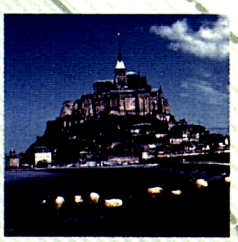
European Union

Regional policy

Regional development studies

The EU compendium of spatial planning systems and policies

France



Belgium
Denmark
Germany
Greece
Spain
France
Ireland
Italy
Luxembourg
The Netherlands
Austria
Portugal
Finland
Sweden
United Kingdom

European Commission

28 E

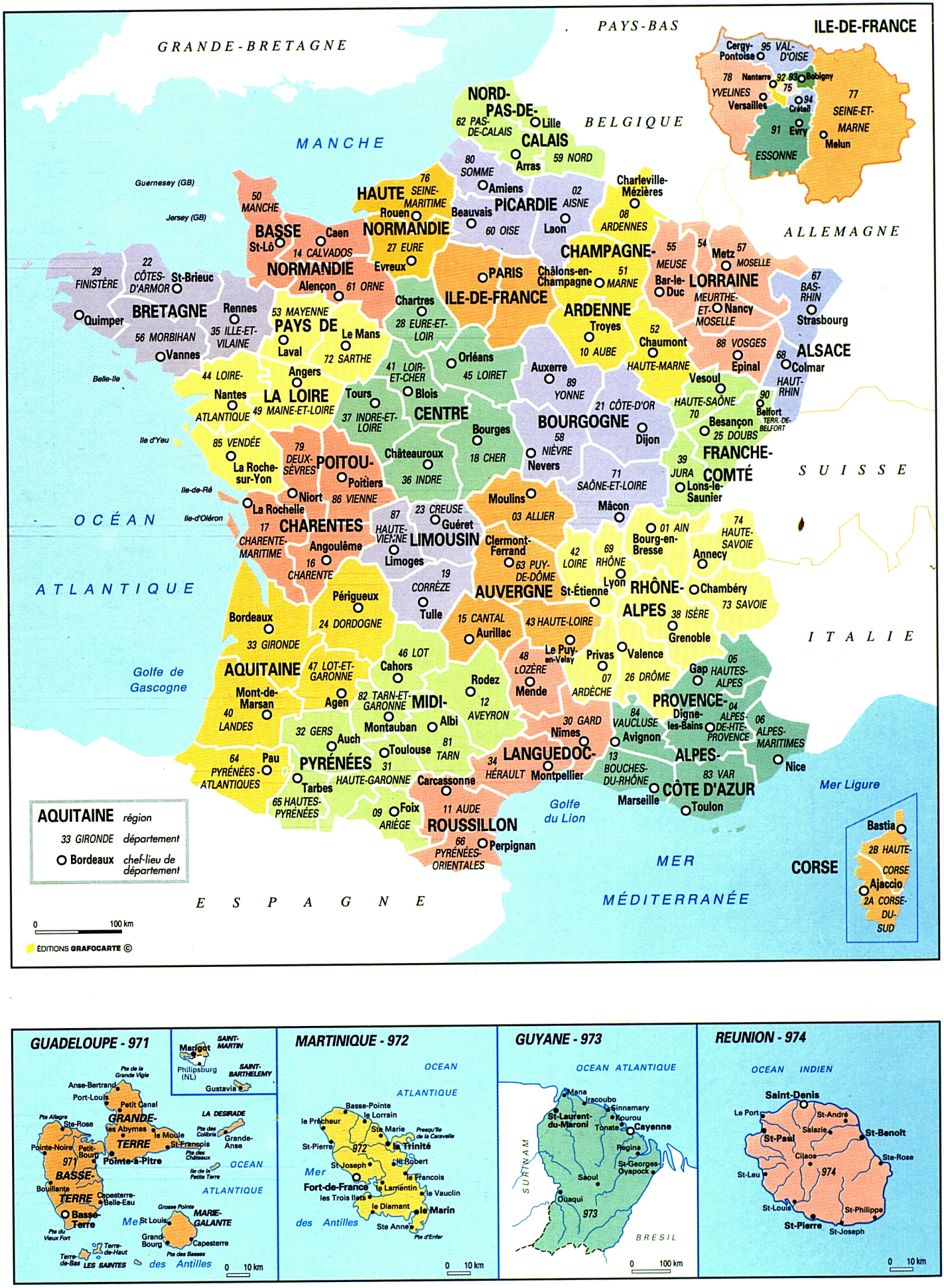


Figure A2: The administrative divisions of France

European Union
Regional policy

Regional development studies

The EU compendium of spatial planning systems and policies

France

European Commission

Already published in the series 'Regional development studies'

01 — Demographic evolution through time in European regions (Demeter 2015)
02 — Socioeconomic situation and development of the regions in the neighbouring countries of the Community in central and eastern Europe
03 — Les politiques régionales dans l'opinion publique
04 — Urbanisation and the functions of cities in the European Community
05 — The economic and social impact of reductions in defence spending and military forces on the regions of the Community
06 — New location factors for mobile investment in Europe — Final report
07 — Trade and foreign investment in the Community's regions: the impact of economic reform in central and eastern Europe
08 — Estudio prospectivo de las regiones atlánticas — Europa 2000
Study of prospects in the Atlantic regions — Europe 2000
Étude prospective des régions atlantiques — Europe 2000
Estudo prospectivo das regiões atlânticas — Europa 2000
09 — Financial engineering techniques in regions covered by Objectives 1, 2 and 5b of the Community regional policies
10 — Interregional and cross-border cooperation in Europe
11 — Estudio prospectivo de las regiones del Mediterràneo Oeste
Évolution prospective des régions de la Méditerranée-Ouest
Evoluzione delle prospettive delle regioni del Mediterraneo occidentale
12 — Valeur ajoutée et ingénierie du développement local
13 — The Nordic countries — What impact on planning and development in the Union?
14 — Development prospects of the central Mediterranean regions (Mezzogiorno—Greece)
15 — The spatial consequences of the integration of the new German *Länder* into the Community
16 — The impact of the development of the countries of central and eastern Europe on the Community territory
17 — Étude prospective des régions de l'arc alpin et périalpin
Studio delle prospettive delle regioni dell'arco alpino e perialpino
18 — The prospective development of the northern seaboard
19 — L'impact sur le développement régional et l'aménagement de l'espace communautaire des pays du sud et de l'est méditerranéen (PSEM)
20 — Evolución prospectiva de las regiones interiores (y de los espacios rurales de baja densidad de población en la Comunidad)
Évolution prospective des régions intérieures (et des espaces ruraux de faible densité de population de la Communauté)
21 — The regional impact of the Channel Tunnel throughout the Community
22 — Prospects for the development of the central and capital cities and regions
23 — La notoriété des politiques régionales en Europe
24 — Cohesion and the development challenge facing the lagging regions
25 — In den Regionen für die Regionen Europas — Über die Aneignung eines neuen gewerkschaftlichen Arbeitsfeldes
At regional level on behalf of Europe's regions — Developing a new field of trade union activity
Agir dans les régions pour l'Europe des régions — Un nouveau champ d'activités syndicales
26 — The impact of structural policies on economic and social cohesion in the Union 1989-99
Die Auswirkungen der Strukturpolitik auf die wirtschaftliche und soziale Kohäsion in der Union 1989–1999
L'impact des politiques structurelles sur la cohésion économique et sociale de l'Union — 1989-1999
27 — Community involvement in urban regeneration: added value and changing values
28 — The EU compendium of spatial planning systems and policies
29 — Economic and social cohesion in the European Union: the impact of Member States' own policies

A great deal of additional information on the European Union is available on the Internet. It can be accessed through the Europa server (http://europa.eu.int) and the Inforegio website (http://inforegio.cec.eu.int).

Cataloguing data can be found at the end of this publication.

Luxembourg: Office for Official Publications of the European Communities, 2000

ISBN 92-828-2691-0

Cover photos: Pompidou Centre Museum at night in Paris — Mount Saint Michel, Normandy

Printed in Italy

Preface

Each year, the Regional Policy Directorate-General of the European Commission launches a number of studies in the field of regional policy and regional planning. These studies mainly aim at providing a basis for policy formulation internally, as well as the preparation of programmes and initiatives and a basis for analysing the impact of current or planned activities. The most interesting or innovative of these are published in a series entitled 'Regional development studies'.

With this series, the Directorate-General hopes to stimulate discussion and action in a wider sphere on the research results received. The publication of the studies is addressed to politicians and decision-makers at European, regional and local level, as well as to academics and experts in the broad fields of issues covered.

It is hoped that by publicising research results the Commission will enrich and stimulate public debate and promote a further exchange of knowledge and opinions on the issues which are considered important for the economic and social cohesion of the Union and therefore for the future of Europe.

This study report dealing with spatial planning systems and policies in France has been drafted by Gérard Marcou, *agrégé de droit public, professeur à l'Université de Paris I Panthéon Sorbonne, Directeur du Groupement de Recherche su l'Administration Locale en Europe (GRALE, Groupement d'Intérêt Scientifique, CNRS)*.

Readers should bear in mind that the study reports do not necessarily reflect the official position of the Commission but first and foremost express the opinion of those responsible for carrying out the study.

Contents

List of tables

List of illustrations

Compendium's objectives

The Compendium is made up of numerous documents. The main volume is the 'Comparative review of systems and policies' (Regional development studies — Study 28) which provides a summary of the characteristics of each system and illustrates the principal similarities and differences in approach across the EU. This was prepared from information supplied by subcontractors in each Member State which is also published in individual country volumes (Regional development studies — Study 28A to Study 28P). There are also volumes which consider the operation of planning in practice through examination of case studies on topics of particular interest to the EU.

The Informal Council of Ministers for Regional Policy and Planning confirmed in 1992 the need for a compendium of spatial planning systems and policies in the EU. The increasing need for cooperation between planners in different Member States at national, regional and local levels and the impact of EU policies within the changing economic, political and social context requires a better knowledge of the various mechanisms of spatial planning in other Member States.

The Compendium is intended to provide an authoritative and comparable source of information on planning systems and policies, but is not intended to evaluate the relative merits or shortcomings of different approaches. It is recognised that the very different economic, social and cultural conditions across the EU can have a determining effect on the operation of spatial planning. The overriding objective of the Compendium is to provide information in order to improve understanding of the variety of approaches.

Form and content

The principles that have guided the preparation of the Compendium are that it should:

- provide an authoritative first source of information, but avoid unnecessary detail and should not reproduce material readily available in the Member State;
- enable comparison of the systems and policies across different countries and regions, enabling the reader to cross reference one section with similar material in other volumes;
- respond to the different needs of the many potential audiences, especially with regard to the foreign reader who will require an uncomplicated and comprehensible explanation;
- be built up step by step and allow for regular updating and expansion;
- be produced in hard copy and computer formats.

Level of detail

These considerations have given rise to inevitable compromises in the production of the material, especially in balancing the need for an authoritative account whilst not overloading the text with unnec-

essary detail. The panel of experts have been most helpful in determining where more or less (or clearer) explanation is required. The Compendium is designed to provide summary descriptions of the main features of the system and thus explain how the system works. Obviously there is some variation in the complexity of the systems, especially where the law concerning spatial planning is extensive and complex, and thus the depth of understanding provided by the Compendium for Member States will vary.

The Compendium is certainly not intended to be a manual for operating within a particular system and does not replicate or reproduce extensive extracts of law or procedural guidance that is available in the Member State. The accounts are necessarily general. The categories used for the main structure are also very general because they need to apply to 15 different countries and an even larger number of systems. They are unlikely to be ideal categories or headings for a particular country, but all contributors have had to make a best fit for their system within these headings. The great benefit is that this gives considerable scope for very worthwhile comparisons. Sources of further information are given for those who need to explore in more depth.

Regional variations

The complexity of a 'planning system' will be great where federal or regionalised structures of government give rise to major variations within the Member State. In these cases to avoid unnecessary complexity and research, the approach agreed with the subcontractors and the Commission was to provide a full explanation of one of the regions (where possible the most typical or widely applied system) and to note the major variations to this 'typical system' elsewhere. This approach is more easily adopted for some countries than others. Inevitably, some important and interesting variations are not covered fully, and it is hoped that this can be addressed in future updating.

Structure

The Compendium is published in two parts. The first comprises a country volume for each Member State on systems and policies. The second comprises topic volumes where case studies of spatial planning in practice from different countries are grouped together.

The country volumes of the Compendium covering systems and policies include four main sections.

A. Overview

This is intended to give a brief explanation of the main features of the system, a description of the main factors that surround and shape it, current trends and a summary of the policy themes pursued at transnational, national, regional and local levels.

B. Making and reviewing plans and policies

This is an explanation of the instruments which are used to guide spatial planning at national, regional and local levels, and the procedures which are used in their formulation.

C. Regulations and permits

This section provides an explanation of the types of regulation and permit systems predominantly used to control land use change, and the procedures by which they are sought, granted and enforced.

D. Agencies and mechanisms for development and conservation

There are many other ways in which governments engage in spatial planning outside the preparation of plans and regulations, and this section provides a summary of the many organisations and mechanisms which are employed both in implementing development and in protecting the natural and built heritage.

Each volume on systems and policies for the Member States follows the same format. Each Member State volume includes other subheadings which help to structure the content relevant to that particular country and these are in ordinary type.

Language and terminology

One of the great difficulties of comparative work is the complications and ambiguity arising from translation from one language to another. The approach taken in the Compendium has been to ensure that all names of elements of the planning system which are specific to that country (or region) are given in the 'home language', and these are in italic in the text. When first used, these terms should be accompanied by a very brief explanation of the meaning of the term (if this is not evident from the text). The explanation is repeated if necessary at the first mention of later main sections of the text. A glossary of home language terms is provided in each volume.

Literal translation of terms has been avoided because this gives rise to considerable ambiguity. For example, the Danish term *lokalplaner* can be literally translated into English as 'local plan', but the UK local plan is a very different type of instrument to its namesake in Denmark. Contributors and editors have been sensitive as far as possible to the needs of the foreign reader, who is unlikely to be familiar with the system or the language, so undue repetition of complicated home language terms is avoided as far as possible.

Scope and content

The content of the Compendium is focused on discussion of the policies, agencies and mechanisms which are primarily designed to promote 'land use and development issues which have spatial implications'. In the words of the brief, the Compendium is concerned with:

> spatial planning and development in the widest sense (strategic, regional and physical land use planning). It will have to deal not only with physical planning acts (or their equivalents) but also with other legislation and procedures directly affecting the spatial distribution of development at national, regional and local levels of government. Other closely related areas (such as sectoral policies for transport, environment and energy) must be looked at in terms of their relationship with the (land use) planning system.

Spatial planning does not mean any particular form of planning adopted by a Member State. It is a neutral term which describes the arrangements used by governments to influence the future distribution of activities in space. It is undertaken with the aim of producing a more rational organisation of activities and their linkages, and to balance competing demands on the environment. Spatial planning also incorporates those activities undertaken to achieve a more balanced distribution of economic development than would arise from market forces alone. Spatial planning is important to the Community's policies of social and economic cohesion and the need to maximise the potential of the single European market.

However, the definition of what constitutes spatial planning in each Member State is no easy task. There is considerable difference in what is considered as part of the spatial planning system in different Member States. One benefit of the Compendium is that it helps us to understand these differences.

Benchmark date

Because of the need for the Compendium to provide comparative information in a rapidly changing world, a benchmark date was set in 1994. This document was written on the basis of the existing legislation on 30 September 1994. This relatively early date (close to the start of the project) was chosen because information on the various elements of systems and policies would be available. The operation of the system would be clear, especially in relation to the impact and significance of particular elements. There would be no need to speculate as to the relevance of more recent change. However, change is a central feature of planning systems and policies, and some countries are undergoing significant restructuring in one or both areas.

In France the *loi d'orientation pour l'aménagement et le développement du territoire* (Draft Guidance Act on Spatial Planning and Development) of 4 February, 1995, is deeply amended by the law of 26 June, 1999.

For updated information please contact the responsible national authority using the following co-ordinates:

DATAR
1. Avenue Charles Floquet, F-75007 Paris, France
Service de Documentation
Telephone: +33 (0)1 4065 1143
Fax: +33 (0)1 4065 1238
E-mail: info@datar.gouv.fr
Web-site: www.datar.gouv.fr

A. Overview of planning system

Summary

A1. The French concept of *aménagement du territoire* relates to regional development policy rather than physical planning. The main point is that general physical planning belongs to the competence of communes and their joint authorities; matters of general interest of a wider scope are enforced upon local government through the prefects. Nevertheless, there is now a trend towards more extensive physical planning.

Priorities of the *aménagement du territoire* are established by central government, through meetings of the interministerial committee for *aménagement du territoire* (*CIAT*), based on preparatory works of the *DATAR*. They can be implemented within the national economic and social development plan (between 1982 and 1986, and between 1986 and 1993) or without such planning (between 1986 and 1988 and from 1993). The abandonment of a national economic and social development plan does not mean that there is no longer national planning. The central government determines the scope, the goals, the amount of money involved, and the matters (in broad terms) for the plan conventions to be passed within the regions for five-year periods, as provided by the Planning Reform Act 1982. The State (national government) can also pass plan conventions with other local governments (for example in the area of transport). Most of the plan convention provisions cover investment expenditure. Furthermore, several sectoral planning instruments of national scope are provided by the law. *Schémas directeurs d'infrastructures*, (national transport infrastructure plans) are established by Government decrees for the long-term development and modernisation of the networks: such plans were approved and have been carried out for motorways and express highways (speed limit 110 km per hour), for high speed railroads, for waterways (Domestic Transport Guidance Act of 30 December, 1982). The development of higher education also contributes to the achievement of the goals of the national *Aménagement du territoire* policy; these goals are taken into account in the map of higher education provided by the Higher Education Act 1984. The Guidance Act of 4 February 1995 on 'Planning and Development of the Territory' has renewed the legal basis of sectoral planning, generalised its application to new sectors (such as health and culture), and assigned measurable objectives to be planned by sectoral plans; their implementation is linked with strategic schemes (see below) and financial planning.

From 1982 *aménagement du territoire* has been a shared responsibility of the State, regions and lower levels of local government. Regions are entitled to adopt a regional plan as a framework for their regional development policy; regional planning was devised in 1982 as the main innovation for decentralised economic planning. Plan conventions between the State and regions had to be based on both the national plan and the regional plans. However State-region plan conventions have evolved towards joint investment planning rather than being an instrument for the implementation of separately adopted planning documents. At the local level, communes can join together to devise a joint development scheme with a programme of investments, which can provide the matter for plan conventions with the State, or other local government levels *chartes intercommunales de développement et d'aménagement* (Devolution of Responsibilities

Act of 7 January, 1993). New joint authorities proposed by the law for communes are expected to lead to more cooperation for local development policies (see the Guidance Act for the Territorial Administration of the Republic of 6 February, 1992).

There is also sectoral planning at the regional or local levels, established by the respective local governments or, in some cases, by the State. For the development of transport infrastructures and services, the local governments have to adopt transport infrastructure plans and transport service plans within their respective competences. Regions have to adopt regional schemes for secondary education, for labour training and apprenticeship. Planning for health and social care investments is performed by a regional commission chaired by the prefect.

A2. Physical planning is basically town planning, and is regulated as a whole by the *Code de l'urbanisme* (Town Planning Law Code). Town planning is based on two major instruments, which are now within the competence of communes or their joint authorities: the *schéma directeur (SD)* (framework plan) and the *plan d'occupation des sols (POS)* (building plan). In areas covered by a *POS*, building permits are granted by the mayor. Building rights are strictly limited outside the areas covered by a *POS*; however, some developments are allowed in other areas around an existing agglomeration if it is regulated by provisions adopted by the municipal council of the implementation of the national town planning regulation (based on Article L.111-1 Town Planning Law Code), and building permits are then granted by the State and not by the mayor as a local authority.

The *schéma directeur* (*SD*) has to be established by a joint authority of communes on the basis of common economic development interest, within an area which is delimited by the prefect, relying on the proposal adopted by a majority of the municipal councils concerned. A *POS* is established by a municipal council for its territory, in part or in totality, or by a joint authority if empowered for that purpose by the member communes. The *POS* has to be compatible with the *SD*, and is binding for any subject vested with property rights. The *SD*s determine basic orientations for the development in the area covered, and the general use assigned to land for developments, including major infrastructure projects; the *POS*s determine general rules for the use of land, including building prohibitions or restrictions and safeguard areas, the urban and development area, the design of communications, and so on.

Projects of a general interest, or development schemes of a national interest listed by a decree adopted after consultation of the Council of State, are binding on local town planning documents as far as they are notified by the prefect to the responsible local authorities, which have then to revise the *SD* or the *POS* if necessary, or to establish it if required.

Almost all areas for which it is relevant are now covered by a *POS*, but the *SD*s are lagging far behind; they are lacking in many areas where they are necessary, they are much too detailed in others, or are obsolete and difficult to revise in other areas.

At the intermediate level, regional physical planning exists only in Ile-de-France, in overseas regions and in Corsica on the basis of special legal provisions. The decentralisation of the elaboration of the plan is not the same in each case, but each of these plans has to be approved by a Government decree issued after consultation of the Council of State. These plans are equivalent in law to planning law regulations specific to certain parts of the territory as provided by the Town Planning Law Code, article L.111-1-1; *SD*s and *POS*s have to be compatible with them. Other regions may propose such regulations to the State for specific areas, but none of them have used this opportunity. Special national planning laws may be issued for specific purposes; three of them were adopted: on mountain areas (Act of 9 January, 1985: Town Planning Law Code, art. 145-1sq) on seaside areas (Act of January 3rd, 1986: Town Planning Law Code, art. 146-1sq), on noise areas around airports (Act of 11 July, 1985 and 31 December, 1992: Town Planning Law Code, Art. 147-1sq).

A3. The Guidance Act of 4 February 1995 on Planning and Development of the Territory has strengthened physical planning and provides for a better coordination between regional development and physical planning. Long-term strategic planning schemes have to be adopted at the national and regional levels. They will not be binding, but they are linked with sectoral planning and with implementation instruments: a five-year financial programme to plan the State budget contributions to the financing of national priorities, regional plans for the implementation of regional

priorities, state-region plan conventions as major joint planning instruments to select and carry out common priorities. A new planning document, the *directive territoriale d'aménagement*, Territorial Planning Guideline is town binding for local town planning documents, may be issued by the Government for specific areas. New zoning rules and financial incentives are introduced. To that extent the new Act complies with the traditional concept of the *aménagement du territoire* in France, which links long term forecasts and operational result-orientated policies.

Regional and local economic development is still at the core of the policy of *aménagement du territoire*. Since 1982, local government authorities have greater opportunities to take initiatives in this field; specific instruments have been introduced to support technology transfers and innovations. State-region plan conventions have been developed as the main instruments to coordinate programmes of action supporting economic activities and targeted public investment programmes.

A major instrument of development management is the *ZAC (zone d'aménagement concertée)* (planning and development zone), which is the standard instrument to plan and implement a development scheme. Most developments are initiated by local government authorities, but major projects are usually initiated or at least supported by the State. Management is passed to *sociétés d'économie mixte* (semi-public companies) or public law corporations; the former solution is generally preferred by local government authorities, since companies are under their control.

The environmental protection as well as the protection of historic/monumental and natural heritage has given rise to new planning instruments for these specific purposes.

Sources and further information

For an overview of the concept and of the French system of *aménagement du territoire* see:

- Laborie J. P., Langumier J. F., De Roo P.: *'La politique française d'aménagement du* territoire de 1950 à 1985' (French policy on *aménagement du territoire* between 1950 and 1985), pub. *La Documentation française*, Paris, 1985.
- DATAR: *'Atlas de l'aménagement du territoire'*, pub. *La Documentation française*, Paris, 1988.
- De Lanversin J., Lanza A., Zitouni F., *'La région et l'aménagement du territoire dans la décentralisation'* (The region and its competences for *aménagement du territoire* following the decentralisation reform), pub. *Economica*, Paris, 4th edition 1989.

and in order to obtain comparative data:

- Marcou G., Kirstenmacher H., Clev H.-G., *L'aménagement du territoire en France et en Allemagne* (Planning policy in France and Germany), pub. *La Documentation française*, Paris, 1994, (German version: *Akademie für Raumforschung und Landesplanung*, Hanover 1994).

Context and principles

Constitution, legislation and judicial system

A4. In accordance with the Constitution, France is an 'indivisible Republic'; it ensures equality before the law for all its citizens. This defines the unitary character of the French Republic. Article 72 of the Constitution guarantees the principle of self government of local authorities, in the conditions stipulated by law; however, the *'délégué du gouvernement'* (Delegate of the State — i.e. the *préfet*; prefect), is responsible for protecting national interests.

The French Constitution does not contain any provisions relating to *aménagement du territoire* or which could be interpreted to define the responsibility of the State in this field. The policy on *aménagement du territoire* in France was developed until very recently by the executive branch of central government and in the absence of any real judicial framework; the definition of the role of legislation and of Court powers in the 1958 Constitution accentuated this trend by widening to a considerable extent the scope of autonomous statutory powers. However, the importance granted to the principle of self government of local authorities by the *Conseil constitutionnel* (Constitutional Court) has reduced the statutory powers of intervention by the French Government and calls for a more significant legal framework of *aménagement du territoire*.

A5. The legal framework for planning and development policy is provided by the *code de l'ur-*

banisme (town or urban planning law code); however, for some matters, it may be also necessary to consult the *code rural* (rural planning law code) and the *code de la construction et de l'habitation* (building and housing law code).

A6. France is governed by a system of dual jurisdictions. Jurisdictions of a judicial nature represent the range of jurisdictions administered by the *'Cour de cassation'* (Supreme Court of Review); jurisdictions of an administrative nature cover the range of jurisdictions under the authority of the *'Conseil d'Etat'* (Council of State — the highest administrative court).

The *Tribunal des Conflits* (Court competence dispute tribunal) settles any disputes over competence between the two types of jurisdictions.

The *Conseil constitutionnel* (Constitutional Council) ensures conformity of laws passed with the Constitution; it may be sought before laws are promulgated, however citizens are not able to disclaim the constitutionality of any given Act. However international agreements will take precedence over any law, even passed subsequently.

The *cours administrative d'appel* (administrative appeal courts) are the appeal judges in cases over decisions taken previously by the *tribunaux administratifs* (administrative courts). The *Conseil d'Etat* remains the judge for decisions over *ultra virés* actions against Government decrees. (This is in accordance with a reform introduced in 1995).

With regard to other actions, the *Conseil d'Etat* acts as the *juge de cassation* (Supreme Review Judge).

Two areas can be distinguished which are within the competence of the administrative jurisdiction; appeals against the legality of a decision and the full jurisdictional appeals. In an appeal case against the legality of an administrative decision, (statutory or non-statutory), anyone can initiate an *ultra virés* action provided that he shows sufficient grounds to do so. The administrative court will quash the illegal act in such cases.

The administrative court is also judge of the administrative contracts passed by the French administration and of the 'extra-contractual' liability of public authorities.

Lastly, the administrative court (or the chairman of the court) has the power to order interlocutory injunctions on the claimant's request: suspend the administrative decision subject to the appeal, provisional damages, stop or redress a contract which is going to be passed in breach of the law.

The *juge judiciaire* (judicial judge) is competent for disputes relating to compensation awards in cases of expropriation.

Development process and market circumstances

A7. Generally, it cannot be said that the legal framework which applies to development is influenced by the laws of supply and demand on the property market. However, some specific instruments represent exceptions to the rule, for example the *schéma directeur de l'Ile-de-France* (the Master Development and Urban Planning Scheme of the Ile-de-France region — see *code de l'urbanisme*, Art. I.141-1 to 3) provides one such example. It is used to contain the expansion of the Paris region, the most densely populated area in France and where commercial competition between differing land-uses results in the highest average property values. Another example is provided by the *schéma d'aménagement de la Corse* (Regional Planning Programme of Corsica — *Act of 13 May 1991*; *code de l'urbanisme*, Art. L144-1 to 4). Market conditions may also exert an influence on the way in which legal instruments can be used, for example in cases where proposals are made to revise or to alter a *plan d'occupation des sols* (*POS*) (local land-use plan) or to create a *zone d'aménagement concerté* (*ZAC*) (planning and development zone).

A8. The funding of the *aménagement du territoire* policy is essentially public; specific funds have been created at the national level, the most important of which is the *Fonds d'intervention pour l'aménagement du territoire* (*FIAT*) (Intervention Fund for the Aménagement du Territoire). Funding is also possible by mobilising Community Structural Funds in eligible areas. In reconversion areas, the State mobilised private capital from big firms giving up premises in order to help attract new firms by bringing them capital resources.

Economic development

A9. The State is responsible for the planning and implementation of the necessary infrastructure for

economic development in the form of motorways, rail links, telecommunications, research and higher education facilities. It formulates the appropriate legislation to provide the legal basis for cooperation between local authorities in order to implement development projects. It also supervises the installation of new tele-work and tele-services networks. Lastly, another clear aim of the State is to create a certain 'solidarity' or cohesion between different parts of the French territory through national provision of infrastructure and public finance. Some parts of the French territory are governed by specific policies. The definition of seven broad regional areas for planning purposes expresses the wish to coherently tie in all the development programmes of the State and of local authorities at an interregional level and to correct regional imbalances. These seven divisions are as follows:

- the *grand Nord* (Greater North);
- the *grand Est* (Greater East);
- the *Saône-Rhône axis*;
- the *Midi-Mediterranean region*;
- the *centre region* (Centre);
- the *Atlantic coast region*; and
- the *bassin parisien* (Paris basin).

Correcting the balance between expansion in the Paris region and the provinces represents a permanent issue for the *aménagement du territoire* in France. Indeed, in the context of the single market, France needs to be able to draw on the dynamism and pulling power of its capital and outlying region, however this growth needs to originate from and benefit the whole of the Paris basin region. Moreover, it needs to be counterbalanced by the development of a multipolar metropolitan network. In addition, certain areas are the subject of specific policies having regard to their geographical and environmental characteristics; for example, the mountain areas, coastal areas, the designated nature areas and high-level noise areas in the vicinity of airports.

Environmental policy

A10. Environmental policy is distinct from planning policy, however it has become an important feature of it. The work undertaken by the *DATAR* towards the end of the 1960s has initiated French environmental policy. At present, a *ministère de l'environnement* (Ministry of Environment) is in place which oversees the implementation of a significant legislative framework. The *Plan national pour l'Environnement* (National Environment Plan) (1990) has played a significant role by fixing objectives in policy areas directly relevant to planning policy in relation to the quality of water resources, the maritime environment, coastal protection, waste management, nature conservation, the protection of landscapes and urban environmental matters. The policy of nature conservation and the enhancement of rural areas is linked to agricultural policy. The consideration of environmental issues is especially relevant for policies relating to mountainous and coastal areas.

European Union

A11. Up until now, Community policies have had little impact on the French system of *aménagement du territoire*. However, the *loi d'orientation sur l'aménagement et le développement du territoire* (Guidance Act on Spatial Planning and Development) of 4 February 1995 is based on the premise that European integration requires a consolidation of national planning policy with a view to reinforcing national cohesion and to prevent the disintegrating effects which could result from the mechanisms of the single market alone. The instruments used by the Community such as the regional development plans and the Community support frameworks seem to have had no impact on planning instruments. The content of programmes is based on the *contrats de plan Etat-région* (State-region plan convention) and negotiated by the French government (*DATAR*) on the basis of proposals made by the prefects of the region and the regional authorities according to the priorities set out in the *contrats de plan*. The Act of 6 February 1992 has empowered *préfets de région* (Prefects of the Regions) to implement national and Community policies dealing with economic development and planning, in these matters, prefects of *département* are subordinated to the prefect of the region. More specifically, the *préfets de région* prepare also the Interreg programmes, on the basis of the proposals which are submitted to them.

However the impact of Community policies on the content of development projects is significant, having regard to the capital sums involved. This is the case for infrastructure funding as prescribed by environmental policy. The regional impact of the common agricultural policy also strongly influences rural development policies. It is too early to evaluate the impact of trans-European networks but it should be noted that France

has been at the forefront of trans-European networks for the past 15 years with its conception of the TGV throughout Europe and its agreements over electric energy exports.

Flexibility

A12. There are numerous planning documents, however the only plans to be legally binding on property interests are the *plans d'occupation des sols (POS)* (local land-use plans) which are drawn up by the *communes* or *documents d'urbanisme* planning documents which are used instead of the *POS*. These documents are not flexible in the sense that their revision calls for public inquiries. All other planning documents may be amended under the same conditions governing their formulation. However, in relation to the *POS*, a distinction is made in law between their full revision and the amendment of the POS or the deletion of certain *emplacements réservés* (reserved sites), which are only subject to a simplified procedure. Lastly, the legal recourse to a contractual procedure in order to implement a plan tends to limit the possibility to amend it.

Government structure and powers

A13. France is a decentralised unitary State. It is therefore necessary to draw a distinction between State responsibilities and those accruing to local authorities before indicating the distribution of competences between the different levels of local authorities. The municipality, the *département* and the region are local self-government authorities of the same nature (decentralisation).

Central government

A14. Under the 1982 Act on Rights and Freedoms of municipalities, *départements* and regions the State is responsible for initiating economic and social policy as well as employment policy; policy measures taken by local authorities are therefore bound to respect the rules of *aménagement du territoire*. In accordance with the Act of 6 February 1992 (Art. 2) only special undertakings relating to development with a national character or whose implementation, by virtue of an Act, cannot be delegated to the local level, are implemented by central government. All other undertakings and most notably those which involve the State and local authorities are carried out by the *services déconcentrés* (deconcentrated services of the State), which are placed under the authority of the *préfets de région* (Prefects of Region) and the *préfets de département* (Prefects of Department). The role of the *préfet de Région* has been reinforced. He is responsible for implementing national and Community policies which are tied to economic development and planning; he also initiates and coordinates State policies relating to cultural and environmental matters as well as those relating to urban and rural policies. (Act of 6 February 1992, Art. 5).

The decree of 1 July 1992 *charte de la déconcentration* (deconcentration charter) specifies the functions of the various local levels of central administration: the competences of the *préfet de Région* aside, the departmental level remains the 'territorial level for implementing national and Community policies' (Art. 4). However, the *préfet de Département* is not placed under the authority of the *préfet de Région* except in relation to social and economic development policy and *aménagement du territoire*; moreover, the *préfet de Département* is an overall police authority. Lastly, each département is divided into several *arrondissement* (districts), which has the constituency of a sub-prefect acting as a delegate of the prefect — the *arrondissement* is an area for encouraging local development and articulating local field services of the State administration (Art. 5)

Local authorities

A15. France is divided into three different levels of local self-government: the *communes* (municipalities), the *départements* and the *régions* (regions). The French concept of the *commune* is a community of local residents; this entity is not defined according to functional criteria but represents instead a political authority and a framework for representation. This serves to explain the great number and the small average size of communes as well as the significance of intercommunal cooperation which is responsible for the majority of public services or infrastructure provision which could not be afforded by a single commune alone. In marked contrast, the *département* and the *région* have been defined according to functional criteria.

A16. The tables below provide a summary of the French administrative system.

Table A1. Local authorities

	Number
Communes:	36 771
in France (Métropole):	**36 559**
Départements d'outre-mer (DOM): (overseas departments)	113
Territoires d'outre-mer (TOM): (overseas territories)	80
Départments:	100
in France:	**96**
DOM:	4
Régions:	26
in France:	**22**
DOM:	4
Overseas territories:	4
Local authorities enjoying special status: (Mayotte, Saint-Pierre-et-Miquelon)	2

Table A2. Joint authorities of *communes*

Joint authorities	**1995**
Syndicat à vocation unique (single-purpose syndicate) (*SIVU*)	14 490
Syndicat à vocation multiple (multi-purpose syndicate) (*SIVOM*)	2 298
Districts	322
Communautés urbaines (Metropolitan joint authorities)	9
Syndicats mixtes (mixed syndicates)	1 123
Syndicats d'agglomération nouvelle (new town authorities)	9
Communauté de villes (joint city authorities)	4
Communautés de communes (joint development authority of municipalities)	756

(*Source: Direction Générale des Collectivités Locales*)

A17. Over two-thirds of communes have less than 700 inhabitants, however they account for only 12 % of the population. This communal fragmentation must not hide the fact that France is a highly urbanised country where 39 agglomerations now have over 150 000 inhabitants each. Amongst the communal joint authorities, the majority have a single function only, however, the State encourages multi-functional cooperation. The most recent are the *communautés de communes* (joint development authority of municipalities) and the *communautés de villes* (joint city authorities) which are based on the Act of 6 February 1992, which are intended to carry out planning and economic development functions. The *établissement public foncier* (public property

agency) (*loi d'orientation pour la ville* — Urban Policy Guidance Act, 13 July 1991) may be established by communes in the same way as a syndicate of communes but it enjoys the legal status of a public agency with an industrial or commercial character and management subject to private law. It is used as an instrument for land-use intervention and may for example, acquire land on behalf of its members or of the State for urban development projects. Intercommunal cooperation in any form is a matter for the communes to decide upon.

A18. The competences of the various local authorities for economic development and planning are often in competition. However:

(1) the region is responsible for regional planning, economic development and *aménagement du territoire*, it is also responsible for the provision of establishments for the last years of secondary school education;

(2) the *Département* ensures that a certain 'solidarity' or cohesion exists between communes and acts on behalf of the disadvantaged for example, in the allocation of social benefits, it implements a policy for the protection and enhancement of the natural environment and in favour of rural development, lastly it is responsible for the provision of establishments for the first years of secondary school education; lastly

(3) the *communes* together with joint authorities control land-use and are responsible for the provision of local infrastructure facilities and services.

Competences in relation to transport matters are divided between the State and the various local authorities. In accordance with the Act of 2 March 1982, direct and indirect aids can be made available to companies by local authorities.

Land policy and land/building quality

Land reserves

A19. The acquisition of land reserves by public authorities is intended for the subsequent implementation of a development programme or project which meets one of the objectives defined by the *code de l'urbanisme*, for example housing, economic development, leisure or tourism, public infrastructure, protection and enhancement of the built and natural environment.

Compulsory purchase in the public interest

A20. Public authorities may use expropriation not only to acquire buildings required for the operation of public services, but also for the development of areas allocated to housing or economic activities, for the demolition of old buildings in order to develop residential areas, and to purchase for the purpose of land reserves for the objectives listed above. Expropriation can only take place if it has been superceded by a *déclaration d'utilité publique* (declaration stating the public interest) having regard to the findings of a preliminary public inquiry.

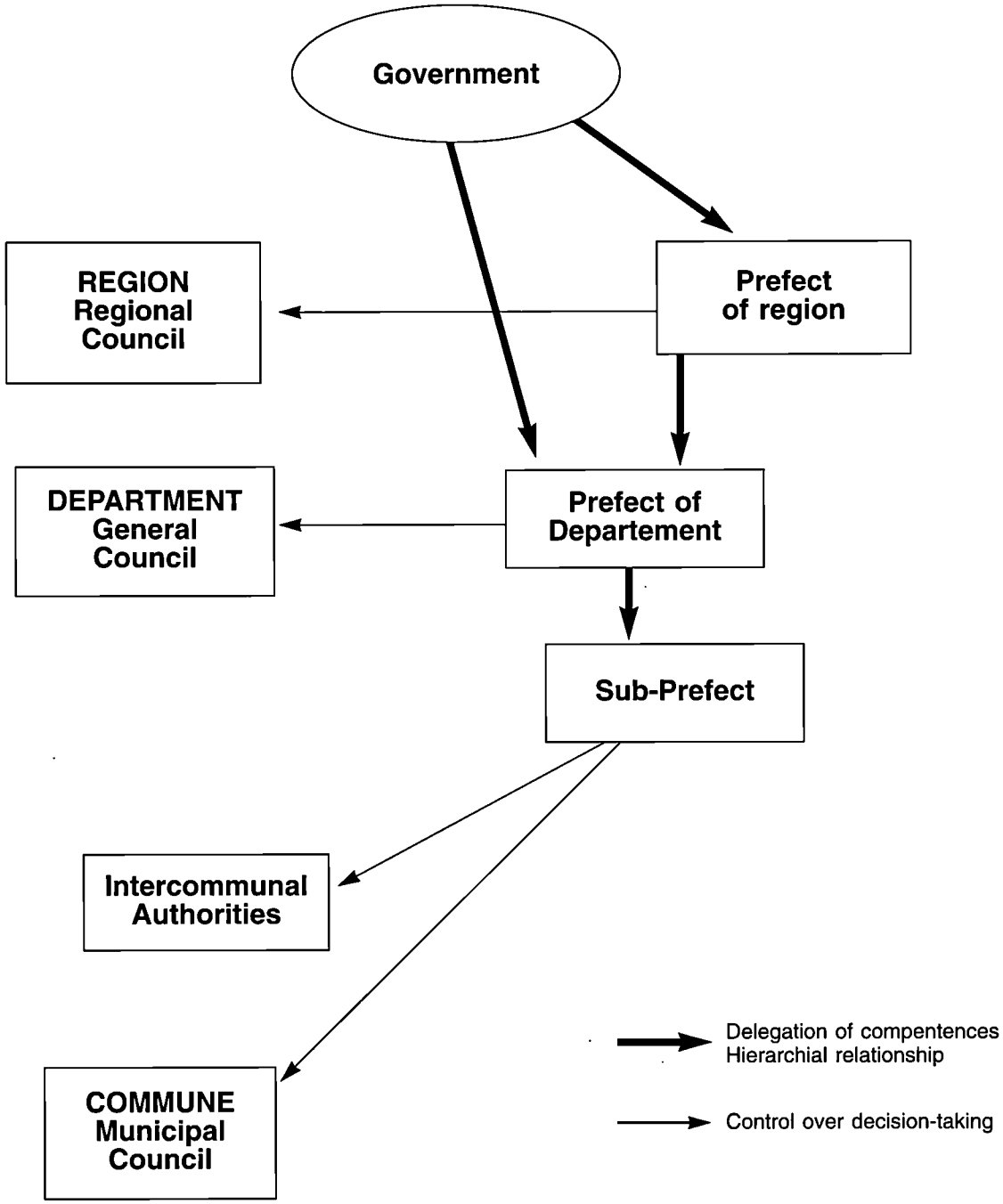
A21. The value of compensation can be fixed by amicable agreement or by the *juge de l'expropriation* (civil law court). The current value is estimated on the date of the judgement but it may be subject to significant modifications (effective use one year before the start of the inquiry or after consideration of the increase in value resulting from the start of works from amendments to existing land-use regulations) (Expropriation Code: Art. L13-15).

Pre-emption rights

A22. Two distinct types of procedures are in use: the *droit de préemption urbain* (urban pre-emption rights) and the *zones d'aménagement différé* (*ZAD*) (future development zones). The establishment of a ZAD puts an end to the right to exercise urban pre-emption rights in the area concerned (*code de l'urbanisme*: Art.L. 212-2-1, al. 2.) In both cases, pre-emption rights are exercised with a view to implementing policy programmes or development projects which are in the public interest, as defined by the *code de l'urbanisme* (Art. L.300-1; see Section D). These rights cannot be exercised in order to acquire land except in cases where their acquisition is intended for a specific development programme or project (on the distinction between a policy programme and development project, see Section D, Urban development) (Art. L.210-1).

A23. Urban pre-emption rights may be used by communes which have a *POS* and by communal

Diagram A1. The administrative system



joint authorities which have a competence to formulate urban planning documents (Art. 211-1 and 2).

A24. A *Zone d'aménagement différé* (*ZAD*) (future development zone) can be created by a decision of the *préfet de Département* (Prefect of Department) who may set the provisional perimeter of the zone. From then onwards, the State may exercise pre-emption rights. The duration of a *ZAD* is 14 years including the duration of the provisional perimeter where relevant (Art. L.212-1, 2 and 2-1).

A25. Both in the case of urban pre-emption rights and of a *ZAD*, the holder of pre-emption rights may delegate his powers (Art. L.213-3).

Development and marketing

A26. A developer (see Section D, Specialised agencies) may also be vested with land-acquisition powers in the context of a *convention de concession* (concession agreement). Depending on the character of the development project, the developed sites may then be placed on the market; the purchase price cannot be inferior to the cost price although certain transfers may help reduce the cost price.

Fiscal policy and land supply

A27. Taxation on properties is on average higher than on securities, despite the fact that property investments are less profitable. It contributes to orient investments toward selected products or markets, which are expected to be more profitable. Taxation on property investments is under review, with the purpose of supporting investments in rental housing.

Restricted building rights

A28. The communes which are not covered by a *POS* are subject to rules of *constructibilité limitée* (restricted building rights) which is akin to a reinforced State control over building authorisations: these are granted by the mayor as a State agent, or by the prefect when relevant.

Plan-led/development-led system

A29. The French planning system cannot be characterised according to the criteria presented above. It has always been ruled by economic development priorities and by the role of the State. This is true today even if other priorities are coming to the fore (most notably the environment and policies combating social exclusion) and in spite of the fact that local authorities now enjoy new responsibilities relating to *aménagement du territoire*.

The decisions by the State on economic development and the planning of major infrastructure need to be taken account of in the urban planning documents which are drawn up by local authorities. On the basis of the powers granted to it by the *code de l'urbanisme* and its contractual policies, the State is generally able to negotiate with the local authorities policies and development decisions which are necessary. This does not exclude the fact that major private projects may determine that the public sector at a national and local level adapt their development policies in order to accommodate them. This is nothing new though, the institutional context has changed. The 1960s provided some good examples of such projects such as the major development projects undertaken in order to accommodate the iron and steel sites of Dunkerque and Fos or the tourism development of the Languedoc-Roussillon coastline. More recently, the Eurodisneyland project to the east of Paris is another case in point in the sense that it determined both the urban development of the area concerned and the corresponding development of major infrastructure. Lastly, at the local level, many urban development projects are undertaken by the private sector with the backing of local authorities.

Policy priorities

A30. The policy priorities of *aménagement du territoire* were expressed in the following way in the '*Rapport d'étape du Débat national pour l'aménagement du territoire*' (progress report of the national debate on *Aménagement du Territoire*) published by the *DATAR* in April 1994, these are:

(1) to ensure a more balanced development of France and greater national 'solidarity' and to combat social or territorial inequalities;

(2) to ensure that economic growth serves employment objectives; most notably through the development of infrastructure and training facilities and the optimum use of local development resources;

(3) to provide France with a truly 'European framework' enabling it to maintain its place within the heart of Europe.

These priorities form the goals of the Guidance Act on Planning and Development of 4 February 1995. They will be detailed in the national development schema, which is expected to be adopted in autumn 1996, according to the Guidance Act (was not adopted!).

Political system, administrative system and public participation

A31. The influence of councillors on the policy of *aménagement du territoire* presently depends on two factors; *the cumul des mandats* (multiple political office holding) and the individual competences of local authorities.

The *cumul des mandats* represents a well-established characteristic of the French political system. The majority of *députés* (Deputies — Members of the French Parliament) and *sénateurs* (Senators) are also mayors or general or regional councillors; most of these councillors are in any case mayors or deputy-mayors of a commune of the Department. As a result, there is no division in France between the national political system and the local political system; on the contrary, the latter exercises a determining influence on the operation of the national political system.

Moreover, the law confers very significant powers to the local executive branch.

The mayor, the president of the *conseil général* (General Council) and the president of the *conseil régional* (Regional Council) are the only holders of executive powers of the respective authority which they represent. They are elected by the Council and their mandate will only end if they resign or if the Council they belong to is dissolved by decree on the basis that it is unable to perform its duties. With regard to the relations between local councillors and the local administration, there is far less of a division between political and administrative duties than that which is apparent in the State administration. The elected officials exert a far more direct control over the performance of administrative duties as well as the selection of key personnel.

The definition of local competences also confer greater room for manoeuvre to these officials. Although the law officially grants specific and substantial competences to local authorities, they also benefit from what is known as a 'general competence clause' and current legislation does not dictate any hierarchy between the different levels of local authorities. Any authority can intervene where a local interest justifies it and provided that it does so without infringing on State competences or that of other authorities.

A32. The local councillors, in particular the mayors, together with the presidents of the Départments and regions entertain very close relations with the *préfectures* (the services of the *Ministère de l'Intérieur* (Ministry of Home Affairs) at a Départmental level) and the deconcentrated services of the State (see Section B, Departments of regional administration). The engineers for public works or for rural development projects who are attached to the *ministère de l'Equipement* (Ministry of Infrastructure, Housing, Land Planning, Transport, etc.) and the *Ministère de l'Agriculture* (Agriculture Ministry) undertake substantial work for the communes. Other bodies which are attached to the State provide local authorities with technical, administrative or financial expertise, for example the *Agences de l'eau* (water authorities) which are public law agencies, the *Caisse des Dépôts et Consignations* (public financial institution) with all of its regional agencies and subsidiaries.

The *directions départementales de l'Equipement* (*DDE*) (field services of the Ministry of Infrastructure at Departmental level) also fulfil urban planning and development functions mainly on behalf of the State but also for local authorities if they require it. However, the larger cities have created their own *services d'urbanisme* (urban planning departments). The communes or intercommunal agencies belonging to the same agglomeration have also created, in conjunction with the State services *agences d'urbanisme* (urban planning agencies) (see Section B).

A33. The public also represents an important actor in the planning field. It is necessary here to draw a distinction between the access by the public to information and the consultation procedure itself in the context of a planning procedure.

Aside from the general regulations which govern the disclosure of administrative documents to the public (Act of 17 July 1978), the impact studies required for all development projects and works carried out by a public authority and likely to in-

cur damage to the natural environment (Act of 10 July 1976) are communicated to the public through the public inquiry report or on request if a public inquiry has not been found necessary.

In relation to urban planning, the *POS* is made public and subject to a public inquiry before being approved by the municipal council. The revision or modification of a *POS* are also subject to a public inquiry. The same applies to all other documents of the same nature which are listed in the *code de l'urbanisme*.

The character of public enquiries was significantly modified by the Act of 12 July 1983 which makes it necessary to hold a public inquiry for 'any works and development which are undertaken by public or private entities when by virtue of their nature, substance or the character of the areas concerned, these projects are likely to affect the environment' (Art. 1.).

The *commissaire-enquêteur* (inspector) is appointed by the president of the *tribunal administratif* (administrative court); they enjoy extensive investigative powers on evidence and on site; they are able to hear anyone they see fit, to summon the client or the administrative authorities concerned, to organise public meetings in the presence of the client, to make themselves available to anyone who wishes a hearing. The report and the findings of the inquiry are made public; they should also list all the counter-proposals which were eventually made.

In general, the Prefect starts and organises the public inquiry but the mayor is responsible for both in relation to urban planning matters. The duration of the inquiry cannot be shorter than a month; the general rule is that its duration cannot exceed two months (*decree of 23 April 1983*, Art. 11), but no maximum duration is fixed regarding urban planning cases (*code de l'urbanisme*, Art. R.123-11.)

Population and statistics

A34. According to the national population census of 1990, France has 58.1 million inhabitants covering 549 000 km²; 56.6 million over 544 000 km² with the exclusion of overseas territories. With a population density of 104 inhabitants per km², it is one of the least densely populated countries of the European Union. The spread of population is very uneven across the territory. The majority of the departments in the centre and the south-west of France, certain departments in the east and in the Alps have less than 50 inhabitants per km² whereas population density exceeds 500 inhabitants only in the Paris agglomeration. Over 42 million inhabitants in metropolitan France (excluding overseas territories) live in urban areas. The Ile-de-France region has 10 660 000 inhabitants with 9 318 000 in the Paris agglomeration alone (2 152 000 inhabitants for the city of Paris); the second most densely-populated region is *Rhône-Alpes* (5 350 000 inhabitants). These two regions are also the most active economically.

Sectoral policy

A35. At a national level, the coordination of all sectoral policies relating to *aménagement du territoire* is undertaken by the *Comité interministériel de l'aménagement du territoire* (*CIAT* — Interministerial Planning Committee), assisted by the *DATAR*. Examples of national *schémas directeurs* include Universités 2000, the *schéma directeur des lignes ferroviaires à grande vitesse* (high-speed train network scheme) or the *schéma routier national* (national roads scheme).

At the regional and departmental level, the coordination is undertaken by the *préfet de Région* (Prefect of region) and by the *préfet de Département* (Prefect of department). The *préfet de Région* is assisted by the *conférence administrative régionale* (*CAR* — Regional Administrative Conference) which brings together the departmental prefects with the most senior civil servants of the State in the region.

The coordination with local authorities is essentially carried out through the *contrat de plan Etat-région* (State-region plan conventions). These are always accompanied by the establishment of a supervisory committee.

Souces and further information

On the various general aspects presented in this sub-section, the following reference sources may be useful:

- Braibant G, *Le droit administratif français* (French administrative law), Presses de la FNSP/ Dalloz, Paris 3ème éd. 1992.

- Madiot Y, *Aménagement du territoire, Recueil de textes commentés* (compilation of annotated texts), Litec, Paris, 1986.

- *Droit de l'aménagement du territoire* (Planning law), Masson, Paris, 1993.

- *Ministère de l'Intérieur et de l'Aménagement du territoire* (1993), *'Débat national pour l'aménagement du territoire. Document introductif'* ('National debate on *aménagement du territoire*'.), La Documentation Française.

- Némery J.-C., Wachter S. (dir.), *Entre l'Europe et la décentralisation, les institutions territoriales françaises* (French local authorities in the face of Europe and decentralisation), DATAR/Editions de l'Aube, Paris/la Tour d'Aigues (84240), 1993.

- *Commissariat Général au Plan: Décentralisation, l'âge de raison, le Moniteur/La Documentation française*, Paris, 1993.

- *INSEE: La France et ses régions* (France and its regions), INSEE Paris, 1993 (regular update).

- The codes of law quoted are published by the *Journal Officiel* in the form of separate volumes.

- The publishing houses 'Dalloz' and 'Editions Techniques' publish annotated editions of each code listed.

- The *'Code administratif'*, Dalloz (code of administrative law) represents a compilation of all the main texts relating to the administrative organisation and the administrative jurisdiction.

- The new *Code general des Collectivites Territoriales* (Act of 12 February 1996, for the legislative part) gathers all legislative regulations on local government. See the edition by Litec Publishing house, with annotations.

Trends

Central power/local power

A36. During the 1960s, *aménagement du territoire* was a centralising policy. However, from 1981 onwards, the decentralisation reform and the decrease in redistribution capacity of the State caused a temporary decline of the policy of *aménagement du territoire*. In spite of these factors though, both the liberalisation of the economy and decentralisation have led to an increase in territorial disparities which have justified the gradual return to stronger national planning and development policy. This evolution does not correspond to a retreat for decentralisation. Today, it represents a well-established reality which has significantly altered the operation of French administration. It made it unavoidable to 'deconcentrate' State administration and called for a gradual re-definition of the role of the prefects and the deconcentrated services of the State. Moreover, no national policy on *aménagement du territoire* is now conceivable without the participation and agreement of the majority of local authorities.

