

Form planning Control to growth management

Evolution of the National Spatial Planning Framework in Denmark

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From Planning Control to Growth Management Evolution of the National Spatial Planning Framework in Denmark

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Key words: Spatial planning; Planning control; Spatial development

SUMMARY

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. 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).

The aim of this paper is to analyse the transformation of the Danish National Spatial Planning Framework, which has been exposed to substantial reorientations resulting from a structural reform that modified the geographies of inter-governmental arrangements back in 2007. Since then, a series of structural shifts concerning planning tasks and responsibilities have been witnessed within and across different levels of planning administration.

Consequently, the Danish planning system has diverged from its so-called "comprehensive-integrated" tradition and both the steering and strategic roles of national-level planning have been largely superseded by a more "flexible" planning style fit to promote specific sectoral agendas. While the legacy of land-use planning is still embedded at the local level under curbing spatial coordination capacities, 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.

Following the 2015 general election the new centre-right government decided to transfer national planning functions from the Ministry of the Environment (*Miljøministeriet*) to the Danish Business Authority (*Erhvervsstyrelsen*). This was done in the midst of an on-going political debate over 'simplifying' the Planning Act to facilitate more economic growth.

In this light, Danish spatial planning continues to align with prevailing neo-liberal minded government agendas and thereby ends up reflecting the ideologies and interests of the government in place. 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 and the focus is changed towards facilitation and management of economic growth.

From Planning Control to Growth Management

Evolution of the National Spatial Planning Framework in Denmark

Stig ENEMARK, Denmark

1. INTRODUCTION

Over the course of the past two decades the spatial planning framework, as established in the 1970s, has been exposed to substantial reorientations. Resulting from a structural reform in 2007 that modified the geographies of intergovernmental arrangements, the past few years have witnessed a range of shifts concerning planning tasks and responsibilities within and across different levels of administration.

This paper looks into the transformation of the spatial planning framework in Denmark as a strategic means covering spatial development as well as a legal means of land use control. It is noted that 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. Accordingly, it is evident that the Danish planning domain has progressively lost political clout and that the focus has changed towards facilitation and management of economic growth.

1.1 Country profile

Denmark covers about 43,000 square kilometres, of which a total of about 65% is used for farming and agriculture, 15% by forests, 10% by urban zones and transport infrastructure, while the remaining 10% consists of bodies of lakes, marshes and wetlands. The total coastline is around 7.500 km (Statistics Denmark, 2014).

Denmark's population is about 5.6 million, a density equivalent to 130 inhabitants per square kilometre (ibid.). Approximately one-third of the population lives in Greater Copenhagen.



The administrative structure is characterised by a high degree of decentralisation whereby local authorities administer most of the total public expenditure. Denmark's GDP was approximately USD 270 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).

2. EVOLUTION OF THE SPATIAL PLANNING FRAMEWORK

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. 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 (Galland, 2012a). These challenges were eventually addressed by the administrative reform 1970 and the following planning reform implemented 1970-77. 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), see Figure 1.

