

## Land Consolidation as a tool to balance private and public requests on land use

A German example in the Rhenish lignite mining district

Ralph MERTEN, Germany

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## Lignite mining in Northrhine-Westfalia

Lignite deposits



Densely populated areas



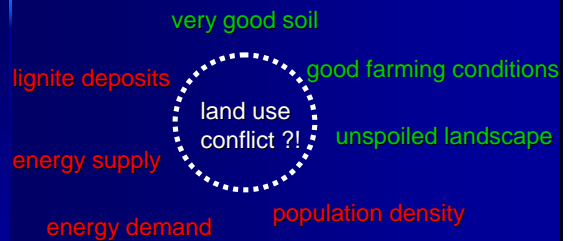
Energy mix



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## „Ingredients“ of a land use conflict



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## Sustainable use in accordance with public and private requests ?



the loess topsoil and loam is removed

top layers up to 280 meters have to be removed

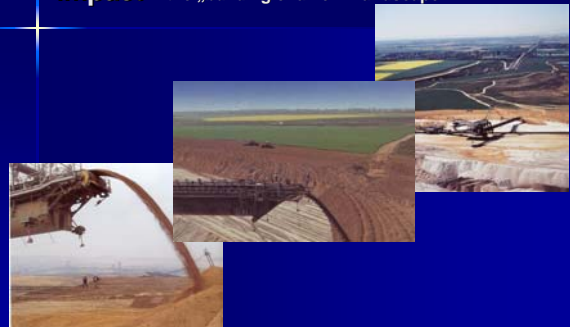


Land use by RWE power – a private mining company

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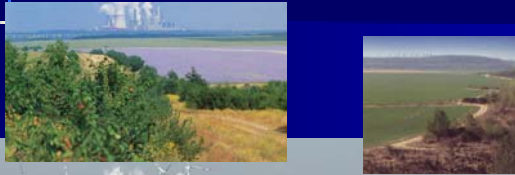
## Recultivation to reduce the ecological impact - the „building of a new“ landscape



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## Soil development through intermediate cultivation by expert pioneer farms



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## Dimensions

the Rhenish lignite mining district



bucket wheel excavator

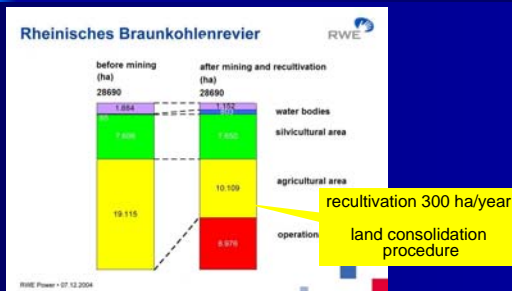


20 km

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## Overall reclamation figures



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## Rights of the owner/user of agricultural land

Land **is taken** by the mining company (before the mining starts)

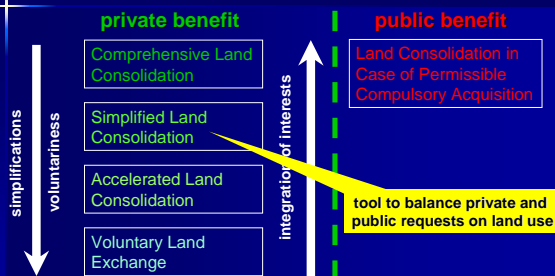
- property
  - by means of purchase
- use of land
  - by private usage agreements
  - through cession of land (Federal Mining Act)

Land of equal value **is returned** during land consolidation procedure (after reclamation and intermediate cultivation is finished)

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## Different applications of German LC



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## Simplified Land Consolidation (private and public interests)

- to eliminate or to minimise the detrimental impacts on the agricultural structure caused by **public request** to land use
- e.g. requests laid out in special planning for
  - nature protection and landscape planning,
  - communal land use,
  - water management,
  - transport
- not solely carried out in support of public purposes - **private benefit** must be evident

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## Planning procedure I (regional planning before mining starts)

### Lignite Mining Plan (Federal Mining Act)

- main factors for recultivation
- the overall look of the new landscape
- arrangement of land use including ecological elements
- refers to the instruments to be used later to implement

### Participation of

- parties concerned – public interests



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## Planning procedure II (special planning before the recultivation starts)

### Operational Framework and Final Operational Plan (Federal Mining Act)

- surface gradients
- fundamental arrangement of the new plots, main ways and water bodies
- ecological elements

### Participation of

- land consolidation authorities
- farmers
- public interests (water, transport, landscape conservancy)
- municipalities



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## Planning procedure III (special planning under the Land Consolidation Act after intermediate cultivation started)

### Road and Water Resources Plan with landscape conserving accessory plan (Land Consolidation Act)

- exact position of rural infrastructure (ways, water bodies)
- land use balance concerning ecological elements
- future site and structure of farms is taken into account

### Participation of

- body of participants
- public interests (water, transport, landscape conservancy)
- municipalities



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## Planning procedure IV (Land Consolidation Plan after intermediate cultivation is finished)

### Land consolidation plan (Land Consolidation Act)

- evaluation of the soil
- allocates land with equal value for every participant
- authorities strive for mutual agreements
- demarcation of the border and of the new plots
- stipulates new legal status

### Participation of

- farmers – private interests (freehold – leasehold)
- mining company



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## Interlocked planning procedure



Lignite Mining Plan



Operational Framework and Final Operational Plan



Road and Water Resources Plan



Land Consolidation Plan

public interests

integration of interests

Federal Mining Act

Land Consolidation Act

private interests

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## Results of the land consolidation procedure - public and private requests balanced

- private usage agreements are resolved
- private ownership is restituted (in another area)
- public claims on the land use are settled



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## Conclusions for LC measures

1. Re-allocation and improvement of rural infrastructure is important, but public requests on the use of land needs to be satisfied too
  - **Integration of public and private interests is essential**
2. Diverging objectives have to be merged. Consecutive public planning with participation of private and public authorities helps to know the demands and is elementary for farmers' managerial decisions
  - **Frameworks are to be laid down in comprehensive spatial planning; participation is necessary**
3. The land consolidation authority should comment on the impact of planned projects on agricultural structures and the general use and development of rural land
  - **Competence (by law) and engagement of LC authorities to comment on ongoing planning procedures is necessary**
4. The implementation of public planning needs distinct legal regulations to enforce the public purpose
  - **Distinct regulations are a precondition for just, lawful and reliable consolidation procedures**

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## Conclusions for LC measures

5. LC procedures are to be chosen especially with view to the ratio of public and private benefit of the pursued planning
  - **Flexible legislation for different applications of LC is necessary**
6. Possibilities and priorities of co-operation with planning authorities are to be assessed regularly. Anticipatory action may prevent speculation on land: „free state land“ or/and a land fund simplify matters.
  - **Existence and anticipatory use of a land fund helps prevent speculation**
7. Integrating the parties concerned in the planning and decision-making helps to implement the projects
  - **Land consolidation should strive for mutual consent even when not stipulated by law**

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Thank you for your attention

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