

MINISTRY OF  
ENVIRONMENT AND ENERGY  
DENMARK

SPATIAL PLANNING  
DEPARTMENT

*The Planning Act  
in Denmark 1999*

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***Translation***

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## *Preface*

This document presents an English translation of the Planning Act, which came into force on 1 January 1992. The 1992 Act integrated and simplified provisions on zoning and planning that were previously part of several acts.

The Act has been amended several times since. The latest amendments were adopted in June 1999 and are the basis for the translation presented here. The amendments in 1999 ensured the implementation in Denmark of the amended European Union directive on environmental impact assessment (97/11/EC); the changes include the introduction of an obligation on the regional planning authorities to conduct environmental impact assessment, expanded rules for publication of decisions in connection with the rules on environmental impact assessment and a special environmental impact assessment permit in the Planning Act. Other amendments in 1999 include minor changes in the rules on local plans and certain changes in the rules on appeals.

Ministry of Environment and Energy  
Spatial Planning Department

## *Planning and the Planning Act*

The first section of the Planning Act emphasizes that the purpose of planning is to aim towards:

- appropriate development in the whole country and in the individual counties and municipalities, based on overall planning and economic considerations;
- creating and conserving valuable buildings, settlements, urban environments and landscapes;
- continuing to keep the open coasts as 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.

Planning is carried out at three levels in Denmark: nationally; regionally for each of the 14 counties and the City of Copenhagen and the City of Frederiksberg;<sup>1</sup> and in each of the 275 municipalities. The Planning Act divides the national territory into urban zones, summer cottage areas and rural zones.

The planning legislation in Denmark is based on the principle of framework management and control. This means that planning at any level must be in agreement with the framework established at the next level above.

National planning and legislation on major development projects establish an overall framework for such tasks as protecting coastal areas and extending the infrastructure.

Regional planning implements common national interests, as it establishes the main guidelines for land use and infrastructure outside the urban zones in each region.

Municipal planning comprises structure and land-use planning for an entire municipality with a special focus on urban zones. The municipal plans constitute the framework for the more detailed local

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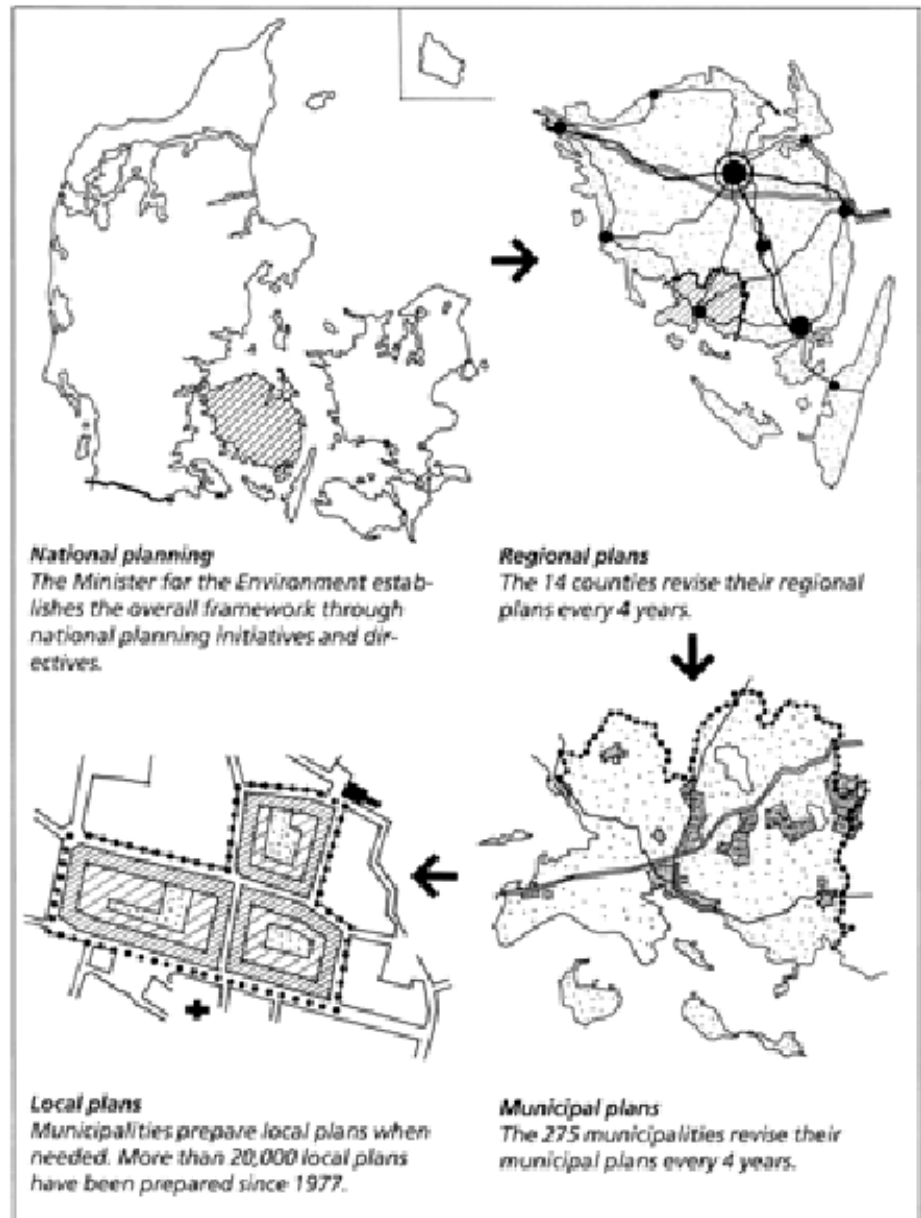
<sup>1</sup> From 1 July 2000, a newly created Greater Copenhagen Development Council will carry out regional planning for Greater Copenhagen - including the City of Copenhagen, the City of Frederiksberg and Copenhagen, Frederiksborg and Roskilde Counties. The Council will thereby take responsibility for administering environmental impact assessment in accordance with the Planning Act.

plans for smaller parts of the municipality. A local plan must be prepared before major development projects are carried out.

The following sections briefly review the content of the Act.

**National planning**

The Minister for Environment and Energy must submit a national planning report to the Folketing (parliament) after each national election.



Planning is carried out at three levels in Denmark: nationally; regionally for each of the 14 counties and the City of Copenhagen and the City of Frederiksberg;<sup>2</sup> and in each of the 275 municipalities. The Planning Act is based on the principle of framework management and control, in which planning at any level must be in agreement with the framework established at higher levels.

<sup>2</sup> From 1 July 2000, a newly created Greater Copenhagen Development Council will carry out regional planning for Greater Copenhagen - including the City of Copenhagen, the City of Frederiksberg and Copenhagen, Frederiksberg and Roskilde Counties. The Council will thereby take responsibility for administering environmental impact assessment in accordance with the Planning Act.

An illustrated, 24-page publication from 1994 describing Denmark's spatial planning system is available in English (*Spatial planning in Denmark*), Danish (*Planloven i praksis*), French (*Aménagement du territoire au Danemark*), and German (*Räumliche Planung in Dänemark*).

These publications can be ordered from the Spatial Planning Department, Ministry of Environment and Energy.

The Planning Act governs the procedures used in planning and does not mandate specific qualities to be achieved in planning. Nevertheless, in 1994 the Folketing amended the Act to ensure that the open coasts continue to be free of development projects that do not need to be located near the coast. In 1997, the Act was further extended with provisions on the planning of retail trade, to ensure that most new retail shops are located in town centres and that planning promotes a diverse supply of shops in small and medium-sized towns. Grocery shops planned to contain more than 3000 m<sup>2</sup> and shops for specialized goods that will exceed 1000 m<sup>2</sup> require special justification based on planning considerations. In 1999, the rules on environmental impact assessment were changed. The regional planning authorities were obligated to carry out environmental impact assessment, the provisions on public notice and comment were extended and a special environmental impact assessment permit was created with associated rules for appeal.

The national planning interests are specifically furthered through the powers of the Minister for Environment and Energy to issue binding regulations governing planning in accordance with the Act (§3). Among other things, this provision enables the Minister to establish legally binding regulations in the form of national planning directives applying to regional, municipal and local planning and for the administration of individual cases, such as permits in the rural zones or exemptions. The national interests are also promoted through the power of the state to veto regional plans.

#### **Regional planning**

A regional plan determines for a period of 12 years the framework for the development of a region with regard to urban development, the overall structure of retail trade, the overall transport structure, protection of land and natural resources, recreation and tourism and the location of large installations and enterprises (§6).

In the City of Copenhagen and the City of Frederiksberg, the municipal plan also serves as a regional plan. Thus, the regional planning authorities comprise the 14 county councils and the Copenhagen City Council and Frederiksberg City Council.

Environmental impact assessment is an integrated provision of the Act that is based on European Union directives. The regional planning authorities normally carry out this assessment as part of regional planning (§6c).

#### **Municipal planning**

A municipal plan determines the overall goals for the development of a municipality for a period of 12 years. The main themes are land use, transport, retail trade and other urban functions, recreational areas and the protection of land and natural resources.

The municipal plan must include a main structure for the municipality and must determine the framework for preparing local plans.

The municipal plan is not directly binding for the actions of property owners but can be made binding by preparing local plans. In some situations the municipality can prohibit parcelling out, construction, etc. based on the framework of the municipal plan for the relevant area (§12).

#### **Local plans**

The municipalities prepare local plans. These regulate the use of and development of each individual property and are legally binding for each individual person and property owner.

#### **Production of plans**

The main principles of the procedural rules on producing and amending the various types of plans are: decentralization of the authority to adopt the plans in final form and ensuring the public's right to participate in preparing plans.