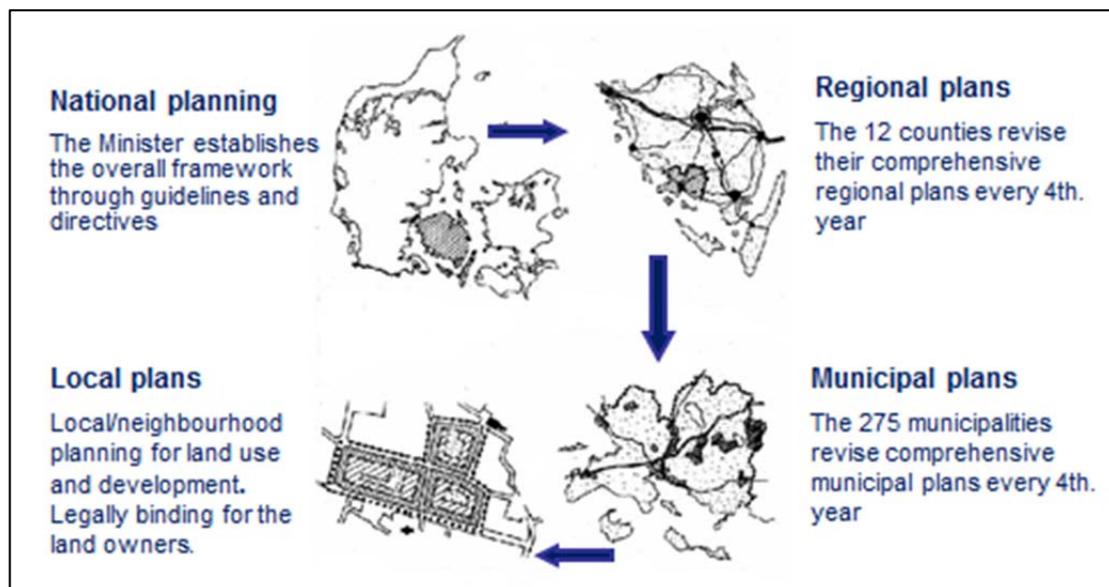


Figure 1. The four-level planning system as established in 1975. The system was based on framework control in which plans must not contradict decisions at higher (Ministry of the Environment, 1994). This framework was revised in 2007 by abolishing the comprehensive planning at regional level.

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. The administrative reforms from late 1960s till today are illustrated in Figure 2 below.

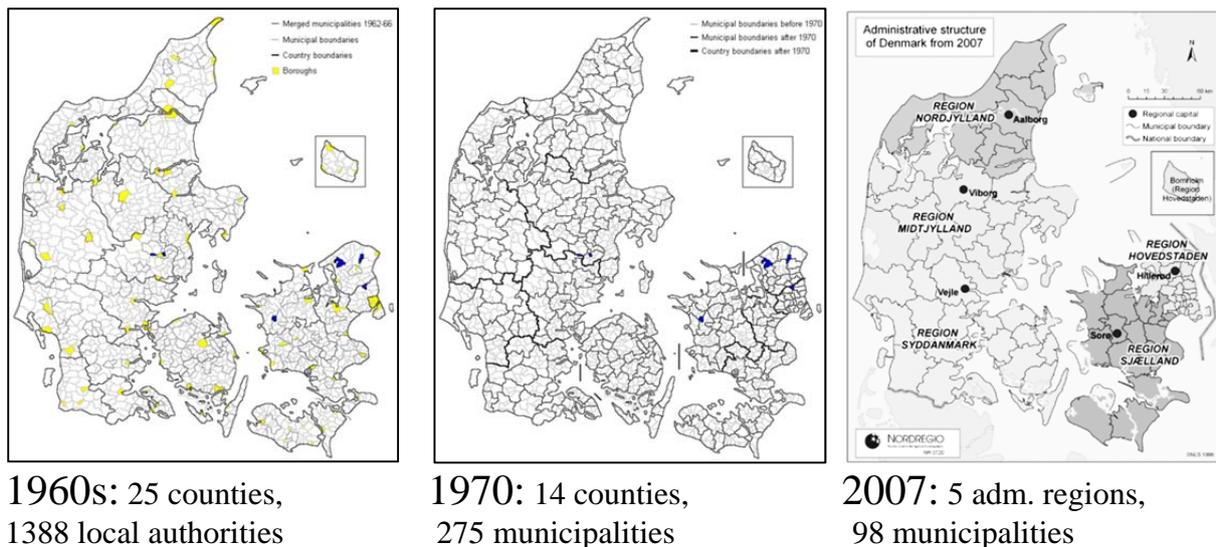


Figure 2. The administrative reforms in Denmark from 1960s till today.

Based on this 2007 structural reform the Planning Act was revised and transferred responsibility for comprehensive land-use planning and regulation from the county to the municipal level, while the Ministry of the Environment (now the Ministry of Business and Growth, Denmark) is responsible for safeguarding national interests through national planning. This current 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).

3. CURRENT PLANNING FRAMEWORK

3.1 The overall spatial planning framework

The current Planning Act is of 2007 and delegates authority, competence and responsibility to national and local levels, see figure 3. The description in this chapter is based primarily on (Galland et al., 2015)

- **National level**

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, 2015). Recently, following the 2015 general election, the new centre-right government decided to transfer national planning functions and responsibilities from the Ministry of the Environment (*Miljøministeret*) to the Danish Business Authority (*Erhvervsstyrelsen*), an entity under the Ministry of Business and Growth that is now responsible for facilitating the planning system and for monitoring land-use planning tasks carried out at the local level. As such, the Danish Business Authority advises the Minister for Business and Growth on planning issues and is in charge of preparing planning legislation.

- **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.

- **Local level**

At the local level the municipalities hold 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.

