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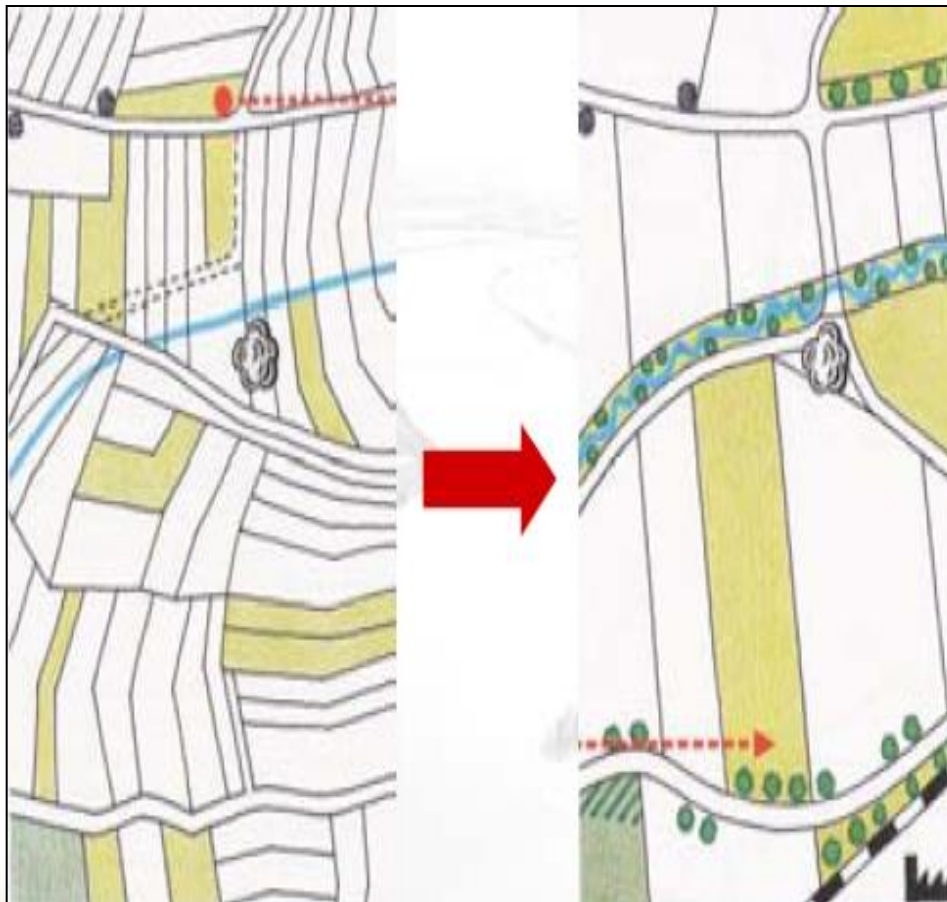
11th International **LANDNET** workshop

LAND CONSOLIDATION
as an essential instrument
for the implementation of large-scale
infrastructure and sustainable land use
– the European context –

