DENMARK

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GENERAL COUNTRY INFORMATION

Denmark is the southernmost of the Nordic countries and its territory is comprised by the Jutland peninsula and an archipelago of several hundred islands situated in the Baltic Sea, including Zealand and Funen. Denmark proper covers an approximate area of 43000 square kilometres, of which a total of 66% is used for farming and agriculture, 16% forests and heathland cover, and 10% by urban zones and transport infrastructure. The remaining 7% consists of bodies of water such as lakes, marshes and wetlands (Statistics Denmark, 2014).

Denmark’s population is about 5.6 million as of 2014, a density equivalent to 130 inhabitants per square kilometre (ibid.). Approximately one-third of the population lives in Greater Copenhagen while an additional one-fifth resides in the country’s next three largest cities: Aarhus, Odense and Aalborg.

In 2012, Denmark’s GDP was approximately € 245 billion with the public and market services accounting for 77% of the GDP, manufacturing and construction for 22% and agriculture for only 1.5% (OECD, 2014).

Denmark has a relatively large public sector subsidized by one of the highest taxation levels in the world (ibid.). The welfare system has long succeeded in providing the population with a high level of well-being as far as material conditions and quality of life are concerned. As such, the Danish welfare system combined with a flexible labour market model has ensured low poverty and low inequality rates over time.

Table 1. Quick facts
- Total area: 43 000 km²
- Total population: 5.6 million
- Population growth: 0.23%
- Unemployment rate: 7.5%
- GDP € 245 billion
- GDP per capita: € 32 100
- GDP growth rate: -0.4%

Settlement structure:
- Capital city: Copenhagen, (København) pop. 1.7 million
- Second city: Aarhus pop. 320 000
- Density: 130 pop/km²
- Urban population: 87%

(Source: Statistics Denmark, 2014)
PART I
PLANNING FRAMEWORK

Administrative structure

Denmark is a constitutional monarchy ruled by the parliament with 179 members and a government of about 20 ministries. The administrative structure is characterised by a high degree of decentralisation whereby local authorities administer most of the total public expenditure. Municipalities are authorised to levy taxes and are responsible for numerous tasks related to employment, education, social services, culture and spatial planning, amongst others. Moreover, administrative regions deal with health care administration and have no legal authority to levy taxes. As such, the regions are dependent on central state and municipal funding. Both municipalities and regions are led by elected councils, which are voted for every four years.

The current administrative structure of the Danish planning framework emerged after the implementation of a structural reform of local and regional government in 2007, which brought along a radical reconfiguration of the political and administrative map of the country. The territorial outcome of this reform was the merging of 275 municipalities into 98 larger municipal units and the abolition of 14 counties which were replaced by 5 elected regional councils. Administratively, the reform entailed a major redistribution of tasks and responsibilities, which included the upward and downward re-scaling of spatial planning functions to national and municipal levels, respectively.

Since the structural reform, the Planning Act transferred responsibility for comprehensive land-use planning and regulation from the county to the municipal level, while the Ministry of the Environment is responsible for safeguarding national interests through national planning. The Planning Act is intended to ensure appropriate development in the whole country based on overall planning and economic considerations that meet the interests of society with respect to land use, while geared towards protecting nature and the environment. Moreover, the Planning Act should also contribute to create and conserve valuable buildings, settlements, urban environments and landscapes; ensure that the open coasts comprise an important natural and landscape resource; prevent pollution of air, water and soil and noise nuisance; and involve the public in the planning process as much as possible (Ministry of the Environment, 2007a).

Administrative competences for planning

The 1950s marked the birth of comprehensive planning in Denmark, when a number of socio-spatial challenges emerged as a result of the country’s rapid economic growth (Galland, 2012a). Urban sprawl, industry requirements for extra land and a general decline of the living conditions of a considerable part of the population stood amongst the most significant challenges. Population distribution similarly turned into an issue while a high migration rate to Copenhagen left several other regions lagging behind. These challenges were eventually addressed by the administrative reform of 1970 and the following planning reform implemented from 1970 until 1977. The reforms established an integrated planning system aiming to achieve spatial coordination...
through a hierarchy of plans occurring at multiple scales and a certain degree of horizontal and vertical integration of policies across sectors and jurisdictions. Since then, Denmark has been associated with the comprehensive-integrated tradition of planning systems and policies (CEC, 1997, 1999).

