

Melanie MCGLONE: The Taking of Land and the Public Interest -Which model of property is the most effective in protecting the 'public use' in property in land?

My motivations are to address the issue of land that is 'taken' and used in a way that does not successfully reflect the best interests of society; to question why the mechanisms designed to check this are repeatedly biased in favour of wealth and perceived financial benefit; and to show that a 'public use' test can, and needs, to be implemented in the theoretical property model and by extension into practice. A need for a coherent public use test exists globally and I aim to formulate a theoretical property model to meet this need and outline the circumstances which would facilitate its implementation.

Land is vital to our existence and that of future generations and the consequences of any abuse of land today will be felt all the more painfully tomorrow. However, the misuse of land is a global issue. In China toxic air pollution now resembles nuclear winter, potentially wreaking havoc on the country's food supply yet little is mentioned of the long-term damage to the land itself. In the USA, 115 homes in Connecticut were pulled down to redevelop the site, based on a corporation's proposal to build its new facility. Today the site is desolate. Closer to home, the Court of Appeals is considering the development of a golf course in a county already boasting 141 courses, which will damage a significant area of uncultivated chalk grassland, an important site for nature conservation rich in biodiversity.