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Highrise in Brande - highlighting change in Danish urban planning

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Abstract

In recent decades, we have witnessed a move towards a further protection of central urban cores through introduction of retail planning in Denmark. Recent changes in legislation, has significantly changed these principles through a planning reform as proposed by the liberal government and adopted by Danish parliament in 2017. The change in legislation fits with a longer trend of liberalisation of spatial planning in Denmark since the mid-00's.

4th of June 2019 it was announced, that the building of a high-rise tower and accompanying shopping district was put on hold by the developer. A project proposed for outside the town of Brande, which due to its radical appearance had caused a stir in architectural- and urban planning communities. Before the 2017 planning reform, such a project would be impossible due to the retail planning sections in the Danish planning act.

This purpose of this article is to unfold the project in Brande, the change in legislation, which made it possible, and the precedence it sets for Danish urban planning. The change in planning legislation and practice is contextualised with a historical background for Danish urban planning, and the change in planning principles is set in an international- and theoretical context.

Keywords: urban planning, retail planning, planning legislation, regional planning

Introduction

Discussions on the notion of ‘the city’, regionalisation of cities, networked cities, fragmented urban landscapes and other terms used to describe phenomenon of the physical and functional layout of cities sits at the very core of architecture and urban planning as well as geography. In order to properly describe the more mundane and practical practices of urban development, a singular case study can often be of great use in order to reflect the given theory in actual urban developments thus contributing to a further understanding of a larger trend in practice. In this article I wish to give an insight to current developments in Danish urban planning legislation, using a current development as a case for discussing a liberalisation of spatial planning in Denmark.

4th of June 2019 it was announced, that the building of a high-rise tower and accompanying shopping district was put on hold even before construction started.



Figure 1 - Rendering of the proposed high-rise and building assemblage in Brande

The 320-meter tall high-rise was to be the visual cornerstone of a prominent and architecturally ambitious project, which was planned for the outskirts of the town of Brande in mid-Jutland. As a case, besides being spectacular, its status as a suburban mall highlights in a very concise matter, some of the consequences of the reform of the Danish planning act in 2017.

One of the most prominent changes in legislation is the reduction in state-level oversight regarding municipal planning, and the liberalisation of the retail planning section in the Danish planning act. I argue that these changes have the potential to significantly change the planning of Danish cities in practice thus altering their functional and architectural layout with regards to location of shopping and accompanying urban functions as well as changing the inter-municipal competition for investments. I wish to discuss the precedent that can be anticipated to be set by this case, and I aim to reflect the case through urban theory.

The ‘territorialisation’ of cities

Ever since the accelerating increase in individual based mobility from the 60’s and onward, there has been a parallel move concerning how we choose to describe and analyse our cities. As Nielsen, 2015, argues, there can be identified a move from a relatively static view as exemplified by Christaller, 1933/1966, where planning is a practice related to cities as being closely connected to their accompanying hinterland territories based on the services provided, to a more network-based approach. An approach perhaps most prominently argued by Castells 1996/2001, who argues an often-cited distinction between ‘spaces of flow’ and ‘spaces of place’. A theoretical framework, where for instance local nodes may be well-connected globally due to the ‘spaces of flow’ (i.e. capital, infrastructure, communication), while its immediate

surroundings may be *'[...]irrelevant or even dysfunctional[...]*' (Castells, 1996/2001, 411). Both Christaller and Castells base their academic positions on empirical studies, and both have the role of the hinterland as a main focus of their studies. Christaller with a more rational approach based on a uniformly distributed system of cities – understood on a certain scale level, and Castells, who sees the hinterland as more fluid with regards to its importance to the individual city and the scale of which functions and programs influence the city.

With tongue-in-cheek, Nielsen, 2015 refers to the critique of Castells' 'network-centric-approach', as...

'Theorists of sociological and geographical urban theory in the beginning of the twenty-first century rarely saw anything but blank sheets of white paper underneath the diagrams of closed enclaves connected with thicker or thinner network lines used when describing the network city. The network city as a perceivable material condition 'melted into air', as a result of the interest in distance relations and the rise of virtual communities.' (Nielsen, 2015, 4)

While this critique may be simplified beyond reasonability, according to Nielsen, 2015, it was as if the notion of the pre-existing physical conditions were pushed to the background when applying a network-centric approach in its purest form. At least by theorists *citing* Castells. Nielsen, 2015 quotes British geographer Marco Antonsich (2010) who argues for a more pragmatic approach, where 'territory' is defined as a:

'[...] sociospatial context where the 'living together' is produced, organised and negotiated through the continuous interplay between 'top-down' discourses and 'bottom-up' mundane practices and lived experiences.' (Antonsich, 2010, 424).

