

***The Planning Act in Denmark  
Consolidated Act No. 813 of 21 June 2007***

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***Translation***

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## **Revised Planning Act in Denmark, 2007**

People use planning to form the surroundings of daily life.

Planning should be based on visions of how we want to live now and in the future and what we need to preserve from the past.

Planning is both the basis for and the concrete result of policy-making.

Planning requires a legal basis.

The Minister for the Environment has revised and updated the Planning Act as a consequence of the reform of local government structure in Denmark, which was fully implemented by 1 January 2007.

The new Planning Act transfers most of the planning responsibility to the new municipalities, giving them almost full planning control of both urban areas and the open countryside.

One main task of the five new administrative regions is preparing a regional perspective for future spatial development in cooperation with the new municipalities.

This publication contains a translation into English of this latest version of the Planning Act.

It consists of 70 sections and regulates the national, regional and local levels.



## **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:

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

## **Part 2**

### **National planning**

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

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<sup>1</sup> This Act contains provisions that implement parts of European Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment (*Official Journal of the European Communities*, 1985: **L 175** (5 July): 40–48), as latest amended by Directive of the European Parliament and of the Council 2003/35/EC on providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC.

Subsection 2. After each new election to the Folketing (parliament), the Minister for the Environment shall submit a report on national planning to be used in the regional spatial development planning and municipal planning. The Minister may otherwise, to the extent necessary, submit a report on the national planning interests related to special topics to be used in the regional spatial development planning and municipal planning.

Subsection 3. The national planning report, cf. subsection 2, shall encompass the special conditions significant for spatial planning in Greater Copenhagen.

Subsection 4. The Minister for the Environment shall publish, at least every four years, one or more reports describing the state of the environment in Denmark and Denmark's policy on nature and the environment, with the involvement of affected nationwide nongovernmental organizations related to the environment, business, the labour market and consumer affairs.

**§2a.** The Minister for the Environment shall publish every four years an overview of the state interests in municipal planning, including the interests that are established pursuant to this Act and other legislation.

**§3.** To ensure the protection of national planning interests, including ensuring the quality of planning, the Minister for the Environment may establish rules governing the use of authority granted by this Act and the content of planning in accordance with this Act.

Subsection 2. The Minister for the Environment may confer the legal status of a municipal plan on rules established in accordance with subsection 1. In special cases, the Minister may also determine that development projects envisaged in a rule established 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 the Environment may require regional councils and municipal councils to make use of the provisions of this Act, including producing a plan with a specified content.

Subsection 4. In special circumstances, the Minister for the Environment may decide to assume the authority granted to regional councils and to

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 the Environment may provide financial support and exempt the regional and municipal councils from complying with the provisions of this Act.

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

**§5.** [Repealed]

## **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 the Environment 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, §11a, no. 18, §11e, subsection 1, no. 7 and subsection 2, §11f, §16, subsections 3 and 5, §29 and §35, subsection 3 shall apply to the coastal zone.

Subsection 4. The provisions of §11f, 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, development projects on land that require 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, cf., however, subsection 2.
- 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.

Subsection 2. The Minister for the Environment may establish rules in accordance with §3, subsection 1, and subsection 2, point 1 that dispense from the provisions of subsection 1, no. 3, such that existing summer cottage areas within the coastal zone, and mainly in Denmark's small-town (peripheral) regions, may be expanded through the provisions of a local plan, when the expansion occurs behind a summer cottage area and in the direction away from the coast. Existing summer cottage areas may only be expanded outside areas governed by §8 and §15 of the Protection of Nature Act on dune conservation and beach protection and within a total of maximum 8,000 new summer cottage lots in Denmark as a whole. In determining which summer cottage areas may be expanded, the Minister shall ensure that the expansion will not set aside important nature protection and landscape interests and that the expansion may be expected to affect the local economy.

Subsection 3. The requirements of subsection 2 on the location of new summer cottage areas may be dispensed with on Denmark's small islands if this is found to be justified based on an overall balancing of nature protection interests, landscape interests and the expected effects on the local economy.

## **Part 2b**



**[Repealed]**

**Part 2c**

**Planning in Greater Copenhagen**

**§5h.** Pursuant to this Act, Greater Copenhagen shall include the municipalities in the Capital Region (except for the Regional Municipality of Bornholm) and the Municipalities of Bramsnæs, Greve, Gundsø, Hvalsø, Køge, Lejre, Ramsø, Roskilde, Skovbo, Solrød, Stevns and Vallø.

**§5i.** Municipal planning in Greater Copenhagen shall be carried out based on an assessment of spatial development in Greater Copenhagen as a whole and shall ensure that the main principles of the overall finger city structure are continued. Urban development of regional significance shall be coordinated with the expansion of the overall infrastructure of Greater Copenhagen, with special consideration for public transport services.

Subsection 2. The Minister for the Environment shall make available information on spatial development in Greater Copenhagen for the purposes of municipal planning in Greater Copenhagen.

**§5j.** Municipal planning in Greater Copenhagen shall ensure that:

- 1) urban development and urban regeneration in the core urban region take place within existing urban zones and with consideration for the opportunities to strengthen public transport services;
- 2) urban development and new urban functions in the peripheral urban region (the finger city) be located with consideration for the existing and decided infrastructure and for the opportunities to strengthen public transport services;
- 3) the green wedges are not converted to urban zones or used for urban recreational facilities; and
- 4) urban development in the rest of greater Copenhagen is local in nature and takes place in connection with municipal centres or as the completion of other urban communities.

Subsection 2. The Minister for the Environment shall establish rules pursuant to §3, subsection 1 that divide Greater Copenhagen into:

- 1) the core urban region;
- 2) the peripheral urban region (the finger city);
- 3) the green wedges; and
- 4) the rest of Greater Copenhagen.

Subsection 3. Municipal planning in Greater Copenhagen shall ensure overall reservation of land for future transport infrastructure, technical installations, noise impact areas and the like that are significant for the development of Greater Copenhagen as a whole.

Subsection 4. The Minister for the Environment shall establish rules pursuant to §3, subsection 1 that concretize the overall principles for planning in Greater Copenhagen specified in §5i and in subsections 1 and 3. The Minister for the Environment may, as part of this, make minor dispensations from subsection 1.

**§5k.** The regional spatial development plans that cover Greater Copenhagen shall respect the rules established for municipal planning, cf. §5j.

## **Part 2d**

### **Planning of retail trade**

**§5l.** 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.

**§5m.** The areas designated for retail trade purposes shall be located in the centre of a town or city (town centre). In towns and cities with 20,000 or more inhabitants, areas for retail trade purposes may further be designated in the centre of a district in a town or city (district centre). New secondary centres may only be established in Greater Copenhagen and in Aarhus.

Subsection 2. Town centres and district centres shall be delimited using a statistical method that is based on the presence and concentration of several functions, including retail trade, cultural services and events and public services. The Minister for the Environment shall establish rules governing the statistical method to be used, including ones governing the ability to dispense from the method based on a documented need for additional land to be used for retail trade purposes.

Subsection 3. The existing delimitation of town centres and district centres in municipal plans may be maintained regardless of the stipulations in subsection 2. If the delimitation is changed, this shall take place in accordance with the rules issued pursuant to subsection 2.