A37. The recent evolution of financial relations between the State and the *communes* is a reflection of such trends:

- the *dotation globale de fonctionnement* (block grant) (*DGF*) is the main financial transfer instrument from State to *communes*; it represents 20 % of income and has been reformed by the 1993 Act;

- the aim of the law is to reinstate the distributive function in favour of inter-communal cooperation;

- part of this grant is the *dotation de solidarité urbaine* (urban solidarity grant) which is allocated to municipalities with a high proportion of deprived inhabitants.

- similarly a *dotation de solidarité rurale* (rural solidarity grant) is allocated to favour small rural centres undergoing structural readjustments.

The *loi d'orientation* (National Guidance Act) relating to the territorial administration of the Republic of *6 February 1992* has introduced a fund for correcting regional disparities which is sourced by the contributions of regions whose tax revenue potential per inhabitant is higher than the national average and which then allows grants to be made to regions whose tax revenue is below the national average by at least 15 %. (Art. 64). The Ile-de-France region is overwhelmingly the main contributor to this fund.

Flexibility/certainty

A38. The law encourages the exercise of planning and development competences within an intercommunal framework. The State and at their own request, the regions and the departments are involved in the formulation of urban planning documents. The law defines the powers which the *préfets* may use if they need to advocate an overriding general interest, whenever necessary.

Both for the implementation of development projects and measures listed in several urban planning documents, the contractual formula provides some flexibility since it is synonymous with the negotiation and the adjustment to the specific needs and purposes of each party involved.

Government structure

A39. Although the restructuring of local authorities and the administrative reform in several countries of the European Community are likely to affect their respective planning systems, in France the opposite is true.

It is the re-definition of the policy on *aménagement du territoire* which has an institutional dimension. The main purpose of the Act of 2 March 1982, by turning regions into local authorities was to increase their role in regional development. Lastly, one of the principal objectives of the previously mentioned Act of 6 February 1992 was to encourage the *communes* to cooperate more substantially with regard to the policy on *aménagement du territoire*, in cities as well as in the countryside.

Policy trends

A40. The priorities attached to environmental protection have become increasingly important in *aménagement du territoire* over the last few years. This trend is bound to continue. On the one hand, the present emphasis on the need to develop major infrastructure is being met by calls to ensure environmental protection both at the design stage of a project and during its implementation. On the other hand, the great wealth of the French territory in rural areas and beautiful landscapes is increasingly being viewed as an economic resource which should not be wasted by immediate or short-term forms of development.

The *politique de la ville* (urban policy) represents another policy priority for the *aménagement du territoire* on account of the fact that social exclusions also mean territorial exclusions. The policy firstly referred to as the *politique de développement social des quartiers* (policy for the social development of urban districts), then as the *politique de développement social urbain* (policy on urban social development) represents an attempt to respond to the crises faced by disadvantaged suburbs. Since the end of the 1980s, its concept has been widened; the solution of social problems needs to be inscribed as a long-term objective within urban re-development projects which are due to integrate economic development objectives, infrastructure provision and social measures.

B. Making and reviewing plans and policies

Summary

B1. The following diagram provides a simplified illustration of the competences and links between the most significant instruments relating to development and urban planning.

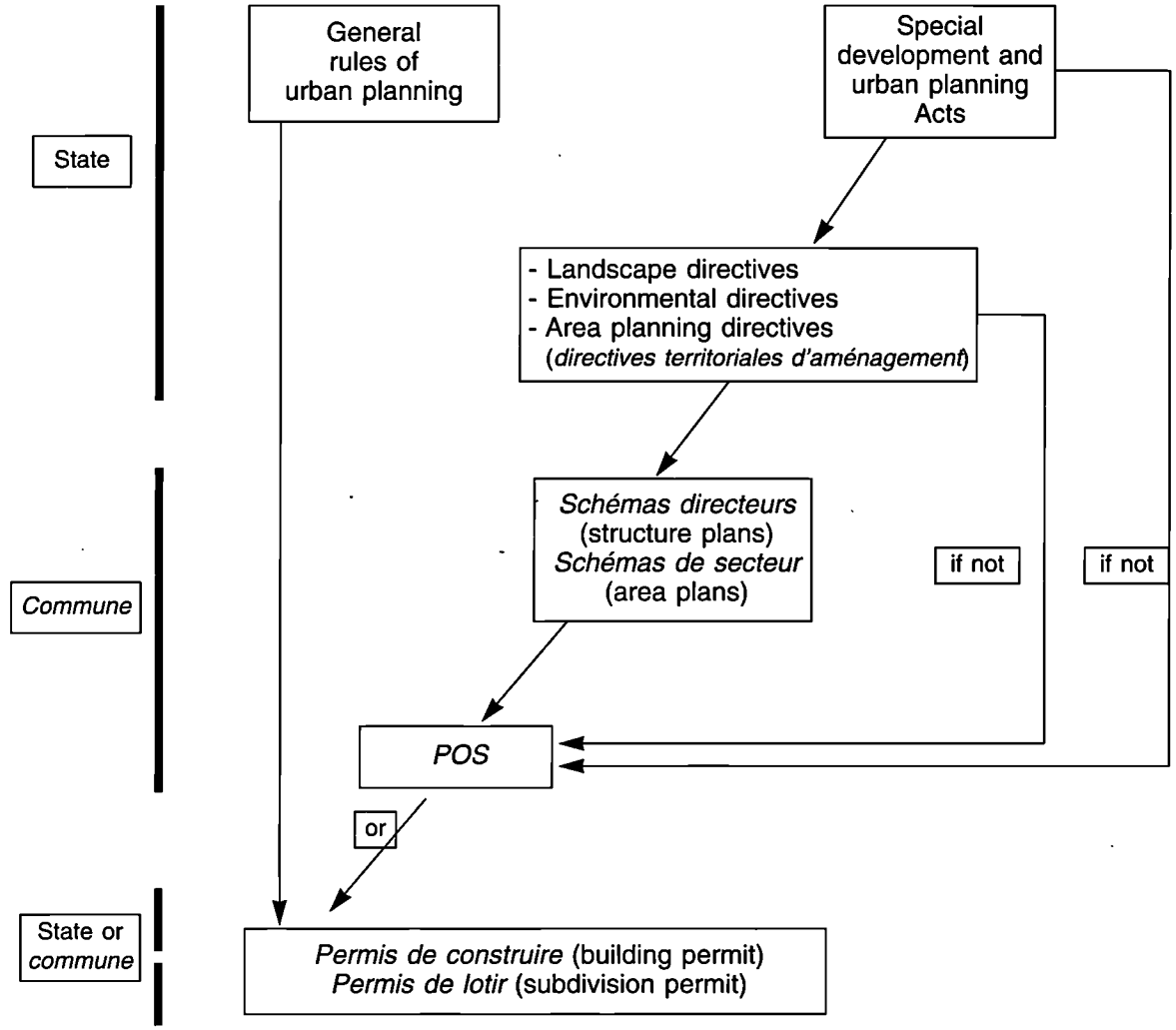
A distinction firstly needs to be drawn between those plans which determine land use and those which prescribe action programmes in order to sustain economic and social development. The coordination between these two types of plans is only apparent in *schémas directeurs* (framework plans) which need to take account of a substantial number of sectoral documents and pre-established perimeters. However, the *schémas directeurs* do not cover the whole of the territory or even the total number of urban areas. Economic planning together with urban planning were firstly State competences which involved to a greater or lesser extent local authorities and took place within the context of a centralised system which prevailed until the end of the 1960s and was subject to general criticism which led to the decentralisation of planning (Act of 29 July 1982) and that of urban planning (Act of 7 January 1983).

This complex situation is clearly illustrated in Article L.110 of the *code de l'urbanisme*: 'The French territory is the common inheritance of the nation. Each public authority is responsible for its management and accountable for it in the framework of its competences. Public authorities should harmonise, with due respect to their autonomous powers, their land-use plans and decisions.'

This text turns planning into a shared competence between the State and the totality of local authorities. This shared responsibility is reflected in the powers accruing to the State in order to claim an overriding public interest: for example, the consideration of a *projet d'intérêt général* (project of general interest) or an *opération d'intérêt national* (development project in the national interest) (definitions contained in the *code de l'urbanisme*, Art. R.121-13 and R.490-5) or even to ensure the implementation of local housing programmes (*code de la construction et de l'habitation* — code of construction and housing law; Art. L.302-2 and L.302-4.) However, it is even more apparent in the compulsory involvement of the State and at their request of the department and the region in the formulation of urban planning documents as well as the adoption by the State of planning documents which, in some cases, bind local authorities or qualify their decision-making rights (for example, the *schéma de mise en valeur de la mer* — the structure plan on the development and management of coastal areas).

Planning has also been made more complex due to the involvement of various parties expressing different interests. The *code de l'urbanisme* prescribes the participation of the chambers of commerce and industry, agriculture and other trade associations during the formulation process of *schémas directeurs* (structure plans) and *plans d'occupation des sols (POS* (local land-use plans) as well as the consultation of the official local associations of users (in the case of the *POS* only). The legal framework of economic development is more limited; it only calls for the consultation of the local authorities concerned, however it never directly affects third party rights or land use. On the other hand, it usually leads to 'contracts' being agreed between the State and

Diagram B1. Links between significant instruments



local authorities and on occasion between local authorities in order to implement the intended projects.

With regard to urban planning, the *schémas directeurs* (and the *schémas de secteur* — area plans subject to the same procedures) and the *plans d'occupation des sols* are ultimately approved by the communal or intercommunal authorities, with the exception of so-called substitution cases by the State which are strictly defined in law. The *plan d'occupation des sols* or in certain cases the document used instead, remains the only plan which is *opposable aux tiers* (legally binding on property interests).

Lastly, a great number of sectoral planning documents are in use which are drawn according to specific laws and whose object is to determine the location or the territorial framework of given functions. Such documents are formulated at a national or local level by the local authorities or by the deconcentrated State authorities (most notably relating to public transport and communication networks, water resources, waste disposal and treatment, hospital and other health facilities, secondary school establishments and higher education facilities).

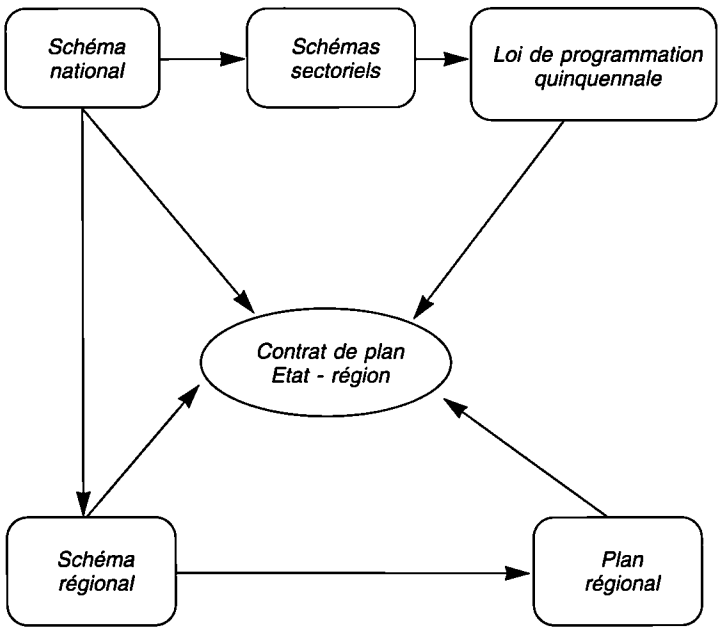
B2. The Guidance Act of 4 February1995 has added new instruments of physical planning (see diagram B1).

- National and regional strategic schemes are provided by the law to set out long-term prospectives for the spatial organisation of the territory. The target is 2015. These schemes are not binding but implementation instruments are linked to them: regional plans, five-year programme financing Acts, State-regional plan conventions.
- Area planning directives (*directives territoriales d'aménagement*) are established by decree after consultation with local government authorities for specific areas where it is necessary to enforce basic planning goals of the State. *Schémas Directeurs* and, if these do not exist, *plans d' occupation des sols*, have to comply with such planning directives where they have been issued.
- Precise objectives are set out by the law for sectoral planning which has to be introduced in virtually all sectors. National sectoral plans are linked to the national scheme.
- New priority zones are defined by the law in urban areas as well as in rural areas.

This law is not otherwise considered in this section.

B3. The second figure shows the relationships between the new framework *schémas* for long-term planning and the medium-term instruments of public investment planning which are required for their realisation.

Diagram B2. Relationship between the long-term plans and medium-term instruments of public investment



Policy institutions

National government institutions

DATAR

B5. The *DATAR (Délégation à l'Aménagement du Territoire et à l'Action régionale* — Inter-ministerial Regional Planning Agency) which was established in 1963, is directly attached to the Prime Minister but is assigned under the authority of a Government minister. It is responsible for the conception and the implementation of national planning policy at an inter-ministerial level and for the coordination of the programmes of the various government departments. It is headed by a *délégué* (delegate), appointed by decree of the *Conseil des Ministres* (Council of Ministers) and who represents the Prime Minister. The delegate sits in on great number of boards and committees whose areas of competence are of direct interest to the policy of *aménagement du territoire.*

The *DATAR* negotiates with the Commission of the European Communities for the French areas and programmes which are eligible for Structural Funds. The *DATAR* has its own representative within the French delegation at the European Community.

Comité interministériel permanent pour l'aménagement du territoire (CIAT)

(Permanent Inter-ministerial Planning Committee)

B6. The *CIAT*, which was created in 1960 and placed under the presidency of the Prime Minister, is the principal decision-making body in relation to the definition of long-term planning objectives and policy decisions. On a legal basis, the decisions are said to come from the Prime Minister himself. The *DATAR* prepares matters for debate by the *CIAT.* The *CIAT* determines the allocation of specific funds and the *DATAR* ensures the proper implementation of such decisions; it is also responsible for approving all the *grands schémas nationaux d'équipement* (national infrastructure schemes) which make up the larger part of sectoral planning.

Conseil national de l'aménagement du territoire (CNAT)

(National Planning Council)

B7. The *CNAT* is a government consultative body. It is consulted over law bills, draft national planning programmes or planning guidance as well as the draft *schémas directeurs nationaux d'équipement* (national framework plans for infrastructure). It is made up of representatives of 13 ministries, nationally and locally elected representatives, representatives of social and economic activities and competent individuals.

Délégation interministérielle à la ville et au développement social urbain (DIV)

(Inter-ministerial Delegation for Urban Policy and Urban Social Development)

B8. The *DIV* was created in 1988 on the *DATAR* model. It is one of the Prime Minister's services but is presently placed under the authority of a government minister.

Comité interministériel des villes et du développement social urbain (CIV)

(Inter-ministerial Committee of Cities and Urban Social Development)

B9. The *CIV* is presided over by the Prime Minister; it formulates opinions on the funds allocated to the *politique de la ville* (urban policy) by the various ministries concerned and it is involved in the drafting of *contrats de plan Etat-région* (State-region plan conventions relating to disadvantaged urban areas). The *CIV* expresses itself, in particular, over the allocation of global funding for urban social development and on the '*contrats*' (plans) whose purpose is to implement the *politique de la ville.* The *DIV* also prepares the topics for debate by the *CIV* and ensures that subsequent decisions are well implemented.

Conseil national des villes et du développement social urbain (CNV)

(National Council of Cities and Urban Social Development)

B10. The *CNV* is made up of locally elected representatives, competent individuals and representatives of the ministries concerned. It is presided over by the Prime Minister. It is a consultative body which participates in the formulation of urban policy.

Conseil national de la montagne (CNM)

(National Council for Mountainous Areas)

B11. The *CNM* (Act of 9 January 1985) is a consultative body. It is headed by the Prime Minister, who consulted when the *plan de la nation* (national plan) is being formulated. It defines those objectives and programmes which are necessary for the development, planning and protection of mountainous areas and contributes to the coordination of public programmes in mountainous areas. It is consulted over the priorities and general allocation conditions attached to specific funds for the autonomous development of mountainous areas. The Council is made up of members of the French Parliament, representatives of consular bodies, organisations representing the mountainous areas and each of the *comités de massif* (Massif Committees).

Commissariat général au Plan

(General Commission for the National Plan)

B12. Attached to the Prime Minister, it is responsible for the preparation of the *plan de développement économique et social* (National Plan for Economic and Social Development). However, at present, it is only involved in the preparation of *contrats de plan* (State-region plan conventions) since the government has decided to forego preparing such a plan, thus shifting the general responsibility for its formulation to the *DATAR*. It remains an important body for preparing economic forecasts.

Ministère de l'équipement, du logement et des transports

(Ministry of Infrastructure, Housing and Transport)

B13. This Ministry is responsible for the supervision of the framework and the legal instruments used for urban policies. It provides much less field services for the formulation of urban planning documents, since local authorities are now free to choose whether they require such services or not. Within the Ministry this function is undertaken by the *Direction de l'architecture et de l'urbanisme* (Architecture and Urban Planning Division), more specifically by the *Sous-Direction des affaires juridiques* (Subdivision for Legal Affairs). The legislation relating to housing is drawn by the *Direction de l'habitat et de la construction* (Housing and Construction Division). However, architecture has been transferred to the Ministry of Culture, and those two divisions are being merged in 1998. The various modes of transport are the responsibility of specialised divisions (roads, rail transport, sea, all grouped under the *direction générale des transports terrestres, transports aériens, ports et transports maritimes)* which are responsible for infrastructure planning and the formulation of the *schémas directeurs* (structure plans), in accordance with the *loi d'orientation des transports intérieurs* of *31 December 1982* (National Guidance Act on Domestic Transport).

Ministère de l'Environnement

(Ministry of Environment)

B14. This ministry is responsible for the prevention of pollution and risks linked to industrial activities, the preservation and management of water resources as well as nature conservation and landscapes.

The *ministère de l'Environnement* can draw national plans for the management of specific industrial waste, having regard to their toxic nature or the specific methods for stocking them or to their treatment (Act of 15 July 1975, Art.10-2, modified by the Act of 13 July 1992).

Comité interministériel de l'Environnement

(Inter-ministerial Committee for the Environment)

B15. Established along the lines of the *CIAT*, the *comité interministériel de l'environnement* consists of, under the presidency of the Prime Minister or the *Ministre de l'environnement* (Environment Minister), those ministers whose range of responsibilities are affected by measures taken in the context of environmental policy. The *Ministre de l'environnement* sets the agenda for this Committee and coordinates the implementation of decisions taken. This Committee is also responsible for the allocation of specific funds.

Other Ministries responsible for sectoral responsibilities linked to planning and development

B16. The ministry in charge of higher education is responsible for drawing the *carte des formations supérieures et de la recherche* (map of

higher education and research facilities) (Act of 26 January 1984).

The *ministère de l'agriculture* (Ministry of Agriculture) is responsible for the management of rural and woodland areas.

The *ministère de la culture* (Ministry of Cultural Affairs) is in charge of the protection of historical monuments and sites and of architecture.

The *ministère de l'industrie* (Ministry of Industry) together with the *ministère de la recherche* (Research Ministry) is responsible for initiating a policy for the dissemination of technological innovation which has a territorial dimension.

Departments of regional administration

B17. This term does not appropriately describe the French administration at a regional level. A distinction needs to be drawn at the regional level between the *préfet de la région* (regional prefect) and the *deconcentrated services of the State* under his authority, on the one hand, and the administration of the region as a local authority on the other. However, the State services in the region cannot be disassociated from the State services within the Department. Together, they make up the territorial administration of the State.

Préfet de Région

(Prefect of the Region)

B18. The *préfet de Région* is appointed by decree. In the region he acts as the State delegate and as the representative of each ministry. The deconcentrated services of the State which are attached to different ministries are directly placed under his authority. Charged with the implementation of national and European planning policy together with urban policy, the *préfet de Région* is the main partner of the *DATAR*, either directly or through the *secrétaire général aux affaires régionales* (*SGAR* — General Secretariat for Regional Affairs). The latter who is generally a *sous-préfet* (subprefect) is more specifically charged with planning matters in the *préfecture de région* (regional prefecture). In relation to the policy on *aménagement du territoire*, the *préfet de Région* oversees the work of the *préfets des départements*. He is assisted by the *commissariats à l'industrialisation et à la conversion* (commissions for industrialisation and economic reconversion) which were established in nine regions, regional groupings or subregions, depending on the nature of the problems faced. The *commissaire* (Commissioner) is also the President of an *association de dévelopment* (development association) representing the economic interests of the region.

The *préfet de Région* negotiates and signs the *contrat de plan* (State-region plan convention) with the President of the *conseil régional* and submits eligible programmes to the Commission.

Préfet de Département

(Prefect of the Department)

B19. The *préfet de Département* is appointed by decree. Within the *département*, he is the State delegate and the representative of each ministry. In this capacity, he oversees the work carried out by the deconcentrated State services which are attached to various ministries. The *préfet* informs the relevant local authority or public institution of the *projets d'interêt général* (projects which are deemed to be 'in the general interest') which need to be taken into account in the urban planning documents under its competence (*code de l'urbanisme*: Art. L.121-12 and R.121-13.) He can also prescribe the formulation or the revision of a *schéma directeur* or regulations or the revision or modification of a *POS* when this is justified by interests outside of the *commune*. The *préfets* are responsible for various sectoral planning documents especially when their subject matter calls for some element of policing. In some *Départements*, which are facing serious urban crises, a *sous-préfet* (subprefect) for urban policy is charged, in cooperation with the *préfet*, to implement State initiatives relating to the *politique de la ville* (urban policy).

B20. Each departement is subdivided into *arrondissements* (division of a department with a subprefecture). At the head of each *arrondissement*, the *sous-préfet* encourages the formulation of local development projects in cooperation with local authorities.

Deconcentrated services of the State

B21. The *préfets* are assisted by the deconcentrated services of the various ministries concerned, over which they now have full authority. These services are organised at the level of the

Département, which represents the common constituency of State services and/or at a regional level. With regard to *aménagement du territoire*, urban planning and transport services are provided by the *directions régionales et les directions départementales de l'équipement* (*DRE* and *DDE* — regional and departmental field services of the Ministry of Infrastructure, etc. which embrace housing, urban planning and transport) which encompass services for plan making/design studies, regulatory and supervisory services as well as 'operational' field services.

The other important services are:

- the *directions régionales et départementales de l'agriculture et de la forêt (DDAF)* and *DRAF* (regional and departmental services for agriculture and woodland areas);
- the *directions régionales de l'architecture et de l'environnement (DRAE)* (regional divisions of Architecture and the Environment) which are under the authority of the *Ministère de l'environnement* (Environment Ministry);
- the *directions régionales de la recherche, de l'industrie et de l'environnement (DRIRE)* (regional divisions for research, industry and the environment) which are responsible for controlling industrial establishments and innovation grants and which are accountable both to the *ministère de l'industrie* (Ministry of Industry) and the *ministère de l'environnement*;
- the *directions régionales des affaires culturelles (DRAC)* (regional divisions of cultural affairs); accountable to the *ministére de la Culture;* and
- the *architecte des bâtiments de France (ABF)* (Government authority responsible for ensuring the conservation of historic/listed buildings, urban conservation areas) whose approval is required for any land use affecting the built environment in conservation areas also accountable to the *ministère de la culture* (Ministry of Cultural Affairs).

The administration of the region as a local authority

B22. The region is a local self-government authority which is administered by a *conseil régional* (regional council) directly elected, assisted by a *conseil économique et social régional consultatif* (regional social and economic advisory council) which represents various economic sectors and social activities. It is involved in the formulation of *schémas directeurs* or *plans d'occupation des sols*. It adopts the *plan de la région* (regional plan) and the *contrat de plan Etat-région* (State-region plan convention). It also adopts various sectoral planning documents: i.e. the *plan régional des transports* (regional transport plan), the *schéma prévisionnel des formations* (provisional scheme on education facilities; secondary school and vocational training facilities), the *plan régional des formations professionnelles des jeunes* (regional plan setting out the vocational training facilities for young people) and where required a *plan régional des formations supérieures* (regional plan on higher education facilities).

B23. The regional administration is placed under the authority of the president of the *conseil régional* who has his own cabinet team of political advisors. It is headed by a general director of administration who oversees the work undertaken by the various heads of departments. The president of the *conseil régional* delegates some of his duties to the vice-presidents of the *conseil régional* (e.g. economic development, school and university matters).

The administration of the *département* as a local authority

B24. The *département* is a local self government authority which is administered by a *conseil général* (General Council — elected Départmental Council) which is directly elected. It is involved in the formulation of *schémas directeurs* and the *plans d'occupation des sols*. It is consulted over the *plan de la région* (regional plan).

It is responsible for the approval of certain sectoral planning documents, for example, the *plan départemental des transports* (departmental transport plan), the *schéma directeur départemental des institutions sociales et médico-sociales* (departmental plan on social and socio-medical facilities), the *programme d'aide à l'équipement rural* (aid programme on rural infrastructure provision), the *plan des itinéraires de promenade et de randonnée ou de randonnée motorisée* (plan of walking itineraries and trails and motorised trails).

B25. The departmental administration is placed under the authority of the President of the *conseil général* in the same way that regional admin-

istration is subject to the authority of the President of the *conseil régional*. The departmental administration differs from it by significant management functions and social services provision. The *département* is most notably responsible for the administration of a substantial part of road infrastructure. In relation to this particular function, an Act of 2 December 1991 prescribes that the DDE *(direction départementale de l'equipement)* (field services of the Ministry of Infrastructure) will remain as a unified agency executing orders for the State, the *département* or municipalities; nevertheless, it makes possible for a *département* to establish its own road agency and cease progressively to call for the DDE. Some State services have been transferred to the authority of the *département* on the basis of newly acquired competences.

In rural areas, the *conseiller général* (general councillor) is in the *canton* (district covering several *communes*) where he has been elected, an important intermediary between the mayors of *communes* and the *conseil général* (see: B24).

Regional government institutions

B26. This term is inappropriate to describe the French administration at a regional level because it comprises two tiers of authority, namely the department and the region itself, moreover it is subdivided between the State administration on the one hand and the various administrative bodies of the region and of the department as local authorities on the other, and lastly some institutions are not attached to either. Only the *missions d'aménagement* (special development project units), the *conseils d'architecture, units, de l'urbanisme et de l'environnement* (*CAUE — Council for Architecture, Planning and Environement*), and the *commission départementale de conciliation en matière de documents d'urbanisme* (departmental commission established to resolve disputes relating to urban planning documents) can be regarded as 'organisations' of regional administration.

Missions d'aménagement

(Special development project units)

B27. A *mission d'aménagement* is an organisation whose responsibility is to oversee the implementation of a development project with an interministerial character in a specific area. Such missions were initially attached to the Prime Minister's Office and benefited from a single budgetary source of funding to which the various government departments contributed. They played an essential role in decision-making, the coordination of action programmes and implementation control. They were mainly involved in the following programmes; the development of tourism in Languedoc-Roussillon (1963), the development of the Aquitaine coast (1967), the development of the natural Mediterranean area (1972), the development of the Valbonne plateau (technopolis of Sophia-Antipolis) (1974), the 'mission' of the Great South-West which was created when Spain and Portugal joined the European Community.

The Act of 7 January 1983 (Art. 33) provides for the transfer of all or part of the responsibilities of interministerial missions to the regions concerned or to groupings which link the regions to other local authorities, at their own request.

However, a new mission for the development of the Aquitaine coast was created by a Decree of 19 April 1985 to coordinate the implementation of State action programmes and those of the region. Other similar formulas have been used in order to implement exceptional and localised development projects such as the preparation of the Winter Olympic Games in Albertville.

Conseils de l'architecture, de l'urbanisme et de l'environnement (CAUE)

(Councils of Architecture, Planning and Environment)

B28. These councils were established in accordance with the Act of 3 January 1977 and there is one for every *département*. These are private law associations which are responsible for advising developers, free of charge, on environmental standards and on the quality of architectural design. The *CAUE* is funded by State and local authority subsidies as well as by revenue derived from a tax imposed on building contractors (additional tax to the *taxe locale d'équipement* — local service tax imposed on planning permissions).

Commission départementale de conciliation en matière de documents d'urbanisme

(Departmental Commission intended to resolve disputes resulting from consultations on plan preparations)

B29. The Commission consists of locally elected representatives designated by the mayors of a *département* and individuals designated by the prefect. Its president is also an *élu local* (a locally elected representative). It may intervene on behalf of any public entity which raised objections over the draft *schéma directeur*, the *schéma de secteur* or any urban planning document which is legally enforceable and which was drawn by the *commune*. Its main task is to resolve disputes and it is able to put forward counter-proposals for the purpose, although it may not act as arbitrator over differing views (*code de l'urbanisme*, Art. L.121-9).

Government agencies

B30. No governmental agency exists which is able to formulate or to revise planning documents or policies.

Local government institutions

The *commune*

B31. Urban planning is a municipal responsiblity. The *Plan d'Occupation des Sols* has to be adopted by the municipal council. Alternatively the council may adopt a simplified local regulation (see B63).

The mayor delivers building permits where a POS is in force; he does it as a State authority subordinated to the prefect elsewhere. Other police powers of the mayor may have impact on planning.

Local government joint authorities in general

B32. The *communes* and the *établissements publics de coopération* (local government joint authorities) are the principal authorities which have spatial planning competences. The *POS* is drawn 'under the initiative and responsibility of the commune'; the latter can also entrust an intercommunal organisation with its formulation (*code de l'urbanisme:* Art. L.123-3.)

However, certain planning documents have an intercommunal character (*schémas directeurs*, local housing plans, *chartes intercommunales de dévelopement et d'aménagement* — intercommunal charters for planning and development)

Communauté urbaine

(Metropolitan joint authority)

B33. The *communauté urbaine* is the only public local government joint authority which is fully competent in planning matters and in particular in relation to the formulation of the *POS* (local land-use plan), acting instead and on behalf of *communes* (*code genéral des collectivités territoriales* (CGCT) (general code of local government law): Art. L.5213-22). Such agencies were established in all the following agglomerations: Bordeaux, Cherbourg, Dunkerque, Le Creusot, Le Mans, Lille, Lyon and Strasbourg.

Communauté de villes

(joint city authority)

B34. This new category of local government joint authority was established in accordance with the *Act of 6 February 1992* (CGCT: Art. L.5216-1 s.).

Once it is established, it is fully competent in spatial planning matters in order to formulate the *schéma directeur,* the *schéma de secteur*, the *charte intercommunale de développement et d'aménagement* (intercommunal charter for planning and development), the local housing programmes, a *ZAC* excluding the *plan d'occupation des sols*. There are only four such agencies to date in the following cities: La Rochelle, Flers, Cambrai, Aubagne.

Other institutions

Professional bodies

B35. Chambers of Commerce and Industry (*CCI*), Chambers of Agriculture and Craftsmanship Chambers (Chambre des Métiers) all fall within this category. Generally speaking, several *CCI* are present in any one department with the Chambers of Agriculture and Craftsmanship Chambers mostly having departmental competences. These institutions are also found at the regional level. They represent public institutions which are administered by bodies elected by trade members and are funded by additional taxes on the direct local taxation imposed on economic activities. They are placed under the *'tutelle'* (tutelage, meaning here the controlling authority) of the State. They are responsible for the provision of

public services for the benefit of their trade members. They are also involved in the implementation of public facilities for economic purposes, on their own or in association with the local authorities.

The Chambers of Commerce and Industry are often concessionaries of public works (such as civil engineering works, ports or airports). The trade associations are involved in the formulation of *schémas directeurs* and *plans d'occupation des sols.*

Agence d'urbanisme

(Agency of Urban Planning)

B36. The *agence d'urbanisme* is a multi-disciplinary agency for local political authorities to fully exercise their responsibilities relating to development and urban planning. They were created under the guise of private law associations; there are 36 in all. Such an agency brings together the *communes* and joint authorities of any one agglomeration in which the State is represented by the *préfet* and the directors of the deconcentrated services. The *département*, the region, the Craftsmanship Chambers and/or a public body (for example an autonomous port authority) may also collaborate with the agency. Its management is jointly assumed by the State and by local authorities.

The purpose of the agency is to produce studies which will help determine the objectives of local development policies or which are intended to secure their implementation.

The *agences d'urbanisme* are funded by State subsidies (on the basis of a 'contract of objectives' which has been agreed by the prefect and by the president of the Agency) and by local authorities, but they also derive some revenue from the remuneration of contracts which are assigned to them by public institutions.

A distinction needs to be made between *agences d'urbanisme* which are a type of partnership between local authorities and the State and *services d'urbanisme* (urban planning services) which are attached to a single *commune* or a public intercommunal organisation, whether these are integrated within the services of a public authority or conferred the status of a corporate body and even in spite of the fact that they will call themselves *'agences d'urbanisme'.*

Policy instruments

National level

Plan de développement économique et social de la nation

(National Economic and Social Development Plan)

B37. The *plan de la nation (Act of 29 July 1982)* sets the strategic choices and objectives and defines the means by which these can be implemented. The regions are involved in their formulation. However, after the completion of the implementation of the 10th Plan, 1989-1992, the 11th Plan was not adopted.

Schémas directeurs d'infrastructures

(national infrastructure schemes)

B38. In accordance with the *loi d'orientation des transports intérieurs* (National Guidance Act on Domestic Transport) of 30 December 1982, the State establishes with local authorities *schémas directeurs d'infrastructures* 'in the framework of the national and local guidelines on *aménagement du territoire*'. The purpose of these *schémas* is to ensure the long-term coherence of transport networks and to fix priorities relating to their modernisation, adaptation and extension.

The *schémas directeurs de l'État* (national schemes) are drawn 'in consultation with the regions' (Art.14). Public decisions on those choices relating to infrastructure, facilities and transport material need to take account of the social and economic benefits of the project and to take account of planning policies in particular. The assessments are made public before the definitive adoption of projects; a statement of economic results is published five years at the latest after implementation. Major infrastructure projects are defined by decree (17 July 1984).

Such a *schéma directeur* consists of a report and graphic documents. Its creation is decided by a Ministerial Decree from the *ministre des transports* (Transport Ministry). The regions concerned, the *comité national* (National Committee) and the *comités régionaux des transports* (regional transport committees) are consulted. The *schéma directeur* is approved by decree after

having being subject to a *CIAT* (Inter-ministerial Planning Committee). The *schéma* creates legal obligations: 'any major infrastructure project needs to be compatible with the corresponding *schémas d'infrastructure* where they exist'.

The development projects covered by the *schémas* are communicated to the local authorities by the prefect in order to ensure the compatibility of the *schémas directeurs* prescribed by the *code de l'urbanisme*.

The following *schémas*, in particular, have been elaborated and published: the *schéma routier national* (National Roads Scheme), the *schéma des lignes ferroviaires à grande vitesse* (National High-speed Network Scheme), the *schéma directeur des voies navigables* (National Waterways Scheme).

Example: the *schéma routier national*

(National Roads Scheme)

B39. The current *schéma routier national* was made public when it was submitted to the CIAT and was approved by a Decree in 1992. It is the third *schéma* to be established on the basis of the *'loi d'orientation des transports intérieurs'* (National Guidance Act on Domestic Transport), after those of 1986 and 1988.

The *schéma* is in the form of a map which shows intended links, accompanied by a *dossier* (file) setting out the objectives of the *schéma directeur*, the list of the links to be created, the retained development proposal and indications on the immediate profitability of those links which are prescribed by the *schéma* for the benefit of the local authority concerned. Three different types of development are possible; a motorway under a concession, a connection which ensures the continuation of the motorway network or major transport links. Only the last two rely on budgetary funding.

The formulation of a *schéma directeur routier* (Roads Structure Plan) rests on an economic appraisal which measures the collective use and the economic profitability of projects.

This appraisal is based on a multi-criteria analysis whose methodology is prescribed in a Government Circular by the *Direction des routes* (Highways Division) of the *ministère de l'équipement, du logement et des transports* (Ministry of Infrastructure, Housing and Transport). The establishment of the cost-benefit balance for the authority where the link is being planned is one of the main features of the multi-criteria method.

Studies were made by the *Direction des routes* to determine the average profitability of the proposed programme. Subsequently, more detailed studies were undertaken by the local *Centres d'études techniques de l'équipement* (centres for technical infrastructure studies) which are services of the Ministry.

These studies either represent preliminary studies based upon an outline draft of the project or constitute the draft projects themselves; they therefore allow for design variations and are normally followed by a declaration of public use.

The *schéma directeur routier* does not fix the priorities as far as the implementation of the chosen links is concerned nor does it programme works according to specific deadlines. However, the economic appraisals are carried out on the basis that all new lines will come into use by the year 2000. The programming of links other than highways under concession is achieved through the *contrats de plan Etat-région* (State-region plan convention) (53 % of the contractual undertakings in the *contrats de plan* for 1989-93 concerned road infrastructure).

The implementation of the *schéma directeur routier* should extend the French highways network from 7 215 km to 12 120 km by the year 2000.

Carte des formations supérieures et de la recherche

(Map of higher education and research facilities)

B40. In accordance with the Act of 26 January 1984, State services for higher education should contribute to the realisation of planning and development objectives 'through the location and development in the regions of senior scientific teams' (Art. 6, al.4). The Minister charged with higher education is responsible for drawing the *carte des formations supérieures et de la recherche* and the regions are consulted in this process.

Regional level

Plan de la région

(regional plan)

B41. The *plan de la région* determines the medium-term objectives of the economic, social and

cultural development of the region for the length of the application of the *plan de la nation*' (National Economic Development Plan; Article 14 of the Act of 29 July 1982). It is formulated and approved by the *conseil régional* (regional council), at the outcome of a consultative procedure which brings together all the local public agencies as well as the *conseil économique et social de la région* (Social and Economic Council of the region). It defines the development policies of productive activities by seeking a greater coherence of the regional economic pattern and by mobilising small and medium-size enterprises and the plans of major public and private companies. It is also required to specify a development programme for the region.

The implementation of the *plan de la région* rests on action programmes which are intended to provide a basis for the adoption of contractual undertakings agreed with the State and other public or private partners from the region.

In practice, only a dozen regions have produced a document which may qualify as a plan although this does not secure the means for its implementation.

Contrat de plan Etat-région

(State-region plan convention):

B42. The *contrat de plan* between the State and the region, which was in principle designed to be an implementation tool of the national plan, has effectively become an instrument of joint and negotiated planning (see Act of 29 July 1982, Art.12 and 16; Decree of 21 January 1983).

The formulation of a *contrat de plan* between the State and a region is not compulsory; in practice, though, all the regions have for each set period agreed a *contrat de plan* with the State, even in the absence of a *plan de la Nation* (National Economic Development Plan), as is the case for the *contrats de plan Etat-region* covering the 1994-98 period.

The *contrats de plan* cannot be rescinded by the State before their normal expiry date except under specific conditions which are expressly stipulated. The *Conseil d'Etat* (Council of State) has assigned the value of *contrats de droit public* (contracts governed by public law) to the *contrat de plan* between the State and the regions (*Conseil d'Etat*, French National Assembly, *8 January 1988*, 'Minister responsible for the plan and the *aménagement du territoire* c/ urban community of Strasbourg and of others', *Revue française de Droit administratif*. 1988, No 1, p. 25, concl. S. Daël).

The *contrats de plan* are used by the State as a means to implement its planning and development policies, and allocate relatively greater funding resources to the poorest of regions. However, the State prescribes, before the start of negotiations, the objectives and the fields in which it intends to commit itself as well as the global level of its investments for the individual *contrats de plan*. The allocation of funding for expenditure relating to infrastructural works forms the greater part of those *contrats de plan*. The regions are now committed to this procedure which allows them to plan ahead for five years. In general, those undertakings set out in *contrats de plan* have been honoured.

Following the *CIAT* of 12 July 1993, the *contrats de plan Etat-région* for the period 1994-98 rest on three principles:

1. contractual arrangements according to objectives defined as common priorities by the State and the region concerned;
2. a cautious selection of these priorities, so as to avoid a dispersal of State interventions which would jeopardise their successful implementation;
3. reducing the use of a variety of funding sources, each party undertaking in a more autonomous way the funding of those projects it has committed itself to.

Example: the *contrat de plan* between the State and the Nord-Pas de Calais region

B43. The *contrat de plan* between the State and the Nord-Pas de Calais region for the 1994-98 period was signed in Lille by the *préfet régional* (Regional Prefect) and by the President of the *conseil régional* on 1 July 1994. It represents the culmination of a rather long negotiation process between governmental and regional authorities. At the same time that the government decided not to adopt the 11 National Plan, the *conseil régional* carried forward on the 29 June 1993 the fouth *plan de la région* for the 1994-98 period.

The start of the negotiation of the *contrat de plan* was the negotiation mandate granted by the State to the *préfet de Région* on 30 September 1993. The process then lasted approximately five months. The *contrat de plan* was submitted for approval to the *conseil régional* on the 7 March 1994 after consultation with the *conseil*

économique et social (Regional Economic and Social Council). Subsequently, on the side of the State, the *contrat de plan* was approved by an interministerial meeting on 7 April 1994. However, the *préfet de Région* then received a letter from the Prime Minister empowering him to sign the *contrat de plan* only on the 27 June. Beforehand, the *commission permanente du conseil régional* (Permanent Commission of the Regional Council) had granted the President of the *conseil régional* the authority to sign the *contrat de plan* in accordance with its vote of 3 June.

The *contrat de plan* between the State and the Nord-Pas de Calais region covers a total FF 13 305.73 million, out of which FF 5 034.49 million are funded by the region and FF 8 271.24 million by the State over a five-year period.

It consists of a general introduction which sets out the strategic policies of the State in the region and the principal objectives expressed in the fouth *plan de la région*. A total of six policy axis have been identified from the two different sets of objectives which will be implemented through the joint efforts of the State and the region as expressed in the *contrat de plan*.

The *contrat* itself comprises 100 Articles which specify the content and the allocation of funds for the joint initiatives to be undertaken by the State and by the region. For given development projects, other partners are identified such as the *conseils généraux* (General Councils — departmentally elected councils), the *communautés urbaines* (metropolitan joint authorities) or other communal structures, the chambers of commerce and industry, and in particular the European Structural Funds, although the level of funding allocated is not specified in the document.

An annex to the *contrat* provides a distinction between the *conventions d'application* (development conventions) of the *contrat* and its *conventions d'exécution* (implementation conventions). *Conventions d'application* have been passed with the *département du Nord*, the *département du Pas-de-Calais* and the *communauté urbaine* du Lille. Some *conventions d'exécution* are prescribed by various Articles of the Treaty to ensure their enforcement.

Maps are also included which indicate those areas in the region which are eligible for Objective 1 or Objective 2 funding as well as the length of the period covered by the Community support frameworks. Various other Articles also indicate that the ERDF (European Regional Development Fund) will be applied for, which subsequently commits the State to support the project proposal at the Commission.

Principal sectoral planning instruments produced by the regions

B44. The regions also produce sectoral planning instruments of which the following are of particular interest:

- *plan régional des transports* (Regional Transport Plan) and the *convention* (contractual agreement) passed between the region and the *SNCF* (French National Railways Authority) over rail links of regional interest (*Act of 30 December 1982*);
- the *schéma prévisionnel des formations* (provisional structure plan on the location of secondary school and vocational training facilities) (*Act of 22 July 1983*);
- the *plan régional des formations professionnelles des jeunes* (regional plan on the vocational training facilities of young people) (Act of 22 July 1983: Art. 83-84 amended by the Acts of 23 July 1987 and 20 December 1993).

Principal sectoral planning instruments produced by the departements

B45. The departments produce sectoral planning of which the following are worth noting:

- the *schéma directeur d'infrastructures* (sectoral planning scheme on infrastructure provision) for the Departmental highways network (Act of 30 December 1982);
- the *plan départemental des transports* (departmental Transport Plan — see Act above);
- le *programme d'aide à l'équipement rural* (Aid Programme on Infrastructure Provision in Rural Areas) (Act of 7 January 1983; Art. 31).

Sectoral planning documents drawn or approved by the prefect

B46. Key sectoral plannning documents drawn and approved by the *Prefect* includes:

- the *plan d'exposition au bruit aux abords des aérodromes* (plan setting out those areas exposed to potentially high noise levels in the vicinity of airports) which is annexed to the *POS* (*code de l'urbanisme*; Art. L.147-3);
- the *schéma départemental des carrières* (departmental quarries scheme), drawn by the *commission départementale des carrières* (departmental commission on quarries) and approved by the *prefect* following the opinion of the *conseil général* (Act of 4 January 1993, Decree of 11 July 1994);
- the *schéma directeur d'aménagement et de gestion des eaux* (sectoral scheme on the development and management of water resources) (having regard to the hydrographic basin) (Act of 3 January 1992);
- the *plan d'élimination des déchets ménagers et industriels* (plan on the disposal of household and industrial waste) (within the competences of the department) (Act of 13 July 1992).

Physical planning instruments of regional significance

B47. Physical planning instruments with a regional coverage and a statutory nature only exist in the following regions:

- *Ile-de-France*; with the *schéma directeur d'aménagement et d'urbanisme de l'Ile-de-France* (Master Development and Urban Planning Scheme of the Ile-de-France region) produced under the responsibility of the *préfet régional* (regional prefect) with the participation of the *conseil régional*, the *conseil économique et social de la région*, the *conseils généraux* of the Department. The new *schéma directeur* of the Ile-de-France region was established by a Decree dated 26 April 1994 (*code de l'urbanisme*: Art. L.141-1).
- Corsica; the *schéma d'aménagement* (Regional Development Scheme), used instead of the *schéma de mise en valeur de la mer* (framework plan on the development and conservation of coastal areas); it is adopted by the *conseil régional* and needs to be approved by *decree*;
- regions of the *départements d'outre-mer* (Overseas Departments) same as the Corsican *schéma d'aménagement* above.

Schéma de mise en valeur de la mer

(Coastal Planning Scheme)

B48. The *schéma de mise en valeur de la mer* (Act of 7 January 1983: Art.57, supplemented by the Act of 3 January 1986 and by a Decree of 5 December 1986) is a document which can be used in coastal areas for the protection, the management and the development of the coastline'.

This *schéma* prescribes land-uses for various land and maritime areas which accommodate industrial or harbour activities together with the programmes to service and develop maritime areas and environmental protection measures. The *schéma de mise en valeur de la mer* is drawn under the authority of the *préfect* with the participation of *élus locaux* (locally elected representatives), representatives of socio-professional groupings and interested associations within a working group. It is subsequently submitted for approval to the decision-making assemblies of the local authorities concerned as well as public professional bodies. It is formally approved by decree, subject to the consultation, of the *Conseil d'Etat* (Council of State).

The *schéma de mise en valeur de la mer* is legally enforceable against local urban planning documents and decisions relating to the creation, the management or the development of harbour areas.

Directive de protection et de mise en valeur des paysages

(Directive on the conservation and enhancement of natural landscapes)

B49. Such directives can be imposed by the State in relation to outstanding areas given the beauty of their landscapes and which are defined as such in consultation with local authorities (Act of 8 January 1993; Decree of 11 April 1994). Local urban planning documents need to be compatible with the provisions they contain, which are additionally legally enforceable against any individual authorisation request in the absence of such documents.

Local level

Schéma directeur

B50. The *schéma directeur* is a forward land-use planning document. It provides the principal planning and development guidelines for an area taking account of the necessary balance of objectives. It prescribes the general land-use of areas and in particular the nature and the location of major infrastructure works.

It consists of a report and graphic documents (Art. R.122-25), whose scale is generally between 1/10000 and 1/25000. There exist about 200 *schémas directeurs*.

The *schéma directeur* is not legally binding on property interests with some exceptions. However urban planning documents, major infrastructure works and land purchase programmes undertaken by local authorities within the perimeter it covers, need to be compatible with its contents.

The compatibility of documents with the *schéma directeur* which covers them is a condition of their legality. This implies that any document failing to comply with a precise or several general and converging guidelines issued by a *schéma directeur* can be quashed by a *juge administratif* (administrative judge) (*Conseil d'Etat*, 8 November 1993, 'Ville de Paris'; 3 December 1993, '*Ville de Paris c. Parent et autres*', report by Maugüé and Touvet, Act.jur. Droit adm., No12, 1993, p. 856s).

B51. The *schéma directeur* is drawn by a group of *communes* which 'have common economic and social interests' (Art. L.122-1-1). The perimeter of the *schéma directeur* takes into account the perimeters of *chartes intercommunales* (intercommunal charters) where these exist. It is drawn by the prefect on the proposal of a qualified majority of the *communes* concerned, after consultation with the relevant *departments* and eventually the regions (where the *communes* have over 100 000 inhabitants).

B52. The duration of the *schéma directeur* is not fixed in law but it can be revised at any point in time and under the same conditions applicable for its formulation or modification as legally prescribed; in practice, it is in force for 20 years.

B53. The formulation of the *schéma directeur* (Art. L.122-1-1 to 3) is undertaken by an *établissement public de coopération intercommunale* (local government joint authority). The prefect and the president of the local government joint authority determine the conditions surrounding State involvement. By law and at their own request, the region, the department and other intercommunal organisations, Chambers of Commerce and Industry, Craftsmanship Chambers and Chambers of Agriculture may also be involved in its formulation.

The prefect is responsible for advising the president of the joint authority about the necessary provisions to implement the *projets d'intérêt général* (projects of a general interest).

The president of the organisation may in turn seek the opinion of any body or association with competences in the fields of construction, development, urban planning or environmental matters.

The draft *schéma directeur* is drawn by the decision-making authority, then submitted for approval to the member *communes* and the public organisations involved in the procedure. In mountainous areas, the *commission spécialisée du comité de massif* (specialised commission of the committee for mountainous areas) is consulted where the creation of *unités touristiques nouvelles* (new tourism developments) is planned. It is then advertised to the general public which is able to comment on it on a register for one month. Any public organisation involved in its formulation which is opposed to it may turn to the *commission départementale de conciliation* (Departmental Conciliation Commission responsible for resolving disputes over urban planning documents) which may then issue further proposals but they cannot be imposed on the public intercommunal organisation.

Lastly, the *schéma* is approved by the Council of the joint authorities but only enters into force 60 days after it has been shown to the prefect, during which time he may be able to call for amendments on behalf of the State or of a *commune*.

The amendments required by the State are then imposed on the local government joint authority, if necessary by exercising a *pouvoir de substitution* (substitution power — the power to substitute one's own decision on the competent authority's decision). Amendments which are re-

quested by a *commune* may lead to the withdrawal of the *schéma* if the *commune* does not obtain a satisfactory hearing during the conciliatory/arbitration process.

The *schéma directeur* can be revised following the procedure prescribed for its formulation (Art. L.122-1-1). The law also provides the opportunity to use a simplified modification procedure for *schémas directeurs* which have been approved before the 1 October 1983.

The prefect can prescribe the formulation or the modification of a *schéma directeur* to ensure that national planning guidelines are applied and to implement a project of general interest. If this procedure does not produce results within a two-year delay, the prefect can then exercise his *pouvoir de substitution.* (Art. L.122-1-4).

Example: the *schéma directeur* of the Lille metropolitan area (département du Nord)

B54. Local authorities decided to revise the *schéma directeur* at the end of 1992. This *schéma* dated from 1971 and covered the whole of the administrative *arrondissement* (division of a department with a sub-*prefecture*) of Lille; it was approved in 1973, one of the first for a large agglomeration, and it was part of the long-term strategic objectives which had been expressed in a *schéma régional* (regional development scheme) covering a greater geographic area and drawn by the field services of the State, then approved by the *conseil des ministres* (Council of Ministers) on the 17 February 1971.

The *plans d'occupation des sols* (local land-use plans) of the 87 *communes* of the *communauté urbaine* (metropolitan joint authority) were subsequently formulated on the basis of the *schéma directeur* and then approved by the *conseil de la communauté urbaine* (Council of the metropolitan joint authority). At this time, both the *schéma directeur* and the *plan d'occupation des sols* were jointly formulated by the State and the *communes* concerned.

Noting that the *schéma directeur* of the *Lille arrondissement* was overtaken by economic events in the area, the mixed syndicate formed by the *Communauté urbaine* and the other *communes* of the *arrondissement* (altogether 125 *communes* covering 1 150 000 inhabitants) decided at the end of 1992 to call for its revision. This now falls directly under the competence of the *communes* which must be exercised at an intercommunal level. They subsequently charged the *Agence de développement et d'urbanisme* of the Lille metropolitan area (Development and Urban Planning Agency) which was established in September 1990 with its revision. All the *communes* of the *arrondissement* are part of this agency which enjoys the status of a non-profit-making association (see above Agencies of urban planning) together with the State, the Chamber of Commerce of Lille-Roubaix-Tourcoing, the Chamber of Agriculture and the region itself. Its president is Mr Pierre Mauroy who also presides over the *Communauté urbaine.*

The draft *schéma directeur* of the *arrondissement de Lille* was approved by the council of the *syndicat mixte* (Council of a multi-level joint authority) on the 22nd December 1994, voted by the *Communauté urbaine* and the municipal councils of the non member municipalities of the *Communauté urbaine*, and submitted to consultations before final vote by the council of the *syndicat mixte*. It came into force early 1996, once the prescribed time limit for the legality control of this Act has expired (60 days from its communication to the prefect). Less than 3 years were necessary for its revision.

The new *schéma directeur* was drawn having regard to cross-border policies and, therefore, integrates the neighbouring Belgian *communes*. As a result, the total agglomeration it covers has 1.5 million inhabitants (1 million directly under the *communauté urbaine*). The agency was assisted in its work by the Belgian intercommunal organisations of Courtrai, Mouscron, Tournai and Ypres. The structure of this agglomeration is based on a Franco-Belgian motorway ring-road with access to the '*route des Anglais*' (the road which the English supposedly always use) to the west, Paris, Brussels and Flanders and important communication hubs, such as Eurotéléport, TGV railway link, multimodal transport platform in the south and the new international airport project at Ath, between Brussels and Lille, on the TGV line. In economic development terms, the objective is to transform this Franco-Belgian agglomeration into the development pole of a vast urban region with 5 million inhabitants within an 80 km radius. It could allow for a deconcentration of activities from Paris, London and Brussels which will be linked by the TGV.

Moreover, two new poles of activities are planned: a new science and technology park on the *porte*

de Bruxelles (road to Brussels) and the *Eurosanté* pole to the south on the *porte de Paris*.

Schéma de secteur

(Area plan)

B55. The *schéma directeur* can be supplemented by *schémas de secteur* (area plans). The duration, the formulation and the modification procedures attached to the *schéma de secteur* are the same as those for the *schéma directeur*.

Plan d'occupation des sols

(Local land-use plan)

B56. The *POS* provides general land-use regulations and servitudes (public easement charges). In particular, it indicates those sites reserved for public works and thoroughfares, public buildings and green spaces. (Art.L.123-1). It needs to be compatible with the *schéma directeur* (framework plan) or where relevant, the *schéma de secteur* (sectoral plan) as well as directives on the protection and enhancement of natural landscapes. In the absence of any *schéma directeur* or *schéma de secteur*, it needs to be compatible with general planning and urban planning legislation. It is legally binding on property interests.

The *plan d'occupation des sols* is the common law instrument for regulating local land-use. At present, there are approximately 15 000 POS in force which cover half of the national territory and over 80 % of its population.

