

THE PROBLEM OF LAND INTER-AREA IN LATVIA

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Annotation

The object of study is the concept of inter-area. In Latvia there is a situation established that in the theory and in the practice of the land use planning widely used term inter-area currently is used with different meaning. Various interpretations of concept of land inter-area and its using in laws and regulations, as well as literature is evaluated. The study analyzes land areas registered in National Real Estate Cadastre Information System. Land inter-areas are registered as land cognizable to municipalities and as state reserve land fund. Land inter-areas cognizable to municipalities mainly are placed on land for agriculture, as well as on individual dwelling houses land, but leading position in structure of inter-areas in reserve land fund according to groups of use of real property remains to Engineering Communications object utilization land.

Key words: land inter-area, land use, land plot, land parcel, land fragmentation.

Introduction

The object of study is the concept of inter-area. In Latvia there is a situation established that in the theory and in the practice of the land use planning widely used term inter-area currently is used with different meaning. In addition, this concept has been defined differently in two laws of Republic of Latvia in force.

The aim of the study is to evaluate the concept of land inter-area and its using in laws and regulations and in practice. Tasks of the study is - to explore key aspects of the concept of the inter-area, differences in various laws and regulations, as well as to characterize the land area and structure of land inter-area owned by the State and municipality

Analysis and synthesis, inductions and deductions methods, document analysis, as well as others methods are used in the study.

In the study the legislation of the Republic of Latvia, since the establishment of Latvia to the present, which gives the concept of land inter-area, is used, as well as literary sources, widely explanations and analysis are made. For the analysis of land inter-area area data of The State Land Service of National Real Estate Cadastre Information System (further - Cadastre) on 01.01.2013 were used.

Development of concept of inter-area

Closer to the traditional conception the inter-area is defined in Land Survey Law (Zemes ierīcības likums, 2006): „inter-area – a separately situated land parcel which is separated from the main land parcel by land owned by another person.”

Different definition of land inter-area is definite in Law on Expropriation of the Public Person Property: „land inter-area – land plot owned by public person, whose area:

a) *In cities* is less than minimum area of building plot approved by the municipality in Building Regulations or whose configuration does not allow the use of the land for the building, or which can not be provided with access to a public street.

b) *In rural areas* is less than minimum area of land plot in Binding Regulations approved by the municipality or whose configuration does not allow the use of the land according to the approved land use plan, or which can not be provided with access to a public street. (Publiskas personas mantas..., 2010).

The main difference in definitions in these two laws in force is linked with the land ownership and land area. If in the first case the land inter-area is a separate parcel of land property and the area of this parcel can be any size, even greater than main-plot, in the second case land inter-area is a land plot owned by the State or municipality only, whose area is less than minimum area of land plot for minimum area at the relevant land use according to the municipality regulations (Table 1).

A similar concept of inter-area was in the Regulations of Land use planning (established in 1924): " Land plot is recognized an inter-area if:

- 1) is layered string-shaped with the same string-shaped land plot owned by other owner,
- 2) is scattered into small particles among the land of other owner, or
- 3) wedge-shaped land plots are gave into land of other owners" (Locmers, 1999).

In all of three listed laws the land inter-area is related only with scattered land parcels placement in property of some person. In the definition in Law on Expropriation of the Public Person Property this person is State or municipality only, but two other Laws does not eliminate a possibility that this person is State or municipality. It is more problematic only by the definition in the Land Survey Law - the owner of land inter-area would be the State and should determinate which one is base-plot (Table 1).

Table 1. Provided aspects in definitions of inter-area by various Latvia laws and regulations

No.	Regulation, date of establishment	Provided aspects				Regulation, law in force
		ownership	area	configuration	access	
1.	Regulations of Land use planning (1924)	land owner	more into small particles	string-shaped, wedge-shaped	not specified	null and void
2.	Cabinet Regulation No.52 „Regulations regarding Cadastral Assessment of Rural Area Land” (05.03.1996)	land owner or land user	unlimited	unlimited	not specified	null and void
3.	Land Survey Law (2006).	land owner	unlimited	unlimited	not specified	in force
4.	Law on Expropriation of the Public Person Property (redaction of 21.10.2010.)	state or municipality	less than area provided by municipality	do not conform to proper use	do not have access to	in force

The concept of the land inter-area was defined also in Regulations regarding Cadastral Assessment of Rural Area Land, no longer valid. According to these Regulations the land inter-area is land property or unit of land assigned for use that is separated from main-plot. (Lauku apvidu zemes..., 1996). However, main-plot in these Regulations is defined as land property or unit of land on which household buildings and constructions are located or land plot with the greatest area of agricultural land”. This definition also allowed to take land plot assigned for use for the inter-area, which from the rest land in use is separated with different land in use.

