium is made up of numerous documents. The main volume is the Comparative review of systems and policies (Regional development studies — Study 28) which provides a summary of the characteristics of each system and illustrates the principal similarities and differences in approach across the EU. This was prepared from information supplied by subcontractors in each Member State which is also published in individual country volumes (Regional development studies — Study 28A to Study 28P). There are also volumes which consider the operation of planning in practice through examination of case studies on topics of particular interest to the EU.

The Informal Council of Ministers for regional policy and planning confirmed in 1992 the need for a Compendium of spatial planning systems and policies in the EU. The increasing need for cooperation between planners in different Member States at national, regional and local levels and the impact of EU policies within the changing economic, political and social context requires a better knowledge of the various mechanisms of spatial planning in other Member States.

The Compendium is intended to provide an authoritative and comparable source of information on planning systems and policies, but is not intended to evaluate the relative merits or shortcomings of different approaches. It is recognised that the very different economic, social and cultural conditions across the EU can have a determining effect on the operation of spatial planning. The overriding objective of the Compendium is to provide information in order to improve understanding of the variety of approaches.

Form and content

The principles that have guided the preparation of the Compendium are that it should:

- provide an authoritative first source of information, but avoid unnecessary detail and should not reproduce material readily available in the Member State;
- enable comparison of the systems and policies across different countries and regions, enabling the reader to cross-reference one section with similar material in other volumes;
- respond to the different needs of the many potential audiences, especially with regard to the foreign reader who will require an uncomplicated and comprehensible explanation;
- be built up step by step and allow for regular updating and expansion;
- be produced in hard copy and computer formats.

Level of detail

These considerations have given rise to inevitable compromises in the production of the material, especially in balancing the need for an authoritative account whilst not overloading the text with unnecessary detail. The panel of experts have been most helpful in determining where more or less (or clearer) explanation is required. The Compendium is designed to provide summary descriptions of the main features of the system and thus explain how the system works. Obviously there is some variation in the complexity of the systems, especially where the law concerning spatial planning is extensive and complex, and thus the depth of understanding provided by the Compendium for Member States will vary.

The Compendium is certainly not intended to be a manual for operating within a particular system and does not replicate or reproduce extensive extracts of law or procedural guidance that is available in the Member State. The accounts are necessarily general. The categories used for the main structure are also very general because they need to apply to 15 different countries and an even larger number of systems. They are unlikely to be ideal categories or headings for a particular country, but all contributors have had to make a best fit for their system within these headings. The great benefit is that this gives considerable scope for very worthwhile comparisons. Sources of further information are given for those who need to explore in more depth.

Regional variations

The complexity of a 'planning system' will be great where federal or regionalised structures of government give rise to major variations within the Member State. In these cases to avoid unnecessary complexity and research, the approach agreed with the subcontractors and Commission was to provide a full explanation of one of the regions (where possible the most typical or widely applied system) and to note the major variations to this 'typical system' elsewhere. This approach is more easily adopted for some countries than others. Inevitably some important and interesting variations are not covered fully, and it is hoped that this can be addressed in future updating.

Structure

The Compendium is published in two parts. The first comprises a country volume for each Member State on systems and policies. The second part comprises topic volumes where case studies of spatial planning in practice from different countries are grouped together.

The country volumes of the Compendium covering systems and policies include four main sections.

A. Overview

This is intended to give a brief explanation of the main features of the system, a description of the main factors that surround and shape it, current trends and a summary of the policy themes pursued at transnational, national regional and local levels.

B. Making and reviewing plans and policies

This is an explanation of the instruments which are used to guide spatial planning and national, regional and local levels, and the procedures which are used in their formulation.

C. Regulation and permits

This section provides an explanation of the types of regulation and permit systems predominantly used to control land use change, and the procedures by which they are sought, granted and enforced.

D. Agencies and mechanisms for development and conservation

There are many other ways in which governments engage in spatial planning outside the preparation of plans and regulation, and this section provides a summary of the many organisations and mechanisms which are employed both in implementing development and in protecting the natural and built heritage.

Each volume on systems and policies for the Member States follows the same format. Each Member State volume includes other subheadings which help to structure the content relevant to that particular country and these are in ordinary type.

Language and terminology

One of the great difficulties of comparative work is the complications and ambiguity arising from translation from one language to another. The approach taken in the Compendium has been to ensure that all names of elements of the planning system which are specific to that country (or region) are given in the 'home language', and these are in italics in the text. When first used these terms should be accompanied by a very brief explanation of the meaning of the term (if this isn't evident from the text). The explanation is repeated if necessary at the first mention in later main sections of the text. A glossary of home language terms is provided in each volume.

Literal translations of terms has been avoided because this gives rise to considerable ambiguity. For example the Danish term *lokalplaner* can be literally translated into English as 'local plan', but the UK local plan is a very different type of instrument to its namesake in Denmark. Contributors and editors have been sensitive as far as possible to the needs of the foreign reader, who is unlikely to be familiar with the system or the language, so undue repetition of complicated home language terms is avoided as far as possible.

Scope and content

The content of the Compendium is focused on discussion of the policies, agencies and mechanisms which are primarily designed to promote 'land use and development issues which have spatial implications'. In the words of the brief the Compendium is concerned with

spatial planning and development in the widest sense (strategic, regional and physical land-use planning). It will have to deal not only with physical planning acts (or their equivalents) but also with other legislation and procedures directly affecting the spatial distribution of development at national, regional and local levels of government. Other closely related areas (such as sectoral policies for transport, environment and energy) must be looked at in terms of their relationship with the (land-use) planning system.

Spatial planning does not mean any particular form of planning adopted by a Member State. It is a neutral term which describes the arrangements used by governments to influence the future distribution of activities in space. It is undertaken with the aim of producing a more rational organisation of activities and their linkages, and to balance competing demands on the environment. Spatial planning also incorporates those activities undertaken to achieve a more balanced distribution of economic development than would arise from market forces alone. Spatial planning is important to the Community's policies of social and economic cohesion and the need to maximise the potential of the single European market.

However, the definition of what constitutes spatial planning in each Member State is no easy task. There is considerable difference in what is considered as part of the spatial planning system in different Member States. One benefit of the Compendium is that it helps us to understand these differences.

Benchmark date

Because of the need for the Compendium to provide comparative information in a rapidly changing world, a benchmark date was set of 1 January 1994. This relatively early date (close to the start of the project) was chosen because information on the various elements of systems and policies would be available. The operation of the system would be clear, especially in relation to the impact and significance of particular elements. There would be no need to speculate as to the relevance of more recent change. However, change is a central feature of planning systems and policies, and some countries are undergoing significant restructuring in one or both areas.

In the case of Denmark, the Danish Parliament adopted on 29 May 1997 new legislation concerning retail trade and spatial planning. The act is an element of the governments endeavour to improve possibilities for a decentralised retail trade structure, which also stimulates investment and regeneration of retail trade in local and municipal centres.

Furthermore, it aims to strengthen existing urban centres as vibrant and varied trade centres, to reduce dependence on cars, to promote urban regeneration rather than green field development, to secure a robust infrastructure and to promote the concept of 'compact cities'.

For updated information, please contact the responsible national authority at the following address:

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Author's note

Many people have contributed to the preparation of the Denmark section of the Compendium and a great deal of effort has gone into collating the information it contains. The author is grateful to Professor H. W. E. Davies, University of Reading, who has provided many detailed and useful comments on earlier drafts. Also the Spatial Planning Department of the Ministry of Environment and Energy took particular care and attention in providing background information and reading and commenting on draft material. For this, the author is grateful especially to Ms Ida Larsen for her very efficient cooperation. Furthermore, the author is grateful to Mr Christian Aunsborg, Department of Development and Planning at Aalborg University, for useful discussions and comments during the process of preparation; and to the Department for administrative support. The county of North Jutland, the municipalities of Odense, Høje Taastrup and Aarhus have kindly given permission to use material as illustrations.

It should be stressed that this document has been prepared as part of a comparative exercise and follows a format and a timetable that has been designed to be used to describe all the very different planning systems in the European Union Member States. Considerable care has been taken in the use of various terms especially in identifying those that should not be translated, whilst at the same time seeking to prepare a document which is as accessible and user-friendly as possible. In short the volume is very much a compromise solution. Therefore it may not be in the most convenient structure or style of explanation for all users.

The author is also aware that this document is very much an abstraction of the reality of the planning system in Denmark. The document aims to provide a comprehensive understanding of the concept of the system. However, the emphasis is on the formal procedures and instruments and it is recognised that it does not reflect the complex nature of spatial planning and land management in practice. The brief for the Compendium was to describe the formal system of planning and policy-making. The question of the operation of the systems is addressed to some extent by the examples given in this volume, and will be further elaborated by the case studies which are given in separate volumes.

The compendium is prepared by using 1 January 1994 as a benchmark date. Obviously law and procedure is constantly changing (although not remarkable in Denmark compared to some other States) and effort is made to indicate where there has been changes in the system since the benchmark date. The need for further updating and revisions of the Compendium is recognised as a key issue.

Despite all these caveats there is inevitably some interpretation of what is and is not significant in describing the Danish system. This text reflects the view of the author and any omissions or errors remain his responsibility.

December 1995
Stig Enemark

A. Overview of planning system

General summary

A1. The Planning Act delegates responsibility for spatial planning in Denmark to the Minister for the Environment, the 14 county councils and the 275 municipal councils. The Planning Act came into force in 1992, but it is based on the planning reform adopted in 1975 as well as the administrative reform adopted in 1970.

A2. The key feature of the planning system in Denmark is the obligation for both the regional (county) and local (municipal) authorities to each establish, adopt and revise comprehensive structure planning and a set of land-use regulations, totally covering their respective areas. This means that, since 1980, there have been two sets of new, comprehensive plans covering the entire country. The plans are revised every four years.

A3. The objectives of *Lov om Planlægning* (the Planning Act 1992) are to ensure that planning synthesizes the interests of society regarding future spatial structure and land use and contributes to the protection of the country's nature and environment, so that sustainable development of society with respect for people's living conditions is secured. Obviously the planning process is highly political, dealing with shaping the future human environment based on public debate and the balancing of different interests.

Framework of plans

A4. The basic element of the planning system is the division of the country into three zones, urban, recreational and rural. In the urban and recreational zones, development is allowed in

accordance with the current planning regulations. In rural zones, covering about 90 % of the country, developments or any changes of land use for other purposes than agriculture and forestry are prohibited, or subject to a special permission according to planning and zoning regulations. The change of rural areas into urban zones requires provision of a *lokalplan* (binding local plan), followed by a land-use tax, to be paid by the landowner.

A5. The planning system is based on the principle of framework control, signifying that the plans at lower levels must not contradict planning decisions at higher levels. But the objectives and the contents of planning are different at the three administrative levels.

A6. At national level, the spatial planning policies of the government are mainly expressed in the mandatory national planning report which the Minister for the Environment submits to the *Folketing* (Parliament) after each national election. The national planning report of 1992 was issued as a national perspective, 'Denmark towards the year 2018' analysing the structural objectives of Denmark in the light of future European development. The perspective serves the function of a reference framework presenting strategic goals and actions regarding cities, traffic, tourism, etc. and international relations. The Minister for the Environment can also influence and intervene in the planning process at local levels, and the Minister may provide binding national planning directives, for implementing national planning policies.

A7. At county level the *regionplaner* (regional plans with policies, maps and land-use guidelines for the total county area) are established by an overall assessment of the future development of

the region. The plans must contain guidelines for the designation of urban areas, the location of large public institutions, large shopping areas and major traffic and infrastructure facilities, the location of major projects and enterprises having special environmental requirements and, finally, guidelines for both rural land use and recreational and environmental protection. The Danish EIA procedure (environmental impact assessment) is integrated in the planning process at this level. The plans thus reflect the subjects of the administrative responsibilities of the county authorities, and the guidelines constitute the legal basis of permits according to the sectoral land-use provisions regarding agriculture, and nature and environmental protection.

A8. At municipal level the *kommuneplaner* (municipal plans with policies, maps and land-use regulations for the total municipal area) are prepared on the basis of an overall assessment of the present and future land use, economic resources, and with due regard to the local sectoral planning. The plans determine the future development of urban communities for housing and working as well as environmental conditions, infrastructural facilities and the supply of public and private services. The connected guidelines/regulations determine the future administration of land use according to building permits, etc. The plans therefore serve two main functions: a political tool, as a strategy for controlling development and environmental adaptability, and a legal tool, as a pattern for land-use administration.

A9. The municipalities have the right and duty to provide *lokalplaner* (binding local plans with maps and detailed land-use regulations for a minor neighbourhood area) to ensure implementation. These plans have to be provided prior to larger developments and investment works. The local authorities may also prepare such plans whenever they wish to issue detailed planning regulations. The plans are binding on the landowners, but the plans regulate only future transactions. About 20 000 *lokalplaner* have been provided since 1975.

A10. *Regionplaner*, *kommuneplaner* and *lokalplaner* have to be submitted for public debate and for public inspections and objections before final adoption. This provides for public participation in the planning process at all levels.

A11. On the other hand, there is no opportunity for an appeal or inquiry of the contents of an

adopted plan, even the *lokalplaner*. The adoption of a plan is conclusively determined respectively by the county and the municipal councils and there is no compensation to landowners for any development limitations thereby incurred. The procedures of public participation mentioned above are regarded as adequate for the legitimacy of the political decision. The consequence for the development process is that, if a project or a development proposal is consistent with adopted planning regulations, there will be no further delay for implementation. The control of consistency with adopted planning regulations is finally exercised through the granting of building permits.

A12. Regulations established by the planning system are mainly restrictive. The system may ensure that undesirable development does not occur, but the system will not be able to ensure that desirable development actually happens at the right place and at the right time, as the planning intentions are mainly realized through private developments. When there is a development proposal which is not in line with the plan, either a minor departure from the plan may be allowed, or the plan itself has to be changed prior to implementation. This process includes public participation, and the development opportunities are finally determined by the municipal council.

A13. However, the result of the planning process is not the planning document itself, but the overall resulting state of conditions. The system finally determines the control of appropriate development to be exercised through building permits, permits for subdivision and permits for sectoral land use where consistency with the planning regulations are checked as part of the permits. Control of actual development and environmental improvement is therefore available.

History

A14. The planning system has been developed for a number of years, changing with changing conditions, but it is rooted in the tradition of understanding the necessity for functional cities and the regulation of land use.

A15. The first Town Planning Act was passed in 1925, but was little applied because the use of planning regulations included an economic risk concerning the liability for compensation to be paid by the municipal councils. In 1938 a new Planning Act was passed imposing the duty on the municipal councils to adopt a *byplanvedtegt*

(town planning by-law) for any built-up area with more than 1 000 inhabitants. The plan was to be submitted for the approval of the Minister of Housing. A considerable number of plans were then adopted, as the 1938 planning regulations did not imply a duty to pay compensation to the landowners. However, planning was only aimed at the regulation of towns, and there was no legal basis for ensuring the separation between urban and rural areas or for limiting urban growth. The resulting urban sprawl created the need for an Act passed in 1949 by which *byudviklingsudvalg* (urban development committees) were set up for all expanding urban districts. The committees provided *byudviklingsplaner* (urban development plans) dividing the expanding areas into zones and preserving the open country areas. This zoning forms the basis for the present zoning division of the whole country.

A16. As in many other countries, urban development in Denmark accelerated between 1945 and the mid-1980s. The resulting new urban districts, which include residential and commercial areas and service functions, now encompass 75 % of the developed urban land and half of the population. This huge urban development was regulated mainly by the zoning provisions mentioned above. The municipalities developed master plans for the cities and towns, and district and regional plans were voluntarily prepared in several areas.

A17. These master plans indicated the need for overall comprehensive planning. This led to the preparation of planning law reforms during the mid-1960s. This was based on the local government reorganisation which came into force in 1970 and reduced the number of counties from 25 to 14 and the number of local authorities from 1 388 to 275 municipalities (see Diagram A1). The reorganisation created the basis for transferring a number of responsibilities and powers to the counties and especially to the municipal councils by means of decentralisation.

A18. The planning law reforms were implemented during the years 1970 to 1977 and included the Urban and Rural Zones Act (1970), the National and Regional Planning Act (1973) and finally, the Municipal Planning Act (1977). A number of acts were then repealed and many administrative agencies, including the urban development committees, were then abolished.

A19. The planning law reforms have since been reviewed and revised, and this legislation was in-

tegrated into a single Planning Act which came into force in 1992. At the same time, based on 15 years of experience and new environmental challenges, the legislation was simplified and modernised

A20. The result is a planning system with not only a highly political and effective planning process, but also where the quality of the plans depends on the quality of the political and democratic process at local level. The planning process embraces both the strengths and weaknesses of democracy.

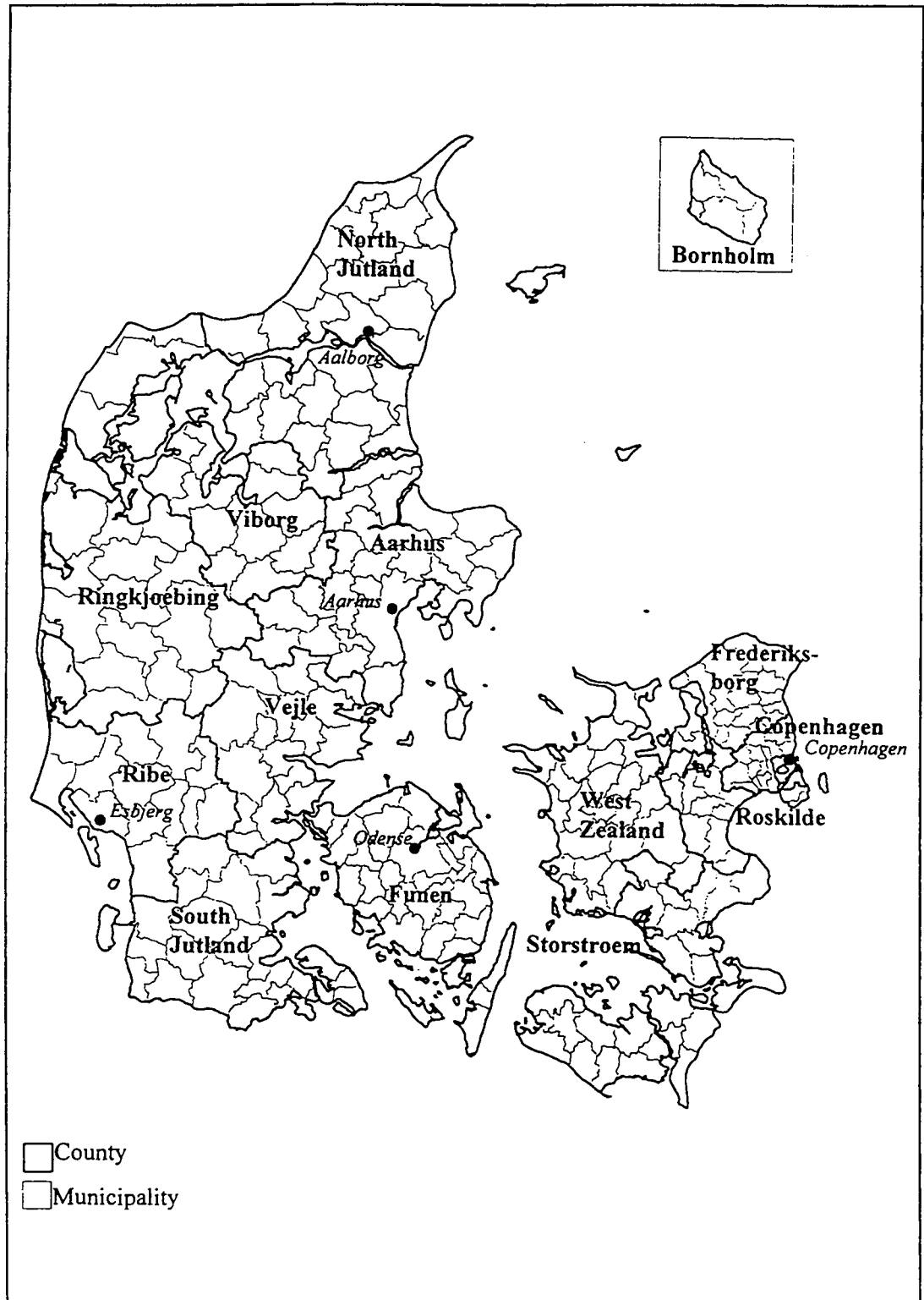
Context and principles

Constitution, judicial system and legislation

A21. Denmark has been a constitutional monarchy since 1849. The *Folketing* (Parliament) and the Queen have legislative power, The Queen (actually the Government) has executive power and the Courts of Justice have judicial power. Since 1953, when the most recent revision of the Constitution was passed, the *Folketing* comprises 179 members. Elections must be held every fourth year but are usually held more often. The election system is proportional representation.

A22. The Constitutional Act contains rules about civic rights, and section 73 (concerning the inviolability of private properties) notes in connection with the regulation of land use: 'No person can be ordered to surrender his property, except when required by public interest. It can be done only as provided by statute and against full compensation'. Section 73 then limits the means of expropriation to be used only according to statutory provisions, and only when required by public interest. Adoption of planning regulations are not seen as expropriation, as the plans regulate only future transactions. However when a *lokalplan* (binding local plan) reserves a property for public use, the owner may request that the municipality takes over the property with full compensation.

A23. The ordinary judicial system consists of three levels: the first level comprises the 84 city courts; the second level comprises the High Courts for the eastern and western part of the country; and the third level comprises the Supreme Court of Justice. There are no special administrative courts in Denmark, but the Nature Pro-



A1: The administrative structure of Denmark comprising 14 counties at regional level and 275 municipalities at local level.

tection Board of Appeals and the Environmental Protection Board of Appeals are established as independent quasi-judicial organisations for dealing with appeals concerning land-use regulation and environmental protection.

A24. As a general rule, appeals can only be made concerning the legal issues involved in the planning process; for example whether the proper procedure was followed or whether a *lokalplan* is mandatory. There is no opportunity for an appeal against the content of plans, and there is no opportunity for an appeal against the discretionary decisions of the authorities when administering the adopted planning regulations.

A25. Legal proceedings concerning the compulsory purchase of properties must be instituted before the High Courts. Matters of compensation may not be brought before the courts until the *Taksationskommission* (Appellate Valuation Committee) has reached a decision. Legal actions against a person who has committed an infringement relating to local planning provisions or the building provisions of the Building Act may be pursued through the city courts.

A26. The key legislative basis for the planning system is of course the Planning Act 1992, which divides the responsibility for spatial planning between national, regional and local levels. The Act provides the framework of provisions for the procedures, the contents of the plans and the legal effects.

A27. The Building Act determines final control of implementation to be executed through the granting of building permits, and the Act provides the detailed regulations of construction works.

A28. Finally a number of sectoral land-use acts, e.g. the Nature Protection Act, the Environmental Protection Act, etc., provide regulations on nature and environmental protection, agricultural and forestry land, and infrastructural investment works.

Development process and market circumstances

A29. The *regionplaner* and *kommuneplaner* (regional and municipal plans) will reflect and respond to the market circumstances by the general demand to update the plans every fourth year or whenever necessary according to changes in the local social or economic conditions.

A30. Development in Denmark is plan-regulated and the regulations established by the planning process are mainly reactive. However, the planning process is based on a dialogue between the planning authorities and the development/investment interests in order to incorporate these interests in advance.

A31. Major development proposals require a *lokalplan* (binding local plan) to be provided prior to implementation. The content of the development proposal may be negotiated and changed during the process of providing the plan. When the plan is adopted, in accordance with planning regulations at higher levels, there will be no further delay for implementation, as the granting of a building permit is then a formality. Minor developments only need a building permit. Conformity with adopted planning regulations are then checked as a part of processing the permit.

A32. Public implementation of plans will be used for developing public service buildings, major roads, and parks and other public use facilities. Private implementation can be encouraged and improved by both public purchasing of land, and provision of necessary infrastructure. The land can then be disposed of for further development by private investors.

A33. The county and municipal councils are not entitled to establish public enterprise cooperations or to enter into private enterprise as the financial activity of the councils is limited under the *kommunalfuldmagt* (municipal authority). This limitation of activities is not statutory but the Ministry of the Interior and the Courts have developed a practice based on a series of decisions on this issue. One major limitation lies in the fact that the councils are not entitled to engage in business activities and thereby damage other businessmen, and they are not allowed to support individual business enterprises.

A34. The development of social or non-profit housing is not the responsibility of the municipalities but is carried out by private non-profit housing associations. The associations cooperate closely with the municipal authorities in order to meet the needs of a broad range of social groups. Non-profit housing is subsidised by the State. Urban renewal projects are also financed by State grants, allocated according to municipal applications based on local urban renewal plans. The projects are implemented by special companies, which must be run on a non-profit basis.

Some municipalities have founded their own urban renewal companies.

Non-profit housing comprises about 20 % of all dwellings in Denmark; about 60 % are owner occupied and 20 % are rented from private owners or owned by housing cooperatives.

Economic development

A35. Economic development is reflected, as well as improved and controlled by, the planning carried out at regional and local level. This means that economic development priorities are highly incorporated within the planning system, and the priorities may vary according to local conditions. The county and municipal councils must strive to adopt comprehensive spatial development strategies and to promote development opportunities for private investment interests (see section D. Regional and local economic development).

Environmental policy

A36. Implementation of environmental priorities is seen as a main, common purpose of the planning system. In fact the Planning Act, the Nature Protection Act and the Environmental Protection Act have the same common objective of: '... 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 wild life and vegetation is secured'. This means environmental priorities are highly incorporated within the planning system and the system of land-use control.

A37. An example of the emphasis on environmental issues is a recently-proposed bill giving increased protection to coastal areas by expanding the existing protecting zone from 100 to 300 m in rural areas and by establishing a 3 km planning zone along the coasts with special planning requirements for developments (see section D, Coastal planning). Another example is the issue of urban ecology where a number of new measures have recently been introduced.

A38. A distinctive environmental quality can economically benefit agriculture, fisheries and the tourism sector in Denmark in the long run. Environmental qualities may attract investors in services and industry, which increasingly emphasise location in healthy and clean surroundings. A clean environment will also ensure healthy living conditions for people and for abundant wild flora and fauna, and contribute to improving the state

of the global environment. Environmental policies are further described in section F, Environment.

European Union

A39. The European Union affects the Danish planning policies in a number of ways. The first impact is at the national policy-making level, but the regional and local authorities are also affected. Awareness of the European dimension is increasing at all levels.

A40. In general, the single market brings further internationalisation of economics. The competition between European States, as well as regions and cities, becomes more intense, and the mobility of firms and people is increased.

A41. The EU regional policy, as well as sectoral policies in areas such as transport, agriculture, and the environment, also have implications for the spatial planning policies at national and regional level. The EU directive on environmental impact assessment has been implemented directly in the Danish Planning Act.

A42. Denmark considers the ongoing work in the EU Committee for Spatial Development concerning the European Spatial Development Perspective (ESDP) as very important. From a Danish point of view, the purpose of this work should be to create a reference framework for decision-making in the European Union, as well as decision-making at national and regional levels, and also as a guide for spatial development and planning. With due respect for the principle of subsidiarity, an ESDP should aim at a formulation of guidelines, policies and strategies for joint actions.

A43. Denmark participates in the group of 11 countries producing the report 'Vision and Strategies around the Baltic Sea 2010'. The aim is to establish a vision for spatial development in the Baltic Sea area. The vision is made operational by taking a number of common initiatives.

A44. The Danish spatial development perspective, 'Denmark towards the Year 2018' (1992), promotes six overall goals as a guide for the process of spatial development and future design of Denmark (see section A, Political priorities). The perspective includes a number of issues influenced by the EU policies:

- The urban pattern:
The perspective promotes a hierarchical urban system in which the roles of the cities are

defined within the context of regional, national and international importance. The perspective promulgates the goal that the Öresund region will be the leading urban region in the Nordic countries. Investigations of developing the Öresund region are supported by the EU-Interreg 2 programme. The main project of the inter-regional cooperation is to establish a bridge-link across the water of Öresund between Denmark and Sweden. This project receives funding from the EU.

- The urban environment:
The European Commission's 1990 publication, the Green Paper on the urban environment, has initiated a renewed debate on the urban environment. The EU urban environment policy has also launched the Sustainable city projects. The Danish Spatial Planning Perspective promotes this approach to urban development.
- The transport network:
The plans for the main European transport axes — including the trans-European network (TEN) as described in the White Paper — have been incorporated in the Danish government's transport policy described in the report Traffic 2005. Projects of particular interest for Denmark in TEN include a fixed link across Fehmern Belt between Denmark and Germany, and a linkage of the Öresund region into the network of European high-speed trains.
- Cross-border municipal cooperation:
An increasing number of cities within EU Member States strive to strengthen their position at the European scale through mutual cooperation. The Danish Ministry of the Environment therefore supports such cooperation in Denmark. One of the demonstration projects — established as a follow-up to the National Spatial planning perspective — includes eight municipalities which are preparing a common comprehensive spatial planning perspective for their geographic areas.

A45. At the regional level, the European Union affects development policies through funding a number of specific development projects in the peripheral regions including the smaller islands of Denmark. The different European support programmes for rural areas influence the content of the planning at regional and local level to some extent. For example, the EU policy on decreasing

agricultural areas is supported by increased efforts — through regional planning — to protect and restore environmental and natural features in the countryside. Furthermore, the trans-European network may affect the content of plans through land reservations for infrastructure facilities in the regional planning process. Finally, according to the EU directive on environmental impact assessment and the Espoo-convention, the regional and local authorities follow certain consultation procedures before implementing major projects. The directive has been directly implemented in the Danish Planning Act, and the procedures are carried out as an integrated part of the regional planning process. The EU bird protection areas, as well as the EU Habitat Directive, have direct influence on the content of regional planning concerning land-use and protection.

Flexibility

A46. The level of detailed planning regulations is for the regional and local authorities themselves to decide. The content of the *regionplaner* and *kommuneplaner* (regional and municipal plans) in terms of certainty may vary considerably. Some plans may include very detailed regulations while others are more imprecise and provide flexibility for political decisions on permitted activities. Minor departures from the plans are allowed, while major changes or changes in the land-use regulations must be carried out by providing amendments, which include the normal procedure of public participation.

A47. The *lokalplaner* (binding local plans) usually include very detailed regulations on land use, and the plans are normally provided for the implementation of a specific development proposal. The municipal council may grant exemptions from the provisions of a *lokalplan* if the exemption does not contradict the principles of the plan. These exemptions may first be granted two weeks after giving notice to the landowners covered by the plan and the neighbours of the property in question. More extensive deviations may only be carried through by producing a new *lokalplan*.

Government structure and powers

A48. Denmark has a highly decentralised system of public administration. Local authorities administer more than 50 % of the total public expenditure. Each regional and local authority levies taxes, and holds the responsibility of utilising these

revenues. More and more responsibilities have been transferred from the State to the local governments. The purpose is to solve the tasks at the lowest possible level in order to combine responsibility for decision-making with accountability for financial consequences. The activities of the local authorities are financed by income taxes, land taxes and by State block grants.

A49. The system of local government comprises 14 counties and 275 municipalities. The structure and the election system of the county and municipal authorities are presented in section B, Regional and local government organisations.

A50. The county authorities are responsible for functions of regional character. The main areas are: hospitals, high schools, major roads, public transport, regional planning, and rural land-use administration. A county constitutes a geographical region of about 350 000 inhabitants on average.

A51. The municipal authorities are responsible for local functions. The main areas are: social welfare and health service, primary and secondary schools, public utilities, local roads, and local planning and development. Population of municipalities is around 20 000 on average, ranging from half a million in the city of Copenhagen to a few thousand. The general idea is that an urban community and its base of support, forming a demographic and economic unit, should constitute a local authority. Except for the metropolitan area this goal is broadly achieved.

A52. At State level there is the *Folketing* (Parliament) and a Government divided into around 20 ministries.

A53. The Danish three-level governmental structure includes a clear division of power, responsibility and tasks between the levels. The high degree of decentralisation then provides for a high autonomy of the county and municipal authorities. Within the field of spatial planning the key feature is the right and duty for the authorities to provide, adopt and maintain comprehensive structure plans covering the total area. National sectoral policies are implemented as an integrated part of the planning process based on a dialogue between the national, regional and local level.

Land policy and land and building quality

A54. The general zoning (dividing the total country into urban, recreational and rural zones) pro-

vides a low real estate value in rural areas, where no developments are allowed except for agricultural and forestry purposes. The transfer of rural areas into urban zones requires a *lokalplan* (binding local plan), followed by a land-use tax to be paid by the landowner, or alternatively the owner may require the municipality to purchase the property in question. Rural areas which have potential urban use may be purchased beforehand by the municipalities in order to prevent private speculation, thereby establishing an active land policy for economic development.

A55. The provisions on rural zones are mainly intended to provide a clear delimitation between town and country, and to prevent uncontrolled land development and installations in the countryside and to preserve valuable landscapes. The rural zoning administration is based on the guidelines of the *regionplaner* and *kommuneplaner* (regional and municipal plans), balancing protection and commercial interests in a broad sense.

A56. In urban areas, the public assessment of the real estate values will reflect the development opportunities established by the *kommuneplaner* and the *lokalplaner*. The public assessment may vary from the actual market value, due to fluctuations in demand and supply.

A57. The Agricultural Holdings Act requires that all agricultural properties be operated in accordance with agricultural and environmental considerations. This duty applies to two-thirds of Denmark's land. The protection of agricultural land can be abolished when land is transferred into an urban zone, which is based on planning considerations and with due regard for the quality of the agricultural land. The conservation provisions of the Forestry Act ensure responsible management of forest areas, which comprise 12 % of Denmark's land.

A58. The Nature Protection Act provides the legal basis for protection and conservation of nature, landscape features and historic elements. In addition the Act gives protection to certain areas and elements in nature and landscape by establishing fixed protection zones along coasts, lakes, streams, etc. Furthermore, the Act provides for the acquisition of property to allow State afforestation and major restoration projects.

A59. The Planning Act provides a planning zone within 3 km of the coastline, in which special attention is given to protection of valuable features

of the landscape. The coastline is about 7 000 km long.

A60. The Protection of Buildings Act includes two categories of buildings that merit conservation. About 300 000 buildings are considered to be valuable and nearly 9 000 buildings merit further protection and are listed. Municipal atlases showing the buildings and the historic and architectural values are compiled by the National Forest and Nature Agency in cooperation with the municipal councils.

Plan led/development led

A61. The *regionplaner* and *kommuneplaner* (regional and municipal plans) are binding for the county and municipal authorities, which must seek to implement the plans using their administrative powers. The *lokalplaner* (binding local plans) are binding for landowners with regard to any future land-use activities.

A62. Development proposals must be consistent with adopted planning regulations, and the system may be characterized as plan-regulated. But the planning regulations may be adjusted or changed in order to allow for implementation. The plan-regulated system may therefore have a few exceptions regarding the management of large development proposals which are contrary to the planning regulations.

Political priorities

A63. Political priorities may be seen as the core substance of the planning process. This means that spatial planning is basically a way of discussing, determining and implementing political priorities with regard to control of spatial development.

A64. At the national level, priority is currently given to the Danish spatial development perspective, Denmark towards the year 2018. The overall goal of the perspective is that Denmark should become the cleanest country in Europe by broadly integrating environmental considerations into its policies. Through this perspective, the Government has promulgated six overall objectives as a guide for the process of spatial development and future design of Denmark:

- To strengthen the competitive position of Danish cities in Europe.
- To make the Öresund region (comprising the Copenhagen region on the Danish side of

Öresund and the Malmö region on the Swedish side) Scandinavia's premier urban region.

- To ensure that Danish cities remain beautiful, clean and efficient.
- To integrate Denmark's cities into international traffic routes whilst respecting the environment.
- To ensure that rural life and landscapes remain untouched.
- To ensure that Denmark's coastline, towns and cities retain their character, attract tourism yet remain unspoilt.

A65. The Danish spatial development perspective is a reference framework. There are no requirements or stipulations binding local decisions. It is up to each county and municipality, and the private sector, to relate to the perspective on development expressed in this vision. At State level, the perspective functions as a reference framework for policies with spatial effects.