However, under certain conditions, the development plan of a *zone d'aménagement concerté* (*ZAC*) or the *plan de sauveguarde et de mise en valeur* (detailed local plan specifying conservation policies) can act instead of a *POS*.

The *POS* is a document which consists of a report, graphic documents and a code of regulations (Art. R.123-16 to 22).

The graphic documents define the areas covered by the corresponding provisions of the *POS* regulations and are generally produced on a scale between 1/10 000 and 1/2 000. These areas are divided into:

1. *zones urbaines* (urban areas) (U) where the capacity of existing facilities and infrastructure can immediately accommodate new buildings; and
2. *Zones naturelles* (natural areas). In the natural areas, a distinction is drawn between the *zones d'urbanisation future* — (*future urbanisation areas*) (NA), areas which are partially covered by services/facilities which are not intended to be increased (NB), the *zones de richesses naturelles* (NC) (areas of natural resources) and the *zones à protéger* (ND) (conservation areas).

B57. Only statutory provisions can create effective *servitudes* (conditions imposed on property rights in the public interest by local planning regulations) — *servitudes d'urbanisme* — (or resulting from other pieces of legislation) — *servitudes d'utilité publique*. All the administrative servitudes/easement charges which are imposed on a property need to be contained in an appendix to the *POS* in order to ensure that they are legally binding (Art. L.126-1, R. 126-3 and R. 123-20). The *POS* regulation determines for each area the principal land use and corresponding constraints wherever relevant as well as the specific building regulations according to local needs. The *coefficient d'occupation des sols* (*COS*) (the plot ratio used to control density in the *POS*) in particular serves to indicate for an area or part of an area the maximum building density authorised (number of square metres of floorspace that can be constructed in relation to one square metre of land) (Art. R.123-22).

Outside of the areas covered by a *POS* or an equivalent document, building rights are very limited and subject to specific controls.

It is worth noting here that there exists in French law, the principle of the non-compensation of public interest easement charges (with a few exceptions) and which are related to urban planning.

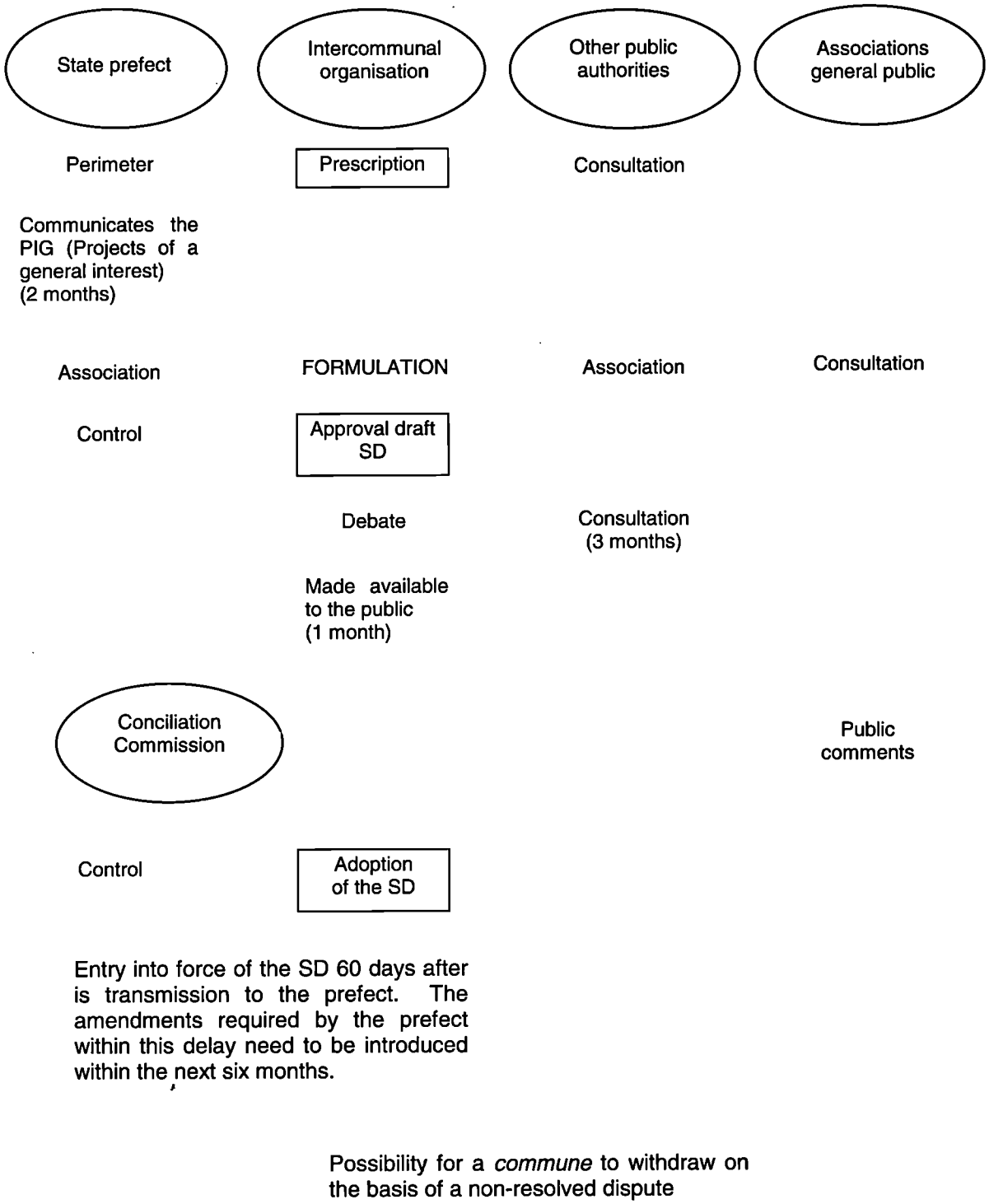
B58. The *POS* can be established for a *commune* or for several *communes* or for only part of the territory covered by a *commune*.

B59. The law does not stipulate the duration of a *POS*, but it can be revised or modified, however, it cannot be revoked.

B60. The *POS* 'is drawn following the initiative and under the responsibility of the *commune*' (Art. L.123-3). The *conseil municipal* (Municipal Council) prescribes its formulation or revision.

Diagram B3. Simplified diagram of the production of a *schéma directeur* by an intercommunal organisation

N.B. The diagram shows the three steps in the procedure (in squares) and the role of the other participants at each stage.



N.B. The diagram shows the three steps in the procedure (in squares) and the role of the other participants at each stage.

The formulation, revision or modification procedures of the *POS* are one and the same when the corresponding competence has been delegated to a public intercommunal organisation.

The State is by right involved in its formulation and at their request the region, the department and other public authorities. The mayor can also consult any organisation or association with particular competences in the fields of construction, planning and development, urban planning or the environment.

The prefect is responsible for informing the relevant authority about the prescriptions (special conditions), *servitudes* (public interest easement charges), development prescriptions and territorial directives as well as the *projets d'intérêt général* (the projects of general interest, e.g. public utilities or transport projects) and the minimum targets set for local housing policy.

The draft *POS* is drawn by the *conseil municipal* (or responsible body of the intercommunal organisation), then submitted for approval to the public authorities involved in its formulation as well as the neighbouring *communes* and public authorities directly concerned. Once it has been drawn by the responsible body of the intercommunal organisation which has urban planning competences, it then needs to meet the approval of the municipal councils of the member *communes*. The *commission départementale de conciliation* (departmental conciliation commission) may be called to intervene at this stage by a public authority involved in the *POS* formulation because it objects to its present form.

The draft *POS* is then made public together with the comments made on it and modifications resulting from those comments; then it is subject to a public inquiry.

This inquiry follows the regulations provided by the Act of 12 July 1983 (see in particular Art. R.123-11). The *commission départementale de conciliation* is still in a position to make further proposals at this stage.

The *POS*, eventually modified, is then finally approved by the *conseil municipal* or by the Council of the intercommunal joint authority and made available to the public. (Art.L.123-3-1).

The *POS* is in force as soon as it has been submitted to the *préfet* if it is located within an area covered by a *schéma directeur*, one month after due notice of the *prefet* if this is not the case, enabling him to call for any amendments in anticipation of the implementation of a future *schéma directeur* or any other equivalent document, or even to anticipate future urban planning or housing needs or to take account of land-use policies in neighbouring *communes*.

In this case, the *POS* (like the draft POS at the beginning of the procedure), only becomes legally binding on property interests when the requested amendments have been made (Art. L.123-3-2).

B61. It is worth noting that the decision of the mayor to publicise the draft *POS* makes it provisionally enforceable, subject to the control exercised over it by the prefect as explained above. The provisional enforceability of the *POS* cannot exceed three years (Art. L.123-5, al.3). As soon as a new *POS* has been prescribed, preventive measures can be taken to prevent any ongoing projects or *faits accomplis* from jeopardising its application.

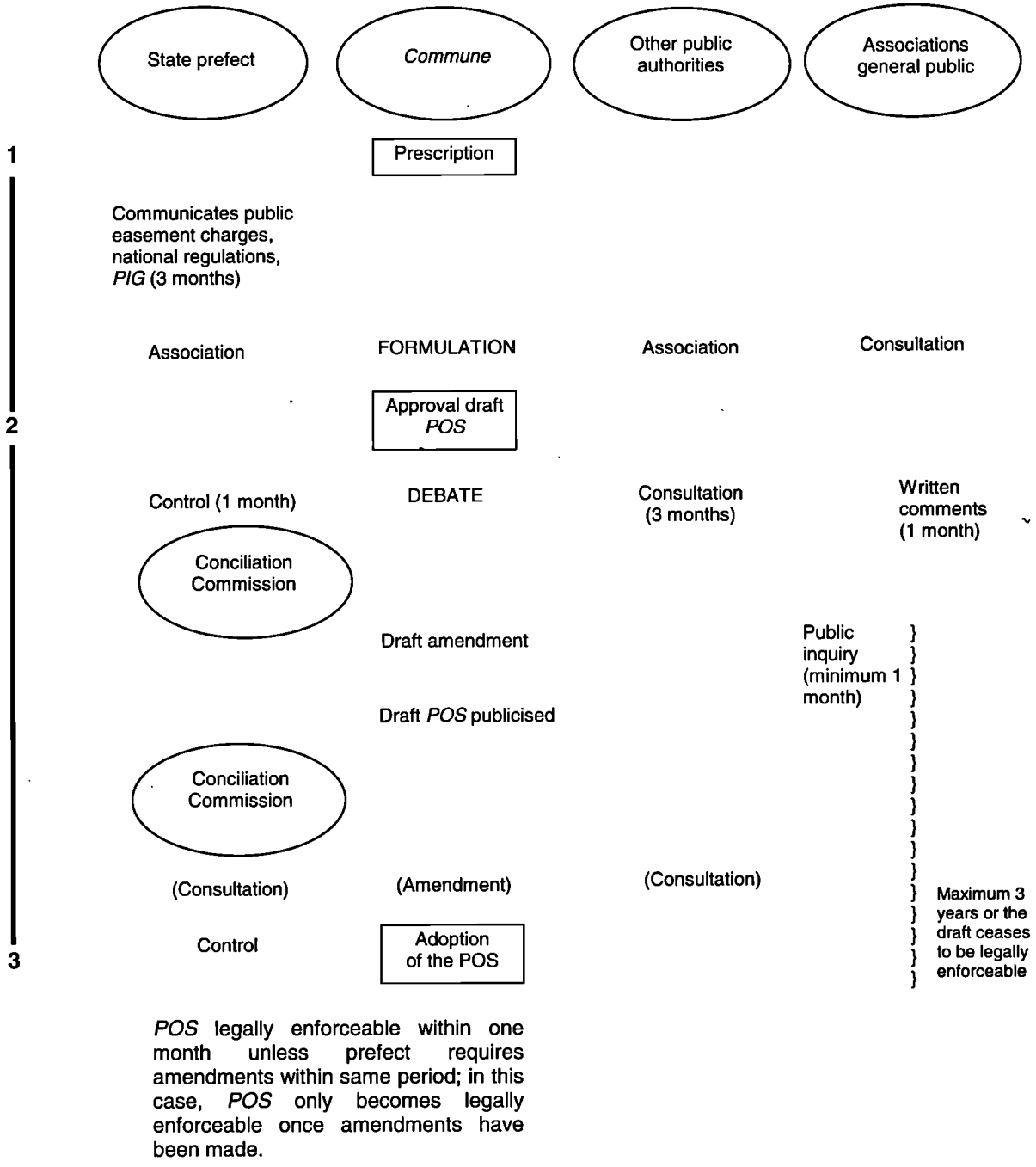
B62. The revision of the *POS* follows the same procedure as its formulation. Its modification only requires the approval of the decision-making authority after a public inquiry but it cannot prejudice the general economic policies of the *POS.* It may not affect protected woodland areas or create risks of serious nuisance.

Lastly, when the modification only calls for a suppression or a reduction of *emplacements réservés* (reserved sites), on a plot which has not been acquired by the *commune* or by the competent intercommunal organisation, then it will not necessitate a public inquiry.

When the revision of a *POS* is required, the *conseil municipal* (municipal council) may decide, under certain conditions, to call for an early application of the new provisions which are being drawn. (Art. L.123-4).

The *POS* may be revised or modified at the request of the *prefect* to ensure its compatibility with planning provisions, or the guidelines of a *schéma directeur* or alternatively to facilitate the implementation of a new project of general interest. This revision or modification may be pursued if necessary by the prefect substituting for the local authority.

Diagram B4. Simplified diagram of the production of a *POS* in a municipailty not covered by a *SD* (majority of municipalities and *POS*)



NB: The other public authorities are the Department, the Region, the Chamber of Commerce, the Trade Association, the Chamber of Agriculture as well as the neighbouring *communes* during the debate stage.

PIG: Projects of a general interest.

Example: *Plans d'occupation des sols* of Ajaccio (southern Corsica) and of Saint-Palais-sur-Mer (Pyrénés-Atlantique)

B63. The *POS* of Ajaccio was established under the regime in force before the decentralisation of urban planning documents. It was prescribed by a Prefectoral Decree of the 10 April 1973. The preparation of the *POS* lasted approximately five years. It was made public and legally enforceable by a decree of the 30 January 1978. The POS was ready in its final form on the 9 April 1979. The period of time between these last two dates covered statutory consultations (which cannot exceed three months), amendments made to the draft plan in accordance with comments issued, the public inquiry (at least one month) and the amendments destined to reflect the public inquiry findings. From this information, it is clear that the longest phase in the process was the formulation of the plan itself rather than the procedure disclosing it to third parties and to the general public.

The same observations can be made in respect of the *POS* of Saint-Palais, relating to its revision process. This city was provided with a *POS* in 1975. The latter was due to be revised on the 21 November 1980. This revision effectively led to the formulation of a new *POS* whose draft was made public on the 1 April 1983 with the new *POS* finally approved on the 28 May 1984. The actual elaboration phase of this *POS* was shorter than in the above example but is still the longest phase.

In the case of Saint-Palais, the decision-making process which led to the approval of the new *POS* as well as an amendment brought to it on the 16 August 1985, were quashed by a *tribunal administratif* (administrative law court) on the 19 March 1986, a ruling which was later confirmed in appeal by the *Conseil d'Etat* (Council of State — highest administrative court) on the 25 January 1989 which also quashed the plan which had been made public. In the meantime, the *conseil municipal* (municipal council), had decided on the creation of a *ZAC* (*zone d'aménagement concerté* (planning and development zone), approved the *plan d'aménagement* (development plan) for the zone (22 October 1986) and again prescribed the revision of the *POS* (22 September 1987). However in another judgement of the 25 November 1991, the *Conseil d'Etat* quashed the decision leading to the creation of a *ZAC*, by applying the provisions of the *code de l'urbanisme* (code of urban planning law) whereby the *conseil municipal* is only entitled to decide on the creation of a *ZAC* in those *communes* which are covered by a legally approved *POS*; in cases to the contrary, the prefect is then responsible for such decisions. Indeed, for the *Conseil d'Etat*, the revocation of the *POS* does not automatically lead to the re-establishment of local urban planning regulations which were hitherto applicable. The *commune* of Saint-Palais was thus considered as not being covered by a *POS*. In another judgement of the same day concerning the same *commune*, the decision by the mayor to grant a *permis de construire* (building permit) was cancelled, on the basis that the mayor's decision was subordinate to the application of a *POS*; generally in the absence of such a plan, the mayor can only grant the *permis de construire* on behalf of the State and after due approval by the *préfet*; in the present case, this rule ought to have been applied (see the two judgements in Act. jur. *Droit administratif*, No 2, 1992, p. 173).

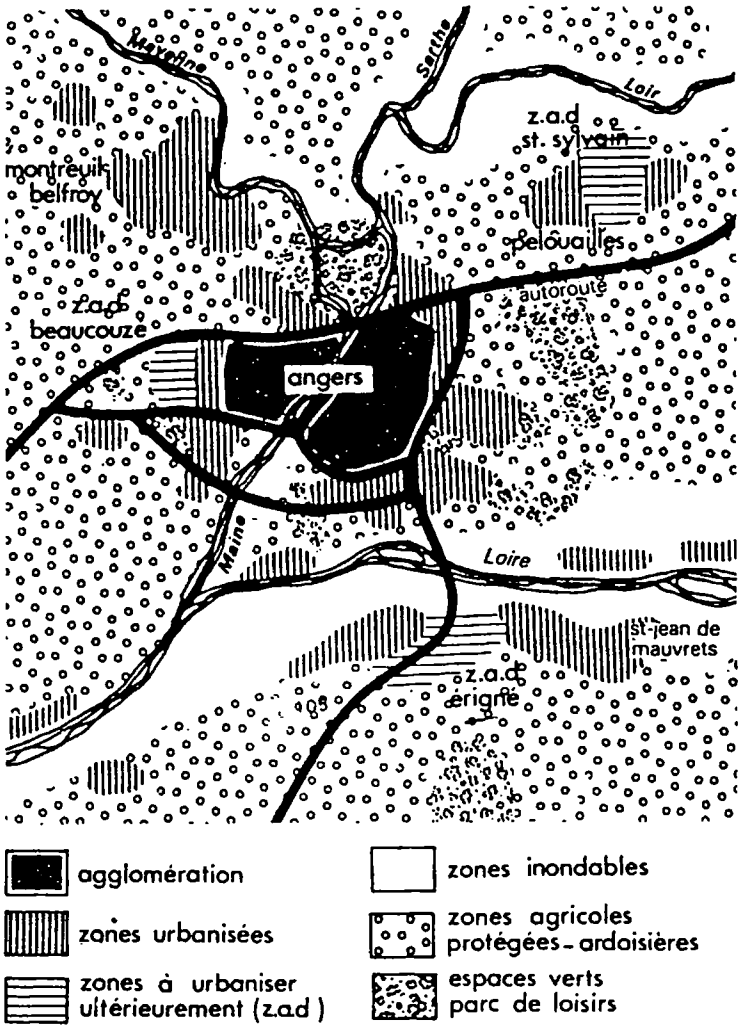
B64. However, this decision not only transferred competences to the Prefect; it also meant that all *permis de construire* granted prior to the ruling were illegal and cancelled urban pre-emption rights. The *Act of 9 February 1994* was passed to correct the negative effects of this judicial ruling. (See section on the '*Contentieux*' (Appeal process) relating to urban planning documents.)

The *POS* case of Saint-Palais also serves to illustrate the ease and the efficiency attached to bringing a *recours pour excés de pouvoir* (an *ultra virès* action).

The *Association des Amis de Saint-Palais* (Association of the Friends of Saint-Palais) and the *Association des Amis de la Pointe Saint-Nauzan* (Association of the Friends of the Pointe Saint-Nauzan) (an urban district directly affected by the disputed *permis de construire*) caused four judgements by the *Conseil d'Etat* over two years. Actions brought by associations are widely acceptable by the *juge administratif* (administrative law judge).

Urban planning documents serving as a *POS*

B65. Two urban planning documents may be used instead of a *POS*: the *plan d'aménagement de zone (PAZ)* (area development plan) in the context of a *ZAC* (planning and development zone, see Section D) and the *plan de sauve-*



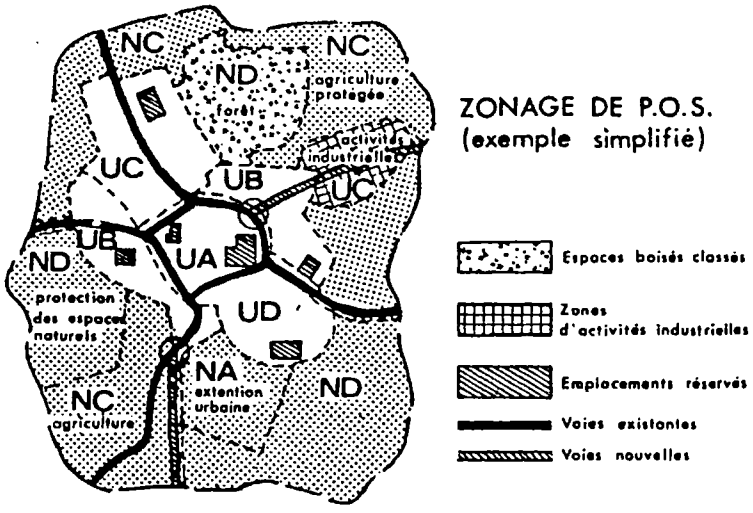


Diagram B5 : Simplified map illustrations of the *Schéma directeur* and the *POS*.

guarde et de mise en valeur (PSMV) (detailed local plan specifying conservation policies) both of which, especially the former, are linked to development projects.

The *PAZ* (Art. L.311- 4 and R. 311-10) shares many of the *POS* characteristics but it is not compulsory to produce it in every *ZAC*. Indeed, the creation of a *ZAC* can be accompanied by the decision to respect all the provisions of a *POS*, in which case the *POS* will serve as a *PAZ*. The *PAZ* is legally binding on property interests in the same conditions as the *POS*.

In conservation areas created and designated by the State, a *plan de sauveguarde et de mise en valeur* is produced which is partially subject to the *POS* but which is drawn under State supervision and approved by decree. Building works on listed buildings which are likely to alter their State can only be authorised if they are compatible with the *PSMV* (Art. L.313-1).

Régles générales d'urbanisme

(Local regulation for the application of the national urban planning rules)

B66. Aside from the areas covered by a *POS* or a document used instead, building rights outside of urbanised areas are strictly limited and subject to the provisions of Chapter I of Book No. I of the *code de l'urbanisme* or on regulations based on these provisions. These represent the *règles générales d'urbanisme* (general rules of urban planning) which are issued by decree under consultation of the *Conseil d'Etat* and codified under Articles R.111-1 to 27 of the *code de l'urbanisme*. These regulations are applicable in all *communes* with the exception of areas covered by a *POS*.

B67. However the rule of *constructibilité limitée* (restricted building rights) can be applied in a flexible way. Construction can be authorised when the *conseil municipal* has 'jointly with the State representative, specified local regulations for the application of the national urban planning rules' on all or part of the territory of the *commune* (Art. L. 111-1-3, from the Act of 19 August 1986). These *modalités* are known under the acronym of *MARNU*; their formulation is not subject to any formal procedure, the parties concerned need not be consulted and they are not the subject of public inquiries either.

The *Conseil d'Etat* has judged that the zoning division established by the *MARNU* of a *commune* and 'on the basis of which the examination of applications for land-use authorisations ought to rest, is a legally enforceable rule' (22 July 1992, 'Syndicat viticole de Pessac et Léognan et autres', Act. Jur. droit Admin 1992, p.61, note J.-P. Lebreton). This is still controversial however — in accordance with the law, the *MARNU* can only be applied on the territory of a *commune* for a maximum four years' duration, following the deliberation of the *conseil municipal* to implement them.

Appeals against urban planning documents

B68. Appeals challenging the legality of urban planning documents are dealt with by the administrative courts. The *juge administratif* (administrative law judge) exerts a minimum control over urban planning documents (an error of appreciation will give rise to a quashing decision only if it is 'obvious').

In the case of an annulment or a declaration of illegality of a *schéma directeur*, a *POS* or an urban planning document used instead, the *schéma directeur*, the *POS* or the urban planning document used instead which were immediately applied beforehand will come into force again (Art. L. 125-5, al. 1: Act of 9 February 1994). However, where the provisions of the previous *POS* have become illegal on the basis of circumstantial changes in deed or by law, the general rules of urban planning are applicable (id. al. 2). Moreover, the competent authority is under an obligation to formulate without delay a new *POS* (Art. L.123-4-1).

It is not possible to argue on the grounds of *ultra vires* or procedural impropriety against an urban planning document when six months have passed after its entry into force; the same rule applies to the Act prescribing the formulation or the revision of an urban planning document or the creation of a *ZAC* (planning and development Zone). However, this time limit is not applicable if the wrongdoing is when the *schéma directeur* has not been made available to the public or the substantial ignorance or the violation of public inquiry rules for the *POS* or even the absence of a presentation report or graphic document as required (Art. L.600-1: Act of 9 February 1994).

The acknowledgement by the judge of the illegality of an urban planning document does not

automatically render all authorisations based on the document illegal; the legality of such authorisations needs to be examined in relation to the rules of urban planning used in replacement of those which have been annulled.

When a refusal to grant an authorisation to occupy or to use land or the opposition to a declaration of works have been definitely quashed by the administrative court, the applicant will keep the benefit of the law in force at the time of his first application if he renews it within six months after the quashing has been notified to him (Art. L. 600-2 Act of 9 February 1994).

Other provisions are intended to ensure a better advertisement of appeals (Art. L.600-3).

Programme local de l'habitat

(Local housing programme)

B69. The *programme local de l'habitat* (*PLH*) defines the objectives and the principles of a policy intended to answer housing needs and to ensure between the *communes* and the areas of a *commune* a balanced and diversified distribution of housing supply (*code de la construction et de l'habitation* — code of construction and housing law: Art. L.302-1).

In particular, it takes account of the *plan départemental pour le logement des personnes défavorisées* (departmental plan for the housing of disadvantaged categories) and the regulations governing the allocation of social housing prescribed by the Act of 31 May 1990. It indicates the means, most notably in relation to land acquisition, which will ensure the implementation of this programme.

B70. The *PLH* is drawn by a local government joint authority and should be applied in principle to all or part of an agglomeration. It provides the basis for a *convention* (contractual agreement) which is drawn by the State and the relevant joint authority and which determines the financial contribution of the State in relation to housing and land policy. In those agglomerations with over 200 000 inhabitants, which have a certain level of social housing units and housing benefit claimants municipalities are subject to special obligations (Art. L302-6), the *PLH* is made compulsory in municipalities where one deprived area according to the law has been recognised (Art. L 302-10).

Plan de déplacements urbains

(Urban Transport Plan)

B71. The *plan de déplacements urbains* defines the general principles surrounding the organisation of transport, traffic flows and parking within the urban transportation perimeter (*loi d'orientation des transports intérieurs* — National Guidance Act on Domestic Transport of *30 December 1982*; Art. 28).

This plan is distinct from the *schéma directeur des infrastructures* (Infrastructure Scheme) which the same local authority may need to establish for the development of infrastructure networks (Art. 14). It relies on the *POS* which indicates the location and the characteristics of traffic routes as well as those sites reserved for roadways, public works and projects of general interest (*code de l'urbanisme*: Art. L.123-1).

B72. The *plan de déplacements urbains* is instituted for all or part of the territory comprised within a given perimeter of urban transportation, by the authority responsible for such transports which may be a *commune* or a communal grouping.

Charte intercommunale de développement et d'aménagement

(Intercommunal Charter on Planning and Development)

B73. The Act of 7 January 1983 (Art. 29 and 30) has granted the *communes* the right to group themselves in order to draw and to approve *chartes intercommunales de développement et d'aménagement* which 'define the medium-term perspectives for their economic, social and cultural development, determine the corresponding action programmes and specify the conditions surrounding the organisation and the management of infrastructure provision and facilities as well as public services' (Art. 29). The perimeters covered by such charters are fixed by the prefect.

The *charte intercommunale* has no specific legal force. It principally corresponds to a planning arrangement based on project proposals. The majority of the 300 or so *chartes intercommu-*

nales in force today (covering 6 800 *communes*) cover rural areas.

Development rights

B74. Development rights are subject to a specific taxation. They are protected by the *certificat d'urbanisme* (planning certificate).

Fee for exceeding the prescribed *co-efficient d'occupation des sols (COS)* (plot ratio used to control building density in the *POS*).

B75. Exceeding the *COS* can be authorised by the *POS* in specific areas or be attached to the obligation to respect certain *servitudes* (public interest easement charges) or other obligations (Art. L.332-1 to 5). In cases where the *COS* has been exceeded, the developer is bound to pay a fee to the *commune* whose value equals that of the additional land plot which would have been necessary to construct the intended building had the *COS* not been exceeded (with some exemptions). This fee represents, from a fiscal point of view, one element of the prime cost of the land on which construction is taking place.

Fee for exceeding the *plafond légal de densité*

(the legal density ceiling for construction)

B76. The *plafond légal de densité* (*PLD*) affects both building and property rights. A ceiling with a given level of construction density is attached to building rights based on land ownership. Over a certain level, any building authorisation will require the payment of a fee for exceeding the *PLD* to the *commune* (three-quarters of the fee). Although it was nationally fixed at 1 (right to build a surface equal to the land plot) but at 1.5 in Paris, the *PLD* can now be increased by individual *communes* as they see fit, under the proviso that they cannot lower it. Moreover, the *PLD* has become optional with the law subordinating its existence to an express decision by the *commune* to maintain it (Art. L.112-1 to 7). The fee charge for exceeding the *PLD* is calculated in the same way as the *COS* but when it is due, then the latter fee is cancelled on the basis that the same surfaces are being used to calculate either payment.

Certificat d'urbanisme

(planning certificate — equivalent to an outline planning permission

B77. The *certificat d'urbanisme* provides the applicant with information on all the urban planning provisions applicable in a particular area, on public interest easement charges and on accessibility. It indicates whether the land is free for development but it can also indicate whether the land is available for a specific development project. The *certificat d'urbanisme* thus provides a guarantee to its holder on the development opportunities of a given site. It is delivered by the authority responsible for the issuing of building permits.

Any one can request a *certificat d'urbanisme*, even if the building is not in their ownership.

If the application for an authorisation to build or to implement the intended project is lodged within a year of the issuing of the certificate, and conforms to the mention made within it, then any subsequent amendments of the regulations it contains cannot be legally enforced on the applicant.

By virtue of its legal force, action may be taken against the *certificat,* in particular for an *ultra vires* action.

The damages incurred as a result of the erroneous information contained in a *certificat d'urbanisme* may impose liability on public authorities.

Sources and further information

- *Actualité juridique Droit administratif.*
- *'Droit de l'urbanisme. Bilan et perspectives'* (urban planning law. Evaluation and perspectives), special edition, May 1993.
- Auby J.-B., Périnet-Marquet H., *Droit de l'urbanisme et de la construction* (Urban planning law and construction law), Montchrestien, Paris, 4ème éd. 1995.
- *Conseil d'Etat: L'urbanisme: pour un droit plus efficace* (Urban planning; for a more efficient legislation), *La Documentation française*, Paris, 1992.
- Danan Y.-M., Forget J.-P., Processor. *Procédures d'aménagement et d'urbanisme* (Development and urban planning procedures). Vol-

ume 1: *Planification et autorisations* (Planning and authorisations), Dalloz, Paris, 2ème éd. 1986;

- Gilli J.-P., Charles H., de Lanversin J., *Les grands arrêts du droit de l'urbanisme* (The major Acts and Decrees in Urban Planning Law), Sirey, Paris, 3ème éd. 1989.
- Jegouzo Y. (dir.), *Dalloz immobilier urbanisme*, Dalloz, Paris, 1992.
- Lebreton J.-P., *Droit de l'urbanisme* (Urban Planning Law), PUF, Paris, 1993.

List of legislation

— *Code de l'Urbanisme.*

— *Code de la Construction et de l'Habitation.*

— *Code de l'Expropriation.*

— *Code rural (protection de la nature)*

(The *Code de l'Environment* is being prepared).

— *Loi d'orientation des transports intérieurs* No 82-1153 of 30 December 1982.

C. Regulations and permits

Summary

C1. Generally speaking, the act of building and by extension the majority of land uses which involve the acquisition or the modification of a particular area are subject to a preliminary authorisation procedure. This procedure needs to ensure that urban planning prescriptions and construction regulations are adhered to.

After a period of time characterised by the multiplication of authorisation procedures, an opposite trend is emerging since 1985, most notably marked by the replacement (Act of 6 January 1986) of the *régime d'autorisation préalable* (preliminary authorisation procedure) by a *régime de déclaration préalable* (preliminary declaration procedure) for minor building works (Art. L.422-1; see the list under Art. R.422-1).

Permits under special urban planning powers are granted by the mayor as the municipal authority where a *POS* is in force, except for works undertaken for the State or a public authority which are granted by a State authority — where there is no POS, the mayor is also acting as a State authority in this matter. Permits listed from 9 to 12 usually require another authorisation granted by a state authority.

In all cases, permits are subject to appeals to the administrative court by any person affected.

Some minor works do not need a permit, but simply a declaration (see above), giving right to the planning authority to oppose.

C2. The different permits covered by the *code de l'urbanisme* are as follows:

1. *permis de construire* (building permit — Art. L.421-1 and following);
2. *permis de lotir* (subdivision permit — Art. L.315-1 to 7);
3. *permis de démolir* (demolition permit — Art. L.430-1 to 9);
4. *autorisation de coupe et d'abattage d'arbres* (authorisation to cut and fell trees — Art. L.130-1 to 4);
5. *permis d'édification des clôtures* (permit to build enclosures — Art. L.441-1 to 4);
6. *autorisation d'installations et travaux divers* (authorisation for various installations and building works — Art. L.442-1); most notably used for leisure parks and games/ sports facilities which are open to the public as well as public parking spaces;
7. *autorisation d'aménagement de terrains de camping et de stationnement de caravanes* (authorisation to develop camping and caravan sites — Art. L.443-1) *ou pour l'implantation d'habitations légères de loisirs* (or for building buildings for leisure — Art. R.444-1 to 4);
8. *autorisation de remontées mécaniques ou d'aménagement de pistes de ski* (authorisation required for mechanical ski-lifts or to develop ski slopes — Art. L.445-1 to 4);
9. *agrément administratif* (administrative consent) for new business locations in the Parisian region, subject to particular exceptions (Art. L.510-1 to R.510-1 and 6, most notably);

10. authorisation to open major commercial retail areas, necessary before obtaining the *permis de construire* (Act of 27 December 1973, Art. 29; *code de l'urbanisme*, Art. L. 451-5 and 6);

11. authorisation to build a classified installation, e.g. that is hazardous or inconvenient (Act of 19 July 1976);

12. authorisation relative to works or developments affecting a listed monument or conservation area in accordance with the Act of 2 May 1930 (natural heritage) or of the Act of 31 December 1913 (historical monuments).

The permits and authorisations listed under 1 to 9 belong to special police powers for urban planning. Permits and authorisations from 10 to 12 belong to other special police powers according to the legislation quoted. Projects concerning the creation of large commercial retail areas need to be authorised by the *commission départementale de l'urbanisme commercial* (Departmental Commission for Urban Commercial Retail Development).

Main permit

Status

C3. A *permis de construire* is required for all building work for any use (with some minor exceptions) (Art. L.421-1). The State, the local authorities and all the public services are also required to hold a *permis de construire* for their building works.

C4. The authorisation to build is an administrative act establishing individual rights for the applicant. It cannot be withdrawn by the administrative authority, unless it is illegal and only within two months from the date on which the permit was advertised. The advertisement rules for the building permit stipulated in the *code de l'urbanisme* (Art. R.421-39), in particular on the proposed building site, are therefore very important since at the end of two months, they will ensure that the permit cannot be disputed any longer.

C5. The *permis de construire* is equivalent to a subdivision authorisation if required for construction of several buildings on the same site and by the same individual or for his own benefit, the plot of which needs to be divided, for ownership or enjoyment rights (Art. R.427-1). This legal technique is used in order to build villages and hamlets by building contractors. Special conditions may be attached to this particular permit.

C6. The *permis de construire* is granted (Art. L.421-2 and following) by the mayor in the name of the *commune* when it is covered by a *POS* or a document used instead or with the due approval of the prefect if the intended construction is located in an area of the *commune* not covered by the *POS*. This responsibility may be delegated to the president of a joint authority of municipalities. Aside from these cases, the *permis de construire* is granted in the name of the State.

C7. However, the *permis de construire* is always granted in the name of the State by the mayor or the departmental prefect when it covers building works and development projects undertaken for the State, other public authorities or their concessionaries or is within the perimeter of a project of national interest (see Section D) (Art. L.421-2-1, R.421-33). When the decision is taken in the name of the State, the cases where the decision needs to be taken by the prefect are listed under Art. R.421-36.

C8. The *permis de construire* will only be granted if the proposed building works conform with the *règles nationales d'urbanisme* (national rules of urban planning), local urban planning regulations (the *POS* or any other document used instead, as well as the *MARNU* according to case law — see above, Section B), or with the specific regulations applicable to particular urban planning projects (subdivision regulations, *plan de remembrement urbain* (plan for the reallocation of urban land), statutory clauses in the terms of reference for the acquisition or the concession of land (Art. L.421-3).

C9. Moreover, the *permis de construire* will only be granted if the intended project is in line with public utility *servitudes* (public easement charges), regulations for the conservation of historical monuments and sites, health regulations, statutory clauses in the contract specifications for expropriated buildings.

C10. Lastly, the *permis de construire* may be refused on the grounds of non-conformity with

building regulations for high-rise and public buildings or with regulations governing the accessibility of buildings to handicapped people (*code de l'urbanisme*: Art. L.421-3, al.2 and 3).

Geographic coverage

C11. The *permis de construire* is only valid for the project and the intended building site for the which it has been granted.

However, it is subject to a variety of regulations governing geographical coverage, at the national or local level, or even specific regulations for particular projects (see previous paragraph).

Practical coverage

C12. Any construction, whatever its nature, requires a *permis de construire*. The definition of construction (or works) is widely interpreted. It covers constructions without foundations, works due to be carried out on existing buildings where there will be a change of use, or changes to the external aspect or volume or the creation of additional storeys. The provisional, portable or mobile character of a building does not exempt it from requiring a *permis de construire* when it is fixed to a certain extent, over a given period of time.

C13. However, some constructions do not require the *permis de construire*. These are works which according to their nature, (e.g. the laying of pipelines or cables) or their small dimensions cannot be classified as constructions in accordance with the law.

Their list is provided under Art. R.421-1.

C14. With regard to the works which do not require a *permis de construire*, the law indicates those which are exempt, despite them being defined as works (Art. L.422-1 and 2, R.422-2). These are refurbishment and other works on listed buildings, works which will not affect the existing use and purpose of the building nor create additional floorspace or are less than 20 m² on a plot already built unless these represent works on a building registered on the *inventaire supplémentaire des monuments historiques* (supplementary list of historical monuments).

These works are nonetheless subject to exising land-use regulations and are bound to be the subject of a preliminary declaration of works to the mayor, who may object in substance to the works or require particular conditions to be observed by the owner.

Duration

C15. The *permis de construire* expires if works are not undertaken within a two-year period or if they are interrupted for over one year. However, the permissible interruption of works may be of three years where constructions destined for housing are scheduled to take place in two distinct development phases.

The duration of the permit may be prolonged once for a year, on request.

Obligations of the holder of a *permis de construire*

Control of conformity

C16. The commencement of building needs to be advertised in the town hall and the ending of works needs to be followed by a completion note which will automatically lead to a control of conformity by the service responsible for delivering the permit. This control is followed by the issue of a certificate of conformity if the works are in conformity with the *permis de construire*. The certificate of conformity does not protect its holder against penal actions if he is guilty of a breach of regulations.

In cases of exemption from the land register tax and the registration fees, the purchaser of the land for development is bound to have completed works within four years; the certificate of conformity here will be proof of the observance of this regulation (general code of taxation law, Art. 691).

Penal liability

C17. The non-observance of urban planning and building regulations represents a penal offence in cases described principally by the *code de l'urbanisme* principally Art. L.480-1 and following; and the *code de la construction et de l'habitation* Art. L.152-4 and following. The majority of building regulations will only give rise to repressive controls (i.e., it means that there is no a priori oversight; but breach of the law will be an offence subject to penalties).

The holder of the building authorisation as well as the architects, the building contractors and any person(s) responsible for the implementation of the works may be pursued. In cases described in law, the relevant judge may call for an interruption of works or eventually their demolition, where relevant.

Financial obligations

C18. Such financial obligations are essentially borne by the building contractors and developers; the owners are only concerned in specific cases. Generally, the receipt of a *permis de construire* will give rise to such fees (Art. L.332-28).

Taxe locale d'équipement

(local service/infrastructure tax imposed on building permits)

C19. This represents a fiscal type of payment accruing to the *commune.* It is borne by the holder of a building permit in those *communes* where it is established by law and which have not withdrawn it and in other *communes* where they have decided on the contrary to introduce it. The basis for taxation is the value of the property held (sites and buildings erected) which represents a lump sum payment subject to a 1% rate, which may be increased by the Municipal Council to 5% but which varies according to the type of construction. Building contractors who have been charged with the provision of the necessary public infrastructure/facilities attached to their construction programme are exempt from this tax (*code général des impôts*: Art. 1585A, C, D and E, and 1723 quater).

Other taxes of the same nature

C20. These are the *taxe départementale des espaces naturels sensibles* (départmental tax to provide a fund for the purchase and management of public open spaces) (*code de l'urbanisme*: Art. 142-2 and following), *taxe départementale des conseils de l'architecture et de l'environnement* (départmental tax of the Architectural and Planning Council) (Act of 3 January 1977).

Contributions towards the implementation of a programme *d'aménagement d'ensemble* (global development programme).

C21. In areas where a *programme d'aménagement d'ensemble* (global development programme) has been approved by the *conseil municipal,* all or part of the expenditure towards the provision of the necessary infrastructure provision which corresponds to the needs of the future inhabitants and users of the proposed buildings may be imposed on the holders of building permits. The constructions completed in such areas are then exempt from the *taxe locale d'équipement* (local service tax) where applicable (Art. L.332-9). Contributions in this context may take the form of finance or with the approval of the local authority, the form of building works or the surrender of land (Art. L.332-10).

Contributions of developers in a *ZAC* (planning and development zone).

C22. The *ZAC* formula encompasses the provision of public infrastructure by the developer. When it is the private sector, one of the aims of the contractual agreement between him and the public authority is to make him responsible for part or all of the costs relating to the necessary infrastructure for the development zone (Art. L 311-1 and R.311-4). This financial participation represents an alternative to the *taxe locale d'équipement.*

Lump sum payments by subdividers

Lump sum payments by the *lotisseurs* (subdividers of land), developers of land to accommodate 'light' buildings for leisure, or *associations foncières urbaines* (associations of urban land owners).

C23. This form of payment, which is representative of the *taxe locale d'équipement*, of the financial participation fixed under Art. L. 332-9 (see above, No. 21) and of certain additional payments listed under Art. L. 332-6-1 is imposed following the granting of an authorisation to develop, subdivide land into parcels/lots approving the *plan de remembrement urbain* (plan for the reallocation of urban land) (Art. L. 332-12).

Other financial contributions bound to a *permis de construire*

These include:

C24. 1. Development or funding of parking lots (Art. L.421-3).

2. Individual infrastructure provision intended to increase the land value of the development site concerned (roads and various networks, water drainage/ treatment, public areas, planted areas, etc.) (Art. I.332-15).

3. Specific contribution to the costs of implementing exceptional public facilities required for the authorised development, having regard to its character, significance or location (Art. L.332-8).

4. Financial participation for necessary sewer connections and payable by the owner (*code de la santé publique* — code of public health regulations) (Art. L.35-4).

C25. These different financial contributions may be added to the *TLE* (*taxe locale d'equipement* — local service tax); in such cases they are regarded as additional to the *TLE*.

Limitations on the possibility to impose public infrastructure costs on building contractors

C26. The infrastructure costs imposed on the building contractors need to be strictly in proportion with the requirements of implementation of the proposed project and building works. The law limits the taxes or financial obligations which may be imposed on the holders of building permits, including those which are related to the *règles de constructibilité* (building right regulations) i.e. financial obligations due for exceeding the *COS* or the *PLD*.

C27. The Act of 29 January 1993 prescribes the advertisement of taxes and financial contributions payable by building contractors on a town hall registry.

C28. The taxes and contributions imposed or obtained from holders of building permits in breach of legal provisions are declared void. An action in restitution over these may be taken by the successive purchasers within a five-year period counting from the date of the town hall registration (Art. L.332-29 and 30). Such an action qualifies as a public works dispute and needs to be brought to an administrative court.

Application for a *permis de construire*

Content

C29. The application for a *permis de construire* needs to be accompanied by a dossier (Art. R. 421-2) containing the following:

1. a site plan;
2. a layout plan of the intended constructions in three dimensions;
3. a plan of the façades;
4. one or several sectional drawings showing the location of the building set in its natural ground;
5. two photographic documents locating the development site in its close environment and from a distance;
6. a graphic document showing how the development project will fit into the environment;
7. a note about the visual impact of the project.

However, these last two documents are not necessary for any building works in an urban zone of a *POS* which are not subject to any specific conservation laws and which are exempt from the need to obtain architectural advice. Documents listed under 4 and 5 are also not required if the intended works will not alter the external volume or the use and purpose of an existing building.

C30. Aside from the exemptions provided by law, the applicant will only obtain the *permis de construire* if he instructs an architect to draw a *projet architectural* (architectural scheme) for the intended development. For constructions of at least 3 000 m² in a *commune* which is not covered by a *POS* or within a *ZAC* whose plan has not been approved, an environmental impact study needs to be added to the dossier (decree of 12 October 1977: Art. 2).

Procedure

Conditions of eligibility to apply for a *permis de construire*

C31. The *permis de construire* may be applied for by any person who has a right over the use of the site on which development is intended to take place (Art. R.421-1-1) or by a public or private person empowered to compulsorily purchase the site at the start of the public inquiry. However, it is not necessary to show a title of ownership or any other property rights at the time of the application.

Time limits

C32. The applicant needs to send his application by registered post or deposit it at the town hall receiving a formal acknowledgement of receipt. The date on which the application has been lodged is considered to be the starting point of its examination and the time from which the applicant will need to be notified by the mayor of the duration of the processing period.

Advertisement

C33. The submission of an application for a *permis de construire* is advertised on a notice board and should cover the full duration of the processing period. (Art. R.421-9, al.4). Diagram C.1 illustrates the procedure for the *permis de construire.*

Costs

C34. The application for a *permis de construire* does not by itself attract any form of fee. The only costs involved are linked to the compilation of the required dossier and in particular to architects' fees for the production of a *projet architectural.* With regard to the financial obligations attached to urban development, see paragraph C18 to C28.

Processing the application

Procedure

C35. Within 15 days after receipt of the application, the department responsible for processing the permit application is bound to ask the applicant to complete the dossier, where necessary, or in the case of a duly completed dossier to notify him of the registration number of the application and the date by which he will be notified of any decision.

C36. It is incumbent on the authority responsible for granting the permit to arrange any meetings which are relevant to the intended development project as described in the permit application.

C37. The *permis de construire* will only be granted after a public inquiry when the intended development project

- involves the creation of total floor space in excess of 5 000 m² in a *commune* which does not have a *POS* at the application date; or
- relates to the intended construction of a building for housing or office purpose, the height of which is equal to or exceeds 50 m; or
- encompasses the development of a new retail centre over 10 000 m²; or
- concerns the construction of sports or leisure facilities with a capacity for over 5 000 spectators.

The nature of the decision

C38. The decision of the competent authority may be to grant or to refuse the *permis de construire* or alternatively to defer its decision.

C39. The refusal needs to be justified.

C40. The deferral procedure is a safeguard measure allowing the competent authority to postpone its decision in order to safeguard the implementation of public interest projects.

- The decision upon the application may be deferred in the following cases:
- it relates to a plot of land which is subject to a preliminary inquiry preceding a declaration of public interest (Art. L.110-9);
- or it involves the undertaking of works likely to prejudice or to render more onerous the implementation of public works or a develop-

ment project under consideration by the competent authority (Art. L.111-10);

- or it requires the implementation of a *POS* whose formulation or revision has been prescribed (Art. L. 123-5); or of a rural land development project (*code rural* Art. 7);

- or it requires works to be carried out within the perimeter of a *ZAC* (Art. L. 123-7) or in a conservation area (Art. L. 313-2).

In general, the deferral cannot be sustained for a period exceeding two years; if it is renewed on another basis, its total duration cannot exceed three years (Art. L. 111-8).

Time limits

C41. The processing of the application (Art. R. 421-18) generally takes two months from the date of its registration but it will take up to three months if it is related to building over 200 housing units or buildings for industrial or commercial purposes or office space, whose floorspace is equal to or exceeds 2 000 m². Time limits will be increased by one month if consultation with other authorities is required or if it is necessary to consider a departure from or minor adjustment to the urban planning regulations in force. A limit can be increased to five months where the project concerned is subject to a public inquiry or if it requires the authorisation of the *commission d'urbanisme commercial* (Commission on Retail Commercial Urban Development).

Consultations

C42. The competent authority for granting the *permis de construire* is responsible for arranging the required consultations on the application.

The most common consultees are the *Architecte des bâtiments de France* (Government authority responsible for ensuring the conservation of historic/listed buildings, urban conservation areas, protected natural areas), the minister responsible for the conservation of historical monuments/sites and environmental conservation or those authorities responsible for the management of water resources. In some cases, the consultation is tied to the requirement for a *permis express* (express permit) (in relation to listed buildings and conservation areas).

***Permis tacite* (deemed permission)**

C43. If a decision relating to a *permis de construire* has not been communicated by the competent authority within the fixed time period (usually two months) from the 15 days following the registration of the application, then the *permis de construire* is considered to be authorised (Art. L.R. 421-12).

C44. In a number of cases, the *permis de construire* may only be granted by an express decision (Art. R.421-19). This concerns the protection of listed buildings and designated areas and development projects or works requiring a public inquiry (*Decree of 23 April 1985;* amended). The silence of the authorities here signifies a refusal of the application.

Compensation

C45. A *permis de construire* granted illegally can impose a liability on public authorities (either the *commune* or the State) if it has been the cause of damages incurred by a third party. The illegal refusal of a *permis de construire* imposes a liability on the responsible authority against the applicant. In both cases, the prejudice caused needs to be proven and shown to be the direct result of the illegal granting or refusal of the permit. In exceptional cases, liability will also accrue to the authorities where no fault has been committed; in particular, where the imposition of an urban planning *servitude* (public interest easement charge) infringes established rights, or where a measure taken legally violates the concept of equality in relation to public obligations.

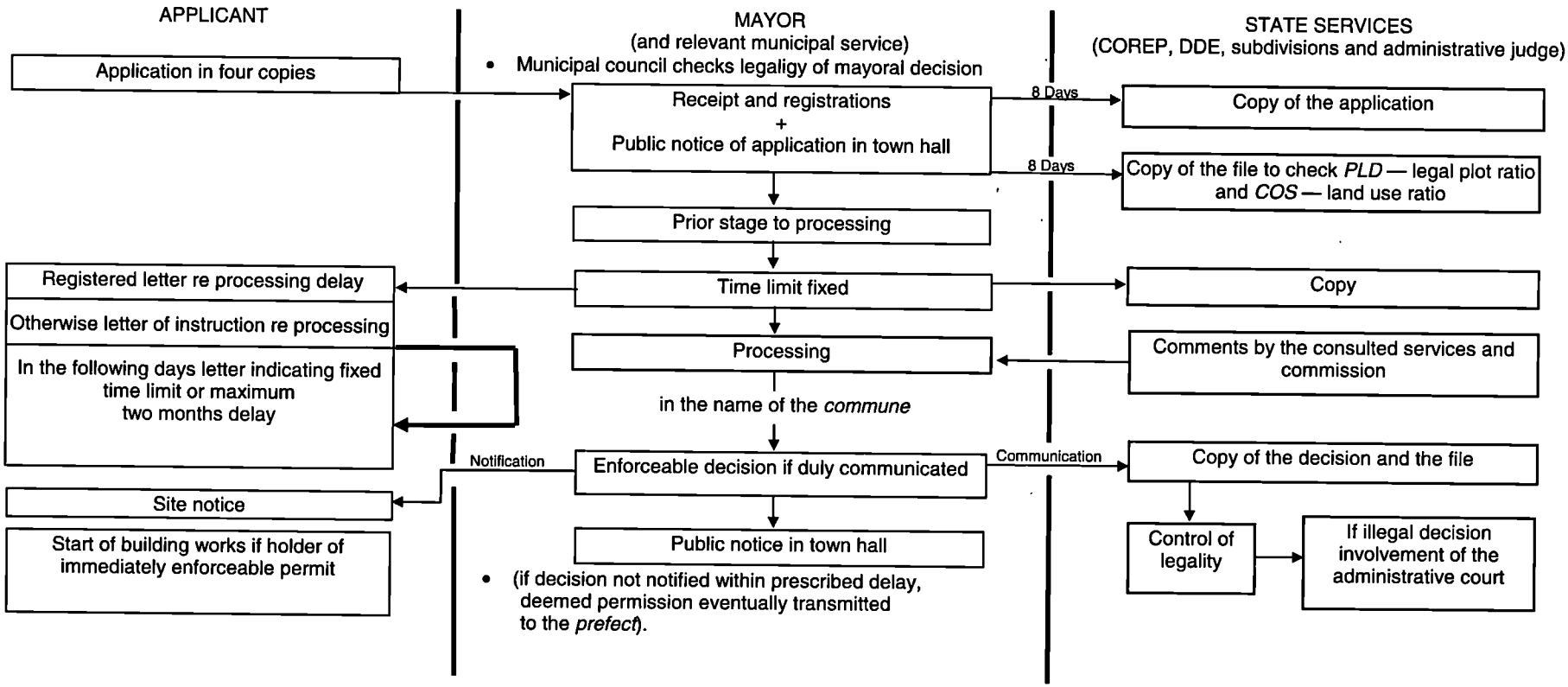
C46. The violation of *prescriptions d'urbanisme* (detailed urban planning conditions which are compulsory) may impose a liability on the person responsible as against third parties, who, as a direct result, have suffered personal, actual and proven damages (Cour de cassation — Supreme Court of Review, it is not an appeal — 1ère Civ. 9 June 1959, 'SCI Terrasses royales'). Compensation here consists in bringing the construction concerned in conformity with the *servitude* which has been ignored. Where this is not feasible, the relevant judge may order its demolition. In such cases where this penalty is judged to be excessive, appeal courts have granted compensation.

C47. The procedure for processing a *permis de construire* is illustrated in Diagram C1 overleaf.

Diagram C1. Procedure for the *permis de construire*

APPLICATION, PROCESSING AND GRANTING OF THE DECENTRALISED *PERMIS DE CONSTRUIRE*

Diagram adapted from: Y.M. Danan and J.P. Forget, Processor. *Procedures d'amenagement et d'urbanisme*, Volume 1, Planning and authorisations, Dalloz, Paris, second edition 1986



Conditions attached to *the permis de construire*

C48. The competent authority may grant the *permis de construire* under the proviso that particular conditions are met.

