EuroGeographics

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Public-Law Restrictions and Status in Europe

Daniel Steudler, Chair CLRKEN

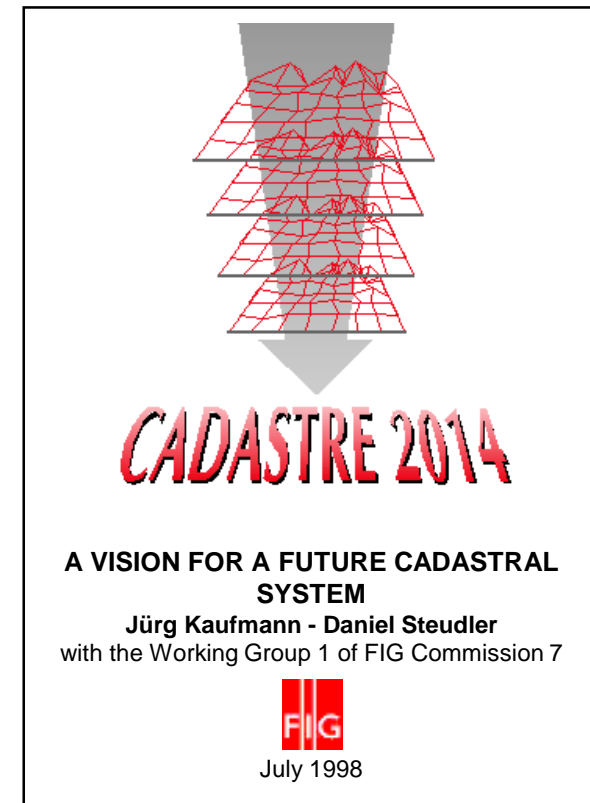CLRKEN Workshop, Brussels

11/12 Nov. 2015

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Cadastre + Land Registry
Knowledge Exchange Network
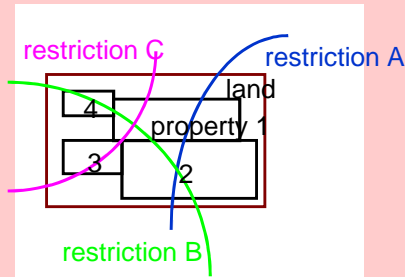
Cadastre 2014 – FIG-Commission 7

FIG-Commission 7 -

Working Group 1 (1994-98):

- identify trends
- develop visions

→ booklet presented at the FIG-
   Congress 1998 in Brighton, England

→ translations into some 25 languages
   since

CADASTRE 2014

**A VISION FOR A FUTURE CADASTRAL
SYSTEM**
Jürg Kaufmann - Daniel Steudler
with the Working Group 1 of FIG Commission 7

July 1998
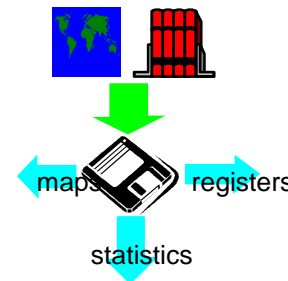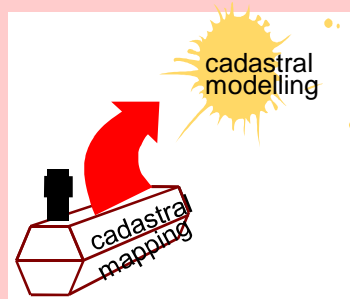
http://www.fig.net/cadastre2014/

Six Statements of Cadastre 2014

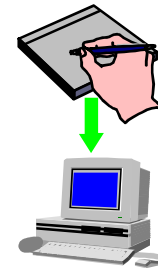Cadastre 2014 will show the complete legal situation of land, including public rights and restrictions!
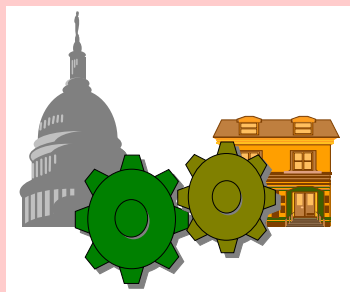

