

Securing Land Rights for Broadband – Land Acquisition for Utilities in Sweden

Marija Juric and Kristin Land (Sweden)

Key words: Cadastre; Land management; Security of tenure; broadband; land acquisition; utilities; cadastral procedure; Sweden

SUMMARY

The European Commission's Digital Agenda presents a strategy and goals for the growth of the European Union by the year 2020 in order to better exploit the potential of information and communication technologies (ICT). One of the goals is fast Internet access for all, and the Commission intends to use common funds to finance this investment. Although broadband access is generally good in Sweden, there are still thousands of households and businesses lacking access to such facilities. As a sparsely populated and outstretched country, Sweden requires a certain customer base for profitability regarding broadband. Nevertheless, the demand is as high in rural areas as in other parts of the country, and both Government and private actors make costly investments in ICT infrastructure. The Swedish broadband strategy states that, in the year 2020, 90% of all households and businesses shall have access to broadband with a transfer rate of at least 100 megabits/second. In most cases, it is about rolling out fibre optics based broadband throughout the countryside. In this respect, it is important to discuss how land issues can be resolved at an early stage of the development. Since many property owners will be affected, land acquisition processes may take substantial amounts of time, and it will also be costly to establish the utilities needed especially in remote areas. Hence, such rights to land need to be secured for a long time and in a sustainable way for the future. In Sweden, there are different ways to acquire land for broadband purposes. It can be achieved through an agreement between the parties involved, or through an official right (utility easement) created by a cadastral authority. The latter way implies that Lantmäteriet (the Swedish mapping, cadastral and land registration authority), or a municipal cadastral authority, secures necessary access to land and decides about economic compensation. Being a formal cadastral procedure, the result is registered in, and thereby made official to the public through, the Real Property Register including the Cadastral Index Map. This paper presents the different ways of land acquisition for broadband in Sweden, and discusses the pros and cons of those methods. Focus is on the cadastral procedure for creating utility easements, as that method is getting increasingly popular.