

LAND-USE SYSTEM AND SPATIAL PLANNING IN FRANCE

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*Experience of land management and land administration, spatial
planning in France is analyzed.*

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France made a good impression on us as a state with its highly developed agriculture. The system of land-use in France and Ukraine are almost identical, even agricultural landscapes are similar. Decentralized structure of the administrative division and the large autonomous powers of local government promote economic development, including agriculture. This principle is subordinate to the land-use system of France.

The French Republic is divided into 27 regions, including 22 metropolitan and five overseas. Region is an administrative unit of the first order. The governing body of the region is the regional council, which is elected for 6 years by direct vote. To ensure the harmonious functioning of decentralized services, each region has a prefect, who is appointed by the government as a representative of the state.

Regions are divided into 101 departments. The governing body is the General Council of the Department to which councilors are elected in direct general elections for a period of 6 years with renewal of the composition in half every 3 years.

Language and ethnic unification of France were taken into account in the territorial organization of the departments in order to rationalize administration. Size of departments was determined by the distance that a person can overcome on a horse to reach the administrative center of the department for one day.

Each department is subdivided into arrondissements, where sub-prefects are appointed to facilitate the work of the prefect of his department. In France there are 329 arrondissements.

Arrondissements are divided into cantons. While at rural area canton mainly consists of several communes, in urban areas some cantons are part of a commune. But as a rule, a commune (or municipality) corresponds to a particular area of a city or village. Some communes may also hold several small settlements, caused by their traditional proximity or small territory population.

There are 34164 communes (municipalities). The lowest level of administrative division is municipal. The governing body of the commune is the city council, elected for 6 years. It is chaired by the mayor.

Exemplary for us (Ukraine) is that between neighboring communes that have common interests and can't successfully solve them within their municipality (transport and other communications) introduced different types of collaboration. For example, the existing 34164 commune merged in 2601 groups with their own budget.

Therefore, an important principle of economic development of France is decentralization, the transfer of many powers to local communities. It gave positive results.

We, as specialists in «Land management and cadastre», were interested in regional land use and land registration, because France is the historic birthplace of the modern land registry (cadastre). The primary purpose of cadastre was taxation of real estate, but its functions much enhanced later. French national land registry system is very old, since the time of the Frankish state under King Charlemagne and later Napoleon Bonaparte, who in 1807 passed a law according to which the French national cadastral system was the most advanced at that time in Europe.

Being in France, we heard it from workers of the land department of the General Council of Niort department, where we had the opportunity to become familiar with the documentation of Spatial Planning of the Department area.

Even still, mostly in rural areas, old cartographic materials, made in Napoleonic period and cadastral plans, made during 1930-1960 years are used, although their accuracy do not meet modern requirements. French cadastre served for a long time as a model for inventories of other countries, including the formation of land market.

Now cadastre updating and land re-evaluation is carried out every 5 years. Responsibility for these works rests on the permanent civil service of land own-

ership, which covers the central, regional and departmental agencies.

Fiscal function of cadastre in France is to determine the location and identification of land parcels in the description of their limits, crops grown, characteristics of buildings situated, to update cadastral plans and related inventory information.

State Land Cadastre Service of France also provides execution of technical, legal and administrative functions.

The registry content of cadastral systems is worked out to achieve the proper level of market economy. French experts have created a registry of ownership of real estate, but haven't defended it with government guarantees. Therefore, the formation of land market took away French Cadastre's leadership.

In 1990 it was decided to create a digital cadastral plan. This marked the beginning of the third stage of cadaster development (Napoleon began the first in 1807, the beginning of the second was reform of 1955). The aim of the reform is to create a modern cadaster that meets the requirements of the German and Swiss cadasters. For this assumed continuous viewing of objects of immovable property.

We were pleasantly surprised that the regulation of land relations in France provide the public interest and not contrary to the government interest. This makes it possible to make the best decisions when it's necessary to build backbone communication networks, roads, develop recreation areas and protect land from degradation, erosion and other harmful processes.

Land use planning in France is multi-level: State, regions and departments in the region, arrondissements, cantons and communes (municipalities).

Consequently, land policy is the foundation of government planning, because it is influenced by EU directives and implemented by the government of France.

Based on the balance of these relations, integrated economic goals of EU, common market and economic set quotas for the production of food and other agricultural raw materials for industry and so on. This determines the composition of land, features and volumes of conservation of unproductive land, reclamation and conservation measures and the size of subsidies to farmers in the redistribution of land from agricultural circulation and so on. Incidentally, the Land Bank of France promotes small farms in expanding the size of their tenures.