In accordance with this, all proposed plans must be published, and the public has the right to submit objections and to propose amendments (§24). In addition, the council responsible for the regional or municipal plan must solicit ideas and proposals (§22) before the plan proposal is drafted (with the exception of minor supplements to municipal plans).

Regional and municipal plans cover a period of 12 years and must be revised every 4 years.



Plans do not need prior approval by an authority at a higher level; the regional and municipal authorities determine the fate of objections and proposed amendments. Nevertheless, when the Minister for Environment and Energy or a regional or state authority has the right to veto a plan proposal, the authorities must reach agreement before the proposed plan can be adopted. If the authorities cannot agree, the Minister for Environment and Energy decides the question (§28).

#### **Zoning and administration in rural zones**

The national territory is divided into urban zones, summer cottage areas and rural zones (§34).

The main purpose of zoning and the provisions governing rural zones is to counter urban sprawl by keeping open land free of development projects and installations that are not necessary for agricultural purposes and to ensure that urban development is carried out based on planning.

In general, parcelling out, development, etc. may not be carried out in rural zones without a special permit. The most important exceptions are the parcelling out and construction necessary for agricultural purposes (§35 and §36).

In summer cottage areas, residence (overnight stay) is prohibited from 1 October to 31 March except for brief holidays (§40 and §51a).

Rural zones are transferred to an urban zone or summer cottage area through a local plan (§15). The municipal council can decide to transfer land in an urban zone or summer cottage area to a rural zone, usually based on the municipal plan (§45).

#### **Expropriation and takeover of property with compensation**

The municipal council can expropriate property when this is necessary for constructing installations based on a local plan and for urban development based on the municipal plan. Property owners whose property is reserved for public purposes in a local plan have the right under certain circumstances to demand that the municipal council take over the property and pay compensation.

#### **Appeals**

Nearly all decisions made by the county councils and municipal councils pursuant to the Planning Act may be appealed to the Nature Protection Board of Appeal, which is also the appellate authority for nature conservation. Some of the decisions -

related to the plans and the administration of the plans - can only be appealed for legal issues.

**Part 1**

***Purpose***

**§1.** This Act shall ensure 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.

Subsection 2. This Act especially aims towards:

- appropriate development in the whole country and in the individual counties and municipalities, based on overall planning and economic considerations;
- creating and conserving valuable buildings, settlements, urban environments and landscapes;
- that the open coasts shall continue 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.

**Part 2**

***National planning***

**§2.** The Minister for Environment and Energy is responsible for the overall national physical planning and for producing the investigations necessary for this.

Subsection 2. After each new election to the Folketing (parliament), the Minister for Environment and Energy shall submit a report on national planning to the Folketing Environment and Regional Planning Committee.

**§3.** To ensure the protection of national planning interests, including ensuring the quality of planning, the Minister for Environment and Energy may establish regulations governing the use of

authority granted by this Act and the content of planning in accordance with this Act.

Subsection 2. The Minister for Environment and Energy may confer the legal status of a regional plan on regulations issued in accordance with subsection 1. In special cases, the Minister may also determine that development projects implied in a regulation in accordance with subsection 1 may be initiated without a municipal or local plan and without a permit in accordance with §35, subsection 1.

Subsection 3. In special circumstances, the Minister for Environment and Energy may require county and municipal councils to make use of the stipulations of this Act, including producing a plan with a specified content.

Subsection 4. In special circumstances, the Minister for Environment and Energy may decide to assume the authority granted to county and municipal councils in accordance with this Act in cases that affect the legally mandated tasks of other authorities or are of major importance.

**§3a.** [Repealed]

**§4.** In connection with pilot projects that aim at promoting the purpose of this Act, the Minister for Environment and Energy may provide financial support and exempt county and municipal councils from complying with the regulations established in accordance with this Act.

Subsection 2. When a pilot project that includes an exemption from the regulations established in accordance with this Act has been approved, notice thereof shall be published in *Lovtidende* (Law report). The notice shall state where citizens may obtain more information about the project permit.

**§5.** The Minister for Environment and Energy may require county and municipal councils to produce the information necessary to carry out national planning. The information may be required to be provided in a specific manner.

Subsection 2. Public authorities, concessionaires and similar companies shall provide information on the preparation and implementation of investigations, planning and major development projects that may be of importance to national planning.

Subsection 3. At the request of the Minister for Environment and Energy, private companies shall provide the information and carry out the investigations necessary to assess the environmental consequences when they are considering carrying out projects that can be assumed to affect the environment significantly.

## Part 2a

### *Planning in coastal areas*

**§5a.** The country's coastal areas shall be kept as free as possible of development and installations that do not need to be located near the coast.

Subsection 2. The Minister for Environment and Energy shall monitor trends and make use of the powers granted in accordance with §3, §29 and §59 to ensure that the national planning interests in the coastal areas are furthered pursuant to this Act.

Subsection 3. The coastal zone, which comprises the rural zones and summer cottage areas located in the coastal areas, is shown in a map appended to this Act. The provisions of §5b, §6a, §11a, §16, subsections 3 and 5, §29a and §35, subsection 3 shall apply to the coastal zone.

Subsection 4. The provisions of §11a, subsections 1, 2 and 4 and §16, subsections 4 and 5 shall apply to the coastal parts of urban zones that are located directly adjacent to the coast or that interact with the coastal landscape.

**§5b.** The following shall apply to planning in the coastal zone:

- 1) It is prohibited to transfer land to an urban zone or to conduct planning for development in a rural zone unless there is a specific planning-related or functional justification for location near the coast.
- 2) Except for harbour facilities used for transport and other very important infrastructural installations, construction and installations on land that requires the reclamation of areas in the territorial waters or special coastal protection may only be planned in very special circumstances.

- 3) It is prohibited to designate new summer cottage areas, and existing summer cottage areas shall be maintained for holiday and leisure purposes.
- 4) Holiday and leisure facilities shall be located in accordance with coherent considerations arising from tourism policy and only in connection with existing urban communities or large holiday and leisure facilities.
- 5) The access of the public to the coast shall be safeguarded and expanded.

## Part 2b

### *Planning of retail trade*

#### **§5c.** Planning shall:

- 1) promote a diverse supply of retail shops in small and medium-sized towns and in individual districts of large cities;
- 2) ensure that areas are designated for retail trade purposes in locations to which people have good access via all forms of transport, including especially walking, bicycling and public transport; and
- 3) promote a societally sustainable structure of retail trade that limits the distance people need to transport themselves in order to shop.

**§5d.** The areas designated for retail trade purposes shall be located in the centre of a town. In large cities and in coherent urban areas in Greater Copenhagen, areas for retail trade purposes may be designated in the centre of a city district.

Subsection 2. Nevertheless, the following may be designated outside the centre of a town or city district, cf. subsection 1:

- 1) small areas for shops that are intended solely to serve a limited part of a town or a city district, a village, a summer cottage area or the like;
- 2) areas for shops that solely sell types of goods that require unusually large quantities of floor space and that cannot be fit in to the centre of a town or city district;
- 3) areas for small shops in connection with the production facilities of a company to sell the company's products; and
- 4) areas for retail trade to the extent that it is not possible to designate sufficient areas in the centre of the town because of considerations

related to a preservation-worthy urban environment.

**§5e.** The Minister for Environment and Energy shall submit a report every two years to the Folketing Environment and Regional Planning Committee. The report shall describe and assess trends in the regional, municipal and local planning related to the structure of retail trade based on the provisions of §1, §5c and §5d.

**§5f.** The gross floor space for retail trade purposes shall be calculated in accordance with the provisions of the building regulations on the calculation of the floor space of a building, except that the floor space in the part of the cellar in which the surrounding terrain is less than 1.25 metres under the height of the ceiling of the cellar shall be included.

### Part 3

## *Regional planning*

**§6.** Each county shall have a regional plan. In the City of Copenhagen and the City of Frederiksberg, the municipal plan also serves as the regional plan. A regional plan shall cover a period of 12 years.

Subsection 2. Regional planning may not contradict regulations or decisions made in accordance with §3.

Subsection 3. Based on an overall assessment of development in the region, the regional plan shall include guidelines for:

- 1) the designation of areas as urban zones and summer cottage areas;
- 2) the location of large public institutions, major transport facilities and other large technical facilities;
- 3) the location of enterprises, etc. that require special siting to prevent pollution;
- 4) the projects mentioned in §6c;
- 5) the overall structure of retail trade, cf. §6b;
- 6) administering agricultural interests, including designating and protecting especially valuable agricultural areas;
- 7) the location of afforestation areas and areas where afforestation is not desired;

- 8) administering areas, buildings, etc. that are worthy of preservation and natural qualities, etc. worthy of conservation in the open country, including designating and protecting nature reserves with special natural qualities, etc.;
- 9) the location of low-lying areas that can be re-established as wetlands;
- 10) the location of areas to be used for recreation;
- 11) the use of land for the exploitation of stone, gravel and other natural resources in the ground;
- 12) the use and protection of water resources, including the designation of areas of special interest in protecting drinking-water, areas of interest in protecting drinking-water and areas of limited interest in protecting drinking-water, sensitive extraction areas and areas on which efforts are to be focused and the setting of priorities among them;
- 13) the quality of water in and use of watercourses, lakes and coastal waters; and
- 14) the realization of regulations or decisions made in accordance with §3 of this Act.

Subsection 4. In the City of Copenhagen, the City of Frederiksberg, Copenhagen County, Frederiksberg County and Roskilde County, regional planning shall be carried out based on an assessment of development in the area as a whole, and guidelines shall also be established for:

- 1) the distribution of future construction activity in urban zones and the chronological order for this; and
- 2) water supply and wastewater removal.

Subsection 5. The regional plan may deal with other matters than those mentioned in subsections 3 and 4.

