

Dr.-Ing. Alexandra Weitkamp, Stockholm 28.08.2009  
**LAND CONSOLIDATION FOR SPECIAL OPERATIONS IN PRAXIS –  
 POSSIBILITIES FOR INNOVATIVE LAND MANAGEMENT**

- expropriation is needed and makes sense because of public good
- in agrarian sector, it could result in extreme hardship
- land consolidation for special operations
  - as milder instrument instead of expropriation
  - can be used for realisation of further aims to improve the agricultural structure

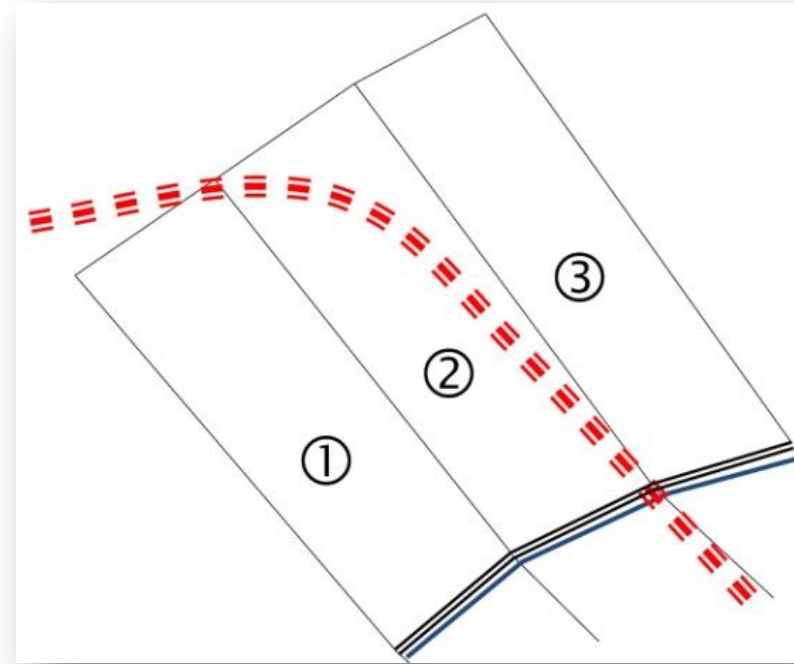
- introduction
- sovereign proceedings of land reallocation in Germany
- possibilities of innovative land management by land consolidation for special operations using the example of two case studies in Lower Saxony
- conclusion

- land consolidation in rural area:
  - normally serving private interest
  - exception: land consolidation for special operations
  - statutory basis: Flurbereinigungsgesetz
- land reallocation in urban area:
  - always serving private interest
  - statutory basis: Baugesetzbuch

- for the supply of land in considerable size at a certain place:
  - more than 5 ha
  - basis:
    - official approval of a plan or binding land-use plan
  
- examples:
  - highway, country roads,
  - district roads, bypass,
  - railway, airport etc



- distribute the expected land loss on a wider circle
- disadvantages on account of damages of divisions, detours, wrong forms, rest properties are removed or minimized



## **Two case studies:**

- land consolidation „Goltern“ in Barsinghausen
- linkage of procedures land consolidation „Südring“ and land reallocation „Segelwiesen“ in Nienburg

