

Danish Land Consolidation

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Definition and main objective

Danish land consolidation aims to reduce fragmentation of agricultural land. It can be defined as:

A procedure for simultaneous handling of a (sometimes large) number of sales and purchases of land in which farmers exchange land allowing fields to be moved to a closer vicinity of the farm buildings. The farmers achieve a better location of their land and as a side effect the traffic with slow and heavy agricultural machinery by road is reduced.

During recent decades the technique, approach and philosophy in land consolidation has increasingly been applied also in other land-related transitions, notably nature conservation projects and expropriations for the construction of major roads. Besides, the objective is increasingly stated as “improvement of structure” rather than reduction of fragmentation. This is because of the pronounced trend towards fewer and larger holdings.

Principles and procedure

The Danish Land Consolidation Act defines and empowers the agents that carry out land consolidation and it sets out the main principles. The following few principles characterise the classical Danish land consolidation:

- Participation is voluntary.
- A land consolidation planner (land surveyor or agronomist) negotiates with farmers and authorities.
- The farmers do not buy and sell from each other; sales and purchases go through the land consolidation.
- A particular land consolidation agreement contains all transactions for each landowner. This means that there is only one document for each owner irrespective of how many transactions he is involved in.
- All changes in the land consolidation scheme are made legally effective in one legal ruling by a land commission.

- Owners accept approximate indications of areas, which permits that cadastral surveys are only carried out when the changes are formally effective.
- All costs are paid by the state.

Organisation

The implementing actor of the Danish Consolidation is the county Land Commission. This commission is charged with the responsibility for enforcing the legislation that governs use of agricultural land in Denmark. The Land Commission may grant permissions or "waivers" in cases where solutions in a land consolidation plan violate particular rules, such as ceilings of holding sizes and maximum distances between buildings and land parcels. The planner negotiates such compliance with land use legislation during the planning stage. The planner is also responsible for the adherence of all other legislation. All communication with authorities goes through the planner.

A judge from a regional court joins the county Land Commission and forms the so-called "extended commission", which in the form of a ruling gives legal effect to a land consolidation plan.

The central land consolidation office functions as a secretariat for the commission. The secretariat at the Division of Land Consolidation (DLC) office in Copenhagen revises and controls all formalities and writes the text of the verdict prior to the ruling session. The officer from the DLC arranges the meeting of the ruling session and ensures that all formalities are adhered to. The ruling session of the extended commission typically takes place at a minor hotel in a nearby town or village of the area concerned. When the extended commission is satisfied with the content and the legality of the plan, it is approved and made effective by the signature from the judge.

Subsequently the secretariat of the DLC performs all the operations that implement the land consolidation plan. These include transfer of payments at a defined date, updating of the registers concerned, adjustment of land taxation payments, the cadastral surveying by a private surveyor and, finally, registration of the new ownership situation in the land registry.

In brief: A specialised court, which convenes when it is needed, implements a Danish land consolidation. Guidelines on land consolidation are issued by the central office of The Division of Land consolidation under Ministry of Food, Agriculture and Fisheries. This same office also controls the detailed formalities in each scheme and thereby functions as the secretariat for the county Land Commissions. Land consolidation planners under the Division of Land Consolidation, or private land surveyors perform the local negotiations with landowners and authorities concerned.

Danish Land Consolidation – three main types.

Land consolidation transfers ownership of landed property but it follows different principles than ordinary private agreements. There are three common variants of land consolidation in Denmark.

1. Improvement of location & structure. At times in combination with minor public projects. Participation is voluntary.
2. Public projects, for example afforestation, and improvements of the structure of holdings concerned. Participation is voluntary - 10% can be forced to join, however.
3. Public works of construction notably main roads. Participation is compulsory as far as those areas, which are directly expropriated by the project, are concerned. Relocation of other areas is voluntary.

Ad 1: Improvement of location & structure.

Land reserves: Important advantages if land is available from land reserves (the “land bank”).

Planning: Private chartered surveyor in co-operation with the land owners committee. In some cases the planner is from the Division of Land Consolidation.

Cadastral surveying: Private chartered surveyors.