Especially this – the focus on the mundane and the city ‘as is’ has been the focus of the German research project of ‘Zwischenstadt’ with architect and planner Thomas Sieverts (1997/2008 & 2011) as its main driver. Sieverts’ approach is unassuming, focusing on the city ‘as is’ through what one might call a ‘bottom-up’ approach. Through studies of i.e. the German Ruhr-area he examines a more fluid demarcation between city and countryside. Sieverts argues that a city consists of a multitude of spatial and functional layers, which individually may be comprehended and sensed, however anticipating a clear logic or seeing an ‘ordered city’ is no longer possible. In Sieverts’ own words we, must move our comprehension of the city from idealism to pragmatism, and when operating as actors we must think of the city as different possible disorders rather than impossible orders (Sieverts, 2011). Christaller and Castells may propose ideal ways of conceptualizing the city – one with focus on a hierarchical and logical order through different functional categories and the other more focused on identifying the different flows as a way of understanding cases of urban development. Sieverts as an architect, however, focuses more on the practical and the current city as experienced spatial phenomenon.

The purpose of these introductory considerations regarding urban theory is first and foremost to frame the background upon which the phenomenon of the Brande project may be understood. As a project which cannot be understood exclusively from a , logic based on functional rationales of the individual city and its hinterland, as exemplified by Christaller, since the proportions of the retail services are not even in line with the services that usually seen in a town with the size of Brande - a conceptual break with Christallers *market principle*, where the availability of a given service is correlated with the population needed to sustain such service and the maximum travel distance customers are willing to travel (Thøgersen, 2007, 60). In this article I argue how the

Brande case relates to these different notions of ‘the city’, and the ‘flows’ which constitute an urban development. Even if the Brande case can’t be understood from a strictly functional rationale related to typical functions of a city of the size of Brande, the project is in line with a correlation of one firm’s rational logic combined with a local political backing of the project. The logic of a local firm’s claims, that a suburban mall has so strong local ties, that a state planning directive (SPD, 2013) is necessary and politically viable even though it is expected to have very tangible effects on local commerce (ICP, 2017).

Considerations on theoretical application

In the further analysis, I put emphasis on the anticipated planning practice, as an analysis of precedent outcomes set by the case. The focus of this draws on the planning principles as outlined in the planning legislation and the Danish non-legislative administrative practices i.e. precedent being set through the ‘equality-maxim’ (i.e. described in Folketingets Ombudsmand, 2009). The planning legislation and administrative practices following it, is in this context termed as the Danish planning system.

To bring it into context, I argue the relevance of discussing the apparent disconnect between a relatively small town and decentralized retail district through the discussion of geography using the conceptual archetypes of Castells and Sieverts.

Methodology and empirical data

In order to analyse the topic of this article, I have chosen a simple approach. I wish to analyse the change in legislation, its expected consequence, and a case that substantiates an argument of a precedent being set. This approach means that *expected* outcome of

change in legislation is not only speculative, but also substantiated. The reason that I settle for only one case for this article, it that it from a legislative and administrative point of view, only needs one case to set a precedent. The only exceptions from this principle of precedence being set for similar cases is if the administration has made an acknowledged error, if there at some point is a substantially different administrative practice being articulated and made public or if the legislation is changed. I estimate that these exceptions are not relevant in this case. As the case I have chosen is of such significance within the public debate, I also find it unlikely that there is a case of passive acceptance from the municipal- or state-level administration. That means that as such, the case becomes what Flyvbjerg, 2007 calls a critical case.

Given the physical properties of the project, i.e. the 320 m high tower, it is worth to discuss whether or not the project should be considered as being exceptional and thus methodologically should be treated as an outlier. In this case however, I believe appearances are deceiving. The tower's physical properties, as highly interesting from a spatial planning point of view they may be, are mainly interesting from a landscape planning point of view. Due to its exceptional proportions, it is up to the minister of the environment whether or not the consequence on landscape interests are acceptable.

From a retail planning point of view, however, I would argue that the case is *not* exceptional in order for it to be considered an outlier. The aim of this study is to evaluate expected precedents being set by the case of Brande. Precedents with regards to how small a city may be, while still being eligible for planning for suburban malls, as well as precedents with regards to the disconnect between the size of the city, and the size of the suburban mall. If the retail planning part of the case were to be seen as exceptional, the planning necessity of placing the suburban mall close to Bestseller would have to be argued specifically, which was the case in the planning statements in

LP, 2013 in combination with SPD 2013, but not in LP 2019.