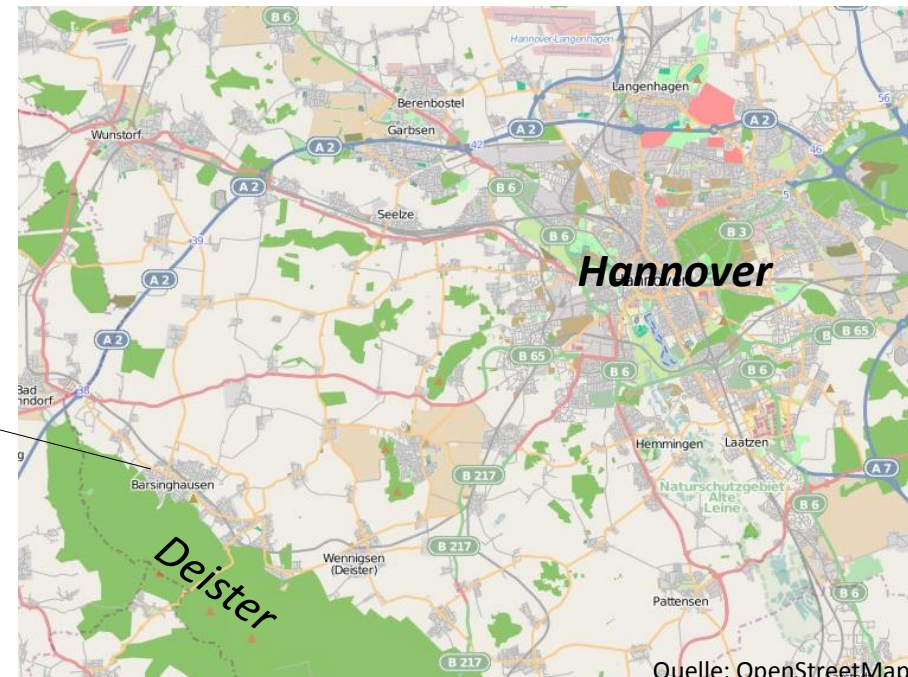






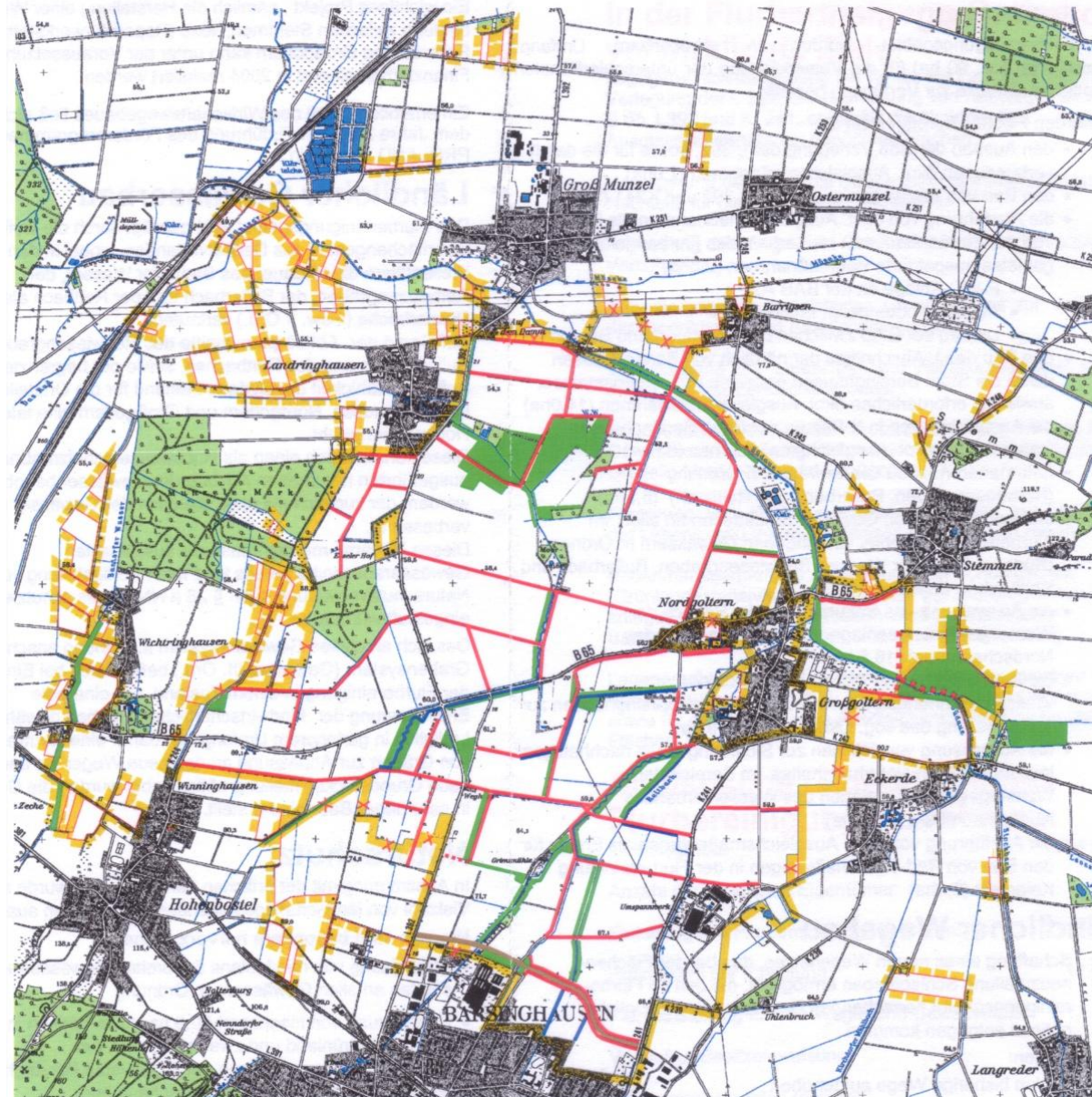
- medium-sized town in region of Hanover
- affected by the ridge „Deister“ in the south-west
- procedure includes 1.914 ha of agricultural land
- only a few agricultural roads
- lower lying villages are affected by high water
- poor situation of public road