A66. The perspective is being followed up by State initiatives that can be considered as the first steps on the way towards realising the six objectives mentioned above. The Government also provides a number of recommendations in this spatial development perspective that aim to inspire an emphasis on quality in the development of Denmark's cities and rural areas. At present, substantial attention is focused on the implementation of 11 demonstration projects within the overall objectives in the perspective. The projects deal with the following issues:

- establishing city networks,
- maintaining architectural quality in city centres,
- restructuring city centres while improving their urban qualities,
- improving the urban environment,
- local action plans on transport and the environment,
- development in rural districts,
- biological dispersal and recreational corridors in the countryside,
- nature and cultural history of landscapes,
- development of tourism in a popular coastal area,
- nature management and tourism in a large archipelago, and
- strengthening cultural tourism.

A67. The projects are carried out by appointed regional and local authorities and are funded

and monitored by the National Spatial Planning Department.

Political system, administrative system and public participation

A68. The elected councils at regional and local levels hold the responsibility of carrying out planning duties, and they hold the administrative powers as determined in the Planning Act, the Building Act, and the sectoral land-use legislation. The decisions of the councils are prepared by the officers employed in the administrative departments of the regional and local government organisations. The regional and local authorities have considerable freedom to determine the structure of their own administration, by setting up political committees (e.g. for planning and environmental matters) and administrative departments (e.g. a technical department dealing with spatial planning, building permits and infrastructure supply).

A69. The national political parties are normally also predominant in the regional and local councils. This does not, however, mean that the policy of the national parties automatically dominates the dispositions of the councils. Different and non-traditional alliances may be formed in order to pursue local aims and demands. The political system at regional and local level then takes a more local approach and works by striving for consensus.

A70. The State departments and the county and municipal councils employ officials to carry out the administrative duties and responsibilities. The authority of the officials is delegated by the politicians, and is limited by internal rules which imply that certain important decisions must be determined by the minister or the councils themselves. The officials then act on behalf of the minister/councils and are responsible according to their delegated powers; e.g. planning proposals are prepared by the officials and approved by the regional and local councils.

A71. The administrative process is regulated by the general provisions of the Administrative Act which state that decisions of the administrative authorities must give the grounds for the decision, the legal basis, and explain the possibilities for appeal. Furthermore, the Act of Public Access to Documents constitutes the right for the public to have access to administrative documents on relevant cases which are currently being dealt with by the public administrative authorities.

A72. Consultants may be used by the public authorities for carrying out identified tasks such as design of construction works, survey of topical issues or problems, etc. The general role of consultants is to advise and support private land-owners or companies and to prepare proposals; e.g. in the development process.

A73. Public participation is ensured as an important part of the planning process. The planning proposals at regional and local level, as well as the local plans, have to be submitted for public debate and for public inspections and objections for at least eight weeks before final adoption.

A74. Public participation is considered an important means for determining the aims and objectives for economic development and environmental improvement as well as an important means for democratic control. Especially for *lokalplaner* (binding local plans), public participation allows opportunities for public inspection and objection prior to local changes of the spatial environment. There is no opportunity of an appeal into the content of an adopted plan, as the procedures of public participation are regarded as adequate for the legitimacy of the political decision.

Population and statistics

A75. The population of Denmark is 5.2 million. The area of Greater Copenhagen has 1.7 million inhabitants (one-third of the population). The next largest cities are Aarhus (204 000), Odense (141 000), Aalborg (115 000) and Esbjerg (72 000).

A76. The demographic trends show a stagnation in the metropolitan area while there is an increase in the eastern part of Jutland (the area of Aarhus).

A77. The range of population within counties is indicated on the table below. At the regional level, the area of counties is about 3 000 sq km on average, with a population of about 350 000.

A78. At the local level, the range of population is about 20 000. However, for about half of the municipalities the population is less than 10 000, and for only about 10 municipalities is the range of the population more than 50 000; with the municipality of Copenhagen having just under half a million inhabitants.

Diagram A2. Size of area and population of levels of government

Number, area, population	Municipalities	Counties	Total country
Number	275 ⁽¹⁾	14	
Local authorities per county average range		20 5/32	
Area (km ²) average range	160 10/560	3000 500/6 000	43 000
Population (000s) average range	20 3/470 ⁽²⁾	350 45/600	5 200

(¹) Two municipalities (Copenhagen and Frederiksberg) are also county authorities.

(²) Largest municipality outside Copenhagen is Aarhus with 275 000 inhabitants.

Sectoral policy

A79. The process of providing and revising the *regionplaner* and *kommuneplaner* (regional and municipal plans) is based on a dialogue between the national, regional and local level, in order to coordinate the integration and implementation of superior policies within specific sectors; e.g. transport or energy policies. The process also is based on a dialogue with the development and investment interests in order to build-in these interests in advance. Finally, the process is based on an internal coordination of sectoral and economic plans at county and municipal level. The sectoral policies are described in section F, Policies. The integration of sectoral policies to form a global planning approach is described in section E, A global planning approach.

Trends

Central power/local power

A80. The local government reorganisation (1970) has already established local authorities with great power (see section A, Government structure and Powers). The trends in society underline the philosophy of decentralisation as a politically and culturally accepted fact.

Flexibility/certainty

A81. The planning system features freedom in the choice of methods for the local authorities.

Only the procedures, the structure of the plans, and the minimum content of regulated development are determined by the Planning Act, while the level of detailed regulations is for the local authorities to decide for themselves.

A82. In the *regionplaner* (regional plans) and especially in the *kommuneplaner* (municipal plans), there is the choice of emphasising either the objectives or the regulations. The former leads to a strategic planning approach with a high degree of flexibility, and the latter leads to traditional land-use planning with detailed provisions and a high degree of certainty.

A83. The trends are in favour of using the *kommuneplaner* as a strategic political means with a high degree of flexibility in order to avoid too many corrections in their provisions during the process of local planning. The *lokalplaner* (binding local plans) are permanent, with a high degree of certainty, and can only be changed by the adoption of a new plan which supersedes the earlier plan.

Government structure

A84. The administrative reform carried through in 1970 was so comprehensive that there is no likelihood for immediate changes, even if there may be problems of competition and economic survival between the major and the minor municipalities. A recent trend is the initiative for joining into inter-municipal cooperations, comprising two or more municipalities, with regard to managing specific tasks and developments.

A85. These cooperations are encouraged by establishing demonstration projects (see section A, Political priorities) which should provide high-quality solutions in specific geographic areas. The cooperations are locally generated arrangements which do not affect the statutory autonomy of the individual municipalities. The idea is to take advantage of the multiplied effect that can be released by cooperation between municipalities, counties, the relevant State authorities and, perhaps, the private sector.

Policy

A86. During the last decade, much emphasis has been given to environmental issues. This trend will be further increased in order to achieve a sustainable balance between economic development and its environmental consequences, and in order to achieve environmental improvement. Extension of the Danish procedure on Environmental impact assessment is being considered, to apply to all policies and programmes and to

be used as an integrated tool for spatial planning and decisions.

A87. A recent trend is the strengthening of the international dimension of national planning. Since the beginning of the 1990s, more attention has been directed towards analysing international development trends with the spatial impact on the territorial development of Denmark. The Danish spatial development perspective (see section A, Political priorities) evaluates problems and opportunities for the future shape of Denmark seen from a European point of view. The perspective also contains strategic goals and maps that show how Denmark should be structured and integrated with Europe in the long term. Concerning spatial development in the European Union and other international organisations, the perspective functions as the Government's framework of reference. The perspective also forms the basis of action for marketing Denmark within the European Community.

B. Making and reviewing plans and policies

Overview

B1. The Danish planning system is divided into national, regional and local levels, with an extensively decentralised delegation of responsibility, placing the decision-making power and administrative competence at regional and especially local levels.

B2. In general, the county councils carry out regional planning with emphasis on the regional infrastructure and the sectoral interests of the countryside, while the municipal councils are responsible for municipal planning with emphasis on the local issues and the function and development of the urban areas. The municipal coun-

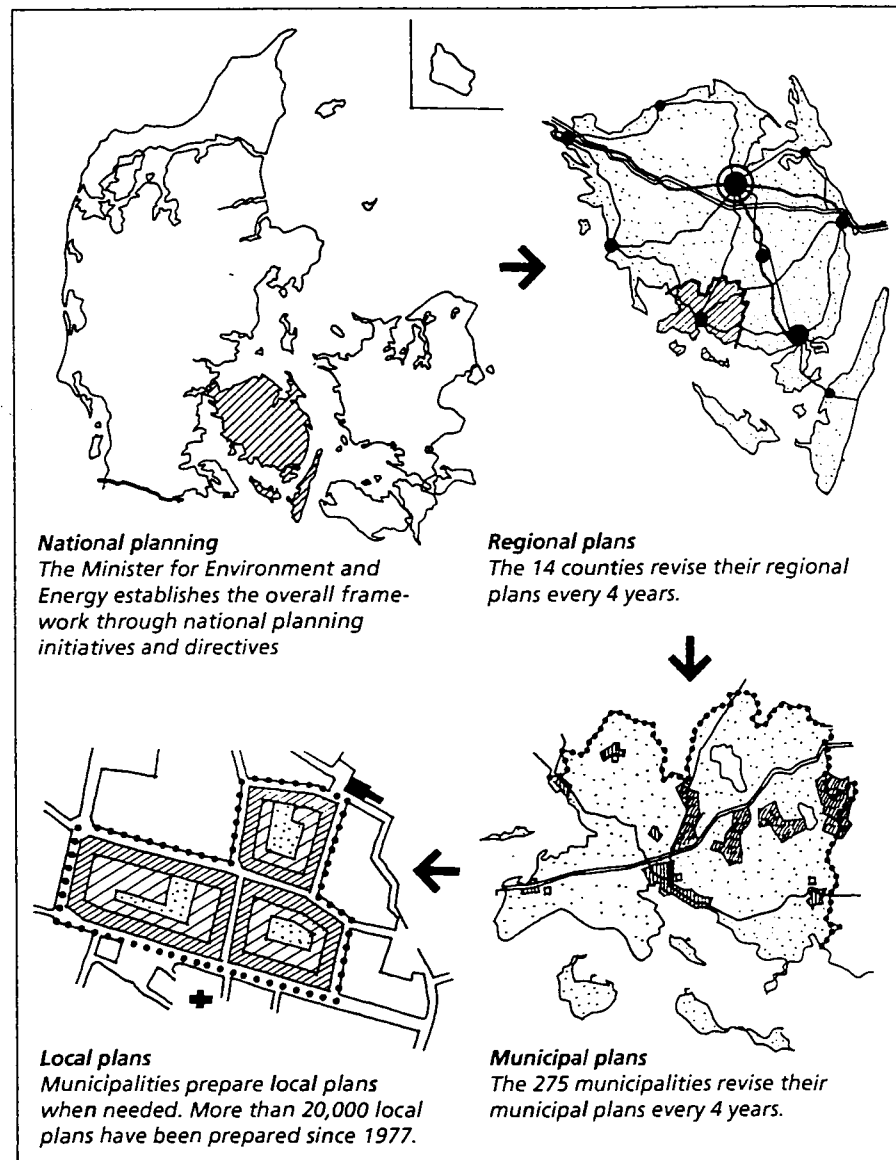
cils are also responsible for the legally-binding detailed planning of specific neighbourhood areas. The Minister for the Environment can influence the planning at regional and local levels through regulations, national planning directives and public information.

B3. The Planning Act (1992) clearly divides the tasks between the levels. The relations between the policy institutions and instruments are presented in Diagram B1 below. The planning Act is based on the principle of framework control, in which plans must not contradict the planning decisions at higher levels. The system of framework control is illustrated in Diagram B2. Finally, a summary of the planning policy instruments is presented in Diagram B3.

Diagram B1. The Danish planning policy framework

Policy institutions			Policy instruments		
Level	Planning authority	Number of inhabitants	Type of plans	Description	Legal effect
1. National	Ministry of the Environment, Department of Spatial Planning	5 million	<i>Landsplan-redegørelser</i> (National planning reports)	Policies and written statements	Advisory guidelines
			<i>Landsplan-direktiver</i> (National planning directives)	Maps and legal provisions/circulars	Binding for the regional and local authorities
2. Regional	14 county councils	About 350 000 on average	<i>Regionplaner</i> (Regional plans) Revision every fourth year	Policies, maps and land-use guidelines	Binding for the regional and local authorities
3. Local	275 municipal councils	About 20 000 on average (wide deviations)	<i>Kommuneplaner</i> (Municipal plans) Revision every fourth year	Policies, maps and land-use regulations	Binding for the local authorities
			<i>Lokalplaner</i> (Binding local/-neighbourhood plans)	Maps and detailed legal land-use regulations	Binding for the landowners

Diagram B2. The Danish four-level planning system. The Planning Act is based on the principle of framework control in which plans must not contradict decisions at higher levels.



B2: The Danish four-level planning system.

Source: Spatial Planning in Denmark, the Ministry of the Environment, 1994.

Diagram B3. Summary of planning policy instruments in Denmark

Type of plan	Status, area and duration	Objectives, form and use	Production
<i>Landsplanredegørelser</i> (National Planning Reports)	Statutory reports providing general guidance and policies. Mandatory preparation after each national election. The 1992 report was issued as a <i>Landsplanperspektiv</i> (National Planning Perspective).	Sets out the current national planning policies and provides guidance for the regional and local authorities. The 1992 report deals with visions and objectives for the spatial structuring of Denmark in the future Europe.	Prepared by the Ministry of the Environment and adopted by the government.
<i>Landsplandirektiver</i> (National Planning Directives)	Statutory directives providing binding regulations on specific issues of national interest. Optional preparation.	Sets out legal provisions on specific issues, e.g. locating major transmission lines.	Prepared and adopted by the Minister for the Environment. Binding for the regional and local authorities.
<i>Regionplaner</i> (Regional plans)	Statutory plans providing firm guidance, obligatory revision every fourth year, to cover the whole area of the county with a 12-year horizon. The main political instrument for development control at county level.	Sets out general policies and guidelines for regional land use especially in rural areas. Land-use maps are based on topographic maps to a scale of 1:100 000 or 1:200 000.	Prepared and adopted by the county councils. Subject to public consultation at two formal stages: prior to preparing the plan proposal and prior to adoption. The plan is binding for the regional and local authorities.
<i>Kommuneplaner</i> (Municipal plans)	Statutory plans providing firm regulation, obligatory revision every fourth year, to cover the whole area of the municipality with a 12-year horizon. The main political instrument for development control at municipal level.	Sets out general and specific policies and regulations for local land use, especially in urban areas. Land-use maps are based on topographic or technical maps to a scale between 1:10 000 and 1:50 000.	Prepared and adopted by the municipal council. Subject to public consultation at two formal stages: prior to preparing the plan proposal and prior to adoption. The plan must be in general conformity with the higher level plans. The plan is binding for the local authority.
<i>Lokalplaner</i> (Binding local plans)	Statutory plans providing binding regulations for a minor local/neighbourhood area. Mandatory preparation prior to implementation of major development proposals. Optional preparation where considered appropriate by the municipal council.	Sets out detailed regulations for the future land use, with written statements and maps generally to a scale between 1:500 and 1:5000. The main legal instrument for issuing detailed planning regulations.	Prepared and adopted by the municipal council. Subject to public consultation and objections for at least eight weeks prior to adoption. No possibility for appeals except for legal issues. The plan must be in conformity with the higher level plans. The plan is binding for the landowners.

Policy institutions

National government

B4. In Denmark the Spatial Planning Department, part of the Ministry of the Environment, is the national administrative authority for spatial planning functions. Other departments with interest in the fields of spatial planning include the Ministry of Housing and Building, the Ministry of Agriculture,

the Ministry of Transport and the Ministry of Energy.

Miljøministeriet (Ministry of the Environment)

B5. In 1971 a number of institutions and areas of responsibility, which had spread over a number of ministries, were amalgamated into the Ministry of the Environment. The ministry is responsible for spatial planning matters together with envi-

ronmental protection, nature, forest, wildlife protection and building conservation. The ministry, headed by the Minister of the Environment, employs about 3 000 people.

B6. The Ministry is organised as follows: a Minister's Department, including the Department of Spatial Planning, and two agencies: the Danish Environmental Protection Agency and the National Forest and Nature Agency. The Ministry also includes two autonomous research institutions: the National Environmental Research Institute and The Geological Survey of Denmark, and two independent Boards of Appeal: the Environmental Board of Appeal, and the Nature Protection Board of Appeal. After the national election held in autumn 1994 the Ministry of the Environment was enlarged by integrating the former Ministry of Energy. The Ministry is now named *Miljø- og Energiministeriet* (the Ministry of Environment and Energy).

***Landsplanafdelingen* (the Spatial Planning Department)**

B7. The Spatial Planning Department is Denmark's national administrative authority for spatial planning and advocates the national interests in decentralised planning decisions. The department advises the Minister of the Environment on planning issues and prepares legislation on planning. The main aims of the department are: to use spatial planning to strengthen the overall implementation of Denmark's environmental policies, and to stimulate development through planning.

B8. The Spatial Planning Department represents Denmark in international cooperation on spatial planning and on the environmental impact assessment of projects, policies, plans and programmes. This cooperation takes place within the European Union, the United Nations, the Council of Europe, the Organisation for Economic Cooperation and Development, and with planning authorities in the Nordic and Baltic countries. The Spatial Planning Department is also consulted on planning projects outside Denmark.

B9. The Spatial Planning Department is responsible for promoting and facilitating the planning system and for monitoring the planning carried out by the counties and municipalities.

B10. The Spatial Planning Department is divided into three divisions respectively responsible for the following issues:

- Urban planning and the urban environment; municipal and local planning; administration of the Planning Act; monitoring planning in Greater Copenhagen.
- Planning in rural areas; regional planning; environmental impact assessment; monitoring planning in southern Jutland and on the islands.
- National planning reports; international spatial planning; coastal management; tourism and infrastructure; monitoring planning in central and northern Jutland.

***Skov- og Naturstyrelsen* (the National Forest and Nature Agency)**

B11. The aim of the National Forest and Nature Agency is to combine sustainable development with the protection of natural resources and cultural heritage.

B12. The Agency is responsible for implementing national policies on forestry, nature protection and conservation, maintenance of ancient monuments, outdoor recreation, building preservation, raw materials exploitation, and hunting and wildlife management. The agency also manages the State forests and other properties owned by the Ministry of the Environment.

B13. The Agency administers a number of acts, for example, the Nature Protection Act, the Forestry Act, the Raw Materials Act, and the Preservation of Buildings Act. The Agency monitors the basic conditions of forests, fauna and flora.

***Miljøstyrelsen* (the Danish Environmental Protection Agency)**

B14. The Agency is responsible for implementing the national policies on pollution and environmental control on air, water and soil, waste management and environmental technology.

B15. The Agency administers a number of acts, for example, the Environmental Protection Act, the Watercourse Act, the Water Supply Act, and the Recycling Act. The Agency also administers a number of research projects concerning environmental technology information and exploitation.

***Naturklagenævnet* (the Nature Protection Board of Appeal)**

B16. The board is a quasi-judicial organisation and consists of a chairman, two Supreme Court

judges and a member appointed by each of the parties in the Parliament Finance Committee.

B17. The Nature Protection Board of Appeal is the final court of appeal for decisions relevant to the Planning Act and the Nature Protection Act, etc. (see section C, Rights of appeal).

Miljøklagenævnet (the Environmental Board of Appeal)

B18. The board is a quasi-judicial organisation and consists of a chairman, one or more deputies and a number of experts who are appointed by the Minister for the Environment on the recommendation of ministries, boards, agencies and other interest groups.

B19. The Environmental Board of Appeal is the final court of appeal for administrative decisions relevant to the Environmental Protection Act, etc.

Boligministeriet (the Ministry of Housing and Building)

B20. The Ministry is responsible for housing and building policy, including the detailed rulings on construction activities, housing subsidies, housing credits and urban renewal.

B21. The Ministry is divided into three agencies: The National Building and Housing Agency, the Palaces and Properties Agency, and the National Survey and Cadastre.

B22. The Ministry administers a number of acts related to the process of spatial planning and implementation, e.g. the Building Act, the Urban Renewal Act and the Act of Subdivision and Land Registration.

Landbrugsministeriet (the Ministry of Agriculture)

B23. The Ministry formulates agricultural policy in cooperation with Parliament and agricultural organisations. Since Denmark joined the European Union in 1973, one of the major tasks has been that of securing Denmark's interests with regard to formulating and implementing the overall European agricultural policies.

B24. The Ministry is divided into a number of directorates and research institutions. The directorate for Agricultural Development administers a number of schemes for promoting an agricultural development and for facilitating structural adjust-

ment. The directorate also prepares the rules applying the schemes, and also subsidises a number of activities related to agriculture. The directorate administers the Agricultural Holdings Act and the Land Consolidations Act with the view of promoting structural development in agriculture. The directorate also handles agricultural interests related to planning in rural areas as conducted by the county authorities.

Energiministeriet (the Ministry of Energy)

B25. The Ministry of Energy was created in 1979 when energy matters were separated from the ministry of Trade as a result of growing political interest in this issue. The Ministry is responsible for overall energy policy and energy management. After the national election held in autumn 1994 the ministry was integrated into the ministry of the Environment. The ministry is now named *Miljø- og Energi- ministeriet* (the Ministry of Environment and Energy).

B26. The Danish Energy Agency, as a part of the Ministry, performs the basic administrative and expert work for the ministry. The agency collects and processes data, publishes statistics, and carries out inspections. It also monitors, and administers research and development allocations and support schemes. The Agency is responsible for areas such as inspection and approval of power stations and offshore installations, and provides a range of consultancy and information services.

B27. The Ministry prepares the national planning in energy to be adopted by the Government. In 1990 the plan Energy 2000 was adopted, presenting the policy of fulfilling international recommendations on environmental improvement by reducing emissions and increasing the use of renewable energy.

Trafikministeriet (the Ministry of Transport)

B28. The Ministry is responsible for transport policy and management. Its responsibilities include: roads; passenger and goods; transport by motor vehicle; ports and harbours; civil aviation and airports, etc.

B29. The Ministry is divided into a number of directorates and authorities. The Road Directorate is responsible for overall road planning, and for construction and maintenance of motorways and trunk roads. The Danish State Railways (DSB) is

a part of the Ministry, engaged in the transport of passengers and goods by rail. The State railways also operates a number of car-ferry and coach services.

B30. The Ministry prepares the national planning on transport to be adopted by the government. In 1993 the plan Transport 2005 was adopted, presenting the objectives and strategies which should be pursued within the area of transport in order to achieve a balance between development and the environment on the basis of sustainable growth. The plan of action also contains a summary of the necessary infrastructural investments for the period up until year 2005.

Other ministries

B31. Other ministries whose responsibilities in certain ways involve spatial planning and land-use policies are *Industriministeriet* (the Ministry of Industry) and *Ministeriet for Kommunikation og Turisme* (the Ministry of Communication and Tourism). After the national election held in autumn 1994 the ministries was reorganised by forming *Erhvervsministeriet* (the Ministry of Business and Industry) responsible for trade and industry policies including tourism.

Regional government organisations

B32. The Danish system of government is highly decentralised. The basic structure is described in section A, Government structure and powers.

B33. At regional level the system comprises 14 counties of around 350 000 inhabitants in average (see section A, Population and statistics). Furthermore the municipalities of Copenhagen and Frederiksberg, located in the centre of Greater Copenhagen, also have the status of counties.

B34. The main field of the county authorities is hospital service, covering about 50 % of the total expenditure. Other important fields are: high schools and adult education; health insurance and social welfare; public transport; major roads; environmental protection; and, finally, regional planning and rural land-use administration.

B35. The county councils are elected for a four-year period by direct election using the system of proportional representation. The number of councillors is 27 on average and varying between 17 as the lowest and 31 which is the maximum number allowed. The county council is headed

by a mayor, elected by the council from its membership. The political process normally takes a more local approach and works by striving for consensus (see section A, Political system, administrative system and public participation).

B36. After each election the council establishes a finance committee headed by the mayor and one or more standing committees within specific areas according to the statutes of the individual county. The counties are free to design the structure of the committees. Normally there will be four committees: health; social welfare; education and culture; and technical and environmental matters. The committees manage various administrative tasks and act on behalf of the council.

B37. The county mayor is in charge of the day-to-day running of the overall administration which prepares issues to be brought before the county council and its committees, and carries out their decisions. The individual county is free to design its own administrative structure. In most counties the administration is organised in departments which correspond to the structure of the committees, e.g. there will be a department for technical and environmental matters dealing with: construction and maintenance of major roads; environmental protection; nature protection; regional planning; and rural land-use administration. The staff of the administration at county level, as well as at State and municipal level, consists of administrative/technical staff and academics employed on a non-political basis.

B38. The activities of the county authorities are based on the right to levy taxes and the responsibility of utilising the revenues. The counties' rate of income tax is about 10 % on average. The counties also levy land taxes, and receive block grants from the State.

B39. The county and municipal authorities are responsible for utilising more than half of the total public expenditure. Furthermore, the tax income of the counties and municipalities accounts for more than half of the local finances. Therefore, annual discussions and negotiations take place between the State and the county and municipal associations (see section B, Other organisations) in order to determine the guidelines for spending and taxation.

Local government organisations

B40. The Danish system of local government comprises 275 municipalities which influence

substantial parts of the local living conditions. The internal organisation of the municipalities and the autonomy for governing and managing their own affairs are similar to those of the counties, as described above.

B41. The aim of the local government reform, adopted 1970, was to establish viable administrative units of a size, and with a tax base, which was adequate for responsible administration of the local communities. The size of the municipalities varies in population from about half a million in the city of Copenhagen to a few thousand with an average of around 20 000 inhabitants (see section A, Population and statistics).

B42. Still more tasks have been transferred from the State to the county and municipal authorities. The main fields of the municipal authorities are: social security benefits; health service; primary and secondary schools; libraries and cultural activities; local and private roads; public utilities; and local spatial planning and development including urban renewal and handling of building permits. The municipal authorities then are in charge of controlling local development and service by means of a local democratic process.

B43. The system of electing and organising the municipal authorities is similar to that of the counties as described above. The number of councillors is about 17 on average, with 25 being the allowed maximum. The mayor elected by the municipal council is in charge of the standing finance committee, and of the day-to-day running of the overall administration. The municipalities are free to design the structure of the committees and to organise the administration into departments. In most municipalities there will be a committee for technical and environmental matters, and a corresponding administrative department dealing with the public utilities, local and private roads, municipal and local planning, and handling of building permits.

B44. The city of Copenhagen and the three largest provincial towns, Aarhus, Odense and Aalborg, have internal constitutions of their own. The number of councillors are respectively 55 (Copenhagen) and 31 (the three major provincial towns). The administration is managed by a *magistrat* (corporative body) comprising the mayor and some *raadmend* (aldermen) elected by the council using proportional representation. The corporative body then replaces the structure of standing committees.

B45. The activities of the municipalities are essentially funded by levying income taxes and making charges for the running of the municipal services. Furthermore, the municipalities levy land taxes and receive refunds and block grants from the State. The municipal rate of income tax is about 20 % on average, but with some ranging from 14 to 22 %. Within the national legislative framework, the municipal councils are free to decide the level of local service to be provided as well as the methods to be used in providing the service. The level of service, within certain limits, is thus a matter of local politics. The level of service is normally connected to the rate of income tax decided by the municipal council.

Other organisations

B46. Public participation is an important part of the planning process. Before the Spatial Planning Department prepares a bill, or a national planning directive, and before a planning proposal is adopted by the county or municipal council, it is important that any interested organisations or associations are given the opportunity to submit ideas, proposals and objections about the proposed planning work.

B47. Within the process of cooperation between the State, the counties and the municipalities, an important role is played by the Association of County Authorities and Association of Municipal Authorities (see below), even though these two organisations do not form a part of the administrative system.

B48. *Amtsraadsforeningen* (the Association of County Councils in Denmark), acting as the representative of the counties in external relations, has an ongoing dialogue with the government and Parliament concerning economic and legislative matters. The Association is chaired by a board of directors elected for a four-year period at a general meeting attended by all county councillors. The board elects a chairman who is also responsible for the day-to-day running of the association. A number of advisory committees are set up within the key areas of county activities.

B49. *Kommunernes Landsforening* (the National Association of Local Authorities in Denmark), of which all municipalities (except Copenhagen and Frederiksberg) are voluntary members, represents the interests of the local authorities in dealing with Government, Parliament and central administration. It offers opinions on bills and other

regulations either by submitting statements or by participating in central government working groups. The association is chaired by a 17-member political board elected every fourth year at a plenary meeting of delegates. A number of committees are established to prepare the work of the political board in cooperation with the permanent secretariat. The Association of Local Authorities, as well as the Association of County Councils are actively engaged in international cooperation.

B50. Danmarks Naturfredningsforening (the Danish Society for the Conservation of Nature) is the most important interest organisation on nature and the environment. The society is a private organisation of 270 000 individuals who want to defend nature and the environment. The organisation operates through 210 local chapters — one for nearly every municipality. The local chapter is headed by a board elected by the members within the area. Academic knowledge is provided by the standing committees of the society. Danish legislation provides the Society with a special legal standing, giving it the right to appeal on issues concerning nature and the environment. The society promotes spatial planning as a major means of nature and environmental protection, and is involved in the planning process at all stages.

B51. Other organisations and associations involved in the planning process are:

- Trade organisations such as: *Landbrugsrådet* (the Agriculture Council of Denmark); *Turismens Fellesraad* (the Danish Council of Tourist Trade); *Industrirådet* (the Confederation of Danish Industries).
- Interest organisations such as: *Danmarks Turistraad* (the Danish Tourist Board); *De danske Landboforeninger* (the Danish Farmers Union); *Cyklistforbundet* (the Danish Cyclist Federation); Greenpeace Denmark; and *Fri-luftsrådet* (the Open Air Council).
- Professional associations and institutions such as: *Foreningen af Byplanlæggere* (the Danish Association of Town Planners); *Dansk Byplanlaboratorium* (the Danish Town Planning Institution); *Interplan* (the Danish Association for International Urban and Regional Planning).

Policy instruments

National level

B52. National planning includes topics and projects that are of national significance. At the national level there is no actual national plan or blueprint prepared by the government, and it is not the purpose of national planning to manage in detail or approve the planning decisions of the counties and municipalities. But national interests may require intervention in the decisions of the regional and local authorities. The Planning Act therefore establishes the powers of the Minister for the Environment, by means of national planning instruments, which comprise a framework and a supplement to the spatial planning activities carried out by the counties and municipalities.

Landsplanredegørelse (national planning report)

B53. The spatial planning policies of the government are mainly expressed in the obligatory national planning report which the Minister for the Environment submits to the Parliament after each new national election. The national planning report can thus signal the proposed planning programme of the new government.

B54. The objectives of the national planning reports are to provide guidance in a persuasive way to the counties and municipalities and to present the national planning policies on specific topical issues. The reports are prepared by the Spatial Planning Department based on cooperation with other ministries and national agencies.

Landsplanperspektiv (National planning perspective)

B55. The 1992 national planning report for Denmark was issued as a national planning perspective entitled 'Denmark towards the year 2018', dealing with the spatial structuring of Denmark in the future Europe. The perspective expresses the current national planning policies and contains the goals for development of Denmark's cities and towns, the transport system, rural districts and tourism. It is a decisive new aspect on national planning which focuses strategically on themes, concerning spatial development within the territory of the European Union.

B56. The perspective is based on the strategic goal: Denmark will strive to become the cleanest

country in Europe by broadly integrating environmental considerations into its policies. Six overall objectives are presented as a guide for the process of spatial development. Restructuring and attention is given to a number of actions and demonstration projects outlining the first steps in the continuing work (see section A, Political priorities).

B57. The national perspective is a reference framework for the decisions that have spatial effects. It is not binding for county and municipal authorities, but it is intended to inspire counties, municipalities and the private sector to promote high-quality development. The Danish interests in international cooperation within spatial planning and development are based on this national perspective.

Landsplandirektiv (National planning directive)

B58. The Minister for the Environment may issue national planning directives to implement specific major projects or to promote specific trends. These directives, of which only few are issued each year, are binding on county and municipal authorities. About 20 had been published by 1993.

B59. The main use of the directives (comprising about three quarters of the total number) is to locate specific activities and thereby determine the specific content of planning at county and municipal level, such as determining the path of main natural gas pipelines or electricity transmissionlines or sites for TV transmitter aerials. A directive also can require the counties and municipalities to take account of specific themes in future planning, such as the location of afforestation areas in regional planning, or windmills in municipal planning. Finally, directives can be used to lay down special national considerations that the counties and municipalities must respect in their continuing planning, such as the delimitation of coastal areas in which specific landscape features are to be protected.

Specific powers, orders, veto, call-in

B60. The main method of controlling the local autonomy of the planning process is by establishing regulations governing the use of the Planning Act. In special circumstances the Minister for the Environment may order the county or municipal council to produce a plan with a specific content to ensure overall national interests. This provision

is not used often, because negotiated solutions are normally reached, but it can be used, e.g. for locating a State facility.

B61. The Minister for the Environment also may veto a proposed *regionplan* (regional plan) on behalf of the State as a whole. Such a veto must be submitted during the public comment period, which is at least eight weeks. A committee of State civil servants therefore assesses the planning proposals to determine whether a veto is required and to ensure that the comments of any State authority on the proposed plan are submitted to the county council within the public comment period. If the proposed plan is vetoed, the plan cannot be adopted by the county council before agreement is reached with the Minister of the Environment, acting on behalf of the State authorities involved. The power of veto then replaces the need for approval of the regional plan by the national authorities.

B62. Finally, the Minister for the Environment may decide to assume the authority granted to county or municipal councils by calling-in a planning proposal prepared by the councils. The minister then may make the necessary changes or may negotiate changes. In practice this power is seldom used, and only for proposals for *kommuneplaner* (municipal plans), since the minister can veto a proposal for a *regionplan* (regional plan) or a *lokalplan* (binding local plan) during the public comment period.

Pilot projects, guidelines and information

B63. The Minister for the Environment may provide financial support for pilot projects that promote the intentions of the Planning Act, and the minister may exempt county and municipal councils from complying with regulations governing procedure and competence. Such projects can test new forms of regulations and planning methods.

B64. Through the Spatial Planning Department, the Minister for the Environment carries out numerous informational and advisory activities in the form of publications, and also participates in conferences and direct consultancy. Methods in spatial planning are increasingly developed in the form of specific development projects to which research institutes and consultants often contribute.

Example of a National Planning Report issued 1992 as a National Planning Perspective.

B65. The National Planning Perspective 'Denmark towards the Year 2018' was prepared by the Spatial Planning Department of the Ministry of the Environment, and adopted by the government. The perspective was issued as the 1992 National Planning Report for Denmark. The perspective is based on comprehensive analysis of Denmark's urban regions, issued as a background report: 'Urban regions of Denmark'. The perspective is, furthermore, based on the 1989 National Planning Report for Denmark: 'The present and future situation in the regions of Denmark'.

B66. The perspective is not a land-use plan and it is not a broad social analysis describing all development trends. The perspective, instead, is a vision representing a reference framework intended to inspire authorities, as well as the trade and industries, to promote high-quality development when making decisions having spatial effects. The perspective focuses strategically on the themes that are also focused on by the European Union.

B67. The six overall objectives for spatial development promulgated by the perspective, as well as the outlined action plan for the continuing work through implementation of 11 demonstration projects, are presented in section A, Political priorities.

B68. The central features of the National Planning Perspective for Denmark are illustrated in Diagram B4, presented at the end of report. This diagram shows the cities of Europe from an international perspective plus the main international transport axes; and (below) Denmark's urban framework system plus the main transport structure including two north-south and one east-west international transport axes. The Øresund region has a decisive role in this context.

B69. The general aim is to stimulate development of Danish cities based on environmental priorities, and to consolidate and expand communication links with Europe. Furthermore, the perspective encourages the protection of coastal areas and rural natural resources.

B70. The National Planning Perspective is the starting point for Denmark's initiatives in cooperation with the planning authorities of the Nordic countries, the Baltic region and the rest of northern Europe. The European Commission, especially the Directorate General for Regional Policy (DG XVI), has an important role to play, both in the discussion process concerning the use of the European Union's territory and when discussing planning perspectives for spatial development in Europe. Denmark's interests and contributions in this European cooperation are based on the National Planning Perspective 'Denmark towards the Year 2018'.

