Right of way and compensation

The danish way

Ole D. Buhl, chief negotiator
Acquisition of rights on private property

Before establishing electrical power lines it is necessary to acquire legal rights.

This can take place either through
1. Voluntary negotiations or
2. Through expropriation

Voluntary negotiations
Statutory authority through
"Elsikkerhedslovens § 28"

Expropriation
Statutory authority through
"Elsikkerhedslovens § 27"
Process for acquisition of rights – electrical power lines

1. Negotiations with landowners → Voluntary negotiations → Artbitrations court
   - Apply for permission to expropriation → Authorization for expropriation → Site inspection and expropriation
   - Valuation Committee → Ordinary Courts

ENDK
- Danish Safety Technology Authority
- Ministry of transportation
- The National Compulsary Purchase Board
- Valuation Committee
- Courts system

ENDK

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Basics: The rights of private property in Denmark

The Danish Constitution
§73
No. 1
The right of property shall be inviolable. No person shall be ordered to surrender his property except when required in the public interest.

Expropriation
Statutory authority through "Elsikkerhedsloven §27" - That means after permission in each case from The Danish Safety Technology Authority

It shall be done only as provided by statute and against full compensation.
Different kinds of rights acquisition

- A property totally (a new station)
- Part of a property (a new station)
- Acquisition of other rights, for instance the right to establish and maintain an electrical power cable or overhead line on a property
- Or a right to use a private road to get to the cableline
- Temporary rights on a property, for instance working areas during construction phase.
## 3.1. Erstatning for Jordkabel- og Fibranlæg

<table>
<thead>
<tr>
<th>Anlæggets bredde</th>
<th>Erstatning pr. løbende m</th>
<th>Grundbeløb pr. ejendom</th>
</tr>
</thead>
<tbody>
<tr>
<td>20 cm og mindre</td>
<td>14,79 kr.</td>
<td>4,314 kr.</td>
</tr>
<tr>
<td>Over 20 cm og til og med 60 cm</td>
<td>19,72 kr.</td>
<td>4,314 kr.</td>
</tr>
<tr>
<td>Over 60 cm og til og med 100 cm</td>
<td>27,32 kr.</td>
<td>4,314 kr.</td>
</tr>
<tr>
<td>Over 100 cm</td>
<td>34,92 kr.</td>
<td>4,314 kr.</td>
</tr>
</tbody>
</table>


**Figur A: Forklaringskitse til rettighedserhvervelse**

- Opgravet muldjord
- Opgravet råjord
- Kørrøde
- Råjord
- Muldjord
- Anlæggets bredde
- Deklarationens bredde
- Arbejdsområde
Process of negotiations with landowners

150 kV power line on a private property:

Information meeting in the local area – 10-20 km line
• After finishing the EIA process we often arrange a local meeting, directly inviting landowners and close neighbours.
  Introducing our line-suggestion, introducing field works, process of negotiations and compensation principles. Introducing negotiators.

2 (or more) individual land-owner meetings
• Meeting 1: Listen, acquire information, test suggestions and attitudes.
• Meeting 1,5... New maps, testing if we agree...
• Meeting 2: Final centerline, compensation, agreement – or concluding:
  We can not agree. Back in the process.
MAKE THE LANDOWNER A PARTNER !!
INSTEAD OF AN OPPONENT

In the 1. meeting we present our proposal for the power line. We are very much aware, that we dont know every thing about the property. We acknowledge and we emphasize the landowners detailed knowledge of his property. We listen to arguments concerning:
* Building plans if we pass the farms production buildings.
* Major drains.
* Wet areas – which is not unusual in this country !
* Special soil conditions etc.

In the 2. meeting we present the final centerline and present compensation
Compensation to Landowners

150 kV power line on a private property:

Permanent rights on a property
• Compensation for permanently respecting power cable, prohibition against building, excavating and planting trees etc. in a zone app. 2x3,5 m around the cable

Temporary rights on a property, for instance working areas during construction phase:
• Compensation harvest
• Compensation structural damage of soil
• Compensation any disadvantages (fencing, extra fieldwork etc.)
Compensation to Landowners - Power Cables 150kV

Permanent rights on a property – agricultural land
• app. 10,000$/km

Temporary rights on a property in agricultural land, for instance working areas during construction phase:
• app. 8-10,000$/km
Process for acquisition of rights – electrical power cables

Negotiations with landowners → Voluntary negotiations → Arbitrations court

→ Apply for permission to expropriation → Authorization for expropriation → Site inspection and expropriation → Valuation Committee → Ordinary Courts

< Duration: app. 6-8 months >

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Danish Safety Technology Authority

Ministry of transportation

Arbitrationscourt

The National Compulsary Purchase Board

Valuation Committee

Courts system
Acquisition of rights on private property

**Danish experiences:**
Power cables and overhead lines

> 100 kV

1. Voluntary negotiations 95-100%
2. Through expropriation 0-5%