II. Planning System

Introduction

The Danish Planning Act was changed in 2005 in connection with a reform of the local government structure. The local government reform entered into force January 1 2007. With the reform, the former 271 municipalities transformed into 98 big municipalities. The counties have been replaced by 5 administrative regions. The competences of the state and the municipal level have been strengthened while the regional level has gotten a more strategic function without any direct planning competences.

The Ministry of the Environment has described the new Danish planning system anno 2007. The publication is called "Spatial planning in Denmark " (pdf, 5.38 MB). It is warmly recommended to read this document to get a thorough picture of the the Danish planning system.

The new Planning Act in Denmark entered into force in of June 2007 (in Danish). In October 2007 it was also published in English (pdf, 282 KB)

The following articles can provide you with an introduction to the new planning context in Denmark:
National level

The Minister for the Environment may influence decentralized planning through national planning initiatives. The state may veto the planning of municipalities. Regional planning authorities uphold national interests. Planning decisions may be appealed to the Nature Protection Board of Appeal. Only the legal issues in planning decision may be appealed.

Regional Level

The regional planning authorities are responsible for the regional planning which is strategic planning, not a zoning plan.

Municipal and local Level

The municipal councils are responsible for comprehensive municipal planning, detailed local planning and permits for construction and changes in land use in rural zones.
1. Planning System in General

1.1 History of the planning system
The rules on national planning were introduced in 1974 and strengthened substantially by the 2007 local government.

1.2 Basic principles
Decentralized responsibility
Denmark’s 98 municipal councils have great responsibility for planning in towns and in the countryside. In the first half of the 4-year local election period, each council adopts a political strategy for municipal planning and decides how it will revise the municipal plan. The municipal plan adopted then comprises the framework for preparing local plans and processing cases, including those based on other legislation.

Local plans are prepared regularly when needed. The municipal council has to adopt a local plan before initiating major development projects.

Public participation
The Planning Act involves the public in the planning process at the municipal, regional and national levels. Before a municipal plan, a regional spatial development plan, a national planning directive or a national planning report may be adopted, a proposal and a report on the premises of the proposal must be published. Property owners, neighbours, nongovernmental organizations, public authorities and others then have at least 8 weeks to submit their objections, comments, proposals or protests.

The Planning Act stipulates minimum rules on public participation. The planning authority decides whether it should distribute more material for discussion, arrange citizens’ meetings, establish working groups, create electronic citizens’
panels or the like. The municipalities experiment with various ways of involving the public, nongovernmental organizations and other organizations in the planning process. For example, several municipalities have prepared a policy on community democracy. Other municipalities are experimenting with discussing strategy and development potential more informally before the formal planning procedure begins.

**Universal public access to plans and data**

The Danish National Portal on the Environment provides access to numerous data on land use, nature and the environment. All plan proposals and plans are uploaded onto a planning portal (www.PlansystemDK.dk) so that anyone can investigate which plans govern a specific property or district.

**Veto, dialogue and cooperation**

The Minister for the Environment, on behalf of the government, is required to veto municipal plan proposals that contradict national interests. Regional councils may veto municipal plan proposals that contradict the regional spatial development plan. The municipalities may object to the plan proposal of a neighbouring municipality if the proposal is important for the objecting municipality’s development. Municipalities in Greater Copenhagen may object to municipal plan proposals from any other municipality. The aim is to coordinate local, regional and national interests through dialogue and partnership.

**Greater Copenhagen, coastal areas and retail trade**

The Planning Act includes special rules on planning in Greater Copenhagen, coastal areas and retail trade:

- Planning in Greater Copenhagen is intended to maintain the main principles of the finger city structure (see pp. 14–15).
- Coastal areas are to remain free of development that can be located elsewhere.
- Planning for retail trade is intended to promote a varied supply of retail shops in town centres.

**Responsibilities**

The Minister for the Environment establishes a comprehensive framework for regional spatial development planning and municipal planning through national planning reports, overviews of national interests in municipal planning, national planning directives, dialogue and other means. The Minister ensures through such means as a veto that municipal planning complies with overall national interests.
The regional councils prepare regional spatial development plans that describe a vision for the region. This is a new type of strategic plan that captures the overall spatial development of the region and is closely linked with the business development strategy prepared by the regional economic growth forums.

The municipal councils summarize their objectives and strategy for development in a municipal plan, which comprises a framework for the detailed local plans and for processing individual cases pursuant to the Planning Act and numerous acts governing other sectors.

1.3 Objectives and scope

The Planning Act ensures that the overall planning synthesizes the interests of society with respect to land use and contributes to protecting the country’s nature and environment, so that sustainable development of society with respect for people’s living conditions and for the conservation of wildlife and vegetation is secured.

Spatial planning especially aims towards:

- appropriate development in the whole country and in the individual administrative regions and municipalities, based on overall planning and economic considerations;
- creating and conserving valuable buildings, settlements, urban environments and landscapes;
- the open coasts continuing to comprise an important natural and landscape resource;
- preventing pollution of air, water and soil and noise nuisance; and
- involving the public in the planning process as much as possible.