Example of a National Planning Directive

B71. This example of a National Planning Directive determines the location of a major electricity transmission line connecting Denmark and Germany. The directive is issued as a circular with binding effect for planning at regional and local levels. The directive is provided and adopted by the Minister for the Environment based on the authority granted in the Planning Act (section 3).

B72. The normal procedure for determining the location of transmission lines is by locating the path in the *regionplan* (regional plan) based on negotiations between the county, the municipalities and the electricity companies and, finally, the Minister for the Environment and Energy must approve the project prior to implementation. However, when national interests are at stake, the determination may be based on a National Planning Directive.

B73. The directive contains the legal provisions for reserving a 100 meter-broad path to be included in the regional and municipal plans for establishing the transmission line. The line is shown on a map to a scale of 1:250 000 (see Diagram B5, presented at the end of report). Furthermore, a small area is reserved for establishing an electricity plant to be implemented by providing a *lokalplan* (binding local plan). Finally, the legal provisions determine that any rural zone decisions of the regional and local authorities must be in conformity with the provisions of the directive.

B74. The directive, furthermore, contains a report accounting for the background of the provisions based on the national energy policy and the agreement between Denmark and Germany with regard to energy transmission. The report also considers the environmental impact of the project.

B75. The decision of issuing the directive was made by the Minister for the Environment in January 1992, based on a request from the Minister for Energy. The proposal – showing a number of alternatives – was submitted for public inspection and debate for a period of eight weeks in May and June 1992. About 2 400 objections and comments were submitted. The proposal then was modified and finally adopted by issuing the circular in May 1993.

Regional level

Regionplaner (regional plans with policies, maps and land-use guidelines for the total county area)

B76. Denmark's 14 county councils have the duty to establish and maintain a *regionplan*. In the cities of Copenhagen and Frederiksberg, the municipal plan serves as a regional plan (the Planning Act section 6).

Status, geographic coverage, duration

B77. In general, the counties are responsible for countryside planning (while the municipalities are responsible for the planning tasks in urban areas). Each county must have a *regionplan*, covering the total county area and establishing the overall goals for development for a 12-year period.

B78. The plan coherently balances and sets priorities for numerous sectorial considerations and interests. The plan also clarifies the aspects of planning that affect more than one municipality, e.g., traffic service for a larger area. Planning at municipal level must be in compliance with the adopted plans at regional level. In total the *regionplaner* comprise a nationwide planning framework for land use in Denmark.

Objectives

B79. The general purpose of the *regionplaner* is to utilise the land and natural resources of the county on the basis of an overall assessment of the interests of the community, and to coordinate the individual measures within the framework of national sectorial planning. The plans consist of two parts: guidelines for land use and a report presenting the premises on which the plan is based.

B80. The guidelines establish the general structure for land use including urban development, nature and environmental protection, and the location of large public institutions and transport

facilities. The Planning Act (section 6) determines the topics for which binding guidelines shall be established. The topics include:

- designation of urban and recreational zones,
- location of large public institutions and major traffic and technical facilities,
- location of polluting enterprises that require special siting,
- location of major projects that require environmental impact assessment,
- location of large retail areas,
- protection of valuable agricultural areas,
- location of afforestation areas,
- protection of nature and building reserves with special qualities,
- location of recreational areas,
- use of land for exploitation of raw materials,
- use and protection of water resources,
- quality of watercourses, lakes and coastal waters, and
- guidelines based on national planning.

B81. The five regional planning authorities in Greater Copenhagen must also establish guidelines for:

- distribution and priorities for construction activity in urban zones,
- water supply and waste water removal, and
- consistency with the overall public transport plan for the region.

B82. The *regionplaner* may deal with other topics of importance for the county, but only the guidelines on topics mentioned above will have a binding effect on planning at a municipal level. The degree of detail must not be greater than required by national and regional interests, in order to ensure maximum latitude for planning at a municipal level.

B83. The report accounting for the premises of the plan will normally include:

- description of the existing state of the county, e.g. nature, demography, regional economy, transport and other infrastructure,
- presentation of calculations and forecasts of expected trends, and
- presentation of planning objectives with explanations of choices made.

Finally the report must describe the expected prioritisation for implementation of the plan. The report, in general, is intended to be informative and easily understood in order to create the basis for

public debate during the public comment period before the plan is adopted.

Urban/rural zoning

B84. The general urban/rural zoning is seen as an important means of planning and environmental control. The zoning system, established in 1970, divides the total country into three zones:

- urban zones, where development is allowed in accordance with the current planning regulations and legal provisions in force;
- recreational zones (summer cottage areas), where holiday and tourist developments are allowed in accordance with the statutory regulations and plans; and
- rural zones, being the residual category covering more than 90 % of the country, where developments and any change of land use for other purposes than agriculture, forestry and fishing are prohibited or subject to a special permission according to the planning and zoning regulations.

The legal definition of the three types of zones is defined in the Planning Act (section 34), based on the urban and summer cottage areas located in the earlier town planning regulations such as urban development plans, town planning by-laws and building by-laws (see the history of the planning system in section A, General summary).

B85. The general zoning appears as a basic structure in the regional plans. Areas for urban development may be located in the plan, but the change of rural areas into urban or recreational zones requires a *lokalplan* (binding local plan) to be provided by the municipal council. The adoption of the plan then will be followed by a land-use tax to be paid by the landowner (see section C, Development in rural areas).

B86. The zoning system is, then, a crucial aspect of planning as it establishes the basic precondition for urban development, and establishes a clear delimitation between town and countryside. The general zoning also results in a low land value in rural areas, in pursuit of the general restrictions on development opportunities. The system also increases the possibility of planning for the peripheral urban areas, as well as the possibility of long-term planning for future development outside the urban areas.

B87. The provisions of the Planning Act on rural zones (section 35 to 38) are intended to prevent

uncontrolled land development and institutions in the countryside and to preserve valuable landscapes. The administration of the rural zone provisions is carried out by the county authority, holding the general duty of land-use control in the countryside. The rural zone administration is carried out very strictly in order to fulfil the basic objectives.

Environmental impact assessment

B88. Regional planning protects nature and the environment by establishing guidelines on locating enterprises and facilities that require special consideration due to their effects on nature and environment. Such enterprises must normally also obtain a specific permit from the county authority pursuant to the Environmental Protection Act.

B89. In addition, before any construction starts, the counties are obliged, as part of their regional planning responsibility, to assess the environmental impact of specific projects likely to have significant effects on the environment. Environmental impact assessments are required for:

- crude oil refineries,
- large power stations,
- iron and steel works,
- large transport facilities,
- facilities for processing dangerous or toxic waste,
- enterprises involved in especially risky activities,
- large-scale use of semi-natural areas and uncultivated land, and large irrigation projects, and
- certain types of large-scale raw material extraction and cement factories and special clay works.

The compulsory assessment of these types of projects is issued as a part of the report or as a supplement to the adopted *regionplan*. The European Union directive on EIA thus is implemented in the regional planning process.

Use and practice

B90. The *regionplaner* control the overall development of the counties by establishing a framework for economic development, public services, environmental protection and for administration of land use in rural areas.

B91. The county councils must strive to implement the guidelines of the *regionplaner* (Planning

Act section 9), and the development activity and sectoral land-use decisions of the county authority must be consistent with the planning regulations. The *kommuneplaner* and *lokalplaner* must be in conformity with the *regionplaner*. This is legally mandated (Planning Act sections 11 and 13) and can be tested by bringing the case before the Nature Protection Board of Appeal.

B92. The *regionplaner* are thus important means of political control, ensuring a sustainable balance between economic development and environmental improvement, while utilizing public expenditure and service according to a sustainable balance between benefits and costs.

Policy production

B93. Every fourth year (the periodicity of local elections), the county council must prepare and adopt a revised *regionplan*. In relation to the current plan, new issues can be dealt with, the preconditions can be updated, and new political assessments and priorities can be included. The county council may also provide supplements to an adopted plan in between the mandatory revisions whenever needed according to changing premises and objectives. Regional-level planning must thus be seen as a continuing process.

B94. The process for revising or amending the plans is determined in the Planning Act (sections 22 and 33), which includes a considerable amount of public participation. There is, on the other hand, no opportunity of an appeal or inquiry into the contents of an adopted plan. The formal process of revising and amending the plans is as follows:

- Prior public participation
The county council will solicit ideas and proposals by announcing a brief description of the major forthcoming planning issues, and by publishing a report on the anticipated changes to be made within the existing planning provisions. The county council will conduct an information campaign to encourage public debate for the submission of ideas and proposals, lasting at least eight weeks. The report will also be sent to the Minister for the Environment, and other State and local authorities whose interests are affected.
- Plan proposal
The county authority prepares the plan proposal (based on planning considerations, the

public debate and contact to other authorities) to be adopted by the county council.

- Public inspection and debate
The adopted plan proposal will be published, and a period of at least eight weeks is set for the submission of comments and objections. The proposal will also be sent to the Ministry for the Environment and other State and local authorities whose interests are affected. The Minister for the Environment may veto the proposal on behalf of the State authorities (see section B, National level).
- Adoption of plan
The county council processes the comments or objections submitted by the public and other authorities, and may change the plan proposal. The final proposal is then adopted by the county council. If the proposal is vetoed by the Minister for the Environment, the proposal will be negotiated and finally decided by the Minister for the Environment if agreement is not reached. The final plan is then published, promulgated and sent to the relevant authorities.

Monitoring

B95. The county council must act to implement the adopted plan, and decisions according to the sectoral land-use laws must be consistent with the planning regulations. Therefore, the plan is continuously monitored according to sectoral objectives and the overall goals of development, and the plan may be amended by providing supplements whenever needed.

Linkages

B96. The process of revising the *regionplaner* every fourth year is based on a comprehensive report prepared by the Spatial Planning Department on behalf of the Ministry. The report presents the topical preconditions for managing the national aims, and objective, within specific topics. The report should thus prevent the need to veto the counties' plan proposals as the national interests are considered and dealt with in advance. The adopted plans have a binding effect on the planning at local level. Preparation of the plans at regional level is, therefore, also based on dialogue and negotiations with the local authorities.

Regional sectoral programmes

B97. The county authority is responsible for administering and monitoring the overall environ-

mental conditions of the countryside. The protection of nature environment and resources is mainly controlled by the Nature Protection Act, the Environmental Protection Act and the Raw Material Act, and the county authorities should maintain sectoral land-use programmes within these fields. The county authorities should also maintain programmes on water preservation, water quality and agricultural qualities (see section D, Resource planning).

Furthermore, the county authorities must maintain programmes on developing and implementing the regional traffic infrastructure, which appears as a basic element in the *regionplaner* (see section D: Major infrastructure).

B98. Even if the regional sectoral programmes are carried out by the county authorities they are not binding on the administration of the sectoral land-use laws, and the programmes do not require approval by the national authorities. The regional sectoral programmes thus serve the purpose of providing:

- basic information for balancing of sectoral interests in the *regionplaner*,
- a basis for action and funding within the specific sector,
- a framework for administration of the sectoral land-use acts, and
- a basis for dialogue between the administrative levels.

Previously the counties had the duty of carrying out sectoral planning to be adopted by the national agencies, with a binding effect on the county authorities. This rigid system, however, was considered to be too demanding on administrative resources and not actually necessary. The current status of the regional sectoral programmes therefore was established by an Act passed 1987.

Illustration of regional planning

Example of Regionplan for Nordjyllands Amt (regional plan for the county of North Jutland)

B99. The county of North Jutland is Denmark's largest county comprising 6173 km². The population of the county is about 490 000, of which one-fourth live in the regional centre of Aalborg City.

B100. The regional plan for the county of North Jutland includes two volumes and four sets of maps:

- Volume 1 (80 pages) contains the main goals and strategies for regional development with a 12-year horizon. The general problems, policies and means are described within four main areas: transport; the environment; tourism; and the countryside. Furthermore, development of the regional districts are estimated with regard to demographic trends and trades and labour market.
- Volume 2 (120 pages) contains guidelines and reports for the three main areas:
 - (i) cities, infrastructure and environmental protection, including the urban pattern, urban development, location of service and trade, and transport and energy infrastructure,
 - (ii) holiday and leisure, including location of leisure facilities, and
 - (iii) the countryside, balancing the sectoral interests of the rural areas, groundwater and watercourses and, finally, regional planning on specific issues such as afforestation, coastal areas, etc.
- General land-use map, showing the main structure at a scale of 1:200 000 (see Diagram B6, presented at the end of the report), and three detailed land-use maps, showing the main structure at a scale of 1:100 000.
- Land-use map, showing the quality-objectives of the watercourses, lakes and streams, at a scale of 1:200 000.
- Three detailed land-use maps, showing the supply of energy and location of windmills, at a scale of 1:100 000.
- Three detailed land-use maps, showing the afforestation areas, at a scale of 1:100 000.

B101. The regional plan of the county of North Jutland emphasise the following goals:

- strengthening commercial development,
- preventing environmental problems,
- securing sustainable use of land resources, and
- developing tourism as a part of balanced development.

B102. The general structure of the plan designates the urban pattern, the infrastructure facili-

ties for transport, electricity and energy and, finally, the use of rural areas based on priorities determined by landscape and economic considerations. The guidelines constitute a framework for municipal planning and the basis for land-use administration at a regional level.

B103. The *regionplan* of 1993 represents fourth generation of plans that began in 1981 and are revised every fourth year. The process of establishing the 1993 regional plan for the county of North Jutland was as follows:

- The work began in May 1991, with the production of a draft for policies on the four main areas: transport, the environment, tourism and the countryside. The draft was balanced against the comprehensive report from the national authorities, issued in January 1992, which determined the main aims and objectives of the forthcoming revision of the plan.
- A final draft was published in March 1992, in a newspaper form for public distribution prior to a two-month-long period of initial public participation. During the period, a number of meetings were arranged for discussions with the local authorities and organisations.
- The final plan proposal was produced and adopted by the council in March 1993 as a basis for public inspection and debate, which also lasted for a period of two months. During that period, a number of public hearings were arranged throughout the county district. Around 400 objections were submitted, mainly about the location of energy transmission lines and windmills.
- The objections and comments submitted during the period of public debate were processed by the county council, and about half of them were accepted and included in the final plan. The final plan then was adopted by the council in November 1993 and finally published in March 1994.

B104. The county council may provide supplements to an adopted plan between the mandatory revisions whenever needed according to changing premises and objectives. In the county of North Jutland about 25 supplements have been adopted during the years 1981-93. The supplements mainly deal with planning and implementation of specific facilities for leisure purposes in the countryside.

Local level

B105. Denmark's 275 municipalities have a central position in the planning system, providing local solutions to local needs. The municipal councils carry out municipal planning by means of *kommuneplaner* (municipal plans). The municipalities also provide detailed and legally-binding plans, *lokalplaner*, for specific (neighbourhood) areas in order to implement planning regulations or to implement specific development (construction) activity.

Kommuneplaner (municipal plans with policies, maps and land-use regulations for the total municipal area)

B106. Each municipality must provide and maintain a *kommuneplan* covering the total municipal area (Planning Act section 11). The plan includes:

- the general structure, providing the objectives and the land-use maps,
- the framework for local planning, providing the land-use regulations, and
- a report, providing the premises on which the plan is based.

The plans must not contradict the binding planning guidelines adopted by the counties, or any national planning directive. The municipal council must strive to implement the plan, but the plan is not binding on the landowners.

Status, geographic coverage, durations

B107. The *kommuneplaner* comprise the necessary link between national and regional planning and the legal provisions of the *lokalplaner* determining the future use of individual properties. The *kommuneplaner* establish a general structure covering the total municipal area as well as a framework for the content of local planning and land-use administration for specific parts of the municipality. The plans thus serve two main functions: politically as a strategy for economic development and environmental improvement, and legally as a pattern for land-use decisions. The plans have a development perspective of 12 years. Municipal planning, however, is a continuous process without any identified period of duration.

Objectives

B108. The *kommuneplaner* are prepared on the basis of an overall assessment of the present and

future land use and the economic resources, and with due regard to the local sectoral planning.

B109. The general structure establishes the overall goals and determines the future development of the urban community for housing and working as well as environmental conditions, recreational areas, infrastructural facilities and the supply of public and private service. The general structure is displayed as a land-use plan locating specific areas for specific purposes.

B110. The framework for local planning determines the basic content of future local planning for specific districts of the municipality, including land use, construction and development, transport services and recreational areas. The topics for which provisions shall be established are determined in the Planning Act (section 11). These topics include:

- the distribution of construction according to type and use
- construction matters, including frameworks for preserving settlement or urban environments
- urban renewal in existing urban communities
- the supply of public and private service
- institutions and technical facilities, including heat supply
- recreational areas
- the transfer of areas to urban zone or summer cottage areas, and
- the order of priority for developing areas into urban use or summer cottage areas.

The *kommuneplan* may deal with other matters assessed significant for land use and construction.

B111. The degree of detail is a delicate balance. The framework must not be so open that development cannot be controlled. Nevertheless, the framework must not be so detailed that it is difficult to carry out local planning.

B112. The report accounting for the premises of the plan will normally include:

- presentation of the relations with regional and national planning,
- description of the discussions of objectives and explanation of the choices made,
- assessment of previous planning measures, and
- distribution of conditions, e.g. demographics, commercial structure, previous implemented planning and administration.

Finally, the report must indicate the expected order for the implementation of the plan.

B113. The report is an important foundation for the planning decisions of the municipal council, and for the public's understanding and interpretation of the plan both in use as well as during the public comment period.

Use and practice

B114. The *kommuneplan* is the main political instrument of the council for development control. The plan also is useful for landowners, developers, etc. for the identification of land use opportunities. The municipal council must strive to implement the plan through public activity, e.g. by public service supply and by providing the necessary infrastructure facilities. The land-use decisions of the municipal authority (e.g. for the provision of *lokalplaner* and granting of building permits) must be consistent with the adopted planning regulations.

B115. Even if the *kommuneplan* is not binding on the landowners, the municipal authority may use the planning regulations established in the framework for local planning as a legal means of land-use control. In urban zones and summer cottage areas, the municipal council may refuse construction projects or any change of land use which contradicts the planning regulations (Planning Act, section 12). In addition, the report may be used for land-use control. In urban zones, the municipality may refuse development projects which contradict the stipulated priority of implementation established in the plan. These refusals are not grounds for compensation, and an appeal against refusal may only be made on legal grounds.

B116. The procedures, the structure of the plans and the minimum content of regulations are determined by the Planning Act, but the profile of planning and the level of flexibility are decided by the municipal authorities themselves. The municipal authorities thus have wide latitude in their planning approach. In recent years, some municipalities have used municipal planning as a strategic basis for efforts and action plans on topical themes such as urban renewal, the environment, policies on attracting commercial development or policies on improving the living conditions for specific population groups. Other municipalities may focus on specific geographic areas, such as the centre of a large city or on villages.

B117. Municipal planning gives the municipal council a procedural instrument well suited to link sectors and to coordinate municipal activities. The traditional role of the *kommuneplan* in regulating land use is thus being expanded with more strategic and active contents. Opportunities and potential will be in focus, not just regulation. This expanded use of the municipal planning seems to be increasing, but still the traditional land-use regulation has to be a basic element in order to control development and implementation by providing a framework for the *lokalplaner* to impose legally-binding regulations on the properties.

Policy production

B118. The *kommuneplaner* must be revised every four years. Each municipal council must thus review the current plan and assess the need for changes at least once every four years (the local election period). In addition many municipalities prepare an annual planning report that assesses trends and directs future planning efforts.

B119. Between the main revisions, the municipal council can prepare supplements to the plan. This is typically done in connection with the implementation of a project the which council wants to promote, if the necessary *lokalplan* cannot be provided without adjusting the framework provisions of the *kommuneplan*.

B120. The process for revising or supplementing the *kommuneplan* is determined in the Planning Act (sections 22 and 33). In general, the process is similar to that for providing the *regionplaner*, but a few differences appear at local level. The process is as follows:

- Prior public participation
The municipal council will solicit ideas, and proposals, similar to the process at regional level. However, the municipal council may refrain from this procedure for minor amendments.
- Plan proposal
The municipal council prepares the plan proposal (based on planning considerations, public debate and contact with other authorities) to be adopted by the municipal council. In the process of adoption, any municipal councillor may demand to have his or her minority opinion of the plan proposal published simultaneously.

- Public inspection and debate
The adopted plan proposal (and minority options) are published, and a deadline of at least eight weeks is set for the submission of objections, etc. The proposal is also sent to the county council, the Minister for the Environment and other authorities whose interests are affected.

The county council will submit objections if the plan proposal contradicts adopted planning regulations at regional or national level (if not of secondary importance), and the Minister for the Environment may call-in the plan proposal.

- Adoption of plan
The municipal council processes the comments and objections submitted by the public and other authorities, and may change the plan proposal. The final proposal then is adopted by the municipal council. If the county council object to the proposal as contradicting higher planning regulations, the proposal will be negotiated, and the Minister for the Environment will make a final decision if agreement is not reached. The final plan is then published, promulgated and sent to the relevant authorities.

Monitoring

B121. The municipal council must act to implement the adopted plan. Proposals for *lokalplaner* as well as land-use decisions in general, have to be consistent with the adopted planning regulations. Therefore, the plan is constantly monitored according to the general spatial and economic conditions of the community, and the plan may be amended by providing supplements whenever needed. The plan may also be monitored by data collection and by generating public debate on topical issues, e.g. by providing annual planning reports assessing trends and future planning efforts.

Linkages

B122. The process of revising and amending *kommuneplaner* is based on a dialogue with the county and national authorities. The planning regulations at the local level have to be consistent with *regionplaner* and national planning directives. The planning at municipal level also should reflect the higher planning policies, e.g. for environmental issues and for the interests of the individual sectors such as traffic, energy, tourism, etc.

B123. The municipal planning process also must reflect the development and investment interests of the private sector, since the implementation of the plans depends essentially on the economic activity of trade and industry at the local level. Finally, the *kommuneplaner* should be robust, fulfilling the objectives of being an instrument for political and strategic action as well as being an instrument for detailed land-use control.

Local sectoral programmes

B124. Municipal authorities are responsible for the supply management by planning for water supply, waste water facilities, waste treatment plants and for primary schools, local road infrastructure and urban renewal planning. For example, the municipal authorities maintain a sectoral programme for developing and implementing the local traffic infrastructure which appears in the *kommuneplan*, based on the traffic programmes at regional and national level (see section D, Major infrastructure).

B125. Sectoral programmes at the local level are based on a dialogue with the relevant authorities at regional and national level. Programmes should establish the framework for actions within the specific sector based on the budget planning. The sectoral programmes at local level also should establish the basis for priorities to be decided in comprehensive municipal planning.

Illustration of municipal planning

Kommuneplan for Odense kommune (the municipal plan for the municipality of Odense)

B126. The population of the municipality of Odense is about 180 000, of which about 80 % live in the regional centre of Odense City. The area of the municipality comprises about 300 km², of which one-third is zoned as urban.

B127. The *kommuneplan* for the municipality of Odense consists of a main volume presenting the main structure, including a general land-use map, and 11 district volumes, each including detailed land-use maps.

- The main volume (60 pages) contains general premises, and the main goals and guidelines for development of the municipality with a 12-year horizon. The general premises and

policies are described within seven main areas: trade and industry, transport and environment, housing and urban development, retail, open space and countryside, public service, and supply and environment. The main structure is displayed on a general land-use map (see Diagram B8, presented at the end of the report).

- The eleven district volumes (20 pages each) contain detailed goals and guidelines for development within each district, as well as land-use regulations, providing a framework for the content of local planning. Goals and guidelines for a number of relevant areas are described including, for example, housing development, transport and environment, public services, trade and industries, open space areas, etc. The detailed structure of each district is displayed on a land-use map (see Diagram B9, presented at the end of the report). The district is further divided into a number of sub-districts, identified for specific land-use purposes such as housing, retail, service, industry, agriculture, etc. The sub-districts are displayed on a detailed land-use map (see Diagram B9, presented at the end of the report). The land-use regulations providing the framework for the content of local planning then determine the future land use and development possibilities of each sub-district.

B128. The *kommuneplan* of 1993 is based on the content of Odense's first *kommuneplan* adopted by the council in June 1986. Its revision, resulting in the adoption of *kommuneplan* 1993, emphasised issues of current importance such as planning for trade and industry as well as planning for transport and the environment. Furthermore, the objectives and provisions of the 1986 *kommuneplan* are revised and updated, based on experience and changing premises. Finally, the revision integrates any adopted amendments to the earlier plan. The process of establishing the plan was as follows:

- The work began in the spring of 1990 with production of a general planning report identifying the main needs and policy areas to be included in the revision. The report was adopted by the council in February 1991. The report concluded that there was no need for major changes to the main structure of the existing 1986 plan. According to the earlier Planning Act this meant that there was

no necessity for prior public participation. (However, the new 1992 Planning Act stipulates that prior public participation is mandatory when starting the revising process every fourth year).

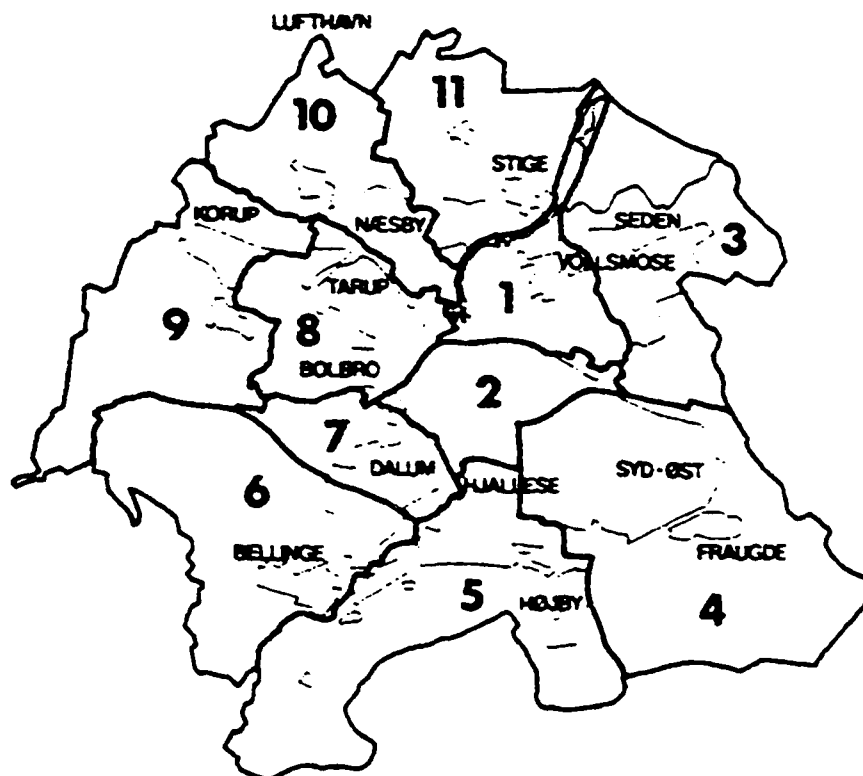
- A draft for revising the plan was produced by the Technical Department, and processed by the Planning Committee in October 1991. The draft was finally adopted by the municipal council in January 1992.
- The final draft was published in a newspaper form, presenting the main features of the plan as a basis for public inspection and debate. Furthermore a 'newspaper' was published and distributed, containing the land-use regulations which were to be changed or amended. During the period of public participation, lasting four months, seven public hearings were arranged throughout the municipal districts. About 500 participants were present at these hearings.
- A summary of the comments and objections was published in August 1992. About 400 comments were registered. About 15 % of the comments were objections, 25 % were proposals for changes, while the rest were general comments and ideas. The comments were

scrutinised by the Technical Department and a number of changes were made. The comments, together with the council's responses were published in October 1992. The final plan then was adopted by the council in February 1993 and published in July 1993.

B129. The municipal council may provide amendments to an adopted plan between the mandatory revisions. This is often done in connection with implementing *lokalplaner* which may not be in conformity with the detailed land-use regulations of the *kommuneplan*. About 45 amendments have been produced and adopted by the council of Odense during the years 1986-1994. In the same period, about 130 *lokalplaner* have been provided and adopted.

B130. The municipality of Odense – like many other municipalities – has adopted the policy of providing a planning report every year for monitoring the effect of the *kommuneplan* and improving the interaction with sectoral and budget planning. The 1995 planning report will be the starting point of the mandatory revision of the *kommuneplan* to be adopted in 1997. In this way, municipal planning is a continuing process.

Diagram B7. The districts of the municipality of Odense. The municipal plan of Odense divides the total area of the municipality into 11 districts. The main structure of the plan is displayed in Diagram B8. The detailed structure of district No 2 is displayed in Diagram B9. The diagrams B8 and B9 are presented at the end of the report.



B7: The districts of the municipality of Odense.

Lokalplaner (binding local plans with maps and detailed land-use regulations for a minor neighbourhood area)

B131. *Lokalplaner* are the cornerstones of the Danish planning system. The policies and regulations established in the *kommuneplaner* are implemented by providing detailed land-use plans which are legally binding on the land-owners. These plans only regulate future transactions and thus do not require property owners to act.

B132. The *lokalplaner* (binding local plans) have numerous uses, and so the content and extent of the plans may vary widely. The general use of local planning is to provide detailed planning regulations for a small area in order to implement a specific development project, e.g. a group of new dwellings, a hotel resort, a public institution or industrial works. However, the plans may also be provided, for other reasons, for example to issue detailed regulations for protecting and preserving valuable architectural features in the centres of provincial towns. About 20 000 local plans have been produced since 1975.

Status, geographic coverage, duration

B133. Municipal councils have the power and duty to provide *lokalplaner* to ensure implementation of planning intentions presented in the *kommuneplaner*. A *lokalplan* must not contradict the *kommuneplan*, the *regionplan* (for the obligatory objectives) or any binding national planning regulations.

B134. A *lokalplan* has to be produced before larger areas can be subdivided or before major building and investment work, including demolition of buildings, can be carried out (Planning Act, section 13). This duty is crucial to the planning system, as it ensures that larger developments are brought within the regulation of the planning system and within the provisions of public participation before implementation (see also section B4, Development rights). The question of whether there is a duty to provide a *lokalplan*, e.g. in connection with a specific application for a building permit, is determined by the municipal council.

B135. There is no legal definition of what constitutes a major project which requires a *lokalplan*. The term 'major' relates to the impact, and not merely the size, of the project. The council has to

assess whether the project will have a major impact on the existing surroundings, including an estimate of the size of the project in relation to the size of the community in which it is located (see Diagram B10, presented at the end of the report). After 20 years of practice, the question of whether there is a duty to provide a *lokalplan* is now rather easily handled by the municipal authorities. The question is considered to be a legal issue and appeals may be made to the Nature Protection Board of Appeal.

B136. If a major development project is in compliance with the *kommuneplan*, the municipal council must prepare a proposal for a *lokalplan* as soon as possible and promote the case as much as possible. The municipal council may then require that the developer assist in preparing the plan. The municipal council may also provide a *lokalplan* whenever they wish to issue detailed planning regulations.

B137. The *lokalplaner*, only cover the specific minor area defined in the plan, and are adopted by the municipal councils themselves. The adopted plan is entered in the land registry for the properties covered by the plan. The plans are permanent and may only be changed by adopting a new plan which supersedes the earlier plan.

Objectives

B138. The *lokalplaner* can regulate many conditions related to land use, construction and architectural features. Normally, the plans are used for issuing detailed planning regulations prior to implementing major development proposals affecting a minor neighbourhood area. However, the content and extent of the plans may vary widely according to the specific purpose of the planning issue. For example, a *lokalplan* can be prepared to regulate preservation or the structure of retail trade for an entire city centre. The plans can also be prepared for a single property, to regulate an addition to an existing building. Whatever the objective of the plan, and whatever its geographic coverage, it will be legally binding, and any future transactions must be in accordance with its content. A *lokalplan* may be provided whether the properties concerned are located in an urban zone, rural zone or in a summer cottage area. A *lokalplan* is, furthermore, the only instrument for transferring land required for urban development from a rural zoning to urban zoning.

B139. The *lokalplaner* must contain two parts: the legal provisions for future land use including

maps, and a report accounting for the relations to the *kommuneplan* and other relevant planning policies. Finally the plans must state the purpose of the plan and the legal effects.

B140. The legal provisions can include a wide range of detailed regulations. The topics for which provisions can be established are determined in the Planning Act (section 15). These topics include:

- transfer of areas from rural zone to an urban zone or a summer cottage area
- use of land and buildings
- size and extent of properties
- location of roads and paths
- location of tracks, pipes and transmission lines
- location of buildings on plots
- extent, design and density of buildings and housing
- layout, use and maintenance of unbuilt areas
- preservation of landscape features
- connection with communal facilities
- provision of sound barriers
- establishment of landowners' associations
- preservation of existing buildings
- prohibition of new constructions because of danger
- cancelling of negative easements
- joining of existing flats
- insulation of existing housing, and
- prohibition of major building works in existing buildings.

B141. *Lokalplaner* can thus contain provisions regarding virtually any aspect of development, e.g. land-use change, site layout, open space and landscaping, the constructional details of new buildings, urban renewal and preservation. Besides being concerned with physical matters, the plans can also include provisions relating to legal and administrative aspects such as the relationship to other planned sectors and the establishment of landowners' associations. The plan can ensure that certain conditions are complied with before new buildings can be used, e.g. connection to communal facilities, and establishment of a tree belt. The Minister for the Environment may establish regulations that allow the plans to contain provisions concerning matters other than these listed above. The specific provisions in the plan (especially with regard to location of buildings and roads) will normally be displayed on one or two maps.

B142. The report must present an account of how the plan relates to the *kommuneplan* and

other relevant planning policies for the area, including sectoral programmes and the *regionplan*. The report thus provides the basis for the public and the relevant authorities to assess the plan proposal without further investigation.

B143. The report also accounts for the permits required from other authorities for implementing the plan, e.g. permits according to the land-use provisions in the Agricultural Holding Act, the Nature Protection Act and the Environmental Protection Act. Landowners who act by relying on the plan should then be aware of the conditions for implementation. Finally, the report should include visual images, especially for development projects in coastal areas and for high-rise buildings.

B144. The mandatory statement of the purpose of the *lokalplan* is also important for the further administration of the plan and for the processing of applications for departures from the plan (see section C, Departure from plan/changes to plan).

Use and practice

B145. The *lokalplan* is the main instrument for the municipal authority to issue detailed planning regulations, and also the basic instrument used in consideration of applications for building permits. The plans are binding on property owners and, therefore, determine development possibilities and affect property values.

B146. About 80 % of *lokalplaner* are produced in order to provide the legal basis for implementation of specific development projects (known as project plans). These plans contain very detailed provisions to control development and implementation of topical interest. *Lokalplaner* may also be used for providing more general planning regulations for the design of transport structure, housing units, recreational areas, etc. in order to control future development by determining basic planning elements (known as framework plans). As the development process proceeds, more detailed *lokalplaner* must then be prepared for the specific development projects, which are subject to mandatory public consultation. Furthermore, the *lokalplaner* may be used for providing regulations to administer existing built-up areas, e.g. for the preservation of architectural and cultural values (known as by-law plans). Finally, *lokalplaner* may be used for regulating a specific issue/theme such as open spaces, green paths or transmission lines; the plans (known as theme plans) normally cover a major geographic area.