These conditions may be imposed in relation to objectives (See Art. R.111-2 and following and R.421-48) such as safety (e.g. high-rise buildings, sites exposed to physical risks), amenities (buildings susceptible to exposure to serious nuisances such as high noise levels), the environment (protection or creation of green spaces) or even the equilibrium of public finances (Art. 111-13). It is possible to attach many other types of conditions.

C49. The special conditions attached to a *permis de construire* need to be expressly provided for in law. However, it is largely a matter of interpretation for the authorities to determine what is legally permissible. For example Art. R.111-21 reads as follows: 'The *permis de construire* may be refused or granted under the proviso that particular conditions are met if the buildings, having regard to their siting, their architecture, their dimensions or the external aspect of the buildings or works to be undertaken or to alter are likely to affect the character or the attractiveness of surrounding areas, sites, the natural or urban environment as well as the alignment of the surrounding buildings.'

The law contains other provisions which may impose alternative conditions on the building contractor concerned.

C50. The conditions are linked to the *permis de construire* and are set down in the administrative document issued and not in the form of a specific contract. However, the discretionary powers of authorities in this respect allows room for negotiation, since the competent authority for granting the *permis de construire* is usually faced with the choice of either refusing the permit for reasons as given or granting it under the proviso that specific conditions are met.

Rights of appeal

Status

C51. An appeal can be lodged by any person who is affected by the decision to refuse a *permis de construire* or against the decision to grant it, at the *tribunal administratif* (administrative law courts) and in appeal in front of the *cour administrative d'appel* (appeal court for administrative law cases).

C52. All *permis de construire* are sent to the prefect for the due control of legality over actions by local authorities. Within a two-month period following notification, the prefect can then appeal to the *tribunal administratif* if he believes that a *permis de construire* is illegal. He can also request at the same time a demand for a stay of proceedings in accordance with an emergency procedure; in this case, the President of the *tribunal administratif* will make a decision within 48 hours. If lodged within 10 days from the reception the permit is automatically suspended until the administrative court has given judgement within one month. The *commune* or the local government joint authority are entitled to do the same (Art. L.421-9, al.1). In other cases, the tribunal will pronounce a judgement on the demand for a stay of proceedings within one month.

Conditions and grounds of appeal

C53. Various grounds of challenge; both regarding the substantive issue of the legality of the rule applied and external legality issues may be used to support a legal claim. The judge will be responsible for controlling both the decision to grant or to refuse a permit as well as the specific conditions attached to its procurement.

C54. The *juge administratif* (administrative judge) exercises a normal check on the decisions to refuse a *permis de construire*, in the consideration that the administrative authorities hold no discretion in decision-making here but he may limit himself to a minimum check in cases of appeals against the decision to grant a *permis de construire*, taking account of the fact that, in this respect, the administrative authorities exercise discretionary powers.

C55. Recent rulings seem to be in favour of the divisibility of the *permis de construire* in appeal cases, by allowing appeals against part of decisions, such as the refusal of part of a project (*Conseil d'Etat* — 5 January 1985, '*Résidence du Port*', Act. jur. Droit adm. 1985, p. 237).

This trend has been reflected in law with regard to financial contributions: the illegality of clauses

requiring taxes or contributions for public infrastructure expenditure is without effect on the legality of other clauses of the building permit (Art. L.332-7).

Procedure

C56. The procedure is adversary but written. However, the appellant may make verbal statements before the court.

Other permits

C57. The complete list of other permits is provided under the C2. The most significant will be presented here.

Permis de démolir (demolition permit)

C58. The *permis de démolir* is used to safeguard certain interests such as the protection of existing housing stock in order to meet population requirements and the protection of areas or buildings for aesthetic, historical or environmental reasons.

C59. The *Code de l'urbanisme* (Art. L.430-1) determines the coverage of the *permis de démolir*;

- Paris, *communes* within a radius of 50 km from the old fortifications, *communes* with over 10 000 inhabitants, *communes* registered on a list established by decree with regard to housing needs;
- conservation areas and the perimeters for property rehabilitation;
- the areas within which the visibility line of listed buildings or designated natural sites and monuments is protected;
- the areas, sites and monuments designated by the *POS* for esthetic, historical or ecological reasons;
- the areas delineated by the prefect on the suggestion of the *conseil général* which are included within the perimeters of designated 'sensitive' areas or conservation areas (Art. L.142-11);
- the buildings listed on the additional inventory of historical monuments;
- and the *zones de protection du patrimoine architectural, urbain et paysager* (protected areas for architectural and urban heritage) (Art. 69 to 72 of the *Act of 7 January 1983*).

C60. In the majority of these areas, which often overlap, any complete or partial destruction of a building requires a *permis de démolir* (demolition permit). Any works making the utilisation of a building either impossible or dangerous is construed as destruction. (Art. L.430-2). The competence for granting the *permis de démolir* is the same as that for granting a *permis de construire*; however, the binding opinion frequently required from another public authority often places a limit on the extent of communal powers. In any case, the procedure for granting the permit is the same in all such cases. The consideration of the application takes four months; once this time has elapsed, the silence of the administrative authorities will be interpreted as an acceptance to grant the permit (Art. L.430-4). In order to avoid the risk of *fait accompli* resulting from an erroneous decision, the decision by a communal authority to grant a *permis de démolir* within an area covered by a *POS* is executed only 15 days after its communication to the prefect, even in the case of a *tacit permission*, and subject to the permissible delays for any appeals (Art. L.430-4 and R.430-7-1).

The buildings, monuments or sites 'listed' in accordance with the Acts of 31 December 1913 and 2 May 1930 are not subject to the *permis de démolir* and require special authorisations.

Autorisation de lotir (subdivision permit)

C61. In accordance with Art. R.315-1 of the *code de l'urbanisme*, 'any subdivision represents (...) the division of land with a view to building on the said land and whose purpose it is or it has been over a maximum period of 10 years to divide the stated property into at least two distinct land plots.'

However, some specific forms of subdivision are not subject to the standard regulations and are covered by other systems of development control; these are the *ZAC* (planning and development zones), the *périmètres de restauration immobilière* (perimeters of property rehabilitation), the *remembrement urbain* (urban re-allocation of land) by an *association foncière urbaine* (association of urban landowners) which is already well established or was created specifically (Art. R.315-2).

C62. The subdivision procedure, which was initially an expression of property rights, is now sub-

ject to a system of administrative control which requires an individual permit and which has become a specific procedure for development.

The procedures attached to the *autorisation de lotir* follow very closely those used for the *permis de construire.*

However, the consideration of the application takes three months, increased to five months if a public inquiry or specific consultations are required (Art. R. 315-19).

In cases where the intended subdivision is due to take place in an area not covered by a *POS*, the authorisation for it may be refused if the subdivision is likely to compromise the conditions ensuring the harmonious development of the *commune* or the agglomeration (Art. R.315-28).

C63. The decree which is used to authorise a subdivision (*arrêté de lotissement* —subdivision decree) has three main purposes:

1. it authorises, with a view to selling, the subdivision of land, with the proviso that specific works are undertaken;

2. it approves a variety of documents and confers on them a regulatory character;

3. it sets down, where relevant, several provisions which are also regulatory in character (*Conseil d'Etat* — 4 March 1977, '*Ministre de l'équipement* (Ministry of Infrastructure) c. SA Constructions Simottel' and '*Ministre de l'équipement c. Cts Guillerot*', conclusions Labetoulle, Act. jur. Droit adm. 1977, p.313).

It has a number of consequences. The provisions with a statutory character can be modified, either by a qualified majority of persons affected by the subdivision or by the administrative authorities which may impose specific amendments to make it conform to the *POS* or because a *déclaration d'utilité publique* (declaration of public interest) suddenly makes it necessary. (Art. L.315-3, 4 and 7). However, as an individual act, the *arrêté de lotissement* (subdivision decree) confers development rights to the subdivider, which attracts compensation in his favour in cases where public interest easement charges are imposed after the decree which may compromise the intended works. Such cases represent a departure from the standard law whereby urban planning *servitudes* will not trigger any compensation rights (Art. L.160-5).

C64. The *autorisation de lotir* does not preclude the right to obtain a *permis de construire.*

Exceptions

C65. No form of development is exempt from the national or local rules of urban planning.

C66. The cases where a *permis de construire* is not required and which are not exceptions are discussed in paragraphs C12 to C14.

Departures from plan/amendments

C67. The *POS* can be amended in accordance with a *déclaration d'utilité publique* (declaration of public interest required to make compulsory purchases) issued in respect of a development project which is incompatible with its provisions, provided that the following conditions are met; firstly, that the corresponding public inquiry has demonstrated the public interest dimension of the project and specified the necessary amendments to the *POS* to ensure its compatibility with the project, secondly that the act used for the declaration has been jointly examined by the State and the *commune* (i.e. the relevant intercommunal organisation), thirdly that the *conseil municipal* as the case may be the council of a local government joint authority) has delivered an opinion on it. In such cases, the public interest declaration will result in an amendment of the *POS* (Art. L.123-8).

C68. Aside from this case, a *permis de construire* may allow for departures from the general rules of urban planning governing the required distance from highways or major road networks , on the basis of particular topography (Art. R.111-5) and departures from the regulations governing the siting and the volume of construction in a public interest (Art. R.111-20).

However, in the presence of a *POS*, no departures are possible, save minor adjustments.

Enforcement procedures

C69. The procedures which are intended to safeguard development rights consist of appeal

rights (see paragraphs C51 to C56), *recours en responsabilité* (action in liability in tort) which may be brought in front of an administrative or civil law judge where relevant (see paragraph C45) and an action in restitution which may be taken over excessive/illegal costs imposed on developers (see paragraph C18 to C28 — Financial obligations attached to urban development).

Area of regulation

C70. This is not applicable because all areas are subject to regulation.

Unauthorised use and development

C71. In certain cases, the law allows a *permis de régularisation* to be issued (regularisation permit used to bring a given development into conformity with applicable law) for works started before obtaining a proper *permis de construire*. However, this permit is only valid for the future; the breach committed beforehand by building without proper authorisation is therefore not annulled and the offender thus remains liable in French criminal law for the period of time preceding the obtaining of the *permis de regularisation*.

C72. Cases occur, where a *permis de construire* has been annulled and the corresponding building works have already been implemented. Here, where the annulment has been made for a motive of external legality, then a *permis de regularisation* may be issued without problems. However, where the annulment is made on the grounds of *illégalité de fond* (substantive question of illegality), then a new permit will not be issued unless existing regulations are amended. Nevertheless, administrative judges in such cases claim that demolition orders are outside of their competence.

C73. In its 1992 report on urban planning law, the *Conseil d'Etat* alerted public authorities on the lack of legality controls in this particular field.

Regulation and development illustrations

Example of a commercial development: the *zone d'aménagement concerté (ZAC)* planning and dvelopment zone) of the French terminal for the Channel Tunnel

C74. As soon as the decision to build a tunnel under the Channel was taken, the local authorities and the State introduced a new regional development policy.

On the 14 March 1986, the *Plan transmanche* (cross-Channel plan) was the subject of a protocol agreement between the State and the Nord-Pas de Calais region. It defined an investment programme intended to adapt the regional infrastructure to the new project and also made provisions for the creation of a *ZAC* for the Channel Tunnel which subsequently became the responsibility of Eurotunnel, a Franco-British venture, under a *convention* (contractual agreement). The purpose of creating a *ZAC* was to provide a tool for local economic development by principally accommodating commercial companies.

ZAC are usually created by local authorities; although the *code de l'urbanisme* also allows the State to do so (Art. L.311-1, al.7); the *ZAC* of the Channel Tunnel actually represents the first *ZAC d'Etat* (State *ZAC*), a paradox since the decentralisation reform provided *communes* with greater urban planning competences several years ago but which can be explained by the fact that all of the surrounding *communes* in this case were small and rural and on account of the size of the intended development (700 hectares), it was viewed to be of national and regional significance.

The *ZAC* was created by an *arrêté du préfet* (Prefectoral Decree) of the Nord-Pas de Calais on the 21 February 1990, after a study of the proposals made in *1989* by a *commission interministérielle* (Inter-ministerial Commission). Its report concluded that the development and servicing of the area should be undertaken by the company France-Manche by way of a contractual agreement, acting as the French concessionary for the Tunnel and a subsidiary company of Eurotunnel. It was also decided that a *plan d'aménagement de zone* (area development plan) should be drawn by Government departments, in close cooperation with the Inter-governmental Commission established by the Canterbury Treaty to im-

plement the prerogatives of the concessionary companies together with France-Manche and the local authorities.

All these recommendations were subsequently implemented. The Prefectoral Decree of 21 February 1990 provides that the convention agreement between the State and France-Manche should specify the appropriate public and private activities to be undertaken within the *ZAC*. In order to draw the *PAZ* (*Plan d'Aménagement de Zone*) the Prefect of the Nord-Pas de Calais instituted a steering group, bringing together government representatives as well as representatives of the local authorities concerned and Eurotunnel, charged with the supervision of studies carried out by a technical work group.

For the purpose of servicing and developing the area, Eurotunnel created a subsidiary called the *Société d'Etudes d'Aménagement du Terminal* (company responsible for undertaking studies on the development of the terminal) which presents its project proposals to the steering group.

The *convention d'aménagement* (contractual agreement over the proposed development of the area concerned) was only signed on behalf of the State by the Prefect of the Nord-Pas de Calais with France-Manche once the *PAZ* had been agreed by all parties. This procedure has enabled the State to exert some control over the development projects of the concessionaries in order to guarantee their local integration and their technical and financial feasibility.

The *PAZ* and the development convention were respectively published or signed at the end of 1991. The implementation of the *Tunnel ZAC* took approximately two and a half years. Eurotunnel expects the commercialisation of the Tunnel to bring additional revenues but does not benefit, in the meantime, from any State subsidies.

Example of a housing development scheme: the ZAC *Paris-Seine-Rive Gauche* (Paris-Seine-Left bank)

C75. This *ZAC* is part of the development project for the Seine south-east sector, as scheduled in the *schéma directeur d'amenagement et d'urbanisme* (Master Development and Urban Planning Scheme) of the Ile-de-France region and in the *schéma directeur* (structure plan) for the city of Paris.

These documents most notably prescribe an end to the development of tertiary activities to the west of the capital and a balanced development of the east side, comprising housing, office and retail space.

The decision to build the *Bibliothèque de France* (National Library) on the left bank of the Seine to the west of the *Gare d'Austerlitz* (Austerlitz railway station) provided a starting point for the development of this area. It has subsequently led to the creation of a *ZAC* by the *conseil de Paris* (Paris Council).

However, in order to create the *ZAC*, it was firstly necessary to amend the existing *POS* (local land-use plan). Indeed, the Marie-Curie square needed to be included in it, whose surface area was to be extended (from 4 000 to 7 000 m²), along the boulevard Saint-Marcel. However, the *code de l'urbanisme* (code of urban planning law) provides that in *communes* covered by a *POS*, a *ZAC* may be created only within existing or future urban areas as delineated by the *POS* whereas the Marie-Curie square was classed as a *zone naturelle* (ND — nature zone). It was therefore necessary, by amending the *POS* to classify the Marie-Curie square as a *zone urbaine* (U — urban zone). The *conseil de Paris* approved this amendment in March 1991. This subsequently made the *ZAC* creation possible, which was agreed in May 1991 with the adoption of the *plan d'aménagement de zone* (area development plan) in July 1991. The Prefect of Paris then declared the project to be 'in the public interest' in a decree on the 7 November 1991. The totality of the required urban planning measures for the development project were, therefore, adopted and implemented in less than a year.

The *ZAC* covers 130 hectares stretching from the Austerlitz bridge to the Paris ring road. The development project includes the construction of 520 000 m² of housing, which represent approximately 5,200 housing units, a third of which is social housing, as well as 900 000 m² of office space, comprising 70 000 m² for the Ministry of Home Affairs, 250 000 m² of private retail and common infrastructure facilities, the *Bibliothèque de France* (200 000 m²) and one university (80 000 m²).

The acts relating to the creation of the *ZAC* and the public interest declaration were the subject of an *ultra vires* action, which disputed the legality of the *POS* amendment whose aim was to facil-

itate the *ZAC* creation and the provision for green spaces, judged to be insufficient on the basis of the forecasts drawn in the *schéma directeur d'aménagement de la région* and the *schéma directeur de la ville de Paris* (Paris Structure or Framework Plan). This appeal was rejected (decree of 3 December 1993, 'Ville de Paris c. Parent et autres' (see Revue française Droit administrative, issue of May-June 1994 p583).

However, the *conseil de Paris* recognised the value of the criticisms brought by the appellants and subsequently adopted a new *plan d'aménagement de zone* (area development plan), providing additional green spaces.

Example of an industrial development: the development of the Plaine-Saint-Denis (Department of the Seine-Saint-Denis, northern suburb of Paris)

C76. This represents a zone of 670 hectares which stretches from the north of Paris between the *porte Clignancourt* (highway exits marked by 'portes' or gates) and the *porte de la Villette*, covering the *communes* of Saint-Ouen, Aubervilliers, and in particular Saint-Denis (450 ha) which is the *prefecture* of the Department (where State services for the whole Department are undertaken). These suburban municipalities are part of the former 'red belt' of the capital representing the working class and left wing areas of Paris; as such they were seriously undermined by the disappearance of traditional industrial activities and the damage to the social fabric caused by the development of major infrastructure in the area (A1 highway, A86 bypass and the railway links to the Gare du Nord).

With a view to promoting economic development in the area again, the three municipalities along with the *département* of the Seine-Saint-Denis created the *syndicat mixte* (joint authority) known as Plaine-Renaissance in 1985, which was charged with formulating and overseeing the implementation of a development project. Numerous studies were subsequently carried out and submitted to boards representing the local population for their comments. They resulted in the formulation of a project which was inscribed in a *charte intercommunale de développement et d'aménagement* (intercommunal planning and development charter), adopted in 1990.

In April 1991, the three *communes* and the Department together with the Chamber of Commerce of Seine-Saint-Denis, several banks and the *Caisse des Dépôts et Consignations* (major public financial institution), as well as the State with a modest share, created a *société d'économie mixte* (semi-public company), the SEM Plaine-Développement.

The urban project, prepared by five teams of architects, was presented in May 1992 with an implementation programme of over 20 years. The proposed infrastructure will serve as a basis for the intended developments. It is hoped moreover that east-west links and landscaping will restore character and unity to the whole area. The municipality of Plaine Saint-Denis is intended to represent a new development area in the Ile-de-France region but not a new business area or a new town.

Another aim of the project is to double employment, to limit to 17 000 the number of housing units, to maintain productive activities in the area to avoid complete tertiarisation and to maintain the existing population. The control of the project will, at all times, remain the responsibility of local authorities.

Moreover, the developable areas will be allocated in equal parts between public spaces, social housing and the private sector. The *SEM* has enabled local authorities to exercise proper control over the required land policy for the project and it was able to maintain specific businesses in place by providing them with adequate sites.

The development of the Plaine-Saint-Denis has received government backing in the following ways financial participation in the *SEM*, funding provision for the A1 motorway, extension of line 12 of the underground, modernisation of the RER station 'La Plaine Voyageurs' (RER- express regional rail links to Paris). In fact, this station is now only 5 minutes away from the Gare du Nord TGV and 25 minutes away from the Roissy-Charles de Gaulle airport. Several government departments were to be moved to the Plaine-Saint-Denis (the *DATAR* and the *Commissariat général au Plan* (General Commission charged with the elaboration of the National Economic Development Plan); the *Délégation interministérielle à la ville* (Inter-ministerial Delegation for Urban Policy) is already established there. The project is taken into account by the new *schéma directeur d'aménagement* of the Ile-de-France region, which was approved in April 1994 and in the *contrat de plan* agreed by the State and the region.

However, the government decision to locate in Saint-Denis the large stadium destined for the Football World Cup event in 1998 will in effect transfer part of the responsibility for the development of the zone to the State.

This stadium will be built in the northern area of the Plaine-Saint-Denis development zone, an area which was earmarked for industrial activities by the *POS* of the city of Saint-Denis.

In order to meet the deadlines, the Act of 31 December 1993 authorises the implementation of this project which is categorised as 'the development of a sports facility of national significance', 'despite any provisions to the contrary in the *schéma directeur d'aménagement et d'urbanisme* of the region and any other urban planning documents relating to the site concerned', as well as the use of the emergency procedure for compulsory purchase (defined in the *code de l'expropriation* — Art. 15-9) in the *commune* of Saint-Denis, provided that inhabitants are previously offered alternative accommodation. Moreover, a *ZAC* will be created as a government venture within the total area where the large stadium is due to be built. By law, the State is also able to allocate the responsibility for the construction and the management of the stadium to concessionary firms as well as part or all of the required infrastructure works. Lastly, a national *société d'économie mixte* was created in August 1994. Its principal shareholders are represented by the *State* (51 %), the Department of the Seine-Saint-Denis as well as the city of Saint-Denis (5 % each) with total local authority shareholding limited to 33 % together with the *Caisse des Dépôts et Consignations*.

The development of the *ZAC* was conceded by the State to the national SEM which was created for the purpose. Lastly, on the results of competitive tendering, the successful candidates have created a company which is undertaking the construction and the management of the stadium as concessionaries.

Other example: Euralille and Projenor, financial partners of the public authorities of Nord-Pas de Calais

C77. The Channel Tunnel and the TGV should be providing the opportunity to redevelop the territory of the region concerned. In order to organise the development of the Lille metropolitan area, two instruments were created by the *Caisse des Dépôts et Consignations* which represents the foremost public financial institution in France and by its subsidiary, the SCET, which has specialised in major development projects. Both of these institutions have effectively responded to the wish of the mayor of Lille to implement a large urban project resting on the construction of the new TGV station in the centre of town.

Initially created as a *société d'étude* (project consultancy firm) to prepare the project at an urban planning and economic level, Euralille became a *société d'économie mixte* (semi-public company) in May 1990 in which the local authorities and their groupings detain a majority holding (50.3%) and therefore the majority of seats on the board of directors, as prescribed by the law. The city of Lille (20.28 %) and the *Communauté urbaine de Lille* (Metropolitan Joint Authority of Lille — 16.47 %) are its principal shareholders; the president of Euralille is the president of the *Communauté urbaine*. Other shareholders mainly represent large financial institutions: most notably, the *Caisse des Dépôts et Consignations* (7.32 %), the *Crédit Lyonnais* but also the National Westminster Bank and the Bank of Tokyo.

The implementation of the project is facilitated by the fact that the city of Lille is owner of 110 hectares in the zone concerned, thus fully able to control land policy.

The development covers a zone of 830 000 m² in the centre of town, around the new TGV station, out of which 430 000 m² are developable and covers a maximum 800 000 m² gross (the *COS* — that is the land-use ratio is equal to 1.9).

Some 30 to 40 % of the building rights cover business activities and related services but 1 000 housing units are also planned; moreover, 75 000 m² have been allocated for education and research facilities.

The key features of the project, aside from the TGV station, are the *Palais des Congrés* (Congress Hall), a commercial centre and a business area.

At the end of 1994, the whole of the project was completed and its marketing well-started.

Projenor represents the financial arm of Euralille. It is a development agency, which is partly owned by the shareholders of Euralille but not the local

authorities; however, many State-run companies are also represented within it such as the companies for the economic re-conversion of the region, the *société régionale des caisses d'épargne* (regional company representing savings banks), the SANEF, (the *société d'économie mixte* which acts as a concessionary for the management of motorways) as well as the SNCF (National Railways Authority) and Eurotunnel. Here, the local authorities only act as clients. Projenor, on the other hand, acts as a developer which promotes public/private partnership to set up complex land-use and property transactions for a variety of purposes.

Projenor and Eurolille are in a different way the arbiters of economic projects whereas the local authorities are not directly responsible in that respect. This represents a new phenomenon in the French economy with regard to the use of *sociétés d'économie mixte* (semi-public companies).

Sources of further information

See the various references provided at the end of Section B as well as the following:

- *Conseil des Impôts, Douzième Rapport au Président de la République. La fiscalité de l'immobilier urbain, Journaux Officiels*, brochure No. 4206, 1992 (Twelfth Report to the President of the Republic. The fiscal policy attached to urban real estate);
- *Ministère de l'Equipement, du Logement et des Transports*;
- *Le manuel du permis de construire*, 2 tomes, Paris (the manual for the building permit).
- *Forget J.-P, Le permis de construire*, ed. Delmas, Paris, 2ème éd. 1985 (The building permit);

Schmidt J., *La fiscalité immobilière*, Litec, Paris, 3ème éd. 1988 (Fiscal policy attached to real estate).

D. Agencies and mechanisms for development and conservation

Summary

D1. It is firstly worth noting that the distinction between development and conservation is no longer well-founded, in spite of the fact that it gave rise to significant Acts. The overall tendency is to promote development in conditions which ensure the protection of sites, the environment and monuments. However, there is only a limited number of areas which are exclusively classified as conservation areas.

D2. The *code de l'urbanisme* (code of urban planning law) draws a distinction between four categories of implementation bodies, these are the *établissements publics d'aménagement* (public law development agencies), the *associations foncières urbaines* (associations of urban landowners), chambers of commerce and industry and the trade associations as well as the *établissements publics fonciers* (public law real estate agencies). The *sociétés d'économie mixte* (SEM) (semi-public companies) should also be added to the list since they represent the most significant instrument used for development projects. Certain associations created under the *Act of 1901* are also used for carrying out studies, project coordination or management. These bodies are to a greater or lesser extent subject to the control of the *chambres régionales des comptes* (regional audit offices) and their legal status is governed by public and private law.

D3. With regard to policy instruments, French law allows a combination of financial incentives, development projects which are directly funded by local authorities and statutory policies. The latter prevail when the objectives set are to ensure the conservation or protection of given areas. Economic development policies combine State and local government instruments. The State is specially involved to keep under control the expansion of Paris, the reconversion of old industrial regions, and to support technological innovation. Local government authorities have more opportunities to support economic development on the basis of powers granted by the laws since 1982.

As far as developments are concerned, the *ZAC* (planning and development zone) is still under the standard legal instrument, which can be used under various arrangements regarding risk sharing. Alternatively and for some purposes *programmes of d'amenagement d'ensemble* or property rehabilitation programmes can be preferred.

Specific procedures are practised for exceptional events.

There are also a great variety of instruments for conservation purposes, or for the protection of the environment. For conservation purposes, the law provides for either instruments which can be used in any area where protection is necessary (for example: pre-emption zones), or specific policies for designated geographical zones (mountain areas, and sea coasts). More recently planning has been developed for waste and water management; it is combined with financial instruments.

Development

Regional economic development

D4. The distinctions between regional and local development is not relevant in the French planning system. Under the heading Regional economic development State interventions will be presented.

Interventions on the location of business activities

D5. The interventions on the location of business activities are firstly aimed at the relocation of activities from the Paris region to the province wherever possible and to control the implementation of new activities in the Ile-de-France region.

D6. In the Ile-de-France region, the construction of new office space to the west of Paris and its region or of industrial plants or warehouses is subject to obtaining an *agrément* (form of consent) above a certain threshold, with a few notable exceptions (Art. L.510-1 to 4 and R.510-1 to 13).

D7. Since 1991, the State has recently reactivated its policy of relocating government departments. It hopes, in this way, to create regional and interregional poles of State services.

D8. Fiscal and financial measures are also used in addition to the administrative measures described above. These include duties on office buildings and premises for research purposes which may vary on an area basis (Art. L.520-1, R. 520-12) and whose revenue is included in the investment section of the budget of the Ile-de-France region (*code de l'urbanisme*: Art. L.520-4); loans, interest credit or State guarantees towards the funding of company relocations (*code de l'urbanisme*: Art. I.530-1 to 4: L.540-1).

D9. The principal instrument used by the State to intervene on the location of activities is the *prime d'aménagement du territoire* (*PAT*) (development grant). This grant is intended to 'promote activities in certain areas of the national territory' (decree of 6 February 1995) which are defined in accordance with the Commission of the European Communities and which are not identical for all activities. The rate of the *PAT* varies on an area basis with the exception of research projects. Funds are additionally allocated towards small projects.

D10. The *DATAR* has opened offices abroad whose principal task is to identify those companies looking to invest in Europe in order to direct their choice towards France (these offices are spread across four main zones: Europe, principally from Brussels with other offices in Frankfurt, Milan, Amsterdam, Madrid and Zurich; the United States, Asia and Scandinavia).

Economic reconversion and industrial restructuring

D11. The reconversion zones are not located in well-defined geographical areas; they vary according to the structural changes in the industrial sector and the results already obtained from reconversion.

D12. The reconversion of mining areas is supported by the *GIRZOM* (Inter-ministerial grouping for the restructuring of mining areas); this grouping is responsible for the modernisation of infrastructure, public facilities and housing in mining areas. It also funds specific employment programmes.

D13. The *sociétés de conversion* (industrial conversion companies) represent financial institutions which were created by major industrial groups with government backing and which pursue economic policies aimed at combating the negative effects on employment of structural changes within the industrial sector (in particular, undertaken by subsidiaries of mining companies or the iron and steel industry). Their principal tasks are to facilitate the location or creation of new companies in reconversion areas by providing long-term loans or acquiring shares in the companies concerned.

D14. The policy of economic reconversion was initiated by a Circular of the Prime Minister (February 1984). As a result, 14 *poles de conversion* (reconversion areas) were designated where the industrial restructuring policies had seriously affected employment (shipbuilding industry, iron and steel industry but also chemical works or rubber industry in other areas).

The *préfets de Région* (Prefects of Region) were charged to mobilise all public resources available for economic programmes in order to promote

employment opportunities and to ensure the implementation of the 'social' policies linked to the elimination of jobs; i.e. speeding up procedures, the provision of aids at maximum rates, capital investment for the development projects of public companies in the areas concerned, financial participation in national pension funds, call to the banks to secure loan provision, the allocation of 'exceptional funds' (most notably, the Fund for the industrialisation of Lorraine), EU funding.

Special experts are appointed from the civil service to assist the *préfets de région* to coordinate the aid programmes available for economic development in areas earmarked for reconversion. The *DATAR* is responsible for activating the networks of such advisors. The *CIAT of the 10 February 1993* (Inter-ministerial Planning Committee) has again made use of this particular procedure for various areas.

D15. In the *zones d'entreprise* (enteprise zones) created in 1987 in those *communes* affected by the closure of shipyards (Dunkerque, Aubagne — La Ciotat, Toulon — La Seyne), the companies relocating there within a five-year period have benefited over a total 120 months from a total exemption of the company tax. Moreover, although it was not possible to combine such an exemption with other forms of State aids, the local authorities themselves were in a position to offer other forms of grants and incentives. No other *zones d'entreprises* have since then been created.

Corsica has been made an income tax free zone for activities undertaken before 31 December 2001 during 60 months, under some exceptions (L.n96-1143, 26 December 1996). Furthermore, 44 urban free zones (six overseas) were created in deprived areas (L.n 96-987, 14 November 1996; D.96-1154 and 1155, 26 December 1996).

D16. Policies in respect of industrial restructuring are determined, according to their significance, by:

- the *comité interministériel de restructuration industrielle* (*CIRI* — Inter-ministerial Committee for Industrial Restructuring);

- the *comité régional de restructuration industrielle* (*CORRI* — Regional Committee for Industrial Restructuring; six are in existence, created after 1982); or

- the *comité départemental d'examen des problèmes de financement des entreprises* (*CODEFI* — Departmental Committee responsible for examining funding problems of companies).

The *CORRI* and the *CODEFI* are respectively presided over by the *préfet de Région* (Prefect of region) and the *préfet de Département* (Prefect of Department). The aids which can be granted to companies facing financial difficulties in this way take the form of payment deferrals or transactions for fiscal debts or social contributions, subsidies or loans from the *fonds du développement économique et social* (*FDES* — budget for economic and social development).

Policies regarding shipyards are subject to other specific procedures.

Policy measures in favour of regional and local development

D17. The creation of the *pôles technologiques régionaux* (regional poles of technology — in accordance with the *loi d'orientation of 12 July 1982* — National Guidance Act) was intended to provide research and training facilities in the various French regions in order to create an attractive business environment for companies (recruitment and technology transfers).

D18. The *Agence Nationale pour la Valorisation de la Recherche* (*ANVAR* — National Agency for the Promotion of Research) which comes under the authority of the *ministère de l'industrie* (Ministry of Industrial Affairs) and the *ministère chargé de la recherche* (Ministry charged with research) is organised on a regional basis. It gives grants to small and medium-sized industries for the introduction of new production methods or for the launching of new products, loans which are only reimbursable in successful cases and to research bodies an *'abondement'* (portion of research costs met by the State) which is deducted from the total price paid by companies for research and development. The intervention of the *institutions de capital-risque* (capital-risk institutions), which are often created by public financial institutions, extends the aid brought by the *ANVAR*.

D19. Other public bodies, which are created in conjunction with the business community are also responsible for the promotion of technology transfers in favour of small and medium-sized

companies; one part of the budgeted funds is registered in the *contrats de plan Etat-région* (State-region plan conventions) and the decisions governing their allocation are made at the level of the deconcentrated State services represented by the *directions régionales de l'industrie, de la recherche et de l'environnement* (*DRIRE*) (Regional services for industry, research and the environment). In order to ensure a link with companies, the *ministère de l'industrie* has established a twin network: the *centres techniques industriels* (*CTI* — Industrial Technical Centres — provision of technical assistance) of which there are 16 in total and the *centres régionaux d'innovation et de transferts de technologie* (*CRITT* — Regional Centres for Innovation and Technology Tranfers — approximately numbering one hundred).

Local economic development

D20. The distinction between regional economic development and local economic development is not relevant in the French planning system. Here the economic policies pursued by local authorities will be presented.

Aids in favour of the location of business activities

D21. A municipality which takes over in a public interest, and using public law prerogatives, the implementation of an individual relocation considered as useful for local development has carried out the proper execution of a public service — Council of State — 26 June 1974, '*Société La Maison des Isolants de France*', Rev. Droit public 1974, p.1490, note J.-M. Auby). The Council of State has so recognised that local and economic development justifies specific undertakings of the municipality, which are part of its responsibility as *mission de service public*.

Tax exemptions

D22. In the zones defined by decree where the policy on *aménagement du territoire* requires it, the *communes* or their groupings, the departments and the regions may, individually, exempt on a temporary basis from the business tax those companies which have chosen to decentralise their activities to the areas under their remit, or extend or created their production/research or management activities in those same areas or which are undertaking the reconversion or resumption of industrial activities in the same locations (*code général des impôts* — general code of taxation law: Art. 1465).

D23. The *loi d'orientation pour la ville* (Urban Policy Guidance Act) enables the *communes* to extend tax exemptions for business tax to new companies or company expansions in disadvantaged urban areas (*code général desUimpôts*: Art. 1466A).

The competence of local authorities regarding financial grants and incentives to companies

D24. The Act of 1982 (*loi sur les droits et libertés des communes, des départements et des régions* — Self-government Reform Act) defines in identical terms the competences enjoyed by the *communes* and by the departments (Art 48) and the regions (Art. 68- amended by the Act of 4 July 1972: Art. 4 and 4-1) with regard to company grants and incentives.

The law extends the competence of local authorities in economic development in two ways:

1. to promote economic development;

2. to ensure the protection of the social and economic interests of the population (grants available to companies in financial difficulty — an option closed to *communes* in 1988) or the satisfaction of the needs of the population in rural areas.

It therefore officially empowers local authorities, the *communes* as well as the departments and the regions to intervene in the local economy, under specific conditions and according to set principles. The enlarged responsibility of local authorities for economic development also results from the suppression of the former prefect's tutelage over local authorities.

With regard to the grants in favour of economic development, the local authorities can grant direct or indirect aid to companies under the conditions set by the *loi de plan*. In fact, the wide variety of aid available for industrial property, most notably granted by the *communes*, are the most widespread category of aid.

The authorised categories of aid are defined by Article 4 of the *loi de plan* (Act approving the

Economic Development Plan) of the 7 January 1982 which remains in force (*Conseil d'Etat* — 17 January 1994, 'Préfet des Alpes-de-Hautes-Provence', Circular by *the ministère de l'intérieur* (Ministry of Home Affairs) *of the 7 March 1994*, commentary by J.-Cl. Douence, Rev. fr. Droit adm. No. 5, 1994, p.900 and the following). They exclude other types of aid, having regard to the fact that local authorities (particularly regions) 'do not hold, in accordance with the law, general competences in economic matters' (*Conseil d'Etat*, 15 February 1993, 'Région Nord-Pas-de-Calais', 2 *espèces, Droit administratif* 1993, no.154). This means that *communes*, *départements* and *regions* have no general competence in economic matters, but that which is specified by the law. On their application procedures, the four decrees of 22 September 1982 need to be consulted, as amended by the decrees of 15 January 1988.

D25. Moreover, local authorities frequently resort to loan guarantees and the provision of securities. They also grant loans and capital advances (other than those resulting from the provision of agreed guarantees and interest credit.

Urban development

Development projects and action programmes: General provisions

D26. Article L.300-1 of the *code de l'urbanisme* defines development projects and action programmes. In accordance with the Circular of 31 July 1991, which provides comments on the application of the *loi d'orientation pour la ville* (Urban Policy Guidance Act), *opérationsd'aménagement* (development projects) are represented by the following; *ZAC*, subdivisions, property rehabitation, joined building permits (Art. 421-7-1; see above, Section C) and the reallocation of land plots by *associations foncières urbaines* (associations of urban landowners). The *actions d'aménagement* (development actions) on the other hand, are represented by the *actions de développement social des quartiers* (programmes for the social development of deprived urban districts) and by the complementary policy measures attached to housing policy such as the *opérations programmées d'amélioration de l'habitat* (*OPAH* — Programmes for the rehabilitation of buildings and public spaces) and the *opérations de résorption de l'habitat insalubre* (programmes for the reduction of unfit housing).

The law binds the local authorities here to carry out consultations under two different procedures (Art. L.300-2 of the *code de l'urbanisme* and Article 4 of the *loi d'orientation pour la ville* — 13 July 1991).

D27. Article L.300-4 of the *code de l'urbanisme* allows the State as well as local authorities or their joint authorities to delegate the required project studies or the implementation of development projects to any legally entitled public or private body. When a *convention* (contractual agreement) is passed either with a public law corporation, a *société d'économie mixte*, local authorities or their joint authorities, it can take the form of a *concession d'aménagement* (development concession). The concessionary body can subsequently acquire land by compulsory purchase. However, if the project is delegated through a *convention* to a private company, then a concession is no longer possible; compulsory purchase can only be carried out by public bodies or by persons of private law which are in fact instruments of public authorities.

Nevertheless, compulsorily purchased buildings may be sold by mutual agreement or temporarily leased, provided that the buildings be used in accordance with terms of reference.

The zone d'aménagement concerté (*ZAC*) (planning and development zone)

D28. The *ZAC* represents the most widespread instrument for ensuring the implementation of development projects on account of its flexibility and versatility.

Its definition is provided by Article L.311-1 of the *code de l'urbanisme:* 'The *zones d'aménagement concerté* are zones within which a local authority or a public law corporation legally entitled to do so, may choose to intervene in order to develop or to arrange for the development and the servicing of land, most notably those sites which the local authority or corporation have acquired or is intending to acquire with a view to their subsequent sale or concession to public or private users'. The logic of this procedure is that it allows the funding of the development and servicing of a zone through the revenues derived from the assignment or temporary lease of developable land to building contractors. It represents a means of Intervention by the public authorities; in law, the public sector will always take the initiative of cre-

ating a *ZAC* and will also determine the allocation of risks tied to its development, on the basis of the chosen means for implementation. The *ZAC* was instituted to replace the procedure of the *zones à urbaniser par priorité* (*ZUP*) (priority urban development zones); it was therefore intended to provide the framework for large-scale urban development projects. However, today, the *ZAC regime* is also used for small development projects, which facilitates private sector funding of the entire development. However, the *ZAC* is also subject to the *POS* (local land use plan); and although it is always possible to depart from the *POS* by formulating a *plan d'aménagement de zone* (*PAZ* — area development plan), the use of this plan has been aligned with that of the *POS* and is therefore subordinated to similar regulations as the *POS*.

Sources: Art. L.311-1 to 6; R.311-1 to 38.

D29. In an area covered by a *POS*, a *ZAC* may be created only in the *zones urbaines* (*U* — urban zones) or the *zones d'urbanisation future* (*NA* — future urbanisation zones) delineated by the *POS*. In an area which is not covered by a *POS*, the creation of a *ZAC* is subject to the regulations on *constructibilité limitée* (restricted building rights) (see above, B66 and B67); the *PAZ* then needs to be compatible with the *schéma directeur* where it is in force (Art. L.311-4).

It is necessary to draw a distinction between the initiative underlying the use of a *ZAC* and the actual decision to create it, both from a legal and a practical point of view. In law, the initiative to use a *ZAC* exclusively rests with the local authority or the public law corporation which is legally competent in this respect. The majority of *ZAC* were created on the initiative of *communes* or joint authorities.

However, it is frequent that the initiative by a public body to create a *ZAC* was motivated by a proposal put forward by a private developer. Its implementation then gives rise to a *convention* (contractual agreement) between the public authority and the developer. On that basis, the *ZAC* was described as the 'legal expression of negotiated urban development' (J.P. Lebreton, op. cit. p.406).

The landowners are entitled to serve a purchase notice to the public authority having taken the initiative to create a *ZAC*.

D30. The decision to create a *ZAC* has to approve the relevant dossier, fix the boundary of the *ZAC*, select the means of implementation, determine the regime of the *ZAC* vis-a-vis the *TLE* (*taxe locale d'équipement*) (local service/infrastructure tax) and the relevant urban planning document. It does not require a preliminary public inquiry. It represents a non-regulatory act which does not confer established development rights (contrary to the *permis de construire* or the *autorisation de lotir* (subdivision authorisation) for example); the developer himself does not hold any established rights attached to the *ZAC* development once it has been created (*Conseil d'Etat* — Council of State — 28 November 1986, 'SCI domaine de la Seigneurie').

D31. An implementation dossier is submitted to the authority responsible for the *ZAC* creation. It calls for the approval of the programme public infrastructure, the provisional funding conditions and where relevant and graphic documents may in practice be less detailed than a *POS* to allow greater room for manoeuvre for the developer; the permissible building density is not expressed in a *COS* (*Coefficient d'Occupation du Sol*) (land use ratio) but by the net overall area of each of the blocks to be developed (Art. R.311-1-3). The *PAZ* is legally binding on property interests in the same way as the *POS*.

D32. The two phases for the creation and the approval of the implementation dossier may be contracted into one when the project does not require the formulation of a *PAZ*.

D33. The implementation of a *ZAC* may call for different types of legal procedures (Art. R.331-4):

1. **Direct management**: Here the public authority which has taken the initiative to create a *ZAC* is able to ensure implementation by itself. It will subsequently supervise all aspects of the development but conversely bear all the corresponding risks. Therefore, in a majority of cases, an *organisme d'aménagement* (development agency) will be specifically appointed.

2. **Mandate**: In this case, an *établissement public d'aménagement* (public law development agency — Art. L.321-1) will be appointed to implement the project by way of a *convention de mandat* (mandate agreement). This formula has been used for the *Etablissement public d'aménagement de la Défense* (Public Law

Development Agency of the Defense area in Paris) and the *Agence foncière et technique de la région parisienne* (Land development and technical agency of the Paris region). It is prescribed by the *Act of 13 July 1983* relating to the development of *villes nouvelles* (new towns).

3. **Concession**: A concession agreement may be passed with a public law development agency or with a *société d'économie mixte locale*. This is the most commonly used formula.

4. **Contractual agreement**: The implementation of a *ZAC* may be carried out by a private or a public body through a contractual agreement. This formula is rarely used to assign a project to a public body but it represents the general rule when appointing a private company. In practice, risk-sharing distinguishes the contractual agreement from the concession; indeed, the purpose of the former is to impose full liability on the developer concerned (whether public or private) for the financial balance of the project at hand and generally requires him to obtain financial guarantees for the completion of works from a bank or a building society. *ZAC* which are the responsibility of a private developer by way of a contractual agreement are often referred to as *ZAC privées* (private ZAC) whereas all other *ZAC* are referred to as *ZAC publiques* (public ZAC). In any case, any contractual disputes arising between the developer and the public body which is party to the contract are subject to administrative law.

D34. The conditions attached to the implementation and the funding of infrastructure vary in accordance with the nature of the infrastructure to be built.

A distinction is made between four different categories of *équipements* (infrastructure) categorised as:

(a) 'superstructures' (school/sport and hospital facilities) which are usually financed by local authorities;

(b) 'primary facilities' (allowing the zone to be accessed from the outside), which are also financed by local authorities;

(c) 'secondary facilities' (within the zone; e.g. parking spaces and various public spaces) which are usually funded by the developer;

d) 'tertiary facilities' (direct access to the buildings) which are often funded by the building contractors.

The allocation of responsibilities for infrastructure funding may vary to a great extent from one *ZAC* to another and will depend on the purpose of the ZAC and the demand for developable land. Moreover, the developer may also be the building contractor.

The economic viability of a *ZAC* rests on the contributions of building contractors towards infrastructure funding. Variables are the form and the amount of this funding which are the matter of negotiation.

D35. The definition of the infrastructure due to be implemented by a developer is one of the principal subjects of the contractual agreement. The developer will provide the necessary funding, then he may be able to recover this cost from the building contractors. The developer is also generally responsible for paying the fee due for exceeding the *PLD* (*plafond légal de densité*) (plot ratio) but the building density and the land value are calculated for the entire zone, which is advantageous. The contractual agreement may also impose the obligation on a developer to contribute land and make financial contributions.

In that case, the authority responsible for granting the *permis de construire* (building permit) cannot claim from building contractors the financial contributions described under Art. L.332-9. On general contributions due for urban development, see Section C paragraphs 18 to 31.

D36. The commercial marketing of developable land represents the last phase of implementation, in cases where the developer is not also responsible for the construction of the building works. With regard to marketing, the development programme will include the reallocation of land for plots in response to demand. Within the context of the development project, any sub-divisions undertaken within a *ZAC* will not be considered as *lotissements* (sub-divisions) and do not therefore require preliminary authorisation which effectively allows a better response to market demand. Moreover, marketing is not dependent on the completion of infrastructure works; generally the security offered to purchasers in this respect takes the form of a completion guarantee provided by the relevant local authority or by a financial institution.

Zone à urbaniser par priorité (*ZUP*) (priority urban development zone)

D37. The *zones à urbaniser par priorité* (*ZUP*) which were the traditional legal instrument used for urban development, were removed in accordance with the *loi d'orientation pour la ville* (Urban Policy Guidance Act) (*code de l'urbanisme*: Art. I.123-11). However, by virtue of the Act of 9 February 1994, contractual undertakings resulting from a *concession d'aménagement* (development concession) and drawn in the context of a *ZUP* are still legally binding where they continue to exist.

Secteur d'aménagement (designated development area)

D38. The *secteur d'aménagement* represents today a flexible alternative to the *ZAC*. The *conseil municipal* (municipal council) may delineate a development area or several and draw a *programme d'aménagement d'ensemble* (global development programme) for each sector, which specifies the nature, the costs and the implementation deadlines of public infrastructure. In addition, it will also stipulate which implementation costs are to be borne by building contractors and the apportionment criteria between different types of buildings. The *commune* which started the project may assign any competent public or private organisation to carry out the feasibility studies and implementation works required by a contractual agreement which may take the form of a concession. In contrast to the *ZAC* formula, the financial contributions to be made by building contractors are not contractually agreed; rather they are determined by a unilateral Act, as represented by the *permis de construire* (building permit) which sets out at the outset the character and the level of the due contributions (Art. L.332-28). However, in practice, there is no law to prevent these terms under the permit to be negotiated with the building contractors. Lastly, this form of development can only be assigned by *communes*. It is primarily intended to encourage private sector involvement in modest development programmes, which do not require significant land policy measures and thereby the cumbersome *ZAC* framework.

See above, C18 ff, Financial contributions for urban planning.

Development projects in existing districts

D39. The principal legal instruments used for development projects such as the *ZAC* and the *programmes d'aménagement d'ensemble* (global development programmes) can also be used in existing urban districts, in spite of the fact that they were initially created for new urban development zones. In such cases though, they are subject to regulations following specific objectives such as heritage conservation or rehabilitation or the protection of the resident population. The State exerts a tighter control over this type of development project. Existing legal provisions tend to favour rehabilitation over demolition and thereby the maintenance of the resident population. The principal specific instruments used for old/conservation areas are the *plans de sauvegarde et de mise en valeur* (detailed local plan specifying conservation policies — see above, B65), the *opérations de restauration immobilière* (property rehabilitation programmes) and the *opérations programmées d'amélioration de l'habitat* (*OPAH* — programmes for the rehabilitation of buildings and public spaces).

Property rehabilitation programmes
Opérations de restauration immobilière

D40. The purpose of such programmes is to transform the living conditions offered by a building or a series of buildings within a boundary set after a public inquiry. (Art. L.313-4 s.). Where the *commune* is covered by a *POS*, it is the *conseil municipal* which sets the boundary, and where it is not or within the boundary of an *opération d'interêt national* (development project of national interest), the *préfet* will do so at the request or with the agreement of the *conseil municipal*. For each building to be restored, the same authority is responsible for approving the works programme and setting the completion deadlines. If the restoration programme is scheduled to take place in a *secteur sauveguardé* (conservation area), it is subject to the *PSMV* (*plan de sauveguarde et de mise en valeur*) (detailed local plan specifying conservation policies; see above, B65, Documents used instead of the *POS*).

Such restoration programmes may be initiated by property owners or by public authorities. By law, owners are in fact given the choice between carrying out the works subject to a public inquiry, or compulsory purchase. Where the owners have

decided to carry out the works required, they are also faced with the choice of undertaking to do it themselves by creating an *association foncière urbaine de restauration immobilière* (association of urban landowners for property rehabilitation) (see below, D63 and D64) or alternatively to appoint the relevant company for rehabilitation by contract.

The State holds a *pouvoir de substitution* (substitution power — here the power to substitute its own decision for that of the competent authority; i.e. the association of urban landowners) where the said owners are not able or willing to organise the required works, but at their own cost (Art. R.313-29). The owners benefit from significant fiscal advantages if they undertake the necessary works themselves (*code général des impôts* — general code of taxation law; Art. 156, I, 3°). The owners are entitled to financial aid to improve housing and other specific facilities.

D41. In general, the Act of 18 July 1985 has reinforced the *protection des occupants* (occupier protection) and has made it unified for all development projects (Art. I.314-1 to 9).

The opérations programmées d'amélioration de l'habitat (OPAH) (programmes for the rehabilitation of housing and public spaces)

D42. The purpose of *OPAH* (*code de la construction et de l'habitation* — code of construction and housing law; Art. L.303-1) is to ensure the rehabilitation of buildings; they tend to benefit housing, in particular rented housing, as well as neighbourhood services, by respecting the desired social balance in an area and the rights of occupiers. The *OPAH* are also bound to take account of the objectives set out in the *plan départemental pour le logement des personnes défavorisées* (Departmental plan for the provision of housing to disadvantaged categories) (Act of 31 May 1990 relating to the implementation of housing rights: Art. 2 to 8) and the *programme local de l'habitat* (local housing programme) where it exists. Their originality lies in the fact that they allow a combination of State interventions which are tied to urban development with social policy measures (relocation aids, housing benefit etc.) as well as funding towards the rehabilitation of old housing stock to take place. The *OPAH* are created by contractual agreement between the *commune* (or the relevant joint authorities), the *Agence nationale pour l'amélioration de l'habitat* (*ANAH*) — (National Agency for the improvement of housing) and the State.

Politique de la ville (urban policy)

D43. The *politique de la ville* represents a new form of public policy which was introduced at the end of 1990. It was preceded during the 1980s by a series of coordinated action programmes on urban sites which were particularly deprived and were most often situated in the large housing estates of the suburbs. It expresses a commitment by all the ministries, local authorities and social agencies which are responsible for urban policy to remedy urban social problems. The State, at a national level and locally through the intermediary of the *préfets de région* (prefects of the region) and by the *sous-préfets* (subprefects) responsible for the *politique de la ville* (urban policy), is responsible for the implementation of this policy and the coordination, wherever possible, of the related programmes. Policy implementation is by and large secured through contracts (e.g. *contrats de ville ou d'agglomération* — contractual agreements between the State and groups of communes/ agglomerations).

Public sector development policies

Development projects of national interest
Les opérations d'intérêt national

D44. The *opérations d'intérêt national* are works relating to the following: new urban agglomerations; the development of the Défense area to the west of Paris, the industrial-port areas of Antifer (Seine estuary), of Verdon (Gironde Department) and of Dunkerque of the Fos-sur-Mer zone and lastly Marseille-Euro-méditerranée (Art. R.490-5).

Such programmes may be implemented outside of the urbanised areas of a *commune* where it is not covered by a *POS* and in this case the *permis de construire* will be delivered in the name of the State. In any case, the State will fix their boundaries. Within the set boundary, the various implementation mechanisms for urban development such as the ZAC may be used.

The State may also declare other development programmes of national significance for a selected zone by decree. A recently created project in an urban area in the Euromediterranée project in

Marseille (1995). The new stadium for the world cup in Saint-Leuis is close to an operation d'intenêt national (see c76).

Villes Nouvelles (new towns)

D45. It is the exclusive right of the State to create a new agglomeratiion (*Code général des collectivités territoriales*; Art L.5311-1 onwards, L.5334-1 onwards) Art. L.171-1 onwards, Art. L.251-1 onwards). The boundaries for urban development are set by the prefect provided that the *conseil général*, the *conseil régional* and the *conseils municipaux* approve them. Where this is not the case, a decision by decree from the *Conseil d'Etat* will be required. It was possible to revise certain urban development perimeters in accordance with the Act of 13 July 1983.

All the existing new agglomerations (nine in total of which five are located within the outskirts of Paris) are administered by a *syndicat d'agglomération* nouvelle (New Town Syndicate) which differs from the *syndicat de communes* (syndicate of municipalities) essentially because it levies the business tax directly instead of the member communes (*code général des impôts* — general code of taxation law: Art. 1609 noniès B).

International events

D46. In several instances, the law had to be amended or revised to accommodate international events. The purpose of this was principally to allow for compulsory purchase following an emergency procedure and even at times land requisition. This was the case for the following events; the Olympic Games of Grenoble from 1965 to 1967, the Act of 1983 on the *exposition universelle* (international show), the Act of 1987 on the Winter Olympic Games of the Savoie. The Act of 31 December 1993 on the implementation of the large stadium in Saint-Denis for the World Cup also departs from the standard urban planning documents.

Major infrastucture

D47. Major infrastructure works are undertaken by the public sector and are as follows:

- Firstly, national public law corporations: the *SNCF* (*Société Nationale des Chemins de Fer* (national railways authority) for railways; autonomous ports; the Aéroport de Paris; France Télécom for telecommunications; EDF-GDF (*Electricité de France — Gaz de France*) for the production and the distribution of gas and electricity; waterways.