In the paper of Butāne and Lasteniece „Formation and Consolidation of Farms” is listed: if the farm consist of number of land plots and among them is another land owner (or user) land, then we can speak about inter-areas. The land plots, on which farmstead (the center of farm) is located, are called for main-plot, but other land plots, which are separated with another land owner lands are called for inter-areas (Butāne, Lasteniece, 2000).

Also, during the period of soviet, inter-areas were defined as land plots separate from each other by the other land users land. In the textbook "Land Use Planning" (editorial office of M.Gendelman in 1986) being of inter-area was failure of land in use, that creates land fragmentation. Increasing distance of land plots and necessity to cross the another farm land, conditions of land management become difficult, transportation costs, expenditure of time, capital investments increase (Землеустроительное проектирование, 1986).

Its theoretically possible that inter-area could be larger than main-plot by the area. However, in conditions of agricultural farm main-plots in kolkhoz and state household usually were considerably large land areas. Inter-areas were small number (approximately 1-2) of agricultural land assigned for use separated with other farm land plots (Люцмер, 1977). The area of it usually did not make large proportion of total area of farm.

After the last land reform situation has changed radically. With the development of land market, land area of economically active farms has increased considerably. Although in rural areas of Latvia small and average farm-land properties by the area are dominating, however most of land areas in rural areas gradually are taking some economically active farm land in use, which is often hundreds, even thousands of hectares large (Platonova, Jankava, 2011).

Nowadays, rural farm areas are different from soviet period farm areas. Land owned by agricultural companies are forming from a number of separated land parcels or group of land parcels (Figure 1).