Subsection 6. Special consideration shall be given to the public transport plan for the entire area in establishing regional guidelines in the areas mentioned in subsection 4.

Subsection 7. The regional plan shall be accompanied by a report describing the premises on which the plan is based, including the anticipated chronological order for implementing the plan and the previously implemented planning and administration.

Subsection 8. The report that covers the part of the regional plan that includes guidelines for the projects mentioned in §6c shall include an environmental impact assessment.



Subsection 9. The report that covers the part of the regional plan that includes guidelines for the structure of retail trade shall include:

- 1)an assessment of the current floor space used for retail trade purposes in each town and city district according to the main categories of shop and the total turnover within each category;
- 2)an assessment of the need for new construction or the conversion of existing buildings to retail trade purposes;
- 3)an outline of the objectives of the structure of retail trade, including the catchment area expected to be served by the shops that are permitted to be located within the areas delimited;
- 4)information on how the proposal promotes a diverse supply of shops in small and medium-sized towns;
- 5)information on how the proposal promotes a diverse supply of shops in the centre of the individual towns, cities or districts, including the premises for the delimitation of the centre of each individual town or city district and for any deviation from the provisions of §5d, subsection 1;
- 6)an outline of the accessibility for people transported through various means to the areas designated for retail trade purposes; and
- 7)information on the special reasons based on planning considerations for the establishment of permitted shop sizes exceeding 3,000 m<sup>2</sup> of gross floor space for general goods or 1,000 m<sup>2</sup> of gross floor space for speciality goods.

**§6a.** The regional planning authority [a county council, the Copenhagen City Council or the Frederiksberg City Council] shall, when the regional plan is revised, cf. §22, subsection 1, produce regional guidelines for the coastal zone in accordance with the provisions of §5a, subsection 1 and §5b.

Subsection 2. The regional planning authority shall in this connection examine the previously approved or adopted but not used reservations of land in the coastal zone and revoke the reservations that are not current.

Subsection 3. The existing and planned conditions in the coastal zone, including which areas are to be kept free of development, shall be shown on a map appended to the report submitted in accordance with §6, subsection 7. The report shall also

describe the future development in the coastal zone and the adjacent waters.

**§6b.** The regional planning authority shall produce regional planning guidelines for areas to be designated for retail trade purposes in accordance with the provisions of §5c and §5d.

Subsection 2. In connection with this, the regional planning authority shall:

- 1) delimit the centre of the individual towns and city districts in which areas can be designated for retail trade purposes;
- 2) establish guidelines for locating the areas designated for retail trade mentioned in §5d, subsection 2, no. 1-3;
- 3) delimit the location of the areas designated for retail trade purposes mentioned in §5d, subsection 2, no. 4;
- 4) establish the maximum gross floor space permitted for new buildings and for the conversion of existing buildings to retail trade purposes for each of the areas mentioned previously; and
- 5) establish the maximum gross floor space permitted for the individual shops.

**§6c.** Projects that are likely to have significant effects on the environment shall not be initiated before guidelines are produced in the regional plan on the location and design of the project with an accompanying report (environmental impact assessment obligation), cf. §6, subsection 8.

Subsection 2. If a desired project is otherwise in accordance with the guidelines in the regional plan, the county council, the Copenhagen City Council or the Frederiksberg City Council shall produce a proposal for a supplement to the regional plan as soon as possible and promote this matter as much as possible. This obligation shall not apply, however, if a necessary permit in accordance with §35 cannot be granted.

Subsection 3. The Minister for Environment and Energy may establish rules stating that projects subject to subsection 1 shall not be initiated without the permission of the county council, the Copenhagen City Council or the Frederiksberg City Council.

**§7.** Public authorities, concessionaires and similar companies shall provide the information deemed necessary to carry out regional planning when requested to do so by the county council, the

Copenhagen City Council or the Frederiksberg City Council.

Subsection 2. The county council, the Copenhagen City Council or the Frederiksberg City Council shall be given the opportunity to comment before a state authority, concessionaire or similar company takes a decision on the location or implementation of major development projects or institutions within the county or city concerned.

Subsection 3. Private companies shall give the county council, the Copenhagen City Council or the Frederiksberg City Council the information and carry out the investigations necessary to assess the environmental impact when they are considering establishing the development projects subject to §6c within the county or city concerned.

**§8.** The Minister for Environment and Energy may establish regulations specifying which development projects are subject to §6c. However, development projects enacted in detail by a special act are always excepted. The Minister for Environment and Energy may also establish regulations governing the minimum of information that is necessary to conduct an environmental impact assessment.

Subsection 2. The Minister for Environment and Energy may establish rules on the publication of:

- 1)decisions stating that a project is subject to or not subject to the provisions of §6c;
- 2)decisions stating that a proposal for regional planning guidelines for a project that is subject to the provisions of §6c will not be adopted;
- 3)decisions stating that a proposal that has been published will not be adopted in final form; and
- 4)decisions stating that a permit issued pursuant to the rules established in accordance with §6c, subsection 3 has been granted or has not been granted.

**§9.** County councils and municipal councils shall strive to implement the guidelines of the regional plan for matters subject to §6, subsections 3 and 4, including exercising the authority conferred by legislation. Their planning and development activity may not contradict the regional planning for these matters.

**§10.** A county council may provide loans to finance:

the acquisition by the municipality of real property in accordance with §8 of the Betterment Charge Act, cf. Consolidated Act No. 549 of 9 July 1991; and  
the acquisition of real property, the establishment of structures or buildings and other measures intended to realize regional and municipal planning.

Subsection 2. Loans in accordance with subsection 1, no. 2 may be issued to municipalities and intermunicipal companies and private companies that provide general supply and service functions in the county, provided that the respective municipal council guarantees that the loan will be repaid.

Subsection 3. The City of Copenhagen and the City of Frederiksberg may provide loans to finance the purchase of real property, the establishment of structures or buildings and other measures intended to realize regional and municipal planning. Loans may be issued to municipalities and intermunicipal companies and private companies that provide general supply and service functions in the respective municipality.

Subsection 4. Loans in accordance with subsection 1, no. 2 and subsection 3 may only be issued to pay for expenses that municipalities are permitted to pay for or finance. It is prohibited to issue loans to finance operating expenses.

Subsection 5. It is prohibited for the total amount of the loans issued to exceed the amount of liquid assets including interest and the principal repaid on loans issued by the fund that was in the fund for duties in connection with discharge and sale of the respective county or the City of Copenhagen or the City of Frederiksberg at the time this act came into force.

Subsection 6. Loans issued pursuant to subsection 1 or subsection 3 shall be issued at an interest rate corresponding to the market rate of interest. The county council, or, for the City of Copenhagen and the City of Frederiksberg, the city council, may, however, grant exemption from the payment of interest for up to five years in special cases. The county council, or, for the City of Copenhagen and the City of Frederiksberg, the city council, may also determine that the repayment of principal on the loan does not have to begin until eight years after the loan is issued. The principal on loans

issued for the purpose of purchasing land, however, shall be repaid at least as fast as the sales price is paid when the lots are sold.

Subsection 7. It is prohibited to grant loans for more than three years at one time.

#### Part 4

### *Municipal planning*

**§11.** Each municipality shall have a municipal plan.

Subsection 2. The municipal plan must not contradict the regional planning for matters subject to §6, subsections 3 and 4 or for regulations or decisions made in accordance with §3.

Subsection 3. A municipal plan shall establish a general structure for a whole municipality and a framework for the local plans for the specific parts of the municipality.

Subsection 4. The general structure shall indicate the overall goals for development and land use in the municipality, including the development of housing and workplaces, transport services, the supply of services and recreational areas.

Subsection 5. A framework for the content of local plans for the specific parts of the municipality shall be established for:

- 1) the distribution of construction according to type and use;
- 2) matters related to development, including a framework for preserving settlements or urban environments;
- 3) urban renewal in existing urban communities;
- 4) the supply of public and private services;
- 5) institutions and technical facilities, including heat supply;
- 6) recreational areas;
- 7) transport services;
- 8) the transfer of areas to urban zones or summer cottage areas; and
- 9) the chronological order for developing areas for urban use and into summer cottage areas.

Subsection 6. The municipal plan may contain guidelines for other matters significant for land

use and construction in the municipality, including designating preservation-worthy buildings.

Subsection 7. The municipal plan shall be accompanied by a report describing the premises on which the plan is based, including the anticipated chronological order for implementation and the previously implemented planning and administration.

Subsection 8. The report that covers the part of the municipal plan that includes guidelines for the supply of retail shops, cf. subsection 5, no. 4, shall include:

- 1)an assessment of the current floor space used for retail trade purposes in each town and city district according to the main categories of shop and the total turnover within each category;
- 2)an assessment of the need for new construction or the conversion of existing buildings to retail trade purposes;
- 3)an outline of the objectives of the structure of retail trade, including the catchment area expected to be served by the shops that are permitted to be located within the areas delimited;
- 4)information on how the municipal plan promotes the objectives for the general structure of the municipality, including how the proposal promotes a diverse supply of shops in small and medium-sized towns and the urban environment in the areas proposed to be designated for retail trade purposes;
- 5)an outline of the accessibility for people transported through various means to the areas designated for retail trade purposes; and
- 6)information on the special reasons based on planning considerations for the establishment of permitted shop sizes exceeding 3,000 m<sup>2</sup> of gross floor space for general goods or 1,000 m<sup>2</sup> of gross floor space for specialized goods.

**§11a.** The municipal council shall, when the municipal plan is revised, cf. §22, subsection 1, carry out the changes in the plan that are necessary in accordance with the provisions of §5a, subsection 1 and §5b.

Subsection 2. The municipal council shall in this connection examine the previously adopted but not used reservations of land in the municipal plan and revoke the reservations that are not current.