- Secondly, public concessionaires: the Chambers of Commerce and Industry are responsible for civil engineering works, provincial airports, maritime ports for trade, fishing or tourism or any other; the *sociétés d'économie mixte* are responsible for motorways, wholesale food markets; however such companies can also be sub-concessionaires.

However, there is one example of a motorway link having been conceded to a private company.

D48. Major infrastructure is principally funded by operating profits which allow loans to be reimbursed. Certain projects, however, also benefit from budgetary funding by the State or by local authorities (for example to finance motorway links which have not been contracted to a concessionaire).

Partnerships

D49. This refers to what is known in France as '*économie mixte*' (public/private enterprise) which is characterised by an involvement of both the public and private sectors in the implementation of a single project.

There are many development mechanisms which rest on the rationale underlying the use of such partnerships: for example, the *ZAC*, the *secteurs d'aménagement* (development sectors), the *opérations de restauration immobilière* (property rehabilitation programmes) (see above, under these titles).

Moreover, specific development bodies provide a means for both sectors to be represented: these are the *sociétés d'économie mixte* (*SEM*) and the *associations foncières urbaines*. In a majority of cases, the involvement of the private sector in *SEM* is quite weak, however it is more prominent in such cases where the *SEM* enter into contracts with private companies to implement certain projects.

Tourism development

D50. Tourism development is not generally characterised by the use of specific development

agencies and instruments. However, in some regions, large-scale tourism development programmes were formerly directly undertaken by the State through *missions d'aménagement* (management units) (i.e. in the case of the coastal planning of the Languedoc-Roussillon and the development of the Aquitaine region) or by *sociétés d'aménagement régional* (regional development companies) created by the State (see above, *Sociétés d'économie mixte*). Specific urban planning regulations apply in mountainous areas to the creation of new touristic developments known as *unités touristiques nouvelles* (*UTN*) (see below, Principles governing the development and conservation of mountainous areas).

Rural development

D51. The objectives of the policy of *aménagement du territoire* in rural areas are to sustain agricultural activities, diversify economic activities and maintain public services provision in areas with a low population density. The support granted to agricultural activities essentially relies on social and fiscal measures.

Specific policies are destined to promote what is known as *tourisme vert* ('green tourism') representing tourism activities which help protect the environment such as the development of tourist accommodation in rural areas and new measures ensuring the protection of sites and landscapes (e.g. programme for putting electrical cables underground) as well as the development of spa resorts. The *PAT* (*Prime d'aménagement du territoire* — development grant) may be granted to small-scale projects. The *FIDAR* (*Fonds d'intervention pour le développement et l'aménagement rural* — Intervention Funds for Rural Planning and Development) may also be used to fund the necessary investments. Some *schémas départementaux d'organisation et d'amélioration de services en milieu rural* (Provincial schemes on the organisation and improvement of services in rural areas) have been drawn or are in the process of being drawn by the 25 poorest departements and the 32 *départements* in the mountainous Massif areas.

On the basis of the Act of 9 January 1985, the various mountainous areas are subject to specific development programmes. The actions undertaken in rural areas and in mountainous areas also benefit from European Community funding, coming under Objective 5b in 17 French regions and under the Leader programme which is funding 40 local development projects.

Special agencies

D52. Financial institutions responsible for *missions d'intérêt général* (development projects of a general interest)

The *Caisse des Dépôts et Consignations* (*CDC*) is the principal institution here. It controls a group of subsidiary firms which are specialised in the various sectors relating to infrastructure development and local development and which are shareholders of *sociétés d'économie mixte* (semi-public companies) responsible for major infrastructure or development projects with or on behalf of local authorities or additionally for the management of public services (particularly in the transport sector).

D53. Regional or interregional financial institutions have been established to use local savings funds in order to contribute to the funding of small and medium-sized enterprises in the area (capital funding, long-term loans); the *sociétés de développement régional* (*SDR*) (regional development companies) and the *instituts régionaux de participation* (*IRP*) (regional institutions). To date, there are 20 *SDR* and eight *IRP*; all stockholding are listed on the French *Bourse* (Stock Exchange). The principal shareholders of *SDR* are the major national banks together with the *Caisse des Dépôts et Consignations* which is also a shareholder of three *sociétés de crédit-bail immobilier* (credit-leasing companies specialising in property) operating at a regional level.

Development organisations in general

D54. There are essentially three categories of development organisations which are as follows:

- the *établissements publics* (public law corporations established by the State);
- the *sociétés d'économie mixte* (semi-public companies); and
- the *associations foncières urbaines* (associations of urban landowners).

The *société d'économie mixte* is the most frequently used formula.

Etablissement public (public law corporations)

D55. In practice, several categories of public law corporations are legally entitled to carry out development projects.

D56. The competence of an *Office public d'HLM* (public social housing corporation) which is a public administrative body may be extended by the prefect, at the request of the local authority or the public agency to which it is linked, in order to implement any type of urban development programme (*code de la construction et de l'habitation* — code of construction and housing; Art. R.421-73). The *Offices publics d'aménagement et de construction* (*OPAC* — public development and construction companies) are public agencies with private law management which are created for the purpose of carrying out on behalf of local authorities any land-related transactions and development projects which are regulated by the *code de l'urbanisme* (code of urban planning law), aside from the traditional construction works and building management services (code de la construction et de l'habitation; Art. L.421-1).

D57. The *code de l'urbanisme* also grants limited competence to the Chambers of Commerce and Industry and Craft Chambers (Art. L.323-1). These bodies may develop commercial or craft facilities with a view to the creation or the reconversion of commercial and craft activities or their transfer. In order to fulfill this task, they may, by delegation, be able to exercise pre-emption rights; their loans may be guaranteed by local authorities.

D58. The *établissements publics d'aménagement* (public law development corporations) (Chapter I, of titre II, of livre III of the *code de l'urbanisme*) are national public law corporations with private law management; they are placed under the control of the *préfet*. They undertake for their own sake, or depending upon their agreement on behalf of the State, local authority or another public body or let implement of 'all the land related transactions and development projects prescribed' by the *code de l'urbanisme* (Art. L.321-1). The local authorities are represented on their board of directors.

The principal applications of this type of institution are the *établissements publics d'aménagement des agglomérations nouvelles* (responsible for new agglomerations), the *établissement public d'aménagement de la Défense* to the west of Paris (it has been recently suppresed). Four other public corporations are responsible for the development of urban regions; these are the *Agence foncière et technique de la région parisienne* (Land Development and Technical Agency of the Paris region), the *Etablissement public de la Basse-Seine*, the *Etablissement public de la métropole lorraine* (public law corporation of the Lorraine agglomeration) and the *Etablissement public foncier du Nord-Pas-de-Calais* (public law real estate corporation of the Nord-Pas-de-Calais), which was responsible most notably for the reconversion of industrial sites and their surroundings. These public agencies may use compulsory purchase or purchase by agreement and may also exercise pre-emption rights delegated to them.

Sociétés d'économie mixte (SEM)

D59. The *sociétés d'économie mixte* (SEM) are used by the State and local authorities to undertake development projects but also to implement programmes for economic development or to manage public services. Representing far more than just a means to combine public and private finance, the *SEM* are first and foremost instruments of public authorities; however, their use may serve to encourage the cooperation between the public and the private sectors.

D60. The national semi-public companies are subsidiaries of the *Caisse des Dépôts et Consignations*, examples include:

- the *Société centrale pour l'équipement du territoire* (*SCET* — national semi-public company for infrastructure provision) specialises in development projects and infrastructure works;
- the *Société centrale immobilière de la Caisse des Dépôts* (*SCIC* — national semi-public company responsible for housing provision) specialises in the implementation of housing programmes (social housing and other State-subsidised forms of housing); lastly,
- the *Société d'études pour le développement économique et social* (semi-public company responsible for studies relating to social and economic development) is specialised in the economic development field.

These companies themselves have created technical subsidiary companies to assist them in the various sectors of activity under their competence; moreover, they assist the majority of *sociétés d'économie mixte locales* (local semi-public companies) which were created by local authorities by contributing capital funds and their expertise. The *SCET* is most notably a shareholder of the concessionary *SEM* for motorways.

D61. The *sociétés d'économie mixte pour la mise en valeur des régions* (semi-public companies responsible for regional development) which were created by the Act of 24 May 1952, undertake major development works, agricultural/touristic or other, in the regions under their authority. They principally fund these works through loans from public funds. The oldest example is the *Compagnie du Bas-Rhône-Languedoc*, which was created in 1955 and whose role was essential in securing the agricultural diversification of activities for a region which exclusively relied on the monoculture of vine-growing. It has created and manages hydraulic installations which brings in its own resources; it is also responsible for the restructuring of agricultural activities. Other examples are the *Compagnie d'aménagement rural d'Aquitaine* (*CARA* (rural development company of Aquitaine), the *Société pour la mise en valeur de l'Auvergne et du Limousin* (*SOMIVAL)* (semi-public — company responsible for the development of Auvergne and Limousin), which opened an industrial section for its activities and the *Société pour la mise en valeur de la Corse* (semi-public company responsible for the development of Corsica) as well as the *Société du canal de Provence.*

D62. The *sociétés d'économie mixte locales* (*SEML* — semi-public companies operating at the local level, Act of 7 July 1983) may be appointed to undertake the implementation of development projects in accordance with the *code de l'urbanisme*. They are created by local authorities or their joint authorities to undertake 'development and building works, to manage public services with an industrial or a commercial character, or any other activity in the general interest'.

Shareholding by parties other than local authorities or their groupings may not be below 20%, however local authorities and their groupings are bound to hold at least 50% of the registered capital and 50% of the seats on the board of directors.

The SEML may act on behalf of non-shareholders. There are over 1 200 *SEML* in existence today, the majority of which are active in the development and housing sectors. The control of *préfets* and especially of the *chambres régionales des comptes* (regional audit offices) over *SEML* activities has been reinforced by recent legislation.

Associations foncières urbaines (AFU) (associations of urban landowners)

D63. The *associations foncières urbaines* (*AFU*) are associations of urban landowners (*Act of 21 June 1865*; *code de l'urbanisme*: Art. L.322-3 and following). Their purpose is to undertake development projects on behalf of the landowners themselves. They only play a significant role in respect of property rehabilitation. The *AFU* benefit from a highly advantageous fiscal regime.

D64. There are three different categories of *associations foncières urbaines*, depending on whether they are independent, authorised or created for a specific purpose.

The independent AFU is founded on a contract of association, it is private in law and it is not subject to an administrative control.

The authorised AFU is created following the wish of a majority of landowners, with the agreement of the competent authority over the intended works, after a public inquiry, consultation with the *commune* and a qualified majority voting of the meeting of owners.

The authorised AFU, contrary to the independent AFU is a public law corporation. The financial participation of the associates are recovered in much the same way as direct contributions, moreover it may use compulsory purchase.

Lastly, the AFU may be created ex officio by the administrative authority, once an attempt to create an independent or authorised AFU has failed. In actual fact, no single *AFU* has been created in this way to date.

Sources and further information

Actualité juridique (publication); *Droit administratif* (administrative law).

- *'Dossier spécial Aides publiques'* (special report on public aid), No 6, 1993; Bouyssou F., *'Les ZAC', fascicule* (part) F.13 in the publication: *Jurisclasseur Construction.*
- DATAR: *Rapport d'activité* (Progress report), published at irregular intervalls, *Atlas des zones d'emploi* (Map of employment areas), 1994.
- Cathelineau J./Viguier J.-L: *Technique du droit de l'urbanisme* (application of urban planning regulations), Litec, Paris, 1990.

- Deves Cl./Bizet J.-F: Les sociétés d'économie mixte locales (local semi-public companies), Economica, Paris, 1991.
- Douence J.-Cl.: *L' action économique locale, décentralisation ou recentralisation*? (local economic development, a question of decentralisation or recentralisation?), Economica, Paris, 1988.
- Marcou G. (dir.): *L'aménagement du territoire et les pouvoirs locaux et régionaux face aux mutations économiques* (*Aménagement du territoire* by local and regional authorities faced with economic change), *Institut International des Sciences Administratives*, Bruxelles, 1988 (diff. Bruylant).
- Sur M.-T./ Grangé C. / Renoux M.-A: *Les sociétés d'économie mixte locales* (local semi-public companies), Ed. du Moniteur,- Paris, 1990;
- Wachter S. (dir.): *Redéveloppement des zones en déclin industriel* (Re-development of areas in industrial decline), *DATAR, La Documentation française*, Paris, 1992.

Protection and conservation of the environment

Protection of nature

Protection of natural momentums and sites

D65. The protection of natural features rests on a classification procedure which is undertaken by the *commissions départementales* (Departmental Commissions) and by a *commission nationale des sites, perspectives et paysages* (national Commission for sites, views and landscapes) (Act of 2 May 1930).

In each Department a list is drawn of 'natural sites and monuments whose conservation or preservation is in the general interest having regard to their artistic, historical, scientific, legendary or picturesque value' (Art. 4). Any registration on this list takes place by Ministerial Decree, after consultation with the *conseil municipal*, on a proposal by the *commission départementale des sites* (Departmental Commission for Natural Sites). Where such a registration is made, this precludes any works from being undertaken on the site concerned with the exception of those which are required for the normal management and maintenance of existing buildings.

D66. A registration is often accompanied by a decision to list the stated monument or site. This request is registered at the office responsible for mortgaged property. The effect of such a listing is that the natural monuments or sites concerned are the subject of close attention, whether their owners change or not and it prevents those same owners from destroying or altering the state or the aspect of these monuments or sites without obtaining a special authorisation to do so (Act of 2 May 1930: Art. 10 to 12).

D67. The former provisions on protected sites contained in the Act of 2 May 1930 were repealed by the Act of 7 January 1983 (Art. 72). However, any site designated in accordance with the repealed law remains protected just as long as it is not covered by a *zone de protection du patrimoine architectural, urbain et paysager* (*ZPPAUP* — zone of protection of the architectural, urban and scenic heritage — see below) or alternatively has not been cancelled.

Espaces naturels sensibles (environmentally sensitive areas)

D68. The Department has the competence to 'draw and implement a policy of conservation, management and opening to the public of designated natural areas, with woodlands or not' (*code de l'urbanisme*: Art. 142-1). To ensure the implementation of its policies, the Department can use two instruments: the *taxe départementale des espaces naturels sensibles* (Departmental tax on planning permissions to provide a fund for the purchase and management of public open space) and the *zones de préemption* (pre-emption zones).

D69. The *taxe départementale des espaces naturels sensibles* (*code de l'urbanisme*: Art. L.142-2) may be instituted by a decision of the *conseil général*; the basis for taxation and the conditions surrounding the imposition of the tax are the same as that for the *taxe locale d'équipement* (local tax to cover infrastructure provision, see above, Section C, Financial contributions and taxes due for urban development).

The product of this tax is allocated to specific projects: in particular to land acquisitions, the development and the conservation of natural areas (see the list of eligible programmes under Article 142-2). Once it has been established, the *taxe départementale des espaces naturels sensibles* is levied across the Department.

D70. In order to implement its environmental policy, the *conseil général* may also create *zones de préemption* (pre-emption zones), with the agreement of the *conseil municipal* in the *communes* covered by a *POS*, or with the agreement of the Prefect in all other *communes* (Art. L.142-3). Where the Department chooses not to exercise its pre-emption rights, a national or a regional nature park, the *Conservatoire de l'espace littoral* (custody for coastal areas), or the *commune* may exercise them in its place. The Department can also delegate those rights. Their application is governed by much the same rules as urban pre-emption rights. The prefect is empowered to impose conservation regulations in the *communes* which are not covered by a *POS*, as soon as the *conseil général* has opted to institute a *taxe départementale des espaces naturels sensibles*.

Mountainous areas

D71. The *principes d'aménagement et de protection en zone de montagne* (principles governing the development and the conservation of mountainous areas) apply to those mountainous areas which are defined by ministerial decree in accordance with criteria specified in the Act of 9 January 1985 (Art. 3 to 5). However, they do not apply to zones which are also coastal areas as defined by the Act of 3 January 1986 (see below, Coastal protection D77 and D78).

The *code de l'urbanisme* imposes a certain number of constraints and objectives which need to be taken into consideration by the relevant urban planning documents (Art. L.145-3 to 8). The policy for mountainous areas depends on committees which are composed of local authority representatives, consular organisations, socio-professional groupings and associations having a direct interest in the development of the massif areas; each committee is presided over by a prefect who has been designated to ensure the coordination of the massif areas (Act of 9 January 1985; Art. 7).

D72. Specific rules of urban planning apply to *unités touristiques nouvelles* (*UTN*) (units for new tourism development). These are recognised as 'any tourism development project in a mountainous area' whose purpose or whose effect is either to service a still virgin site or to create an urban area, provide new infrastructure or implement a development which is in discontinuity to prior existing developments when they result in a substantial alteration of the local economy or the natural equilibrium, or lastly to significantly increase tourist accommodation. A *UTN* can be developed only in a *commune* covered by a *POS* which is legally binding on property interests (Art. L.145-9). In the absence of a *schéma directeur* or a *schéma de secteur* (area plan), the creation of a *UTN* needs to be authorised by the prefect responsible for the massif area, even in cases where the *commune* concerned is covered by a *POS* to which the development proposal conforms (Art. L.145-11).

Conservation

Parcs naturels régionaux (regional nature parks)

D73. The *parcs naturels régionaux* (regional nature parks) are created in accordance with objectives relating to economic development and public access whilst at the same time they are intended to serve conservation areas.

Any zone which is covered by a *charte intercommunale de développement et d'aménagement* (intercommunal charter on planning and development) (see above, but which is nevertheless environmentally at risk and has a rich intrinsic heritage value may be designated as a *parc naturel régional* (Act of 7 January 1983, Art. 29). The Act of 8 January 1993 on the protection and the enhancement of landscapes has conferred a legal status to such parks (Art L.244-1 of the *code rural* — code on rural planning law). Their management has to be delegated to a joint authority (see B32) established by local authorities having underwritten the charter (L.244-2). Their role is presently described in the following way; 'regional nature parks represent a constituent part of environmental protection policy, the policy on *aménagement du territoire*, economic and social development policies as well as policies relating to the education of the general public'. The parks are created in accordance with a charter which defines their territory as well as their purpose; this charter comprises a plan which is formulated on the basis of an inventory of the heritage to be pro-

tected and which indicates the various zones of the park and their use. The charter is devised by the region with the agreement of all the local authorities concerned and in consultation with all the interested parties. It is instituted by decree which classifies the park for a 10-year duration. The urban planning documents need to be compatible with the charter (Art. L.244-1, paragraph 4).

Natural reserves

D74. Nature reserves can be created by a Government decree or voluntarily by a landowner.

A nature reserve can be created by decree on part of the territory of a *commune* or several to protect flora, wildlife or soils worth to be preserved; it may include sea domain and sea waters under French jurisdiction. Municipals councils, interested ministries, the *commission départementale des sites* are consulted; a public inquiry is organised by the prefect of the *département* in case of objection by a landowner. The decree is issued after consultation of the National Council for Nature Protection (*Conseil national de la Protection de la Nature*), and of the *Conseil d'Etat* if a landowner has objected.

The decree sets out the protection rules applicable within the reserve, and if necessary a protection zone around the reserve, but in that case a public inquiry is always required; alternatively a protection border can be decided by the prefect, also after a public inquiry.

Territories classified as natural reserves may not be modified in any respect, but under special authorisation, subject to consultation of competent bodies. A managing body of the reserve, and additionally an advisory body of the reserve, can be established.

Landowners may apply to establish a natural reserve voluntarily on their properties, subject to an agreement issued by the prefect for six years on the boundary of the reserve and on the protection measures; municipal councils affected are also consulted. See: Code rural, Art. L.242-1; R.242-1 to 29.

Parcs naturel nationaux (national nature parks)

D75. The majority of the *parcs naturels nationaux* (national nature parks) (six out of seven) are created in mountainous areas. Their principal purpose is to serve conservation interests (*code rural*, Art. L.241-1 to 20). An area may be classified as a national park by decree after consultation of the *Conseil d'Etat* when the conservation of the flora, fauna, soil quality and in general — the natural environment 'presents a particular interest which justifies the adoption of conservation measures as against any artificial development which is likely to alter it'.

The creation of a national park gives rise to consultation with the *communes* and with the relevant consular organisations as well as a public inquiry.

The classification decree may delineate a peripheral zone and the whole land reserve. The peripheral zone gives rise to the implementation of a rehabilitation programme. In contrast, the land reserves are intended to ensure the upmost protection of certain elements of the flora and fauna for scientific reasons; they are not open to the public (Art. L.241-4, 10 and 11, R.241-49 to 55).

D76. The development, management and regulation of parks are the responsibility of national public law corporations. Their boards of directors are made up of representatives of the authorities concerned, local authorities, personnel representatives and of individuals. The directors exercise regulatory powers within the limits of the parks and in order to ensure the conservation of the natural environment. The public agencies implement development programmes; they cooperate with the regions and other local authorities to fulfill their tasks and in order to participate in the development of the *massif*/mountainous areas; some of the competences of the local authorities are transferred to these bodies (management of private land, road servicing, policing). They can additionally request to be involved in the preparation of urban planning documents. (Art. L.241-13 and R.241-29).

Coastal planning

The necessary balance between coastal conservation interests and urban development.

D77. Specific regulations (*code de l'urbanisme*: Art. L.146-1 to 9, instructions of the 22 October 1991) apply to *communes* which have a maritime coast or border on a lake or which are concerned

with the maintenance of an economic and ecological balance in coastal areas; precise criteria are used to delineate such areas and are listed under Article 2 of the Act of 3 January 1986. By virtue of such regulations, urban planning documents need to determine the capacity of *communes* to accommodate seasonal population, taking account of the required conservation of green spaces and the natural environment, the necessary land for agricultural/pastoral/woodland and maritime activities and the conditions of access to the general public. The extension of the urbanisation process needs to take place in continuity with existing agglomerations and villages or in hamlets which are integrated in the environment; any buildings or other installations are generally not allowed within 100 metres of the shore.

The construction of new roads is not allowed within 2 000 metres of the shore and generally speaking on beaches, dunes, off-shore bars or ledges; even the local infrastructure cannot be built on the seashore or alongside it. Exceptions are permissible though having regard to the exceptional configuration of the location concerned or the presence of a 'land locked' area.

A *schéma de mise en valeur de la mer* (Coastal Planning Scheme) (Act of 7 January 1983; Art. 57) may be established in coastal areas (see above, Section B, 45).

Conservatoire de d'espace littoral et des rivages lacustres (Conservation agency for coastal and lake areas)

D78. This is a public administrative corporation of the State, whose principal task is to implement in coastal *cantons* (districts) and *communes* 'land policies ensuring the conservation of coastal areas, natural sites and the existing ecological balance'. The *Conservatoire* is thus entitled to carry out land acquisitions by making compulsory purchases or by exercising pre-emption rights; it can also manage land and property assets belonging to the private property of the State (Art. L.243 to 6, R.243-3 and 4).

The management of buildings either owned by the *Conservatoire* or for which it is responsible on the State's behalf gives rise to contractual agreements with local authorities or with public agencies, associations or foundations which have the required competence. They prescribe the land use for the areas concerned, ensuring the respect of the conservation objectives set down by the *Conservatoire* (Art. L.243-9). However, any alienation of rights is subject to a preliminary authorisation procedure. Moreover, the *Conservatoire* cannot undertake any property transaction with a view to selling or renting buildings or land (Art. L.243-3 and R.243-5).

To fulfill its functions, the *Conservatoire* relies on seven *conseils de rivage* (Councils of shore areas) which are made up of elected representatives of local authorities; they make proposals on land acquisitions and are consulted on the programmes envisaged by the establishment.

Urban conservation

Zones de protection du patrimoine architectural, urbain et paysager (*ZPPAUP*) (zones for the protection of the architectural, urban and environmental heritage)

D79. The purpose of such zones is to ensure the conservation of urban districts or residential areas which present a certain interest although they do not justify the creation of a conservation area, and to ensure the protection of the surroundings of historical monuments in a more flexible way than allowed by the Act of 31 December 1913 (see above) by making it possible to re-examine a decision taken by the *Architecte des bâtiments de France* (government authority responsible for the conservation of historical buildings/conservation areas). The Act of 8 January 1993 has extended the use of these zones to the protection of the landscape heritage, which makes it possible to establish them outside of urban areas. A *ZPPAUP* is created by decree by the *préfet de Région* (Prefect of region) following the proposal or with the agreement of one or several *conseils municipaux* (municipal councils) and after a public inquiry has taken place with corresponding Advice being delivered by the *collège régional du patrimoine et des sites* (regional college for the heritage and sites — Art. 69 of the Law and Decree of 25 April 1984). However, the Minister charged with *urbanisme* (urban planning) may also decide to create a *ZPPAUP* at any stage of the procedure; he is bound to do so in fact when the zone comprises a listed building or a building registered as a historical monument and the Minister responsible for cultural affairs requires it. The number of *ZPPAUP* is 136.

D80. The establishment of a *ZPPAUP* sets aside the application of the Acts of 31 December 1913

and 2 May 1930 relating to the protection of given visibility lines. However, any building or demolition works or any works which may alter the aspect of buildings included in the protection zone are subject to special authorisation procedures; these special authorisations are granted by the competent authority for delivering the *permis de construire* with the due approval of the *Architecte des bâtiments de France* (see above). Where the competent authority for delivering the *permis de construire* is in disagreement with the *Architecte des bâtiments de France*, it can call on the *préfet de Région*. He will consult the *collège régional du patrimoine et des sites* (as above) whose opinion will then replace that of the *Architecte des bâtiments de France*. Moreover, once the stipulated works have been duly authorised, they will also be subject to the particular regulations on architecture and the environment drawn at the time of the zone creation. The procedure for instituting a *ZPPAUP* follows that used for a *POS*, the major difference being that a *ZPPAUP* does not represent an urban planning document; indeed, it cannot be used instead of a *POS*.

It can be created whether a *commune* is covered by a *POS* or not. It is in fact comparable to public interest *servitudes* and for that reason, where it is being created, the law requires that the relevant provisions for the *ZPPAUP* are annexed to the existing *POS* document (Art. 70).

Preservation and conservation of historic buildings

D81. The Act of 31 December 1913 does not only ensure the protection of listed buildings but that of their immediate surroundings as well.

According to the law, buildings may be classified as historical monuments when their conservation is in the public interest from a historical or an esthetic point of view or when their classification is necessary to ensure the protection of historical monuments as such or when they are situated within sight of such buildings that is within a 500 metre distrance but which may be extended in certain cases. Any works affecting such buildings require special ,authorisations. Moreover, any works which are likely to alter the external appearance of a building within sight of a first or second-grade listed building require a preliminary authorisation. The *permis de construire* here involves this authorisation when it has been approved by the *Architecte des bâtiments de France*; this is the standard procedure used for such works.

Resource planning

Water resources

D82. By virtue of the Act of 3 January 1992, the management of water resources is organised at three levels; firstly by making use of existing institutions responsible for urban planning; secondly by also using existing urban planning legislation; thirdly by using a specific geographical framework which corresponds to the organisation of the hydrographic network.

For each bassin or reservoir or their groupings, one or several *schémas directeurs d'aménagement et de gestion des eaux* (sectoral schemes on the development and management of water resources) provide the strategic guidelines for achieving a balanced management of water resources. The development programmes and administrative decisions in this particular field need to be compatible with the provisions contained in the *schémas*; other types of administrative decisions will only need to take account of them (Art. 3). At the end of a procedure which involves the local authorities, the *schéma directeur* will be duly approved by the relevant administrative authority.

For each sub-basin or group of sub-basins, which correspond to one hydrographic unit or to an aquiferous system, a *schéma d'aménagement et de gestion des eaux* is drawn (as above but smaller coverage and more detailed). This *schéma* will determine 'the general objectives governing the use, enhancement and quantitative as well as qualitative management of water resources, etc' Its boundary is defined by the *schéma directeur*. Any decisions which are taken in this particular field by the competent administrative authorities and relating to the area within the *schéma* will need to be compatible with its provisions; other types of administrative decisions will only be required to take them into consideration (Art. 5).

Local authorities may create a *communauté locale de l'eau* (local water authority) under whatever form of cooperation as prescribed by the *code des communes* which will undertake any works or management of installations as prescribed in the *schéma d'aménagement et de gestion des eaux*; such works or the required management may also be contracted out (Art. 7 and 31).

D83. The Act of 13 July 1992 prescribes the closure of all 'traditional' waste tips within a period of 10 years and stipulates that from 1 July 2002 onwards, only the storage of end waste (a new category in law) will be permitted.

D84. In accordance with the new legislation, waste disposal now needs to be organised on the basis of plans stipulating the conditions and the capacities surrounding disposal having regard to demographic and economic trends. The relevant *plans départementaux ou interdépartementaux* (departmental or inter-departmental plans) on the disposal of household waste and assimilated products need to be drawn before 4 February 1996. The same applies to the formulation of regional or inter-regional plans on the disposal of industrial waste; national plans are also prescribed for given categories of waste. Within a period of five years after the publication of plans, public authorities and their concessionaires are expected to be in line with their provisions. The formulation of such plans which are akin to '*POS* for waste' belongs to the prefect who proceeds with consultation; however the region or the *département* may call for this responsibility. To ensure their effective implementation, the law also allows the use of compulsory purchase, communal pre-emption rights or the establishment of public interest easement charges particularly in the case of land which has been polluted by the installation of waste disposal units or by the storage of waste.

D85. The law also contains numerous provisions, particularly of a fiscal nature, which are intended to provide funding for the necessary programmes to implement its objectives. The most significant provision is the establishment of a tax of FRF 40 per tonne of waste which needs to be paid by the companies responsible for the management of waste disposal units for household waste and assimilated products (not exclusively used for the waste which they produce alone).

By law, companies responsible for the management of waste disposal units are also required to constitute their own financial guarantees to ensure the appropriate funding for the surveillance of the site concerned or any necessary measures in the case of accidents or to restore sites to their original state after use and this prior to the commencement of their activities or when the company changes hands. Lastly, for the disposal of special waste, the law provides the possibility to create a *groupement d'intérêt public* (public interest grouping). To restore sites to their former condition, the *ADEME* can draw contractual agreements with organisations representing industrial companies and relating to the level of their financial and technical participation.

Other provisions are intended to ensure the prevention of ecological risks linked to the treatment but especially to the storage of given special waste. The law also clearly establishes the liability of companies responsible for waste disposal units and the right of public authorities to obtain a reimbursement from them of the sums paid towards damages caused by a given accident linked to waste disposal.

Sources and further information

- *Actualité Juridique administratif Droit 'Dossier spécial Droit de l'environnement'* (Special dossier on environmental law), No 9, 1994.
- Jegouzo, Y., (dir.) *Droit du patrimoine culturel immobilier* (Property law relating to cultural assets), *Economica*, Paris, 1986.
- Jegouzo, Y., Sanson C., *Le guide de l'environnement* (Guide on Environmental Policy), Ed. *du Moniteur*, Paris, 2nd ed. 1991.
- Prieur, M., *Droit de l'environnement* (environmental law), *Dalloz*, Paris.
- Romi, R., *Institutions et droit de la protection de l'environnement* (Institutions and legislation for the protection of the environment), *Montchrestien*, Paris, 1994.

E. Overview of spatial planning in practice

In France, the *aménagement du territoire* (national and regional economic planning) has been the subject of an explicit State policy for over 40 years. It has been a policy of the State with specific institutions and instruments, but whose objectives could be imposed in the various fields of intervention by the State. The only variables of this policy have been its priority areas, its significance and ranking amongst government priorities as well as the role of other actors, the local authorities and the European Community. The *loi d'orientation pour l'aménagement et le développement du territoire* (Guidance Act on Spatial Planning and Development) of 4 February 1995 represents a first attempt to confer a global legal expression to the French concept of *aménagement du territoire*; at the same time it has adjusted this concept to the evolution of certain institutions and provided it with new instruments. The sectoral policies (Section F) (and the case studies in separate volumes) provide an illustration of the general characteristics and present policy trends governing the policy on *aménagement du territoire*, whose fundamental traits will be described in this section. Lastly, its purpose will also be to specifiy the key methodological approaches worth bearing in mind when reading Sections F and the case studies. (The latter is published separately.)

General characteristics of the *aménagement du territoire* policy

These characteristics relate to the policies covered by *aménagement du territoire* and to the links between the actors involved in its implementation.

Policies covered by *aménagement du territoire*

The *aménagement du territoire* is first and foremost a policy of the State which combines policies in aid of regional and local development with development or infrastructure projects intended to encourage economic development. It is an inter-ministerial policy, but at the institutional level, it also appears to be a specific sector of governmental policy. The *DATAR* is responsible for coordinating this policy; representing a service which comes under the Prime Minister's authority, it is usually placed under the authority of a particular Minister, depending on the government in office. The *aménagement du territoire* comprises objectives which are defined by government, similarly to other sectoral policies but which are nonetheless imposed on the latter in accordance with priorities set by government.

The *Act of 4 February 1995* defines the objectives of the policy on *aménagement du territoire* and lists the sectoral policies which are most notably concerned with its implementation. The terms of the Act extend the application of *aménagement du territoire* to State actions. The introduction of the term development in the title of this Act highlights the strong economic development dimension of this policy, however this has been one of its key features since its inception.

The objectives of the policy of *aménagement du territoire* can be summarised in three words: equality, solidarity and unity. Its aim is 'the enhancement and the harmonious development of the territory of the French Republic'; its aim is 'to ensure, for each citizen, equal opportunities across the territory and to create the conditions necessary for ensuring equal access' (Art. 1, al. 2). This aim represents a significant extension of

the coverage of *aménagement du territoire*, well beyond the economic sphere. The law specifies this in the following way; 'For this purpose, it (i.e. the policy on *aménagement du territoire*) corrects the inequalities of living conditions between citizens which are tied to their geographic location and its consequences regarding demographic, economic and employment matters. Its aim is to compensate territorial disparities. It can vary charges imposed upon citizens. Lastly, it is also intended to reduce the gaps in resources between the various local authorities taking account of their expenditure' (al. 3). All the imbalances and the inequalities linked to the geographical situation therefore now fall under the remit of the *aménagement du territoire* policy, including the finances of local authorities. The equal access of every citizen to public services represents one of its most significant dimensions; this needs to be ensured by the State, in relation to the public services falling under its competence, through their location and their general accessibility as well as the location of public infrastructure (al. 6).

The law lists in a very broad way all the policies which contribute to the implementation of the objectives of the *politique d'aménagement et de développement du territoire*; these are 'the policies of economic, social and cultural development, on sports facilities and education, vocational training, environmental protection, housing and the improvement of living conditions' (al. 4). The provision of health services are omitted from this list, however, they are mentioned in the *schéma national d'organisation sanitaire* (national scheme on the provision of health facilities) (Art. 21).

It is also worth noting here that the law additionally makes it possible to resort to positive discriminatory procedures in order to correct existing disparities. Such measures are not new in relation to the provision of aids to businesses in specific areas, however the extremely broad terms of the law now authorise such actions in a greater variety of fields in order to achieve its objectives. The correction of inequalities is a national responsibility; it is also a factor for ensuring national unity.

This extension of the coverage of *aménagement du territoire* tends to show that it cannot be understood in France simply on the basis of *urbanisme* (urban planning) and the planning instruments governing land use. The latter need to be respected as a matter of course when it comes to the practical implementation of the intended projects. However, the *policy on aménagement du territoire* cannot be defined at this level nor through such instruments.

The relationships between the actors of the policy of *aménagement du territoire*

The Act of 4 February 1995 reaffirms the responsibility of the State in this field. The *aménagement du territoire* is, in accordance with the law, a national policy which also involves the local authorities; in addition, the private sector (Art. 1, al. 7) needs to be encouraged to take part in the implementation of its objectives. It is possible to read the following in particular (Art. 1, al. 5); 'The policy of *aménagement et de développement du territoire* is determined at the national level by the State. It is led by the latter in cooperation with the local authorities in respect of their right to self government and the decentralisation principles'. This does not exclude local authorities themselves from adopting their own planning and development policies for the areas under their responsibility. The decentralisation reform pursued since 1982, the resulting increase in the autonomy and powers of local authorities and their general competence, as defined by law having regard to the local public interest has provided them with the freedom to exercise their competences and powers in relation to such policies and the law explicitly grants the regions individual competences relating to *aménagement du territoire*. However, the Act of 4 February 1995 emphasises the overall pre-eminence of the national policy on *aménagement du territoire* and legitimizes the interventions of the State in order to superimpose its objectives on others.

By contrast, the development of the contract as a form of relationship between public authorities, specifically relating to *aménagement du territoire*, is one of the consequences of the decentralisation reform together with the maintenance of a high number of local authorities and tiers of local government. The *Conseil Constitutionnel* (Constitutional Council), in its decision of the 26 January 1995 on the *loi d'orientation pour l'aménagement et le développement du territoire* (Guidance Act on Spatial Planning and Development) has decided that the Act could allow the negotiation of regional and local *conventions* (contractual agreements) intended to take account of the specificity of local situations and that this could provide a means to ensure the enforcement of the equality principle. The *contrat de plan Etat-région* (multi-

annual programmes agreed through contracts between the State and regions — State-region contractual programme) is the most significant of such contractual instruments and the contracts of the 1994-98 period tend to integrate those which were put in place for other policies, most notably the *contrats de ville* (contractual agreements between the State and groups of municipalities to implement the *politique de la ville* — Urban policy; State-city urban policy contracts) since 1990. At present, the *contrat de plan Etat-région* is used in almost all the sectors of relevance to the *aménagement du territoire* and in all the case studies which are published in a separate volume, it can be noted that the resources committed by the State or a significant part thereof are registered in the *contrat de plan*. The implementation of the *contrat de plan Etat-région* in itself requires the elaboration of numerous *contrats d'application* (development contracts) and *contrats d'exécution* (implementation contracts); the region and the Department also often resort to the contractual relationship in order to govern their relations with other local authorities and to coordinate their respective policies.

The development of contractual relationships between public authorities in the field of *aménagement du territoire* represents only one of the aspects of the reinforcement of the legal framework in this particular domain which has been noted since the decentralisation reform marked by the introduction of the Act of 4 February 1995. This Act introduced new strategic planning documents, the *schéma national* (National Spatial Planning and Development Scheme) and the *schémas régionaux d'aménagement et de développement du territoire* (Regional Spatial Planning and Development Schemes) and prescribes the use of planning instruments in order to ensure their implementation in accordance with the priorities which they set out; the *contrat de plan Etat-région* is required to take account of both the policy guidelines of the *schéma national* and those of the *schéma régional*. However, the *schéma national* still needs to be adopted by Parliament and the *schémas régionaux* still need to be elaborated. The *loi d'orientation* (Guidance Act on Spatial Planning and Development) also confers a legal basis in new domains to the use of *schémas sectoriels* (sectoral plans) (for example, by prescribing a new *schéma des équipements culturels* — Structure Plan on Cultural Facilities). Lastly, it introduces with the *directives territoriales d'aménagement* (territorial planning directives) an instrument of physical planning at an intermediary level in order to compensate the lack of coordination between the municipal *POS* (*Plan d'Occupation des Sols*) and to overcome the opposition to or the obsolescence of the *schémas directeurs* which are intended in principle to provide the former with a framework.

Although the *loi d'orientation of 4 February 1995* tends to reinforce the place of physical planning within the *aménagement du territoire* system, the principal operational instruments of *aménagement du territoire* relate to a political strategy, programming and financial instruments; they do not directly affect land use, albeit with the notable exception of the new territorial planning directives. On that basis, this Act remains true to the French concept of *aménagement du territoire*.

The current policy trends governing the policy of *aménagement du territoire*

These policy trends have been shaped by three priorities; to contain the expansion of the Parisian region, a permanent issue of the *aménagement du territoire* policy; to encourage the transfer from a single-centre urban system towards a polycentric urban system; to be in a position to address all the consequences resulting from the freedom of trade within the European Community, most notably on the distribution of economic activities and even their existence in certain regions; the fight against unemployment which is the foremost objective of the *policy of aménagement du territoire* given the worsening of the employment situation.

The priority objective of the *Xème Plan* (10th National Plan on Social and Economic Development — 1989-93) had been to encourage the adjustment of the French economy to the single market and the policy on *aménagement du territoire* had been geared to this objective with a view most notably to anticipating the consequences of the total opening of the barriers on the location of business activities and to integrate the cross-border areas within the development perspectives of the French regions.

The research studies carried out by the *DATAR* (Inter-ministerial Regional Planning Agency), in particular, since the end of the 1980s have led to the formulation of a strategy on the *aménagement du territoire* resting on seven inter-regional areas, whose borders are partially superimposed

and which are based on the hierarchy and the articulation of networks as shown by an analysis of urban functions and their development potential at each level. Specific strategies are defined for coastal and mountainous areas (see Section F, Economic development). The inter-regional areas represent the *'grands chantiers'* — (major 'development sites') of the *aménagement du territoire*; they should lead to the implementation of strategies intended to control the growth of the Parisian region and to counter-balance it through major regional centres resting on the creation or the development of regional metropolis. In accordance with the new *schéma directeur* of the Ile-de-France region (April 1994), the population of this region should not exceed 11.8 m inhabitants in 2015. The relocation policy of the government departments and public services whose presence in the capital is not indispensable is intended to ease the pressure off the Parisian region and to support the creation of regional administrative poles; this is equally true of the policy of the State on the location of industrial or tertiary activities and in particular destined to encourage foreign investments.

The research studies of the *DATAR* have inspired the document submitted to the national debate from the autumn of 1993 onwards, that is to say the *projet schéma national d'aménagement et de développement du territoire* (draft national spatial planning and development scheme) which was appended to the *projet de loi d'orientation* (draft Guidance Act on Spatial Planning and Development) and which was subsequently disassociated from it upon consideration of the Parliament in the autumn of 1994. However, its influence can still be noted in the documents relating to the strategy of the State vis-à-vis the regions, which are formulated by the *SGAR* (General Secretariat in charge of Regional Policy) in order to prepare the negotiation of the *contrats de plan* (State-region contractual programmes).

The strategy of the *'grands chantiers'* includes the identification of those cities which are intended to effectively counterbalance the growth of the Parisian region, at three levels of the urban network and the definition of policies intended to develop the functions which they should be holding. As a matter of course, the success of these policies rests on the effective adherence of the cities concerned and that of other local authorities, most notably the region. The objective here is to sustain the development, the regeneration (Marseille) or the acquisition of metropolitan functions at the level of the greater region and in some cases at an international level. This result should be obtained through the implementation of structuring facilities which generally fall under the remit of the State (large-scale infrastructure for communications, university networks, etc.) and by the implementation of a network of neighbouring cities so that they can develop complementary activities. At an intermediary level, the aim is to develop growth areas articulated around medium-sized cities which, on the one hand will provide the basis for metropolitan networks and, on the other, will provide rural areas with the necessary infrastructure for their development.

Moreover, priority policies are aimed at crisis areas, whether these are represented by the areas in need of industrial restructuring, declining rural areas or urban districts in crisis in the larger agglomerations. The priority areas for intervention have been redefined by the *loi d'orientation* of the 4 February 1995 and they will benefit from specific aid regimes. It is worth noting here the policy on conversion poles which dates back to 1984 and which is still being pursued in specific areas and the *politique de la ville* (urban policy) which has superseded the *politique de développement social des quartiers* (policy on the social development of urban districts) from the beginning of the 1980s. This policy now rests on the *contrats de ville* and on 12 *'grands projets urbains'* (major urban projects) in which the State is committing significant investment funds in order to change the physical character of the sites concerned through strong development policies on the built environment, facilities provision and the infrastructure in place.

In the rural areas, the object of the policy on *aménagement du territoire* is to offset the loss of rural jobs and cultivated land by encouraging the market adjustment of rural activities and the diversification of economic activities towards tourism, services or small-scale manufacturing activities.

Over the last 10 years, it has been possible to note that the policy of *aménagement du territoire* has allocated an increasingly significant role to environmental protection. This is without doubt the result of an adjustment to a change in the expectations of society, however it also often provides an appropriate answer to the evolution of sparsely populated areas where such conservationist measures may in fact give rise to the development of new activities. Moreover, the re-

quirements of legislation vis-à-vis major projects so as to ensure environmental protection have been constantly reinforced; after the introduction of the impact study by the 1976 Act, the reform of public enquiries by the 1983 Act has improved the opportunities for the participation of the public and associations and the Act of 2 February 1995 has reinforced this framework by granting new rights to official associations and by prescribing from now on, the organisation of a public debate, at the stage of their elaboration, on the objectives and the characteristics of *grands projets d'intérêt national* (major projects in the national interest) which have a strong social or economic dimension or a significant impact on the environment. The Community Directives have equally contributed to raising the awareness of the general public to the potential environmental impact of major projects and they have also provided associations with new resources in their legal battles, nevertheless the principal reforms of the last few years were not the result of their adoption in law.

The policy of *aménagement du territoire* is also conceived within a European framework. The *loi d'orientation* effectively indicates that the *schéma national d'aménagement et de développement du territoire* takes account of the European dimension. The plan allocates an increased role to cross-border areas and considers that 'the *schéma* will have greater chances to become the reality of 2015 if it is fully integrated within the framework of a European spatial development plan identifying common policy orientations which are accepted and supported by the Member States of the European Union'. The Structural Funds represent a significant proportion of the resources allocated towards the implementation of the policy of *aménagement du territoire*. The development of trans-European networks represents for France an economic opportunity given the positions acquired by the major national public services in the sectors concerned (railways, energy, telecommunications). However, the achievements of cross-border cooperation in themselves remain modest. Lastly, it is worth noting that in accordance with the *loi d'orientation*, the policy of *aménagement du territoire* 'contributes to national unity and solidarity', which limits the development of policies promoting the development of euroregions.

The implementation of Community policies has had without a doubt a significant influence on the content of French policies relating to *aménagement du territoire*, however it cannot be said that they have determined the evolution or the transformations of the French system of *aménagement du territoire*. The latter has been adjusted in line with new conditions, however it has kept its fundamental characteristics. Indeed, the Community policies have for example led to the consolidation of the powers of the *préfets de région* (regional prefects) who are responsible for the implementation of Community policies 'concerning the economic and social development and the *aménagement du territoire*' (Act of 6 February 1992). However, the regions remain local authorities; they have significant competences in terms of investment and planning but the regulatory competences relating to development are still shared between the State and the *commune* (municipality) (this in relation to urban planning).

Sectoral policies and case studies

The sectoral policies and case studies (in separate volumes) are intended to illustrate the practical implementation of the *aménagement du territoire policy.*

The aim of the sectoral policies is to show to what extent and how the objectives of *aménagement du territoire* are being pursued in specific areas of State intervention and in what way the planning system applies to them or integrates procedures which are specific to such policies. However, in the various sectors concerned, it is not really appropriate to refer to 'policies' in the precise sense of the word. Indeed, in order to do so, it would be necessary to show that each of the sectors under consideration do provide the framework for the definition of a public policy on behalf of the State or a given tier of local government, which would go beyond the terms of reference of this particular study. Moreover, in the case of some of the sectors considered, it is doubtful whether the public policies which may be identified effectively correspond to these sectors (the most relevant case is that of 'natural resources').

Sources and further information

See the following 11 publications dating from 1993 and which illustrate the principal work undertaken by the prospective working groups of the *DATAR* (DATAR/Editions de l'Aube, Paris / La Tour d'Aigues):

1. B. Kayser (dir.), *Naissance de nouvelles campagnes* (Birth of new countrysides).

2. X. Gizard (dir.), *La Méditerranée inquiète* (The worried Mediterranean).

3. J. Beauchard (dir.), *Destins atlantiques; entre mémoire et mobilité* (Atlantic destinies; between memory and mobility).

4. H. Le Bras (dir.), *La planète au village* (The planet in the village).

5. M. Foucher e J.-Y. Potel (dir.), *Le continent retrouvé* (The rediscovered continent).

6. M. Savy e P. Veltz (dir.), *Les nouveaux espaces de l'entreprise* (New business areas).

7. A. Sallez (dir.), *Les villes, lieux d'Europe* (The cities, European locations).

8. J.-Cl. Némery, S. Wachter (dir.), *Entre l'Europe et la décentralisation, les institutions territoriales françaises* (Between Europe and decentralisation, the French territorial institutions).

9. A. Bonnafous, F. Plassard, B. Vulin (dir.), *Circuler demain* (For the freedom of movement tomorrow).

10. F. Ascher, L. Brams, G. Loinger, M. Rochefort, A. de Romefort, J. Theys, *Les territoires du futur* (Future landscapes), presentation of prospective scenarios.

11. J. Viard, *La France de demain vue par les lycéens d'aujourd'hui* (The France of tomorrow as seen by the school students of today).

See also:

P. H. Paillet, '*Loi d'aménagement du territoire. Les textes d'application dans la foulée*' (Law on *aménagement du territoire*. A selection of the principal texts for its application), *Inter-Régions*, No186, May 1995, p. 14-17.

F. Philizot, '*Avant la mise en oeuvre, quelques réponses pratiques*' (Before the implementation, some practical answers), *Inter-Régions*, No186, May 1995, p. 18-19.

F. Sectoral policies

F1. Commercial development

The significance of commerce and craft industries within the context of the planning system

Commerce and craft industries are partners in government and administrative structures.

The significance of both these sectors in the planning context is not only tied to their global importance within the national economy (commerce represents 2 647 000 jobs and 450 000 companies whilst the craft industries accounts for 2 165 000 jobs and 805 000 companies). Given the fact that many companies in both these sectors are scattered throughout the French territory, they offer local employment opportunities and services and consequently help maintain populations in areas with a low level of development. The support of commerce and craft industries in such areas is therefore key to any policies encouraging further economic development. In the commercial sector, the regulation of large retail developments is necessary to maintain a sufficiently wide range of local services which are essential to any community, whether in rural or urban areas. Moroever, other policies which are of interest to planning policy such as tourism rely on the existence of such sectors.

Commerce and craft industries both share a great number of small businesses and the fact that these are not uniformly concentrated in one area; however they are distinguishable on the basis of the qualifications required for the craft industries; the latter category is also less exposed to the competitiveness of large retail schemes. Both these sectors fall under the competence of the same Ministry and the policies which apply to them are strongly linked.

The respective competences of the State, local authorities and the European Union

The State plays a key role in terms of the organisation and the economic structuring of both sectors but relies on local authorities and trade associations. The European Union ensures that those objectives which are tied to planning policy are met in both these sectors through its use of the ESF (European Social Fund) and the ERDF (European Regional Development Fund).

Commerce and craft industries fall under the remit of the *ministère des Entreprises et du Développement économique* (Ministry responsible for companies and economic development) and within it under the remit of the *Direction du Commerce intérieur* (Department for Internal Trade) and the *Direction de l'Artisanat* (Department for Craft Industries). At the local level, the Ministry relies on the *Délégués régionaux du commerce et de l'artisanat* (regional delegates for commerce and craft industries) to carry out its policies, who in fact represent the deconcentrated services of the State. However, such services are now integrated within the Regional Prefectures since 1995, with the *Délégués régionaux* becoming *chargés de mission* (special project advisers) in cooperation with the regional prefects. The Ministry is also reliant on the *chambres de métiers* (trade associations) and on the *chambres de commerce et d'industrie* (Chambers of Commerce and Industry) to implement its policies. Such organisations are viewed as *établissements publics* (public law agencies) which are re-

sponsible for representing economic interests as well as the management of public services to ensure economic development and lastly, the provision of training and vocational facilities. The authority of the State over such establishments is exercised by the prefects.

The Ministry responsible for commerce and craft industries has a modest budget for its policies in both sectors (less than FRF 600 million in 1995), however it also benefits from extra-budgetary resources which are relatively more significant; these are the *Fonds d'intervention pour la sauvegarde, la transmission et la restructuration des activités commerciales et artisanales* (*FISAC*) (Intervention Fund for the maintenance, transfer and restructuring of commercial activities and craft industries) in particular, which was created by Act No 89-1008 of 31 December 1989 and which is sourced by a portion of the yield from the tax on retail schemes over 400 m² (Law No. 72-657 of the 13 July 1972) and the *fonds départementaux d'adaptation du commerce rural* (Departmental Funds to facilitate the adjustment of rural trade activities) which are sourced by a portion of the *taxe professionelle* (business tax) paid by the large retail schemes (Act No. 90-1260 of 31 December 1990, Art. 8). The Ministry also uses the funds made available to it by the European Social Fund. The main purpose of the *FISAC* is to help maintain and adapt the commercial fabric in a given area and it specifically allocates funds in both rural and urban areas to ensure the following; (1) to compensate for an increase in competition which is likely to alter the balance between different types of trade activities or (2) in areas where commercial activities are seriously affected by the evolution of the environment, economic changes or a population decrease or lastly (3) in rural areas requiring priority intervention or in sites which come under the *programme de développement social des quartiers* (programmes for the social development of urban areas, now known as *contrats de ville* — State-city urban policy contracts) (Decree of 21 November 1991).

The consideration of commerce and craft industries in planning policy expresses itself in the decisions of the *CIAT* (*Comité interministériel de l'aménagement du territoire*) (Inter-ministerial Planning Committee; for example, the decision of the CIAT of July 1993 on the provision of funds to young entrepreneurs in rural areas — Circular of 7 February 1994) and in the interventions by the *FIDAR* (*Fonds interministériel pour le développement et l'aménagement rural*) — Interministerial Fund for Rural Development which has been integrated in the new *Fonds national de l'aménagement du territoire* — (National Development Fund from 1 January 1995).

Community Funds are used in the context of vocational training and infrastructure provision. The ESF (European Social Fund) supports training programmes for the development of *brevet de maîtrise* (qualification diplomas) for the benefit of craftsmen who are active in areas eligible under Objective 2 (areas in industrial decline) and 5b (rural areas at risk); moreover, it funds long-term traineeships in companies from another Community country. Other Structural Funds are also used, but the funds specifically allocated for commerce and craft industries are not easily distinguishable; however, in the Nord-Pas de Calais region, FRF 1.8 million of ERDF funds (European Regional Development Fund) were earmarked for commerce and craft industries in 1993.

Local authorities as well as the professional trade associations concerned are also involved in the decisions governing the use of the *fonds départementaux* (departmental funds). Such decisions are taken by a *commission* presided over by the prefect and the *président du conseil général* (President of the General Council) which is also made up of three mayors, three representatives of the relevant Chamber of Commerce and Industry, one trade association representatives and two appointed personalities. Indeed, the *taxe professionelle* levied on the large retail schemes is distributed at an intercommunal level; 12% are collected at the regional level and distributed between the various *départements* within the region concerned having regard to the scope for taxation per km² (the greater the scope, the lesser the allocation) in order to fund the *fonds départementaux*.

However, this system only started to function in 1993 and given the conditions surrounding its entry into force, it is only starting to generate enough resources for programme funding, which will remain modest in 1995.