National level
The Nature Agency (Naturstyrelsen) at the Ministry of the Environment (Miljøministeriet) is responsible for facilitating the planning system and for monitoring land-use planning tasks carried out at the local level. It advises the Minister for the Environment on planning issues and is in charge of preparing planning legislation. The institutional set-up associated with national planning has been reconfigured several times since the Ministry of the Environment assumed spatial planning responsibilities in 1975 (cf. Galland, 2012a; Galland & Enemark, 2014).

Regional level
The regional level lost its clout after the abolition of the counties following the structural reform in 2007 (Galland, 2012b). In terms of planning, the regional councils were deprived from land-use functions and responsibilities. Since then, the administrative regions acquired the task of producing development plans, which were meant to emerge from bottom-up, multi-stakeholder processes in collaboration with municipalities and other regional actors. Since February 2014, however, this responsibility has been repealed from the Planning Act.

Municipal level
The municipal level holds the core responsibility for spatial planning and land use functions. Municipalities are thus authorised to provide local solutions to local needs and to combine responsibility for decision making with accountability for financial, social, and environmental consequences. Danish municipalities have the obligation to prepare comprehensive municipal plans, which comprise the framework for detailed local plans and for processing individual cases pursuant to the Planning Act as well as other sectoral acts. The municipal level holds the right to prepare legally binding local plans to enforce detailed planning regulations.

Planning legislation

Main planning legislation
The Planning Act came into force in 1992, but is based on the planning reform adopted in 1975. The current Planning Act is of 2007 (Ministry of the Environment, 2007b). The Danish planning system delegates ad hoc authority, competence and responsibility to national and local levels. As a whole, the national planning policy framework is constituted by planning reports and guidelines, binding planning directives, and intervention in municipal planning for themes and projects of international, national, regional and local interest. More specifically, the Ministry of the Environment is responsible of generating a so-called overview of national interests that outlines the aims and requirements of the government with respect to municipal planning. The overview includes aspects concerned with urban development (including special considerations for greater Copenhagen), energy supply, green transport, green growth, tourism and recreation, use of rural areas and aspects of nature protection (Ministry of the Environment, 2011). Published every fourth year, such an overview may be understood as the main national planning instrument that municipalities should abide by.
in order to avoid veto of municipal plan proposals. Vetoes are made during the public hearing period, and the municipal council cannot adopt the proposal until the issues around such a veto is settled.

Furthermore, national directives are prepared and adopted by the Ministry of the Environment which set out legal provisions on specific issues of national interest, e.g. determining the path for natural gas pipelines and the siting of wind turbines and electrical transmission lines. Moreover, a special directive aimed at steering spatial development in Greater Copenhagen was introduced in 2007, which establishes a spatial framework for whole metropolitan region by securing urban development in accordance with the principle of station proximity (Ministry of the Environment, 2007c).

**Main development control mechanisms**
The municipal plan is the main political instrument of the council for development control and serves as a strategy for social and economic development and environmental sustainability. The plan combines political objectives, land use policies and the more detailed land-use regulations covering the total municipal jurisdiction. Altogether, the municipal plan provides the linkage between national planning interests and detailed local plans. The Planning Act determines the procedures, the structure of the plan, and the minimum content of regulations, but the municipal authorities have wide leeway in their planning approach. Traditional land-use regulation is the basic element in order to provide the framework for control of development and implementation. But the plan also has the potential as a strategic means linking sectors and coordinating municipal activities, e.g. in relation to urban regeneration, environmental resilience, and policies on attracting commercial development or improving the living conditions for specific population groups. The municipal plan thus summarizes the overall political objectives and priorities for development of the municipality.

**Planning and implementation instruments**
The legally binding local plans are the main instrument of implementation. Either the municipality or the private developer initiates the local plans. Major development proposals are legally determined through provision of a local plan prior to implementation. When no local plan is provided, the basic condition for approval and implementation of minor development proposals refers to the extent to which the proposal conforms to the adopted planning regulations in the municipal plan.

