Land consolidation to improve land rights

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Space for energy transition
Space for infrastructure
Climate adaptive nature
Multi purpose land use
Space for urbanisation
**Pre conditions LC**

Conditions (Hartvigsen):
1) Land consolidation is embedded in land policy
2) Legal framework for land consolidation
3) Public lead agency established
4) Secured funding to plan activities
5) Technical and administrative capacity

Conditions for land rights through LC:
1) Integrated approach
2) Legal protection
3) Social acceptance all stakeholders

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**An integrated policy plan**
Legal process

Legal protection of owners:
- List of rightful claimants (inventory of properties)
- Re-allotment plan
- List of financial arrangements

Public inspection and Process of objections ➔ Provincial Government – Court – Supreme Court

List of rightful claimants

- Owners
- Burdens, servitudes
- Mortgages
- Long leases
- Tenants with short leases is *not* registered in Netherlands’ Kadaster
List of rightful claimants

- Determine **who** has a right for allocation of land (entitled land owners), based on register Dutch Cadastre
- List gives owners right to receive land of **same type, quality and acreage** as he/she brought in
What if...?

Land administration is incomplete, contains flaws

Unknown rights:
- Who are legal heirs?
- Owners are living abroad
- Historical use rights

Steps to registration

1. Consistency check for existing administrative and geometric data from land registry and Cadaster
2. Comparing the legal data with the factual land use in the field
3. A check on completeness (check if all existing titles are known)
4. Agreement between land owners and land users (and the notary)
Land banking Netherlands

- State owned land: revolving to start the puzzle
- Owners’ land that is sold to land bank
- Parcels of un-known owners
- Parcels of absent owners

> Allocation right<

Allocation right

Parcel into land bank:
- type,
- quality,
- acreage

Allocation right
- Type
- Quality
- Acreage

Or

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Increase social support

1. Board committee of representatives (all stakeholders)
2. Public inspection of products: right to appeal

Increase social support

1. Maximise transparency in process
   a) Communication
   b) Manage expectations
   c) Explicit legal rights
2. Involve farmers in making the re-allotment plan
LC can be used to check/improve/register rights?

a) List of rightful claimants
b) Public inspection
c) Right to appeal
d) Allocation right
e) Increase social support

Discussion

1. Deed is cleansing all legal rights en restrictions (both Cadastral map and Registration)
2. Role of notary is to check the new titles (not the allocation of rights)
Questions

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