Subsection 4. For Greater Copenhagen, the Minister for the Environment shall establish, pursuant to §3, subsection 1, the location of town centres, district centres and secondary centres, including town centres and secondary centres in which large shops may be constructed, cf. §5q, subsection 2. In the core urban region of Greater Copenhagen, cf. §5j, subsection 2, more than one town centre may be designated.

Subsection 5. For Aarhus, the Minister for the Environment shall establish, pursuant to §3, subsection 1, the location of secondary centres in which large shops may be constructed, cf. §5q, subsection 2.

**§5n.** Outside town centres and district centres, it shall be permitted:

- 1) to designate land areas for retail trade purposes in a local centre that solely serves a limited part of a town or town district, a village, a summer cottage area or the like;
- 2) to locate detached shops that solely supply general goods to a local area;
- 3) to designate land areas for shops that solely sell motor vehicles, pleasure boats, campers, plants, gardening supplies, lumber, construction materials, gravel, stone and concrete products and furniture (types of goods that require unusually large quantities of floor space), cf., however, §11e, section 7; and
- 4) to designate land for small shops, in connection with the production facilities of a company, that sell the company's products.

Subsection 2. In shops that sell lumber and construction materials, cf. subsection 1, no. 3, a special section may be established for goods that do not require unusually large quantities of floor space but are used in

connection with lumber and construction materials.

**§5o.** In connection with petrol stations, railroad stations, airports, stadiums, detached tourist attractions and the like that are located outside the areas covered by §5m and §5n, land may be designated for shops to serve the customers who otherwise use the installation because of its primary function.

**§5p.** In towns with 20,000 to 40,000 inhabitants, the total gross floor space for retail trade purposes in a district centre may not exceed 5000 m<sup>2</sup>. In towns with more than 40,000 inhabitants, the municipal council shall establish the maximum total gross floor space permitted for retail trade purposes for each district centre.

Subsection 2. In a local centre, the maximum total gross floor space permitted for retail trade purposes may not exceed 3000 m<sup>2</sup>.

Subsection 3. In a secondary centre, the maximum total gross floor space permitted for retail trade purposes may not be increased to more than the amount specified in the regional planning guidelines in force on 1 January 2007, cf., however, subsection 4.

Subsection 4. The maximum total gross floor space permitted for retail trade purposes in secondary centres governed by §5q, subsection 2 may, regardless of subsection 3, be increased for specialty shops that have a gross floor space exceeding 2000 m<sup>2</sup> if justification is presented for why the shop cannot be located in the town centre, cf. §11e, subsection 6.

**§5q.** In town centres, district centres and secondary centres, it shall be prohibited to establish shop sizes that exceed 3500 m<sup>2</sup> of gross floor space for general shops or 1500 m<sup>2</sup> of gross floor space for specialty shops, cf., however, subsection 2.

Subsection 2. In town centres in towns with more than 40,000 inhabitants and in secondary centres in Greater Copenhagen and Aarhus, cf. §5m, subsections 4 and 5, and in secondary centres in Odense, Aalborg and Esbjerg, as they are delimited in the regional planning guidelines in force on 1 January 2007, the municipal council may, in connection with the publication of a strategy for municipal planning every four years, cf. §23a, subsection 1, point 1, decide to revise the municipal plan with the aim of

establishing shop sizes for no more than three new specialty shops exceeding 2000 m<sup>2</sup> of gross floor space each in each town and, in Greater Copenhagen, each secondary centre.

Subsection 3. The size of shops for each shop in a local centre and for detached shops that solely serve a local area shall be prohibited from being established as exceeding 1000 m<sup>2</sup> of gross floor space.

Subsection 4. The municipal council shall establish the size of shops that solely sell types of goods that require unusually large quantities of floor space, cf. §5n, subsection 1, no. 3.

Subsection 5. The size of shops for the special section with goods that do not require unusually large quantities of floor space but that are used in connection with lumber and construction materials shall be prohibited from being established as exceeding 2000 m<sup>2</sup> of gross floor space.

**§5r.** New shops that are constructed based on local plans published before 1 July 2007 that do not stipulate the maximum size of shops shall be prohibited from exceeding 3500 m<sup>2</sup> of gross floor space for general shops, 2000 m<sup>2</sup> of gross floor space for specialty shops and 1000 m<sup>2</sup> of gross floor space for shops that solely serve a local area.

Subsection 2. Existing shops that were established legally may be part of new planning measures regardless of the provisions of §5m, §5n, §5o, §5p, §5q and §5r.

**§5s.** The Minister for the Environment shall submit a report every four years to a committee established by the Folketing. The report shall describe and assess trends in the municipal and local planning related to the structure of retail trade based on the provisions of §1, §5l, §5m, §5n, §5o, §5p, §5q and §5r.

**§5t.** The gross floor space for retail trade purposes shall be calculated in accordance with the provisions of the building regulations governing 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.

Subsection 2. The calculation of the gross floor space may include deductions for space for the employee canteen, employee toilets, employee fitness facilities and employee break rooms, with a maximum of 200 m<sup>2</sup>.

**Part 3**

**Regional spatial development planning**

**§5g.** [Repealed]

**§6.** [Repealed]

**§6a.** [Repealed]

**§6b.** [Repealed]

**§6c.** [Repealed]

**§6d.** [Repealed]

**§7.** [Repealed]

**§7a.** [Repealed]

**§8.** [Repealed]

**§9.** [Repealed]

**§10.** [Repealed]

**§10a.** Each administrative region shall have a regional spatial development plan that is produced by the regional council.

Subsection 2. It is prohibited for the regional spatial development plan to contradict rules established or decisions made pursuant to §3 or published proposals for such rules or decisions, cf. §22a, subsection 1.

Subsection 3. Based on comprehensive assessment, the regional spatial development plan shall describe a desired future spatial development for the administrative region's cities and towns, rural districts and small-town (peripheral) regions and for:

- 1) nature and the environment, including recreational purposes;
- 2) business, including tourism;
- 3) employment;
- 4) education and training; and
- 5) culture.

Subsection 4. The regional spatial development plan shall describe:

- 1) the relationships between future spatial development and the state and municipal spatial planning for infrastructure;
- 2) the context for any cooperation between the public authorities in countries bordering on the administrative region on topics related to spatial planning and spatial development; and
- 3) the action that the regional council will take to follow up the regional spatial development plan.

Subsection 5. The regional spatial development plan shall contain a map that illustrates the content of the plan specified in subsection 3 with general, non-precise indications.

Subsection 6. To the extent that this is possible pursuant to other legislation, the regional councils may promote the implementation of the regional spatial development plan by providing financial support to municipalities and nongovernmental entities for specific projects.

Subsection 7. The regional council may make proposals for municipal and local planning to the municipal councils in the administrative region.

**§10b.** The Bornholm Municipal Council shall prepare a regional spatial development plan for Bornholm.

Subsection 2. The Bornholm Municipal Council may, however, no more than 6 months after the regional and local election period begins, inform the Capital Regional Council that the Bornholm Municipal Council would like the Regional Municipality of Bornholm to be included in the regional spatial development plan for the Capital Region.