Subsection 3. The municipal council shall, based on considerations of, among other things, tourism and

open-air recreation, assess the opportunities for improving large, coherent summer cottage areas.

Subsection 4. The municipal council shall, for the coastal parts of urban zones, assess the future development conditions, including the height of buildings, with the aim of ensuring:

- 1) that new development fits in with the coastal landscape as a whole;
- 2) that preservation-worthy units of the urban structure and interests in protecting nature in the surrounding land areas are considered;
- 3) that the necessary infrastructural installations, including harbours, are considered; and
- 4) that the public access to the coast is ensured.

**§11b.** The municipal council shall produce a framework for the content of local plans that designate areas for retail trade purposes in accordance with the provisions of §5c and §5d.

Subsection 2. In connection with this, the municipal council shall:

- 1) establish a framework for locating the areas designated for retail trade;
- 2) establish the maximum gross floor space permitted for new buildings and for the conversion of existing buildings to retail trade purposes; and
- 3) establish the maximum gross floor space permitted for the individual shops.

Subsection 3. The framework for the location of areas subject to §5d, subsection 1 and subsection 2, no. 4 may only be established within an area delimited by the regional plan.

**§12.** The municipal council shall strive to implement the municipal plan, including exercising authority conferred by legislation, cf., however, §19 and §40.

Subsection 2. Within urban zones, the municipal council may oppose parcelling out and construction that contradicts the stipulations on chronological order established by the municipal plan. Nevertheless, a ban may not be issued if the area concerned is covered by a detailed town planning by-law or local plan produced before the municipal plan.

Subsection 3. Within urban zones and summer cottage areas, the municipal council may oppose construction projects or changed use of built-up

areas or undeveloped areas, when the built-up area or use contradicts the stipulations of the framework of the municipal plan. Nevertheless, a ban may not be issued if the relevant area is designated for public purposes by the municipal plan or if the area is covered by a town planning by-law or local plan.

## Part 5

### *Local planning*

**§13.** The municipal council may produce local plans in accordance with the stipulations in Part 6. A local plan may not contradict the municipal plan, regional planning for matters subject to §6, subsections 3 and 4 or regulations or decisions made in accordance with §3.

Subsection 2. A local plan shall be produced before large areas are parcelled out and before major development projects, including demolition, are carried out, and also when it is necessary to ensure the implementation of the municipal plan.

Subsection 3. If a parcelling out or development project, etc. as mentioned in subsection 2 is in compliance with the municipal plan, the municipal council shall prepare a proposal for a local plan as soon as possible and expedite the case as much as possible. In such circumstances the municipal council may require that the developer assist the municipality in preparing the plan.

Subsection 4. When a property owner requests that property be transferred from a rural zone to an urban zone with the aim of carrying out a development project, the municipal council may require that the owner of the property provide security subject to approval by the municipality to ensure that, if the work is not carried out, the municipality can be reimbursed for the expenses it incurs in producing a local plan and a supplement to the municipal plan and the expense of the municipality's takeover of the land in accordance with §8 in the Betterment Charge Act. The municipality may require that the expenses incurred by the municipality in connection with preparing the local plan be paid if the construction work has not begun within 4 years after the land is transferred to an urban zone.



Subsection 5. The provisions of subsection 2 do not apply if a local plan, town planning by-law or regulation plan contains specific regulations on the parcelling out or development project.

Subsection 6. The Minister for Environment and Energy may establish specific regulations governing the extent of the municipal council's authority and responsibility in accordance with subsections 1 and 2 for matters regulated by other legislation.

**§14.** The municipal council may ban the establishment of situations, legally or in fact, that may be prevented by a local plan. The ban may be imposed for a maximum of one year. The municipal council shall cause notification of the ban to be entered in the land registry for the applicable property. The registration is not necessary for the ban to be valid.

**§15.** A local plan shall contain information on the purpose of the plan and its legal effects.

Subsection 2. A local plan may contain provisions on:

- 1) transferring areas covered by the plan to an urban zone or a summer cottage area;
- 2) the use of the area, including reserving specific areas for public use;
- 3) the size and extent of properties;
- 4) roads and paths and other matters related to traffic, including the rights of access to traffic areas and with the intent of separating different kinds of traffic;
- 5) the location of tracks, pipes and transmission lines, including electric power lines;
- 6) the location of buildings on lots, including the ground level at which a building shall be constructed;
- 7) the extent and design of buildings, including provisions that regulate the density of residential housing;
- 8) the use of individual buildings;
- 9) the design, use and maintenance of undeveloped areas, including provisions that regulate the ground, fences, conservation of plants and other matters pertaining to plants, and the lighting of roads and other traffic areas;
- 10) preserving landscape features in connection with development of an area allocated to urban or summer cottage development;
- 11) the production of or connection with common facilities located within or without the area

- covered by the plan as a condition for starting to use new buildings;
- 12) providing noise-abatement measures such as plantings, sound baffles, walls or similar construction as a condition for starting to use new buildings or changing the use of an undeveloped area;
  - 13) establishing landowners' associations for new areas with detached houses, industrial or commercial areas or areas for leisure houses, including compulsory membership and the right and obligation of the association to take responsibility for establishing, operating and maintaining common areas and facilities;
  - 14) preserving existing buildings, so that buildings may only be demolished, converted or otherwise altered with the permission of the municipal council;
  - 15) keeping an area free from new construction if buildings may be exposed to collapse, flood or other damage that may endanger users' life, health or property;
  - 16) cessation of the validity of expressly mentioned negative easements if the continued validity of the easement will contradict the purpose of the local plan, and if the easement shall not lapse as a result of §18;
  - 17) combining flats in existing residential housing;
  - 18) insulating existing residential housing against noise; and
  - 19) banning major construction projects in existing buildings, so that such projects may only be carried out with the permission of the municipal council or if they are required by a public authority in accordance with legislation.

Subsection 3. A local plan for an area that is converted to urban use or to summer cottage construction shall contain provisions to comply with the matters mentioned in subsection 2, no. 2-4.

Subsection 4. A local plan for an area that is to remain in a rural zone may contain provisions stipulating that the local plan serves as the permits in accordance with §35, subsection 1 that are necessary to implement the plan. Conditions may be attached to these provisions.

Subsection 5. Outside villages, a local plan for areas in a rural zone that are designated for agricultural use may not contain provisions in accordance with subsection 2, no. 3, 6, 8 or 9.

Subsection 6. The Minister for Environment and Energy may establish regulations that allow local plans to contain provisions on matters other than those mentioned in subsection 2.

Subsection 7. In compliance with other legislation, the Minister for Environment and Energy may establish regulations stipulating that permits and exemptions that are necessary to realize a local plan are considered to be granted by the implementation of the local plan. The Minister for Environment and Energy may also establish regulations on the ability of a municipal council to dispense with such local plans and on the right of other authorities to submit objections to proposals for such local plans.

Subsection 8. A local plan that permits the establishment of shops shall include provisions on the maximum gross floor space permitted for each individual shop and the total gross floor space that is permitted to be used for retail trade purposes.

**§16.** A local plan shall be accompanied by a report describing how the plan relates to the municipal plan and other planning for the area.

Subsection 2. The report shall state whether the realization of the local plan depends on permits or exemptions from other authorities than the municipal council.

Subsection 3. The report prepared in connection with local plan proposals for development projects in the coastal zone shall inform about the effects on the visual environment, and justification shall be presented for structures intended to be taller than 8.5 m. In addition, the report shall describe other possible conditions that are important in safeguarding the interests related to nature and open-air recreation.

Subsection 4. The report prepared in connection with local plan proposals for development projects in the urban zones located near the coast that will have visual effects on the coast shall inform about these effects. If the development project deviates substantially in height or volume from the existing buildings in the area, this must be justified.

Subsection 5. Local plan proposals for development projects subject to §6c are exempted from the rules outlined in subsections 3, 4 and 6.

Subsection 6. The report accompanying a local plan proposal that permits the establishment of shops shall describe the impact of the buildings on the urban environment, including the existing buildings in the area, open spaces and transport conditions.

**§17.** When a local plan proposal is published in accordance with §24, properties that are covered by the proposal may not be developed or otherwise used in a way that creates a risk that the content of the final plan will be forestalled.

Subsection 2. After expiry of the deadline in accordance with §24, however, the municipal council may permit a property covered by the plan proposal to be developed or used in accordance with the proposal, as long as this is in compliance with the municipal plan and is not the start of a major development project, etc., cf. §13, subsection 2.

Subsection 3. Permission in accordance with subsection 2 may not be granted as long as an objection in accordance with §29 or §29a is in force or in cases in which the Minister for Environment and Energy has taken a decision in accordance with §3, subsection 4.

Subsection 4. Subsection 1 only applies until the final adopted or approved local plan is promulgated in accordance with §30 and a maximum of one year after the proposal is published.

**§18.** When a local plan has been promulgated in accordance with §30, situations may not be established, legally or in fact, that contradict the provisions of the plan, unless exemption is granted in accordance with the stipulations in §19 or §40.

**§19.** The municipal council may grant exemptions from the provisions of a local plan or a plan, etc. in force in accordance with §68, subsection 2, if the exemption does not contradict the principles of the plan, cf., however, §40.

Subsection 2. More extensive deviations than those subject to subsection 1 may only be carried out by producing a new local plan.

Subsection 3. A provision in a local plan whose content has been determined in compliance with regulations or decisions made in accordance with §3 or an agreement with a state or regional authority may only be deviated from with the consent of the Minister for Environment and Energy or the authority concerned, respectively.

**§20.** Exemptions in accordance with §19 may first be granted two weeks after the municipal council has given written notice about the application to:

- 1) owners and users in the area covered by the plan;
- 2) neighbours of the property in question and others that have an interest in the case, in the judgement of the municipal council; and
- 3) the locally based associations and the like that have informed the municipal council in writing that they want to be notified about such applications.