At the regional level, the policies concerning commerce and craft industries are expressed in the *contrats de plan Etat région* (State-region contractual programmes); they are on the increase in the *contrats du XIème Plan* (11th National Economic Development Plan — 1994-98) in comparison with those set out in the *Xème*

Plan (10th Economic Development Plan — FRF 370 million, 100 of which were contributed by the *FIDAR*, instead of 230), in accordance with the decisions of the prefects. This increase is due to the greater recognition of the role played by the craft industries to sustain employment through the provision of local activities and services to large companies. With regard to commerce, the main policy emphasis concerns the existence and maintenance of local commercial businesses in rural areas and for the purpose uses a variety of instruments which will be presented further on.

More generally, the local authorities, *regions, départements* and *communes* are in a position, on the basis of the Act of 2 March 1982 (Art. 5) to grant direct or indirect aids in order to ensure the ongoing provision of services to meet population needs in rural areas in such cases where there is a lack of private initiatives in this respect and on the basis of a *'convention'* agreement entered into with the beneficiary. In mountainous areas, the purpose of such interventions, in a wider sense, may be to sustain a local commercial network and to improve the conditions for commercial activities and craft industries whilst ensuring their ongoing development and modernisation (*Act of the 9 January 1985*, Art. 55). The *programmes d'aides à l'équipement rural* (programmes ensuring infrastructure provision in rural areas) of the *conseils généraux* (General Councils — *Act of 7 January 1983*, Art. 29) may also comprise development aids.

Policy trends regarding commercial activities and craft industries of relevance to the *aménagement du territoire* policy

These policies may be summarised in three main points; firstly, the development control of large retail schemes; secondly, sustaining a balance between various types of commercial activity in urban areas and revitalising those areas which are deemed to be 'fragile' i.e. 'exposed'; thirdly, the revitalisation of rural areas also 'at risk'.

The control of development of large retail schemes

The Government decided in April 1993 to impose a moratorium on the implementation of new major retail schemes, which was followed by a consultation with all the actors concerned in such developments and gave rise to a modification of the authorisation procedures.

In accordance with a Decree from 16 November 1993, applicants now need to attach to their file an in-depth study enabling the *commission départementale d'équipement commercial* (departmental commission responsible for the implementation of commercial activities) to evaluate the economic and social impact of the project put forward on existing businesses. This study is then submitted for comments to the relevant Chambers of Commerce and Trade Associations. An *Observatoire national d'équipement commercial* (National Observatory for Commercial Facilities) was also created in order to evaluate the general evolution of commercial activities in France as well as *observatoires départementaux* (departmental observatories).

The renewed examination of authorisation requests from 1994 onwards seems to suggest a more restrictive approach than previously adopted, as shown most notably by the national Commission, which may be appealed against; the majority of newly authorised large retail schemes related to non-food distribution activities.

Lastly, it is worth noting that part of the tax levied on large retail surfaces as well as the *taxe professionelle* (business tax) which they also pay are used to finance programmes in sustaining and promoting the development of local commercial activities and craft industries.

The maintenance of a balance between different types of commercial activity in urban areas and the revitalisation of urban areas at risk

The Ministry implements its policies in this respect through the *opérations urbaines de développement du commerce et de l'artisanat* (OUDCA) (urban programmes for the development of commerce and craft industries) and by the renovation of the *'halles'* (covered markets) and other markets.

The *OUDCA* (Circular of 5 December 1989) encompass the following policy programmes with a one to a three-year lifespan; the enhancement of the urban environment and of living conditions within town centres, the training and qualifications of retailers and craftsmen, the modernisation of businesses in themselves (through the provision of technical assistance, standardisation of working tools, advisory services, promotion of activities). These programmes which are intended

to consolidate traditional commercial activities may also be implemented by the *Délégation Interministérielle à la Ville* (Inter-ministerial Delegation for Urban Policy). In the course of two and a half years, 112 *OUCDA* have been subsidised by the State.

The projects for the renovation of *'halles'* (covered markets) and other markets (letter — circular from *26 July 1991*) are based on the acknowledgement that commerce under such conditions is less hard hit by competition than other forms of traditional trading activities, in fact that it serves to consolidate the latter and outside of cities plays a significant role in rural community life. The *FISAC* is used to fund such projects, 70 of which are now underway.

Lastly, the *loi d'orientation pour la ville* (Urban Policy Guidance Act) from the 13 July 1991 together with the *loi d'orientation pour l'aménagement et le développement du territoire* (Guidance Act on Spatial Planning and Development) from 4 February 1995 grant fiscal benefits (most notably a temporary exemption from the *taxe professionelle*, within a given ceiling) for creations or extensions of businesses in specific areas which are hallmarked by the presence of social housing and derelict living areas; such measures are particularly beneficial to commerce and craft industries.

The revitalisation of rural areas at risk

The policy in this field is principally articulated by two programmes: the *opérations de restructuration du commerce et de l'artisanat* (*ORAC*) (programmes for the restructuring of commerce and craft industries) and the programme entitled *'Mille villages de France'* ('a thousand villages in France').

Established by a *Circular of 28 July 1988*, the *ORAC* are implemented in the context of the *contrats de plan Etat-région* (State-region contractual programmes) which have provided them with 44 % of the State funding allocated for commerce and craft industries. Their purpose is to provide assistance to craftsmen and shopkeepers to renovate their business premises, to complete their training, to benefit from advisory services; they are operated on the basis of a small *bassin d'emploi* (employment area) (at least one *canton*) and bring together the totality of partners involved (trade associations and chambers of commerce, other associations, etc.). In the sector of the craft industries, the aim of the *ORAC* is to develop small employment areas in rural areas, to involve craftsmen in the urban development process which benefits shopkeepers and to enhance the marketability of their products through promotion programmes. Such programmes have a significant leverage effect; indeed ministerial funds are often doubled by regional funds, tripled by the allocation of inter-ministerial funds, the contributions of the *départements* and eventually Community funding; in total, public funds only represent 25 % on average of company investments.

The *'Mille villages de France'* initiative, which was launched on 18 June 1993, was primarily financed by the *FISAC*. Its aim is to facilitate access to a minimum level of services, both public and private, to the local population and most notably elderly people, which are necessary to meet basic requirements together with the development of craft industries and the rehabilitation of housing. *Communes* with less than 2 000 inhabitants are covered by this initiative. A priority objective is to open or to develop areas offering multiple services in existing businesses. The operation also prescribes the implementation of common services for the craft industries as well as commercial enterprises and the creation of new products or services. Other measures deal with mobile services.

The grant towards *jeunes entrepreneurs ruraux* (young entrepreneurs in rural areas), agreed by the *CIAT* in July 1993 (Circular of 7 February 1994) is intended to assist them with the establishment of businesses in *communes* with less than 2 000 inhabitants which are situated in rural territories earmarked for priority development. The system also makes way for the provision of technical assistance by trade associations (initial implementation phase followed by its start-up) and the establishment of a loan guarantee fund to facilitate credit provision. The Act of 4 February 1995 has also made it possible to grant fiscal benefits on the basis of this particular fund (such as exemptions from the *taxe professionelle* similarly to the urban areas at risk) (Art. 52.1).

N.B. See new legal provisions — L. No 96-603, 5 July 1996 on commerce and craft; D No 96-1018, 26 November 1996; circular of 16 January 1997; L in 96-987 of 14 November 1996, with provisions on the restructuring of retail equipment in deprived urban areas.

F2. Economic development

Economic development and planning

In France, planning policy is traditionally assigned to a State policy which is motivated by development objectives. It was first conceived as a set of measures in aid of regional and local development and development programmes intended to encourage economic development. The renewal of planning policy over the course of the past few years was nonetheless accompanied by an extension of its field of activity with the result that economic development has become only an intermediate objective and economic development policy comes across as a sectoral policy, amongst many others, or policy sectors, which satisfies some of the more general planning objectives.

The national policy on economic development encompasses the totality of public interventions whose purpose is to create a favourable business environment and to promote innovation and job-creation, in such a way as to increase national wealth and income distribution. The public interventions which are relevant to planning policy and are effectively fully integrated within it have as their purpose the creation of a favourable spatial environment for business and the pursuit of economic development in such a way that it serves to achieve planning policy objectives (see Section E: Overview). The totality of these interventions is now inscribed in a national planning strategy which will be expressed in the *schéma national d'aménagement et de développement du territoire* (National Spatial Planning and Development Scheme), which is due to be adopted as prescribed by the *loi d'orientation pour l'aménagement et le développement du territoire* (Guidance Act on Spatial Planning and Development) of 4 February 1995.

This national strategy has been conceived within a European framework. Its implementation presupposes the involvement of local authorities as well as that of the European Community.

The European Community is expected to grant additional sources of funding to France over the present period. The allocation of Structural Funds will be carried out in the following way:

— Objective 1: FRF 15 milliard from 1994 to 1999;
— Objective 2: FRF 11.4 milliard from 1994 to 1999;
— Objective 3 and 4: FRF 21 milliard from 1994 to 1999;
— Objective 5: FRF 14.7 milliard from 1994 to 1999.

In comparison to the previous period, the population of the areas covered by Objective 2 has risen from 9.2 to 14.6 million inhabitants and that of areas covered by Objective 5b from 6.2 to 9.7 million inhabitants.

The economic interventions of the local authorities remain at a high level: they represented approximately FRF 13.3 milliard in 1992, the last published figures, which were almost equally divided between the *communes*, the *départements* and the regions with the expenditure by the *communes* remaining the highest (FRF 4.8 milliard). Approximately 51 % of allocated aids benefit industry, commerce, craft industries and the building industry. Fiscal exemptions (principally of the *taxe professionelles* in the *PAT* zones — see above) and loan guarantees should also be added to the list.

The role of economic development in the planning context will be described according to the following themes:

1. the national planning and development strategy vis-à-vis economic development objectives;
2. interventions/policies on the location of business activities;
3. interventions in priority areas;
4. national infrastructure provision;
5. the *contrats de plan Etat-région*, the correction of economic inequalities and local development.

The national strategy on *aménagement du territoire* and economic development policy

The *projet du schéma national d'aménagement et de développement du territoire* (draft National Spatial Planning and Development Scheme) was drawn up by the *DATAR* in the course of the last few years on the basis of works by groups undertaking research and analysis. It was first annexed to the *projet de loi d'orientation pour l'aménagement et le développement du territoire* (draft Guidance Act on Spatial Planning and Development) lodged in June 1994 but it was subsequently disassociated from it for political motives. It is still pending due to political changes.

Its purpose is to 'define the policy principles aiming to encourage a balanced rate of growth resting on sustainable development objectives' taking account of the three major trends, common to the whole of the European Union; the emergence of a world economy, the ageing of populations and the increasing significance of new technologies. Its principal objective is to transform the geographical organisation of France over the coming 20 years in order to control the development of these trends.

The *schéma national* (National Scheme — as above) is conceived within a European framework; it takes account of the enlargement perspective of the European Union and of the opening of Europe towards the South. It prescribes the development of metropolitan networks equipped with infrastructure and services of international standard with Paris remaining the privileged access point but within which various other French towns will be sufficiently well established to be able to forge substantial links with other major European cities. These metropolitan networks are intended on the one hand to prevent the congestion of the Ile-de-France region which would affect its overall attractiveness and on the other to encourage a more balanced distribution of the most dynamic fields of activity and senior tertiary activities. Infrastructure development is also expected to make way for an improved integration of the French territory within the European geography by providing it with a privileged place within the architecture of the trans-European networks which will in turn determine the involvement of the French economy within trade exchanges and its capacity to benefit from the single market.

The *schéma national* now needs to be fully integrated within a European development project which expresses the common policy guidelines agreed and supported by the Member States. It is coherent with the *Schéma de Développement de l'Espace Communautaire* (*SDEC/ESDP*) (European Spatial Development Perspective) whose first official project was adopted in Mordwigh in June 1997. In conformity with the conclusions of the Leipzig meeting (September 1994), the ESDP is formulated on the basis of proposals by the various Member States as well as the policy analysis and guidelines presented by the Commission. The *schéma national* is thus expected to act as a privileged instrument for France to encourage cooperation in the planning and development context. To this end, it prescribes specific efforts towards individual cities and cross-border regions.

The new architecture of the national territory drawn by the *schéma* rests on the organisation of exchanges by infrastructure links and on spatial organisation through *'bassins de vie'* (dense settlement areas) divided according to regions and by city networks. In the less densely populated areas, regions are expected to 'emerge' by focusing on the spatial organisation of local areas which is the most suited to enable the achievement of development projects and the diversification of activities. The medium-sized towns are expected to provide a link to the various *'pays'* or regions through metropolitan networks and additionally to provide access to the particular services offered at this level of the urban organisation. In this way, the aim is to reinforce the attractiveness of small towns both in terms of population numbers and economic activities. Lastly, the metropolitan networks are due to make way for a re-deployment of the main administrative functions of public services which need not be located in Paris; they should also increase their attractiveness, having regard to the quality of the infrastructure and services which they will be providing. Moreover, their development is scheduled within the context of partnership agreements between the State and establishments responsible for inter-regional cooperation.

Seven such areas are apparent, whose study perimeters are overlapping; these are:

- the Bassin parisien (the Ile-de-France and the seven surrounding regions);
- northern France (four regions);
- the Grand Est — Eastern region (from the Moselle and the Rhine to the Rhône);
- the Centre Est — Centre East (part of the Massif central, Dijon-Besançon, Lyon, Grenoble and the Avignon-Nîmes-Arles area);
- the Midi-Méditerranée area which ought to become the pivotal point of a Mediterranean axis;
- the south-west which is due to develop itself on the basis of cooperation between Bordeaux and Toulouse; and
- the Loire-Bretagne area which should benefit from improved relations between its cities and improved east-west communications with the establishment of parallel links between estuaries.

The *massifs de montagne* (mountainous areas) should not be excluded from economic develop-

ment policies provided that the infrastructure provision accompanying these is not damaging to their environment, representing their principal asset. Regional cooperation needs to be encouraged to ensure that administrative policy divisions do not jeopardise the implementation of policies concerning an entire *massif* area; the consolidation of the representative institutions of the *massif* areas should be useful in this respect. The complementary finances contributed by the Community are also intended to support the efforts of the State and of local authorities in these particular geographical areas.

The *politique du littoral* (coastal policy) has made way for new policy guidelines presented to the *CIAT* (Inter-Ministerial Planning Committee) of Troyes in September 1994. It includes the revitalisation of French ports with a significant investment programme over a five-year programme, the finalisation of a planning and development policy for the major French estuaries (the Gironde, the Seine and the Loire) and lastly the enhancement of the maritime heritage.

The implementation of the *schéma national* should rest on the preparation and production of *schémas sectoriels d'équipement* (sectoral schemes on infrastructure provision) (see above).

Interventions on the location of activities

They constitute one of the oldest forms of intervention on economic development which was first used to sustain regional development and to limit the implementation of businesses in the Parisian region. They are now supplemented by a policy of administrative relocations to form the Parisian agglomeration. Their aim is to encourage balanced economic growth throughout the French territory and maintain the growth of the Ile-de-France region under control. In accordance with the *schéma directeur of Ile-de-France* (Master Development and Urban Planning Scheme for Ile-de-France) which came into force in April 1994, the number of jobs in Ile-de-France should not exceed 5.8 million nor the population 11.8 million inhabitants. Studies and pilot projects are also presently taking place with a view to developing tele-working.

Location aids

The *Prime d'aménagement du territoire* (*PAT*) (development grant) is a *subvention d'équipement* — meaning a subsidy towards the establishment of a specific activity — i.e. for the necessary construction/infrastructure works surrounding the project — which is usually granted to companies which are considering the development of either industrial/research or other specific tertiary activities in certain regions, provided that such projects will provide a permanent source of employment to a minimum number of wage earners and that their funding requirements justifies the use of public funds. The Government has decided to increase locational aids which became far weaker in France compared to neighbouring countries. At the *CIAT* meeting of Mende (Inter-ministerial Planning Committee — 12 July 1993), the Government decided to increase the budgetary credits allocated to the *PAT*, it also increased the rate of intervention by 40 % per job creation and at the same time it was able to limit the number of areas benefiting from the PAT as requested by the Commission. These areas now represent 40.9 % of the metropolitan population, instead of 42 % previously and of 36 % initially required by the Commission; the intervention rates varying from area to area. The proportion of aids for regional development purposes is currently limited by the Commission in the form of cumulative ceilings of the aids provided which take account of the fact that the same company may be able to benefit from a range of regional aids derived from a variety of sources (most notably the aids granted by the *sociétés de conversion* — public companies providing funding towards economic regeneration).

At the local level, the local authorities may grant aids to encourage the location of business activities. In the areas covered by the *PAT*, they may exempt companies from the *taxe professionnelle* which they levy (business tax). Across the French territory but eventually in defined areas, the regions may also grant a *prime à la création d'emploi* (job creation grant), according to the same principles applied for the *PAT*, with other local authorities able to supplement this grant within the legally permissible ceiling. The local authorities also resort to a large extent to indirect development aids benefiting companies most notably on the real estate front.

In order to attract foreign investment, the *DATAR* has developed a network of overseas offices covering four major areas; Europe without Scandinavia, Scandinavia, North America and Asia. These overseas offices rely on the network known as 'Invest in France' which groups to-

gether in a charter all the organisations interested in the promotion of France as an ideal location for foreign investment (e.g. the *commissaires à l'industrialisation* — industrial commissions undertaking promotional activities and which are set up by the local authorities). In 1994, successful projects accounted for approximately 16 000 jobs created or maintained. The following are examples of some of the most significant and recent business establishments: the MCC factory (the Swatchmobile) at Sarreguemines-Hambach (north-east of France) accounting for approximately 8 900 jobs with 2 000 created this year (1994) or the establishment of a computer manufacturing company for Packard-Bell in Angers (400 jobs to be created in the next three years). The Lorraine and the Nord-Pas de Calais are the regions which have benefited the most.

The aid funds towards decentralisation

This Fund which is destined to facilitate the relocation of companies from the Parisian region had not been resourced since 1987. However, at the *CIAT* (Inter-Ministerial Planning Committee) of November 5 1990, the Government decided to reactivate its use by providing it with the adequate finance. The *CIAT* of Mende (12 July 1993) then determined its objective to be the location outside of the Ile-de-France region of 5 000 jobs per year until 2015. The actual results amount to 2 500 jobs in 1994 but this can be explained by the drying up of available funds since credit requests were actually higher than anticipated. The areas benefiting the most from such relocations are the west of France, the *'sillon rhodanien'* i.e. the Rhône valley area and the peripheral areas surrounding the *'grand bassin parisien'* — the extended Parisian Basin.

The relocation of public functions

The *CIAT* of 3 October and 7 November 1991, of 29 January and 23 July 1992 and 10 February 1993 have adopted and confirmed a programme for the redeployment of public functions accounting for over 15 500 jobs and 88 organisations represented in 80 cities. In spite of the social obstacles and contentious debate surrounding this policy, the Government reaffirmed its will in the *CIAT* of 12 July 1993 to make the transfer of public functions outside of the Parisian region a policy priority and a circular was subsequently sent to the regional prefects on 6 August asking them to draw an inventory list of the offers by local authorities to accommodate such public services. Following this procedure, the transfer of 11 700 public jobs is now effectively scheduled. The *CIAT* of Troyes (20 September 1994) has founded itself on the State of advancement of this policy in order to adopt a new programme accounting for 10 200 jobs. However, the implementation of these measures remains slow, the personnel concerned being generally hostile to these proposals and the associated costs being high not only for the State (social packages) but also for the local authority concerned which is required to fund the greater part of the necessary buildings.

Tele-working

Tele-working offers interesting employment opportunities, most notably in rural areas, given the weak property costs involved and the high quality of the infrastructure for telecommunications and energy transport available across the French territory; the development of information networks will make tele-working an even more attractive proposition in years to come. Following a report commissioned by the Minister in charge of Planning, it already concerns between 10 000 and 20 000 individuals and could affect as many as 300 000 individuals by 2005. The *DATAR* has called for several interventions to be made in priority areas involving the creation of tele-working functions.

Interventions in priority areas

The geographical delimitation of priority areas constitutes a part of the traditional instruments used by planning policy. The determination of areas eligible for the *PAT* is one of its oldest applications. However, economic difficulties have led to an increase in zoning which sometimes superimposes one or another but are subject to different regimes. The *loi d'orientation pour l'aménagement et le développement du territoire* (Guidance Act on Spatial Planning and Development) has provided the opportunity to curb this trend.

The efficiency of location aids in reconversion areas has been the subject of an in-depth study by the *Conseil économique et social* (Council for Economic and Social Affairs) — see the report entitled: *'La politique d'aide à la localisation des activités dans les zones de conversion'* ('The aid policy towards the location of business activities

in reconversion areas'), presented by M.J.-C. Bury, 5-6 July 1984, JOCES, No 23, 29 August 1994, 552 pages). Over an eight-year period, contrasting results are apparent. At the demographic level, nine areas showed a relative improvement, six areas witnessed a slow-down of their population growth, eight areas found themselves in a distressing situation with a worsening population decline. With regard to the level of activity, the employment situation has generally deteriorated in spite of the allocated aids. In relation to the diversification of the local economy and its revitalisation, it is apparent that the implementation of new activities is hardest in areas marked by the existence of a single industry. However, the actions undertaken have nonetheless provided the local population with a secure source of income which has attenuated the gravity of existing social conflicts. A global evaluation per area shows that out of 22 employment zones, eight have witnessed a marked improvement of their situation in 1990, it has been stabilised in five zones, however that in the nine remaining, the actions undertaken have been ineffective.

The evaluation of the various instruments of economic intervention which have been used shows that innovation aids (*plan productique régional* (regional plan setting out funds for innovating projects) and the *sociétés de conversion* (public companies assisting economic reconversion) have produced better results. It also sheds some light on the impact of European funds which the areas have benefited from. The lack of flexibility surrounding the allocation of these funds, which have been granted for specific projects under the programmes defined by the Commission have led to an over evaluation of the investments required along those lines (most notably for the development of activity zones which absorbed a substantial proportion of the ERDF, Rechar and Resider funds) whilst at the same time funds are lacking for other policy priorities. Another criticism relates to the lack of transparency; numerous actors are kept outside of the regional consultations and ignore whether Structural Funds are present or not in given projects; however, this criticism is levelled in particular at the regional prefects which play a significant role in the allocation system.

The *LOADT* (*Loi d'Orientation sur l'Aménagement du Territoire*) (Guidance Act on Spatial Planning and Development) has introduced a new typology of priority zones which integrate new planning objectives, with the definition of the designated urban areas. Moreover, although the priority zones benefit from various financial and fiscal advantages, their function is not only to authorise specific aids but also to implement 'reinforced and differentiated development policies' (Art. 42) which calls for a more global approach towards the problems faced by these zones. The Act distinguishes three types of zones:

- The development zones. These zones are characterised by their low level of economic development and the insufficiency of the industrial or tertiary fabric.
- The rural territories for priority development. These are disadvantaged zones with a low level of economic development; amongst these, the rural revitalisation zones are worth noting since they are experiencing specific difficulties.
- The designated urban zones. These are zones characterised by the presence of social housing blocks or derelict residential areas and by a marked housing/employment imbalance; it is worth noting amongst these it is the urban regeneration zones which are also experiencing specific difficulties.

A distinction is therefore drawn between two levels of priority zones; and some of the fiscal and financial advantages prescribed are reserved for zones whose situation has clearly worsened. The reduction to nil of the property transfer rights governing the acquisition of retail outlets or client bases which is only granted to rural territories of priority development and in urban regeneration zones. Other measures taxed on tax exemptions and/or social contribution exemptions were taken for rural neutralisation zones and urban regneration zones. These examples are indicative of the general approach which is being adopted.

The new policy of the State in favour of the maintenance of public services in areas with a low population density is closely associated with the definition of priority zones (Art. 29). The development objectives which national public services are required to take account of for their management are henceforth fixed in the *contrats de plan* (State-region contractual programmes) which are agreed in particular with the responsible public companies or in the *contrats de service public* (contracts for public services); these contracts are also due to specify the level of financial compensation which the State is prepared to grant. Any reorganisation decision which does not conform to the objectives set out in the relevant con-

tract or plan will need to be subjected to an impact assessment study and submitted to the local authorities for comments. The Minister in charge may impose his final decision to the organisation responsible for the provision of public services and in the priority zones the final decision will need to be in conformity with the criteria defined by decree in the *Conseil d'Etat* (Council of State).

However, these new provisions do not jeopardise the existence of the *commissariats à l'industrialisation* (industrial commissions — 10 in total) and the *commissariats de massif* (commissions for mountainous/massif areas — also numbering 10) which are economic development instruments attached to the DATAR and locally placed under the authority of the regional prefects. The *commissaires à l'industrialisation* are assisted by development associations which bring together local companies, professional organisations as well as the local authorities. They look for investors, grant financial aids towards the implementation of new companies and are involved in the search for industrial partners or buyers of local companies. The *commissaires de massif* follow the same procedures but are assisted in the process by the *comités de massif* established by the Act of 9 January 1985 on the development of mountainous areas.

Infrastructure provision

The quality of infrastructure provision is a fundamental condition although not exclusive for economic development. The economic difficulties and the single market have made the State and the local authorities increase their efforts in this domain. This policy is being expressed in the *LOADT* (Guidance Act on Spatial Planning and Development).

The latter extends to other fields the necessity to formulate *schémas nationaux d'équipement* (national infrastructure schemes), confers on them a new legal basis and in particular it attaches precise objectives to the definition of their contents and their implementation. Moreover, their formulation is explicitly linked to the implementation of the policy guidelines of the *schéma national d'aménagement et de développement* (National Spatial Planning and Development Scheme) (Art. 10).

The *LOADT* thus prescribes the production of the following *schémas sectoriels* (sectoral schemes):

- the *schéma de l'enseignement supérieur et de la recherche* (Higher Education and Research Scheme) (Art. 11 to 15); in 2005, 65 % of researchers, teacher-researchers and engineers involved in public research exist outside of the Ile-de-France region;
- the *schéma des équipements culturels* (Structure Plan on Cultural Facilities — Art.16); within a 10-year period, regions excluding the Ile-de-France are due to benefit from two thirds of State expenditure relating to cultural facilities;
- the *schéma directeur routier national* (National Roads Scheme), the *schéma du réseau ferroviaire* (Railway Network Scheme), the *schéma directeur des voies navigables* (Waterways Scheme), the *schéma des ports maritimes* (Maritime Ports Scheme) and the *schéma des infrastructures aéroportuaires* (Airport Infrastructure Scheme — Art. 17 to 19); the principal objective is that in 2015, no part of the territory will be more than 50 kilometres or 45 minutes by car away from either a motorway or an express dual-carriageway linked to the national network or a railway station served by the high-speed railway network;
- the *schéma des télécommunications* (Telecommunications Scheme — Art. 20); the high-intensity interactive networks will need in 2015 to cover the totality of the territory and be accessible to the whole of the population, companies and local authorities;
- the *schéma d'organisation sanitaire* (Structure Plan on the Provision of Health Services — Art. 21) whose purpose is to ensure the equality of access to health services across the French territory.

Moreover, the public intervention funds from the Planning budget which were created at various periods of time and in the context of different policies have been regrouped from 1 January 1995 onwards in a *Fonds national d'aménagement et de développement du territoire (FNADT)* (National Spatial Planning and Development Fund) (Art. 33). For the purpose, the available credits have been increased. In 1995, this Fund now represents FRF 2.4 milliard, out of which FRF 1.4 milliard is earmarked for investments (FRF 2 milliard for programme authorisations). The fund is divided into two sections, with one (FRF 1.325 milliard) deconcentrated to the regional prefects.

The regional grants are distributed in accordance with the State undertakings set out in the *con-*

trats de plan Etat-région and having regard to the significance of priority zones (population and surface); the Nord-Pas de Calais and the Lorraine are the principal beneficiaries of this distribution. The deconcentrated credits will be used in priority by the regional prefects in the *pôles de conversion* (reconversion areas which are part of the development zones but have not been granted a permanent status by the *LOADT*) and in the rural revitalisation zones; the regional prefects may also be able to apply for the general credits coming under this fund.

Lastly, a *Fonds de gestion de l'espace rural* (fund for the management of rural areas) has also been created in order to contribute 'towards the funding of any public interest project ensuring the conservation or rehabilitation of rural areas' (Art. 38).

The *contrats de plan Etat-région*, the correction of economic disparities and local development

The 'third generation' of the *contrats de plan Etat-région* (State-region plan conventions) (1994-98) is a confirmation of the central place acquired by this policy instrument in order to harmonise public policies and implement the planning and development policy of the State. At present, there is an increase of State undertakings and the *contrats de plan Etat-région* tend to absorb other contractual instruments which emerged a little later such as the *contrats de ville* (State-city urban policy contracts).
The table oveleaf shows the increasing popularity of *contrats de plans Etat-région* by comparing the three 'generations' of such plans.

In comparison with previous *contrats de plan*, those for the 1994-98 period present notable differences:

- The undertakings of the State and of the regions coming under the *contrat de plan Etat-région* are associated with other sources of funding; the *contrats de ville* (FRF 8.8 billion of State funding incorporated in the State contributions under the *contrat de plan*), other sources of State funding, *European Funds* (FRF 3.7 billion), other contributions by local authorities not representing the regions, for approximately FRF 23 billion; in total a potential of FRF 218 billion may be allocated for *contrats de plan Etat-région*; on this point, the undertakings by the State have been adjusted from one region to another, depending on three criteria; the fiscal/tax potential per inhabitant, the average unemployment rate and the total employment variation from 1984 to 1992.

- The regional prefects have enjoyed substantial room for manoeuvre in the negotiations with the elected representatives; out of the total amount of the State grant for each region, 25 % could be freely negotiated.

- The State has prioritised the negotiation on precise objectives for each region, on the basis of a strategy formulated for each region, relating to sectoral policy.

Table F3: Comparison of three 'generations' of *contrats de plans Etat-région*

	1984-88		1989-93		1994-98	
	FRF billion	FRF/ inhabitant	FRF billion	F/RF inhabitant	FRF billion	FRF/ inhabitant
State	38.9	716	58.5	1004	81	1395
Regions and local authorities	25.9	479	48	848	84	1446
Total	64.8	1193	106.5	1827	165	2844

(Source: DATAR)

Moreover, for the first time, a *contrat de plan interrégional* (Inter-regional five-year plan) has been signed; this is the *contrat de plan interrégional Bassin parisien* (for the Parisian Basin) which was signed by the State with eight regions; the Ile-de-France, the Haute-Normandie, the Basse-Normandie, the Picardie, the Pays de la Loire, the Centre, the Champagne-Ardenne and the Bourgogne). It is founded on the *Charte du Bassin parisien* (Charter of the Parisian Basin), representing a strategic plan-making document which was signed on April 5 1994 by the State and the eight regions. The *inter-regional contrat de plan* will not replace the *contrats de plan* between the State and the regions concerned, it will be added to it. The level of funding prescribed for it amounts to FRF 1 milliard, divided in thirds between the State, the Ile-de-France region and the other seven regions. Its purpose is to finance those projects which are viewed as being 'structural' for the Parisian Basin in three domains; infrastructure, higher education and research, the environment. The challenge here is to prevent the creation of a third *'couronne'* or ring which is economically dependent on the Ile-de-France economy.

Lastly, the undertakings of the State in the contrats de plan signed with the regions have not exhausted the efforts of the State in the planning field. Many action programmes have not been contractually agreed up till now. In accordance with the *loi de finances* (Financial Act) for 1992 (Art. 132), the Government is bound to publish each year a balance sheet of the funds allocated for planning and development by the various ministries concerned. The *loi de finances for 1995* thus shows that this expenditure will amount to FRF 26.6 milliard for the authorisation of programmes (capital expenditure commitments) and to FRF 63.2 milliard in total in ordinary expenditure and payment credits. If this amount is transposed over the duration of the *contrat de plan,* it signifies that for each franc allocated within the plan, the State spends another three for planning and development on the basis of its exclusive competences. These principally represent credit funds allocated by the Ministries of Transport (State funding for the *SNCF* (National Railways Authority), of Agriculture, Industry, of *Postes et Télécommunications et de l'Enseignement supérieur et de la Recherche* (postal services and telecommunications and higher education and research facilities).

NB: The national scheme has been abandoned; the respective law provision has just been deleted by the new Planning and Development Act of 26 June 1999. On the other hand sectoral schemes (*schémas de service collectifs*) are reinforced.

F3. Environmental policy

Environmental policy and planning

Prior to it becoming an autonomous policy sector and giving rise to the creation of a new ministerial department, environmental policy was introduced on the government agenda by the *DATAR* at the end of the 1960s.

However, all the areas covered by environmental policy which have multiplied since then are not necessarily linked to planning policy. On these grounds, the only policies to be described here have a direct impact on spatial planning and have produced planning and other policy instruments which are comparable to those used in the planning context.

The reform of national planning policy which gave rise to the formulation of the *loi d'orientation pour l'aménagement du territoire* of 4 February 1995 (National Guidance Act on Spatial Planning and Development), makes greater space for environmental considerations, as expressed in its provisions. Indeed, the *schéma national d'aménagement et de développement* (National Spatial Planning and Development Scheme — Art. 2) should determine 'the principal policy guidelines with regard to planning, environmental policy and sustainable development' and most notably the way in which environmental protection policy can help define the principles governing the location of major transport infrastructure, building works and public services of national interest. Similarly with the *schémas régionaux d'aménagement et de développement* (regional spatial planning and development schemes — Art. 5) which the regional councils are bound to adopt on the basis of the guidelines set out in the *schéma national.* Lastly, the *directives territoriales d'aménagement* (territorial development directives) which the State may put forward for certain parts of the territory, define the principal policy guidelines of the State in order to ensure balanced development, protection and enhancement perspectives across the French territory. (Art. 4: *code de l'urbanisme* (code of urban planning law), Art. L.111-1-1 revised.

At present, the priorities of environmental policy also seem to relate to the planning dimension. Indeed, they concern risk prevention, the policy on water resources and the protection of natural spaces; as well as the treatment of waste and pollution which were conceived in a similar perspective and which will be described in the section specifically on these two sets of policies.

Lastly, environmental policy is particularly receptive to Community interventions in this field. This is because it has been particularly useful for the new Environment Ministry to refer to Community standards in order to reinforce its authority vis-à-vis older and more powerful administrations.

The principal actors of environmental policy

Environment was, at the level of the State administration, an Inter-ministerial competence before becoming a governmental sector in its own right, with the Decree of 12 May 1992 relating to the organisation of the ministry. The *ministre de l'Environnement* (Environment Minister) presides over the *Comité interministériel de l'Environnement* (Inter-Ministerial Committee on the Environment), in the name of the Prime Minister, which is most notably responsible for the approval of action programmes relating to the integration of environmental policy in State policies; in each ministry, a civil servant is responsible for initiating the formulation of such action programmes (Decree of 3 March 1993). This concerns in particular the *ministère de l'Equipement, des Transports et du Logement* (Ministry principally responsible for major infrastructure provision, transports and housing policies) as well as the *ministère de l'Agriculture* (Agriculture Ministry) and the State secretary for tourism.

The *ministère de l'Environnement* (Environment Ministry) has also equipped itself with its own *services déconcentrés* (deconcentrated services) which enable it to control the implementation of its policies; these are the *directions régionales de l'environnement* (*DIREN*) (Regional field services for the environment) which have a competence for natural/conservation areas and the *directions régionales de l'industrie, de la recherche et de l'environnement* (*DRIRE*) (regional field services for industry, research and the environment) which have a competence for activities likely to affect those natural areas. Lastly, the ministry also relies on a certain number of *établissements publics* (public law agencies) which are destined to enforce implementation, provide expert resources and in some cases enable cooperation to take place with the economic or professional categories as well as the associations concerned. The *agences de l'eau* (water agencies), the national parks and the *Agence pour l'Environnement et la Maîtrise de l'Energie* (Agency for the Environment and Energy Conservation) as well as the *Conservatoire du littoral* (Conservatory for Coastal Areas) represent the most significant of such categories.

However, the *collectivités locales* (local authorities) also represent indispensable partners for the ministry, not only due to their effective land use control but also by virtue of the fact that they are able to commit far greater resources towards environmental protection than is the case for the ministry; in 1994, this amounted to over FRF 54 billion, although the total funds allocated by the *ministère de l'Environnement* (FRF 1.65 billion), the *établissements publics* attached to it (FRF 13.6 billion) and of other ministries (FRF 8.4 bilion) came to FRF 23.6 milliard.

Moreover, these are global figures which include the expenditure incurred in relation to waste disposal and pollution prevention. The local authorities also hold significant legal competences to ensure environmental protection; water distribution and treatment as well as the formulation of urban planning documents for the *communes*. The Act of 2 February 1995 extends pre-emption rights for protection purposes to areas within national parks, regional nature parks or nature reserves to enable the *communes* or the relevant management organisation to exercise such powers in place of the *Conservatoire* or the department where necessary.

The *associations de protection de la nature et de l'environnement* (associations for nature conservation and environmental protection) are also significant actors in this domain. They are generally authorised by the competent administrative authority to exercise given functions provided that they meet specific conditions relating to their company structure and to their activities. The 'authorised associations for environmental protection (...) are required (...) to take part in the action programmes put forward by public organisations which relate to the environment' (*code rural* — code of rural planning law, Art. L.252-2); on this basis, they are involved in the management organisations of national parks and various procedures such as public inquiries. They may also act as plaintiffs regarding specific offences and

lodge an appeal to administrative law courts. Their relations with the administration of the ministry and in particular with local authorities may be conflictual. The statutory purpose of such associations which may be officially recognised together with their appeal rights have been extended by the Act of 2 February 1995. This Act has also made it possible for a number of *personnes morales de droit public* (corporate entities governed by public law) to act as plaintiffs regarding offences having directly or indirectly prejudiced the interests which they are legitimately entitled to defend and which constitute a breach of the legislation concerning environmental protection (Art. 6: *code rural* ; Art. L.253-1).

Natural risk prevention

The serious floods which occurred in 1993, causing over FRF 10 milliard of damage — and which took place again in 1994 — led the Government to adopt on 24 January 1994, a *programme décennal de prévention des risques naturels majeurs* (10-year programme for the prevention of major natural risks) which includes a significant section on the prevention of floods and the management of water resources. Three objectives were fixed regarding floodable areas: to prohibit any human settlements in the most dangerous areas, to preserve the flow and expansion capacities of rivers and to safeguard the equilibrium of natural areas and the quality of the landscapes.

The programme adopted deals with cartography, risk prevention and development control in risk areas. The State has undertaken to finance for a period of five years a mapping programme of the floodable areas which will be used as a reference tool for the formulation of risk prevention plans for over 2 000 *communes*. The programme also prescribes the improvement of the communication and forecasting system of the river flows (automated measuring stations, radar installations).

The legal and financial framework for this programme relating to development control was established by the Act of 2 February 1995 and does not only cover floodable areas but the totality of areas exposed to natural risks.

The Act has substituted for the *plans d'exposition au risques* (*PER*) (Plans on areas exposed to given risks) dating from the Act of 22 July 1987 the *plans de prévention des risques naturels prévisibles* (*PPR*) (plans for the prevention of recognised natural risks) such as floods, land subsidence, avalanches, forest fires, earthquakes, volcanic eruptions, storms, blizzards or cyclones (Art. 16). The failure of the previous procedure was ascribed to its cumbersomeness and in particular to the lack of resources allocated for the preparation of plans. In accordance with the 10-year programme, 2 000 *communes* which are particularly exposed should be covered by a *PPR* within a period of five years. The *PPR* marks those areas which are exposed to risks, those in which buildings, works, developments or commercial exploitations are likely to aggravate those risks, it defines the measures for prevention, protection and the safeguard of such areas as well as those measures which need to be taken by the owners or operators of businesses in these areas. The *PPR* is established and implemented by the State, once a public inquiry has taken place; it constitutes a *servitude d'utilité publique* (public interest easement charge). Moreover, when the recognised risk poses a serious threat to individuals and goods, the State may then resort to *expropriation pour cause d'utilité publique*, that is to say compulsory purchase, which is deemed to be in the public interest (Art. 11 to 13).

Water policy

The *politique de l'eau* (water policy) deals with the prevention of flooding (see above), the development of waterways and the management of water resources as well as the prevention of pollution in this respect.

The Government adopted on 13 July 1993 a *Plan décennal de restauration et d'entretien des rivières* (10-year plan on the conservation and upkeep of rivers). The purpose of this plan is to restore the natural flow capacities of rivers and natural expansion areas as well as necessary developments to ensure the protection of the exposed housing areas. The *agences de l'eau* (water authorities) which represent public law agencies placed under the authority of the *ministre de l'Environnement* (Minister of the Environment), funded by a rate paid by consumers (households and industrial users) and responsible for the management of the hydrographic basins, also take part in the funding of studies and works related to environmental conservation. The public law agency *Voies navigables de France* (Navigable Waterways of France) additionally contributes within its areas of competence. By virtue of the Act of 2 February 1995, the *départements* or their groupings also have the competence to de-

velop, upkeep and commercially exploit the non-navigable public rivers, lakes and other water tables. Lastly and with regard to non-public water sources, the *ministère de l'Environnement* (Environment Ministry) relies on the *associations syndicales de riverains* (Syndicate associations of riverside residents and property owners) to produce simple management plans. The whole of the *plan décennal* (10-year plan) represents an investment of over FRF 10 billion, out of which the State is contributing 40%.

Moroever, the Government has drawn on 4 January 1994 in an Inter-Ministerial committee a global 10-year development plan for the Loire known as the *Plan 'Loire grandeur nature'* (the 'full scale Loire development plan'.) This plan gave rise to the signature of a convention agreement on the 6 July 1994 between the State, the *Etablissement public d'aménagement de la Loire et ses affluents* (*EPALA*) (public law agency for the development of the Loire and its tributaries) and the relevant *Agence de l'Eau* (water authority) for the implementation of this plan. The plan covers six regions and 11 *départements*. It prescribes an investment programme for the following policies:

1. the improved protection of the resident populations through a consolidation of the existing embankments, the restoration and the upkeep of the river-bed as well as prevention works in the Haute-Loire; 2. the satisfaction of the quantitative and qualitative water requirements of the the valleys of the Allier and the Cher; 3. the programme for the restoration of the ecological diversity of natural environments (migrating fish, natural environments and in particular the restoration of the Loire estuary for the which the Government has prescribed the formulation of a *schéma d'aménagement et de protection des espaces naturels* (Structure Plan for the development and the protection of natural areas) on the basis of an agreement between the autonomous Port authority of Nantes-Saint-Nazaire and the *Conservatoire du Littoral* (Conservatory for Coastal Areas) for the re-development of 1 500 hectares of mussel beds.) The *Plan 'Loire grandeur nature'* represents a total investment programme of FRF 1.900 million over a 10-year period with FRF 700 million invested by the State.

Lastly, an agreement was passed on 8 October 1993 between the agricultural professional organisations and the Ministers in charge of Agriculture and the Environment to implement a *programme de maîtrise des pollutions d'origine agricole* (programme for the prevention of pollution resulting from agricultural activities). This agreement makes way for the protection of water resources in vulnerable locations in accordance with the Directive of 12 December 1991 concerning the protection of water resources against nitrate pollution. Implemented from 1 January 1994 onwards, it applies to all agricultural production methods. With regard to stock-farming, it is expected to achieve compliance of the production methods of over 60 000 farms in 1998; its funding is shared in thirds between the State and the local authorities, the *agences de l'eau* (water agencies) and the breeders. The State contribution for this agreement is set out in the *contrats de plan Etat-région* (State-region contractual programmes).

Nature parks and environmental protection measures

The protection policy rests on three instruments: the national parks, the regional nature parks and the nature reserves as well as the *Conservatoire du Littoral* (Conservatory for Coastal areas).

The national parks satisfy three objectives laid down by the Act of 22 July 1960; to protect the natural heritage, to make this heritage accessible to all and to contribute to the development of the territories concerned. The evaluation of this policy is now calling for a reinforcement of the involvement of the partners concerned and a greater contribution by national parks to the development of the areas in which they are situated. For this purpose, the ways in which cooperation between the State and the local authorities may be reinforced are now being discussed. At the end of 1994, there were seven parks in existence, covering almost 370 000 hectares in the central areas of France (subject to an absolute protection regime in the interests of the fauna and flora) and over 921 000 hectares in the peripheral areas. In addition, four other national parks are currently under study (with one in Guyana and another in the Reunion) as well as two projects for international conservation areas (the international conservation area represented by the Mont-Blanc and the international park of the *Bouches de Bonifacio*) whose regulations and organisation still need to be formulated.

The *parcs naturels régionaux* (regional nature parks) which were created on a *DATAR* initiative in 1967, now number 27 and cover approxi-

mately 8 % of the national territory; they concern 21 *régions*, 49 *départements* and over 2000 *communes* representing 1 900 000 inhabitants. On the basis of the policy governing regional nature parks, conservation is due to serve the interests of local development. The regional nature parks, which now rest on regional initiatives, are created by decree on the basis of three criteria: the outstanding characteristics of the area requiring a classification, the quality of the project proposal, the development and management capacities of the organisation put forward. To date, 16 projects are under consideration, out of which six should see the light of day in 1995; it is additionally intended to extend the perimeter of certain existing parks. The financial contribution of the State only represents 10 to 15 % of the budgets allocated for the parks, but it has a strong leverage effect on the contributions of other public authorities and makes way for Community funding. The management has to be taken over by a joint authority based on local councils covered by the park.

The purpose of the policy on *réserves naturelles* (nature reserves) is to ensure an exemplary protection of the various categories of natural environments existing in France. In 1994, there were 120 such nature reserves, covering over 141 000 hectares (compared with 110 400 in 1990), out of which 76 000 hectares are in mountainous areas and 33 000 hectares in humid coastal areas. Several projects are now being studied, including two vast nature reserves in Guyana. The choice of the new reserves rests on scientific inventories/classifications; these are the *zones d'intérêt écologique, faunistique et floristique* (*ZNIEFF*) (zones of ecological, faunal and floral interest) and the *zones d'intérêt communautaire* (*ZICO*) (zones of Community interest); due consideration is also paid to the international commitments of France and most notably the 'Habitat' and the 'Birds' Directives.

The Act of the 2 February 1995 imposes a tax on the public maritime transport companies calculated according to the number of passengers on their way to a natural site, a park or nature reserve or a port which exclusively serves a conservation area. The tax is levied at the benefit of the organisation responsible for the management of the conservation area or the *commune* on whose territory the conservation area is situated. A departmental tax is also prescribed on the use of the civil engineering works which are used to reach the conservation areas located on islands.

Lastly, with regard to the *action foncière* (land policy), the *Conservatoire du Littoral* (Conservatory for Coastal Areas) remains a privileged instrument. In June 1994, the *Conservatoire* was the owner of 43 267 hectares, that is to say 9 % of French coastal areas. The sites selected to pursue this land acquisition policy represent approximately 80 000 hectares. The credits allocated to the *Conservatoire* have been the subject of regular and significant increases since 1980. A single association known as the *Rivages de France* regroups the local authorities and the organisations responsible for the management of the sites belonging to the Conservatoire.

F4. Heritage

Heritage policy and the *aménagement du territoire*

The purpose of heritage policy, as understood here, is to ensure the conservation and the enhancement as well as the development of the national cultural heritage.

From a planning angle, this policy cannot be disassociated from State policies to promote cultural development in the regions.

This represents a field in which the role of the local authorities based on their policy initiatives is extremely important and is exercised in close cooperation with the State. However, the European Community does not intervene a great deal here and although some of the provincial infrastructure projects which have a cultural dimension may benefit from Community Funding, this comes under regional development policy as opposed to heritage policy.

Principal actors concerned

The decentralisation reform has introduced very few transfers of competence with regard to cultural matters, with none directly concerning heritage policy. However, the proportion of public funds allocated to cultural matters by the local authorities has steadily increased in comparison to State funds allocated for the same purpose; in 1990, the proportion of State funding fell from 51.8 % in 1978 to 38.2 % in 1990, whereas the proportion of funding by local authorities rose during the same period from 48.4 % to 61.8 %.

Nevertheless, the participation of the State remains very significant for the narrowly-defined forms of heritage (i.e. historical monuments), museums and *'arts plastiques'* — principally sculpture and painting.

State policies here are expressed by the *ministère de la Culture* (Ministry of Cultural Affairs), although a part of the expenditure concerned is the responsibility of other ministries. The *Directions régionales des Affaires culturelles* (*DRAC*) (regional Directorates for Cultural Affairs) which were created in 1977, have become especially since their reorganisation in 1986, the principal agent of State cultural policies in the regions. The resources at their disposal and their negotiation powers with the local authorities have been quite considerably increased with the deconcentration of State services away from the capital. The total amount of credits to have been deconcentrated from the *ministère de la Culture* rose by 60% from 1990 to 1994 and represents 45% of the credits which can be deconcentrated; almost 39% of the deconcentrated credits are allocated to the cultural heritage and 15% to museums and *arts plastiques*.

Although the most important monuments are owned by the State, the greatest number are owned by the local authorities (*communes* and *départements*) as well as by private owners. The latter, principally represented by the association *'La Demeure historique'* constitute an influential pressure group. For its part, the *Direction du Patrimoine* (Heritage Department) of the *ministère de la Culture* often relys on other associations which are responsible for the preservation of monuments and sites, most notably in connection with development or infrastructure projects.

To date, 13 000 public and private monuments are classified and 24 000 are registered on the supplementary inventory in accordance with the Act of 1913 on the protection of historical monuments. Moreover, a *Fondation du Patrimoine* (Heritage Foundation) was created by an Act of 2 July 1996, whose capital would be constituted by the State (for a third), companies, local authorities and private parties. The role of this Foundation would be to attribute a specific designation to buildings either of local or regional interest but which are not placed under the protection of the Act of 1913 and to contribute to the economic enhancement of the heritage, in particular privately-owned buildings; it can purchase such pieces of heritage when necessary for their preservation.

The conservation and restoration of historical monuments gives rise to different types of State interventions, depending on the State of ownership of the relevant buildings and the applicable conservation regulations. Even in cases of ownership by the local authorities, the State acts as the client of works in the majority of cases.

Two programming laws, from 5 January 1988 (1988-92 period) and 31 December 1993 (1994-98) confirm the key role played by the State in this domain by expressing the budgetary priority towards investments for historical monuments over the past few years.

The principal instrument of the State to ensure the enhancement and the opening to the public of historical monuments is the *Caisse nationale des Monuments historiques* (*CNMH*) (National Fund for Historical Monuments). This public law agency collects and re-uses the entrance fees paid by the visitors of historical monuments. The status of this organisation was modified in 1995 in order to provide it with all the necessary administrative and financial means for its undertakings. In particular, the implementation of its 'mission' or punctual undertakings will be deconcentrated down to the monuments themselves where administrators, appointed for the purpose, will be responsible for the implementation of any development projects for the monuments concerned.

The place of heritage in the *aménagement du territoire* policy

The levelling of cultural public expenditure between Paris and other regions

Paris absorbs over half the credit funds of the *ministère de la Culture*; indeed excluding the proportion of the funds absorbed by the Ile-de-France region which does include numerous important monuments (e.g. the château de Versailles or the château de Fontainebleau), the proportion spent by the provinces only amounted to 37.8% in 1993. A certain number of major cultural investments based in Paris contributed to maintain its preponderance in this respect (notably the establishment of the *Grand Louvre*, the *Bastille Opera*, the *'Trés Grande Bibliothèque'* — the new national library situated to the East of Paris on the left bank of the Seine, the *Cité des Sciences et des Techniques*, the *Cité de la Musique*, as previously the *Centre Georges Pompidou*) although they have also served to re-

inforce the function of Paris as a cultural capital and its international repute.

However, the proportion of funds allocated to the provinces out of the public expenditure for cultural affairs is increasing, and a few years ago the State started to re-direct part of its efforts towards the provinces. The *loi d'orientation pour l'aménagement et le développement du territoire* (Guidance Act on Spatial Planning and Development) from 4 February 1995 (Art.16) prescribes the production of a *schéma des équipements culturels* (structure plan on the provision of cultural facilities) which would encompass all the necessary development programmes of national, regional and local interest; this *schéma* is intended to determine the ways in which efforts by the State, in administrative as well as financial terms, may be fairly distributed between the Ile-de-France and other regions with the end result over a 10-year period that the provinces are able to benefit from two-thirds of the credit funds allocated by the State towards such programmes — that is to say almost the reverse of the present situation.

The General Inventory and the Cultural Atlas

A coherent strategy for the development of cultural facilities throughout the territory calls for a finite appreciation of the composition of the heritage and cultural facilities, which the local authorities are also able to draw from.

With a view to ensuring heritage conservation and to facilitate its enhancement at the local level, the sous-direction — sub-department of the *Inventaire général* — General Inventory service of the *ministère de la Culture* (Ministry of Culture) carries out a general and exhaustive survey of the totality of the heritage of each *canton*, whether it is of national, regional or local interest. This is a long and costly undertaking (on average FRF 900 000 per *canton*). The local authorities take part in the funding of the *Inventaire*; in the near future, they are also due to share the responsibilities associated with it, on the basis of conventions type of agreements, several of which have already been signed, which would allow for additional personnel recruitment whilst respecting the methodological framework and the technical standards defined at the national level; the *Inventaire* should in this way provide a better reflection of local sensitivities relating to heritage conservation.

The *Atlas culturel de la France* (Cultural Atlas of France) which represents a less lengthy affair, is prepared by the *Direction des Etudes et de la Prospective* of the *ministère de la Culture* (Study and Research Directorate) and the *GIP Reclus*. It will offer from 1995 onwards a detailed map of the cultural assets in France which will bring out the territorial contrasts relating to cultural policy and will also highlight the choices to be made concerning the development of cultural facilities throughout the territory.

The development of cultural facilities throughout the French territory

At present, the territorial approach to cultural development is an answer to the need to ensure that all citizens have access to public cultural services. This approach integrates itself very naturally with planning policy. The *Comité interministériel à l'Aménagement du Territoire* (Inter-Ministerial Planning Committee) from the *20 September 1994* has defined a strategy for the development of cultural facilities throughout the French territory which aims to reallocate the present supply of such facilities across the country. This strategy rests on three main policies; to re-equilibrate the distribution of cultural facilities through the implementation of major projects in the regions; to develop a programme of local facilities, to create 'solidarities' or joint working programmes between various cultural institutions.

The *grands projets en région* (*GPR*) (major regional projects) will follow the major Parisian projects which are drawing to a close. A financial package of FRF 800 million has been allocated for the purpose for a five-year period from 1995 onwards; the full list of such projects was finalised at the end of 1995 but as an indication, the implementation of a national centre of the cinematographic heritage at Châlons-sur-Saône are part of this list as well as a national network for the restoration of the heritage whose principal agency will be located at Rennes.

