

Relevant excerpts from the decision of the Nature and Environment Board of Appeal (now the Environment and Food Board of Appeal) of 30 September 2015 (NMK-34-00494)

“DECISION in the case concerning Gladsaxe Municipality's adoption of an EIA report for the expansion of Bagsværd Rowing Stadium

...

The Nature and Environment Board of Appeal rejects the appeal against Gladsaxe Municipality's adoption of the EIA report pursuant to Annex 2 of the EIA Order of June 10, 2015, regarding changes to the existing Bagsværd Rowing Stadium, from substantive consideration. The rejection is due to the appellant not having standing.

...

The remarks and decision of the Nature and Environment Board of Appeal

According to Section 59(1) of the Planning Act anyone with a legal interest in the outcome of the case has legal standing. The decision regarding the issue of standing requires a specific assessment of the individual's legal interest in the case. According to practice, the term "legal interest" is interpreted differently depending on the subject matter in the case.

According to practice, legal interest is usually considered to be present among individuals with an affiliation to the relevant local area. An idealistic interest in nature and the environment, including the impact of a facility on its surroundings, is not sufficient.

This case concerns the expansion of a rowing stadium at Bagsværd Lake. The appellant's residence is approximately 1.2 km as the crow flies from the southeastern part of Bagsværd Lake and approximately 1.7 km from the nearest point on the rowing track. A residential area lies between the appellant's residence and Bagsværd Lake.

After an overall assessment, the Nature and Environment Board of Appeal finds that the expansion of Bagsværd Rowing Stadium will not affect the appellant's circumstances in a manner that differs from the impact on a very wide circle of citizens in the area. Based on this, the Nature and Environment Board of Appeal finds that the appellant does not have the necessary legal interest in the decision of the case, and therefore, the appeal is dismissed, pursuant to Section 59(1) of the Planning Act.”

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