Internal French land policy oriented on rational land use and regulation of urban development.

If by 1967 there were almost no restrictions in the construction of various facilities, which caused problems in the field of land conservation and reduced agricultural lands, but after adoption in 1967 Law on special land-use, introduced restrictions on planning construction following the zoning plan.

In the process of improvement of this law, which laid the foundations for the development of land use planning in France, appeared new zoning laws, environmental protection laws, national and regional areas development laws. The law provides the development of zoning plans at the local level, which allocate agricultural areas protected from urbanization, municipal, industrial and other areas. Also rules against the expansion of cities on agricultural land are introduced. Farm-land carefully safeguarded locally, even from afforestation. French legislation imposes some restrictions on change in mode of use of agricultural land for tenants of agricultural land. If a tenant changes the type of land use, the lease may be restricted or prohibited, and in any case the tenant is required to bring this to the landowner, because otherwise he may appeal the tenant in court.

Concerning land-use in urban planning, after 1982 the right allocation of land plots for construction was to determine the local authorities (communes), and plans for improvement and development of the territory have been developed on the basis of the tender by independent design and consulting organizations, including private. This removed the dispute between the state and local authorities.

In recent years, land use planning exercise based on the ratified in 1996, the law that defined «National Directives of Regional Planning». There are similar laws (directives) establishing a system of land use in cities, departments and regions.

Land policies and their territorial binding are performed by developing special land documentation.

It is divided into: general plans, i.e., consisting usually a region, district, containing the following basic policy schemes and developed into several communes, and those which are formed on the land of only one commune.

General and Regional Planning District plans are developed for a period of 15-25 years, local – 5-15 years.

The basic foundation for any plan is zoning, where land is divided into zones: agricultural, forestry, construction, including priority to individual and community needs. After the publication of such plans and positive public approval, they are claimed. Performing them is a must.

For example, in France in the Alpes-Maritimes developed three master plans: Nice area (36 communes), a region of Grasse, Cannes and Actin (25 communes), Monte region (13 communes). There are zones in master plan of region of Nice: urban, natural and subzones and sectors (industry, business, trade, reserved, agricultural, environmental, not subject to building, etc.). Master plan also

estimates the possible risk of forest fires, floods, landslides and other debris flows.

Also legislative schemes of territorial organization of several communes, with common goals of sustainable use and protection of land are developed.

Master plans and legislative schemes are specifying in detail the plans of territorial organization of communes.

Plan of territorial organization of the commune is the basic document for planning the rational use and protection of land. These plans are developed for 5 years in the scale of 1:2500 or 1:5000, depending on the municipality's area. In France, 15 of 34 thousand communes are provided with such plans. In developing the plan of territorial organization of commune in consultation with the Department (City Hall), prefect appoints state agencies and consultants who will be involved in developing the plan, forming commissions (general consensus), defines the process of adjustment plan with the management of neighbor communes, commissions, Department of Agriculture policy, coastal areas, landscapes, municipal department, land management, forest owned regional centers, national parks, and various associations (with cleanup, water supply protection areas, etc.).

Organizations that produce Plan of territorial organization include a multidisciplinary team: surveyors, planners, architects, landscapers, economists and others.

Document that sets out the rules of land use and development of the territory and the requirements of the land and building policies is added to such plan.

The object of land-use here is a land of commune, which area can vary between 500-2000 ha with population – 1500-2500 people. Topographic basis is the land cadaster map.

Carrying on zoning on these plans is required. For example, in the area provid-

ed for the expansion of industrial development, private land to be withdrawn (municipality buys them). First of all, in this area roads and other needed communication are built.

Zoning determines the pricing process. For example, if land parcel changes its purpose to construction, its price increases in several times.

On farms, we were surprised that their agricultural grounds occupied by only two or three monocultures, mostly corn and sunflower. But farms specializing in gardening and horticulture made a good impression on us.

At the end of a trip on the eve of the flight home, our delegation had a tour to Paris. We are pleased to visit the spiritual center of Ukrainian Diaspora - Ukrainian church of St. Volodymyr. There is Ukrainian school in which people can learn Ukrainian language in the church.

Summary

France is a country with highly developed agriculture; its economic is stipulated by decentralized structure of administrative division with autonomous powers and self-government. Spatial territory planning is provided based on special land management documentation: general plans, directive schemes and detailed plans (territory zoning procedure is obligatory). Planning of land use in France is multi-level. Basis for land use planning is the law on «National Directives of Regional Planning» ratified in 1996.

Изучены особенности французского опыта ведения землеустройства и пространственного планирования территории.

Вивчено особливості ведення земельного устрою та просторового планування території у Франції.