*Barsinghausen*



- straightening of a federal road in area and adjustment of a crossing which is affected by accidents
- creation of a by-pass
- creation of agricultural roads
- improvement of the ecological situation of the water bodies
- mitigation of the danger of high water

# Most important actions



-  Border of Consolidation Area
-  Realized Agricultural Roads
-  Planned Agricultural Roads
-  Realized Water Bodies
-  Landscape Management Measures



- straightening of a federal road and adjustment of a crossing

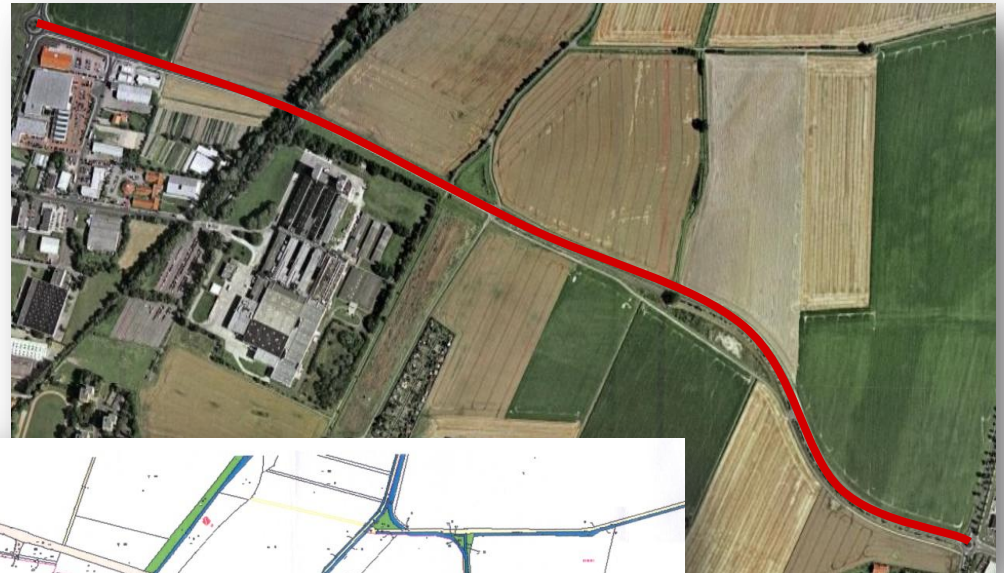


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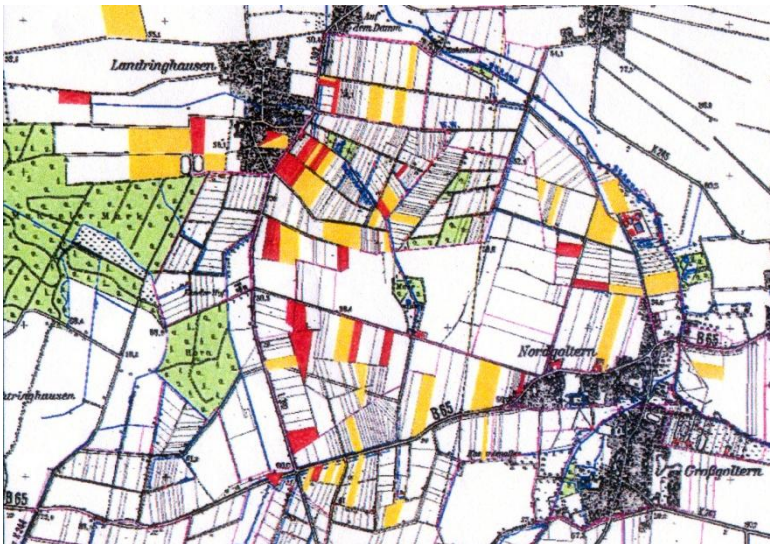


