

**LIZUNOVA ALINA**  
*PhD, Assoc. Prof, Assoc. Prof of Land Management and Cadastre Department*  
*ORCID: 0000-0003-1571-4463,*  
**LYTVYNNENKO IRYNA**  
*Senior Lecturer of Land Management and Cadastre Department*  
*ORCID: 0000-0002-4350-8563,*  
*Kyiv National University of Construction and Architecture, Kyiv*

UDC332.36

## **INFRASTRUCTURE DEVELOPMENT: COMPULSORY PURCHASE OR LAND EASEMENT**

Sustainable development requires the Governments of the countries to establish and maintain in a functional conditions social and engineering infrastructure facilities that provide security, healthy living conditions, well-being, socio-economic development, protection and restoration of the natural environment. To achieve the Sustainable Development Goals, the Ukraine 2020 Sustainable Development Strategy has been developed. The aim of the Strategy is to introduce European standards of living in Ukraine and Ukraine's leading position in the world.

The Sustainable Development Goal 9, adapted for Ukraine, has been Industry, Innovation and Infrastructure (Sustainable Development Goals: Ukraine 2017), whose main objectives are: to develop a quality, reliable, sustainable and affordable infrastructure based on the use of innovative technologies, including environmentally friendly modes of transport; to ensure the availability of road infrastructure based on the use of innovative technologies, in particular through the expansion of forms of government involvement in various infrastructure projects.

The objective of the Strategy is to create an integrated and securely functioning and efficient transport complex of Ukraine, to meet the needs of the population in transportation and to improve the conditions of doing business in order to ensure the competitiveness and efficiency of the national economy. In order to achieve this goal, the Strategy should take into account global trends in the development of transport, namely, the use of fuel, economic and environmentally friendly vehicles, the use of alternative fuels, "green" modes of transport, the priority of environmental protection needs and the conservation of valuable nature areas during development of transport infrastructure.

In accordance with the above reforms of the Sustainable Development Strategy "Ukraine 2020" in the context of the "vector of development" and implementation of "reform of transport infrastructure", the Cabinet of Ministers of Ukraine approved the National Transport Strategy of Ukraine for the period up to 2030 (National Transport Strategy of Ukraine until 2030 2018).

**Purpose.** For implementation of the National Transport Strategy of Ukraine, the main tasks will be fulfilled (National Transport Strategy of Ukraine until 2030 2018): creation of a competitive and efficient transport system; innovative development of the transport industry and global investment projects; introduction of safe, environmentally friendly and energy efficient transport; ensuring seamless mobility and interregional integration. One of the first steps in the realization of these tasks is the acquisition of the relevant land.

In some cases, there may be several options, for example, the construction of a new hospital, and the Government may purchase a land in a free land market. In other cases, the objects should be located in a certain place - it is about building new infrastructure.

**Methodology.** The necessary land plot may not be available for sale at a time when the Government needs it for infrastructure development. In order to get the land at the right place and at the right time the Government can use two different opportunities.

One of them is the right to compulsory purchase the land, this right involves forcing the owners to sell their land in order to meet certain public needs.

Compulsory purchase is the transfer of ownership of land and other immovable property located thereon, which are owned by individuals or legal entities for payment, in state or municipal property by means of redemption for the needs of state, local community or society. This procedure is often necessary for the purposes of socio-economic development and environmental protection. The list of public needs are shown in the Figure 1 from which we see that one of the social needs meets the needs of infrastructure development.



Fig. 1. List of public needs for compulsory purchase in Ukraine

The other one is the land easement. In world practice, there are private and public easements that protect private and public interests, respectively. Despite the great variety of types of easements, the vast majority of them are created for the objects of engineering and transport infrastructure, both private and public. The list of easement types are shown in the Figure 2 from which we see those relating to infrastructure development.

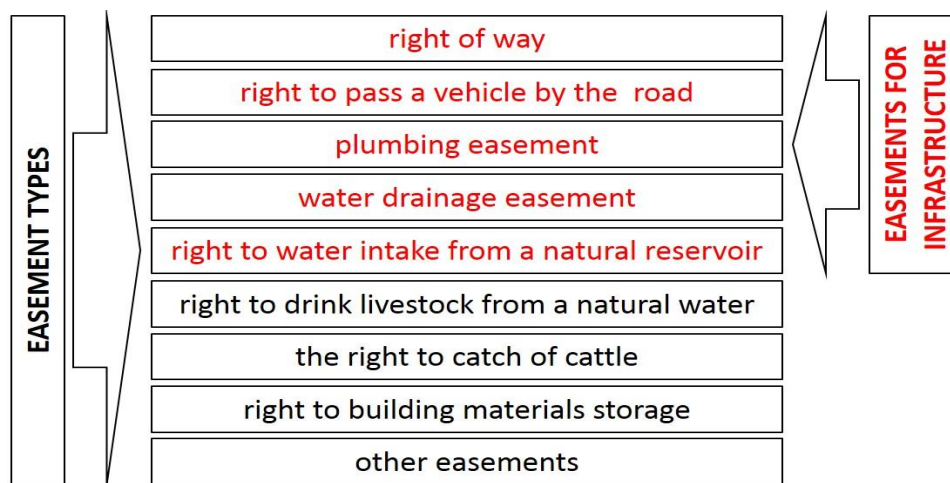


Fig. 2. List of easement types in Ukraine

**Conclusions.** The realization and effective provision of public land needs are impossible without the existence of a proper legal mechanism for the purchase of land from private owners and the protection of their rights and interests, the use of which enables the state to forcibly alienate private land for use in the public interest.

When applying the procedure of forced alienation for example, within the city, it is necessary to pay compensation to private owners, which are large sums from the municipal budget. When reserving land through a public easement, the costs may be only for the formation of the easement and its registration. The important question is which is better - COMPULSORY PURCHASE or LAND EASEMENT. In each case, we need to evaluate all the advantages and disadvantages to make the right decision.

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