## **Part 4**

# **Municipal planning**

**§11.** Each municipality shall have a municipal plan. The municipal plan shall cover a period of 12 years.

Subsection 2. Based on an overall assessment of development in the municipality, the municipal plan shall establish:

- 1) a general structure that outlines the overall objectives for development and land use in the municipality;
- 2) guidelines for land use etc., cf. §11a; and
- 3) a framework for the content of local plans for the specific parts of the municipality, cf. §11b.

Subsection 3. The delimited areas that are associated with the guidelines and framework of the municipal plan shall be shown on a map.

Subsection 4. The municipal plan shall not contradict:

- 1) the desired future spatial development described in the regional spatial development plan;
- 2) rules established or decisions made pursuant to §3 and §5j;
- 3) published proposals for establishing rules pursuant to §3 and §5j, cf. §22a, subsection 1.
- 4) a water resources plan, a Natura 2000 plan, action plans for the implementation of these plans, cf. the Act on environmental objectives etc. for water resources and international nature protection areas (Environmental Objectives Act) or rules established pursuant to §36, subsection 3 of that Act;
- 5) a Natura 2000 forest plan, cf. Part 4 of the Forest Act; or
- 6) a raw materials plan, cf. §5a of the Raw Materials Act.

**§11a.** The municipal plan shall contain guidelines on:

- 1) the designation of areas as urban zones and summer cottage areas;
- 2) the location of areas designated for various urban land uses, such as residential purposes, business purposes, the location of public institutions, service purposes, urban regeneration areas etc.;
- 3) the municipal structure of retail trade, including the delimitation of the



central part of a town or city district and any secondary centres, and establishing the maximum permitted gross floor space for retail trade purposes and the maximum permitted gross floor space for the individual shops in the specific parts of the municipality, cf. §5l, §5m, §5n, §5o, §5p, §5q and §5r.

- 4) the location of transport facilities;
- 5) the location of technical installations;
- 6) the location of areas designated for enterprises, etc. that require special siting to prevent pollution;
- 7) the location of the projects specified in §11g;
- 8) ensuring that areas exposed to noise are not designated for noise-sensitive purposes unless the future use can be secured against noise nuisance, cf. §15a;
- 9) the location of areas to be used for leisure purposes, including allotment garden areas and other recreational areas;
- 10) the administration of agricultural interests, including designating and protecting especially valuable agricultural areas;
- 11) the location of afforestation areas and areas where afforestation is not desired;
- 12) low-lying areas, including the location of low-lying areas that can be re-established as wetlands;
- 13) the administration of interests in nature protection, including the location of nature reserves with special interests in nature protection, of ecological corridors and of potential nature reserves and potential ecological corridors;
- 14) securing the cultural and historical assets worthy of conservation, including the location of valuable cultural environments and other important cultural and historical assets worthy of conservation.
- 15) securing the landscape assets worthy of conservation and the location of areas with valuable landscape features, including large, cohesive landscapes;
- 16) securing the geological assets worthy of conservation, including the location of areas with special geological value;
- 17) the use of watercourses, lakes and coastal waters;
- 18) land use in the coastal zone in accordance with the provisions of §5a, subsection 1 and §5b; and
- 19) the implementation of rules established or decisions made pursuant to §3 and §5j of this Act.

**§11b.** 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) areas designated for mixed urban uses;
- 3) matters related to development, including a framework for conserving settlements or urban environments;
- 4) urban renewal in existing urban communities;
- 5) urban regeneration areas, in which the use of buildings and undeveloped land used for business purposes, harbour purposes or similar activities is to be changed to residential purposes, public institutional purposes, urban centre purposes, recreational purposes or business purposes that are compatible with using the land for residential purposes;
- 6) the supply of public and private services;
- 7) areas for retail trade purposes, including a framework for the maximum permitted gross floor space for new construction and conversion of existing sites for retail trade purposes and the maximum permitted gross floor space for the individual shops;
- 8) institutions and technical facilities, including heat supply;
- 9) recreational areas, including allotment garden areas, cf. §11c;
- 10) transport services;
- 11) the transfer of areas to urban zones or summer cottage areas;
- 12) the chronological order for development and changing the designated use of new areas for urban purposes, the urban regeneration areas specified in §4 and summer cottage areas;
- 13) the use of waters and the design of installations on waters in an urban regeneration area within or in connection with the outer jetties of a harbour.

Subsection 2. The municipal plan may contain guidelines for other matters than those specified in subsection 1 and §11a that may be significant for land use and development, including the location of land for the siting of buildings used for agricultural operations and operational facilities within the designated especially valuable agricultural areas, cf. §11a, no. 10.

**§11c.** The municipal council shall produce a framework for the content of local plans that ensures that land for allotment gardens near urban areas has been designated such that the quantity and location of land are in accordance with the development conditions and the opportunities to designate allotment garden areas in the municipality.

Subsection 2. Allotment gardens shall mean the plots of gardening land that are governed by the Allotment Gardens Act.

**§11d.** An urban regeneration area, cf. §11b, subsection 1, no. 5, shall be delimited such that it solely includes an area in which the use of land for business purposes, harbour purposes or the like that burdens the environment has ceased or is being phased out in a large majority of the area.

**§11e.** The municipal plan shall be accompanied by a report describing the premises on which the plan is based, including:

- 1) the anticipated chronological order for implementation;
- 2) the relationships between the municipal plan and the regional spatial development plan, cf. §10a and the adopted strategy for municipal planning, cf. §23a;
- 3) areas protected pursuant to other legislation and any land reserved pursuant to other sectoral legislation or legislation on project planning and on projects;
- 4) the provisions established by the water resources plan and Natura 2000 plan, cf. the Act on environmental objectives etc. for water resources and international nature protection areas (Environmental Objectives Act), and the Natura 2000 forest plan, cf. Part 4 of the Forest Act, that are relevant to the planning of land use within the geographical area covered by the municipal plan;
- 5) action plans for the implementation of the water resources plan and Natura 2000 plan pursuant to §31a and 46a of the Act on environmental objectives etc. for water resources and international nature protection areas (Environmental Objectives Act);
- 6) the provisions established by the raw materials plan, cf. §5a of the Raw Materials Act that are relevant to the planning of land use within the geographical area covered by the municipal plan;
- 7) the future development of the coastal zone and the adjacent waters;
- 8) the relationships between the municipal plan and the municipal planning in adjacent municipalities; and
- 9) the relationships between the municipal plan and the state transport plan and the plan for public transport services of the publicly owned transport companies.

Subsection 2. 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.

**Subsection 3.** The report on the part of the municipal plan that contains guidelines on the projects specified in §11g shall include an assessment of the likely effects on the environment.

**Subsection 4.** The report that covers the part of the municipal plan that includes guidelines for the supply of retail shops, cf. §11b, subsection 1, no. 7, 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) action plans for the implementation of the water resources plan and Natura 2000 plan pursuant to §31a and 46a of the Act on environmental objectives etc. for water resources and international nature protection areas (Environmental Objectives Act);
- 6) the provisions established by the raw materials plan, cf. §5a of the Raw Materials Act that are relevant to the planning of land use within the geographical area covered by the municipal plan;
- 7) the future development of the coastal zone and the adjacent waters;
- 8) the relationships between the municipal plan and the municipal planning in adjacent municipalities; and
- 9) the relationships between the municipal plan and the state transport plan and the plan for public transport services of the publicly owned transport companies.