- provision of land for by-pass

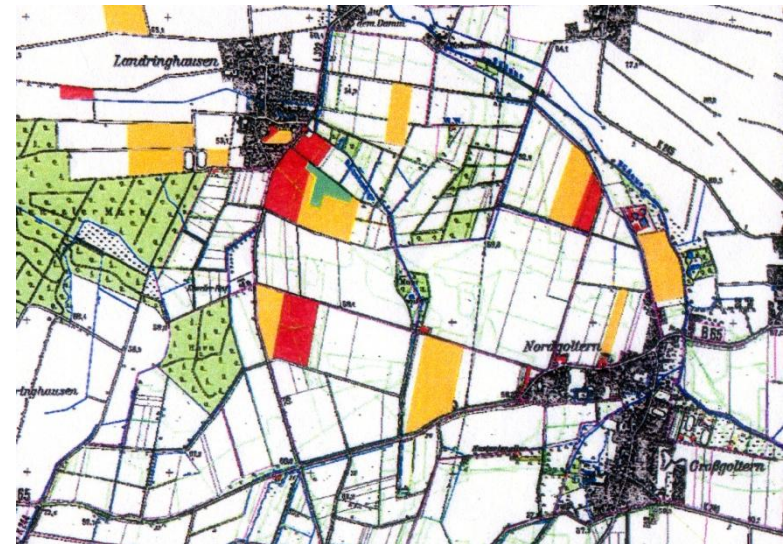


- consolidation of agricultural land

situation of a farm before consolidation



situation of a farm after consolidation





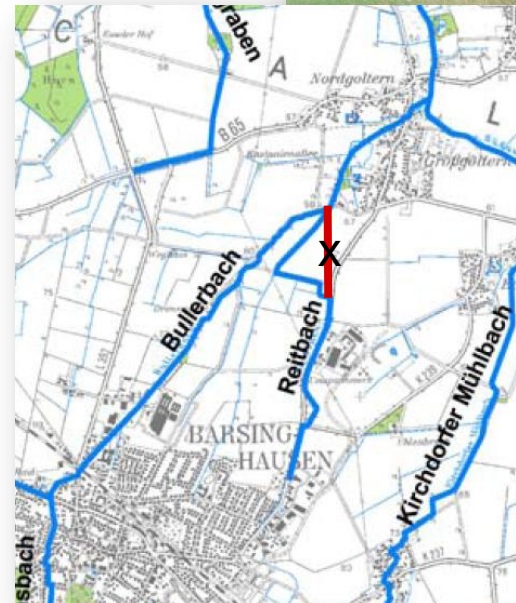
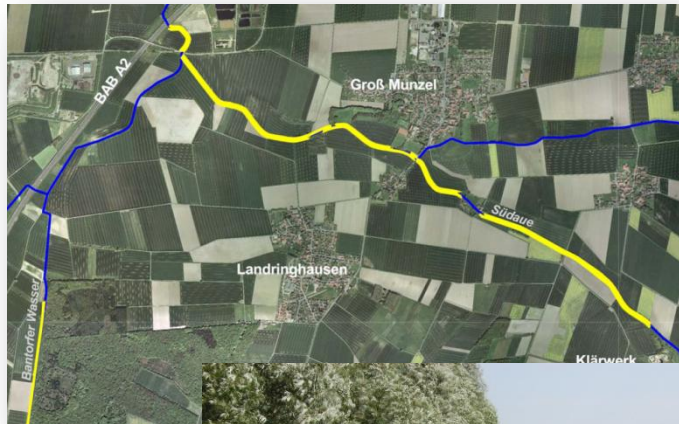
- creation agricultural and cycle roads







- renaturation of water bodies to improve the ecological situation
- creation of stripes of watersides: min. 5 m width