It is expedient to analyse the legislation in itself. For the topic of this article, I choose both the legislation as adopted by parliament as part of the 2017-reform (Planning Act 2017), and the accompanying legislative comments as authored by the Ministry of Industry, Business and Financial Affairs which put special emphasis on describing the changes in principles and the ‘good intentions’ of the minister (PAP, 2017). These comments are contextualised using a broader reading of the Danish planning act and administrative practice. I use broadly recognised reference works to analyse the legislation as such and to offer a contextual understanding of the planning act and its consequences. Anker, 2013 and Brandt, 2018 are chosen for this purpose, as both publications are used for administration purposes and for legal analysis of the Danish planning system in both a broad sense, and the planning act specifically.

To analyse the case of Brande, I use the description of the project, not as described in the media or the published renderings from the architects, but rather through the permitted building mass, dimensions and usages as regulated through the provisions of the local plan (LP, 2019). This ensures that the basis of analysis is reliable on what is actually permitted, and not the current progress of the construction project. In the EU countries, there is a similar distinction in administrative and legislative practice between environmental assessments ‘projects’ and ‘plans and programs’ respectively, where this analysis falls into an assessment of the latter category.¹

Danish urban planning in historical context

The current set of legislation for Danish spatial planning was born through the planning reforms adopted from 1969 to 1975. This set of planning legislation built heavily on the principles of the 1938 act on urban planning, and the 1960 national building act.

Kaufmann, 1966 highlights how spatial planning during the expansive period in the 1950's and -60's, where the original planning law from 1938 was supplemented with a number of additions, had become a patchwork of partly overlapping legislations with different regulations of different city categories and inconsistent rules for expropriation. This made area usage regulation difficult, unclear and potentially expensive as seen from the given planning authority's point of view. The challenge of streamlining the spatial planning system was undertaken with jurist and public servant Bendt Andersen as a key figure (Vaaben, 2012 & Illeris, 2014) and led to a planning reform with three-level planning system in a clear hierarchy; national level (state), sub-national level (region)² and local-level. The state regulating the region, and the region regulating the municipality (Bisgaard, 2018). The main principles of this system were largely unchanged until the municipal reform in 2007 except for a larger, primarily administrative consolidation of the different planning acts in 1992. In 2007, the municipalities were consolidated into larger entities, just like the regions. The sub-national planning level in the regions was abolished, and the responsibilities mainly transferred to the municipalities. This led to the two-level system that still exists today, with independent municipalities being responsible for the majority of the spatial planning and the state, which primarily conducts oversight of this planning (ibid.). This abolition of the sub-national level is rather unique seen from a European point of view. Most other countries in the EU have been *strengthening* their sub-national planning throughout the 00's and 10' – except for Denmark and the UK (ESPON, 2018a, p. 24). ESPON, 2018b shows that this legislative construction without a sub-national-level is not a common case - also when comparing to countries of similar extent and when comparing to neighbouring countries³.

The administrative og political backdrop for the 2017-reform and the discussion of the Brande-case is thus a combination of abolishment of a sub-national planning level and strengthening of the municipal autonomy regarding spatial planning in 2007. An autonomy that to some degree can be compared to the situation in Sweden, where a high-level of municipal autonomy is in place – also with regards to retail planning as highlighted by Hrelja, Isaksson & Richardson, 2012. On top of this, spatial planning was moved from the Ministry of the Environment to Ministry of Industry, Business and Financial affairs in 2015 indicating an adjusted focus on growth and investments. In 2017 we saw a further push towards the municipal planning-level through the dismissal of state-level vetoes for spatial planning parameters not part of an exhaustive list. What this means is, that not only do we have a two-level planning system (as understood in the categories of ESPON 2018b) – in areas not defined as national-interests we have a one-level planning system, following the longer trend of liberalisation and decentralisation of Danish spatial planning.

Retail planning as part of the Danish planning act

The section on retail planning in the Danish planning act was introduced in 1997⁴. A growing competition within the field of retail and subsequent closure of shops in smaller towns throughout the 70's, 80's and 90's (Lund, 2016, 76) led the Danish minister of the environment at the time, Svend Auken, to order analyses of the retail structure development in 1995. While these analyses were conducted, a stop for larger retail development was implemented through ministerial decree⁵ thus enforcing a change in municipal planning. These analyses led to a change in planning legislation in 1997, which included a significant change in municipal- and regional planning (Anker, 2013, 116). The aim was a regulation that ensures that retail activity, and especially durable goods, is concentrated in urban centres and limited in size. These are principles

that support an ambition to on the one side promote sustainable and attractive urban centres and on the other side ensuring a retail coverage in smaller cities. The planning autonomy of the executing authority at either sub-national- or municipal level was reduced. The new principle was introduced that, stores as a main rule should be placed in the urban- or district centres⁶, and these centres are to be delineated by a standardised statistical method and *not* at the municipalities' own discretion. This introduced a new planning practice, where municipalities to a larger degree needed to focus on encouraging development of stores in central districts, thus strengthening a centrally located variety of stores within the city and at the same time concentrating urban activities (MiE, 2012, p. 12). An additional principle was put into place that a maximum size for these stores was set in order to protect a distribution of stores in smaller cities (Anker, 2013, p. 116). To sum up, the overall consequence of these principles is, that on city-level there is a move towards centralisation and on the regional-level a move towards de-centralisation.

