

Questions to the communicant:

1. You state in your communication that you made a number of comments to the municipality of Gladsaxe with regard to the possible environmental effects of a plan to expand a rowing stadium.

a. Did you make these comments in the context of a public participation procedure organized as part of an environmental impact assessment (EIA) procedure?

Yes

b. If yes, did Danish law require an EIA procedure to be carried out regarding the proposed expansion of the rowing stadium? If so, please provide the text of the relevant provisions of the Danish law on EIA which stipulate that the decision to expand the rowing stadium was required to undergo an EIA procedure, together with an English translation of those provisions.

Yes.

The relevant provisions are laid out in “Bekendtgørelse nr. 764 af 23. juni 2014 (Bekendtgørelse om vurdering af visse offentlige og private anlægs virkning på miljøet (VVM) i medfør af lov om planlægning).” Which can be found here: <https://www.retsinformation.dk/Forms/R0710.aspx?id=163829>

As stated in the notes the provisions are the Danish implementation of the EU Directive 2011/92/EU of December 13, 2011. An English version of said directive can be found here: <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32011L0092:EN:HTML>

Gladsaxe Municipality made an EIA screening of the project, see attached document “Screeningsskema-VVM-Bagsvaerd-Soe.pdf” and the conclusion was that the project was to be subjected to EIA procedure, quote “It is the Gladsaxe Municipality’s assessment that the project will considerably affect the environment. The decision is based on the uncertainty regarding the removal of mud from the bed of the lake and the fact that the affected area is a preserved area and of high biological and re-creative values.”

c. When you state in your communication that your comments were “ignored” and “rejected”, are you alleging that your comments were (a) not acknowledged or responded to by the public authority; or (b) acknowledged but not reflected in the final decision by the public authority?

My comments were acknowledged but rendered irrelevant to the project.

d. Please provide the text of the relevant parts of the decision to expand the rowing stadium where the comments received from the public are summarized and responded to.

The Gladsaxe Municipality made this response to my comments of no alternatives despite the fact that an alternative and better solution already existed in the Herning Municipality.

“The EIA does not include alternative placement of the stadium as we consider the upgrade of the rowing stadium an expansion of an already existing legal rowing stadium”.

I would like to add that the rowing stadium has never before been subjected to EIA procedures.

2. With respect to the use of available domestic remedies:

a. At the time that you received the decision of the Danish Ombudsman dated 10 November 2016, would it still have been possible for you to bring court proceedings to challenge the decision of the Environmental Appeals Board?

No, at that time the grace period of 6 months had long passed.

b. Did you, either before or after receiving the decision of the Danish Ombudsman, attempt to challenge the decision of the Environmental Appeals Board through the Danish courts? If so, what was the final outcome of that challenge? If not, why did you not do so?

No, I did not challenge the decision through a Danish Court. Mainly because I was absolutely certain that the Danish Ombudsman would ask the Environmental Appeals Board to accept my complaint as valid. Secondly as a retired person with very little income bringing the case to court was simply not an option for me.

Yours truly
John Damm Sørensen