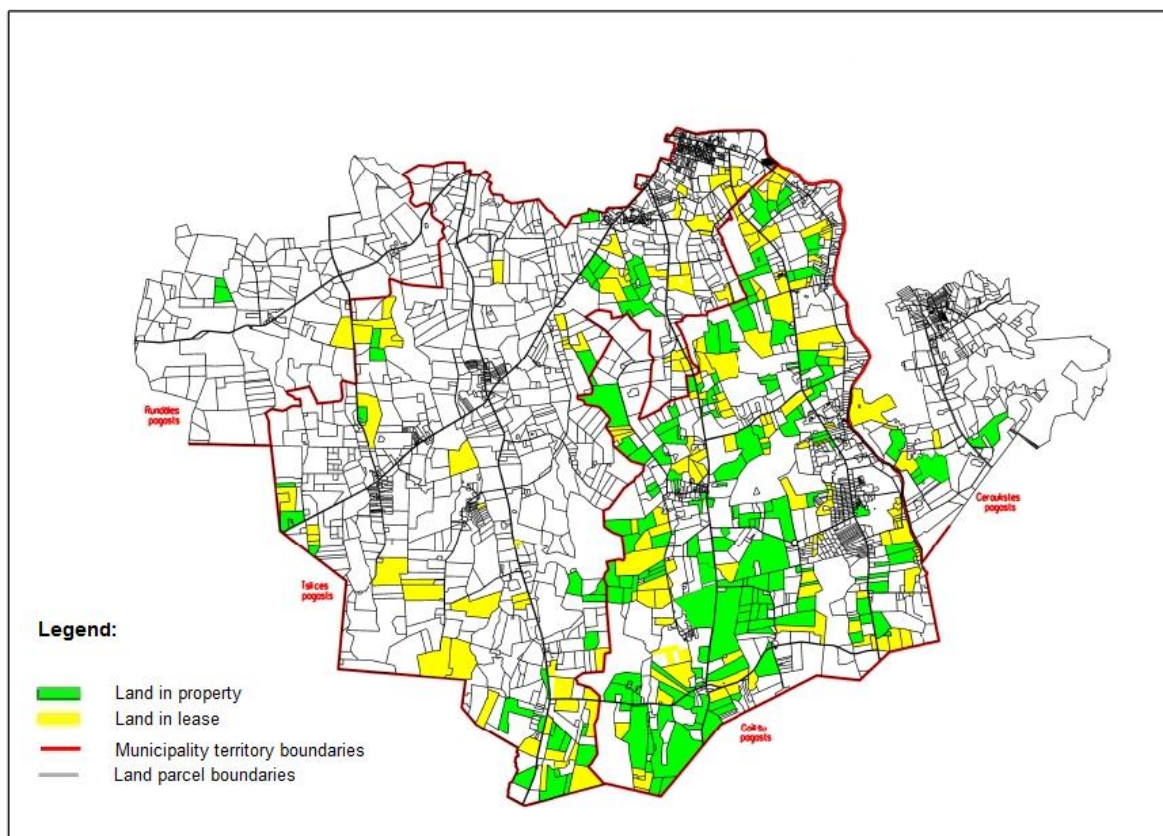


Figure 1. Farm X land in property and in lease (total area of 2645 ha)

According to the Land Survey Law, these individual land plots can be called for inter-areas, but they do conform to the definition in Law on Expropriation of the Public Person Property.

In the West, as well as even more in Latvia that kind of land of rural farm separated location is called land fragmentation.

To promote the rational use of land, in Latvia there is prepared draft of Land Management Law, the adoption of which, hopefully, will be on this year. Preparing the Land Management Law, there are recommendations to make corrections in several Laws. Also including the recommendation to change the definition of inter-area in Land Survey Law, taking over it from Law on Expropriation of the Public Person Property. Also the State Land Service for several years, in the annual Report are listed land inter-areas, that are defined according to this Law.

Analysis of inter-areas owned by Public Person

In accordance with Law on Expropriation of the Public Person Property inter-area is land plot owned by public person, that are not assigned as a property to natural person or juridical persons. Public person is Republic of Latvia as a initial public law legal person and municipality as a derived public person.

Public person land inter-areas are developed during the land reform, as a result of surveying. (Figure 2,3,4,5)

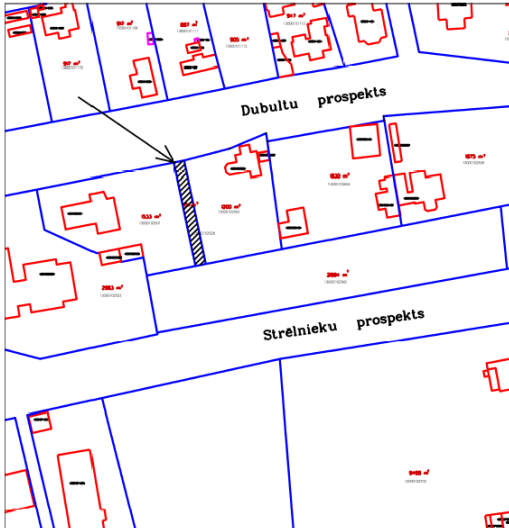


Figure 2. Land inter-area in the city of Jurmala between two building land plots with accessibility, land area 0.0151 ha

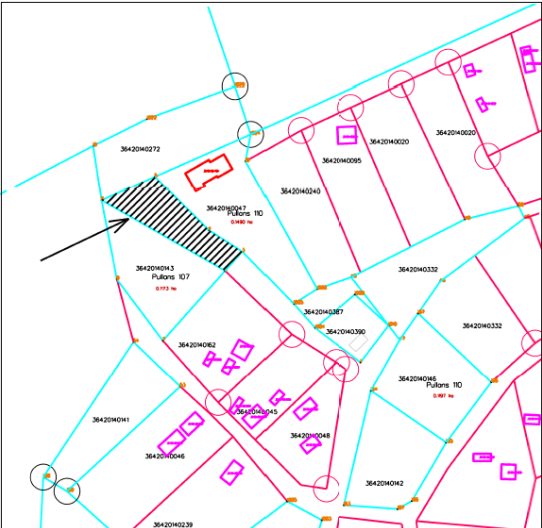


Figure 3. Land inter-area in Aluksnes municipality, Alsvidu municipality territory with accessibility, land area 0.7105 ha

