Urban Land readjustment with The Netherlands’ Cadastre, Land registry and Mapping agency

Maartje LOF, The Netherlands

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**SUMMARY**

In time of crisis governments have great interest in finding solutions for spatial challenges. In Dutch urban areas, vacancy of real estate is an upcoming challenge. Both in retail areas and in business areas vacancy is growing as an undesirable development. Urban readjustment can play a role as alternative to expropriation of real estate.

The Ministry of Infrastructure and Environment prepared a law on voluntary reallocation in urban areas. The proposal for this law will be in Dutch parliament next year. However the proposal lacks a legal “big stick” for public bodies to work on vacancy problems in urban development.

The Netherlands’ Cadastre, Land registry and Mapping agency (The Dutch Cadastre) is acknowledged as an expert in the field of urban readjustment, because of its knowledge and experience in land reallocation in rural areas. The situation before reallocation, the situation after reallocation and the transition are all in one hand. That is cost effective.

The Dutch Cadastre implemented a strategy to become a partner in urban readjustment. An internal program on urban readjustment coordinates the activities that contribute to this aim. To become a partner in urban land readjustment the Dutch Cadastre has some best practices for a successful strategy.
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1. WHY A LEGAL LAW FOR URBAN READJUSTMENT IS IMPORTANT

1.1 What is urban readjustment?
The Netherlands is a small country with a high density of built-up area. Urbanisation is in general a concentric development. Cities are build up in a well ordered way. Vacancies, however, will arise in random places. Vacancy in retail areas makes shopping streets unattractive and will discourage entrepreneurs to start new shops. Eventually this will lead to more vacancy and therefore loss of facilities in these areas.

Vacancy in retail areas, as well as business areas, housing and office buildings are an impulse for urban redevelopments. If spatial development with readjustment of legal rights is desired, but the voluntary way is not succesful, the government needs an legal instrument.

Urban readjustment is a facilitating instrument that aims to redivide and readjust legal rights in an urban area. The instrument brings parties in a certain area in position to develop within the legal framework.

1.2 What is sence of urgency for urban readjustment?
Previously, municipalities had the strategy of buying land, preparing a site for building, and selling the site to a real estate developer. This resulted in an overproduction of real estate for retail and office buildings.

Since the financial crisis, governments are reluctant to take risks on investments in real estate and property of land. Next to that the focus changed to readjustment in favor of new locations of building sites. Previously municipalities used expropriation as an ultimate remedy to break a deadlock in urban redevelopment. Nowadays lack of budget is keeping municipalities from applying this instrument. Therefore a need for a new instrument arises: an instrument that on
the one hand minimizes the financial risks of buying land and on the other hand solves the problems of obstructing property rights that hamper implementation of a strategy.

Land consolidation in rural areas is an instrument that is applicable if voluntary reallocation isn’t possible, because the owners don’t all agree. In land consolidation government intervenes in property against owners’ wish. Therefore it is only feasible if a vast majority is committed to the urban readjustment. The legitimacy is the interest of this majority and the need for spatial development for society. Both in land consolidation and urban land readjustment the rights and interests of the minority should be protected.

### 1.3 Who takes the initiative?
Urban readjustment can play a role in a wide variety of situations. There are two categories, depending on who takes the initiative.

1) The initiative comes from property owners: all owners (or a majority) requests the government to decide on urban readjustment. Both the plan and the clearance are established by government and the government accommodates changes in policy if needed.

2) The initiative comes from government: The government is hampered in implementation of its strategy, by obstructing property rights. Expropriation is not a desirable approach. Instead the governmental body facilitates urban readjustment. Again commitment of the majority of owners is important. Public information, legal costs and adjustment of strategies are the possible actions.

The Dutch Cadastre mentioned over a 100 initiatives in the Netherlands. Most involved parties are municipalities. Ministry of Infrastructure and Environment did a study on possible legislation. Private parties have confidence in this instrument. The Dutch Cadastre works together with many and has cooperation agreements with some. Several universities have been cooperating on pilots in urban readjustment.

### 1.4 What is current legislation on urban readjustment?
The government is preparing legislation for voluntary urban readjustment. The political climate is not ready for urban readjustment yet. The Minister of Infrastructure and Environment does identify the urgency and the need for legislation. But the current legislative proposal holds voluntary reallocation only and will not be voted for till the next cabinet period. The elections in March 2017 will create a new political landscape that give new possibilities for legislation.

### 2. WHAT IS THE ROLE OF THE DUTCH CADASTRE
#### 2.1 The experience of the Dutch Cadastre
The Dutch Cadastre has a legal role in rural land consolidation and reallocation. This year we celebrate 100 years of practice in Land consolidation and reallocation in rural areas. The principles and procedures as well as the legal law in rural reallocation can be helpful in working on urban readjustment.
That was one of the reasons why the Ministry of Infrastructure and Environment invited the Dutch Cadastre to work on a consultation for legislation on urban readjustment. The Dutch Cadastre is seen as an innovator on this topic, by working on pilots and organizing a couple of expert meetings. Especially municipalities seek contact for expertise and advice.

The Dutch Cadastre aims to play a role in areas that are important to society. Urban readjustment will help urban areas in economic recovery and development and therefore is an incentive for urban development in the Netherlands.

