



KTH Architecture and
the Built Environment

Time-consuming planning processes

The Sporrong-Lönnroth Case Revisited

Thomas Kalbro

The Sparring-Lönnroth Case in the European Court

1956

The Government granted the City of Stockholm an expropriation permit for (among other properties) *Riddaren no. 8*.

The Expropriation Act contained a five years time-limit within which the expropriation might be effected





The Process in Summary

- 1956 Expropriation Permit
- 1961 Extension of the time-limit to 1964
- 1964 Extension of the time-limit to 1969
- 1969 Request for a new extension
- 1971 Extension of the time-limit to 1979!
- 1975 A new city plan. The building was not going to be altered.
- 1979 The expropriation permit was cancelled



.... *furthermore*

- 1954 Prohibition on construction on Riddaren 8.
The prohibition was extended to 1979
- 1970 Exemption from the prohibition in order to
widen the front door
- 1975 The prohibition on construction was
abolished



The European Court

Article 1 (of protocol No. 1)

Every natural or legal person is entitled to a peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

The Court found that "the permits in question, whose consequences were aggravated by the prohibitions on construction, violated Article 1."



The European Court

Article 6 (of protocol No. 1)

..... everyone is entitled to a fair and public hearing within reasonable time by an independent and impartial tribunal established by law.

The Court found that "the applicant could not be heard by a tribunal competent to determine all the aspects of the matter. There has therefore been a violation of Article 6."



Alteration of the Swedish legislation

The Expropriation Act

Expropriation must be effected within one year from the expropriation permit, i.e. a court procedure must start within one year.

The Planning and Building Act (and other special enactments)

The property owner can initiate a court procedure, as soon a compulsory purchase order has won legal force.



Did the alteration of the legislation solve the whole problem?

Time-consuming planning processes for e.g. roads and railroads?



The Planning Process for National Roads and Railroads

Feasibility Study (alternative routes)



Preliminary Design Plan (a corridor designed)