**§11f.** The municipal council shall, when the municipal plan is revised, cf. §23a, subsection 2, points 1 and 2, 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 conservation-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) public access to the coast.

#### *Environmental impact assessment*

**§11g.** Projects that are likely to have significant effects on the environment shall not be initiated before guidelines are produced in the municipal plan on the location and design of the project with an accompanying environmental impact assessment, cf. §11e, subsection 3.

**Subsection 2.** In producing guidelines in the municipal plan for projects subject to subsection 1, the municipal council shall, before initiating the work on the report on the likely important effects of the project on the environment, publish a brief description of the main features of the proposed project and solicit ideas and suggestions to be used in establishing the content of the report.

**Subsection 3.** If a desired project is otherwise in accordance with the guidelines in the municipal plan, the municipal council shall produce a proposal for a supplement to the municipal 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 4. The Minister for the Environment may establish rules stating that projects subject to subsection 1 shall not be initiated without a permit from the municipal council or the Minister.

**§11h.** The Minister for the Environment may establish rules specifying which projects shall be subject to §11g. However, projects the details of which are adopted by a specific act shall always be excepted. The Minister for the Environment may also establish rules specifying the minimum information required to conduct environmental impact assessment.

Subsection 2. The Minister for the Environment may establish rules governing the public announcement of:

- 1) decisions stating that a project is subject to or not subject to the provisions of §11g;
- 2) decisions stating that a proposal for a supplement to the municipal plan for a project that is subject to the provisions of §11g 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 §11g, subsection 4 has been granted or has not been granted.

**§11i.** The Minister for the Environment may establish rules that allow the Minister to assume the obligations and powers of the municipal council for certain categories of projects subject to §11g.

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

Subsection 2. Within urban zones, the municipal council may object to 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 governed by a detailed town planning by-law or local plan produced prior to the municipal plan.

Subsection 3. Within urban zones and summer cottage areas, the municipal council may object to construction projects or changing the 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 governed by a local plan or town planning by-law.

## **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:

- 1) the municipal plan;
- 2) rules established or decisions made pursuant to §3 and §5j;
- 3) published proposals for establishing rules pursuant to §3 and §5j, cf. §22a, subsection 1.
- 4) a water resources plan or Natura 2000 plan, cf. the Act on environmental objectives etc. for water resources and international nature protection areas (Environmental Objectives Act), an action plan pursuant to §31a and §46a of that Act or rules established pursuant to §36, subsection 3 of that Act;
- 5) a Natura 2000 forest plan, cf. Part 4 of the Forest Act; or
- 6) a raw materials plan, cf. §5a of the Raw Materials Act.

**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 specified in subsection 2 is in compliance with the municipal plan or the regional and municipal plan for Bornholm, 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, unless the owner dispenses with the right to demand that the municipality assume ownership of the property pursuant to §47a, the expense of assuming ownership of the land in accordance with §47a. The municipality may require that the expenses incurred by the municipality in connection with preparing the local plan be reimbursed if the development project has not begun within 4 years after the land is transferred to an urban zone.

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

Subsection 6. The Minister for the Environment may establish specific rules governing the extent of the municipal council's powers and obligations 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 notice 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 governed 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) conserving landscape features in connection with the 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 governed 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, areas for leisure houses or urban regeneration areas, including compulsory membership and the right and obligation of the association to take responsibility for establishing, operating and maintaining common areas and facilities;
- 14) conserving existing buildings, so that buildings may only be demolished, converted or otherwise altered with a permit from 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 specified 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;
- 19) banning major construction projects in existing buildings, so that such projects may only be carried out with a permit from the municipal council or if they are required by a public authority in accordance with legislation;
- 20) establishing allotment associations for new allotment garden areas, including mandatory membership and the association's right and duty to adopt provisions that shall be subject to approval by the municipal council on the termination or annulment of contracts

governing the right of use and on the relinquishment of the right to use allotment gardens;

- 21) insulating new residential housing against noise in existing residential areas or areas for mixed urban uses, cf. §11b, subsection 1, no. 2;
- 22) requiring that new residential housing be constructed as low-energy housing, cf. §21a;
- 23) the use of waters in an urban regeneration area, cf. §11d, within or in connection with the outer jetties of a harbour; and
- 24) the design of installations on waters in an urban regeneration area, cf. §11d, within or in connection with the outer jetties of a harbour, including damming and filling, establishing fixed installations and placing fixed or anchored installations or objects and the placing of boats intended to be used for other purposes than pleasure sailing, dredging or excavating etc.

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 specified 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 the Environment may establish rules that allow local plans to contain provisions on matters other than those specified in subsection 2.

Subsection 7. In compliance with other legislation, the Minister for the Environment may establish rules 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 the Environment may also establish rules specifying 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.

**Subsection 9.** A local plan for an urban regeneration area with land being used for harbour purposes shall contain provisions that ensure that the public has access to the water.

**§15a.** A local plan may only designate land exposed to noise for noise-sensitive use if the plan can ensure that the future use will be without noise nuisance through noise-abatement measures, cf. §15, subsection 2, no. 12, 18 and 21.

**Subsection 2.** Local plans that are produced for lots in an area that the municipal plan has designated as an urban regeneration area may, regardless of subsection 1, designate noise-burdened land for noise-sensitive uses if the municipal council can ensure that the noise burden will end during a time period that does not substantially exceed eight years after the local plan adopted in final form has been published.

**Subsection 3.** In connection with urban renewal and the development of urban settlements that are of considerable importance to the municipality, and that are within the noise impact area surrounding drill grounds of the Danish Defence Forces and shooting and drill areas, the Minister for the Environment may, in special cases and after a statement has been solicited from the Ministry of Defence, allow minor dispensations from subsection 1, in which the noise level does not substantially exceed  $LC_{DEN}^2$  55 dB(A).

**§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

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2  $LC_{DEN}$  is the average noise level for day, evening and night.

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 effects on the visual environment of 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 projects subject to §11g shall be 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.

Subsection 7. The report accompanying a local plan as specified in §15a, subsection 2 shall contain information on how it will be ensured that the noise burden will end. A report that requires the implementation of noise-abatement measures on existing enterprises shall contain specific information on the basis for the assessment of each enterprise, and the information shall, to the extent possible, be produced in dialogue with the enterprises.

Subsection 8. The report accompanying a local plan proposal associated with entering into a development agreement, cf. §21b, shall contain information on how the content and design of the provisions of the local plan proposal are related to the development agreement.

**§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 the expiry of the time limit 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. A permit in accordance with subsection 2 may not be granted as long as an objection in accordance with §29, §29a or §29b is in force or in cases in which the Minister for the Environment 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 publicly announced in accordance with §30 and a maximum of one year after the proposal is published.

**§18.** When a local plan has been publicly announced 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 rules established or decisions made pursuant to §3 or an agreement with a state or regional authority may only be deviated from with the consent of the Minister for the Environment or the authority concerned, respectively.