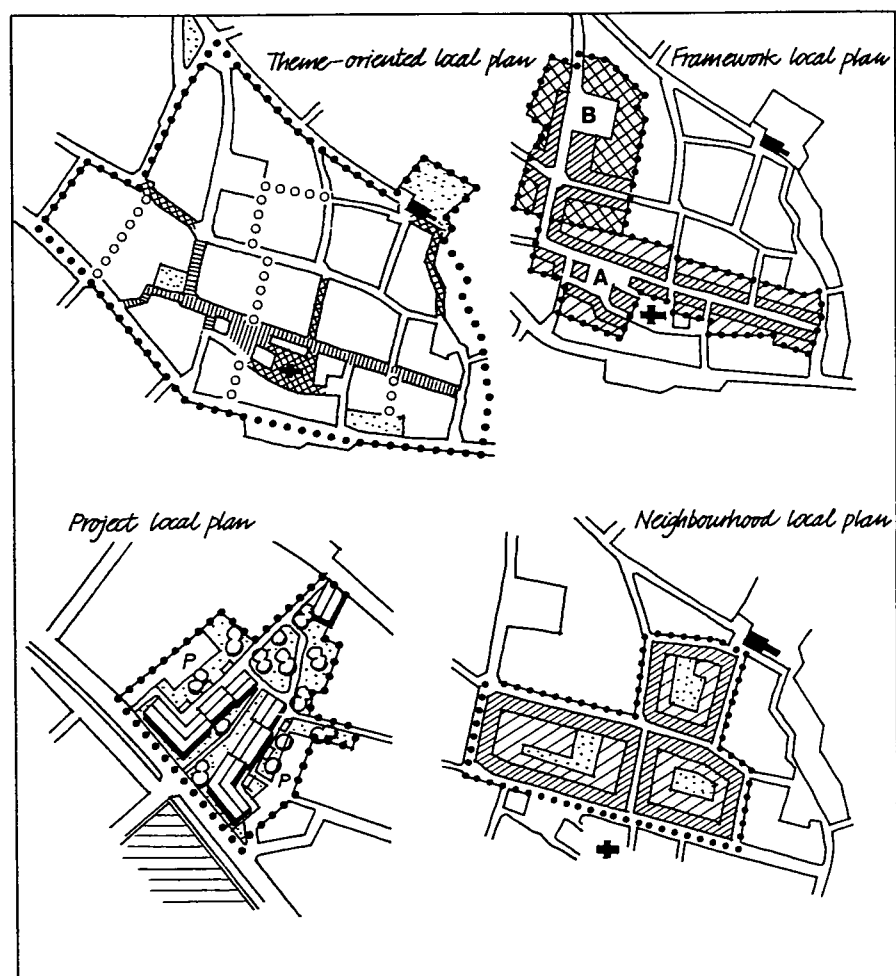


Figure B11: Examples of types of local plans.

However, this type of plan is very seldom used. The various types of *lokalplaner* are illustrated in Diagram B11 presented at the end of the report.

Policy production

B147. The process for providing the *lokalplaner* is, in the whole, similar to the process for providing the *kommuneplaner*. The process is as follows:

- **Prior public participation**
The municipal council may involve the public in the preliminary stage, but this is not mandatory for *lokalplaner*. If the planning requires a substantial change in the *kommuneplan* through a supplement, the municipal council must solicit ideas and proposals for the planning work before a specific deadline. The further procedure for providing the supplement then can be carried out simultaneously with the procedure of providing the *lokalplan*.
- **Plan proposal**
The municipal council prepares and adopts a proposal for a *lokalplan*. Any objections from any municipal councillor will be published simultaneously.
- **Public inspection and debate**
The plan proposal (and any minority opinions) will be published with a deadline of at least eight weeks for the submission of objections, etc. The proposal will also be sent to the county council, the Ministry for the Environment and other authorities whose interests are affected. The county council will submit objections if the plan proposal contradicts adopted planning regulations at regional or national level (if not of secondary importance), and the Minister for the Environment or any State authority may veto the plan proposal. The plan proposal will also be sent to the owners, tenants and users of the properties covered by the proposal, other owners outside the area who may be substantially affected by the plan and, finally, locally-based associations, etc. that have asked in writing to be informed of such proposals.
- **Adoption of plan**
The municipal council processes the comments and objections submitted by the public and authorities and may then change the plan proposal, following which the final proposal is then adopted by the municipal

council. If objections are submitted in due time, the adoption of the plan proposal must be postponed by at least four weeks in order to ensure proper consideration of any objections. If the county council objects to the proposal because it contradicts planning at higher levels, or if the plan is vetoed by State authorities, the proposal will be negotiated, and finally decided by the Minister for the Environment if agreement is not reached. Simultaneously with the promulgation of the adopted plan, the municipal council will send a copy to the property owners covered by the plan, anyone who lodges objections in the due time period, and the authorities and associations mentioned above. The municipal council will finally enter the *lokalplan* in the land registry for the properties covered by the plan. A *lokalplan* proposal lapses if it is not adopted within three years after publication, or if it is not promulgated within eight weeks after adopted in final form.

Illustration of local/neighbourhood planning

Example of Lokalplan (binding local plan) for implementation of a settlement area of 60 housing units in the municipality of Høje Taastrup

B148. The municipality of Høje Taastrup is located 20 km west of the metropolitan centre of Copenhagen. The municipality comprises about 80 km² and the population is about 45 000.

B149. In the *regionplan* for the county of Copenhagen, a major area of Høje Taastrup is located as the main development area for relieving the pressure on the metropolitan centre. The new development of trade and industries, service, etc. is mainly located around the new railway station which is classified as a main stop on the Danish inter-city railway network. Furthermore, large housing areas to support the needs of the new development are located in Høje Taastrup and zoned in the main structure of the *kommuneplan*.

B150. The key features of a major housing development scheme comprising around 1 700 housing units were designated in a *lokalplan* (a framework plan) presenting the main structure and building density of the total area. As the development process proceeded, a more detailed *lokalplan* (a project-plan) was prepared for a

minor area to implement a specific project comprising 60 housing units. By adopting the detailed plan there was then no further delay for implementation other than granting a building permit to ensure conformity with the technical building regulations. The plans are illustrated in Diagram B12.

B151. The detailed *lokalplan* contains (i) a report accounting for the conformity with the earlier framework plan as well as the *kommuneplan* and (ii) detailed land-use regulations determining the development possibilities with binding legal effect. The regulations include the building density, location of buildings, roads and open spaces, as well as aesthetic features. The process of providing the plan was as follows:

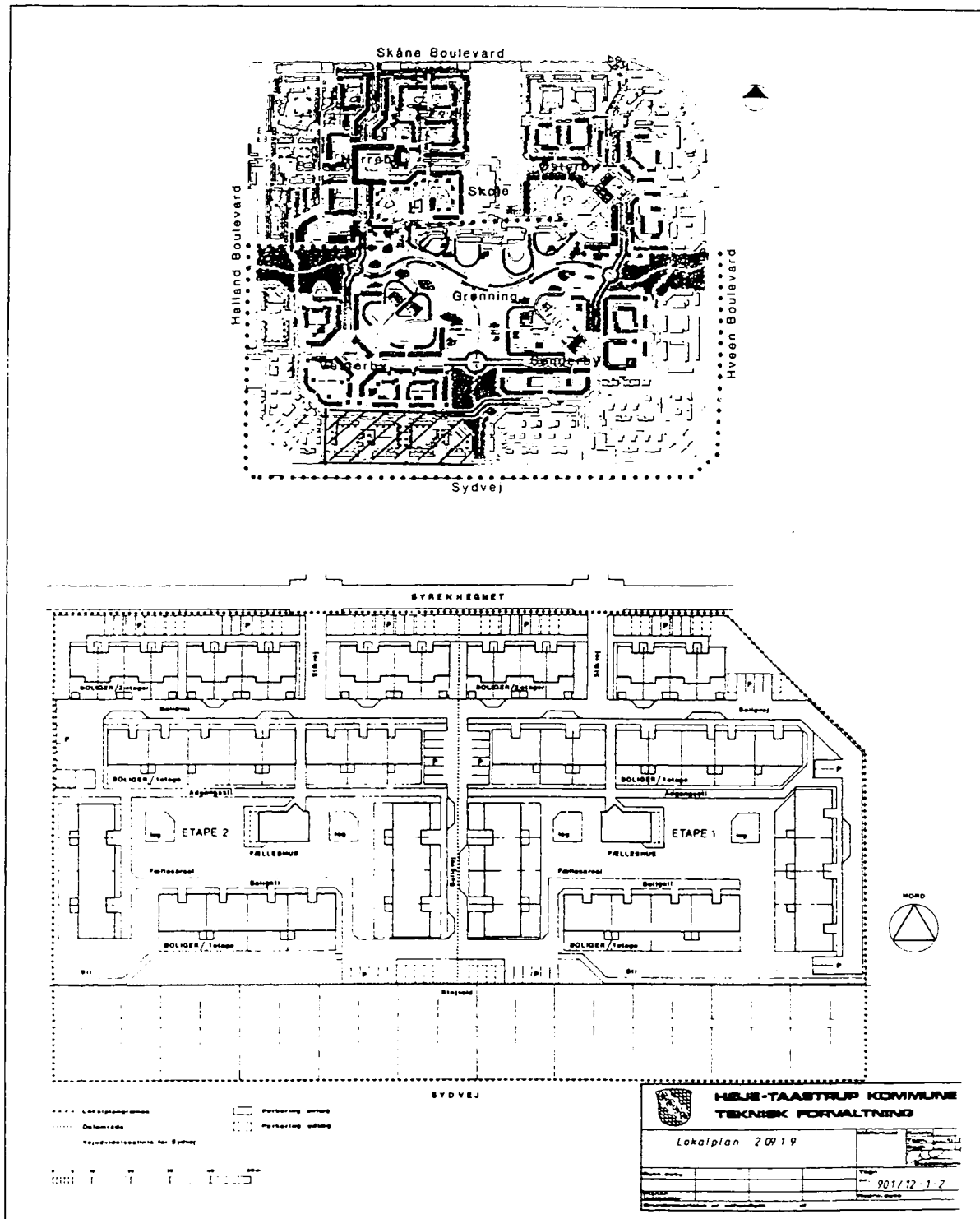
- Proposal for the framework *lokalplan* comprising 1 700 housing units was adopted in January 1989, and issued for public inspection for two months. There were no objections or comments, and the final plan was adopted in June 1989.
- The landowner (a non-profit housing corporation) applied to the municipality in the spring 1991 to implement a project comprising 60 terrace houses. The design of the development was determined after discussions and negotiations between the corporation and the Technical Department based on the 1989 framework plan.
- The proposal for the detailed *lokalplan* was adopted in August 1991 and issued for a two-month-long public inspection period. The county of Copenhagen submitted some minor objections (securing the neighbourhood against traffic noise) which were agreed. The final plan was adopted in December 1991.

Development rights

B152. The *lokalplaner* (binding local plans) represent the most detailed level of planning regulations, and provide the conditions for future development. The plans are binding on everyone in the sense that future transactions, physical as well as legal, must be in accordance with the plan. The plan cannot itself affect existing conditions and the plan does not give the municipal council the power to order landowners to bring their properties into line with the plan. However, the *lokalplan* does enable the council to acquire by compulsory purchase any property that is of material importance for its implementation.

B153. The development possibilities are determined by the general planning regulations of the *regionplaner* and *kommuneplaner* (regional and municipal plans) and, furthermore, by the detailed planning regulations of the *lokalplaner*. Permission for implementation is finally granted by applying to the municipal authority for a *byggetilladelse* (building permit). In processing such an application, conformity with planning and building regulations and any sectoral land-use provisions are checked. Permission must be given when conformity is ascertained.

B154. Before implementing a major project, a *lokalplan* must first be adopted in accordance with the *kommuneplan*, after which the permission is almost a formality. The adoption of a *lokalplan* may therefore be seen as the provision of development rights according to planning control, while the final *byggetilladelse* only concerns technical building control of construction works. The system of regulations and permits is explained in detail in section C.



B12: Illustration of local planning, the municipality of Høje Taastrup

Above: a framework plan comprising 1,700 housing units.
Below: a detailed project plan comprising implementation of terrace houses.

C. Regulations and permits

Overview

C1. The control of development is exercised through the right and duty of the municipal authority to provide a *lokalplan* (binding local plan) and finally through the granting of *byggetilladelse* (building permits).

C2. The planning control system is based on the general urban/rural zoning provisions for safeguarding rural areas (see section B, Regional level, urban/rural zoning). The scope of the system is, that the planning and zoning regulations provide the development possibilities, while the *byggetilladelse* provides the rights for implementation of construction works in accordance with adopted planning regulations and statutory land-use provisions (see section B, Development rights).

C3. The right and duty of the municipal authority to provide a *lokalplan* is fundamental for the system of planning control (see section B, *Lokalplaner*, Status). This duty will ensure that major building and investment works are brought within the regulation of the planning system, to be determined through a process which includes public participation. When a *lokalplan* is adopted, the development possibilities are legally determined.

C4. When no *lokalplan* is provided, the basic condition for approval of development proposals is that the proposal conforms to the adopted planning regulations of the *kommuneplan* (municipal plans). The legal means of planning control then can be explained by examining the four possible situations of development proposals. The proposal may be consistent with adopted planning regulations, or it may not, and politically it might, or it might not be desirable to allow for implementation. The situations are shown in Diagram C1 below.

Diagram C1. The legal means of planning control

Political decision		
Development proposal	Desirable	Undesirable
Conforms to adopted planning regulations	Permission ⁽¹⁾	Prohibition
Does not conform to adopted planning regulations	Adjustment ⁽¹⁾	Refusal

⁽¹⁾ Major proposals are subject to a *lokalplan* prior to approval.

C5. The four boxes in the diagram can be explained as follows:

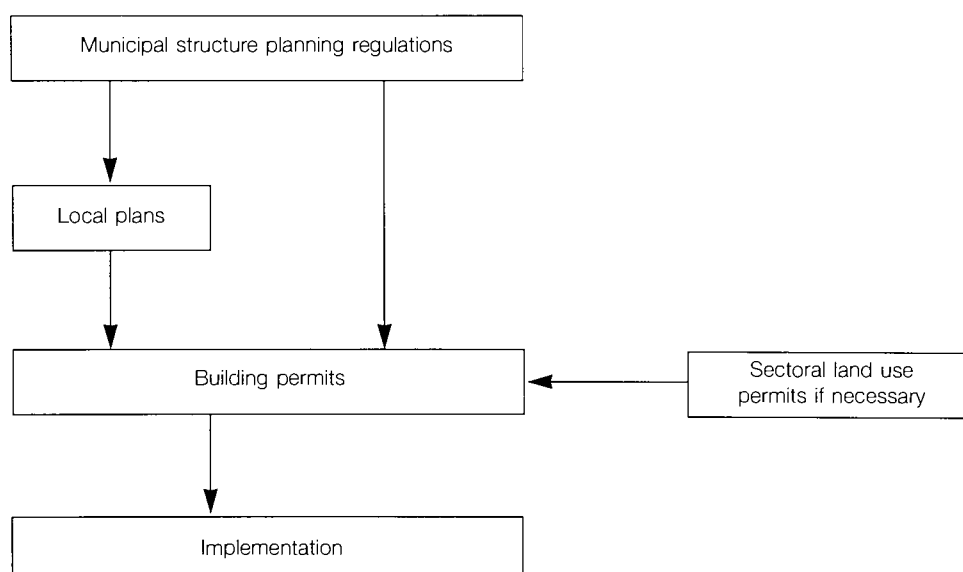
- If the proposal conforms to the adopted planning regulations and is deemed desirable by the municipal council, there will be no further delay for implementation except granting a *byggetilladelse* (building permit). There may be the duty to provide a *lokalplan* (mandatory for major proposals, see section B: *Lokalplaner*, Status) and there may be the need for other permits according to sectoral land-use laws (see section C, Other permits).
- If the proposal does not conform with the adopted planning regulations but, nevertheless, still is deemed desirable, the planning regulations have to be formally amended or adjusted prior to approval. This process includes negotiation between the developer and the municipal authority, as well as public participation, and the process may lead to acceptance or refusal of development proposal.
- Even if the development proposal does conform to the adopted planning regulations, the municipal authority has the power of prohibition by imposing a ban for a maximum of one year. Within the period of the ban, the municipal council must provide a *lokalplan* providing new planning regulations which will prevent implementation of the original development proposal. Imposing a ban does not give rise to claims for compensation.

- Finally, if the development proposal does not conform to adopted planning regulations and is deemed undesirable, the proposal will be refused. However, refusal requires that the planning provisions are sufficiently precise to allow the proposal's unconformity to be decided. If this is not the case, the municipal authority must instead impose a ban as mentioned above.

C6. The legal means of planning control are felt to be sufficient. The system is able to ensure that undesirable development does not occur and, therefore, local political control of development is available.

C7. The system of granting *byggetilladelse* (building permits) functions as the final stage (the plug) in the planning control system. This means that conformity to adopted planning regulations as well as consistency with the detailed technical provisions for construction works, according to the Building Act, are ensured as part of the process for granting the permit. There may also be the need to obtain permits according to the rural zone provisions and the provisions of the sectoral land-use laws (see section C: Sectoral land-use control). The municipal authorities have the duty to ensure that these permits are obtained prior to granting the *byggetilladelse*. The role of the *byggetilladelse* within the system of development control is presented in Diagram C2 below.

Diagram C2. The system of development control



Main permit

C8. The main permit for development control is the *byggetilladelse* (building permit).

C9. The Building Act contains the general rule (section 16) that the construction, alteration and demolition of buildings, as well as changes of use, require a *byggetilladelse* from the municipal council. A permit lapses if the work is not commenced within a period of one year from the date of issue.

C10. By processing the permit the Technical Department of the municipal authority must ensure that the development proposal conforms to adopted planning regulations, and the need for providing a binding *lokalplan* must be estimated. Furthermore, the proposal must conform to the general building provisions of the Building Act (sections 6 to 9). These provisions, however, do not apply when otherwise stated in a *lokalplan*. Finally, the proposal must conform to the technical construction regulations of the *Bygningsreglement* (the Building Regulations), which are issued under the Building Act and apply to the entire country. The regulations referring to larger developments, minor development, and construction works are given below.

Larger developments

C11. Major development proposals are subject to planning regulation because of the duty of the municipal council to provide a *lokalplan* prior to implementation (Planning Act, section 13). The content of the duty is explained in section B: *Lokalplaner*, Status. The development proposal may require alteration of the existing planning regulations in the *kommuneplan* and the development proposal may be changed during negotiations between the developer/landowner and the municipal authority. After the adoption of a *lokalplan*, the developer/landowner still has to apply for a *byggetilladelse* for implementing the construction works.

Minor developments

C12. If the development proposal only has a minor impact on the local environment, the provision of a *lokalplan* is not mandatory; however, the municipal authority has the right to provide a *lokalplan* for issuing detailed regulations.

C13. When there is no *lokalplan*, the development proposal must fulfil any precise planning

regulations of the *kommuneplan* prior to implementation, or the proposal may be refused.

C14. When there is no *lokalplan* and no precise regulations in the *kommuneplan* concerning the specific area, the development proposal has to fulfil the building provisions stated in the Building Act (sections 6 to 9). These provisions, listed below, do not apply when otherwise stated in a *lokalplan* and they may therefore be seen as a supplement to local planning for ensuring adequate control of minor developments. By processing the application for a *byggetilladelse* the consistency with planning regulations or the general building provisions will be secured, or dispensation may be granted.

C15. The general building provisions of the Building Act provide that:

- subdivision must not result in creation of plots smaller than 700 m², or 1200 m² in summer cottage areas,
- the building density (the percentage ratio of total floorspace to the area of the site) must not exceed 25 % for residential detached housing, 10 % in summer cottage areas, 50 % for multistorey buildings and 40 % for other buildings,
- the height of a building must not exceed two storeys and must not rise more than 8.5 m, or more than a single storey with a maximum height of 5 m in summer cottage areas, and
- the distance from a building to the party boundary must be no less than 2.5 m, or 5 m in summer cottage areas. However, this does not apply to terrace houses and minor buildings such as garages, etc.

As mentioned above, the provisions do not apply when otherwise stated in a *lokalplan*. Also, applications for establishing several housing units on a single property or plot (e.g. semi-detached houses and terrace houses) may be processed by a general departure from the regulations, even if there is no duty for providing a binding *lokalplan* (the Building Act section 22). The neighbours of the property in question must then be given notice.

C16. Further detailed provisions and exemptions are stated in the *Bygningsreglement* (the building regulations) issued under the Building Act. However, the main focus of these regulations is on technical requirements for construction works (see below).

Construction works

C17. Besides the general building provisions mentioned above, the Ministry of Housing and Building, in 1982, issued the *Bygningsreglement* (the Building Regulations), which contain detailed rules on the technical and structural requirements, and of the safety measures which must be observed in connection with the construction of buildings. The *Bygningsreglement* includes the following headings:

- general provisions on application for building permits,
- general requirements for the use of unoccupied parts of the site including parking and access (when not regulated in a *lokalplan*),
- heights of building and distance from boundaries (when not regulated in a *lokalplan*),
- interior layout of buildings,
- structural requirements,
- fire requirements,
- resistance to moisture,
- resistance to the transmission of sound,
- fire-producing appliances and chimneys,
- ventilation,
- services, and
- exemptions where the building regulations do not apply.

C18. The *Bygningsreglement* provides detailed information on the demands for the construction work; the provisions then serve as guides for landowners and consultants for planning the construction works in detail. The regulations are amended whenever needed, and a revised set of regulations is presently being issued (1995).

C19. The *Bygningsreglement* are supplemented by *Bygningsreglement for Smaahuse* (the Building Regulations for Minor Buildings). They came into force in 1985 and apply to detached single-family houses, summer cottages, allotment garden houses, garages, and greenhouses. The provisions and the processes for granting *byggetilladelse* (building permits) then are eased for these minor buildings.

C20. The Planning Act (sections 39 to 41), includes special provisions for the construction and use of dwellings in summer cottage areas. These provisions permit one dwelling on a site in a summer cottage area unless otherwise allowed in a *lokalplan*, and the dwellings may only be used in the period from 1 April to 1 October, except for short-term holiday use during winter time.

Application for the permit

C21. A *Byggetilladelse* (building permit) must be obtained prior to the commencement of construction works. To obtain a building permit the development project must be in accordance with adopted planning regulations, and there may be the need for providing a *lokalplan* (binding local plan).

Local planning

C22. Major development proposals are subject to planning regulations because of the duty of the municipal council to provide a *lokalplan* prior to implementation (see section B, *Lokalplaner*, Status). These proposals are, therefore, normally negotiated between the developer and the municipal authority in order to decide the possible land use and the design of the project, compared to adopted planning regulations in the *kommuneplan*. If agreement is made, the formal procedure of providing the local planning provisions will take place, including any amendments to plans at higher levels and including the procedures of public participation. After adoption of the *lokalplan*, the legal basis for implementation is established, but the *byggetilladelse* must still be obtained prior to commencement of construction.

Byggetilladelse (building permits)

C23. The final development rights are granted by means of *byggetilladelse* (building permits). Applications must be directed to the municipal authority in writing, and normally on a standard form. The application must contain:

- identification of the site, address, etc.,
- information on area and use of the site and existing buildings,
- information on the proposed development and the intended use, and
- application for any necessary dispensations.

The application must be signed by the owner of the property or by someone on his behalf.

C24. The application must normally be accompanied by:

- site-plan showing the party boundaries, site and street levels, location of existing and planned buildings, sewer installations, etc.,

- architectural drawings, normally at a scale of 1:100, of plan and frontages, and
- structural drawings of any special constructions.

The municipal authority can demand any other information necessary for processing the application.

C25. Applications for *byggetilladelse* are processed by the Technical Department which is the normal administrative body serving the Technical and Environmental Committee of the Municipal Council. The department acts according to its delegated powers, and only important cases of principle will be determined by the committee itself. The Technical Department also acts as consultant on any tentative building applications in order to advise the developer/landowner on the development possibilities in advance.

C26. Fees have to be paid for a *byggetilladelse*. The municipal authority can determine that such fees shall be payable either as a fixed basic amount per square metre of floor area or per cubic metre of the building's volume, or as a proportion of the building costs. The municipality chooses one of these options as its standard method, and the amounts or the proportion fixed can be adjusted over time. Permits for detached houses, terrace houses, etc. are subject only to a standard fee, which in January 1994 was adjusted to DKK 766. The standard fee for summer houses and garages, etc. was similarly adjusted to DKK 383. Standard fees are payable at the time of submission of the application; other fees are payable at the time of issuing the permit. The municipal authority can withhold the permit until payment is made.

Processing the permit

C27. When a major development project complies with the provisions of the *kommuneplan* (municipal plan) and a *lokalplan* (binding local plan) must be provided, the municipal council must prepare a proposal for the plan and process it as soon as possible. In such circumstances, the municipal council may require that the developer assists the municipality in preparing the plan (Planning Act, section 13).

C28. Applications for *byggetilladelse* (building permits) must be scrutinized by the municipal authority's Technical Department, as soon as possible. If the application is incomplete, or if

there is the need for further detailed information, the municipal authority may demand that the applicant provide the information necessary within a specified time limit. Normally the processing of a permit is completed within two to four weeks. A permit may be granted on a temporary basis, or for a specified period, depending on any special circumstances (Building Act, section 26).

C29. By processing the permit, the municipal authority must ensure that the application complies with the statutory provisions of the Building Act and that the construction work is in compliance with technical regulations for structural and fire safety requirements. The municipal authority must also ensure that the application complies with adopted planning regulations, the rural zone provisions and any relevant provisions of the sectoral land-use laws. The municipal authority can also postpone consideration of an application until such time as the requirements of other legislation not administered by the municipality have been fulfilled. During the processing, the applicant may be notified to consider any requirements or conditions imposed by the authorities. When the application complies with the regulations mentioned above, the permit must be approved; and the applicant then has no need for any further approval from other authorities.

C30. Notice normally has to be given to the municipal authority before any construction or demolition work commences. The *byggetilladelse* can also include provisions to the effect that notice shall be given at various stages of the work. The municipality must be informed when the work has been completed, and the work must not be brought into use without a *ibrugtagningstilladelse* (permit to use of building) from the municipality (Building Act, section 16). There may be exceptions to this standard process (see section C, Exceptions).

C31. The site development work has to be completed before the construction work is brought into use. The site development work includes that access to road, and sewers and drinking water supply are established in accordance with statutory regulations (Building Act, section 4). If the site development work has not been carried out when the building work commences, a guarantee can be demanded in connection with granting the *byggetilladelse* to enforce completion of such development work before the building is brought into use.

Conditions related to the permit

C32. Conditions related to implementation of major development projects are normally negotiated and agreed as part of the process for providing the necessary *lokalplan*. The municipality here holds a strong negotiating position as it has the power of plan adoption. The municipalities, however, must limit their conditions to issues that are within their legislative competence.

C33. Conditions may be attached to the consent of administering the provisions of an existing *lokalplan* (binding local plan) or to the granting of deviations (Planning Act, section 55). These conditions may include more specified restrictions, such as for aesthetic control, within the general provisions of the plan, or they may include specific demands attached to dispensations. The conditions may be entered in the land registry at the owner's expense.

C34. Conditions may be attached to a *byggetilladelse* (building permit), e.g. to ensure that the building is given an external form which gives a satisfactory overall effect in relation to its surroundings (Building Act, section 6d). Conditions may also be attached in connection with granting exemptions from the general building provisions of the Building Act. These conditions may include restrictions on the building activity applied for, or they may include restrictions to be imposed on a neighbouring property in order to fulfil the general purpose of the building regulations. Such conditions must be entered in the land registry at the owners expense.

C35. The *Bygningsreglement* (building regulations) contain detailed rules on the technical and structural requirements and safety measures which must be observed in connection with construction activities. This is normally further regulated in conditions attached to the individual *byggetilladelse* depending on the specific situation.

Rights of appeal

C36. The content of a plan is conclusively determined by the county and municipal council respectively. The adoption is based on a plan proposal submitted for public debate, inspection and objection for a period of eight weeks. These procedures of public participation are considered adequate for the legitimacy of the political purpose and decision, and hence there is no opportunity for appeal of the contents of an adopted plan.

C37. Appeals can only be made on the legal issues involved in the production and administration of plans, such as whether the proper procedure was followed, when a *lokalplan* (binding local plan) is mandatory, whether the Act's provisions on granting exemptions have been violated and whether the framework control principle, whereby all plans must comply with higher level plans, has been followed. Anyone with a legal interest in the outcome of the decision of a county or municipal council may submit appeals to the Nature Protection Board of Appeal. The right of appeal extends to the State authorities.

C38. The Board decides whether legal issues are at stake in an appeal. The Board, however, cannot decide whether the decisions of a county or municipal council pursuant to the Acts are reasonable or appropriate. The discretionary part of the decisions is considered a question of local politics and is conclusively determined by the elected councils.

C39. The Nature Protection Board of Appeal is an independent quasi-judicial organisation (see section B, Policy institutions). The board decides cases setting precedents and other important cases in plenum, while the chairperson, on behalf of the board, decides in all other cases. An appeal stays the appealed decision unless the board decides otherwise. The decisions of the board are based on the strength of the written submissions and they cannot be appealed to the Minister for the Environment or any other administrative authority. Decisions can, within six months, be brought before the courts; but this is extremely rare.

C40. Appeals must be submitted in writing within four weeks from the date of the decision. The board decides appeals after consulting the authority which made the original decision.

C41. Appeals against a permit decision pursuant to the Building Act may be made to the *Statsamtet* (the County Administrative Board) within four weeks. Only legal issues can be appealed, while discretionary decisions are conclusively determined by the municipal council. The County Administrative Board is the State authority at regional level responsible for non-political matters, such as matrimonial cases, and legal supervision of the counties and municipalities.

C42. Appeals against permit decisions pursuant to the Environmental Protection Act may be

made to the Environmental board of Appeal (see section B, Policy institutions). The appeals must be submitted within four weeks and they may be based on both legal and political issues.

C43. Under the provisions of the Constitution Act, the Parliament has appointed an *ombudsmand* to supervise the administration of the State, and of regional and local government organisations. Any citizen may bring a case before the ombudsman in order to examine the circumstances in question. However, the ombudsman cannot intervene into the discretionary power of the authorities. The ombudsman may also, on his own initiative, take up matters and call the attention of the Parliament to any conditions likely to cause disadvantage. The ombudsman submits an annual report to the *Folketing* (Parliament) which includes examples of the complaints which have caused him to express criticism or to make suggestions to the authorities.

Other permits

Development in rural zone areas

C44. The provisions on rural zones (Planing Act, sections 34 to 37) are intended to prevent uncontrolled land development and installations in the countryside and to preserve valuable landscapes. Urban development can then only occur where land is transferred from a rural zone to an urban zone, by providing a *lokalplan* (binding local plan). The provisions on rural zones ensures that parcelling out, construction of new buildings or changing uses of existing buildings or undeveloped land are not allowed without special permission from the rural zone authority.

C45. An important exception to these general rural zone provisions is that construction necessary for commercial agriculture, forestry and fishery operations requires no rural zone permit. Nor is a rural zone permit required for developments which are expressly permitted by a *lokalplan*. Minor additions and renovation of existing dwellings are allowed, and existing agricultural buildings no longer necessary for agricultural operation may be used for craft and industrial enterprises, office and storage purposes, etc, without zoning permission. The exploitation of raw materials in the ground is not covered, as this activity is regulated by the Raw Material Act.

C46. The county council is the normal rural zone authority. The municipal councils, however, administer rural zones in villages clearly delimited in the *kommuneplan* (municipal plan) and in rural zone areas covered by a *lokalplan*. Permits are granted by the respective authority. Conditions may be attached to the consent. The permits are free of costs.

C47. Permits in accordance with the rural zone provisions must be published. Appeals may be made to the Nature Board of Appeal within four weeks from the promulgation, by anyone with a legal interest in the outcome of the case. Appeals may be based on both legal and political issues and the board can then overturn the decision.

C48. The transfer of a rural zone area into an urban zone is carried out by providing a *lokalplan* which will establish urban development opportunities. The increasing property value deriving from the zone transfer is taxed, based on a reassessment of the market value. The *frigørelsesafgift* (property release tax) is calculated from the difference between the last public assessment before the zone transfer (which is low for rural agricultural properties) and the new assessment. The tax is charged at 40 % of amounts less than DKK 200 000 and 60 % of the rest. The tax in principle falls due for payment immediately by the zone transfer, but, on request, a respite is given up to 12 years. The landowner can also, within a period of four years, request that the land is taken over by the municipality for an amount corresponding to the value of the first public reassessment after the zone transfer. This takeover situation is primarily intended to safeguard landowners who are charged with an interest burden and increasing property taxes.

Sectoral land-use control

C49. In addition to the regulations already mentioned above there are other rules which may affect the possible use of land and therefore require permission. The important acts containing statutory land-use provisions are the Nature Protection Act, the Environmental Protection Act, the Agriculture Holdings Act, the Forestry Act, the Raw Materials Act, the Preservation of Buildings Act, the Public Roads Act and the Private Roads Act. For example, a permit is needed for implementation of construction works within the fixed protection zones identified in the Nature Protection Act; and change of farming land to be

used for urban purposes requires a permit according to the Agricultural Holdings Act.

C50. The statutory land-use provisions have to be fulfilled even if a *lokalplan* is provided. The need for permits according to the sectoral land-use laws can be described by the following four situations:

- prior to adopting a *lokalplan* (binding local plan), the plan must take into account the permits necessary from other authorities for implementing the plan,
- prior to granting a *byggetilladelse* (building permit) the municipal council must ensure that the project is in accordance with other statutory land-use provisions,
- prior to registration of subdivisions, the changes applied for must be in accordance with relevant land-use regulations, and
- prior to any change of land use, which is not included in the procedures mentioned above, the necessary permits according to relevant land-use laws must be obtained.

C51. The general principle, then, is that any change of land use is prohibited without having obtained the necessary permits from the relevant authorities, and that the granting of permits is based on comprehensive planning regulations. Permits according to the sectoral land-use laws are granted by the respective authority identified below. The permits are free of costs. Conditions may be attached to the consent. Decisions may be appealed to the respective ministry or board of appeal, based on both legal and political issues. The content of the sectoral land-use Acts are briefly presented below.

C52. The Nature Protection Act gives protection to certain areas and elements in nature and landscape. There are fixed protection zones of 300 m along the coasts in rural areas, 100 m around ancient monuments (e.g. viking burial mounds), 150 m around lakes and streams and 300 m around woods and churches. These limits and the areas to which they apply can be changed by the Ministry of the Environment in the context of local planning. Existing natural features are also directly protected against any changes to the existing state of watercourses, lakes, bogs, marshes, heaths, dunes, boundary banks and ancient monuments. Finally, the Act provides for

establishing conservation regulations that make it possible to schedule areas as nature reserves and to determine how such areas shall be used. The Act is administered by the county council.

C53. The Environmental Protection Act includes provisions to prevent and control pollution of air, earth and water, as well as provisions for noise and waste treatment. Enterprises that require special consideration because of their effects on nature and environment must obtain a permit pursuant to the Environmental Protection Act. The Environmental Regulations issued under the Act include special demands, for example the location of agricultural buildings, as well as demands for the environmental use of properties in general. The responsibility of administering the Act is divided between the county and municipal councils. The procedure for environmental impact Assessment of special projects, likely to have significant impact on the environment, is incorporated in the process of regional planning (see section B, *Regionplaner*, Environmental Impact Assessment).

C54. The Agricultural Holdings Act requires that all agricultural properties be operated in accordance with agricultural and environmental considerations. This duty applies to two-thirds of Denmark's land. The Act governs ownership and use and the size of properties and is administered by regional agricultural commissions supported by a secretariat located at the county administration. The general protection of agricultural land can be abolished if the land, in the light of local planning, is to be used for other than agricultural purposes, especially when rural land is transferred to an urban zone.

C55. The Forestry Act provides conservation provisions to ensure responsible operations of forests, which comprise 12 % of Denmark's land. The Act is administered by the National Forest and Nature Agency.

C56. The Raw Material Act ensures economical utilisation of raw materials such as pebbles, gravel, clay and chalk. The extraction of raw materials is based on an integrated plan which takes account of other interests. The application for extraction permit must be sent to the county authority, accompanied by a plan showing the qualities, types of materials and rates. A permit will normally contain a stipulation requiring the applicant to restore the landscape once the recovery process is completed. The Act is administered by the county council.

C57. The Preservation of Buildings Act includes provisions empowering the Minister for the Environment to preserve architecturally- and historically-valuable buildings. A total of 9 000 buildings have been listed and entered in the land register for the specific properties. A listed building must be maintained in a proper condition by its owner or user. Nothing may be done to the building which could change its condition and if the owner wishes to alter or demolish the building, application must be made to the Ministry of the Environment, which consults with *Det serlige Bygningssyn* (the National Buildings Council). If permission for demolition is refused, the owner may demand that the State take over the building or property subject to a payment of compensation. The Act is administered by the National Forest and Nature Agency.