The separation between 'maps' and 'registers' will be abolished!
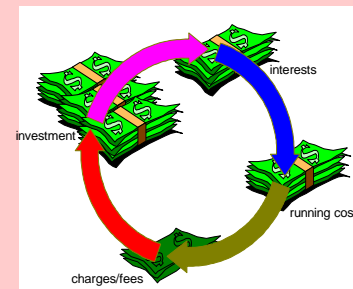

'Cadastral mapping' will be dead! Long live modelling!

'Paper and pencil cadastre' will be gone!

Cadastre 2014 will be highly privat-ized! Public and private sector are working closely together!

Cadastre 2014 will be cost recovering!

Today's handling of private- & public-law arrangements

Private-law property rights and encumbrances

Public-law arrangements

Boundary definition by agreement

Verification of boundaries

Verification of property right

Registration

Rights and restrictions in particular land use zone

Restriction area of old hazardous waste

Restriction zone of noise protection

Water protection zone

Boundary definition by political and administrative decisions

My parcel
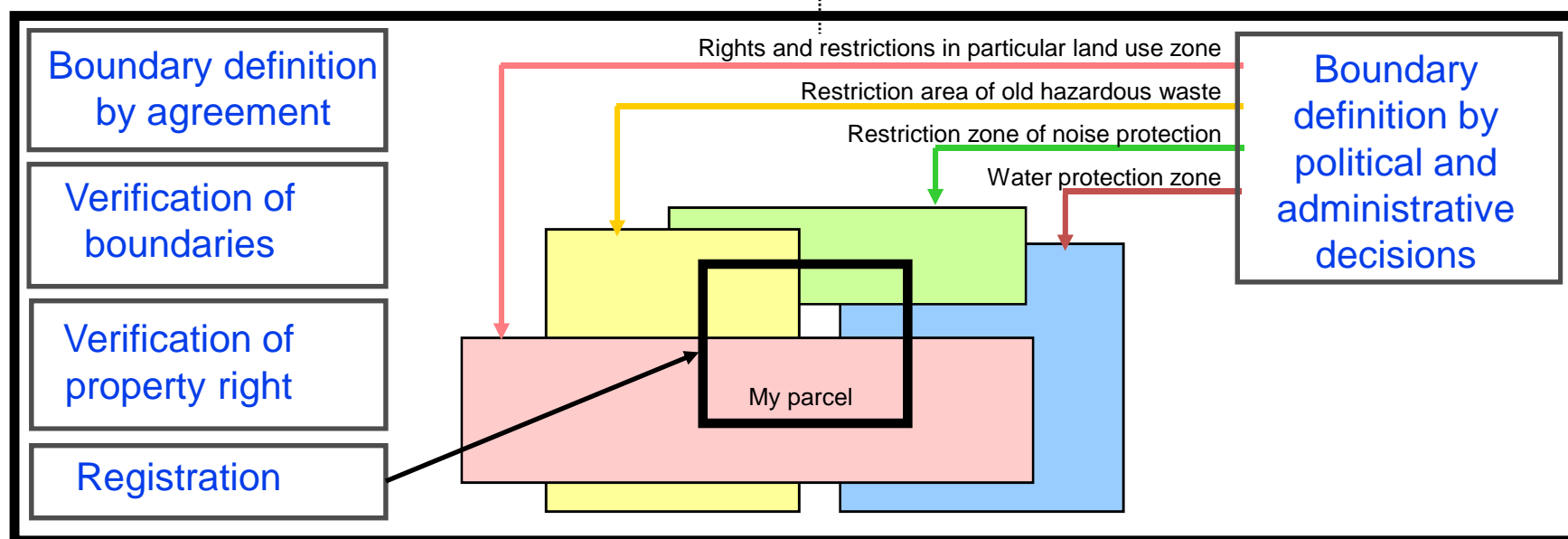
transparent	Boundary definition	not transparent
very high	Legal security	weak
positive	Impact on value preservation	negative

