

REGARDS SUR LE FONCIER

 safer



Land abandonment in France

12th LANDNET workshop – Santiago de Compostela
6 november 2019



Summary

1

**Causes and challenges
of land abandonment in France**

2

**French legislation
and land abandonment**

3

**SAFER tools and actions
to address the issue**

4

**A need for a more regulated
access to farmland**



1

Causes and challenges of land abandonment in France

Loïc JEGOUZO
FNSafer

Types of abandoned land:

- **Speculative** (capital gain expected)
- **Change or decline of agricultural model** (less agricultural area 'required')
- « **Forest-like** » (forest protection)
- **Illegal occupation** (coastal areas, etc.)
- **Illegal waste dumps** (tax avoidance)

Challenges 1/2

- **Farmers settlements**
- **Farmland protection**
- **Societal expectation: local food and short distribution**
- **Compensation: environmental, agricultural**

Challenges 2/2

- **Protection against pests**
- **Civil protection: wildfires, floodings**
- **Irrigation networks**
- **Landscape**

2

French legislation and land abandonment

Loïc JEGOUZO
FNSafer

Land planning (*Urban Law*)

- **Quick change of land use in planning documents used to encourage land abandonment (and still does)**
- **From a very local scale (POS, PLU) to a wider scale (SCoT)**
- **Progressive acceptance of the need to protect farmland**

Abandoned land recovery procedure (*Rural Law*) 1/3

- *Mise en valeur des terres incultes ou manifestement sous-exploitées – MVTI*
- **Goal: make landowners farm again or lease their uncultivated plots**
- **Based on an individual request or a public initiative**

Abandoned land recovery procedure (*Rural Law*) 2/3

- **Individual request – Steps (1 to 2 years):**
 - **Identification of the plot by the farmer willing to farm it**
 - **Degree of abandonment issued by a commission**
 - **Owner or current farmer is asked by the State to farm the land ; if not, authorisation granted to a new farmer chosen by the State**

Abandoned land recovery procedure (*Rural Law*) 3/3

- **Public initiative – Steps (2 to 3 years):**
 - **Definition of a perimeter to be recovered from abandonment, based on the inventory carried out by a commission (CDPENAF)**
 - **Degree of abandonment issued by a commission, and sent to owners or farmers**
 - **Owner or current farmer is asked by the State to farm the land ; if not, authorisation granted to a new farmer chosen by the State**

Unoccupied or « owner-free » land procedure (Civil Law)

- « *Biens vacants et sans maîtres* »
- **Non specific to abandoned land**
- **Steps :**
 - **Identification of such land**
 - **Incorporation into public property
(Commune, Département)**

Inventory of abandoned land

- **A legal obligation (2014, « Loi d'avenir »)**
 - **National observatory of rural land consumption (OENAF)**
 - **Local-scaled (Département) inventories to be carried out by commissions (CDPENAF)**
- **Nearly not fulfilled:**
 - **Costs**
 - **Time required**

3

SAFER tools and actions to recover abandoned land

Loïc JEGOUZO
FNSafer

SAFER 1/2

- **13 companies in continental France and 3 overseas**
- **Non-profit companies**
- **Under control of Ministries for agriculture and finances**
- **In charge of rural land market regulation**

SAFER 2/2

- **Board includes representatives of rural territories: farmers, local authorities, environment, State, banks, ...**
- **4 public service missions:**
 - **Support agriculture and forestry**
 - **Protect environment and landscapes**
 - **Help local development in relation with public authorities' projects**
 - **Guarantee land market transparency**



Experiments of inventories



3.1

SAFER tools and actions to recover abandoned land

Isère :

SAFER Auvergne-Rhône-Alpes

1- Identification of uncultivated areas

2- Determination of the agricultural potential of uncultivated areas

3- Local meetings

4- Actions to implement to farm these areas again

Isère (Auvergne-Rhône-Alpes)

1- Identification of uncultivated areas

Step 1 : Exclusion of areas whose use is certain:

