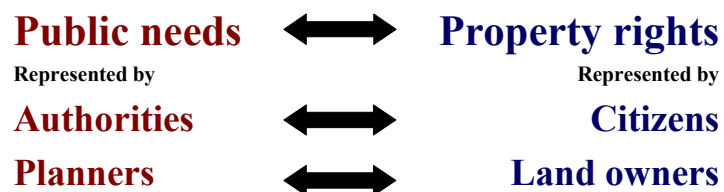


The Long Road from Planning to Expropriation

The Conflicting Perspectives of
Planning Needs and Property Rights

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The conflict



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)**



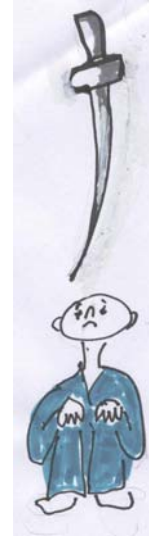
**Landowner's
interest:**

**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 Lönnroth 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

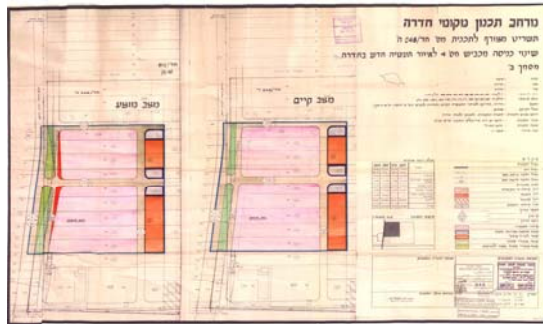
The planning took 4 years

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!