Throughout the 2000's and 2010's this mechanism was to a large degree unchanged, with only minor adjustments, just as different ministers had different attitudes towards ministerial vetoes and state planning directives (Brandt, 2018, 272). Moving forward to 2017, a planning reform was passed in the parliament, the so-called 'modernisation of the planning act' introducing a major revision to retail planning principles in the Danish planning act. The planning reform introduced a liberalisation presented as a heightened 'flexibility'. At its core, is the dismissal of statistical methods for delineating areas for retail planning, heightening size caps for individual grocery stores⁷, removal of size caps for stores for durable goods⁸ and reintroduction of retail zones in the urban periphery – what I in this article choose to call 'suburban malls'⁹. As compared to the

1997-revision, this change in retail planning indicates a move towards a centralisation of stores on the regional level, and a centralisation on the city-scale level – thus reversing the previous urban planning ambitions. The final part of the 2017-reform, which has a special significance to the case of Brande, is the limitation of state-level demurrers towards the municipal level planning. Pre-2017, the state (on the agency-level) could veto a municipal plan, if they deemed it inexpedient – given broad societal interests as outlined in the planning act's purpose in § 1. Post-2017 the veto was limited to issues regarding four so-called 'national interests'¹⁰; economic growth and business interests, nature- and environmental protection, cultural heritage- and landscape preservation and finally concerns regarding national- and regional construction works (primarily infrastructures in a broad sense). Since retail planning is not defined as a national interest, it is exempt from agency-level oversight and vetoes (Planning act, 2019, § 29). The state does however still have a possibility to call-in, if the statutory planning survey is insufficient, and neighbouring municipalities can, if they cannot reach an agreement through negotiation, instigate a state-level call-in which, ultimately may lead to a state-level veto (Erhvervsstyrelsen, 2017, 44, Planning act, 2019, §29b). In these cases, limitations in 'national interests' no longer apply, thus shifting formal competence vertically upwards. I would however still argue, that municipalities have an interest in maintaining municipal independence in planning authority thus having hesitations in using the opportunity to veto. In the case of Brande vs. Herning, for instance, the municipality of Herning has a self-interest in a liberal retail planning given Herning Storcenter – even though ICP, 2017 clearly shows the potential consequences of the Brande project regarding retail revenues in neighboring municipalities. It is however still early to assess how inter-municipal vetos regarding non-'national interest'

issues will be used.

The Brande case

One of best and current cases to highlight the change in retail planning is the case of Brande. Brande is a relatively small town in the middle of Jutland in Denmark, consisting of 7.307 inhabitants as of January 2019. It has a relatively small urban core with 3- 4 stories houses and a railway station, but the predominant housing typology is detached housing. Brande is functionally, closely linked to the highway, which passes by at Brandes periphery and acts as its eastern boundary.



Figure 2 - Location of Brande, DK

The city has two major employers, which are larger than the city might imply; Siemens Gamesa Windpower, and Bestseller. Bestseller is a clothing company operating on the

global market, founded in Brande, with its headquarters still located there. Bestseller has for a number of years had a wish to move its headquarters to a site just across the highway, and at the same time develop a retail area primarily consisting of brand-stores. These will serve a purpose for training employees at Bestsellers retail stores as well as testing new concepts for brand-stores (LP, 2013).



Figure 3 - Aerial photo of Brande, 2019. City outline in white (urban zone) from Plandata, 2019, LP (2013)-area in blue hatch, LP (2019)-area in red hatch.

As mentioned earlier, placement of a concentration of retail stores away from the urban core in suburban malls was until the 2017-revision prohibited, which meant that Bestseller needed a state planning directive in order to allow detailed planning (SPD, 2013). The directive was obtained in 2013¹¹, where it was emphasised, that there was a special case regarding training of personnel – a unique need and a necessity of a certain

