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Land consolidation in the Netherlands

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Historical perspective I

1924; first land consolidation act

- Objective; improvement agricultural structure.
Bad conditions in agriculture; small farms,
scattered plots, bad infrastructure, bad hydrological situation



1935 land consolidation as governmental policy.

Start governmental service for Land consolidation

1938; new land consolidation act

- Introduction; subsidy for land consolidation



Historical perspective II



1954 new land consolidation act

Essential modifications;

- * legal position tenant
- * introduction of deduction (<5%)
- * possibility to improve infrastructure (roads and water courses)

From the 1970s; from agriculture approach to more multifunctional approach

1985 Land development Act.

- *Land consolidation becomes
Land development

Historical perspective III

Land development Act 1985

- **Land consolidation** (re-allotment) became **land development**.
 - Land development = *overall approach of a project area with objectives to improve agriculture, infrastructure, nature and landscape, watermanagement*
 - **Land consolidation** = re-allotment or land exchange. Part of land development
 - New stakeholders; public authorities (waterboard, municipalities), NGO's (nature conservation organisations).
 - Starts with drafting a land development plan with all objectives, measures and facilities in a limited project area.



Land development Act 1985

- Introduction of 4 forms of land development;
 - **land consolidation** (traditional with compulsory land exchange, with voting)
 - **land redevelopment.** Multiple targets, no voting, no compulsory land consolidation, mostly planned voluntary land exchange.
 - **Landadaptation;** land development related to big infrastructural project (motorway, railway)
 - **Land consolidation by agreement.**
Simple process for voluntary land exchange, initiated by land owners.
Most popular until now.



Process of land development I

- Decision on land development by provincial authority for a bounded area.
- Drafting a land development plan
- Deposit draft plan for public inspection
- Provincial authority Establish and publish plan
- Appeal to the court, but no suspensive effect;
start to execute the plan.
- Executing by Land Development Committee



Land Development Committee

- Appointment by the provincial government.
- Representatives of interest-groups in the project area.
- Creating support base in the project area.
- With decisive authority
- Legal basis



..... Commissievergadering mensenrechten. Onderwerp: De voedselvoorziening op aarde

Process of land development II

- Most important part of land development; **re-allotment process**

WHAT DO WE NEED ??

***acquisition** of land => for public purposes
for realizing exchanges more smoothly
(*"lubricating oil"*)

How ?

- By deduction (up to a maximum of 5%)
- Buying on a voluntary basis
on the property land market



Process of land development III

The *principles of deduction*;

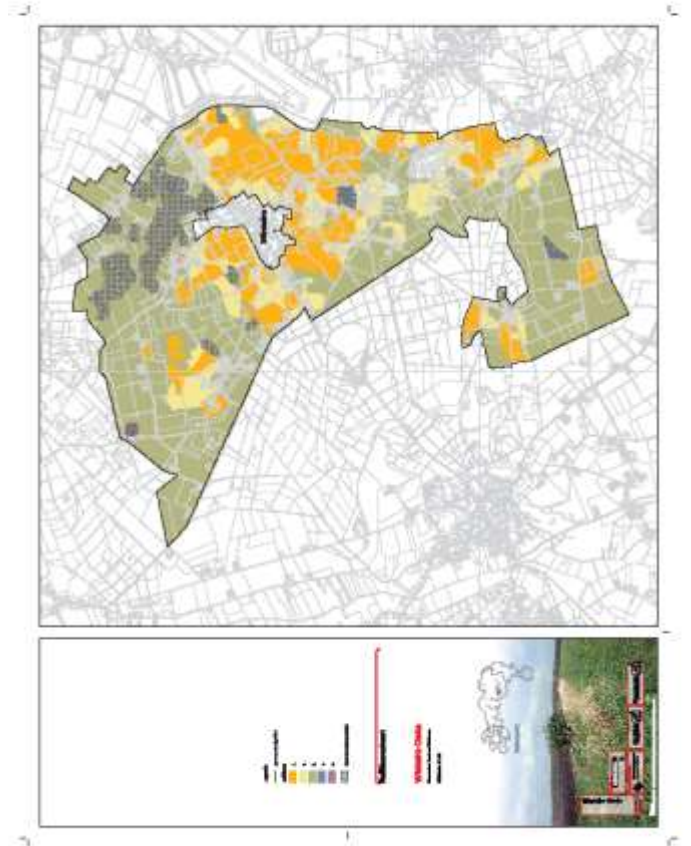
- * legal basis in Land development plan with established %.
- * maximum of 5%, with financial compensation
- * Solidarity principle ; all landowners participate in the deduction.
- * only for public purposes.
- * only in case of re-allotment, but not part of reallocation plan
- * assigned directly to public bodies, (waterboard or municipalities)



Process of land development IV

re-allotment process

- Three procedural stages;
 - List of rightful claimants and land valuation
 - Re-allotment plan (allocation plan)
 - List of financial arrangements
- Each stage with a process of lodging objections



Process of land development V

re-allotment process

- List of rightful claimants; determination of the entitled landowners, based on the land register of the Cadastre
 - (separately; list of tenants with legal leases)
 - Based on a reference date; basis for allocation plan
- Land valuation; land exchange is based on land of same quality, fertility and agricultural value.
System of classification of land; result a map with classification of all land in the project area