The notice shall state that comments may be submitted to the municipal council within two weeks.

Subsection 2. The provisions of subsection 1 shall not apply:

- 1) if, in the opinion of the municipal council, prior notification is of secondary importance for the persons and associations mentioned in subsection 1, no. 1-3; and
- 2) in the case of dispensation granted in accordance with §22, subsection 3 of the Building Act, for the construction of more than one single-family house for year-round residence on a property, cf. §10 A of the Building Act.

Subsection 3. The municipal council shall give notification of its decision to the persons and associations that submitted comments in due time after being notified in accordance with subsection 1.

**§21.** The municipal council may authorize a landowners' association or, with the relevant landowners' consent, a tenants' association to grant exemptions as discussed in §19, subsection 1. The landowners' or tenants' association shall inform and notify in accordance with the stipulations in §20.

Subsection 2. The Minister for Environment and Energy may establish regulations stipulating that the municipal council may make an exemption from

provisions in town planning by-laws and local plans governing on-site parking areas contingent on payment to a municipal parking fund.

## Part 6

### *Producing and repealing plans*

**§22.** Regional and municipal plans shall be revised every fourth year. Regional, municipal and local plans may also be produced and amended in accordance with the stipulations in this Part.

Subsection 2. Before a proposal for a regional or municipal plan or amendments thereto is prepared, the county or municipal council shall solicit ideas, proposals, etc. in preparation for the planning work. The municipal council may also involve the public in the preliminary work on local plans. The municipal council may refrain from soliciting ideas, proposals, etc., as stated in subsection 1, for minor amendments to the framework of a municipal plan that do not contradict the general principles of the plan, and for minor amendments to the plan's general structure.

Subsection 3. The solicitation in accordance with subsection 2 shall contain a brief description of the major issues in the forthcoming planning. The solicitation shall be effected by public announcement. The county or municipal council shall set a deadline for submitting ideas, proposals, etc., cf., however, §23, subsection 3.

**§23.** In connection with revisions in accordance with §22, subsection 1, point 1, the county or municipal council shall also prepare a report on the previous planning and the anticipated changes in the plan as well as an assessment of development.

Subsection 2. The report shall be published simultaneously with the solicitation in accordance with §22. The report shall be sent to the Minister for Environment and Energy and other state and local authorities whose interests are affected.

Subsection 3. The county or municipal council shall set a deadline of at least eight weeks for submission of ideas, proposals, etc. and comments to the report.

Subsection 4. The county or municipal council shall conduct an informational campaign intended to encourage a public debate on the objectives and specific content of the plan revision.

**§24.** After the county or municipal council adopts a proposed plan, it shall be published with an appurtenant report. At the time of publication, the deadline in accordance with subsection 3 shall be communicated. At the time of publication of municipal plan proposals and amendments thereto, the stipulations in §12, subsections 2 and 3 shall be communicated. At the time of publication of local plan proposals, the stipulations in §17 shall be communicated.

Subsection 2. Any municipal councillor who demands to have his or her minority opinion on the plan proposal entered in the protocol of the municipal council may demand that this minority opinion be published simultaneously with the proposal together with a brief statement written by the councillor.

Subsection 3. The county or municipal council shall set a deadline of at least eight weeks for submitting objections, etc. to the proposed plan.

**§25.** Simultaneously with publication in accordance with §24, the plan proposal shall be sent to the Minister for Environment and Energy and other state and local authorities whose interests are affected by the proposal.

**§26.** Simultaneously with publication of a local plan proposal in accordance with §24, the municipal council shall give written notification hereof to:

- 1) the owners of properties covered by the proposal and the tenants and users of these properties;
- 2) the owners of properties outside the area covered by the proposal and the tenants and users of these properties that would be substantially affected by the plan, in the judgement of the municipal council; and
- 3) the locally based associations and the like that have asked the municipal council in writing to be informed of local plan proposals.

Subsection 2. If the proposal contains provisions about the lapse of easements in accordance with §15, subsection 2, no. 16, the municipal council shall, as far as possible, notify the persons entitled in accordance with the instrument of easement.

Subsection 3. The notice shall inform about the deadline in accordance with §24, subsection 3, and contain any minority opinions in accordance with §24, subsection 2, and inform about the stipulations in §17.

**§27.** After the expiry of the deadline in accordance with §24, subsection 3, the county or municipal council may adopt the final plan, cf., however, §3, subsection 4, §28, §29, §29a and §29b. If objections, etc. to a local plan proposal are submitted in due time, the local plan may first be adopted four weeks after the deadline for objections expires.

Subsection 2. Adoption of the plan may be made contingent on implementation of the necessary changes in the municipal and regional plan.

Subsection 3. When the final plan is being adopted, the published plan proposal may be amended. If the amendment will substantially affect other authorities or persons than those that brought about the amendment by objecting, the plan may not be adopted before the relevant authority or person has been given the opportunity to comment. For substantial changes in a regional plan proposal, the Minister for Environment and Energy shall have the opportunity to comment. The county or municipal council shall set a deadline for this purpose. If the amendment is so extensive that it actually is a new plan proposal, it shall be published, etc. in accordance with the stipulations in §24-26.

**§28.** A plan proposal may not be adopted in final form if an authority, in accordance with the stipulations in §29, §29a or §29b, has notified the county or municipal council, in writing, that it opposes the proposal before the expiry of the deadline in accordance with §24, subsection 3 or §27, subsection 3. The proposal may then first be adopted when the parties have reached agreement on the necessary amendments.

Subsection 2. The parties may bring unresolved issues in accordance with subsection 1 before the Minister for Environment and Energy.

Subsection 3. Objections in accordance with subsection 1 shall be justifiable.



**§29.** In the administration of state interests, the Minister for Environment and Energy may submit objections in accordance with §28 to a regional plan proposal or a municipal plan proposal for the City of Copenhagen or the City of Frederiksberg and amendments to these plans.

Subsection 2. A regional planning authority shall submit, in accordance with §28, objections to proposals for local plans and municipal plans and amendments to municipal plans if the plan proposal contradicts regulations or decisions made in accordance with §3 or the regional planning for the topics mentioned in §6, subsections 3 and 4. This obligation does not apply, however, if the matter is of secondary importance for the purpose of the regional planning.

Subsection 3. The regional planning authority shall inform the Minister for Environment and Energy about any objections made in accordance with subsection 2, §29a and §29b. If the regional planning authority withdraws an objection, the Minister for Environment and Energy shall also be informed.

Subsection 4. A state authority may submit objections in accordance with §28 to a local plan proposal based on the special interests administered by the authority.

**§29a.** The regional planning authority shall submit objections in accordance with §28 to local plans, municipal plans and amendments to municipal plans that govern areas in the coastal zone if the proposed plan contradicts the provisions of §5a, subsection 1, §5b, §11a or §16, subsection 3. This obligation shall not apply, however, if the situation is of secondary importance in relation to the national planning interests in the coastal areas, cf. §1.

Subsection 2. The regional planning authority shall submit objections in accordance with §28 to proposals for local plans, municipal plans and amendments to municipal plans that permit the establishment of shops, if the proposed plan contradicts the provisions of §5c, §5d, §11, subsection 8, §11b, §15, subsection 8 or §16, subsection 6. This obligation shall not apply, however, if the situation is of secondary importance.

**§29b.** A regional planning authority may submit objections in accordance with §28 to the proposed

regional plan or amendment thereto of another regional planning authority if the regional planning authority considers that the proposal can be of considerable significance for the authority's planning of the structure of retail trade, cf. §6, subsection 3, no. 5 and §6b.

**§30.** The county or municipal council shall promulgate the adoption of the plan in final form and send it to the authorities mentioned in §25. The plan shall be accessible to the public.

Subsection 2. The promulgation of the municipal plan and amendments thereto or local plans shall inform about the stipulations in §12, subsections 2 and 3 and §18.

**§31.** Simultaneously with promulgation of a local plan in accordance with §30, the municipal council shall send one copy of the promulgation order to:

- 1) owners of the properties covered by the plan;
- 2) anyone who, in due time, has submitted objections, etc. to the plan proposal; and
- 3) the authorities mentioned in §25 and the associations mentioned in §26, subsection 1, no. 3.

Subsection 2. The municipal council shall cause the local plan to be entered in the land registry for the properties covered by the plan.

**§32.** A local plan proposal lapses if it is not adopted within three years after publication.

Subsection 2. A local plan lapses if it is not promulgated in accordance with §30 within 8 weeks after it is adopted in final form.

**§33.** The municipal council may decide to repeal town planning by-laws and local plans for areas that are transferred back to a rural zone and local plans for areas in the rural zone if planning for the area is no longer considered to be necessary.

Subsection 2. Decisions in accordance with subsection 1 may first be taken after the owners of the affected areas have had the opportunity to comment. The municipal council shall set a deadline for this purpose of at least eight weeks.

Subsection 3. The municipal council shall inform the relevant owners, the Minister for Environment and Energy and the county council of decisions made in accordance with subsection 1.

Subsection 4. The municipal council shall cause the repealed town planning by-laws and local plans to be removed from the land registry.

## Part 7

### *Zoning and rural zone administration*

§34. The entire country is divided into urban zones, summer cottage areas and rural zones.

Subsection 2. Urban zones are:

- 1) areas allocated to urban development as part of an urban development plan;
- 2) areas allocated as construction zones for urban development by a building by-law;
- 3) areas allocated to urban development or public use by a town planning by-law; and
- 4) areas transferred to an urban zone by a local plan.

Subsection 3. Summer cottage areas are: areas allocated to summer cottage development by a building by-law or a town planning by-law; and areas transferred to a summer cottage area by a local plan.