- Urban
- Agricultural
- Natural or forest

SAFER tools and actions to recover abandoned land

Forest areas excluded

20 290 hectares



Source : Safer Auvergne-Rhône-Alpes

SAFER tools and actions to recover abandoned land

Agricultural areas excluded

24 719 hectares



Source : Safer Auvergne-Rhône-Alpes

SAFER tools and actions to recover abandoned land

Urban areas excluded

1 096 hectares



Source : Safer Auvergne-Rhône-Alpes

SAFER tools and actions to recover abandoned land

Potential abandoned land

11 073 hectares = 18,2 % of total area



Source : Safer Auvergne-Rhône-Alpes

SAFER tools and actions to recover abandoned land

Potential abandoned land

11 073 hectares = 18,2 % of total area



Source : Safer Auvergne-Rhône-Alpes

Isère (Auvergne-Rhône-Alpes)

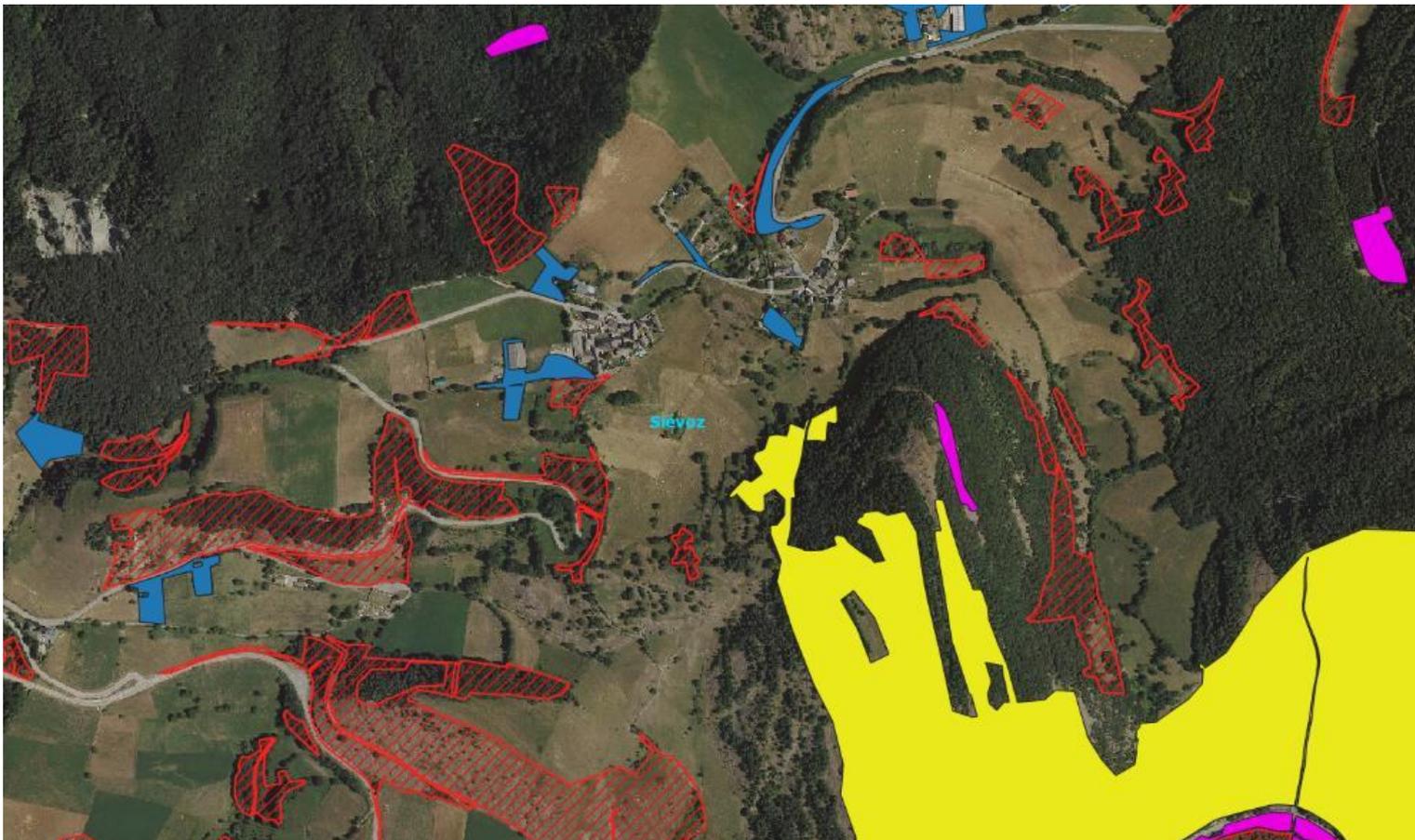
1- Identification of uncultivated areas

Step 2 : Determination of the ability to actually recover the identified areas, based on:

- **Height > 1 400 m**
- **Slope > 70 %**
- **Area < 1ha or distance to first cultivated plot**
- **Protected areas (environment, ...)**

SAFER tools and actions to recover abandoned land

Example: slope



Source : Safer Auvergne-Rhône-Alpes

SAFER tools and actions to recover abandoned land

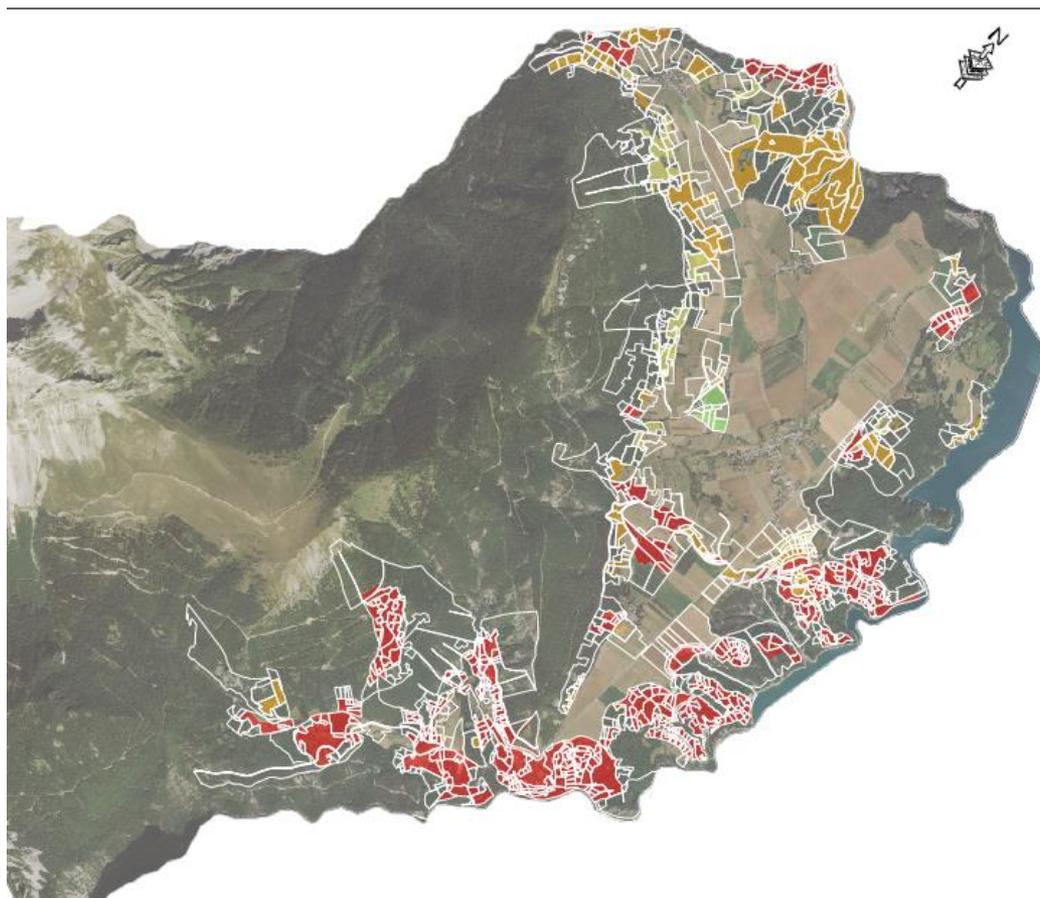
Isère (Auvergne-Rhône-Alpes)