Process of land development V

re-allotment process

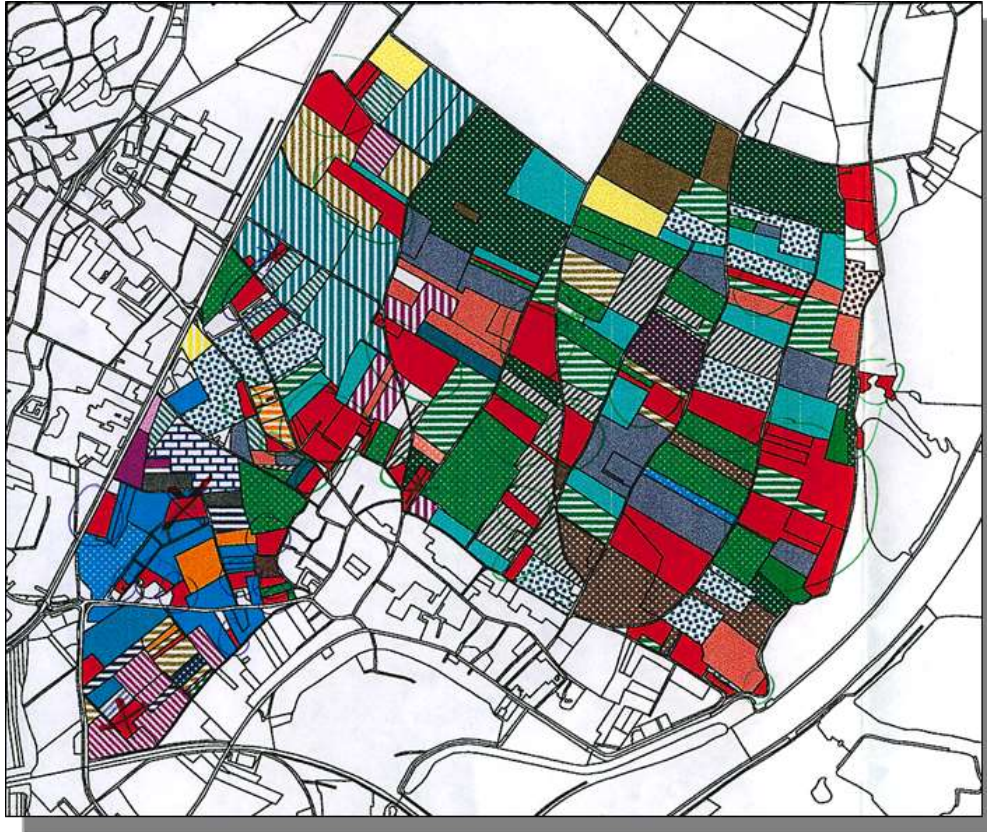
- Re-allotment plan; exchange of private properties
- Starting with the inventory of wishes of all participants
- Re-allotment plan designed by committee and professional support on the basis of land valuation, wishes, intended objectives.

Starting point of the plan; Nobody gets worse.

- Objectives of the plan; improvement of the agricultural structure (well shaped plots, concentration of plots, accessibility), improvement of landscape, conservation of nature, waterstorage, infrastructure
- Process of lodging objections
- Notary deed for the property transfer
- Registration in public land register



Example of reallocation



Before ...



and after

Process of land development VI

re-allotment process

- Execution of works;
- Parcellation works; improve accessibility.

Connecting plots, watercourses

- Works like creating new nature, waterstorages, roads



Process of land development VI

re-allotment process –execution works

- Execution of works can start after the plan adoption.
- Conditions; land available for the execution works.
- Tool; plan of temporary use.
 - Landowners gets land in temporary use in exchange of their land property.
 - Or, in case of... financial compensation.



Process of land development VII

re-allotment process

- List of financial arrangements
 - Costs not financed or subsidized; paid by the landowners
 - It's about 35% of the total costs of the reallocation process .
 - Contribution of the participants is based on the benefits of the reallocation
 - Also settlements between old and new land owners (facilities left)

Process of lodging objections;

After finalizing the process;

- Payments
- Till 2007; in 26 annual instalments,



Process of lodging objections

- Deposit of Draftlist of rightful claimants/allocation plan /list of financial arrangements.
- Treatment of the objections by Land Development Committee
- If no solution; treatment by the investigating judge
- If no solution; decision by the court
(after hearing of objector and involved stakeholders)



Current situation I

- 2007; new act; Law on Development of Rural Areas.
- 2 important changes;
 - 1. responsibility from Central Government to the Province (for the implementation and the financing)
 - 2. speed up the proces of re-allotment (to become more popular)



Current situation II

- Responsibility from central government to the Province;
 - Decentralisation of finances means less interest of the Province
 - It is up to the Province or they will appoint a Land Development Committee (or will implement it by themselves).
 - In 2015 the Governmental Service for Land and Water management was lifted.
The province has to organise the implementation.
- Lack of interest in compulsory land consolidation.

Current situation III

- Simplification or speed up the re-allotment process means;
 - Different forms of land development were deleted;
 - Only 1 form of land development with different tools
 - Process of land valuation was abolished. Soil suitability maps were used in stead of land valuation.
- Process of lodging objections consists of two steps;
 1. Decision by the provincial government about the lodged objections. Determination of the plan
 2. Appeal to the court.

No role for an investigating judges



How to make land consolidation more popular.

- Bottom up approach (already started).
 - Designing a draft reallocation plan together with all participants. = ***public participation.***

Practical; combine voluntary and compulsory exchange.

=> ***More support***

=> ***Less objections and less legal disputes***

Re-allocation for creating a viable agricultural structure **and** to realize governmental objectives.

- *“not against each other but with each other”*



How to make land consolidation more popular II.

Use land consolidation as alternative for expropriation

- Land instead of money. = continuing farming
- More support and cooperation
- Prevent disadvantages of expropriation like disturbing infrastructure, fragmented land.



How to make land consolidation more popular.

III

- Combining land banking with land exchange for climate goals, nature preserve.

“Buy land and exchange to the desired location”

Farmers are more interested in nature inclusive agriculture, sustainable agriculture and will cooperate to realize a future for agriculture

and to cooperate for realizing climate goals



Thanks for your attention..... *Questions ??*