Prof. Dr.-Ing. Joachim Thomas

Tallinn, 27th of November 2018

1 Terminology 1: „land consolidation“

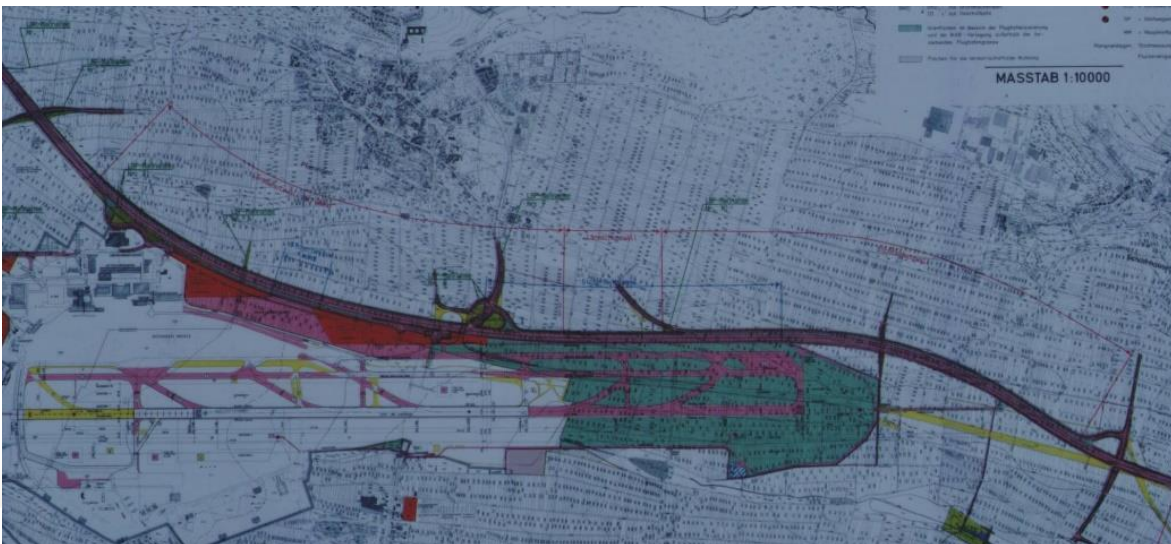
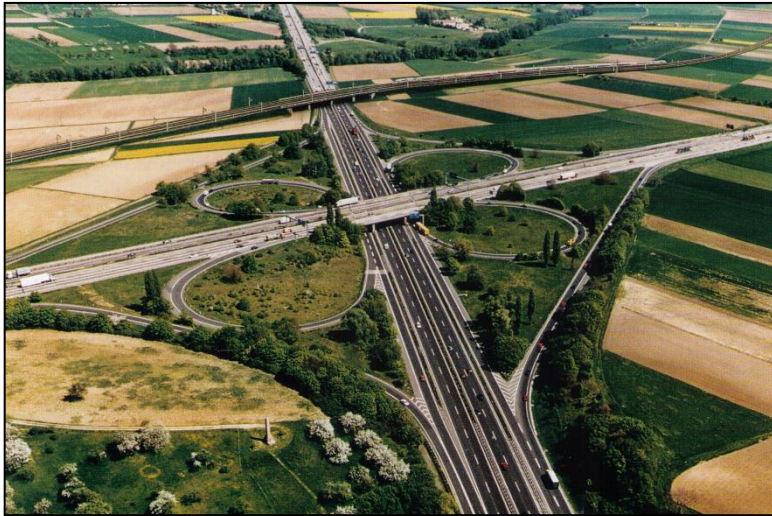


land consolidation

=

- redesign of real property
- +
- legally regulated
- +
- led by an (state) authority
- +
- to pursuing concrete purposes and achieving (a) specific objective(s)
- +
- on voluntary or compulsory base

