

Shore protection in Sweden. Efficiency or waste of space ?



*Eidar Lindgren
Real Estate Planning and Land Law
Royal Institute of Technology (KTH)
Stockholm, Sweden*

The present legislation

- ❑ the Right of Public Access enables everyone to roam freely in the countryside, and
- ❑ since 1975, by provisions in the Environmental Code, all shores (sea, lakes and watercourses) are protected from any building activity within – normally – 100 metres from the shoreline.



Lake Bolmen
The Municipality of Ljungby

The purpose of shore protection is

- ❑ to ensure public access to outdoor recreation facilities and
- ❑ to maintain good living conditions for plant and animal species on land and in water.





Exemption applications are to be viewed restrictively

The *travaux préparatoires* emphasise that:

A) the provisions are to be uniformly applied throughout the country

B) an exemption cannot be justified by:

- the stretch of shore in question seldom being visited by the general public or*
- the terrain and vegetation being of such a kind as to make it uninteresting for purposes of bathing and outdoor activity*

The prohibitions can be waived only where there are “special reasons” of another kind, e.g. the site is not accessible to the general public.

From 1 st July 2009 the statutory text in the Environmental Code indicates possible “special reasons”.

Debate and statutory amendment

- a shore protection adapted to local conditions

General shore protection has remained a topic of debate ever since its introduction in 1975.

Municipalities in sparsely populated areas – from north to south – have called for a shore protection adapted to local conditions

1 July 2009, the Environmental Code was amended in order to provide certain possibilities of building in shoreline areas:

- in parts of the country, where undeveloped shores are plentiful and the pressure of settlement is low
- on condition that the project furthers *rural development*

This new rule, however, does not apply to individual, remotely situated buildings. All such building development remains forbidden in undeveloped shoreline areas.

The purpose of this paper

Show how access to shores that have not been built on differs between different parts of the country

Discuss the general ban on construction of single, remotely situated buildings

- Is it fair to have the same legal rules all over the country, regardless of local conditions?
- Does the law strike a reasonable balance between public and private interests?