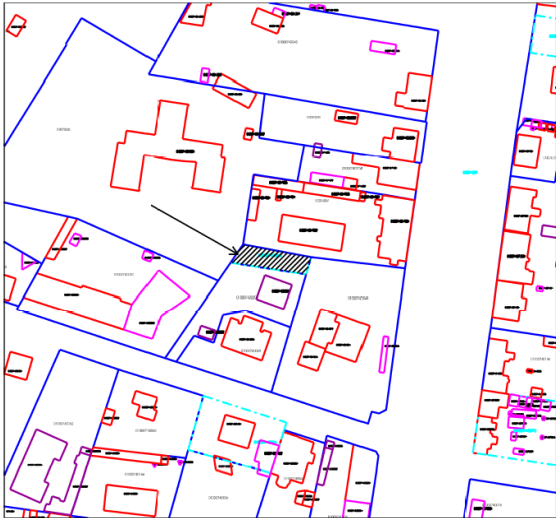


Figure 4. Land inter-area in the city of Riga between building land plots without accessibility, land area 0.0110 ha

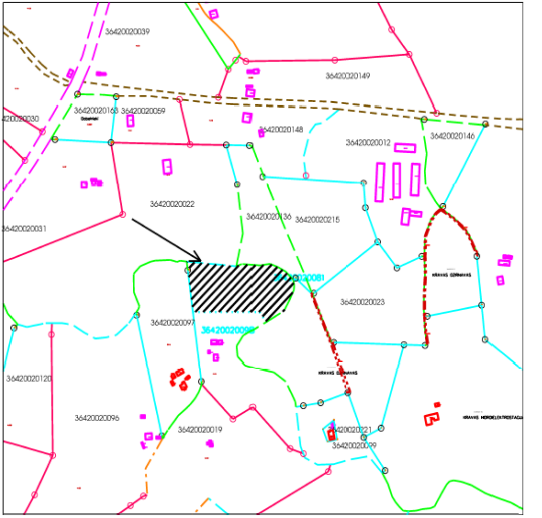


Figure 5. Land inter-area in Aluksnes municipality, Alsvidu municipality territory between building land plots without accessibility, land area 0.0674 ha

Table 2. Inter-areas in the Republic of Latvia (01.01.2013)

Ownership (hold) of inter-area	Count of parcels	Area, ha	Agricultural land, ha	Average per one parcel, ha	
				Total area,	agricultural land
Land cognizable to municipalities	6831	8190.0	4186.9	1.2	0.6
Reserve land fund	4372	2297.8	701.3	0.5	0.2
Total	11203	10487.8	4888.2	0.9	0.4

The total area of land cognizable to municipalities registered in National Real Estate Cadastre Information System of Land is 225153.9 ha and land inter-areas of this makes only 3.8 %. As Table 3 shows, the greatest part of count of land-parcels cognizable to municipalities (57.4 %) and its total area (69.1 %) has group named "Land for Agriculture", the average area of its land parcel is 1.4 ha. 5 % of count of land parcels makes Forestry land, average area 3.5 ha.

Another significant amount of land parcels (18.3 %) cognizable to municipalities occupy inter-areas on individual dwelling houses land, though the average area is small - less than 0.1 ha.

Table 3. Structure of inter-areas cognizable to municipalities according to groups of purposes of use of real property

No.	Groups of purposes of use of real property	Count of inter-areas	% of total count of inter-areas cognizable to municipalities	Total area, ha	% of total area of inter-area
01.	Land for agriculture	3918	57.4	5665.3	69.1
02.	Forestry land and specially protected nature territory, where economic activity is forbidden with normative act	338	5.0	1195.6	14.6
03.	Water object land	129	1.9	374.3	4.6
04.	Mineral deposit territories	3	0.0	6.7	0.1
05.	Land where the main land use is natural growth territories and land only for recreation use	445	6.5	461.1	5.6
06.	Territory for construction of individual dwelling houses	1247	18.3	111.1	1.4
07.	Territory for construction of multi-level dwelling houses	49	0.7	8.1	0.1
08.	Land for construction of commercial objects	44	0.6	7.6	0.1
09.	Land for construction of objects for public use	77	1.1	49.8	0.6
10.	Land for Manufacturing object building	88	1.3	36.9	0.4
11.	Traffic infrastructure utilization land	278	4.1	160.9	2.0
12.	Engineering Communications object utilization land	181	2.6	94.7	1.2
13.	Purposes of use of real property not assigned	34	0.5	17.9	0.2
Total		6831	100.0	8190.0	100.0

The analysis shows that leading position in structure of inter-areas in reserve land fund according to groups of use of real property by the count of inter-areas and total area remains to group of purpose of use of real property - Engineering Communications object utilization land.