Subsection 4. The municipal council shall grant exemptions from the provisions of a local plan governing the connection to a collective heat-supply facility as a condition for taking new buildings into use when the buildings are constructed as low-energy buildings.

**§20.** Exemptions in accordance with §19 may not be granted until two weeks after the municipal council has given written notice about the application to:

1) owners and users in the area governed 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, including the local cultural environment council; and
- 3) the locally based associations and the like and nationwide associations and organizations having the right to appeal decisions, cf. §59, subsection 2 that have notified 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 a time limit of 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 minor importance for the persons and associations specified in subsection 1, no. 1–3;
- 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. §10A of the Building Act; and
- 3) in case of exemptions granted pursuant to §19, subsection 4.

Subsection 3. The municipal council shall give notice 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 empower 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 give notice in accordance with the stipulations in §20.

Subsection 2. The Minister for the Environment may establish rules 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 parking fund established pursuant to the Building Act.

**§21a.** Low-energy buildings shall mean buildings that, at the time of the application for a building permit, fulfilled the energy-related stipulations for low-energy buildings established by the building regulations.

## **Part 5a**

# **Development agreements on infrastructure**

**§21b.** At the request of a property owner, a municipal council may enter into a development agreement with the property owner for areas designated as urban zones in the municipal plan, cf. §11a, no. 1.

Subsection 2. Development agreements may be entered into with the aim of:

- 1) achieving a higher quality or standard of the planned infrastructure in an area;
- 2) accelerating the local planning for an area designated for development through local planning by the framework provisions of the municipal plan, including urban regeneration, but for which local planning would contradict the provisions on the chronological order of development of the municipal plan; or
- 3) change or extend the development opportunities listed in the framework provisions of the municipal plan or the local plan for the relevant area on the condition that the property owner must only contribute to financing infrastructure that the municipality would not be required to establish.

Subsection 3. The development agreement may solely contain provisions stipulating that the property owner in full or in part shall construct or pay the expenses for the physical infrastructural installations that are to be established inside or outside the area to implement the planning provisions. The agreement may further stipulate that the property owner shall pay the expenses for preparing the municipal plan supplement and the local plan.

Subsection 4. Information that a draft of a development agreement exists shall be publicized simultaneously with the publication pursuant to §24 of the proposal for the municipal plan supplement and the local plan. §26, subsection 1, shall similarly apply to information on the draft of a development agreement.

Subsection 5. The municipal council's entering into a development agreement shall be adopted simultaneously with the adoption of the local

plan in final form, and information on the adoption of the development agreement shall be publicized. Information on the development agreement shall be accessible to the public. §31, subsection 1 shall similarly apply to the development agreement.

## **Part 6**

# **Producing and repealing plans**

## **§22. [Repealed]**

**§22a.** Before the Minister for the Environment submits a national planning report or a report on the national planning interests related to special topics, cf. §2, subsection 2, and before the Minister for the Environment establishes binding rules or guidelines pursuant to §3, subsection 1 or §5j, subsections 2 and 4, a proposal shall be published and be sent to the affected regional councils and municipal councils. The Minister for the Environment shall establish a time limit of at least eight weeks for the submission of comments on the published proposal.

Subsection 2. At the request of the Minister for the Environment, the regional councils shall coordinate the contributions of the municipal councils pursuant to subsection 1.

Subsection 3. Regional councils and municipal councils may submit proposals on national planning to the Minister for the Environment on their own initiative.

Subsection 4. Before a proposal for rules to be established pursuant to §5e, subsection 1 is prepared, the Minister for the Environment shall solicit ideas, proposals, etc. in preparation for the planning work.

Subsection 5. In special cases, the Minister for the Environment may grant dispensation from subsection 1 in connection with the establishment of rules pursuant to §3, subsection 1.

**§22b.** Regional spatial development plans shall be produced in accordance with the stipulations in this Part.

Subsection 2. Municipal and local plans shall be produced and amended in



accordance with the stipulations in this Part.

**§22c.** The regional council and Bornholm Municipal Council, respectively, shall publish a proposal for a regional spatial development plan before the end of the first half of the regional and local election period, cf., however, §10b, subsection 2.

Subsection 2. The regional council may otherwise publish a proposal for a regional spatial development plan when it considers this appropriate.

**§23.** [Repealed]

**§23a.** Before the end of the first half of the regional and local election period, the municipal council shall publish a strategy for municipal planning. The municipal council may, in addition, publish such a strategy whenever the council considers this necessary or appropriate. The municipal council shall, simultaneously with publication, send the adopted strategy to the Minister for the Environment and other state, regional and municipal authorities whose interests are affected as well as to the local cultural environment council.

Subsection 2. The strategy specified in subsection 1 shall contain information on the planning that has been carried out since the latest revision of the municipal plan, the municipal council's assessment of and strategy for development and the council's decision:

- 1) to revise the municipal plan as a whole; or
- 2) to revise the provisions of the municipal plan for special topics or areas of the municipality and to adopt parts of the municipal plan for a new period of four years.

Subsection 3. Any municipal councillor who demands to have his or her minority opinion on the plan proposal, cf. subsection 2, 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 4. The municipal council shall set a time limit of at least eight weeks for submitting ideas, proposals, etc. and comments on the published strategy.

Subsection 5. After the expiry of the time limit in accordance with subsection 4, the municipal council shall take a position on the submitted comments. In connection with this, the municipal council may adopt amendments to the published strategy.

Subsection 6. The municipal council shall publicly announce whether it has adopted amendments to the strategy and shall send a copy of the public announcement to the authorities specified in subsection 1.

**§23b.** When public announcement has been effected in accordance with §23a, subsection 6, the municipal council may prepare such proposals for the municipal plan or amendments thereto as have been decided on in the strategy.

**§23c.** The municipal council may produce proposals to amend the municipal plan that have not been decided on in a strategy that has been adopted and publicly announced in accordance with the rules in §23a. Before such proposals are prepared, the municipal council shall solicit ideas, proposals etc. in preparation for the planning work. For minor amendments to the framework of the municipal plan that do not contradict the main principles of the plan and insubstantial amendments to the general structure of the plan, the municipal council may, however, omit the solicitation of ideas, proposals, etc.

Subsection 2. The solicitation of ideas and proposals shall contain a brief description of the major issues in the forthcoming planning. The solicitation shall be effected by public announcement. The municipal council shall set a time limit for submitting ideas, proposals, etc.

**§23d.** If the municipal council proposes to revise the municipal plan, cf. §23a, subsection 2, no. 1 and 2, the council shall conduct an information campaign with the aim of promoting a public debate on the objectives and specific content of the revision of the plan. This may be carried out in connection with the publication of the strategy or in connection with the publication of the proposal to amend the municipal plan.

**§23e.** In connection with the publication of the strategy specified in §23a, the municipal council may carry out amendments to the municipal plan that are a direct effect of amendments to legislation if the amendment is binding for municipal planning and does not allow decision latitude within

municipal planning.

**§23f.** After the municipal plan undergoes major amendments, the municipal council shall produce an overview of the content of the plan and a consolidated version of the applicable provisions that the public shall have access to use.