Planning regulations established by the planning system are mainly restrictive. The system cannot guarantee that politically desirable development actually takes place at the right place and time, since the planning intentions are mainly achieved through private developers and investments. In some cases, the municipal authority may enforce implementation through the use of compulsory purchase (expropriation with full compensation) as a means to implement a local plan. Expropriation can also be used for implementing planning for public institutions and infrastructure facilities. The municipal authority may also adopt a more active role in purchasing land and property at the free market for the purpose of achieving planning objectives in a longer perspective. This way the municipal council becomes the developer and can take full control of the implementation process (e.g. Galland & Hansen, 2012).
<table>
<thead>
<tr>
<th>Level</th>
<th>Planning authority</th>
<th>Number of inhabitants</th>
<th>Type of plans</th>
<th>Description</th>
<th>Legal effect</th>
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<tr>
<td></td>
<td></td>
<td></td>
<td>National planning directives</td>
<td>Maps and legal provisions /circulars</td>
<td>Binding for local authorities</td>
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<td></td>
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<td></td>
<td>Overview of national interests regarding municipal plans</td>
<td>National interests arising from legislation, action plans, sector plans and agreements between national authorities</td>
<td>Binding for local authorities</td>
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<tr>
<td>Regional</td>
<td>5 administrative regions</td>
<td>1,000,000 on average</td>
<td>Regional spatial development plans (from 2007 until February 2014)</td>
<td>Advisory and visionary plans</td>
<td>Repealed from the Planning Act</td>
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<td></td>
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<td>(wide deviations)</td>
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<tr>
<td>Local</td>
<td>98 municipal councils</td>
<td>30,000 on average</td>
<td>Municipal plans</td>
<td>Policies, maps and land-use regulations</td>
<td>Binding for the local authorities</td>
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<td></td>
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<td>(wide deviations)</td>
<td>Local / neighbourhood plans</td>
<td>Maps and detailed legal land-use regulations</td>
<td>Binding for the landowners</td>
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Table 2. Summary of Planning Policy Institutions and instruments in Denmark (based on Galland & Enemark, 2014)
PART II
PLANNING PROCESS

Planning system

Since the implementation of the structural reform in 2007, the Planning Act has transferred most spatial planning tasks and responsibilities to the 98 municipalities, which hold planning control of urban and rural areas. At the same time, specific planning responsibilities remain of national competence or have been rescaled to the national level. The main planning policy instruments that comprise the Danish planning system are described in further detail in the sections below.

Plan making

National planning reports

National planning reports set out overall spatial policies and objectives after each government election. Comprised by several thematic and sectoral alternatives, these reports are prepared by the Nature Agency and subject to a period of public debate. The objectives of these reports are to provide guidance to the municipalities and to set forth national planning policies on specific issues.

Municipal plans

The municipal plan is the main political instrument of the council for development control and serves as a strategy for socio-economic development and environmental sustainability. The plan combines political objectives, land-use policies and the detailed land-use regulations covering the total jurisdiction. Altogether, the municipal plan provides the linkage between national planning interests and detailed local plans. The municipal plan consists of three parts:

i) A general structure that establishes the overall goals and determines the future development of the community for housing and working, as well as environmental conditions, infrastructure facilities, and supply of public and private service;

ii) Guidelines for land use that cover a range of themes as stipulated in the Planning Act such as: designation of areas as urban zones and summer cottage areas; location of various urban land uses; structure of retail trade; location of transport facilities and technical installations; location of areas for hazard enterprises; location of areas for leisure purposes; the use of water courses and coastal waters; and the administration of agricultural, nature protection, and cultural interests; and

iii) A framework for local planning, which provides the basis for implementation through adoption of local plans. The framework describes the actual contents that local plans for the designated areas should include.

Local Plans

Local plans are the foundation of Denmark’s spatial planning framework. The municipal authority has the power and duty stated in Planning Act to provide a local plan prior to implementation of any major development and construction works. 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. The terms ‘major’ and ‘larger’ above refer to the
extent of impact on the existing environment, and this understanding is well established after more than 30 years of practice.