With similar objectives in mind, a reallocation of the museum collections is intended from the Parisian region to other regions, either to enrich existing museums or to open new ones. For example, the transfer projects concern part of the collections of the *musée des Antiquités nationales* (Museum of National Antiquities) at *Saint-Germain-en-Laye* to the *musée de la civilisation celtique* (Museum of the Celtic Civilisation) at

Mont-Beuvray (Nièvre region), collections from the *musée archéologique d'Eauze* (Archeological Museum of Eauze-Gers) being transferred to the *musée départemental de la préhistoire d'Arras* (Departmental Museum of Prehistory of Arras — Pas-de-Calais) together with the transfer of part of the collections of the *musée Guimet* (art from the Far East) to a new museum under construction at Nice.

A three-year action programme (FRF 192.5 million, out of which FRF 58.5 million comes from the *ministère de la Culture*) is intended to reinforce the cultural attractiveness of the 10 largest cities in France. The objective here is to increase their overall attractiveness in the knowledge that their cultural assets are a factor for economic growth, by helping to provide them with the cultural facilities of national or international interest which they are still lacking.

A specific action programme is also underway which benefits eight regions in order to sustain the cultural development of the industrial reconversion zones (FRF 311 million, out of which FRF 147.3 were contributed by the *ministère de la Culture* (for example the *fonds national d'Art contemporain* — national foundation for contemporary arts at Dunkirk, the *musée de la tapisserie d'Aubusson* — museum of the Aubusson tapestries in the Limousin, *centre d'art contemporain* — center for contemporary arts at Sète).

The development of local cultural facilities encompasses several policies. In order to facilitate access to basic public cultural services, a first programme relates to the consolidation of 122 local cultural facilities. The State will contribute in this context up to 50 % of the expenditure borne by local authorities.

The purpose of these projects is to improve the quality of the available cultural facilities, to improve the available areas for events and to include programmes in favour of social integration, vocational training and tourism in given projects.

The *ministère de la Culture* has thus committed itself to support the creation of '*cafés-musiques*', which represent small cultural facilities, half coffee places half theatre sets, which are adapted for suburbs, small towns and rural areas. Intercommunal cooperation is encouraged so that the *communes* can jointly make their projects feasible and articulate them with other local development projects.

The enhancement of the local heritage is encouraged by the launching of programmes known as *'pôles d'économie du patrimoine'* (economic poles for heritage) whose object is to integrate the heritage within the local economy and development policy; 12 such *'pôles d'économie du patrimoine'* were selected in 1995.

Lastly, the recourse to new technologies has given rise to two distinct programmes whose general aim is to enable the public to gain access to heritage facilities or to specific events without having to leave its region; the one concerns the computerisation of museum collections which will make them accessible at any territorial point, the other relating to the provision of aids to the *communes* in order to provide them with receiving equipment enabling the videotransmission of live shows on a big screen with a very high standard of image quality.

The last policy aims to create partnerships so that the medium-sized cultural institutions work in a network (museums, music/dramatic art academies, libraries) and major cultural institutions share their savoir-faire and their assets through deconcentrated actions, including loans of works of art. The implementation of this policy depends to a large extent on the capacity of the *communes* to cooperate; the *DRAC* try to encourage them in this respect having regard to cultural matters. The conventions agreements for cultural development which the *ministère de la Culture* (the *DRAC*) signs with the *communes* are the privileged instruments for this policy. The convention agreement entered into with the 65 *communes* of the *'Pays des Mauges'* (Pays de la Loire region) in 1992 provides a good example of this; it relates to the establishment of a network for 60 libraries in order to facilitate their management and generally make it more professional. The *Fonds d'intervention pour l'aménagement du territoire* (Spatial Planning and Development Fund) contributed FRF 100 million in 1994 for such policies added to the FRF 300 million committed by the *ministère de la Culture*.

Lastly, the *mécénat* — patronage may make additional sources of funding available to certain regional cultural *'pôles'* or focal points, as is the case for the *Festival d'Avignon* which has benefited over the past 12 years from the support of the *Crédit Local de France*; however, this last resort remains insufficiently developed and benefits overall Parisian events or institutions which ensure maximum coverage.

F5. Housing

Housing in the context of the planning system

Housing is the subject of numerous public interventions either by the State or by local authorities which are complex and difficult to evaluate. Once limited to sanitation, State intervention was extended to cover the construction of social housing (ever since the Acts of 1894 and 1928) and after the war to fill housing gaps and meet housing needs by public funding programmes in aid of construction, a reduction of costs and generally making housing demand solvent. The State also acted in order to improve existing/old housing units (in 1970 the *'Agence nationale pour l'Amélioration de l'Habitat'* (National Agency for the Improvement of Housing) *ANAH* was created). In 1977, a major reform had the consequence of re-directing State aids towards individuals themselves, thereby making housing demands solvent (characterised by the creation of the *'Aide personalisée au logement'* (*APL*) that is to say the individual housing aid programme). At the same time, the *'aides à la pierre'*, namely aids towards 'construction' itself were reduced by a re-organisation of the housing support loan system, either to encourage the social distribution of housing (*PAP* loans) or to reduce the cost prices of rented accommodation (*PLA* loans), both categories of loans being compatible with the *APL* housing aid. In 1993, personal housing aids represented 53 % of the State's budgetary expenditure allocated to housing compared with the 20 % spent in 1980.

Although the objectives pursued by the State are not always clear in terms of housing policy, two main principles are evident. On the one hand, the objective of the public authorities is to ensure that the market mechanisms serve to meet a maximum of housing needs. On the other, another clear objective is that the housing needs of individuals and households which are not solvent in accordance with market conditions are nonetheless met; however, the evolution of the current economic situation has increased the cost of this particular objective in the course of the last few years. Fundamentally though, both of these policy principles are compatible; as noted by the *Cour des Comptes* (the French Audit Office), 'it is only under the proviso that the market satisfies the majority of housing needs, which implies moreover a control over land matters, that the State will then be able to concentrate its resources on households whose incomes are too low to qualify' (*'Les aides au logement dans le budget de l'Etat 1980-1993)'* ('Housing aids within the State budget 1980-1993') (June 1994, JO Doc. adm. No 67, p. 6). However, these two policy principles may also contradict other objectives, for example the one which has been strongly advocated since 1990, to prevent social segregation and which makes it necessary, quite contrarily, to facilitate the access of middle-bracket households to social housing, however, by adjusting rents on the basis of their incomes (same document as above, p. 111). Housing policy may also enter into conflict with other policies such as budgetary policy for example, having regard to its high cost (FRF 53 billion in 1993, without taking into account tax abatements, estimated to be over FRF 29 billion in 1991) or subsidies allocated to the building industry or even planning policy (in regions for example with high housing needs and where policies restraining housing construction are imposed in order to reduce urban concentration.)

More specifically, housing policy is defined and implemented outside of planning policy. Its purpose is the supply and demand for housing in line with various conditions of occupancy but it is not the location of different categories of housing.

Moreover, in as far as housing needs which are not met by the market are concentrated in specific geographical areas and/or concern specific social categories, the State needs to respond in a more selective way, however the framework of housing policy does not allow for this very well. The geographical disparities which are apparent as far as the distribution of the various categories of State aids is concerned are a partial reflection of the different types of cases arising in relation to the composition and occupancy status of the housing stock, nevertheless the differentiation in aids does not always correspond to the difference in cases or is not in proportion with such differences. It is worth noting particularly that the areas where the law prescribes fixed rents for 'HLM' — *Habitation à Loyer Modéré* — literally 'housing with fixed and moderate rents', that is to say 'social housing', need to be revised; they are not often of the right scale to provide an accurate and realistic picture of the current housing situation and needs. On that basis, the *politique de la ville* — Urban policy and the politique de l'habitat — habitat policy both represent complementary

policies which allow housing policy to be set in a territorial (local) and inter-sectoral context.

The purpose of the *politique de la ville* is to deal with urban social problems in disadvantaged areas by a series of coordinated policies; housing represents only one of the issues to be dealt with here although outside of the cities dating from the 1960s, social housing is not the cause for the crisis facing some of the areas concerned (*Conseil économique et social* — Economic and Social Council — Evaluation of the economic effectiveness of State housing aids, *'Evaluation de l'efficacité économique des aides publiques au logement'* report made by M. Marcel Lair, *JO Avis et rapports du Conseil économique et social*, No 1, 10 February 1994, p.124).

However, the structure and the evolution of the habitat are influenced to a great extent by the actions of local authorities and in particular by the *communes* which control land use by exercising their urban planning functions together with social housing organisations. The policy of the State, most notably since 1990, has been to define a legal framework within which local policies may be articulated and in order to combat the effects of spatial segregation as well as convincing local elected representatives to adhere to such policies. The term *politiques de l'habitat* (housing policies) may be used to designate those public policies whose function it is to inscribe housing policy within a specific socio-economic and geographical context; this refers to local policies principally carried out by the local authorities, even in a negative way, in which the State is nonetheless involved and which it seeks to influence in a variety of ways.

The housing policy of the State; actors and levels of intervention

Housing policy falls under the competence of the *ministère du Logement* (Ministry of Housing) *direction de l'habitat et de la construction*; department responsible for housing and construction policy). This ministerial department has been at times regrouped under several governments with the *ministère de l'Equipement* (Ministry of Infrastructure), depending on the political choices governing the structure of any one particular government. However the *services déconcentrés* (deconcentrated State Services) are in any case common to both the *ministère du logement* and the *ministère de l'équipement*; these are the *directions régionales* (regional services) and the *directions départementales de l'équipement* (the field services of the *ministère de l'équipement* at the Departmental level).

With regard to the distribution of State housing aids, the *préfets* (prefects) hold decision-making powers; the *préfet de Région* (Prefect of region) in particular is responsible for the distribution of subsidies granted to the region concerned between the relevant departments by taking account of the policy priorities set out in the *programmes locaux de l'habitat* (local housing programmes — PLH) formulated by the *communes* and the communal groupings (*code de la construction et de l'habitation* — code of building and housing law, Art. L.301-3 to 5). Consultative bodies have also been put in place to enable all the interest groupings, administrations and local authorities concerned to prepare any decisions; these are the *conseil national de l'habitat* (national council for the habitat) and particularly the *conseils départementaux de l'habitat* (Departmental councils for the habitat) whose competence is broader and which are presided over by the prefect.

In order to implement its housing policy, the State is assisted by the following organisations:

- the *Caisse des Dépôts et Consignations*, a public financial institution which funds social housing as well as programmes undertaken in the context of the *politique de la ville* (urban policy) by drawing from the deposits of *caisses d'épargne* (savings banks); however, the current trend for the reduction of such deposits caused by the emergence of more profitable forms of investment for national savings is threatening this source of funding if it continues;

- the organisations responsible for the collection of the compulsory employers' contributions towards the funding of housing (presently 0.45 % of wage costs);

- the *organismes de logement social* (social housing organisations — *HLM*), which have a variety of status but which are all attached to the local authorities and subject to the supervision of the *ministère du logement* (Housing Ministry) which also sets the standards for construction and costs as well as rent ceilings;

- the *ANAH*, previously mentioned, which is involved in the funding of renovation works for

old buildings by granting subsidies, either in *'secteur diffus'* that is to say to dispersed properties or in the context of *'conventions'* (contractual agreements) entered into with the local authorities (either through *'Opérations programmées d'amélioration de l'habitat'* (Programmed Actions for the Enhancement of the Habitat) — *OPAH,* or through the *Programmes sociaux thématiques* (Social Thematic Programmes) (*PST*) which meet the policy guidelines put forward by the *directeur départemental de l'équipement* (director of the departmental field services attached to the ministère de l'équipement) (usually, the departmental delegate of the *ANAH* is the head of the *service Habitat* — (Habitat Service of the DDE) but by taking account of the requests made by landlords and lessors who are represented in the local commission appointed by the Prefect to examine grant applications; the *ANAH* is funded by the State budget which receives a tax super-imposed on leasing rights (yield: FRF 2.6 billion in 1994; budgetary funding of the ANAH: FRF 2.7 billion). PST are targeted to rented housing for deprived households.

The European Community: a growing intervention relating to the *politique de la ville* (urban policy)

The European Community does not really intervene to any great extent in this domain. However, in it's proposals made to the Commission in 1994 regarding the use of Structural Funds, France sought to benefit for the *politique de la ville* (urban policy) as far as possible. As a result, 90 *contrats de ville* (State-city urban policy contracts) now benefit from Structural Funds in the context of the policy on regional objectives and 185 other *contrats* benefit from Community funding under the *European Social Fund.*

Moreover, the *politique de la ville* was subsequently used in three programmes of Community Initiatives; the URBAN programme which is intended to support projects in a limited number of sites in great difficulty (France has presented 12 projects, representing a total amount of FRF 360 million over six years), the *RÉGIS programme* which was established at the request of France and which concerns Overseas Departments in addition to urban policy and lastly the Employment and Human Resources programme which only concerns the employment side of urban policy. However, all the Community actions taking place under these programmes are not concentrated on housing issues.

The *politique de l'habitat* (housing policy), local authorities and the State

The local authorities are also significant actors within the housing policy field; the social housing organisations being attached to them. Added to their competence in town planning matters, they may be able to exert a determining influence on the structure of the housing on their respective territories as well as the composition of their population.

The principal financial instruments which they have at their disposal are the following;

- loan guarantees for the benefit of social housing organisations and which are compulsory for local authorities up to 95 % of loans; the *communes* support 60 % of these guarantees, the urban communities 6 % and the *départements* 27 %;
- real estate benefits: either a gift of land or a sale at a 'symbolic' value (for instance sale of land for a penny) or the establishment of real development rights on certain sites;
- investment subsidies for the funding of social housing projects or programmes for the improvement of existing housing;
- subsidies for running costs, most notably for departmental associations providing information services on housing and towards the *Fonds de solidarité pour le logement* (Housing Solidarity Fund) which are intended to assist individuals who have problems paying their rent or enable households with low incomes to pay the deposits required in order to gain access to housing;
- direct responsibility for certain building/enhancement or renovation works or even the peripheral infrastructure of buildings;
- certain tax abatements;
- provision of personnel for housing organisations.

However, the local authorities are bound by law (L.31 May 1990 relating to the implementation of property rights) to ensure that the most disad-

vantaged categories are provided with accommodation, which represents a national objective. In this context, the President of the *Conseil general* (Provincial Council) and the Prefect are required to draw a departmental action plan for the housing of disadvantaged categories which first calls for the establishment of the aforementioned *Fonds de solidarité pour le logement.* According to the law, the local authorities are also bound to sign with the Prefect and the lessors of social housing a *protocole d'occupation du patrimoine social* (an agreement governing the occupancy rate of social housing units), whose purpose is to ensure a harmonious distribution of housing.

Moreover, the State has also encouraged the *communes* to adopt a *politique de l'habitat* (housing policy) which tends to prevent or reduce signs of exclusions by acting both at the level of the programming of housing supply and at the level of land policy. The principal instrument of this policy is the *programme local de l'habitat* (*PLH*) (local housing programme). This instrument, which was introduced by the Act of 7 January 1983 defines for at least five years the objectives and the principles of the relevant local policy intended to meet housing needs. The *loi d'orientation pour la ville* (Urban Policy Guidance Act) of the 13 July 1991 has reinforced this instrument and its role; it has become, by law, an intercommunal instrument and it is required to 'ensure between the *communes* and amongst the various areas of a *commune*, a harmonious and diversified distribution of the housing supply' (*code de la construction et de l'habitation* (code of construction and housing law) Art. L.302-1); it needs to indicate the means, most notably related to land policy, by which the set objectives and principles may be implemented. The *PLH* thus became with this Act an instrument of housing control in an intercommunal context. However, the Act of 21 January 1995 cancelled or attenuated some of the measures which guaranteed its effectiveness; for example, it cancelled the *participation à la diversité de l'habitat* (financial participation towards the diversification of housing) which was borne by developers and was intended to help finance all the land costs associated with the implementation of the *PLH* and it reduced the obligation to establish a *PLH* in agglomerations with over 200 000 inhabitants, exempting the *communes* with less than 3 500 inhabitants from this obligation and substantially broadening the concept of social housing. This resulted in an increase in *communes* with an amount of social housing units for which a *PLH* became no longer compulsory.

However, the services of the *DDE* continue to stress the importance of the *PLH* to locally elected representatives and offer their technical assistance in order to formulate it. The main hurdle to this procedure, aside from the reduction of legal obligations and resources, is linked to the fact that the law prescribes the formulation of a *PLH* within an intercommunal framework and that many local government joint authorities are in fact not well equiped to do it. Moreover, it is proving onerous to either change the definition of their competence or their area of intervention by reason of the political difficulties which this is likely to raise amongst *communes*. Indeed, the majority of *organismes de coopération intercommunale* (local government joint authorities) do not hold any competences in relation to housing matters or more generally housing policy (these are not attached for instance to the town planning powers which they sometimes hold) and their area of intervention which is generally determined according to political motives may not be suitable for the definition of a given habitat policy.

This is the reason why the services of the *DDE* concentrate most of their efforts on the identification of *bassins d'habitat* (housing areas) and the definition of policy requirements for each area. The *bassin d'habitat* is defined by calculating the average transport times required from home to the workplace within a given area which has an urban centre and which encourages such links.

The institutional perimeters rarely correspond to the *bassins d'habitat* and it is only the State services which are in a position to identify policy requirements for a given area and formulate proposals which are not prejudiced by local politics. On this basis, the services of the State encourage the formulation of a *PLH* within the institutional perimeters contained in the *bassins d'habitat* which they have identified and more often than not, they have been able to obtain an express undertaking from *communes* in *contrats de ville* to formulate a *PLH*. This *'contrat'* then provides the basis for negotiations relating to State housing subsidies. The law also requires State undertakings to be contractually agreed in a 'convention' agreement which is signed by the prefect and the president of the *établissement public de coopération intercommunale* (local government joint authority) which has formulated the *PLH*; in the absence of such a convention, State aids may depend on the objectives which guided the formulation of the relevant *PLH*.

The act of 14 November 1996 provides that any municipality with a priority zone (sensitive urban area — *zone urbaine sensible*) on its territory has to be covered by a *PLH* within two years, or three years if it belongs to a competent joint authority; later on the prefect may etablish the *PLH* instead of the local authority.

F6. Industrial policy

Industrial policy within the context of the planning system

The purpose of industrial policy is to act on industrial structures and facilitate the capacity of industrial companies to adapt and conquer new markets, thereby sustaining and developing employment opportunities. It is linked to planning policy on the basis that the evolution of industrial structures will determine to a large extent the development opportunities in any one region. Indeed, during the 1960s and 70s, much of planning policy rested on the implementation of large-scale industrial investment projects which called for the development of specific sites; major companies were then at the forefront of economic expansion and these projects represented one of the ways in which the State chose to subsidise the growth of key sectors of the French economy. A few examples are provided by the modernisation of the iron and steel industry with the production units of Fos and Dunkerk or the 'development pole' of chemical industries established at Verdon, at the mouth of the Gironde.

However, the subsequent two oil crises and the emergence of new industrial countries set this strategy into question. The inevitable reduction of certain production capacities made restructuring one of the principal objectives of industrial policy; the increasingly significant role of new technologies in the production process together with the emergence of new products also highlighted the need for industrial policy to address the issues of modernisation and support to *PMI* (*Petites et Moyennes Industries*) small and medium-sized industries) in a more flexible way, representing another set of major objectives.

Within the planning context, it is therefore worth noting that industrial policy has had a major impact through its interventions regarding industrial restructuring/reconversions and those interventions aiming to modernise enterprises and support *PMI* — small and medium-sized industries. In these two fields, the principal competences are held by the State; however, local authorities are nonetheless involved in the decision-making process within their area of competence and often within the framework of *'contrats'* (contractual agreements) drawn with the State; moreover, the European Community financially supports specific projects. In relation to the State, the *ministère de l'Industrie* (Ministry of Industrial Affairs) is principally competent but is assisted by the prefects, deconcentrated services, the *Directions régionales de l'industrie* (Regional Services for Industrial Affairs) and of research and development together with the *Directions régionales de la recherche et de la technologie* (Regional Services responsible for Research and Technology) coming under the authority of the Ministry responsible for Research. The interventions of local authorities and the State are usually set out in the *contrats de plan Etat-région* (State-region contractual programmes).

Industrial restructuring

After the first oil crisis in 1974, the State started to organise emergency aid for companies facing difficulties in order to enable some of those to overcome this difficult phase. This system was reorganised and reinforced in 1982. At present, State interventions are determined, depending on their significance, by the *comité interministériel de restructuration industrielle* (*CIRI*) (Inter-Ministerial Committee for Industrial Reconversion), the *comité régional de restructuration industrielle* (*CORRI*) regional Committee for Industrial Reconversion, six in total) or the *comité départemental d' examen des problèmes de financement des entreprises* (*CODEFI*) — (departmental committee responsible for the examination of financing difficulties experienced by businesses). The most serious cases require a governmental decision; the *CORRI* and the *CODEFI* are respectively presided over by the prefect of the region and the prefect of the *département*, assisted by a general treasurer, senior civil servant of the *ministère des finances* (Ministry of Finance — the Treasury) responsible for State expenditure and tax income. These committees bring together all the representatives of the public administrations and services whose duties are likely to affect the business of the company whose file is being examined (fiscal services, social security, Banque de France given its centralised information system etc.) There are no special procedures or conditions attached to the submission

of such a company file to any one of the committees described; the company may do so at its own initiative or the prefect may decide to inform the committee himself. The aids which may be granted as a result are quite varied; payment or transaction deferrals for fiscal debts or social contributions, access to loans from the *fonds de développement économique et social* (*FDES*) (Economic and Social Development Fund). However, they are only granted to companies whose present state seems to suggest that they will be able to recover quickly. The budgetary cost of these interventions will not exceed FRF 160 million in 1995. Nonetheless, other forms of intervention may be added to the list which do not follow the same types of procedure but the most significant of which have given rise to *plans de restructuration de branches* (Plans for the restructuring of given branches of the industry); for example, this was the case for the steel and iron industry, shipbuilding, textile, arms' manufacture.

Such *plans de restructuration* have also benefited from specific Community programmes and continue to do so (Resider for the steel and iron industry, Renaval for shipbuilding, RETEX for the textile industry, Konver for arms' manufacture).

The Act of 2 March 1982 made it possible for local authorities to assist companies experiencing financial difficulties, by any means and without ceilings, by using a 'convention' agreement setting out the recovery plan, in such cases where the 'economic and social interests of the population' called for it. However, the Act of 5 January 1988 deprived the *communes* of these powers, which may only be used now by the *départements* and the regions. In spite of this, local authorities in France have been very cautious with a steady increase in economic interventions corresponding to only 1.2 % of the total allocated for companies in financial difficulty in 1992; on this basis, it is clear that the economic involvement of local authorities is primarily geared towards economic development above all other policies.

In addition, the State encouraged the major companies involved in restructuring plans which called for the closure of specific plants and businesses to take part in the implementation of substitution activities. This policy was extensively used in the public sector to accompany the closure of coal pits as well as steel and iron factories; it was also applied by Rhône-Poulenc. It was carried out by the *sociétés de conversion* (industrial reconversion companies) which represent financial companies created by the industrial groupings to encourage the implementation of new companies in reconversion zones by granting them capital in the form of long-term loans or share participation. The *sociétés de conversion* benefit from State capital subsidies, allocated by the *ministère de l'Industrie* (Ministry of Industrial Affairs); there are approximately 10 of these in existence. The *EDF* (*Electricité de France*) (National Electricity Corporation) has also created its own *délégation au développement économique* (Delegation for Economic Development) to manage the pull-back of *EDF* from certain sites. The public law agency also contributes to redevelopment by selling the sites thus vacated for a symbolic price, or by granting advantageous loans or by negotiating the price of energy.

Company modernisation and support to SMEs

The purpose of State policy in this respect is to encourage technology transfers and company creation in a regional context. The regions are thus involved in the definition and implementation of this policy through the *contrats de plan Etat-région* (State-region contractual programmes). The involvement of the European Community is less significant here; it is still a matter of controversy whether it should have a role with regard to industrial policy or not.

Out of the total amount of Structural Funds allocated to France for 1993-98, only 8.7 % were earmarked for research and development and new technologies.

Public intervention relating to technological innovation principally relies on the *Association Nationale pour la Valorisation de la Recherche* (*ANVAR*) (National Association for the Promotion of Research). Created in 1969, it is attached to the *ministère de l'industrie* (Ministry for Industrial Affairs) and the *ministère chargé de la recherche* (Ministry responsible for Research) and has been organised since 1978 on a regional basis. It grants to *PMI*, for the introduction of new production methods or the launching of new products, capital advances which are only reimbursable in case of success and grants to research bodies an *'abondement'* (part of the research cost supported by the State) between 7.5 and 11.5 % of the level of capital provided to a company and deducted from the amount which the company contributed itself. This system was inspired by the funding of research agreed contractually in Germany, where, however, the level

of public tax rebates may reach 50 % of the contractual amount.

Each regional delegation of the *ANVAR* is assisted by a *comité d'orientation* (Guidance Committee) presided over by the Prefect, the President of the Region compromising the heads of the relevant State services and appointed personalities representing the economic and financial interests of the region. The intervention of *institutions de capital-risque* (capital institutions promoting innovation, which are often created by public financial institutions, linked by a 'convention' agreement to the State and on this basis having access to a *fonds de garantie* (loan guarantee fund), the regional financial institutions) extends the aid brought by the *ANVAR*.

Other public organisations, created in consultation with various economic sectors, are also intended to encourage technology transfers benefiting *PME* (SMEs). For example, in conjunction with the chambers of commerce and industry, associations were created to promote the development of new technologies, clubs for company creators, all of which are often supported by the *ministère de l'Industrie* (Ministry Industrial Affairs) and by the local authorities which cooperate with them. The *Agences régionales pour l'Information scientifique et technique* (*ARIST*) (regional agencies for Scientific and Technical Information), which are established within the regional chambers of commerce and industry act as a supporting base for the company advisers attached to the chambers of commerce. Sectoral programmes are also pursued by other organisations providing an interface between the public and the private sectors; research bodies have been created by the public authorities in cooperation with the economic sectors most concerned: these are most notably the *centres techniques industriels*) (*CTI*) (Industrial Technical Sectors) of which there are 16, such as the *CETIM* (*Centre technique des Industries mécaniques* — Technical Centre for Mechanical Industries) the *ADEPA* (*Agence nationale pour le Développement de la Production automatisée*—National Agency for the Development of Automated Production Activities) and a few other *groupements d'intérêt public* (*GIP*) (groupings of public interest) which represent public Act bodies able to associate public research organisations and local authorities with private sector companies.

At the local level, the *ministère de l'Industrie* (Ministry of Industrial Affairs) has established a network of *centres régionaux d'innovation et de transferts de technologies* (*CRITT*) (regional centres of innovation and technology transfers), of which there are approximately 100). The *CRITT*, constituted in the form of associations, are intended to develop on behalf of and with the cooperation of industries, innovating production methods and products; to this end, they provide companies with high-tech material and test-laboratories; they are also specialised in accordance with the needs of regional industries. Moreover, the aim of the *conseillers technologiques des DRIRE* (technology consultants of the *DRIRE*) approximately 400 is to facilitate contacts between companies and various other organisations which may be able to assist them at a technical level for the implementation of a given project.

Lastly, on the basis of the Acts of the 15 July 1982 and 26 January 1984, the *organismes de recherche publics* (public research bodies) have developed their own promotional services and are themselves at times looking for industrial partners.

The research activities of certain national establishments are very well disseminated across the French territory and are closely linked to the promotion of research; this is particularly true of the *Institut National de la Recherche Agronomique* (*INRA*) (National Institute for Agronomical Research) for agriculture and the agro-alimentaire (agriculture and food production) branches of industry or even the *IFREMER* which oversees the exploitation of maritme resources.

At present, the majority of the means required to sustain industrial policies at a regional level are contractually set out in the *contrat de plan Etat-région.*

This means that the *conseil régional* (regional council) takes part in the definition of such policies and the identification of policy priorities. This also serves to explain the regrouping under a single budget of all the regional development policies of the *ministère de l'Industrie* benefiting *PMI* (small and medium-sized industries; amounting to approximately FRF 600 million in 1994) for the *'contrats'* or regional plans introduced in 1994 it accounted for greater flexibility regarding the distribution of resources for various types of policies. These credits (contractually set out or not) make up the *Fonds de développement des PME-PMI* (Development Funds of SMEs/SMIs), whose allocation is deconcentrated at the level of the

DRIRE. Among aid regimes most frequently provided for in *contrats de plan Etat-région* in this field ther are: the *Fonds régionaux d'aides au conseil* (*FRAC*) Regional Funds for the Provision of Consultancy Services), the aids towards the creation of *pépinières d'entreprises* (a number companies for a specific branch of activity) and the aids towards the establishment of common services for SMEs.

In particular, the *FRAC* are viewed as a low-cost and efficient source of funding which enable SMEs to benefit from consultancy advice improving their management or their commercial strategy most notably for exports, or lastly the quality of their products. However, industrial policy cannot be considered independently from general economic development policies, when viewed from a planning policy angle.

F7. Leisure and tourism

The role of tourism within the planning system

France benefits from a significant tourism potential, given the attractiveness of its coasts, its mountain ranges, the wealth of its natural sites and of its cultural and architectural heritage. Tourism accounts for approximately 900 000 jobs and represents the first surplus category within the trade balance with a turnover of FRF 60 billion. With 60 million visitors in 1993, France may be viewed as the first tourist destination in the world. However, 72 % of tourist holidays are concentrated on 20 % of the territory; 40 % of holidays are spent on the coast which makes tourism the principal economic activity of coastal areas. This shows the number of potential development opportunities in this field and how tourism may constitute a significant resource for regions with a preserved environment but where agricultural activities are declining.

Planning policy from the start has recognised the enhancement of tourism as one of its priorities. Tourism development programmes were included amongst the 'mission' or special projects' undertakings of the seven regional development companies created in accordance with the Act of 24 May 1951 between 1955 and 1962, that is to say in the Bas-Rhône and the Languedoc, in Provence, in Aquitaine, in Corsica, in Auvergne and in the Limousin regions. The touristic development of the Languedoc-Roussillon was carried out between 1963 and 1982 by an Inter-ministerial project unit directly subordinated to the Prime Minister; another project unit, based on the same model, was created in 1967 for the development of the Aquitaine coast; dissolved in 1984, it was replaced in 1985 by an inter-ministerial project unit of the development of the Aquitaine coastline (*MIACA*), charged with the coordination of the State policies and of the region for the touristic development of this particular coastline.

The respective roles of the State and local authorities and the involvement of the European Union

Today, the national tourism policy is defined and implemented by the State; local authorities are involved in this process and carry out within their own areas of competence, their own policies in this field (see Law No 92-1341 of 23 December 1992).

At the level of the State, tourism policy comes under the *Direction du Tourisme* (Tourism Department) which is currently attached to the *ministère de l'Equipement, des transports et du Tourisme* (Ministry primarily responsible for infrastructure provision, transports and tourism). However, it also calls into play the policies and means for implementation of numerous other administrations: directly, the *ministère de l'Intérieur* (Ministry of Home Affairs), on the basis of the grants it makes to *communes* involved in tourism, although the general grant for current expenditure (*dotations globale de fonctionnement* (*DGF*) which are intended to compensate the greater level of costs generated by high levels of tourism in the areas concerned (FRF 1.150 million in 1993, that is to say the most significant contribution of the State in this domain); the *DATAR*, the Ministries of the *Départements et Territoires d'Outre-Mer* (Overseas Departments and Territories); *de la Jeunesse et des Sports* (for Youth and Sport Activities) and indirectly, the Ministries of the Environment, of Cultural Affairs (most notably, the *Caisse nationale des monuments historiques et des sites* (national fund for historical monuments and sites, which manages those monuments open to the public) of the '*Equipement*' (i.e. responsible for infrastructure provision; see above), of agriculture. However, on the basis of general grant block for current expenditure, the reform of the *dotation globale de fonctionnement* (block operational fund), brought

about by the Act of the 31 December 1993, the financial grant to *communes* involved in tourism, which was a part of it, was cancelled; its amount was included for the *communes* which formerly benefited from it, within the lump sum grants made to all the *communes*, having regard to their resources prior to this reform, however the volume of such lump sum payments are due to be gradually reduced in the future, with the increasing use of the *système de péréquation* (fiscal equalization system). Lastly, over the course of the past years, part of the European Funds which France benefited from were allocated towards tourism development projects.

The region defines the medium-term objectives of regional tourism development policy. The *schéma régional de développement du tourisme et des loisirs* (Regional Tourism and Leisure Development Scheme) specifies the procedures and the conditions for the implementation of these objectives. It is formulated by the *comité régional du tourisme* (*CRT*) — Regional Tourism Committee) and adopted by the *conseil régional* (regional council). It gives rise for its implementation to *'conventions'* agreements between the local authorities. The *comité régional du tourisme* is created by the region which determines its status and it acts as a representative for the various interests concerned (consular organisations, specific professions, associations, touristic *communes*, tourism agencies of *communes* and departmental committees). It also acts as the executive body of regional tourism policy, most notably in the field of development and infrastructure provision, financial aids towards accommodation facilities, technical advice for the marketing of tourism products and vocational training. The *CRT* are essentially financed by State subsidies and various local authorities, as well as contributions by various private parties and interested organisations together with the fees due for the provision of given services (see Laws No 87-10 of 3 January 1987 and No. 92-1341 of 23 December 1992).

The *conseil général* (General Council) may formulate a *schéma d'aménagement touristique départemental* (Departmental Structure Plan for Tourism) which will take account of the policy guidelines set out in the *schéma régional* (Regional Development Scheme). The *comité départemental du tourisme* (*CDT*) (Departmental Tourism Committee), which is created on the initiative of the *conseil général* determining its status and composition, prepares and implements the tourism policies for the *département*. The *CDT* are organisations which are similar at their level to the *CRT*; however, they collaborate more closely with the professions concerned at the departmental and local levels (Act of 23 December 1992).

Lastly, at the local level, the *offices du tourisme* (tourism agencies) take part in the coordination and the promotion of local tourism development; they may also be responsible for studies, the formulation of new tourism products, the management of tourism facilities; they may also market the provision of tourism services.

The professions, activities and organisations concerned by tourism within a given *commune* may be involved in the deliberating assemblies held by the agency (Act of 23 December 1992).

The Act of 23 December 1992 made it possible to reinforce the collaboration between different territorial levels; namely, between the regional committees and the departmental committees with the *offices du tourisme* creating national federations which have rejoined together in a *confédération nationale du tourisme* (National Tourism Confederation), acting as spokesman for the tourism sector vis-à-vis the State. The *délégations régionales du tourisme* (regional tourism delegations) representing the deconcentrated services of the Ministry charged with Tourism, also assist the local authorities by providing them with advice and lend their support to companies through the enhancement of their economic environment by using the *Agence française d'ingéniérie touristique* (French Agency for Tourism Development).

The Ministry charged with tourism may enforce his policies through two national instruments, the *Maison de France* and the *Agence française d'ingéniérie touristique* (*AFIT*).

The *Maison de France*, created in 1987, is a *groupement d'intérêt économique* (economic interest grouping) which was established by the State, the regions, the *départements* and the *communes* concerned by tourism development as well as professional organisations and tourist associations, in order to promote French tourism abroad; the regional and departmental committees for tourism are also involved in the promotional programmes which are relevant to their needs. These activities are supplemented by market and feasibility studies. The *Maison de France* is represented in 27 countries.

The *Agence française d'ingéniérie touristique* is also a public interest grouping, created in 1993, whose purpose is to improve knowledge of the tourism economy in order to assist political decisions, to facilitate decision-making by providing economic forecasts on specific development projects of interest to either local authorities and/or professional organisations, to promote innovation surrounding the conception and marketing of touristic products and finally to encourage the exportation of the French *savoir faire* — know-how in the tourism field.

An analysis of the 1993 financial year showed how public expenditure for tourism rose to FRF 8.247 million, 43% of which was contributed by the *communes* and 22% by the State. European funding represented FRF 419 million of the total.

The territorial development of tourism

The territorial development of tourism activities, which is of direct interest to planning policy, is increasingly the subject of the *contrats de plan Etat-région* (State-region contractual programmes). The total level of funding provided by the *Xème Plan* (10th National Economic Development Plan — 1989-93) amounted to over FRF 2.2 milliard, with over half derived from European Funds and the rest almost equally divided between the State and the regions. Within the framework of the contrats of the *Xème Plan*, programme formulation became the responsibility of the regional tier of authority. Only the priority policy guidelines were defined at the national level; they are as follows; the enhancement of the environment for companies operating within the tourism industry, training and employment, planning and rural development policy, the integration of environmental protection policy, the restoration of the historical heritage and the improvement of the quality of services, the modernisation and consolidation of public sector efficiency.

In order to finance the State contributions to the *contrats de plan*, the applications for credit presented by the Regional Prefects to the *direction du tourisme* (Tourism Directorate) were divided into two: one for the funding of programmes which answer priority policy objectives (FRF 130 million) and the other for the funding of all other programmes (FRF 210 million).

The majority of *contrats de plan* contain the following policy programmes; the aid funds to provide advice to the tourism industry, the development and the organisation of touristic areas, the enhancement of natural and cultural sites, training programmes. Some regions have *observatoires régionaux du tourisme* (Regional Tourism Observatories) and pursue policies involving cross-border cooperation (Alsace, Franche-Comté).

Credits which are not contractually set out, although they are on the decrease, enable the Ministry charged with tourism to continue initiating, sustaining and promoting policy by funding specific development programmes, either to assist sectors experiencing difficulties (hotel business and winter resorts) or to support innovating projects.

The sectoral policies attached to tourism development

Given the sectoral diversity of the tourism economy, the Ministry charged with tourism has implemented specific programmes for certain sectors or for certain activities. A few examples are given below.

Following the *CIAT* of 10 February 1993, *plans qualité* (quality plans — 10 in 1993, 13 in 1994 with the support of the *AFIT*) and projects for resorts were established in coastal resorts. The purpose of the resort projects is to facilitate the evolution of the old resorts in response to client and market needs (six will be started in 1994-95 as pilot projects).

With regard to tourism in mountainous areas, four policy objectives were expressed in 1991; a halting of property development, an adjustment of the services offered to clients with the implementation of resort projects, the development of new client bases through promotion policies and children's educational policies, the strive for an improved quality of tourism facilities. Action programmes relating to mountainous areas are set out in some *contrats de plan Etat-région* and in 1995, action programmes relating to specific touristic activities in such areas are due to be launched.

Waterways' tourism benefited from the modernisation and enhancement effort of waterways undertaken by the public law agency *Voies Navigables de France* (Navigable Waterways of France).

With a view to developing the touristic capacities of rural areas, the Act on the modernisation of

agriculture of 1 February 1995 introduced new measures, of a fiscal nature and relating to social contributions, which are intended to encourage the development of multiple activities in the agricultural profession. The *schémas régionaux et départementaux d'aménagement touristique* (regional and departmental tourism development schemes) are also intended to make way for long-term plans to allow for new accommodation facilities and to create networks for leisure activities.

F8. Natural resources

There is no policy governing natural resources which specifically takes account of planning objectives. Despite the closure of coal mines and the recession of other mining activities, there remains as a matter of course a certain number of mines and other quarries in operation (for example, the potassium mines of Alsace) and development does take place concerning the operation of quarries and geothermic sites. However, these activities are linked to specific geological situations and to industrial or private initiatives without any policy on behalf of the State seeking to discover and exploit new mines. With regard to the impact on these sites of the commercial exploitations taking place, these are taken into consideration by measures adopted in the public interest or for environmental protection purposes. Hydroelectric energy, for example, no longer offers any opportunities for development since all the sites are suitably equipped (with the notable exception of the construction of a major barrage in Guyana). Lastly, the recession of former mining sites does not fall within the remit of a natural resources' policy, rather it is dealt with by a reconversion policy which is a part of the planning and development dimension of industrial policy (see Industrial policy).

The only exception worthy of note concerns *'thermalisme'* — i.e. balneology and water policy.

Spa towns

Spa towns are officially recognised and controlled by the *ministère de la santé* (Ministry of Health) but their development may respond to local development objectives put forward by the local authorities concerned which benefit from them and receive State subsidies on their behalf. There are 104 recognised spa towns presently in existence; the majority are situated to the south of the Metz-Bordeaux axis and in or around mountainous areas. These spa towns were visited in 1993 by 643 000 patients, 90 % of whom were receiving social insurance in this respect, hence the stability of the visit rate in such towns. However, balneology is far more concentrated at an economic level than geographically speaking; there are only 17 towns which accommodate over 20 000 patients.

The action of the State with regard to balneology relates to the supervision of the conservation of the geological heritage as represented by spa towns and gives rise to the implementation of the instruments used in order to sustain tourism development (see Tourism and leisure).

F9. Transport policy

Transport policy and planning

Transport policy has always played a significant role with regard to planning in France. It falls within the competence of the *ministère des Transports* (Transport Ministry) but the *schémas nationaux* (National Schemes) which define infrastructure development are submitted to the *Comité interministériel de l'aménagement du territoire* (*CIAT*) (Inter-Ministerial Planning Committee) for approval which provides the DATAR with the opportunity to intervene in order to express planning policy priorities. The decentralisation reform has extended the competence of local authorities, most notably of the regions, in the transport field. However, over the past few years, transport policy has been principally influenced by the technological advances made in the rail industry which resulted in the development of the TGV (high-speed train) network and by the intervention of the Community linked to the creation of the single market.

Transport policy is itself highly sectoral with road transport, rail transport, transport by air and sea being the subject of specific national policies together with urban and local transport although they fall within the remit of local authorities regarding their organisation. Nonetheless, a multimodal approach is increasingly being used, most notably relating to freight, which calls for the need to develop platforms intended to act as a support. The aim of the State in this respect is to de-

velop complementarity rather than competitiveness between various transport modes, although there are relatively little signs of it at present.

Transport policy up till now has been mainly confined to infrastructure policy; in addition, it is also becoming to a relative extent a policy of services; both of these dimensions have an impact on planning.

The role of the European Union

Community policies are affecting French transport policy in an increasingly direct way; they are having a contrary effect on planning policy.

The trans-European networks will allow for an integration of the French transport networks within a European framework. Following the decision to establish a high-speed trans-European network, the decisions of the Council of 29 October 1993 on the implementation of trans-European networks for combined transport, motorway links and waterways will enable the major infrastructure networks serving French regions to have a direct link to the rest of Europe. The PBKAL TGV, the East TGV, the Lyon-Torino TGV and without doubt the Montpellier-Barcelona TGV will all benefit from Community funding. The Directive (Rhine-Rhone canal was abandoned by the new government) on the joint working of the high-speed rail networks is intended to facilitate cross-border links.

By contrast, the EC competition rules are calling for a rethink about the management system of public services which has up till now ensured that national companies protected by national monopolies have taken national planning objectives into account. The opening up of domestic air routes to competition has been responsible for a reduction of prices on the most profitable links and has led the national airline, Air Inter, to abandon its tariff equalisation system whereby tariffs were kept relatively low on the less frequented air routes. It is to be expected that the opening of national rail transport to competition will have similar consequences if not even more detrimental in the knowledge that the *SNCF* (*Société Nationale des Chemins de Fer*) (National Railways Authority) has provided the funding for infrastructure principally by loan payments.

National policy

The State has always assigned great importance to major transport infrastructure policy within the planning context and in the *schéma national* (National Spatial Planning and Development Scheme) whose production is prescribed by the Act of 4 February 1995, it is intended to ensure equal development opportunities for all the French territories and constitute a structuring spatial element by linking the local transport network to all the major European axes. The principal objective pursued is that in 2015, no part of the French metropolitan continental territory is situated further than 50 kilometres or 45 minutes by car from either a motorway or an express dual carriageway road with a link to the national network or a rail station served by the high-speed rail network (Act of 4 February 1994, Art.17-1).

In order to achieve this objective, *schémas* (structure plan equivalent) for the various modes of transport will need to be revised or produced within a delay of 18 months, from the date of publication of the *loi d'orientation pour l'aménagement et le développement du territoire* (Guidance Act on Spatial Planning and Development) in order to define the policy guidelines to implement until 2015. For the purpose, due consideration will be paid to national planning policy guidelines, the objective to establish European links throughout the French territory, the necessity to improve the accessibility of the various parts of the French territory and the adoption of a multimodal approach.

The *schémas* in question are the following:

- the *schéma routier national* (National Roads Scheme);
- the *schéma directeur des voies navigables* (Waterways Scheme);
- the *schéma du réseau ferroviaire* (Rail Network Scheme) which not only encompasses TGV links but additionally the motorway/rail type links for freight and the regional rail links;
- the *schéma des ports maritimes* (Maritime Ports Scheme);
- the *schéma des infrastructures aéroportuaires* (Airport Infrastructure Scheme) which also determines the important air links to secure from a development perspective.

The implementation of these *schémas* calls for a significant level of investment.

In the *contrats de plan Etat-région* alone for 1994-98, 36.3% of the State contributions are destined for transport infrastructure. However, the Act of 4 February 1995 stipulates that the im-

plementation of the infrastructure prescribed in the *schéma national d'aménagement du territoire* (National Guidance Act on Spatial Planning and Development) and the public investment required will be the subject of *lois-programmes quinquennales* (five year statutes — programmes). The significance of these investment requirements will nonetheless call for private funding for certain engineering works (this is already the case for certain motorway links in Ile-de-France).

The *schéma directeur des liaisions ferroviaires à grande vitesse* (National High-speed Network Scheme) which was adopted by the *Conseil interministériel d'Aménagement du Territoire* (Interministerial Planning Committee) on the 14 May 1991 prescribes the construction of 4 700 km of new lines over the next 20 years.

The Government decided on the 16 February 1994 to reduce from 15 to 10 years the duration of the implementation phase of the *schéma directeur routier national* of April 1992 (National Roads Scheme), including the construction of 2 600 km of motorways.

Both programmes were reduced or slowed down in 1997. By contrast, the implementation of the prescribed river network is experiencing delays with only 2 000 km of waterways accessible to ships over 1 000 tonnes to date.

The priority objective here is to complete the inter-basin links of European significance, which represents an investment of FRF 50 billion over the next 10 to 20 years. The Act of 4 February 1995 has ascribed this task to the *schéma directeur des voies navigables* (structure plan on waterways) abandoned.

Lastly, with regard to airport infrastructure, the anticipated growth in traffic is calling for an increase of the airport capacity of Roissy-Charles-de-Gaulle, the development of international links from provincial airports and in all probability the construction of a platform specialising in freight in the Champagne region at Vatry.

The accessibility objective of the French territory as a whole requires the application of a policy on tariffs which compensates the handicaps experienced by the more remote areas. To this end, the *loi de finances* (Finance Act) for 1995 and the *loi d'orientation pour l'aménagement et le développement du territoire* (Guidance Act on Spatial Planning and Development) established a *Fonds de péréquation des transports aériens* (Fund for the equalisation of air transports), funded by a tax levied from airlines operating from airports situated in continental France and destined to subsidise air links to be maintained in the public interest, whatever the airline concerned. In addition, a *Fonds d'investissement des transports terrestres et des voies navigables* (Investment Fund for terrestrial transport mechanisms and waterways) was instituted which is sourced by two taxes, the one paid by the owners of hydro-electrical plants which were conceded, the other by concessionaries of motorways; this fund is destined to be used for investment in roads, rail links and waterways which answer specific criteria in relation to planning and development objectives.

Lastly, the development of *transports collectifs* (public transports) represents an absolute priority in high-density areas. The State is thus granting significant subsidies to local authorities for the modernisation of existing networks and currently seems to be promoting through a system of differentiated subsidy rates, the *'transport intermédiaire'* option (intermediary transport) between transport systems in their own proper sites and the classic bus formula.

Regional and local policies

Since the decentralisation reform, the regions have become increasingly influential in the transport sector, most notably by participating in the funding of infrastructure and given their role in the organisation of transport links.

Indeed, the regions have participated in the funding of numerous infrastructure, or are required to do so, to improve their national and international links as quickly as possible. Since 1984, the involvement of the regions and by extension of local authorities has become more generalised in relation to the funding of road investments along sections of the national network which have not been conceded, representing up to 45 % of total investment costs in many cases.

The local authorities often go as far as to finance the building sites in advance in order to accelerate the implementation process of projects which they consider to be highly important. Moreover, local authorities sometimes make contributions *'en nature'* that is, by providing for certain engineering works; for example the *département de l'Indre-et-Loire* built two bridges over the Loire

and the Cher which corresponded to a motorway outline for the which no *déclaration d'utilité publique* (declaration of public interest) had been formulated as yet. Some of these practices have been criticised by the *Cour des Comptes* (Audit Office). In addition, the regions are increasingly being encouraged to help fund the new TGV lines. As an indication of this growing trend, the regions crossed by the scheduled *TGV Est* have undertaken to contribute all together FRF 3.5 billion towards its construction, representing approximately 13 % of the total estimated construction costs.

However, it is predominantly in the field of regional transports that the role of regions is likely to increase. Since the start of the 1980s, the regions established contractual relations with the *SNCF* (National Railways Company) with a view to modernising and improving regional rail links (*transports express régionaux*) (express regional transport links). The 1982 *loi d'orientation des transports intérieurs* (Guidance Act on Domestic Transports) provided the legal basis for these relations and made way for their generalisation. The regions were thus called upon to participate in the funding of the renewal of the carriage stock and in the redefinition with the *SNCF* and the public of the areas served and frequency rates, which they may also fund. This evolution seems set to continue under the combined pressures exerted by the *SNCF* which is looking to discharge itself from regional links, the State which leaves the responsibility of infrastructure funding to the *SNCF* and the regions which are interested in improving regional transports and which are weakly-placed to resist this transfer of responsibility.

The *Comité interministériel de l'aménagement du territoire* (Inter-Ministerial Planning Committee) of Troyes agreed on 20 September 1994 to the production of regional transport plans (which were effectively prescribed by the *loi d'orientation des transports intérieurs* of 1982) for the which the studies required will be cofinanced by the State. On the basis of these plans, the conventions agreements with the *SNCF* for the commercial exploitation of *TER* (Express Regional Transport Links) will need to be renegotiated. Beyond this re-adjustment, it is also being envisaged to vest the regional councils with the authority to organise regional rail transport by transferring to them not only the infrastructure but also the responsibility for its commercial exploitation. On this basis, they would then be expected to fix the transport tariffs having regard to development considerations wherever judged to be appropriate (Cuq-Bussereau report and proposal by the loi Haenel, 1994). The *loi d'orientation* (Guidance Act on Spatial Planning and Development) of 4 February 1995 (Art. 67) provided for an experimental transfer of passenger rail transport of regional interest to regions; the Act of 13 February 1997 established the framework for this experimentation which will take place until 31 December 1999. The substance of the choice determined by a convention between the State and the regions; conditions of operations and funding are fixed by a convention between the SNCF and the region — the State has to pay a compensation to regions. The experimentation is voluntary for regions.

Lastly, the development of public transport generates a significant level of investment on behalf of the State and the local authorities in order to improve their efficiency and to reduce the use of single-owner cars. Two new express underground lines are presently being built in Paris (*Eole* and *Météor*); with transports on individual sites being built in the suburbs. In the provinces, the major towns have undertaken to develop new networks on individual sites whilst resorting to a wide variety of options, on the basis of their requirements and their financial means (tramways, *métro*-underground, *métro léger automatique* — lightweight automatic underground system of the VAL type, own sites for bus routes, etc). The initiatives of the local authorities are facilitated by State subsidies and by the transport tax which they levy on employers (this represents 30 % of total network resources in the provinces).

F10. Waste management and pollution

Waste management and planning policy

Waste management and anti-pollution policies are a part of environmental policy and fall within the remit of the *ministère de l'Environnement* (Environment Ministry).

To the extent that these policies are of interest on the basis of their planning dimension, the anti-pollution policies essentially relate to water pollution and as such, cannot be disassociated from the *politique de l'eau* — water policy (see above, subsection Environment). The main subject of this particular section will therefore be waste management.

The new policy on waste management was formulated between 1989 and 1992; its first mention is found in the *Plan National pour l'Environnement* (National Environment Plan) adopted by the Government on 19 December 1990. The Act of 13 July 1992 has determined both its legal framework and its programme; it was supplemented by the Act of 2 February 1995 which made it possible for the *départements* and the regions to play a greater part concerning its implementation. The principal objective here which is set out in the Act is that over a 10-year period, all waste will be recycled, made more valuable or treated. The French Act is to conform to Community directives but it is more demanding and innovative in relation to the classification of waste by distinguishing the *déchets ultimes* ('ultimate' or final waste), that is waste which cannot be treated any longer, either by extracting the part of it which can be re-used, or by reducing its polluting character; at the end of the prescribed 10-year delay, any waste disposal plants operating by storing the waste will only be authorised to store recognised final waste.

However, waste management policy only concerns planning policy on the basis of some of its instruments. The treatment of radioactive waste (which comes under the Act of 31 December 1991) or particularly dangerous waste makes it necessary to determine the location of the treatment or storage facilities having regard to security factors and geological criteria as opposed to planning and development objectives. By contrast, the obligation imposed on any manager of a waste storage plant to restore the area where it was located to its former condition once it has been used, the plans for waste disposal which need to be established both at a local and regional level together with all the financial measures intended to ensure the funding of any necessary investments are all of interest to planning policy.

The role of the State

In this field, the international and European norms are increasingly numerous. The Commission of the European Community had previously defined Community objectives regarding waste management policy in its text of 14 September 1989 which was followed by several directives in 1991 and by a set of regulations on waste circulation. The measures which were introduced by French law rest on Community texts; they may be supplemented by bilateral agreements though, such as the Franco-German Agreement of 31 August 1992 aiming to control the amount of cross-border flows.

The significance of international norms is increasing both the regulatory role of the State given that it is primarily responsible for respecting any international agreements and the role of the *ministère de l'Environnement* (Environment Ministry) since it is responsible for ensuring adherence to the Act relating to the policy area considered. More precisely, waste policy at the Ministry comes under the *sous-direction des produits et des déchets* (sub-division of products and waste) attached to the *direction de la prévention de la pollution et des risques* (division responsible for pollution and risk prevention).

However, the *DATAR* is not involved in the definition of this policy.

The Ministry is assisted in its functions by the *Agence de l'Environnement et de la Maîtrise de l'Energie* (*ADEME*) The Environment and Energy Control Agency), representing a public law agency with an industrial character whose board of directors includes representatives of environmental protection associations and local authorities and by a scientific committee providing a link with scientific organisations. The *ADEME* provides the Ministry with expert advice, it takes part in the formulation of texts and policies (for example, it inspired the Community Directive on recycling car waste), but it also acts as an executive instrument and in particular it receives the tax revenues derived from the stockage of waste and fines for any breaches of the financial guarantees required from the managers of stockage plants. Its intervention budget is presently double that of the Ministry; it is not only used for the implementation of environmental policy but its programmes on waste disposal remain the most important area of policy intervention. The *ADEME* establishes an inventory of *'sites orphelins'* (orphan sites!) representing sites for which no solvent owner can be identified and defines the policy priorities to start the depolluting the worst affected areas. Between 1989 and the end of 1993, approximately 60 sites were treated in this way. Moreover, the *ADEME* manages the *Fonds de modernisation de la gestion des déchets* (Fund for the modernisation of waste management). The aim of this Fund is to support the disposal programmes of 'non-final' household waste stocks and to assist the *communes* which are accommodating new intercommunal treatment plants or to set up treatment units or any others intended to increase the value of waste.

