Land consolidation and readjustment experiences & challenges in Slovenia

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SUMMARY

The paper aims to present the Slovenian experiences in the fields of land consolidation in rural areas and land readjustment in urban areas. In the today’s Slovenian territory, the first land consolidation projects were carried out already in the beginning of the 20th century but in a small scale. After the WWII, the government (at the federal Yugoslav as well as at the republic Slovenian level) tried to cope with the problem of agricultural land fragmentation more systematically. The most intensive land consolidation period was 1976–1990. The political changes in the beginning of 1990s and transition to market economy brought modifications of land consolidation procedures. The Slovenian government has been supporting the implementation of new land consolidations in the framework of the rural development program since 2007. Anyhow, the approaches to land consolidations have changed considerably in the past decades, where non-agricultural aims have been included. In addition to the efforts aimed at making agriculture and forestry more competitive through a comprehensive reallocation process, improvement of road and drainage networks, landscaping, environmental management, conservation projects, and other functions may be implemented by land consolidations. While Slovenia has a long tradition in agricultural land consolidation, the urban land readjustment is a novelty, which was legally introduced in 2002. Despite limited experiences in this field, there have been good practices developed in the past decade.
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1. INTRODUCTION

Land has long been considered as the elementary source of human existence, but its use has always been a subject to change: it was either developed into arable land or cultivated forests, or it was adapted to settlement, industrial, commercial, recreational or infrastructural purposes. In the past centuries, land use has been individualized through division into real property units in many countries, but continuous spatial changes and the development of the society in general require changes in real property division. While countries experienced different land reforms in the past, there are also other much softer approaches to adjust real property units to the needs of the modern society. Land consolidations and land readjustment might be the key contributions to sustainable land management and spatial development by providing suitable “real property conditions”.

The aim of the paper is to present the Slovenian experiences in the fields of land consolidation in rural areas and land readjustment in urban areas. Here it has to be mentioned, that Slovenia, like the other countries from the past socialist planned economy, faced two remarkable socio-economic changes in a period of less than 50 years, i.e. after the introduction of a centrally planned economy in the middle of the 20th century, which was often exemplified by the restrictions of private ownership of land in urban and rural areas, a relatively fast transition to the market economy took place in the 1990s and in the beginning of the new millennium. While the land needed for urban development projects was compulsory purchased or nationalized after the WWII, there was a particularity regarding nationalization of rural land in Slovenia, where only big farms were nationalized; the prevailing traditional Slovenian small farms (with approximately 10 ha of arable land) were never fully nationalized and most of them survived also under the socialist regime (Lisec et al., 2008; Hartvigsen, 2014).

Nevertheless there is a huge demand to adjust the real property units to the planned land use in rural as well as in urban areas. While Slovenia has a long tradition in agricultural land consolidation, the urban land readjustment is a novelty, which was legally introduced in 2002.

2. Rural land consolidation in Slovenia

Land fragmentation of the Slovenian agricultural holdings as well as soil, topographic and water conditions unsuitable for agricultural production are serious obstacles to agricultural development with adverse effects to rural and regional development in general. Here, it has to be emphasized, that nearly 90 % of the Slovenian territory lies at altitudes exceeding 300 m, while plain areas in the shape of contiguous valleys and basins represent only about 20 % of the entire territory. Consequently, the predominant part of the country is covered by forests (over 60%), while agricultural land represents less than 30% of the total territory (see also Fig. 1). Characteristic of agricultural land is the high share of absolute grassland and pastures (57%), and relatively low shares of arable land (37%) and perennial crops (6%) (PRP 2014–2020).
In spite of the concentration process in the last decade the average size of Slovenian prevailing private agricultural holdings with 6.3 ha of utilized land and 22 agricultural land plots is still nearly three times smaller than the EU average. Additionally, with 0.08 ha arable land per capita, Slovenia is at the bottom of the European scale (Lisec et al., 2011).

2.1.1 Rural land consolidation before transition to market economy

The Slovenian land consolidation legislation has its roots in the Austrian legislation, since the territory used to be part of the Habsburg Empire and later, until the early 20th century, of the Austrian-Hungarian State. The first legal framework was provided by the federal Agriculture Act of 1883, which was the base for the provincial legislation and later on also for the legislation in the first Yugoslav state. Before WWII, land consolidation, along with the associated meliorations, was carried out in a small scale, despite the problematic rural land fragmentation, which was the consequence of the historical rural overpopulation, solutions of the common land problems in the 18th and 19th centuries, and the subdivisions of farms due to inheritance. Over the decades, the problem of fragmentation of farm holdings got worse (Lisec et al., 2012).

After the WWII, the government (at the federal Yugoslav as well as at the republic Slovenian level) tried to cope with the problem of agricultural land fragmentation more systematically.
In the first period, i.e. till 1973, land areas of a total of 1333 ha were consolidated. The Farmland Act from 1973 and later from 1979 brought changes in the financing of land consolidation. The most intensive land consolidation period was 1976–1990 when almost 55,000 ha of agricultural land were included into land consolidation (Lisec et al., 2012).

In 1990 the moratorium on agrarian operations, including land consolidation, was introduced in Slovenia, due to the often enforced land consolidation projects and negative environmental consequences of the parallel melioration projects. In that period, the political changes brought a new vision of the economic development and public participation in spatial and rural development projects (Lisec et al., 2012). In 1995, the Ministry of Agriculture prepared a program for rehabilitation of unfinished land consolidation projects. Today, there are still some land consolidated areas, where the process remains unfinished. The extent of new land consolidation projects in the 1990s was very limited. One of the reasons was also the negative connotation of land consolidation among land owners, which was based on past experiences and unsolved projects.