Local plans are legally binding on the landowners and hence determine development possibilities and influence property values. A local plan is a flexible tool with numerous uses and, therefore, the content and extent of the plans may vary widely. The predominant use (about 80% of the local plans) is to provide detailed planning regulations for a small area in order to implement a specific development project. A local plan must contain three parts:

i) The legal provisions and regulations for future land use displayed on maps;
ii) A report accounting for its relation with the municipal plan and other relevant planning policies; and
iii) Finally, the plan must state the purpose of the plan and legal effects.

The legal provisions govern the future spatial use of the area in terms of land use and construction works. The provisions can include a wide range of detailed regulations as determined in the Planning Act such as: zoning status; use of land and buildings; size and extent of properties; roads, tracks and transmission lines; building density and design; landscape features; etc.

Development control

A basic tenet of the Danish planning system is the territorial subdivision of the country into three zones: urban, summer cottages, and rural zones. Development is allowed in urban and summer cottage zones in accordance with planning regulations. In rural zones, developments or any change of land use for other purposes than agriculture and forestry are prohibited or subject to a special permission from the municipal authority according to planning and zoning regulations. These provisions are intended to safeguard the countryside and the environment and to prevent urban sprawl and as well as uncontrolled development and installations in rural areas. Furthermore, there are additional rules that may affect the possible use of land and thereby require permission. For instance, a permit is needed for implementation of construction works within the fixed protection zones of natural features (coastal, forests, streams) 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.

The Building Act determines the final control of implementation to be executed through the granting of building permits, which must be consistent with adopted planning regulations. The building permit thus functions as the final stage in the planning control system. The Building Act also provides a range of detailed regulations of construction works. Larger development proposals are subject to provision of a local plan that will set the planning regulations.

If the development proposal only turns out to have a minor impact on the local environment the municipality may still decide to provide a local plan for issuing detailed planning regulations. Otherwise the development proposal must comply with any precise planning regulations in the municipal plan. In the case when there is no local plan and no precise regulations in the municipal plan concerning the specific area for development, the development proposal must comply with the general building provisions as stated through the Building Act. These regulations imply a minimum plot
size, a maximum building density and building height, a minimum distance from a building to a party boundary. These general building provisions serve as basic safeguard for appropriate development, and they do not apply when otherwise stated in a local plan.

**Participation and appeal**

Public participation is ensured as a key principle of the planning process. Municipal plans as well as local plans must be submitted for public debate, inspection and objection for at least eight weeks before they are finally adopted. Public participation is thus regarded as a significant democratic means through which objectives for economic, spatial, and environmental development are to be met. Particularly in the case of 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 against the content of an adopted plan, as the procedures of public participation are regarded as adequate for the legitimacy of the political decision. Similarly, no appeals can be made against the discretionary decisions of the authorities when administering the adopted planning regulations. However, appeals can be made with regard to legal issues involved in the planning process, such as the proper procedure was actually followed.
PART III
SUSTAINABILITY AND GOVERNANCE

Sustainability

Sustainability and environmental priorities are highly incorporated both within the planning system and the system of land use control. In fact, the Planning Act, the Nature Protection Act and the Environmental Protection Act have the 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 wildlife and vegetation is secured.”

This is further pursued through the provisions of the Planning Act on Local Agenda 21, which state that a holistic, interdisciplinary and farsighted strategy in support of sustainable development shall be provided by the municipal council before the end of the first half of the election period of four years. This relates to reducing negative effects on the environment; promoting sustainable urban development and regeneration; and promoting biological diversity. Many municipalities choose to closely link the strategy for Local Agenda 21 with the strategy for municipal planning.

Further, provisions for Environmental Impact Assessment (EIA) are included in the Planning Act based on the European EIA Directive. The provisions ensure that large development projects having significant effects on the environment are subject EIAs and a public hearing before being implemented. The process is normally conducted as a supplement of the municipal plan with an accompanying environment impact statement.