1 Terminology 2: „big infrastructure project“



„in public interest ! !“



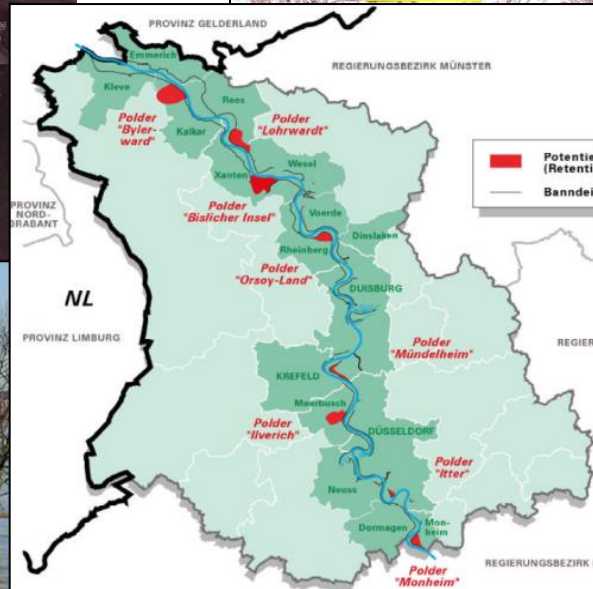
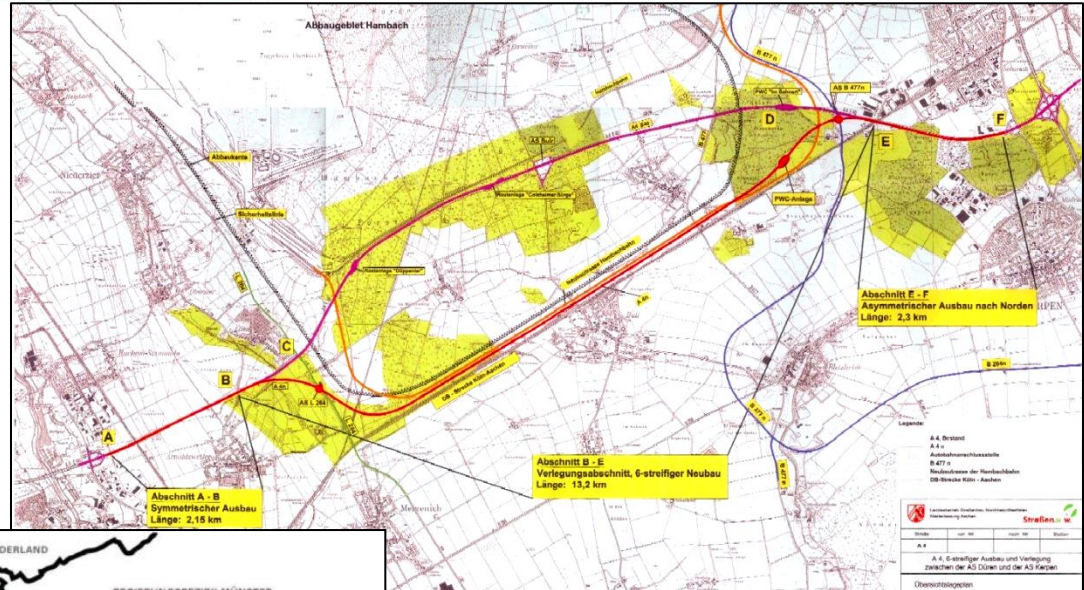
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Braunkohlenbergbau im Rheinland