The Division of Land Consolidation has the following responsibilities:

- Adherence to existing legislation.
- Consideration of complaints from landowners.
- Payments between buyers and sellers.
- Implementation of cadastral survey by private chartered surveyors.
- Updating of cadastre and land registry.
- Valuation of the new holdings.
- Adjustments of land taxation.

Participation is free. All costs are paid by the Division of Land Consolidation under the Ministry of Food, Agriculture and Fisheries. Time perspective: 2-3 years depending of numbers of participants.

Ad 2: Land consolidation in public projects.

Such projects would commonly concern afforestation, nature reserves and urban development and often a combination hereof.

Compensation land from the “land bank” is necessary.

Planning: The Division of Land Consolidation in co-operation with a land owners committee. In a few cases planning is done by a private chartered surveyor and the land owners committee.

Cadastral surveying: Private chartered surveyors.

Responsibilities of the Division of Land Consolidation: As above.

Participation is free. All costs by the land consolidation are paid to the Division of Land Consolidation by the agency that implements the project and has requested the land consolidation - for example the Ministry of Environment.

Time perspective: Approximately 3 years.

Ad 3: Land consolidation in connection with public works.

Most of these construction works concern high ways and major regional roads.

Acquisition of rights of way for these projects follows an expropriation procedure. In effort to reduce the damages from de-figuration of the farms concerned, the principles from land consolidation are applied by re-distributing land to more convenient locations and access.

The land consolidation negotiations with the landowners reveal to which extend they - on a voluntary basis - are willing to join a land consolidation beyond the immediate areas of the high way.

Land reserves for compensation is important – if available.

Property transactions in the land consolidation are not made effective on the basis of the procedure in the Land Consolidation Act, but as a part of the ruling /verdict of the expropriation.

Time-consumption for each activity in a land consolidation.

Activity	Sum in months	Actor(s)
First public meeting, 1 day	0	Land Commission and Division of Land Consolation.
Planning, 6-9 months	9	Division of Land Consolidation or private chartered surveyor.
Control, 2-3 months	12	Division of Land Consolidation
Preliminary ruling and registration, 1 day	12	The Land Commission
Payment and transfer of ownership of the areas concerned. 1 day	12	Division of Land Consolidation.