**§24.** After the regional council or municipal council adopts a proposed plan, it shall be published. The municipal council shall simultaneously publish the accompanying report. At the time of publication, the time limit 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 or regional 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 regional council or municipal council shall set a time limit 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 the Environment, other state, regional and municipal authorities whose interests are affected by the proposal and the relevant national park fund created pursuant to the National Parks Act.

Subsection 2. Proposals for regional spatial development plans shall, simultaneously with publication, be sent to the other regional councils and the Bornholm Municipal Council and to the regional economic growth forums whose interests are affected by the proposal.

Subsection 3. Proposals for municipal plans and local plans that include matters related to the cultural heritage shall be sent to the local cultural environment council simultaneously with publication.

**§26.** Simultaneously with publication of a local plan proposal in accordance with §24, the municipal council shall give written notice 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 opinion of the municipal council; and
- 3) the locally based associations and the like and nationwide associations and organizations having the right to appeal decisions, cf. §59, subsection 2 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 time limit in accordance with §24, subsection 3, contain any minority opinions in accordance with §24, subsection 2 and inform about the stipulations in §17.

**§27.** After the expiry of the time limit in accordance with §24, subsection 3, the regional council 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 not be adopted until four weeks after the time limit for objections expires.

Subsection 2. When the plan is in the process of being adopted in final form, 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 proposal for a regional spatial development plan or municipal plan proposal, the Minister for the Environment shall have the opportunity to comment. The regional council or municipal council shall set a time limit 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 regional council or municipal council, in writing, that it objects to the proposal before the expiry of the time limit in accordance with §24, subsection 3 or §27, subsection 2. The proposal may then not be adopted until 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 the Environment, cf., however, §29b, subsection 3, point 1.

Subsection 3. Objections made pursuant to subsection 1 shall be justified.

Subsection 4. The provisions of subsections 1–3 shall similarly apply to objections made by the relevant national park fund pursuant to the rules in §29c.

**§29.** The Minister for the Environment shall submit objections made in accordance with §28 to a proposal for a regional spatial development plan, a municipal plan proposal and amendments to a municipal plan that are not in accordance with overall national interests. This obligation shall not apply, however, if the matter is of minor importance.

Subsection 2. The Minister for the Environment shall submit objections made in accordance with §28 to local plans that govern areas in the coastal zone if the proposed plan contradicts the provisions of §5a, subsection 1, §5b, §11f or §16, subsection 3. This obligation shall not apply, however, if the situation is of minor importance in relation to the national planning interests in the coastal areas, cf. §1.

Subsection 3. A state authority may submit objections made in accordance with §28 to a local plan proposal based on the special considerations the authority safeguards.

**§29a.** The regional council may submit objections made in accordance with §28 to municipal plan proposals and proposed amendments to municipal plans if the proposed plan contradicts the regional spatial development plan.

Subsection 2. The regional council shall inform the Minister for the Environment of any objections submitted in accordance with subsection 1. If the regional council withdraws an objection, the Minister for the Environment shall similarly be notified.

**§29b.** A municipal council may submit objections to plan proposals from an adjacent municipality if the proposal has considerable importance for the development of the municipality.

Subsection 2. A municipal council in Greater Copenhagen may submit objections to plan proposals from other municipalities in Greater Copenhagen if the proposal has considerable importance for the development of the municipality.

Subsection 3. The parties may bring unresolved issues in accordance with subsections 1 and 2 before the regional council. If the municipalities are not located in the same administrative region, the Minister for the Environment shall decide the case.

**§29c.** The relevant national park fund may submit objections pursuant to §28 to a plan proposal if the proposal is of considerable importance for the development of the national park.

**§30.** The regional council or municipal council shall publicly announce the adoption of the plan in final form and send it to the authorities specified in §25. The plan shall be accessible to the public.

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

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

- 1) owners of the properties governed by the plan;
- 2) anyone who, in due time, has submitted objections, etc. to the plan proposal; and
- 3) the authorities specified in §25 and the associations specified 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.

**§31a.** The Minister for the Environment may establish rules stipulating that the obligation of the municipal council in accordance with §23a, subsections 1 and 6, §25, subsection 1, §30, subsection 1 and §31, subsection 1, no. 3 to send plans, plan proposals and municipal planning strategies to the public authorities whose interests are affected shall be carried out by the municipal council sending plans, plan proposals and municipal planning strategies in digital form to the registry that the Minister for the Environment has created pursuant to §54b together with information on which public authorities shall be informed.

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

Subsection 2. A local plan shall lapse if it is not publicly announced in accordance with §30 within eight 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 not be taken until after the owners of the affected areas have had the opportunity to comment. The municipal council shall set a time limit for this purpose of at least eight weeks.

Subsection 3. The municipal council shall inform the Minister for the Environment and the relevant owners of decisions made pursuant to subsection 1.

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

## **Part 6a**

## **Local Agenda 21**

**§33a.** Before the end of the first half of the regional and local election period, regional councils and municipal councils shall publish a report on their strategy for the contribution of the administrative region or municipality to sustainable development in the twenty-first century with information on how this work will be carried out in a holistic, interdisciplinary and farsighted manner and how the public, enterprises, organizations and associations will be involved in this work (Local Agenda 21).

Subsection 2. The strategy of the regional council shall contain the regional council's political objectives for the future work within the following priority areas:

- 1) reducing the negative effects of human activity on the environment;
- 2) promoting sustainable regional development;
- 3) involving the general public and business in Local Agenda 21 work;  
and
- 4) promoting interaction between decisions on environmental, transport, business, social, health, educational, cultural and economic factors.

Subsection 3. The strategy of the municipal council shall contain the municipal council's political objectives for the future work within the following priority areas:

- 1) reducing the negative effects of human activity on the environment;
- 2) promoting sustainable urban development and urban regeneration;
- 3) promoting biological diversity;
- 4) involving the general public and business in Local Agenda 21 work;  
and
- 5) promoting interaction between decisions on environmental, transport, business, social, health, educational, cultural and economic factors.

Subsection 4. The report specified in subsection 1 shall be sent to the Minister for the Environment simultaneously with publication.



**§33b.** Every four years, the Minister for the Environment shall submit a report on Local Agenda 21 work in the administrative regions and municipalities to a committee established by the Folketing. The report shall be produced in cooperation with the associations of regional councils and municipal councils.

## **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:

- 1) areas allocated to summer cottage development by a building by-law or a town planning by-law; and
- 2) 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 a permit from the municipal council, 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. A permit 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 §11g, subsection 1 or the obligation to produce a local plan in accordance with

§13, subsection 2 may not be granted until the necessary provisions in the municipal plan have been adopted in final form and the required local plan has been publicly announced.

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. Permits granted in accordance with subsection 1 may not be granted until two weeks elapses after the municipal council gives written notice to the neighbours to the relevant property about the application.

Subsection 5. The provisions of subsection 4 shall not apply if, based on the opinion of the municipal council, the matter being applied for is of minor importance for the neighbours.

Subsection 6. The applicant shall be notified in writing of decisions made pursuant to subsection 1.

Subsection 7. A decision made pursuant to subsection 1 shall contain information on the provisions of §59 and §60.