Future handling of private- & public-law arrangements

Private-law property rights and encumbrances

Public-law arrangements

Boundary definition by agreement

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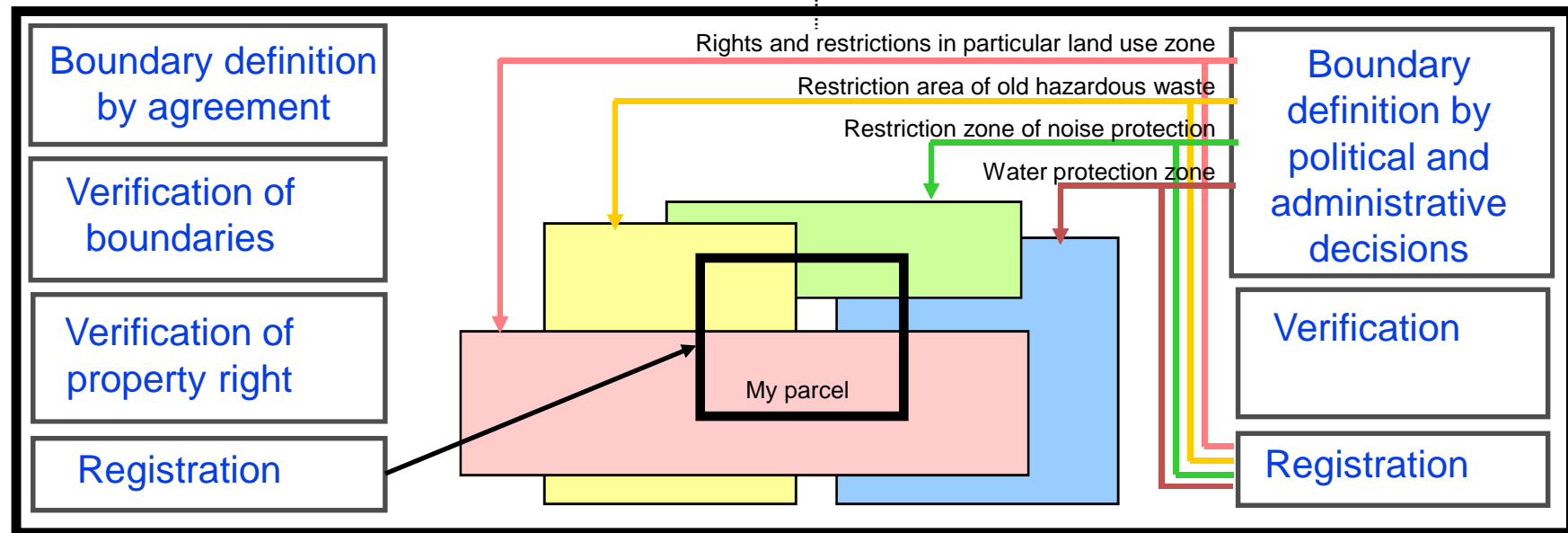
	Boundary definition	
transparent		**transparent**
very high	Legal security	**high**
positive	Impact on value preservation	**positive**

The macro-economic dimension of landownership

The Swiss cadastral system secures real estate values in the order of EUR 2,200 billion, of which approx. EUR 850 billion of mortgages are given out (more than EUR 100,000 per population).

The documentation of PLRs potentially can improve transparency and security of landownership; if the effect is 0.1%, this would correspond to EUR 800 million.