2.1.2 Modern rural land consolidation

In 1996, the new legislation regulating rural land consolidation came into force, which is, with some amendments, still valid. The organization and procedures did not change a lot in comparison with the legislation from 1970s – the main difference was that the land owners who owned at least 80% (from 2011 this share is 67%) of the acreage of the land consolidation area had to agree with the land consolidation according to the new legislation. However, the approach changed considerably – the main guidelines have become ‘active participation of land owners to meet their needs’ and ‘reconciliation of different interests/sectors to provide the basis for sustainable development’ (Lisec et al., 2014). It has to be emphasized, that also non-agricultural land (forests, building land with the objects etc.) can be the subject of land consolidation according to the legislation, which regulates rural land consolidations.

The important change of legislation was in June 2011, when the new approach has been introduced – beside the traditional administrative (“compulsory”) land consolidation with prescribed level of concordance of parties involved, the so called contracting land consolidation has been introduced, where all parties have to agree with the project (also simplified land consolidation). Anyhow, there are very limited experiences with the contracting rural land consolidation in Slovenia.

The extent of new land consolidation projects in the 1990s was very limited. One of the reasons was also the negative connotation of land consolidation among land owners, which was based on past experiences and unsolved projects. Based on a few successful land consolidation projects, the government finally decided to find financial resources and support land consolidations. An important step towards systematic funding of land consolidation projects was the Rural Development Program for the period 2007–2013 (RDP 2007–2013). In the framework of the RDP 2007–2013, 51 land consolidation projects on 10,370 ha, and 21 agro-melioration projects on 3671 ha was funded (Fig. 2). Additionally, 7 new irrigation systems (1753 ha), 2 renovations of irrigation systems (396 ha) and numbers of small irrigation systems were funded within the RDP 2007–2013.
Figure 1: Land consolidation and agro-melioration areas with the number of projects supported within six public tenders (PT) in the framework of the RDP 2007-2013 (Data source: Ministry of Agriculture, Forestry and Food, 2015).

In the new Rural Development Program for the period 2014–2020 (RDP 2014–2020), there is a financial support for agro-meliorations and land consolidation foreseen. There is still no land consolidation project currently going on within this new funding scheme, in particular due to undefined procedures regarding required permissions from different sectors, which are nowadays the commitment of all funded measures within the EU projects that might have impact on nature, environment, culture heritage etc. Modern approaches to land consolidations are already trying to consider the needs of the agricultural sector, while also trying to conserve natural ecosystems and consider other spatial requirements (Fig. 3), therefore this new requirements shouldn’t be an obstacle.

Figure 2: Land consolidation have had to consider different restriction in the space from the early 1990s in Slovenia: draft of landscape plan (left) and an example of real land consolidation plan with the areas of protected habitats (right).
However, over the past decades, land use conflicts and competition between different sectorial requirements and restrictions have increased remarkably. A special challenge is the possibility of planning and implementing land consolidations in protected areas and safeguard zones, where different, sometimes contradictory, sectorial interests of protection are in place. Here, land consolidation should not be seen just as an agricultural measure considering different requirements in the space; they should rather be recognized and funded also as environmental, conservation projects.

3. Urban land readjustment in Slovenia

The need for the urban land consolidation (readjustment) has increased significantly with the transition to the market economy. While the private ownership was often neglected in the past socialist planning economy in the urban areas, the privatization and denationalization process required a solution for legal formation of real property units in the urban areas. The first legal framework brought the Spatial Management Act from 2002, where urban land consolidation was defined as “merging of land plots in the area of detailed spatial planning act and their reallocation among landowners in this area in accordance to the spatial plan”. Similar to the rural administrative land consolidation, the level of concordance of parties involved is defined, where the owner who owned at least 67% of the acreage of the land consolidation area have to agree with the land consolidation.

The main problem of this new defined administrative land consolidation of urban land is, that a land consolidation process should be leaded by the municipality (and not by the state administrative unit like for the rural land consolidation). Due to lack of competences and knowledge, there have been limited experiences with this kind of urban land consolidation (except of some small cases). However, there is a huge demand for rural land consolidation – not only for new building sites but also for already built-up areas from the past socialist era (Fig. 4).

Figure 4: A case of successful urban land consolidation in the area with the detailed spatial plan (left), and problem of unsolved ownership of urban land in the neighborhood from the former Yugoslavia, where the land re-adjustment of built-up area is needed (right).
In addition to the administrative urban land consolidation, the contracting urban land consolidation is defined in the Slovenian legislation (Construction Act, 2002). In this case, the process of land consolidation is simplified in comparison to the administrative land consolidation. Land consolidation is performed on the basis of a contract between owners (contractual consolidation), where the spatial regulations (spatial plans) have to be considered – the adjustment of the new land division to the spatial plans is the requirement for the final decision about land consolidation.

4. Conclusion

In the Slovenian legislation, two approaches are known to implement land consolidation (for rural areas according to the Agricultural Land Act as well as for urban areas according to the Spatial Planning Act and Construction Act): (1) the administrative land consolidation with prescribed level of concordance of parties involved; and (2) contracting land consolidation where all parties have to agree with the project; this is a relatively new approach with no practice in the rural areas to this date. In both cases, public participation and high level of agreement of involved parties are required. The land consolidation of rural land is successfully used in Slovenia for decades. An important milestone was transition to the market economy in the 1990s, where the active participation of land owners and other local residents became important aspect of land consolidation projects. Additionally, approaches have changed considerably as the consequence of widely accepted guidelines of sustainable development. Although non-agricultural aims have been included in the land consolidation planning in Slovenia, there are still many challenges with regards to the land consolidation measures in the protected and special safeguarded zones. Additional challenge is related to the urban land readjustment, which is a relatively new instrument and still needs to be promoted in the practice.

REFERENCES


**BIOGRAPHICAL NOTES**

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