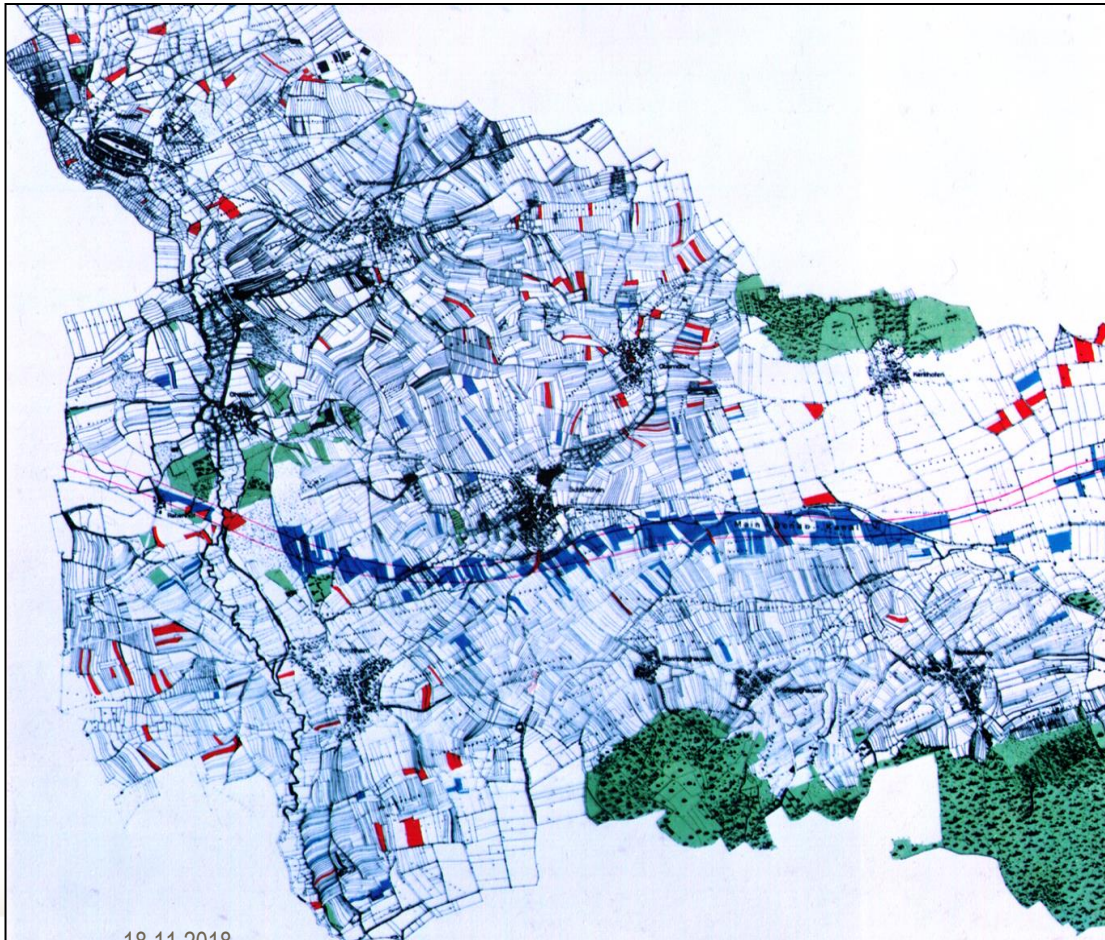
2 The impacts on landscape and real property



- rededication and loss of agricultural lands (for the subject as such, attendant facilities, environmental compensation measures)
- fragmented fields
- uncomfortably/ unrationally shaped fields
- remaining useless residuals
- interrupted public streets, rural roads, waterbodies, landscape elements
- cutoff of the fields from corresponding farmsteads
- encroachment in nature and landscape with the need to compensation „in kind“

3 Without or with land consolidation ?

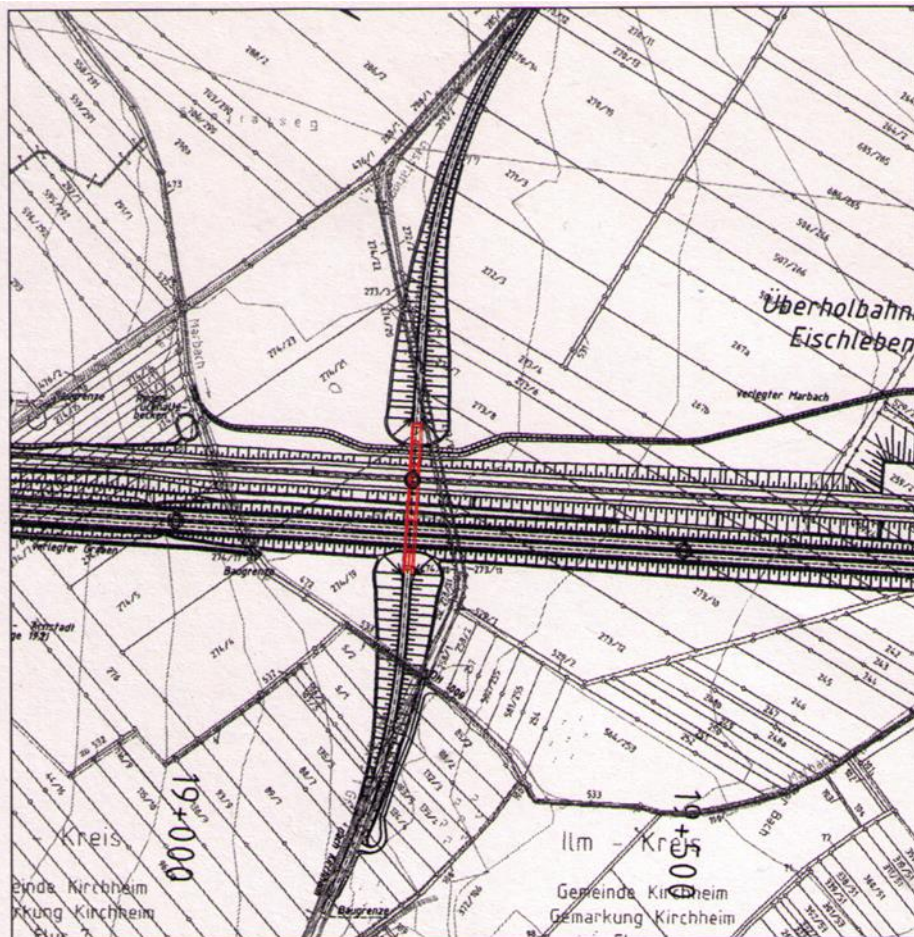
3.1 The „developer model“: (land acquisition)