significance to justify a state planning directive. The directive allowed a shopping mall consisting of 25.000 m² stores, out of which at least 75 % had to be Bestseller brand-stores for training and concept testing. Thus leading to a maximum of 6.250 m² for other so-called ‘test-stores’ (SPD, 2013, §§ 3-6). Individual store-sizes were capped at 2.000 m² – the same as in city centres pre-2017. The directive was followed up by a local plan in 2013 (LP, 2013), which paved the way for building permits. The building complex was however never constructed, before the revision of the planning law in 2017 opened up new opportunities (Planning Act, 2017, §§ 5m, 5n & 5q). In the case of Brande, the new main opportunity lies within acceptance of planning for reintroduction of retail zones in the urban periphery – the suburban malls. After 2017, the municipalities do not need to justify a need for a suburban mall – they only need to analyse the consequence and put this analysis forward for the public as well as the state-level agency. The only thing the agency need to approve, however, is the quality of the assessment – not the outcome of the assessment as such. The consequence of this is that the municipality of Brande can now plan for retail as an independent actor, as they no longer rely on SPD, 2013. This liberalisation led to a new planning ambition for the Bestseller-project. A new planning process was started up in order to adopt a new local plan (LP, 2019). The main changes consisted of a larger planning area, new size caps on retail stores, and the possibility of building a large tower with a height of up to 320 m.

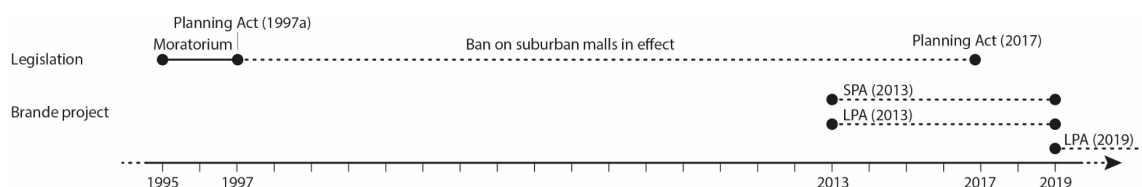


Figure 4 - Timeline showing changes in the Danish planning act, and the local-/state-level planning acts for the project area.

Of special interest to this article is the different size caps for retail when comparing LP 2013 and -2019. LP, 2019 allows a suburban mall of up to 30.000 m² – a 20 % increase in total area. A maximum of 28.500 m² is for durable goods (vs. 25.000 in LP, 2013), and up to 1.500 m² for convenience goods. Size caps for individual stores were now capped at 5.000 m² for durable goods and 200 m² for convenience goods. On top of this, in LP, 2019 there are no longer any requirements regarding the stores being for ‘testing-purposes’ or anything of the kind. This might still be the case in the project as it might be realised, but as for the planning, the usage is now more flexible. This sums up to LP, 2019 being significantly more liberal with regards to usage, total store sizes and individual store sizes. More interesting however is that this new local plan does not need a state planning act due to the 2017-revision of the Danish planning act. This means, that the case of Brande sets an interesting precedent for similar cases regarding retail planning in Denmark. A precedent applicable for most of the Danish municipalities.

The sheer scope of the development and its contrasting features when observing their context of Brande leads to some theoretical reflections. It seems like a fair argument to make, that the project is regional in its scope. It does not make sense to think of the mall as the fulfilling of Brandes shopping needs - its catchment area is regional, and overlapping with other retail areas as argued in the retail analysis following the planning process (ICP, 2017, 5). Should we evaluate the project from network point of view as ie. Castells (1996/2001), it seems to lead to a more ambiguous point. The development can be seen as a result of a ‘space of flows’ as it brings together commercial interests, corporate investments with a regional-infrastructure. At the same time, it relates to a

firm in the same city, it has very tangible spatial and mundane consequences with regards to i.e. smaller shops closing (ICP, 2017), its dominating presence in its physical context landscape interests (EIA, 2018) and its function as a training centre and workplace (ICP, 2018, LP, 2013 & LP, 2018). On one side, the project is the product of capital flows and corporate interests, and on the other side, it is anchored in the city of Brande, which among other things, is where Bestsellers corporate headquarters was established. As such, it is anchored in place, and becomes suspended in an interplay of spaces of flow and -space. From Sieverts (2011) point of view this multitude of spatially heterogeneous processes is what condensates into what she calls *fragmented urban landscapes*. The territories are to be seen as having tangible, spatial quality – as part of the mundane as Antonsich (2010) might argue, and as such, the distinctions set up through Castells become arbitrary, as the different flows all meet in the territory. I argue, that the change in legislation in 2017 relates to this discussion. First of all, the legislation opens up to larger store units, and these larger units can be placed more freely from the urban centre. When placing larger units away from urban centres, they will be placed close to main infrastructural arteries, due to larger catchment areas for customers putting pressure on smaller shops in those smaller cities which are in reasonable driving distance from these new larger units. Vägverket 2006 (pp. 81-82), presents a study on two ex-central shopping areas in Sweden, where it is estimated that roughly 80-90 % of customers, use car as primary travel. This is all part of capital flows – seeking profitability, but on the basis on a very tangible territory. The smaller cities risk losing local shopping services. This is again a result of intangible flow optimizations – sometimes even catalysed by store-chains having optimum sized due to standardization of the portfolio of goods in store. The results are, however again tangible – leading to lower activity levels on the very local scale and in some cases even

closure of stores leading to even further functional changes in city layouts, and in some cases even decay. The changes in legislation might not fundamentally change the relation between city- and countryside or lead to a *spatial* fragmentation of the cities, but within the urban territories, the change can be expected to mitigate significant juxtapositions of urban investments and -functions.