- flood control basin



- medium-sized town between Hanover and Bremen in rural area
- Area is situated in south of Nienburg
- two subareas:
  - Südring:
    - ca. 62 ha area
    - agricultural use
  - Segelwiesen in the center of Nienburg:
    - ca. 22 ha area
    - currently agricultural use









# extract of prepratory land use plan



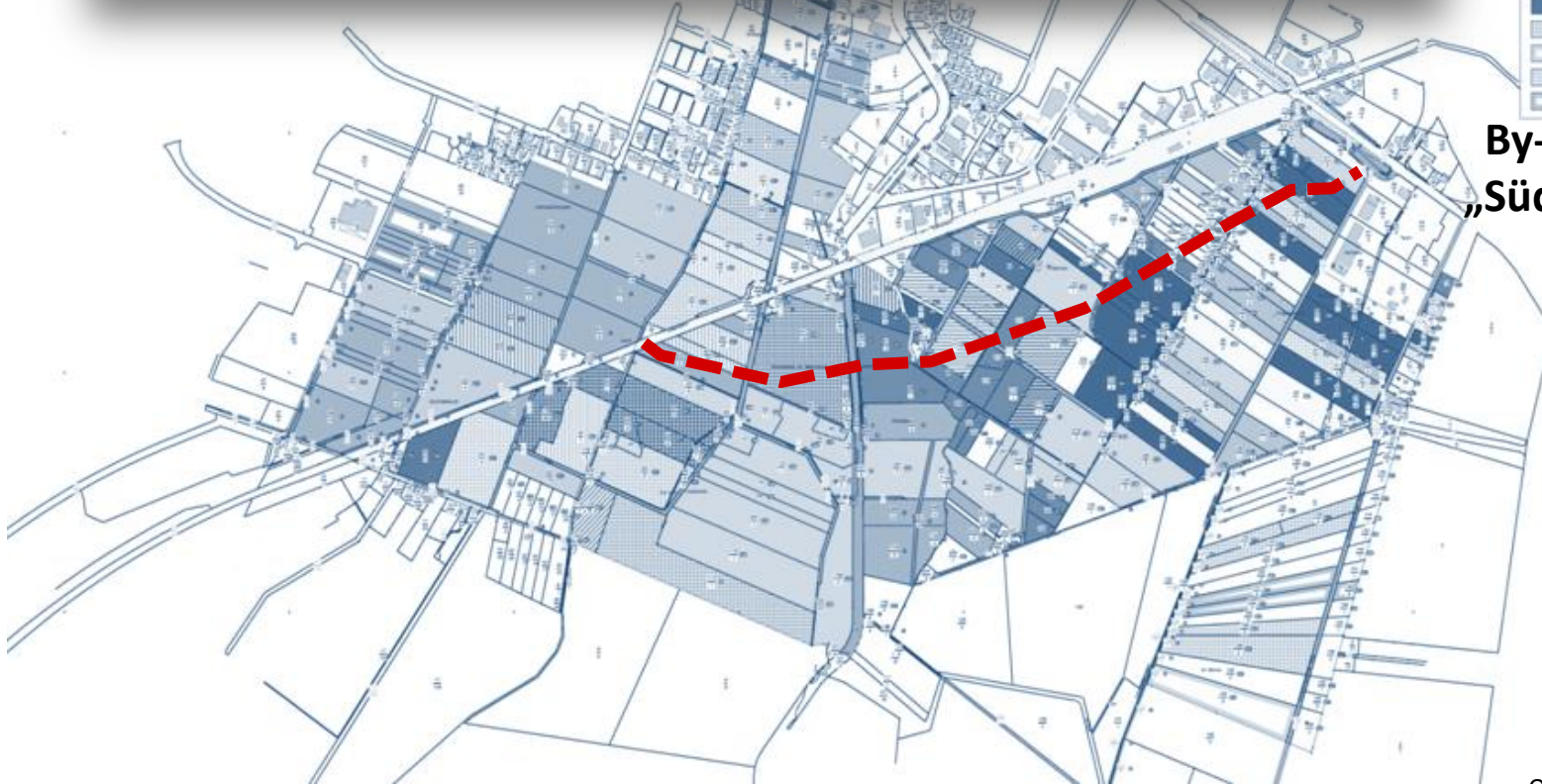
**Besitzstandskarte alter Bestand**  
(Ordnungsnummern)  
Maßstab 1: 5000  
Blatt