Subsection 4. Rural zones are the areas not included under subsections 2 and 3.

**§35.** Without permission from the rural zone authority, parcelling out, new construction and a change in the use of existing buildings and undeveloped areas shall not be allowed, cf., however, §36-38.

Subsection 2. Permission in accordance with subsection 1 for parcelling out, construction or changing the use of land that is subject to the obligation to conduct environmental impact assessment in accordance with §6c, subsection 1 or the obligation to produce a local plan in accordance with §13, subsection 2 may first be granted when the necessary guidelines in the regional plan have been adopted in final form and the required local plan has been promulgated.

Subsection 3. For areas in the coastal zone, cf. §5a, permits in accordance with subsection 1 may only be granted if the matter for which the permit was applied is of negligible importance in relation to the national planning interests in the coastal areas, cf. §1.

Subsection 4. The county council is the rural zone authority. In the following cases, however, the municipal council is the rural zone authority:

- 1) in the City of Copenhagen and the City of Frederiksberg;
- 2) in villages that are clearly delimited in a municipal plan; and
- 3) in rural zone areas covered by a promulgated local plan.

Subsection 5. The applicant and the municipal or county council shall be informed in writing of decisions made in accordance with subsection 1.

Subsection 6. A decision pursuant to subsection 1 shall contain information on the provisions of §59 and §60.

Subsection 7. Permits in accordance with subsection 1 shall be published. Publication is not necessary, however, if the permit is in accordance with a promulgated local plan.

Subsection 8. Publication of a permit in accordance with subsection 1 shall contain information about the provisions of §59 and §60.

**§36.** Permits in accordance with §35, subsection 1 are not required for:

- 1) parcelling out in accordance with §8, subsection 4 of the Agriculture Act for joint operation with an existing agricultural property;
- 2) parcelling out of a forest property in accordance with §4, subsection 2 of the Agriculture Act;
- 3) construction that is commercially necessary for the relevant property's operation as an agricultural or forestry property or for the practice of fishery, cf., however, subsection 2.
- 4) taking into service of buildings or areas for agriculture or forestry or to be used for the practice of fishery;
- 5) parcelling out, construction or changed land use to the extent that this is determined by a conservation order in accordance with the Protection of Nature Act or is expressly

- permitted by a local plan produced in accordance with the stipulations in this Act;
- 6) exploitation of raw materials in the ground;
  - 7) construction that is exempted from requiring a building permit in accordance with the building regulations for small houses, and does not result in the establishment of a new residential dwelling;
  - 8) construction that is exempted from requiring a building permit by the building regulations and is carried out to be used as a public transport, service or warning facility or for radio or television reception;
  - 9) additions to or renovation of permanent dwellings, if the houses' total gross floor area does not exceed 250 m<sup>2</sup>, and
  - 10) the transfer of a permanent dwelling to its use as a holiday dwelling.
  - 11) parcelling out carried out based on acquisition for the purposes of a regional land purchasing board in accordance with the Act on the Public Purchasing of Land for Agricultural Purposes etc., cf. Consolidated Act No. 493 of 13 June 1997.

Subsection 2. Permission shall be obtained in accordance with §35, subsection 1, however, for the location and design of buildings as covered in subsection 1, no. 3, that are built without connection to the property's previous built-up areas.

**§37.** Buildings that are no longer necessary for the operation of an agricultural property may, without permission in accordance with §35, subsection 1, be taken into service for craft and industrial enterprises and for storage and office purposes, etc., if:

- 1) the enterprise is set up in existing buildings that are not renovated or added to significantly; and
- 2) the buildings were not built within the previous five years.

Subsection 2. A small, not unsightly storage may also be annexed to the buildings mentioned in subsection 1 in accordance with specific stipulations by the municipal council.

**§38.** Buildings for the enterprise mentioned in §37 may only be used after prior notification of the municipal council. The municipal council shall ensure that the conditions under §37 are complied with. If the municipal council fails to object

within two weeks from the day the notice is received, the buildings may be taken into service.

## Part 8

### *Summer cottage areas*

**§38a.** Property in a summer cottage area shall not be used for any other purpose than dwelling, cf. §40 and §41, unless this has been otherwise established in a local plan or in one of the plans that remains in force in accordance with §68, subsection 2. Use that is lawfully initiated by 12 June 1999 may continue, however, but this right lapses when it has not been utilized in 3 successive years, cf. §56, subsection 2.

**§39.** Unless otherwise established in a local plan or in one of the plans, etc. in force in accordance with §68, subsection 2, no more than one dwelling may be built or fitted up on an independently registered property in summer cottage areas without the permission of the municipal council.

**§40.** Except for short-term holiday use, etc., a dwelling in a summer cottage area may not be used for overnight purposes from 1 October to 31 March, unless the dwelling was used for permanent residence when the area was designated as a summer cottage area and the right to use it as a permanent residence did not lapse later, cf. §56, subsection 2.

Subsection 2. In special cases, the municipal council may grant exemptions from the ban in subsection 1. An exemption shall lapse when there is a change of ownership and when the dwelling is no longer used for permanent residence.

Subsection 3. The decision of the municipal council pursuant to subsection 2 may not be appealed to any other administrative authority.

**§41.** A pensioner who owns a dwelling in a summer cottage area has a personal right to use the dwelling for permanent residence when he or she has owned the property for eight years. The right to permanent residence shall lapse, however, if the dwelling may not be used for permanent residence in accordance with the rules on housing inspection in Part 9 of the Urban Renewal Act. The provisions in Part VII of the Temporary Regulation of Housing Matters Act shall not apply to dwellings that are

used for permanent residence in accordance with point 1.

Subsection 2. A pensioner is defined as a person aged 67 years or more, a person aged more than 60 years who receives a pension or early retirement benefit or a disability pensioner in accordance with the Public Pensions Act.

Subsection 3. A pensioner's spouse, cohabitant or close relative may use the dwelling for permanent residence together with the pensioner. After the pensioner's death, the spouse, cohabitant or close relative may continue to use the dwelling for permanent residence. The right no longer applies if the person vacates the dwelling.

Subsection 4. If the pensioner dies without leaving a spouse or cohabitant, another person that has shared household with the pensioner has the right to continue using the dwelling for permanent residence.

Subsection 5. The right specified by subsections 3 and 4 lapses if the person vacates the dwelling.

## Part 9

### *Easements*

**§42.** An owner of real property may only impose provisions by an instrument of easement on this property on matters about which a local plan may contain provisions with the prior consent of the municipal council. Consent in accordance with point 1 may not be granted if a local plan is to be produced in accordance with §13, subsection 2.

Subsection 2. The instrument of easement shall be endorsed with the decision of the municipal council in accordance with subsection 1. If consent is granted, or if the municipality owns the property, the endorsement shall explicitly state that it is not mandatory to produce a local plan.

**§43.** The municipal council, by order or by ban, may ensure compliance with matters about which a local plan may contain easement provisions.

**§44.** The provisions of §42 and §43 do not apply to easements imposed by public authorities in accordance with legislation.

## *Zone transfer*

**§45.** The municipal council may decide to transfer areas from an urban zone or summer cottage area to a rural zone in accordance with the municipal plan.

Subsection 2. The municipal council may also, after application from the owner concerned, transfer land from an urban zone or summer cottage area to a rural zone if the land borders on a rural zone and if the transfer is unobjectionable based on planning considerations.

Subsection 3. Decisions made in accordance with subsection 1 may first be taken after the owners of the affected lots have had the opportunity to submit comments before a deadline set by the municipal council of at least eight weeks.

Subsection 4. The municipal council shall give individual notice on the decisions taken in accordance with subsections 1 and 2 to the owners concerned, the Minister for Environment and Energy and the county council. Mortgagees and other holders of registered rights in respect of these properties shall also be notified.

Subsection 5. The notice to owners and mortgagees shall contain information about the stipulations in §46.

**§46.** If privately owned lots are transferred to a rural zone in accordance with §45, compensation may be given for expenses the owner has incurred in anticipation of using the property in an urban zone.

Subsection 2. In determining the amount of compensation, the conditions existing at the time of the decision of the municipal council in accordance with §45, subsections 1 and 2 shall be taken into account.

Subsection 3. Compensation claims in accordance with subsection 1 shall be submitted in writing to the municipal council no later than 12 weeks after the owner is notified of the municipal council's decision in accordance with §45, subsections 1 and 2. The municipal council shall notify the county council and the Minister for Environment and Energy of the compensation claim.



Subsection 4. An amicable arrangement on the amount of compensation shall be acceded by the Minister for Environment and Energy and the county council. If an amicable arrangement is not reached no later than eight weeks after the expiry of the deadline mentioned in subsection 3, the municipal council shall bring the compensation claim before the valuation authorities in accordance with the Public Roads Act, cf. §50.

Subsection 5. The Danish state and the county council shall each pay one third of the municipal council's expenses for compensation and legal costs. In the City of Copenhagen and the City of Frederiksberg, the Danish state shall pay one third of the city council's expenses for compensation and legal expenses.

## Part 11

### *Expropriation, taking over property, etc.*

**§47.** The municipal council may expropriate real property that is privately owned or private rights to real property when the expropriation is materially important in ensuring the implementation of urban development in compliance with the municipal plan or in realizing a local plan or town planning by-law.

Subsection 2. Expropriation of the title to real property cancels all rights to the expropriated property unless specifically provided for otherwise.

Subsection 3. The provisions of §45 and §47-49 of the Public Roads Act shall similarly apply to the implementation of expropriation.

**§48.** When a local plan or a town planning by-law reserves a property for public use, the owner may demand that the municipality take over the property and pay compensation.

Subsection 2. When a local plan or a town planning by-law reserves part of a property for public use, the owner may demand that the municipality take over this part of the property and pay compensation. If the remaining part of the property cannot reasonably be used as an independent property, the owner may demand that the municipality take over the entire property.

