

BOOK REVIEW

Compulsory property acquisition for urban densification, edited by Glen Searle, Published by Routledge Taylor & Francis, 2018 Abingdon, 206 pages, ISBN 978-1-13-850099-0, £76 Hardback

This is a welcome addition to the Routledge Complex Real Property Rights Series, edited by the eminent Professor Spike Boydell, comprising eleven chapters focusing on different parts of the world with introductory and concluding chapters by Glen Searle.

As urban populations continue to increase and require housing, the need for greater density of existing land and property development rises and the pressure on governments to over-ride individual property rights for the common good becomes greater.

It is timely, therefore, that the book addresses the following overarching questions through the lens of countries ranging from the US, through Europe to South East Asia and China with each chapter written by a recognised academic authority:

- under what circumstances is the taking of property rights via compulsory acquisition to increase densification justified in practice and in theory?
- what specific public benefits are put forward by public agencies for compulsory acquisition?
- what role does the development industry play in facilitating, encouraging or promoting compulsory acquisition?
- what compensation or offsets are offered for such property acquisition and how are they funded/provided? What is the value basis for compensation? Are some land parcels resumed without compensation?
- does compulsory acquisition require special legislation or planning controls, or is it constitutionally allowed? What appeal rights are allowed? What obligation is there to negotiate?
- is there a local or national history of compulsory property acquisition by government for a range of purposes?
- is compulsory acquisition restricted to certain types or locations of densification?
- where existing housing is acquired, is there any obligation to provide alternative housing in lieu?
- are other methods also used to directly bring about densification? If so, when is each method (compulsory acquisition and other method(s)) used and how are choices between them made?

The diversity of approaches around the world is both staggering and impossible to summarise herein, from the US approach of the public and private sectors partnering to use public powers for private benefit (in certain US states) to the Spanish approach of giving landowners who are compulsorily acquired title to new properties within the densified project to the Chinese dispossession of thousands of households for densification in Shanghai with different classes of resident subject to variable compensation and resettlement outcomes.

As Searle notes, how the above questions are answered “will depend to a significant degree on the prevailing political ideology in each country. In particular, they will be closely related to the protection that local laws give to property rights” (page 4). Further, as Boydell

observes, such property rights need to be understood in a dynamic context “amid the milieu of competing social, environmental, economic and political pressures in the rapidly expanding contemporary urban landscape” (page xii).

It is through understanding the approaches adopted by other governments around the world to the common challenge of the need for urban densification that individual government’s may be able to frame policy acceptable to their constituencies to achieve the commonly required outcome. This book is essential reading for planners, valuers, politicians, government officers, developers and others involved in the global challenge of accommodating ever increasing urban populations within finite land areas.

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