Expected administrative precedents set by the Brande case

LP, 2019, which is now in effect, has through its introduction and approval set an interesting precedent with potentially significant effects. The local plan as well as the accompanying municipal plan addendum has not been met by a veto¹², which sets an implicit accept from the state-agency¹³. The precedent set lies within the subject of suburban malls. I would argue, through the principle of the ‘equality-maxim’ (Folketingets Ombudsmand, 2009), that the case of Brande underlines, that cities at the same size as Brande or above, are to be seen as admissible for planning suburban malls. Based on the Brande case alone, it cannot be argued that smaller cities can establish suburban malls – it can however not be ruled out. The planning category of suburban malls is called ‘aflastningsområde’ in Danish – freely translated, this means a centre that relieves the city centre from unwanted activity – and in this case it must be understood that Brande has enough unwanted activity that it from a legal point of view makes sense to ‘relieve’ the urban centre. I argue that cities with the same size as Brande or above are eligible for use of this planning category in future planning, as there is no significantly unique about the urban layout of Brande. It is not argued at least in LP 2013 or LP, 2019, that the layout of Brande is a special case that needs special exemptions, or that the activities has a special need of this specific location – what would otherwise count as planning-related argumentation. Even though it is a large

project, we must therefore consider it as generic from a planning point of view within the category of suburban malls.

City size itself, may seem like a narrow parameter when arguing a precedent being set. A few other modifiers could be taken into consideration i.e. the concepts of regional effects through ‘borrowed size’ or ‘shadow effects’ may also be a particularly significant argument in this concept. Meier & Burger, 2017 explores this notion of regional inter-city effects while Nielsen, 2009 explores the notion of central place theory vs. networked cities and our lack of knowledge when evaluating regional inter-city relations in a Danish context. I will however still argue, that due to its relatively long distance to larger cities (Herning ~25 km, Ikast ~20 km , Vejle ~40 km) population size remains a fair parameter to argue an expected precedent. A different reasonable approach could be number of inhabitants within a catchment area of x minutes of driving. This approach would favor regions with high functional integration and high level of infrastructural connectivity. Finally, the role of a given city is described within the municipal plan could also be a parameter. This however entails other problems i.e. firstly the municipalities are the ones writing the municipal plan thus defining the roles, secondly the description of the cities’ role lack a methodologically consistency across municipal plans¹⁴. I acknowledge, that there is a degree of speculation in the choice of city population as primary parameter. Given, that city size is *the* key parameter both pre- and post-2017-reform in section 2d of the planning act, I would still argue that it is also *the* key variable when assessing potential precedent being set.

To understand the scope of the change in legislation in connection with the case of Brande setting a precedent, one must understand, that the Danish planning act pre-2017-reform only permitted development of suburban malls in well-defined areas in the city of Aarhus (the Tilst-district) and at different sites in in the Greater Copenhagen Area –

as regulated in the state planning directive of 'Fingerplanen' (SPD, 2019). In the city of Aarhus, there are ~277.000 inhabitants and in the Greater Copenhagen Area as defined in 'Fingerplan 2019' (SPD, 2019) there are ~2.068.000 inhabitants. This summarises to 2.345.000 inhabitants living in areas that is included in the pre-2017-revision concerning potential planning for suburban malls.



Figure 5 - Location of potential planning areas for suburban malls pre-2017 reform: Aarhus, and Greater Copenhagen¹⁵

Comparing that to the Danish population in cities with 7.000 inhabitants at approximately 3.644.000¹⁶, we see, that not only is there now a much wider geography for application of a new planning for suburban malls.