Subsection 8. Permits granted in accordance with subsection 1 shall be publicly announced. Public announcement is not necessary, however, if the permit is pursuant to a publicly announced local plan.

Subsection 9. The public announcement 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 §10, subsections 1 and 3 of the Agricultural Properties Act for joint operation with an existing agricultural property;
- 2) parcelling out of a forest property in accordance with §6, subsection 1, no. 5 and 6 of the Agricultural Properties 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 used for agriculture or forestry or for the practice of fishery;
- 5) parcelling out, construction or changed land use to the extent that this is ordered in a decision made in accordance with §19d and §19f of the Protection of Nature Act, stipulated by a conservation order issued in accordance with the Protection of Nature Act or 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 that does not result in the establishment of a new 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 a permanent dwelling, if the house's total gross floor space does not exceed 250 m<sup>2</sup>;
- 10) the transfer of a permanent dwelling to its use as a holiday dwelling;
- 11) parcelling out carried out based on acquisition in accordance with the Act on the consolidation of land and public sale and purchase of real property for agricultural purposes etc. (Land Consolidation Act) for the purposes of a regional land purchasing board;
- 12) building or fitting up in existing buildings a dwelling on an agricultural property the land area of which exceeds 30 ha if the new dwelling is to be used in connection with intergenerational succession or for an employee; and
- 13) construction to expand a small business in the open country that is legally established in a building previously used for agricultural purposes.

Subsection 2. A permit shall be obtained in accordance with §35, subsection 1, however, for the location and design of buildings as covered in subsection 1, no. 3, 12 and 13, that are built without connection to the property's previous built-up areas. For manure-storage installations, a permit shall be granted for a location desired in relation to field operations, unless important considerations related to the landscape, nature and the environment and to neighbours militate decisively against this location. A permit shall be conditional on the manure-storage installation being screened with vegetation and the installation being removed when it is no longer necessary for agricultural operations.

Subsection 3. Only in special circumstances may a permit be granted in accordance with §35, subsection 1 for parcelling out for a dwelling built on an agricultural property pursuant to the provisions of subsection 1, no. 12.

Subsection 4. The provisions of subsection 1, no. 12 and 13 shall not apply within the dune conservation line or the beach protection line pursuant to the Protection of Nature Act.

**§37.** Buildings that are no longer necessary for the operation of an agricultural property may, without a permit in accordance with §35, subsection 1, be taken into service for craft and industrial enterprises, small shops and a dwelling, cf., however, subsection 3, and for storage and office purposes, etc., if:

- 1) the enterprise or dwelling 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 facility may also be annexed to the buildings specified in subsection 1 in accordance with specific stipulations by the municipal council.

Subsection 3. If a property has several buildings previously used for agricultural purposes, a dwelling in accordance with subsection 1 may be established in only one of these buildings.

Subsection 4. Small shops and a dwelling may not be fitted up in accordance with subsection 1 in buildings previously used for agricultural purposes that are located within the dune conservation line or the beach protection line.

**§38.** Buildings for the enterprise specified in §37 may only be used after prior notice is given to 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 a permit from 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.

**§41.** A pensioner who owns a dwelling in a summer cottage area shall have a personal right to use the dwelling for permanent residence when he or she has owned the property for eight years. The change in the use of the dwelling to permanent residence shall not require a building permit process in accordance with §2, subsection 1, letter c of the Building Act. The right to permanent residence shall lapse, however, if the dwelling may not be used for permanent residence in accordance with the rules governing 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 65 years or more, a person aged more than 60 years who receives a pension or voluntary early-

retirement pension under the unemployment benefit system or person receiving anticipatory (disability) pension in accordance with the Social 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 shall no longer apply 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 shall have the right to continue using the dwelling for permanent residence.

Subsection 5. The right specified by subsections 3 and 4 shall lapse 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 shall not apply to easements imposed by public authorities in accordance with legislation.

## **Part 10**

## **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 pursuant to subsection 1 may not be taken until after the owners of the affected lots have had the opportunity to submit comments before a time limit set by the municipal council of at least eight weeks.

Subsection 4. The municipal council shall individually notify the owners concerned and the Minister for the Environment of the decisions taken in accordance with subsections 1 and 2. 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 Minister for the Environment of the compensation claim.

Subsection 4. An amicable arrangement on the amount of compensation shall be acceded by the Minister for the Environment. If an amicable

arrangement is not reached no later than eight weeks after the expiry of the time limit specified 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 shall pay one third of the municipal council's expenses for compensation and legal costs.

**§46a.** If a property or part of a property is transferred to a rural zone pursuant to §45, the betterment charge shall be repaid to the owner if the owner also owned the property or the part of the property transferred at the time of transfer.

Subsection 2. If the ownership of the transferred property or part thereof has been transferred to a person who, at the time of the ownership transfer belonged to the group of persons outlined in the provision in §7, subsection 2 of the Betterment Charge Act that applied at that time, the betterment charge shall be repaid to this person if this person is still the owner at the time the property is transferred to a rural zone.

Subsection 3. The betterment charge shall be repaid with the addition of interest at 4% per year calculated from the day paid.

Subsection 4. In cases in which the betterment charge has not been paid because the payment is under forbearance, the amount forborne shall be forgiven. Half of the forbearance interest paid shall be paid without changing the taxable income for previous years for the person who owned the property at the time the amount forborne was forgiven. If the betterment charge was paid after forbearance interest was paid, half the forbearance interest shall be repaid to the owner of the property if this owner is entitled to repayment of the charge pursuant to subsection 1 or 2.

## **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.

**§47a.** An owner of real property that is used for agriculture, market gardening, plant nursery or fruit orchards may, if the property in whole or in part is transferred from a rural zone to an urban zone or summer cottage area, within four years after the transfer, demand that the municipality assume ownership of the property or the part of it transferred for an amount to be determined by the valuation authorities pursuant to the same rules that apply to the expropriation of property pursuant to §47 and §50, cf., however, subsection 2.

**Subsection 2.** For properties transferred from a rural zone to an urban zone or summer cottage area before 1 January 2004, the final amount shall be determined pursuant to the previous provision in §2, subsection 1 in the Betterment Charge Act, cf. Consolidated Act No. 577 of 7 July 2002.

**Subsection 3.** The provisions of subsections 1 and 2 shall solely apply if the property, at the time the owner demands that the municipality assume ownership of the property, is still being used for agriculture, market gardening, plant nursery or fruit orchards.

**§48.** When a local plan or a town planning by-law reserves a property for public use, the owner may demand that the municipality assume ownership of 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 a permit from the municipal council, and such a permit 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 apply similarly 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, for assumption of ownership in accordance with §47a 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 rules 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 Minister for the Environment shall ensure compliance with §11g and rules established in accordance with §11g, subsection 4 and §11h to administer §11g for projects for which the competence has been assigned to the Minister in rules issued pursuant to §11i, subsection 1.

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

Subsection 4. The supervisory authority 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 supervisory authority 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 communication 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 communicate similar orders to every person who becomes 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 communicated 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 communicated pursuant to subsections 1 and 2 in the Civil Registration System simultaneously with the communication 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 public debt collection authority 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 the Environment shall assist the regional councils and municipal councils with guidance in accordance with this Act.