- free-hand land acquisition at the land market in location of need (trace, attending facilities, ecological compensation measures etc.)
- in case of lacking success:
 - application for expropriation
 - administrative decision
 - decision on payment compensation
 - legal remedy against
 - recourse to court
 - applying for a provisional hand over of the parcels in question
 - administrative decision
 - decision on payment compensation
 - legal remedy against
- etc., etc. etc.

3 Without or with land consolidation ?

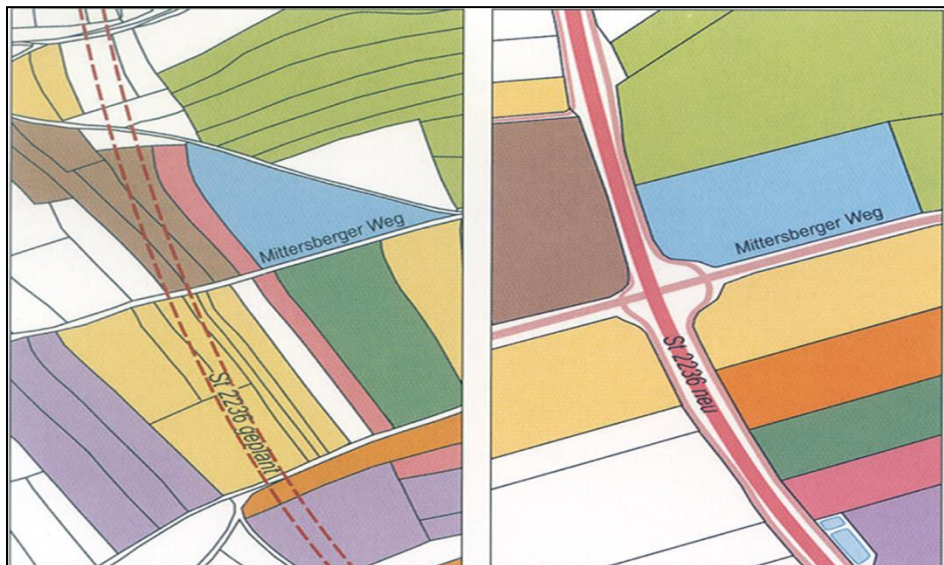
3.1 The „developer model“: (land acquisition)



- adjustment of the affected infrastructure occurs as far as indispensable
- every other disadvantages and encroachments are compensated monetarily

