

Finnish wind power projects and its legal survey in expropriation procedure

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SUMMARY

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Background information

In the past few years there has been a growing number of new wind power constructions in Finland. Many more are being planned. The reason for the increase in wind power construction is to obtain clean fossil-free renewable energy and to improve energy self-sufficiency. The aim of this presentation is to describe the procedure related to wind power projects, its land use planning, and the legal survey in expropriation procedure.

Contracts

Most often wind power companies do not own the land under the windmills. So instead of buying the land, wind power companies lease the land from private landowners mostly through long-term contracts.

Land use planning

Before constructing the wind power plant, the area must be zoned for that purpose. Also, the evaluation of environmental impacts must take place. The decision-maker in the planning is the Local Council of Municipality.

Expropriation Permit

During wind power projects, a permanent expropriate use right for electrical cables and its

equipment is most likely needed. The expropriation permit is granted by the Ministry of Employment and Economy of Finland in significant cases and by the National Land Survey of Finland in less significant cases. Generally, the Ministry of Employment and Economy grants the permit when the project requires building of new lines. If the case is about renewing old cables which does not need significantly new land area, or the case is about old cabling whose leasing contracts are about to expire, then these cases are decided by the National Land Survey of Finland. After the expropriation permit has been legalized, the legal survey expropriation procedure can be put into practice.

Legal Survey in Expropriation Procedure

In Finland, through the Expropriation Act, one can obtain fee simple estate or use right; for land or water areas and existing buildings on those areas. The act also sets limitations on the afore-mentioned properties. Power line expropriations usually expropriate use rights of certain areas and the limitation associated to that area, but the ownership of the land does not change.

The legal survey in expropriation procedure is executed by an expropriation committee, chaired by a land surveyor. In the legal survey, the site of the expropriation is consolidated, the list of properties is drawn up and finally compensations are determined.

Commonly, legal survey in expropriation procedure involves three survey meetings. After the first meeting and the day of possession, the power company has right to start the construction work at the site. When all the site work has been completed it is time for the second survey meeting. The landowners are given the time to demand compensations from the expropriated property as well as possible damages and costs.

At the final survey meeting the expropriation committee determines the compensations. When the decisions of the legal survey in expropriation procedure has been approved and all compensations have been paid then the cadastre is updated accordingly. This step completes the expropriation.