2.2 Taking care of legal certainty in urban readjustment projects
In urban areas owners of real estate and property often differ much in power. One can think of differentiation in knowledge, time and financial means. This could give inequality in the process that needs to be taken care of. As an independent party the Dutch Cadastre can make sure that in the urban readjustment process all rights of individuals and legal persons are taken care of.

Urban readjustment can have radical impact on the property owners and title holders. Legal certainty in property rights should always be guaranteed. The Dutch Cadastre has the experience and the knowledge about taking care of legal certainty in reallocation processes.

The Dutch Cadastre administers all data on the legal situation of real estate and property of the participants in a project. This information is essential to the preparation and implementation of an urban readjustment project.

2.3 Cost saving in the process
Passing of titles of properties that are the result of land readjustments should be registered correctly. Both the administrative as well as the cartographic data is made available throughout the process by the Dutch Cadastre. This information is the input for the deed. Both the old and the new situation as well as the passing of the titles itself are in one hand. The Dutch Cadastre has developed ICT tooling to facilitate the process of reallocation with cadastral data and geographic information. Since the data, the tooling and the knowledge are combined at the Dutch Cadastre, the work can be done in a cost effective way.
2.4 Open governance
The government of the Netherlands presented a vision on transparency and open governance in 2013\(^1\). The core elements in open governance are facilitation of initiatives and cooperation with partners that address social issues. Governmental organisations should empower citizens and make participation in society and policy making possible. This enhances the effectivity and the accountability of the government. Citizens not only participate in policy making, but also make plans themselves that are supported and made possible by the government. When doing so in an urban readjustment project, the Dutch Cadastre can contribute to an open governance, by playing a supporting role.

2.5 The role of the Dutch Cadastre in urban readjustment projects
In rural land consolidation the Dutch Cadastre formally assists Provincial Executives in implementing the project. The legal role of the Dutch Cadastre is to support property owners in the procedures. In urban readjustment this could be the same. In general the Dutch Cadastre’s roles could be described as follows:

1. Consultant:
The consultant has vast knowledge and experience about the urban readjustment. He has the ability to bring the instrument in position to solve the problem. The consultant defines the methodological approach before starting implementation of the project. He gives advice about the feasibility of the project.

2. Process executor
The role of the process executor is to conduct the participants through all stages of the urban readjustment project. This stages include building an administrative database, set up of a list of holders, collecting wishes of participants, make and share readjustment plans etc.

3. Messenger

Urban readjustment is a new instrument that is rather unknown. Now the ministry is preparing a law on urban readjustment, a lot of questions are raised. There is a need among governmental organisations and commercial parties of education and sharing of knowledge. The messenger actively raises awareness about what urban readjustment is, how it can be executed, what can be the results etc. The messenger builds up a network and keeps contacts with other partners that play a role in the field of urban readjustment.

3. FIND THE STRATEGY TO BECOME A PARTNER
3.1 What can we do?
The first step in the endeavour of this new field was to find out if readjustment in urban area is possible. Together with both Radboud University, students and Ministry of Infrastructure and Environment the Dutch Cadastre explored the possibilities of urban readjustment. Important is to pitch the ideas in a way that they are not put as solutions, but as concepts. Partners are invited to cooperate and support development of the concept. These concepts were new, but closely related to the core business of the Dutch Cadastre.

3.2 Elaborate the concept
The concept was tested with a case study called Duckcity. In Duckcity 17 owners would participate in an urban readjustment project. This case study revealed the bottlenecks and the possibilities in the concept of urban readjustment. This study was shared with many stakeholders that operate in the field of urban development during an expert meeting. The knowledge and experience of new partners was to the concept. In a short time a new network of knowledge carriers was created.

Casestudy Duckstad

3.3 Show your share in the debate
The ideas and concept that are developed are sharpened and elaborated together with partners. Commitment and acknowledgment are needed to come to a settled legislation. Scientists as well as policy makers and executives and practitioners are adding their share to the debate. The Dutch Cadastre contributed by showing the case studies, taking part in pilots and sharing their knowledge.
3.4 Create a network
Whereas a strong external network in the field of science, policy and executive is important, the internal organisation is a prerequisite to get your logistics right. Good cooperation with the department of Communications and Marketing advance internal commitment. Innovators inside and outside the organisation are needed to bring forward the idea to a concept and finally to an acknowledged solution. Therefore a strong network of cooperating partners in different fields is important.

Network of the Dutch Cadastre in urban readjustment

3.5 Prepare your institution
The Dutch Cadastre started a program on urban readjustment in 2012. The program coordinates all actions that are aiming at making the Dutch Cadastre a partner in urban readjustment. It makes sure that sufficient capacity is available and devoted colleagues work together to build up an organisation that is ready for work. The program coordinates expert meetings, contributions to masterclasses, publications on LinkedIn and other media. Business cases for projects, ICT tooling etc are developed within the program.

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CONTACTS
Ir. M. Lof
Kadaster Ruimte en Advies
Koggelaan 59, 8017 JN Zwolle
The Netherlands
+31652472362
Maartje.lof@kadaster.nl