Sweden

Land area 450 000 km²

Population 9 million

Density 22 inhabitants per km²

Agricultural land 8 %

Water 9%

Forest 52 %

Mountains, swamps...28 %

Built up land 3 %

Shores

385,000 km

ten times the circumference
of the earth

10 % of the shores are
built-up areas

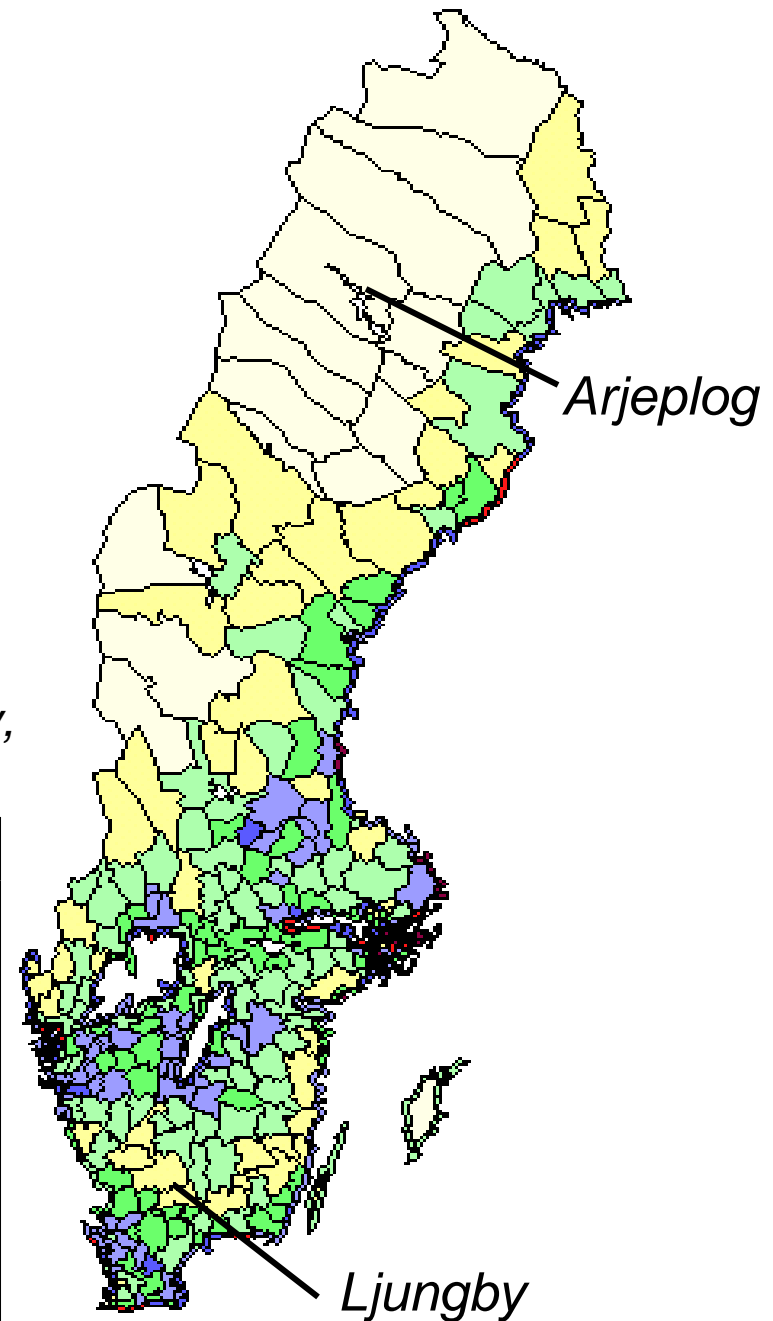
346,500 km is undeveloped

Coasts and shores influenced by buildings

(buildings within 100 m of the shoreline)

By municipality,
per cent

	0 – 4
	5 – 9
	10 – 14
	15 – 19
	20 – 29
	30 – 39
	40 – 49
	50 or more





Shore access

The inland includes a large number of lakes and watercourses often remote from any human settlement.