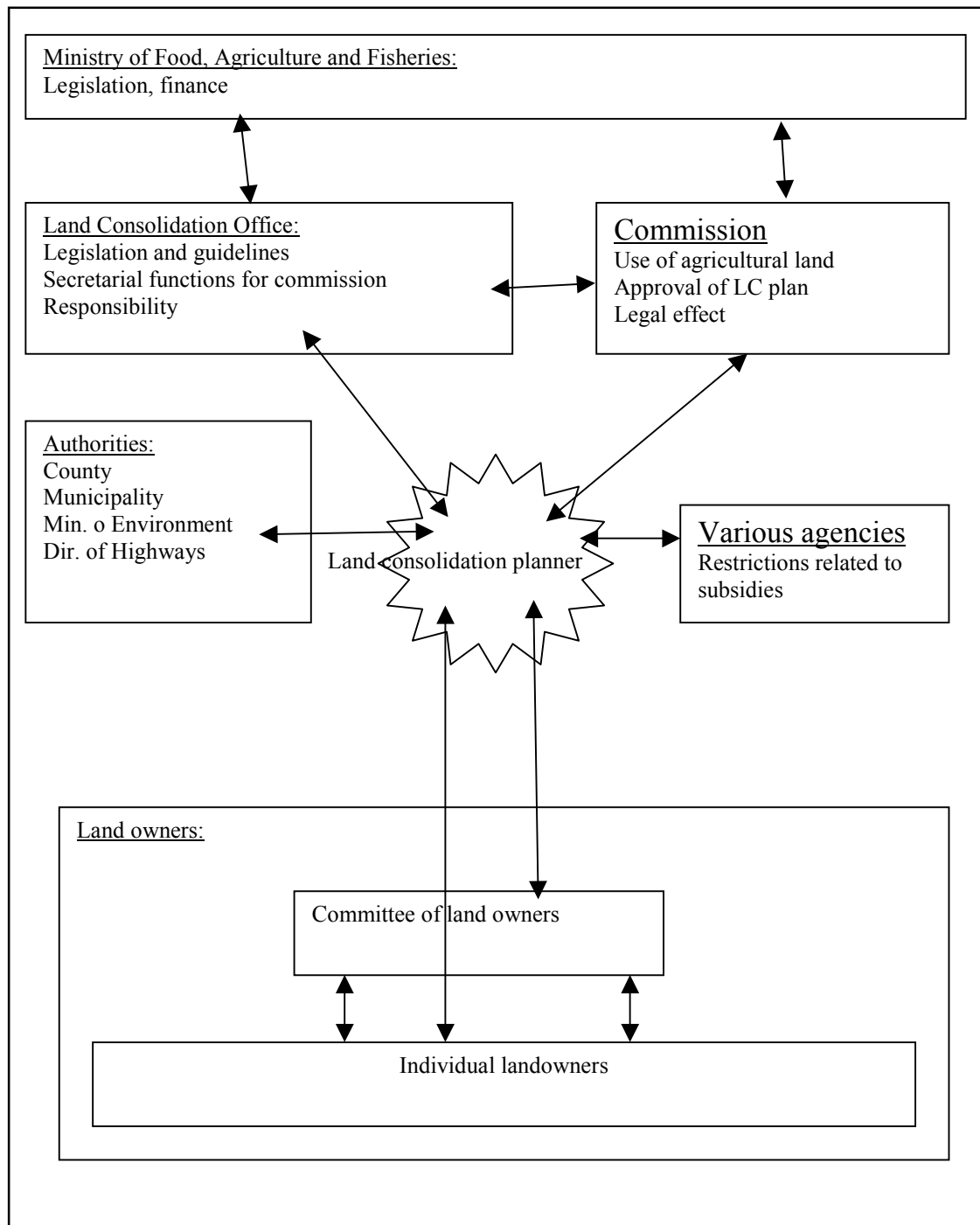
At a predefined date shortly hereafter or on the 1st day on the following month: Owners now have full rights to dispose over their new areas even though ownership has not yet been finally registered in the land registry.

The preliminary ruling of the Land Commission is only registered as a burden on the properties concerned. As a result hereof The Division of Land Consolidation certifies that the new situation is effective in case owners need mortgaging.

