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Spatial Planning System in Denmark

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Introduction

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.

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.

The objectives of the Planning Act are to ensure that planning synthesises 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.

Planning and Development Control - A Framework of Plans.

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 per cent 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 zone requires provision of a legally binding local plan, followed by a land use tax, to be paid by the land owner.

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

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.

Policy Institutions			Policy Instruments		
Level	Planning Authority	Size of inhabitants	Type of Plans	Description	Legal effect
1. National	Ministry of the Environment, Department of Spatial Planning	5 mio	National Planning Perspective	Policies, maps and general guidelines	Advisory Guidelines
			National Planning Reports	Written statements	Advisory Guidelines
			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	Regional plans Revision every 4th 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)	Municipal plans Revision every 4th year	Policies, maps and land-use regulations	Binding for the local authorities
			Local/neighbourhood plans	Maps and detailed legal land use regulations	Binding for the landowners

Diagram 1. The Danish planning policy framework. The system of framework control is shown in Diagram 2. A summary of the planning policy instruments is presented in Diagram 3.

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 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.

At *county level* the 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.

At *municipal level* the 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.

The municipalities have the right and duty to provide local/neighbourhood plans to ensure implementation. These binding local plans include maps and detailed land-use regulations for a minor neighbourhood area. Local 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 land owners, but the plans regulate only future transactions. About 20,000 local/neighbourhood plans have been provided since 1975.

Provision and administration of plans.

Regional, municipal and local plans 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.

On the other hand, there is no opportunity for an appeal or inquiry of the contents of an adopted plan, even the binding local plans. The adoption of a plan is conclusively determined respectively by the county and the municipal councils and there is no compensation to land owners 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.

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 realised 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.

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

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.

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 land owners. 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.

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 per cent 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.

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. 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.

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.

The planning law reforms have since been reviewed and revised, and this legislation was integrated 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.

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.

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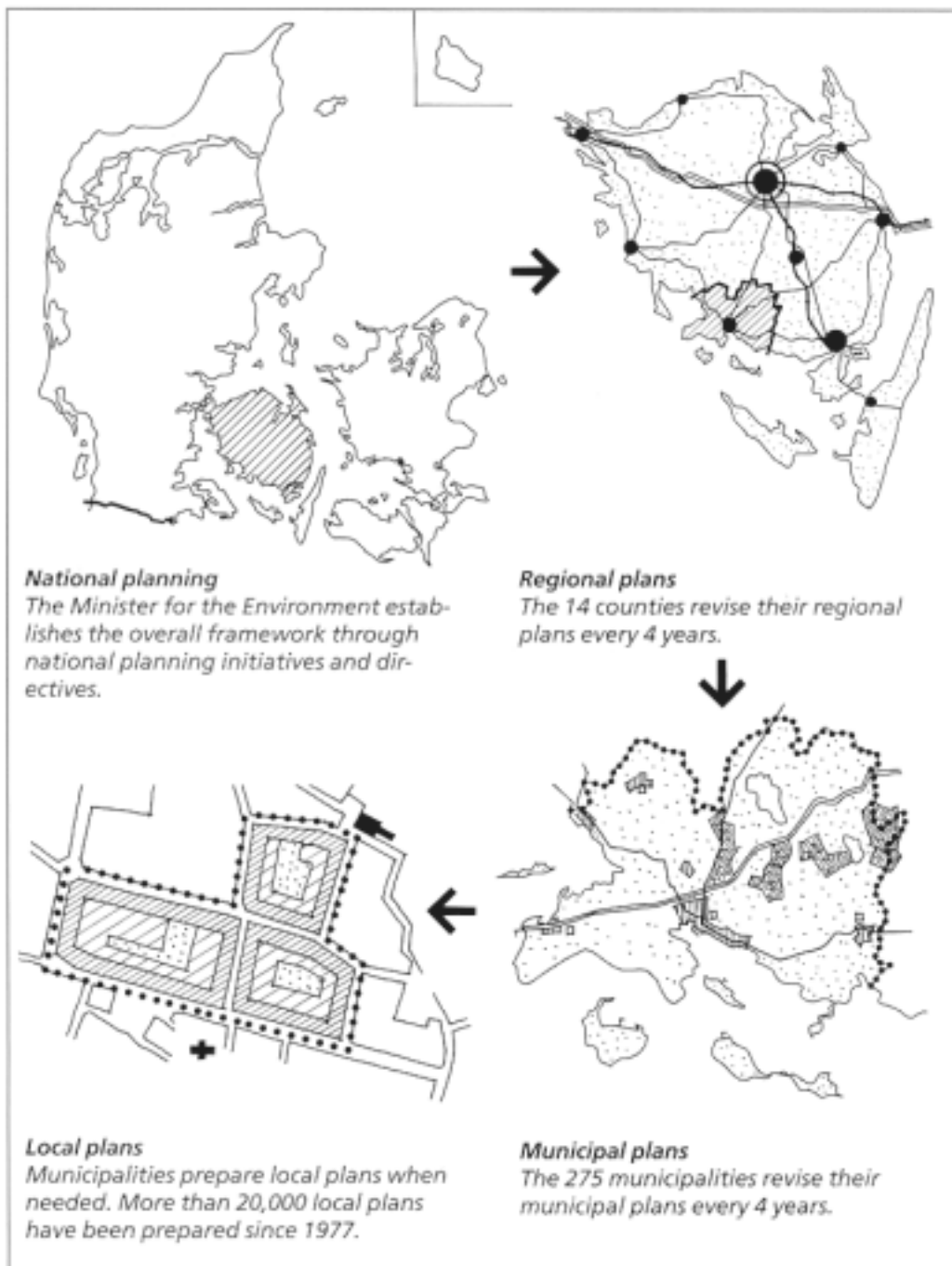
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The Danish four-level planning system. The Planning Act is based on the principle of framework control in which plans must not contradict decisions at higher levels. Source: Spatial planning in Denmark, The Ministry of the Environment, 1994.

Type of plan	Status, area and duration	Objectives, form and use	Production
<u>Landsplanredegørelser</u> (National Planning Reports)	Statutory reports providing general guidance and policies. Mandatory preparation after each national election. The 1992 report was issued as a <u>Landsplanperspektiv</u> (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.
<u>Landsplandirektiver</u> (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.
<u>Regionplaner</u> (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.
<u>Kommuneplaner</u> (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.
<u>Lokalplaner</u> (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.

Summary of planning policy instruments in Denmark