C58. The Public Road Act divides the responsibility of public roads between the Ministry of Traffic, the counties and the municipalities. The Act includes provisions for carrying out compulsory purchases of land needed for road constructions, as well as procedures for assessing compensation. The Act also provides for establishing fixed protection zones along the roads and for entering these restrictions in land registry on the individual properties. For establishing a new access to existing roads or for changing the use of an existing access, a permit is needed from the county or municipal authority. The responsibility of the Public Road Act is divided between the county and municipal council, the latter also being the administrative authority of the Private Road Act. The Private Road Act includes provisions for construction and maintenance of private roads and for permits for access to these roads.

Subdivision control

C59. Properties in Denmark are registered in the Land Parcel Register and by the cadastral maps, at the National Survey and Cadastre which is an Agency of the Ministry of Housing and Building. The cadastre was established in 1844, and it has since then been the duty of the landowners to apply to a private licensed surveyor for legal surveys and registration of subdivisions or for any alterations of property boundaries. This means that the cadastral identification of new properties, or the alteration of existing properties, has to be carried out prior to the registration of title deeds in the Land Book at the district courts. An application for updating the cadastre must include documentation of approval from the appropriate

authority regarding the impending land use according to planning regulations and the statutory land-use provisions.

Exceptions

C60. There are a few exceptions to the general demand of applying for a *byggetilladelse* (building permit) prior to implementation of construction work. These exceptions, which of course apply to minor construction works, can be listed in terms of three circumstances:

- (i) Development where the Building Act and Building Regulations do not apply.

These types include: road and railway bridges, road and pedestrian tunnels, electricity pylons, minor structures for the public infrastructure system, camping chalets erected on campsites, and minor buildings of no more than 10 m² where a maximum of two can be erected in connection with residential buildings. This means that these types of construction works can be executed without the necessity of a *byggetilladelse* or conformity with the building regulations (Building Regulations 1982, section 13).

- (ii) Development where the standard permit-procedures do not apply.

These types include: alterations to buildings which do not increase the area, building work in connection with open swimming pools, terraces, and allotment-garden houses. This means that these types of construction work can be executed without the necessity of a *byggetilladelse* (building permit) and a *ibrugtagningstilladelse* (permit to use the building). But the construction work still has to comply with the Building Regulations insofar as they apply to the work in question (Building Regulations for Small Buildings, section 1).

- (iii) Developments that only require reporting.

These types include: erection or extension of garages, outhouses, greenhouses, etc. whose area does not exceed 50 m² and are located in connection with residential building or summer cottages, and finally agricultural buildings used for breeding. This means that these types of construction work can be executed

after having reported the imminent commencement of building work. In the absence of any response from the municipal authority within two weeks from the date of the report, building work may be commenced. The construction still has to comply with the Building Regulations insofar as they apply to the work in question. Completion of the work need not be reported to the municipality (Building Regulations, section 13 and Building Regulations for Small Buildings, section 1).

Departure from plan/changes to plan

C61. The Danish planning system is based on the principle of framework control in which plans must not contradict the planning provisions made at higher levels. This demand for consistency, however, does not apply to discrepancies of minor importance. When there is a proposal to develop which is not in line with the *kommuneplan* (municipal plan), the planning regulations have to be formally amended (when not of secondary importance), if the development is to be permitted. When there is, at the same time, the duty to provide a *lokalplan* (binding local plan), the planning provisions of the *kommuneplan* will be revised as a part of the process of providing the *lokalplan*.

C62. Deviations from the binding provisions of an existing *lokalplan* may be granted by the municipal council if they do not contradict the principles of the plan (Planning Act, section 19). The municipal council may authorise an association of landowners, or an association of tenants, to grant such dispensations. More extensive departures may be made only by producing a new *lokalplan* which then supersedes the existing plan. If an area is zoned for industrial use, for example, there will be no opportunity for an exemption to allow for housing or retail purposes; while minor exemptions of the regulation on the building density may be allowed (Planning Act, section 19). The question of whether a dispensation contradicts the principles or not is considered to be a legal issue and can be brought before the Nature Protection Board of Appeal.

C63. Deviation from a *lokalplan* may initially be granted two weeks after the municipal council has notified in writing the owners and users of the area covered by the plan, adjoining landholders and others who may have a specific interest, and locally-based associations who have informed

the council in writing that they want to be notified of any applications (Planning Act, section 20).

C64. The notice will state that comments must be submitted to the council within two weeks. The duty of giving notice does not apply when, in the judgement of the council, the deviation is considered of minor importance for the persons affected. A dispensation lapses if it is not used within three years.

C65. Deviations from the general building provisions of the Building Act and the *Bygningsreglement* (building regulations) may be granted as a part of the normal procedure for processing a *byggetilladelse* (building permit). Dispensation may first be granted two weeks after the municipal council has given written notice to the neighbours of the property in question. The notice will state that comments must be submitted within two weeks (Building Act, section 22). The municipal council can determine a standard fee for submitting dispensations, e.g. DKK 200 per dispensation and further DKK 100 for notifying of a neighbour. A dispensation lapses if it is not used within two years.

C66. Deviations from the provisions on rural zone areas and the provisions of the sectoral land-use laws (e.g. the Nature Protection Act) may be granted by the respective administrative authority.

Enforcement procedures

C67. A *lokalplan* only regulates future transactions, and the plan cannot itself affect existing conditions. However, the *lokalplan* does enable the municipal council to acquire, by compulsory purchase, any property that is of material importance for its immediate implementation.

C68. The *lokalplan* is legally binding in the sense that any future transactions, physical as well as legal, must be in accordance with the plan. The municipal authority has the duty to ensure compliance with the planning regulations and conditions related to permits, while the county authority must ensure compliance with the rural zone provisions.

C69. The municipal authority has the duty to ensure compliance with the Building Act and any provisions issued under the Act. If a construction activity is undertaken without a permit, the muni-

cipal authority must ensure that such works are legalised by removal, or corrections, or a *byggetilladelse* (building permit) may be granted retrospectively. The municipal authority may also order any illegal building activity to cease.

C70. The current owner of a property is responsible for rectifying an illegal situation pursuant to the Building Act or the Planning Act. A fine may be imposed on any persons who:

- commence any building works without having obtained the necessary permit,
- infringe the provisions of a *lokalplan*,
- infringe the provisions of rural zone areas or summer cottage areas,
- infringe the general building provisions of the Building Act,
- fail to comply with conditions attached to a permit or exemptions issued under the Acts, or
- fail to comply with an order or a ban issued under the Acts including an order to rectify an illegal situation.

C71. If an order to rectify an illegal situation is not obeyed, the owner may, by a judgement, be ordered to remove any unlawful construction. If this order is still not complied with the authority concerned may finally rectify the situation at the owner's expense.

C72. The rules concerning enforcement have been strengthened and clarified by a simultaneous amendment of the land-use Acts, passed in 1984. This amendment Act was based on a report examining a few special cases of unlawful land use.

Area of regulation

C73. The relevant Acts constituting the system of planning and development control are valid for the whole country. The objectives and the content of the plans, however, may vary widely according to regional and local preferences and preconditions.

Unauthorised use and development

C74. There are no real problems of unauthorised use and development in Denmark.

Illustrations of regulations and permits

Example of a housing development proposal mandatory for a *lokalplan*.

C75. This example concerns a housing development proposal for four multi-storey housing blocks, each containing about 10 flats. The area is located in an urban zone in the municipality of Aarhus (the second-largest city of Denmark). The area of the property is about 5 200 m². The neighbourhood areas are used for multi-storey housing organised in a local housing corporation. The land-use regulations of the *kommuneplan* (municipal plan) reserve the area for open space and minor buildings to be used for common facilities serving the neighbourhood residents. The existing buildings of the property (old farming buildings) had to be demolished prior to commencing the new development.

The process of granting the permits was as follows:

- Before purchasing the property the developer, in February 1990, applied to the Planning Department of the municipal authority to discuss the development possibilities.
- The possibilities of using the area for common facilities, as stated in the *kommuneplan*, were negotiated between the municipal authority and the local housing corporation, and the financial consequences were estimated. The result was that neither the municipality nor the corporation were interested in taking over the property. Therefore, the developer was allowed to proceed.
- The housing development proposal was discussed in detail between the developer and the Planning Department, and was finally agreed to. The developer then was asked to provide a proposal for a mandatory *lokalplan* (binding local plan) to be assessed by the municipal council.
- The proposal was prepared by a consultant architect and adopted by the municipal council in June 1991. Simultaneously a proposal for a supplement to the *kommuneplan* was prepared by the Planning Department, thereby changing the land-use regulations for the area and allowing the development proposal.
- The proposal was submitted for public inspection and debate for a period of eight weeks. During that period a number of

objections were submitted. The local housing corporation objected to the proposed change of the land-use regulations of the municipal plan, and, furthermore, to the building density, the building heights and the increased traffic allowed by provisions of the plan proposal. About 120 residents of the neighbourhood area objected to the same issues. Finally the local school objected to the increased traffic caused by the proposed development.

- The objections were scrutinised by the municipal authority, and further investigations were made about using the area for common facilities as originally planned. This was finally turned down, based on financial considerations. However, the objections led to a decision to decrease the building density from 50 % to 40 % and this was stated in the final *lokalplan* and adopted by the municipal council in April 1992. The final development proposal is shown on the map of the *lokalplan* (see Diagram C3).
- The application for a *byggetilladelse* (building permit) was submitted by the developer to the Technical Department on 17 June 1992. The Technical Department replied on 29 June 1992 requesting some minor adjustments.
- An amended application was submitted on 13 July 1992, and the Technical Department replied on 31 August 1992, giving permission for a minor deviation from the provisions of the *lokalplan* with regard to the building density and the heights of the buildings. The deviations were granted without consulting the neighbours.
- The project for the construction work was processed by the Technical Department to ensure conformity with the *bygningsreglement* (Building Regulations), and a number of minor adjustments were agreed on. The permit for commencing the concrete foundation work was granted on 7 October 1992.
- The final *byggetilladelse* was granted on 10 November 1992. The fee to be paid was DKK 30 000.

Example of application for an amendment to a residential building. Sectoral land-use permit connected to the *byggetilladelse* (building permit).

C76. The residential building is located in the urban zone areas of Aarhus city, close to a major local lake and within the lake-protection zone of 150 m fixed in the Nature Protection Act.

The process of granting the building permit was as follows:

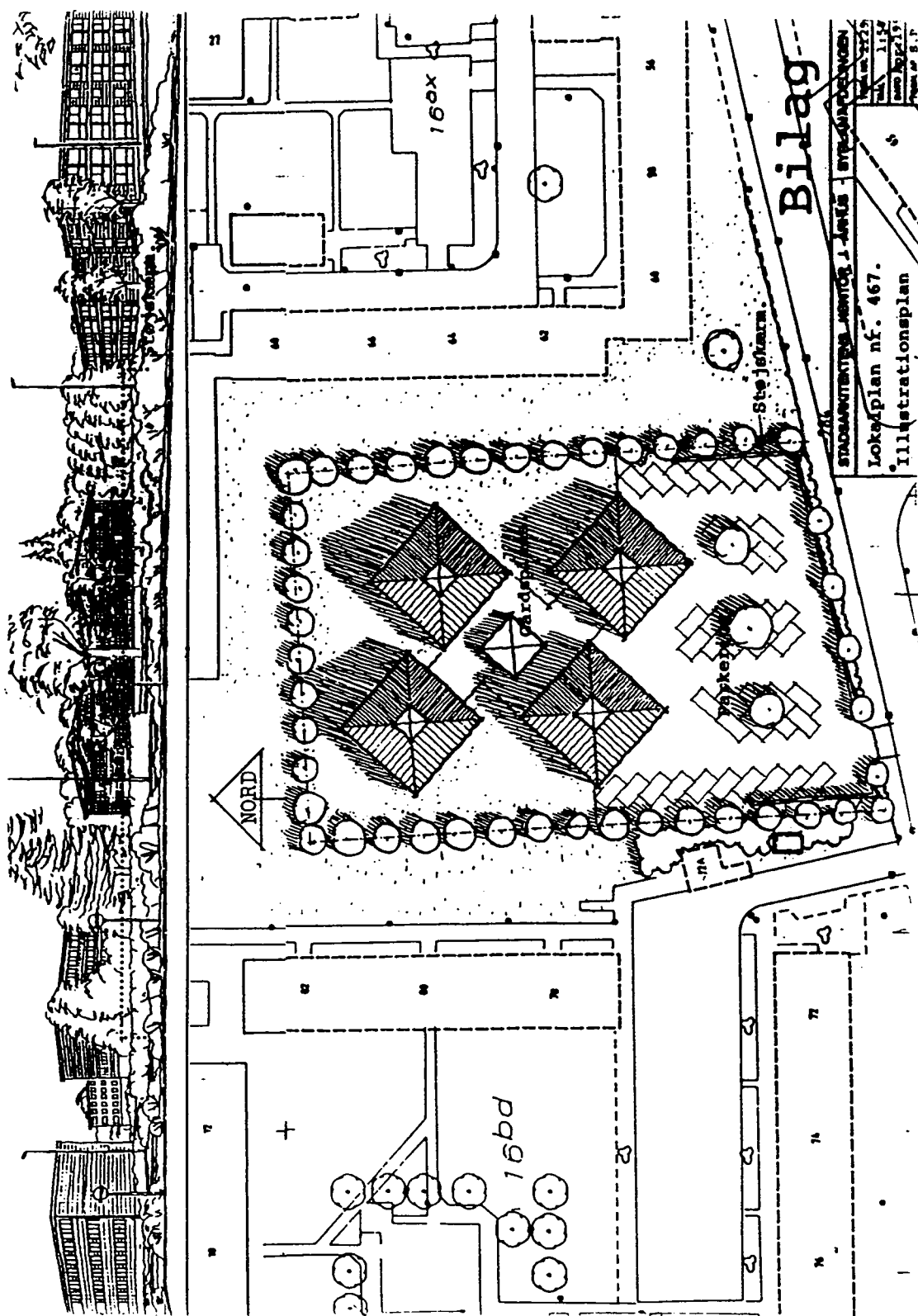
- The application for enlarging the existing building was sent by the landowner to the municipal authority on 17 March 1993.
- By processing the permit, the Technical Department must ensure that the necessary dispensation from the provision of the Nature Protection Act is obtained prior to granting the *byggetilladelse*. In general, the provisions of the Nature Protection Act are the responsibility of the county council. However, in urban zone areas, the municipal authority has the power of administering the protection zones around lakes and woods.
- The existing building was constructed in 1988 based on a dispensation from the provisions of the Nature Protection Act. The dispensation applied for was therefore also granted for the amendment. The dispensation was issued on 19 March 1993, after consultation with the local chapter of Danish Society for the Conservation of Nature.
- The application then was processed by the Technical Department to ensure conformity with the *bygningsreglement* (building regulations), and the *byggetilladelse* was granted on 14 September 1993. The fee to be paid was DKK 226.

Example of application for an industrial building in a rural zone area.

C77. This example involves construction of a 300 m² industrial building located in the rural zone area of the municipality of Aarhus. The building was to be used as a store for machinery used by a local gardening firm (see Diagram C4). The land-use provisions of the *kommuneplan* (municipal plan) zone the area for agricultural and forestry purposes. The example includes a disagreement between the municipal and county authority over granting the rural zone permit. This kind of disagreement, however, is rather rare.

The process of determining the permit was as follows:

- The application for the construction works was sent by the landowner to the municipal authority on 13 August 1993.
- The Planning Department of the municipal authority submitted the application on 24 August 1993 to the county council, which is the rural zone authority. The municipality at the



C3: Housing development proposal processed by adopting a binding local plan and granting a building permit

- same time informed the county authority that the application was not recommended for approval owing to planning considerations. The applicant was, on the same date, informed of the submission to the county.
- The county authority asked the applicant for further information on 23 September 1993, and informed the applicant that new development in rural areas was normally only permitted in direct connection to existing buildings.
 - The developer submitted an amended application to the county authority on 29 September 1993, changing the location of the development from 50 m to 20 m from existing buildings.
 - The county authority submitted the renewed application from the developer to the municipal authority and asked for comments. The county authority at the same time informed the municipality that the gardening firm was already established in an existing building on the property.
 - The municipal authority stuck to their refusal based on an inspection and protection of natural values. The opinion of the municipal authority was submitted to the applicant and to the county authority on 27 October 1992.
 - The county authority granted the permission on 13 December 1993. A condition was attached to the consent to the effect that, a protective belt of plants should be established. The permission was based on the fact that the firm was already legally established in a nearby building on the property. The permit was promulgated, but no appeals were submitted within the appeals period lasting four weeks.
 - The Technical Department of the municipal authority then processed the application for conformity with the *byggningsreglement* (building regulations) and *byggetilladelse* (building permit) was granted on 21 January 1994. The fee to be paid was DKK 6 500.

D. Agencies and mechanisms for development and conservation

Overview

D1. The general system of development control is described in section A, General summary, presenting the responsibilities and the autonomy of the county and municipal councils within the field of spatial planning and implementation.

D2. In Denmark it is a general principle that the regional and local authorities responsible for plan-making are also responsible for implementing and monitoring planning policies.

D3. In order to fulfil the planning policies, the county and especially the municipal councils must strive to allocate public activities and investments in a way which is attractive for private development. The councils also may try to attract specific private investments by negotiating with developers the conditions for implementation within the overall planning framework.

D4. The means of implementation available for the county and municipal councils may be divided into legal, economic and political.

- The legal means of planning control (see section C, Overview) are seen to be sufficient, as the system will be able to ensure that undesirable development does not occur. It has been shown that more than 90 % of the building activity in Denmark is consistent with adopted planning regulations, and is implemented without any changes or amendments of the plans. The planning system is, therefore, in control; or one may say that the development proposals seem to meet the

adopted plans. However, this fact does not guarantee implementation of all planning policies.

- Economic means are used for implementing public works, public institutions, and public roads, etc. Furthermore, the municipal council may purchase any appropriate land to be used for urban development according to the *kommuneplan* (municipal plan). The council also may compulsorily purchase the land if necessary for implementing a *lokalplan* (binding local plan).
- Political means have a more strategic approach, based on efforts of coordination between the three types of planning: spatial, sectoral and budget, in order to achieve comprehensive control. This may lead to formulating a strategy for local spatial and economic development. The private investors/developers will then be sure of the present and future conditions and their investments will be secured. Furthermore, councils may strive to attract support and subsidies from higher authorities, e.g. the EU development funds.

D5. By using these means of implementation, regional and municipal councils are responsible for their own activities of public implementation in accordance with the aims and objectives of the adopted plans. Regarding the private sector, councils (mainly the municipal councils) act as facilitators and approvers of private development proposals.

D6. Municipal councils take an active part in for urban regeneration efforts. The previous focus,

on demolishing buildings for rebuilding of multi-storey housing and new streets, have changed. During the 1980s and 1990s still more attention has been paid to the protection and preservation of buildings and urban features, using urban renewal and comprehensive planning to achieve an attractive and sustainable urban environment.

D7. County councils have the responsibility of administering development in rural areas and for nature and environmental protection. Since the 1980s environmental issues are becoming increasingly more important in the political agenda, and a number of new measures have been established. Protection of nature and the countryside is based partly on the rural zone provisions and the planning regulations of the *regionplaner* (regional plans) and partly on the Nature Protection Act which provides protection of a number of landscape features, as well as provisions for nature conservation and nature management. During the 1980s there was a significant movement towards multifunctional nature management.

Development

Regional economic development

D8. County councils are responsible for facilitating regional economic development using the *regionplaner* (regional plans) as the basic means of control. The responsibilities of the counties are described in section B, Regional government organisations, and the aim and objectives of regional planning are presented in section B, *Regionplaner*, Objectives.

D9. At present there is no State funding of regional development activities. The former Regional Development Act, passed in 1958, was aimed at creating industrial-sector jobs in declining regions. The Act provided technical and financial support primarily by State-guaranteed loans. The objectives of the Act was underlined by the Planning Reform passed in 1973 which stated that promotion of uniform development in the country was an important aim. During the 1980s the traditional financial support for regional development was gradually eliminated.

D10. The 1992 Planning Act changed the objective of uniform development for the country to promoting appropriate development in the whole country and in the individual counties and

municipalities, based on overall planning and economic considerations. Regional and local development then is the responsibility of the regional and municipal councils using comprehensive planning for control and tax collection for funding.

D11. Simultaneously with the elimination of national subsidies for regional development, the European Union programmes that provide funds for promoting regional development have been expanded substantially. Even though Denmark is an affluent country with only minor regional disparities compared to other European countries, a number of regional development projects have been funded by the European Regional Development Fund.

D12. The individual county council decides its own regional development policy, and the legal, economic and political means by which development should be achieved. The policies are presented in the *regionplaner* and can be supported by establishing consultative centres which will offer public consultancy or initiate dissemination of expertise, e.g. on technological development. This form of support aims at creating jobs in the private sector, and it should be further supported by maintaining and expanding the infrastructure of the region, for transport and energy as well as education and training programmes. The county council also may promote regional development by expanding local public service and by locating public institutions in the areas to be developed. The promotion of regional development is financed through the general budget of the individual county council, based on levying taxes.

Local economic development and partnerships

D13. Municipal councils are responsible for facilitating local economic development using comprehensive planning as the basic means of control and tax collection for funding. The responsibilities of the municipalities are described in section B, Local government organisations, and the aims and objectives of municipal planning are presented in section B, *Kommuneplaner*, objectives. The use of local planning for implementing major development proposals is described in section B, *Lokalplaner*, objectives.

D14. The individual municipal council decides its own local development policy. The municipal council must strive to implement the *kommuneplan*

(municipal plan) by stimulating local economic development. The methods and the level of activity are for the individual council to decide. The means of implementation are described above in section D, Overview. The promotion and implementing of local economic development are financed through the general budget of the individual council, based on tax levies.

D15. The activities of the county and municipal councils are limited under *kommunalfuldmagten* (the 'municipal authority', see section A, Development process and market circumstances), which states that the councils are not entitled to establish enterprise facilities competing with the private sector, and they are not entitled to offer economic incentives such as tax abatements or below-market land sales, for encouraging industrial or commercial development. The activities of the public authorities are, then, limited under the general principles of equality and objectivity; and these activities must not intervene in the general conditions of the market forces or benefit individual persons or companies.

D16. A recent Act passed 1992, however, allows for the establishment of minor public/private partnerships. The amount of total investment in a limited joint venture company must not exceed DKK 10 million, and the amount of public investment must be less than 50 %. The purpose of these corporations will be mainly to use public expertise for improving the general conditions of trade and industries. The effects and results of such partnerships has yet to be seen.

D17. The general method of promoting local economic development is by marketing the specific profile of the municipality and by information concerning advantages and opportunities of private development activities which can be established on available sites located in the *kommuneplan* (municipal plan). This promotion may be carried out in collaboration with local trade and industry organisations. Municipal councils also may compete in attracting the allocation of institutions financed by higher authorities.

D18. Some municipalities use the municipal planning process for adopting a strategic approach that actively encourages industrial and commercial development. Policies on local economic development are, therefore, coordinated with policies within such areas as schools, housing and culture, in order to ensure that private enterprises attract and retain the employees and customers

they need. The *kommuneplan* thus represents the foundation for optimal use of financial, as well as land resources in accordance with long-term comprehensive goals.

Urban regeneration

D19. In the 1960s and 1970s the main focus of urban development in Denmark was on developing new settlement areas for residential purposes. In the 1980s and 1990s, however, the focus has been on urban renewal and restructuring, including the conservation and protection of valuable urban and building features. This process of urban regeneration also includes traffic and environmental considerations for the purpose of generating new life in the old (historic) city centres. The process of urban regeneration is controlled by the municipal councils using spatial planning and intensive public participation. Projects are implemented partly by public investments in infrastructure, partly by urban renewal companies and partly by private investment works.

D20. Urban regeneration is mainly based on the Urban Renewal Act, passed in 1982, covering three types of interventions: renewal of obsolete urban areas; improvement of obsolete residential housing; and elimination of health and fire hazards in buildings in general. The Act shifted the focus from slum clearance, by demolition and replacement, to the renewal of city areas by preservation and improvement of housing standards and the local city environment. The policies of urban regeneration were, therefore, linked to the process of spatial planning; and the owners and residents became involved in all phases of the urban renewal process. The Urban Renewal Act provides general public subsidies to the regeneration of blighted urban areas, while the Act on Private Urban Renewal, passed in 1992, is an experimental approach aimed at the promotion of urban regeneration through partnerships between owners and tenants in private rental housing without any public support.

D21. The 1992 Urban Renewal Act distinguishes between urban renewal and the improvement of obsolete housing. The former applies to a concentrated approach where a limited number of properties/blocks are thoroughly renewed, while the latter applies to a scattered approach where improvements of technical installations, as well as climatic improvements of facades are carried out on a large number of properties. The Act provides the principles and procedures for the prepa-

ration of urban renewal plans and housing improvement schemes. Simplified procedures apply to plans covering a maximum of 20 dwellings or, if the plans are exclusively aimed at the improvement of unbuilt areas, for removal of fences and renovation of courtyards.

D22. The costs of urban renewal activities are shared equally between central and local government. Central government determines an overall four-year financial frame for urban renewal investments which, in 1993-96, was DKK 11 billion. Funds are allocated to local government on the basis of need-based criteria. For the period 1993-96, 236 of the 275 municipalities requested State funding totalling DKK 14 billion. The rent for flats in a modernised building is calculated on the basis of equivalent rent levels for housing of comparable standard, regardless of the improvement costs involved.

D23. The *kommuneplan* (municipal plan) must provide for the coordinated achievement of urban renewal activities, including the designation of potential areas and strategies for modernisation. In addition, the plan may deal with guidelines for future traffic networks and improvement of the local urban environment. A decision to implement a specific urban renewal scheme is, therefore, normally accompanied by the preparation of a *lokalplan* (binding local plan).

D24. Prior to the preparation of an urban renewal proposal, the council will inform owners and tenants of its intention. The period for submitting comments is at least eight weeks. The proposal for an urban renewal decision, recognising the views obtained during the orientation period, will then be publicised for a period of eight weeks before final adoption.

D25. The proposal will indicate the type of intervention which the council finds feasible. The proposal must also indicate the provisions for public subsidies and the rules for rehousing and financial support for the payment of increased rents. The final decision for implementing an urban renewal scheme must indicate which properties are deemed necessary to (i) demolish; (ii) acquire; and (iii) those whose owners are requested to improve them. The rules on appeal, rehousing and compensation are slightly different for each of the three types of activities.

D26. Most urban renewal projects are executed by special urban renewal companies, which must

be run on a non-profit basis. Some municipalities have founded their own companies. The urban renewal companies usually engage local architects and construction firms when the approved urban renewal scene is ready for execution. Major projects (exceeding DKK 400 000) must be put out to tender.

Public sector development policies

D27. The planning control system is mainly restrictive or passive, as any development proposal must be consistent with planning regulations. The number of active means for implementing are few. The main means are land acquisition, compulsory purchase and the establishment of major local infrastructure.

D28. Land acquisition on a voluntary basis may be used as a strategic means for development control. Especially in the 1960s and 70s many municipal councils had tried to establish an active land policy by making strategic acquisitions of land suitable for developing new settlements in years to come. This policy might be beneficial during a period of urban growth but, nowadays, when the production of settlement housing is declining or almost at a standstill, it is no longer adequate. Many municipalities are currently trying to sell off parts of their landholdings.

D29. The declining in production of new settlement housing also may lead to the adjustment of the urban zoning borders. If an urban zone area is no longer expected to be developed according to the *kommuneplan* (municipal plan), the municipal council may decide to transfer the area to the rural zone. Compensation must then be paid to the landowner for any expenses the owner has incurred in anticipation of using the area in an urban zone. However, the loss of development opportunities, incurred by the zone transfer, is not compensated.

D30. Voluntary land acquisition may be used nowadays as a strategic means of controlling topical development activities according to the *kommuneplan*. Being the landowner, the municipal council is thus able to control the process of implementation by negotiating the development opportunities against potential developers/enterprises. This policy of active implementation may be used for developing large retail facilities or restructuring minor city areas.

D31. Compulsory purchase can be undertaken for a number of purposes. In general, compul-

sory purchase/ eminent domain must be provided by statute and may take place only when required by the public interest, and against full compensation (Danish Constitution, section 73). There is no specific Act for expropriation at regional and local level, but the purposes are identified in the individual acts, e.g. the Planning Act, the Public Road Act, the Urban Renewal Act, etc., and the procedures for carrying out expropriation and determining compensation are stated in the Public Road Act. The procedures for State expropriations (e.g. for motorways) are, however, determined in the State Expropriation Act.

D32. The power of compulsory purchase is present at State, regional and local level. The power, however, does not automatically follow the administrative responsibilities. For example, it belongs to the responsibilities of the county councils to establish and run hospitals and gymnasiums but the necessary land has to be purchased by the municipal council according to a *lokalplan* (binding local plan) and then retransferred to the county council.

D33. The most comprehensive and important power of compulsory purchase is to be found in the Planning Act (section 47). The municipal council may purchase property in private ownership when it is deemed:

- important for ensuring implementation of urban development according to the *kommuneplan*. The provision is aimed at expropriation of large areas typically in the rural zone, and the power is very seldom used,
- important for ensuring implementation of a *lokalplan*. This power includes any public purposes such as utilities, parks and recreation areas. However, private purposes such as industry or housing are included as well, provided that the present owner either will not or cannot implement the plan. The implementation has to be imminent, or
- necessary for implementation of public facilities. This may be indicated in a local plan or provided in the sectoral legislation.

The municipal council may thus act as a facilitator for public as well as private implementation of a *lokalplan* by purchasing the land and disposing of it for immediate private development. On the other hand, the landowner may request that the municipal council take over his land if a *lokalplan* reserves it for public use, and it therefore cannot be used in an economically feasible way.

Appeals on expropriation may be appealed to the Nature Board of Appeal based on both legal and political issues.

D34. The municipal councils are responsible for providing the necessary local infrastructure such as public roads, water supply and sewage systems. The expenses in connection with construction of these systems are to be paid by the owners of properties gaining the benefit of access to them. The rules for distribution of charges are fixed by the municipal authority within certain criteria stated in the Environmental Protection Act, the Water Supply Act and the Roads Charges Act. The supply of electricity and communication systems are the responsibility of concessionary companies. The supply of heat is the responsibility of the municipal authority based on local heating plans. In addition waste management is the responsibility of the municipalities based on the principle of recycling.

Major infrastructure

D35. The tasks relating to roads are divided between the national, regional and local level. The State, through the Ministry of Transport, is responsible for overall transport planning and for the implementation of motorways, main bridges and trunk roads (in total 4 500 km). Counties are responsible for the construction and maintenance of secondary roads (approximately 7 000 km) and, in addition, the counties carry out the maintenance of motorways and trunk roads on behalf of the Ministry. Municipalities are responsible for the construction and maintenance of local public roads (approximately 60 000 km) and, in addition, they administer private roads which are established and maintained by the landowners themselves.

D36. The Ministry of Transport carries out comprehensive transport planning with a perspective of 10 to 15 years, based on estimated investment needs as well as considerations for resource consumption and the environmental impact. The construction of new motorways must conform to a special procedure. Parliament must adopt an Act for the specific project specifying its location. According to the State Expropriation Act, an independent expropriation commission then has to examine the project on location and the Ministry of Transport must ensure that necessary consultation is made in order to solve any environmental or agricultural conflicts, using land consolidation as the main means. The as-

assessment of the environmental impact is an integrated part of the procedures for adopting the Act and determining the final location of the project. The expropriation commission then makes an individual assessment of expropriation to the owners after negotiations, and finally fixes the compensation in the first instance. Appeals on compensation may be made to a valuation committee. The construction costs are funded by the general State budget.

D37. New secondary roads are designated in the *regionplan* (regional plan), and implemented according to the procedure stated in the Public Road Act. In locating a new secondary road, the environmental impact must be taken into account. The procedure of implementation follows the normal process of expropriation which includes inspection and negotiations on the location, to be followed by an expropriation decision. Compensation may be agreed on location or it may be decided by an independent valuation committee or by a superior valuation committee. The process of implementation often includes land consolidation in order to alleviate any negative effects on the structure of agricultural holdings involved. The construction costs are financed through the general budget of the county council.

D38. New local roads are designated in the *kommuneplan* (municipal plan) and implemented by the municipal council following the same procedure of expropriation mentioned above. The construction costs are financed through the general budget of the municipal council.

D39. The Danish State Railways (DSB) is a part of the Ministry of Transport, responsible for planning, implementation and maintenance of the railway network as well as a number of car-ferry and coach services. The costs are funded partly by State investments and partly by user payment. Construction works follow the same procedure described above for motorways.

D40. Major infrastructure connections such as the Great Belt Link and the Öresund Link are implemented by adopting special Construction Acts. The construction costs are financed by the State and, in the long run, by user payment (see also section D, Special agencies).

Tourism development

D41. The development of tourism is considered an important issue which is encouraged and re-

gulated mainly through the policies and guidelines adopted in *regionplaner* and *kommuneplaner* (regional and municipal plans). Location of larger tourism facilities are regulated by the regional planning provisions after balancing the economic and recreational interests against environmental and nature protection considerations. For implementation of larger facilities, a *lokalplan* (binding local plan) must be provided. Tourism development then depends on the same mechanisms as apply for the general regional and local economic development.

D42. However, tourist development is a sensitive issue especially regarding the location and facilities in coastal areas. Special considerations have to be given to the protection of valuable nature features and for the development and use of existing summer cottage areas for tourism purposes.

D43. The Ministry of Trade is responsible for formulating and implementing the national policy on tourism and for promoting the attractions of Denmark. The Danish Council of Tourist Trade is a branch organisation marketing tourism, and most municipalities have a tourist organisation and tourist bureau, providing promotion and information for local tourism.

Rural development

D44. Economic development in rural areas is mainly the responsibility of the county councils, based on the regional planning and administration of the rural zone provisions. The rural zone provisions of the Planning Act protect the rural areas by preventing any uncontrolled urban development or site facilities in the countryside. The implementation of rural housing, for example, needs a rural zone permit prior to granting the *byggetilladelse* (building permit). See section C: Other permits, Development in rural zone areas.

D45. Agricultural and forestry development are regulated by the Agricultural Holdings Act and the Forestry Act (see section C, Other permits, Sectoral land use control).

D46. Local agricultural development may be promoted by means of *jordfordeling* (land consolidation) pursuant to the Land Consolidation Act, in order to adjust the structure of the agricultural holdings within a certain area for the purpose of optimising the basic conditions for agricultural

production. In recent years, environmental considerations are also integrated into the process of land consolidation. A land consolidation project then may be undertaken both at the request of the owners of local holdings or in order to alleviate any negative effects of implementing public works, such as major roads. Under the Act the Directorate of Agricultural Development is in charge of carrying out the land consolidation plans. In practice the planning is normally assigned to a local licensed surveyor. The process of land consolidation is based on negotiations and the principle of voluntarism. The final plan is approved by the regional Agricultural Commission. When the parcelling-out and transfer of plots comprised by the plan are carried out and all legal and economic issues are resolved, the plan is submitted to the same Agricultural Commission for approval by a final discussion. Participation in a land consolidation project is totally funded by the State.

D47. Agricultural development in general is influenced and encouraged by EU policies on prices and subsidies, including the encouragement for increasing the areas of fallow fields as well as areas for afforestation. Forestry development is mainly promoted by grants for the afforestation of private farmland. Adequate areas for afforestation are located in the *regionplaner* (regional plans). The national forestry policy implies that the forest area is to be doubled by the year 2010.

Special agencies

D48. During the latest decade there has been a tendency towards reconstructing traditional State activities into limited companies. The purpose has been to make provision for running the activities in a more businesslike manner with regard to decision-making and economic control. Examples are the Copenhagen Airport Ltd and the Danish Oil and Natural Gas Company Ltd, both having the State as the sole shareholder.

D49. Special agencies may be established for specific purposes, e.g. construction of major infrastructural links. Examples of these are *A/S Storebeltsforbindelsen* (the Great Belt Link Ltd) and *A/S Øresundsforbindelsen* (the Øresund Link Ltd) which are limited companies established under the Ministry of Transport. The Øresund Link Ltd comprises the Danish part of *Øresundskon-sortiet* which is a bi-national consortium, whose activities are regulated under a special agreement between the Danish and the Swedish States.