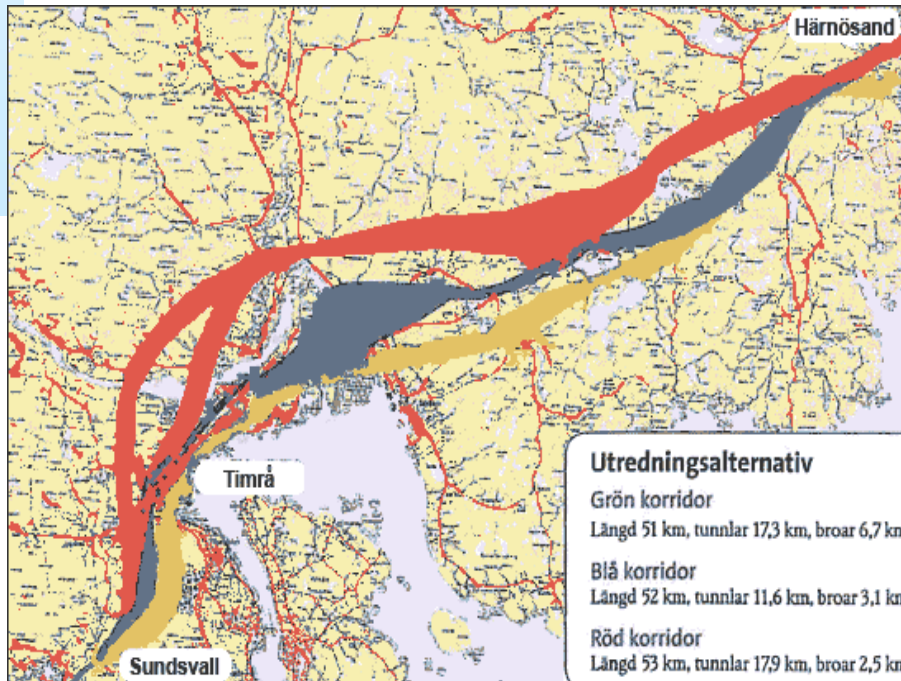


Final Design Plan

The plan is legally binding and provides an
expropriation permit

Feasibility Studies and Preliminary Design Plans

The Botnia Railroad



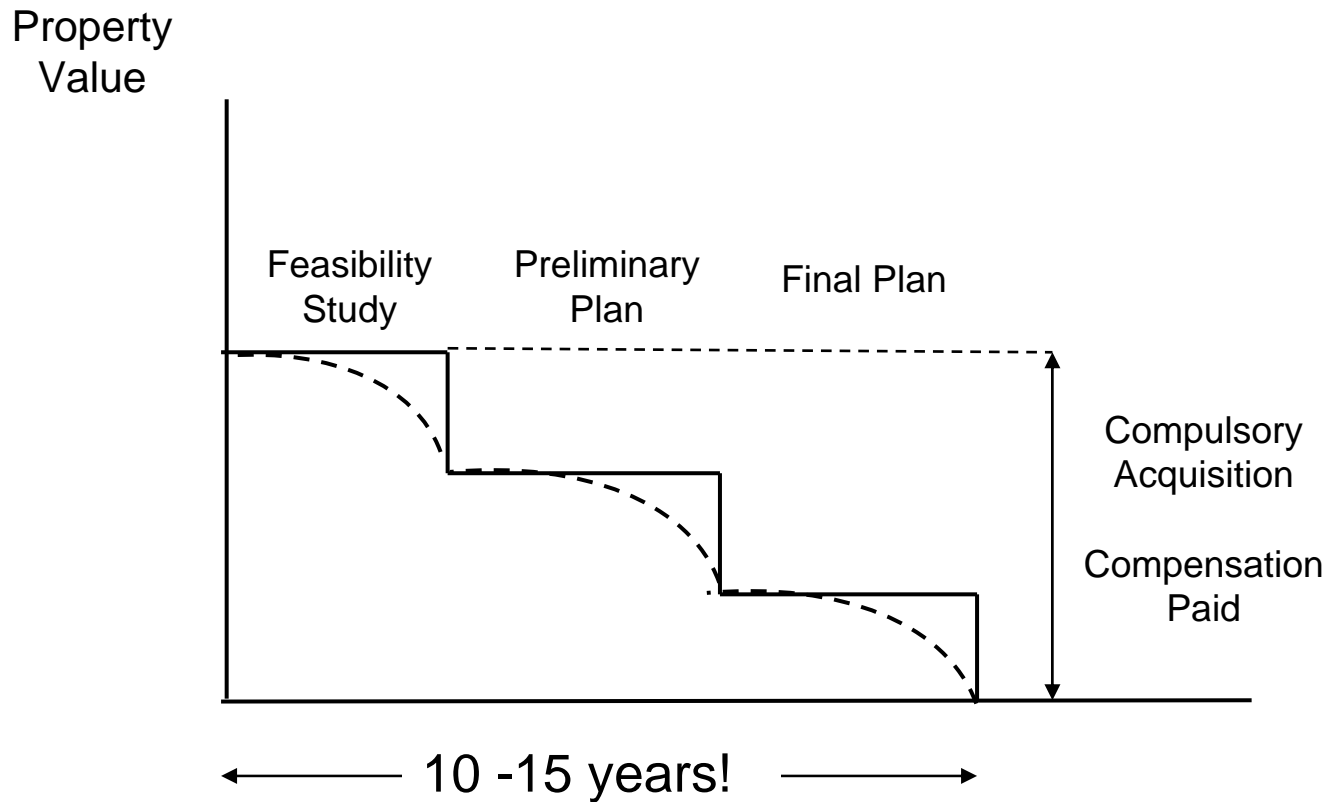
Stockholm Bypass



Effects of the planning process



(Theoretical) Value effects the Planning Process





Concluding Questions

Is this in line with the European Convention for Human Rights?

Do we need time-limits for the planning process? A right for property owners to initiate a court procedure when the planning process has started?

How is the problem solved in other countries?
Or isn't it!