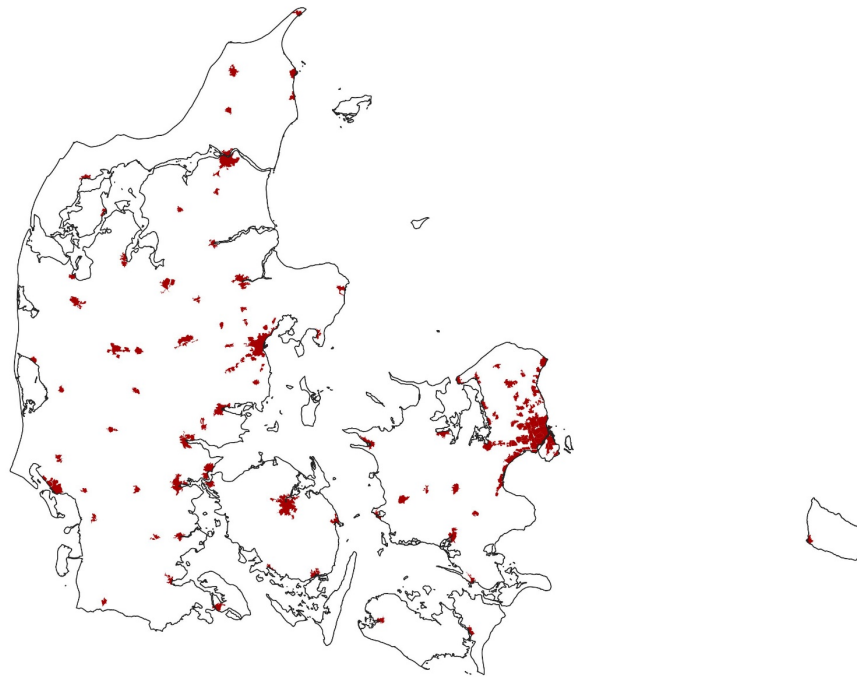


Figure 6 - Locations of cities with more than 7.000 inhabitants.

Only 13 out of 98 municipalities do not contain a city of at least 7.000 inhabitants¹⁷ - the approximate size of Brande. There is *also* more than 50 % increase in potential customers for new suburban malls. Given the premise, that as a whole, people shop and live in the same city. This premise can be considered rudimentary or crude. However – I put special emphasis that there is set a precedent for smaller cities to plan for suburban malls *and* that the population living in administrative areas where this planning is permissible through the 2017-reform is significantly higher than pre-2017. This combined gives me cause to assume, that there is now potential to drastically transform the retail planning of Danish municipalities, and thus transforming the relation between downtown shopping streets and suburbs thus transforming the layout of Danish cities. Whether or not this will happen, now entirely depends on the municipalities themselves – the change in legislation merely states, that the state will no longer interfere as proven

by the Brande case, unless a neighbouring municipality vetoes, which did not happen. What is even more evident is the fact that suburban malls can be expected to attract more investments in municipalities allowing for this type of shopping structure, thus leading to inter-municipal competition for these investments with local and very tangible implications as mentioned in the preceding section. A study published by the Swedish Road Authorities (Vägverket, 2008) shows just how this competition as experienced by municipal planners may lead to broader, more liberal planning practices within a planning system with a strong municipal weight and a lack of state-level policies as put forward in a Swedish study by Kärrholm & Nylund, 2011 -in a comparable welfare society with a high weight on the municipal planning level with little or no state-level interference

Conclusion

Danish planning from 1995 to 2017 has had a relatively consistent regulation of retail planning. A regulation that ensures that retail activity, and especially durable goods, is concentrated in urban centres and limited in size. In the period, the legislation supported an ambition to promote sustainable and attractive urban centres as well as ensuring a retail coverage in smaller cities. On top of this – there was always the knowledge that the state on the agency-level, would intervene or veto if a municipalities' retail planning could be considered inexpedient given broader societal interests. In 2017 these two principles were changed, as placement of retail stores was liberalised and state-level oversight was removed.

The current case that shows these principal changes well, is the case of Brande. The process of the two local plans for a new suburban mall in the small town of Brande

shows that there was a before and after 2017, and that there is now a precedent set for municipal planning for suburban malls in the vast majority of Danish municipalities. This precedent, I argue, opens up for a liberal practice, where there is a risk of decentralising retail activity on the city-level and centralising retail activity on the regional level. Not only in the two main growth areas of Denmark (Aarhus and Copenhagen) but also cities with a comparable size to Brande. What this means is, the majority of Danish municipalities now have the opportunity to plan for a new retail planning category. On top of this, I argue, that the precedent has the potential to kick-start a competition between municipalities with regards to attract investments in new peri- or suburban retail areas.

. Whether or not the juxtaposition of administrative responsibilities and prerogatives of spatial planning from state-level towards the municipal level will continue, is to a high degree a political question, and will also be of significant interest. I would anticipate a situation where we will see several more of these suburban malls and intermunicipal competition.

As a case for further investigations, I could suggest a study into the ‘shadow-effects’ of new malls outside the primary growth areas of Denmark. Firstly – is the effect on downtown shopping areas and retail in surrounding cities going to materialise and secondly – what are the spatial and architectural qualities of a functional thinning in smaller cities. Since the protection of the inner cities have weakened, the magnitude of spatial and structural outcomes of this weakening is particularly interesting from a spatial planning as well as an architectural point of view.

