Land mediation

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SUMMARY

In Norway, there has for some time been a clear need for more effective tools for property formation in connection with urban and suburban development. Although various legal mechanisms are currently in use, no solutions have yet been found that adequately address the practical and legal challenges involved.

The complexity of urban property development projects often arises from the underlying property structure, rights relations, and ownership arrangements. This is particularly evident in processes of densification and transformation, where development requires extensive property formation procedures. Such processes may involve the consolidation of properties, the establishment of new property boundaries, and the subsequent subdivision and adjustment of plots to meet end-user needs. These challenges demand instruments tailored to the specific problems that arise during the implementation of zoning plans.

This article discusses the concept of land mediation (arealmekling) as an extrajudicial mechanism designed to facilitate cooperation between landowners in planning and development processes. Mediation can be a constructive alternative when the parties are unable to resolve conflicts through direct negotiation, and it is increasingly used prior to potential legal proceedings. The mediation process promotes dialogue between the parties, which can foster both creativity and innovation.

Land mediation was first introduced in Norway in 2003, but never implemented. The need for such a tool stems from challenges related to coordinating property interests to achieve efficient land use, particularly in situations requiring joint detailed zoning plans and subsequent implementation. Land mediation was proposed as a voluntary—but attendance-obligatory—process administered by the Norwegian Land Consolidation

Courts.

The article examines whether land mediation can serve as a constructive and flexible tool that strengthens cooperation among landowners, helps prevent conflicts, and contributes to a more efficient implementation of land-use plans.