D50. In 1992 two public development companies were established according to special Acts. *Örestadsselskabet I/S* (the Örestad Development Corporation) was established to develop a new urban area comprising three m², south of Copenhagen city centre. The corporation is owned partly by the municipality of Copenhagen (55 %) and partly by the Ministry of Finance (45 %). The public-owned urban areas to be developed constitute the capital of the corporation. The corporation of *Köbenhavns Havn* (Copenhagen Harbour) is established to reconstruct and develop the old declining harbour districts in accordance with *kommuneplan* of Copenhagen. The areas of the harbour district are handed over to the corporation for economic transactions.

Protection of the environment

Countryside and environmental protection/conservation

D51. Protection of rural areas is based mainly on the guidelines of the *regionplaner* (regional plans) and the rural zoning provisions of the Planning Act. The rural zoning provisions ensure prevention of uncontrolled development and installation in the countryside, and the preservation of valuable landscapes. Furthermore, a number of instruments are included in the Nature Protection Act and the Environmental Protection Act in order to protect specific features in the countryside. The total set of regulations then provide for a multifunctional approach to countryside management carried out by the county councils.

D52. The Nature Protection Act gives general protection to certain natural features such as coasts, lakes, streams, woods, bogs, marshes, heaths, dunes, and ancient monuments. Furthermore, the Act contains a set of special instruments for nature management and conservation by means of *fredningskendelser* (conservation orders), land acquisition, and aesthetic control. These are described below.

D53. Conservation have been an important instrument for nature protection since the original Nature Conservation Act in 1917. The Act is used mainly to preserve areas of outstanding beauty or cultural value, or to protect areas with valuable flora or fauna of specific national interest. *Fredningskendelser* (conservation orders) are adopted by the *Fredningsnævner* (Conservancy Boards) which are established for each county.

The boards comprise three persons: a chairperson (judge) appointed by the Ministry of the Environment and one member appointed by, respectively, the county and the municipality in which the area concerned is located. The means of conservation is only to be used when it is not possible to preserve the areas by other means, e.g. by planning regulations. Full compensation is awarded to the landowners for losses suffered as a result of the implementation of the conservation. The Minister for the Environment, the county councils, the municipal councils and the Danish Society for the Conservation of Nature may initiate the process of conservation. Appeals against the decisions of the Conservancy Boards may be made to the Nature Protection Board of Appeal.

D54. The Nature Protection Act provides funds for acquisition of property with the object of implementing State afforestation or major nature restoration projects. The Act also provides loans or subsidies to the counties and municipalities, as well as to organisations and private landowners, who wish to tend and restore nature areas and improve the opportunities for recreational activities. The Minister for Environment may use preemption in order to ensure future land acquisition for nature management purposes. Since 1989 DKK 790 million have been granted for nature management projects, distributed as 40 % for nature, 40 % for afforestation and 20 % for recreational activities. Nature management is based on the principle of voluntary cooperation and therefore, local support is a central element of the prioritisation of funds under the Act. The order of priority is fixed by the National Forest and Nature Agency which is supervised by a special Nature Consultative Committee comprising of representatives from all major interest organisations.

D55. Aesthetic control is carried out to ensure that advertisements in the countryside do not disfigure the landscape. Therefore, placing of outdoor advertisements in the countryside is prohibited unless they are placed in direct connection with the enterprise, and provided that they do not dominate the landscape and are not visible over a long distance. Furthermore, public structures in the countryside must be located and designed in such way that the greatest possible consideration is given to scenic values and environmental interests. Location and design of major roads and electric wires therefore must be approved by the National Forest and Nature Agency, whereas minor roads and wires must be approved by the county council.

D56. The Environmental Protection Act provides a number of regulations for preventing pollution of air, earth and water. Furthermore, the Act aims to balance intensive plant and livestock production of the agricultural holdings against environmental impact. The Act contains provisions for covering at least 65 % of the cultivated areas of a holding by green plants in the wintertime in order to reduce the washing out of nitrate outside the growing season. This is important when it is understood that the open country in Denmark is generally used for agricultural purposes. The general trend in Denmark is that efforts to decrease the agricultural areas, according to EU policy, should be accompanied by increased efforts to protect and restore environmental and natural features in the countryside.

Coastal planning

D57. Coastal areas are of national interest. One-third of the coastal area is built-up or planned for new development. However, there is still pressure on the coasts for increasing urban development, tourism, summer houses and technical facilities. Open coastal areas, then, are scarce, and need to be managed carefully by planning and land-use administration. This is the background for strengthening the coastal protection by a recently passed bill (August 1994) which was implemented by amendments to the Planning Act and Nature Protection Act.

D58. From the 1930s the Danish coasts had been protected by a 100 m protection zone. This has now been enlarged to 300 m in open coastal areas, 100 m in summer cottage areas; and in urban areas the protection zone, ranging from 0-300 m, has to be designated by a special Coastal Protection Committee. The previous National Directive (1991) which provided a 3 km planning zone along the coast has now been substituted by the amending provisions in the Planning Act. The 3 km planning zone ensures that special planning or functional reasons must be justified prior to locating buildings and construction works within the coastal areas. These provisions only apply to urban zones when the coastal landscape will be affected.

D59. The amendments to the Planning Act intended to ensure that new urban development or holiday and leisure facilities must only be located if they are based on comprehensive considerations of tourism policy, and only in connection with existing urban communities or larger holiday and leisure settlements.

D60. The purpose of coastal planning is not only to preserve the coastlines but also to establish recreational opportunities by securing access for the public and the free right to walk along the beaches.

Urban conservation

D61. Urban conservation is, to a large extent, taken care of by means of planning, for example by providing *lokalplaner* (binding local plans) for the protection and maintenance of historical urban quarters or city centres. In addition, urban renewal schemes may contribute to urban conservation. According to the Building Act, a permit is needed for commencing demolition or alteration of existing buildings. The municipal council then may consider imposing a ban in order to provide a *lokalplan* for the protection of historical or architectural values.

D62. The National Forest and Nature Agency carries out the mapping and registration of buildings and groups of buildings which should be preserved. The mapping is produced according to a specifically developed system called the Survey of Architectural Values in the Environment (SAVE), and the results are published in a municipal atlas which summarises the special characteristics and features worthy of preservation. This work is not an official listing, but it is an important prerequisite for the municipalities to integrate preservation considerations in their spatial planning and administration. So far about 40 municipal atlases have been published.

D63. The Preservation of Buildings Act includes provisions empowering the National Forest and Nature Agency to preserve architecturally or historically valuable buildings. A total of 9 000 buildings have been listed since the Act was passed in 1918, and about 100 are added annually. As a rule, buildings for preservation should be more than 100 years old, but younger buildings can be listed if they possess unique value or other special circumstances. Listed buildings may represent city houses for residence, schools, churches (apart from those churches belonging to the Danish Lutheran Church), monasteries, merchants houses, farms, manor houses, castles, wind- and water mills, factories as well as lighthouses, lifesaving stations, railway stations, bridges and monuments, etc.

D64. Before the National Forest and Nature Agency makes a decision regarding the listing of building, the owner of the building and the municipal council concerned must be notified and

given a period of three months for submission of comments on the proposed preservation. At the end of this period, the agency may decide whether the building should be listed for preservation. A notice of the decision must be entered in the Land Book of the local courts.

D65. Listed buildings must be kept in good repair by the owner. There is no compensation for this, but the owners are favoured by the possibility of obtaining special financial assistance or being granted guidance concerning the maintenance of their building as well as having certain releases in taxes on property and income.

D66. If the owner of a listed building wishes to alter or demolish the building he must apply to the National Forest and Nature Agency which consults with the National Buildings Council. If permission to demolish the building is not obtained, the owner may demand that the State take over the building subject to payment of compensation.

Resource planning

D67. The planning and administration of natural resources is the responsibility of the county council. The general principles of regional sectoral planning are presented in section B, Regional sectoral programmes.

D68. The main legal basis for managing the natural resources is the Environmental Protection Act for the protection of watercourses and groundwater, the Water Stream Act for the protection and maintenance of streams; the Water Supply Act for the distribution of permits for water extraction and the Raw Materials Act for the distribution of permits for exploitation of mineral resources. Resource planning within each sector is balanced against conflicting interest and presented in the guidelines of the *regionplan* (regional plans).

D69. The aim of the Raw Materials Act is to ensure that raw materials are considered as a limited resource. The need for stone, gravel, sand, etc. for construction works then is balanced against considerations of landscape degradation, groundwater pollution etc. Industrial exploitation requires a licence from the county council, which may be granted on the basis of the of considerations mentioned. Licences are only issued for 10 years and may contain special terms and conditions especially with regard to the subsequent treatment of the areas in order to avoid lasting disfiguration of the landscape. Furthermore, large-scale extraction of raw materials is subject to environmental impact assessment.

E. Overview of key priorities and policies

Key priorities — Decentralisation, development and environmental sustainability

E1. Denmark has a long tradition of delegating responsibility and decision-making power to the two levels of local government, the county and municipal councils. In fact, local government expenditure comprises more than 30 % of the gross national product, compared with about 10 % in central European countries such as Germany and France.

E2. The local authorities administer more than 50 % of the total public expenditure. More than half of the local government expenditure is financed through local income taxes. The municipal taxes range from 14 to 22 % and the county taxes from 9 to 11 % of income. Differences in the tax base and required level of expenditure differentiate the ability of the municipalities and counties to choose a level of service. However, these differences are somewhat equalised through inter-municipal equalization schemes. The municipal and county tax revenue is 30 % of the total tax revenue, compared with less than 10 % in central European countries.

E3. Within the national legislative framework the county and municipal councils are free to decide the level of local service to be provided as well as the methods to be used in providing the service. The level of service then, within certain limits, is a matter of local politics, and it is normally connected to the rate of income tax decided by the county and municipal council. Therefore annual discussions and negotiations take place between

the State and county and municipal organisations (see section B, Other organisations) in order to determine the guidelines for spending and taxation.

E4. The system of local government comprises 14 counties and 275 municipalities. The structure, the election system, and the responsibilities of local government are described in section B, Regional and local government organisations.

E5. The decentralised model is based on a cultural tradition which strives for broad political and social consensus. The concept of decentralisation comprises a precise and finely tuned relationship between a strong national authority and strong county and municipal councils, based on a series of laws that establish which decisions are to be delegated. The purpose is to solve the tasks at the lowest possible level so as to combine responsibility for decision-making with accountability for financial consequences.

E6. The planning system is based on three pillars: decentralisation, framework control and public participation (See section A, General summary).

E7. The decentralisation of planning tasks is based on confidence in the municipal and county councils and is a general and widely accepted feature of spatial policies in Denmark. The county and municipal councils must each provide, adopt and revise comprehensive structure planning totally covering their respective areas. The municipal councils are, furthermore, responsible for providing legally binding local plans prior to larger development and investment works, and for the final control of land use to be exercised through the granting of building permits.

E8. The Minister for Environment and Energy, responsible for spatial planning, influences the planning of counties, municipalities and other ministries through regulations and national planning directives and by disseminating information and guidance. Where national interests are at stake the minister can veto the planning proposals of the counties and municipalities.

E9. Every newly elected government presents its current spatial planning policy in a national planning report. The national planning report of 1992 was issued as a National Spatial Development Perspective, 'Denmark towards the year 2018', analysing the structural objectives of Denmark in the light of future European development (see section A, Political priorities). The present government is preparing a successor due to be presented in spring 1996.

E10. In a long term perspective, spatial planning seeks to contribute to economic development, to the environment and to the quality of the peoples daily living conditions in urban and rural areas. Regional differences are nowadays of minor importance compared to former decades. Regional developments and policies has over the years established a more balanced Danish territory than before, even though some regions and islands still are structurally weak.

E11. The urban system plays a key role in spatial planning policy, and is considered the back-bone of the territory. It consists of the capital, four national centres, regional centres, municipal centres and local centres. New urban functions and developments must be located in the respective centres.

E12. Accessibility and infrastructure linking towns in the urban system in a sustainable manner, and a comprehensive planning of rural areas and landscapes are other key elements in national planning policy. At present the location of parks of wind turbines, massive afforestation, safeguarding of groundwater resources and the counter-acting of retail-developments outside urban areas near motorways are all hot planning topics in the non-urbanised space.

E13. The Planning Act divides the territory into urban zones, rural zones and recreational zones (summer cottage areas), which clearly demarcates city and country. The provisions on rural zones are the cornerstone for protection of the open countryside. In 1994, planning regula-

tions concerning a 3 km planning zone along the coast were implemented in the Planning Act. This calls for special arguments for coastal location, guiding new developments to locate behind existing developments and not along the coastline.

E14. Planning in Denmark has over the last decade taken increasing account of environmental considerations. Planning, in combination with other instruments such as sectoral policies and sectoral land-use legislation, plays an important role in improving general environmental conditions. Denmark has implemented the European Union Directive on environmental impact assessment in the Planning Act making environmental impact assessments of major development projects an integral part of spatial planning at regional level.

E15. At national level the Parliament strongly emphasises a more targeted, long term and holistic approach, in which solutions to environmental problems are integrated into all activities in society. The principle of preventing environmental problems instead of curing them is being increasingly emphasised.

E16. The main environmental problems are related to urban activity, transport, and agriculture. The Government of Denmark has initiated several plans of action to solve these problems. The strict sectoral traditions of handling their own affairs are now being influenced by a more integrated and environmentally sound approach. Ministers responsible for sectoral policies are obliged to integrate environmental considerations in policy making. Up till now action plans for a sustainable development have been launched for sectors such as energy, transport, tourism and agriculture. Some of these plans are further presented in section F, Policies.

E17. There are more action plans to come: Denmark is preparing a national strategy on biodiversity for improving the habitats of urban animals and plants through comprehensive nature management in the cities; and a national strategy, Cultural Environment 2000, related to the historical heritage of cities and the countryside and their relationship to land use. These plans are expected to be issued late 1995.

E18. The aim for the urban areas is threefold: To create functional, aesthetic and environmentally sound cities. The urban planning at municipal level carried out in the 1960s and 1970s mostly took account of the environment by setting stan-

dards for new construction and by separating the functions causing environmental conflicts, such as dwellings versus industry and motor vehicle traffic versus pedestrians and cyclists. However, the efforts in recent years have been oriented towards integrating urban functions by more actively incorporating environmental considerations in the planning of urban development, urban restructuring and urban renewal.

EU and national level — Policies for international cooperation, economic development and environmental improvement

E19. The single market and the EU structural and sectoral policies affect Danish planning policies in a number of ways (see section A, European Union). Denmark takes part in international cooperation, aiming to create a European Spatial Development Perspective (ESDP). European integration calls for a common vision of European planning policies for the spatial development and structure of the European territory in the long term. Spatial perspectives at European level are considered more than the sum of national planning policies.

E20. From a Danish point of view, the purpose of the ESDP is to create a common reference framework for the Member States and the European Commission, in order to coordinate EU sectoral policies with spatial impacts and national planning strategies towards common objectives. The ESDP must be operational providing actions on different levels (e.g. EU, transnational, national), and implementation should be made in due respect with the principle of subsidiarity leaving planning methods and systems a national responsibility.

E21. Economic and social cohesion are principal objectives of the Maastricht Treaty. Total equality is of course a utopia. Denmark supports promotion of spatial balance throughout the European territory. At the same time Denmark strongly supports the principle of sustainable development as a basic value in the elaboration of the ESDP.

E22. At international level the spatial balance throughout the European territory should be promoted by policies for the European urban system designed to disperse economic activities

from the central European area. At the same time the policies should enhance a polycentric urban system defined by functions (economic, cultural, etc.) of European importance. Policies for the accessibility of regions and the linking of the cities of European importance in the trans-European network (TEN) should address the expected growth rates in transport and propose sustainable strategies. The safeguarding of nature and cultural heritage must lead to policies forming networks of nature areas (some across national borders) and management of the cultural highlights of European importance.

E23. The Danish priorities are given to: (i) Copenhagen/the Oresund Region as a city of European importance, and a network of medium-sized cities with European potentials; (ii) two international transport axes integrating Copenhagen and the cities on the peninsula of Jutland to the TEN, with special emphasis on a high-speed train connection to Copenhagen and further east to the Scandinavian territory; (iii) transnational cooperation on the spatial development perspective for the Baltic Sea area; (iv) integrated management and planning of landscapes, natural areas, and strategies for the European coastal zone, and (iv) efforts to strengthen structurally weak areas such as smaller islands.

E24. At the national level in Denmark, there is no direct funding of regional and local economic development activities besides the EU-Commission funding. The national regional policy is based on the idea of a free competitive market. Regional and local economic development are the responsibility of the counties and municipalities (see section F, Commercial, industrial and economic development). The EU structural funds have a major impact on economic developments in the structurally weak regions and a number of islands.

E25. Denmark considers the European environmental policies as very important for achieving regionally balanced and sustainable development. Relevant parts of the European environmental policy and a European planning policy therefore should be integrated to achieve mutual support and benefits. Another important EU-sector policy to take into consideration is the common agricultural policy (CAP), which is considered to have a major spatial impact shaping the European landscape of the future.

E26. At national level the Minister for Environment and Energy, in 1994, presented a national policy

on the urban environment and planning. The Danish experience and recommendations can be summarised in 10 overall principles:

- prepare a national environmental actionplan,
- prepare local Agenda 21 plans,
- make the planning and management of cities more central to environmental policy,
- intensive decentralisation is a must,
- initiate demonstration projects and exchange experience,
- support Community initiatives,
- develop mixed-use urban districts and promote resource consciousness,
- green the cities,
- seize the development opportunities of new urban districts,
- promote urban architecture and preservation of the historical heritage.

Regional level — Responsibilities for health care, regional infrastructure and protection of the countryside

E27. The regional level in Denmark, comprising 14 country councils, have some major areas of responsibility. Hospital service is by far the largest, comprising more than half of the total expenditure. Other important areas are high schools and social welfare. With regard to planning and land-use the main obligations regional planning including public transport and major roads; and rural land-use administration including environmental and nature protection and resource management.

E28. The counties represent the level in between the national and the local level. The regional level is, in the general public opinion, considered as a more distant and unclear authority, while the local municipalities hold substantial decentralised power. Therefore, the relevance of the regional level is debated from time to time. However, it is recognised that the counties have important tasks to manage, and no action has yet been taken to change the administrative system. It is also recognised that management of the tasks requires an expertise which may be difficult, and probably too expensive, to establish as a part of each local authority. Finally it should be mentioned that the region of Greater Copenhagen represents a special problem because of having five county authorities involved in the planning and decision-making process.

E29. The counties are responsible for implementing the national policies within a number of areas such as transport, energy, land and natural resources, waste management, pollution, and environmental protection. In general the counties are responsible for monitoring and managing the overall conditions in the countryside which represents more than 90 % of Denmark's land. By preparing comprehensive regional planning, the various sectoral interests are balanced to form a global approach for rural land management and administration. The general urban/rural zoning serves as a basic framework for control of urban sprawl and for protection of the countryside.

Local level — Responsibilities for social security, local service and management of urban systems

E30. The local level in Denmark comprising 275 municipalities, is responsible for all local functions, including social security, schools and supply of local service. With regard to planning and land use the main obligations are comprehensive municipal planning, local planning and management of urban systems, including handling of building permits.

E31. Management of local affairs should be seen in a total context. Municipal planning gives the municipal council a procedural instrument well suited to link sectors and coordinate the total political and economical activities of the municipality.

E32. The municipalities are responsible for — especially — the urban areas which represent about 5 % of Denmark's land, but 85 % of the population live there. The cities and towns thus comprise the framework for daily life, and the quality of the urban environment is decisive for most people's living conditions. The concentration of population in cities means that the urban dimension should be central to environmental policies as a whole. City residents therefore should be more central actors in shaping environmental policy. Without active local efforts, Denmark will not be able to progress towards achieving the targets related to sustainability it has adopted nationally and internationally.

E33. Urban development in Denmark, as in many other countries, accelerated between 1945 and the mid 1980s. This occurred at a time of in-

creasing affluence and increasing mobility through the use of private cars. Light, fresh air and green surroundings were given high priority when creating new urban areas of detached houses, blocks of flats and low-rise housing. The result was a huge urban sprawl around the cities and towns. These new urban districts now encompass 75 % of the developed urban land and half of the population. Today the urban areas in Denmark have virtually stopped growing, and the demographic trends show that the need for new dwellings is more or less nonexistent.

E34. However, Denmark's cities need to be restructured to adapt to changing demands due to changes in family patterns and the labour market as well as changes within priorities of the commercial and retail sector. Furthermore, older industrial areas — especially in larger cities — have been abandoned; and harbour areas and defence installations are made available for other purposes.

E35. The building stock and community environment in different types of residential areas needs to be restructured to meet new demands of residents, arising from deterioration of the buildings as well as the demographic changes, including the size and composition of households. Traditional urban renewal is still required in older urban districts. About 270 000 dwellings built before the 1950s lack one or more technical installations.

E36. Increasing environmental awareness and the need to protect the global environment will also place increasing demands on the restructuring of Denmark's cities. The historic city centres have received increased attention. They are unique in Europe because they have been spared from skyscrapers and motorways. But interests in preservation often conflict with the financial interests of developers and specific property owners.

E37. Urban planning has traditionally aimed towards reducing the local environmental impact of transport. The great challenge for urban planning of the future, however, is to reduce both the local and global effects of transport.

E38. To summarise, the process of restructuring cities seems to represent a much greater challenge of integrated management than planning just for urban sprawl or new towns.

A global planning approach

E39. The various sectoral policy areas, as described in section F, should be linked together to form a global planning approach. The means to achieve this are not precisely identified in the legislative framework. Some areas, such as pollution control, agriculture, and nature and heritage protection, are mainly organised through vertical connections, by setting standards and regulations at national level to be administered at regional or local level. Other areas, such as transport and energy, provide a firm framework at national level to be further detailed through sectoral and comprehensive planning at regional and local level. Finally areas such as housing, the environment, nature and resource management, tourism, and economic development, are organised by fulfilling national policies through efforts of comprehensive planning based on regional and local considerations and needs.

E40. In general, one may describe the system of public administration in Denmark as a mix of:

- vertical connections, implementing each sectoral policy by a top-down approach, and
- horizontal connections, linking the different sectoral policies on the same level through comprehensive spatial planning.

E41. A global planning approach then is mainly achieved through the principle of framework control within the spatial planning system, meaning that plans must not contradict decisions at higher levels. The principle of framework control ensures that planning decisions at regional and local level — in principle — will be in conformity with overall national policies.

E42. National planning policies, however, are not formally linked together to form a general national plan or a blueprint. The National Spatial Development Perspective 'Denmark towards the year 2018' is not a plan, but a vision, serving the purpose as a reference framework. There are no requirements or stipulations binding the regional and local decisions.

E43. Instead, the system of framework control operates by using two means of control:

- dialogue, and
- veto

The process for revising the *regionplaner* (regional plans) every four years is based on a

comprehensive national report presenting the current preconditions for managing the national aims and objectives within specific and topical policy areas. The report is prepared by the Ministry of Environment and Energy and is based on negotiations with relevant ministries and national agencies. The report should thus prevent the use of the veto against the proposed regional plans, because national interests are considered, discussed and dealt with in advance. The adopted regional plans have a

binding effect on planning at municipal level. The preparation of the plans, therefore, is also based on dialogue and negotiations with the local authorities. To conclude the system of framework control, the Minister for Environment and Energy also may veto a proposed *lokalplan* (binding local plan) when national interests are at stake. The power of veto based on national interest then leads to negotiations in order to achieve a balance between the three levels of administration.

F. Policies

Housing

F1. Housing is provided through many different sources and organisations dealing with land, planning, infrastructure, finance, construction, maintenance, and operation. Hence, housing policies can be formulated in many ways and at many levels.

F2. In general, the national level controls the financial aspects of the housing policies while the local level controls the physical aspects. The national level, the Ministry of Housing and Building, is responsible for providing and adjusting the general financial conditions within the housing sector, and for providing regulations regarding subsidised housing, rental housing, and housing for the young and elderly. The local level, the municipal councils, are responsible for the formulation and implementation of local housing policies which are carried out as an integrated part of the comprehensive municipal planning process.

F3. About 60 % of the residential units are owner-occupied; 20 % are rented from private owners or owned by housing cooperatives; and 20 % are non-profit housing. Here it must be noted that owner-occupied housing plays a major role in Denmark. This sector is basically market oriented and responds to residential demands with well known cyclical results for the construction sector. Furthermore a supply of rented accommodation must be available for a suitable rent and the social needs of low-income groups must be secured. In 1994, the total number of residential units in Denmark was 2.4 million, with a density of 2.1 persons per unit. The average size is 107 m² per unit, corresponding to 51 m² per resident.

F4. The residential units in Denmark are relatively new. Only about 40 % were established before 1940; 15 % are from the 1940s and 1950s while the main boom took place in the 1960s and 1970s, comprising 35 % of the units. Only about 10 % were established after 1980.

The boom of — especially — detached single family houses in the 1970s reduced the housing shortage which dominated the 1950s and 1960s. The decreased building activity in the 1980s and during the first part of the 1990s is seen as a tendency towards full supply within the housing market. The demands, however, may vary according to local and financial conditions.

European Union

F5. Housing policies are not directly affected by EU policy and legislation. However, EU programmes and initiatives on improvement of the urban environment, for example the Green Paper and the Sustainable City projects, do have a general and sometimes direct impact — through EU subsidies — on local urban regeneration projects.

F6. Furthermore, the supply of loans from the Danish system of real estate credit (through mortgage credit institutions) is increasingly influenced by several of the EU directives aiming to control the provision and the free flow of capital.

National policies

F7. As mentioned above, the provision of owner-occupied housing plays a major role in Denmark. Different incentives have been used to boost this

type of housing by favourable taxation, home saving contracts, etc. One present policy trend, however, is to reduce tax advantages for the owners over a period of years in order to increase the tax base. The supply of owner-occupied housing has also been facilitated by comparatively easy access to mortgage credit (typically up to 80 % of the value of the property with a term of up to 30 years) giving Denmark an outstandingly high level of residential mortgage credit. The credit system, however, now tends to have direct impact on more remote areas in economic decline. In these areas some loans now are rejected (earlier almost all were accepted) due to the perceived risk of further decline in property values.

F8. Policies concerning rental housing are implemented through *Lejeloven* (the Rent Act) and *Boligreguleringsloven* (the Housing Regulation Act). The Rent Act, which applies in all municipalities, defines the general conditions governing the rent to be paid in private rented accommodation. The general principle is that the rent must not exceed the value of that which is rented. The individual municipality may decide whether it also wishes to enforce the rules governing cost-related rent. In practice these rules govern 90 % of all private rented accommodation. Each municipality has a political choice here. The trend has been to ease the formerly strict rent control and at the same time to increase the influence of tenants.

F9. At State level, rules are established in *Lov om Individuel Boligsikring* (the Individual Housing Benefit Act) for granting of subsidies to individual tenants or households. The benefits are administered by the municipalities in accordance with national rules concerning the specific rent payable, and the household income, size, age and composition (for example pensioners are entitled to higher benefits than other tenants). The amount of benefits paid in 1993 was DKK 7.4 billion. The rules in this act as well as many of the other acts mentioned here are often considered and changed by the Parliament.

F10. Subsidised housing comprises non-profit housing, housing for the young or elderly, and private cooperative housing and public sector housing cooperatives for special groups.

- Non-profit housing is built and operated by non-profit housing organisations under the supervision of the municipal council. Subsidies are provided both by central and local

government. The letting is based on waiting lists that may be joined by persons over 15 years old. The municipal council may decide that up to 25 % of the vacant flats shall be placed at its disposal to solve social housing problems.

The provision of non-profit housing has been based on a national quota system. A recent change is the abolition of this system, leaving the municipalities themselves to decide the number of subsidised housing units needed in their respective areas. However, central government still pays most of the subsidy and there is still a ceiling on funds from central government.

- Housing for the young may be built and operated by non-profit housing associations and independent institutions. The municipal council is responsible for supervising the construction and operation. Housing for the elderly or persons with handicaps can be built and operated by local authorities, non-profit housing associations, independent institutions and pension funds. The municipal council is the supervising authority and also has the right to nominate tenants for individual dwellings.
- New subsidised private cooperative housing may be started by anyone. Permission for specific projects is given by the municipal council when the Ministry of Housing and Building has allocated a quota. The quotas for private cooperative housing in 1994 was 3 000 units. Experimental schemes have been introduced for housing in cooperatives for special groups such as the homeless, elderly, handicapped, as well as refugees in the integration phase.

F11. Finally it must be mentioned that at the national level in recent years increased priority has been given to environmental and ecological policies aimed at improving the urban environment. The means of implementation are established partly through subsidies for urban renewal schemes (see section D, Urban regeneration) and partly through subsidies for ecological initiatives as well through the introduction of green taxes, e.g. excise duties on water used in the households. These ecological policies are in conformity with the international recommendations and may be seen as a national attempt to implement the motto: Think global act local.

Regional policies

F12. The housing policies at regional level are mainly connected to the means of planning and environmental control through the administration of the urban-rural zoning provisions (see section B, Regional level, Urban/rural zoning). These provisions are intended to prevent uncontrolled urban sprawl as well as scattered housing development in the countryside and to preserve valuable landscapes. In rural areas, covering more than 90 % of the country, housing developments (for purposes other than agriculture, forestry and fishing) are prohibited or subject to a special permission according to the planning and zoning provisions. The administration is carried out very strictly by the county authority in order to fulfil the basic objectives.

F13. The location of urban development at regional level is controlled through designation of urban zones in the *regionplaner* (regional plans). The designation of urban zones is based on: (i) considerations regarding the total use of areas for urban purposes within a 12-year horizon; (ii) considerations on the distribution of urban growth between the municipalities within the region; and (iii) considerations regarding the general urban framework as well as the structure and function of the major urban centres within the region. The change of rural areas into urban zones requires provision of a binding local plan to be provided by the municipal council, and is followed by a land-use tax to be paid by the land-owner. Urban development within the urban zones is controlled through the *kommuneplaner* (municipal plans).

Local policies

F14. The policies concerning location of new houses and improvement of the urban environment are the responsibility of the municipal councils. The policies are formulated and implemented as an integrated part of the comprehensive municipal planning and controlled by the provision of binding local plans and granting of building permits. The local housing policies then may vary according to local needs and demands. The objectives and the process for providing the plans are described in section B, Local level.

F15. The municipal councils may use land acquisition on a voluntary basis as a strategic means for development control within the housing sec-

tor. In the 1960s and 1970s many municipalities established an active land policy by making strategic acquisitions of land suitable for the development of new settlements in years to come. Nowadays, when the production of settlement housing is almost at a standstill, this policy is no longer adequate, and many municipalities now are trying to sell off their purchased land.

F16. Here it must be noted that the plans only regulate the spatial environment by means of zoning, density and design regulations. The kind of housing with regard to economic organisation such as non-profit/private or owner-occupied/rented can not be regulated through the plans, even legally binding local plans. The local policies concerning distribution and supply of different kinds of housing therefore must be formulated in cooperation with the housing associations and must be based on market considerations within the housing sector. Voluntary land acquisition then may still be a useful means to control the supply of, for example, non-profit housing. The general means of policy implementation are described in section D, Overview. The use of specific means of implementation such as land acquisition and compulsory purchase are described in Section D, Public sector development policies.

Commercial, industrial, economic development

F17. The cornerstone of the Danish trade policy is the idea of a free competitive market. The general aim is to create growth and employment.

F18. The government will not and shall not steer or interfere in the activities of the trade and industries. The trade policy, instead, aims to increase and strengthen the general conditions for commercial enterprises as a basis for increased growth and employment.

European Union

F19. The single market brings further internationalisation of economies, and the mobility of enterprises and people is thereby increased. Danish trade policies, therefore, have adapted to the European scene.

F20. Denmark is an affluent country with only minor regional disparities. In a European

perspective Denmark exhibits high degree of national uniformity. However, the EU programmes on Objective 2 and 5b have a major impact on regional policies in peripheral regions. This impact is estimated to grow in the years to come due to the increase in the structural funding and the areas covered.

F21. During the period 1989-93 Denmark had two Objective 2 areas: (i) an area of North Jutland comprising six municipalities, and (ii) an area on Lolland (south of Sealand) comprising four municipalities. Both areas are suffering from unemployment and economic decline, partly due to the close-down of regional shipbuilding yards in the cities of Aalborg and Nakskov. In the period 1994-99 the Danish Objective 2 areas are the same, but the number of municipalities has increased from six to 16 in North Jutland and from four to nine on Lolland. Also the Objective 5b areas increased considerably. During the period Denmark will receive about DKK 200 million per year which is more than double compared to the previous five-year period.

F22. In connection with the EU structural funds, the problem in Denmark is mostly the rather high rate of unemployment. Therefore, the Social Funds (Objectives 3 and 4) account for the largest amount of support (46 %) while the Agricultural Fund accounts for 20 % and the Fishery Fund for 19 %. The Regional Fund accounts for only 15 % and is then the smallest fund in Denmark, contrary to the EU generally where the Regional Fund is by far the biggest.

National policies

F23. The government identifies the general aims of the trade policy as well the economic means to be used for fulfilling these aims. The Minister for Industry presented in 1994 the Trade Report which includes the present strategy of the national trade policy together with a number of concrete initiatives to be taken.

F24. The general objective of trade policy is to establish and secure the basic conditions as a framework for optimising the competitive position of business enterprises. This framework comprises the factors of production, the interplay between the businesses, the effectiveness of the market, and quality-conscious demand.

F25. The debate on a comprehensive trade policy is rather new in Denmark. The focus during re-

cent years has been on strengthening the international competitiveness of business enterprises by introducing a number of initiatives for adapting the structure of the trade sector in the long run and at the same time reducing the rate of unemployment in the short run. Both kind of initiatives, however, have the same objective: to encourage the necessary structural adjustments in order to achieve a high rate of employment, higher living standards, and an environmentally sound development for trade and industries.

F26. Part of the initiative must be implemented at national level. Furthermore the counties and the municipalities must contribute to improve the basic conditions at regional and local level as a framework for local economic development. This kind of regional and local initiatives will be supported by the government through a dialogue in order to improve the interaction between the policy-making levels. The Ministry of Trade will present a report in 1995 dealing with the interaction between the national, regional and local trade policies.

F27. There is no direct State funding of regional and local trade development activities. The former Regional Development Act, passed in 1958, provided technical and financial support to the industrial sector in regions in decline. During the 1980s this support was gradually eliminated and replaced by the policy of promoting appropriate development in the whole country based on overall planning and economic considerations. Local economic development then is the responsibility of the counties and municipalities using comprehensive planning for control and tax collection for funding of planning policies. Trade and industry can benefit from: a good and effective infrastructure; appropriate location and environmental conditions; as well as a high level of education and research and technological service. Spatial planning therefore may be seen as an important tool within a trade policy which is basically guided by free market forces.

F28. At national level the Spatial Planning Perspective, 'Denmark towards the year 2018' presents objectives serving as a reference framework for authorities, as well as trade and industry, when making decisions having spatial effects. The guidelines include the encouragement of local authorities to analyse the business profile and special potential of individual cities. The success of an individual city at international level will probably depend on its ability to utilise its special preconditions and qualifications, and to find its appropriate specialisation. The national spatial

planning perspective is described in section A, Political priorities and in section B, Illustrations of national planning.

F29. Furthermore, networks between smaller cities and towns at the national and regional level can strengthen the potential of certain areas. The establishment of city networks is introduced through one of the example-projects identified as a follow-up on the national planning perspective. The project is an attempt at inter-municipal co-operation between eight municipalities, known as the triangle area, located in the southern part of Jutland. The area represents the third largest community in Denmark, accounting for about 200 000 inhabitants. The aim of the project is to locate the area as a green community on the European map. The issues included in the co-operative venture are: urban development; development of trade and industry; education; culture and tourism; and environmental sustainability.

F30. The project represents an active effort to maximise the potential benefits of the single market in the European Community. Cities in Europe do not compete merely on such parameters as easy access to venture capital, productivity and costs of the labour, and the level of taxation, but, efficient communications, a sound environment, excellent education and health care, and recreational opportunities of high quality. These factors are becoming increasingly important in location decisions.

