

# Land take in France: what political progress, for what results?

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Among the various challenges facing biodiversity, those related to land take (the conversion of agricultural, natural or forest land for urbanization or infrastructure development) have recently been the subject of considerable attention, particularly in France. The issue, which is essential for the quality of life, has thus been integrated into the 2015-411 Act on the New Indicators of Wealth. More recently, in July 2018, the French government's Biodiversity Plan renewed the objective of fighting against land take, which was already enshrined in law through the *Grenelle de l'environnement*. In particular, it proposes a *no net land take* objective—i.e., that any new land take should be offset by the “renaturation” of unused artificial land. As yet the time horizon of this objective remains undefined, but the European Commission has already advocated the principal at the EU level, with a 2050 horizon.

The definition of new instruments should not ignore the achievements of earlier political initiatives concerning the fight against land take. Such initiatives are quite numerous in France, but they are often overlooked or poorly assessed. This *Issue Brief* provides: 1) an analysis of recent land take developments in France, at the national and departmental scale; 2) a comparison of these developments, along with the proposals and instruments implemented to address the phenomenon; and 3) questions regarding the challenges ahead, particularly in relation to the *no net land take* objective.

\* Data sources : Teruti-Lucas survey (land take), Insee (population), Eurostat (GDP)

## KEY MESSAGES

In France, land use has decreased since 2009, but only slightly. Despite the economic slowdown, land take continues to grow at a faster rate than the population and the gross domestic product.

Some highly urbanized areas are becoming denser, but development in most departments still follows the urban sprawl pattern. A worrying number of territories are now highly artificialized, despite having low populations and economic growth.

There are several problems facing policies that have already been implemented, some of which are cumulative: limited effective use of regulatory constraints, insufficient use of existing instruments (including economic), and the limitations at the local level to control land use on a more global scale.

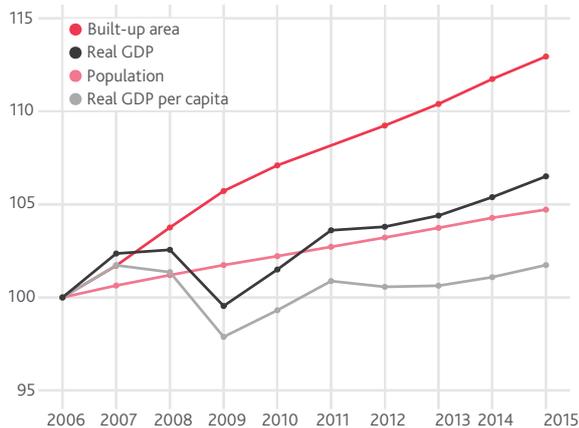
The *no net land take* objective represents a major change to urban planning principles. Its gradual implementation raises questions about political coordination (at what scale should this objective be implemented?), and also about the economic model, because land restoration options are currently limited and expensive.

## 1. LAND TAKE IS GROWING FASTER THAN POPULATION AND ECONOMIC ACTIVITY

Land take accounted for 9.4% of the French mainland area in 2015, compared to 8.3% in 2006, i.e. an increase equivalent to the size of an average French department in less than 10 years. Two-thirds of these surfaces are concreted over, while around a third are open green spaces: gardens, parks, and lawns.

Land take is growing much faster than population and GDP. However, there has been a slight slowdown since 2009-2010, which is commonly explained as an impact of the 2008 financial crisis on the construction sector. However, it is also possible that measures taken following the implementation of the *Grenelle de l'environnement* have started to influence the pace of land take.