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

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

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

Subsection 5. The Minister for the Environment may further establish rules governing the exercise of the powers another state authority, after negotiations with the relevant minister, is empowered to exercise pursuant to subsection 3.

**§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 the Environment shall establish rules to comply with international agreements entered into in accordance with

subsection 1.

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

**§54a.** The Minister for the Environment may establish rules governing the opportunities for using digital communication within the field governed by this Act and on the more specific conditions for this.

**§54b.** The Minister for the Environment shall create a nationwide digital registry that shall contain information on plans produced pursuant to this Act. The registry shall further contain information on the plans specified in subsection 6. The operations, form and location of the registry shall be determined pursuant to negotiations with the municipal parties.

Subsection 2. The Minister for the Environment shall establish rules stipulating that the municipal council shall submit information digitally to the registry on proposals for and finally adopted local plans and on proposals for and finally adopted frameworks of municipal plans governing the content of local plans.

Subsection 3. The Minister for the Environment may establish rules stipulating that the municipal council shall submit information digitally to the registry on other topics in municipal plans.

Subsection 4. The registry shall be accessible to the public, and the use of the registry shall not be subjected to user charges.

Subsection 5. The Minister for the Environment shall establish rules governing the submission and reporting of plans and plan proposals etc. to the registry in a digital form by the municipal councils, including rules governing technical standards etc.

Subsection 6. The Minister for the Environment shall establish rules stipulating that urban development plans, building by-laws, local plans and frameworks of municipal plans governing the content of local plans, including information on zoning status, that are adopted in final form before 15 September 2006 shall be reported in digital form to the registry by a specific date. The Minister for the Environment may further establish

rules stipulating that the following plans etc. in accordance with the previous building and urban planning legislation shall be reported in digital form to the registry by a specific date to the extent that they are valid: field plans, regulation plans, implementation plans, plans for the exchange of real property, decisions banning construction in an area and decisions conserving the external appearance of buildings.

Subsection 7. The Minister for the Environment shall establish rules that ensure cohesion between the digital registry and the land registry in connection with changes related to the land registry related to properties governed by a local plan, including rules governing technical standards etc.

**§55.** Conditions associated with a permit or an exemption in accordance with this Act and provisions in accordance with §37, subsection 2 shall be binding for owners and other holders of property rights, regardless of when this right was created. The 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 a permit or exemption in accordance with this law, shall lapse if the right has not been used for three consecutive years.

**§57.** The employees of the Ministry of the Environment and the municipal council and persons empowered by these authorities shall 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 to be 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 specified in subsection 1.

**§57a.** The Minister for the Environment may require the regional councils and municipal councils to produce the information necessary to carry out national planning and information necessary to ensure a comprehensive overview of spatial development in Greater Copenhagen, cf. §51, subsection 2. The information may be required to be provided in a specific manner.

Subsection 2. At the request of the Minister for the Environment, the regional council or the municipal council, public authorities, concessionaires and similar companies shall provide the information that is necessary for national planning, the regional spatial development plan and municipal planning, respectively.

Subsection 3. Public authorities, concessionaires and similar companies shall provide information to the Minister for the Environment on the preparation and implementation of investigations, planning and major development projects that may be of importance to national planning.

Subsection 4. The municipal 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 municipality.

Subsection 5. At the request of the Minister for the Environment or the municipal council, private companies shall provide the information and carry out the investigations necessary to assess the environmental effects when they are considering carrying out the projects governed by §11g.

#### **Part 14**

### **Appeals and legal proceedings**

**§58.** The following may be appealed to the Nature Protection Board of Appeal, which was established pursuant to the Protection of Nature Act:

- 1) the decisions of the municipal councils pursuant to §35, subsection 1;
- 2) the decisions of the municipal councils pursuant to §47, subsection 1;
- 3) the decisions of the municipal council and the Minister for the Environment on permits issued in accordance with the rules established by the Minister for the Environment pursuant to §11g, subsection 4;
- 4) the decisions of the regional councils and municipal councils on other

matters subject to this Act in respect of legal questions, cf., however, subsection 2.

- 5) the decisions of the Minister for the Environment on other matters in cases in which the Minister has assumed the obligations and powers of the municipal council pursuant to rules established in accordance with §11, subsection 1 in respect of legal questions.

**Subsection 2.** The adoption by the municipal council of a municipal plan or a local plan may not be appealed to any other administrative authority in respect of the question of whether the plan contradicts the desired future spatial development specified in the regional spatial development plan, cf. §11, subsection 4, no. 1.

**Subsection 3.** The chairperson of the Nature Protection Board of Appeal may render rulings 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 4.** The rulings 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.

**§58b.** Objections related to development agreements, cf. §21b, may not be appealed to any other administrative authority.

**§59.** The Minister for the Environment and anyone else with a legal interest in the outcome of the case, including a national park fund created pursuant to the National Parks Act, shall have the right to appeal decisions in accordance with §58.

**Subsection 2.** Nationwide associations and organizations the main purpose of which is the protection of nature and the environment or the promotion of important users' interests within land use shall have the right to appeal decisions in accordance with §58, subsection 1, no. 1, 3, 4 and 5 on the condition that:

- 1) the association or organization has articles of association that document its purpose; and
- 2) the association or organization represents at least 100 members.



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

Subsection 2. Appeals in accordance with §58, subsection 1, no. 1 shall be submitted to the municipal council. The 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, 4 and 5, the Nature Protection Board of Appeal may decide that a permit granted by the municipal council or the Minister for the Environment 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 decision, 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 notified of the appeal. When the appeal is submitted to the municipal council, the municipal council shall immediately notify 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 a ruling on an appeal in accordance with §58, subsection 1, may dispense with the rules governing 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 or decision is communicated. For rulings that are publicly announced, the time limit for instituting legal proceedings shall be calculated from the time of public announcement.

Subsection 2. Legal proceedings to challenge decisions 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.

## **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 specified 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 time limit 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.

**§63a.** The public debt collection authority may collect unpaid amounts pursuant to §54, §55 and §63 owed to the public sector by withholding wages etc. pursuant to the rules for collecting personal taxes specified by the Withholding Tax Act.

Subsection 2. The public debt collection authority may forgive debts pursuant to §54, §55 and §63 in accordance with the rules in the Tax Collection Act.

**§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 §11g, subsection 4.

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 entering into force and transitional measures**

**§65.** This Act shall enter into force on 1 January 1992. §41, however, shall enter into force on 1 October 1991. §67, subsection 1, no. 5 shall enter into force when the Minister for the Environment 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 it on the market.

**§66.** Cases brought before the Minister for the Environment, 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 enters into force, the following shall hereby be 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) §2 and §3 of Act No. 207 of 25 May 1983 on amendments to the Act on Summer Cottages and Camping, etc.;
- 9) §24, subsection 1, no. 1 and 2, subsections 3 and 5, §27, §28a, §28b, §28c, §28d and §28f, 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 enters 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 §8A 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, *§2A of the Urban and Rural Zones Act* shall be changed to *§45 of the Planning Act*.
- 3) In §4A 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.