F31. The location of commercial and industrial development in Denmark is controlled by planning regulations at regional and local level. However, implementation of the planning policies mainly depends on the activity and investments of the private sector (see section D, Overview).

F32. A major policy issue to be considered by planning regulations is building density, especially in the town centres. The former Planning Act, therefore, stated that local planning regulations allowing for a building density percentage of more than 110 % had to be approved by the Minister for the Environment prior to adoption by the municipal council. The national policy was to ensure a decrease of density in the central town areas to be obtained through urban renewal activities. However, regulations on the building density is only one means of planning control. The provision of prior approval by the Minister was therefore abolished in the present Planning Act which was put into force 1992 and at the

same time the general aim of further decentralisation was pursued.

F33. The national policy on avoiding high building density (for example avoiding skyscrapers to be established in the town centres) is monitored by National Spatial Planning Department. The Minister for the Environment may decide to call in proposals for the mandatory four-year revision of the *kommuneplaner* (municipal plans) which does not fulfil the low density policy, or the Minister may decide to issue a National Planning Directive to ensure policy implementation (see section B, Planning instruments, National level).

Regional policies

F34. The individual county council decides its own regional development policy, and also decides by which legal, economic and political means the development should be achieved. The implementation of regional trade policies is carried out by an interplay between the county authority and the market (the trade and industry organisations). The activities of the counties in promoting regional economic development are described in section D, Regional economic development.

F35. The *regionplaner* (regional plans) contain guidelines and regulations for the location of major infrastructure and technical facilities, location of polluting enterprises that require special siting, location of major projects that require environmental impact assessment, and location and size of large retail projects. The regional level plans thus create the general spatial framework for the promotion and implementation of trade policies at regional level. For example, the regional level plans contain guidelines for location and maximum size of major retail projects having a significant impact on the general retail structure within identified catchment areas. Furthermore, there may be guidelines on the maximum total size of retail facilities within certain catchment areas. The aim is that the structure of retail facilities should be in conformity with the general structure and function of the urban centres of the region.

Local policies

F36. The individual municipal council is responsible for formulating and facilitating the policy on local economic development. The methods and the level of activity are also decided by the indi-

vidual council. The methods of promoting local economic development are described in section D, Local economic development.

F37. The *kommuneplaner* (municipal plans) contain regulations on the location of local infrastructure and public facilities, location of different types of enterprises and retail development as well as regulations on the building density. The view is to have an adequate division between industry, service and housing which should be beneficial for the enterprises as well as the citizens. For example, the municipal plans should provide guidelines for the local structure of retail facilities in order to control the function of the town centres versus out of town competition. The regulations at local level must be in conformity with the regional level plan. Furthermore, urban renewal schemes may facilitate the integration of service trades in the inner city areas as well as the general conditions for development of appropriate retail facilities.

F38. The activities of the county and municipal authorities are limited under the general principles of equality and objectivity and the activities must not intervene in the general conditions of the market forces or benefit individual persons or companies.

Leisure and tourism

F39. During the latest decade there has been a significant growth of tourism in Denmark. The tourist industry is now a principal sector of trade. The number of overnight stays has doubled within the last eight years, and the tourism industry now employs more than 100 000 people. The turnover within the sector is about DKK 40 billion annually, of which more than 20 billion represents currency earnings exclusively.

F40. Tourism development has taken place mainly in the coastal areas by having an increased and more active use of summer cottages. However, the result of the success has been that in the most popular areas the limit has been reached for further tourism without consequent unacceptable damage on the local environment and the local citizens.

F41. In general, tourism in Denmark is vulnerable. The tourists spend only relatively little money during their stay and the season is rather short.

Furthermore, tourism as an industry is vulnerable. Tourist firms are rather new and small without having proper management and investment skills; especially the hotel sector has a too high capacity; and the growth of profit in general is too low. The tourist sector in Denmark, therefore, has to face a paradox of having growth and financial problems at the same time.

F42. Leisure is an area belonging mostly to the private sphere, and is connected to cultural policies. However, environmental policies and planning considerations can have a considerable influence.

European Union

F43. Leisure and tourism are areas which are affected mostly indirectly by EU policies. However, specific projects — especially in remote lying areas — may be supported financially by EU development programmes.

National policies

F44. Government policy on leisure and tourism is aimed at tourism development on a sustainable basis, and on placing Denmark in an international position within this field.

F45. In the recent report on tourist policy, presented to the Parliament 1994, a strategy was introduced by the government. The aims for the year 2000 will be to create 17 000 new jobs in the tourist industry and to increase the turnover by an amount DKK 7 billion. A number of development activities were identified in order to increase growth and income, as well as employment within the tourism sector. Also a number of concrete development areas were identified such as business tourism, cultural and adventure holidays, castle and manor house holidays, and theme-holidays such as golfing, fishing or biking. Regional development companies will be established for developing new products, new markets and new types of cooperation. The companies will also be responsible for utilising State financial support within the tourist sector.

F46. Furthermore, a new National Centre for Tourism Industry Service will be established in 1995. The centre will be responsible for the development and promotion of knowledge as well as ways and means of action for tourist firms. The centre will

cooperate closely with the trade organisations of the tourism sector. Finally, emphasis is given to increasing university research on tourism.

F47. Denmark's assets include the unspoilt stretches of coast, the green landscape and clean environment. Therefore, tourist development is a sensitive issue especially for safeguarding the environment. Tourism should be developed in harmony with nature; otherwise, both the attractions and income vanish. This applies especially to the coast and other vulnerable natural areas. Environmental protection, especially of the coastal areas, therefore, has high priority in the planning process for leisure and tourist facilities.

F48. Development of leisure and tourist facilities as well as location of summer cottage areas are controlled by planning regulations in the comprehensive plans at regional and municipal level. Through planning efforts it has been possible to avoid scattered leisure development along the coastline. Furthermore, high-rise tourist facilities are avoided by having a general building regulation of 8.5 m as a maximum height for buildings in open country areas. Therefore, the Danish leisure and tourist areas leaves the impression of a low rise and compact land use.

F49. For further conservation of coastal areas a bill was passed in 1994 stipulating regulations for a 3 km planning zone along the coast (see Section D, Coastal planning). Thus, leisure and tourist developments should be located only in connection to existing urban and leisure facility areas, and only when considered according to regional tourism policy. Furthermore, the protection zone was enlarged from 100 m to 300 m along the open coast line.

F50. Coastal recreational and leisure opportunities are secured by open access to coastal areas and by the free right to walk along the beaches. Effective environmental regulations have resulted in increased quality of seabathing even in urban areas. Only a few local areas do not have the blue flag allowing for bathing.

Regional policies

F51. The county councils are responsible for adopting their own regional policy on tourism. The aims and means are established in the *regi-onplaner* (regional plans) based on public participation and a dialogue with the national authorities as well as interest and trade organisations.

The regional level plans contain regulations for the summer cottage zones and for the location of larger leisure and resort facilities; special rules controlling noisy sports, etc. Furthermore the regional plans contain regulations on natural resources and environmental features in rural areas, aimed at improving the basic conditions for leisure and tourism while at the same time protecting the environment (see section D: Tourism Development).

Local policies

F52. The municipal councils are responsible for promoting local tourism and local leisure facilities responding to local needs. The *kommuneplaner* (municipal plans) identify the scope of local recreation. The plans locate green space in urban areas, sports facilities, bicycle paths, etc. The aims and regulations of the municipal level plan are subject to public debate prior to adoption. Major projects and facilities require that a binding local plan be provided.

F53. Most municipalities have a tourist organisation promoting the general local tourism, and a tourist bureau providing information on local tourism.

Environment

F54. Denmark places the environment high on the national political agenda as well as in international relations.

F55. Denmark created a Ministry of the Environment in 1971, earlier than almost all other European countries. The ministry is responsible for protection of the environment at national level and thus draws up overall political and managerial guidelines. Since autumn 1994, the ministry has been responsible for energy policy as well and thus to promote energy efficiency and to integrate environmental considerations into all aspects of production and consumption.

F56. The Danish *Folketing* (Parliament) strongly emphasises a more targeted, long term and holistic approach in which solutions to environmental problems are integrated into all activities in society. The principle of preventing environmental problems instead of curing them is being increasingly emphasised. Each ministry is accountable

for integrating environmental considerations into the sector for which it is responsible.

F57. Danish environmental policy aims at comprising all aspects of environmental problems, i.e.: pollution control; protection of the variety and quality of the scenery; protection and management of nature and the built environment and heritage; and planning and control of land use.

F58. In this section emphasis is given to the holistic environmental approach and the means of comprehensive spatial planning. Further environmental issues are covered in the following section on transport, land and natural resources, heritage, waste management and pollution, and energy.

European Union

F59. As mentioned above, Denmark gives high priority to environmental policies. Therefore, it is no coincidence that the European Environmental Agency is located in Copenhagen and that the present member of the European Commissioners with special responsibility for the environment is from Denmark.

F60. Denmark participates actively in determining the environmental policies of the EU. Denmark considers that the Union influences the environmental options and policies of the Member States so strongly that national environmental policies must be viewed in the context of those of the Union.

F61. The message of The Green Paper on the urban environment is considered as very important. Only a coherent effort, in which environmental considerations are integrated into all decisions related to urban development, can produce lasting solutions.

F62. Denmark has increasingly orienteered itself towards environmental cooperation within the EC and the Fifth Programme on the Environment which is guiding the development of the EU environmental policies based on the principle of sustainable development. In this context, Denmark stresses that the opportunities for adopting environmental rules within the Union by a qualified majority should be used as fully as possible to ensure an ever-increasing level of environmental and nature protection in Europe based on minimum standards.

F63. Denmark also regards it as very important for the Union to assume responsibility for global environmental protection. Denmark agrees to the principles of sustainable development underlined in the Brundtland report, 'Our common future', from 1987, and the resolutions from the Rio Conference on Environment and Development, in 1992. Here, Denmark is working to ensure that the EC lives up to its role as a 'path breaker'.

National policies

F64. The thrust of the Danish environmental policies over the last two decades has been in combating pollution from ongoing activities, protecting natural resources and heritage from degradation, and implementing comprehensive and sustainable land-use planning at regional and local level of government.

F65. Overall land-use planning as well as the protection and management of nature have been building on a long tradition for comprehensive action. However, as far as pollution is concerned, the development of a holistic environmental policy can be characterised as an issue-to-issue approach. As a result, following the creation of an overall legislative framework in the 1970s, a series of action programmes have been issued during the last two decades to address air pollution, pollution of the aquatic environment, waste treatment, recycling, and the promotion of use of cleaner technology.

F66. In 1988, as a follow-up to the Brundtland report, the Danish Government prepared a comprehensive national plan for environment and sustainable development. In 1990, substantive elements of the plan were turned into plans of action for sustainable use of energy, for transport, and, in 1991, for agriculture. The plan was conveyed to the United Nations Conference on Environment and Development (UNCED) as the Danish national report.

F67. Late in 1991 a comprehensive report on the state of the environment in Denmark was prepared, immediately followed in early 1992 by a policy report on environmental initiatives, which defined the overall objectives of Denmark's long-term environmental policy.

F68. Following up on the Rio convention the Danish Folketing (Parliament) in 1992 agreed to further development of overall continuous strategic environmental planning based on continuous

monitoring and protection of the state of the environment and nature. The idea is to see environmental problems in a wider context. The aim is also to contribute to greater integration between environment and sector policies so that integration of environmental care is taken in all sectors of society. For example, all proposed legislation, plans of action and other governmental initiatives must be assessed for their impact on the environment.

F69. In 1995 an environment White Paper will be published. The White Paper will describe overall priorities, targets and specific initiatives in respect of future environmental action. The White Paper is to present the environmental goals, and to outline government initiatives to be launched in the forthcoming period both at national and international level.

F70. Spatial planning is an integrated part of Denmark's environmental policies. At national level, current priority has been given to a scenario for future spatial development: 'Denmark towards the year 2018' issued as the 1992 National Planning Report. The overall goal this National Planning Perspective is that Denmark should become the cleanest country in Europe by broadly integrating environmental considerations into its policies. By the perspective the government has presented a number of overall objectives which are followed up by a number of demonstration projects (see section A, Political priorities).

F71. The integration of environmental factors into the planning process is a special feature of the Danish system of spatial planning and land-use control. The Planning Act, the Nature Protection Act and the Environmental Protection Act (in total known as the Environmental Reform, 1992) have the same common objective of ... protecting the country's nature and environment so that sustainable development of society with respect for peoples living conditions and for the conservation of wild life and vegetation is secured.

F72. The clear delimitation between town and country in Denmark is a crucial aspect of planning, and these provisions of the Planning Act are the cornerstone in protecting the countryside (see section B, Regional level, Urban/rural zoning). The European Union Directive on environmental impact assessment is implemented in the regional planning process. Special types of projects such as large transport facilities require

an EIA with special consideration, due to their effects on nature and environment (see section B, Regional level, Environmental impact assessment).

F73. Comprehensive plans prepared at regional and local level ensure integration of environmental considerations in all aspects of decisions having spatial effect.

F74. The use of economic instruments in environmental policy have increased. According to the tax reform 1994-98, the reduction in personal income taxes has partly been offset by increased environmental charges. The tax reform includes a wide range of environmental duties, e.g. on water use in private households. The next step is that environmental taxes will be introduced in the private business sector from 1996. However, this is still subject to major political debate.

Regional policies

F75. Statutory powers for planning and for protection of nature and the environment are extensively decentralised, with the various regional and local authorities being responsible for executive, administrative and supervisory functions in most fields.

F76. The county councils are responsible for administering and monitoring the overall environmental conditions in the countryside. Most counties have special administrative departments dealing with environmental issues and control functions, and the county authorities maintain sectoral programmes on natural resources.

F77. Through the guidelines for land use, established in the *regionplaner* (regional plans), great consideration is taken to environmental interests, for example by guidelines for location of polluting enterprises that require special siting. The guidelines for location are based on the crucial environmental aspects such as noise, protection of groundwater, water supply, air pollution, waste disposal, traffic access, etc. Such polluting enterprises must normally also obtain a specific permit from the county council pursuant to the Environmental Protection Act.

F78. Furthermore, the county council is responsible for carrying out the procedure of environmental impact assessment required for special

enterprises and facilities. The procedure is carried out by providing a supplement to the regional level plan and it is thus ensured that public participation is included as an integrated part of the process.

Local policies

F79. The municipal councils are responsible for monitoring and administering the local environment, especially in urban areas. The municipalities produce *kommuneplaner* (municipal plans) with policies and land-use regulations for the total municipal area. A lot of interest groups are involved in this process, for example *Danmarks Naturfredningsforening* (the Danish Society for the Conservation of Nature). Many municipalities have produced special environmental action plans as an integrated part of municipal planning, focusing on solving the environmental problems in the municipality.

F80. The Ministry of the Environment and Energy also supports the realisation of local traffic and environmental action plans. The aim is to survey the environmental effect of traffic as well as traffic safety. The goal is then to produce a plan for solving the problems. The plan should be coordinated with the physical as well as the economic planning policies within the municipality.

F81. The ministry also supports the idea of local Agenda 21 plans in each municipality as a follow up of the Rio conference. The local Agenda 21 plans shall include a broad definition of the environment, the cyclic flow of resources and materials, cleaner technology, building preservation, green spaces, biotopes, etc. The concept of local Agenda 21 plans was introduced and encouraged early 1995, the results still remain to be seen.

Transport

F82. The Danish policy on transport aims to establish a new balance between development and the environment based on the principle of sustainable growth.

F83. The carriage of both passengers and goods is expected to increase dramatically during the next two decades. Since 1970 the carriage of passengers has increased by 75 %. In the period 1995 to 2010 the increase is estimated to be

about 25 %. Transport by car accounts for about 70 % of the total personal transport. The carriage of goods has increased by 50 % since 1970. In the period 1995 to 2010 the increase is estimated to be about 55 %, corresponding to about 2 % annually. Domestic transport of goods is dominated by trucks which are accounting for about 80 % of the total freight transport.

F84. Based on these estimations the general aim is to control this scenario in order to decrease the environmental consequences.

European Union

F85. National transport policies are increasingly influenced by the EU policies. The plans for the main European transport axes — including the trans-European network as described in the White Paper — have been incorporated in the national transport policies.

F86. Focusing on the EU plans for a high-speed train network in Europe, investigations will be undertaken to analyse the possible options. The aim is to bring Scandinavia closer to Europe, and to break down the current national barriers to rail transport. Still, the highest priority at the moment is given to the upgrading and electrification of existing tracks in order to make a full-scale and efficient alternative to road transport nationally.

National policies

F87. In 1992 the *Folketing* (Parliament) adopted a motion to the effect that the government should draw up an integrated overall transport plan for the whole country. The plan should include all national construction works and investments necessary until the year 2005. This is the background for the current national statement on transport titled Transport 2005. This policy report analyses the transport problems, sets out the principles of the future transport policy, integrates environmental and energy considerations, and presents an overview of future transport investments.

F88. Transport 2005 is based on the principle of sustainable growth. The challenge will be to develop and restructure the transport system to achieve the demands for mobility within the limits imposed by considerations for resource consumption and environmental pressures.

F89. The main strategies are as follows:

- influencing the scope of the carriage of passengers and goods,
- influencing the division between the various means of transport,
- improving the alternatives to car transport.
- limiting pollution problems,
- reorientation of transport investments,
- strengthening planning and research within the area of transport.

By the statement 'Transport 2005' the first steps towards a new integrated overall transport policy are being taken.

F90. Denmark has a well-established network of major and secondary roads linking the regions and cities together. The network of motorways, known as the 'big H' is just about finished these years as a part of the European transport networks. The policy in the years to come will be to maintain the high standard and to improve safety and environmental conditions.

F91. At the national level, the most visible policy is to tie regions closer together. The fixed link between east and west Denmark will soon be ready to use, and it has been decided to build another link from Copenhagen to Malmö in Sweden. Concerning the latter, the vision is to create a strong region across the Oresund and national border. Both links will be financed by the users, and the fee will match the current price of the ferries, when the travel is done by car.

The fixed links are part of the trans-European networks. So also is a bridge/tunnel from Denmark to Germany, for which plans have begun, though no political decision has yet been made.

F92. Air transport has grown in importance, and efforts will be made to develop the already strong position of Copenhagen Airport. Concerning the regional airports in the country, the faster travel time by train will probably have a negative effect on some of them. Seen from an environmental point of view, this is positive, since the electrified trains have a lower consumption of energy compared with planes.

F93. The fixed link between east and west Denmark is an important element in the Danish railway strategy, which is to provide fast and efficient transport between the largest cities in the country. In other words, Denmark emphasises

and explores the advantages of the railway as the primary means of mass transport. The railway network is managed by the National Danish State Railways under the Ministry of Transport.

F94. An overriding strategy of Transport 2005 is to influence the means of transport by improving the alternatives to car transport. However, in the sparsely populated regions there are problems with providing a satisfactory alternative to the private car. The alternative will be influenced by introducing the so-called 'green tax' on petrol during the following years.

F95. Different means of transport of course fits different tasks. It is important to make the transport system as rational as possible everywhere in the country. Greater integration between the various means of transport is important for efforts to create a more flexible and efficient system. The whole concept of public transport will be thought through in the years to come. For example, how to fulfil local needs for public transport in remote areas, without long waits?

F96. Many people depend on buses due to where they live. In order to reduce the pollution from the buses the State is supporting the shift to environmentally cleaner motors according to new EU-standards. Some transport by bus is operated by private contractors, as a part of streamlining the organisation of the public transportation companies. In the major cities, however, bus services are mainly provided by regional or local public companies.

F97. Reorganisation of the air, sea and railway transport, and of the existing bodies has been going on for a while. Clearly, the trend is towards more independent institutions, and the link to the EU policy is obvious.

Regional policies

F98. The division of tasks between the national, regional and local level is described in section D: Major infrastructure. At regional level the overall transport policy is presented in the *regionplaner* (regional plans). The plans include the regional supply of public transport service, and designation of new secondary roads in conformity with the national transport policy. New secondary roads are implemented and financed through the general budget of the county council.

F99. The metropolitan region of Copenhagen with about 1.7 million inhabitants and around 1 million workplaces, has the nation's biggest traffic problems. The national and local government organisations are now taking cooperative measures to strengthen public transport in the region, especially in the inner urban area. Selling of developed public owned land in Copenhagen will finance the introduction of a new mini-metro system in the central parts of Copenhagen. This new transport system is seen as an important element for achieving sustainable development in the new cross-national region.

Local policies

F100. Local transport policies are presented in the *kommuneplaner* (municipal plans). The plans include designation of new local roads in conformity with the regional level plan. New local roads are implemented and financed through the general budget of the municipal council.

F101. At the local level, improvement of traffic conditions in towns other than the capital, is of major concern. The Ministry of Transport will continue to encourage environmental transport conditions at the local level. Reducing the number of cars in urban areas and improving conditions for cyclists and pedestrians are important measures to be taken by local councils in the near future.

Land and natural resources

F102. The Danish policy on national resources includes a number of issues such as agricultural land, forestry land, natural areas, raw materials and groundwater. Policies on protection and utilisation of natural resources are expressed in the sectoral land-use Acts and sectoral programmes, and the policies are implemented through comprehensive countryside planning and administration at regional level. The policies, however, have changed over recent decades responding to changing agricultural policies within the European Union as well as responding to national policies on environmental improvement.

European Union

F103. The Danish policy on agriculture and forestry is heavily influenced by the EU structural

policies as presented in the reform of the common agriculture policy. The EU structural policies were implemented through national legislation in 1993 and enforced from the beginning of 1994. The provisions on support for afforestation, extensification and environmental improvement of farm land are expected to have a major impact on future countryside environments.

F104. The EU structural policies focus on individual agricultural holdings by supporting individual afforestation and permanent fallowing of partial land areas. This approach, however, does not correspond to the general national policy on countryside planning which has a more global approach. The Danish trend is that efforts to decrease the land areas being farmed, according to EU policy, should be accompanied by increased efforts to restore environmental and natural features in rural areas by means of comprehensive land-use planning at regional level, instead of focusing on financial support for individual property.

National policies

F105. The Agricultural Holdings Act requires that all agricultural properties be operated in accordance with agricultural and environmental considerations. This duty applies to two thirds of Denmark's land. The Act governs ownership, use and size of the properties, and the provisions are changed rather often reflecting current agricultural policy.

F106. In the 1970s the official policy was to reserve the agricultural land resources for intensive farming carried out by educated, full-time farmers. The objective was to protect good farm land against urbanisation and exploitation and to ensure optimum investments and growing security. Only 15 % of an individual holding was allowed to be afforested.

F107. The impact of this policy has been an increase of the average size of holdings from 16 ha in 1960 to about 35 ha in 1990. During the same period the number of holdings decreased from about 200 000 to 80 000.

F108. In the 1990s, agricultural policy has changed from just supporting effective and rational use of the holdings, to supporting various forms of less intensive farming which contribute to the reduction of the total agricultural area. The new policy also supports environmentally friendly land use in agriculture.

F109. Danish agricultural policy now comprises support for afforestation (permitted for the total area of the holding), introduction of ecological working methods, environmentally friendly growing methods (without fertilisers and sprays) as well as permanent fallowing of agricultural land (minimum 5 ha and for a minimum of 20 years). To create less intensive agricultural production it is now possible for people without agricultural education and without having farming as main occupation to buy holdings when the area is smaller than 30 ha. These liberal rules for acquisition apply to 75 % of the holdings in Denmark. The rules also aim at having a more differentiated settlement in the rural districts.

F110. Forest land, which comprises 12 % of Denmark's land, applies to the duty of being used and operated as forests. The national forest policy implies that Danish forest land is to be doubled by the year 2010, which means that 5 000 ha shall be afforested per year. The efforts in connection with afforestation are aimed at wood production and recreational purposes, as well as the establishment of living places for wild flora and fauna.

F111. One third of Denmark's forests are State-owned and managed by the National Forest and Nature Agency using multiple-use forestry: modern forestry production combined with protection of the environment and taking recreational activities into account. The agency also supervises private forestry and implements environmentally sound forestry. Furthermore, the Agency is responsible for managing the State-owned natural areas in Denmark.

F112. A number of natural features are protected by provisions in the Nature Protection Act. This applies for watercourses, lakes, bogs, marshes, heaths and dunes. The Act also provides for establishing conservation orders for securing nature reserves and for determining the future use of such areas.

F113. Raw materials, such as gravel, clay and chalk, are finite resources. About 500 ha of land, often farmland, are dug up annually. Such materials are extracted, and then the land is restored. The national policy, therefore, aims to limit the consumption through a deliberate policy of management that ensures a long term supply of raw materials. Environmental considerations must be integrated with the commercial activity. Permission for extraction is given according to the Raw Materials Act which is administered by the county council. The extraction is based on a

raw materials plan, integrated in the regional level plan, which takes account of environmental and other interests.

F114. Groundwater is becoming an increasingly important policy area and is now one of the major political subjects on the agenda in 1990s. A national strategy on groundwater has been adopted in 1994 and it is recognised that the assaults on groundwater contamination needs to be prioritised. This should be based on the selection in each region of the groundwater resources on which the future water supply is to be based. The aim being to ensure sufficient uncontaminated water resources to cover expected future requirements.

F115. The groundwater strategy uses spatial planning as a necessary strategic instrument. The strategy is based on the following principles: (i) focused and differentiated approach in contrast to a firm nationwide regulation; (ii) high priority to remedy contaminated sites in the areas of special interests for water supply; and (iii) regulating the future land use in the areas of special interest, for example the size and number of farms, and attention to existing land use in the areas especially with regard to reducing the washing out of nitrate.

F116. The strategy on groundwater is also given priority in the recent report prepared by the National Spatial Planning Department as the starting point for revising the *regionplaner* (regional plans) in 1997. Planning and management of groundwater must be based on this strategy.

Regional policies

F117. The county councils are responsible for formulating and monitoring the overall policy on land and natural resources in the countryside.

F118. A system of sectoral planning for the countryside was introduced in the 1970s comprising area resources such as soil quality, landscape qualities, raw materials and water accessibility. The interests were given priority towards each other implying zoning of areas reserved for agriculture, for raw materials extraction or for special natural areas. It was intended that this planning system should be integrated in the regional level plan to form the basis for rural land-use administration.

F119. In the 1990s, by adopting a comprehensive environmental reform, this system of statutory sectoral planning was considered too demanding on administrative resources and not actually necessary. However, the basic mapping of the natural resources (including groundwater) is maintained as a source of information for balancing the interest in the regional level plans and providing a framework for administration of the sectoral land use act. (See section B, Regional sectoral programmes and section D, Resource planning).

Local policies

F120. As mentioned above, the county authorities are responsible for resource management in the countryside. The municipal councils are mainly responsible for the urban areas and for supply management (see section B, Local sectoral programmes). Policies on nature resources are mainly formulated at regional level. However, planning for water supply is carried out by the municipal councils based on the principles for water gaining identified in the regional level plans.

Heritage

F121. The desire to build and the desire to renew is evident in the towns of present-day Europe. Large estates and monumental structures influence the architectural fabric and demand very close cooperation between the architect and the town-planner on one of the most difficult tasks connected with modern town development: to give the towns of Europe a contemporary identity without losing the authenticity of their history. The question as to how historical towns can be an integrated part of a modern, sustainable development has become a very topical subject. Certainly one can describe the development during recent years and the problems to be solved in the future as a turning point in reshaping the environment of everyday life and consequently its social context.

F122. The post-war concept of the old town areas as being antiquated and unfit for living purposes has gone. The problem of outdated living conditions is no longer being resolved by demolition. The future local agenda is formed by careful renovation and preservation with the consciousness of preventive maintenance of the built-up fabric in the towns as one of the

most important issues in the development of the sustainable city.

European Union

F123. Local appreciation of the history of a site is regarded as important in acknowledging the broader agenda for the protection of the environment as a whole. The efforts of urban conservation in Denmark can be seen as a practical and tested contribution to the Green Paper on the urban environment.

National policies

F124. Heritage features in the landscape, such as ancient monuments, are protected and preserved by provisions in the Nature Protection Act. Valuable buildings (mostly more than 100 years old) may be preserved by provisions in the Preservation of Buildings Act. A total of 9 000 buildings have been listed since the Act was passed in 1918 and about 100 are added annually (see section D, Urban conservation). The old Danish churches are protected by legislation administered by the Ministry of Ecclesiastical Affairs.

F125. Urban conservation is also to a large extent taken care of by means of planning, for example by providing binding local plans for the protection and maintenance of valuable and historical urban districts. In addition urban renewal programmes may contribute to urban conservation.

F126. The Danish Ministry of the Environment and Energy has given increased priority to a planning effort to integrate modern reshaping of towns with the historical qualities which are to be found in built-up areas. This has been achieved by the development of a system which in a simple way can evaluate the total preservation-worthy values in a municipality. The mapping is performed according to a specifically developed system called Survey of Architectural Values in the Environment (SAVE).

F127. The SAVE system includes a quick and resource-saving method which within a fixed period of nine months produces topic maps of all built-up areas and provides a simple architectural evaluation of all individual buildings built before 1940 for an average municipality containing about 6 000 buildings. Finally, the results of the cooperation between experts and the local community

is published in a so-called Municipal Atlas, which is an illustrated summary of the evaluation. The total procedure should be compared to rescue excavations known from archaeology, by producing the most important information in the shortest possible time. This procedure is divided into three (short) phases: (i) the preliminary investigation (two months); (ii) the field work (three months); (iii) the municipal atlas (four months).

F128. The National Forest and Nature Agency which holds the responsibility of preservation of buildings, has attached much importance to ensuring that the system be based on fixed costs and periods. Furthermore, there is an established procedure covering the concept, map types, measuring scales and codes, also the criteria to be used when evaluating the buildings to be included in an integrated country-wide data processing. Since 1990, 44 municipal atlases have been made in Denmark.

Regional policies

F129. The county councils are responsible for nature protection pursuant to the Nature Protection Act. This includes protection of Denmark's ancient monuments (Viking burials mounds, ruins, etc.) of which about 30 000 are identified. The monuments are protected by a 100 m building exclusion zone.

F130. The Nature Protection Act also provides for the protection of large adjoining areas of countryside or nature reserves. About 4 % of Denmark's land area is protected by legislation on countryside conservation.

Local policies

F131. The municipal councils are responsible for the urban environment, and they may provide binding local plans for protection of vulnerable urban districts, as well as urban renewal schemes contributing to protection of urban heritage.

F132. The idea behind the mapping of the urban relationships and registration of the individual buildings is to provide the politicians and planners, as well as local residents, with a simple, complete picture of the architectural qualities which are distinctively characteristic of the locality. That is to say it provides a planning basis for technicians, and also a comprehensible

source of information for the local community regarding the values worthy of preservation. An important point is the setting up of a local consultative group consisting of representatives of the municipality, the agency, the local museum, the local archive, preservation associations and other individual local people who have shown interest in the protection of the built environment.

Waste management and pollution

F133. Denmark's policy on waste management reflects a worldwide problem. The amount of waste products is increasing, and it is more difficult to dispose of it, partly because of the increased volume and partly because waste disposal causes environmental problems. In 1985, 9.3 million tonnes of waste was generated annually in Denmark. The amount predicted for the year 2000 is 11.5 million tonnes. Denmark's 5.1 million population produce this amount of waste; households produce about 20 % of the total, the business sector 50 % and energy production and sewage treatment plants 30 %.

F134. To limit future waste of raw and other materials and the use of substances that harm the environment, and to consider and apply recycling methods, the production processes should be planned in accordance with long-term strategies of sustainable development. Denmark's policy on pollution also reflects the worldwide problem that pollution does not respect national borders. Local pollution activities have an international or even global affect.

F135. Like in many other countries, environmental legislation was implemented in Denmark during the early 1970s. The present Environmental Protection Act was put into force 1974. The Act has, of course, been amended and changed several times during the last two decades due to the increased political emphasis on environmental issues. The main instrument of pollution control in the Environmental Protection Act is based on a system of prior approval/authorisation of businesses that seem to be a potential source of pollution.

European Union

F136. Future prospects for waste disposal in Denmark are similar to the situation in virtually all

other countries: the volume of waste is increasing, which strains the country economically, environmentally and technically. This strain provides an incentive to encourage recycling, but also promotes the development of low-waste technological processes.

F137. The area of pollution control is heavily regulated by EU policies. This is due to the fact that many (or most) environmental problems may only be solved through international cooperation (e.g. pollution of the air and sea). However, the administrative and economic instruments used to minimise industrial pollution affect the costs and thereby the competitiveness of trade and industries.

F138. Denmark, therefore, increasingly works to establish internationally applicable environmental regulations, in particular within the EU where technical and environmental standards are being harmonised. Denmark emphasises development and application of cleaner technology through harmonisation in the EU as a vital instrument in a policy that aims at safeguarding the future environment.

National policies

F139. The Danish national policy on waste management aims to encourage recycling so that waste is thought of as a resource to be recovered instead of disposed of, thus reducing the total amount of waste. The national goal is to increase the proportion of solid waste recycled from the current 30 % to 50 % in the year 2000. The strategy is presented in the Recycling Action Plan 1990-2002.

F140. The overall policy has three elements: (i) to avoid generating waste (using low-waste technology); (ii) to increase recycling; and (iii) to reduce the amount of untreated waste dumped at landfills. The last priority means that waste that cannot be recycled should be incinerated (with heat recovery), composted, or treated by another controlled method.

F141. To remedy the problems associated with waste disposal, the *Folketing* (Parliament) revised the Environmental Protection Act in 1982 and initiated comprehensive nationwide planning of waste management. The Act was further revised in 1992 in order to strengthen efforts, simplify

legislation, optimise the use of resources, and increase the use of cleaner technology.

F142. The planning for waste management is organised at three levels. The State authority, the Ministry of the Environment, provides an overall framework. Each of the 14 county councils surveys the quantity and types of waste produced in each municipality under its jurisdiction (in cooperation with the municipal councils) and prepares a regional waste management plan. Each municipal council then prepares a comprehensive waste disposal plan for the municipality.

F143. The Parliament has passed a law levying a fee on waste that is incinerated or dumped untreated. This financial incentive makes recycling a more competitive method of waste disposal and is increasing the interest in recycling. The strategy for waste management is thus in accordance with the general environmental strategy in Denmark: aiming to avoid the generation of waste and pollution instead of dispersing and diluting them.

F144. An action plan on cleaner technology for the period of 1993-97 was adopted in 1992. The main goals of the plan are to reduce the impact from industrial enterprises, the total consumption of resources and the environmental impact from consumption and disposal of used products. The objectives are to change the activities from focusing on production processes to development of environmentally friendlier products. Denmark recognises that all raw materials used in production processes and goods for consumption will end up finally in the environment and therefore are potential sources of pollution.

F145. The general policy in Denmark emphasises that economic growth can be achieved simultaneously with improvements to the environment. The environment is considered as one of the most important parameters. But, to compete, industry must be able to absorb — constructively and economically — environmental considerations into its development.

F146. The Environmental Protection Act is based on the 'polluter pays principle' which is internationally recognised. Furthermore, the Act contains: (i) the 'localisation principle' saying that an enterprise shall be located at a site causing least possible pollution, and (ii) the pollution restriction principle saying that any enterprise shall plan its operations and adopt the measures

necessary to prevent pollution to the greatest possible extent.

F147. The Environmental Protection Act lays down requirements for use of the least pollution technology. These requirements are made operational through a statutory system of prior approval/authorisation applying for the establishment of all kinds of, plants or activities which are considered as potential sources of pollution and therefore are listed in an annex to the Act. The annex includes the majority of the Danish industries.

F148. This approval ensures that all enterprises meet a number of environmental and technological standards and so pollute soil, air and water as little as possible. Companies are required to use the least environmentally demanding and economically viable solution with regard to the use of raw materials and production processes, taking into consideration the whole life cycle of the products.

F149. The terms of the approval — which provide the environmental conditions for operational activity — are issued and enforced by the county and municipal councils. The approval safeguards the enterprises against authority requirements for a period of eight years.

F150. All existing potentially polluting companies not holding an approval for their activities are required to apply for approval before the year 2002, according to a timetable specifying for each industrial sector the deadline for filing the application to the environmental authorities. To satisfy this demand for information the Danish Environmental Protection Agency plans to publish cleaner technology sector guidance notes defining best available technology for specific sectors, following a timetable being three months ahead for the mandatory application dates.