Policy institutions			Policy instruments		
Level	Planning authority	Number of inhabitants	Type of plans	Description	Legal effect
National	Ministry of Business and Growth, Denmark, the Danish Business Authority	5.63 million	National planning reports	National visions regarding functional physical development	Advisory guidelines and recommendations
			National planning directives	Maps and legal provisions /circulars	Binding for local authorities
			Overview of national interests regarding municipal plans	National interests arising from legislation, action plans, sector plans and agreements between national authorities	Binding for local authorities
Regional	5 administrative regions	1,000,000 on average (wide deviations)	Regional spatial development plans (from 2007 until February 2014)	Advisory and visionary plans	Repealed from the Planning Act
Local	98 municipal councils	30,000 on average (wide deviations)	Municipal plans	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

Figure 3. Summary of planning policy institutions and instruments in Denmark (Galland et al., 2015, based on Galland and Enemark, 2015)

3.2 National planning

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 Business and Growth is responsible of generating a so-called “Overview of National Interests in Municipal Planning” that outlines the aims and requirements of the government with respect to the local level of planning administration. The overview includes aspects concerned with growth and development (as regards retail planning, coastal planning, agriculture, tourism as well as special considerations for the Greater Copenhagen Region), nature and the environment, infrastructure and natural resource management (e.g. energy supply, nature protection, green transport, green growth, use of rural areas) and aspects concerning cultural heritage and landscape (Ministry of Business and Growth, 2015). Published every fourth year, the Overview may be understood as the main national planning instrument that municipalities should abide by in order to avoid veto of municipal plan proposals. Such a veto can be imposed by the Ministry during the public hearing period, and the municipal council cannot adopt the proposal until the issues around the veto is settled.

Furthermore, national directives are prepared and adopted by the Ministry 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).

Finally, national planning reports are prepared to set out overall spatial policies and objectives after each government election. The national planning report focuses on providing advisory guidance and recommendations to lower levels of government on spatial development matters, often through the use of varying spatial concepts. From 1975 until 2013, the reports were prepared by the Ministry of the Environment based on input and cooperation with other relevant ministries. The contents and discourses associated with these reports show that national planning acquired distinctive strategic roles and orientations in promoting spatial development over the decades (Galland, 2012a).

3.3 Municipal comprehensive planning

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.

3.4 Local planning and implementation

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.

3.5 Development control

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. Experience shows that development takes place in line with adopted planning regulations.

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.

3.6 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.

4. THE CURRENT DEBATE

4.1 New political incentives

Since the general election June 2015 resulting in a minority right wing/liberal government, there has been an increasing political and societal debate over the need to simplify planning regulations to allow for more development and economic growth. In a recent survey carried out by KL (*Kommunernes Landsforening*) – an influential local government interest organization – a significant share of municipal decision-makers seemed to perceive the Planning Act as a hindrance to economic growth (Meyling, 2014).

Coastal zone development. The Planning Law includes a protection zone along the coastline where any development within 3 km from the coastal shore is subject to specific planning considerations. Furthermore, any development within 300 metres from the shoreline is in principle prohibited under the legislation of nature protection. In the current debate, a dominant theme in the media relates to a parliamentary proposal to allow peripheral municipalities to apply for ad hoc development projects along the long-standing protected coastline. The rationale behind such a proposal is that municipalities undergoing stagnation and population decline are enabled to secure economic growth by attracting more tourism. While it is generally agreed that this might contribute to relieving centre-periphery disparities, conflicting interests have evidently surfaced between municipal government actors in support of less planning regulations (e.g. retail and coastal planning provisions) and stakeholders advocating environmental protection and aesthetic values (Galland and Sørensen, 2015).

Retail development. The Planning Act has special rules for planning of retail trade. This is to prevent that retail trade outlets built in the outskirts of major cities weaken the general retail in many smaller towns and thereby impairing the local business situation and reducing the potential to conserve and modernise town centres (Ministry of the Environment, 2007). The current government proposal aims to relax such retail planning regulations in peripheral areas. The idea is to allow every municipality (regardless of size and location) to build large retail facilities. This one-sided situation is indicative of how major political parties in Denmark (regardless of their position on the political spectrum) seem to move away from the former political consensus in favour of limiting large retail centres in small and medium-sized towns (Sørensen 2004).

Rural development. As explained in section 3.5 above, the Planning Act includes regulations to prevent uncontrolled development and installations in the countryside and to protect valuable landscapes Any development permit will have to be assessed in relation to the municipal planning guidelines and regulations for the countryside (Ministry of the Environment, 2007). The government proposal is to enable extension of existing business and housing without such a rural zone permit, and new agricultural buildings may be established without connection to existing buildings.

Other incentives. The government proposal entitled “Growth and Development throughout Denmark” (*Vækst og Udvikling i hele Danmark*) published on behalf of the Danish Government by the Ministry of Growth and Business in late 2015 includes a range further initiatives towards liberalisation such as enabling more freedom for the municipalities in their planning efforts, easing the planning process and the regulations for public participation, and improving access to dispensation.