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Figures

Figure 1

Rendering of proposed project for Bestseller Brande. Courtesy of Dorte Mandrup A/S.

Copyright: MIR and Dorte Mandrup.

Figure 2

Digital topographic map of Denmark – D200. Layer: ‘DK-Landareal’.

Available at <https://download.kortforsyningen.dk/content/danmark-1200000-vektor>

[accessed 20/11-2019]. Copyright: Danish Agency for Data Supply and Efficiency,

Ministry of Energy, Utilities and Climate.

Figure 3

Aerial photo, 2019. ‘Ortofoto_foraar’. Available through WMS-Service from

<https://kortforsyningen.dk/indhold/webservice-liste> [accessed 20/11-2019]

Copyright: Danish Agency for Data Supply and Efficiency, Ministry of Energy, Utilities and Climate.

Current- and former local plan areas and urban zone, 2019.

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Copyright: Plandata, Ministry of Industry, Business and Financial Affairs.

Figure 4

Timeline-diagram. Author’s own illustration.

Figure 5

Aarhus outline from the map 'Stednavne', 2019. Layer: 'Bypolygoner'. Available at <https://download.kortforsyningen.dk/content/stednavne> . Copyright: Danish Agency for Data Supply and Efficiency, Ministry of Energy, Utilities and Climate.

Outline of primary urban areas in Greater Copenhagen Area from 'Fingerplan 2019'. Layers 'fp19va_byfingre' & 'fp19va_haandflade'. Available through WFS-service: <http://wfs1.erst.dk/fingerplan19/wfs?version=1.1.0> [accessed 20/11-2019]. Copyright: Plandata, Ministry of Industry, Business and Financial Affairs.

Figure 6

City outlines and city populations from the map 'Stednavne', 2019. Layer: 'Bypolygoner'. Available at <https://download.kortforsyningen.dk/content/stednavne> . Copyright: Danish Agency for Data Supply and Efficiency, Ministry of Energy, Utilities and Climate.

Notes

- ¹ ‘Directive on the assessment of the effects of certain plans and programmes on the environment’ and ‘Directive on the assessment of the effects of certain public and private projects on the environment’ respectively.
- ^{2 2} The Danish planning system pre 2007 could at the regional planning level be described both regional, since there is a trans-municipal coordination, and sub-national, since the regional planning also had to take national directives into account. For the sake of simplicity and compliance with the categories of ESPON 2018a & b, ‘sub-national level’ will be used throughout this article.
- ³ ESPON, 2018b, table 3, pp. 19-26.
- ⁴ For a more thorough introduction to the Danish planning system, see Galland et. al. (2016)
- ⁵ DA: Landsplandirektiv. Articulated as ‘moratorium’ but in de facto ministerial decree.
- ⁶ DA: Bymidte hhv. bydelscentre
- ⁷ DA: Dagligvarebutik
- ⁸ DA: Udvalgsvarerbutik
- ⁹ DA: Aflastningsområde
- ¹⁰ As outlined in Planning Act, 2017 § 29, 1.
- ¹¹ ‘Bekendtgørelse om landsplandirektiv for udvalgsvarerhandel i tilknytning til en større virksomhed (Bestseller) i Brande med særlig erhvervsmæssig betydning’
<https://www.retsinformation.dk/Forms/R0710.aspx?id=150134>
- ¹² Planning Act, 2017, § 29, 1 regarding municipal plans (DA: Kommuneplan) & § 29, 3 regarding local plans (DA: Lokalplan).
- ¹³ Danish Business Authority – DA: Erhvervsstyrelsen
- ¹⁴ As described on the homepage of the Danish Business Authority (in Danish)
<https://planinfo.erhvervsstyrelsen.dk/bymoenster> [accessed 4th of June, 2020].

¹⁵ Primary urban areas in Fingerplan 2019 of which SPD, 2019 is a part of. (In Danish, the ‘fingerplan’ works with the metaphors of the palm (DA: ‘Håndfladen’) and the fingers (DA: ‘Byfingre’). Those two are the categories chosen for the illustration.

¹⁶ Source: Statistics Denmark, Table FOLK1A – 2019 Q1 (Greater Copenhagen Area) – all other Statistics Denmark, Table BY1 – 2019. [Accessed on 8th of October 2019]
<https://www.statistikbanken.dk/>

¹⁷ Municipalities of Jammerbugt, Læsø, Lemvig, Samsø, Fanø, Ærø, Langeland, Nordfyn, Kerteminde, Odsherred, Stevns, Lejre & Møn. Lejre and Stevns municipalities are still part of the capital area as defined in ‘Fingerplan 2019’.