Goals for spatial planning

The 2006 national planning report contains the Government’s five goals for spatial planning in Denmark.

1. Rural and urban areas should be distinct.
2. Development should benefit all of Denmark.
3. Spatial planning should be based on respect for the identity of cities and towns, nature, the environment and the landscape and townscape.
4. Spatial planning and investment in infrastructure should be closely integrated.
5. Spatial planning should be comprehensive.
1.6 Main instruments

For a more thorough description of the main instruments with pictures and figures – read (link to PDF-spatial planning in Denmark) → COMMINg soon!

1.6.1 National planning

The rules on national planning were introduced in 1974 and strengthened substantially by the 2007 local government reform. National planning is expressed through reports, binding instructions, guidelines and intervention in municipal planning for themes and projects of international, national or regional interest.

National planning reports

After each election to the Folketing (parliament), the Minister for the Environment submits a national planning report to be used in regional spatial development planning and municipal planning. The report further covers the special planning considerations for Greater Copenhagen. The report is submitted as a proposal with potential alternatives, and public debate is solicited before the Minister publishes the report on behalf of the Government. The Folketing traditionally debates the national planning report. The latest reports include visions and perspectives for topical planning themes followed up by an action plan, including projects with municipalities and the private sector.

Overview of national interests

Every 4 years the Minister publishes an overview of national interests in municipal planning. This includes the interests and considerations arising from politically adopted decisions in the form of legislation, action plans, sector plans, national planning decisions and agreements between public authorities. The Minister published the first overview in November 2006. The rules on national planning were introduced in 1974 and strengthened substantially by the 2007 local government.

Reports on nature and environment policy

The Minister for the Environment publishes one or more reports at least every 4 years that describe the state of the environment in Denmark and Denmark’s policy on nature and the environment. Nationwide environment, business, labour market and consumer organizations are involved in this process. The Minister also submits a report on Local Agenda 21 work to the Folketing.
Reports on retail trade planning

The Minister submits a report on planning for retail trade every 4 years to the Folketing.

National planning directives

The Minister may establish binding rules on the content of planning. In this way, the Government may promote both specific projects and a certain direction of development. National planning directives may be used to locate a specific activity crucial to society and thereby supersede municipal and local planning. Examples of national planning directives include designating new summer cottage areas in the coastal zone, determining the path for natural gas pipelines and electrical transmission lines and locating national testing stations for wind turbines. Similarly, the Minister may establish rules for the planning of specific activities by issuing a circular. An example is planning for the erection of new wind turbines. The Planning Act requires the Minister to establish specific rules for planning in Greater Copenhagen. This is being done through a national planning directive on the Finger Plan 2007 (see pp. 14–15).

Veto and orders

The Minister must veto a municipal plan proposal on behalf of all government ministers if the proposal contradicts national interests. This veto must be declared during the period of public comment, and the municipal council is prohibited from adopting the proposal until the Minister agrees to the content of the proposal. A committee of state civil servants assesses each municipal plan proposal during the period of public comment to coordinate the state’s viewpoints. The Ministry’s regional environmental centres in Aarhus, Odense and Roskilde coordinate and declare any veto. Any state authority may veto a local plan proposal based on the special responsibilities of this authority. The authority and the municipality must then reach agreement or let the Ministry’s regional environmental centre decide.

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

Instruments used in national planning

- Special rules in the Planning Act
- National planning reports
1.6.2 Regional spatial development planning

The 2007 reform of local government structure created a new type of plan. The new regional councils are preparing regional spatial development plans that will present strategic visions of the development of each region. Regional spatial development plans are a collective project between the municipal councils, businesses, the regional council and the other actors in each region.

Regional plan for spatial development

A regional spatial development plan comprehensively describes a desired future spatial development for each administrative region’s cities and towns, rural districts and small-town (peripheral) regions and for:
- nature and the environment, including recreation;
- business, including tourism;
- employment;
- education and training; and
- culture.

A map will illustrate the general content of the plan. The regional council may make proposals for municipal and local planning in the administrative region. Municipal plans must be in accordance with the regional spatial development plan. Regional councils publish a plan proposal during the first half of the 4-year regional and local election period while the municipalities prepare their strategies for municipal planning. These two processes are related, and close dialogue can produce synergy.

The regional spatial development plan describes:
- the relationships between future spatial development and the state and municipal spatial planning for infrastructure; the context for any cooperation between the administrative region and public authorities in adjacent countries on spatial planning and spatial development; and
- the action the regional council will take to follow up the plan.
Cohesion with other plans

The regional spatial development plan should ensure cohesion with:
• the business development strategy of the regional economic growth forum;
• the employment strategy of the regional employment council;
• the development strategies of local action groups within the Rural Development Programme for 2007–2013;
• the Local Agenda 21 strategies of the administrative region and the municipalities; and
• other regional strategies and plans, such as for education, training and culture.

1.6.3 Municipal planning

A municipal plan summarizes and concretizes the overall political objectives for the development of a municipality. The municipal council establishes a policy for the development of towns and cities and for the countryside. The municipal plan links national planning and the provisions of local plans on the use and development of each district and between national planning and the specific administration of rural zones. The rules on strategy for planning have strengthened the strategic aspect of municipal planning and the political interest of local communities in municipal planning.