The Planning Act includes provisions for protection of coastal areas by imposing a 3 km planning zone along the coasts with special requirements for developments. The Planning Act also includes provisions for rural zoning aiming to protect the countryside against scattered developments, as well as provisions (based on EU directives) for action plans aimed at the implementation of water resources management, and Natura 2000 plans for the implementation of nature management. Finally, national forests are protected through the Forests Act and a number of natural features are protected by provisions in the Nature Protection Act such as watercourses, lakes, bogs, marshes, heaths and dunes. This Act also provides for establishing conservation orders for securing nature reserves.

Denmark has also recently addressed to global challenge of climate change. Since 2013, all municipalities must prepare so-called climate adaptation plans, map risk areas for flooding, and prioritise the needed efforts in this regard. This climate change planning is effectuated though the municipal plans. An amendment was subsequently made to the Planning Act in order to allow for climate change considerations to be included in local plans. After this amendment, climate change considerations are legally accepted as a reason for providing a local plan.

Governance

Spatial planning entails policymaking and therefore demands a legal basis to determine the processes, requirements and responsibilities for the provision of planning policy.
The Planning Act can then be seen as the rule of the game – setting the scene for governing the urban and rural environments.

Importantly, planning proposals (whether comprising the total municipal area or just a small neighbourhood) are subject to public participation prior to adoption and implementation. The key stakeholders in the planning process are planning professionals, municipal authorities, investors, citizens and landowners. The interaction between these main stakeholders varies depending on the kind of planning and the issues at stake. For instance, in planning situations where conflict of interests arise such as in planning for major commercial or industrial plants within vulnerable urban environments (or where valuable natural features are under threat), various interest groups such as the Danish Society for Nature Conservation may also have a key role to play.

**Spatial plans and e-Government**

Denmark has been developing e-Government for about three decades. The key focus has been on digital communication between the public administration and citizens/businesses. In everyday administration, Geographical Information Systems (GIS) have been an inherent part of the processes, especially within spatial planning. GIS allows for visualisation of the spatial entities of the municipality such as roads, buildings, water areas, parks, and schools as well as for comprehensive analysis used as a decision-supporting tool. Since 2007, spatial plans have to be recorded in the national planning information system, namely plansystem.dk. This e-planning portal provides public access to all municipal plans and local plans (either adopted or proposed) across Denmark, both as visual maps and in terms of the actual plans and their textual and regulating content.

Figure 2. Example of the Danish e-planning portal “PlansystemDK” (Source: [www.plansystem.dk](http://www.plansystem.dk)).

The e-planning system is integrated in a national portal on environmental and nature information, called miljoportalen.dk. The system is a well-functioning and valid information system that supplies the users with information on protected and vulnerable
areas as well as planning restriction posed on specific areas. In short, a system showing the public restraints on properties.

The citizens can get direct access to all information on public restraints related to their property by entering the e-governance portal borger.dk, which links directly to Plansystem.dk and miljoeportalen.dk. This e-governance portal also provides citizens with the facility to provide direct feedback on proposed development plans during the statutory eight-week consultation period.

Rural zone and countryside planning

The rural zones (see Part II, Development control) include the countryside and many of the more than 5600 small settlements, hamlets and villages. The main purpose of the provisions on rural zones is to prevent uncontrolled development and installations in the countryside and to protect valuable landscapes. The rural zone provisions are administered by the municipalities.

During the last 10 years the rural zone has been a battleground for different political positions. The legislation and administration of the rural zone are significant elements in the politics for development of the rural areas of Denmark, - both the developing and declining parts of the rural zone and the peripheral areas called “Outskirt Denmark”. To address these challenges the Ministry of Housing, Urban and Rural Affairs was established in 2011. The Ministry, in cooperation with the Ministry of Environment, has established a range of projects as well as funding opportunities for local actors who, in a bottom-up perspective and through village renewal plans are trying to address the negative consequences of the increasing urbanisation.