F151. The Environmental Protection Act also include provisions for waste water treatment to be managed through the guidelines in the *regionplaner* (regional level plans) for safeguarding the quality of watercourses. Finally, environmental legislation includes provisions for discharge of toxic substance, spreading of animal manure, use of plant fertilisers, and general provisions for animal households, etc., in order to safeguard the quality of groundwater as well as the general hygienic standard of the community.

Regional policies

F152. During the period 1985 to 1989, county councils have prepared comprehensive regional plans for waste management. The plans are based on the general national goals for waste management and set targets for the proportion of each type of waste that should be recycled, incinerated or dumped at landfills. Thus the county councils have planned for management of the future regional waste stream. During the planning process each municipality indicated the initiatives to be implemented in order to meet the general national and regional targets for waste management, and in order to prepare the basis for further detailed planning at the local level.

F153. County councils are responsible for general environmental conditions at the regional level, to be monitored and presented through aims and regulations in the *regionplaner* (regional plans). The county authorities monitor the quality of water courses and grant permits for major discharge of waste water. The county authorities also manage the prior approval/authorisation for major polluting industrial plants and monitor that the terms of conditions are applied with.

Local policies

F154. Municipal councils prepare plans for waste management at the local level. The plans describe the current waste disposal system, including the local system of waste collection and waste disposal facilities and any facilities operated jointly with other municipalities. The local targets for the proportion of waste to be recycled, incinerated or dumped are determined using the targets set by the counties and adapted to local conditions, taking into account overall regional and national priorities. Virtually all of Denmark's municipalities completed their first generation of waste disposal plans by 1990. These plans have a 12-year horizon and must be revised every four years.

F155. Although not all the targets may be fully met, the planning process itself has generated substantial awareness among citizens, authorities and enterprises about the environmental problems inherent in waste disposal. In particular people have begun to understand that waste is a resource and that recycling must be

increased. Many citizens and businesses are far more seriously involved in recycling than they were before. The main future tasks are to firm up the targets for recycling and to implement this in practice.

F156. Municipal councils are responsible for environmental conditions at local level to be integrated in the *kommuneplaner* (municipal plans). The municipal authority also monitors and enforces the statutory environmental regulations at the local level.

F157. The municipal authorities grant permits for minor discharge of waste water and authorisation of minor polluting businesses which are not under the jurisdiction of the county authority.

Energy

F158. Denmark has had an active energy policy since 1976, when the first national energy plan was launched. The background for this energy plan was the oil crisis in 1973, which demonstrated the weakness of the Danish energy system. Dependency on imported oil was at that time nearly 100 %. The efforts in the first energy plan was directed towards security of supply, reduction of the demand for energy through energy savings and long-term stability.

F159. In 1979 there was another oil crisis, this time resulting in very high energy prices. As a result, the second energy plan was launched in 1981. The efforts to develop domestic oil and gas resources and to establish infrastructure — the gas grids — to utilize the domestic gas resources were increased. To increase the efficiency in the supply system, large combined heat and power systems were expanded, and grant schemes for subsidies for energy saving purposes were put into force.

F160. As a result, Denmark has reduced dependency of oil from 98 % in 1972 to 42 % in 1993, is now self-sufficient with oil and gas, and is also net-exporter, though at a small scale. The supply of energy is diversified into many sources, and the use of renewable sources has increased. The total consumption of fuel-energy has remained at the same level the past 20 years.

F161. The consumption of energy for space heating per square metre is halved compared to 1973. Big increases in energy prices — also through taxation when import prices fell — have caused households and building owners to invest in energy savings. In addition the government and utilities have initiated a number of energy efficiency programmes which have contributed to the dramatic decline in energy consumption. Some 50 % economic growth in Denmark has been achieved without an increase in the total consumption of fuel-energy.

European Union

F162. The question of an EU-carbon tax is quite important. Denmark has, through past policies, gone a long way to reduce the energy consumption in the household sector. Present options thus centre on the relatively unexploited savings potential in industry and the commercial sector, where the repayment times typically are much shorter than in the household sector. Increased energy and CO₂ taxes for the industry and the commercial sector are seen as an efficient and market oriented way to exploit this potential. Without matching taxes in the EU, such taxes, however, decrease international competitiveness of Danish industries. Reluctant policies towards CO₂-taxation, may thus act as a brake on Danish energy reduction policies, despite political and public readiness in Denmark to pursue a strict energy reduction policy.

F163. Proper functioning of the internal energy market presupposes that policy measures to reduce environmental impacts of the energy sector are implemented at EU level. Member States are obliged to reduce cross-border pollution and the risks of radioactive pollution are also of serious concern to all Member States. The fulfilment of these environmental objectives must not be jeopardized by the creation of the internal energy market. It is not acceptable if competition leads to concentration of electricity production in countries with lower environmental standards and requirements.

F164. It is therefore important to implement measures to facilitate the fulfilment of energy and environmental objectives as an important contribution to a sustainable economic growth.

National policies

F165. Concerning the development of more efficient supply of heat and electricity the main element is an increased production of combined heat and power. Today 50 % of the heat demand in Denmark is covered by district heating, and more than half of the district heat is co-produced with electricity. New methods are developed for the production of electricity based upon small so-called combined heat and power plants using natural gas and biomass.

F166. Use of cleaner sources of energy is an important element. Renewables contribute about 7 % of the total energy consumption. Wind power contributes 3 % of the consumption of electricity. Today Denmark has about 3 000 wind-mills in private ownership. In addition, the Danish electric utility companies are involved in the wind energy exploitation and they have expanded their use of wind energy with 100 MW already installed, and with a commitment to install an additional 100 MW.

F167. In 1990 the Danish Government launched the third energy plan, Energy 2000. The background for the plan was that Denmark recognised its responsibility to contribute to fulfil the recommendations in the Brundtland-report (the World Commission on Environment and Development) and in the international recommendations resulting from the follow-up to this report, *inter alia*, the recommendations from the Toronto-conference.

F168. Energy 2000 is a plan of action for sustainable development. It is the Danish follow-up to the Brundtland report, and it has two main objectives: (i) to reduce the emission of CO₂ by 20 % by year 2005 and (ii) to promote, internationally, similar objectives of global CO₂ emission. A comprehensive approach is necessary to fulfil the target for reducing the emission of CO₂. Energy 2000 is therefore aiming at the total energy system. It includes elements: (i) to reduce the consumption of energy, (ii) to develop more efficient supply systems through more CHP (com-

bined heating and power plants), and (iii) to promote the use of cleaner energy sources. It also includes elements to promote research and development and international cooperation.

F169. In November 1993 the Ministry of Energy presented a follow-up report to Energy 2000 called 'Energy 2000 — follow up — A responsible and forward looking energy policy', with new initiatives to make it possible to achieve the targets set up in Energy 2000. The Energy 2000 follow-up places great emphasis on international aspects. Denmark is one of the countries with the highest emission of CO₂ per inhabitant but has the economic and technological possibility to change this state of affairs. By providing a good example, Denmark can help to put pressure on international development to promote new technologies.

Regional policies

F170. During the period 1985 to 1990 Denmark prepared comprehensive plans for heat supply at the regional level. However, due to the revised Heat Supply Act, 1990, the county councils have no longer significant duties within the area of energy supply. Still, the location of major electricity transmission lines must be designated in the *regionplaner* (regional plans). The supply of natural gas and electricity is the responsibility of concessionary utility companies covering regional areas.

Local policies

F171. The municipal councils prepare comprehensive plans for heat supply at local level. The plans are based on the national energy policies and are prepared in cooperation with the concessionary supply companies. The municipalities are responsible for monitoring the local heat supply and for approval of local CHP projects. In general, the utility companies and local district heating companies, etc. have the essential duties on energy supply.

APPENDICES

Appendix 1 — Glossary

Amt

County, the regional government organisation.

Amtsraad

County council.

Byggetilladelse

Building permit, to be granted prior to commencing any construction works.

Bygningreglement

Building regulations, issued under the Building Act, with detailed technical provisions for construction works.

Bygningsreglement for småhuse

Building regulations for minor buildings.

Byplanvedtegt

Town planning by-law. Local planning instrument according to earlier planning legislation.

Byraad

Municipal council.

Byudviklingsplan

Urban development plan. Zoning instrument according to earlier planning legislation.

Byudviklingsudvalg

Urban development committee. Zoning authority according to earlier planning legislation.

Folketing

Parliament.

Fredningskendelse

Conservation order, according to the Nature Protection Act.

Fredningsnevn

Conservancy boards, established for each county according to the Nature Protection Act.

Frigørelsesafgift

Property release tax, to be paid by the landowner when land is transferred from rural to urban zone.

Ibrugtagningstilladelse

Permit to be granted prior to taking new construction works into use.

Jordfordeling

Land consolidation. Instrument used for adjusting and improving the structure of agricultural holdings.

Kommune

Municipality, the local government organisation.

Kommunalfuldmagt

Municipal authority. The legal limitation of the power and activities of the regional and local government organisations based on the principle of equality and the objectivity regarding the private sector.

Kommuneplan

Municipal plan, with policies, maps and land-use regulations for the total municipal area.

Landsplandirektiv

National planning directive, providing binding regulations on specific issues of national interest.

Landsplanperspektiv

National planning perspective, issued as the national planning report 1992.

Landsplanredegørelse

National planning report, setting out the current national planning policies.

Lokalplan

Binding local plan, with maps and detailed land-use regulations for a minor neighbourhood area.

Magistrat

Corporative body of administration at municipal level (only the four largest municipalities).

Ombudsmand

Ombudsman. A person appointed by the parliament, under the provisions of the Constitution Act, to supervise the administration of the State and the regional and local government organisations.

Regionplan

Regional plan, with policies, maps and land-use guidelines for the total county area.

Raadmand

Alderman. A member of the municipal council who was chosen by the elected members (only the four largest municipalities).

Statsamt

County administrative board. State authority at regional level, responsible for non-political matters, such as matrimonial cases, and legal supervision of regional and local government organisations.

Taksationskommission

Appellate valuation committee, determining the compensation within the process of compulsory purchase.

Appendix 2 — Addresses

Ministry of Environment and Energy
Højbro Plads 4, DK-1200 Copenhagen
Tel. (45) 33 92 76 00. Fax (45) 33 32 22 27

The Spatial Planning Department
Højbro Plads 4, DK-1200 Copenhagen
Tel. (45) 33 92 76 00. Fax (45) 33 32 22 27

The National Forest and Nature Agency
Haraldsgade 53, DK-2100 Copenhagen
Tel. (45) 39 27 20 00. Fax (45) 39 27 98 99

The Danish Environmental Protection Agency
Strandgade 29, DK-1401 Copenhagen
Tel. (45) 32 66 01 00. Fax (45) 32 66 04 79

The Ministry of Housing and Building
Slotsholmsgade 12, DK-1216 Copenhagen
Tel. (45) 33 92 61 00. Fax (45) 33 92 61 04

The Ministry of Agriculture
Slotsholmsgade 10, DK-1216 Copenhagen
Tel. (45) 33 92 33 01. Fax (45) 33 14 50 42

The Ministry of Transport
Frederiksholms Kanal 27, DK-1220 Copenhagen
Tel. (45) 33 92 33 55. Fax (45) 33 12 38 93

The Association of County Councils in Denmark
Landemerket 10, DK-1010 Copenhagen
Tel. (45) 33 91 21 61. Fax (45) 33 11 21 15

The National Association of Local Authorities
Gyldenløvesgade 11, DK-1600 Copenhagen
Tel. (45) 33 12 27 88. Fax (45) 33 12 23 50

The National Society for the Conservation of Nature
Nørregade 2, DK-1165 Copenhagen
Tel. (45) 33 32 20 21. Fax (45) 33 32 22 02

The Danish Association of Town Planners
Nørreport 20, DK-8000 Aarhus C
Tel. (45) 89 36 00 00. Fax (45) 86 13 06 45

The Danish Town Planning Institution
Peder Skramsgade 2B, DK-1054 Copenhagen
Tel. (45) 33 13 72 81. Fax (45) 33 14 34 35

Interplan
Peder Skramsgade 2B, DK-1054 Copenhagen
Tel. (45) 33 91 93 60. Fax (45) 33 14 34 35

Aalborg University
Department of Development and Planning
Fibigerstrede 11, DK 9220 Aalborg
Tel. (45) 96 35 80 80. Fax (45) 98 15 65 41

Appendix 3 — References and sources of further information

A number of publications are available in English from the Spatial Planning Department of the Ministry of Environment and Energy:

Spatial Planning in Denmark, 1994, by Director General Niels Östergaard. The publication is a comprehensive and illustrative presentation of the Danish planning system. Also available in German and French.

The Planning Act in Denmark. An English translation of the Planning Act, 1994.

Denmark towards the year 2018. The spatial planning perspective for Denmark in the future Europe. The 1992 national planning report for Denmark.

The present and future situation in the regions of Denmark, 1990. The 1989 national planning report for Denmark.

A national policy on the urban environment and planning, by Svend Auken, the Minister for the Environment, 1994.

The urban environment and planning — examples from Denmark, 1995.

Denmark, National report to UNCED, 1992.

Further publications from the Spatial Planning Department are:

The contribution of planning to a better environment, 1991.

Planning for urban renewal in Denmark, 1991.

Physical planning and building preservation, in Denmark, 1989.

Environmental impact assessment in Denmark, 1995.

The Öresund Region — A Europole, 1993.

Locate in Denmark, 1992, (Also available in German and French)

The ecological city — Denmark, national report for the OECD project on the ecological city, 1995.

Other publications:

Nature management in Denmark, 1992, the National Forest and Nature Agency.

Building regulations 1982, The Ministry of Housing and Building.

The Danish counties, 1993, the Association of County Councils in Denmark.

Local Government in Denmark: Open to the world, 1990, the National Association of Local Authorities in Denmark.

Comprehensive presentations of the Danish planning system are given in:

Christiansen, O., 'Comprehensive physical planning in Denmark', in Garner, J. F. and Gravells N.P. *Planning law in western Europe*, North Holland, Oxford 1986.

Edward, D. Denmark, in *Planning control in Western Europe*, HMSO Books, London, 1989.

Kjersdam, F. 'Denmark', in *International manual planning practice*, ISOCaRP, den Haag, 1992.

Gaardmand, A., *Danish town planning, 1938-92*, Copenhagen, 1993 (in Danish).

Interplan, the Danish Association for International Urban and Regional Planning, Peder Skramsgade 2B, DK-1054 Copenhagen, publishes a series in English on Danish planning issues.

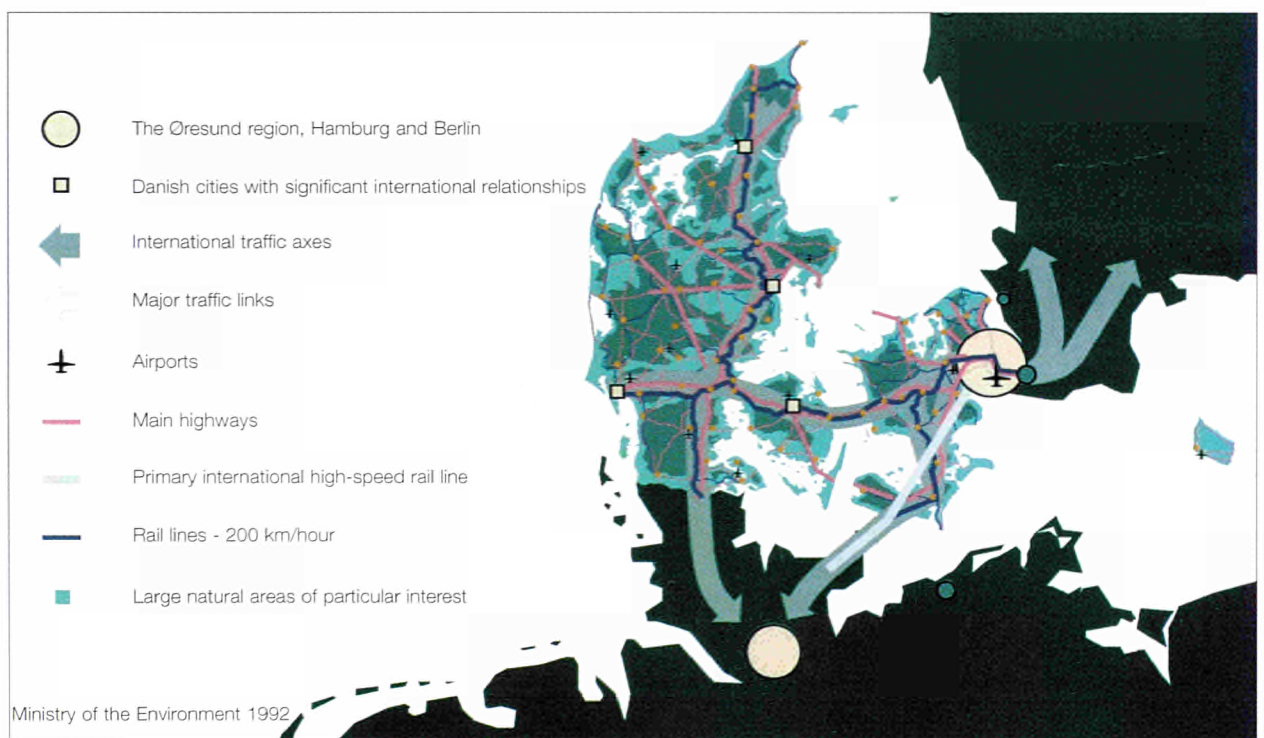
Tel (45) 33 14 34 35.

Maps

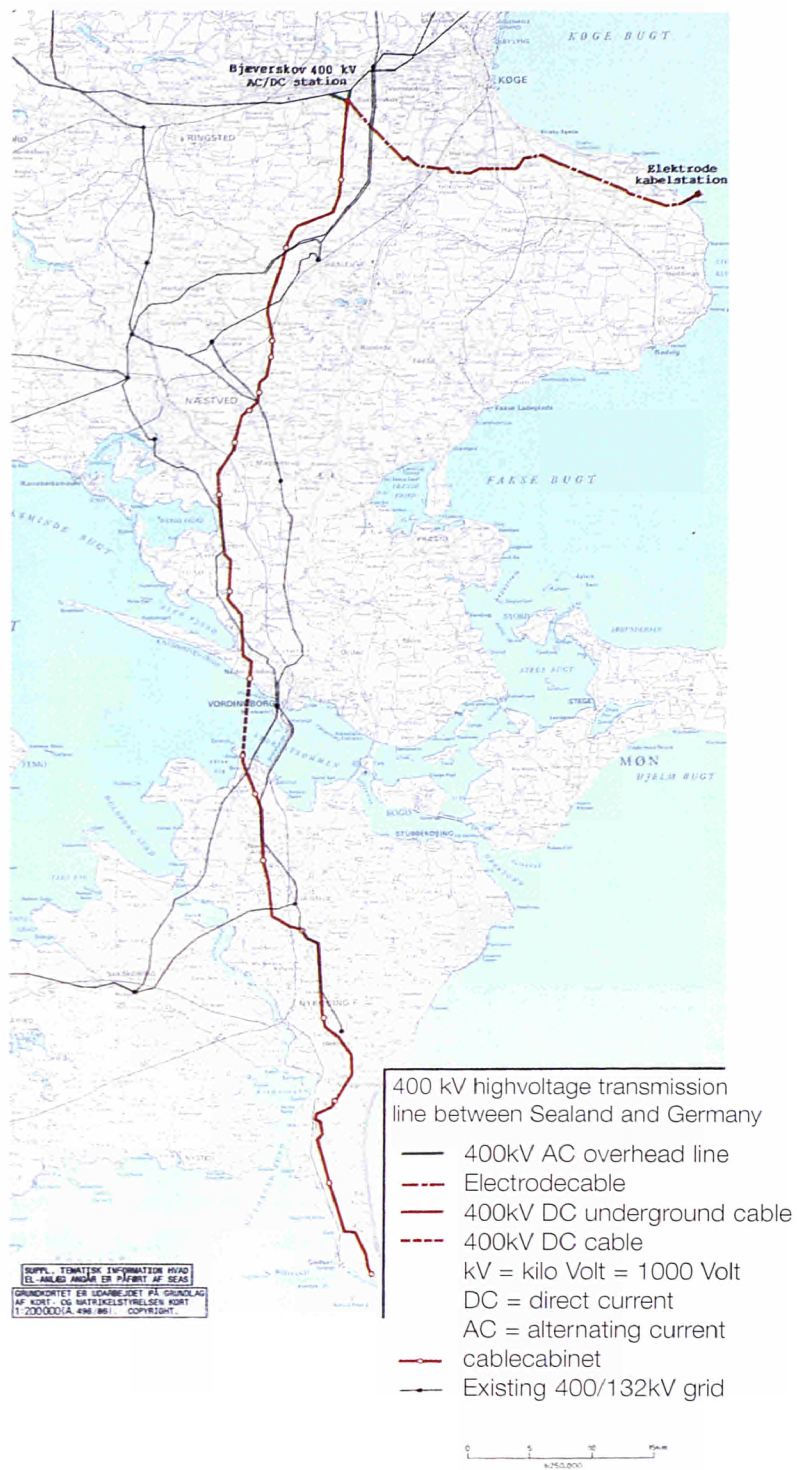




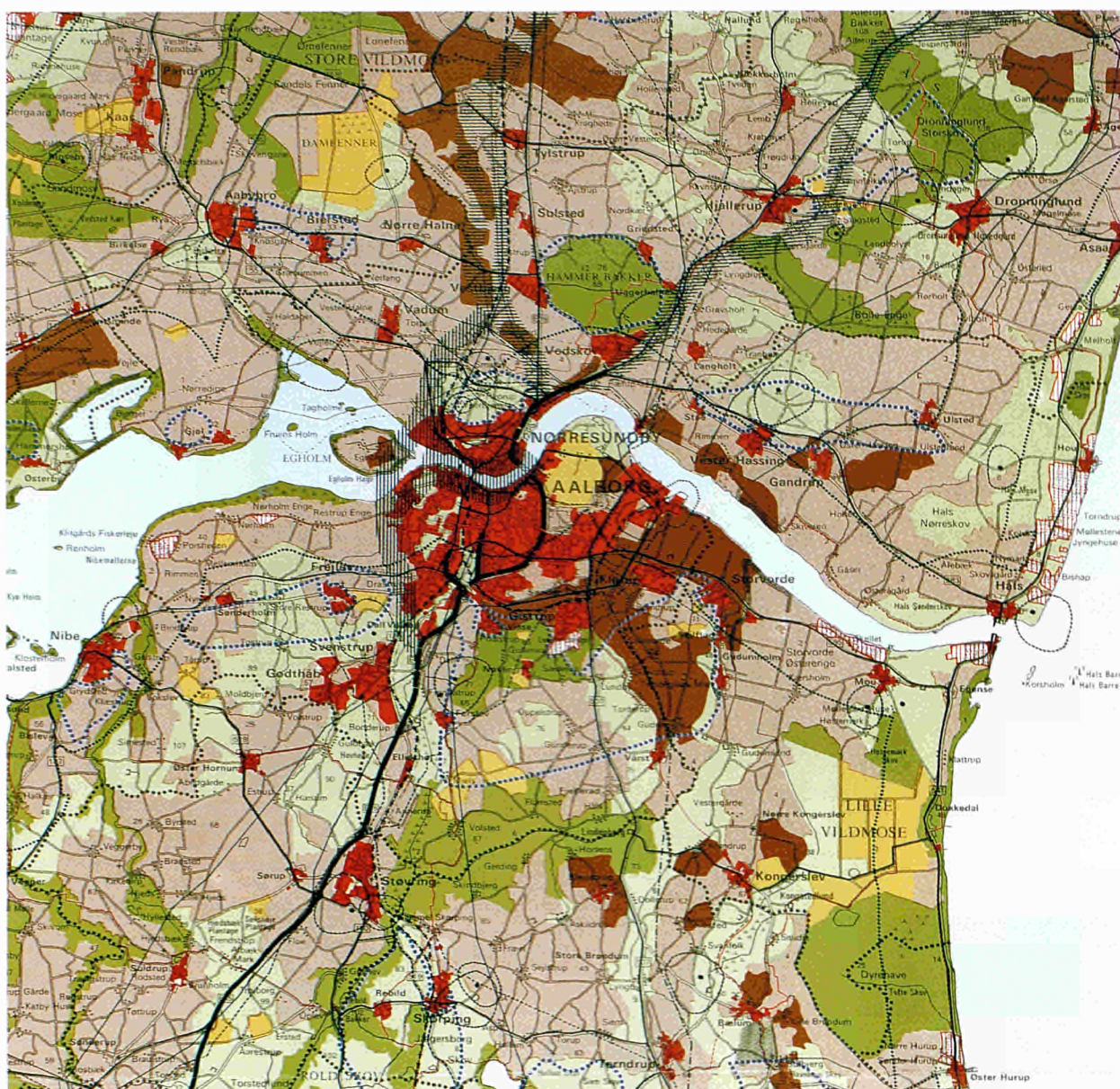
The land area comprises 43,000 sq km (not including the self-governing regions of Greenland and the Faroe Islands). The land is used for agriculture (67 per cent), forests (12 per cent), semi-natural areas (11 per cent), and urban zones and transport installations (10 per cent). The population of Denmark is 5.2 million, of which one third is living in the area of Greater Copenhagen.



B4: Illustration from the national planning perspective

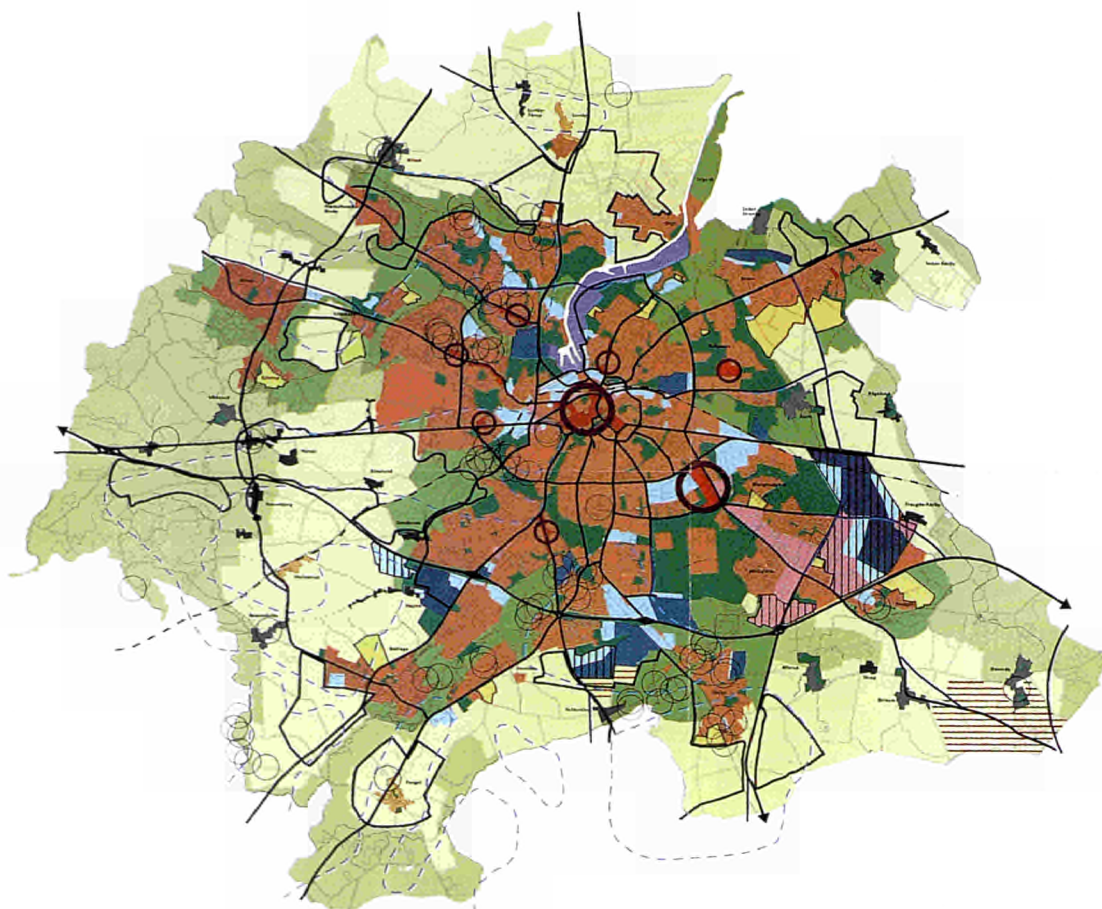


B5: Illustration of a national planning directive



- | | | | |
|--|---|--|---|
| | Urban zone areas | | Special ground water areas |
| | Summer cottage areas | | Inland leisure areas |
| | Existing regional roads | | Areas affected by airplane noise |
| | Future regional roads | | Areas affected by industry plants with special demands for location |
| | Planning zone for a new link across the fjord | | Borderline for coastal areas |
| | Existing motorways | | Planning zone for recreative areas |
| | Future motorways | | Agriculture areas of regional importance |
| | Planning zone for motorways | | Nature areas of regional importance |
| | Railways | | Row material areas of regional importance |
| | Existing recreative bicycle paths | | Agricultural areas |
| | Future recreative bicycle paths | | Natural areas |
| | Existing highvoltage transmission lines (>100 kV) | | Race course / Shooting range |
| | Reservation for future highvoltage transmission lines (>100 kV) | | Areas affected by noise from shooting range |
| | Existing natural gas pipelines | | |
| | Future natural gas pipelines | | |

B6: The regional plan of North Jutland

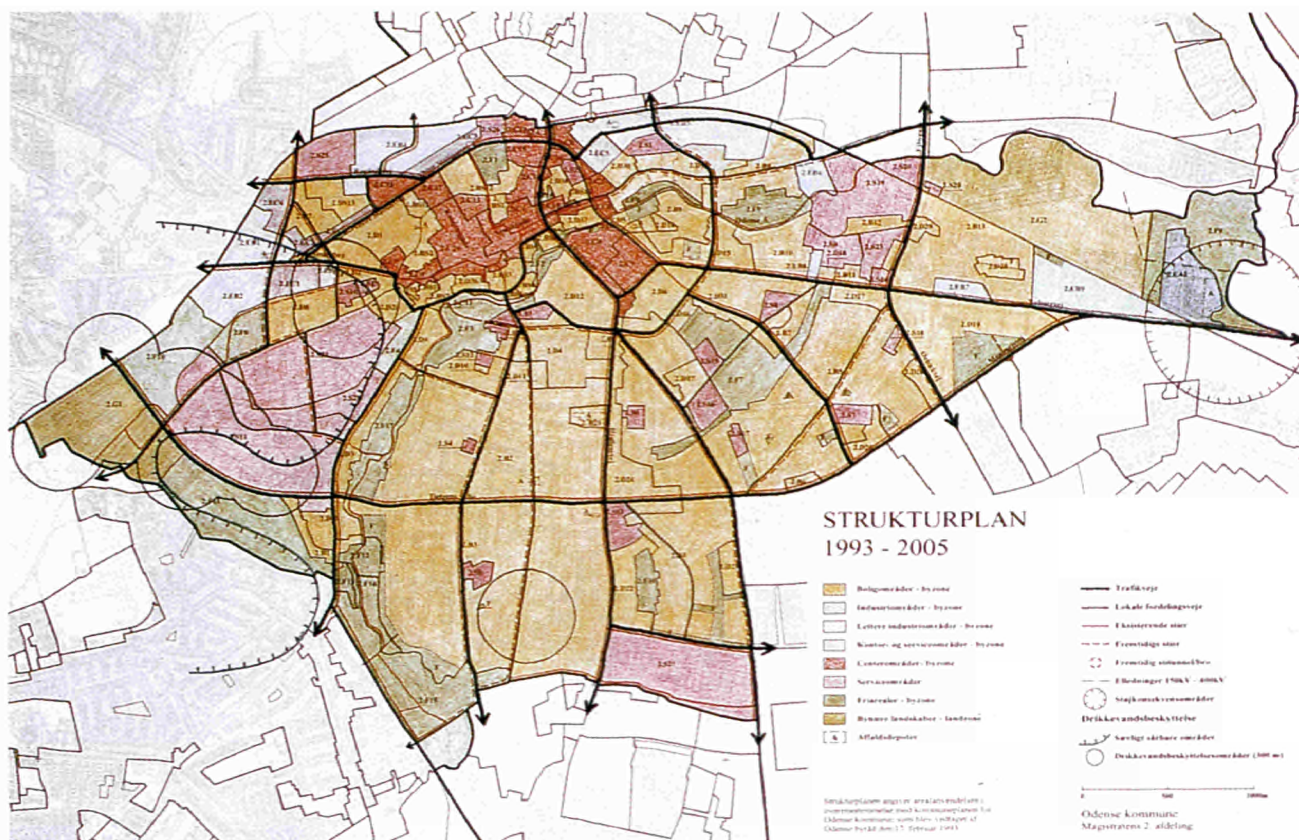


Part of the key :

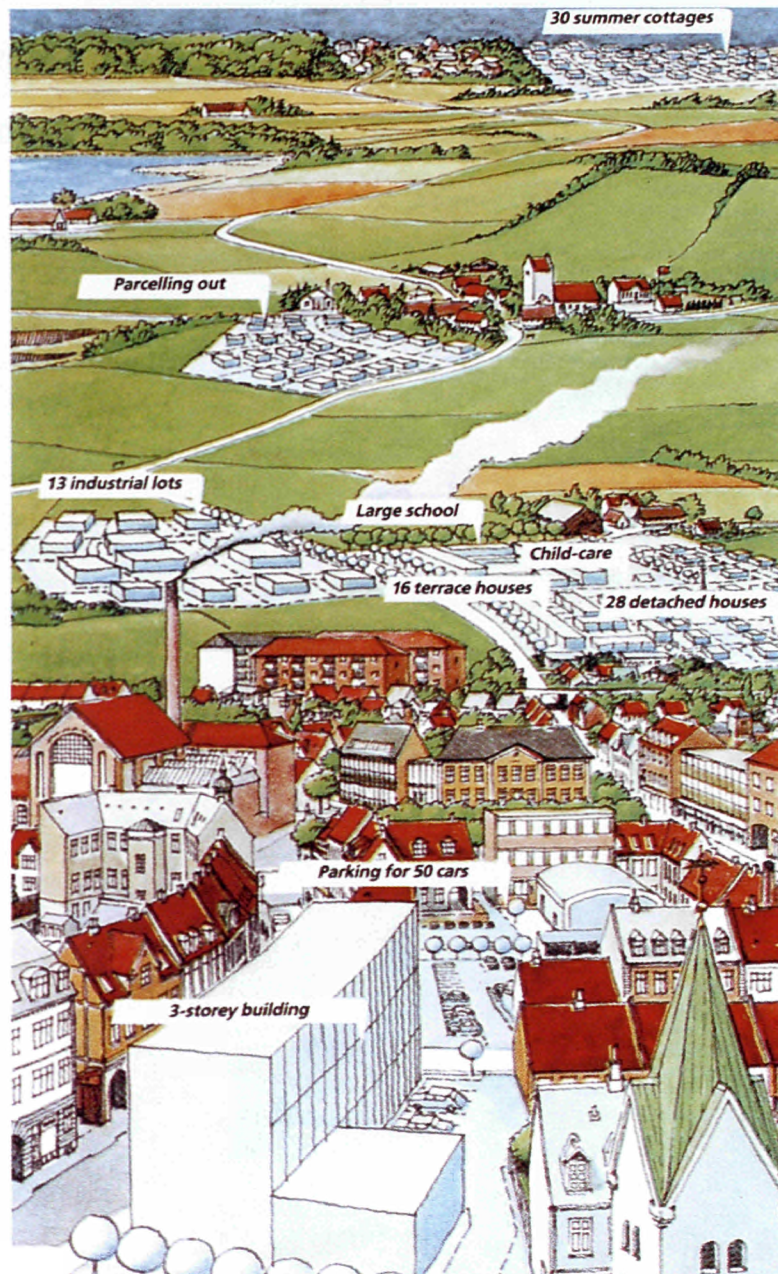
Odense municipal plan 1993-2005



B8: Municipal plan of Odense, the main structure for land use



B9: Municipal plan of Odense: District n°2



B10: Examples of projects for which a local plan is mandatory.

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