

The purpose of the project is to identify the most reasonable (i.e. economically efficient and simultaneously legally acceptable) model of balancing the interests of expanding air travel and growing airports with the interests of real estate owners. In order to achieve this purpose it is vital to determine what models that are applied in various countries today meet the objective of protecting: the public interest of increased mobility provided by air travel and the private interests of landowners in the context of airport nuisance and possible compensation claims. This difficult task of balancing private and public interests is of international importance, and therefore it is vital to find a model of compensating landowners or placing restrictions on the operation of airports that will be applicable not only today, but also in the future.

From a legal perspective, nuisance caused by increasingly active or entirely new airports is becoming onerous to neighbouring landowners. The problem that naturally arises is a conflict between neighbouring uses of land that cannot in its entirety be solved by spatial planning and neighbour law. The legislator thus faces the need to legally resolve this inevitable (but not new) conflict in a manner that takes into account the interests of both landowners (including the issue of human rights, particularly the protection of property and the right to respect for private and family life) and the airport itself, which provides services that qualify as ones of public utility. The project seeks to identify and compare viable legal models applied in selected foreign countries regarding compensating landowners in the vicinity of airports in an effort to balance private interests and the needs of growing air-transport demand.

Due to recent developments concerning compensation payments to aggrieved landowners in the vicinity of Polish airports, the chosen point of departure are Polish regulations and their practical application. The hypothesis of this project is that current Polish legal provisions and practice not only do not achieve the aim of properly balancing private and public interests, but also stimulate speculative behavior and fail to protect human health, thus foregoing one of the main aims of provisions regarding the protection of the environment. Simultaneously, little or no comparative analyses have been conducted in order to ascertain whether compensation should be payable for noise or for restrictions in land use and no compelling arguments, including ones pertaining to comparative legal studies, have been presented to justify the current Polish practice and interpretation. The *ratio legis* of the provisions currently applied to solve the conflict between Polish airports and neighbouring landowners has not been considered and thus the legal as well as economic purpose of intervention remains overlooked.

This project focuses on comparative research regarding possible models of resolving conflicts resulting from airport operations. This is done in order to contrast the Polish perspective with that of other countries in an effort to find similarities and differences that will allow to form a conclusion as to the optimal manner of managing the conflict between airports and landowners. In particular, black letter law, law in action and soft law will be analyzed in order to identify whether there is a prevalent manner of reconciling the interests of airports and landowners and if not, whether there is a common denominator in the form of an aim foreign legislators strive to achieve.

The project is conducted because of a visible lack of a comprehensive approach to compensating landowners in the vicinity of airports that takes into account the purpose and the economic justification of legal intervention, the public and private interests at hand, the human rights that need to be protected, and the proportionality of awarded claims (whether in public or private law). Neglecting the above can lead to market speculation, the lack of balancing private interest with public utility, the overcompensation of landowners, and an unfounded stifling of air-transportation. The Polish model and its application thus needs to be tested against approaches taken in other countries, with more experience concerning these conflicts, in order to determine the possible and sustainable methods of balancing the interests of airports and landowners, both in a national and an international context.