The area the group occupies makes 46.8 % of total area of inter-area and count of inter-areas cognizable to the state makes 37.4 % of total count. The average area or inter-area is 0.6 ha (Table 4).

Inter-areas in reserve land fund whose purpose of use of real property is Land of agriculture are slightly behind the previous group (respectively 34.5 % of total count of inter-areas cognizable to the state and 39.9% of total area).

Table 4. Structure of inter-areas in reserve land fund according to groups of purposes of use of real property

No.	Groups of purposes of use of real property	Count of inter-areas	% of total count of inter-areas cognizable to the state	Total area, ha	% of total area of inter-area
01.	Land for agriculture	1510	34.5	916.9	39.9
02.	Forestry land and specially protected nature territory, where economic activity is forbidden with normative act	87	2.0	82.7	3.6
03.	Water object land	33	0.8	67.6	2.9
04.	Mineral deposit territories	8	0.2	8.7	0.4
05.	Land where the main land use is natural growth territories and land only for recreation use	32	0.7	4.7	0.2
06.	Territory for construction of individual dwelling houses	812	18.6	68.3	3.0
07.	Territory for construction of multi-level dwelling houses	17	0.4	4.6	0.2
08.	Land for construction of commercial objects	4	0.1	0.3	0.0
09.	Land for construction of objects for public use	17	0.4	3.9	0.2
10.	Land for Manufacturing object building	50	1.1	21.7	0.9
11.	Traffic infrastructure utilization land	132	3.0	35.9	1.6
12.	Engineering Communications object utilization land	1633	37.4	1076.3	46.8
13.	Purposes of use of real property not assigned	37	0.8	6.2	0.3
Total		4372	100.0	2297.8	100.0

Conclusions

1. At the moment in Latvia legislation there are existing two different interpretations of concept of land inter-areas, which mainly are differing by ownership and area limitation.

2. In rural areas of Latvia redistribution are taking place - economically active farms aspire to expand their land total area with purchase and lease. However, this process contributes the fragmentation of land.

3. In the period of land reform in Latvia both in cities and in rural areas among the land granted in property land inter-areas are formed, which almost are less than minimum area provided by municipality and frequently they do not have an access. These inter-areas in National Real Estate Cadastre Information System are registered as land cognizable to municipalities and reserve land fund.

4. Structure of groups of use of real property for land inter-areas cognizable to municipalities are various, however the greatest part of its are placed on land for agriculture and almost one fifth on individual dwelling houses land.

5. Leading position of inter-areas in reserve land fund takes engineering communications object utilization land and land for agriculture.

6. Land inter-areas can be considered as failure of land reform, which together with other land-use failures, such as land fragmentation could be further task of Land use planning.

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Краткое содержание

Объектом исследования в статье является определение *чересполосный участок*. В Латвии сложилась ситуация, что в теории и практике широко применяемое определение чересполосный участок используется с разной значимостью. В статье проанализированы в нормативных актах и специализированной литературе данные разные толкования определения чересполосный участок и условия их применения. Проведен анализ площадей чересполосных участков, зарегистрированных в информативной системе кадастра Латвийской Республики. Чересполосные участки зарегистрированы в кадастре как земли самоуправления, так и земли государственного запаса. Чересполосные участки, принадлежащие самоуправлениям, размещается в основном на земли сельскохозяйственного назначения, а также на земли, назначенные для строительства индивидуальных домов, а целью использования недвижимости земель чересполосных участков, зарегистрированных в государственном запасе, является земля под сетей и объектов строительства инженерно технического снабжения и земля сельскохозяйственного назначения.

Ключевые слова: чересполосный участок, использование земли, земельный участок, земельная единица, раздробленность земли.

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