Strategy for planning

The municipal council publishes a strategy for municipal planning within the first 2 years of the municipal election period. This includes the municipal council’s political strategy for development and information on the planning occurring since the last time the municipal plan was revised. The strategy for planning also concludes with a decision on revising the municipal plan. The municipal council may choose to revise the entire municipal plan or to revise parts of the plan, such as for a theme or a district, and adopting the rest of the plan as it is. The strategy for planning is subject to public comment for at least 8 weeks.

Municipal plan

A municipal plan includes:
• a general structure with overall objectives for development and land use in the municipality;
• guidelines for land use; and
• a framework for the content of local plans for the specific parts of the municipality.
The plan includes a report describing the premises of the plan. The municipalities vary widely in their planning practice. Some municipalities closely link the municipal budget and targets for providing services; others adopt a plan solely covering land use.

**General structure**

The general structure uses maps and text to show the municipal council’s objectives for development and land use. The general structure summarizes the content of the municipal plan and can be a gateway to the detailed content of the plan.

**Guidelines for land use**

The guidelines of the municipal plan concretize the objectives of the general structure. The guidelines cover all the themes stipulated by the Planning Act. The guidelines may differ substantially. For example, they may designate types of land to be protected, such as special habitats, or they may determine location principles or criteria, such as principles for urban service delivery.

**Framework for local planning**

The framework for the content of local plans is the link to local planning and is decisive for the municipal council’s competence in preparing local plans. The framework describes what a local plan can and should decide for individual areas to promote a cohesive urban structure and the overall municipal objectives. The framework often illustrates future opportunities. The municipal plan determines which areas in rural zones may be transferred to urban zones or summer cottage areas. The framework may determine the chronological order for converting land to urban functions and to summer cottage areas.

**Municipal plan proposal**

After publishing the strategy for planning, the municipal council may prepare a proposal for revising the municipal plan in accordance with the strategy. The proposal may cover: the municipal plan for the entire municipality; a special theme such as retail trade, urban regeneration, business, transport or housing; or part of the municipality, such as one or more urban districts or villages, old harbour districts or the town centre.

**Public participation**

Proposals are published and debated for at least 8 weeks before being adopted.
National and regional sector plans

The municipal plan may not contradict: the description of the desired future spatial development in the regional spatial development plan; national planning directives; a water resource plan, a Natura 2000 plan or action plans for implementing these plans; or a raw materials plan.

National interests

The Minister for the Environment is obligated to veto municipal plan proposals that contradict national interests.

1.6.4 Local Planning

Local plans are the foundation of Denmark’s spatial planning system. Local plans concretize the political strategy and objectives of the municipal plan. A municipal plan provides a comprehensive overview of the development of a municipality and the plans for housing, workplaces, transport, nature and environmental protection and other matters, whereas local plans stipulate how a district may be developed and used. Local plans are legally binding for property owners.

The content of local plans

A local plan establishes rules on how land may be developed and used. A local plan can ensure that the many diverse interests in a local plan area are weighed and discussed. A local plan is flexible. It may regulate numerous factors related to use, the size and location of buildings, roads and paths and the architectural features of an area. A local plan gives property owners the right to develop and use property in accordance with the local plan. Property owners are not generally entitled to compensation for any perceived loss of property rights. A local plan solely regulates future conditions and does not require that the property owner act. In special cases, the municipal council may expropriate private property to implement a local plan.

Property owners may not act in contradiction to a local plan. After a public hearing including neighbours, a municipal council may grant exemptions from a local plan if this does not contradict the principles of the plan as expressed in provisions related to purpose and use.

The matters a local plan regulates often involve many contradictory interests. The interests of property owners may differ from those of their neighbours, and local and national interests may clash. Local planning ensures that the various interests can be expressed before the final local plan determines how an area is to be regulated. The strength of local plans is that they state what is permitted and what is not. The property owner and others know how much latitude they have to act, and neighbours know what to expect.
1.7 Significance of transnational and trans-border aspects

International cooperation

Developments and spatial planning in nearby countries and the rest of the EU increasingly influence Denmark. Public authorities cooperate internationally through: EU collaboration between ministers responsible for spatial planning with working groups on regional policy, urban development and environment; cooperation in the Baltic and North Sea regions on various EU-financed projects; and cooperation between Nordic ministers.

1.8 Current and upcoming changes

The Danish Planning Act was changed in 2005 in connection with a reform of the local government structure. The local government reform entered into force January 1 2007. With the reform, the former 271 municipalities transformed into 98 big municipalities. The counties have been replaced by 5 administrative regions. The competences of the state and the municipal level have been strengthened while the regional level has gotten a more strategic function without any direct planning competences.

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The following articles will provide you with discussions of the changes of the Danish planning system:

- "Reform of the Planning Act " (1,52 MB)
- "From regional planning to municipal planning " (69 KB)
- "Regional spatial development plans " (1,50 MB)