4.2 New professional approaches to planning

Spatial planning expectations have been strongly aligned with the overarching ‘growth and development’ agenda set forth by the Danish right-wing government after assuming office by mid-2015 (Ministry of Business and Growth, 2015b). At the municipal level, the goal of growth is to be achieved under a climate of resource scarcity and increasing competition between municipalities. As a consequence, municipalities currently face the challenge to optimise planning processes for the sake of efficiency. Recent research carried out by KL shows that Danish municipalities have already advanced alternative tools to undertake planning processes more efficiently (KL, forthcoming 2016). The result is that there is an increasing tendency towards making the whole formal planning process more flexible by moving it ahead towards an initial informal pre-process phase. Given the fact that such informal phase is not yet framed by the Planning Law or any other legal procedure, the municipalities have put forward *ad hoc* tools to accelerate the habitually time-consuming, formal planning process. In this sense, the final ‘formal planning process’ essentially becomes the final amendment of the plan agreed upon in the informal phase.

An innovative tool illustrating the above tendency is the ‘*Startredegerelse*’ (‘Municipal policy report’), which several municipalities have chosen to adopt as a framing policy document to ‘kickstart’ the planning process. The report resembles the contents of a detailed municipal plan, although its purposes differ notably from the latter. As such, the municipal policy report specifies a series of expectations concerning the local plans’ main contents. At the same time, it attempts to reconcile professional interests in relation to other authorities

or between sectoral interests in the municipality. Moreover, the policy report seeks to attain political acceptance as regards the local plan's main content as well as its specific goals and concerns. Altogether, this tool has thus far proven an effective and holistic instrument that brings together the many interests in the planning process while prioritising core planning questions (KL, forthcoming 2016).

The municipal policy report is amended by the city council while involving citizens in hearing processes. A chief concern still remains in terms of the report's legal status. According to the Planning Law, this policy should be regarded as an informal, non-binding plan. Still, the document does create a certain kinds of expectations by landowners, neighbours as well as investors, thereby framing their future prospects and outlook pertaining to the planning process. As this legal issue has not been fully ratified by jurisprudence, its use therefore remains somewhat problematic. In practice, however, innovative tools such as the municipal policy report show that the planning process has recently developed far beyond the formal planning process per se. Tools such as this resemble the quest for more flexible procedures at the municipal level.

5. EVALUATION AND ASSESSMENT

In Denmark, the birth of comprehensive-integrated planning should be understood as a direct response to the significant socio-spatial challenges that resulted from the country's industrial development and rapid economic growth during the post-war era. Of utmost relevance was the establishment of a so-called 'urban pattern' based on central place theory advanced by national and regional plans during the 1970s and 1980s, which yielded hierarchical spatial arrangements within individual counties. This enabled a more even spatial distribution of demography, labour market and economic growth, which contributed to securing more equal socio-economic development throughout the whole country (Galland 2012a).

Since the early 1990s, however, the rationale, aims, contents and development orientations of spatial planning shifted as a result of political and economic driving forces prompted by supra-national and national policy interventions, as well as the Planning Act's shift from 'equal' to 'appropriate development' in 1992 (Galland 2012a, 2012b). While national and regional plans before this major shift were regarded as a societal need and as an orchestrated effort fostering an 'ordered' expansion of a city hierarchy, national planning since the 1990s has placed more emphasis on the spatial development of specific city-regions while the land-use focus of regional plans has been given up.

Territorial considerations regarding conventional peripheral problems, functional relationships (mobility and commuting patterns) between municipalities or other geographical appraisals aimed at reducing social, economic and spatial disparities were largely overlooked in planning and implementing the structural reform last decade (Galland and Enemark 2013). In contrast, such disparities were a key concern for planners in Denmark during the two decades prior to and the decade after the Danish planning system was established in 1970. Regional planning and regional development schemes were founded on national-level expectations geared towards attaining equal distribution of economic growth and service provision throughout the national territory. Socio-spatial disparities were thereby addressed via hierarchical policy institutions and policy instruments designed to enable spatial coherence through horizontal and vertical coordination and integration of sectors and policies.

However, the loss of spatial consciousness stemming from the recent structural reform, the diminished political clout of national-level planning and the increasingly neoliberal ideology at the local level seem to facilitate a political discourse founded on the perception that growing economic disparities can be addressed via lessening planning rules as a means to cater to more economic growth in peripheral municipalities (Galland & Sørensen, 2015).

6. CONCLUDING REMARKS

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, 2015). 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 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 over the course of the past two decades. The centre-right government that came into power in mid-2015 has magnified the former government's emphasis to use planning in support of economic growth agendas.

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.

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BIOGRAPHICAL NOTES

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