Switzerland: start with 17 PLRs

Spatial planning
- Land-use planning (cantonal / municipal)

Motorways
- Project planning zones for motorways
- Building lines for motorways

Railways
- Project planning zones for railways
- Building lines for railways

Airports
- Project planning zones for airports
- Building lines for airports
- Security zone plan for airports

Contaminated sites
- Cadastre of contaminated sites
- … military sites
- … sites at civil airfields
- … sites of public transport
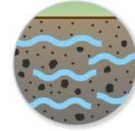
Groundwater protection
- Groundwater protection zones
- Groundwater protection area

Noise
- Noise sensitivity levels (in land-use zones)

Forests
- Forest perimeters (in building zones)
- Forest distance lines

Structure of Questionnaire

- Basic information

- Documentation of PLRs:

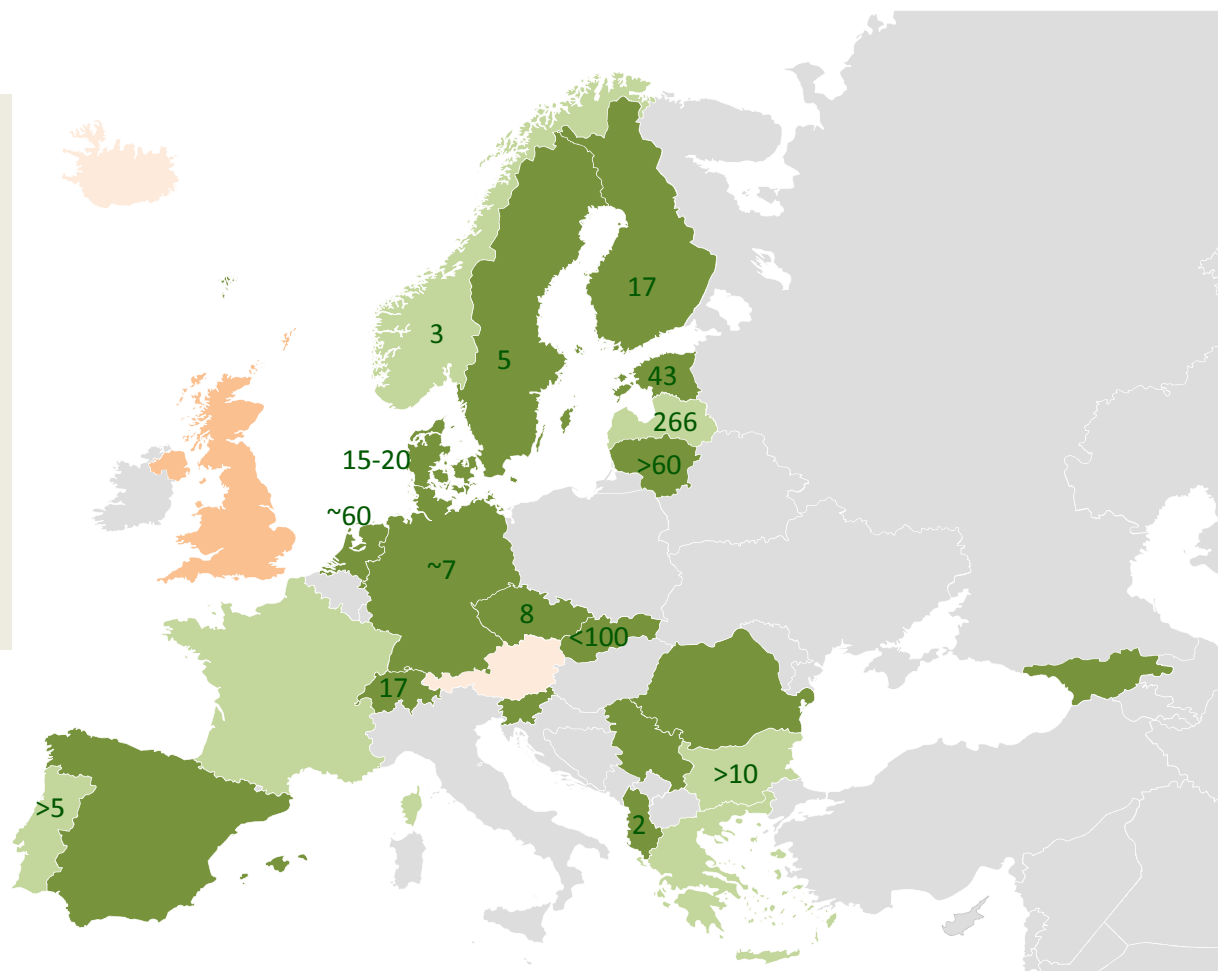 - no → is there a need? / is there awareness? / will it become an issue?