In accordance with the Act of 13 July 1992, the State has started to produce *plans régionaux d'élimination des déchets industriels spéciaux* (regional plans for the disposal of special industrial waste) and *plans départementaux d'élimination des déchets ménagers et assimilés* (departmental plans for the disposal of household and assimilated waste) which should, in accordance with the Act, cover the whole of the French territory within a three-year period (Art.1- XIX: mod. Act of 15 July 1975, Art.10.2). This procedure is carried out by the prefects, who are assisted in the process by a Commission composed of representatives of the local authorities, public law agencies, professionals and associations responsible for environmental protection. In July 1994, the prefects of 97 *départements* instituted this Commission so that it could assist them with the production of the departmental plan; three plans were subsequently made public, three outline plans were submitted to public enquiry, 11 projects were adopted by the Departmental Commission and 33 were due to be adopted before the end of the first 1995 semester. The implementation of these plans should lead to the creation of 2 000 waste disposal units, 130 sorting centres, over 400 transfer centres, 160 incinerators and between 110 and 130 waste disposal pits (however 650 of these will be abandoned out of a total 850 in use).

The role of local authorities

The local authorities carry the main burden of implementing the legally set objectives since they are required to make the necessary investments. These are estimated to represent FRF 114 billion over the coming 10-year period which they cannot sustain alone especially if the amount of investments required (FRF 76 billion between 1991 and 1998) to ensure the conformity of the treatment of urban residual waters with the Community Directive of 21 May 1991 is added to the overall figure quoted.

Financial grants to the local authorities are therefore indispensable, however the expected amount of the tax on waste only came to FRF 3 billion over the same period and with the same legislation. Thus, in order to make additional sources of funding available, the Act of 2 February 1995 foresees the doubling in three years of the amount of the tax on household or assimilated waste (from FRF 20 per tonne in 1994 to FRF 40 on 1 January 1998) and reduces the available franchise for debt recovery from FRF 5 000 to FRF 2 000 per plant and per year. Moreover, this tax has been extended to cover the waste disposal plants of special industrial waste and its amount has been doubled for waste stockage units. It is also worth mentioning that the plants to be built will bring in revenues of *taxe professionelle* (business tax) to the local authorities abandoned.

The Act of 2 February 1995 makes way for a decentralisation of the competence surrounding the establishment of plans for waste disposal. The regions may exercise, at their own request, the competence to establish a *plan régional d'élimination des déchets industriels spéciaux* (a regional plan for the disposal of special industrial waste) which is bound to include as a matter of priority a centre for the stockage of such waste. Similarly, the *départements* may exercise, at their own request, the competence to establish the *plan départemental d'élimination des déchets ménagers et assimilés* (departmental plan for the disposal of household and assimilated waste) which should include centres for the stockage of the ultimate/final waste. In this case, the State continues to be involved in the production of the plan through the commission set up for the purpose. To the extent that the procedure required for departmental plans is underway everywhere, any claim presented by a *département* to exercise this competence would transfer the responsibility of leading the procedure to the president of the *conseil général* (Provincial Council).

The decentralisation of the competence for the establishment of plans on waste disposal may result in a reduction of their contents on the premise that the local authorities may be concerned about the level of investment required for their implementation. However, the associations responsible for environmental protection will no doubt exert pressure in the opposite way.

The role of industry

The new policy on waste is soliciting the input of industrialists more than ever, whether they are responsible for waste-producing industries or companies specialised in the treatment of waste.

On the one hand, any manager of an installation ensuring the storage of waste is bound at his own costs to reinstate the site back to its former condition at the end of its use and the initial authorisation for operating this business is subordi-

nated to the constitution of the corresponding financial guarantee (Act of 13 July 1992, Art. 1-X: mod. Act of 15 July 1975, Art. 7.1). On the other hand, public interest groupings (GIP) may be created by the State representing the companies benefiting from the authorisation to operate together with the local authorities concerned, in order to launch accompanying policies, most notably for the creation of landscape developments or the management of facilities benefiting the riverside residents or the *communes* concerned; the constitution of a public interest grouping is compulsory when an underground storage of final waste in deep geological strata has been authorised (Art. 8: mod. Act of 15 July 1975, Art. 22.4).

The *ministère de l'Environnement* has contributed to raising awareness and organising industrial groupings with regard to the waste treatment issue.

An economic interest group, *Eco-Emballage*, was created in the autumn of 1991 by the major industrial groups responsible for the food and agricultural products' industry to ensure the recuperation of wasted wrappings and packages. At the initiative of the M.D of Rhône-Poulenc, an association was also created called *'Entreprises pour l'Environnement'* (*EPE*) Enterprises for the Environment) in order to collect the voluntary funds by companies towards the funding of the rehabilitation of the sites known as *'orphelins'* 'orphan' (see above, without a solvent 'parent' or owner in sight!). This association was able to bring together approximately 40 companies and approximately FRF 15 million in 1993 and as much in 1994. However, these results were nonetheless very insufficient in comparison to existing needs and the Act of 2 February 1995 was therefore adopted in order to extend the tax on waste storage to special industrial waste which the creators of the *EPE* were seeking to avoid in the first place.

APPENDICES

Appendix I — Glossary

Action d'aménagement (development action) programme of action for the social development of urban districts, development programmes in line with housing policy such as the *opérations programmées pour l'amélioration de l'habitat* (programmes for the improvement of housing) and the *opérations de résorption de l'habitat insalubre* (programmes for the recovery of insalubrious buildings).

Agence Nationale pour la Valorisation de la Recherche (ANVAR) (National Agency for the Promotion of Research): public agency whose purpose is to promote the value of research and innovation in company management, most notably through grant allocation; it fulfills these tasks through regional delegations.

Agence d'urbanisme (Agency of urban planning): joint consultancy of the State and the *communes* in certain large agglomerations, responsible for studies on the development of the agglomeration in question and the preparation of urban planning documents.

Aménagement du territoire (Spatial development planning): policy of central government which aims to correct economic disparities across the national territory through policy interventions which concern the location of business activities and national infrastructure provision; the territorial (local) authorities are also involved in the policy of *aménagement du territoire*.

Aménagement urbain (urban development): those *actions* (policy programmes) or *opérations* (development projects) which make up a *projet d'urbanisme* (urban planning project) whose implementation is carried out at the level of an urban district or of a locality.

Architecte de Bâtiments de France: State authority in chage of enforcing the application of legislation for the protection of historical monuments and buildings of esthetic value.

Association foncière urbaine (AFU) (association of urban landowners): syndicate associations of property owners, created in order to enable the owners themselves to carry out a development project, sometimes with the status of an *établissement public* (public authority).

Caisse des Dépôts et Consignations: public financial institution which ensures the funding of social housing, is involved, directly or through its subsidiaries, in the *sociétés d'économie mixte* (semi-public companies) and holds capital shares in a number of private companies.

Centres régionaux d'innovation et de transferts de technologies (CRITT): (Regional Centres for Innovation and Technology Transfers): contributes material and pilot workrooms in order to develop, in cooperation with companies, new production methods or products.

Centres techniques industriels (CTI) (technical industrial centres): provide technical assistance to their members regarding innovation matters; are organised on a sectoral basis.

Certificat d'urbanisme (Certificate of urban planning): informs the applicant on all the urban planning provisions which apply to a given site, the relevant *servitudes d'utilité publique* (public easement charges) and its servicing (infrastructure).

Certificat de conformité (Certificate of conformity): granted by the authority which has provided the *permis de construire* (building permit) where building works are in conformity with regulations contained in the permit documentation.

Chambre d'Agriculture (Chamber of Agriculture): public professional establishment, managed by elected officials; manages various economic services for the profession, takes part in the implementation of development projects with local authorities.

Chambre de Commerce et d'Industrie (Chamber of Commerce and Industry): see *Chambre d'Agriculture* as above.

Chambre des métiers (Crafts Chamber): see *Chambre d'Agriculture* as above.

Charte intercommunale de développement et d'aménagement (Intercommunal Charter of Planning and Development): intercommunal planning document which defines medium-term perspectives for economic, social and cultural development and determines the corresponding programmes of action.

Classement (classification): administrative non-statutory Act which leads to the application of a specific legal regime; for the built heritage and natural sites, it ensures the application of a specific regime for their conservation.

Coefficient d'occupation des sols (*COS*) (plot ratio): indicates for a zone (area) or part of a zone of a *plan d'occupation des sols* (detailed local land-use plan) the maximum authorised building density.

Comité départemental d'examen des problèmes de financement des entreprises (*CODEFI*) (Departmental Committee responsible for examining the funding difficulties of companies): placed under the Presidency of the Prefect, this Committee examines the files of companies experiencing financial difficulties and adopts measures intended to ensure their recovery.

Comité interministériel de l'aménagement du territoire (*CIAT*): policy-making committee of ministers chaired by the Prime Minister on issues of *aménagement due territoire*; the secretariat is operated by the *DATAR*.

Comité interministériel de restructuration industrielle (*CIRI*) (Inter-Ministerial Committee for Industrial Restructuring): presided over by the Prime Minister, this Committee is called to examine the most serious cases having regard to the consequences of industrial restructuring actions.

Comité régional de restructuration industrielle (CORRI) (Regional Committee for Industrial Restructuring): placed under the Presidency of the *préfet de Région* (Prefect of region), his role is the same as that of the CODEFI, but in the context of large companies only.

Commission départementale de conciliation (Provincial Conciliation Commission): established in each department and made up in equal parts by locally elected officials and members appointed by the prefect, it is called in such cases where one of the public authorities involved in the preparation of urban planning documents disapproves the draft put forward; it may issue counter-proposals.

Communauté locale de l'eau (Local Water Planning Agency): form of intercommunal cooperation which may be created in order to ensure the development and the commercial exploitation of those works prescribed in the *schéma d'aménagement et de gestion des eaux* (structure plan on the planning and management of water resources).

Communauté urbaine (metropolitan joint authority): *établissement public de coopération intercommunale* (intercommunal agency) which is fully competent by law regarding urban planning matters, most

notably to draw the *POS* in the place of the *communes* whose agreement remains nonetheless compulsory.

Concession: administrative contract whereby a *mission de service public* (public service undertaking) or public works are delegated to a private law entity, or in respect of development projects to an *établissement public* (public authority) or to a société d'économie mixte (semi-public company) which will enjoy for the purpose the right to exercise public powers (e.g. 'expropriation' — compulsory purchase or pre-emption rights).

Conseils de l'architecture, de l'urbanisme et de l'environnement (*CAUE*) (Architectural and Planning Council): organisation with the status of a private association, created by law, and whose purpose is to provide the *maître d'ouvrage* (client of a project or the building contractors directly) with advice on architectural quality and environmental conservation.

Conservatoire de l'espace littoral et des rivages lacustres (Conservatory for Coastal Planning): public administrative authority of the State charged with the implementation, through land acquisition, of a conservation policy of coastal areas, the protection of natural sites and the maintenance of the required natural equilibrium.

Constructibilité Limitée: regime applicable in areas not covered by a *POS* in force; it means that building rights are restricted and building permits are granted by the State authority (the mayor acting as a State authority in most cases).

Contrat de plan État/région (State-region plan convention) multi-annual programmes agreed as contracts between the State and each individual region and funded jointly; they are mostly directed towards infrastructure provision.

Contrats de ville ou d'agglomération (contractual agreements passed between the State and groups of *communes* or agglomerations to ensure the implementation of the '*politique de la ville*' (urban policy; State-city urban policy contracts): contract passed between the State and a group of *communes* (municipalities) in order to implement the *politique de la ville* (urban policy), which comprises a multi-annual development programme and a sharing of the corresponding funding costs; the level of funding agreed in such contracts is henceforth registered in the *contrats de plan Etat/région* (see above).

Coopération intercommunale (intercommunal cooperation): mode of exercise of communal competences by delegation to an *établissement public de coopération intercommunale* (joint authority of municipalities) which exercises such competences instead of the member *communes*; the *établissements publics de coopération intercommunale* are represented by the *syndicat de communes* (syndicate of municipalities), the district, the *communauté urbaine* (metropolitan joint authority), the *communauté de villes* (joint city authority), the *communauté de communes* (joint development authority of municipalities) and the *syndicat d'agglomération nouvelle* (new town authority).

DATAR (Inter-Ministerial Regional Planning Agency): service of the Prime Minister responsible for the inter-ministerial preparation and implementaion of the government policy of *aménagement du territoire* and has a *fonds d'intervention* (specific intervention fund).

Déclaration d'utilité publique: issued by the State authority after a public inquiry, it allows use of the compulsory purchase procedure.

Délocalisation (delocation): policy which aims to transfer from Paris to other regions, the State companies or administrative services whose location in Paris is not absolutely necessary.

Directive de protection et de mise en valeur des paysages (Directive on the conservation and enhancement of natural landscapes): regulations established by the State, in consultation with local authorities to ensure the conservation of outstanding/*remarquable* areas on the basis of their scenic beauty; they are binding on local urban planning documents.

Directive territoriale d'amenagement (*DTA*): (area planning directive or spatial planning guidelines): regulatory planning provision issued by a government decree specifically for a large area, as proposed by the prefect after a wide range of consultation. The directive sets out basic guidance for the development of the area and main goals pursued by the State with respect to infrastructure provisions and environmental protection. It is obligatory for existing planning documents at the immediately lower level.

Documents d'urbanisme (urban planning documents): designates the *schémas directeurs* (equivalent of structure plans), the *plans d'occupation des sols* (local land-use plans) and the documents used instead.

Dotation globale de fonctionnement (*DGF*) (block grant): principal source of funding from the State to the *communes*, the *établissements de coopération intercommunale* (joint authority of municipalities) and to the *départements* (departments); part of this transfer is allocated in accordance with rules regarding the reduction of disparites.

Droit de préemption urbain (urban pre-emption rights): enables the *commune* to acquire buildings offered for sale in order to implement *actions* programmes or *opérations d'aménagement* (development action) in the *zones urbaines* (urban areas) of the *zones d'urbanisation future* (future urbanisation areas) marked out by the *POS* (local land-use plan).

Enquête d'utilité publique: must be prescribed according to the law as far as a planning regulation or decision is likely to affect property rights for the environment.

Espaces naturels sensibles (designated environmentally sensitive areas): areas, whether wooded or not, which are the subject of a departmental policy relating to conservation, planning and development, and the rights of public access (e.g. establishment of *zones de préemption* (pre-emption areas) of the *taxe départementale des espaces naturels sensibles* (Departmental tax on planning permissions to provide a fund for the purchase and management of public open spaces).

Etablissement public foncier: public law corporation subject to private law management, established as a cooperative body by local government authorities for land purchase.

Etablissement public de coopération intercommunale (joint authority): see *Coopération intercommunale.*

Institut régional de participation (*IRP*) (Regional Participation Institute): specialised financial institution with an inter-regional character which is charged with *missions d'intérêt public* (specific development projects of public interest), has a private status and is listed on the stock exchange) whose purpose is to contribute capital funds to the *PME* (SMEs — small and medium-sized enterprises), most notably capital-risk funds.

Lotissement (subdivision): any division of land property with a view to the construction of buildings which is intended to cover a period not exceeding 10 years has resulted in the division of the stated property into at least two distinct lots.

Mission d'aménagement (special development project unit): unit operating outside of ministerial structures which is charged to lead an *opération d'aménagement* (development project) with an inter-ministerial character in a specific location.

Modalité d'appliçation du règlement national d'urbanisme (*MARNU*) (Application rules of national urban planning regulations): jointly drawn by the *conseil municipal* (municipal council) and the prefect, they allow for a more flexible application of the *règle de constructibilité limitée* (limited construction rule) in the *communes* which are not covered by a *POS* (local land-use plan).

Office public d'HLM (public social housing corporation responsible for '*Habitations à Loyer Modéré*' i.e. social housing): public local administrative establishment, whose purpose is to build and manage social housing; it may be charged with the project management of a development programme.

Office public d'aménagement et de construction (*OPAC*) (Public Development and Construction Agency): local public industrial and commercial establishment whose purpose is both to develop and to manage social housing and to carry out development projects at the same time.

Opération d'aménagement (development programme): *ZAC* (*Zone d'Aménagement Concerté* (Concerted Development Zone), *lotissements* (subdivision programmes), property rehabilitation, grouped *permis de construire* (building permit) operations.

Opération programmée d'amélioration de l'habitat (*OPAH*) (programmes for the improvement of housing): programme whose purpose is property rehabilitation, the improvement of the supply of rental housing and neighbourhood facilities which combine urban planning and social measures; is required to respect the objectives of the *plan départemental pour le logement des personnes défavorisées* (departmental plan for the housing of disadvantaged categories).

Opération d'intérêt national (project of national interest): major development project led by the State and enabling the implementation of works outside of the existing urban areas of a *commune* in the case where it is not covered by a *POS* (local detailed land-use plan).

Opération de restauration immobilière (property rehabilitation programme): programme whose purpose is to transform the living conditions within a building or a group of buildings within a perimeter which has been fixed by a public inquiry.

Parc naturel national (national nature park): classified/designated area in order to ensure the conservation of the flora, fauna and soil quality within it and which is managed by an *établissement public national* (national public agency).

Parc naturel régional (regional nature park): classified/designated area by virtue of its fragile eco-system and its natural environment with a view to its conservation but equally to its development including social and economic development and to the opportunity it provides to be a source of information to the general public; its creation is decided by a local initiative and its management is generally assigned to a joint authority of local councils.

Participation pour dépassement du coefficient d'occupation des sols (fee for exceeding the *COS*): fee which is met by the building contractor and whose value is equal to that of the additional area of land which would have been necessary for the construction of the building concerned had the COS been respected.

Permis de construire (building permit): administrative authorisation which needs to be obtained by anyone who wishes to carry out or to locate a building in a given area; special *prescriptions* (conditions) may be attached to it; it needs to conform to existing urban planning regulations and documents.

Permis de démolir (demolition permit): administrative authorisation established according to conservation interests and which needs to be obtained by anyone who wishes to carry out the partial or total destruction of a building or any works which are likely to render its use dangerous or impossible.

Plafond légal de densité (legal density ceiling-plot ratio): is based on a partial disassociation of the *droit de construire* (building rights) and the *droit de propriété* (property rights); a ceiling is imposed on the right to build which is attached to land ownership at a certain level of building density, above which any building authorisation will call for a payment by the building contractor of a fee for exceeding the *PLD*.

Plan d'aménagement de zone (*PAZ*) (area development plan): urban planning document which is (legally binding on property interest used in a *zone d'aménagement concerté* (concerted development zone); may be used instead of the *POS* in the *communes* which use it.

Plan de déplacements urbains (Plan of urban transport): defines the general principles for the organisation of transport, traffic and car parking within the perimeter of urban transport links.

Plan de la région (regional plan): determines the medium-term objectives of the economic, social and cultural development of the region; since, it has become obsolete.

Plan de la sauvegarde et de mise en valeur (detailed local plan specifying conservation policies): urban planning document which is legally binding on property interests and drawn under State supervision for conservation areas created and designated by the State on the basis of their historical or esthetic value.

Pôles de conversion (re-conversion poles): areas delineated by the State in a purely administrative way and where all the means necessary in order to overcome a reconversion crisis are concentrated under the authority of the prefect.

Pôles technologiques régionaux (regional technology poles): concentration at a regional level of training and research facilities capable of providing a suitably attractive environment for companies.

Politique de la ville (urban policy): is characterised by the attempt to respond to urban social issues by all the ministries, the local authorities and social agencies whose functions contribute to the production of the urban framework.

Plan d'occupation des sols (POS) (local land-use plan): principal urban planning document which is legally binding on property interests; it sets the general land-use regulations and public easement charges and most notably the reserved sites for public roadways and works, buildings of a general interest as well as open spaces; it needs to be compatible with the *schéma directeur* (structure plan) where it exists.

Préfet de Département (prefect of department): appointed by decree, he represents the delegate of the State and the representative of each Minister within the *département*.

Préfet de Région (prefect of region): appointed by decree, he represents within the region the delegate of the State and the representative of each Minister.

Prescriptions nationales ou particulières d'aménagement du territoire (national or specific planning prescriptions): prescriptions enacted by the State in application of the *lois d'aménagement et d'urbanisme* (laws governing development and urban planning); in fact, only such laws were published; their provisions, registered in the *code de l'urbanisme* (code of urban planning law) are binding on urban planning documents as well as building authorisations.

Prime d'aménagement du territoire (*PAT*) (development grant): investment grant distributed by the State to companies with a view to developing activities in certain areas of the national territory.

Programme d'aménagement d'ensemble (global development programme): programme adopted by the *conseil municipal* (municipal council) which defines the public infrastructure to be achieved in a sector of a *commune* and the proportion which can be placed under the developers' responsibility.

Programme local de l'habitat (*PLH*) (local housing programme): defines the objectives and the principles of a policy whose aim is to respond to housing needs and to ensure between *communes* and the urban districts of the same *commune* a balanced and diversified distribution of the housing supply; it is drawn at an intercommunal level.

Projet d'intérêt général (*PIG*) (project of a general interest): project for a specific building, works or conservation purposes which is viewed to serve the general interest and which was the subject of a decision, deliberation or the registration of a planning document prescribed in law, by the State, a local authority, a grouping of local authorities, a public agency or any other body which holds expropriation (compulsory purchase) rights.

Recours pour excés de pouvoir (*ultra vires* action): may be instigated by any person who has a *locus standi* to take action against an administrative act, of a statutory or non-statutory nature; the *juge administratif* (administrative judge) will pronounce the annulment of the illegal act.

Réserve foncière (land reserve): building intended for the subsequent implementation of a policy programme or development project for one of the objectives defined by the *code de l'urbanisme* (code of urban planning law).

Schéma d'aménagement et de gestion des eaux (programme on water planning and management): sets the general objectives for the use, the enhancement and both the quantitative and qualitative conservation of water resources.

Schéma de mise en valeur de la mer (coastal planning scheme): urban planning document drawn by the State for a part of the territory which represents a single geographical and maritime unit and deserves special attention having regard to the conservation, the commercial exploitation and the development of coastal areas; it is binding on the local urban planning documents.

Schéma de secteur (sectoral plan): may supplement a schéma directeur (structure plan) and specify its contents for the part of the territory it applies to; the provisions for the *schéma directeur* are equally applicable to the *schéma de secteur* (sectoral plan).

Schéma directeur de la région d'Ile-de-France (Master Development and Urban Planning Scheme for the Ile-de-France region): specific document for the Ile-de-France region which is drawn under the authority of the State and which has the value of a *prescription particulière d'aménagement* (specific planning prescription).

Schéma directeur (structure plan equivalent): prospective document for land-use planning which is drawn a the level of a group of *communes* (municipalities) which have common economic and social interests and whose purpose is to fix the fundamental policy guidelines of the territories concerned; it determines general land use and the outline of major infrastructure works.

Schéma directeur d'aménagement et de gestion des eaux (sectoral scheme on the development and management of water resources): sets the fundamental policy guidelines for the balanced management of water resources.

Schéma directeur d'infrastructures (sectoral planning scheme on infrastructure provision): sectoral planning instrument which is intended to ensure the long-term coherence of communication networks; the *schémas directeurs d'infrastructures* are drawn by the State (i.e. *schéma routier national* (National Roads Scheme), *schéma national des liaisons ferroviaires à grande vitesse* (National High-speed Network Scheme) but they may also be drawn by local authorities for the infrastructure provision under their responsibility.

Secteur d'aménagement (designated development area): sector delineated by the *conseil municipal* (municipal council) for the implementation of a specific building project and the corresponding infrastructure programme part of which may be placed under the responsibility of the developers concerned; it represents a planning procedure which is an alternative to the *ZAC* for projects of modest dimensions (see above). *Programme d'aménagement d'ensemble.*

Services déconcentrés (deconcentrated services): services of the ministerial administrations located in the regions, the departments and eventually the inter-departmental sub-divisions and charged with the local implementation of State competences; they are placed under the direct authority of the regional prefect or the departmental prefect where relevant.

Secrétaire général aux affaires régionales (*SGAR*) (General Secretariat for Regional Policy): higher civil servant charged, at the regional prefecture and under the authority of the regional prefect to implement national and Community policies regarding economic and social development as well as *aménagement du territoire.*

Société d'aménagement régional (regional development company): *société d'économie mixte* (semi-public company) created by the State for the implementation of major regional development programmes, principally with an agricultural and touristic character.

Société d'économie mixte (semi-public company): company created by the State or by local authorities and in whose capital private investors take shares in variable proportions but always in a minority stake; the *sociétés d'économie mixte* may be national if they are created by the State, or local if the local authorities hold at least 50 % of their capital.

Sociétés de conversion (re-conversion companies): financial institutions created with State backing by major industrial groups which are pursuing a redeployment policy in order to take care of the consequences on employment of industrial restructuring programmes.

Société de développement régional (*SDR*) (regional development companies): specialised financial institutions with an inter-regional character of private status and listed on the stock exchange whose purpose is to provide long-term loans or capital funds to SME (small and medium-sized enterprises) as a public interest mission.

Sous-préfet (subprefect): senior civil servant in charge of an administrative *arrondissement* (division of a department with a subprefecture, given certain neighbourhood powers in Paris, Lyon, Marseille in 1982) within which he is responsible for supervising the *communes* and encouraging local development, under the authority of the departmental prefect; the subprefects are also appointed to assist the regional prefect in the functions of the *SGAR* (see above) or as *sous-préfet à la ville* (subprefect for urban policy) in those departments where this function has been created.

Taxe départementale des espaces naturels sensibles (departmental tax on planning permissions to provide a fund for purchase and management of public open space): tax instituted by the *conseil général* (provincial council), paid by developers and whose yield is used for land acquisitions or development works or the conservation of designated environmentally sensitive areas.

Taxe locale d'équipement (*TLE*) (local service tax): financial fee paid to the *commune* by the holders of building authorisations based on the value of the totality of property for the which an authorisation has been obtained.

Taxe professionelle (business tax): tax levied by local authorities on companies, businesses and liberal professions whose rate is individually determined for each category and which may be the subject of exemptions in development areas defined by decree; it gives rise to a national and departement redistribution of the tax revenues collected in this way.

Unité touristique nouvelle (*UTN*) (new tourism unit): any tourist development project in a mountainous area whose object or whose effect is either to service an undeveloped site, either to urbanise, provide infrastructure or to carry out a given development which is not in line with previous developments or to increase the accommodation capacity when a project represents a substantial change; the creation of a *UTN* is subject to the authorisation of the prefect responsible for the massif area concerned.

Ville nouvelle (new town): development of a national interest whose object is to create or to develop a new agglomeration.

Zone d'aménagement différé (*ZAD*) (future development zone): area created by the prefect who designates the holder of pre-emption rights applicable in such an area; the creation of a ZAD will put an end to the application of urban pre-emption rights.

Zone d'aménagement concerté (*ZAC*) (concerted development zone): area within which a local authority or a public agency competent to do so will decide to intervene in order to implement or arrange for the implementation of development and servicing on specific sites, most notably those which have been or are intended to be purchased with a view to subsequently selling or leasing them to public or private users.

Zone de préemption (pre-emption zone): it was created by the *conseil général* (provincial council) with a view to making land acquisitions in order to implement its policy on the conservation of designated environmentally sensitive areas.

Zone de protection du patrimoine architectural, urbain et paysager (*ZPPAUP*) (zone replacing where they are established the old 500 metres visibility protection for listed buildings with positive guidance in the form of a plan and natural landscape conservation areas): zone created by the regional prefect at the request or with the approval of the *conseil municipal* (municipal council), in which all the works affecting the external appearance of buildings are subject to a special authorisation; it is possible to appeal against a negative decision by the *Architecte des bâtiments de France* (French Historic Buildings Authority) to the *collège régional du patrimoine et des sites* (regional college for heritage and sites).

Appendix II — Acronyms and abbreviations

ABF	Architecte des bâtiments de France
AFU	Association foncière urbaine
ANAH	Agence nationale pour la valorisation de l'habitat
ANVAR	Agence nationale pour la valorisation de la recherche
CAR	Conférence administrative régionale
CAUE	Conseil de l'architecture, de l'urbanisme et de l'environnement
CCI	Chambre de Commerce et d'Industrie
CDC	Caisse des Dépôts et Consignations
CES	Conseil Economique et Social
CIAT	Comité interministériel de l'aménagement du territoire
CIE	Comité interministériel de l'environnement
CIRI	Comité interministériel de restructuration industrielle
CIV	Comité interministériel à la ville et au développement social urbain
CNAT	Conseil National de l'Aménagement du Territoire
CNM	Conseil national de la montagne
CNV	Conseil national des villes et du développement social urbain
CODEFI	Comité départmental d'examen des difficultés de financement des entreprises
CORRI	Comité régional de restructuration industrielle
COS	Coefficient d'occupation des sols
CRITT	Centres régionaux d'innovation et de transferts de technologies
CTI	Centres techniques industriels
DATAR	Délégation à l'aménagement du territoire et à l'action régionale
DDAF	Direction départementale de l'agriculture et de la forêt
DDE	Direction départementale de l'équipement
DGCL	Direction générale des collectivités locales
DGF	Dotation globale de fonctionnement
DIV	Délégation interministérielle à la ville et au développement social urbain
DOM	Départements d'outre-mer
DRAC	Direction régionale des affaires culturelles
DRAE	Direction régionale de l'architecture et de l'environnement
DRAF	Direction régionale de l'agriculture et de la forêt
DRE	Direction régionale de l'équipement
DRIRE	Direction régionale de l'industrie, de la recherche et de l'environnement
DRRT	Direction régionale de la recherche et de la technologie
DUP	Déclaration d'utilité publique
EPCI	Etablissement public de coopération intercommunale
FEDER	Fonds européen de développement régional
FIAM	Fonds d'intervention pour l'autodéveloppement de la montagne
FIAT	Fonds d'intervention pour l'aménagement du territoire
FIDAR	Fonds interministériel pour le développement et l'aménagement rural
FRILE	Fonds régionalisé d'aide aux initiatives locales

GIRZOM	Groupe interministériel pour la restructuration des zones minières
HLM	Habitations à loyer modéré
INTERREG	Programme européen de coopération transfrontalière
IRP	Institut régional de participation
MARNU	Modalités d'application des règles générales d'urbanisme
OPAC	Office public d'aménagement et de construction
OPAH	Opération programmée d'amélioration de l'habitat
OPHLM	Office public d'habitations à loyer modéré
ORAC	Opération de restructuration du commerce et de l'artisanat
OUDCA	Opération urbaine de développement du commerce et de l'artisanat
PAE	Programme d'aménagement d'ensemble
PAT	Prime d'aménagement du territoire
PAZ	Plan d'aménagement de zone
PDH	Participation à la diversité de l'habitat
PIG	Projet d'intérêt général
PLD	Plafond légal de densité
PLH	Programme local de l'habitat
PME	Petites et moyennes entreprises
POS	Plan d'occupation des sols
PNE	Plan national pour l'environnement
PST	Programme social thématique
PSMV	Plan de sauvegarde et de mise en valeur
SCET	Société centrale pour l'équipement du territoire
SCIC	Société centrale immobilière de la Caisse des Dépôts
SD	Schéma directeur
SDR	Société de développement régional
SEM	Société d'économie mixte
SEML	Société d'économie mixte locale
SNCF	Société nationale des chemins de fer français
SS	Schéma de secteur
TDENS	Taxe départementale des espaces naturels sensibles
TGV	Train à grande vitesse
TLE	Taxe locale d'équipement
TOM	Territoires d'outre-mer
TP	Taxe professionnelle
TVA	Taxe à la valeur ajoutée
UTN	Unité touristique nouvelle
ZAC	Zone d'aménagement concerté
ZAD	Zone d'aménagement différé
ZPPAUP	Zone de protection du patrimoine architectural, urbain et paysager

Appendix III — Addresses and telephone numbers

I. CENTRAL ADMINISTRATIONS

DATAR (Delegation for regional planning and development)	1, avenue Charles Floquet 75007 PARIS Tel. (33) 140 65 11 07
Délégation interministérielle à la ville (Interdepartmental office for urban development)	194, avenue du Président Wilson 93217 La Plaine St Denis Cédex Tel. (33) 149 17 46 46
Ministère de l'équipement, du logement et des transports (Department for housing, transport and infrastructure)	Grande Arche La Défense 92055 Paris Cédes 04 Tel. (33) 140 81 21 22

II. REGIONAL ADMINISTRATIONS AND REGIONAL COUNCILS

Name of the region	Regional administration	Regional council
ALSACE	Petit Broglie 5, place de la République 67073 Strasbourg Tel.: 88 21 67 68	35, av. de la Paix BP 1006 67070 Strasbourg Cédex Tel.: 88 25 68 67
AQUITAINE	Espl. Charles de Gaulle 33077 Bordeaux Cédex Tel.: 56 90 60 60	Hôtel de région 14, rue F. de Sourdis 33077 Bordeaux Cédex Tel.: 56 90 53 90
AUVERGNE	18, bd Desaix 63033 Ct-Ferrand Cédex Tel.: 73 92 42 42	Hôtel de région 13-15, av. de Fontmaure BP 60 63402 Chamallières Cédex Tel.: 73 36 36 07

BOURGOGNE	53, rue de la Préfecture 21041 Dijon Cédex Tel.: 80 44 64 00	17, bd de la Trémouille 21035 Dijon Cédex Tel.: 80 44 33 00
BRETAGNE	3, av. de la Préfecture 35026 Rennes Cédex Tel.: 99 02 82 22	3, contour de la Motte BP 3166 35031 Rennes Cédex Tel.: 99 02 82 22
CENTRE	181, rue de Bourgogne 45042 Orléans Tel.: 38 81 40 00	9, rue St Pierre-Lentin 45041 Orléans Cédex Tel.: 38 54 12 12.
CHAMPAGNE ARDENNE	1, rue de Jessaint 51036 Châlons-sur-Marne Tel.: 26 70 32 00	5, rue de Jéricho 51037 Châlons-sur-Marne Tel.: 26 70 31 31
CORSE	Palais Lantivy c. Napoléon 20188 Ajaccio Cédex Tel.: 95 29 00 00	Collectivité Territoriale c. Grandval BP 277 20187 Ajaccio Cédex Tel.: 95 51 00 22
FRANCHE-COMTE	8bis, rue Charles Nodier 25035 Besançon Cédex Tel.: 81 81 80 80	4, square Castan 25031 Besançon Cédex Tel.: 81 61 61 61
ILE-DE-FRANCE	29, rue Barbet de Jouy 75700-Paris Tel.: (33) 47 53 34 34	33, rue Barbet de Jouy 75700-Paris Tel.: (33) 40 43 70 70
LANGUEDOC ROUSSILLON	34062 Montpellier Cédex 2 Tel.: 67 61 61 61	201, av. de la Pompignane 34064 Montpellier Cédex 2 Tel.: 67 22 80 00
LIMOUSIN	Place Stalingrad 87031 Limoges Cédex Tel.: 55 44 18 18.	27, bd de la Corderie 87031 Limoges Cédex Tel.: 55 45 19 00
LORRAINE	9, place de la Préfecture 57034 Metz Cédex Tel.: 87 34 87 34	Place Gabriel-Hocquard BP 1004 57036 Metz Cédex 1 Tel.: 87 33 60 00
MIDI-PYRENEES	Pl St Etienne 31038 Toulouse Cédex Tel.: 61 33 40 00	22, av du Maréchal-Juin 31077 Toulouse Cédex Tel.: 61 33 50 50

NORD-PAS de CALAIS	2, rue Jacquemars Giélée 59039 Lille Cédex Tel.: 20 30 59 59	7, square Morisson BP 2035 59014 LILLE Cédex Tel.: 20 60 60 60
BASSE NORMANDIE	Rue Saint Laurent 14038 Caen Cédex Tel.: 31 30 64 00	Abbaye Aux-Dames Place Reine Mathilde BP 523 14035 Caen Cédex Tel.: 31 06 98 98
HAUTE NORMANDIE	c. Clémenceau 76036 Rouen Cédex Tel.: 35 03 50 76	25, bd Gambetta BP 1129 76174 Rouen Cédex Tel.: 35 52 56 00
PAYS DE LA LOIRE	6, quai Ceineray 44035 Nantes Cédex Tel.: 40 41 20 20	1, rue de la Loire 44066 Nantes Cédex 02 Tel.: 40 41 41 41
PICARDIE	51, rue de la République 80020 Amiens Cédex Tel.: 22 97 80 80	11, mail Albert 1er BP 2616 80026 Amiens Cédex 1 Tel.: 22 97 37 37
POITOU-CHARENTES	Place Aristide Brillant 86021 Poitiers Cédex Tel.: 49 55 70 00	15, rue de l'Ancienne-Comédie BP 575 86021 Poitiers Cédex Tel.: 49 55 77 00
PROVENCE-ALPES COTE d'AZUR	Place Félix-Barret 13282 Marseille Cédex 06 Tel.: 91 57 20 00	27, place Jules-Guesde 13481 Marseille Cédex 20 Tel.: 91 57 50 57.
RHONE-ALPES	14 bis, Quai Sarrail 106, rue Pierre Corneille 69419 Lyon Cédex 03 Tel.: 72 61 60 60.	68, route de Paris BP 19 69751 Charbonnières-les-Bains Cédex Tel.: 72 38 40 00
GUADELOUPE	Palais d'Orléans rue l'Ardennois 97109 Basse-Terre Cédex Tel.: (590) 81 15 60	Place du Champ-d'Arbaud 97100 Basse-Terre Tel.: (590) 81 27 40
MARTINIQUE	rue Victor Cévère BP 147 97262 Ft de France Cédex Tel.: (596) 63 18 61	rue Gaston Deferre-Cluny 97200 Fort de France Tel.: (596) 59 63 00

GUYANE	rue Fiedmont BP 7008 97307 Cayenne Cédex Tel.: (594) 39 45 00	66, av. du Gal de Gaulle BP 7025 97307 Cayenne Cédex Tel.: (594) 30 55 55
REUNION	Place Barachois 97405 Saint Denis Cédex Tel.: (262) 40 77 77	Hôtel de la région av. René Cassin Le Mouffiat BP 402 97494 Sainte Clotilde Cédex Tel.: (262) 48 70 00

Appendix IV — General sources of information, references and legislation

For each code of law, the following editions are available.

Code general des collectivites territoriales: Journaux Officiels, Litec, Dalloz.
Code de la construction et de l'habitation (Code of Construction and Housing): Journaux Officiels, Dalloz, Litec.
Code de l'expropriation (Code of Compulsory Purchase law): Journaux Officiels, *Dalloz Code de l'urbanisme* (Code of Urban Planning Law), *Journaux Officiels*, Dalloz, Litec.
Code général des impôts (Code of Taxation Law), *Journaux Officiels*, Dalloz
Code rural (Code of Legislation for Rural Areas): *Journaux Officiels*, Dalloz

Loi d'orientation des Transports intérieurs, No 82-1153 30 December 1982.

It is possible to consult the 68 official codes of French legislation, in their up-to-date versions in the following ways:

- by using the Minitel; this with the mention of the *arrêts* — i.e. decrees which quote the relevant code; another method of research is by article or by theme — subject matter (INFOCODES 36. 17);

- by PC and by using a modem; the successive drafts of each article and their interpretations provided by the senior law courts (JURIPRO 36.29.00.01).

For ordinary legislation, it is possible to consult the publication produced by the Editions Dalloz, entitled '*Codes et lois*' which provides an up-to-date compilation of the texts considered and the Minitel service of the *Journal Officiel* 36.17 JOEL.

The *Code administratif* (Code of Administrative Law) and the *Code de l'environnement* (Code of Environmental Legislation) published by the Editions Dalloz are practical but non-official compilations of the principal legal texts and decrees (with references of the less-significant texts provided) which specifically relate to the French administrative and legal systems and to environmental protection and nature conservation.

An official Code of Environmental Law is being prepared.The case studies presented on the various subject matters selected are as follows: trans-European networks: the TGV Nord, first link in the high-speed rail network Paris-Brussels-London-Amsterdam-Cologne; regional policy: the *contrat de plan Etat-région* of Auvergne (multi-annual regional plan agreed between the State and individual regions); cross-border cooperation: the cross-border cooperation in Lorraine; urban regeneration: the case of Marseille, Euroméditerranée and the *Grand projet urbain* (major urban project); coastal planning: the estuary of the Seine; rural revitalisation: the Lot-et-Garonne Objectif 2000 and the Leader programme; special events: the Eurodisneyland project and the Secteur IV of the new town of Marne-la-Vallée.

European Commission

The EU compendium of spatial planning systems and policies — France

Luxembourg: Office for Official Publications of the European Communities

2000 — 151 pp. — 21.0 x 29.7 cm

ISBN 92-828-2691-0

Price (excluding VAT) in Luxembourg: EUR 20

Venta • Salg • Verkauf • Πωλήσεις • Sales • Vente • Vendita • Verkoop • Venda • Myynti • Försäljning

BELGIQUE/BELGIË

Jean De Lannoy
Avenue du Roi 202/Koningslaan 202
B-1190 Bruxelles/Brussel
Tél. (32-2) 538 43 08
Fax (32-2) 538 08 41
E-mail: jean.de.lannoy@infoboard.be
URL: http://www.jean-de-lannoy.be

La librairie européenne/ De Europese Boekhandel
Rue de la Loi 244/Wetstraat 244
B-1040 Bruxelles/Brussel
Tél. (32-2) 295 26 39
Fax (32-2) 735 08 60
E-mail: mail@libeurop.be
URL: http://www.libeurop.be

Moniteur belge/Belgisch Staatsblad
Rue de Louvain 40-42/Leuvenseweg 40-42
B-1000 Bruxelles/Brussel
Tél. (32-2) 552 22 11
Fax (32-2) 511 01 84

DANMARK

J. H. Schultz Information A/S
Herstedvang 12
DK-2620 Albertslund
Tlf. (45) 43 63 23 00
Fax (45) 43 63 19 69
E-mail: schultz@schultz.dk
URL: http://www.schultz.dk

DEUTSCHLAND

Bundesanzeiger Verlag GmbH
Vertriebsabteilung
Amsterdamer Straße 192
D-50735 Köln
Tel. (49-221) 97 66 80
Fax (49-221) 97 66 82 78
E-Mail: vertrieb@bundesanzeiger.de
URL: http://www.bundesanzeiger.de

ΕΛΛΑΔΑ/GREECE

G. C. Eleftheroudakis SA
International Bookstore
Panepistimiou 17
GR-10564 Athina
Tel. (30-1) 331 41 80/1/2/3/4/5
Fax (30-1) 323 98 21
E-mail: elebooks@netor.gr

ESPAÑA

Boletín Oficial del Estado
Trafalgar, 27
E-28071 Madrid
Tel. (34) 915 38 21 11 (Libros),
913 84 17 15 (Suscrip.)
Fax (34) 915 38 21 21 (Libros),
913 84 17 14 (Suscrip.)
E-mail: clientes@com.boe.es
URL: http://www.boe.es

Mundi Prensa Libros, SA
Castelló, 37
E-28001 Madrid
Tel. (34) 914 36 37 00
Fax (34) 915 75 39 98
E-mail: libreria@mundiprensa.es
URL: http://www.mundiprensa.com

FRANCE

Journal officiel
Service des publications des CE
26, rue Desaix
F-75727 Paris Cedex 15
Tél. (33) 140 58 77 31
Fax (33) 140 58 77 00
E-mail: europublications@journal-officiel.gouv.fr
URL: http://www.journal-officiel.gouv.fr

IRELAND

Government Supplies Agency
Publications Section
4-5 Harcourt Road
Dublin 2
Tel. (353-1) 661 31 11
Fax (353-1) 475 27 60
E-mail: opw@iol.ie

ITALIA

Licosa SpA
Via Duca di Calabria, 1/1
Casella postale 552
I-50125 Firenze
Tel. (39) 055 64 83 1
Fax (39) 055 64 12 57
E-mail: licosa@licosa.com
URL: http://www.licosa.com

LUXEMBOURG

Messageries du livre SARL
5, rue Raiffeisen
L-2411 Luxembourg
Tél. (352) 40 10 20
Fax (352) 49 06 61
E-mail: mail@mdl.lu
URL: http://www.mdl.lu

NEDERLAND

SDU Servicecentrum Uitgevers
Christoffel Plantijnstraat 2
Postbus 20014
2500 EA Den Haag
Tel. (31-70) 378 98 80
Fax (31-70) 378 97 83
E-mail: sdu@sdu.nl
URL: http://www.sdu.nl

ÖSTERREICH

Manz'sche Verlags- und Universitätsbuchhandlung GmbH
Kohlmarkt 16
A-1014 Wien
Tel. (43-1) 53 16 11 00
Fax (43-1) 53 16 11 67
E-Mail: bestellen@manz.co.at
URL: http://www.manz.at

PORTUGAL

Distribuidora de Livros Bertrand Ld.ª
Grupo Bertrand, SA
Rua das Terras dos Vales, 4-A
Apartado 60037
P-2700 Amadora
Tel. (351) 214 95 87 87
Fax (351) 214 96 02 55
E-mail: dlb@ip.pt

Imprensa Nacional-Casa da Moeda, SA
Rua da Escola Politécnica nº 135
P-1250 -100 Lisboa Codex
Tel. (351) 213 94 57 00
Fax (351) 213 94 57 50
E-mail: spoce@incm.pt
URL: http://www.incm.pt

SUOMI/FINLAND

Akateeminen Kirjakauppa/ Akademiska Bokhandeln
Keskuskatu 1/Centralgatan 1
PL/PB 128
FIN-00101 Helsinki/Helsingfors
P./tfn (358-9) 121 44 18
F./fax (358-9) 121 44 35
Sähköposti: sps@akateeminen.com
URL: http://www.akateeminen.com

SVERIGE

BTJ AB
Traktorvägen 11
S-221 82 Lund
Tlf. (46-46) 18 00 00
Fax (46-46) 30 79 47
E-post: btjeu-pub@btj.se
URL: http://www.btj.se

UNITED KINGDOM

The Stationery Office Ltd
Orders Department
PO Box 276
London SW8 5DT
Tel. (44-171) 870 60 05-522
Fax (44-171) 870 60 05-533
E-mail: book.orders@theso.co.uk
URL: http://www.tsonline.co.uk

ÍSLAND

Bokabud Larusar Blöndal
Skólavördustig, 2
IS-101 Reykjavik
Tel. (354) 552 55 40
Fax (354) 552 55 60
E-mail bokabud@simnet.is

NORGE

Swets Norge AS
Østenjoveien 18
Boks 6512 Etterstad
N-0606 Oslo
Tel. (47-22) 97 45 00
Fax (47-22) 97 45 45
E-mail: kytterlid@swets.nl

SCHWEIZ/SUISSE/SVIZZERA

Euro Info Center Schweiz
c/o OSEC
Stampfenbachstraße 85
PF 492
CH-8035 Zürich
Tel. (41-1) 365 53 15
Fax (41-1) 365 54 11
E-mail: eics@osec.ch
URL: http://www.osec.ch/eics

BĂLGARIJA

Europress Euromedia Ltd
59, blvd Vitosha
BG-1000 Sofia
Tel. (359-2) 980 37 66
Fax (359-2) 980 42 30
E-mail: Milena@mbox.cit.bg

ČESKÁ REPUBLIKA

ÚSIS
NIS-prodejna
Havelkova 22
CZ-130 00 Praha 3
Tel. (420-2) 24 23 14 86
Fax (420-2) 24 23 11 14
E-mail: voldanovaj@usiscr.cz
URL: http://usiscr.cz

CYPRUS

Cyprus Chamber of Commerce and Industry
PO Box 1455
CY-1509 Nicosia
Tel. (357-2) 66 95 00
Fax (357-2) 66 10 44
E-mail: demetrap@ccci.org.cy

EESTI

Eesti Kaubandus-Tööstuskoda
(Estonian Chamber of Commerce and Industry)
Toom-Kooli 17
EE-0001 Tallinn
Tel. (372) 646 02 44
Fax (372) 646 02 45
E-mail: einfo@koda.ee
URL: http://www.koda.ee

HRVATSKA

Mediatrade Ltd
Pavla Hatza 1
HR-10000 Zagreb
Tel. (385-1) 481 94 11
Fax (385-1) 481 94 11

MAGYARORSZÁG

Euro Info Service
Hungexpo Európa Ház
PO Box 44
H-1441 Budapest
Tel. (36-1) 264 82 70
Fax (36-1) 264 82 75
E-mail: euroinfo@euroinfo.hu
URL: http://www.euroinfo.hu

MALTA

Miller Distributors Ltd
Malta International Airport
PO Box 25
Luqa LQA 05
Tel. (356) 66 44 88
Fax (356) 67 67 99
E-mail: gwirth@usa.net

POLSKA

Ars Polona
Krakowskie Przedmiescie 7
Skr. pocztowa 1001
PL-00-950 Warszawa
Tel. (48-22) 826 12 01
Fax (48-22) 826 62 40
E-mail: books119@arspolona.com.pl

ROMÂNIA

Euromedia
Strada Franceza Nr 44 sector 3
RO-70749 Bucuresti
Tel. (40-1) 315 44 03
Fax (40-1) 315 44 03
E-mail: mnedelciu@pcnet.pcnet.ro

ROSSIYA

CCEC
60-letiya Oktyabrya Av. 9
117312 Moscow
Tel. (7-095) 135 52 27
Fax (7-095) 135 52 27

SLOVAKIA

Centrum VTI SR
Nám. Slobody, 19
SK-81223 Bratislava
Tel. (421-7) 54 41 83 64
Fax (421-7) 54 41 83 64
E-mail: europ@tbb1.sltk.stuba.sk
URL: http://www.sltk.stuba.sk

SLOVENIJA

Gospodarski Vestnik
Dunajska cesta 5
SLO-1000 Ljubljana
Tel. (386) 613 09 16 40
Fax (386) 613 09 16 45
E-mail: europ@gvestnik.si
URL: http://www.gvestnik.si

TÜRKIYE

Dünya Infotel AS
100, Yil Mahallessi 34440
TR-80050 Bagcilar-Istanbul
Tel. (90-212) 629 46 89
Fax (90-212) 629 46 27
E-mail: infotel@dunya-gazete.com.tr

AUSTRALIA

Hunter Publications
PO Box 404
3067 Abbotsford, Victoria
Tel. (61-3) 94 17 53 61
Fax (61-3) 94 19 71 54
E-mail: jpdavies@ozemail.com.au

CANADA

Les éditions La Liberté Inc.
3020, chemin Sainte-Foy
G1X 3V6 Sainte-Foy, Québec
Tel. (1-418) 658 37 63
Fax (1-800) 567 54 49
E-mail: liberte@mediom.qc.ca

Renouf Publishing Co. Ltd
5369 Chemin Canotek Road Unit 1
K1J 9J3 Ottawa, Ontario
Tel. (1-613) 745 26 65
Fax (1-613) 745 76 60
E-mail: order.dept@renoufbooks.com
URL: http://www.renoufbooks.com

EGYPT

The Middle East Observer
41 Sherif Street
Cairo
Tel. (20-2) 392 69 19
Fax (20-2) 393 97 32
E-mail: inquiry@meobserver.com
URL: http://www.meobserver.com.eg

INDIA

EBIC India
3rd Floor, Y. B. Chavan Centre
Gen. J. Bhosale Marg.
400 021 Mumbai
Tel. (91-22) 282 60 64
Fax (91-22) 285 45 64
E-mail: ebic@giasbm01.vsnl.net.in
URL: http://www.ebicindia.com

JAPAN

PSI-Japan
Asahi Sanbancho Plaza #206
7-1 Sanbancho, Chiyoda-ku
Tokyo 102
Tel. (81-3) 32 34 69 21
Fax (81-3) 32 34 69 15
E-mail: books@psi-japan.co.jp
URL: http://www.psi-japan.co.jp

MALAYSIA

EBIC Malaysia
Level 7, Wisma Hong Leong
18 Jalan Perak
50450 Kuala Lumpur
Tel. (60-3) 21 62 62 98
Fax (60-3) 21 62 61 98
E-mail: ebic-kl@mol.net.my

MÉXICO

Mundi Prensa Mexico, SA de CV
Río Pánuco No 141
Colonia Cuauhtémoc
MX-06500 Mexico, DF
Tel. (52-5) 533 56 58
Fax (52-5) 514 67 99
E-mail: 101545.2361@compuserve.com

PHILIPPINES

EBIC Philippines
19th Floor, PS Bank Tower
Sen. Gil J. Puyat Ave. cor. Tindalo St.
Makati City
Metro Manilla
Tel. (63-2) 759 66 80
Fax (63-2) 759 66 90
E-mail: eccpcom@globe.com.ph
URL: http://www.eccp.com

SOUTH AFRICA

Eurochamber of Commerce in South Africa
PO Box 781738
2146 Sandton
Tel. (27-11) 884 39 52
Fax (27-11) 883 55 73
E-mail: info@eurochamber.co.za

SOUTH KOREA

The European Union Chamber of Commerce in Korea
5th Fl, The Shilla Hotel
202, Jangchung-dong 2 Ga, Chung-ku
100-392 Seoul
Tel. (82-2) 22 53-5631/4
Fax (82-2) 22 53-5635/6
E-mail: eucck@eucck.org
URL: http://www.eucck.org

SRI LANKA

EBIC Sri Lanka
Trans Asia Hotel
115 Sir chittampalam
A. Gardiner Mawatha
Colombo 2
Tel. (94-1) 074 71 50 78
Fax (94-1) 44 87 79
E-mail: ebicsl@itmin.com

THAILAND

EBIC Thailand
29 Vanissa Building, 8th Floor
Soi Chidlom
Ploenchit
10330 Bangkok
Tel. (66-2) 655 06 27
Fax (66-2) 655 06 28
E-mail: ebicbkk@ksc15.th.com
URL: http://www.ebicbkk.org

UNITED STATES OF AMERICA

Bernan Associates
4611-F Assembly Drive
Lanham MD20706
Tel. (1-800) 274 44 47 (toll free telephone)
Fax (1-800) 865 34 50 (toll free fax)
E-mail: query@bernan.com
URL: http://www.bernan.com

ANDERE LÄNDER/OTHER COUNTRIES/ AUTRES PAYS

Bitte wenden Sie sich an ein Büro Ihrer Wahl/ Please contact the sales office of your choice/ Veuillez vous adresser au bureau de vente de votre choix

Office for Official Publications of the European Communities
2, rue Mercier
L-2985 Luxembourg
Tel. (352) 29 29-42455
Fax (352) 29 29-42758
E-mail: info.info@cec.eu.int
URL: http://eur-op.eu.int

13

CX-10-97-768-EN-C

Price (excluding VAT) in Luxembourg: EUR 20

OFFICE FOR OFFICIAL PUBLICATIONS
OF THE EUROPEAN COMMUNITIES

L-2985 Luxembourg

ISBN 92-828-2691-0