Arjeplog

15,360 km of shoreline
1 % developed

Stockholm

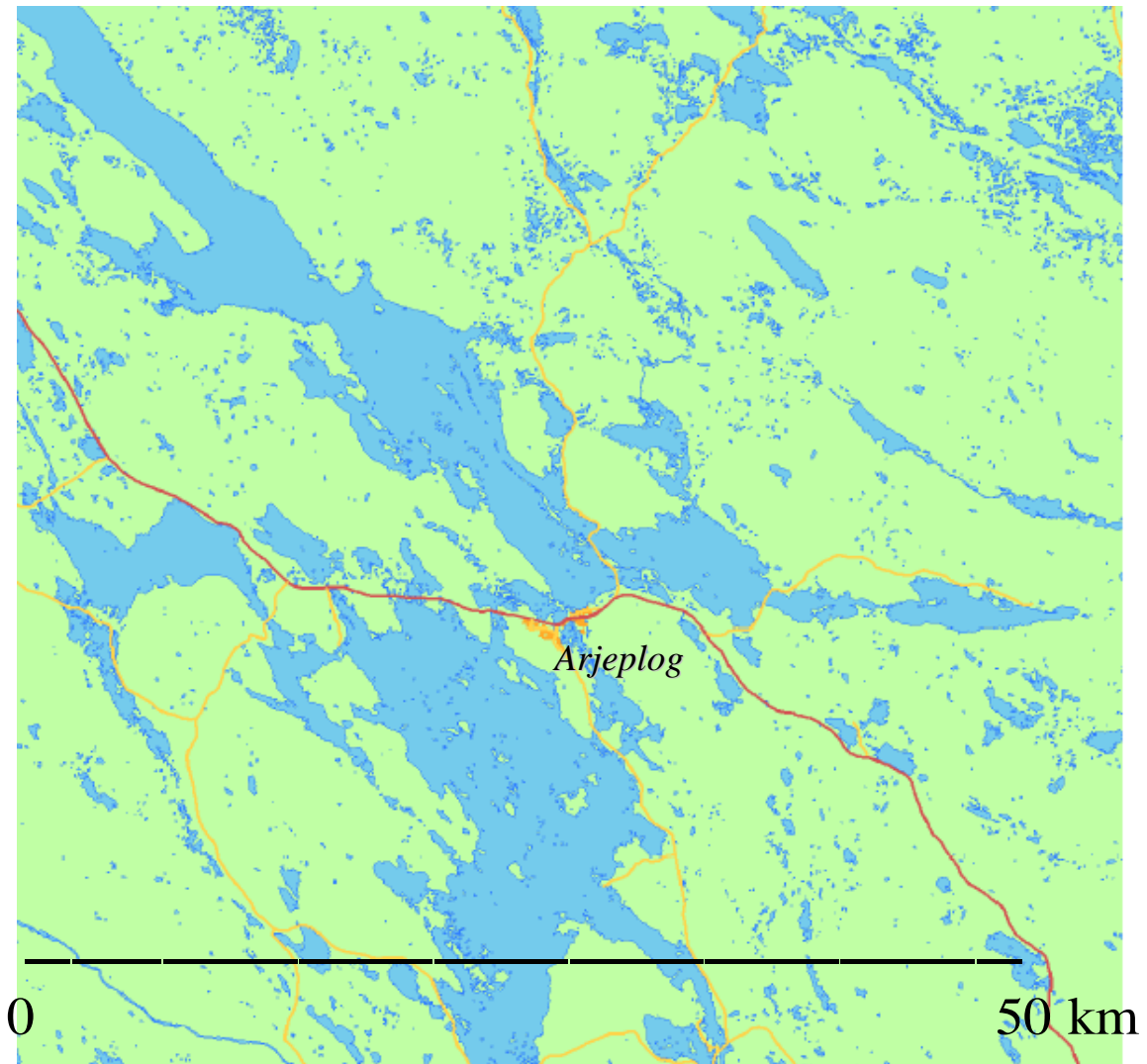
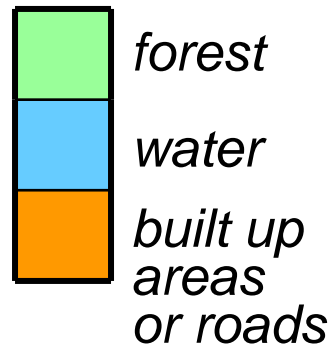
208 km of shoreline
66 % developed.