  - yes → how many different PLRs? / integration in cadastral system? / coverage? / list of most relevant PLRs / accessibility / level of administration

- Participation at workshop and suggestions

Status of PLR Documentation in Europe

Documentation of PLRs and possibility to overlay
with cadastral landownership parcels

Legend:

- PLRs yes, possible to overlay with CP
- PLRs yes, not possible to overlay w. CP
- xx — number of PLRs documented with spatial extend
- PLRs no, but expected within next 5 years
- PLRs no, not expected within next 5 years
- no feedback received

Map values: 17, 3, 5, 43, 266, >60, 15-20, ~60, ~7, 8, <100, 17, 43, >5, >10, 2

Malta

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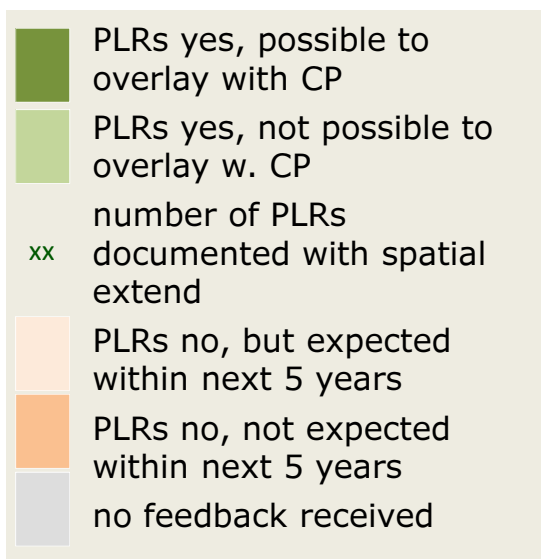
Types of documented PLRs in 22 countries

PLRs that have been mentioned most

	0	5	10	15	20
Environment and nature protection					
Water protection					
Spatial and land-use planning zones					
Cultural heritage					
Public infrastructure corridors and zones					
Traffic lines and zones					
Forest management and protection					
Contamination sites, pollution					
Public easements, servitudes					
Coastal protection zones					
National border restrictions					
Sea and water public domain					
Biological diversity					
Security zones					
Noise					
Concessions					
Cultivation restrictions					
Mining related rights and restrictions					

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Regime of data accessibility of PLRs in general

- open access
- access only for parties involved
- not available
- no feedback received