2- Determination of the agricultural potential of uncultivated areas

SAFER tools and actions to recover abandoned land

Agricultural quality

| | | | | | |
|------------------|------------|-----------|-----------|----------|------------|
| Surfaces: | 159 | 71 | 20 | 4 | 253 |
|------------------|------------|-----------|-----------|----------|------------|



Source : Safer Auvergne-Rhône-Alpes

Isère (Auvergne-Rhône-Alpes)

3- Agreement by municipalities (« communes ») through local meetings:

- Identified sectors
- Plots to be recovered from abandonment

SAFER tools and actions to recover abandoned land

Isère (Auvergne-Rhône-Alpes)

4- Determination of actions to implement by SAFER to recover identified plots

SAFER tools and actions to recover abandoned land

SAFER Provence-Alpes-Côte d'Azur

Web-Application « open friche map »

- App developed by SAFER PACA
- Open to any person willing to spot an abandoned plot
- Data gathered into a database
- Agreement by local commissions

National level (FNSAFER)

Experiment to identify abandoned land through satellite imagery

- **Development of a model crossing field data and satellite data (Sentinel 2)**
- **Aim: permanent monitoring of abandoned land, assessment of their evolution, at a national scale**



Effective recoveries



3.2

Abandoned land recovery procedure in La Réunion (French island in Indian Ocean)

**An action led by SAFER in partnership
with the Département, the Agricultural
Council (« Chambre d'agriculture ») and
the State**

La Réunion

- **Strong decline of agricultural area between 1970 and 2000 due to urban sprawl (334 inhabitants/km²)**
- **Stabilisation between 2000 and 2010 thanks to MVTI and a limited consumption : 42 800 ha in 2010**
- **Goal: reach 50 000 ha through MVTI (procedure strenghtened since 2016 through financial support to owners)**

La Réunion

Actions by SAFER

- **Step 1: Inventory of abandoned land: 6 000 ha**
- **Step 2: negotiation with owners thanks to SAFER, to avoid restrictive actions**
- **Step 3: if needed, forced lease or expropriation by the State and sale to SAFER**

SAFER tools and actions to recover abandoned land

La Réunion

Actions by SAFER

- **300 to 400 ha recovered
and made cultivated again every year**

SAFER tools and actions to recover abandoned land

Example of plot cultivated again: *Pineapple and sugar cane*

Before



After



Source : Safer Réunion

3.3

SAFER tools
used to address
the issue

SAFER tools 1/2

- **Monitoring of all rural sales, based on the transmission by notaries (legal obligation)**
- **Contact of landowners**
- **Purchase and possible storage (5 years)**
- **Land consolidation (exchanges, sales)**

SAFER tools 2/2

- **Sale with contract (« cahier des charges »): commitment to farm a land during**
 - **At least 10 years**
 - **Up to 30 years (environment)**
- **Leasing negotiation between landowners and farmers**
- **If needed, preemption right**

3.4

Obstacles to a better action by SAFER

SAFER tools and actions to recover abandoned land

Definition of abandoned land

Difficulty to distinguish agricultural and forest areas

Impact on the ability of SAFER to use its preemption right and implement actions

SAFER tools and actions to recover abandoned land

Authorisation required to clear abandoned land

Before clearing an abandoned land considered a forest, in order to make it cultivated again, SAFER must be granted an authorisation

Exemption below 4 hectares

Forest compensation obligations

Cleared abandoned land considered a forest must be compensated:

- **Tree planting, or**
- **Financial contribution to a national forest fund, proportional to area, farmland value, planting cost**

SAFER preemption right not effective in forests

**Preemption right can be used on rural
land whose use is or could be agricultural**

**In order to avoid preemption, an owner
only needs to declare his plot as forest**

SAFER tools and actions to recover abandoned land

MVTI procedure: difficult implementation

Duration (1 to 3 years)

**No legal criteria to determine
uncultivated land nor rehabilitation**

Costly



4

A need
for a more regulated
access to land

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A need for a more regulated access to land

AEIAR organisation

www.aeiar.eu

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