Subsection 3. The municipality, however, shall only be required to take over the property in accordance with subsection 1 and subsection 2, point 1 if the particular lot cannot be used in an economically reasonable way in accordance with the actual use of neighbouring properties.

**§49.** When a local plan or a town planning by-law prohibits a building from being demolished without the permission of the municipal council, and such permission is refused, the owner may demand that the municipality take over the property and pay compensation.

Subsection 2. The municipality, however, shall only be required to take over the property in accordance with subsection 1 if there is a substantial disparity between the profit yield of the property and that of properties similarly located and used that are not prohibited from being demolished.

Subsection 3. The provisions of subsections 1 and 2 shall similarly apply to properties that are entirely or partly subject to a ban on major construction projects, cf. §15, subsection 2, no. 19.

**§50.** The valuation authorities, pursuant to the Public Roads Act, shall determine the compensation for expropriation in accordance with §47 and for transfer in accordance with §46. These authorities shall also determine whether claims are justified in accordance with §48 and §49.

Subsection 2. The provisions of §51-56 and §59-67 in the Public Roads Act shall apply similarly to the procedure followed by the valuation authorities and to determining and paying compensation, etc.

## Part 12

### *Supervision*

**§51.** The municipal council shall ensure compliance with this Act, the regulations established in accordance with this Act and the provisions of local plans and the by-laws and plans, etc. in force in accordance with §68, subsection 2, cf., however, subsection 2.

Subsection 2. The county council, Copenhagen City Council or Frederiksberg City Council shall ensure compliance with §6c and regulations established in accordance with §6c, subsection 3 and §8 to administer §6c. The county council shall also ensure compliance with §35 and §36 and regulations established in accordance with §3 for the administration of §35 and §36 unless the municipal council is the rural zone authority in the area concerned, cf. §35, subsection 4.

Subsection 3. The municipal council shall notify the county council when the municipal council becomes aware of an illegal situation in cases in which the county council, in accordance with subsection 2, is the supervisory authority.

Subsection 4. The municipal or county council shall ensure that orders and bans in accordance with this law are complied with, and that the conditions established in permits, exemptions, etc. are met.

Subsection 5. The municipal or county council shall bring about the rectification of a situation in violation of the law such that it conforms to the law, unless the situation is of minor importance.

**§51a.** Each year on 1 October the municipal council shall order every person who is registered in the Civil Registration System as being domiciled in a dwelling in a summer cottage area that the person cannot lawfully use for permanent residence, cf. §40 and §41, to carry out the following within 14 days from the notification of the order:

- 1) to change domicile; and
- 2) to document this change of domicile to the municipal council.

Subsection 2. The municipal council shall deliver similar orders to every person who is registered in the Civil Registration System from 1 October until 1 March as being domiciled in a dwelling in a summer cottage area that the person cannot lawfully use for permanent residence, cf. §40 and §41. Orders pursuant to point 1 shall be delivered no more than 14 days after the person's domicile has been registered in the Civil Registration System.

Subsection 3. The municipal council shall register orders delivered pursuant to subsections 1 and 2 in the Civil Registration System simultaneously with the delivery of the order and shall delete this registration when the order has been complied with and the person is registered in the Civil

Registration System as having another domicile. The Minister for the Interior shall establish more detailed rules for this registration.

Subsection 4. If an order pursuant to subsection 1 or 2 is not complied with within the time specified, the municipal council shall immediately ask the police to bring charges.

Subsection 5. If an order pursuant to subsection 1 or 2 is not complied with within the time specified, the municipal council shall also impose a fine for each day of non-compliance. If the person concerned still does not comply with the order, the municipal council shall collect the fines. The net unpaid fines shall be collected at least every 4 weeks and, for the first time, at most 4 weeks after the fines began to be imposed. The municipality concerned shall keep the revenue collected. The authorities may distrain for the fines.

### Part 13

## *Administrative provisions, etc.*

**§52.** The Minister for Environment and Energy shall assist the county and municipal councils with guidance in accordance with this Act.

Subsection 2. The Minister for Environment and Energy may establish expert committees to advise the authorities on issues concerning physical planning.

Subsection 3. The Minister for Environment and Energy may authorize an agency or similar institution established as part of the Ministry to exercise the authority conferred on the Minister by this Act.

Subsection 4. The Minister for Environment and Energy may establish regulations about the right to appeal rulings made based on the authority conferred in accordance with subsection 3, including regulations stipulating that such rulings may not be appealed to the Minister.

**§53.** The Government may enter into agreements with foreign states on common measures to fulfil the purpose of this Act.

Subsection 2. The Minister for Environment and Energy shall establish regulations to fulfil international agreements entered into in accordance with subsection 1.

**§54.** The Minister for Environment and Energy may establish regulations on fees to cover the authorities' expenses for administration or supervision in accordance with this Act. The authorities may distrain for fees.

**§55.** Conditions associated with a permit or an exemption in accordance with this Act and provisions in accordance with §37, subsection 2 are binding for owners and other holders of property rights, regardless of when this right was created. The county or municipal council shall cause conditions of enduring interest to be registered in the land registry at the owner's expense. The authorities may distrain for this expense.

**§56.** A permit or exemption in accordance with this Act shall lapse if it is not used within three years after it is granted.

Subsection 2. A previous right to use a property in a way that contradicts §38a, a local plan or a plan in force in accordance with §68, subsection 2, or that would require permission or exemption in accordance with this law, lapses if the right has not been used for three consecutive years.

**§57.** The employees of the Ministry of Environment and Energy, the county council and the municipal council and persons authorized by these authorities have the right of access, without a court order, to any property to carry out their supervisory duties, cf. §51, and, after prior notification of the owner or user, to conduct preliminary technical investigations towards the preparation of decisions made in accordance with this Act.

Subsection 2. The authorities demanding such access shall present proof of identity on request.

Subsection 3. The police shall provide the necessary assistance in obtaining the access mentioned in subsection 1.

## *Appeals and legal proceedings*

**§58.** The following may be appealed to the Nature Protection Board of Appeal pursuant to §79 of the Protection of Nature Act, Act No. 9 of 3 January 1992:

- 1) the decisions of the county and municipal councils pursuant to §35, subsection 1;
- 2) the decisions of the municipal councils pursuant to §47, subsection 1;
- 3) the decisions of the county council, Copenhagen City Council or Frederiksberg City Council on permits in accordance with the rules established by the Minister for Environment and Energy pursuant to §6c, subsection 3;
- 4) the decisions of the county and municipal councils on other matters subject to this Act in respect of legal questions.

Subsection 2. The chairperson of the Nature Protection Board of Appeal may render decisions on behalf of the Board in matters that are not considered to have very significant interest in relation to the purpose of the Act.

Subsection 3. The decisions of the Nature Protection Board of Appeal may not be appealed to any other administrative authority.

**§58a.** The decisions of associations pursuant to §21, subsection 1 may be appealed to the municipal council.

**§59.** The Minister for Environment and Energy and anyone else with a legal interest in the outcome of the case shall have the right to appeal in accordance with §58.

**§60.** The appeal shall be submitted within four weeks after the ruling is communicated. If the decision is promulgated, however, the deadline for appeal shall always be calculated from promulgation. If the ruling is made indirectly and thus is not communicated or promulgated, the deadline shall be calculated from the time the appellant becomes aware of the ruling. If the deadline for appeal expires on a Saturday or public holiday, the deadline shall be extended to the following weekday.

Subsection 2. Appeals in accordance with §58, subsection 1, no. 1 shall be submitted to the authority that made the ruling. The county or municipal council shall send the appeal to the Nature Protection Board of Appeal, accompanied by the appealed ruling and the material that formed the basis for the ruling. Other appeals shall be submitted to the Nature Protection Board of Appeal.

Subsection 3. If an appeal is submitted in due time in accordance with §58, subsection 1, no. 3 and 4, the Nature Protection Board of Appeal may decide that a permit granted by the municipal or county council shall not be used or that an order shall not be complied with. If a development project has been started, the Board may demand that it be stopped.

Subsection 4. A permit granted pursuant to §35, subsection 1 may not be taken into use until the expiry of the time limit for appeal. Appeals submitted in due time in accordance with §58, subsection 1, no. 1 and 2 shall stay the appealed ruling, unless the Nature Protection Board of Appeal decides otherwise.

Subsection 5. The Nature Protection Board of Appeal shall ensure that the person who received a permit is informed of the appeal. When the appeal is submitted to the county or municipal council, these authorities shall immediately inform the person who has received a permit about the appeal.

**§61.** When it is consistent with planning considerations and considerations of public participation in planning, the Nature Protection Board of Appeal, in connection with the ruling on an appeal in accordance with §58, subsection 1, may dispense with the rules on permits granted pursuant to §35, subsection 1, local plans and exemptions if the appeal concerns a measure that has been implemented.

**§62.** Legal proceedings to challenge rulings on matters subject to this Act shall be instituted within six months after the ruling is communicated. For rulings that are promulgated, the deadline for instituting legal proceedings shall be calculated from promulgation.

Subsection 2. Legal proceedings to challenge rulings made by an association in accordance with authority delegated by the municipal council, cf. §21, subsection 1, may not be instituted before the

right to appeal to the municipal council in accordance with §58a has been exercised.

Subsection 3. Infringement of the provisions of a local plan or one of the by-laws or plans, etc. in force in accordance with §68, subsection 2 may be prosecuted as a civil suit against the person who has committed the infringement or is responsible for the continuation of the illegal situation. This shall not apply, however, to legal proceedings on legalization of a situation if exemption is granted in accordance with the stipulations in §19 or §40.

Subsection 4. Matters that may be brought before the valuation authorities, cf. §50, may not be brought before the courts until the appellate valuation commission has reached a decision.