There are two main positions in the Danish debate about the Planning Act in relation to the future development of the rural districts and the coastal zones. The right wing parties are using the field as a platform for ideological signal-politics and consider the rural district (and coastal zone) legislation as a serious barrier for development of tourism and businesses. In contrast, the current centre-left wing government is more geared towards safeguarding the long-time tradition for equal development throughout the country. Since 2013, the Planning Act has included a new term “Rural district resolution”, aiming to encourage and facilitate development in declining rural areas. In these areas the municipality can allow for permanent residence and businesses in superfluous buildings as well as expansion of existing industrial buildings and also development of new permanent residence in close connection to existing villages and hamlets or other equivalent settlements.

Agricultural development and nature reconstruction

The Danish agricultural sector has undergone drastic, structural changes over recent decades. In less than 60 years the number of individual full-time agricultural holdings has decreased from about 200,000 to 10,000. The Danish agricultural production is thereby strongly intensified.

Next to protecting the countryside environment, the rural zone provisions are also dedicated to protect valuable agricultural soil resources. The soil quality is presented in maps and the data are used as decision-support for agricultural authorities to avoid urban growth in areas of high quality soil. Furthermore, since 1970 the Agricultural
Holdings Act has supported and facilitated the increase of the size of full-time agricultural holdings. In the rural zones it has been rather easy for agricultural enterprises to get permission for new production buildings and there are only a few restrictions for exchange of land aiming to increase the size of existing agricultural holdings. The only restrictions relate to non-efficient and hobby farmers. In this sense, the Agricultural Holdings Act has stimulated a rapid structured development where still more farmland is owned and managed from still fewer farm owners.

The side-effect of this development has been that the number of redundant buildings for agricultural production and living represent an increasing challenge for the countryside environment, especially in peripheral areas. Also, over the years, the structural agricultural development – supported by spatial planning – has created a public debate about loss of nature in the landscape. As a result the Parliament has adopted a “Green land use policy” aiming to reconstruct nature and improve the quality of lakes and watercourses. This policy has been implemented through spatial planning and by means of land banking and land consolidation.
Application of the planning system in practice

The Danish planning system is mainly plan-led (rather than market-led) with development possibilities being determined in the general planning regulations at the municipal level, and further detailed in the legally binding local plans. The legal means of planning control are deemed sufficient. The system is able to ensure that undesirable development does not occur and, therefore, political control of development is available. In terms of building control, the Building Act determines the final control of implementation to be executed through the granting of building permits, which must be consistent with adopted planning regulations. Experience shows that development takes place in line with adopted planning regulations.

Further prospects of the planning system

Over the past two decades the Danish spatial planning framework has been considerably transformed in terms of its governance structures and policy instruments (Galland 2012a, 2012b, Galland & Enemark, 2013, 2014). In this regard, it could be argued that spatial planning in Denmark currently faces a state of crisis at national and especially regional levels - particularly when compared with the domain’s former clout and capacities. However, the legacy of planning is still embedded at the local level, albeit under quite challenging conditions due to the lack of spatial coordination previously provided through the comprehensive planning at the county level (Galland & Enemark, 2013).

Danish spatial planning seems to align with prevailing government agendas and thereby ends up reflecting the ideologies and interests of the government in place (Galland, 2012a). Neoliberal-minded governments have evidently favoured the relative strength of specific economic sectors influenced by a wave of globalisation and competitiveness agendas. In contrast with the social welfarist objectives of the 1970s, these governmental preferences have indirectly caused that spatial planning be regarded more as a cost than an asset. Accordingly, it is evident that the Danish planning domain has progressively lost political clout. The centre-left coalition government that came into power in late 2011 continues to face the challenge of dealing with the economic recession, implying that a continued focus in support of economic growth agendas is most likely to remain in place (Galland & Enemark, 2013).

Other relevant/critical comments

The institutional set-up of the Danish spatial planning system originally portrayed institutional comprehensiveness and territorial synchrony (Galland & Enemark, 2013). In principle, the inheritance of these qualities seems to stay put in the graphic representation and the structural configuration of the planning system – especially with regard to municipal and neighbourhood planning. However, it is evident that the welfarist and spatial scope of the national planning framework has been significantly altered after the abolition of the county level and the rescaling of planning tasks and responsibilities to national and local levels.
REFERENCES