**Figure 1. Population and economic change and built-up area**



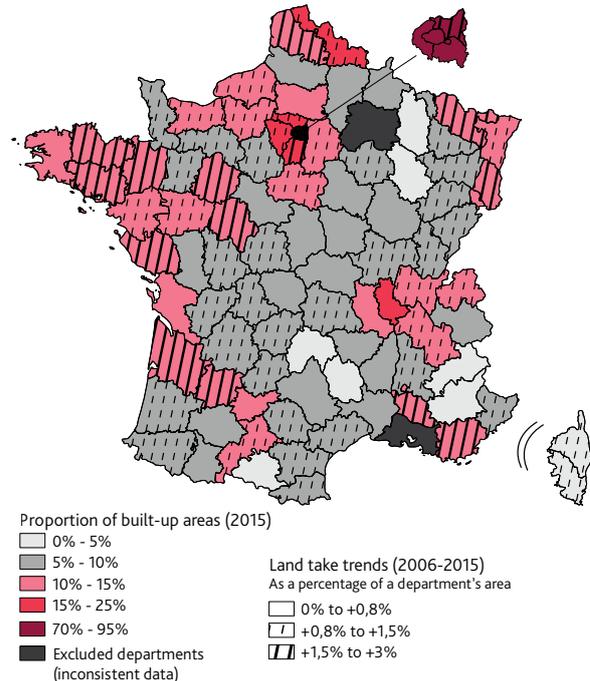
Source: Author

### Four main territorial categories

- Areas that are very dense, highly built-up, wealthy, with high populations and economic growth, where land take is slowing (Greater Paris and Lyon urban areas). Indeed, land scarcity constrains urban sprawl, and growth is based on high value-added sectors that use less space.
- Fairly rural areas where population and economic growth is low, or even negative, and where the expansion of artificial surfaces is lower than average (e.g. Ardèche, Cantal and Finistère).
- Departments with a high level of land take, linked to a population and economic dynamism, often influenced by a large city (for example, Loire Atlantique, Gironde, Isère).
- Territories with a high level of land take, but without strong population or economic pressure. This situation is the most concerning, and applies to more than a third of departments.

Some departments are undergoing an increase in density (i.e. a decline in the area of built-up land per inhabitant), but

**Figure 2. Comparison of the current level of land take (2015) and recent land take trends**



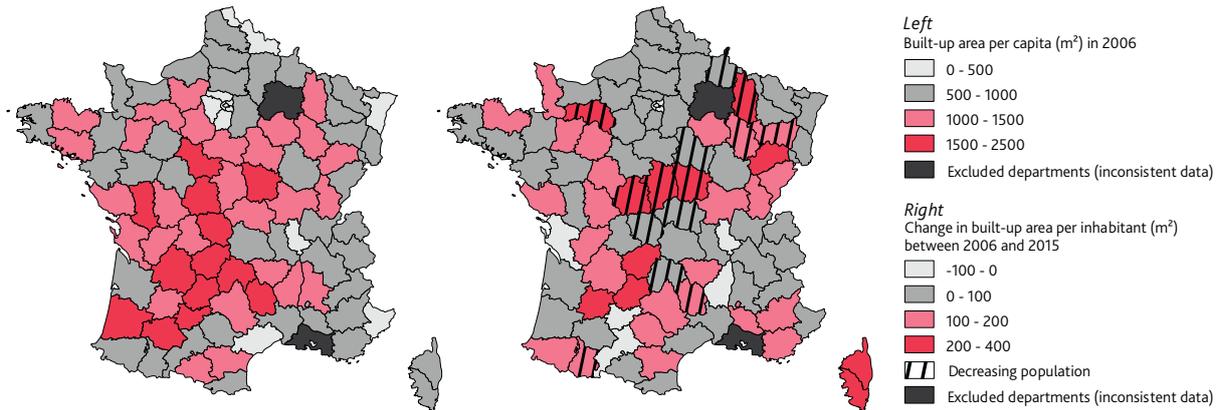
most are experiencing the opposite trend: varying degrees of urban sprawl. Part of this sprawl can be explained by the trend towards solo living, and the decline in the number of people per household, but also by the sharp increase in second homes and vacant dwellings. Industrial and economic zones, retail stores and offices are also growing much faster than the population.

Land take in France is not necessarily synonymous with strong urban growth, but it can result from a generalized "daily" sprawl, driven by space-consuming urbanization patterns (housing estates, commercial zones), and by a de-densification, particularly in rural areas (which are less attractive), and which often fuel the use of land on the outskirts of large cities.

## 2. A FOCUS ON IMPLEMENTED POLICIES

### Protection of spaces approach

Before attempting to reduce the rate of land take as a whole, a number of mechanisms have focused on the protection of special or outstanding areas. The French Coastal Law (1986) contributed, despite difficulties in its application, to limiting coastal land development. The French Mountain Law (1985) offers measures of a similar type. To our knowledge these two laws are the most important existing regulations in French law to limit the power of local authorities to implement urbanization plans. France has a very diverse range of protected areas. Areas considered as "highly protected" cover 1.35% of the mainland

**Figure 3. Built-up area per capita in 2006 and the changes between 2006 and 2015, by department**

An example of how to read the figure: in Corsica, the built-up area per inhabitant was rather low (between 500 and 1,000 m<sup>2</sup>) in 2006, but increased significantly between 2006 and 2015 (+200 to +400 m<sup>2</sup> per inhabitant).

territory, and 28.7% of overseas territories,<sup>1</sup> and constitute spaces where new urbanization is usually strictly limited, but not necessarily totally prohibited.

In addition, there are voluntary protection schemes for agricultural areas. These are the protected agricultural zones, created in 1999, and the more recent protection for peri-urban agricultural areas. In 2018, there were 135,000 hectares protected by these two instruments (CGAAER, 2018), or 0.5% of the mainland agricultural area. They have real effectiveness locally, but their creation is often long and complicated. Moreover, the use of these devices is highly focused in certain regions (Auvergne-Rhône Alpes).

## Integration into urban planning documents

From the 2000s and especially 2010, the fight against land take has progressively become a goal to be included in planning documents. SCoTs<sup>2</sup> are reinforced by the 2014 Alur Law, which makes them integrating documents and reveals the objective to achieve a comprehensive coverage of the territory (70% of the national territory was covered at the beginning of 2018). The Alur Law also calls for inter-communal urban plans, particularly to limit competition between communes.