Subsection 5. Legal proceedings on expropriation in accordance with this Act shall be instituted before the high court that has jurisdiction for the property.

## Part 15

### *Legalization and penalties*

**§63.** The current owner of a property shall be responsible for rectifying an illegal situation. If the infringement comprises illegal use of the property, the user shall also be subject to the same responsibility.

Subsection 2. The authorities mentioned in §51 may cause an order to rectify an illegal situation to be registered in the land registry at the owner's expense. When this situation is rectified, the authority concerned shall cause the order to be removed from the land registry.

Subsection 3. If an order served by judgement to rectify an illegal situation is not obeyed within the deadline established by the judgement, and collection of fines cannot be expected to lead to compliance with the order, the authority concerned may rectify the illegal situation at the owner's expense. The authority may distrain for this expense.

**§64.** Unless a higher penalty is applicable in accordance with other legislation, a fine shall be imposed on anyone who:



- 1) infringes the provisions of a local plan or one of the by-laws or plans, etc. in force in accordance with §68, subsection 2;
- 2) infringes §35, subsection 1, §39 or §40, subsection 1;
- 3) does not comply with conditions associated with a permit or exemption, etc. granted in accordance with this Act or with the instructions or plans prepared in accordance with this Act, or does not comply with the stipulations of the municipal council in accordance with §37, subsection 2; or
- 4) fails to comply with an order or a ban issued in accordance with this Act or the instructions or plans prepared in accordance with this Act, including an order to rectify an illegal situation.

Subsection 2. Fines may be imposed for the violation of the provisions of rules established pursuant to §6c, subsection 3.

Subsection 3. Companies and the like (legal persons) may be penalized in accordance with the rules of Part 5 of the Criminal Justice Act.

## Part 16

### *Provisions governing coming into force and transitional measures*

**§65.** This Act shall come into force on 1 January 1992. §41, however, shall come into force on 1 October 1991. §67, subsection 1, no. 5 shall come into force when the Minister for Environment and Energy promulgates the repeal of §3, subsection 3 on the establishment of the board on the obligation to offer certain land for sale to the municipality in Act No. 328 of 18 June 1969 on the obligation to offer certain land for sale to the municipality before putting them on the market.

**§66.** Cases brought before the Minister for Environment and Energy, the National Agency for Physical Planning, the Environmental Appeals Board or the board on the obligation to offer certain land for sale to the municipality before this Act comes into force shall be completed in accordance with the previously applicable rules. The same applies to plan proposals if the proposal is published before 1 January 1992. Plan proposals may, however, be completed in accordance with the

previously applicable rules if the proposal is published before 1 July 1992.

**§67.** When this Act comes into force, the following are hereby repealed:

- 1) the National and Regional Planning Act, cf. Consolidated Act No. 921 of 22 December 1989;
- 2) the Municipal Planning Act, cf. Consolidated Act No. 918 of 22 December 1989;
- 3) the Urban and Rural Zones Act, cf. Consolidated Act No. 919 of 22 December 1989;
- 4) Act No. 123 of 1 April 1980 on expropriation for urban development;
- 5) Act No. 328 of 18 June 1969 on the obligation to offer to sell large properties in an urban zone to the municipality before putting them on the market;
- 6) Act No. 305 of 30 June 1922 on certain provisions on the sale of lots;
- 7) Part 2 and §12, subsection 3 of the Act on Summer Cottages and Camping, etc., cf. Consolidated Act No. 920 of 22 December 1989;
- 8) and §3 of Act No. 207 of 25 May 1983 on amendments to the Act on Summer Cottages and Camping, etc.;
- 9) subsection 1, no. 1 and 2, subsections 3 and 5, §27, §28 a-28 d and §28 f, subsection 1, no. 1 and 2 and subsection 3 of the Act on Municipal Experimentation, cf. Consolidated Act No. 571 of 8 August 1990.

Subsection 2. When the Act comes into force, the following changes shall be effected:

- 1) In §7, subsection 1 of the Act on taxation of profit from sale of real property, cf. Consolidated Act No. 558 of 16 September 1988, as last amended by Act No. 386 of 13 June 1990, the Municipal Planning Act shall be changed to the Planning Act.
- 2) In §8 A of the Betterment Charge Act, cf. Consolidated Act No. 441 of 26 September 1985, as last amended by Act No. 138 of 7 March 1990, §2 A of the Urban and Rural Zones Act shall be changed to §45 of the Planning Act.
- 3) In §4 A and §14, subsection 5 of the Valuation of Real Property Act, cf. Consolidated Act No. 437 of 14 August 1984, as last amended by Act No. 59 of 7 February 1990, the Urban and Rural Zones Act shall be changed to the Planning Act.

**§68.** Regional, municipal and local plans that are produced in accordance with the previous planning acts shall remain in force until they are amended in accordance with the stipulations in this Act.

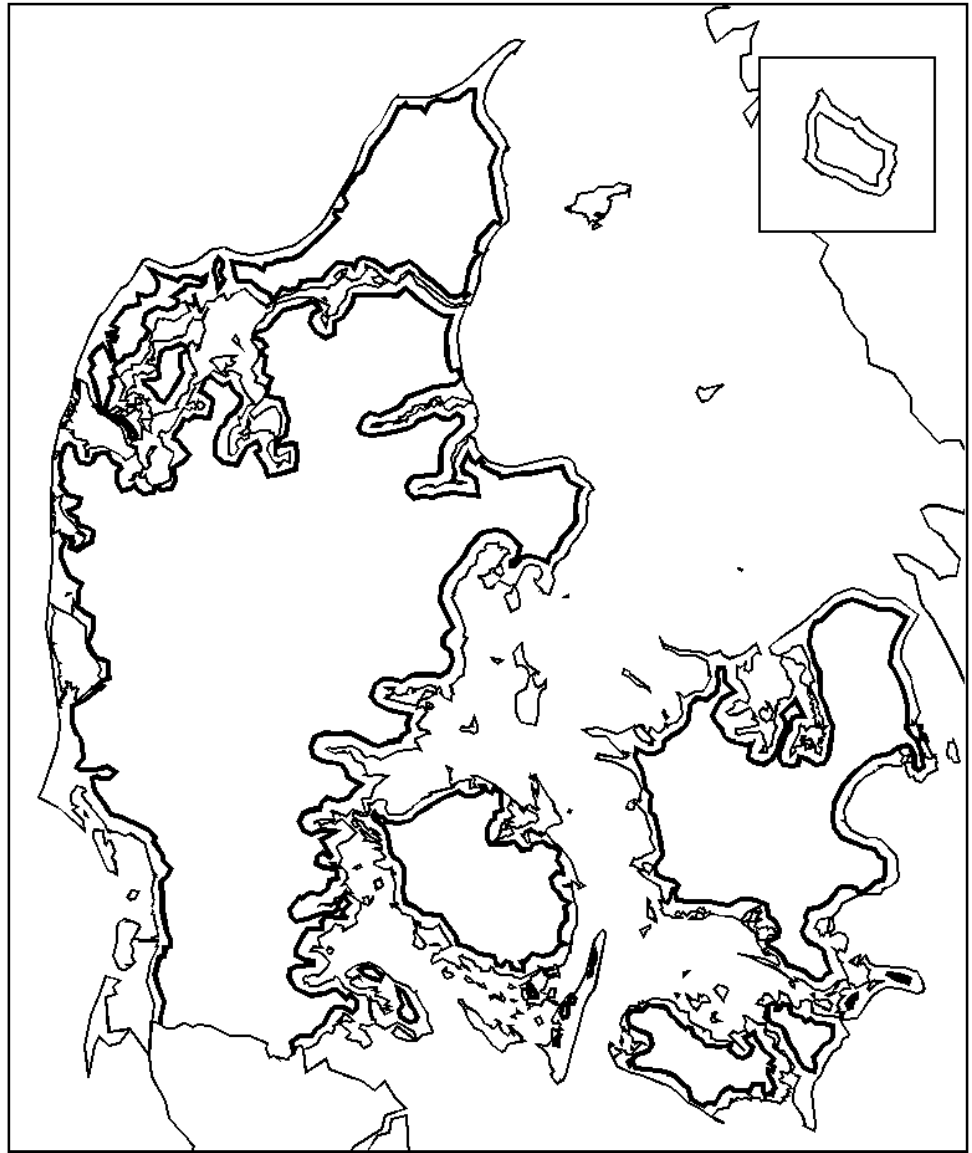
Subsection 2. The following plans, etc. in accordance with the previous building and town planning legislation shall lapse to the extent that they are irreconcilable with a local plan, and may also be repealed by the provisions of a local plan: town planning by-laws, field plans, regulation plans, implementation plans, plans for the exchange of real property, decisions banning construction in an area and decisions preserving the external appearance of buildings.

**§69.** Announcements, circulars and guidelines in accordance with previous planning legislation, cf. §67, subsection 1, no. 1-8, shall remain in force until they are repealed or replaced by instructions in accordance with this Act.

Subsection 2. Regulations on municipal experimentation that have been approved in accordance with the provisions mentioned in §67, subsection 1, no. 9 shall continue to apply until the end of 1993.

**§70.** This Act shall not apply to the Faroe Islands and Greenland.

Map



— Boundaries of the coastal zone in Denmark.  
The coastal zone covers all of Denmark's  
coasts and comprises areas  
in summer cottage areas and rural zones, cf.  
§5a, subsection 3.

The coastal parts of urban zones are not part of  
the coastal zone; they are governed by the  
provisions of §5a, subsection 4.

A detailed map of the boundaries of the coastal  
zone was prepared in a scale  
of 1:100,000 in connection with Guideline No. 76 of  
27 April 1993 from the Ministry of Environment and  
Energy.