3 Without or with land consolidation ?

3.2 The „land consolidation approach“: (the principle)



- exchange of purchased land to the location of need (trace, attending facilities, ecological compensation measures)
- adjustment of the affected rural infrastructure to the new field structure
- functionally location of ecological compensation measures
- optimal adjustment of the parcels to the new field structure combined with a re-grouping and comfortably shaping of arable lands
- residuals are avoided
- and (by given) legal prerequisites:
 - acquisition of land, that is not available by free-hand acquisition, through apportioning the lack of land among all participants via percental reduction of the entered land in the land consolidation project

3 Without or with land consolidation ?

3.2 The „land consolidation approach“: (the tools)

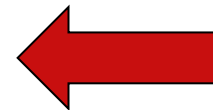
- 1. Voluntary Exchange of Land

therefore:

- not likely to really supporting the infrastructure project,
- but likely to afterwards repairing single remaining disadvantages in agriculture

Result:

- very limited
 - very time-consuming
 - finding adequate partners
 - „voluntaryness“ (!)
- not likely to guarantee full acquisition of needed land in time
- result isn't predictable



3 Without or with land consolidation ?

3.2 The „land consolidation approach“: (the tools)

2. Comprehensive Land Consolidation

(conditio sine qua non: the developer brings in enough exchangable lands)

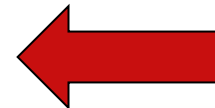
therefore:

It is likely

- to supporting the infrastructure project by an in-parallel-implementation, if the developer brings in enough exchangable land
- by simultaneous best fulfilling the concerns of the land owners

Result:

- provision of land at the location of need
 - as well in the project area as such
 - as in location of ecological compensation measures
- rural infrastructure may be fit to the new field structure
- agricultural needs may be best fulfilled:
 - affected parcels can be comfortably merged and shaped ,
 - an adjustment of the field structure occurs to the infrastructure project,
 - a cutoff of the fields from their farms is preventable in most cases





3 Without or with land consolidation ?

3.2 The „land consolidation approach“: (the tools)

3. Land Consolidation in Case of Compulsory Land Acquisition (LCCCA)

- That type of Land Consolidation can be applied, when the **developer is not able to purchase the full amount of the needed land** (free-hand at the land market).
- **Prerequisite: Plan Approval** of the project, in which the permission of expropriation is stated.
- In such case, a land consolidation may be requested, in order to apportion the lack of land among all participants of the project.
- The land owners are monetarily compensated for their contributed land (at market value).
- Although the apportioning and contribution of land to the public project represents a manner of expropriation, this kind of realization is favored (in particular) by the farmers in comparison to usual expropriation.
- The developer has to carry the implementation costs of the land consolidation project

3 Without or with land consolidation ?

3.2 The „land consolidation approach“: (the tools)

yet

3. Land Consolidation in Case of Compulsory Land Acquisition (LCCCA)

therefore:

It represents the “tailor-made instrument” to supporting the infrastructure project by an in-parallel-implementation

Results:

- The provision of full amount of needed land for the project is guaranteed **in time and at location of need** by the land consolidation authority.
- Agricultural concerns and interests are best considered.
- The affected rural infrastructure as well the field structure is best adjusted to the new spatial structures.
- The certainty of the land owners for a fair compensation of their sadness (without any course to the court) reduces the resistance against the project.



further details see: FAO Land Tenure Journal 1/2017, pp7-33;
Rome ISBN 978-92-5-009887-6



5 Conclusion

- Big public infrastructure projects cause large encroachments in nature and landscape as well in individual property relations of the affected land owners as „collateral impacts“.
- Under the aspect of „sustainability“ it isn't sufficient to realise only the project, but also to minimize additionally the collateral impacts in a socio-economically satisfying manner.
- To that purpose land re-adjustment methods keep some sophisticated tools ready.
- If at all, and which land consolidation tool in the single case comes to application depends on kind and amount of needed land within the infrastructure project, as well the collateral impacts induced by the project.
- (in territory of Germany, actually ca. 25% of about 5000 running land consolidation projects are implemented as projects „in case of compulsory land acquisition“.)