Urban planning documents are gradually adapted to the *Grenelle de l'environnement* based on the 2010 ENE Law: SCoTs must include a forward-looking assessment of the need for urban development, and the use of land must be justified. It appears that these provisions have had effects on the developments planned in the PLUs, by reducing the dimensions of

the areas designated for urbanization—this has been the case in Mayenne, where the difference before/after the ENE Law is significant (CGAAER, 2018). However, it is difficult to ascertain any consequences on actual land area consumption and to our knowledge there are no studies on the subject.

From the institutional perspective, the 2010 Agricultural Modernization Law created commissions that have today become the CDPENAFs.<sup>3</sup> Their mission is to advise on planning documents and on a number of developments. According to a survey by the Ministry of Agriculture, they examined on average 2 SCoTs and 40 PLUs (individual commune or inter-commune) per department in their first 4 years of existence, as well as around one hundred building permits. However, the CDPENAFs give simple advice, which is not necessarily followed, with the exception of overseas territories where following the recommendation of CDPENAFs is mandatory.

## Encouraging densification

In parallel to this integration, different measures aim to promote densification as an alternative to urban sprawl. The ENE Law offers some possibilities to regulate density in the SCoTs, and the ALUR Law modifies certain legal rules to facilitate this densification (by suppression of the minimum threshold for building land and the coefficient of land occupation), even if other types of planning rules continue to limit density. The actual effect, particularly the cumulative ones, of these measures remains to be assessed. There is no doubt that awareness around these issues has grown, particularly among elected officials. But this awareness is likely to be focused more on cities that are subject to a scarcity of land, which have significant available means for planning—i.e. cities where land take is already low.

<sup>1</sup> See <http://indicateurs-biodiversite.naturefrance.fr>

<sup>2</sup> French Territorial Coherence Scheme: an urban planning document at the scale of one or more inter-communal bodies, which applies general objectives for the territory and with which the PLUs (Local Urban Planning schemes) must be compatible.

<sup>3</sup> Departmental Committee for the Preservation of Natural, Agricultural and Forest Areas.

### 3. THE CHALLENGES AHEAD

#### Existing mechanisms are underused and poorly evaluated

It seems that France does not lack regulatory means to limit land take, but the measures at its disposal are not used enough or are insufficiently restrictive. There is also the issue of the available means for implementation and control, particularly within the State services responsible for verifying that planning documents comply with the law.

Incentivizing approaches are rare: taxation on land and buildings in France is generally favourable to land take and does not encourage land use efficiency (Sainteny, 2018). The few existing mechanisms (payments for low density, taxation of wasteland and vacant buildings) are not used much, because they run counter to the political interest of local authorities wishing to urbanize.

Finally, a crucial issue is that of scale: competition between local authorities to attract inhabitants and new businesses is a powerful pressure that conflicts with the goal of land use efficiency (Colsaet *et al.*, 2018). However, strategic planning tools, in particular SCoTs, even if they are increasingly improving their integration of land use, remain instruments of coordination between local actors. As highlighted by the recent French parliamentary commission into agricultural land, “[SCoTs] depend on the goodwill of local elected representatives. Many people interviewed said they are not sufficiently prescriptive” (National Assembly, 2018). Strengthening the role of SCoTs will not overcome this issue, at least if they are not complemented by larger scale control or incentive mechanisms, for example at the regional level (where future Regional Planning, Sustainable Development and Equality Schemes [SRADDET] could play a role).

In addition, various existing databases (Teruti-Lucas survey, Corine Land Cover data, *fichiers fonciers*) do not provide exhaustive coverage of the territory with precise locations of new areas of built-up land, and do not provide adequate monitoring. It is therefore difficult to link policy developments with targeted outcomes.

#### The *no net land take* horizon: building a political and economic model

The *no net land take* objective was introduced in the 2018 Biodiversity Plan to preserve both natural and agricultural land, with a time horizon to be defined. While urban planning had been based on the principle of the efficient use of land, which leaves some room for interpretation, the *no net land take* objective implies that any new construction should be offset by equivalent land restoration, for example the restoration of now vacant commercial zones or oversized car parks. At the political level, the question of scale first arises: should this objective be integrated into the SCoTs, or on a larger scale? Depending on the scale, the appropriate coordination instruments will be needed to allocate efforts between communities. The connection with the “Avoid, Reduce, Offset” principle, and in particular the pooling of ecological compensation efforts, also needs to be defined.

On a technical level, “de-artificialization” raises issues: land restoration, the depollution and reclaiming of land is expensive. While some experiments exist today, the economic model on which such operations would be based has yet to be developed. Similarly, land take can only be limited by increasing urban densification, which is also more expensive than “open field” construction. We therefore need to consider how to make densification an attractive option for more and more territories.

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