Flurbereinigung Segelwiesen  
P 17 2473

GLL Sulingen  
Amt für Landentwicklung Sulingen

**Zeichenerklärung:**  
dargestelltes Eigentum: Normaligentum

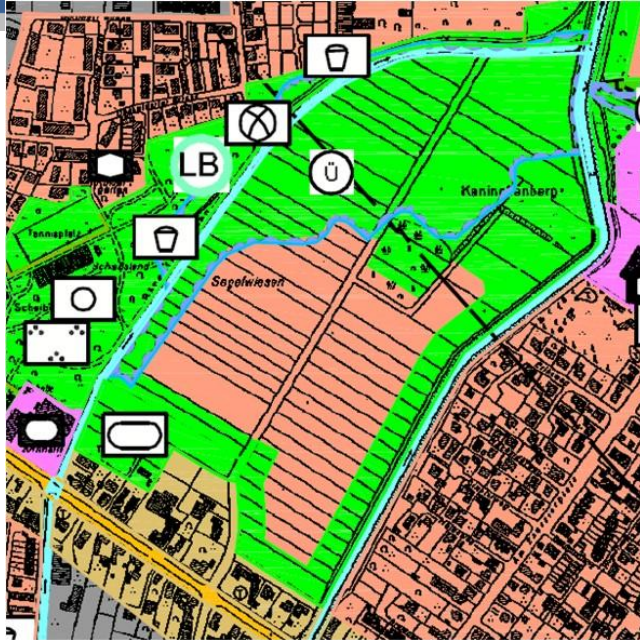
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138	229
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140	234
148	238
151	239
153	245
155	248
160	249
185	250
191	251
192	252



**By-Pass  
„Südring“**



extract of preparatory land use plan



# Segelwiesen



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Maßstab 1: 5000  
Blatt

Flurbereinigung Segelwiesen  
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By-Pass  
„Südring“





- land consolidation:
  - sectoral (integrated) planning **and** sectoral measures
  - is not only justified at agrarian property → includes further surfaces like roads, paths, water bodies
  - is bounded to binding land-use plans and has no priority
- plan according to sec. 41 FlurbG  
(road and drainage plan with landscape preservation plan)
  - connection to urban planning
  - realisation of planning of the land consolidation by effect of permission because of official approval of a plan

- **either:**  
accordance of entitled person assumed, land consolidation administration and municipality (reallocation department) can allocate a parcel in each other procedure
  - precondition: area of land reallocation is not part of area of land consolidation
  - surrogate principle  $\Rightarrow$  property has to continue always: new legal situation of land reallocation and land consolidation has to begin at the same time
- **or:**  
double membership of a parcel in an area of land reallocation and land consolidation is allowed as well
  - accordance of entitled person is not assumed
  - indefeasibility of land reallocation can chronologically precede:  
land reallocation takes place of primarily stock in the land consolidation
  - land consolidation principles must be kept

- sometimes land consolidation makes sense with urban planning at its beginning
  - municipality: planning responsibility
  - land consolidation can cause a demand of planning:
    - change of preparatory land use plan
    - preparation of a binding land use plan
- land consolidation is not totally bounded on agrarian used parcels:
  - can not be used, only to provide building land
  - representations / designations of planning law are bounded by urban land use planning

- compensation of both procedures in „Segelwiesen“
- change of agricultural area from „Segelwiesen“ to „Südring“
  - otherwise expensive infrastructure provision is needed
  - restriction because of flood plain
- no need for alternative land of supralocal greenfields in land reallocation because of land consolidation:
  - marginal strip between reallocation area and water bodies could be purchased by statement of abandonment of land according to sec. 52 FlurbG
  - renaturation of water bodies by land consolidation
  - resp. realisation of recreational zones → subvention of general land improvement

## **The land consolidation for special operations**

... as instrument, to ease expropriation  
(proportionality of means)

... as instrument, in addition to satisfy further  
requirements of rural land

... as balance between private and public  
interests



I am especially indebted to the administrations of **Geoinformation, Landentwicklung und Liegenschaften** (GLL) Hannover and Nienburg for making the information about procedures available -

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