Malta
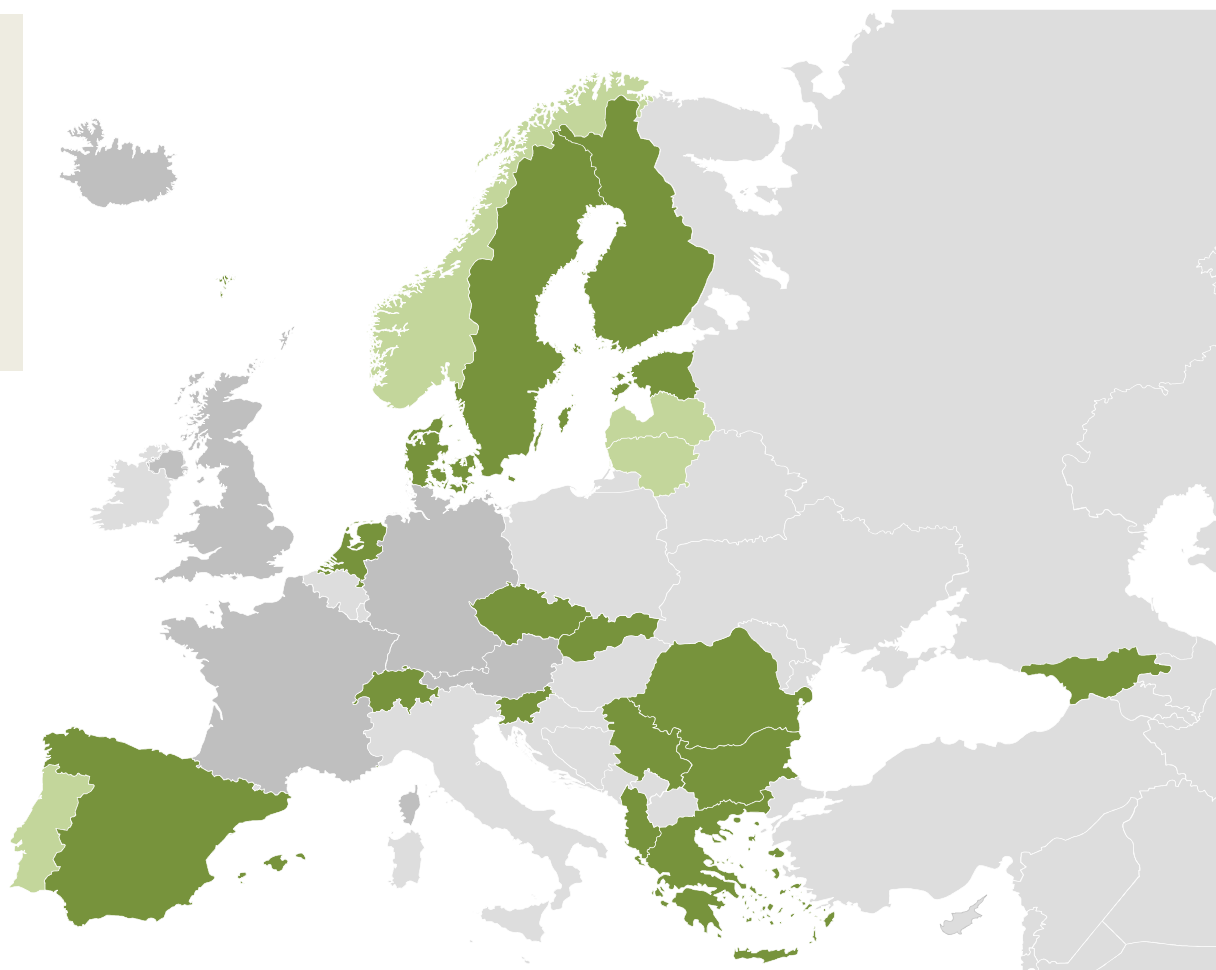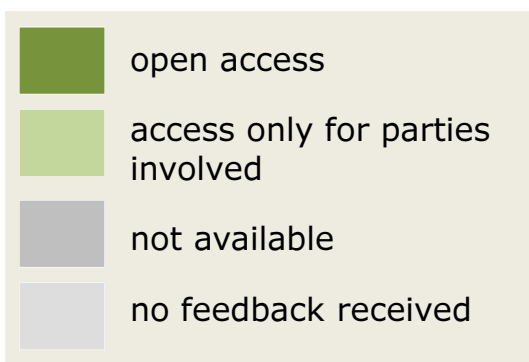
Program of Workshop

- Session 1 – Introduction and Background

- Session 2 – National Reports (Germany, Switzerland)

- Session 3 – National Reports (Denmark, Sweden, Finland)

- Session 4 – National Reports (Netherlands, Latvia)

- Session 5 – National Report (Spain), ELF Platform

- Wrap-up, Conclusions

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Presenters and participants at workshop

countries presenting

countries attending

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