The Long Road from Planning to Expropriation

The Conflicting Perspectives of Planning Needs and Property Rights

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The conflict

Public needs ↔ Property rights
Represented by
Authorities ↔ Citizens
Planners ↔ Land owners
The amount of land taken

Public's interest: Obtaining maximum or sufficient land for public uses

Landowner’s interest: Minimum land taken

Just compensation

Public's interest: Minimizing compensation costs

Landowner’s interest: Full compensation for taking
**Flexibility versus certainty**

**Public's interest:**
- Flexibility in planning decisions

**Landowner’s interest:**
- Certainty about status of property

**Timing of expropriation**

**Public's interest:**
- Postponement of expropriation (delaying payment)

**Landowner’s interest:**
- Quick expropriation and compensation
Problems of designated land & delayed purchase

- The land is not transferable
- The landowner cannot plan his use of the land.
- The market value of the land drops down
- Delay of compensation

TIME

Three periods of expropriation process

1. The period between the planning decisions about the use of the land and the formal designation for expropriation

2. The period of the expropriation procedure

3. The period between the completion of the above procedure and the implementation of the public use
The first period

The period between the land-use planning decisions and the formal designation for expropriation

Case of Sporrong and Lönroth v. Sweden

The length of the time-limits granted to the City of Stockholm for the institution of the judicial proceedings for the fixing of compensation for expropriation

23 years

It took 5 more years for the ECHR to set the compensation
The second period
The period of the expropriation procedure

Case of Kukola v. Finland

Protection of the white-backed woodpecker

The planning took 4 years
The expropriation and compensation procedure took 12 years
The third period

The period between the completion of the expropriation procedure and the implementation of the public use

Case of Helvitz v. Hadera Municipality

From planning to expropriation 7 years
From expropriation to nullification of the expropriation 18 years
In 25 years the public uses of the expropriated land were not specified and the planning of the public area was not implemented.
Is there a solution to the conflict?

Alternative methods of land purchase

• A balance should be found between the two interests

• The duration of time between designation, expropriation and implementation should be proportional

• A maximum time-limit

• Periodical assessments

Thank you!