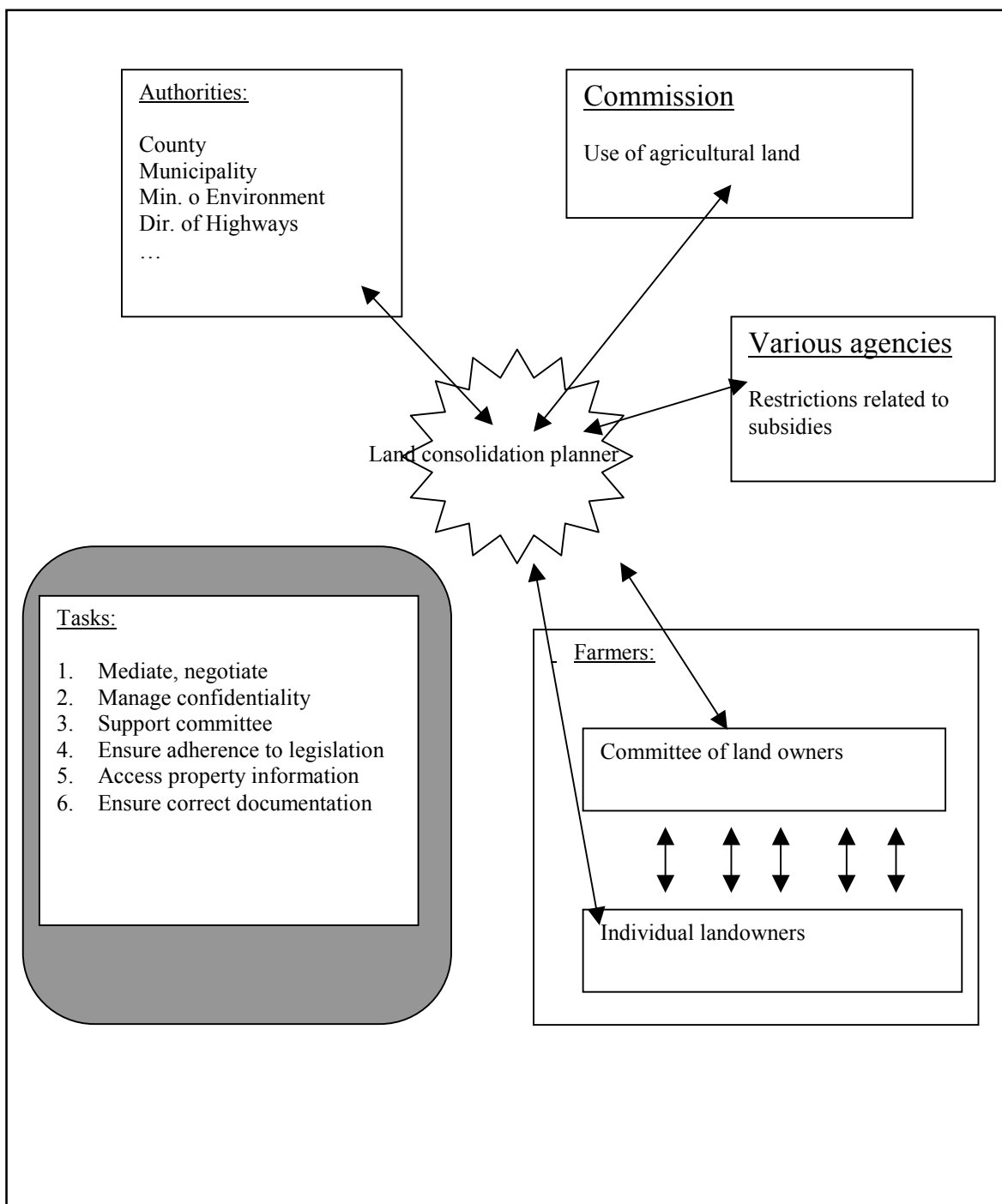
Activity	Sum in months	Actor(s)
Catastral surveing, 6 months	18	Private firms
Registration (in cadastre and land registry), valuation, adjustment of land taxation, 18 months	36	Cadastre, land registration, Division of Land Consolidation.
Final ruling, 1 day	36	Land Commission and Division of Land Consolidation

The institutional setting

The institutional actors and their key roles in a Danish land consolidation:



The land consolidation planner



Selected aspects of Danish land consolidation

The following features of Danish Land Consolidation may be of interest when designing a system for land consolidation in other countries:

- (1) One shop: All transactions are defined and agreed upon in only one document for each property. Illustration: Land consolidation agreement, Mr Joergensen, No. 9, Raved Scheme.
- (2) "Simultaneousness" – the ruling: All changes in property – layout, ownership, access, etc. – become effective at the same time and in only one ruling and with only one signature from the judge.
- (3) Delayed cadastral survey: Effective change of ownership happens prior to cadastral survey and final registration in the land registry. A time span of 1-1½ year is normal from the beginning of negotiations to effective new ownership.
- (4) Adjudication: The Land Consolidation Act empowers the Commission to adjudicate ownership on land in case ownership is uncertain or unknown.
- (5) The role of the planner: The complex task of negotiation and planning is delegated to one person. It is an effective de-centralisation that greatly simplifies the procedure. On the other hand it involves a heavy responsibility for one person alone.
- (6) Sporadic schemes: Danish Land consolidation schemes based on voluntary participation are sporadic. The negotiation process reveals whom finally wants to participate. The model does not pre-suppose that an entire locality is re-designed.
- (7) Land reserves: The Division of Land Consolidation is empowered to purchase agricultural land for particular purposes. A main objective is to re-distribute such land subsequent land consolidation schemes. Land reserves for re-distribution and as part of compensation has proved important in reaching agreements in land consolidations and in connection with projects.
- (8) Participation is free: Projects that are approved by the Division of Land consolidation are free of costs for the participants. Also land consolidations in connection with various projects are free, paid by the implementing agency. This is an important incentive to enter into voluntary agreements.