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LIFE RII

Emilia-Romagna Region

Final Report Abstract

Completion of the activities planned under
Action B9 Identification of economical - juridical –
administrative compensation methods for the use
of farmlands for hydraulic - environmental
purposes

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The increasing frequency of so-called abnormal climate events (eg. heavy rainfall concentrated in short periods of time) has highlighted the need to put the national territory under safety conditions, in particular with reference to the damage ensuing from such events and their unpredictability. Several run-off control measures can be implemented to prevent the hydraulic risk, such as the construction of retention basins, or alternatively the detection of flood control reservoirs.

A useful tool designed to adjust the outflow of rainwater from rivers and streams is the development of embankments and artifacts allowing the temporary storage of water in excess, with a frequency depending on the periodicity of the event. This measure requires the utilization of spaces for the construction of artifacts (embankments) intended to serve as water storage reservoirs, on a permanent basis, thus causing a set of limitations to property rights and to the pursuit of business activities, as well as damage to farming activities, both at present and in the future.

As for the areas corresponding to sediments and hydraulic works, the stability of works and maintenance operations may require their permanent presence, thus entailing the need to take into account and initiate expropriation procedures in the public interest, against a compensation set out by law.

The other surfaces can, instead, maintain their productive function, since no farmland shall be expropriated. Yet, they are subject to limitations of use due to the possibility of being flooded and due to the risk that crops might be damaged as a consequence.

In this case, compensation must be assessed in relation to the limitations imposed on the property and any other damages caused, by applying a specific evaluation formula specifically designed under this project for flooding rights, since, in this regard, there are no national legislative references.