Ljungby

1,673 km of shoreline
9 % developed

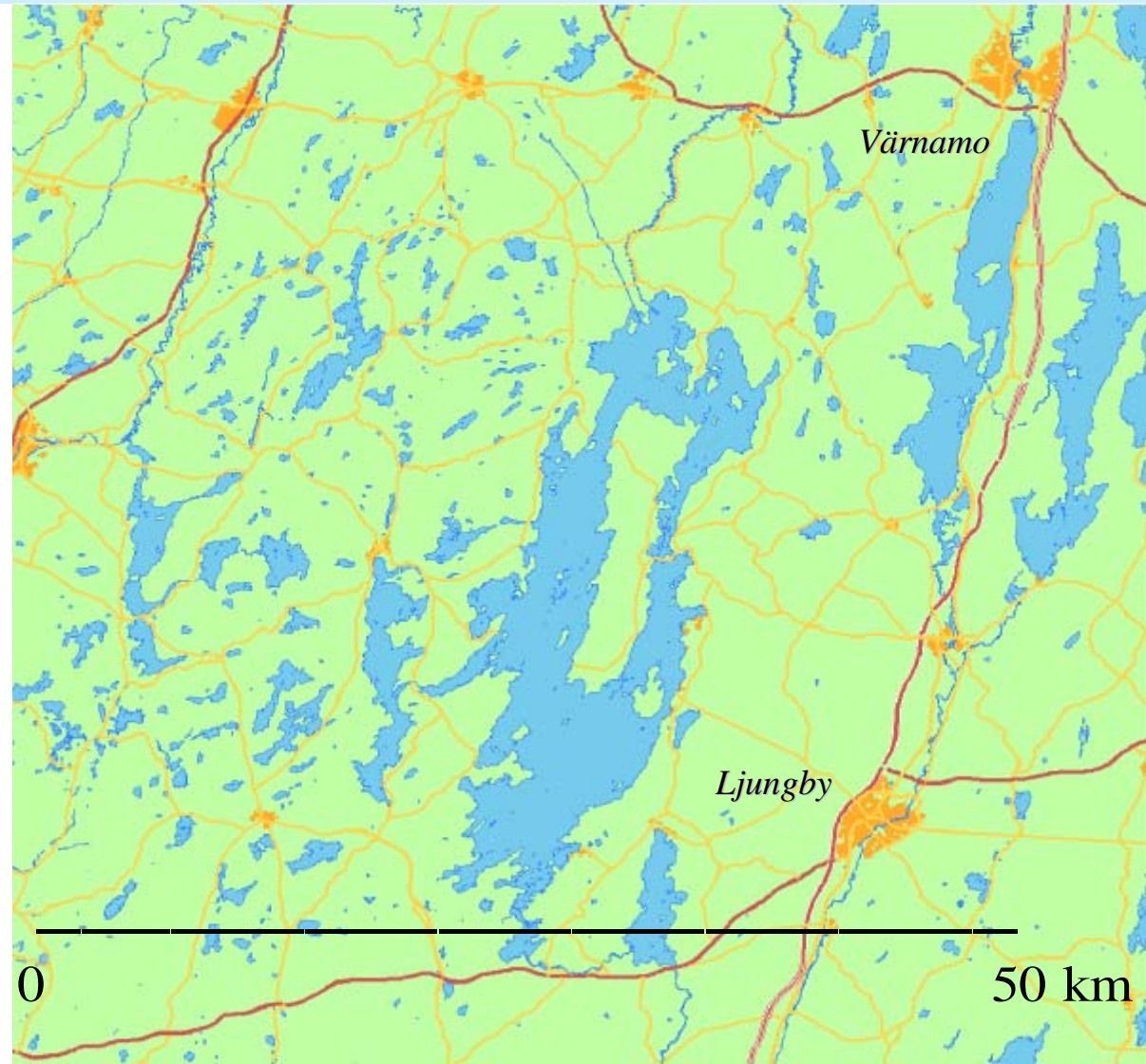
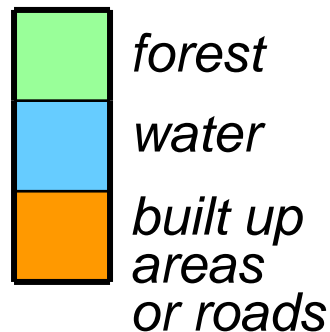
The municipality of Arjeplog

1 % of the shores influenced by buildings



The municipality of Ljungby

9 % of the shores influenced by buildings



Conclusions

Shore access

- ❑ in many sparsely populated regions undeveloped shores are widely available and
- ❑ the level of building activity there is low

Shore protection - *individual, remotely situated buildings*

- ❖ No distinction is made between
 - ❑ *nearby, much-visited shores and*
 - ❑ *remote, rarely visited shores, where the terrain in some cases makes the place uninteresting for bathing or other outdoor activities*
- ❖ No allowance is made for the benefit of building
 - there is no balancing of interests in individual cases

Shore protection in Sweden. Efficiency or waste of space ?

My critique

The provisions of shore protection not being based on the principle of balancing interests in individual cases and not taking local conditions into account leads to:

- ❖ authority decisions which are inexplicable to the individual
- ❖ an ineffective way of utilising the land resources

The differentiation of shore protection by planning ?

The municipality should in its *comprehensive planning* define places where shoreline building development may be permitted, if benefiting rural development.

.....

My comment:

There are many rural municipalities where only a few building cases are processed every year. What amount of resources should be devoted to comprehensive planning of forest and rural areas, as a preliminary to the examination of just a few shoreline protection cases?

And, the examination of an individual exemption application ought to a great extent to be based on conditions on the spot – a level of detail beyond the grasp of comprehensive land use plans.